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PLANNING BOARD
Monday, August 3, 2020
APPROVED MINUTES

OPENING: The meeting was called to order by Chairman John Osorio at 7:45 PM.

PLEDGE OF ALLEGIANCE: Led by John Osorio.

OPMA STATEMENT: Read by John Osorio in compliance with the Sunshine Law and per the New Jersey Department of Community Affairs' (NJDCOA) 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:** Ann Madden Tufano; Michele Golkow; John Osorio; Sheila Griffith; Marlyn Kalitan; and Sam Kates.
- **Professionals in attendance:** Cosmas Diamantis, Esq., Secretary; Natalie Shafiroff, PP, AICP, Alternate Secretary; Jacob Richman, PP, AICP, Alternate Secretary; James Burns, Esq., Solicitor; and Stacey Arcari, PE, PP, CME, PTOE, Planning Board Engineer.

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from July 20, 2020. Michele Golkow made a motion, which was seconded by Ann Madden Tufano, to adopt the Meeting Minutes from July 20, 2020. Affirmative votes by Tufano, Golkow, Osorio, Griffith, and Kalitan. Minutes are approved.

Agenda Items:

18-P-0020

Charles W. Foulke, Jr.

Block(s) 137.01 Lot(s) 1, 2, 3, and 4
1708 Route 70 West, 1313 Wynwood Ave,
1315 Wynwood Ave, and 1205 Chambers St
Zone: Highway Business (B2)
Cherry Hill, NJ

Relief Requested: A preliminary and final major site plan with bulk (C) variances and lot consolidation to demolish the existing residential structures, consolidate three (3) lots (Lots 2, 3 and 4) into the primary lot (Lot 1), and develop seventy-five (75) new employee parking spaces for the Cherry Hill Triplex along with various site improvements.

Applicant's Representatives: Kevin Sheehan, Esq. – Applicant's Attorney; Larry DiVietro, PE – Applicant's Professional Engineer; Andrew Hogg, PE – Applicant's Professional Engineer; David Horner, PE, PTOE – Applicant's Professional Traffic Engineer; and Charles W. Foulke, Jr. – Applicant & Owner.

Exhibits Submitted: A-1: Overall Site Plan Rendering; A-2: Test Drive Track; A-3: Overall Site Plan; A-4: New Parking Lot Plan; A-5: Landscape & Lighting Plan; and A-6: Existing Conditions & Demolition Plan.

Mr. Sheehan introduced the applicant for the applicant's property, known as Cherry Hill Dodge, to permit the construction of a new employee parking area along Wynwood Avenue (Lots 2 through 4) as well as the re-stripping of the existing parking lot on Lot 1. Mr. Sheehan stated that in addition to their request for preliminary and final major site plan approval, the applicant also requests bulk (C) variance approval, some of which are pre-existing nonconforming conditions. Mr. Sheehan detailed the existing nonconforming conditions and requested new variances as noted in the Department of Community Development's review letter revised July 16, 2020. Mr. Sheehan stated that with respect to the fence height variance along Lot 4 (adjacent with Lot 5), the applicant stated they will reduce the height of the fence down from 8' to 6' starting at Chambers Avenue and going 25' back, unless the Board believes an 8' fence is more appropriate in this area, in which case they will request the variance. Mr. Sheehan noted some of the recent developments with the lighting issues out on Lot 1 and what they have done to try to adjust the lighting so that there is no spillage onto Lot 5. Mr. Sheehan stated that some

additional shielding was identified as necessary by the Planning Board Engineer and that they intend to comply with their assessment and make the changes necessary in order for the existing lighting to be compliant.

Mr. Foulke stated that he is the managing member of Foulke Management which owns the Cherry Hill Triplex (including the Cherry Hill Dodge dealership) and that he oversees its operations. Mr. Sheehan submitted Exhibit A-1 to illustrate, via an overlay rendering, the proposed site plan changes related to the expanded employee parking area on Lots 2 through 4. Mr. Foulke confirmed that the applicant intends to consolidate Lots 2 through 4 with Lot 1. Mr. Foulke stated that since their 2012 approval (#12-P-0011), the operations of the site have changed as they were just coming out of a recession at that time and they are now selling a lot more SUV's than they previously were (outselling cars). Specifically, the Jeep brand was mentioned as being one of the major reasons for this increase in SUV sales. Mr. Sheehan submitted Exhibit A-6 which shows the existing conditions of the site (Lots 1 through 4). Mr. Sheehan had Mr. Foulke confirm the site location and adjacent roadways as well as the existing parking stripping configuration. Mr. Foulke pointed out where the existing customer, employee, and service parking spaces are located in relation to the existing dealership building (where service work is also proposed). Mr. Foulke stated that the existing configuration of parking spaces is creating conflict between employee and service parking spaces. Mr. Foulke added that they do around 100 service appointments a day. Mr. Foulke confirmed some of the issues relate to people dropping off vehicles overnight and in turn, those service vehicle drop-offs block access resulting in some employees having to park in non-employee spaces. Mr. Foulke noted that tow-truck drop-offs and drop-offs occurring in peaks has caused circulation and parking issues. As such, they have to spend time rotating/moving vehicles around the site. Mr. Foulke asserted that the proposed parking stripping revisions help to more clearly delineate what and where there is customer and service parking spaces so there will be less conflicts. Mr. Foulke stated he has 116 employees with 95 on the maximum work shift (including overlap upon shift change).

Mr. Sheehan submitted Exhibit A-3, to show the overall site plan layout including the new 75 space employee parking area which will be gated with key card access for employees only. Mr. Foulke asserted that the proposed new parking areas and restriping would be a benefit to the site as a whole. Mr. Foulke confirmed that only employees will be parked in the new parking area and that no vehicles would be left in the lot overnight. There will no service or customer vehicles in that area as it is barred by key card access. Mr. Foulke noted that their car carriers do not come to their site as they have an off-site storage lot. If for whatever reason they did show up, the car carrier delivery will be refused. Mr. Foulke stated that the car carriers that are seen out there may be from the Cherry Hill Subaru dealership. Ms. Tufano asked for clarification regarding tow trucks coming to the site and asked if that occurs routinely, to which Mr. Foulke stated that it does and stated that he believes that what is being observed being dropped off within the street is coming from car carriers from other dealerships and not their tow trucks. Mr. Foulke affirmed that the tow trucks are coming onto their site and not parking in the street. Mr. Foulke added that when inventory has to come over to their dealership, it is picked up and driven over. Mr. Foulke addressed test driving of vehicles and that they have their employees sign documents affirming that they can only test drive on the main roadways and not within the neighborhood (as shown in Exhibit A-2) with the route going along Route 70, Haddonfield Road, Chapel Avenue, and Cooper Landing Road. Mr. Foulke stated that this is the test route they require and if they catch a salesperson driving in a non-permitted area, they get written up. Mr. Foulke agreed, as was the case in their 2012 application that this test drive route is agreed to as a condition of approval.

Regarding property maintenance, Mr. Foulke stated that they have a maintenance people who sweeps up the lot on a regular basis and that they have a landscaper that looks to see if there are any issues, and if necessary, such landscaping is replaced. Regarding lighting, Mr. Foulke added to Mr. Sheehan's testimony and confirmed that the requested light shield as been installed and that sometimes the lighting issues that are present are due to reflection of light onto vehicles which causes some irregular readings on the light meter. Ms. Golkow asked whether any lighting was needed in the employee parking area overnight if there are no vehicles going to be parked there, to which Mr. Foulke stated that having no lights on in that area overnight is agreeable. Mr. Foulke stated that he is open to having a maintenance checklist to ensure that site is properly maintained. Mr. Foulke discussed the emergency access gate along Wynwood Avenue and stated it is only for emergency access only. Mr. Foulke stated that trash is picked up typically every day. Hours of operations are 8am to 9pm Monday through Thursday, while Friday and Saturday is 8am to 6pm (Sunday is closed). Mr. Foulke stated that the courtesy shuttle vehicle will be parked behind the existing dealership building. Mr. Foulke addressed site circulation and agreed to work with the Planning Board Engineer to add additional directional striping or signage where deemed necessary.

Mr. DiVietro referred to Exhibit A-1 and described the site area, the existing site conditions, and the proposed site improvements. Mr. DiVietro noted the historical context of the area as it pertains to zoning designations and uses. Mr. DiVietro referred to Exhibit A-6 to detail the existing conditions and noted that the footprint of Lot 1 will basically remain unchanged except where a connection is being made to the parking area proposed on Lots 2 through 4. Otherwise, the improvements on Lot 1 are mostly related to restriping of spaces and modifying the ADA parking area. Mr. DiVietro confirmed that the 25' buffer and fencing to the southern property lot of Lot 5 is being maintained. Mr. DiVietro referred to Exhibit A-3 to showcase the proposed parking lot improvements on Lots 2 through 4 and the restriping of parking spaces on Lot 1. Mr. DiVietro stated that the reason for these proposed improvements is to improve the efficiency and safety of internal site circulation. Mr. DiVietro stated that the existing residential driveways on Lots 2 through 4 will be removed but there will be a gated emergency access only driveway onto Wynwood Avenue. Mr. DiVietro also detailed the existing and proposed

breakdown of customer, employee, service, inventory, and display parking spaces for a total increase from 481 parking spaces to 559 parking spaces. Regarding employee parking spaces there is 60 existing with a total of 105 proposed (a net of 45 parking spaces – which are to be distributed by way of 75 in the new parking area and 30 re-stripped spaces in Lot 1). Mr. DiVietro confirmed that the drive aisle spacing and lighting plan will be compliant with the Zoning Ordinance. Mr. DiVietro described the proposed porous pavement in the new parking area which allows water to be absorbed into the ground.

Mr. DiVietro described the landscaping plan which was designed, according to Mr. DiVietro, to be considerate of the neighboring residential by way of providing a dense buffer, while also being of species types that are hardy for the environment in which they will be planted. Mr. DiVietro indicated that while the 25' buffer to adjacent Lot 5 is compliant, the 25' buffer to Wynwood Avenue and Chambers Avenue (to which residences are located across the street from) are 10' and 13.8', respectively, to which a variance is being requested. Mr. DiVietro also noted that the fencing along Lot 5 is a nonconforming 8' in height in area towards Chambers Avenue (a 6' minimum is required whereas 8' is only permitted in side and rear yards). Mr. DiVietro noted the variety of planting species along the buffer with Lot 5 and along the front of Lots 2 through 4 which abut Wynwood Avenue and Chambers Avenue. Mr. DiVietro discussed the "display" parking spaces behind Lot 5 to which Mr. DiVietro stated that only employees will maneuver cars in that location and that the setback of 9.09' is an existing nonconforming condition. Mr. Sheehan stated that they are willing to replace the fence at the back of Lot 5 with a fence that matches the new fencing that is proposed. Mr. DiVietro stated that the emergency access gate is a metal ornamental gate that is designated for emergency access only (Township emergency personnel). Mr. DiVietro then went through the requested bulk variances and provided the positive and negative criteria.

Mr. Horner stated he prepared a traffic and parking study for the proposed project. Mr. Horner affirmed that there are no building additions or changes in access. Mr. Horner stated that the only change is that they are expanding the parking lot to accommodate parking for employees and to allow for better site circulation and that the only changes are internal to the site. Mr. Horner stated that his conclusion of the expected impacts is that it addresses an existing parking issue and that there is no change in traffic volumes as it servicing the existing operation. Mr. Horner affirmed that no updated NJDOT access permit is required.

Mr. Osorio announced a recess at 9:15pm. The meeting resumed at 9:21pm.

Public Discussion: Barry Dickinson residing at 910 Fulton Street stated that he is concerned about the encroachment of businesses into the Locustwood neighborhood and the loss of two (2) residential homes. Mr. Dickinson stated that he is concerned about the nuisances associated with car dealerships and noted that he has seen test drives of Cherry Hill Dodge vehicles in the vehicles; therefore, Mr. Dickinson believes the condition of approval for test drives is not helpful. Mr. Dickinson also noted that the car carrier that he sees every weekend near the site; the driver gets out and goes onto the Cherry Hill Dodge dealership property.

Ron Hanselman residing at 1117 Warren Avenue stated that he is concerned about the noise associated with dealerships, specifically car alarms utilized by dealerships to locate service vehicles. Mr. Hanselman requested that the service vehicle spaces be numbered so that employees can find service vehicles more efficiently and without the use of car alarms.

Rena Margulis residing at 28 School Lane asked for clarification on when the zoning changes occurred to the subject lots. Ms. Shafiroff referred to a June 7, 1977 zoning map which shows the subject lots was already zoned B2 in 1977. Ms. Shafiroff clarified that 2004 Master Plan notes this area as both B2 and R2 and recommends that the entire area be zoned B2. Ms. Margulis stated that she joins the other residents in opposing the proposed application.

Dawn Higgins residing at 207 Rhode Island Avenue read a prepared statement from the Council of Cherry Hill Civic Associations and noted that they have concerns about the encroachment of businesses into the residential areas of the western portion of Cherry Hill (in this case the Locustwood neighborhood). Ms. Higgins asked the Board to defend the integrity of the residential neighborhoods of Cherry Hill.

Nancy Liles Cionci residing at 1300 Wynwood Avenue reiterated the previously raised concerns regarding the usage of car alarms to find vehicles. Ms. Cionci, on behalf of her deceased husband, stated that the application should be denied due to past history of non-compliance of the applicant and that the applicant does not have any hardships. Ms. Cionci does not believe an emergency use only access driveway onto Wynwood Avenue as she believes it will be utilized as regular access by the applicant.

Maxim Kaminsky owns a daycare, Sunny Days Children's Academy, located at 1210 Chambers Avenue, and referred to attachment P-1 which is a letter signed by daycare employees concerned about speeding down Chambers Avenue and concerned about the safety of parents, children, and staff. Mr. Kaminsky stated he is concerned about loss of property values. Mr. Kaminsky also disputed the traffic engineer's testimony regarding whether there will be an increase in traffic due to the increased employee parking spaces.

Judy Amarosa residing in Cherry Hill believes all of the Planning Board should be recused from the application due to affiliations with the Camden County Democrat Committee. Solicitor Burns stated that there is no conflict with any of the present members of the Planning Board and what was raised by Ms. Amarosa had no relevance to the proposed application. The Planning Board is only charged to weigh the proposed application.

Frank and Mariana Maloney residing at 1207 Chambers Avenue testified concurrently. Ms. Maloney stated that she bought their home in 1985, at which time Cherry Hill Dodge was very small. Ms. Maloney noted the prior issues that she has complained about regarding the operations at Cherry Hill Dodge, specifically noting the prior presence of a "paint booth." Ms. Maloney noted that her prior husband died of cancer which she attributes to the fumes from the paint booth. Mr. Maloney stated that the neighbors were never notified that the Cherry Hill Fire Department was going to use the prior home on Lot 4 (before being demolished) as a training location. Mr. Maloney stated he is concerned about walking in his neighborhood due safety concerns related to traffic stemming from the dealership. Mr. Maloney believes the application should be denied. Mr. Maloney expressed dismay over not being involved in the site planning. Mr. Maloney referred to attachment P-2 which referenced the MLUL regarding justification for a bulk (C) variance (specifically the C2 criteria) to be granted. Mr. Maloney believes that the criteria is not being met. Mr. Maloney noted issues with trash removal, lighting, employee behavior, etc. Mr. Maloney referred to attachment P-3 and indicated that he believes the existing 25' buffer to the south of his property is not being met. Mr. Maloney stated that applicant needs to supplement the landscape buffer, convert the stone to grass, and add bollards along the back edge to prevent cars from going into the greenspace. Mr. Maloney referred to attachment P-4 showing vehicles partially parked in the landscape buffer and indicated that some trees were removed. Mr. Maloney noted that nonconforming 8' fence along the shared property line of Lot 5 and Lot 4. A discussion ensued about fencing preferences along Mr. Maloney's property lines and Mr. Maloney declined to provide preferences regarding fence heights and locations. Mr. Osorio raised a comment offered by Mr. Maloney regarding a light test report by the residences and it was noted that another resident would bring forth that attachment.

Deborah McClure residing at 1332 Wynwood Avenue submitted attachment P-5 showing supposed tire tracks along Warren Avenue facing near Wynwood Avenue that are believed to be from brake tests while P-6 shows a photograph from the reverse angle showing fuel/oil leaks along the roadway. Ms. McClure stated she is concerned about resident safety along the roadways adjacent to the dealership.

Colleen Sullivan residing at 1312 Wynwood Avenue stated that she is concerned about the encroachment of dealerships into the residential neighborhood submitted attachment P-7 showing photographs of vehicles parked along Wynwood Avenue and Fulton Street. Ms. Sullivan recommended that the applicant shuttle their employees over from their off-site storage lot to the dealership lot. Ms. Sullivan noted her concerns regarding the car alarms per videos P-8 and P-9. Ms. Sullivan stated that the sounds of car alarms are coming from the Cherry Hill Dodge lot. Ms. Sullivan stated that the applicant has a record of not complying with conditions of approval and believes they won't comply with any of the conditions of approval under consideration. Ms. Sullivan alluded to racing of vehicles down Chambers Avenue.

Joe Bonifacio residing at 1202 Chambers Avenue reiterated concerns about car alarms going off day and night. Mr. Bonifacio presented video P-10 (stricken) which occurred over the summer near Cherry Hill Dodge; however, because Mr. Bonifacio stated that he did not take the video, the Board could not accept it as evidence. That being said, the Board acknowledged previous comments concerning the noise emanating from car alarms. Mr. Bonifacio added that the car alarms are a nuisance and a better system needs to be put in place to mitigate this issue. Mr. Bonifacio read into the record the code concerning noise violations. Mr. Bonifacio stated he also had concerns with speeding in the neighborhood.

Tom Quigley residing at 1112 Warren Avenue stated he had concerns with lighting and noted he made some observations on the subject lot showing that the existing lighting is not in compliance with the prior approvals via attachment P-10 which shows lighting fixtures on pole mounts at Cherry Hill Dodge. Mr. Quigley stated that the angle of the lights is not directed downwards. Mr. Quigley submitted attachment P-11 showing similar pole mounted lighting with fixtures pointing outwards. P-12 shows a close-up of the fixtures which are LED. P-13 shows the label on one of the fixtures with a 300W rating which appear to be a new fixture that did not have any Township approvals/permits. P-14 shows a site plan with the locations of light pole fixtures on Lot 1 and that some of the fixtures are pointed towards Lot 5. P-15 shows a drawing of the angle of the light fixtures which appear to be pointed towards the neighboring residence on Lot 5 and other nearby residences. Mr. Quigley stated that the existing lighting does not minimize light infiltration and glare. P-16 shows a photograph from July 12th at 9:30pm from Chambers Avenue showing the brightness of the lighting in the parking lot. Mr. Quigley stated that he used an application on his phone to measure footcandles and isolux measurements. Mr. Sheehan interjected to object to the drawing, P-15, as they cannot verify that the drawing was accurate and that a lighting engineer would have to provide testimony on this. Mr. Quigley stated that he is an engineer and has certification as an energy auditor, manager, and verification professional. Mr. Quigley stated that the drawing on P-15 is to scale (1" = 60'). Solicitor Burns summarized that Mr. Quigley is presenting evidence regarding light issues and that the applicant understands that they will have to address any nonconforming lighting. Mr. Quigley submitted P-17 which is a photograph from July 12th showing lighting glare along the south side of the residence on Lot 5. Mr. Quigley stated that he got a reading of over 4 footcandles below the window

on the side of the house, and similarly with P-18, the photograph from the same night shows lighting along the fence. Lastly, P-19 was submitted showing a photograph of light glare at 10:30pm on July 12th along the south side of Lot 5. Mr. Quigley concluded by expressing serious concern regarding the lighting at the site.

A discussion ensued regarding the fact that additional members of the public want to heard and that it is unlikely that all comments would be able to be taken this evening. As such, the Board decided to continue the application to the August 17, 2020 Planning Board meeting and with such announcement, no new public notice is required.

Resolutions:

None.

Meeting Adjourned: at 11:24 PM.

ADOPTED: 8/17/20



SAM KATES, ACTING CHAIRMAN

ATTEST:

**COSMAS DIAMANTIS, ESQ.
PLANNING BOARD SECRETARY**