

Mount Laurel Township Zoning Board of Adjustment
Regular Meeting Minutes
August 3, 2022

Opening

Chairman Gray called to order the sixth 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. Francescone, Mr. Holmes and Mrs. Liciaga, Mr. Bhankharia and Mrs. Andersen

Absent: Mr. Kramer and Mr. Blum

Board Professionals in Attendance

Joseph Petrongolo, Board Planner; Matt Magill, Board Traffic Engineer; Robert Hunter, Board Engineer; Brian McVey, Fire Marshal and Ed Campbell, Board Solicitor

Announcements and Review of Board Procedures

Chairman Gray announced that KPG Meadowlands, ZB22-D-06 has been postponed and the applicant will re-notice.

Chairman Gray noted for the record that due to Covid-19 quarantine protocol and short notice, the Board Planner, Mr. Petrongolo will be joining the hearing via Zoom. He noted this is an unusual circumstance and the accommodation was made to avoid the inconvenience to the applicant of rescheduling the hearings to September.

Adopting the Minutes

Chairman Gray asked for a motion to adopt the fifth regular meeting minutes of 6/1/2022, Mr. Francescone moved the motion Mr. Sharp seconded, all eligible members voted affirmatively and the motion was carried.

Memorialized Resolutions

1. **R-2022-ZB17** – Mr. Sharp made a motion to approve R-2022-ZB17, Mrs. Liciaga seconded, all eligible members voted affirmatively and the motion was carried.

Professionals were sworn

All those who testified were sworn prior to testimony and all Professional witnesses were accepted as experts prior to their testimony

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

G-1, view from rear yard of 700 Hunters Lane and G-2, Aerial photo of 700 and 702 Hunters Lane showing the line of site from 700 to 702.

Mr. and Mrs. Charernsook's Testimony

The applicants stated that they need the additional shed for storage and the shed will match their home aesthetically. Mr. and Mrs. Charernsook responded to questions by the board stating that there is an existing shed on the lot and that shed is 6 feet from the property line however, shed is not on the survey so they cannot be sure the distance from the shed to the property line. Additionally, the pool shown on the survey is not accurate, the pool is now an in-ground pool with a paver surround and patio. They testified that the proposed shed will be attractive. Mrs. Charernsook stated that there is never flooding on her property and drainage is not an issue. They stated that there is a 6 foot fence and the shed will be 11 feet high. They have cleared all the tree's from their yard with the exception of arborvitae. Mr. Charernsook testified that the shed will be placed long way along the rear property line.

Mr. Hunter, Board Engineer and **Mr. Campbell**, Board Solicitor noted that the math of the distances shown on the survey does not add up correctly and based on the survey provided and distances noted on the survey, the existing shed is one foot from the side yard setback.

Mr. Petrongolo noted that Church Road is adjacent to the rear of the property therefore, the property is subject to a front yard setback of 30 feet in the rear and suggested a row of Arborvitae to shield view of the shed from Church Rd.

Mr. Hunter noted that per Google Earth, the pool is in-ground where the survey shows an above ground pool.

Mrs. Andersen noted that there is paver patio surrounding the pool adding to impervious surface not shown on the submitted survey.

Several board members questioned the inaccuracy of the survey provided based on current Google Earth Imagery.

Chairman Gray opened the meeting to the public.

Marlene Gangloff, 700 Hunters Lane. Mrs. Gangloff submitted Exhibits G-1 and G-2, she expressed concern that the proposed shed is not in keeping with the character of the neighborhood and that her rear windows have a direct line of site to both sheds. Mrs. Gangloff stated that she believes they are definitely in a flood area and she had to put a sump pump in her basement. She read a statement asking the board to deny the application. Mr. Gangloff stated that the applicant's home has 5 bedrooms, a two car garage, a full basement and a full attic. Additionally, she noted that the applicant has a hot tub.

Chairman Gray closed the public portion.

Chairman Gray explained to the applicants that the board is concerned with the inaccuracy of the submitted survey leading to the board's inability to make an informed decision. He asked the applicants if they would like

to continue to a decision and the board will decide based on the information provided or if they would like to table the application and return to the board with accurate drawings.

The applicants decided to table the application and return to the board on November 2, 2022 to continue the hearing with an accurate survey and information. The applicants agreed to waive the time constraints.

Chairman Gray asked for a motion to table the proceedings to November 2, 2022. Mr. Francescone moved the motion and Mr. Holmes seconded. All voted affirmatively and the motion was carried.

- 2.) **Alexandru Chis-Luca**, ZB22-C-20, 220 Ark Rd., Block 410 Lot 3, R-3 zone. This bulk variance is being sought from section 154-19.A(2) to allow a 200 sf shed where 120 sf is allowed.

Mr. Chis-Luca's Testimony

Mr. Chis-Luca stated that he needs the shed to store various tools and lawn equipment. He stated that he renovated his home on his own and has a lot of tools from the renovation. Additionally, he has a log splitter which he uses to split wood for home heating. There is a firewood storage structure on the property with a sheet of wood as a roof. It was determined that the property is large enough to allow two structures.

Mr. Chis-Luca testified through questions and answers with the board that the shed will be for storage only, have no electricity, be no more than 12 feet high and will be on a concrete slab. He stated that there are Green Giant trees in the rear of the property so the shed will not be visible from the rear or the street. Mr. Chis-Luca stated that there is no drainage problem on his property.

Mr. Petrongolo stated that he has no issues with the shed, it will have no detrimental impact to the zone plan or ordinance.

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

Chairman Gray asked for a motion to approve application ZB22-C-20. Mr. Francescone moved the motion, Mr. Holmes seconded. Mr. Francescone, Mr. Holmes, Mr. Bhankharia, Mrs. Liciaga, Vice Chairman Sharp and Chairman Gray voted Aye. Mrs. Andersen voted Nay stating she did not believe a hardship was shown. Motion was carried and approved.

- 3.) **Laurel Green 3 Residential Development**, ZB22-D-17, 203 Ark Road, Block 306 Lots 1.01 & 15 I and R3 zones. This applicant is seeking Preliminary and Final Site Plan with Use Variance from section 154-15 to allow 4 apartment buildings with a total of 108 apartments where multi-tenant housing is not permitted.

Witnesses Sworn:

Gary Vecchio, Engineer with Taylor Wiseman and Taylor; Shaniel Stokes, Property Management Liaison; Christine A. Nazzaro-Cofone, Planner with Cofone Planning Group and David Shropshire, Traffic Engineer with Shropshire Associates.

Exhibits Entered:

A-1, Aerial Rendering; A-2, Site Plan Rendering; A-3 Photo of Laurel Green Phase 1 angle 1; A-4, Photo of Laurel Green Club House; A-5, Photo of Laurel Green Rear View; A-6, Laurel Green Pool; A-7, Photo of Laurel Green Phase 1 angle 2; A-8, Rendering of Laurel Green Phase 3; A-9, TWT

response report to Planner review; A-10, TWT response report to Fire review; A-11, TWT response report to Traffic review and A-12, Response report to Engineer review.

John Giunco Esq., Giordano Halleran & Ciesla represented the applicant and summarized the application. Mr. Giunco stated that the current buildings are well maintained and at above 97% capacity. The clubhouse and pool are underused and will be available to the new tenants of Phase 3. The properties are managed by Lincoln Management.

The applicant is seeking to add 108 apartments including 22 affordable units. The architectural style will be substantially the same as the existing phases. Mr. Giunco described the adjacent properties and uses. Mr. Giunco enumerated the relief requested as the following:

- Use variance to allow multi-tenant use
- Bulk variance for side yard setbacks
- Waiver for foundation plantings

Mr. Giunco said he understands that the township desires 3 bedroom affordable housing units therefore the proposed plans include nine 3 bedroom Affordable units.

Mr. Vecchio's Testimony

Mr. Vecchio presented Exhibits A-1 and described the area including the proposed access points and building configuration. Mr. Vecchio stated that the project will have a total of 22 Affordable units comprised of four 1 bedroom units nine 2 bedroom units and nine 3 bedroom units. The 3 bedroom units will be in the smaller building. He testified to the parking totals including the Electronic Vehicle spots. With Exhibit A-2 Mr. Vecchio described the proposed landscaping plan as shown including a fence at the perimeter. He testified that the final plan will meet the ordinance requirement for open space. He explained the required setback variance and the waiver for foundation plantings. Mr. Vecchio stated that the existing Laurel Green buildings do not have foundation plantings, to be consistent they don't want to put them on the new building. He stated that in the previous 2 phases the management company wanted to put fences around the trash enclosure but the township asked them not to so as not to impede access.

Mr. Stokes testified that the township does empty the trash bins.

Mr. Petrongolo stated that the board can require a gate around the trash dumpsters unless the Township's Department of Public Works says no.

Mr. Vecchio continued that the plan complies with the Stormwater requirements and the applicant will work with the Township planner with regard to compensatory plantings and will comply with the ordinance.

Mr. Shropshires Testimony

Mr. Shropshire testified that his firm did the work for the first two phases so they had background on the project. The existing site provided very good data regarding traffic impact and trip generation. The ITE rates are much greater than is actually happening. To be conservative they used the ITE numbers for their analysis. They found that everything operates at an acceptable level of service D or better. He testified that NJDOT says 100 trips added during peak hours is a significant increase and they do not have 100 trips so the traffic increase is not significant. Mr. Shropshire further stated that this use is much less intense, from a traffic perspective, than many of the approved uses in the industrial zone such as a restaurant.

Ms. Cofone's Testimony

Ms. Cofone stated that she is a sitting Affordable Housing Master in many communities and can testify that this project exceeds the 15% requirement for Affordable Housing set aside.

She believes the property is suitable for the proposed use. She stated that there are less desirable uses for the site that would be permitted by ordinance that may be up to 60 feet high with more land coverage. Additionally, this site allows the Township to claim additional Affordable Housing credits for rental units. Ms. Cofone noted that the site will operate as a seamless development and will be architecturally compatible. In terms of the positive criteria Ms. Cofone believes the proposed project would advance purposes A, G, I and M of the MLUL 40:55D-2. In terms of negative criteria, she stated that the benefits outweigh the detriment. The project will provide electric vehicle charging stations, will be architecturally compatible with the existing Laurel Green and will have a fence to provide a safety barrier between the residential community and the adjacent commercial uses. Further, Ms. Cofone stated there is no substantial detriment to the zone plan or public good. She believes the proposal satisfies two of the goals of the Township Master Plan. The first is to guide future land development and community facilities to meet the needs of residents while assuring that new development is compatible with existing developments and the second is to provide for implementation of low and moderate income housing. Ms. Cofone testified that the applicant meets the statutory burden of proof for the positive and negative criteria. She noted that if the applicant were to put the recommended foundation plantings on the new phase, the building would be different from the existing.

Mr. Stokes Testimony

Mr. Stokes presented Exhibits A-3 –A-8. He noted that the buildings will be consistent in architecture and design.

Chairman Gray noted that A-5, A-7 and A-8 are not consistent.

Mr. Stokes replied that the intent is that the buildings will be consistent.

Mr. Giunco stated that if the board prefer they be identical then the applicant is agreeable to that condition.

Mr. Petrongolo stated that the plans should be revise to show consistent design.

Mrs. Andersen asked if there will be sidewalks on Ark Road.

Mr. Giunco replied that there will be sidewalks, they are not requesting waivers for sidewalks.

Mr. Petrongolo reviewed his letter of 6/28/2022. He received a response letter from TWT on 7/25/2022 agreeing with most of his comments and concerns. The applicant has agreed to work with his office regarding landscaping. Mr. Petrongolo noted that there is no signage proposed. He stated that it is important that the properties act as one and the applicant has agreed to do that. Mr. Petrongolo believes the applicant has met the positive and negative criteria. The applicant has agreed to provide the cross easement information. He has no objections to the requested relief including the waiver for foundation plantings. He noted that the waivers for sidewalks and lighting are no longer needed based on revisions and testimony.

Mr. Giunco requested that the cross easement access be provided as a condition of final Certificate of Occupancy instead of final compliance plan approval because the applicant is a contract purchaser and will not be able to begin work on the easements until they have title to the property.

Mr. Petrongolo said he has no objection to the request.

Mr. Campbell believes it makes sense to make it a condition of approval that cross easements relating to vehicular and pedestrian ingress and egress be provided to township for review and approval at such time as the plans are recorded.

Mr. Giunco agreed to provide the pedestrian and utility easements as a condition of the issuance of building permits.

Discussion took place regarding the restriction of E.V. parking spaces. Mr. Petrongolo noted that even if you subtract the number of E.V. spaces from the total parking spaces, the applicant still has compliant parking.

Mr. Magill reviewed Mr. Angelastro's letter dated 7/21/2022. Mr. Magill stated that the applicant has complied to all the comments in the letter. He did receive a response letter from TWT. The applicant has agreed to add stop signs and stop bars at the ingress and egress driveways as well as dimensioning for the drive isles and parking. Mr. Magill asked the applicant to confirm that all the site triangles and driveways conform to AASHTO (American Association of State Highway and Transportation Officials).

Mr. Shropshire replied affirmatively.

Mr. Hunter reviewed his letter dated 7/22/22. He stated that he received a response letter from TWT and the applicant agreed to accommodate all comments and concerns. He asked for the status of the LOI.

Mr. Giunco replied that the LOI has been filed.

Chairman Gray poled the board to continue past the 1.5 hour mark. All members agreed to continue for 30-45 minutes.

Mr. McVey reviewed his letter dated 7/1/2022. Mr. McVey received a response letter from TWT. The applicant has agreed to satisfy all comments.

Chairman Gray opened the meeting to the public for comment. Seeing none, Chairman Gray closed the public portion.

Mr. Francescone noted that at the first two phases there were questions and testimony as to the impact on schools. Now that there is real experience, he asked for testimony on the realized impact of school age children from the first phases and the projected impact of the additional 4 buildings.

Mr. Stokes responded that 80% of the residents between 20 and 40 do not have children and the majority of residents who do have children are in the affordable units.

Ms. Cofone stated that Mt. Laurel has an obligation to provide these units, so whether they are here or somewhere else in town the impact is the same. She stated that this type of housing in the market rate units typically has a low amount of school-aged children.

Mr. Petrongolo agreed with Ms. Cofone's assessment.

Mr. Giunco closed with a summary of the testimony provided.

Mr. Campbell listed the conditions of approval:

1. Gates around the trash enclosure are required unless the township directs the applicant not to have them.
2. Applicant will work with the board professionals regarding landscaping including compensatory plantings.
3. Applicant will submit revised renderings demonstrating architectural and design consistency through all three phases of Laurel Green.
4. The applicant will submit cross easements as a condition of Certificate of Occupancy.
5. The applicant will comply with board professionals comments.

Chairman Gray made a motion to approve application ZB22-D-17, Mrs. Andersen seconded. All members voted affirmatively and the motion was carried and approved.

Mr. Francescone stated that these types of projects are approved individually because they meet the criteria for approval however cumulatively, they have a negative impact on the Township.

Adjournment:

Mr. Francescone made a motion to adjourn at 9:52 p.m., all present voted affirmatively and the motion was carried.

Adopted on: September 7, 2022

Suzanna O'Hagan
Suzanna O'Hagan, Secretary
Zoning Board of Adjustment