



*You couldn't pick a better place.*

**ZONING BOARD OF ADJUSTMENT**  
**Thursday, March 7, 2013**  
**DRAFT MINUTES**

**OPENING:** The meeting was called to order by Chairperson Rardin at 7:35PM.

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

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

**ROLL CALL**

- **Members in Attendance:** Michael Maitland; Ivy Rovner; William Carter; Harry Schmoll; Daniel DiRenzo; Jonathan Rardin, Chairperson.
- **Professionals in Attendance:** Anthony J. Zappasodi, Esq., Alternate Secretary; Allen Zeller, Esq., Solicitor; Robert Hunter, PE, Engineer; Jacob Richman, Planning Technician.
- **Swearing In:** Solicitor Zeller administered oath to Mssrs. Zappasodi and Hunter.

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

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

**APPLICATIONS:**

**12-Z-0027**

Block(s) 526.01 Lot(s) 2

Zone: Residential Agricultural (RA) Zone

*Relief Requested: Minor Site Plan with a Use (d) Variance to permit a law office with an accessory information technology/website design office and Bulk (c) Variances to permit an oversized multi-tenant monument sign.*

**1908 Marlton Pike East, LLC**

1600 Springdale Road

Cherry Hill, NJ

The Applicant proposes to convert the existing 3,445 square foot residential structure into a new law office that does business under the name of "Esquire." The firm specializes in intellectual property law and internet domain issues. There is an interrelated business in conjunction with the law office, under common ownership but separate legal entities, known as Killer Brands Media, which administers and manages internet domain names. The lot is 1.77 acres and is surrounded by woods on three sides.

The Applicant was represented by Attorney Richard Goldstein, Esq. and offered the following professionals as experts: Brian Conlon, PE, Dan Disario, PE, and Greg Woodruff, PP, all from Langan Engineering, and Matt Tennenbaum, from Esquire and Killer Brands Media. All witnesses were sworn in by Solicitor Zeller. Mr. Tennenbaum essentially functions as CEO for both interrelated entities and oversees their daily operations. The office specializes in disputes arising from internet domain names and trademarks, and completes most of their transactions digitally over the internet. The two entities share approximately ten employees. It is extremely rare that clients would come into the office since most work is done electronically via email and skype. The hours of operation would be from 8:00am to 6:00pm during the week with some occasional weekend use.

The Applicant's "Proposed Remedial Activities Plan" in conjunction with a report from Langan Engineering by Caryn L. Barnes, LSRP dated January 4, 2013 was marked as Exhibit "A-1". Applicant agreed to comply with and abide by the recommendations contained in said report/plan as a condition of approval and to further work with the Board's engineer for all soil remediation and tests.

Mr. Conlon provided a brief overview of the proposed improvements as project engineer. An aerial tax map dated March 7, 2013 was marked as Exhibit "A-2". The Proposed Minor Site Plan dated February 15, 2013 was marked as Exhibit "A-3". The existing parking area will be enlarged so that there are 14 parking spots. The driveway itself will be expanded and widened so it is a consistent 24 feet wide access from Springdale Road to the office. There are five ornamental (Acorn-type) lights proposed at a height of 16 feet with three along the driveway and two in the new parking lot. The proposed work will not affect the sidewalk or curb along Springdale Rd. Mr. Conlon testified

as to the three design waivers as part of this application: (1) loading dock, where none is proposed although one space is required by Ordinance; (2) curbing, where none is proposed although required by Ordinance, and (3) a driveway within 10 feet of a property line, which represents an existing condition. If any trees are removed onsite, then the Applicant will replace them elsewhere onsite.

Mr. Disario provided a brief overview of the proposed improvements as project traffic engineer and testified with regard to his submitted Traffic Assessment Report. He stated that the Applicant is a low-use operation with relatively little traffic generation. There would be approximately 5 to 6 trips per peak traffic hours based upon the number of employees, clients, and deliveries. He opined that there would be "de minimis" traffic impact and no perceived increase in traffic along Springdale Road. There are no proposed restrictions for ingress or egress to the site, so that left turns are possible in and out of the site. He opined that the sight lines are good in both directions. Applicant will comply with conditions from the Camden County Planning Board since Springdale Road is a county road. With regard to the request for the oversized multitenant sign, he testified that it is very critical for safety due to the grade being slightly uphill, the posted speed limit is 40mph, and the hidden nature of the site.

Mr. Woodruff provided a brief overview of the proposed uses as project planner. He opined that the site is particularly suited for the use and not a substantial detriment to the public good, nor a negative impact upon the master plan. The site's secluded area is appropriate for a low-intensity professional service firm use. There are no nuisances related to the proposed use. Residential character will not be significantly altered.

Mr. Tennenbaum further testified in response to a question that there is only one shared building entrance contemplated for both businesses. Mr. Conlon testified as to the stormwater management report done by his office and that there is de minimis increase.

Mr. Hunter from Environmental Resolutions, Inc. testified with regard to his office's review letter dated February 26, 2013. Mr. Zappasodi from the Department of Community Development testified with regard to his department's review letter dated February 26, 2013.

Mr. Goldstein represented that both review letters are acceptable and will be complied with as a condition of approval.

The hearing was opened to the public for comment by Chairperson Rardin. No one from the public commented on the application. The public comment portion of the hearing was closed by Chairperson Rardin.

Mr. Tennenbaum agreed that any improvements to the office would be made in the context of keeping the same residential aesthetics of the property and that there is no intention of living in the office as a residence.

The board members discussed the proposed sign and expressed strong concerns regarding the size of the sign. Discussion ensued regarding: the fact that there is only one entrance into the building, the speed limit along Springdale Rd, the insignificant number of proposed daily deliveries and employees/clients, sensitivity to commercial creep in unique residential zone, and character of neighborhood.

Mr. Goldstein requested a brief recess to discuss the proposed sign with his client. The Board was in recess from 8:50pm to 9:00pm.

Mr. Goldstein represented that, due to the concerns of the Board, the Applicant is hereby amending their application by withdrawing the request for a bulk variance to permit a multitenant sign. The new proposed sign would only list "Esquire" as the sole occupant on the sign, in addition to the street address, and would eliminate the 2<sup>nd</sup> panel from the original sign proposal. Further, the applicant revised its request so as to permit a sign that is 17.6 square feet in area instead of the original 30 square foot sign proposal.

The board members thought the revised sign proposal was a fair compromise and favored the project.

**Motion to approve the Use Variance with enumerated conditions as specified:** motion made by Mrs. Rovner and seconded by Mr. DiRenzo, with affirmative votes by Maitland, Rovner, Carter, Schmoll, DiRenzo, and Rardin. None were opposed. Motion carried.

**Motion to approve Minor Site Plan with design waivers and a Bulk Variance as revised for a single-tenant freestanding sign not to exceed 17.6 square feet (excluding synthetic base):** motion made by Mrs. Rovner and seconded by Mr. Carter, with affirmative votes by Maitland, Rovner, Carter, Schmoll, DiRenzo, and Rardin. None were opposed. Motion carried.

**ADMINISTRATIVE ITEMS:** No Resolutions or administrative items discussed.

**Meeting adjourned:** at 9:20 PM.