



PLANNING BOARD
Monday, November 3, 2014
DRAFT MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Vice-Chairperson John Osorio at 7:39pm

PLEDGE OF ALLEGIANCE: Led by Chairperson Osorio.

OPMA STATEMENT: Read by Chairperson Osorio in compliance with the Sunshine Law.

ROLL CALL

- **Members in attendance:** Carolyn Jacobs; John Osorio; Kevin McCormack; Carole Roskoph; Hugh Dougherty; Sam Kates; Gina LaPlaca; Moly Hung; and Marlyn Kalitan.
- **Professionals in attendance:** Paul Stridick, Director of Community Development; Lorissa Luciani, PP, AICP, Deputy Director; Jim Burns, Esq., Solicitor; and Jacob Richman, Planning Technician.

Comments from the Public not related to tonight's agenda: None.

ADMINISTRATIVE ITEMS

Appointment of Vice-Chair. Carolyn Jacobs nominated Hugh Dougherty for Vice-Chairperson. The motion was seconded by John Osorio. Affirmative votes by Jacobs, Osorio, McCormack, Roskoph, Dougherty, Kates, LaPlaca, Hung, and Kalitan. Hugh Dougherty is appointed as Planning Board Vice-Chair, unanimously.

Adoption Meeting Minutes from October 20, 2014. Carolyn Jacobs made a motion, which was seconded by Sam Kates, to adopt the Meeting Minutes from October 20, 2014. Affirmative votes by Jacobs, McCormack, Roskoph, Dougherty, Kates, LaPlaca, Hung, and Kalitan. Minutes are approved.

AGENDA ITEMS

Agenda Item 1:

14-P-0026

Block(s) 525.38 Lot(s) 9

Zone: Residential Agricultural (RA) Zone

Luis Martinez

28 Robin Lake Drive

Cherry Hill, NJ

Relief Requested: A tree removal application for the removal of at least fourteen (14) trees (only two of which are still existing) that meet the ordinance criteria (removal of four (4) or more healthy trees in excess of fifteen inches (15") in circumference measured on the tree at a height of twelve inches (12") above the level of the ground).

Exhibits Submitted:

M-1: Arborist Report prepared by Jason Miller

Discussion: Applicant Luis Martinez, applied for a tree removal application for the removal of at least fourteen (14) trees (only two of which are still existing) that meet the ordinance criteria (removal of four (4) or more healthy trees in excess of fifteen inches (15") in circumference measured on the tree at a height of twelve inches (12") above the level of the ground); located at 28 Robin Lake Drive, Cherry Hill, New Jersey (Block 525.38 Lot 9). The property is owned by Luis Martinez.

Application was represented by:

- Calvin Fisher, Esq. – Attorney for the Applicant
- Luis R. Martinez – Owner/Applicant
- Jason Miller – Arborist
- El Danoldo F. Vid – Professional Architect

Mr. Fisher introduced the tree removal application which stemmed from an improper removal of trees (permits were not obtained) and noted that fines have been paid in Court. The applicant is here to removal additional trees as part of the application.

Mr. Miller was the first witness to testify on behalf of the applicant. Mr. Miller confirmed that he visited and inspected the site as well as prepared a report on his findings (exhibit M-1). Mr. Miller testified regarding his observations of the site, specifically the row of trees marked for removal. The trees are structurally unsafe, in Mr. Miller's professional opinion, and don't have a good root system. Invasive species, such as poison ivy, are covering the trees. Some of the trees are also to the point where a strong wind could blow them over onto a neighbor's house and/or property. A brief detail was then provided regarding how the existing tree system on the property came to be and stated that some of the trees are over 40 years old but that they have been dead for a long while so it is tough to accurately estimate their age. Mr. Miller was able to identify a fungus growing on the trees that eat the wood of the tree. Mr. Miller recommends that the existing rows of trees, in his assessment, are a severe threat as there is a risk that they will fall over. While Mr. Miller considered a surgical removal of the poison ivy, he ultimately believes that removal of the trees is the best solution. Mr. Miller noted that he is a preservationist first and foremost, but in this instance he cannot recommend trying to save the trees. Essentially, the trees of ended their useful lifespan. Mr. Miller also noted that the trees are in a range of 60 feet to 110 feet high and if they do fall over, they would definitely end up on a neighbor's property. The trees have been neglected (historically) and due to improper care, are in the condition that they currently are in. In regard the viability of shade trees in this area, Mr. miller does not see those type of trees as having a healthy life in this location and recommends other species that would thrive better on this site (in the current place of the dead trees). Lastly, Mr. Miller noted that he had no role in the plants and trees that were planted following the removal of the trees that were removed without permits.

Mr. Vid was the next witness called and he started by reiterating the ordinance in regard to trees that are within 15 feet of improvements, in that they are exempt from needing a tree removal permit in order to be removed. Mr. Vid then went through his previously submitted landscape plan and explained how he came up with the details. Mr. Vid proposed 109 new trees (mostly along the perimeter with some scattered throughout the site) and believes that they would thrive in this environment. Mr. Vid noted that the trees around the house grew wildly and stated that part of the reason to remove them is so the owner can install some solar panels on the roof of the house (for access to the sun). The trees around the house could also build up moisture which could lead to mold in the house. Additionally, the trees near the house are causing cracks in the foundation due to the invading root system.

Luis Martinez stepped in to testify and stated that the trees he planted around the perimeter of the property grow 3 to 6 feet per year and that he planted those trees himself. Mr. Martinez confirmed that he did not consult with Community Development before planting these new species. Mr. Miller jumped in and described some of the species that were planted based on his incidental view of them. Mr. Miller described them as small saplings, possibly 2 inches in diameter, and a couple inches in height. Ms. Luciani said that a lot of the new plants don't meet our ordinance standards and may not survive. Furthermore, replacement trees must meet ordinance requirements. Mr. Miller noted that it would take years for these species to become mature. The applicant then agreed to let Community Development come out to the site and inspect it so that whatever landscape plan is approved administratively is implemented properly. Solicitor Burns added that the Board has to determine the appropriate number of trees to be replaced. Discussion then ensued on how many trees should be planted to have a fair replacement of what was removed. The applicant stated that he is amenable to what the Board deems is the appropriate solution for tree replacement. The Department of Community Development suggested that a maintenance bond be posted to ensure proper planting and maintenance of new landscaping. Unrelated, Mr. Fisher noted that two healthy trees are proposed to be removed that fall outside of the 15 foot improvement zone (where there is a proposed addition to the existing home). Discussion then ensued regarding the tree removal ordinance and figuring out exactly how many replacement trees are needed (possibly up to 45 new trees).

Public Discussion: Chairperson Osorio opened up the application for public comment.

1) John L. Ulrich of 1901 West Point Drive stated that he lives behind the property in questions. Mr. Ulrich requested that the two trees that are leaning over onto his property be removed by a licensed tree removal company so that no damage is done to his property.

Seeing no other comment, Chairperson Osorio closed the public comment period.

Ms. Luciani stated that proper tree removal permits must be obtained prior to any tree removal. Ms. Roskoph echoed Mr. Ulrich's concerns in regard to the removal of the trees. Board discussion ensued and it was decided that at least 28 replacement trees would be needed but that administrative review by Community Development would determine that exact number of new trees needed. Furthermore, the new plantings would not be counted towards the determined number. Mr. Stridick noted that Community Development needs to see good progress with the landscaping plan before building permits can be considered.

Motion: Following the reiteration of the approval being sought, the site history, the provided testimony, and the administrative review needed by Solicitor Burns, Hugh Dougherty made a motion, which was seconded by Carole Roskoph, to approve the application with the conditions as stated. Affirmative votes by Jacobs, Osorio, McCormack, Roskoph, Dougherty, Kates, LaPlaca, Hung, and Kalitan. The application is approved unanimously.

Agenda Item 2:

14-P-0028

Block(s) 207.01 Lot(s) 3

Zone: Highway Business (B2) Zone

Cherry Hill Haddonfield, LLC

226 Haddonfield Road

Cherry Hill, NJ

Relief Requested: A site plan waiver with bulk (C) sign variances to remove the existing freestanding signage and install a 50.10 SF multi-tenant monument sign with four (4) tenant panels.

Exhibits Submitted:

A-1: Night time renderings of multi-tenant sign and signs to be removed

A-2: Site Photos & Aerials

Discussion: Applicant Cherry Hill Haddonfield, LLC, applied for a site plan waiver with bulk (C) sign variances to remove the existing freestanding signage and install a 50.10 SF multi-tenant monument sign with four (4) tenant panels; located at 226 Haddonfield Road, Cherry Hill, New Jersey (Block 207.01 Lot 3). The property is owned by Cherry Hill Haddonfield, LLC.

Application was represented by:

- Matthew Wait, Esq. – Attorney for the Applicant
- John Janus – Sign Company
- Andrew French – Professional Engineer
- Michael Ambrosi – Owner of Property
- David Roberts – Professional Planner & Landscape Architect

Mr. Wait started by giving an overview of the site and stated the purpose of the application which is for signage (to identify the site and its tenants), and the need for variances in order to receive approval.

Mr. Janus submitted exhibit A-1 which showed how the proposed sign would look at night. Mr. Janus went into detail about the sign materials and the details of the tenant panels (4 total).

Mr. French was the next witness called and he began by going over the sign location plan. Mr. French noted that the applicant will be removing the existing freestanding signs on the site and provide landscaping around the base of the proposed multi-tenant monument sign. Mr. French stated that the sign will have good visibility along Haddonfield Road and will be legible. The proposed sign itself will be in the same location as the existing freestanding "DXL" sign. The proposed multi-tenant sign is just over 40 SF which is less than the total amount of square footage the existing freestanding signs added up to be (54 SF).

Mr. Ambrosi, the owner of the property, described his current tenants at the shopping center which include DXL, Wodify, Tiger Schulmann's, Hospice of NJ, and Conigent. Signs will help identify the tenants on the site, specifically DXL, Wodify, Tiger Schulmann's, and Hospice of NJ. The existing leasing sign along Haddonfield Road will also be removed.

Mr. Roberts submitted exhibit A-2 and went through each site photo and aerial and described how the proposed sign will fit in with the layout of the site. Mr. Roberts also described how the sign will be visible from various locations and directions of travel. Mr. Roberts then presented the positive and negative criteria to justify the need for the variance for the multi-tenant sign.

Public Discussion: Seeing none, Chairperson Osorio closed that portion of the meeting.

Motion: Following the conditions imposed upon the application by Solicitor Burns, Hugh Dougherty made a motion, which was seconded by Sam Kates, to approve the application with the conditions as stated. Affirmative votes by Jacobs, Osorio, McCormack, Roskoph, Dougherty, Kates, LaPlaca, Hung, and Kalitan. The application is approved unanimously.

Agenda Item 3:

Cherry Hill Township Zoning Ordinance Amendments

*Consideration of Recommendations to Council for revisions to **Article IV – Zoning Regulations**, specifically Section 417.E, to permit gas service stations as a conditional accessory use in the Regional Highway Business (B4)*

*Zoning District; **Article IX – Fees, Guarantees, Inspections & Off-Tract Improvements**, specifically Section 901.A, to amend various fees for the submission of planning and zoning board applications and the inclusion of Administrative Agent fees for the administration of affordable housing; and **Article X – Affordable Housing Procedural & Eligibility Requirements**, specifically Section 1005.1.a and 2.a, to provide further clarification that the inclusionary standards for for-sale and rental housing shall apply to developments approved via a use (D) variance application per N.J.S.A. 40:55D-70(d).*

Ms. Luciani stated that the Township Council directed the Planning Board to look at some proposed zoning text amendments as follows:

- a) A revision to the Regional Business (B4) Zone ordinance to permit gas stations as a conditional accessory use.
- b) Changes to the fee schedule for applications to the Planning and Zoning Board as well as adding additional administrative fees.
- c) Adding use (d) variances into the language that states that these applications must provide set aside requirements in regard to affordable housing for applicable applications.

Ms. Luciani stated that these amendments are consistent with the Master Plan (for item 'a'), that they are consistent with statewide fee schedules (for item 'b'), and are consistent with the Housing Plan and Court Master Reports (for item 'c'). The Board shall consider these amendments and recommend an action to Township Council.

Public Discussion: Seeing none, Chairperson Osorio closed that portion of the meeting.

Motion: Following the Board considering the proposed zoning text amendments to the Cherry Hill Township Zoning Ordinance, Hugh Dougherty made a motion, which was seconded by Carolyn Jacobs, to recommend the zoning text amendments as stated to Township Council. Affirmative votes by Jacobs, Osorio, McCormack, Roskoph, Dougherty, Kates, LaPlaca, Hung, and Kalitan. The recommendation is approved unanimously.

Resolutions:

Cherry Hill Township Zoning Ordinance Amendments

*Consideration of Recommendations to Council for revisions to **Article IV – Zoning Regulations**, specifically Section 417.E, to permit gas service stations as a conditional accessory use in the Regional Highway Business (B4) Zoning District; **Article IX – Fees, Guarantees, Inspections & Off-Tract Improvements**, specifically Section 901.A, to amend various fees for the submission of planning and zoning board applications and the inclusion of Administrative Agent fees for the administration of affordable housing; and **Article X – Affordable Housing Procedural & Eligibility Requirements**, specifically Section 1005.1.a and 2.a, to provide further clarification that the inclusionary standards for for-sale and rental housing shall apply to developments approved via a use (D) variance application per N.J.S.A. 40:55D-70(d).*

Motion to Ratify: Following the review of the resolution, John Osorio made a motion which was seconded by Carolyn Jacobs, to memorialize the resolution and recommend the zoning text amendments to Township Council. Affirmative votes Jacobs, Osorio, McCormack, Roskoph, Dougherty, Kates, LaPlaca, Hung, and Kalitan. The resolution is memorialized.

Meeting Adjourned: at 10:00 PM.