

Mount Laurel Township Zoning Board of Adjustment
Regular Meeting Minutes
June 7, 2023

Opening

The Regular Meeting of the Mount Laurel Zoning Board of Adjustment on June 7, 2023, was called to order by Chairman Gray at 7:00 p.m.

The Pledge of Allegiance and Moment of Silence were observed

The Open Public notice was read by Suzanna Baskay, Board Secretary

Roll call was taken

Members In Attendance

Chairman Gray, Vice Chair Andersen, Mr. Francescone, Mr. Holmes, Mr. Kramer, Mr. Bhankharia and Mr. Desai

Absent

Mr. Sharp and Mr. Blum

Professionals in Attendance

Ashton Jones, Board Planner, Drew Pavlick, Board Engineer and Solicitor, Ed Campbell Esq.

Review of Board Procedures

Announcements

None

Adopting the Minutes

Chairman Gray asked for a motion to adopt the fifth regular meeting minutes of 5/3/2023, Mr. Francescone moved the motion Mrs. Anderswen seconded, all members voted affirmatively and the motion was carried.

Approval of Resolutions

R-2023-ZB15, Wawa, ZB23-73-03, Motion by Mr. Francescone, Second by Mr. Holmes, all members voted affirmatively and the motion was carried.

R-2023-ZB16, Michael Reilly, ZB23-C-09, Motion by Mr. Francescone, Second by Mr. Homes, all members voted affirmatively and the motion was carried.

R-2023-ZB17(a), DJJZ Enterprises, ZB23-D-06, Motion by Mrs. Andersen, Second by Mr. Francescone, all members voted affirmatively and the motion was carried.

R-2023-ZB17(b), DJJZ Enterprises, ZB23-D-06, Motion by Mrs. Andersen, Second by Mr. Francescone, all members voted affirmatively and the motion was carried.

R-2023-ZB17(c), DJJZ Enterprises, ZB23-D-06, Motion by Mrs. Andersen, Second by Mr. Francescone, all members voted affirmatively and the motion was carried.

Board Professionals were sworn

- All those who testified during the hearing were sworn in prior to their testimony.
- Those who offered expert testimony were accepted as experts by the board.

Petitions before the board

1. **Jeffrey Tubbs, ZB23-D-08**, 14 Marter Ave. (AKA 10 Marter Ave), Block 509 Lots 10 & 11 R-3 zone. This applicant seeks a use variance from section 154-15 to allow a second principal structure on the lot, various bulk variances from section 154-16 to allow reduced setbacks from the environmental line, and a bulk variance from section 154-64 to allow more than 250 square feet of impervious coverage outside the building envelope.

Board member Mr. Francescone recused himself from this application because he is a homeowner within 200 feet of the applicant's property.

The Board Solicitor, Mr. Campbell made the applicant aware that the board has 6 members and his application will require 5 affirmative votes to be approved. Additionally, Mr. Campbell made the applicant aware that if the application is denied, the denial would be for the entire project including the required variances for the primary home. Mr. Campbell told the applicant that he may bifurcate or amend the application to address that. The applicant confirmed that he was aware and chose to continue with the hearing.

Witnesses Sworn

Jeffrey Tubbs, Emily Tubbs and Joe Mancini, Professional Engineer and Professional Planner

Exhibits Entered

A-1, Variance Plan; A-2, Proposes Elevation; A-3 Floor Plan, A-4, Aerial Photo; A-5, Home Rendering Front View; A-6, Home Rendering Side View and A-7, Home Rendering Rear View

Mr. Mancini's Testimony

Mr. Mancini testified in the capacity of both Engineer and Planner for this application. He summarized the application and requested variances for the single-family home with associated improvements. Mr. Mancini described the lot as a vacant lot containing wetlands noting that the proposed improvements are located in the North West corner of the lot because that is the only area of uplands on the property. He described the surrounding properties and uses. Mr. Mancini noted that a General Permit 10 was granted by the DEP for the driveway in 2018.

Mr. Tubbs Testimony

Mr. Tubbs stated that the family is relocating to Mt. Laurel from Philadelphia. They have 2 small children and have been looking for a property with a large lot for the children to play. This lot became available and they subsequently purchased it in 2021 with a zoning contingency. They want to build their dream home and were aware when they purchased it that the lot had wetland constraints. He stated that they did submit an application for a by-rite home on the property and were approved by zoning. Mr. Tubbs stated that after more consideration they decided the plan was not ideal and abandoned that plan in favor of the proposed plan which would require variances. The design is intended to fit in with the natural landscape. Mr. Tubbs described the proposed building with exhibits A-5, A-6 and A-7 and A-2. He described the home as two stories on either side and one story in the center with an overall height of 24 feet. He further described the floor plan. In response to a question from the Board Engineer, Mr. Tubbs stated that there is no basement proposed and that is one of the reasons for the additional building on site.

Mr. Mancini continued his testimony

He stated that the building being referred to as the In-Law suite is not intended to be use as a 2nd dwelling and the applicant is willing to deed restrict the property to assure that the structure is never used as a dwelling or separate residence. Mr. Mancini stated that the applicant is willing to deed restrict the property to assure that the second building is never used as a separate dwelling. In reference to the special reasons for the D1 use variance, Mr. Mancini stated that the property is suitable and can accommodate the proposed use. He stated that the applicant is requesting a C1 variance based on the hardship created by the extensive wetlands on the property. He noted the R-3 zone requirement of an enhanced setback of 50' from wetland boundary lines. He described the wetland buffers and ditched on the 4 sided of the property. He stated that the high water table restricts the applicants from having a basement and that is why the home needs to be spread out in the proposed way. He noted that the home does not encroach into the DEP mandated buffer. He stated that the applicant hired a tree survey to work with the natural environment and maintain as many trees and as much buffer as possible. Mr. Mancini described the sports court proposed and noted that Ordinance 154-16.A says the enhanced setback requirement is meant to apply to the principal building only and 154-64.A(2) limits the impervious area outside the building envelope. Mr. Mancini questioned if 154-64.A(2) was meant to restrict the impervious area within the entire building envelope or the enhanced. He state that they interpreted it to mean the enhanced envelope and notices accordingly however, it is within the standard R-3 setback requirements. He noted that the sports court is located on the west side of the property closest to the Bancroft site were the nearest improvement on that site, which is a parking lot, is more than 300' from the property line. He stated that the application also promotes purposes A, C and G of the Municipal Land Use Law. In terms of negative criteria, Mr. Mancini stated that the plan as proposed will not injure or detract from the neighborhood or the zoning plan. The plan is consistent with the adjacent uses and properties and will maintain a minimum 40 foot buffer on all sides. The footprint is consistent or smaller than surrounding homes and does not adversely affect any utilities or drainage. Mr. Mancini stated that the applicant will submit a plot plan and grading plan and submit it for review prior to construction. The intent is to stay under ¼ acre of impervious coverage so as not to trigger stormwater requirements. He stated that ditches on either side of the property and hundreds of feet of property to the rear would intercept any water runoff. The plan will not impact traffic and complies with parking requirements under RSIS. He noted that if the in-law suite were attached to the building there would be no use variance requirement. He stated that the wetlands on all 4 sides is a significant constraint and he believes this is a better design and has little impact to the surrounding area.

Mr. Tubbs Continued his testimony

Mr. Tubbs stated that the original intent for the detached structure was to use it as an office and play room. He understands that 2 additional structures under 1,000 square feet each would be allowed. They decided to proactively ask for the variance in case down the line they wanted to use it as an in law suit.

Mr. Campbell asked what relief is requested to build the primary home.

Mr. Mancini replied that the home encroaches on the enhanced setback, a bulk variance is required.

Mr. Jones clarified that the enhanced setback from the wetland buffer is applicable only to the rear. The side and rear setbacks are the normal R-3 zone setbacks.

Mr. Campbell asked what relief is requested for the sports court.

Mr. Mancini replied that if the enhanced setback is applicable they need a variance for over 250 square feet of impervious coverage outside the building envelope.

Mr. Jones clarified that the sports court is not subject to the enhanced setback from the wetland buffer and therefore does not require a variance.

The applicant withdrew the request for the variance related to the impervious coverage over 250 square feet outside the building envelope and confirmed it will comply with the standard required setbacks

Mr. Campbell asked what relief is requested for the additional structure and what it will be used for.

Mr. Jones noted that the 2nd structure is more appropriately called an additional dwelling unit rather than an in law suit.

Mr. Tubbs stated that the intended use right now is a conditioned space with a bathroom. They are asking for the variance for an in law suit in case they want to add a bedroom and kitchen in the future.

Mr. Campbell stated that a use variance is the appropriate request for the described future use.

Mr. Tubbs stated that the intent is not to have something to rent out and that they do not need to have a kitchen if the board feels that that is detrimental.

Chairman Gray asked if eliminating the kitchen will eliminate the requirement for a use variance.

Mr. Campbell replied that if there is no kitchen the structure becomes an accessory use rather than a second dwelling. Because it is under 1,000 square feet, if it is an accessory structure, and it is subordinate and incidental it would be permitted without variances.

Mr. Mancini stated that the office is a customary accessory use in the post-Covid world.

Mrs. Tubbs stated they need the office to be able to concentrate.

Chairman Gray asked if the applicant will stipulate that the 2nd structure will not have a kitchen and will be used for office space thereby eliminating the requirement for a variance. The structure would then become a permitted accessory structure which is not subject to the enhanced setback requirement.

The applicant agreed to amend the application as suggested.

Mr. Mancini stated that with the amendments, the only remaining variance is for the setback of the home from the enhanced setback requirement.

Chairman Gray opened the meeting to the public portion of the meeting for questions or comments.

Steven Riley, 214 Laurel Lane expressed concerns about water flow. He stated that since Bancroft was built water runs into his yard creating 2-3 foot lake in his yard and has rotted roots of trees in his yard. He stated that Bill Long has walked his property and told him Bancroft has money in escrow to resolve the problem however the problem has never been resolved. He asked if they could create a retention basin to alleviate the water flow.

Cheryl Coco Capri, 45 Marter Ave. said she wants to be sure the accessory structure will not be used for a business. She told the applicant that her driveway lights will shine into their home.

Mr. Campbell replied that there will be a condition of approval that the structure cannot be a business.

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

Mr. Pavlick, Board Engineer noted that by his calculation there is more than ¼ acre of additional impervious coverage. He asked what the unmarked rectangle on the eastern side of the house is.

Mr. Mancini replied that it is a deck or patio area. If the patio needs to be eliminated to stay under the ¼ acre threshold then it will be eliminated. Their intention is to be under the ¼ acre to avoid triggering stormwater management. Mr. Mancini agreed that the limitation can be a condition of approval and the applicant will provide the final calculation to the board engineer for review and final approval.

Mr. Pavlick asked Mr. Mancini if there is anything proposed to mitigate the impervious coverage.

Mr. Mancini replied that there is nothing proposed at the moment however there are ditches along Marter Ave. and either side of the property. He noted the scale of the project compared to the size of the property. He agreed to work with the board engineer regarding stormwater management.

Mr. Pavlick asked if the existing foundation is going to be removed.

Mr. Mancini replied that they will remove it.

Mr. Tubbs agreed to remove the foundation as a condition of approval

Mr. Pavlick noted that the LOI expires in October 2023.

Mr. Mancini replied they will be extending the LOI.

Mr. Pavlick asked if there are utilities in the area.

Mr. Mancini replied that there are and they have already submitted permits for those.

Mr. Jones asked the applicant to clarify the square footage of the proposed home.

Mr. Tubbs replied that the home including the second floor is 3,500 square feet. The footprint including the garage is 3,000 square feet

Mr. Mancini stated that the main home is 3,000 the garage is 900 and the detached building is 800 totaling 4,700 square feet

Mr. Campbell enumerated the conditions of approval if the board chooses to approve the application.

1. The accessory building shall not be used as a separate dwelling
2. If sleeping facilities are added to the accessory building, those facilities shall only be used by family and friends for short-term stays
3. The accessory building shall not be used for commercial purposes except for a home office with no employees, clients, or customers and for which there is no contact whatsoever with the public for any purpose.
4. The accessory building shall never be advertised on websites such as Air B&B or similar platform
5. The conditions above shall be recorded in a deed restriction to the satisfaction of the Township's attorney.

Chairman Gray asked for a motion to approve ZB23-D-08, which now consists only of the rear setback variance to allow the home to be 29.9' from the rear enhanced setback, the conditions set forth for the accessory building and a waiver for tree clearing.

Mr. Bhankharia moved the motion and Vice Chair Andersen seconded. Roll Call Vote, all present voted affirmatively and the motion was carried, the application is approved.

Chairman Gray calls for a break at 8:13 pm and reconvened at 8:20 pm.

2. **Allen and Lindsay Seftel, ZB23-C-11**, 22 Wood View Drive. Block 601.12 Lot 11 R-3 zone. Former PUD – Saybrook Estates. PUD setbacks apply. This applicant is seeking bulk variances from Mt. Laurel Township Ordinance sections 154-134 to allow the pool to be 5.6’ from the basement wall where 8.88’ are required and 154-144 to allow the fence to be 15’ from the side yard adjacent to a street where 25’ is required.

Witnesses Sworn

Chelsea DeCicco, Sundeck Pools and Anthony Maltese, Abbington Engineering

Exhibits Entered

A-1, proposed plan and A-2 existing conditions plan

Renee Bergman Esq., Bergmann Law, represented the applicants.

Renee Bergmann, Bergmann Law, represented the applicant and introduced Mr. Maltese, the applicant’s engineer.

Mr. Maltese’s Testimony

Mr. Maltese described the property noting that there is an existing nonconformity of 317 square feet of impervious coverage outside the building envelope. He stated that this nonconformity will go away with the proposed plan. Mr. Maltese noted the required variance to allow the pool to be 5.6 feet from the primary home were 8.88 feet is required. He stated that the property drains to the rear of the property where a large detention basin exists.

Ms. Bergmann introduced Ms. Chelsea DeCicco and stated that Ms. DeCicco is not being offered as an expert but will be offering testimony regarding hydrostatic pressure. Ms. Bergmann asked that if the application is approved by the board, the approval be conditioned upon sign-off by a structural engineer.

Ms. DeCicco’s Testimony

Ms. DeCicco testified that she is co-owner of Sun Deck Pools and oversees installation and manages customer communication as well as on-site machine operation. Ms. DeCicco testified that they implement mitigation strategies during pool installation to address hydrostatic pressure. She stated that the pool is a self-contained structure that sits on top of 4-6 inches of gravel. An 8-inch hydrostatic pipe is used to relieve hydrostatic pressure and to pump out groundwater around the pool. If necessary, a sump pump can be installed, when used along with a garden hose it can be used to pump out water and relieve pressure around the pool. She testified that this is the procedure required by the pool manufacturer. This specific property has a higher water table than surrounding properties, which is the reason for the pipe being 8 inches instead of the standard 4 inches.

Mr. Mancini, in response to a question from Mrs. Andersen, explained that the pool is located close to the home because that is the only way it will fit. He explained that the concern with the pool being closer to the home than recommended is that the lateral load of the pool could press against the foundation wall and eventually cause deflection of the wall if it is not structurally sound. He noted that a structural engineer would be required to review and approve the plan prior to permitting.

Ms. Bergmann noted that if the pool were moved toward the rear of the yard it created the problem of only a 2 foot walkway which is unsafe.

Mr. Kramer asked if the impervious coverage is an issue.

Mr. Mancini responded that the project actually reduces the amount of impervious cover.

Mrs. Andersen asked if removing the deck would allow the pool to fit in the yard better.

Mr. Mancini responded that the applicant is removing a majority of the deck and removing the remainder would not push the pool further back away from the home. There is no setback issue with the pool in the side yard adjacent to a street, only the fence in that location requires a variance.

Chairman Gray asked for testimony on the required criteria.

Ms. Bergmann stated that the pool is in keeping with the neighborhood and the HOA has approved the plans as submitted.

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

Mr. Pavlick expressed concerns about a person jumping from the window in the home to the pool

Mr. Mancini replied that the jump would be a 3 foot jump.

Mr. Pavlick asked Mr. Mancini to clarify the reduction of impervious coverage.

Mr. Mancini explained the reduction with Exhibit A-1 and noted that they calculated both existing decks as impervious coverage.

Chairman Gray asked if the same relief would be required if the pool was above ground

Mr. Jones replied that an above-ground pool is required to be 6 feet from the foundation wall.

Chairman Gray asked for a motion.

Mrs. Andersen made a motion to deny the application stating that no public benefit has been shown.

Chairman Gray seconded the motion to deny. Vice Chair Andersen, Chairman Gray, Mr. Holmes and Mr. Kramer agreed. Mr. Francescone, Mr. Desai and Mr. Bhankharia disagreed with the motion. The motion was carried the application was denied.

Ms. Bergmann asked if the board would approve the fence so the applicant does not have to come back to the board once they design a compliant pool so the applicant does not have to come back to the board.

Mr. Campbell replied that the board has already denied the application in its entirety any future application to the board would have to be a different application.

Chairman Gray made a motion to go into closed session to get advice from council.

Ms. Baskay, Board Secretary read Resolution ZB-CS-2301, authorizing the Zoning Board to go into closed session. Mrs. Andersen seconded the motion, all members voted affirmatively. All present, except the Board members, solicitor and secretary left the room and the recording was stopped at 8:47.

At 8:58 The attendees were let back in the room and the recording was resumed. Chairman Gray made a motion to return to the regular meeting. Vice Chair Andersen seconded all voted in favor the regular meeting resumed

Ms. Bergman asked the board to reopen the record in regard to the fence portion of the application. She asked that, in the event the pool portion of the application was denied, the fence variance be granted.

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

Mr. Campbell stated that the applicant has requested the board to reopen the hearing and has stated for the record that the applicant will install a pool which complies with the zoning code and is now asking for the limited relief of a variance to install a fence with a 15-foot setback in a side yard adjacent to a street where 25 feet is required.

Mr. Francescone made a motion to approve the fence variance, Mr. Kramer seconded. Mr. Francescone, Mr. Kramer, Mr. Desai, Mr. Holmes and Chairman Gray agreed with the motion. Vice Chair Andersen disagreed stating that no showing of public benefit has been shown. The motion was carried, the fence variance was approved.

3. **NVR, Inc. DBA Ryan Homes, ZB23-C-12**, Rt. 38 / Fostertown Rd. Block 302.15 Lots 10 & 11 FRMX zone. This applicant is seeking bulk sign variances from Mt. Laurel Township Ordinance sections 154-92.4.L(1) to allow 7 site identification signs on Route 38 where 1 is allowed, from 154-92.4.L(2) to allow the signs larger than 24 square feet, from 154-92.4.L(3) to allow signs to be 10' high where 6' is allowed and from 154-92.2.A to allow 5 signs with a 0-foot setback where 10 feet is required.

Victoria Siegel Esq., Archer Law represented the applicant and summarized the application and location of the 8 proposed signs noting no proposed changes to the previously approved site plan.

Witnesses Sworn

Paul Atlas, Special Assignments Manager with Ryan Homes and Joe Mancini, Professional Planner and Engineer.

Exhibits Entered

A-1, Site and Sign plan; A-2, Site ID sign rendering and A-3, Amenity Sign plan

Mr. Atlas's Testimony

Mr. Atlas testified that the site plan for this property was approved by the Planning Board in 2020. Construction began in 2022. Sales began in March of this year. The project has 205 townhome units approximately 10% are currently under construction. They are asking for their typical signage. The signs are temporary in nature and will be removed upon the sale of the last home. Mr. Atlas stated that the signs will comply with all required setbacks. Mr. Atlas noted that today he was made aware that the signs have already been put in place. He said he does not know when they went up and was unaware of them until today. He has now removed them.

Mrs. Andersen stated that there are two real estate signs on Rt. 38 as well as a bank sign.

Mr. Atlas replied that those are not the applicant's signs.

Mr. Campbell stated that the real estate signs are not approved by a board they are there by-rite.

Mr. Francescone asked how long the signs are expected to be there.

Mr. Atlas replied they are expected to be there for up to 3 years, less if the homes sell faster. Currently, 41 homes are under contract.

Mrs. Andersen asked what is the point of the amenity signs along the road.

Mr. Atlas responded they are to get the public's attention and sell the homes as fast as possible.

Mr. Bhankharia asked the applicant what they are willing to accept if the board is not inclined to approve 8 signs.

Ms. Siegel asked if the issue is with the Site ID signs or the amenity signs.

Mr. Mancini stated that the site identification signs, at the proposed size, are necessary for the safe identification of the site, so travelers see the signs in time to make a safe turn into the development. He stated that the amenity signs are necessary to help the developer sell the units. He stated that the faster they can sell the units the sooner the signs can be removed.

Mr. Jones read the ordinance for temporary future development signs stating the applicant is allowed one sign on each street frontage of 32 square feet.

Mr. Francescone stated that the history of the Zoning Board has been that they do not allow signs for the sake of advertising alone.

Mr. Desai noted that the DOT may require permits for the signs on Rt. 38.

Mr. Mancini responded that any approval from the Zoning Board would be conditioned upon outside agency approval.

Mr. Mancini's Testimony

Mr. Mancini stated that the applicant is seeking a variance to allow a total of 3 signs which are 50 square feet where 32 are allowed and 10 feet in height where 6 feet is allowed. He stated that the applicant is requesting these variances based on the C2 criteria. He stated that the benefits outweigh the detriment. Mr. Mancini stated that the application can be granted under purposes A, C and H of the Municipal Land Use Law. He reiterated that the signs are temporary in nature and do not impair the intent and purpose of the zoning ordinance or master plan and have no detrimental impact on neighboring properties. He stated that the signs are typical for all Ryan Home projects and are essential to attract homebuyers, promote economic development and support the growth of the community. He noted ample frontage along Rt. 38 and Fostertown Rd. to accommodate the signs.

Chairman Gray asked if the ID signs could be created at 6 feet tall and 32 square feet.

Mr. Atlas replied that they could and that the design was based on the DR Horton signs on Briggs Rd. He also noted that the signs are not illuminated.

Ms. Siegel stated that the purpose of the sign size is for safety purposes.

Chairman Gray opened the public portion of the meeting.

Jennifer Harris, 3025 Fostertown Rd. testified that the development has caused headaches so she is against anything they want to do. She stated that every sign on Rt. 38 has been there for 4 months. Ms. Harris stated that every sign on the property says Fostertown Rd. is a construction entrance. Why would they need project ID signs on Fostertown Rd. before the construction is complete. She stated that her notice for the hearing says the applicant is asking the Zoning Board to grant any and all submission waivers, design waivers, variances etc. She said she has a problem with that and believes that gives the applicant carte blanche.

Chairman Gray explained that we are dealing only with signs.

Mr. Campbell explained that the language on the notice is standard language in any zoning board hearing notice and is meant to cover small deviations.

Chairman Gray stated that the Fostertown Road sign says it is a construction-only entrance and asked the applicant why they would need an ID sign at that entrance.

Mr. Atlas replied that the sign is helpful for vendors and delivery people who may not speak English as a first language.

Ms. Siegel stated the Fostertown Rd. sign is also a point of identification for cars traveling on Fostertown Rd.

Douglas Doyle, 3046 Fostertown Rd., Mr. Doyle testified that the workers on-site work 7 days a week starting at 7:00 am and it is a dirty and dusty site. He asked why construction traffic can't access the site from Rt. 38. He said now they will have site seers going through. He said he wants the board to vote no to the signs.

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

Mr. Jones reviewed his letter. He clarified that the applicant is allowed a sign per road frontage. He stated that the property is subdivided so there are many lots. All the signs need variance for different reasons. He said there are 2 lots with one sign each, from a number standpoint they comply, from a sign standpoint they need a variance because they are larger than permitted. He stated there is one property asking for 6 signs, one of which is too big and the others would require a variance for height and a variance for the number of them. He stated that the Larger ID signs are permitted in terms of numbers because they are on separate lots.

Chairman Gray asked Mr. Jones if it is accurate to say that if the Zoning Board denied all the signs the applicant could still install 2 compliant ID signs.

Mr. Jones replied that that is correct. The applicant could install one ID sign on each of the entrances on Rt. 38 because they are separate lots. He noted that the applicant is also permitted an ID sign at the entrance on Fostertown Rd.

Chairman Gray asked the applicant if they want to consider the lots together or break them up

Mr. Francescone suggested bifurcating the application.

Ms. Siegel said she would like to bifurcate the application. She would like separate the 3 site identification signs from the 5 amenity signs. She stated that the applicant is willing to move the 5 amenity signs to the interior roads of the project.

Chairman Gray asked the applicant if they are willing to put a smaller sign on Fostertown Rd.

Mr. Atlas replied, absolutely, he could make the sign a horizontal 4' x 8' sign. Thereby making it a compliant sign. He believes it looks nicer with its current design.

There was a discussion regarding how many lots exist because if 2 ID signs are on the same lot the applicant needs a variance to allow 2 ID signs on the same lot.

Mr. Mancini stated that the subdivision was filed as a plat and, although not shown on the submitted plan, the proposed site ID signs are on separate lots.

Chairman Gray confirmed that each of the 3 ID signs would be allowed by rite if they were built to comply with the size requirements.

Mr. Jones confirmed that is true.

There was discussion regarding the size required to make the sign attractive and feasible.

Mr. Atlas stated that he will make the Fostertown Rd. sign compliant with the ordinance and therefore withdraws his request for a sign size variance for the Fostertown Rd. ID sign.

Ms. Siegel agreed to bifurcate the request for sign size variance for the 2 Rt. 38 ID signs from the variance to allow the 5 amenity signs and to allow them at the proposed size and height.

Chairman Gray asked for a motion to approve 2 ID signs on Rt. 38 at 50 square feet and 10 feet in height. Mr. Francescone moved the motion and Mr. Desai seconded. Mr. Francescone, Mr. Desai, Mr. Bhankharia, Vice Chair Andersen and Chairman Gray agreed, Mr. Kramer disagreed stating he believes a compliant sign would work and Mr. Holmes disagreed stating that compliant signs would be adequate. The motion was carried the ID signs are approved.

Chairman Gray made a motion to deny the 5 amenity signs on Rt. 38 and Vice Chair Andersen seconded. All members agreed. The motion was carried, the 5 amenity signs on Rt. 38 are denied.

Adjournment:

Chairman Gray asked for a motion to adjourn at 10:52. Mr. Francescone made the motion, Vice Chair Andersen seconded all voted in favor.

Adopted on: August 2, 2023

Suzanna Baskay
Suzanna Baskay, Secretary
Zoning Board of Adjustment