

Mount Laurel Township Zoning Board of Adjustment
Regular Meeting Minutes
October 7, 2020

Opening

The Seventh Regular Meeting of the Mount Laurel Zoning Board of Adjustment October 7, 2020 was called to order by Chairman Bailey at 7:00 p.m. This meeting was held via Zoom

Pledge of Allegiance and Moment of Silence were observed

The Open Public notice was read by Suzanna O'Hagan, Board Secretary

Board Members in Attendance

Chairman Bailey, Mr. Francescone, Mr. Green, Mr. Killen, Mrs. Liciaga, Mr. List, Mr. Kramer.

Absent

Mrs. Jones

Board Professionals in Attendance

Joseph Petrongolo, Planner – William Long, Engineer – Michael Angelastro, Traffic Engineer – Brian McVey, Fire Marshal and Evan Crook, Board Solicitor

Announcements and Review of Board Procedures

Adopting the Minutes

Chairman Bailey asked for a motion to adopt the seventh regular meeting minutes of 9/02/2020, Mr. Killen moved the motion Mr. List seconded, all present voted affirmatively and the motion was carried

Chairman Bailey asked for a motion to adopt the first special meeting minutes of 9/16/2020. Mr. Killen made the motion Mr. List seconded, all present voted affirmatively and the motion was carried.

Memorialized Resolutions

R-2020-ZB12 - Mr. List made a motion to approve Resolution R-2020-ZB12, Mr. Francescone seconded, all present voted affirmatively, the motion was carried.

R-2020-ZB13 - Mr. List made a motion to approve Resolution R-2020-ZB13, Mr. Killen seconded, all present voted affirmatively, the motion was carried.

Swearing in of the Board Professionals

Petitions before the Board

1. **Nicolas and Dorothy Bratis, ZB#20-C-12**, 900 Larkspur Place South, Block 1602.03 Lot 26, R-4 zone. The applicant seeks a bulk variance from section 154-16 of the Mount Laurel Township Zoning Ordinance to allow a 12' x 15' patio enclosure to be 13' from the property line where 20' is allowed.

Mr. and Mrs. Bratis were sworn in.

Mr. Bratis testified that the patio enclosure would allow them to enjoy the yard and nature without the difficulties suffered by allergies.

Chairman Bailey opens the meeting to the public for question or comment, seeing none closed the public portion.

With no questions or comments from the board **Mr. Crook** summarized the motion to approve ZB#20-C-12.

Chairman Bailey calls for a motion to approve application ZB#20-C-12. Mr. List moved the motion, Mr. Francescone seconded the motion. All eligible board members voted affirmatively and the motion was carried.

2. **Zachary Calderone**, ZB#20-C-16, 7 Wembley Court, Block 304 Lot 32, R1-D zone. The applicant seeks Site Plan approval and bulk variances from section 154-19 of the Mount Laurel Township Zoning Ordinance to allow a pole barn to be 1,840 square feet in total size where 1,000 square feet is allowed and from 154-65E(1) to allow the pole barn to be 22' in height where 12' is allowed.

Zachary and Ali Calderone were sworn in.

Exhibits entered; A-1 backyard photo showing 14' pool skimmer, A-2 dark blue example, A-3 Home photo, A-4 Lean to photo, A-5 Photo showing finished area under lean to, A-6 Google map aerial image of the property and A-7 Google aerial image with drawing of pole barn location.

Mr. Calderone testified that the pole barn will be used for car restoration hobby and storage only, there will be no living or business use. The overhang on the structure will provide much needed shade and a pole barn under the allowable 1,000 square feet would not fit his needs. Mr. Calderone further testified that he will not be car building late at night and the noise level from his property will be the same after the pole barn is installed as it is currently.

Mr. Kramer questioned the applicant regarding vehicle access to the pole barn.

Mr. Calderone replied that there is no immediate plan for a drive way access as any vehicles in the pole barn will be project cars and not driven regularly. There is gate access to his yard from Union Mill Road.

Jay Petrongolo clarified that the access from Union Mill Rd. is protected land and cannot be used as an access.

Mr. Calderone agreed not to use that access.

Chairman Bailey opened the public portion of the meeting.

Rich Dickinson, 8 Oregon Avenue was sworn in and testified that he is in favor of the project.

Charles Simon, 5 Beaver Avenue was sworn in and testified he is in favor of the project.

Antoinette DiPaula, 28 Bretton Way was sworn in and testified to her concerns. Her first concern is water runoff to the bottom of the hill as 7 Wembley Court is at the top of the hill. Her second concern is noise. The neighborhood is quiet and she is concerned that loud cars and entertainment could be an issue. Her third concern is her property value being lowered due to the aesthetics of the project. She is not an advocate for this project.

Mr. Calderone responded that there will not be work done late at night and entertainment happens with or without the pole barn. His plan includes gutters and will look nice as it will match the house. Further he stated that there is no view of his yard from Mrs. DiPaula's.

Bill Long, Board Engineer explained that the storm water ordinance does limit impervious surface and that this project does not exceed the allowable impervious coverage however, if Mr. Calderone installs a driveway it may be a problem. Mr. Long then asked Mr. Calderone if he has a grade plan to which Mr. Calderone responded he does not but is willing to get one. Mr. Long stated that the stormwater runoff would be a problem for the board and installing stormwater management system could divert the water to Wembley court avoiding the problem of water runoff going down the hill to Bretton Way.

Mr. Francescone questioned what noise would be audible outside the property during day time hours.

Mr. Calderone replied that the noise will be the same as it is now, it will not change.

Mr. Crook summarized the motion to approve site plan and variances from sections 154-19 and 154-65E(1) to allow a pole barn 1,840 square feet in size and 22 feet high. With the conditions that the applicant will submit a plan for stormwater runoff for Board Engineer approval and that the pole barn will not be used for business or living.

Chairman Bailey asked for a motion to approve ZB#20-C-16 with the conditions stated. Mr. Francescone moved the motion, Mr. Killen seconded. The roll call vote: Mr. Francescone agreed, Mr. Killen agreed, Mr. Kramer agreed, Mr. List disagreed stating that the size was excessive and the applicant did not show hardship, Mrs. Liciaga disagreed stating concerns for noise and that the applicant did not show enough hardship, Mr. Green disagreed stating concern for no vehicle access to the pole barn, Chairman Bailey agreed. A vote of 4 agree and 3 disagree, the motion is carried and application approved.

Dr. Asad Sadiq, ZB#20-D-10, 3869 Church Rd, Block 1301.04 Lot 1, NC zone. The applicant seeks Preliminary Site Plan approval to construct a 4,050 sf office/medical office building. A (D)1 use variance is sought from section 154-37 of the Mount Laurel Township Ordinance to allow the medical use and various bulk variances for parking, buffer requirements, setbacks, accessory structures and fence placement.

Robert Mintz, Esq., Freeman and Mintz represented the applicant.

Exhibits:

A-1, 9 page Site Plan; A-2 Aerial Photo; A-3 Elevation

Witnesses sworn in:

Michael Weisberg, Real Estate Agent; Brian Peterman, Peterman Maxy Associated Engineer; Tiffany Morrissey, Planner, PP; Andre Feranda, Shropshire Associates and David Keefrider, Applicant.

Brian Peterman's Testimony

Mr. Peterman presented exhibit A-1 and A-2 enumerating the bulk variances requested and parking lot maneuverability design including employee only parking along the t. Enumerated the waivers requested. Mr. Peterman stated that street shade trees will be installed along Church Road and Beaver Avenues and they will work with the Board planner on landscaping in the parking lot. Mr. Peterman testified that the reduction of the size of the lot was necessary due to the Beaver Avenue widening. This widening provided a turn lane on Beaver Avenue with two lanes approaching Church Road. allowing a left and right turn to help disperse traffic. Due to that loss of space if the building were to comply with the setback and buffer requirements the building would have only 6-7 parking spots with a 15 foot deep 85 foot long building right up against Church Road and eliminate the driveway on Church Road leaving only the Beaver Avenue driveway. The driveway along Church Road will be entrance only as per the Burlington County Planning Board. The applicant will provide a 6 foot stockade fence along lots 4 and 24 with a 10 foot landscape buffer along Lot 24. The applicant has considered other locations for the trash and Recycle enclosure however this proposed placement proved to have the least impact and allow for buffering from view from Church Road.

Mr. Peterman does not anticipate the need for a loading space. Most deliveries will be Fed Ex or office supplies.

Further, the project is not in Mount Laurel's sewer service area as shown on the Site Plan and they will work with Camden County and Cherry Hill in that regard and requested that any approval from this board be conditioned upon that. Mr. Peterman testified that a Phase 1 Environmental Impact Statement will be submitted to the board before final approval. Mr. Peterman explained the drainage and sign location plans as well as sidewalk installation on sheet 2. In reference to the Fire Departments report letter dated June 16, 2020 the applicant has or will satisfy all comments. In reference to the Engineer report dated June 16, 2020 the applicant will work with the professionals to comply with comments and requests before approval submission.

Mr. Peterman opined that the design works well for both the township and the applicant without negative impact to the township surrounding roads or properties and the benefits outweigh the detriments. Further this is a less intensive use than other permitted uses.

Michael Weisberg's testimony

Mr. Weisberg testified that he unsuccessfully attempted to acquire the lot next door. He believes that this will be a positive effect on surrounding properties.

David Keefrider's Testimony

Mr. Keefrider testified that the design of the building will work for medical use and the walls could easily be moved or eliminated to create less tenant spaces. If the size of the building were reduced to meet setback ordinances the building would not be marketable. The exterior of the building design will mimic that of the lifestyle fitness center to encourage a cohesive aesthetic.

Andrew Feranda's Testimony

Mr. Feranda enumerated the trip counts in his report and testified to a delay on Beaver avenue. The proposed design takes that delay into account. The trip projection with the proposed plan as medical use will generate approximately 1/3 of the trips that the same plan would generate if it were retail use. All inbound traffic will be from Church Road, all outbound traffic will be onto Beaver Avenue. Mr. Feranda testified this will be a much better traffic flow with the proposed additional lane allowing for vehicle stacking resulting in less queuing. Further Mr. Feranda believes this is a safe and efficient plan and that this site is appropriate for the proposed use.

Tiffany Morrissey's Testimony

Mrs. Morrissey enumerated the allowed uses in the Neighborhood Commercial Zone and stated that it satisfies the bulk criteria of a lot in the NC zone and is in fact oversized and the building is smaller than allowed. She believes the proposed medical use is a better zoning alternative and the site is particularly suited for the use therefore promoting the general welfare as the small medical offices will serve the local area. There will be no negative impact on the zone plan and the project will advance the purposes of zoning. Mrs. Morrissey testified that the Mount Laurel Township Master Plan did suggest looking at this area as an area in need of redevelopment recognizing that there is room for new development in the area. Mrs. Morrissey stated that the project does not create a substantial impairment to the zone plan or substantial detriment to the public good. The building itself will act as a noise barrier and the road improvement is a much better traffic plan.

Applicant Whitesell Construction Company, ZB#20-C-13 is continued to the November 4, 2020 Zoning Board hearing due to time constraints

Chairman Bailey calls for a vote to continue the hearing past the 1 ½ hour limit and to continue until 11:00pm.

Mr. Francescone moves the motion, Mr. List seconded, all present voted affirmatively and the motion was carried.

Chairman Bailey calls for a break at 10:23, the meeting continued at 10:30

Joseph Petrongolo reviewed his report dated June 19, 2020. The applicant has complied with his comments. Mr. Petrongolo requested that the applicant confirm on record that the architectural drawings provided will be consistent with the building that will be constructed and that the applicant is aware of the affordable housing obligation, Mr. Mintz confirmed both. Mr. Petrongolo reviewed the positive and negative criteria presented by the applicant.

William Long reviewed his report dated June 16, 2020. The applicant has addressed the comments or will address at final. Mr. Long agrees with the design wavers and has concerns about the sanitary sewer and requested it be a condition of approval.

Michael Angelastro reviewed his report dated July 6, 2020. Mr. Angelastro stated that the medical use is expected to generate less trips than retail use and he has no concerns with respect to improvements on Church Road and Beaver Avenue.

Brian McVey reviewed his report dated June 16, 2020. The applicant has satisfied most of the Fire Department comments. Mr. McVey questioned if the applicant is proposing to add a fire hydrant on the North East corner of Beaver Avenue. Mr. Peterman responded in the affirmative.

Chairman Bailey opened the meeting to the public for questions or comments at 10:45.

All commenters were sworn in before testifying.

Tina Garistina Klucsik, 1523 Brookfield Rd. Yardley PA. Ms. Klucsik is concerned about the impact on the adjacent mixed use property which her family owns and resides in. Her concerns include lighting and buffers on left and rear of the building.

Dino Garistina, 3861 Church Rd.

Exhibits entered are Exhibit A, photo of Lot 4 patio showing property line to the proposed projects lot; Exhibit B, Photo showing corner of lot 1 and 24 and Exhibit C, Photo of back of lot 1.

Mr. Garistina is the owner of adjacent property lots 24 and 4. Lot 4 has a patio and is directly affected on Westerly and Northern border. Mr. Garistina's questions and concerns were follows. 1. Requesting clarification of location of 4 24" LED lights 2. Where are the 13 wall mounted exterior lights? 3. Concerns about health, safety and pests in regard to the trash enclosure 4. Not in favor of a fence in the front yard or the accessory structure in front yard. 5. Could the medical practice be more intense than a chiropractor? 6. Believes the lot too large for this lot and will have a detrimental effect on the surrounding residential lots. 7. Reduction of buffer along Lot 24 will impact the viability of lot 24. Mr. Garistina believes the lot is not suited for the proposed use and does not advance the purposes of zoning.

Richard Dickenson and Charles Simon continually disrupted the meeting.

The hearing is continued to the November 4, 2020 Zoning Board meeting, no new notice is required.

Adjournment:

Chairman Bailey asked for a motion to adjourn at 11:15pm, Mr. List moved the motion, all present voted affirmatively and the motion was carried.

Adopted on: November 4, 2020

Suzanna O'Hagan, Secretary
Zoning Board of Adjustment