MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING
November 21, 2023

MEMBERS PRESENT:
Walter Fazler
William Creeley
Vincent D'Antonio
Timothy Monahan
Lynne Schill
Nicolas Repici Alt. 1
Caryn Shaw Alt. 2

STAFF PRESENT
Nancy Jamanow, Board Secretary
Matthew Wieliczko ESQ, Alternate Board Attorney
Danielle Gsell, Recording Secretary
Michelle Taylor, P.P, A.I.C.P Board Planner

Absent: Joe Hanuscin, Valerie Sirani

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:

- Appointment of Acting Secretary Resolution ZBA #2023-32
    - 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#2023-25, Jacob Brickley, 216 S. Washington, Block 4501 Lot 21, Bulk Variance relief from Article IX, Section 180-25D to allow an aggregate side yard setback to less than 30' with neither side being less than 12'. Application is proposing 7.5'(existing) and 13.35'.
    - A motion to approve this Resolution was made by Mr. Creeley seconded by Mr. D' Antonio. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

- ZBA#2023-24, Timothy T. Faruol, 149 East Main St., Block 4407 Lots 10&13, Bulk Variance relief from Article XXV, Section 180.99.2D to permit a 4' & 5' high fence in the front yard where a max of 3' is allowed.
    - A motion to approve this Resolution was made by Ms. Schill seconded by Mr. D' Antonio. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

- ZBA#2023-17, Mathoan Gas #9 LLC, 401 Mt Laurel Road, Block 6305 Lots 1&2, Use Variance request from Article VIII, Section 180-21
  - 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:

- None

SWEARING IN OF PROFESSIONALS:

Mr. Wieliczko swore in Ms. Michelle Taylor to provide testimony on the applications.

NEW BUSINESS:

ZBA#2023-26, Ian & Katie Amacher, 220 Parry Drive, Block 4601 Lot 6, Bulk Variance for side yard setback of 17.9' where 28.1' is required and aggregate of 29.8' is proposed where 40' aggregate is required. Existing is 11.9'.

Mr. Neil Johnson, Architect for the applicant introduced himself and the homeowners to the Board. Mr. Johnson and the homeowners were sworn in and asked to provide a description of what the application was about and why they were coming before the Board with the application. Mr. Wieliczko asked the applicant about the call outs mentioned in the Taylor Design Group letter and the applicant agreed to all the conditions Ms. Taylor spoke about. Exhibit A-1 was presented to the Board to show the additional space they needed for their family and making the space they can live in comfortably. The applicant did not object to planting additional trees as well as preserving the trees they have currently on the property. Mr. Johnson didn't feel this application was a detriment to the Master Plan and would be pleasing to the eye with the design they had come up with. With no Board or Public comment for this application the Board went into deliberation.

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

ZBA#2023-27, MRE Five, LLC, 800 N Church Street, Block 1500 Lot 3, use Variance to allow a new building to be used as a self-storage facility.

Mr. Dennis Talty, Attorney for the applicant introduced himself and the witnesses for the application before the Board. Mr. Wieliczko asked to have all the witnesses sworn in at the same time so they would be able to testify to the application:

Mr. Bob Stout, Engineer
Mr. Randall Barranger, Engineer, Trip Generator
Mr. James Miller, Planner

Mr. Peter Carlyle, MRE Five Representative
Mr. Greg Lingo, Representative for Contract Buyer

Mr. Stout was asked to provide his qualifications and was accepted as a expert by our Board. Exhibit A-1 (extended aerial) was shown to the Board to show them what the area looked like right now and where the site was located with all the surrounding buildings and homes. Exhibit A-2 (street view from Google Map) done on 11/21/2023 showing what the current vegetation looked like during this time of the year and how the building was covered. The applicant will be keeping the same vegetation as well as adding additional plantings with the new proposed building. Exhibit A-3 (existing conditions) showed the existing vegetation and Mr. Stout testified the applicant would be adding additional vegetation and keeping as much as they could for the current vegetation. Exhibit A-4 (colored use variance) showed the existing driveway and how the applicant would continue to use the driveway as it is while also making sure it would be large enough to accommodate a firetruck or emergency vehicle. Mr. Stout reviewed the variances the applicant was seeking and why needed them. There is a proposed trash enclosure that would be placed in the back of the building but because of the placement of the building it is considered the front and therefore a variance is needed. There was brief discussion about the lighting and how it would be placed around the building and inside the building. There will be a more in-depth lighting plan proposed when the preliminary/final site plan is presented. Exhibit A-5 (3-D photo of proposed building) showed the materials and plantings being used to create the proposed space. Mr. Stout reviewed all the details with the Board in regards to the materials and how he felt it was pleasing to the eye. Exhibit A-6 (3D of other side of Building) and A-7 (3D view from Flynn & Church at a 30 ft. height) showed the Board all angles of the building and how it would look from the homes around the area as well as from the top of the building if inside looking down and out. The applicant is looking to carry the existing aluminum fence all the way around the site to keep it in line with the existing look. The D1 Variance and is also asking for approval of the Bulk Variances called out in the Taylor Design letter. Mr. Stout and Mr. Wieliczko spoke about the buffers and what was being asked of the applicant based on the letter from the Taylor Design Group. The applicant will be working with the fire official regarding comments made in his letter and having a fire access lane that will be proposed.

Mr. Lingo was introduced to the Board and asked to provide his background and credentials for the Board to accept him as an expert. He testified there will be no outside storage on the facility and the building will only be accessible during business hours which are Monday-Friday 9:30am to 6:00pm and 8:30am to 5:00 pm Saturday, they will be closed on Sundays. There will be security inside that the person will need to check in with in order to access the unit they have rented. The applicant will have cameras, and security systems installed throughout the building to ensure the safety of the employees and those utilizing the facility. The applicant contacted Cube Smart asking them if they would be willing to be a tenant in the property since at this time the property is vacant they applicant felt this would be a better use of the property. There was a list of prohibited lists of items given to the Board so they could better understand what will and will not be allowed to be stored onsite. There will be no 18-wheel trucks allowed on the site but some smaller U-Haul Trucks will be there to either drop off or pick up things out of a unit, however again this will only be able to be done during business hours. There will only be a small section of the location inside that will be selling tape, locks, etc. Mr. Lingo didn't feel this proposed use would drawl vandalism or crime since it would be closely monitored. The large sign for the proposed building will be on Church St. and the applicant will be working with the Board professionals on the details as to placement, height and lighting. There will be no lighting in the units themselves but in the corridors and the renters will not be able to use the units as "offices" or "living" spaces. The trash will be picked up by a third party and will be restricted to 7:00am to 7:00pm. The smallest units will be 5X5 while the largest unit will be 10X30. Ms. Taylor asked about the lights being turned off during the non-business hours and the applicant testified they would need to be deferred since they have not come up with a lighting plan as of yet. The applicant did agree to have the lights off from 12am to 6am in order to avoid having a glare on those homes surrounding the facility. Exhibit A-7 (rules and regulations for Cube Smart) showed the Board what would and would not be accepted to be stored on the facility as well as the rules that would need to be followed in order to be a renter at the units. The Board asked as a condition of approval that they reserve the right to ask about lighting when the applicant comes back before the Board with the preliminary and final site plan seeking approval. When asked about adjusting the flow of traffic in and out of the facility the applicant stated they had not considered that since they were trying to keep the traffic pattern the same. The unit renters only visit about every 3 months and the applicant doesn't feel there will be a lot of traffic in and out. There will not be any outside vehicles allowed to be parked on the property.

Mr. Barranger, Engineer, was asked to provide his credentials and was accepted as an expert to testify to the application. He created a trip generation report showing the trip potentials when the storage units open based on the current patterns. He testified to the critical peak hours and the increase in the traffic during those times. The storage unit will actually produce less proposed trips since it will not be visited on a daily basis by those who rent the units.

Mr. Peter Carlyle, Managing Member of MRE Five, purchased the property in April 2004, since then he has made many improvements and upgrades to the building. He thinks he is at a disadvantage since the building is older and really compare to other office buildings in the area. Since COVID the building has lost tenants since most can work from home now causing this property to become a financial burden. He began conversations with Lingo Company about the potential for the storage facility.

Mr. Jim Miller, Planner, has testified before the Board on numerous occasions and is still considered an expert. He testified to the positive and negative criteria of this application and how he felt it fit the Master Plan of Moorestown Twp. He provided the burden of proof and reviewed the lot size and shape for the zoning proposes of the application. He feels the space has the capacity to fit the proposed building and touched base on the landscaping and buffering around the property. He testified to the drainage basins and where they were placed stating it would work well with the new proposed building and use. He spoke about the elevation of the building and how the storage facility will have screening and create a lower trip generation then the current building use. Since the age and vacancy of the building are a hug factor in this decision to propose a storage facility Mr. Miller felt there was no negative effect to the area or those around it.

Ms. Michelle Taylor, Board Planner, reviewed some comments in her letter to the applicant speaking specifically to the buffering around the property. She strongly recommended the Board consider the lighting of the sign that will be located inside the top of the building.

PUBLIC COMMENT:

Ms. Beth Kelleher- 10 E 2nd St.

Ms. Kelleher thanked the applicant for an impressive presentation of the application. She is pleased the applicant is willing to work with the Board and the Board Professionals to come up with the best lighting plan for the space and is in favor of the application.

Mr. Oliver Marshall- 603 Flynn Ave

Mr. Marshall would like to see the parking moved to the back of the building since there is already so much traffic on Flynn Ave and he felt this would just cause more problems. He was not opposed to the application but wanted to make the Board aware of his concerns about the traffic and the parking.

Ms. Catherine Ward- 601 N Church

Ms. Ward did not agree with all the testimony about the lighting and the traffic generation that was spoken about. She asked about imposing the conditions and what the repercussions are for the applicant should they not follow them. She thanked the applicant for making the renovations to the building and making sure it continues to be upkept.

Mr. Talty summed up the application and thanked the Board and the public for being there to hear the application. He felt this application fit well with the property and the area since there seems to be a growing demand on storage facilities.

The Board would be voting on the following:

D1 Use Variance
3 Bulk Variances
Front Yard Setback
Front Yard setback off Flynn- for Stormwater

The Board will be imposing conditions on the application which Mr. Wieliczko detailed out for the Board. The Board went on to discuss the how they felt this proposed use for the space would be a benefit to the town. Since the current building is vacant and the landscaping is lacking they would like to see something come of the space and the landscaping be redone. There was discussion about the fence placement and whether it would be in front of or behind the landscaping. The Board felt the applicant did a good job in “protecting” the neighbors and thinking about what they needed from this site.

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

CLOSED SESSION:

The Board entered into closed session at 9:37pm to discuss matters of litigation.

A motion to come out of closed session was made by Mr. Repici seconded by Ms. Shaw. The motion was unanimous in favor.

DISCUSSION ITEMS:

- NONE

With no further business to discuss, Mr. Monahan made a motion, seconded by Mr. D'Antonio to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 10:06pm