

Mount Laurel Township Zoning Board of Adjustment  
Regular Meeting Minutes  
September 5, 2018

**Opening**

The Seventh Regular Meeting of the Mount Laurel Zoning Board of Adjustment September 5, 2018 was called to order by Chairman Francescone at 7:05 p.m.

Pledge of Allegiance and Moment of Silence were observed

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

**Board Members in Attendance**

Chairman Francescone, Vice Chairman List, Mr. Bailey, Mr. Green, Mr. Kiernan, Mr. Killen, Ms. Liciaga, Ms. Jones.

**Absent** - Mr. Kramer

**Board Professionals in attendance**

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

**Announcements and Review of Boards Procedures**

The application for Friends of Cyrus, ZB#18-D-08 has been withdrawn by the applicant.

**Adopting the Minutes**

Chairman Francescone asked for a motion to adopt the Sixth Regular meeting minutes of 08/01/2018, Mr. Killen moved the motion Ms. Liciaga second, all present voted affirmatively and the motion was carried.

**Memorialized Resolutions**

1. Todd Geweke, ZB#18-C-14, 150 Canterbury Court, R-2018-ZB18, Chairman Francescone asked to a motion to approve the resolution, Ms. Jones moved the motion, Mr. Killen second, all present voted affirmatively, the resolution was approved
2. 1190 South Church LLC, ZB#18-C-16, 1190 South Church Street, R-2018-ZB19, Chairman Francescone asked to a motion to approve the resolution of approval for the Use Variance only, Mr. Killen moved the motion, Ms. Jones second, all present voted affirmatively, the resolution was approved
3. Friends of Cyrus, ZB#18-D-08, 351-357 Hartford Road, R-2018-ZB20, Chairman Francescone asked to a motion to approve the resolution of Withdraw, Mr. Killen moved the motion, Ms. Liciaga second, all present voted affirmatively, the resolution was approved

**Swearing in of the Professionals**

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

**Petitions before the board**

1. **Michael and Emeline Winters, ZB#18-C-15**, 699 Decatur Drive, Block 1003.04 Lot 27, R-1D zone. This Bulk variance is being sought from section 154-144 of the Mount Laurel Township Zoning Ordinance to allow a fence 2' from the property line in a side yard adjacent to a street where 30' is required. The Secretary read the application. Mr. Winters was sworn in and presented his application. Chairman Francescone asked for a motion to approve application ZB#18-C-15. Vice Chairman List moved the motion, Mr. Bailey seconded, Roll Call Vote: Vice Chairman List, agree; Mr. Bailey, agree; Ms. Liciaga, agree; Mr. Kiernan, agree; Mr. Killen, agree; Mr. Green, agree; Chairman Francescone, agree; motion carried approved.

2. **Blair Sign Programs, ZB#18-D-12**, 52 Centerton Road, Block 503.01 Lot 1.03 MCD zone. This Use variance is being sought from section 154-92.6B of the Mount Laurel Township Zoning Ordinance to allow installation of a second façade sign, from section 154-84Y to allow a sign to face Route 295, section 154-92.7 for sign size and from the Township Master Sign Program for letter size. The secretary read the application. Mr. Calvin Trevenen, Esq. represented the applicant and presented the application. Mr. Trevenen requested to amend the application to a C2 Bulk variance to which the Board Solicitor Mr. Evan Crook agreed. Michael Nasto from Trademark Sign was sworn in by Mr. Crook.

The applicant entered Exhibits A1- Centerton Square sign criteria, A2- refusals of Zoning Permit dated 8/2/2018, A3- Zoning Permit dated 7/8/2018 and A4- Zoning permit dated 8/24/17.

**Mr. Nasto testified** to his 28 years of experience in the sign industry. Trademark sign is contracted by Blair sign to install signage at the Burlington Store at 52 Centerton Road. The height of the sign in the front of the store exceeds the maximum height allowed due to the descending lower case “g” and the larger heart “B” logo. The Burlington store is on the end of the strip center and has a large expanse of parking lot on the side between the Burlington store and Costco. The side of the building has a very large blank wall with high visibility from Centerton Road. The side façade sign is not visible, and was not intended to be visible, from Route 295.

**Mr. Petrongolo** clarified the two variances necessary as being, one from the Master Sign Program for the letter height and one from 154-92.7.A(2)(f) for a second facade sign and withdrew his recommendation for a variance from section 154-84.Y agreeing that the sign is not visible from Route 295.

**Chairman Francescone** called for a 5 minute break at 7:44 and reconvened at 7:50.

**Mr. Nasto continued his testimony** stating that the current Burlington sign is less than 80% of signable length allowed as per the Centerton Square sign criteria and smaller than the previous Sports Authority sign. Mr. Nasto believes the second façade sign would benefit the community by increasing visibility to the Burlington store.

**Mr. Petrongolo** reviewed his letter dated 7/18/2018. Mr. Petrongolo believes the applicant has satisfied the required proofs necessary to grant the C2 variances.

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

Chairman Francescone explained that the board would vote on the two C2 variances separately, first for the height variance and second for the variance to allow a second façade sign.

Mr. Crook reviewed the application.

Chairman Francescone called for a motion to approve the first C2 variance from section 154-92.7 for sign height on application ZB#18-D-12. 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. Green, agree; Mr. Bailey, agree; Chairman Francescone, agree; Motion Carried approved

Chairman Francescone called for a motion to approve the second C2 variance from section 154-92.7.A(2)(f) to allow a second façade sign. Vice Chairman List moved the motion, Mr. Bailey second. Roll Call Vote, Vice Chairman List, agree; Mr. Bailey, agree; Ms. Liciaga, agree; Mr. Kiernan, disagreed on the grounds that the applicant did not meet the necessary standard of proof; Mr. Killen, agree; Mr. Green, disagree on the grounds that the applicant did not follow proper protocol; Chairman Francescone, disagree on the grounds that the applicants did not meet the necessary standard of proof. 4 aye 3 nay. Motion carried, approved.

3. **Warrior Gyms LLC., ZB#11-D-24B**, 14 Federal Street, Block 1304.09 Lot 10., R1 zone. This Amended Minor Site Plan is being sought to allow the previously approved paved parking area to remain stone, eliminating the proposed paving and to allow changes to the landscaping requirements.

Donald A. Nogowski, Esq. represented the applicant.

Exhibit A1, Site Plan was submitted

Wayne Ingram, Professional Engineer and Vito Lasprugato, Owner of Warrior Gyms, LLC. were sworn in by Board Solicitor Mr. Crook.

Board Member Mr. Killen recused himself from the hearing due to a professional conflict. Alternate #2 Ms. Jones served in Mr. Killen’s place.

Mr. Nogowski represented the applicant and stated that Warrior Gyms LLC, is the sole tenant in the building leasing 26,000 square feet and has a short term lease on the remainder of the building that will expire at the end of 2018. The proposed change is for the auxiliary parking area only.

**Wayne Ingram testified** that the applicant will add stone to the parking area, level, grade and compact the stone and install concrete wheel stops to define parking spaces. The previously approved landscaping in the parking lot island will not be installed. Mr. Ingram later testified that the paved parking lot has approximately 40 8 foot spaces and the applicant intends to restripe the lot with 35 10 foot spaces. The fire marshal has requested (4) four of those spots be removed to allow fire truck access. If the applicant complies, the paved area would have 31 spaces 10 feet wide, and the stone area would have 44 spaces for a total of 75 spaces.

**Vito Lasprugato testified** his intent is to reopen the Warrior Gym side of the building consisting of 26,000 square feet. There is no plan to conduct basketball in remaining space of the building. Mr. Lasprugato agreed to come back to the Zoning Board of Adjustment if they decide to extend the lease on the balance of the building or use that part of the building. On a typical weeknight the gym has approximately 15 guests and customers and 3-4 employees. On a typical weekend the gym will require parking for 30 to 40 cars.

**Joseph Petrongolo, Board Planner** did not prepare a report however, reiterated that the only change being considered at this hearing is to allow the proposed paved auxiliary parking lot to remain stone and remove the center island landscaping as agreed to by the applicant.

**William Long, Board Engineer** did not prepare a report, but clarified that the applicant is requesting a design waiver.

**Michael Angelastro, Board Traffic Engineer** did not prepare a report and believes that based on the applicants testimony the parking will be sufficient.

**Brian McVey, Fire Marshal** did not prepare a report and stated that the applicant has reassured him that the gravel parking lot will be maintained in all weather conditions to ensure accessibility for emergency vehicles. Chairman Francescone opened the meeting to the public for questions or comments.

**Charles Simon, 5 Beaver Avenue** was sworn in. Mr. Simon testified that the parking available is plenty for a single use facility, however, Warrior Gym moved in and expanded the basketball use and did not follow through with any of the conditions of the previous approval. He questioned what is the guarantee that they will comply now and what is the recourse if they do not comply? Chairman Francescone explained that Mr. Simone should call the Township if the applicant does not comply. Mr. Simon further stated that the natural barrier was not maintained and trash was left on the street for months because the applicant did not have a dumpster.

Mr. Lasprugato responded that the trash disposal is successful. They put the trash out in cans and the Township picks it up. Chairman Francescone explained that as a business they are required to provide private trash pickup, the Township is not supposed to pick up their trash. Mr. Lasprugato agreed to provide private trash pickup as a condition of this approval.

Mr. Simon asked why we should grant any further relief when there has not been compliance with the previously granted relief.

Mr. Nogowski responded that there was confusion about the conditions.

Mr. Lasprugato testified that this is a learning process and this is their first time going through the process.

**Chairman Francescone** clarified that the applicants must follow through with all conditions of approval.

**James Geiberson Jr., Lumberton NJ** was sworn in. Mr. Geiberson testified that he owns a junkyard at the end of Sherwood Avenue. Mr. Geiberson testified that parking has improved since the Gym has moved in. People park on the street despite caution tape to prevent parking on the street. If there was a sign on the street people may not park on the street.

Chairman Francescone suggested someone speak to the Police Department about getting signage on Beaver Avenue that says "local resident parking only" along Beaver Avenue.

Chairman Francescone closed the public portion of the meeting.

Mr. Crook, Board Solicitor reviewed the conditions of approval as follows:

1. Stone parking lot is subject to review and approval by the professionals
2. Applicant needs to submit a plan showing the approved changes
3. Permit removal of landscaping in the stone parking area only to be removed, all other landscaping will remain as approved
4. Trash removal will be through a commercial trash removal company in accordance with township code
5. The single use of Warrior Gyms LL is the only use approved. Any additional or change of use will come back to the Board for approval

Mr. Crook, Board Solicitor, clarified for the record:

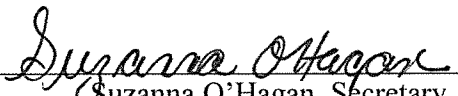
1. The applicant needs to submit the performance guarantee and inspection escrow before they can move forward with the construction permits
2. The applicant should make sure that all work to be done or that has been done is included in the pending building permit currently under review in the Construction Department
3. Once the building permits are issued the applicant may move forward with the permitted work
4. When work is complete the applicant should call for inspections
5. When final inspections have passed the applicant may then apply for a Certificate of Occupancy
6. When the Construction Official issue the Certificate of Occupancy the applicant may occupy the building and proceed with business.

Chairman Francescone asked for a motion to approve the Amended Site Plan ZB#11-D-24B with conditions stated. Vice Chairman List moved the motion, Ms. Jones seconded. Roll Call vote, Vice Chair List, agree; Ms. Jones, agree; Ms. Liciaga, agree; Mr. Killen, agree; Mr. Green, agree Mr. Bailey, agree; Chairman Francescone, agree. Motion Carried, approved.

**Adjournment:**

Chairman Francescone asks for a motion to adjourn at 8:48 p.m., Vice Chairman List moved the motion, all present voted affirmatively and the motion was carried.

Adopted on: October 3, 2018

  
Suzanna O'Hagan, Secretary  
Zoning Board of Adjustment