MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
November 19, 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

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:

- 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.
  - 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#2024-23 Roy Pascone III 910 Borton Landing Rd Block 8700 Lot 7. Section 180-99.2D Applicant is proposing a 5' high fence with 2 gates in the front yard where only 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#2024-24 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.
  - 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 October 15, 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 and Mr. Turek to provide testimony for applications on this agenda.

NEW BUSINESS:

- 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.

  Ms. Levan recused herself from this application and Mr. Wieliczko joined the Board on the dais. Mr. Talty, attorney for the applicant spoke to the Board about the meeting in September 2024 where the applicant presented their application and they had come back to the Board with revised plans after taking into consideration the comments made during that hearing.

  Mr. Robert Stout, Engineer, was sworn in and accepted as an expert to testify to the changes made to the application and how the applicant took all comments and concerns into mind when redoing the plans. Mr. Wieliczko gave the Board a summary of what was discussed and decided upon at the last hearing for the application and what they would need to be focusing on during this presentation. On October 17, 2024 new plans were submitted for review to the Township and the Board Professionals. Mr. Stout presented Exhibit A-2 (variance site plan) showing the building being flipped to face another way as requested in September by the Board. Exhibit a-6 (Lighting Plan) this exhibit showed the updated parking and landscaping the applicant will be doing based on the comments. They have gone from 21 parking spots down to 16 which now meets the Township Code. Lighting was a concern for the residents on Flynn Ave but with the revamping of the building and the light plan there will be no lights facing Flynn Ave, they will only have a solid side wall of the building. They have also reduced the lighting to have minimal impact on the area surrounding the building as to not disturb the neighbors. The signage was also changed based on comments by the Board Professionals in their letters. The new signage will be 18ft. where 12ft. is allowed causing the applicant to ask for a variance. The signage will only be back lite during the hours of operation. The monument sign will be 5ft. from the driveway since the applicant felt the sign needed to be visible from the road. Ms. Taylor did some calculation based on the ordinance and that showed the signage following the ordinance.

  Exhibit A-5 (Signage) was presented to show how the sign would be mounted and the sizing and colors of the letters on the sign. The letters will be larger than what is currently there but the over all size of the sign will remain the same.

  There was discussion about the new proposed berm being installed and the new landscaping being done to buffer the building from the Flynn Ave side. The applicant will be replacing trees that are needed to be taken out with new better trees. They have agreed to irrigate the new plants in order to make sure they thrive. Ms. Taylor gave testimony about the current trees on the property and how they were in bad shape and not trees that are long living, she was happy with the plan to have them replaced with something that would be better and have a longer life. Other exhibits were shown to give the Board and the Professionals a better understanding of what the building lay out would look like and how changes that had been made to the plans. There was discussion about Rodman Ave and the applicant has agreed to place a chain "fence" with Knox box access for the emergency vehicles to utilize but they will not be making any improvements since the road is mainly used by PSE&G. Mr. Wieliczko explained that PSE&G had come to the planning Board with an application and there was discussion with them about fixing Rodman Ave since they are the ones who use it the most, they have not heard back as of yet about the decision. Questions were asked about drainage and if the applicant thought it would be an issue and they did not since there would be no change to the grading of the property and they would be planting substantial additional landscaping. The Board wanted to know how the Township makes sure the landscaping is upkept once it is planted and they were told it is bonded and they have a 2-year requirement on the upkeep to comply with the Bond and then after that it is up to the Township to check and make citations if needed.

Forest Kelly and Kevin Wilson, Architect from Architectural Alliance, were sworn in and asked to review the materials being used on the building as well as how the HVAC system would be placed. The spoke about the elevations and materials being used on the project in order to create a more pleasing structure to those around the area. They presented the floor plan (A-11) and how the inside layout of the building would be and how people would be able to navigate the building during operating hours.

There was discussion about the operating hours of the building and when the lights would be on. They will be dimmed to security level 2 hours after closing and will be motion censored for the safety of those there. Andrew Kubovsak, Rockwell Customs, also spoke about lighting and what the applicant was proposing and what had changed since the last hearing in September. There will be no generator at the facility and the noise levels will meet state standards. The Board Professionals were happy with the changes being made and thanked the applicant for being willing to makes the changes.

Mr. Stout reviewed the professional letters dated October 17, 2024 and what the applicant would be willing and not willing to comply with based on the testimony given at tonight's hearing and the changes the applicant had made to the application and plans already.

PUBLIC COMMENT:

Ms. Marshall, 54 Chapel Ave Mt. Laurel, NJ 08054

Ms. Marshall was speaking for her father, Mr. Oliver Marshall, 603 Flynn Ave and wanted to thank the applicant for taking the comments and suggestions of the Board and the residents from the September 2024 hearing back and making the changes to make the project better for those on Flynn Ave. She asked questions about the berm and where it would be going compared to her father's property. She was happy with the final outcome of the project.

Ms. Pamela Richards, 304 Colonial Ave

Ms. Richards also thanked the applicant for the changes made to the plans and encouraged the Board to follow up with PSE&G about Rodman Ave. She thanked the Board for asking the applicant to turn the plans around so the public could see them.

BOARD COMMENTS:

The Board was pleased with the changes made to the plans and how well the presentation was given with the changes. They also thanked the public for coming out and voicing their opinion on the proposed project.

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

- ZBA#2024-22 Jarrob & Dana Phipps, 106 Oakmont Drive, block 9202 Lot 4, Applicant is proposing a new roof addition, new wood deck, new front concrete paver walkway. Variance relief is requested to allow 21.5% maximum building coverage where 20% is permitted and to allow 19.2’ rear yard setback where 25’ is permitted.

Mr. Tyler Prime, attorney for the applicant, introduced himself to the Board and thanked them for hearing the application. He provided a summary of why the applicant was asking for the variance reliefs.

Mr. Stephen Katz, landscape architect, was sworn in and accepted as an expert to provide testimony about the plans and design of the proposed project. He spoke about the hardship the applicant faces with the current design and felt this one would bring more comfort and beauty to the outside of the home. Exhibit A-2 (concept drawing) was shown to provide additional details on the design, material and space. The applicant was sworn in to provide testimony on why they were seeking a larger deck and roof area in the backyard. There will be a small wall built to block the TV and furniture from the elements from being outside. The applicant testified he wanted more space for his family to be able to move around comfortably outside and have the space to enjoy their time together. The concept showed a concrete patio but the applicant testified there would be no additional concrete being laid near the pool that was just for visual purposes. The applicant did speak with his neighbors and they are in support of the proposed project.

PUBLIC COMMENT:

NONE

BOARD COMMENT:

The Board expressed their appreciation for the application and the well thought out plans. Some Board members disagreed on the fact that this was being considered a de minimis change to the property since the applicant was asking for 5.5 ft.

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

- ZBA#2024-26, Kimberly Craig, 111 Somers Court, Block 2500 Lot 39. Applicant proposes a 240sq. ft. shed to be 3 'from the side yard where 12' is required.

  Ms. Levan swore in the applicant and asked her to speak to the Board on why she was coming before the Board with this application. She testified that she has a pie shaped lot and this would be the best place to place the shed since she also has a walkway that goes through her property to access Memorial Field that is used a lot and if she were to put the shed to follow the code it would be in the middle of that walkway. She showed photos of her backyard and where her neighbors shed was located indicating her shed would be in line with her neighbors. The shed would be a 12X20 and not having any running water or electric.

  PUBLIC COMMENT:

  NONE

  BOARD COMMENT:

  NONE

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

DISCUSSION ITEMS:

The Board entered into Executive Session at 9:03pm returning to the dais at 9:21pm

ADJOURNMENT

With no further business to discuss, Mr. Hanuscin made a motion, seconded by Mr. Creeley to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 9:22pm.