

MINUTES OF THE PLANNING BOARD FROM AUGUST 20, 2015

The meeting was called to order by the 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, Jaclyn Parisi, Dean Doukakis, Chief Kinkler, Tom Ferrese, Jeff Hanson, Frank Ferrese, Vince Ceroli, Rose Fitzgerald, Richard Di Renzo

Absent: Mayor Forte, Terre Sulock, Ron Newell, Zoning Officer, Steve Bach Borough Engineer

Also Present: Don Ryan, Solicitor, Stephanie Gee, Secretary, Craig Reilly, Substitute Engineer

Minutes:

Motion was made to approve the minutes from the July 16, 2015 Planning Board meeting. Motion made by Jaclyn Parisi and seconded by Dean Doukakis. Motion carried, Rose Fitzgerald, and Richard DiRenzo abstained.

Resolutions:

CS#15-7-1P Charles & Joanne Kojeski
1206 Sylvan Drive-B62; L24
Application for Non-Conforming Use Certification

Business:

CS#15-7-1-HP Arline Hilfiker
508 Station Avenue B-26; L4

Siding

The Board considered the application of Arline Hilfiker who is the owner of the premises 508 Station Avenue, Haddon Heights, New Jersey. The property is also designated as Block 26, Lot 4 on the Haddon Heights Tax Map.

The applicant proposes to install siding at the premises. The applicant requires Historic District approval pursuant to the Haddon Heights Historic District Ordinance. The application is made pursuant to the Haddon Heights Zoning Code Section 450-110. The application is also made pursuant to the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-110. The applicant, Arline Hilfiker, appeared, was sworn and testified in support of the application.

The HPC recommended that the texture of the siding be smooth and not wood grained and that the siding be flat

The HPC recommended approval based upon the standard set forth in the Haddon Heights Historic District Preservation Ordinance Section 450-110B.

The Planning Board inquired with regard to the texture and color, as well as the shape of the siding and determined that the HPC Report and recommendations should be followed.

On the motion of Tom Ferrese, seconded by Jaclyn Parisi, the Planning Board voted 9-0 to approve the application as submitted in accordance with the recommendation of the HPC on the condition that the siding be flat and the owner would have the discretion with respect to the color and texture of the siding.

CS#15-7-2HP John Downham
511 Station Avenue B-25; L19
ADA accessibility modifications

The Board considered the application of John Downham who is the owner of the premises 511 Station Avenue, Haddon Heights, New Jersey. The property is also designated as Block 25, Lot 19 on the Haddon Heights Tax Map. The property was formerly the Haddon Heights Masonic Lodge.

The property is located in the Historic District and requires Historic District approval by reason of the proposed improvements.

The application is made pursuant to the Haddon Heights Zoning Code Section 450-108 and the New Jersey Municipal Land Use Law N.J.S.A.40:55D-110.

The applicant, John Downham, appeared, was sworn and testified in support of the application.

The HPB adopted the recommendation of the Historic Preservation Commission to approve the application based on the fact that the subject application is in accordance with the Standard set forth in the Haddon Heights Historic District Ordinance Section 450-110B.

On the motion of Dean Doukakis, seconded by Vince Ceroli, the Planning Board voted 9-0 to approve the application to install

improvements to the front exterior of the premises in accordance with the plans of the architect, Jay Reinert and to approve the signage as submitted.

CS#15-7-3P Michael & Kelly Galasso

35 Second Avenue- B7; L32

Bulk Variance- Installation of in ground pool

The Board considered the application of Michael and Kelly Galasso, who are the owners and reside at the premises 35 Second Avenue, Haddon Heights, NJ. The property is also designated as Block 7, Lot 32 on the Haddon Heights Tax Map.

The applicants seek variances for impervious coverage and side yard setback for the installation of an in ground swimming pool. The application is made pursuant to Section 450-24B and Section 450-94F of the Haddon Heights Land Development Ordinance and in accordance with Municipal Land Use Law N.J.S.A. 40:55D-70(c). Michael and Kelly Galasso appeared, were sworn and testified in support of the application.

The applicants require two bulk variances in order to install the subject pool. First, a variance from the provisions of Section 450-24B, which permits a maximum impervious lot coverage of 30%, whereas the applicant seeks 38%. Second, the applicants seek a side yard setback of the pool of 8 feet, whereas Section 450-94F requires a minimum of 10 feet.

The Planning Board concludes that there is a hardship to the property by reason of the fact that the lot is undersized with respect to square footage and width. The Planning Board further concludes that the granting of the side yard variance and impervious coverage variance 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.

On the motion of Dean Doukakis, seconded by Rose Fitzgerald, the Planning Board voted 9-0 to grant the impervious coverage and side yard variances as stated above.

CS#15-8-1P Gary & Marge Specht

1424 Prospect Ridge Blvd- B93; L1

Bulk Variance- Remove, Replace & Expand driveway and apron

The Board considered the application of Gary and Marge Specht, who are the owners and reside at the premises 1424 Prospect Ridge Blvd., Haddon Heights, New Jersey. The property is also designated as Block 93, Lot 1 on the Haddon Heights Tax Map.

The applicants seek variances for the expansion of a driveway apron and driveway width for the subject premises.

The application is made pursuant to Section 450-118A(10) and 450-95C of the Haddon Heights Land Development Ordinance and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(c). Gary and Marge Specht, were sworn and testified in support of the application. The Planning Board concludes that there is a hardship to the property by reason of the fact that the property is a corner lot and the construction of the improvements including the garage make it impractical to access the garage unless a wider apron and driveway are permitted. In addition, the fact that the property is a corner lot warrants granting a variance to permit the fence to extend 6 feet into the front yard.

The Planning Board further concludes that the granting of the variances for a driveway apron, driveway width and extension of the fence, 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.

On the motion of Tom Feresse, seconded by Richard DiRenzo, the Planning Board voted 9-0 to grant variances to permit a driveway width not to exceed 42 feet, to permit a driveway apron not to exceed 19 feet 2 inches and to permit the extension of the 6 foot wood fence to 6 feet into the property line along Glenside Avenue.

CS#15-8-2P Joseph & Candace Pelle

301 Eighth Avenue- B52; L9

Bulk Variance- Corner Lot Fencing

The Board considered the application of Joseph and Candace Pelle, who are the owners and reside at the premises 301 Eighth Avenue, Haddon Heights, New Jersey. The property is also designated as Block 52, Lot 9 on the Haddon Heights Tax Map.

The applicants seek variance to permit an installation of a fence in front of the building line for a corner property.

The application is made pursuant to Section 450-96 of the Haddon Heights Land Development Ordinance and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(c). Joseph Pelle, were sworn and testified in support of the application.

The Planning Board concludes that there is a hardship to the property by reason of the fact that the lot is corner lot.

Based upon the fact that the fence is a picket fence with adequate spacing in between, the location of the fence will not impair sight lines with respect to pedestrian traffic along Garden Street. Thus, the Planning Board concludes that there will not be substantial detriment to the public good by reason of the variance granted.

In addition, the Planning Board further concludes that the proposed variance would not substantially impair the intent and purpose of the Haddon Heights Zone Plan and Zoning Ordinance.

On the motion of Tom Ferrese, seconded by Richard DiRenzo, the Planning Board voted 9-0 to approve the installation of the 4 foot wooden picket fence with the condition that the fence would be located no closer to the property line along Garden Street than the top of the steps as depicted on the survey and photographs submitted.

**CS#15-7-2P Buckingham Partners, LLC
222 W. Atlantic Avenue-B29; L4
Use Variance Application**

The Board considered the application of Buckingham Partners, LLC, which is the contract purchaser of the premises 222 W. Atlantic Avenue, Haddon Heights, New Jersey. The property is also designated as Block 29, Lot 4 on the Haddon Heights Tax Map.

The applicant seeks a use variance in order to construct three story 38 unit multi-family buildings, which will include residential units on the first floor which is not permitted in the Central Business Zoning District.

The application is made pursuant to Section 450-76B(1) of the Haddon Heights Land Development Ordinance and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70d(3).

Mark Asselta, of the law firm of Brown Connery represented the applicant at the hearings.

The following witnesses were sworn and testified in support of the application:

1. Angelo Alberto AIA, PP, a Land Planner and Architect.
2. James Vena, of Shropshire Associates, Traffic Engineer.
3. Robert Dale, a Principal in Buckingham Partners, LLC.

Craig Reilly, the Haddon Heights Planning Board Engineer, was sworn and testified. The following members of the public testified:

1. Joan Osler.
2. Mike Bassett.
3. John McClafferty.
4. Cara Blair.
5. Jay Fredericks.
6. Don Lyman.
7. Kathy Thompson.
8. Bernadette News.
9. Beth Thomas.
10. John Rayser.
11. Jeffrey Zudama.
12. Paula Caraballo.
13. Ray Marky.
14. Frank News.
15. Nana Shames.
16. Kevin Nichols.

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

The Planning Board has jurisdiction to determine the application for use variance pursuant to the Municipal Land Use Law N.J.S.A. 40:55D-70d(3) and N.J.S.A. 40:55D-25.

The applicant seeks use variance approval for a deviation from conditional use standards in the Haddon Heights Zoning Ordinance specifically the applicant seeks to construct up to 13 residential units on the first floor which is not permitted. No application for site plan was presented at this time.

In accordance with N.J.S.A. 40:55D-10 of the Municipal Land Use Law and the Haddon Heights Land Development Ordinance, the Planning Board after reviewing the application and check list submitted by the applicant, determined that the application was complete subject to the waivers recommended by the HHPB Engineer.

On the motion of Jeff Hanson, seconded by Vince Ceroli, the Planning Board voted 7-0 to deem the application complete in accordance with the waivers set forth in the record.

Robert Dale, a principal in Buckingham Partners, LLC, testified with respect to his experience as a private developer and provided an overview of the objectives which the applicant was seeking with respect to the redevelopment of the downtown area. He reviewed the demographics of the market that he was seeking in terms of individuals over 55 and young professionals.

Albert Angelo, the Architect and Planner for the applicant, provided a Power Point presentation showing an aerial view of the site and describing the surrounding uses and testifying with respect to the proposal, namely to construct a 38 unit multi-family dwelling, consisting of 1 and 2 bedroom units with associated parking and amenities. The witness emphasized that the subject site was a transition site between single family residential properties which surround the subject use on the south and east and the commercial properties which

front on Station Avenue, as well as West Atlantic Avenue to the north. Mr. Alberto testified that 72 parking spaces were to be provided, 12 of which would be in shed type garages.

James Vena of Shropshire Associates testified with respect to his traffic study report, dated July 1, 2015 and a Trip Generation Analysis dated July 15, 2015.

The site is located in the Central Business Zoning District which is primarily located along Station Avenue between White Horse Pike and Seventh Avenue. The district extends along East Atlantic Avenue and West Atlantic Avenue, which includes the subject property. The uses which surround the property to the west and to the south are residential properties located in the R-3 Residential Zoning District. The properties across the railroad tracks to the east are also in the R-3 Residential Zoning District. Along West Atlantic Avenue to the north of the subject property is a laundromat and The Heart House which is an office for medical patients.

Section 450-76B(1) of the Haddon Heights Land Development Ordinance permits residential uses as a conditional use, above the first floor only. Section 450-76B(1) provides that conditional uses are permitted provided there is adequate parking facilities within the 300 foot radius of the premises, the use of the premises will generate sufficient customer or patient traffic to the premises and the use of the premises is not substantially detrimental to the public good or to property owners within 500 feet.

Based upon the fact that the applicant seeks to deviate from the standards of the conditional use by including residential units on the first floor, a use variance under Section N.J.S.A. 40:55D-70d.(3) is required. The applicant has submitted a bifurcated application which means the applicant intends to provide a full and complete site plan in accordance with the Haddon Heights Land Development Ordinance if the use variance is granted.

At the July meeting of the Planning Board, the traffic Engineer on behalf of the applicant, James Vena, presented a traffic report and testified to the opinion that the Projected Trip Generations from the subject site would be less than the existing uses. In reaching this conclusion, he relied upon a generally accepted industries standards for a multi-family dwelling site, specifically The Trip Generation, 9th Edition published by The Institute of Transportation Engineers (ITE). Mr. Vena compared the traffic generation from the existing warehouse and the proposed development and concluded there would be slight reduction in peak hour trip generation.

The Planning Board requested the applicant to provide actual traffic counts which applicant presented at the August hearing of the Planning Board. This traffic data was taken on August 6, 2015 and the Planning Board and the public questioned the validity of the data based upon the fact that schools were not in session and the traffic typically occurring during this period of time in August is reduced.

During the public portion of the hearing, numerous neighbors testified that the traffic conditions along West Atlantic Avenue, in particular near the site, are voluminous and hazardous. In addition, the public raised concerns about 72 additional parking spaces and the impact that the parking would have on the residential neighbor.

Many of the members of the public also testified that the site in question was more suitable as a retail use on the first floor as permitted by the ordinance rather than additional residential units, which are prohibited under the current ordinance.

Angelo Albert, the Planner for applicant, testified to the contrary.

The Planning Board concludes that the proposed use of the first floor of the subject premises for 13 residential uses, is specifically not permitted under the terms and conditions under Section 450-76B(1), which permits residential uses as a conditional use, above the first floor only.

The Planning Board concludes the applicant has failed to prove by sufficient, competent evidence that a deviation from the prohibited residential use on the first floor rather than retail use as permitted under Section 450-79B is warranted for this site.

The Planning Board concludes that the applicant has failed to prove by sufficient competent testimony that the proposed residential use on the first floor "will generate sufficient customer or patient traffic to the premises and the use of the premises is not substantially detrimental to the public good or the property owners within 500 feet" as required under Section 450-79B.

The Board also finds with respect to negative criteria, that the applicant has failed to demonstrate that the proposed 13 first floor residential units would not substantially adversely affect the adjacent properties and would not damage the character of the neighborhood which is residential in nature on three sides of the subject property.

Finally, the Board concludes that the granting of the conditional use variance is not warranted because the proofs do not demonstrate that this project at this site is reconcilable with the municipality's determination in its zone plan and zoning ordinance that residential uses should not be on the first floor.

On the motion of Tom Feresse, seconded by Jaclyn Parisi, the Planning Board voted 5-2 to deny the application for a conditional use variance to permit up to 13 residential housing units on the first floor of the proposed project in the Central Business District.

ADJOURNMENT:

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

Respectfully Submitted,

Stephanie Gee
Planning Board Secretary