



PLANNING BOARD
Monday, May 1, 2017
APPROVED MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Chairman John Osorio at 7:40 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:** Carolyn Jacobs, John Osorio, Kevin McCormack; Sam Kates; William Carter, Moly Hung; Marlyn Kalitan; Betty Adler; and Sheila Griffith.
- **Professionals in attendance:** Lorissa Luciani, PP, AICP, Director of Planning; James Burns, Esq., Solicitor; Cosmas Diamantis, Esq., Alternate Solicitor; Stacey Arcari, PE, Planning Board Engineer; and Jacob Richman, PP, AICP, Planner.

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from April 3, 2017. Bill Carter made a motion, which was seconded by Kevin McCormack, to adopt the Meeting Minutes from April 3, 2017. Affirmative votes by Jacobs, McCormack, Osorio, Kates, Carter, Hung, Kalitan, and Adler. Minutes are approved.

Prior to the first agenda item, Solicitor Burns announced he has a conflict and stepped down from the dais. Solicitor Diamantis took over the duties as Board Solicitor.

Agenda Item 1:

17-P-0005

Block(s) 435.01 Lot(s) 11
Zone: Limited Office (O1) Zone

CHP Associates, LLC

1415 Route 70 East
Cherry Hill, NJ

Relief Requested: A site plan waiver with bulk (C) sign variances and relief of conditions to construct a freestanding multi-tenant sign.

Exhibits Submitted:

- A-1: Multi-Tenant Monument Sign Rendering
- A-2: Site Photograph of the Existing Sign

Discussion: Applicant CHP Associates, LLC, applied for a site plan waiver with bulk (C) sign variances and relief of conditions to construct a freestanding multi-tenant sign; located at 1415 Route 70 East, Cherry Hill, New Jersey (Block 435.01, Lot 11). The property is owned by CHP Associates, LLC.

Application was represented by:

- Richard Goldstein, Esq. – Attorney for the Applicant
- Fred Berlinsky –Applicant

Mr. Goldstein introduced the application for a new multi-tenant monument sign to replace the existing multi-tenant sign at Cherry Hill Plaza. Mr. Goldstein gave an overview of the site characteristics and surrounding uses and noted that there was a prior variance approval for a 17' high, 68 SF multi-tenant sign in 1998 which limited the sign to four (4) tenant panels. The proposed sign will utilize the same support pole as the existing sign; however, the applicant is proposing six (6) tenant panels which will require a relief of condition. The proposed sign, per exhibit A-1, is to be 17' high and approximately 66 SF in size. Mr. Goldstein explained that the applicant is asking for flexibility in order to possibly combine three (3) of the tenant panels into one (1) tenant panel should a single tenant in the existing office building become large and take up more than one (1) floor. The applicant is also requesting a landscaping waiver from providing landscaping at the base of the sign.

Mr. Berlinsky stated that he wants to upgrade the existing sign as it will work hand-in-hand with the capital improvements being made to the office building. Mr. Berlinsky believes that by modernizing the sign, it will incentivize new businesses to become tenants. Mr. Berlinsky added that a new sign would allow him to be able to identify the building's larger tenants. Mr. Berlinsky noted that there are currently thirty-seven (37) tenant in the building spread out amongst seven (7) floors; however, he believes six (6) tenant panels is sufficient. Mr. Berlinsky acknowledged that there is a director sign inside the main lobby. With regard to the sign design, Mr. Berlinsky explained that he wants to keep the sign looking professional by keeping a consistent background on the tenant panels but will allow the business to use the font of their choosing providing it is not a rainbow of colors. Mr. Berlinsky added that the sign would match the building aesthetically as the building goes under renovations.

Mr. Goldstein submitted exhibit A-2 in order to highlight the landscaping that is placed on the base of the sign, which includes a flower bed where flowers are planted annually. Ms. Luciani noted that the Township required more permanent landscaping around the base of the sign. Mr. Goldstein acknowledged the requirements but still requested the landscaping waiver at the discretion of the Board. Mr. Berlinsky added that he does not want to cover the stonework at the base of the sign. Councilwoman Jacobs stated that while the flowers look nice, there would be no landscaping at the base of the sign during the winter. Mr. Goldstein stated that the applicant would provide a mock-up of a landscaping plan for review by the Department of Community Development and will also provide a landscaping maintenance bond.

Mr. Goldstein stated that the proposed 17' high sign keeps in line with the existing sign's height and helps to identify the office building; otherwise, a patron may miss the sign and thus miss the building and have to figure out how to U-turn on Route 70. Mr. Goldstein added that the proposed sign is consistent with other signs along Route 70. Various members of the Planning Board noted their concerns about allowing additional tenant panels on the proposed sign as they felt the applicant did not yet provide sufficient justification. Mr. Berlinsky explained that it is important for businesses to be able to put their name on a sign and without that possibility it would be hard to attract tenants. A discussion then ensued regarding the importance of visibility for professional office uses as well as the legibility of tenant panels.

Ms. Luciani suggested as a condition of approval that the tenant panels will not be left blank and that there should be limits to the colorization (but black and white is appropriate). The applicant agreed to the Department of Community Development's review letter and all conditions of approval. A discussion ensued about the need for six (6) tenant panels and the applicant explained that if they were limited to only four (4) tenant panels then they would withdraw the application. Discussions ensued regarding the merits of a pylon sign versus a monument sign as well as sight lines to the sign.

Public Discussion: None

Motion: Following the reiteration of the conditions by Solicitor Burns, Carolyn Jacobs made a motion, which was seconded by Bill Carter, to approve the application with the conditions as stated. Affirmative votes by Jacobs, McCormack, Kates, Carter, Hung, Adler, and Griffith. "No" votes were cast by Osorio and Kalitan. The application is approved by a vote of 7-2.

Following the conclusion of the first agenda item, Solicitor Diamantis was relieved by Solicitor Burns.

Agenda Item 2:

16-P-0010

Block(s) 595.02 Lot(s) 3

Zone: Shopping Center Business (B3) Zone

Relief Requested: A preliminary and final major site plan and a minor subdivision (one (1) lot into two (2) lots) to construct a 35,962 SF Lidl grocery store along with various site improvements.

Lidl US Operations, LLC

400 Route 38

Cherry Hill, NJ

Exhibits Submitted:

A-1: Aerial Site Photograph

A-2: Color Elevation Rendering

A-3: Floor Plan of the Proposed Lidl

A-4: Color Renderings of the Proposed Lidl (3 sheets)

A-5: Vehicle Circulation Plan

A-6: Aerial and Site Photographs

Discussion: Applicant Lidl US Operations, LLC, applied for a preliminary and final major site plan and a minor subdivision (one (1) lot into two (2) lots) to construct a 35,962 SF Lidl grocery store along with various site improvements; located at 400 Route 38, Cherry Hill, New Jersey (Block 595.02, Lot 3). The property is owned by UE Camden Holding, LLC.

Application was represented by:

- Damien Del Duca, Esq. – Attorney for the Applicant
- Ben Crowder, PE – Engineer for the Applicant
- Corey Chase, PE – Traffic Engineer for the Applicant
- John McDonough, PP, AICP – Planner for the Applicant
- Patrick Lyon – Applicant

Mr. Del Duca submitted exhibit A-1 and gave an overview of the existing site as well as the surrounding roadways and uses. Mr. Del Duca explained that the existing site, owned by Urban Edge, is vacant and there is a connector road that runs through the site (perpendicular to Hampton Road). The applicant proposes to construct a 35,962 SF Lidl grocery store along with associated site improvements. Mr. Del Duca explained that Lidl is the 4th largest retailer in the world and is primarily located in Europe and more recently expanding into the United States (U.S.). It was noted that the U.S. model will be different than that of the European model. Mr. Del Duca reiterated that the applicant is requesting Preliminary and Final Major Site Plan approval along with Minor Subdivision approval. The subdivision will divide the subject site into two (2) lots with the Lidl located on a 5.6 acre parcel with the remaining lot, which is to be located on the north side of the connector road, will consist of 3.3 acres and include the area where the existing Walmart freestanding sign is located along Hampton Road.

Mr. Del Duca submitted exhibit A-2 and explained how the site will be accessed by a right in/right out access drive off of Route 38 that intersects with the connector road that spans through the site and intersects with Hampton Road. Mr. Del Duca explained that no variances are requested as part of this application and that they will bifurcate their signage approvals. With regard to signage, the applicant will either comply with the Zoning Ordinance or submit a separate sign variance application to the Planning Board. Mr. Del Duca explained that the site plan has been workshopped numerous times and they have been able to eliminate previously requested variances and are now only left with six (6) design waiver requests; otherwise, the site plan complies with all site plan and subdivision requirements. The six (6) design waivers relate to the percentage of shrub plantings, the size of parking spaces, lighting levels along the property lines, driveway radii size, basin plantings, and parking spaces located in the front yard. Mr. Del Duca clarified that there was a variance noted for the location of the trash enclosure as it was within the 20' Right-Of-Way setback requirement; however, this variance will be removed as they can comply with the regulation. Lastly, Mr. Del Duca stated that the applicant is not proposing parking corrals in the parking lot and testimony will be provided regarding this matter.

Mr. Crowder began by clarifying that the existing Route 38 driveway to the subject site is currently ingress only but that the final product will be a right in-/right out driveway. Mr. Crowder submitted exhibits A-3, A-4, and A-5, and gave an overview of the proposed minor subdivision plan. Mr. Crowder confirmed that there are no variances being requested. Mr. Crowder explained that the proposed Lidl will have a corner entry and therefore, some parking spaces are proposed in the front yard as they are nearest to the main entrance. Mr. Crowder noted that the Zoning Ordinance requires a minimum of 144 parking spaces with a maximum of 188 parking spaces. The applicant proposes 163 parking spaces. The applicant proposes to reactivate the Route 38 entrance as a right in/right out entranceway with secondary access to the site coming off of Hampton Road. Truck circulation will be limited to the Route 38 access drive. Deliveries will come via WB-67 trucks and they will head to the loading bays at the northwest corner of the building. Mr. Crowder acknowledged that the applicant has received NJDOT approval. Mr. Crowder explained that the driveway radius exceeds the 25' requirement as it will be able to accommodate a WB-67 tractor trailer. The applicant proposes an above-ground detention basin located between the proposed Lidl and the Route 38 to Cuthbert Boulevard off-ramp. Mr. Crowder stated that the lighting plan will comply with the Zoning Ordinance except for the requested design waiver to exceed 0.25 footcandles at the property line. The lighting levels are exceeded along the connector road which will provide additional lighting to pedestrian walkways. Mr. Crowder stated that they will update the plans to show the pedestrian connections along the connector road. Mr. Crowder explained that the applicant will be providing an expansive landscaping and buffering plan which will provide for an aesthetically pleasing site. It was noted that the applicant is providing more open space than what is minimally required by the Zoning Ordinance.

Mr. Crowder explained that the applicant is requesting a design waiver to permit less than the required shrub plantings; however, the applicant, while providing significant shrub plantings will also be preserving existing vegetation at the east side of the site. With regard to the proposed basin, it will be surrounded by a four (4') tall aluminum fence and instead of providing plantings within the basin (which is difficult to maintain), plantings will be provided around the basin. The applicant proposes 10' x 20' sized parking spaces as opposed to 10' x 18' parking spaces in order to allow more room in certain areas for customers to access their vehicles with their shopping carts without causing issues in the drive aisle. Mr. Crowder acknowledged that the applicant will obtain the required cross-access easements. Mr. Crowder noted that the site design provides for a separation of the loading area from the customer access points. Mechanical equipment will be screened from public view. Mr. Crowder detailed the proposed delivery truck maneuvers. Mr. Crowder reaffirmed that no variances are required and reiterated that the trash enclosure will be located in a manner so as to not require a variance. Mr. Crowder noted that a previously requested design waiver for driveway length will be eliminated by removing two (2) parking spaces and expanding the driveway. Lastly, paving details will be updated to meet the Township requirements standard and heavy loading requirements.

Mr. Lyon stated that he is responsible for the development of the proposed Lidl grocery store. Mr. Lyon noted that while there are no Lidl's currently open in New Jersey, one is under construction in Vineland. Mr. Lyon explained that Lidl is a discount grocery store and that there is 10,000 stores spread out amongst 27 countries. 95% of Lidl's products are private label (Lidl branded) and that Lidl chooses its sites carefully. Mr. Lyon explained that this proposed Lidl is their prototype building. Store hours will be from approximately 7:00am to 9:00pm with 30 to 35 employees on a shift. Mr. Lyon described the architecture, colors, and materials of the proposed Lidl via exhibit A-4. The loading dock will be screened and the main entrance will be flanked by steel bollards. Mr. Lyon explained that the shopping carts will be kept in a covered cart corral adjacent to the grocery store. My Lyon explained that Lidl uses an incentive based system that encourages people to bring their carts back to the store front. If there is an issue, a staff member can retrieve the cart; however, there is no staff that is just dedicated to cart retrieval. Mr. Lyon noted that their European stores use a coin-based incentive system; however, the U.S system will utilize a modified version but that final details are still being worked out. Mr. Lyon stated that he will provide information regarding the cart return incentive system to the Department of Community Development prior to final approval. A discussion ensued regarding the effectiveness of an incentive based system. Mr. Lyon explained that the loading bay was designed to accommodate a WB-67 tractor trailers so that it will allow for less frequent deliveries. It is expected that the store can operate with only one (1) delivery per day and such deliveries will originate at a local distribution center in Maryland. The non-private label brands may come on the WB-67; however, it is possible that get delivered via smaller trucks. Deliveries will be scheduled during off-peak hours and trash pick-up will occur a couple of times per week.

Mr. Chase acknowledged that he prepared the traffic impact analysis that was submitted in conjunction with the application. Mr. Chase described that access points to the site and affirmed that the access permit has been granted by NJDOT. Mr. Chase outlined the improvements that will be made to the access points as well as the connector road. Mr. Chase also detailed the stop controls and affirmed that there is no expected degradation in service with or without the proposed Lidl. The applicant stated that they will be working with Camden County to make the signalized intersection at Hampton Road more efficient. Mr. Chase affirmed the adequacy of the provided parking for the site and noted that they will be obtain the necessary approval from Camden County. Mr. Chase stated that he sees no negative impact with regard to traffic circulation. Lastly, Mr. Chase detailed the Hampton Road intersection in terms of how traffic will flow.

Mr. McDonough submitted exhibit A-6 and reiterated the characteristics pertaining to the site's layout, its access points, and the surrounding uses. Mr. McDonough noted that the site has remained vacant even though it is in a redevelopment zone. Mr. McDonough explained that the proposal is for a permitted use with no bulk (C) variances. Mr. McDonough went over the requested design waivers and provided justifications for each design waiver as otherwise noted on the official record. Mr. McDonough believes that all requested design waivers are reasonable and the deviations do not create/cause an over-intensification of the proposed use. Mr. McDonough believes all site planning and zoning requirements have been met and that the proposal advances the Land Use and Economic Development elements of the 2003 and 2007 Master Plan.

Public Discussion: Ms. Cheryl Lynn Walters of the law firm Platt & Rizzo, representing her client Racetrack Supermarket, stated that she is before the Board tonight to have her two (2) Engineers present alternative insights into the traffic and stormwater management testimony:

Mr. Michael Brown, PE of Consulting Engineering Services (CES) appeared as an expert on traffic engineering. Mr. Brown acknowledged that he reviewed the submitted application materials and relevant Zoning Ordinances and stated that he does not believe that all the necessary components of the traffic analysis were touched upon such as a 24-hour trip generation report and Level of Service (LOS) studies. Mr. Brown stated that he is concerned about increased queues and movements onto State and County roadways as a result of the proposed Lidl. Mr. Brown also noted his concerns regarding internal circulation and circulation between the subject site and the Walmart shopping center. Mr. Brown stated that the applicant needs to add the applicable cross-access easement notation to the site plan. Mr. Brown stated that he believes the applicant erred when they utilized the ITE Manual's discount supermarket criteria when analyzing the site's traffic impact as it is not as appropriate as the general supermarket category. Mr. Brown submitted Exhibit O-1: Trip Generation Chart to show the change in expected trips utilizing discount grocery store versus general supermarket. The chart showed that utilizing the general supermarket category generates more trips which, if applied, have a greater effect on queues on internal circulation. A discussion ensued regarding which land use type is the correct land use traffic generator and what potential impacts there would be on stacking lanes and internal circulation. Mr. Brown noted some of his safety concerns with regard to truck turning movements particularly that the tractor trailer has to traverse past the main entrance of the Lidl. Mr. Brown stated he is concerned about pedestrians walking out along Route 38 but also acknowledged that those matters are under NJDOT jurisdiction. Lastly, Mr. Brown noted his concerns with regard to the bollards, lighting, and landscaping design of the site.

Mr. Del Duca cross-examined the objector's witness, Michael Brown. Mr. Brown, when asked about who is client is, stated that his client is Jason Ravitz of ShopRite. Mr. Del Duca asked whether the proposed Lidl site would in any way impact

ShopRite's from a traffic standpoint. Mr. Brown acknowledged that he did not look at traffic impacts in the direction of the ShopRite property but that he is looking at the impacts to the community in general. Mr. Del Duca asked if Mr. Brown was in front of the Board for the community or Ravitz's ShopRite to which Mr. Brown stated he was here for both. Mr. Del Duca posited that he was really here about competition between ShopRite and Lidl. A discussion ensued regarding what requirements are to be included in a traffic assessment such as 24-hour counts, pedestrian counts, and trip generation. Mr. Brown acknowledged that the Lidl is a permitted use and that off-site traffic impact is not a reason to deny an application. Mr. Brown added that their analysis looked at on-site traffic conditions which could have impacts on off-site conditions. Mr. Del Duca stated that the applicant could not provide traffic counts for the Lidl as no other Lidl stores exist in the United States and therefore, the applicant utilized ITE Manual standards. Mr. Brown stated he believes the ITE Manual standard was misapplied. Mr. Brown acknowledged that it sounds like NJDOT accepted the applicant's analysis that utilized a discount grocery store generator.

Mr. Erik Littlehales, PE of Consulting Engineering Services (CES) appeared as an expert on stormwater management engineering. Mr. Littlehales stated he reviewed the submitted application materials and relevant Zoning Ordinances and as such, he has concerns with the submitted Stormwater Management Report pertaining to stormwater calculations, percolation rates, soils, piping materials, inlets, sheet flow, the spillway, and the basin. Mr. Littlehales stated that he does not believe the stormwater system will function if the issues, as otherwise noted on the record, are not addressed. A discussion ensued regarding whether the County has required any dedications in association with the application to which Mr. Chase responded that he is not aware of any such requirements. Ms. Walters inquired as to whether the applicant has had any discussion with the County on this matter and Mr. Chase stated that the applicant has filed an application with Camden County and are scheduled to appear before them on May 23rd, 2017. The discussion continued with regard to the jurisdiction of the County along Hampton Road towards the intersection with the connector road. The applicant affirmed that any approvals that may be granted are subject to the review and approval of Camden County and that it could require the applicant to come back to the Cherry Hill Township Planning Board.

Ms. Walters asked how off-peak deliveries are ensured to which Mr. Lyons stated that they will comply with off-peak deliveries because they have agreed to do this as a condition of approval. Mr. Lyons noted that while trucks may in the future need to stop by multiple stores, they agreed to the condition of off-peak deliveries and they will have to honor that condition. Ms. Walters closed her testimony and stated that as a member of the community, they have the right to make comments on applications that appear before the Planning Board. Ms. Walters reiterated the noted issues concerning traffic impacts and stormwater management. Ms. Walters asked the Board to consider these issues when deliberating the merits of the application.

Mr. Osorio closed the Public Session and Mr. Del Duca provided his closing argument. Mr. Del Duca believes that the Zoning Ordinance requirements, besides the design waivers for which justification has been provided, have been adequately addressed. Mr. Del Duca does not believe the objector's testimony was sufficient in being able to deny the application. Mr. Del Duca noted that much of the objector's comments were asking for additional information to which the applicant will work with outside agencies such as NJDOT and Camden County to iron out any potential issues. Mr. Del Duca posited that the objectors are trying to limit the choices that Cherry Hill residents have in grocery stores and that their concerns do not have anything to do with the community but rather for their client. Mr. Del Duca believes the evidence is overwhelming to grant approval based on upon their submitted site plan and associated testimony.

Motion to Approve the Minor Subdivision Plan: Following the reiteration of the conditions by Solicitor Burns, John Osorio made a motion, which was seconded by Carolyn Jacobs, to approve the Minor Subdivision Plan. Affirmative votes by Jacobs, McCormack, Osorio, Kates, Carter, Hung, Kalitan, Adler, and Griffith. The application is approved.

Motion to Approve the Preliminary & Final Major Site Plan: John Osorio made a motion, which was seconded by Sam Kates, to approve the Preliminary & Final Major Site Plan with the conditions as stated. Affirmative votes by Jacobs, McCormack, Osorio, Kates, Carter, Hung, Kalitan, Adler, and Griffith. The application is approved.

Resolution:

16-P-0004

Block(s) 9.01 Lot(s) 5

Zone: Highway Business (B2) Zone

VP 70 Realty, LLC

2325 Route 70 West

Cherry Hill, NJ

Relief Requested: A preliminary and final major site plan with bulk (C) variances to construct a Dunkin Donuts drive through restaurant on the same lot as Bayard's Chocolates.

Motion to Ratify: Following the review of the resolution, Hugh Dougherty made a motion which was seconded by Sam Kates, to memorialize the resolution for VP 70 Realty, LLC. Affirmative votes by Jacobs, McCormack, Osorio, Kates, Carter, Hung, Kalitan, and Adler. The resolution is memorialized.

Meeting Adjourned: at 11:14 PM.

ADOPTED: 5/15/17

ATTEST:



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



JOHN OSORIO, CHAIRMAN