

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

APPLICATION NUMBER: ZBA #2021-02

PROPERTY ADDRESS: 10 Lane of Acres [B 64.19 L 22]

NAME OF APPLICANT: 2P Renovations, LLC (d.b.a. 2P Builders)

OWNER OF PROPERTY: Stainless Holdings, LLC

DATE OF HEARING: January 19, 2021

RESOLUTION NO. _____

APPEARANCES: Trevor Williams, Esquire, Attorney for Applicant

 Pat Ward, builder

 John Helbig,PP

 Thomas Wagner, architect

 Dante Guzzi, P.E.

 Travis Greiman, 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)

Brittany Bonetti (Alternate II)

Note: This meeting was conducted virtually by zoom.

PROPERTY DESCRIPTION

ZONING DISTRICT: R1
LOT DIMENSIONS: 415' x 420'
LOT AREA: 175,632 sf
STREET FRONTAGE: 37'
STRUCTURES LOCATED
ON LOT: none

DEVELOPMENT PROPOSAL

The proposal is to build a single-family dwelling with a basement that exceeds the allowable height.

RELIEF/VARIANCE REQUESTED

The applicant is seeking relief from Section 135-77C requiring the lowest portion of the proposed finished floor to be set a minimum of 18 vertical inches above the seasonal high groundwater elevation.

SUBMISSIONS

Application

Grading Plan, Dante Guzzi Engineering Associates 11/19/2020

SUMMARY OF TESTIMONY AND EVIDENCE

The Application is seeking relief from a relatively new ordinance that requires the lowest portion of the proposed finishes floor be set a minimum of 18 inches higher

than the seasonal high groundwater elevation, Applicant is looking to construct a large single-family house with a basement that is 10 feet high. The results of the required test pits deemed a basement with a maximum height of 3.5” was allowed. Applicant, Pat Ward, testified that houses in this neighborhood are expected to have basements with heights more significant than that. Applicant testified that waterproofing (with warranties) would occur throughout the entire basement. John Helbig, Applicant’s planner, testified that neighbors would not be impacted by water runoff. The Board engineer concurred. Neighbor Bill Tortelotte spoke about the significant flooding his property already has at 6 Lane of Acres and that this variance would exacerbate the problem. Thom Wagner testified that he saw no problem with the plan and that the variance could be granted without substantial detriment to the public good. The engineer, Dante Guzzi, testified that the topography of the property is a mitigating factor.

FINDING OF FACT AND CONCLUSIONS

1. The property is in the R-1 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 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.
5. The Applicant has provided testimony as to the existing/proposed use of the building.

6. The granting of the variances does not represent any detriment to the zone plan or ordinance.
7. The relief requested can 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 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, Sweet, Troy, Bonetti

Board members voting to deny the requested variances: Mulholland

Board members recused: Bryan Pukenas

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 February 16, 2021, memorializing action taken by the Zoning Board on January 19, 2021.

Dated: _____

TAVIS KARROW, Secretary

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

APPLICATION NUMBER: ZBA #2021-04

PROPERTY ADDRESS: 20 Upland Way [B 64.21 L 1]

NAME OF APPLICANT: Jason Tete

OWNER OF PROPERTY: Jason Tete

DATE OF HEARING: January 19, 2021

RESOLUTION NO. _____

APPEARANCES: Thomas B. Wagner, AIA, Architect for Applicant

Jason Tete, Applicant

Travis Greiman, Board Engineer

Tavis Karrow, Board Secretary

Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson

Wayne Partenheimer, Vice-Chairperson

Brian Mulholland

Brian Pukenas

Steve Sweet

Frank Troy

William Shanahan (Alternate I)

Brittany Bonetti (Alternate II)

Note: This meeting was conducted virtually by zoom.

PROPERTY DESCRIPTION

ZONING DISTRICT: R3
LOT DIMENSIONS: 126' x 135' (irregular)
LOT AREA: 15,343 sf
STREET FRONTAGE: 126.86'
STRUCTURES LOCATED
ON LOT: One story single family residence

DEVELOPMENT PROPOSAL

The proposal is to remodel the entire house and add a second floor.

The building expansion will expand the existing non-conforming two front yards and one side yard setbacks.

RELIEF/VARIANCE REQUESTED

Section 135-28 D(2)(a) To permit a front yard setback of 27.7' where a minimum of 35' is required.

Section 135-28D(2)(b): To permit a side yard setback of 5 feet where a minimum of 10 feet is required.

SUBMISSIONS

Application

Photographs of property

Survey, Walter H. Macnamara Assoc Inc, dated 7/18/02

Existing and Proposed Site Plans, Thomas B. Wagner, Architect

SUMMARY OF TESTIMONY AND EVIDENCE

The Applicant's architect, Thom Wagner gave a brief overview of the project and introduced the applicant. The plan is to expand the existing structure going upward on most of the footprint of the house. In order to maintain the zone required side yard setback on the neighbor's side, the addition will not be added over the portion of the first floor closest to the adjacent neighbor and will maintain as closely as possible to the 18' setback. On the Concord Drive side, the second floor addition will be expanded over the garage which, at the smallest dimension is 27'5". This portion of the house is partially over the attached garage and will not exceed 25' per the ordinance. All other setbacks and coverages will meet the ordinance requirements.

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. One way an Applicant can obtain a (c)1 variance is to show that that the narrowness, shallowness or irregular shape of the property creates an exceptional and undue hardship on the owner.
5. The Applicant must then also establish the "negative criteria" by showing that the variance does not cause "substantial detriment to the public good" and that 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.
7. The property is an irregular shape and the house is irregularly placed on it.
8. The granting of the variances does not represent any detriment to the zone plan or ordinance.
9. The relief requested can be granted without substantially impairing the intent and purpose of the zoning ordinance, the zone plan and the Master Plan.

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. 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 Mulholland

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

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 February 16, 2021, memorializing action taken by the Zoning Board on January 19, 2021.

Dated: _____

TAVIS KARROW, Secretary

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

APPLICATION NUMBER: ZBA #2021-03
PROPERTY ADDRESS: 126 Mt. Vernon Ave [B 120 L 1]
NAME OF APPLICANT: Brian and Maureen Chacker
OWNER OF PROPERTY: Brian and Maureen Chacker
DATE OF HEARING: January 19, 2021
RESOLUTION NO. _____

APPEARANCES: Brian Chacker, Applicant
Thomas B. Wagner, AIA,
Travis Greiman, Board Engineer
Tavis Karrow, Board Secretary
Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson
Wayne Partenheimer, Vice-Chairperson
Brian Mulholland
Brian Pukenas
Steve Sweet
Frank Troy
William Shanahan (Alternate I)

Brittany Bonetti (Alternate II)

Note: This meeting was conducted virtually by zoom.

PROPERTY DESCRIPTION

ZONING DISTRICT: R5
LOT DIMENSIONS: 105' x 175'
LOT AREA: 18,375 sf
STREET FRONTAGE: 105'
STRUCTURES LOCATED
ON LOT: Three story single-family residence and a detached garage

DEVELOPMENT PROPOSAL

The proposal is to demolish the single-family house on the property and construct a new one that is consistent with the character and feel of the neighborhood. The issue is the height of the garage. The Applicant proposes to build a garage 30 feet in height where a maximum of 25 feet is permitted.

RELIEF/VARIANCE REQUESTED

Section 135-30E(2): To permit a garage 30' in height where a maximum of 25' is permitted.

SUBMISSIONS

Application
Survey, Steven R. Kelly, P.L.S. P.P., dated 7/24/2020
Existing and Proposed Site Plans, Thomas B. Wagner

SUMMARY OF TESTIMONY AND EVIDENCE

The Applicant's architect, Thom Wagner presented the application to the Board. The Applicants, Brian and Maureen Chacker, are looking to construct a new home on the property that will comply with every section of the Ordinance except for the recently

enacted ordinance having to do with garage height. The Applicant testified that the objective in designing this home was to create a home that complies with the feel and character of the neighborhood. They ran into difficulty in the roofline of the attached garage. To abide by the ordinance that states a garage cannot be more than 25' in height, they would be left with a roof line that is virtually flat, unattractive and inconsistent with the appearances of garages in the neighborhood.

Mr. Wagner testified that the requested variance will ensure the attached garage remains lower than the primary structure but will also guarantee that the appearance is consistent with the more barn-like appearances of most detached garages. Further it will create a more asymmetrical aesthetic rather than a flat box attached to a rustic appearing home. He also stated that the goal of the ordinance is to prevent the garage from becoming visually dominant. He believes this design achieves that goal.

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)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.
5. The Applicant has provided testimony as to the existing/proposed use of the building on this specific property.

6. The application advances the purposes of the MLUL in that it looks to preserve the character of Haddonfield.
7. Given the size of the lot, because the garage will be subordinate to the primary structure and is consistent with the neighborhood, there is no substantial impairment of the intent and purpose of the zone plan and ordinance.
8. The granting of the variances does not represent any detriment to the zone plan or ordinance.
9. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.
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. 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: Partenheimer, seconded by Pukenas

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

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

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Dated: _____

TAVIS KARROW, Secretary

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

APPLICATION NUMBER: ZBA #2021-01

PROPERTY ADDRESS: 201 Windsor Avenue [B 11.04 L 1]

NAME OF APPLICANT: Sean A. Perry

OWNER OF PROPERTY: Sean A. Perry

DATE OF HEARING: January 19, 2021

RESOLUTION NO. _____

APPEARANCES: Lindsey Watson McCarthy, Esquire, Attorney for Applicant

Sean A. Perry, Applicant

Jason L. Vico, AIA, NCARB

Travis Greiman, Board Engineer

Tavis Karrow, Board Secretary

Jennifer Johnson, Board Solicitor

BOARD MEMBERS PRESENT AND VOTING:

Kevin Burns, Chairperson

Wayne Partenheimer, Vice-Chairperson

Brian Mulholland

Brian Pukenas

Steve Sweet

Frank Troy

William Shanahan (Alternate I)

Brittany Bonetti (Alternate II)

Note: This meeting was conducted virtually by zoom.

PROPERTY DESCRIPTION

ZONING DISTRICT: R7
LOT DIMENSIONS: 50' x 145'
LOT AREA: 7250 sf
STREET FRONTAGE: 50'
STRUCTURES LOCATED
ON LOT: Two story single family residence

DEVELOPMENT PROPOSAL

The proposal is to add a bedroom and full bathroom overtop an existing floor plan. The building expansion will expand the existing non-conforming side yard setback and thus the combined side yard setback by 5 feet on one side and 1.52 feet on the other for a combined setback of 6.52'.

RELIEF/VARIANCE REQUESTED

Section 135-32D(2)(b): To permit a side yard setback of 5 feet where a minimum of 10 feet is required.

Section 135-32D(2)(c) 20 feet: To permit a combined side yard of 6.52' where 20' is required.

SUBMISSIONS

Application
Survey, Walter H. Macnamara Assoc Inc, dated 8/2/19

SUMMARY OF TESTIMONY AND EVIDENCE

The Applicant's counsel, Lindsey McCarthy gave a brief overview of the project and introduced the architect and the applicant for a more detailed explanation. The plan is to expand the existing structure going upward by adding a bedroom and full bathroom over the existing first floor. The existing footprint of the home with all existing setbacks will be maintained. The nonconforming side yard setbacks are existing and will be expanded only in the sense that an addition is going on top of it.

FINDING OF FACT AND CONCLUSIONS

1. The property is in the R-7 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 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.
5. The Applicant has provided testimony as to the existing/proposed use of the building.
6. The expansion will advance the purposes of the MLUL in that it encourages use which will promote the general welfare;
7. The granting of the variances does not represent any detriment to the zone plan or ordinance.
8. The relief requested can be granted without violating the spirit and intent of the zoning ordinance, the zone plan and the Master Plan.

9. 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

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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: Troy, seconded by _____

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

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.

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its regular monthly meeting on February 16, 2021, memorializing action taken by the Zoning Board on January 19, 2021.

Dated: _____

TAVIS KARROW, Secretary

