

Mount Laurel Township Zoning Board of Adjustment
Regular Meeting Minutes
June 1, 2022

Opening

Chairman Gray called to order the fifth Regular Meeting of the Mount Laurel Zoning Board of Adjustment 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 call

Board Members in Attendance

Chairman Gray, Vice Chairman Sharp, Mr. Blum, Mr. Francescone, Mr. Holmes and Mrs. Liciaga.

Absent: Mr. Bhankharia, Mr. Kramer and Mrs. Andersen

Board Professionals in Attendance

Joseph Petrongolo, Board Planner and Zack Migeot, Board Solicitor

Announcements and Review of Board Procedures

1. The application for KPG Meadowlands, ZB22-D-06 has been carried to the August 3, 2022 Zoning Board hearing.
2. The application for Sarai Charernsook, ZB22-C-04 has been carried to the August 3, 2022 Zoning Board Hearing.

Adopting the Minutes

Chairman Gray asked for a motion to adopt the fourth regular meeting minutes of 5/4/2022, Mrs. Liciaga moved the motion Mr. Holmes seconded, all eligible members voted affirmatively and the motion was carried.

Chairman Gray asked for a motion to adopt the special meeting minutes of 4/25/2022, Mr. Francescone moved the motion Mr. Sharp seconded, all eligible members voted affirmatively, and the motion was carried.

Memorialized Resolutions

1. **R-2022-ZB13** - Mr. Francescone made a motion to approve R-2022-ZB13, Mr. Blum seconded, all eligible members voted affirmatively and the motion was carried.
2. **R-2022-ZB14** – Mr. Sharp made a motion to approve R-2022-ZB14, Mr. Francescone seconded, all eligible members voted affirmatively and the motion was carried.
3. **R-2022-ZB15** - Mr. Sharp made a motion to approve R-2022-ZB15, Mrs. Liciaga seconded, all eligible members voted affirmatively and the motion was carried.
4. **R-2022-ZB16** – Mr. Sharp made a motion to approve R-2022-ZB16, Mr. Gray seconded, all eligible members voted affirmatively and the motion was carried.

Professionals were sworn

All those who testified were sworn prior to testimony

Petitions before the board

- 1.) **James DePalma**, ZB22-C-15, 690 Franklin Place, Block 1003.04 Lot 20, R-1D zone. This bulk variance is being sought from section 154-144 to allow a fence with a 7' setback in a side yard adjacent to a street along Cornwallis Drive and a 10' setback in a side yard adjacent to a street along Franklin Place where a 25' setback is required.

Mr. DePalma's Testimony

Mr. DePalma stated the two main reasons for the fence are 1. To provide a safe space for their 2 small children and 2. There is an in ground pool in the backyard and no fence. Additionally, there is a large play structure in the yard along Cornwallis Drive that was there when he purchased the home and in order to fence that in so the children can play on it within the yard a variance is required. On the Franklin Place side there is line of trees and a basketball court and it makes sense to follow the line of trees with the fence.

Chairman Gray asked the applicant to confirm that the fence on the Franklin place side would be inside the tree line.

Mr. DePalma confirmed that is correct, and no trees will be removed

V. Chairman Sharp asked how far in the fence will be from the tree line on Franklin Place.

Mr. DePalma replied approximately 5' - 6'.

Mr. Petrongolo asked if the fence would go between the play structure and trees or outside of the trees on Cornwallis Drive.

Mr. DePalma replied the fence would be outside the trees, the trees will be within the fence. There is an Oak tree that is massive and he does not want to remove it. The tree has become almost part of the play structure.

Mr. Petrongolo stated that the play structure is not permitted and is a pre-existing non-conforming structure. He stated that looking at the street view (on Google Earth) the sidewalk is 4' wide and the trees are maybe 6' or 7' from the sidewalk but the property line is 2' from the sidewalk. He asked Mr. DePalma if he measured the distance

Mr. DePalma said he did measure 7' from where he thought the property line was and it did not hit the trees. The fence would be just outside the bed of the play structure.

Mr. Petrongolo stated that he was being cautious to ensure that the variance was enough.

Mr. DePalma stated that they measured in a way to give themselves a little wiggle room.

Mr. Petrongolo stated that he does not believe there will be a problem with the view from the intersection, the applicant's driveway or the applicant's neighbor's driveway. He asked if the fence on the Franklin Place side would be inside or outside the tree line.

Mr. DePalma replied that the fence on Franklin Place would be on the yard side of the trees and the trees would be outside the fence. On the Cornwallis side, the trees would be inside the fence.

Chairman Gray noted that his concern is that the 7' request may not be enough to clear the tree.

Mr. DePalma stated that they measured 10' from the sidewalk to come up with the requested 7' setback.

Chairman Gray reiterated his concern that 7' is not enough and that the fence would end up in the middle of the tree he wants to be sure the applicant has the correct variance to allow the fence to be outside the tree.

Mr. Petrongolo stated that the property line is likely 2' from the inside of the sidewalk and it would be acceptable to make the variance 10' from the sidewalk since we don't know exactly where the tree sits in reference to the property line. Thus ensuring the fence would be outside the tree line.

(it was later clarified off the record that the suggested 10' would be from the street side of the side walk essentially creating a variance to allow the fence 10' from the street side of the side walk and 6' from the property side of the sidewalk.)

Mr. DePalma agreed to amend the applicant to request a variance to allow a fence to be 10' from the sidewalk and that no trees would be removed as a result of the fence placement.

Chairman Gray opened the application to the public for comment, seeing no one, closed the public portion.

Chairman Gray asked for a motion to approve ZB22-C-15 with the condition that no trees be removed for this project. Mr. Francescone moved the motion, Mr. Blum seconded, Roll Call vote, all present voted affirmatively and the motion was carried.

Adjournment:

Mr. Blum made a motion to adjourn at 7:30 p.m., all present voted affirmatively and the motion was carried.

Adopted on: August 3, 2022

Suzanna O'Hagan

Suzanna O'Hagan, Secretary
Zoning Board of Adjustment