

## MINUTES OF THE PLANNING BOARD FROM AUGUST 17, 2017

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, Dean Doukakis, Councilwoman Susan Griffith, Jaclyn Parisi, Michael Gatti, Mike Cicalese, Frank Ferrese present @ 7:34pm, Richard Kinkler present @ 7:49pm

**Absent:** Mayor Jack Merryfield, Jeff Hanson, Tom Ferrese, Chief Bruce Koch

**Also Present:** Don Ryan, Solicitor, Stephanie Gee, Secretary, Ron Newell, Zoning Officer and Steve Bach, Borough Engineer

**Minutes:** Minutes were carried from July Meeting to be approved at September meeting

### **Resolutions:**

CS#17-6-2HP, BDA Investments, LLC, 101 White Horse Pike, B-22, L-9-HPC Application  
CS#17-7-3P, BDA Investments, LLC, 101 White Horse Pike, B-22, L-9, New Construction- Bulk Variance & Site Plan  
CS#17-7-1P, Todd & Mary Ann Anderson, 1717 Sycamore Street, B-90, L-16, Lot Coverage  
CS#17-7-2P, George & Melinda Wise, 1533 Oak Avenue, B-104, L-15, Setbacks & Coverage  
CS#17-7-5P, William & Linda Verdone, 1845 Prospect Ridge Blvd, B-142, L-13, Use Certification Duplex

### **HPC Applications:**

CS#17-7-1HP, Catherine Short & Tom Hutchinson, 514 Station Avenue, B-26, L-7  
(See below applications combined)

### **Business:**

**CS#17-7-4P, Tom Whitman, 1400 Kings Highway, B-80, L-2.03, Use Variance-** Application was continued to the August Meeting- **E-mail/Letter Received 7/24/17 from Tom Whitman that he wished to withdraw his application that was submitted at July meeting.**

CS#17-8-1P, Catherine Short & Tom Hutchinson, 514 Station Avenue, B-26, L-7, Variance-Sign letter height & second sign  
The Board considered the application of Catherine Short and Thomas Hutchinson, who are tenants of the premises at 514 Station Avenue, Haddon Heights, New Jersey. The property is also designated as Block 26, Lot 7 on the Haddon Heights Tax Map. Hassan Najimi, Afsaneh Payrow, Farshid and Jackie Payron are the owners of the subject property and have consented to this application. The premise is located in the Historic Zoning District and the Downtown Business District. The applicants propose to install two signs for a new coffee shop business. The signs would include a front façade sign and a free standing sign in the rear of the premises. The applicant requires variances with respect to having two signs, letter height exceeding 6 inches and a free standing sign. The applicant also requires Historic District approval by reason of the fact that the property is located in the Historic District. Daniel Hutchinson, Esquire, represented the applicants at the hearing. The applicants, Catherine Short and Thomas Hutchinson, appeared, were sworn and testified in support of the application. Carol Larro, of the Historic Preservation Commission, appeared, was sworn and testified in connection with the application. During the public portion of the hearing, the following witnesses appeared and testified with concerns:

- Brett Harrison, owner of the Cheese Shop; concerned about lighting and placement of the rear free standing sign.
- Patricia Ren, residential tenant at 514 Station Avenue, concerned about usage of the garden area in the rear of the subject premises.

The applicant proposes to install two commercial signs for the coffee shop business. The business is known as Trouble Brewing Coffee House. The front façade sign on Station Avenue would be 36" by 64" and would have lettering which exceeds the 6" maximum allowed. The proposed sign in the rear of the property would be a free-standing sign adjoining the Municipal Parking area. The HPC reviewed the application and issued a report dated July 27, 2017 approving the signs as presented, subject to the condition that the applicant obtain variances. The HPC Representative, Carol Larro, appeared at the Planning Board hearing and testified in connection with the application. The Planning Board heard testimony from objectors, as well as the applicants and the Planning Board Engineer, relative to the controversy about the location of the free-standing sign in the rear. The concern registered by the objectors is that there is a garden area that has been established in the rear of the subject premises, which is maintained and used by the residential tenants of the building. The objectors are concerned that the proposed signage in the rear will attract commercial use by the customers of the coffee shop. The applicants testified that the landlord has assured them that use of the rear garden area would be available to the customers of the coffee shop. The objectors testified that according to the landlord, the use of the rear garden area was for the exclusive use of the residential tenants of the building. The Planning Board concluded that the rights of usage of the rear garden area are contract

rights between the residential tenants and their landlord and the commercial tenant (applicants) and its landlord. Therefore, it is not subject to the jurisdiction of the Planning Board in its determination of the right to the pending variance relief. The Planning Board Engineer testified with respect to the location of the free standing sign and recommended that it be set back off the sidewalk and even with the John Johnson archway structure and it should also be located 18" to 24" from the archway. The applicants have agreed to these conditions. The Planning Board concludes that the façade sign in the front of the premises is in accordance with Section 450-135 guidelines of the Haddon Heights sign ordinance, except the sign lettering size exceeding 6". The Planning Board concludes that a variance for height of sign lettering is warranted based upon the promotion of safety for pedestrians and vehicular traffic in order to identify the subject business. Also, the benefits in granting the lettering size variance substantially outweigh any detriments. The Planning Board further concludes with respect to the free standing sign in the rear that the purposes of the Municipal Land Use Law are advanced by the additional signage for identification purposes to the public and the benefits in granting the subject variance for a second sign and a free standing sign would substantially outweigh any detriments. Further, the Planning Board concludes that granting the subject variances would not be substantially detrimental to the public good, nor would they impair the intent and purpose of the zone plan and zoning ordinance of the Borough of Haddon Heights. Further, the Planning Board concludes that the subject signage is substantially consistent with the criteria set forth in the Historic District Ordinance and adopts the recommendation of the Historic Preservation Commission to approve the subject signs.

On the motion of Dean Doukakis, seconded by Michael Cicalese, the Planning Board voted 6-0 to grant a sign lettering variance with respect to the façade sign not to exceed 21".

On the motion of Susan Griffith, seconded by Jaclyn Parisi, the Planning Board voted 6-0 to permit a second sign in the rear of the subject premises.

On the motion of Michael Gatti, seconded by Jaclyn Parisi, the Planning Board voted 5-1 to permit a free standing sign as proposed in the rear of the subject premises.

On the motion of Dean Doukakis, seconded by Michael Cicalese, the Planning Board voted 6-0 to grant a Certificate of Appropriateness for Historic District approval.

**ADJOURNMENT:**

@9:00PM. All Board members were in favor.

Respectfully Submitted,

Stephanie Gee

Planning Board Secretary