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. Daddario, Mr. Fanelli, Mr. Leoncio, Mr. Rashatwar, Mr. Senges, Mr. Weil, Mr. Willard

Absent: Mr. Brocco, Mr. Cohen, Mr. Cupersmith, Mr. Schwenke

Also, present, Chris Norman, Board Solicitor, Ben Matlack, CME, Board Engineer, Chris Dochney, CME, Planner, Russell Schlafer, CME, PE, PTOE, and Corrine Tarcelli, Zoning Board Secretary

**MINUTES FOR APPROVAL**

 Mr. Willard motioned to approve the Minutes from the June 13, 2019 Zoning Board Hearing; seconded by Mr. Weil; none (0) against.

 Mr. Willard motioned to approve the Minutes from the July 11, 2019 Zoning Board Hearing; seconded by Mr. Weil; none (0) against, Mr. Senges, Mr. Fanelli, Mr. Rashatwar abstained.

**RESOLUTIONS FOR APPROVAL**

Mr. Willard motioned to approve Resolution ZC2019-001 Robert and Dana Carson, 1308 Pine Avenue; seconded by Mr. Weil; none (0) against, Mr. Daddario, Mr. Senges, Mr. Fanelli and Mr. Rashatwar abstained.

 Mr. Willard motioned to approve Resolution ZC2019-007 Derek and Lisa Franchetti, 4 Silver Hill Lane; seconded by Mr. Weil; none (0) against, Mr. Weil, Mr. Fanelli and Mr. Rashatwar abstained.

Mr. Willard motioned to approve Resolution ZC2019-008 Domenick Cinalli, 3 Stamford Drive; seconded by Mr. Weil; none (0) against, Mr. Weil, Mr. Fanelli and Mr. Rashatwar abstained.

Mr. Willard motioned to approve Resolution ZC2019-009 Kevin and Amber Monroe, 70 Woodstone Drive; seconded by Mr. Weil; none (0) against, Mr. Leoncio, Mr. Fanelli and Mr. Rashatwar abstained.

Mr. Willard motioned to approve Resolution ZC2019-010 Brian and Rebecca Dib, 37 Brookstone Drive; seconded by Mr. Weil; none (0) against, Mr. Leoncio, Mr. Fanelli and Mr. Rashatwar abstained.

Mr. Willard motioned to approve Resolution ZC2019-011 James J. Heinz, 115 Bergen Avenue; seconded by Mr. Weil; none (0) against, Mr. Leoncio, Mr. Fanelli and Mr. Rashatwar abstained.

Mr. Willard motioned to approve Resolution ZC2019-012 Jason and Andrea Johnson, 124 Paradise Drive; seconded by Mr. Weil; none (0) against, Mr. Senges, Mr. Fanelli and Mr. Rashatwar abstained.

**OLD BUSINESS**

**Hartford Properties, LLC**

801 Haddonfield-Berlin Road

Block 199.06, L35

Mr. Norman summarized the case stating the Applicant is seeking a use variance to remove all of the existing golf facility improvements (currently operated as “Golf Land”) within the western 12.3 acre portion of block 199.06, lot 35 and construct a 97,800 s.f. mixed use center that will consist of a mixture of non-residential uses including retail, restaurant, fast food restaurant, service, entertainment, exercise or fitness, office and professional office. A total of six buildings are proposed although the number of buildings is subject to change. Offices, professional offices and restaurants are permitted as conditional uses within the SH-Senior Housing zone, however, the other uses that Applicant proposes are not permitted in that zone. This is a bifurcated application seeking a D1 and D3 variance. If there were any action on the application, it would be subject to a full site plan and/or subdivision approval where all bulk variances and design waivers would be dealt with at that time.

Mr. Damien Del Duca, Del Duca Lewis Law Firm, Attorney for the Applicant, Hartford Properties, LLC stated the hearing was continued from June 13, 2019. Mr. Harter, Traffic Engineer and Mr. McDonough, Professional Planner will present testimony.

Mr. Del Duca referenced Exhibit A-22, survey dated July 19, 2018. The exhibit will be discussed briefly by Mr. Harter. A second exhibit A-23 was also referenced. The exhibit includes six pages of planning exhibits that Mr. McDonough will refer to during his testimony.

Mr. Harter stated he received a Bachelor of Science in Civil Engineering and has been employed by Atlantic Traffic since 1993. He has been a principal of the firm for approximately 25 years. He is a Professional Engineer licensed in the state of NJ and several others, has testified in Voorhees Township and has been accepted in other municipalities as an expert of traffic engineering in over 150 other municipalities. He is familiar with the site. He prepared the traffic impact study dated February 19, 2019, revised May 29, 2019. Mr. Harter was qualified as an expert in Traffic Engineering by the Board.

Mr. Harter stated the purpose of the traffic impact study was to look at traffic impacts relative to the project and redevelopment of the site. He stated he analyzed existing traffic conditions, traffic counts, trip generation for the site, projected what the site would generate during various peak hours and also future conditions looking at two years in the future with other developments in the area, background growth and then of course looking at levels of service at the various intersections. Traffic counts were conducted at three locations, Haddonfield-Berlin Road, County Route 561, studied the intersection located at Voorhees Drive, and the two adjacent signals to the east Laurel Oak Road and to the west White Horse Road. Relative to the existing conditions, the average daily volume (ADV) along Route 561 is 22,000 vehicles two way which is based on an old statistic from Department of Transportation. He expects since that time, the volume has likely increased somewhat. Regarding the traffic counts relative to the weekday morning periods from 7 a.m. to 9 a.m., 4 p.m. to 6 p.m. and Saturday mid-day hours, roughly the weekday morning and evening peak hours there will be approximately 2,000 vehicles two way. In the morning the predominant flow is to the west toward Route 295 and reversed in the evening. The volume dropped 20% two way on Saturday during the peak hours to approximately 1,600 vehicles and the distribution is more even between east and west.

Mr. Harter further stated they created existing conditions and looked at three intersections. The county did not require they study a Sunday period. He looked to obtain traffic records for the three intersections. It was difficult to locate plans and timings. The plans obtained were from the late 90’s and timings after the intersections appeared as though they have not been updated in quite a while. The two intersections studied were one at the site and one to the east at Laurel Oak Road. He did not find significant problems in terms of traffic. Relative to White Horse Road and the cross section of Haddonfield-Berlin Road, there is a five-lane section on the county road, two lanes through in each direction, a center turn lane, and left turn lanes. There is a capacity issue to the west at White Horse Road which the township is aware. The cross-section drops down to three lanes due to the historic property on the northwest corner of the intersection. Instead of a five-lane section, there is only a three-lane section. Therefore, there are capacity issues at that intersection.

Mr. Harter further stated he reviewed future conditions and other developments in the area. CME also identified an off-site development as well, a Royal Farms that recently opened, and Thomas Jefferson Hospital a recent application for that facility located along Laurel Oak Road. We included volumes from those two uses. Mr. Harter included them in the future build conditions in two years, 2021 and also utilized a background growth of 2% which is what NJDOT recommends for Camden County. Mr. Harter referred to Exhibit A-22. He further stated Golf Land is not a very active site today. The volumes are very low and minimal. Signalized intersection and the northern leg which serves the site today is an egress only driveway. It is offset from Voorhees Drive and is misaligned to the east. The ingress to the site is further a couple of hundred feet east of the signal. It is not an ideal situation. Because of the offset the way it operates today it may not be noticeable because of the low volumes at the site. It is a split phase because of the misalignment. Traffic engineers prefers the run and avoids split phases and a misaligned intersection that exists today. Regarding the proposed condition, as discussed with the County, the Applicant would reconstruct the intersection, improve the signal to current standards, improve the ADA to current standards, align that intersection properly, and create a different cycle of phasing of the signal operations so that northbound and southbound will have individual left turn lanes. The new plan is a much improved access design. The left turns will exist eastbound which will result in plenty of stacking for the inbound movement and cars will not have to cross a left turn lane. The county had concerns about residents crossing a county road. Regarding the timing walk, don’t walk was not up to current standards, that would also be improved. Not only a properly aligned intersection but much improved current standards and ADA compliance. Additionally the sidewalk, currently along the north side of the property between the two driveways, are not up to standards in terms of level sidewalks and clear paths. That would be another benefit that the project offers.

Relative to trip generation, this is a mixed use development approximately 98,000 square feet made up of many components that one could look at it as a shopping center. Traffic engineers rely on the ITE (Institute of Transportation Engineers) to make calculations for trip generation for what one can expect at the site. To be more conservative Mr. Harter studied the individual various land uses that will make up the site. That would include shopping center for the general retail, sit-down restaurants, also medical office space, coffee/donut with drive-through and a fast food drive-through. Taking a more conservative approach, trip generations were individually calculated. There are some shared trips, a trip may go to the site and go to a restaurant and then to a medical office. The morning peak hour for example, the results are twice what they would be if it were a shopping center. The pass-by is assumed to be about a third of the traffic generated. Relative to future analysis, Mr. Harter looked at two years out, a no-build case, that’s the other developments, background growth on top of the existing trips and then a build case two years out with the site traffic in place. The level of service during peak hours would be operated as a D or better. There is plenty of stacking for the movements at the intersection. The on-site design has also been well designed to accommodate the anticipated traffic flow. There is an inbound movement into the signalized driveway that will be free flow. The outbound with three approaches of internal intersection would each be stack controlled to give the priority to the inbound traffic so there will not be any backups onto the county road. There was a comment by CME with concerns about some of the queueing. As a result Mr. Harter showed the stacked controlled movements and also ‘do not block the box’ paving markings and signage to control that intersection so that vehicles exiting the site are prevented from blocking the intersection and the inbound unhindered. He further stated there will also be a right in and right out driveway to the west of the signal and found that would operate at C or better level of service. The county at their initial meeting was in favor of the access design and had no concerns. Regarding the Laurel Oak Road intersection to the east, there are some existing levels of service where there is an F; there are two cases under existing conditions. The proposed development will not contribute any traffic to those movements. There is a westbound left on Haddonfield Berlin Road where there is an F in the morning peak hour and then southbound Laurel Oak Road another movement is an F. All of the other movements at that location are not in that F range. This site will not contribute to these levels of service. Page six of the traffic report provides the table for the level of service. The total volume entering the site in the morning peak hour is approximately 270 trips, evening peak hour 250 trips roughly and Saturday, 340.

Mr. Harter further stated, relative to the trip generation results contributing to the Laurel Oak Road intersection, he did not see any problematic movements except for the two described that the proposed development will not be contributing to. He did not see any significant changes in levels of service at all at the Laurel Oak Road intersection. West of the site, the driveway at Voorhees Drive, there are D and better levels of service. The site will not have an adverse impact to the levels of service at Voorhees Drive. It will be a D level or better. Existing conditions are at a D level or better.

Mr. Harter further stated, the proposed development will not worsen the levels of service due to the improvements that are going to be made. Relative to the White Horse Road intersection, that intersection is already operating at a poor level of service due to the lack of lanes west to the intersection from a five lane cross section to three to the west. He found under existing conditions F levels of service on all four approaches especially during peak hours in the morning. Added volumes from the proposed site to the intersection resulted in an increase of of under 5% at the intersection during each of the peak hours. That is not a significant major increase at an intersection. By retiming the light to improve the overall level of service during each peak hour above what occurs during the no build conditions. Relative to the three intersections that were studied, they will operate consistent with the no build conditions with the modifications indicated. The study demonstrates the existing roadway network will not be significantly impacted by the proposed development. Due to the signalized improvements and signalized access at Voorhees Drive, the site will not have a significant impact. In terms of the proposed parking access and on-site circulation, relative to circulation there are generous dimensions, 10 x 18 parking stalls, the isle widths for the two way are 24 and up to 30 in some cases, generous isle width. The site will operate very well. In terms of parking, the retail requirement for the Township relative to parking is four per thousand. The design is for five per thousand. The traffic study is based on five per thousand.

Mr. Matlack questioned whether or not Mr. Harter presented the signal timing changes to the county. He indicated they have not. Should they obtain local approval, they will provide design plans to the county which will require Camden County Planning Board approval.

There is an overall level of service at the entrance at Voorhees Road which would be a B level during morning peak, evening peak and Saturdays. Under today’s conditions it is an A/B level. It will be held at B for the overall after development. The level of service at Laurel Oak Road intersection, C morning, D evening and B Saturday. The mornings and Saturdays will not change after development. The evening peak will change from a D to an E. The purpose of the right turn right out driveway shown on the western side of the site is to help serve the buildings at the western end of the site and will help with site circulation. The access points for the site are safe and adequate for truck traffic. The larger trucks will enter the signalized intersection. The secondary right in/right out will be for smaller trucks.

Mr. McDonough was called to testify. He was previously sworn in. Mr. McDonough is a Project Planner, licensed professional planner in the State of New Jersey and a member of the American Institute of Certified Planners. He has been a Professional Planner for 30 years and has been qualified throughout the State of New Jersey as an expert. He is familiar with the project. Mr. McDonough was accepted by the Board as an expert.

 Mr. McDonough referenced various exhibits that were provided previously, in particular Exhibit A-23. He stated the parcel is approximately 49 acres. It is a corner parcel with frontage on Haddonfield- Berlin Road and contains the Lions Gate community. The Golf Land facility has been a long standing commercial use in the community. This application is looking to place commercial uses into a portion of the site that has been historically utilized for commercial purposes. The site is at the confluence of a number of different land use categories including non-residential land uses, shopping centers. There are residential land uses. Consistent with that is the way the zoning has manifested around the site, the Senior Housing SH district. The SH zone has been fulfilled at this location. Its purpose has been fulfilled with the development of the Lion’s Gate facility. That facility is at capacity and has generous surplus. There is a 20% vacancy, 80% capacity so there is room to grow. This is only one portion of the SH zone. There are other multi-family senior housing developments as well. Therefore, the entire zone is not reliant upon this particular site to provide senior housing. There is the O1 Zone to the north of the site. There is the B Zone on the opposite side of the highway, the O3 Zone. There is a Town Center overlay. One of the important considerations here when there are multiple zones around a site, it makes one wonder what’s permitted there. Interestingly, a lot of the things the Applicant is proposing here including retail, offices, entertainment uses and active uses are actually allowed in the surrounding zones. It certainly begs the question why not rezone the property. That’s an obvious planning question. We use the use variance mechanism as the appropriate mechanism because it relates to a specific piece of property not the entire zone.

 Mr. McDonough stated the Applicant is proposing to take an older commercial site and revitalize it and bring it back to a thriving commercial site. It is designed to be an exciting sense of place, images and associations proposed, a sense of life. Any retail space, any entertainment space, needs people to install life. That’s exactly what the Applicant is proposing here. Space complimentary to the uses around it and it will help to revitalize and establish a thriving corridor. The Applicant has experience with these types of development. A park-like active setting in this particular area. The relief the Applicant is seeking is a D1 Use Variance to allow for a mixed-use commercial center. The legal basis for that relief looks at the four elements that are under the Medici Test. Everything in land use starts with the land itself. Planners look at the site suitability, the attributes of the site. The site is suitable due to the fact that the property fronts on a prime commercial corridor with excellent connectivity to the regional road network. This will have a minor factor traffic. It is particularly suitable by virtue of the condition of the property. It is a remnant parcel. It is a parcel that has established itself for a long period of time, conducive to a commercial land use. It is leftover land from the senior housing campus. It is not conducive to the campus itself. It is offset from the campus in terms of its connectivity. It is complementary to the senior housing facility. It provides a service type use for residents of the senior housing facility. It has a regional benefit and certainly a local benefit as well. Demand is always a consideration. We have an application being driven by an experienced commercial developer. A national brand major tenant interest so there is a real world backing for the change of this particular use. There are indictors for an increasing demand for both of these uses both office and retail in the Voorhees area. The second part of the test focuses on the land use law. From the planning standpoint this application advances all of the purposes of the land use law but especially six or so particular purposes. Notably promotion of the public welfare. The public interest will be served with goods, services, jobs, economic stimulation with a high quality retail development. The site will provide for a variety of uses in an appropriate location. The site will promote the planning goal for a desirable visual environment. The aesthetic quality of this property is going to increase with the value the Applicant is proposing. It will provide the site with a new look. It will be fresh in the public eye. The existing corridor will have a nice, new fresh look which will add value to the site, to the neighborhood, and to the image of the town as a whole. It shows that Voorhees remains a very attractive place for investors to invest. The planning goal to provide for plan integrated compact development. The site includes a variety of land uses to comingle. There is an emphasis on retail, service, entertainment, restaurant, general office use, a medical office component. The planning goal to efficiently use the land. This is a developed piece of property. It is a site that was previously disturbed and will repurpose the site that already has been established as a commercial land use and is somewhat falling into stagnation. This will add to the viability and the functionality of this particular space. Lastly the planning goal to promote creative design. As the exhibits show the site will promote creative design.

Mr. McDonough further stated the next two prongs of the test focus on the negative side and looks to see whether or not a particular application will create a substantially adverse impact. From a planning standpoint the first part of the test focuses on the impact of the area. Public safety is at the heart of the test. Both engineers have testified that this site will function safely and efficiently. There may be some variability in the design, the access points, the flow through the site and the buffering around the perimeter will all establish the site and the site will function safely and efficiently. Relative to public health, there is nothing substantially adverse about this project in terms of air pollution, water pollution. It is safe to assume this site is going to be designed in accordance with all standards with respect to stormwater controls and qualities. The other portion of the criteria focuses on the public welfare, the public nuisance. The proposed development is compatible with the surrounding area. Relative to the site plan, this property is designed to have a nice green edge around the entire perimeter. There is a 50 foot buffer built into the design to buffer the residential homes to the north. Clearly there is no substantially adverse impacts to the surrounding neighborhood public safety or welfare. The last part of the test is important. It focuses on the ordinance that the governing body has given the Board. This Board does not have the authority to usurp the power of the governing body which has determined that this site is a senior housing district. There are four different zoning districts surrounding the property. The first one is the O1, office zone and is limited and does not carry the capacity the Applicant is looking. Likewise there is the O3 district which stands beyond the basic office uses, banquet facilities, self-storage, wholesale facilities, light industrial facilities. An application utilizing the use variance mechanism, will enable the Board to keep a rope around the application. It limits the use, contains the uses for what the Applicant is proposing.

Mr. McDonough stated there is also a B zone that could be carried over. Retail is allowed. Also allowed are hotels, motels, car washes, self-storage facilities, gas stations with or without a convenience store. Finally, the Town Center district across the street. That is a zone that allows for residential as well. The reason this Applicant has not expanded the residential component onto this portion of the property, residential is not conducive here. That’s why we see this limited boutique type retail project as being appropriate under the use variance mechanism as opposed to a wholesale rezone of this particular piece of property. The zone district in the last 2012 master plan re-examination encourages the revitalization of vacant land or stagnant land which is exactly what this application is doing.

Mr. McDonough further stated it is important to consider the impact of what happens to the SH zone. From a planning standpoint, that zone has manifested its purpose. There is a build out for SH that has not met its capacity and there is adequate capacity. There are also senior housing districts well beyond this particular site. The integrity of the overall district remains intact as a senior housing district. This is a complimentary land use of the intent and purpose of the zone plan and actually bolsters senior housing district. With that the four parts of the use variance D-1 mechanism have been met and the Board can move favorably on that aspect of the application.

Mr. McDonough stated the Applicant is also seeking D-3 conditional use relief which is a lower standard, a more relaxed standard and that pertains to the office component and the eatery components. The justification for the setbacks and for height is as follows: The two standards the Applicant is seeking relief from, number one setback from residential being less than 300 feet which applies only to the eatery component not the office component. Secondly, the building height only from the conditional use aspect to allow a building outside of that 300 foot intersection to extend from 26 feet to 45 feet whereas 20 feet is the maximum cap. The justification for the setback relief is that the legislative intent on the conditional use standards for setbacks is met. The project will provide a screen around the perimeter of the project. That is the intent of the setback of the conditional use, a nice soft green edge. It will not create a hard edge with the surrounding property. It will provide for adequate screening and separation of uses and provide for adequate light, air and open space. Relative to the height. Added building height is not going to create an obtrusive or unsightly structures. It is not going to create an overpowering structure, does not create a poor esthetic, will not block any scenic views, will not create any negative shadow effects. It will not cause any runoff to be redirected unfairly from one property to the other or give one property an unfair height advantage over another property. All of the overall use benefits would carry forth without any substantially detrimental impacts related to the conditional use deviations from an area standpoint and from a zoning standpoint.

Additionally, in connection with this application, the Applicant is seeking some interrelated bulk relief. Most of which is going to be postponed until the site application. There are five particular bulk deviations that are being requested.

Mr. McDonough further stated the statutory tests of the D-1 and D-3 have been met. This is an application that is subject to the statutory criteria, not subject to emotion. All prongs of the tests have been met. Mr. McDonough opined this is a good application for a practical standpoint, well thought out. The engineers have done a very good job of designing the project. With that said all of the planning aspects of this application are met and the Board can move favorably.

Mr. Del Duca stated the summary specifically states that 24.4% of the tenant use will be for medical offices. He wanted to clarify for the Board that it may be a professional office as opposed to strictly medical. Mr. Del Duca questioned Mr. McDonough the fact that this is a large tract, 49 acres and the developer is proposing to develop a minority portion of the tract is that relevant in reconciling standard of proofs and why these uses are not permitted at this location? Mr. McDonough stated this site from a pure area standpoint is going to remain substantially a senior housing site even with the subdivision. This particular site will be the smaller of the two parcels. The parent parcel will remain dedicated to senior housing.

Mr. Del Duca stated he had no further witnesses.

Mr. Dochney, Board Planner questioned whether or not there is a growing demand for office space and retail in this area as previously testified? He further stated, there already is a large amount of retail space surrounding the site, a lot of vacant retail space in Voorhees Township. Mr. McDonough stated per the Costar reports, a real estate resource organization, planners refer to often. The trend from 2014 relative to office use declined from 11% to below 9%. Likewise the trend is down relative to retail. Upwards of 9% to 7%. Vacancy rates are going down which indicates a demand. Additionally, there is bonafied interest from retailers for this particular site.

Mr. Norman clarified the D-1 Use Variance only applies to approximately six of the forty-nine acres; a substantial minority of the site.

Mr. Senges closed this portion and opened to the public.

Mrs. Ruth Blackman, 50 Westminster Drive was sworn in to testify. On June 13, 2019, the developer stated they needed a use variance which she believes it is the municipality’s approval to use property in a manner that is not currently permitted. She stated it’s not as if the Applicant is proposing placing a shed in the backyard. There are 20 different issues that need to be changed. This property backs up to back yards. She inquired how the Board could possibly approve the application without knowing exactly what will be built. The residents deserve a concrete plan especially the ones that will have this in their back yard. The developer stated they need a variance for conditional uses. So the developer wants the Board to allow them to come in with no set use. She asked the Board if they lived on Westminster Drive would they like to have this in their back yard? People will be parking their cars, slamming doors, honking horns and yelling. Will a generous screen really stop that? Not to mention rodents and insects. It will take a while after the land is developed for animals and insects to relocate. How does the developer know these places are in demand? What is the current occupancy rate of mixed use retail space in Voorhees? She requested the design for the water runoff be looked at again. She further stated there is a low table on Westminster that is not being looked at. The developer stated the potential for a liquor license and a restaurant. With that being said there will be late hours, till 2 a.m. or 3 a.m., more cars, more noise, more trash, and more traffic. There are already a dozen restaurants within walking distance. As for fast food, the residents do not want to hear I’ll have a number 2 with extra pickles till midnight, 1 a.m. or 2 a.m. in the morning. A hill and a tree line will not stop the noise from the speakers. Mr. Hill stated seniors wanted a closer place to go. Lions Gate independent living is not full. How many people do you really think will walk from Lions Gate? She stated from her property, she looks out and sees a golf farm. Now she’ll get to look out and see bright lights. Old or new technology used for lights will still create an eyesore and a glow and how often and at what time does the trash get picked up and slammed into the trucks? The amount of traffic the high school kids will generate needs to be addressed. They will cut through the development on Westminster. Her biggest concern is the back parking lot and safety. After hours, she worries about the resident’s safety, drinking, drugs, violence. The fence is not going to preclude any illegal activity during the off hours. A fifty foot buffer is not enough. She further inquired when a commercial facility is erected behind a residential community, what’s going to happen to the values of the property?

Mr. Nick Cinalli, 81 Westminster Drive was sworn into testify. Mr. Cinalli also owns 66 Westminster Drive. He stated there are a lot of issues that have to be taken care of if this application were approved. He wanted to make two very simple points, number one, what’s the likelihood that this development is going to succeed? He sees across the street a fairly large strip center with empty spaces. The residents were told this center will be filled the day they open. Mr. Cinalli urged the Board if they decide to grant the litany of exceptions that they also take into account not the specifics of setbacks, etc. take into account whether or not this development will have a high rate of success. There are two or three additional strip centers further down Route 561 that have been empty for years. When he sits in his backyard what will he see what will he hear, what will he smell and will he feel safe? Should the Board approve this, he would request the Board add provisions that are airtight in terms of taking care of the issues for the residents that live behind the development. He does not want to see a flood light or cars moving in and out. When he opens his window at night, he doesn’t want to hear traffic, alarms, employees, people at bars, etc. and he certainly does not want to smell anything from the restaurants. More importantly, he wants to feel safe. He urged the Board to be extremely careful in their deliberations.

Mrs. Marilyn Meinhart, 69 Westminster Drive was sworn in to testify. Mrs. Meinhart stated she had a few questions. Since there is so much open and developed unused property in the Township, why hasn’t anybody ask if this development can go somewhere else, the Echelon Mall for example? Why not go to one of the areas that is not being utilized at the moment?

Mr. Senges stated it’s due to economics. Developers want to build where they will have the greatest amount of success. The fact that studies show the number of cars that pass the site and the fact that there is already a retail center across the street contribute to their ability to have a successful project. To go somewhere in the township that doesn’t offer those type of things a developer would not want to go there.

Mrs. Meinhart finds it’s hard to believe there are not properties or areas on Route 73 that don’t have the high volume of traffic.

Mr. Norman stated it is not the job of the Board to tell a developer where they can or cannot build.

Mr. Senges stated the question before the Board is simply is the project going to meet the test that they need to meet in order to get approval or not. If not, then the application will be denied.

Mr. Fanelli stated should the use variance be granted, the developer would have to return back to the Zoning Board for site plan approval. Should the plan all of a sudden look a lot different than what the developer original proposed, the Board will not be particularly happy. If they come back and say they don’t care about the neighbors. The Board will not be happy.

Mrs. Meinhart stated shortly after she received notice of the plan in the mail from the developer’s office, she called and started asking some questions. She spoke to Robert Hill. She asked about the types of buildings, the types of uses. Regarding the current fence, she inquired whether or not there was going to be a sturdier structure and is it going to be higher. The answer was no. She stated the trees are patchy, and inquired whether or not that was going to change. She was informed that no the developer is not going to put in anymore trees at her location. With that being said, she feels as though there are a lot of inconsistencies.

Mr. Senges stated site plan will address those things. If they are not going to change the things necessary to properly screen the residential area that will affect the way the Board votes in terms of approving final site plan. Therefore, the use variance will not be of any value whatsoever, because the Applicant will not be able to proceed unless the final plan eliminates those types of concerns.

Mrs. Deborah Hays, 57 Westminster Drive was sworn in to testify. Mrs. Hays stated she has been a Voorhees resident for over 45 years, 32 at this site. She knew when she purchased the property that there was a potential for a use behind it. She knew there was a chance the golf farm could be redeveloped. She did not object to the senior housing use. All these years in Voorhees she has never seen a use this intensive that abuts a residential property. The buffers are extremely small. The second story offices are going to be looking down into the homes. Because the buffers are so small, the trucks will be coming in and out for delivery either at night or early morning. The residents will hear the noise, the trash trucks, smell the fumes, they’re going to hear car doors slamming. It will force the residents in that area to keep their windows closed and not enjoy their backyards as taxpayers are entitled to. The trees are not going to mitigate any of this. Even at the golf farm the residents can hear the noise at night. The noise will be exasperated with the bars and the restaurants. She further stated she does not feel as though this is fair and requested the Board that the variances granted be at a minimal. She requested they be respectful of the ordinances and that the ordinances are there for a reason. Due to the large number of variances requested in her mind it seems as though they are trying to rezone this property. The residential zone was never mentioned once in the Planner’s testimony. All the other zones were mentioned. The residents have as much right to have their rights protected and respected as the developer has to put this project into place.

Mr. Bonfiglio, 5 Hardwick Drive was sworn in to testify. His home is located next to the Golf Farm. He has been a resident for 36 years. He had a beautiful view behind him until someone decided to sell the horse farm at an auction. Unfortunately, he cannot get anyone to step up to the plate to keep the property clean. It was ten acres of cornfield and all of a sudden one day a developer built an office complex. He stated their neighborhood is English Town speedway. Speedbumps or not, kids from the school and other drivers cut through to go to their offices. It’s a mess. Eagle Plaza is across the street, it’s empty. Acme doesn’t even do any business. There are plenty of bars and restaurants. How much more do the residents need? American Water is empty. Why do the residents of Voorhees need more office space? Who are the people that are going to frequent these restaurants? There is more vacant space in this town. Genuardi’s shopping center is empty, the whole strip center is empty. Echelon Mall is a joke; an absolute joke, empty. Our governing body has these grandiose ideas of beer gardens, etc. Who’s supporting it? It’s empty. It’s a white elephant. Mr. Bonfiglio has been in the restaurant business for 40 years and he knows what goes on behind a restaurant, rodents. This is not the place for this development. He too looks out his window and he’s already got the big bright lights from the ShopRite coming into his backyard. Trees are not going to stop a bad guy from roaming into the neighborhood. He requested the Board to look at this application with an open mind and to understand the type of businesses that are going to be developed and the impact it has on people who spent a good deal of money to have a little peace and quiet and enjoy their home. Not once did anyone mention the residential area behind the golf farm when talking about the various zones surrounding the site.

Mrs. Dana Fallick, 6 Shingle Oak Drive, was sworn in to testify. She stated she does not live anywhere near the development site. She drives pass the area, she is not affected by it. She is present to support the neighbors and Voorhees. She made a list of everything that has failed in the Township, Main Street, Genuardi’s Plaza, Eagles Plaza, Voorhees Town Center, American Water, The corner of Kresson-Gibbsboro Road where the Bagel Bin is, vacancies, vacancies, vacancies. Ordinance 152:045 looks at a maximum clearing ratio of no more than 70% of the lot area. The Applicant is requesting 95%. They are ruining our beautiful town and Golf Land and she feels bad for the neighbors to have to have this in their back yard. She is disappointed in the Town and that the Town can do better. It doesn’t make sense to her to tear down another beautiful part of Voorhees for development when there are so many vacancies.

Mr. Rajiv Ambani, 75 Westminster Drive was sworn in to testify. He stated he is the most effected person in the development. He requested the Board before they make a decision to think if they lived at 71, 73, 75, or 69 Westminster Drive would they want this in their back yard. If so, then feel free to approve it.

Mr. Senges stated everyone has to understand the Board has to evaluate the presentation, evaluate whether or not they have met the tests. The Board cannot made a decision based on emotion.

Seeing no one further from the public, the public portion was closed.

Mr. Baron, Attorney on behalf of the Applicant, HCP III Eagle, LLC, Owner of the Eagle Plaza Shopping Center. Mr. Baron stated he would like to cross examine the Planner, the Traffic Engineer, and the Engineer. Mr. Baron stated he has a Planner, Traffic Consultant, and possibly another witness to present as a continuation of the public portion. Due to the length of time Mr. Baron would need to cross examine the Applicant’s witnesses as well as his own, the meeting will be continued until September 12, 2019.

 Mr. Senges requested Mr. Baron cross examine one witness. Mr. Senges inquired as to the basis of Eagle Plaza’s objection. Mr. Baron stated the proofs for the variances have not been given. It is a non-conforming use under the land use law. They are creating the same uses across the street that exists in the Eagle Plaza shopping center. This is not equal treatment under zoning. This is the same case as approximately ten years ago as with the hotel.

 Mr. Baron cross examined Mr. Gehrman, BCT Architecture, and Architect on behalf of the Applicant. Mr. Baron inquired as to whether or not Mr. Gehrman prepared the plans. The plans were prepared by Mr. Gehrman. The layout of the design was completed by Mr. Gehrman. The CAD work was completed by a CAD operator. The plan does not include any lighting fixtures. Therefore, Mr. Gehrman cannot tell Mr. Baron where the light fixtures will be located or whether or not they will create any light spillage onto the adjoining properties. Mr. Gehrman stated he has not prepared a photometric plan. Mr. Baron asked what the height of the evergreen buffer will be around the site. Mr. Gehrman referred to Section AA stated the berm elevation at that location is at 125 with additional planting of an additional 10 feet at full planting that is located at the northeast end of the property. Regarding sections B, C, D, the berm height at Section B is 135 elevation, Section C is 133, and Section D is 130 at the rear of the property. The height of planting is +/- 10 feet, full elevation will be slightly greater than that, approximately 12-14 feet. The actual berm height itself varies at that location depending on the point of view. At some cases the elevation ranges from three feet to five feet. The plantings will be evergreen in nature, a type of pine at the rear of the property. The intended layout of the plantings will be determined during site plan and if additional plantings or offset screening is required, those changes will be made at that time. The landscaping and buffer will be maintained by the owner. Mr. Baron inquired as to the number of parking spaces. Mr. Gehrman stated they are proposing a total of 551 parking spaces for 12.35 acres. The parking ratio is 5.64 per thousand square feet of building. In reviewing the plan and discussing with the Applicant based on the tenant mix it was determined that a 5.64 per thousand would be appropriate for this application. Mr. Baron inquired as to what the proposed tenant mix will be. Mr. Gehrman does not have specific tenant names. However, the breakdown is as follows: Retail/Services/Exercises/entertainment approximately 49.4%, restaurants with drive-through 7.7%, restaurants without drive-through 17.4%, office 5.1%, and medical 20.4% which equates to 100% of the 97,800 square feet.

 Mr. Baron inquired the majority of this may be restaurants. Mr. Gehrman, stated the total of the two restaurants is 25.1%. A general mix of retail, services, exercise, and entertainment a smaller gym operation. Mr. Baron asked when Mr. Gehrman was designing the plan, was he aware that a gym right around the corner from this location had failed. Mr. Gehrman was not aware of that. Mr. Baron inquired as to the number of variances the Applicant is requesting. The plan at this point is for a use variance. The Applicant will also be seeking a rear-yard setback variance, residential zone setback, parking setback from the residential property and the parking setback from the county right of way as well as deviation from the maximum clearing ratio and the possibility of height variance as well.

 Mr. Baron referenced the notice. He stated the Applicant is seeking a use variance for four or five prohibited uses. Mr. Baron inquired as to how many uses are being requested? Mr. Gehrman deferred to another witness. Mr. Baron inquired whether or not Mr. Gehrman calculated how many of the buildings would be within 300 feet of the intersection. Building B, C, D, and E. Building A and F will not be within 300 feet of the intersection. The rear yard setback is 100 feet. The proposed rear yard is 78.9. The closest point to Building A is 78.9. That means a 21% deviation from the rear yard. Minimum parking setback of 100 feet and proposed is 50 feet. That is a 50% deviation. Minimum setback from a right of way is 25 feet, 19 feet is proposed. That is a 25% deviation. Mr. Baron inquired whether or not Mr. Gehrman is aware the Masterplan that the Planning Board recommended states there will be no front parking for commercial on Route 561. Mr. Gehrman was not aware of that. The maximum clearing limit during construction is 70% permitted and 95% is proposed. That is a 36% deviation. Mr. Gehrman stated 90% of the site is already cleared. Therefore requesting an additional 5%. Regarding maximum impervious coverage, permitted is 60%, proposed is 75%. That is 15% non-conforming. The minimum buffer width is 50 feet, proposed is 38 feet. Mr. Gehrman stated they are maintaining a 50 foot proposed buffer in the rear of the property. The distances between buildings required is 30 feet. The proposed plan between Building B and C, there is a 40% deviation. Between D and F there is a 66% deviation. Between E and F there is 100% deviation. There are two buildings and there is no break between the two buildings. They are attached. The deviation in these various conditions range from 21% to 100%. Mr. Baron inquired as to whether or not he is aware of any waivers required. Mr. Gehrman stated no not at this time. No landscaping proposed on any of the yards of the neighbors. Mr. Baron inquired as to whether or not the Applicant is proposing that if a resident were willing to allow them to plant on their property and the resident agreed to maintain it, that the Applicant would agree to that. Mr. Gehrman stated the Applicant is open to discussing that with a property owner if that would be an acceptable measure. There is no proposal to subdivide this piece from the balance of the senior housing. There is a proposal to subdivide this lot from the balance of the senior housing lot and to separate those into two lots. The proposed lot in question is 12.35 acres and the balance of 36.79 acres. Mr. Gehrman stated they did not notice for that at this stage. The minimum lot area in the SH Zone is 45 acres. There is an additional SH zone located across Route 561 on Laurel Oak Road. Mr. Baron stated if the Board were to grant the variances, there would be no other SH zones in the Township with the exception of the one located on Laurel Oak Road. Mr. Gehrman stated he has not had an opportunity to review that. Mr. Baron inquired as to whether or not Mr. Gehrman is aware that the Masterplan for Voorhees Township proposes more senior housing, not taking away from the SH zone.

 Mr. Baron had no further questions.

Hearing no further witnesses, Mr. Weil made a motion to continue the application to the hearing scheduled to take place on September 12 25, 2019; seconded by Mr. Willard.

Mr. Norman stated there will be no further public notice required and the Action Date will be extended until October 15, 2019.

Ayes: Mr. Daddario, Mr. Fanelli, Mr. Leoncio, Mr. Rashatwar, Mr. Senges, Mr. Weil,

Mr. Willard

Nays: None

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

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 Corrine Tarcelli

 Zoning Board Secretary