

Mount Laurel Township Zoning Board of Adjustment
Regular Meeting Minutes
September 1, 2021

Opening

The eighth Regular Meeting of the Mount Laurel Zoning Board of Adjustment September 1, 2021 was called to order by Chairman Francescone at 7:12 p.m. delay due to storm
Pledge of Allegiance and Moment of Silence were observed
The Open Public notice was read by Suzanna O'Hagan, Board Secretary
Roll call was taken

Board Members in Attendance

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

Absent

Mr. Killen

Board Professionals in Attendance

Joseph Petrongolo, Planner; Michael Angelastro, Engineer; Ed Campbell, Board Solicitor

Announcements and Review of Board Procedures

1. The application for Mt. Laurel Industrial Plaza, ZB21-C-20 has been withdrawn.
2. The application for Security Vault Works has been continued to the October 6, 2021 Zoning Board Hearing.

Adopting the Minutes

Chairman Francescone asked for a motion to adopt the regular meeting minutes of 8/04/2021. Mr. Grey moved the motion, Mrs. Andersen seconded, all eligible members voted affirmatively and the motion was carried.

Memorialized Resolutions

1. **R-2021-ZB17** – Mr. List made a motion to approve R-2021-ZB17, Mr. Sharp seconded, all eligible members voted affirmatively and the motion was carried.
2. **R-2021-ZB18** – Mr. Grey made a motion to approve R-2021-ZB18, Mrs. Liciaga seconded, all eligible members voted affirmatively and the motion was carried.
3. **R-2021-ZB19** – Mr. Grey made a motion to approve R-2021-ZB19, Mr. Sharp seconded, all eligible members voted affirmatively and the motion was carried.

The Township Professionals were sworn in.

Petitions before the board

Greentree North LLC, ZB21-D-15, 1001 Briggs Road, Block 512 Lot 4, I zone. This applicant is seeking a Site Plan Waiver and d(1) use variance to allow an adult daycare in an existing building.

Witnesses Sworn:

Dave Shropshire PP, PE, Shropshire and Associates, and James Kyle PP, Kyle McMannus Associates.

Exhibits Entered:

None

Sara Werner, Esq. Prime and Tuvell represented the applicant and summarized the application as an application for variance to allow the adult day care as described.

Mr. Shropshire's Testimony

Mr. Shropshire testified that he did perform a parking analysis dated 8/10/2021 for this property based on the use of an adult daycare. He stated that there are currently 250+ spaces onsite and that the maximum demand for this use is 30 vehicles. Mr. Shropshire testified that he did a review of national standards and found that the 30 space demand is an overestimation. He stated that this site has more than sufficient parking.

Mr. Kyle's Testimony

Mr. Kyle testified to the address size and existing conditions of the proposed site. He stated that he believes the use does qualify as an inherently beneficial use by MLUL definition. This is a facility for adults with developmental disabilities and Autism as it is akin to a child care center. The services provided at the facility are meant to promote the public welfare. He read from the operation statement that the program is for "adults 21 years of age and older with developmental disabilities and Autism, participants may also have physical impairments, utilize wheelchairs, walkers and other adaptive equipment. The day program provides both individual and group therapy, learning services, health management, exercise and recreational activities. Participants receive training in daily living skills, current events, socialization and vocational skills".

Mr. Petrongolo stated that he is not sure if this qualifies as an "inherently" beneficial use, therefore his recommendation is to provide proofs based on the Medici case not the Sica case.

Mr. Kyle continued. In terms of site suitability, the site has space that can be adequately adapted to the proposed use including handicap accessibility. The use is located in a non-residential community that provides a wide array of uses including child care. He believes the proposed use fits in well. Additionally, the site is easily accessible from the region, participants can easily be brought to the site and there are no residential uses in the area that will be impacted.

Mr. Kyle believes the project promotes purposes a and g of the Municipal Land Use Law. In terms of negative criteria, Mr. Kyle stated that there is no increase in parking demand or increased traffic compared to other allowed uses, the program is a daytime program so there are no odd or late hours. He believes that the proposed use may have less of an impact than those uses allowed in the district. Mr. Kyle stated that the zone is clearly meant to provide a variety of uses including child care centers, offices, restaurants etc. He believes that the proposed use will not substantially impair the intent or purpose of the ordinance and it is not inconsistent with the zone plan. For the stated reasons Mr. Kyle believes the proposed use meets both the positive and negative criteria and the board would be justified in granting the relief requested.

Upon questioning by Ms. Werner, Mr. Kyle stated that the total number of employees would be 20 with 10-12 per shift. The number of participants is 40 and the hours of operation will be Monday to Friday 8:00am to 5:00pm. Program transport is largely accommodated by passenger vans via the rear of the building and approximately 9 or 10 vans parked overnight in the rear of the building. Deliveries will be primarily FedEx and routine office supplies weekly as needed and will not be a substantial component of any traffic on site. Standard waste disposal will consist of trash and solid waste being picked up bi-weekly and recycling weekly. He stated that 40 participants a day is lower than average in his experience. Recreational activities will include general group activities with interaction and socialization as a key component.

Mr. Petrongolo reviewed his letter dated 7/19/2021. He stated that the applicant has addressed many of the issues in their testimony. He does not disagree that the use would promote general welfare and the benefit to the special needs community. He stated that a child care center tends to be more intense than an adult day care facility and the child care center use is allowed. He asked where the vans will be parked.

Ms. Werner stated that the applicant is willing to submit a plan with the spaces marked out in the rear of the building.

Mr. Petrongolo continued, he asked where the participants would be dropped off.

Ms. Werner responded that she believes it will be in the rear of the building and that a person is going to the site to mark specific areas. She stated that as a condition of approval the applicant will submit a revised plan showing the access points.

Mr. Petrongolo continued that there is a grade change in the rear of the building so the applicant needs to demonstrate that the site is accessible. He noted that the board professionals have a meeting regarding all applications and that the MUA has noted some issues on the property. He noted that MUA approval will be a condition of board approval.

Ms. Werner stated that the applicant is the owner of the property, is aware of the issues and has been working with the MUA.

Mr. Petrongolo continued that he has no objection to the waiver of site plan with the caveat that applicant demonstrates where the vehicles will be parked overnight, if landscape screening is necessary that is be provided and that the applicant demonstrate the sites accessibility from drop off into the building.

Mr. Angelastro reviewed his report dated 8/19/2021. Mr. Angelastro has no objection to Mr. Shropshire's report and agrees that there is more than adequate parking on the site. He has no objection to the waiver of site plans provided the stated items are submitted.

Mrs. Andersen asked if adult daycare centers are allowed anywhere in the township.

Mr. Petrongolo replied, not that he is aware of.

Mr. Grey questioned that lack of ADA parking in the rear of the building.

Mr. Petrongolo replied that the applicant will demonstrate, as a condition of approval, that the site is accessible. The ADA spaces are meant for people parking their vehicles, these participant will be dropped off and picked up.

Ms. Werner stated that the applicants will not be driving themselves to the site and that the applicant will demonstrate the accessibility.

Mr. Grey asked if all participant will be transported by the applicant's van, meaning no one else will be dropping them off or picking them up.

Ms. Werner confirmed that all participants will be dropped off and picked up by the applicant's vans.

Chairman Francescone opened the meeting to the public for question or comment. Seeing none, closed the public portion.

Mr. Campbell summarized the conditions of approval as the following:

1. The applicant will submit a parking plan to the board's professionals demonstrating the location of the 10 passenger vans to be parked overnight.
2. The applicant will screen or buffer the parking area if deemed necessary by the boards planner.
3. The applicant will submit a plan to the board's planner demonstrating that the location for participant drop off and pick up appropriately provided with accessibility
4. applicant will resolve open MUA issues

A discussion took place and the board decided to vote on the Site Plan Waiver separately from the Use variance.

Chairman Francescone asked for a motion to approve the Use variance for Greentree North, ZB21-D-15 with the conditions stated.

Mr. Grey moved the motion, Mrs. Andersen seconded, all present voted affirmatively. Motion is carried.

Chairman Francescone asked for a motion to approve the Site Plan Waiver.

Vice Chairman List moved the motion, Mrs. Andersen seconded. Mr. List, agree; Mrs. Andersen, agree; Mr. Kramer, agree; Mr. Sharp, disagree, stated he would like the plan to be submitted; Mrs. Liciaga, agree; Mr. Grey, disagree. Motion is carried.

Adjournment:

Chairman Francescone asked for a motion to adjourn. Mr. List moved the motion. All present voted affirmatively. Meeting adjourned 7:53 P.M.

Adopted on: October 6, 2021

Suzanna O'Hagan, Secretary
Zoning Board of Adjustment