



**PLANNING BOARD**  
**Monday, August 18, 2014**  
**DRAFT MINUTES**

*You couldn't pick a better place.*

**OPENING:** The meeting was called to order by Carolyn Jacobs at 7:44pm

**PLEDGE OF ALLEGIANCE:** Led by Carolyn Jacobs.

**OPMA STATEMENT:** Read by Carolyn Jacobs in compliance with the Sunshine Law.

**ROLL CALL**

- **Members in attendance:** Carole Roskoph; Carolyn Jacobs; Larry Terry; Gina LaPlaca; Moly Hung; and Marlyn Kalitan.
- **Professionals in attendance:** Paul Stridick, AIA, Director; Lorissa Luciani, PP, AICP, Deputy Director; Jim Burns, Esq., Solicitor; Bob Hunter, PE, 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 August 4, 2014:* Carole Roskoph made a motion, which was seconded by Gina LaPlaca, to adopt the Meeting Minutes from August 4, 2014. Affirmative votes by Roskoph, Jacobs, Terry, Hung, LaPlaca and Kalitan. Minutes are approved.

**AGENDA ITEMS**

**Agenda Item 1:**

**14-P-0016**

Block(s) 284.01 Lot(s) 17-20 & 22  
Zone: Highway Business (B2) Zone

**Lazgor, LLC**

Route 38 & Coles Avenue  
Cherry Hill, NJ

*Relief Requested: A preliminary and final major site plan with a Lot Consolidation (five lots into one lot) to redevelop vacant commercially zoned land into new office and retail establishments.*

**Exhibits Submitted:**

A-1: Site Plan provided to Board

A-2: Zoning Map of Area, Site Lighting Map, and Site Elevation from Route 38

A-3: Cherry Hill's B2 Zoning Ordinance

A-4: Aerial Photo of Site and Surrounding Uses

A-5: Architectural Elevations/Renderings of Site

A-6: Sign on Lot 23

O-1: Pictures of Lot 23 Property (Provided by member of the public, Richard Karpf)

O-2: Letter sent to Community Development in November 2013 by Richard Karpf (Provided by member of the public, Richard Karpf)

**Discussion:** Applicant Lazgor, LLC, applied for a preliminary and final major site plan with a Lot Consolidation (five lots into one lot) to redevelop vacant commercially zoned land into new office and retail establishments; located at Route 38 & Coles Avenue, Cherry Hill, New Jersey (Block 284.01 Lots 17-20 & 22). The property is owned by Lazgor, LLC.

Application was represented by:

- Richard Goldstein, Esq. – Attorney for the applicant
- Stephen Nehmad, Esq. – Attorney from Nehmad, Perillo & Davis
- James Miller, PP, AICP – Planner for the applicant
- Peter Lazaropoulos – Principal of Lazgor, LLC and property owner
- David Shropshire, PE, PP – Traffic Engineer for the applicant
- Scott Logan – Area construction Manager for McDonald's

Richard Goldstein began the presentation of the application by giving an overview of the site in question and also confirmed that all noticing requirements have been completed properly. Exhibit A-1 was submitted which showed the site plan being presented by Lazgor, LLC for a complete redevelopment of vacant lands into office and retail space as well as various site improvements. Additionally, the proposal is to consolidate the five lots into one lot consisting of 4.37 acres. Furthermore, Mr. Goldstein noted that the application is being proposed without any variances being sought. Mr. Goldstein briefly discussed the office, retail, and drive-thru restaurant component of the application and then presented Exhibit A-2 which showed a zoning map of the area in addition to site lighting and site elevations. It was mentioned that three of existing five lots are partially vacant and the two lots to the rear of the property are vacant residential properties (though they are zoned B2). It was stated that the floor area of all the proposed uses will be about the same amount as what currently exists on the property (the old Avenues of Commerce complex). Exhibit A-3 was submitted which was an excerpt of the Zoning Ordinance for Cherry Hill regarding the Highway Business (B2) zone. Mr. Goldstein stated that per the B2 code, all the proposed uses are permitted except for the drive-thru restaurant which is permitted conditionally. Of the five conditions that need to be met in order to permit the drive-thru restaurant by right, Mr. Goldstein declared that all five conditions would be met and outlined how each would be met. These conditions are as follows: that the lot size is a minimum of 20,000 SF, that the drive-thru and stacking lanes would be screened from public view, that the drive-thru speakers would not be audible to nearby residential zones, that the architecture of the building would be compatible with that of the rest of shopping center, and that all site circulation considerations would be accounted for. Next, Mr. Goldstein said that there are a total of 164 parking spaces proposed. The applicant is also proposing a monument style sign on the Coles Avenue frontage and a regular freestanding sign along Route 38. Mr. Goldstein finished his opening statements by stating that the proposed application would actually eliminate all pre-existing non-conformities throughout the site, especially in regard to buffering. The witnesses for the application would testify to this as well as other technical reports that were previously provided to the Board.

Peter Lazaropoulos appeared before the Board as the first witness for the application. He first described the office space to be located on the site. Mr. Lazaropoulos then mentioned that existing conditions on the site currently constitute ten (10) variances related to buffering and setbacks and that the site plan proposal would eliminate all of them, thus creating a by right application. Stormwater management improvements will also be made with the addition of a detention basin to be created on the east side of the property. Exhibit A-4 was then presented showing an aerial photo of the site and the surrounding uses. Mr. Lazaropoulos pointed out that the proposed drive-thru restaurant (McDonald's) is located on the east side of the property, furthest away as possible from the closest residential uses to the west in the Delwood neighborhood. Backtracking to the stormwater improvements, Mr. Lazaropoulos stated that the basin would collect the water, and using underground piping, would slowly filter the water into the NJDOT stormwater system along Route 38. This would reduce the peak flow of water, as stated by Mr. Lazaropoulos. A number of design waivers are also requested as part of the application. These waivers included street trees to be located behind the sidewalk as opposed to between the sidewalk and public greenspace strip (due to a fear of tree roots uprooting the sidewalk), slightly exceeding the permitted lighting footcandles at the property lines (need extra security lighting and won't exceed levels on west side of property), a waiver from having a loading area at McDonald's, and a waiver related to planting around the detention basin. In regard to trash enclosures, there will be eight (8) behind the retail building, and one (1) behind the office building as well as one (1) behind McDonalds. There will be no deliveries between 10pm and 7am and trash pickup will be during regular business hours. Mr. Lazaropoulos then acknowledged that if sign variances are ever needed, they will come back to the Board for approval, but as of tonight, no specific plans are being submitted for façade signs. Mr. Lazaropoulos also agreed to a night light function test prior to the issuance of a certificate of occupancy. Mr. Lazaropoulos also proposed an outdoor dining area for the end-cap of the retail building and described how it would be properly screened and landscaped. Furthermore, the stacking area and drive-thru lane of McDonalds will be screened using evergreen shrubs and that the lane will also benefit from being 3' higher in elevation as compared to Route 38. Thus the shrubs will sufficiently screen the drive-thru lane. Exhibit A-5 was then presented which showed architectural renderings of the three proposed buildings. Mr. Lazaropoulos stated that they will all use a combination of brick and dryvit and that each would have canopies. Since all the buildings will use similar materials, the whole complex will have a clear and uniform identity. Mr. Lazaropoulos also agreed to Title 39 arrangements so that police can use the property to enforce traffic safety operations in the area. Mr. Lazaropoulos then touched upon the current condition of the site in that it is 85% vacant and that the previous owner abandoned the property. Mr. Lazaropoulos noted that the site in its current form can only handle Class B office tenants which are seeing higher vacancy rates as compared to Class A retail properties which are what is being proposed with this site plan. Class A retail space would attract national retailers. Other areas touched upon related to a proposed 6 foot fence to surround the detention basin to prevent people from wandering into it, but that maintenance staff can enter the basin to clean it up when needed through a gate. When asked to clarify what a detention basin does, Mr. Lazaropoulos stated that water will drain into the basin and underground pipes will slow flow the water into the NJDOT system on Route 38. Mr. Lazaropoulos mentioned that there will be 10 feet from the fence to the nearest parking stall and that parking bumpers will prevent a car from accidentally overrunning the parking spot and going into the basin. Mr. Lazaropoulos lastly agreed to enter into a Stormwater Agreement with Cherry Hill to ensure that the basin and other stormwater components are adequately maintained and managing water at maximum efficiency.

Scott Logan approached the Board and explained how he has been coordinating with Lazgor, LLC on the project and is familiar for the proposed operations for the McDonalds portion of the site. Mr. Logan stated that locating a McDonalds in this location fills a gap where they can offer their services within a 5 minute drive to the nearest location. The two other McDonalds in Cherry Hill (one near Ellisburg and the other further down Route 38) were named to show how this gap in the Township was being filled. Mr. Logan also testified in regard to the operations of the proposed McDonalds. There is expected to be 40-50 total employees with 12 on during a peak shift. Deliveries will be 3 days per week during off-peak hours and will come on palettes, thus they will not require a loading area for their establishment. Mr. Logan sees no air, smell, glare, or water quality problems that will negatively impact the area. Mr. Logan then detailed the drive-thru speaker system and explained that the system will be located on the east side of restaurant, thus more than far enough away from any nearby properties to cause any noise issues. The trash enclosure will be maintained by the McDonalds staff and regularly cleaned and will be lit properly. The interior of the building will be fitted with LED lights and will have a few modern decorative models available for the franchise owner to select from. Mr. Logan expects the peak hours of the restaurant to be between 6-830am, 12-130pm, and 5-630pm. The grease trap will be located outside of the restaurant which will allow for easier access and maintenance. Mr. Logan also testified in regard to on-site circulation, parking, and ADA accessibility. It was also mentioned that the existing bus stop and bus shelter would be relocated to accommodate the proposed new driveway but that the location of these amenities would be more in line with NJDOT spacing requirements. Additionally, the sidewalk from Route 38 and the bus stop will connect to McDonalds pedestrian/ADA access.

David Shropshire, a professional traffic engineer, was the next witness up. He first provided to the Board the traffic assessment that he prepared for the project which had already been given to the Board prior to the meeting. Mr. Shropshire explained that he went to NJDOT to go through the major access permitting process in order to get the new driveway opening onto Route 38. He also explained that he went to the County in order to get the driveway opening permit onto Coles Avenue. Based upon his traffic assessment, Mr. Shropshire testified that there would no change in the level of service at the Church Road Circle. The reason, stated Mr. Shropshire, for no change in the level of service is that there will be minimal peak hour frequency going into and out of the site. Additional, multiple driveways/access points permit transit flexibility. Mr. Shropshire also stated that he sees no need to permit left turns onto Coles Avenue from the site and that it will also reduce congestion as the existing driveway onto Coles Avenue is being moved farther away from the Circle. In his professional opinion, Mr. Shropshire believes that on-site circulation meets or exceeds the accepted standards. In regard to delivery vehicles, they will enter the site during off-peak hours in order to reduce congestion. The complete two-way flow throughout the site will also help on-site circulation. In regard to the drive-thru at McDonalds, there is an adequate queuing area that will prevent traffic from impeding other parts of the site. In regard to noise, there drive-thru speakers will not be audible from any residential zone and in fact, the ambient noise coming from traffic along Route 38 will be the highest ambient noise coming from the area. The site though will still meet State noise control requirements.

James Miller, a professional planner, testified in regard to the conditional use criteria for the McDonalds drive-thru restaurant. Mr. Miller reiterated point by point, prior testimony regarding how the criteria have been shown to be met to permit the McDonalds drive-thru restaurant. In regard the requested design waivers, Mr. Miller stated that the granting of the design waivers will not cause harm to the neighboring community and that the design waivers will actually improve the site. Mr. Miller, in his professional opinion, believes that granting the lot consolidation will help ease Title 39 implementation and will actually facilitate the development of multi-uses on the site. Furthermore, developing this site will eliminate not only a vacant site but also eliminate all of the existing non-conforming features of the site. Other improvements to the landscaping, buffering, circulation, and stormwater management will be a benefit to the surrounding area.

**Public Discussion:** Following testimony by the applicant's witnesses, Carolyn Jacobs opened up the hearing to public comment. The following members of the public provided testimony:

1) Andrew Schallenhammer, owner of 28 Coles Avenue. Mr. Schallenhammer asked several questions of the applicant. The first question was regarding where the detention basin would drain to. Mr. Lazaropoulos explained how underground pipes would bring the water to Route 38 but that the water would first collect in the basin would which slow release it into the pipes. The next question concerned stormwater issues and the presence of mosquitoes around the basin. Mr. Lazaropoulos stated that the detention basin drains water in a period of 72 hours and that there would be no standing water, thus mosquitoes would not be attracted to the basin. Furthermore, the stormwater system proposed would actually improve what currently exists. Environmental Resolutions, Inc. (ERI) would ensure the permeability of the water. The next question was related to potential traffic issues along Coles Avenue and the possibility that cars would come out of the proposed development and cut through the Delwood neighborhood. Solicitor Burns explained that the county has jurisdiction over Coles Avenue and ultimately they will decide whether there can be a driveway off onto that road. Ms. Jacobs then reiteration Mr. Shropshire's testimony in regard to that no level of service change is expected along that road. Mr. Schallenhammer then stated concerns over rodents. Ms. Luciani stated that the applicant will be meeting

standards for trash enclosures and reiterated Mr. Logan's testimony in regard to the maintenance and regular cleaning of the their trash enclosure. Mr. Logan followed up that they will have health inspections. Mr. Schallenhammer then raised concerns over urban blight to which Ms. Jacobs informed him that the developer is not responsible for the economic feasibility of the project. Mr. Stridick jumped into the conversation and described what is permitted in the B2 zone and that the entire property falls within this zone, to which the developer is proposing nothing inconsistent with the zone's standards. Mr. Goldstein chimed in that the existing buildings on the site are pre-existing non-conformities and that applicant is redeveloping a blighted site as the property was bought from bank in foreclosure. Lastly, Mr. Schallenhammer asked about future County Meetings to which Solicitor Burns informed him that he will have to inquire with the County on when this application will appear before them.

2) Barry Gurtzman, of Cherry Hill. Mr. Gurtzman stated that he is a real estate broker himself and that he is thrilled this eyesore is being redeveloped. Mr. Gurtzman urged the Board to approve the application.

3) Cheryl Tuckerman, of Cherry Hill. Ms. Tuckerman first stated that she is the President of the Church Road Civic Association. She first asked about the presence of a sidewalk on the east side of Coles Avenue to which Mr. Lazaropoulos showed the sidewalk on the aerial map, but that there is no sidewalk on Lot 23 which is an existing residence with a home office component. Mr. Goldstein then presented Exhibit A-6 that showed a sign located on Lot 23 that would block the sidewalk from being extended and connecting to Route 38. Ms. Tuckerman also had concerns about trips generated from the proposed development to which Mr. Shropshire showed fewer than 200 trips per hours at Coles Avenue. Also of concern, stated Ms. Tuckerman, are people speeding down Coles Avenue. Solicitor Burns said that Community Development can contact the Traffic Division to enforce the speed limit and that Title 39 on the property would facilitate this enforcement. Ms. Tuckerman expressed other concerns in regard to people potentially cutting through the Delwood neighborhood as well as concerns with commercial encroachment towards residential properties (it was stated that the two northerly lots on the proposed development site weren't vacant residences). In response, Mr. Goldstein stated that this project is not creating new roads and is entirely on private property. Additionally the residences were legally non-conforming uses and now will conform to Township Zoning standards.

4) Rose Caulder, of Cherry Hill. Ms. Caulder expressed concerns about the McDonald's being a 24/7 establishment and potential increases in traffic. Ms. Caulder states that other McDonald's are open only to 1am or 2am and suggested that this McDonald's not operate past those hours. Ms. Caulder also disliked the driveway onto Coles Avenue being used as an entrance or an exit.

5) Jack Karpf, Esq. (representing his brother Richard Karpf who owns Lot 23). Mr. Karpf stated there are concerns about traffic going eastbound on Route 38 that are trying to get to the site. Mr. Karpf stated that that he has not had a chance to review Mr. Shropshire's traffic assessment. Additional concerns related to the landscape package being proposed by Lazgor, LLC.

6) Richard Karpf, owner of Lot 23 aka Coles Avenue. Mr. Karpf, who owns Lot 23 as well as resides and owns his real estate business there, presented his concerns regarding his property rights. Mr. Karpf made allegations that the Department of Community Development harassed him at this property. Mr. Karpf then read a letter that he sent to Community Development in November 2013 (Exhibit O-2). Mr. Karpf also contends that the applicant removed various buffering elements between his property and their property illegally. Mr. Karpf had concerns regarding traffic around Coles Avenue and then submitted approximately 140 photos of his property and the surrounding areas (Exhibit O-1). Mr. Karpf also testified that if the proposed development is built, then he won't be able to get mail from the U.S. Postal Service. Solicitor Burns then asked Mr. Karpf if the U.S Postal Service actually told Mr. Karpf that they wouldn't be able to deliver mail. Mr. Karpf stated that this is what a mail carrier supposedly told him. Lastly, Mr. Karpf wanted to see additional traffic studies conducted for this proposed development and that this proposed development will negatively impact his business.

7) Stephen Nehmad, Esq. of Nehmad, Perillo & Davis approached the Board and stated that he is the co-counsel for Richard Goldstein, Esq. and that he would like to avail himself of his statutory privilege to cross-examine the witness, Richard Karpf. Mr. Nehmad began his cross-examination by confirming with Mr. Karpf that he is against the proposed application and that he owns 46 Coles Avenue (Lot 23). Mr. Nehmad asked what that property consists of, to which Mr. Karpf stated he has owned the building continuously for 37 years and has used it as his legal residence and real estate office. Mr. Karpf stated he is licensed to practice real estate and conducts his business full-time at the property. Mr. Karpf stated he is not employed anywhere else and that 46 Coles Avenue is his permanent residences as well as the residence from which he registers to vote from. Mr. Nehmad asked about the breakdown of the house to which Mr. Karpf stated that part of the first floor is his real estate business and some of the residence is located there as well. Additionally, the second floor is used for storage only. Mr. Karpf also confirmed there is a detached garage behind the house. Mr. Nehmad asked if Mr. Karpf ever tried to rent out part of his property as a rental residence. Mr. Karpf stated that at one point he tried to rent the apartment to but then took it off the market. When asked who he tried renting the property to, Mr. Karpf said he tried renting it to anyone. Mr. Nehmad asked Mr. Karpf if he is a licensed realtor and that since he is, he better than anyone would

know how to market real estate as it is his profession. Mr. Karpf stated he utilizes his property for himself and does not currently rent it. When asked Mr. Nehmad if he ever tried to or intend to rent out the garage to a third party, Mr. Karpf said he has not. Mr. Nehmad stated that Mr. Karpf had previously, under oath, stated that he did try to lease it out. Mr. Nehmad then asked Mr. Karpf if he sees people at his property. Mr. Karpf said that he does and that it can range from 1 person to 20 people or even be zero people in one day. Mr. Karpf acknowledged that he has to make himself available at his principal office. Next, Mr. Nehmad questioned if Mr. Karpf and his wife maintain any other residences other than 46 Coles Avenue? Mr. Karpf stated that they are married but file separate tax returns and vote separately. Mr. Karpf stated that his wife lives in downtown Philadelphia. Mr. Karpf stated that he felt that Mr. Nehmad was invading his privacy. Following this exchange, Mr. Nehmad stated for the record that Mr. Karpf put his hands on him. After brief interruption by member of the public, order was restored by the Board so that the proceeding could continue. Solicitor Burns then stated that the counsel has the right to cross examination the witness and that issues have been raised that need to be addressed. Solicitor Burns asked Mr. Nehmad to be more direct with his questions. Mr. Nehmad continued to cross-examine the witness and asked Mr. Karpf if the property from which he operates his business at received approval from the Zoning Board or the Planning Board. Mr. Karpf tried explaining how he received approval for his residence and business. Mr. Nehmad then asked the record to reflect that Mr. Karpf's son, Jared, approached the dais and is standing next to his father during the cross-examination. Following a brief discussion between Solicitor Burns and Jared Karpf, Mr. Hung clarified to the public that Jack Karpf can ask follow up questions of his brother, Richard Karpf, once the cross-examination is completed. Mr. Nehmad again asked if Mr. Karpf knew which Board he received approval from but Mr. Karpf said he thinks it was the Planning Board but that Community Development should have records clarifying the matter. Mr. Nehmad asked Mr. Karpf if he ever accepted rent money from a residential tenant at this property (46 Coles Avenue). Mr. Karpf said he could not recall.

8) Jared Karpf, of 210 Locust Street in Philadelphia and is a licensed sales associate at 46 Coles Avenue. Mr. Karpf stated that he thinks Mr. Lazaropoulos has a conflict of interest with this property but it was clarified by Solicitor Burns that Mr. Lazaropoulos can appear as both the owner of the property and as a licensed professional. Mr. Karpf also expressed concerns not only over the morality of the developer but also the bushes and other landscaping that have been planted around 46 Coles Avenue. He testified that some of the landscaping was already dying. Mr. Karpf made other points in that he believes the sign on their property is grandfathered in and that decisions are being rushed with this development. The Board then noted that since the property does not have frontage on Route 38, they are not entitled to visibility from that road. Also, per the Township Zoning Ordinance, there is a requirement for a 25' buffer between commercial and residential properties, thus the reason for the proposed landscape around Lot 23.

9) Jack Karpf, Esq. (representing his brother Richard Karpf who owns Lot 23). Mr. Karpf appeared before the Board again to ask some follow up questions in regard to the proposed development. Mr. Karpf asked how many parking spots will be part of the development to which Ms. Jacobs stated that the proposed parking meets the zoning ordinance standards. Mr. Hunter of ERI chimed in that 127 spots are required and that Lazgor, LLC is proposing 164 which is 129% of what is required. The Township Zoning Ordinance allows for 130% of the required amount. Mr. Karpf also asked about fire lanes to which Ms. Luciani stated that the Fire Marshal had a chance to review the site plans and had no comments. Solicitor Burns then asked Mr. Karpf about the supposed landscaping issues. The Karpf's responded that they want fewer trees between their property and Lazgor, LLC's property. Ms. Luciani and Mr. Stridick explained that since Lot 23 does not have frontage along Route 38 that they are not entitled to visibility from that road. Additionally, the zoning ordinance requires a 25 foot buffer between commercial and residential properties. As such, removing that buffer would create a variance and that Lazgor, LLC has no obligation to go for a variance in this instance.

10) Robert Marks, owner of Plaza 38. Mr. Marks spoke in regard to concerns about the direction that grease and sewage would flow. Mr. Hunter stated that there is a 1500 gallon grease trap outside of McDonalds which Public Works will be able to inspect and maintain. Sewage pipes will be directed towards Coles Avenue and will be separated accordingly. Following these answers, Mr. Marks stated that he is in favor of this application as it won't affect his property to the east.

11) Diane Racin, of Cherry Hill. Ms. Racin expressed concerns about a McDonalds in this location. She wants the plan conditioned so that McDonalds cannot be a 24/7 establishment and that this is due to potential "riff-raff" that may frequent the site during the late night hours. Ms. Racin said she would rather not have a McDonalds at this location at all and that she thinks people using the drive-thru will cut through the residential Delwood neighborhood and throw their trash onto the street. Ms. Racin also questioned the specifics of the traffic study in terms of when it was conducted. Mr. Shropshire stated that the study was done on a Wednesday during evening peak hours and on a Saturday during peak midday hours in the month of January. When Ms. Racin questioned the maneuverability of delivery trucks throughout the site, Mr. Shropshire countered that delivery trucks will indeed be able to move safely through the site and out onto Coles Avenue if need be. Lastly, Ms. Racin asked if the proposed Moe's restaurant will have a liquor license. Mr. Lazaropoulos stated that they do not have one.

12) Cindy Trubin, of Cherry Hill. Ms. Trubin declared some concerns about how the site will operate and how it will affect the nearby neighborhood. Ms. Trubin wants to the site to be more separated so as to protect the neighborhood.

13) Ted Schallenhammer, of 28 Coles Avenue. Mr. Schallenhammer voiced his general displeasure.

14) Ethel Howard, of Cherry Hill. Ms. Howard started by stating that she appreciates the attention paid to all the small details of this application as well as the investment being made. Ms. Howard did state some concerns in regards to grease, odor, and traffic. She also said that she would rather just see office uses in this area. When asked if the project was receiving tax incentives, Mr. Stridick firmly stated that there are no tax incentives involved with the development of this property.

15) Cheryl Tuckerman, of Cherry Hill. Ms. Tuckerman appeared before the Board again to get a clarification on whether the Township permits 24/7 establishments. Ms. Luciani stated that the Township has no ordinance that restricts hours of operations for businesses. Ms. Luciani did note that permission to operate a business 24/7 is not a variance and this approval does not run with the property.

Following Ms. Tuckerman's comments, Carolyn Jacobs closed the public comment portion of the meeting as no more people had testimony to provide.

**Closing Statement and Board Discussion:** In closing, Mr. Goldstein acknowledged that outside of what was discussed during the course of the hearing, the ERI and Community Development review letters and their comments are acceptable. Mr. Goldstein noted that denying by-right applications are highly irregular and then reaffirmed how all the condition use criteria have been adequately testified too. He also believes that all design waiver requests have been reasonable and beneficial to the project. Mr. Goldstein also stated that all the professional reports have been thoroughly reviewed and testified too, and that no expert testimony has been given to discredit any of the reports. Lastly, Mr. Goldstein stated the applicant has complied to the Township Zoning Ordinance with this project and believes it should be approved by the Board.

In Board discussion, Ms. Kalitan stated that she likes have the trees around Lot 23 but would to see if the trees could be bushes so that there is a little more visibility for the property owner. Mr. Goldstein said the applicant would be willing to work with Community Development to see if there are alternate ways to comply with the ordinance.

Solicitor Burns then gave a summary of the application as well as a summary of the provided testimony. The proposal is for a preliminary and final major site plan with a lot consolidation (5 lots into 1 lot) with a conditional use for Drive-thru restaurant in addition to other retail and office space. Solicitor Burns noted that the application complies with the Township Zoning Ordinance and that the proposal will eliminate all existing non-conformities. A monument sign is proposed along Coles Avenue which will be subject to the Department of Community Development's review or will need to come back to the Board if variances are needed. The applicant has also agreed to a night light function test and will enter into a Stormwater Agreement and Title 39 Agreement with the Township. The architecture for McDonalds will also be subject to Community Development's review and will work with the Department to relocate the bus stop and bus shelter. Solicitor Burns noted that the driveway onto Coles Avenue is subject to County approval and that other necessary approval from NJDEP, NJDOT, and others will have to be obtained as applicable. Finally, the applicant will comply with all comments in ERI's and Community Development's review letter except as noted during their testimony.

**Motion:** Following board discussion and Solicitor Burns detailing the conditions of the application, Carole Roskoph made a motion, which was seconded by Gina LaPlaca, to approve the application for Lazgor, LLC. Affirmative votes by Roskoph, Jacobs, Terry, LaPlaca, Hung, and Kalitan. The application is approved unanimously.

**Resolutions:**

None.

**Meeting Adjourned:** at 11:21 PM.