

Mount Laurel Township Zoning Board of Adjustment
Regular Meeting Minutes
November 3, 2021

Opening

The tenth Regular Meeting of the Mount Laurel Zoning Board of Adjustment November 3, 2021 was called to order by Chairman Francescone at 7:00 p.m.

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, Mr. Killen, Mrs. Liciaga, Mr. Sharp, Mr. Kramer, Mr. Holmes.

Absent: None

Board Professionals in Attendance

Joseph Petrongolo, Planner; Michael Angelastro, Engineer; Ed Campbell, Board Solicitor, Brian McVey, Fire Marshall

Announcements and Review of Board Procedures none

Adopting the Minutes

Chairman Francescone asked for a motion to adopt the special meeting minutes of 9/29/2021. Mrs. Liciaga moved the motion, Mr. Gray seconded, Mrs. Andersen and Vice Chairman List abstained, all eligible members voted affirmatively and the motion was carried.

Chairman Francescone asked for a motion to adopt the regular meeting minutes of 10/6/2021. Mr. Sharp moved the motion, Mrs. Andersen seconded, all eligible members voted affirmatively and the motion was carried.

It was decided that resolutions would be memorialized at the end of the meeting.

The Township Professionals were sworn in.

Petitions before the board

1. **Brandon Chapman**, ZB21-C-29, Church Rd, Block 1303.05 Lot 9 R-1 zone. This applicant is seeking a bulk variance from section 154-16 to allow construction of a single family home with 50' of road frontage where 75' is required, an aggregate side yard setback of 19.4' where 24' is required and a minimum side yard setback of 9.4' where 14' is required.

Witnesses Sworn:

Brandon Chapman

Exhibits entered:

Exhibit A-1, property survey

Mr. Chapman's Testimony

Mr. Chapman described the layout of the property and summarized the application. He stated that anyone developing the lot would require a variance due to the very irregular shape of the lot. He believed that Norwich Rd. provided adequate access. He described the house plan and noted that the dimensions on the proposed plan are not exactly right and the 4' 6" measurement should read 4' 8". He stated that he placed the home in a way he believes will result in the minimum variance requirement. The home has a 15 "breezeway" that is fully enclosed, connecting the main home to the garage. He agreed, through discussion, that to minimize the required variance he is willing to narrow that area resulting in the home sitting further from the side yard lot line. The home is a single story with a loft and garage. Additionally, the home and property plan is designed in a way to minimize the amount of trees that will need to be removed.

Mr. Petrongolo explained that the measurements on the survey and home plan are not accurate and in turn the variance request is for the wrong measurement. He is unable to determine the correct measurement as the plan being shared cannot be scaled.

Through discussion between the board, applicant and Mr. Petrongolo it was suggested that the applicant pick a setback that he is willing to stand by and build the home accordingly. The applicant then agreed to a request for setback variance of 5 feet on the smallest side of the lot.

Mr. Petrongolo explained that the minimum setback is 10 feet, therefore, if the applicant is asking for a 5-foot setback he would need a variance for that and also a variance for the aggregate of 24 feet.

Chairman Francescone opened the meeting to the public for questions or comments.

Mary Brennan, 201 Winston Road was sworn in. Ms. Brennan stated that she believes Norwich Rd. is not as wide as Winston Rd. although she did not measure. Additionally, she stated that there is a home on Norwich Rd. with a driveway. She then stated that she believes she owns some of the property the applicant is proposing to build a home on because she believes there is a paper road she owns part of.

Mr. Killen asked Ms. Brennan to clarify the part of the property she believes she owns.

Ms. Brennan described the area at the end of Norwich Rd.

Mr. Angelastro stated that the survey shows the applicant owns the entire lot.

Chairman Francescone stated that title to the property is an issue for the title company not the Zoning Board.

Mr. Petrongolo stated that we are allowed to rely on the signed and sealed survey.

Ms. Brennan stated further concern for the shape of the proposed driveway and believes the proposed home would reduce the value of the homes in the area.

Arthur Elkins, 105 Winston Rd. was sworn in. Mr. Elkins stated that he doesn't understand why the applicant can build a driveway along his backyard. He asked if a fence is proposed to block the view of his driveway.

Mr. Chapman responded that if Mr. Elkins is concerned about the driveway he is willing to add a fence.

Mr. Elkins asked why the applicant designed the home in this way and why he did not put the garage on the other side.

Chairman Francescone asked the applicant if he considered putting the garage on the other side of the home.

Mr. Chapman stated that he would have a fair amount of windows on the house and the view is the reason he placed the house in this way, however if it is a major concern he could "flip" the house.

Mary Brennan asked if the garage will be two stories.

Mr. Chapman responded that the height will be the same as the house which is one story and a loft.

Mrs. Brennan continued that if there is living space above the garage a person could look down into the adjacent property.

Mr. Chapman stated that the attic of the garage would be for storage and there is a window on that side. But if this is a concern, he is willing to move the home and driveway further from the property line by shortening the “breezeway”.

Chairman Francescone asked if Mr. Chapman had considered turning the home.

Mr. Chapman responded that he believes that would result in more variances.

Mr. Petrongolo asked if the “breezeway” is an enclosed area or just an open space with a roof.

Mr. Chapman replied that it is fully sided and enclosed.

Chairman Francescone asked Mr. Petrongolo what variance would be required if Mr. Chapman turned the house so that the rear wall of the house was parallel to the Mount Laurel / Maple Shade township line.

Mr. Petrongolo responded that the front back and side yard setbacks would be the same and so he believes the home would meet setbacks if turned in that way leaving only the need for a variance for lot frontage.

Mr. Chapman stated that he understood the ordinance differently and if that is the case he is willing to turn the home to alleviating the need for the side yard variances and satisfying the neighbors.

Chairman Francescone clarified that if, when the drawing is done, there are any variances needed the applicant would have to come back to the board.

Mikheil and Tsira Chanadiri, 107 Heather Dr. were sworn in. Mr. Chanadiri stated concerns about the neighbor looking into his pool area from their property.

Chairman Francescone asked Mr. Chapman if he intends to leave the trees near 107 and 109 Heather Drive.

Mr. Chapman responded that he intends to leave all the trees not within 1 or 2 feet from the structure and driveway and leave as many of the trees as possible.

Mrs. Chanadiri asked if the applicant will plant trees between his yard and hers.

Chairman Francescone asked the applicant to agree to plan evergreen trees.

Mr. Chapman agreed.

Robert McGrogan, 104 Heather Dr. was sworn in. He stated his displeasure regarding the development of the dialysis center behind his home and the stated the traffic is bad on Church Rd. He stated that even a single property would add to the traffic.

Chairman Francescone stated that the only thing the board can consider is road frontage. The home is allowed there by rite.

Chris Semana, 103 Heather Dr. He expressed concerns of green space, noise and property values of the surrounding neighbors if the home is build.

Mary Brennan stated that the frontage onto Norwich Rd. is small and will not allow parking in front of their houses and the traffic will cause a hardship.

Mr. Angelastro stated that the traffic will be one or two trips during am and pm peak hours and Norwich Rd. is plenty wide enough to accommodate the traffic.

Seeing no one else from the public wishing to comment the Chairman closed the public portion.

Mr. Petrongolo summarized that in accordance with our ordinance the applicant needs a variance of 50 feet where 75 feet is required. He reiterated that Mr. Chapman will require a 10 foot minimum side yard setback and 24 feet total and since the setback along the Mount Laurel Maple Shade property line will be 10 feet he will need to be at least 14 feet on the other side. Mr. Petrongolo asked Mr. Chapman if he understood that and will be able to comply.

Mr. Chapman responded that he understands and will comply.

Mr. Chapman stated for the record that he is withdrawing the variance request for the side yard setbacks and asking only for the frontage variance.

Chairman Francescone stated that he believes the applicant agreed to provide evergreen trees as additional buffering.

Mr. Chapman agreed to that condition.

Chairman Francescone asked for a motion to approve ZB21-C-29 with the condition stated. Vice Chairman List moved the motion, Mr. Killen seconded. Roll call vote was taken, all present voted affirmatively and the motion was carried.

2. Sammy's Express Car Wash, ZB21-D-12, 3209 & 3211 Rt. 38, Block 301.06 Lot 1, and Block 301.05 Lots 1 & 2 B-zone. This applicant is seeking Use variance from Mount Laurel Ordinance 154-43 to construct a 4,275 sf express car wash as well as related bulk variances and submission waivers.

Witnesses Sworn:

Robert Giannone, Owner of Sammy's Car Wash; Brian Cleary, Engineer, Pettit Group; Nathan Mosley, Traffic Engineer, Shropshire Associates and Randall Barranger, Shropshire Associates and Tiffany Morrissey, Planner

Exhibits Entered:

A-1, Aerial photograph of the site with proposal overlay; A-2, Use variance Site Plan; A-3 color rendering of the proposed building 3 pages and A-4, Video.

Damian DelDuca, Esq. represented the applicant and provided an overview of the application. Mr. DelDuca described the existing conditions of the property stating that the Abbruzzi & Giunta Market will remain. The applicant plans to subdivide the 3 existing lots into 2 lots. The Markets parking lot will be reconfigured to the west side of their building and the express carwash will be constructed on the lot to the east of the Market. The businesses will have a share an access. Mr. DelDuca shared exhibit A-3 stating that the car wash will be automated with vacuums available. He stated this will be the third Sammy's Car Wash in South Jersey. Using exhibit A-2 he explained the proposed vehicle circulation. He explained the nature of a bifurcated application and that if the Use variance is approved the applicant will come back to the board for Site Plan approval along with any Bulk variance that may be necessary. Mr. DelDuca stated that the Business zone allows for a broad array of commercial uses including a car wash as an accessory use. He stated that the shape and depth of the lot lends itself well to a car wash and the applicant meets most of the bulk requirements for the site. Mr. DelDuca said the car wash will operate from 8am to 7pm seven days a week and other approved uses for the zone would be open later and longer. He noted a significant landscape buffer between the proposed lot and the residential lot behind the property and stated that they will be increasing the landscaping in that area.

Mr. Giannone's Testimony

Mr. Giannone testified that this is the third Sammy's Car Wash location all are in this area. Using exhibit A-3 he said the architecture is consistent with the Maple Shade and Marlton locations. Mr. Giannone explained that an express carwash is automated and built for speed, convenience and value offering free vacuums and microfiber towels. The wash process is two minutes so a car can be out the door every 30 seconds. Using exhibit A-4, video, Mr. Giannone explained the process of the car wash from beginning to end. He stated that an automated kiosk is used for single washes but a large part of the model is a subscription plan to an unlimited wash club for a set monthly fee. For those customers, their cars are registered by a license plate reader into the system. When they come in for a wash they can go to any lane including the dedicated VIP lane and the gate will automatically open for them. He testified that at the busiest time 4 employees would be onsite in various stations. There are also doorbells on the kiosk in case a customer needs assistance and there is not an employee present. Mr. Giannone described the vehicle circulation on the property. He stated that modern carwashes like this one, with kiosks and smart gates allow the car wash to keep the cars synchronized to the wash process. The layout is designed to be an ideal circulation, counter clockwise and with a bypass lane after the gates, which are manned and have doorbells, but before the wash tunnel. There is not a bypass lane before the kiosk because of the location of the point of payment and the ability to keep track of who has and has not paid and it would not be conducive to the speed of the operation. He further explained the central vacuum system. Mr. Giannone stated that the environmental impact of the car wash is mitigated in several ways including recycling the water, only 20% of the water to wash a car is new water. Water is captured in settling tanks and twice a year a company comes and cleans out the tank.

Mr. Cleary's Testimony

Via questions and answers between Mr. Cleary and Mr. DelDuca Mr. Cleary stated that many changes have been made to the plans to address issues raised by the board professionals and explained some of those changes. He described the movement a vehicle would make through the property and stated that the proposed buffer behind the parking spaces in the rear of the carwash that will consist of evergreen trees along with deciduous trees in order to increase the current buffer. He stated that there is currently a 52 foot buffer between the proposed property and the closest residential building. The applicant is proposing approximately 75 feet of buffer between the parking spaces and the next closes building. Mr. Cleary described the proposed emergency access in the South East corner of the property which will have bollards and a chain. Emergency vehicles can either enter or exit through the emergency access. He stated that the required and proposed lot requirements which are listed on Exhibit A-2, Use variance plan. Mr. Cleary testified to the buffer depths along the property line and stated that a 6 foot high wood or vinyl fence along with significant evergreens and shade trees are proposed to mitigate the impact of required buffer variance. He stated that the total buffer area behind the car wash would be approximately 75 feet when you include that which is on the residential property.

Mr. Petrongolo clarified that our ordinance requires the buffer to be on the commercial property not the residential property. It is required to be 90 total feet, including a 40 foot setback and 50 foot buffer and, of that, 25 feet closest to the residential is required to be heavily landscaped.

Mr. DelDuca agreed.

Mr. Cleary continued that he does not believe the proposed car wash would have any adverse impact on the residential neighbors, township water facilities or anything of that nature. He stated how a drive through restaurant would operate on the property if it were build there. Based on his experience designing fast food restaurants, a permitted use on this lot, Mr. Cleary testified that the buffer requirement would still not be able to be met. With the required front and rear setbacks the property would be left with only 40 feet at the narrowest point to develop which would be impractical.

Mr. Killen asked how many cars the two lanes closest to Rt. 38 could handle for stacking.

Mr. Cleary responded 14 cars.

Mr. Killen asked how many can be accommodated in the Maple Shade Facility.

Mr. Cleary responded he believes it very similar.

Mr. Killen stated that he drove by the Maple Shade facility on what he thinks was a Saturday and the cars were stacked onto Route 38.

Mr. Giannone stated that total stacking in the Maple Shade facility is 16 including all 3 lanes and in the proposed Mount Laurel location the total stacking would be 21. He stated that cars stacking onto Route 38 has never happened and asked if there was an accident.

Mr. Cleary stated that the Maple Shade location is designed so that as soon as you turn in you are in the stacking lane. That was a concern of the professionals which is why they moved the entrance to the property to the West. So if there any happened to be stacking issues there would be extra room to allow cars to stack onsite.

Mr. Mosley's Testimony

Mr. Mosley testified regarding his traffic assessment dated 9/27/2021. Its purpose is to evaluate the potential traffic generation, to ensure they are able to provide safe circulation throughout the project and to ensure safe and efficient access to and from the roadway. He stated he evaluated the operations of the existing drive way as well as the proposed car wash driveway. Traffic counts were conducted on the existing Abbruzzi and Giunta driveway in April 2021 during the weekday from 4-6pm and on Saturday between 11:00am and 2:00pm. Using that data and the trip generation rates provided by the Institute of Transportation Engineers and those provided by the Department of Transportation Mr. Mosley's evaluation showed that the proposed car wash would generate approximately 80 trips during peak weekday hours and approximately 41 trips on a Saturday during peak hours. Mr. Mosley testified that he also compared the proposed location with the Maple Shade location and he believes that is a very good comparable and provides a good representation of the traffic the proposed location would generate. They found that the peak hours in the Maple Shade location on weekdays was between 3pm and 4pm at which time 160 trips were generated and on Saturday it was between 11:00am and 12:00 noon at which time 184 trips were generated. He noted that this use is associated with pass by trips or trips made to the site which are drawn from existing roadway volume. He then evaluated the potential driveway traffic assuming all trips were new trips added and no pass by trips in order to be as conservative as possible. He did a level of service analysis and determined the level of service is currently a B and would continue to operate at a level B with the car wash. It is his opinion that the layout, traffic volumes and level of service complies with the Access Management Code set by the NJDOT. Mr. Mosley compared the proposed development with permitted uses in the zone and found that the permitted uses would generate more traffic during peak hours.

Mr. Mosley testified that he evaluated the stacking at the Maple Shade location. He stated that the car wash is very efficient and the wait times are not long and the kiosk metering system works. He looked at how many vehicles were stacked from the point of purchase toward Rt. 38. He found that a peak que on Saturday was 13 vehicles between the 3 lanes and peak que on a weekday was 8 between the 3 lanes. The proposed plan shows the ability to stack 21 vehicles and additional if necessary. He believes this is more than enough. Mr. Mosley testified that he believes if a person wants to get out of line and leave they are able to do that. If they have already gone through the kiosk they can circulate around through the vacuum area and exit instead of going through the wash tunnel. If they are not yet through the kiosk there is always an employee there that can open the gate and assist them through. He stated that there is adequate emergency vehicle access on the site. He is satisfied that the site will operate safely and efficiently and the proposed project will not negatively impact the zone plan or master plan or add significant traffic to the road.

Mr. Barranger's Testimony

Mr. Barranger prepared and submitted a sound level evaluation report. He stated the evaluation was to determine the sound impact and to be sure the proposed project would be compliant with the State Noise Control Act. He evaluated the ambient sound levels currently at the rear property line of the site. He found that the major contributor to the current noise level is the traffic on Route 38. He stated that the noise levels

on site are currently in excess of the State Noise Control Act levels of 65 decibels during the daytime hours of 7am to 10pm. He testified that the carwash will comply with the daytime State Noise Control Act for daytime noise levels of 65 decibels at the residential property line to the north because the isolated vacuum noise at the Maple Shade site is below 65 decibels.

Night noise level was not evaluated because the carwash will be closed during the nighttime hours. He stated that the noise level of the Maple Shade site produced by the carwash, not including the ambient sound, was not able to be measured. He does not believe that the noise produced from the proposed car wash would significantly add to the ambient noise level on the site.

Ms. Morrissey's Testimony

Ms. Morrissey stated the approved uses for the Business zone. She stated that the proposed site is narrow and with the required setbacks only 40 feet would be available develop without a variance. The proposed development is designed to be long and narrow taking up less space than typical development. The building coverage would be approximately 11% where 50% is allowed and impervious coverage would be 69% where 80% is permitted. While the setback and buffer requirements combined are not met the project does have about 79 feet from the building to the rear property line and provides at least 22 feet of improved buffer at the narrowest point. She stated that the site is also made suitable by removing 2 residential structures, improving the parking around the Abbruzzi and Giunta restaurant, providing appropriate access and providing appropriate circulation around the building so parking can be in the rear. Ms. Morrissey stated that in her professional opinion that there are unique features that impact the property for any development making it restrictive and constrained for any development to meet the requirements for buffers and setbacks and the proposed use provides an opportunity to work within the confines of the site and is appropriate on this property. She noted that there is a substantial amount of multifamily housing in this area that cannot wash their cars at home and will benefit from this car wash. Ms. Morrissey stated that the proposed project also provides adequate light air and open space by meeting or exceeding all aspects of the bulk requirements other than the setback and buffer requirements. She noted that car washed are not permitted anywhere in the municipality as a principal use without a use variance. Ms. Morrissey testified that the project further fulfills the purposes of zoning with its location on an 8 lane divided highway providing adequate site and circulation in with traffic patterns already going by resulting in pass by traffic to the site. Ms. Morrissey stated that in terms of negative criteria there is no impairment of the master plan or zoning ordinance or detriment to the public good. A six-foot fence will be installed as well as additional plantings to enhance the deficient buffer area. She noted that the townships master plan calls for goals and objectives that are advance with this application. These include to provide for a variety of uses, a balanced economic base and source of employment on nonresidential lands and provide for efficient movement of goods through the township. The impact to the residents in the rear of the property has been minimized through the use of the proposed fence, the improved buffer and the orientation of the building. Ms. Morrissey stated that in her professional opinion the site and use are particularly well suited for each other, the project provides a service to the community in an appropriate location while providing light and open space without any substantial negative impact to the zone plan or zoning ordinance.

Chairman Francescone opened the meeting to the public. Seeing no one wishing to comment, he closed the public portion.

Discussion took place regarding whether the board should adjourn to December 1, 2021 due to the time. The board decided to adjourn.

Mr. DelDuca stated that Ms. Morrissey will not be available on December 1, 2021. Mr. Petrongolo said he does have questions regarding her testimony. Ms. Morrissey said she would try to work out her schedule to be available for the December 1, 2021 meeting.

Mr. Angelastro asked that the Shropshire team review the video reference in their traffic report to try to figure out why there was the backup onto Route 38 that Mr. Killen described earlier.

Mr. DelDuca agreed to waive the time constraints although the time for decision will not expire.

Chairman Francescone asked for a motion to adjourn the hearing until December 1, 2021. Mr. Gray moved the motion, Mrs. Anderson seconded, all present voted in favor, the motion was carried.

Mr. Gray made a motion to go into closed session for legal advice from the board solicitor regarding a request to the board to reconsider the denial for Security Vault Works, ZB21-D-14 at 10:31pm, Mrs. Andersen seconded. All present voted in favor and the recording was stopped.

Chairman Francescone called the regular meeting back to order at 10:41pm and the recording was resumed.

Mr. Campbell stated for the record that he received a letter today, November 3, 2021 from Augusta O'Neil, Esq., attorney for Security Vault Works ZB21-D-04 requesting that the board reconsider their 4-3 decision to deny the application for Use variance.

Chairman Francescone called for a motion to grant a request to reconsider the Boards decision of October 6, 2021 to deny the application for Use variance for Security Vault Works, ZB21-D-04. No motion was made.

Chairman Francescone called for a motion to deny the request, Mr. Gray moved the motion, Mrs. Andersen seconded, Roll Call vote was taken, all members voted affirmatively. Request is denied.

Memorialized Resolutions

1. **R-2021-ZB21** – Mr. Gray made a motion to approve R-2021-ZB21, Mr. Killen seconded, all eligible members voted affirmatively and the motion was carried.
2. **R-2021-ZB22** – Mr. Gray made a motion to approve R-2021-ZB22, Mr. Killen seconded, all eligible members voted affirmatively and the motion was carried.
3. **R-2021-ZB23** – Mrs. Andersen made a motion to approve R-2021-ZB23, Mr. Killen seconded, all eligible members voted affirmatively and the motion was carried.
4. **R-2021-ZB24** – Mrs. Liciaga made a motion to approve R-2021-ZB24, Mr. Sharp seconded, all eligible members voted affirmatively and the motion was carried.
5. **R-2021-ZB25** – Mr. Gray made a motion to approve R-2021-ZB25, Mrs. Andersen seconded, all eligible members voted affirmatively and the motion was carried
6. **R-2021-ZB26** – Mr. Killen made a motion to approve R-2021-ZB26, Mr. Sharp seconded, all eligible members voted affirmatively and the motion was carried

Adjournment:

Chairman Francescone asked for a motion to adjourn. Mr. Killen moved the motion. All present voted affirmatively. Meeting adjourned 10:49 P.M.

Adopted on: December 1, 2021

Suzanna O'Hagan, Secretary
Zoning Board of Adjustment