

MINUTES OF THE PLANNING BOARD FROM DECEMBER 19, 2013

The meeting was called to order by the Vice Chairman, Christopher Soriano. Mr. Soriano stated the meeting was being held in accordance with the Sunshine Laws of the State of New Jersey, Chapter 145, by Mayor and Council and the Planning Board for Official Notices. Notice of this meeting was posted on the Borough bulletin board for that purpose.

Present: Christopher Soriano, Rose Fitzgerald, Richard DiRenzo, Chief Kinkler, Jaclyn Parisi, Dean Doukakis, Jeff Hanson, Earl Miller, Frank Ferrese

Absent: Mayor Forte, Tom Ferrese, Terre Sulock

Also Present: Peter Thorndike, Solicitor, Michelle Fareri, Secretary, Ron Newell, Zoning Officer, Steve Bach, Borough Engineer

Minutes:

Motion was made to approve the minutes from the November 21, 2013 Planning Board meeting by Rose Fitzgerald seconded Dean Doukakis. Motion carried.

Resolutions:

Resolution Recommending the Borough Council Approve the Performance Guaranty and Escrow for Glover Mill Site Improvements

Roll Call:

Rose Fitzgerald	Yes
Richard DiRenzo	Yes
Chief Kinkler	Yes
Jaclyn Parisi	Yes
Dean Doukakis	Yes
Christopher Soriano	Yes
Jeff Hanson	Yes
Earl Miller	Yes
Frank Ferrese	Yes

CS#13-8-1P – Derek Isenberg 202 Fourth Avenue – B23, L2.01

HPC Review

Rick DiRenzo made a motion to approve the resolution, seconded by Jeff Hanson. Motion carried.

Roll Call:

Rose Fitzgerald	Yes
Richard DiRenzo	Yes
Chief Kinkler	Yes
Jaclyn Parisi	Yes
Dean Doukakis	Yes
Christopher Soriano	Yes
Jeff Hanson	Yes
Earl Miller	Yes

CS#13-11-1P - Bill and Kathy Lange

26 First Avenue – B7, L6

HPC Review

Earl Miller made a motion to approve the revised resolution, seconded by Jaclyn Parisi.
Motion carried.

Roll Call:

Rose Fitzgerald	Yes
Richard DiRenzo	Yes
Chief Kinkler	Yes
Jaclyn Parisi	Yes
Dean Doukakis	Yes
Christopher Soriano	Yes
Jeff Hanson	Yes
Earl Miller	Yes

CS#13-11-3P – Joel Robinson

1800 Brynmawr Avenue – B139, L11

Memorializing the Withdrawal of Use Variance

Application for a Duplex

Jeff Hanson made a motion to approve the revised resolution, seconded by Dean Doukakis. Motion carried.

Roll Call:

Chief Kinkler	Yes
Jaclyn Parisi	Yes
Dean Doukakis	Yes
Christopher Soriano	Yes
Jeff Hanson	Yes
Earl Miller	Yes

CS#13-11-4P - Paul and Kathleen Pender

300 Second Avenue – B16, L1

Application for Bulk Variance

Rose Fitzgerald made a motion to approve the revised resolution, seconded by Dean Doukakis. Motion carried.

Roll Call:

Rose Fitzgerald	Yes
Richard DiRenzo	Yes
Chief Kinkler	Yes
Jaclyn Parisi	Yes
Dean Doukakis	Yes
Christopher Soriano	Yes
Jeff Hanson	Yes
Earl Miller	Yes

BUSINESS:

**CS#13-9-1P - Ravinder Singh
504 White Horse Pike – B38, L3.02
Application for Use Variance**

The Board considered the application of Ravinder Singh, who is the owner of the combined gas station and convenience store use located at 504 White Horse Pike, Haddon Heights, New Jersey. The property is also designated as Block 38, Lot 3.02 on the Haddon Heights Tax Map.

The property is a four pump gas station and convenience store use located in the O Office Zone. Applicant proposes to add a U-Haul rental use to the existing uses on site in order to generate more income. The applicant requires use variance approval since the current use is non-conforming and vehicular rental use is not permitted in the O Office Zone under Article XV at Section 450-66. The application is also made pursuant to the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-40:55D-70(d).

Ravinder Singh and New Jersey Licensed Professional Planner, Martin Irving appeared, were sworn and testified in support of the use variance and site plan waiver application. Applicant was represented by Peter Rhodes, Esquire.

The Planning Board, having determined that the Application, Notice to Property Owners, Notice of Publication and affidavits were in proper form and having examined the Exhibits and considered the testimony, finds as follows:

The applicant proposes to use six of the spaces on site to keep U-Haul rental vehicles and to rent them out to supplement the income from the site generated by the gas station and convenience store use.

There was discussion between board members and the applicant.

Peter Thorndike, Solicitor outlined the legal criteria.

Christopher Soriano, Vice Chairman opened the public comment portion of the meeting.

CONCLUSIONS:

Applicant has failed to establish by a preponderance of competent, credible evidence, the positive criteria for use variance relief. He has not demonstrated that any purpose of the Municipal Land Use Law will be advanced by preponderance of the credible evidence.

Applicant has failed to establish by a preponderance of the competent credible evidence that the site is particularly suitable for a U-Haul Rental use.

Applicant has failed to establish the negative criteria for use variance relief by a preponderance of the competent, credible evidence. He has failed to establish that a U-Haul Rental use at the site will not be substantially detrimental to the public good.

The proposed use would be inconsistent with surrounding uses as well as the purpose and intent of the zone plan and zoning ordinance of Haddon Heights.

Applicant's proposed variance relief, if granted, would constitute an intensification and expansion of a non-conforming use which is not favored in the law and would be substantially detrimental to the public good. Expanding the gas station use by adding a U-Haul Rental component would intensify the type of site use inconsistent with the character of applicable zoning and surrounding site development.

ROLL CALL VOTE:

On the motion of Frank Ferrese, seconded by Jeff Hanson, the Planning Board voted 4 to 3 to approve the application, which results in a statutory denial pursuant to N.J.S.A. 40:55D-70(d) and 40:55D-9(a).

Richard Kinkler	No
Jaclyn Parisi	Yes
Dean Doukakis	No
Christopher Soriano	Yes
Jeff Hanson	Yes
Earl Miller	No
Frank Ferrese	Yes

**CS#13-11-2P – DC Property Management, LLC
609 Station Avenue – B28, L30
Application for Use Variance**

The Board considered the application of DC Property Management LLC, which is the contract purchaser of 609 Station Avenue, Haddon Heights, New Jersey. The property is also designated as Block 28, Lot 30 on the Haddon Heights Tax Map.

The application is made pursuant to Sections 450-76 and 450-116(d) of the Haddon Heights Zoning Code. The application is also made pursuant to the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(d).

David Corvo, principal of DC Property Management LLC, appeared, was sworn and testified in support of the application. Applicant was represented by Jonas Singer, Esquire. The Planning Board, having determined that the Application, Notice to Property Owners, Notice of Publication and affidavits were in proper form and having examined the Exhibits and considered the testimony, finds as follows: The applicant seeks to purchase the subject premises to use the first floor of same as a personal training facility while maintaining the existing second floor apartment use. The applicant requires use variance to permit the personal training facility in the Central Business Zone and a waiver from on-site parking requirements. Under the Haddon Heights Zoning Code the applicant would require a use variance from the provisions of Section 450-76 in order to engage in the personal training activity on site and a waiver of the parking requirements set forth in Section 450-116(d) requiring one parking space for every 200 square feet of gross floor area in order to permit said use without on site parking.

There was discussion between board members and the applicant.

Peter Thorndike, Solicitor outlined the legal criteria.

Christopher Soriano, Vice Chairman opened the public comment portion of the meeting.

CONCLUSIONS:

The Planning Board has jurisdiction over the subject application in accordance with the provisions of N.J.S.A. 40:55D-70(d).

The Board concludes that applicant has established the positive criteria for use variance relief by a preponderance of the credible evidence. It has established that the proposed use is

particularly suited for the subject location and that said use advances the health, safety and general welfare of the public consistent with the purposes of the Municipal Land Use Law. The Board concludes that applicant has established the negative criteria for use variance relief in demonstrating by a preponderance of the credible evidence that the relief can be granted without substantial detriment to the public good and without substantial impairment to the purpose and intent of the zone plan and zoning ordinance.

The Board further concludes that it would be both impractical and a hardship upon the applicant to require compliance with the applicable parking standard given the lack of available space for parking on site.

To mitigate the possible congestion that might arise from multiple back to back group sessions, the Board imposes the condition to which applicant has consented that there will be a 15 minute period between the end of any group session and the beginning of another.

ROLL CALL VOTE:

On the motion of Jeff Hanson, seconded by Frank Ferrese, the Planning Board voted 7-0 to grant use bulk variance and parking waiver relief to the applicant to permit a personal training facility with no on site parking subject to the condition that there be a period of no less than 15 minutes between the end of a group session and the start of another group session.

Richard Kinkler	Yes
Jaclyn Parisi	Yes
Dean Doukakis	Yes
Christopher Soriano	Yes
Jeff Hanson	Yes
Earl Miller	Yes
Frank Ferrese	Yes

**CS#13-12-1P - Michael Grace
101 White Horse Pike – B22, L9
Application for Use Variance**

An announcement was made that this application is postponed to the next regularly scheduled meeting in January.

**CS#13-12-2P – 66 Tanner LLC
511 Station Avenue – B25, L19
Application for Use Variance**

An announcement was made that this application is postponed to the next regularly scheduled meeting in January.

ADJOURNMENT:

Rick DiRenzo made a motion to adjourn, seconded by Jaclyn Parisi. Motion carried. All Board members were in favor.

Michelle Fareri,
Planning Board Secretary

