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ZONING BOARD OF ADJUSTMENT
Thursday, March 17, 2016
APPROVED MINUTES

OPENING: The meeting was called to order by Chairperson Jonathan Rardin at 7:34 pm.

PLEDGE OF ALLEGIANCE: Led by Chairperson Rardin.

OPMA STATEMENT: Read by Chairperson Rardin in compliance with the Sunshine Law.

ROLL CALL

- **Members in attendance:** Wyatt Sklar; Dan DiRenzo, Jr.; Ivy Rovner; Nacovin Norman; Larry Terry, Sr.; Bruce Schwartz; Farhat Biviji; and Jonathan Rardin, Chairperson.
- **Professionals in attendance:** Paul Stridick, AIA, Director; Lorissa Luciani, PP, AICP, Deputy Director; Jacob Richman, PP, AICP, Planner; Stacey Aracri, PE, PP, PTOE, CME, Zoning Board Engineer; Matt Wieliczko, Esq., Zoning Board Solicitor; and Cosmas Diamantis, Esq., Zoning Board Solicitor.

COMMENTS FROM THE PUBLIC: None.

ADMINISTRATIVE ITEMS

Larry Terry, Sr. and Wyatt Sklar were administered the Oath of Office as a Regular Member of the Zoning Board of Adjustment by Solicitor Matt Wieliczko, Esq.

Approval of Meeting Minutes from January 21, 2016. Mr. Sklar made a Motion to Approve the Minutes from January 21, 2016, which was seconded by Mr. DiRenzo, with affirmative votes by Rardin, DiRenzo, Norman, and Sklar. Motion carried.

AGENDA ITEMS

12-Z-0025

Block(s) 407.01 Lot(s) 6 & 9

Zone: Highway Business Zone (B2)

A preliminary and final major site plan to construct 152 luxury apartments consisting of 72 stacked flats and 80 garden apartments (with 23 affordable units) and various site improvements.

Cherrydale Development Partners, LLC

1350 Brace Road

Cherry Hill, NJ 08034

Applicant's Representatives: Kevin Sheehan, Esq. – Attorney for the Applicant; David Shropshire, PE, PP – Traffic Engineer; Cecilia Schmidt – Landscape Architect; William Ommundsen, PE – Engineer; and Angela Kostelecky – Project Architect.

Exhibits Submitted: A-1: Front Elevation of Apartments at Evans Mill; A-2: Front Elevation of Townhomes at Evans Mill; A-3: Elevations of Clubhouse at Evans Mill; A-4: Existing Site Conditions Plan; A-5: Proposed Site Plan; and A-6: Landscaping Plan.

Mr. Sheehan briefly introduced the application and Solicitor Wieliczko gave a detailed history of the application including the prior Use Variance granted by the Zoning Board of Adjustment and the subsequent appeal. Solicitor Wieliczko explained that that the Appellate Court affirmed the decision of the Zoning Board in the granting of the Use Variance to permit the residential development in a business zone and that the application to be heard by the Zoning Board at this hearing is only for the site plan (no other variances are proposed). Mr. Sheehan clarified that the applicant is seeking a few design waivers that will be elaborated upon later in the hearing.

Ms. Kostelecky submitted exhibits A-1 through A-3 and gave a detailed overview of the proposed design, colors, and architecture of the apartments and townhomes/flats at Evans Mill. There will be eighty (80) apartments and seventy-two (72) townhomes/flats for a total of one hundred fifty-two (152) units; of which twenty-three (23) units will be affordable and will be evenly distributed scattered throughout the site. The affordable units will be a mix of 1, 2, and 3- bedrooms. In

addition to the apartments and townhomes, the applicant is proposing a clubhouse, a pool, and private garages. The garages will be detached and consist of a total ten (10) garages between two (2) buildings (with four (4) in one building and six (6) in another).

Mr. Ommundsen submitted exhibits A-4 through A-6 and gave a detailed overview of the site location and surrounded uses. Mr. Ommundsen described the existing site conditions and noted that the entire site will be demolished in order to build the new housing units and site improvements. As previously detailed, the proposal is to construct apartments and townhomes with a clubhouse, a pool, and detached garages. There will be four (4) apartment buildings (consisting of twenty (20) units in each), eight (8) townhome buildings (consisting of ten (10) or eight (8) units in each), two (2) detached garage buildings, and one (1) clubhouse building for a total of fourteen (14) buildings. The site will have driveway access points onto Brace Road and Kresson Road. The entire site will be brought into conformance with ADA requirements with fourteen (14) of the proposed three hundred and three (303) spaces to be designated as ADA parking spaces. Mr. Ommundsen noted that a design waiver is being requested to permit two (2) contiguous parking spaces where a minimum of three (3) contiguous parking spaces is required. Mr. Ommundsen gave an overview of the utility services being connected to the site as well as providing testimony on stormwater runoff in that since the site is adding additional greenspace, there will be an increase in groundwater recharge (and thus a reduction in stormwater runoff). Additional landscaping, screening, and buffering are also proposed as part of the site improvements. Lastly, Mr. Ommundsen gave an overview of the proposed lighting installation which will consist of pole mounted and wall mounted lighting.

Ms. Schmidt provided a description of the proposed landscaping how it will be integrated into the site. Ms. Schmidt noted that design waiver requests related to the proposed landscaping and how some of the selected shrubs that were chosen for an aesthetic purpose are a permitted species in nearby towns (just not Cherry Hill), and thus will thrive in this environment. Ms. Arcari confirmed that ERI has no issues with the plant materials or planting heights as proposed in the landscaping plan. Ms. Schmidt noted that the applicant is installing a six (6') foot high solid wood fence that will wrap around most of the perimeter of the property in order to provide an opaque buffer. The addition of trees, shrubs, and groundcover will provide density to the buffer. The applicant agreed to restrict the landscape buffer areas from any development. A discussion then ensued regarding the necessity of the fence surrounding the nearby retail stores and pharmacy whether a gate would be reasonable. The Board decided to defer the discussion regarding the fence until a later time in the hearing; however, it was noted by the applicant that a network of sidewalks around the property will provide access to these stores.

Mr. Shropshire went into detail regarding the history of the previous traffic studies conducted for this proposed development. Mr. Shropshire discussed the points of access, timing capabilities, peak hour traffic, and on-site circulation. It was noted that the traffic studies indicate a 1.5% increase in afternoon peak hour traffic at Brace Road and Kresson Road; however, NJDOT has granted a minor permit as they have deemed this increase to be minimal and found no need for additional improvements to be made to the intersection. The applicant agreed to provide NJDOT approval letters to the Department of Community Development. A discussion then ensued regarding left-turn maneuvers and access options into and out of the site.

Ms. Luciani went through the Department of Community Development's review letter dated March 1, 2016. Ms. Luciani stated that the applicant will provide clarification on the Environmental Impact Report documents and that they will also need to provide an updated Phasing Plan as part of a condition of approval. The plans will also need to be corrected per comments provided to the applicant by Code Enforcement dated February 9, 2016. The applicant agreed to all of CHPD's and the Township Department of Engineering's comments. The applicant agreed to comply with all other Department of Community Development comments as well as agreeing to work with ERI on conforming to the pavement thickness design waiver. It was clarified that this will depend upon soil conditions to be determined once field work is underway.

Ms. Arcari went through ERI's letter dated March 2, 2016 and had the applicant clarify matters regarding trash/recycling, best management practices, and environmental reports. Ms. Schmidt stated that trash and recycling pickup will occur twice per week and that the open space will consist of greenspace, landscaping and raingardens. The applicant agreed to submit a complete Phase I report prior to receiving a Certificate of Occupancy (CO). As a side note, Ms. Schmidt stated that sign permits will be submitted at a late date but that the applicant expects to conform to the Zoning Ordinance. Ms. Arcari then went through ERI's environmental review letter dated March 17, 2016 and asked the applicant to perform a vaporization test. The applicant agreed to conduct a vaporization test and agreed to all other comments in ERI's review letters.

Chairman Rardin brought up the point that all conditions placed upon the use variance approval carry with the land and the applicant affirmed that they will meet other conditions of that approval. Ms. Schmidt noted that the applicant has applied for a transition area waiver in regard to the nearby wetlands.

Public Comment: Martha Wright of 200 Munn Lane asked for clarification on how the applicant is meeting stormwater management ordinance standards. Ms. Arcari noted that the applicant is decreasing the amount of impervious surface

area but is in fact disturbing more than one (1) acre of land. Mr. Omundsen explained that the stormwater management system is designed to code in regard to managing stormwater runoff and that the applicant is providing an increase in open space. Mr. Ommundsen affirmed that all runoff will be managed on-site. Ms. Arcari affirmed this statement per the submitted Stormwater Management Report. A discussion then ensued regarding the proposed raingarden and it was explained that the raingarden is designed to handle smaller storms and that they are not intended to act as basins. Mr. Omundsen clarified how stormwater flow be handled and directed and noted that the County will be reviewing the stormwater infrastructure as Kresson Road is a County road. Ms. Wright questioned the use of B2 zoning standards when a use variance was granted for a multi-family residential use. Ms. Luciani explained that in the prior use variance approval that the applicant agreed to the design standards being adhered to in the site plan application. Additionally, with use variance approvals, the base zoning requirements stay the same.

Rick Short of 1002 Chelton Parkway had questions regarding the construction of the buffer fence. Testimony was provided that the fence will be six (6') feet tall and made of solid wood (opaque) and that it is proposed to meet the ordinance requirements for buffering/screening.

Following Mr. Sheehan summarizing the application and the requests being made, the Board discussed their opinion of the application. In general, the Board members concurred that the proposal is an improvement over the existing conditions and that not only will the benefits outweigh the detriments, but that this development will inject life into the area. Chairman Rardin appreciated the effort that the applicant has brought to this application and also appreciated the comments provided by the general public.

Motion: Following a review of the application and conditions of approval by Solicitor Wieliczko, a motion was made by Ms. Rovner and seconded by Mr. Sklar, with affirmative votes for approval by DiRenzo, Sklar, Schwartz, Terry, Rovner, Biviji, and Rardin, for the approval of the Preliminary and Final Major Site Plan. Motion carries 7-0 with Mr. Norman's vote not counted as all seven (7) regular members voted.

RESOLUTIONS:
None.

Meeting Adjourned: at 9:17 pm.

ADOPTED:



JONATHAN RARDIN, CHAIRMAN

ATTEST:



PAUL G. STRIDICK, AIA
ZONING BOARD SECRETARY