



**PLANNING BOARD**  
**Monday, October 17, 2016**  
**APPROVED MINUTES**

*You couldn't pick a better place.*

**OPENING:** The meeting was called to order by Chairperson John Osorio at 7:35 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:** Kevin McCormack; Carolyn Jacobs, John Osorio; Hugh Dougherty; Steven Sweeney; Sam Kates; Moly Hung; Marlyn Kalitan; and Betty Adler.
- **Professionals in attendance:** Paul Stridick, AIA, Director; Lorissa Luciani, PP, AICP, Deputy Director; James Burns, Esq., Solicitor; Cosmas Diamantis, Esq., Alternate/Conflict Solicitor; Stacey Arcari, PE, Board Engineer; and Jacob Richman, PP, AICP Planner.

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

**ADMINISTRATIVE ITEMS**

*Adoption Meeting Minutes from October 4, 2016.* Sam Kates made a motion, which was seconded by Marlyn Kalitan, to adopt the Meeting Minutes from October 4, 2016. Affirmative votes by Sweeney, Jacobs, Hung, Kates, Kalitan, and Adler. Minutes are approved.

**Agenda Item 1:**

**16-P-0006**

Block(s) 431.16 Lot(s) 1, 7 & 13

Zone: Institutional (IN) and Residential (R2)

**Advanced Recovery Systems, LLC**

1205 Haddonfield-Berlin Road

Cherry Hill, NJ

*Relief Requested: A preliminary and final major site plan with a bulk (C) variance to construct a 22,000 SF (footprint), 90-bed behavioral health treatment facility and various site improvements.*

Solicitor Burns stated that he has not observed any representatives on behalf of the applicant at the meeting tonight. Solicitor Burns continued and noted that he sent a letter to the applicant's attorney on October 11, 2016, to re-confirm that their application for Preliminary and Final Major Site Plan approval is scheduled for a Planning Board hearing on October 17, 2016. Solicitor Burns stated that he also asked the applicant's attorney if he could advise as to whether his client would be appearing at the Planning Board hearing on October 17, 2016 or if an adjournment would be requested to be rescheduled for the next Planning Board on November 7, 2016. Solicitor Burns stated that he noted in the letter that if the applicant failed to appear before the Planning Board on their scheduled hearing date and if no adjournment was requested that the Planning Board would have no alternative but to deny Advanced Recovery Systems' application without prejudice.

Solicitor Burns continued and noted that he received a written response from the applicant's attorney dated October 11, 2016, that acknowledged receipt of Solicitor Burns' letter and also noted that the applicant, Advanced Recovery Systems, would not be appearing before the Planning Board hearing on October 17, 2016. Solicitor Burns stated that the letter raised the issue of a "procedural nullity". Solicitor Burns stated that both of the previously mentioned letters would become part of the record.

Solicitor Burns advised Chairman John Osorio that the applicant was properly advised of the obligation to be present at the October 17, 2016 Planning Board meeting or to request an adjournment. Solicitor Burns stated that since they failed to do either and since they also did not provide notice of their hearing as required under the Municipal Land Use Law (MLUL), that he ask for a motion to deny the application for Advanced Recovery Systems without prejudice.

**Motion to Deny the Application Without Prejudice:** John Osorio made a motion, which was seconded by Carolyn Jacobs, to deny the application for Advanced Recovery Systems, LLC, without prejudice. Affirmative votes by Osorio,

Dougherty, McCormack, Sweeney, Jacobs, Kates, Hung, Kalitan, and Adler. The application is unanimously denied without prejudice.

**Agenda Item 2:**

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

Block(s) 66.01 Lot(s) 1  
Zone: Regional Business (B4)

761 Cuthbert Blvd  
Cherry Hill, NJ

**Exhibits Submitted:**

A-1: Aerial Photograph of the Subject Site  
A-2: Interior Site Photos

Mr. Melvin stated that he was tasked to conduct a preliminary investigation regarding whether 761 Cuthbert Boulevard, also known as the Baker Lanes Study Area, should be deemed as an Area in Need of Redevelopment. Mr. Melvin stated that his findings are detailed in his report dated October 17, 2016. Mr. Melvin explained that in order for a site to be deemed an Area in Need of Redevelopment; they must meet at least one (1) of eight (8) possible criteria as defined under the Local Housing and Redevelopment Law (LHRL). Mr. Melvin submitted two (2) exhibits and gave an overview of the site area and surrounding uses.

Based upon his findings, Mr. Melvin believes in his professional opinion that the subject site meets three (3) criteria, specifically criteria A, B, and D. In regard to criteria A, Mr. Melvin stated that the site contains a substandard and unsafe building. Mr. Melvin stated that due to the discontinuance of the use, that the building has been abandoned and has fallen into a state of repair, as well as due to the fact that the building has become "untenable", the site meets criteria B. Lastly, Mr. Melvin stated that criteria D has been met in that there is dilapidation and obsolescence, and that because of this the building and site are detrimental to the public health, safety, and general welfare.

Mr. Melvin testified that site visits were conducted in April of 2016 and that he experienced firsthand the deleterious nature of the site and building conditions. Mr. Melvin stated that he saw water leaking, mold, broken windows, a non-functioning HVAC, and a non-functioning fire suppression system, among many other hazards. Mr. Stridick confirmed the presence of the hazards as testified to by Mr. Melvin and added that illegal dumping is occurring at the rear of the property along with other illegal activities. Mr. Stridick added that he noticed issues with the foundation of the existing structure. Lastly, Mr. Melvin noted that the site could be acquired through condemnation.

**Public Discussion:** Andrew Behrend of 112 Ashbrook Road stated that he would not want this site to be taken off the "board" for other uses and that the site should be considered open for development by other types of uses.

Bob O'Reilly of 106 Ashbrook Road questioned whether the subject site could be rezoned as Institutional (IN) and added that he would recommend that the site be utilized for Institutional (IN) permitted uses. Mr. Behrend also questioned if the site had any hazmat related concerns to which Mr. Melvin and Mr. Stridick noted the presence of asbestos tiles but that no specific testing was done. Mr. Stridick added that any development on the site would require an environmental assessment.

**Motion:** Following the testimony from Mr. Stridick and Mr. Melvin, as well as a recap by Solicitor Burns, John Osorio made a motion, which was seconded by Steven Sweeney, to recommend to the Governing Body that the Cuthbert Boulevard Gateway: Baker Lanes Study Area be recommended as an Area in Need of Redevelopment and a Condemnation Redevelopment Area. Affirmative votes by Osorio, Dougherty, McCormack, Sweeney, Jacobs, Kates, Hung, Kalitan, and Adler. The recommendation is approved unanimously.

Following the agenda item, Solicitor Burns removed himself from the remainder of the meeting and his place was taken over by Alternate/Conflict Solicitor Cosmas Diamantis, Esq.

**Agenda Item 3:**

**16-P-0036**

Block(s) 285.02 Lot(s) 2-9  
Zone: Shopping Center Business (B3)

**Cherry Hill Center, LLC**  
2000 Route 38  
Cherry Hill, NJ

*Relief Requested: A minor site plan with bulk (C) variances to construct a 4,937 SF addition to an existing shopping center structure known as the Cherry Hill Mall. The additional area is to be combined with existing interior space so as to create a 25,915 SF (approximately) retail store.*

**Exhibits Submitted:**

A-1: Overall Site Diagram  
A-2: Detailed Site Plan

**Discussion:** Applicant Cherry Hill Center, LLC, applied for a minor site plan with bulk (C) variances to construct a 4,937 SF addition to an existing shopping center structure known as the Cherry Hill Mall. The additional area is to be combined with existing interior space so as to create a 25,915 SF (approximately) retail store; located at 2000 Route 38, Cherry Hill, New Jersey (Block 285.02, Lots 2-9). The property is owned by Cherry Hill Center, LLC.

Application was represented by:

- Rick Goldstein, Esq. – Attorney for the Applicant
- Nancy Kilpatrick – Director of Development for PREIT
- Erik Littlehales, PE – Engineer for the Applicant
- Andrew Feranda, PTOE – Traffic Engineer for the Applicant

Mr. Goldstein introduced the application for minor site plan approval to construct a 4,937 SF addition (of which 253 SF is for a relocated electrical room) for the purposes of a new retail use that will be combined with 25,915 SF for a new tenant. Mr. Goldstein detailed the history of the site and prior approvals. In regard to the minor site plan, Mr. Goldstein noted that there a number of existing nonconformities due to subsequent amendments to the Zoning Ordinance that weren't in effect since their last development application. The existing nonconformities are related to lot coverage, open space, building height, and the ROW parking setback; however, these existing nonconformities will not be affected by this application. Mr. Goldstein stated that the applicant will provide testimony with regard to their shared parking analysis but as an overview, the Cherry Hill Mall is required to provide 5,697 parking spaces and that they will have 6,191 provided parking spaces.

Ms. Kilpatrick stated that the Cherry Hill Mall is looking to bring cutting edge tenants to the mall and that the unidentified tenant is an international fashion retailer. The tenant would require approximately 26,000 SF and has worked with the Cherry Hill Mall to find a space for them. They are being accommodated with the proposal of the new addition and shuffling of existing tenants to come up with an accommodating space. Ms. Kilpatrick stated that she cannot disclose the identity of the tenant due to a confidentiality agreement; however, the applicant will meet the aesthetics of the Cherry Hill Mall and its hours of operation. The store will only be able to be accessed from inside the mall and that the back door to the site will only be used by employees and for deliveries. Ms. Kilpatrick stated that there will be adequate parking on-site except for their three (3) peak days per year which fall on Black Friday, December 23<sup>rd</sup>, and the Saturday before Christmas. The proposal calls for the removal of thirteen (13) parking spaces but that it won't impact their parking need as this constitutes a negligible removal of parking spaces. Ms. Kilpatrick added that the mall has a 93.8% occupancy rate which will bump up to 98% with the addition of the unidentified tenant. Lastly, Ms. Kilpatrick noted that they have addressed the aesthetic issues at the rear of proposed addition site and will work with the Township to relocate the trash compactors.

Mr. Littlehales submitted exhibits A-1 and A-2 and gave an overview of the site, its access points, and the location of the proposed addition (near the entrance to H&R Block and the mall's administrative offices) as it relates to the rest of the mall. Mr. Littlehales reiterated that the plan call for the removal of thirteen (13) parking spaces to accommodate the proposed addition as well as explaining the changes in traffic circulation in and around the aforementioned addition. Mr. Littlehales stated that the addition will meet all other ordinance requirements except as noted in the testimony regard existing nonconformities. Mr. Goldstein added that the addition would be sixteen (16') feet in height. Mr. Littlehales noted that the addition would result in no net increase in impervious coverage due to reshuffling of landscaping strips. A discussion ensued regarding the total amount of parking needed and it was explained that there would be twenty-six (26) more spaces that what is required. The applicant agreed to all other comments in the Community Development and ERI review letters and will comply with all noted design waiver requests.

Mr. Feranda explained that he reviewed the shared parking analysis that was submitted to the Planning Board. He reiterated that thirteen (13) parking spaces are to be eliminated due to the proposed addition. Mr. Feranda explained that the parking count took into account the 1,307,364 SF GLA of retail (inclusive of the proposed addition) plus 116,742 SF GLA of office plus 70,378 SF GLA of restaurants in order to calculate the parking need. With the analysis it was determined that 5,624 parking spaces are needed during the week and 5,925 will be needed during the weekend. The total amount to be provided is 6,191 parking spaces. Mr. Feranda noted that you do not plan parking for a site of this scale for the worse cast scenario (specifically for the three (3) seasonal peak days) as it would be tough to find parking during those worst case scenarios wherever you are. A discussion ensued regarding NJDOT permitting and the applicant stated that will look to obtain a Letter of No Interest. The applicant proposes to make ADA and lighting improvements as part of their minor site plan. A discussion ensued regarding the development potential of other previously approved (but as of yet undeveloped) pad sites as it relates to parking requirements.

**Public Discussion:** None.

**Motion:** Following the reiteration of the conditions by Solicitor Diamantis, John Osorio made a motion, which was seconded by Marlyn Kalitan, to approve the application with the conditions as stated. Affirmative votes by Osorio, Dougherty, McCormack, Sweeney, Jacobs, Kates, Hung, Kalitan, and Adler. The application is approved unanimously.

**Resolution 1:**

**16-P-0015**

Block(s) 348.01 Lot(s) 29

Zone: Institutional (IN)

*Relief Requested: A minor site plan with bulk (C) variances to convert a church, school, and rectory into a private elementary and secondary school for students with special needs.*

**Sarvon, LLC**

800 Pennsylvania Avenue

Cherry Hill, NJ

**Motion to Ratify:** Sam Kates made a motion which was seconded by Carolyn Jacobs, to memorialize the resolution for Sarvon, LLC. Affirmative votes by Sweeney, Jacobs, Hung, Kates, Kalitan, and Adler. The resolution is memorialized.

**Resolution 2:**

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

Block(s) 66.01 Lot(s) 1

Zone: Regional Business (B4)

761 Cuthbert Blvd

Cherry Hill, NJ

**Motion to Ratify:** Following a review of the resolution, Hugh Dougherty made a motion which was seconded by Steven Sweeney, to memorialize the resolution recommending to the Governing Body that the Cuthbert Boulevard Gateway: Baker Lanes Study Area be designated as an Area in Need of Redevelopment and a Condemnation Redevelopment Area. Affirmative votes by Osorio, Dougherty, McCormack, Sweeney, Jacobs, Kates, Hung, Kalitan, and Adler. The resolution is memorialized.

**Meeting Adjourned:** at 9:05 PM.

**ADOPTED:**

  
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**JOHN OSORIO, CHAIRMAN**

**ATTEST:**

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