

A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF HADDONFIELD

APPLICATION NUMBER:           ZBA #2021-10

PROPERTY ADDRESS:           410 Kings Highway West [B 190 L 2.01]

NAME OF APPLICANT:           Maureen Lanzi

OWNER OF PROPERTY:         Maureen Lanzi

DATE OF HEARING:            April 20, 2021

RESOLUTION NO.               ZBA #2021-10

APPEARANCES:                Maureen Lanzi, Owner and Applicant

Damien O. Del Duca, Esquire, Counsel for Applicant

Thomas Wagner, AIA, architect for the Applicant

Melanie Adamson , Board Engineer

Tavis Karrow, Board Secretary

Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson

Wayne Partenheimer, Vice-Chairperson

Brian Mulholland

Steve Sweet

Frank Troy

William Shanahan (Alternate I)

Note: This meeting was conducted virtually by zoom.

### **PROPERTY DESCRIPTION**

ZONING DISTRICT: R2  
LOT DIMENSIONS: 100' x 200'  
LOT AREA: 20000 sf  
STREET FRONTAGE: 100'  
STRUCTURES LOCATED  
ON LOT: vacant, unimproved lot

### **DEVELOPMENT PROPOSAL**

The proposal is to construct a single-family home.

### **RELIEF/VARIANCE REQUESTED**

Section 135-27D(1)(b): to permit a front lot frontage and width of 100' where 125' is required.

Section 135-18A: to permit a building or structure to be erected on a nonconforming lot held in single and separate ownership ...when granted a variance by the Zoning Board of Adjustment.

### **SUBMISSIONS**

Application

“Average Front Setback Plan” prepared by JTS Engineers and Land Surveyors, Inc dated December 7, 2020

Boundary and Topographic Survey, prepared by JTS Engineers and Land Surveyors, Inc., dated December 7, 2020

Also, the following exhibits were introduced at the hearing:

A-1 Aerial view of the property

A-2 Proposed Site Plan, prepared by Thomas B. Wagner, undated

A-3 Tax map

A-4 Haddonfield Zoning Map

A-5 Letter from Tavis Karrow, Haddonfield Community Development Director, affirming subdivision of Lots 2.01 and 2.06

A-6 Deed of Minor Subdivision

A-7 Color photos of the property

A-8 Letters to neighbors asking them to purchase property

A-9 Affidavit of proof of mailing

A-10 R & V 'clear to build' letter providing test pit results

A-11 Property record card

### **SUMMARY OF TESTIMONY AND EVIDENCE**

The applicant's counsel, Damien Del Duca presented the application to the Board. The lot is currently vacant, unimproved land. Applicant proposes to construct a single-family house on it. Applicant's counsel spent a portion of his presentation discussing the uncontested matter of the subject lot having been subdivided from its neighboring lot by the Planning Board in 1994. The subdivision was acknowledged and confirmed by the zoning officer on January 20, 2021. Counsel went on to explain the property was offered for sale to the adjoining landowners but neither was interested in purchasing it.

The subject lot is 100' wide but the Ordinance requires a lot width of 125'. Therefore, the Applicant seeks a variance under section 135-27-D-1-b. The Applicant also seeks a variance under Ordinance section 135-18(A) to be allowed to build a house on a nonconforming lot held in single and separate ownership when granted a variance by the Zoning Board of Adjustment. Applicant also could not gain an additional 25' from either neighbor without it then making that other lot nonconforming. Therefore a hardship exists.

Building a house on a lot with 100' width will not change the nature and character of the neighborhood because 100' wide lots are common in this portion of the R-2 zone. Therefore the Application satisfies the negative criteria.

Maureen Lanzi, the owner of the Property, testified that the subdivision took place and she plans on having a single family house built on the Property.

Neighbor Erin Livecchi of 400 KHW spoke during the public portion of the meeting. She was not opposed to the application but she had questions regarding the details of construction.

### **FINDING OF FACT AND CONCLUSIONS**

1. The property is in the R-2 zone.
2. The Board has jurisdiction over the subject matter requiring a decision.
3. The Board Secretary had identified as complete all necessary items to apply to the Board for variance approval.
4. To obtain a c(1) variance, the Applicant has to show a hardship specific to the Property.
5. The Applicant has provided testimony as to the proposed use of this specific property.
6. The variances can be granted under both NJSA 40:55D-70c(1).
7. The requested variances are for existing nonconformities that cannot be ameliorated.
8. Strict application of the zoning ordinance requirements would result in an undue hardship on the Applicant.
9. The application advances the purposes of the MLUL in that it looks to build a home that is consistent with other houses in the neighborhood.
10. Many of the surrounding lots have 100' lot frontage as well.
11. The granting of the variances does not represent any detriment to the zone plan or ordinance.
12. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.

13. Due notice has been given in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) and the rules of the Haddonfield Board of Adjustment.

### **RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Adjustment of the Borough of Haddonfield, that the application for a variance be and is hereby granted, pursuant to N.J.S.A. 40:55D-70(c).

### **CONDITIONS OF APPROVAL**

1. The development approved by this resolution must comply with the plans and specifications submitted with this application.
2. Applicant must comply with all other applicable ordinances and codes including but not limited to Shade Tree Ordinance, building codes, fire codes and all water management requirements.

Motion By: Burns, seconded by Parteneheimer

Board members voting to grant the requested variances: Burns, Parteneheimer, Mulholland, Sweet, Troy, Shanahan

Board members voting to deny the requested variances: None

**AND, BE IT FURTHER RESOLVED** that a copy of this Resolution be mailed within ten (10) days of the date of its adoption to the Applicant's Counsel and that a copy of this Resolution be maintained on file by the Construction Office of the Borough of Haddonfield and that a brief notice of this decision shall be public in the official newspaper of the Borough of Haddonfield.

### **CERTIFICATION**

I hereby certify that the foregoing is a true, accurate and complete copy of the resolution of memorialization adopted by the Zoning Board of Adjustment of the Borough of Haddonfield at

its regular monthly meeting on April 20, 2021, memorializing action taken by the Zoning Board on May 18, 2021.

Dated: \_\_\_\_\_

\_\_\_\_\_

**TAVIS KARROW, Secretary**

A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF HADDONFIELD

APPLICATION NUMBER:           ZBA #2021-12

PROPERTY ADDRESS:           305 Grove Street [B 8 L 6.01]

NAME OF APPLICANT:           Dean Smith

OWNER OF PROPERTY:         Dean Smith

DATE OF HEARING:             April 20, 2021

RESOLUTION NO.               ZBA #2021-12

APPEARANCES:                 Dean Smith, Owner and Applicant

Damien O. Del Duca, Esquire, Counsel for Applicant

Thomas Wagner, AIA, architect for the Applicant

Melanie Adamson , Board Engineer

Tavis Karrow, Board Secretary

Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson

Wayne Partenheimer, Vice-Chairperson

Brian Mulholland

Steve Sweet

Frank Troy

William Shanahan (Alternate I)

Note: This meeting was conducted virtually by zoom.

### **PROPERTY DESCRIPTION**

ZONING DISTRICT: R5  
LOT DIMENSIONS: 50' x 200'  
LOT AREA: 10000 sf  
STREET FRONTAGE: 50'  
STRUCTURES LOCATED  
ON LOT: single-family house

### **DEVELOPMENT PROPOSAL**

The proposal is to renovate the existing single-family home and construct a new detached 2 car garage.

### **RELIEF/VARIANCE REQUESTED**

Section 135-30-D(1)(b): to permit a width of 50' which is proposed and existing where 75' is required

Section 135-30(D)(1)(c): to permit lot frontage of 50' which is proposed and existing where 75' is required

Section 135-30(D)(2)(c): to permit aggregate side yard setback of 25.7' existing and proposed where 30' is required

Section 135-86(B)(6)(b): to permit a 0' setback to the driveway where 3' is required.

### **SUBMISSIONS**

Application

Also, the following exhibits were introduced at the hearing:

A-1 Aerial Photos

A-2 Sketch Plan prepared by Gilmore & Associates, Inc. dated January 6, 2021, no revision date



A-3 Survey prepared by Robins Associates, dated February 13, 2015

A-4 Floor plans and elevations prepared by Thomas B. Wagner, Architect, dated February 7, 2021, no revision date

A-5 Photographs of the property

### **SUMMARY OF TESTIMONY AND EVIDENCE**

The applicant's counsel, Damien Del Duca presented the application to the Board. The Applicant proposes to remodel the entire home using the existing foundation to construct a two-and one-half story single-family home with a new driveway, deck and detached two-car garage. The Applicant will remove a significant amount of impervious coverage to bring the property into compliance with all coverage allowances in the R-5 zone. With the removal of the large deck, shed, detached garage, concrete driveway and walkways, the impervious coverage will be reduced to 3,200 square feet.

The Applicant seeks variances from the minimum width, minimum lot frontage and minimum aggregate side yard setback. These nonconformities are pre-existing and are proposed to remain the same. Dean Smith, the owner and Applicant, testified that the renovation will reduce impervious coverage.

Thom Wagner, the architect, also testified as to the narrowness of the lot and how the removal of impervious will be a great improvement to the visual environment on Grove Street.

No members of the public spoke.

### **FINDING OF FACT AND CONCLUSIONS**

1. The property is in the R-5 zone.
2. The Board has jurisdiction over the subject matter requiring a decision.
3. The Board Secretary had identified as complete all necessary items to apply to the Board for variance approval.

4. To obtain a c(1) variance, the Applicant has to show a hardship specific to the Property.
5. To obtain a (c)2 variance, the Applicant has a burden to show that an application relating to a specific property would advance the purposes of the zoning ordinance by a deviation from the ordinance requirements and that the benefits of the deviation would substantially outweigh any detriment. In other words, the Applicant has to show that (1) the variance pertains to the specific property; (2) that a variance would advance the purposes of the MLUL and the ordinance; (3) the variance does not cause “substantial detriment to the public good”; (4) its benefits substantially outweigh any detriments from the deviation; and (5) the variance does “not substantially impair the intent and purpose of” the Zoning Plan and Zoning Ordinance.
6. The Applicant has provided testimony as to the existing/proposed use of the building on this specific property.
7. The variances can be granted under both NJSA 40:55D-70c(1) and c(2).
8. The existing dwelling is in poor condition and the proposed improvements will provide a more desirable visual environment.
9. The requested variances are all existing nonconformities due to the location of the existing dwelling on the property and the narrowness of the lot.
10. Strict application of the zoning ordinance requirements would result in an undue hardship on the Applicant. The lot is undersized.
11. The Applicant is removing a significant amount of impervious coverage to bring the property into compliance with all coverage allowances in the R5 zone.
12. The application advances the purposes of the MLUL in that it looks to make the home consistent with other houses in the neighborhood.
13. The granting of the variances does not represent any detriment to the zone plan or ordinance. On the contrary, it improves conditions on the property, which also benefits the neighborhood.
14. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.

15. Due notice has been given in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) and the rules of the Haddonfield Board of Adjustment.

### **RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Adjustment of the Borough of Haddonfield, that the application for a variance be and is hereby granted, pursuant to N.J.S.A. 40:55D-70(c).

### **CONDITIONS OF APPROVAL**

1. The development approved by this resolution must comply with the plans and specifications submitted with this application.
2. Applicant must comply with all other applicable ordinances and codes including but not limited to Shade Tree Ordinance, building codes, fire codes and all water management requirements.

Motion By: Burns, seconded by Sweet

Board members voting to grant the requested variances: Burns, Partenheimer, Mulholland, Sweet, Troy, Shanahan

Board members voting to deny the requested variances: None

**AND, BE IT FURTHER RESOLVED** that a copy of this Resolution be mailed within ten (10) days of the date of its adoption to the Applicant's Counsel and that a copy of this Resolution be maintained on file by the Construction Office of the Borough of Haddonfield and that a brief notice of this decision shall be public in the official newspaper of the Borough of Haddonfield.

### **CERTIFICATION**

I hereby certify that the foregoing is a true, accurate and complete copy of the resolution of memorialization adopted by the Zoning Board of Adjustment of the Borough of Haddonfield at

its regular monthly meeting on April 20, 2021, memorializing action taken by the Zoning Board on May 18, 2021.

Dated: \_\_\_\_\_

\_\_\_\_\_

**TAVIS KARROW, Secretary**

A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF HADDONFIELD

APPLICATION NUMBER: ZBA #2021-13

PROPERTY ADDRESS: 457 Station Avenue [B 89 L 1.12]

NAME OF APPLICANT: Alex and Melissa Flack

OWNER OF PROPERTY: Alex and Melissa Flack

DATE OF HEARING: April 20, 2021

RESOLUTION NO. ZBA #2021-13

APPEARANCES: Alex and Melissa Flack, Owner and Applicant

Damien O. Del Duca, Esquire, Counsel for Applicant

John W. Kornick, P.E., P.P. engineer and planner for the Applicant

Melanie Adamson, Board Engineer

Tavis Karrow, Board Secretary

Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson

Wayne Partenheimer, Vice-Chairperson

Brian Mulholland

Steve Sweet

Frank Troy

William Shanahan (Alternate I)

Note: This meeting was conducted virtually by zoom.

### **PROPERTY DESCRIPTION**

ZONING DISTRICT: R3  
LOT DIMENSIONS: 75' x 180'  
STRUCTURES LOCATED  
ON LOT: single-family house

### **DEVELOPMENT PROPOSAL**

Applicants are proposing to add a patio to their backyard. The applicant previously appeared before the Zoning Board on December 15, 2020 and was denied variances for a proposed detached two-story garage, additional driveway paving and a patio. The following proposal is substantially less intense and is substantially different than what was previously proposed.

### **RELIEF/VARIANCE REQUESTED**

Section 135-28-D(4)(b): to permit impervious coverage of 30.98% where 28% is the maximum allowed

Section 135-28-D(1)(c): to permit lot frontage of 75' which is existing and proposed where 100' is required (ENC)

Section 135-28-D(2)(b): to permit a single side yard setback of 11.7' which is existing and proposed where 18' is required (ENC)

Section 135-28-D(2)(c): to permit a combined side yard setback of 33.3' which is existing and proposed where 40' is required (ENC)

### **SUBMISSIONS**

Application

Site Layout Plan prepared by K2 Consulting Engineers, Inc., dated October 27, 2020, last revised January 22, 2021

Plan of Survey and Topography prepared by K2 Consulting Engineers, Inc Dated  
June 24, 2020

Color Photographs

Prior Zoning Board resolution, ZBA #2020-31

Also, the following exhibits were introduced at the hearing:

Exhibit A-1 Aerial Photographs

Exhibit A-2 Site Plan

Exhibit A-3 Prior Plan

Exhibit A-4 Photographs of the Property

Exhibit A-5 Survey

Exhibit A-6 Prior Resolution

### **SUMMARY OF TESTIMONY AND EVIDENCE**

Applicants' counsel, Damien Del Duca presented the application to the Board.

Applicants propose to add a 225sf (15'x15") patio to their backyard. Applicants also proposed to install a 900 gallon drywell that will collect approximately 596 sf of roof runoff from the existing single family home, in order to offset the proposed patio.

The Applicants seek variances from the maximum impervious coverage allowance, minimum lot frontage, single side yard setback and combined yard setback. Except for the impervious coverage percentage, these nonconformities are pre-existing and are proposed to remain the same.

John W. Kornick, P.E., P.P. testified as to effectiveness of the drywell and how the reduction in runoff will be better than having no drywell and no increase in impervious coverage.

No members of the public spoke.

### **FINDING OF FACT AND CONCLUSIONS**

1. The property is in the R-3 zone.

2. The Board has jurisdiction over the subject matter requiring a decision.
3. The Board Secretary had identified as complete all necessary items to apply to the Board for variance approval.
4. To obtain a (c)2 variance, the Applicant has a burden to show that an application relating to a specific property would advance the purposes of the zoning ordinance by a deviation from the ordinance requirements and that the benefits of the deviation would substantially outweigh any detriment. In other words, the Applicant has to show that (1) the variance pertains to a specific property; (2) that a variance would advance the purposes of the MLUL and the ordinance; (3) the variance does not cause “substantial detriment to the public good”; (4) its benefits substantially outweigh any detriments from the deviation; and (5) the variance does “not substantially impair the intent and purpose of” the Zoning Plan and Zoning Ordinance.
5. The Applicant has provided testimony as to the existing/proposed use of the building on this specific property.
6. The variances can be granted under NJSA 40:55D-70c(2).
7. The stormwater management system will have a positive effect on the neighborhood.
8. The application advances the purposes of the MLUL in that it promotes the general welfare of the population and encourages outdoor gathering spaces.
9. The reduction in runoff will be better than not being there at all. No adverse effect on neighbors. The mitigation effort to collect an equivalent area of impervious cover equal to the amount of impervious cover over the bulk standard of 28% will be achieved by collecting roof runoff and treating with the construction of a drywell while maintaining on-site drainage patterns. The intent and purpose of the drywell is to not impact neighboring properties.
10. The application advances the purposes of the MLUL in that it looks to make the home consistent with other houses in the neighborhood and it provides better stormwater management than if no variance is granted.
11. The granting of the variances does not represent any detriment to the zone plan or ordinance as it will enhance the property and provide a visual benefit.



12. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
13. Due notice has been given in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) and the rules of the Haddonfield Board of Adjustment.

### **RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Adjustment of the Borough of Haddonfield, that the application for a variance be and is hereby granted, pursuant to N.J.S.A. 40:55D-70(c).

### **CONDITIONS OF APPROVAL**

1. Applicants will have a perk test performed by a certified engineer, witnessed by a representative of the Borough and approved by our Board engineer before zoning permit will be issued.
2. The development approved by this resolution must comply with the plans and specifications submitted with this application.
3. Applicant must comply with all other applicable ordinances and codes including but not limited to Shade Tree Ordinance, building codes, fire codes and all water management requirements.

Motion By: Burns, seconded by Shanahan

Board members voting to grant the requested variances: Burns, Partenheimer, Mulholland, Sweet, Troy, Shanahan

Board members voting to deny the requested variances: None

**AND, BE IT FURTHER RESOLVED** that a copy of this Resolution be mailed within ten (10) days of the date of its adoption to the Applicant's Counsel and that a copy of this Resolution be

maintained on file by the Construction Office of the Borough of Haddonfield and that a brief notice of this decision shall be public in the official newspaper of the Borough of Haddonfield.

**CERTIFICATION**

I hereby certify that the foregoing is a true, accurate and complete copy of the resolution of memorialization adopted by the Zoning Board of Adjustment of the Borough of Haddonfield at its regular monthly meeting on April 20, 2021, memorializing action taken by the Zoning Board on May 18, 2021.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**TAVIS KARROW, Secretary**

A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF HADDONFIELD

APPLICATION NUMBER: ZBA #2021-14

PROPERTY ADDRESS: 1137 Concord Drive [B 64.22 L 11]

NAME OF APPLICANT: Gene and Megan Lepore

OWNER OF PROPERTY: Gene and Megan Lepore

DATE OF HEARING: April 20, 2021

RESOLUTION NO. ZBA #2021-14

APPEARANCES: Gene and Megan Lepore, Owner and Applicant

Thomas B. Wagner, AIA, architect for the Applicant

Melanie Adamson, Board Engineer

Tavis Karrow, Board Secretary

Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson

Wayne Partenheimer, Vice-Chairperson

Brian Mulholland

Steve Sweet

Frank Troy

William Shanahan (Alternate I)

Note: This meeting was conducted virtually by zoom.

### **PROPERTY DESCRIPTION**

ZONING DISTRICT: R6  
LOT DIMENSIONS: 70' x 125'  
STRUCTURES LOCATED  
ON LOT: single-family house

### **DEVELOPMENT PROPOSAL**

Applicants would like to construct an addition with a deck at the rear of the property and partially use the one car garage for living space within the home. The property is located on Concord Drive and includes an existing split level home with an attached garage.

### **RELIEF/VARIANCE REQUESTED**

Section 135-31D(2)(d): to permit a rear yard setback of 30.10' where 40' is the minimum

Section 135-86B(4): to permit zero off-street parking spaces where two are required

### **SUBMISSIONS**

Application  
Color Photographs  
Survey, by Pinpoint Surveying, LLC, undated  
Existing Site Plan, by Thomas B. Wagner, Architect  
Proposed Site Plan, by Thomas B. Wagner, Architect

### **SUMMARY OF TESTIMONY AND EVIDENCE**

Applicants' architect, Thom Wagner presented the application to the Board. Applicants propose to remodel their house, add an additional level over the living room space with a dining room in the rear. They also propose to add a deck in the rear of the home which extends into the rear yard setback.

Additionally, they wish to renovate half of the existing garage into living space. The Applicants seek variances from rear yard setback and parking requirements.

Neighbors, Keith Kovalevich and Mike Kennedy, spoke out in support of the project.

### **FINDING OF FACT AND CONCLUSIONS**

1. The property is in the R-6 zone.
2. The Board has jurisdiction over the subject matter requiring a decision.
3. The Board Secretary had identified as complete all necessary items to apply to the Board for variance approval.
4. The rear of Applicants' home backs up to land that is not occupied by homes. It is park area owned by the Borough. There is little to no impact on any neighbors in this area.
5. The renovation of the garage into living space eliminates any legal off-street parking on the Property because the driveway is in front of the building setback line.
6. The definition of 'parking space' in the Borough's Code provides that no portion of such private driveway in front of the building setback line shall be considered to be a parking space.
7. To obtain a (c)2 variance, the Applicant has a burden to show that an application relating to a specific property would advance the purposes of the zoning ordinance by a deviation from the ordinance requirements and that the benefits of the deviation would substantially outweigh any detriment. In other words, the Applicant has to show that (1) the variance pertains to the specific property; (2) that a variance would advance the purposes of the MLUL and the ordinance; (3) the variance does not cause "substantial detriment to the public good"; (4) its benefits substantially outweigh any detriments from the deviation; and (5) the variance does "not substantially impair the intent and purpose of" the Zoning Plan and Zoning Ordinance.
8. The Applicant has provided testimony as to the existing/proposed use of the building on this specific property.

9. The Applicant testified that many houses in the neighborhood have converted their garage in the same manner they wish to.
10. The Applicant testified they have parked their cars in the driveway since they purchased the house and could never fit their cars in the garage.
11. The variances can be granted under NJSA 40:55D-70c(2).
12. The application advances the purposes of the MLUL in that it promotes the general welfare of the population and encourages outdoor gathering spaces.
13. The application advances the purposes of the MLUL in that it looks to make the home consistent with other houses in the neighborhood.
14. The granting of the variances does not represent any detriment to the zone plan or ordinance as it will enhance the property and provide a visual benefit.
15. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
16. Due notice has been given in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) and the rules of the Haddonfield Board of Adjustment.

### **RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Adjustment of the Borough of Haddonfield, that the application for a variance be and is hereby granted, pursuant to N.J.S.A. 40:55D-70(c).

### **CONDITIONS OF APPROVAL**

1. The development approved by this resolution must comply with the plans and specifications submitted with this application.
2. Applicant must comply with all other applicable ordinances and codes including but not limited to Shade Tree Ordinance, building codes, fire codes and all water management requirements.

Motion By: Burns, seconded by Parteneheimer

Board members voting to grant the requested variances: Burns, Partenheimer, Mulholland, Sweet, Troy, Shanahan

Board members voting to deny the requested variances: None

**AND, BE IT FURTHER RESOLVED** that a copy of this Resolution be mailed within ten (10) days of the date of its adoption to the Applicant's Counsel and that a copy of this Resolution be maintained on file by the Construction Office of the Borough of Haddonfield and that a brief notice of this decision shall be public in the official newspaper of the Borough of Haddonfield.

**CERTIFICATION**

I hereby certify that the foregoing is a true, accurate and complete copy of the resolution of memorialization adopted by the Zoning Board of Adjustment of the Borough of Haddonfield at its regular monthly meeting on April 20, 2021, memorializing action taken by the Zoning Board on May 18, 2021.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**TAVIS KARROW, Secretary**

A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF  
THE BOROUGH OF HADDONFIELD

APPLICATION NUMBER: ZBA #2021-15

PROPERTY ADDRESS: 654 Maple Avenue [B 5 L 1.17]

NAME OF APPLICANT: Sean and Alison Sweeny

OWNER OF PROPERTY: Sean and Alison Sweeny

DATE OF HEARING: April 20, 2021

RESOLUTION NO. ZBA #2021-15

APPEARANCES: Sean and Alison Sweeny, Owner and Applicant

Damien O. Del Duca, Esquire

Clif Quay, P.E., P.P., Engineer and Planner for the Applicant

Melanie Adamson, Board Engineer

Tavis Karrow, Board Secretary

Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson

Wayne Partenheimer, Vice-Chairperson

Brian Mulholland

Steve Sweet

Frank Troy

William Shanahan (Alternate I)



Note: This meeting was conducted virtually by zoom.

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R5  
LOT DIMENSIONS: 75' x 330'  
LOT AREA: 32,238 sf  
STREET FRONTAGE: 75'  
STRUCTURES LOCATED  
ON LOT: single family house

**DEVELOPMENT PROPOSAL**

The proposal is to construct a single family home with a basement. The basement is proposed to be built at an elevation below the Seasonal High Water Table.

**RELIEF/VARIANCE REQUESTED**

Section 135-77.C: to permit a basement floor elevation of 93.50' where a minimum basement floor elevation of 97.6' is required (the seasonal high water table or elevation is 96.1' and the ordinance requires at least 18 inches minimum separation between the seasonal high water table and the lowest point of the basement floor elevation.

**SUBMISSIONS**

Application

Site plans, prepared by Stantec, dated March 17, 2021, no revision date

Survey, prepared by Stantec, dated March 16, 2021

Proposed Architectural Elevations, including Foundation Plan, prepared by Thomas B. Wagner, undated

Test Pit Investigation Results Letter from Earth Engineering Incorporated, dated March 8, 2021

Color photographs of the property

Current deed of the property

Also, the following exhibits were introduced at the hearing:

Exhibit A-1	Aerial Photos
Exhibit A-2	Site Plan
Exhibit A-3	Grading Plan
Exhibit A-4	Photos
Exhibit A-5	Proposed Architectural Floor Plans & Elevations
Exhibit A-6	Alternate Floor Plan & Elevations
Exhibit A-7	Survey

### **SUMMARY OF TESTIMONY AND EVIDENCE**

The applicant's counsel, Damien Del Duca presented the application to the Board. The Applicant proposes to demolish the existing home and construct a new single-family home. The proposed home will comply with all zoning requirements for the zone except for the basement floor elevation.

A report from Earth Engineering Incorporated (EEI) was incorporated into the presentation. EEI determined that due to the granular nature of the existing soils, significant groundwater flow is expected to occur into basement excavations that extend beyond the groundwater levels. EEI also stated that consideration should be given to raising the site grade and establishing the basement floor level at least 2 feet above the seasonal high groundwater level as defined by soil mottling. The Applicant's engineer, Clif Quay, after being qualified, testified to the plan and its design. He also discussed ways to ameliorate the concerns of building a basement in the proposed area below the seasonal high water table. He explained that the Applicant plans to use a gravity outflow pipe to the ravine behind the property to disperse the perched water collected as a result of building into the seasonal high water table. The Board's engineer, Melanie Adamson, had concerns that this method may not be sufficient to compensate for such a dramatic collection of water.

It was revealed during the presentation that the zoning worksheet included in the application was inaccurate. The number regarding percentage of impervious surface to lot was listed as 24.2%. It turns out the percentage is almost 32%, the maximum allowed.

With regard to the standard for the variance itself, Mr. Quay expressed the opinion that a (c)(2) variance was justified in that the proposed development did advance certain goals of the MLUL including but not limited to those found at NJSA 40:55D-2(c) which is to provide adequate light, air and open space as well as to promote a desirable visual environment. Thomas Wagner testified that the proposed house would be less impactful than a house that complies with the ordinance and he presented an alternative architectural plan that complies with the ordinance (no basement), but would be higher and have long wall sections. No members of the public spoke.

### **FINDING OF FACT AND CONCLUSIONS**

1. The property is in the R-5 zone.
2. The Board has jurisdiction over the subject matter requiring a decision.
3. The Board Secretary had identified as complete all necessary items to apply to the Board for variance approval.
4. The Applicant has provided testimony as to the existing/proposed use of the building on this specific property.
5. To obtain a (c)2 variance, the Applicant has a burden to show that an application relating to a specific property would advance the purposes of the zoning ordinance by a deviation from the ordinance requirements and that the benefits of the deviation would substantially outweigh any detriment. In other words, the Applicant has to show that (1) the variance pertains to the specific property; (2) that a variance would advance the purposes of the MLUL and the ordinance; (3) the variance does not cause “substantial detriment to the public good”; (4) its benefits substantially outweigh any detriments from the deviation; and (5) the variance does “not substantially impair the intent and purpose of” the Zoning Plan and Zoning Ordinance.
6. Applicant has not met its burden of proof with regard to a (c)2 variance. The Applicant and its expert have not established how the purposes of the zoning ordinance will be advanced by further deviation from the ordinance requirements or that there would be any benefit to the neighborhood, or the zoning scheme based upon the granting of the variance.

7. The relief requested cannot be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
8. Due notice has been given in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) and the rules of the Haddonfield Board of Adjustment.

### **RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of Adjustment of the Borough of Haddonfield, that the application for a variance be and is hereby denied, pursuant to N.J.S.A. 40:55D-70(c).

Motion By: Burns, seconded by Mulholland

Board members voting to grant the requested variances: Burns, Partenheimer, Shanahan

Board members voting to deny the requested variances: Mulholland, Sweet, Troy

**AND, BE IT FURTHER RESOLVED** that a copy of this Resolution be mailed within ten (10) days of the date of its adoption to the Applicant's Counsel and that a copy of this Resolution be maintained on file by the Construction Office of the Borough of Haddonfield and that a brief notice of this decision shall be public in the official newspaper of the Borough of Haddonfield.

### **CERTIFICATION**

I hereby certify that the foregoing is a true, accurate and complete copy of the resolution of memorialization adopted by the Zoning Board of Adjustment of the Borough of Haddonfield at its regular monthly meeting on March 16, 2021, memorializing action taken by the Zoning Board on February 16, 2021.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**TAVIS KARROW, Secretary**