

PLANNING BOARD SPECIAL MEETING

Meeting Minutes

March 3, 2022

MEMBERS PRESENT:

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

STAFF PRESENT:

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

ABSENT: Henry Balikov

Mr. Barker called the meeting to order at 7:00 PM by reading the Open Public Meeting Act statement. A moment of silence was followed by the Pledge of Allegiance.

Mr. Barker welcomed new member William Wesolowski to the Planning Board.

Meeting Minutes:

November 4, 2021

Mr. Zipin made a motion to approve the November 4, 2021 minutes with corrections, seconded by Mrs. Burns. The roll call vote of the Board was unanimous in favor, with all eligible to vote.

January 20, 2022

Mr. Zipin made a motion to approve the January 20, 2022 minutes, seconded by Mr. Chesner. The roll call vote of the Board was unanimous in favor, with all eligible to vote.

Adoption of Resolutions:

PB#2021-46, Moorestown Mall/Preit Associates, 400 Route 38, Block 3000 Lot 2, 3, 3.01, 3.02, & 5, Preliminary and Final Major Subdivision with Variances

Mr. Zipin made a motion to approve PB#2021-46 with corrections seconded by Mrs. Burns. The roll call vote of the Board was unanimous in favor, with all eligible to vote.

PB#2021-47, Cooper Health Systems, 400 Route 38, Block 3000 Lot 2, Preliminary and Final Site Plan with Variances

Mrs. Burns made a motion to approve PB#2021-47 with additions and modifications, seconded by Mrs. Petriello. The roll call vote of the Board was unanimous in favor, with all eligible to vote.

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PB#2021-40F, Bel Canto Asset Growth, 400 Route 38, Block 3000 Lot 3, Final Site Plan
Mr. Aberant made a motion to approve PB#2021-40F with revisions stated seconded by Mr. Chesner. The roll call vote of the Board was unanimous in favor, with all eligible to vote.

New Business:

PB#2021-12: Mary Flanagan, 426 Flynn Avenue, Block 2203 Lot 1, Minor Subdivision with Variances

Witnesses:

Mary Flanagan

Board Professionals:

Michelle Taylor

Chris Noll

Mr. Wieliczko stated the applicant is representing herself. Mr. Wieliczko stated she is proposing to subdivide an existing 22414 square foot lot into two lots. Lot 1.01 will be 12414 square feet and contains the existing dwelling and driveway. Lot 1.02 will be 10000 square feet containing the existing shed, which is being removed. The applicant is proposing two new dwellings one on each lot. The applicant is no longer seeking front and rear yard variances for the corner lot 1.02. These will be two complying lots with no variances. She has reviewed both the ERI letter and TDG letter. She agrees with all the conditions and recommendations in those letters.

Submission waivers

1. Proof of compliance with soil testing
2. Providing existing and proposed contours. ERI recommends a grading plan as well for each lot.

The homes original designs have changed, she is no longer requesting variances. A letter dated 8.27.2021 contained two types of artistic renderings; she stated they are no longer the intended style of the home. She is proposing two single-family Ranch style homes with three bedrooms. Mary Flanagan stated her house needs to be redone; she figured she would sub-divide to have a smaller property to care for.

Board Professionals

Mrs. Taylor stated they have withdrawn requests for variances; therefore, the comments in her letter dated 2/2/2022 under D are no longer applicable.

She recommends the applicant consider solar opportunity facing the building to the south She stated that off street parking needs to be provided. She stated the board should discuss whether sidewalks should be installed or not, they are not in this portion of the neighborhood. The lots are under size no requirement for tree protection, however if the board would like to protect the trees there should be tree fencing.

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The driveway location should be shown at some point.

The applicant would like to save as many trees she can She will replace any if needed. She stated there are no sidewalks on her street, she wasn't planning to add them. Mrs. Taylor stated she is talking about passive solar, meaning which way the garage and windows will face. The applicant will consider Solar and will place the garages towards the sun. This way the garage will block the north winds. She is planning on an attached driveway; Mrs. Flanagan agreed it would be facing towards Glen Ave.

Mr. Noll stated the applicant agreed to submit a grading plan as a condition of the approval. The applicant agreed to provide an inspection report regarding soil testing. The applicant stated she had it done years ago on the property. The applicant stated an oil tank was removed before she bought the property in 1985. This will be looked into.

Board Questions:

Mr. Chesner inquired on what direction the applicant's house faces. She stated she is demolishing her existing house. There will be two single-family houses with an attached garage. Mrs. Petriello inquired about why the variances were dismissed. The applicant is changing the type of home. She will comply with the zoning conditions. She also inquired about what was being demolished. She stated the existing home, shed and fencing.

Public Comment:

Linda Brimm 423 Glen Ave

She inquired on what direction the houses are going to face. Lot 1.02 will face Glen Ave. Lot 1.01 she plans to keep facing Flynn Ave. There was some discussion regarding the orientation of the rear yard to lot 13. Mrs. Taylor stated the Board needs to make note of the rear yard opposite Flynn Ave which is the secondary front yard. The Glen Ave side is shorter in length she wants it to front on Flynn but it is a 20 foot setback.

For the rear yard it will have to be 25 foot, it is not shown like that. She understands this. Lot 1.01 is going to front Flynn; 1.02 is fronting Glen Ave, so no variances are necessary.

Mr. Wieliczko summarized the application with conditions. Mrs. Jamanow stated the applicant would pay to update the tax maps. The house facing Flynn Ave with have a Flynn address.

Mr. Musnug made a motion to approve the application with conditions stated, seconded by Mr. Chesner. The roll call vote of the Board was unanimous in favor, with all eligible to vote.

PB#2021-48, Sam Lepore, 569 Sentinel Road, Block 5703 Lot 21, Minor Subdivision (Continued from February 3, 2022 Planning Board Meeting)

Mr. Aberant recused himself since he did not attend the prior meeting.

Mr. Wieliczko stated they are back from a prior meeting. There were issues raised in regard to trying to obtain a copy of the filed sub-division plan of Stanwick Glen dated 6/2/1978.

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There were call outs regarding TDG letter dated 12/30/2021 with regard to potential density issues. There was an agreement that both applicant and professionals would try to do what they could to locate the original sub-division plan and anything that was relevant. They did receive a letter from Mr. Matteo dated 2/28/2022 to supplement the application. It is on file and available to the public. The purpose tonight is to discuss density issues and the ability to locate the original sub-division plan.

Mr. Matteo is representing the applicant regarding a minor subdivision for a lot on the back end of Stanwick Glen. They went through professional reports at the last meeting. An issue with the Planner's report came up regarding the sub-division plan for Stanwick Glen. They were not prepared to answer because they did not locate the subdivision plat. He stated they obtained a copy. He has a copy of the final filing Plat for the section of Stanwick Glen the lot is in. It was received from the county recording office. It is the same file number and date that is in the TDG letter.

Exhibit A4

Copy of the filed final sub-division Plat as section K, map#02894 filed on 6/2/1978.

Mr. Matteo stated the applicant is proposing to create two by right lots on ~~Sentinel Rd.~~ One will face Sentinel and the new lot will face Westfield Road. They have received county planning board approval for the creation of the lot that will exit onto Westfield Road which is a county road. The existing lot is 61907 square feet, whereas the minimum lot size in the R2 zone is 20000 square feet, so the lot size is 1.4 acres. The original lot 21.01 will be 25767 sq. ft. and the new lot 21.02 will be 36139 sq. ft.

They have reviewed both ERI and TDG reports dated 12/30/2021.

The applicant has agreed to comply with ERI report and agreed to do soil testing on proposed new lot for pesticides. The density issue was pointed out in the TDG letter. He stated they had no knowledge of any density requirements. They are working off the existing ordinance with a minimum lot size of 20000 sq.ft. in which they comply. They further investigated the density issue. He stated there was no reference in density in the original plan. He stated when Stanwick Glen was being developed the final plats were done in sections. He stated section K is one of the sections relevant to the property in question. He stated in pursuit to town ordinance standard to lot size and density is based on minimum lot size in which they exceed. They significantly exceed the lot size requirement. He stated Mr. Nicholson was not able to obtain any density criteria going back to the 60' and 70's. He feels they have confirmed there was nothing in law or on record that would disallow the grant of the subdivision due to density requirements.

Mr. Wieliczko swore in the witnesses and professionals.

Witnesses:

Mr. William Nicholson

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Board Professionals:

Chris Noll

Michelle Taylor

Mrs. Taylor thanked everyone for their help with the application. She stated they found a preliminary plat for K and a plan of lots for section k. The Stanwick Glen subdivision has at least 150 units. There does not appear to be an overall plan of lots.

The board had a conversation regarding Westfield Rd. it is a county rd. The old Master Plan talked about Westfield Rd being a main thoroughfare. There has been a reverse frontage setback in that location since the 1960's. Clearly looking at the subdivision plat there reversal of frontage of 75 feet and a buffer of 20 feet.

The Master plan talks about traffic calming along Westfield Rd, one thing it talks about is tree planting. She stated the prior subdivision did require this to be a reverse frontage lot, consistent with the remaining lots. However when evaluating the site plan there was a calculation of density indicating 12.5 acres of land and 14 lots in section k. The density was 1.12 dwelling unit per acre. With that additional lot it is 1.2 dwelling units per acre. She stated the case law and municipal land use law is clear that the zone standard of 20000 square feet dictates density. The access to N Stanwick & Westfield Rd is controlled in the Stanwick Glen. There are some dwellings that front on the Westfield. She thinks biggest impacts of the subdivision will be to the homeowner of this lot as well as lot 5 and lot 20. She feels there should be a buffer adjacent to these two lots. She said this is conforming as far as density and lot area requirement. They buffer they had there will be gone; she feels it is important to have one for protection or some kind of easement.

Mr. Noll found a filed plat for section N which was to the west filed in 1995. There was a note on the plan that prohibited any lot having driveway access on Westfield Rd. That note is not in the 1976 notes.

Board Questions:

Mr. Zipin inquired about a plan for vehicles to turn around regarding Westfield Rd.

Mr. Wieliczko stated the conditions of approval that were previously agreed to:

1. K turn driveway, which is designed in a manner acceptable to the board professionals.
2. Agree to all comments and recommendations in the ERI, TDG and the Tax Assessor's memo.
3. Agreed about clearing of the driveway, and buffer and landscape it in a manner acceptable to board professionals.
4. Agree to remove the fence along Westfield Rd.
5. The house will be moved back to preserve existing vegetation.
6. Relocate one of the inlets to preserve trees
7. Subdivision will be filed by deed
8. Bike path will be maintained

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9. Soil testing
10. Provide an additional buffer at the borders of Lot 5 and Lot 22. Mrs. Taylor suggested the board give consideration of a Landscape easement, which borders new lot 21.02 in the area that abuts Lot 5 and Lot 22. Mr. Matteo inquired if she is proposing a landscape easement in the side yard. Mrs. Taylor stated right now there is a 20 foot buffer and 20 foot side yard setbacks. She suggests a 20 by 20 foot area be retained as a buffer easement, which makes it enforceable and gives protection to the adjacent lots. Mrs. Taylor is concerned that the future property owner will remove the buffer. There was some discussion regarding this. Mr. Matteo stated doesn't the front include the corners. Mrs. Taylor stated there is no 20-foot easement along Westfield Rd. in the deed. Mr. Noll agreed it is not on your subdivision plan. The applicant stated they would agree to the 20x20 foot landscape easement at the corners of lot 5 and lot 22. Agrees to maintain as much buffer they can outside of grading etc. Mrs. Burns clarified with Mrs. Taylor that is was just for the corners not the whole frontage. Mr. Wieliczko stated the applicant has agreed to a 20x20 foot landscape easement at the corners lot 5 and lot 22. There is no more planting here it is just a preservation of land that exists. He stated point 2 is a restatement from last month's meeting. The applicant agrees to work with the Professionals on the buffering landscaping in the area where the new driveway is going to be.
11. The applicant agrees to site triangles in a manner acceptable to the Professionals at the driveway for proper siting at the bike path.
12. The applicant agrees to some type of driveway sign warning.

Public Comment: There were no members of the public in attendance.

Board Questions:

Mrs. Petriello asked Mrs. Taylor to explain the reverse frontage setback. Mrs. Taylor stated they are implemented so there is sufficient space in the rear yard of the dwelling. Certain neighborhoods where the fences are right on the street. Moorestown requires a 20-foot buffer and a 75-foot reverse frontage. It gives people more space, the street has a more pleasant look and there's room for more trees. Mrs. Petriello inquired if the 75-foot setback also limits or restricts what the resident can do in that portion. Mrs. Taylor yes, there are no dwellings there, however they can be pools. Mrs. Petriello inquired why it does not matter, Mrs. Taylor stated the front yard setback it is no longer a reverse frontage lot. Mr. Matteo stated because it no longer has frontage on two streets.

Mr. Maguire inquired what the setback for a major thoroughfare was in the R1. Mrs. Taylor stated in the R1 it is 150 feet. She stated a in a R2 reverse frontage it would be 75-foot. There is one house on Stanwick that fronts on Westfield Rd, per Mrs. Taylor. Mrs. Taylor said this will be an anomaly but it is conforming. Mr. Maguire stated in the R2 zone, you do not want to put houses on a secondary road. Mr. Maguire inquired why this cannot be flag

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lot. Mrs. Taylor said this did come up, if it was it would need a variance from the frontage requirements and it could only be 75% of the width. It would push the house way back.

Mr. Matteo stated this is a legal by-right minor subdivision and they have agreed to the terms of landscaping. The reverse frontage lot, the 75-foot buffer is not relevant to this. They have agreed to do things to mitigate the safety of the entrance and exit onto Westfield. The county has approved it and they have jurisdiction here. They agreed to work with professionals to provide appropriate site triangles bike path and entering and exiting Westfield Rd. He cautioned the board that this is a subdivision regarding subjective assumptions and personal feelings; this is a minor subdivision not a site plan approval. Mr. Wieliczko stated chapter 158-10, when presented with a minor subdivision that does not require any variances the board is authorized to grant that relief. He also read recorded case law to the board. Mr. Wieliczko summarized the application and stated conditions. Mr. Matteo stated he is in agreement.

Board Discussion:

Mr. Zipin struggling with the by-right, he is concerned about the driveway on Westfield Rd being a safety issue. Mr. Wieliczko stated that if it satisfies the ordinance stated address the public welfare. Mr. Zipin is uncomfortable and wanted it on the record.

Mr. Maguire, Mr. Chesner, Mrs. Burns, Mr. Zipin, Mr. Moriuchi and Mr. Baker are all concerned with major thoroughfares in the R2 zone.

Mrs. Burns made a motion to approve the application with conditions listed, seconded by Mr. Chesner. The roll call vote of the Board was Mrs. Burns, Yes, Mrs. Chesner, Yes, Mr. Maguire, Yes, Mr. Musgnug, yes, Mrs. Petriello, No, Mr. Zipin, Yes, Mr. Moriuchi, Yes, Mr. Barker, Yes and Mr. Aberant recused himself. Motion passes 7 to 1.

Public Comments: None

Mrs. Jamanow stated the March 17 meeting is cancelled, with the next meeting being on April 7, 2022.

Mr. Chesner inquired on how the board could address the issues of thoroughfares.

Mr. Musgnug stated the board could add the thoroughfare issue to the ordinance committee. Mr. Wieliczko stated this will be better handled in a subcommittee and off the record. Mrs. Jamanow will reach out the subcommittee for a meeting date.

ADJOURNMENT

Mr. Barker stated the next meeting would be 04/7/2022. A motion to adjourn was made by Mr. Wesolowski and seconded by Mr. Musgnug. The meeting was adjourned at 9:00 PM.

Next Meeting: 4/7/2022 at 7:00 pm