

TOWNSHIP OF EVESHAM
Zoning Board of Adjustment
Minutes
7:00 P.M.
Via Video Teleconferencing

June 15, 2020

Municipal Building

Call to Order

Meeting brought to order by Chairman Parikh at 7:10 P.M.

Flag Salute

Statement of Conformance with Open Public Meetings Act

Chairman Parikh made the statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Legislation

Mr. Wieliczko gave the following information:

Evesham Township to conduct April 20, 2020 Zoning Board meeting via video teleconferencing

EVESHAM TOWNSHIP, NJ, April 14, 2020 – In accordance with the Open Public Meetings Act, and the April 2, 2020 recommendations of the New Jersey Department of Community Affairs, Division of Local Government Services, Evesham Township will host its next Zoning Board meeting via video teleconferencing on April 20, 2020, at 7 p.m. This action is being taken in order to limit any potential spread of COVID-19 and protect the safety of both residents, township staff, professionals and applicants. Previously adopted Zoning Board Resolution ZB-19-05A, “Rules of Procedure”, continues in full force and effect, subject to modification at the discretion of the Zoning Board Chairperson.

To facilitate the meeting, the township will be using the video conferencing service ZOOM. The township municipal complex, along all township facilities, remains closed to members of the public.

If members of the public wish to offer a public comment, Evesham Township encourages members of the public to attend the Zoning Board meeting virtually. Any member of the public who wishes to submit a public comment at this upcoming Zoning Board meeting will be provided the ability to do so during a specific portion of the meeting.

Roll Call

Present: Alperin, Carragher, Lutner, Osno, Shah, Student, Parikh

Absent: Albright, Fox, Thompson, Wessner

Staff: Wieliczko, Darji, Muscella, Jamanow, Kinney

Continuation of Scheduled Matters – None

NEW BUSINESS:

ZB 20-04 Saint Joan of Arc Church – WITHDRAW

1. Gary Goldsmith ZB 20-05

430 Liberty Lane, Block 11.38, Lot 75 (MD Zone)

Gary Goldsmith, Jacklyn Goldsmith, Rakesh Darji, sworn

Applicant is proposing a roof structure over a portion of an existing deck (268" x 266") with a rear setback of 19.5 ft. where 25 ft is required

Rear yard setback of 8.8 ft and western side yard set back of 14.7 ft where 15 ft is required for existing pool decking

Rear yard setback of 4.4 ft and .5 ft western side yard set where 5 ft is required for an existing shed

Impervious coverage of 45% where 45% is permitted

Applicant has been in correspondence with Mr. Darji and responded to his review letter dated 6-5-2020

Applicant has agreed to install additional stone trench system for drainage to street

Applicant testified that there no problem with standing water on property or neighbor's property

Mr. Darji – review letter 6-5-2020

Applicant has addressed all concerns and comments

Thanked applicant for supplying an updated survey

Applicant meets all the criteria and there is no substantial detriment to the zone

Board Comment – None

Public Comment – None

Mr. Wieliczko – summarized

Applicant is seeking variances for

Roof structure – 160-64E – rear yard setback 19.5 ft where 25' is required

Existing Shed – 160-63E(2)(b) rear yard setback 4.4 ft, western side yard setback .5 ft where 5 ft is required

Existing pool decking - 62-62 – rear yard setback 8.8 ft, western side yard set back 14.7 where 15 ft is required

Impervious coverage - 160-64E – 49% where 45% is permitted

Applicant agrees to conditions set forth in ERI letter dated 6-5-2020

Applicant agrees to additional drainage

Motion to approve ZB 20-05 – Carragher

Second – Shah

Ayes: Alperin, Carragher, Lutner, Osno, Shah, Student, Parikh

2. Ken & Ewa Walker ZB 20-07

564 N. Elmwood Road, Block 15, Lot 11.12 (LD Zone)

Applicant is proposing a 14 ft x 16 ft roof over a 12 ft x 32 ft existing deck

Rear yard setback of 24 ft where 40 ft is required

Impervious coverage 22.5% where 20% is permitted

Applicant provided aerial photo showing open space at rear of property

Roof gutter system is proposed and runoff will not affect property

Mr. Darji – review letter dated 6-5-2020

Applicant has addressed concerns and comments and has no concerns

Building permits will be required

Board Comment – None

Public Comment – None

Mr. Wieliczko – summarized

Applicant is seeking variances for

Roof structure – 160-63E – rear yard setback 24 ft where 40 ft is required

Impervious Coverage – 160-63E – 22.5% where 20% is permitted

Applicant agrees to conditions set forth in ERI letter dated 6-5-2020

Motion to approve ZB 20-07 – Lutner

Second – Osno

Ayes: Alperin, Carragher, Lutner, Osno, Shah, Student, Parikh

3. Brixmor/Marlton Crossing ZB 12-18A3

101 S. Route 73, Block 24.21, Lots 1 & 2 (C-1/EVCO Zone)

Richard Goldstein – Attorney for Applicant

Applicant is seeking Amended Preliminary & Final Major Subdivision for a 6,000 sq.

ft pad site at the Marlton Crossing Shopping Center – 3,500 sq. ft retail – 2,500 sq. ft

fast casual with outdoor seating (no drive-thru)

2 monument signs along Route 73

Professional staff sworn:

Scott Quigley – Engineer – Langan Engineering

Alan Lothian – Traffic Engineer – Langan Engineering

Sean Moronski – Planner

Joe Davidson – Architect

William Griemel – Brixmor Property Group, Inc.

Rakesh Darji – ERI – Board Professional

Exhibits A-1 through A-8

Mr. William Griemal – Brixmor – Vice President Redevelopment
Proposal is relevant to the Shopping Center
Façade renovations are almost completed
Area for this proposed pad site is under utilized
3,500 sq. ft. retail space for a Sleep Number Store
2,500 fast casual dining with outside dining (approx. 35 seats) – No tenant at this time (will comply with ordinance or return to board)
Deliveries to be at off peak hours

Scott Quigley, Engineer – Langan Engineering
Referenced Exhibit A-1 – Aerial Existing Site Plan, Exhibit A-2 – Color Site Plan
Rendering

Most improvements on Lot 1
Proposing new freestanding signs
New trash enclosures - (behind 5 Guys)
Re-stripping for parking
New parking spaces behind Burlington/Sprouts stores
Only .6 acres to be disturbed

Variances requested:

- FAR – 160-68.1F(1) 26% proposed where 15% is require
- Lots 1 & 2 have a pre-existing non-conforming ratio of 25%
- Front yard parking – 160-68.1.F(1) 50 Ft. is required
- Lots 1 & 2 have a pre-existing non-conforming setback of 16.3 ft. along NJ Route 73 – the proposed development has a 26' setback from Centre Blvd. and 36.4' from NJ Route 73
- Impervious Coverage – 160-68.1.F(1) – maximum coverage ratio of 70%
- Lots 1 & 2 have a pre-existing nonconforming coverage ratio of 78.4%, proposed development will increase ratio to 78.8%
- Off-street parking ratio – 160-68.1D(4) - 4.5 spaces per 1,000 sq. ft
- Proposed development will have a net parking ratio of 4.27

Applicant comply with all comments and concerns in the ERI letter 2-28-2020

Joe Davidson – Architect – Ignarri Lummis
Referenced Exhibit A-5 Architectural Color Renderings
Design elements of existing Shopping Center
Canopy for outside seating

Alan Lothian – Traffic Engineer – Langan Engineering
Traffic Statement submitted
There will not be a significant increase in traffic
Letter of No Interest to be received from NJDOT

Sean Moronski – Planner – Langan Engineering
Reviewed Variances in detail
Multiple uses on existing site
Three electric vehicle charging stations proposed on Lot 1

Rakesh Darji – Board Engineer
Concurs with Mr. Moronski on variances
Rain garden is proposed – details to follow
Additional signage information needed
Applicant has worked with Mr. Darji and has addressed all comments and concerns

Applicant agrees to conditions set forth in the Fire Marshal's memo dated 2-11-2020

Board Comment

Mr. Alperin
Asked location of charging stations
Asked about enclosures for trash dumpsters
They will be located behind the Burlington Store as shown on Exhibit A-4
At this time there are no other charging stations
Charging stations requested by Township Official – No Ordinance in place at this time for charging stations – applicant agreed to install
Enclosures will be installed for trash dumpsters

Mr. Osno
Asked for examples of fast casual restaurant
Panara, Adoba

Mr. Lutner
Asked about drainage pattern
Location of rain garden
Outdoor seating surface
Mr. Quigley – left side-drains to s.w. corner
subsurface – not determined effect on site

Rain garden located on Centre Blvd. side of property
Outdoor seating – brick pad – could be an impervious design – will work with township

Public Comment

Ila Vassallo – Resident, Environmental Commission – sworn
5 Beauport Court
Would applicant consider – pervious pavers for outside dining?
Concern with the removal of trees
Instead of irrigation could curb cut be used?
Consider using native plantings
Mr. Quigley
Will explore pervious pavers with Mr. Darji
Will work with Planner
Curb cuts would not in the best interest of the site
Will take under advisement with Planner concerning native plantings

Public Comment – Closed

Mr. Wieliczko summarized application
Amended Preliminary and Final Site Plan
6,140 sq. ft. pad site
Submission waivers
Use Variance
Bulk Variances
Impervious Coverage
Rain Garden
Signage in conformance
Off peak delivery
Consider native plantings and pervious coverage for outdoor seating
Agrees to conditions set forth in ERI letter dated 2-28-2020 and Fire Marshal memo dated 2-11-2020

Motion to approve ZB 12-18A3 – Lutner
Second – Osno
Ayes: Alperin, Carragher, Lutner, Osno, Shah, Parikh

4. Jeffrey Lemberski ZB 20-09

26 Birchwood Drive, Block 11.04, Lot 54 (MD Zone)

Jeffrey and Linda Lemberski – sworn

Rakesh Darji – sworn

Applicant is proposing relief from 62-62 for the installation of 2' x 13' additional concrete surface with 0' side yard setback, 10' x 15' additional stone surface with 0' setback, 1'6" x 10' pavers with 0' setback all requiring 15' setback.

12' x 10' gazebo on proposed additional surface

Relief from 160-64EF2b for a 7' x 7' shed with a side yard setback of 2'3" and 2' rear yard setback where 5' is required

Relief from 160-64D an increase of impervious coverage to 51.5% where 45% is required (48.5% was previously approved by Resolution ZB 16-02)

All conditions as currently in place

Mr. Lemberski has been in contact with the Department of Community Development

Some installations were done without permits – not intentionally

If approved will apply for all needed permits

Walkway was for better safety

Gazebo installed could be made to comply if necessary

French drains on both side of property were installed – these are not permitted in the township

Conditions in ERI letter dated 6-9-2020 should be considered

Mr. Darji will go out to property to work with home owner

Board Comment

Mr. Osno

0' setback – will drainage run to neighbor's property?

Mr. Darji – a berm was constructed

Mr. Lemberski – berm does abut property line

 Pavers up to property line

 Mrs. Lemberski – landscaping done to enhance property

Mr. Lutnter

Wants to know the impact to neighbors

Will Mr. Lemberski have documents for future buyers

Mr. Wieliczko – any buyer will do title search – property As Is

Mr. Carragher
How is applicant accountable
Mr. Wieliczko – Conditions of Approval

Public Comment

Karen & Elio Hernandez - sworn
24 Birchwood Drive
Neighbors on the westerly side property
Submitted 6 photos - Exhibit O-1
 Extension put on side of Lemberski house
 Pipes for drainage
 Pipes from pump
 Water migrating across property
 Sprinkler heads near property line\
Has a water issue
Wants financial relief for problems that they are experiencing
 Mr. Wieliczko – No monetary relief can be granted by this board
Mr. & Mrs. Hernandez are not satisfied with this proposal

Linda Godfrey – sworn
28 Birchwood Drive
Neighbor on easterly side property
Purposes to object
Has been negatively impacted and has drainage issues
Submitted photos – Exhibit O-2
 Addition of concrete to support Gazebo
 Shows how close everything is to property
 Shows increase of grade level
 Shows her property and how wet it is – photos taken last summer/fall
 Her property before installation of Gazebo
Feels berm is not effective
Has objection to relief of variances

Mr. Lemberski would be willing to remove sprinkler system
Mr. Lemberski would be willing to contribute additional escrows needed for Mr.
Darji to work with him to correct conditions

Public Portion – closed

Board Comment

Mr. Alperin

Concern about the concrete that is higher the house entrance

Mr. Darji – approved plans did have it and drainage if installed properly would work

Mr. Osno

Feels 0' lot line setback is questionable

Mr. Wieliczko summarized

Gazebo – rear yard setback 11.2', east side yard setback 11.10 where 15' is required

Shed – rear yard setback 2', east side yard setback 2.3' where 5' is required

Pavers – 10' rear yard setback, 0' side yard setback where 12 ½' is required

Remove sprinkler heads that abut property line

\$500.00 additional escrow

Comply with all comments and conditions set forth in ERI letter dated 6-9-2020

Reasonable time frame for completion of work

Motion to approved – Alperin

Second – None

Motion to deny – Carragher

Second – Lutner

Mr. Lemberski requested to table application, to carry application, remove sprinkler heads, wave all action dates

Minutes – May 11, 2020

Motion – Osno

Second – Carragher

Ayes: Alperin, Carragher, Lutner, Osno, Shah, Parikh

Resolutions

ZB 20-02 Dana & Daniel Jones

Motion – Shah

Second – Lutner

Ayes: Alperin, Carragher, Lutner, Osno, Shah, Parikh

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ZB 12-22A Marlton Assembly of God

Motion – Lutner

Second – Osno

Ayes: Alperin, Carragher, Lutner, Osno, Shah, Parikh

Public Comment – None

Board Comment - None

Communication/Organization

Members whose terms are up 6-30-2020 make sure to apply for reappointment

Mayor and Council do the appointments

Nancy Jamanow addressed board – she has resigned from Township and thanked board members for their work

Board members thanked Nancy for all her assistance and her help with applicants

Next Meeting – July 20, 2020 - Reorganization

Motion to Adjourn

Ayes: All in favor

Meeting adjourned – 11:10 p.m.