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PLANNING BOARD
Monday, June 15, 2015
ADOPTED MINUTES

OPENING: The meeting was called to order by Acting Chairperson Larry Terry, Sr. at 7:31pm

PLEDGE OF ALLEGIANCE: Led by Acting Chairperson Larry Terry, Sr.

OPMA STATEMENT: Read by Acting Chairperson Larry Terry, Sr. in compliance with the Sunshine Law.

ROLL CALL

- **Members in attendance:** Kevin McCormack; Carole Roskoph; Carolyn Jacobs; Larry Terry, Sr.; Sam Kates; Gina LaPlaca; Moly Hung; and Marlyn Kalitan.
- **Professionals in attendance:** Paul Stridick, AIA, Director of Community Development; Jacob Richman, PP, AICP, Planning Technician; Jim Burns, Esq., Planning Board Solicitor; and Allen Zeller, Esq., Zoning Board Solicitor.

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

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from April 20, 2015. Carole Roskoph made a motion, which was seconded by Sam Kates, to adopt the Meeting Minutes from April 20, 2015. Affirmative votes by Roskoph, Kates, Terry, Jacobs, LaPlaca, Hung, and Kalitan. Minutes are approved.

Adoption Meeting Minutes from May 4, 2015. Carolyn Jacobs made a motion, which was seconded by Gina LaPlaca, to adopt the Meeting Minutes from May 4, 2015. Affirmative votes Roskoph, McCormack, Kates, Jacobs, LaPlaca, Hung, and Kalitan. Minutes are approved.

RESOLUTIONS:

Resolution Authorizing Planning Board to Enter Executive Closed Session to Discuss Pending Litigation

Fair Share Housing Center, Inc.; Camden County Branch of the NAACP; Southern Burlington County Branch of the NAACP (Plaintiffs) v. Township of Cherry Hill; Cherry Hill Township Planning Board; and Cherry Hill Township Zoning Board of Adjustment, et al (Defendants), Superior Court of New Jersey, Chancery Division, General Equity Part, Camden County, Docket No: L-04889-01; Evans Francis Estates Associates, LP (Plaintiffs) v. Cherry Hill Township Planning Board, et al (Defendants), Superior Court of New Jersey, Law Division, Camden County, Docket No: L-1249-11) and Cherry Hill Land Associates v. Cherry Hill Township, et al, Docket No: L-04889-01.

Mr. Zeller went through the general details as to why the Planning Board has to go into a Closed Executive Session in that there is pending litigation to be discussed regarding recent developments in cases involving Fair Share Housing Center, Inc. and Evans Francis Estates Associates, LP.

Motion to move into a Closed Executive Session: Carolyn Jacobs made a Motion to move into a Closed Executive Session, which was seconded by Carole Roskoph, with affirmative votes by Roskoph, Jacobs, Terry, McCormack, Kates, LaPlaca, Hung, and Kalitan. Motion carries and the Board moved into the Closed Executive Session at 7:41pm.

EXECUTIVE SESSION (CLOSED) TO DISCUSS THE PENDING LITIGATION AND TO CONSIDER TWO (2) PROPOSED SETTLEMENT AGREEMENTS OF SAID LITIGATION (NO FORMAL ACTION WILL BE TAKEN)

Superior Court of New Jersey, Chancery Division, General Equity Part, Camden County, Docket No: L-04889-01, Civil Action (Fair Share Housing Center, Inc.; Camden County Branch of the NAACP; Southern Burlington County Branch of the NAACP (Plaintiffs) v. Township of Cherry Hill; Cherry Hill Township Planning Board; and Cherry Hill Township Zoning Board of Adjustment, et al (Defendants); Cherry Hill Land Associates v. Cherry Hill Township, et al.; and Superior Court of New Jersey, Law Division, Camden County, Docket No: L-1249-11, Civil Action (Evans Francis Associates Estates, LP (Plaintiffs) v. Cherry Hill Township Planning Board, et al (Defendants)) to consider two (2) Settlement Agreements.

RESOLUTIONS – OPEN PUBLIC MEETING

Resolution Considering the Endorsement of the Settlement Agreement

Fair Share Housing Center, Inc, et al. (Plaintiffs) v. Township of Cherry Hill; Cherry Hill Township Planning Board; and Cherry Hill Township Zoning Board of Adjustment, et al (Defendants), Superior Court of New Jersey, Chancery Division, General Equity Part, Camden County, Docket No: L-04889-01; and Evans Francis Estates Associates, LP (Plaintiffs) v. Cherry Hill Township Planning Board, et al (Defendants), Superior Court of New Jersey, Law Division, Camden County, Docket No: L-1249-11, to take action regarding the Settlement Agreement per the above and authorize Allen S. Zeller, Esq., of Zeller & Wieliczko to sign and/or take appropriate action on behalf of the Cherry Hill Township Zoning Board of Adjustment.

Motion to re-enter into the Open Public Session: Carole Roskoph made a Motion to move into an Open Public Session, which was seconded by Carolyn Jacobs, with affirmative votes by Roskoph, Jacobs, Terry, McCormack, Kates, LaPlaca, Hung, and Kalitan. Motion carries and the Board moved into the Open Public Session at 9:05pm.

Carole Roskoph recused herself from the next portion of the meeting.

Motion to Ratify/Endorse the Fair Share Housing Center Settlement Agreement: Following the review of the resolution, Larry Terry made a motion which was seconded by Carolyn Jacobs, to memorialize the resolution to approve and endorse the settlement agreement for Fair Share Housing Center, Inc., et al. Affirmative votes by Jacobs, Terry, McCormack, Kates, LaPlaca, Hung, and Kalitan. The resolution is memorialized.

Motion to Ratify/Endorse the Evans Francis Associates Settlement Agreement: Following the review of the resolution, Carolyn Jacobs made a motion which was seconded by Moly Hung, to memorialize the resolution to approve and endorse the settlement agreement for Evans Francis Estates Associates, LP. Affirmative votes by Jacobs, Terry, McCormack, Kates, LaPlaca, Hung, and Kalitan. The resolution is memorialized.

Mr. Zeller recused himself from the remainder of the meeting. Carole Roskoph returned for the remainder of the meeting.

Agenda Items:

15-P-0011

Block(s) 119.01 Lot(s) 30

Zone: Highway Business (B2) Zone

Relief Requested: A site plan waiver with bulk (C) sign variances to erect freestanding and façade signage for Starbucks Coffee Company.

Starbucks Coffee Company

600 Route 38

Cherry Hill, NJ

Exhibits Submitted:

A-1: Color Elevations & Signage

A-2: Rendering/Example of a pre-menu board sign

A-3: Approved Starbucks site plan by Bohler Engineering dated 08-25-2014 (from Community Development's files)

Discussion: Applicant Starbucks Coffee Company, applied for a site plan waiver with bulk (C) sign variances to erect freestanding and façade signage for Starbucks Coffee Company; located at 600 Route 38, Cherry Hill, New Jersey (Block 119.01 Lot 30). The property is owned by Longwood Realty Associates, LLC.

Application was represented by:

- Duncan Prime, Esq. – Attorney for the Applicant
- Greg Rees – Starbucks Representative
- Christine Nazzaro-Cofone, PP, AICP – Planner for the Applicant

Mr. Prime introduced the application for Starbucks signage and presented exhibit A-1 which showed color elevations of the Starbucks establishment and proposed signs. Mr. Prime noted that the applicant was keeping the prior approved freestanding sign per Starbucks' site plan approval by the Planning Board back in 2009. The applicant is proposing five (5) new façade signs in order to identify the new Starbucks building and its drive-through.

Mr. Rees went through each of the four (4) elevations on the Starbucks building and where each of the proposed façade signs are located. On the south elevation, Starbucks is proposing a circular logo sign (needs a variance), an identification sign, and a drive-through directional sign. It was noted that this is the most prominent elevation as it has frontage along Route 38. In regard to the west elevation, the proposal is for an identification sign (needs a variance) and a drive through directional sign. The east elevation is proposed to have a circular logo sign (needs a variance) and three (3) menu board signs (two variances needed). Exhibit A-2 was presented in order to show what the pre-menu board and regular menu board signs would look like. Lastly, the north elevation would have a circular logo sign (facing towards the Walmart Shopping Center). A discussion then ensued regarding how the menu board signs would be integrated into the site and how customers would access the drive-through. Mr. Rees stated that the proposed signage is Starbucks' prototypical sign package. A discussion then ensued about the necessity of the multitude of façade and logo signs. Exhibit A-3 was

presented and distributed amongst the Board in order to more clearly establish where each sign is being proposed as it relates to the overall site plan.

Ms. Nazzaro-Cofone testified in regard to the need for the variance for the number of signs. Ms. Nazzaro-Cofone noted that the south elevation is the only frontage, which is where the most signs are proposed. It was noted that the north elevation logo sign provides identification and directional awareness as well as breaking up a long elevation that doesn't have any identifying markers. In regard to the menu boards, Ms. Nazzaro-Cofone believes that the multiple menu board signs will improve flow through the site and the drive-through. Ms. Nazzaro-Cofone went through the positive and negative criteria of the application. Ms. Nazzaro-Cofone believes that the proposed signage will facilitate free flowing traffic and aid in customer orientation. Ms. Nazzaro-Cofone sees no substantial detriment to the Zone Plan or Zoning Ordinance.

Public Discussion: None.

Ms. Kalitan and Ms. Jacobs expressed concern over the amount of logo signs, particularly the north elevation logo sign (facing the Walmart shopping center). Ms. Roskoph and Ms. LaPlaca disagreed and asserted that the sign broke up the monotony of that elevation and that it is not excessive signage. Mr. Rees discussed the color scheme of the building in order to talk about how everything will blend well. Mr. Prime followed up Mr. Rees' comments by explaining that the architectural plans will complement the sign package.

Motion: Following the reiteration of the conditions and variances needed by Solicitor Burns, Carole Roskoph made a motion, which was seconded by Gina LaPlaca, to approve the application with the conditions as stated. Affirmative votes by Roskoph, McCormack, Terry, Kates, LaPlaca, Hung, and Kalitan. Negative votes by Jacobs and Kalitan. The application is approved by a vote of 6-2.

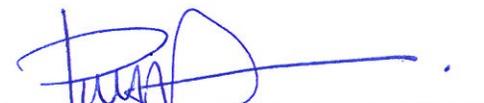
Meeting Adjourned: 10:10 PM.

ADOPTED:

ATTEST:



JOHN OSORIO, CHAIRMAN



PAUL G. STRIDICK, AIA
PLANNING BOARD SECRETARY

