

Chairman Brod called the Ninth Regular meeting to order at 7:00 P.M. in the Courtroom

The Pledge of Allegiance and Moment of Silence was observed for Ed Cortez, Mount Laurel Township's Housing Inspector passed on October 1, 2016, led by Chairman Brod.

The Board Secretary read the open public notice which was published and post on January 12, 2016

Roll Call taken by Jenifer DeSimone, Board of Adjustment Secretary

Board Members: Ms. Jones, Present; Mr. Bailey, Present; Mr. Folcher, Present; Mr. Green, Present; Mr. Killen, Present; Mr. Kramer, Present; Mr. Francescone, Present; Vice-Chairman List, Present; Chairman Brod, Present.

Board Professionals: Mr. Angelastro, Traffic Engineer, Present; Mr. McVey, Fire Marshal, Present; Mr. Petrongolo, Planner, Present; Mr. Long, Engineer, Present; Mr. Norman, Solicitor, Present; and Ms. DeSimone, Board Secretary, Present.

Chairman Brod reviewed the Zoning Boards procedures no Announcements.

Memorialize Resolutions:

1. JENNIFER AND SHAWN MARSHALL, ZB#16-C-13, 432 Hartford Road, Block 801.02, Lot 5
Chairman Brod asked for a motion to memorialize the resolution ZB#16-C-13. Board member Green moved the motion and Board member Killen second. All presented voted affirmatively with the exception Chairman Brod, Vice-Chairman List and Board member Bailey who abstained from the vote. And the motion was carried.

2. LISA ANDERSON, ZB#12-C/D-04B, 801 & 833 Centerton Road, Block 101, Lots 1 & 3
Chairman Brod asked for a motion to memorialize the resolution ZB#12-C/D-04B. Board member Killen moved the motion and Board member Green second. All presented voted affirmatively with the exception Chairman Brod, Vice-Chairman List and Board member Bailey who abstained from the vote. And the motion was carried.

Minutes: Chairman Brod asked for motion to adopt the meeting minutes of September 7, 2016. Board member Folcher moved the motion and Board member Killen second the motion. All present voted affirmatively with the exception of the Chairman Brod, Vice-Chair List & Brd. Member Bailey who abstained from the vote and the motion was carried. .

Zoning Board Professionals: Mr. Angelestro, Traffic Engineer; Mr. McVey, Fire Marshal; Mr. Petrongolo, Planner and Mr. Long, Engineer, were sworn in by the Board Solicitor.

Petitions before the Board: 1. RAJAN BHATIA, ZB#16-C-12, 4 Ridings Court, Block 806.04, Lot 3, R-3 zone. The Bulk Variances sought are from section 154-16 of the Zoning Ordinance to enable the applicant to: Maintain a paver patio with a grilling area with a 3.3' side yard setback where 10' is required. Patio with rear yard setback of 37' where 50' is required. Patio encroaches 928 square feet +/- where 250 square feet is permitted leaving 678 square feet over the building envelope. The Zoning Board Secretary read the application and certified the completeness. Mr. Rajan Bhatia was sworn in by the Board Solicitor and stated he didn't know that he needed permits to install the patio and grilling area. Chairman Brod opened the hearing to the public, seeing none, closed the public portion and asked for a motion. Board member Francescone moved the motion to approve #16-C-12 and Vice-Chairman List second the motion. Roll call vote: Mr. Francescone, Agree; Vice-Chairman List, Agree; Mr. Folcher, Agree; Mr. Green, Agree; Mr. Killen, Agree; Mr. Kramer, Agree; Chairman Brod, Agree. Motion approved.

2. SHAMMI AND ANJU BHATIA, ZB#16-C-15, 83 Watson Drive, Block 905.07, Lot 12, R-3 overlay zone. The Bulk Variance sought is from section 154-16 of the Zoning Ordinance to enable the applicant to: Construct a 12' x 30' partially covered deck with an 11' rear yard setback where 20' is required. Stone Mill Community Association Application for Exterior Change was approved July 12, 2016. The Board Secretary read the application and certified the completeness. Mr. Shammi Bhatia was sworn in by the Board Solicitor. Mr. Bhatia stated he has a hardship as his rear yard setback is only 23' and that any addition would require a bulk variance. Chairman Brod opened the hearing to the public, seeing none, closed the public portion and asked for a motion. Vice Chairman List moved the motion and Board member Folcher second. Roll call vote: Vice-Chair List, Agree; Mr. Folcher, Agree; Mr. Francescone, Agree; Mr. Green, Agree; Mr. Killen, Agree; Mr. Kramer, Agree; Chairman Brod, Agree. Approved

Petitions before the Board:

3. MOUNT LAUREL PARTNERS, LLC, ZB#16-C-14, 1215 Route 73, Block 1100, Lot 2.07 N-C zone. The Bulk Variance sought is from section 154-92.6C of the Zoning Ordinance to enable the applicant to: List the individual tenants on the freestanding sign West Marine & Dunkin Donuts along with any other relief deemed necessary by the review professionals. The Zoning Board previously approved by resolution #08-C-28 tenants on the existing signage. The Board Secretary read the application and certified the completeness. Mr. James Burns, Attorney at law represented the applicant. Witnesses to testimony Mr. James Miller, AICP, PP, and Mr. Daniel Goodman, Applicant Representative were sworn in by the Board Solicitor. Mr. Burns testified the Zoning Board approved the current signage in 2008 and the applicant would like to update the structure and sign face and put the tenants on the sign. Exhibits A-1 Photograph showing the view of sign From Route 73, A-2 Photo elevation showing new sign cabinet, skirt posts and existing sign. The adjacent property has landscaping brush which obstructs the property and is a visibility problem for this center. Mr. James Miller, Planner testified to the commercial strip center with five (5) tenants. He discussed the purposes of the MLUL a). & c). The brush was removed but when the vegetation grows so tall you can't see the building. The proposed sign is consistent with the other monuments signage on Route 73 and the size is a benefit not a detriment because you can see the working on the sign. The sign communicates what it needs to communicate. There is a high volume of traffic on Route 73 and safety is an issue so people can turn into the site. There is no negative impact so this satisfies the negative criteria. Mr. Petrongolo, reviewed his report dated September 22, 2016, detailing the two (2) bulk variances the freestanding sign being 15' x 8'=120 square feet and three (3) tenant names on the sign. The owner wants the tenants on the sign to make it a viable center. Chairman Brod opened the hearing to the public. Mr. Victor Juliano owner of the adjacent shopping center was sworn in by the Board Solicitor. Mr. Juliano stated he wanted to make sure the freestanding sign wasn't going to impact his property. Chairman Brod closed the public portion and asked for a motion. Vice Chairman List moved the motion to approve the application for the 2 bulk variances and add the 3 tenant names on the sign and Board member Francescone second the motion. Roll call vote: Vice Chairman List, Agree; Mr. Francescone, Agree; Mr. Folcher, Agree; Mr. Green, Agree; Mr. Killen, Agree; Mr. Kramer; Agree; Chairman Brod, Agree. Approved.

4. DOUBLETREE PROPERTIES LP ZB#16-D-06A aka Larchmont Equities II, LLC, Royal Farms 3123 Route 38, Block 301.22, Lot 28 & 28.01- I zone. The Zoning Board granted a D-3 Use Variance on 6/1/16. The applicant is requesting a Major Preliminary and Final Site Plan, Use Variance off-site directional signage, Bulk Variances Façade & Freestanding signage, Submission Waivers and Design Waivers: To construct a 5,166 square foot Royal Farms Convenience Store with 8 Fuel pumps and Canopy. Amended Application 9/23/16. The application certified complete. Mr. Damien Del Duca, Attorney at law represented the applicant Royal Farms Convenient Store. Witnesses to give testimony Mr. Matthew DiGuillo, Royal Farm Representative; Mr. David Horner, PE Traffic Engineer; Mr. David Kreck, PE, CME, Engineer; were sworn in by the Board Solicitor. Mr. Del Duca noted the additional Amended Use variances for (2) off-site signage and had the exhibits marked. A-1 Color Aerial presentation; A-2 Colored Architectural Elevations; A-3 Presentation Plan; A-4 Signage Rendering A-5 Fuel Canopies; A-6 Equipment Plan. The applicant is willing to work with the Boards Planner to supplement the landscaping in the rear of the property. The applicant has proposed (2) Oversized parking stalls and 74 parking spaces 76 is required. Mr. DiGuillo, Royal Farms stated the peak employees will be between 8 to 9, gas deliveries will be 3 times a week at off peak hours, food will be delivered by box truck. Mr. Horner, discussed the traffic right turn in and right turn out. Fuel deliveries will be made on Route 38 only. Mr. Petrongolo, Planner reviewed his report of September 26, 2016. Mr. Mr. Long, Engineer reviewed his report September 27, 2016. Mr. Angelastro, Traffic Engineer reviewed his report dated September 28, 2016 and Mr. McVey, Fire Marshal reviewed his report dated August 19, 2016.

Petitions before the Board: Doubletree Properties LP- public hearing continued

Chairman Brod opened the hearing to the public, seeing none, closed the public portion. Amended Use variance for (2) Offsite directional signs; buffer variance 25' where 50' is required; front yard setback 46.9' to canopy to the existing property line where 50' is required; design waiver lighting illumination 1.8 over the property line; submission waiver Cross access easement with adjoining property owner; 72 parking spaces; Box truck deliveries; tractor trailer gas deliveries 3 times a week off peak; Open 24 hours 7 days a week; Red Box to be put on the site plan; Preliminary and Final Site Plan and Amended Use variance, Design waiver and Submission Waivers. Chairman Brod asked for a motion. Board member Francescone moved the motion to approve and Mr. Green second the motion. Roll call vote: Mr. Francescone, Agree; Mr. Green, Agree; Mr. Folcher, Agree; Mr. Killen, Agree; Mr. Kramer, Agree; Vice Chairman List, Agree; and Chairman Brod. Approved. Signage details. (2) offsite directional signs; 1 canopy sign 55.7' square feet on Rt. 38; 8 dispenser's pump signage Royal Farms; West bound Pylon sign 18' high 32 square feet gas 37.6' = 69.6' total; Monument sign panel 32 square feet pricing 28.4 square feet total 60.4' square feet. Chairman Brod asked for a motion on signage. Board member Green moved the motion to approve the signage and Board member Folcher second the motion. Roll call vote: Mr. Green, Agree; Mr. Folcher, Agree; Mr. Francescone, Agree; Mr. Killen, Agree; Mr. Kramer, Agree; Vice Chairman List, Agree; and Chairman Brod, Agree. Approved. Chairman Brod asked for a motion to allow two (2) signs on each gas pump. Vice Chairman List moved the motion to approve the same and Board member Killen second the motion. Roll call vote: Vice-Chair List, Agree; Mr. Killen, Agree; Mr. Folcher, Agree; Mr. Francescone, Agree; Mr. Green, Agree; Mr. Kramer, Agree; Chairman Brod. Approved. Chairman Brod called for a 5 minutes recess and then reconvened the regular meeting.

5. SCARBOROUGH LAND GROUP, LLC, ZB#16-D-04, 523-525 Pleasant Valley Ave., Block 1205, Lots 1 & 2, R-3 zone. The Zoning Board granted the Use Variance 6/1/16. The applicant is requesting a Major Preliminary and Final Site Plan and Bulk Var. for Façade and Freestanding Signs: To construct an 1830 square foot Dunkin Donuts restaurant with drive-thru along with accessory onsite parking, landscape buffering, fencing. The application certified complete. Mr. Stephen Nehmad Attorney at law represented the applicant. Witnesses to give testimony Mr. Edmond Speitel, P.E., Professional Civil Engineer, Mr. David Shropshire, P.E., P.P. Professional Traffic Engineer/Transportation Planning, Mr. James Miller, PP, AICP, Professional Planner, Mr. Jeff Scarborough, Developer, and Mr. Kevin Scarborough, Developer were sworn in by the Board Solicitor. Mr. Nehmad had the following exhibits marked A-1 Aerial Photograph of Property in Question (from Google Earth, undated); A-2 Color-rendered Site Plan prepared by Speitel & Speitel, Inc. dated 10/5/20146 A-3 Color-rendered building elevations-Proposed Dunkin Donuts prepared by TK Studio, LLC 10/5/16; A-4 Color-rendered signage exhibit-Proposed Dunkin Donuts prepared by TK Studio, LLC. For the record the Board Solicitor asked if anyone present was from Moorestown. One person raised their hand but then said she wasn't from Moorestown. Mr. Ed Speitel, Professional Engineer discussed exhibit A-1, A-2 & A-3 testified to the site, parking, building, 2 entrances and storm water basin. The mechanical equipment will be screened from the rooftop parapet, parking stalls were designed 10' x 18' in the rear of the property and 10' x 17'. The Buffer will be 15' landscaped with a 6' high vinyl fence. Signage was discussed in detail. Deliveries by tractor trailer for paper goods once a week off peak and baked products are deliver every day in a small box truck. Chairman Brod asked for a motion to continue the application to 11:30 and the November 2nd meeting. Board member Folcher moved the motion and Board member Francescone second the motion. All present voted affirmatively and the motion was carried. The Board Solicitor stated that this application was continued to the November 2nd Zoning Board meeting no further need to notice. Mr. David Shropshire, Traffic Engineer testified that this site has sufficient width, parking, deliveries and 2 access flexibility maneuvers from the one-way traffic circulation. The morning peak is more than the afternoon peak hour. This is a stop at Dunkin Donuts on your way to work. The hours of operation is 5 am to 11 pm. The parking stalls will be angled. Mr. James Miller, Planner testified to the Buffering, parking stall and signage C-2 variance the purposes of the MLUL a). and c) the positive and negative criteria. The buffer of 18' is larger than the original proposed. A loading zone isn't necessary at this site.

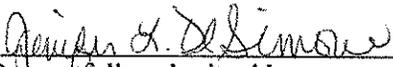
Petitions before the Board: Scarborough Land Group, LLC,

Chairman Brod opened the hearing to the public. Dr. Robin Schwartz, residing at 8 Edinburgh Court was sworn in by the Board Solicitor. Ms. Schwartz was in opposition of the application. Mr. Anel Desai residing at 14 Edinburgh Court was sworn in by the Board Solicitor. Mr. Desai was in opposition of the application and the audience clapped. Chairman Brod stated this application is being continued to the November 2nd meeting and will be scheduled as early as possible on the agenda.

Discussion Items: Per the MLUL 40:55D-70.1 Report on variance application, amendment recommendations: Zoning Board of Adjustment Findings of Fact 2014 & 2015. Brief discussion regarding the report. Board member Francescone recommended that we discuss further at the next regular meeting.

Adjournment: Chairman Brod asked for a motion to adjourn the meeting at 11:30 P.M. Vice-Chairman List moved the motion. All present voted affirmatively and the motion was carried.

Adopted on: November 02, 2016


Respectfully submitted by:
Jenifer DeSimone, Secretary
Zoning Board of Adjustment