

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
May 30, 2023**

MEMBERS PRESENT:

Walter Fazler
Lynne Schill
Vincent D'Antonio
William Creeley
Joe Hanuscin
Valarie Sirani
Timothy Monahan
Caryn Shaw Alt. 2

STAFF PRESENT

Patty Muscella, Board Secretary
Melanie Levan ESQ, Board Attorney
Danielle Gsell, Recording Secretary
Michelle Taylor, P.P, A.I.C.P Board Planner @ 7:15pm

Absent: Nicolas Repici Alt. 1

Mr. Fazler called the meeting to order in the Council Chambers at 7:01pm 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#2023-13, Brian Smith & Adrienne Hollander, 701 Kimberly Drive, Block 7500 Lot 19, Bulk Variance request from Section 180-9 (c) to allow for the installation of a 4' high aluminum fence within the front yard setback along a major thorough fare.

- 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.

MINUTES:

- A motion to approve the May 16, 2023 was made by Ms. Schill seconded by Mr. D'Antonio. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

NEW BUSINESS:

- **ZBA#2023-14, Gaurav Sharma, 130 Oakmont Dr., Block 9202 Lot 16, Bulk Variance request from section 180-10 (E-6) to allow an inground pool to be 10' from the rear property line where 25' is required.**

Mr. Sharma introduced himself to the Board and was sworn in to provide testimony towards his application. He described the reason for his application and why he was requesting the variance for his proposed inground pool. He spoke to the already existing

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
May 30, 2023**

impervious coverage on his lot and why he was placing the pool in the area shown on the exhibit labeled as A-1. He testified to the hardships he will be facing and that's why the pool is being placed in the yard as depicted on the exhibits. The size of the lot and the foundation location would make it hard for him to place the pool where it would not require a variance. He also wanted to make sure his kids are safe while in the pool and with the pool closer to the house they would not be able to see them while they were in the pool. He provided the pool grading plan as well as spoke to the landscaping and hard scaping that would be placed around the pool but he would not be doing any additional land or hard scaping behind the pool. The Board asked questions about moving the pool around somehow in the yard but as previously stated they would not be able to do that because of the foundation and shape of the lot.

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

SWEARING IN OF PROFESSIONALS:

Ms. Levan swore in Ms. Michelle Taylor to provided testimony on the applications.

- **ZBA#2023-12, Dennis Matusche, 1273 N. Church St., Block 3500 Lot 63, Use Variance request from Section 180-67.2 (A 1-16)- Unit #103, approximately 7500 sq. ft to be used as a dog day care, boarding and grooming facility.**

Mr. Dennis DeClement, Attorney for the applicant asked to have his clients sworn in to provide testimony towards the application. Ms. Karen Castillo and Mr. Dennis Matusche were sworn in and asked to give details about the application in front of the Board. Ms. Castillo handed out a PowerPoint presentation (Exhibit A-1) detailing the goals and visions of the business as well as the details of hours of operations and space being utilized. Ms. Castillo provided testimony about her years of grooming and study of dog behaviors, she has recently obtained a certificate for becoming a professional groomer although she has been doing it for about 10 years. Mr. Matusche spoke to the floor plan and the layout of the building as well as how they would be breaking the space into different sections for grooming, play time, boarding and training. There will be specific drop off and pick up times to avoid to many dogs and owners being the same area at one time. The ratio of dogs to employees will be 10 to 1, this was calculated by the largest breed they will be accepting to make sure there will not be to many dogs to an employee for both the safety of the dogs and the employees. There will be additional government agencies that will need to approve this application such as the Department of Agriculture and the Department of Health along

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
May 30, 2023**

with the township. The applicant will be required to have an inspection from the Health Department each year to have their license renewed. When asked why they chose this space the applicant testified they liked the space and location of the property. They felt it would be beneficial to those in Moorestown as well as the surrounding areas, they would provide a safe and secure facility for the dogs.

The applicant touched on parking and the amount of spaces they had compared to the amount of spaces they felt they would be using at any given time. The spoke in detail about the cleaning and sanitizing process throughout the building. They will be having a night cleaning crew that comes in to clean and sanitize the facility each night. They will also be bringing in a company to handle the dog feces, they will be placed into a medical grade sealed container and picked up once a week. This container will be kept inside the facility to avoid any odors outside near the residential properties. There will be no outside play for the dogs since the applicant will be creating 2 900 sq. ft. play areas for the dogs inside the facility.

The applicant will be starting out allowing 20 dogs to board overnight in the suites they will be building but stated the law does allow them to be allowed to board up to 100 dogs on the site. There will be employees there from 6am to 9pm to aid in the daycare and grooming. After 9pm there will be one employee that stays in the building overnight and one employee that will be on call should there be an emergency. When asked about the noise and how they planned on mitigating that the applicants gave details on how they would be able to handle the barking. There was discussion about the ventilation system in the building and how they would be keeping the odors down and making sure the areas are cleaned properly. The applicants agreed to look into a better ventilating system as per the request of the Board. They will be able to monitor the inside and outside of the facility by installing security cameras throughout the building as well as around the outside. There will also be bi-weekly audits carried out by Ms. Castillo to ensure the employees and facility are operating as they should base on their business plan and the vision they have for what the business should look like.

Each owner and dog will be interviewed prior to being able to “join” the facility, this will provide a chance for the applicants to “vet” the dogs to make sure they do not show aggression and will not cause a disturbance in the facility as well as allowing the owners to “vet” the facility to ensure it fits what they are looking for in a place for their dogs to stay, train or be groomed. All dogs will be grouped according to size but that doesn’t mean that dogs will not be intermingled with other dogs that are the same size, it will all depend on the dog’s behavior. Each suite will be a 3x6 area with a laminated floor that will fit all dogs’ sizes to ensure they are comfortable and have the room they would need. The applicant

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
May 30, 2023**

will be signing a 7-year lease on the property and the landlord has approved the use of the building.

The play area will be fenced in and will be maintained throughout the day while in use. There are large fans along the back wall that will be used in the ventilating of the building to aid in eliminating any odors.

Ms. Taylor reviewed her letter dated 4/19/2023. She cited the concern she has for the noise that may be coming from the building as well odor. She asked about looking into a different kind of floor since concrete is absorbent and she didn't think it would be a good fit for the type of business. The applicant agreed to seal the floor with something that would help mitigate the odors. Ms. Taylor suggested a manufacturer or the Health Department would be able to help the applicant with the best choice in a sealant. There was discussion of the decimal standards the applicant would need to comply with and he understood and would be doing everything he can to help mitigate that as to not disrupt the neighboring properties.

PUBLIC COMMENT:

Ms. Stacey Bryne- 3111 Concord, Cinnaminson, NJ

Ms. Bryne expressed her concern about the noise and the fact that this property backed right up to her yard. She was also concerned about the odors that would be coming from the property. She testified she felt anxious about this application and would prefer the Board did not approve this since it would be a burden on her and the neighbors.

Mr. Tom Casne- 3103 Concord, Cinnaminson, NJ

Mr. Casne had the same concerns as his neighbors. He spoke about the machine shop that used to be there and how when the loading dock doors were down he was not able to hear much going on. He would also like the Board to not allow this application to be passed.

BOARD DISCUSSION:

There were questions about the R-1 district and if they felt there was a more "suitable" place to have this business and the applicant felt this was a great location since there is nothing like this in the Moorestown Area and they lived so close they would be able to be there quickly should an emergency arise.

Mr. Creeley spoke about the loading dock door and asked the applicant if they would agree not to have it open, the applicant did agree to this condition. The only door that would have to be accessible would be the standard door in case of emergency.

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
May 30, 2023**

Melanie summed up the variances the Board should be considering when deliberating about this application.

Mr. Fazler and many other Board members expressed concern about the noise and the odor but felt the applicant was going to be doing a good job in trying to mitigate the issues by agreeing to the conditions given to them. They also felt there was a strong need for this type of business in Moorestown since there is not something similar already in the town. When asked about what the recourse would be should the applicant not follow any of the rules laid out in the ordinance of Moorestown or the conditions in the approval of the application they were told they could file a complaint with the Zoning Officer in Moorestown who then can issue a summons to the applicant and take them to municipal court to be shut down immediately. Ms. Muscella explained the procedure on how the Township renewal would be working for their license since this kind of application is normally approved by the Planning Board.

- A motion to approve this Application with the following conditions:
 - Loading Dock door stays closed at all times. Standard door will be used for emergency purposes only.
 - 50 dogs max allowed in the building at one time
 - Work with someone to seal the concrete floor
 - No waste containers will be stored outside
 - The dogs being boarded will need to do so with in a closed area

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

CLOSED SESSION:

Mr. Fazler read a resolution into the record regarding going into closed session. The session began at 9:18pm and ended at 9:30pm

DISCUSSION ITEMS:

NONE

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
May 30, 2023**

With no further business to discuss, Mr. Hanuscin made a motion, seconded by Mr. D'Antonio to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 9:33pm