

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

APPLICATION/RESOLUTION NUMBER: ZBA #2022-08  
PROPERTY ADDRESS: 444 Loucroft Road [B 89 L 3.03]  
NAME OF OWNER/APPLICANT: Dan Rynhart and Nicole Azzara  
DATE OF HEARING: May 17, 2022  
APPEARANCES: Dan Rynhart, Owner/Applicant  
Thom Wagner, Applicant's Architect  
Kirsty Brockett, Substitute Board Secretary  
Jennifer Johnson, Esq., Board Solicitor  
Dustin Schopen, PE, Board Engineer

BOARD MEMBERS PRESENT:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Brian Mulholland  
Bryan Pukenas  
Steve Sweet  
Brittany Bonetti  
William Shanahan  
Lindsey McCarthy-Watson- Alternate  
Kas Ghodoussipour- Alternate

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R2  
STREET FRONTAGE: 100'  
STRUCTURES ON LOT: Two story single-family residence with an attached garage

## **DEVELOPMENT PROPOSAL**

The Applicants are looking to construct a new front garage extension, left side pantry and shed dormer addition to the property.

### **RELIEF/VARIANCE REQUESTED**

1. Section 135-27D(2)(b)-side yard setback- 18' minimum, 4.73' existing, 4.73' proposed
2. Section 135-27D(2)(c)-combined yard setback-40' minimum, 22.2' existing, 22.2' proposed

### **SUBMISSIONS**

Application

Plans prepared by Thomas Wagner, AIA

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

The Applicants are looking to build a new front garage bump out and left side pantry to their property. The property is a brick faced colonial style home. It is 18,000 sf and 100' wide where the requirement is 20,000 sf and 125' wide. The home includes an attached garage which is situated 4.73' from the east side property line.

The plans call for extending the depth of the garage to 20'6" with a single double wide door. The new 24" extension is 4.98" from the side setback which is currently 4.73".

There is space behind the garage which is unused and the family is looking to rework the mudroom and kitchen and add a pantry which adds 59 sf of additional impervious coverage to the lot. This makes the impervious coverage 50 sf over the allowable coverage.

The Applicants intend to improve the use and appearance of their home that will be consistent with the character and feel of the neighborhood. The lot is 11% smaller and 25' narrower than permitted in the zone. The additional coverage of .2% is well below the 11% undersize of the lot.

Under Condition 1, the property, by being non-conforming in overall size and being too narrow, exacerbates the side yard setback problem on the east side of the home creating hardship.

No one from 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. To obtain a c(1) variance, the Applicant has to show a hardship specific to the Property.
4. The variances can be granted under both NJSA 40:55D-70c(1).
5. The Applicant has provided testimony as to the proposed use of this specific property.
6. Strict application of the zoning ordinance requirements would result in an undue hardship on the Applicant.
7. The Board was compelled by the C1 argument given the lot size and the narrowness of the lot for the R2 zone.
8. Mr. Sweet appreciates that the impervious coverage was reduced by a little.
9. Mr. Burns stated there is no detrimental impact on the neighborhood.
10. 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.
11. The application advances the purposes of the MLUL in that it promotes a desirable visual environment and is in keeping with the character of the neighborhood.
12. 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 impervious coverage.
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: Sweet, seconded by Pukenas

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

Board members voting to deny the requested variances: Mulholland

**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 June 14, 2022, memorializing action taken by the Zoning Board on May 17, 2022.

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

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

A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF

THE BOROUGH OF HADDONFIELD

APPLICATION/RESOLUTION NUMBER: ZBA #2022-09  
PROPERTY ADDRESS: 309 Farwood Road [B 10.12 L 16]  
NAME OF OWNER/APPLICANT: Mark and Elizabeth Niedringhaus  
DATE OF HEARING: May 17, 2022  
APPEARANCES: Mark Niedringhaus, Owner/Applicant  
Beau Daniel Burris, Applicant's Engineer in Training  
Benita Cooper, Applicant's Architect  
Kirsty Brockett, Substitute Board Secretary  
Jennifer Johnson, Esq., Board Solicitor  
Dustin Schopen, PE, Board Engineer

BOARD MEMBERS PRESENT:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Brian Mulholland  
Bryan Pukenas  
Steve Sweet  
Brittany Bonetti  
William Shanahan  
Lindsey McCarthy-Watson- Alternate  
Kas Ghodoussipour- Alternate

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R6  
STREET FRONTAGE: 70'  
STRUCTURES ON LOT: Single family detached dwelling

## **DEVELOPMENT PROPOSAL**

The proposed physical changes to the subject property include the demolition of an existing slate patio at the rear of the house and construction of two new paver patios, covered deck and 2 new landscaping beds.

## **RELIEF/VARIANCE REQUESTED**

1. Section 135-31D(4)(a)-lot coverage- 22' maximum, 22.8% existing, 24.7% proposed

## **SUBMISSIONS**

Application

Variance plan prepared by Gilmore & Associates, Inc. dated 2/11/22

## **SUMMARY OF TESTIMONY AND EVIDENCE**

The Applicants are looking to add two new paver patios, a covered deck and two landscaping beds to their rear yard. The proposed patio will be 10' wide x 7' deep. Heading westward from the patio there will be a planting bed with three 2.5' x 2.5' bluestone pads leading to the covered deck directly at the rear entrance with a surface 7" above grade. The deck will be approximately 138.5 sf covered by a column supported roof which will be attached to the rear of the house. At the rear of this deck there will be a second patio which will be 8' wide by 4' deep. There will be planting beds on both sides of the patios. The covered deck will divert water to the beds. The planting beds will facilitate drainage from the proposed roof. The use of the property will remain single family.

The Applicants are looking to improve the water drainage of their property with the covered deck and landscaping beds. It will also be consistent with the character and feel of the neighborhood. There will be no impact on the landscape of the property.

No one from 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. To obtain a c(2) variance, the Applicant has to show 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.
4. The variances can be granted under NJSA 40:55D-70c(2).
5. The Applicant has provided testimony as to the proposed use of this specific property.
6. 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.
7. The application advances the purposes of the MLUL in that it promotes a desirable visual environment and ameliorates the lack of water drainage in the rear of the property.
8. Dustin Chopin, substitute board engineer, stated there may be another solution to the problem but this may also work, that it “doesn’t seem unreasonable”.
9. Mr. Burns commented that he doesn’t think this plan is adding any improvement,
10. Mr. Shanahan and Mr. Pukenas felt it is making the drainage better and there is no detriment to the community. Ms. Watson disagreed and said she doesn’t think this is the best way to divert water..
11. 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 providing a plan that improves the drainage conditions in the area.
12. 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 Shanahan

Board members voting to grant the requested variance: Mulholland, Pukenas, Shanahan, Partenheimer,

Board members voting to deny the requested variances: Burns, Bonetti, Watson

Board members recused: Steve 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 June 14, 2022, memorializing action taken by the Zoning Board on May 17, 2022.

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

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

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

APPLICATION/RESOLUTION NUMBER:       ZBA #2022-10  
PROPERTY ADDRESS:                       8 Tanner Street [B 118 L 71]  
NAME OF OWNER/APPLICANT:             8 Tanner, LLC  
DATE OF HEARING:                        May 17, 2022  
APPEARANCES:                            Nick Laudas, Owner/Applicant  
  David Suffrin, Esq, Applicant’s Attorney  
  Kirsty Brockett, Substitute Board Secretary  
  Jennifer Johnson, Esq., Board Solicitor  
  Dustin Schopen, PE, Board Engineer

BOARD MEMBERS PRESENT:  
  Kevin Burns, Chairperson  
  Wayne Partenheimer, Vice-Chairperson  
  Brian Mulholland  
  Bryan Pukenas  
  Steve Sweet  
  Brittany Bonetti  
  William Shanahan  
  Lindsey McCarthy-Watson- Alternate  
  Kas Ghodoussipour- Alternate

**PROPERTY DESCRIPTION**

ZONING DISTRICT:       D3  
AREA OF PROPERTY:     3570  
STRUCTURES ON LOT:   detached multi-story building

## **DEVELOPMENT PROPOSAL**

The proposed physical changes to the subject property include the replacement of the front stairs to the same size and dimension as before. They need to rebuild the stairs for access to the building.

## **RELIEF/VARIANCE REQUESTED**

1. Section 135-38D(10)(f)-minimum front yard setback 10' maximum, 0' existing, 5'5" into ROW proposed

## **SUBMISSIONS**

Application

HPC plan prepared by Gilmore & Associates, Inc. dated 6/7/22

Photographs of the exterior of the building

## **SUMMARY OF TESTIMONY AND EVIDENCE**

The Applicants are renovating 8 Tanner Street. A very old building in the D3 zone. As they attempted to repair the front steps, the stairs basically crumbled in their hands due to several host colonies of termites and wood boring beetles.

The front steps are actually in the right of way in front of the building which is Borough-owned property. Applicant understands that any approval would be conditioned on consent from the Borough.

Applicant plans to build the exact same steps that were originally there.

No one from 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. To obtain a c(2) variance, the Applicant has to show 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.

4. The variances can be granted under NJSA 40:55D-70c(2).
5. The Applicant has provided testimony as to the proposed use of this specific property.
6. 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.
7. The application advances the purposes of the MLUL in that it promotes a desirable visual environment.
8. Mr. Burns commented that this is a “no brainer” and there is no impact on the town.
9. 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 providing a plan that improves the drainage conditions in the area.
10. 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. Consent from the Borough of Haddonfield, owner of the ROW, must be achieved before any construction permit is 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 variance: Mulholland, Pukenas,  
Shanahan, Partenheimer, Burns, Bonetti, Sweet

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 June 14, 2022, memorializing action taken by the Zoning Board on May 17, 2022.

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

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

A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF

THE BOROUGH OF HADDONFIELD

APPLICATION/RESOLUTION NUMBER: ZBA #2022-14  
PROPERTY ADDRESS: 427 Hopkins Lane [B 8.012 L 11]  
NAME OF OWNER/APPLICANT: Jason and Jennifer Wilson  
DATE OF HEARING: May 17, 2022  
APPEARANCES: Jennifer Wilson, Owner/Applicant  
Jay Reinhart, Applicant's Architect  
Kirsty Brockett, Substitute Board Secretary  
Jennifer Johnson, Esq., Board Solicitor  
Dustin Schopen, PE, Board Engineer

BOARD MEMBERS PRESENT:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Brian Mulholland  
Bryan Pukenas  
Steve Sweet  
Brittany Bonetti  
William Shanahan  
Lindsey McCarthy-Watson- Alternate  
Kas Ghodoussipour- Alternate

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R6  
STREET FRONTAGE: 50'  
STRUCTURES ON LOT: single-family detached dwelling



## **DEVELOPMENT PROPOSAL**

The Applicants are looking to construct a second story dormer addition in the rear of the home.

### **RELIEF/VARIANCE REQUESTED**

1. Lot area- existing- 5663.37 sf, proposed- 5663.37 sf, required- 7500 sf
2. Lot Frontage- existing- 50.22', proposed- 50.22', required 75'
3. Side yard setback single-existing- 9.75', proposed- 9.75', required 12'
4. Aggregate side yard- existing 16.55', proposed- 16.55', required 30'
5. Rear yard setback- existing- 29.5', proposed- 29.5', required 40'
6. Accessory setback (shed)- existing .7' and 2.15', proposed .7' and 2.15', required 5' and 5'
7. Parking spaces-existing- 0, proposed- 0, required- 2

### **SUBMISSIONS**

Application

Plans prepared by Jay Reinhart, AIA, dated 5/9/22

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

The Applicants are looking to construct a second story dormer addition on the rear of the home. The new square footage will provide adequate space to create an additional small bedroom/home office as well as a closet and bath for the primary suite. Due to the fact that the existing structure is non-conforming in several aspects, the Applicant is constraining the project to the second floor. Under Condition 1, the property, by being non-conforming in overall size, lot frontage, and being too narrow, too shallow, and having no off-street parking creates a hardship.

The Applicant believes that by locating the new space in a dormer on the roof in the back of the home, the smaller scale of the home is maintained and the quaint character of Hopkins Lane and the neighborhood is preserved.

No one from 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. To obtain a c(1) variance, the Applicant has to show a hardship specific to the Property.
4. The variances can be granted under NJSA 40:55D-70c(1).
5. The Applicant has provided testimony as to the proposed use of this specific property.
6. Strict application of the zoning ordinance requirements would result in an undue hardship on the Applicant.
7. The Board was compelled by the C1 argument given the lot size and the narrowness of the lot for the R6 zone.
8. Collectively, the Board appreciated that the character of the home was remaining intact.
9. Mr. Burns stated there is no detrimental impact on the neighborhood.
10. Mr. Shanahan commented that he appreciated they are keeping the front of the house as is.
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 application advances the purposes of the MLUL in that it promotes a desirable visual environment and is in keeping with the character of the neighborhood.
13. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
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(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: Shanahan, seconded by Partenheimer

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

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 June 14, 2022, memorializing action taken by the Zoning Board on May 17, 2022.

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

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

A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF

THE BOROUGH OF HADDONFIELD

APPLICATION/RESOLUTION NUMBER: ZBA #2022-15  
PROPERTY ADDRESS: 115 E. Summit Ave. [B 50 L 7.01]  
NAME OF OWNER/APPLICANT: Thomas and Molly Revell  
DATE OF HEARING: May 17, 2022  
APPEARANCES: Tom Revell, Owner/Applicant  
Don Cofsky, Esq, Applicant's Attorney  
Kirsty Brockett, Substitute Board Secretary  
Jennifer Johnson, Esq., Board Solicitor  
Dustin Schopen, PE, Board Engineer

BOARD MEMBERS PRESENT:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Brian Mulholland  
Bryan Pukenas  
Steve Sweet (recused)  
Brittany Bonetti  
William Shanahan  
Lindsey McCarthy-Watson- Alternate  
Kas Ghodoussipour- Alternate

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R7  
STREET FRONTAGE: 100'  
STRUCTURES ON LOT: Single story single-family residence with an attached garage

## **DEVELOPMENT PROPOSAL**

The Applicants are looking to convert a section of their existing garage into living space thus eliminating allowable off-street parking. There will be no exterior or site changes.

## **RELIEF/VARIANCE REQUESTED**

1. Section 135-86B(4) and (6) and (7)-Two required off street parking spaces, not in the front yard

## **SUBMISSIONS**

Application

Exhibit A- Floor Plan

Exhibit B- Pictures of subject property

Exhibit C- Garage- pictures and information

Exhibit D- Google earth picture

Exhibit E- pictures of all summit avenue properties

Exhibit F- Current survey

## **SUMMARY OF TESTIMONY AND EVIDENCE**

The Applicants are looking to convert two-thirds of their very small one car garage into living space. By doing this, the garage will no longer technically be a garage which means that the driveway leading to it and the garage itself would no longer be considered the property's two off-street parking spaces.

The Applicants have requested a variance in order to continue parking their two cars on the driveway which is located from the street to the garage and therefore in their front yard. Parking of vehicles in the front yard is not permitted under the Zoning Ordinance unless it is on a driveway leading to a garage.

The Applicants intend to improve the use and appearance of their home by replacing the garage door with a more aesthetically pleasing new set of doors.

The Revells have no feasible alternatives for providing two parking spaces. The topography of the lot would make this a major excavation project and add substantially more impervious coverage, something that is not desirable nor aesthetically pleasing.

The reality is that granting of the variance will not result in any visual change or any other change to the property itself. Not only do the Revells park in their front yard, so does everyone else on their street.

Requiring the two off-street parking spaces not in the front yard would be detrimental to the overall aesthetics of the street. The Revells' lot would be chopped up, a large beautiful tree would be damaged and impervious coverage would be added. A C-2 variance is requested because complying with the ordinance would not be complimentary to the property or the area. The benefits outweigh the detriments.

No one from 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 purposes of the Act would be advanced by a deviation from the zoning ordinance requirements and that the benefits of granting the variance substantially outweigh any detriment of granting the variance.
5. The Applicant has provided testimony as to the proposed use of this specific property.
6. Mr. Burns commented that it is what it is and there is no impact on the town.
7. Ms. Bonetti stated nothing changes on the exterior.
8. 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.
9. The application advances the purposes of the MLUL in that it promotes a desirable visual environment and is in keeping with the character of the neighborhood.
10. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
11. 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 Bonetti

Board members voting to grant the requested variance: Burns, Partenheimer, Pukenas, McCarthy-Watson, Shanahan, Bonetti, Mulholland

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 June 14, 2022, memorializing action taken by the Zoning Board on May 17, 2022.

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

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

A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF

THE BOROUGH OF HADDONFIELD

APPLICATION/RESOLUTION NUMBER: ZBA #2022-11  
PROPERTY ADDRESS: 446 Queensboro Lane [B 88.02 L 1]  
NAME OF OWNER/APPLICANT: 446 Queensboro Lane, LLC  
DATE OF HEARING: June 14, 2022  
APPEARANCES: Damien Del Duca, Esquire, Applicant's Attorney  
Joseph Gray, PE/CME, Applicant's Engineer  
Stephen A. Fenwick, R.A., Applicant's Architect  
Gary Vermaat, Applicant's Real Estate Valuation Expert  
Tavis Karrow, Board Secretary  
Jennifer Johnson, Esq., Board Solicitor  
Melanie Adamson, PE, Board Engineer

BOARD MEMBERS PRESENT:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Brian Mulholland  
Bryan Pukenas  
Steve Sweet  
William Shanahan  
Lindsey Watson-McCarthy-Alternate I  
Kas Ghodoussipour- Alternate II  
Matthew Mazza- Alternate III

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R3  
STRUCTURES ON LOT: vacant, unimproved land

## **DEVELOPMENT PROPOSAL**

The Applicant proposes to construct a single-family home on the property.

### **RELIEF/VARIANCE REQUESTED**

1. Section 135-18(A) – to erect a dwelling on a nonconforming lot.
2. Section 135-28.D.1.a- minimum lot size- 12,500 sf required, 10,500 sf existing and proposed;
3. Section 135-28.D.1.a- minimum lot width- 100 feet required, 75 feet existing and proposed.

### **SUBMISSIONS**

A-1 Application

A-2 Survey, prepared by CME Associates, dated December 9, 2021

A-3 Plot, Grading and Drainage plans, prepared by CME Associates, dated March 2, 2022, last revised April 11, 2022

A-4 Rendering of possible new house that could be built on the property

A-5 Floor plans and elevations, prepared by Fenwick Architects, dates February 11, 2022, last revised April 4, 2022

A-6 Letter to neighbor asking them to purchase property

A-7 Letter to neighbor asking them to purchase property

A-8 Drawing of garage

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

The Applicant, 446 Queensboro Lane, LLC, is the owner of property located at 446 Queensboro Lane. The lot is currently vacant, unimproved land. The Applicant proposes to construct a single-family home on the property.

The lot is 10,500 sf but the zoning ordinance requires a minimum lot size of 12,500 sf in the R3 zone. The lot has a width and frontage of 75 feet but the ordinance requires 100 feet. Ordinance section 135-18(A) permits a new structure to be built on such a lot if a habitable structure already exists on the lot in question. In this case, the homeowner had the existing structure demolished before planning the erection of the new house, therefore, section 135-18(A) requires the applicant to request a variance from the Zoning Board.

The Applicant demonstrated that efforts were made to bring the lot into compliance. Additional land is not available to make the lot conforming. The applicant presented testimony that the adjacent lots are not large enough to subdivide so that land could be conveyed to the applicant to make the subject property conform to the ordinance. In addition, the applicant sent written notice to the two adjacent lot owners (see exhibits A-6 and A-7). Neither lot owner agreed to buy the subject property or sell any land to the applicant. The applicant presented evidence that the existing lot is consistent with many lots on the same block and the proposed home will comply with all yard, height and coverage requirements of the R3 zone. Therefore, the applicant demonstrated that a hardship exists.

Steven Fenwick, Applicant's architect testified that the house will comply with all applicable zoning ordinance and building code requirements. He further testified that the size, location and appearance of the home will not change the nature and character of the neighborhood.

Gary Vermaat, the broker of record for Lenny Vermaat and Leonard and a realtor for over 40 years in the Haddonfield market, testified that the fair market value of the lot as a buildable lot, i.e., if the variances are granted is \$600,000. There is no other evidence in the record as to value of the subject lot if the variances are granted.

Mario Iavicoli, Esquire represented himself and his daughter, Michelle Iavicoli, who both live within 200' of the subject property. He stated it is the only undersized lot on the street and the Applicant tore down a very nice house that was very livable. Mr. Iavicoli stated a house doesn't need seven bathrooms and a wine cellar. He also marked into evidence a brief in opposition to the granting of the variance application.

Robin Miller, of 440 Queensboro Lane, opposed the variances. She said the house is too tall and they live to the right of this house and the new construction will rob them of light and air.

Lisa Flowers, of 432 Queensboro Lane, stated the house is not comparable to the neighborhood.

Derick Lebau, of 439 Queensboro Lane, had no objection and was in favor of the application.

Tom Synder, of 432 Queensboro Lane, stated the house was too massive and out of character for the neighborhood.

### **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. To obtain a c(1) variance, the Applicant has to show a hardship specific to the Property.
4. The variances can be granted under NJSA 40:55D-70c(1).

5. The Applicant has provided testimony as to the proposed use of this specific property.
6. Strict application of the zoning ordinance requirements would result in an undue hardship on the Applicant. It is impossible for the lot to conform in size and width. If a house is not allowed to be built here, it will be zoned into inutility.
7. The house will conform in every other way to the zoning ordinance.
8. The Board believed there was no detriment to the public good because there are 8 lots on this block that do not comply with the zoning requirements for lot size and/or width.
9. Mr. Burns is in support of the application due to the impossibility of conformance.
10. Mr. Sweet stated the applicant is playing within the rules.
11. Mr. Shanahan stated the Applicant is building a house that meets all the other requirements and has adequate parking. Mr. Pukenas and Mr. Mazza agreed.
12. The Board finds that the applicant has satisfied its burden to prove that a hardship exists, for the reasons set forth above in this resolution. The Board finds that the applicant did not receive an offer to purchase the property for fair market value and the Board accepts Mr. Vermaat's testimony. The Board also finds that there is no adjacent land available to make the subject lot comply.
13. The granting of the variances does not cause a substantial detriment to the public good. The granting of this variance will not change the nature and character of this neighborhood. This lot is one of eight lots on this block that are undersized.
14. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan. Again, the proposed dwelling will comply with all other ordinance requirements. The public's primary concern is the size of the proposed dwelling but the Board notes that the dwelling will comply with all other ordinance requirements such as coverages and setback requirements.
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 house to be constructed on this property must comply with all applicable zoning ordinance requirements. If it does not, the Applicant is required to apply to the Zoning Board for all variances that may be required.
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 Shanahan

Board members voting to grant the requested variances: Burns, Pukenas, Sweet, Shanahan, Mulholland, 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 July 19, 2022, memorializing action taken by the Zoning Board on June 14, 2022.

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

\_\_\_\_\_

**TAVIS KARROW, Secretary**

A RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF

THE BOROUGH OF HADDONFIELD

APPLICATION/RESOLUTION NUMBER: ZBA #2021-40  
PROPERTY ADDRESS: 100 Wedgewood Lane [B 64.24 L 28]  
NAME OF OWNER/APPLICANT: Jim and Tracy Dwyer  
DATE OF HEARING: June 14, 2022  
APPEARANCES: Matthew Lipman, Esquire, Applicant's Attorney  
Adam Weiner, AIA, Applicant's Architect  
Clifton Quay, P.P., P.E., Applicant's Planner/Engineer  
Tavis Karrow, Board Secretary  
Jennifer Johnson, Esq., Board Solicitor  
Melanie Adamson, PE, Board Engineer

BOARD MEMBERS PRESENT:

Kevin Burns, Chairperson  
Wayne Partenheimer, Vice-Chairperson  
Brian Mulholland  
Bryan Pukenas  
Steve Sweet  
William Shanahan  
Lindsey Watson-McCarthy-Alternate I  
Kas Ghodoussipour- Alternate II  
Matthew Mazza- Alternate III

**PROPERTY DESCRIPTION**

ZONING DISTRICT: R3  
STRUCTURES ON LOT: single-family detached dwelling



## **DEVELOPMENT PROPOSAL**

The Applicants are looking to construct a second story addition in the rear of the home. Because the property is a corner lot, there is no rear yard. The addition is considered to be in their side yard.

## **RELIEF/VARIANCE REQUESTED**

1. Building area- existing 18.34%, proposed 19.08%, maximum allowed 18%
2. Impervious coverage- existing 30.80%, proposed 30.19%, maximum allowed 28%
3. Lot depth- existing 90', proposed 90' required 125'
4. Side yard setback single-existing- 12.32', proposed- 11.84', required 18'

## **SUBMISSIONS**

### Application

Plans prepared by Adam Weiner, AIA, dated 5/6/21

Zoning Plan prepared by Clifton Quay, P.E., P.P., dated 6/1/22

## **SUMMARY OF TESTIMONY AND EVIDENCE**

The property has an existing 2 story home on a lot located at the corner of Wedgewood Lane and Washington Avenue. The Applicants propose to construct a second floor addition to their existing home.

The property is located in the R3 zone which requires a lot depth of 125'. This property is undersized for the zone with a depth of 90'. Because it is on a corner lot, it has two side yards and two front yards. The "rear" of their home is the side of the lot which abuts 1150 Washington Avenue. The majority of the addition would go on top of an existing addition. They are also looking to add onto this addition for a section measuring 11.84' by 8'7.25".

Jeffrey Puff, of 1150 Washington Avenue, spoke out against the application. He believes the addition is too close to his house which is directly next door to the Applicant's proposed location for the addition. Mr. Puff had Thomas Scangarello, a licensed professional planner, testify in his opposition to the application. Mr. Scangarello does not believe this application qualifies for a hardship variance.

Anthony Alfo, neighbor living at 125 Wedgewood Lane, spoke in favor of the application. He thought it added curb appeal and value to the neighborhood.

Ryan Flynn of 105 Wedgewood Lane, spoke in favor of the application. He said he lives directly across the street and he has a similar side yard setback to what the Applicant is

proposing.

Barbara Smith of 35 Gill Road, spoke in opposition to the application. She said she was recently driving by and thought the proposed addition looked too close to the neighbor.

### **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. To obtain a c(1) variance, the Applicant has to show a hardship specific to the Property.
4. The variances can be granted under NJSA 40:55D-70c(1).
5. The Applicant has provided testimony as to the proposed use of this specific property.
6. Strict application of the zoning ordinance requirements would result in an undue hardship on the Applicant.
7. The Board was compelled by the C1 argument given the lot depth and the orientation of the house on the lot.
8. Collectively, the Board believed there was no detriment to the public good because the addition does not increase the bulk of the house considerably.
9. It also did not feel there was a substantial deprivation of light and air to the neighbors.
10. Mr. Burns stated that the shallow depth of the lot makes this a case for a C1 variance and there is no detrimental impact on the neighborhood nor will it impair the zoning plan.
11. Mr. Pukenas and Mr. Sweet agreed with Mr. Burns and appreciated that the impervious coverage is being slightly reduced.
12. Mr. Partenheimer agreed with Mr. Quay's testimony that the lot depth is a hardship.
13. Mr. Mulholland does not think this situation qualifies for a C1 hardship.
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. Applicant will provide survey to the Construction Office.
2. Applicant will confirm impervious and building coverage calculations include a/c units and are accurate.
3. The development approved by this resolution must comply with the plans and specifications submitted with this application. If the plans and specifications change, the Applicant is required to re-apply to the Zoning Board with the modified plans.
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 Shanahan

Board members voting to grant the requested variances: Burns, Partenheimer, Pukenas, Sweet, Shanahan, Watson-McCarthy

Board members voting to deny the requested variances: Mulholland

**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 July 19, 2022, memorializing action taken by the Zoning Board on June 14, 2022.

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

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