



**ZONING BOARD OF ADJUSTMENT**  
**Thursday, September 3, 2020**  
**APPROVED MINUTES**

*You couldn't pick a better place.*

**OPENING:** The virtual meeting was called to order by Chairman Jonathan Rardin at 7:35 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' (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:** Jonathan Rardin; Daniel DiRenzo, Jr.; 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, CME, CPWM, Zoning Board Engineer; and Allen Zeller, Esq., Zoning Board Solicitor.

**ADMINISTRATIVE ITEMS**

*Adoption Meeting Minutes from August 20, 2020.* Mr. DiRenzo made a motion, which was seconded by Mr. Norman, to adopt the Meeting Minutes from August 20, 2020. Affirmative votes by DiRenzo, Norman, Bruno. Minutes are approved.

**AGENDA ITEMS:**

**20-Z-0012**

Block(s) 529.01 Lot(s) 136

Zone: Residential (R1)

*Relief Requested: A bulk (C) Variance to install a six (6') tall wood fence within the secondary front yard of the existing residential property.*

**Mohammad Owais Lari**

50 Equestrian Lane

Cherry Hill, NJ

**Applicant's Representatives:** Mohammad Lari – Applicant.

**Exhibits Submitted:** A-1: Site Photographs; A-2: Survey; A-3: Survey with Fence Annotation; and A-4: Survey with Aerial Overlay and Fence.

Mr. Lari introduced his application which is for a proposed 5' tall aluminum fence along the front of his property which fronts three (3) roadways. Mr. Lari stated that along the frontage of the property there are evergreens and noted that deer have started appearing who like to eat the evergreen shrubs. Mr. Lari submitted Exhibit A-4 which shows the location of the evergreen shrubs. Mr. Lari noted that kids sometimes pass through his lot (through the trees) and head out on the street. Mr. Lari contends that the fence would help prevent deer from getting on the property and to prevent kids from getting through. Mr. Lari submitted Exhibit A-1 which shows pictures of the evergreens along the front of his property and Mr. Lari indicated where the fence would go in relation to the evergreens. Mr. Lari stated that due to the location of the fence and due to it being see-through, there won't be any sight line visibility issues, especially at the corner of the site. Mr. Lari submitted Exhibit A-3 to show the footprint of the proposed fence. Some Board members expressed concern with an example detail of a metal fence which shows a picket style and stated their concern is with the potential for deer to hurt themselves if they try to jump over. Mr. Lari stated he hadn't considered that issue and Ms. Shafiroff stated they make similar fences but with a solid bar along the top of the fence. Mr. Lari submitted Exhibit A-5 and went through the positive and negative criteria for the requested variance to permit a fence taller than 3' in the front yard. Mr. Lari stated that the benefits outweigh the detriments and the bulk variance can be granted under the C1 criteria.

**Public Comment:** Mia Eylon residing at 3 Equestrian Lane stated that she has no issue with the proposed fence but asked if the fence could be installed inside the tree line as opposed to on the outside of the tree line. Mr. Lari stated that since it is

a see-through fence it would not be visually obstructive and believes the aesthetic is appealing. Mr. Lari stated that the fence on the outside of the tree line would protect them from being eaten by deer. Ms. Roth-Gutman asked whether a property owner would have to come back to Board should they proposed a different fence material (say a solid fence) in lieu of a see-through fence and Ms. Shafiroff stated that they would as any approval would be conditioned on the material type. Ms. Eylon stated she doesn't see much if any damage caused by deer on the tree. Mr. Richman stated that Mr. Lari could get a zoning permit without needing Board approval for a 3' fence in this location but that a 5' fence would serve to protect the evergreens from deer as opposed to a 3' fence. Mr. Rardin stated that he thinks a 5' fence is more aesthetically pleasing in the proposed location than a 3' fence. Mr. DiRenzo asked that the fence be modified to include a solid top rail as opposed to spikes.

**Motion:** Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Mr. DiRenzo and seconded by Mr. Norman, with affirmative votes by Rardin, DiRenzo, Spevak, Potter, Norman, Ruth-Gutman and Bruno to approve the application. Motion carries 7-0.

**19-Z-0044**

Block(s) 463.09 Lot(s) 17  
Zone: Highway Business (B2)

**1450 Route 70 East, LLC dba Spring Hills Cherry Hill, LLC**

1450 Route 70 East  
Cherry Hill, NJ

*Relief Requested: A preliminary & final major site plan with bulk (C) variances to construct a two-story 23,100 SF footprint assisted living facility with Alzheimer care containing sixty-four (64) beds along with various site improvements to the existing Spring Hills Assisted Living Facility site.*

**Applicant's Representatives:** Emily Givens, Esq. – Applicant's Attorney; William Burris – Applicant; Elena Ortiz – CEO of Spring Hills; Kyle Humphreys, PE, LEED-AP – Applicant's Engineer; Robert Hunter, PE, PP – Applicant's Engineer & Planner; and Barry Brommer, AIA – Applicant's Architect.

**Exhibits Submitted:** A-1: Overall Site Layout; A-2: Site Play Layout; A-3: Grading Plan; A-4: Circulation Plan; A-5: Elevations; A-6: Color Elevations; A-7: Basement Floor Plan; A-8: 1<sup>st</sup> and 2<sup>nd</sup> Floor Plan; A-9: Proposed Materials for Spring Hills; and A-10: Survey.

Ms. Givens introduced the application and gave an overview of the request for preliminary and final major site plan approval with bulk variances to construct an assisted living facility containing 64 beds to the existing Spring Hills assisted living facility site. Ms. Givens noted that the existing assisted living facility on the site received a use variance when the Zoning Ordinance did not permit such use in the B2 zone but now the B2 zone permits such use with the Zoning Board retaining site plan jurisdiction. Ms. Givens noted the applicant requests a few variances pertaining to building height, number of parking spaces, and parking/buffering setbacks. Ms. Givens stated that the applicant will be able to comply with the setback requirements for the accessory structures (trash compactor and generator) through anticipated plan revisions. Ms. Givens also noted the design waivers being requested.

Ms. Ortiz went over the operations of the proposed memory care facility (Alzheimer's and Dementia). Ms. Ortiz noted the existing facility on site has 25 beds (of 150) devoted to memory care but it is always full so they are now proposed a 64 bed facility just for that kind of care. Ms. Ortiz expects 10 to 15 visitors per day including third party services and family members. Ms. Ortiz stated an ambulance is likely to show up 3 to 4 times per month but only in emergency situations. Ambulances would pull up under the proposed porte-cochere. Hours of operation are 24/7 and employees will operate on 3 shifts with approximately 22 employees on the day shift, 11 on the evening shift, and 4 or 5 on the night shift. The basement of the facility will be for storage and common areas for family events. The rooms will be on the top two floors. Trash and recycling will be picked up twice per week by a private hauler. There will be about 3 to 5 deliveries per week consisting of a combination of food deliveries and housekeeping deliveries which will occur midday. Ms. Ortiz stated a large vehicle will make the food deliveries. Ms. Ortiz described the operations of the existing assisted living facility and noted it is higher end independent living. Ms. Ortiz described the security and support staff on the site. Ms. Ortiz stated that if someone in the existing facility needs memory care services, they can be shifted to the new facility. There will be some staff sharing but primarily on the managerial side. Ms. Ortiz stated that employees would park far away from the new facility allowing the proximal parking spaces to be reserved for visitors. Ms. Ortiz described the paratransit operations and clarified that the deliveries made to the site will not come on a 40' long truck or any kind of tractor trailer, but rather a box truck. Tractor trailers will only go to the existing facility, not the proposed facility.

Mr. Burris stated that he does not foresee the construction of the new facility impacting the existing facility. Mr. Burris stated that no signage is proposed for the new facility and Ms. Ortiz stated that they would redesign the existing signs with the understanding that if it does not comply, they will have to return to the Board for variances. Ms. Ortiz stated she sees no negative impacts if the proposed development is approved.

Mr. Humphreys referred to Exhibit A-10 to give an overview of the existing site layout, parking arrangement, and proposed development footprint. Mr. Humphreys submitted Exhibit A-1 and discussed the interconnections between the existing facility and the proposed facility as well as noting where they have converted impervious coverage to green space. Mr. Humphreys submitted Exhibit A-2 and noted the site constraints as it relates to circulation because of the unique piece of property they have to work with. Mr. Humphreys stated that they can modify the drive aisle closest to the trash enclosure area to increase the setback distance from 2.2' to 5' for the generator pad and trash compactor. Mr. Humphreys provided his methodology regarding the truck turning movements and why the site was designed to allow for a WB-40 (such as on moving day) and that it also had to be designed to allow for free flow movement of fire trucks. Mr. Humphreys stated the loading area is 12' x 70' in size and would accommodate any kind of delivery vehicle. Mr. Humphreys stated that he will work with the Board Engineer and project Architect to provide for adequate sidewalks around the entirety of the building or eliminate sidewalks wherever it is deemed not needed in order to comply with 5' of clearance. Mr. Humphreys confirmed that vehicles can bypass it and to allow for ambulances (but not fire trucks) to traverse under it. Mr. Humphreys discussed the location of the ADA parking spaces and accessible routes (which will be located along the drive aisle leading to the back of the site).

Mr. Humphreys submitted Exhibit A-3 and discussed the site grading and roof drain system. Mr. Humphreys stated he will work with the Board Engineer to address his comments. Mr. Humphreys referred to the landscaping plan and noted the landscaping occurs along the shared property line with the Kennedy Fitness site to the south of the drive aisle as well as a vinyl fence around the perimeter. Referring to the lighting plan, Mr. Humphreys noted where some lighting levels exceed 0.25 footcandles at the property line but can work with the Board Engineer to lessen this nonconformity where feasible. Mr. Noll noted the items from his letter that the applicant will need to address such as ADA ramp details, fencing along the property lines, the extent of the sidewalks around the building, and structural calculations for the retaining walls. The applicant stated that they can provide an 8' high vinyl fence along the perimeter of the property. The generator will be tested once a week for twenty minutes around midday or when there is a power outage. The generator will be 250kW diesel generator. Mr. Humphreys stated that he will provide the construction details for the 8' vinyl fence and generator and that he will work with the Board Engineer to provide evergreen landscaping around the perimeter of the trash enclosure area. Y<sup>1</sup> confirmed that a 5' buffer can be met from the property line to the pads of the generator and trash compactor.

Mr. Mosley provide his traffic analysis of the site and noted the locations of the existing driveway access points. Mr. Mosley noted the traffic impacts associated with the existing assisted living facility and what changes if any the proposed facility would have upon traffic patterns. Mr. Mosley stated that there won't be much activity on the driveways associated with the site and that the volume issues exist on Rout 70, not with the movements happening on and off the subject site. Mr. Mosley believes the site circulation has been designed to accommodate safe and efficient flow of vehicles including larger vehicles like delivery trucks and emergency vehicles. Mr. Mosley believes there is sufficient parking on-site and that reserving the parking spaces closest the proposed building being for visitors and guests with employees parking further away makes the most operational sense. Mr. Mosley stated that they will be seeking a letter of no interest from NJDOT as the proposed facility does not generate significant traffic from Route 70.

Mr. Brommer stated that he has years of experience in designing assisted living facilities. Mr. Brommer submitted Exhibit A-7 and discussed the basement floor plan, specifically the location of the loading dock at the north side of the building as well as other storage areas, mechanical operation rooms, event space, and office spaces. Mr. Brommer submitted Exhibit A-8 to show the rooms and amenities that will be provided to the facility's residents on the 1<sup>st</sup> and 2<sup>nd</sup> floor as well as interior courtyards in order to provide sunlight. Mr. Brommer submitted Exhibit A-5 and described the elevation details of the facility and to show how the site slopes down from north to south thus revealing some of the basement. Mr. Brommer described how they will achieve the 38' height measurement. Mr. Brommer submitted Exhibit A-6 to show the different colors and materials of the facility which includes stone, brick, and stucco along with a prominent roof design as well as a masonry foundation (with a stone veneer look). Mr. Brommer affirmed that the building will meet all of the State requirements for assisted living facilities and will be fully sprinklered and have a emergency generator. Mr. Brommer submitted Exhibit A-9 to show the detailed textures of the materials. Mr. Brommer stated the clearance under the porte-cochere is 11' and confirmed that an ambulance can safely traverse underneath the overhang. Mr. Potter asked Mr. Brommer if there was no height restrictions what height they would like and Mr. Brommer stated he would prefer 12' tall floors and would go 1½ times the proposed height of the roof to be more proportional. Mr. Potter asked whether the applicant is able to accommodate a meandering pathway as a health benefit for the residents. Mr. Bruno asked if the trash compactor and dumpster can be relocated closer to the north end of the building and Mr. Brommer stated there may be some drainage issues at that end of the site and conceded that the location is not ideal.

Mr. Hunter went through the positive and negative criteria regarding the requested variances. Mr. Hunter stated that while they still need a parking variance, they are reducing parking from 399 spaces to 215 spaces which brings the site closer to conformance. Mr. Hunter believes the parking is still sufficient for the purposes of providing ample spaces for residents, visitors, and employees of both the existing and proposed assisted living facility. Mr. Hunter stated that they still require an open space variance but they are actually adding about 6,000 SF of open space by way of the proposed development. Mr. Hunter noted how the buffer and parking setback variances are de minimus in terms of impact due to their proximity to either non-developable lots or existing commercial properties. Mr. Hunter stated that the height variance is primarily architectural in nature (i.e. the roof design) and the non-conformity is relatively minor.

**Public Comment:** None.

**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 Rardin, DiRenzo, Spevak, Potter, Norman, Ruth-Gutman and Bruno to approve the application. Motion carries 7-0.

**RESOLUTIONS:**

**20-Z-0006**

Block(s) 409.01 Lot(s) 7

Zone: Highway Business (B2)

**Eagle One Real Estate Properties, LLC**

312 Kresson Road

Cherry Hill, NJ

*Relief Requested: A minor site plan with a certificate of nonconformity, or in the alternative, a use (d)1 variance and bulk (C) variances for a 575 sf kitchen expansion, 180 sf walk-in freezer, and use of the second floor as a two bedroom apartment, as well as bulk (c) sign variances for façade signage and a changeable copy LED sign.*

Solicitor Zeller discussed the applicability of a condition regarding who the applicant could rent out the upstairs apartment to and that it was decided that no condition about who it could be rented to would be included.

**Motion to Ratify:** Following the review of the resolution, Mr. DiRenzo made a motion which was seconded by Ms. Roth-Gutman to memorialize the resolution. Affirmative votes by Rardin, DiRenzo, Potter, Norman, Roth-Gutman and Bruno. The resolution is memorialized.

**Meeting Adjourned:** at 10:06 PM.

**ADOPTED:** 9/17/20

  
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**JONATHAN RARDIN, CHAIRMAN**

**ATTEST:**

*Cosmas Diamantis*  
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**COSMAS DIAMANTIS, ESQ.**  
**ZONING BOARD SECRETARY**