

Mount Laurel Township Zoning Board of Adjustment

Special Meeting Minutes

September 29, 2021

Opening

The Second Special Meeting of the Mount Laurel Zoning Board of Adjustment September 29, 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, Mrs. Andersen (7:20p.m.), Mr. Gray, Mrs. Liciaga, Mr. Sharp, Mr. Killen, Mr. Kramer, Mr. Holmes.

Absent

Vice Chairman List

Board Professionals in Attendance

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

Announcements and Review of Board Procedures

The Township Professionals were sworn in.

Petition before the board

Davis Enterprises, LLC – ZB21-D-26, 95 Marter Avenue, Block 508, Lot 25, I- Zone, this applicant is seeking Amended Preliminary & Final Site Plan with Amended Use Variance along with various Site Plan Waivers for the proposed construction of an addition to an existing maintenance building on a lot where a use variance exists for permanent trailers. During testimony the applicant requested to add a construction trailer onsite for the duration of the construction.

Robert Baranowski, Hyland, Levin, Shapiro, LLP represented the applicant and summarized the application as an application for Amended Preliminary & Final Site Plan with Amended Use Variance for the construction of a 4,800 square foot addition. The building has been there since 1978 and supports the operations of Davis Enterprise businesses in Mount Laurel and surrounding communities. Mr. Baranowski shared Exhibit A-1 an aerial view of the building via Google Earth. He stated that due to the addition the need for a hydrant has identified. The applicant, in working with the Fire Marshal, has agreed to extend the public water line to the site in order to provide adequate water for the hydrant. This will improve the existing conditions. He testified that the use of outside storage trailers, for which the use variance was granted in 2003, will continue.

Witnesses sworn in

Mitchell Davis, applicant/owner and Mike Avila, PE

Exhibits Entered:

Exhibit A-1, Aerial view of the site and A-2, Site Plan.

Mitchell Davis's Testimony

Mr. Davis testified that his company is involved with apartments, office buildings and retail space within the Mt. Laurel, Cherry Hill and Marlton area. The company owns and maintains everything they build. Their maintenance department is located at the subject site, 95 Marter Ave. The facility warehouses appliances, plumbing, electrical, mechanical and other necessary equipment for maintenance of their buildings. The addition is necessary due to the expansion of the business and need for additional storage.

Additionally, Mr. Davis explained, they are asking for approval to install a generator due to the electricity going out when we experience bad weather.

Mike Avila's Testimony

Mr. Avila shared Exhibit A-2, site plan and described the site and traffic flow. He stated that the hashed out area on the Site Plan is currently paved surface. That surface will be removed and the addition will be built in that space. This results in no additional impervious surface. He demonstrated the wooded area to be removed and replaced with a stone area for storage equipment approximately 10,300 SF. Mr. Avila explained that the wetlands and wetlands buffer limits the location of any development however, all proposed changes will be outside of wetlands and wetland buffers. He continued to describe the proposed changes shown on the site plan. The site is approximately 5 acres in size and 70% of it is wooded 30% is developed area. The proposed project would result in 65% of the site being wooded and 35% being the developed area. Mr. Avila, using the turning template showed the traffic circulation. He further explained the plan to bring the water main up Marter Avenue approximately 1,500 feet ending in a terminus to provide a fire hydrant to the site. He noted a flow test was performed on September 16, 2021 and the pressure was in excess of 1,000.

Mr. Avila testified to the positive and negative criteria. He stated that the site is particularly suited to the proposed project because the activities that are happening on the site will continue and the applicant has a need. He believes the project will advance the purposes of zoning. The impacts are very minimal and does not impact the zone plan or zone ordinance or prohibit the use of the neighbor's property. He stated that he believes the project is beneficial, is particularly suited and is a continuation of what is already happening on the site. He stated that it would create more disturbance than going somewhere else and clear cutting an area. He further stated that there is a need by the applicant. The applicant's business is growing and he needs the space to continue the services he provides to his various tenants.

Mr. Avila further testified to the changes made to the proposed project in response to the professional review letters and the submission waivers requested. The submission waivers include but are not limited to the provision of solid waste containers, which he testified were approved in 2003 and landscaping plan, which he testified the land is naturally wooded

however, the applicant will screen the generator and if during the course of construction, there are specific locations requiring additional landscaping the applicant will work with Mr. Petrongolo's office to add additional landscaping. He stated that short term parking and delivery space is not warranted because the parking area is used by the applicant's employees only.

Mr. Baranowski stated that Mount Laurel Ordinance section 138-16D indicates that if you are developing in the industrial zone and putting in new streets then sidewalks are not required.

Mr. Avila stated that he was unaware of that ordinance when he spoke with Mr. Petrongolo before the meeting. If the applicant were to be required to add a sidewalk the sidewalk would be in the wetlands and would require an application to the DEP. Additionally the area has low pedestrian traffic.

Mr. Avila stated that one of the comments in Mr. Long, Engineer's original letters was to add concrete bumpers to the parking spaces, he believes that those stops would cause problems with regards to snow removal and requests that that requirement be eliminated. Lastly, Mr. Avila stated that Mr. Petrongolo's letter requested that the new proposed lights match the existing however, the existing lights have been there since the 70's and would be very difficult to match. He agrees to provide sufficient lighting and photo and lighting information for the site and feels there is no practical benefit to matching the light fixtures. He asked the board to eliminate that requirement.

Mr. Avila further testified that the existing parking spaces are 9'x18' and the new proposed spaces would be 10'x18'. The ordinance does allow for 18' spaces as long as there is clearance beyond the edge of the pavement.

Mr. Petrongolo reviewed his report dated 5-25-2021. The applicant has agreed to comply to the comments in the letter and he has no objection to the requested waivers. The applicant agrees to screen the generator. He stated that the applicant has agreed to provide compensatory plantings for any tree specimens that need to be removed. Further they have agreed that, if, after construction the proposed improvements are not appropriately screened, they will work with Mr. Petrongolo's office to provide additional landscaping. Mr. Petrongolo clarified that per Ordinance 138.17A sidewalks are required, the ordinance stated by Mr. Baranowski, 138-16D refers to industrial roads as opposed to industrial zoned roads however, he has no objection to the waiver due to the wetland disturbance and DEP requirements. Mr. Petrongolo confirmed with the applicant that if there is an affordable housing obligation that it is their obligation to satisfy.

Mr. Baranowski acknowledged the obligation.

Mr. Petrongolo has no objection to the variance for lighting however he would like to see what the lighting is onsite and the applicant has agreed to provide that. He confirmed that the plans shown tonight including revisions would match the plans that will be submitted for approval.

Mr. Avila confirmed and agreed to provide a copy to the Board secretary as an exhibit.

Mrs. Andersen asked for clarification on where the existing trailers are and what is in there also what the addition will be used for.

Mr. Petrongolo responded and read directly from the resolution of approval for the trailers regarding what may be stored.

Mr. Davis responded by repeating his earlier testimony.

Mr. Avila testified that the applicant is also requesting approval for a construction trailer to be placed on site for the purposes and duration of construction.

Mr. Sharp asked if there is any concern or ordinance regarding the generator in the front yard.

Mr. Petrongolo responded that the ordinance prohibits accessory structures but not generators in the front yard, the applicant will provide landscaping to shield it. He explained that the generators are generally placed based on what is inside the building and near the electrical equipment.

Mr. Avila concurred.

Mr. Kramer questioned where the existing trailers will be relocated.

Mr. Davis responded, either in the proposed gravel area or they will be destroyed if they are no longer needed.

Mr. Angelastro reviewed the report by Planning Board Engineer Bill Long dated 5-19-2021. Mr. Angelastro testified that he spoke with the applicant's engineer and they have agreed to comply with the comments in the letter. Further he has no objections to the waivers requested. He has no objection to the parking stalls remaining 9'x18' or the truck birth variance due to the way in which the property is used. He agrees that pinned wheel stops are not necessary.

Mr. Angelastro reviewed his Traffic review letter dated 5-25-2021. Mr. Angelastro testified that some of the items have been addressed through plan revisions and the remaining items are relatively minor and the applicant has agreed to address them.

Mr. McVey reviewed his letter dated 5-21-2021. Mr. McVey testified that with the exception of comment #1 the applicant has or comply with the comments in the letter. Regarding comment #1 the applicant has agreed to run a water line down Marter Ave. and provide a hydrant.

Mr. Avila clarified that although Mr. McVey's letter asks for a looped system the applicant will provide a water line that terminates in a dead end. He testified that they agreed to possibly loop the system if further development occurs in the vicinity, but not under this application.

Mr. Gray asked why the generator cannot be placed on the existing concrete area.

Mr. Davis responded that there is an overhead door and a man door at the existing concrete area and where the generator is proposed is where the main electric comes into the building.

Mr. Sharp asked if there was any concern with the distance of the generator to the building.

Mr. McVey responded that it meets UCC standard.

Mr. Killen asked if the generator is powered by natural gas.

Mr. Davis responded that it is.

Chairman Francescone opened the public portion, seeing no one wishing to comment, closed the public portion.

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

- Applicant will work with the Township Planner to their satisfaction regarding a landscape plan to screen the generator, add specimen trees if removed and if additional landscaping is necessary to screen proposed storage area
- Applicant will work with the Township Planner to their satisfaction regarding a lighting plan.

Chairman Francescone asked for a motion to approve the Preliminary and Final Site Plan with Amended Use Variance for application ZB21-D-26 with conditions. Mr. Grey moved the motion, Mr. Kramer seconded. All present voted affirmatively except Mrs. Andersen who abstained. Motion carried, approved.

Adjournment:

Chairman Francescone asked for a motion to adjourn. Mr. Killen moved the motion. All present voted affirmatively. Meeting adjourned 8:10 P.M.

Adopted on: November 3, 2021

Suzanna O'Hagan, Secretary
Zoning Board of Adjustment