



**ZONING BOARD OF ADJUSTMENT**  
**Thursday, March 7, 2019**  
**APPROVED MINUTES**

*You couldn't pick a better place.*

**OPENING:** The meeting was called to order by Chairman Jonathan Rardin at 7:33 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; Ivy Rovner; Jeff Potter; Nacovin Norman; Jennifer Apell; Marshall Spevak; and Jill Roth-Gutman.
- **Professionals in attendance:** Lorissa Luciani, PP, AICP, Director of Community Development; Jacob Richman, PP, AICP, Planner; C. Jeremy Noll, PE, CME; and Allen S. Zeller, Esq., Zoning Board Solicitor.

**ADMINISTRATIVE ITEMS**

*Adoption Meeting Minutes from January 17, 2019.* Mr. Sklar made a motion, which was seconded by Ms. Roth-Gutman, to adopt the Meeting Minutes from January 17, 2019. Affirmative votes by Rardin, DiRenzo, Sklar, Rovner, Potter, Apell, and Roth-Gutman. Minutes are approved.

**AGENDA ITEMS:**

**17-Z-0027**

Block 30.01 Lot(s) 5-10 &

Block 40.01 Lot(s) 12-16; 1, 5-7

Zone: Highway Business (B2) Zone

Rickshaw Redevelopment Area Overlay Zone

**MBJ Associates, LLC (Mercedes Benz)**

2151 Route 70 West; 9 Delaware Avenue;

14 Beideman Avenue; & 1202 Farrell Avenue

Cherry Hill, NJ 08002

*Relief Requested: A use d(1) variance for off-street parking for inventory storage of vehicles and preliminary and final major site plan with bulk (C) variances and lot consolidation for the construction of additional inventory storage parking lots, which are currently being illegally occupied, for the Mercedes Benz dealership with associated site improvements.*

**Applicant's Representatives:** Damien Del Duca, Esq. – Applicant's Attorney; Jayson Sciuolo, PE, PP – Applicant's Engineer; James Miller, PP, AICP – Applicant's Planner; Nathan Mosley, PE, PTOE – Applicant's Traffic Engineer; and Amanda DiMattia – Applicant.

**Exhibits Submitted:** A-1: Aerial Exhibit with Site Plan overlay; A-2: Vehicle Circulation Rendering; and A-3: Survey.

Mr. Del Duca submitted exhibit A-1 and gave an overview of the subject site and outlined the applicant's proposal which includes a preliminary and final major site plan, lot consolidations, a use d(1) variance for off-site parking, and a number of bulk (C) variances. After briefly detailing the site's development and approval history, Mr. Del Duca explained that corporate (Mercedes Benz) has requirements that require dealerships to store a certain amount of vehicles in their inventory. Mr. Del Duca stated that the applicant is proposing off-street parking areas on Block 40.01, Lots 5 – 7 (to be consolidated into existing Lot 1) and also on Block 30.01, Lots 5-10 and 12-16 (which are to be consolidated). Mr. Del Duca noted that vehicles are currently parked illegally on these lots and that they require a use variance for the parking areas on Block 30.01 as these lots are considered off-site parking which is not a permitted principal use. Mr. Del Duca stated that the applicant is requesting preliminary and final major site plan approval to formally construct the parking lots along with various site improvements including involving stormwater management measures, grading, landscaping, and lighting.

Mr. Del Duca detailed the pathway that vehicle delivery trucks (car carriers) will take in order to access and exit the site as indicated on Site Plan sheet C0100. Mr. Del Duca affirmed that no loading, unloading, or parking of vehicles will occur within the street. Mr. Del Duca stated that the applicant is also requesting coverage variances, a parking setback variance, and a variance to exceed the maximum permitted amount of parking spaces (627 proposed where a maximum of 399 is permitted). Mr. Del Duca detailed the prior partial vacation of Delaware Avenue and how the parking setback variance is in relation to the non-vacated portion of the street that dead ends into the subject site. Mr. Del Duca noted the applicant will

seek to vacate the remaining portion of Delaware Avenue. Mr. Del Duca stated that the applicant agrees with the majority of the comments and conditions noted in the Department of Community Development's and the Zoning Board Engineer's respective review letters except where they will provide clarification later in the testimony. Lastly, Mr. Del Duca submitted exhibits A-2 and A-3 into the record.

Mr. Sciullo gave an overview of the proposed parking areas, access points, and proposed open space/landscaping plan as shown in exhibit A-1. Mr. Sciullo detailed the car carrier delivery pathway as illustrated in exhibit A-2. Mr. Sciullo stated that the existing roadway network can accommodate the turning movements and that delivery vehicles will not go through residential areas except for the jug handle through Penn Avenue. Mr. Sciullo stated that the majority of the parking areas will be surrounded by decorative metal fencing except the areas adjacent to residential properties where solid fencing will be utilized. Mr. Sciullo stated that directional signage will be integrated in order to help direct delivery vehicles to the appropriate drop-off/circulation areas. Mr. Sciullo noted the locations of the two (2) proposed dry basins for the purpose of stormwater management and added that landscape buffering adjacent to residential properties will be compliant with the Zoning Ordinance regulations. Mr. Sciullo stated that the applicant no longer requires a parking setback from Sayer Avenue as they will be able to provide the required 20' setback as opposed to the previously proposed 19' setback. Mr. Sciullo added that the applicant would not require a parking setback of 3' to Delaware Avenue if they are able to obtain a partial street vacation. Mr. Sciullo asked that the Board permit the continued parking of vehicles on the proposed portion of Delaware Avenue that is subject to a partial street vacation if it is ultimately approved by Township Council. Mr. Sciullo stated the applicant would remove the cars from the area if it is not approved. Mr. Sciullo stated that applicant is currently working with NJDOT to put in a crosswalk across Penn Avenue as a means of connecting the two portion of the site and also noted that that no sidewalks are proposed around the off-site parking<sup>4</sup> lots as they would lead to nowhere.

Mr. Sciullo noted that requested coverage variances for Block 40.01; however, it was noted that the overall lot coverage throughout the entirety of the subject site is being reduced due to the addition of open space. Mr. Sciullo gave a breakdown of the parking requirements and noted the variance is primarily needed due to the amount of inventory spaces. Lastly, Mr. Sciullo went through the requested design waivers and not where the applicant would be able to comply and where waivers are still needed. Ms. Luciani stated that she would not recommend relief from disallowing test drive routes from utilizing Beideman Avenue except during the eventual Route 70 reconstruction/repaving; however, it was noted that the dealership has many alternative entrances that could be utilized. Ms. Luciani noted that the applicant will be held liable if delivery vehicles cause any street/inlet damage. Mr. Del Duca affirmed that there will be no parking of vehicles in the streets. After going through the review letters issued by the Department of Community Development and the Zoning Board Engineer, Mr. Del Duca stated that they will move on the street vacation request as soon as possible and will revise the plans to reflect the street vacation if approved.

Ms. DiMattia stated that industry changes and market growth have influenced the need for increasing parking capacity due to corporate's increase inventory requirements. Ms. DiMattia noted the location of the employee parking areas on the site plan. Ms. DiMattia agreed to the condition that no parking or loading/unloading of vehicles will happen on the street and that those activities will occur within their parking lots. Ms. DiMattia stated that they will work with the car carriers to ensure proper delivery/parking procedures. Ms. DiMattia stated that 10-12 cars can fit on a car carrier; however, they only expect to have 8-10 cars delivery per week on average and that there will be no change in the business' operations. Ms. DiMattia stated that when work is underway, the cars currently parked in the improvement areas will be moved off-site such as to the Land Rover site (owned by the applicant) and can phase the transition appropriately. Ms. DiMattia stated that they are committed to starting the work as soon as possible provided they obtain all necessary permits/approvals and if the weather cooperates. Ms. DiMattia stated that the gate to the delivery lot will be open to allow car carrier to access the site. Ms. Luciani noted that the applicant should coordinate with the Cherry Hill Police Department's Traffic Safety Unit on parking and access restriction signage as needed. Ms. DiMattia stated that employees will be parking on Block 30.01.

Mr. Mosley stated that the delivery pathway is safe and efficient (maneuvering works) and that the proposed improvements create safer site conditions. Mr. Mosley affirmed that no additional traffic will be generated as a result of the proposed improvements and that it will continue to have delivery and employee trips. Ms. Luciani interjected that she did a little more research and found that the remaining portion of Delaware Avenue was actually vacated but never included on the updated tax maps. Mr. Miller then went through the positive and negative criteria pertaining to the requested use and bulk variances which reasons are more accurately reflected on the record.

**Public Comment:** Richard Bowen of 13 Webster Avenue asked whether parking permits were issued for the Mercedes Benz dealership as he wouldn't be in favor of parking permissions along the streets. Mr. Rardin stated that no requests have been made and that such request is not part of this application. Ms. Luciani affirmed that no parking permits have been granted to the applicant.

Richard Eckard of 101 Delaware Avenue stated that the applicant has historically been very receptive and accommodating to addressing any issues that have occurred and that he supports the applicant's proposal.

Board discussion ensued with specific discussion pertaining to the points of clarification on the conditions of approval.

**Motion:** Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Mr. DiRenzo and seconded by Mr. Sklar, with affirmative votes for approval by Rardin, DiRenzo, Sklar, Rovner, Potter, Apell, and Roth-Gutman for the approval of the Preliminary & Final Major Site Plan with a Lot Consolidation and a Use (D) Variance and Bulk (C) Variances. Motion carries 7-0.

**RESOLUTIONS:**

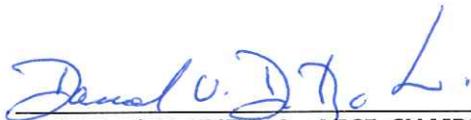
None.

**Meeting Adjourned:** at 9:36 PM.

**ADOPTED:** 4/4/19

**ATTEST:**

  
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**LORISSA LUCIANI, PP, AICP**  
**ZONING BOARD SECRETARY**

  
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**DANIEL DiDIRENZO, Jr., VICE-CHAIRMAN**