

MOORESTOWN TOWNSHIP PLANNING BOARD MEETING
April 4, 2019

MEMBERS PRESENT:

John Logue
Peter H. Miller
Robert P. Musgnug
Christopher M. Chesner
David Zipin
Douglas M. Joyce
Christopher J. Locatell
Ryan Vander Wielen
Brian Donnelly
Douglas Maute
Thomas Neff

STAFF PRESENT

Judith F. Murphy, AICP, PP, Planning Board Secretary
Peter Thorndike ESQ, Board Attorney
Danielle Gsell, Alternate Recording Secretary
Michelle Taylor, P.P, A.I.C.P Board Planner
Bill Kirchner, Board Engineer

Absent: none

Chairperson Maute called the meeting to order in the Council Chambers at 7:34pm 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.

ADOPTION OF RESOLUTIONS:

13-2019- A Resolution Granting Preliminary and Final Site-Plan Approval Together with Bulk Variance Relief to Permit the Construction of Two Pad Retail Buildings and Associated Improvements at the Moorestown Mall in the Specially Restricted Commercial (SRC) District.

- A motion to approve this Resolution was made by Mr. Logue seconded by Mr. Musgnug. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.

14-2019- A Resolution Granting Minor Subdivision, Bulk Variance and Waiver Relief for Premises Located in the R-3 Residence District (R-3 District).

- A motion to approve this Resolution was made by Mr. Locatell seconded by Mr. Miller. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.

MINUTES:

- A motion to approve the January 17, 2019 Closed Session Meeting Minutes was made by Mr. Chesner seconded by Mr. Musgnug. The voice vote of eligible Board members was unanimous in favor. Motion Carried.

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Old Business:

**Docket #PB-2017-20; Core Realty
Block 7000 Lot 28; 51 Garwood Rd**

Application for Preliminary and Final Major Subdivision with Variance and Submission Waivers to create five residential building lots in the R-1 Residence District

Mr. Donnelly stepped down and recused himself from the dais due to a conflict with the application.

Mr. Del Duca reviewed the application with the Board to bring all members up to date with what the applicant is looking to do as well as the new plans that were brought to the Board as a result of the comments made from the Board as well as the neighbors on some changes they wanted to see done to the application. The plan presented (exhibit A-9) showed the homes having a staggered set back due to soil problems and conservation area protection. Mr. Del Duca then reviewed the variances the applicant was seeking testifying the new plan would only have a 45% conservation area instead of the required 50% conservation area but he did not see that being an issue. Since Exhibit A-9 was not fully engineered the applicant was asking for some flexibility in the front yard setback request of 80 ft. in the case the septic systems or the soil was not usable the applicant would be able to freely move the setback to accommodate the septic and soil.

Mr. Tamous- Applicant Engineer, remaining under oath was brought up for questioning on Exhibit A-9. He testified to the poor soil on the site location and the applicant would possibly be raising the land up to better manage the storm water while still maintaining the water quality. Mr. Tamas testified the applicant has agreed to all the conditions laid out in the letters dated March 25, 2019 from ERI and March 21, 2019 from Taylor Design. The applicant has done extensive testing on the lots to see where the septic fields are therefore there are not many places to move the houses on the lots since the soil is bad in the front yards and the houses cannot be moved forward. All the proposed homes built on each lot will have pervious pavement to adhere to the water quality issues.

Board Comments/Questions:

Mrs. Taylor-Taylor Design Group- expressed her preference about having all the homes in a straight line as opposed to the new staggered design to make the backyards more usable. She also expressed concern about the potential homeowners encroaching on the preserved conservation area since it is not easily seen from Garwood Rd.

Public Questions/Comment:

Ms. Ponessa- representing MEAC

MEAC held a meeting on March 21, 2019 and discussed the new proposed plan presented by the applicant. They believe the spirit of the ordinance is not being met. Ms. Ponessa also expressed the MEAC members concern about the kind of driveway payment being proposed and if it will be tested once a year to ensure the pavement is still good and working properly. Mr. Del Duca explained there will be a home owners association that will be formed by the residents to help maintain the conservation area as well as the basins.

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Ms. Susan Kennedy- 778 Garwood Rd.

Ms. Kennedy doesn't understand why there needs to be one acre lots, she feels the applicant is trying to make this more of a country club feel than an actual community. She also expressed concern about the applicant not sticking to the ordinances written by the township.

Mr. Frank Lawson- 781 Garwood Rd

Mr. Lawson wanted to know if there was any way to minimize the number of variances being requested by the applicant. The applicant has made many changes to the design and layout of the proposed homes due to feedback from the Board and the neighbors and feels that this is the best solution to everything.

Ms. Pamela Lynn Richards- 304 Colonial Ave

Ms. Richards expressed concern about the water running from the property and causing issues or the neighbors surrounding the proposed lots.

Mrs. Andrea Lawson- 781 Garwood Rd.

Mrs. Lawson expressed her concern about the conservation area going from 50% to the 45% she would like to see the conservation area increase back to the 50%.

Ms. Barbara Rich-

Ms. Rich asked about the fill that would be used to the land and would be bringing the land up to become even in order to make a better building area. She questioned the pavement and how the homeowners association would be maintaining it.

Chairman Maute called for a 5 minute comfort break at 9:04pm

Resumed the session at 9:11pm

Mr. Del Duca provided his closing argument and reviewed the positive and negative criteria the applicant would and would not be meeting.

With much Board discussion about the new presented design (Exhibit A-9) Mr. Musgnug stated he would be in support of the application. Mr. Miller stated he was having a hard time approving the application with the new staggered design and preferred the straight-line design. Mr. Maute feels that if lots 1 & 5 have the required 150ft. set back and then lots 2,3 & 4 have the requested 80 ft. set back he would have a better time approving the application. There was more discussion about what each Board member felt the setback should be, a motion was made:

- A motion to approve this Application with Exhibit A-9 design and a minimum 100ft set back and complying with all requests made by Board Professionals was made by Mr. Zipin seconded by Mr. Chesner. The roll call vote of eligible Board Members was 7-2 in favor. Motion Carried.

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- **Docket #PB-2018-05 Amendment to the Land Use Plan Element and Revised Housing Element and Fair Share Plan of the Master Plan Brian M. Slauch, PP, AICP of Clarke Caton Hintz**

Mr. Donnelly came back to the dais for this application. Due to a conflict Mr. Zipin stepped down from the dais and recused himself from this application.

Mr. Brian Slauch- Affordable Housing Consultant- On March 25, 2019 Mr. Slauch send the amendments to the Board for the Affordable Housing Plan due to changes in circumstances in Moorestown Twp. The new housing development approved to be built in Moorestown Twp on Camden Ave added about 15 affordable housing units to the current number Moorestown Twp. Bringing the total number to 621 in the township. Mr. Slauch reviewed the current housing and land use plan to revise the housing plan and write the amendments that were given to the Board. Mr. Logue asked why the Board should even be considering amendments given since the judge has only ordered the Board to approve the Housing Plan as written without the amendments. Mr. Slauch testified he felt that the Board should consider the amendments since there have been changes in circumstances and housing that will need to be added to the current plan. The Board then discussed about adopting the amendments or just adopting the housing plan as is and taking out appendix Q from the Housing Plan.

Public Comment/Questions:

Ms. Pamela Lynn Richards-304 Colonial Ave

Ms. Richards agrees with Mr. Logue and feels that the Board should not be considering adopting the amendments and just adopting the Housing Plan per the judge's orders.

Carol Radomski-6 Meadow Dr.

Ms. Radomski has been following the litigation since the beginning and is concerned about Mr. Slauch changing the numbers on his own in the amendments. She wanted to know why we should be giving something to Fair Share housing that they have not asked for yet.

- A motion to approve this Application with dropping Appendix Q and correcting the typos on page 67 as presented on December 13, 2018 was made by Mr. Logue seconded by Mr. Miller. The roll call vote of eligible Board Members was 7-1 in favor with one abstention. Motion Carried.

Mr. Neff abstained from voting on this application since legal counsel was not present at the hearing and could not give the proper advice to the Board on how this application should be handled.

- With no further business to discuss, Mr. Chesner made a motion, seconded by Mr. Miller to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 10:36pm

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Approved 05/09/2019