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Michael W. Horner, Managing Partner – Cherry Hill

February 25, 2021

Via Email: RCoe@weirpartners.com

Richard P. Coe., Esquire

Solicitor

Township of Monroe Zoning Board

125 Virginia Avenue, Suite 5A

Williamstown, NJ 08094-1768

RE: JK United Group LLC
Block 501, Lot 36/ 1824 N. Black Horse Pike (the “Property”)
Application nos. 20-06 & 506-SP

Dear Mr. Coe:

As you know, this firm represent JK United Group LLC, the applicant under the above-referenced applications (the “Applicant”). This letter concerns the conduct permitted during the February 16, 2021 Zoning Board of Adjustment Hearing for the applications for the Property. I note several disturbing occurrences during that meeting:

- A 1988 Resolution within the Board’s possession and control was presented during the meeting without being referenced in the review letter dated December 28, 2020 from the Board’s Engineer, Maser Consulting. More than 30 years elapsed since the 1988 Resolution, yet there was no review of the intervening period to determine what, if any, action occurred in between 1988 and 2018. The erroneous assumption was made by the Board that any changes to the Property after 1988 were illegal or impermissible when in fact no investigation was made.
- The Board’s professionals required an additional variance that was never applied for, noticed or reviewed by Maser Consulting in their December 28, 2020 letter. The additional variance was insisted upon during the meeting. Ample evidence was presented that the additional variance was not required because the requirements in 1988 have since changed and/or were incorrect at the time and other permissions were granted in 2018. The Applicant’s permanent signage on the Black Horse Pike advertises “Parking Available” (see attached for illustration purposes only) yet the Board’s professionals claimed that the issue of parking was

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brought to light during the meeting for the first time. Parking was granted in the Applicant's 2018 Planning Board Application and has been used as such since such time.

- Members of the public were permitted to convene with Board members throughout the meeting on the premises of the municipal building even though the applicant and its professional were required to attend virtually. Notice was made for a virtual meeting but certain Board members and members of the public elected to disregard the notice and this disregard was permitted by the Board. Discussions between the Board and members of the public were off the record and the Applicant had no opportunity to respond to any testimony between the on-site public and Board Members. The applicant was prejudiced by interactions not permitted by the New Jersey Open Public Meetings Act (N.J.S.A. 10:4:4-6(1973) also known as "The Sunshine Law."
- The dissenting Members that were with the public offered limited feedback for their vote and any subsequent explanation or expansion of their reasoning in the resolution would have to occur off the record in violation of the Sunshine Law.
- Board Members and the public had access to documents, including critical site plans and other documents that were over 30 years old, that were used as a basis for denial, while the applicant and its professionals had no such access. The limited feedback from dissenting Members indicated that a basin appearing on the 1988 documents served as the basis for negative votes yet the applicant had no ability to review the applicability of these documents. In any event, there is no connection between the use and the opaque fence and the basin yet the basin was connected to the dissenting votes. Numerous other documents outside of the camera's view were also accessed, not provided to the Applicant and served as the basis for the denials.
- What little feedback the dissenting Members provided indicated that they were basing their vote on site plan issues and not the conditional use variance issue or the erroneous multiple use variance.
- Members of the public were permitted to freely comment virtually throughout the hearing instead of being muted. Clearly, an in-person meeting would not permit the public the opportunity to interject at their discretion to the prejudice of the Applicant.
- Members of the public claimed that noises were emanating from the Applicant's property *during the meeting*. The Applicant's owner and its employee were on the Premises at the time such statement was made while they were virtually attending the meeting. No one else was present on the Property other than Mr. Singh and Ms. Kilroy to make any noise and no operations were conducted during

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the meeting. False and inflammatory statements were made by Mrs. Link on the record and under oath as to noise and use.

The negative votes were based upon factors unrelated to the opaque fence issue as stated on the record and impermissible testimony and evidence. Rather, votes were cast on site plan issues that were clearly not part of the relief sought.

While it is apparent that the applicant has a meritorious appeal of the Board's decisions with the Superior Court of New Jersey, the costs and time required for such an appeal is not warranted given that other remedies are available. As such, the applicant will apply to the Planning Board, without seeking a variance, for minor site plan and bulk variance approval. The prejudicial conduct by the Board and the Board's professionals and the perjury by member of the public is actionable and the Applicant is reserving all rights, including, but not limited to pursuing an appeal in the Superior Court of New Jersey.

Very truly yours,

WHITE AND WILLIAMS LLP



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CW:ma

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