

MINUTES OF THE PLANNING BOARD FROM DECEMBER 20, 2012

The meeting was called to order by the Chairman, Tom Ferrese. Mr. Ferrese 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: Rose Fitzgerald, Chief Kinkler, Tom Ferrese, Gregory McAdams, Jaclyn Parisi, Dean Doukakis, David Cox, Jack Merryfield, Christopher Soriano

Absent: Mayor Forte, Terre Boccuzzi

Also Present: Don Ryan, Solicitor, Michelle Fareri, Secretary, Steven Bach, Planning Board Engineer, Ron Newell, Zoning Official

Minutes:

Motion was made to approve the amended minutes from the November 15, 2012 Planning Board Meeting by Rose Fitzgerald, seconded by Jack Merryfield. Motion carried. All remaining members voted in favor.

Resolutions:

CS#12-9-6P – Anthanasi Gilfesis –Minor Site Plan Review, Application for Bulk Variance 533 Highland Road – B39.01 L15.01

Christopher Soriano made a motion to approve the resolution, seconded by Rose Fitzgerald. Motion carried.

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| <u>Roll Call:</u> | Rose Fitzgerald | Yes |
| | Chief Kinkler | Yes |
| | Tom Ferrese | Yes |
| | Gregory McAdams | Yes |
| | Jaclyn Parisi | Yes |
| | Jack Merryfield | Yes |
| | Christopher Soriano | Yes |

CS#12-11-1P – June Johnson – Application for Bulk Variance 411 Black Horse Pike – B140, L4.02

Tom Ferrese made a motion to approve the resolution, seconded by Rose Fitzgerald. Motion carried.

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| <u>Roll Call:</u> | Rose Fitzgerald | Yes |
| | Chief Kinkler | Yes |
| | Tom Ferrese | Yes |
| | Gregory McAdams | Yes |
| | Jaclyn Parisi | Yes |
| | Jack Merryfield | Yes |
| | Christopher Soriano | Yes |

Business:

**CS#12-12-1P – Patricia Smith/Stanislaw Pomorski –Application for Bulk Variance
315 Crest Avenue – B11 L6.01**

The applicants, Patricia A. Smith and Stanislaw Pomorski appeared, were sworn and testified in support of the application for variance. The applicants seek a variance from the provisions of the Haddon Heights Zoning Ordinance pertaining to front yard setbacks for the installation of a fence on a corner property. The application is made pursuant to Section 450-96 of the Haddon Heights Zoning Ordinance and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(c)(1). 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 applicants propose to install a fence which would vary in height. The fence would be installed along the northerly interior property line at a height of 6 feet; along the rear easterly property line ranging from 5 feet down to 4 feet and running from the rear property line parallel to High Street to a point at the southeasterly corner of the garage at a height of 4 feet. Along High Street the fence would be located no more than 11 feet from the front of the building line. The (“building line”) along High Street is 11.69 feet. The right of way of High Street is 50 feet wide although the paved portion of the street is approximately 30 feet. There is no sidewalk running along High Street at this location. It appears that there is approximately 8 feet of grass area and a portion of the applicant’s concrete driveway within the right of way of High Street. The applicants testified that the purpose of the fence is to provide for privacy to the occupants of the home. The fence will not obstruct any view of pedestrian or vehicular traffic, which might be a potential safety issue. The Haddon Heights Zoning Ordinance Section 450-96 states that fences must be located behind the building line. The “building line” is defined as the setback from any street which fronts the structure. On corner properties, the setback shall be in conformance with both streets.

There was discussion between board members and applicant.

Don Ryan, Solicitor outlined the legal criteria.

Tom Ferrese, Chairman opened the public comment portion of the meeting. There were no questions or comments.

On the motion of Rose Fitzgerald, seconded by Chris Soriano, the Planning Board voted 9-0 to permit the installation of the applicants’ fence in accordance with the plans and as modified by the testimony so that the location of the fence along High Street will be no closer than 11 feet from the side of the building.

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| <u>Roll Call:</u> | Rose Fitzgerald | Yes | |
| | Chief Kinkler | | Yes |
| | Thomas Ferrese | Yes | |
| | Gregory McAdams | | Yes |
| | Dean Doukakis | Yes | |
| | Jaclyn Parisi | | Yes |
| | David Cox | | Yes |
| | Jack Merryfield | Yes | |
| | Chris Soriano | | Yes |

Conclusion: The Planning Board has jurisdiction of the application in accordance with the provisions of N.J.S.A. 40:55D-70(c)(1). The Planning Board concludes that there is a hardship to the property by reason of the fact that it is a corner lot and the yard areas which front on the respective streets are both considered front yards for purposes of determining set backs. The Planning Board further concludes that the granting of the front yard setback variance for the proposed fence will not substantially impair the intent and purpose of the Haddon Heights Zone Plan and Zoning Ordinance and will not be substantially detrimental to the public good.

**CS#12-12-2P – Renee Ebert – Request for Interpretation
137 East Atlantic Avenue – B25, L25**

The applicant, Matt Ebert appeared, was sworn and testified in support of the application for interpretation. The applicant seeks an interpretation of the provisions of the Haddon Heights Zoning Code specifically 450-76 to include a pet grooming salon as a permitted use in the Central Business Zoning District. The application is made pursuant to Section 450-76 of the Haddon Heights Zoning Ordinance and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(b). The applicant proposes to rent the property and run a business which is described by the applicants as a personal service business for pet grooming. The applicant testified that the pets are not kept overnight at the premises and that proper precautions are taken for sanitary purposes for the animals which are groomed on premises. The applicants acknowledge that compliance with the state and county, as well as municipal regulations is required in the operation of its business with respect to permissible noise levels.

On the motion of Chris Soriano, seconded by Dean Doukakis, the Planning Board voted 9-0 to interpret Section 450-76 to include as similar permitted use the pet grooming facilities and operation as testified to by the applicant.

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| Roll Call: | Rose Fitzgerald | Yes |
| | Chief Kinkler | Yes |
| | Thomas Ferrese | Yes |
| | Gregory McAdams | Yes |
| | Dean Doukakis | Yes |
| | Jaclyn Parisi | Yes |
| | David Cox | Yes |
| | Jack Merryfield | Yes |
| | Chris Soriano | Yes |

Conclusion: The Planning Board finds that the proposed pet grooming services offered by the applicant, together with the sale of retail items related thereto is a similar use to the enumerated permitted use to a “personal service shop” as set forth above and therefore is a permitted use within the Central Business District Zone.

Adjournment:

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

Michelle Fareri,
Planning Board Secretary