

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING  
March 29, 2022**

**MEMBERS PRESENT:**

Walter Fazler  
Lynne Schill  
Vincent D'Antonio  
Lynne Gallo

**STAFF PRESENT**

Peter Clifford, Board Secretary  
Danielle Gsell, Recording Secretary  
Melanie Levan ESQ, Board Attorney  
Frederick Turek, P.E., C.M.E, Board Engineer

William Creeley  
Valerie Sirani, Alt. 2  
Joe Hanuscin, Alt. 1  
Tim Monahan

Absent: Georgette Castner

Mr. Fazler called the meeting to order in the Council Chambers at 7:00pm by reading the Open Public Meetings Act statement. A moment of silence was followed by the Pledge of Allegiance.

Roll call is as listed above.

**RESOLUTIONS:**

- None

**MINUTES:**

- A motion to approve the March 15, 2022 was made by Ms. Gallo seconded by Mr. Creeley. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

**PUBLIC HEARING:**

- **ZBA#2022-09**, Eric and Joan Michelle Davis, 424 E. 3rd Street, Block 6200, Lot 5, Zone R-3, Bulk variance to home, in-law suite addition - new kitchen, full bath, half bath and deck to rear of home.

Ms. Levan swore in the applicants and reviewed their application with them asking them to site what they were coming before the board for. The applicants are seeking a variance to get tear down an existing back porch and bathroom to replace it with an upgraded kitchen and bathroom. The application also asked for an in-law suite to be built

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but that is no longer needed since the applicant's in-laws have made other living arrangements. Exhibit A-1 was introduced to the Board to show what the current porch and bathroom looked like, the applicants testified the addition would be one story and would not increase the size of the house and will not be changing the set back of the house in any way. The setback will stay as is at 7ft 8 5/8 inches and the 23.3ft from the side yard. The total addition will be 340 sq. ft. and the proposed back porch will be 264 sq. ft.

- A motion to approve this Application was made by Mr. D'Antonio seconded by Ms. Gallo. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.
  
- **ZBA#2021-28**, Hector Vicenty, 6 Greenvale Road, Block 1900, Lot 6, Zone R-2, Bulk Variance for a paver patio. Existing area exceeds the percentage of allowable impervious coverage.

Mr. Edward Vidal, attorney for the applicant introduced himself to the Board and gave an overview of why he and his applicant, Mr. Hector Vicenty were coming before the Board. Mr. Vidal asked Mr. Vicenty when he had purchased the property and to give testimony to the Board about the condition of the house when he purchased it 2 years ago. Mr. Vicenty testified the house was in living condition but had been empty for some time and needed to have work done in order to improve the overall look of the property. Mr. Vicenty testified he had taken the 2<sup>nd</sup> floor off the house in order to have it redone since there was termite damage and rotting boards in which he obtained all the proper permitting for. The Beechwood Landscape Architect designs were introduced to the Board to show what the plans were to bring the property back to its purchased impervious coverage of 35.58% the back deck was also redone and made larger which added to the overage of the coverage allowed on the property. The applicant testified he was not aware he needed to come before the Board in order to add additional pavers, landscaping and the larger deck until Mr. Clifford came out to the house to speak to him. He stated he has put a lot of money and time into making his property look like it does and has been looking for an engineer to create a plan for an engineered filtration system the would allow him to keep what he has done there in place but bring his coverage down to the 30% allowed by Moorestown Township. He has had trouble finding an engineer that does not have a conflict with Moorestown Twp. as of the meeting but is continuing to look. The applicant would like to install French drains in order to help mitigate the storm water run-off. Beechwood Landscape Architect created a design that would remove pavers and the cement in front of the 2 car existing garage in order to get the property back to the 35.58% coverage he had when the property was purchased should he not be able to find an engineer to install the drains and the filtration system. The Board asked questions about what the applicant

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would like to accomplish with this application since he has put so much time and effort into the property to make it look better. They also spoke in length about the different alternatives he had on changing things around to achieve less impervious coverage. After discussion the Board agreed on conditions for the application.

- A motion to approve this Application with the following conditions:
  - 1 year to complete the work or implement the engineering solutions
  - 35.39% if soil can't handle the engineering solutions
  - 30% with engineered filtration plan

was made by Mr. D'Antonio seconded by Ms. Gallo. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.

- **ZBA#2021-32**, Charles and Lisa Esposito, 527 Chestnut Street, Block 5600, Lot 9, Zone R-2, Bulk Variance - Install in ground pool & pool deck to exceed the allowable 30% impervious by 11%. Bringing total impervious coverage to 41%

Mr. George Matteo, attorney for the applicant introduced his clients and the Professional engineer, Mr. James Maccariella, to the Board than reviewed the application and why the applicant was coming before the Board. The applicant is asking for relief to install a 14ft. by 29ft. pool in the backyard as well as a 6ft. by 22ft. pool deck. Mr. Matteo asked Mr. Maccariella to give the Board his credentials so he could be accepted as an expert in which the Board did. He then introduced Exhibits A-1 (photos of the existing home and backyard) A-2 (Atlas Soil testing report) and A-3 (updated survey of property dated 3/15/2022 based on the soil test) He then proceeded to explain to the Board what each photo in exhibit A-1 was depicting so they would be able to get a better idea of what is currently there compared to what is being proposed. Mr. Maccariella was asked to explain in detail the proposed engineered filtration system the applicants would be installing in order to help mitigate the storm water runoff in the yard. They will also be rerouting 4 downspouts from the house to the new system. This plan will get the coverage down to the 30% Moorestown Twp. requires on a property. The existing vegetation will not be disturbed during construction since the crew will be using the back driveway to come and go from the site. Mr. Matteo went through each point on Mr. Turek's letter dated 1/12/2022 and stated the applicant would comply with all requests. There will be an observation hole placed in the yard that will measure 3ft by 3ft by 54ft with filter fabric lining and river rocks that will capture and recharge

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most of the water from the property. This will also allow the applicant to monitor the water that is being recharged to ensure it is going where it needs to go and not backing up into the yard or running off on to the neighboring properties. Mr. Fazler asked about debris backing the system up and causing problems but Mr. Maccariella testified the filter fabric will catch most debris and stop it from causing a problem. When asked about the durability of the fabric Mr. Maccariella stated it will take a long time to breakdown and would be very sustainable. The existing fence was mentioned in the application since the applicant was not sure if it complied with code but it did so there was no need to discuss that any future. Mr. Turek asked about a clean out system being put into place to ensure the trench continues to work the way it should and there would not be any issues.

**PUBLIC COMMENT:**

Mr. Jeff Brennan, Attorney for Mr. and Mrs. Kenneth Coppola—525 Chestnut St. introduced himself to the Board and stated he was there on behalf of the neighbors objecting the application. They felt this application was a terrible idea since the proposed pool would be about 15ft. from their property line and would make the lot coverage that is already over even more so. They felt this would also crowd the property too much making it look more like a home from down at the shore than an in Moorestown. Mr. Brennan introduced Mr. Sean Moronski, Objectors Planner, was introduced to the Board and accepted as an expert after reviewing his credentials with them. Mr. Brennan introduced exhibit O-1 (Older survey rendered in color by objector) to show how crowded the pool will make the property look and how close it will be to Mr. Coppola's property line. Mr. Moronski testified he had reviewed the 2018 Master Plan, Zoning Ordinance's and the application so he would be able to speak to the positive and negative criteria of the application. He did not feel the applicant had been able to show a hardship for this application and therefore it was not meeting the burden of proof. Mr. Coppola was sworn in and asked to explain why he was objecting the application. He testified he had concerns about storm water runoff and how it would be effecting his property. Exhibits O-2 (general overview of where pool will be) and O-3 (looking at back of driveway on property) were introduced by Mr. Coppola who had these exhibits done by a graphic artist to depict what the property would look like from his house. Mr. Coppola was concerned about the trench and the pool being continually maintained since he has seen cases where after a certain amount of years homeowners let them go and stop maintaining them.

Mr. Matteo asked to cross-examine Mr. Coppola and was granted that right. He asked about the accuracy of the exhibits, Mr. Coppola testified he couldn't testify to the accuracy since they were just photos taken with graphic design enhancements. Mr. Matteo continued to ask questions regarding the sub-division that was done prior to the home being sold

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about 8 ½ years ago. He then proceeded to question Mr. Moronski about his review of the positive and negative criteria from the application. Mr. Matteo asked about the trench being better for the public good since it was going to be mitigating the water and lessening if not taking away the storm water runoff from the property. The Board asked Mr. Coppola if he thought removing part of one of the driveways would be a good solution to also lessen the impervious coverage but Mr. Coppola said that was not really beneficial since that was a large selling point for the property.

Mr. Brennan provided his closing comments and asked the Board to take into account all the testimony heard and all the negative criteria cited by Mr. Moronski. He asked the Board to deny the application.

Mr. Matteo summed up the application and asked the Board to keep in mind all the engineered filtration system the applicant was going to be putting in on the property to ensure the storm water runoff would stay on the property and not affect the surrounding neighbors. He also stated the applicant purchased a property that was non-conforming to start with and by asking to increase by 2.3% but adding the filtration to get it to the 30% was beneficial for the town and for the applicant.

**BOARD COMMENTS:**

Many Board members spoke to the filtration system and how they felt it was tastefully designed as well as how they thought it was a good idea. Ms. Schill felt that taking away the “leg” of the property before it was sold caused problems for the homeowner from the start and that it made it harder for them to be able to do anything on the property. Board members felt this application was done well and the applicant was not asking for much considering what they were doing.

- A motion to approve this Application with the following conditions:
  - OEM as part of the deed recording
  - Clean-out and pop-up plan created
  - All plans need to be approved by Zoning Board Engineer, Mr. Fred Turek

was made by Ms. Schill seconded by Mr. D’Antonio. The roll call vote of eligible Board Members was 6 to 1 in favor. Motion Carried.

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Mr. Clifford read the Resolution to go into closed Session and the Board stepped off the dais to do so at 10:20pm

- **DISCUSSION:** Closed Session - Resolution No. ZBA-2022-11
  - We came back into session at 10:35pm to close the official meeting.

With no further business to discuss, Ms. Schill made a motion, seconded by Mr. D'Antonio to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 10:35pm