

**Township of Egg Harbor  
Zoning Board**

**February 1, 2010**

**Solicitor:** George K. Miller, Jr., Esquire  
**Engineer:** Matthew F. Doran, P.E.  
**Planner:** Edward Walberg, P.P.  
**Zoning Officer:** Patty Chatigny, unable to attend, Ill

A regular meeting of the Zoning Board of Adjustment of Egg Harbor Township was held on the above-date, 7:00 p.m., prevailing time, Egg Harbor Township Hall, Egg Harbor Township, New Jersey. The Chairman opened the meeting by reading the statement in compliance with the Open Public Meetings Act

**Call to Order/Flag Salute/Public Notice/Roll Call:**

|   |                                     |
|---|-------------------------------------|
| John C. Amodio, Alt. #I, present                  | John Haines, Class IV, present      |
| Joe Cafero, Class IV, present,                    | Chrissy Martin, Alt. #III, present. |
| Leonard Dagit, Jr., Class IV, present             | Norma Lombardi, Class IV, present   |
| Beth Epstein, Class IV, present                   | Laura Pfrommer, Alt. #II, present   |
| Latha Gilliam, Class IV, present, lft. @ 7:45p.m. | Paul Savini, Class IV, present      |

**PUBLIC HEARING(S):**

|   |                                     |
|---|-------------------------------------|
| <b>1. V 04-09</b>   | <b>Interpretation and/or</b>        |
| <b>Richardson Automotive Group, LTD</b>   | <b>“D” Variance Relief</b>          |
| Zone: RCD, 1.3 acre site, septic/water,   | <b>2005/1</b>                       |
| Applicant is seeking an interpretation  | 6726 Black Horse Pike               |
| and/or “D” variance relief in order to utilize an   | Waiver of Time – <b>Not Granted</b> |
| existing 8,000 sq. ft. building as a used automobile dealership with 20 paved customer spaces |                                     |
| and 65 paved vehicle display parking spaces. Pinelands  |                                     |

**General Checklist Waiver(s):**

- 1. Item #10: Traffic impact report**
- 2. Item #11: Wetlands letter of interpretation**

**“D” Variance Checklist Waiver(s):**

- 1. Item #45: Design calculations**
- 2. Item #48: Pinelands Letter**

**Variance Relief:**

- 1. Use Variance (“D” Variance Relief):** to allow for an automobile sales facility where the sale of used vehicles are not incidental to the sale of new vehicles.

Jack Plackter, Esq., introduced himself as attorney for the applicant, Richardson Automotive Group, LTD.

Board Solicitor Miller has sworn in the following individual(s):

William McManus, P.L.S., P.P., New Jersey Licensed Surveyor and Planner, Duffy, Dolcy, McManus, and Roesch, Lost Pine Way, Galloway Township, NJ, sworn in:

Peter Dolcy, P.E., New Jersey Licensed Engineer, Engineer, Duffy, Dolcy, McManus, and Roesch, Lost Pine Way, Galloway Township, NJ, sworn in:

Debra Devlin, Vice President, General Manager and part owner of the AC Lexus, whom is Richardson Automotive Group, LTD, sworn in:

Attorney Plackter advised the Richardson Automotive Group, which operates as the Lexus Dealership, is currently upgrading their existing facility on Fire Road, which was previously the old "Shore Toyota" site. He indicated the upgrade proposal will not only include the existing dealership but a state of the art service facility which will occur within the old "Shore Toyota" building. He stated between the existing car dealership and the upgraded service facility the Richardson Automotive Group is running out of room at their Fire Road location.

Attorney Plackter advised in order for Richardson to accommodate their needs for additional space they have looked for other sites, such as the one that is the subject of this application. He indicated for those that are familiar this is the location of the old "Crazy Ned's" furniture store. Attorney Plackter explained that originally Richardson leased this site in order to create yet another new car dealership with products from China. However, the Chinese decided not to move forward with their product in America. Therefore, Richardson utilized the site and operated as "Auto Imports" which sold both new and used Lexus products.

Attorney Plackter stated even though the applicant has operated from this subject site they are before the Board tonight in order to receive variance relief to operate a Lexus Dealership. He explained Lexus does not franchise used car dealerships. This facility will sell both new and used models, however, the applicant believes this site will generate more used car sales then it will in new car sales.

Attorney Plackter explained the applicant is not proposing specifically used car sales from this facility. However, the applicant believes the ratio of used car sales will be higher then new car sales. Attorney Plackter indicated when the Board looks at the RCD zoning used car sales are incidental to new car sales, thus the applicant must seek "d" variance relief to sell more used cars then new cars from this site.

Again, Attorney Plackter advised the applicant is running out of room at their Fire Road facility and this site provides the exposure needed along the Black Horse Pike. Attorney Plackter also advised notice to property owners was provided in January for this hearing date and the property taxes for this site are current.

Board Solicitor Miller indicated it is his under standing the existing pole sign will remain in its current location, it will not be moved. Therefore, the original variance relief sought for this sign will be withdrawn. Board Solicitor Miller also noted the Planning Board will retain jurisdiction of the overall site plan and the applicant is not seeking an interpretation as originally applied for.

William McManus, previously sworn, indicated he has reviewed this site in conjunction with the Township's Land Development Ordinance. He indicated about two (2) years ago his firm performed a full survey of this site in anticipation of an administrative review applicant for an automobile dealership. He advised this site previously was the location of "Kinney Shoes" and the "Crazy Ned's Furniture Store". Again, within the last two (2) years the site became "Auto Imports".

Planner McManus advised cars were pulled from this site in November, 2009, for the anticipation facade upgrade in order to become a "Lexus" dealership. He indicated there will be new cars at this site,

however, the applicant is not sure what the ratio will be. He indicated some months there will be more new cars than used cars with other months being the opposite. He stated it will really depend upon the economy. He indicated the applicant is before the Board this evening to seek relief to allow for this to occur. He indicated the applicant is trying to qualify the application and not be pinned into a quantity test with the numbers of vehicles sold. Planner McManus further noted that it would be rather hard to monitor what is new and used.

Planner McManus advised this site was in disrepair for a number of years. He advised an internal fit-out was done in order to accommodate the "Auto Imports" facility. However, since this will be a "Lexus" franchise the dealership must market to specific standards. Planner McManus referred to **Exhibit A1:** site plan administratively approved by Planning Board Professional(s) and **Exhibit A2:** Architectural Design proposed for "Lexus", stating the applicant proposes the same type of facade at this dealership as is existing at the Fire Road facility.

Planner McManus indicated the proposed site will be a highly visible site and the applicant will do well. He indicated the pylon sign location will not be changed and the applicant will conform with the standards for this sign. He also indicated the facade signs will comply with the ordinance, however, there is a question concerning the number of signs proposed. He indicated the applicant is proposing a facade sign that does say "Lexus" with their emblem next to it. He indicated it is his opinion that the sign is one (1) not two (2), however, Board Planner Johnston, as referenced within his report, feels it is two (2) signs. He indicated if the Board does determine the facade sign is two (2) then the applicant will seek the relief that is necessary.

Planner McManus stated the application proposed advances the purpose of zoning. He indicated the applicant is proposing both internal and external upgrades, which enhancement is enough to meet the criteria of relief. He indicated there is a question concerning what is considered incidental? Planner McManus stated used cars versus new cars are incidental especially since there are no numbers associated. He indicated when the public drives past this facility they will be unable to determine if it is a used car facility or a new car facility, since both will be available to purchase. Attorney Plackter stated the public will not really be able to tell a used Lexus from a new one. Planner McManus stated if the applicant could expand at their Fire Road site they would, however, because of the amount of property and the wetlands/wetlands buffer they can not. He indicated this site and the Fire Road site will work together

Planner McManus further noted the Township Ordinance allows for used cars sales as a principal use at this location under the zoning, however, this is only if you have a building on site that is 10,000 sq. ft. In this situation there is an existing building which is not 10,000 sq. ft., however, the applicant is proposing both used car and new car sales at this facility which will benefit the Township. He indicated the variance relief sought out weighs the detriments. Planner McManus stated the applicant has run a dealership from this facility for the last two (2) years known as "Auto Imports", which he indicated he does not believe caused any issues. Planner McManus indicated there will be \$800,000.00 in improvements proposed for this facility and the proposed will advance the zoning.

Planner McManus added he does not believe there are any issues within the reports issued by the Board Engineer and Planner that can not be complied with if "d" variance relief is granted.

Attorney Plackter stated he is not really going to call Mr. Dolcy, since there really is no engineering associated with this request. Board Member Dagit stated it appears there will be three (3) to four (4) cars

in the show room. What will they be? Ms. Devlin indicated the show room cars will be both new and used. Board Member Dagit asked if the used fleet proposed for this location be pre-owned trade in's? Ms. Devlin indicated the used fleet will be both trade-in's and cars from the Lexus lease programs. She indicated she sells quality used vehicles. Should they receive something that is not to their standard it will go to auction. Board Member Cafero asked if the sale of both used and new cars only be Lexus products? Ms. Devlin stated new car sales will be, but not all used will be Lexus products. She indicated that generally a Lexus customer will trade in for another Lexus, so most will be. However, the used fleet will include other quality type cars because this is a luxury dealership and most customers trade in luxury cars. Ms. Devlin stated she has to stand behind the car she sells.

Ms. Devlin also advised there will be no car repairs done from this site. Attorney Plackter stated the property owner does not allow service of vehicles on this site, it is provided for within the lease. He indicated service will be provided at the Fire Road facility, however, the applicant can wash cars from this facility.

Board Member Cafero asked for further clarification concerning the pole sign located along the Black Horse Pike. Planner McManus stated the existing sign will not be moved and the applicant will use its existing foundation. He advised the pole is currently shaped as a "V" which holds the sign, however, the applicant is not proising a "V" pole this will change. He indicated the sign will have the Lexus logo affixed to it, but the applicant will stay within the square footage permitted by the Township Ordinance.

Board Member Lombardi stated she would like to see address on the sign. Ms. Devlin stated she will place address on the bottom of the sign.

Board Member Savini asked how many parking spaces are proposed for the site. He also stated that within the report of Board Engineer Doran there were concerns with the spaces near the entrance of the facility. Engineer, Peter Dolcy stated the spots outlined within Board Engineer Doran's report are actually display spaces and not to be used by the public or employees. He indicated there are a total of 63 spaces on site. He indicated when the applicant received administrative approval these spaces were included within that approval. He further noted these spaces were outlined within the Department of Transportation approval also granted in 2007.

Board Engineer Doran stated this facility was previously approved by administrative review. He indicated the Planning Board will maintain any site plan jurisdiction. He further noted he is fine with all the comments and information provided by the applicant this evening. Board Planner Johnston stated if the applicant were to construct a new building that was 10,000 sq. ft. or more then there would be no issue with the applicant solely selling used cars. He indicated what the Board is looking at is the applicant providing architectural enhancement for new car dealership, however, they will be selling mostly used cars.

Board Planner Johnston stated when the Township modified the ordinance to allow used car sales they were very careful. He advised they did not want to see used car sales being operated from a trailer or from gas stations.

Chairman Haines indicated due to her being ill, Zoning Officer Chatigny, was unable to attend tonight's meeting. However, he did speak with her about this applicant and she had no issues with it.

**Motion Dagit/Cafero to open public portion. Vote: 7 Yes**

May the record reflect no one came forward.

**Motion Dagit/Cafero to close public portion. Vote: 7 Yes**

Board Member Cafero stated there was a second variance discussed for two (2) signs? Board Planner Johnston stated the Board could look at the “Lexus Pre-owned” as one sign, however, the logo that is separate from the sign would need “c” variance relief. He indicated if the Board were to look at the sign package for size and height it fits within the ordinance requirements. However, the Board must look at the issue of the signs located on the building as to whether it is one (1) or two (2) signs.

Board Solicitor Miller stated the “d” variance relief is a higher standard variance than the “c” variance for the sign. He did indicate, however, that the applicant should include the facade sign within their motion for “d” variance relief. He indicated if the Board were to approve this applicant it would be a non-precedence course for the Board. .

Board Member Dagit asked what the estimated cost of the improvements will be? Ms. Devlin stated she has already spent \$500,000.00 and this proposal will be another \$300,000.00 to \$400,000.00, which she stated is being as a tenant. Ms. Devlin advised she has a long term lease with the property owner, which is ten (10) years.

Board Member Gilliam indicated he is looking for some type of comment that would help him in waiving the traffic impact report. Engineer Dolcy advised the applicant received a State Permit for the access point, this is an existing building, and it will be operating as it has for the last two (2) years. Therefore, the applicant is seeking a waiver from providing a traffic study. Board Planner Johnston stated the Board’s checklist does state a traffic study is required, however, the number of spaces existing/proposed does not place it under the requirements for the Township Ordinance standards to require one.

Board Member Cafero asked if the storm water is adequate for the proposed. Engineer Dolcy stated there has been no problem with the storm water. He indicated the applicant reduced impervious coverage by adding a landscaping strip when the applicant received administrative approval two (2) years ago. Again, he stated the applicant has not had any problem since approval was granted two (2) years ago.

Attorney Plackter stated he would like to thank the Board and request approval.

Board Solicitor Miller advised he has noted three (3) conditions associated with this application. He indicated the first will be no service on site, the second would be the applicant place address sign, and third the applicant has agreed two (2) spaces closest to entrance of the facility are for display purposes only and not customer parking. He indicated the only other conditions would be complying with the reports from the Board Professional(s).

Board Member Cafero asked when the applicant plans on opening? Ms. Devlin indicated the improvements may take another month in a half, maybe more depending upon the weather.

**Condition(s) of Approval:**

- 1. Applicant has agreed there will be no repair service for vehicles on site.**

2. Applicant will provide street address on the bottom of the free standing sign.
3. Applicant has agreed two (2) spaces (parking) closest to entrance of the facility are for display purposes only and not customer parking.
4. Applicant will comply with all applicable comments/concerns within Board Engineer Doran's report dated: January 13, 2010
5. Applicant will comply with all applicable comments/concerns within Board Planner Johnston's report dated: January 25, 2010

**Motion** Dagit/Savini to grant requested general checklist waiver and "D" variance checklist waiver(s). **Vote 7 Yes** Cafero, Dagit, Epstein, Gilliam, Lombardi, Savini, Haines

**Motion** Amodeo/Dagit to grant requested "D" variance relief to allow for the sale of predominately used vehicles at a new car dealership and to permit two (2) building mounted signs. **Vote 6 Yes** Cafero, Dagit, Epstein, Lombardi, Savini, Haines. **1 No: Gilliam**

**MEMORIALIZATION OF RESOLUTION(S):**

\* **May the record reflect:** Board Member Gilliam left the meeting @ 7:45 p.m.

- |    |                        |                                 |
|----|------------------------|---------------------------------|
| 1. | <b>V 03-09</b>         | <b>"D" Variance Relief</b>      |
|    | <b>Cedar Bay, LLC.</b> | <b>Conditional Use Variance</b> |
|    |                        | <b>3226/9</b>                   |
|    |                        | 1178 Ocean Heights Avenue       |

**Motion** Amodeo/Dagit to memorialize resolution granting deferment of all checklist waiver(s) requested until time of site plan application, "D" Conditional Use Variance relief to allow for an automobile repair facility building within 100' ft. of a residential zone boundary line. **Vote 6 Yes:** Amodeo, Dagit, Epstein, Pfrommer, Savini, Haines.

**MOTION** Amodeo/Dagit **TO ADJOURN AT 8:00 P.M.: VOTE 7 Yes:** Amodeo, Cafero, Dagit, Epstein, Lombardi,, Savini, Haines

Respectfully submitted by,

Theresa Wilbert, Secretary

