

TOWNSHIP OF EVESHAM

Zoning Board

Minutes

7:00 pm

August 19, 2019

Municipal Building

Call to Order

Chairman Parikh made the call to order at 7:05 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: Alperin, Carragher, Lutner, Student, Parikh, Fox, Osno, Shah, Thompson

Also Present: Furey Bruder, Arcari, Tadas, Boulton

Absent: Wessner, Albright

Continuation of Scheduled Matters

1. Soboleski – ZB18-37SUBD
2. Schnepfer – ZB19-17

Proclamation

Chairman Parikh presented a Proclamation to Leah Furey Bruder on behalf of the Township of Evesham Zoning Board of Adjustment recognizing her for her valuable contributions to the township and her commitment to excellence

Unfinished/New Business

1. **Caliber Colision (Lexvana) ZB11-10A**
120 Route 73 North, Block 25.01, Lot 4, 6, 7 & 8 (C-1 EVCO Zoning District)
Applicant is amending prior Site Plan approval and seeks a “D(1)” variance for proposed construction of 7227 sq ft building and is seeking a “C” variance for proposed parking lot of 41.63’ from adjacent residential property; per Chapter 160-68(E)(3), 160-68(F)(1) and 160-68(H)(1) where a 50’ buffer is required to adjacent residential property
George W. Matteo, Jr., Attorney

Exhibits:

- A1 – Color rendering Aerial Photo of Existing Conditions, dated August 19, 2019
- A2 – Color rendering Site Plan showing improvements, dated August 19, 2019
- A3 – Architectural Elevations, dated August 19, 2019
- A4 – 6 Color Photos of Adjoining Apartment Complex, dated August 15, 2019

George W. Matteo, Jr., Applicant Attorney:

- Representing Caliber Collision; formerly DeSimone BMW
- Before the Board 2011 for D Variance

- Permit use as collision center; zoning C1 Evesham Overlay does not permit auto body repair
- Use Variance also granted for buffer set back on northern side
- Use existing facility; didn't change site features
- Working in Evesham since approved in 2011
- Shared parking previously approved never came to be; application is for Caliber Collision expanding business on same site; no other user
- Looking to expand business of existing building; 7227 square foot space
- Not a service station; no oil changes
- Fix damaged automobiles; clients by appointment only
- All registered vehicles; no junk or abandoned
- Use variance to operate
- Requesting another use variance for non-conforming use
- Need approval for improvements and expansion
- Slight decrease in impervious coverage
- Expand non-conforming use buffer approved in 2011
- Need approval; buffer setback will remain the same

Board Attorney

- For disclosure, inquired if any Board Member had any work done; quotes from the Applicant
- Mr. Student advised his son had received a quote for work
- Board Attorney asked if ability to be impartial and neutral
- Mr. Student answered son is no longer a minor; on his own, so yes
- Applicant's Attorney stated he had no objection
- Mr. Lutner advised that he has known Mr. Matteo professionally and personally for number of years
- Board Attorney asked if relationship would affect ability to be impartial and neutral
- Mr. Lutner said, no it does not
- Board Attorney asked Applicant's Attorney if he had any objection
- Applicant's Attorney replied, No it does not
- All applicant's and Board professionals sworn in at same time
- Val Fichera, Principal Caliber Collision
- Alan Ippolito, Civil Engineer, CES Engineering
- Bret Flory, Architect, Cross Architects
- Tiffany Morrissey, NJ Licensed Planner

Alan Ippolito, Engineer Testimony

- Accepted as expert witness
- Referring to Exhibit A1; color aerial rendition as site currently exists
- Existing entry and exit on northern end
- Paved areas around site
- Customer pickup area
- Surrounding properties are self-storage, residential, apartment complex and strip center along Route 73
- Exhibit A2 is color rendering proposed site improvements

- Existing building
- 7200 square feet building to north of existing building
- Grass area behind; reducing impervious coverage from existing approval
- Striped parking is being eliminated
- 9 spaces along northeast corner proposed building
- Stacked storage spaces north and east of building
- Received comments from Fire Marshal; driveway incoming accommodated for emergency vehicles
- Exhibit A4; view of photos and what they represent; apartment complex parking lot southeast/northwest view
- Took pictures along the proposed site
- Pictures show that you cannot see the site; vegetation along the way covers and buffers the location
- Proposing to plant trees and shrubs as additional buffer to what is already existing; increased buffer
- Stacked storage; east of existing building (rear)
- Storage element; cars stacked there until taken in and repairs begin; “holding area”
- No salvage, inoperable, wrecked vehicles
- No customer parking; only cars to be worked on and picked up

Applicant Attorney

- Explained use not permitted for expansion
- Mr. Lutner asked about radius for emergency vehicles and deliveries and was concerned it was too tight between the area and the building
- Board Attorney advised truck circulation plan addressed
- Applicant attorney agreed revise according to Fire Marshal review as Condition of Approval

Bret Flory, Architect Testimony

- Not licensed in NJ
- Fact witness only
- Exhibit A3 architectural elevations showing the expansion to the existing building
- Front elevation
- Stone base to match building
- Accent band black
- Storefront added; not customer entrance
- 3 sides prefinished
- All will match colors
- Black and tan colors; simple building
- Tries to develop same color scheme
- Overhead doors (south elevation) face into site; no other properties
- Nothing on roof except exhaust fan; small mechanical unit required
- Proposed body technicians doing body work on cars in this building; no painting
- Painting only in building where being currently done now
- No proposed signs
- No proposals for customers to come in to this building

- Board Planner asked if the roof mounted fans would be shielded from overpass or have any architectural screening
- Applicant agrees as Condition of Approval to cover rooftop units as agreeable to Board Planner
- Applicant Attorney clarified the vertical height of the equipment was 30 inches
- Board Planner asked that they be shielded or moved inside the building
- Applicant agreed as Condition of Approval to either architectural screening or shielding per Board Planner
- Mr. Student asked if the color scheme will match the existing building
- Applicant answered yes it will with no new signage except what is there now

Tiffany Morrissey, Applicant's Planner Testimony

- Qualified as Expert Witness
- Proposed plan seeking C and D variances
- Requirements for D variance
- Site has prior approval not permitted use in EVCO overlay
- Expansion requires additional D variance
- Particularly suited site location
- Existing facility created and adapted use of older building
- Room available to expand
- Caliber Collision continues to grow and would like to expand
- Existing buffers and setbacks
- Suited to the site/surrounding areas
- Appropriate location C-1 and EVCO for new and used car facility
- Not at main intersection
- Has historical auto use associated with it
- Additional building has slight encroachment in rear which will be improved
- Additional landscape to enhance the area
- Commercial property
- Compromised visibility
- Property satisfies negative criteria
- Additional bulk variance of 50ft required
- Improvement to overall setback
- As seen in photos, no substantial impairment
- Room for emergency vehicle circulation
- Master Plan; promoting economic development
- Other similar permitted uses
- Advances purpose
- Looks like storefront
- Minimizes impact on surrounding area
- Not a lot of in/out traffic
- Fits well where site access is restricted
- Township Planner requested additional landscaping and applicant agreed
- Striped islands will have landscaping
- Applicant is requesting small island not have arborvitaes
- Would eliminate island and add more landscaping at rear
- Islands at rear not proposing to landscape

- Exhibit A2 depicts stripes not landscape
- Board Attorney asked which it would be – striped or landscape
- Along Route 73 angled parking spaces to northwest of site will not be 90°
- Township Traffic Engineer asked if parking spaces would be removed
- Applicant agreed and will submit a revised plan per comments tonight on landscape and parking area
- Striped island in rear proposed to remain striped even though meets turning radius
- Not on Route 73
- Proposing to remove small narrow island between 2 buildings
- Flow of vehicles between buildings
- Will include in demolition plan
- Added benefit; find less substantial impact and will enhance site
- Positive criteria substantially outweighs negative

Stacey Arcari, Traffic Engineer

- Eliminate 4 parking spaces
- Applicant agreed to Condition of Approval
- Will work with Applicant on 4 spaces in front
- Mr. Ippolito confirmed
- Mr. Ippolito reviewed and agreed to remove the 4 recommended spaces and will show in a revised plan

Val Fichera, Principal Caliber Collision

- Mr. Carragher asked if the improvement over the 2011 variance of 41ft is further back than the 20ft previously approved
- 2011 bulk variances of 27.62ft now improved upon
- New parking spaces at 41ft
- Meets parking requirement; added bonus
- Oversees 100 locations for Caliber Collision
- Operator of business plan; testified in 2011 to enable original location
- Number of employees increasing to 22; currently 14
- New building will be structural and sheet metal work; some etching
- 2011 hours of operation were from 7:30am – 6:00pm / M-F
- Now expanded facility will be 7:30am – 6:00pm / M-F and 9:00am – 12:00pm on Saturday, extended hours on Sunday by appointment only
- Increasing volume of vehicles in/out
- Area is being expanded
- Business is increasing in marketplace
- More cars inside versus waiting to be repaired
- In terms of deliveries; box truck or van only for materials
- No 18 wheelers
- Enclosed trash facility at site
- Township Planner asked if the trash facility can accommodate the expanded use or if more space was required
- Township Planner advised more space needed and asked that increase be shown on revised plan

- Applicant agreed as Condition of Approval that proposed expansion of trash facility will be worked out with Township Planner
- 2011 waivers required providing a loading dock; same now so not required
- Customer interaction: Exhibit A2 display where customer enters; driving into the building
- 74.6% scheduled system
- 7 vehicles / day
- Price quotes; damage estimates; drive in and drive out
- Parking spots designated for customers across front
- Stacking area; already approved 2011
- Stacking area not used at all for customer parking
- Valet parking from inside to the stacking area; “holding area” for cars to be worked on or waiting for parts / disassembly / await delivery then car is returned inside for finish
- Vehicle movement in back; not customer moving vehicles; customer movement in from front
- Applicant agrees to Parking Study to make determination if more ADA spaces are required
- Traffic Engineer asked is the usage of parking spaces are full
- Board Attorney referred to Traffic Engineer’s review letter and stated the narrative of number of parking spaces used and anticipated
- Board Attorney inquired if the number of spaces on site are now maximized or excessive
- Mr. Fichera stated that they did not have a parking condition challenge
- 2.9 labor hours for typical service stations
- Caliber Collision is 22.9 labor hours and cars remain 7-9 days
- Do not turn as many vehicles around at all
- Parking narrative; not a service station
- Provide snapshot of what you need
- Traffic Engineer or just an Engineering narrative
- Township Traffic Engineer advised that Engineering Narrative would be fine
- Supplement to the plan to show how it works
- Mr. Fichera agreed to submit to Traffic Engineer for review showing operations summary of the site, ballpark figure and time they are on site
- Mr. Ippolito advised the number of parking spaces on site were 130 originally; reduced to 118 (and 4 recommended to remove) leaves 114 total spaces remaining
- Agreed to Condition of Approval to provide narrative
- Township Traffic Engineer questioned the area in the rear of the building
- Mr. Fichera advised it is an existing condition for sheet metal
- Service station Chapter 160-32 requires 4 spaces and 1 for employees with certain number of bays equaling 70 spaces; Applicant will have 114
- Mr. Student inquired if the car is in the shop, will they offer rental cars
- Enterprise Rent A Car will meet you there or pick you up
- Sometimes Enterprise Rent A Car picks up cars there
- Caliber Collision will recruit employees locally
- They are looking for 8 new employees
- Mr. Fichera advised that he supervises Lumberton and Maple Shade also

- Mr. Student asked if this is a larger location
- Mr. Fichera said Maple Shade is 18,000 sq ft and this is a similar size
- Marlton location is the fastest growing
- 29 centers in state of NJ
- Marlton is fastest growing of all 29 locations
- Purpose of the need for expansion
- Township Traffic Engineer asked if the vehicles in the shop use pans and fluids
- Mr. Fichera advised that all fluids are usually discharged at the accident scene
- They have emergency spill kits
- Most vehicles are directed to Non-Drive center where insurance company can screen vehicles quickly
- Do have heavy wreck centers to send damaged vehicles if necessary

Leah Fury Bruder, Township Planner

- Review letter dated July 23, 2019
- Applicant's Planner adequately covered
- Solid testimony regarding suitability of the site
- Prior Resolution of Approval referred to outdoor storage vehicles up to 24 at any given time – is there any update
- Expanded facility number should increase to not more than 32
- Incorporate it into parking narrative
- 4 lots – Applicant's Planner mentioned the landscaping and is agreeable to everything else
- Applicant agreed
- Perimeter buffer around site was complete with the photographs provided
- Irrigation around the site
- Mr. Fichera confirmed there is irrigation around perimeter but exterior is not irrigated
- As long as it is maintained and will be irrigated around new building that is fine
- No new lighting proposed but is any necessary
- Plan shows current
- Mr. Fichera advised that they haven't research lighting; reducing parking and site is working now so no need for additional lighting
- What is there will remain
- Mr. Parikh inquired about the island and the arborvitae being removed
- Township Planner confirmed that no island but will be landscaped
- Testified to no fixed island so emergency vehicles can circulate

Stacey Arcari, Traffic Engineer

- Review letter dated July 10, 2019
- Design Waiver #2; minor design deficiency existing condition so minor, no issue
- General comments #3; ARH and ERI
- Sidewalk increased from 5ft to 6ft
- Applicant agreed to comply
- Applicant will comply with all comments regarding striping and signage
- Letter of no intent from DOT

Stacey Arcari, for ARH Engineer

- Review letter dated June 28, 2019
- Most items already touched upon
- Threshold DEP stormwater management
- No mitigation measures
- Drainage calculation for stormwater runoff
- Applicant agreeable and will comply
- Downspouts directed toward existing basins
- Mr. Fichera said that roofing was channeled so directed to basin and no run off
- Existing basin is maintained; active and maintained on a regular schedule
- Make sure circulation per Fire Marshal is adhered to

Rohan Tadas, Environmental Engineer

- Phase 1 – CES dated June 26, 2019
- Agricultural (previous use)
- Land disturbances
- Developable purposes; excavation of soil in place
- Condition of Approval – pesticide needs to be addressed
- Historical area; northwest corner of site
- Applicant agrees to provide recommendation to environmental expert

Board Comment:

- Mr. Student asked Board Attorney why so many outstanding issues with this application; more than usual and a lot to be modified and corrected
- Mr. Student wanted to confirm that if approved, that no permits would be issued until fixed accordingly per Board Professionals
- Board Attorney stated that all conditions needed to be satisfied before approved
- Several review letters and supplemental material
- Applicant and applicant's attorney have been very active in working together identifying issues tonight and are working with all of the professionals

Public Comment:

- None

Board Attorney Summary:

- Auto repair shop; all services are inside not outside
- Applicant proposing enhancement to the auto repair shop with new building
- Applicant is seeking amended preliminary/final site plan approval with D variance and C variance
- Purpose is to construct a 7227ft auto repair shop on west side of property for existing Caliber Collision
- Applicant will also reconfigure parking circulation around the building
- Applicant received a use variance in preliminary and final major site plan approval in 2011
- At that time, numerous conditions in place; Applicant agrees to comply with all prior conditions
- No unlicensed or unregistered cars will be on site
- Cars parked valet style by employees only in the stacked parking area

- No outside storage of any materials and no storage of wrecked or inoperable vehicles
- There will be a consolidation of lots 4, 6, 7, and 8 with the proposed deed of consolidation submitted to the Land Use Solicitor
- Demolition plan to be provided to include all necessary clearing including the narrow island between the 2 buildings
- Applicant agreed to increased plant sizes and replacement of certain landscaping items
- Also proposed expanded trash enclosure and agrees that no dumpsters are permitted on site outside of masonry enclosures
- No proposed new lighting or signage
- Applicant has agreed to shield the roof mounted equipment or to have them placed on the side of the buildings
- Applicant has agreed to eliminate 4 parking spaces adjacent to entrance driveway
- Applicant has agreed to increase the width of the sidewalk from 5ft to 6 ft
- Applicant agrees to work with Traffic Engineer to address concerns of stop controls added at East and West approaches
- Signage regarding “Do Not Enter” and “No Idling” acceptable to applicant
- Will submit a circulation plan for all trucks, trash, delivery vehicles, tow trucks and emergency vehicles, including fire equipment and also in compliance with Fire Marshal’s letter issued
- Applicant will provide an acceptable form of parking narrative which will address number of spaces on site, ADA spaces, operations, and proposed 32 spaces for damaged customer vehicles
- Applicant confirmed that deliveries are by van or box trucks
- Applicant agreed that as a Condition of Approval, to provide drainage areas and calculations to Board Engineer and acceptable to Board Engineer
- Applicant agreed to continue to maintain existing basin in working order
- Applicant agreed that if any excavation of soil takes place, the presence of agricultural pesticides will be investigated
- Applicant agreed to provide acceptable forms of recommendation with regard to recognized environmental conditions in the northwest corner and the historic fill
- Applicant agreed to provide revised plan which will detail elimination of parking spots and landscape parking islands that will be included; acceptable to Board Professionals; which will include the expanded trash enclosure with details acceptable to Township Planner and Engineer
- Applicant has agreed to make sure that all fluids or spillages are contained onsite
- Applicant agreed that there will be irrigation around the new building

Motion to Approve ZB11-10A

Motion: Student

Second: Osno

Ayes: Alperin, Carragher, Lutner, Student, Parikh, Fox, Osno

Meeting Minutes

July 15, 2019

Motion: Student

Second: Lutner

Ayes: Alperin, Carragher, Lutner, Student, Parikh, Fox, Osno

Resolutions

ZB 19-15B ZB Professionals

Motion: Rodgers

Second: Lutner

Ayes: Rodgers, Lutner, Osno, Wilson, Parikh

Communications/Organization

Next Meeting: September 16, 2019

Motion to Adjourn

Ayes: All in favor

Meeting adjourned at 8:55 pm