



PLANNING BOARD
Monday, June 5, 2017
APPROVED MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Vice-Chairman Hugh Dougherty at 7:38 PM.

PLEDGE OF ALLEGIANCE: Led by Hugh Dougherty.

OPMA STATEMENT: Read by Hugh Dougherty in compliance with the Sunshine Law.

ROLL CALL

- **Members in attendance:** Hugh Dougherty; Kevin McCormack; Moly Hung; Sam Kates; William Carter; Betty Adler; Marlyn Kalitan 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 May 15 2017. Betty Adler made a motion, which was seconded by Sam Kates, to adopt the Meeting Minutes from May 15, 2017. Affirmative votes by Dougherty, Adler, McCormack, Hung, and Griffith. Minutes are approved.

Agenda Item 1:

16-P-0039

Block(s) 595.02 Lot(s) 1

Zone: Shopping Center Business (B3) Zone

Relief Requested: A preliminary and final major site plan with bulk (C) variances to construct a 2,587 SF drive-through Panda Express restaurant along with various site improvements and signage.

Cherry Hill UE, LLC

500 Route 38

Cherry Hill, NJ

Mr. Dougherty announced that the application has requested to be postponed by the applicant to the August 7, 2017 meeting of the Planning Board and that no new notice is required.

Agenda Item 2:

17-P-0010

Block(s) 493.01 Lot(s) 1

Zone: Industrial Restricted (IR) Zone

Relief Requested: A Site Plan Waiver with Bulk (C) Variances to install a back-up generator within a front yard setback.

Nuclear Diagnostic Products of Philadelphia

2 Keystone Avenue

Cherry Hill, NJ

Exhibits Submitted:

A-1: Site Plan Rendering

Discussion: Applicant Nuclear Diagnostic Products of Philadelphia applied for a Site Plan Waiver with Bulk (C) Variances to install a back-up generator within a front yard setback. The property is owned by Cherry Hill Umbrella, LLC.

Application was represented by:

- Melanie Levan, Esq. – Attorney for the Applicant
- William Gilmore, PE – Engineer for the Applicant
- Brian Seidel – Professional Planner for the Applicant
- Stephen Loudon – Atlantic Switch & Generator
- Gavin Cahn – Head Pharmacist for the Applicant

Ms. Levan introduced the application and explained that the applicant produces and tests radiopharmaceutical products. In order to ensure the reliability of their products, the applicant is requesting permission to install an emergency back-up generator in the front yard of the subject property that requires the need for bulk (C) variance relief. Ms. Levan noted that the generator will need to be tested once per month if the application is approved.

Mr. Cahn discussed the pharmaceutical products that they produce which are stored in a clean room. The reason for the generator is to protect the reliability of their products and keep the clean room up and running. The generator would only activate in the off-chance of a power failure as well as for monthly operational tests. Mr. Cahn noted that the products have a half-life and as such, they need to get to their clients in a time sensitive manner. Mr. Cahn assured the Board that there is no danger to the public if power is lost; however, the clean room would be compromised (as it would lose its sterility) and the products contained within the room could not be used nor distributed to patients. Mr. Cahn explained that their products are not lifestyle drugs but rather for life and death situations (i.e. time sensitive medical circumstances). Mr. Cahn stated that it is becoming more common for companies such as theirs to install generators in order to ensure the reliability of their products for the 200 to 300 people that they serve each day. Mr. Cahn explained that the generator cannot be located on the roof as it is 2-tons and would compromise the integrity of the roof structure. The reason the generator is proposed in the front yard is that this is the closest location to their office suite. Mr. Cahn also explained that while the area where the proposed generator is supposed to go is technically a front yard, the area is more of a side yard as the door to the facility is an exit only door. Therefore, foot traffic around the generator will be minimal.

Mr. Gilmore submitted exhibit A-1 and gave an overview of the site and the proposed location for the generator which requires a front yard setback variance. Ms. Levan noted the need for variances for exacerbating the existing non-conforming lot coverage and open space coverage. Mr. Cahn noted that the building across the street is industrially utilized. Mr. Gilmore explained that the generator is tamper proof and Ms. Levan stated that no signs are proposed as they wish to keep the generator non-descript. Mr. Gilmore stated that no fencing is proposed; however, Ms. Levan noted that they will provide landscaping around the sound enclosure. It was added that the sound enclosure acts as fencing as it entirely encompasses the generator.

Mr. Loudon stated that the cost of the generator is \$52,000. The generator has a 400 gallon diesel tank which is topped off once a year or more frequently depending on if there are extended power outages. Mr. Loudon stated that the generator can provide power for 24 to 48 hours. Mr. Loudon explained that the sound enclosure is key locked and tamper proof via the steel enclosure. The sound enclosure also services as fencing and weather protection. The dimensions of the generator with the sound enclosure are 141.3" L x 49.3" W x 93.5" H. Without the sound enclosure, the generator measures 110.24" L x 40.94" W x 60.55" H. The unit will be a beige color.

Mr. Seidel stated that the sound emanating from the generator (when it is active) will not impact neighboring properties. The sound impact will be 73 decibels which is similar to standing next to an operation vacuum cleaner. Mr. Seidel reiterated that the generator will be tested once per month for a period of 30 minutes during business hours. The EPA requires that generator test be administered during only "clean air days." Mr. Seidel believes that the spot that was chosen for the generator is a good location as there are no other viable locations. Mr. Seidel noted the de minimus increase in lot coverage and decrease in open space due to concrete pad which will need to be installed to hold the generator. Mr. Seidel went through the positive and negative criteria of the application.

Ms. Levan stated that the applicant will comply with all comments in the Department of Community Development's review letter other than from providing fencing. Ms. Levan reiterated that they will work with the Department of Community Development and the Planning Board Engineer to provide landscaping/buffering. Mr. Seidel stated that they will likely look to install evergreens and agreed to the minimum planting height of 6'. Mr. Cahn noted that the business hours are from 11pm to 5pm but that they anticipate the generator tests to take place between 9am and 5pm.

Public Discussion: None.

Motion: Following the reiteration of the conditions by Solicitor Burns, Betty Adler made a motion, which was seconded by Sam Kates, to approve the application with the conditions as stated. Affirmative votes by Dougherty, Adler, McCormack, Carter, Hung, Kates, Kalitan and Griffith. The application is approved.

Agenda Item 2:

14-P-0043

Block(s) 158.01 Lot(s) 1 & 7

Zone: Highway Business (B2) Zone

Bryn Mawr Cherry Hill II, LLC & Bryn Mawr Cherry Hill III, LLC

706-712 Haddonfield Road

Cherry Hill, NJ

Relief Requested: An Amended Preliminary and Final Major Site Plan with Bulk (C) Variances and a Relief of Condition to construct a 4,500 SF retail building (previously approved for 7,636 SF of restaurant and retail space) and additional parking along with various circulation and site improvements to Lot 7 (Phase II) of the proposed development. The applicant wishes to increase the amount of restaurant seats and employees on Lot 1 in lieu of the general 4,500 SF retail being proposed on Lot 7.

Exhibits Submitted:

A-1: Color Site Plan Rendering (original proposal)

A-2: Color Site Plan Rendering (new proposal)

- A-3: Elevation Renderings
- A-4: Elevation Renderings
- A-5: Sign Elevation Renderings
- A-6: Sign Elevation Renderings

Discussion: Applicant Bryn Mawr Cherry Hill II, LLC & Bryn Mawr Cherry Hill III, LLC applied for an Amended Preliminary and Final Major Site Plan with Bulk (C) Variances and a Relief of Condition to construct a 4,500 SF retail building (previously approved for 7,636 SF of restaurant and retail space) and additional parking along with various circulation and site improvements to Lot 7 (Phase II) of the proposed development. The applicant wishes to increase the amount of restaurant seats and employees on Lot 1 in lieu of the general 4,500 SF retail being proposed on Lot 7. The property is owned by Bryn Mawr Cherry Hill II, LLC & Bryn Mawr Cherry Hill III, LLC.

Application was represented by:

- Richard Goldstein, Esq. – Attorney for the Applicant
- Steve Bach, PE, PP – Professional Engineer & Planner for the Applicant
- David Shropshire, PE – Professional Traffic Engineer for the Applicant
- Fred Barrett – AT&T Senior Construction Manager
- Anthony Sirizzotti, RA – Professional Architect for the Planner
- Harvey Sternberg – Applicant

Mr. Goldstein gave an overview of the site and the prior approvals issued for the site. Mr. Goldstein noted that the applicant is requesting an amended preliminary and final major site plan approval. Mr. Goldstein explained that the original approval for Phase II of their site was for a 7,625 SF retail and restaurant space; however, the applicant now proposes only a 4,500 SF retail space with the anticipated tenant being AT&T. Mr. Goldstein explained that there is a cross-access and cross-parking easement between Phases I and II of the development (on separate lots). Mr. Goldstein gave an overview of the prior approved seat and employee count which stands at 210 seats and 24 employees. The applicant requests an increase to 240 seats and 32 employees if AT&T is approved but an increase to 276 seats if AT&T does not end up as the tenant. Additionally, the applicant is requesting, as part of their application, to increase the total number of parking spaces from 135 to 145. Variances are also being requested for open space and lot coverage; however, both values are lessening the nonconformity by 4%. Mr. Goldstein noted that the applicant was originally requesting one façade sign on each façade (4 total), but now they are removing the rear facing façade sign from their application. Mr. Goldstein explained that the façade signs facing Haddonfield Road and Hollis Avenue are permitted but that the one facing the internal driveway to the north needs a variance as it technically does not have street frontage. Additionally, the applicant now proposes a façade for Habit Burger (part of end cap on the Phase I development) that also faces the internal driveway (towards AT&T) that requires a variance. Mr. Goldstein explained that the prior Resolution of approval put a cap on restaurant seats throughout the entirety of the site at 210 which also counted outdoor seats. The applicant is requesting a relief of condition to only count indoor seats and to modify the seat cap to 240 seats (as well as an increase of employees from 24 to 32). The overall parking variance would result in a 24 parking space variance (over the max) as opposed to 18. Mr. Goldstein added that if AT&T ultimately does not become the tenant of the new retail building, the applicant would instead like to request 276 seats. Ms. Luciani explained that unless the Board specifies the prior approval becomes invalid, the prior site plan approvals are still held in place. Mr. Goldstein noted that AT&T has signed a lease; however, sometimes deals fall through unexpectedly. A discussion then ensued regarding the applicability of the prior approvals, the resulting build-out conditions, and that if a new tenant comes in then it may require the applicant to seek new approvals from the Board.

Mr. Sternberg gave an overview of the site and its current operations and uses. Mr. Sternberg discussed the usage of the parking spaces and gave a detailed accounting of the site which is more adequately established on the official record. Mr. Barrett stated that the AT&T will have a total of 10 to 12 employees with a maximum of 8 on a shift. Trash pick-up will be 2 times per week and UPS deliveries will be 3 times per week. Mr. Barrett believes the site is suitable and adequate for the proposed use as an AT&T retail store.

Mr. Bach noted the reduction in lot coverage and increase in open space from what was previously approved. The applicant is requesting to exceed the maximum allowable amount of parking spaces by 24 from the original approval of 18. A discussion regarding the amount of seats and employees currently on-site ensued. Mr. Bach noted the requested design waivers related to landscaping but reiterated that the design waivers are the same as those that were granted under the original approval but with some minor additions. Mr. Bach submitted exhibits A-1 and A-2 and gave an overview of the approved site plan along with descriptions about the external and internal access. Mr. Bach also noted the changes from the prior site plan which include the new retail building, pedestrian pathways, and crosswalks.

At 9:37pm, Vice-Chairman Dougherty called for a brief recess. During the recess, Ms. Kalitan announced she was exiting the meeting and would not be returning due to illness. The meeting resumed at 9:39pm.

Mr. Bach stated that he believes the proposed sign variances are minor in nature as they face the internal portion of the site as indicated on Exhibits A-3 and A-4. Mr. Bach noted that if the lots were consolidated, the signs would be permitted as there would be 3 frontages. Mr. Bach submitted Exhibits A-5 and A-6 and stated that the applicant will provide updated sign renderings for review by the Department of Community Development. Mr. Bach detailed the request for 276 seats if AT&T does not become the tenant. Discussions ensued regarding the different approval and build-out scenarios. Mr. Bach explained that the reason they are asking for extra seats is because if AT&T leaves and the applicant has to build the prior approved plan, they will not have enough permitted employees and seats left in the prior approval to operate the restaurant that was previously approved. Lastly, Mr. Bach went through the positive and negative criteria concerning the bulk (C) variance requests.

Mr. Shropshire stated that there will be a reduction in the overall trip generation due to the proposed AT&T as compared to the combination retail/restaurant space. Mr. Shropshire gave a breakdown of the parking generation numbers with comparisons to the existing conditions, Zoning Ordinance regulations, and ITE standards. Mr. Shropshire explained that with 15,700 SF of retail, 240 seats, and 32 employees, 159 parking spaces would be needed (where 145 is proposed). A discussion ensued regarding the proximity of parking spaces to the existing uses. Mr. Shropshire noted how fast casual restaurants have a quicker turnover than fine dining establishments. Mr. Sternberg added that there are no reserved spaces for employees but agreed to direct the tenant's employees to park at the rear of the site.

Mr. Sirizzotti explained the changes that have been made to the Hollis Avenue façade of the AT&T building. He explained that they are using the same materials as the rest of the site but with different color schemes. Mr. Sirizzotti explained that they will be adding additional glass on the Hollis Avenue side to make for a better curb appeal/aesthetic. Mr. Sirizzotti believes this building is aesthetically similar to other nearby buildings. Mr. Sirizzotti affirmed that all rooftop mechanical equipment will be screened. Lastly, Mr. Sirizzotti stated that the AT&T store is a prototype; however, his company worked on enhancing the Hollis Avenue side of the building.

Public Discussion: None.

Solicitor Burns discussed how to codify the application and possible approvals. Ms. Luciani discussed the shifting of the seats & employees. The applicant also agreed to the condition that once the site is built, the other approvals are void. Solicitor Burns stated that one (1) Resolution makes sense with Ms. Luciani agreeing but that there should be two (2) separate motions. Ms. Luciani explained that the first motion shall be for the 15,700 SF of retail without, but not including AT&T, along with 240 seats, 32 employees, sign variances for Habit Burger, and all conditions and design waivers. Ms. Luciani detailed the second motion in that it shall be for 12,600 SF of retail, including AT&T, along with 276 seats, 40 employees, sign variances for Habit Burger and AT&T, and all open space and lot coverage variances inclusive of the design waivers and conditions of approval.

Motion 1: Following the reiteration of the conditions by Solicitor Burns, Sam Kates made a motion, which was seconded by Moly Hung, to approve the application with the conditions as stated. Affirmative votes by Dougherty, Adler, McCormack, Carter, Hung, Kates, and Griffith. Motion 1 is approved.

Motion 2: Following the reiteration of the conditions by Solicitor Burns, Bill Carter made a motion, which was seconded by Sam Kates, to approve the application with the conditions as stated. Affirmative votes by Dougherty, Adler, McCormack, Carter, Hung, Kates, and Griffith. Motion 2 is approved.

The application is approved.

Resolution:

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 with bulk (C) variances 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

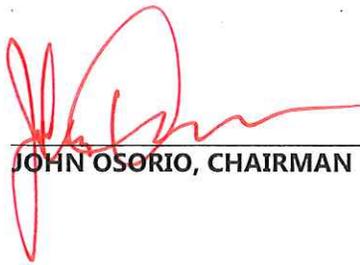
400 Route 38

Cherry Hill, NJ

Motion to Ratify: Following the review of the resolution, Betty Adler made a motion which was seconded by Sheila Griffith, to memorialize the resolution for Lidl US Operations, LLC. Affirmative votes by Adler, McCormack, Carter, Hung, Kates, and Griffith. The resolution is memorialized.

Meeting Adjourned: at 10:52 PM.

ADOPTED: 6/19/17



JOHN OSORIO, CHAIRMAN

ATTEST:



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

