

The Chairman called the meeting to order and stated it was being held in compliance with the "Open Public Meetings Act" and had been duly noticed and published as required by law.

ROLL CALL

Present: Mr. Fanelli, Mr. Murray, Mr. Nicini, Mayor Mignogna, Mr. DiNatale, Mr. Rashatwar

Absent: Mrs. DeMesquita, Mrs. Kerr, Mr. Reitano, Mr. Waters, Dr. Sherbine

Also present were Stuart Platt, Board Solicitor, Rakesh Darji, Board Engineer and Kathy Merkh, acting secretary

APPROVAL OF MINUTES

Mr. Nicini motioned to approve the minutes dated October 10, 2012; seconded by Mr. DiNatale. Motion carried by the assenting voice vote of all board members present, with the exception of Mayor Mignogna, who abstained.

Mr. Nicini motioned to approve the minutes dated October 24, 2012; seconded by Mr. Rashatwar. Motion carried by the assenting voice vote of all board members present, with the exception of Mr. DiNatale and Mayor Mignogna, both of whom abstained.

CHERRY HILL PLAZAS (PLAZA SHOPPES)  
SITE PLAN WITH WAIVERS - SIGNAGE  
BLOCK 150.04; LOT 8.03  
PC 12-024

Appearing before the board were Mr. Richard Goldstein, attorney, and Mr. Nick Kappatos, All Pro Signs.

Mr. Goldstein stated that, his clients purchased this parcel in 2006 and it is a small neighborhood retail center made up of small mom and pop operators. Although the property is 90% occupied the occupancy has been challenged in recent years to keep tenants. The owners have offered below market rents and have given financial contributions to the tenants to help them build out their stores.

Mr. Goldstein added that, it is their hope with improved signage to better identify the tenants within the center. The existing freestanding sign is 27 square feet in area and sits 9 feet high. They are looking to replace this with a 75 square foot sign in the same location. The existing round poles will be fitted with rectangular aluminum covers to match the building and the existing stone base will be re-used. The new sign will be internally lit and will identify the individual stores within the center. It will have a height of 19 feet.

Mr. Goldstein addressed the 2006 survey and marked it up to depict some of the unique characteristics. There is only one access drive and the building is set back from the road and several feet below grade. It is also a very irregular shaped lot and there are large trees and a house that impair the visibility of the plaza.

Mr. Kappatos explained the looks of the sign. Each individual tenant would have the name of their business and maybe a small logo for identification purposes only. He is not aware of the owners intent with regard to the sign be lit all night.

Mr. Goldstein stated that, if it is the intent they would agree to abide by whatever is allowed by ordinance.

The application was opened for public comment.

Paul Gearing  
100 White Horse Road

He is the tenant in Unit 1, Allstate Insurance and stated that, his store is not visible because of the white house and this sign would help people trying to find his unit.

There being no further public comment, Mr. Nicini motioned to close the public portion; seconded by Mr. Rashatwar.

Mr. Murray motioned to grant amended final site plan approval for the replacement of the freestanding sign with a sign size and sign setback variance subject to the following conditions and stipulations:

1. Compliance with the review letter dated October 31, 2012 prepared by Environmental Resolutions Inc.

Seconded by Mayor Mignogna, motion carried by the following roll call vote:

AYES: Mr. Fanelli, Mr. Murray, Mr. Nicini, Mayor Mignogna, Mr. DiNatale, Mr. Rashatwar

NAYS: None

CHIPOTLE MEXICAN GRILL  
AMENDED FINAL SITE PLAN  
BLOCK 160; LOT 1  
PC 12-025

Appearing before the board were, Damien DeDuca, attorney, Mr. Ian Brown, with Chipotle, Mr. John Simon, project manager and Mr. David Efaw, architect.

Mr. DeDuca stated that Chipotle is going to be a tenant in Eagle Plaza and will occupy the pad site out at the corner of Haddonfield- Berlin Road and White Horse Road. Their signage will comply with the ordinance and they will be adding a small outdoor seating area. The pad site is 9,426 square feet and Chipotle will occupy a 2,300 square foot of the building. Due to the very minimal nature of site improvements the applicant would ask the board to waive any requirement for a performance guarantee.

Mr. Platt stated that, the performance guarantee is an ordinance requirement of the code and any waiver would have to be granted by the Governing Body.

Mr. DeDuca stated that, they are in receipt of 2 review letters; one from ERI dated November 2, 2012 and one from Churchill dated November 1, 2012. They will provide testimony as requested but other than that they agree to comply.

Mr. Murray questioned the 3 façade signs and the need for a variance.

Mr. DeDuca stated that, they originally thought there was a need for a variance but ERI's letter references it not being a variance. You are entitled to one façade sign for each side facing a street and you are also allowed another when you have an elevation that faces interior or to a parking area.

Mr. Murray stated that, he does not disagree but when this building was approved in the 90's it restricted the signage to the angled portion of the building.

Mr. Platt stated that, by asking for an amended approval that restriction would be removed.

Mr. Brown stated that he is the design manager and he manages the project managers. This store is the new refreshed version of their building. The hours of operation are 11:00 am to 10 pm, 7 days a week with the exception of a few holidays. Staff arrives at 8:00 and preps and they go home after closing and cleaning up. The maximum number of employees is 11 and the lowest would be 5. Deliveries will vary but would be anywhere from 2-3 times a week in a semi or standard delivery truck. Right now they have an agreement with the landlord for shred dumpsters. They typically do 24 yards of wet trash a week and 8 yards of cardboard. They also compost if possible.

Mr. Simon stated that, he is the architect of record and designed the stored and produced the plans. Changes being made to the building will be cutting in a store front where it is pretty much all block.

They will also be putting in new doors in the front and side. There will be some lighting added to the side as well as led lighting incorporated into the railing.

Mr. DiNatale questioned the plantings that were behind the building.

Mr. Murray stated that, the owner of the center, Pettinaro has to return to the board with a landscaping plan comparable to what was previously approved. The trees and shrubs were recently removed due to bug infestation. They are currently under violation.

Mr. DiNatale expressed concerned with the way the building looks in the back. He wanted to know if there was anything that could be done to move things along and get the plantings in.

Mr. Murray stated that, things were moving along at a steady rate and then slowed down. They are saying that the bug infestation poisoned the ground and want to wait until Spring to do the plantings.

Mr. DeDuca agreed to follow up with them tomorrow. It was their understanding that they were going to submit something in the first quarter of 2013.

Mr. Brown stated that, they have a clause in their lease stating that Pettinaro is responsible to provide these plantings and they will push from their end.

Mr. Simon addressed the outdoor seating and stated that, it will be off to the side of the building and wrap around to the second means of egress. There will be a trash receptacle outside and will be emptied daily. There will be 18 seats outside and 60 inside.

The application was opened for public comment.

Seeing none, Mr. Nicini motioned to close the public portion; seconded by Mr. DiNatale. Motion carried by the assenting voice vote of all board members present.

Mr. Nicini motioned to grant approval to convert a portion of the out parcel pad site for a Chipolte Restaurant with 18 outdoor seats and 60 inside seats for a total of 78 subject to the following conditions and stipulations:

1. Compliance with the review letter prepared by Environmental Resolutions, Inc. dated November 2, 2012.
2. Compliance with the sewer review letter prepared by Churchill Engineers dated November 1, 2012.
3. The applicant agreed to press the issue with regard to the landscaping plantings with the landlord.
4. The board is making a recommendation that the Governing Body waive the requirement of having to post a performance guarantee because the site improvements are very minimal.

Seconded by Mr. DiNatale; motion carried by the following roll call vote:

AYES: Mr. Fanelli, Mr. Murray, Mr. Nicini, Mayor Mignogna, Mr. DiNatale, Mr. Rashatwar

NAYS: None

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There being no further business before the board, the Chairman adjourned the meeting.

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Carole Pfeffer, Secretary