



ZONING BOARD OF ADJUSTMENT
Thursday, June 4, 2020
APPROVED MINUTES

You couldn't pick a better place.

OPENING: The virtual meeting was called to order by Vice-Chairman Daniel DiRenzo, Jr. at 7:40 PM.

PLEDGE OF ALLEGIANCE: Led by Vice-Chairman Daniel DiRenzo, Jr.

OPMA STATEMENT: Read by Vice-Chairman Daniel DiRenzo, Jr. in compliance with the Sunshine Law and per the New Jersey Department of Community Affairs' (NJDCA) 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:** Daniel DiRenzo, Jr.; Wyatt Sklar; Marshall Spevak; Jeff Potter; Greg Bruno; and Anju Pejavara.
- **Professionals in attendance:** Cosmas Diamantis, Esq.; Secretary; Natalie Shafiroff, PP, AICP, Alternate Secretary; Jacob Richman PP, AICP, Alternate Secretary; Stacey Arcari, PE, PP, CME, PTOE, Zoning Board Engineer; and Allen Zeller, Esq., Zoning Board Solicitor.

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from May 21, 2020. Mr. DiRenzo made a motion, which was seconded by Mr. Potter, to adopt the Meeting Minutes from May 21, 2020. Affirmative votes by DiRenzo, Sklar, Potter, Bruno, and Pejavara. Minutes are approved.

RESOLUTIONS:

19-Z-0030

Block(s) 71.01 Lot(s) 2

Zone: Regional Business (B4)

and Redevelopment Area 5 – Western Gateway Phase II

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

KM Hotels, LLC

2352 Route 70 West

Cherry Hill, NJ

Solicitor Zeller detailed that the Resolution is subject to the *nun pro tunc* clause. As such, the approval of the Resolution is being backdated/retroactive to the original intended hearing date of March 19, 2020 which was postponed due to the COVID-19 pandemic.

Motion to Ratify: Following the review of the resolution, Mr. Spevak made a motion which was seconded by Mr. Sklar, to memorialize the resolution. Affirmative votes by DiRenzo, Sklar, Spevak, and Potter. The resolution is memorialized.

AGENDA ITEMS:

16-Z-0042

Block(s) 133.01, 148.01 and 135.01 Lot(s) 1, 12, 9 & 10

1115 Sherwood Avenue, 1014 Haddonfield Road, and

1200 & 1208 Wynwood Avenue

Cherry Hill, NJ

Zone: Highway Business (B2) Zone and Limited Office (O1) Zone.

Relief Requested: Use d(1) variances to permit off-site parking for inventory storage of vehicles and preliminary and final major site plan with bulk (C) variances and a lot consolidation (of Block 135.01, Lots 9 and 10) to permit the construction of a 34,662 SF building expansion (consisting of a 9,395 SF mezzanine for a total GFA of 44,027 SF) to the new Land Rover/Jaguar dealership along with associated site improvements.

M.B.J. Associates, LLC (Land Rover)

THE APPLICATION FOR MBJ ASSOCIATES, LLC (#16-Z-0042) HAS BEEN RESCHEDULED TO THE JUNE 18, 2020 ZONING BOARD OF ADJUSTMENT MEETING WITH CAUCUS TO START AT 6:00PM AND THE MEETING TO FOLLOW DIRECTLY THEREAFTER.

Solicitor Zeller announced the rescheduling of the MBJ Associates, LLC (#16-Z-0042) application to the June 18, 2020 Zoning Board of Adjustment Meeting. Due to severe thunderstorms from the day prior, three (3) of the Zoning Board members who would have otherwise been present for the hearing this evening, were not able to join due to power outages. As such, a quorum to hear the Use Variances considerations could not be attained. The rescheduled hearing date will include a pushed-up meeting time of a 6:00pm caucus followed by the public meeting thereafter which should allow ample time to hear the entirety of the abovementioned application. By way of this announcement, public notice is not technically required but they are still advising the applicant to re-notice for the reasons concerning the adjusted meeting start time as an abundance of caution.

19-Z-0026

S&P Cherry Hill, LLC

Block(s) 470.01 Lot(s) 14, 15, 16 & 18 1900 Route 70 East, Springdale – Rear, and 1803 & 1807 Springdale Road
Zone: Limited Office (O1) Cherry Hill, NJ 08034

Relief Requested: A bifurcated preliminary and final major site plan with associated bulk (c) variances for signage to redevelop multiple existing sites into a CVS Pharmacy with a drive-thru along with various other site improvements.

Applicant's Representatives: Jeffrey Baron, Esq. – Applicant's Attorney; Ahmad Tamous, PE – Applicant's Engineer; Nathan Mosley, PE, PTOE – Applicant's Traffic Engineer; Creigh Rahenkamp, PP, AICP – Applicant's Planner; and John Cogan – Project Manager for Summit Realty Advisors (contract with CVS) Applicant.

Exhibits Submitted: A-1: Aerial Exhibit; A-2: Site Plan Rendering; A-3: Colonial CVS Elevation Exhibit; A-4: Standard CVS Elevation; A-5: Signage Exhibit; A-6: Landscape Plan; A-7: Lighting Plan; A-8: Delivery Truck Exhibit; A-9: Fire Truck Exhibit; A-10: Trash Truck Exhibit;

Mr. Baron introduced the application and gave an overview of the subject site, its zoning district, and the surrounding area. Mr. Baron detailed the requests being made by the applicant which includes preliminary and final major site plan and bulk variances for a new CVS pharmacy inclusive of a drive-through pick-up window. Mr. Baron noted that the application previously received bifurcated use variance approval (in October of 2019) as the pharmacy is not permitted in an O1 zoning district. Mr. Baron addressed the signage variances which involve slightly larger than permitted signs as well as the number of signs proposed. Mr. Baron briefly detailed the requested design waivers which involve lighting levels. Mr. Baron added that if the Board requires that they should also install a bicycle rack, they will respond accordingly.

Mr. Baron submitted exhibit A-2 and Mr. Tamous started by confirming the location of the proposed trash enclosure which is to be detached from the building. Mr. Tamous noted that during the CVS use variance application, the trash enclosure was attached to the building which is usually part of the CVS prototype, however, the site conditions did not lend to this configuration and so they moved the trash enclosure away from the building. Regarding the circulation that is integrated between the subject lot and adjacent Lot 17, Mr. Tamous deferred to Mr. Mosley to address that aspect of the traffic circulation later on in the proceedings. Mr. Baron submitted exhibit A-1 so that Ms. Shafiroff could highlight the concerns regarding circulation between the subject site and adjacent Lot 17. Mr. Baron referred back to exhibit A-1 and noted that the lot to the north of the subject site, Lot 17 has recently acquired that site and indicated that Mr. Mosley will address what the applicant can do there regarding circulation.

Mr. Baron read into the record a letter, exhibit A-11, from himself to an attorney representing an objecting individual during the use variance application regarding ways to alleviate the access issues with adjacent Lot 13 to the east that were raised; however, Mr. Baron has not heard back a response. Ms. Shafiroff asked what their intention is with Lot 17 and Mr. Baron stated that any changes to Lot 17 will require the applicant to return to the Board for additional approvals (such as a lot consolidation or new improvements).

Mr. Tamous noted some of the adjustments to the site plan since the use variance approval. Mr. Tamous detailed the circulation changes which include a one-way circulation around the north side of the building where there was originally a two-way circulation pattern shown. Mr. Tamous stated the applicant agrees with the comments from the Zoning Board Engineer's letter and will make revisions accordingly. Mr. Tamous confirmed that overall impervious coverage is decreasing and as such, no stormwater management features are proposed; however, Mr. Tamous confirmed existing positive drainage patterns will be maintained and stormwater will be managed on-site. Mr. Tamous highlighted the proposed landscaping around the perimeter of the site as well as the proposed lighting plan which comply with the exception of the minor design waivers as previously noted by Mr. Baron. Mr. Tamous discussed the driveway access points and the flow of the drive-through lanes. Mr. Tamous confirmed the applicant is providing the required 53 parking spaces inclusive of 4 ADA parking spaces.

Mr. Cogan confirmed that the design for the proposed building is unique in that the design being proposed (colonial architecture) is to his knowledge not and has not been built anywhere in the northeast. Mr. Baron submitted exhibit A-3 and Mr. Cogan confirmed that exhibit shows the colonial architecture previously proposed. Mr. Baron submitted exhibit A-4 to show the typical/prototypical CVS architecture and Mr. Cogan detailed the differences in design, colors, and materials. Mr. Cogan also confirmed the sizing of the proposed façade signage. Mr. Cogan stated there will be a max of 10 to 12 employees on-site during a peak shift. Store hours are 8am to 10pm Monday through Friday, 8am to 6pm on Saturday, and 8am to 5pm on Sundays. Mr. Cogan confirmed that all lights can be managed and that lights are on timers and can be reduced or turned off during off-hours. Mr. Cogan stated they do have a small number of shopping carts (approximately 10) that are kept inside the vestibule. Mr. Cogan stated that employees will monitor the site and collect shopping carts as need be at the end of their shifts. Mr. Cogan discussed deliveries and stated that they can comply with the County Noise Ordinance regarding no deliveries during the overnight hours. Mr. Cogan stated deliveries come once a week by tractor trailer and noted deliveries will last about half an hour. Mr. Cogan discussed trash removal operations and noted that they do not generate medical waste; however, when they do vaccinations, that is managed by a national service and they provide a "sharps" bin to properly dispose of the needles.

A discussion ensued amongst the Board members regarding the chosen design of the building and why the colonial architecture type was chosen over the prototypical design as well as a discussion of what is more desirable. A discussion also ensued regarding additional details regarding delivery operations with confirmation that the tractor trailer will park in the loading zone on the north side of the building. There was also a Board discussion concerning the relocation of the trash enclosure. Mr. Cogan clarified that the pharmacy hours are typically shorter than what the store hours previously noted on the record and that said hours are controlled by CVS corporate.

Mr. Mosley detailed the traffic engineering assessment conducted by his office. Mr. Mosley noted the report issued by his office during the use variance application still stands. Mr. Mosley stated they studied all driveways accesses and nearby intersections as part of their study. Mr. Mosley affirmed that NJDOT has jurisdiction over all of the site's proposed access points (one driveway on Route 70 and one driveway on Springdale Road) as detailed on exhibit A-1. Mr. Mosley stated they are still in the process of attempting to obtain their permits from NJDOT. Mr. Mosley referred to exhibit A-2 to explain the modifications they are making to the driveways and specifically noted that it appears the NJDOT will allow left turns into the site along Springdale Road along with right-in and right-out movements, while the Route 70 driveway will be a right-in right-out driveway. Mr. Mosley discussed why he believes the left turns into the site from Springdale Road will work due to the traffic patterns and phasing/timing of the lights. Regarding internal site circulation, Mr. Mosley believes there is no conflict points or bottlenecks based on the way they have designed one-way and two-way flows as well as due to the location of the parking spaces and loading zone. Mr. Mosley also noted that with the acquisition of adjacent Lot 17 to the north, circulation can occur from the subject site through Lot 17 when necessary. Mr. Mosley believes the sizing of the proposed signs is appropriate based upon the speed of the adjacent roadways. Mr. Mosley believes the on-site circulation facilitates ease of movements to allow those that are traveling westbound on Route 70 and enter site can come back and make a right back onto Route 70 heading westbound. Mr. Baron stated they can add directional signage to specify what turning movements are permitted provided anything they add is acceptable to NJDOT.

Mr. Rahenkamp went through the conditions of the previously granted use variance approval and then referred to exhibit A-3 to address the architectural concerns raised by the Board as well as to provide the positive and negative criteria for the requested sign variances (noting that the applicant proposes 3 façade signs plus 1 freestanding sign). Mr. Rahenkamp discussed the possibility of a public space at the corner of the site (at Route 70 and Springdale) near the bus stop and noted they provided landscaping/greenspace around the bus stop.

Mr. Shafiroff asked that the applicant, as a condition of approval, indicate on the site plan how they will improve adjacent Lot 17, which the applicant recently acquired. Mr. Baron stated that the applicant does not propose to change anything on the Lot at the moment. Solicitor Zeller stated at minimum they need to provide an easement with adjacent Lot 17. Mr. Shafiroff clarified the site plan needs to reflect the changes happening at the boundary between the subject lot and Lot 17. Mr. Baron stated the applicant agrees to engage with the Board's professionals to better define/delineate the boundaries between the subject site and Lot 17. Mr. Baron stated that the applicant is providing a bicycle rack at the south side of the CVS building.

Public Comment: Alexander Esposito of 1111 Warren Avenue questioned what happens to egress, specifically queuing backing into the parking area, when heading onto Route 70 when there is traffic congestion when the light is red. Mr. Mosley noted that his traffic analyses show a maximum of 1 car stacking at that driveway whereas the driveway can accommodate 2 cars. Mr. Mosley noted NJDOT found the analysis to be accurate. Mr. Mosley noted his methodologies consisting of traffic counts and ITE modeling.

Motion: Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Mr. Potter and seconded by Mr. Spevak, with affirmative votes by DiRenzo, Sklar, Spevak, Potter, Bruno, and Pejavara, to approve the application. Motion carries 6-0.

Meeting Adjourned: at 9:55 PM.

ADOPTED: 6/18/20



JONATHAN RARDIN, CHAIRMAN

ATTEST:

Cosmas Diamantis

COSMAS DIAMANTIS, ESQ.
ZONING BOARD SECRETARY