

# PLANNING BOARD SPECIAL MEETING

Meeting Minutes

January 20, 2022

## **MEMBERS PRESENT:**

Kevin Aberant, Township Manager  
William Barker, Chairman  
Robert Musgnug  
Christopher Chesner  
Dave Zipin  
Henry Balikov  
Elyse Brown  
Melissa Arcaro-Burns  
Naoji Moriuchi  
Lisa Petriello  
Joseph Maguire

## **STAFF PRESENT:**

Nancy Jamanow, PP, Planning Board Secretary  
Matthew Wieliczko, Board Attorney  
Mackenzi Kelly, Recording Secretary

## **ABSENT:**

Ms. Jamanow called the meeting to order at 7:00 PM in a virtual meeting by reading the Open Public Meeting Act statement. A moment of silence followed by the Pledge of Allegiance.

## **REORGANIZATION:**

### **Administration of oaths:**

Newly Appointed Planning Board Members:

Ms. Jamanow announced that Mr. Wieliczko would administer the oaths of office to

Newly Appointed and reappointed Planning Board Members:

Joseph Maguire as Class IV

Mr. Wieliczko swore in all the newly appointed Planning Board Members.

### **Reappointed Planning Board Members:**

Christopher Chesner as Class II

David Zipin as Class III

Naoji Moriuchi as Alternate II

Kevin Aberant Class I

Mr. Wieliczko swore in all the reappointed Planning Board Members.

## **Selection and Election of Officers of 2022**

### **Chairperson**

Mr. Aberant made a motion to nominate Mr. William Barker as Chairperson, seconded by Chris Chesner. There were no other nominations. Mr. Zipin made a motion to close nominations, second by Mr. Aberant; the roll call of the vote was unanimous in favor.

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Mr. Barker welcomed Mr. Maguire and re appointed members

**Vice Chairperson**

Mr. Aberant made a motion to nominate Mr. Musgnug as Vice Chairperson seconded by Chris Chesner.

Mr. Aberant made a motion to close nominations, seconded by Ms. Burns.

The roll call vote of the Board was unanimous in favor. There were no other nominations.

**Planning Board member as Liaison to EDAC –**

Mr. Barker stated they would appoint that person at a future meeting.

**Selection and Election of Planning Board Subcommittee(s)**

Mr. Barker would like to keep the same people.

**Appointment of Planning Board Secretary and Alternate Planning Board Secretary**

Nancy Jamanow and Patty Muscella

**Appointment of Planning Board Recording Secretary and Alternate Planning Board Secretary**

Mackenzi Kelly and Danielle Gsell

**Adoption of Township of Moorestown Planning Board Rules and Regulations**

Mr. Barker stated they will be sent out separately and encouraged the board to read them.

**Adoption of Resolutions**

**2022-01: Annual Notice 2022**

Mr. Barker stated regular meeting dates into the record.

Mr. Chesner made a motion to approve **Resolution 2022-01**, seconded by Mr. Aberant.

The roll call vote was unanimous in favor.

**Resolution 2022-02: Appointing Planning Board Secretary and Alternate Secretary**

Mr. Chesner made a motion moves to nominate Nancy Jamanow as Planning Board Secretary and to nominate Patty Muscella as Alternate Planning Board Secretary, seconded by, Mr. Aberant. The roll call vote of the Board was unanimous in favor.

**Resolution 2022-03: Appointing Planning Board Recording Secretary and Alternate Secretary**

Ms. Burns made a motion to appoint Mackenzi Kelly as Recording Secretary and Danielle Gsell as Alternate Recording Secretary, seconded by Mr. Aberant. The roll call vote of the Board was unanimous in favor.

**Resolution 2022-04: Electronic Guidelines Resolution**

Ms. Burns made a motion to adopt **Resolution 2021-5**, seconded Mr. Chesner

The roll call vote of the Board was unanimous in favor.

**Resolution 2022-05** Appointment of Planning Board Attorney Matthew Wieliczko.

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Ms. Burns Made a motion to award a contract of Planning Board Attorney for 2022, seconded by Mr. Zipin. The voice vote of the Board was unanimous in favor.

**Resolution 2022-06** Appointment of Planning Board Engineer Christopher Noll  
Mr. Chesner made a motion to award a contract of Planning Board Engineer for 2022, seconded by Mr. Aberant. The voice vote of the Board was unanimous in favor.

**Resolution 2022-07** Appointment Planning Board Landscape Architect Scott Taylor  
Mr. Chesner Made a motion to award a contract of Planning Board Landscape Architect for 2022, seconded by Mr. Zipin. The voice vote of the Board was unanimous in favor.

**Resolution 2022-08** Appointment Planning Board Planner Michelle Taylor  
Mr. Chesner Made a motion to award a contract of Planning Board Planner for 2022, seconded by Mr. Zipin. The voice vote of the Board was unanimous in favor.

## **Meeting Minutes:**

### **August 24, 2021**

Mr. Musgnug made a motion to approve the August 24, 2021 minutes, seconded by Mr. Aberant. The roll call vote of the Board was unanimous in favor, with all eligible to vote.

### **September 2, 2021**

Mr. Chesner made a motion to approve the August 24, 2021 minutes, seconded by Mr. Zipin. The roll call vote of the Board was unanimous in favor, with all eligible to vote.

### **December 2, 2021**

Mr. Chesner made a motion to approve the August 24, 2021 minutes, seconded by Mr. Zipin. The roll call vote of the Board was unanimous in favor, with all eligible to vote.

## **Adoption of Resolutions:**

PB#2021-40P, Bel Canto Asset Growth Fund LLC, 400 Route 38, Block 3000 Lot 2, 3, 3.01, 3.02, & 5, Minor Subdivision, Preliminary Site Plan

Mr. Aberant made a motion to approve PB#2021-40P with corrections seconded by Mr. Zipin. The roll call vote of the Board was unanimous in favor, with all eligible to vote.

## **New Business:**

### **PB#2021-48, Sam Lepore, 569 Sentinel Road, Block 5703 Lot 21, Minor Subdivision**

Mr. Wieliczko stated this application will not be heard tonight. The applicant must notice again and this may be moved to the February 3, 2022 meeting.

### **PB#2021-49, Michael & Emily Darling, 200 Pleasant Valley, Block 2704 Lot 8, Minor Subdivision**

Mr. Wieliczko stated the Applicant is proposing to subdivide an existing lot to create two

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fully conforming lots (existing lot 8.01 & proposed Lot 8.02). The applicant is proposing to remove a garage and a portion of existing driveway. He stated Patrick McAndrew is the attorney representing the applicant.

## **Witnesses:**

Bill Nicholson is a Professional Engineer and Planner in NJ.

Mike Darling Applicant

## **Board Professionals:**

Chris Noll

Michelle Taylor

Scott Taylor

Mr. McAndrew stated Bill Nicholson as the main witness. He stated they will file this by deed, there are certain deed restrictions and since it is a minor subdivision, they have that option. The house faces Pleasant Valley; the garage sits behind the house on Stratford partly in the right of way. The house originally faced Pleasant Valley Rd. In 2003, the lots between the house lots 9 and 10 were conveyed to the Township. In 2005, lot lines were adjusted a little bit leaving them with the lot today. The property is over an acre and they want to subdivide it. They are removing the garage because it is in the right away.

Bill Nicholson Professional Engineer and Planner in NJ since the late 70's. He was accepted as an expert witness. He stated there is an older house on proposed lot 8.02 fronting on Pleasant Valley. They are proposing to subdivide to the west of lot 8.01. It is conforming except one variance. The Front yard is currently 32.57 feet from the right of way. It may need a variance it is an existing condition and does not change anything. It is primarily functioning as a side yard today. He does not see any negative impact.

Mr. McAndrew stated there are no issues in the review letters; they comply with comments and recommendations in the review letters. They have submitted deed restrictions.

They will provided them sequencing work regarding removal of the garage as well as deed restrictions acceptable to the board professionals. They also agree to submit documents providing detailed site work and abandonment of the driveway easement.

They agree to the comment regarding street trees being behind the sidewalk, and will include in the deed restriction as well. Ms. Jamanow stated there was a condition in the tax assessor's letter, to put escrow money in an account for tax map revisions. They applicant agrees about the suggested new addresses.

## **Board Professionals:**

Michelle Taylor had no comments or questions at this time.

Chris Noll, he stated there are submission waivers on page 2 of his letter.

1. Soil testing proof of compliance
2. Notifying owners within 200 feet, he assumes it was already done

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3. Submitting a grading plan, which was already done.
4. Wetlands Waiver, there are no indication of any on site.

They have already agreed to the new driveway access on lot 8.02, as well as providing sidewalks with curbs.

Mr. Wieliczko inquired if they are in agreement with Mr. Noll's sub-service investigation report. Mr. Noll stated it is not necessarily a report, they have to provide evidence that there was a UST there or not or if they cannot they would need a sub-service investigation report. Mr. McAndrews to their knowledge there was not a tank on the property. As far as soil testing, the tract has been a residential lot since the 1930's and was not used for farming. Mr. Wieliczko need some kind of testimony. Mr. Darling stated there was an oil tank in the basement but none underground. There was no use of pesticides. Mr. Noll stated he is satisfied with Mr. Darling's testimony regarding the oil tank in the basement. Mr. Wieliczko inquired about the callouts in regards to Taylor Design Group letter in regard to the building coverage. Mr. McAndrew stated there was a typo in the first draft, it will be fixed. The applicant complies with ordinances. They will not exceed what is allowed. They have provided the 200 feet list as well as the grading plan.

### **Board Questions:**

Mr. Balikov inquired about storm water issues on the property. Mr. Noll has reviewed the grading plan; he does not believe there will be any problems regarding storm water.

Mr. Maguire inquired to what the purpose of the two lots being conveyed to the township. Mr. McAndrew stated Open space.

### **Public Comment:**

George McGinley 30 Lakeview Dr.

He stated the garage does sit out and is the only thing that keeps Stratford and Lakewood from being a highway. He fears by removing the garage there will be a clear view down Stratford Dr. It is a main walkway to Roberts School.

Bruce Carson 207 Pleasant Valley Ave

He stated this is a large and gracious property. The previous owners subdivided the lot and gave part of it to the township. He believes she did not want anyone to subdivide it again. He wants the township to think about it just because the property can be broken up does not mean it has to be. Mr. Wieliczko stated the Planning Board has to use the municipal land use law and ordinances for the application, not trust. Mr. Carson inquired if approved what happens, Mr. Wieliczko stated the approvals come with certain timeframes to perfect the subdivision. Mr. McAndrew stated the garage being in the right away is not a good idea. They can use traffic devices to slow down traffic. He stated the open space were deed restricted. This subdivision is not deed restricted and is large enough under the ordinance to sub-divide.

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Deb Mattox 32 Lakeview Dr

She agrees with Mr. McGinley, she inquired if anything could be put in to slow down traffic where the garage is now. She stated this is a built up part of town, the other side of the street has much larger and grander lots. She is concerned about parking and driveways she did not see them in the plan. Mr. McAndrew stated they have not designed the driveways yet, they will be in a location as allowed by ordinance. There will be adequate parking. He stated the only variance they are seeking is an existing condition (32 feet side yard/front yard since the 1930's). He feels by removing the Garage it is a great step forward.

Ms. Taylor stated the trees are to be located behind the sidewalk. If there is a concern about the orientation of the street which is rather large. They could plant trees between the curb and the sidewalk. They would have to shift the sidewalk as it transitioned into the existing sidewalk. Mr. Noll stated there is an angle point in the road where the garage is. One of the conditions is putting sidewalk and curb in. He stated Mr. Nicholson would have to provide a plan; he can take into consideration Ms. Taylor's suggestion. She stated the correspondence stated the trees should be behind the sidewalk, she would amend that. Mr. Nicholson stated he can put it in a deed restriction they will Plant trees either in front or behind the sidewalk at the discretion of township Engineer and Planner. Mr. Wieliczko stated there might be a problem in the future because something would have be attached. Ms. Jamanow stated the design, Mr. Nicholson will provide to Ms. Taylor and Mr. Noll will resolve that. This would not be a deed restriction. Mr. Wieliczko stated if the trees need to be behind the sidewalk a deed, restriction would be needed. Ms. Taylor agreed. He stated but if trees were placed in front of the sidewalk, no easement would be necessary. Ms. Taylor stated yes because they would be in the right of way. He stated that would be needed to be shown on the plan. Ms. Jamanow stated they will be on the plans and we will know at that time if we need the easement or not. Mr. Nicholson stated he agrees. Mr. Wieliczko summarized the application and conditions.

### **Board Deliberations:**

Mr. Maguire inquired if the board is providing a variance for the pre-existing non-conforming. Mr. Wieliczko stated yes it would be included in the motion.

Mr. Musgnug stated this is a bi-rite application, he sees nothing wrong with it.

Mr. Musgnug made a motion to approve the application based on Mr. Wieliczko's summary, seconded by, Mr. Aberant. The roll call vote of the Board was unanimous in favor, with all eligible to vote. Motion passes.

### **PB#2021-42, PCCH Properties LLC, 500 Covington Terrace, Block 1607 Lot 18, Minor Subdivision with Bulk Variances**

Mr. Wieliczko gave an introduction. The applicant wants to subdivide the existing lot, there is a 1 ½ story dwelling there now. The two new lots will be lot 18.01 will contain the existing dwelling and 18.02 will contain the new proposed dwelling. The applicant is

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proposing to remove a 5-foot high fence along Flynn Ave frontage, several trees and the porch of the existing dwelling.

George Matteo is the attorney for the applicant. This entity is owned by the Canton Family. He stated the property is over half an acre. It is on the corner of Covington Terrace and Flynn Ave. The existing structure will remain and be rehabilitated. They are seeking a technical variance. The front and rear yard of the existing home will change. They seek slight variance for the new front yard and new rear yard. This is indicated in Michelle Taylor's report and they do agree with it. They are asking for a waiver for soil testing.

### **Witnesses:**

Bill Nicholson

James Miller

Pete Canton

### **Board Professionals:**

Chris Noll

Michelle Taylor

Bill Nicholson is a Licensed Professional Engineer, accepted as an expert witness

James Miller is a Licensed Professional Planner, Certified Planner, accepted as expert witness

Mr. Nicholson went over the subdivision plan.

The existing dwelling's address is 500 Covington Terrace, which they are keeping. They are removing the porch, which will leave a remaining slab for a patio. The new dwelling will be behind 500 Covington Terrace with frontage on Flynn Ave. The entrance on the existing dwelling will remain on Covington Terrace.

Mr. Wieliczko inquired if the applicant had any objections to the review letters.

Mr. Matteo stated they have one planning comment in Ms. Taylor's letter

Mr. Miller had the opportunity to analyze the application and the bulk variances.

This is in the R3 zoning district, with a variety of homes. The homes were built in the 50's and 60's. When the lot is subdivided, the shorter lot will be on Flynn Ave and the frontage shifts from Covington to Flynn. This is C2 variance where the benefits of relieve is greater than any detriments and offers a better zoning alternative. He addressed both bulk variances simultaneously. He stated both lots will be conforming and the relief is primarily technical. Mr. Matteo stated they are asking for a waiver for soil testing. Mr. Canton was asked about any inspections. He stated they mainly focused on the existing home and close proximity to the existing home. They were looking for signs of oil heat in the home; they

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found no evidence of underground oil tanks. Mr. Noll requested a copy of the report. Mr. Canton stated he did this in 12/2020 for peace of mind. He did not get a written report. It was a visual inspection looking for signs of supply pipes or any pipes that could have connected to an oil tank. Mr. Noll accepted Mr. Canton's testimony.

The applicant has reviewed the professional reports and agrees, with the exception of some submission things at the end of Mr. Noll's report. Mr. Matteo said those are things they would submit when they come in for a building permit. They will comply. Mr. Noll stated a grading plan should be submitted. Mr. Matteo stated there still sanitary connections that will be provided once they know what is going to be built there. Ms. Jamanow ask them to be included now so there is enough escrow to cover it. The applicant agreed.

Mr. Noll will have to have a specific plan for curb to sidewalk as well. Mr. Matteo stated they are talking about installation of sidewalk along Flynn Ave, there is no sidewalk on Covington Terrace. They agree to do that and show where the new lot and existing lot are. In Michelle's report, item 4 which speaks of the character of neighborhood and the recommendation of structure. The Canton's plan is to create a custom home there. They do not know the exact design elements now, however it will be consistent with the other homes in the neighborhood. Mr. Canton stated the applicant proposes to construct the home consistent with homes in the neighborhood.

Mr. Noll stated there is a submission waiver for wetlands, there are none within 200 feet. He inquired if the subdivision will be filed by deed. Mr. Matteo stated they will file it by deed.

Ms. Taylor clarified with respect to the patio, which is now rear yard, the garage should be placed on the Northside for more privacy. The applicant agreed.

Mr. Wieliczko inquired if any of the 5ft fence was to remain. Mr. Canton stated some of the fence along the back of the new lot and the Southside of the new lot would stay. It will be removed all along Flynn Ave. Mr. Noll stated it would be shown on the performance plans. Taylor's letter for existing fence, it cannot be on Covington or Flynn Ave.

### **Board Questions:**

Mr. Balikov stated the neighborhood is characterized by incomplete storm water.

Mr. Balikov inquired if there will be any sump pumps on the street. Mr. Canton does not know where it discharges on Covington Terrace; however, in the new dwelling if collection pump exists it will connect. Mr. Noll they do not recommend the sump pump discharge to the street. Mr. Canton agreed. Mr. Balikov recommended a closed storm sewer. Mr. Matteo we can make it as a condition to provide the location to the engineer. Ms. Acaro-Burns confirmed that the existing home will be refurbishment. Mr. Canton agreed.

Mr. Chesner inquired since it will be a dead end sidewalk would there be a way to put a curb cut. Ms. Taylor and Mr. Noll would not recommend a mid-walk crosswalk.

Mr. Maguire inquired about the height of the building being 1 ½-story building. Mr.

Wieliczko stated they are not. Mr. Musgnug, Ms. Petriello and Mr. Mourichi echoed Chris

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Chesner's concerns about the sidewalk. Mr. Wieliczko stated they are not seeking a height variance for the new home. Ms. Brown inquired if the address is changing. Ms. Taylor stated no it should not change. The board also had concerns about the fence. The fence from Flynn going back to the new back yard will need to be taken down too. Ms. Taylor stated the fence is not technically permitted there, they said they are removing it. Mr. Barker is also concerned with the sidewalk.

### **Public Comment:**

John Anderson 511 Covington

He is concerned there is no storm drain. The water from Flynn runs down towards Covington Terrace. The driveway will now be on the Covington side. Ms. Taylor stated the driveway is not changing. He is also concerned about parking on Flynn.

Mike Brown 516 Covington Terrace

He is concerned about drainage and soil testing. He stated most homes have had oil heat. Mr. Noll stated the grading plan now directs water towards the front of the house towards Flynn and then down Covington Terrace.

Mr. Matteo stated this is a by rite application. He said the variances they seek are for the existing structure. He wants to assure the board and members of the public they are not changing driveways or addresses.

Mr. Wieliczko summarized application. He stated the motion should include the applicant agrees to provide details listed in the letter on the conformance plan prior to permits and construction. He stated the applicant agreed the new home would be consistent with other homes in the neighborhood. The applicant agrees the garage will be on the north side. They will provide identification of the closest storm drainage. The proposed lot 18.01 permits a 22.21 foot setback from Flynn Ave in addition proposed lot 18.02 permits 19.96 rear yard setback from the yard opposite Flynn Ave. Ms. Jamanow stated the applicant agrees to post in escrow for the tax map update. Mr. Wieliczko the applicant agreed to comply with all tax assessor comments.

### **Board Comments:**

Mr. Maguire feels there should be a height condition. Mr. Barker stated this is in the R3 zone, which has a 35 foot height limit. Mr. Musgnug would like to see a written report on oil tanks of what was done, the applicant agreed as condition of approval. Mr. Canton thinks his word should be adequate they found no evidence of underground storage tanks. The applicant agrees to provide a report of what was already inspected. Mr. Barker supports the application. Mr. Musgnug made a motion to approve the application as summarized by Mr. Wieliczko, seconded Mr. Chesner. The roll call of the vote was unanimous in favor. Motion passes.

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## **Discussion**

Mr. Barker inquired if Ms. Brown would stay on the subcommittee, she said yes All current members on the Ordinance subcommittee are staying.

## **Public Comment**

Mr. Barker stated the next meeting would be 2/3/2022. Ms. Jamanow stated there will be a special meeting on 2/17/2022.

Ms. Acaro-Burns is stepping down as EDAC Liaison. Ms. Jamanow will take over at the next meeting.

## **ADJOURNMENT**

Mr. Barker stated the next meeting would be 02/3/2022. A motion to adjourn was made by Mr. Chesner and seconded by Mr. Aberant. The meeting was adjourned at 9:25 PM.

Next Meeting: 2/3/2022 at 7:00 pm