

Mount Laurel Township Zoning Board of Adjustment  
Special Meeting Minutes  
July 11, 2018

**Opening**

The First Special Meeting of the Mount Laurel Zoning Board of Adjustment July 11, 2018 was called to order by Chairman Francescone at 7:10 p.m.

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, Vice Chairman List-Present, Mr. Bailey-Present, Mr. Green- Absent, Mr. Kiernan-Present, Mr. Killen-Present, Mr. Kramer-Present, Ms. Liciaga-Present, Ms. Jones-Present

**Board Professionals in attendance**

Jay Petrongolo-Zoning Board Planner, William Long-Board Engineer, Mike Angelastro-Board Traffic Engineer, Brian McVey-Fire Marshal, Evan Crook-Zoning Board Solicitor and Suzanna O'Hagan-Zoning Board Secretary

**Announcements and Review of Boards Procedures by Vice Chairman List**

**Swearing in of the Professionals**

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

**Petitions before the board**

**1. VOADV PROPERTY INC., ZB#11-D-27C**, Centerton Road and Marne Hwy, Block 503.03 Lot 3, MCD zone. These Bulk variances with Amended Major Preliminary and Final Site Plan approval are being sought from Section 154-69(B) of the Mount Laurel Township Zoning Ordinance to allow 159 parking spots where 206 spots are required and from 154-26D to allow a drive isle setback of 6' where 30' is required.

Matthew Wait Esq., DuBois, Sheehan, Hamilton, Levin & Weissman, LLC, Represented the applicant. Owen McCabe, VP of Acquisition and Development with VOADV Property Inc., Sam Renauro, Engineer; James Haley, Architect and Scott Kennel, Traffic Engineer were sworn in by Board Solicitor Crook.

The applicant entered Exhibits A-1, Site Plan depicting the relocation of the Playground and increased building size; Exhibit A-2, Rendering of Building A; Exhibit A-3, Architectural rendering of buildings A & B and Exhibit A-4, 3<sup>rd</sup> and 4<sup>th</sup> floor plans. Sam Renauro interpreted exhibit A1.

**Mr. Renauro's Testimony:**

Mr. Renauro interpreted Exhibit A-1. The increased building size of 2,500 square feet is necessary to meet building codes. This increase in building size impacted the parking by removing 25 spaces. The applicant also requires a variance for parking setback with the new layout and a de minimis exception for space size although still conforming to RSIS standards. The applicant will comply with all comments and recommendations in the Planner, Engineer, Traffic Engineer and Fire Marshals review letters.

**Scott Kennel's Testimony:**

The parking being provided is adequate as per parking demand studies conducted by his firm.

**James Haley's Testimony:**

Mr. Haley presented Exhibit A2, A3 and A4 and testified to the building layout, trash collection procedure and elevator size and location.

**Jay Petrongolo, Zoning Board Planner**, reviewed his letter dated 6/20/2018.

**William Long, Zoning Board Engineer**, reviewed his letter dated 6/22/2018.

**Brian McVey, Fire Marshall**, reviewed his letter dated 7/11/2018.

**Michael Angelastro, Zoning Board Traffic Engineer**, reviewed his letter dated 6/22/2018. Mr. Angelastro concurred with Mr. Kennels evaluation that the parking being provided is adequate. Applicant has agreed to satisfy all comments and recommendations in the professionals review letters.

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

**Pat Halbe**, 2101 Denham Court, was sworn in and posed concerns about arsenic in the area and future parking demand.

Owen McCabe of VOADV Property responded that tests have shown no arsenic at the site. Further when children turn 18 they will no longer qualify for affordable housing and will need to vacate the unit, thus maintaining the parking demand. Both the IRS and the Department of Community Affairs has enforcement authority. Mr. McCabe further testified that residents will register their vehicles with management and will have registration stickers on their vehicles, overnight guests will register as such and are allowed only one overnight. Violators will be towed.

Chairman Francescone, seeing no other questions or comments by the public, closed the public portion.

Mr. Crook reviewed the application.

Chairman Francescone asked for a motion to approve ZB#11-D27C. Vice Chairman List moved the motion, Mr. Killen second, Roll Call Vote: Vice Chair List, agree; Mr. Killen, agree; Ms. Liciaga, agree; Mr. Kiernan, agree; Mr. Kramer, agree; Mr. Bailey, agree. Motion carried approved.

Chairman Francescone adjourned for a break at 8:08 p.m. and reopened the meeting at 8:14 p.m.

**2. MOUNT LAUREL MANOR APARTMENTS, LLC, ZB#18-D-09**, 123 Creek Road, Block 205.01 Lot 29, NC zone. These Use and Bulk variances with Major Preliminary and Final Site Plan approval are being sought from section 154-69 to permit 10'x18' parking stalls where 10'x20' stalls are required, from Ordinance 154-39 to permit a building height of 38.9' where 35' is permitted, from Ordinance 154-59.A(3) to allow a light pole 1' from the curb where 5' is required and from Ordinance 154-36 to permit 37 residential rental units in a Neighborhood Commercial Zone.

Chairman Francescone explains to the public, the role and responsibility of the Board and the Public Hearing process.

James Burns, Esq. Dembo, Brown & Burns LLP, represented the applicant. Joseph Mancini, Engineer; Okan Memis, Member of Mount Laurel Manor Apartments LLC; Enrico Fumo, Architect and Planner; Andrew Feranda, Traffic Engineer with Shropshire Associates, LLC. and Joseph Ceylon, Property Owner were sworn in by Board Solicitor Crook.

The applicant entered Exhibits A-1 Site photos of existing conditions, A-2 architectural rendering of proposed elevation, A-3 (sheet A2 of the Site Plan) First Floor Plan, A-4 (sheet A3 of the Site Plan) Second Floor Plan, A-5 (sheet A1 of the Site Plan) Basement Floor Plan, A-7 Existing Conditions Survey

And A-7 Aerial photo of site and surrounding area.

Mr. Burns presented the application.

**Mr. Burns Testimony:**

The applicant acquired this property as a foreclosure. Retail in this area is having difficulty and commercial use is no longer a viable option. Mr. Burns described the property as being in disrepair further demonstrating the site suitability for this project as a Residential Rental Use. Applicant will provide sewer service to the property by connecting to the Gravity Sewer on Squirrel Tree Lane. Applicant agrees to comply with Board Professionals review letters. Mr. Burns posed Proofs of positive and negative criteria to support the D1 and D6 variances including the beautification of the site, providing a more efficient use of the land, providing a use that is consistent with surrounding uses and promoting the general welfare of the community.

**Okan Memis's Testimony:**

The property has suffered two break-ins and water damage due to burst pipes. Mr. Memis presented Exhibits A-1 and A-2. The units will be higher end units as the owners also own a granite and marble company and will furnish the kitchens and bathrooms with granite and marble. The apartments will be marketed to young professionals, college students and empty nesters with rents ranging from \$1,400 to \$1,800 per month. Applicants will provide private trash haulers, an offsite management company and an offsite leasing office.

**Joseph Ceylon's Testimony:**

The property has been being marketed for (6) six years as a commercial property, with (3) three different commercial real estate firms, after \$250,000.00 in improvements they have had no success and lost the (3) three tenants that were already there when they purchased the property. Mr. Ceylon believes retail is not a viable use and there is no plan "B" as they have tried everything. The sale to Mount Laurel Manor Apartments is contingent upon this approval.

**Rick Fumo's Testimony:**

Mr. Fumo described Exhibits A-2, A-3, A-4 and A-5. The existing one story section will become two stories and the façade will have siding and cultured stone in natural colors. The windows will be changed to residential windows. Some units facing the woods will have balcony's, some excavation will be done for walk out basement units and (2) two units will be ADA accessible. The existing structure is well constructed for residential use.

**Joseph A. Mancini's Testimony:**

Mr. Mancini presented Exhibits A-6 and A-7. The wooded area will be maintained, the current drive isle will be widened, parking including ADA will be updated. Two block trash enclosures will be onsite and buffered with vinyl fencing and landscaping. A pumping station will be designed as per MUA specifications. Environmental testing was performed. The Phase One environmental report sited potential concerns due to previous commercial uses as a print shop and nail salon, however Phase Two testing showed no contamination. Mr. Mancini testified to the proofs and reason for the D6 height variance and the bulk variances. Mr. Mancini believes the proposed project is most efficient use of the land and promotes the general welfare of the neighborhood as well as improving the aesthetics of the area.

**Jay Petrongolo, Board Planner**, reviewed his letter dated 5/17/2018. Mr. Petrongolo requested testimony regarding the impact of multi-tenant housing on the master zone plan of the township as well as testimony regarding the impact on the properties to the rear of the proposed project. Mr. Petrongolo stated that the Mount Laurel Township Master Plan addresses this area as in need of redevelopment and adapted reuse is favored in Land Use. Applicant agreed to comply with all comments.

Mr. Mancini responded that the site is not suited or financially viable as single family homes. The buffer currently in place for the residences to the rear has a minimum of 55' of wooded buffer widening toward the west that will remain.

Chairman Francescone adjourned for a break at 9:37, and reopened the meeting at 9:45.

**William Long, Board Engineer**, reviewed his letter dated 6/11/2018. Mr. Long explained the Phase Two environmental testing showed there are no environmental concerns. Mr. Long requests an inspection of underground piping be conducted by Mr. Mancini's office. Applicant agreed to comply with all comments and recommendations.

**Brian McVey, Fire Marshal**, reviewed his letter dated 7/11/2018. Mr. McVey confirmed that the buildings will be fully fire suppressed and a fire hydrant will be installed. Applicant agreed to comply with all comments and recommendations.

**Andre Feranda's Testimony:**

A traffic study was conducted by Shropshire Associates, LLC. at Conestoga and Creek Road during the AM commuter peak of 7:00am to 9:00am, and the PM commuter peak of 2:00pm to 6:00pm. The study showed that 37 units would add a total of 17 AM trips and 21 PM trips into and out of the site during peak hours. Level of Service analysis is enumerated from A = Very Good to F = Very Bad. The Level of Service at this site is a level B or better. Comparatively, if the site were re-occupied by a commercial use, during the same peak times there would be total of 23 trips into and out of the site during AM peak hours and a total of 91 trips into and out of the site during peak PM hours. On a Saturday, during peak hours of 11:00am to 2:00pm, the total trips into and out of the site with 37 residential units would be 26 and with commercial use would be 108. Total daily trips would be roughly 10X higher with commercial use than the proposed residential use. To impact the Marne, Creek, Rancocas Blvd. traffic light 100 trips would be need to be generated, the residential use will generate 10.

**Mike Angelastro, Board Traffic Engineer**, reviews his letter dated 5/18/2018. Mr. Angelastro concurs with the report by Shropshire Associates, LLC. The traffic generated by the proposed residential use would have much less impact and generate significantly less trips than the approved commercial use.

Chairman Francescone called for a vote to extend the Public hearing to 11:00pm. Six agree and one disagree; the motion was carried.

**Jay Petrongolo, Board Planner** testified there is a COAH requirement and the applicant has agreed to work with the Township to address the obligation.

Chairman Francescone opens the meeting to the public for questions and/or comments at 10:13pm.

**David Halihan**, 2919 Marne Hwy. was sworn in by Board Solicitor Mr. Crook. Mr. Halihan shares a property line in the rear of the proposed project and has had issues with theft and trespassing on his property in the past. He expressed his support for the project but wants concessions including that the applicant put an 8' fence on his property. Mr. Halihan expressed concerns of environmental safety and the sewer system and informed the Board that the intersection of Marne and Creek is not ADA Compliant.

Mr. Burns responded that it is the resident's obligation to secure his own property but agrees to work with the Mr. Halihan to join his fence at the shared property line if Mr. Halihan fences the rest of his yard. Mr. Burns stated that the intersection is under Burlington County jurisdiction and the environmental study shows no contamination.

**Rose Messa**, 532 Foxwood Drive was sworn in by Board Solicitor Mr. Crook. Mrs. Messa had concerns regarding pedestrian safety.

Mr. Petrongolo explained that this type of residential property does not typically generate a lot of pedestrian traffic and will have much less pedestrian traffic impact than if it were developed as commercial use.

**Matt Semola**, 1203 Kay Drive, Cherry Hill, NJ, owner of 114, 116, 116 A, B and C, 118, 200, 202 and 208 Creek Road was sworn in by Board Solicitor Mr. Crook. Mr. Semola testified to the difficulty in renting commercial space in the area and expressed support of the application.

**Pat Halbe**, 2101 Denham Court. Ms. Halbe expressed her disapproval of the application and has concerns about the impact on the Master Plan and the impact on the uniqueness of the area. Believes the owner allowed the property to deteriorate with no improvements.

Okan Memis responded that \$250,000.00 of improvements were made with no effect.

**Kim Peditto**, 213 Knotty Oak Drive, was sworn in by Board Solicitor Mr. Crook. Ms. Peditto questioned if unrented units will become affordable housing units.

Mr. Petrongolo explains the COAH requirements and what options are available to the developers to meet their obligation. The units, as proposed, do not meet the UHAC, Uniform Housing Affordability Controls guidelines. If the developer wanted to put affordable units in this project, the developer would have to reconfigure the units and make all of them comply to affordable housing guidelines. This would require changes to the complex and the developer would have to come back to the board. Mr. Wait, applicant's attorney, testified the applicant has no intent of putting affordable units in the complex and it would make no financial sense to do so.

**Rob Dolge**, 28 Shadow Oak Court, was sworn in by Board Solicitor Mr. Crook. Mr. Dolge expressed concerns about losing the Main Street, impervious coverage, no sidewalks turning radius of trash truck and possibility of becoming affordable housing.

Mr. Angelastro stated that the turning radius will be a condition of approval.

Mr. Wait responded that sidewalks are being installed, no impervious coverage is being added and the turning radius will be addressed.

**Corinne Gileto**, 2901 Marne Highway, owner of Cater 2 U and 115 Creek Road and Real Estate Agent, was sworn in by Board Solicitor Mr. Crook. Ms. Gileto testified that the proposed rent is very reasonable. The current businesses are struggling because of low volume of foot traffic. Ms. Gileto has tried to sell other properties in the area without success because of the septic system limitations. Ms. Gileto expressed her support of the project.

**Scott Troilo**, 111 Knotty Oak Drive, was sworn in by Board Solicitor Mr. Crook. Mr. Troilo expressed concerns about the rents dropping in the future.

Okan Memis responded that he will not recuperate his investment for 10 to 15 years, therefore, rents will not go down and the property will be well maintained. Further, the prime location will attract renters for the long term.

Chairman Francescone calls for a vote to extend the meeting past 11:00p.m., all present voted in favor and the motion was carried.

**Kari Wudarski**, 312 knotty Oak Drive, was sworn in by Board Solicitor Mr. Crook. Ms. Wudarski expressed concerns about the impact on the master plan and the overcrowded Fleetwood School.

**Theresa Dolge**, 28 Shadow Oak Court, was sworn in by Board Solicitor Mr. Crook. Ms. Dolge asked if there are special provisions because the building will be in a school zone, if the children would be bussed to Springville and if the residents will be effected by the new sewer line.

Mr. Burns responded this is a family area and will conform to laws.

Chairman Francescone explained that school bussing is a school board issue and there will be no negative effect on the sewer system.

**David Halihan**, 2919 Marne Hwy stated he withdraws previously expressed approval of the project because he does not want low income housing at the site.

Seeing no more questions or comments from the public Chairman Francescone closed the public portion.

**Mr. Burns** reiterated the positive and negative criteria including site suitability, benefit of the surrounding properties, beautification of the site, addition of a fire hydrant and unviability of commercial use.

**Mr. Petrongolo** reminds the board of the positive and negative criteria obligation for the D1 and D6 variances.

**Mr. Crook** reviewed the conditions of approval as follows:

- 1.) Applicant agrees to comply with all recommendations in letters by Jay Petrongolo dated 5/17/2018, Bill Long dated 6/11/2018, Mike Angelastro dated 5/18/2018 and Brian McVey dated 7/11/18.

- 2.) Applicant will contribute to the fence on the property line shared with 2919 Marne Highway if the homeowner fences the remainder of his property.
- 3.) Applicant will provide decorative concrete for lighting fixtures
- 4.) Applicant will provide appropriate landscaping around pumping station fence.
- 5.) Board approval is subject to approval by outside agencies
- 6.) Applicant will perform an inspection of onsite existing storm water structures.
- 7.) Applicant will comply with all applicable COAH/Affordable Housing requirements

Chairman Francescone asks for a motion to approve the D1 Use Variance, Mount Laurel Manor Apartments, LLC ZB#18-D-09 with the conditions stated. Vice Chairman List moved the motion and Mr. Killen seconded. Roll Call Vote: Vice Chairman List, agree; Mr. Killen, agree; Ms. Liciaga, agree; Mr. Kiernan, disagree, stating the negative criteria has not been met and the master plan calls for reducing the number of multi-tenant housing; Mr. Kramer, agree; Mr. Bailey, agree; Mr. Francescone, disagree, stating concerns about too many multi-tenant housing complexes in town. Motion carried approved.

Chairman Francescone asks for a motion to approve the D6 Height Variance, Mount Laurel Manor Apartments, LLC, ZB#18-D-09. Mr. Killen moved the motion and Vice Chairman List seconded. Roll Call Vote: Mr. Killen, agree; Vice Chairman List, agree; Ms. Liciaga, agree; Mr. Kiernan, agree; Mr. Kramer, agree; Mr. Bailey, agree; Chairman Francescone, agree. Motion carried approved.

Chairman Francescone asks for a motion to approve the Pre and Final Site Plan, Mount Laurel Manor Apartments, LLC ZB#18-D-09. Mr. Killen moved the motion, Vice Chairman List seconded. Roll Call Vote: Mr. Killen, agree; Vice Chairman List, agree; Ms. Liciaga, agree; Mr. Kiernan, agree; Mr. Kramer, agree; Mr. Bailey, agree; Chairman Francescone, agree. Motion carried approved.

**Adjournment:**

Chairman Francescone asks for a motion to adjourn at 11:25 p.m., Vice Chairman List moved the motion, all present voted affirmatively and the motion was carried.

Adopted on: August 1, 2018

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Suzanna O'Hagan, Secretary  
Zoning Board of Adjustment