

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
December 21, 2021**

MEMBERS PRESENT:

Joseph Maguire
Lynne Schill
Lynne Gallo
William Creeley
Chetan Vajapay

STAFF PRESENT

Peter Clifford, Board Secretary
Melanie Levan ESQ, Board Attorney
Danielle Gsell, Recording Secretary

Absent: Walter Fazler, Georgette Castner, Timothy Monahan, Vincent D'Antonio

Mr. Maguire called the meeting to order in the Council Chambers at 7:03pm 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#2021-29, Edward Largist
 - A motion to approve this resolution was made by Ms. Schill seconded by Ms. Gallo. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

MINUTES:

- A motion to approve the November 16, 2021 with the correction of Ms. Gallo's first name from "Lynn" to "Lynne" was made by Ms. Gallo seconded by Mr. Creeley. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

PUBLIC HEARING:

- **ZBA#2021-28, Hector Vicenty, 6 Greenvale Road, Block 1900, Lot 6, Zone R-2, Bulk Variance for a paver patio. Existing area exceeds the percentage of allowable impervious coverage.**
 - This application was rescheduled for the January hearing at the request of the applicant. Announcing the rescheduled application date serves as the notice therefore the applicant will not be required to send out new notification of the hearing date.
- **ZBA#2021-30, Cellco Partnership dba Verizon Wireless, 41 East Main Street, Block 4405, Lot 53 & 54, Zone CRO, Use Variance - Proposed wireless telecommunications facility.**
 - This application was rescheduled for the January hearing at the request of the applicant. Announcing the rescheduled application date serves as the notice therefore the applicant will not be required to send out new notification of the hearing date.

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- **ZBA#2021-31, Christopher J. and Donna M. McCool, 202 Chestnut Street, Block 4404, Lot 9 & 11, Zone R-3, Bulk Variance - Applicant seeks a side yard setback of 3 ft. where a maximum of 12 ft. is required for a two car garage.**

Mr. James Burns, Attorney for the applicant introduced himself to the Board and explained why the applicant was coming before the Board for the bulk variance to build a new garage on the property. The applicant purchased the home in May 2020 at which time it was a foreclosure and in much disrepair. The applicant has agreed to a condition of approval to not turn the proposed garage into a livable space at any point only being allowed to use it for storage. Mr. Burns introduced the applicant and all the professionals to the Board having them sworn in to provide testimony about the application.

Mr. Burns asked the applicant a series of questions regarding the property and how the conditions were when it was purchased in May 2020. He also asked the applicant to testify to why he was asking to build the proposed garage in the location he had chosen. Since the applicant has some health issues as well as young grandchildren he wanted the garage to be closer to the house so he would not have to walk as far to get there. He also wanted to save as much of the backyard as possible so his grandchildren had a place to play and run around. He and his wife wanted to create a kind of oasis for themselves so when they retired they had a peaceful place to go and relax. Exhibit A (colored rendering of project) was introduced to the Board to show where the landscaping would be and how the yard would be layout in order to create that personal oasis. Exhibit B (photos of current yard and garage condition) were introduced to show how the yard was currently designed and what challenges the applicant was facing with the current design. The applicant testified he used the current garage on the property as a storage shed and will continue to do so even when the new proposed garage is built since there is not much space in the house for storage. The existing asphalt driveway will be extended around the back of the house to go to the new proposed garage and will be expanding to accommodate the applicants 2 cars. There will be possible plumbing and electric to the new proposed garage for hose connections as well as lights in the garage but as agreed to there will not be a bathroom or any living space.

Mr. Jim Miller, Professional Planner, reviewed the positive and negative criteria for the application. He also felt the set-back was appropriate since the applicant wants to make use the space in the backyard for his children and grandchildren. He also felt by placing the garage in the location he is gave him the space to make the additional improvements to the property which benefits not only the applicant but the neighborhood as well.

Mr. Steve Chepurny, Landscape Architect, was accepted as an expert before the Board and gave testimony about the storm-water run-off and how they had planned on making sure it would not be a problem for the applicant or the neighbor on the right side of the property. There is a mature Beech tree in the front of the property that will remain as well as adding additional bushes, and greenery around the whole area that will help with the storm-water. The Silver Maple located in the back corner of the property is very mature but in bad shape and may need to come down however the applicant will be replacing it with greenery. The landscaping will also act as a buffer for the neighbors so the lights from the cars as well as the garage lights. Mr. Chepurny testified

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that should storm-water issues arise in the future they have come up with a plan to correct the issues and mitigate the storm-water using additional vegetation.

PUBLIC COMMENT:

Chris Wiencek- 204 Chestnut St.

Mr. Wiencek is the neighbor of the applicant to the right and came to show his support for the application. He felt that design the applicant was proposing was going to fit in with the neighborhood and was happy he was taking the privacy of both him and the surrounding neighbors into consideration when creating the design. He also testified to the current storm-water runoff and how it is not a huge problem at this point but felt it would only get better with all the work the applicant was putting into the property.

BOARD COMMENTS:

All Board members were in agreement the applicant had done a beautiful job in presenting the application as well as cleaning up a property that was in such disrepair. They feel the improvements are not only needed but also fit into the neighborhood well. All members were in agreement they could support this application.

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

DISCUSSION: Resolution 2021-37 Authorizing Closed Session to discuss Litigation

The Board went into closed session to discuss a matter of litigation. Returning to the dais at 8:40pm to close out the meeting. Mr. Maguire thanked everyone for being a part of the Zoning Board since this was this last meeting as Chairman. Mr. Clifford thanked him for being such a good leader and the best Chairman he has worked with in his time as the Zoning Board Secretary.

With no further business to discuss, Ms. Schill made a motion, seconded by Ms. Gallo to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 8:43pm