

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
August 15, 2023**

MEMBERS PRESENT:

Vincent D'Antonio
William Creeley
Joe Hanuscin
Walter Fazler
Nicolas Repici Alt. 1
Valerie Sirani
Lynne Schill

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

Absent: Caryn Shaw Alt. 2, Timothy Monahan

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.

SWEARING IN OF PROFESSIONALS:

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

RESOLUTIONS:

- **Resolution ZBA#2020-23EXT, Cambridge Property 1, LLC, 255 East Main Street, Block 6102 Lot 15.01, Extension Request for 1 year for Use Conditional Variance approval and Preliminary and Final Site Plan approval ZBA#2020-23.**
- A motion to approve this resolution was made by Mr. Hanuscin seconded by Mr. Creeley. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- **Resolution ZBA#2023-19, Brandon Pugh, 310 Borton Landing Road, Block 7401 Lot 10, Use Variance relief from Article IX, Section 180-69A to permit residential where residential is not permitted in the BP2 zone however the residential use is pre-existing.**
- A motion to approve this resolution was made by Mr. Hanuscin seconded by Mr. Creeley. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

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MINUTES:

- A motion to approve the June 20, 2023 was made by Mr. Creeley seconded by Mr. Hanuscin. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

NEW BUSINESS:

- **ZBA#2023-20, Karen Janka**, 900 Borton Landing Road, Block 8700 lot 6. Proposed front porch and 2 car garages. Variance Relief from Article IV, Section 180-9C to allow a 96' front yard setback where 150' however the existing front yard setback is 103.2' and is pre-existing non-conforming.

Karen Janka, the applicant as well as her Architect Neil Johnson, were sworn in by Ms. Levan. Ms. Levan reviewed the application with the homeowner asking why she was seeking the variance. Mr. Janka explained she had moved back into her childhood home and wanted to extend the porch out so she could sit out and enjoy the area without fear of falling or tripping over the chairs she would like to place there. Exhibit A-1, a packet of 6 colored photos of the front of the house in which showed the Board how thin the porch space was and how she would like to have it redone. Mr. Johnson testified to the dimensions of the new proposed porch and how they would be designing it to compliment the rest of the house and the other homes in the neighborhood. There will be no trees being removed from the property to accommodate this addition. Ms. Taylor spoke about the C1 and C2 criteria and how the applicant meant those with her current design.

- A motion to approve this application was made by Mr. D'Antonio seconded by Mr. Hanuscin. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- **ZBA#2023-22, 280 Chester LLC**, 284-290 Chester Avenue., Block 4307 Lot 32, Proposed Use Variance to permit a private cigar club within the existing building within the RTC-2 zone. Relief is requested from Section 180-42.

Mr. George Matteo, Attorney for the applicant asked Ms. Levan to swear in the witnesses he would be introducing to the Board to provide testimony to the application before them. Ms. Levan swore in Mr. Tim Kalavruzos, Principal for the applicant and Mr. Terrance Combs, Planner and Landscape Architect. Mr. Matteo proceeded to review the application with the Board sighting the location and current use of the building. He explained the parking easement they have with the church as well as the complex behind them. The applicant purchased the complex in February 2022 and has had a hard time finding tenants to occupy the vacant spaces in the building. There is one residential unit on the property that has a tenant who works for the applicant. With this application the applicant does not need to comply with the Smoke Free Act NJ since this will be a private member only club. Mr. Matteo reached out to the Burlington County Board of Health inquiring about regulating the private club and was told they do not regulate private cigar clubs.

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Exhibit A-1 (photo of current office building-inside) was introduced to the Board to show them what the outside of the building looks like with all the landscaping and redone parking lot. The building is split into 3 units, A, B, and C. Since unit C has the most open space with the balcony this is the proposed space he would like to use for the club, this will allow him to create an open space with the calm atmosphere he is aiming for. The members of the club will not be able to move from building to building without going outside and through the front doors of the other buildings. The office building used to be owned by the Church and was used for various things but Mr. Kalavruzos uses it as an office and hope of a cigar club. After the purchase of the building the applicant worked with various brokers trying to get tenants into the building but with no luck he decided to apply for the proposed cigar club since it's a growing hobby among people. The applicant has a lot of experience in the hospitality business as well as the catering business so he feels this would work since he has the experience and knowledge of how to run a business. Exhibit A-2 (front door to proposed club) The first level is 2300 sq. ft. and the 2nd level of the building is 834 sq. ft. for a total of 3100 sq. ft. which would be perfect for the intended cigar club being proposed. There will be no kitchen on the premise, if food is going to be there for an event will be brought in by in outside caterer. This club will be members only and BYOB, each member will be granted access 24 hrs. a day using a custom key card for the entrance. There will also be private lockers for members to use to store cigars or other items to be used in the club. There will be a professional cleaning crew that comes in and ensures the club is cleaned and maintained to the standards of the applicant and his business partner.

The applicant went over the improvements made the property since the purchase in 2021. The applicant agreed to make the necessary repairs to the building as well as the outside if needed or requested by the Board. On the south side of the property there is a passive heating system that works and was looked at by a heating professional to ensure it was in working condition. Exhibit A-3 and A-4 (rendering of inside the club after renovations and interior design) There was testimony about what the club atmosphere was intended to be. Exhibit A-5 (floor plan) showed the current layout of the inside of the building prior to the renovation. What is known as unit "C" will be transformed into the club. The existing office space in Unit "C" will be converted into a conference room for private meetings/small events. There will be outside smoking allowed and each unit will have its own HVAC system to ensure there will be no residual smoke being smelled in the other offices or in the residential space.

The applicant provided testimony about the CM11 flush mount venting system that will be installed to help mitigate the smell as previously testified to. There will be about 15 to 20 guys when having an event but the membership will not have a cap as of right now. The peak hours will be from 5pm to 8pm during the week since most like to come right after work to unwind. There will be no retail sales within the club but the club owners could source a particular bran of cigar for a member if requested. Security cameras would be installed outside to ensure the safety of those using the club, all member will have to obey and follow the rules in place or they will be asked to leave and their membership could be

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terminated. Parking was not seen to be an issue since the club will be mostly used after hours. Monthly dues will need to be paid in order to use the club and again the membership will be capped, but that cap has not been established. All events would have a limited number of people allowed to come, there would be an email sent out to all members but they would need to RSVP to be allowed to come. There will be a volume control system put in place to avoid it getting too loud for the neighbors however the applicant does not see that as a problem since the atmosphere is more calm and relaxing.

All fire and township codes will be complied with. Since there is no current sprinkler system put in place the applicant agreed to install one. Exhibit A-6 (lighting plan) was presented by Mr. Combs showed how the lighting be strategically placed around the club to again create the relaxing atmosphere since the club is supposed to be a place to unwind and relax while enjoying a cigar after work. He spoke in depth about the parking and cited the positive and negative criteria going along with the Master Plan for Moorestown.

Ms. Taylor spoke about her letter dated 8/10 /2023 citing her concern about parking but because there was so much testimony was given she felt better about how the parking was going to be handled.

PUBLIC COMMENT:

Mr. Jack O'Meara-161 Foxwood Dr. came as a member for the Saint Matthew's Church on which the applicant has a shared parking agreement with and was in support of this use since the applicant has been a great neighbor to the church and the church felt he would continue to be that neighbor.

Mr. Drew Krisandra- 507 Dawson was also in support of this application because he was happy this space was being used for something instead of being vacant.

Mr. Jeff Rosser-207 Country Club was in support of this application and felt this would be a great addition to Moorestown.

Mr. Matteo thanked the Board and summed up the application before them.

BOARD COMMENTS:

Most Board members were in support of the application since they know it's hard during this time to rent out office space, there is not really a need for it. There was concern about the 24/7 access to the club but was confident the applicant would ensure the club rules would be followed and there would be the proper actions taken for those who do not.

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- A motion to approve this Application with the following conditions:
 - No outdoor smoking allowed
 - Comply with Smoke Free Air Act to the extent of the application before the Board.

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

DISCUSSION ITEMS:

NONE

With no further business to discuss, Mr. Hanuscin made a motion, seconded by Ms. Schill to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 9:12pm

The August 29, 2023 meeting was cancelled, the next meeting will be September 19, 2023.