

The Acting Chairman for the evening, Mr. Weil 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. Leoncio, Mr. Pannu, Ms. Tulman, and Mr. Weil
Absent: Mr. Cupersmith
Also, present: Chris Norman, Board Solicitor; Drew Pavlick, Board Engineer, CME; Chris Dochney, Board Engineer, CME, and Jennifer Gaffney, Board Secretary

MINUTES FOR APPROVAL

Mr. Willard motioned to approve the Minutes from the October 7, 2021, meeting; seconded Mr. Pannu; none (0) against, two (2) abstentions.

Ayes: Mr. Cohen, Mr. Willard, Mr. Pannu, and Ms. Tulman,
Abstentions: Mr. Weil and Mr. Leoncio
Nays: None

OLD BUSINESS

Interstate Outdoor Advertising, LP MB Case #ZC2019-029
 101 and 103 Route 73
 Block 247, Lots 12 & 11.01

Mr. Norman summarized that the applicant has requested variances from the Conditional Use requirements for off-site signs, including commercial billboards, along Route 73 per Ordinance Section 150-15(E)(8)(f) for the following:

- a. Section 105.15(E)(B)(f)2** - All lighting shall be directed onto the billboard structure; Digital LED signs are illuminated and project light out away from the billboard structure.
- b. Section 150.15(E)(B)(f)5** - The minimum lot size shall be 0.5 acres and maximum lot size shall be 3 acres; Lot 11.01 and 12 contains 3.05 and 3.15 acres, respectively.
- c. Section 150.15(E)(B)(f)6** - The minimum lot frontage shall be 100 feet and the maximum lot frontage shall be 300 feet; Lot 11.01 and 12 provides approximately 530 and 428.7 feet of lot frontage, respectively.
- d. Section 150.15(E)(B)(f)7** - The sign structure shall be a minimum of 500 feet from any residential zone district; the billboard on Lot 12 is located approximately 304 feet from an MDR Zone District.
- e. Section 150.15(E)(B)(f)8** - the off-site sign/billboard shall be the primary and only principal use on the lot; Lot 12 contains a primary/principal use as an automotive salvage yard.
- f. Section 150.15(E)(B)(f)13** - All off-premises signs shall be located on the west side of Route 73 within the first 5,000 feet of the northern Township line; the billboard is proposed approximately 10,000 feet from the northern Township line along the west side of Route 73.

Mr. Norman stated that the original hearing happened in 2020 prior to COVID, two Board members are no longer with the Zoning Board, Mr. Cupersmith is not in attendance and Ms. Tulman started after the first hearing. That leaves only 5 Board members to vote on the use variance where 5 affirmative votes are required.

Mr. Norman asked for Mr. Prime to be admitted to the meeting so that a determination can be made by the applicant whether or not to request a continuance. Mr. Prime was admitted and requested a continuance so that there would be more Board members eligible to vote.

Mr. Cohen motioned to approve the request for continuance at the next Board meeting on November 11, 2021; seconded Mr. Willard; none (0) against.

Ayes: Mr. Cohen, Mr. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman, and Mr. Weil
Abstentions: None
Nays: None

Darren Nguyen
113 Moonlight Terrace
Block 240, Lot 9

100A

Case #ZC2021-029

Action Date 1/1/2022

Mr. Norman summarized that the applicant is seeking variance(s) and/or waiver(s) for the existing non-conforming fencing.

- a. Section 150.14(B)(1)(b)(2)** – To permit 6’ high vinyl fencing as installed in a side yard where 6’ high fencing is prohibited from being installed outside of a rear yard, and.
- b. Section 150.14(B)(3)(f)** - The applicant is requesting a waiver from the landscaping required in front of all fences exceeding 5’ in height and facing a public right-of-way, and.

Mr. Norman swore in applicant Mr. Darren Nguyen.

Mr. Nguyen gave testimony to an existing fence that was on the property that he replaced. He replaced a wood fence with a vinyl fence. He did not realize that he needed to complete a permit application as he was just replacing a fence.

Mr. Weil asked if the prior fence was 6’. Mr. Nguyen confirmed.

Mr. Weil asked if a construction permit was pulled, Mr. Nguyen confirmed there was.

Mr. Weil asked if his lot was an odd shape, and Mr. Nguyen indicated it was and it wasn’t a corner lot. Mr. Weil indicated it was like a pizza slice.

Mr. Weil asked if the neighbors had any issue. Mr. Nguyen stated they do not, in fact one of the neighbors is very happy because if he was to take the fence down, it would expose that neighbor’s entire lot.

Mr. Pannu asked if any other neighbors had any issues. Mr. Nguyen confirmed that no one else has an issue.

Mr. Weil opened the application up for public comment, Mr. Daniel Markind was admitted and indicated that he was raising his hand for the prior application. With no further public comments, the public portion was closed and opened back up to the Board.

Mr. Cohen asked if the landscaping requirements will be met. Mr. Nguyen indicated that he would be happy to comply with any requirements, currently there is a big tree and a bush.

Mr. Weil asked if any landscaping was removed when the new fence was installed. Mr. Nguyen confirmed that no landscaping was removed.

With discussion about landscaping, Mr. Weil opened it back up to the public for any comment. No public comment was made, public portion closed, and application was opened back up to the Board.

Mr. Cohen motioned to approve the application permitting the fence as installed and waiver of landscaping; seconded Ms. Tulman; none (0) against.

Ayes: Mr. Cohen, Mr. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman, and Mr. Weil
Abstentions: None
Nays: None

Mr. Norman indicated that there is still a 45 day right of appeal from the date of notice of resolution.

Rakesh Patel
32 Callison Lane
Block 213.19, Lot 7

MDR(R100B)

Case #ZC2020-030

Action Date: 10/31/2021

Mr. Norman summarized the application where the applicant is seeking variances related to a proposed patio, pool equipment and fencing installation.

The existing pool equipment require(s) variance(s) from:

- a. **Section 150.12(B)(1)** to allow existing pool equipment to remain as installed at 4.4' from the side property line, where no grading, construction or alterations are permitted within 5' of rear or side property line, and.

The proposed patio requires(s) variance(s) from:

- a. **Section 150.13(A)(1)** to allow proposed improvements to occupy 39% of the rear yard, where maximum rear yard occupancy allowed for accessory structures is 25%, and.

The proposed 6' high vinyl fencing requires(s) variance(s) from:

- a. **Section 150.14(B)(1)(b)**, to permit proposed 6' high vinyl fencing to be installed within a secondary front yard where 6' high fencing is permitted in rear yards only; and,
- b. **Section 150.14(B)(2)(a)**, to permit the installation of 6' high vinyl fencing in a front yard, where the installation of any fencing is expressly prohibited; and,
- c. **Section 150.14(B)(2)(c)**, to permit proposed 6' high vinyl fencing to be installed in the secondary front yard at 20 feet from the Nolen Circle right-of-way where a minimum setback of 34.7' is required; and,
- d. **Section 152.015(D)(1)(c)**, to allow for the proposed 6' high vinyl fence to be installed at 20 feet and the proposed patio expansion to be installed at 29.8 feet from the Nolen Circle right-of-way, where the minimum front yard setback from any right-of-way is 35 feet; and,

The applicant, Mr. Rakesh Patel and his attorney Mr. Jeffrey Downs were admitted into the meeting.

Mr. Downs indicated that he is Mr. Patel's Attorney. His law practice J. Downs Law is located at 69 S Main St, Mullica Hill, NJ 08062. He indicated that there was an additional professional, David Kreck, engineer from The Petit Associates.

Mr. Patel and Mr. Kreck were both sworn in by Mr. Norman.

Mr. Kreck stated his credentials for the Board to review and accept. The Board accepted him as the engineer expert for following testimony.

Mr. Kreck began his testimony with the 934 square foot paver patio located between existing pool decking and the dwelling. He stated that the intent and reason for the front yard setback is to provide a walking surface from the pool area to the front door that faces Nolan Circle. The existing stairwell from the porch down to grade is what they are trying to meet. That existing pad and steps already exceeds the front yard setback. In order to meet those steps, there is a small encroachment on the front yard setback.

An additional variance involved with the patio is exceeding the rear yard coverage. Mr. Kreck stated that his interpretation of the ordinance is that the area of the rear yard is from the rear setback line to the rear property line. The encroachment into that area is minimal at around 6 square feet and there are minimal adverse actions.

Mr. Kreck mentioned the Board engineer's concerns regarding the drainage into a neighboring lot and that the amount is minimal. The area is only 150 square feet. The way that the patio is being graded is by matching the existing grades of the backyard. There are efforts of limiting the amount of run off to the back yard so that it would be draining closer to Nolan Circle right of way.

Mr. Kreck noted that on the plans you will find additional landscaping beds, where they are directing additional runoff into those landscaping beds as an additional mitigating factor to the increase in runoff.

With regards to the fence, Mr. Kreck indicated that there is an existing fence located along the property line. It has been proposed to relocate part of that fence to the front setback line on Nolan Circle. Instead of replacing the current fence, it is proposed to install a new fence and push the fence further towards Nolan Circle right of way at a point of 20 feet from the rear property line and about 27.3 feet to where the fence returns back to the dwelling.

The purpose of the fence installed at that specific location is so that the landscaping beds could be enclosed. The fence provides a screen from the public view of the pool. Additionally, the fence provides privacy from all of the improvements made to the proposed area.

Mr. Kreck stated that the fence is not impacting any sight lines at Nolan Circle or Callison Lane. More than likely the fence will not be noticed. The existing fence is a board-on-board wooden fence which will be upgraded to a vinyl decorative fencing. Mr. Kreck stated that there are additional properties that have a similar set up with the fence, 18 and 20 Downing Lane.

Mr. Kreck stated that they are happy to provide any landscaping that the township requires.

Mr. Patel stated that the one of the trees that were noted in the application has fallen down in the last storm, so it has been removed.

Mr. Pavlick, CME asked the applicant to confirm the dates on the plans.

Mr. Weil asked if there were any plans to make sure there were no adverse effects to neighboring properties other than what was already mentioned. Mr. Kreck indicated that they have no problems incorporating erosion control measures into the plans.

Mr. Leoncio asked if the Board engineer was satisfied with the applicant's testimony. Mr. Pavlick confirmed that they were satisfied.

Mr. Pavlick asked for the applicant to confirm the details of the fence to be installed. Mr. Patel stated that they would like to go with the standard vinyl fence with color matching with the color of the building. However, there is a supply issue at the moment, there is a backlog of 4 months according to the fence company.

Mr. Pavlick asked for the applicant to confirm that they have no plans to demo the existing fence and leave everything open. Mr. Patel stated that they will not be taking down the fence until the date that the new fence will be installed.

Mr. Weil asked Mr. Norman what the time limit would be on this based on the supply chain issue. Mr. Norman indicated that he would put something into a resolution that states applicant can request an extension based on the supply chain concerns.

With no more questions from the Board, Mr. Weil opened the meeting up to the public for comment. With no public comment, public portion was closed and brought back to the Board.

Ms. Tulman asked for Mr. Norman to summarize what the motion should be. Mr. Norman stated that it would be a motion to grant the request for the proposed variances, subject to the following conditions:

- The applicant agrees to install the required landscaping to be reviewed by the Board planner.
- The applicant will comply with the Board engineer's review on September 2, 2021.
- The vinyl fencing will be intended to match the house.
- The existing fence will not be removed until the install of the new fence.

Ms. Tulman motioned to approve based on the above summary; seconded Mr. Pannu; none (0) against.

Ayes: Mr. Cohen, Mr. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman, and Mr. Weil
Abstentions: None
Nays: None

Mr. Norman advised the application that there is a 45 day right of appeal period from the date of publication of notice of decision published after the memorialization of the resolution.

NEW BUSINESS

FR Tattoo Studios, LLC
 102 Berlin Road
 Block 142, Lot 1

B

Case #ZC2021-026

Action Date: 1/6/2022

Mr. Norman summarized that the applicant is seeking use (d) variance(s) and waiver of site plan review to utilize the subject property as a by-appointment only boutique tattoo parlor, which is not an explicitly permitted use within the Business (B) Zoning District, with variances from:

From Section 152.082 to permit the use of an appointment-only tattoo shop where tattoo shops are not an explicitly permitted principle use in the B Zoning District

Mr. Norman noted for the record that this is a new application and there are 6 eligible members of the Board to vote.

Applicants Mrs. Rachel Ortolano and Mr. Frank Rudy were admitted to the meeting along with the applicant's attorney Mr. Richard Wells, Esq. and the applicant's planner Mr. Joseph Mancini.

Mr. Wells gave additional introduction of the application.

Mrs. Ortolano, Mr. Rudy and Mr. Mancini were all sworn in by Mr. Norman.

Mr. Wells asked for Mr. Rudy to give an overview of what he does and his work history.

Mr. Rudy stated that he is a tattoo artist that specializes in custom work. He has been doing this work for over 20 years. He stated that it is not the typical standard tattoo art, it is more of an abstract style. He specializes in that particular style, there are not many artists that specialize in that style on the east coast.

Mr. Rudy stated that the "appointment-only" business model is important to him. He will not offer a walk-in shop, that setting, and culture is not one that he wishes to have for his business setting. He states that by operating by "appointment-only" it keeps out a lot of the less desirable crowd. Mr. Rudy indicated that he does very clean and professional work.

Mr. Wells asked if Mr. Rudy was currently employed as a tattoo artist and if so, where was the facility located.

Mr. Rudy confirmed that he is currently a tattoo artist in Philadelphia.

Mr. Wells asked if Mr. Rudy was fully licensed and able to operate at that location.

Mr. Rudy confirmed that to be correct.

Mr. Wells asked that if Mr. Rudy were approved for the variances, would he be willing to obtain the proper licenses and registrations for New Jersey.

Mr. Rudy confirmed that he would get all applicable licensing for New Jersey.

Mr. Wells asked Mr. Rudy to confirm the method of operation with regards to the health and sanitation disposal of sharps to be governed by state law.

Mr. Rudy confirmed that to be true.

Mr. Wells asked for Mr. Rudy to confirm that those laws are enforced on the county level by the county health department.

Mr. Rudy confirmed.

Mr. Wells asked if Mr. Rudy would be required to have his operations and license vetted and approved on a county level in order to operate.

Mr. Rudy confirmed.

Mr. Wells asked that with Mr. Rudy's 20 years' experience if he was familiar with that process and procedure.

Mr. Rudy confirmed.

Mr. Wells asked if based on Mr. Rudy's experience if he had any doubt that he would be able to meet or exceed standards with the county.

Mr. Rudy indicated that he did not have any doubts.

Mr. Wells asked if the only reason that Mr. Rudy had not begun that process is because they are waiting on the variances to be granted by the Board.

Mr. Rudy confirmed that to be correct.

Mr. Wells asked if there would be any additional services such as piercings offered at his business.

Mr. Rudy confirmed that only tattoos would be offered, no piercings.

Mr. Wells indicated that the business will be a by-appointment only facility where appointments would need to be made in advance. Mr. Wells asked if visitors would be admitted in addition to those who have already set appointments.

Mr. Rudy stated that no visitors would be permitted.

Mr. Wells asked for a ballpark for about how long the average appointment would take.

Mr. Rudy stated that it's anywhere from 4-6 hours per one individual per appointment.

Mr. Wells asked for the proposed hours of operation.

Mr. Rudy stated that his ideal hours of operation would be 12 noon – 7pm/8pm. Tuesday – Saturday.

Mr. Wells asked how many clients could be scheduled at one time. Mr. Rudy indicated that if it's only him, there would only be one client.

Mr. Wells asked if additional artists were hired, how many would work at one time. Mr. Rudy stated that there would be no more than 2.

Mr. Wells asked if there were any other employees that would need to be hired aside from additional artists. Mr. Rudy stated that there would not be.

Mr. Wells asked about Mrs. Ortolano's role at the business. Mr. Rudy stated that she would work at the front desk from time to time.

Mr. Wells asked if there was a plan to have multiple stations on the site or only 1 chair with 1 station. Mr. Rudy stated that he would like to propose to have 6 separate stations eventually. They are not communal stations; they would be specific to each artist who would have rotated schedules. There would not be several artists on at one time with crowds of people. The business model is to service one or two clients at a time so that it is a quiet and clean experience.

Mr. Wells asked for Mr. Rudy to confirm the amount of parking spaces available at the facility. Mr. Rudy stated that there were 12.

Mr. Wells stated that the lot has another business, and the parking would be shared with that business. Mr. Wells asked for Mr. Rudy to confirm that they would not require more than 50% of the spaces at any time.

Mr. Rudy confirmed that they would not.

Mr. Wells asked for Mr. Rudy to provide more detail about his day-to-day operations and procedures are, preparing for client, cleaning equipment, etc.

Mr. Rudy stated that the artwork would already be done for them, next you would start to clean the skin area, prep the skin, lay the stencil and then the tattoo would begin. Once the tattoo is complete it would be covered with Saniderm which is a medical grade bandage that would be kept on for a couple of days. They would then take it off and wash the tattoo, it takes about 2 weeks to heal.

Mr. Wells asked for Mr. Rudy to discuss the process of how the needles used for the tattoo would be disposed, etc.

Mr. Rudy stated that all of the equipment that is used in a tattoo is single use. Everything is disposed of immediately after using. Needles are disposed in a sharps container which gets collected by a stericycle company. Everything else gets thrown away, such as grips, ink, and lap pads. Everything gets wiped down with MadaCide which is a hospital grade cleanser. Lastly the garbage gets changed.

Mr. Wells asked with regards to the sharps collection, which is tied to the county issued license, would Mr. Rudy be using a county licensed sharps collector. Mr. Rudy confirmed.

Mr. Wells asked the frequency of the sharp's collections, Mr. Rudy stated that pickup would be once per month.

Mr. Wells asked with regards to the other trash that will be collected, is there anything that is environmentally sensitive that would be a cause for concern.

Mr. Rudy indicated that there is nothing that is environmentally sensitive. There would be paper towels, plastic cups, etc.

Mr. Wells asked if the existing dumpster onsite would be sufficient for the trash. Mr. Rudy indicated that it would.

Mr. Wells asked if there would be any deliveries that would be coming to his business. Mr. Rudy stated that he would have supply orders delivered typically through the mail.

Mr. Wells asked if there was any tattoo artwork displayed in the business, or any artwork would be displayed in the windows. Mr. Rudy stated that there would not be any artwork displayed.

Mr. Wells asked if Mr. Rudy was intending on replacing just the existing signage. Mr. Rudy stated that was his intention and that he plans to be compliant with the Voorhees Township Code. Mr. Rudy confirmed that he would not have any neon signage, blinking signage, etc.

Mr. Rudy stated that because he was not trying to attract any walk-in clientele there would be minimal signage. He indicated that his plans are for it not to look like a tattoo shop, it is something that he is trying to avoid. He does not cater to the regular clients that are looking for \$60 "pick and stick" tattoos.

Mr. Wells asked Mr. Rudy what attracted him to the property. Mr. Rudy stated that he lives in Voorhees, while he did not grow up here, he wishes that he did because it is "very nice." He stated it is the kind of place he would like to have his business because it is a nice area. He could open up his business in Philadelphia or New York if he chose, but he chooses to open up in Voorhees.

Mr. Wells asked if there are any other tattoo shops similar to his business model that he is proposing in the area. Mr. Rudy stated that there are no other shops.

Mr. Wells asked if the stand-alone property was one of contributing factors for bringing his business there vs. a smaller location in a strip mall. Mr. Rudy stated that it met the standard he was looking for.

Mr. Wells referenced the longer appointment times that were mentioned earlier in the testimony and asked Mr. Rudy if his clients come in and leave, or if they would patronize the other businesses in the area. Mr. Rudy stated that his clients would patronize the other businesses, especially if they hadn't eaten prior to their appointment.

Mr. Wells asked Mr. Rudy to indicate where his client base comes from, etc. Mr. Rudy stated that most of his clientele comes from all over the country, Europe, maybe 85% travel and decide to come to him. Hotel stays, car rentals are all involved for that visit.

Mr. Wells asked for Mr. Rudy to speak more about his tattooing style. Mr. Rudy stated that over the years he developed a style of tattooing that isn't done by a lot of people in this country. It is a style that is more popular in Europe and over the years he developed it into his own. His style of tattoos attracts his clientele to his business.

Mr. Rudy indicated that his current clientele in Philadelphia know how to look him up, how to find him and will travel to him for him to tattoo them because of the specific style he provides, especially on the east coast. Mr. Rudy stated that he can be googled, he has been in many magazines in Europe. It is a very unique and artsy style, not your typical Harley Davidson type of tattoo. There is a lot of art that goes into his style.

Mr. Wells stated that Mr. Rudy's tattoos would not be an impulse tattoo done by someone that shows up on a dare or stumbles in for something silly to be tattooed on them. Mr. Rudy confirmed that to be correct and indicated that in the past, he has turned clients down who have come into his business like that.

Mr. Wells mentioned how it was stated earlier that Mr. Rudy's clientele travels from all over the world and asked as to why they come to Mr. Rudy for the tattoos and if there are any meaning behind them. Mr. Rudy stated that a lot of his clientele choose his tattoos for the love of the art. It is a very different, non-generic style tattoo. His clientele wants to be different and unique and express themselves. The style art that Mr. Rudy does allows for those clients to express themselves uniquely. They like the look of the art and how the art looks on them.

Mr. Wells asked for Mr. Rudy to explain the location of which his clientele want their tattoos. Mr. Rudy stated that his clients could have any of the work showing if they wanted to, but most of them have them hidden with their dress shirts or work attire. Majority of his clients have professional jobs so they are not getting ones that would be shown every day in those positions.

Mr. Wells stated that there is a stigma that surrounds tattoos and those who get them and asked that in Mr. Rudy's extensive experience based upon his clientele and his work if he has ever experienced crime, violence or any other unruly behavior, associated with the facilities he's worked in.

Mr. Rudy stated that he has never experienced it, however he has seen it from a distance. He prefers to avoid it at all costs, and it is another reason he wants to create a different atmosphere and experience in the town he lives in.

Mr. Wells stated that his clientele is making quite an investment to be able to be tattooed by Mr. Rudy, the airfare, hotels, car rentals, etc. and asked what the typical investment would be for the tattoo that they are getting. Mr. Rudy indicated that his artwork costs range from a couple thousand to more. Average client would spend anywhere starting at \$2,500 and typically would involve multiple sessions.

Mr. Wells asked for Mr. Rudy to summarize his vision for the Board. Mr. Rudy wants to provide a clean, professional atmosphere. A place where clients can come to be comfortable and receive quality clean work while enjoying themselves.

Mr. Wells opened up for the Board to ask any questions.

Mr. Weil stated that with such an extensive amount of time spent on tattooing and asked if the tattoos that clients are getting substantially large tattoos. Mr. Rudy stated that they are very complicated tattoos, but they are not full body tattoos, could be full arm or full chest. A small tattoo can take 6 hours.

Mr. Pannu stated that he pulled up Mr. Rudy's Instagram and stated that the tattoos in the feed were very detailed and extremely impressive.

Mr. Cohen asked if Mr. Rudy had ever owned his own shop before and if so, where. He also asked for Mr. Rudy to elaborate as to what the look of his shop would be, as he had stated what he did not like.

Mr. Rudy stated that the look he was going for was that of a fine art gallery. He stated that he had not owned his own shop previously, although every shop he had worked at, he ran the shop.

Mr. Dochney, CME engineer stated that Mr. Rudy indicated why he had chosen this location but wanted to know if Mr. Rudy looked at any other locations. Mr. Rudy stated that he looked at one other spot in Berlin. Mr. Dochney asked for Mr. Rudy to expand upon what makes this particular property the best in his mind for the proposed use. Mr. Rudy stated that on the outside seemed like a nice quiet area, but yet still off of the highway.

Mr. Dochney asked for confirmation that the current part of that building is vacant. Mr. Rudy confirmed it is and has been since 2017.

Ms. Tulman asked about the proposed 6 stations, while working on 1 client at a time and on a rotating schedule, why would 6 stations be necessary. Mr. Rudy stated that when he has a staff, each staff member would have their own designated station.

Mr. Leoncio questioned the collection of the special waste. Mr. Rudy stated that there is a special company called Steri Cycle that picks them up. It's a medical company. Mr. Leoncio asked about what about anything that has the blood on them. Mr. Rudy stated that they would be put in the dumpster as there would not be enough of a pathogen present for there to be a problem. Mr. Rudy stated that he has worked with OSHA for many years. Mr. Leoncio asked for Mr. Rudy to confirm that there is no problem for this procedure. Mr. Rudy confirmed.

Mr. Cohen asked if most tattoo shops are by appointment. Mr. Rudy stated that many tattoo shops are evolving towards appointment-only. Appointment-only allows the artist to focus solely on the client that they are working on.

Mr. Cohen asked if there was anything that would stop a walk-in from coming in for an appointment. Mr. Rudy stated the doors would be locked, and they wouldn't accept a walk-in. There is much time to create the artwork and set up behind the scenes prior to the tattoo.

Mr. Cohen asked for Mr. Rudy to confirm that there would be no pre-drawn artwork on the wall where people could pick from. Mr. Rudy stated absolutely not.

Mr. Leoncio asked what the timeframe for them to set up business would be. Mr. Rudy stated a month or two.

Mr. Wells stated that he had no further questions for the testimony of Mr. Rudy and that he would like to continue with Mr. Mancini, the applicant's planner.

Mr. Wells indicated that Mr. Mancini has already been sworn in and asked for Mr. Mancini to give the Board his credentials and history as a planner in New Jersey. Mr. Mancini stated that he is a licensed and registered planner and engineer in New Jersey. He has been a licensed planner since 2008 and has been working in land development during his entire 22-year career. He has been qualified as an expert planner before many planning and zoning boards in the area, including Voorhees Township Zoning Board.

Mr. Wells asked for the Board to accept Mr. Mancini's qualifications as the planning expert. The Board agreed.

Mr. Wells asked for Mr. Mancini to confirm that the proposed use is not strictly prohibited in the zone for which it has applied and that the applicant is coming before the Board because the use is not referenced anywhere in the township code. Mr. Mancini confirmed that to be correct.

Mr. Wells stated that the Board's engineer listed a variety of existing non-conforming issues on the property and asked for Mr. Wells to confirm whether or not the application submitted would exacerbate or propose any new non-conforming conditions at the property.

Mr. Mancini confirmed that the existing non-conforming issues are just that and that the application would not exacerbate or propose any additional issues. There are no exterior modifications proposed on the site, so those issues would not change.

Mr. Wells asked for Mr. Mancini to give an overview of the use variance standard and his opinion as to how and why the applicant may meet those standards.

Mr. Mancini stated that the applicant needs a D1 variance as the use is not expressly permitted in the Business Zone, or any other zone in Voorhees. Mr. Mancini believes that the positive criteria is met and can be demonstrated that the site is suited for the proposed use.

Mr. Mancini stated that the review letter from CME stated that the B – Business Zoning District permits a broad variety of uses including barber shops and salons and other businesses similar to the applicant's proposed use. Mr. Mancini indicated that the Board has heard the testimony from the applicant and that has shown that the intensity of the use proposed is comparable to and less than other permitted uses.

Mr. Mancini stated that with regards to parking at the existing building there are sufficient spaces for the business as described.

Also based on the applicant's testimony there continues to be a growing need for this particular type of use, as well as Mr. Rudy's unique style.

Mr. Mancini stated that with respect to zoning a few purposes under the Municipal Land Use Law that relate to the special purposes of this application such as:

40:55D-2 Purposes of the Act

- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.*
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.*

Mr. Mancini stated that as an underutilized parcel that has been vacant for some time, in an area with compatible uses the applicant believes that this is a efficient use of that land.

Mr. Mancini indicated that the proposed is aligned with the similar objectives of the township's Master Plan Reexamination of 2012 which encourages revitalization of underused properties and the need to adapt to the changing dynamics of a diverse economy.

The negative criteria require consideration of whether the use variance will result in substantial detriment to the public good and consideration of the impact on adjacent properties. Mr. Mancini indicated that upon their research there has been no negative impacts identified. There are no proposed changes to the site, it is a low intensity use which would lead to the same or less impact in terms of traffic, noise, trash when compared to other permitted uses.

Mr. Mancini noted that with regards to the non-conformities there is a benefit to having a low intensity/low-impact use that would not exacerbate or add to those non-conforming issues.

Mr. Mancini explained that Mr. Rudy reduces or mitigates any perceived impact by the restrictions that he places on his business and operations by way of his appointment-only model.

Mr. Mancini stated that the impact on the zone plan and zoning ordinance provides a minimal impact as there is no difference in impact from any other business that is permitted in the B Zone, in fact the proposed use is less of an impact than most businesses.

Mr. Wells asked with respect to the use variance requested, from the planning perspective if the variances were granted this evening, would that mean that would allow for any tattoo studio to be opened in any B Zone in Voorhees.

Mr. Mancini stated that it would not as there is no such thing as a precedent, each use variance is site specific and based on the facts of that case.

Mr. Wells referenced the review letter from CME stating that there would be 2 principal uses on 1 lot and asked how the proposal is consistent with other uses in the district.

Mr. Mancini indicated that should the Board perceives there is a need for a variance is justified, while not necessary there is a site that has 2 separate buildings, just as a strip mall would have a similar situation. This is not an uncommon request and poses no detriment.

Mr. Wells indicated that the applicant had no further testimony and asked if the Board had any further questions.

Mr. Weil stated he was trying to compare the application to any other personal service business such as a barber shop, salon, etc. and had concerns about minors and asked what the rules with regards to the age of consent for a tattoo. Mr. Rudy indicated that the age of consent for a tattoo is 21 and older.

Mr. Weil asked if someone under that age could be tattooed with parental permission. Mr. Rudy stated that they could not, not in New Jersey.

Mr. Wells asked for Mr. Rudy to indicate the average age range of his clients. Mr. Rudy stated that the average age is anywhere from 25 to 60.

Mr. Weil asked if tattoos need to be refreshed over time, as some can lose their color and fade. Mr. Rudy stated that is something that could happen; however, his work does not fade as he does it right the first time.

Mr. Wells asked if Mr. Rudy fixes tattoos that are not to a client's desire. Mr. Rudy stated that he has fixed the work of other tattoo artists.

Mr. Cohen asked Mr. Norman if approval is given, while it doesn't set a precedent, would it set approval for that space in the unlikely event that Mr. Rudy's business doesn't work out for the future for that particular space.

Mr. Norman indicated that it would be subject to conditions, if someone wanted to open up a shop in that location, they would be subject to those conditions and restrictions that the Board imposes this evening. Any subsequent owner would be bound to those conditions and restrictions.

Mr. Weil stated that Voorhees ordinances do not reference tattoo shops, he asked in Mr. Rudy's experience, having worked in Philadelphia, how has that city regulated tattoo shops and what regulations are set forth.

Mr. Rudy stated that an artist needs to be certified with blood borne pathogens which needs to be renewed annually, and an artist needs to be licensed. Mr. Rudy stated that in NJ it is a little different, he is not sure as to whether or not they have any of those requirements. Regardless of whether NJ has those regulations, he prefers to abide by them as they ensure for a cleanly environment and ensure safety.

Mr. Weil opened up the meeting for public questions and comments.

Mr. Paul Azores was admitted to the meeting, Mr. Azores resides at 1105 Salem Avenue. Mr. Azores was sworn in by Mr. Norman.

Mr. Azores stated that he has concerns with regards to the health and the nature of the tattoo shop. He continued that in his opinion a barber shop or salon would be deemed as identical or similar uses. There are hazardous materials involved and the disposal methods have been discussed in earlier testimony, however more clarification is necessary. Mr. Azores asked how often and what is the regulatory requirement with the county health department. Mr. Azores also asked how often the county would inspect the business.

Mr. Azores continued to add that he has concerns about "riff raff" and asked what the guarantee would be that the business would strictly operate as an appointment-only business model where the hours of operation will not alter and exceed what was mentioned in earlier testimony.

Mr. Azores addressed the previous comment with regards to those being tattoo in Mr. Rudy's shop being over 21 that NJ Statute 2C: 40-21 states "prior written permission of a minor's parent or legal guardian to tattoo or perform body piercing on anyone under the age of 18." and asked how Mr. Rudy could enforce no tattoos for under 21.

Mr. Norman stated that he would like the opportunity to address the zoning enforcement questions. It has been stated that the site has 12 parking spaces and if after this applicant began operating and there was a parking problem, or people were waiting outside would be indicative to zoning enforcement issues. However, that would apply to any commercial operation in any zone, whether it's a conforming use or not.

Mr. Wells indicated with regards to the renewal of the licensing and sharps collection. The sharps disposal collection will occur once per month. The county has the right to inspect the business at any point in time. The licenses have to be renewed once per year and they are subject to an initial inspection with their initial application. Should the county receive any complaints or indications that there could be some issues, they have the authority to inspect the business at any time.

Mr. Rudy and Mrs. Ortolano addressed Mr. Azores concern about age and mention of the NJ statute of a minor defined as 18 or older by informing Mr. Azores that while the age is 18 and older, their shop requires any client wishing to patronize their business to be 21 and older. Signs will be posted, and it will be clearly communicated.

Mrs. Ortolano added that all of Mr. Rudy's clients are over 21 and that Mr. Rudy had not tattooed anyone under the age of 21 since he first started over 20 years ago. There is a registration form that needs to be completed by each client, they also provide a copy of their ID. Should someone provide an ID that shows an age under 21, Mr. Rudy & Mrs. Ortolano will give back the deposit to the client and ask them to return when they are of the appropriate age.

Mrs. Ortolano indicated that they have 2 children of their own, one is currently attending Eastern Regional High School, and another is attending Voorhees Middle School and she understands the concerns of Mr. Azores. Mrs. Ortolano stated that she works on site as his "secretary" booking all of his appointments, he is currently booked out through the end of January. As part of the booking procedure for their business, each individual is properly vetted. She goes through all correspondences and if an individual is found to be contradictory to their preferred client, they indicate that Mr. Rudy may not be the artist that they are looking for, thank them for reaching out and send them on their way to find a new artist.

Mr. Norman asked if they had a website up and running at the moment. Mrs. Ortolano stated that at the moment he is using his Instagram account, the website would be established once the plans on the space have been solidified. Mrs. Ortolano indicated that all of Mr. Rudy's appointments are booked via email with consultations, etc.

Mr. Norman suggested that once they do have a website to clearly state that the business services adults of the age 21 and older. Mrs. Ortolano stated that they would be happy to do that. Mr. Rudy stated that they would also be happy to put it on the door to the shop if that's what it takes.

Mr. Weil asked if Mr. Azores had any additional questions or comments. Mr. Azores stated he had no further comments but one more question regarding the guarantee that the business will strictly operate as appointment only and not allow for walk-ins. Mr. Azores stated that he did not want people showing up on the street at 11pm.

Mr. Rudy stated that the front door is always locked and anyone that is entering would need to be buzzed into the building to gain access.

Mr. Azores stated that Mr. Rudy's response did not answer his question and asked again what the guarantee the hours of operation and that there won't be someone that shows up or is making an appointment at 11pm.

Mrs. Ortolano stated that the shop would be closed, doors locked, lights off, hours of operation over the day. Mr. Azores stated that appointments could be made at 11pm.

Mr. Wells stated that this business is the same as any other business. A business has set business hours of operation, and nothing will stop a person from showing up when they are not operating. There is no difference of that possibly occurring at a sandwich shop, a dentist's office, or this business. There will be approved hours of operation, and if there is activity that is inconsistent with those hours it would need to be reported to the proper authorities.

Mr. Azores stated that he understood Mr. Wells points, but this is applying for a variance to use a property with a use that is not an approved primary use, so if the applicant wants to do things that is outside of the criteria that has been stated, then they need to find a location that is suitable for that. Mr. Azores stated that he has the ability to protest and question the application, which he is doing.

Mr. Azores was then placed back into the general meeting room with the rest of the public.

Mr. Wesley Aducat who resides at 298 Kresson Gibbsboro Road was admitted to the meeting and sworn in by Mr. Norman.

Mr. Aducat stated he has a comment and that it seems that Mr. Rudy does more high-end and specialty tattoos. He mentioned how Mr. Azores mentioned his concerns about people coming in at 11pm. Mr. Aducat stated that Mr. Rudy charges a premium for his work, which is art, and it's highly doubtful that kids would be knocking on the door of the business at 11pm for an expensive tattoo. Mr. Rudy confirmed that to be correct.

Mr. Aducat stated that he supports the business moving into the vacant building.

With no more public participants, Mr. Weil closed the public portion of the meeting and opened it back to the Board.

Mr. Cohen asked Mr. Rudy if he wanted to even work those kinds of hours of operation at 11pm. Mr. Rudy stated that is not his intention and that he will have his appointments during his regular business hours of 12-7pm or 12-8pm, Tuesday through Saturday.

Mrs. Ortolano corrected the days of operation. They will be operating only 4 days a week. Tuesday, Wednesday, Friday, and Saturday. The business will be closed Sundays, Mondays, and Thursdays as of now.

Mr. Weil asked if those hours would be expanded as his business began to grow and he added additional artists to his team. Mrs. Ortolano stated that the days would be expanded as a rotating schedule and gave an example that if they brought on 2-3 more artists, there would be 2 artists on per day and they would have a rotating schedule as to the days that they would work. Each individual station would belong to those individuals only.

Mrs. Ortolano stated that the 4-day schedule is Mr. Rudy's schedule at the moment. As they bring on more people, he may only work 2-3 days per week. Mrs. Ortolano reiterated that it would still strictly be by appointment only.

Mr. Rudy stated that he would not just hire any artist either, that they would have to have at least 10 years' experience with an impressive portfolio. They would have to follow the same standards and guidelines as Mr. Rudy follows.

Mr. Norman summarized the motion that the Board would be granting the approval of the use variance and the waiver of site plan review. The conditions the Board could impose based on the testimony heard would be as follows:

- Appointment-only business model, no walk-in appointments.
- Patrons must be over the age of 21. Notice to be posted on the door and on the website.
- No artwork displayed in windows.
- Existing signage will comply with the township ordinance.
- Subject to County Board of Health approval.
- No more than 3 artists working at per day on any given shift.
- Hours of operation restricted to 12pm – 8pm.

Mr. Willard motioned to approve the use variance and waiver of site plan based on the conditions above; seconded Mr. Pannu; none (0) against.

Ayes: Mr. Cohen, Mr. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman, and Mr. Weil
Abstentions: None
Nays: None

Mr. Norman advised the application that there is a 45 day right of appeal period from the date of publication of notice of decision published after the memorialization of the resolution.

The Animal Welfare Association, Inc
 509 Centennial Blvd
 Block 207, Lot 11

O3

Case #ZC2021-027

Action Date: 1/6/2022

Mr. Norman summarized that the Applicant has requested variances for the following with this application:

- a. Section 150.15(E)(1)** - To permit a 96-inch by 24-inch freestanding message board to be immediately adjacent to the proposed freestanding street sign, where a minimum distance of 50 feet is required between freestanding signs.
- b. Section 150.15(E)(6)** - To permit a 16 square foot freestanding identification sign for the Education Center and to permit this identification sign to include the company logo, where a functional/directional sign shall not exceed 3 square feet or include company logos.
- c. Section 150.15(E)(7)** - To permit a 96-inch by 48-inch backlit, LED illuminated freestanding street sign to be located 3 feet from the right-of-way (Centennial Boulevard), where 10 feet is required.
- d. Section 150.15(E)(7)** - To permit 96-inch by 24-inch freestanding message board to be located 3 feet from the right-of-way (Centennial Boulevard) and less than 6 feet above grade to the bottom of the message board where 10 feet from the right-of-way and 6 feet above grade to the bottom of the sign is required.
- e. Section 150.15(E)(7)** - To permit a 16 square foot freestanding identification sign for the Education Center to be less than 6 feet above grade to the bottom of the message board, where 6 feet above grade to the bottom of the sign is required.
- f. Section 150.15(H)(2)(b)** - To permit a 96-inch by 24-inch freestanding message board to be permanently affixed to the freestanding street sign to be located on the Centennial Road frontage of the site, where a maximum of one (1) freestanding street sign is permitted.
- g. Section 150.15(G)(3)(c)6-** To permit messages to be displayed on the message board for more than 20 minutes in any one hour, where a message may not display for more than 20 minutes in any one hour.
- h. Section 150.15(H)(2)(a)** - To permit two signs, a 64-inch by 20-inch and a 126-inch by 56.5-inch three-dimensional identification lettering, attached to the face of the establishment on public street frontage (Centennial Boulevard), where only one such sign is permitted.

The applicant Ms. Maya Richmond, Executive Director of The Animal Welfare Association was admitted into the meeting with the following professionals: Attorneys - Ms. Natalia Teekah, Esq. of Hyland Levin Shapiro, Mr. Robert Baranowski, Esq. of Hyland Levin Shapiro, Professional Planner – Mr. Andy Simkins with Consulting Engineer Services, and Signage Professional – Mr. Art Macauley of Image 360.

Ms. Teekah introduced herself and indicated that a revised rider was circulated to the Board earlier today by the Zoning Board Secretary Ms. Gaffney referencing that there was a need for fewer variances than previously requested.

Mr. Norman swore in the applicant and professionals.

Ms. Teekah further summarized the application as mentioned earlier by Mr. Norman.

Ms. Richmond introduced herself and her time with AWA for 13 years and all that AWA has to offer. AWA is complete funded through charitable donations and fees. Annually, AWA helps 15,000 pets and engage over 50,000 people through onsite programs, remote programs, online programs and events. Over the past 10 years, the AWA location has grown to a robust community center, it is more than a shelter. AWA is nearing completion of the new Adoption and Education Center.

Ms. Richmond indicated that with this growth, the AWA is looking to update signage to help visitors easily navigate the campus. Those that are unfamiliar with the site are unaware of the topography. From the front it appears to be a small little building, but as you drive down the parking lot you are able to see the 2 stories and the pet clinic in the back. The layout poses a challenge as people naturally want to park in the first parking lot.

Ms. Richmond hopes that with these smaller directional signs throughout to attract attention and assist in directing people around back to access the education area and pet clinic. It is important that people are able to enter in the functional areas.

Ms. Richmond indicated that they will be discussing the LED lighting and thanked the Board for previously granting permission to use a permanent banner under their sign. The LED signage proposed will replace the banner and will be an easier more streamlined way to update the public. Since the public is very engaged with the organization it is important to communicate updates and events with them to keep them engaged. There will be nothing that is blinking, flashing, or distracting as safety is of their utmost priority and want to be sure that the message is being clearly displayed in order for them to read.

Mr. Macauley introduced himself as the owner of Image 360 located in Marlton, NJ and has been in business as a full-service sign company since 1997. He was contracted by AWA to review their signage needs with the expansion project.

Mr. Macauley displayed the proposed signage on the screen as he referenced the proposed plans. He indicated that there were two important objectives in developing the plans.

The first objective is the street level signage, making sure that the traffic driving by could see the signage and could safely get into the parking lot. Once on the property the signs would need direct them to the correct place since there are multiple entrances and multiple parking lots.

The second objective is the banner/message system and ensuring that AWA could communicate with visitors and the community effectively.

Referring to the “Free-Standing Street Sign” that was provided by the applicant, Mr. Macauley indicated that the “street sign” is comparable to the existing sign. The existing sign is cluttered and not clear, in the past banners have been put underneath to communicate. The proposed sign is basic and simpler. Logo on the top of the sign with the digital messaging underneath.

Referring to the “Main Façade & Adoption Center Entrance” plan provided by applicant, Mr. Macauley indicates that the exterior façade is being improved and an updated sign on the building is necessary. An additional small directional sign is proposed that identifies the building as the Adoption Center. While that sign could be hidden by cars in the parking lot, an additional sign of three-dimensional lettering on the building is also proposed. Mr. Macauley noted that all of the signage helps the flow of traffic and for people to find the correct door.

Referring to the “South and East Building Elevation & Education Center Sign” plan provided by the applicant, Mr. Macauley referenced a small directional sign that shows Education Center that matches the other signs on the property. With the expansion of the building there is an additional door, and the directional sign helps to identify the area of the building.

Mr. Macauley informed the Board that the letters that are on the signs on the above referenced documents correspond with locations on the main plan.

Mr. Macauley then referenced the “Pet Clinic Façade” plan provided by the applicant that shows the updated logo sign replacing the existing logo sign.

Mr. Pavlick asked for confirmation regarding the sign A-H, it states 84” on the plan, but wanted to confirm that the applicant meant 64”. Mr. Macauley confirmed that there was a typo, and the dimension is 64” wide.

Ms. Teekah asked for Mr. Simkins to give an overview of his experience and credentials to the Board.

Mr. Simkins stated that he is with Consulting Engineer Services and is a Project Manager. He has served on various zoning and planning boards throughout south jersey and has presented to boards all over south jersey. He has been a licensed planner since 2008 and is a licensed engineer since 1994.

Ms. Teekah asked for the Board to recognize Mr. Simkins as a professional planner. Mr. Norman confirmed Mr. Simkins could proceed.

Mr. Simkins asked if he could speak about the variances as a bulk or if he needed to reference them each individually. Mr. Norman stated that he could speak to them as a bulk, as it is a sign package.

Mr. Simkins reiterated previous testimony about the expansion of the AWA campus and how it serves the community. Mr. Simkins referenced the 2014 bulk variance relief granted for the directional signs and various banners.

Mr. Simkins stated that the current request is to update the signs on site and presents an aesthetically and architectural beneficial change which is in line with the goals of the township master plan. Mr. Simkins stated that it improves the local zoning and planning by showing variances needed for a specific piece of property, the proposed variance and purposes of the Municipal Land Use Law, the benefits will substantially outweigh any detriment by granting these variances.

The proposed application is an update in accordance with their expansion to better service their customers and community with visible means of communication. This is an update to the variances granted in 2014.

Mr. Simkins stated that the applicant provides a veterinary service which provides medical treatment to the community’s pets, which many people consider their pets to be family members. AWA provides a home to stray animals and provides rescue opportunities for those animals. AWA provides a means of employment by many in the community.

Mr. Simkins indicated that if the Board approved the proposed variance relief it would allow the AWA to continue to provide their services in a more efficient, safe, and beneficial manner to the community. The signage identifies the agency, the locations of their services, and announcements related to the facility and the community.

Mr. Simkins identified the positive criteria as:

- AWA has been located at the site for several years.
- The site being 10 acres allows for plenty of room expansion while still maintaining a good portion for Open Space.
- AWA provides a service to the community that promotes general safety and welfare.
- AWA provides sufficient space and an appropriate location that contributes to the well being of persons and animals in local neighborhoods and communities.
- AWA provides a desirable visual, environmental, through creative development techniques and good civic design it will indicate the different functional areas on the campus.

Mr. Simkins identified the negative criteria as:

- The request to allow variance relief is not at a substantial detriment to the public good.
- The impact to the surrounding properties is limited.
- The nearest neighboring property is 600 feet away.
- There is ample parking existing on the site.
- There will be no impairment to the zone plan or the zone ordinance.
- AWA promotes the goal of community facilities by providing for general needs of the community.

Mr. Simkins summarized that it was of his expert opinion that in reviewing the positive and negative criteria granting the variances will outweigh any detriment to the community and will advance the Municipal Land Use Law.

Mr. Weil closed the testimony portion of the application and opened it up to the public for comments or questions.

There were no public questions or comments, Mr. Weil closed the public portion and brought the application back to the Board.

Mr. Willard motioned to approve the variance request; seconded Mr. Cohen; none (0) against.

Ayes: Mr. Cohen, Mr. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman and Mr. Weil
Abstentions: None
Nays: None

Mr. Norman advised the application that there is a 45 day right of appeal period from the date of publication of notice of decision published after the memorialization of the resolution.

Mr. Weil opened the meeting to the public for any further comment, with no members of the public remaining the public portion was immediately closed.

With no further business to discuss, Mr. Cohen motioned to adjourn the meeting seconded by Mr. Pannu.

Jennifer L. Gaffney, Zoning Board Secretary

Voorhees Township

Minutes prepared by Jennifer Gaffney. The minutes are intended to reflect the basic comments and action.

Verbatim transcripts of all electronic recordings can be available upon proper request and payment.