

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
February 18, 2025**

MEMBERS PRESENT:

Timothy Monahan
William Creeley
Vincent D'Antonio
Joe Hanuscin
Margaret Brossy, Alt. 2
Greg Heleniak
James Davis, Alt. 1

STAFF PRESENT

Patty Muscella, Board Secretary
Danielle Gsell, Recording Secretary
Elaine Fahey, Board Attorney

Absent: Walter Fazler, Lynne Schill

Mr. D'Antonio 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:

- o None

Ms. Fahey swore in Ms. Margaret Brossy as Alternate Board Member 2 to the Zoning Board of Adjustment.

MINUTES:

- A motion to approve the January 21, 2025 was made by Mr. Hanuscin seconded by Mr. Heleniak. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- A motion to approve the January 29, 2025 was made by Mr. Hanuscin seconded by Mr. Heleniak. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

New Business:

- ZBA#2022-27EXT Kyle & Bethany Abrahams, 236 N. Riding Drive, Block 3500 Lot 12. Request for an Extension of approval for an addition and a variance for impervious coverage.
Mr. Abrahams was sworn in by Ms. Fahey and asked to give the Board reasoning behind why he was asking for an extension on his approval to December 2025. Since there have been some family medical issues and financial hardship the proposed project was not completed within the time frame of the original approval. He is asking for the extension so the plans can be done, there will be no changes to the original application and what was proposed. If changes are being made he will come back before the Board for additional approval.

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
February 18, 2025**

- A motion to approve this application was made by Mr. Hanuscin seconded by Mr. Monahan. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- ZBA#2024-28 Magda Franco Lara, 517 N Lincoln Avenue, Block 606 Lots 12 & 13. Request for Bulk Variance relief 180-25E to permit a 12 rear yard setback where 25 feet is required for a garage.
 - This application will not be heard due to mis-notice. New notice is required by the applicant and will be heard at a future hearing.
- ZBA#2025-11 James & Lisa O'Donnell, 320 & 322 E. Maple Avenue, Block 5602 Lot 28.02 & 33. Request is for Bulk Variance relief from 180-99.2D to permit a 4' post and rail fence and 2 gates in the front yard of the property.

Mr. Rich Roy, Attorney for the applicant introduced himself and the homeowner to the Board giving a brief description of application. The application is for a proposed 4 ft. post rail fence around his property to run through the wooded area and connect to the existing fence on the property. Ms. Fahey swore in Mr. O'Donnell to provide testimony to the application. Mr. O'Donnell explained that he would like to have the fence installed since there have been numerous occasions where cars have come down his driveway, relaxing it is a dead end and having to make a k-turn to get out of the driveway. He would like to have the fence installed to prevent that from happening as well as keeping his family safe when outside. Exhibit A-1, photos of the area where the proposed fence will go were shown to the Board to emphasize the need for the fence as well as the fact that no neighbors will be impacted by the installation of the fence. There will be 2 gates on either side of the fence, one will be manual and one will be automatic with a Knox box for access to the house by the fire department and emergency services. The Board thought this would be a great addition to the property and understood the need for the fence.
- A motion to approve this application with the following conditions: a Knox Box needs to be installed and the fence must be remaining open and not changed to a stockade or closed fence was made by Mr. Creeley seconded by Mr. Heleniak. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.
- ZBA#2024-30 Lauren Weissman & Salwa Sulieman, 224 East Oak Avenue, Block 5900 Lots 6&7. Request for Bulk Variance relief from 180-22B to permit 36.1% impervious coverage where 30% is permitted and 31% exists now.

Mr. George Matteo, Attorney for the applicant and Mr. Gary Chang, Civil Engineer for the application were sworn in by Ms. Fahey to provide testimony to the application for the pool. Exhibit A-1, photos of the backyard as is were introduced to show how the yard will be looking prior to the pool being installed. Mr. Matteo explained to the Board that the property was already over its impervious coverage when it was purchased by the applicant in 2021. The applicants would like to have a pool installed and have had a water filtration system designed to help mitigate any storm water run-off. Mr. Chang was accepted by an expert in his field and asked to provide testimony to the application. The pool will be in the South West corner of the property and drains from the North to

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
February 18, 2025**

the South. They will be collecting all the runoff and mitigating it through the system designed by Mr. Chang. This design was done based on the best Management practice according to the NJDEP. Since 2021 the homeowners have not done any additions or renovations which would have caused the impervious coverage to be over the allowable.

Ms. Taylor spoke to her letter and what she would like to see with the pool installation and asked the applicant to replace trees that would need to be taken out with new trees in accordance with the tree ordinance in Moorestown. Mr. Chang testified there would not be a need for any trees to be removed since they were along the property line and not where the pool was being proposed. The bulk of the vegetation is along the property line and will not be affected by the installation of the proposed pool and should there be an issue with a tree the applicant has agreed to replace them. The suggestion was made to make a condition of approval to set up a maintenance plan for the filtration system. Lighting around the pool with eb directed down towards the ground as to not disturb the neighbors but also provide adequate lighting for the pool. The Board asked questions about the filtration system and how it was working to ensure there would be no runoff to the neighbors or to the homeowners house, Mr. Chang again described the system functions and how it was designed with the NJDEP Management Best Practice.

Ms. Weissman, the applicant was asked to come up and speak to the application and how the property was designed and why she felt the existing driveway could not be taken away as asked by the Board to make the impervious coverage less. Mr. Heleniak stated he was not sure how this application proposed a hardship to the applicant and how he felt this application did not provide enough evidence to show the hardship.

The Board spoke about their worries of stormwater runoff and how it will affect the property as well as the other properties around them. They are concerned about the maintenance and the system clogging when a large storm hits. Mr. Chang did state the applicant agreed to have a maintenance plan in place for the system. There was also discussion about putting in a trench around the pool which would place a large additional cost on the applicant which they would have to talk about before agreeing to anything. Mr. Matteo spoke to the system again and also to the fact that the property was over its impervious coverage when purchased in 2021 by the applicant.

PUBLIC COMMENTS:

David Ludwick- 404 Elm

Mr. Ludwick is in the property directly next to the applicant and was in support of the application since he felt the applicant did a great job in making sure the stormwater would be captured and filtered to avoid runoff and flooding.

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
February 18, 2025**

Mr. Matteo summed up the application and asked the Board to approve this application for the benefit of the applicant as well as the fact the applicant put much thought into the filtration system and making sure the proposed pool did not affect the vegetation.

BOARD COMMENTS:

Mr. Hanuscin stated he could not blame the applicant for something they could not control and how if you are building a pool you don't want a small patio you would want something that would be beneficial to your use. He spoke about the filtration system and it being a good design.

All Board members were in agreement that they were concerned about the stormwater runoff and the system not being able to handle the flooding. They would like the applicant to consider the trench around the pool to catch any additional runoff. There was additional conversation about the vegetation and how they would like to see no loss of vegetation and if it needed to be taken out then it would be replaced. They did feel there was a large amount of concrete around the property but acknowledged that was not the doing of the applicant. Ms. Muscella suggested having the Township Engineer look at the plans to determine if they felt the proposed filtration system was sufficient, the applicant agreed to have the plans looked at.

The following conditions were placed on the application:

1. Replace any loss vegetation with new vegetation of the same
2. OEM manual for cleaning the filtration system
3. Township Engineer will review the plans

A motion to approve this application with the listed conditions was made by Mr. Hanuscin was seconded by Mr. Davis. The roll call vote of eligible Board members was 5 to 2 with a vote no from Mr. Monahan and Mr. Helenaik in favor. Motion Carried.

Next Meeting: Discussion Items- 2024 Annual Report

The 2024 Annual Report will be discussed at the meeting being held on 3/18/2025.

- Adjournment

With no further business to discuss, Mr. Heleniak made a motion, seconded by Mr. Hanuscin adjourned the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 8:45pm

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
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