

Zoning Board Chairman Mr. Cupersmith 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. Weil, Mr. Willard, Mr. Leoncio, Mr. Pannu, Mr. Hundal, Mr. Senges, & Mr. Cupersmith

**Absent:** Mr. Cohen & Ms. Tulman

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

#### MINUTES

Mr. Weil made a motion to approve the minutes from December 16, 2021, meeting, Mr. Willard second the motion, all Board members approved with (1) one abstention.

**Ayes:** Mr. Weil, Mr. Willard, Mr. Leoncio, Mr. Pannu, Mr. Hundal, and Mr. Senges

**Abstentions:** Mr. Cupersmith

**Nays:** None

Mr. Willard made a motion to approve the minutes from January 27, 2022, meeting, Mr. Leoncio second the motion, all Board members approved with (3) three abstentions.

**Ayes:** Mr. Willard, Mr. Leoncio, Mr. Hundal, and Mr. Cupersmith

**Abstentions:** Mr. Pannu, Mr. Senges, and Mr. Weil

**Nays:** None

#### OLD BUSINESS

#### NEW BUSINESS

##### KENNETH SACAIVTCH

100 Zone

Case #ZC2021-030

110 Bowling Green, Block 244, Lot 15

Mr. Norman gave a summary of the application for ZC2021-030. The Applicant has requested bulk "c" variance relief in relation to an existing unpermitted non-conforming garage addition as well as an existing non-conforming driveway expansion, per the following sections.

- a. Section 150.13(A)(7)(c) - Sheds with a maximum floor area of 150 square feet and a maximum height of ten feet at the side walls and 11-½ feet at the roof peak from ground level shall be a minimum of ten feet from any property line.; whereas the existing unpermitted non-conforming shed is 6.1' from the property line; and
- b. Section 150.12(B)(1) – In no event shall grading, construction or alteration of a lot or lots be permitted within five feet of a side or rear property line; whereas the existing unpermitted non-conforming asphalt driveway is 0.3' from the property line; and

Any other variances or waivers as may be required.

Mr. Sacavitch was promoted to panelist and sworn in by Mr. Norman.

Mr. Cupersmith explained to Mr. Sacavitch that for his testimony the Board needs him to explain why he did not apply for the necessary permits and why the Board should approve the improvements that were made, as is.

Mr. Sacavitch spoke to the hardships experienced when Governor Murphy shut down many businesses due to COVID, especially the gyms. As a local law enforcement officer, the closing of gyms was a hardship for himself and other officers that he works with. Mr. Sacavitch moved all of his gym equipment into his garage so that he and other officers could utilize his garage as a gym to continue their work outs and keep physically fit for their jobs. Mr. Sacavitch indicated that in order to utilize the garage, everything currently inside needed to be moved. He built a lean to shed next to the garage to store those items.

With regards to the expansion of his driveway, Mr. Sacavitch stated with the increase in hostility and volatility towards law enforcement, he had concerns leaving his K-9 Unit vehicle on the street. He had asphalt installed at the top of the driveway by his house, the area also provides good shade, which allows him to start the vehicle with the air conditioning running to provide a comfortable space for his partner while Mr. Sacavitch gets ready in the morning.

Mr. Cupersmith asked how many officers use the gym. Mr. Sacavitch stated that 5 other officers also utilized his gym.

Mr. Cupersmith asked if Mr. Sacavitch was aware of any zoning restrictions or requirements. Mr. Sacavitch stated that he knew he was within violation but stated that it was an emergency and he had to get it done, so he just built it with the intentions of taking care of the permits at a later date.

Mr. Cupersmith thanked Mr. Sacavitch for his service and asked if any Board members had any questions.

Mr. Willard asked if he's reading the application correctly that the driveway is 4 inches from what's allowed on the property line. Mr. Sacavitch stated that when he bought the house, there was a stone area, he just laid asphalt on top of the stones.

Mr. Cupersmith asked if there is any way that the asphalt can be cut back. Mr. Sacavitch stated possibly a foot because of where the Tahoe gets parked. Mr. Cupersmith confirmed that removing 2-3 feet would not be an option. Mr. Sacavitch stated he would have to measure it.

Mr. Willard asked if the reason he widened the driveway was because of his township vehicle. Mr. Sacavitch, he stated that the area gets a lot of shade. In the summer, those vehicles get to about 130-140 degrees. Mr. Sacavitch confirmed that the reason is to compensate for the township vehicle.

Mr. Pannu asked if any of the neighbors complained. Mr. Sacavitch stated he has received no complaints.

Mr. Senges asked Mr. Sacavitch to confirm that the area was previously stone, and that Mr. Sacavitch just asphalted over top. Mr. Sacavitch confirmed that to be correct. Mr. Senges stated then the area had always been used as a driveway.

Mr. Weil asked Mr. Norman if there were any provisions provided to allow certain accommodations during emergencies. Mr. Norman stated that there was nothing in Land Use aside from outdoor seating for restaurants.

Mr. Norman stated that the Board can ask Mr. Matlack or Mr. Dochney to see if there was any negative impact due to stormwater runoff, however there was already an existing driveway with stones.

Mr. Matlack stated that you can see on the survey that there's a natural slope that goes towards the road. The difference between a compacted gravel driveway vs. a paved driveway is very minimal.

Mr. Cupersmith opened the application to the public. Mr. David Daiutolo of 112 Bowling Green stated that he was in support of his neighbor next door. Mr. Norman swore Mr. Daiutolo in.

Seeing no more raised hands, Mr. Cupersmith closed the public portion.

Mr. Weil asked for Mr. Norman to summarize the motion.

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

<b>Ayes:</b>	Mr. Weil, Mr. Willard, Mr. Leoncio, Mr. Pannu, Mr. Hundal, Mr. Senges and Mr. Cupersmith
<b>Abstentions:</b>	None
<b>Nays:</b>	None

**JUSTIN COLON**

MDR Zone

Case #ZC2021-034

1904 S. Burnt Mill Road, Block 185, Lot 9

Mr. Norman summarized the application. The Applicant has requested bulk "c" variance relief in relation to an existing as-built front porch addition, per the following sections.

- a. Section 152.015(D)(1)(a) – Where the minimum front setback for all properties fronting on a county road is 50', and the porch addition is at just 13.4' from the Burnt Mill Road right-of-way; and

Any other variances or waivers as may be required.

Mr. Colon is represented by his attorney, Ms. Valerie Pepe, Esq. Both are admitted as panelists. Mr. Colon is sworn in by Mr. Norman.

Ms. Pepe summarized the application indicating that Mr. Colon purchased the property on December 12, 2019. The home was completely renovated inside and out, permits were obtained. Prior to closing it was discovered that the porch to the left of the door never obtained the necessary variance.

Mr. Colon is active military and then was deployed. He is home and now they are able to apply for and take care of the variance that should have been done by the prior owners.

The applicant shared photos of the property prior to the renovations that show that the stairs and the railing go directly to the front door. The photos showing the porch after the renovation show that the porch is very narrow, no more than 3-4 feet. No chairs or outdoor furniture could be placed on the porch.

Ms. Pepe indicated that there is a 50-foot setback, yet the houses in the neighborhood are similar to the property, which has the house located at 18 feet from the property line.

Mr. Cupersmith opened the meeting for public questions or comments.

Ms. Anna Zink and Ms. Ruth Ann Zink from 1300 Walnut Avenue was sworn in by Mr. Norman and both expressed support for the applicant.

With no more public comment, Mr. Cupersmith closed the public portion.

Mr. Norman summarized the application.

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

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

**WA Outdoor Advertising, LLC**  
 330 Route 73, Block 225, Lot 10

MB Zone

Case #ZC2021-033

Mr. Norman summarized the application. 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 150.15(E)(8)(f)6 - The minimum lot frontage shall be 100 feet; whereas, the property in question has a lot frontage of 70 feet; and,
- b. Section 150.15(E)(B)(f)7 - The billboard sign shall be a minimum of 500 feet from any residential district; whereas, the billboard sign is located approximately 380 feet from the RD-3 residential zone within Evesham Township; and,
- c. Section 150.15(E)(8)(f)11-The minimum distance between off-premises signs shall be 500 feet; approximately 180 feet is proposed between the subject billboard and an existing billboard sign on the westerly side of Route 73; and,
- d. Section 150.15(E)(B)(f)13 - Billboard signs shall be located on the west side of Route 73 within the first 5,000 feet of the northern Township line; whereas the proposed billboard sign is located on the east side of Route 73 within the first 5,000 feet of the northern Township line; and,

In addition to the above, the Applicant shall discuss and demonstrate compliance with the remaining Conditional Use requirements for an off-site sign/billboard as follows:

- e. Section 150.15(E)(8)(f)1 - Compliance with all state permitting and regulations; the Applicant shall discuss compliance with state regulations with the Board and remains responsible to secure permitting/approval. Applicable state regulations include the Roadway Signs Outdoor Advertising Act (NJSA 27:1A-5, 27:1A-6, 27:5-5 et seq.) as well as any other applicable statutes, laws, and regulations related to the billboard; and,

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- f. Section 150.15(E)(B)(f)(2) - All lights shall be directed onto the billboard structure; no external lighting appears proposed for the digital message billboard. Currently Complies; and,
- g. Section 150.15(E)(B)(f)3- The area underneath and around the off-premises sign shall include a landscaping bed containing evergreens and flowering materials. The need for additional landscape plantings may be required, which should be discussed with the board; and,
- h. Section 150.15(E)(8)(f)4- The landscaping bed shall be continuously maintained by the property owner; notes 7 under general notes and 28 under planting schedule notes should be revised to say, landscaping shall be continuously maintained by the property owner; and,
- i. Section 150.15(E)(8)(f)5 - The minimum lot size shall be 0.5 acres and maximum lot size shall be 3 acres; the property contains approximately 0.68 acres. Currently Complies; and,
- j. Section 150.15(E)(B)(f)9- The maximum height of the structure from grade shall be 80 feet; Currently Complies, 76 feet overall height is proposed; and,
- k. Section 150.15(E)(8)(f)10- The maximum size of the off-premises sign face shall be 20 feet by 60 feet with a maximum area per face of 1,000 s.f.; Currently Complies, 16 feet by 60 feet (960 s.f.) sign faces proposed; and,
- l. Section 150.15(E)(8)(f)12- The total number of off-premises signs permitted shall be three (3) in addition to those existing as of the effective date of this section; Currently Complies, no other signs appear to exist onsite which should be verified with the Board; and,
- m. Section 150.15(E)(8)(f)14 - Off-premises signs shall not resemble any traffic sign; Currently Complies, sign contents/messages should be reviewed with the Board; and,
- n. Section 150.15(E)(B)(f)15- No off-premises signs shall be located within 300 feet of an intersection; Currently Complies, the billboard sign would be greater than 300 feet from the Kresson-Gibbsboro Road intersection; and,
- o. Section 150.15(E)(B)(f)16 - Side yard setback shall be 20 feet, rear yard shall be 20 feet and front edge of the sign shall be 20 feet from the right-of-way; the billboard is proposed with a 23-foot side setback, 150-foot rear setback and 21-foot front setback from the Route 73 right-of-way; and,

Any other variances or waivers as may be required.

Mr. Wesley Aducat, applicant, Mr. Daniel Markind, applicant's attorney, Mr. David Shropshire, applicant's traffic engineer, Ms. Tiffany Morrissey, applicant's planner, Mr. Richard Clemson, applicant's civil engineer was admitted into the meeting and introduced themselves.

Mr. Markind indicated that these professionals have been before the Board several times in the past for this applicant, and will defer to the Chairman and Mr. Norman as to how he would like to proceed with the meeting, regarding recertifying each professional, etc.

Mr. Norman stated that since this is a very similar application to one previously heard by the applicant, and the professionals are the same, there is no need to recertify the professionals.

Mr. Markind reiterated that the applicant is seeking changing the billboard from the static billboard that it currently is to a digital billboard. The billboard will be moved back so that it is in conformance with the setback requirements. Mr. Markind indicated that Mr. Clemson will go through the presentation as to meeting those requirements.

Mr. Norman and Mr. Cupersmith indicated that the 10/6/2021 hearing for the similar application touched on the traffic reports, and that would not be necessary to go through for this evening's application.

Mr. Markind turned the meeting over to Mr. Clemson to discuss the points addressed by CME in their review letter.

Mr. Clemson presented Compliance Plans on the screen for the Board and thanked Mr. Norman for summarizing the application. Mr. Clemson stated that 4 variances of the 16 requirements that he would address.

Mr. Clemson stated that this is an existing property that has a frontage of 70 feet where 100 feet is required. This is an existing non-conforming condition, nothing changes.

Mr. Clemson continued with another variance related to separation to residential district by reinforcing that the sign is not located within 500 feet of any Voorhees residential district. It is less than 500 feet from an RD3 Rural Development Zone that is located in Evesham Twp. The applicant requested and advertised for this variance out of an abundance of caution.

The lots that are located in the RD3 are vacant wooded wetlands, the closest structure within the RD3 Zone is approximately 790 feet away. There is no impact to any structures in Voorhees or Evesham.

Another variance requested is with regards to the requirement of signs to be more than 500 feet apart, this is located 183 feet away from another billboard. This existing condition remains pertinent to the site, with no change other than a few feet further away from Route 73 to follow the front setback.

Mr. Clemson indicated that they are following state regulations and sent over revised compliance plans to CME to show the additional landscaping added as per their request.

Mr. Cupersmith asked if Mr. Matlack found the revised plan to be satisfactory in addressing his concerns and comments. Mr. Matlack stated that he did find all of his concerns to have been satisfactorily addressed.

Mr. Cupersmith asked the members of the Board if they have any questions or comments.

Mr. Senges stated that they are already pre-existing non-conforming conditions with the only change being from static to digital, with the landscaping requirements being met there are no further items to discuss.

Mr. Markind confirmed that there will be no increase in the number of billboards, this is a pre-existing non-conforming condition. He also wanted to reiterate that one of the slides will always be provided for emergency official use or public notices.

Mr. Cupersmith opened the application to the public for comment. With no public present the public portion was closed.

Mr. Norman summarized the motion.

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

**Ayes:** Mr. Weil, Mr. Willard, Mr. Leoncio, Mr. Pannu, Mr. Hundal, Mr. Senges  
and Mr. Cupersmith

**Abstentions:** None

**Nays:** None

Mr. Cupersmith opened the meeting up to the public for any general comments. There was no public in attendance, the public portion was closed

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