

**Mount Laurel Township Zoning Board of Adjustment**  
**Regular Meeting Minutes**  
**December 7, 2022**

**Opening**

Chairman Gray called the Tenth Regular Meeting of the Mount Laurel Zoning Board of Adjustment to order at 7:00 pm.

Pledge of Allegiance and Moment of Silence were observed

Suzanna O'Hagan, Board Administrator, read the Open Public notice and took roll

**Board Members in Attendance**

Chairman Gray, Vice Chairman Sharp, Mrs. Andersen, Mr. Francescone, Mr. Holmes, Mrs. Liciaga, Mr. Kramer, Mr. Bhankharia

**Absent:** Mr. Blum

**Board Professionals in Attendance**

Mr. Petrongolo, Board Planner

**Announcements and Review of Board Procedures**

Applications ZB22-73-01, 1111 Rt. 73, has been postponed to the next Zoning Board Meeting

**Adopting the Minutes**

Chairman Gray asked for a motion to adopt the ninth regular meeting minutes of 11/2/2022, Mr. Francescone moved the motion Mrs. Liciaga seconded, all eligible members voted affirmatively and the motion was carried.

Chairman Gray, Mr. Bhankharia and Mrs. Andersen abstained

**Memorialized Resolutions**

1. **R-2022-ZB24**, Dennis Simms, ZB22-C-26, Mr. Sharp made a motion to approve R-2022-ZB24, Mr. Francescone seconded, all eligible members voted affirmatively and the motion was carried.

## **Petitions before the board**

1. Sarai Charernsook, ZB22-C-04, 702 Hunters Lane, Block 1101.04 Lot 16, R-1 zone. This bulk variance is being sought from ordinance 154-65.E to allow a second accessory building where one is allowed and from ordinance 154-65.E(3) to allow a shed to be 240 square feet where 120 square feet are allowed.

## **Exhibits Entered**

A-1, Survey of 702 Hunters Lane

Mr. and Mrs. Charernsook were sworn

### **Mr. and Mrs. Charernsook's Testimony**

Additional storage is required for lawn care and pool equipment as well as holiday decorations. Mrs. Charernsook stated that the latest survey submitted is accurate.

**Chairman Gray** noted that the survey with the proposed plan shows the proposed shed in an easement and it appears the applicants are asking for permission to build the shed on someone else's property.

Mrs. Charernsook stated that the current shed was there when they purchased the house in 2013 as was the neighbor's fence. She stated that they installed their fence in line with the neighbor's fence.

**Mr. Petrongolo** explained that everything between the applicant's property line and the curb is township property. The board cannot grant approval to build on township property. The proposed shed must be 6 feet from the property lines.

Mrs. Charernsook stated that the adjacent properties have a fence in the same spot and if she moved her fence it would be out of line.

**Mr. Petrongolo** explained that we can only consider the matter in front of us.

**Mr. Francescone** asked if the applicants can go to council for permission.

**Mr. Petrongolo** said they could.

**Mr. Petrongolo** stated that the fence is a non-conforming condition. The applicant requires a variance for the third accessory structure as well.

Mrs. Charernsook argued that the gazebo shown on the survey is not a permanent structure.

There was a discussion of the gazebo and it was determined that the structure is a permanent accessory structure and would require a variance.

**Vice Chairman Sharp** asked if the applicant enlarged the existing shed would they require a variance.

**Mr. Petrongolo** replied that they would need a variance for the location and it is a pre-existing non-conforming structure.

**Ms. O'Hagan** noted that the shed is unpermitted and not on the applicant's property and that the applicant has a permit for the fence to be installed on the property line.

**Mr. Petrongolo** stated that if the fence is unpermitted it is not a pre-existing non-conforming structure, it is an illegal structure.

**The board** explained to Mr. and Mrs. Charernsook that the Zoning Board does not have the jurisdiction to allow the shed in the right of way. If the applicants would like to ask for permission to put the shed in the right of way they would need to request a license agreement from the Township Council.

**Chairman Gray** asked the applicants if they would like to move forward or withdraw the application.

**Mr. Petrongolo** noted that the fence is a violation.

Chairman Gray opened the meeting to the public for questions or comments. He noted the comments in the record from the previous hearing. Seeing no one he closed the public portion.

**Chairman Gray and Mr. Petrongolo** noted the distances the proposed shed would need to be moved in order to comply with the ordinance reiterating that the distances are measured from the property line, not the fence line.

**Mr. and Mrs. Charernsook** agreed to move the proposed shed at least 6 feet from both the side and rear property line.

**Mr. Petrongolo** noted that the applicant still needs variances for 3 accessory structures and to allow the shed to be 240 square feet.

**Vice Chair Sharp** asked the applicant to explain their assertion that adding a second shed will not alter the character of the neighborhood given that the other neighbors only have one.

**Mr. and Mrs. Charernsook** stated that the shed will look nice.

**Mr. Petrongolo** explained the proofs necessary to grant a variance.

**Mrs. Charernsook** stated that she would like a fence to protect their yard from cars on South Church Street.

**Chairman Gray** reminded the applicant that their neighbor testified at the previous hearing that the shed will be in her view.

**Vice Chairman Sharp** asked Mr. Petrongolo if the applicants can put Arborvitaes along the rear fence.

**Mr. Petrongolo** replied that they cannot plant on Township property and the only thing that would fit in the 6 feet between the shed and property line would be Emerald Green Arborvitaes. He stated that the Arborvitaes could be a condition of approval.

**Vice Chair Sharp** asked the applicants if they are willing to remove the existing shed and or the gazebo.

**Mrs. Charernsook** replied that they will remove the gazebo.

Chairman Gray asked for a motion regarding two variance requests. One is a variance to allow a second accessory structure as the applicant has agreed to remove the gazebo and the second is the size of the proposed shed.

Mr. Francescone moved a motion to approve the application as amended with the conditions that the gazebo will be removed and the applicant will plant Emerald Green Arborvitaes 4 feet on center along the rear and side of the shed and the shed will be installed at least 6 feet from the rear and side property line. Mr. Kramer seconded the motion. Mr. Francescone agreed, Mr. Kramer agreed, Mr. Holmes agreed, Mrs. Liciaga agreed, Mrs. Andersen disagreed stating that the shed is for personal reasons, Vice Chair Sharp disagreed stating the applicant has not shown a benefit to the community, Chairman Gray disagreed stating that the applicant has not shown the negative criteria. The application is approved as amended.

Chairman Gray reiterated the conditions

- 1.) The gazebo will be removed
- 2.) Emerald Green Arborvitaes will be planted as stated
- 3.) All necessary permits will be obtained from the township

1. Jennifer Favorite, ZB22-C-27, 9 Telford Lane, Block 402.10 Lot 14, R-1D zone. This bulk variance is being sought from ordinance 154-144 to allow a fence 12' from the property line at the side yard adjacent to a street where 25' is required and from section 154-64 to allow a walkway 7' from the side yard property line where 10' is required.

Mr. and Mrs. Favorite were sworn in

**Mr. and Mrs. Favorite's testimony**

Mrs. Favorite stated that they are getting a pool and need space for the children to play within the fence and not near the street. The proposed fence will be placed where the existing fence is and then curved in the tree line so the neighbor's view is of the Arborvitaes and not the fence. The variance for the pathway is to provide a walkway from the garden to the existing deck removing a tripping hazard.

**Mr. Petrongolo** explained the ordinance and survey. He stated that the applicant is requesting the walkway so that when entering the yard through the gate, one would step on the walkway rather than half on the grass and half on the sidewalk which is a safety concern. He further noted that the fence is required to be 25 feet from the property line the applicant is asking for a 12 foot setback and the fence will be on the applicant's side of the Arborvitaes significantly

minimizing the impact of the fence. He noted that the driveway for 13 Telford Lane is on the opposite side of the property so there is no visual impact caused by the fence.

**Chairman Gray** asked if the installation of the fence will negatively impact the existing Arborvitaes.

**Mr. Petrongolo** responded that it will not.

The applicants agreed to replant the trees if they die.

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

Mr. Petrongolo stated the negative criteria and that he believes they meet the criteria.

The board chose to bifurcate the application.

Chairman Gray asked for a motion to approve ZB#22-C-27 variance from section 154-64 to allow the sidewalk to be 7 feet from the property line.

Mrs. Andersen moved the motion, Mr. Francescone seconded. All present voted affirmatively.

The variance is approved.

Chairman Gray asked for a motion to approve a variance from section 154-144 to approve a fence 12 feet from the property line.

Mr. Francescone moved the motion, Vice Chair Sharp seconded. Mr. Francescone agreed, Vice Chair Sharp agreed, Mr. Kramer agreed, Mrs. Liciaga agreed, Mr. Holmes agreed, Chairman Gray agreed, Mrs. Andersen disagreed stating no hardship had been shown. The variance is approved.

The Board discussed the 2023 hearing schedule and the Finding of Facts for 2022 both up for approval at the 2023 Reorganization meeting. Chairman Gray directed the board members to forward any recommendations for changes or updates of the Rules and Regulations to Mr. Campbell.

Mr. Campbell noted some of the concerns submitted to Council last year were acted on and some were not. He suggested submitting the same list and adding to it. He noted the board's desire to

reexamine the temporary use ordinance and possibly amend the time limit for the use and type of use for which a permit may be granted. Mr. Campbell and Mr. Petrongolo discussed with the board, the MLUL and that fact that the MLUL does not provide jurisdiction to grant such variances.

**Adjournment:**

Mr. Francescone made a motion to adjourn, Chairman Gray seconded, all present voted affirmatively and the motion was carried.

Adopted on: January 11, 2023

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Suzanna O'Hagan, Secretary  
Zoning Board of Adjustment