



PLANNING BOARD
Monday, October 20, 2014
DRAFT MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Vice-Chairperson John Osorio at 7:32pm

PLEDGE OF ALLEGIANCE: Led by Vice-Chairperson Osorio.

OPMA STATEMENT: Read by Vice-Chairperson Osorio in compliance with the Sunshine Law.

ROLL CALL

- **Members in attendance:** Carolyn Jacobs; John Osorio; Kevin McCormack; Hugh Dougherty; Sam Kates; Gina LaPlaca; Moly Hung; and Marlyn Kalitan.
- **Professionals in attendance:** Paul Stridick, Director of Community Development; Jim Burns, Esq., Solicitor; Bob Hunter, Planning Board Engineer; and Jacob Richman, Planning Technician.

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

ADMINISTRATIVE ITEMS

Appointment of Chair. Sam Kates nominated John Osorio for Chairperson to fill the vacancy left by former Chairperson, Brian Bauerle. The motion was seconded by Hugh Dougherty. Affirmative votes by McCormack, Jacobs, Osorio, Dougherty, Kates, LaPlaca, Hung, and Kalitan. John Osorio is appointed as Planning Board Chair, unanimously.

Adoption Meeting Minutes from August 18, 2014. Carolyn Jacobs made a motion, which was seconded by Gina LaPlaca, to adopt the Meeting Minutes from August 18, 2014. Affirmative votes by Jacobs, LaPlaca, Hung, and Kalitan. Minutes are approved.

Adoption Meeting Minutes from September 15, 2014. Hugh Dougherty made a motion, which was seconded by John Osorio, to adopt the Meeting Minutes from September 15, 2014. Affirmative votes by McCormack, Osorio, Dougherty, Kates, LaPlaca, and Hung. Minutes are approved.

Adoption Meeting Minutes from October 6, 2014. Sam Kates made a motion, which was seconded by Kevin McCormack, to adopt the Meeting Minutes from October 6, 2014. Affirmative votes by McCormack, Jacobs, Osorio, Kates, LaPlaca, Hung, and Kalitan. Minutes are approved.

AGENDA ITEMS

Agenda Item 1:

14-P-0021

Block(s) 463.04 Lot(s) 3 & 4
Zone: Residential (R2) Zone

Hee Bang

6 & 8 Carlton Road
Cherry Hill, NJ

Relief Requested: A minor subdivision with bulk (C) variances to adjust a lot line to remove an encroachment caused by an illegal subdivision.

Exhibits Submitted:

- A-1: Record of Correspondence between Mike McKenna, Esq. and the Latiff's
- A-2: Tax Map and Site Photos
- A-3: Complaint records of dumping on Lot 4

Discussion: Applicant Hee Bang, applied for minor subdivision with bulk (C) variances to adjust a lot line to remove an encroachment caused by an illegal subdivision; located at 6 & 8 Carlton Road, Cherry Hill, New Jersey (Block 463.04 Lots 3 & 4). The property is owned by Hee Bang.

Application was represented by:

- Mike McKenna, Esq. – Attorney for the Applicant
- Mike McKenna, Jr., Esq. – Attorney for the Applicant
- David Benedetti – Professional Planner
- Hee Bang – Applicant/Property Owner
- Mohammed Latiff – Owner of Home on Lot 3

Mr. McKenna began the application by giving a detailed explanation of the site history, specifically relating to the ownership and title transfer history of lots 3 & 4. It was explained that the applicant, Hee Bang, who owns lot 4, wants to be able to sell the lot but cannot due to a preexisting illegal subdivision which has rendered the lot unbuildable. Furthermore, part of the house on lot 3 is encroaching upon Mr. Bang's undeveloped lot 4. It is understood that Mr. Bang wants to resolve the issue with the illegal subdivision and create a conforming subdivision by giving lot 3 10.5' of lot 4, which is owned by the Latiff's, by shifting the property lines. This will have an effect of creating more conforming lots while eliminating the encroachment. Discussion then ensued regarding the ownership history of the lots as shown on the deeds. Mr. McKenna pointed out that approving this application would lessen the existing nonconformities. Mr. McKenna handed out exhibit A-1 to the Board as additional evidence.

Mr. Benedetti started by acknowledging that he is familiar with the case being heard before the Board and the case's history prior to being approached by Mr. McKenna with new information. Exhibit A-2 was then distributed to the Board and Mr. Benedetti proceeded to explain the tax map and photos. Mr. McKenna jumped in to state that the applicant agrees with all comments provided in the ERI and Community Development review letters. Mr. Benedetti then went through the proposed bulk standards for each lot and noted the variances (for lot frontage and lot size for proposed lot 4), the existing nonconformities, and the lessening of existing nonconformities. It was clarified that the Latiff's property would become more conforming. Mr. Benedetti then went through the reasons why the benefits of approval of this application would outweigh the detriments, specifically stating how the application meets the C1 and C2 criteria for granting bulk variances. It was stated that merging the lots would be unhelpful and that the issue at hand is the house on lot 3 encroaching on lot 4. Furthermore, it was explained that it is more viable to ask for a variance and do a lot line adjustment as opposed to removing a portion of the existing house that encroaches onto lot 4. By doing nothing, the properties are unsellable due to the title and surveying issues created in the past, explained Mr. Benedetti. Lastly, Mr. Benedetti said that vacant lots, like 4, are subject to illegal dumping, to which exhibit A-3 was presented which showed complaints filed against lot 4 in regard to illegal dumping on the property by unknown perpetrators.

Mr. Bang was called as the next witness to testify in regard to his ownership of the property and his attempts to sell the land. Mr. Bang confirmed that he is willingly conveying approximately 10.5' of his land (lot 4) to lot 3 so that both property owners can sell their lots. Mr. Bang also confirmed that he is paying for all fees associated with this application and in regard to taxes; he has been paying taxes on the vacant lot since the day he bought it in 1986. Mr. Bang explained that when he purchased the land, he thought he was buying both lots but did not know that the house on lot 3 encroached upon lot 4. Mr. Bang discussed the issues he has had in trying to sell the property as well as the general maintenance he has paid for to upkeep the property. Lastly, Mr. Bang stated that he doesn't believe in suing people, so in this case he is not suing the Latiff's but rather is trying to fix the issues with these properties at the Planning Board.

Mr. Latiff appeared next before the Board and stated that he owns Lot 3 and understanding as well as fully consents to receiving 10.5' of land along the dividing property line. Mr. Latiff acknowledged that he could not sell his land due to his house's preexisting encroachment on Mr. Bang's lot. Mr. McKenna then noted that he does not in any way represent Mr. Latiff. Mr. Latiff then answered questions about his purchase of the property, which he explained was done at an auction which he paid for everything outright. Mr. Latiff confirmed that he was not aware of the encroachment issue when he purchased the property. He also confirmed that Mr. Bang approached him on a few occasions to see if he would purchase Mr. Bang's lot.

Mr. McKenna notes that if the application is approved, they do have a potential buyer in place for the vacant property. Mr. Stridick noted that this application presents a scenario where lot 3 would have more conforming setbacks and lot 4 could have a buildable lot. Mr. Stridick noted a Community Development letter from 2002 that stated that lot 4 is unbuildable without variance approval from the Planning Board. Mr. Hunter chimed in that as a condition of approval, the applicant will have to comply with the grading checklist.

Public Discussion: Chairperson Osorio opened up the application for public comment.

1) Frankie Baughn of 2 Logan Drive noted the current character of the neighborhood and stated that if a house is put on lot 4, it will negatively alter the character of the neighborhood. Specifically, Ms. Baughn said that property values in the area will decrease if this smaller parcel (lot 4) is approved. Ms. Baughn finished her testimony by stating that she does not want to see another home built in the neighborhood.

2) Patricia Dow of 4 Carlton Drive provided the Board some additional history surrounding the lots, including the Gambino's purchase of lots 3 & 4 many years ago. Ms. Dow expressed her confusion in how the Gambino's got approval to build on the lot the way that they did.

3) Joan Gallagher of 10 Carlton Drive appeared before the Board and stated that she is a realtor by trade. Ms. Gallagher gave some additional history regarding the usage of the site and its ownership history. Ms. Gallagher expressed her concern with the side yard setbacks on the vacant lot if approval for the 10.5' conveyance is approved. She also is concerned with the size of a house that could be built on lot 4 in that it won't fit in with the character of the neighborhood. A discussion then ensued between Ms. Gallagher, Solicitor Burns, and Mr. Stridick in regard to the title issues, legal descriptions, and ownership history of the properties in question. Ms. Gallagher confessed that she had interest in purchasing and building on the vacant lot many years ago. Mr. Osorio added that the deed notes that lot 3 & 4 are separate with separate owners. Ms. Gallagher stated that she would still like to own lot 4. Ms. Jacobs noted that Mr. Benedetti's testimony which stated that lot 4 would conform to all bulk standards except for lot size and lot frontage, if approved, and that setbacks are not an issue. A discussion of the application of the Loechner doctrine ensued followed by Ms. Gallagher stating that she believes property values will be hurt if this application is approved.

4) Vottorio Silvestri of 11 Carlton Drive expressed his concern about the proposed 69' lot frontage for lot 4 where 80' is required. Mr. Silvestri believes that the character of the neighborhood will be altered if a house is built on that lot and also thinks that a house on that lot will be significantly smaller than the houses in the rest of the neighborhood.

5) Louis Patalano of 4 Logan Drive echoed the comments of the prior public witnesses. While Ms. Patalano feels sorry for the situation that Bang's and Latiff's are in, she wants the Board to also be considered about how this application would affect the other residents in the neighborhood.

Seeing no other people wishing to speak, Chairperson Osorio closed the public portion of the meeting.

Board discussion ensued with Mr. Stridick stating that 10.5' could be removed from the house, architecturally speaking, but sees that type of action as being overly burdensome to the Latiff's as that type of remodeling is difficult to perform in a house that is occupied. Essentially, the undertaking of such a project would be quite large. Mr. Dougherty noted that if all setbacks are met by a future builder on lot 4, the building footprint would be 2700 SF which is comparable to the homes in the area that are approximately 3000 SF. Solicitor Burns then reiterated the evidence submitted by Mr. McKenna. Ms. Kalitan noted that she does not see a smaller house being built on that lot hurting the values of the nearby homes, and in fact argues that the only effect is that the smaller house's value is likely to go up due to the larger homes around it.

Motion: Following the reiteration of the approval being sought, the site history, the provided testimony, the existing non-conformities, and the variances for the application by Solicitor Burns, Hugh Dougherty made a motion, which was seconded by Carolyn Jacobs, to approve the application with the conditions as stated. Affirmative votes by McCormack, Osorio, Jacobs, Dougherty, Kates, LaPlaca, Hung, and Kalitan. The application is approved unanimously.

Following the vote on the application, Chairperson Osorio requested a 5 minute recess.

Agenda Item 2:

13-P-0018

Block(s) 325.01 Lot(s) 4-7
Zone: Residential (R2) Zone

Tony Gerard Associates, LLC (Anthony Palma)

215 Columbia Boulevard
Cherry Hill, NJ

Relief Requested: A minor subdivision with bulk (C) variances to subdivide four (4) lots into three (3) lots.

Exhibits Submitted:

A-1: Plan of Minor Subdivision
A-2: Site Photos of existing home on Lot 7

Discussion: Applicant Tony Gerard Associates, LLC, applied for a minor subdivision with bulk (C) variances to subdivide four (4) lots into three (3) lots; located at 215 Columbia Boulevard, Cherry Hill, New Jersey (Block 325.01 Lots 4-7). The property is owned by Tony Gerard Associates, LLC.

Application was represented by:

- Richard Israel, Esq. – Attorney for the Applicant
- Anthony Palma – Managing Member of Tony Gerard Associates, LLC
- Joseph Mancini – Professional Planner

Mr. Israel began by stating the purpose of the application before the Board is to seek approval for a minor subdivision in order to consolidate four (4) lots into three (3) lots. Mr. Israel then described the location of the lots and noted that lot 6 and lot 7 was merged under the Loechner doctrine. Variances were noted for lot depth for all lots (110' where 120' is required), which is an existing nonconformity, and variances are needed for each lot for being undersized. Lot 7 and lot 6 are proposed to be 8,800 SF where 9,200 SF is required and lot 4 is proposed to be 9,900 SF where 10,350 SF is required.

Mr. Mancini appeared as the applicant's next witness and noted that the reconfiguration of the lot lines is an attempt to make the lots more conforming. Mr. Mancini noted that all setbacks will be conforming and that only the lot sizes will need variances. Mr. Mancini stated that if this application is approved, there will eventually be five (5) houses along this particular block of Columbia Boulevard which will be same amount of houses as on the other side of street. This point was made to show that the character of the neighborhood will remain consistent. Mr. Mancini sees no detriment to the neighborhood if this application is approved. Also of note is that the existing house on lot 7 will be demolished and will end up eliminating a 5' side yard setback which is an existing nonconformity. In regard to the demolishing of the house, there is an agreement in place that the house will be demolished within 60 days after the current tenant vacates the premises or by March 1, 2016 (which is the end of the tenant's lease), whichever comes sooner. While no houses are proposed today, all future homes on this subdivision will front onto Columbia Boulevard as opposed to Church Road. Mr. Hunter noted that driveways are not permitted onto County Roads when municipal access is available. Lastly, Mr. Mancini believes in his professional opinion that this subdivision plan is the optimal plan for this area.

Mr. Palma, of Tony Gerard Associates, LLC, began by noting that he already has buyers interested in buying a home on proposed lot 6. Mr. Palma also let the Board know that the existing walkway between lot 6 and 7 (which wraps around lot 7) will be removed as a condition of approval. Also, demolition of the existing home will precede the development of any homes. Mr. Israel chimed in that only setback lines are proposed as part of this application. Mr. Palma added that all proper approvals will be obtained prior to the building of any homes. Mr. Palma was adamant that as many trees as possible will be saved when they go to develop the lots. It was also clarified that while a sign on the vacant lots says the homes will be affordable, they will not be affordable in the sense that they will be rental assistance or section 8 housing. By affordable, Mr. Palma meant that they will be affordable as compared to other home prices in the area. Mr. Palma did note though he will be contributing to the housing trust fund per the Township Ordinance. In his professional opinion, Mr. Palma feels confident that homes will sell if the application is approved and that the current lot configurations are cost prohibitive to develop. Essentially, it is better to develop lots that are characteristically similar to the neighborhood.

Public Discussion: Chairperson Osorio opened up the application for public comment.

1) Theodore Garrido of 2905 Church Road, thinks that the applicant is trying to squeeze an extra home into the development and believe that property values will decline if the application is approved.

2) Crystal Hughes of 204 Wilson Road, expressed similar concerns as Mr. Garrido in regard to the character of the neighborhood being negatively affected and declining property values. Ms. Hughes then asked the applicant what types of homes are proposed. Mr. Palma stated that lot 6 is to be a ranch style home and the other two lots are likely to be two-story homes.

Seeing no other people wishing to speak, Chairperson Osorio closed the public portion of the meeting.

Mr. Hunter chimed in that the review ERI conducted was based upon the minor subdivision plan as that was all that was submitted by the applicant. Mr. Israel responded by stating that the applicant agrees to all of the comments provided in their review letter. Ms. LaPlaca asked if lot 8 (next to the applicant's property) is similar to the properties proposed by the applicant to which Mr. Palma said that they would be similar. Mr. Mancini noted that a number of other lots in the area are nonconforming and thus the proposed lots will be of similar size and shape to other lots in the neighborhood. Furthermore, the lots as they currently exist are unbuildable and irregularly shaped.

Motion: Following the conditions imposed upon the application by Solicitor Burns, Sam Kates made a motion, which was seconded by Hugh Dougherty, to approve the application with the conditions as stated. Affirmative votes by McCormack, Osorio, Jacobs, Dougherty, Kates, LaPlaca, Hung, and Kalitan. The application is approved unanimously.

Resolutions:

14-P-0020

Block(s) 343.01 Lot(s) 8-10
Zone: Institutional (IN) Zone

Kennedy University Hospital

2201 Chapel Avenue West
Cherry Hill, NJ

Relief Requested: Preliminary and Final Major Site Plan to redevelop and rehabilitate the Kennedy University Hospital campus and make various improvements including a new medical office building, a new parking pavilion, and a new entrance lobby.

Motion to Ratify: Following the review of the resolution and all of its conditions by the Planning Board, John Osorio made a motion which was seconded by Carolyn Jacobs, to memorialize the resolution for Kennedy University Hospital. Affirmative votes by McCormack, Osorio, Jacobs, Kates, LaPlaca, Hung, and Kalitan. The resolution is memorialized.

Meeting Adjourned: at 10:30 PM.