

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
October 19, 2021**

MEMBERS PRESENT:

Joseph Maguire
Lynne Schill
Vincent D'Antonio
William Creeley
Walter Fazler
Chetan Vajapay @ 7:55pm
Georgette Castner
Timothy Monahan

STAFF PRESENT

Peter Clifford, Board Secretary
Melanie Levan ESQ, Board Attorney
Danielle Gsell, Recording Secretary
Matthew Wieliczko ESQ, Alternate Board Attorney

Absent: Lynne Gallo

Mr. Maguire 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:

- **ZBA#2021-20, Michael Boone & Sarah Clarke, 720 Garwood Road, Block 7100 Lot 14, Zone R-1, Bulk Variance to expand the footprint of the house by adding additional interior space and a front portico and side porch.**
 - A motion to approve this resolution was made by Mr. Creeley seconded by Mr. D'Antonio. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

MINUTES:

- A motion to approve the September 21, 2021 with the corrected "Ms. To "Mr." Creeley Meeting Minutes was made by Mr. D'Antonio seconded by Ms. Schill. The roll call vote of eligible Board members was unanimous in favor. Motion Carried.

PUBLIC HEARING:

- **ZBA#2021-25, Varun Arora, 6 Almeda Lane, Block 6100 Lot 22.07, Zone R-3, Bulk Variance- Build Deck with roof over concrete patio. Rear Yard setback of 16ft. where 25 ft. is required.**

Ms. Levan recused herself from this application since the applicant is an existing client of hers. Mr. Matt Wieliczko, alternate Board Attorney, was asked to join the meeting for this application.

Mr. Steven Jozwiak, attorney for the applicant, Mr. Tom Haviland, elected HOA President and Mr. Varun Arora, applicant was introduced and sworn in. Mr. Jozwiak reviewed the nature of the application and what variances the applicant was seeking. He then asked the applicant to describe what the existing patio looked like and why he was asking for the new proposed deck to be built. The applicant prepared a PowerPoint presentation submitted with the application to show what the proposed deck would look like as well as what materials he planned on using to construct the deck. Also provided in the presentation were photos of what the current patio looks like. The applicant testified it would be about 7 ½ ft. from the existing patio (which will remain) and the bottom of the

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proposed deck. The applicant testified he is asking to have this deck built for his elderly father who has moved in and is sick so that he can safely enjoy the outdoors without the family having to worry about him wandering off and getting hurt. When asked about drainage issues on the property the applicant stated at this time there none but should something arise after the completion of the enclosed deck he would work with the township to correct the problem. Since this proposed deck will be enclosed the applicant will be using the area to eat and enjoy time with his family weather permitting.

Mr. Fazler asked about the worksheet and the numbers that were being used since there were duplicate calculations due to the fact that the existing patio square footage was being used when it didn't need to be, therefore there was not a need to use those figures in the calculation meaning the variance for the impervious coverage was now not needed.

Mr. Haviland, elected President of the HOA, testified he has spoken to the applicant both in person and over the phone about the plans for the proposed deck as well as seen the plans and doesn't believe there is an issue with what he is asking for. He feels this will be a nice addition to the property.

PUBLIC COMMENT:

Mr. Doug Derry- 10 Mindy Dr.

Mr. Derry expressed his concerns for the drainage issues that he and his neighbors have on Mindy Dr. although they are through no fault of the applicant he felt the Board should be made aware of the problems since they are ongoing. He also asked if the application was being "jiggered" to help get the application approved. Mr. Wieliczko corrected the wording Mr. Derry used explaining the application was in no way being "jiggered" that in fact the worksheet had been done incorrectly and there was now no need for the impervious coverage variance.

Mr. Jozwiak summed up the applicant noting the positive and negative criteria of the application. He asked the Board to consider the nature of the application and why the applicant was coming before the Board. All Board members agreed it was hard to add something to such a small property space but felt the applicant did a good job in making the proposed deck look like the house while still fitting in with the other homes in the area.

- A motion to approve this Application with the condition the applicant work with the Township should drainage issues arise upon completion of the deck was made by Mr. Fazler seconded by Mr. D'Antonio. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.
- **ZBA#2021-22, Country Cioll, 179 Haines Drive, Block 3103 Lot 25, Zone R-2, Bulk Variance- Seeking relief to install pool filter equipment 3' from side property line where 15' is required.**

Ms. Levan rejoined the meeting at 7:58pm for the next application.

Mr. John Zohlman III, Attorney for the applicant, introduced himself and reviewed the changed to the application with the Board since this was a continuation from the September 21, 2021 Zoning Board Meeting. Mr. Zohlman explained to the Board the application was the same except for the fact the pool equipment had been moved as per the conversation from the September meeting. The applicant is seeking an impervious coverage variance for .9% for the one side of the pool in which they would like to have a small patio with a table and 4 chairs for

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their children or guests that come over to utilize the pool area. There were photos submitted with the application showing the yard and the bamboo surrounding the property in which helps with the water drainage. The applicant testified she has not had any issues with standing water in her yard since the bamboo helps that. Since the remaining portion of the application is the same there was no new additional information to be provided. The Board discussed the positives about having the bamboo in the yard to help aid in soaking up any drainage water issues but also asked the applicant if she would be willing to work with the Township should any arise, in which she agreed. Mr. Zohlman summed up the application noting the positive and negative criteria of the application.

- A motion to approve this Application was made by Mr. Creeley seconded by Ms. Schill. The roll call vote of eligible Board Members was 6 to 1 in favor. Motion Carried.

- **ZBA#2021-23 Ryan and Susan Francis, 25 Windermere Drive, Block 6006 Lot 13, Zone R-2 Bulk Variance to install a taller fence in the front yard area on a corner lot.**

Ms. Levan swore in the applicants and reviewed their application with them. There is an existing aluminum fence the applicant would like to move more onto their property instead of the right away since the fence was installed without a permit by the prior owner. The fence will remain 55 inches high as it is now but will just be moved.

Ms. Castner asked about the fence being placed down the side of the driveway being the same height as the existing fence and the applicant testified it would be the same height fence but about 20 ft. of it will be new since they do not have enough of the existing fence to complete that side. There used to be fence there but it was cut down during construction and never replaced therefore the applicant will be replacing it.

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

- **ZBA#2021-24 Renee and Kristofer Morrison, 274 W. 3rd Street, Block 2401 Lot 5, Zone R-3, Bulk Variance for the building of a screened back porch on to the existing residence.**

Mr. Maguire recused himself from this application since he is a neighbor to the applicant and received the required notification of the application.

Ms. Levan swore in the applicant and reviewed the application with them. Mr. Greg La Vardera, architect, was also introduced and sworn in to speak to the application, he is licensed to practice in the state of NJ. Mr. La Vardera testified the existing deck is actually bigger than the proposed enclosed deck, but since the steps are designed the way they are it will be slightly larger. Since the lot lines are not perpendicular on the property that causes a need for the application to be brought before the Board. There are no standing water issues on this property and the applicants and architect do not feel this proposed enclosed deck will cause any issues. The applicants testified they spend a large amount of time in the back yard and by getting this application approved they will be able to spend even more time in the yard. They also felt the design of the proposed enclosed

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deck will fit in with the neighborhood as the neighbors to the left have a similar style enclosed porch.

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

- **ZBA#2021-26 Karen and Robert Wotring, 121 Mount Laurel Road, Block 6300 Lot 46 Zone R-2, Bulk Variance- Construction addition on home which will violate side yard width and aggregate requirements.**

Mr. Maguire was back to the meeting for this application. Ms. Levan swore in the homeowners and reviewed the application with them. The application has been brought before the Board since the applicant's parents are not in good health and will be moving into their home as well as the need for additional space with their growing family. The proposed addition will allow for a new master bedroom and bathroom as well as a sitting area and small kitchenette for the parents. A few of the Board Members questioned the location of the addition since it was such a big ask to have it placed that close to the side yard and aggregate setbacks. After discussion of moving the location of the addition the chosen location was the best fit for the addition and the applicant. The applicant expressed concerns about having to move the proposed addition since the current master bedroom is already on the side of the house and by granting the application it would make construction easier as well as the fact the applicant had a large deck built last year on the back and didn't want to have to remove it since it was a long expensive project. There was discussion about adding additional trees and shrubs to that side of the property to help mitigate the fact the proposed addition was so close to the side yard. The applicant testified they had spoken to their neighbors and they were all in support of this application and felt it would be a good fit for neighborhood. There is about 70 ft. from house to house so the buffering would be a good fit.

Some Board Members expressed their concerns about how much the applicant was asking for in this application and didn't feel they would be able to approve it without requiring additional buffering on the side for the proposed addition. There was discussion about how the Board and the applicant had looked at alternative options for the proposed addition and it was found that there was no better place to put the addition without requiring additional variances and making it a lot larger of the project for the applicants.

- A motion to approve this Application with the following condition, a landscape plan will need to be submitted to the Township Landscape Architect for approval was made by Ms. Schill seconded by Mr. Creeley. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.

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 9:58pm

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