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**PLANNING BOARD**  
**Monday, April 1, 2013**  
**DRAFT MINUTES**

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

**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; Hugh Dougherty; John Osorio; Brian Bauerle.
- Professionals in Attendance: Paul Stridick, Secretary; James Burns, Esq, Planning Board Solicitor; Robert Hunter, Planning Board 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:

Minutes for the Planning Board meeting on March 18, 2013 were passed unanimously. Affirmative votes by Jacobs, Hansen, Dougherty, Roskoph, Bauerle. Abstention by Osorio.

**Application 1:**

**12-P-0041**

Block(s) 342.02 Lot(s) 1 & 2

Zone: Business (B2) Zone

*Relief Requested: A minor site plan with bulk (C) variances for a 2,480 SF frozen yogurt and coffee restaurant and various site improvements.*

**101 Cherry Assoc., Inc. (World's Tastiest Frozen Yogurt)**

101 Route 70 East

Cherry Hill, NJ

**Discussion:** Applicant 101 Cherry Associates, Inc. (World's Tastiest Frozen Yogurt) applied for a minor site plan with bulk (C) variances for a 2,480 SF frozen yogurt and coffee restaurant and various site improvement; located at 101 Route 70 East, Cherry Hill, New Jersey (Block 342.02 Lot 1 & 2). The property is owned by 101 Cherry Associates, Inc.

Application was represented by:

- Jim Esposito, Esq. – Attorney for the applicant/owner
- Joseph Phillips, AIA – Architect for the applicant
- Robert Clerico, PE – Engineer for the applicant
- Everett Farr – Owner/President of World's Tastiest Frozen Yogurt

Mr. Esposito gave a brief history of the site and its existing conditions and explained that the application being applied for is a minor site plan with various Bulk (C) variances including: to permit no residential buffer where 25 feet is required; to permit a 2 foot residential parking setback where maximum of 25 feet is required; to permit a 14.2 foot right of way parking setback where maximum 20 feet is required; and to permit a 2.9 foot non-residential parking setback where 5 feet is required. Several design waivers were requested in order to permit no loading area where one is required and to permit a trash enclosure within 4 feet of the property line where 5 feet is required.

Mr. Farr testified as to the specific operations that will take place on the site. He presented that this would be the first World's Tastiest Frozen Yogurt on the east coast and the 2<sup>nd</sup> one to be built (the other being in Seattle), and hoped that this would be their "flagship" store. Mr. Farr stated that he expects minimal

amounts of deliveries and that they are likely to be made by a 26 ft. box truck. Hours of operations are to be from 10 AM to 10 PM with a 5 PM to 6 PM closure on Sundays. Mr. Farr accepted the condition to only allow deliveries before opening the store, roughly around 9 AM.

Mr. Clerico described in detail the layout of the site and what its current conditions are like. It was described in detail the parking requirements for the site what is being proposed. This number is altered depending upon the seating capacity for indoors and the outdoor seating area. Mr. Clerico presented two different parking plans. The first plan shows straight parking spaces that allow for a total of 21 spaces on the site. The alternate plan showed angled parking that allowed for 19 parking spaces along with the ability to have a walkway along the building. Additionally, the angled parking plan shows a more defined one way circulation around the building which is what is being proposed for the circulation plan.

Mr. Clerico went into detail regarding the stormwater management plan and the landscaping plan for the site in question, particularly how shrubbery would line the outside of the property (to the south and east), providing a buffer between the property and residential neighborhood to the south. Stormwater management is designed to drain the water away from the downward slope to the south that goes to adjacent property through the use of trench drains. Mr. Clerico then provided a description of the proposed replacement fence along the southern property line. There is currently an 8ft high wooden fence that would be replaced by a similar style fence as the one used on the Lourdes property directly adjacent to west and extend it along the southern property line. The fence would step down in height as the slope decreases. The board discussed the proposed fence and determined that a variance would be needed to permit the fence and as a condition of approval, the applicant will work with the Department of Community Development in installing the fence. Mr. Farr added that they have been working closely with the property owner to the south in designing their site plan, specifically the fence design.

Mr. Clerico further testified as to the specific of the site plan related to the requested variances and offered that if additional variances are needed in order to make improvements on the site, they would leave it to the discretion of the board. The alternate dumpster location plan was then submitted to the board which would have the effect of shifting the dumpster towards the southwest portion of the property and reducing the total parking spaces to 18. (Please note that exhibit A-8 was changed to show that 10 parking spaces would be included as part of this plan on the western portion of the lot, where 11 spaces were shown on the plan). Mr. Clerico briefly explained the lighting plan and how it has been designed to code. The applicant agreed to work with DCD and ERI to make sure pavement improvements are uniform. Traffic generation was briefly discussed and ERI determined that the use of this site in relation to traffic generated will be less intensive than prior uses on this site. Mr. Clerico then discussed the ADA accessible route as shown on the plan. DCD would like the ADA crosswalk to be more parallel to Route 70. The applicant agreed to work with DCD and ERI in the field in order to improve the location of the accessible route and agreed to this as a condition of approval.

Mr. Phillips testified as to the architecture of the building, specifically the elevations on the site and the detail work on the façade, including the windows, entranceways, canopy, and walkway. Mr. Phillips testified that the canopy on the west side covers the walkway and that the canopy covers the proposed outdoor seating area. The canopy will not be enclosed. The colors and materials being used on the building were also provided to the board.

While no signs are being proposed as part of this application, the applicant will work with DCD on signage, whether it be approved administratively or if necessary, the applicant will come back to the Board if variances are needed (whether it be due to the location of the sign or the language being proposed). The applicant did state that no sign will be proposed on the west non-frontage façade of the building.

After discussion with the board, the applicant said they would request an additional Bulk (C) variance if the board decides to accept one of the alternate site plans, being either the alternate parking plan or the alternate parking plan with the revised dumpster location, due to the amount of parking spaces that will result from the revised site plans.

**Exhibits:** The following exhibits were submitted to the board as evidence:  
A-1: Camden County Letter stating that there is no effect on county facilities  
A-2: Plan of Existing Conditions

- A-3: Photos of Existing Conditions
- A-4: Additional site photos
- A-5: Alternate Parking Plan
- A-6: Photo of Existing fence along southern property line
- A-7: Zoning Chart
- A-8: Alternate Dumpster location

**Public Discussion:** Jack Murray of Cherry Hill spoke mostly in favor of the plan and commended the applicant's willingness to work with him on the site plan, specifically the fence plan along the southern property line. Mr. Murray did express some concern over the Dunkin Donuts traffic issues that flows over onto Kenwood Ave and did not want similar problems to occur on this site, specifically people parking on the street and blocking his driveway. Solicitor Burns stated that parking is allowed on Kenwood Drive but he should call the police if his driveway gets blocked. Mr. Murray did express additional concern about the location of the dumpster and the trash pick-up schedules, and would like it moved to a more buffered location. DCD said they would work with the applicant to improve the landscaping around the masonry-enclosed dumpster.

**Motion:** The Board then considered the various site plans shown during testimony and concluded that the plan that provided angled parking spaces (with 18 spaces provided) with the alternate dumpster location was the best plan. The Board also added that a parking variance was needed for this plan. Also, the Board conditioned the applicant to make sure the proposed fence would step down according to grade and would not be higher than 8 feet at his highest point. The fence plan would be conditioned upon DCD and ERI's conformance review. Carolyn Jacobs then made a motion; seconded by John Osorio to approve the application as presented and as noted above. The Board approved the application with the noted conditions with affirmative votes by Jacobs, Hansen, Dougherty, Osorio, Roskoph, and Bauerle. Motion passes unanimously.

**RESOLUTION 1:**

**07-P-0083**

Block(s) 394.01 Lot(s) 2  
 Zone: Highway Business (B2) Zone

**Ponzio's Restaurant**

7 Route 70 West  
 Cherry Hill, NJ

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

**Motion to Ratify:** The Board considered the conditions set forth within the Resolution to approve a relief of condition to change the conditions of approval for a bulk (c) sign variance received for a freestanding sign. Affirmative votes by Jacobs, Dougherty, and Roskoph. Negative vote by Hansen. Abstention by Bauerle. The Resolution is ratified.

**RESOLUTION 2:**

**12-P-0043**

Block(s) 192.01 Lot(s) 28  
 Zone: Single Family Residential (R3) Zone

**Richard Jones**

335 Hinchman Avenue  
 Cherry Hill, NJ

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

**Motion to Ratify:** The Board considered the conditions set forth within the Resolution to approve a minor subdivision with bulk (C) variances to subdivide one (1) lot to create two (2) lots total. Affirmative votes by Jacobs, Dougherty, Hansen, Roskoph, and Bauerle. The Resolution is ratified.

**Adjourned:** 9:36 PM.