



You couldn't pick a better place.

ZONING BOARD OF ADJUSTMENT
Thursday, August 15, 2019
APPROVED MINUTES

OPENING: The meeting was called to order by Chairman Jonathan Rardin at 7:43 PM.

PLEDGE OF ALLEGIANCE: Led by Chairman Jonathan Rardin.

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

ROLL CALL

- **Members in attendance:** Jonathan Rardin; Marshall Spevak; Jeff Potter; Nacovin Norman; Greg Bruno; and Jill Roth-Gutman.
- **Professionals in attendance:** Lorissa Luciani, PP, AICP, Director; Jacob Richman, PP, AICP, Planner; Jeremy Noll, PE, Zoning Board Engineer; and Cosmas Diamantis, Esq., Zoning Board Solicitor.

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from August 1, 2019. Mr. Potter made a motion, which was seconded by Mr. Bruno, to adopt the Meeting Minutes from August 1, 2019. Affirmative votes by Potter, Norman, Bruno, and Roth-Gutman. Minutes are approved.

AGENDA ITEMS:

19-Z-0021

Block(s) 471.01 Lot(s) 7

Zone: Highway Business (B2) Zone and Residential (R1) Zone (Split Zone Lot)

Relief Requested: A use (d1) variance with preliminary major site plan only with bulk (C) variances to construct 64, one-bedroom multi-family units, which are 100% affordable senior and supportive needs housing units, accompanied by various site improvements including stormwater, landscaping, lighting and other site improvements.

Fortitude Realty, LLC

1991 Route 70 East

Cherry Hill, NJ 08003

Applicant's Representatives: Harvey Johnson, Esq. – Applicant's Attorney; Brad Molotsky, Esq. – Fortitude Realty, LLC; Krystal Odell – Penn Reach; William Parkhill, PE – Applicant's Engineer; Andrew Feranda – Applicant's Traffic Engineer; Steven Schoch, RA – Applicant's Architect; and Claudia Bitran, PP, AICP – Applicant's Planer.

Exhibits Submitted: A-1: Aerial Photograph; A-2: Zoning Map; A-3: Color Site Plan Rendering; A-4: Exterior of Proposed Buildings; A-5: Floor Layout of All Buildings; A-6: Color Elevation Rendering of Building; A-7: Floor Plan of Rooms/Units; and ZB-1: List of Conditions.

Mr. Johnson introduced the proposal to construct a 64 unit affordable housing development consisting of 40 age-restricted senior apartments and 24 apartments for individuals with intellectual and/or development disabilities. Mr. Johnson noted that the applicant requires a Use D variance to permit the multi-family residential use as the property, which is split zoned Highway Business (B2) and Residential (R1) does not permit multi-family developments. Mr. Johnson stated that the 100% affordable housing use is inherently beneficial. Mr. John gave a brief overview of the development which is located off of Route 70. The building is to be 3-stories and will have associated stormwater management basins (wet ponds), landscaping, parking areas, and other site improvements including a walking trail. Mr. Johnson stated that the applicant agrees to all 121 conditions contained in the review letters issued by the Zoning Board professionals and also agree to not allow residents or

staff of the development to park on the neighboring religious institution properties consisting of St. Bartholomew's Episcopal Church (St. Bart's Church) and the Korean United Methodist Church (Korean Church).

Mr. Molotsky gave an overview of the proposed project and stated Pennrose would purchase the property from Fortitude Realty if the project is approved and if the project obtains Low Income Housing Tax Credits (LIHTCs) to fund the development. Subsequently, Pennrose would build the project and manage the property.

Ms. Odell noted that Penn Reach will be the provider running services for the senior and special needs residents at the site and will be in a contract with Pennrose to do so. Ms. Odell stated that Penn Reach supports the ability for senior and those with special needs to live independently but that they will provide life services to these individuals such as assistance finding a job and paratransit services where necessary. Ms. Odell detailed the State voucher system which helps to ensure the units remain affordable. Penn Reach will also do income certification. Ms. Odell noted that Penn Reach will design and schedule the programming for the site's residents and that they will ensure there is always someone available 24/7 in case of a special needs resident emergency. Ms. Odell clarified that there would be upwards of twelve (12) staff on-site at any given time as a maximum. Penn Reach will also provide meal services for those who need it. Ms. Odell noted that it is very unlikely that special needs residents will have a car as most cannot drive. Ms. Odell added that being along Route 70 gives public transit options to the residents. Ms. Odell stressed that there is a large need for senior and supportive housing. Mr. Molotsky stated that the State wants special needs individuals integrated in the community and as such, the project is not 100% special needs. Mr. Molotsky added that having a component consisting of special needs housing and a component consisting of senior housing increases the odds that the project will obtain LIHTCs. Ms. Odell noted that the development consists of 1-bedroom units and as such, a multi-generational family housing situation is not happening at this site.

Mr. Parkhill submitted exhibits A-1 through A-3 and gave an overview of the site location and the surrounding areas/uses which consists of the Wexford Leas neighborhood, the Wexford Leas Swim Club, St. Bart's Church, and the Korean Church. Mr. Parkhill noted that the property is split zoned with a B2 component at front of the property and an R1 component at the rear of the property. Mr. Parkhill indicated that there is only one (1) entrance to the site which will be a right-in, right-out configuration with a one-way counterclockwise loop drive providing circulation throughout the site. Mr. Parkhill affirmed there is no other access to the site. Mr. Parkhill stated that 87 parking spaces are proposed where 115 are required per RSIS requirements for the proposed 64-unit development. Mr. Parkhill stated that this requires a de minimus exception waiver from RSIS. Mr. Parkhill stated that the applicant originally agreed to 100' landscape buffer at the rear of the property but will now propose a 150' landscape easement provided the applicant can utilize the additional 50' closest to the building for gardening and landscaping. Mr. Parkhill explained that the applicant requires a height variance to permit a 37.67' tall building where a maximum of 35' is permitted and to permit a residential buffer of 12' from the Korean Church of where 25' is required. Mr. Parkhill detailed the requested design waivers needed for the slope of the stormwater basin; however, the applicant will comply with the previously requested waivers from providing bicycle racks and light infiltration levels. Mr. Parkhill noted that the recommendations in the Phase I report and agrees to all conditions including conducting environmental testing. Mr. Parkhill indicated the location of the interior trash room (which will have compactors) and explained that trash will be picked up at least twice per week during compliant daytime hours. Mr. Parkhill agreed to provide a comprehensive landscaping plan with a conforming 6' tall board-on-board buffer fence as well as to install a compliant ADA accessible route from Route 70 to the building. Mr. Parkhill stated that the accessible route will not impact the wet ponds (which are to be fenced on 3-side with the remaining side being the spillway and emergency access. Mr. Parkhill noted that the wet ponds will have aerators to deter mosquito breeding and noted that the wet ponds will not be a hazard.

Mr. Schoch submitted exhibits A-4 through A-7 and gave an overview of the architecture of the building including colors, materials, design, and floor layouts. Mr. Schoch stated that the interior in addition to the rooms will have community space, laundry facilities, office space, mechanical space, and a lobby. Mr. Schoch addressed the height variance which is measured as the average height between the eaves and ridge line. Mr. Schoch believes the proposed roof structure is more aesthetically pleasing as proposed and believes the extra 2' + of roof height being requested is de minimus. Mr. Schoch affirmed that all rooms are ADA adaptable and indicated that the development includes sustainable "green" measures to reduce the overall carbon footprint of the development. Furthermore, the building construction will exceed minimum building code requirements. The building will be fitted with fire suppression sprinklers throughout and the building will have a security camera system. Mr. Schoch stated that this development is in context with surrounding area as there are other multi-family residential projects in the facility (including the Dwell Apartments). Lastly, Mr. Schoch clarified that the kitchen facilities in the congruent spaces will be full kitchens.

Mr. Feranda noted that his office conducted the traffic studies for this project and then gave an overview of their analyses as it related to traffic counts, site access (requiring NJDOT Minor Site Access permits), peak hours, and expected trip generation. Mr. Feranda stressed that the senior housing development is a low traffic generator and the special needs component has an even lower traffic impact on the roadways. Overall, Mr. Feranda expects to see a LOS of C during AM peak times exiting the site and LOS E during peak PM times when exiting the site; however, the proposed use would not be a significant source of traffic contribution to the roadway volumes. Mr. Feranda stated that there are a number of other uses, specifically permitted uses, which could operate on this site that would cause significantly higher traffic impacts such as an office use. Mr. Feranda gave a breakdown of the parking space per unit calculation based upon RSIS requirements and proposed and expected parking needs. Mr. Feranda reiterated that development involving senior and special needs individuals require lower amounts of parking than market rate units. Mr. Feranda stated that he believes the parking being provided is sufficient and that the proposed supply will exceed the expected demand. Mr. Feranda discussed his methodology and a discussion ensued regarding the provision of adequate parking for residents, visitors, and employees. Ms. Odell addressed concerns related to the amount of people that could live in one (1) unit and Ms. Odell noted that a maximum of 10% of the units will likely have a couple residing in the unit. Mr. Feranda discussed the provision of ADA parking spaces and believes that the four (4) spaces being proposed is adequate as well as not that the number of spaces being provided meets regulations (which was concurred by Ms. Odell).

Ms. Bitran noted the criteria for a Use D Variance approval. Ms. Bitran noted that the proposed use is inherently beneficial being that it is a 100% affordable development and that it is not associated with the need to meet a fair share housing requirement. Ms. Bitran stated that she believes the proposed development is suitable for the subject site and that the site is well connected to regional corridors, public transit options, daily needed amenities (like grocery stores), and also near potential job opportunities. Ms. Bitran stated that she believes the proposed development is consistent with other development in the area, that the site will generate minimal traffic, and that the proposal forwards the purpose and intent of the zone plan and Master Plan. Ms. Bitran posited that the development meets a public need and is aesthetically pleasing while also not causing substantial detriment to the public good as it will be substantially buffered. Lastly, Ms. Bitran justified the requested bulk (c) variances noting that the height variance will be imperceptible from the roadway and that it is a better aesthetic. Additionally, Ms. Bitran stated that the buffer variance is very minimal and is actually only required as the Korean Church is split zoned with a R1 component which requires a buffer; however, the site is not residential.

Mr. Johnson clarified the purpose of the proposed 150' deep passive open space deed restriction at the rear of the property by stating that the applicant wants the ability to allow residents to garden, have a pathway, and potentially have an accessory structure like a greenhouse in the 50' of buffer area located closest to the building. Mr. Johnson then agreed to comply with all review letter conditions noted in exhibit ZB-1. Solicitor Diamantis clarified that one of the added conditions is to disallow residents and staff of the development from parking at the neighboring churches (St. Bart's Church and the Korean Church), to allow the Zoning Board professionals to review all legal documents including the proposed deed restriction prior to approval, and if the applicant does not receive the tax credits needed to build the project or if the project is not constructed as approved that the use and bulk variances granted for this project will be voided (to which the applicant would need to reapply to the Board for other development considerations).

Prior to the beginning of public comment, Chairman Rardin called for a recess at 9:38 PM. The meeting resumed at 9:50 PM.

Public Comment: Miriam Stern of 121 Ashford Road believes there is a strong need for this kind of housing development particularly for those with special needs who need a place to live independently. Ms. Stern stated that she wants to ensure appropriate construction measures are put into place along with strong buffering and stormwater management measures. Ms. Stern stated that she is concerned about air quality impacts and wants the developer to keep that under considerations. Ms. Stern stated that she wants to see the property properly maintained as it is presently not maintained. Lastly, Ms. Stern stated that she supports the integration of senior and special needs individuals at this development.

Patricia Naimo of 2333 Crescent Way stated that she supports the proposed housing development.

Mindy Rosen of 6 Fairhaven Court stated that her son, who is a special needs individual, works for the Cherry Hill Public School system and noted her son could live at a place like this development but still be able to work in the community. As such, Ms. Rosen stated that she supports the proposing housing development.

Michael Moore from St. Bart's Church stated that he has concerns related to a number of matters with project. Mr. Moore stated that he is concerned about the traffic study that was conducted and noted that there is high traffic congestion in the afternoon and not just during AM & PM peaks. Mr. Moore is concerned with the adequacy of the stormwater management system, the adequacy and availability of parking spaces, the potential for traffic accidents on Route 70, the location of the nearest bus stop, and the landscape buffering between the subject site and St. Bart's Church. Mr. Feranda responded to the traffic concerns and reiterated the methodology involved in the traffic study. Mr. Feranda stated that the only way there would be a midday peak is if there was a shift change, however, the overall existing roadway volume would not be at peak levels. Mr. Feranda noted that with respect to Mr. Moore's concerns about illegal turning movements onto Route 70, the cut through the westbound lanes of Route 70 is off-set 50' from the subject site's driveway and that doing so would be an unwise and illegal turning movement. Mr. Feranda added that the nearest bus stop is only 400' away. Mr. Parkhill readdressed compliance with the State stormwater management regulations and noted that water is discharged to existing storm sewer systems along Route 70. Mr. Parkhill stated that the stormwater capture conditions are being improved via the proposed development and added that while the wet ponds will always have water in them (as designed) water will filter through over a 72 hour period. Additionally the basin will be maintained according to local and State regulations and that snow removal will be privately handled. Lastly, landscaping will be provided along the property lines to address buffering concerns.

Joe Wolfgang of 1510 Brick Road requested clarification on the cutoff ages for the residents with the applicant noting it is 55 year old minimum for the seniors and 18 or 21 for the special needs individuals. Lastly, Mr. Wolfgang stated that he was concerned about the availability of ADA parking spaces and the lack of nearby public transit options.

Sean Murphy of 16 Highgate Lane appreciates that all conditions of approval were accepted by the applicant including the deed restriction at the rear of the property. Mr. Murphy wanted assurance that all construction dust and debris would be carefully controlled in order to prevent negative impacts upon the Wexford Leas Swim Club. Mr. Murphy also wanted confirmation that there would be no other access to the site other than the main entrance and that there would be no cut through to Shreves Lane via the Korean Church property. Mr. Molotsky clarified that the construction schedule depends upon receipt of the tax credits but that they would do their best to not conduct earth moving operations during the height of summer when the swim club is most active. Lastly, Mr. Parkhill indicated how the site's lighting will comply with the Zoning Ordinance and will be properly shielded.

Nancy Sipera of 20 Tendring Road stated that she does not believe the proposed use is appropriate for the neighborhood and stated that she is concern about the construction that will need to occur as it has the potential to affect the structural integrity and membership of the Wexford Leas Swim Club.

Julie Polisiakiewicz of 105 Ashford Road wanted to the applicant to address the site's prior use history and the potential environmental contaminants (particularly lead, arsenic, and pesticides). Ms. Polisiakiewicz stated that she is concerned about increased traffic on the roadway and potential air pollution impacts. Mr. Johnson stated that the applicant will comply with all NJDEP regulations as it relates to environmental testing and any necessary clean-up, Ms. Luciani noted that a Phase II will be conducted based upon the outcome of the Phase I report and those results and recommendations will need be addressed to the stringent standards required for residential development site remediation. Mr. Noll noted that an LSRP will review the NJDEP requirements and that the development cannot proceed without addressing all necessary remediation requirements.

Frederick Valentino of 112 Partree Road noted the importance of maintaining the existing vegetation via the proposed deed restriction. Mr. Johnson stated that the applicant will be work with the Zoning Board professionals to utilize acceptable planting species.

Elaine Pederson of 104 Partree Road stated that she is concerned about construction during the swim club season and how that could impact enjoyment of the Wexford Leas Swim Club facility.

Tae Son from the Korean Church noted the programs/schedule of the Korean Church and wanted to be assured that construction activity at the subject site does not negatively affect the Church's operations and activities. Ms. Son stated she was concerned about parking availability and traffic impacts from the proposed development.

Laura Goldberg & Shana Goldberg of 202B Cypress Point Circle in Mount Laurel stated that they support the proposed housing development.

Laura Clements of 131 Weston Drive stated that she supports the proposed type of housing but not at this particular site as the site is not near or accessible to public transit options. Ms. Clements thinks this type of use is better suited within a neighborhood. Ms. Luciani stated that a walkway connection to other properties could be proposed, however, it would need support and coordination with neighboring property owners. Ms. Odell noted the issue with finding suitable locations is due to availability, usability, and project feasibility. Ms. Odell added they will do what they can to ensure there is adequate outdoor activities on the site including a walking path.

Larry Gottlieb of 30 Dublin Lane stated that he does not support leaving the AOC's unaddressed on the site and believe it is important to clean up potentially contaminated sites as leaving these matters unaddressed is hazardous. Mr. Gottlieb posited that the parking availability is not a concern with the subject site based upon the scope of the development. Additionally, Mr. Gottlieb supports the type of housing being proposed as it is a serious need in the community. Mr. Gottlieb stated that he believes that the notion that the proposed construction would cause structural degradation to the neighboring swim club is unfounded. Mr. Gottlieb also does not believe the traffic impacts from this development will be significant.

Eric Newman of 11 Pavilion Road in Voorhees supports the proposed housing development.

Gaytana Pino of 14 Highgate Lane noted that the existing property is a danger to the community due to the lack of care and maintenance. Ms. Pino noted that the property has been for sale for many years and has remain unchanged. Ms. Pino stated that she supports the proposed housing development.

Following the closure of the public comment portion of the hearing, the Zoning Board member provided individual comments on the merits of the proposed application.

Motion: Following a review of the application and conditions of approval by Solicitor Diamantis, a motion was made by Mr. Spevak and seconded by Mr. Norman, with affirmative votes for approval by Rardin, Spevak, Potter, Norman, Bruno, and Roth-Gutman for the approval of the Preliminary Major Site Plan with Use d(1) and Bulk (C) variances. Motion carries 6-0.

RESOLUTIONS:

19-Z-0008

Block(s) 7.01 & 9.01 Lot(s) 1 & 3 and 2 & 3

Zone: Highway Business (B2)

Cooper Health System & CHNJ Owner, LLC

2339 & 2349 Route 70 West and 3 & 11 South Harvard Avenue

Cherry Hill, NJ 08002

Relief Requested: A use (d1) variance and preliminary and final major site plan with bulk (C) variances, as well as a lot consolidation, to construct 56 off-site parking spaces for Cooper Health Systems, as well as to construct two (2) off-site multi-tenant signs for Cooper Health System and Crowne Plaza Hotel (located on the Crowne Plaza Hotel parcel at the new entrance locations).

Motion to Ratify: Following the review of the resolution, Mr. Norman made a motion which was seconded by Mr. Bruno, to memorialize the resolution for Cooper Health System & CHNJ Owner, LLC. Affirmative votes by Potter, Norman, Bruno, and Roth-Gutman. The resolution is memorialized.

Meeting Adjourned: at 12:14 AM.

ADOPTED: 9/5/19



JONATHAN RARDIN, CHAIRMAN

ATTEST:



JACOB RICHMAN, PP, AICP
ALT. ZONING BOARD SECRETARY