



ZONING BOARD OF ADJUSTMENT
Thursday, February 16, 2017
APPROVED MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Chairman Jonathan Rardin at 7:37 PM.

PLEDGE OF ALLEGIANCE: Led by Chairman Rardin.

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

ROLL CALL

- **Members in attendance:** Jonathan Rardin; Daniel DiRenzo, Jr.; Wyatt Sklar; Larry Terry, Sr.; Nacovin Norman; and Jeff Potter.
- **Professionals in attendance:** Lorissa Luciani, PP, AICP, Acting Director; Jacob Richman, PP, AICP Planner; Chris Noll, PE, CME, PP, Zoning Board Engineer; and Allen Zeller, Esq., Zoning Board Solicitor.

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from February 2, 2017. Mr. Sklar made a motion, which was seconded by Mr. Norman, to adopt the Meeting Minutes from February 2, 2017. Affirmative votes by Rardin, DiRenzo, Sklar, Nacovin, and Potter. Minutes are approved.

AGENDA ITEMS:

16-Z-0035

Block(s) 340.01 Lot(s) 26

Zone: Limited Office (O1); Residential (R2); Multi-Residential (R20) Zones.

Relief Requested: A minor subdivision and minor site plan with to permit a (d1) variance for to permit onsite, accessory parking in the Residential (R2) and Multi-Residential High Rise (R20) Zones to serve a regional orthopedic medical principal use in a Limited Office (O1) zone, where such use is not permitted in the R2 and R20 Zone; to permit an increase in density (d5) from 22.43 dwelling unit per gross usable acre is permitted to 23.97 dwelling unit per gross usable acre is permitted, where a maximum density of 20 dwelling unit per gross usable acre is permitted (this is a result of a reduction of acreage, as part of a subdivision); and to permit a and bulk (c) variances (Block 340.01, Lot 26 and Block 340.31, Lot 99) to construct a 712 SF lobby (at 499 Cooper Landing Road) for a regional orthopedic medical office use along with various site improvements.

499 Ropa Realty, LLC

499 Cooper Landing Road

Cherry Hill, NJ 08002

Applicant's Representatives: Robert Baranowski, Esq. – Attorney for the Applicant; James Miller, PP, AICP – Planner for the Applicant; Todd Gittings, PE – Engineer for the Applicant Anthony Sirizotti, RA – Architect for the Applicant; and Dr. Barry Gleimer – Applicant.

Exhibits Submitted: A-1: Site Improvement Plan revised 1/18/17; A-2: Site Rendering Plan; A-3: Zoning Analysis Letter dated 12/20/16; A-4: Building Elevations and Sign Renderings; and A-5: Floor Plan.

Mr. Baranowski introduced the application and noted that the applicant currently owns the subject property which is proposed to be utilized as an orthopedic office. Mr. Baranowski noted the prior uses on the site which included a counseling services office and a law office. Mr. Baranowski stated that the applicant is before the Board primarily to request relief for parking which has triggered the need for a number of use variances and bulk variances. It was explained that there is currently not enough parking on the site to accommodate the use and therefore, the applicant has entered into an Agreement of Sale with the neighboring property, Playa del Sol, to acquire some of their land and parking spaces (as Playa del Sol has an excess of parking). Mr. Baranowski explained that the subject lot is split zoned between Limited Office (O1) and Residential (R2) and that the portion of Playa del Sol's property that is proposed to be acquired is zoned Residential (R20).

Due to the split zoning issues as well as the need to utilize a shared access driveway to access the parking in zones that don't permit parking as a principal use, a number of use variances are required. A use (d1) variance is required in order to permit the parking areas in the R2 and R20 zone to serve a principal use, an orthopedic office, in an O1 zone. A use (d2)

variance is required in order to permit expand the preexisting nonconforming parking lot areas. Lastly, a use (d5) variance is required to the increase in density at the Playa del Sol property as there is currently 22.43 dwelling units per gross usable acre (where 20 dwelling units/acre is permitted) and the sale of a portion of their land will increase the density to 22.43 dwelling units per acre. In addition to the required use variances, the applicant is also requesting a minor site plan, due to the proposed site improvements which includes a 712 SF rear lobby addition, as well as a minor subdivision plan in order to acquire and consolidate a portion of the Playa del Sol property. Mr. Baranowski noted that the Agreement of Sale with Playa del Sol is pending and expects a decision prior to the next scheduled Board meeting. Lastly, a number of bulk variances are requested due to the changing lot lines, parking conditions, and signage.

Dr. Gleimer gave an overview of the operations of Regional Orthopedic Associates (ROPA) and noted that ROPA's original intent was to stay at their current Kennedy Hospital location; however, it did not work out and they wanted to stay close to the hospital in order to still be a part of the Kennedy Hospital campus. ROPA found 499 Cooper Landing Road as a viable location but they are currently in a time crunch to relocate as their current offices are planned to go under demolition in mid to late March to make way for Kennedy Hospital's redevelopment. With regard to the proposed new location, Dr. Gleimer stated that the intent is to have 3 to 4 doctors, plus an additional fifteen (15) staff members, and expects that proposed parking spaces that they are proposing to have will be sufficient. The office will provide orthopedic services, podiatry services, pain management services, and scans. The hours of operation are approximately 8am to 4:30pm. Deliveries will come via regular mail or a parcel delivery service. Trash will be collected by their cleaning staff and medical waste is to be collected about every two (2) months. Dr. Gleimer agreed to have no more than four (4) doctors on-site at any given time.

Mr. Gittings submitted Exhibit A-1 and gave an overview of the site and its surrounding uses as well as noting the access points to the site from Cooper Landing Road and Connecticut Avenue. The applicant proposes to construct a 712 SF rear lobby addition primarily for ADA purposes in addition to adding new ADA parking spaces adjacent to the rear of the building. The applicant proposes to maintain the fifty-three (53) existing parking spaces on site and proposes to consolidate twenty-two (22) additional spaces from the neighboring Playa del Sol property to the south through the pending Agreement of Sale. Mr. Gittings submitted Exhibit A-2 to illustrate the proposed consolidated portion of Playa del Sol which is to be accessed via an access easement between the two parking areas. Mr. Gittings stated that design in Exhibit A-2 is not final and other concepts may be explored until the most viable one is engineered. Mr. Gittings added that the goal is provide a physical separation that distinguishes the new parking area from Playa del Sol from the remainder of the Playa del Sol site. The applicant proposes to add a fence in order to provide the aforementioned physical separation. It was noted that this will help define which parking spaces are part of Playa del Sol and which are part of ROPA. The applicant stated that they will also provide the cross access easement documentation to the Department of Community Development with relation to the shared driveway the subject site has with the neighboring Retina Eye Center building to the north.

Mr. Miller gave a detailed history, as noted in his letter (Exhibit A-3), regarding the zoning of the property. Mr. Miller explained that due to a drafting error, the site was erroneously split zoned (O1 & R2). Mr. Miller noted that the request use (d1), (d2), and (d5) variances and reiterated the reasoning behind each request. Mr. Miller presented the positive and negative criteria with regard to the aforementioned use variances and how the granting of said variances will advance the purposes of the Master Plan. Mr. Miller detailed the parking situation on the subject lots and noted that the proposal by the applicant will provide sufficient parking, per the Zoning Ordinance standards, for both sites. Mr. Miller detailed how the (d5) variance for an increase in permitted density on Playa del Sol's property is only due to a slight lot line adjustment but that no major physical changes are proposed. Mr. Miller explained how the use variances being requested are primarily technical in nature. Mr. Miller provided testimony with regard to the requested bulk variances as noted in the Department of Community Development's review letter dated February 15, 2017. It was noted that a variance to permit a freestanding sign monument sign to have 25 SF of sign text area where only 20 SF is permitted is eliminated as a further review of the signage showed that the proposed sign conforms to the 20 SF regulation. The other sign variance to permit a façade sign along the north elevation is still required as while there is a direct sight line to Connecticut Avenue, the subject site technically has not frontage along that road.

Mr. Sirizotti submitted Exhibit A-4 and gave an overview of the new aesthetic that the proposed 712 SF rear lobby addition will provide in terms of colors and materials. Mr. Sirizotti stated that the intent of the proposed architecture is to shift focus from the front of the building to the rear of the building which is where the main entrance will be located. A discussion regarding façade signage ensued and it was noted that a light box design would not be utilized and that the proposed size of the sign would be compliant. Mr. Sirizotti provided testimony with regard to the floor plan via the submission of Exhibit A-5. A discussion of the timeline for the completion schedule of the all renovation ensued and the applicant noted they will continue to work with the Division of Code Enforcement to move things as expeditiously as possible. Ms. Luciani noted that the Zoning Permit that was issued for the interior work was issued with a signed Hold Harmless agreement by the applicant but not a Temporary Certificate of Occupancy (TCO). Ms. Luciani stated that the Township is doing its best to work with Dr. Gleimer on this project.

Mr. Gittings went through the requested design waivers requested as part of the application and noted that the applicant will be complying with the following recommendations: 1) Providing for a 6' high solid fence; 2) Adding additional landscaping; 3) Adding an irrigation system; 4) From providing a trash enclosure as trash will be stored inside until pick-up day; and 5) Providing sufficient asphalt for the parking lot resurfacing. The applicant agrees to all other comments in ERI's review letter dated February 9, 2017. Mr. Gittings clarified that no septic systems are located on-site. Mr. Baranowski added that the proposed freestanding sign will not be lit via uplighting and that the applicant agrees to all of the Department of Community Development comments as noted in the review letter dated February 15, 2017.

Mr. Zeller discussed the Agreement of Sale that the applicant has entered into with Playa del Sol. Mr. Zeller noted that the Agreement of Sale provides opportunities for the seller and/or applicant to back out of the agreement should issues arise with title as well as if Playa del Sol does not sign-off on the sale of the land and associated parking spaces. Mr. Zeller stressed that these items need to be addressed prior to the Board rendering a decision on the application and the associated relief requests.

Public Comment: None.

Per the reasons put on the record by Solicitor Zeller, Mr. Baranowski requested a continuance of the application until the March 16, 2017 meeting of the Zoning Board of Adjustment in order to allow for the matters regarding the title search and execution of the Agreement of Sale to be completed. Mr. Zeller added that no new public notice would be required.

Motion to Continue the Application to the March 16, 2017 meeting of the Zoning Board of Adjustment: A motion was made by Mr. DiRenzo and seconded by Mr. Sklar, with affirmative votes to continue the application by DiRenzo, Sklar, Rardin, Terry, Norman, and Potter. Motion carries 6-0.

RESOLUTIONS: None.

Meeting Adjourned: at 9:15 PM.

ADOPTED: 3/16/17

ATTEST:



LORISSA LUCIANI, PP, AICP
ZONING BOARD SECRETARY



JONATHAN RARDIN, CHAIRMAN

