



PLANNING BOARD
Monday, May 6, 2013
DRAFT MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Chairperson Carole Roskoph at 7:42 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; Sara Lipsett; Kevin McCormack; Carolyn Jacobs; Hugh Dougherty; John Osorio; Larry Terry, Sr.; Sangeeta Doshi.
- Professionals in Attendance: Paul Stridick, Secretary; Lorissa Luciani, Alternate 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 April 15, 2013 were motioned for adoption by John Osorio and seconded by Hugh Dougherty. Affirmative votes by Lipsett, McCormack, Jacobs, Dougherty, Osorio, Roskoph, and Terry. Doshi abstains. The minutes are adopted.

RESOLUTION 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

Motion to Ratify: The Board considered the conditions set forth within the Resolution to approve minor site plan with bulk (C) variances for a 2,480 SF frozen yogurt and coffee restaurant and various site improvements. Hugh Dougherty made a motion to ratify, seconded by John Osorio. Affirmative votes by Jacobs, Dougherty, Osorio, Roskoph. Lipsett, McCormack, Terry, and Doshi abstain. The resolution is ratified.

RESOLUTION 2:

13-P-0004

Block(s) 454.01 Lot(s) 5

Zone: Residential (R2) Zone

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

Sherwood Forest Homes, LLC

109 Daytona Ave

Cherry Hill, NJ

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 into two (2) lots. Carolyn Jacobs made a motion to ratify, seconded by John Osorio. Affirmative votes by Lipsett, McCormack, Jacobs, Dougherty, Osorio, Roskoph, and Terry. Doshi abstains. The resolution is ratified.

Application 1:

13-P-0012

Block(s) 285.02 Lot(s) 7

Zone: Highway Business (B2) Zone

PR Cherry Hill STW, LLC (Nordstrom's)

Cherry Hill Mall

Cherry Hill, NJ

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

Discussion: Applicant PR Cherry Hill STW, LLC, applied for a minor subdivision with bulk (C) variances to create two (2) lots from one (1) lot out of the Nordstrom's property; located at Cherry Hill Mall, Cherry Hill, New Jersey (Block 285.02 Lot 7). The property is owned by PR Cherry Hill STW, LLC.

Application was represented by:

- Richard Goldstein, Esq. – Attorney for the applicant
- David Flemming – Engineer for the applicant

Mr. Goldstein described to the Board the reasoning that Nordstrom's was applying for a subdivision in that the intentions are for purely financial reasons. No construction or alterations are being proposed as part of the application and that the only thing that would change is the lot lines. Essentially, Lot 7 would be subdivided to create lots 7.01 and 7.02. Due to the subdivision, Mr. Goldstein explained, pre-existing variances would be exacerbated and thus would require bulk (c) variance approval by the Board in order to allow the subdivision. Numerous bulk (c) variances were requested but no physical changes would result. Bulk (c) variances requested include relief for lot frontage, front yard setback, side yard setback, aggregate side yard setback, rear yard setback, building height, maximum building coverage, maximum lot coverage, and open space requirements.

Mr. Flemming presented to the the Board the existing conditions on the site and how the proposed lot line changes would look if granted the subdivision. The variances requested were described in detail and Mr. Flemming reiterated that variances are needed because pre-existing conditions were being exacerbated.

The Board asked for further clarification on the purpose of the proposed subdivision, for which the applicant testified that it was to have a separate tax purpose and other financial considerations. It was also attested to that the proposed lots would still be subject to cross-access and cross-easements that the rest of the Cherry Hill Mall abides by.

Ms. Luciani then went through her review letter dated April 22, 2013 and also clarified the location of the lot lines. Additionally, the applicant agreed to file by deed and not by plat. Bob Hunter of ERI had no major items of concern on this application. Solicitor Burns reiterated that the applicant will comply with the comments in the review letters by Community Development and ERI.

Exhibits: No exhibits were submitted as part of the testimony.

Public Discussion: No comments from the public were received.

Motion: The Board then considered the application and testimony presented. Carolyn Jacobs then made a motion; seconded by John Osorio to approve the application as presented and as noted above with conditions. The Board approved the application with the noted conditions with affirmative votes by Lipsett, McCormack, Jacobs, Dougherty, Osorio, Roskoph, Terry, and Doshi. Motion passes unanimously.

Application 2:

13-P-0011

Block(s) 342.01 Lot(s) 4

Zone: Shopping Center Business (B3) Zone

Federal Realty Investment Trust (Whole Foods)

Route 70 & Kings Hwy

Cherry Hill, NJ

Relief Requested: A site plan waiver for various façade and sidewalk improvements.

Discussion: Applicant Federal Realty Investment Trust, applied for a site plan waiver for various façade and sidewalk improvements for the proposed Whole Foods at Ellisburg Circle Shopping Center; located at Route & Kings Highway, Cherry Hill, New Jersey (Block 342.01 Lot 4). The property is owned by Federal Realty Investment Trust.

Application was represented by:

- Richard Goldstein, Esq. – Attorney for the applicant
- David Joss – Owner (Federal Realty)
- David Lomas – Architect for the applicant

- Mark Hughes – Construction Coordinator for Whole Foods Mid-Atlantic Region

Mr. Goldstein introduced the proposed location where the improvements Whole Foods proposes to make at the Ellisburg Circle Shopping Center. Mr. Goldstein also gave a historical account of the past uses on the site. No additional floor space is being proposed on the site that Genuardi's used to occupy. The main proposal is for a site plan waiver with sidewalk and façade enhancements, mainly for aesthetic and operational reasons.

Mr. Joss then proposed the 3 phases that Whole Foods will go through before opening their store. Phase I would be the sidewalk and façade improvements, as per their proposal at the Board meeting. Phase II would consist of Whole Foods taking over the site from Federal Realty Investment Trust and doing interior renovations. The third phase would consist of sign proposal for which the applicant is aware that they would have to come back to the board for approval. Mr. Joss explained that Whole Foods would be the anchor tenant in the shopping center and would help with rebranding the image and look of the shopping center. The shopping center will eventually overhaul all of the façade's to match Whole Food's designs. The applicant agreed to follow the guidelines from the Department of Community Development's review letter dated April 29, 2013, and that they would comply with using the allowed striping materials and implement "no idling" signs. Mr. Joss said that Whole Foods would take control of the site around September of 2013 with façade completion occurring around November of 2013.

Mr. Lomas described what the sidewalk and façade enhancements would look like and elaborated that they are replacing the entire façade and altering the rooftop to the point that the overall height of the building will decrease. Mr. Lomas also showed how the railings would look along the sidewalk and that the seating behind said railing is open so that the public can move about in a free-flowing manner.

Ms. Luciani clarified the ADA parking requirements with the applicant and that the applicants agreed to the condition that they must meet ADA requirements via an inspection to be performed by the Township's Engineering Department. Kevin McCormack, representing the Engineering Department, concurred with this.

Mr. Hughes appeared before the Board to talk about the Farmer's Market portion of the plan. The idea is to use part of the allotted parking space at the proposed Whole Food's lot to allow vendors to sell their wares. There was no firm dates given for the Farmer's Market but it is likely to occur during the work week between late spring and fall. The final decision will be up to the future store leader. This operation is purely a community service operation where 10-15 vendors can sell produce, baked, and crafts. Mr. Stridick elaborated on the need for vendor permits and that the Township ordinance may need revisions so that these types of events can be streamlined in a manner where vendors would not have to individually obtain temporary permits each time, but could get group permits potentially.

Exhibits: No exhibits were submitted as part of the testimony.

Public Discussion: No comments from the public were received.

Motion: The Board then considered the application and testimony presented, with Mr. Burns outlining the conditions set forth on the applicant. John Osorio then made a motion; seconded by Hugh Dougherty to approve the application as presented and as noted above with conditions. The Board approved the application with the noted conditions with affirmative votes by Lipsett, McCormack, Dougherty, Osorio, Roskoph, Terry, and Doshi. Jacobs abstains. Motion passes.

Application 3:

13-P-0007

Block(s) 342.01 Lot(s) 1, 2, & 3

Zone: Highway Business (B2) Zone

Relief Requested: A preliminary and final major site plan with bulk (C) variances, and minor subdivision, to develop a +/- 4,370 square foot medical office.

BR70 East, LLC

Brace Road & Route 70

Cherry Hill, NJ

Application Ran Concurrent with 12-P-0005

12-P-0005

Block(s) 342.01 Lot(s) 4

CFBP, LLC

1 Brace Road

Zone: Highway Business (B2) Zone Cherry Hill, NJ

Relief Requested: An amended preliminary and final major site plan with bulk (C) variances, and minor subdivision.

Application Ran Concurrent with 13-P-0007

Discussion: Applicant BR70 East, LLC, applied for a preliminary and final major site plan with bulk (C) variances, and minor subdivision, to develop a +/- 4,370 square foot medical office; located at Brace Road & Route 70, Cherry Hill, New Jersey (Block 342.01 Lot 1, 2, & 3). The property is owned by BR70 East, LLC.

Applicant CFBP, LLC, applied for an amended preliminary and final major site plan with bulk (C) variances, and minor subdivision at the current Lourdes site; located at 1 Brace Road, Cherry Hill, New Jersey (Block 454.01 Lot 4). The property is owned by CFBP, LLC.

Note that both applications were run concurrently.

Application was represented by:

- Barbara Casey, Esq. – Attorney for the applicant
- Joe Gonnelli – Principal of CFBP and BR70 East
- Chad Gaulrapp – Engineer for the applicant
- Robert Hall – Planner for the applicant
- William Westhafer – Architect for the applicant

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

A-1: Existing Conditions Plan

A-2: Illustrative Site Plan of BR70 East

A-3: Illustrative Site Plan of BR70 East and CFBP

A-4: Site Plan

A-5: Elevations

A-6: Site Rendering

A-7: Trash Enclosure & Monument Sign Renderings

Ms. Casey introduced the applicants she was representing, BR70 East, LLC and CFBP, LLC, and explained how the properties are related and that due to the land swap between the two properties; bulk (c) variances were created on the BR70 East lot and an amended preliminary & final site plan was needed on the CFBP site. Additionally an environmental analysis is needed on the BR70 East property due to pre-existing environmental contamination. A Phase I was never done but they will go straight to the Phase II investigative stage done through a LSRP. The intent of the applicant is to remediate the site in question.

Ms. Luciani affirmed that before any zoning approval and building permits are issued, site remediation must be completed on the BR70 East property. The Board professionals are agreeable with the usage of the LSRP. Mr. Gonnelli testified that remediation work is already being performed (specifically taking gasoline out of the ground) and Ms. Luciani reiterated that a RAO is needed before any building can commence. Solicitor Burns echoed Ms. Luciani's stance on the issue.

Due to the land swap agreement with BR70 East and CFBP, contamination is now located on the CFBP site which already has the fully built and operation Lourdes Medical Center. Mr. Gonnelli said he would monitor the contaminants on the site and as they are removed. Solicitor Burns offered that the Department of Community Development can impose the Statewide Unrestricted Response Act, however if there is no contaminants found at the proposed location of the BR70 East building, that the Department of Community Development, in conjunction with ERI, can modify and/or eliminate that condition administratively and let construction work commence. Mr. Gonnelli was agreeable to those terms. Mr. Stridick reiterated the point of imposing these conditions are due to fact that the extent of the contamination is unknown and everyone involved wants to know the results of the contamination tests. As such, the applicant has agreed to provide the Department of Community Development and its professionals with all of the relevant environmental documentation pertaining to the contamination generated by the former Green Gas Station.

Mr. Gaulrapp presented the existing conditions plan along with the proposed site plan for the project. He explained that as part of the application that the applicant wants to consolidate the lots (1, 2, and 3) into

one (1) lot. Ms. Luciani clarified that essentially what is happening is that the applicants are adjusting their lot lines and then swapping lands and lastly BR70 East is consolidating those new lots. Mr. Gaulrapp continued explaining that these actions were taken to make the BR70 East property more rectangular. The proposal is for a 1 story 4,370 SF medical office facility with both on-lot and off-lot parking, a monument sign at the intersection, various landscaping, lighting, sidewalks, a loading area, and a trash enclosure. There will be a net of 30 parking spaces for the building, including handicap spots with accessible routes. Mr. Gaulrapp testified that based on their calculations, now stormwater management is needed on-site as it will be de minimus. Design waivers for landscaping, specifically for tree and shrub coverage are requested due to the limits on the site in terms of available locations for them. Various easements are also shown as per Exhibit A-4 for which Mr. Gaulrapp went into more detail on. Mainly it is for smooth flow between the BR70 East property and the Lourdes Medical Center. Ms. Casey explained that due to the changes in lot lines, many Bulk (C) variances were created.

Mr. Gonnelli explained to the board the rationale for the location of where the BR70 East building is proposed. Specifically, it would be a medical use and would have similar operations that current Lourdes site has. If for some reason Lourdes does not utilize this space, it would be strictly used as an office space. Mr. Gonnelli does not expect the site to be used as an urgent care as there is more demand for medical offices than urgent care centers. Ms. Luciani commented that if this does not become a Lourdes campus property, then the monument sign proposed along Route 70 would have to be reconsidered since the sign would then fall under off-site advertising, which is not allowed per the Township Zoning Ordinance. The applicants are also removing one of the two proposed façade signs, thus removing a variance from the application. The remaining proposed façade sign is permissible as per the Township Zoning Ordinance.

Mr. Westhafer testified as to the building footprint and site elevations. No floor plans are presented as there is no tenant for the building at this time. The footprint of the building will remain fixed. The architecture of the building will consist of the same materials that the CFBP site uses and BR70 East will use sustainable materials ranging from high efficiency lighting to a highly reflective roof to water management systems. A trash enclosure plan was also presented to the Board.

Ms. Casey mentioned that a request was made to increase the parking around the turn-around area (because it is a dead end) and square it off, which would require an additional variance (front yard parking setback). The bump-out in the design would make a variance. It would also allow for easier flow in the parking lot. Mr. Hunter had no problems with that site design adjustment. Additionally, the applicant testified that the inductor loop will be fixed as part of the development. Mr. Hunter was satisfied with this as well as their traffic analysis. A letter from NJDOT or the applicant's engineer that the certifying that the inductor loop was corrected to NJDOT specifications will be required.

Ms. Casey then outlined the variances requested that are pre-existing nonconformities. Mr. Hall then appeared before the Board to testify as to the new variances requested as part of the proposed project. He presented evidence that supported the need for the variances. Four for of the eight variances requested are needed do to bulk (c) variances created stemming from the lot line adjustments. Certain shared features of the site can't avoid the need for the requested variances. The variances needed for the monument sign were also explained in detail. Ms. Luciani made mention that the exact dimensions of the parking bump-out presented earlier in the hearing will need to be looked in to so as to determine the exact specifications of the variance needed for it.

Public Discussion: No comments from the public were received.

Motion: Mr. Hunter recommended that the parking space that is striped out on the plan be enlarged from 9 or 10 feet to 12 feet. The applicant agreed to this. The applicant will also note the ADA route on the plan and agreed to a night light function test. A title 39 will also be required on the BR70 East site. Additionally, the final location of the trash enclosure will be determined administratively by the Department of Community Development. Solicitor Burns reiterated the variances and conditions imposed upon the site. The Board then considered the application and testimony presented. John Osorio then made a motion to approve application 13-P-0007; seconded by Sara Lipsett to approve the application as presented and as noted above with conditions. The Board approved the application with the noted conditions with affirmative votes by Lipsett, McCormack, Jacobs, Dougherty, Osorio, Roskoph, Terry, and Doshi. Motion passes unanimously. Kevin McCormack then made a motion to approve application 12-P-

0005; seconded by Larry Terry, Sr. to approve the application as presented and as noted above with conditions. The Board approved the application with the noted conditions with affirmative votes by Lipsett, McCormack, Jacobs, Dougherty, Osorio, Roskoph, Terry, and Doshi. Motion passes unanimously.

Adjourned: 10:01pm