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PLANNING BOARD
Tuesday, September 8, 2020
APPROVED MINUTES

OPENING: The meeting was called to order by Chairman John Osorio at 7:44 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; Sam Kates; and Alise Panitch.
- **Professionals in attendance:** Cosmas Diamantis, Esq., 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 August 17, 2020. Ann Madden Tufano made a motion, which was seconded by Michele Golkow, to adopt the Meeting Minutes from August 17, 2020. Affirmative votes by Tufano, Golkow, Griffith, Kalitan, and Kates. Minutes are approved.

Agenda Items:

20-P-0005

Block(s) 336.05 Lot(s) 1
Zone: Limited Office (O1)

Laura Ergood Brown

5 Crooked Lane
Cherry Hill, NJ

Relief Requested: A Minor Site Plan with Bulk (C) Variances to convert a former single-family residence into a law office along with various site improvements.

CARRIED TO THE MONDAY, SEPTEMBER 21, 2020 PLANNING BOARD MEETING

18-P-0020

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

Charles W. Foulke, Jr.

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.

CONTINUED FROM THE AUGUST 3, 2020 AND AUGUST 17, 2020 PLANNING BOARD MEETING

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; A-6: Existing Conditions & Demolition Plan; A-7: List of Policies and Procedures; A-8: Painting Permit.

Public Discussion (continued from 8/3/20):

Andrea Bonifacio residing at 1202 Chambers Avenue stated that the applicant and their employees have never been good neighbors. Ms. Bonifacio noted issues with garbage and parking in front of their mailbox. Ms. Bonifacio submitted attachment 3.2 (aka P-20) which shows a letter from USPS about not being able to deliver mail to her address due to vehicles blocking their mailbox which Ms. Bonifacio contends was caused by the applicant. Mr. Osorio noted that the exhibit is a letter from 2004 and asked if it has been a recent issue as well and Ms. Bonifacio stated that it is and she has had the police come out. Ms. Bonifacio noted there has been verbal altercations between her father and the applicant's employees but no charges have been filed. Ms. Bonifacio stated that she does not support the application.

Colleen Sullivan residing at 1312 Wynwood Avenue submitted attachment 3.1 (aka P-21) which shows a video of a drag race on Chambers Avenue circa 2018. Ms. Sullivan noted that she has seen other races from a Jeep and a Camaro. Ms. Sullivan stated that she does not want to see the variances granted and does not expect the applicant to comply with any conditions. Solicitor Burns clarified that the use is permitted but that the applicant requires variances related to setbacks on the subject lots. Ms. Tufano asked if Ms. Sullivan can indicate what make and model car was in the video and Ms. Sullivan stated that she was not able to affirmatively identify those details.

Carlos Ruthner residing at 1010 Mercer Street submitted attachments 5.1 through 5.15 (aka P-22) which is a set of pictures from 2019 and 2020 including some from Google Maps, shows what Mr. Ruthner contends are various violations. Mr. Ruthner said he is opposed to the applicant's application and that limitations on businesses that protect the residential community shall be enacted. Mr. Ruthner is opposed to residentially utilized lots being redeveloped into parking lots. Mr. Ruthner expressed displeasure of enforcement procedures, particularly regarding their implementation towards the applicant's property. Such supposed violations includes parking of vehicles on the grass strip along Route 70, and loading/unloading of vehicles and parts supplies on Fulton Street and Chambers Street, and utilization of the driveway on Chambers Avenue not during an emergency. Mr. Ruthner stated these business operations should not be tolerated including test drives through the neighborhood. Mr. Ruthner stated that their needs to be restitution for these violations and enforcement by the Cherry Hill Police Department. Mr. Ruthner believes any approval would be detrimental on the community.

Sergio DiVentura residing at 1106 Warren Avenue submitted attachment 6.1 showing a contribution/donation log showing Charles Foulke making political contributions in October of 2003 and Solicitor Burns did not find the exhibit relevant and struck it from the record. Mr. DiVentura asked that the Board consider reexamining the zoning designation of the subject lots. Mr. DiVentura believes an approval would be negatively impactful on the community.

Marie Connors residing in Cherry Hill, NJ submitted attachment 6.3 (aka P-23) which shows a video taken in and around the Locustwood neighborhood and expressed displeasure regarding the aesthetic of the dealerships in the neighborhood. Ms. Connors does not believe dealerships belong in the subject neighborhood and expressed concern regarding traffic and encroachment of businesses into the area. Ms. Connors noted some of the violations she has observed pertaining to the applicant's business. Ms. Connors stated that the zoning should be reverted from B2 to residential on the subject lots.

Lisa Perrone residing at 1112 Warren noted some history regarding the permission of expanded parking for dealerships in the area and that one of them (for Subaru) established a 49' buffer. Ms. Perrone submitted attachments 8.1 through 8.5 (aka P-24) showing photographs of the subject area as well as an annotated aerial photograph showing what a 49'/50' buffer would look like on the subject lots where the expanded parking area would go. Ms. Perrone noted some of the issues with the existing buffering and adjacent parking areas. Ms. Perrone believes the buffer to the south of Lot 5 is non-compliant. Ms. Perrone showed another annotated aerial photograph which shows the requirement of a 25' buffer to Wynwood and Chambers. Another photograph shows parking on the street and asked that no street parking be permitted. Ms. Perrone requested that the applicant comply with the 25' buffer requirement along the streets. The last photograph shows the contingency exit on Chambers Avenue and that the photograph shows the driveway being used and not for emergency access. Ms. Perrone believes the contingency exit off of Wynwood Avenue is not necessary and contends that the applicant will use it for non-emergency reasons. Ms. Perrone stated she opposes the applicant's lot coverage variance as well. Ms. Perrone stated that no variances for buffer should be granted. Mr. Richman put on the record the landscaping and parking setbacks requirements as enumerated in the Zoning Ordinance.

Anne Einhorn residing at 1017 Edgemoor Road gave an overview of the Township's Master Plan, specifically the impacts of development on the west side of town and discouraging commercial development when adjacent to residential development.

Alexander Esposito residing at 1111 Warren Avenue summarized the frustrations of the neighborhood in regard to the applicant's conduct and residents' fears of reprisal as well as documented infractions (zoning, noise, motor vehicle, etc.). Mr. Esposito stated that even making complaints to police can sometimes be futile because of time of response and deference given by police officers. Mr. Esposito detailed the frequency of infractions identified. Mr. Esposito submitted

attachments 9.1 through 9.16 (aka P-25) showing photographs in and around the subject site from July through September of 2020. The photographs contend to show deliveries being made on Fulton Street, various motor vehicle violations, and car alarm/radios playing loudly from the site. Mr. Esposito described a conversation he had on July 21st with an employee of Cherry Hill Dodge who seemed to acknowledge that the dealership does not have a policy on car alarms/car horns to find service vehicles. Mr. Esposito submitted a video (P-26) showing vehicle on the dealership's lot along Chambers and Route 70 playing music (Creed – Higher). Mr. Esposito went through additional photographs showing vehicle conflicts along Fulton Avenue and the associated driveway to the dealership.

Earthen Johnson residing at 1104 Mercer Street asked that the Board deny variances as she believes the applicant has not met its burden of proof and that the benefits would not outweigh the detriment. Ms. Johnson asked the applicant comply with the setback requirements plus the additional 49' requirement, removing the contingency access along Wynwood Avenue, correcting the lighting issues, etc. Ms. Johnson stated that the applicant has a consistent track record of violations and abuses and therefore they cannot be trusted to comply with any conditions. Ms. Johnson recommended that the applicant employ shuttle buses to bring in their employees, such as from their off-site storage lot. Ms. Johnson submitted attachments 10.1 through 10.8 (aka P-27) showing pictures (site photographs and google maps) of the aforementioned off-site storage lot on Cuthbert Boulevard around August 2020. Ms. Johnson stated that the lot is relatively empty and could accommodate additional vehicles. Ms. Johnson stated that it is not located far away from the dealership and could be a solution to the parking issue on the subject site.

Kristen Affrime residing at 1111 Graham Avenue stated that she is concerned about the encroachment of businesses into the Locustwood neighborhood including encroaching parking lots. Ms. Affrime stated that the application should be denied.

Amy Whilldin residing at 1726 Park Boulevard stated that her property backs up to another Cherry Hill Triplex property and that she noted issues that she has seen in her neighborhood but noted she has had an amicable relationship with the neighboring businesses. Ms. Whilldin noted the difficulty with getting businesses into conformance with regulations.

Victoria Sceia residing at 1722 Park Boulevard echoed Ms. Whilldin's testimony regarding issues with the neighboring dealerships, including the Cherry Hill Triplex, specifically deliveries late at night.

Chairman Osorio announced a recess at 10:31pm and the meeting resumed at 10:39pm

Judy Amarosa (previously appeared and sworn) asked the Board to reconsider potential conflict of interest issues. Solicitor Burns reiterated that he sees no conflict of interest and that there is no relevance the issues Ms. Amarosa raises.

Frank Maloney (previously appeared and sworn) asked how many complaints it takes for something to be done about the issues the neighborhood has raised. Mr. Maloney stated that he would prefer an 8' fence along Lot 4 but would like the site line issue with the fence at the front of the property resolved.

Colleen Sullivan (previously appeared and sworn) noted when she has called the police to address the issues with the dealerships and Solicitor Burns indicated that the intent of query was to see if a record was established regarding complaints over time.

Chairman Osorio closed the public comment period.

Kevin Sheehan stated that they have heard all of the issues that the neighbors have raised and that they have worked to address the issues as best as they could. Mr. Sheehan stated one of the main complaints seemed to be related to the site lighting and Mr. Sheehan stated that they have worked with their lighting professional to help correct the lights and bring them to the levels that were approved in their 2012 application. Mr. Sheehan also alluded to policies that Mr. Foulke has put in writing to his employees with respect to how they should conduct themselves and how they are to abide by prior approvals and the concerns of the neighborhood, and that failure to abide by the policies could lead to severe consequences. Mr. Sheehan stated that they researched the history of complaints on their property since 2012 and the Township and the Cherry Hill Police Department did not have any records of complaints; however, Mr. Sheehan stated that Mr. Foulke would have addressed such complaints if he was made aware of them. Mr. Sheehan stated that his client wants to be a good neighbor and they do want to respond to the issues raised in a timely manner. To the extent that the dealership's employees are not abiding by local rules and regulations, the applicant would like to be made aware of the matter and address the issue internally.

Mr. Foulke stated that he wants to be a good neighbor and contends that he was unaware of some of the issues raised by the neighbors but still wants to resolve them. Mr. Foulke stated he would like his managers at the dealership to meet with the neighbor's to discuss the issues. Regarding the lights, Mr. Foulke stated that he had all of the lights re-oriented to 90 degrees (downward). Regarding deliveries, Mr. Foulke didn't see any vehicle deliveries to his dealership (only other

dealerships) but it appears that way because they park next to his site; however, Mr. Foulke stated that he acknowledges some of the parts deliveries were for his dealership and that he will work to get that corrected. Mr. Foulke stated that new cars are not unloaded on the subject site. Mr. Foulke stated he may need the Police's help with some of the issues. Mr. Foulke stated that he tells his employees not to drive through the Locustwood neighborhood. Mr. Foulke stated that with COVID, they can't go on test rides with their customers so there could be instances of a customer driving through the neighborhood but they tell customers not to (difficult to control).

Mr. Sheehan submitted a list of policies and procedures (Exhibit A-7) that he shares with his employees (pertaining to locating vehicles with car alarms/horns and test drives) but noted that he can't control what customers do but he will do his best. Mr. Foulke noted that car alarm usage is down significantly but he will continue to work to make it as close to zero as possible. Mr. Foulke explained that he will stripe the parking lot utilizing a system that will help his employee's identify and acquire service vehicles without having to use a car alarm or horn. This may include a color code and/or numbering system. Mr. Foulke noted the progressive discipline policies that are in place if someone does not comply with the noted procedures. Mr. Foulke asserted that he will give neighbors his phone number so he can be made of aware of issues and rectify them as quickly as possible. Mr. Sheehan clarified that his OPRA to the police department has not been answered as opposed to there not being any complaints. Mr. Foulke noted that the off-site lot on Cuthbert Blvd (and the one in Maple Shade) is typically full and that their inventory is always in flux based on percentages governed by Corporate. Mr. Foulke added that he can't, per State law, move his dealership more than two (2) miles away, and he may face challenges from other dealerships. Mr. Foulke reiterated that the requests they are making are just for employees to park and that it would free up space on the site. Mr. Foulke estimated that 85% of the documents shown by the neighbors are of other dealerships but Mr. Foulke understands the frustration. Mr. Foulke provided his contact information and the contact information of Bob Armstrong. Mr. Sheehan stressed that communication is important between all parties in order to build trust.

Mr. Sheehan submitted Exhibit A-8 which shows a permit for painting that was issued by NJ DMV from September 2010 to September 2012 and Mr. Foulke confirmed they only conducted painting during that time period. Mr. Sheehan stated that they are willing to adjust the fence along the north boundary of Lot 5 per the Board's determination and noted that the fence can be 8' in the rear by right. Mr. Sheehan stated they can drop the fence down to 6' in the side/front and ensure that the fence is not within any sight triangle. The applicant agreed to add solid fencing along Chambers Avenue in lieu of bollards and that the applicant is okay with eliminating the emergency gate along Wynwood Avenue provided the Fire Marshal does not require such emergency access. If the Fire Marshal does require said access, the applicant agreed to work with the Township's professionals to make the screening more solid and less likely to try to be utilized by employees to use that that driveway. A discussion ensued regarding the test drive route. Mr. Sheehan reiterated that much of the congestion on-site pertains to the service side, and by moving employee parking to the new site, this allows additional space for service and customer vehicles, thus alleviating site circulation issues. A discussion ensued regarding have a police liaison at neighborhood meetings to help address resident concerns. Ms. Tufano asked Mr. Foulke to address the resident's photographs showing violations pertaining to his dealership's vehicles or related deliveries. That followed with a discussion regarding managing deliveries and having those deliveries abiding by local rules and regulations. Mr. Foulke agreed to inform his regular suppliers that they cannot park on Fulton Street and need to pull into the lot to deliver goods. Mr. Sheehan added that with the proposed plan, there would be no reason for their employees to park on the street or block anyone's driveways or mailboxes. Mr. Diamantis confirmed that there will be a police liaison and they will investigate issues and attend neighborhood meetings as deemed fit.

Mr. Foulke addressed a question regarding the need for employee parking and Mr. Foulke stated that is the crux of the issue in that there is a lack of designated spaces for such at the moment and the proposed site plan looks to address it. Mr. Foulke stated that the most employees on a shift would be 95 employees. Mr. DiVietro stated the goal of the plan was to address a lack of parking for employees and to clean up circulation so they could free up room for service and customer vehicles. Mr. DiVietro reiterated the logistics/operations of employee parking and how they balanced that with the landscaping/buffering requirements. A discussion ensued regarding the ratio of inventory vehicles to other types of designated parking spaces. Mr. Richman clarified the changes in parking counts for employees, service, inventory, display, and customer parking spaces. Mr. DiVietro stated that the employee lot is more of a static parking lot and allows for more of the moving parts (service and customer spaces) to occur in the middle of the site. A discussion ensued regarding how to potentially redesign the new employee parking area to either eliminate or mitigate the setback variance requests to allow for more of a buffer at the expense of losing some parking spaces. Ms. Kalitan added that she doesn't believe the relief for the requested variances have been justified.

Mr. Diamantis stated that they are carrying the matter to the October 5, 2020 Planning Board Meeting and that no new notice is required.

Block(s) 342.02 Lot(s) 1 & 2

101 Route 70 East

Zone: Highway Business Zone (B2)

Cherry Hill, NJ

Relief Requested: A Minor Site Plan with Bulk (C) Variances to permit the operation of a dental practice called, Lakeview Dental Care of Cherry Hill, along with associated site improvements. The site was previously approved for a yogurt shop (#12-P-0041), however, the property was never occupied as the required site improvements were not fully completed.

Motion to Ratify: Following the review of the resolution, Sam Kates made a motion which was seconded by Sheila Griffith, to memorialize the resolution. Affirmative votes by Tufano, Golkow, Griffith, Kalitan, and Kates. The resolution is memorialized.

Meeting Adjourned: at 12:57 AM.

ADOPTED: 9/21/20

John H. Osorio

JOHN OSORIO, CHAIRMAN

ATTEST:

Cosmas Diamantis

COSMAS DIAMANTIS, ESQ.
PLANNING BOARD SECRETARY