



**ZONING BOARD OF ADJUSTMENT**  
**Thursday, May 2, 2013**  
**DRAFT MINUTES**

*You couldn't pick a better place.*

**OPENING:** The meeting was called to order by Chairperson Rardin at 7:48 PM.

**PLEDGE OF ALLEGIANCE:** Led by Chairperson Rardin.

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

**ROLL CALL**

- **Members in Attendance:** William Carter; Ivy Rovner; Harry Schmoll; Samuel Kates; Daniel DiRenzo Jr.; Farhat Biviji, Vice-Chairperson; Jonathan Rardin, Chairperson.
- **Professionals in Attendance:** Paul Stridick, AIA, Secretary; Lorissa Luciani, PP AICP, Senior Planner; Anthony Zappasodi, Esq., Alternate Secretary; Christopher Noll, PE, Engineer; Allen Zeller, Esq., Solicitor. Solicitor Zeller administered oath to Mssrs. Stridick, Zappasodi, and Noll and to Ms. Luciani.

**BOARD POLICY STATEMENT:** Read by Chairperson Rardin.

**COMMENTS FROM THE PUBLIC:** None received.

**ADMINISTRATIVE ITEMS**

**Meeting Minutes from April 18, 2013:** Mr. DiRenzo made a Motion to Approve the Minutes from 4/18/13, which was seconded by Mr. Kates, with affirmative votes by DiRenzo, Kates, Biviji, and Rardin. Abstentions by Rovner, Carter and Schmoll. None opposed.

**AGENDA ITEMS**

**05-Z-0050**

Block(s) 285.23 Lot(s) 5

Zone: Single Family Residential (R2) Zone

*Relief Requested: An amended preliminary & final major site plan for Regency Court townhouses, which received a use (D) variance (NJSA 40:55D-70(d)(1)) for the construction of thirty-six (36) townhouses, where multifamily residential was not permitted in the R2 zone (Application #05-Z-0050).*

**JVS Regency Court, LLC**

610 Cooper Landing Road

Cherry Hill, NJ 08003

The Applicant was represented by Attorney William Begley, Esq. and offered the following professionals as experts: Cliff Quay, PE, PP and Tom Berenbrok, PLA from Stantec Consulting Services Inc., John Pagenkopf, PP AICP, Kevin Summerville, representative from Ryan Homes, and Joseph Ventresca, managing member of JVS Regency Court, LLC. Mr. Begley stated that the Applicant agrees to all of the conditions stated in the April 19, 2013 review letter on behalf of the Department of Community Development. Said review letter was marked as Exhibit "ZB-1".

Mr. Ventresca provided an overview of the existing conditions and background information regarding the history of the site. He testified that his company would complete the unfinished existing buildings onsite and that Ryan Homes would build the other units on the vacant lots. He acknowledged that a Developers Agreement is being finalized with the Township and a third party in order to address the affordable units contemplated in the original approval. Those COAH units would be now provided offsite through Twin Oaks. Mr. Ventresca also affirmed his obligation to purchase a wetlands mitigation credit from an appropriate wetlands mitigation bank.

Mr. Quay stated that he was the engineer of record for the developer that began the project, and that he has now been asked by JVS to value engineer the project without substantially changing the approval. He provided general engineering testimony with regard to several minor changes that are being requested as part of the amended site plan approval. Specifically, he stated that: the walking path would be engineered-woodchip, ADA-compliant mulch instead of asphalt; benches would be used instead of a gazebo; driveways would be scored concrete instead of brick; curb cuts would become more ADA-complaint; a slightly different architectural style would blend with the existing site; lighting would be "acorn" style; removal of the decorative crosswalks; landscaping changes

mainly around the foundations of the homes; utilizing all 2 car garages in rear of units; all new units would be three bedrooms; the size of the buildings would be slightly smaller; and a 2,700 square foot reduction in impervious coverage. A Front Elevations Plan showing renderings of both types of units/buildings was marked as Exhibit "A-1". There will be visual continuity by utilizing the same colors and adding stucco to the existing units. A Floor Area Plan showing buildings in similar footprint with modifications to the driveways was marked as Exhibit "A-2". Mr. Quay testified regarding the four parking spaces that are to be removed due to changes in character of the garages and that an additional van accessible ADA space was added. A Site Plan was marked as Exhibit "A-3".

Mr. Summerville testified with regard to Ryan Homes' request to allow roughly 25% of the units yet to be constructed to be 36 feet deep instead of 32 feet deep so that a sunroom can be done in the rear. Mr. Stridick voiced concerns regarding the need for symmetry of the rear roof lines. Mr. Summerville acknowledged there would be asymmetrical roof lines, but that Ryan does not do spec units and mainly builds the units to suit the needs of the customer. Much discussion ensued regarding allowing the extra 4 foot extension in a symmetrical manner in the event that the addition extends into the second floor in order to permit one of three (3) options: (Option 1) the 2 interior units only; (Option 2) the 2 exterior units only; or (Option 3) all 4 units in the building. It was agreed that the Department of Community Development would review the architectural renderings in advance of the building permits being issued.

Ms. Luciani testified with regard to the Department of Community Development's review letter dated 4/19/13. She highlighted the need for a stormwater maintenance agreement, the purchase of the 0.5 wetlands credit, a treatment works approval, a performance bond, HOA documents, landscaping, and uniformity regarding fences. She highlighted the five design waivers requested by the Applicant: 12 foot exit width, internal Belgian block, PVC pipe, size of pipe, and light spillage on walkway for two lights adjacent to Church. There should be no light spillage on the north side near the single family dwellings. Ms. Luciani reiterated that the previously approved five onsite affordable units will be satisfied by following COAH rules to allow six offsite affordable units for special needs residents via the Twin Oaks Social Service Agency.

Mr. Noll testified with regard to the review letter from Environmental Resolutions Inc. dated 4/29/13; it was marked as Exhibit "ZB-2". He highlighted that: parking bumpers would be eliminated, Title 39 enforcement, trash pickup and snow removal, installed pipes, maintenance of the mulch fibers, and accessibility of a firetruck. Applicant agreed to comply with the conditions contained in said letter.

The hearing was opened to the public for comment by Chairperson Rardin. Mr. Joseph Scherer from 26 Embassy Court inquired about the HOA fees, the size, timing, and color of the fence along the perimeter, trash trucks, tree verification, affordable units, and stormwater management. Ms. Leigh Primavera from 24 Embassy Court inquired about the placement of trees along the single family dwellings behind the site. Mr. Walter Grigal from 20 Embassy Court spoke about a buried cable near his home that was cut a few times by the original developer; he hoped new developer would not make same mistake. The public comment portion of the hearing was closed by Chairperson Rardin. The Applicant agreed to install the fence prior to the first Certificate of Occupancy being issued and also to allow the Dept. of Community Development to review the colors/features of the fences in advance of installation.

**Motion to Approve the Amended Preliminary and Final Site Plan Approval with enumerated conditions as specified:** motion made by Mrs. Rovner and seconded by Mr. Kates, with affirmative votes by Carter, Rovner, Schmoll, Kates, DiRenzo, Biviji, and Rardin. None were opposed. Motion carried.

**RESOLUTIONS:** None.

**Meeting Adjourned:** 10:10 PM.