

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
February 26, 2019**

Mr. Creight Radenkamp- Professional Planner
Mr. Andrew Gyetvan- MAI Appraisal Employee

The Board accepted all the witnesses as experts and let Mr. Mattio proceed with Mr. Peter Canton. Mr. Peter Canton was asked to explain to the Board his relationship to the property and to PCCH Properties. He testified to the homes that have been built by PCCH Properties and how he feels they are pleasing to the neighborhood and how they adhere to what he believes Moorestown represents. Mr. Mattio asked Mr. Canton to describe the home that he plans on building on this site if the application is approved, Mr. Canton then described the home would be 20ft. wide by 82ft. deep since the lot was such an odd shape the one car proposed garage would be in the front of the house. Although he stated he did not have any drawings of the proposed house he testified it would be a carriage style 2 story home with 3 bedrooms on the 2nd floor and a beautiful wooden garage door to make the view of the garage more appealing to the neighbors. To ensure the proposed house doesn't look "tower like" the roof and siding will be different, if approved construction would take about 9 months and all the lots would be consolidated and bought out of PCCH Properties name into Mr. Peter Canton. There was some testimony to the landscaping surrounding the property and what would be done to leave what good trees and shrubs currently on the lots and how Mr. Canton would improve what needed to be done once the house began being built if the application is approved.

Mr. Mattio testified there was research done on the property regarding the sewer line and there was no recorded easement found for lot 21 and the sewer line pipe comes right across the lot. When asked by the Board Mr. Canton said he would be willing to making improve the landscaping buffer but in his opinion building the house is an improvement to the area instead of an empty overgrown lot. Mr. D' Antonio asked about how Mr. Canton planned on controlling the dust, noise and water runoff from clearing the property and beginning the construction, Mr. Canton ensured the Board he would follow all ordinances and make sure all the water runoff would be taken care of with the proper drainage systems which would be reviewed by our Township Engineer to ensure it would be effective.

Mr. Robert Hagerty, attorney for the opposing neighbors (lots 22, 19, 17, 9, 8, 10, 7) was sworn in by Mr. Thorndike and accepted by the Board. He then began to cross-examine Mr. Canton about his application and his intentions when building his house on the proposed lots. He questioned the size and layout of the house asking Mr. Canton if he his intention was to keep the house with the same look and feel of the neighborhood why was he making the house so large. Mr. Canton testified he was faced with some challenges due to the size and shape of the land.

Mr. Mattio introduced Mr. Radenkamp, professional planner, and asked him to testify to the positive and negative criteria surrounding this application. Mr. Radenkamp started his testimony with again recapping the transfer of land from one owner to another and going through, very briefly, the previous applications from PCCH Properties. He then read the letters dated July 19, 2017 and August 23, 2017 which were mailed certified to the immediate neighbors asking them to either express interest in purchasing the land from the application for a set price or to sell a part of their lot to the applicant to make the non-conforming lot he currently had a conforming lot in order to build a house. There was only one response to the letter dated July 19, 2017 from Mr. Hagerty stating that he would purchase the land at the \$ 32,500.00 value set by the Board in 1999 not for the appraised value the applicant was asking for. Mr. Radenkamp spoke to the general homes in the area and how all the homes are 2 story in height and his opinion Mr. Canton's house would be a great addition to the area and lower in height then some of the surrounding homes. Mr. Radenkamp

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asked Mr. Canton if the application was approved would he be willing to come forward and the applicant stated he would be willing to do that so the setback was more in line with Lot 22 setback.

Mr. Hagerty cross-examined Mr. Radenkamp asking if he had a law degree since he had quoted some case law in his testimony and although Mr. Radenkamp does not have a law degree he felt that it was his duty as a planner to bring all information to the Board. Mr. Radenkamp stated that he does not feel that the house Mr. Canton is proposing to build is offense to the neighbors.

Mr. Mattio was ready to present Mr. Gyetvan to the Board for the appraisal information but Mr. Hagerty opposed the hearing of this witness since he had not had a chance to see the appraisal and his clients had not had a chance to gain an appraisal themselves. He also asked the Board and Mr. Thorndike to reserve the right to cross-examine Mr. Gyetvan and Mr. Charles McCullough, Moorestown Township Tax Assessor, which was granted. Mr. McCullough and Mr. Gyetvan were asked to come back to the March 19, 2019 Zoning Board Meeting to review the financial aspect of the lots.

PUBLIC COMMENTS/QUESTIONS:

John Khanlian- 444 E 2nd St

Mr. Khanlian read his letter he wrote to the Board explaining that he thought this was a self-created hardship since PCCH Properties knew this lot would be a problem when they bought it and that that Board should not approve this application due to the fact this was a self-created hardship. He also expressed his concern about drainage issues if the lot is to be developed. Mr. Koory asked if Mr. Khanlian knew if there was someone that was interested I the property since there had been testimony that no one was interested when the letter was sent in 2017, Mr. Khanlian said he believed that someone had offered the \$ 32,500.00 but it was refused by the applicant. Mr. Mattio asked if there was another "acceptable" use that he would like to see for this property and was told he would like to see the space cleaned up and remain as an open space since Moorestown doesn't have much of that anymore.

Patrick Muckelbauer- 450 E 2nd St.

Mr. Muckelbauer explained the reasons he relocated to Moorestown and why he specifically picked the house he currently is in. He expressed concern about the size of the house and felt it did not fit into the neighborhood. He also feels there are better uses for the property other than a large house that doesn't fit in.

Steve Socolow- 441 E Main St.

Mr. Socolow spoke to the character of the neighborhood and how he felt that would be ruined if Mr. Canton was allowed to build the house he was proposing. He also felt this was a self-created hardship for the applicant since when purchasing the property they knew it was a non-conforming lot and would have difficulty gaining approval for building on it. He would like to see the space left open with a beautiful garden like it was in times past.

Wolfgang Skacel- 106 Poplar Ave

Mr. Skacel agreed with all the comments made by his neighbors and also feels this is a self-created hardship. Mr. Skacel, a retired DEP employee, presented exhibit O-2 (site plan with highlighted sewer lines) to the Board showing that the sewer map in Moorestown Twp. does not match up with the sewer lines on the site plan and would need to be looked at more closely should this application be

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approved. When asked what he would like to see on this property he also stated some open space with better landscaping.

Barbara Skacel- 106 Poplar Ave

As a member of the Master Gardening Program she would like to see this space left open so that animals and landscaping can continue to prosper like it has been doing since the purchase of the land.

Richard Sexton- 451 E 2nd St.

Mr Sexton also agrees with all of his neighbors that building this house would not fit in with the neighborhood and is also concerned about drainage issues that may occur when the land is developed. He is also concerned that by allowing this to happen we are opening up more issues for other builders to want to make the same requests to the Board.

Janet Khanlian- 444 e 2nd St.

She wanted to thank all the neighbors for coming out and expressing their concern about the project and wanted to the show the Board this sense of community. She also spoke too many of the concerns all her other neighbors had.

With no other public comments or testimony Mr. Maguire closed the Public portion of the meeting and announced this application would be continued to March 19, 2019 Zoning Board Meeting where they would be hearing from Mr. Gyetvan and Mr. McCullough on the appraisal and assessments of the property.

BOARD COMMENTS/QUESTIONS:

NONE

- With no further business to discuss, Mr. Koory made a motion, seconded by Mr. Dillion to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 10:37pm