



ZONING BOARD OF ADJUSTMENT
Thursday, February 20, 2014
DRAFT MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Chairperson Rardin at 7:53 pm.

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; Daniel DiRenzo Jr.; Harry Schmoll; Farhat Biviji, Vice-Chairperson; and Jonathan Rardin, Chairperson.
- **Professionals in Attendance:** Paul Stridick, AIA, Director of Community Development; Anthony Zappasodi, Esq., Planning Administrator; Jacob Richman, Planning Technician; Stacey Arcari, PE, Zoning Board Engineer; and Deena Greble, Esq., Zoning Board Solicitor. Solicitor Greble administered oaths to Mssrs. Stridick, Zappasodi, and Richman and to Mrs. Arcari.

BOARD POLICY STATEMENT: Read by Chairperson Rardin.

COMMENTS FROM THE PUBLIC: None received.

ADMINISTRATIVE ITEMS

Meeting Minutes from January 16, 2014: Mrs. Rovner made a Motion to Approve the Minutes from 1/16/14, which was seconded by Mr. Schmoll, with affirmative votes by Maitland, Rovner, DiRenzo, Schmoll, Biviji, and Rardin. None opposed.

AGENDA ITEMS

13-Z-0045

Block(s) 434.24 Lot(s) 5 & 8
Zone: Residential (R1) Zone

Advocare, LLC (Kressville Pediatrics)

710 Kresson Rd & 496-B Browning Lane
Cherry Hill, NJ

Relief Requested: The Applicant is requesting a D(2) use variance, bulk (C) variances, and a Minor Site Plan approval and various site improvements to expand an existing pediatric medical office. The Applicant is requesting a D(2) use variance to permit the expansion of an existing nonconforming use (medical office in a single family residential (R1) zone) in order to permit an additional one hundred ninety-three (193) square feet of medical office.

The Applicant was represented by Attorney Robert Mintz, Esq. from the Freeman & Mintz law firm, and offered Henry Haley, PP, PE, as an expert in support of the application, along with Dr. Cyrus Mohazzebi and Dr. Mahbod Mohazzebi, as additional witnesses. Mr. Mintz provided some initial background information and history with regard to the site and the existing Pediatrics medical practice. Mr. Mintz stated that the property is located within the R1 zone but that it previously received a Use Variance in February of 1970 to conduct a Medical Doctor's Office within a Dwelling with the conditions that the owner must occupy the living quarters and have a minimum of six parking spaces. Dr. Cyrus Mohazzebi, the founder of this father and son medical practice, seeks to move out of the property into a new residence thereby utilizing the second story of the structure as personal space. The proposed 193 square foot addition would move the entrance of the medical office to the rear of the building for ease of ADA compliance. The addition is not tied to an increase in the volume of patients seen by the office despite the enhancements, which would include: separate wellness and sick waiting rooms; a vestibule entry with enhanced reception area; and a total of eight (8) patient rooms. There is no anticipated change in staff as the number of patients is controlled so as to allow for a reasonable time frame spent with each patient. Mr. Mintz said that the proposed addition is more to allow the pediatrics office to reach its current efficiency rather than a true conventional expansion.

A copy of the Existing Conditions and Demolition Plan was marked at Exhibit "A-1". A color rendering entitled Site Exhibit was marked as Exhibit "A-2". A color rendering entitled Site Exhibit – Revised was marked as Exhibit "A-3".

The First Floor Plan was marked as "Exhibit A-4". Mr. Mintz stated that the Applicant would agree to consolidate the two lots, specifically lots 5 and 8, via new Deed as a condition of any approval.

Mr. Haley provided testimony regarding the site orientation and the existing buildings. He confirmed that there is presently two way vehicular access at both Kresson and Browning Roads, but that the newly proposed site orientation and traffic circulation will be one way in from Kresson Road and one way out to Browning Road. Mr. Haley testified that there will be twenty-two striped parking spaces, that the materials to be used for the addition will blend with the existing materials and not alter the residential character of the building, and that there will be additional landscaping long the east, west, and south sides of the property. Mr. Haley testified regarding the revised site plan (Exhibit "A-3") highlighting that the proposed parking spaces have been moved farther away from the adjoining residential properties and the impervious coverage reduced thereby. Mr. Haley opined that the revised site plan would make for better traffic circulation on-site and decrease the impact on Kresson Road since it is safer to exit via Browning Road. Twelve Color Photographs of the existing site conditions were marked as Exhibit "A-5". Mr. Haley confirmed that the existing garage and swimming pool would be demolished as part of this application. Mr. Haley also explained that the Applicant would agree to add a privacy fence along the west of the property to screen lots 6 and 7. He stated that the Applicant would agree to obtain a site line triangle easement along Browning Road as a condition of any approval. Mr. Haley went over the bulk variance requests related to parking and signage; he highlighted that the four bulk variances were all existing nonconformities. Mr. Haley also testified regarding the requested design waivers pertaining to: landscaping, buffers, planting types, the dimensions of the loading area, driveway size and area, bicycle facilities, sidewalk, and curbing. Mr. Haley stated that the Applicant would comply with the Ordinance related to Lighting, as the Applicant will try for Acorn-type lights and/or shields so that there is no improper light spillover onto adjoining residential properties. Mr. Haley testified that the trash from the medical office will be handled by a private hauler. Mr. Haley opined the following: that there would be no increase in noise, glare, or odors and that the site is sufficiently buffered; there is no substantial detriment in granting the use variance; that the site is particularly suited for a medical office; that it would be a hardship for the Applicant to relocate the entire medical practice; and that Pediatrics support the well-being of the entire community. He agreed on behalf of the Applicant to work with the Department of Community Development regarding the signage along both Browning and Kresson Roads. Mr. Haley agreed on behalf of the Applicant to work with the Zoning Board Engineer to finalize the removal of a parking island as per Exhibit "A-3".

Dr. Mahbod Mohazzebi testified that he grew up in the house at this property and that he joined his father's practice as a physician himself. He testified regarding the office operations and clarified the existing and proposed floor layout and the desire for a more efficient patient experience. Dr. Mohazzebi confirmed that there would be 8 total patient rooms with a maximum of six examination rooms with one additional room for emergencies/triage and one smaller room for asthma treatment or breastfeeding. He discussed generally how many patients are seen per hour, and the reasoning behind differentiating between wellness and sick exam/waiting rooms. He agreed to limit the number of physicians to two doctors at any one time and to limit the support staff to four at any one time (with the exception of administrative staff).

Mrs. Arcari testified regarding the review letter from Environmental Resolutions Inc. dated February 10, 2014. She highlighted that there was no objection to use of arbor vitae in this instance and reiterated all of the requested bulk variance and design waivers. The Applicant agreed to adhere to the comments contained in the letter.

Mr. Zappasodi testified regarding the review letter from the Department of Community Development dated February 10, 2014. He highlighted the lot consolidation, the sight line triangle, the signs, the unique shape and history of the lots, and the need for the privacy fence along the western side of the property. The Applicant agreed to adhere to the comments contained in the letter.

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

Motion to Approve the Use (d2) Variance, Bulk (c) Variances, and Minor Site Plan with design waivers and with enumerated conditions as specified: Motion made by Mr. Maitland and seconded by Mr. DiRenzo, with affirmative votes by Maitland, Rovner, DiRenzo, Schmoll, Biviji, and Rardin. None were opposed. Motion carried.

RESOLUTIONS

None.

Meeting Adjourned: 9:30 pm.