



ZONING BOARD OF ADJUSTMENT
Thursday, January 18, 2018
APPROVED MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Jonathan Rardin at 8:08 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; Nacovin Norman; Jennifer Apell; and Marshall Spevak.
- **Professionals in attendance:** Lorissa Luciani, PP, AICP, Director of Community Development; Jacob Richman, PP, AICP Planner; Jeremy Noll, PE, Zoning Board Engineer; Allen Zeller, Esq., Zoning Board Solicitor; and Cosmas Diamantis, Esq., Alternate Zoning Board Solicitor.

ADMINISTRATIVE ITEMS - Reorganization

Election of Chair. Mr. Sklar nominated Jonathan Rardin to serve as Chairperson and was seconded by Ms. Apell. The motion passes unanimously with Mr. Rardin abstaining.

Election of Vice Chair. Mr. Spevak nominated Dan DiRenzo, Jr. to serve as Vice-Chairperson and was seconded by Mr. Norman. The motion passes unanimously with Mr. DiRenzo abstaining.

Solicitor Zeller administered the oath to Jonathan Rardin (Chair) and Dan DiRenzo, Jr. (Vice-Chair).

Adoption of Agenda Policies & Procedures. Mr. Potter made the motion to adopt the policies and procedures and was seconded by Mr. DiRenzo. A unanimous all in favor was cast by the Board.

Adoption of Zoning Board Bylaws. Mr. Apell made a motion to approve the 2018 Zoning Board Bylaws, which was seconded by Mr. Sklar. A unanimous all in favor was cast by the Board.

Adoption of Meeting Dates and Official Newspapers. Mr. Norman made a motion to approve the meeting dates of the Zoning Board for 2018, and to approve the Philadelphia Inquirer and Courier Post as the designated newspaper for 2018 which was seconded by Mr. Spevak. A unanimous all in favor was cast by the Board.

Appointment of Secretary. Mr. Sklar nominated Lorissa Luciani to serve as Secretary and was seconded by Mr. Spevak. A unanimous all in favor was cast by the Board.

Appointment of Alternate Secretary. Mr. Spevak nominated Jacob Richman to serve as Alternate Secretary and was seconded by Ms. Apell. A unanimous all in favor was cast by the Board.

Appointment of Solicitor. Mr. Potter made a motion to nominate the law firm of Zeller & Wieliczko, LLP as Zoning Board Solicitor, which was seconded by Mr. DiRenzo. A unanimous all in favor was cast by the Board.

Appointment of Engineer. Ms. Apell made a motion to nominate the engineering firm of Environmental Resolutions Inc. as Zoning Board Engineer, which was seconded by Mr. Sklar. A unanimous all in favor was cast by the Board.

Adoption of the 2017 Zoning Board Annual Report. Mr. Norman made a motion, which was seconded by Mr. Spevak to adopt the 2017 Zoning Board Annual Report. A unanimous all in favor was cast by the Board.

Adoption Meeting Minutes from December 7, 2017. Mr. Sklar made a motion, which was seconded by Mr. Spevak, to adopt the Meeting Minutes from December 7, 2017 Affirmative votes by Rardin, DiRenzo, Sklar, Apell, Potter, and Spevak. Minutes are approved.

AGENDA ITEMS:

17-Z-0033

Block(s) 340.02 Lot(s) 2
Zone: Highway Business (B2) Zone

McDonald's USA, LLC

24 Route 70 West
Cherry Hill, NJ

Relief Requested: A minor site plan with conditional d(3) use variances and bulk (C) variances for a substantial façade renovation including various drive-through, site and signage improvements to the existing McDonald's drive-through restaurant.

Applicant's Representatives: Keith Davis, Esq. – Applicant's Attorney; Tiffany Morrissey, PP, AICP – Applicant's Professional Planner; Steve Walsh, PE – Applicant's Engineer; and David Keefrider – Applicant's Architectural Representative.

Exhibits Submitted: A-1: Aerial Photograph; A-2: Site Plan; A-3: Sign Renderings; A-4: Elevation Renderings; A-5: Elevation Renderings; and A-6: List of Requested Waivers.

Mr. Davis introduced the application for a use d(3) variance, bulk (c) variances, and a minor site plan for McDonald's in their proposal to make various façade and site improvements to the existing restaurant along with new signage.

Mr. Walsh submitted exhibit A-1 and A-2 and discussed the proposed changes to the site inclusive of signage and striping improvements. The applicant agreed to submit the shared parking easement with Ellisburg for review by the Department of Community Development. Additionally, the applicant agreed to work with the Department of Community Development and ERI on siting additional landscaping along Route 70 and the parking islands. Mr. Walsh discussed McDonald's trash pick-up operations, the proposed ADA improvements, and utilizing bicycle safe grates. Mr. Walsh acknowledged that the applicant agreed with all other comments as noted in the review letters by the Department of Community Development and ERI but clarified that the menu board sign is internally illuminated. Mr. Walsh stated that the applicant will attempt to secure an easement to relocate the existing bus shelter onto their property but that they will have to work with McDonald's corporate office. A discussion ensued about the relocation of the bus shelter triggers a lot coverage variance and how certain easement language could avoid the issue such as the bus shelter being removed as a "public improvement." Mr. Walsh submitted exhibit A-6 and reiterated their agreement with all review letter comments except as noted on the record. Mr. Walsh gave an overview of the signage shown in Exhibit A-3 including the new digital menu boards and directional signage. Mr. Walsh noted that the drive-through speakers will not be audible to neighboring properties and that they will comply with all New Jersey noise ordinance laws.

Mr. Keefrider submitted Exhibits A-4 and A-5 and detailed the proposed façade changes by describing colors, materials, and location of the proposed signage. Mr. Keefrider clarified that the proposed façade colors is a corporate option. Mr. Keefrider confirmed that rooftop mechanical equipment will continue to be screened. Mr. Keefrider stated that the applicant will adjust the EFIS "towers" with tile (material substitution).

Ms. Morrissey gave an overview of the zoning of the site and went through the conditional use standards. Ms. Morrissey reiterated that the applicant is requesting a use d(3) variance due to not being able to entirely screen the drive-through from the ROW. Ms. Morrissey stated that the site will continue to operate without substantial detriment to the zone plan and went through the positive and negative criteria for the requested variances. Ms. Morrissey noted that while there will be more signs, there be less sign square footage.

Public Comment: None.

Motion: Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by DiRenzo and seconded by Mr. Spevak, with affirmative votes for approval by Rardin, DiRenzo, Sklar, Norman, Potter, Apell, and Spevak for the approval of the Minor Site Plan with Use d(3) and Bulk (C) Variances with conditions. Motion carries 7-0.

16-Z-0019

Block(s) 592.01 Lot(s) 5
Zone: Industrial Restricted (IR) Zone

Life Steps, LLC

10 Lakeside Avenue
Cherry Hill, NJ

Relief Requested: A bifurcated minor site plan with bulk (C) variances to convert a residence into a facility that provides support services for individuals with intellectual and developmental disabilities along with various site improvements.

Applicant's Representatives: Jason Sunkett, Esq. – Applicant's Attorney; Joseph Raday, PE – Applicant's Engineer; and Ashier Respes – Applicant.

Exhibits Submitted: None.

Mr. Sunkett introduced the application and gave a brief overview of Life Steps' services and operations.

Mr. Raday gave an overview of the site area and site characteristics. Mr. Raday noted there will be six (6) employees and twenty (20) students and that the hours of operation are 9am to 6pm on Monday through Friday but only open 10am to 2pm on weekends. Mr. Raday stated that Life Steps will provide ten (10) parking spaces and they will be compliant with ADA regulations. Mr. Raday confirmed that the facility will have public water service but will be serviced by septic system. Mr. Raday stated that deliveries will come via UPS trucks and that they are proposing a trash enclosure. Mr. Raday stated that students will arrive via vans but that the vans will not be stored at the site overnight. Mr. Raday stated that the applicant agrees to ERI review letter comments and noted that they have applied to the County Health Department for the septic system. Mr. Raday stated that the applicant will provide a new septic plan as the septic is being moved away from the rear walkway. Lastly, Mr. Raday discussed the applicant's proposed lighting and landscaping plan.

Mr. Respes discussed the interior layout of the building and discussed a possible construction code issue with the 2nd story window. Mr. Respes stated that he agrees to all conditions outlined in the use variance approval noted that they are operations will be consistent with what was previously testified to. The applicant also agreed that any proposed sign will comply with the Zoning Ordinance. Mr. Raday added that the applicant will provide a conforming fence along the western property line to comply with buffering requirements. Mr. Raday discussed the positive and negative criteria for the requested variances.

Public Comment: None.

Motion: Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Mr. Spevak and seconded by Mr. Sklar, with affirmative votes for approval by Rardin, DiRenzo, Sklar, Norman, Potter, Apell, and Spevak for the approval of the Minor Site Plan with Bulk (C) Variances with conditions. Motion carries 7-0.

Chairman Rardin called a recess at 9:29 PM and the meeting resumed at 9:55 PM. Following the resumption of the meeting, Ms. Apell announced that she is recusing herself from the remainder of the meeting due to a conflict with South Jersey Auto Auction.

17-Z-0040

Block(s) 468.01 Lot(s) 2

Zone: Industrial Restricted (IR) Zone

South Jersey Auto Auction

7 Carnegie Plaza

Cherry Hill, NJ

Relief Requested: A use (D) variance with a minor site plan to permit a wholesale auto auction for the sale and storage of used cars, where said sales are specifically prohibited. The application is also proposing minor improvements including fencing and landscaping to screen the proposed vehicles (of which 167 inventory car parking spaces are proposed along with 67 customer parking spaces).

Applicant's Representatives: Jeff Daniels, Esq. – Applicant's Attorney; Jim Miller, PP, AICP – Applicant's Professional Planner; Teal Jefferis, PE – Applicant's Engineer; and Barry Wolf – Applicant.

Exhibits Submitted: A-1: Photographs of a typical used car lot compared to their auto auction business; A-2: Zoning Exhibit Plan; and A-3: Landscape Plan.

Mr. Daniels gave an overview of the application for South Jersey Auto Auction (SJAA) which is a dealer to dealer silent auction business. Mr. Daniels stated that the applicant's testimony will distinguish themselves from a typical used car dealership.

Mr. Wolf noted that SJAA has operated in Cherry Hill since 2007 but their lease was terminated and they are now trying to move to 7 Carnegie Plaza. Mr. Wolf described the auction business which operates during the day on Tuesdays and only until noon on Wednesdays. Mr. Wolf explained that they have an internet based bidding process which can be done from home. Mr. Wolf clarified that there are no live auctions at the site. Mr. Wolf explained that the highest bid has to be approved and then title and money is exchanged prior to the transfer of the vehicle. Mr. Wolf stated that SJAA sells everyday cars (trade-ins primarily) including sedans and SUV's. There is no auctioning of trailers or commercial vehicles. Mr. Wolf stated that vehicles in their inventory range from near perfect to normal wear and tear to some cosmetic defects. Vehicles are transported via car carries and deliveries occur two (2) to four (4) times per week. Notwithstanding auction hours, the business will operate from 9am to 5pm Monday through Friday and there will be four (4) full-time and two (2) part-time employees. Mr. Wolf stated that there will be no decorations or advertisement of vehicles on the site. Exhibit A-1 was submitted and Mr. Wolf highlighted the differences between their inventory display and the display at a typical used car dealership. Mr. Wolf stated that no repair of vehicles occurs on-site with exception of inflating a flat tire. Mr. Wolf affirmed that test drives will occur in the industrial park and agreed to enforce test drivers to head towards Springdale away from the neighboring Kings Christian School. Mr. Wolf noted that vehicles only stay on site for about two (2) weeks.

Mr. Jefferis submitted exhibit A-2 and discussed the layout of the site as well as its characteristics. Mr. Jefferis noted that the existing building on-site is approximately 91,000 SF and the site has 599 parking spaces. Mr. Jefferis stated that that SJAA proposes to use the parking spaces at the back of the site which will include 67 customer/employee parking spaces and 167 inventory parking spaces. Mr. Jefferis stated that the inventory parking area will be gated in a way that will not impede the flow of traffic through the rest of the parking lot. Mr. Jefferis noted that SJAA proposes to occupy a 1,000 SF space within the existing building as their office space. Mr. Jefferis pointed out an existing loading area which will be utilized as SJAA's car trailer unloading area. Mr. Jefferis added that the existing lighting on-site is sufficient and as such, no new lighting is proposed.

Mr. Jefferis submitted Exhibit A-3 and noted that the applicant proposes a number of evergreen shrubs and trees along the site's Springdale Road frontage in order to screen their vehicle inventory area. Additionally the surrounding fence will have a black mesh insert to assist in the screening of the vehicles. Mr. Jefferis noted how the current uses on site can harmonize with SJAA in terms of parking. Mr. Jefferis gave a breakdown of the parking, how their use meets the Zoning Ordinance's parking standards and their usage demands. Mr. Jefferis stated that no signage is proposed except for a small placard on the rear of the building. Lastly, SJAA designated spaces will be marked using long-life epoxy resin.

Mr. Miller gave an overview of the site and surrounding area and estimated that 7 Carnegie Plaza is approximately 2000' from the Point of Woods residential neighborhood. Mr. Miller gave an overview of the Industrial Sites area and discussed the zoning parameters of the subject property. Mr. Miller noted that the proposed operation will not be open to the public (no retail) and thus the use is very different from a used car dealership. Mr. Miller noted that ostensibly the site is remaining the same albeit with new landscaping improvements. Mr. Miller stated that he believes the site is particularly suited for the proposed use as well as having the capacity to support SJAA. Mr. Miller went through the positive and negative criteria for the requested variances and noted that the use is consistent with other permitted uses in the Industrial Restricted (IR) zone.

Mr. Wolf stated that he accepts the comments and conditions outlined in the Department of Community Development's review letter including that SJAA will not operate like a used car dealership.

Public Comment: None.

A discussion of the issue concerning the applicant's lease agreement ensued and the applicant requested an adjournment of their hearing until the February 1, 2018 Zoning Board of Adjustment meeting for the purposes of acquiring the appropriate lease with Fox Rehabilitation.

Motion to Adjourn to February 1, 2018: Based upon the matter concerning not having a signed lease agreement, a motion was made by Mr. Sklar and seconded by Mr. Spevak to adjourn the application until February 1, 2018. Affirmative votes were cast by Rardin, DiRenzo, Sklar, Norman, Potter, and Spevak. Motion carries 6-0.

RESOLUTIONS:

17-Z-0032

Block(s) 338.30 Lot(s) 14.01

Zone: Institutional (IN) Zone & Limited Office (O1) Zone

Relief Requested: A use (D) variance to permit a second floor apartment to be leased as an affordable rental unit by persons who are not a minister or employee of the Church.

Unitarian Universalist Church in Cherry Hill

401 North Kings Highway

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 Unitarian Universalist Church in Cherry Hill. Affirmative votes by Rardin, DiRenzo, Sklar, Apell, Potter, and Spevak. The resolution is memorialized.

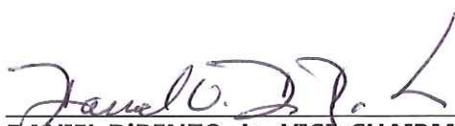
Meeting Adjourned: at 10:58 PM.

ADOPTED: 2/1/18

ATTEST:



LORISSA LUCIANI, PP, AICP
ZONING BOARD SECRETARY



DANIEL DiRENZO, Jr., VICE-CHAIRMAN