

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
September 17, 2024**

MEMBERS PRESENT:

Vincent D'Antonio
Greg Heleniak, Alt. 2
Lynne Schill
William Creeley
Timothy Monahan
Walter Fazler
Joe Hanuscin

STAFF PRESENT

Patty Muscella, Board Secretary
Melanie Levan, Board Attorney
Danielle Gsell, Recording Secretary
Michelle Taylor, Board Planner
Fred Turek, Board Engineer
Matt Wieliczko, Alt. Board Attorney

Absent: Caryn Shaw Alt. 1, Nicholas Repici,

Mr. Fazler called the meeting to order in the Council Chambers at 7:00pm 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:

- None

MINUTES:

- A motion to approve the August 20, 2024 was made by Mr. Heleniak seconded by Ms. Schill. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

SWEARING IN OF PROFESSIONALS:

- Ms. Levan swore in Mr. Fred Turek and Ms. Michelle Taylor to provide testimony for applications on this agenda.

NEW BUSINESS:

- ZBA#2024-16 Betz/Ivanov, block 4503 L 10, 233 S. Washington Ave., Bulk Variance to permit a 6' high fence in the Front Yard Setback where 3' is permitted. (Carried from July 16, 2024 & August 20, 2024 ZBA Meetings)

Mr. Vidal, attorney for the application gave a brief overview of the application since the applicant had already submitted testimony at the previous hearings. The applicant provided an updated survey of the property showing clear property lines and how the fence would be placed on the property if approved. The applicant was asking for a 5 ft. scallop fence with the peak being 6ft. at the highest point. The applicant felt this style fence would fit in with the neighborhood and looks better than a 6ft tall stockade fence. The Board was pleased with the application and thanked the applicant for the updated survey and for coming back to the Board with a more prepared application.

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

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
September 17, 2024**

- ZBA#2024-21, Katie Kostin, 443 Shady Lane, Block 2600 Lot 14, Bulk Variance relief from Section 180-25C to permit front yard setback of 27.7' where 30' is required for a front porch.

Ms. Levan swore in the applicants and asked them why they were coming before the Board. The applicant testified they would like to build a porch onto the front of the house to provide coverage from the elements since they do not have one currently and can not enjoy being outside watching their children play. The proposed porch would be 9ft by 12ft located in the R-3 Zone. The applicant provided photos showing other homes on her street that already have porches similar to what is being proposed by the applicant. They would like to have the application approved to build the porch so they can be outside enjoying watching their children play as well as being able to enjoy the outside without fear of the elements.

- A motion to approve this application was made by Mr. D'Antonio seconded by Mr. Creeley. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- ZBA#2023-27P&F MRE Five, LLC, 800 N. Church Street, Block 1500 Lot 3, Preliminary & Final Site Plan with Variances. The Applicant is proposing to demolish the existing structure and construct a self-storage facility with a 26,000sf building. Site improvements include stormwater management, grading, reduction of parking spaces, landscaping and lighting.
 - Due to a conflict of interest Ms. Levan stepped down from the dais and Mr. Wieliczko took over as Board attorney for this application.

Mr. Dennis Talty, attorney for the applicant introduced himself before the Board and called on his witnesses to be sworn in. The following witnesses were sworn in to provide testimony to the application:

Mr. Matt Walsh- Professional Engineer
Mr. Andrew Kubovsak- Rockwell Custom
Mr. Forest Kelly- Architect Representative, Architect Alliance
Mr. Dave Shropshire- Traffic Engineer
Mr. Peter Carlyle- MRE Five Representative

Mr. Talty reviewed the application with the Board siting some of the previously granted variances from the application heard in November 2023. The total property is located in the RSC1 Zone and is 3.16 acres, this property will become a self-storage facility and the applicant was here for preliminary and final site plan approval.

Mr. Shropshire, Traffic Engineer, was asked if he had read the comments made in the Board Professional's letters he testified he had and that the applicant agreed to all conditions spelled out in those letters.

Mr. Walsh, Professional Engineer was introduced to the Board and asked to provide testimony about the site plan and what changes had been made to the building in accordance with the comments from the public and the Board Professionals. Exhibit A-1 (colored site plan) was shown to the Board showing the building being positioned differently so the front would not be facing Flynn Ave anymore so the residents would not have to worry about lighting being seen from their windows. There was discussion about not

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
September 17, 2024**

needing 2 storm water basins now that the applicant had repositioned the building. The main access to the facility will now be facing away from the residents on Flynn Ave. There was discussion about the Rodman Ave road and how emergency vehicles would be able to access the facility should there be an emergency. The applicant is proposing 21 parking spaces on the property where 16 are required, these will include 1 ADA space and 2 EV charging stations. The applicant will install flush curb mountings for easier moving of large items being placed in storage. There will be no lights facing Flynn Ave and will be on only during certain hours throughout the day. The one light that will be facing Church will have a shield to minimize the brightness.

There will be 2 signs on the property, one at the end of the entrance driveway and a larger one placed on the side of the building which will be lit internally and will also be following the lighting ordinance in Moorestown. The applicant has agreed to provide substantial landscaping to not only make the property look better but to try and minimize the residents view. They will be planting 81 new trees as well as shrubs and additional plantings. There will be no outdoor storage allowed such as boats, RV's. large trucks etc. No outside trash enclosure will be onsite as well since there will be no outside trash permitted.

The applicant agreed to place "no parking" signs on Rodman Ave so the access will not be blocked for emergency vehicles and the current PSEG trucks that use that road. There was discussion about who maintains that road and who should be responsible for the up keep. There was additional discussion about the proposed signage and how large it would be as well as the style. Since the applicant had not found a sign company for the project they were only able to give general sizing and lettering details to the Board.

Ms. Taylor reviewed the SRC requirements with the Board and that this building was considered a single free-standing building siting some of the information about the proposed signs being installed at the facility.

Some Board members asked questions about the parking and lighting and about the storm water basins possibly having an underground draining system. Questions about the lot size and what driving and turning around would look like. Mr. Walsh testified the lot and space is large enough for a box truck to turn around without trouble.

Mr. Forest Kelly, Representative for the hired Architect Alliance, spoke about the facade of the building and the elevations. The architect provided plan A and plan B for the Board showing different designs of the building and how the windows and doors would be situated to eliminate the lights from the residents. Mr. Kelly also showed the Board what CMU looked like since that was a material being used on the building during it designs. He spoke about the plans that had been previously submitted to the Board in the November 2023 application. When asked about the lighting again Mr. Forest deferred those questions to Mr. Walsh who spoke again about the lighting and the timing of when they would be turning off and on.

Ms. Taylor spoke about the hallway and the colored doors testifying she felt by adding more windows as per "option B" is not acceptable and she also felt that "option A" isn't good because of the lighting. Mr. Wieliczko asked the applicant if they would be willing to work with the Board Professionals regarding concerns about lighting, parking, landscaping any other concerns brought before them, the applicant agreed to work with the Board Professionals. The Board members voiced concerns and a "need" for better plans so they can make a more informed decision on the application.

Mr. Andrew Kubovsak, Rockwell Customs, spoke very briefly about the operations of the facility and when the lights would be on and off as well as how many employees would be occupying the building during the time of operation. He reiterated the testimony about no outside storage, the facility being secure and having cameras to monitor activity.

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
September 17, 2024**

Mr. Turek and Ms. Taylor spoke about their correspondence with the applicant and their concerns regarding the application. The applicant agreed to work with the Board Professionals to correct concerns given from the Board as well as the Board Professionals. There was discussion about the mechanical units on the roof and Mr. Turek would like the applicant to come back with additional information about the decimal levels, screening and placement on the roof. Mr. Turek also agreed to walk the bike path with the applicant to speak about the corrections that need to be made.

PUBLIC COMMENTS:

Ms. Pamela Richards- 304 Colonial Ave

Ms. Richards voiced her concerns about the fact that the residents were not able to see the exhibits being presented and feel the Township can do better at making them visible. She wants to make sure the Township enforces the rules about the trash since could be a problem if not enforced. She spoke about the signage needing to be smaller but agreed we needed a self-storage facility in town since we have so much affordable housing coming into town. She would also like to see more permanent trees as part of the landscaping plan.

Mr. Pete Miller- 518 Devon Rd.

Mr. Miller wanted to know if a 3-story building was necessary and asked if the Board could ask for a 2 story. Mr. Wieliczko stated that since they were not asking for a variance for the height there was nothing the Board would be able to enforce regarding height. He asked about the internal lighting in the signs and how they would be able to possibly change that. He spoke about the landscaping echoing Ms. Richards comments. He also asked about changing the light timings since the facility closes at 6pm he felt there would be no need to have the lights on until 10pm.

Ms. Kathy Ward- 601 N. Church

Ms. Ward lives directly across the street from the facility and thanked the Board for there time and consideration with this application. She feels this facility would be an asset to the area although dramatic she feels if done correctly it would be a good thing for Moorestown. She would like to see the lights be turned off at 8pm since the facility closes at 6pm and she is happy to hear they will be looking into fixing the walkway so she will be able to walk with her mother again without fear of falling. She also expressed concern about the number of parking spots being proposed.

Mr. Gary Braxton- 352 Farmdale

Mr. Braxton expressed his concerns about the design of the building and feel the applicant can do better than what they have proposed. He also feels something needs to be done to Rodman Ave and hopes the applicant will work with PSEG to get it fixed. He would like to see a better application.

Mr. Talty came back before the Board to review all the concerns/ comments made by the members of the Board and the members of the public. He will be going back to the applicant and the team to make the changes to the application based on what they heard. This application will be carried to the November 19, 2024 ZBA Meeting with no new notice required as long as the applicant can get the changes submitted for review within 30 days from this meeting.

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
September 17, 2024**

Ms. Levan came back to the dais and Mr. Fazler recused himself from this application not returning to the dais to conclude the meeting. Mr. D'Antonio took over as Chairman of the meeting.

- ZBA#2024-20 Paul Canton Jr., 491-493 North Church Street, Block 2301 Lots 1 & 64. Bulk Variance to construction a new single-family home. Bulk Variance relief from:
 1. Section 180-25A to permit 8,420 sf lot where 10,000 sf is required.
 2. Section 180-25C to permit 11.8' front yard setback on Maple Ave. where 20' is required on the long side.
 3. Section 180-25D to permit 8.4' side yard setback where 15' is required.
 4. Section 180-180-25A to permit 43.63' lot width where minimum 75' is required.

Mr. Canton was sworn in to provide testimony to the application. Mr. Canton is the contract purchaser for this property and is looking to consolidate the lots into one to build a single-family home that would have a 20X92 ft. footprint. The house would consist of 3 bedrooms, 3.5 bathrooms, and a 2-car garage with the 92ft. side facing Maple Ave and the 20 ft. side facing Church. The Board reviewed the application and was concerned about the size of the driveway and there being potential for a car to have to park in the right of way. Ms. Taylor reviewed her letter voicing her concerns about what was being proposed by the applicant. She discussed the conversation she had with the applicant about the porch being in line with others on the street.

The applicant read the statement he prepared siting his hardships and how he felt this application and proposed house would be a benefit to the area. He provided exhibit A (sketch done by applicant) showing what the house would look like, he will be using a combination of stucco and wood for the siding since he feels it looks better and is more pleasing to the eye.

Ms. Taylor reviewed points in her letter that she felt were important to reference and Mr. Canton agreed to all requests presented. The porch will remain open and not be allowed to be closed in. The Board expressed their concerns about wanting to see more detail about the project since they could not decide based on what they had in front of them. The total living space will be 3680 sq. ft. and the combined kitchen/living room/dining room will be 28ftX20ft which the applicant felt he could not make much smaller based on the conversation about the garage. There will be no external lighting on either side of the house and any current curb cuts will be replaced. Mr. Turek and the applicant will be working together to discuss the underground drain proposed. The applicant will be making changes to the plans for the driveway and if that does not change any of the number already given in this application for the variances requested the application is being carried to the October 15, 2024 ZBA Meeting with no new notice required. The applicant agreed to have the new plans and details to the Board at least 10 days prior to the hearing so they have time to review them and make comments or changes if needed.

DISCUSSION ITEMS:

ADJOURNMENT

With no further business to discuss, Mr. Hanuscin made a motion, seconded by Mr. Heleniak to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 10:46pm.