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## Memorandum

To: Kathleen Cullen, Director of Community Development  
Jacob Richman, PP, AICP, Community Development Planner

From: C. Jeremy Noll, PE, CPWM, CME, Zoning Board Engineer

Date: March 2, 2026

Re: Fifis – new dwelling  
57 Cunningham Way  
**Bulk (c) Variance**  
**Review #3**  
Block 524.05, Lot 3  
Application #25-Z-0022  
ERI File # 35714 00

Our office has received an Application for Bulk Variances for the parcel referenced above. The applicant is proposing to construct a single-family dwelling with attached garage and basement on a currently vacant lot. Improvements include a driveway, patio, deck and pool.

The parcel is located in the Residential Architectural (RA) zoning district and is surrounded by parcels within the RA district.

The following information was reviewed:

### February 2026 submission

1. Land Use Development Application.
2. *Cover letter, summary of plan changes, prepared by William H. Nicholson, PE, dated February 20, 2026.*
3. Boundary Survey, prepared by Robins Associates, dated May 3, 2024, revised May 7, 2024.
4. *Plot and Grading Plan, prepared by William H. Nicholson Associates, P.A., dated January 30, 2025, revised to January 14, 2026, 2 sheets.*
5. *Stormwater Calculations with drainage area maps, prepared by William H. Nicholson Associates, P.A., dated January 2025.*
6. Architectural Plans, prepared by Bishop and Smith, dated December 20, 2024.
7. Standard Checklist and Grading Review, undated.
8. Site photos.
9. Tree Removal Permit.
10. *Subsurface Exploration, South Jersey Engineers, LLC, October 8, 2025.*

### General Information

Applicant/ Owner: Patricia and John Fifis  
3 Barclay Court  
Cherry Hill, NJ 08034

Engineer: William H. Nicholson, PE  
William H. Nicholson Associates, P.A.

Architect: Jack Smith, R. A.  
Bishop and Smith

Attorney: Richard J. Goldstein, Esq.  
Hangley Aronchick Segal Pudlin & Schiller

### Zoning

1. The zoning district is Residential Agriculture (RA).
2. Per Section 402.B.8, single family dwellings are permitted uses in this district.
3. Per Section 402.C.2, 4, and 13, decks, patios, fences, and pools are permitted accessory structures.
4. The following are the Bulk Requirements of Section 402.D for a residential corner lot.

	Required	Existing	Proposed	
<b>Principal Structure (Section 405D)</b>				
Lot Size	43,560 SF	37,088 SF	N/C	ENC
Lot Frontage	200 FT	190 FT	N/C	ENC
Lot Depth	150 FT	210.40 FT	185.40	Conforms
Min Front Yard Setback	35 FT	~	36 FT	Conforms
Min Side Yard Setback	20 FT	~	21 FT	Conforms
Min Side Yard Setback (Aggregate)	50 FT	~	78.37 FT	Conforms
Min Rear Yard	25 FT	~	76.69 FT	Conforms
Max Height	35 FT	~	<35 FT	Conforms
Max Building Cover	25%	~	12.4%	Conforms
Max Impervious Cover	30%	~	32.9%	<b>Variance</b>
<b>Accessory Structure (Pool)</b>				
Min Side Yard Setback	10 FT	~	50 FT	Conforms
Min Rear Yard Setback	10 FT	~	40.73 FT	Conforms
Min Distance Principal to Pool	12 FT	~	19 FT	Conforms

\* See variance comments.

### Variance

1. Per §431C.5, attached garages shall be even with or behind the front of the building façade of a proposed principal structure. The proposed dwelling is providing a 3-car-attached garage with placement of the proposed garage in front of building façade of the proposed dwelling. A variance is required.
2. Per §402.D, the maximum lot coverage in this zoning district is 30%. The plan show that the proposed lot coverage is 32.9%. A variance is required.
3. The following are existing, non-conforming conditions:
  - a. The minimum lot frontage in this zoning district is 200 FT where 190 FT is provided.
  - b. The minimum lot size in this zoning district is 1 acre (43,560 SF) where 41,838 is provided.
4. Our office defers to the Township Planner for further comment regarding required waivers and variances.

The Applicant has the burden of proof to justify the variance, by testimony or other means, by using either the c(1) or c(2) proofs.

For c(1) variances the Applicant must demonstrate that strict application of the zoning requirement would have “peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the Applicant arising out of:

- a. The exceptional narrowness, shallowness, or shape of a specific piece of property, or
- b. By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- c. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

For c(2) variances the Applicant must demonstrate that:

- a. The purposes of the Municipal Land Use Law (MLUL) would be advanced by a deviation from strict application of the zoning requirement;
- b. The variance can be granted without substantial detriment to the public good;
- c. The benefits of the deviation would substantially outweigh the detriment; and
- d. The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

#### Waivers

4. Per §505C.1, one driveway is permitted. The plans show that 2 curb cuts onto Cunningham Lane. A waiver will be required.
5. Per §513A, except where otherwise required by NJ Residential Site Improvement Standards, concrete sidewalks and curbs shall be installed on both sides of all streets. Per RSIS, Section 5:21-4.5(h), sidewalks should be provided on one side of the roadway (Residential Access, low intensity). No sidewalk or curbing is depicted or proposed along the property frontage. It is noted that neither sidewalk or curbing is provided on Cunningham Lane. The applicant should provide sidewalk or request relief from the Zoning Board.

#### General Comments

4. **Outstanding.** Township details should be provided for the improvements within the Township right of way.

#### Grading

5. It is noted that Utility Note #4 references the downspouts will connect to the proposed 8” pipes which will drain into the proposed swale. No connections are noted.. Roof drains should be depicted and drainage arrows provided.

6. The following comments pertain to the Standard Checklist for a Grading Plan:

2C	<b>Acknowledged.</b> All work to be performed within the Township ROW will require a ROW permit. <i>It is noted that the driveway apron is proposed within the Township ROW. In addition, grading activities are proposed in the ROW as well.</i>
5A	<b>Noted. Grading is proposed to the rear of the parcel to be detained in a retention/detention basin.</b> Grading is to direct surface runoff toward the lot frontage road or other defined path. <i>The property slope is toward the rear of the property.</i>
5C	<b>Outstanding.</b> Location of existing and proposed utility connections must be shown. Shuster/clean out vent for later should be depicted. <i>The water and sanitary service to the dwelling should be depicted.</i>
6C	<b>Acknowledged. The plan has been revised to shift grading 5 FT from the property line. Grading activities remain within the Township ROW.</b> The plan must show the limits of fill and land disturbance. In no case shall fill be placed to interrupt existing drainage patterns or within 5 FT of the property line. <i>Grading is proposed within the Township ROW as well as within 1FT-2FT of the property line adjacent to Lot 4.</i>
8A	<b>Acknowledged.</b> Drainage for the site shall be positive. <i>It is noted that the parcel contains steep slopes and the dwelling has been designed to fit into the land. Drainage is directed to the south and east rather than the street frontage.</i>
8B	<b>Outstanding.</b> Proposed drainage patterns shall be denoted with flow arrows. Spot elevations shall be provided along major drainage paths. <i>Drainage arrows are not provided.</i>
8D	<b>Acknowledged. The plan has been revised to shift grading 5 FT from the property line. Grading activities remain within the Township ROW.</b> Top of an excavation or toe of slop of a fill section shall <u>not be closer than 5 FT</u> to an adjoining property line. <i>Excavation is within 1FT to 2FT from the adjoining property line.</i>
8E	<b>Grading activities remain within the Township ROW.</b> Proposed grading shall not extend beyond the property lines unless the written consent of the adjacent owner is obtained. <i>Grading is proposed within the Township ROW. An ROW permit will be required.</i>
8F	<b>It is recommended that a barrier or small knee wall be provided at the bump out for the driveway to protect vehicles from backing out of the driveway and impacting the yard which has a slope of approximately 20%, 2 FT from the edge of the driveway.</b> Driveways shall not have a slope greater than 12%.
9B	<b>Outstanding.</b> Soil erosion and sediment control measures should be provided. <i>Provide soil erosion measures as required.</i>

7. Add the floor elevations to the plans.

8. Due to the steep slopes, our office recommends all disturbed areas be stabilized with erosion control matting prior to topsoil and seed installation.
9. A square lawn drain is proposed near the northwest corner of the driveway. Collected runoff is conveyed via 138 LF of PVC pipe to a discharge structure located in the proposed infiltration basin. The structure should be identified and include an invert.
10. Based upon the invert of the lawn drain referenced above and PVC pipe length and slope labeled on the plan, it appears the invert of the discharge structure is 1 foot below the basin bottom. The designer should reconcile the discrepancy.
11. Based upon the spot grades (103) proposed on the edge of the westerly driveway, the 103-contour depicted west of the driveway should run along the edge of the driveway. However, we recommend increasing the two spot grades proposed along the curve to 103.28 to reduce the slope from the garage.
12. There is a spot grade labeled 103.10 adjacent to the 104-contour proposed along the front of the garage. It should be removed.
13. There is what appears to be an unlabeled contour line extending between the 100-contour encircling the lawn drain proposed near the southeast corner of the residence and a separate 100-contour to its east. It should be removed to avoid confusion.
14. The lawn drain referenced above should be shifted to the west and elevated spot grades should be provided between the 100 contours to facilitate stormwater capture.
15. The plan indicates that 116 LF of 6" PVC extends from the inlet referenced above to an outlet structure proposed in the infiltration basin. However, the length depicted on the plans scales 93 LF. The discrepancy should be reconciled.
16. We recommend that the designer review grading of the driveway between the ingress and egress drives. The plan proposes multiple high and low points along the length of the driveway, including the slope entering the easterly driveway which appears to exceed 10%. We note that the elevation of the road drops approximately 4 feet between the drives. Consequently, it appears that a consistent slope which directs runoff to the easterly catch basin can be achieved.
17. The roof drains proposed along the sides of the dwelling are not connected to the proposed 8" PVC pipe. These connections should be depicted. Pipe sizes and slopes as well as elevations and inverts of each connection should be provided.
18. The applicant's response memo stated that the retaining wall to the north side of the garage has been moved. This would infer that it has been relocated on-site. The wall should be depicted on the plan if there is one in response to the January 20, 2026 memo.
19. Stormwater Management. To meet the requirements of the Cherry Hill Township Zoning Ordinance, the applicant will be required to provide onsite detention for the 10-year storm. The applicant is proposing to collect roof runoff via underground pipes and yard drains which will discharge into a depression in the rear yard. The following comments are noted:
  - a. The closest soil boring location (SB#3) shows the estimated seasonal high-water table at 46". Based upon the existing elevation, the seasonal high-water water table is at an elevation of 82.2. The proposed drainage depression is set at an elevation of 85.
  - b. Time of Concentration and point of analysis should be provided on the drainage area maps.
  - c. It is recommended to provide the survey that depicts the prior dwelling and incorporate this into the "existing" drainage area map as this is how the stormwater was evaluated. This is the survey noted in the stormwater report. The drainage area maps should be consistent with how stormwater calculations were prepared.

- i. Inlet area map should show what is proposed entering each inlet to quantify what is going into the basin. What is directed to the basin includes site runoff in addition to the roof runoff.
  - ii. A detail for the stormwater management facility should be provided.
20. Add details for the following:
  - a. Roadway trench repair for the installation of the on-site utilities.
  - b. Permeable pavers.
  - c. Cross-section of the proposed stormwater management depression.
  - d. Driveway apron.

#### **Permits and Approvals**

21. The following permits and approvals may be required as part of the Preliminary and Final Site Plan:
  - a. Cherry Hill Engineering
  - b. DelAtlantic Soil Conservation District
  - c. Any others as necessary

#### **Administrative**

22. As a condition of approval, the applicant must provide an as-built plan prior to obtaining COs.
23. The applicant shall pay all taxes, fees and required escrow, due and owing.
24. This office reserves the opportunity to make further comment if additional information is presented.
25. All future resubmissions of the plans shall clearly indicate a revision date and be accompanied by a point-by-point response letter to the comments of the Board's professional staff.

Should you have any questions or require additional information, please do not hesitate to call or email me at [jnoll@erinj.com](mailto:jnoll@erinj.com).

JN/mbs

Cc: Patricia and John Fifis, Applicant ([johnffis55@gmail.com](mailto:johnffis55@gmail.com))  
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