



**PLANNING BOARD**  
**Tuesday, September 5, 2017**  
**APPROVED MINUTES**

*You couldn't pick a better place.*

**OPENING:** The meeting was called to order by Chairman John Osorio at 7:34 PM.

**PLEDGE OF ALLEGIANCE:** Led by John Osorio.

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

**ROLL CALL**

- **Members in attendance:** Betty Adler; Carolyn Jacobs; John Osorio; Moly Hung; Sam Kates; William Carter; Marlyn Kalitan; Alise Panitch; and Sheila Griffith.
- **Professionals in attendance:** Lorissa Luciani, PP, AICP, Director of Planning; James Burns, Esq., Solicitor; Stacey Arcari, PE, Planning Board Engineer; and Jacob Richman, PP, AICP, Planner.

**ADMINISTRATIVE ITEMS**

*Adoption Meeting Minutes from August 21, 2017.* Carolyn Jacobs made a motion, which was seconded by Sam Kates, to adopt the Meeting Minutes from August 21, 2017. Affirmative votes by Jacobs, Hung, Kates, Kalitan, Panitch, and Griffith. Minutes are approved.

**Agenda Item 1:**

**8752.005 (Phase 3B)**

Block(s) 55.01 Lot(s) 2, 3, 4 & 5  
Zone: Regional Business (B4) Zone

**Commerce Center at Cherry Hill, LLC**

2200 Route 70 West  
Cherry Hill, NJ

*Relief Requested: An amended General Development Plan (GDP) develop a 154,109 SF retail store (Costco Wholesale) with conditionally permitted accessory gasoline service station (six (6) stacking lanes, four (4) bypass lanes, nine (9) multi-product gasoline dispensers, and 110 SF attendant's kiosk); a 4,501 SF of retail store (unknown retailer); and a 15,498 SF retail store (unknown retailer) with various site improvements for Phase 3B at Garden State Park.*

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Zone: Regional Business (B4) Zone

**Commerce Center at Cherry Hill, LLC**

2200 Route 70 West  
Cherry Hill, NJ

*Relief Requested: A preliminary and final major site plan and lot consolidation to develop a 154,109 SF retail store (Costco Wholesale) with conditionally permitted accessory gasoline service station (six (6) stacking lanes, four (4) bypass lanes, nine (9) multi-product gasoline dispensers, and 110 SF attendant's kiosk); a 4,501 SF of retail store (unknown retailer); and a 15,498 SF retail store (unknown retailer) with various site improvements for Phase 3B at Garden State Park.*

**Applicant's Representatives:** Frank Petrino, Esq. – Applicant's Attorney; Doug Wolfson, Esq. – Applicant's Attorney; Ronald Aulenbach, PP, PE – Edgewood Properties; Brian Kendall, RA – Applicant's Architect; Bradford Aller, PE – Applicant's Engineer; Karl Pehnke, PE, PTOE – Applicant's Traffic Engineer; Roger Greenway – Applicant's Air Quality Expert; and James Kyle, PP, AICP – Applicant's Planner.

**Exhibits Submitted:** A-1 through A-25 consisting of documents previously submitted with the application; A-26: Aerial Photograph; A-27: Northwest Elevation Rendering of CostCo; A-28: Northwest Elevation Rendering of CostCo; A-29: South Elevation Rendering of CostCo; A-30: East Elevation Rendering of CostCo; A-31: Building Material Board; and A-32: Fuel Station Elevation Rendering.

Mr. Petrino affirmed that public notice was properly published and introduced the application for an Amended General Development Plan (GDP) (for Phase 3B), Preliminary and Final Major Site Plan (for Phase 3B), lot consolidation, and accessory use approval for a CostCo retailer with an accessory fuel station. Mr. Petrino described the components of the existing Phases of the GDP at Garden State Park. Mr. Petrino noted that Phase 3B's original GDP approvals called for over 1 million square feet of office space with a 150 room hotel. Other portions of Phase 3 called for a "Simulcast Center" and civic uses, neither of which has been constructed. The Amended GDP proposal calls for a 154,109 SF retail store (CostCo)

with an accessory fuel station. As part of the preliminary and final major site plan, the plan call for the aforementioned CostCo plus a 4,501 SF retailer attached to the CostCo, and a 15,498 SF retail pad site along with various site, signage, and roadway improvements (consisting of the to be developed Road 'A', two (2) signalized intersections, and an At-Grade Rail Crossing). Mr. Petrino handed out a spreadsheet indicating references to exhibits A-1 through A-25 which was already submitted as part of the application except for exhibit A-25 which is the affidavit of service.

Mr. Aulenbach submitted exhibit A-26 and described the characteristics of the vacant subject site and the surrounding roadways. Mr. Aulenbach referred to exhibit A-19 (Amended GDP) to describe the surrounding phases of the Garden State Park and to highlight the layout of the proposed development in Phase 3B. Mr. Aulenbach noted that the applicant also requests a lot consolidation of Block 55.01, Lots 2-4. After discussing the proposed freestanding and façade signage, Mr. Aulenbach referred to exhibit A-20 (Preliminary and Final Major Site Plan) and noted the proposed 706 parking spaces and 10 loading spaces (7 of which are for CostCo). Mr. Aulenbach stated that the applicant will comply with all heavy loading requirements as it relates to pavement. Additionally, the applicant will restripe along Garden Park Boulevard from Route 70 to the curb cut to Road 'A' and from Road 'A' to the At-Grade Rail Crossing. With regard to the proposed fuel station associated with CostCo, the applicant proposes nine (9) multi-product dispensers. Mr. Aulenbach affirmed that the applicant meets all building coverage, lot coverage, and open space coverage requirements. Mr. Aulenbach stated that the applicant will be utilizing the two (2) existing adjacent stormwater basins to handle the stormwater runoff generated by the proposed development. The basins are currently maintained by the Garden State Park Master Association. Mr. Aulenbach detailed the total amount of proposed trees and shrubs on the site. Lighting throughout the site will be LED and it was clarified that the reason there is light spillage shown along the property lines is due to the requirement to show all street lighting calculations and that without the street lights included in the calculations that the site lighting plan would be compliant. Mr. Aulenbach explained that the closest residence to the proposed fuel station is 550' away. Mr. Wolfson then detailed the process for the installation of the proposed at-grade rail crossing and that the applicant will post whatever bonds and escrows are necessary as part of the approval process. A discussion ensued regarding the timing of approvals and the coordination necessary with NJ Transit, NJDOT, Edgewood Properties, and the Garden State Pavilions.

Mr. Kendall stated that he was worked for CostCo for 11 years and described the proposed architecture for proposed CostCo. Mr. Kendall submitted exhibit A-27 and discussed the high quality materials being utilized in the construction of the CostCo and how it will be contextual with the subject site and surrounding Garden State Park development. Materials and elements such as brick, canopies, glazing, and architectural features will be utilized to break up the large spaces. Parapets will be utilized to screen the rooftop mechanical units. Mr. Kendall submitted exhibits A-27, A-28, A-29, and A-30 to highlight the different architectural features of the proposed CostCo from its different elevations. Mr. Kendall submitted exhibit A-31 and noted the different style of bricks, stucco, precast masonry accents, main entrance signage, LED lighting, and protective bollards. Mr. Kendall submitted exhibit A-32 and described how the fuel station's mansard roof will contain compliant signage. Mr. Kendall affirmed that there will be no outdoor signage displaying fuel prices. Mr. Kendall stated that the building design, as far as CostCo's go, is very unique as they did away with the metal paneling that they usually use and instead added more brick and canopies. Ms. Luciani stated that the idea for the architecture is to match the materials of the existing Garden State Park development. Mr. Kendall stated that the hours of operation are Monday through Friday from 10am to 8:30pm, Saturday from 9:30am to 6pm, and Sunday from 9:30am to 6pm. The fuel station will be open from 6am until 1 hour after the main building closes. Mr. Kendall stated there will be 200 to 250 employees and that for trash, there are indoor trash compactors and that trash is bailed and sent out on trucks. The CostCo will receive 6 to 8 tractor trailers per day and 6 to 8 smaller box trucks per day. After discussion regarding delivery times, the applicant agreed to limit deliveries between 7am and 10pm in accordance with the Camden County Noise Ordinance regulations. Mr. Kendall stated that CostCo utilizes national contractors and local subcontractors for construction.

Chairman Osorio called for a brief recess beginning at 8:39pm and the meeting was called back to order at 8:46pm.

Mr. Aller discussed the layout of the proposed site plan and reiterated that the plans have been designed to be compliant with all B4 zoning requirements. Mr. Aller also reiterated that the site is to be managed by two (2) existing detention basins with stormwater routed by way of underground drainage systems. All stormwater management facilities will meet State requirements. Mr. Aller stated that utility and traffic control devices will be provided on the site plan in addition to all required notations and details for the proposed ADA, landscaping, and lighting improvements. Mr. Aller stated that the applicant will comply with the Department of Community Development's review letter dated August 23, 2017 and the Planning Board Engineer's review letter dated August 25, 2017 except with regard to further discussion that is necessary concerning the at-grade rail crossing. The applicant will comply with providing the required amount of bicycle racks and will show bicycle routes on the site plan.

Mr. Pehnke noted that he has been involved as the Traffic Engineer with the Garden State Park development since the late 1990's. Mr. Pehnke discussed the prior completed traffic studies and then submitted A-26 in order to detail the site as it relates to adjacent roadways and access driveways. Mr. Pehnke stated that the purpose of the newest traffic study is to compare the proposed development to what was originally approved for the site (1 million SF of office and a 150 room hotel). Based upon the traffic study, the results show that the proposed development will create less trips overall as compared to the office and hotel approval but Mr. Pehnke did note that there will be more trips on weekends (less on

weekdays). Mr. Pehnke described all of the roadway improvements that have been constructed throughout the tract and stated that the applicant is seeking to complete the at-grade rail crossing (connecting the Garden State Park to the Garden State Pavilions) in order to provide another means of ingress and egress for the purpose of distributing traffic. Mr. Pehnke clarified that the applicant does not control the improvements that are necessary to be completed by the Garden State Pavilions in order for the at-grade rail crossing to be operational. Mr. Pehnke expects that the at-grade rail crossing will have 300 to 400 trips per hour. Mr. Pehnke noted the access to the site is via a signalized driveway at Garden Park Boulevard, a driveway at the southern end of the site for a right-in right-out only movement, and a driveway out onto Road 'A'. Mr. Pehnke referred to exhibit A-19 and noted the extent of the re-striping to be completed along Garden Park Boulevard and new signalized intersections at the entrance to Home Depot and at the entrance to the proposed CostCo site. The improvements will be phased. Mr. Pehnke detailed the proposed site circulation and truck turning movements. The applicant agreed to work with the Planning Board Engineer, ERI, on the design of the signalized intersections and on making sure the roadways are adequately lit with construction phased accordingly. Mr. Pehnke stated that he believes the site is designed to sufficiently and adequately handle the traffic to be generated by the proposed development. A discussion ensued regarding the phasing of the construction of the at-grade rail crossing and Mr. Aulenbach stated that he can temporarily "cul-de-sac" Road 'A' at the at-grade rail crossing until it is completed. Mr. Pehnke stated that he will work with ERI on the timing of the new signalized intersections but cannot tie in the timing with the Route 70 signal as it is outside of their jurisdiction. A discussion ensued with regard to the trip generation numbers as compared to the original General Development Plan approval and as compared to the max build-out capacity as it relates to Levels of Service (LOS).

Mr. Greenway stated that he looked at the existing air quality (via an air quality monitoring center in Camden, NJ) and it showed good air quality. Furthermore, Mr. Greenway stated that the proposed project will not create a substantial impact due to traffic to the site. Mr. Greenway stated that the gas station will meet all State and Federal requirements and that gas station and vehicles of today do not have as detrimental of impacts on air quality as they used to. Mr. Greenway stated that he will conduct and provide an updated air quality report (as he was not the author of the originally submitted air quality report as a condition of approval that will corroborate his provided testimony via sufficient data analysis. Mr. Greenway affirmed that the applicant will be compliant with the Camden County Noise Ordinance. Mr. Greenway discussed the methodology for determining air quality impacts in great detail and also stated that he takes into account the expected impacts of vehicle and truck traffic. Mr. Greenway affirmed that no idling laws will be abided. The applicant agreed to work with the Department of Community Development and ERI in to ensure that the data that will be provided is sufficient in terms of the air quality report requirements. Mr. Petrino affirmed that the applicant will provide a Preliminary Assessment in addition to the previously provided Phase I Environmental Site Assessment.

Mr. Kyle reiterated the applicant's various requested approvals (i.e. site plan and amended GDP) as well as their request for a conditional use permit/approval. Mr. Kyle stated that he believes, in his professional opinion, that the proposal meets the intent of the GDP and noted that the applicant has provided all of the necessary documents/materials as required by the Municipal Land Use Law (MLUL) for granting amended GDP approval. Mr. Kyle affirmed that the proposed application meets all provisions per N.J.S.A. 40:55D-45 with regard to the stipulations for granting GDP approval. Mr. Kyle detailed how the application meets all of the conditions enumerated such as being in compliance with all zoning regulations, that there will be no adverse impacts upon the area, and the proposal protects the interests of the public and of the residents, occupants and owners of the proposed development. Mr. Kyle discussed the three (3) conditions noted in the Department of Community Development review letter dated August 25, 2017. Mr. Kyle stated that the proposed plan continues to follow the intent of the original GDP approval, that the proposed plan is consistent with the State Plan, and that the modifications proposed to the GDP continue to promote a redevelopment that is consistent with a "Town Center" model. Lastly, Mr. Kyle stated that he believes the application should be granted, that all conditions are being met for the proposed accessory fuel station, and that the proposed lot consolidation is consistent with good planning principles.

**Public Discussion:** Ms. CherylLynn Walters, Esq. of Platt & Riso, P.C. representing Racetrack Supermarket, LLC and Michael Maiore stated that she did not hear testimony with regard to pedestrian linkage between the subject site and the rest of the Garden State Park. Mr. Aulenbach noted that there is a series of sidewalks that link that different phases of the Garden State Park, including along Garden Park Boulevard and internally with the subject site, and that there are linkages between the commercial and residential development. Sidewalk will be installed along Road 'A' with a linkage across the rail line to the Garden State Pavilions site. With regard to Ms. Walters question about who will own Road 'A', Ms. Luciani stated that NJDOT's order requires that Road 'A' is to be municipally owned. A discussion ensued regarding the details and terms of NJDOT's 2005 order and Ms. Walters stated that this order was due to expire on December 31, 2005 if work was not yet completed on the at-grade rail crossing and noted that she has not seen anything in writing as to whether there was an agreement to extend the order. Mr. Aulenbach stated that while he has nothing in writing, the agreement to extend the order is based upon meetings they have had with the Township and NJDOT. Mr. Pehnke stated that there is no written extension but that they have reaffirmed through emails and meetings with the Township that the order stays in effect as nothing has changed. In response to Ms. Walters questions regarding Mr. Pehnke traffic projections and that it was indicated that the projections were only made out until 2018, Mr. Pehnke stated that 2018 is just a "horizon year" and that it really projects out to 2025 as this is when it is expected that all the remaining retail and residential components are to be built. Mr. Pehnke added that they have included all recent pertinent development projects located near the subject site in their projections. In regard to the impacts of office development versus commercial development, Mr. Pehnke reiterated

his analysis that the proposed retail will generate less traffic overall than 1 million SF of office and a 150 room hotel. Ms. Walters asked whether there any curb cuts on the subject parcel and Mr. Aulenbach noted that the locations of the existing curb cuts on-site (where Road 'A' is to be located and the two (2) driveways to the proposed CostCo site). A discussion ensued regarding sidewalk linkages.

Mr. Paul Petrella of 638 Third Avenue stated that he is concerned about people make illegal left turns from Chapel Avenue onto Crescent Way for the purpose of cutting through the Garden State Park to avoid Haddonfield Road. Additionally, Mr. Petrella noted his concerns with the traffic circle connecting Garden Park Boulevard and Crescent Way. Mr. Petrella requested that either Crescent Way be closed to cut through traffic or make access to Chapel Avenue from Crescent Way a right turn exit only. Ms. Luciani clarified that the northern portion of the Garden State Park development is not owned by Edgewood Properties (the applicant) and that it is privately owned by Tri-State Ventures/Plaza Grande (age-restricted residential development). Ms. Luciani added that the traffic circle is privately owned by Tri-State Ventures and that there is a perpetual access easement that allows free-flow traffic through the Plaza Grande site. With regard to the Chapel Avenue and Crescent Way intersection, Ms. Luciani affirmed that left turns into the site are illegal and that Camden County is reexamining the intersection. Mr. Petrella requested that the traffic circle be eliminated and Ms. Luciani reiterated the existing of a perpetual cross-access easement but defers to the applicant's traffic engineer to determine if that would alleviate traffic heading along Crescent Way. Ms. Luciani added that she believes the traffic circle is intended as a traffic calming feature and Mr. Aulenbach confirmed that intention of this feature but could not confirm the details of the perpetual cross-access easement. Mr. Petrella asked whether the traffic engineer included the recent approvals for the Wawa site on Haddonfield Road and the AutoZone/Zippy's site on Chapel Avenue to which Mr. Pehnke stated that he did in fact include those developments in his analysis. With regard to Mr. Petrella's questions concerning traffic flow, Mr. Pehnke detailed how traffic would flow if the at-grade rail crossing is installed. Mr. Petrella asked whether the at-grade rail crossing could be a silent crossing and Ms. Luciani noted that there is currently a whistle blow (for the 12 trains passing per day) and that a "Quiet Designation Zone" is currently being reviewed from a legal standpoint as the auditory cue serves a safety purpose. Mr. Petrella inquired about the designated "Civic Use" parcels adjacent to the subject site and Ms. Luciani stated there is nothing currently in the works. Lastly, Mr. Petrella asked what the other retailer users on the CostCo site will be and Mr. Aulenbach noted the 4,500 SF retail user attached to the CostCo is controlled by CostCo and that they do not have user at this time. With regard to the that the 15,000 SF retail pad site that the applicant has a letter of intent from Duluth Trading Company.

Ms. Patty Magnus of 14 St. Moritz Lane noted she had similar noise concerns with regard to the at-grade rail crossing and asked whether the "Quiet Zone Designation" would be budgeted into the applicant's bond. Ms. Magnus questioned why the applicant's traffic study compared their proposed use with office and hotel users to which Mr. Pehnke stated that the office and hotel uses were what was originally approved for the site in the General Development Plan and that civic users were not included in the analysis as there can be a wide range of civic uses with the kind of civic use not being specifically indicated in the original approval. Ms. Magnus noted that the traffic comparison for CostCo compared it with the Lancaster CostCo and wondered why a closer location was not chosen. Mr. Pehnke clarified that the comparison with the Lancaster CostCo was not used in the traffic analysis but was instead provided as a supplemental report at the request of the Planning Board Engineer in order to provide a more contextual analysis. Ms. Magnus expressed her concerns with regard to the supposed effects the proposed development and vehicle idling will have on air quality. Mr. Greenway further discussed his methodology stated his data comes from a direct source in Camden, NJ and that his analysis shows that air quality standards are not being breached and will not be breached by this proposed development. Ms. Magnus reiterated that she is concerned with vehicle idling and that the laws against idling are not enforced. Ms. Luciani stated they require 'No Idling' signs to be posted but that NJDEP is ultimately required to enforce the laws. Ms. Magnus requested that the Planning Board bring another party in to provide an air quality analysis. Mr. Osorio clarified that Mr. Greenway will be providing a full air quality analysis report for review. Ms. Magnus stated that the proposed development does not meet the GDP requirements of the MLUL as she believes the development will have an adverse impact upon the neighborhood and does not support mixed-use transit-oriented development. Ms. Luciani clarified that the GDP requirements noted in the MLUL have to be applied to the entire Garden State Park, which includes 1,069 units of housing and non-residential uses, and not just the subject parcel. Ms. Magnus reiterated her stance on CostCo in that it is only conducive to vehicular traffic in terms of who will shop at the store. Lastly, Ms. Magnus stated she believes CostCo will undercut other gas stations in the area and that the ratables to be gained by CostCo will be offset by reduced property values and increase commute times. Member of the Planning Board stated they have not seen expert testimony that Ms. Magnus' statement is objectively true.

Ms. Angela DiMedio of 507 Cantor Trail stated she is disappointed in the overall development of the Garden State Park in that she feels the area does not have a sense of community and is missing community features. Ms. DiMedio stated the tract is not bicycle friendly and that walking across Garden Park Boulevard is not safe. Ms. DiMedio reiterated that she is not necessarily disappointed in the proposed CostCo development but that she is disappointed in Edgewood Properties. A discussion ensued regarding the Civic Use sites and that she would like them to have grass on it instead of construction equipment. Ms. Luciani stated that the Civic Use sites are currently used as a staging area for the development of other portions of the site but that the Township is still looking into future users for the Civic Use sites. Ms. Luciani added that she has been working with Edgewood Properties on providing landscaping/screening.

Mr. Joseph LiLigos of Crescent Way questioned how many additional vehicles will be using the gas pumps as he is stated he is concerned about back-ups/traffic generation due to people wanting to access CostCo's cheap gas. Mr. LiLigos would like CostCo to eliminate their proposed gas station. Mr. LiLigos also wanted to be sure that the proposed development was not receiving any tax abatements to which Ms. Luciani affirmed that there are no tax abatements for this development.

Ms. Carrie Dinter of 805 Pacer Court echoed Ms. DiMedio's concerns in that while she is not entirely unhappy about CostCo, she is more concerned about the lack of community amenities that the Garden State Park was supposed to have. Ms. Dinter stated that she is also concerned about the environmental impacts of that the proposed gas station may create as well as noting concerns regarding cut-through traffic, incomplete sidewalks, and the lack of bicycle lanes.

Ms. Kristen Affrime of 1111 Graham Avenue stated that she is concerned about traffic as well as the impact this development will have on quality of life, small businesses, residences, and the environment. Ms. Affrime stated that she has never had to wait in line to get gas in Cherry Hill and that this development may cause smaller gas stations to go out of business and leave vacant space.

Ms. Ellen Guthman of 2000 Crescent Way asked for clarification about the gas station being an accessory use to the CostCo to which Ms. Luciani stated that the proposed gas station is an accessory use to the principal structure (CostCo). Ms. Guthman also asked for clarification as to the location of the gas station in relationship to the rest of the site and why it is so far away from the proposed CostCo. Ms. Luciani stated that there are no proximity requirements for accessory using, only that they have to be on the same lot as the principal use. Ms. Luciani added that the gas station was designed to be located at the southwest portion of the site for traffic circulation purposes. Ms. Luciani also pointed out the "demise areas" for the different users of the site. Mr. Aulenbach detailed the traffic circulation pattern for the proposed gas station and a discussion ensued regarding the layout of the site.

Ms. Rena Margulis of 28 School Lane questioned the air quality report, specifically whether the idling impacts from cars was considered, to which Mr. Greenway stated that idling impacts will be factored into his forthcoming report. Mr. Greenway stated that he does not expect idling to cause a significant impact as idling in New Jersey is limited to three (3) minutes, with Solicitor Burns adding that the applicant will have to ensure people are not idling while waiting for gas. Ms. Margulis questioned whether there will be a vote on the application prior to the issuance of Mr. Greenway's report and that she would be concerned if a vote is held prior to the submission of said report. Ms. Margulis stated that she believes there will be back-ups at the gas station due to the lower prices that people will want to take advantage of, and thus, cars will be idling while waiting. When asked if Ms. Margulis had statistics she could provide to back up the assertion about having to wait in line for gas, no direct statistics were provided. Ms. Luciani stated that so far she has heard conflicting testimony from the public with some members stating that they never have to wait in line for gas in Cherry Hill while others have stated that there will be lines. A discussion ensued with regard to the need to be able to provide hard evidence showing that the assertions being made concerning the proposed CostCo gas station are in fact true. Ms. Margulis reiterated her concerns about vehicles idling and gave an example about gas stations along the New Jersey Turnpike having lines for gas to which the Board stated that those comparisons are not relevant due to the completely different circumstances of a gas station along the New Jersey Turnpike and the one proposed at CostCo. Ms. Jacobs added that she was recently at the Mount Laurel CostCo and when she went to get gas that she did not have to wait in line. Ms. Margulis asked whether a CostCo with 9 pumps (18 dispensers) would have any effects upon nearby gas stations and submitted exhibit P-1 containing photographs of abandoned gas stations in Mount Laurel. Ms. Margulis stipulated that the gas stations closed in Mount Laurel due to the proposed CostCo, but when asked if she knew whether the gas stations closed as a direct result of the CostCo Ms. Margulis could not verify the assertion or provide support for the causal effect. Ms. Luciani stated that the developer has the right to develop the property and has submitted a proposal that meet the requirements of the Zoning Ordinance and that the Planning Board does not have purview over whether one business may be detrimental to another business. Furthermore, and in response to Ms. Margulis' question about whether the Planning Board will vote upon the matter prior to the issuance of the Air Quality Report, Ms. Luciani noted that if the requirements concerning the Air Quality Report are not met, then the applicant will have to come back to the Planning Board. Ms. Margulis directed questions towards Mr. Pehnke with regard to the methodology of his study including whether the study was adjusted for population to which Mr. Pehnke said that is not something you do when doing an Institute of Traffic Engineers (ITE) based traffic analysis. Ms. Margulis stated that the traffic study should include an analysis of the Mount Laurel and King of Prussia stores and Mr. Pehnke stated that the King of Prussia store does not have a gas station and that he did in fact consider Philadelphia's potential impact on the proposed development. Mr. Pehnke noted that he took a conservative approach in his analysis such as utilizing a shopping center traffic/parking generator which produces high numbers as opposed to a discount store which is what more accurately reflects the proposed CostCo and would produce lower numbers. Ms. Margulis concluded her testimony stating that she is opposed to the CostCo's location and the proposed amended GDP. Lastly, Ms. Margulis stated that she wants to see more transit-oriented development built in the Garden State Park.

Mr. Sean Cook of 532 Third Avenue stated that he is concerned about traffic congestion and speeding occurring throughout the Garden State Park development. Mr. Cook stated that if the CostCo is approved that there be enough safety measures put in to ensure the area is safe for everyone. Mr. Cook stated that is concerned about CostCo's tractor trailers idling and where they will be staged as they await to make their deliveries. Mr. Aulenbach stated that the tractor trailers will not idle on site and that they will make arrangements to ensure the tractor trailers do not arrive until after 7am. Mr. Cook asked how many gas trucks will be coming to the site per day and Mr. Aulenbach stated there will be 1 or 2 gas trucks coming per day. Mr. Aulenbach added that there will also be box trucks coming to the site. Mr. Cook stated that he is concerned that there is a gas station located so close to a transit station in that it may be target. Mr. Cook stated that it would be a good idea to see CostCo utilize solar panels to help offset their carbon footprint. Lastly, Mr. Cook questioned whether busses would be utilizing Garden Park Boulevard, Road 'A', and the at-grade rail crossing and Ms. Luciani stated that NJ Transit has jurisdiction over those matters and that they could re-route a bus through the Garden State Park provided they go through that designation process with the Township.

Mr. Frank Wunder of 420 Magnolia Avenue in Magnolia, NJ asked how many gallons of gas are in a standard gas tanker truck and the applicant did not know off-hand how much gas they hold. Mr. Wunder stated that the question is relevant using that example that if a tanker can provide fuel for 1,000 cars then two (2) tankers coming per day would service 2,000 cars and thus would give a good idea of how many vehicles are coming to the gas station per day. Mr. Petrino stated that the fuel tanker trucks would be coming to the site based upon volume and demand and that differing sizes in gasoline tanks and different grades of gasoline would also be factors in the calculation of vehicles coming per day.

Mr. Ryan Kosyla of 45 Westminster Drive in Voorhees, NJ stated that he travels to and works in Cherry Hill every day. Mr. Kosyla asked whether any members of the Board would publicly state whether they are opposed to the application and the Solicitor Burns and Chairman Osorio stated that they would be voting on the application at the end of the presentation so that they are able to hear all testimony before making a decision on the application. Mr. Kosyla asked who is the developer/beneficial owner of the application and Ms. Luciani stated that there is an ownership disclosure statement that is required to be filed with every application. Mr. Aulenbach stated that the two principals of the applicant, Commerce Center at Cherry Hill, LLC, are Jack Morris and Joseph Marino. Mr. Kosyla asked if members of the Board donate to political campaigns and is concerned about conflicts of interest. Ms. Luciani stated that every applicant is also required to file political disclosure contribution statements and Solicitor Burns stated that in addition to being available for public inspection in the offices of the Department of Community Development, that these records can be obtained through the Open Public Records Act (OPRA) process. Chairman Osorio asserted that all members of the Board live in Cherry Hill and are volunteers and that they are not paid to sit on the Board. Chairman Osorio also indicated that all members of the Board are required to file yearly financial disclosure statements. Ms. Panitch added that if there is a conflict of interest between a Board member and an applicant then the Board member would have to recuse themselves from the application. Mr. Aulenbach made a point of clarification regarding the ownership of the property, specifically that the owners are JSM at Commerce Center, LLC (50%) comprising of the Samantha Morris Trust and Gabriel Morris trust, and JMP CH Office Parcel (50%) comprised of the Joseph A. Marino Family Trust. The applicant reaffirmed that they submitted a political contribution disclosure statement in April and that no political contributions were made and that they submitted what was required. Mr. Kosyla asked how many jobs the proposed development would create and Ms. Luciani stated that the applicant put on the record that 200 to 250 jobs would be created. Additionally, Mr. Kosyla asked if the Board ever considered alternative proposals for small and family-owned businesses and whether the Board could provide information as to how many jobs the Mount Laurel CostCo produced for the purposes of comparing that site to the subject site. Ms. Luciani stated that the Board does not make its decisions based upon job growth and can only make decisions based upon zoning/land use criteria and law. Ms. Luciani noted there is a fiscal impact analysis of the Garden State Park development. Mr. Kosyla asked if there are other reports concerning the application that are not coming from the applicant and the Board stated they have a Board Engineer and Professional Planner that provide expert reports/testimony. Mr. Kosyla added that he is more referring to third parties who do not get compensated from someone who stands to benefit from the application. Members of the Board responded noting that the accusations were baseless and that they are not being compensated.

Mr. Frank Wunder of 420 Magnolia Avenue in Magnolia, NJ wanted to add to his previous testimony regarding how many vehicles would be coming to the gas station per day. Mr. Wunder noted he found information on Google that the smallest gas tanker truck has a 5,500 gallon capacity and the largest having an 11,000 gallon capacity. Mr. Wunder extrapolated this information to determine how many vehicles may come to the gas station per day and a discussion ensued regarding the validity of the data and assumptions being made.

Ms. CherylLynn Walters, Esq. of Platt & Riso, P.C. representing Racetrack Supermarket, LLC and Michael Maiore stated that her client reserves their right to supplement any arguments that they have tonight if this matter is litigated based upon their ability to review the most recent submission by the applicant. Ms. Walters noted a number of procedural comments including that the applicant did not check the box on the land use development application indicating that they were requesting a final site plan even though they are requesting final site plan approval tonight. Additionally, Ms. Walters noted that the survey the applicant submitted is four (4) years old and that the air quality report was admittedly deficient with only limited testimony being provided on the matter. Ms. Walters stated that the applicant said that they would

provide a more up to date environmental assessment but that this has yet to be provided. Ms. Walters asked whether the applicant is going to be required to come back to the Board to address their forthcoming follow-up reports concerning the air quality analysis and the environmental assessment. Ms. Walters stated that the subject site lacks sufficient pedestrian/sidewalks connections and that she believes there is not much connection to the rest of the GDP. Ms. Walters noted that there appears to be deficiencies with the details concerning lighting, landscaping, and the phasing of construction for Road 'A'. Ms. Walters pointed out that the applicant has not submitted Right-Of-Way (ROW) and Drainage Easements as required in the Department of Community Development's review letter, specifically as it relates to the proposed fencing and retaining wall, the adequacy of which cannot be determined. Ms. Walters stated that she did not hear testimony from the Traffic Engineer with regard to the expected traffic impacts that the construction of Road 'A' and the at-grade rail crossing would have on the Garden State Pavilions site and King Avenue. Additionally, Ms. Walters stated that there is still no clarity regarding the validity of the NJDOT order concerning the construction of the at-grade rail crossing and noted that they only have heard testimony concerning verbal agreements for extending the order. Ms. Walters stated she is concerned about the wholesale change in the GDP, particularly that eliminating the office space removes the balance that the overall mixed-use site was supposed to have and that there is an abundance of retail space already. While Ms. Walters noted that 1 million SF of office space may be excessive, she noted that it is not like the applicant is looking to reduce the amount down to 500,000 SF (as an example), but eliminate the office entirely. Ms. Walters stated that she questions whether the Planning Board even has jurisdiction over this matter in that she believes that certain accessory use conditions are not being met. Specifically, Ms. Walters stated that there is a net increase in curb cuts onto the public streets on the parent parcel which requires a conditional d(3) use variance. Ms. Luciani clarified that this is not true as the intent of the conditional use provision is that if there is an existing facility over 10,000 SF and an accessory gas station comes in post the development of the principal user that the gas station does not generate a specific curb cut in that they would have to utilize the existing curb cuts on site. Ms. Luciani added that there are no curb cuts on site because there is currently no development. A brief discussion ensued about the supposed intent of the curb cut provision noted in the B4 Conditional Accessory Use section of Zoning Ordinance concerning gasoline service stations. Ms. Walters stated that the proposed development does not meet the density requirements for retail uses on a 26-acre site as outlined in the B4 zone of the Zoning Ordinance and that on a 26-acre site, retail uses are not permitted in the B4 zone. As such, Ms. Walters believes that Use d(1) and d(5) variances are required. Ms. Walters stated that if the response to her argument is that it density requirements are to be applied to the overall GDP and not the specific parcel that this is not how the Zoning Ordinance is written. Additionally, Ms. Walters noted that you cannot calculate things such as lot coverage and open space based upon the 26-acre site but not calculate density the same way. Lastly, Ms. Walters clarified that she wants to reserve her right to supplement her testimony (not at this hearing) if an appeal is filed and that her law firm had requested the applicant to postpone the hearing to allow her law firm more time to review the most recent submission by the applicant (the request of which was declined by the applicant). A brief discussion ensued between Solicitor Burns and Ms. Walters concerning Ms. Walters' right to supplement the record should an appeal be filed.

Ms. Luciani responded to Ms. Walter's assertion regarding whether the Planning Board has jurisdiction over the application and noted that this site has always be considered under the B4 density standards which have existed since 1970 and that the density standards are applied to the entire Garden State Park tract and not individual parcels contained within. Ms. Luciani noted that based upon Ms. Walters arguments, the Zoning Board would have jurisdiction over every matter concerning the Garden State Park due to her interpretation of how the density standards should be applied. Furthermore, Ms. Luciani noted that the Planning Board has been hearing matters concerning the Garden State Park since 2002. Ms. Luciani reiterated her stance on the matter concerning the curb cuts in that no new curb cuts are being generated for the gas station and that the proposed principal use is what is generating the needed curb cuts.

Ms. Luciani stated the applicant has agreed to comply with the Department of Community Development's review letter, noting that the applicant has provided street furniture and more than substantial landscaping. With regard to the easements that Ms. Walters noted were not submitted, Ms. Luciani stated that the indentures for said easements just need to be provided as a condition of approval. With regard to the air quality report, Ms. Luciani stated that it appears, based upon the applicant's testimony, that they will comply with the requirements as it pertains to air quality and that this will be reviewed once the full report is submitted; however, if they do not comply, they will have to come back to the Planning Board. Ms. Arcari stated that she has reviewed the Phase I reports that have been submitted and acknowledged that the applicant agreed and will be providing a Preliminary Assessment to be reviewed for conformance as a condition of approval. Ms. Luciani noted that there is a provision in the Zoning Ordinance that permits a Phase I to be submitted in lieu of a Preliminary Assessment and Ms. Arcari noted that there are still outstanding issues that the applicant needs to address including that the outstanding environmental issues need to be addressed by a Licensed Site Remediation Professional (LSRP). Solicitor Burns stated that he does not see how the Planning Board Engineer's request for a Preliminary Assessment hurts anybody as the purpose is to address environmental concerns. Solicitor Burns reiterated that the pending reports can all be addressed as a conditional of approval.

Mr. Petrino gave his closing statement to the Planning Board and noted that in regard to not checking an appropriate box on the final site plan, that the application was properly noticed with the Final Major Site Plan request (in addition to Preliminary Major Site Plan). Solicitor Burns asked Mr. Petrino if he would like to amend the submitted Land Use Development Application to include "Final Major Site Plan," Mr. Petrino stated that he would like to amend the application

as such. Mr. Petrino reiterated Mr. Greenway's testimony and asserted that there would be no adverse impact on air quality and also agreed to provide a Preliminary Assessment. Mr. Petrino stated that he will work with Township staff and professionals on the design of Road 'A' and will provide a temporary cul-de-sac where the at-grade rail crossing is proposed. The applicant will bond for the construction of Road 'A' and the grade separation. Mr. Petrino asserted that NJDOT order concerning the at-grade rail crossing is still in effect. With regard to the expected traffic impacts at the Garden State Pavilions, Mr. Petrino noted that the landlord of the objecting attorney's client has an obligation to build the road on their site that connects to the at-grade rail crossing. Mr. Petrino concurred with Ms. Luciani's interpretation of the Zoning Ordinance concerning the application of the B4 zoning district's density requirements. Mr. Petrino concluded by noting that the proposal is a permitted use and that the Planning Board's purpose is to review applications for compliance with the zoning requirements. Mr. Petrino stated that he believes the testimony provided regarding the safety in accessing the site is sufficient and that the applicant will provide their fair share of the requirement for all off-tract improvements necessary to support the proposed development.

Board discussion ensued and Mr. Carter asked for a point of clarification on who owns Garden Park Boulevard and Ms. Luciani stated that it is currently a private road and would have to be dedicated to the Township for it to become a municipal ROW but that the police can enforce traffic laws via Title 39. Ms. Panitch asked if the CostCo gas station is only open to CostCo members but Mr. Aulenbach clarified that it is open to the public. Ms. Panitch asked how much lower their gas prices typically are and Mr. Aulenbach stated that while they are regulated by the State, prices are usually 8 to 10 cents cheaper per gallon. Mr. Aulenbach clarified that gas station in New Jersey have to be open to the public but in another states CostCo can limit usage to members only.

Solicitor Burns recapped the proposed application and noted all of the conditions of approval as well as reiterating the application is "by right" as no variances are required or requested. Conditions noted are as follows: 1) the applicant will post a bond for the at-grade rail crossing and cooperate with NJDOT, NJ Transit, and the Township; 2) the applicant will make consolidate the lots as previously noted; 3) the applicant will comply with the Camden County Noise Ordinance requirements and restrictions on delivery times; 4) the applicant will comply with all comments and conditions as noted in the Planning Board Engineer's review letter dated August 25, 2017 and the Department of Community Development review letter dated August 23, 2017; 5) the applicant will provide bicycle racks on the plan; 6) the applicant will work with the Planning Board Engineer with regard to the design and timing of the proposed traffic signals; 7) the applicant will construct Road 'A' up to the point where the land is owned by NJ Transit (rail crossing); 8) the applicant will submit the reports consistent with the provided testimony (Air Quality Report & Preliminary Assessment); 9) the applicant will comply with all pedestrian and bicycle connections, the review of which will be under the jurisdiction of the Department of Community Development; 10) the applicant shall comply with all air quality standards or reappear before the Planning Board; 11) the applicant shall ensure compliance with all 'No Idling' requirements; and 12) the applicant shall ensure no tractor trailers idle at the site or park at the site overnight.

Mr. Wolfson noted a point of clarification with regard to one condition in the Department of Community Development's review letter that the applicant does not agree to which involves the condition of tying the Certificate of Occupancy of the site with the completion of the at-grade rail crossing. Mr. Wolfson stated that they agreed to act in good faith and cooperate with all necessary agencies to try to complete the at-grade rail crossing. Solicitor Burns stated that that condition is tied in with the bonding for those improvements but understands the correction. Additionally, with regard to complying with idling requirements, the applicant will let CostCo know that they will need to enforce the matter. Ms. Luciani clarified that the based upon her conversations with Edgewood Properties (Garden State Park), KimCo (Garden State Pavilions) and NJ Transit that the order is extended, and when construction is done by NJ Transit on the at-grade rail crossing it will be subject to a developer's agreement. Mr. Wolfson agrees with that stipulation provided the developer's agreement doesn't say the applicant cannot obtain building permits and a Certificate of Occupancy if the at-grade rail crossing is not built as the construction of the at-grade rail crossing is also contingent upon outside agencies seeing it through. Mr. Wolfson stated they will work in good faith on the matter but if NJ Transit doesn't complete the work that they shouldn't have their application held up. Mr. Osorio clarified that the agreement is that the applicant will build the road connection subject to the timing of the other entities involved and that the Township will require a developer's agreement concerning this matter. Ms. Luciani stated that a bond will be posted and will not be released until all work is completed.

**Motion:** Following the reiteration of the conditions by Solicitor Burns, John Osorio made a motion, which was seconded by Betty Adler, to approve the Amended General Development Plan (GDP) component of the application with the conditions as stated. Affirmative votes by Adler, Jacobs, Osorio, Carter, Kalitan, Kates, and Hung. No votes were cast by Panitch and Griffith. The Amended GDP is approved 7-2.

**Motion:** Following the reiteration of the conditions by Solicitor Burns, John Osorio made a motion, which was seconded by Betty Adler, to approve the Preliminary & Final Major Site Plan and Conditional Accessory Use component of the application with the conditions as stated. Affirmative votes by Adler, Jacobs, Osorio, Carter, Kalitan, Kates, Hung, Panitch, and Griffith. The application is unanimously approved.

**Resolution:**

**16-P-0029**

Block(s) 344.01 Lot(s) 5

Zone: Neighborhood Business (B1) Zone

*Relief Requested: A minor site plan with bulk (C) variances to convert a former Wawa convenience store into a two (2)-unit retail space along with various site improvements.*

**70 Wa One, Inc.**

1030 Route 70 West

Cherry Hill, NJ

**Motion to Ratify:** Following the review of the 70 Wa One, Inc. Affirmative votes by Adler, Jacobs, Hung, Osorio, Carter, Kates, Kalitan, and Panitch The resolution is memorialized.

**Meeting Adjourned:** at 1:00 AM.

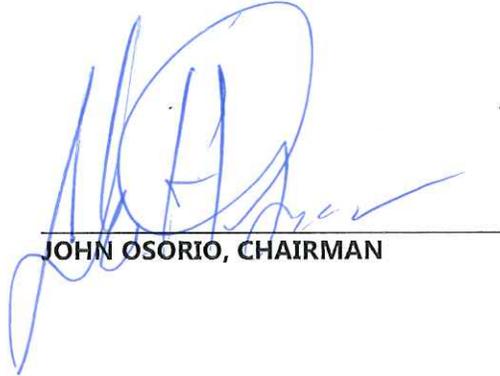
**ADOPTED:** 10/16/17

**ATTEST:**



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**LORISSA LUCIANI, PP, AICP  
PLANNING BOARD SECRETARY**



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**JOHN OSORIO, CHAIRMAN**

