

**MINUTES OF THE PLANNING BOARD FROM SEPTEMBER 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:** Mayor Forte, Rose Fitzgerald, Chief Kinkler, Tom Ferrese, Gregory McAdams, Jaclyn Parisi, Dean Doukakis, David Cox, Christopher Soriano, Terre Boccuzzi

**Absent:** Jack Merryfield

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

**Minutes:**

Motion was made to approve the minutes from the August 16, 2012 Planning Board Meeting by Dean Doukakis, seconded by Christopher Soriano. Motion carried. All remaining members voted in favor.

**Resolutions:**

**CS# 12-8-2P – Joseph Gorzkowski – B50, L4**

Mayor Forte made a motion to approve the resolution, seconded by Gregory McAdams. Motion carried.

<b><u>Roll Call:</u></b>	Mayor Forte	Yes
	Chief Kinkler	Yes
	Tom Ferrese	Yes
	Gregory McAdams	Yes
	Jaclyn Parisi	Yes
	Dean Doukakis	Yes
	David Cox	Yes
	Christopher Soriano	Yes

**CS#12-8-3P – Peter Gilligan – B10, L8**

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

<b><u>Roll Call:</u></b>	Mayor Forte	Yes
	Chief Kinkler	Yes
	Tom Ferrese	Yes
	Gregory McAdams	Yes
	Jaclyn Parisi	Yes
	Dean Doukakis	Yes

David Cox	Yes
Christopher Soriano	Yes

**CS#12-8-4P – Glenn Ellison – B133, L6**

Dean Doukakis made a motion to approve the resolution, seconded by Gregory McAdams.  
Motion Carried.

**Roll Call:**

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

**Business:**

**CS#12-9-1P – Josephine Talarico –Application for Use Variance Site Plan Waiver  
918 Kings Highway – B44, L18**

The applicant, Josephine Talarico appeared, was sworn and testified in support of the application for variance. John W. Kunkel, the neighboring property owner and Dan Miller, a prospective tenant of the neighboring properties, testified in support of the application. The applicant seeks a use variance to permit the use of the subject premises as a small commercial office. The applicant also seeks a site plan waiver for the development of the premises. The application is made pursuant to Section 450-61 and Section 450-20 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 Neighborhood Commercial Zoning District is one of four commercial land use districts within the Borough of Haddon Heights. The current provisions of the Neighborhood Commercial Zone identify specific retail and personal services uses as the only permitted uses. The stated purpose of the zone “is to permit personal service and retail uses that would primarily be oriented to pedestrian traffic.” The Haddon Heights Master Plan recommends that the permitted uses in the neighborhood include small office Commercial Zone buildings and professional offices. This recommendation has not yet been adopted by ordinance; however, the Borough Council is considering amending the zoning ordinance in accordance with this recommendation. The applicant originally applied to the Planning Board requesting a use variance for a real estate office which currently operates at the site. The application has been amended to include a use variance for small commercial offices as defined in the Highway Commercial Zone to include “small commercial office such as realtors, insurance or travel agencies.”

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.

On the motion of Dean Doukakis, seconded by Chris Soriano, the Planning Board voted 8-0 to grant a use variance to permit small commercial offices as defined in Section 450-56 for the subject premises.

<b><u>Roll Call:</u></b>	Thomas Ferrese	Yes
	Gregory McAdams	Yes
	Dean Doukakis	Yes
	Chris Soriano	Yes
	Richard Kinkler	Yes
	Jaclyn Parisi	Yes
	David Cox	Yes
	Terre Boccuzzi	Yes

On the motion of Chris Soriano, seconded by Dean Doukakis, the Planning Board voted 8-0 to waive the site plan requirements and submissions requirements as to site plan with respect to the proposed use of the property for small commercial offices.

<b><u>Roll Call:</u></b>	Thomas Ferrese	Yes
	Gregory McAdams	Yes
	Dean Doukakis	Yes
	Chris Soriano	Yes
	Richard Kinkler	Yes
	Jaclyn Parisi	Yes
	David Cox	Yes
	Terre Boccuzzi	Yes

The Planning Board concludes that the general welfare would be served because the proposed small commercial office, such as a real estate or insurance office is peculiarly suited to this location for which the use variance is sought. Therefore, special reasons exist within the intent and purpose of the Municipal Land Use Law. The Planning Board further concludes that the granting of the subject variance to permit small commercial offices would not be substantially detrimental to the public good and would not substantially impair the intent and purpose of the Haddon Heights Zone Plan and Zoning Ordinance. The Planning Board concludes that the evidence before the Board is sufficient to satisfy the enhanced burden of proof required under the Municipal Land Use Law Medici Standard v. BPR Co., 107 N.J. (1987). The Planning Board concludes that the subject application does not require site plan approval and a waiver of the submission and site requirements may be granted.

**CS#12-9-2P — Constantine Chepurny – Application for Bulk Variance  
134 Bellmawr Avenue – B88, L3**

The applicant seeks bulk variances from the front yard setback provisions of the zoning ordinance in order to construct a deck and second floor dormers on an existing residential dwelling. The application is made pursuant to Section 450-28C of the Haddon Heights Zoning Ordinance and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(c)(1). The applicant, Constantin Chepurny appeared, was sworn and testified in support of the application for variances. 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 construct the following improvements:

- a. 8 feet x 24 feet deck on the South Park Avenue side of the property, which would result in a front yard of 9 feet.
- b. extension of the second floor dormers on each side of the house to the front of the building line along Bellmawr Avenue. This would require a variance from the front yard setback along Bellmawr Avenue of 26.7 feet. This would also require a variance from the front yard setback along South Park Avenue of 18 feet rather than the required 30 feet.
- c. demolish the shed in the rear and construct a garage in the northwest corner of the property with a driveway leading from South Park Avenue to the garage.

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.

On the motion of Rose Fitzgerald, seconded by Edward Forte, the Planning Board voted 9-0 to grant the following variances:

<b><u>Roll Call:</u></b>	Mayor Forte	Yes
	Rose Fitzgerald	Yes
	Chief Kinkler	Yes
	Tom Ferrese	Yes
	Gregory McAdams	Yes
	Jaclyn Parisi	Yes
	Dean Doukakis	Yes
	David Cox	Yes
	Christopher Soriano	Yes

The Planning Board concludes that there is a hardship to the property by reason of the fact that it is a corner lot and that the strict application of front yard requirements to the construction of the proposed improvements is a hardship to the property. The Planning Board further concludes that the granting of the front yard variances 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#12-9-3P – Richard and Tamara Egner – Application for Bulk Variance  
22 W. Atlantic Avenue – B27, L13**

The applicants seek a variance from the provision of the Haddon Heights Zoning ordinance pertaining to impervious coverage in order to construct a wood deck, brick paver patio and widening of the driveway. The application is made pursuant to Section 450-28B of the Haddon Heights Zoning Ordinance and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(c)(1). The applicant, Richard Egner appeared, was sworn and testified in support of the application for variance. 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 construct a deck which is 20 feet by 14 feet as shown on the survey of Michael Vargo. In addition, the applicant proposes a new paver patio 4 feet by 25 feet and walkway 14 feet by 14 feet. The applicant further proposes to increase the driveway width by 1 foot from West Atlantic Avenue for a depth of 100 feet. The present impervious coverage on the property is 3,150 square feet which is 36% total impervious coverage. The applicant proposes to remove certain improvements totaling 229 square feet and proposes additional improvements of 676 square feet resulting in a net additional coverage of 447 square feet. This would result in a percentage impervious coverage of 41% which exceeds the ordinance maximum allowable of 30%. On recommendations by the Planning Board Engineer and the Planning Board, the applicant agreed to amend his application to extend the width of the driveway for 2 feet for a depth of 50 feet from West Atlantic Avenue.

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.

On the motion of Dean Doukakis, seconded by Edward Forte, the Planning Board voted 9-0 to grant a variance as amended to permit additional lot coverage of 497 square feet not to exceed 42%.

<b><u>Roll Call:</u></b>	Mayor Forte	Yes
	Rose Fitzgerald	Yes
	Chief Kinkler	Yes
	Tom Ferrese	Yes
	Gregory McAdams	Yes
	Jaclyn Parisi	Yes
	Dean Doukakis	Yes
	David Cox	Yes
	Christopher Soriano	Yes

The Planning Board concludes that there is a hardship to the property by reason of the fact that the lot is undersized and that a significant amount of lot coverage is included in the long driveway extending to the rear garage. The Planning Board further concludes that the granting of the lot coverage variance 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#12-9-4P – Jim and Tiffany Shields – Application for Bulk Variance  
1230 Keswick Avenue – B64, L1**

The applicants seek a front yard variance to permit the installation of a fence in front of the building line 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 applicant, Jim Shields appeared, was sworn and testified in support of the application for variances. 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: There is currently constructed on the subject property a one story framed dwelling with a bituminous driveway leading from Keswick Avenue to the front of the dwelling. In the rear of the dwelling there is a deck and a framed shed is located in the southwest corner of the property. There is an existing chain linked fence around parts of the property as shown on the photographs. The applicants propose to replace the chain link fence with a vinyl fence which would be located as depicted on the survey of John McGlinchey, L.S. The applicant proposes to remove the chain link fence in the area of the front yard along Keswick Avenue. At the hearing the applicant agreed to amend his application to address various concerns of the Planning Board and its Engineer. The application was amended so as to request a 5 foot privacy fence to be located at least 14 inches off the sidewalk along 13<sup>th</sup> Avenue and would be 3 feet off the existing framed shed measured in a westerly direction and perpendicular to the 15 foot wide alley. This would allow for an appropriate sight line for vehicles and pedestrians at the corner of 13<sup>th</sup> Avenue and the 15 foot wide alley.

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.

On the motion of Chris Soriano, seconded by Edward Forte, the Planning Board voted 9-0 to approve the installation of the applicant’s fence in front of the building line as depicted on the survey of John McGlinchey and revised in accordance with the above recommendations:

<b><u>Roll Call:</u></b>	Mayor Forte	Yes
	Rose Fitzgerald	Yes
	Chief Kinkler	Yes
	Tom Ferrese	Yes
	Gregory McAdams	Yes

Jaclyn Parisi	Yes
Dean Doukakis	Yes
David Cox	Yes
Christopher Soriano	Yes

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 strict application of front yard setback would severely restrict the use of the applicant's front yard. The Planning Board concludes that the granting of the front yard variance 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 provided that the applicants comply with the recommendations of the Planning Board to install the fence along the southwesterly line of the property (13<sup>th</sup> Avenue) and the 15 foot wide alley in a manner set forth above so as to improve the sight line.

**CS#12-9-5P – Dan Miller, State Farm – Interpretation for Use in  
Neighborhood Commercial District for Insurance Agency  
910 Kings Highway – B44, L16**

Application withdrawn due to a proposal being considered by Borough Council expanding the definition of permitted uses within the Neighborhood Commercial Zone.

**Caucus:**

There was discussion on a proposal being considered by Borough Council expanding the definition of permitted uses within the Neighborhood Commercial Zone. Under the proposal, personal service businesses such as insurance, real estate and similar businesses would be permitted uses, rather than prohibited uses.

There was some discussion between the board and the Special Committee on Form Based Code. There will be further discussion on this topic at a later date.

**Adjournment:**

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

Michelle Fareri,  
Planning Board Secretary