



**PLANNING BOARD**  
**Monday, October 21, 2013**  
**DRAFT MINUTES**

*You couldn't pick a better place.*

**OPENING:** The meeting was called to order by Chairperson Carole Roskoph at 7:34 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; Carolyn Jacobs; Brian Bauerle, Sara Lipsett; Hugh Dougherty; Kevin McCormack; John Osorio; Raymond Benitez; and Sangeeta Doshi.
- Professionals in Attendance: Paul Stridick, Secretary; Lorissa Luciani, Alternate Secretary; Jim Burns, Esq, Planning Board Solicitor; Stacey Arcari, Planning Board Engineer; Bob Hunter (relieved Ms. Arcari after 1<sup>st</sup> agenda item), Planning Board Engineer; and Jacob Richman, Planning Technician.

**COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

**ADMINISTRATIVE ITEMS:**

*Approval of Meeting Minutes from October 7, 2013:* Hugh Dougherty made a motion, seconded by Carolyn Jacobs to approve the meeting minutes from October 7, 2013. Affirmative votes by Roskoph, Bauerle, Lipsett, Jacobs, Dougherty, and Doshi. Minutes are approved.

**Agenda Items 1:**

**13-P-0033**

Block(s) 288.02 Lot(s) 7,8,9,11

Zone: Highway Business (B2) Zone

*Relief Requested: A minor site plan with bulk (C) variances for the redevelopment of a 37,427+/- square foot building, which includes tenant fit up, façade improvements, lot consolidation, signage upgrades and various site improvements for an urgent care facility.*

**MedExpress Urgent Care**

2322 Route 38

Cherry Hill, NJ

**Exhibits Submitted:**

Exhibit A-1: Elevations of MedExpress with Signage

Exhibit A-2: Color Coded Site Plan

**Discussion:** Applicant MedExpress Urgent Care, applied for a minor site plan with bulk (C) variances for the redevelopment of a 37,427+/- square foot building, which includes tenant fit up, façade improvements, lot consolidation, signage upgrades and various site improvements for an urgent care facility.; located at 2322 Route 38, Cherry Hill, New Jersey (Block 288.02 Lots 7,8,9,11). The property is owned by 2322 Route 38, LLC.

Application was represented by:

- Bob Mintz, Esq. – Attorney for the Applicant
- David Shropshire, PE, PP – Traffic Engineer
- Thomas D'Arrigo – Architect
- George Gusteck – Geologist
- David Delani – Director of Site Development for MedExpress

Bob Mintz introduced the application and mentioned that a lot consolidation will be required but that they would like to be able to occupy the building before receiving their lot consolidation so they can avoid having to file a major application with NJDOT. The property fronts on Church Road and Route 38 and the building has been vacant for quite some time. While the applicant would like a waiver of site plan

because there will be no building construction, they understand the Board is looking for a minor site plan in regard to developing the entire site. Mr. Mintz also requested a variance to be over the maximum parking amount (37 spaces) if the Board finds that it is applicable to their application. Ms. Luciani mentioned that their plans show the incorrect amount of parking spaces and that the applicant will correct that issue.

Mr. Delani confirmed that the applicant will be leasing the four lots on site. In terms of the business, MedExpress will provide various treatment options, some types of lab work (Radiology, etc.), and minor procedures. The staffing will be anywhere from 6 to 10 people and operate from 9am to 9pm daily (closed on Christmas and Thanksgiving). There will be no ambulance access on site. Also of note is that little trash is generated on site and that all medical waste will be properly handled and disposed of through an outside company. There will be a peak of about 10 patients per hour with an average stay time of 35-38min with a maximum length of stay of 45min per patient. In terms of parking, there will be 21 spaces on existing lot 11 and 10 spaces of the 16 spaces on lot 7 will be used by employees. In regard to ingress and egress on the site, it will be strictly a right in and right out circulation. Furthermore, deliveries will be done by a van and not trucks. Mr. Delani sees minimal adverse impacts and that in regard to lighting; they will do as much as they can to mitigate light spillage onto the nearby residential properties.

Exhibit A-1 was then introduced to the board showing site elevations and signage. Subject to the consolidation of the lots, the monument sign will be conditionally approved as long as it meets the sign ordinance requirements. Signage details were then discussed and were deemed to be in conformance as shown on the plans. The applicant also asked for a sign variance to have five signs where a maximum of four are allowed if the Board deems that five signs exist on site. Ms. Luciani recommended a variance request for the five signs. Ms. Luciani made it known that without lot consolidation, the applicant will not have frontage on Church Road. Mr. Mintz testified that the applicant will not erect their monument sign along Church Road until the lot consolidation is complete.

Mr. Shropshire testified in regard to a traffic assessment and the parking for the site. Regarding trip generation, the site will generate less than 20 trips during peak hours and found that peak parking demands are about 17 spaces used at around 10am. Mr. Shropshire testified that sufficient parking is planned for to handle peak usage times. Regarding on-site circulation, it will be right turn in and right turn out on both Route 38 and Church Road with a one-way clockwise circulation around the building and a two-way flow through the west side of the site along the parking spaces. Mr. Shropshire is also requested an LOI from NJDOT due to the minimal traffic generation the site will have. The lot consolidation will be done through NJDOT permitting and will apply for alternative access permits from NJDOT for the new opening on Route 38. Lastly, Mr. Shropshire spoke in regard to the signage package in that he believes it will provide proper identification and thus safe access onto the site.

Mr. Gustek presented Exhibit A-2 to the board showing a color coded site plan. Mr. Gustek testified regarding the site plan characteristics and the environmental conditions. With a thorough review done on the site and all the appropriate sources checked out, it was determined that it is highly unlikely that there are any environmental constraints on-site outside of some monitoring wells. Also addressed were the circulation, ADA pathways, and building footprint. The applicant also testified in regard to the residential buffer setback. The applicant testified that they will not be adding to the impervious surface area and it will be maintained as a pre-existing condition while lot 7 and 8 will remain open space. Mr. Benitez raised concerns on the turn radius onto Church Road. The applicant said that would make changes to the radius to be in compliance with the County. The applicant also said they would comply with the Township lighting ordinance requirements in addition to submitting an isolux plan and perform a night light function test as a condition of approval.

**Public Discussion:** Sheryl Tuckerman, President of the Church Road Civic Association, while in favor of the development of the property, expressed concerns about the circulation on site, specifically that it is made sure that it is only right in and right out of the property. Additionally, a dumpster along the property line with the Fire Department was also mentioned as nuisance and wanted the dumpster to be located elsewhere on site. Mr. Mintz said they will make sure the traffic flows in a right in and right out pattern and will also look at moving the dumpster to a different location.

Diane Martina of Cherry Hill reiterated request to have the dumpster moved but not any closer to the residential area due to trash from other businesses in the area being scattered along Church Road. Ms.

Martina mentioned she has contacted Property Maintenance about the issue who have been good about helping but wants to make sure the issue is stayed on top of. Ms. Martina also wanted to see the entrance and exit onto Church road at the corner of lot 9 as opposed to lot 7. Ms. Martina also asked why another urgent care is needed in Cherry Hill, to which the Board responded that they can't control what type of development takes place on a site (as long as it meets the zoning requirements). Lastly, Ms. Martina asked about some demolition that she testified has happened on the site to which Mr. Mintz said the property owner has done some work on the roadway. Ms. Luciani said that a property owner can pull demolition permits without zoning approval.

Argylo Philippoussas of Cherry Hill expressed concern about potential accidents along Church Road when turning in and out of the property as well as people cutting through the site (to go between Church Road and Route 38). Also of concern was people cutting through the nearby neighborhood and speeding. Chairperson Roskoph empathized with Ms. Philippoussas and offered her to work with Community Development and have a traffic officer out there to assess the situation. Ms. Luciani mentioned the Department is engaging in traffic calming plans as well.

Andrea Jones of Cherry Hill seconded the motion made by Ms. Philippoussas to have a traffic officer out in her neighborhood.

*Seeing more speakers, the public portion comment of the application was closed by Chairperson Roskoph.*

Mr. Dougherty then asked the applicant about the type of trash that is generated on site. Mr. Delani said there is very little trash and only will have trash pickup once every two weeks. All medical waste will be properly handled and disposed of. Ms. Lipsett opined that since there is very little trash generated is it necessary to have a dumpster and could regular trash cans be used? Mr. Delani said they have a nightly cleaning crew that comes in (in their other locations) to take the trash out and that it could be done as well as having the trash picked up more often. Ms. Jacobs then asked the applicant to consider having the nightly cleaning crew take out the trash on a daily basis and eliminate the need for a dumpster. Mr. Delani was agreeable to that stipulation and will remove the dumpster per administrative review. Ms. Luciani concurred and will reconstitute that area to open space and redefine the circulation in that part of the site. Mr. Osorio asked about the landscaping on site to which Ms. Luciani said there was a landscaping plan and would look at adding more landscaping to buffer the residential properties. The applicant was agreeable to this condition.

Ms. Arcari then went through ERI's review letter and addressed with the applicant's architect various design waiver issues.

**Motion:** Following Solicitor Burns' reading the conditions imposed upon the application, and the variances needed (removing the parking variance), Hugh Dougherty made a motion which was seconded by Carolyn Jacobs, to approve the application for a minor site plan and bulk (C) variances with the noted conditions. Affirmative votes by Roskoph, Bauerle, Lipsett, Jacobs, McCormack, Dougherty, Osorio, Doshi, and Benitez. Motion passes unanimously.

*Note that following the end of the agenda item, Stacey Arcari stepped down from the dais and was replaced by fellow ERI Planning Board Engineer, Robert Hunter.*

**Agenda Items 2:**

**07-P-0020**

Block(s) 102.01 Lot(s) 1

Zone: Regional Business (B4) Zone

*Relief Requested: A relief of condition from prior phasing plan approvals.*

**Manhattan Management Co. (Cherry Tree)**

535 Route 38

Cherry Hill, NJ

**Exhibits Submitted:**

Exhibit A-1: Proposing Phasing Site Plan

**Discussion:** Applicant Manhattan Management Company, applied for a relief of condition from prior phasing plan approvals; located at 535 Route 38, Cherry Hill, New Jersey (Block 102.01 Lot 1). The property is owned by Manhattan Management Company.

Application was represented by:

- Mike McKenna, Esq. – Attorney for the Applicant
- Scott Taylor, AICP, PP, LLA – VP of Taylor Design Group
- Joseph Romagnano – Applicant’s Representative

Mr. McKenna began the application’s hearing by talking about the prior application that Cherry Tree Corporate Center had with the Board and how it was all about beautifying the site, including erecting a headwall and doing off-site improvements through a developer’s agreement. Also discussed was the prior site approvals granted and that the applicant is now asking for a relief of prior phasing plan approvals which stems from pressing economic concerns by the applicant. More specifically, Mr. McKenna wants relief from certain required phasing plans and instead have some of those requirements be optional.

Mr. Taylor approached the Board to address the planning and landscape architecture of the site as they related to the prior site plan approvals. Mr. Taylor mentioned that Manhattan Management Corporation back in 2005 wanted to improve the campus in order to attract tenants and how they discussed a laundry list of possible improvements to implement. The applicant came to the Board in 2007 to get approvals for their landscaping, signage, and facility upgrades (such as a fencing structure for a particular tenant). Also of note was the ingress on Olive Street in order to improve the access onto the site.

Mr. Taylor then went into detail about the items they have not completed on site yet including the picnic area which the applicant hopes to update in the near future. Mr. Taylor further explained that there was five specific phases for implementing these improvements as shown in Exhibit A-1 that shows the proposed phasing plan (split into 3 categories: Completed, Required/Mandatory, and Permissive/Optional Items). The applicant testified that they will continue to be a good neighbor by picking up the trash after 7am as opposed to some haulers that have come prior to that hour. Also testified was that a storage trailer for the construction materials used to build some of the proposed improvements will, as a condition of the termination of the developer’s agreement, remove that trailer. Mr. Taylor estimated that the applicant has spent a “few hundred thousand” on the various improvements so far. While the items regarding the maintenance storage building/trash enclosure area, reconstruction of the picnic area, and the tenant storage building have not yet been slated to be put in yet, the applicant does plan on putting the landscaping and buffer fence on the east side of the property. The applicant plans on using a 6 foot high fence that uses a grey vinyl fence that won’t have gaps between the boards (stopping trash from blowing between the site and the residential properties as well as to increase the privacy). The fence will also be of more durable materials that complements the site aesthetics. The plan is to have the fence completed in the next 30 to 45 days.

Mr. Osorio expressed concern over the fact that the trash enclosure will remain in the same location in that it’s close to the nearby neighbors and that the trash enclosure was not completed. Mr. Taylor said that requested permissive/optional items noted would expire if the permit extension act is not extended and would agree to have all of the variances extinguish if that is case (usually they run with the land). As for the other noted optional items including the site & building signage upgrades, north/main entrance plaza expansion, bus stop relocation, accent landscape enhancements, and main parking area drive realignment, Mr. Taylor said the applicant will complete those items if they can afford to do them. If they cannot be done in the next 15 to 18 months, the applicant knows they have to come back to the Board for minor site approval to complete those items. Solicitor Burns made clear that these items were prior conditions of approval to which Mr. McKenna said that these items need not be done even though they have received engineering approvals. The applicant said they will maintain the picnic area and have continued to do so. Ms. Luciani reiterated that if the permit extension approvals expire, the applicant will need to come back for the Board to permit the items not yet constructed.

Following the discussion of the permit extension act, prior variances were discussed including the signage approvals. Mr. Dougherty then expressed concerns about mitigating the impacts of the buffer zones and signage through landscaping. Mr. Dougherty elaborated that not implementing the landscape enhancements goes against the intention of the ordinance to mitigate the impacts of signage and parking. Mr. Benitez then spoke in regard to the stream corridor and headwall to make sure it was being constructed and inspected. The applicant mentioned it is completed and inspected. As a follow up, Mr. Benitez asked for clarification on the completion of the fence which the applicant said they are in the process of swapping out the wood paneling for the grey vinyl fence as long as they receive Board

approval to do so. After the applicant spoke of the ongoing work with the headwall to buffer the stream corridor, the Board raised concern that the Engineering Department has not been notified of ongoing work and haven't been out to the site in months to inspect the construction. Ms. Luciani stressed that the applicant has to call the Engineering Department to schedule inspections and is also important due to the two-year landscape maintenance bond they will need to submit.

**Public Discussion:** Seeing no public comments, Chairperson Roskoph closed that portion of the meeting.

**Motion:** Following Solicitor Burns' reading the conditions imposed upon the application and the relief from various items that the applicant requested (the applicant clarified that the existing storage trailers will be removed and that the tenant storage building will not be required to be constructed), Carolyn Jacobs made a motion which was seconded by Brian Bauerle, to approve the application for a relief of conditions with the noted stipulations. Affirmative votes by Roskoph, Bauerle, Lipsett, Jacobs, McCormack, Doshi, and Benitez. Votes in the negative by Dougherty and Osorio who specifically mentioned being uncomfortable with having the landscape enhancements be a permissive item. Motion passes 7-2.

*Following the vote, Chairperson Roskoph called for a brief recess at 9:33pm and at which time, Councilwoman Lipsett recused herself from the remainder of the meeting. The meeting was called back to order by Chairperson Roskoph at 9:38pm.*

### **Agenda Items 3:**

#### **Preliminary Investigation for an Area in Need of Redevelopment**

Block(s) 431.18 Lot(s) 8

110 Woodcrest Road

Zone: Industrial Restricted (IR) Zone

Cherry Hill, NJ

**Discussion:** Robert Melvin of Group Melvin Design, a professional planner whom, on behalf of and directed by the Planning Board, conducted a Preliminary Investigation for an Area in Need of Redevelopment for the site located at 110 Woodcrest Road, Cherry Hill, New Jersey (Block 431.18 Lot 8). The property is owned by Vineland Construction Company.

The presentation was given by:

- Robert Melvin, PP, AICP – Owner of Group Melvin Design

The following presentation by Mr. Melvin was based on a Preliminary Investigation Report prepared on October 9, 2013, and conducted by Group Melvin Design for the property located at 110 Woodcrest Road to see whether the site met the requirements of designating the property as an area in need of redevelopment.

After being introduced by Ms. Luciani, Mr. Melvin, with the assistance of a PowerPoint presentation, showed maps of the site and described its characteristics and relation to other nearby sites including the Woodcrest PATCO station, I-295, the NJ Turnpike, and the Woodcrest Corporate Center. Mr. Melvin made clear that the presentation is to determine whether this site meets the criteria in order to be declared a redevelopment zone as opposed to presenting a physical site plan. With this in mind, Mr. Melvin believe that through his investigation of the site that it meets two criteria as outlined in the Local Redevelopment and Housing Law. Specifically, the two criteria are "Obsolete Layout & Design" and "Smart Growth Consistency" (sections D and H).

Mr. Melvin then went into a detailed look at the process involved with designating an area in need of redevelopment and mentioned that this phase was only in the first part of a three-step effort in that a recommendation needs to be made to Township Council before the site can be officially declared an area in need of redevelopment. After mentioning Group Melvin Design's methods for making their determination, which included site visits and various studies, Mr. Melvin proceeded to give an overview of the criteria that was met under Obsolete Layout & Design and Smart Growth Consistency.

Starting with Obsolete Layout & Design, Mr. Melvin first noted that based on the site visits that he found the site to be a deleterious land use. This was backed up with pictures and testimony that concluded there was improper storage of hazardous materials, a lack of a proper fire suppression system, structural issues, an absence of insulation, and an abandoned penthouse structure. Additionally, a lack of sidewalk and

pedestrian amenities as well as the parking and loading areas being in poor condition contributed to this finding. Furthermore, it was deemed that the building is obsolete in that the current loading area and circulation system on-site do not accommodate modern tractor trailer usage nor does the freight rail exist anymore. Other issues include insufficient plumbing, exterior degradation, and the fact that 40% of the building is vacant and with only one tenant (Victory Refrigeration), the building is vastly underutilized. The property owner asking for a tax reduction (which was granted) also is contributing to the obsolescence of the building in that the community as a whole is affected by their reduced rate. Next, the building has substandard parking facilities and does not support infrastructure that can connect people to nearby mass transit options. The issues with the building cause a loss of valuable productive land. Lastly, Group Melvin Design identified a number of stormwater management issues including faulty stormwater management design (causing on-site pooling of water), pollution, mosquitos (which are attracted to pools of water), and that DEP identified a number of concerns with the site. It was provided that the 2007 Master Plan Reexamination Report calls for nonstructural or low impact BMP's.

The other criteria Mr. Melvin presented on was Smart Growth Consistency. It was testified that since the site is within a ¼ mile to a ½ mile of a train station and the NJ Turnpike and I-295, it has the potential to be a very valuable piece of land because it has so many transit options nearby. The 2007 Master Plan Reexamination Report stresses provide pedestrian and bike facilities and improve the connections to mass transit through safe corridors. Currently, the site is inconsistent with the Township's Master Plan. On a final note, Mr. Melvin made mention that the presentation will serve as addendum to the official Preliminary Investigation Report submitted on October 9, 2013.

*Following the conclusion of the presentation, Chairperson Roskoph opened the floor for public comment.*

**Public Discussion:** Eileen Kuriskin, who identified herself as the tenant of the site (Victory Refrigeration), had concerns about her lease on the property. It was testified that Victory Refrigeration has a lease agreement with the property owner that goes until the end of 2014 with a possible 3-month extension. Also of concern was the issue of 133 employees currently working in the building. Solicitor Burns mentioned that the presentation they heard tonight was only to make a recommendation to Council as to whether the site should be designated an area in need of redevelopment and that only lawyers could potentially help out her lease situation with the property owner. Ms. Kuriskin also raised curiosity as to the processes that has to take place in order to designate a site an area in need of redevelopment and asked for a timeline. Secretary Stridick said that it is an undetermined amount of time and that whatever the Planning Board decides will go to Council to which Council can accept, reject, or amend the Planning Board's recommendation.

**Motion:** Following Board discussion and consideration of the facts and findings made by Mr. Melvin, Hugh Dougherty made a motion, which was seconded by John Osorio to close the hearing on the area in need of redevelopment. Affirmative votes by Roskoph, Bauerle, Jacobs, McCormack, Dougherty, Osorio, Doshi, and Benitez. The motion to close the hearing passes unanimously.

Solicitor Burns then chimed in that he believes Mr. Melvin gave adequate legal testimony to designate this site as an area in need of redevelopment because it meets the requirements of the law.

Immediately following Solicitor Burns' statement, John Osorio made a motion, which was seconded Hugh Dougherty to recommend to Township Council that the site located at 110 Woodcrest Road (Block 431.18 Lot 8) be designated as an area in need of redevelopment. Affirmative votes by Roskoph, Bauerle, Jacobs, McCormack, Dougherty, Osorio, Doshi, and Benitez. The motion passes unanimously.

Mr. Osorio and Mr. Dougherty commended the report and firmly believe that the presentation and report have shown that this site meets the criteria as set out in the Local Redevelopment and Housing Law. Furthermore, Ms. Jacobs stipulated that she wants to see Council do everything that they can in order to help Victory Refrigeration satisfy their lease agreement with the property owner.

**Resolution 1:**

**Preliminary Investigation for an Area in Need of Redevelopment**

Block(s) 431.18 Lot(s) 8

110 Woodcrest Road

Zone: Industrial Restricted (IR) Zone

Cherry Hill, NJ

**Motion to Ratify:** The Board considered the stipulations set forth in the Resolution to recommend that Township Council designate the site located at 110 Woodcrest Road (Block 431.18 Lot 8) be designated as an area in need of redevelopment. Hugh Dougherty made a motion, seconded by Brian Bauerle to ratify the Resolution. Affirmative votes by Roskoph, Bauerle, Jacobs, McCormack, Dougherty, Osorio, Doshi, and Benitez. The resolution is ratified.

**Meeting adjourned at 10:21 PM.**