

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
October 18, 2022**

MEMBERS PRESENT:

Walter Fazler
Lynne Schill
Vincent D'Antonio
Tim Monahan
Lynne Gallo
William Creeley
Nicholas Repici, Alt. 2

STAFF PRESENT

Peter Clifford, Board Secretary
Danielle Gsell, Recording Secretary
Melanie Levan ESQ, Board Attorney
Michelle Taylor, P.P, A.I.C.P Board Planner
Matthew Wieliczko, Alt. Board Attorney

Absent: Valerie Sirani, Alt. 1, Joe Hanuscin

Mr. Fazler called the meeting to order in the Council Chambers at 7:09pm by reading the Open Public Meetings Act statement. A moment of silence was followed by the Pledge of Allegiance.

Roll call is as listed above.

RESOLUTIONS:

- ZBA#2022-13, Charles Magee
 - A motion to approve this resolution was made by Mr. D'Antonio seconded by Ms. Schill. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- ZBA#2022-16, Antonio Santos
 - A motion to approve this resolution was made by Ms. Schill seconded by Mr. Creeley. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- ZBA#2022-17, Bancroft
 - A motion to approve this resolution was made by Ms. Gallo seconded by Ms. Schill. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

MINUTES:

- A motion to approve the September 20, 2022 was made by Mr. Creeley seconded by Ms. Gallo. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- Ms. Levan swore in the Board Professional to provide testimony on the applications being heard this evening

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PUBLIC HEARING:

- **ZBA#2022-15, Glenn and Jeanne Paulsen**, 345 Tom Brown Road, Block 5200, Lot 12, Zone R-1, Bulk Variance - Applicant proposes to locate a pole barn in front of the house on the property.

Due to a conflict of interest Ms. Levan recused herself from this application and stepped off the dais, Mr. Matt Wieliczko took her place as the Board Attorney for this application. Mr. Duncan Prime, Attorney for the applicant presented the application and provided background on this property citing what the homeowner wanted to do if the application was approved for the pole barn to be installed. When the applicant purchased the property there was a single family home with 3 sheds an unusable run down pool and a cabana that has since been demolished and replaced with a new single family home with 3 car garage and pool. The applicant is looking to install a pole barn to house 2 rescue horses as well as placing a fence around the front of the property so the horses can roam and graze safely.

Mr. Rod Richie, Engineer, was sworn in and reviewed his background. He was accepted as an expert by the Board. Exhibit A-1 (original site plans of grounds) was presented showing the placement of the house and the pool as well as where the proposed barn and fencing would be located. Mr. Richie testified to the change to the plans since the applicant had had a meeting with the Board Professionals and took their suggestions to modify the original plan. There is much landscape buffering proposed along the south side of the property and an extensive Tree Replacement Plan in place for the property. The proposed barn will be in the front of the property since it would have vehicle access if placed in the back like asked. The applicant and his team feel this barn is tastefully designed and the landscaping proposed will shield it from the neighbors and those driving down the road. There will be downward casting motion lights or switch lights located on the front of the proposed barn. Exhibit A-2 (pole barn photo) and Exhibit A-3 (proposed fence) were shown to the Board to give them an idea on what the structure and surrounding fence would look like. When asked about a double fence or some kind of electric fence the applicant stated he had not thought about that but didn't feel it would be needed since the fence would be about 25 ft. off the road.

Ms. Taylor spoke about the tree replacement plan and some of the comments in her letter dated 10/18/2022 in which the applicant agreed to comply with. Ms. Taylor also spoke very briefly about the lighting on the building.

PUBLIC COMMENT:

Mr. Goldberg, Attorney for 347 Tom Brown Rd. testified his client had concerns about the proposed barn being so close to their home as well as the lights shining on their property. Mr. Wieliczko clarified the lighting situation and spoke about the landscape buffering that would be done to shield the barn as much as possible from the neighbor.

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Mr. Duncan summed up the application and Mr. Wieliczko reviewed what the applicant was asking for so the Board could make their decision.

- A motion to approve this Application was made by Mr. D'Antonio seconded by Mr. Creeley. The roll call vote of eligible Board Members unanimous in favor. Motion Carried.

Melanie Levan rejoined the dais for the remaining applications being heard for this hearing.

- **ZBA#2022-18, Thomas Braddock**, 333 Tom Brown Road, Block 5200, Lot 6, Zone R-, Bulk Variance to install a three split rail fence.

Mr. Braddock was sworn in and asked to review the application for the Board. The applicant replaced an existing fence with the same style and height during the beginning part of the summer without getting the proper paperwork and received a violation. The fence is about 4.66 ft. in height and was replaced with something identical in height and style. Exhibit A-1 (survey) was shown to the Board to give them an idea on where the fence was on the property. Exhibit A-2 (photo of old fence) was shown to prove the fence was in disrepair and needed to be replaced since there has been multiple times the fence had been hit by cars traveling down Tom Brown Rd. Exhibit A-3 (old fence from west side view) and Exhibit A-4 (New Installed Fence) were shown to compare and show the Board the fence was replaced with something identical. Mr. Braddock apologized to the Board for not obtaining the proper permits and testified he thought that since he was just replacing the existing fence with something identical he didn't need anything. Additional exhibits were presented to compare his fence to those in the area and how it fit in with the neighbors and looked much better than his previous rundown fence.

- A motion to approve this Application was made by Mr. Creeley seconded by Ms. Schill. The roll call vote of eligible Board Members unanimous in favor. Motion Carried.
- **ZBA#2022-19, Adrienne & Michael Carr**, 212 S. Washington Avenue, Block 4501, Lot 1.02, Zone R-3, Bulk Variance for a covered front and side porch.

Ms. Schill recused herself and stepped off the dais due to a conflict on this application.

Mr. and Mrs. Carr were sworn in and asked to review the application in front of the Board. The proposed front porch will wrap around the front and driveway side of the house. They would like to have the porch installed since at this time they only have a small porch area that does not keep them safe from the elements as well as Ms. Carr would like to be able to sit on her porch and watch her children play with the neighbors. Since their road is busy they feel this would be beneficial to the safety and security of their small children. Mr. and Ms. Carr had exhibits with application showing the elevation and the design of the proposed porch. There was a large elevation change due to the hill they live on and large

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retaining wall located on the property at 210 S. Washington. They will be removing a small portion of the asphalt driveway since the retaining wall on the neighbor's property makes the area too small to fit a car, they will be laying down grass in that area. Some Board members were concerned about the car encroaching on the sidewalk since they are removing some of the driveway and the porch is extending out into the driveway a little. They asked if there could be a condition put into place that a car cannot encroach on the sidewalk. The applicants also spoke briefly about possibly moving the driveway to the other side of the house should they feel they need more space for parking but that is not something that is set in stone. They also testified they felt the design and the porch would fit in with the neighborhood and provide a safe and enjoyable place for everyone to be in.

- A motion to approve this Application with the following condition:
 - No car can encroach on the sidewalk

was made by Mr. Creeley seconded by Ms. Gallo. The roll call vote of eligible Board Members unanimous in favor. Motion Carried.

Ms. Schill rejoined the dais for the remaining application at 8:31pm

- **ZBA#2022-20, Hristos & Virginia Kolovos**, 302 Tom Brown Road, Block 5400, Lot 1.02, Zone R-1A, Bulk Variance to allow two (2) entry/driveway gates with piers and corresponding walls. The gates will exceed the three (3) feet maximum allowed in the front yard area.

Mr. Chepurny, Architect for the applicant, was sworn in and reviewed his background to be accepted as an expert by the Board. Mr. Kolovos would like to create a main entrance into his property instead of continuing to use the "shared" driveway since there have been many issues with people using the driveway as a road and cutting through his property to get to other roads in the area. Since he has small children he feels this would be a safer way for his family to not be hit or have unwanted visitors on his property. Exhibit A-1 (Aerial View of property) and A-2 (gate/fence design) were shown to the Board so they could get a better understanding of what is being asked for. At the highest point the gate will be 8ft. 6in. and would have downward shining lights so the driveway would be able to be seen but would not impact those driving down the road. The fence will not go all the way across the front of the property but there will be a vegetative barrier along the front in order to create a barrier for the yard while keeping a curb appeal. There will be a call box installed on the fence about 25ft from the road which would give a delivery truck enough room to pull in safely without blocking traffic. The gates will be automatic and have a Knox box approved by the Fire Marshall installed. Exhibit A-3 (plot plan) was shown to the Board to show how the gate will be placed and how the "shared" driveway will be effected. The applicant feels

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this design fits in the area and would increase the beauty of his front yard all while keeping him and his family safe.

- A motion to approve this Application with the following condition:
 - Install Knox Box and have it inspected and approved by the Fire Marshall

was made by Ms. Schill seconded by Mr. Creeley. The roll call vote of eligible Board Members unanimous in favor. Motion Carried.

• **XI. CLOSED SESSION: Resolution No. ZBA-2022-23 (Litigation)**

Mr. Clifford read the Resolution into the record.

- A motion to approve this Resolution was made by Mr. Creeley seconded by Ms. Gallo. The roll call vote of eligible Board Members unanimous in favor. Motion Carried.

The Board entered into closed session at 8:57pm to discuss the matter in Litigation.

The Board came back from closed session to the dais at 9:17pm.

DISCUSSION:

With no further business to discuss, Mr. Creeley made a motion, seconded by Ms. Schill to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 9:18pm.