



ZONING BOARD OF ADJUSTMENT
Thursday, December 7, 2017
APPROVED MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Chairman Jonathan Rardin at 7:32 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; Daniel DiRenzo, Jr.; Wyatt Sklar; Jeff Potter; Ivy Rovner; Jennifer Apell; and Marshall Spevak.
- **Professionals in attendance:** Lorissa Luciani, PP, AICP, Zoning Board Secretary; Jacob Richman, PP, AICP, Planner; and Allen Zeller, Esq., Zoning Board Solicitor.

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from November 16, 2017. Mr. Sklar made a motion, which was seconded by Mr. Potter, to adopt the Meeting Minutes from November 16, 2017. Affirmative votes by Rardin, DiRenzo, Sklar, Potter, and Apell. Minutes are approved.

AGENDA ITEMS:

17-Z-0031

Block(s) 437.01 Lot(s) 14

Zone: Industrial Restricted (IR) Zone

AB Partners Properties, LLC (K-9 Resorts)

1149 Markkress Road

Cherry Hill, NJ

Relief Requested: A preliminary and final major site plan with a use d(1) variance and bulk (C) variances to convert a dance studio into a kennel and dog daycare, which also includes a proposed 920 SF building addition and construction of an exterior dog run/recreational yard along with various site and signage improvements.

Applicant's Representatives: Frank Wisniewski, Esq. – Applicant's Attorney; Edward Fox, PP – Applicant/Vice President of the Unitarian Church and Professional Planner; and Gregory Newcomer – Capital Project Manager for the Unitarian Church.

Exhibits Submitted: A-1: Aerial Photograph of the Neighborhood; A-2: Aerial Photograph of the Site; A-3: Photographs of the Unitarian House; and A-4: Apartment Floor Plan.

Mr. Wisniewski introduced the application for the Unitarian Church's request to permit the utilization of an existing apartment on their site to be leased out to a third party (low-income qualified) who is not a minister or employee of the Church. Mr. Wisniewski stated that the applicant agrees to and accepts all conditions as noted in the Department of Community Development's review letter.

Mr. Wisniewski submitted Exhibits A-1 and A-2 and Mr. Fox gave an overview of the site and the history of its development. Mr. Fox noted that their site, consisting of their Church, offices, classroom, and a daycare, is surrounded by single-family dwellings. Mr. Fox gave an overview of the campus and pointed out the location of the "Unitarian House." Mr. Wisniewski submitted Exhibit A-3 and Mr. Fox described in detail the structure containing the apartment. Mr. Wisniewski submitted Exhibit A-4 and Mr. Fox described the layout of the 2nd floor apartment (3-bedroom) but noted it is not ADA accessible. Mr. Fox added that the unit has its own heating system and that laundry facilities are located in the basement.

Mr. Newcomer gave a detailed history of the use and alterations to the apartment on the subject site, including its usage at various times by a resident caretaker and church members. Mr. Newcomer explained that the unit became a 2nd floor apartment in 1999 and that there are offices on the first floor. Mr. Newcomer stated that the apartment has not been occupied since 2016 and that part of the reason it is not occupied is that they have found that ministers prefer to live off-

site while caretakers are contracted out. Mr. Newcomer explained that the Church decided it would be best to try to help out their "neighbors" by opening up the unit to someone in need.

Mr. Fox noted that there are two (2) dedicated parking spots for the apartment. Mr. Fox affirmed that they would rent out the unit to someone not associated with the Church and that prospective tenants would be low income individuals/family units for ten (10) years (deed restricted). Following the initial ten (10) years they would offer the unit to moderate income individuals/family units. Mr. Fox stated that the applicant will enter into a contract with the Township so that the Township can provide their services as an administrative agent.

Mr. Fox went through the positive and negative criteria for the requested variance. Mr. Fox explained that affordable housing is an inherently beneficial use and something that the Township needs. Mr. Fox stated that it would be an undue hardship for the applicant to convert the residential unit into a non-residential use due to certain fire code and access regulations. Mr. Fox stated that he does not believe approving the application will cause a detriment to the public good or the Zone Plan. Mr. Fox added that he believes the use is suitable for the site and that there is a bus route that comes down Kings Highway. Mr. Fox affirmed that the apartment will be inspected every tenant change and that maintenance will be handled by the Church's Property Committee.

Ms. Luciani went through the Department of Community Development's review letter and agreed that the proposal is an inherently beneficial use. Mr. Wisniewski stated that the applicant agrees to deed restrict the unit for ten (10) years and agreed that if they want to lease the unit back to a church employee within the ten (10) year timeframe that they would have to come back to the Board.

Public Comment: Ms. Karin Staniewicz of 9 Ardleigh Court in Mt. Laurel, NJ, stated that she has a rental property that borders the subject site and that she is concerned that additional apartments will be built by the church if things work out for them with the unit in the Unitarian House. Members of the Zoning Boars stated that if the Church ever wants to construct additional units that they would be required to submit a separate application to be heard by the Board. Additionally, it was clarified that the application before the Board, regardless of the decision rendered, has no bearing upon any future considerations being made by the Board nor does it set a precedent for future approvals. Mr. Wisniewski stated that there are no proposed exterior improvements. Ms. Staniewicz asked how tenants will be selected and Ms. Luciani gave a detailed overview of the marketing and affordability review procedures/processes and explained how there are occupancy standards for apartments which are based upon total bedrooms and floor area. Ms. Luciani stated the subject unit is three (3) bedrooms and based upon its size, would be occupied by a family unit (but not in a boarding house style arrangement). Mr. Newcomer added that future tenants would have use of the Church's grounds.

Mr. Bob Staniewicz of 9 Ardleigh Court in Mt. Laurel, NJ, stated that he is the husband of Karin Staniewicz. Mr. Staniewicz acknowledged that the applicant had a good presentation but he is concerned about tenants utilizing the Church grounds for potentially nefarious activities and also noted his concerns about a landlord's liability and obligations to provide prompt maintenance. A discussion ensued regarding the Board's purview of the application and various members of the Board noted that they are not a Court and only have purview of the zoning considerations of the application. Members of the Zoning Board stated that they cannot discriminate as to who occupies the unit and that ultimately, prospective tenants will have to qualify based upon the affordability requirements, etc.

Following the closure of public comments, members of the Zoning Board expressed their favor of the application.

Motion: Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Ms. Rovner and seconded by Mr. Spevak, with affirmative votes for approval by Rardin, DiRenzo, Sklar, Potter, Rovner, Apell, and Spevak for the approval of the Use d(1) Variance with conditions. Motion carries 7-0.

RESOLUTIONS

17-Z-0022

Block(s) 595.01 Lot(s) 2

Zone: Regional Business (B4) Zone

Relief Requested: Site plan waiver with bulk (C) variances to increase the height of the existing monopole telecommunications tower from 100' to 121', install twelve (12) new antennas, and construct a new equipment compound (23' X 13') with associated equipment cabinets and a generator.

Cellco Partnership d/b/a Verizon Wireless

731 Cuthbert Boulevard

Cherry Hill, NJ

Motion to Ratify: Following the review of the resolution, Mr. Sklar made a motion which was seconded by Mr. DiRenzo, to memorialize the resolution for Cellco Partnership. Affirmative votes by Rardin, DiRenzo, Sklar, Potter, Rovner, Apell, and Spevak. The resolution is memorialized.

17-Z-0031

Block(s) 437.01 Lot(s) 14

Zone: Industrial Restricted (IR) Zone

Relief Requested: A preliminary and final major site plan with a use d(1) variance and bulk (C) variances to convert a dance studio into a kennel and dog daycare, which also includes a proposed 920 SF building addition and construction of an exterior dog run/recreational yard along with various site and signage improvements.

AB Partners Properties, LLC (K-9 Resorts)

1149 Markkress Road

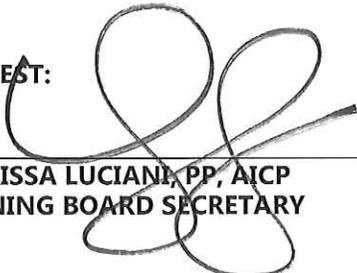
Cherry Hill, NJ

Motion to Ratify: Following the review of the resolution, Mr. Sklar made a motion which was seconded by Mr. Potter, to memorialize the resolution for AB Partners Properties, LLC. Affirmative votes by Rardin, DiRenzo, Sklar, Potter, and Apell. The resolution is memorialized.

Meeting Adjourned: at 8:45 PM.

ADOPTED: 12/21/17

ATTEST:



LORISSA LUCIANI, PP, AICP
ZONING BOARD SECRETARY



JONATHAN RARDIN, CHAIRMAN