

MINUTES OF THE PLANNING BOARD FROM JUNE 21, 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: Mayor Forte, Rose Fitzgerald, Chief Kinkler, Tom Ferrese, Gregory McAdams, Jaclyn Parisi, Dean Doukakis, David Cox, Jack Merryfield, Christopher Soriano,

Absent: Terre Boccuzzi

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

Minutes:

Motion was made to approve the minutes from the May 17, 2012 Planning Board Meeting by Rose Fitzgerald, seconded by Jaclyn Parisi. Motion carried. All remaining members voted in favor.

Resolutions:

CS# 12-5-1P – Jeffrey Zuidema B28, L7

Christopher Soriano made a motion to approve the resolution, seconded by Jaclyn Parisi. Motion carried.

Roll Call:

Mayor Forte	Yes
Rose Fitzgerald	Yes
Chief Kinkler	Yes
Tom Ferrese	Yes
Gregory McAdams	Yes
Jaclyn Parisi	Yes
Dean Doukakis	Yes
David Cox	Yes
Jack Merryfield	Yes
Christopher Soriano	Yes

CS#12-5-2P – North Church LLC – B34, L20

Dean Doukakis made a motion to approve the resolution, seconded by Jack Merryfield. Motion Carried.

Roll Call:

Mayor Forte	Yes
Rose Fitzgerald	Yes

Chief Kinkler	Yes
Tom Ferrese	Yes
Gregory McAdams	Yes
Jaelyn Parisi	Yes
Dean Doukakis	Yes
David Cox	Yes
Jack Merryfield	Yes
Christopher Soriano	Yes

CS#12-5-3P – Dr. Richard Doty B22, L15

Jack Merryfield made a motion to approve the resolution, seconded by Christopher Soriano.
Motion Carried.

Roll Call:

Mayor Forte	Yes
Rose Fitzgerald	Yes
Chief Kinkler	Yes
Tom Ferrese	Yes
Gregory McAdams	Yes
Jaelyn Parisi	Yes
Dean Doukakis	Yes
David Cox	Yes
Jack Merryfield	Yes
Christopher Soriano	Yes

CS#12-5-4P – Acceptance of the Receipt of the Draft of the Form Based Code Amending the Zoning Code in Haddon Heights by the Group Melvin Design

Rose Fitzgerald made a motion to approve the resolution, seconded by Jaelyn Parisi.
Motion Carried.

Roll Call:

Mayor Forte	Yes
Rose Fitzgerald	Yes
Chief Kinkler	Yes
Tom Ferrese	Yes
Gregory McAdams	Yes
Jaelyn Parisi	Yes
Dean Doukakis	Yes
David Cox	Yes
Jack Merryfield	Yes
Christopher Soriano	Yes

CS#12-5-5P - Recommending Adoption of an Ammendment to the Zoning Code Regarding Commemoratives

Jaelyn Parisi made a motion to approve the resolution, seconded by Dean Doukakis.

Motion Carried.

Roll Call:

Mayor Forte	Yes
Rose Fitzgerald	Yes
Chief Kinkler	Yes
Tom Ferrese	Yes
Gregory McAdams	Yes
Jaclyn Parisi	Yes
Dean Doukakis	Yes
David Cox	Yes
Jack Merryfield	Yes
Christopher Soriano	Yes

Business:

**CS#12-6-1P – Michael and Margaret Westfield –Review of HPC Recommendation
425 White Horse Pike – B34, L22**

Margaret Westfield appeared, was sworn and testified in support of the application for variance. Robert Hunter appeared on behalf of the Historic Preservation Commission. The application seeks approval of in kind replacement of wooden window sashes for thirteen windows. The application for Certificate of Appropriateness is made pursuant to the Haddon Heights Historic District Section 450-108 et seq. The application is also made pursuant to the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-110. The Planning Board finds that there is no historical significance to the proposed replacement of the thirteen windows. The Haddon Heights Historic Preservation Commission has reviewed the application and has recommended approval in accordance with its letter of recommendation dated May 31, 2012.

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.

David Cox made a motion to approve the resolution, seconded Jack Merryfield.
Motion Carried.

Roll Call:

Mayor Forte	Yes
Rose Fitzgerald	Yes
Chief Kinkler	Yes
Tom Ferrese	Yes
Gregory McAdams	Yes
Jaclyn Parisi	Yes

Dean Doukakis	Yes
David Cox	Yes
Jack Merryfield	Yes
Christopher Soriano	Yes

The Planning Board concludes that the applicant has substantially complied with the intent and purpose of the Haddon Heights Historic Preservation District criteria with respect to the installation of the replacement windows.

**CS#12-6-2P – Afsan Payrow and Hassan Najimi – Informal Review of HPC
Recommendation
514 Station Avenue – B26, L7**

Afsan Payrow and Hassan Najimi appeared before the board for an Informal Review of their proposed landscaping in the rear of the property. Various options were discussed and proposed with the parties involved.

There was discussion between board members and the applicant.

Don Ryan, Solicitor outlined the legal criteria.

**CS#12-6-3P – Frank and Deborah Dera – Application for Variance
1821 Maple Avenue – B151, L16**

The applicants, Frank and Deborah Dera appeared, were sworn and testified in support of the application for variances. The applicants seek bulk variances to construct a deck in the rear yard of their single family dwelling. The application is made pursuant to Section 450-40B of the Haddon Heights Zoning Code and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(c). The applicant proposes to construct a deck off the rear part of the dwelling. The deck would have dimensions of 18 feet in depth and 12 feet in depth. The deck would create additional lot coverage of 216 square feet. The applicant has existing coverage of 2,317 square feet. The lot coverage would increase from 37% to 40.5%. Under Section 450-40B of the Haddon Heights Zoning Code the maximum lot coverage in the permitted R-5 zone is 30%. The Planning Board takes notice of the fact that the objectives of zoning in Haddon Heights encourage the location of detached garages in the rear of the property and as a consequence, the applicant in this case has significant lot coverage because of the driveway which extends from Maple Avenue to the garage. This causes a hardship to the property in terms of lot coverage.

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.

Dean Doukakis made a motion to approve the application, seconded by Jack Merryfield. Motion carried.

Roll Call:

Mayor Forte	Yes
Rose Fitzgerald	Yes
Chief Kinkler	Yes
Tom Ferrese	Yes
Gregory McAdams	Yes
Jaclyn Parisi	Yes
Dean Doukakis	Yes
David Cox	Yes
Jack Merryfield	Yes
Christopher Soriano	Yes

The Planning Board concludes that by reason of the applicants' small lot (6,250 square feet) and the existence of the detached garage in the rear and the driveway leading thereto, there is a hardship to the property which warrants granting a lot coverage variance in this case. The Planning Board further concludes that the granting of the bulk variance proposed would not substantially impair the intent and purpose of the Haddon Heights Zone Plan and Zoning Ordinance and would not be substantially detrimental to the public good.

**CS#12-6-5P – Dan and Sally Knapp – Application for Variance
217 Ninth Avenue – B54, L19**

The applicants, Dan and Sally Knapp appeared, were sworn and testified in support of the application for variance. . The applicants seek a bulk variance for lot coverage in order to construct an in ground swimming pool in the rear yard. The application is made pursuant to Section 450-28B of the Haddon Heights Zoning Code and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(c). The applicant proposes to construct an inground swimming pool which will have a depth of approximately 3 to 6 feet (no diving board). The pool would consist of 562 square feet. It is irregularly shaped and depicted on the plot plan which is submitted with the applicants' documents. The pool would have a cement coping area surrounding it, 4 feet in width. The applicant requires a variance for lot coverage in order to install the pool. The applicant currently has 31% lot coverage where the ordinance allows only 30%. The information provided by the applicant indicates that the addition of the swimming pool of 562 square feet and 100 square feet in concrete coping, the applicant would be increasing the square footage of coverage by 662 square feet. This would result in a lot coverage of 35.5%. Under Section 450-40B of the Haddon Heights Zoning Code the maximum lot coverage permitted in the R-2 zone is 30%. The applicant testified that he will agree to move the location of the pool a sufficient number of feet in order to comply with the 10 foot setback requirement on the westerly side property line. The applicant will install the swimming pool and the fences surrounding the pool in accordance with the provisions of the swimming pool ordinance of Haddon Heights. The construction of the pool will be done in accordance with the standards of the soil erosion and Sentiment Control Act. The report of CMA Engineers dated June 13, 2012 (Exhibit ZB-1) indicates that the pool is an additional square footage of 562 and an additional 500 square feet of the concrete coping.

It also indicates that the proposed in ground pool and surrounding walkway may result in minimal increase from storm water runoff which would be directed towards the rear lot 7, block 54 which is consistent with the existing drainage pattern. The increase in runoff would be negligible and should not result in any negative impact to the adjoining property owner. The applicant has acknowledged that as a condition of approval, the draining of the pool or any filter backwash would be discharged to the street and not directly on to neighboring property owners and the provision for such discharge should be approved by the Planning Board Engineer, Steven Bach. The Board finds that in the applicants' case, the existence of the one story framed garage in the rear of the premises is consistent with the objectives of the Haddon Heights Zoning Policy to have garages in the rear yard. As a result, the applicant has approximately 2,200 square feet of driveway which is impervious coverage which creates a hardship to the property which would prevent the installation of improvements such as the proposed swimming pool unless a variance is requested.

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.

Jack Merryfield made a motion to approve the application, seconded by Mayor Forte. Motion carried.

Roll Call:

Mayor Forte	Yes
Rose Fitzgerald	Yes
Chief Kinkler	Yes
Tom Ferrese	Yes
Gregory McAdams	Yes
Jaclyn Parisi	Yes
Dean Doukakis	Yes
David Cox	Yes
Jack Merryfield	Yes
Christopher Soriano	Yes

The Planning Board concludes that there is a hardship to the property by reason of the objectives of the Haddon Heights Zoning Code relative to detached garages. The Planning Board further concludes that the granting of the bulk variances for lot coverage in this case would not substantially impair the intent and purpose of the Haddon Heights Zone Plan and Zoning Ordinance provided the conditions for approval are satisfied and that the granting of the variance would not be substantially detrimental to the public good.

**CS#12-6-6P – Christopher and Donna Harris – Application for Variance
1516 Chestnut Avenue – B110, L7**

The applicant, Christopher Harris appeared, was sworn and testified in support of the application for variance.

The applicants seek bulk variances to construct an addition off the rear of an existing single family dwelling. The application is made pursuant to Section 450-40B of the Haddon Heights Zoning Code and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(c). The applicant proposes to construct a one-story addition off the rear of the existing dwelling. The dimensions of the addition would be 32 feet in width and 15 feet in depth. The easterly side yard would remain to be 6 feet and the westerly side yard would remain at 11.65 feet.

Under the criteria in R-5 the applicant would require the following variances:

- a. a single yard setback of 6 feet where the ordinance requires a minimum of 8 feet
- b. an aggregate side yard of 17.65 feet where the ordinance requires a minimum of 20 feet aggregate
- c. a lot coverage variance in the amount of 33.4% whereas the ordinance allows for 30% maximum lot coverage

The properties which surround the subject properties are single family residential properties. The Board finds that the subject lot of 6,250 square feet is representative of the smaller lots in the Borough and that the lot coverage requirement of 30% creates the peculiar hardship and difficulties for property owners to construct any improvements to their properties. The Board finds that the one-story addition in question would not impair the light, air and ambiance of neighboring property owners.

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.

Dean Doukakis made a motion to approve the application, seconded by Christopher Soriano. Motion carried.

Roll Call:

Mayor Forte	Yes
Rose Fitzgerald	Yes
Chief Kinkler	Yes
Tom Ferrese	Yes
Gregory McAdams	Yes
Jaclyn Parisi	Yes
Dean Doukakis	Yes
David Cox	Yes
Jack Merryfield	Yes
Christopher Soriano	Yes

The Planning Board concludes that the strict application of the ordinance provisions relating to lot coverage and side yard restrictions would cause an undue hardship to the property. The Planning Board further concludes that the granting of the variances in question for lot coverage, single side yard and aggregate side yards would not substantially impair the intent

and purpose of the Haddon Heights Zone Plan and Zoning Ordinance and would not be substantially detrimental to the public good.

Caucus:

Margaret Westfield offered to gather samples from other towns to illustrate how other HPC Boards interface with their Planning Boards on reviews, fees etc.

Ron Newell proposed allowing Real Estate Offices to be an approved use in the Neighborhood Commercial District. It was determined by the board that a Real Estate Office would still need to apply for a Use Variance in that district.

Adjournment:

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

Michelle Fareri,
Planning Board Secretary