

PLANNING BOARD REPORT TO THE COMMISSIONERS
ON

ZONING AND LOT COMPATABILITY

Prepared by the Land Use Committee's Mass and Scale Team on December 21, 2017

Updated on April 30, 2018, May 10, 2018 and July 11, 2018 to incorporate Planning
Board Decisions

Adopted by the Planning Board on August 7, 2018

INTRODUCTION

In late 2015, the Land Use Committee and the Planning Board identified 19 land use issues in Haddonfield that warranted further investigation. One of those issues deals with the development of new homes in town. There is a growing concern among residents that an increasing number of new homes' height, floor area, dimensions and certain architectural features, coupled with small side and front yards, overwhelm nearby homes and damage the character of the surrounding neighborhood.

In 2016, the Land Use Committee formed a team¹ to explore these issues in more detail. The goal of this effort is to reduce the negative impact some new homes have on the surrounding neighborhood without unduly limiting future development opportunities.

On November 28, 2016, the team issued a memorandum to the Borough Commissioners describing these concerns in more detail and outlining 10 conceptual approaches that might help to reduce the potential levels of incompatibility. Although most of the approaches deal with the mass and scale of new or reconstructed homes, the team noted that the creation of new residential lots through subdivision might also negatively impact surrounding neighborhoods if the lot sizes and dimensions of those newly created lots are out-of-character with the surrounding area. Although the team believes that subdivisions should continue to be permitted where the newly created lots are in keeping with those of the surrounding area, it concluded that a more detailed examination of subdivision potential was warranted.

APPROACH

The team approached this assignment in the following manner.

1. Remington and Vernick and the Tax Assessor provided current zoning maps and several sets of detailed tax maps. At the team's request, Remington and Vernick also provided a map and accompanying list of properties whose size was at least twice that of the minimum for the zone in which the property was located. Approximately 704 lots were identified.

¹ The team consisted of Planning Board members John Stokes, Doug McCollister and Stuart Harting, former citizen member of the team and recently appointed Planning Board member Jon Simonson and citizen member Sherry Gallagher.

3. The team conducted a preliminary analysis of this information and eliminated certain properties from further review due to ownership (e.g., public, utility) and a property's clear inability to meet other bulk requirements.
4. At the team's request, Remington and Vernick then provided a map and property list of lots which were more than twice the minimum required lot area and which appeared to have lot widths that were also twice the minimum. Approximately 126 lots were identified.
5. Team members reviewed these properties against detailed tax maps to eliminate lots that could not meet the minimum lot width and depth requirements if subdivided. During this review, the team also identified other, unlisted lots that might have subdivision potential.
6. The resulting lots (which still appeared to have subdivision potential) were further screened to identify those that were near to a zone district boundary or were part of a cluster of lots that might qualify for subdivision.
7. 56 lots resulted from that screening process. They were further analyzed to assess their compatibility with their assigned zone districts. Nearby properties and neighborhoods were also analyzed to determine whether their character would be consistent or inconsistent with the subject properties if they were subdivided. Certain "signature" streets were also included in this analysis, consisting of Kings Highway (from Hopkins Lane to the Haddon Heights border, with the exception of the downtown business zones), Warwick Road, Chews Landing Road, West End Avenue and Washington Avenue (from the Methodist Church to Jefferson Avenue). The analysis was accomplished through detailed examination of tax maps, property information and by field surveys.
8. The team then evaluated whether reclassification of a lot or group of lots to an adjoining or a new stand-alone zone was appropriate to maintain an area's predominant character. This review occurred over an extended period of time and involved repeated examination of lot and neighborhood characteristics as well as multiple site visits.
9. Based on recent subdivision experience in town and its own examination, the team also concluded that corner lots pose a special concern when evaluating subdivision potential. In many cases, a corner lot may meet subdivision bulk requirements if both lots front on the "secondary" street. This outcome can create lot anomalies and inconsistencies on one or both streets and is not consistent with the Borough's ordinance definition of lot frontage, which requires that at least one of the lots must front on the street identified in the Borough's tax records at the time of passage of the land development chapter of our ordinance.

Since it's been reported that addresses have been changed on the tax records and that these new addresses might be incorrectly used to judge adherence to the ordinance's subdivision requirements, the team sought to clarify ordinance definitions to prevent

confusion in the future.

10. In addition to the definitional issue surrounding lot frontage, the team took note of other lot-related ordinance definitions that have an impact on subdivision, including the lot depth definition that the Planning Board had previously recommended be updated. Team members researched other ordinances for ideas and tested many different options.

11. Once preliminary definitional changes were drafted, Todd Day and Steve Walko were asked to review them. Steve Walko noted several concerns that were then addressed. No further concerns were expressed.

12. The team issued its report to the Planning Board on December 21, 2017. The Planning Board was briefed on the Land Use Team's recommendations at two public meetings during which it made preliminary changes to some of the recommendations. It then held a public hearing on June 5, 2018, at which nine people testified, six of whom supported the proposals and three of whom either opposed or expressed concern about certain recommendations. On July 10, 2018, the Planning Board reviewed the public hearing comments and, after extensive discussion, voted to approve the following recommendations. This final report was adopted by the Planning Board on August 7, 2018. Those recommendations that involve ordinance changes will be referred to the Borough Commissioners for consideration. The Historic District recommendation will be referred to the Historic Preservation Commission for review.

RECOMMENDED DEFINITIONS

A. The ordinance's current corner lot definition should be modified to include lots on one curvilinear street that have a corner angle and to recognize that corner lots can front on more than two streets.

LOT, CORNER - A lot abutting two or more streets at their intersection where the interior angle of the intersection does not exceed 135° or a lot upon two parts of the same street forming an interior angle that does not exceed 135°. Each corner lot shall have front yards that face the street(s) and side yard(s) that do not face any street. Corner lots shall otherwise comply with all other area and yard requirements of the applicable zone.

B. A front lot line definition should be added to deal with lots that front on more than one street. We also recommend that the address requirement (currently included in the Borough's lot frontage definition) be included instead in the front lot line definition and that a date be specified to identify when the front lot line becomes fixed.

LOT LINE, FRONT - The lot line that fronts (abuts) the street line. Where a lot abuts more than one street, the front lot line is that lot line that abuts the street shown in the property address of the property identification portion of the tax records of the Borough of Haddonfield as of January 1, 2018. All other lot lines abutting a street shall be considered secondary front lot lines.

A secondary front lot line definition should also replace the ordinance's current corner lot line definition.

LOT LINE, SECONDARY FRONT - A lot line that fronts (abuts) a street but which is not the front lot line.

C. Frontage and lot width are considered two separate bulk standards because they often differ on lots that are not rectangular. However, our ordinance effectively exempts curvilinear lots from a frontage requirement by relying on lot width, which is measured at the front yard setback line. To ensure that irregular lots have the proper frontage and the proper width, they should be measured separately. Changes to both of the existing definitions will correct this inequity and eliminate confusion created by the current wording.

LOT FRONTAGE - The straight-line distance between the side lot lines at the points where they intersect the front lot line. For corner lots, the secondary front lot line shall be considered a side lot line for purposes of this calculation.

LOT WIDTH - The straight-line distance between the side lot lines at the points where they intersect the front yard setback line. For corner lots, the secondary front lot line shall be considered a side lot line for purposes of this calculation.

D. The existing lot depth definition is confusing and, because it relies on a currently undefined term of rear lot line, may effectively exempt lots that do not have an obvious rear lot line. For example, corner lots have no depth requirement because, by definition, they do not have a rear yard and, by extension, no rear lot line. In addition, other lots (such as those that come to a point) do not have an obvious rear lot line; thus, it might be argued that they have no depth requirement or that depth should be measured to the deepest part of the lot, an outcome that benefits lots which are exceptionally narrow in the rear. The existing definition of lot depth should be simplified and a new definition for rear lot line ensures that all lots will be required to meet lot depth requirements

LOT DEPTH - The length of a straight line joining the midpoint of the front lot line and the midpoint of the rear lot line.

LOT LINE, REAR - The property line that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear (i.e. triangular or pentagonal), the rear lot line shall be an imaginary line parallel to and furthest from the front lot line, provided the imaginary line is not less than ten (10) feet long and is wholly located within the lot.

E. Minor editorial changes to the ordinance's existing front and rear yard definitions are recommended to clarify that they represent areas that are measured to the closest point of the building.

YARD, FRONT - A space extending the full width of the lot between any building and the

front lot line and measured from and at right angles from the closest point of a building to the front lot line.

YARD, REAR - A space extending across the full width of the lot between the principal building measured from and at right angles from the closest point of the building to the rear lot line.

RECOMMENDED ZONING CHANGES

After reviewing more than 700 properties, zone changes are being considered that will affect only 54 lots. The land tenure patterns in Haddonfield are quite diverse and subdivisions of scattered larger lots in neighborhoods that contain smaller lots will continue. However, the relatively modest number of changes now being considered are designed to help prevent the subdivision of up to 16 lots that would not be compatible with the neighborhoods in which they're located. The recommendations will also place properties in more appropriate zones to ensure that "reconstructed" homes on those lots are compatible with neighboring homes. Finally, the recommendations will reduce the long-term potential for high-density subdivision of a large church owned property.

Washington and Jefferson/Lafayette Ave Area

Four lots on Washington Ave. (Block 65, Lot 1; Block 66, Lots 8 and 9; and Block 68, Lot 13) are larger than most other lots in this part of the R6 zone. They adjoin the R3 and R5 zones but, since their character is more in keeping with the R5 zone, the team recommends that they be rezoned to R5. This change will eliminate the subdivision potential of one lot. A second lot that also qualifies for subdivision will no longer qualify because of the zoning ordinance's street address requirement.

Washington Ave and Upland Way

Block 64.13, Lot 3 (1045 Washington) is a corner lot at Upland Way. It is in the R5 zone but adjoins the R2 and R3 zones. Its character is more akin to lots in the R3 zone and the team recommends that it be added to the R3 zone. As a result, this lot will no longer meet subdivision requirements.

The property owner spoke against this rezoning at the June 5 public hearing, indicating that it will limit the property's development potential by reducing the amount of permitted coverage. It is true that building coverage will be decreased from 20% to 18% and lot coverage from 32% to 28%. However, on this ±17,359 square foot lot, 3,472 square feet of building coverage and 5,208 square feet of total impervious coverage will still be permitted. These coverage allotments are more than twice that of most lots in the R5 (7,500 square feet) zone. Even after rezoning, this lot will be entitled to more coverage than many of the other lots in the R3 (12,500 square feet) zone.

The Planning Board took note that this lot appears to meet the front yard and total side

yard requirements of the R3 zone; however, available information doesn't allow every existing condition to be evaluated against every bulk requirement.

The Planning Board determined that the proposed rezoning of this lot from R5 to R3 is appropriate because it is much more similar to neighboring R3 lots than it is to an R5 lot.

Mount Vernon and Westmont/Linden Ave Area

This part of town has quite a bit of lot and home diversity. However, a group of 16 lots differs in character from the surrounding area and is not in keeping with its current R5 zone designation. Four of these lots can be subdivided and 4 others are corner lots that, but for the street address requirement of the zoning ordinance, could also be subdivided. To help avoid incompatible subdivisions, the team recommends that this 16 lot group (consisting of Block 113, Lot 8; Block 114, Lot 7; Block 120, Lots 1, 2 and 3; Block 121, Lots 3, 4, 5, 6, 7 and 9; and Block 125, Lots 1, 6, 7 and 8; and Block 127, Lot 1) be reclassified as a stand-alone R4 zone. Seven of the 8 lots that might qualify for subdivision will no longer qualify. The number of non-conforming lots will not increase.

Comments were offered at the June 5 public hearing in favor of and in opposition to this zone change. Due to comments of two property owners who opposed portions of this zone change, the Planning Board reviewed three specific lots in detail at its July 10 meeting. These lots [200 Mt. Vernon Ave (Block 114, Lot 7), 201 Mt. Vernon Ave (Block 113, Lot 8) and 126 Mt Vernon Ave. (Block 120, Lot 1)] can be subdivided under their current R5 designation but would not meet subdivision requirements if rezoned to R4.

The Planning Board considered the following factors during its review:

1. 200 Mt. Vernon can be subdivided without impinging on any existing property improvements, including the existing home². The property owner stated that this outcome (creating a new lot but maintaining the existing home) would be preferable to the proposed rezoning, which would prevent subdivision but may induce the property owner to demolish the existing home and reconstruct a much larger home on the lot. The Planning Board acknowledges the property owner's interest in retaining the existing home but recognizes that retaining the lot's subdivision potential in no way guarantees that the existing home will be protected. Although the property owner also offered to place a protective easement on the home, that is also speculative at this time and can't form the basis for the Planning Board's decision.

The Planning Board also noted that it's likely that existing improvements on the other two lots (201 and 126 Mt. Vernon) will have to be demolished if those lots are

² At the July 10 Planning Board meeting, the property owner indicated that the existing home at 200 Mt. Vernon doesn't meet R5 front yard requirements and, if subdivided, may require a variance to retain the existing home.

subdivided. It is possible that this will affect one or both of the existing homes.

2. Subdivision of these three lots may not negatively impact the character of Mt. Vernon Ave. Since the newly created lots will be required to front on Linden Ave., the character of the existing homes, which face Mt. Vernon, may not be negatively impacted. However, as previously indicated, the subdivision of two of those lots will likely require the demolition of existing improvements, perhaps directly or indirectly affecting the existing homes that do front on Mt. Vernon.

3. It might also be argued that the three new lots on Linden Ave will not be incompatible with the character of Linden Ave. in this area (the blocks between Woodland/ Mt Vernon and Mt. Vernon/ Redman). This is because (1) the one new lot in the Woodland block of Linden is consistent with other developed lots that front on Linden Ave in that block and (2) the other two new lots will be located in the Redman block, which does not contain any homes fronting on Linden. Conversely, since there are no lots fronting on the Redman block, it can be argued that new lots created on this block are not consistent with that neighborhood's character.

4. If these three lots are removed from the proposal, the justification for rezoning the remaining 13 lots becomes very weak. This is because 3 of the 4 sub-dividable lots will have been removed and 12 of the remaining lots to be rezoned are smaller in size than the 3 excluded lots.

5. If no rezoning occurs, the only impediment to the subdivision of 4 other corner lots is the street address requirement in the Land Development Ordinance's definitions. Although there is no guarantee that a variance would be granted, arguing in favor of varying a single ordinance requirement that does not affect bulk requirements is less burdensome than arguing for a variance that also requests relief from bulk requirements.

6. All 16 of the lots proposed to be rezoned are larger (many are much larger) than other neighborhoods in the current R4 zone. These larger lots currently benefit from yard and coverage requirements that are intended to apply to much smaller lots. Placing all 16 lots in a more fitting zone classification helps to ensure that more appropriate front and side yards are maintained and that building and impervious coverage is not excessive.

On balance, the Planning Board was persuaded that the arguments in favor of the proposed rezoning outweigh those in opposition to it.

Glover Ave.

Three lots (Block 13.01, Lots 36.01/36, 36.02 and 38) on Glover Ave. are located in the R8 zone yet they are very similar to lots in the adjoining R6 zone that fronts on Grove Street. Reclassification of these lots to the R6 zone will eliminate the potential for up to two existing lots to be subdivided across the street from Tatem School.

Sylvan Lake Ave.

Five lots (Block 13.01, Lots 39.01, 40, 43, 44 and 49) on Sylvan Lake Ave., across from the High School, are located in a stand-alone R7 zone. However, the lot characteristics are akin to those in a R5 zone. Re-designating this stand-alone zone to a more suitable R5 classification will eliminate the subdivision potential of one lot and may create one non-conforming lot due to a slight shortfall of frontage.

Hickory Lane

Block 81, Lot 2.02 is on the corner of Hickory Lane and Overhill Ave. It is located in the R6 zone and might be able to be subdivided into two lots if the street address requirement isn't applied. That subdivision would be out of character with the neighborhood. Since it borders on a R4 zone, this lot should be reclassified into R4.

The owner of this property supported the general recommendations but expressed concern that the reduction in permitted coverage may limit the development of property improvements, such as a deck or patio.

The Planning Board notes that this 13,260 square foot lot is currently in the R6 zone where the minimum lot area is only 6,000 square feet. It is much more similar to lots across Hickory and Overhill that are in the R4 zone, which has a 9,600 square foot minimum lot area.

The R6 to R4 change will decrease permitted building coverage from 22% to 20% and lot coverage from 35% to 30%. This will still permit up to 2,652 square feet of building coverage and 3,978 square feet of lot coverage, more than other R6 lots in this area and on a par with the surrounding R4 lots. Although specific information on this lot's existing improvements isn't readily available, the total amount of permitted coverage (almost 4,000 square feet) seems to provide design flexibility.

The Planning Board determined that the proposed rezoning of this lot from R6 to R4 is appropriate because it is much more similar to neighboring R4 lots than it is to an R6 lot.

Special Note Relative to Impervious Coverage

During its discussion of this property and the Washington/Upland property, Planning Board members observed that the Borough's existing coverage definition may be overly broad, particularly in regard to decks (which allow rain to pass through open decking) and swimming pools (which retain at least a few inches of rainwater before overflowing). These apparent inequities were previously brought to the attention of, and will be considered by, the Land Use Committee's team reviewing sustainable storm water practices.

Warwick Road

Northern Portion of Warwick Road. Although it's unlikely to happen in the foreseeable future, subdivision of the 3.6 acre Methodist Church property (Block 76, Lot 5) into 5,000 square foot residential lots at some future date would be out of character with this signature street located just off Kings Highway. Therefore, the team recommends that this property be reclassified from its current R7 zone to the adjoining R2 zone. Although subdivision potential still exists, it would be reduced from approximately 25 small lots to approximately 6 more appropriately sized lots.

Southerly Portion of Warwick Road. As one travels south toward Barrington, the lot size and home character along Warwick Road becomes quite diverse with lot and home sizes generally increasing; however, the vast majority of the street from West Park Ave. to Gill Road is designated R4. The team believes that the character of the more southerly section of this signature street is not in keeping with the R4 designation.

Specifically, 12 lots on the east side of Warwick from Lafayette Ave. to Gill Rd. and 9 lots on the west side of Warwick from Mountwell Ave. to Bellevue Ave. could be added to the R3 zone, which adjoins this area to the south and east. The east-side lots on Warwick are Block 66, Lots 1, 2, and 3; Block 64, Lots 1, 3, 15, 16 and 17; and Block 64.05, Lots 1 and recently created Lots 19.01, 19.02 and 19.03. The west-side lots are Block 81.02, Lots 9.02, 10 and 13; Block 81.03 Lots 12 and 14.02; and Block 81.04, Lots 14.01, 15, 16 and 21. This will reduce the subdivision potential of 1 lot and will also encompass 3 other lots that, but for the street address requirement of the zoning ordinance, could be subdivided. Only two of the 21 lots would become non-conforming.

Two other zone changes for lots whose homes don't front on Warwick Road are also appropriate:

- (1) To maintain more uniform zone boundaries, one lot fronting on Mountwell Ave. (Block 81.02, Lot 12) should be moved from the R4 to the R6 zone. This does not change the status of this property as a conforming lot with no subdivision potential.
- (2) Another lot (Block 81.02, Lot 11.01) fronting on Jefferson Ave should also be moved from the R4 to R6 zone. Although this lot is currently non-conforming and will remain so, it appears to be more characteristic of the R6 zone.

HISTORIC DISTRICT ASSESSMENT

During the course of its work on these zoning issues and its separate evaluation of measures to better ensure the compatibility of new homes with their surrounding neighborhoods³, the team took note of the potential historic significance of portions of Washington Avenue and Warwick Road that are not currently included within the historic

³ The team issued a separate report on the mass and scale of new homes on February 16, 2018. That report has also been updated through July 11, 2018.

district. Since neither these zoning recommendations nor future recommendations to address the mass and scale of new homes is sufficient to protect the historic character of these street segments, the Historic Preservation Commission (HPC) should be asked to examine whether Washington Avenue from W. Cottage Avenue to Jefferson Avenue and Warwick Road from W. Summit Avenue to Jefferson Avenue should be considered for addition to the historic district.

A resident who supports this recommendation testified at the June 5 public meeting that the study area should extend beyond Jefferson Ave. The Planning Board notes that its recommendation was not meant to be prescriptive. The Historic Preservation Commission should base its evaluation of this (or any other potential) addition to the Historic District on the best available information.

The Board also notes that this referral to the HPC represents the beginning of an evaluation process that will provide many opportunities for interested parties, including property owners, to voice their opinions.

NEXT STEPS

Having approved these recommendations, the Planning Board refers this report to the Borough Commissioners for their consideration. Any recommended ordinance changes, including the adoption of new/revised definitions and the rezoning of properties, will require additional public hearings and public notices.