

Mount Laurel Township Zoning Board of Adjustment
Regular Meeting Minutes
April 3, 2019

Opening

The Fourth Regular Meeting of the Mount Laurel Zoning Board of Adjustment April 3, 2019 was called to order by Chairman List 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

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

Board Professionals in Attendance

Joseph Petrongolo, Board Planner; William Long, Board Engineer; Mike Angelastro, Board Traffic Engineer; Brian McVey, Fire Marshal and Evan Crook, Board Solicitor

Announcements and Review of Board Procedures

Adopting the Minutes

1. Chairman List asked for a motion to adopt the third regular meeting minutes of 3/06/2019, Ms. Liciaga moved the motion Mr. Killen second, all present voted affirmatively except Mr. Francescone and Mr. Green who abstained and the motion was carried

Appointment of Board Solicitor

Chairman List asked for a motion to appoint Evan Crook, Malamut Law as Zoning Board Solicitor with a term to expire on December 31, 2019. Vice Chairman Bailey moved the motion, Mr. Killen second. Roll Call Vote: Mr. Bailey, agree; Mr. Killen, agree; Ms. Liciaga, agree; Mr. Kramer, agree; Mr. Green, agree; Mr. Francescone, agree; Chairman List, agree. Motion Carried approved.

Memorialized Resolutions

1. **R-2019-ZB11** – Barbara and Michael Herbs, ZB#19-C-03, 22 Hillside Ln., B- 601.12 L- 20. Chairman List asked for a motion to approve the resolution, Vice Chair Mr. Bailey moved the motion, Mr. Killen second, all present voted affirmatively except Mr. Francescone and Mr. Green who abstained and the motion was carried.
2. **R-2019-ZB12** – Regan Goolcharan, ZB#19-C-04, 1 Stratford Ln, B- 202.01 L- 92. Chairman List asked for a motion to approve the resolution, Vice Chair Mr. Bailey moved the motion, Ms. Liciaga second, all present voted affirmatively except Mr. Francescone and Mr. Green who abstained and the motion was carried.

Petitions before the board

1. **PETER AND DONNA YOUNG, ZB#19-C-07**, 290 Cemetery Road, Block 702 Lot 2.01, 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 install a garage 21'-8" in height where 12' is allowed. The secretary read the application, Mr. Young was sworn in and presented his application. **Mr. Young**, introduced Exhibit A, a survey of his property, Exhibit B, a rendering of the proposed garage and Exhibit C, a rendering of two (2) code compliant garages.

Mr. Young's Testimony

The garage will be used for personal use only to store and work on antique cars. The height is necessary to allow for ventilation when the cars are being worked on. If the proposed garage is not approved Mr.

Young will install two code compliant garages on his approximately 142,000 square foot property with the intent of matching his home.

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

Abhijit Mukherjee, 2 Millbank Ct., was sworn in.

Mr. Mukherjee's Testimony

Mr. Mukherjee shares a rear property line with the applicant and the proposed garage would be along that property line. Mr. Mukherjee objects to the approval of this application sighting concerns regarding the potential use of the garage, the storage of construction equipment and noise as well as security and believes the garage would impact his quality of life. His preference would be for the applicant to move the garage to another part of his property.

Mr. Young responded that he has a construction business less than one mile from his property and does not store construction equipment on his property. Moving the proposed garage to the other side of the property would add approximately \$80,000 to the project and add impervious coverage. Additionally, there is a septic field preventing the garage from moving further into the yard. The current location allows access to the garage via the existing driveway.

Mr. Mukherjee then requested further explanation of the proposed location.

Mr. Young, using the survey, explained the location.

Mr. Francescone suggested planting arborvitaes to screen the garage to which **Mr. Young** had no objection.

Chairman List asked for any other questions or comments from the public. Seeing none, closed the public portion.

Mr. Crook summarized the motion to approve application ZB#19-C-07 for a variance from township ordinance 154-65 to allow the garage to be 21' 8" in height and to allow the garage to be 6' from the property line with the condition that the applicant would install arborvitaes to screen the view of the garage.

Chairman List asked for a motion to approve application ZB#19-C-07. **Mr. Green** moved the motion, there was no second.

Mr. Crook then summarized a motion to deny ZB#19-C-07.

Chairman List asked for a motion to deny application ZB#19-C-07. **Mr. Killen** moved the motion, **Mr. Francescone** second. Roll call vote: **Mr. Killen** agreed stating the proposed height is not necessary; **Mr. Francescone** agreed stating the applicant did not meet the necessary proofs; **Ms. Liciaga** agreed stating the height is too high; **Mr. Kiernan** agreed stating the applicant did not meet the necessary proofs; **Mr. Green** disagreed with the denial stating the applicant attempted to mitigate the impact; **Vice Chairman Bailey** agreed stating the structure is too high and no viable way to buffer it; **Chairman List** agreed stating the structure is too close to the property line. Motion carried, Denied

2. **FIRST BAPTIST CHURCH, ZB#19-C-05**, 1033 Union Mill Road, Block 1003 Lot 7.02, R-1D zone. This Bulk variance is being sought from section 154-63 of the Mount Laurel Township Zoning Ordinance to allow the applicant to utilize a 35 foot easement as frontage for this property with 0' frontage where 50' is required. **Chairman List** and **Ms. Liciaga** recused themselves from this application due to personal conflicts. The secretary read the application, **Pastor Elias Carrero** was sworn in and presented the application.

Edward Vidal Esq. represented the applicant.

Pastor Elias Carrero's Testimony

The landlocked property borders Laurel Acres Park and has a 35' wide access easement with no frontage. The church has no plans to build but has been trying to sell the land without success. **Pastor Elias** believes buyers need assurance that they would be able to use the property despite the zero frontage.

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

Mr. Vidal reiterated that the property is not useable without the requested variance.

Mr. Crook summarized the motion to approve application ZB#19-C-05.

Vice Chairman Bailey asked for a motion to approve ZB#19-C-05, Mr. Green moved the motion, Mr. Killen second. Roll call vote: Mr. Green, agree; Mr. Killen, agree; Ms. Jones, agree; Mr. Kramer, disagreed stating once the variance is in place there is no way to control what is build there; Mr. Kiernan, agree; Mr. Francescone, agree; Vice Chairman Bailey, agree. Motion carried, Approved.

3. **1190 SOUTH CHURCH LLC, ZB18-D-16A**, 1190 S. Church Street, Block 1103 Lot 8.01, R-1 zone. The applicant is seeking Major Pre and Final Site Plan approval for a new leasing office / fitness center, renovation of existing pool and renovation of the patio area, including construction of additional patios and to installation of playground equipment, barbecue equipment and other recreational facilities. These amenities will be solely for the tenants of the apartment complex. A use variance for this project was approve with resolution R-2018-ZB19.

Mark Madera, Project Manager, Eagle Rock Advisors LLC.; **Michael J. Citerone**, PE, Professional Engineer, Taylor Wiseman and Taylor; **Andrew Feranda**, PE, PTOE, CME, Traffic Engineer, Shropshire Associates LLC. and **Cecilia Schmidt**, PLA, Professional Landscape Architect, Taylor Wiseman and Taylor were sworn in.

Exhibits: A1, Rendered Site Plan; A2, Rear Elevation; A3 Front elevation.

William Hyland, Hyland Levin represented the applicant and summarized the application.

Mr. Madera's Testimony

The proposed site plan calls to demolish the existing daycare building and renovate the existing CMU block building to provide amenities for the Ramblewood Apartment residents only. A maximum of 5 employees would be onsite for the leasing office at any time with no employees for the gym. Outside will be the renovated pool and barbeque area. Deliveries will be minimal office supply type deliveries by UPS. The lots are under separate financing and owned by different entities therefore will not be consolidated.

Mr. Hyland Testified the applicant will submit a cross easement agreement for pedestrian and vehicular traffic.

Mr. Madera Continued There will not be construction trailers onsite.

Mr. Citerone's Testimony

Access to the site from Church Street and existing easements will remain as will driveways from Academy Drive and Country Club Parkway with a new entrance from the existing apartment's parking lot. The applicant will make adjustments to the Site Plan in response to the professionals review letters.

Ms. Schmidt's Testimony

Ms. Schmidt described the landscape plan including the landscape buffer and Tot Lot as depicted in Exhibit A1. The applicant will work with Mr. Petrongolo to address the comments in his review letter.

Mr. Feranda's Testimony

The access to Church Road will remain as configured, access to the shared driveway will be reconfigured for access to the amenities. Demolition of the existing 6,000 sq. ft. daycare and newly constructed building will result in a reduction of building size of approximately 1,200 sq. ft. The proposed project will be a less intense use than the daycare center resulting in a reduction of trips by 40 trips in the am and 35 trips in the pm. Mr. Feranda expects more walking traffic from the apartments resulting in a lesser need for parking although the parking requirement is met.

Jay Petrongolo reviewed his report dated 3-19-2019. Applicant has agreed to comply with his recommendations including a cross access easement. The existing block building has a pre-existing non-conforming setback and will not change, therefore a variance is not required. Mr. Petrongolo has no objection to a waiver for light fixtures within 5' from the property line and no objection to a variance from section 154-144 for the barrier on top of a retaining wall in the front yard as the barrier is there for safety reasons. Mr. Petrongolo confirmed that the signage will comply with the ordinance.

Bill Long reviewed his report dated 3-25-2019. He and the applicants engineer have met a number of times and has agreed to comply with his recommendations. Mr. Long confirms that a trash enclosure will be part of the cross easement access agreement. The applicant is losing a parking space will there be a space added elsewhere?

Mr. Madera responded that the parking meets the ordinance and he will submit those calculations to the board secretary.

Mr. Long continues, he has been working with Mr. Citerone's office to address Phase 1 environmental concerns.

Mike Angelastro reviewed his report dated 3-22-2019 and agrees with Mr. Feranda that the site, as proposed, will be less intense resulting in less trips to the site. The applicant is proposing 39 parking spaces where 35 are required. Mr. Angelastro is in support of a variance for 154-69.D requiring a short term parking stall. The applicants engineer has agreed to satisfy comment number 6 of his letter.

Brian McVey reviewed his report dated 3-21-2019. The applicant has satisfied most of his concerns. Mr. McVey requested the applicant install a Knox Box on each building and established a policy on how to properly use the and fire pit.

Mr. Madero testified they have no objection to Knox Boxes.

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

Board Solicitor Evan Crook summarized the motion to approve application ZB#18-D-16A with the following variances, waivers and conditions:

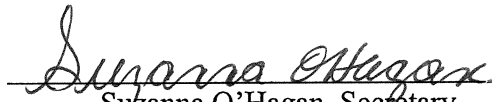
1. Variance from township ordinance 154-144 to allow a barrier in the front yard
2. Variance from township ordinance 154-69.D to eliminate a short term parking stall
3. Waiver to allow less than a 5' setback for lighting
4. Applicant will submit cross easement agreements for parking lot and trash enclosure
5. Applicant will install a Knox Box on each building

Chairman List asked for a motion to approve application ZB#18-D-16A, Mr. Killen moved the motion, Vice Chair Bailey second. Roll call vote: Mr. Killen, agree; Vice Chair Bailey, agree; Ms. Liciaga, agree; Mr. Kiernan, agree; Mr. Green, agree; Mr. Francescone, agree; Chairman List, agree. Motion carried approved.

Adjournment:

Chairman List asks for a motion to adjourn at 8:39 p.m., Mr. Francescone moved the motion, all present voted affirmatively and the motion was carried.

Adopted on: May 1, 2019


Suzanna O'Hagan, Secretary
Zoning Board of Adjustment