

MINUTES OF THE PLANNING BOARD FROM AUGUST 16, 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, Chief Kinkler, Tom Ferrese, Gregory McAdams, Jack Merryfield, Jaclyn Parisi, Dean Doukakis, David Cox, Christopher Soriano, Terre Boccuzzi

Absent: Rose Fitzgerald

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

Minutes:

Motion was made to approve the minutes from the July 19, 2012 Planning Board Meeting by Dean Doukakis, seconded by Terre Boccuzzi. Motion carried. All remaining members voted in favor.

Resolutions:

CS# 12-6-2P – Afsan Payrow and Hassan Najimi – B26, L7

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

Roll Call:

Chief Kinkler	Yes
Tom Ferrese	Yes
Gregory McAdams	Yes
Jaclyn Parisi	Yes
Dean Doukakis	Yes
David Cox	Yes
Christopher Soriano	Yes
Terre Boccuzzi	Yes

CS#12-7-3P – Caren Marchione – B36, L6

Dean Doukakis made a motion to approve the resolution, seconded by Jaclyn Parisi. Motion Carried.

Roll Call:

Chief Kinkler	Yes
Tom Ferrese	Yes
Gregory McAdams	Yes

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

CS#12-7-4P – Wayne and Carol Grear – B57, L14

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

Roll Call:

Chief Kinkler	Yes
Tom Ferrese	Yes
Gregory McAdams	Yes
Jaclyn Parisi	Yes
Dean Doukakis	Yes
David Cox	Yes
Christopher Soriano	Yes
Terre Boccuzzi	Yes

Business:

**CS#12-8-2P – Joe Gorzkowski –Application for Bulk Variance
608 W. High Street – B50, 4**

The applicant seeks bulk variance relief (accessory shed rear yard set back, accessory structure size and height and impervious coverage) to construct a shed 9 feet in height, 10 feet by 18 feet in size behind his garage at a rear yard set back of 3 feet resulting in overall impervious coverage of 38%. The application is made pursuant to Section 450-32B, E and F and 450-91.C. of the Haddon Heights Zoning Code and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(c)(1). The applicant, Joseph Gorzkowski 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 shed directly behind his garage so that he can park his vehicle in his existing garage and have a place to store his tools, landscaping equipment and outdoor furniture formerly stored in the garage. He proposes to construct a shed 10 feet 8 inches high, 18 feet long and 10 feet wide at a rear yard set back of 3 feet. The proposed structure will increase the impervious coverage area on his lot to 38%. Section 450-91.C of the zoning ordinance requires accessory buildings to have a minimum 5 foot rear yard and be no larger than 120 square feet in size and 9 feet in height, Section 450-32.B limits impervious coverage to 30% in the R-3 Residential Zoning District, at paragraph E requires a 40 foot rear yard and at paragraph F requires outbuildings to be constructed no closer than 5 feet to any property line. Bulk variance relief from the aforesaid zoning provisions will be necessary to permit the size and location of the proposed structure and the additional impervious coverage. Rotating the structure 90 degrees to

increase the amount of rear yard set back is not practical because the structure will then jut into the small open back yard area that applicant maintains. Applicant's neighbor to the rear was formerly improved and used by the New Jersey American Water Company. The property and is now owned by the Borough of Haddon Heights and is used as a public works facility. There is a 6 foot high wooden fence across the rear and a portion of the sides of applicant's property beyond which is an easement and then the public works site. There will be no negative impact on said property or the properties of applicant's adjoining neighbors.

There was discussion between board members and applicant.

Peter Thorndike, 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 Dean Doukakis, seconded by Chris Soriano, the Planning Board voted 9-0 to grant the rear yard variance of 3 feet, accessory structure size and height of 180 square feet and 10 feet 8 inches respectively, and impervious coverage of 38% for the proposed accessory structure.

Roll Call:

Mayor Forte	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
Terre Boccuzzi	Yes

The Planning Board concludes that there is a hardship to the property by reason of its shape and small size and the location of the structures on the lot. The Planning Board concludes that the granting of the rear yard, accessory structure size and height and impervious 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#12-8-3P — Peter Gilligan – Application for Bulk Variance
218 Second Avenue – B10, L8**

The applicant seeks a front yard variance and a side yard variance in order to remove a front porch and construct an addition in the front of his property. The application is made pursuant to Section 450-24C and 450-24D of the Haddon Heights Zoning Code and the

New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(c)(1). The applicant, Peter Gilligan 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 remove the existing screened-in porch and construct a one story addition. The construction of the addition on the first floor is necessitated by the owner's need for an accessible bathroom suite on the first floor of the residence in order to meet the medical needs of the occupants.

There was discussion between board members and applicant.

Peter Thorndike, 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 Jack Merryfield, seconded by Edward Forte, the Planning Board voted 9-0 to grant the front yard variance to be not less than 33.4 feet and a side yard variance on the South of 13.9 feet and aggregate side yards of 33.5 feet.

Roll Call:

Mayor Forte	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
Terre Boccuzzi	Yes

The Planning Board concludes that there is a hardship to the property by reason of the fact that it is an existing non-conforming sized lot and the location of the dwelling constructed on the lot with a front door facing the side yard creates a unique situation. The Planning Board further concludes that the granting of a front yard variance and the side 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#12-8-4P – Glenn Ellison – Application for Bulk Variance
1801 Narberth Avenue – B133, L6**

The applicant seeks a bulk variance from the front yard setback provisions of the ordinance in order to replace a dilapidated front porch with a new deck. The application is made pursuant to the provisions of Section 450-40C and the New Jersey Municipal Land Use Law

N.J.S.A. 40:55D-70(c)(1). The applicant, Glenn Ellison 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 demolish the existing front porch and replace it with a deck which would be 16 feet in width and 8 feet in depth and be approximately 3 to 4 feet in height to ground level. Under Section 450-40 of the Haddon Heights Zoning Code applicable to properties in the R-5 Zoning District, the front yard setback should be not less than those setbacks established by the buildings on either side of the lot in question, whichever is greater, and in any event, not less than 25 feet. The front yard setback requirements apply to both front yards in the case of a corner lot. Based upon the testimony of the Planning Board Engineer, it appears that the size and location of the proposed deck should be modified in order to contain the deck within the applicant's property line and so as to not encroach in the right of way of Hillside Avenue. The applicant has agreed to this modification which must be confirmed by the construction official.

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 Edward Forte, seconded by Gregory McAdams, the Planning Board voted 9-0 to grant the front yard variance for the construction of the replacement deck provided that the location of the proposed deck be modified to construct the deck within the footprint of the existing porch so as to not encroach in the right of way of Hillside Avenue and the Zoning Officer shall determine the footprint of the existing porch prior to demolition of the existing porch.

Roll Call:

Mayor Forte	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
Terre Boccuzzi	Yes

The Planning Board has jurisdiction of the within application and 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 irregular triangular shape of the property and the location of the existing structure, as well as the hazardous condition of the existing porch.

The Planning Board further concludes that the granting of a 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 location of the proposed deck be modified to construct the deck within the footprint of the existing porch so as to not encroach in the right of way of Hillside Avenue and the Zoning Officer shall determine the footprint of the existing porch prior to demolition of the existing porch.

Caucus:

The discussion of potential changes to the HHPC ordinance was rescheduled to a later date by Chairman, Tom Ferrese.

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:

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

Michelle Fareri,
Planning Board Secretary