

**TOWNSHIP OF EVESHAM
ZONING BOARD OF ADJUSTMENT**

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

Municipal Building

May 15, 2023

Call to Order

Meeting brought to order by Chairman Carragher at 7:10 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: Masson, Smith, Thompson, Ganju, Repsher, Lynn, Thomas, Carragher

Absent: Grantner, Willmott, Graterol

Staff: Arcari, Dochney, Wieliczko, Newton, Kinney

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

Minutes – 4-17-2023

Motion to approve – Repsher

Second – Masson

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

Resolutions

Motion to approve 2023-ZB-06 – Chick-Fil-A – Z22-28 -Repsher

Second – Masson

Ayes: Masson, Smith, Repsher, Thomas, Carragher

Motion to approve 2023-ZB-07 – Davies – Z23-04 - Masson

Second – Repsher

Ayes: Masson, Smith, Repsher, Thomas, Carragher

Motion to approve 2023-ZB-08 – Whole Foods – Z23-05 – Masson

Second – Smith

Ayes: Masson, Smith, Repsher, Thomas, Carragher

Executive Session/Closed Session 7:20 p.m.

Motion to go into Executive Session – Thompson

Second – Masson

All in Favor

Motion to come out of Executive Session – 7:45 p.m.

All in Favor

Matters to be carried to June 19, 2023 Zoning Board Meeting

- 1. 119 Walnut Ave., Block 81.01, Lot 13** **Z23-08**
Additional notice to some utilities needed

Continuation of Scheduled Matters

- 1. 571 Elmwood Road** **Z22-31**
Carried from the March 20, 2023 Zoning Board Meeting
Block 11.51, Lot 10 & 11
571 Elmwood Road, LLC
Charles Petrone, Attorney for Applicant
Exhibit A-1 – Variance
Exhibit A-2 – Density Plan
Exhibit A-3 – Township Zoning Map
Applicant is seeking Variance from Section 160-63(B) to permit townhouses in the LD Zone that are not listed as a permitted use and a variance for density
Application is being bifurcated with the Applicant requesting variance approval only at this time for the proposed townhouse use
Mr. Wieliczko went over the information presented at the March 20, 2023 Zoning Board Meeting
Applicant agreed to recommendations and comments in the ERI letter dated 3-15-2023
Applicant agreed to recommendation and comments in the CME letter dated 4-20-2023
Applicant will comply Affordable Housing - Fee in lieu of
Lots in Evesham will be consolidated and then subdivided
All development on property will be in Evesham – no development in the Mt. Laurel portion of the property
Applicant submitted Exhibit A-4 – Trip Generation Analysis requested by ERI – prepared by TSE – dated 5-14-2023

Stacey Arcari – ERI – sworn

Chris Dochney – CME – sworn

Stacey Arcari – ERI – letter dated 2-20-2023

Has reviewed all information submitted

Agrees that applicant has addressed recommendations and comments

Applicant has provided trip generation information

If Use variance is approved, at time of subdivision, applicant is to submit a full Traffic Impact Study

Ms. Arcari – explained how Townhouse and Single-Family Dwelling trip generations are calculated

Townhouses generate slightly lower trips

Board Comment

Vice-Chair Thomas – questioned how townhouses generate less than single family. Are the codes used updated? Does not see weekend information. Looking for site design as about school children pick up

Ms. Arcari – gave how traffic trips are generated and explained that weekdays generated more

Mr. Wieliczko – most would be addressed at site plan

Mr. Petrone – applicant will consult with Evesham Township School District at time of site plan

Board Member Masson – questioned landscaping and lighting plans referenced in the ERI letter.

Mr. Petrone – you will see these items at site plan/subdivision and may be limited due to LOI from NJDEP

Also asked if an acceleration lane is proposed on Elmwood Road

Mr. Petrone – will comply with Traffic Impact Study

Public Comment

Alexander Hoey, 487 N. Elmwood Rd. – sworn

Traffic on the road is “unreal”

With what is existing and what is proposed feels no more townhouses should be approved

Was a traffic impact study submitted?

Mr. Wieliczko – a trip generation report was submitted. If approved this evening, at time of site plan/subdivision a traffic impact study is required

Muharrem Atalem, 551 N. Elmwood Rd. – sworn

Has 7 acres with wetland/forest connected

Will lose privacy and disturb nature area

Is against the building of this project

When coming out of driveway, it is a challenge

Questioned public notice

Mr. Wieliczko – applicant complied with proper notification

Page 4

May 15, 2023

Ila Vassallo, 5 Beauport Ct. – sworn

What is the status of the DEP permit? Looking at variance plans, asked if they are removing any of the ponds? Variance plans shows some townhouse properties encroach on wetlands. Why 16 townhouses?

Mr. Wieliczko – this application is for the Use Variance only. All will be addressed at site plan/subdivision

Erving Schor – 113 Cypress Ct. – sworn

Asked about the trip generation report

If this comes back to the board how is the traffic impact considered

Eva Walker – 564 N. Elmwood Rd. – sworn

Referred to traffic. If a future traffic study and the trip generation is prepared will deliveries be included?

Proposing 16 townhouses, where 7 single family dwellings could be built

Asked about the wetlands

Will the townhouses be rented

Mr. Petrone – will be fee simple with an association, not for rent

Mr. Petrone – at this time the DEP permit is under administrative review which began 9/2022.

Hopefully a DEP inspection to be done later part of the summer

Mr. Joseph Mancini, Engineer – with regards to privacy – will have a 40' perimeter buffer as per the MDR district, all wetlands will remain as is. There will be a sufficient green area. Buffering and wetlands are subject to DEP approval

Mr. Wieliczko summarized

Applicant is seeking a bifurcated "D" (Use) Variance to construct a 16-unit fee simple townhouse community

Applicant agrees to recommendations and comments in ERI & CME letters

Applicant agrees to return to board for preliminary and final site plan/subdivision

Applicant agrees to comply with affordable housing obligation

Applicant agrees to submit Traffic Impact Study at time of site plan/subdivision

Applicant will consolidate lots

NJDEP Letter of Interpretation will be received

Applicant has addressed the positive and negative criteria

Motion to deny Z22-31 – 571 Elmwood Road – Repsher

Second – Thomas

Ayes: Masson, Thompson, Ganju, Repsher, Thomas, Carragher

Ney: Lynn

Mr. Wieliczko asked the Board Member who voted to deny their reasoning
Board Member Repsher – applicant failed to meet the burden of proof and the number of townhouses

Vice-Chair Thomas – applicant failed to meet the burden of proof, the proposed density and the substantial impact on the community

Board Member Masson – applicant failed to meet the burden of proof and shared the sentiments of the previous board members

Board Member Thompson – applicant failed to meet the burden of proof and similar sentiments of the other board members

Board Member Ganju – applicant failed to meet the burden of proof and similar reasons of other board members

Chairman Carragher – applicant failed to meet the burden of proof and similar reasons of other board members, density and negative impact on community

Break – 8:50 p.m.

Meeting resumed – 9:00 p.m.

2. 33 Elmwood Road South

Z23-06

Block 29, Lot 5 (MD Zone)

Carried from April 17, 2023 ZB meeting and was correctly noticed

Applicant is seeking a variance for an existing 5' fence in the front yard where 4' is permitted

Ryan Fitzpatrick – sworn

Stacey Arcari – sworn

Exhibit A-1 - Final Plan of Survey

Exhibit A-2 – Diagram of Fence

Mr. Fitzpatrick referred to comments in the ERI letter dated 4-11-2023 – fence is within the 50-foot-wide conservation easement in the rear yard of the property

Will obtain approval from the Township approval

Applicant thought 5' fence was permitted in front yard

Has property permits for other construction being done on property

Existing pillars will have gates

Applicant agrees as a condition of approval to seek approval for fence in

Conservation District from Evesham Township Municipal Authority

Applicant agrees to provide AS built survey along with photographs

Stacey Arcari – ERI – letter dated 4-11-2023
No further comments
Asked if there were any site line issues
Mr. Fitzpatrick – no

Board Comment

Board Member Masson – if this was a 4’ fence and is the conservation easement would it be an issue

Mr. Wieliczko – would need approval

Chairman Carragher – is this a corner property

Mr. Fitzpatrick – no

Vice-Chair Thomas – about the encroachment into the conservation easement, is it off the property line and how do you know you have a conservation easement on your property

Mr. Wieliczko – portion of the fence is in the conservation easement and should be identified on survey

Mr. Fitzpatrick – when bought the home was not aware of it

Public Comment – None

Mr. Wieliczko – summarized

Applicant is seeking variance to permit a 5’ fence in the front yard where 4’ is permitted

Applicant is seeking approval to keep portion of fence in conservation easement in the rear and obtain approval from the Evesham Township Municipal Authority for the easement at the front of the property

Applicant agrees to maintain fence

Applicant agrees to provide As-Built with photos, dimension and location of fence

Motion to approve Z23-06 – Thompson

Second – Thomas

Ayes: Masson, Smith, Thompson, Ganju, Repsher, Thomas, Carragher

New Business

1. 119 Walnut Avenue

Z23-08

Application will be carried to the June 19, 2023 Zoning Board meeting

Additional notice to some utilities is required

Announcement was made that the residential application will be heard first

1. 1 Baron Avenue

Z23-07

Block 20.14, Lot 16 (MD Zone)

Maria Bacuilima Velecela

Jessica Tapia – Daughter – sworn

Anthony Fanelli, Engineer, fact witness – sworn

Stacey Arcari – sworn

Exhibit A-1 – Plan of Survey showing fence information

Exhibit A-2 – Plan of Survey showing patio information

Exhibit A-3 – Grading Plan showing fence in place, proposed patio and shed

Fence – 6' white vinyl

Corner property

Applicant is proposing a 780 sq. ft. patio within the front yard

Mr. Fanelli addressed drainage, there will be a swale along the northeast portion of the property

There will be no adverse drainage on property or neighbor's property

Only landscaping will be mulch and flower beds

Stacey Arcari – ERI – letter dated 5-3-2023

Would like to noted on grading plan that any expense incurred from construction be at the applicant's expense

Board Comment – None

Public Comment – None

Mr. Wieliczko – summarized

Applicant is seeking a bulk variance to construct a 780 sq. ft. 2 tier patio that will encroach into the front yard setback

Applicant agrees that there will be no adverse effect on drainage

Applicant agrees to note on plan that any damage to existing sidewalk or curbing as a result of improvements will be repaired at the homeowner's expense

Motion to approve Z23-07 – Masson

Second – Smith

Ayes: Masson, Smith, Thompson, Ganju, Repsher, Thomas, Carragher

2. 651 Route 73 South

Z22-33

Block 36, Lot 1.07 (C-1 Zone)

Richard Hoff, Jr., Attorney for Applicant

Applicant proposes to update an existing billboard sign on the property

Current sign is not digital, 12' wide by 6' high and pole mounted

Proposed sign will be digital, 12' wide by 18' high and installed on a brick base
Richard J. Clemson, Engineer – sworn
Tiffany A. Morrissey, Planner – sworn
David Shropshire, Traffic – sworn
Stacey Arcari – sworn
Chris Dochney – sworn
Exhibit A- 1 – Aerial Exhibit
Exhibit A-2 – Sign Comparison Exhibit
Exhibit A-3 – Sign Exhibit
Exhibit A-4 – Existing Signs Exhibit

Mr. Clemson referred to Exhibit A-1 showing billboard location
187 sq. ft. site is currently developed with a 12' x 6' billboard sign 15' in height
It is assumed that the property was subdivided for this purpose
Applicant is proposing to remove existing billboard and construct a 12' x 18' digital
monument billboard sign with site landscaping -sign will be 216 sq. ft. in total
Sign is comparable with other signs in area
Sign will operate on a 64 second loop, 8 second messages within that loop
8th time period will be reserved for Township information

Mr. Shropshire – went over guidelines
Applicant must meet standards set forth by NJDOT
Went over safety conditions
LED lighting will be used and there are no safety issues
Copy changes every 8 seconds

Tiffany Morrissey, applicant is seeking a 'D' variance
Looking to take the existing sign down and replace with proposed
Addressed the positive and negative criteria
Due to the size of the property and its uniqueness it can be considered that the
proposed is tailored for the use
NJDOT permit received
This is unique for an off-site sign
Local businesses will use to advertise, eighth position will be provided to Township
Advances the C-1 Zone and the Master Plan
No substantial detriment to the public good

Chris Dochney – CME – letter 4-20-2023
Applicant agrees to recommendations and comments
Not sure what else could be put on this property
Billboards should be in IP Zone

How will electricity be run and accessed, access off of Route 73 not safe
Mr. Clemson – usually any maintenance person park at office complex
Applicant agrees to provide construction easement for installation of sign
Ms. Arcari asked where electric will come from
Mr. Clemson – electric will be run under ground
Mr. Hoff – Maintenance access easement will be gotten

Stacey Arcari – ERI – letter dated 3-15-2023
Numerous variances are required
An approximate 7.07 sq. ft Township emblem is proposed on the base of the proposed digital sign on either side – questioned is this is considered a separate second sign on the property
Questioned what would happen if the 8 spaces are not filled
What if there is an amber alert?
Applicant agrees to work with Township
Applicant has agreed to all technical issues
Applicant has agreed to continuous maintenance and will have deed restrictions
Ms. Arcari – how bright the sign would be
Mr. Scotty Bland – Watch Fire Signs
 Sign compares to other signs in area
 Photo cell will adjust as needed
 Brightness compares to porch light using 100 watts bulb

Board Comment

Board Member Masson – questioning the digital aspect of the sign, is there a way to cut down on the timing

Mr. Hoff – applicant is following the NJDOT standards and that the 8 seconds is the right interval

Board Member Thomas – concerned about the location of the sign (Rt. 73 & Commonwealth) and the distraction it could cause

Mr. Shropshire – this meets the NJDOT regulations and will make sure design complies to have no issues with safety

Board Member Thomas – concerned about sun glare

Mr. Hoff – sign illuminates as needed and regulated itself

Mr. Bland – sign is designed with louver and helps to deflect

Chairman Carragher – with the sign be on 24 hours?

Mr. Hoff – yes 24 hours

Board Member Masson – this will be at eye level and is different from other signs

Page 10
May 15, 2023

Mr. Shropshire – studies find his will work – NJDOT inspects – this is a clean location

Public Comment

Erving Shor – 173 Cypress Ct. – sworn

Will there be any electrical boxes?

What kind of signage will there be?

Concerned about the amount of traffic on Rt. 73 from Bradley's Funeral Home and Target and how this could be a distraction

Concerned about the brightness

Mr. Bland – company has multiple layers of security. Uses a security watch page

Mr. Hoff – all ad placement is done through the company

Mr. Wieliczko – summarized

Applicant is seeking Use Variance with Bulk Variances for a billboard

Proposing to remove the existing billboard and construct a 12' x 18' digital monument billboard sign

Deed restrictions for landscaping and maintenance

All state requirements

Provide time on sign for Township – agrees to work with Township

Temporary construction easement

Motion to deny Z22-33 – Thompson

Second – Masson

Ayes: Masson, Smith, Thompson, Ganju

Nays: Repsher, Thomas, Carragher

Mr. Wieliczko asked the Board Member who voted to deny their reasoning

Board Member Thompson – applicant failed to meet the burden of proof.

Does not feel it meets the Master Plan intention, concerned about safety and digital sign

Board Member Masson – applicant failed to meet the burden of proof, shares the comments made by Board Member Thompson and did not demonstrate that the sign was for the public good

Board Member Smith – applicant failed to meet the burden of proof, agrees with comments made by Board Members Thompson & Masson. Concerned about safety

Board Member Ganju – applicant failed to meet the burden of proof, agrees with comments made by Board Members Thompson, Masson and Smith. Also concerned about safety

Page 11
May 15, 2023

Public Comment

Erving Schor – 173 Cypress Ct. – sworn
Questioned how the sign application is received
Mr. Wieliczko – applicant is guided by the Land Use Law

Board Comment - None

Communication/Organization

Board Secretary Newton announce that the next meeting is scheduled for Monday, June 19, 2023

Vice-Chair Thomas questioned the date due to the holiday of Juneteenth.

Board Secretary Newton stated that the State of New Jersey observes the holiday on Friday, June 16th, the Federal Government observes the holiday on Monday, June 19th, therefore the Municipal building will be open on June 19th

Next Meeting – June 19, 2023

Meeting Adjourned – 11:05 p.m.