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PLANNING BOARD
Monday, August 15, 2016
APPROVED MINUTES

OPENING: The meeting was called to order by Chairperson John Osorio at 7:40 PM.

PLEDGE OF ALLEGIANCE: Led by Mr. Osorio.

OPMA STATEMENT: Read by Mr. Osorio in compliance with the Sunshine Law.

ROLL CALL

- **Members in attendance:** John Osorio; Hugh Dougherty; Kevin McCormack; Carolyn Jacobs; Bill Carter; Sam Kates; Moly Hung; Marlyn Kalitan; and Sheila Griffith.
- **Professionals in attendance:** Paul Stridick, AIA, Director; Lorissa Luciani, PP, AICP, Deputy Director; James Burns, Esq., Solicitor; and Stacey Arcari, PE, Board Engineer.

Comments from the Public Not Related to Items on Tonight's Agenda: None.

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from August 1, 2016. Marlyn Kalitan made a motion, which was seconded by Kevin McCormack, to adopt the Meeting Minutes from August 1, 2016. Affirmative votes by Osorio, Jacobs, McCormack, Carter, Hung and Kalitan. Minutes are approved.

Agenda Items:

Cuthbert Boulevard Gateway: Baker Lanes Study Area Preliminary Investigation for an Area in Need of Redevelopment

Block(s) 66.01 Lot(s) 1 761 Cuthbert Blvd
Zone: B4 Cherry Hill, NJ

Chairman Osorio announced that the Cuthbert Boulevard Gateway Preliminary Investigation is postponed and will be rescheduled with new notice at a date to be determined.

16-P-0004 **VP70 Realty, LLC**
Block(s) 9.01 Lot(s) 5 2325 Route 70 West
Zone: Highway Business (B2) Cherry Hill, NJ

Relief Requested: A Preliminary and Final Major Site Plan with Bulk (C) Variances to construct a Dunkin Donuts drive through restaurant on the same lot as Bayard's Chocolates.

Exhibits Submitted:

- A-1: Modified Site Plan
- A-2: Architectural Renderings/Interior Layout

Discussion: Applicant VP 70 Realty, LLC, applied for a Preliminary and Final Major Site Plan with Bulk (C) Variances to construct a Dunkin Donuts drive through restaurant on the same lot as Bayard's Chocolates; located at 2325 Route 70 West, Cherry Hill, New Jersey (Block 9.01, Lot 5). The property is owned by 2325 Marlton Pike W Associates, LLC.

Application was represented by:

- Peter Rhodes, Esq. – Attorney for the Applicant
- Brian Peterman – Professional Engineer for the Applicant
- Albert Taus – Professional Architect for the Applicant
- Alan Lauer - Applicant

Mr. Rhodes introduced the application for a Dunkin Donuts drive through restaurant to be located on the same lot as Bayard's Chocolates. It was noted that the applicant is in a lease agreement with Bayard's Chocolate's to share the site

should approval be granted by the Planning Board. Mr. Rhodes explained that the new Dunkin Donuts is approximately 2,000 SF and the drive through will circulate around the building. Peak hours will be between 7am and 9:30am with about 70 customers per hour during that time. It was explained that 65-70% are drive-through customers which means that 25 cars will park and come into the restaurant. Mr. Rhodes believes that amount of parking proposed will be able to accommodate these peak times and turnovers. The Dunkin Donuts will be open from 5am to 10pm with 4 employees on the maximum work shift. Deliveries will be once a week with a 26' long trailer.

Mr. Lauer affirmed that Mr. Rhodes' comments regarding the operations of Dunkin Donuts are accurate and added that the business is open 7 days per week. Mr. Lauer described his background in operating Dunkin Donuts' franchises and noted that 65% of all their business is done through the drive through. Mr. Lauer said they receive their deliveries once per week during the morning and the hope is that it is done off-peak. Mr. Lauer stated it talk about half an hour to unload the delivery vehicle. A discussion ensued regarding the expected queuing at the drive through and how it relates to the actual conditions during peak hours. The Board questioned the applicant in regard to how Dunkin Donuts handles when orders take longer to fulfill than the expect 2 minute timeframe. Mr. Lauer explained that some orders can be fulfilled in less than two minutes and that the 2 minute is an average; however, Mr. Lauer deferred to his Engineer to discuss the physical layout of the site and how traffic will circulate.

Mr. Peterman began by providing the site some context in terms of location and noted that there are variances (some of which are existing nonconformities that are being maintained or lessened) being requested as part of the application. Mr. explained that one variance is to permit 24 parking spaces where 35 are required (between the joint Dunkin Donuts and Bayard's Chocolates). Mr. Peterman noted the other requested variances and existing conformities as well as signage related requests/variances. Mr. Peterman added that the applicant has worked with Community Development to make aesthetic improvements to the site in regard to lighting, landscaping, and architecture. Mr. Peterman went through the requested design waivers that primarily related to landscaping, site circulation, and parking. Mr. Peterman explained that many of the requests are existing nonconformities and submitted A-1 to show a modified site plan and drive through design.

Mr. Peterman discussed the location of the patio and that it could be relocated if the Board believes it will allow for safer site circulation. Mr. Peterman agreed that there could be a potential for queuing/stacking to occur behind both the menu boards along the drive-through. Mr. Peterman discussed pedestrian and ADA circulation on the site and how it will connect with Route 70 and the proposed Dunkin Donuts. Mr. Peterman added that Bayard's Chocolate's opens up after the peak morning times at Dunkin Donuts and believes the proposed layout can accommodate both uses. The Board expressed concern over the limited amount of available parking spaces in terms of the combination of customers and employees for both businesses. Concerns were also expressed should a new use replace Bayard's Chocolates. Mr. Peterman discussed the circulation for delivery vehicles and that the loading zone will be able to accommodate the tractor trailer. Mr. Peterman also discussed the truck turning template but Mr. Stridick questioned whether the loading area could be reduced so as to relieve some congestion in the drive-through.

Mr. Taus described the architecture of the proposed Dunkin Donuts and how two businesses will be aesthetically blended in terms of its signage and building materials and colors. Mr. Taus believes in his professional opinion that the two sites will be compatible and homogenous. Mr. Taus described the proposed façade and freestanding signage proposed for the Dunkin Donuts. Mr. Taus also described the directional signs and menu board signs. A variance is required for the size of the pylon sign. Mr. Taus added that the Bayard's sign would be getting a new stone base and some slight touch-ups on the sign itself. Mr. Taus explained that the menu board would not be visible from Route 70 but may be visible from Harvard Avenue. Solicitor Burns and Mr. Stridick explained that if the menu board sign is indeed visible from Harvard Avenue, then the application would be kicked to the Zoning Board for a conditional use variance. Ms. Jacobs expressed concern over the access points and signage directing potential customers to Bayard's. Mr. Osorio expressed concern over the amount of questions and issues and lack of answers to the Board's questions. In light of the issues related to circulation, parking, signage, and an evolving site design, Mr. Osorio recommended taking a five minute recess so that the applicant could discuss amongst themselves whether they want to request an adjournment of their application.

An all in favor motion was cast to take a five minute recess at 8:50pm. The meeting resumed at approximately 8:55pm with an all in favor vote.

Mr. Rhodes respectfully requested an adjournment so that the applicant could address the Board's concerns in a revised plan. Mr. Rhodes asked if the Board had any other comments that they would like them to address. Mr. Osorio decided to first open up the application for public discussion. Solicitor Burns added that the applicant would have to provide new notice since no new meeting date has been decided. Ms. Arcari asked the applicant to address site circulation and queuing as well as the necessity of the patio.

Public Discussion: Rick Cunio, the tenant of the Cherry Hill Flower Barn, explained that his business on the subject site is proposed to be torn down and that he only found out about the Dunkin Donuts project about two weeks prior. Barbara Nardi, sister of Rick Cunio and an affiliate of the Cherry Hill Flower Barn, questioned whether the portion of the property

with their business is historical as it was once a horse barn. Ms. Nardi stated that the Cherry Hill Flower Barn has been in business for 35 years and noted that during holiday times, Bayard's generates around 100 cars which would create a lot of traffic on the site. Ms. Nardi stated that if Dunkin Donuts is approved and the Cherry Hill Flower Barn is torn down, a small business owner will be displaced without much advanced notice. Ms. Nardi wanted to know if any accommodations or recourse for their business in light of the potential for their business to be torn down, and if the Board was aware of their business on their site.

Solicitor Burns stated that he appreciates their comments but that the Planning Board's role is to assess the site plan. Solicitor Burns explained that whatever the lease relationship is with the owner of the site, that she should review that with the property owner; however, without knowing the full details of the lease agreement, the property owner may have the right to terminate the lease. Rick Cunio asked what kind of notice he will receive if final approval is granted for the application. Solicitor Burns explained that it is dependent upon the lease agreement in terms of the notice that the property owner would give to his business. Rick Cunio explained that he wasn't notified of this meeting and that he was notified by his neighbor. Solicitor Burns explained that the applicant is only required to give notice to property owners, not the tenants. Ms. Luciani added and clarified that the applicant is required by Municipal Land Use Law to supply notice to all property owners within 200' of the subject site, but are not required to notify tenants of the subject property. Solicitor Burns explained that the applicant would have to come back to the Board in order to request approval for their site plan and that additional public comment can be received at that time. Solicitor Burns suggested that Mr. Cunio can check the Planning Board agenda's to see if and when they are scheduled for a follow-up meeting.

Mr. Rhodes explained that the applicant is under contract with the property owner and has not had contact with the Cherry Hill Flower Barn. Mr. Rhodes added that the contract stipulates it would be a tenant-free property, albeit with Bayard's remaining. Mr. Dougherty stated that the applicant will need to look at the site plan and reconsider the site circulation, site safety, and signage. Ms. Luciani added that the loading area and access drive needs to be aligned and not to use existing curb lines along Harvard Avenue.

Motion to Adjourn the Application: An all in favor motion to adjourn the application was granted.

RESOLUTIONS

13-P-0007

Block(s) 342.01 Lot(s) 1-4
Zone: Highway Business (B2)

BR70 East, LLC

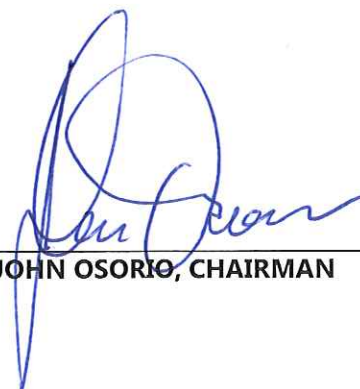
Route 70 & Brace Road
Cherry Hill, NJ

Relief Requested: A minor subdivision to consolidate three (3) lots (Lots 1, 2 & 3) into one (1) lot and to swap portions of said land within those lots with Lot 4. No structures or uses are proposed as part of this application.

Motion to Ratify: John Osorio made a motion which was seconded by Carolyn Jacobs, to memorialize the resolution for BR70 East, LLC. Affirmative votes by Osorio, McCormack, Jacobs, Hung, Carter and Kalitan. The resolution is memorialized.

Meeting Adjourned: at 9:17 PM.

ADOPTED:



JOHN OSORIO, CHAIRMAN

ATTEST:



**PAUL G. STRIDICK, AIA
PLANNING BOARD SECRETARY**

