

**TOWNSHIP OF EVESHAM
ZONING BOARD OF ADJUSTMENT**

**Minutes
7:00 P.M.**

October 18, 2021

Municipal Building

Call to Order

Meeting brought to order by Chairperson Carragher at 7:05 P.M.

Flag Salute

Statement of Conformance with Open Public Meetings Act

Chairperson Carragher 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

Roll Call

Present: Carragher, Thompson, Grantner, Masson, Thomas, Paetzold, Repsher

Absent: Fox

Staff: Wieliczko, Darji, Hunt, Kahuhiokalani, Snee

Continuation of Scheduled Matters - None

New Business

1. 176 Kettle Run Road

Z21-27

Block 41, Lot 30 (RD-1 Zone)

Vincent Bocelli, Applicant – Sworn

Joseph Brenner, Solar Energy Work – Sworn

Richard Hunt, Alaimo Group – Sworn

Eric Snee, CME - Sworn

Applicant is seeking a use variance for the installation of 1,288 sq. ft. ground mounted solar array to the rear of the single-family residential structure for a more energy efficient home

Exhibit A-1 Site Plan - dated 10/12/2021

Exhibit A-2 Proposed Site Plan – Sewage Disposal System dated 4/3/2018

Exhibit A-3 Solar Foundations USA Construction Details-Sheets 1-3 dated 7/8/2021

Exhibit A-4 3 color photos of trees to be removed and trimmed

Exhibit A-5 Survey of property dated 10/27/99

Applicant referenced e-mail dated 10-15-2021 from Tom Lampros, Solar Energy World – height of the array is 10’11’ in back and 24’ in the front

No grading and clearing will be needed

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Will not be located in wetlands buffer and will not adversely affect the wetlands area

This is for residential use only

Mr. Brenner has worked with utility company for this kind of use

Plenty of vegetation on property and will not affect neighbors

Applicant agrees to receiving Outside Agencies approval – NJDEP and Pinelands Commission and will coordinate with Board Planner

Eric Snee – CME – letter dated 10/13/2021

Has an objection to granting waivers for submission of an Environmental Impact Report, Cultural Resources Survey, and Environmental Site Assessment

As a condition of approval applicant shall provide copies of a Letter of Interpretation (LOI) issued by the NJDEP and/or Pinelands Commission

Also supply any related plans/maps identifying the extent of wetlands and transition areas present at the site

Applicant should ensure the wetlands at the site are not encroached upon or adversely impacted by the proposed solar array

Richard Hunt – Alaimo Engineering Group – letter dated 10-14-2021

The ground mounted solar array proposed meets the standards in Chapter 62-53

As defined by the MLUL is an inherently beneficial use

Meets ample setbacks

Applicant has given testimony for tree removal and trimming

Board Comment

Board Member Repsher asked the size of the screw/posts that will be in the ground

Mr. Brenner – 3 feet/galvanized posts

Board Member Repsher asked what would be the effect if removed

Mr. Brenner – there would be no disturbance

Chairperson Carragher questioned the photos showing the tree removals

Applicant – 5 trees to be removed – 1 tree to be trimmed

Public Comment - None

Mr. Wieliczko

Applicant is seeking a use variance for the installation of 1,288 sq. ft. mounted solar array to the rear of the property

Applicant agrees to conditions set forth in the Alaimo letter dated 10-14-2021 and CME letter dated 10/13/2021

Applicant agrees to provide Outside Agency letters

Applicant stated that the solar is for residential use only
Applicant agrees that no structure will be located within the wetlands
Installation to be approved by Construction Code Official

Motion to approve Z21-27 Bocelli - Thompson
Second – Grantner

Ayes: Grantner, Masson, Thomas, Paetzold, Repsher, Thompson, Carragher

2. 301 W. Route 70

ZB 21-02

Block 21, Lot 1.01 (C-1/EVCO Zone)

Marlton UE, LLC

William F. Hyland, Jr., Attorney for Applicant

Ahmad Tamous, Engineer, Bohler - Sworn

Patrick Tandy, Vice President of Development, Urban Edge Properties - Sworn

John Harter, Traffic, Atlantic Traffic + Design – Sworn

Michael Gokberk, Architect, MMA – Sworn

Rakesh Darji, ERI – Sworn

Eric Snee, CME – Sworn

Timothy Kaluhiokalani, ERI – Sworn

Exhibit A-1 Areal Site Plan Rendering dated 9-20-2021

Exhibit A-2 Existing and Proposed Site Plan dated 9-20-2021

Exhibit A-3 Overall Site Layout Plan dated 9-16-2021

Mr. Hyland gave an overall view of the application

Applicant is seeking Preliminary Major Site Plan approval with use and bulk variances

Location in the northwest corner of the Kohl's Shopping Center

Two pad sites – Pad A -6,356 sq. ft, Pad B-10,800 sq. ft. (Friendly's Restaurant at current pad site will be leaving 9/2022)

Applicant's intention is to return for Final Major Site Plan once tenants are decided

The Pet Smart expansion is not a part of this application

No drive-thru on restaurants are proposed

Mr. Hyland thanked professional staff for all their help and assistance with this application

Mr. Tandy reference Exhibit A-1 Areal Site Plan and what is being proposed

6,000 sq. ft. building for 3 new tenants

10,800 sq. ft. building (near existing Friendly's Restaurant)

Walking areas and outdoor space

Restaurants will be fast casual with no drive-thru, not table service, similar to Honey

Grow and Shake Shack

Proposed 1,058 parking spaces

Led lighting is proposed

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No effect on stormwater management – reducing impervious and comply
Applicant will work with ERI and agrees to recommendations and comments set forth in the letter dated 9-15-2021

Mr. Hyland stated that additional sidewalk along Route 70 – plans have been submitted to NJDOT

Mr. Harter - there is a LOI letter dated 8-3-2020 from NJDOT

Have applied for an NJDOT Highway Occupancy Permit

Queuing in main entrance will be an improvement

Increase parking numbers – 1058 by installing parking stall from 10' to 9'

Mr. Gokberk – referred to Exterior Elements of Pad B – similar to Honey Grow and Shake Shack – brick, stone

Signage – meet zoning code

Mr. Hyland – not asking for signage at this time, would like the ability to locate signage on rear of building – will address at time of final site plan

Mr. Darji – ERI letter dated 9-15-2021

Applicant has addressed most concerns

Waivers – recommends requested sufficient information has been given

- Street trees along public streets

- Planting islands

Applicant agrees to add electric vehicle charging stations in a manner acceptable to board professional

Net decrease in impervious coverage

Applicant to submit deed notice acceptable to Board Attorney and Engineer

Mr. Darji referred to Environmental Commission memo dated 10-4-2021

- Mr. Darji spoke with the EC Chairperson – applicant has worked to address impervious coverage and rain gardens

Applicant will work with Mr. Darji to address circulation for tractor trailers

Applicant has agreed to comply with the conditions in the Fire Marshal's memos dated 6-29-2021 and 9-20-2021

Mr. Snee – CME letters dated 1-29-2021 & 7-16-2021

Questions have been answered

Mr. Tamous stated that run-off is less on the site

Will make modifications to the drainage

Applicant will provide copies

Mr. Snee has no objection to the submission of the Cultural Resources Survey and Air Quality Study

Location of parking for employees will be identified at time of final site plan

Applicant has agreed to recommendations and concerns in the CME letters

Mr. Kaluhiokalani – ERI letter dated 7-15-2021
Reviewed variances
Use variance of Pad A - Restaurant physically attached to shopping center
Use variance FAR 0.20 to 0.21
Bulk variances – front yard setback
Impervious coverage
Lights will conform with existing
Applicant has agreed to recommendations and concerns in the ERI letter

Public Comment – None

Board Comment

Board Member Thompson thanked the applicant for their service to the community
He asked if a left turn can be made by Pad B
Mr. Tamous – yes
Mr. Thompson asked if the applicant can have NJDOT modify the left turn light going east on Route 70
Mr. Harter – has had conversation
Mr. Hyland – applicant agrees to ask NJDOT about the timing of the light

Board Member Masson asked about pedestrian activity in the area in front of the Shop Rite

Recommendations to increase additional cross walks on site has been made
Mr. Masson asked how many left turns are made on Route 70 and how many vehicles does it hold?

Mr. Harter – about 20

Mr. Masson – will new tenant's signage be on existing pylon sign?

Mr. Hyland – not proposed at this time

Mr. Masson questioned the location of the dumpsters presently existing at the Friendly's site

Mr. Tamous – showed location proposed and stated that they would be screened

Board Member Grantner who would maintain the sidewalk in the Route 73

Mr. Tamous – this is the right-a-way

Mr. Harter – will be maintained by the owner

Board Member Paetzold concerned about traffic on the site and the proposed project will exasperate the problem

Mr. Harter – working to reline the inbound traffic that will help, calculations go by sized of building and the proposed is not that much to affect the level of service

Mr. Paetzold thinks any increase is a concern

Board Member Thompson would like to make a recommendation that no left turn be made from Pad B

Mr. Wieliczko suggests Board concerns about site circulation be included in Resolution

Board Member Grantner recommended – if this application goes to Final would like a Level of Service/Traffic Analysis to be included
Applicant agrees

Board Comment – Closed

Mr. Hyland – respectfully made the case and agrees to conditions set forth

Mr. Wieliczko
Applicant is seeking Preliminary Site Plan approval
Use Variances, bulk variances
Agrees to conditions set forth in the ERI and CME letters
Agrees to conditions discussed
Electrical charging stations
Deed notice
Stormwater
Circulation plans – level of service – circulation on site
Additional cross walks
NJDOT timing at Route 70
Employee Parking signage

Mr. Hyland – applicant would like to bifurcate
Vote on Use Variances

Motion to approve ZB 21-02 Marlton UE, LLC – Use Variance – Thompson
Second – Grantner
Ayes: Grantner, Thomas, Paetzold, Repsher, Thompson, Carragher
Nay: Masson (basis for vote – did not meet the burden of proof)

Motion to approve ZB 21-02 Marlton UE, LLC – Preliminary Site Plan – Thompson
Second – Grantner
Ayes: Grantner, Thomas, Repsher, Thompson, Carragher
Nay: Paetzold (basis for vote – does not believe it improves the property and did not meet the burden of proof)

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Minutes – September 20, 2021

Motion to approve - Thompson

Second – Masson

Ayes: Grantner, Masson, Paetzold, Repsher, Thompson, Carragher

Resolutions

Motion to approve – 2021-ZB-20/Z21-21 – Urzi - Thompson

Second - Masson

Ayes: Grantner, Masson, Paetzold, Repsher, Thompson, Carragher

Motion to approve – 2021-ZB-21/Z21-24 – Sooy - Thompson

Second – Masson

Ayes: Grantner, Masson, Paetzold, Repsher, Thompson, Carragher

Motion to approve – 2021-ZB-22/Z21-25 – Luceri - Thompson

Second – Masson

Ayes: Grantner, Masson, Paetzold, Repsher, Thompson, Carragher

Public Comment – None

Board Comment - None

Communication/Organization - None

Next Meeting – 11/15/2021

Meeting Adjourned – 10:05 p.m.

