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PLANNING BOARD
Monday, March 18, 2013
DRAFT MINUTES

OPENING: The meeting was called to order by Chairperson Carole Roskoph at 7:35PM.

PLEDGE OF ALLEGIANCE: Led by Chairperson Roskoph

OPMA Statement: Read by Chairperson Roskoph in compliance with the Sunshine Law.

ROLL CALL

- Members in Attendance: Carole Roskoph, Chairperson; Aimee Hansen; Carolyn Jacobs; Sara Lipsett; Hugh Dougherty; Kevin McCormack; Sangeeta Doshi; Larry Terry, Sr.; Brian Bauerle; Raymond Benitez.
- Professionals in Attendance: Paul Stridick, Secretary; James Burns, Esq, Solicitor; Robert Hunter, engineer; Jacob Richman, Planning Technician

COMMENTS FROM THE PUBLIC:

No comments from the public were received.

ADMINISTRATIVE ITEMS:

The Planning Board reviewed and voted on the adoption of the following meeting minutes (Note that all minutes were motioned for a vote by Dougherty and seconded by Jacobs):

Minutes for the Planning Board meeting on January 22, 2013 were passed unanimously. Affirmative votes by Lipsett, McCormack, Jacobs, Roskoph, Terry, and Bauerle. Abstention by Hansen, Dougherty, Doshi, and Benitez.

Minutes for the Planning Board meeting on February 4, 2013 were passed unanimously. Affirmative votes by Lipsett, Hansen, Roskoph, Terry, Doshi, and Benitez. Abstention by McCormack, Jacobs, Dougherty, and Bauerle.

Minutes for the Planning Board meeting on February 19, 2013 were passed unanimously. Affirmative votes by Jacobs, Hansen, Dougherty, Roskoph, Terry, Bauerle, and Benitez. Abstention by Lipsett, McCormack, and Doshi.

Minutes for the Planning Board meeting on March 4, 2013 were passed unanimously. Affirmative votes by Hansen, Dougherty, Terry, Doshi, Bauerle, and Benitez. Abstention by Lipsett, McCormack, Jacobs, and Roskoph.

Application 1:

07-P-0083

Block(s) 394.01 Lot(s) 2

Zone: Highway Business (B2) Zone

Relief Requested: Relief of condition to change the conditions of approval for a bulk (c) sign variance received for a freestanding sign.

Ponzio's Restaurant

7 Route 70 West

Cherry Hill, NJ

- **Brian Bauerle recused himself from this application and stepped down from the podium.**

Discussion: Applicant Ponzio's Restaurant applied for a relief of condition to change the conditions of approval for a bulk (c) sign variance received for a freestanding sign; located at 7 Route 70 West, Cherry Hill, New Jersey (Block 394.01 Lot 2). The property is owned by Ponzio's Kingsway Real Estate, LLC.

Application was represented by:

- Richard Goldstein, Esq. – Attorney for the applicant
- Nick Fifis – Part owner of Ponzio's

No variances were requested as part of this application but a relief of condition was asked for, specifically to permit the LED/changeable copy portion of the site's freestanding sign change once every forty-five (45) seconds and to remove the requirement for the LED/changeable copy message to stay static for the entire day. Relief of condition was also requested to permit the above mentioned sign to be lighted 24-hours a day, 7 days a week, instead of having it be turned off after closing hours. The applicant also requested the sign be allowed to display ten (10) different messages over the course of a 24-hr period where only one (1) message is currently permitted.

Richard Goldstein gave a detailed history of the site and described its importance to the community, adding that Ponzio's is a "destination" and a "landmark" in the Township. Mr. Goldstein also described the previous sign variances granted (2008) to the applicant for their existing LED/changeable copy sign but stated that the applicant feels the conditions set forth upon them were restrictive and that they want to be able to display more messages throughout the day to notify passerby's of specials, events in the Township, emergency alerts, and wellness items. It was also argued that with many chain restaurants coming in, family-owned businesses like Ponzio's need a leg up and granting this relief of condition to allow ten (10) different messages a day, with changes no more frequent than every 45 seconds that this would be of substantial help to the business.

Mr. Fifis, part-owner of Ponzio's, testified as to the nature of their operations and elaborated on how they want to expand and diversify the restaurant. Furthermore, while the sign has worked well, it was stated that the current conditions upon the sign has drawbacks. Specifically, Ponzio's would like to get more messages out per day and wants to keep the sign lit 24/7. Mr. Fifis stressed that there would be no change in the size of the sign. Mr. Fifis and Mr. Goldstein answered various clarification questions from the Board as to the specifics of their sign and the way in which messages would be displayed if granted the relief of condition.

Exhibits: The following exhibits were submitted to the board as evidence:

A-1: Cover letter from Rick Goldstein to Paul Stridick regarding signal light timing

A-2: NJDOT Route 70 Traffic Signal Sequence

A-3: Rendering of the Ponzio's sign approved circa 2007

Public Discussion: N. John Amato of Cherry Hill spoke in favor of Ponzio's request for a relief of condition, citing Ponzio's compliance with its present conditions placed upon the usage of the sign and on the importance of Ponzio's maintaining its operations in the Township.

Motion: The Board discussed the application, including the merits of the 45 second delay and the visibility of the sign, and after brief deliberation, Sara Lipsett made a motion; seconded by Hugh Dougherty to approve the application as presented and as noted above. The Board approved the application with affirmative votes by Lipsett, McCormack, Jacobs, Dougherty, Roskoph, Terry, Doshi, and Benitez. Hansen voted in the negative citing traffic safety concerns over an LED changeable copy sign.

Application 2:

12-P-0043

Block(s) 192.01 Lot(s) 28

Zone: Single Family Residential (R3) Zone

Relief Requested: A minor subdivision with bulk (C) variances to subdivide one (1) lot to create two (2) lots total.

Richard Jones

335 Hinchman Avenue

Cherry Hill, NJ

- **Raymond Benitez has stepped down from the podium and left the meeting. Brian Bauerle returns to his seat on the podium.**

Discussion: Applicant Richard Jones, applied for a minor subdivision with bulk (C) variances to subdivide one (1) lot to create two (2) lots total; located at 335 Hinchman Avenue, Cherry Hill, NJ (Block 192.01 Lot 28). The property is co-owned by Richard Jones and David Slattery.

Application was represented by:

- Gregory Simonds, PE - Engineer for the Applicant
- Richard Jones - Owner
- David Slattery - Owner

The following variances are required for this application: From §406-B.D., to permit a 7,500 square foot lot area, where a minimum lot area of 7,800 square feet is required; and from §406-B.D., to permit 50' lot frontage, where a minimum lot frontage of 60' is required.

Mr. Simonds explained to the board how this parcel is known as a "Lochner lot," (per case law) and due to the merger that happened under Lochner to lot 28 & 29, unbeknownst to Mr. Slattery and Mr. Jones, the lot could not be built upon until a legal subdivision occurred. Mr. Simonds also noted that with the subdivision, variances would be needed because the lot would not meet the requirements of lot frontage and lot area due to the narrowness of the lot. Additionally, testimony was provided that put the proposed subdivided lot in context with the neighborhood, stating that it would aesthetically fit in the area because it is a residential neighborhood.

The Board discussed with the applicants regarding the potential 6 to 7 trees that would be taken down so that the lot could be built upon. The applicant's stated that they would be constrained to replace the trees on the property due to the narrowness of the lot. Mr. Jones agreed to have DCD perform a site visit and identify trees for saving so that as many trees as possible could be saved in conjunction with their landscaping plan. Bob Hunter of ERI offered to place a condition of approval on the application in regard to protecting as many trees as possible along with making sure that the applicants file by plat.

Exhibits: The following exhibits were submitted to the board as evidence:

- A-1: Photo of the property from the roadway and an aerial photo of the property
- A-2: Tax map of the property

Public Discussion: Mario Martini of Cherry Hill was concerned about the removal of trees from their property and the lack of greenspace in this neighborhood because it is densely populated. Mr. Martini also questioned if the property would have a driveway due to the limited street parking space in the neighborhood. Mr. Simonds stated there is a driveway proposed for the property and it would hold two (2) parking spaces.

Paul Stridick mentioned that many lots in the neighborhood have undersized lot frontages and this property was within the context of the other lot areas. Mr. Slattery also noted there are many driveways in the area. Mr. Burns provided more information on the Lochner law and its unique relationship with the parcel in question. Essentially, Mr. Slattery and Mr. Jones were not made aware through the deed they assumed that this lot was never legally subdivided, and thus, without subdivision approval, they could not build upon the lot which was their intention subsequent to the purchase of the property.

Motion: The Board discussed the application and after brief deliberation, Hugh Dougherty made a motion; seconded by Aimee Hansen to approve the application as presented and as noted above. The Board approved the application unanimously.

Application 3:

13-P-0005

Block(s) 388.01 Lot(s) 4 & 5

Zone: Limited Office (O1) Zone

Relief Requested: Minor Site Plan with bulk (C) Variances for a 1,374 SF office addition and various site improvements.

RB Cherry Hill Associates, LLC

425 Route 70 West

Cherry Hill, NJ

Discussion: Applicant RB Cherry Hill Associates, LLC, applied for a Minor Site Plan with bulk (C) Variances for a 1,374 SF office addition and various site improvements; located at 425 Route 70 West, Cherry Hill, New Jersey (Block 388.01 Lots 4 & 5). The property is owned by 425 Route 70, LLC.

Application was represented by:

- Robert Baranowski, Esq. – Attorney for the applicant
- John Kornick, PE - Engineer for the applicant
- Diane Sirizzotti – Project Manager
- Jerry Rothkoff – Owner
- David Backal - Owner

The following variance is required with this application: From §411-B.E., to permit a front yard setback of 29.24', where a minimum of 35' is required which is an existing non-conformance; From §508-A.F.3, to permit no residential buffer, where a minimum of 25' is required which is an existing non-conformance; From §508-A.F., to permit a residential buffer of 7.16', where a minimum of 25' is required which is an existing non-conformance; From §511-A.H.2.a., to permit a 7.66' residential parking setback, where a maximum of 25' is required which is an existing non-conformance; From §511-A.H.2.b., to permit a 17' (Route 70) and 4.54' (Park Drive) right of way (ROW) parking setback, where a maximum of 20' is required; and from §517-A.D.22 to permit a multi-tenant sign is necessary, where multi-tenant signs are prohibited.

Mr. Baranowski stated that the proposed use of the property is for a law office and a financial services office. There is a proposed addition to renovate the walkway between the two buildings so as to provide better circulation through opposite sides of the building. There is also a proposed closure of the ingress and egress point along Route 70 which will be supplemented by an access permit applied for through NJDOT. For the signs, it is proposed that one sign would hold both names (Jerry Rothkoff and David Backal) of the applicants instead of having two signs with one name each.

Mr. Rothkoff testified as to the nature of his law office and Mr. Backal's financial services firm. A total of 15 staff members plus clients could be using the building. Testimony was provided that the building is in disrepair and internal and external improvements are needed. Hours of operations will be during weekdays from 7:30am to 5pm with the occasional evening events. Further testimony on the various operations and procedures for the offices were presented to the Board. Mr. Rothkoff provided reasoning that there is a sufficient amount of parking spaces proposed for the property.

Mr. Kornick provided testimony as to the site plan layout and the proposed changes to the site, specifically the alterations being made to the parking lot for ADA compliance, compact car parking space, and the number of spaces being provided. The applicant will be taking down three (3) trees and replacing them with three (3) trees in addition to a landscaping plan. Also, a lighting plan will be implemented to provide safe and adequate lightning. No drainage would be altered on the site. The proposed sign free-standing sign would conform to the ordinance except that two business names would be displayed where multi-tenant signs are prohibited. A circulation plan for the parking lot will also be put into action. Mr. Kornick then went over ERI's review letter with Bob Hunter of ERI.

The Board gave preference to saving the large tree located on the site (in the rear parking lot). Also of note, the applicant's offered to fully assume all landscaping costs for the adjacent property owners to the rear of the site.

Exhibits: The following exhibits were submitted to the board as evidence:

A-1: Elevations and floor plans

Public Discussion: Dorothy Owens of Cherry Hill stated that after meeting with the prospective property owners that they listened to her concerns and that they will mitigate those concerns. Ms. Owens also supported not erecting a fence along the rear property line and approved of the applicant's offer to cover all landscaping costs. Ms. Owens did voice concerns on the large tree and the branches that sometimes fall from it, but deferred to the Board to determine whether the tree should come down.

The Board agreed that a landscape/arborist professional from ERI will review the condition and health of the tree and determine whether to remove it or not. If it is to remain, pruning would be allowed.

ERI stated that they need to submit their Phase I environmental review to them and to notify them if any contaminants are found. ERI also reiterated the landscaping agreement the applicant made with the adjacent property owner to the rear and to make the agreement to cover all costs a condition of approval. Jim Burns then stated all conditions of approval for the application.

Motion: The Board discussed the application and after brief deliberation, Hugh Dougherty made a motion; seconded by Aimee Hansen to approve the application as presented and as noted above. The Board approved the application unanimously.

RESOLUTION 1:

12-P-0002

Block(s) 433.01 Lot(s) 2

Zone: Shopping Center Business (B3) Zone

Relief Requested: A minor site plan with a bulk (C) sign variances for a childcare center and various site improvements.

Forever Young Childcare

1490 Haddonfield-Berlin Road

Cherry Hill, NJ

Motion to Ratify: The Board considered the conditions set forth within the Resolution. Aimee Hansen made a motion; seconded by Larry Terry, Sr., to approve the Resolution for a minor site plan with a bulk (C) sign variances for a childcare center and various site improvements. Affirmative votes by Jacobs, Hansen, Dougherty, Roskoph, Terry, and Bauerle. Abstention by Lipsett, McCormack, and Doshi. The Resolution is ratified.

Adjourned: 10:00pm