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ZONING BOARD OF ADJUSTMENT
Wednesday, July 1, 2020
SPECIAL MEETING - APPROVED MINUTES

OPENING: The virtual meeting was called to order by Chairman Jonathan Rardin at 6:32 PM.

PLEDGE OF ALLEGIANCE: Led by Chairman Jonathan Rardin.

OPMA STATEMENT: Read by Chairman Jonathan Rardin in compliance with the Sunshine Law and per the New Jersey Department of Community Affairs' (NJDCA) Guidance for Remote Public Meetings in New Jersey (N.J.S.A. 10:4-9.1 (P.L. 2020, c.11)).

ROLL CALL

- **Members in attendance:** Jonathan Rardin; Wyatt Sklar; Marshall Spevak; Jeff Potter; Nacovin Norman; Jill Roth-Gutman; and Anju Pejavara.
- **Professionals in attendance:** Cosmas Diamantis, Esq.; Secretary; Natalie Shafiroff, PP, AICP, Alternate Secretary; Jacob Richman PP, AICP, Alternate Secretary; Stacey Arcari, PE, PP, CME, PTOE, Zoning Board Engineer; and Allen Zeller, Esq., Zoning Board Solicitor.

ADMINISTRATIVE ITEMS

Solicitor Zeller administered the oath to Jonathan Rardin (regular member) for his reappointment to the Zoning Board of Adjustment.

Adoption Meeting Minutes from June 18, 2020. Mr. Spevak made a motion, which was seconded by Ms. Roth-Gutman, to adopt the Meeting Minutes from June 18, 2020. Affirmative votes by Rardin, Sklar, Spevak, Potter, Norman, Roth-Gutman, and Pejavara. Minutes are approved.

AGENDA ITEMS:

16-Z-0042

Block(s) 133.01, 148.01 and 135.01 Lot(s) 1, 12, 9 & 10
1115 Sherwood Avenue, 1014 Haddonfield Road, and
1200 & 1208 Wynwood Avenue
Cherry Hill, NJ

Zone: Highway Business (B2) Zone and Limited Office (O1) Zone.

Relief Requested: Use d(1) variances to permit off-site parking for inventory storage of vehicles and preliminary and final major site plan with bulk (C) variances and a lot consolidation (of Block 135.01, Lots 9 and 10) to permit the construction of a 34,662 SF building expansion (consisting of a 9,395 SF mezzanine for a total GFA of 44,027 SF) to the new Land Rover/Jaguar dealership along with associated site improvements.

CONTINUED FROM THE JUNE 18, 2020 ZONING BOARD OF ADJUSTMENT MEETING

M.B.J. Associates, LLC (Land Rover)

Applicant's Representatives: Damien Del Duca, Esq. – Applicant's Attorney; Jay Sciuillo, PE, PP – Applicant's Engineer; Nathan Mosley, PE, PTOE – Applicant's Traffic Engineer; Joseph Catelli, RA – Applicant's Architect; James Miller, PP, AICP – Applicant's Professional Planner; and Amanda DiMattia – Applicant/MBJ Associates.

Exhibits Submitted by the Applicant: A-1: Building Rendering; A-2: Aerial; A-3: Overall Site Plan Rendering; A-4: Surrounding Area; A-5: Architectural Elevations; A-6: Overall Site Plan; A-7: Construction Phasing Plan; A-8: Detailed Site Plan West Portion; A-9: Detailed Site Plan East Portion; A-10: Grading Plan West Portion; A-11: Grading Plan East Portion; A-12: Utility Plan West Portion; A-13: Utility Plan East Portion; A-14: Landscaping Plan West Portion; A-15: Landscaping Plan East Portion; A-16: Lighting Plan; A-17: Landscaping and Lighting Detail Sheet; A-18: Truck Turning Movement Plan; A-19: Service Truck Turning Movement Plan; A-20: Signage Elevations; A-21: South Side Signage Elevations; A-22: Photos of Wynwood lots; A-23: Google street view of Wynwood; and A-24: Resolution POA 6747.

Following Board discussion regarding the format and procedures for the evening's agenda, Mr. Del Duca indicated that he would like to make closing remarks prior to opening up the meeting to the public.

Mr. Del Duca submitted exhibit A-22 and Ms. DiMattia described the photographs that were presented to the Board. Ms. DiMattia noted that the condition of the homes on the Wynwood lots, as shown in the photographs, were bought as is. Ms. DiMattia confirmed that the properties were in poor condition when they were purchased. Ms. DiMattia stated that they cut the grass on the lots but parts of the property are in disrepair.

Mr. Del Duca submitted exhibit A-23 and Mr. Miller noted that the exhibit shows a number of photographs taken along Wynwood Avenue, starting near the intersection with Fulton Street and heading down towards Haddonfield Road. Mr. Miller noted that the photograph shows that this section of Wynwood Avenue is a one-way street and the striping along the edge indicates that no parking is permitted. Mr. Miller confirmed that the locations shown on the photograph are part of NJDOT jurisdiction. Mr. Miller noted that as you approach Haddonfield Road, the roadway goes from one lane to two lanes allowing for turning movements at the light onto Haddonfield Road or into the Garden State Park. Mr. Miller described the traffic characteristics of this portion of Wynwood Avenue and noted that the adjacent zones at this point are Highway Business (B2) zoned that include a number of commercial uses. Mr. Miller added that the photograph showing the intersection of Wynwood Avenue and Fulton Street shows an existing off-site storage lot which is next to the Wynwood lots that are the subject of the present application. Mr. Del Duca noted that the lot pictured was granted a use variance by the Zoning Board in 1998 to allow for off-site vehicle storage (which is now operated by Subaru). Mr. Miller confirmed that the Zoning Board granted the variance for that property as they believed it was particularly suited for that use. Mr. Miller added that the zoning districts have remained the same and the area has remained the same except for the development that has taken place around Wynwood Avenue since that time. Mr. Miller noted that residential properties along Wynwood Avenue has increasingly become less feasible. Mr. Del Duca referred to exhibit A-24 showing the Resolution (POA 6747) granting the use variance for the neighboring off-site inventory storage lot. Mr. Miller referred to a Zoning Ordinance (511.H.1) allowing off-site parking when it is located within 200' of the principal use subject to a deed restriction. Mr. Miller stated he believes the objective of the Zoning Ordinance is to allow for these off-site inventory arrangements. Mr. Del Duca acknowledged that prior approvals does not mean the Board has to act similarly on the application before them and that it has to have its own merits; however, Mr. Del Duca believes the documentation shown to the Board is relevant as it gives context to the history of the area.

Ms. DiMattia addressed a question concerning an increase of employees and Ms. DiMattia stated she foresees an additional 15 to 20 employees over time. Ms. DiMattia confirmed that the auto service will only be for Land Rover and Jaguar; however, since they do trade-ins, from time to time they may service those vehicles for retail sales.

Mr. Del Duca summarized the application and the evolution of this dealership (and dealerships as a whole), which was explained as 0-happening faster than zoning can evolve. Mr. Del Duca noted what he believed were valid reasons for use variances to be granted by the Zoning Board. Mr. Del Duca stated that he believes the off-site storage inventory storage lots are particularly suited, that the nature/character of the neighborhood will not be substantially changed if the variances are granted, and that there will not be substantial detriment to the general public, the zone plan, or the Zoning Ordinance. Mr. Del Duca noted the legal criteria surrounding what is considered justification to grant a use variance. Mr. Del Duca added that the dealership is permitted on the parent lot, Lot 1, and that it would be permitted on the Women's Center lot, Lot 12, if they had a small building there (as the use is permitted in a B2 zone which is the zoning district of Lot 12). Mr. Del Duca reiterated that the use of the Wynwood lots, Lots 9 and 10, as off-site inventory storage, does not lend itself to Limited Office (O1) zoned permitted uses based upon the years of history of no such uses being developed on those lots. Mr. Del Duca added that the off-site inventory storage lots will be less intense and cause less traffic than a number of permitted uses in the O1 zone. Mr. Del Duca noted that if the application does not pass, there is a potential for the Wynwood lots to be developed in a way that would result in a more substantial impact. Mr. Del Duca asked the Board to consider the evidence regarding suitability and weighing of any detriments.

Ms. Arcari confirmed that her comments have been primarily addressed and that she was able to work with the applicant's Engineer to address anything that was previously outstanding. Ms. Shafiroff and Mr. Richman confirmed that the applicant agreed to comply with Community Development's letter except as noted on the record. Ms. Arcari added that the applicant is implementing stormwater facilities in accordance with NJDEP standards. Ms. Shafiroff noted that the homes in the O1 zoned block behind Wynwood Avenue were granted use variances years ago to allow for residential in the O1 zone. Ms. Shafiroff noted that while the 2018 Master Plan (adopted by the Planning Board but not through Ordinance by Council) did not specify these O1 zoned lots for a zone change, the Master Plan does recognize the issues concerning finding ways to allow dealerships to store vehicles and that it has been an ongoing issue that needs a solution.

Prior to public comment, directions were imparted by Mr. Rardin, Mr. Diamantis, and Solicitor Zeller regarding process and logistics. Mr. Zeller also acknowledged an objecting attorney, Mr. James Greenberg, and the number of letters that were received objecting to the virtual hearing process through the Zoom application. Solicitor Zeller indicated the Executive Orders

issued by the Governor of New Jersey and direction that was provided to proceed with hearing applications through the virtual meeting process. Solicitor Zeller affirmed that no legislation or directives were passed/issued that would permit Boards in New Jersey to not hear applications or hold meetings in this manner. Solicitor Zeller stated that emails between him and Mr. Greenberg pertaining to these legal objections to the virtual meeting process as being marked as exhibits (not evidence). They are pre-marked JWA 1 through 12 (for Mr. James Greenberg's email) and responses by Solicitor Zeller CHZB 1 through 10.

Public Comment: James Greenberg, Esq. of Duane Morris LLP, indicated that he is representing Chip Pressman of James Wynwood Avenue, LP. Mr. Greenberg indicated his client owns the property immediately to the south of Lot 1. Mr. Greenberg noted his objections to holding a virtual meeting and believes it violates the OPMA. Mr. Greenberg does not have an objection to the use of the site as a dealership, however, his client is concerned about setback issues, landscaping issues, and traffic generated because of the proposed use. Mr. Greenberg stated his client believes the increase in the size of the dealership building and related parking is not appropriately sized for the site. Mr. Greenberg stated that his client believes by reducing the size of the building and parking that the building can be appropriately located. Ms. Shafiroff referred to exhibit A-2 to show the location of the objector's property which is immediately adjacent to the south of Lot 1. The address of the property is 1114 Wynwood Avenue. Mr. Greenberg stated he would like to cross-examine the applicant's witnesses and confirmed he has no expert witnesses to present testimony.

Mr. Greenberg directed questions to Ms. DiMattia. Mr. Greenberg questioned the use of the off-site storage lots and Ms. DiMattia confirmed that no customers would be allowed on those lots. Mr. Greenberg discussed the Resolution in Exhibit A-24 which refers to an off-site storage lot (Block 135.01, Lot 6) that was granted to MBJ Associates for a lot along Wynwood (previously a Mercedes dealership but now a Subaru dealership) to be used as an off-site inventory storage lot. Discussion ensued regarding how that lot is used. Mr. Greenberg stated he is concerned long-term on the use of the off-site storage lots if the use variances are approved, such as the potential for parking non-Land Rover or Jaguar vehicles or vehicles that are in disrepair. Ms. DiMattia stated that only new vehicles that are intended for retail sales will be stored on the Women's Center lot, Lot 12, and that any vehicle needing repairs would only be stored on Lot 1. Regarding the Wynwood lots, they intend to store vehicles that come in off the car carrier and employee vehicles. Ms. DiMattia agreed to only store vehicles in need of repair on Lot 1. Mr. Greenberg asked Mr. Del Duca to clarify his comments regarding off-site parking being permitted in the Ordinance if it is deed restricted and within 200' of the parent lot. Mr. Greenberg asked Ms. DiMattia how many vehicles they service per day and why there are 29 service bays within the proposed building. Ms. DiMattia stated their current wait time for vehicle service is prolonged and the proposed service area will help alleviate those issues. Ms. DiMattia stated that no body work will occur on the subject site as they have another location where that takes place. Ms. DiMattia agreed as a condition of approval to no body work on the subject site. Ms. DiMattia clarified the route for test drives and noted that vehicles will turn left from Lot 1 onto Sherwood Avenue before turning north onto Haddonfield Road. Ms. DiMattia noted the amount of service bays at their other dealerships as a comparison to the number proposed at the subject site.

Mr. Greenberg directed questions to Mr. Mosley. Mr. Greenberg questioned what developments were taken into consideration that are located around the subject site as part of their traffic analyses. Mr. Mosley noted that they took into consideration future growth and that it was incorporated in their traffic analyses, but noted that they did not take into consideration all surrounding site specific traffic. Mr. Mosley stated that he believes his conclusions through their modeling are accurate and affirms his belief that the indicated 2% increase in traffic as a result of the proposed development is accurate and results in a minimal impact. Mr. Mosley noted the error in his report concerning the comment about their being a street vacation (which was a prior site plan iteration's proposal), but noted that their traffic analyses was not based upon that leftover comment. Mr. Greenberg brought up the 0' ROW setback to Haddonfield Road and Mr. Mosley noted it was addressed by Mr. Sciallo. Mr. Mosley stated he doesn't believe the parking encroaches within the ROW but deferred the question to Mr. Sciallo to address. Mr. Mosley addressed the proposed traffic contribution and volume levels at the Haddonfield Road and Wynwood Avenue signalized intersection. Mr. Greenberg asked Mr. Mosley to assess the traffic conditions on Wynwood Avenue and Mr. Mosley stated that there are some lengthy queues on Wynwood Avenue during peak times as a result of long red-light signals. Mr. Mosley acknowledged there would be some traffic added to Wynwood Avenue as a result of the proposed application. Referring to exhibit A-2, Mr. Greenberg asked if the approximately ten (10) cars shown queuing at the Wynwood Avenue lot is a usual condition to which Mr. Mosley stated that it could be if it was taken during peak times but Mr. Mosley did not know when the google aerial image was taken. A discussion of traffic circulation in and around the site ensued. Mr. Mosley confirmed that their trip generation numbers were calculated based upon the square footage of the new building and compared it to the square footage of the existing building, as questioned by Mr. Greenberg. Mr. Mosley confirmed that traffic count numbers, if taken today, would not be reliable due to the COVID-19 situation. Mr. Mosley indicated the conservative estimates and methodologies that they use when compiling their traffic reports. Mr. Greenberg asked Mr. Mosley to assess the impacts to traffic regarding the pedestrian connections in and around Haddonfield Road. Mr. Mosley stated that NJDOT is doing a corridor study in the area, with improvements that include crosswalks and pathways connecting across Haddonfield Road. Mr. Mosley stated that signal timing will be addressed by NJDOT and Mr. Mosley believes it wouldn't substantially impact traffic in the area. Mr. Mosley stated he is not aware of any proposed changes to the roadway by NJDOT to Wynwood Avenue or the signalized intersection at Haddonfield Road. Mr.

Del Duca asked Mr. Mosley to confirm how they determine future growth rate to which Mr. Mosley stated that the data comes from NJDOT and they utilized a 2% growth rate in their analysis. Mr. Mosley confirmed that the new Chase Bank, located near the site along Mercer Street and Route 70, was formerly occupied by two (2) restaurants. Mr. Mosley stated that a number of other uses that could be permitted in the off-site storage lots, such as a daycare, would generate more traffic throughout the day than as proposed as a storage lot. Mr. Mosley stated that they did not include in their analysis the trips between the proposed lots but Mr. Mosley referred to Ms. DiMattia's testimony indicating minimal trips between the various lots.

Mr. Greenberg directed questions to Mr. Sciullo regarding whether there will be any parking occurring in the ROW along Haddonfield Road. Mr. Sciullo stated that they are not encroaching within the ROW and that the parking areas stop at the edge to prevent cars from protruding into the ROW. Mr. Greenberg questioned what conversations Mr. Sciullo had with NJDOT and Mr. Sciullo stated that he did not speak to anyone at NJDOT. Mr. Sciullo only referred to Mr. Mosley's comments about NJDOT concerning sidewalk/crosswalk improvements. Mr. Sciullo confirmed the presence of a proposed driveway that allows exits only to southbound Mercer Street, and Mr. Greenberg asked if they could move the driveway. Mr. Sciullo stated that repositioning the driveway would result in a loss of some parking and that it would impact the location of the trash enclosure.

Mr. Chip Pressman residing at 613 College Avenue in Haverford, PA stated that while he supports the proposed dealership, he wants to see them abide by the setback and landscaping requirements and is concerned about the size of the building. Mr. Pressman stated he wants to see the building size reduced. Mr. Pressman did not agree with the contents of the traffic assessment prepared by Mr. Mosley and the related amount of inventory storage lots. Mr. Pressman believes parking can be reduced as should the number of service bays and that the service bays should be shifted more towards Mercer Street. Mr. Pressman believes the growth projection in the traffic study is under-projected and noted his concerns with traffic existing along Wynwood Avenue. Mr. Pressman was displeased that while landscaping was proposed on the off-site storage lots, the landscaping was lacking on Lot 1. Mr. Pressman stated that he doesn't believe the queuing in the service area will function appropriately. Mr. Pressman stated he is the Vice-President of the company that owns James Wynwood Avenue, LP but is not part of the ownership. Mr. Pressman addressed Mr. Del Duca's questions concerning the make-up of the neighboring lot at 1114 Wynwood Avenue. Mr. Pressman noted the vacancy numbers for the office space at the site and parking arrangement. Mr. Pressman confirmed the objector's lot is in the B2 zone and has the same zoning requirements as Lot 1. Mr. Pressman stated that he believes the 1114 Wynwood Avenue property conforms with the Zoning Ordinance. Mr. Pressman stated that he was aware of a neighborhood meeting held on March 5 with the applicant. Mr. Del Duca questioned Mr. Pressman's intent regarding objecting to the application pertaining to a condition of purchase of his objector's property by Cherry Hill Imports. Mr. Rardin asked Solicitor Zeller to assess whether settlement agreements are of relevance to this proceeding as it relates to Mr. Pressman's credibility. Mr. Greenberg objected to the line of questioning by Mr. Del Duca. Mr. Greenberg stated that Mr. Pressman only stated his concerns but he is not giving expert testimony where his credibility can be questioned. Mr. Pressman stated he just objects to the plan based upon the minimal setbacks and landscaping proposed on Lot 1 facing the objector's lot.

Mr. Dan Loveland residing at 1100 Warren Avenue stated that his concern with the application is a lack of respect for the neighborhood. Mr. Loveland stated that he believes the development promotes additional traffic through the residential neighborhood. Mr. Loveland noted his concerns about employee parking and test drives. Mr. Loveland stated he is concerned about the safety of the public. Mr. Loveland stated this kind of development does not belong in the neighborhood. Mr. Loveland stated he is also concerned about service personnel driving unsafely in the neighborhood and that there is no way for maneuvers between the subject lots to occur without traversing through the neighborhood. Mr. Del Duca reiterated the conditions the applicant agreed to related to test drives and that the driving conditions in the neighborhood may occur regardless of their proposed development. Mr. Del Duca reiterated the applicant's agreement to keep test drives out of the neighborhood and that employees will have to park on-site. Mr. Del Duca broadened the agreement to include serviced vehicles being tested along the same route as the test-driving route. Solicitor Zeller stated that if an enforcement issue arises, the concern can be brought to the Department of Community Development who can in turn issue violation letters and/or summonses to appear in municipal court. Mr. Loveland stated that some involvement by the Mayor is necessary to try to fix the issues concerning safety issues in the neighborhood. Mr. Loveland requested that the Board reach out to the Mayor's office to bring up the issues being raised.

Ms. Dawn Higgins residing at 207 Rhode Island Avenue stated that she is reciting a statement issued by the Cherry Hill Council of Civic Association. Ms. Dawn Higgins stated that they oppose the proposed development in the Locustwood neighborhood and noted the resident's concerns about development, traffic, and loss of property values. Ms. Higgins stated that the applicant should look for a more appropriate site.

A recess was taken at 9:23pm and the meeting resumed at 9:31pm.

Mr. Frank Maloney residing at 1207 Chambers Avenue noted that his home is surrounded by the Cherry Hill Triplex and he objects to the expansion of the Land Rover dealership in the neighborhood. Mr. Maloney believes the applicant has no

hardships that would permit the granting of a use variance. Mr. Maloney submitted exhibit 1.1 showing a photograph of an insurance agency in the area at 1212 Wynwood Avenue – which Mr. Maloney stated is important to note because it shows there was an office use in the area. Mr. Maloney believes the dealership requirements will cause the need for the applicant to expand beyond what they have planned for and requested the applicant look at other properties for their expansion. Mr. Maloney believes the applicant is proposing too many service bays for the amount of service they intend to conduct. Mr. Maloney stated that he believes the proposed development is a detriment to the neighborhood and public good and does not believe the applicant has demonstrated that the uses are particularly suited on the proposed lots that require a use variance. Mr. Maloney stated that the applicant is not being denied the use of their property and believes their burden of proof has not been met concerning the negative criteria i.e. the public welfare. Mr. Maloney stated that the Locustwood neighborhood is considering a class-action lawsuit if the development is approved. Mr. Maloney stated he is concerned about the potential environmental impact if the development is approved. Mr. Maloney noted he has logged a number of complaints with the Township concerning the violations perpetuated by the businesses surrounding the Locustwood neighborhood.

Mr. Carlos Ruthner residing at 1010 Mercer Street stated he is opposed to the subject application due to the encroachment of the business into the Locustwood neighborhood and its potential effects on property values, the water table, light pollution, noise pollution, traffic related impacts, and general safety in the neighborhood. Mr. Ruthner noted that speeding in the neighborhood is already a problem in the neighborhood. Mr. Ruthner stated that his assessment of the traffic report, the report did not include the assessment of used car sales and services, only new car sales. Mr. Ruthner believes the traffic report is not comprehensive and is not producing accurate traffic impact data due to missing data points and the lack of certain factors such as including site specific development impacts from development occurring in the surrounding area and not recent enough traffic counts/data sets. Mr. Ruthner believes the applicant's projected traffic growth is much lower than what is likely to occur. Mr. Ruthner stated that he believes the proposed development is oversized for the subject properties but that it still won't truly accommodate the applicant's needs for inventory storage and parking (service, customer, and employee). As such, Mr. Ruthner believes that parking will overflow onto the public streets. Mr. Ruthner concluded by reiterating his objection to the applicant's proposal. A discussion ensued regarding what enforcement the police can take on vehicles parked in the street.

Mr. Tom Quigley residing at 1112 Warren Avenue submitted exhibit 3.1 which is a screenshot of the preliminary and final major site plan showing the intersection of Sherwood Avenue and Mercer Avenue. Mr. Quigley noted it is tough to see cross-traffic at the aforementioned intersection due to the layout of the roadway. Mr. Quigley stated the right out exit onto Mercer Street is a dangerous condition as it is only 39' from the aforementioned intersection. Mr. Quigley submitted exhibit 3.3 which is a photograph of the exit of the Wegmans shopping center to show that vehicle can illegally make left turns which he believes is a dangerous condition. Mr. Quigley submitted exhibit 3.2 to show the site plan of the Wynwood lots at the Mercer Street intersection and believes this is a dangerous intersection to pedestrians. Mr. Quigley submitted exhibit 3.4 to note an error in the title survey which indicates an incorrect county. Similarly, with exhibit 3.5, the architectural plans have an error noting with the name of the owner. Mr. Quigley stated these errors are concerning as he contends this shows a lack of thorough review of the plans. Mr. Quigley requested a plan from Land Rover to address ensuring test drives do not occur in the neighborhood. Solicitor Zeller explained how the condition concerning no test drives in the neighborhood would operate in that it would be contained within the Resolution and include a note on the plans. Mr. Quigley believes something more enforceable than that is necessary.

Ms. Marie Connors residing at 1014 Mercer Street recited her letter to the Mayor of Cherry Hill and indicated that she was considering the purchase of the home that she currently lives in but is having second thoughts because of the proposed development. Ms. Connors contends that this development belongs in an industrial park or along the Route 70 corridor. Ms. Connors believes rules need to be put in place to prevent such development within a neighborhood and to be able prevent the acquisition of old residences for the purposes of tearing them down for commercial uses. Ms. Connors expressed her concerns regarding property values and hopes that Board votes to deny the application. Ms. Connors hopes a better/alternative location can be found for this use. Ms. Connors noted her concerns related to the environment such as with lighting, fumes/emissions from idling vehicles, and stormwater runoff. Ms. Connors submitted exhibit/attachment 5 which shows an excerpt of the list of variances the applicant requires including the variances involving lot coverage and open space (which shows a lessening of an existing nonconforming condition). Ms. Connors noted her concerns regarding traffic in the neighborhood. Ms. Connors would like more consideration of the residents in the neighborhood.

Mr. Robert Bicking residing at 1019 Mercer Street stated he has concerns regarding noise generated by the dealership, particularly alarms being set off by employees to find vehicles. Mr. Bicking submitted exhibit 4.1 which displays a video purporting to show an alarm going off on an MJB dealership property. Similarly, with exhibit 4.2, displays a video showing a car alarm going off. Mr. Bicking said the second video was taken on a Saturday night around 11pm or 1130pm and he is uncertain what the cause of the alarm being triggered was. Mr. Bicking stated there was no one for him to call to have someone turn off the alarm. Mr. Bicking submitted exhibit 4.3 which is a letter from a resident near the Mercedes dealership that explains being promised one thing concerning alarms and loading/unloading of vehicles and there still being an issue. Mr. Bicking stated the issues he raised is a nuisance.

Ms. Andrea Bonifacio residing at 1202 Chambers Avenue noted her concerns about her personal safety when trying to back out of her house as she contends with dealership employees in the area speeding through the neighborhood. Ms. Bonifacio submitted exhibit 7.3 which display a video of a drag race down Chambers Avenue. Ms. Bonifacio asked the applicant to clarify their test drive route. Mr. Rardin noted the prior testimony concerning the applicant's test drive route which was stated would not go through the neighborhood. Mr. Joseph Bonifacio residing at the same address reiterated the concern regarding the safety for the residents of the neighborhood.

Ms. Earthen Johnson residing at 1104 Mercer Street referred to the applicant's exhibit A-4 to show her home's location in reference the proposed development. Ms. Johnson stated her property is most affected by the proposed development which is between Lot 1 and the Wynwood lots. Ms. Johnson stated that the buffer between the existing storage lot on Wynwood Avenue (Block 135.01, Lot 6) is greater than what is proposed by Land Rover. Ms. Johnson stated she is opposed to the proposed development on the Wynwood lots. Ms. Johnson expressed concerns over Mr. Del Duca's comments concerning what the sentiments are of the neighborhood's residents. Ms. Johnson noted the sight line concerns she has if the building is approved due to its height and overall footprint. Ms. Johnson noted that the prior user of her home was an office use and it is not accurate to note that the neighborhood hasn't had office uses. Ms. Johnson noted some prior property maintenance issues occurring on Land Rover's properties. Ms. Johnson expressed dismay over the applicant's lack of maintenance on their properties. Ms. Johnson believes the applicant does not have a hardship with the use of the O1 zoned lots as they knew what the limitations were when they bought the properties. Ms. Johnson is concerned about what the Land Rover or Jaguar corporate offices will require in the future that could expand the impact of the proposed use. Ms. Johnson stated that having a structure to enclosure cars would potentially prevent noise issues coming from car alarms. Ms. Johnson submitted exhibit 10.1 showing a car carrier in the street and exhibit 10.4 which purportedly shows an illegal unloading of a Land Rover vehicle in the roadway.

Mr. Del Duca responded to the buffer comments and showed exhibit A-3 and noted that the buffer proposed between the Wynwood lots and Ms. Johnson's property complies with the Zoning Ordinance (25'). Mr. Del Duca stated that all residential buffering complies with the Zoning Ordinance. Ms. DiMattia readdressed car alarm noises and stated that each parking space is numbered so they can always keep track of where their vehicles are so they do not need the car alarms to find the vehicles. The system allows them to know in advance if they need to get to a stacked vehicle and will grab the keys of the car in front of it. Ms. DiMattia stated that their intent is to be a good neighbor and they will do their best to minimize noise issues. Ms. DiMattia stated they are not Volvo, Dodge, or Subaru, and they hope to not be characterized by other dealerships that appeared to show some form of noncompliance per the residents' exhibits. Ms. DiMattia stated that she wants to address any issues raised that occurs on their properties. Ms. DiMattia stated she will train her staff to not utilize car alarms to find vehicles, but while she can't guarantee it will be eliminated 100%, it was noted that where their car finding system was implemented at other lots, the use of car alarms to find vehicles is nearly gone. Ms. DiMattia would like to have a good relationship with the neighbors to the point that they could contact each other if a car alarm is going off unexpectedly or if illegal activity is taking place. Ms. DiMattia stated that they have security to monitor their sites but they do not currently have the ability to turn off car alarms themselves.

Mr. Del Duca addressed the nature of the concerns regarding commercial encroachment into the neighborhood. Mr. Del Duca noted the development patterns and zoning of the neighborhood that seem to indicate otherwise based upon the look and use of the Wynwood Avenue jughandle. Mr. Del Duca stated that a number of the complaints that were raised by the residents could not be attributed to Cherry Hill Imports/MBJ Associates. Mr. Del Duca acknowledged the neighborhood concerns have to be addressed. Mr. Potter noted that some of the photos showed by residents did display some Land Rover vehicles; however, Mr. Del Duca stated that for example, regarding the video displaying a car alarm going off, Mr. Del Duca could not ascertain if an attempted theft had taken place in which case the car alarm was serving its purpose.

A discussion ensued about a possible meeting date to continue the application to. It was decided, and announced by Mr. Rardin, that the application would be carried to a Special Meeting to be held on July 9, 2020 with a start time of 7:30pm, and that no new public notice will be required.

RESOLUTIONS:

None.

Meeting Adjourned: at 11:48 PM

ADOPTED: 7/9/20



JONATHAN RARDIN, CHAIRMAN

ATTEST:

Cosmas Diamantis

COSMAS DIAMANTIS, ESQ.
ZONING BOARD SECRETARY