

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING**

January 15, 2019

Re-Organization Meeting

MEMBERS PRESENT:

Joseph Maguire
Mark Williams
Richard Koory
Vincent D `Antonio
Walter Fazler
Lynne Gallo
Doug Dillon
Lynne Schill, Alternate II
Georgette Castner, Alternate I

STAFF PRESENT

Anthony Zappasodi, Board Secretary
Peter Thorndike ESQ, Board Attorney
Danielle Gsell, Recording Secretary
Michelle Taylor, P.P, A.I.C.P Board Planner
William Long, P.E., C.M.E, Board Engineer

Absent: None

Mr. Zappasodi called the meeting to order in the Council Chambers at 7:30pm 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.

Mr. Zappasodi made an announcement that the Lutheran Home application has been postponed to the next meeting on January 29, 201. No new legal notice is required since it was publically announced.

Selection & Election of Officers – 2019

- Chairman
- Vice Chairman

- A motion to approve Mr. Joseph Maguire as Chairman was made by Mr. Koory seconded by Mr. Williams. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.
- A motion to approve Mr. Richard Koory as Vice Chairman was made by Mr. Maguire seconded by Mr. Williams. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.

Mr. Maguire made a public announcement the following selections and elections of officers would be postponed until the 1/29/19 Zoning Board Meeting due to a time restraint with the applications being presented for the evening.

- ZBA#2019-07 Appointment of Zoning Board Secretary and Alternate
- Resolution ZBA#2019-02 - CLOSED SESSION – Discussion of Professional Services for Zoning Board

Appointment of Zoning Board Attorney
Appointment of Zoning Board Engineer

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Appointment of Zoning Board Planner

Appointment of Landscape Architect

Appointment of Zoning Board Secretary and Alternate Secretary

Appointment of Zoning Board Recording Secretary & Alternate

- ZBA#2019-03 Appointment and Awarding of Contract of Zoning Board Attorney
- ZBA#2019-04 Appointment and Awarding of Contract of Zoning Board Engineering
- ZBA#2019-05 Appointment and Awarding of Contract of Zoning Board Planner
- ZBA#2019-06 Appointment and Awarding of Contract of Landscape Architect
- ZBA#2019-08 Appointment of Zoning Board Recording Secretary
- ZBA#2018-09 Resolution Electronic Guidelines

- Resolution ZBA#2019-01 – Adoption of “Annual Meeting Notice” Resolution

A motion to approve this resolution was made by Ms. Koory seconded by Mr. Fazler. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.

- Adoption of the Rules and Regulations – Moorestown Township Zoning Board of Adjustment

A motion to approve this resolution was made by Mr. Fazler seconded by Mr. Koory. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.

RESOLUTIONS:

- **ZBA#2016-16A Drew Krisanda & Raymond O’Connor**
323-325 North Washington Ave
Use Variance for 2 townhouse units in the residential R-3 Zone, Bulk Variance for side yard setback and Lot width & frontage
Block: 4205 Lot: 17 & 18 Zone R-3
Decision Due: March 27, 2019

A motion to approve this resolution was made by Mr. Koory seconded by Mr. Fazler. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.

MINUTES:

- There were no minutes to approve at this time.

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PUBLIC HEARING:

- **ZBA#2014-22A Land Resource Solutions LLC Block: 1100 Lots: 12-16 & 121-125 & 201-213 Camden Ave Block: 1102 Lots: 40-44 Zone: LTC
Decision Due: January 16, 2019**

Use Variance, density variance, bulk variances and Preliminary and Final Site Plan approval for mixed used building featuring 26 residential apartment units, 1321 sq. ft. retail space with parking.

Continued from December 18, 2018 Meeting

Mr. Thorndike announced Mr. Dillon signed his certification and listened to recordings of prior hearings and was eligible to vote now. There was some general discussion regarding parking lot, pedestrian crosswalks being mid-block, bedroom mix, and 4 affordable units (with one unit as a three bedroom)

PUBLIC COMMENTS/QUESTIONS:

Ms. Joan Ponessa- 215 Locust St.

Ms. Ponessa was speaking on behalf of Moorestown Environmental Advisory committee whose biggest concern was the proper testing and remediation of commercial lot and the contaminants from the gas station. They also expressed concern about a lot of dust being blown into the adjacent neighborhood when the demolition and construction start on the lot. She also raised concerns about clogging the underground basin and the extensive maintenance of the system. The applicant did testify they would have to controls on place for the dust as well as the tanks being dug up from the Getty Station would be properly tested and the Environmental Committee would be able to get copies of the reports once they were completed. Ms. Ponessa was pleased with being able to obtain the reports once they were completed.

Mr. Michael Babcock- Wing King Owner Camden Ave

Mr. Babcock is in support of the application because he believes that this will bring more business to the Lenola area. He also believes since this is the entrance into Moorestown a beautiful new building will draw more people to the area. He believed it would result in the overall betterment of the whole area.

Mr. Michael Dell-Priscoli- 117 Cottage Ave

Mr. Dell-Priscoli testified that he was against the application for the new building since at 4pm currently he cannot get in or out of his driveway due to the traffic from Camden Ave and Lenola Rd. He has asked the Township to place speed bumps on his road but has been told they cannot be placed on the Road. He also expressed concern about the new proposed apartment complex becoming less appealing to the town and since it is the entrance into town that would be bad for the town. In his opinion there are already way too many apartment complexes in Moorestown and there should not be any more built near him. He also raised concerns about drainage, flooding and crime.

Ms. Kathy Logue- 27 Harding Ave

Ms. Logue believes that this is a nice plan and way better than a vacant lot; however she is concerned because the proposed uses for the lots are separated by a public street and she is concerned about people getting injured when crossing. Ms. Logue asked how long the construction of the street would take and how that would be affecting the traffic during that time. Mr. Matthew Walsh (Engineer) testified

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the construction would be about 2 weeks which would consist of redoing the street in order to avoid puddling and holding water in certain spots. Mr. Long did state to the Board and the public that one lane would need to remain open during the construction for the emergency vehicles to come through. Ms. Logue also was concerned about the density in the area, which was further clarified since the Affordable Housing Consultant has told the applicant the exact number of units they would be required to have in order to comply with the state regulations and Township settlement. Ms. Logue was also concerned about who would be maintaining the property since this is being considered the "gateway" to Moorestown. The applicant testified they would be required to maintain the property and since the base rents for the property would be \$ 1300-\$ 1950 they would ensure the appearance of the property would be maintained properly. She also questioned the number of parking spaces and viability of the commercial space.

Ms. Wendy Carty- 101 Cottage Ave

Ms. Carty expressed her concern like many other residents about the traffic situation and stated the police have been called many times about the traffic and nothing has been done about it. Ms. Carty also asked about the proposed park, the applicant stated it would be a small pocket park that would not be limited to the use of the apartment residents only. Ms. Carty asked about the storm water and the type of commercial unit the applicant that was planned. The applicant stated the storm water will be directed into the county system and carried away from the site so there will be no flooding. At this time the applicant is unsure of what type of commercial use will be placed in the building because they need to have residents first and then find out what they would "need." She also expressed concern for pedestrian safety, dust control, and aesthetics. After some questioning by the Board sworn Professionals, applicant agreed to examine sustainable methods of storm water collection.

Ms. Joyce Dell-Priscoli- 117 Cottage Ave

Ms. Dell-Priscoli is concerned about the people crossing the street from the park to the apartment complex would be getting hit. The applicant did state there would be some parking on the pocket park side to help in lessening the risk of someone getting hurt. She also doesn't like the look of 3 stories and is concerned about trash and property maintenance.

Ms. Colleen Wolfram- 57 Claypoole

Ms. Wolfram asked if the entrance being moved back to Camden Ave instead of the current proposed location but if that was not a possibility then would the applicant be willing to make the turns right turn only onto Camden Ave? The applicant agreed to restrict the turns onto Camden Ave since moving the entrance would create more problems in other words, applicant would put up signs to prevent the cutting thru the neighborhood with existing single family dwellings and agreed to Title 39 enforcement. Ms. Wolfram also asked if the proposed building needed to be 3 stories high, the Board stated the height of the building met the requirements of the zoning ordinance. She expressed concern for the lack of sidewalks.

Ms. Dolores Wolfram- 220 N Lenola Rd.

Ms. Wolfram stated she believed the building was a monstrosity that did not match any other building along the street and doesn't believe this is a good idea. She didn't like height of the building.

Ms. Elizabeth Casel-Dubner (Attorney for Moorestown Court Apartments)

Ms. Barbara Allen-Woolley-Dillon (Licensed Planner)

Ms. Castel-Dubner introduced Ms. Wooley Dillon and asked her to provide her opinion about the application for the new proposed apartment complex and pocket park. Ms. Woolley-Dillon testified in her opinion as a Planner that the applicant is transferring density from one lot to another. She then listed all the

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variance the applicant was seeking relief from and went into detail on her opinion of each one and why the Board should consider not granting the application. She also believes this proposed complex will ruin the character of the current neighborhood since so many people are against the application. She stated there were visual problems parking issues and poor landscaping. She believed the density was very problematic since the site is suited for 12 units instead of 26.

Ms. Woolley-Dillon raised questions about rear-yard setbacks, fences, screening of parking spaces, overall buffering not being sufficient, insufficient parking and a negative impact on the neighborhood. She opined that there is no public benefit and the application failed to meet the burden of proof. She provided testimony regarding the purposed of the MLOL. She also opined that the site could not sustain the proposed intensity of the use.

Ms. Casel-Dubner introduced Exhibit O-1 through O-4 which were photos taken personally by her showing the streetscape along Lenola Rd. and how you can see the trees and sky line since building and homes along the street are not as tall as the proposed building. She also believes the lighting on the proposed building will filter into the 2nd floor of the existing Moorestown Court Apartments.

The Attorney for the applicant testified they had asked Moorestown Court Apartments for a shared driveway and was denied the request. He also stated the new proposed plans meet all the height requirements of the Township and are not asking for any relief on that. He asked Ms. Castel-Dubner if Moorestown Court Apts. was concerned with the application because they felt they would be possibly losing tenants to the new complex, Ms. Castel-Dubner said they were not concerned about that aspect of the applicant that their main concern was the increase in traffic and their current tenants being able to get into and out of Moorestown safely. On cross examination, she acknowledged how few trees are planted on her property. In her concluding remarks, she highlighted the bad precedent with density, worsening traffic and overall sense this was not a project for a "gateway" property.

BOARD COMMENTS/QUESTIONS:

Ms. Taylor stated the Planners letter was very extensive and she would not be going into detail with what was asked of the applicant in the letter since the applicant is willing to comply with all the requests made. She acknowledged the site has been fallow of 15 years and would rather it be closer to Camden Ave then homes behind it in the rear. Mr. Long testified this lot is suitable for the proposed use and unfortunately no matter what you place on the lots will more than likely cause traffic problems but residential traffic was better. The Board asked the applicant if they would be willing to impose an easement on the property that they must be sold together, the applicant agreed to place that easement on the property should the application be granted. Mr. Maguire stated the traffic situation would be reviewed by the county and the space does have a very limited use. Mr. Williams believes this will be an improvement to Moorestown. The applicant testified they are willing to explore more environmentally friendly things to do with the building as well which will be coming with the site plan along with all necessary cross easements so it will always be sold as one site. The applicants attorney provided concluding remarks highlighting that they will provide required affordable housing, restrict all site traffic so it does not pass then the single family development behind it and that it is a substantial improvement to a blighted area.

A motion to approve this application with the conditions stated to the applicant by the Board and the Professionals was made by Mr. Koory seconded by Ms. Fazler. The roll call of eligible Board members was unanimous in favor. Motion Carried.

