

THE HADDON TOWNSHIP PLANNING/ZONING BOARD

MINUTES

February 4, 2021

Minutes of the regular meeting of the Township of Haddon Planning/Zoning Board, held on Thursday, February 4, 2021, via zoom.

Flag salute

Confirmation of Sunshine Law

Chapter 231, Public Law 1975 requires adequate notice of this meeting be provided by specifying time, place and agenda. This has been done by mailing a copy of the Agenda to the Courier-Post and The Retrospect newspapers and by posting on two bulletin boards in the Municipal Building.

Roll Call

Richard Rotz	Present
John Foley	Present
Suzanne Discher	Excused
Joe Buono	Present
Frank Monzo	Present
Marguerite Downham	Present
Ryan Linhart	Excused
James Stevenson	Excused
Greg Wells	Present
Jose Calves	Present
Renee Bergman	Present
Vacant	Excused
Vacant	Excused

Also, present

Francis Ryan – Solicitor

Lee Palo – Zoning Officer

Gregory Fusco – Township Engineer

Meeting called to order by Chair Richard Rotz 7:30 P.M.

Old Business – None

New Business – Application 20-27 – Block 15.06 Lot 16 – Zone R1- 717 E Greenman Road-Jason Dement- Applicant is seeking to run a gym out of his garage, requesting a USE variance with any and all other variances, waivers deemed necessary to approve this application.

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Mr. Jason Dement owner of 717 E Greenman road was sworn in

Mr. Richard T. Wells, Esquire attorney for the applicant

Mr. Wells explained that his client is asking for relief of Section 142-38(D)(1) which limits home occupations to within the principal residential building and Applicant proposes to operate the business in an accessory building.

Relief from any other subsections of Section 142-38(D) as may be necessary also Relief from Section 142-37(A)(4) which requires 5-foot side and rear yard setbacks for accessory buildings.

Mr. wells went on to say that his client plan is to conduct a personal training, nutrition counseling and related wellness activities in the accessory building that has been constructed on the property. Zoning approval was received by the zoning officer, construction permits were issued, and received a Business License. It was then brought to the applicant's attention that his permits did not extend to the use of the accessory building for the home occupation which violates the ordinance he proceeded to file for the USE variance.

Mr. Dements testified that he has no employees, no more than 2 individuals at one time, personal training is by appointment only, that none of his neighbors complained, there is no outdoor training done at this location. Mostly I do one-on-one personal training, which some are able to do online. He also stated that he spoke to the Zoning Officer prior to construction the structure and received zoning approval, a business license and a construction permit. Prior to receiving the notice of violation, he did not hear any complaints from the neighbors.

A board asked if this was a 24/7 operation?

Mr. Dement – No

A board member replied that it is on line stating it was 24/7.

Mr. Dement stated again it is not 24/7, My family and friends use outside from 8 am to 8 pm.

A board member asked about parking.

Mr. Dement answered that his family only has one car, and there is 80+ feet of curb in front of his house and it would only be one car at a time. And No business vehicles.

A board member asked about signage?

Mr. Dement there is no signage.

A board member stated that there is a logo painted on the shed/garage

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Mr. Frank Ryan stated that the construction permit states that you applied for a 20 x 22 detached garage.

A board member that stated again that google site states that this business is open 24/7.

Mr. Dement replied that google sets hours automatically and we never changed it. There are no classes after 8 PM.

Board member stated that painting is considered a sign.

Mr. Dement stated that he will paint over the logo.

A board member asked – How do you get back to the gym?

Mr. Dement There is a walking path and stepping stones

Mr. Rotz stated that a variance needs to place on the garage because it is too close to the property line. Were there any documents that show an original drawing,

Mr. Dement stated that he gave survey and drawings to Lee Palo and Ed Toussaint and I spoke to Lee Palo before I did anything.

It was stated the Mr. Dement was improperly approved

Mr. Rotz remarked that the construction application states it is for a 2- car garage not a shed/gym structure.

Board member asked is the white fence around the yard your or your neighbor?

Board member – IF this was a garage, would it be okay?

Mr. Rotz stated the issue is the use of the structure and it is too close to the property line.

Board member asked is this a pre-build structure?

Mr. Dement – Yes

Board member – What was this zoning permit approving for?

Board member – Ask Lee for input on the conversation with Mr. Dement

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Lee palo – Zoning permit was for garage, Business License approval but I was unaware that it would be a gym in a garage.

Board member – Lee does that permit address issues of distance & Size issues?

Lee Palo – Accessory structures must be 5 feet off property lines.

A motion by Marguerite Downham to open the application to the public, seconded by Jose Calves. All members present voted in the affirmative. Motion carried.

June Hodges – Sworn In
711 E Greenman Road
Haddon Township, NJ

The permit was for garage only, Signage not allowed on building, to close to property line, if allowed this would set a precedent for commercial variance. Noise from property is noticeable, this will devalue neighbor properties.

This can't be allowed.

Sara Fitzpatrick – Sworn In
718 E Greenman Road
Haddon Township, NJ

I am an 86-year resident of Haddon Township

Cars parked 4:30 -5:30 a.m. for gym, there has been an increase in parked cars

My Son is here and would like to speak.

Mr. Frank Ryan is allowing testimony

I have observed cars as early as 6 am. Building permit did not indicate use of garage for commercial business. I believe the Township was provided with incorrect information.

Instagram comments

Is this going to be a mini gym?

Will this be small group training up to 6 people?

Alyssa Hogan Sworn In
716 E Greenman Road
Haddon Township, NJ

My complaint is the booming sound, loud noise coming from that garage. This garage is not similar to any other structures, it is being used as a commercial gym, this is bad for the street, I strongly oppose.

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William Brophy – Sworn In
656 E Greenman Rd
Haddon Township, N.J.

I believe this will decrease the property values. Makes the residential area looking like commercial area.
I am against this gym.

Dennis & Traci Noon – Both sworn In
233 Hopkins Road
Haddon Township, NJ

We do hear anything, cannot see it from our backyard.
Was inspection done? How was construction approved? Footing inspection?
Does have footings – could see where it was dug out at both footings & di out was approved. Footing inspection? How did it get this far? The neighbor's garage is the same size. We are 50 yards away and we do not hear anything.

Alyssa Hogan – still sworn In
716 E Greenman Road
I am directly across the street from the property. Again, my concerns
Do not values of property to decrease
Open flood gate for other to open up commercial business in the residential area.

Bryan Wellens – Sworn In
719 E Greenman Road
Haddon Township

Township needs to take fault in this, I live next door do not noticed much noise, how did the town allow this to happen?

James & Lynne Lynch – Both sworn In
714 E Greenman Road
Haddon Township, NJ

We live across the street; we have concerns about a commercial business on a residential street.

Gary Baker – Sworn In
706 E Greenman Road
Haddon Township, NJ

I am concern about the safety of the kids in the area. Traffic and strangers in the neighborhood, decrease values of housed and opens up to more commercial business in area.

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David Feldstein – Sworn In
255 Hopkins Road
Haddon Township, NJ

I have the same concerns, Property values. Mixed commercial and residential

Sara Fitzpatrick again stated that the business is being advertise as 24 hours. And up to 6 people, and operating outside the 8 am to 8 pm hours, submitted photographs- emails phot show building logo.
Marked Public #1

Todd Bigley – Sworn In
715 E Greenman Road
Haddon Township, NJ

Just recently moved to this street, had no knowledge of what was happening in the neighbor's backyard. Could have changed their decision to move ton to the street. Feels like Township missed something. lives next door was not given notice of variance. Neighbor did not receive anything about meeting could have gone to prior owner, we closed on September 24, 2020. Certified mail went out possible sent to previous owner.

Hearing nothing move from the public a motion by Joe Buono to close the public portion of this application seconded by John Foley, all members present voted in the affirmative. Motion carried.

Mr. Rotz asked the board members if they had anything else to say.

A board member stated that if an approval is given for a commercial business here then we could see nails or hair in shed/garages.

Board member – a home business is not supposed to be in an accessory building.

Hearing nothing else Mr. Rotz asked for a motion.

A motion by Jose Calves to grant use variance with conditions must paint over logo. Seconded by Marguerite Downham. 4 -yes votes and 3 no votes, (yes votes – Joe Buono, John Foley, Jose Calves) (no votes -Richard Rotz, Greg Wells, Marguerite Downham and Renee Bergman) Motion has been denied.

A motion by Jose Calves to approve a bulk variance to allow the garage and seconded by John Foley. 5 Yes votes and 4 no votes (yes votes – Joe Buono, Ryan Linhart, Frank Monzo, John Foley, Jose calves) (no votes – Richard Rotz, Greg Wells, Marguerite Downham, Renee Bergmann) Motion Carried.

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Application 21-07 – Block 27.04 Lot 29 Zone R2 – 212 Penn Avenue – Dominique Kennelly – Applicant is seeking to remove front porch and rebuild front porch seeking front yard setback and any other variances, waivers deemed necessary to approve this application.

Dominique Kennelly – Sworn In
Auston Thomas - Sworn In
212 Penn Avenue
Haddon Township, NJ

Ms. Kennelly stated that they had submitted an application that was heard on July 2, 2020 to construct a second floor on their existing home. We thought that the front porch would be preserved during the construction. But it was discovered that the porch was in such disrepair that it needs to be replaced, and the structure was removed. Now we were told we need a variance to replace the porch.

The board looked at the drawings and the survey.

Mr. Ryan explained that the applicant is seeking relief of section 142-37(A)(4) which requires front yard setback of thirty (30) feet and proposed is 17.58 feet.

Mr. Rotz asked for a motion to open to the public.

A motion by Joe Buono to open the meeting to the public, seconded by John Foley, all members present voted in the affirmative.

Hearing nothing from the public a motion by Greg Wells to close the public portion of the meeting, seconded by Marguerite Downham. All members present voted in the affirmative. Motion carried.

A motion by Greg Wells to approve the application 21-07 as presented, seconded by Renee Bergman 8 members vote in the affirmative, 0- no votes motion carried. (yes votes – Richard Rotz, Greg Wells, Marguerite Downham, Joe Buono, Ryan Linhart, John Foley, Renee Berman and Jose Calves)

This will be memorialized next month March 4, 2021

Resolutions

Mr. Ryan explained the two resolutions.

A motion by Marguerite Downham to approve resolutions 20-30 – 626 Avondale Ave and 20-48 – 227 Fern Ave, seconded by Joe Buono. All members present voted in the affirmative. Motion carried.

Zoning Office report – Lee Palo - The upcoming work session we have 3 to 4 applicants. And the March regular meeting we have 4 to 5 applicants

Richard Rotz asked if there should be a requirement for a survey after construction?

Mr. Fusco – an “as built Survey” - survey could take months.

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Mr. Rotz should we require this? Could it be incorporated in ordinance

Need checklist that walks through process – Do not scheduled settlement without CO and have them sign and redo checklist check with Bonnie

Parking Ordinance Changes went over with Greg Fusco, copy if on file.

Frank Ryan stated that a low suit has been placed against Reunion Hall by Haddon Towne Center

Next meeting – Work Session Meeting – Monday February 15, 2021 - Zoom

Regular meeting – Thursday, March 4, 2021 – In Person High School Cafeteria

With no further business to bring before the Haddon Township Planning/Zoning Board this evening a Motion by Joe Buono to adjourn the meeting, seconded by John Foley. All members present voted in the affirmative. Motion carried.

Meeting adjourned 10:55 P.M.

This meeting was recorded by the Zoom Host Rivell (Jack Dooley)

Respectfully submitted

Bonnie Richards, Secretary