



PLANNING BOARD
Monday, May 16, 2016
APPROVED MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Chairperson John Osorio at 7:34 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; Carolyn Jacobs; Bill Carter; Sam Kates; Moly Hung; Marlyn Kalitan; Betty Adler; and Sheila Griffith.
- **Professionals in attendance:** Paul Stridick, AIA, Director; Jacob Richman, PP, AICP, Planner; Stacey Arcari, PE, Planning Board Engineer; and James Burns, Esq., Solicitor.

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

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from May 2, 2016. John Osorio made a motion, which was seconded by Bill Carter, to adopt the Meeting Minutes from May 2, 2016. Affirmative votes Osorio, Carter, Jacobs, and Hung. Minutes are approved.

Agenda Items:

8752.2B5

Block(s) 54.01 Lot(s) 2, 3 & 5
Zone: Regional Business (B4) Zone

Cherry Hill Partners at Park Place, LLC

Garden Park Boulevard
Cherry Hill, NJ

Relief Requested: An amended General Development Plan (GDP) to provide an additional 64,906 SF of retail and 2,004 SF of restaurant along Haddonfield Road. The applicant continues to propose a total of 360 units in Phase 2B, where originally 240 townhouses were approved (now proposing 98 townhouses, where 87 are currently built and/or under construction) and, where originally 120 condominiums were approved (now proposing 262 townhouses, where 110 are currently built and/or under construction).

8752.2B5

Block(s) 54.01 & 54.02 Lot(s) 2, 3 & 5 and 4 & 5
Zone: Regional Business (B4) Zone

Cherry Hill Partners at Park Place, LLC

Garden Park Boulevard
Cherry Hill, NJ

Relief Requested: A Lot Consolidation for Block 54.01, Lots 2, 3 and 5 and a Minor Subdivision for Block 54.02, Lots 4 and 5.

8752.2B5

Block(s) 54.02 Lot(s) 5
Zone: Regional Business (B4) Zone

Cherry Hill Partners at Park Place, LLC

Garden Park Boulevard
Cherry Hill, NJ

Relief Requested: An Amended Preliminary and Final Major Site Plan with Bulk (C) variances for the residential phase on Block 54.02, Lot 5.

8752.2B5

Block(s) 54.02 Lot(s) 5, 5.03 & 5.04
Zone: Regional Business (B4) Zone

Cherry Hill Partners at Park Place, LLC

Garden Park Boulevard
Cherry Hill, NJ

Relief Requested: A Preliminary Major Site Plan with Bulk (C) Variances for the non-residential phase on Block 54.02, Lot 5, 5.03 and 5.04.

Exhibits Submitted:

A-1: Existing Site Plan; A-2: Approved Site Plan I; A-3: Approved Site Plan II; A-4: Aerial Exhibit; A-5: General Development Plan; A-6: Overall Site Plan Exhibit; A-7: Overall 1st, 2nd and 3rd Floor Plans; and A-8: Overall Building Elevations.

Discussion: Applicant Cherry Hill Partners at Park Place, LLC, applied for the following: 1) An amended General Development Plan (GDP) to provide an additional 64,906 SF of retail and 2,004 SF of restaurant along Haddonfield Road. The applicant continues to propose a total of 360 units in Phase 2B, where originally 240 townhouses were approved (now proposing 98 townhouses, where 87 are currently built and/or under construction) and, where originally 120 condominiums were approved (now proposing 262 townhouses, where 110 are currently built and/or under construction); 2) A Lot Consolidation for Block 54.01, Lots 2, 3 and 5 and a Minor Subdivision for Block 54.02, Lots 4 and 5; 3) An Amended Preliminary and Final Major Site Plan with Bulk (C) variances for the residential phase on Block 54.02, Lot 5; and 4) A Preliminary Major Site Plan with Bulk (C) Variances for the non-residential phase on Block 54.02, Lot 5, 5.03 and 5.04; for the property located at Garden Park Boulevard, Cherry Hill, New Jersey (Block 54.01 & 54.02 Lots 2, 3, 5 & 4, 5, 5.03, and 5.04). The property is owned by Cherry Hill Partners at Park Place, LLC.

Application was represented by:

- Ron Morgan, Esq. – Attorney for the Applicant
- John Taikina – Director of Real Estate Development – M&M Realty Partners
- Justin Auciello, PP, AICP – Planner for the Applicant
- Brad Bohler, PE – Engineer for the Applicant
- Karl Pehnke – Traffic Engineer

Mr. Morgan introduced the application and gave a brief overview of the subject site's history of approvals and the applicant's proposal for an Amended General Development Plan, a lot line adjustment (i.e. minor subdivision), an amended preliminary and final major site plan for the residential component of Phase 2B (in order to replace some townhomes with condos but not change the overall number of approved units), and a preliminary major site plan for additional retail along Haddonfield Road.

Mr. Taikina submitted Exhibits A-1 through A-8 and started by pointing out the existing layout of the residential component of the site. Mr. Taikina explained that they are proposing to acquire Block 54.01, Lots 2 & 3 (a/k/a 641 & 647 Third Avenue) and incorporate the lots into the residential development. Mr. Taikina elaborated that they are proposing to construct more condominiums and less townhomes than what was previously approved; however, he stressed that the overall amount of units previously approved (360 in total) are not changing. The only other change will be the bedroom count. Mr. Taikina noted that most townhomes are 3,000 SF and the condominiums are around 1,200 SF in unit size. Other proposed changes to the site include addition of parking near the residential development as well as the addition of retail space along Haddonfield Road (which will slightly reduce the amount of open space). Mr. Taikina explained the phasing plan for Phase 2B East and 2B West, comprising of 98 Townhomes, 262 Condominiums, and 66,910 SF of retail. The commercial/retail component of the development will have approximately 2,000 SF of restaurant space with the remaining devoted to retail over five (5) buildings. Mr. Taikina detailed the changes in the architecture of the 10-unit condominium buildings (which will be 2-bedroom units) and that they will be similar to the existing 22-unit condominium buildings.

Mr. Taikina stated that they have no objections to the Department of Community Development's review letter dated May 10, 2016 and that they will straighten the sidewalk located south of Building 42 as requested. It was noted that the applicant will have cross access easements between the commercial and residential portions of Phase 2B and will work with Community Development on the design of these easements prior to requesting final approval for the commercial component. The final parking count for the commercial component will also be worked out during the final major site plan request. Mr. Taikina clarified that all prior approved site design details will be maintained.

Mr. Taikina went through ERI's review letter dated May 10, 2016 and provided testimony on the requested design waivers and the Board Engineer's comments. The proposed restaurant will have forty-five (45) seats and ten (10) employees. Mr. Taikina explained that if any user is a grocery store then the applicant will modify its parking plan so that appropriate sized parking stalls can be accommodated. The applicant noted that they do not want a driveway access between Buildings 47 and 48 due to the circulation and cut through issues that it would create; however, they proposed a pedestrian access in its place as a possible alternative. The Planning Board expressed favor in regard to having a sidewalk instead of an access driveway. The applicant noted that they will install an eight (8') foot fence behind the commercial development and that the residential buffer will be constructed at the same time as the development. Lastly, Mr. Taikina stated that they would like to keep the set of parking to the north of the commercial development but would designate it as employee parking only.

Mr. Bohler went through the requested variances and existing nonconforming conditions which included setbacks, lot coverage, buffers, and parking. A discussion then ensued between Mr. Taikina and the Board regarding the variance for the additional parking. It was explained that the extra parking is being proposed in response to current resident concerns about how parking is tight as well as concerns raised to Community Development in regard to parking issues with Phase 2B. The applicant agreed to work with Community Development on making the additional parking more integrated into the site, if possible, and will attempt to remove a lot coverage and/or parking variance where feasible. Lastly, Mr. Bohler briefly described the access points into the newly proposed commercial portion of the property.

Mr. Pehnke gave an overview of the traffic design history of Phase 2B of the Garden State Park and the subsequent build-out. Mr. Pehnke discussed the various access points to the commercial site, the on-site circulation, and the parking (including employee parking). Mr. Pehnke stated that he will provide an updated traffic analysis to include the recently approved developments on the east side of Haddonfield Road as well as the recently approved traffic signal at Garden Park Boulevard. Mr. Pehnke affirmed that he will work with Community Development and ERI on ironing out any traffic related issues.

Mr. Auciello discussed the variance for lot coverage and the existing nonconformities. Mr. Auciello explained that the lot coverage variance request is due to increasing parking which has been a need of the existing community. Lastly, Mr. Auciello went through the positive and negative criteria for the proposed variance request.

Public Discussion: Betsy Olsen stated that she is worried about the possibility of a connection being created from Third Avenue to the Garden State Park since it would create safety issues. Mr. Stridick explained that a cut through is not being proposed as part of this application nor is there any long term plans for such a connection. Mr. Taikina affirmed that a cut through is not proposed and the driveways to the houses that were acquired on Third Avenue will be closed off and a landscape buffer will be installed.

Phil Sharman stated that while he is not concerned about the acquisition of the two homes on Third Avenue, he is concerned about the newly proposed parking lot and building near the woods on Third Avenue. Members of the Planning Board explained that the property line is not changing and the woods next to the homes on Third Avenue are not being touched. The parking lot will be within the applicant's property lines.

Michael Morris stated he has concerns regarding the mosquitos coming from the siting water at the water quality pond (a/k/a Pond A-2 located on Lot 4.01). Mr. Taikina noted that the pond is designated to be wet; however, he will have his property maintenance staff assess the pond to see if anything, such a new aerator, is needed.

Paul Vitrello, Jr. explained that he is worried about the over parking as well as the construction of a new condominium building on the newly acquired Third Avenue properties. Mr. Vitrello, Jr. also expressed concerned regarding the maintenance of the fence and vegetative overgrowth as well as general over development. Mr. Taikina noted that they cut down the poison ivy on the fence and put up a green mesh tarp so that the fence wasn't bare. The applicant then agreed to work with Community Development to assess the buffer and make sure that it is more aesthetically appealing.

Jay Several expressed concern regarding general traffic maneuvers into the commercial portion of the site, particularly the left turn lane and general safety issues.

Sean Cook asked for the vote on the application to be delayed due to supposed issues with receiving the notice of the hearing. Solicitor Burns explained that the applicant met all the conditions as required in the Municipal Land Use Law (MLUL) for the noticing of the application. Mr. Cook stated that he also had concerns with the amount of traffic that the proposal will create, especially due to the commercial development. Furthermore, Mr. Cook stated that he would like maintenance patrols in the woods along Third Avenue due to debris being blown from the construction happening in Phase 1B (age-restricted housing). Mr. Stridick stated that he will contact the owners of Phase 1B to have them address the issues with the debris.

Henry Olsen noted that he has concerns with the amount of noise that may be generated from residents of the newly proposed development near Third Avenue.

Heather Warren had questions regarding whether there will be a cut through and when construction will begin. Mr. Taikina noted that there will not be a cut through and that he hopes to start construction by the end of this year or early next year assuming they can get all of their approvals. Ms. Warren also expressed concern regarding the noticing requirements but it was reiterated that the applicant had met all the conditions of the MLUL in regard to the notice requirements.

Motion – Amended General Development Plan (GDP): Following the reiteration of the conditions of approval needed by Solicitor Burns, Bill Carter made a motion, which was seconded by John Osorio, to approve the Amended GDP with the conditions as stated. Affirmative votes by Osorio, Jacobs, Carter, Kates, Hung, Kalitan, Adler, and Griffith. The Amended GDP is approved unanimously.

Motion – Minor Subdivision Plan:

Following the reiteration of the conditions of approval needed by Solicitor Burns, John Osorio made a motion, which was seconded by Carolyn Jacobs, to approve the Minor Subdivision with the conditions as stated. Affirmative votes by Osorio, Jacobs, Carter, Kates, Hung, Kalitan, Adler, and Griffith. The Minor Subdivision is approved unanimously.

Motion – Amended Preliminary and Final Major Site Plan with Bulk (C) Variances for the Residential Phase:

Following the reiteration of the variances and conditions of approval needed by Solicitor Burns, John Osorio made a motion, which was seconded by Sam Kates, to approve the Amended Preliminary and Final Major Site Plan with Bulk (C) Variances for the Residential Phase with the conditions as stated. Affirmative votes by Osorio, Jacobs, Carter, Kates, Hung, Adler, and Griffith with Kalitan voting no. The Amended Preliminary and Final Major Site Plan is approved by a vote of 7 to 1.

Motion – Preliminary Major Site Plan with Bulk (C) Variances for the Non-Residential Phase

Following the reiteration of the variances and conditions of approval needed by Solicitor Burns, John Osorio made a motion, which was seconded by Carolyn Jacobs, to approve the Preliminary Major Site Plan with Bulk (C) Variances for the Non-Residential Phase with the conditions as stated. Affirmative votes by Osorio, Jacobs, Carter, Kates, Hung, Kalitan, Adler, and Griffith. The Preliminary Major Site Plan is approved unanimously.

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; 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.

Motion to Ratify: Following Solicitor Burn’s explanation that the Planning Board may enter a closed executive session to discuss pending litigation, John Osorio made a motion which was seconded by Betty Adler, to memorialize the resolution in order to enter into a closed executive session. Affirmative votes by Osorio, Jacobs, Carter, Kates, Hung, Kalitan, Adler, and Griffith. The resolution is memorialized and the Board entered closed executive session at 10:06 PM.

EXECUTIVE SESSION (CLOSED) TO DISCUSS THE PENDING LITIGATION AND TO CONSIDER AN AMENDMENT TO A SETTLEMENT AGREEMENT 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); 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 an Amended Settlement Agreement.

The Board re-entered the open public session at 10:16 PM.

RESOLUTIONS – OPEN PUBLIC MEETING

Resolution Considering the Endorsement of an Amended 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 Amended Settlement Agreement per the above and authorize James W. Burns, Esq., of Dembo Brown and Burns to sign and/or take appropriate action on behalf of the Cherry Hill Township Planning Board for the Amended FSHC Settlement Agreement.

Motion to Ratify: John Osorio made a motion which was seconded by Marlyn Kalitan, to memorialize the resolution for the endorsement of the Amended Fair Share Housing Center Settlement Agreement. Affirmative votes by Osorio, Jacobs, Carter, Kates, Hung, Kalitan, and Griffith with Adler recusing herself. The resolution is memorialized.

Meeting Adjourned: at 10:19 PM.

ADOPTED:

ATTEST:



PAUL G. STRIDICK, AIA
PLANNING BOARD SECRETARY



JOHN OSORIO, CHAIRMAN