

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. Cupersmith, Mr. Senges, Ms. Tulman

Absent: Mr. Weil, Mr. Leoncio, Mr. Pannu

Also, present: Chris Norman, Board Solicitor; Ben Matlack, Board Engineer CME; Chris Dochney, CME, Stella Sytnik, Board Secretary

RESOLUTIONS FOR APPROVAL

Mr. Cohen motioned to approve the following **RESOLUTION NO. 21-16**; 201 Cooper Road, Block 230.23, Lot 11; seconded by Mr. Willard; none (0) against:

Ayes: Mr. Cohen, Mr. Willard, Mr. Daddario, Mr. Cupersmith, Ms. Tulman, Mr. Senges,

Abstentions: Mr. Cupersmith

Nays: None

Mr. Willard motioned to approve the following **RESOLUTION NO. 21-17**; 38 Brookstone Drive, Block 218.37, Lot 16 seconded by Mr. Cohen; none (0) against:

Ayes: Mr. Cohen, Mr. Willard, Mr. Daddario, Mr. Cupersmith, Ms. Tulman, Mr. Senges

Abstentions: Mr. Cupersmith

Nays: None

MINUTES FOR APPROVAL

Mr. Cohen motioned to approve the Minutes from the March 11th meeting; seconded by Mr. Willard; no abstentions; none (0) against.

Ayes: Mr. Cohen, Mr. Willard, Mr. Daddario, Mr. Cupersmith, Ms. Tulman, Mr. Senges,

Abstentions: Mr. Cupersmith

Nays: None

NEW BUSINESS

Dale and Marylin Keith

10 Hardwicke Drive
Block 199.01, Lot 3

Mr. Norman summarized the application stating the Applicant is seeking relief for variance(s) From Section 15.013(A)(1) to allow rear yard decking, pool and shed to occupy 33.8% of rear yard where rear yards occupancy shall not exceed 25%; From Section 150.14(B)(1)(b)(2) to allow 5' high wood fencing to be installed in a side yard where fences exceeding 4' in height are prohibited from being installed outside of a rear yard. 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. Norman swore in Mr. and Mrs. Keith, the Applicants.

Mr. Keith explained they have a shed, a deck, and a pool approved, but with he the pool approved they are over allowed 25% rear yard coverage. Therefore, they needed a variance. They are asking for 30.4 % rear year coverage based on their engineer's report. He stated they need the variances for two (2) reasons: firstly, the decking and pool itself designed in such a way that with the drainage system installed the water will get shunted away from the house and will not affect the house foundation; and secondly, they need the deck so that in wintertime they could put the cover over the pool on the anchors set on the deck.

Mr. Senges noted Mr. Keith kept referring to different percentage. Board's engineering report indicates 32.3% impervious coverage.

Mr. Senges asked Mr. Matlack to clarify the percentage numbers.

Mr. Matlack confirmed he agreed with the Applicant that impervious coverage for the lot is 33.2% and does not require a variance as maximum impervious requirement is 45%. By his calculation, use coverage is at 33.8% where 25% is allowed.

Mr. Senges asked if Mr. Matlack knows rationale behind the Applicant's calculations since they are less than his own.

Mr. Matlack stated he did not know the reason.

Mr. Keith mentioned he is fine with leaving it at 33.8%. They are not asking for setback variances; they follow 15 feet in the back and 15 feet in the side. The second variance they request would be for the fence. Their neighbors house on the right is at 45-degree angle toward their house; for 35 years they had a fence that runs 48 feet from their house. They believe it will be more esthetic for the fence to be continued, so instead of putting fence on the front, they would like their neighbors' fence to continue onto their side yard. Those are the two variances they need.

Mr. Senges stated he believes the resume coincides with the Applicant's statement.

Mr. Senges reviewed the survey and confirmed with Mr. Keith that the only place they are asking for variance for 5 feet fence where 4 feet height is required is that small section of the fence on the side.

Mr. Senges asked if any of the other portion of the fence belongs to Mr. Keith.

Mr. Keith responded both sides are neighbors' fence, even though they paid for half, the fence is not on his property.

Mr. Senges asked Mr. Keith to explain again why he needed those two (2) variances.

Mr. Keith stated they needed them because they want the drainage to shun the water between pool and the house away; and secondly, they will need to put a cover over the pool in wintertime, and the cover will be anchored on the deck.

Mr. Senges asked Mr. Matlack if he evaluated the drainage system.

Mr. Matlack stated the plan shows the deck drain. He believes it is a simple small pump. He asked Mr. Keith whether he believes any storm water will be pushed to the neighbors' property.

Mr. Keith confirmed it will not.

Mr. Matlack stated he agrees with the proposed drainage system.

Mr. Senges asked Mr. Matlack if he needed more details.

Mr. Matlack reiterated he is fine with the presented plan.

Mr. Senges asked if Mr. Keith had any other testimony to present.

Mr. Keith addressed landscaping requirements. He advised the Board he will comply with all the landscaping requirements, specifically will have trees planted in front of the 5 feet fence. He already purchased seven (7) to eight (8) feet trees and will purchase some additional shrubs.

Mr. Senges thanked Mr. Keith and noted that landscaping indeed is a very strict Township requirement.

Seeing no more comments or questions from the Board, Chairman opened the floor to the public.

Seeing no comments from the public, Mr. Senges brought it back to the Board for a motion.

Ms. Tulman motioned to grant relief from the two (2) variances as outlined by Mr. Norman; seconded by Mr. Cupersmith.

Yay: Mr. Cohen, Mr. Willard, Mr. Daddario, Mr. Cupersmith, Mr. Senges, Ms. Tulman

Nay: none

Abstentions: none

Mr. Norman advised the Applicants about the caveat for any applicant. Anyone from the public can appeal Notice of Decision within 45 days of its publication. It is applicant's prerogative to wait or start the job at their own risk prior to the 45 days expiration period.

Mr. and Mrs. Keith acknowledged they understood the caveat and thanked the Board and its professionals.

WA Outdoor Advertising LLC

351 Route 73

Block 222, Lot 27

Mr. Norman summarized the Applicant is seeking Use Variance (D) From Section 150.15 E (8) (f) and Minor Site Plan relief From Section 150.015(E)(8 (f)11 in connection with the conversion of a static billboard on Rt. 73 to digital; this relief will confirm that a currently existing billboard sign at Block 222 Lot 27 is located 490 feet from the existing billboard sign on Block 222, Lot 23, where 500 ft is required, and also confirms a previously granted variance allowing two primary uses of the property at Block 222 Lot 27. 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. Norman swore in the Applicant and the LLC owner Mr. Aducat, his attorney Mr. Markind, and four (4) professionals, Mr. Clemson, Engineer, Ms. Morrissey, Planner, Mr. Shropshire, Traffic Engineer.

Mr. Senges commented when this Application was first written up it was confusing. He wants to clarify it for the Board by confirming that 490 feet from the other sign was approved, and the two uses on the side were previously approved by the Board. The only reason the Applicant is there today would be because they are converting static billboard into a digital one. Essentially, they are looking for reconfirmation of previously approved variances.

Mr. Norman stated this is generally correct, it is more in an abundance of caution, that is how they need to treat this Application.

Mr. Senges stated his point is that everything the Applicant is asking they previously had approved, and the big change is digital conversion, but Board members do not have a problem with it because it is approved by the New Jersey Supreme Court.

Mr. Norman confirmed that the New Jersey Supreme Court does not require any additional permits for digital billboards other than adhering to local municipal standards.

Mr. Senges commented he pointed this out because he wants to be sure they are fair and consistent with other potential similar applications.

Mr. Senges asked if the Route 73 requirements were addressed in the Application.

Mr. Norman responded they will need to hear the Applicant's testimony.

Mr. Markind, attorney for the Applicant, stated they are in the same cast, his client is in the room with him.

Mr. Senges confirmed all the professionals present today had testified before the Board; therefore, the Board accepts their credentials. He further stated he does not believe there is a need for them to go through their respective presentations again.

Mr. Senges asked members of the Board if they feel additional testimony is required to reaffirm previous approvals. If not, it would be prudent to move on to the landscaping item.

All board members agreed to move on without additional testimony.

Mr. Norman advised this would qualify as the issue preclusion, the Board heard the testimony, it is the same sort of Application.

Mr. Senges stated on behalf of the Board, they are willing to accept those conditions, however they would like to hear about landscaping requirements.

Mr. Clemson, Applicant's Engineer, addressed the landscaping issue. He stated that in terms of compliance with Route 73 design and Carter standards, the property was subject to two (2) previous site plans where the Carter design standards were applied. Since then, however, death occurred.

Mr. Clemson advised they went back to 2011 plan approval, examined how much landscaping was supposed to be applied. In a nutshell, they have added in addition to the bituminous pathway which has already been installed, 33 shrubs, four (4) ornamental trees, two (2) shade trees, three (3) 150 feet wildflower beds, and an irrigation system. Irrigation system is key to survival, it will address the death issue, they will supplement additional landscaping and the death issue will never happen again.

Mr. Clemson added that to complete the picture, they are proposing same landscape design to the other two (2) billboards. They are proposing it as good corporate citizens.

Mr. Norman asked to clarify location of the billboards.

Mr. Clemens stated one is located on Lot 28, 700 feet North of the billboard at issue today. Another billboard is 490 feet away and located on Lot 23. They will not change billboards. They propose to install landscaping at these two properties to bring them in conformance with Carter standards and they will add irrigation systems to both.

Mr. Senges expressed his profound appreciation stating the Aducat family has always been a good citizen and partner to this community.

Mr. Clements added the improvements will help create more attractive presence as one enters the town. They are installing some bollards around the base of the poles like in the past.

Mr. Senges asked for any additional questions from the Board or professionals.

Mr. Matlack stated the testimony is very good, and he agrees with Mr. Clemson, they have maximized landscaping which would certainly fit in to Route 73 design standards.

Mr. Dochney asked to clarify the criteria behind selecting certain trees in comparison to the list of Route 73 design standards.

Mr. Clemson explained they did hold previous design for the sake of consistency, the ornaments are flowering trees, similar in size to dogwood, they certainly have no objection to changes should they be deemed necessary.

Mr. Senges stated they are fine with the Applicant's proposition.

Seeing no further comments from the Board and/or professionals, Mr. Senges opened the floor to the public.

Mr. Richard Tavani at 14 Henley Lane, Voorhees, was sworn in to support the application. He states the digital billboard is an improvement and landscaping will be fantastic.

Mr. Michael Pileggi at 5 Steven Drive was sworn in. He stated it will be a huge improvement to the highway, they are tired of static boards flapping in the wind, and particularly good would be the installation of the irrigation system.

Mr. Ryan McNally was sworn in to show support. He works on Route 73 and votes yes.

Mr. Tulman asked about the regulations for the content of the digital billboards.

Mr. Norman advised the Applicant testified last time, and they were approved. Route 73 is a highway, and all billboards' content is subject to NJ State requirements - billboard messages must be static for at least 7.9 seconds. The state standards are designed to mitigate any distractions for drivers.

Mr. Norman further asked the Applicant if they would allow public messaging when requested by the Township.

Mr. Aducat confirmed same as in previous application, they will post any community messages, when required by the township including and not limited to police announcements.

Mr. Senges asked Mr. Norman to include this stipulation into the Motion.

Mr. Norman added they should also work with Mr. Matlack's office to confirm the plans.

Mr. Senges noted it would not be necessary as the plans were approved by the Board before. This final plan in his opinion is solid, as it has surpassed all previously reviewed plans.

Mr. Norman concurred.

Ms. Cupersmith motioned to grant relief from the two (2) variances as outlined by Mr. Norman; seconded by Mr. Willard.

Yay: Mr. Cohen, Mr. Willard, Mr. Daddario, Mr. Cupersmith, Mr. Senges, Ms. Tulman

Nay: none

Abstentions: none

With no further business to discuss, Mr. Cupersmith motioned to adjourn the meeting seconded by Mr. Willard.

Stella R. Sytnik
Zoning Board Secretary