

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. Senges, & Mr. Cupersmith
Absent: Mr. Hundal
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

Resolution 21-014

ZC 2021-036

Joseph LaPlaca, 71 Acadia Drive, Block: 218.03, Lot: 112
 Bulk variance approvals to permit existing 6' high vinyl fencing in secondary front yard and existing walkway in side yard.

Mr. Weil made a motion to memorialize Resolution 21-014 for ZC2021-036, Mr. Willard second the motion, all Board members approved with (1) one abstention.

Ayes: Mr. Weil, Mr. Cohen, Mr. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman & Mr. Cupersmith
Abstentions: Mr. Senges
Nays: None

Resolution 21-015

ZC 2021-038

Elizabeth Chiang, 25 Oak Ridge Drive, Block: 202.08, Lot: 19
 Bulk variance approvals to permit the installation of a patio and replace retaining wall in the rear yard.

Mr. Weil made a motion to memorialize Resolution 21-015 for ZC2021-038, Mr. Willard second the motion, all Board members approved with (1) one abstention.

Ayes: Mr. Weil, Mr. Cohen, Mr. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman & Mr. Cupersmith
Abstentions: Mr. Senges
Nays: None

Resolution 21-016

ZC2021-040

Jarett & Katelynn Brotz, 8 Glenforest Drive, Block: 206.05, Lot: 7
 Bulk variance approvals to permit existing structures in rear yard.

Mr. Weil made a motion to memorialize Resolution 21-016 for ZC2021-040, Mr. Willard second the motion, all Board members approved with (1) one abstention.

Ayes: Mr. Weil, Mr. Cohen, Mr. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman & Mr. Cupersmith
Abstentions: Mr. Senges
Nays: None

MINUTES

Mr. Weil made a motion to approve the minutes from February 24, 2022, meeting, Mr. Willard second the motion, all Board members approved with no abstentions.

Ayes: Mr. Weil, Mr. Cohen, Mr. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman, Mr. Senges & Mr. Cupersmith
Abstentions: None
Nays: None

Mr. Weil made a motion to approve the minutes from March 10, 2022, meeting, Mr. Willard second the motion, all Board members approved with (1) one abstention.

Ayes: Mr. Weil, Mr. Cohen, Mr. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman & Mr. Cupersmith
Abstentions: Mr. Senges
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 gives a summary of the application being continued from February 24, 2022. 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. Prime stated that the entire application was presented last meeting.

Mr. Prime indicated that in response to some of the Board's questions and concerns during the last meeting, the applicant has chosen to lower the height of the billboard by 10% (6 feet.) They also have planned to add some additional trees/plantings along the frontage.

Mr. Prime asked to recall Mr. Spadaro, Landscape Architect. Mr. Spadaro was admitted as a panelist. Still under oath, Mr. Spadaro continued his testimony. He shared his screen to show the changes proposed. The rendering illustrated the reduction in height, along with additional plantings. Renderings were marked Exhibit A-8.

Mr. Spadaro next showed the 11 additional plantings on an updated landscaping plan, entered as Exhibit A-9. They referenced the township landscape and design standards section 154.006 with recommended trees along the frontage. They selected a service berry which will max at 25'+ that is consistent in height with the hedge maple. The trees are pushed back along the fence line which is moved back 20' from where it is today.

Mr. Spadaro then showed another rendering from the southbound side of 73 showing the trees and sign lowered, entered as Exhibit A-10. Followed by a rendering from the median, entered as Exhibit A-11.

Mr. Senges asked what the impact of lowering the sign 6' on the neighbor and asked if they completed a sight line study. Mr. Spadaro expressed that to be a question for Mr. Gerber.

Mr. Gerber was admitted as a panelist. Mr. Norman indicated that he was still under oath. Mr. Gerber stated they went to 1 Lakeside from the street and took photos. Mr. Gerber stated they took photos and Mr. Spadaro shared them. An aerial view of 1 Lakeside Avenue showing the distance was shown, entered as

Exhibit A-12. Mr. Gerber stated they took a measurement from 1 Lakeside Avenue to the edge of the proposed billboard sign, and it measured to be about 608'.

Next, they shared a photo, Exhibit A-13, that was taken from the street at 1 Lakeside Drive where they took a photo from the back of another billboard taken at 620' away and superimposed it as a view from 1 Lakeside Drive. This photo was taken in the middle of winter, where there was no growth on the trees.

They showed the aerial view of where the other billboard was located, entered as Exhibit A-14 that they used the unobstructed view to superimpose it onto Exhibit A-13.

Mr. Senges asked if there was a sight line study done. Mr. Gerber indicated that they took the photo from the street, which was the closest they could get without going onto the property of 1 Lakeside Drive.

Mr. Gerber indicated that in the dead of winter, without any foliage or vegetation, you have to look for the sign.

Mr. Senges stated he was confused about how they could see the lights from Auto Lenders across the street. Mr. Gerber stated he cannot speak for the brightness and height of those lights. He stated that there will be zero measurable light from the billboard.

Mr. Senges asked if Mr. Gerber would be receptive to doing a sight line study from the rear of the home, or the second story of the home. Mr. Senges stated they have asked that in the past of other applicants. Mr. Gerber stated that they would be happy to do that, however they did not believe there were any windows located in view of the sign.

Mr. Prime stated that was the intentions of what they have provided with that photo. Mr. Senges stated that is not the same thing. Mr. Prime stated that he was not sure if an additional study would show anything different than what has been shown by the photo. Mr. Senges replied that they wouldn't know until it was done.

Mr. Norman interjected stating that testimony was heard from 1 Lakeside Avenue, no testimony was heard from the adjoining property owner on the right, who may be closer. It is a disadvantage to the applicant to respond to every concern, especially if the property owner is not there to raise their concerns and to anticipate that.

Mr. Senges stated that in the past that is something that the Board tried to attune to. The Board has tried to raise questions that they see as being a potential concern, issue, or impact. This is not an out of the ordinary request.

Mr. Weil commented that if you would take the line that goes from 1 Lakeside Avenue and move it down and to the right, where there is less vegetation, there could be more potential for that property to be able to see the sign. He indicated that he was interested in seeing the additional sight line study as well.

Mr. Gerber stated that they would be happy to complete an additional study. He indicated that he would need permission to be able to access the property owner's homes. Mr. Senges stated that we would be able to provide contact information so that it can be arranged.

Ms. Tulman asked for confirmation on the expectations on what it is they are looking for during the sight line study. She indicated that she just wanted to be clear on what was being asked so that they could avoid doing another study in the future.

Mr. Gerber stated his understanding was that they were to look from the second story of the property owner's home towards where the billboard is located. Mr. Weil suggested bringing a construction light in so that they could see. Ms. Tulman stated that the back of the sign doesn't have light. Mr. Weil stated that the properties to the right may be able to see some of the light on the billboard.

Mr. Norman interjected stating that professional testimony was provided that the digital billboards are internally illuminated, and they do not project light.

Mr. Prime asked if Mr. Gerber understood what was being asked of them by the Board. Mr. Gerber indicated that he understood it to be a 2-part request. The first being a photo of the sight line from the 2nd story of the home at 1 Lakeview Avenue during the day and do a sight line or light study to see if there was any light impact during the evening.

Mr. Prime asked Mr. Senges if Mr. Gerber's understanding is accurate to their request. Mr. Senges expressed that it is accurate.

Mr. Cupersmith asked Mr. Gerber if they addressed any of the residents from Sturbridge's concerns. Mr. Gerber stated they went to the closest street, Quail Court. They put a flag where the proposed billboard would be located, and it could not be seen from Quail Court. Even in the dead of winter, nothing could be seen.

Mr. Gerber stated that much of the concern from those in Sturbridge were that you could see the sign from Signal Hill Road at Route 73. Mr. Gerber had Mr. Spadaro show 4 photos, entered as Exhibit A-15. Those series of photos show the current conditions of the fence and overgrown vegetation along Route 73.

Mr. Gerber showed those photos to help further illustrate the improvements of the aesthetics by installing the higher fence. Mr. Senges brought up one of the complaints from the previous hearing about changing the color of the fence to appease those concerns. Mr. Gerber stated that they have no problem in trying to address those concerns to another color.

Ms. Tulman stated that the color of the fence is a matter of preference and opinion. Everyone will have a different opinion. Mr. Gerber stated that they are trying to be cooperative and address everyone's concerns.

Mr. Cupersmith asked if the Board had anything else to add before he opens the application to the public. Mr. Matlack indicated he had two questions for Mr. Spadaro. At the last meeting, Mr. Spadaro mentioned planting trees elsewhere, on the property or possibly off-site because there were no trees proposed as seen today. Mr. Matlack asked for confirmation on whether the trees that have been introduced today replace those suggested previously. Mr. Prime confirmed that the trees suggested today are in place of the other trees. However, if the Township feels that these trees are inadequate, and an additional contribution of trees is necessary they would be happy to discuss further.

Mr. Matlack then asked the spacing of the proposed trees and how big they will be when planted. Mr. Spadaro stated that they would be spaced at about 35-55' on center. It is a loose stagger along the frontage to work with some of the existing planting beds. They are shown currently at 20' in the exhibit, but they believe they will mature at 25'+. They would be 7-8' when installed.

Mr. Cupersmith announced that the Board would like to keep testimony from the public at or around 5 minutes or so. Any attorneys or representatives of HOAs at about ten minutes. Mr. Norman stated that there are 68 participants on the call.

Mr. Brad Blumberg, 9 Signal Hill Drive was sworn in by Mr. Norman. Mr. Blumberg shared screen for his testimony. The 9 slides were entered as Exhibit B-1. In his opinion approving the billboard would be a "mistake to buck the Master Plan" and "saddling future generations with one of the lowest forms of community development." Mr. Blumberg urged the Board to deny the application now and argue at the next master plan update.

Mr. Jeremy Adamiak, 184 William Feather Drive was sworn in by Mr. Norman. Mr. Adamiak questioned the benefits of approving this billboard for the residents of Voorhees. He shared his opinion that that the sign is going to be advertising small businesses and he'd rather have the small businesses. He also claimed that his friends in Moorestown and Medford that are "also affluent towns", "do not have to deal with this."

Ms. April Sample, 62 Tenby Chase Drive was sworn in by Mr. Norman. Ms. Sample urged the Board to vote no, as it is wrong for her and her neighbors to have to look at an "ugly billboard sign" every time they leave their home.

Ms. Merrie Council, 116 William Feather Drive was sworn in by Mr. Norman. Ms. Council asked how much lumens were put out by the billboard. Mr. Prime asked Mr. Gerber. Mr. Gerber stated that it's not described in lumens, it's typically measured in nits. Mr. Gerber stated it was not brighter than 0.3 light candles at a distance of 250 feet above ambient light level. Ms. Council asked if he was referring to foot candles. Mr. Gerber stated that is how they measure it, not in lumens. Ms. Council stated that lumens is used to measure LED. Ms. Council stated that this is larger than a light standard that washes the street, that it is significantly brighter and has a larger impact on the area and community. In her opinion it is a very negative impact on the community and should not be approved.

Mr. Edward Ferrugia, Sturbridge Lakes HOA President testifying on behalf of Sturbridge Lakes HOA. Mr. Ferrugia resides at 4 Harwood Drive and was sworn in by Mr. Norman. Mr. Keith Loughlin, attorney from Hill Wallack that represents Sturbridge Lakes introduced Mr. Ferrugia to the Board. Mr. Ferrugia indicated that he previously submitted some photographs and reports via email that he will be referencing during his testimony.

Mr. Ferrugia expressed concerns on the profoundly negative impact on the community's quality of life and property values. He stated it a visual disaster for the community and the township. Mr. Ferrugia referenced a few studies that have stated that electronic message centers (billboards) should have curfews and be turned off. The restrictions that were placed in 2005 limit the number of billboards, and this application should not even be considered. Any billboard should be a mile from the proposed location.

Mr. Ferrugia claims the code offers protection against their community from seeing an industrial sized billboard. This makes a difference to potential buyers considering Voorhees. Mr. Ferrugia stated that the discussion about the fence is nothing but a distraction, he claimed to have never noticed the fence or the junkyard in the 30+ years that he has lived here.

Mr. Prime asked Mr. Ferrugia if he has a resolution that authorizes him to speak on behalf of the HOA. He stated he did, and they voted unanimously on the position and for him to testify. Mr. Prime stated that Mr. Ferrugia categorized the zone for the proposed billboard location as Residential and asked him how he came about that categorization. Mr. Ferrugia stated because there are residential homes within 500'. He expressed that they look at the entrances and exits of the development very critically. He then described it as a mixed-use area. Mr. Prime asked for Mr. Ferrugia to specify a specific spot in the ordinance that states there could not be more than 3 billboards. Mr. Ferrugia stated that he did not have that in front of him, but the Board could easily resolve that.

Mr. Norman stated that with regards to the reports Mr. Ferrugia referred to, there would need to be an expert to testify with regards to that information. He stated that a layperson can not just pick a study off of the internet and claim it to be absolute truth. A professional would provide guidance and interpretation.

Mr. Norman stated that in order for the reports to be put into record they would need a qualified professional to do so.

Mr. Richard Tavani, 13 Henley Lane, was sworn in by Mr. Norman. Mr. Tavani urged the Board to reject the application echoing the sentiments of those before him. It affects the air, open space, etc. which would result in a decrease of property values.

Ms. Peachie Moore & Mr. Chad Moore, 3 Lakeside Drive, were sworn in by Mr. Norman. Mr. and Mrs. Moore also echoed their neighbors' statements. They indicated that no one had completed a sight line study of their property. Mr. Moore indicated that from their backyard they are able to see the junkyard. The height of the billboard can easily be seen from their patio and backyard. They also indicated that the Auto Lenders sign and lights are visible from their property. They welcomed a sight line study to be completed, as they would not like the Board to approve the variance requests.

Mr. Thomas Melillo, 30 Redstone Ridge, was sworn in by Mr. Norman. As a resident of 30 years, Mr. Melillo requested the Board deny the application as it is unattractive, is not aligned with the master plan and will result in decreasing property values.

Mr. Eric Simkin, 3 Wyndham Road, was sworn in by Mr. Norman. Mr. Simkin voiced his safety concerns with regards to the distraction of the billboard, in combination of the new Dunkin' that was approved, and the school close by.

Ms. Carolyn Gallagher, 77 William Feather Drive, was sworn in by Mr. Norman. Ms. Gallagher requested the Board deny the sign. She voiced her concerns aesthetically not only for Sturbridge Lakes but also the town. She is concerned about the children at the school and the safety concerns regarding distractions caused by the billboard.

Ms. Sheryl Culp, 96 Cooper Road, was sworn in by Mr. Norman. Ms. Culp echoed the comments of those before her, with extra concern with regards to the light pollution and it's effect on the environment. Mr. Cupersmith asked her if she was referring to any particular study. She indicated that she had read a lot of information online.

Mr. William Hall and Ms. Alida Hall, 1 Lakeside Avenue, was reminded that they were still under oath from his prior testimony. Mr. Hall wanted to share new information with the Board. Mr. Hall referred to Plate 34 of the Voorhees Tax Map and wanted to confirm that the Billboard is not permitted within 500 feet of residential property. More specifically he wanted to clarify that it is 500 feet from the property line, and not the home. After reviewing the Tax Map, he indicated the depth of the lots for the salvage yard and the location of the sign, there is just about 500 feet between the sign and the residential lots.

Mr. Hall stated that with regards to Mr. Gerber coming onto his property to complete a sight line study, he is uncomfortable as he feels that there is a conflict of interest. Mr. Hall urged any of the Board members to come to their home and he would give them a guided tour.

Mr. Prime asked for clarification from Mr. Cupersmith or Mr. Hall with regards to whether or not the applicant, Mr. Gerber could take photos.

Mr. Cupersmith stated that he believed Mr. Hall was opposed to Mr. Gerber taking photos, however welcomed the Board.

Mr. Prime stated that the sight study the Board requested could not be completed without the applicant having access to the property.

Mr. Norman interjected to state there is no conflict of interest if the applicant's professionals come on the property to provide the measurements and photos. There is only an issue of consent as the professional's credentials have already been recognized by the Board.

Mr. Moe Colantonio, 14 Regency Drive, was sworn in by Mr. Norman. Mr. Colantonio asked who was going to make sure that the landscaping was maintained on the property. Mr. Norman indicated that at the prior hearing it was established that the applicant agreed to maintain the landscaping and provide a landscaping maintenance agreement.

Board took a 5-minute recess.

Mr. Wesley Aducat & Mr. Daniel Markind were admitted. Mr. Markind stated that they had their planner Mr. Scangarello and that they would defer any comments until after the sight line study had been completed.

Ms. Barbara Silary, 75 William Feather Drive, was sworn in by Mr. Norman. Ms. Silary agreed with all the other residents that came before her. She urged everyone to read the township code regarding billboards. She also indicated that she has parked outside of 1 Lakeside Avenue and feels bad for them. She mentioned Mr. Senges, Vice Chairman being a realtor and how he understands that this would drive property values down.

Ms. Nancy Klinger, 12 Tenby Chase Drive, was sworn in by Mr. Norman. Ms. Klinger echoed other residents' concerns. She stated there is no benefit to the township by approving the billboard.

Mr. Stephen Malitsky, 11 Tenby Chase Drive, was sworn in by Mr. Norman. Mr. Malitsky respectfully asked the Board deny the request of the applicant. He stated that he moved to Sturbridge Lakes for the trees and nature, not to have "billboard pollution" on his way to and from his home.

Ms. Amy Lance, 149 William Feather Drive, was sworn in by Mr. Norman. Ms. Lance stated she heard testimony from her neighbors, and no one is in favor. She joins their testimony and believes that billboards "junk up the community". She referred to Admiral Wilson Blvd with billboard after billboard and doesn't want that for her "private lake community."

Ms. Connie Wagner, 172 William Feather Drive, was sworn in by Mr. Norman. Ms. Wagner referred to the various trustees that have represented the Sturbridge Lakes community and the trust that the residents place in them. She stated that the residents of the 728 homes should be taken seriously. She also stated that it's difficult driving with a strip center, the pending Dunkin' Donuts, the school traffic, that adding an additional item is unreasonable.

Mr. Cupersmith thanked the community for coming forward and closed public portion of the application.

Mr. Cupersmith stated that there is a pending study and additional members of the community that still would like to come forward and asked Mr. Norman if the Board should take a vote to continue the application on another date.

Mr. Norman deferred to the applicant and asked if they would like to move forward with a new date.

Mr. Prime stated that they would like to defer to a new date so that they could address some of the concerns and requests, however needed clarification. Mr. Weil and Mr. Senges requested a site line study; however Mr. Hall would not grant access. Mr. Prime asked Mr. Norman how he should proceed.

Mr. Weil stated that he was concerned about the other properties to the right with less tree coverage as well. Mr. Prime stated that if Mr. Weil was comfortable with the study being performed from the street, without them trespassing, the study could be completed.

Mr. Weil stated that would be acceptable on Lakeside Avenue and that he was looking for a balanced presentation for the residents. Mr. Senges stated that it is important that the people that live close to the billboard should be given a fair shake and evaluation. Mr. Senges suggested that a point person have a conversation with the residents on Lakeview Avenue.

Mr. Hall raised his hand and was admitted to the meeting so that the concerns could be addressed. Mr. Hall stated that he was open to the applicant's professionals coming to his home when he was available. He also indicated that the property adjacent to them was owned by the applicant and the professionals would have access to that property at any time. Mr. Hall stated he would provide his phone number to the Board Secretary; Ms. Gaffney and she would relay that information to Mr. Norman for him to schedule with the homeowner and the professionals.

Mr. Weil took a moment to address the public and their attacks with regards to the Board's preparation and understanding of the ordinances.

Mr. Cupersmith also commented about the unpleasant attacks to both the Board and the expert witnesses/professionals being uncalled for.

Ms. Tulman echoed Mr. Weil and Mr. Cupersmith stating that the Zoning Board of Adjustment's focus is to grant variances to the Master Plan. If there were no variances permitted to the Master Plan, there would be no Zoning Board of Adjustment.

Ms. Gaffney added that the Zoning Board of Adjustment is a group of individuals that volunteer their time twice a month. They are residents within the community and have a vested interest in serving the community to the best of their ability.

Mr. Cupersmith asked when the next available date would be to continue the application. Ms. Gaffney stated that the earliest available date would be May 12, 2022.

Mr. Cohen made a motion to continue the application on May 12, 2022, Mr. Pannu second the motion, all Board members approved.

Mr. Norman stated that no additional public notice is necessary for the continuation on May 12, 2022.

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

Abstentions: None

Nays: None

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

Mr. Cohen made a motion to adjourn the meeting, Mr. Weil 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.