

**Mount Laurel Township Zoning Board of Adjustment
Regular Meeting Minutes
November 4, 2020**

Opening

The Ninth Regular Meeting of the Mount Laurel Zoning Board of Adjustment November 4, 2020 was called to order by Chairman Bailey at 7:00 p.m. This meeting was held via Zoom
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 Bailey, Vice Chairman Kiernan, Mr. Francescone, Mr. Green, Mr. Killen, Mrs. Liciaga, Mr. List, Mr. Kramer.

Absent

Mrs. Jones

Board Professionals in Attendance

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

Announcements and Review of Board Procedures

Adopting the Minutes

Chairman Bailey asked for a motion to adopt the eighth regular meeting minutes of 10/07/2020, Mr. Killen moved the motion Mr. List seconded, all present voted affirmatively except Vice Chairman Kiernan who abstained and the motion was carried

Memorialized Resolutions

R-2020-ZB14 – Mr. Killen made a motion to approve Resolution R-2020-ZB14, Mrs. Liciaga seconded, all present voted affirmatively except Vice Chairman Kiernan who abstained, the motion was carried.

R-2020-ZB15 - Mr. Killen made a motion to approve Resolution R-2020-ZB15, Mr. Francescone seconded, all present voted affirmatively except Vice Chairman Kiernan who abstained, the motion was carried.

Swearing in of the Board Professionals

Petitions before the Board

1. **Dr. Asad Sadiq**, ZB#20-D-10, 3869 Church Rd, Block 1301.04 Lot 1, NC zone. The applicant seeks Preliminary Site Plan approval to construct a 4,050 sf office / medical office building. A (d)1 use variance is sought from section 154-37 of the Mount Laurel Township Ordinance to allow the medical use and various bulk variances for parking, buffer requirements, setbacks, accessory structures and fence placement.

Robert Mintz, Esq., Freeman and Mintz represented the applicant.

Exhibits:

A-1, 9 page Site Plan; A-2 Aerial Photo; A-3 Elevation

Witnesses previously sworn in:

Michael Weisberg, Real Estate Agent; Brian Peterman, Peterman Maxy Associated Engineer; Tiffany Morrissey, Planner, PP; Andre Feranda, Shropshire Associates and David Keefrider, Applicant.

Chairman Bailey re-opened the public portion continued from the October 7, 2020 Zoning Board Hearing

Anthony Garistina, 377 East Landing Street Lumberton NJ was sworn in. Mr. Garistina testified that his father and siblings own lots 4 and 24 which are adjacent to the proposed project lot. He opposes the proposed project and believes there is a detrimental effect on the surrounding properties and disagrees with the proposed reduction of the buffer. Mr. Garistina stated that the patio in the yard on lot 4 is used everyday and will look out onto the proposed trash enclosure.

Mr. Garistina had questions regarding the proposed storm water management system, proposed lighting, proposed fire lane, trash enclosure with respect to health and safety, traffic and potential tenants.

Mr. Mintz Esq. pointed out that the Garistina's do not have a buffer between their commercial lot 9 and residential lot 24.

Brian Peterman responded to Mr. Garistina's questions with exhibit A4 with the exception of the question regarding traffic.

Andrew Feranda responded to Mr. Garistina's question regarding traffic.

Richard Dickenson, 8 Oregon Avenue was sworn. Mr. Dickenson testified that he owns lot 12 North West of the proposed project lot. He stated concerns of pests from the trash and questioned parking lot lighting stating that the lights from Lifetime fitness are shielded but still shine brightly in his home. Mr. Dickenson believes this project is not suited for this lot. Additionally, Mr. Dickenson believes this would add more traffic and if the building becomes all doctor's offices the use would be more intense.

Andrew Feranda responded that there is no traffic impact on Oregon Avenue. The traffic report shows there will be only through movements adding approximately 20 trips to the current 1,000 trips during peak hours.

Brian Peterman responded that medical waste goes to a separate private hauler and is not put in the dumpster. A high volume of trash is not anticipated.

Charles Simon, 5 Beaver Avenue is sworn in. Mr. Simon agrees with Mr. Garistina and shares his concerns. He believes this project will negatively affect the surrounding properties.

Peter Abdallah, 3832 Church Road was sworn in. Mr. Abdallah has concerns about traffic and asked if a traffic light could be installed.

Mr. Angelastro replied that a traffic light is not warranted.

Chairman Bailey closed the public portion at 8:28pm

Tiffany Morrissey, Planner for the applicant, testified to the required variances. She testified that strict adherence to the ordinance would create an undue hardship on the applicant and that the proposed use is less impactful than the allowed retail use. Ms. Morrissey stated that the applicant offered to purchase land from the Garistina's but they could not reach an agreement.

Jay Petrongolo, clarified that a 55 foot buffer is required where a 9.7 foot buffer is being proposed.

Mr. Crook Esq. summarized the variances and conditions for the motion to approve application ZB20-D-10 as the following:

Site Plan approval, Preliminary and Final

Variances 1.) D1 Use Variance to allow medical offices in a Neighborhood Commercial zone 2.) Bulk variance to allow a rear yard setback of 20 feet where 30 feet is required 3.) Bulk variance to allow a 10 foot buffer where 80 feet is required 4.) Bulk variance to allow no short term truck parking spot where one is required 5.) to allow a 9.7 foot side yard buffer where 55 feet is required 6.) Bulk variance to allow two tenant panels on a sign.

Conditions: 1) Applicant will provide an easement for a sidewalk.

Waivers as stated in Bill Longs Engineering review letter dated June 16, 2020.`

Chairman Bailey called for a motion to approve application ZB20-D-10. No motion was made.

Chairman Bailey called for a motion to deny application ZB20-D-10. Mr. Killen Moved the motion, Mr. Green seconded. Roll call vote; Mr. Killen agreed to deny stating the use was too intense for the site and the lack of

setback, Mr. Green agreed to deny stating the site is not suited for the proposed use and the lack of buffers, Mr. Kramer agreed to deny stating the proposed use is not a good fit and requires too many variances, Mr. List agreed to deny stating that too many variances are required, Mrs. Liciaga agreed to deny stating too many variances and hardship on current residents, Mr. Francescone agreed to deny stating the use is too intense and Chairman Bailey agreed to deny stating too many variances and lack of buffer. The application is denied.

2. **Whitesell Construction Co.**, ZB#20-C-13, 3000 Midlantic Drive, Block 513 Lot 2, MCD zone. The applicant seeks Site Plan approval and bulk variances from section 154-92.7A(2)(f) of the Mount Laurel Township Zoning Ordinance to allow a façade sign with a 36” logo where a 30” logo is allowed.

Lynn Blessing McDougall Esq. represented the applicant.

Witnesses Sworn In:

Terrence Huettl, PE, Vice President of Whitesell Construction and Licensed Engineer

Exhibits Entered

A-1, page C100 of Site Plan; A-2, Elevation with proposed sign; A-3, Rendering of view from Midlantic Drive

Mr. Huettl’s Testimony

Mr. Huettl presented exhibits A-1, A-2 and A-3 demonstrating that the proposed sign is not illuminated and is not visible from Martyr Avenue or Route 38, it is visible only from the Midlantic Drive Parking entrance. Further Mr. Huettl testified that there are no other façade signs on the building there is one monument sign as shown in A-3. The letters on the sign are 25 inches tall and the logo is 36 inches tall.

Jay Petrongolo clarified that this is a master planned development which allows this sign, however there is no required master sign program, therefore the variances required are for relief of the requirement for a Master Sign Program and for the height of the logo to be 36 inches where 30 inches are allowed.

Mr. Huettl continued, He believes the proposed sign advances the purposes of the MLUL by advancing visibility of the building for visitors, has no detriment to the public good and the positives outweigh the detriments with no substantial impact on the public good.

Jay Petrongolo reviewed his report dated September 29, 2020. The applicant has addressed all outstanding The variances required are from Ordinance numbers 154-92.7.A(1) for relief from the requirement of a Mater Sign Program and 154-92.7.A(2)f to allow the logo height to be 36 inches where 30 inches are allowed.

Chairman Bailey opened the public portion for questions or comments from the public, seeing none, closed the public portion.

Mr. Crook summarized the motion to approve ZB20-C-13 for variances from sections 154-92.7.A(1) and 154-92.7.A.(2)

Chairman Bailey asked for a motion to approve ZB20-C-13. Mr. List moved the motion, Mr. Green seconded. Roll Call Vote: Mr. List agreed; Mr. Green agreed, Mrs. Liciaga agreed, Mr. Killen agreed, Mr. Francescone agreed, Vice Chairman Kiernan agreed and Chairman Bailey agreed. Motion Carried, approved.

Adjournment:

Chairman Bailey asked for a motion to adjourn at 9:25pm, Mr. List moved the motion, all present voted affirmatively and the motion was carried.

Adopted on: December 2, 2020

Suzanna O’Hagan, Secretary
Zoning Board of Adjustment