

**TOWNSHIP OF EVESHAM**

**Zoning Board**

**Minutes**

**7:00 pm**

**January 22nd, 2018**

**Municipal Building**

**Call to Order**

Chairman Parikh made the call to order at 7:06 pm.

**Flag Salute**

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

Chairman Parikh made the statement of conformance with the Open Public Meeting Act and the Municipal Land Use Legislation

**Roll Call**

**Present:** Parikh, Rodgers, Wessner, Lutner, Meyers, Hoyle, Osno, Shah

**Also Present:** Wieliczko, Loughney, Fury-Bruder, Dariji, Kinney, Bittner

**Absent:** Alperin

*Mr. Wieliczko notes that Mr. Osno will be polled, and Mr. Shah will not be polled.*

**Meeting Minutes:**

December 18th, 2017

Motion: Osno

Second: Meyers

Ayes: Parikh, Wessner, Meyers, Hoyle, Osno, Shah

**A. Unfinished/New Business**

1. Shawn Borman. ZB 18-01.

*12 King Ave., Block 20.11, Lot 17 (MD Zone District)*

*Applicant is requesting a side yard setback 3.48 feet where 5 feet is required.*

**Witnesses:**

Shawn Borman, Applicant/Homeowner

**Exhibits: None**

**Applicant Testimony:**

- Seeking relief for shed that is already built.
  - Side yard setback of 3.48 ft where 5 ft is required.
- Applicant moved to property 2.5 years ago, replaced previous shed. Contractor submitted application that stated shed was 6 ft from rear yard. Homeowner didn't realize this was incorrect.
- Township issued failure when inspected.
- 14' by 26' shed: concrete foundation.

- No car storage, no residential use, no negative impact to drainage/maintenance or other issues. No objection from neighbors.

Board Comment: None

Public Comment: None

Board Attorney Summary:

- Applicant seeking bulk variance for 14' by 26' shed; variance for side yard setback.
- Applicant testified that there is no negative impacts, no car storage, and no residential uses.
- Error due to application was result of contractor.
  - Mr. Meyers asks that when a contractor does this, is there anything that goes on a list? Mr. Wieliczko replies that no exists in such a Township. There are bad contractors out there.
  - Ms. Kinney notes that until its corrected, the C.O. will not be issued.

**Motion to Approve ZB 18-01**

Motion: Osno

Second: Lutner

Ayes: Hoyle, Lutner, Meyers, Rodgers, Wessner, Osno, Parikh

2. InSite Real Estate Investment Properties, LLC. ZB 17-15. Major Site Plan-Prel/Final, Minor Subdivision-Conditional Use-FAR.

Route 73 & Holtec Drive, Block 5.01, Lots 1 & 2 (C-1 Zone District)

Application purposes to subdivide 1.188 acre area at the NE corner of Lot 1 to create a new lot for development of a 4,700 sq. ft. restaurant/retail use.

Duncan Prime, Attorney for Applicant

**Witnesses:**

- Nathan Mosley, Traffic Engineer
- Tiffany Morrissey, Planner
- Dan Uebelhar, Project Manager (InSite)
- Gary V. Vecchio, Engineer
- Cecilia Byrne- Schmidt, Architect (Landscape Architecture)
- Chris Blythe, Director of Operations for Mission BBQ

**Exhibits:**

A1: FAQ Sheet. "Use and Operations for Mission BBQ."

A2: Architectural Elevations. January 17th, 2018.

A3: Colored version of site plan. January 22nd, 2018.

A4: Revised colored site plan. January 22nd, 2018.

A5: Overall aerial site plan exhibit.

A6: Letter approving "change in use" from NJ DOT (1-8-18)

#### Applicant Attorney Overview:

- Site located at Route 73 and Holtec Drive
- C-1 Commercial Zoning District
- Lot is 14.5 acres: currently office building and Bertucci's restaurant.
- 1st Portion of Application: Minor Subdivision. Will request that part of Lot 1 becomes Lot 1.01. Re-adjust lot line between lots 1 and 2. Make Lot 2 bigger, and have more parking.
- 2nd Portion of Application: Conditional Use- F.A.R Variance
  - Lot 1.01: 2 Tenant Buildings.
  - 1st Tenant: Fast-casual restaurant. "Mission BBQ"
  - 2nd Tenant: Nobody as of yet.
  - Ordinance has issue with F.A.R (Conditional Use Variance) that would prevent fast-casual restaurant.

#### Dan Uebelhar, Testimony:

- Anchor tenant: Mission BBQ
- States that the applicant seeks minor relief from the board. The application will fit in with the aesthetics and community of Evesham Township.
- Sent questionnaire to Mission BBQ. Exhibit A1 is their answers. This is based on the board professional letters regarding tenant. Mr. Wieliczko asks if the company is bound by the rules/outlines made by the "Use and Operations Questionnaire" and asks about testimony regarding deliveries. Mr. Prime replies that yes, and the delivery testimony will be given by the traffic engineer. Mr. Wieliczko asks about times for deliveries; Mr. Uebelhar defers to Mission BBQ representative.

#### Chris Blythe, Testimony:

- Talks about deliveries. Most will be site specific. Some key drop deliveries overnight; no employee needed, or the applicant will work out times.

#### Dan Uebelhar, Testimony:

- Talk about architecture of site (Based on comment in Township Planner Letter).
- Switch out materials with Brick. Block around base of the building, and maintain the base.
- Extend windows near doors; down to ground (Not all windows) on other windows will be near booths. Compromise with the Township Planner.
- Trash enclosure will be masonry and have moon doors.
- Awnings on both tenants will go together. Block awnings on 2nd tenant; Mission BBQ has corrugated metal awnings.

#### Gary Vecchio, Testimony:

- Talks about site plan and changes based on Board Professional comments.
- Moved 4ft towards Holtec Drive; add greenery. Discusses parking spots and conformance.
- Discusses Loading Area: Sidewalk to include man doors as per board professional comments.
- Outdoor seating area: important to tenant and possible future tenants.

Cecilia Byrne-Schmidt, Testimony:

- Proposing to create open perimeter/buffer to parking. Keep visibility onto Rt. 73.
- Didn't plant trees per Township Planner's letter to keep visibility. Working with planner to keep visibility yet provide additional landscaping on sides.
- Dan Uebelhar states that the will keep view on Route 73. Discusses monument sign on Northern most edge of proposed building). Want a small window restricted of tall trees to have visibility.
- Mr. Prime states that the applicant will work with the Township Planner on Landscaping Package.

Nathan Mosley, Testimony:

- Traffic engineer: gives qualifications; accepted as expert.
- Measured traffic counts on Rt. 73 and Lincoln Drive, and Holtec Drive. Looked at ramps on Rt. 73 and 2 drives on Holtec. Traffic measured on Weekdays from 7-9am, 4-6pm, and Saturdays, 11am-2pm.
- Rt. 73: Afternoon peak the heaviest. Trips to site are considered both new trips and pass-by trips. Thus, little additional traffic generated.
- Took into account future township growth: added site specific traffic.
  - No changes in levels of service from condition of the site. No substantial increase of number of trips on Rt. 73.
  - No changes on Holtec Drive levels of service.
  - Rt. 73 driveway: minor changes from "D" to "E." Due to being on threshold.
- Queuing from site onto Rt. 73: 2 vehicles per peak. No impact on Rt. 73. Approval for change in use from State DOT.
- Asking for Parking Variance:
  - Lot 2, and Lot 1.01 will have sufficient parking.
  - Lot 1.01 will need variance.
  - 584 parking spaces proposed; required 700 spaces. (Deficit by 116 spaces)
  - Applicant believes that Lot 1 has over parking for use.
  - Mr. Parikh asks clarifying questions about the subdivision and parking.
- Parking Survey of entire property (Weekday 9am to 8pm at night).
  - Lot #2: Building Currently empty, and the office building is 88% occupied.
- Peak Parking Time at 12 Noon on Weekday
  - Lot 1 has 286 total vehicles.
  - Studied 100% occupancy: 350 parking spaces by Lot 1 estimated for peak period.
  - Parking variance justified.

Tiffany Morrissey, Testimony:

- Two "D" variances and some bulk variances required.
- Fast-Food Casual: Permitted in C1 District, but condition doesn't meet all four requirements.
- Applicant is also requesting sign variance for 2nd Freestanding Sign on Rt. 73.

- Requests D4 Floor Area Ratio (FAR) Variance: New proposed Lot 1 and Lot 2.
  - .09 FAR for Mission BBQ (In conformance); Lot 2 FAR is .29.
  - Due to adjusting lot lines.
  - Building area not increasing.
- Bulk Variances:
  - Impervious Coverage: 55% permitted: Lot 1.01= 68%, Lot 1: 75%
    - Due to adjusting of lot lines. Already impervious surface (current parking lot).
    - Will be building on pavement; remove some parking landscaping.
  - Parking in Front Yard: Existing Condition
  - Variance on Parking Lot 1: 700 Required. 584 Proposed.
- Discusses Subdivision of Lots and F.A.R.
  - Overall F.A.R isn't changed. Issues due to subdivision.
- Discusses positive criteria of proposed site. Will benefit community according to "C" and D' Variances
- Application underutilizes part of property, and revitalizes area.
- Advances Township Master Plan and Zoning Ordinance.
- Discusses that the 2<sup>nd</sup> Freestanding Sign; helps mitigate traffic; show advertising
- Positive Criteria outweigh negative criteria.

*Applicant ends formal testimony.*

Leah Furey-Bruder, Township Planner:

- Mr. Parikh asks if she is okay with the revised plan. Ms. Furey-Bruder replies that she is not sure if they addressed everything, but what they did, she is okay with. Expected to get revised plans, which resulted in the lateness of her review letter.
- No concern with the F.A.R. ratio variance as long as there is a condition of approval for cross-access easements in regards to parking and maintenance.
- Encourages in-fill development and utilize under-developed areas such as this.
- Agreeable to most comments made by the Applicant.
- Discusses the aesthetics of the split faced block. Township likes brick, but this is an aesthetic choice by applicant. Four sides of the building should be treated equally. Applicant will comply with this and other items under architecture.
- Discusses landscaping and tree frontage on Rt. 73.
  - No concerns with refreshing landscape. Makes sure there is enough trees and good design.
  - Says 40 ft. clear zone is okay, as long as the shrubs are good. Applicant should comply with shade tree requirements and planting shrubs. Applicant agrees as condition of approval.
- Discusses loading/trash enclosures. The design of areas will not permit buffering, which is okay.
  - Needs to figure out deliveries and parking lot. Applicant says deliveries are off hours, but during business operation, but will work with the ordinance. Applicant states that deliveries will be at the beginning/end of day or key drop.
  - Applicant agrees that no crates or pallets will be outside building.

- Asks about lighting: Applicant will show on conformance plan as a Condition of Approval.
- Requests that no dumpsters will be placed outside the enclosure. Applicant agrees as Condition of Approval.
- Signage: new sign compliant; agreeable to illumination.
  - Mr. Lutner asks if there a sign for each entity? Applicant says one sign for all tenants, and will comply with façade sign requirements.

Rakesh Dariji, Township Environmental/Traffic Engineer:

- Review letter January 18, 2018
- Environmental: Phase 1 Assessment Submitted. Some testing with pesticide soils. Agrees with applicant's environmental engineer.
- Traffic Review: Agrees that new site will have minimal impact on Rt. 73.
  - On site circulation: propose for drive-aisle. Has some concerns regarding deliveries. Applicant agreed to make revisions regarding circulation/pedestrian access/loading/etc.
- Parking: Look at the site as a whole.
  - Site should accommodate 830 spaces; 822 current
  - With new applicants: need 901 spaces, but 785 are proposed with a 116 space deficit. This seems like a big number, but this should be okay.
- Concerns with delivery times and when drop-offs for restaurant may be for the office space peak time.
  - Mr. Wieliczko asks how does the entire site work with 18 wheel trucks in small loading area? Applicant will submit plan as a Condition of Approval with Township Traffic Engineer Approval.
- Mr. Lutner asks about access points to the site? Mr. Mosley shows access points on map.

Bill Loughney, Township Engineer Representative:

- Updated letter January 22<sup>nd</sup>, 2018
- Comfortable with subdivision. Asks applicant to add dimension lines to Lot 2.
- Asks applicant to provide asphalt detail for parking area.
- Asks about deed or map file for subdivision? Applicant states they will file map.
- Little impact to storm water and drainage.

**Board Comment:**

- Mr. Parikh asks if the board must vote on two separate items (subdivision and lot approval)? Mr. Prime states that the applicant is okay with a combined vote.

**Public Comment:** None

**Board Attorney Summary:**

- 5 affirmative votes needed out of 7. All Variances will be voted upon together.
- Application is for a minor subdivision; preliminary and final approval
- Applicant has requested conditional use variance; various bulk variances; and D4 Variance

- Subdivide Lot: To add a 4700 sq. ft. building
  - 3300 sq. ft: Mission BBQ
  - 1400 sq. ft: TBD
- 2 Lots will be subdivided into 3 lots (Lot 1, Lot 1.01, Lot 2)
- Relief for conditional use variance for D3 Variance to conditions not being met.
- Bulk variances
  - Impervious Coverage: 55% is permitted; 68% on Lot 1.01 and 75% Lot 1.
  - Parking Variance for 584 spaces where 700 is required on Lot 1. Parking is compliant on Lots 1.01 and Lot 2.
- Pre-Existing Condition: Front Yard Parking
- Applicant is requesting 2 freestanding signs on Lot 1.01
- Applicant will revise lot lines so lot 2 has adequate parking.
- Applicant has secured outside approvals from NJ DOT and other outside agencies.
- Applicant has agreed to various Conditions of Approval.

Motion to Approve ZB 17-15

Motion: Rodgers

Second: Hoyle

Ayes: Hoyle, Lutner, Meyers, Rodgers, Wessner, Osno, Parikh

**Board Comment:** None

**Public Comment:** None

**Communications/Organization:**

February 26th, 2018

**Resolutions:**

ZB 17-17

Motion: Meyers

Second: Osno

Ayes: Hoyle, Meyers, Wessner, Osno, Shah, Parikh

**Meeting Adjourned at 8:45pm.**