



ZONING BOARD OF ADJUSTMENT
Thursday, July 16, 2020
APPROVED MINUTES

You couldn't pick a better place.

OPENING: The virtual meeting was called to order by Chairman Jonathan Rardin at 7:45 PM.

PLEDGE OF ALLEGIANCE: Led by Chairman Jonathan Rardin.

OPMA STATEMENT: Read by Chairman Jonathan Rardin, Jr. 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; Daniel DiRenzo, Jr.; Wyatt Sklar; Marshall Spevak; Jeff Potter; and Greg Bruno.
- **Professionals in attendance:** Cosmas Diamantis, Esq.; Secretary; Alternate Secretary; Jacob Richman PP, AICP, Alternate Secretary; and Allen Zeller, Esq., Zoning Board Solicitor.

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from July 2, 2020. Mr. DiRenzo made a motion, which was seconded by Mr. Bruno, to adopt the Meeting Minutes from July 2, 2020. Affirmative votes by DiRenzo, and Bruno. Minutes are approved.

Adoption of Special Meeting Minutes from July 9, 2020. Mr. Spevak made a motion, which was seconded by Mr. Potter, to adopt the Special Meeting Minutes from July 9, 2020. Affirmative votes by Rardin, Sklar, Spevak, and Potter. Minutes are approved.

AGENDA ITEMS:

20-Z-0006

Block(s) 409.01 Lot(s) 7
Zone: Highway Business (B2)

Eagle One Real Estate Properties, LLC

312 Kresson Road
Cherry Hill, NJ

Relief Requested: A minor site plan with a certificate of nonconformity, or in the alternative, a use (d)1 variance and bulk (C) variances for a 575 sf kitchen expansion, 180 sf walk-in freezer, and use of the second floor as a two bedroom apartment, as well as bulk (c) sign variances for façade signage and a changeable copy LED sign.

Applicant's Representatives: Stuart Platt, Esq. – Applicant's Attorney; Alex Daku – Applicant; Joe Mancini, PE, PP – Applicant's Engineer & Planner; and David Brand, RA – Applicant's Architect.

Exhibits Submitted: A-1: Plot Plan; A-2: Floor Plans; A-3: Elevations; and A-4: Aerial Photograph.

Mr. Platt stated that the applicant is requesting an adjournment of their application to the Zoning Board meeting scheduled for August 6, 2020 as they acknowledged that a use variance may be necessary. As such, Mr. Platt stated that the applicant would like the opportunity to have a full Board present to hear the application whereas the Board only has six (6) members this evening. Mr. Platt stated that his client agrees to extend the application's action dates accordingly. Chairman Rardin announced that the application will be adjourned to August 6, 2020 and that no new public notice is required.

19-Z-0048

Block(s) 468.03 Lot(s) 2
Zone: Industrial Restricted (IR)

Fox Management Rehabilitation, LLC

7 Carnegie Plaza
Cherry Hill, NJ

Relief Requested: Site Plan Waiver with Bulk (C) Sign Variances, with a potential relief of condition, to permit a 7.5 SF façade sign for the subtenant, South Jersey Auto Auction, where only one (1) façade sign is permitted per building and

where there already exists two (2) façade signs identifying the tenants Fox Rehabilitation and Ameriflex. The applicant also requests bulk (C) sign variances to obtain retroactive approval of various façade and freestanding signage associated with Fox Rehabilitation and Ameriflex.

Applicant's Representatives: Laura D'Allesandro, Esq. – Applicant's Attorney; Neil Weisshaar – Chief of Staff of Fox Rehabilitation/Applicant; Shaun Wolf – South Jersey Auto Auction; Stephanie Underwood, Esq. – House Counsel for Fox Rehabilitation; and Jim Miller, PP, AICP – Applicant's Planner.

Exhibits Submitted: A-1: Aerial Photograph and Sign Inventory; A-2: Signage Chart; A-3: Site Photographs; and A-4: Survey (circa 2009).

Ms. D'Allesandro introduced the application and noted Fox Rehabilitation (aka Fox Rehab) is the anchor tenant at 7 Carnegie Plaza and that South Jersey Auto Auction (aka SJAA) is a subtenant of 7 Carnegie Plaza. Ms. D'Allesandro gave an overview of the applicant's relief requests involving a site plan waiver with bulk (C) sign variances and a potential relief of condition to permit new signage and requesting permission for retroactive approval on other signage. Ms. D'Allesandro provided a detail of the different users on the site and the development history. Ms. D'Allesandro pointed out that this site is the administrative headquarters for Fox Rehab. Ms. D'Allesandro introduced exhibit A-1 and gave an overview of the site area and surrounding roadways. Ms. D'Allesandro acknowledged that the applicant is seeking to make things right as it relates to the illegal signage that was installed by requesting approvals this evening. Ms. D'Allesandro pointed out where all of the users on the site are located, specifically their entrances. Ms. D'Allesandro discussed the prior approvals. Ms. D'Allesandro clarified that the illegally installed freestanding sign at the westerly driveway was installed by a prior tenant and that Fox Rehab was proactive in trying to address the non-conforming signage. Ms. D'Allesandro noted that this sign requires a variance to permit a 2nd freestanding sign where only one (1) is permitted (there exists a similar sign at the easterly driveway) and to permit the text "Employee Entrance" to be located less than 3' above grade. Ms. D'Allesandro contends this sign is important because it identifies the employee entrance.

Ms. D'Allesandro referred to the existing "Ameriflex" façade sign at the rear of the building which does not have approvals for its installation and it requires a sign variance as it does not have street frontage and it exacerbates the amount of permitted façade signs on a building (only 1 is permitted and there already exists a permitted Fox Rehab façade). Ms. D'Allesandro referred to the proposed SJAA façade sign which is located at the rear of property and requires similar variances to that of the Ameriflex sign. Ms. D'Allesandro acknowledged that the sign was erected without permits during the review process of the application but they have since removed the sign per the direction of the Department of Community Development per their site inspection. Ms. D'Allesandro also referenced SJAA's prior Board approval under (#17-Z-0040) and acknowledged some conflicting testimony regarding whether any signage is permitted for SJAA; however, Ms. D'Allesandro contends that a condition of approval allowing for the applicant to return to the Board for signage variance relief does not foreclose the applicant's ability to request additional signage. Ms. D'Allesandro stated that SJAA will provide testimony that their operation is otherwise compliant with the conditions of approval in #17-Z-0040. Ms. D'Allesandro submitted exhibit A-2 which shows an overview of the signage inventory and whether additional approvals are required.

Mr. Wolf indicated that he is the owner of SJAA and provided a brief overview of their operation (which is better reflected in Resolution #17-Z-0040). Mr. Wolf stated that while no public comes to the site to look at their auto auction vehicles, they do have car dealers come to the site to inspect the vehicles but then do the auction remotely through the internet. Mr. Wolf stated that auctions are held once per week (pre-COVID-19) over a period of a day and half during operating hours. Mr. Wolf stated that he is familiar with the Resolution of approval #17-Z-0040 and is familiar with the conditions of approval contained within. Mr. Wolf stated that they are in compliance with those conditions of approval (as of today's date). Mr. Wolf stated that the operations of the business are relatively consistent since they were approved; however, due to COVID-19, they have modified/reduced hours and less employees. Mr. Wolf stated that they need the proposed façade sign so that their dealers and transporters (car carrier drivers) know where their office is due to the lack of signage. Mr. Wolf noted that when the aforementioned parties and delivery drivers approach 7 Carnegie Plaza there is no signage for SJAA, only Fox Rehab signage, and they constantly field phone calls from individuals asking where their entrance is located. Mr. Wolf stated that the sign will help identify their entrance and give their business some presence. Mr. Wolf stated that people picking up vehicles need to come into their office to pick up keys and/or sign documents which is one of the reasons they need a façade sign. Mr. Wolf acknowledged that they had illegally installed a façade sign and temporary stake signs and that it was done due to frustration as they had lost customers due to some customers not being able to find SJAA. Mr. Wolf provided testimony regarding how they have attempted to solve the directional issues due to the fact that there is no signage for SJAA at the front of the property (and none is proposed – only a sign proposed at the rear). Mr. Wolf acknowledged that his father, Barry Wolf, had illegally installed temporary signage that has since been removed from the site.

Mr. Weisshaar described the operations of Fox Rehab and acknowledged that they have been at the location since 2009. They have approximately 150 employees (who are no working remotely due to COVID-19) and also indicated that SJAA and Ameriflex have been subtenants since 2018 and 2015, respectively. Mr. Weisshaar stated he is familiar with the signage on site and discussed Fox Rehab's freestanding signage. Mr. Weisshaar stated that the freestanding sign #5 (on exhibit A-

1) was installed around 2009. Mr. Weisshaar stated they hired Sign-o-Rama to do the permitting work for the freestanding signage and anticipated the company would get the required sign permits. As such, Mr. Weisshaar believed the signage was properly permitted. Mr. Weisshaar stated that with respect to other site signage, they were proactive by reaching out to the Township to try to correct the existing issues on the site. Ms. D'Allesandro submitted exhibit A-4 to describe where the freestanding signs are located in relationship to the two (2) driveways as well as the employee entrances.

Mr. Weisshaar described the operations of Ameriflex; however, Mr. Weisshaar could not ascertain when their façade sign was installed (illegally). Mr. Weisshaar was unaware that this sign was not granted approvals. Mr. Weisshaar stated that they have customers that come to their office so identifying where their entrance is location is imperative. Ms. D'Allesandro asked Mr. Weisshaar to address the orange shipping container, to which Mr. Weisshaar stated has been removed from the site. Mr. Weisshaar acknowledged that the shipping container was only relocated to a different portion of the site, but then permanently removed when the present application was filed. Mr. Weisshaar addressed the presence of a black storage trailer at the rear of the property which is used as storage for their facility/maintenance workers as well as for off-site work that they do in connection with their business. Mr. Weisshaar stated that the trailer has been moved; however, Mr. Weisshaar stated they agree to move the trailer to a place deemed more suitable by the Board and that it will be appropriately screened. Mr. Wolf stated that he agrees to work with the Department of Community Development to address the text on the sign to potentially remove any laudatory language. Mr. Weisshaar acknowledged that the orange shipping container was not removed in a timely manner and that they did not reach out to the Township to inquire whether the black storage trailer would be permitted.

Mr. Miller reiterated the requested variances and went into the positive and negative criteria of said variances. Mr. Miller also noted the unique nature of the SJAA business and noted that due to the site is uniquely shaped and has a large building with multiple entrances and multiple users which makes appropriate identification signage important. Mr. Miller stated that while the proposed façade signage requires variances, it is well under, in terms of square footage of text, than would otherwise be permitted (150 SF). Mr. Miller stated that due to the size of the façade signs in question and due to how they are hidden from the public right-of-way, the impact of granting the signage would be minimal. As such, Mr. Miller stated that there would not be substantial detriment if the variances are granted. Mr. Miller stated that the signs serve a functional benefit.

A discussion regarding the necessity of a relief of condition ensued; however, it was determined that a variance request for the SJAA sign is more appropriate than granting a relief of condition for signage on the site. Subsequently, Board discussion was heard with various Board members expressing concern due to the non-compliance issues but ultimately believing the signs are necessary; however, a number of Board members stated that they believed there was no justification for the proposed trailer.

Public Comment: None.

Motion to Approve the Bulk (C) Façade Sign Variances: Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Mr. Spevak and seconded by Mr. DiRenzo, to approve the bulk (C) sign variances associated only with the proposed façade signs. Affirmative votes were cast by Rardin, DiRenzo, Sklar, Spevak, Potter, and Bruno. Motion carries 6-0.

Motion to Approve the Bulk (C) Freestanding Monument Sign Variances: Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Mr. Sklar and seconded by Mr. Potter, to approve the bulk (C) sign variances associated only with the freestanding monument sign. Affirmative votes were cast by Rardin, DiRenzo, Sklar, Spevak, Potter, and Bruno. Motion carries 6-0.

Motion to Approve the Bulk (C) Trailer Variance: Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Mr. Spevak and seconded by Mr. Bruno, to approve the bulk (C) variance associated only with the black storage trailer. Affirmative votes were cast by DiRenzo and Bruno. Votes to deny were cast by Rardin, Sklar, Spevak, and Potter. Motion is denied with only 2 votes in the affirmative versus 4 votes for denial.

RESOLUTIONS:

20-Z-0009

Block(s) 295.01 Lot(s) 5

Zone: Residential (R2)

Relief Requested: bulk (C) Variance to install a six (6') tall wood fence within the front yard of the existing residential property.

Ryan Osinski

307 Washington Avenue

Cherry Hill, NJ

Motion to Ratify: Following the review of the resolution, Mr. DiRenzo made a motion which was seconded by Mr. Bruno, to memorialize the resolution. Affirmative votes by DiRenzo and Bruno. The resolution is memorialized.

Meeting Adjourned: at 10:08 PM.

ADOPTED: 8/6/20



JONATHAN RARDIN, CHAIRMAN

ATTEST:

Cosmas Diamantis

COSMAS DIAMANTIS, ESQ.
ZONING BOARD SECRETARY