



**ZONING BOARD OF ADJUSTMENT**  
**Thursday, November 6, 2014**  
**DRAFT MINUTES**

*You couldn't pick a better place.*

**OPENING:** The meeting was called to order by Chairperson Rardin at 7:42 pm.

**PLEDGE OF ALLEGIANCE:** Led by Chairperson Rardin.

**OPMA STATEMENT:** Read by Chairperson Rardin in compliance with the Sunshine Law.

**ROLL CALL**

- **Members in Attendance:** Daniel DiRenzo, Jr.; William Carter; Steven Sweeney; Farhat Biviji, Vice-Chairperson; and Jonathan Rardin, Chairperson.
- **Professionals in Attendance:** Paul Stridick, AIA, Director of Community Development; Anthony Zappasodi, Esq., Planning Administrator; Jacob Richman, Planning Technician; and Allen Zeller, Esq., Zoning Board Solicitor. Solicitor Zeller administered oaths to Mssrs. Stridick and Zappasodi.

**COMMENTS FROM THE PUBLIC:** None received.

**ADMINISTRATIVE ITEMS**

**Oath for Steven Sweeney, Alternate Member #1 of the Zoning Board of Adjustment.** Solicitor Zeller administered the oath of Alternate Member #1 of the Zoning Board of Adjustment to Mr. Sweeney. The Board offered its welcome and congratulations to Mr. Sweeney.

**Approval of Meeting Minutes from October 16, 2014:** Mr. Carter made a Motion to Approve the Minutes from October 16, 2014, which was seconded by Mr. DiRenzo, with affirmative votes by DiRenzo, Carter, Biviji, and Rardin. Abstention by Sweeney. Motion carried.

**AGENDA ITEMS**

**14-Z-0019**

Block(s) 463.09 Lot(s) 6  
Zone: Highway Business (B2) Zone

**DC Hospitality Group, LLC**

1930 Frontage Road  
Cherry Hill, NJ

*Relief Requested: A conditional use (D)3 variance, pursuant to section 54 of PL 1975, c.291 (C.40:55D-67), to permit new hotel rooms for an 11,004 SF extended stay hotel to be smaller than 350 SF and to permit kitchenettes in new hotel rooms that are less than 350 SF per §415.C.2(c) of the Cherry Hill Township Zoning Ordinance. This is a bifurcated application.*

The Applicant was represented by Damien Del Duca, Esq. from the Del Duca Lewis law firm. Mr. Del Duca made some introductory remarks regarding the former Steak and Ale site off of the jughandle near Route 70 and Route 295. He stated that the property is now vacant with no structures onsite and has been idle for a long time. Mr. Del Duca described the nature of the extended stay hotel and clarified the variances requested as part of the bifurcated proposal. An aerial photograph of the site was marked as Exhibit "A-1". A color copy of the Use Variance Concept Plan was marked as Exhibit "A-2". Mr. Del Duca offered the following witnesses for testimony: Evan Carzis, a principal at DC Hospitality Group, LLC; Bryan Hall, PE, from the Pettit Group, LLC; Hal Havens, Architect from BRR; and Creigh Rahenkamp, PP, AICP, from Creigh Rahenkamp & Associates, LLC. Solicitor Zeller administered oaths to Mssrs. Carzis, Hall, Havens, and Rahenkamp.

Mr. Carzis provided background information related to the clean, safe, and simple operation of the business. He discussed industry trends and provided some historical context related to extended stay hotels. He explained that this site is an ideal site due to its proximity to interstate highways and numerous large corporations. He stated this value place extended stay hotel is based in Kansas and is located in many states. Mr. Carzis emphasized that 124 rooms is their standard hotel and that it is focused on efficiency at a better price. Most patrons stay less than 3 weeks and are typically professionals/consultants who travel for work. There would be 8 employees but not more than 4 employees at one time. The site is monitored by camera 24 hours a day, 7 days a week, and you must have a room key to gain entrance into the building. There is a security check done upon patron registration and no

alcohol or pornography is offered onsite. No pets are allowed except for service animals. The amenities include a clean safe room, kitchenette, laundry, vending machines, and biweekly maid service. Mr. Carzis stated that there is no need for a loading dock since there are only UPS deliveries.

Mr. Havens provided testimony as Architect for over 20 value places and over 100 hotels across the country. A color rendering of the front elevation of the proposed hotel was marked as Exhibit "A-3". Mr. Havens testified that it would be a stone façade and that the other sides of the building are consistent with the rendering and similar in quality. He stated the interior rooms are design for quick cleanliness with no hidden nooks. He testified that there would be 124 rooms as follows: 75 "studios" with 1 bed and a kitchenette; 42 "doubles" with 2 beds and a kitchenette; and 7 ADA accessible units with a kitchenette (5 studios and 2 doubles). He stated that he would work with the Department of Community Development regarding the specific room sizes at site plan review.

Mr. Rahenkamp testified regarding the standard of proof for the Use (d3) Variance pertaining to the size of the rooms and the inclusion of kitchenettes within those undersized rooms. He opined that there was no quantitative detriment (noise, light, storm water management etc) related to the variance, nor were they impairing the Master plan. He offered testimony regarding hotel room sizes within the industry. A "conditional use requirement" list of rooms sizes was marked as Exhibit "A-4". He testified regarding the site supporting the deviation of the conditional use standard related to room sizes and kitchenettes. He opined that a loading dock was not necessary in this instance. He felt this type of use was in the right place in the community.

Mssrs. Stridick and Zappasodi testified regarding the Department of Community Development's review letter dated September 3, 2014. Mr. Del Duca stated that the Applicant would agree to any conditions contained therein.

Chairman Rardin opened the hearing to the public. No members of the public testified. The public portion was closed by Chairman Rardin. Board discussion ensued.

**Motion to Approve Use (d3) Variances and Design Waiver with enumerated conditions:** Motion made by Mrs. Biviji and seconded by Mr. Carter, with affirmative votes by DiRenzo, Carter, Sweeney, Biviji, and Rardin. None opposed. Motion carried.

**13-Z-0029**

Block(s) 426.01 Lot(s) 8  
Zone: Residential (R2) Zone

**Advanced Dimensions II, LLC**

25 Moore Avenue  
Cherry Hill, NJ

*Relief Requested: A use (D1) and use (D3) variance with bulk (C) variances to permit a two-unit duplex in a residential zone where duplexes are specifically prohibited in all zones and to permit a home occupation within a detached garage to exceed a maximum of twenty-five (25%) percent of the total gross floor area of the dwelling unit (including garage space) where home occupations are permitted conditional accessory uses within the R2 zone.*

The Applicant was represented by Jeffrey Daniels, Esq. from the Angelini, Viniar, & Freedman, LLP law firm. Mr. Daniels gave some introductory remarks regarding his client's family owned business and the history of the property. He stated that the Applicant would agree as a condition of approval to abandon a prior variance for an electrical contracting use onsite. He offered the following witnesses for testimony: Ronald Bacon; Kevin Bacon; Teal Jefferis, PE from Jefferis Engineering Associates, LLC; and James Miller, PP, AICP. Solicitor Zeller administered oaths to Mssrs. Bacon, Bacon, Jefferis, and Miller.

Mr. Jefferis provided testimony regarding the existing site conditions and highlighted the 5 bulk variances as existing nonconformities that date back to the property's use as an electrical contractor's office. A Zoning Exhibit Plan was marked as Exhibit "A-1". He described the structures onsite, including the garage and 2-story dwelling. Mr. Jefferis testified that the parking lot would get new striping for the 5 parking stalls where 4 stalls are required. An Existing Building Plan was marked as Exhibit "A-2". He testified regarding the 2 dwelling units: a two-bedroom unit on the first floor with basement, and a one-bedroom unit on the second floor. He opined that it looks like a single family dwelling from the front and that the entrances are on the right side of the dwelling. He stated the garage is approximately 976 square feet and that approximately 352 sf would be utilized as an office with the remaining square footage to be used for storage for the home occupation. He stated that the traffic would be consistent with a residential use.

Mr. Ronald Bacon testified that he bought the property in May of 2011 as a duplex and family investment. He envisioned a home office for his son who resides on the second floor of the dwelling. They propose to rent out the first floor unit. He stated they received building permits and did some internal work on adjusting room sizes.

Mr. Kevin Bacon testified that he resides on the second floor and wishes to run an apparel business from the

garage. He stated that it is a small company for corporate uniforms and garments which has no other employees at the moment, but may have 1 secretary in the future. He confirmed there would be no manufacturing onsite (other than a small stitching machine) and that he would store fabrics in the garage but that the products get shipped directly to the clients, so no patrons will come to the property. There are no signs contemplated. He agreed to move a boat off of the lawn and to work with the Township to double check that all necessary building permits will be obtained. Ten color photographs were collectively marked as Exhibit "A-3".

Mr. Miller testified regarding the positive and negative criteria for the duplex, and that the site supported the deviation from the conditional use standard for the home occupation. He opined that this was a transitional area due to the mixed character of the neighborhood between Kresson and Berlin Roads. He identified an office building and commercial uses like Kaminiski's that are nearby as well as an adjacent church. He opined the variances would support the general welfare and provide for a variety of uses. He stated that duplexes are a growing trend in the real estate market. He testified that the site was particularly suited since it was already fitted out as a duplex (where each unit independently functions without any linkage between units) and has been used that way already for a period of time. He stated that the conversion into a duplex occurred after the termination of the use by the electrical contractor and prior to the Bacon's purchase of the property. He stated that the existing parking lot fits well with the proposed uses. He highlighted the transitional area and opined the site was uniquely suited due to the character of the structures and site improvements. Mr. Miller opined that there was no detrimental effect upon the neighborhood and that the previous variance for the electrical contracting office is more intensive than what is proposed by the Applicant. He stated that the current proposal brings everything into closer conformance.

Mr. Bacon stated that the property was listed multiple times on MLS as a duplex prior to his family's purchase of the property and that it was vacant for a while prior to their purchase. He stated that there were tenants that moved out when he moved in. He stated that it would be a hardship to convert it back into a single family dwelling and that he knew it was a unique property.

Mssrs. Stridick and Zappasodi testified regarding the Department of Community Development's review letter dated September 5, 2014. Mr. Daniels stated that the Applicant would agree to any conditions contained therein.

Chairman Rardin opened the hearing to the public. Mr. Donald Butler from 30 Moore Avenue stated that he thinks the property looks good and supported the proposal. He believed a prior owner converted the dwelling into a duplex over 10 years ago. Ms. Rita Butler from 26 Moore Avenue stated that she has lived there for almost 40 years and believed the dwelling was converted into a duplex in the late 1990s. She did not want to see any more traffic or additional parking in the street. The public portion was closed by Chairman Rardin. Chairman Rardin closed the application. Board discussion ensued.

Mr. Daniels asked to make a request for an adjournment. Chairman Rardin reiterated that the application was closed. Mr. DiRenzo made a motion to re-open the application, which was seconded by Mr. Carter, with all members in favor of re-opening the hearing. Mr. Daniels requested an adjournment until December 4, 2014 so that there can be a full board membership present to vote. He requested that Solicitor Zeller confirm no further written notice would be required as part of the adjournment.

**Motion to adjourn the proceedings until December 4, 2014:** Motion made by Mr. Carter and seconded by Mr. DiRenzo, with affirmative votes by DiRenzo, Carter, Sweeney, Biviji, and Rardin. Motion carried. Solicitor Zeller stated for the record that the matter was being adjourned until December 4, 2014 and that no new written notice was required on behalf of the Applicant.

**RESOLUTIONS:** None.

**Meeting Adjourned:** 10:18 pm.