

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING  
March 19, 2019**

**MEMBERS PRESENT:**

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

**STAFF PRESENT**

Peter Clifford, 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. Maguire called the meeting to order in the Council Chambers at 7:35pm by reading the Open Public Meetings Act statement. A moment of silence was followed by the Pledge of Allegiance.

**RESOLUTIONS:**

NONE

**MINUTES:**

- A motion to approve the January 15, 2019 Meeting Minutes with minor changes from Chairman Maguire was made by Mr. Koory seconded by Mr. Dillon. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- A motion to approve the January 29, 2019 Meeting Minutes with minor changes from Chairman Maguire was made by Mr. Koory seconded by Mr. Dillon. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- A motion to approve the February 19, 2019 Meeting Minutes with minor changes from Chairman Maguire was made by Mr. Koory seconded by Mr. Dillon. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- A motion to approve the January 26, 2019 Meeting Minutes with minor changes from Chairman Maguire was made by Mr. Koory seconded by Mr. Dillon. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.



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Baker- 332 E 3<sup>rd</sup> St.

Mr. Baker expressed his concern for the increase in traffic as well as the look of the currently proposed buildings. He then provided exhibits O-8, O-9, and O-10 ( photos of flooding on E 3<sup>rd</sup> St.) Each photo was taken on a different day to show his concern about storm water runoff and asked the applicant what measures they had in place on fixing that. The applicant testified they were going to be redoing the current basin as well as looking into other ways to reuse the storm water.

Joan Ponessa- 215 Locust St.

Ms. Ponessa continued to express concern about the storm water runoff and testified the Environmental Committee had not received the revised plans and at that time could not provide an opinion since they had not had a chance to review the plans.

Barbara Rich- 37 E Central Ave

Read a Q & A publication about storm water management and asked the applicant if they were following the guidelines that stated they had to have 80% TSS, the applicant testified they were following all the DEP storm water guidelines.

Mr. Francis Costello- 170 Sarazen Dr.

Mr. Costello spoke to the disruption in harmony on Main St. by the applicant wanting to build such a large building and asked the Board to consider denying the application. He also asked the applicant to possibility redesign the building to make it more appealing to Main St.

Elena Pendino- 264 E. Main St.

Ms. Pendino also expressed her concern about the buildings not fitting in with the "look" of Main St. and was concerned the value of her home would be decreasing due to the proposed structure being built right across the street from her home. She also was concerned about the demolition of the buildings and where the large construction equipment would be located. Mr. Vitiello testified the construction official will have to make a plan that all construction crew members would have to adhere to in order to get the demolition done.

Gina Zegel- 309 Westover Rd.

Ms. Zegel also expressed her concerns about the design of the proposed buildings and how they did not fit into what Moorestown is all about. She does not believe the Board should allow something that does not fit into Moorestown be built.

Julie Maravich- 660 Chester Ave

Ms. Maravich wanted to know if the vandalism and stolen copper piping had been reported to the police and if the public would be able to see the reports if they indeed had been reported. She also expressed concern about the copper piping possibility being taken out and sold by the applicant. Mr. Vitiello testified that he was not sure if the vandalism had been reported and he ensure Ms. Maravich the applicant had nothing to do with the copper piping being stolen.

Stephanie- Historic Society Chairperson

Ms. Stephanie read the letter written by the Historic Society in regards to their feelings and opinions on the application.

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Harry Mayer- 349 E 2<sup>nd</sup> St.

Mr. Mayer gave the Board the reasons he felt the project was a bad idea and why he felt they should deny the application.

Thomas Armstrong- 309 E 2<sup>nd</sup> St.

Mr. Armstrong asked the applicant if they had thought about purchasing 102 Zelley Ave since they would make this applicant a lot better in his opinion. Mr. Vitiello testified they had approached the owner of 102 Zelley Ave and they were not interested in selling and that was all he was allowed to disclose at the time.

Curtis Miller- 211 Zelley Ave

Mr. Miller voiced his concern about not having enough parking for the residents, visitors, and staff with the proposed plan since he personally went out to the site. He also expressed additional concern for the trash that is still on the property and would like to know when that will be taken care of.

Janet Knowles- 416 E Linden

Ms. Knowles stated she would hate to see such historic homes be destroyed and offered to have the homes moved to land that she owns in Moorestown as long as someone would pay the moving expenses. Mr. Thorndike confirmed with Ms. Knowles that he understood that she was willing to have these homes moved to her land with expenses paid but would be free of charge, Ms. Knowles testified that is what she would be willing to do.

Danya Miller- 211 Zelley Ave

Ms. Miller also expressed her concern about the parking lot and not having enough parking with the new proposed buildings. She then presented the Board with exhibit O-12 (photos of Lutheran home) showing the repairs and building conditions that needed to be addressed. She expressed her concern about the new proposed building not being maintained properly since they do not maintain their current building and land.

Lisa Attix- 316 E 3<sup>rd</sup> St.

Ms. Attix presented the Board with additional photos ( O-13-O-19) showing the flooding of the swells and how they are full of mud, sticks, leaves and do not drain properly. She wanted to know what they plan on doing to clean that up and thought that it was a coincidence that the maintenance crew had only been out to clean up the property after there was much public comments at the last hearing.

Mr. Maguire closed the Public Comments portion of the meeting for Board Deliberations. Mr. Thorndike reviewed the application with the Board so they could understand what decisions they needed to make. Mr. Koory stated he felt that losing the Lutheran Home as a whole due to the financial burden they are currently under, in his opinion, was a bigger loss to the Township and the residents then by approving the application for the proposed buildings. He was in support of the application with the conditions previously laid out by the Board and the Professionals. Mr. D'Antonio disagreed because he feels that placing something so different onto Main St. was hurting the town more than anything. The other Board Members expressed concerns about the structures being so large on Main St and "ruining" what Main St is all about.

A roll call of eligible Board Members for this Resolution was made by Mr. Koory seconded by Mr. Dillon. The roll call vote of eligible Board Members was voted 3 to 4, therefore the application was denied.

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A 5 minute was granted @ 9:51pm, at 9:56pm Ms. Schill came back to the dais and Mr. Fazler recused himself from the next application (ZBA #2017-28) due to a conflict with the applicant.

- **ZBA#2017-28 PCCH Properties, LLC** **Block: 6204 Lots: 18, 20, 21**  
**Poplar Ave.** **Zone: R-3 Decision Due:**  
Bulk variance for 3 lots with non-conforming lot width  
Continued from February 26, 2019 Meeting

Mr. Matteo introduced Mr. Harry Carroll a MAI appraiser who conducted an appraisal on the property in 2017. Mr. Thorndike asked Mr. Carroll to give a little of his background and the Board accepted him as an expert. Mr. Carroll then went over his appraisal he conducted in 2017 on the subject property and found the land would be appraised at \$ 162,500.00. He also then confirmed this land was in an R-3 zone which allows single family dwellings to be built. He reviewed the compatibles in which he used to come to his appraisal figure as well as the increase in market values and fluctuation of the real estate market. Since the appraisal was completed 21 months ago the Board asked Mr. Carroll if he thought the land would be worth more at this time or less, Mr. Carroll testified he believes the residential lots have increased but he would not confirm a percentage of the increase at that time. However Mr. Carroll stated in his opinion the lot was not worth less than \$ 162,000.00 after all the adjustments were made for the current market it would possibility be worth more. Mr. Hagerty then cross-examined Mr. Carroll asking about how he came to his figures and if he felt they were the most accurate since the appraisal had been completed 21 months ago?

The Board introduced Mr. Charles McCullough, Moorestown Township Tax Assessor, to give his testimony about the evaluation he was asked to do on the subject property. After being accepted as an expert by the Board and being sworn in by Mr. Thorndike Mr. McCullough spoke to the evaluation he completed on the subject property valuing it at \$ 231,000.00. He then explained how he reached his evaluation number and the methods he used to calculate it, during his calculations he figured the land would be worth about \$ 14.00 per sq. ft. Mr. Hagerty asked the Board to omit Mr. McCullough's testimony from the hearing since this was not a proper appraisal but an evaluation, Mr. Thorndike denied Mr. Hagerty's request. Mr. Hagerty cross-examined Mr. McCullough asking him if he knew this was a court ordered request and Mr. McCullough said no he was asked by either Mr. Thorndike or Mr. Zappasodi to prepare this evaluation.

Mr. Hagerty introduced Mr. James McKissick, the appraiser for the neighbors opposing the application, to come and testify to this appraisal he completed stating the subject property was only worth \$ 140,000.00. Mr. Matteo asked Mr. McKissick why in his report did he add \$ 20,000.00 for a movable increase across the board on each property, Mr. McKissick testified he felt it was a good medium for the demolition of the properties if they would need to be. When asked by Mr. Maguire why he was using comparable in a totally different area to the subject lot Mr. McKissick testified that and appraisal is subjective to the appraiser and the methods they use when

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calculating the value. With no further question from the applicant or the Board Mr. Hagerty asked if he would be able to present his exhibits, witnesses and testimony at this time. Mr. Maguire asked how long he would need to do this since it was 12am already, Mr. Hagerty stated he would need about 2 hours to complete his case. At this time the Board decided they would need to hold a special hearing on April 2, 2019 since there was not enough time tonight to have the application completed. Mr. Matteo expressed his disagreement for continuing the application since it was court ordered to have a decision by February 26, 2019 and the applicant has already agreed to continue to March 19, 2019 and now be asked again to continue to April. Mr. Matteo also stated he would also possibly be requesting a conference call between Mr. Thorndike, Mr. Hagerty, Judge Harrington and himself about the request for another continuation.

- **ZBA#2018-40 Tony Santos  
523 Creek Road.**

**Block: 8000 Lots: 26 Zone: R1  
Decision Due: April 17, 2019**

Bulk Variance for construction of 4 car garage where only 3 are permitted

- This application was moved to the next scheduled ZBA meeting on April 16, 2019 with no new notice being required.

**PUBLIC COMMENTS/QUESTIONS:**

- With no further business to discuss, Mr. Koory made a motion, seconded by Mr. Maguire to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 12:19am