

Mount Laurel Township Zoning Board of Adjustment  
Regular Meeting Minutes  
June 5, 2019

**Opening**

The Sixth Regular Meeting of the Mount Laurel Zoning Board of Adjustment June 5, 2019, was called to order by Vice Chairman Bailey at 7:00 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**

Vice Chairman Bailey, Mr. Francescone (arrived at 7:10), Mr. Green (arrived at 7:40), Mr. Kiernan, Mr. Killen, Mr. Kramer, Mrs. Liciaga and Mrs. Jones.

**Absent**

Chairman List

**Board Professionals in Attendance**

Joseph Petrongolo, Board Planner and Evan Crook, Board Solicitor

**Announcements and Review of Board Procedures**

The application of Atif Ahmad was carried to the August 7, 2019, Zoning Board meeting.

**Adopting the Minutes**

Chairman List asked for a motion to adopt the fifth regular meeting minutes of 5/01/2019, Mr. Killen moved the motion Mr. Kramer second, all present voted affirmatively, except Mrs. Liciaga who abstained, and the motion was carried

**Memorialized Resolutions**

1. **R-2019-ZB16** – Rina Desai, ZB#19-C-09, 114 Starboard Way, Block 100.04 Lot 10. Vice Chairman Bailey asked for a motion to approve the resolution, Mr. Killen moved the motion, Mr. Kramer second all present voted affirmatively except Mrs. Liciaga who abstained and the motion was carried.
2. **R-2019-ZB17** – Tony Morse, ZB#19-C-13, 418 Pimlico Way, Block 805.01 Lot 42. Vice Chairman Bailey asked for a motion to approve the resolution, Mr. Killen moved the motion, Mrs. Jones second, all present voted affirmatively except Mrs. Liciaga who abstained, and the motion was carried.

**Petitions before the board**

1. **MICHAEL GUILIANO, ZB#19-C-10**, 420 Pimlico Way, Block 805.1 Lot 41, R-3 zone. These bulk variances are being sought from the Mount Laurel Zoning Ordinance sections:
  - 1.) 154-19.2 to allow the applicant to construct a shed with cabana totaling 400 square feet where 120 square feet is allowed
  - 2.) 154-65 to allow a shed height of fifteen feet where twelve feet is allowed and
  - 3.) 154-64.2 to allow a paver patio 927 square feet outside the building envelope where 250 square feet is allowed.

Mr. and Mrs. Guiliano were sworn in and presented the application.

**Mr. and Mrs. Guiliano's Testimony:**

The proposed patio will be constructed with dry-laid 24 X 24 pavers allowing some permeability. Currently, the yard is unsafe for the homeowner's family as the approved pool was recently installed. Time is of the essence for the installation of the patio due to the current unsafe condition of the yard. Seven new arborvitaes were installed and river rock will be added as part of the proposed project to aid in drainage. The applicants agreed to submit a grade plan the Board Secretary for approval by Jay Petrongolo as a condition of approval.

**The board** questioned the reason for the fifteen-foot height and requested more information regarding the design of the shed with cabana.

Mr. and Mrs. Guiliano agreed to adjourn the height variance request in order to obtain the requested information and return to the Zoning Board on August 7, 2019, if they wish to pursue the height variance.

Mr. and Mrs. Guiliano agreed to waive the time constraints for Zoning Board action.

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

**Mr. Crook** summarized the first motion as being a motion to approve a variance from section 154-19.2 to allow a shed a total of 400 square feet where 120 square feet is allowed and from section 154-64.2 to allow a paver patio 927 square feet outside the building envelope where 250 square feet is allowed. This approval is conditioned upon submission and approval of a grade plan including the depth and location of proposed river rock by the board planner.

**Vice Chairman Bailey** asked for a motion to approve the above portion of ZB#19-C-10 with stated conditions. Mr. Kiernan moved the motion, Mr. Killen second. Roll Call Vote: Mr. Kiernan, agree; Mr. Killen, agree; Mr. Kramer, agree; Mrs. Liciaga, agree; Mr. Francescone, agree; Vice Chairman Bailey, agree. Motion carried, approved.

**Mr. Crook** summarized the second motion as being a motion to continue the variance request from section 154-65, to allow shed height of 15' where 12' is allowed, to the August 7, 2019, Zoning Board hearing.

**Vice Chairman Bailey** asked for a motion to continue this portion of ZB#19-C-10. Mr. Killen moved the motion, Ms. Liciaga second. Roll call vote: Mr. Killen, agree; Mrs. Liciaga, agree; Mr. Kramer, agree; Mr. Kiernan, agree; Mr. Francescone, agree; Vice Chairman Bailey, agree. Motion carried, approved.

2. **DOUGLAS MILLER, ZB#19-C-15**, 12 Millstream Drive, Block 604.04 Lot 6, R-3 zone. This bulk variance is being sought from section 154-144 of the Mount Laurel Township Zoning Ordinance to allow the applicant to install a 6' fence 19' side property line adjacent to a street where 30' feet is required.

Mr. and Mrs. Miller were sworn in and presented their application.

**Mr. and Mrs. Millers Testimony:**

The placement of the proposed fence will encompass the existing landscaping including the mature tree line and the mechanicals for the lawn irrigation system.

**Vice Chairman Bailey** opened the meeting to the public for questions or comments.

Mr. Robert John, 2 Hopemont Drive was sworn in.

**Mr. John's Testimony:**

Mr. John is a neighbor to the applicant. His side property line runs along the rear property line of 12 Millstream Drive. Mr. John expressed his objection to the placement of the fence, stating that it will obstruct his view from his side yard.

Mr. John worked with the Board, the Board Planner and Mr. and Mrs. Miller to reach a compromise.

Mr. John and the applicant agreed to revise the placement of the fence. The agreed upon placement would result in an angling of the fence beginning at the southern corner of Block 604.04 Lot 6, at a point on the rear property line 35' from Hopemont Drive, the fence will taper to meet a point 19' in from Hopemont Drive and 35' from the rear property line. The fence will then continue along the side yard adjacent to Hopemont Drive for a distance of 95'.

**Exhibit A1** was created by Mr. Petrongolo to illustrate the new placement of the fence and all parties agreed on record.

**Vice Chairman Bailey**, seeing no one else from the public with questions or comments on this application, closed the public portion.

**Mr. Crook** summarized the motion to approve ZB#19-C-15 with the agreed upon adjusted setback of the fence line.

**Vice Chairman Bailey** asked for a motion to approve ZB#19-C-15 as stated.

Mr. Green moved the motion, Mr. Killen, second. Roll call vote: Mr. Green, agree; Mr. Killen, agree; Mr. Kramer, agree; Mrs. Liciaga, agree; Mr. Kiernan, agree; Mr. Francescone, agree, Vice Chairman Bailey, agree. Motion carried, approved.

**3. Jennifer and James Matta, ZB#19-C-19**, 26 Stanwyck Rd., Block 700.10 Lot 3, R-3 zone. This bulk variance is being sought from section 154-64 of the Mount Laurel Township Zoning Ordinance to allow the applicant to install a patio surrounding an in ground pool with a total of 600 square feet outside the building envelope where 250 square feet is allowed.

Mr. and Mrs. Matta were sworn in and presented their application.

**Mr. Matta's Testimony:**

The patio is being installed in the elevated portion of the yard.

**Mrs. Matta's Testimony:**

There is an underdrain under the river rock on the right side of the property. There will be several feet of river rock and eighteen (18) Arborvitaes installed along the rear of the property.

**Jay Petrongolo** believes the drainage is not changing, there is a swale to the rear of the property that will not change.

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

**Mr. Crook** summarized the motion to approve ZB#19-C-19, with the condition that the applicant will submit a plan showing the proposed river rock for approval by Jay Petrongolo.

**Vice Chairman Bailey** asked for a motion to approve ZB#19-C-15 with the stated condition. Mr. Killen moved the motion, Mr. Green second. Roll call vote: Mr. Killen, agree; Mr. Green, agree; Mr. Kramer, agree; Mrs. Liciaga, agree; Mr. Kiernan, agree; Mr. Francescone, agree; Vice Chairman Bailey, agree. Motion carried, approved.

**4. Thomas Lizzio, ZB#19-C-16**, 29 Stanwyck Road, Block 700.09 Lot 8 R-3 zone. This bulk variance is being sought from section 154-65 of the Mount Laurel Township Zoning Ordinance to allow the applicant to construct a pool house 19' 8" high where 12' is allowed.

Mr. Lizzio was sworn in and presented his application.

**Mr. Lizzio's Testimony:**

The proposed pool house is designed with a height of 19' 8" to match the aesthetics of the home and will allow the family to better utilize and enjoy the yard. The rear yard is surrounded on three sides by 40' evergreen trees. No trees will be removed and they will block the view of the pool house.

**The board** suggests maintenance of the tree line a condition of approval and Mr. Lizzio agreed.

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

**Mr. Crook** summarized the motion to approve ZB#19-C-16, with the condition that the existing trees will be maintained. In the case of disease or destruction, the trees will be replaced with evergreen trees of similar type and size.

**Vice Chairman Bailey** asked for a motion to approve ZB#19-C-16 with the stated condition.

Mr. Killen moved the motion, Mr. Francescone second. Roll call vote: Mr. Killen, agree; Mr.

Francescone, agree; Mr. Kramer, agree; Mrs. Liciaga, agree; Mr. Kiernan, agree; Mr. Green, agree; Vice Chairman Bailey, agree. Motion Carried approved.

Vice Chairman Bailey called for a five minute recess at 8:30, the hearing resumed at 8:35.

**5. Reed Sign Company LLC, ZB#19-C-11**, 5000 Dearborn Circle, Block 512 Lot 1.02 I- zone. This bulk variance is being sought from section 154-92.7 of the Mount Laurel Township Zoning Ordinance to allow the applicant to install a 45.5 square foot internally illuminated façade sign where no façade signs are allowed in an Industrial zone.

**Mr. Keith Davis Esq.**, Nehmad Perillo Davis & Goldstein, PC represented the applicant and presented the application.

**James T Kyle, PP/ACP, David Ott**, partner with Reed Sign Company, **Dan Rinck**, Director of Operations with OKI Data Americas, Inc. and **Ms. Elizabeth McManus, P.P, A.I.C.P.** professional planner for the applicant, were sworn in.

**Exhibits:** A-1, façade sign graphic dated 07/26/18; A-2, aerial field of vision graphic dated 7/26/18; A-3 aerial photo of the property dated 6/4/2019.

**Mr. Davis's Testimony:**

Mr. Davis represents the sign company contracted to install signage for OKI Data. The signage for OKI Data is currently limited.

**Mr. Rinck's Testimony:**

Local and International clients have difficulty finding the building. OKI Data has been at this site since June 2018 their previous Mt. Laurel location had façade signage.

**Ms. McManus's Testimony:**

OKI Data is an international company hosting visitors for product demo and development. The building sits at a lower elevation than Route 38 making visibility difficult because the building is essentially eye level when viewed from Route 38. The site has no lights. This sign would give visitors advance notice to prepare to make the turn into the facility improving traffic flow and safety.

This proposed sign fits well in size and scale on the building, is in character for the area and creates visual interest while promoting the Mt. Laurel Township policies of Economic Development and the Master Plan.

The sign will promote Mount Laurel ordinance 154-82.B, C, E, F, G, H, I, M, N, P, Q, S and T.

This building does not face any residential area and has a tree buffer from the New Jersey Turn Pike.

Ms. McManus introduced Exhibits A-1, A-2, and A-3.

**Jay Petrongolo** agrees there is no significant negative impact of zone plane and has no objections noting this is a unique building situation.

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

**Mr. Crook** summarized the motion to approve ZB#19-C-11.

**Vice Chairman Bailey** asked for a motion to approve ZB#19-C-11. Mr. Kramer moved the motion, Mr. Green second. Roll call vote: Mr. Kramer, agree; Mr. Green, agree; Mrs. Liciaga, agree; Mr. Kiernan, agree; Mr. Killen, agree; Mr. Francescone, agree; Vice Chairman Bailey, agree. Motion carried, approved.

6. **Paul DiFiore, ZB#19-C-06**, 3223 Route 38, Block 301.03 Lot 1, B zone. This Bulk variance is being sought from section 154-92.6 of the Mount Laurel Township Zoning Ordinance to allow the following:
- 1.) A multi-tenant monument sign with (7) seven tenant panels where multi-tenant signs are not allowed
  - 2.) For said sign to be 68.5 square feet in total size where 36 square feet is allowed and
  - 3.) Sign width of (8) eight feet where (6) six feet is allowed

This applicant has previous approval for a 54" x 42" (4) tenant panel sign.

Mr. Petrongolo stated that he just found out that he has a family connection to the applicant's solicitor's firm. He believes he will be fair and impartial and the connection will not influence any of his opinions.

**Mr. Crook** explained that there is no reason Mr. Petrongolo would have to recuse himself.

**Melanie Levan Esq.** Dash Farrow represented the applicant and presented the application.

**Donna Carmody**, Office Manager of Optique Boutique and **Jim Brett**, representative for Forman Signs were sworn in.

**Exhibits:** A-1, B&W Photo of Allstate Building; A-2, B&W photo of Optique Boutique monument sign from Chestnut Street; A-3, B&W photo from far side of Route 38; A-4, Photo of Bank of America monument sign; A-5, Photo of Abruzzi monument sign; A-6, Photo of Larchmont Law monument sign.

**Ms. Carmody's Testimony:**

Ms. Carmody has been Office Manager at this site for (30) thirty years. The main door of the office in the rear of the building off of Chestnut Street. Visitors and patients of Deborah Heart and Lung have a difficult time finding the facility and often enter Optique Boutique in error. A lack of signage is the main complaint from potential tenants.

**Jay Petrongolo** reviewed his letter dated 3/21/2019. Mr. Petrongolo has concerns with overall size and suggests reducing the height by ½ foot and reducing the width of the sign by 2 feet resulting in a height of 8 feet and a width of 6 resulting in a 48 square foot sign.

The applicant agreed to reduce the overall size of the sign to 48 square feet and will submit a sign plan to Mr. Petrongolo for approval.

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

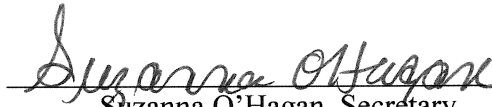
**Mr. Crook** summarized the motion to approve ZB#19-C-06 with the amended sign size of 48 square feet and (7) tenant panels. As a condition of this approval, the applicant will submit a sign program to Mr. Petrongolo for approval.

**Vice Chairman Bailey** asked for a motion to approve ZB#19-C-06 with the above amendment and condition. Mr. Killen moved the motion, Mr. Green second. Roll call vote: Mr. Killen, agree; Mr. Green, agree; Mr. Kramer, agree; Mrs. Liciaga, agree; Mr. Kiernan, agree; Mr. Francescone, agree; Vice Chairman Bailey, agree. Motion carried, approved.

**Adjournment:**

Chairman List asks for a motion to adjourn at 9:31 p.m., Mr. Killen moved the motion, all present voted affirmatively and the motion was carried.

Adopted on: August 7, 2019

  
Suzanna O'Hagan, Secretary  
Zoning Board of Adjustment