

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
August 16, 2022**

MEMBERS PRESENT:

Walter Fazler
Lynne Schill
Vincent D'Antonio
Valerie Sirani, Alt. 1
Repici, Alt. 2
Tim Monahan
Joe Hanuscin

STAFF PRESENT

Peter Clifford, Board Secretary
Danielle Gsell, Recording Secretary
Matthew Wieliczko ESQ, ALT. Board Attorney
Frederick Turek, P.E., C.M.E, Board Engineer Nicholas
Michelle Taylor, P.P, A.I.C.P Board Planner

Absent: Lynne Gallo, William Creeley

Mr. Fazler called the meeting to order in the Council Chambers at 7:03pm 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:

- ZBA#2021-38, Manor Hill Contracting Services
 - A motion to approve this resolution was made by Ms. Schill seconded by Mr. Monahan. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- ZBA#2021-39, Manor Hill Contracting Services
 - A motion to approve this resolution was made by Mr. Monahan seconded by Ms. Schill. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

MINUTES:

- A motion to approve the July 19, 2022 was made by Mr. D'Antonio seconded by Ms. Schill. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

Chairman Fazler made the announcement the August 30, 2022 Zoning Board meeting was going to be cancelled and the next meeting was scheduled for September 20, 2022.

PUBLIC HEARING:

- ZBA#2022-12, Anthony and Joanne Mazzarelli, 733 Jamie Drive, Block 4009, Lot 17, Zone R-1-A, Bulk Variance for rear yard improvements – including an in-ground pool, spas, patio, outdoor kitchen, seating areas, pergola, shower, storage room, powder room, landscaping, fencing, pool equipment enclosure and a storm water management recharge system.

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Mr. Chuck Petrone, Attorney for the applicant, introduced himself and his witnesses to the Board asking to have them sworn in to provide testimony on the application. Mr. Mazzarelli, homeowner and applicant, Mr. Joe Palimeno, Landscape Designer, and Mr. Scott Brown, Engineer were all sworn in and approved by the Board in order to provide testimony to the application.

Exhibit A-1 (colored rendering of backyard design) was presented to the Board by Mr. Palimeno. He proceeded to testify what the applicant was looking to have done to the backyard and how he would be improving the area. He would be adding a 20X50 pool in the yard with a built in hot tub and a sun shelf for people to relax on. There will also be an open pool house with shower, restroom and changing area. There will be significant landscaping done around the yard as well as the installation of new trees that will be replacing the ones that need to be removed to accommodate the new pool and are not considered safe to be still in the yard. There was much discussion about the recharge system being installed and how it would be functioning to help aid in storm water runoff as well as supplying the landscaping with the water they need. When asked about why the applicant wanted to have such extensive work done in the yard he testified he had something similar growing up and enjoyed all the time he got to spend in the yard with friends and family, he wanted that for his kids and family members.

Mr. Scott Brown, Engineer, was accepted as an expert by the Board. He testified to his design of the grading plan and how the recharge system was going to work with the pool and landscaping design. Exhibit A-2 (Grading Plan) was introduced and showed in better detail how the channel drains would be running through the yard as well as how they would be filtering the excess water from the patio into them. Mr. Brown testified to the findings from the test pit that was done with the soil to help capture the storm water. He spoke about the maintenance plan and how the applicant agreed to maintain the system as outlined in the plan. The applicant also agreed to all recommendations cited in Mr. Turek's letter. Mr. Turek then highlighted some of the recommendations from the letter dated 7/13/2022 and the responses he received from the applicant to those recommendations. After the discussion with the Board and the professionals the applicant agreed to clean up some details in the application and modify the grading plan accordingly. There was more discussion surrounding the tree deemed unsafe by the hired tree expert and how it would need to come down since it is filled with concrete and was again deemed unsafe by the expert, but the applicant agreed to replace it with other landscaping and trees. The surrounding fence details originally proposed were not acceptable with the original application so the applicant modified it to now include a black aluminum fence which is acceptable to the Board and the Board Professionals.

When asked about reducing some the lot coverage being proposed the applicant testified he would like to keep the design being presented since he has already scaled down the design before it was brought to the Board and he didn't want to lose any more of the design. The Board asked about the recharge system and how the design worked as well as placing the additional proposed landscaping strategically around the yard to help with the water and recharge system.

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Mr. Wieliczko reviewed the conditions of approval with the Board so they could better understand what they were being asked to vote on.

A motion to approve this Application with the following conditions:

1. Plant trees to replace the 78 inch Broad Leaf tree that needs to come down
2. Comply with all recommendations called out in Turek Consulting's Letter dated 7/13/2022
3. Property owner required to maintain recharge system
4. Speak to Mr. LaRocca about new fencing details proposed in application
5. No one is allowed to live in the pool house
6. Deed restriction- Disbanded

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

- **ZBA#2022-13**, Charles Magee, 202 N. Lenola Road, Block 1101, Lot 24, Zone R-3, Bulk Variance to install 24' round swimming pool which exceeds zoning setbacks.
 - This application is being carried to the September hearing. No new notice will be required
- **ZBA#2022-14**, Barette Widell, 875 Cox Road, Block 7600, Lot 9, Zone R-1, Bulk Variance to permit construction to build a pool, associated patio and pool code fence to the front of the front line of the main building, in what is considered the front yard area.

Mr. Bob Baranowski, Attorney for the applicant, introduced himself and the applicant Mr. Widell to the Board and reviewed the application coming before the Board and why it was a tricky one. He introduced Exhibit A-1 (pool grading plan, survey, and DEP report-letter of disturbance) Mr. Baranowski spoke about the current pond in the yard and testified he would be submitting to the DEP the letter of disturbance to ensure the pond is not in the wetlands area and would not be effected by this application. Exhibit A-2 (photos of house and areas surrounding the house) were presented to the Board to show how the applicant's house is set up and why they need to come to the Board with this application. There was discussion about asking the Board to change the orientation of the house so if they wanted to add a shed or additional seating area they would not always have to come before the Board.

Exhibit A-3 (fencing around pool) was presented to the Board to show what type of fencing was being proposed around the pool and how it would be situated. Mr. Widell was sworn in and testified that all information provided by Mr. Baranowski was truthful and accurate to the application. Since the house was built in 1988 the set up has been the same and there have been no

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changes made according to the current homeowner. Ms. Taylor was also sworn in and spoke to her letter with recommendations to the application, in which the applicant agreed to all the recommendations in that letter sighting he will specifically look into recommendation # 9 about the driveway located on lot # 7. She also spoke in length about the C-1 and C-2 criteria and how she felt it would be best to change the orientation of the house. There was discussion about the existing driveway and how the neighbors use it but due to the easement agreement in place Mr. Widell must maintain it. There was additional discussion about changing the orientation of the house and how that would affect the future applications as well as this one. Mr. Wieliczko summed up the application so the Board would have a better understanding of what is being asked for and explained the change in orientation will be as follows:

East Side-Rear

West Side- Front

Rear and parallel line will be closest to Cox Rd.

A motion to approve this Application was made by Mr. D'Antonio seconded by Ms. Schill. The roll call vote of eligible Board Members unanimous in favor. Motion Carried.

- **ZBA#2022-15**, Glenn and Jeanne Paulsen, 345 Tom Brown Road, Block 5200, Lot 12, Zone R-1, Bulk Variance - Applicant proposes to locate a pole barn in front of the house on the property.
 - This application is being carried to the September hearing. No new notice will be required

DISCUSSION:

With no further business to discuss, Ms. Schill made a motion, seconded by Mr. Monahan to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 8:54pm.