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. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Pannu, Mr. Cupersmith, Mr. Senges.

Absent:

Also, present: Chris Norman, Board Solicitor, Ben Matlack, Board Engineer and Christopher Dochney, Planner, CME Associates, Stella R. Sytnik, Zoning Board Secretary, Corrine Tarcelli.

**MINUTES FOR APPROVAL**

Mr. Weil motioned to approve the Minutes from the February 13 Zoning Board meeting; seconded by Mr. Cohen; none (0) against; Mr. Pannu abstained.

**RESOLUTIONS FOR APPROVAL**

Mr. Weil motioned to approve **RESOLUTON NO. 20-2010** WHR Partners, LLC (Wawa Burnt Mill) seconded by Mr. Willard; none (0) against.

Ayes: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Cupersmith, Mr. Senges.

Nays: None.

Abstention: Mr. Pannu.

**NEW BUSINESS**

**Animal Welfare Association (AWA)**

509 Centennial Blvd.

Block 207, Lot 11

Mr. Norman summarized the case stating Animal Welfare Association has applied for a use variance and amended preliminary and final major site plan approval. The existing facility is a non-conforming use. Applicant proposes to redevelop the property with a new animal shelter while keeping the more recently constructed animal clinic. Applicant previously received use variance approval by Resolution ZC 2012-002, adopted February 23, 2012, and preliminary site plan approval for three phases of development and final site plan approval for Phase 1 (the clinic), by Resolution ZC 2012-016, adopted September 13, 2012. The prior preliminary site plan approval provided for an addition to the existing shelter (Phase 2) and adding a second floor above the clinic for additional office space (Phase 3). This application proposes to combine Phases 2 and 3 and to connect the shelter and clinic buildings; and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals. An animal shelter and clinic are not specifically permitted uses in the Office 3 Zone; therefore, a use variance is required; and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Robert S. Baranowski, Hyland Levin Shapiro LLP, Attorney on behalf of the Applicant stated the general summary outlined by Mr. Norman was very accurate and succinctly described the Application. Mr. Baranowki briefly described the Application and proceeded to introduce professionals testifying on behalf of the client.

Ms. Maya Richmond, President and Executive Director was sworn in to testify. Ms. Richmond explained mission and vision of the Animal Welfare Association and gave the overview of the project. She stated AWA is a 72-year-old not-for- profit organization improving lives of pets and people and building human and animals’ bond. The organization has 3 (three) core programs: animal shelter and adoption center, pet clinic, and pet therapy services. AWA houses annually 2,400 pets and provides educational opportunity for the 4,000 people of all ages. AWA has an active volunteer base. They provide job opportunities for many Voorhees residents. AWA is a national operation and the only entity that helps people with mental and physical disabilities by means of pet therapy. They also pay visits to nursing homes. Some of the dog food is home made by volunteers. Ms. Richmond shared an example of a woman in a wheelchair who was very upset when she got stuck in the door because the facility is not ADA compliant. The woman later sat with a cat and just looked at her which made her feel comfortable. She asked the Board to ponder on whose lives do they think AWA is saving and improving – people’s or animals’? Ms. Richmond added AWA is more than a shelter, more than bricks. Mr. Richmond proceeded to explain the significance of expansion of the current facility. They are transforming the entire animal sheltering concept. She indicated their current facility has a 50-year-old building which is too small for what they do. The plan in front of the Board today has a slightly larger facility. Location, building design, and purpose will not change. The number of animals, staff, volunteer, operating hours will have no significant changes. The proposed building is larger because they are adding more specialty areas for animals’ medical and behavioral care, a small shop, a bigger community space. New and improved building will be bright and well-lit and will redefine the concept of animal sheltering for years to come. Ms. Richmond explained to the board the concept of behavioral rehab which will include indoor activities such as dog and cat rooms where a child can read to cats and dogs. She noted that this type of activity has been scientifically proven to lessen the stress level of children learning to read. The improved facility will also provide medical treatment areas with pet exams. They will be able to provide vet students training. They also plan on offering opportunity for summer camp and temporary housing in case of natural disasters. Ms. Richmond concluded her presentation by stating the Animal Welfare Association is more than a shelter and more than just bricks. She also noted they had to reduce the number of animals because of disruption of operations. The project needs to proceed on schedule so that AWA could offer help to people who need therapy and is able to accommodate staff job needs. She expressed her hope that the Board would support their cause.

Mr. Paul A. Witthohn, P.E., C.M.E., Consulting Engineer Services, Engineer for the Applicant, was sworn in to testify. Mr. Witthohn’s testimony included description of the site plan, both existing and proposed. Per Chairman’s request, Mr. Withhoohn addressed exclusively changes from the last application. He testified the only significant change to take place was temporary parking in the rear that will not impact the overall parking circulation. The main building of the old shelter will be demolished as part of Phase II which now replaces combined Phase II and Phase III. Referencing Exhibit A-1, Mr. Witthohn demonstrated the demolished area and a new 2-story building which will combine the clinic and the shelter. He advised some trees will be removed to make room for the trailers.

Mr. Matlack noted he has reviewed the plan and agrees with the testimony.

Mr. Senges inquired about the time plan for the entire project.

Ms. Richmond explained they anticipate 10 (ten) months from start to finish and hope by this time next year the site will be fully operational.

Ms. Dawn McMullen, AIA, LEED AP BD+C, Architect on behalf of the Applicant was sworn in to testify. Ms. McMullen shared with the Board 3 (three) photos of the face of the new building; all three marked Exhibit A-5.

Mr. Matlack inquired if there will be a proposed building signage and if it will comply with the Township regulations.

Ms. Mullen answered positively to both.

Elizabeth McManus, PP, AICP, LEED AP, Kyle + McManus Associates, Planner was sworn in to testify. Per Chairman’s request, Ms. McMullen focused on the changes from the use variance application previously approved. Ms. McManus advised the Board that she will talk not about why this new building should be allowed to be constructed but only about rationale behind the expansion of non-conforming use of the added 4, 000 square feet. Ms. McManus pointed out it is beneficial use and if Board members would be inclined that AWA provides many values to the community. In case they are not, then several reasons should be provided. The property is suited for the proposed use and specifically for the additional 4,000 square feet expansion. The 10 acres property is more than capable of containing noise resulting from animals and maintaining buffers. In addition, they meet all bulk standards. Pointing to the aerial photos, Ms. McManus noted that the substantial buffers to the North and South provide visual screening. The open space allows to have property visually screened without any disruption to the community. Because of the area and open space this property is well suited and is well able to accommodate the proposed expansion. There are some homes to the West and Southwest, but they are within 600 feet from the property lines. In terms of positive criteria, they meet welfare requirements and all 4 (four) criteria– C, G, I, N. Among them providing adequate lighted space, large buffering, significant open space, maintaining the character of Centennial and Cooper, providing additional community services, constructing much better-looking building, encouraging public activities which residents were hoping to have for many years. Instead of redevelopment, they are able to reopen existing property and encourage public to use it. In terms of meeting negative criteria, Ms. McManus advised the Board not only do they not have substantial detriment but no detriment at all. The building is going to be much improved from any visible surrounding properties. The site will be upgraded. Ms. McManus noted that the facility certainly fits the objective for providing general needs and common goods to the public. Under environment criteria, they do indeed have significant natural space to provide environmentally safe facility for public use. Economic and esthetic vitality criteria will be met by upgrading the site. Ms. McManus concluded they have met all negative and positive criteria.

Seeing no questions from the Board or the Applicant, Mr. Senges opened the floor to the public. Hearing no comments from the public, the Chairman closed the public portion.

Mr. Norman read the motion to grant the amended use variance approval subject to the recommendations of the CME Engineer’s report.

Mr. Cupersmith motioned to grant all the requested relief; seconded by Mr. Cohen.

Ayes: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Senges, Mr. Cupersmith, Mr. Senges.

Nays: None

**Interstate Outdoor Advertising, L.P.**

101 & 103 Rt 73

Block 247, Lots 12 and 14

Mr. Norman summarized the case stating that Interstate Outdoor Advertising, L.P. (“Applicant”) has applied to the Township of Voorhees Zoning Board of Adjustment (the “Board”) for “d(1)” use variance and minor site plan approval, together with “c” bulk variance relief (the “Application”), to construct two billboards on property having street addresses of 101 and 103 Route 73, Township of Voorhees, County of Camden, State of New Jersey 08043, and designated as Block 247, Lots 12 and 14 on the Township of Voorhees Tax Map (the “Property”). Section 150.15 of the Voorhees Township Code entitled “Signs & Flagpole Regulations” permits billboards in designated areas of Voorhees Township on Route 73. The proposed billboards are not located on the west side of Route 73 within the first 5,000 feet of the northern Township line, and each billboard is not the only principal use on the Property, thereby requiring approval of two “d (1)” use variances – one for each of the two billboards – from the Board pursuant to the authority granted it by N.J.S.A. 40:55D-70d(1). The applications requests approval for a digital display on one side and a static display on the other side of each billboard, and the use variance application for each billboard includes any relief required from Voorhees Township Code provision governing digital changeable copy signs; and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Prime, Prime & Tuvel, Mt. Laurel, NJ, Attorney on behalf of the Applicant, introduced the professionals. Mr. Prime outlined the application pointing out the application is not for use variance, the use will remain. They are proposing to add two billboards specified on the site plan. The Applicant is proposing digital display on one and side and static display on the other side of each billboard. Mr. Prime clarified the relief requesting that evening. Billboard are allowed on Rt. 73 in Voorhees; however, there are subject to 16 conditions, one of the conditions is to allow only one use. There are two lot occupied by Micicchi’s repair shop. Therefore, they cannot meet one use requirement. This is not the case since the lot is already occupied by Micicchi’s repair shop. The second aspect of the application is the billboards must be on the west site of Rt. 73 – and they will be - but they need to be within 5,000 feet of the norther. township line, and in this particular case they will not be. To avoid any doubt and possibilities of jurisdiction issues, the Applicant submits the application as D-1 use variance. All other conditions are bulk variance but the 5,000 feet distance is in essence a use condition.

Mr. Matlack acknowledged he agrees with that.

Mr. Prime advised the Board they had submitted a written response to each of the comments of the Board Engineer. Referencing the letter to the Chairman and the Board dated February 27th, Mr. Prime explained compliances and submission waivers in the letter. The Applicant agrees with the description of the requested submission waivers and requests approval based on the limited nature of the proposed improvements. It is important to remember this application does not include any construction or changes of the lot. The only construction is building of the two billboards.

Mr. Senges pointed out the Board Engineer went over with the Board in caucus over the waivers and we zoomed on 4 (four).

Mr. Matlack discussed the four waivers for which the Board needs clarification. He noted the Applicant’s rendering packet shows some fencing being proposed and it needs to be shown. Also, because they are proposing new fence, the Board needs to see where it is going and how it affects the site triangles. Mr. Matlack further noted one of the billboards is right on the parking lot and nothing shows any modifications proposed to the parking lot as a result of that. He requested from the Applicant a detailed landscape plan noting that the Township has specific requirements for billboards on Rt. 70 such as 50 feet buffer and landscaping.

Mr. Prime advised the Board the reason they are not showing modifications is because they are replacing the fence. The landscaping plan will be addressed. All of the areas of the existing fence will be replaced with a new white vinyl fence. Also, one of the signs is behind the fence and they will have to meet state requirements and see how it will affect the landscape.

Mr. Chairman advised Mr. Prime the Board still needs to see a detailed site plan to be able to render a judgement on the application. He noted the Board has never waived any similar type of applications on Rt. 73 and always required to see landscape plan.

Mr. Prime asked the Chairman if they would be willing to continue with the application.

Mr. Senges advised they could continue if they wish, however, he does not believe that unless the Engineer has reviewed the landscape, the Board would be willing to vote on it or grant the variance.

Mr. Prime opted to continue with the application with the understanding they will come back with a detailed site plan including parking, circulation, curbs, landscaping, etc. He assured the Board there is an effort here not just to put the billboards. Before inviting his 4 witnesses, Mr. Prime pointed out the Application is in essence to upgrade the site that needs upgrading and character. The site in its current state is a detriment to the Township. It will be a much better-looking property once upgraded. They understand the Applicant has to present this to municipality.

Mr. Thomas Grybowski, PC, Grybowski Group, Civil Engineer and Land Surveyor was sworn in to testify. Mr. Grybowski presented the property survey for lots 12 and 14.   
Lot 12 located to the north of Lake Villa Drive. One story building with a sign ID located in front of the building. Lot 14 located on corner of Rt. 73 and Lake Villa Drive has a 2 story-building and includes a vacant parking area. Access is provided from Rt. 73 and Lake Villa Drive and has a repair shop. Proposed signs will not alter the properties or have any significant impact regarding uses. The proposed fence will extend all the way to the end of Lot 12. It will also be on the south side of the building. Interstate chose the signs location and setbacks. V-shape 2-sides advertising signs, north face is digital and south face is static, each 672 square feet. Located behind existing fence which will become a new 8 ft white vinyl fence.

Mr. Prime presented to the Board an updated 15-page exhibit of renderings and invited the next witness.

Mr. Jeffrey Gerber, Interstate Outdoor Advertising, L.P. Chief Operating Officer was sworn in to testify. Mr. Gerber advised the Board about the signs impact. They plan to upgrade and improve the site which needs esthetic improvements.

Mr. Senges inquired about safety issues with digital signs.

Mr. Gerber described technical details of the signs stating it is difficult to show 3- dimensional view hence some distortion in the exhibits. He offered to bring actual pictures to the Board. He further demonstrated esthetic improvements due to the proposed fencing. Mr. Gerber noted this is just a general proposal. They will refine and come back in front of the Board. The Applicant fully understands Chairman’s concern about the landscape. They realize it needs to look good and are committed to comply. They will present a detailed landscape between now and the next hearing. He noted the importance of not having any misunderstanding.

Mr. Gerber further addressed DOT permitting process saying they have applied for digital and DOT sent them initial note of denial. Reason for the denial is a double-sided digital permit denial for another sign on Rt. 73. The state regulation is that if you have a permit on which you do not act within 4 (four) years, the permit revokes. They are waiting for revocation and if approved by this Board, will seek the state approval for the digital/static billboards.

Mr. Matlack inquired about one of the unmet conditions, the distance between the two signs and if there is a reason why they could not move the North sign closer to Rt. 73.

Mr. Gerber explained it was due to vegetation. Their thought process was they could move it back but it would require more vegetation to be removed. The vegetation limits visibility of the sign almost to the point you only see it after you pass it. Mr. Gerber confirmed there are actual trees not just shrubs and they were conscious about trees removal.

Mr. Senges inquired about potential distractions created by the signs. He suspects people will pay more attention to the signs than to roadways traveling North on Rt. 73. He verified the first sign on lot 14 was a digital sign.

Mr. Gerber replied the continuation of the signs while driving will be no different than any signs you see along NJ Turnpike, or Route 287. This is an accepted use of signage across the country. Traffic safety is their responsibility. NJ Transit operates same way. He advised studies have proven digital signs do not cause distractions or increased accidents. Digital technology has been around for 10-12 years, static was around forever. The way the signs are designed, it takes a person less than a second to comprehend the message.

Mr. Senges further inquired if digital signs present more danger than static.

Mr. Gerber replied negatively. Motion and blinking are not allowed by the State of NJ. Message changes every 8 seconds which is a rule across the state of NJ. This is a new technology, there has not been indication of any traffic issues therefore there is no basis for concern. DOT is responsible for safety and they will not issue a state permit unless it is safe. Mr. Gerber further advised some states have 6, NJ has 8 second requirement. It is consistent across the state. Mr. Gerber addressed questions from the Board about state copy size regulations. No regulations of size of the copy, reality is if the copy is too small it is hard to read. To eliminate distractions, it has to be static and not to have flash or movement to it. Their signs comply with the regulations.

Mr. Senges inquired if there are any Township regulations about making sure the content of the message is appropriate.

Mr. Gerber replied when they present to Townships, they do not want that stipulation on the sign, it is not good for business, they request it to be eliminated as condition of their approval. In addition, they offer as a matter of policy 2 (two) levels of public service messaging. One would be something for the public good, for example, a fundraiser for the local fire company; another will include emergency message. It is a standard at their firm, they include it in the package. Typically, it happens on a needed basis, and emergency messaging overrides any regular advertising. They guarantee in time of emergency it takes precedence. Mr. Gerber further noted they will address site triangles in their detailed site plan. He also pointed out their digital signs have internal mechanism that adjusts brightness day and night. That is a state standard. Even though DOT has not formally adopted it, their signs calibrate to comply with the requirements. Mr. Gerber further addressed 3 (three) levels of monitoring the signs. They have 2(two) people monitoring and a computer mechanism. If there is a problem, they are notified within 20 seconds. Pertaining to maintenance and repair, it does not require any maintenance and is repaired within 24 hours.

Mr. Matlack inquired about debris.

Mr. Gerber responded they never had any issues with debris. There is no paper falling off, the signs are vinyl and they always make sure they are properly installed.

Mr. Matlack inquired about protection plan.

Mr. Gerber replied they will provide it along with the landscaping plan. He further shared with the Board existing inventory of signs on Rt. 73 stating there are currently 12 signs total; 6 of them double sided 14’x48’, 5 on the west side, 3 double stacked posters, 2 odd shape signs.

Mr. Matlack summarized that going forward, all 16 conditions can be replaced by one requested variance D-1.

Mr. Prime concurred.

Seeing nothing further from the Board, Mr. Senges opened floor to the public.

Jerry Colontonial residing at 14 Regency Drive was sworn in to testify. Mr. Colontonial expressed concern about giant signs. He owns shredding company on Cooper Road. His trucks make 80 -100 trips per day turning left on Cooper and they pass the signs. This is a major intersection. There are Canadian truck, trailers from NYC, Elizabeth. It creates distraction and presents safety concern. Mr. Colontonial pointed out residents have enough giant signs on Rt. 73 and that he would not want to turn this place into Admiral Wilson Blvd. People are going to be hurt. He further mentioned that he likes Micicchi’s business and wants them to improve but not at the expense of safety.

Joseph Turt residing at 67 Cornell Drive was sworn in to testify. Mr. Turt expressed concern about driving at night on Rt. 73. All those giant signs do not allow to see at night, and with summer coming up it will be impossible to go along Rt. 73 at all. It only takes a brief second to get hurt and he is really worried about young people driving. Adding more visual things will only distract them. He agrees Rt. 73 will remind of Admiral Wilson Blvd and it is not a good idea. Mr. Turt questioned if it was a good idea to grant variances. He stated he is for progress but at some point, it goes downhill.

Leah Pileggie residing at 5 Stevens Drive was sworn in to testify. Ms. Pileggie has been a Voorhees resident for 25 years, her parents have lived here. She works for the Township police. She had a bad accident on Rt. 73 and is concerned about distractions those big signs will create. Ms. Pileggie pointed out this is a small town, not a turnpike, and it is important to keep the character of the small town. Ms. Pileggie noted she wanted her voice to be heard.

Robert M. Washburn, Flaster Greenberg, Cherry Hill was sworn in to testify. Mr. Washburn represents Wesley Aducat who is a resident of Voorhees Township and is in opposition to this application. Mr. Washburn noted that he would prefer the Applicant’s planner to testify, however, due to lateness, they would be willing to come back. Mr. Washburn advised the Board he will hold off his presentation for the testimony at the next scheduled hearing.

Mr. Senges announced the application will be included in April 23rd meeting Agenda.

Seeing no further comments from the public or witnesses, the Chairman asked Mr. Norman to read the motion.

Mr. Norman read the motion to continue with the Application to be heard in April 23rd meeting.

Mr. Cupersmith motioned to continue with the Application to be heard in April 23rd meeting, seconded by Mr. Cohen.

Ayes: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Senges, Mr. Cupersmith, Mr. Senges.

Nays: None

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

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Stella R. Sytnik

Zoning Board Secretary