

**TOWNSHIP OF EVESHAM
ZONING BOARD OF ADJUSTMENT**

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

April 17, 2023

Municipal Building

Call to Order

Meeting brought to order by Chairman Carragher at 7:05 p.m.

Flag Salute

Statement of Conformance with Open Public Meetings Act

Chairman 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 Planning Board meeting

Roll Call

Present: Grantner, Masson, Smith, Willmott, Repsher, Lynn, Thomas, Carragher

Absent: Thompson, Ganju, Graterol

Staff: Darji, Dochney, Wieliczko, Newton, Kinney

Mr. Wieliczko asked that Board business, minutes and resolutions be addressed at this time

Minutes – 3-20-2023

Motion to approve – Grantner

Second – Masson

Ayes: Grantner, Masson, Repsher, Lynn, Thomas, Carragher

Resolutions

Motion to approve Memorialization of Denial – 2023-ZB-04 – Marlton UE -Z22-29 – Masson

Second – Repsher

Ayes: Masson, Repsher, Lynn

Motion to approve as corrected – 2023-ZB-05 – Matthews – Masson

Second – Grantner

Ayes: Grantner, Masson, Repsher, Thomas, Carragher

Matters to be carried to May 15, 2023 Zoning Board Meeting

- 1. 33 Elmwood Road South, Block 29, Lot 5**
Applicant has notified and published

No further notice necessary

Continuation of Scheduled Matters

Mr. Wieliczko announce that as a courtesy, the residential application 206 Wellington Drive would be heard first

1. 206 Wellington Drive

Z23-04

Block 13.58, Lot 10 (MD Zone)

Jamie & Wayne Davies – sworn

Rakesh Darji – sworn

Chris Chrysanthou, Pool Town – sworn

Exhibit A-1 – Proposed Swimming Pool Topography Plan – revised date 4-13-2023

Exhibit A-2 – Photos showing existing conditions of property and existing sheds

Applicant is proposing the construction of an in-ground swimming pool

Rear yard setback of 3 ft. where 15 ft. is required for pool

Side yard setback of 7 ft. where 15 ft. is required for pool

Side yard setback of 2 ft. where 5 ft. is required for pool equipment

Impervious coverage of 50.8% where 45% is permitted

Existing 7' x 7' shed in corner of property with a rear yard setback of 1.3 ft. and side yard setback of 1.8 ft. where 5' is required

Existing 8' x 14' shed with a 23" side yard setback where 5' is required

Existing drainage pattern runs to right side of property

Applicant is proposing - pop-up emitter and ground gutter to mediate any adverse drainage conditions

Location of pool is best suited due to the odd shape of the property and previous additions to home prior to purchase

Rakesh Darji – letter dated 3-9-2023

Applicant provide revised plan (dated 4-13-2023) to address concern

With the unique shape of the property, it creates the need for the variances

Mr. Darji asked the construction access will be adequate – Mr. Chrysanthou, Pool Town, stated is would be adequate

Mr. Darji asked that applicant agree to have Township Official inspected drainage at time of construction - applicant agreed

Board Comment – None

Public Comment – None

Mr. Wieliczko summarized

Applicant is seeking variances to construct an in-ground pool

Rear yard setback of 3' where 15' is required
Side yard setback of 7' where 15' is required
Side yard setback of 2' where 15' is required for pool equipment
Rear yard setback of 1.3' and side yard setback of 1.8' for a 7' x 7' existing shed
Side yard setback of 23" for an 8' x 14' existing shed
Impervious coverage of 50.8% where 45% is permitted
Applicant will provide infiltration design required by ERI
Applicant will provide amended pool topography plan
Applicant agrees at time of construction to add or modify drainage if needed

Motion to approve Z23-04 206 Wellington Drive – Davies – Repsher
Second – Masson

Ayes: Grantner, Masson, Smith, Willmott, Repsher, Thomas, Carragher

2. 220 Route 73

Z22-28

Block 20 Lot 1.02 (C-1 Zone)

Chick-Fil-A

Duncan Prime, Attorney for Applicant

Applicant is seeking 'D' Use variances and 'C' Bulk variances for construction of a 570 sq. ft. building addition to the existing Chick-Fil-A and addition to a dual drive thru lane with meal order/delivery canopies

Improvement to be implemented for better service to the customers

Vincent Kelly – Engineer – sworn

Nicholas Dickerson – Planner – sworn

Sandy Koza – Traffic – sworn

Rakesh Darji – sworn

Chris Dochney - sworn

Exhibit A-1 – Site Plan C1A

Exhibit A-2 – Site Plan C2

Exhibit A-3 – Lighting Plan ES1

Exhibit A-4 – Site Location Map (Figure 1)

Exhibit A-5 – McMahon Report dated 10-25-2022 Last Revised 12-22-2022

Exhibit A-6 – Site Prospective view of canopies

Exhibit A-7 – Solar Panel Canopy Exhibit

Mr. Kelly explained how operation is done

Looking to make canopy permanent structure

New 570 sq. ft. addition rear of building to be used for kitchen operations

No new indoor seating proposed (indoor seating will be reduced)

Food will be delivered by team member

Phasing for delivery will help keep a more efficient flow

Drive-thru will accommodate 27 cars

Access off of Route 73 and access off of Baker Blvd. will remain the same
Some parking spaces will be removed
Shared parking remains with Chick-Fil-A and Olga's
Existing pylon sign on Route 73 will be refaced
Proposing 3rd façade sign above front door on Route 73; will need variance
Duel-menu board signs to be replaced in kind
Landscaping will be replaced as needed after construction
4 new light poles and 3 poles to be relocated using LED lighting which are more efficient – lighting levels along property line near residents will be reduced
Slight increase in impervious coverage
No change to hours of operation –
 6:30 a.m. – 9:00 p.m. – Monday – Thursday
 6:30 a.m. – 10:00 p.m. – Friday and Saturday
 Closed Sunday
Slight increases in number of employees – 25 at peak time

Sandy Koza – Traffic
Referred to Exhibit A-4 Site Location Map
Discussed counts done on weekdays 11:00 a.m. to 1:00 p.m. and 4:00 p.m. to 7:00 p.m. and 11:00 a.m. to 2:00 p.m. Saturdays
Drive-thru counts were done separately
Looking to improve conditions off of Route 73
Parking proposed 47 spaces (46 spaces – 1 EV)

Nicholas Dickerson – Planner
This is an existing non-conforming use
Variances requested are for Use, menu boards, signage – bulk variances for parking loading zone, lot width, front yard setback, impervious coverage
Will meet stormwater run off
Truck deliveries – will not be left idling, refrigerator trucks also will remain off during deliveries
Agrees to comply with Fire Marshal memo dated 12-8-2022
No substantial detrimental impact to surrounding area
Meets the intent of the Master Plan
Site is suitable to the zone
Limited landscaping proposed in islands

Chris Dochney – CME – letter dated 2-16-2023
Applicant agrees to comments and recommendations
Did receive updated plans from the applicant addressing his letter
There are existing non-conforming conditions

Asked about clearance limits for the 2 canopies entrances proposed?
Mr. Kelly – 9 ft. – there will be a clearance bar prior to the canopies
Canopies will be a dark bronze material
There will be tree removal and replacement – 28 removed, 31 replacements
Applicant agrees to replace shrubs along frontage as needed

Rakesh Darji – ERI – letter dated 4-13-2023
Applicant agrees to comments and recommendations
Stormwater is not an issue
Applicant is asking for relief in order to adapt as business has changed
Applicant has addressed any concerns

Board Comment

Board Member Masson

Questioned if there is seating inside restaurant – Mr. Kelly – yes, seating will decrease
Referring to Exhibit A-7 – Solar Canopy Exhibit – is concerned about the obstruction – Mr. Kelly,
Olga’s Diner received approval for the car port solar on their property and will not be a problem
Board Member Masson asked about the proposed curbing - Mr. Darji – it should be there

Board Member Smith

Is there designated parking for employees? – Mr. Kelly – no there is not
Asked about circulation of traffic – Mr. Kelly – there will be one-way circulation

Chairman Carragher

Questioned the side door for pick up
Mr. Kelly – there will be a striped cross-walk and cars must stop

Vice-Chair Thomas

Is there a canopy over where you order? – Mr. Kelly – yes
Will existing railing be removed? – Mr. Kelly – yes
Asked if improvements to the entrance off of Baker Blvd. are proposed?
Mr. Kelly – this is not on the Chic-Fil-A site
Mr. Prime – will speak with the landlord

Public Comment

Andrew Benish – sworn

15 Princess Ave.

Concern about traffic along Route 73, people cut through neighborhood using Baker Blvd. to
get to Maple Ave.

There are dead trees and a deteriorating fence along back of property, who is responsible for
that

Mr. Wieliczko – this may not be considered this property and can be directed to the code enforcement officer of the Township to look into

Mr. Wieliczko summarized

Applicant is seeking Amended Preliminary and Final Major Site Plan

Conditional Use Variances

Bulk Variances

Waivers

Existing Non-Conforming conditions

Agrees to comments and recommendation in Fire Marshal memo, CME letter and ERI letter

Agrees that delivery trucks will not idle and refrigeration motor to be turned off

Agrees to address request for improvement to Baker Blvd. with landlord

Agrees to address request for fencing in rear of property

Motion to approve Z22-28 – 220 Route 73 – Repsher

Second – Smith

Ayes: Grantner, Masson, Smith, Willmott, Repsher, Thomas, Carragher

Break – 9:30 p.m.

Meeting resumed – 9:45 p.m.

New Business

1. 940 Route 73 North

Z23-05

Block 6.04, Lot 2 (C-1 Zone)

Whole Foods Market

Michael Sherridan, Attorney for Applicant

Applicant is seeking bulk variances to replace an existing wall-mounted sign and

install two new wall-mounted signs on the Whole Food Market

Paul Ricci – Planner – sworn

Chris Dochney – sworn

Exhibit A-1 – Aerial Imagery

Exhibit A-2 – 8 photos

Mr. Ricci referred to Exhibit A-2 showing the façade of the market and the other buildings on the site

Signs proposed are in proportion of the building

Proposed signs – Sign A- Entrance Sign – 287.38 sq. ft.

Sign B- southern end of store – 105.66 sq. ft.

Sign C – northern sign – Greentree Road elevation – 94.06 sq. ft.

Business has been part of the Township for years

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Building façade has been renovated, therefore new signage is being proposed

Chris Dochney – CME – letter dated 4-6-2023
Applicant agrees to comments and recommendations
Signs are in proportion to the building
No substantial detriment to the zone
Meets the intent of the code
Consistent with the size of the building

Board Comment

Board Member Masson

What was the size of the sign before the façade was renovated?

Mr. Ricci – not sure

Public Comment – None

Mr. Wieliczko summarized

Applicant is seeking variances for 3 proposed façade signs in connection with the renovated façade

Meets the positive and negative criteria

Motion to approve Z23-05 – 940 Route 73 North – Masson

Second – Thomas

Ayes: Grantner, Masson, Smith, Willmott, Repsher, Thomas, Carragher

Public Comment - None

Board Comment

Chair Carragher welcomed new Board Member Smith

Communication/Organization

Board Secretary Newton announced the next meeting is May 15, 2023

Next Meeting – May 15, 2023

Meeting Adjourned – 10:10 p.m.