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. Cohen, Mr. Willard, Mr. Daddario, Mr. Schwenke, Mr. Cupersmith,

Mr. Senges

Absent: Mr. Weil, Mr. Leoncio, Mr. Brocco

Also, present, Chris Norman, Board Solicitor, Ben Matlack, CME, Engineer, and Corrine Tarcelli, Zoning Board Secretary

**MINUTES FOR APPROVAL**

Mr. Cohen motioned to approve the Minutes from the November 7, 2019 Zoning Board Hearing; seconded by Mr. Willard; none (0) against; Mr. Willard, Mr. Schwenke, Mr. Cupersmith abstained.

Mr. Cupersmith motioned to approve the Minutes from the November 21, 2019 Zoning Board Hearing; seconded by Mr. Willard; none (0) against; Mr. Cohen abstained.

**RESOLUTIONS FOR APPROVAL**

Mr. Cohen motioned to approve Resolution ZC2019-004 Hartford Properties, LLC, 1100 Laurel Oak Road.; seconded by Mr. Willard; none (0) against, Mr. Cohen, Mr. Cupersmith.

**OLD BUSINESS**

**MTW Realty, LLC/Auto Lenders Liquidation Center, Inc.**

108 Route 73

Block 252, L4

Mr. Norman summarized the application. The Applicant is Seeking preliminary and final site plan approval for the expansion of the Auto Lenders Liquidation Center, Inc’s existing automobile display (Block 252, L1) onto adjacent premises located at 109 Route 73 and designated as Block 252, Lot 4. The Applicant is also seeking waivers from certain application submission requirements (including waiver of a traffic study) and design standards (including waivers relating to landscaping and lighting of the lot) in connection with the expansion of the automobile display. Also seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Charles Rizzi, Capehart & Scatchard, 8000 Midlantic Drive, Suite 3005, Mt. Laurel, NJ, Attorney on behalf of the Applicant, introduced his professionals. Mr. Michael Wimmer, Applicant, President and CEO of Auto Lenders and owner of the Applicant, MTW Realty. Mr. Mark Weiss, Vice-President, Auto Lenders, Mr. Terrence Combs, Professional Planner on behalf of the Applicant, Pettit Group, LLC, Brian Clearly, Engineer, Pettit Group, LLC 497 Center Street, Sewell, NJ 08080 were sworn in to testify. Mr. Clearly is a licensed engineer in the State of New Jersey and was qualified as an expert. Mr. Rizzi thanked the Board for their accommodation stating it’s an indication that Voorhees is Applicant friendly.

Mr. Rizzi further stated on October 10, 2019, the Board granted the use variance to allow an automobile display lot next to and part of the existing Auto Lenders site on Route 73. The Applicant was also granted several bulk variances, one for pervious coverage, impervious coverage, as well as the buffer requirement to allow a 25 foot buffer from Route 73 where 50 feet is permitted. The Applicant is also seeking design waivers and application waivers.

Mr. Clearly referred to Exhibit A-1 an aerial view of the site and stated Auto Lenders needs additional car display space. Exhibit A-2 was introduced as a rendered site plan. The rendered site plan showed the proposed layout. There will be no direct access to Route 73. The additional lot will connect to the current lot internally. There will be an additional 167 spaces on the new lot. They will be removing seven spaces on the current lot for a total of 327 spaces. The frontage of the site will look very similar to the current. There will be a small decorative fence around the rear of the property. The side of the property will have a security chain link fence. A new sidewalk will be installed along the front of the property to meet the six foot wide Route 73 standards. Lighting will be installed throughout the property in order to properly light the proposed display lot. The lighting on the proposed lot will be the same as the original lot, same fixtures, same lights, and same general spacing.

Mr. Combs stated the lighting was changed to LED for the existing building and the new lighting will be similar to that of the existing. Relative to the front of the site, there is a 15 foot candle range, the balance of the site is around 8 to 10. Auto sales display lots are typically 15 to 20. Mr. Matlack stated the average is 11.6 in the front. Mr. Clearly stated they are not spilling over in excess of what the ordinance permits. Mr. Matlack requested whether or not the 11.6 could be reduced? Mr. Combs stated the fixtures are dimmable. The existing average foot candles on the site is 14. The Applicant is proposing 18 in the front of the new site. Mr. Senges stated if the foot candles are at 14 in the front currently, is it possible to have 14 in the front of the new site? The Applicant agreed to 14 in the front. Mr. Clearly stated the rear of the lot will average 11. The lot will close at 9 p.m. Mr. Senges inquired as to whether or not the lights could be dimmed at 9:30. Mr. Wimmer stated for security purposes the lights should remain bright until 11 p.m. The Applicant agreed to 14 in the front, average of 11 in the back and to dim the lights by 50% at 11 p.m.

Mr. Clearly stated a stormwater management facility was provided and revised plans and calculations were submitted. The facility will discharge to the storm system within Route 73. The Applicant will require an occupancy permit from the DOT. Mr. Matlack stated relative to the location of the basin, the slope of the basin goes right up to the existing property line on the north side of the property. Mr. Matlack inquired as to why they cannot provide a buffer of a flat area to get access around the basin? Mr. Clearly stated the ratio is 10 to 1, however, it’s not a 3 to 1 slope all the way up to the property line due to the berm that has to be provided. Mr. Matlack stated there is a 3 to 1 slope. The one set of the contours starts at the property line. Mr. Clearly stated they would provide as much of a flat area as possible. Mr. Matlack inquired as to whether or not it is possible to enlarge it with a retaining wall not only for a buffer at the property line but also because there is landscaping right along that property line as well. The landscaping looks like it is right in the slope. Mr. Matlack stated an alternative is to shift the entire basin. A wall will provide a flat area at the top of the wall and it could be installed at least five feet away from the property line. Therefore, a variance would not be required. It would enable maintenance vehicles to drive through the area for the fence, trees, etc. Mr. Clearly and Mr. Wimmer agreed to working with Mr. Matlack relative to the design of the wall and the basin.

Mr. Combs stated the Applicant would like to seek relief from the Route 73 Design Standards relative to the type of material requested. Planting large evergreen trees is contrary to good business practice for an automobile dealership. They are close to meeting the requirements of shrubs, evergreen trees, and shade trees. Shade trees are a problem for car dealership lots due to sap, dirt, difficulty keeping the cars clean. The trees will exist along the peripheral of the site. Along the front there will be lower level plantings and shrubs. Mr. Matlack stated revised plans were submitted. Mr. Matlack in general does not have any issues with the Applicant’s responses. He stated the compensation planting needed to be discussed. A compensation plan was not submitted. Mr. Combs stated they are removing 170 trees that are five inches and over with most of them being ‘weeds’. There are only 4 trees over 18 inches. One hundred and thirty of the 170 are scrub weeds. Of the forty, four of them are trees. Mr. Senges stated unfortunately, the Board is required by the ordinance to request compensation for the removal of a tree five inches are larger. Typically the compensation is $200.00 per tree. For one application in particular, the Board reduced the fee to $150.00 per tree because there was a large number of trees. The same will apply in this case, $150.00 per tree. The money goes toward the Voorhees Township Open Space Fund. Mr. Combs stated they are planting 39 new trees. Therefore, the Applicant would have to compensate the Township for 131 trees or $19,650.00. Mr. Senges explained as a Board there are certain things the Board cannot do. The compensation fee cannot be waived, however, the Board can reduce the fee. Mr. Wimmer requested the funds go toward an athletic field. Mr. Norman stated his request would be placed in the Resolution.

Mr. Combs requested a waiver from the one tree per ten spaces relative to the Route 73 Design Standards. Mr. Senges stated the Applicant is to work with Mr. Matlack regarding the landscape design. If additional trees are added on-site, the amount of the tree compensation will be reduced accordingly.

Mr. Rizzi stated relative to the waiver of the traffic study, there are no curb cuts, all of the traffic is going to enter and exit within the existing parking lot. The purpose of the expansion is to increase inventory, not traffic. Mr. Senges stated the site will not generate a lot more traffic, therefore waiving the traffic study is justified.

Mr. Matlack inquired as to whether or not the Applicant would be willing to provide a performance and payment bond for the buffer trees. With the new municipal land use laws, the onsite improvements typically do not require bonding, however, for the buffer trees and shrubs, Mr. Matlack feels it’s appropriate for those to be bonded. Particularly, the trees along the northern and eastern property lines, the trees in the right of way, as well as the trees along the Route 73 buffer. Mr. Rizzi stated a performance bond seems out of character for that type of a request. Mr. Matlack stated a maintenance bond is two years, 15% of the performance bond and the performance bond is until the improvements are complete. A performance bond is posted, once the work is complete, the bond is released. Mr. Rizzi along with the Applicant agreed.

Mr. Clearly stated the only thing that was not specifically discussed is to allow 20 foot light fixtures in lieu of 16 foot fixtures in that they match the adjacent property. Mr. Senges stated they agreed to have the same foot candles and a consistent look throughout. Providing pedestrian and bicycling facilities in parking areas, the Applicant requested that be waived as well. Mr. Matlack did not see a problem with that request and therefore the requirement was waived.

Mr. Rizzi stated there was a waiver mentioned in Mr. Matlack’s review regarding parking not encompassing more than 50% of the lot frontage within 170 feet from Route 73. Mr. Matlack stated does the reduced buffer cause the Applicant to exceed same. Mr. Rizzi stated the requirements would be exceeded in that they go along with the whole nature of the application. Mr. Matlack stated that waiver would be granted as well.

The meeting was opened to the public. Seeing no one from the public, the public portion was closed.

Mr. Norman summarized the application stating the Board would make a motion to grant preliminary and final site plan approval with submission waiver of the traffic study and waiver of the Route 73 Design Standard as it relates to the landscaping. Lighting is subject to the following conditions: Foot candles 14 in the front, 11 in the rear, lights dimmed 50% at 11 p.m. The Applicant will work with the Board Engineer in the design of the retaining wall and basin. The Applicant will make, based on a calculation by the Board Engineer, a contribution of $150.00 per tree per the fee replacement ordinance that will go to the open space plan. The Board recommends the funds be utilized for an athletic field at the request of the Applicant. A performance and maintenance bond will be required for the buffer trees located on the northern and eastern sides of the property as well as the frontage on Route 73. The Board will also grant a waiver of the traffic study and any and all waivers previously mentioned.

Mr. Cupersmith motioned to approve the preliminary and final site plan approval for the expansion of the Auto Lenders Liquidation Center, Inc’s existing automobile display (Block 252, L1) onto adjacent premises located at 109 Route 73 and designated as Block 252, Lot 4. Also approved are the waivers from certain application submission requirements (including waiver of a traffic study) and design standards (including waivers relating to landscaping and lighting of the lot) in connection with the expansion of the automobile display; seconded by Mr. Willard.

Ayes: Mr. Cohen, Mr. Willard, Mr. Daddario, Mr. Schwenke, Mr. Cupersmith, Mr. Senges

Nays: None

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

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Corrine Tarcelli

Zoning Board Secretary