

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
April 20, 2021**

MEMBERS PRESENT:

Joseph Maguire
Lynne Schill
Vincent D'Antonio
Walter Fazler
Georgette Castner
Mark Williams
Lynne Gallo

STAFF PRESENT

Peter Clifford, Board Secretary
Melanie Levan ESQ, Board Attorney
Danielle Gsell, Recording Secretary
Michelle Taylor, P.P, A.I.C.P Board Planner
Frederick Turek, P.E., C.M.E, Board Engineer

Absent: Chetan Vajapay

Mr. Maguire called the meeting to order in the Council Chambers at 7:05pm 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.

This meeting was held via video conference (MS Teams)

RESOLUTIONS:

- ZBA#2020-28, ACTS Management Services, Inc., 309 Bridgeboro Road, Block 5400, Lot 11 – 15, Zone R-1-A, Preliminary and Final Site Plan with Bulk and Use Variances, and Conditional Use.
 - 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.

MINUTES:

- A motion to approve the March 16, 2021 Meeting Minutes was made by Mr. Fazler seconded by Mr. D'Antonio. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
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PUBLIC HEARING:

- **ZBA#2021-11, Kumar Pankaj & Remya Mahadevan, 201 Winstead Avenue, Block 1002 Lot 33, Zone R-3, Bulk Variance for six (6') foot privacy fence.**

Mr. Richard Roy, attorney for the applicant introduced the homeowners and explained the reason they came before the Board seeking approval for fencing around the property. Ms. Levan swore in the applicants and asked Mr. Roy to continue with the application. The applicant testified they wanted to have a 6 ft. white vinyl fence installed since they live on a busy corner and are concerned about the safety of their children playing out in the backyard. They also

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testified their yard is used as a cut-through for those walking in the neighborhood and would like to stop that. The applicant testified he felt the style and color of the fence being proposed would fit in with the neighborhood and would improve the area around his house. Mr. Roy testified the applicant agreed to the condition from Mr. Turek about keeping the fence 3 ft. off the ground so water can easily flow under the fence. Mr. Roy also asked the Board to agree to the angling the fence on the one corner to make it more pleasing to the eyes of those driving or walking by as well as the neighbors. The Board saw no problems with that and agreed to the request. There was discussion about moving the fence and additional 10 ft. from the property line to make the visual better for the neighbors as well as making it better looking for the neighborhood. There was discussion around the landscaping and how the applicant was going to "ease" the look of a large white vinyl fence. Most Board members voiced their concern about the look of the fence in comparison with the others surrounding the house.

BOARD COMMENT:

Mr. Williams was concerned about the fact the Board was asking the homeowner to make more compromises with his application regarding the landscaping and fencing style. He stated the applicant could just put up the 3 ft. fence and then some larger landscaping but was coming before the Board for the larger fence with the lesser landscaping.

Ms. Schill and many of the other Board Members are in favor of going with the recommendation of Mr. Turek and imposing the additional 10 ft. off the property line to put the fence. They would also like to see the additional landscaping placed around the outside of the fence long Grand Ave.

- A motion to approve this Application was made by Mr. D'Antonio seconded by Mr. Fazler. The roll call vote of eligible Board Members 4 to 3 denial. Motion Carried.

After speaking to his client Mr. Roy asked the Board to consider making another motion with different conditions the applicant agreed upon for the fencing.

- A motion to approve this Application with the following conditions:
 - 10 ft. back from property line on Grand Ave
 - 3 in off the ground to aid in water flow
 - Landscape plan to be approved by Board Landscape Architectwas made by Ms. Castner seconded by Ms. Schill. The roll call vote of eligible Board Members 5 to 2 in favor. Motion Carried.

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- **ZBA#2021-14, Robert & Lori Salmons, 336 E. Central Avenue, Block 5905 Lot 5, Zone R-2, Bulk Variance to replace existing fence. Which is also a barrier for pool.**

Mr. and Mrs. Salmons were sworn in by Ms. Levan and asked to briefly describe to the Board the reason they were coming before them with this application. The applicant testified they were asking to replace the fencing they had with white vinyl fencing since the existing fence was knocked down during an ice storm over the winter and they have a pool that they would like to keep private. They will be also placing white stockade fence along Pearl Ave which will then turn into iron where they don't feel they need a lot of privacy since that area is closer to the house. The applicant is asking for the 6 ft. fence since the pool is in the side yard of the house and there is a lot of traffic coming down Pearl St., he would like the privacy for his family and guests he entertains. The applicant explained he wanted to originally have an almond color vinyl fencing put up but since that color would not be readily available for many weeks he had to choose the white. When asked if he would be willing to change the fencing style to something more in line with what his neighbors had he testified he would not be comfortable changing the style since he was looking for something more private and the cost of wood right now is really high which is what prompted him to choose what he did. The Board members were in support of this application since they could understand why the applicant was asking for what he was and since there would be many people driving by on the busy road they understood his need for privacy.

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

- **ZBA#2020-32, James and Lisa O'Donnell, 322 East Maple Avenue, Block 5602 Lot 28.02, Zone R-1A, Bulk Variance Relief for a proposed barn and garage.**

Ms. Anne Cantwell, attorney for the applicant introduced herself to the Board and gave a brief overview to what the applicant was seeking with approval of this application. She introduced the homeowner, Lisa O'Donnell, and had her sworn in. Ms. Cantwell gave the background history on the 2009 sub-division approval granted to the homeowners and how they have continued to maintain the property since then. The applicant agreed to comply with all the recommendations laid out before them in the Board Professionals letters as well as any other recommendations she would be given tonight. Ms. O'Donnell described the entrance way to the property as well as the existing barn and garage structures in the exhibits presented (A1-A6). She explained the barn and garage sat back off the road and only had one access point in and out. The applicant is looking to replace the existing structures with new ones that better suit the needs of the homeowners. Since purchasing the property about 3 years ago the applicants have spent a lot of time and money investigating the trees, soil and ponds on the property to make sure they are able to keep the good trees and soil. They have a beech tree

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that is in perfect shape that the homeowner is adamant about keeping since it is a beautiful, healthy tree. The proposed 3 bay garage will house 2 bays used for parking cars as well as everyday household outside tools and the 3rd bay will be converted into a gym for their disabled son so he can continue to work out on the bottom level. On the 2nd floor there will be an office space for the applicants to continue to do their charity work from. There will also be a small powder room on the first floor but this dwelling will not include a living space nor will it be used for any commercial use. The existing barn will be torn down and a gardening barn will replace the old structure. In this gardening barn there will be work spaces for creating wreaths, crafting and other art type projects.

Mr. Bob Stout, Engineer, was sworn in and accepted as an expert in his field. Exhibit A-13 (Variance Plan) was presented to the Board as Mr. Stout explained how the grading will be for the new barn and garage. He gave testimony to the sub-division previously granted and how the applicants have maintained the property since the purchase. He explained how the new structures would be positioned so they would not affect the wetlands or the ponds on the property. Mr. Stout testified they would be providing the grading and storm water management plan if the application is approved tonight.

Mr. Jonathan Alderman, Landscape Architect, was sworn in and accepted as an expert in his field. Mr. Alderman presented Exhibit A-19 (colored landscape rendering) to the Board and explained the applicants desire to keep the large beech tree currently on the property. He also spoke to the other trees and shrubs currently on the property and explained they would be preserving as much as they could of what is currently there as well as replacing or adding to the landscaping when necessary. They will be using the landscaping to blend into the buildings so they flow better in the area and will not be standing out. Since the applicant shows so much passion for the outdoors the landscaping was very important to her.

Mr. Peter Zimmerman, Architect, was sworn in and accepted as an expert in his field. Mr. Zimmerman presented Exhibits A-20 through A-24 showing the elevations of the garage and barn as well as the materials being used to construct them. He went into depth about the floor plan of each building as well as what the intended purposes were for them. When asked if he thought the spaces could be used as additional living spaces Mr. Zimmerman testified they would not be constructed in such a manner that he felt someone could live there comfortably without having to do some renovations. There has not been an in depth discussion between the architect and the applicant about heating each structure but Mr. Zimmerman felt floor radiator heat would be sufficient for the structures.

Mr. Jim Miller, Planner, was sworn in and accepted as an expert in his field. Mr. Miller went over the positive and negative criteria of the application. He felt there would be no detriment to the surrounding area, just an improvement since the applicant had worked so hard to preserve the landscaping where they could and when they couldn't would be replacing it. He also felt this application fit into the Master Plan of Moorestown. Mr. Maguire asked Mr. Miller if

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he felt that placing a deed restriction on this application would be a good idea since the barn and garage would be large. Mr. Miller agreed this would be a good idea to impose a condition of a deed restriction. When asked if the applicant would be willing to comply with all the conditions set forth in the 2007 Planning Board resolution the applicant agreed to all conditions.

Ms. Cantwell summed up the application and asked the Board to consider the request of the applicant since they have put so much time and effort into the application and the plans.

BOARD COMMENT:

Ms. Taylor spoke briefly to adjusting the front lot line since the sub-division was granted in 2009. All Board members agreed with Ms. Taylor's comments about the adjusting the front lot line and felt the application was very well thought out and put together. All members also agreed there should be a condition put on about the deed restriction brought up by Mr. Maguire.

- A motion to approve this Application with the following conditions:
 - Deed restriction on all accessory buildings
 - Compliance with conditions from prior Planning Board approval
 - Variance to include a 4th bay in garage
 - North edge of property now considered the front
 - Compliance with fire access concerns from Mr. Turek's letter

was made by Mr. Fazler seconded by Ms. Gallo. The roll call vote of eligible Board Members unanimous in favor. Motion Carried.

With no further business to discuss, Ms. Schill made a motion, seconded by Mr. D'Antonio to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 10:38pm

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