

The Regular Meeting was called to order by the Chairman List at 7:00 P.M.

The Pledge of Allegiance and Moment of Silence was observed by Chairman List

The Open Public Notice to be read by the Board Secretary

Roll Call was taken by Jenifer DeSimone, Board Secretary

Board Members: Ms. Jones, Present; Ms. Liciaga, Present; Mr. Kiernan, Present; Mr. Kramer, Present; Mr. Killen, Present, Mr. Green, Present; Mr. Francescone, Absent Dental Emergency; Vice-Chairman Bailey, Present; Chairman List. Present.

Board Professionals: Mr. Angelastro, Traffic Engineer, Present; Mr. McVey, Fire Marshal, Present; Mr. Petrongolo, Planner, Present; Rick Alaimo, Engineer, Present- filling in for William Long, Engineer; Ms. O'Hagan, Assistant in Zoning and Planning, Present; Ms. DeSimone, Board Secretary, Present.

Chairman List Reviewed the Boards Procedures and no Announcements.

Memorialize Resolution:

Kevin McCartney, ZB #17-C-03, 24 Bretton Way – Bulk Variance. Chairman List asked for a motion to memorialize the resolution for ZB#17-C-03. Board member Green moved the motion and Board member Kramer second. All present voted affirmatively with the exception of Board member Killen who abstained from the vote and the motion was carried.

Adopt Minutes: Adopt Regular Meeting Minutes April 5, 2017

Chairman List asked for motion to adopt the meeting of April 5, 2017. Board member Kramer moved the motion and Board member Green second the motion. All present voted affirmatively with the exception of Board member Killen who abstained from the vote and the motion was carried.

Professionals: Mr. Angelastro, Traffic Engineer; Mr. Brian McVey, Fire Marshal; Mr. Rick Alaimo, Engineer; Mr. Petrongolo, Planner; were sworn in by the Zoning Board Solicitor Mr. Crook.

Petitions before the Board:

1. SEEMA THOMAS, ZB #17-C-06, 3 Preamble Drive, Block 703 Lot 5.02, R-3 Zone. The Bulk Variance sought is from section 154-16 of the zoning ordinance to enable the applicant to: Build a deck with a rear yard setback of 43' were a 50' setback is required. The Board Secretary read the application and certified the completeness. Ms. Seema Thomas residing at 3 Preamble Drive was sworn in by the Board Solicitor. Ms. Thomas testified that she and her husband bought the model home and the house we constructed with the large front yard setback. The rear yard has a 58.3' setback so with the proposed deck they need a 7' variance. The developer D. R. Horton submitted a letter that states the development does not have any restrictions against the deck installation and no approval is necessary. Chairman List opened the hearing to the public, seeing none, closed the public portion and asked for a motion. Board member Killen made the motion to approve ZB#17-C-06 and Board member Green second the motion. Roll call vote: Mr. Killen, Agreed; Mr. Green, Agreed; Ms. Liciaga, Agreed; Mr. Kiernan, Agreed; Mr. Kramer, Agreed; Vice-Chairman Bailey, Agreed; and Chairman List, Agree. The application was approved and memorandum signed.

2. WARRIOR GYM, LLC, ZB #11-D-24A, 14 Federal St, Block 1304.09 Lot 10 R-1 zone. The Amended Use Variance is sought from section 154-15A and 154.84(Y) of the Zoning Ordinance to enable the applicant to: 1). Allow the building to be use as a multiple-use recreation and sports activity center 2). To change the wording and format of the existing sign which faces route 295 3). Amend minor site plan to use the existing outdoor tennis courts for additional parking. The Board Secretary certified the completeness of the application. Mr. Mitchell Grayson, Esquire represented the applicants Warrior Gyms, LLC which will be one (1) tenant in the building. Witness' to give testimony for the applicant: Mr. Brian Kane, Tenant and Applicant; Mr. Vito Lasprusato, Tenant and Applicant; Mr. Wayne Ingram, PE/Planner; Mr. Rick Cohen, Property Owner-South Jersey Racquet Center, LLC all were sworn in by the Board Solicitor.

Petitions before the Board: 2. Warrior Gym, LLC ZB #11-D-24A

Mr. Grayson stated the property located at 14 Federal Street previously received a Use Variance approval in 1973 and now seeks an amended Use Variance and Minor Site Plan approval to allow a gym use, additional parking and signage changes. The applicant is requesting 15 submission waivers, #34, 35, 39, 40, 41, 42, 43, 44, 45, 48, 57, 58, 65, 66, & 67. Exhibits marked into evidence: A-1 Site Plan prepared by JTS Engineers; A-2 Traffic/Parking Assessment prepared by E & LP (5/22/17); A-3 Proposed Building Sign; A-4 Petition signed by the Residents in the area. Mr. Brian Kane, testified the Warrior Gym operates an Obstacle indoor gym training for Ninja Warrior, Parkour, Rock Climbing & OCR. Mr. Kane stated they have no information regarding the Basketball tenant in the building. Inside the building has four small rooms and the applicant would be having Birthday Parties and other activities for children. Mr. Ingram, Planner, testified to the applicant's project the interior improvements, sidewalk, drive aisles, signage and parking lot. He further discussed the requested waivers and bulk variances. Mr. Rick Cohen, property owner testified that the Basketball tenant has been in the building for about six and half years and has 3 or 4 employees, 2 teams play at one time and the children are none driving players and they're dropped off in vans. The maximum number of people for the basketball use would be 20 to 30 at one time. Currently, Mr. Cohen has personal items in the sheds. The building is mostly dormant at this time. Mr. Angelastro, ZB Traffic Engineer discussed the number of parking stalls required for the two tenants the need of parking would be an expected 75 demand could be 77 parking stalls. Mr. Angelastro asked for a traffic/parking analysis regarding what the use of the property was currently. Based on the testimony provided the applicant is right at the number of parking stalls. The applicant will show fourteen (14) additional phantom parking stalls on the plan. Mr. Grayson stated that the Basketball tenant would only use this location due an overflow at their other locations. Mr. Joseph Petrongolo, Zoning Board Planner reviewed his report dated June 1, 2017. Discussed and the applicant agreed to the three conditions listed.

- 1). Currently, the building has two (2) tenants: 40 people and parking spaces for Warrior Gyms and 30 people and parking spaces for the Basketball. Total of 70 parking spaces.
- 2). The applicant will be required to file with the Zoning Board for a Minor Site Plan alteration with a change in tenant. Also, file a Parking demand study.
- 3). Affordable Housing obligation if required.

Mr. Richard Alaimo, Zoning Board Engineer reviewed his report dated May 31, 2017. The applicant can show the phantom parking on the plan for illustrated proposes only. The applicant will need to come back to the board before they construct the phantom parking as it might meet additional impervious coverage and at that point they may be into the stormwater management ordinance and it may require detention and water quality. The applicant was questioned about the exit door in the rear of the building. Chairman List asked the applicant to address the issue with Mount Laurel's Fire subcode. Also, discussed was the architectural floor plan to be submitted. Mr. Michael Angelastro, Traffic Engineer reviewed his report dated May 31, 2017. He discussed the trip generations and peak traffic and the adjacent intersections. The recommendations for 10' x 20' parking stalls along with the phantom parking lot. The applicant was asked to have a traffic study prepared of the intersection of Oregon and Federal Streets and the applicant was not in favor of supplying a study. Adding trips to the current intersection of Oregon and Federal Streets will be over 100 at peak times. Also, noted was the proposed site plan shows 77 parking stalls with the phantom spaces the applicant is proposing 88 parking stalls. Demand of parking spaces is 75 and currently they will be 77 parking spaces. No special events should be held at this facility. There is enough information to the demand of this site. Locate the trash enclosure and widen the sidewalk and eliminating the parking space for the Fed X trucks.

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Mr. Grayson stated the applicant agrees with almost everything but he has three comments:

1. Maximizing occupancy at 75 rather than 70.
2. That the Board require a parking study with the new tenant occupancy make it a requirement.
3. Rather than prohibiting special events, if off-site parking is provided then special events would be permitted. Mr. Angelastro wants the applicant to put in writing before the event how they would handle the off-site parking for the special events so the Boards professionals can review and approve. Mr. Brian McVey, Fire Marshal, reviewed his report dated May 24, 2017 and discussed the one (1) access into the site. Further, discussed was the need for a circulation plan so the fire truck can access both side of the building and the fire truck be able to make a k turn. And the existing fire lane will remain open. The applicant agreed with the Professionals Reports. Chairman List asked for a motion to continue the Warrior Gym application beyond the hour and a half. Board member Kiernan moved the motion and Board member Liciaga second the motion. All present voted affirmatively and the motion was carried to continue the Warrior Gym public hearing. Chairman List opened the hearing to the public. Mr. Charles Simon, residing at 5 Beaver Avenue was sworn in by Mr. Crook, Board Solicitor. Mr. Simon had questions regarding the number of proposed tenants, the basketball tournaments, and the parking all over the neighborhood which is a problem. Mr. Petrongolo answered the Use variance application was for two tenants only if there is a change the next tenant would have to file and minor site plan alteration. Mr. Simon testified that two years ago a basketball tournament was held people were parked on both sides of Oregon and Federal streets. Mr. Kiernan questioned Mr. Simon in that the basketball use has been understated and the parking is speculative. Mr. Grayson stated there has always been two tenant's baseball and basketball were the previous occupant. Mr. James Giberson, 2410 Fostertown Road, Hainesport, NJ is the property owner of the Junkyard adjacent to this property and was sworn in by Mr. Crook, Board Solicitor. Mr. Giberson testified that there is a parking problem in the area generated by the occupants. Seeing no further public that wanted to speak Chairman List closed the public portion and asked Mr. Grayson summarized the application. He thanked the Board members and professionals. The applicant is willing to work with the Boards professionals. This use will be an improvement to the area and community. The Warrior Gym services the disabled veterans and people with developmental needs. There is no detriment to the property only attributes. The safety mechanism is the 14 phantom parking spaces, new landscaping and new lighting fixtures. Also, keeping the kids off the street at night. And he further asked the Board members to grant the amended use variance and minor site plan serving the public and children. Chairman List asked for a motion to go into close session for attorney client privilege. Board member Green moved the motion and Board member Killen second. All present voted affirmatively and the motion was carried; so ordered Chairman List. The Zoning Board Solicitor Mr. Crook asked the public to leave the room and we will bring you back into the room when we're finished. The Board Secretary turned off the recording system. Chairman List asked for a motion to come out of closed session. Board member Green moved a motion and Board member Kiernan second. All present voted affirmatively and the motion was carried; so ordered Chairman List. The Board Secretary turned the recording system on. The public was ushered back into the meeting room. Mr. Grayson stated that the basketball tenant isn't before the Board and the property owner stated through Mr. Grayson they are a month to month lessee the owner agreed that the basketball tenant would have to come to the Zoning Board to receive an approval with a parking demand study or he would terminate the lease and they would have to vacate the premises. Mr. Petrongolo, Planner clarified the conditions of 75 people for both uses – no more than two uses/tenants in the building- future tenants would have to file a Minor Site Plan Alteration and parking study – this would be a Sports and Recreation facility.


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Evan Crook, Board Solicitor reviewed the conditions. The applicant is requesting an Amended Use & Bulk Variances and Minor Site plan for Warrior Gyms, LLC; 1). Use is for a Sports and Recreation facility; 2). Two small storage non-conforming shed on the property 8' x 10' and 10' x 10' in the setbacks and to close together; 3). Parking stall size of 8' in the front of the building **"is denied"**; 4). At the side of the building the sidewalk width of 4' instead of 6'; 5). Light fixtures in the front of the building on Sherwood Avenue will be 2' from the curb instead of 5'; 6). The number of parking stalls proposed is 77 and 187 parking stalls is required; 7). Short term truck parking space for deliveries; 8). Façade sign facing Route 295 with changeable letters previously approved the Boards Planner noted no approval needed; 9). Freestanding sign needs to be moved out of the right of way or the applicant must contact Township Council to vacate the right of way; 10). Applicant agreed to work with the Boards professionals on the outdoor Lighting levels; 11). Up to two permitted uses on site Warrior Gym/Basketball or future tenants; 12). All future tenants are required to file a MSPA-Minor Site Plan Alteration is required to be filed with parking demand study; 13). Phantom parking should be shown as a note on the revised plan for illustrated purposes; 14). Phantom parking when installed may need Zoning Board approval due to overage of storm water calculation; 15). Comply with the required 10' x 20' standard parking stall; 16). Revised plan will delineate wetlands and buffers; 17). Affordable Housing obligation if required; 18). If the side door stays a 6' wide sidewalk to the drive aisle. The side door needs to be removed and the applicant must contact the Townships Fire Subcode official for approval; 19). The applicant is required to submit floor plans; 20). The applicant will work with the Board's professionals; 21). Replace the roof drains; 22). Required lighting at the front entrance; 23). Flood lights must be removed from the building; 24). The Fire truck shall be able to maneuver the site; 25). Eliminate oversized parking stall for deliveries; 26). Off-site parking shall be provided for Special Events, a one-day permit obtained and written approval by the Boards professionals; 27). If the Basketball tenant doesn't come before the Zoning Board this approval is null and void; 28). The drive aisle dimensions from 16' increased to 18' and 24' increased to 25'; 29). The applicant will provide a note on the plan regarding the quantity of new Impervious and area of disturbance; 30). No more than 75 people on site and no more than two tenants; 31). Approval is conditioned upon the Planner, Engineer, Traffic and Fire Marshals reports 32). Further conditioned upon any comments and agreements put on the record.

Chairman List asked for a motion to approved ZB#11-D-24A. Board member Killen moved the motion to approve the application subject to the conditions stated by the Board Solicitor and Board member Green second the motion. Roll call vote: Mr. Killen, Agree; Mr. Green, Agree; Ms. Liciaga, Agree; Mr. Kiernan, Agree; Mr. Kramer, Agree; Vice-Chairman Bailey, Agree and Chairman List, Agree. Motion carried; application approved.

Adjournment: Chairman List asked for a motion to adjourn the meeting at 10:20 P.M. Board member Killen moved the motion. All present voted affirmatively and the motion was carried to adjourn the meeting.

Adopted on: September 6, 2017



Submitted by:

Jenifer DeSimone, Secretary
Zoning Board of Adjustment