

TOWNSHIP OF HADDON
PLANNING/ZONING BOARD MEETING
MAY 5, 2022

Minutes of the regular meeting of the Township of Haddon Planning/Zoning Board, held on Thursday May 5, 2022, in the municipal building, 125 Haddon Avenue, Haddon Township, New Jersey.

Flag Salute

Confirmation of Sunshine Law

Chapter 231, Public Law 1975 requires adequate notice of this meeting be provided by specifying time, place and agenda. This has been done by mailing a copy of the agenda to the Courier-Post and the Retrospect newspapers and by posting on two bulletin boards in the municipal building.

Roll Call

Richard Rotz	Present
John Foley	Present
Suzanne Discher	Present
Marguerite Downham	Present
Joe Buono	Present
Eve Keller	Present
James Stevenson	Present
Commissioner Linhart	Present
Gregory Wells	Excused
Renee Bergmann	Present
Jose Calves	Absent
Chris Janoldi	Present
Meredith Kirschner	Present

Also Present

Lou Garty – Solicitor

Lee Palo – Zoning Officer

Gregory Fusco – Township Engineer

The meeting was called to order by Chair Rotz at 7:30 P.M.

A motion by Marguerite Downham to approve the minutes from April 7, 2022 with the correction that Chris Janoldi was Present at the meeting, seconded by James Stevenson. All members present voted in the affirmative. Motion carried.

Old Business: Application 22-11 – Block 13.03 Lot 1 –650-690 W Cuthbert Blvd. – Kimco Realty Corp – Sprouts -this is continued from last month for signage only. Eve Keller Recused herself.

Cornelius Brown P.E. Bohler engineering - Sworn In

Mr. Brown stated Branding of the building, the barn looks rather than the more modern look of the store. All of the new stores have that barn feeling to it. Signage the main sign is very important to them because of the distance from the road. ‘Sprouts Farmers Market Sign’ Giving the distance and position

Page 2

of the building on the site is that it is kind of hidden behind some buildings so the sign is an appropriate size. The branding sign, someone asked if the signs were all lit, the answer is yes. The whole sign is lit. The branding sign is important because there are a lot of newer markets and they want to make it obvious what they are, they are trying to convey what they are all about.

Paul Ricci –licensed professional planner in NJ since 2000, American institute of certified planners, masters from Rutgers in retail planning, municipal planning consulting in 6 towns hired at a 7th. Has testified in roughly 200 boards before. Sworn In

Amy Farrell Esquire of Kaplin Stewart -Provide for the board your impressions and opinions about the sign

Mr. Ricci – believe the sign is appropriate of the C2. The sign should improve the zoning in this context. Observations – site that is over 17 acres number of stores in it, approximately 15 other stores in center – entrance drive is in excess of 600 ft. from the store. Heading down Cuthbert Blvd. – the signage would be blocked. The whole eastern portion of the center will be completely redone. I know the Targets and Sprouts sign long term leases. All of the other small businesses should benefit from the anchor tenets. The applicant is making a sizable investment in the property and the creation of new jobs. The applicants ask from more from the board because they are making a sizable investment in the town and commitment to the town. Sprouts competing with Trader Joes and Whole Foods, they have only been publicly traded since 2013 so it is a newer company. I believe as a planner that signs are one of the most difficult things in a municipal ordinance to regulate. Sign ordinance concerns main appearance, materials and placement of signs on buildings and lettering. Sign ordinance size of 40 sq ft building façade percentage at 40 sq ft. When this ordinance was written it anticipated a lot of small store fronts with small signs. The sign needs to be proportionate to the building. Building with UPS Store – 11store fronts and signs building is approx. 230 ft long, while the signs on that building may meet the ordinance, there is almost a continuous sign message on that buildings. Target, 'Sprouts' a liquor store is approx. 400 ft line. Two signs at Target, one sign at cork and bottle, 5 signs requested by Sprouts. Signs are attractive signs with channel letterings rather than the box signs that light up. At the Sprouts the green will light up at night not the complete box. 288 sq ft is – max of 40sq ft – the sign is still way under the maximum percentage that the ordinance considers. Despite the needs for the variance relief the sign will be attractive. I liked that the whole façade was integrated with the sign, it is scaled appropriately to the building and façade of the building. This represents a better zoning alternative in this context. A of the municipal land use law, the variances can be granted without detriment to the public good. Building is 400 ft long, 8 signs for three uses proposed. IN the area I looked at Tires Plus in the shopping center – 4 façade signs, two on frontages, two indicated that the facility is open on Sunday, 7 signs indicated things available. Rocky's car Wash – three signs on front of buildings, sandwich board, signs on back side of the building, signs along the parameter fence. I think this shows that it is not out of character with the area.

Marguerite Downham – how many of the other Sprouts in the county have that teal barn above the sign. I looked for one and I only found one with that teal barn around the sign. I don't have a problem with the size of the words, it's the teal barn. I found 15 other sprouts stores all in fill, and they all were kind of glass boxes and squared off things.

Page 3

A couple of years ago they changed, they used to do that and they changed. There is a site in Florida that has that. Company has rebranded and moving forward this is what they are buildings.

Suzanne Discher – why is the word ‘wellness’ included in the sign.

Mr. Ricci -It is part of their branding. A lot of fresh produce and produces for wellness through food.

Suzanne Discher – can that be eliminated?

Mr. Ricci -Branding component to these four words in particular – this is a new grocer on the market competing with brands that cater to and focus on health and wellness as part of the everyday grocery experience. There is some flexibility with the four words, but ideally, they would prefer for this to be consistent to the other stores so that they are all the same when they come into the market.

Richard Rotz – what was the flexibility?

Mr. Ricci-If we lose one of the four of those smaller signs, they would ultimately like control of the words that they select.

John Foley – No disrespect to Sue but, when you have words like organic and fresh and wellness, they kind of go together. The word wellness is common place in any business with these eating initiatives.

Mr. Ricci – in that regard when a company develops its branding, they have designers that work out what will look best on the façade. While this building has five signs here, on a conforming building you have 11 signs in an area that is much smaller.

John Foley – if you were to put the target sign next to it, sprouts sign is bigger, but how much bigger, what is the difference there?

Mr. Ricci – the target is 127.5 sq ft. we are providing aggregate are of 240.9 sq ft.

John Foley – looking for more of a visual, in your opinion is it much larger? If you are saying this is something relative in size to the target, if you are telling me, it is much bigger then the target then it is an obnoxious sing.

Mr. Ricci – from my perspective as a planner, when I looked at the building to the West with more stores, with signs all lines up I looks messy.

John Foley – the signage relative to those stores is appropriate. I am just looking at that one big ‘Sprouts’ sign relative to the Target sign that immediately catches your eye.

Joe Buono – you keep referring to those 11 stores, would you suggest one large sign?

Mr. Ricci – no I just honestly had a hard time looking at them, they were small and cluttered. a

Richard Rotz - 10% reduction in that large Sprouts sing would have ruin the design concept that you have here? I think that it would look nicer if it was 10% smaller.

John Foley – I will echo that; I think the design itself the barn and the letters identify your company and it is your thing. I just don’t want to see a sign that is considerably larger than those other big sings.

Page 4

Mr. Ricci – I didn't analyze it in that concept, my point was why would you want to do that because you think it is too big. It is proportional to the building, I have done some of the Target applications, and the Target sign is smaller there.

Richard Rotz – to bring the Sprouts sign into that scale would that material y destroy your architectural design.

Mr. Ricci – no I don't think it would destroy it.

Suzanne Discher – the color will definitely catch you eye, that alone stands out so you are going to notice it and I don't think that there is a need for a sign that large.

Amy Farrell- attorney- we can reduce it buy 10% proportionally, smaller than that is tough for them.

Commissioner Linhart – does that include the façade?

Amy Farrell– attorney - no, that is just the sign lettering, white box. If you look at applicant 1.2 the third page you can see the target signage from the roadway, there is a big red panel that the target bullseye sits on. This ordinance does not count the other red in the target sign.

Richard Rotz – the temporary signs are not changing, correct?

Attorney – Amy Farrell - no they will remain the same and only be there for 45 days.

Commissioner Linhart – what other locations will have that façade?

Lindsay Breylinger project Manager – Sworn In - all of their new locations moving forward will have this elevation sign.

A motion by John Foley to open the meeting to the public, seconded by Marguerite Downham. All members present voted in the affirmative. Motion carried.

John Sandone – Reeve Ave – where is the main entrance going to be, the main parking lot or around the corner where the gym used to be?

Mike Ogden, Director of Development for the Mid-Atlantic regional office of Kimbo Realty – Sworn In - yes, we will be taking the gym space too but no entrance there.

Mr. Sandone – think that we should be happy to get an upscale space like Sprouts to come to our shopping center and taking space that has been empty for years. I do think that the signage as a retailer of smaller nature I think they need that signage to make that happen. Being here and watching the church put up a sign much larger than the previous church.

A motion by John Foley to close public portion, seconded by Marguerite Downham. All members present voted in the affirmative. Motion carried.

Richard Rotz – Hearing nothing else can I have a motion for application 22-11 signage with the proposal to go with 10% reduction of the sign.

Page 5

A motion to approve the application 22-11 signage for Sprouts with the proposal to go with 10% reduction of the sign, seconded by Renee Bergmann – 8 members voted in the affirmative, 0- no votes. Motion carried.

Application 22-13 Block 27.15 Lot 27 – Zone R2 - 1009 Emerald – Nicole Kennedy - Applicate want to convert garage into a bedroom, front yard parking variance, multiple relief on the front and side of the house.

Richard Rotz – You have a current survey marked A1 (dated March 29, 2022) you have attached photographs, please identify.

Mrs. Kennedy – each one is labeled, you can see our house now, photoshopped what it could look like, neighbor’s hours that we are modeling it after, and what we don’t want it to look like.

Richard Rotz – Photo array 8 photographs marked (A2) – you are looking to remodel looks like you have photoshopped in a picture window into where you garage is and that is the design as opposed to putting siding up. Is your intent to place the window as if it was originally designed to have that as living space.

Mrs. Kennedy – it may not be the exact window as our neighbors, I would prefer to have two windows.

Richard Rotz – where would you be parking your cars?

Mrs. Kennedy – driveway, there is room for two cars.

A motion by John Foley to open the meeting to the public, seconded by Joe Buono, all members voted in the affirmative. Motion carried.

Hearing nothing from the public A motion by John Foley to close the public portion, seconded by James Stevenson. All members voted in the affirmative. Motion carried.

Mr. Rotz asked the board if they have anything else to add, hearing nothing Mr. Rotz asked for a motion.

A motion by Suzanne Discher to approve the application as presented, seconded by Eve Keller.7 members voted in the affirmative. 0- no votes. Motion carried.

Application 22-16 Block 28.07 Lot 11 – Zone R1 – 414 Addison Ave, - Kenneth Deptula – applicant is seeking to build a new desk with roof in the rear yard.

Mr. Deptula- Owner of the property sworn in– We would like to put a porch on front of the house 70 sq ft in the front 80 sq ft porch in the rear of the house.

Richard Rotz- Survey is current and will be marked A1 it is dated March 7, 2022.

Lee Palo Asked - could you clarify variances being sought.

Lee Palo - Lot area required 10000 exist 7173 relief of 28.27 sq ft, frontage req 75 exist 50 looking for 25 ft, side yard setback one side min 10 feet existing 4.93 relief 5.1 ft, aggregate 25 ft, 13.62 exists 11.4 relief, accessory structure requires 5 ft on the side and rear, one side he has 2.3 looking for 2.8 relief, fence is 5 ft and complies.

Page 6

Mr. Rotz – the addition is not changing the footprint of your home?

Mr. Deptula – no it is not.

Mr. Rotz – photo array will be marked A2.

A motion by John Foley to open the meeting to the public, seconded by Joe Buono. All members voted in the affirmative. Motion carried.

Hearing nothing room the public a motion by John Foley to close the public portion, seconded Marguerite Downham. All member present voted in the affirmative. Motion carried.

Mr. Rotz asked the board if anyone else has anything to add, hearing none Mr. Rotz asked for a motion.

A motion by John Foley to approve the application as it has been presented, seconded by Joe Buono.

9 members voted in the affirmative, 0- no votes Motion carried.

Resolutions

22-01 – 524 Fern Avenue

22-07 – 86 Emerald Avenue

22-08 – 278 New Jersey Avenue

22-09 – 243 Addison Avenue

22-11 – 650-690 W Cuthbert Boulevard

The solicitor Lou Garty explained the resolutions as they been presented.

A motion by Marguerite Downham to approve the resolutions 22-01, 22-07, 22-08, 22-09, 22-11, seconded by John Foley. All members present voted in the affirmative. 0- no votes Motion carried.

A motion by John Foley to go into Executive session, Seconded by Commissioner Ryan Linhart. All members present voted in the affirmative. Motion carried. Executive 8:45 p.m.

Update on litigation and potential litigation.

A motion by John Foley to close the executive session, seconded by Marguerite Downham. All members present voted in the affirmative. Motion carried. Closed at 9:00 a.m.

Zoning Officer report – defer to next meeting

A motion by Commissioner Ryan Linhart to open the meeting to the public for Cannabis, seconded Marguerite Downham. All members present voted in the affirmative. Motion carried.

Public meeting on Cannabis

Lou Garty – the governing body of the Township referred to the planning board zoning for specific uses for the Township. Ultimately know that this board will make recommendations to the governing body, the governing body will craft what they want to craft in regard to cannabis uses and zoning.

Gregory Fusco – in summary, there are 4 commercial zones in town and an industrial designation along 130 in west Collingswood heights, portion of lite industrial on route 168. The C3 zone is those particular establishments along route 138. C2 acme shopping center KIMCO shopping center and Thriftway shopping center, rite aid and a small section of w Collingswood heights. Haddon Ave, central taco, bank and funeral parlor. I looked at individual sites in the LI zone and the C3 zone, estimated building area and sites that had parking, loading zones, etc. Most of those commercial establishments along rt 168 along C3 zone, have buildings on them that can accommodate what the state calls a micro business. 2500 sq ft, processing, growing and retail. A lot of those structures in the C3 zone meet that requirement, a lot of those properties in the C3 zone have parking. Would not be unusual for this board to consider allowing cultivation, manufacturing and retail in those sites along the C3 zone. The only thing I cautioned when presented a few weeks ago, the zone is up against a residential area, only buffer between those is Golden Alley. The intent would be to make sure that any business that is considered does not use Golden Alley for loading, parking and does not obstruct it. The LI zone is very well suited for all of the licenses. A number of large sites along rt 130 that would be able to accommodate and large buffers that would allow space. Rout 130 right away is rather wide, you could not only have the micro business in the LI zone but you could have much larger cannabis business and that is something to consider. As you get further down the LI zone there is more residences, small commercial sites along 130 but need to consider some type of buffer to those residents depending on what kind of cannabis license is issued. The last two zones in town would be C1 zone, Haddon Ave. and corridor along white horse pike. The ground floors have residential dwellings, none of those structures would fit the definition of a microbusiness. They can't be considered. There are two lots along the white horse pike that could support a cannabis business, where the diner used to be, but you are surrounded by residential structures. IF we look at Haddon Ave., we have six blocks of row structures that have commercial on the bottom floor and residential on the top floor. The parking recommendation made in that zone were made based on that. That area does not meet the need for the cannabis business and no buffer. Other sites on Haddon Ave that are available, 6 restaurants along that have gotten variances for shared parking along Haddon Ave. over the past 15 years the sharing of the parking has been working, walkable business district. Further down, Walgreens has their own lot and WAWA that support their businesses. Parking is limited for WAWA. Westmont hardware, small lot everyone uses on street parking for Westmont hardware. Right now, the Avenue functions very, very well with the type of small retail that coexists with the restaurants, parking situations do not seem to impact the local street. Recommendation that we do not use this area. Our Haddon Ave is right up against a residential district and we need to consider a residential buffer. C4 district associated with Giunarello's and Central Taco and Haddonfield. For the longest time that part of Haddon Ave has supported professional offices and not retail. Three restaurants, the residential homes that exist pretty much have business on the ground floor and apartments up top. Sq footage on ground floor is less than 2000 sq ft. Can't support the microbusiness. I do not believe drive through facilities should be associated with cannabis operations. It is important that they follow our standards in those zones that need to be followed. Need to consider hours of operation. Sign ordinance should support the proposed businesses. We have everything in place but this is something that is new to use and trying to make it work with the law that it was presented.

Suzanne Discher – Thank you Greg for putting all of that time and research in to this.

Page 8

Joe Buono – what about drive through or delivery?

Greg Fusco – we do not really have the space to support the stacking. With the new law going into effect there has been news clips on TV issues with parking in neighbor hoods, residents standing a number of blocks waiting to get into the facility.

Meredith Kirschner – delivery specifically, maybe delivery could have an impact in a good way because it would be less people going to the store.

Greg Fusco – I don't quite understand how it fits.

Richard Rotz – are you talking about a delivery business that would be sending drivers out?

Commissioner Linhart – any town that prohibits cannabis as a whole cannot prevent delivery in their municipality.

Renee Bergmann – if we cannot prohibit that why doesn't the town approve that for the tax money?
Commissioner Linhart – we would not receive the tax money front that.

Suzanne Discher – drive through needs a lot of through, you have a line of cars creating traffic jams.

Jim Stevenson – should we go over Greg's professional qualifications as an expert in engineering. I think it should be stated.

Greg Fusco – masters in Civil Engineering, licensed in 3 states to practice, 38th year this year in the business, represents 6 municipalities as engineer, planning and zoning boards, have done a number of master plan and redevelopment reports. We have been very busy of the last year trying to understand and evaluate this cannabis issues. Licensed professional planner. Planner for Haddon Township since 2007 15 years.

Mr. Foley – you mentioned C2 that is the shopping center the Kimco and the Rite Aid. What were your opinions of that?

Mr. Fusco – what we are saying and what makes absolute sense people that are interested in running these businesses want to run to a building that is already established. Rather than redeveloping an entire new site. Our shopping centers right now are pretty much prime for that. IF the board looks at the Kimco center and provides buffers around the area's surroundings.

Mr. Foley – can you describe what a 'buffer' is?

Mr. Fusco – proximity buffers 1000 ft drug free school zone that was created back in the late 1980s. There is a map that the town has and there is a radius around the private and public-school properties. Visual buffer is a landscape buffer or fence, those are categorized in terms of dept. Because of the parks, schools and residential areas, io would consider 250 or 500 ft there is space for retail in the C2. If you look at the uses in the C2 zone there is no manufacturing or wholesale in those zones so I do not recommend the C2 zone for anything other than retail.

Mr. Jandoli – what other businesses in town do we have buffers for?

Page 9

Mr. Fusco – there is a buffer requirement for all of the business in town, this board is constantly designed waivers or variances, the way the avenue was built does not allow for those buffers. My only concern regarding the proximity buffer requirements is just based on how it is operating now where it is permitted. The state is only going to be issues a limited number of licenses. We have the opportunity to start slow and we can change the ordinance.

Mr. Stevenson – what is wrong with an application coming here, us taking testimony on it and that applicant being heard?

Mrs. Garty – they would come back for a use variance which is a high threshold.

Motion to open to public comment at 9:30.

John Sandone – 21 Reeve Ave – I don't know about everyone else but I am trying to figure out what are the rules? IS there only mandate that it has to be 2500 sq ft?

Mr. Fusco – no that is the minimum that they have set. The law is available online.

Mr. Sandone – buffers are a suggestion but not the states mandates.

Mr. Rotz – it is up to the local municipalities.

Mr. Sandone – there is revenue to be made here,

Mrs. Garty – that is a governing body would determine that. The state provides a maximum but they can deice that they want to take a minimum. The governing body has referred to this board for its zoning expertise.

Mr. Sandone – can the town have more than one licensee?

Richard Rotz – yes, it is not like liquor license. The town has the authority to choose.

John. Sandone – a lot of what goes on is up to the town?

Richard Rotz – correct, this is just our recommendation.

John Sandone – on Haddon Ave 108 Haddon Ave has the size requirement and lots of parking. Did I see something in the retrospect where all marking has to be up front or was that just a recommendation?

Greg Fusco – that was just a recommendation.

John Sandone – if I were to go online where would I look.

Commissioner Linhart – the cannabis regulatory commission.

Mary Coyle – 81 Akron Ave – Was Sworn In - I am speaking on behalf of my husband and myself, and many Haddon Twp parents that are unable to attend tonight. We are asking the board to vote no to any cannabis regulations in town. We live in a walkable town, where our kids can ride their bikes and walk everywhere. We also have a great close-knit town; our primary objection is due to the potential negative impact on our community specially our children. We have restaurants serving alcohol and the activities at the square that have become a concern. The Haddon Twp school district recent sponsored a

project called the Herron Project. Spoke about his troubles with addiction. One of my take-aways to help our kids avoid addiction is to limit the availability of cannabis and alcohol. I do not want my kids riding their bikes with their friends around cannabis shops. Would like you like kids or grandkids to ride their bikes down the street with cannabis stores. MY understand is that there are cannabis facilities in other towns, and we do not need these businesses in this town. I would like to understand more about the possible revenue stream. This is a vice tax that could do more harm than good, especially to the children in town. It could also lower the property values.

John Lavelle – 2 Cooper Street & Linden Ave – Sworn In - reiterate what she had said. Most concern is about Haddon Ave I do not feel as though it adds any value. I tried to see what communities have flourished with putting in these stories.

Emanuel Jose – Sworn In - not a township resident – resident of Washington Township. It definitely sounds like it is a valid point, children do not need to be anywhere near this stuff. There is a way to present it in a way to educate people about cannabis instead of putting it out there to sell. I am a vet, and I love marijuana I have been smoking since I was 17 years old. I run two successful businesses, I have honorably discharged from the army and have two children. It could be more educationally sound, there could be a way to have the community flourish.

Jim Stevenson – you said that you have been smoking since you were 17. Probably before it was legal. Did you even have a problem getting it?

Jose Calves – no I have never had a problem getting it. It is nice that these stores are a place to get your cannabis in a safe way. It is okay to bring the community in, maybe be the first town that gets the community involved. I believe it is up to municipalities to write the

A motion by John Foley to close public portion at 9:47, seconded by Commission Linhart.

All members present vote in the affirmative. Motion carried.

Richard Rotz – The Governing body is only asking for a recommendation from the planning and zoning board where the locations could be.

John Foley – our job is to say, if you decide to do this in town these are our recommendations.

John Sandone – if the governing body decides yes, and there is public comment and after the comment and the meeting shouldn't they then send it back to you guys.

Richard Rotz – yes there will be an ordinance drafted by the governing body ...

Hearing nothing more from the board Mr. Rotz asked for a motion to adjourn

A motion by John Foley to adjourn the meeting at 9:52 seconded by Joe Buono.

All members present voted in the affirmative. Motion carried,

Meeting adjourned 9:53 P.M.

Page 11

Respectfully submitted

Bonnie Richards

Secretary