

**ZONING BOARD OF ADJUSTMENT
MINUTES
JULY 10, 2019**

The regular meeting of the Zoning Board of Adjustment was called to order by John Gee, Jr., Chairman.

All rose for the Pledge of Allegiance.

Meeting has been advertised in accordance with the State Open Public Meetings Act.

Roll Call:

Present: John Gee, Jr.
 Karen Radie
 Angie Santori
 Steve Schmidt
 John Zahradnick
 Richard Borden, Alt. #1
 Dawn Sadlowski, Alt. #2

Absent: Michael Bimmer
 Lu Valentino

Also Present: Robert Kingsbury, Esq.
 John Cantwell, P.E., P.P., C.M.E.
 Kevin Rijs, Community Development Director

New Business:

128 High Street – Block 4; Lot 5.01; James Moyer; Z-19-12
Zone: Residential (RA) Existing Use: Single Family Dwelling
Application: “C” variance, rear yard setback. Remove & replace private detached garage.

James Moyer, Applicant, sworn in by Attorney Kingsbury.

Replacement of old garage with a new, single-car garage; wood structure. Old garage has been removed. House is on High Street; garage is entered from North Maple Avenue. Garage will be used for storage; no residential living. Requesting variance for rear-yard setback of 9’.

Public: None. Public Portion closed.

Board: None.

Mr. Cantwell: Review of June 26 letter.

Motion to Approve: Radie/Schmidt. Roll Call: All Approve.

**ZONING BOARD OF ADJUSTMENT
MINUTES
JULY 10, 2019
Page 2**

**Fox Meadow Apartments - Block 172; Lots 1, 1.01, 1.02, 1.03; 1.04; Recreation Improvements; Z-19-6
Zone: Planned Development (PD)**

Application: Remove & Replace existing recreation improvements, construct a new club-house, storage units, circulation/parking changes. “d” Variance.

Thomas J. Coleman, III, Esq.; Mr. Petrone, Esq. –Raymond Coleman &Heinold, LLP
Mark E. Malinowski, PE, Stout and Caldwell Engineers, LLC; Kent M. Werner, Project Architect, J Randolph Parry Architects, PC; Richard Kurtz, Principal, Deerfield Associates; Scott D. Taylor, Taylor Design Group, Inc. sworn in by Attorney Kingsbury.

Deerfield Associates purchased property in 1988; 1,492 family units. Accessory improvements – tennis courts, pool, basketball courts, playground, walking path, etc. This is an opportunity to facelift improvements. Application requesting preliminary and final amended site plan approval. Expansion of non-conforming apartment use for amenities associated with that apartment use. Principal use (apartments) is not being expanded; accessories associated with the principal use are being expanded. Presently, there are 1,700 parking spaces; application eliminated six spaces. Constructing 29 new storage units, 8’ apart. Footprint is not being expanded; new apartments will not be added; not infringing on wetlands. Application improves quality of life; improves the character of the apartment complex; improves – for the Township – that current recreational facilities will not be imposed upon by Fox Meadow residents.

Mr. Malinowski Testimony: Presentation of specific improvements with exhibits. Recreational area is at rear of property and is the only area being improved. Parking areas to the north and northwest. Below that is a maintenance building and a daycare center. Recreational area comprises approximately 4 acres of the entire 90.5 acres. Demolition: four tennis courts; basketball court; swimming pool; pool house; some parking area to the north/northwest; drive aisle and parking space that runs along side the daycare center. New club house will be in the existing area of pool house. Existing pool will be reconstructed. Proposing a covered pavilion behind pool. New pavement and expanded parking area; 29 storage units (for residents’ belongings) will be on north side. Two tennis courts reconstructed; two tennis courts and basketball court will be taken out and replaced with a grass field for use by residents. Whole area will be enclosed with a 6’ vinyl chain-link fence. Landscaping throughout. Site lighting along walking trail.

Mr. Cantwell: Review of June 4 letter. Concern about loss of parking spaces; Mr. Malinowski emphasized that there is ample parking for residents and employees. Safety plan for residents during construction will be provided. Discussion of stormwater management. Everything drains into Pennsauken Creek; no noticeable increase in stormwater runoff. Will provide information regarding grading and utilities. There will be security lighting around pool. Regarding trash, there are a number of recycling containers and dumpsters throughout the complex. The closest that proposal comes to the wetlands delineation line is 118 feet (proposed pavilion).

Any approval would be dependent on DEP response. Comments on flood hazard zone.

**ZONING BOARD OF ADJUSTMENT
MINUTES
JULY 10, 2019
Page 3**

Mr. Werner Testimony: Presentation regarding club house. Two-story structure; approx. 36' high to roof peak. Entrance at grade. Upon entering, to the right will be a gymnasium space and a community room; to the left would be a game room and computer room area. There will be office space for staff, restrooms, locker rooms, and a roof terrace (toward creek side). Two stairwells and an elevator will go to second floor space where there will be another community room, a small warming kitchen, restrooms, roof terraces. Light-colored brick and siding.

Proposed garages: materials will mimic the existing apartment buildings.

Mr. Kurtz Testimony: With Kamson Corporation, Englewood Cliffs, NJ. Will have outside memberships for the community.

Chairman Gee suggested a meeting with Kamson Corporation, MSPD, and the engineer.

Question from Mr. Zahradnick regarding basketball court (being taken down and not replaced). Clarification of tree removal.

Mr. Taylor Testimony: Presentation regarding justification of variances and landscaping. Require "C" variance because of separation between garage buildings where ordinance requires a separation of 15', and they have 8' between buildings. Requesting expansion of an existing non-conforming use within the PD zone. Regarding two fences behind existing pool building, growing out of that fence line is poison ivy, white mulberry, and tree of heaven, both of which are non-native, invasive species and should be removed. Applicant has agreed to make all species changes suggested by Engineer. Proposal advances multiple purposes of zoning. They will comply with findings of the Department of Environmental Protection letter of interpretation.

Question from Mr. Cantwell: Will tenants be automatically enrolled in clubhouse membership? *Yes.* Fire Official request for additional hydrant in vicinity of clubhouse. *They will comply.* Access to building. *To be discussed.*

Public:

Questions/comments from residents: John McCarthy – Watergate: *recreation building being a business;* Sandra Renzi – Watergate: *visibility from terrace/parking & foot traffic from Fox Meadow;* Sonny Frett: *basketball court;* Ann Handlon: *geography/runoff;* Joseph Neal – Moorestown: *tree removal; runoff;* Robert Olivarez – DEP letter; Allyson Hang/Bill Hang – Moorestown: *privacy/noise/lighting;* Barbara Rich – Moorestown: *stormwater management;* April Iorio/Dave Fecca – Moorestown: *stormwater/wetlands;* Pamela Richards – Moorestown: *replacement trees.*

Board: Question regarding basketball court.

**ZONING BOARD OF ADJUSTMENT
MINUTES
JULY 10, 2019
Page 4**

Motion to grant a use variance to permit the improvements that are proposed: demolition of existing facilities; installation of the improvements as described to the Board: Radie/Schmidt. Roll Call: All Approve.

Two bulk variances: variance to reduce the number of parking spaces by six; variance for a separation between buildings (15' required; 8' proposed). Preliminary/final site plan approval conditions: compliance with the recommendations of the Board Engineer's report; approval by the NJ DEP of the wetlands line delineation; determination that they are not constructing in a flood plane; any deficiencies in site lighting will be corrected; shielding to be provided for lighting to avoid a nuisance to residential apartments; sufficient dumpsters will be supplied in accordance with the opinion of the Board Engineer; broken fences will be repaired; membership in the facilities will be open to public, but not marketed; will have option to install one or two basketball courts, if they wish, without having to reappear before the Board for an amended site plan.

Motion to Approve (simple majority): Sadlowski/Santori. Roll Call: 6 Approvals; 1 Denial (Borden).

Old Business:

Minutes:

June 12, 2019

Motion to Approve: Schmidt/Gee. All In Favor.

Miscellaneous:

Reports:

Solicitor: Resolutions

2019-ZB-13: 325 W. Mill Rd. – Block 137; Lot 2; The Palace Associates LLC, Solar
(Attorney Kingsbury to make revisions; hold until August meeting)

2019-ZB-10: 355 Elm Ave. – Block 88; Lot 14.02; Jason Richeck

Motion to Approve: Borden/Santori. Roll Call: All Approve.

Eligible to Approve:	Michael Bimmer	Angie Santori
	John Gee, Jr.	Lu Valentino
	Karen Radie	Richard Borden, Alt. #1

2019-ZB-11: 40 W. Woodcrest Ave. – Block 129.06; Lot 20; Jeanette Krebs

