



PLANNING BOARD
Monday, July 21, 2014
DRAFT MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Chairperson Brian Bauerle at 7:30pm

PLEDGE OF ALLEGIANCE: Led by Chairperson Bauerle.

OPMA STATEMENT: Read by Chairperson Bauerle in compliance with the Sunshine Law.

ROLL CALL

- **Members in attendance:** Brian Bauerle; Carole Roskoph; John Osorio; Kevin McCormack; Hugh Dougherty; Larry Terry; Sam Kates; Moly Hung; and Marlyn Kalitan.
- **Professionals in attendance:** Lorissa Luciani, PP, AICP, Deputy Director; Jim Burns, Esq., Solicitor; Stacey Arcari, Planning Board Engineer; and Jacob Richman, Planning Technician.

Comments from the Public not related to tonight's agenda: None.

ADMINISTRATIVE ITEMS

Adoption of Meeting Minutes from July 7, 2014: Hugh Dougherty made a motion, which was seconded by John Osorio, to adopt the Meeting Minutes from July 7, 2014. Affirmative votes by Bauerle, Osorio, Dougherty, Roskoph, Terry, Hung, and Kalitan. Minutes are approved.

Prior to the first agenda item, Chairman Bauerle made an announcement that the previously scheduled resolution for South Jersey Medical Center (14-P-0003) would be moved to the August 4, 2014 meeting of the Planning Board.

AGENDA ITEMS

Agenda Item 1:

14-P-0015

Block(s) 436.03 Lot(s) 19

Zone: Residential (R10) Zone

Relief Requested: A minor site plan with a bulk (C) variance to construct a 666 SF community room addition in the side yard on the existing concrete patio.

M.S. Handicapped Housing, Inc. (MSAA Commons)

1240 Marlkress Road

Cherry Hill, NJ

Exhibits Submitted:

A-1: Photo of side yard buffer

A-2: Photo of side yard from Marlkress Road

Discussion: Applicant M.S. Handicapped Housing, Inc., applied for a minor site plan with a bulk (C) variance to construct a 666 SF community room addition in the side yard on the existing concrete patio.; located at 1240 Marlkress Road, Cherry Hill, New Jersey (Block 436.03 Lot 19). The property is owned by M.S. Handicapped Housing, Inc.

Application was represented by:

- Chuck Wigginton, Esq. – Attorney for the Applicant
- Rene Purcell – Site Manager for M.S. Handicapped Housing, Inc.
- Ronald Faul, AIA – Architect from Compass Architectural Design

Mr. Wigginton introduced the application for a minor site plan with a bulk variance to permit a community room addition within the side yard setback. The one-story community room will be approximately 666 SF and will be attached to the existing building.

Ms. Purcell approached the Board and described her duties as site manager at M.S. Handicapped Housing AKA MSAA Commons. Ms. Purcell mainly deals with resident and site issues. She explained that MSAA Commons has 24 units for mobility impaired residents and that their facilities are design specifically for people who have trouble moving around. Ms. Purcell confirmed that all 24 units are occupied. Ms. Purcell also confirmed that they had submitted and were approved for a two-story addition about 10 years ago but they were never able to build the addition due to funding issues. Eventually their approvals expired. Ms. Purcell explained that they have an existing community room but that it is very small and can only accommodate about 8 people. Their current room holds various events including parties and holidays (in addition to being a common room) and that the purpose of a larger community room is so that more residents can use the space at the same time. When asked about funding this time around, Ms. Purcell explained that the addition is fully pre-funded and that once approved, the money in waiting will be used to build the addition. Ms. Purcell added that the current community room has a kitchen area and that it won't be moved to the new addition.

Ronald Faul then appeared before the Board to provide professional testimony regarding the architecture and design of the addition. First, Mr. Faul stated that he agreed with all conditions and revisions as outlined in the Department of Community Development's June 26, 2014 review letter. Mr. Faul then proceeded to describe the site, including the parking configuration and site circulation. Mr. Faul also pointed out that the addition will not be visible from Markkress Road per Exhibit A-2. In addition to not proposing signage, Mr. Faul stated that impervious coverage will not be increased as the community room will be situated on top of the existing concrete patio. It was also confirmed that there will be no increase in staff or tenancy due to this application. Mr. Faul testified that if the addition is approved, an existing privacy fence that separate the patio and parking area will be removed. Mr. Faul also testified that he foresees no undue harm on neighboring properties if the addition is built as the nearest property to the addition is a storage yard. For that reason, the applicant requests that a variance be granted to permit a 39' side yard setback where a minimum of 50' is required. Lastly, Mr. Faul touched based on stormwater management and materials. In regard to stormwater management, the roof drains on the addition will be routed into the green space and since the ground is flat, it will be able to handle water runoff on-site. Mr. Faul also confirmed that the materials used in the addition will match the existing building's materials.

Public Discussion: Seeing none, Chairperson Bauerle closed that portion of the meeting.

Motion: Following the reiteration of the variance and provided testimony for the application by Solicitor Burns, Hugh Dougherty made a motion, which was seconded by Carole Roskoph, to approve the application with the conditions as stated. Affirmative votes by Bauerle, Osorio, McCormack, Dougherty, Roskoph, Terry, Kates, Hung, and Kalitan. The application is approved unanimously.

Following the unanimous approval, Sam Kates announced that he is recusing himself from the remainder of the meeting as he has a conflict with the upcoming application.

Solicitor Burns then made an announcement stating that while he does not have a current conflict with the upcoming application, he had a prior professional relationship with the applicant. Chairman Bauerle noted the statement on the record.

Agenda Item 2:

14-P-0012

Block(s) 500.01 Lot(s) 11

Lazgor, LLC

1005 Astoria Blvd

Zone: Industrial Restricted (IR) Zone with a Restricted Business (IR-RB) Overlay Zone. Cherry Hill, NJ

Relief Requested: A Preliminary & Final Major Site Plan with Bulk (C) Variances to construct a 19,128 SF (17,500 SF gross leasable area [GLA]), one-story office building.

Exhibits Submitted:

None

Discussion: Applicant Lazgor, LLC, applied for a Preliminary & Final Major Site Plan with Bulk (C) Variances to construct a 19,128 SF (17,500 SF gross leasable area [GLA]), one-story office building; located at 1005 Astoria Boulevard, Cherry Hill, New Jersey (Block 500.01 Lot 11). The property is owned by Lazgor, LLC.

Application was represented by:

- Richard Goldstein, Esq. – Attorney for the Applicant
- Peter Lazaropoulos – Principal & Developer of Lazgor, LLC
- Bryan Hall, PE – Site Engineer

Mr. Goldstein began the application by giving an overview of the site at the corner of Astoria Blvd and Perina Blvd and that the majority of the site is composed of wetlands. The small uplands portion of the site (along Astoria Blvd) is the only developable piece of land on the entire property and that is it constrained due to the irregular shape of the wetlands buffer lines. The applicant proposes a one-story 19,128 SF office building (17,500 SF GLA)

with a multitude of stormwater management and site improvements. The property is zoned Industrial Restricted and is located near a number of different types of businesses in that zone including offices, storage yards, and light industrial uses. Mr. Goldstein stated that the applicant is requesting several variances which are mostly needed due to the tight buffer constraints. The following variances are requesting: a front yard setback of 15' where 30' is required (for the building), a right-of-way parking setback of 10' where 20' is required, a basin setback of 6.1' from the front yard where 10' is required, and to permit a 32 SF monument sign where properties with a building under 20,000 SF are not permitted a sign in the Industrial Restricted zone (the applicants building is 19,128 SF).

Mr. Lazaropoulos was the first witness to be called. He first acknowledged his familiarity with the site and that the intention was to have an office building built for ICE (Immigration, Customs, and Enforcement). While Mr. Lazaropoulos does not know if they will have ICE as their tenant (they are currently second in line for the contract), the building has been built to their RFP specifications. Mr. Lazaropoulos stated that if they do not get ICE as their tenant, the building can still be used for general office. Mr. Lazaropoulos then explained what their operations would be which consisted of a typical office set up with approximately 40 to 45 employees no matter who the tenant is. Deliveries will be done by UPS or FedEx trucks in the front of the building and for that reason, it was testified that a loading zone was not needed (design waiver request). The trash enclosure will be located on the north side of the property which a garbage truck will easily be able to access. While no façade sign is requested, the applicant proposes a 32 SF monument sign along Astoria Blvd as their means to identify the building. The reason they need the variance for the sign, as it was testified, was that due to the large 600' frontage along Astoria Blvd, the applicant wanted to be able to properly identify the entrance to the site. In regard to traffic, Mr. Lazaropoulos stated that the development will cause little traffic as the site will mainly be used by employees with very few visitors. The site is also connected and nearby to major thoroughfares in Cherry Hill so plenty of travel options are abound. Mr. Lazaropoulos reiterated Mr. Goldstein comments related to the need for the variances and that the irregular shape of the buildable lot area (due to the wetlands buffers) makes the site area very tight. The Board then asked Mr. Lazaropoulos a number of questions. Mr. Lazaropoulos first responded to whether there would be holding areas in the office. He stated that there would no overnight holding areas but that there will likely be a room to hold people temporarily. Some employees will also be licensed to carry a gun and that the office building will not hold any contraband. Additionally, Mr. Lazaropoulos testified that if ICE is not the future tenant then the office could be split up to house 1 or a maximum of 2 tenants. Furthermore, if ICE is not the future tenant then the proposed 6' wrought-iron perimeter fence will be removed. The applicant also agreed to have let the Department of Community Development have control over the floor plan layout if ICE is not the tenant. Lastly, Mr. Lazaropoulos mentioned that the proposed outdoor picnic area on the south side of the property will be landscaped.

Mr. Hall appeared before the Board next to provide testimony in regard to the site engineering. First, Mr. Hall described the how main entrance on the north side and the rear entrance on the south side of the property and their two separate entrances. The rear entrance would be for employees only. Since it is a brand new site, new utility connections will be provided along with site lighting, various landscaping, buffering, and basin landscaping. The basin is located on the south side of the property. The stormwater system will also be fully integrated into one comprehensive stormwater facility and management system. Mr. Hall then spent time covering ERI's review letter but mentioned that he agreed with the majority of ERI's letter. Mr. Hall then proceeded to discuss with Ms. Arcari about bollard placement and NJDEP permitting. Mr. Hall testified that the proposed stormwater facilities will actually be an improvement over the way the land naturally manages stormwater runoff. Mr. Hall and Ms. Arcari then went through the requested design waivers regarding street trees, parking islands, lighting, loading spaces, and sidewalks. Mr. Hall then continued by giving an overview of traffic flow and road connections. Mr. Hall confirmed that the applicant would not be required to make any road improvements as they do not have frontage along County or State roads (only on a Township road). Further discussion then took place regarding street trees between the Board and Mr. Hall and Mr. Lazaropoulos. It was explained that site, situated on the uplands, contained much small in diameter trees so they would not need to have a one for one replacement. Ms. Luciani did acknowledge this to the Board but also mentioned that the applicant still had to do landscaping per the Township landscaping ordinance. Mr. Lazaropoulos then mentioned that all site improvements would not hinder any site triangle visibility. Additionally, of the over 6 acre site, only a little over 1 acre would be disturbed by development. Mr. Hall concluded his testimony by stating they have submitted revised ADA accessibility plans and that he would work with Community Development in conformance in order to make sure it is up to code.

The Board then asked about the letter between Phil Caton (Township Special Court Master) and Richard Goldstein regarding if the site is appropriate for housing. It was confirmed that Phil Caton agreed that the site was not suitable for housing. Mr. Goldstein then went through some of Community Development's comments regarding landscaping, lighting, and sidewalks. Ms. Luciani noted that the applicant will be subject to a night light function test prior to final approvals.

Mr. Lazaropoulos finalized his testimony by discussing the architecture, materials, and floor plans of the building. The materials would consist of brick, dryvit, awnings, and detail work. The floor layout and fenestration would be subject to finalizing the details with the future tenant but that Community Development would have

administrative review over those details. In regard to security, the applicant will provide keys to the site so that emergency services have full access to the site. Additionally, other security features will be put in place. Mr. Goldstein then closed his client's testimony by reiterating that the variances are needed due to the constraints upon the buildable area of the site stemming from the wetlands buffer.

Public Discussion: Seeing none, Chairperson Bauerle closed that portion of the meeting.

Motion: Following the reiteration of the variances and conditions imposed upon the application by Solicitor Burns, Carole Roskoph made a motion, which was seconded by Hugh Dougherty, to approve the application with the conditions as stated. Affirmative votes by Bauerle, Osorio, McCormack, Dougherty, Roskoph, Terry, Hung, and Kalitan. The application is approved unanimously with the note that Sam Kates recused himself prior to the application.

Resolutions:

None.

Meeting Adjourned: at 9:10 PM.