



You couldn't pick a better place.

PLANNING BOARD
Monday, April 6, 2015
Adopted on April 20, 2015

OPENING: The meeting was called to order by Vice-Chairperson Hugh Dougherty at 7:40 PM.

PLEDGE OF ALLEGIANCE: Led by Vice-Chairperson Hugh Dougherty.

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

ROLL CALL

- **Members in attendance:** Hugh Dougherty; Carole Roskoph; Carolyn Jacobs; Kevin McCormack; Larry Terry; Gina LaPlaca; Moly Hung; and Marlyn Kalitan.
- **Professionals in attendance:** Paul Stridick, Director of Community Development; Lorissa Luciani, Deputy Director of Community Development; Jacob Richman, Planning Technician; Stacey Arcari, Planning Board Engineer; Sandy Zeller, Esq., Solicitor; and Jim Burns, Esq., Solicitor.

Comments from the Public not related to tonight's agenda:

- 1) Sara Joslin of 1234 Forge Road in Cherry Hill inquired about the amount of affordable housing approved at Garden State Park and the timing of the next affordable housing plan in conjunction with the next Master Plan. Ms. Luciani described the corrective resolutions recently passed by the Planning Board that confirmed the amount of units in one phase of the Garden State Park but said that she would have to provide Ms. Joslin the exact numbers of the entire development as she did not remember them off-hand.

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from March 16, 2015. Carolyn Jacobs made a motion, which was seconded by Carole Roskoph, to adopt the Meeting Minutes from March 16, 2015. Affirmative votes by Roskoph, Jacobs, Terry, LaPlaca, Hung, and Kalitan. Minutes are approved.

Agenda Item 1:

14-P-0040

Block(s) 341.28 Lot(s) 9
Business (B3) Zone

KBE&B, LLC

1615 Kings Highway North Zone: Shopping Center
Cherry Hill, NJ

Relief Requested: A site plan waiver with bulk (C) sign variances to remove the existing freestanding "Classic Plaza" sign and install a 129 SF multi-tenant monument sign in its place. The applicant also proposes to repaint the existing multi-tenant sign along Kings Highway to be consistent with the colors of the proposed multi-tenant sign along Route 70.

Exhibits Submitted:

- A-1: Excerpt of Zoning Map
- A-2: Sign Rendering (already in packet)
- A-3: 1996 Survey
- A-4: Photos of Site Area

Discussion: Applicant KBE&B, LLC, applied for a site plan waiver with bulk (C) sign variances to remove the existing freestanding "Classic Plaza" sign and install a 129 SF multi-tenant monument sign in its place; located at 1615 Kings Highway North, Cherry Hill, New Jersey (Block 341.28 Lot 9). The property is owned by KBE&B, LLC.

Application was represented by:

- Rick Goldstein, Esq. – Attorney for the Applicant
- James Miller, PP, AICP – Planner for the Applicant
- David Ragone, Co-owner of Classic Plaza & Site Manager

Mr. Goldstein began the application by discussing the characteristics of the site in question, specifically in regard to the frontages and building setbacks from Route 70 and Kings Highway. Mr. Goldstein argued that the site lacks visibility from the roadways (specifically Route 70). Mr. Goldstein noted that the site has a 40% vacancy rate and believes a multi-tenant sign will help identify the tenants at Classic Plaza and will help attract new business. The applicant will remove the existing "Classic Plaza" sign and would like to install an internally illuminated 8-panel multi-tenant sign, that is 129 SF (where 79.5 SF is permitted), 15' high (reduced from 41'), and be located on a reduced frontage lot. The applicant will use the existing footings and therefore the existing non-conformities of the previous sign location will continue.

Mr. Ragone was the first witnesses called to testify. Mr. Ragone discussed his association with the site and noted that prospective tenants have expressed concern over the lack of visibility of the shopping center from Route 70. Mr. Ragone noted that they are requesting a couple larger panels on the sign in case they need to split the panels up to accommodate more tenants. Mr. Ragone also noted that they will paint the existing multi-tenant sign on Kings Highway the same color as the proposed sign along Route 70. The applicant will also work with Community Development to appropriately landscape around each sign. The applicant agreed to make sure that tenants of the shopping center don't put up non-conforming without permits. Mr. Ragone added to his testimony that the jughandle around the site diverts traffic behind the shopping center and believes that a new sign would attract customers. Lastly, Mr. Ragone said that the address of the property won't be put on the proposed sign as the actual address of Classic Plaza is a Kings Highway address; so in order to not confuse people traveling along Route 70, they will keep the address off of the sign.

Mr. Miller was the next witness to testify. Mr. Miller stated that he evaluated the site and its need for adequate signage. Based upon the submitted exhibits, Mr. Miller believes this application is a better zoning alternate as compared to the existing signage. Taking an existing non-conforming sign and proposing a more conforming sign along with appropriately identify the site so people can access the site more safely is better a zoning alternate, claimed Mr. Miller. Mr. Miller also noted that if the proposed sign was set back any farther than the existing sign, than the new sign would be hidden behind the street trees and landscaping. Mr. Miller testified that the proposed letter size on the tenant panels have been designed so that they are legible to those who are traveling along Route 70. Mr. Miller believes that the benefits of this application outweigh the detriments and does not believe this application will harm the zone plan.

Ms. Luciani stated that she believes the applicant has addressed all of the comments in Community Development's review letter. Mr. Luciani then reiterated the requested variances, the existing non-conforming conditions, and that the applicant will in fact be using the existing footings of the Classic Plaza sign for the new multi-tenant sign. Mr. Kalitan expressed her support of the application as the proposed sign is "less non-conforming" than the existing sign.

Public Discussion:

- 1) Jeffrey Baron (not appearing as an attorney), expressed his support of the sign.
- 2) George Fore (owner of Wild Birds), endorsed the sign application and stated that people are always calling and asking where his store his located.
- 3) Sara Joslin of 1234 Forge Road in Cherry Hill supports the sign but wants to make sure if there are vacancies that no sign appears in the tenant's panel. Ms. Joslin also wanted to know if Haddon Savings Bank was notified of the applicant to which Mr. Goldstein said that they were.
- 4) Alex Barbosa (UFC gym representative) supports the sign and also expressed customer uncertainty of the location of the gym.

Seeing no other persons wanting to speak in regard to the application, Vice-Chairperson Dougherty closed that portion of the meeting.

Motion: Following the reiteration of the conditions and variances needed by Solicitor Zeller, Carolyn Jacobs made a motion, which was seconded by Carole Roskoph, to approve the application with the conditions as stated. Affirmative votes by Dougherty, Roskoph, Jacobs, McCormack, Terry, LaPlaca, Hung, and Kalitan. The application is approved unanimously.

Agenda Item 2:

Cherry Hill Township Zoning Ordinance Amendments

*Consideration of Recommendations to Council for revisions to **Article IX – Fees, Guarantees, Inspections & Off-Tract Improvements**, specifically Section 901.A, to amend various fees for the submission of planning and zoning board applications and the inclusion of Administrative Agent fees for the administration of affordable housing; and **Article X – Affordable Housing Procedural & Eligibility Requirements**, specifically Section 1005.1.a and 2.a, to provide further clarification that the inclusionary standards for for-sale and rental housing shall apply to developments approved via a use (D) variance application per N.J.S.A. 40:55D-70(d).*

Discussion: Ms. Luciani talked about the need to update the fee schedule and add fees to the various administrative functions that Community Development performs that don't have associated fees. Ms. Luciani also talked about the need to provide clarification on the inclusionary housing standards for for-sale and rental housing set asides in regard to approved use (D) variance applications. The updates will be consistent with the Township Master Plan.

Public Discussion: Seeing none, Vice-Chairperson Dougherty closed that portion of the meeting.

Motion: Following the reiteration of the proposed amendments to the Zoning Ordinance, Carolyn Jacobs made a motion, which was seconded by Larry Terry, to recommend the proposed changes to Township Council. Affirmative votes by Dougherty, Roskoph, Jacobs, McCormack, Terry, LaPlaca, Hung, and Kalitan. The amendments are unanimously recommended to Township Council.

Following the recommendation of the Zoning Ordinance Amendments, a recess was taken at 8:51pm and the meeting resumed at 8:56pm. Solicitor Zeller then excused himself from the remainder of the meeting. He was replaced by Solicitor Jim Burns, Esq.

Agenda Item 3:

15-P-0003

Block(s) 468.03 Lot(s) 2

Zone: Industrial Restricted (IR) Zone

Relief Requested: A minor subdivision with bulk (C) variances to subdivide one (1) lot into two (2) lots.

7 Carnegie Plaza Fee, LLC

7 Carnegie Plaza

Cherry Hill, NJ

Exhibits Submitted:

A- 1: Wetlands Overlay on Minor Subdivision Plan

Discussion: Applicant 7 Carnegie Plaza Fee, LLC, applied for a minor subdivision with bulk (C) variances to subdivide one (1) lot into two (2) lots; located at 7 Carnegie Plaza, Cherry Hill, New Jersey (Block 468.03 Lot 2). The property is owned by 7 Carnegie Plaza Fee, LLC.

Application was represented by:

- Rick Goldstein, Esq. – Attorney for the Applicant
- Joe LeVine – United Realty Trust Managing Director
- Anthony DiRosa, PE, PLS – Engineer for the Applicant, Bach Associates

Mr. Goldstein began the application by explaining that the applicant is requesting minor subdivision approval to divide one (1) lot into two (2) lots to be known as lots 2.01 and 2.02. Mr. Goldstein gave an overview of the site characteristics. Proposed lot 2.01 will be 10 acres and proposed lot 2.02 will be 7 acres. The overall

intention is to keep Fox Rehabilitation on lot 2.01 and eventually develop lot 2.02 (would come back for site plan approval). The applicant will use a chain barricade to block people from parking in lot 2.02 since parking would not be permitted in that area. Mr. Goldstein noted one existing non-conformity which is a parking setback that is less than 25' which received prior variance approval. The applicant agreed to a condition of approval that the access drive that is adjacent to both proposed parcels would remain via a cross access agreement. The applicant also agreed to a shared parking agreement. Mr. Goldstein then reiterated that no development is proposed as part of this application. Lastly, the applicant agreed to not lease the parking spaces on proposed lot 2.02 to any outside party and that the intent is to not utilize said lot.

Mr. LeVine, was the first witness called to testify. Mr. LeVine noted that he is part of the group that acquired the subject property and that they entered into a 15 year lease agreement with Fox Rehabilitation. Mr. LeVine said they are seeking subdivision approval in order to create value for the property and then they will sell the undeveloped lot to a prospective developer. No development is currently proposed outside of erecting a chain barricade to restrict access to lot 2.02. No third party parking leases would be permitted. Mr. LeVine agreed that they will enter into a cross access agreement with the development of lot 2.02. There will also be a point-of-sale agreement. A discussion then ensued on how the cross access and parking easement would operate. Mr. Goldstein stated that the County would like the cross access easement in place with the sale of the property (even with a curb cut potentially being granted on Springdale Road).

Mr. DiRosa was the next witness called to testify. Mr. DiRosa noted that he worked on the subdivision plan. Exhibit A-1 was presented and Mr. DiRosa noted on the plans where the proposed cross access easement is located and where the wetlands in the rear of the property are located. After taking the wetlands and easement area out of consideration for lot 2.02, there are 2.3 buildable acres left. Mr. DiRosa said this area is feasible for a single story office use, most likely, and would be marketable to due to County road (Springdale Road) visibility.

Mr. Luciani requested that Mr. Goldstein supply a copy of a letter indicating County approval. Ms. Luciani also reiterated that need for a point-of-sale disclosure for the easements and noted the existing non-conforming non-residential parking setback. Ms. Luciani stated that if there is illegal parking on lot 2.02, then Community Development will enforce the restriction if necessary. Lastly, the applicant shall add the 200' property list to the conformance plans.

Ms. Arcari then went through ERI's review letter and discussed her comments with Mr. Goldstein. Discussion points included the trash enclosure, sidewalks, driveway repair, ADA compliancy, site maintenance, inlets, and parking, among others. Mr. Goldstein agreed to all of ERI's conditions except for those that can't be remedied until a site plan comes in for approval. Maintenance issued shall be handled prior to the filing of a subdivision deed or applicant will have to post a performance bond.

Public Discussion:

- 1) Sara Joslin of 1234 Forge Road in Cherry Hill had questions about Fox Rehabilitation and how parking arrangement will work.

Seeing no other persons wanting to speak in regard to the application, Vice-Chairperson Dougherty closed that portion of the meeting.

Motion: Following the reiteration of the conditions and variances needed by Solicitor Burns, Carolyn Jacobs made a motion, which was seconded by Carole Roskoph, to approve the application with the conditions as stated. Affirmative votes by Dougherty, Roskoph, Jacobs, McCormack, Terry, LaPlaca, Hung, and Kalitan. The application is approved unanimously.

Agenda Item 4:

Park Boulevard Gateway Preliminary Investigation for an Area in Need of Redevelopment

Block(s) 1.01; 3.01 Lot(s) 3-6; 1

Various Addresses

Zone: R2/IN/B4

Cherry Hill, NJ

Discussion: Prior to proceeding on the Park Boulevard Gateway Preliminary Investigation, Solicitor Burns noted a letter from Jeffrey Baron, Esq., requesting a postponement of the study. A conversation ensued between Mr. Baron, and Solicitor Burns regarding whether due notice was properly served. While Solicitor Burns detailed that notice was properly given, Mr. Baron still requested additional time for his clients (America's Best Value Inn) to prepare for and digest the study, especially when dealing with possible condemnation. Mr. Baron noted his professional planner (Creigh Rahenkamp) is having surgery and unfortunately could not attend the meeting. Mr. Baron also wanted to submit his report and cross-examine Bob Melvin (the professional presenting the preliminary investigation), but at the very least, requesting Mr. Baron, the Planning Board should reserve the right to make a motion on this study this evening. Solicitor Burns clarified that the hearing is for the Planning Board to make a recommendation to Council as to whether the subject parcels should be considered an Area in Need of Redevelopment and then Mr. Baron could make his case before Township Council. The Planning Board could also choose to hold the passage of a resolution. Mr. Baron expressed concern over presenting the case to Township Council and thinks the Planning Board should delay the hearing so that they can get their professional planner to testify at a future meeting. Discussion then ensued regarding noticing requirements and whether it makes sense to postpone the matter. Vice-Chairperson Dougherty decided to poll the audience in attendance to see who is at the meeting for this study as opposed to the next study (Hampton Road). The poll found that more people were at the meeting for Hampton Road. Thus, Vice-chairperson Dougherty decided to hear the Hampton Road study first and then determine whether to proceed with the Park Boulevard Study.

It was later decided, following the Hampton Road Preliminary Investigation, that the matter should be postponed to the April 20, 2015 meeting of the Planning Board and that no new notice would be required. **The matter is officially adjourned to the April 20, 2015 meeting of the Planning Board.**

Agenda Item 5:

Hampton Road Preliminary Investigation for an Area in Need of Redevelopment

Block(s) 111.01; 112.01; 596.04 Lot(s) 7; 11; 4-5 Various Addresses Zone: B2/B4 Cherry Hill, NJ

Discussion: Bob Melvin, PP, AICP, of Group Melvin Design opened up the agenda item by giving a presentation on the Hampton Road Preliminary Investigation for an Area in Need of Redevelopment. Mr. Melvin first gave an overview of the subject parcels and detailed the existing uses on each property. After giving a procedural overview of the redevelopment process, it was noted that the Preliminary Investigation is one of the beginning stages in declaring a site "An Area in Need of Redevelopment." Mr. Melvin noted that per the Local Housing and Redevelopment Law, one (1) of eight (8) possible criteria must be met in order for there to be a case to designate a property an Area in Need of Redevelopment. Based upon an in-depth study of the subject parcels, Group Melvin Design found that the following parcels met the criteria for being an Area in Need of Redevelopment: 1) Block 112.01, Lot 11 (meeting criteria B & D); 2) Block 111.02, Lot 7 (meeting criterion C); and 3) Block 596.044, Lot 5 (meeting criterion D). The study also determined that Block 596.04, Lot 4 does NOT show evidence of qualifying as an Area in Need of Redevelopment since it has a functioning business.

Public Discussion:

- 1) Sara Joslin of 1234 Forge Road in Cherry Hill had questions about Lot 4's daycare center. Mr. Melvin said that any specific plans would be proposed in a redevelopment plan and this is just a preliminary investigation to see if criteria are being met. Mr. Stridick interjected that Lot 4 was determined not to meet the criteria of being an Area in Need of Redevelopment.
- 2) Lynn Cummings (owner of Lot 4) noted that there is no daycare at the property and that children are only there on Sunday's for Church.

Motion: Following the reiteration of the findings of the Preliminary Investigation, Carolyn Jacobs made a motion, which was seconded by Gina LaPlaca, to recommend the Park Boulevard Preliminary Investigation Area be recommended to Township Council as an Area in Need of Redevelopment (except for

Lot 4). Affirmative votes by Dougherty, Roskoph, Jacobs, McCormack, Terry, LaPlaca, Hung, and Kalitan. The recommendation to Township Council is approved unanimously.

Resolution 1:

14-P-0037

FC Cherry Hill, LLC & NM Cherry Hill, LLC

Block(s) 437.01 Lot(s) 3-9 & 21

Cardone Avenue

Zone: Industrial Restricted (IR) Zone.

Cherry Hill, NJ

Relief Requested: A preliminary and final major site plan with bulk (C) variances to develop an access road from the rear of Lot 5 (former Syms Clothing store) through Cardone Avenue (a private access easement) to Marlkrass Road (a County Road).

Motion to Ratify: Following the review of the resolution, Moly Hung made a motion which was seconded by Gina LaPlaca, to memorialize the correcting resolution for FC Cherry Hill, LLC & NM Cherry Hill, LLC. Affirmative votes by Hung, LaPlaca, Jacobs, Roskoph, Terry, and Kalitan. The resolution is memorialized.

Resolution 2:

Cherry Hill Township Zoning Ordinance Amendments Resolution

*Resolution for Recommendations to Council for revisions to **Article IX – Fees, Guarantees, Inspections & Off-Tract Improvements**, specifically Section 901.A, to amend various fees for the submission of planning and zoning board applications and the inclusion of Administrative Agent fees for the administration of affordable housing; and **Article X – Affordable Housing Procedural & Eligibility Requirements**, specifically Section 1005.1.a and 2.a, to provide further clarification that the inclusionary standards for for-sale and rental housing shall apply to developments approved via a use (D) variance application per N.J.S.A. 40:55D-70(d).*

Motion to Ratify: Following the review of the resolution, Carole Roskoph made a motion which was seconded by Kevin McCormack, to memorialize the recommending resolution for the Zoning Ordinance Amendments. Affirmative votes by Dougherty, Roskoph, Jacobs, McCormack, Terry, LaPlaca, Hung, and Kalitan. The resolution is memorialized.

Resolution 3:

Hampton Road Preliminary Investigation for an Area in Need of Redevelopment

Block(s) 111.01; 112.01; 596.04 Lot(s) 7; 11; 4-5

Various Addresses Zone: B2/B4

Cherry Hill, NJ

Motion to Ratify: Following the review of the resolution, Carolyn Jacobs made a motion which was seconded by Gina LaPlaca, to memorialize the recommending resolution for the Hampton Road Preliminary Investigation as an Area in Need of Redevelopment (except for Lot 4). Affirmative votes by Dougherty, Roskoph, Jacobs, McCormack, Terry, LaPlaca, Hung, and Kalitan. The resolution is memorialized.

Meeting Adjourned: 11:03 PM.