

**TOWNSHIP OF EVESHAM**

**Zoning Board of Adjustment  
Minutes  
7:00 P.M.  
Via Video Conferencing**

**Municipal Building**

**May 17, 2021**

**Call to Order**

Meeting brought to order by Chairperson Student at 7:02 P.M.

**Flag Salute**

**Statement of Conformance with Open Public Meetings Act**

Chairperson Student made the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Legislation and in accordance with the April 2, 2020 recommendations of the New Jersey Department of Community Affairs in hosting the Zoning Board meeting via video conferencing

**Roll Call**

**Present:** Carragher, Fox, Grantner, Paetzold Thomas, Thompson, Osno, Student

**Absent:** Lutner, Wessner

**Staff:** Wieliczko, Darji, Fegley, Arcari, Snee, Freedman, Boulton, Kinney

**Continuation of Scheduled Matters – None**

**Minutes – April 19, 2021**

Motion to approve – Paetzold

Second – Osno

Ayes: Thomas, Carragher, Osno, Paetzold, Student

**Resolutions**

ZB 21-03 – Rodriguez

Motion to Memorialize – Osno

Second – Carragher

Ayes: Thomas, Carragher, Osno, Paetzold, Student

ZB 21-04 – Dinisio

Motion to Memorialize – Carragher

Second – Osno

Ayes: Thomas, Carragher, Osno, Paetzold, Student

ZB 21-05 – Hummel  
Motion to Memorialize – Osno  
Second – Thomas  
Ayes: Thomas, Carragher, Osno, Paetzold, Student

ZB 21-06 – Manley  
Motion to Memorialize – Osno  
Second – Carragher  
Ayes: Thomas, Carragher, Osno, Paetzold, Student

Z21-07 – Patel & Segal  
Motion to Memorialize – Osno  
Second – Carragher  
Ayes: Thomas, Carragher, Osno, Paetzold, Student

### **New Business**

- 1. Brian & Nicole Lumley** **Z 21-08**  
2 Denver Road, Block 13.69, Lot 12 (MD Zone)  
Applicant is proposing a 352 sq. ft. addition with a front yard setback of 14.5' where 30' is required  
Sworn – Brian Lumley  
Mark McHugh – Contractor  
Rakesh Darji – ERI  
Exhibit A-1 – Plot/Grading Plan – dated 3/8/2021  
Property is located on a corner lot/two front yards (Denver Rd. & Lexington Circle)  
Applicant purchased home in 2008  
At time of purchased pool and hot tub were existing  
Existing pool setbacks – 2' side yard, 3' rear yard where 15' is required  
Existing hot tub setback – 4' rear yard where 5' is required  
Has no records for pool or hot tub  
Seeking relief for both  
Applicant received approval for 6' fence in front yard in 2009  
Applicant is seeking a front yard setback of 14.5' where 30' is required for the 352 sq. ft. one story addition consistent with the architecture of the existing house  
Does not anticipate any runoff to neighboring properties, downspouts to be connected to existing  
Exhibit A-1 – 5 photos of existing property in support of application
1. Showed existing conditions of location for addition
  2. Showed similar addition on neighbor's property
  3. Architectural drawing of addition

4. Overview showing how addition would be connected to house
5. Overview of roof line

Mr. Lumley stated that the fence would remain but gate would be relocated

Mr. Lumley agrees that any proposed landscaping surrounding the addition avoid conflicts with the sight triangle

Mr. Lumley agrees to provide Board Secretary with architectural plans

Mr. McHugh had no comment

Mr. Darji's letter dated 5/13/2021 – Applicant has addressed all items

Mr. Darji asked that plan be provided showing location of addition and spot grading

#### Board Comment

Board Member Thomas asked when landscaping is done will the Japanese Maple remain?

Mr. Lumley stated – yes

Public Comment – None

Motion to approve addition and non-conforming conditions – Osno

Second – Fox

Ayes: Thomas, Thompson, Carragher, Fox, Osno, Paetzold, Student

## **2. CFT NV Developments, LLC**

**Z 21.09**

743 Route 73S, Block 36, Lot 4.10 (Zone C-1)

Lawrence Calli, Attorney for Applicant

Applicant received Preliminary & Final Site Plan approval on June 17, 2019 to construct a 3,800 sq. ft., 156 seat restaurant. This application now proposes to construct a 2,425 Panda Express Quick Service Restaurant with a drive-thru

Applicant has been working with Board Staff, Department of Community Development and Board Secretary

Mr. Calli thanked Mr. Wieliczko and staff for helping to get this application to Board Professionals sworn:

Anthony Caponigro, Engineer, Kimley-Horn

Adam Gibson, Traffic, Kimley-Horn

Henry Klover, Architect, Klover Architects

Christine Cofone-Nazzar, Planner

Rakesh Darji, Engineer, ERI

Barbara Fegley, Planner, ERI

Stacey Arcari, Traffic, ERI

Eric Snee, CME, Environmental

Mr. Anthony Caponigro, Engineer presented:

Exhibit A-1 through A-23 – PowerPoint consisting of aerial views, site plan, architectural elevations, signage, etc.

Foot print has decreased therefore parking will also decrease  
Proposed drive-thru will wrap around building  
Hours of operation – 11:00 a.m. to 9:00 p.m. with 3 shifts  
Business consists of 30% drive-thru, 50% dine-in, 20% on-line orders  
(these numbers are historic percentages)

Mr. Henry Klover, Planner referenced Exhibit A-9, North and South Elevations:  
Will work to coordinate brick with adjacent restaurant being constructed on lot 4.10  
Referenced Exhibit A-10 façade sign on East Elevation  
Referenced Exhibit A-11 Overall sign package – location of numerous signs (approved by Owner and typical for Panda Express)  
Applicant agrees to meet Township codes for illumination

Mr. Adam Gibson, Traffic referenced Traffic statement dated 3/8/2021  
Traffic generation statement was updated from prior approval  
Outparcel will generate about 20 additional trips  
Slight increase due to drive-thru  
Exhibit A-5 showed queuing storage for drive-thru, 3 parking spaces dedicated to customers whose orders may take additional time  
Deliveries will be made a few times a week  
Parking spaces will be specifically signed and striped for employee parking  
Mr. Caponigro and Mr. Calli spoke with Fire Marshal Scot Freedman concerning the fire hydrant located on the northwest island  
Have agreed to keep fire hydrant in that location, reconfigure the island which will illuminate one parking space

Ms. Christine Cofone-Nazzaro, Planner  
Ms. Cofone-Nazzaro is stepping in for Mr. Paul Ricci, Planner  
Familiar with prior approval  
Applicant seeking relief from use and bulk variances as listed in ERI's letter dated 5/13/2021 - note that #13 has been illuminated  
Impervious coverage variance request but should note that impervious coverage will be decreased from prior approval  
Ms. Cofone-Nazzaro stated that this application is consistent with the Master Plan and there is no substantial detriment to the Master Plan

Mr. Rakesh Darji – ERI letter dated 5/13/2021  
Stormwater not impacted  
Concerns regarding the proximity of the existing 24" RCP (stormwater pipe) to the new structure  
Mr. Caponigro referred to Exhibit A-5 Site Plan – feels with the depth of the pipe it would work and his contractor said that there is an off set  
Mr. Darji is concerned for the maintenance of the pipe  
Mr. Caponigro has agreed to work with Mr. Darji

Mr. Klover suggested that he, Mr. Caponigro and Mr. Darji work with Panda Express and amend the request for the front yard setback of 97.78' to 97.0' or if not feasible to off-set pipe – if not able to agree, applicant will come back to board

Mr. Darji asked if the cross-access easement will remain

Mr. Caponigro stated that three parties will use

A new easement will be in the back area – Mr. Wieliczko, Ms. Arcari and applicant will work together

Ms. Stacey Arcari – ERI letter dated 5/13/2021

Recommends that the drive aisle be modified to a one-way in the westbound direction

Applicant proposes to keep two way but reduce drive isle and make an egress only at rear of proposed

Ms. Arcari asked Mr. Gibson for an explanation of how the increased trips and parking between the previously approved and the proposed use will impact the mid-day and PM peak hours – Mr. Gibson stated that they still meet the standards

Ms. Arcari informed the applicant that DOT approval is still needed

Ms. Barbara Fegley – ERI letter dated 5/13/2021

Ms. Fegley agrees with the applicant's Planner Mr. Klover on his comments to the long list of variances

Applicant agrees to conditions set forth in ERI letter page 4 of 9 under Variances letter E

Ms. Fegley referenced the Environmental Commission's request for more native species plantings and will work with applicant

Ms. Fegley asked for more information concerning the circular sign proposed Mr. Klover – this is Panda Express's logo, more dimensional and gives more character to the sign

Mr. Eric Snee – CME letter dated 5/13/2021

Applicant has addressed most concerns

Proposed has no impact

Applicant has no objections to comments

#### Board Comment

Board Member Fox – What is the average time for an order to be processed through the drive-thru

Mr. Klover – 3 minutes-30 seconds – it is the model time

Board Member Osno – referring to Exhibit A-3 -Site Plan Rendering – are there two lanes for the drive-thru? – Mr. Klover – No

Mr. Osno is concerned about the egress area

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Board Member Thomas – referring to the parking in the front, do they propose cross walks  
Applicant has agreed to do some kind of cross walk

Chairperson Student – asked if there are any other locations where there are 2 drive-thru restaurants so close?

Applicant – nothing comes to mind

Chairperson Student asked if the queuing numbers were post or pre-pandemic?

Mr. Gibson – information is historic and given by Panda Express – not the same as a McDonald's or Chic-Fil-A and does not have dual drive-thru lanes

Mr. Klover – queuing numbers were 6-7 now are 8-9 – very common for people to go inside restaurant – not all Panda Express have drive-thru service

Chairperson Student questioned the number of signs proposed

Mr. Klover -there are numerous ways to get into the site

Chairperson Student concerned about the volume of traffic on Route 73

Ms. Arcari recommends change to one way drive isle

Applicant will work with Board Professionals

Public Comment – None

Mr. Calli thanked Board

Mr. Caponigro agrees to all comments

Mr. Wieliczko

Applicant is seeking Preliminary and Final Site Plan approval

Numerous variances stated in ERI letter dated 5/13/2021 pages 4 thru 9

Mr. Calli stated the applicant has agreed to all comments

Agrees to one-way drive isle

Setback of 97.0' for design to off-set pipe

Will address landscaping comments

Agrees to comments in CME letter dated 5/13/2021

Will work with Ms. Arcari for proposed cross-walks

Electrical Vehicle charging stations were discussed – Mr. Klover – charging stations are not typical at a fast food/quick service restaurant – will work with Board staff

Bike racks will be provided

Board Member Osno asked – on the one-way egress, will there be angled parking

Ms. Arcari will work with Applicant

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Motion to approve Z 21-09 CFT NV Developments, LLC – Carragher  
Second – Thompson

Ayes: Thomas, Thompson, Carragher, Fox, Paetzold

Nay: Osno, Student

**10:15 P.M** – Announcement was made Application Z 21-11 Burns Buick GMC, Inc., 325 Route 73 N., Block 24.23, Lot 6 will be carried to the next regular scheduled Zoning Board Meeting, June 21, 2021. Applicant must re-notice and re-advertise due to remote/zoom meetings. Mr. Peter Lanzavecchia, in attendance.

Mr. Steven Fabietti, Attorney for Applicant asked Board if it would consider a special meeting prior to the 6/21/2021 date.

Mr. Wieliczko said the Board, Board Staff, the Director of Community Development and Board Secretary would consider and review the availability of all parties and get back to the applicant

**Public Comment** – None

**Board Comment**

Board Member Thompson asked if there is projected time frame for in person meetings.

Mr. Wieliczko – at this time there is no time frame

Board Member Carragher – this is not the first time the Board has carried an application. Can more Zoning Board meetings be scheduled.

Mr. Wieliczko – Board schedules are set at reorganization. This could be considered at the upcoming reorganization in July, 2021

Chairperson Student thanked Sharon Boulton as an employee and for all her support for the Board

**Next Scheduled Meetings:** 6/21/2021, 7/19/2021 Reorganization

Meeting adjourned: 10:30 p.m.

