

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. Cohen, Mr. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman, Mr. Hundal, Mr. Senges, & Mr. Cupersmith

Absent:

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

RESOLUTIONS

ZC 2021-030 Kenneth Sacavitch, 110 Bowling Green, Block 244, Lot 15
Bulk variance relief in relation to an existing unpermitted non-conforming garage addition as well as an existing non-conforming driveway expansion.

Mr. Weil made a motion to memorialize the resolution for ZC2021-030, Mr. Willard second the motion, all Board members approved with (2) two abstentions.

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

Abstentions: Mr. Cohen & Ms. Tulman

Nays: None

ZC2021-034 Justin Colon, 1904 S. Burnt Mill Road, Block 185, Lot 9
Bulk variance relief in relation to an existing as-built front porch addition.

Mr. Weil made a motion to memorialize the resolution for ZC2021-034, Mr. Willard second the motion, all Board members approved with (2) two abstentions.

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

Abstentions: Mr. Cohen & Ms. Tulman

Nays: None

ZC2021-033 WA Outdoor Advertising, LLC, 330 Route 73, Block 225, Lot 10
Variance relief from the Conditional Use requirements for off-site signs, including commercial billboards, along Route 73 per Ordinance Section 150-15E(8)(f).

Mr. Weil made a motion to memorialize the resolution for ZC2021-033, Mr. Willard second the motion, all Board members approved with (2) two abstentions.

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

Abstentions: Mr. Cohen & Ms. Tulman

Nays: None

MINUTES

Mr. Weil made a motion to approve the minutes from February 10, 2022, meeting, Mr. Willard second the motion, all Board members approved with (2) two abstentions.

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

Abstentions: Mr. Cohen & Ms. Tulman

Nays: None

OLD BUSINESS

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

Case #ZC2019-029

Mr. Norman gives a summary of 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 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.

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

Mr. Prime, Esq, the attorney for the applicant was admitted as a panelist. Mr. Gerber, the applicant; Mr. Skapinetz, Lighting & Site Engineer; Mr. Staiger, Traffic & Project Engineer; Mr. McDonough, Professional Planner; and Mr. Spadaro, Landscape Architect.

All witnesses were sworn in by Mr. Norman. Mr. Norman asked for each of the witnesses to individually state their name and address for the record.

Mr. Jeff Gerber, CEO of Interstate Outdoor Advertising, 905 North Kings Highway, Cherry Hill, NJ 08034.
Mr. Brett Skapinetz, Lighting and Site Engineer, Dynamic Engineering Consultants, 245 Main Street, Suite 110, Chester, NJ 07930.

Mr. Gregg Spadaro, Landscape Architect, Land Identity, 534 Hort Street, Westfield, NJ 07090.

Mr. John McDonough, Professional Planner, 101 Gibraltar Drive, Suite 1A, Morris Plains, NJ 07950.

Mr. Joseph Staigar, Traffic Engineer, Dynamic Traffic, 1904 Main Street, Lake Como, NJ 07719

Mr. Prime continued to summarize the application and the timeline of the application having started before the pandemic. The initial application was for 2 billboards, which was reduced to 1 billboard on Lot 12. Lot 11.01 is included as there are various site improvements.

Mr. Prime turned the meeting over to Mr. Gerber to provide testimony. Mr. Gerber indicated his various credentials and was recognized and qualified by the Board.

Mr. Gerber indicated the reasons that the proposed location is an optimal location. Mr. Gerber asked for Mr. Spadaro to share his screen. Mr. Spadaro pulled up an aerial view (Exhibit A2) of the property and Mr. Gerber referred to the landscape, vegetative layers, and distance from residential areas. Mr. Gerber indicated that there is no impact on the residential communities surrounding the area.

Mr. Prime asked Mr. Gerber to walk the Board through the DoT process and permitting process. Mr. Gerber stated that the site is permitted currently for a double sided 14x48 static sign. The process is to apply meeting the zoning regulations, spacing from other signs, etc. DoT inspectors will go out to inspect and make sure there are not any safety issues. The double-sided static billboard application was approved in 2014, in 2019 an application was submitted to change to digital. At this time, no permit has been issued as there is a sign approximately 1700 feet north of the sign on the same side of Route 73, that had a state permit for a double sided digital. That permit was applied for in 2012, however as of 2019 they had not obtained any approval for the sign to be digital. Under DoT, there is 4 years to act after being granted an approval. The permit was revoked from that permit holder, which they appealed. There is a hearing that is pending a decision.

Mr. Gerber expects that based upon the clear reading of the regulation that the permit will be revoked and the department will grant the digital permit. He also indicated that he understands that any of the proceedings with the Voorhees Township Zoning Board of Adjustment is contingent upon approval of the state.

Mr. Gerber discussed the sizing of the billboard and how it's relative to other signs that are in the area.

Mr. Gerber stated that they heard the Board loud and clear in prior hearings regarding their requests for the landscape plan for the property. He stated that they really tried to come up with a substantial aesthetic improvement to the area.

The fence is being pushed back 20 feet to make room for the aesthetic improvements such as the sidewalk and landscaping. The sign will be about 3 feet behind the fence, by keeping the sign close to the highway it keeps the impact close to the highway instead of the residential communities.

Mr. Gerber discussed the benefits of digital over static. He stated that the standard size static billboard has a glow with the spotlights on the sign, there is less of a glow on the digital. Every 8 seconds the sign changes instantaneously, there is no flashing. The ease of updates to the messages are immediate, can even be done by mobile phones. There is an ability for municipalities to post public service messages on the digital billboards.

Mr. Gerber highlighted that they can also do emergency messaging posted within a few minutes by the municipality. That message would override any other commercial messaging. Mr. Gerber showed examples of emergency messaging (Exhibit A3.)

Mr. Gerber addressed CME's concerns about the landscaping below the sign by indicating that there is an 8-foot fence in front of the sign and then landscaping in front of the fence.

Mr. Prime stated that Mr. Gerber had completed his testimony and asked if the Board had any questions.

Mr. Prime stated that the next witness is Mr. Gregg Spadaro, landscape architect. Mr. Spadaro shared his credentials and qualifications with the Board. Mr. Cupersmith accepted his credentials.

Mr. Prime asked for Mr. Spadaro to provide testimony relating to the plans provided.

Mr. Spadaro started with the existing conditions and shared a map of the area (Exhibit A4) that shows where the property is located on Route 73. Next, he shared a zoomed in view (Exhibit A5) of the block and lot.

Mr. Spadaro then referred to Exhibit A3 with the aerial view of the property giving a brief overview of the property and its surroundings. Mr. Spadaro shared six (6) photos of the existing conditions of the property (Exhibit A6.)

Mr. Spadaro reviewed the Landscape & Sidewalk Plan revised 10/4/2021. He showed the fence replacement of the 6-foot stockade wooden fence to an 8-foot vinyl fence that is pushed back 20 feet. That will allow for more landscaping, and better coverage/screening for the vehicles that are behind the fence.

Mr. Spadaro introduced three (3) pages of the Architectural Renderings of Proposed Site Improvements (Exhibit A7) to the Board. He discussed the thought behind the landscape design provided, indicating that there were no shade trees featured because that will hinder the sight line of the motorists from seeing the billboard.

He also showed the 4-foot-wide sidewalk along the frontage that is proposed, along with plans for an irrigation system to ensure that the landscaping will continue to thrive.

Mr. Senges asked for clarification on the sidewalk's location in reference to the right-of-way. Mr. Spadaro stated that the sidewalk sits 8.5 feet inside the right-of-way. Mr. Spadaro stated that there is 5 feet between the inside of the curb line to the inside of the sidewalk and it is 30 feet from the outside of the sidewalk to the fence line. The fence is approximately 21.5 feet from the right-of-way.

Mr. Senges mentioned that Mr. Spadaro previously stated that irrigation and landscape maintenance would be a priority and asked if the applicant would consider a condition to be a maintenance contract. Mr. Gerber, the applicant, agreed to that condition.

Mr. Matlack asked if there was a reason why the sign couldn't be pushed back to comply with the 50 feet landscaping setback. Mr. Gerber stated that if you push a sign further back makes it not optimal for driver's view.

Mr. Cupersmith stated that he agreed with the shade trees and the landscaping in the front but was curious as to Mr. Matlack's opinion. Mr. Matlack stated that the renderings paint a good picture of what will be seen and understands Mr. Spadaro's point about the shade trees blocking the view but that's up to the Board to decide. Mr. Matlack stated that he did not have a problem with it, as there is a good number of evergreens and shrubs.

Mr. Dochney asked if they had any diagrams or illustrations that show from driver's eye level at 3.5 feet high showing what a tree would look like there. Mr. Dochney indicated that a 30-foot tree that's planted directly under the sign that is 60 feet high, the sign would not be blocked. If the tree was planted further away from the sign, it would block the sight. Mr. Dochney asked if they did any studies to illustrate an issue with having trees there.

Mr. Gerber stated that they did not do any studies and do not have any diagrams. He stated that the northbound view would not be blocked but going southbound it would be, even if it blocks the sign partially, the messaging is lost. Mr. Gerber stated that they would be happy to plant the trees anywhere else for beautification.

Mr. Cupersmith stated that the Board would be amenable to them planting trees somewhere if not on the site.

Mr. Cohen stated that he was happy to see the green grass illustrated in the renderings and asked if there would be plans in place to achieve and maintain that type of grass. Mr. Spadaro stated that is the intention, with the installation of the sidewalk there would be some grading and replacement of top soil, with seeds and sod.

Mr. Senges asked if it is safe to have a sidewalk in the right-of-way on a highway. Mr. Gerber stated that the sidewalk is within the right-of-way across the street. Mr. Matlack weighed in stating that because there is a curb it is safe, the curb separates the pedestrians from the drivers as per the DoT requirements.

Mr. Prime introduced Mr. Brett Skapinetz, the site engineer. Mr. Skapinetz detailed his qualifications and credentials for the Board to recognize him as a professional. The Board accepted his credentials and recognized him as a professional.

Mr. Skapinetz shared the site plan by the Grybowski Group, with a revision date of 4/14/2021. He testified to the location of the sign. He also made various corrections to the top chart in his testimony.

Front Setback: shown as 20' on the plan, actual is 23'
Side yard Setback (northern property line): shown as 119.7', actual is 114.5'
Rear yard Setback: shown as 248.5', shown as 246.4'
Distance to the residential zone: shown as 248.5', actual is 298.5'.

Mr. Prime confirmed that while a variance is still necessary, it is less.

Mr. Skapinetz continued to point out various dimensions of the sign as per the plan and reviewed the plan in its entirety.

Mr. Cupersmith asked the Board if they had any questions for Mr. Skapinetz. With no questions, Mr. Prime moved to his next witness, Mr. Joe Steiger, traffic engineer. Mr. Steiger detailed his qualifications and credentials for the Board to recognize him as a professional. The Board accepted his credentials and recognized him as a professional.

Mr. Steiger shared his screen with line-of-sight exhibits submitted with the application and detailed the optimal location based on a 40-degree cone of vision for both Northbound 73 and Southbound 73. Mr. Steiger referred to studies completed by the Federal Highway Administration 2009 & 2012 that showed that there was no increase in accidents due to changing LED signs. It has been conclusively determined that there is no safety issues related to digital billboard signs.

Mr. Senges asked how the placement of the sign with respect to Route 73 (or further back) would have any impact on what was presented.

Mr. Steiger stated that as you bring the sign further from the highway, the angle in the cone of vision is wider, which makes the sign further away from the driver. It is most optimal to keep the sign within the 40-degree cone of vision.

Mr. Senges asked if the closer the sign is to 73, the more the advertising value is maximized. Mr. Steiger confirmed that to be correct.

Mr. Steiger added that there is no increased safety by pushing the sign further from Route 73.

Mr. Prime called the final witness, professional planner, Mr. John McDonough. Mr. McDonough detailed his qualifications and credentials for the Board to recognize him as a professional. The Board accepted his credentials and recognized him as a professional.

Mr. McDonough stated that their planning testimony will rely on the predicate that has been put on the record testified before him. He confirmed that the location of the billboard will operate safely and efficiently, not creating any substantial hazard or nuisance to the public at large. It will improve the site dramatically as integrated with the area.

Mr. McDonough summarized the improvements, including 181 new plantings, new fencing along the frontage screening the visual impact and nuisance of the auto salvage yard.

With regards to the zoning considerations, being in the Major Business Zone, many uses are permitted. Billboards are a permitted conditional use. The sign complies with 10 of the conditional use criteria, setbacks also comply.

Mr. McDonough stated he will go through the Planner's Memo that was provided to the Board on July 21, 2021. Since the billboard is a permitted conditional use, it is presumed that the positive criteria has been met and the focus would be on the negative criteria.

Mr. McDonough stated that under the Medici test which has 4 elements of proof.

The first element is the "Special Reasons Test" which looks at broad purposes of MLUL. The use is a message board to promote general welfare as a form of communication. The use promotes businesses. The use is an arm or an extension of inherently beneficial uses. The use can provide important public service announcements for the municipality. This use can become an extension of law enforcement and emergency services with Amber Alerts, Fugitive Alerts, Traffic Alerts, etc. Mr. McDonough continued that the improvements contribute to the advancement and promotion of a desirable environment, the before photos and after renderings illustrate the impact.

The second element to the test is "Site Suitability", the site is suitable as it is on a highway and a commercial property. The NJ DoT has rigorous parameters for applicants to meet in order to receive a permit for a location. The applicant has received a permit for the proposed location.

The third element to the test takes a look at the surrounding neighborhood and the impact on the public. The land use is a functionally innocuous land use, it generates no traffic, no noise, no waste, no sewer, and is very low intensity. It is inconspicuous from any of the surrounding residences. It is also based on compatibility. It is compatible with existing land use patterns on the corridor. It is a transportation area, commercial in nature, it is both the zone intent and the land use pattern.

The final element looks at the zone intent/vision for the area. Based on all the testimony on the record, relief can be granted without any adverse effect on the intent for the area or zone plan.

Testimony was concluded and Mr. Cupersmith asked the Board if they had any questions.

The Board took a 5-minute break prior to opening the application up for public comment.

Mr. Cupersmith opened the application up for public comment.

Mr. William Hall, Jr & Mrs. Alida Hall – 1 Lakeside Avenue, Voorhees, NJ 08043

Mr. and Mrs. Hall were sworn in by Mr. Norman. They indicated that they were noticed by the applicant and are located immediately behind the property and that the wooded area is not as much of a break as one would think. It is deciduous area and during the fall, winter, and early spring they would be able to see the billboard. Currently they are able to see the lights from Auto Lenders across the street. Expressed concern for disruption and asked if there was anything that could be done mitigate any effects on their property value. They both expressed concerns for their property value.

Ms. Jamie Austino – 167 William Feather Drive, Voorhees, NJ 08043

Ms. Austino was sworn in by Mr. Norman. She indicated that she was not noticed, however she is a trustee of the Sturbridge Lakes Association. She expressed concerns that the billboard would be unsightly and obtrusive which would detract from the appeal and value of their properties in Sturbridge Lakes. She also indicated that white vinyl fencing is not allowed in their community as it is unsightly and detracts from their aesthetics.

Mr. Cupersmith indicated that to allow more time for public questions and comments the application would be continued. Ms. Gaffney indicated that a continuance would be scheduled for March 24, 2022, via Zoom. Mr. Prime checked with all professionals and confirmed that extension of time.

Mr. Norman stated that no further public notice is necessary.

Mr. Cupersmith closed public portion of the application and asked the Board if they had any questions.

Mr. Cupersmith opened the meeting to the public for any general comments or questions. No hands were raised, public portion was then closed.

Mr. Weil made a motion to adjourn the meeting, Mr. Leoncio second the motion. All were in favor. Meeting adjourned.

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.