

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
June 16, 2021**

MEMBERS PRESENT:

Joseph Maguire
Lynn Gallo
Vincent D'Antonio
Walter Fazler
Georgette Castner
William Creeley
Chetan Vajapay
Lynne Schill

STAFF PRESENT

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

Absent: Mark Williams

Mr. Maguire called the meeting to order in the Council Chambers at 7:09pm 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#2021-12, Lockheed Martin Corp., 199 Borton Landing Road, Block 6700 Lot 10, Zone SRI, Preliminary & Final Site Plan, Use Variance & Conditional Use for Height Variance Relief.
 - A motion to approve this resolution was made by Mr. D'Antonio seconded by Ms. Gallo. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

MINUTES:

- A motion to approve the May 18, 2021 Meeting Minutes with the deletion of Ms. Gallo's name which was listed twice was made by Mr. D'Antonio seconded by Ms. Gallo's. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

PUBLIC HEARING:

- ZBA#2021-13, Gennady Gorel, 19 Castleton Lane, Block 6003 Lot 15, Zone R-2, Bulk Variance for in ground pool & decking.

Mr. Gorel was sworn in by Ms. Levan and asked to give testimony to his application and why he was coming before the Board for approval. Mr. Gorel is seeking relief for the pool he is looking to have installed for his family so they can enjoy time outside together as well as being able to host summer parties at his house with his family and neighbors. There was testimony about the

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houses and the land that surrounds his lot and where he was planning on having the pool and patio installed. Mr. Gorel spoke with his engineer about the current grading plan on the property and how installing the pool and patio would not make any changes to the current drainage and grading so there would be no worry to the neighbors. Mr. Maguire asked if there was something in writing from the engineer that would confirm the testimony but Mr. Gorel said there was nothing that he could provide at this time that would support the testimony. Mr. Fazler asked about the pool shape and size but no clear answer could be given at the time of the hearing. There were additional questions from the Board asking the applicant if he would be willing to move the pool to the other side of the yard to reduce the variances needed but the applicant testified he was not willing to move the pool since they used that side of the yard for other things and he didn't want to take that away from his children. Mr. Gorel did testify he would be willing to add additional drainage if requested by the Board for the pool as a condition of approval. The pool equipment was being placed on the other side of the house so they could include that in the building envelope and not have to seek another variance for that as well.

Most members of the Board felt they could not support this application since the relief being sought was large and the applicant could not answer a lot of their questions without speaking with his engineer first. Mr. Gorel took the comments from the Board under advisement and asked for a continuance to the July Zoning Board Meeting so he would be able to address the Board's concerns.

- ZBA#2021-17, Michael & Lynn Locatell, 526 E. Main Street, Block 6400, Lot 24, Zone R-2, Bulk Variance - House Addition & New Garage. Expanding home for growing family. Two story Garage for storage. Reviewing a previously approved variance that expired.

Mr. Locatell was introduced and sworn in by Ms. Levan. Since this application was originally approved at the May 2017 Zoning Board Meeting and Mr. Locatell did not apply for the permit prior to the approvals expiration he needed to come back before the Board to seek approval again. Mr. Locatell testified to the shape and size of the land siting what his plans were for the addition he was having put on. He noted the application was exactly the same as the original in 2017. He then reviewed the positive and negative criteria for the application so that Board Members who were not present for the original application approval would get a better understanding of what he was seeking. Since there had been no major changes to the application the Board members all felt they could support the application.

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

- ZBA#2021-15, Louis Z Liu & Qingyao Shi, 970 Borton Landing Road, Block 8700, Lot 12, Zone R-1, Bulk Variance - Build fence higher than 3' (4.5' high.)

Mr. Liu was sworn in and asked to provide the reasoning for coming before the Board with this application. He is asking for a 4.5 ft. black wrought iron fence around his property since he lives on a main road and is constantly having to clean up trash and bottles left from people going up and down the main road. He also stated he felt unsafe since there was no barrier from his property line to the road and would like to fence installed in order to have that sense of safety for his family. Mr. Liu presented exhibit A (a PowerPoint presentation) showing what type of fence was asking for as well as showing the trash he was speaking about. There will be a gate

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installed at each entrance of the property that will be wide enough for cars to go through and set back far enough off the road so there will be enough room for a car to turn into safely since this is a main road. The Board members asked questions about the set back and the sight distance since there are fully matured Evergreen trees along the one side of the road where Mr. Liu is asking to have the fence placed.

Mr. Turek, Board Engineer, was introduced to the Board to review his letter dated 6/7/2021 testifying he spoke to the NJDOT about the sight distance and how this application would affect that. After speaking with them he found this application was in compliance with the sight distance and would be able to support this application if the Board would impose 2 conditions. Mr. Liu agreed to all the conditions imposed on the application. All the Board members thanked Mr. Liu for putting together such a detailed PowerPoint presentation and being able to answer their questions.

- A motion to approve this Application with the following conditions:
 - Scaled drawing of fencing for the Township file
 - Cut limbs on the Evergreen Trees 7 to 7 ½ up for the sight distance

was made by Ms. Schill seconded by Mr. D'Antonio. The roll call vote of eligible Board Members unanimous in favor. Motion Carried.

DISCUSSION: Court Decision

Ms. Levan gave an update on the Court Decision for the Healey application, the Appellate Court agreed with the findings of the Township on this application therefore the Township won this case.

ADDITIONAL BUSINESS:

There will be no June 29th Zoning Board Meeting.

The July Zoning Board meeting will be held in person @ 7pm in the Council Chambers of Town Hall, any member having questions or concerns should reach out to Joe Maguire, Chairman or Peter Clifford, Zoning 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 9:05pm