

September 15, 2022

Borough of Haddonfield
 Zoning Board of Adjustment
 Kevin Burns, Chairman
 242 Kings Highway East
 Haddonfield, NJ 08033

Attention: Tavis A. Karrow, Zoning Officer/Zoning Board Secretary

**Re: Use Variance & Waiver of Site Plan
 Haddonfield Sound Music
 3 Kings Highway East
 Block 118, Lot 80.01
 Application #ZBA2022-30
 Our file #04-17-Z-091**

Dear Board Members:

We have reviewed a use variance submission, received August 2022, consisting of the following:

Sheet	Title	Date	Latest Revision Date
1 of 1	Survey of Premises	04-22-87	----
----	Detailed Floor Plans	04-11-19	----

The survey was prepared and signed by R.W. Humphries, L.S., Walter H. Macnamara Assoc., Inc., 4747 Westfield Avenue, Pennsauken, New Jersey 08110, (609) 662-0356. The survey should be sealed by a licensed professional according to State Regulations.

The floor plans were prepared by Roominders, (856) 429-4233. The plans should be signed and sealed by a licensed professional according to State Regulations.

I. GENERAL INFORMATION

Applicant: Haddonfield Sound Music
 (856) 202-3949

Owner: Michael Lacatena
 (856) 795-9650

Proposal: The applicant seeks a use variance to permit the use of the second and third floor of the property as a music school. No exterior or improvements are proposed for the property. The applicant also requests bulk variance to permit the continuation of a pre-existing non-conforming condition at the subject property relating to off-street parking spaces. Lastly, the applicant requests a waiver of site plan approval.

Zoning: D-4A Downtown 4A (Non-Core)

II. SUBMISSION INFORMATION

In accordance with Section 135-74 and Exhibit 1 of the Haddonfield Land Development Ordinance the following required items have not been submitted. The item numbers refer to the list in the Land Development Ordinance. We have not reviewed items 1-9, 13, and 57-62 that are the jurisdiction of the Borough Zoning Officer.

- Item 11. Title block denoting type of application, tax map sheet, county, municipality, block, lot and street address.
- Item 15. Signature blocks for Board Chair, Secretary, Engineer, and Borough Clerk.
- Item 23. Size and location of existing or proposed structures and their dimensioned setbacks along with the size and location of existing buildings within 200 ft.
- Item 26. Copy of and plan delineation of any existing or proposed deed restrictions or covenants
- Item 27. Any existing or proposed easements on land reserved or dedicated for public use.
- Item 29. Lot lines, block and lot numbers, and property owners within 200 ft.
- Item 30. All existing street, Rights-of-Way, and easements on the subject property and within 200 ft.
- Item 31. All watercourses, floodplains, wetlands, wooded areas, or other natural features within 200 ft. of existing or proposed streets.
- Item 32. Nature, extent and boundary limits of wooded areas, dripline of all trees with 4" DBH and other significant features off the property.
- Item 34. Existing and proposed contours at one-foot intervals on subject property and within 200 ft.
- Item 39. Existing and proposed utilities, with details for sanitary sewer, water, telephone, cable TV, and electric onsite and within 200 ft.

- Item 49. Landscape and buffer plans showing existing and proposed landscaping, fences, landscaping to be removed, common and botanical names, and maintenance program.
- Item 50. Lighting plan and details including the location, height and type of standards, radius of light, and intensity in footcandles.
- Item 51. Solid waste storage and disposal plan.
- Item 52. Site identification signs, traffic control signs and directional signs, including their location, lighting, dimensions and details
- Item 54. Traffic study.
- Item 55. Vehicular and pedestrian circulation patterns.
- Item 56. Parking plan indicating loading/unloading areas, parking spaces, size and type, aisle width, internal collectors, curb cuts, drives and driveways, and all ingress and egress areas with dimensions including compliance with barrier-free codes.
- Item 57. Preliminary architectural floor plans and elevations (all sides).

CONCLUSION

Items underlined have not been provided. This application is deemed complete subject to the granting of the above waivers by the Zoning Board.

III. ZONING REQUIREMENTS

- A. **Use:** The applicant's proposed use of a music school on the second floor is not in conformance with the permitted principal uses of the D-4A zone per 135 Attachment 3. The applicant has the burden of demonstrating 'Special Reasons; for granting the use variance as well as offering an 'enhanced quality of proof' which states that the variance is not inconsistent with the intent and purpose of the master plan and zoning ordinance (Positive Criteria). The applicant should also demonstrate that the requested relief can be granted without substantial detriment to the public good and will not impair the intent and purpose of the zone plan and zoning ordinance (Negative Criteria).

"Special Reasons", the applicant should demonstrate that the proposed use carries out the purposes of zoning as listed in 40:55D-2 of the Municipal Land Use Law or that the refusal to allow the project would impose an undue hardship on the applicant. The applicant must present support for the first test within a Statement of Reasons contending that the proposed use promotes the purpose of zoning. The applicant shall provide a Statement of Reasons at the Zoning Board hearing. In lieu of the Statement of Reasons, the applicant should provide a statement regarding the undue hardship which must relate to the land in question or unique conditions of the site.

With respect to the first portion of the Negative Criteria, the applicant must demonstrate that the requested relief can be granted without substantial detriment to the public good. The applicant must demonstrate that the proposed use will not have a negative impact on the adjacent properties, and that it will not cause such damage to the character of the neighborhood as to constitute “substantial detriment to the public good”. The applicant shall provide testimony at the Zoning Board hearing.

In the second prong of the Negative Criteria, the applicant must demonstrate that the requested relief will not impair the intent and purpose of the zone plan and zoning ordinance. Testimony should be provided as to why the proposal will not impair the intent and purpose of the D-4A Zone and the Borough Master Plan.

- B. **Area and Bulk Requirements:** The footprint of the building is not expanding and will remain the same. Therefore, the bulk and area criteria below will not change.

Code Reference	Item	Required	Proposed	Status
135 Attachment 3	Lot Area	N/A	TBD	TBD
135 Attachment 3	Lot Width	N/A	50.75 ft.	N/A
135 Attachment 3	Lot Depth	N/A	99.99 ft.	N/A
135-38.D(4)(b)[2][b]	Building Coverage	65%	TBD	TBD
135-38.D(4)(b)[3][a]	Impervious Coverage	90%	TBD	TBD
	Principal Structure			
135-38.D(4)(b)[2][a]	Front Yard	0-25 ft.	0.12 ft.	C
135-38.D(4)(b)[2][b]	One Side Yard	0-15 ft.	0.12 ft.	C
135-38.D(4)(b)[2][c]	Rear Yard	5 ft.	8.80 ft.	C
135-38.D(4)(b)[4][a]	Building Height	3 stories	≤3 sty.	C
135-38.D(4)(b)[2][c]	Building Height	36 ft.	≤36 ft.	C
135-86.B(2.2)	Off-Street Parking	3 space per 1,000 sf.	0 spaces	V

C - Conformance.
 N/A – Not applicable.
 TBD – To be determined.
 V - Variance required.

IV. USE VARIANCE COMMENTS

1. The applicant should address the impact of the application on the following:
 - a. Compatibility of the proposed use with surrounding uses; and
 - b. Mitigating factors for the use variance.
2. The applicant should address the following items for the Board to be able to evaluate the impact of the proposed application on the neighboring properties and the Borough:

- a. That the use will not injure or detract from the use of neighboring property.
- b. That the use will not detract from the character of the neighborhood.
- c. That the property is suitable for the intended use.
- d. That the use will serve the best interests of the Borough.
- e. That the use will not adversely affect public sewers and facilities such as water, sewer, police, and fire protection.
- f. That the use will not adversely affect the drainage facilities in the adjacent neighborhood.
- g. That the use will not adversely affect the safe flow of highway traffic and that adequate roadway accesses are provided to protect roadways from undue congestion and hazards.

V. PERFORMANCE STANDARDS

A. General Comments

1. We note that the existing building is defined as a Flex Building which is allowed within the D-4A Downtown 4A (Non-Core) District. Per 135 Attachment 3, the upper use for a flex building in the historic downtown district shall be used for residential and/or office space, with the ground floor is limited to commercial and personal services. The applicant has requested a use variance to allow a music school on the second floor which is a personal service type use.
2. The applicant shall provide testimony of the hours of operation, maximum number of employees and expected number of customers at the site.
3. Per Section 135-86.B(2.2), three parking spaces per 1,000 sf. shall be provided. The applicant has not proposed any parking and has requested a variance. Proper justification shall be provided.
4. The information provided in the application notes that the applicant proposes to accommodate music school customers by continuing the existing parking practices of the Haddonfield School of Music. The applicant states that customers typically park in the PATCO parking lot behind the property. The applicant shall provide testimony and information on any formal parking agreements in place.
5. The application states that a waiver of site plan is requested at this time. At a minimum the applicant shall provide testimony of the existing site lighting to accommodate the proposed use and any changes to the signage on the site.

6. A floor plan is provided and depicts the layout of the 2nd and 3rd floor of the building. Information shall be provided on the use of the individual spaces shown on the 2nd and 3rd floor and any proposed alterations to the building.
7. The survey provided is dated April 22,1987 and is not current. The applicant shall provide testimony of any changes to the site since the survey. We recommend a survey completed within the past two years be provided.
8. It appears that this project may generate an Affordable Housing obligation. It is anticipated this obligation will be 2.5% of the equalized assessed value of the proposed improvements. The applicant should be aware that it is their burden to satisfy this obligation.

VI. SUMMARY OF VARIANCES AND WAIVERS

Variances:	135 Attachment 3 - Section 135-86.B(2.2) -	Use Parking
Waivers:	Land Development Checklist - Site Plan Waiver	Submission Information

VII. APPROVAL PROCESS

If the Zoning Board should grant final approval to this project, the following is applicable:

1. The applicant's engineer must make appropriate revisions to the plan pursuant to the Zoning Board action.
2. Two (2) copies of the final plan and a digital copy shall be submitted to the Borough of Haddonfield for review, approval, and signature.
3. The applicant must contact the Zoning Board office to settle any outstanding review escrow accounts prior to this office reviewing revised plans or signing off on approved plans.

VIII. OUTSIDE AGENCY APPROVALS

This plan may be subject to the review and approval of outside agencies. Evidence of any applicable outside agency approvals must be submitted to the Borough Zoning Department and this office prior to the final signature of plans.

When plans are resubmitted, they are to be accompanied with a point-by-point response to all underlined items.

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If you have any questions regarding this matter, please do not hesitate to call.

Sincerely yours,

REMINGTON & VERNICK ENGINEERS, INC.



Melanie J. Adamson, P.E., P.P., C.M.E.
Board Engineer

MJA/dp

cc: Haddonfield Sound Music
Michael Lacatena
Applicant's Engineer
Stephen J. Boraske, Esq.
Jennifer Johnson, Zoning Board Solicitor
Ed Toussaint, Construction Code Official
Board Members (e-mail)