The Chairman called the meeting to order and stated it was being held in compliance with the “Open Public Meeting Act” and had been duly noticed and published as required by law.

ROLL CALL

Present: Mr. Brocco, Mr. Cohen, Mr. Cupersmith, Mr. Daddario, Mr. Leoncio, Mr. Weil, Mr. Willard, Mr. Senges

Absent:

Also, present, Mrs. CherylLynn Walters, Board Solicitor, Mr. Ben Matlack, PE, CME, CFM, Board Engineer, Ms. Elaine Powell, Zoning Board Officer

**NEW BUSINESS**

**1000 VOORHEES DRIVE, LLC**

1000 Voorhees Drive

Block 198, Lot 5

Case #ZC2018-003

Seeking minor site plan approval with Bulk Variances relief from Section 152.065 (F) of the ULDO to permit 60.7% impervious coverage where a maximum of 60% is permitted; relief from Section 152.065(G) to permit clearing limits greater than 70% where a maximum clearing limit of 70% is permitted; relief from Section 152.065(H)(3) to permit a rear yard setback of 27.5 feet where a minimum of 50 feet is required; relief from Section 150.15(E)(6) to permit two functional signs to be 6 square feet each and two functional signs to be 12.7 square feet each where a maximum of three square feet is permitted for each; relief from Section 150.15(G)(4) to permit a site identification sign to be 31.5 square feet where a maximum of 24 square feet is permitted, relief from Section 150.15(H)(2)(a) to permit 2 façade signs on the building frontage facing Voorhees Drive where a maximum of one façade sign is permitted; relief from Section 150.15(H)(3)(1)(1) to permit the existing monument sign and two new directional signs to be set back 10 feet from the Voorhees Drive right-of-way where a minimum of 25 feet is required by the ULDO code. Seeking any and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals.

David Fleming, PE, the Applicant’s engineer, Philip Rodriguez, on behalf of Kingsway Learning Center, the proposed tenant/user of the Subject Property, and David Cohen, on behalf of the corporate Applicant; and (2) by the legal representation of James W. Burns, Esquire; were sworn in to testify.

The Applicant is under Agreement of Sale to purchase the property located in the O3 – Office Zoning District. The Applicant previously received use variance approval from the Board via Resolution No. 17-10, adopted on March 9, 2017, to permit the existing 77,785 square foot office building to be used as a secondary education facility for individuals with multiple disabilities. As a condition of the approval, the Applicant was required to return to the Board for site plan approval. The Applicant is seeking minor site plan approval with associated bulk variances.

The following documents and exhibits were entered: A Zoning Board of Adjustment Application, filed on February 20, 2018, Voorhees Township Land Development Review Submission Requirement Checklist, filed on February 20, 2018, Plan entitled, “Kingsway Learning Center Preliminary and Final Minor Site Plan," dated February 19, 2018, last revised March 8, 2018, prepared by Marathon Engineering and Environmental Services, Plan entitled, “Kingsway Learning Center Program Expansion Existing Elevations-Exterior Building,” dated February 15, 2018, prepared by KSS Architects, A Plan entitled, “Kingsway Learning Center Program Expansion Floor Plan-Level One,” dated February 15, 2018, prepared by KSS Architects, a report entitled, “Kingsway Learning Center Site Stormwater Management Summary,” dated February 19, 2018, prepared by Marathon Engineering and Environmental Services, A copy of Zoning Board Resolution No. 17-10, adopted on March 9, 2017, A Plan entitled, “Minor Site Plan Exhibit,” dated March 22, 2018, prepared by Marathon Engineer and Environmental Services, marked as Exhibit A-1 at the time of the hearing, A Plan entitled, “Minor Site Plan Exhibit,” dated March 22, 2018, prepared by Marathon Engineer and Environmental Services, marked as Exhibit A-2 at the time of the hearing; Plan entitled, “Minor Site Plan Exhibit,” dated February 14, 2018, prepared by Marathon Engineering and Environmental Services, marked as Exhibit A-3 at the time of the hearing; and Plan entitled, “Minor Site Plan Exhibit,” dated February 14, 2018, prepared by Marathon Engineering and Environmental Services, marked as Exhibit A-4 at the time of the hearing. Also submitted a report by the Board Engineer, prepared by CME Associates, dated March 12, 2018.

James W. Burns, Esquire, the Applicant’s attorney, summarized the application. Mr. Burns indicated the Applicant proposed only slight modifications to the existing building and overall site, including interior fit-out and a few site related changes in furtherance of the use variance approved by the Zoning Board in 2017. He indicated further the Applicant required only a few variances, including impervious coverage, sign variances and variances for a few existing nonconforming conditions relating to parking setback and clearing limits. Mr. Burns also indicated the Applicant was prepared to address the comments in the Board Engineer’s report.

David Fleming, PE, the Applicant’s engineer testified in support of the application. Mr. Fleming was qualified as an expert in the field of engineering. Mr. Fleming introduced Exhibit A-1, which was a rendering of the submitted site plan, and Exhibit A-2, which was a site plan exhibit showing the southern end of the site enlarged where most of the site changes were proposed to occur. Mr. Fleming indicated the site currently contains a one-story, 77,785 plus square foot building, together with 367 existing parking spaces and two ingress/egress points, one on the north end of the site and the other on the south end of the site. He testified the Applicant proposed two bus drop locations, one to be located on the southern side of the building, which is the side adjacent to the adjoining office building property, the other in the center rear of the building which currently contains a parking area with 64 parking spaces. He testified the number of parking spaces in this area would be reduced to 32 spaces by removing the perimeter spaces and striping in order to create a loop around the parking area adjacent to the building so children could be dropped-off at the rear door. This drop-off location could be used by all students. The second drop-off location on the southern end would include a dedicated drop-off lane marked by striping and would require the elimination of a few nearby parking spots. This drop-off location would be primarily for students aged 5 to 14. The bus traffic would enter the site from the north end, travel one-way through the existing rear drive aisle and exit at the southern site access. As a result of the site changes, there will be 311 parking spaces on site, including eight handicap accessible spaces as required by the Uniform Construction Code. In discussions with the Board, Mr. Fleming and the Applicant agreed to coordinate the location of the 8 required handicap accessible spaces as a condition of approval.

With respect to signage, Mr. Fleming stated due to the large lot and the unusual configuration of the existing building, the Applicant required directional signs at both site entrances, in addition to directional/informational signs interior to the site, in order to assist with site circulation and to direct traffic to the proper locations. He reviewed the sign plan submitted with the application, indicating the Applicant proposed two new directional signs, each 6 square feet in size and each to be located 10 feet from the Voorhees Drive right-of-way. He indicated there would be one of each of these signs placed at each entrance and that they would be installed to face perpendicular to vehicles traveling on Voorhees Drive so as to provide sufficient identification of the property entrance for any visitor approaching the site entrances. Mr. Fleming further testified there is an existing monument sign which is 31.5 square feet in size where a maximum of 24 square feet is permitted. He stated the Applicant intended to repurpose and reuse the existing monument sign without enlarging it. He also testified regarding the façade signs, the Applicant proposed two façade signs where a maximum of one façade sign was permitted. The first sign would be located above the main entrance at the front of the building and the other sign would be located on the northerly corner of the building above an existing entrance door so as to provide site identification for that end of the building. He also indicated that, if possible within the scope of Kingsway's budget, both student entrances would be covered by a canopy constructed with a metal frame with fabric covering that would extend from the door to the edge of the sidewalk where students will be dropped off.

Philip Rodriguez, Kingsway’s Chief Operating Officer testified the proposed operations on the site would be generally the same as explained to the Board when the applicant first obtained use variance approval. The only significant change was the age range of the student population which had been changed at the direction of the New Jersey Department of Education, which was directing Kingsway to relocate the adult student population to their Moorestown facility and limit this site to elementary and middle/high school aged students. He stated all of the services on site would be the same as previously explained to the Board and that the number of teachers and staff would total approximately 160, 80% of which would be full-time and 20% of which would be part-time. Mr. Rodriguez also stated four to five students each year are transported directly by their parents. For those students, the parent’s vehicle is assigned a separate bus number and the parents are instructed to line up for drop-off with all of the other buses. With respect to building access, Mr. Rodriguez testified that there are only three (3) entrances where people who are not employees can enter: the main entrance in the front of the building, the drop-off area on the southerly side of the building and the drop-off area behind the building. A resource officer is always placed at the main entrance and that all entrances have cameras which would be made accessible to the police department. He noted further the school uses a key fob access system and all doors other than the main entrance and the doors at the bus drop-off locations would be designated as "exit only" and would be alarmed to sound when opened. Mr. Rodriguez stated the Applicant was adding additional security technology throughout the building. In response to questions from the Board, Mr. Rodriguez indicated that Kingsway agreed to consult with the Voorhees Township Police Department and to adhere to any of the Police Department’s recommendations for security to the extent they are not otherwise inconsistent with any Department of Education requirements.

David Cohen indicated he is employed by Needleman Property Management, which is responsible for the overall management of the site. Mr. Cohen testified about the proposed sign, indicating the two proposed 6 square foot free-standing “Kingsway” identification signs were necessary for the safe maneuvering of traffic into the site in order to provide sufficient notification to vehicles travelling on Voorhees Drive as to the most appropriate entrance for their visit to the site. He indicated further that both signs were scaled relative to the size of the site and the size of the building. With respect to the existing 4-foot high directional signs currently located near each entrance, Mr. Cohen indicated they would be refaced and repurposed and that their current setback from Voorhees Drive is an existing nonconforming condition.

In response to questions from the Board, the Applicant agreed as a condition of approval, to limit the rear drive aisle to one-way traffic entering on the north side of the site and exiting on the south side of the site. The Applicant further agreed to work with the Zoning Board Engineer to resolve any outstanding site-related issues.

The Board opened the hearing to the public and one (1) member of the public appeared at the time of the hearing. Frank Tedesco, Esquire, the attorney for the office park owners association of which the Subject Property is a part. Mr. Tedesco indicated there is a Declaration of Covenants, Easements and Restrictions governing the operation of the subject office buildings which currently prohibits any of the buildings for use as a school. Mr. Tedesco also indicated the association and the Applicant were working together to allow the Kingsway school use and that the association supported the application.

Seeing no one further, the public portion was closed.

Mr. Weil made a Motion to approve the minor site plan with relief from Section 152.065 (F) of the ULDO to permit 60.7% impervious coverage where a maximum of 60% is permitted; relief from Section 152.065(G) to permit clearing limits greater than 70% where a maximum clearing limit of 70% is permitted; relief from Section 152.065(H)(3) to permit a rear yard setback of 27.5 feet where a minimum of 50 feet is required; relief from Section 150.15(E)(6) to permit two functional signs to be 6 square feet each and two functional signs to be 12.7 square feet each where a maximum of three square feet is permitted for each; relief from Section 150.15(G)(4) to permit a site identification sign to be 31.5 square feet where a maxim of 24 square feet is permitted, relief from Section 150.15(H)(2)(a) to permit 2 façade signs on the building frontage facing Voorhees Drive where a maximum of one façade sign is permitted; relief from Section 150.15(H)(3)(1)(1) to permit the existing monument sign and two new directional signs to be set back 10 feet from the Voorhees Drive right-of-way where a minimum of 25 feet is required by the ULDO code. Seeking any and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals; seconded by Mr. Willard.

The Board voted seven (7) in favor (Weil, Cohen, Daddario, Willard, Leoncio, Cupersmith and Senges) and none (0) against, with no (0) abstentions, thereby granting the application subject to certain conditions as follows:

1. The Applicant shall consult and coordinate with the Voorhees Township Police Department regarding building security and shall adhere to any recommendations of the Voorhees Township Police Department, except to the extent that said recommendations are otherwise inconsistent with requirements of the New Jersey Department of Education.
2. The Applicant agreed, as a condition of approval, that the rear drive aisle will be limited to one-way traffic entering at the northerly site access and exiting at the southerly site access. The Applicant shall revise the plan accordingly to the satisfaction of the Board Engineer.
3. The Applicant agreed, as a condition of approval, to comply with all of the comments in the Board Engineer’s report, including but not limited to working with the Board Engineer to resolve any outstanding site related issues.
4. The Applicant shall comply with all conditions of the use variance approval granted pursuant to Zoning Board Resolution No. 17-10.
5. The Applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or file a written protest with the Township Business Administrator within seven (7) days of receipt of a final voucher from the Township.
6. These General Conditions of Approval and any additional conditions of approval, if any, shall be binding upon the Applicant, the owner, developer, and any successors and/or assigns of them.
7. The Applicant shall obtain approval from any other county, state or municipal agency having jurisdiction over the application, including, but not limited to, the Camden County Board of Health, the Camden County Planning Board, Camden County Soil Conservation District, and New Jersey Department of Transportation.
8. The Applicant has submitted certain plans and documents which were accepted by the Zoning Board as part of its application and further made certain representations and provided testimony at the time of the public hearing, all of which has been relied upon by the Zoning Board in making its determination. Should there be any material deviation from said documents, plans, representations or testimony or from any conditions contained herein, then the Zoning Board may, upon notice to the Applicant and an opportunity to be heard, elect to rescind its approval.
9. Any improvement(s) to be constructed as a result of the Voorhees Township Zoning Board approving this application shall be constructed and operated in full compliance with the Uniform Construction Code, Code of the Township of Voorhees, the Revised Statutes of the State of New Jersey and any other applicable county and/or federal law.
10. The Applicant is responsible for obtaining all zoning and/or building permits and approvals necessary to construct the project/development approved herein.
11. The Applicant is hereby advised that this application and plan have not been reviewed for conformance with the Americans with Disabilities Act (ADA). It is the responsibility of the Applicant/Owner to conform to said legislation.
12. If the above application involves the granting of a final subdivision or site plan approval, the Township Clerk, Chairperson and Secretary of the Voorhees Township Zoning Board shall not sign the final subdivision plan or final site plan nor shall any zoning permit issue until the Applicant has demonstrated that all conditions of the final approval have been satisfied.
13. If a final approval has been granted, the Applicant shall submit to the Voorhees Township Zoning Board Engineer for his review a minimum of 10 complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.
14. Performance guarantees (complying with N.J.S.A. 40:55D-53) shall be posted with the Township for the site and utility improvement installations. These guarantees shall be effective for both the time duration required for their installation, and upon completion to check for compliance with the approved plan prior to a certificate of compliance and certificate of occupancy being issued.
15. The Applicant’s engineer shall provide a cost estimate of the proposed site improvements, excluding building costs.
16. Inspection fees shall be posted with the Township for site and utility improvement inspections which are to be performed by the municipal engineer to check for compliance with the approved plan prior to a certificate of compliance and certificate of occupancy being issued.
17. The Applicant shall post the required inspection fee deposit with the application for a building permit.
18. It is the ultimate responsibility of the Applicant/Owner to construct the necessary improvements in accordance with the Township standards and to offer said improvements to the Township in proper condition and as approved. All damaged and/or defective improvements shall be properly repaired and/or replaced.
19. All improvements are subject to inspection by the Township. No site clearing or construction is to begin without proper notification to the Township Engineer.
20. No deed restrictions may exist in regard to this property/development, except those reviewed and included in the Board’s approval.
21. A permit shall be obtained from the zoning officer after final approval and/or prior to any site clearing and/or construction.
22. The Applicant/Owner shall continue to properly maintain all improvements of the development including but not limited to streets, storm sewer, drainage swales, etc. and shall sweep the streets, clean the storm sewers, etc. on a monthly basis, or as may be necessary. This shall continue until the improvements are accepted by the Township.
23. The Applicant/Owner shall clean all storm sewer facilities and other such improvements as necessary prior to their acceptance, with final as-built certifications and plans being provided by the Applicant.
24. The Applicant’s licensed professional engineer will indicate compliance with the approved plan, including the stormwater drainage system. All improvements shall be offered in proper and good condition.
25. All damaged improvements shall be repaired and/or replaced to the satisfaction of the Township.
26. The public road right-of-ways within the development shall not be used as storage areas or “staging” areas for the construction of either buildings or site improvements.
27. The final pavement surfacing of roadways shall not be installed on roadways used for construction traffic. The final pavement surfacing of roadways shall not be installed on any roadway until all repairs have been made to the various improvements within the roadway/right-of-way area and it is determined that further damage to such roadway improvements due to construction or construction traffic is not anticipated.
28. The Township may, at its discretion, determine when final roadway surfacing may occur.
29. The Applicant/Owner shall provide the Township Zoning Officer and Township Engineer 48 hours advance notice prior to any construction, including site clearing, being done. The notification shall include the following information:

(a) Project Application Number;

(b) Project Name;

(c) Project Location (Street, Block, Lot);

(d) Applicant’s Name, Address and Telephone Number;

(e) Applicant’s Contact Person, Address, Telephone Number; and

(f) Expected Start Date.

1. The Applicant/Owner shall schedule a pre-construction meeting through the Township Engineering office (428-5914) prior to the commencement of any work. Any work within Township streets requires a road opening permit from the Township Clerk’s office and a permit from the Voorhees Township Police Department.
2. Landscaping shall be maintained on a continuing basis as a condition of approval and the certificate of occupancy.
3. The inspection and testing by the Township of the work done by the Applicant is solely for the benefit of the Township to determine the general quality of materials and workmanship. While the Applicant may avail itself of the Township’s testing/inspection data, any decisions made by the Applicant as a result of the Township’s test/inspection information shall be made at the Applicant’s own risk. The Applicant has the right to conduct similar tests and inspections at its own expense to satisfy its need for information and data pertaining to materials and workmanship.
4. During construction of the development’s roadway, manhole castings, valve boxes, inlet castings (except curb piece type), etc. shall be set flush with the roadway surface to avoid potential damage to vehicles and other public works equipment, such as snow plows. Prior to the construction of the final roadway surface, the castings shall be adjusted and set to final grade.
5. The Applicant/Owner is to be advised that the development of this property is to proceed in accordance with the approved plans and it is its responsibility to do so and obtain all necessary permits, inspections and other approvals which may be necessary to ultimately obtain a certificate of occupancy, and/or acceptance of the improvements.
6. The Applicant/Owner is responsible for obtaining all the permits and approvals necessary to construct the project/development and the variance improvements. (Copies of all permits and approvals shall be filed with the Board.)
7. A two (2) year maintenance guaranty (complying with N.J.S.A. 40:55D-53) in the amount of 15% of the cost of improvements shall be provided to the Township upon acceptance of any improvements by the Township.
8. All street name signs, stop signs, miscellaneous traffic signs, etc. are to be installed by the Applicant/Owner upon a construction of a street’s hard surface base course and/or upon the direction of the Township.
9. The Applicant/Owner shall construct the required improvements within two (2) years (or as determined by the Township) of the final approval date, or the Township may elect to construct the improvements at the expense of the Applicant/Owner.
10. All municipal utility easements shall be expressly dedicated to the Township of Voorhees.
11. As appropriate, the Applicant/Owner shall prepare the necessary deeds or agreements conveying such real estate, right-of-ways, easements, improvements, etc. to the Township for acceptance by Township Committee. Upon final approval and prior to the issuance of a zoning permit, such conveyances shall be done by Deed and recorded in the county clerk’s office, after having been reviewed and approved by the Township Engineer and Board Solicitor.
12. The stormwater management facilities, if any, shall be constructed immediately upon the initial development of the property and completed to the extent necessary to properly manage the stormwater run-off in accordance with the parameters of the design and within the intent of the approval of the Board.
13. The fulfillment of all conditions precedent shall be reported, in writing, by the Applicant to the secretary of the reviewing board granting such conditional approval, and the secretary may cause such reports to be verified in an appropriate manner.
14. Only upon fulfillment of all conditions precedent shall any site plan be signed and/or any required building or zoning permit be issued.

Seeing no further business Mr. Weil makes a motion to adjourn, seconded by Mr. Senges.

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Corrine Tarcelli

Zoning Board Secretary