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ZONING BOARD OF ADJUSTMENT
Thursday, May 7, 2020
APPROVED MINUTES

OPENING: The virtual meeting was called to order by Chairman Jonathan Rardin at 7:52 PM.

PLEDGE OF ALLEGIANCE: Led by Chairman Jonathan Rardin.

OPMA STATEMENT: Read by Chairman Jonathan Rardin in compliance with the Sunshine Law and per the New Jersey Department of Community Affairs' (NJDOA) Guidance for Remote Public Meetings in New Jersey (N.J.S.A. 10:4-9.1 (P.L. 2020, c.11)).

ROLL CALL

- **Members in attendance:** Jonathan Rardin; Daniel DiRenzo, Jr.; Wyatt Sklar; Marshall Spevak; Jeff Potter; Nacovin Norman; Jill Roth-Gutman; and Greg Bruno.
- **Professionals in attendance:** Cosmas Diamantis, Esq.; Secretary; Natalie Shafiroff, PP, AICP, Alternate Secretary; Jacob Richman PP, AICP, Alternate Secretary; Jeremy Noll, PE, Zoning Board Engineer; and Allen Zeller, Esq., Zoning Board Solicitor.

ADMINISTRATIVE ITEMS - Reorganization

The following item is rescheduled to the May 21, 2020 Zoning Board Meeting - Adoption of the 2019 Zoning Board Annual Report.

Adoption Meeting Minutes from April 16, 2020. Mr. DiRenzo made a motion, which was seconded by Mr. Sklar, to adopt the Meeting Minutes from April 16, 2020. Affirmative votes by Rardin, DiRenzo, Sklar, Spevak, Potter, Norman, and Roth-Gutman. Minutes are approved.

AGENDA ITEMS:

20-Z-0004

Block(s) 231.01 Lot(s) 7
Zone: Residential (R3)

Helene McGowan

39 Bryn Mawr Avenue
Cherry Hill, NJ 08002

Relief Requested: Bulk (C) Variance to construct a second story master bedroom addition measuring 12' - 4" x 28' - 8" that requires side yard setback relief of 8.6' where a minimum of 10' is required.

Mr. Rardin announced that the application for Helene McGowan (#20-Z-0004) scheduled for this evening has been removed from the agenda as proper public notice was not provided and as such the applicant will be rescheduled for a future Board hearing and new public notice will be required.

19-Z-0030

Block(s) 71.01 Lot(s) 2
Zone: Regional Business (B4)
and Redevelopment Area 5 – Western Gateway Phase II

KM Hotels, LLC

2352 Route 70 West
Cherry Hill, NJ 08002

Relief Requested: Multiple use (D) variances and preliminary & final major site plan with bulk (C) variances to construct two hotels and a restaurant with accessory onsite parking, signage and various site improvements.

Applicant's Representatives: Robert Mintz, Esq. – Applicant's Attorney; Brian Peterman, PE – Applicant's Engineer; Andrew Feranda, PE, PTOE – Applicant's Traffic Engineer; Tiffany Morrissey, PP, AICP – Applicant's Planner; Neil Bhatt, RA – Applicant's Architect; Denis Cummings – Applicant's Environmental Professional; Don Brickner – Applicant's Environmental Engineer; and Anil Patel – Applicant.

Exhibits Submitted: A-1: Building Elevation Renderings; A-2: Floor Plans; A-3: Site Plan (full set); A-4: Aerial Layout; and A-5: Color Site Plan Rendering; A-6: Site Photographs; ZB-1: Community Development Completeness Review; ZB-2: ERI Review Letter; and ZB-3: Compiled List of Variances and Waivers.

Mr. Mintz introduced the application by referring to Site Photograph number 4 on exhibit A-6 to show the site's existing conditions, the surrounding roadways, and the zoning designation. Referring to exhibit A-5, Mr. Mintz stated the applicant is requesting approvals to permit the construction of two (2) hotels and a restaurant on the subject site. Mr. Mintz stated that the applicant is requesting a subdivision of the lot so their site separates from the adjacent Magic Car Wash. Mr. Mintz noted they also request preliminary site plan approval with use and bulk variances but will be deferring signage when they return for final site plan approvals. Additionally, the applicant proposes a number of site improvements and associated parking for the uses. Mr. Mintz clarified that they would like to request that the hotels receive preliminary and final site plan approval and just preliminary only for the restaurant as it is integral to the parking counts. Mr. Mintz stated that due to NJDEP C-1 waterway classifications passed in early April that affects this project, the applicant would like the Board to consider their decision tonight *nun pro tunc* so it would fall in line with their original scheduled hearing back on March 19th (which was postponed due to COVID-19) which would then predate the NJDEP regulations being passed. Mr. Mintz also briefly touched upon the possibility of acquiring additional property belonging to the Township but that they do not know if the Township or the applicant is interested in such a deal and there is uncertainty concerning certain portions of an adjacent property being part of Green Acres which could not be developed.

Mr. Patel discussed KM Hotel's experience managing hotels and through market and feasibility studies found that there was a need for additional hotel rooms in Cherry Hill. The proposed hotels will be a Residence Inn by Marriott (131 rooms) and a Hampton Inn & Suites (120 rooms). Mr. Patel stated that they have a site in Virginia that has two (2) hotels on the same site as well. Mr. Patel stated a likely customer at the Hampton would be a shorter stay client like a business traveler while Residence Inn is intended for longer term stays. Mr. Patel affirmed that neither hotels will have large events and as such there is not a full-scale kitchen in either hotel. Occupancy rates will be in the 60% range. Mr. Patel stated that the proposed restaurant will have 120 seats (where a minimum of 200 seats is required). Mr. Patel said including the restaurant within the building footprint of either hotel is not permitted as part of the deal. Mr. Patel expects 20 employees in each hotel and about 10 employees in the restaurant. Mr. Patel affirmed that if this Residence Inn is approved, the existing Residence Inn on Old Cuthbert Road would be no more. Mr. Patel stated that a loading zone is not necessary for this development as they only get infrequent small box truck deliveries during off-peak hours. Mr. Patel discussed trash removal operations and security features. Mr. Patel confirmed that they are agreeable to landscaping the stream buffer area per Board professional guidance and that they will have a maintenance crew to maintain the overall site. Mr. Mintz submitted exhibit A-1 and Mr. Patel confirmed the proposed architecture for the site and that these are the latest prototypes for the hotels. Mr. Patel stated that they are currently under negotiations with Cooper who owns the piece of the land in the middle of the site along Route 70 but they have no update on whether they will or will not be able to acquire that piece of land and as such, they would like to proceed tonight without the benefit of that parcel. Mr. Patel also confirmed that they do not have an official tenant for the proposed restaurant but that they are presently working to solidify a tenant. Mr. Mintz stated that they would like to have that detail finalized when they return for final site plan approval.

Mr. Bhatt acknowledged that the two (2) hotel designs are complementary in style and materials even though they are two separate franchises. Mr. Bhatt confirmed the height of Hampton is 53' to the main roofline but 64'-6" to the top feature while the Residence Inn is 53' to the main roofline and 60'-6" to the top feature.

Mr. Cummings gave a basic overview of the environmental documentation and the NJDEP actions concerning their property as it relates to remediation and water treatment. Mr. Brickner discussed the LOI application from NJDEP and noted they received the approval in August of 2019 which defines the boundaries of the wetlands and stream buffer overlays. Mr.

Brickner acknowledged that the applicant will have to obtain a Freshwater Wetlands Hazard Area approval from NJDEP. Mr. Brickner discussed some of the measures the applicant will need to engage in to ensure compliance with NJDEP regulations. Mr. Brickner also provided an overview of the topography of the land and its soil composition including in the wetlands areas. Mr. Brickner addressed the existing stormwater runoff conditions and discussed how these conditions will improve with the proposed application.

Mr. Peterman introduced exhibit A-3 and discussed the overall site characteristics such as the lot sizes (pre and post subdivision), surrounding roadways, proposed driveways, footprint of each building, site amenities, and screening of rooftop equipment. Mr. Peterman discussed the proposed stormwater management plan and stated that they will work with the Board's professionals to finalize their design during final site plan approval. Mr. Peterman discussed the proposed landscaping and lighting plan and agreed to work with the Board's professionals on finalizing those items. Mr. Peterman showed how the site can safely accommodate all truck turning movements (trash, emergency, and deliveries).

Mr. Peterman went through the proposed bulk variances and noted they are requesting a variance to permit less parking than what is required and noted the applicant's traffic engineer will address this per their shared parking analysis. Regarding the ROW parking setback variance, Mr. Peterman believes the condition is still safe and allows for adequate landscaping to be planted. Mr. Peterman stated that the canopy variance is due to it technically not having frontage along a roadway due to the orientation of the building and that its primary purpose is to provide a cover for customers checking in and out of the hotel. Mr. Peterman stated that in regard to the use variance to permit improvements within the stream buffer overlay (per exhibit A-5), the applicants proposed development will actually improve the buffer as the existing conditions are similar to a dumping ground with a lot of impervious coverage and the proposed improvements will include planting of native species and regrading to ensure no unwanted stormwater runoff/discharge goes into the stream.

Regarding design waivers, the applicant was able to eliminate the waivers related to the provision of certain environmental documentation and being able to work with the Board Engineer on soil test pits. Mr. Peterman continued through all of the other design waiver requested and indicate where they can and cannot comply (which are more accurately reflected on the record). Mr. Peterman stated that they will comply with the letters issued by the Board's professionals, except as specifically indicated on the record. Referring to exhibit A-4, Mr. Peterman gave a more detailed overview of the surround uses to the site. Mr. Peterman confirmed that the proposed restaurant will not have a drive-through component. Mr. Peterman also confirmed that NJDOT will be making ROW improvements including sidewalk connections along the site and the applicant agrees to coordinate with the NJDOT on ensuring connectedness with their improvements. Mr. Peterman also confirmed there is no cross-access between the subject site and the neighboring Car Wash site. Mr. Patel stated that the applicant can provide bicycle parking facilities in order to eliminate that waiver request. A discussion then ensued regarding ghosting the parking at the rear of the site as if testimony is provided that shows the additional parking spaces are not needed, additional greenspace can be provided in lieu of that impervious coverage. Mr. Peterman agreed to work with the Board Engineer on traffic control signage and striping to ensure safer and more efficient site circulation. A discussion then ensued regarding the adequacy of the underground stormwater basins as without all of the information (such as soil test pit information), there may need to be changes to the design of the stormwater basin which can affect the design of the overall site; thus the Board's professionals are only recommending preliminary site plan approval.

Mr. Feranda discussed the proposed changes to the existing site conditions concerning the curb cuts. Mr. Feranda said the traffic generated from the proposed development will not affect the new signal to the new Cooper site across Route 70. Mr. Feranda went through the expected trip generation numbers, all of which will occur on Route 70 and for which NJDOT appears to be agreeable to. Mr. Feranda stated that there will be insignificant increases to traffic to roadway network and the nearby signalized intersection. Mr. Feranda discussed their shared parking analysis and noted the Ordinance requires 316 parking spaces whereas the applicant proposes 296 parking spaces. However, based upon their analysis they will only need a maximum of 265 parking spaces (128 for the hotels and 137 for the restaurant) during the maximum peak times. As such, the applicant is proposing 31 more parking spaces than what they find really need but cautions to not lower the parking count much more except along the rear to remove some improvements from the stream buffer and the parking spaces closest to the driveway entrances in order to increase the throat length of those driveways. Mr. Noll stated it may be appropriate to not consider the parking variance request since the total parking space count may change when they submit for final site plan approval.

Ms. Morrissey went through the requested use and bulk variances and discussed how the applicant meets the positive and negative criteria to grant the requested variances, the details of which are better reflected on the record.

A recess was taken at 10:14 and the meeting resumed at 10:20pm.

Public Comment: Richard Coe, Esq. and his partner Daniel Rybeck, Esq. representing Crowne Plaza of Cherry Hill and the Holiday Inn of Cherry Hill with Neil Dinsfriend – Director of Catering for Crowne Plaza, Matt Knoll – GM of Holiday Inn, and Martin Sander, PE – Professional Civil and Municipal Engineer.

Mr. Coe stated his clients have a number of concerns related to peak traffic and parking demands involving the proposed hotels. Mr. Coe states that proposing additional hotels in the B4 zone does not promote the development of “broad uses” as there are already hotels in the area. Mr. Coe also finds the shared parking analysis flawed based upon his client’s experience with operating hotels, specifically related to operating a hotel, occupancy rates, and other events. Mr. Coe stated his clients are concerned if there is an overflow parking need, customers will attempt to park at his client’s hotels. Mr. Coe added that he believes the applicant is trying to squeeze too much into the site which will result in traffic and site circulation issues.

Mr. Dinsfriend noted Crowne Plaza’s concerns with the amount of parking on the proposed site as Crowne Plaza alone has had parking issues which they believe has now been rectified through an agreement with the neighboring Cooper property. Mr. Dinsfriend stated the neighboring Magic Car Wash would also cause traffic back ups out into Route 70. Mr. Dinsfriend added that the proposed site does not appear to have accommodations for bus parking. Mr. Dinsfriend also doesn’t believe that 10 employees for a 120-seat restaurant and the 20 employees in each hotel is not enough and as such the shared parking analysis is flawed. Regarding the other events, Mr. Dinsfriend expects that when the regatta takes place at the Cooper River, the proposed hotels will be fully occupied and thus the assumptions made in the occupancy rates in the shared parking analysis for determining parking needs is flawed.

Mr. Sander noted he has three (3) main issues with the proposed project related to 1) Parking (specifically bus/trailer parking); 2) Traffic (due to Level of Service F that improvements to the roadways would need to be made); and 3) Open space coverage (believes it has been calculated incorrectly and that you cannot count the wetlands and buffer areas and as such believe the value is overreported). Mr. Sander believe the entirety of the traffic analysis is based on poor assumptions and that observable conditions such as what the Crowne Plaza sees on a daily basis better to go off of.

Mr. Knoll confirmed Mr. Dinsfriend’s observations regarding traffic, parking, occupancy rates, and ancillary events that affect the operations of a hotel. Mr. Knoll added that a closer setback to Route 70 is dangerous (as is proposed for the ROW parking setback for the proposed development) due to the speed of travel along Route 70. Mr. Rybeck closed out the testimony with some planning/legal comments.

Mr. Mintz stated that Mr. Sander was certified as a professional engineer but not a traffic engineer. Mr. Mintz, and confirmed by Ms. Shafiroff, confirmed that wetlands can be counted as open space (there are no restrictions against it). Mr. Mintz stated that the objections appear to be related to suppression as the objectors are competitors in the business. Mr. Mintz added that the full kitchen argument does not apply as they do not hold events like the Crowne Plaza does. Mr. Mintz affirmed that the parking they are proposing (which is above their shared parking analysis maximum) will actually provide relief for people who book a stay at their hotel for the sole purpose of attending the regatta. Mr. Mintz does not believe his client’s patrons will attempt to park at the Crowne Plaza. Mr. Mintz stated that he has not seen any professional reports that would contradict Mr. Fernanda’s traffic analysis, just observational analysis.

Mr. Feranda addressed the concerns raised by the objector’s and noted that the new signal installed at the Cooper property and Route 70 intersection does have an ADA compliant sidewalk to cross Route 70 safely. Mr. Feranda affirmed they will coordinate with NJDOT on any requirements deemed necessary and that jurisdiction of that matter is with NJDOT not the Zoning Board. Regarding bus parking, Mr. Feranda stated a bus make take up a couple of parking spaces which is less impactful than sedan vehicles due to people per parking space ratios. Mr. Feranda affirmed his analysis and assumptions that were made to develop the full suite of traffic analyses and are based upon ITE guidelines. Mr. Feranda also confirmed that the adjacent Magic Car Wash is undergoing site plan changes to be considered by the Board that may address the

issues raised by the objector's concerning backups onto Route 70. Ms. Morrissey discussed some operations concerning people going to the regatta involving boat storage and parking.

Mr. Coe stated he believes the analysis of the number employees for the proposed restaurant is not sufficient as well as the issues concerning potential busses/trailers taking up multiple parking spaces on the subject site when the regatta is in town.

Board Discussion: Following the closure of public comment, Mr. Rardin stated he is generally in favor of the application considering it will get rid of blight on the Township but also recognizes there are still some engineering issues to work out. As such, Mr. Rardin believe consideration of preliminary site plan approval is appropriate. Mr. Rardin stated that he sides with the ITE traffic numbers presented by the applicant as compared to not having a traffic engineer provide testimony from the objectors. Mr. Rardin added that if there is already a parking problem at Crowne Plaza due to the regatta, he does not see how the addition of the hotels and their parking would exacerbate that problem. Mr. Rardin agreed that the Board should hold off on the variance consideration for the parking count until that is sorted out for the final site plan. Ms. Roth-Gutman echoed her favorability for only considering preliminary site plan approval at this point. Ms. Roth-Gutman believes the NJDOT ROW improvements provide favorable conditions to the site and surrounding area. Additionally, Ms. Roth-Gutman believes the proposed improvements are a vast improvement over the existing vacant and deteriorating site provided the applicant continues to work with the Board's professionals on enhancing the site. Mr. Spevak echoed the sentiments of Mr. Rardin and Ms. Roth-Gutman and noted he supports the variance for a 120 seats restaurant (where a minimum of 200 seats is required). Mr. DiRenzo stated similar sentiments to that of his fellow Board members and is in favor of the application.

Motion to Approve the Three (3) Use (D) Variances with the noted Conditions: Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Mr. DiRenzo and seconded by Mr. Potter, with affirmative votes for approval by Rardin, DiRenzo, Sklar, Spevak, Potter, Norman, and Roth-Gutman to approve the motion. Motion approved 7-0.

Motion to Approve the Minor Subdivision with the noted Conditions: Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Mr. Spevak and seconded by Ms. Roth-Gutman, with affirmative votes for approval by Rardin, DiRenzo, Sklar, Spevak, Potter, Norman, and Roth-Gutman to approve the motion. Motion approved 7-0.

Motion to Approve the Preliminary Major Site Plan with Bulk (C) Variances (excluding the parking count variance from Section 511.B.5) with the noted Conditions: Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Mr. DiRenzo and seconded by Mr. Potter, with affirmative votes for approval by Rardin, DiRenzo, Sklar, Spevak, Potter, Norman, and Roth-Gutman to approve the motion. Motion approved 7-0.

RESOLUTIONS:

None.

Meeting Adjourned: at 11:49 PM.

ADOPTED: 5/21/20



JONATHAN RARDIN, CHAIRMAN

ATTEST:



COSMAS DIAMANTIS, ESQ.
ZONING BOARD SECRETARY