



ZONING BOARD OF ADJUSTMENT
Thursday, April 19, 2018
APPROVED MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Jonathan Rardin at 7:35 PM.

PLEDGE OF ALLEGIANCE: Led by Jonathan Rardin

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

ROLL CALL

- **Members in attendance:** Jonathan Rardin, Daniel DiRenzo, Jr.; Wyatt Sklar; Jeff Potter; Marshall Spevak; and Jennifer Apell.
- **Professionals in attendance:** Lorissa Luciani, PP, AICP, Director of Community Development; Natalie Barney, Community Development Supervisor; Jeffrey Noll, PE, Zoning Board Engineer, and Cosmos Diamantis, Esq., Zoning Board Solicitor.

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from February 2, 2018. Mr. Spevak made a motion, which was seconded by Mr. Norman, to adopt the Meeting Minutes from January 18, 2018. Affirmative votes by DiRenzo, Sklar, Potter, Norman, and Spevak. Minutes are approved.

AGENDA ITEMS:

18-Z-0005

Block(s) 524.03 Lot(s) 14
Zone: Residential Agricultural

Gary Goldblatt

15 Galway Lane
Cherry Hill, NJ 08003

Bulk (C) Variances to expand the existing two-car garage into a three-car garage requiring front yard and side yard setback relief. In addition to the proposed 13.5' x 23' (309 SF) garage expansion, the applicant also proposes to expand the existing easterly driveway by 278 SF while eliminating 591 SF of existing concrete from the westerly driveway; thus, a net reduction of 4 SF in overall lot coverage is proposed.

CONTINUED to May 3, 2018 ZONING BOARD OF ADJUSTMENT MEETING. NO NEW NOTICE IS REQUIRED.

12-Z-0025

Block(s) 407.01 Lot(s) 9
Zone: Highway Business Zone (B2)

Cherrydale Development Partners, LLC

1350 Brace Road
Cherry Hill, NJ 08034

An amended preliminary and final site plan with a request for a relief of condition to construct two (2) six-car detached garages associated with the townhouse flats in Building 7 and Building 10 at the Evans Mill apartment complex. The applicant also proposes a number of minor site improvements including a new trash enclosure, a four (4') foot tall fence enclosure at the rear of the property to be utilized as a dog run, a revised fence material (metal picket fence in lieu of a solid fence) along the northern property line, modified decorative pavement material at the entrance driveways with the inclusion of rumble strips, three (3) separate 2' x 5' concrete pads for mailboxes, a bocce ball court, and a relocated fire pit along with various site improvements.

Applicant's Representatives: Kevin Sheehan, Esq. – Applicant's Attorney; Cecilia Schmidt, LA; Richard McGuire, AICP, PP; Robert Dale, owner representative.

Exhibits Submitted: A-1: Site Plan; A2: Sconce detail; A3 – sample of Bocce Court design.

Kevin Sheehan, attorney for the applicant, began the presentation by noting that the applicant was granted a use variance in 2012 to construct the apartment complex and site plan approval was granted in 2016 after a period of litigation. The use variance included a condition of approval that no buildings were to be constructed within 50' of the property line and the proposal being brought to board this evening was for a grant of relief of condition from this restriction.

Mr. Sheehan noted that while the site is currently under construction the property owner has identified a number of improvements that they believe will make the property more attractive for sales and the site more aesthetically pleasing. He also noted that they are seeking relief from the requirement to provide a solid fence around the perimeter of the property and replace it with a picket fence along a portion of the property line to make the site more aesthetically pleasing.

Mr. Sheehan stated that the applicant was also seeking to add a number of amenities and make a number of additional improvements at the site that were not included on the original site plan including a dog run, modifying the decorative pavement at the entrance to the site and adding rumble strips, adding mailboxes as per USPS requirements, moving the fire pit location, and adding a bocce courts for recreation.

The applicant's experts and representative were sworn in.

Ms. Schmidt, the landscape architect for the applicant, presented exhibit A-1 and testified that the applicant was seeking to add to six car garages on the northern and southern property lines and provide trash enclosures attached to the garages, construct a dog run that was approximately 2400' sf with a 4' fence with wire mesh with a gate and additional sidewalk to access the area, relocate the mailboxes as per USPS requirements and extend sidewalks to meet them, relocate the fire pit closer to the clubhouse and outside of the enclosed pool area, move the grill area as a result of building code requirements, change the fence along the northern edge of the property from Brace Rd to a short distance past the shopping center building, change the sconce lighting to a different LED fixture with no change in the lot level, and add a bocce court that would 60' by 10' concrete area with astroturf and bound by timber to the open space area in front of the clubhouse.

Exhibits A-2 and A-3 were presented to the board to show the new sconce that was being proposed and an example of the bocce court being proposed.

Ms. Schmidt also added that the stamped asphalt area was proposed to be removed and replaced with brick stone crosswalks and add rumble strips made of Belgian blocks at the entrance to alert people to the fact that they should slow down.

Mr. Sheehan asked Ms. Schmidt to testify to the material of the garages and the setback to the garages.

Ms. Schmidt testified that the garages would be the same materials as the other garages already approved on the site and consistent with the building materials. She also noted that the garages would be setback 25' from the property but within the 50' buffer that barred structures.

Ms. Luciani asked how much closer the garages were to the property line than the existing parking area and if the landscaping would be impacted.

Mr. Sheehan noted that the existing parking edge was 35' from the property line and the garages would be 25' and that there would be no change to the proposed landscaping as far as the density of that landscaping was concerned.

Mr. Spevack asked if the change in fencing could be explained again and Ms. Apell asked to discuss the color of the fencing as well.

Mr. Dale, the owner's representative, stated that the currently approved fence was a solid light gray vinyl fence and the proposed fence was a black picket fence. He noted that the black picket fence was suggested by a member of the public when they first received site plan approval in 2016. He stated that the proposed fence would enhance the look of the site by exposing the landscaping to those approaching the site on southbound Brace Road, but would stop near the shopping center building to shield the residential buildings from the rear of the commercial development.

Ms. Luciani noted that any new commercial development could be required to add additional landscaping.

Mr. Dale agreed, but they may not need to due to the conditions that his site provided.

Ms. Schmidt noted that the lush landscaping would likely cover much of the fence after a few years of growth and that the change in fencing from the picket to the solid vinyl would barely be noticeable because they are almost never in the same viewshed at the same time.

Mr. Dale also added that you would see the landscaping before you even noticed the picket fence and so the differences between the two fences wouldn't really be noticeable.

Mr. Rardin asked if the fence would be put along the other side of the property.

Mr. Dale stated that he didn't really see the point of putting it on the other side.

Mr. Dale testified regarding the garages that at the time of agreeing to the 50' setback they did not realize that this would apply to ancillary buildings as well and that they wanted to be able to distribute garages across the site. He noted that the location of the proposed garages would not be very visual from the roadways and that they would look the same as the other garages on the site. He noted that the larger buildings had garages on the first floor and that these garages would be placed over parking spaces and that there would be no loss in parking on the site.

Mr. Dale stated that there would be a fee for the garages and that the garages in the larger buildings were only available to people that live in those buildings. He noted that there are no designated surface parking spaces as this has been shown to work better for most residents at other facilities. He stated that the trash enclosures would stay where they were but be fenced next to the garages and that those areas were chosen because the geometry worked best to keep them out of the 25' landscape buffer. He stated that he felt that the garages were important for the marketability of the property.

Ms. Apell asked if the garages could be rented by residents in the affordable units.

Ms. Luciani stated that they can but they would have to pay for it out of pocket.

Mr. Dale continued to testify to the change of the stamped asphalt area at the entrance to the site stating that they wished to remove it because it was their understanding that the asphalt does not wear well and maintenance becomes a problem. He stated that the crosswalks would be better quality made out of real brick and the addition of the rumble strips made of Belgian brick was their preference to indicate to those entering the site to slow down to the posted internal speed limit of either 12 mph or 15 mph.

Mr. Noll asked if the applicant had considered the use of stamped concrete as an alternative to the stamped asphalt, noting that it has less maintenance requirements and that the Township would prefer that the whole area being a different type of material to denote the movement of pedestrians and to cue drivers to continue to move slowly through the intersection.

Mr. Dale said that he would discuss that option with the contractor. He also further clarified that the dog park area would simply be a grass area enclosed with a fence. There would be no posted time limits and plastic bags and a trash bin would be provided to the residents to keep the area clean of waste.

Ms. Schmidt further testified to the conditions of the bocce court, stating that it would be concrete with astroturf to reduce the likelihood of ruts in the area and to reduce ongoing maintenance requirements.

Mr. Sheehan noted that this was de minimus reduction in the open space and increase in impervious coverage on the site and it provides another opportunity for active recreation for the residents.

Mr. Dale noted that the fire pit was being moved to make it accessible year round and that it meets all applicable fire code regulations.

Mr. Sheehan noted that the applicant would meet all of the conditions set for the in the Community Development and Environmental Resolution, Inc.

Mr. McGuire, the applicant's professional planner testified that the proposed garages meet criteria for a relief of condition because they are only 16' to the peak so they will not be visible after landscaping has grown in and that it is adjacent to the commercial uses so there is not detriment to the public. He also noted that it would be a benefit to the residents of the development. Finally he noted that it meets the setbacks for accessory buildings in the B2 zone.

Public Comment

Martha Wright
200 Munn Lane, Cherry Hill

Ms. Wright noted that she was in favor of the change in the fencing type, felt it was an improvement and would suggest that the same change in fencing be implemented a certain distance from all ROWs. She also stated that she was strongly opposed to the granting of the relief of condition to allow for the garages to be located in the 50' buffer that was implemented to mitigate the impact of the development on surrounding properties and the community as a whole. To permit these would significantly change the mass and volume of structures on the site and have a negative impact. She noted that there are already a lot of structures packed into the site and the desire to earn more money is not a reason to grant relief. She also felt that the addition of the dog run and bocce court were not necessary considering there is a large park adjacent to the site. She was opposed to the addition of the rumble strips as they may be disruptive to wildlife in the area.

Lindsay Yamamoto
347 Portsmouth Rd, Cherry Hill

Ms. Yamamoto noted that she represented the residents that filed an appeal of the initial use variance granted by the Zoning Board in 2012. She stated the request for the relief of condition was an offense to what was agreed upon and that the market viability of the site was not sufficient to grant the relief. She noted that Mr. Dale had testified to the fact that the garages were removed from the site plan due to the litigious nature of the application and that putting them back and asking for that relief now shows a lack of respect from the applicant for the Township, the residents, and the law.

Burt Mackey
112 Warfield Rd, Cherry Hill

Mr. Mackey stated that he was in agreement with the comments of the both Ms. Wright and Ms. Yamamoto.

Motion:

Public comment was closed and the following comments were made by the Board Members prior to the Motion:

Mr. Rardin stated that he was not in favor of the garages based on all of the comments that have been previously raised by other board members and members of the public. He did not feel that the marketability of the site was a reason to provide a relief of condition. He added that he was in favor of all of the other changes proposed as they were de minimus in nature and but was opposed to the change to the stamped asphalt and felt that the alternative of the stamped concrete should be explored.

Mr. DiRenzo state that he was in agreement with Mr. Rardin.

Mr. Potter stated that he was in favor of the improvements on the site except for the garages. He noted that the proposed dog run gave an opportunity for people with disabilities to have a place to let their dogs run since the adjacent park was not ADA compliant.

Ms. Appel stated that she was in favor of all the changes except the garages and the bocce court since she felt the any increase in impervious surface was not acceptable.

Mr. Spevak stated that he did not like the inconsistency of the fence but he could see the arguments for it, but also felt that they were the same reasons not to improve the garages, that they would be a visual intrusion. He also stated that he was in favor of the other changes supported by the Board.

Mr. Sklar stated that he agreed with the rest of his colleagues regarding the garages and the rest of the changes except for the brick crosswalks that he wouldn't be opposed to.

The board decided to make separate motions for the proposed changes as follows: Garages, Fence, Pavement, Bocce Court, Rumble Strips, and the rest of the changes were put in one motion (dog run, mailboxes, fire pit, grill, lights)

A motion to deny the relief of condition for the garages was made by Jeff Potter, seconded by Jen Appel, with affirmative votes to deny by Rardin, DiRenzo, Spevack, Potter, Appel, and Sklar. Motion to deny carries 6-0.

A motion to approve the relief of condition to change the fence was made by Daniel DiRenzo, seconded by Jeff Potter, with affirmative votes to approve by Rardin, DiRenzo, Spevack, Potter, Appel, and Sklar. Motion to approve the fence carries 6-0.

A motion to approve the site plan modification to add a Bocce Court was made by Jeff Potter, seconded by Marshall Spevack with affirmative votes to approve by Rardin, DiRenzo, Spevack, Potter, and Sklar; negative vote by Appel. Motion to approve the Bocce Court carries 5-1.

A motion to approve the site plan modification to remove the stamped asphalt and replace with crosswalks consisting of brick pavers was made by Daniel DiRenzo, seconded by Marshall Spevack, with affirmative votes by DiRenzo, Spevack and Potter; negative votes from Rardin, Sklar and Appel; motion fails 3-3.

A motion to approve the site plan modification to add rumble strips was made by Jen Appel, seconded by Marshall Spevack, with affirmative votes to approve by Rardin, DiRenzo, Spevack, Potter, Appel, and Sklar. Motion to approve the rumble strips carries 6-0.

A motion to approve the remaining site plan modifications including the dog run, fire pit, grill, mailboxes, and lights was made by Jeff Potter, seconded by Marshall Spevack, with affirmative votes to approve by Rardin, DiRenzo, Spevack, Potter, Appel, and Sklar. Motion to approve the remaining site modifications carries 6-0.

Meeting Adjourned: at 9:25 PM.

ADOPTED: 5/17/18

ATTEST:



LORISSA LUCIANI, PP, AICP
ZONING BOARD SECRETARY



JONATHAN RARDIN, CHAIRMAN