

RESOLUTION

**TOWNSHIP OF CHERRY HILL ZONING BOARD OF ADJUSTMENT
APPLICANT'S NAME: MBJ ASSOCIATES, L.L.C.
APPLICATION NO.: POA 6747**

WHEREAS, MBJ Associates, L.L.C., as owner of the premises in the Township of Cherry Hill, County of Camden, State of New Jersey, located at Fulton Street and Wynwood Avenue, and known as Block 135.01, Lots 6, 7, & 8 on the Tax Maps of the Township of Cherry Hill, has filed an application for a use variance in conjunction with an application for preliminary and final site plan approval.

WHEREAS, after a public hearing held on December 17, 1998, the following findings of facts were made, to wit:

1. The Applicant was represented by Michael Varbalow, Esquire. Michael Hartung, Manager and Owner of Cherry Hill Motors, Peter Lazaropoulos, Architect and Engineer and James Miller, Planner, all testified on behalf of the Applicant and described the nature of the application to the Board. Numerous residents, including Colleen Kolasa, Marie Bergdolt, Richard Cionci, Mark Kolasa, Mark Huntsinger and Thomas DiBiasi, all of whom reside in the neighborhood surrounding this proposed development, testified in opposition to the proposal.

2. The Applicant, MBJ Associates, L.L.C., which does business as Cherry Hill Motors, a Mercedes Benz dealer located at 1800 West Route 70, has requested to construct a parking lot containing 101 parking spaces for new cars. The parcel in question, 1107 Fulton Street, is directly to the rear of its present business location. Presently, the property is used as an office and has an empty residence on Lot 6, which is a pre-existing, non-conforming use.

3. The Applicant requests a variance for relief from Article 15, Section 1502 to allow the construction of a parking lot for commercial purposes in an O-1 zone where such a parking lot is not associated with a permitted business use.

4. The property is located in a O-1 zone.

5. The Applicant has represented that the parking lot will be used for the storage of the dealer's inventory of new Mercedes automobiles. No customers would be permitted on the lot.

6. The Applicant has represented that the proposed site plan would enable the delivery of the new cars to occur on the proposed parking lot. There will be no unloading of cars on the street as presently occurs and there will be no parking on the street. The Applicant has further represented that deliveries

will occur only on weekdays and the lot would be operated on Mondays through Fridays from 8:00 a.m. to 5:00 p.m. Cars would be delivered two or three times per week on a six car carrier.

7. The Applicant has represented that it may also park body shop vehicles on this lot while the cars are awaiting repair.

8. The Applicant has testified that there will be a security fence around the lot with safety lighting. The lights will be turned off by 9:00 p.m.

9. The Applicant has represented that the fence along Fulton and Wynwood Avenue would be a chain link fence and that the fence in the rear of the property adjacent to the residential area will be board on board.

10. The Applicant has represented that both buildings on the lot will be demolished and that there will be a 49 foot buffer in the rear adjacent to the homes. The lot will be used during the day only by one or two drivers who are employees of the business.

11. The Applicant has represented that it will conform to all set back requirements including installing a sidewalk on Fulton Street.

WHEREAS, the Applicant has testified that it will comply with all of the conditions proposed by the Zoning Board.

WHEREAS, public notice of the hearing and the variance was given in accordance with the requirements of the Municipal Land Use Law.

WHEREAS, the Zoning Board has reviewed the application, the location maps and has received in evidence the curriculum vitae of James Miller, the Professional Planner of the Applicant.

WHEREAS, the residents have testified with regard to their concerns which include traffic problems in their neighborhood as a result of test cars being driven at a fast rate of speed through the residential neighborhood and they are concerned that large trucks would be driven through the residential neighborhood. The residents also objected to the noise created by the unloading of the vehicles and the encroachment of businesses and impervious surface into the adjoining residential neighborhood.

WHEREAS, the development plans have been reviewed by the Township Engineer (whose findings and reports are incorporated herein and made a part hereof) and have been found to be in compliance with the engineering criteria and development control regulations of the Township except as noted in the report by Environmental Resolutions, Inc., of December 10, 1998.

WHEREAS, from the findings of facts, the submissions made by the Applicant, the testimony of all interested parties and based upon the entire record, the followings findings were drawn, to wit:

1. The variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, based upon the foregoing, BE IT RESOLVED by the Cherry Hill Zoning Board of Adjustment, that application number POA-6747 by MBJ Associates, LLC, for a use variance to allow the establishment of a parking lot for commercial purposes in an O-1 zone where such parking lot is not associated with a permitted office use is hereby GRANTED subject to the following conditions:

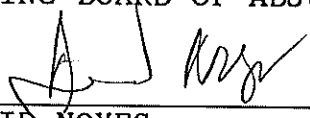
1. The Applicant must obtain preliminary and final site plan approval.

2. All agreements and representations made by the Applicant as set forth at the hearing in this matter, and/or as contained in the "WHEREAS" recital paragraph of this Resolution and the site plain resolution shall be fully satisfied by the Applicant.

DATED: ~~January~~ ^{February} 4, 1999

CHERRY HILL TOWNSHIP
ZONING BOARD OF ADJUSTMENT

By: _____


DAVID NOYES
Zoning Board Secretary

RESOLUTION

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WHEREAS, after a public hearing held on December 17, 1998, the following findings of facts were made, to wit:

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2. The Applicant, MBJ Associates, L.L.C., which does business as Cherry Hill Motors, a Mercedes Benz dealer located at 1800 West Route 70, has requested to construct a parking lot containing 101 parking spaces for new cars. The parcel in question, 1107 Fulton Street, is directly to the rear of its present business location. Presently, the property is used as an office and has an empty residence on Lot 6 which is a pre-existing, non-conforming use.
3. The property is located in a O-1 zone.
4. The Applicant has represented that the parking lot will be used for the storage of the dealer's inventory of new Mercedes automobiles. No customers would be permitted on the lot.
5. The Applicant has represented that the proposed site plan would enable the delivery of the new cars to occur on the proposed parking lot. There will be no unloading of cars on the street as presently occurs and there will be no parking on the street. The Applicant has further represented that deliveries will occur only on weekdays and the lot would be operated on Mondays through Fridays from 8:00 a.m. to 5:00 p.m. Cars would be delivered two or three times per week on a six car carrier.

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7. The Applicant has testified that there will be a security fence around the lot with safety lighting. The lights will be turned off by 9:00 p.m.

8. The Applicant has represented that the fence along Fulton and Wynwood Avenue would be a chain link fence and that the fence in the rear of the property adjacent to the residential area will be board on board.

9. The Applicant has represented that both buildings on the lot will be demolished and that there will be a 49 foot buffer in the rear adjacent to the homes. The lot will be used during the day only by one or two drivers who are employees of the business.

10. The Applicant has represented that it will conform to all set back requirements including installing a sidewalk on Fulton Street.

11. The Applicant has been granted a variance pursuant to NJS40:55D-7d for a use variance permitting relief from Article XV, Section 1502 to allow the establishment of a parking lot for commercial purposes in an O-1 zone where such a parking lot is not associated with a permitted office use.

WHEREAS, the Applicant has testified that it will comply with all of the conditions proposed by the Zoning Board.

WHEREAS, public notice of the hearing and the variance was given in accordance with the requirements of the Municipal Land Use Law.

WHEREAS, the Zoning Board has reviewed the application, the location maps and has received in evidence the curriculum vitae of James Miller, the Professional Planner of the Applicant.

WHEREAS, the residents have testified with regard to their concerns which include traffic problems in their neighborhood as a result of test cars being driven at a fast rate of speed through the residential neighborhood and they are concerned that large trucks would be driven through the residential neighborhood. The residents also objected to the noise created by the unloading of the vehicles and the encroachment of businesses and impervious surface into the adjoining residential neighborhood.

WHEREAS, the development plans have been reviewed by the Township Engineer (whose findings and reports are incorporated herein and made a part hereof) and have been found to be in compliance with the engineering criteria and development control regulations of the Township except as noted in the report by

Environmental Resolutions, Inc., of December 10, 1998 and the report by the Department of Community Development of December 17, 1998.

NOW, THEREFORE, based upon the foregoing, BE IT RESOLVED by the Cherry Hill Zoning Board of Adjustment, that application number POA-6747 by MBJ Associates, LLC, for Preliminary and Final Site Plan Approval is hereby GRANTED subject to the following conditions:

1. The plans shall be revised to satisfactorily address the comments of the Township Engineer as set forth in its letter of December 10, 1998 and the comments by the Department of Community Development as set forth in its report to the Board of December 17, 1998.
2. All agreements and representations made by the Applicant as set forth at the hearing in this matter, and/or as contained in the "WHEREAS" recital paragraph of this Resolution and the use variance Resolution must be fully satisfied by the Applicant.
3. The operation of the parking lot shall be restricted to Monday through Friday from 8:00 a.m. through 5:00 p.m.
4. No advertising or signage shall be permitted on the lot.
5. No customers or shoppers shall be permitted on the lot. Only employees of the Applicant shall be permitted on the lot.
6. No outdoor public address system or other type of amplification system shall be permitted or used on the lot.
7. There shall be no unloading of vehicles on the street and no parking of vehicles on the streets adjoining this lot. All unloading the vehicles shall occur on the proposed lot.
8. All deliveries of vehicles shall occur solely on the proposed lot.
9. The lighting on the proposed lot shall be turned off by 9:00 P.M. on a daily basis.
10. The car carrier trucks delivering vehicles to this lot shall be limited to a maximum of six cars per truck.
11. All three lots, 6, 7 and 8 shall be consolidated into one lot. The deed of consolidation shall be submitted to the Zoning Board Solicitor in advance for approval.
12. The plan shall be revised to provide for ingress only into the lot from Fulton Street. No egress shall be permitted from the lot onto Fulton Street.

13. The Applicant is hereby notified that prior to the issuance of any building permits:

a. Any and all conditions made a part of this approval, including those noted by reference in the reports of the consultants to the Board, must be satisfied.

b. Zoning approval must be obtained from the Department of Community Development.

c. Inspection escrows must be posted with the Department of Community Development.

d. Any and all outside agency approvals that are required must be obtained by the Applicant.

DATED: ~~January~~ *February 4*, 1999

CHERRY HILL TOWNSHIP
ZONING BOARD OF ADJUSTMENT

By: 

DAVID NOYES
Zoning Board Secretary