

Mount Laurel Township Zoning Board of Adjustment  
Regular Meeting Minutes  
February 1, 2023

**Opening**

The Regular Meeting of the Mount Laurel Zoning Board of Adjustment February 1, 2023 was called to order by Chairman Gray at 7:00 p.m.

The Pledge of Allegiance and Moment of Silence were observed

The Open Public notice was read by Suzanna Baskay, Board Secretary

Roll call was taken

**In Attendance**

Chairman Gray, Vice Chair Andersen, Mr. Blum, Mr. Francescone, Mr. Holmes, Mr. Kramer, Mr. Desai Alt #1 and Mr. Bhankharia Alt #2.

**Absent**

Mr. Sharp

Mr. Desai voted in Mr. Sharp's place.

**Review of Board Procedures**

**Adopting the Minutes**

Chairman Gray asked for a motion to adopt the 2023 Reorganization meeting minutes of 1/11/2023, Mr. Francescone moved the motion Mr. Gray seconded, all eligible members voted affirmatively and the motion was carried.

Chairman Gray asked for a motion to adopt the first regular meeting minutes of 1/11/2023, Mrs. Andersen moved the motion Mr. Holmes seconded, all eligible members voted affirmatively and the motion was carried.

Professionals were sworn in.

All those who testified during the hearing were sworn in prior to their testimony.

Reappointed Board member, Alan Kramer was sworn in for a four-year term.

**Petitions before the board**

1. Carlucci's Waterfront, ZB23-73-01, 876 Centerton Rd. Block 100 Lot 5. This temporary use approval is requested to allow a 20.3' x 120' event tent as shown on the site plan for 12 months.

**Mr. Carlo Capuano** summarized his application and testified to the following.

**Chairman Gray** asked when the tent was installed.

Mr. C. Capuano replied that it was installed in March of 2020 during COVID.

**Chairman Gray** explained that the ordinance limits how long the board can approve a temporary use.

Mr. C. Capuano stated that the Fire Department inspected the tent yearly since installation and that the tent was used seasonally.

**Mr. Francescone** asked for clarification of the temporary use ordinance.

**Mr. Campbell**, Board Solicitor read the ordinance 154-73.

**Mr. Francescone** asked what the process would be for the applicant to have the structure permanently

**Mr. Campbell** explained the process. He asked the applicant how long he wants the tent on the property

Mr. C. Capuano replied that he would like it there for the year then he would come back for two extensions.

**Mr. Campbell** explained that the temporary use allowance is for an aggregate of three years and is not meant to allow temporary structures permanently. He explained that a permanent site plan approval would be required to keep the tent for more than three years.

Mr. C. Capuano stated that the intent is to get a full permanent structure.

**Chairman Gray** explained that it appears that the intent is a permanent structure and for that the applicant needs to get Site Plan approval.

**Mr. Vincenzo Capuano**, Co-Owner of Carlucci's, testified that the tent was up during COVID and asked the board to approve it for another year to give them time to present what they need to.

**Chairman Gray** stated that the board is bound by the ordinance.

**Mr. Campbell** noted that the board has two options. One would be to give a longer approval and condition it upon the applicant making an application for Site Plan within a shorter period of time.

Another would be to give a shorter approval and the applicant would have to come back to the board.

Mr. V. Capuano testified that the tent was installed on May 20, 2020. The restaurant opened in June then in August the tent was blown down. So the actual date the tent was installed was August.

**Mr. Campbell** asked Mr. V. Capuano if the applicants want the tent to be there forever.

Mr. V. Capuano replied, "if we can, yes".

Chairman Gray opened the meeting to the public for questions or comments, seeing none, closed the public portion.

**Mr. Desai** noted that the only way for the board to know if the structure is viable and properly constructed as a permanent structure is for the applicant to go through the process.

The board discussed the options for approval and how to structure the approval.

Chairman Gray stated that the board is in agreement that they can approve the temporary use for 6 months with the condition that the applicant must submit an application to the Zoning Board for permanent approval within 3 months.

Chairman Gray made a motion to approve the application as stated and Mr. Francescone seconded. Roll call vote. All members voted affirmatively and the motion was carried.

2. Kathryn Ruggieri, ZB22-C-30, 911 Larkspur Place South, Block 1602 Lot 75 R-4 zone. This applicant is requesting a variance from section 154-16 to allow a sunroom to be built with a rear yard setback of 8 feet where 20 feet are required.

### **Mrs. Ruggieri's Testimony**

Mrs. Ruggieri testified that her neighbors have similar structures. She stated that she believes the addition is consistent with the neighborhood.

**Mr. Jones** noted that the back of the house is at the 20' setback therefore anything added to the house would require a variance.

**Mr. Holmes** asked if the retention pond in the rear of the property ever floods.

Mrs. Ruggieri responded that it does not.

Chairman Gray opened the meeting to the public for questions or comments. Seeing none, closed the public portion.

Chairman Gray asked for a motion, Mr. Blum made a motion to approve the application and Mr. Francescone seconded. Roll call vote, all present voted affirmatively and the motion carried. The application was approved.

3. Khai Hyunh, ZB22-C-29, 106 Phillips Rd., Block 408 Lot 3.03 R-3 zone. This applicant is requesting a variance from section 154-65.E(1) to allow a detached garage height of 29 feet where 12 is allowed.

### **Mr. Hyunh's Testimony**

Mr. Hyunh testified that the home is new construction. He stated that the original design of the home included a two car garage, however, the elevation of the home did not allow the garage to be attached. The home has a walkout basement so the first floor is raised. The garage would not be far below ground level so they have to detach the garage. He stated that the 29-foot high garage would complement the house, it would be for vehicle storage and have a work shop above. The only utility would be electricity.

**Mr. Francescone** asked for clarity as to why the applicant cannot attach the garage

**Chairman Gray** noted that the new construction next door has an attached garage but the decision to design the subject property with a walk-out basement is the problem.

**Mr. Jones** stated that the variance is a C2 variance so the applicant would need to provide testimony showing there is no detriment to our zoning ordinance and how the variance advances the MLUL.

**Chairman Gray** asked Mr. Hyunh how the variance would advance the zoning plan.

Mr. Hyunh stated that he needs storage in the top of the garage. He stated that a couple of years ago the board granted him a variance for (2) 29' sheds at his other property.

**Chairman Gray** stated that we can only look at the request for 106 Phillips, we don't know the circumstance for the other property.

**Mr. Francescone** asked the applicant to show how the garage will benefit the neighborhood and not be detrimental to the zone plan.

Mr. Hyunh testified that he will live in this house it will not be sold.

**Chairman Gray** asked what would constitute attached.

**Mr. Jones** replied, an enclosed structure.

**Mr. Francescone** asked the applicant if he wants to adjourn and come back with an attorney.

**Chairman Gray** noted the required testimony and asked Mr. Hyunh if he wants to proceed to a decision tonight or adjourn and come back at the next available meeting.

Mr. Hyunh chose to proceed with the hearing.

Chairman Gray opened the meeting to the public for questions or comments, seeing none, closed the public portion.

Chairman Gray asked for a motion on the application. Vice Chair Andersen made a motion to deny the application, stating that testimony was not provided showing the variance would be good for the community and would not be detrimental to the Zone Plan, Mr. Francescone seconded stating that the applicant did not provide testimony to the required proofs. Roll call vote. All present voted affirmatively. The motion to deny the application was carried. The application was denied.

### **Adjournment:**

Chairman Gray asks for a motion to adjourn at 7:46 p.m., Mr. Francescone moved the motion, all present voted affirmatively and the motion was carried.

Adopted on: March 1, 2023

Suzanna Baskay  
Suzanna Baskay, Secretary  
Zoning Board of Adjustment