

Chairman Green called the Regular Meeting to order at 7:00 P.M. in the Court Room

The Pledge of Allegiance and Moment of Silence was observed

The Board Secretary read the open public notice which was published and posted on 1/12/15

Roll Call was taken by Jenifer DeSimone, Board Secretary:

Board Members: Ms. Jones, Present; Mr. Bailey, Present; Mr. Folcher, Present; Mr. List, Present; Mr. Killen, Absent; Mr. Kramer, Present; Mr. Francescone (7:12 p.m.); Vice-Chairman Brod, Present; Chairman Green, Present.

Board Professionals: Mr. Angelastro, Traffic Engineer, Present; Deputy Chief Burnett, Present; Mr. Petrongolo, Planner, Present; Mr. Long, Engineer, Present; Mr. Costa, Board Solicitor, Present; Ms. DeSimone, Board Secretary, Present.

Chairman Green reviewed the Board's Procedures and no Announcements

Memorialize Resolutions:

CHRISTOPHER FRITZ, #15-C-11, 95 Hillside Lane, Block 601.11, Lot 50. Chairman Green asked for a motion to memorialize the resolution. Board member List moved the motion and Board member Folcher second. All present voted affirmatively with the exception of Board member Bailey who abstained from the vote and the motion was carried; so ordered Chairman Green.

UNITED BENGALS, LLC, #14-D-26A, 3601- 3605 Route 38, Block 500, Lot 3. Chairman Green asked for a motion to memorialize the resolution on the Use Variance. Board Member List moved the motion and Board member Kramer second. All present voted affirmatively with the exception of Board member Bailey who abstained from the vote and the motion was carried; so ordered Chairman Green.

JOSEPH ORLANDO, #15-D-03, 4518 Church Road, Block 1100.02, Lot 6. Chairman Green asked for a motion to memorialize the resolution on the Site plan. Board member Folcher moved the motion and Board member List second. All present voted affirmatively with the exception of Board member Bailey who abstained from the vote and the motion was carried; so ordered Chairman Green.

Chairman Green asked for a motion to adopt the Regular Meeting Minutes of September 2, 2015. Board member List moved the motion and Board member Folcher second. All present voted affirmatively with the exception of Board member Bailey who abstained from the vote.

Zoning Board Professional: Mr. Joseph Petrongolo, Planner, Mr. William Long, Engineer, Mr. Michael Angelastro, Traffic Engineer, Mr. Christopher Burnett, Deputy Fire Chief, were sworn in by the Zoning Board Solicitor Mr. Costa.

Petitions before the Board:

1. **SCOTT RAVENFELD**, ZB#15-C-12, 44 Brookwood Road, Block 700.04, Lot 5 - R-3 Residential zone. The Bulk variance sought is from section 154-16 of the Zoning Ordinance to enable the applicant to construct a portico 27.5' from the front property line where 30' minimum is required. The Board Secretary read the application and certified the completeness. Mr. Ravenfeld residing at 44 Brookwood Road was sworn in by the Board Solicitor. He testified that his home faces the South and the sun is fading the front door which was replaced a short time ago. The portico will go over the existing front porch which is 5' x 7' and the materials will match the existing home facade. Chairman Green opened the hearing to the public, seeing none, closed the public portion and asked for a motion. Board member List moved the motion to approve #15-C- 12 and Board member Folcher second. Roll call vote: Mr. List, Agree; Mr. Folcher, Agree; Ms. Jones, Agree; Mr. Bailey, Agree; Mr. Kramer, Agree; Vice-Chair Brod, Agree; Chairman Green, Agree. Motion carried approved.

Petitions before the Board: continued

2. **MATTHEW MANWARING**, ZB#15-C-13, 56 Sorrel Run, Block 806.02, Lot 15. The Bulk variance sought is from section 154-64 A.2 of the Zoning Ordinance to enable the applicant to maintain a 660 square foot concrete pad with a 6" side yard setback and a 6" rear yard setback where 10' is required. Also to maintain 660 square feet outside the building envelope where 250 square feet is permitted. The Board Secretary read the application and certified the completeness. Mr. Manwaring residing at 56 Sorrel Run was sworn in by the Board Solicitor. He testified they purchased the home 6 weeks ago and the day before settlement they were notified that the previous owner's concrete basketball pad was encroaching into the next door neighbor's yard by a few feet. He spoke to the next door neighbor and they had no problem with removing part of the concrete pad from the neighbor's yard and locating it 6" from the property line. Chairman Green opened the hearing to the public, seeing none, closed the public hearing and asked for a motion. Board member List moved the motion and Board member Folcher second. Roll call vote: Mr. List, Agree; Mr. Folcher, Agree; Mr. Bailey, Agree; Mr. Francescone, Agree; Mr. Kramer, Agree; Vice-Chair Brod, Agree Chairman Green, Agree. Motion carried approved.

3. **UNITED BENGALS, LLC**, ZB#14-D-26A, 3601-3065 Route 38, Block 500, Lot 3
The applicant will be constructing a Free-standing Dunkin Donuts building with a drive thru window. Amended Preliminary & Final Site Plan and Waivers. The Board Secretary certified the completeness. Mr. Brad Sclar, Attorney at law represented the applicant. Witnesses to give testimony Mr. John Pettit, Engineer; Mr. Nathan Mosley, Traffic Engineer; Mr. James Miller, Professional Planner and Mr. Luban Siddiqui, Managing Member United Bengals, LLC were sworn in by the Board Solicitor. Exhibits introduced A-1 Presentation Plan revised 9/24/15 and A-2 Preliminary Elevations revised 9/24/15. Mr. Pettit, testified to the illuminated monument sign on Rt. 38, adding more landscaping and removing the outdoor seating area. The applicant will be using the same parking lot light fixtures as Wawa. Further discussed was the reduction of impervious surface, traffic study, development checklist waivers and parking spaces. Mr. Mosley testified to the circulation, bulk variance for parking spaces proposed 134 required 154. He discussed that Wawa's peak operation time is morning and midday, Dunkin Donuts peak is in the morning and the Liquor Store is later in the day. All three uses will be able to work with the proposed number of parking spaces. Mr. Miller, Professional Planner reviewed the amended sign package. 1) Menu Board is now conforming 2) Directional signs will have enter and exit nothing on them 3) Monument sign on Marter Avenue 4) Façade sign on two sides of the building. The purposes of the Municipal Land Use Law c). & i). The monument sign on Marter Avenue identifies traffic on the north bound side of Marter Avenue. The benefits outweigh any detriments on the sign package. With all of the current uses, Wawa, U-Haul, Martin Liquor Store and Taylor Rental across the street meets the positive and negative criteria. Mr. Petrongolo, ZB Planner reviewed his report dated October 2, 2015. He discussed lighting, landscaping and the need for the applicant to work with the Boards professionals. The Monument sign proposed 40 square feet and Zoning Ordinance permits 36 square feet and two façade signs that will face Rt. 38 and Marter Avenue. No need for the outdoor patron use 154-164E, abandon the prior drive thru approval. Mr. Long, ZB Engineer reviewed his report dated September 30, 2015. He discussed the decrease impervious surface issue with the applicants Engineer. Mr. Angelastro, ZB Traffic Engineer reviewed his report dated September 30, 2015. He discussed the 134 proposed parking stalls where 154 is the required number of parking spaces. Loading zone and to restrict deliveries to late in the afternoon or early morning.

Petitions before the Board: United Bengals, LLC continued

Chris Burnett, Deputy Fire Chief reviewed the report from the Fire Marshal dated October 5, 2015. He stated the applicant has provided sufficient detail to accommodate the circulation of the fire apparatus through the site. Chairman Green opened the hearing to the public. Ms. Barbara Rich, residing at 38 East Central Ave., Moorestown, NJ was sworn in by the Board Solicitor. Ms. Rich questioned the stormwater on-site. Mr. Long, ZB Engineer said the applicant Dunkin Donuts will be responsible for stormwater with Wawa and Martins Liquors has their own treatment devise. Chairman Green closed the public portion of the hearing. The Board Solicitor reviewed the conditions: Amended Preliminary & Final Site Plan, Bulk Variances, Waivers, Lot Coverage, 134 Parking Spaces proposed 154 Parking Spaces required, 2 Façade Signs 1 is permitted, 40 square foot Monument Sign where 36 square foot is permitted, remove Outdoor patron area 154-164E. Abandon the prior Drive Thru application and Deliveries not during the peak time. Chairman Green asked for a motion. Board member Folcher moved the motion to approve #14-D-26A subject to the conditions stated by the Board Solicitor and Board member Kramer second. Roll call vote: Mr. Folcher, Agree; Mr. Kramer, Agree; Mr. Bailey, Agree; Mr. Francescone, Agree; Mr. List, Agree; Vice-Chair Brod, Agree; and Chairman Green, Agree. Motion carried approved.

4. HOUSE PAWS VETERINARY SERVICES, ZB #12-D-04A, 801 Centerton Road, Block 101, Lot 1. Amended Use Variance and Bulk Variances & Amended Major Site Plan & Submission Waivers. The Use & Bulk Variances sought are from section 154-15, 92.5, 69A. (1) & 70 of the Zoning Ordinance to enable the applicant to: Permit the expansion of the parking lot, Permit monument sign, and Permit parking stall sizes to be 10 feet by 18 feet where 10 feet by 20 feet is required and to permit off-street loading and unloading where such space is required. The Board Secretary certified the completeness. Mr. Jeffrey Baron, Attorney at law represented the applicant/owner. Witnesses to give testimony Dr. Lisa Aumiller, Owner/applicant, Mr. John Pettit, Engineer, were sworn in by the Board Solicitor. Exhibits marked 12 photographs taken by Dr. Aumiller on 10/6/15. A-1 Parking along Centerton Road A-2 Parking along Centerton Road from a different angle A-3 Parking along Centerton Road from a different angle showing the House Paws Vans & Truck A-4 Handicapped Parking Spaces A-5 Parking Lot in front of the Office Building A-6 Parking Lot in the front of Office Building different angle A-7 Office Building at the end of the Parking Lot circle A-8 Parking Lot by mail box along Creek Road A-9 Looking at the inner circle of the Parking Lot at Creek and Centerton Roads A-10 Parking Lot between both Offices Chiropractor and Veterinary A-11 Parking Lot looking at the front of the Office Building A-12 Parking Lot loading trucks/vans in the morning A-13 Presentation Plan dated 9/24/15 of the adjacent area. Mr. Baron stated the applicant is seeking approval for an Amended Use Variance as well as an Amended Preliminary and Final Site Plan to permit additional parking and to construct an access ramp and a new monument sign. Along with 10 Development Checklist Waivers. Dr. Aumiller testified that they have operated the Veterinary and Chiropractor Offices at this location for 2 ½ years. Dr. Aumiller discussed exhibits A-1 thru A-12 photograph locations, hours of operation, number of employees of both practices, deliveries and the need to relocate the current monument sign that's on the hill at the corner of Centerton and Creek Roads. Mr. Pettit, Site Engineer discussed exhibit A-13 Site plan of the adjacent properties, stormwater, lighting, circulation, no truck loading and the development checklist waivers.

Petitions before the Board: House Paws Veterinary Services continued

The need for an amended Use variance is to expand the parking lot by adding 40 additional parking spaces. Further discussed was the positive and negative criteria per the purposes of MLUL a). & g). Also, discussed was the issue of installing sidewalks to nowhere. Mr. Petrongolo, ZB Planner reviewed his report dated September 23rd, 2015. Mr. Long, ZB Engineer reviewed his report dated September 18, 2015. Mr. Angelastro, ZB Traffic Engineer reviewed his report dated September 24, 2015. Deputy Chief Burnett reviewed the Fire Marshals report dated September 23, 2015. Dr. Aumiller further discussed the trash removal. Chairman Green opened the hearing to the public, seeing none, closed the public portion. Mr. Jeffrey Baron stated the applicant agreed with the professionals reports and agreed to work with the professionals. Board Solicitor Costa reviewed the conditions: Amended Use variance, Amended Preliminary & Final Site Plan and Development Checklist waiver, 40 parking spaces, move the monument sign to the corners of Centerton & Creek Roads, sidewalks are not appropriate on Centerton and Creek Roads, No loading zone, Development Checklist waivers and Trash enclosure. Chairman Green asked for a motion. Board member List moved the motion to approve #12-D-04A subject to the conditions stated. Board member Folcher second. Roll call vote: Mr. List, Agree; Mr. Folcher, Agree, Mr. Bailey, Agree, Mr. Francescone, Agree, Mr. Kramer, Agree, Vice-Chairman Brod, Agree and Chairman Green, Agree. Motion carried approved.

5. **JOSEPH R. PERLA, ZB#15-D-10**, 344 Texas Avenue, Block 1005, Lot 2 - R-3 Residential zone. The Use Variance sought is from section 154-15 of the Zoning Ordinance to enable the applicant to create by subdivision a commercial use while maintaining the existing residence. The Board Secretary certified the completeness. Mr. Dominic Favieri, Jr. Attorney at law represented the applicant. Witnesses to give testimony Mr. Joseph R. Perla, Applicant, Mr. Donald A. D'Amato, Realtor and Mr. Michael E. Avila, Professional Engineer/Planner were sworn in by the Board Solicitor Mr. Costa. Exhibits marked A-1 (7) photographs of the Building/Office, Equipment and Trucks used by the Applicant. A-2 Color rendering of the site A-3 Aerial Photograph of property and adjacent properties, Aerial Photograph of the property of a wider area A-4 Site Layout drawing 10/7/15. Mr. Perla discussed his present location in Maple Shade. He has a pole barn building 2 offices one for him and a Secretary. He has been in Landscaping business for 30 years and the hours of operation from 7:00 am to 5:30 pm (5) employees and his self. His business is 80% residential and 20% commercial. The list of equipment onsite Chainsaws, Stump grinder, midsize dump trucks, 5 trucks. On site he would like to have mulch, topsoil, and stone. There will be no retail sales at the site. The applicant testified that he would be renting the existing home and would subdivide for the landscaping business. Deliveries of products will be 5 to 6 times a year. The debris doesn't come back to the property it is sold. Mr. D'Amato, Realtor testified that he listed the property for over a year and it was on the market for a few years before with no activity. Mr. Avila, Engineer/Planner testified to the adjacent uses and the special reasons per the Municipal Land Use Law a). g). & i). there is no detriment to the zone plan, master plan or the area. The property will be fenced and will have lights for security. Mr. Petrongolo, ZB Planner reviewed his report dated September 24, 2015, discussed the testimony of the use variance and future site plan issues. Mr. Long, ZB Engineer reviewed his report dated September 21, 2015, discussed the on-site noise that may be generated from the use. Mr. Angelastro, ZB Traffic Engineer reviewed his report dated September 24, 2015, discussed no significant impact to the traffic.

Petitions before the Board: Joseph R. Perla continued

Chairman Green opened the hearing to the public, seeing none, closed the public portion. Mr. Costa, Board Solicitor reviewed the conditions: Use variance, no waste to be brought back to the site, subject to the Site plan and Subdivision and the payment of Taxes and Escrows. Chairman Green asked for a motion. Board member List moved the motion to approve #15-D-10 subject to the conditions stated and Board member Folcher second. Roll call vote: Mr. List, Agree; Mr. Folcher, Agree; Mr. Bailey, Agree; Mr. Francescone, Agree; Mr. Kramer, Agree; Vice-Chair Brod, Agree and Chairman Green, Agree. Motion carried approved.

Temporary Use Permit:

Diocese of Trenton - Jesus Christ Bread of Life Cemetery, #15-73-04, 3055 Fostertown Road, Block 303, Lot 3- Requesting a 20' Office Trailer for 1 Year. Chairman Green discussed the temporary use permit with the Board members and asked for a motion. Board member Francescone moved the motion to recommend to Twp. Council for one (1) from the issuance of a construction and/or zoning permit and Board member List second. All present voted affirmatively and the motion was carried; so ordered Chairman Green.

Chairman Green asked for a motion to adjourn Board member Kramer moved the motion at 9:30 P.M.

Adopted on: November 4, 2015



Respectfully Submitted,
Jenifer L. DeSimone, Secretary
Zoning Board of Adjustment