

THE TOWNSHIP OF HADDON PLANNING/ZONING BOARD MEETING AGENDA
MINUTES - THURSDAY MARCH 2, 2023

Minutes of the regular meeting of the Planning/Zoning Board of the township of Haddon was held on Thursday March 2, 2023 in the Municipal Building meeting room (2nd floor), located at 135 Haddon Avenue, Haddon township, New Jersey.

Flag Salute

Confirmation of Sunshine Law

Chapter 231, Public Law 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	Absent
Marguerite Downham	Present
Joe Buono	Present
Frank Ryan	Present
James Stevenson	Present
Commissioner Linhart	Absent
Gregory Wells	Excused
Renee Bergmann	Present
Jose Calves	Excused
Chris Janoldi	Excused
Meredith Kerschner	Present

Also Present

M. Lou Garty – Solicitor

Lee Palo – Zoning officer

Gregory Fusco – Board’s Engineer and Professional Planning Consultant

Mr. Rotz as for a motion to approve the minutes from February 2, 2023

A motion by Joe Buono to approval of Minutes from FEBRUARY 2, 2023, seconded by James Stevenson.

4 members voted in the affirmative, 0- no votes – 4 abstentions (Downham, Foley, Bergmann, Ryan)

Motion carried.

Old Business: Application 22-39 – Block 14.08 Lot 6 – Zone C3 – 202 Black Horse pike – Chris Brumer, American Construction Management Group, LLC – Applicant is seeking to install signs on the side of the building, and on the free-standing sign advertising it’s business, with any and all variances, waivers deemed necessary to approve this application. This is continued from January 4, 2023 meeting.

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Application is not being heard tonight.

Ms. Garty – reviewed the application, they did provide notice but requested for the matter to be adjourned so they could gather additional information. No further notice or publication necessary.

New Business: Application 23-01 – Block 28.12 Lot 69 – Zone R2- 6 Hampton Road – Erika Ferrigno – applicant is seeking a variance to install a 5’ high fence in side yard, along with any and all variances, waivers deemed necessary to approve this application.

Ms. Garty reviewed notices by application, information from assignment judge as to swearing in the professionals. Remind everyone at each session that the professionals are under oath.

Erika Ferrigno – Sworn In

Paula Pedro – Sworn IN

Mr. Rotz stated the survey is up to date and will be marked A1 - survey dated 12/22/2022

Mr. Ferrigno stated that the neighbors corner lot has a 5 ft high fence that runs into our yard. Old fence we are looking to replace is 5 ft we want it to look like it belongs with the neighbors 5 ft fence.

Mr. Rotz asked that what is on the survey the green line that says vinyl, is that the fence you are talking about?

E. Ferrigno - Yes

Mr. Rotz – the Photo array consisting of 4 photos will be marked as A2. What are you proposing to construct?

Mr. Ferrigno - It is going to be a wood fence that is 5 ft high, horizontal slats, 1-inch spaces between slats, it is a natural wood

Mr. Rotz – is there any reason you can't put a 3 ft fence there?

Mr. Ferrigno – we think it is a bit safer because we have a big dog, he is super friendly but the kids play there and he might bark at them.

Mr. Rotz - Are you also proposing an additional fence on the side of the property.

Mr. Ferrigno – yes, they are all in line with the codes.

Mr. Rotz – so a 5 ft fence from the rear of the yard and then to the side of the house.

Mr. Ferrigno – we are mixing and matching to match neighbor's fence. Rear long side is a green chain-link that ivy will grow over, the property in the back is the same vinyl; that runs into it, the two front sides would be the wood that would look the nicest from the street.

P. Pedro – the front will match with the natural wood slats, that will not match the neighbors who have a vinyl on the one side and red picket on the other side. We only physically moved in a week ago.

Mrs. Downham – on the right side where it says vinyl privacy fence, that is going to stay?

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P> Pedro - that is not ours. There is a 10 ft gap between us and the neighbors. We are only filling in the gap, about 30 ft of fencing0.

Mrs. Downham – What are you doing on the left?

Mr. Ferrigno – 5 ft high green chain-link, right now it is an Ivy wall with fabric knitting. Then it transfers into a red picket fence.

Mr. Ryan remarked between the left side of your house and property line are you putting in a new fence there?

Mr. Ferrigno – yes, we are putting the same matching slat wood on that side.

Mr. Ryan – is that going to extend along the property line to meet the chain-link?

P. Pedro – yes.

Mrs. Kirshner asked have you talked to your neighbors, are you sure they are not changing their fences?

Mr. Ferrigno – yes, we are sure, we have spoken with them and they will not be changing them. Our neighbor was grateful to hear about the green chain-link.

Mr. Rotz – where is the fence going to be? It looks like there is a 2-3 ft drop from foundation to fence of neighbors.

Mr. Ferrigno replied in the back corner of the house, it looks straight where the sidewalk is and goes down a little bit. Of off of back corner of the house.

Mr Rotz – and that will come out to the red picket fence?

Mr. Ferrigno – yes. 5 ft off the grading

Mr. Rotz – survey shows 11.0 3 ft is where the fence will be

Mr. Rotz open the meeting to the public at 7:45pm

Hearing nothing from the public Mr. Rotz asked for a motion to close the public portion.

A motion by Marguerite Downham to close the public hearing, seconded by John Foley.

All members present voted in the affirmative. Motion carried.

Ms. Garty asked – You are seeking a wooden fence 5 ft high in the front yard

Mr. Palo – Remarked - side yard

Mr. Palo – one side yard where the chimney side is on the right side, the other one where it says 11.3 complies and that is on the back corner of the house. They are only here for the 17 ft.

A motion by John Foley to approve the application as presented, seconded by Renee Bergman.

8 members voted in the affirmative, 0- no votes. Motion carried.

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Application 23-02 – Block 7.02 Lots 24, 25 – Zone R2 – 216 E. Clinton Avenue – Steven Williams – Applicant is seeking approval to install a 10' x 16' shed and 6' high fence. With any and all variances, waivers deemed necessary to approve this application.

Steve Williams – Sworn In

Mr. Rotz – stated that the survey dated January 12, 2023 will be marked A1, prepared by Mr. Walter McNamara and Associates. You are seeking variances to the fence ordinance for a 6 ft fence and a shed that is oversized based on our ordinance.

Mr. Williams – looking to get a larger shed for workspace purposes. We have a double lot there is a retaining wall that prevents my property from falling off into Newton Lake Park. There is a lot of maintenance that we do as far as soil erosion to keep that wall. I have a lot of larger equipment, like a soil hand truck that is required to maintain.

Mr. Rotz – what is at the rear of your property?

Mr. Williams – on the lefthand side there is a retaining wall, just past that retaining wall there is about a 60 degree drop into the Newton Lake Park.

Mr. Rotz – so you are proposing to put the shed in what I would describe as

Mrs. Downham – wouldn't you rather have a garage?

Mr. Williams – it just doesn't fit in. No one will build anything that close to the slope.

Mr. Rotz – the distance from the side and rear yard is?

Mr. Palo – 4.07 on the right side and the other on the back is 4.58

Mr. Rotz – so you need a small amount of relief because the ordinance requires – is there an existing shed you will be building off of?

Mr. Williams – the existing is in bad shape and needs to be demo. I was hoping to put it on the same corner because it is the safest space in the yard in that corner.

Mr. Rotz – you are asking to put the shed at the same spot?

Mr. William – yes at the same spot. The red box is positioned the measurements of the 4.57 and 4.58 will be the same

Mr. Rotz – yes you are correct, you have a double lot which is part of the basis for you asking for the additional size. Where would the 6 ft fence be?

Mr. Williams – on the right-hand side of the survey there is a red line closer the property line, I am asking for this fence to run from the back property along the side yard and close off around the front porch.

Mr. Rotz – what material are you planning to use?

Mr. Williams – white vinyl

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Mr. Rotz – why can't you have 5 ft?

Mr. Williams – the current fence is 6 ft tall at the post,

Mr. Rotz – You have the photo array it will be marked A2. Picture with the shed, you are saying that's a 6 ft fence?

Mr. Williams – I was using the measurement of the post. I just measured the post and that was just shy of 6 ft.

Mr. Rotz – if you are replacing the fence with a similar fence, it would be 5 ft then

Mrs. Downham – metal fence in the back, is that your fence?

Mr. Williams – yes that is a metal ornamental fence

Mr. Buono – and what height is that

Mr. Williams – 4 ft

Mr. Foley – photo shows shed and fence, is that your fence you are looking to replace. On the other side of that fence does your neighbor have a fence there? So that fence would be the only barrier between you and your neighbor on that side. The fence now appears to be 5 ft fence relative to the fence posted measured at 6 ft. Couldn't you just replace a 5 ft fence with a 5 ft fence and keep it within the ordinance itself.

Mr. Williams – for me that would be fine.

Mr. Ryan – if you go down two more pictures, there is a picture that shows a white fence. Where is that fence?

Mr. Williams – neighbor's property on the side

Mr. Ryan – so that's on the far side of your neighbor's property? And how tall?

Mr. Williams – yes, and maybe 5 ft.

Mrs. Kirchner – so this is the fence in the middle, referring to A2 page 5 the bottom.

Mr. Ryan – that is the neighbor's side yard, if I am hearing the testimony correctly.

Mr. Williams – yes that is a picture of my neighbor's yard that I took with their permission.

Mr. Rotz – So the fence is 5 ft?

Mr. Williams – I could forgo that and do a 5 ft fence

Mr. Buono – what kind of vinyl fence?

Mr. Williams – solid vinyl fence, with a latus at the top or on the side.

Mrs. Kirchner – I see in your letter, that you plan on removing some trees. Do you have water intrusion issues?

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Mr. William – we have a French drain

Mrs. Kirschner – be prepared if you are going to take out large trees that is taking away a lot of space where water would go. Just giving you a warning as I have had experience.

Mr. William – we might cut them back, we could have the fence done either way, the fence would sit behind the trees. We may keep them for that reason, you said, good point.

Mr. Rotz open the meeting to the Public.

Hearing nothing from the public

A motion by Marguerite Downham to close the public portion, seconded by Mr. Foley.
All members present voted in the affirmative. Motion carried.

Mrs. Downham – what is composition of the fence along the driveway?

Mr. William – that is aluminum fence matching what we have in the back.

Ms. Garty – do you think that having a larger shed is not out of character with the other sheds in the neighborhood. We intend to have it sided the same as our house. Do you think it's superior because you have a double lot to have the larger than 10x10 shed?

Mr. Williams – yes

A motion by John Foley to approve the application as amended to reflect a 5 ft fence instead of a 6 ft fence and approving the shed as well, we the location as testified, the size as testified, seconded Joe Buono.

Mr. Buono – did you say a 4 ft fence with a ft latus.

Mr. Williams – yes that is the type of fence we were thinking of.

Mr. Foley – the motion is for a 5 ft fence regardless of him having a foot of latus.

8 members present voted in the affirmative. Motion carried.

Application 23-03 – Block 15.10 Lot 15 – Zone R1 – 1104 Mt. Vernon Avenue – Keith Cunningham & Chao Li– Applicants are seeing to convert garage into living space seeking relief from front yard parking, along with any and all other variances, waivers deemed necessary to approve this application.

Keith Cunningham – Sworn In

Chao Li – Sworn In

Mr. Rotz – stated that the survey dated January 16, 2023 will be marked A1. I see here on the survey that there is a word written garage on the front portion. SI that the space you are proposing?

Mr. Cunningham – yes

Mr. Rotz – and how large?

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Mr. Cunningham – 180 sq ft.

Mr. Rotz – so this is the proposed rendering

Mr. Foley – so it has not been converted at this time?

Mr. Cunningham – No.

Mr. Rotz – One is the parking ordinance because you are losing parking space by converting the garage, the other issue is the look of the property so it doesn't look like a garage that has been converted to living space, make it look like it was designed to be living space. The windows making a consistent line looking like the window was always supposed to be there. I am having a hard time visualizing the size and shape of the window. It appears as though the window is lower than the other windows in the exterior of the home. It seems to be only about 18 inches off of the ground.

Mr. Cunningham – that lot is on a slope downwards, the bay window is about 18 inches off of the ground, the garage is about

Mr. Rotz – I don't see 18 inches; it looks like more than 18 inches from sidewalk to the front door.

Mr. Cunningham – I measured the window is 18 inches off the first floor of the living room.

Mr. Rotz – the window is a completely different shape of the rest of the windows in the home

Mrs. Downham – is that an addition on the right side of the house?

Mr. Cunningham – that was there when we bought it.

Mr. Palo – it is preexisting non-conforming.

Mr. Foley – If you look at other houses on Mount Vernon Avenue there are others that have converted garage space into living space. In your opinion is your proposal here as consistent with the rest of the house as those other living spaces are compared to the house. While that window is very attractive looks good there it is very different from the windows on the top of the house and the bay window on the front of the house. When you look at the others, is it your observation that they are different like yours or are they consistent with the rest of the house. Is it conforming with the rest of the neighborhood, does it look different? Will it stand out?

Mr. Cunningham – the top floor is bedroom space, and you wouldn't put a bay window there. I would either put casement window there they are not efficient, or another bay window, but we have a bay window, I just wanted to put a fixed window that doesn't open but lets a lot of light in. I have seen the others, some have three single panels, some have casement, but no other bay windows like that. I just submitted what I was asked for by the zoning office.

Mr. Ryan – to be fair to the zoning office they cannot submit the application for you. How does this design flow with your property and do other properties in the neighborhood have this type of window? There has been an effort made to bring this type of modification to not match the architecture of the house. From my perspective this doesn't reflect any effort to blend the new space with the existing architecture of the house.

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Mrs. Bergman – I don't have a picture here of what your house looks like right now and it is hard to make a decision without having pictures of the neighboring homes.

Mr. Foley – it would be hard to make a decision to do this tonight given the evidence that we have. It always comes with the caveat that we meet the other criteria. I would like to see what the other houses in the neighborhood look like.

Mr. Cunningham – if I knew I needed that then I would have provided that.

Mr. Foley – I think you should come back with more information.

Mr. Rotz – you are not required to do that, but since it is your application you have the ability to make a strategic decision to say I would like to table this and postpone until next month. Come back with a modified design, or ask us to make a discussion tonight.

Mr. Foley – not that I am looking for you to add costs to this, but did you design this yourself?

Mr. Cunningham – it is a nice architecture it is a nice window.

Mr. Rotz – you might find that value wise if you make a few tweaks that you will recoup any expense that you are spending.

Mr. Buono – go up and down the street take some pictures and see what you like and maybe do what they did

Mr. Cunningham – they put smaller casement windows to fill a garage door and I have a rather large window.

Mr. Buono – show us.

Mrs. Kirshner – did you guys do this brick work in the front?

Mr. Cunningham – yes.

Mrs. Kirshner – maybe some pictures pre brick work.

Mr. Rotz – also shows us what the finished product will look like if you are going to do stucco

A motion by Frank Ryan to table the application until the April 6, 2023 meeting, seconded by Renee Bergman.

All members voted in the affirmative. Motion carried.

Application 23-04 – Block 22.03 Lot 17 – Zone R-2 – 16 Locust Avenue – Paul Blaine & Janet Kostiuk – Applicants are seeking to remove and reconstruct an enclosed rear porch. Seeking relief from lot size required is 6,000 sf. Proposed 4,642.25, Frontage required 50 feet, proposed 29.29 feet, Front yard setback required 25 feet proposed 15 feet, Side yard setback required 6 feet proposed 3 feet, Existing garage one side required 5 feet proposed 3 feet, other side required 5 feet proposed 4 feet. Second accessory structure shed one side required 5 feet proposed 1-foot, other side required 5 feet proposed 2 feet. Along with any and all other variances, waivers deemed necessary to approve this application.

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Janet Kostiuk – Sworn In

Paul Blaine – Sworn IN

Mr. Rotz – Looked at the survey January 18, 2023 and stated that it will be marked A1. Note that you have an unusual shaped lot, it is not a rectangle it is situated on almost a 45-degree angle. Would it be right to say that you have a hardship that runs with the land?

Mr. Kostiuk – yes.

Mr. Foley – how long have you owned the house?

Mr. Kostiuk – almost 4 and a half years.

Mr. Rotz – front yard, side yard setback, undersized lot, you are now looking to demo the enclosed porch to the rear?

Mr. Kostiuk – there is a sunporch on the back of the house that we will be taking off and extending our kitchen into that space. The actual expansion is relatively small, approximately 40sq ft. 18 inches on each side and 24 inches to the back, roughly.

Mr. Rotz – you have elevations with you and we will mark the A2. It certainly will tip out in the driveway according to the sketch.

Mr. Kostiuk – we couldn't put a vehicle in that garage if we tried.

Mrs. Kostiuk – that area is pavers so it is like a patio.

Mr. Rotz – is there a tree?

Mr. Kostiuk – no there is no tree there. There is nothing there.

Mr. Rotz – what materials are you going to use to side the addition?

Mrs. Kostiuk – siding the match the rest of the house.

Mr. Rotz – and all of the variances requested are preexisting nonconforming.

Mr. Kostiuk – nothing we are doing on the extension will encroach on a setback requirement.

Mr. Rotz – could you further describe the specific variance relief being requested.

Mr. Rotz – what is the impervious coverage?

Mr. Palo – 45% impervious coverage

Mr. Ryan – the new impervious coverage 46.74%. What is that zone limit?

Mr. Palo – 60%

Mr. Rotz open the meeting to the public

Hearing nothing A motion by John Foley to close the public portion, seconded by Marguerite Downham
All members present voted in the affirmative. Motion carried.

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Mr. Rotz –stated that the photo array you supplied will be marked A3

A motion by John Foley to approve the application based on the restation and relief mentioned, seconded by Frank Ryan. 8 members voted in the affirmative, 0- no votes motion carried.

Application 23-05 – Block 24.03 Lot 13 – Zone R-2 – 112 Akron Avenue – Pinto Property Group, LLC – Lou Pinto – Applicant is seeking a minor subdivision. Asking for any and all variances, waivers deemed necessary to approved this application.

Beth Marlin – Brown and Connery – on behalf of the LLC. Lou will give an overview.

Lou Pinto – Sworn In

Mr. Rotz – you are not seeking to have any nonconforming lots.

Mrs. Marlin – it was a double lot and now it will match with everyone in the neighborhood.

Ms. Garty – Mr. Calves of Brown and Connery is not at the meeting this evening so he is not participating

Mr. Pinto – looking to take the double lot, create two conforming lots and build two single family homes on each of the lots. I am sure you guys are aware of my expe4rience and history. I take pride in the town that I live in and I get a lot of enjoyment out of putting nice homes in our town.

Mrs. Downham -so you are knocking down the existing home?

Mr. Pinto – yes.

Mr. Pinto – I will come into get a permit for the block party that will occur once the house gets torn down. The neighbors are overjoyed.

Ms. Garty – Stated that the Survey will be marked A1

Mr. Foley – did you build that house on Virginia.

Mr. Pinto – yes that was my work.

Mr. Foley – excellent job!

Mr. Pinto – two homes on Utica that I built, I am taking the front elevation of 94 Utica and one of 98 Utica, two faces on the one lot.

Mr. Fusco – the houses on Akron Avenue are constructed first floor above grade, you are proposing two homes with a front yard setback of 25 ft. The garage elevation will have to be different; you don't have any grading plan with these homes. What I am cautioning you is that you are not going to be able to lower the elevation of the home. If not, the driveway will be very steep. Please be careful.

Mr. Pinto – the house across the street, they have a very steep driveway.

Mr. Fusco – it is really not permitted on the building code, if someone gets hurt it could become a liability.

Mrs. Downham – will this have parking in the front?

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Mr. Pinto – no – an attached garage and driveway. They will be parking in the driveway, making an assumption there but probably.

Mr. Pinto – I am proposing a double wide driveway thought.

Mr. Ryan – those are all site plan issues

Mr. Rotz – Not for tonight's meeting

Mr. Ryan – We have come close to a sight plan

Ms. Garty – Will they need to submit a site plan for a single-family home?

Mr. Fusco – They will need a grading plan.

Mr. Rotz – Tonight all we are passing on is if this lot can be subdivided into two conforming lots. As I indicated in the beginning, they are by right permitted to subdivide on this lot.

Ms. Garty – Will you complete the subdivision by deed?

Mr. Pinto – yes.

Mr. Rotz – proposed subdivision plan is marked A2

Mr. Rotz open the meeting to the public.

A motion by John Foley to close the public portion, seconded by James Stevenson.

All members present voted in the affirmative. Motion carried.

A motion by John Foley to approve the application as submitted, seconded by James Stevenson.

8 members voted in the affirmative. Motion carried.

Resolution: 22-34 - 13 Wilson Ave

Ms. Garty – summarized resolution 22-34.

A motion by Richard Rotz resolution 22-34 13 Wilson Ave, Seconded by James Stevenson.

Mr. Rotz - No one who voted on this application is here, Mr. Stevenson and I voted against it and Mr. Buono abstained.

Ms. Garty – we just need to memorialize the decision.

3 members voted in the affirmative (Rotz, Stevenson, Buono) abstained were Foley, Bergman, Downham, Kirshner, Ryan

Motion carried.

Zoning Office Report – Lee Palo

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Mr. Palo - Next month we a few applicants with the carry over and may we have about 4. Schedule is getting filled up.

Mr. Rotz – is one of them Burger King?

Mr. Palo – I am hoping to hear from them but they are not on the agenda at this point.

Mr. Foley – of the application coming up how many are fences?

Mr. Palo – No fences, 4 commercials coming up too.

Next Meeting – Thursday, April 6, 2023

A motion Joe Buono to adjourn the meeting, seconded by Marguerite Downham. All members voted in the affirmative. Motion carried.

Meeting Adjourn 9:15 p.m.

Respectfully submitted

Bonnie Richards
Secretary