



PLANNING BOARD
Monday, November 4, 2013
DRAFT MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Vice-Chairperson Brian Bauerle at 7:33 PM.

PLEDGE OF ALLEGIANCE: Led by Vice-Chairperson Brian Bauerle.

OPMA Statement: Read by Vice-Chairperson Bauerle in compliance with the Sunshine Law.

ROLL CALL

- Members in Attendance: Carolyn Jacobs; Brian Bauerle; Hugh Dougherty; Kevin McCormack; John Osorio; and Larry Terry, Sr.
- Professionals in Attendance: Paul Stridick, Secretary; Jim Burns, Esq, Planning Board Solicitor; Bob Hunter, Planning Board Engineer; and Jacob Richman, Planning Technician.

COMMENTS FROM THE PUBLIC:

There were no comments from the public.

ADMINISTRATIVE ITEMS:

Approval of Meeting Minutes from October 21, 2013: Hugh Dougherty made a motion, seconded by John Osorio to approve the meeting minutes from October 21, 2013. Affirmative votes by Dougherty, Osorio, Bauerle, Jacobs, and McCormack. Minutes are approved.

Agenda Items 1:

13-P-0030

Block(s) 521.17 Lot(s) 38

Zone: Neighborhood Business (B1) Zone and Residential Inclusionary Planned Development (RIPD) Overlay Zone.

Relief Requested: Site plan waiver with bulk (C) sign variances for a blade-shaped sign.

Classic Cake

480 Evesham Road, Cherry Hill, NJ

Exhibits Submitted:

Exhibit A-1: Packet of Materials previously submitted to the Board

Discussion: Applicant Classic Cake applied for a Site plan waiver with bulk (C) sign variances for a blade-shaped sign; located at 480 Evesham Road, ,Cherry Hill, New Jersey (Block 521.17 Lot 38). The property is owned by BB and CC Inc. d/b/a/ Classic Cake.

Application was represented by:

- Ameer Farrell, Esq. – Attorney for the Applicant
- Barry Kratchman – Owner of Property

Ms. Farrell started by giving a background of the application and the previously approved signs at the store known as Classic Cake. Specifically, the applicant is asking for variances to permit a blade-shaped sign to be located under the canopy of the building at the corner of the shopping plaza (the store has frontage on Evesham Road and Short Hills Drive). Essentially, the applicant wants their sign to mimic that of Starbucks who has a blade-shaped sign at the other corner of the shopping plaza. The intention of the sign is to provide visual cues to a pedestrian who is patronizing the shopping plaza. The Board, through discussion, clarified that the variances are to permit a blade-shaped sign to protrude out from the façade by 2 ft. 9in. where only 2 feet is permitted and another variances for a 3rd sign (1 sign existing per frontage) where only 1 sign per street frontage is permitted. Mr. Kratchman agreed w/ his attorney's statements on the application and asked for the Board to grant the variances based on the reasons previously given.

Ms. Jacobs expressed concern that allowing this type of sign will set a precedent in that other businesses in the shopping plaza will want a sign that deviates from the sign ordinance. Ms. Farrell reiterated that the applicant doesn't want this sign because Starbucks has one but that they are using the Starbucks design to show the Board exactly what their proposed sign will look like.

Public Discussion: Seeing none, Vice-Chairperson Bauerle closed that portion of the meeting.

The Board then discussed the conditions of allowing a sign of similar design to that of the Starbucks sign. Some Board members also posed that if the blade-sign is approved that when the tenant vacates the site down the line, the sign should have to be removed and a new variance would need to be requested if some other tenant wants a similar style sign. This proposition would be a condition of approval.

Motion: Following Solicitor Burns' reading the conditions imposed upon the application, and the variances needed, Hugh Dougherty made a motion which was seconded by John Osorio, to approve the application for bulk (C) sign variances with the noted conditions. Affirmative votes by McCormack, Dougherty, and Osorio. Negative votes by Bauerle, Jacobs, and Terry. With a tie vote of 3-3, the motion does not have a majority and therefore does not pass. The application is denied.

Agenda Items 2:

13-P-0035

Block(s) 54.02 Lot(s) 3

Zone: Regional Business (B4) Zone.

Relief A site plan waiver with bulk (C) sign variances to install multiple façade signs on buildings that are part of Phase 3A of the Garden State Park.

Cherry Hill Towne Center Partners, LLC

2200 RT 70 W/Haddonfield Road

Cherry Hill, NJ

Exhibits Submitted:

Exhibit A-1: Sign Exhibit 1

Exhibit A-1: Sign Exhibit 2

Exhibit A-1: Sign Exhibit 3

Discussion: Applicant Cherry Hill Towne Center Partners, LLC, applied for a site plan waiver with bulk (C) sign variances to install multiple façade signs on buildings that are part of Phase 3A of the Garden State Park; located at 2200 Route 70 West/Haddonfield Road, Cherry Hill, New Jersey (Block 54.02 Lot 3). The property is owned by Cherry Hill Towne Center Partners, LLC.

Application was represented by:

- Ronald Morgan, Esq. – Attorney for the Applicant
- Rich Fericola – VP of Cherry Hill Towne Center Partners, LLC
- Christine Nazzaro-Cofone, PP, AICP – Professional Planner

Mr. Morgan gave a background at the Phase 3A site of the Garden State Park located along Haddonfield Road. Mr. Morgan explained that nature of the current sign ordinance and that it doesn't quite meet the needs that Phase 3A needs to market its commercial development, thus variances are required. The goal of the application is to pre-approve the spaces for signs so that incoming tenants will only have to apply for a zoning permit and have the sign administratively review. In essence, the variances being requested are for placeholder locations for future signs on the Towne Center buildings.

Mr. Fericola approached the Board and explained in detail regarding which buildings (Building A and B) need which sign variances. The variances needed would be permitting façade signs above the ground floor, permitting façade signs without street frontage, and to permit more than one façade sign attached to the principal façade. The signs would vary in size depending on its location on the building. Mr. Fericola also noted that the typo's on the original plans have been corrected (the Board was submitted in the updated plans via exhibits 1 through 3) and that revised plans would be formally submitted to the DCD. The plans will include details of the sign materials in addition to being compliant with Township ordinances. As a side note, Ms. Luciani asked Mr. Fericola about the leasing signs on site to which Mr. Fericola said he would come back to the Board to address the issue with that signage. Mr. Fericola continued his testimony and mentioned that the seven (7) signs being proposed would identify four (4)

different businesses. The size of the sign placeholders being requested would be the same size as any proposed tenant sign and would be asked to be approved for its designated space. Secretary Stridick, at the request of the Board, clarified the various variances needed for each sign and each building.

Ms. Nazzaro-Cofone testified in regard to the applicability of the variances requested as it pertains to meeting the requirements of the Municipal Land Use Law. Ms. Nazzaro-Cofone mentioned that 11 variances in total were being requested (spread out across the 7 proposed signs and the 2 buildings). It was stated that the buildings are unique due to the nature of the commercial complex, the usage of the buildings, and the circulation patterns in and around the site. Furthermore, it was testified that the design of buildings are aesthetically pleasing and scaled in manner that complements the other uses and landscaping. Also, it was testified that other variances were granted to other signs in the complex and that as those signs have done, the proposed signs would aid in the identification of various businesses. Ms. Nazzaro-Cofone inferred that the sign package complements the nature of the Regional Business (B4) zone and sees no negative consequences in granting these sign variances which meets the requirements of the (C1) hardship variance. In the absence of any hardship, Ms. Nazzaro-Cofone testified to the Board that they can grant the variances based on the negative criteria or (C2) flexible criteria based upon this evidence. Also noted was that signs would not be neon.

Public Discussion: Seeing none, Vice-Chairperson Bauerle closed that portion of the meeting.

The Board then discussed the testimony to which Mr. Dougherty felt that the sign package complements the overall site. Mr. Fericola said that if needed, he would come back to the Board to request any needed sign variance. Solicitor Burns then summarized the testimony given before the Board and made a point of noting that the proposal is consistent with the specific tenant sign criteria that was designed for the Towne Center portion of the Garden State Park.

Motion: Following Solicitor Burns' reading the conditions imposed upon the application and that the testimony shows that the proposal will be consistent with the tenant sign criteria, Hugh Dougherty made a motion which was seconded by John Osorio, to approve the application for bulk (C) sign variances with the noted conditions. Affirmative votes by Bauerle, Jacobs, McCormack, Dougherty, Osorio, and Terry. Motion passes unanimously.

Agenda Items 3:

13-P-0023

Block(s) 595.02 Lot(s) 1

Zone: Shopping Center (B3) Zone.

Wawa, Inc.

500 Route 38 West

Cherry Hill, NJ

Relief Requested: A preliminary and final major site plan with bulk (C) variances for a 4,691 SF Super Wawa Food Market (convenience store) with associated site amenities and a fueling station with eight (8) fueling pumps (six (6) gasoline and two (2) diesel) and a canopy.

Exhibits Submitted:

Exhibit A-1: Aerial Photo

Exhibit A-2: Elevations

Exhibit A-3: Color Renderings of Site Plan

Exhibit A-4: Proposed Signage

Exhibit A-5: Use & Operations Statement

Discussion: Applicant Wawa, Inc., applied for a preliminary and final major site plan with bulk (C) variances for a 4,691 SF Super Wawa Food Market (convenience store) with associated site amenities and a fueling station with eight (8) fueling pumps (six (6) gasoline and two (2) diesel) and a canopy; located at 500 Route 38, Cherry Hill, New Jersey (Block 595.02 Lot 1). The property is owned by Cherry Hill VF, LLC.

Application was represented by:

- Timothy Prime, Esq. – Attorney for the Applicant
- David Shropshire, PE – Traffic Engineer
- Mark Whitaker, PE – Professional Engineer
- Mike Redel – Project Engineering for Wawa
- Judy ???? – Property Manager for Vornado

Mr. Prime presented to the Board the application for Wawa with a gas station, specifically asking the Board for preliminary and final major site plan approval with bulk variances. Mr. Prime described the general site location and mentioned that this Wawa is planned to be a 24/7 operation. The building would have a new aesthetically pleasing design but have some similarities to a previously approved Wawa on Haddonfield Road. The variances would include deviations from the parking setback standards, directional signage, a 2nd façade sign (on the rear entrance of the building), and four (4) variances related to the general site layout. An aerial photo was presented to the Board as evidence of the site location.

Mr. Redel elaborated to the Board regarding the various operations that Wawa would undertake in that that they would be similar to those of the completed Haddonfield Road Wawa. Further detail was provided regarding the use of the site, deliveries, employee operations, and trash pickup. As for the architecture, it will utilize a tower structure (height under 35') with accenting at the bottom while the gas canopy would be a slanted roof design covering sixteen total pumps. There will be a total of two store entrance (front and rear).

Mr. Whitaker then presented color renderings of the site plan and the proposed signage plan to the Board. Mr. Whitaker proceeded to give an overview of the site plan, the loading area, circulation, and aisle widths (will make loading zone width 24' to comply with the ordinance through some re-design of the striping and re-orienting of the trash enclosure). A further discussion then ensued regarding design waivers and also the need for a 10.2' parking setback from the right-of-way where 20' is required (along Route 38). The applicant asked for the variance due to site constraints, specifically to avoid putting parking on the west side of the lot where there is a stream buffer. After that, the applicant discussed the lighting requirements for the site and that they would use pole-mounted fixtures to illuminate the convenience store, the gas pumps, and in between the two. The applicant is requesting the usage of more footcandles so that cars entering the site can see pedestrians going from the gas pumps to the store.

Mr. Whitaker continued by talking about the landscaping and environmental constraints. For landscaping, there will be landscaping proposed along the perimeter of the site and along the riparian buffer (west side of site). Design waivers would be requested. The applicant proposes to create a water management outfall that heads towards the riparian buffer which will incorporate a filtration system to prevent particulate matter from entering the stream. Wawa will maintain the system and the buffer. In regard to the gas pumps, there will be three (3) 20,000 gallon gas storage tanks placed underground that will use measures to prevent leaking/spilling of gasoline into the groundwater. The applicant stressed it will be built beyond minimum standards to ensure no leakage. In case of an issue, Wawa has a contract with an emergency contractor to clean up the leak in case one happens.

The sign package was then presented to the Board by Mr. Whitaker (exhibit A-4) and gave testimony as for the reasons to have specific directional signage and an additional façade sign at the rear. Due to the rear entrance, the applicant believes a façade sign is necessary to identify the site. Mr. Whitaker then gave his case that the requested variances meet the C2 variance for hardship on site as the signs would clearly identify the site and allow for safe passage of drivers while not impairing other sites nearby. Additionally, the vacant commercial lot is being redeveloped with modern site amenities. Mr. Whitaker also mentioned that they have an LOI from the County, a freshwater wetlands permit, and a certification letter from the Soils District. Further discussions took place regarding the design of the building, the stormwater management system, demolition, pavement resurfacing, driveway realignment, and buffer maintenance.

Mr. Prime reiterated that his client will make sure litter doesn't build up around the riparian buffer, the bus stop, or the culvert. The Board then made note that the property owner, Vornado Realty, makes sure there is safe pedestrian access to the site as there are potential patrons who may try to cross Route 38 illegally. The Board wanted to see the nearby crosswalk utilized rather than people trying to cross the culverts to get to Wawa. Judy, a representative from Vornado said she would look into the pedestrian access issue.

Mr. Shropshire appeared before the Board to discuss the crosswalks around Cuthbert and Hampton Roads because kids from the High School to the rear of the property may patronize the store. Pedestrian signals may not exist at these intersections. Mr. Hunter of ERI then addressed the culvert issues with Judy. Judy affirmed they would keep the culvert clear of litter and agreed to meet ERI out on site to identify problem areas. Vornado also agreed to work with DCD administratively to address the culvert and pedestrian signalization issues. Wawa will also cooperate and meet with DCD staff and Vornado to address all of these issues. Mr. Shropshire then mentioned that they asked for a LOI from NJDOT to

maintain accesses. In regard to the fencing along the Jersey barriers, NJDOT has said they wouldn't allow fencing but Mr. Shropshire has yet to receive documentation showing a denial (could be 2-6 months before a letter is received). Following that discussion, Mr. Shropshire gave a traffic assessment of the property.

Public Discussion: Seeing none, Vice-Chairperson Bauerle closed that portion of the meeting.

Solicitor Burns clarified the applicant's requests and that four total variances plus site plan approval is sought in addition to 50 parking spaces. It was also confirmed by Solicitor Burns that the applicant met the requirements for a conditional use to have a gas station. Furthermore, the applicant agreed to meet with Vornado, DCD, and ERI to vet out the issues with the culvert, the bus stop, lighting, deliveries, and pedestrian access.

Motion: Following Solicitor Burns' reading the conditions imposed upon the application and variances requested, John Osorio made a motion which was seconded by Hugh Dougherty, to approve the application for a preliminary and final major site plan with bulk (C) variances with the noted conditions including that the applicant meet with the other vested Departments to discuss site accessibility. Affirmative votes by Bauerle, Jacobs, McCormack, Dougherty, Osorio, and Terry. Motion passes unanimously.

Following the vote, Vice-Chairperson Bauerle called for a brief recess at 10:19pm. The meeting was called back to order at 10:23pm.

Agenda Items 4:

13-P-0024

Block(s) 42.01 Lot(s) 18

Zone: Highway Business (B2) Zone.

PNP Realty, LLC (Rainbow Academy)

10 Grove Street

Cherry Hill, NJ

Relief Requested: A preliminary and final major site plan with bulk (C) variances for a daycare facility, which will include a building footprint reduction, an outdoor play area, accessory parking, and various site improvements.

Exhibits Submitted:

Exhibit A-1: Site Plan

Exhibit A-2: Elevations

Discussion: Applicant PNP Realty, LLC, applied for a preliminary and final major site plan with bulk (C) variances for a daycare facility, which will include a building footprint reduction, an outdoor play area, accessory parking, and various site improvements; located at 10 Grove Street, Cherry Hill, New Jersey (Block 42.01 Lot 18). The property is owned by PNP Realty, LLC.

Application was represented by:

- Bob Mintz, Esq. – Attorney for the Applicant
- David Shropshire, PE – Traffic Engineer
- David Falzorano – VP of PNP Realty, LLC
- Ray Caselli – Architect
- Henry Haley – Professional Planner & Engineer

Public Discussion: Seeing none, Vice-Chairperson Bauerle closed that portion of the meeting.

Mr. Mintz, representing Rainbow Academy, introduced the application for a daycare facility which requires preliminary and final major site plan approval, bulk variances, a building footprint reduction, an outdoor play area, accessory parking, sign variances, and various site improvements.

Mr. Falzorano approached the Board and gave a description of the proposed daycare's operations and pick-up/drop-off procedures. The daycare will have a maximum of 25 employees at a time and a maximum of 197 kids. The applicant is asking for 47 parking spaces, a trash enclosure (with trash pickup at off hours), and an outdoor playground (which will be accessed only through the interior at the

southwest corner which is where a planned demolition of the building will take place to make room for the playground). Overall there will be advanced security systems to make sure the kids are safe and only authorized personnel and parents of kids will have access.

Mr. Caselli then gave testimony regarding the architecture of the building and the location of the two façade signs (one fronting Grove Street and the other at the main entrance of the building setback facing the parking lot). Mr. Caselli was followed by Mr. Haley who gave a site overview of the property. Many details were discussed including on-site circulation, lighting, having no loading area (design waiver request), implementing a sidewalk, having no curbing or bike racks, having parking bumpers except by the spots along the buildings (using bollards there instead), and the buffer along the south and west of the property which abuts a residential neighborhood. Mr. Haley stressed that the neighborhood would not be impacted by the usage of the site. A number of bulk variances are also requested including a few existing non-conformities for lessening of open space, for lot coverage, and for front and side yard setbacks. The applicant is also requesting variances for a 0' residential buffer setback, to permit less parking than what is required, setback for residential and non-residential parking setbacks, and permitting a façade sign along a non-principal street frontage. Mr. Haley also testified that the site will be milled and overlaid, and will do a full pavement repair in particularly bad areas.

Mr. Shropshire spoke in regard to the parking variance, specifically that the site plan falls within average parking needed for the site and use of the site. Essentially the required supply would exceed the demand. A site of similar usage (150 kids enrolled) in area only needs 25 parking spots to meet the demand so the applicant will be providing plenty of parking. The applicant agreed to keep DCD and ERI in the loop and involved in meetings related to NJDOT permitting. Mr. Shropshire is requesting NJDOT for left turn movements as opposed to only right in and right out onto Grove Street. Depending on the recommendation by NJDOT, it will have an impact on the alternatives for ingress and egress on site. DCD stressed that they want a right in right out circulation which is counter to what the applicant has requested. DCD will make sure NJDOT is aware of their recommendations. As a formality, Mr. Shropshire mentioned he worked with CES on the preparation of the traffic assessment report.

Public Discussion: Seeing none, Vice-Chairperson Bauerle closed that portion of the meeting.

Mr. Bauerle noted his concern regarding the access into and off the site but that DCD and ERI should collaborate with NJDOT and the applicant regarding the turn access issue. Mr. Osorio expressed more concern over the issue and opined that he would feel better if the applicant agreed with DCD's stance on a right in right out configuration. Mr. Osorio understood that the application cannot be conditioned to make the applicant take DCD's stance on the matter, but still raised concerns of safety during peak hours as well as that the site just might not be conducive to being utilized as a daycare.

Motion: Following Solicitor Burns' reading the conditions imposed upon the application and the variances requested, Hugh Dougherty made a motion which was seconded by Larry Terry, to approve the application for a preliminary and final major site with bulk (C) variances with the noted conditions and with a strong recommendation the site have right in and right out access. Affirmative votes by Bauerle, Jacobs, McCormack, Dougherty, and Terry. Votes in the negative by Osorio who specifically mentioned site limitations in having a daycare on this property. The motion passes 5-1 with a majority in favor of the application.

Resolution 1:

13-P-0021

Block(s) 340.02 Lot(s) 7

Zone: Shopping Center (B3) Zone.

JANAM Corporation (Dunkin Donuts)

1550 Kings Hwy North

Cherry Hill, NJ

Relief Requested: A minor site plan with bulk (C) variances for the creation of a bypass lane, a modified parking configuration, a small building addition, signage, and various site improvements.

Motion to Ratify: The Board considered the conditions set forth within the Resolution to approve a minor site plan with bulk (C) variances for the creation of a bypass lane, a modified parking configuration, a small building addition, signage, and various site improvements. Carolyn Jacobs made a motion, seconded by Hugh Dougherty to ratify the Resolution. Affirmative votes by Bauerle, Jacobs, Dougherty, and Terry. The resolution is ratified.

Resolution 2:

13-P-0033

Block(s) 288.02 Lot(s) 7,8,9,11

Zone: Highway Business (B2) Zone

MedExpress Urgent Care

2322 Route 38

Cherry Hill, NJ

Relief Requested: A minor site plan with bulk (C) variances for the redevelopment of a 37,427+/- square foot building, which includes tenant fit up, façade improvements, lot consolidation, signage upgrades and various site improvements for an urgent care facility.

Motion to Ratify: The Board considered the conditions set forth within the Resolution to approve a minor site plan with bulk (C) variances for the redevelopment of a 37,427+/- square foot building, which includes tenant fit up, façade improvements, lot consolidation, signage upgrades and various site improvements for an urgent care facility. Hugh Dougherty made a motion, seconded by John Osorio to ratify the Resolution. Affirmative votes by Bauerle, Jacobs, McCormack, Dougherty, and Osorio. The resolution is ratified.

Meeting adjourned at 11:23 PM.