

ZONING BOARD OF ADJUSTMENT

Meeting Minutes

April 19, 2016

MEMBERS PRESENT:

Jeffrey Banasz
Jamie Lyn Boren
MaryAnn Fallows
Kimberly Fischel
Richard Koory
Michael Locatell
Joseph Maguire
Mark Williams

STAFF PRESENT:

Peter D. Clifford Board Secretary
Peter Thorndike, Board Attorney
William Long, Board Engineer
Mara Wuebker, Board Planner
Amy Ciesleicwz, Board Landscape Architect
Karen Daily, Board Recording Secretary

ABSENT: Steve Solomon

Mr. Locatell called the meeting to order at 7:32 pm in the Council Chambers of Town Hall, 111 West Second Street by reading the Open Public Meeting Act statement. The Pledge of Allegiance followed a moment of silence. Roll call was taken by Mr. Clifford as listed above.

RESOLUTIONS

- **ZBA#2016-07 James & Marnie Johnston, Block: 5804 Lot: 5 Zone R-2, 34 Castleton Lane.** A motion to approve this application was made by Mr. Banasz seconded by Mr. Koory. The roll call vote of eligible Board members was unanimous in favor. So moved.
- **ZBA#2016-08 Christopher Criswell, Block: 5400 Lot: 45 Zone R-1A, 809 Riverton Road.** A motion to approve this application was made by Mr. Koory seconded by Ms. Boren. The roll call vote of eligible Board members was unanimous in favor. So moved.
- **ZBA#2016-10 William & Colleen Vernick, Block: 5800 Lot: 92 Zone R-2, 417 E. Central Avenue.** A motion to approve this application was made by Mr. Maguire seconded by Mr. Koory. The roll call vote of eligible Board members was unanimous in favor. So moved.
- **ZBA#2016-11 Gary R. Carty, Sr. & Wendy Carty, Block: 1101 Lot: 36 Zone R-3, 101 Cottage Avenue.** A motion to approve this application was made by Ms. Boren seconded by Mr. Maguire. The roll call vote of eligible Board members was unanimous in favor. So moved.

MINUTES:

A Motion to approve the March 15, 2016 meeting minutes was made by Ms. Boren seconded by Mr. Maguire. The roll call vote of eligible Board members was unanimous in favor. So moved.

PUBLIC HEARING:

ZBA#2016-12 Drew Krisanda, Block: 6103 Lot: 21 Zone R-3, 250 North Stanwick Road is a bulk variance to reduce front and side yard setbacks to provide outdoor living space.

Applicant Drew Krisanda, 180 Rockland Avenue, Moorestown, NJ was sworn in by Mr. Locatell. Mr. Thorndike interviewed the applicant on the properties surrounding the property located at 250 North Stanwick Road. The property is located on the Southwest corner of East Third Street and North Stanwick Road. The property is currently improved with a cinderblock wall and truss roof single story warehouse. Same has had multiple uses over the years, inconsistent with the

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neighborhood. The structure has been vacant for more than 15 years. Applicant is proposing to demolish the existing structure and construct a new single family detached dwelling. Applicant is seeking relief on the required front (Third Street) setbacks and side (Stanwick Road) setbacks to provide outdoor living space. Applicant proposes building a two story detached dwelling with attached garage at 250 North Stanwick Road. Applicant needs relief from the side yard setback and front yard setback. Applicant is proposing to build within the same footprint of the existing structure. The proposed structure will be 35' wide by 69' deep which includes the garage. The home will front East Third Street. Applicant will only remove trees that are necessary to construct the home. The surrounding properties are all single family dwellings. There is an entrance to an assisted living facility across Third Street. The proposed home will be less than 2900 square feet.

PUBLIC QUESTIONS/COMMENTS:

Joe Kochuba, 396 East Third Street questioned, there was one point where the current structure was connected to his sewer line. He had a question about the sewer lateral. Applicant stated that the existing piping will not be used, all new piping will be run from the home to the sewer line.

Mr. Kochuba, 396 East Third Street was sworn in. The current structure is 1-2' from his property line. He is concerned that this house needs to be 2900 square feet and is there a better balance for this property. Mr. Kochuba asked if Mr. Krisanda has considered a smaller scale home for this property. Mr. Krisanda used an architect to design a home specifically for this property. He scaled it down to 35' in width in order to minimize the amount of relief he would ask from the Board. This type of home is for a family to grow in and this is what I determined to be the best home for this property. Mr. Locatell commented on the last application was for a home much larger in square feet. Mr. Williams stated the applicant is shrinking the foot print of the existing structure. Mr. Maguire explained to Mr. Kochuba there are many non-conforming lots along East Third Street. The zoning came in after those homes were built. Homeowners have difficulty conforming when lots are already non-conforming. Mr. Krisanda is proposing 30% coverage, the maximum is 35%. Mr. Thorndike asked if the home that is being proposed is consistent with the other homes in the neighborhood. Mr. Krisanda answered in the affirmative. Mr. Kochuba has lived in his home for 6 years. Mr. Kochuba has a tree line 1-2' from the current structure. He has concerns about damage to his tree line. This is what separates him from the proposed home. Mr. Krisanda stated that any damage caused by him will be repaired. Mr. Williams does not support holding the builder responsible for damages as a condition of the application being approved.

Mr. Kochuba does not agree with the size of the structure being proposed.

BOARD QUESTIONS/COMMENTS: Mr. Maguire had a question regarding connecting to public water and sewer. Mr. Locatell reminded the Board that just a few months ago an application came in for this same lot and having an abandoned warehouse there is a hazard. This proposed structure seems to be a positive impact on the neighborhood.

BOARD DELIBERATIONS:

Mr. Thorndike explained to the Board past applications for non-conforming uses. This is the first time an applicant has come forward to use the property for the manner consistent with the neighborhood and the purpose for which it was designed.

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A motion to approve this application was made by Mr. Koory seconded by Williams. The roll call vote of the eligible board members was taken by Mr. Clifford as follows: AYES: Jeffrey Banasz, Jamie Lyn Boren, MaryAnn Fallows, Richard Koory, Michael Locatell, Joseph Maguire, Mark Williams. NAYES: None. ABSENT: Steve Solomon. Mr. Thorndike advised the applicant of the procedure following this approval.

ZBA#2016-13 Kerry & Allison Clark, Block: 5800 Lot: 31 Zone R-2, 11 Deerfield Terrace is a bulk variance for 54" fence to be located on the front yard property line.

Applicant Kerry Clark and Walter S. Chepurny, CLA 898, Beechwood Landscape Architect & Construction, 2 Kerry Court, Suite F, Southampton, NJ is the landscape architect for Mr. Clark were sworn in by Mr. Locatell. Mr. Thorndike interviewed the applicant on the properties surrounding his property. The surrounding homes are all single family homes. This property backs up to another property that also backs up to a cul-de-sac, Ashley Court.

Mr. Clark described for the Board the proposed location of the fence. Mr. Clark explained that he would like the fence to enclose outdoor living space for his family and proposed pool. Mr. Chepurny, stated that 54' is more consistent with the size of the home. A smaller fence would look dwarfed in comparison to the size of the home. The split rail with a wire mesh is located by the heavy vegetated buffer to diminish the sightline of the fence. Mr. Clark's property is a pan-handle lot with a long narrow driveway leading to Deerfield Terrace. Mr. Clark's property currently has a two-story home situated in the center of said lot with paver improvements and asphalt surrounding two thirds of the home. Applicant proposes having an in-ground pool placed in the left rear corner of the property. Applicant is proposing this area to preserve large existing trees on the property and natural buffers. The neighbor to the left is a 5 acre lot side yard. The home is approximately 350' from the property line. The back property line is approximately 125-150' away from that home. There are considerable distances from the applicant's property line to neighboring homes.

PUBLIC QUESTIONS/COMMENTS:

Gretta Abramson, asked how close the fence will come to her property. Mr. Chepurny showed Ms. Abramson on the plan where the fence will be placed. The fence will back right up to her property. Ms. Abramson asked several questions regarding the fence.

BOARD QUESTIONS/COMMENTS:

Mr. Maguire understands that applicant has a 4 year old and he questioned why there is not a fence around the pool and then a perimeter fence to define the property line. Mr. Maguire feels a fence around the pool would safe guard the children. Mr. Clark stated that all children invited onto his property would be supervised by an adult. Mr. Locatell clarified that the applicant's concern is to keep uninvited guests off the property.

BOARD DELIBERATIONS:

A motion to approve this application was made by Mr. Koory seconded by Ms. Boren. The roll call vote of the eligible board members was taken by Mr. Clifford as follows: AYES: Jeffrey Banasz, Jamie Lyn Boren, MaryAnn Fallows, Richard Koory, Michael Locatell, Joseph Maguire, Mark Williams. NAYES: None. ABSENT: Steve Solomon. Mr. Thorndike advised the applicant of the procedure following this approval.

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ZBA#2016-14 Samantha & Michael Rotkowitz, Block: 7300 Lot: 14 Zone R-1, 601 South Saratoga Drive is a bulk variance to allow a 54" fence in the front yard area.

Rhonda R. Feld, Esquire, Sherman, Silverstein, Kohl, Rose & Podolsky, P.A., 308 Harper Drive, Suite 200, Moorestown, NJ appeared on behalf of the applicants. Ms. Feld provided a brief overview of the applicants proposed fence. Applicant's property has double frontage as it is a corner lot. The fence does not affect the front yard of the dwelling. The location of the fence will be facing Hartford Road and will be buffered by existing berm, shrubbery and trees.

Applicants, Samantha Rotkowitz and Jim Miller, Professional Planner, 222 Nicholson Drive, Moorestown, were sworn in by Mr. Thorndike. Mr. Thorndike interviewed the applicant on the properties surrounding his property. Mr. Thorndike reviewed the dimensions of the property and the variances requested. Mrs. Rotkowitz explained to the Board their desire of a fence to control children and pets within the back yard area, which has direct access to heavily traveled Hartford Road. They considered an electric fence, but neighbors dogs have gotten onto their property and an electric fence cannot protect their dog from neighborhood dogs. A-1 was presented to the Board, illustrating the proposed fencing. There is a post and beam fence along Hartford Road currently. There is a berm along Hartford Road and a bike bath. A-2 is an aerial showing placement of the proposed fencing. The existing post and beam fence will be left up, as it is consistent with their neighbors fencing.

Mr. Miller wanted to go on record stating that he prepared the ground level pictures and he feels the relief they are seeking is a benefit to the neighborhood. There is no impact from this fence as the buffer along Hartford Road is mature and completely screens the fence from surrounding areas.

PUBLIC QUESTIONS/COMMENTS: None

BOARD QUESTIONS/COMMENTS: None.

BOARD DELIBERATIONS:

A motion to approve this application was made by Mr. Banasz seconded by Ms. Fallows. The roll call vote of the eligible board members was taken by Mr. Clifford as follows: AYES: Jeffrey Banasz, Jamie Lyn Boren, MaryAnn Fallows, Richard Koory, Michael Locatell, Joseph Maguire, Mark Williams. NAYES: None. ABSENT: Steve Solomon. Mr. Thorndike advised the applicant of the procedure following this approval.

At 8:40pm Mr. Locatell asked for a brief recess. The Board resumed at 8:49pm.

ZBA#2016-15 Lockheed Martin Corporation, Block 6700, Lot 10, Zone SRI , 199 Borton Landing Road is a Preliminary & Final Site Plan, Use Variance; Bulk Variance; Submission Waiver; Conditional Use if necessary application.

Victoria C. Fannon, Esquire, Parker McCay PA, 9000 Midlantic Drive, Suite 300, Mt. Laurel, NJ appeared on behalf of the applicant. Ms. Fannon summarized the proposed project for the Board

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and why the applicant is requesting said variances. Applicant is proposing to construct an approximately 3350 square foot integrated test building addition with related improvements. This addition will require a variance pursuant to N.J.S.A. 40:55D-70(d) from Article XXII, Section 180-70A(6) of the Moorestown Township Zoning Ordinance to permit the building to be constructed at a maximum height of 85+ feet. The property is already improved with numerous buildings, improvements, parking lots, lighting, landscaping, etc. Applicant is seeking waiver from several of the Township technical submission requirements. The application will also be requesting conditional use approval, if necessary. The proposed additional will be utilized in support of Lockheed Martin's continuing and proposed programs.

Mr. Bob Stout, Civil Engineer, Mr. Matthew Greuber, Lockheed Martin, and Mr. James Miller, Professional Planner were sworn in by Mr. Locatell. Board Professionals, Maura Wuebker, Ragan Design Group, Amy Cieslewicz, Taylor Design Group and William Long, Alaimo Group were also sworn in.

R. Jeffrey Haag, Manager, Facilities Engineering, Lockheed Martin, appeared on behalf of the applicant. Mr. Haag provided a brief overview for the Board regarding the need for said addition. Mr. Thorndike read the history of the current Lockheed Martin site and interviewed Mr. Haag on the properties surrounding the proposed addition. [8:54:08 PM](#)

This building is LRDR-LAS Long Range Discrimination Radar – a model of a much larger radar facility that Lockheed Martin will be designing and developing a station in the Clear Alaska site. In 2015 the missiles defense agency awarded Lockheed a contract to build this system that will be used to safeguard the US boundaries from missiles. This is a detection system in support of homeland security. There will be an un-manned structure. There will be no “resident” employees in the building. Typically there is testing on a first shift, second shift and possibly even weekends. The maximum height would be 85’. There is an existing support building that is approximately 20’ that we will be going up from. There was a building there. That building was taken down after it served its purpose. That was unassembled and shipped to its destination by Lockheed Martin. Currently there are three towers higher than this proposed building height. This building will not be taken down. This building is a Lockheed Martin project and not a Federal project. The height of the building is dictated by the program requirements. Lockheed business operations are listed as a conditional use in this area. This proposed building meets those conditions. The antennas will be located within the building. There are not going to be any prohibited uses within this building.

Mr. Banasz asked about radiation, radar, light emitted from this building. Mr. Haag stated none of those would be emitted from this building.

Mr. Bob Stout, Civil Engineer is familiar with the site plan and has prepared these proposals. Exhibit A-1 is an aerial of existing structures at this location. This is a 2014 aerial of the facility. Mr. Stout pointed to an existing concrete area that is currently on the premises. The nearest residential property is over 1800’ from this building. It will be surrounded by all of the other building on this property. A-2 is a blow up of the site plan in the packet. The red section is the “radar red”. A-3 shows the area that needs landscape updates. With this application, a plan for streetscape has been incorporated. A-4 is a blow up of that section, showing the railroad tracks, and Centerton Road. This area will be improved with evergreens, and grasses along the front. A-5 is

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the subject of the application. This is a simple structured panel, beige color in nature. The height may fluctuate according to the design.

Mr. Williams asked about the footprint and the height of the building. Mr. Stout explained that these elevations show a height of 72'. They are still in the design stage. The height will not exceed 85'.

Ms. Cieslewicz stated that the applicant has agreed to work with her office to make this satisfactory for the Board. Mr. Stout stated the applicant agrees to comply with the suggestions within the Board Professional's letters.

Mr. Stout has reviewed the application submitted in this matter and his testimony is consistent with what was set forth in said applications.

Mr. Greuber, has a BA in Engineering from U of Rochester, and an MBA. He is the Senior Manager in Antenna Engineering at Lockheed Martin. Mr. Greuber testified that this is a test bed for a much larger installation in Alaska. This will be large enough to test all of the functionality before we install it in Alaska. The height of RF emissions must be taken into consideration which will determine the actual height of the building. All antennas and emissions will meet the existing license approval limits. Exhibit A-5 depicts a 72' height building. The black/gray area is the actual radar area. The antenna array will be inside of the building. It will be pointing southeast.

Ms. Fischel asked about safety concerns. Mr. Greuber installed a 24/7 RF emissions system to catch, detect and kill the power to the RF problem onsite before there can ever be a concern.

Mr. James Miller, Licensed Professional Planner has been retained by the applicant to review the application before the Board. Mr. Miller described for the Board his opinion on the impact on the Moorestown Township Zoning Ordinances. Mr. Miller cited cases in support of the applicant's request for exception for the height variance. He feels this is an appropriate structure for this location. This structure will be in excess of 500' from the nearest neighboring structure and will not encroach on open air and sunshine. The neighborhood for this application is the entire Lockheed Martin Corporation. This structure is in character of the overall complex where it will be located. It is also located within other structures that are greater than what the ordinance provides. It blends in well with what is already there. It will not change the character of the area. National security benefits are an advancement of the public welfare. The benefits of the deviation of the facility to enhance this system are much greater than any potential detriment. Mr. Miller agrees with the landscape plan for this proposal.

PUBLIC QUESTIONS/COMMENTS:

Fran Watt, 10 Victoria Court, Moorestown, NJ asked if there would be any danger for pets. Mr. Greuber stated there is no concern for pets.

BOARD QUESTIONS/COMMENTS: None.

BOARD DELIBERATIONS:

Mr. Thorndike reviewed for the Board what they need to consider for approval of this application.

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A motion to approve this application was made by Mr. Koory seconded by Ms. Boren. The roll call vote of the eligible board members was taken by Mr. Clifford as follows: AYES: Jeffrey Banasz, Jamie Lyn Boren, MaryAnn Fallows, Richard Koory, Michael Locatell, Joseph Maguire, Mark Williams. NAYES: None. ABSENT: Steve Solomon. Mr. Thorndike advised the applicant of the procedure following this approval.

Motion for preliminary and final site plan approval was made by Ms. Boren seconded by Ms. Fallows. The roll call vote of the eligible board members was taken by Mr. Clifford as follows: AYES: Jeffrey Banasz, Jamie Lyn Boren, MaryAnn Fallows, Richard Koory, Michael Locatell, Joseph Maguire, Mark Williams. NAYES: None. ABSENT: Steve Solomon.

ADJOURNMENT:

A motion to adjourn was made by Ms. Boren and seconded by Mr. Banasz. The meeting was adjourned at 9:50 pm.