

Mount Laurel Township Zoning Board of Adjustment
Meeting Minutes
June 6, 2018

Opening

The Regular Meeting of the Mount Laurel Zoning Board of Adjustment June 6, 2018 was called to order by Vice Chairman List at 7:00pm.

Pledge of Allegiance and Moment of Silence were observed

The Open Public notice was read by Suzanna O'Hagan, Board Secretary

Roll Call

Chairman Francescone-Present at 7:13, Vice Chairman List-Present, Mr. Bailey-Present, Mr. Green- Present, Mr. Kiernan-Present, Mr. Killen-Present, Mr. Kramer-Absent, Ms. Liciaga-Present, Ms. Jones-Present

Board Professionals in attendance

Mr. Petrongolo-Zoning Board Planner, Mr. Long-Board Engineer, Mr. Angelastro-Board Traffic Engineer, Mr. McVey-Fire Marshal, Mr. Crook-Zoning Board Solicitor and Ms. O'Hagan-Zoning Board Secretary, Mr. John Armano – Board Conflict Solicitor present to represent the Zoning Board for the application ZB#18-D-03 only.

Announcements and Review of Boards Procedures by Vice Chairman List

The applications for ACE Landscaping and Lawn Care Service, ZB#15-D-10 has been continued by request of the applicant. Fellowship Baptist Church ZB# 12-D-16, has been continued to the August 1, 2018 Zoning Board meeting as requested by the applicant.

Memorialized Resolutions

1. Henrique and Leila DosSantos, ZB#18-C-04, 312 Moonseed Place. R-2018-ZB7
2. CRM Enterprises, ZB#18-C-05, 3019 Fostertown Road. R-2018-ZB8
3. Joshua Mitnick, ZB#18-C-11, 21 Tara Court. R-2018-ZB9
4. Two Farms, Inc. ZB# 16-D-06B, 3123 Route 38. R-2018-ZB10

Adopting the Minutes

Vice Chairman List asked for a motion to adopt the Forth Regular meeting minutes of 05/02/2018, Mr. Bailey moved the motion Mr. Green second, all present voted affirmatively and the motion was carried.

Swearing in of the Professionals

Zoning Board Professionals were sworn in by Zoning Board Solicitor Mr. Crook

Temporary Use Permit

1. GRACE CONSTRUTION, ZB#18-73-04, 3123 Route 38, Block 301.2 Lots 28 & 28.01 I-zone, is requesting a Temporary Use Permit to allow an 8' x 32' office trailer to be installed on the Royal Farms project site within 4 months of the issuance of building permits and to be removed within 6 months of installation. The applicant was not present. Chairman Francescone asked for a motion to approve the Temporary Office Trailer, Mr. Green moved the motion and Mr. Killen second. All present voted affirmatively and the motion was carried.

Petitions before the Board

1. DANIEL QUATTRONE, ZB#18-C-06, 3816 Church Road, Block 1303 Lot 21.02, R-1 zone. The Bulk variance is being sought from section 154-19 and 154-65(E) of the Mount Laurel Township Zoning Ordinance to allow a third accessory building where two are allowed – to allow said bldg. to be 2,000 sq ft. where 1,000 are allowed and to allow said bldg. to be 30' high where 12' is allowed and from section 154-16 to allow an existing pool deck to remain 4' from the rear property line where 6' is required. The secretary read the application. Kyle Seidelman, co-property owner represented the applicant and was sworn in.

Mr. Seidelman's Testimony:

Mr. Seidelman testified that his in-laws have moved into the home and the added belongings have necessitated an additional storage area. The proposed storage building would have a loft space and electricity but no other utilities. Mr. Seidelman corrected the application, stating that the building would be a total of 1,200 square feet. The Professionals did not do reports and had no comments on this application.

Chairman Francescone opened the meeting to the public for comments or questions.

Matthew Morett and Paula Morett of 126 Cherry Tree Court were sworn in. Mr. Morett expressed concerns about the height of the building and view from his home possibly decreasing his property value. Jay Petrongolo, Board planner suggested approximately 18 evergreen starting at 8' height as a buffer between properties. Mr. Francescone temporarily adjourned the application at 7:36 to allow the applicant and his neighbors to try and come to an agreement. The Chairman reopens the application at 7:50pm. Danielle Seidelman, co-property owner is sworn in. Mr. Morett asked for clarification on the type and size of trees suggested by the Board Planner. Mr. Petrongolo clarifies, a single row of evergreens approximately 8 feet apart and approximately 6 feet from the property line. Mr. Petrongolo agreed to work with the applicants to plan the tree planning. Mr. Seidelman testified that he will agree to reduce the height of the proposed building to 25', to remove one existing shed eliminating the need for a variance to add a third accessory structure and to add the tree line buffering. With no further questions or comments from the public or board, Chairman Francescone closes the public portion.

Mr. Crook reviewed the application with the conditions as follows:

- 1.) Applicant revises the application to propose a total square footage of the accessory building to be 1,200 square feet from 2,000 square feet.
- 2.) Applicant will remove the existing wood storage building, eliminating the requirement for that variance.
- 3.) Applicant will reduce the proposed building height from 30' to 25' high
- 4.) Applicant will work with the Board Planner in regard to the tree plantings

Chairman Francescone asks for a motion to approve application ZB#18-C-06 with conditions stated. Mr. Killen moves the motion, Mr. Green seconds. Roll call vote. Mr. Green, agree; Mr. Killen, agree; Mr. Kiernan, agree; Mr. Bailey, agree; Vice Chairman List, agree; Chairman Francescone, agree. Motion carried approved.

2. MATTHEW MEYER AND ALISON LUPINETTI, ZB#18-C-10, 99 Glen Street, Block 603.01 Lot 8, R-3 zone. The Bulk variance is being sought from section 154-16 of the Mount Laurel Township Zoning Ordinance to allow a deck on rear of a pre-existing non-conforming home with a setback of 1.42' from the property line where 30' is required. The secretary read the application. The applicants were sworn in. Mr. Meyer entered exhibit A-1, a series of photos of the proposed deck location and testified that the home is currently 1.49' from the property line and the proposed deck would allow them to use the kitchen door safely. Chairman Francescone opened the meeting to the public for questions or comments.

Walter LeMunyon, 101 Glen Street was sworn in. Mr. LeMunyon expressed concerns about the proximity of the proposed deck to his fence. Mr. Petrongolo explained the measurement to be .7 inched further from his fence than the current home. With no further questions or comments from the public, the chairman closes the public portion.

Mr. Crook reviewed the application.

Chairman Francescone asked for a motion to approve application ZB#18-C-10. Mr. Killen moved the motion and Mr. Green seconded. Roll call vote. Mr. Killen, agree; Mr. Green, agree; Mr. Kiernan, agree; Mr. Bailey, agree; Vice Chair List, agree; Chairman Francescone, agree; Motion carried approved.

3. V&R Property LLC., ZB#18-D-02, 2026 Briggs Road, Suite C, Block 304 Lot 4.01, I-zone. This Use variance with Minor Site Plan is being sought from section 154-74 of the Mount Laurel Township Zoning Ordinance to allow the expansion of a Use variance to renovate an existing vacant space for use as a doctor's office. The previous Use variance was granted for a Cell tower on the property. Board Member Bailey recused himself for this application and Alternate #1, Renee Liciaga sat in his place. The secretary read the application. Vijay Sing, applicant; Gary Civalier, applicants engineer; Anthony DiSimone, applicants contractor and

Michael Ridgway Esquire, representing the applicant were sworn in.

Mr. Ridgway presented the application adding a request for a bulk variance from section 154-69 of the Mount Laurel Township Zoning Ordinance to allow 130 parking spaces where 135 spaces are required.

Mr. Civalier's Testimony:

The proposed landscaping and sidewalks are in accordance with the Board Planners recommendation. The applicant conducted a parking study that demonstrated the parking requirement is far greater than the demand.

Dr. Sing's Testimony:

The maximum number of employees, including 3 doctors will be 6 with a maximum of 3 patients per doctor at any given time.

Jay Petrongolo, Board Planner, reviewed his report dated May 17, 2018. Applicant agreed to comply with recommendations

William Long, Board Engineer, reviewed his report dated May 21, 2108. Applicant agreed to comply with recommendations.

Mike Angelastro, Board Traffic Engineer, reviewed his report dated May 18, 2018.

Brian McVey, Fire Marshal, reviewed his report dated March 21, 2018. Applicant agreed to install a Knox Box for emergency personnel entrance.

Chairman Francescone opened the meeting to the public for questions or comments. Seeing none, closed the public portion.

Mr. Crook reviewed the application adding the condition of installation of the Knox Box.

Chairman Francescone asked for a motion to approve Zoning Board Application ZB#18-D-02 with the condition stated above. Mr. Killen moved the motion, Mr. Green second. Roll Call Vote: Mr. Killen, agree; Mr. Green, agree; Ms. Liciaga, agree; Mr. Kiernan, agree, Vice Chairman List, agree; Chairman Francescone, agree. Motion carried approved.

4. MOUNT LAUREL VETERINARY REAL ESTATE, ZB#16-D-16A, 220 Mount Laurel Road, Block 508 Lot 2, I zone. The applicant is seeking Major Preliminary and Final Amended Site Plan approval with a Use Variance. The Use variance is being sought from section 154-77B of the Mount Laurel Township Zoning Ordinance to allow an MRI Trailer in an Industrial zone. William Hyland Esq, attorney for the applicant, Douglas Szabo, PE, Engineer for the applicant, Christopher Torre, VMD, Applicant and Jeffrey L Grogan, RA, architect for the applicant were sworn in. Exhibits A1- Rendering of approved Site Plan, A2- rendering of the location of the MRI trailer, A3- Enlargement of location, A4- Architectural drawing of canopy over walkway, A5- Photo representation of MRI in proposed location and A6- Photo representation of all sided of building were introduced.

William Hyland Esq. presented the application.

Mr. Hyland's Testimony:

The applicant's proposal will be aesthetically pleasing and the Red Bank Animal Hospital was approved for a similar project.

Mr. Torre's Testimony:

No new employees will be hired due to the MRI with the exception of Neurologist who is starting in the fall. Further, the MRI is not loud and the animals will be sedated when transporting them from the main building to the MRI. Only employees will have access to the MRI. Mr. Torre later testified that the MRI trailer is necessary due to the size and serviceability of the equipment, and to allow the practice to offer advanced care to their patients.

Jeffrey Grogan, RA's Testimony:

Only electricity and telecommunication will be run to trailer, the existing outside lights will remain, and the applicant will add evergreens as buffering. Mr. Grogan opines that the addition of the MRI has a deminimus impact on stormwater and wetlands.

Jay Petrongolo, Board Planner reviewed his report dated April 19, 2018. Applicant agrees to comply with recommendations.

William Long, Board Engineer, reviewed his report dated April 19, 2018. Applicant has satisfied all comments.

Brian McVey, Fire Marshal, reviewed his report dated April 18, 2018. Applicant has satisfied all concerns. Mr. McVey recommended fire suppression on either the canopy or MRI Trailer.

Chairman Francescone opened the meeting to the public for questions or comments, seeing none, closed the public portion.

Mr. Crook reviewed the application adding the condition that the applicant will work with the Fire Marshal regarding fire suppression on either the canopy or MRI Trailer.

Chairman Francescone asked for a motion to approved application ZB#16-D-16A with the condition stated above. Vice Chairman List moved the motion, Mr. Bailey second. Roll Call Vote: Vice Chairman List, agree; Mr. Bailey, agree; Mr. Kiernan, agree; Mr. Killen, agree; Mr. Green, agree; Chairman Francescone, agree. Motion carried approved.

5. THE FALLS GROUP, ZB#18-D-03, 3320 Route 38, Block 603.01 Lot 8, R-3 zone. The variance is being sought from section 154-77M of the Mount Laurel Township Zoning Ordinance to enable the applicant to conduct firework displays. This hearing has been continued from the Zoning Board of Adjustment hearing on April 4, 2018 to the meeting on May 2, 2018 and carried from the May 2, 2018 to the present meeting. The application was amended on May 22, 2018. David Wollman Esq., Attorney for the applicant, Randall Lahn, Managing Member of the Falls Group, LLC, James Miller, Professional Planner, Robert O'Neil, Funplex Manager, Kenneth Furstoss, Show Producer, Pyrotecnico Fireworks, Deanna Drumm, Traffic Engineer, Brian Williams, Funplex CEO and Alex Lahn, Funplex and Project Manager were sworn in by John Armano Esq., Zoning Board Conflict Solicitor. Exhibits A2- Firing Site Plan and A8-chart of typical DB levels of various activities were entered.

Mr. Wollman presented the application, as amended to reduce the impact area.

Robert O'Neil's Testimony:

Mr. O'Neil has 10 years of experience with fireworks shows while working for Great Adventure with approximately 100 shows per year. Mr. O'Neil further testified that the modified proposal is for 2 ½" shells with a maximum height of 255' and the new location of the "blast zone" has been moved further from the Department of Transportation site. At ground level the Decibel Level will be not more than 65 DB and No fireworks will be fired after 10:00pm. Chairman Francescone stated that the applicant would need to comply with Mount Laurel Township's sound ordinance.

Deanna Drumm's Testimony:

The DOT will issue a "Letter of No Interest". Ms. Drumm has found no evidence that fireworks shows pose a traffic safety issue and in her professional opinion it is very unlikely anyone will pullover on to the shoulder of the road to view the show due to poor visibility from the road.

James Miller's Testimony:

Mr. Miller believes the proposed fireworks would advance the purposes of the Land Use Law as the site is an amusement facility under Mount Laurel Code 107-3(13) and therefore suited for this use. Mr. Miller believed the show would not negatively impact the zone plan as the show is only 10 minutes long with only 12 shows per year during the summer months.

Jay Petrongolo, Board Planner, testified the proposed location satisfies his concerns of impact on neighboring properties.

William Long, Board Engineer, requested a testimony on environmental impact of debris and a site plan to show dimensions and locations of the safety zone. Mr. Long has concerns about noise and suggested an as-build noise survey by a sound expert. If the noise exceeds 65 DB's the show will be amended to comply with the 65 DB ordinance.

Kenneth Furstoss's Testimony:

The shells to be used are biodegradable paper and not plastic, additionally the site is monitored the evening of the show and the next morning by Pyrotecnico for any debris cleanup necessary.

Mr. Wollman's Testimony:

The music will not be played any louder than normal.

Mike Angelastro, Board Traffic Engineer reviewed his letter of March 23, 2018. DOT has jurisdiction. Mr. Angelastro requested the applicant submit the Letter of No Interest to the Township, as well as a No Stopping or Standing sign to address concerns of people parking on Route 38 to view the fireworks. Ms. Drumm responded that the enforcement of parking on Route 38 would be police matter and agreed to send the Police Department a list of dates and times of potential shows.

Brian McVey, Fire Marshal reviewed his letter dated March 21, 2018. Mr. McVey has many safety concerns and questioned Mr. Furstoss about the direction, location and safety zone of the show as well as what plan if any does the applicant have to address the tree area because the Fire Department is not able to access the woods in case of a fire. Mr. Furstoss testified they would monitor the zone and be responsible to put out any fire that may occur within the safety zone. Mr. McVey expressed concerns about the inaccessibility of the wooded area in case of fire. Mr. McVey stated he would require EMS on site.

Mr. Armano, Board Conflict Solicitor reviewed the application and conditions as follows:

- 1.) Shows will be limited to 10 minutes with maximum size of 2 ½" shells and maximum height of 250'.
- 2.) Maximum of 12 shows per year.
- 3.) Applicant will provide a Letter of No Interest from the New Jersey Department of Transportation or comply with conditions established by the Department of Transportation.
- 4.) Applicant will provide firing location site plan
- 5.) Perform an as built noise study during the first show and provide the results to the township. If necessary adjust show to comply with the ordinance of maximum 65 DB noise level.
- 6.) Provide the Police Department with reasonable notice of dates and times of firework shows.
- 7.) Applicant is responsible for fire protection within the safety zone.
- 8.) Applicant will comply with NFPA regulations regarding on site emergency personnel.
- 9.) Fire Marshal may declare a resource allocation emergency and may cancel show.

Chairman Francescone asks for a motion to approve ZB#16-D-16A with the conditions stated above. Vice Chairman List moves the motion, Ms. Liciaga second. Roll Call Vote: Vice Chairman List, agree; Ms. Liciaga, agree; Ms. Jones, disagree due to fire truck access concerns; Mr. Kiernan, agree; Mr. Killen, agree; Mr. Bailey agree; Chairman List, agree; Motion carried, approved.

Adjournment:

Chairman Francescone asked for a motion to adjourn the meeting at 10:25 P.M. Mr. Killen moved the motion. All present voted affirmatively and the motion was carried.

Adopted on: August 1, 2018

Suzanna O'Hagan, Secretary
Zoning Board of Adjustment