

Mount Laurel Township Zoning Board of Adjustment
Regular Meeting Minutes
May 4, 2022

Opening

Chairman Gray called the fourth Regular Meeting of the Mount Laurel Zoning Board of Adjustment May 4, 2022 to order at 7:00 p.m.

Pledge of Allegiance and Moment of Silence were observed

Suzanna O'Hagan, Board Secretary, read the Open Public notice

Roll call was taken

Board Members in Attendance

Chairman Gray, Vice Chairman Sharp, Mrs. Andersen, Mr. Francescone, Mr. Holmes, Mrs. Liciaga and Mr. Kramer. **Absent:** Mr. Blum and Mr. Bhankharia

Board Professionals in Attendance

Joseph Petrongolo, Planner; Michael Angelastro, Traffic Engineer; Ed Campbell, Board Solicitor; Brian McVey, Fire Marshall

Announcements and Review of Board Procedures

1. The application for KPG Meadowlands, ZB22-D-06 has been carried to the June 1, 2022 Zoning Board hearing.

Adopting the Minutes

Chairman Gray asked for a motion to adopt the second regular meeting minutes of 4/6/2022, Mr. Francescone moved the motion Mr. Sharp seconded, all eligible members voted affirmatively and the motion was carried.

Chairman Gray asked for a motion to adopt the special meeting minutes of 3/21/2022, Mrs. Andersen moved the motion Mr. Francescone seconded, all eligible members voted affirmatively and the motion was carried.

Memorialized Resolutions

1. **R-2022-ZB09** - Mr. Sharp made a motion to approve R-2022-ZB09, Mrs. Andersen seconded, all eligible voted affirmatively and the motion was carried.
2. **R-2022-ZB10** – Mr. Sharp made a motion to approve R-2022-ZB10, Mr. Holmes seconded, all eligible voted affirmatively and the motion was carried.
3. **R-2022-ZB11** - Mr. Sharp made a motion to approve R-2022-ZB11, Mrs. Andersen seconded, all eligible voted affirmatively and the motion was carried.
4. **R-2022-ZB12** – Mrs. Andersen made a motion to approve R-2022-ZB12, Mr. Holmes seconded, all eligible voted affirmatively and the motion was carried.

Professionals were sworn

All those who testified were sworn prior to testimony

Petitions before the board

- 1.) **Ramanuj Bangad**, ZB22-C-22, 23 Buoy Drive, Block 100.02 Lot 26, R-3 zone. This applicant is seeking a bulk variance from section 154-64.A(2) to allow 500 sf of patio outside of the building envelope where 250 square feet is allowed and to allow the patio to be 7.5' from the rear property line where 10' is required.

Exhibits Entered

A-1, 7 page packet and A-2 survey submitted with application

Mr. Ramanuj's Testimony

Mr. Ramanuj submitted exhibit A-1 and summarized his application. He stated that many people in his area have similar patios, that he currently has no drainage issues, the patio pavers will be a pervious material and the project will include the removal of an existing 12 x 15 concrete patio.

Mrs. Andersen clarified that the other approved patio's in his area are on larger properties.

Mr. Petrongolo stated that the setback is an issue due to the possible runoff and suggested that pervious pavers be a condition of approval.

Mr. Hunter asked that the applicant work with the board professionals regarding pavers, drainage and grading.

Mr. Ramanuj agreed to work with the professionals.

Chairman Gray asked if the applicant wants to continue with the request for the setback variance in light of comments by the engineer and planner that it will increase runoff or amend the application and reduce the patio from 15' x 40' down to 12.5' x 40' thus eliminating the variance for the setback and lessening the runoff.

Mr. Ramnanuj stated that he already paid the contractor for that size patio but agreed, after discussion, to reduce the patio to 12.5' x 40' resulting in a 500 square foot patio with 400 square feet outside the building envelope.

Chairman Gray opened the public portion for questions or comments.

Vaibhav Jugran, 33 Starboard Way testified in support of the application.

Seeing no one else wishing to speak, Chairman Gray closed the public portion.

Mr. Campbell noted a condition of approval is that the applicant will work with the board professionals regarding paver material, installation and grading

Chairman Gray asked for a motion. Mr. Francescone made a motion to approve ZB22-C-12. Vice Chairman Sharp seconded. Roll call vote, all present voted affirmatively except Mrs. Andersen. Mrs. Andersen stated she did not think the applicant showed a hardship. Motion carried, approved.

Chairman Gay called for a 5 minute break. The meeting reconvened at 7:30 pm.

- 2.) **Sean Albert**, ZB22-C-13, 2 Buck Lane, Block 900.01 Lot 8, R-1 zone. This applicant is seeking a bulk variance from section 154-144 of the Mt. Laurel Township Ordinance to allow a fence setback 6 feet from the property line on the side yard adjacent to a street where 30 feet are required. HOA approval has been granted.

Exhibits Entered

A-1, Letter to board submitted with application; A-2, survey of property

Mr. Albert's Testimony

Mr. Albert submitted and read Exhibit A-1. He testified that his neighbor has a vinyl fence and the proposed fence will run directly off that fence. He believes the application meets the statutory relief criteria for a C2 variance A through E and Purposes of Zoning g and i in the Municipal Land Use Law. He stated that he worked with the survey to be sure there are no site triangle issues.

Chairman Gray asked if the existing tree line would be inside or outside of the proposed fence.

Mr. Albert responded the trees would be inside the fence.

Vice Chair Sharp asked if Mr. Albert would be willing to move the fence so the trees would be outside the fence.

Mr. Petrongolo testified that in his professional opinion the proposed fence does not pose a sight triangle problem. He suggested the fence be at least 3 feet from the tree line keeping the trees at least 3 feet outside the fence line.

Mr. Albert agreed to the condition that the fence may be up to 24 feet from the home but no closer than 3 feet from the tree line leaving the trees outside the fence line.

Chairman Gray opened the public portion, seeing no one closed the public portion.

Mr. Campbell stated the conditions of approval as the following.

1. No portion of the fence will result in an infringement of the site triangle
2. The fence is permitted up to 24 feet from the home but no closer than 3 feet from the tree line.

Vice Chair Sharp made a motion to approve ZB22-C-13, Mrs. Liciaga seconded. Roll call vote, all present voted in favor except Mrs. Andersen. Mrs. Andersen stated that she did not believe the applicant has a unique problem with his property or hardship.

- 3.) **Sammy's Car Wash**, ZB22-D-09, 3209 and 3211 Rt. 38, Block 301.06 Lots 1 & 2, B-zone. This applicant was previously granted a use variance and is now seeking Preliminary and Final Site Plan and Major Subdivision approvals as well as bulk sign variances for an express car wash.

Witnesses Sworn:

Brian Cleary, Pettit Group; Tiffany Morrissey, Professional Planner; Robert Giannone, applicant and Nathan Mosley, Traffic Engineer

Exhibits Entered:

A-1, Aerial Photo Plan; A-2, Color Site Plan; A-3, 3 page Rendered Elevations; A-4, Site Signage and A-5, survey of 3 subject properties

Damian Del Duca Esq., Del Duca Lewis, represented the applicant. Mr. Del Duca summarized the application presented the exhibits, explained the operating procedure of the car wash and gave a brief history of the company and previous approval. He stated that Abruzzi and Giunta will grant an easement to Sammy's Car Wash to allow employee parking on 4 spaces on the Northwest side of what is currently The Abruzzi and Giunta lot. He stated that there will be easements to allow to allow cross access, to permit the employee parking and to permit shared utilities and stormwater management. Mr. Del Duca amended the application to request a Major Site Plan approval vs. the requested Minor Site Plan approval. He stated that the bulk variances are the same or very similar to those presented at the Use Variance hearing.

Mr. Cleary's Testimony

Mr. Cleary described the buffer widths shown on exhibit A-2 and stated that they are preserving approximately 20 feet of existing woods and supplementing them with evergreen trees. Additionally, the applicant is proposing a wooden tongue and groove fence, which will help with sound attenuation. He showed the narrowest point of the rear buffer as being 15 1/2 feet wide at the corner of the trash enclosure and 25 feet wide at its widest point. Mr. Cleary testified that the applicant cannot meet the 50 foot required setback due to the depth of the lot and front setbacks. He stated that his office has done everything possible to move toward Rt. 38 to maximize the buffer. Mr. Cleary testified that the 6 foot high wooden fence will be 3 feet in front of the parking spaces.

Mr. Sharp asked if it was considered to flip the plan

Mr. Cleary responded that it is always safer to make left turns instead of right turns.

Mr. Francescone noted that currently there is evidence of social behavior crimes in the rear of Abruzzi and Giunta and he believes the fence would relieve that problem.

Chairman Gray asked where the current loading area is for the market and where it will move to.

Mr. Cleary used Exhibit A-2 to show where the proposed loading zone will be and where it is currently.

Mr. Cleary explained the need for a waiver to allow slightly brighter than allowed lighting.

Mr. Petrongolo clarified that a waiver is not required, the applicant is in compliance. There will be no impact to the adjacent property line.

Mr. Cleary continued that they do need a waiver for one light pole proposed to be within 5 feet of the curb as well as a waiver for shade trees in the parking lot. He stated that they are proposing not to have shade trees at Rt. 38 because they will block the proposed sign however, there will be low shrubs. Through discussion with the Board and the Board Planner, Mr. Cleary testified that the applicant will provide compensatory plantings to the satisfaction of the Board Planner.

Mr. Petrongolo stated that it is his recommendation that sidewalks should be provided or there should be an agreement that if sidewalks are provided on adjacent properties, they will be installed on this property.

Mr. Del Duca stated that the applicant does not believe sidewalks are necessary.

Mr. Cleary through question and answer with Mr. Del Duca enumerated and explained the remaining requested bulk variances. He testified that the easement's will be for shared parking, access, stormwater management system, utilities and the sign. Mr. Cleary used exhibit A-4 to demonstrate the proposed sign is just outside the basin. The sign would be a shared sign and the existing Abruzzi and Giunta sign would be removed. The two businesses would share the sign with Sammy's Car Wash sign on top and Abruzzi and Giunta below. The sign is proposed as 115 square feet and 18 feet high to be as visible as possible to motorists. Mr. Cleary testified that a car wash is an impulse buy and the size of the sign is necessary to allow motorist's to see the sign and have time to safely maneuver the 4 lane highway and enter the car wash. The height is to ensure the lowest sign remains above the vehicles in the queue lane.

Mr. Petrongolo stated that the ordinance would allow a sign to be 8 feet high with a 3 foot base to total 11 feet high and 36 square feet with only one tenant on the sign. He stated that there is justification for a larger sign for this project however he is leery of the 18 foot height and the pole mounted sign. He suggested that the sign be lower and on a monument base.

Mr. Angelastro agreed with Mr. Petrongolo.

Mr. Del Duca stated that his client will agree to make the sign a monument however does not want to lower the height.

Mr. Petrongolo recommended a master sign program for the site.

Mr. Del Duca agreed to submit a master sign program.

Mr. Petrongolo stated that he has no objection to the 2 proposed façade signs and asked Mr. Del Duca to confirm that the façade sign shown on the plan in the rear of the building is not proposed for this site.

Mr. Del Duca confirmed that it is not proposed at this site.

Mr. Mosley's Testimony

Mr. Mosley testified that in the context of traffic engineering, the sign size is based on how far away can motorist identify a sign and make a safe movement into or out of the site. Decision site distance is how far away a vehicle can see the sign based on the size of the lettering. He stated that studies have shown that for every 1 inch of letter height one can see about 40 feet way so in this case with 20 inch letters on an 18 foot high sign a motorist can identify it from about 800 feet away. The decision site distance is based on the speed limit of the roadway. In this case with a 55 mile an hour Rt. 38 the decision site distance is about 900 feet. He believes the larger sign with larger letters and 18 foot height provides for enhanced safety.

Chairman Gray asked if it is possible to leave the current sign and add an additional sign for the carwash.

Mr. Mosley replied that due to the stormwater retention facility the required heavy landscaping would block the sign.

Mr. Petrongolo noted the Taco Bell sign across the street has a low monument sign as do Lukoil and Sunoco and others on Rt. 38 and there are not a lot of accidents in the area. He stated that he agrees that the sign should be bigger the question is how much bigger. Gas stations are also by pass user sites. Mr. Petrongolo suggested a height of between 12 and 15 feet.

Mr. Angelastro stated that if letters were reduced to 15 inches the sign would still be visible from 600 feet away.

Mr. Moseley stated that when looking at the size of the letters you also need to keep in mind the decision site distance which in this case is about 900 feet based on the design speed of the road. Additionally there are wooded areas on the westbound side of Rt. 38 that obstruct the view of the sign area as well as weave movements in the auxiliary lane.

Mr. Giannone's testimony

Mr. Giannone testified that many sites in the township have higher signs than the proposed 18 feet and he believes that the board is trading off safety for design.

Mr. Petrongolo stated that he could not disagree more and the township is always looking at safety. Additionally, the Zoning Board does not create the standard, Council does, the Zoning Board can only give relief from the standard. He stated that signs are viewed relative to each other, if one person's sign is significantly larger than another, the larger is seen. One of the reasons for having zone standards is so that things are looked at together and consistently. Mr. Petrongolo stated that his office is recommending a larger than allowed sign and agreeing with the additional sign relief the applicant is requesting but cannot recommend the height be approved as submitted. He stated that too much signage creates sign pollution and has a negative effect on the community.

Chairman Gray called for a 5 minute break.

Chairman Gray poled the board and it was agreed to continue for 30 minutes.

Mr. Del Duca stated that during the break he spoke with his client and the applicant agrees to lower the freestanding sign to 15 feet high and will show the modification on a revised plan.

Mr. Petrongolo asked Mr. Del Duca to confirm that that would be a 15 foot high sign at 115 square feet.

Mr. Del Duca confirmed.

Mr. Petrongolo stated that he does not object to the directional signs or façade signs as depicted on Exhibit A-4. He testified that the only issue his office had was the commercial message on the directional signs. He spoke with the applicant and explained that because there is one driveway for two businesses he does not object to the

business name being on the directional sign. He asked that the plan revision have the number of each sign on the plan. He noted that the proposed digital sign is an internal sign.

Mr. Del Duca noted the applicants agreement to additional comments in the professionals letters. He noted there is no bypass lane because a bypass lane would allow people to bypass the pay kiosk and allow them to enter the carwash without paying. Mr. Del Duca testified that if there is a need for a customer to leave employees will be available to let them out.

Mr. Angelastro stated that he and Mr. McVey spoke earlier today and neither of them have any objection to not having a bypass lane. He has confirmed that the site can accommodate the Mt. Laurel fire truck and he is confident the plan can be worked to allow the fire truck to maneuver through the site.

Mr. McVey stated the fire access road has been replaced on the plan after its removal in a prior submission.

Mr. Petrongolo noted that there actually is a bypass lane but an employee needs to raise a gate to allow exit.

Mr. Angelastro stated that he has no objection to the 18 foot wide access lane for single direction travel but if it has to widen to allow fire truck access then the applicants engineer will work to make that happen.

Mr. Del Duca asked Mr. Mosley if he is satisfied with the access, site layout and stacking is sufficient from a traffic standpoint.

Mr. Mosley replied that he is satisfied.

Mr. Kramer asked if there is a plan for stacking into the circulation area.

Mr. Mosley responded that it would queue up in another area. The maximum stacking observed in other Sammy's locations was 18 vehicles. This site has the ability to stack 21.

Mr. Francescone noted that he spent 90 minutes at the Maple shade location the previous weekend and did not observe a backup beyond the available stacking and has no concern about stacking.

Mr. Angelastro noted that he has no issue with queuing on this site.

Mrs. Morrissey's Testimony

Mrs. Morrissey stated that in her professional opinion the variances requested are justified and meet the criteria for C2 bulk variances. She stated that the proposal offers a better zoning alternative and improved site design and operation for the property. She believes the overall design of the site promotes the general health and welfare and safety of the property, as well, it provides safe access circulation and visibility. Additionally, the proposal promotes adequate light air and open space, provides sufficient space and location for a variety of uses and creates a desirable visual environment through good civic design and arrangement. The design is sensitive to the surrounding area and providing improvement for the existing Abruzzi and Giunta Market. She noted that the proposal meets the ordinance for 25 feet of landscape buffer and enhances the existing landscape buffer with plantings and a fence. She stated that this is an oversized lot with a reduced lot depth resulting in a narrower depth than what is required for a commercial use. However the lot size, building coverage and impervious coverage are substantially less than permitted for this combined comprehensive development. She stated that the proposal does not impair the zone plan or master plan and does not impose a substantial detriment to the public good. She noted the benefit to the proposed signage being a comprehensive plan with onsite directional signs providing safety aspects and a benefit to the site. She stated

that overall the total benefits of the project exceed the potential detriments from the project and it creates a better zoning alternative.

Chairman Gray asked Mrs. Morrissey what the benefit is to having a reduced buffer.

Mrs. Morrissey explained that there is a benefit to the overall development and improvement of the site.

Mr. Hunter testified that the applicant has agreed to work with his office to address any outstanding comments. There is nothing insurmountable and if they are not able to work something out the applicant will return to the board.

Mr. Kramer asked Mr. Petrongolo if the fence and landscaping will be enough to dampen the noise to the residents.

Mr. Petrongolo responded that as a condition of the applicants use variance approval a post construction noise study is required to show that the noise level is consistent with their testimony and consistent with standards. If the noise level does not comply, the applicant will have to make adjustments.

Mr. Francescone noted that per his observation, the traffic noise was significantly louder than the vacuums and the car wash was basically white noise. The most significant noise was noted at the entrance of the tunnel and when a siren sounds to signal restart of the system.

Mr. Del Duca stated that the applicant agrees to comply with the outstanding comments in Mr. McVey's letter.

The board agreed to continue the hearing for an additional 10 minutes.

Chairman Gray opened the meeting to the public. Seeing no one wishing to comment, closed the public portion.

Chairman Gray entered the Use variance resolution into the record as Board exhibit B-1.

Mr. Petrongolo noted that the applicant is requesting Preliminary and Final Major Site Plan and Preliminary and Final Major Subdivision approval.

Chairman Gray noted the requested variances as follows:

Variance to allow the buffer of 15.5 feet by the trash enclosure

Variance to allow a buffer less than 50 feet total

Variance to allow light pole set back of 5 feet from the property line

Variance to allow no loading space for the carwash

Variance to allow 7 stacking spaces

Variance to allow a drive isle at 18 feet

With the condition that it be amended if necessary to accommodate the fire truck access

Variance to allow an accessory structure in the front yard (kiosks)

Variance regarding landscaping in the parking lot islands

Variance to allow a Pylon sign at a height of 15 feet. An amended plan will be submitted to reflect the Pylon Sign amendments made to exhibit A-4 reflecting sign height of 15 feet

A parking easement will be provided to allow 4 employee parking spaces in Northwest corner of the Abruzzi and Giunta parking lot.

During testimony the applicant agreed to provide sidewalks.

Mr. Campbell noted the conditions of approval as follows:

The applicant will work with the board professionals regarding compensatory plantings and the turning radius plan.

Chairman Gray asked for an application for ZB22-D-09.

Mr. Francescone made a motion to approve ZB22-D-09 with the conditions stated. Mrs. Andersen seconded. All present voted affirmatively, the motion was carried and approved.

Adjournment:

Mr. Francescone made a motion to adjourn at 10:15 p.m., all present voted affirmatively and the motion was carried.

Adopted on: June 1, 2022

Suzanna O'Hagan

Suzanna O'Hagan, Secretary
Zoning Board of Adjustment