

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. Weil, Mr. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman, Mr. Hundal, and Mr. Cupersmith

**Absent:**

**Also, present:** Chris Norman, Board Solicitor; Bennett Matlack, Board Engineer, CME; Chris Dochney, Board Engineer, CME, and Jennifer Gaffney, Board Secretary

#### RESOLUTIONS

**ZC2020-015** Aducat Outdoor, LLC 127 Route 73, Block 228, Lot 2.02  
One year extension of variance approval granted in Resolution 20-17.

Mr. Weil motioned to memorialize **Resolution 21-47** for ZC2020-015; seconded Mr. Pannu; none (0) against, two (2) abstentions

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

**ZC2021-024** Justin Pelletier, 222 Burlington Avenue, Block 133, Lot 6  
Bulk variance relief for non-conforming shed, swimming pool and swimming pool deck.

Mr. Weil motioned to memorialize **Resolution 21-48** for ZC2021-024; seconded Mr. Pannu; one (1) against, two (2) abstentions.

**Ayes:** Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Pannu, and Mr. Cupersmith  
**Abstentions:** Mr. Leoncio and Mr. Hundal  
**Nays:** Ms. Tulman

**ZC2021-025** Sheila McFarland, 5 Irongate Drive, Block 218.02, Lot 1  
Bulk variance relief for non-conforming 6' vinyl fencing in secondary front and rear yards.

Mr. Weil motioned to memorialize **Resolution 21-49** for ZC2021-025; seconded Mr. Willard; none (0) against, two (2) abstentions

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

**ZC2021-028** Bart & Patti Shipon, 7 Pembroke Drive, Block 304.08, Lot 5  
Bulk variance relief for proposed generator installation in front yard.

Mr. Weil motioned to memorialize **Resolution 21-50** for ZC2021-0248 seconded Mr. Cohen; three (3) abstentions.

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

**MINUTES FOR APPROVAL**

Mr. Weil motioned to approve the Minutes from the October 21, 2021, meeting; seconded Mr. Willard; none (0) against, two (2) abstentions.

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

**NEW BUSINESS**

Mr. Norman indicated that the new business for the evening would be the swearing in of a new Zoning Board Member, Balrup Hundal.

Mr. Balrup Hundal was appointed by Township Committee on Monday, November 8<sup>th</sup>.

Resolution 247-21 stated that Mr. Karanveer Pannu currently serving as Alternate #1 will move into the vacant position of Zoning Board Member (John Daddario) expiring December 31, 2024. Mrs. Alina Tulman currently serving in position of Alternate #2 will move into the position of Alternate #1, previously held by Karanveer Pannu, expiring December 31, 2022.

Mr. Balrup Hundal is appointed to the position of Alternate #2, expiring December 31, 2021.

Mr. Norman swore in Mr. Hundal.

**OLD BUSINESS**

**Interstate Outdoor Advertising, LP**  
 101 and 103 Route 73  
 Block 247, Lots 12 & 11.01

MB

Case #ZC2019-029

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. Prime, the attorney for the applicant was admitted as a panelist to the meeting. Mr. Prime requested a continuance as the most recent 200-foot list that was supplied by the tax assessors office contained a number of errors that were discovered within the last few days by comparing earlier lists. The most recent list contained property owners that are not within 200 feet of the property and also omitted properties that are within 200 feet of the property.

Mr. Prime stated that under the MLUL Section 40:55D-12c "the applicant is entitled to rely upon the information contained in such list, and failure to give notice to any owner, not on the list shall not invalidate any hearing or proceeding." (parsed)

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Mr. Prime stated that since there are property owners that were previously noticed and were not noticed, in order to avoid any issues with the application, the applicant requests an adjournment to have the opportunity to re-notice.

Mr. Prime indicated that they received an updated 200-foot list today and thanked Ms. Gaffney for providing that list to them, upon review it matched the prior lists that had no issue. Mr. Prime deferred to the Chairman and Ms. Gaffney upon the new schedule and will consent to any extension of time required.

Mr. Chairman asked Ms. Gaffney for available schedule. Ms. Gaffney indicated that we are waiting for the reorganization meeting to schedule 2022 meetings. Mr. Prime stated that he would be happy to push out in advance and stay in touch as to scheduling date.

Mr. Norman asked Mr. Prime if it would be acceptable to the applicant to reschedule a date to be determined. Mr. Prime indicated that he would provide a letter to Ms. Gaffney stating as such.

Mr. Weil made a motioned to approve the request for continuance to be heard before March 31, 2022, with a date to be determined during the Board Reorganization Meeting; seconded by Ms. Tulman, none (0) against.

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

Mr. Leoncio excused himself from the remainder of the meeting as he had not had the opportunity to review the tapes for the next application.

**Patidar Brothers, LLC (Dunkin Donuts)** 100 Zone  
 101 Route 73; Block 247, Lot 14

Case #ZC2020-009

This application is a continuation from 4/8/2021 and 8/12/2021. Mr. Norman summarized the application. Based upon review of all information submitted and the Township of Voorhees Improvement Regulations and Design Standards, the following changes have been recommended:

**Summary of Changes:**

- Reduction in Parking spaces from 20 to 17 spaces. Two (2) ADA parking spaces are still provided.
- Sidewalk is proposed along Lake Villa Drive frontage.

The Applicant is seeking approval for a preliminary and final site plan for an 1,844 square foot Dunkin restaurant with drive-thru and accessory uses, such as parking, with variances from:

- a. Section 150.102(A)** - Fast Food Restaurants are not permitted principal uses in the MB zone. A d1 variance is required.
- b. Section 150.14(C)(2)** - Within any non-residential zoning district, no fence may be erected, altered or reconstructed forward of any building in the front yard; a 4-foot vinyl fence is proposed along the westerly property line within the front yard area along Lake Villa Drive.
- c. Section 150.15E(6)** - Functional/directional signs shall not exceed 3 S.F. in area per sign and shall not include company logos or other advertising information; a "DD" logo sign is proposed on the height restriction bar at the drive-thru lane, said sign would also provide a 3.1 S.F. sign area.
- d. Section 150.15H(2)(a)** - Within an MB Zone, each commercial establishment may have one (1) sign on or attached to the facade of the establishment on each public street frontage provided the sign shall not project or extend more than 2 feet beyond the building line and shall not exceed 15% of the facade area facing the street or 150 S.F., whichever is smaller, whereby two (2) wall signs would be permitted; four (4) facade signs are proposed, one (1) along Route 73, two (2) along Lake Villa Drive and one (1) along the northern building facade.
- e. 152.102(A)(Schedule)** - The minimum required rear yard setback is 100 feet; 55.98 feet is indicated as proposed to the westerly property line. It should be noted that the property is a corner lot which contains two front yards, one side yard, and one rear yard. The rear yard shall always be opposite the front entrance to the primary structure.
- f. Section 152.102(8)(2)** - The maximum permitted total impervious coverage with sewer service is 60%; approximately 72.9% is proposed.
- g. Section 152.102(E)** - The parking setback for all uses shall be 50 feet from Route 73, 50 feet from a residential zone or use and 20 feet when the parking setback is not from Route 73, a residential

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zone or use or to a side lot line; 10.2 feet is proposed to park from the Route 73 right-of-way line and 11.9 feet is proposed to the loading zone from the westerly property line which is an MOR zone boundary. We also note that the parking setback is 15 feet where proposed parking facilities are contiguous to existing parking facilities which serve non-residential uses. The parking setback on the northerly property line which abuts the auto salvage yard is 10 feet.

- h. Section 152.006(A)(4)** - The Applicant indicates a 25-foot-wide buffer required to a residential use/zone along the westerly property line whereby a typical 25-foot-wide buffer shall be comprised of three (3) rows of trees/shrubs as specified planted 5 feet on center; an approximate 12-foot-wide buffer is provided with one (1) row of trees at 6 feet-10 feet on center and a 4 foot and 6-foot vinyl fence along the westerly property line. We note that per Ordinance Section 152.102(A) that the entire rear yard area within an MB Zone shall consist of a landscape buffer, whereby 100 feet would be required.
- i. Section 154.006(F)(3)(b)** - The number of street trees along Route 73 shall average one (1) for every 35 linear feet of property frontage, whereby the Applicant indicates five (5) street trees and three (3) evergreen trees required along Route 73; four (4) street trees and zero evergreens are proposed.
- j. Section 154.015(A)(4)(c)** - Parking may not encompass more than 50% of the lot frontage within 170 feet of the Route 73 right-of-way; the parking area along Route 73 encompasses more than 50% of the Route 73 lot frontage.

The Applicant also indicates that the following existing condition nonconformity would remain pertinent to the property:

- k. Section 152.102(A)(Schedule)** -The minimum required lot area is 2 acres; 0.7 acres (30,571 S.F.) is provided.

In addition to the above, variances and/or design waivers would also appear necessary for the following:

- l. Section 154.007(B)(3)(b)** - The maximum mounting height of exterior lighting for a building with a height of up to 24 feet is 14 feet; 16 foot and 20-foot light fixture mounting heights are noted as proposed.
- m. Section 154.015(A)(B)(b)** - A 0.9 footcandle maximum is allowed in parking areas and walkways for non-residential uses; lighting levels greater than 0.9 footcandle are proposed within the parking areas and walkways.
- n. Section 152.102(C)(2)** - The minimum required previous area with sewer service is 40%; approximately 27% is proposed.
- o. Section 154.015(A)(1)(d)** - No more than two-thirds of the building shall be at the same setback line and the offset shall be at least equal to 10% of the average depth of the building; no building offset appears proposed along the north, south and east facades of the building.
- p. Section 154.015(A)(5)(b)** - Refuse areas shall meet the setback requirements for parking lots and structures (50 feet from residential use/zone), no chain link doors are permitted, all wall screening shall be 8 feet in height and landscaping shall be utilized; an approximate 13-foot setback is proposed to the westerly property line adjoining a residential zone, chain link gating is proposed with 6-foot walls and no landscape plantings are proposed surrounding the enclosure.
- q. Section 154.015(A)(6)(c)** - Ten percent of the area within a parking area shall be landscaped with evergreen and deciduous trees; no interior parking area landscaping is proposed.
- r. Section 154.015(A)(6)(d)** - For every 10 parking spaces, 1.5 trees with a minimum caliper of 3 inches shall be required; two (2) trees appear proposed along the parking areas.
- s. Section 154.015(A)(7)(h)** - Textured pedestrian crosswalks shall be provided from parking areas to all buildings; no crosswalks are provided from the northerly and easterly parking areas.
- t. Section 154.015(A)(9)(b)** - Special architectural features such as clock/bell towers, cupolas and ornamental portions of parapet walls may exceed the height limit by up to 10 feet but shall not encompass more than 10% of the building facade wall and signage shall not be included within the additional height; the parapet tower along the east facade of the building encompasses 11.4% of the facade area and the parapet tower on the east and south facades contain proposed signage.
- u. Section 154.015(A)(10)(a)** - Windows, doors, display windows or arcades shall make up at least 50% of building walls that face streets; less than 50% of such elements are proposed along the southern building facade facing Lake Villa Drive.

Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

The applicant's professionals were admitted to the meeting as panelists, Mr. Robert Mintz, Esq, applicant's attorney, Mr. Joseph Mancini, applicant's engineer, Ms. Tiffany Morrisey, applicant's planner, Mr. David Shropshire, applicant's traffic engineer.

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Mr. Norman swore in Mr. Shropshire, as a member of his staff was sworn in previously for past testimony. All other professionals were sworn in prior to previous testimony.

Mr. Mintz asked Mr. Norman if all Board members present had the opportunity to listen to the tapes of the previous hearings. Mr. Norman indicated that all remaining Board members on the call have either been present at previous hearings or have certified that they have listened to recordings.

Mr. Mintz summarized the application once again. Mr. Mintz indicated that the commercial zone narrows at the site, the abutting yard is twice as deep if not quite that, and many of the variances would not be a necessity if not for the depth of the lot and the change in the narrowness of the zone.

Mr. Mintz asked that Mr. Mancini to confirm that he was previously sworn in and was recognized as a professional in prior testimony and confirm that he is still under oath and to provide a short summary to bring the Board up to speed on the application.

Mr. Mancini confirmed that he was still under oath and shared his screen to show Exhibit A-5 an updated site plan rendering. Mr. Mancini indicated where NJ State Highway Route 73 and Lake Villa Drive were located on the rendering.

Mr. Mancini indicated that modifications were made as requested by the Board previously that will be highlighted in this evening's testimony. One of the modifications included eliminating 3 parallel parking spaces located along the right side of the parking area. By eliminating those parking spaces, it allowed for expanding the Route 73 landscaping buffer and gain greater compliance with the Route 73 streetscape.

Mr. Mancini noted that by eliminating the parking spaces it also reduces the amount of existing nonconformity with the impervious coverage. The plan still includes 17 parking spaces which exceeds the 15 parking spaces required by ordinance.

The landscape buffering increased from 15-17' before to a minimum of 28'. There was additional plantings of shrubs and ground cover added to the plan.

The proposed lighting on the plan was revised. The previous plan required a variance for pole height of 16-20 feet, the current plan limits the pole height to the required ordinance of 14 feet. The plan continues to provide for house-side shields to mitigate the glare and any possible light spill at the rear of the property against the residences.

The plan was revised to substitute the previously proposed chain link fence gate on the trash enclosure to be substituted with vinyl to comply with the current township ordinance. There will also be additional plantings around the trash enclosure at the northwest corner of the property.

Mr. Mancini noted that several of the original requested variances have been reduced due to the changes made. Mr. Mancini confirmed that there are still constraints on the property due the zone boundaries. It exists on an MB Zone with the Residential Zone behind it at the westerly property line making the MB Zone less deep than other properties on the 73 corridors. This results in a difference of the buffer requirements, between a MB Zone and Residential use is 50-100 feet in some cases. That amount of buffer is not practical and would render the property unusable under any permitted use in the MB Zone. Mr. Mancini indicated that the applicant has made their best attempts to mitigate by providing landscaping and fencing to provide the buffering as necessary.

Mr. Norman asked for Mr. Mancini to confirm the updated site plan's exhibit number. Mr. Mancini stated it was A-5.

Mr. Mintz asked Mr. Mancini to confirm his prior testimony stating the staffing at 6 people the maximum/peak hours, 2-3 people during the slower hours, which will provide for new employment in town. Mr. Mancini confirmed that information to be correct and consistent with his understanding.

Mr. Mintz indicated that prior testimony provided that Mr. Mancini had worked with the applicant previously and the applicant has multiple similar Dunkin' locations in the immediate south jersey area and is experienced with this type of project. Mr. Mancini confirmed that statement to be correct.

Mr. Mintz asked for Mr. Mancini to recap and summarize the signage that he previously testified about. Mr. Mancini brought up exhibit A-3 that was previously presented.

Mr. Mancini continued that the top of the drawing shows the east elevation that faces Route 73 which shows an internally illuminated sign that is 36 square feet representing about 5.2% of the facade. The bottom of the drawing is the north elevation that shows the interior parking lot. There is a non-internally illuminated sign that is roughly 30 square feet, which represents 2.9% of that facade.

On the following page the top drawing shows the west (or rear) elevation which faces the residential zone which has no signs proposed. The bottom drawing shows the south elevation which faces Lake Villa Drive shows 2 signs, an internally illuminated sign that is approximately 17 square feet and a non-internally illuminated sign at approximately 7 square feet. Both represent 2.27% of that facade.

Mr. Mintz asked Mr. Mancini if the directional signs included the D&D logo. Mr. Mancini indicated that Dunkin Donuts has different variations of directional signs. The signs that were chosen for the entrances do not have the logo but do comply with the 3 square foot maximum signage.

Mr. Mancini referred to the Board's professional's review noting an additional directional sign attached to the height restriction bar on the drive thru and Mr. Mancini discussed with the applicant removing the Dunkin Donuts sign on the height bar to eliminate that variance request. The ordinance does not permit logos on directional signs. In effort to further reduce the number of variances for the sign, the applicant agreed to eliminate the variance request.

Mr. Mintz indicated that he had no further questions for Mr. Mancini. Mr. Cupersmith asked if anyone from the Board had any questions. There were no further questions.

Mr. Mintz called on Mr. David Keefrider to be admitted to the meeting to testify. Mr. Mintz asked if Mr. Keefrider testified at any prior meetings. Mr. Keefrider confirmed that he testified at the April 8, 2021. Mr. Mintz reminded Mr. Keefrider that he is still under oath from that meeting.

Mr. Mintz stated that the ordinance provides that there should not be a flat roof line in current zone and asked for Mr. Keefrider to explain how he was able to accomplish that deviation/change in the plans presented to the Board.

Mr. Keefrider stated that the variance noted that no more than 2/3 of the building should be at the setback line. The size of the building being 1,844 square foot building on a small property in order to achieve variation in the setback by having the parapets facing the roadways at a higher elevation than the rest of the building.

Mr. Mintz asked Mr. Keefrider to confirm the fenestration of the facades facing the two streets. Mr. Keefrider stated the variation of the two parapets provides the definition of the elevations. Mr. Mintz asked if there was sufficient glass area to satisfy the ordinance's glass/fenestration requirements.

Mr. Keefrider stated that the glazing on the east elevation facing Route 73 the total facade is 692 square feet of which 147 square feet is glazing, which exceeds the requirement. The total fenestration is at 21.2%. The north elevation facing the parking lot is 1,000 square feet of facade of which 182 square feet is glazing which is 18.5%. The west elevation facing the rear and residential has no glazing or change. The south elevation facing Lake Villa Drive is a total of 1,063 square feet of facade of which 12 square feet of glazing which represents 1.12%.

Mr. Mintz asked if the Board had any questions for Mr. Keefrider. The Board had no questions.

Mr. Mintz indicated that Mr. Shropshire is sitting in for Mr. Mosley and needed to be sworn in. Mr. Norman swore in Mr. Shropshire and the Board recognized his credentials as a professional.

Mr. Mintz stated that parts of the project regarding traffic are guided by NJDOT but asked for Mr. Shropshire to give updates to the Board from the last hearing. Mr. Shropshire stated that access is proposed along southbound Route 73, NJDOT permitting is required for that access. They anticipate based on the high level of pass by traffic generated by the site that there would be 67 new trips on the roadway during the morning peak hour, it cuts to 28 trips in the afternoon peak hour. The Saturday peak

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hour is back up to 58 new trips. Mr. Shropshire believes that all this traffic based on the roadway configuration will come to and from southbound Route 73.

Mr. Shropshire noted that it is very compatible from a traffic standpoint for the volume on Route 73. In the morning there is approximately 1,000 vehicles per hour which increases to over 2,100 in the evening peak hour. Mr. Shropshire believes there is synergy between the level of trip generation. Dunkin Donuts has more of a morning destination in terms of peaking. The Saturday peak hour is much lower than the PM peak hour.

Mr. Shropshire stated that the PM peak hour is the real driver of concern on Route 73 and the peak of the applicant's traffic is not during that time.

Mr. Shropshire stated that the analysis showed acceptable levels of service, the DOT will have control over the permitting of the access on 73. The secondary access is located on Lake Villa Drive, along with a median access proposed to accommodate movements in and out of the driveway. Mr. Shropshire believes that to be very secondary to the site, meaning there is only right turn in and out movements along southbound 73 and at Lake Villa Drive. The Lake Villa Drive access and median access is proposed more of a convenience for Cooper Road. Again, that access is secondary.

There was a concern raised about queueing to the drive thru lane which is very typical. Mr. Shropshire stated that he believes there is enough room there for stacking of up to 8 vehicles without blocking traffic. This is typical for Dunkin Donuts, 80% of queues studied have been created for 6 vehicles at a minimum, and it has been seen that there are queues for more than 8 vehicles, however those are very infrequent.

Mr. Mintz asked if there were any questions from the Board. Ms. Tulman asked for Mr. Shropshire to confirm his earlier statement that it would be a right turn only, in previous meetings it was discussed there being a left turn from Lake Villa Drive. Mr. Shropshire stated that the left turn has not been eliminated, rather his earlier statements were that the right turns will be primary. The way that the site is oriented and the drive thru is oriented there will be a minimal need for a left turn. The median access on Lake Villa Drive was put more for the residents on that road and off of Cooper to be able to access the Dunkin Donuts by making a left turn into the parking lot.

Ms. Tulman stated that it was a concern because it would not make sense for someone to make a left turn into the median to then make a right turn onto 73 when they can directly make a right turn onto 73 from the property. Mr. Shropshire agreed and stated that a no left turn sign could be added to the median to restrict the left turns out.

Mr. Matlack stated that it was discussed in prior meetings that putting up a no left turn sign at the median to restrict left turns from coming out was a priority with regards to safety and an idea he supports.

Mr. Mintz stated that he would have Mr. Mancini work with Mr. Matlack to have that sign designed and put on the plan.

Mr. Matlack stated that he believes that it was already agreed to as a condition of approval that a driveway ahead sign would be shown as well located on Lake Villa Drive.

Mr. Mintz asked the Board if there were any further questions for Mr. Shropshire. There were no further questions.

Mr. Mintz indicated that Ms. Morrisey was sworn in and recognized for her expertise as a professional planner previously and was not able to give testimony.

Mr. Norman swore in Ms. Morrisey.

Ms. Morrisey stated that one of the reasons that the applicant is before the board is the request of a use variance, while the zone permits restaurants, it does not permit fast food restaurants. In addition to the use variance there are a number of bulk variances that Mr. Mancini addressed earlier. Ms. Morrisey she will highlight a few of them as well.

Ms. Morrisey stated that a variance is required for the height of a fence on the front yard of the side street, prior hearing testimony was provided that it was proposed that a 4-foot vinyl fence that extends

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along the loading zone towards Lake Villa Drive so anything between the building and the street on Lake Villa Drive would require a variance. The applicant proposes this to enhance the buffer, recognizing that while the site is in a MB Zone it is residential to those that live to the west of the site and the fence adds an additional level of buffering.

Ms. Morrisey stated that they require a variance for the lot size as well, this is an existing condition that is not changing. The requirement is 2 acres, and the lot is 0.7 acres. Associated with that existing condition the applicant is requesting several setback variances due to the fact that the MB Zone ends at this property. On the Zoning Map this property is 175 feet deep. 179 feet on the internal lot and 175 on the Lake Villa Drive side. The actual depth of the MB Zone as you travel north is over 550 feet deep.

Ms. Morrisey stated that generally speaking the standards designed in the ordinance for the MB Zone are consistent and able to be accommodated on properties that have the larger depth where the MB Zone exists. This is a corner property in the district but a much smaller lot that is adjacent to a residential zone, which make it very difficult to meet some of the MB Zone requirements.

Ms. Morrisey stated that another variance that is being requested is the rear yard setback variance. The ordinance requires a 100-foot setback for the rear yard and a 50-foot setback for the front. Adding both setbacks together on a 175-foot lot makes for a very small building envelope and impractically difficult to develop the property for any use in the MB Zone given the standards.

Ms. Morrisey indicated that there is a request for a variance for impervious coverage of 65.8%. Ms. Morrisey stated that prior to the revision of the plans the impervious coverage was much higher. By revising the plans and adding the green space and landscaping, they were able to reduce the impervious coverage from about 73% to about 65.8%.

Ms. Morrisey stated that variances are required for the setbacks for parking. 28 feet of setback to Route 73 and 11.9 feet to the residential lot line, and 10 feet to the property on the north which is the existing auto facility.

Ms. Morrisey stated that additional variances are needed for signage, however she stated she did not need to provide further testimony on that as Mr. Mancini gave very detailed testimony earlier.

Ms. Morrisey stated that because the applicant is requesting a use variance, the priority purpose of her testimony will relate to why the site is particularly suited for the use and makes sense as a fast-food restaurant while that use is not permitted in the ordinance.

Ms. Morrisey stated that the ordinance does not define a fast-food restaurant, rather it states while it permits restaurants it does not permit fast-food restaurants under any zoning district. In terms of finding a location that is appropriate for a fast-food restaurant, this location on Route 73 provides an opportunity for this type of use, which is suited on a major corridor, where there is an ability to work with the pass by traffic. This use will draw from those that are already using the highway system and not necessarily bring in any new traffic to the area.

Ms. Morrisey noted that this is a coffee shop fast-food restaurant which draws crowds at limited times unlike a fast-food restaurant such as a McDonald's or Burger King. Ms. Morrisey pointed out that it would be similar to the Starbucks facility located just to the north on Route 73 of this location.

Ms. Morrisey stated that the existing use on this property is an auto repair facility, and that existing use utilizes a large percentage of the property with very little landscaping or buffer. There are 4 curb cuts existing on this property.

Ms. Morrisey indicated that the ability to redevelop this property with a use that is more appropriate for the MB Zone and the purposes of what the MB Zone includes provides an opportunity for redevelopment of this site with improvements in landscaping and enhancements, reduced curb cuts, etc. All points lead adding to the suitability of this property and enhancing the Municipal Land Use Law as well.

Ms. Morrisey noted that under the MLUL, it is her professional opinion that not only is this site and the use suited for one another, but because of the size of the property being smaller than any other property in the MB Zone makes it suited for a use that has smaller restrictions associated with it versus the other uses such as a shopping center or sit-down restaurant that would require appropriate parking. This



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provides an opportunity to work with the existing traffic flows on Route 73 and allows for the elimination of a use that really does not add to the overall intent and purpose of the MB Zone under the code.

Ms. Morrisey continued that not only is the site and the use suited to one another therefore promoting the general welfare, it is with her professional opinion that the development advances the purposes of zoning in providing adequate light, air, and open space. While the applicant is asking for several variances of setbacks, the applicant is able to provide considerable landscaping and buffering, meeting the Route 73 landscaping requirements, providing improvements to the property.

Ms. Morrisey believes that the applicant is advancing the purpose to provide sufficient space and an appropriate location for a variety of uses according to the respective environmental requirements in order to meet the needs of all NJ Citizens.

Ms. Morrisey believes the use promotes a desired visual environment due to creative development techniques and good civic design and arrangement.

Ms. Morrisey continued her testimony discussing how the signs proposed by the applicant are sized significantly below the permitted sizes. The signs proposed are small in area and to provide proper identification of the building, directional and are 10.3% total façade area of all 3 sides.

In terms of the application with regards to negative criteria, it is with Ms. Morrisey's professional opinion that the negative criteria are satisfied. Those elements include no substantial impairment to zoning ordinance or zone plan, and no substantial detriment to the public good.

With regards to no substantial detriment to the public good, Ms. Morrisey stated with regards to the impairment to zoning ordinance and zone plan, the MB Zone permits a variety of uses. The MB Zone has its own purpose to provide a wide range of business uses creating a business locus along the Route 73 corridor. The Master Plan includes goals and objectives also support the redevelopment and revitalization of vacant properties, etc.

Ms. Morrisey stated that the Master Plan is due for an update. There have been changes in the area, especially in the way that consumers shop and eat. Especially the past few years, having the ability to have less contact with getting out of cars and picking things up curbside or going through drive thrus have been priorities for everyday lifestyles. The most appropriate locations to place those uses would be on the more heavily trafficked roadways such as Route 73.

Ms. Morrisey also noted that the additional medical facilities in the area have also added to employment in the area, which adds to the use being appropriate for the site to serve those in the area.

With regards to the no substantial impairment to the zoning ordinance, Ms. Morrisey stated that while they are requesting several variances, there was more at the beginning of the application but overtime they have been addressed and minimized. They relate particularly to the fact that the lot is undersized and in the MB Zone, it is shorter in depth and creates practical difficulties. This site can accommodate a use that has a smaller footprint and a smaller impact, making it very appropriate. While the application may not meet all of the aspects of the ordinance, it is meeting very important aspects of the ordinance including landscaping along Route 73, an improvement with sidewalks and eliminating a use that is not consistent with the MB Zone.

Ms. Morrisey summarized that by her testimony the Board will see that it is her professional opinion that there is no substantial impairment of the zoning ordinance or the master plan, and that there is no substantial detriment to the public good. Testimony was previously heard from the traffic engineer and with additional feedback from the board additional restrictions and measures will be taken to ensure safety of the community and minimize impact to the adjacent residential area.

Ms. Morrisey added that as per the traffic study that had been completed and provided no additional traffic will be added by this business, it will be collecting pass-by traffic.

Ms. Morrisey closed by stating the overall benefits afforded by this application create a better zoning alternative than the existing use as it exists, provides a use for an undersized lot that cannot grow any larger in this area where otherwise there would be very minimal use.

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Mr. Mintz asked for Ms. Morrissey to confirm that it is accurate that her testimony supports all of the variances referenced even if she did not speak to one particular section.

Ms. Morrissey stated that is correct, she highlighted the larger variances for sake of time.

Mr. Cupersmith asked if the Board had any questions.

With no questions from the Board, Mr. Cupersmith opened up for questions from the public.

Mr. Eric Simkin of 3 Wyndham Road (Sturbridge Lakes), raised his hand from the audience and was admitted. Mr. Norman swore in Mr. Simkin. Mr. Simkin stated that he was looking at the ratios and percentages for the variances requested vs. the requirement. He stated that he didn't know what the norm is for these applications. Mr. Simkin continued on about the setbacks and how it affects the residences around it. He also stated how even though there is a traffic report, he isn't sure how many people would be going in and out of Route 73 without causing any issues and not to mention there's now a drive thru line that will cause issues with emissions.

Mr. Simkin stated that he believes the same reasons the ordinances exist are the reasons that these variances just cannot be granted. He stated that was his opinion as a member of the public.

Mr. Cupersmith thanked him for his testimony and asked if there were any other members of the public that wish to speak.

Mr. Wesley Aducat of 298 Kresson-Gibbsboro Road, raised his hand from the audience and was admitted. Mr. Norman swore in Mr. Aducat. Mr. Aducat stated he had a couple of questions and comments.

Mr. Aducat asked if the landscaping plan that was provided fully conform to the Route 73 design standards. Mr. Dochney stated that the plans are almost conforming and require only 1 waiver from the design standards. There are no street trees, there are evergreen trees and ornamental trees on the plan but no street shade trees which are required.

Mr. Aducat asked about the berming and walking path are conforming as presented on the plans. Mr. Dochney stated that walking path is there, while it should meander a bit, their design shows a straight path. Mr. Dochney stated he was not sure about the berming off the top of his head, however they satisfy most of the standards except for the street trees earlier mentioned.

Mr. Matlack added that the requirements are at 50-foot buffer, there has been a lot of testimony heard in previous meetings and concessions have been made by the applicant so that there is a 30-foot buffer. That buffer consists of landscape plantings, grass between right of way line and driveway and parking area.

Mr. Aducat asked if there were any environmental phase 1 or 2 assessments done on the property. Mr. Mancini indicated that one was prepared in May 2020. Mr. Mancini stated he could not speak to the contents of that report as that was not prepared for this evening's testimony.

Mr. Aducat stated that the property used to be a gasoline fueling station and changed around 2006 and was that he was concerned about the fuel tanks and if they were still underground. Mr. Mancini stated that not speaking from professional testimony, he can confirm that he has documentation that states they were removed and documented in accordance with DEP standards and approvals.

Mr. Aducat asked if the letter came directly from DEP. Mr. Mancini stated that the letter was from DEP and at the time was NFA (or no further action) was received.

Mr. Aducat stated that he sent an OPRA request to the DEP a few weeks ago and they stated that they had no documentation on file. He stated that he owns a property downstream, Kresson Golf Course and they irrigate and get their water from wells and wants to ensure that any disturbance to the site given it's use historically and being next to a junkyard that it couldn't possibly put his property at risk.

Mr. Aducat asked if Mr. Mancini could provide a copy of the DEP Letter. Mr. Mancini stated that he can provide it to the township and make it available for review.

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Mr. Matlack stated that any approvals are subject to outside agency approvals. Any permitting from DEP or environmental permitting is required by the applicant as a condition to any board approval.

Ms. Barbara Silary of 175 William Feather Drive raised her hand and was admitted. Mr. Norman swore in Ms. Silary. Ms. Silary asked for those who spoke in favor for Dunkin Donuts, how many live in the area. Mr. Norman stated that is not a fair nor relevant question because in Land Use Boards there is no requirement for the professionals to live in a neighborhood or close to an applicant. Ms. Silary wanted to state for the record that she drives on those roadways frequently and most times during rush hour it is very crowded, and this is not a good idea. Ms. Silary brought up the Dunkin Donuts on 561 in Gibbsboro gets backed up onto Haddonfield Berlin Road, and this could be a similar situation. She stated that she only sees trouble happening here.

Mr. Cupersmith asked how many feet Ms. Silary is from the property. She stated that she is across 73 in Sturbridge Lakes, but she uses those roads frequently. Mr. Cupersmith stated that he pulled up a map to see how far away she would be and she's not within 200 feet. She said she's not within 200 feet, but she uses those roads daily and Lake Villa Road is not meant to be a pass thru as it's frequently backed up.

Ms. Silary stated that idealistically it sounds like a great idea but realistically it is not. Mr. Cupersmith thanked her for her time and comments.

Mr. Cupersmith closed the open portion and brought it back to the Board.

Mr. Mintz asked if Mr. Matlack was satisfied with the testimony provided as per his review letter to the Board. Mr. Matlack stated that a lot of the engineering testimony was heard in prior testimony. A lot of changes were discussed, and the applicant has made satisfactory changes for this application. Mr. Matlack had no further comments other than a few minor revisions to the plan that were addressed in his review letter but nothing substantial that would preclude the Board from voting on the application this evening.

Mr. Mancini acknowledged those additional comments and revisions from CME on 8/2/2021 and will comply with the requests, as well as the additional recommendations on the signage discussed this evening.

Ms. Tulman asked for Mr. Norman to summarize the motion. Mr. Norman stated that it would be to grant the use variance request and the aforementioned bulk variance requests, subject to 8/2/2021 review letter from CME, no left turn onto Lake Villa Drive and a driveway ahead sign on Lake Villa Drive, and the sign would be eliminated from the height bar, all other issues have been addressed with the revised plans.

Ms. Tulman motioned to approve the request for all variances as summarized by Mr. Norman; seconded by Mr. Cohen; none (0) against.

**Ayes:** Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Pannu, Ms. Tulman, Mr. Hundal and Mr. Cupersmith

**Abstentions:** None

**Nays:** None

Motion carried and Mr. Norman stated the 45 days right of appeal from the notice of publication of decision after the memorialization of the resolution in the next month.

Mr. Cupersmith opened the meeting up to the public for any general comments.

Mr. Marcin Kuszynski of 1 Westbrook Court raised their hand and was admitted. Mr. Norman swore Mr. Kuszynski in. Mr. Kuszynski asked if he needed to be sworn in, Mr. Norman said not for the general portion as it should not relate to any application. Mr. Kuszynski stated he would like to make a general comment that he is opposed to the billboard proposed, he moved to south jersey to get away from light pollution.

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

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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.*