

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

APPLICATION/RESOLUTION NUMBER:       ZBA #2021-42

PROPERTY ADDRESS:                        49 Grove Street [B 13.01 L12]

NAME OF OWNER/APPLICANT:             Parmast, LLC

DATE OF HEARING:                        December 21, 2021

APPEARANCES:                            Kate and David Siedell, Member of Applicant

  John J. Master, Jr., Esq., Applicant's Attorney

  Thom Wagner, Applicant's Architect

  Tavis Karrow, Board Secretary

  Jennifer Johnson, Esq. Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson

Wayne Partenheimer, Vice-Chairperson

Steve Sweet

Brittany Bonetti

William Shanahan

Kas Ghodoussipour- Alternate

Matthew Mazza- Alternate

Lou Randazzo- Alternate

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R6  
STRUCTURES ON LOT: Three story house

**DEVELOPMENT PROPOSAL**

Currently the first and second floors of the house are used as commercial offices. The third floor is rented out to a residential tenant. The Applicant is proposing to convert the second floor into a residence. The property would then be a mixed use when only single-family use is allowed.

**RELIEF/VARIANCE REQUESTED**

Section 135-31A(1)- Mixed residential and office use.

Waiver of site plan

**SUBMISSIONS**

Application

Survey prepared by R.W. Humphries, P.L.S (Walter H Macnamara Assoc., Inc.)

**SUMMARY OF TESTIMONY AND EVIDENCE**

Currently the property is used as office space on the first and second floor and the third floor is used as a residential apartment. The Applicant proposes to convert the second floor to a 3 bedroom, 2 bath owner occupied residential living unit. The Applicant testified that traffic would be greatly reduced if this use variance is granted. They also testified that there is no negative aspect to the granting of this variance. Their architect explained the changes that would be made on the interior. No changes are requested for the exterior.

No members of the public spoke.

**FINDING OF FACT AND CONCLUSIONS**

1. The Board has jurisdiction over the subject matter requiring a decision.
2. The Board Secretary had identified as complete all necessary items to apply to the Board for variance approval.
3. The Applicant testified that the property is particularly suited for the proposed use because the house sits in between commercial and residential uses.
4. The Applicant proved that the variance can be granted without causing substantial detriment to the public good and won't substantially impair the intent and purpose of the municipal zoning ordinance and master plan.
5. The variances can be granted under N.J.S.A. 40:55D-70d(1).
6. 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(d).

### **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: Shanahan, seconded by Mazza

Board members voting to grant the requested variance: Burns, Partenheimer, Bonetti, Sweet, Shanahan, Ghodoussipour, Mazza

Board members voting to deny the requested variances: None

**AND, BE IT FURTHER RESOLVED** that a copy of this Resolution be maintained on file by the Construction Office of the Borough of Haddonfield available upon request and that a brief notice of this decision shall be published in the official newspaper of the Borough of Haddonfield by the Applicant.

**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 January 18, 2022, memorializing action taken by the Zoning Board on December 21, 2021.

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

\_\_\_\_\_

**TAVIS KARROW, Secretary**

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

APPLICATION/RESOLUTION NUMBER: ZBA #2021-43  
PROPERTY ADDRESS: 24 Lansdowne Avenue [B 64.24 L28]  
NAME OF OWNER/APPLICANT: Lee and Kristen Perlman  
DATE OF HEARING: December 21, 2021  
APPEARANCES: Lee and Kristen Perlman, Owner/Applicant  
Thom Wagner, Applicant's Architect  
Tavis Karrow, Board Secretary  
Jennifer Johnson, Esq. Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Steve Sweet  
Brittany Bonetti  
William Shanahan  
Kas Ghodoussipour- Alternate  
Matthew Mazza- Alternate  
Lou Randazzo- Alternate

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R5  
STREET FRONTAGE: Corner lot with two front yards  
STRUCTURES ON LOT: One and a half story single-family residence with a detached two car garage

**DEVELOPMENT PROPOSAL**

The Perlman's would like to expand their second floor. The proposed layout will include taking the roof off the main section of the house and creating a new second floor with 8' high walls and an attic roof above.

**RELIEF/VARIANCE REQUESTED**

1. Section 135-30D2a- Front yard setback- 30' required; 6.5' existing and proposed and second front yard setback- 30' required;

**SUBMISSIONS**

Application  
Survey/Zoning Plan prepared by Irving Design Group, dated 10/24/21  
Plans prepared by Thomas Wagner, AIA

**SUMMARY OF TESTIMONY AND EVIDENCE**

The Applicant is looking to renovate the second floor of their home. The proposed expansion is designed to be directly above the existing front wall of the house on Euclid Avenue at 14.4'. On Lansdowne Avenue, the second floor is pushed back off the street from 6.5' on the first floor to 14.7' to align with the main roof structure.

1. Thom Wagner testified for the Applicant with a C1 argument. The Board (specifically Ms. Bonetti) stated it was more of a C2 variance since the position of the house on the lot was not a hardship. She believed it would advance the purposes of the MLUL in that it would promote a desirable visual environment as it would be more aesthetically and in keeping with the neighborhood. The Applicant agreed to the condition that all existing downspouts and new downspouts drain to the existing stormwater retention system.

No members of the public spoke.

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

1. The Board has jurisdiction over the subject matter requiring a decision.
2. The Board Secretary had identified as complete all necessary items to apply to the Board for variance approval.
3. The variances can be granted under NJSA 40:55D-70c(2).
4. To obtain a c(2) variance, the Applicant has to show that the variance is for a specific property, advances a purpose of zoning and that the benefits of granting the variance substantially outweigh any detriments of granting the variance.
5. The Applicant has provided testimony as to the proposed use of this specific property.
6. The application advances the purposes of the MLUL in that it promotes a desirable visual environment. The Applicant agreed to the condition that all existing downspouts and new downspouts will drain to existing retention basin.
7. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan, primarily because the applicant is reducing actual coverage and providing a storm water management system that will also improve the drainage conditions in the area.
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 granted, pursuant to N.J.S.A. 40:55D-70(c).

### **CONDITIONS OF APPROVAL**

1. All existing and new downspouts drain to the existing stormwater retention system.

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 Parteneheimer

Board members voting to grant the requested variance: Burns, Parteneheimer, Bonetti, Sweet, Shanahan, Ghodoussipour, Mazza

Board members voting to deny the requested variances: None

**AND, BE IT FURTHER RESOLVED** that a copy of this Resolution be maintained on file by the Construction Office of the Borough of Haddonfield available upon request and that a brief notice of this decision shall be published in the official newspaper of the Borough of Haddonfield by the Applicant.

**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 January 18, 2022, memorializing action taken by the Zoning Board on December 21, 2021.

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

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



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

APPLICATION/RESOLUTION NUMBER: ZBA #2021-44  
PROPERTY ADDRESS: 209 KHW [B 94 L 2]  
NAME OF OWNER/APPLICANT: Jeff Hoag and Lynn Howard Hoag  
DATE OF HEARING: December 21, 2021  
APPEARANCES: Jeff Hoag and Lynn Howard Hoag  
Damien Del Duca, Esq., Applicant's Attorney  
Thom Wagner, Applicant's Architect  
Clifton Quay, Applicant's Planner  
Tavis Karrow, Board Secretary  
Jennifer Johnson, Esq. Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Steve Sweet  
Brittany Bonetti  
William Shanahan  
Kas Ghodoussipour- Alternate  
Matthew Mazza- Alternate  
Lou Randazzo- Alternate

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R2

STRUCTURES ON LOT: Single family dwelling and a detached barn

**DEVELOPMENT PROPOSAL**

The Applicants seek an interpretation from the Board that the proposed use of the barn as an in-law suite for their mother-in-law is a permitted use in the R-2 zone. In the alternative, if the Board determines the proposed use is not permitted in the R2 zone, the Applicants seek a use variance to permit the use of the barn as an apartment and thus, the property would have two single-family dwellings on it.

**RELIEF/VARIANCE REQUESTED**

An interpretation of the Haddonfield Code of Ordinances that use of an accessory structure as a living unit is a permitted use.

In the alternative, relief from Section 135-27(B)(1) Accessory structure may be used for accessory uses only.

**SUBMISSIONS**

Application

Existing Conditions and Demolition Plan prepared by Stantec dated 11-18-21

Plans designed by Thomas B. Wagner

Boundary and Topographic Survey prepared by Stantec, dated 11-18-21

Proposed deed restriction on 209 Kings Highway West, Haddonfield, NJ restricting the use of the existing accessory structure on the rear of the property from being used by any person not related by blood or marriage.

A-2 Site plan

A-3 Elevations

A-4 Rear corner of the barn

A-5

A-11 Right side of the barn

**SUMMARY OF TESTIMONY AND EVIDENCE**

The Applicant’s attorney Damien Del Duca presented the application. It began as a petition to the Board to disagree with the Haddonfield zoning officer’s interpretation of the Haddonfield Code. The zoning officer determined that converting a detached barn on the property into a living space for the property owner’s mother is not a permitted use of an accessory structure. Mr. Del Duca opined that if the barn was attached to the house, it would be permitted or if the owner wanted to put a couch in the barn, that would be okay too. He argued that it was the mere presence of a bed that guided the zoning officer’s denial of the use.

No members of the public spoke.

**FINDING OF FACT AND CONCLUSIONS**

1. The Board has jurisdiction over the subject matter requiring a decision.
2. He stated that the use of the barn as living space was incidental, subordinate and customarily supportive of the primary use.
3. The zoning board discussed this interpretation and decided that the code did not envision using an accessory structure as living space.
4. The Board voted unanimously to uphold the zoning officer’s decision that using the barn as living space was not allowed under the Haddonfield code.
5. 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 deviation from the zoning officer's determination that an accessory structure may not be used as living space is denied.

Motion By: Shanahan, seconded by Burns

Board members voting to interpret the ordinance as allowing an in-law suite in an accessory structure: None

Board members voting to oppose interpreting the ordinance as allowing an in-law suite in an accessory structure: Burns, Partenheimer, Bonetti, Sweet, Shanahan, Ghodoussipour, Mazza

**AND, BE IT FURTHER RESOLVED** that a copy of this Resolution be maintained on file by the Construction Office of the Borough of Haddonfield available upon request and that a brief notice of this decision shall be published in the official newspaper of the Borough of Haddonfield by the Applicant.

## **SECOND PART OF APPLICATION**

The Applicant's attorney then presented the use variance portion of the application- relief from Section 135-27(B)(1) Accessory structure may be used for accessory uses only.

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

The Applicant's attorney Damien Del Duca presented the application. The Application is for approval of a use variance to allow living space in a barn on the property which is considered an accessory structure. Mr. Del Duca argued that this is a great use of a decaying barn because the barn will be rehabilitated, thus saving a historic structure and will provide a place for the Applicant's mother to live, thus providing a home for a senior citizen. Mr. Wagner, the Applicant's architect, spoke at length about the improvements that would be made to the structure, both internally and externally even though the historic preservation ordinance Section 135-44 is only concerned with the external appearance of historic buildings. Mr. Quay, Applicant's planner, testified that living space for a mother-in-law would be an appropriate use

for the historic barn. He said it would have a desirable visual effect on the environment, would promote the conservation of a historic site and would encourage housing for senior citizens.

The barn is located far from most neighbors and is quite insulated. The barn will not be used by anyone who is not a family member and will never be rented out. The Applicants will record a deed restriction making it clear that the barn is not to be used or marketed as a rental unit.

Susan Warner of 36 West End Avenue spoke as a concerned neighbor. She asked if the proximity of the barn to the property line would change her setback requirements as she is the owner of the land adjacent to the property. She was told it would not.

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

6. The Board has jurisdiction over the subject matter requiring a decision.
7. The Applicant stated that the barn would be used for her mother and would never be rented out.
8. The Applicant stated that they would renovate the barn at considerable cost which would preserve a historic building.
9. The proposed use of the property would not have a negative impact on the zone plan or the neighborhood. The barn is located far from the neighbors.
10. The renovation of the barn to be used as living quarters for the Applicant's mother-in-law would have a desirable visual effect on the environment, would promote the conservation of a historic site and would encourage housing for senior citizens.
11. The Applicant will record a deed restriction stating that the accessory living space can only be used by a relative and never rented out.
12. The Applicant proved that the variance can be granted without causing substantial detriment to the public good and won't substantially impair the intent and purpose of the municipal zoning ordinance and master plan.
13. The variances can be granted under N.J.S.A. 40:55D-70d(1).

14. 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(d).

### **CONDITIONS OF APPROVAL**

1. Proof of a recorded deed restriction similar to the draft submitted at the zoning board hearing must be provided to the Haddonfield Construction Office and kept on file in perpetuity. One change that is imperative to the deed restriction is that the term “family relationship” be struck.
2. Granting of a Certificate of Appropriateness from the Haddonfield Planning Board.
3. The development approved by this resolution must comply with the plans and specifications submitted with this application.
4. 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 variance: Burns, Partenheimer, Bonetti, Sweet, Shanahan, Ghodoussipour, Mazza

Board members voting to deny the requested variances: None

**AND, BE IT FURTHER RESOLVED** that a copy of this Resolution be maintained on file by the Construction Office of the Borough of Haddonfield available upon request and that a brief

notice of this decision shall be published in the official newspaper of the Borough of Haddonfield by the Applicant.

**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 January 18, 2022, memorializing action taken by the Zoning Board on December 21, 2021.

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

\_\_\_\_\_

**TAVIS KARROW, Secretary**

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

APPLICATION/RESOLUTION NUMBER: ZBA #2021-45  
PROPERTY ADDRESS: 271 Moore Lane [B 77 L38]  
NAME OF OWNER/APPLICANT: Jim and Sarah Young  
DATE OF HEARING: December 21, 2021  
APPEARANCES: Sarah Young, Owner/Applicant  
Kevin D. Sheehan, Esq. Parker McCay, Attorney for Applicant  
Kevin Fleming, Contrast Design, LLC Landscape Designer  
Rod Ritchie, P.E., P.P. Taylor Wiseman & Taylor  
Tavis Karrow, Board Secretary  
Melanie Adamson, P.E., Board Engineer  
Jennifer Johnson, Esq. Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Steve Sweet  
Brittany Bonetti  
William Shanahan  
Kas Ghodoussipour- Alternate  
Matthew Mazza- Alternate



**PROPERTY DESCRIPTION**

ZONING DISTRICT: R4  
LOT AREA: 21,677  
STRUCTURES ON LOT: Two story single-family residence

**DEVELOPMENT PROPOSAL**

The proposal is to construct a pool, with patio areas, fire pit areas and an expanded driveway.

**RELIEF/VARIANCE REQUESTED**

1. Section 135-29(D)(4)(b)- Maximum impervious coverage- 30% required; 36% is existing, 41% proposed
2. Section 135-29(D)(2)(d) Rear yard setback- 24' where 45' is required.

**SUBMISSIONS**

- A-1 Application
- A-2
- A-3 Six photos
- A-4 Master plan rendering
- A-5 Master Plan
- A-6 Front of Property plan
- A-7 Infiltration system
- A-8 Existing Conditions Plan
- A-9 Proposed Plan

**SUMMARY OF TESTIMONY AND EVIDENCE**

The Applicant is seeking approval to install improvements on their property including fire pits and patio areas, pool and patio area, spa area, driveway expansion, new HVAC equipment and emergency back-up generator, perimeter, pool code fencing

and landscaping. In addition to the improvements, the applicant is proposing to remove some of the existing impervious surfaces on the property. A variance will be required to exceed the maximum allowable impervious coverage. In support of this request, the project includes a proposed infiltration system.

The Applicant's attorney presented the application. The landscape designer, Kevin Fleming, testified as to the design of the various pools and patios. He also answered questions regarding the stormwater filtration system they planned on installing to retain the additional runoff. Their engineer Rod Ritchie explained they were seeking a driveway expansion from approximately 10' to \_\_\_' because the area along the driveway gets muddy and damaged from cars traversing it.

No members of the public spoke.

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

1. The Board has jurisdiction over the subject matter requiring a decision.
2. The Board Secretary had identified as complete all necessary items to apply to the Board for variance approval.
3. The variances can be granted under NJSA 40:55D-70c(2).
4. To obtain a c(2) variance, the Applicant has to show that the variance is for a specific property, advances a purpose of zoning and that the benefits of granting the variance substantially outweigh any detriments of granting the variance.
5. The Applicant has provided testimony as to the proposed use of this specific property.
6. The application advances the purposes of the MLUL in that it promotes a desirable visual environment and retains runoff that otherwise would infiltrate the ground.
7. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan, primarily because the applicant providing a storm water management system that will also improve the drainage conditions in the area.

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 granted, pursuant to N.J.S.A. 40:55D-70(c).

### **CONDITIONS OF APPROVAL**

1. The apron of the driveway must be 3 feet from the neighbor's property line.
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 Partenheimer

Board members voting to grant the requested variance: Burns, Partenheimer, Bonetti, Shanahan, Ghodoussipour, Mazza

Board members voting to deny the requested variances: Sweet

**AND, BE IT FURTHER RESOLVED** that a copy of this Resolution be maintained on file by the Construction Office of the Borough of Haddonfield available upon request and that a brief notice of this decision shall be published in the official newspaper of the Borough of Haddonfield by the Applicant.

### **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 January 18, 2022, memorializing action taken by the Zoning Board on December 21, 2021.

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

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