

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
October 15, 2024**

MEMBERS PRESENT:

Vincent D'Antonio
William Creeley
Joe Hanuscin
Timothy Monahan
Caryn Shaw Alt. 1

STAFF PRESENT

Patty Muscella, Board Secretary
Melanie Levan, Board Attorney
Michelle Taylor, Board Planner

Absent: Greg Heleniak, Alt. 2, Lynne Schill, Walter Fazler

Mr. D'Antonio 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:

- 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.
 - 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.
- 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
 - 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.

MINUTES:

- A motion to approve the September 17, 2024 was made by Mr. Creeley seconded by Mr. Hanuscin. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

SWEARING IN OF PROFESSIONALS:

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

NEW BUSINESS:

- 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.

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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.

Ms. Levan reminded the applicant he was still under oath from the last meeting and since the Board has asked him to come back with more detailed plans he was prepared to give those details. The Board was given an updated survey from 10/09/2024 in which Mr. Canton was speaking to. He spoke to the comments made regarding the elevations and provided some additional drawings they are being marked as Exhibit A. He reviewed the comments from the Board regarding the request for a roof on the front porch, he complied with the request and added the roof. He also spoke about the style of the structure and how the Board wanted to see something different, he moved the open porch forward and the landing with the roof would have the effect of breaking up the look of the structure. He showed the floor plan on page 3 of the submitted elevation plan as well as the exact elevation of the property. He tried to address all the comments made by Board and feels he was able to accomplish that. He corrected some of the testimony he had given last month in regards to the sq. feet of living space, at the time he gave an incorrect number to the Board the actual is 2400 sq. ft. which would not make the house as big as he was previously stated. The house is really long to accommodate the narrow lot. He turned to page 3 of the exhibit and referenced the rooms that would be on the first floor and how they are not going to be large and the house will not be that large either. He spoke about the Taylor Design Group's request to have the porch remain open and he agreed to the request but asked the Board to consider not placing a restriction on the variance so that whomever purchases the property can close the porch in if they would like to make it an additional room. He noted other homes on the street have a closed on front porch and he thinks if someone would want to close the porch in that it would fit in within the neighborhood.

Ms. Levan reviewed the testimony given last month to make some clarification about what was there and how long the property had been vacant. The Board asked about the house being similar to others on the block in which they are not since they are duplex's and Mr. Canton will be building a single-family dwelling. The materials for the garage will be vertical cedar and the materials above the porch will be stucco but had received some push back from the Board. The Board again asked about the sizing of the house and the narrow and height of the space. Mr. Canton created the house this way to try and maximize the living space for the owners. They spoke about parking and not blocking the sidewalk for those needing to use it. Mr. Canton wanted to move the garage to ensure the parking would not encroach on the Township right away. They felt this proposed application would be an improvement to the property.

Ms. Taylor did not issue a formal report since there was not enough time to do so therefore she made verbal comments for the resolution being prepared. She spoke about the building coverage and the impervious coverage and how the property does not require any new variances. She is not suggesting a deed restriction for the porch but it would be a part of the resolution so that if someone

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want to close it in they would need to come back to the Board for approval. They need to speak about street trees and removal of the curb near the project but no other comments in the previous letter have changed.

There was no public questions or comments for this application. Ms. Levan reviewed the application with the Board so they could have all facts before making their decision. There was clarification on the porch set back and exactly how far the set back would be. There were additional conversations about the porch and the house wall as well as the set back of the second floor of the house. The Board gave their comments about the house and the design being a positive for the neighborhood.

- A motion to approve this application with the conditions outlined in Ms. Taylor's letter dated September 11, 2024 was made by Mr. Creeley seconded by Mr. Hanuscin. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- ZBA#2024-23 Roy Pascone III 910 Borton Landing Rd Block 8700 Lot 7. Section 180-99.2D Applicant is proposing 5' high fence with 2 gates in the front yard where only 3' is permitted.

Ms. Levan swore in the applicant and reviewed the application with them. They would like to have the fence installed for the additional safety and privacy since they have had issues with trespassing and an incident of an accident causing bodily harm. Most people use his driveway to make a U-turn and he would like to have the fence installed to help in deterring that. Ms. Levan asked about how far from the property line he would be installing the proposed fence, it will be 2 feet from the property but the gates will be set back 20 feet from the property line. The gates will be 5ft high and they will be operated manually. The applicant submitted some photos from around the neighborhood that has almost identical fences to what the applicant is proposing to install. The photo of the car was to show that a person pulled into their driveway apron and got out to look in their trunk than drove across the lawn to get back out onto the street, that was the last straw for the applicant to push for the fence. There were additional photos of damage done to the property from cars and trucks using their property as a turnaround or stopping point.

At this point there are orange cones out there to deter Amazon and UPS from driving onto the yard to make the deliveries. When the gate is installed the deliveries will be dropped off in front of it and will no longer be allowed up near the house. Mr. Creeley asked about the style of the proposed gate and the fence and how it would tie in with the others surrounding them. The fence will be 6ft in from the roadway with no masonry structure surrounding it. There is a bike path and no sidewalk in which the proposed fence and gate will not impose on.

The applicant thanked the Board for their time and consideration off the application. The Board appreciated the design and the willingness to make it safer for the area. There are 2 driveways but they are only placing a gate and fence on the one side.

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- A motion to approve this application was made by Mr. Hanuscin seconded by Mr. Monahan. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- ZBA#2024-24 Mark Simone-Skidmore 1 Madeira Ct. Block 6505 Lot 41. Section 180.99.2D & E. Applicant is proposing 54" high fence in the front yard where 3' is permitted.

Ms. Levan swore in the applicant and reviewed the application with him. The applicant stated they wanted raise the fence up so they can install a pool and the requirements they would need to meet for the fence for the pool. They would like to replace the existing fence in the same location and the same style of fence but would like to raise it the 18 inches to meet the pool fence code requirements. Since they are a corner property if they installed the fence outside of the set back it would create a divide in the yard and they would have 2 fences which is not something the applicant would like to do. The applicant referenced the attached photos to the application showing what the fence would like when installed. The applicant has put time, effort and money into the flower bed in the yard in which would be ruined if the applicant had to put in a pool fence creating that divide in the yard. The Board asked about the set back requirement and the pool code requirements and the style and look of the fence. The applicant brought Exhibit A, picture of where the pool is proposed to be installed. The Board wanted to know why this section would be higher than the rest of the property which is only 4 feet, he will need this section higher to meet the pool code requirement as he stated previously during his testimony. The applicant thanked the Board for their time and willingness to hear the application.

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

DISCUSSION ITEMS:

Ms. Levan told the Board she will not be asking to be reappointed next year since she lives in Maine part-time and her practice has shifted from land use. She thanks the Board for the last 4 years and wishes them the best. The Board will be putting out new RFP for a solicitor and the other professionals which are prepared but not notices yet. As the RFP's come in the Board will meet with the potential candidates to make the decisions. Ms. Levan has agreed to stay on until a new solicitor is chosen and ready to be on the Board.

The October 29, 2024 will be cancelled since the application on the agenda has asked to be heard at another hearing. There will be no new notice required for the applicant.

ADJOURNMENT

With no further business to discuss, Mr. Creeley made a motion, seconded by Mr. Hanuscin to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 8:08pm.