

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

Absent:

Also, present: Mr. Chris Norman, Board Solicitor, The Platt Group; Mr. Rakesh Darji, Board Engineer, ERI

MINUTES

July 28, 2022

Mr. Willard made a motion to approve the minutes from July 28, 2022, Mr. Weil second the motion. Upon voice vote all members were in favor with no abstentions.

August 11, 2022

Mr. Willard made a motion to approve the minutes from July 28, 2022, Mr. Weil second the motion. Upon voice vote all members were in favor except for Mr. Cohen's abstention.

RESOLUTIONS

Resolution 22-024

ZC2022-011 WOJCIECH SZYMKOWIAK | 1 Fir Lane | Block 202.20, Lot: 1.01
Bulk (c) variance approval for proposed fencing on property line where 10' setback is required on properties with reverse frontages.

Mr. Willard made a motion to memorialize Resolution 22-020 for ZC2021-037, Mr. Pannu second the motion. Roll call vote followed:

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

Abstentions: None

Nays: None

OLD BUSINESS

RAJIV & MARISOL PATEL

MDR-R100A

Case # ZC2022-002

32 Ashton Drive | Block: 304.02, Lot: 12

Action Date: 8/2/2022

Mr. Norman summarized the application. The Applicant has requested bulk (c) variance(s) from the following Sections:

- a. 150.12(B)(1) Where no improvements may be constructed within 5' of the side or rear property line, the existing driveway is ~2', outbuilding is ~8.8', shed is ~1.5' and patio is ~1', and
- b. 150.13(A)(1) Where accessory uses and structures may not occupy more than 25% of the rear yard area the existing accessory structures and uses occupy more than 25% of the rear yard area, and
- c. 150.13(A)(6) Where the rear yard setback for accessory uses and structures is 15' the existing shed is located ~1.5' from the rear property line, and
- d. 150.13(A)(6) Where accessory uses and structures are only permissible in rear yards the outbuilding and part of the patio were installed in the side yard, and
- e. 152.015 (D)(3) Where the minimum side yard setback is 15' the patio and outbuilding are 6' and 8/8' respectively, and

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

Mr. Norman indicated that this is a continuation as the applicant was asked to obtain approval from the HOA. Mr. Norman reminded Mr. Patel that he was still under oath from the last meeting.

Mr. Jeffrey Brennan, Esq. summarized the application once more. Mr. Brennan stated that Mr. William Nicholson, an engineer for the applicant, would testify this evening.

Mr. Norman swore in Mr. Nicholson. Mr. Nicholson gave his credentials to the Board, Mr. Cupersmith accepted them.

Mr. Brennan shared his screen with Exhibit A-13 Plot Plan and asked Mr. Nicholson to describe the plot plan. Mr. Brennan reviewed the paver demolition plan and Mr. Nicholson confirmed the plan.

Mr. Matlack clarified for the board about the impervious area (patios and structures) in the back yard is over 25% and is 54%.

Mr. Senges expressed concern. Mr. Matlack asked which direction the water runoff travels. Mr. Nicholson stated that it goes around to the front of the house to the road.

Mr. Brennan stated that the approval from the HOA was submitted prior to the meeting.

With no further testimony, Mr. Cupersmith opened the meeting to the public for questions or comments. No one raised their hand, the public portion was then closed and brought back to the Board.

Mr. Norman summarized the motion.

Mr. Senges made a motion to approve the application, Mr. Cohen second the motion. Roll call vote followed:

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

Monarch Development Company V, LLC

MB

Case #ZC2022-012

178 Route 73 | Block 229, Lots 15

Mr. Norman summarized the application below.

The Applicant has requested the following variances and design waivers:

Use Variance Requested:

1. Section 152.102(A) permits Assisted Living Facilities marketed to senior citizens, whereas the Applicant proposes to expand services offered to include Independent Living Facilities, which is not a use within the MB District.

Bulk Variance Requested:

1. Section 152.102(A) permits a minimum side yard setback of 50 feet whereas the Applicant is proposing a setback of 43 feet from the side property line to the proposed retaining wall structure.

Design Waivers Requested:

1. Section 154.007(B)(2)(g) permits a maximum illumination of 0.2 foot-candles at the common property line with adjacent properties whereas the plan proposes a maximum of 1.5 footcandles.
2. Section 154.010(B)(10) requires every commercial and industrial use, or combination thereof, containing at least 5,000 gross square feet of floor area to provide and permanently maintain adequate space for the standing, loading, and unloading of material or merchandise. The loading area shall be so designated on the site plan and shall not be used for any other purpose. The minimum dimensions of the loading area shall not be less than 12 feet wide by 35 feet deep with a height clearance of 14 feet. One such loading area shall be required for each 20,000 gross square feet of floor area or part thereof. Accordingly, 11 loading areas are required whereas only one (1) is proposed.

3. Section 154.010 (B)(14)(a-c) requires trash enclosures to be enclosed on three sides by masonry walls and be compatible with the architectural scheme of the development, the enclosure gates shall be constructed of solid welded steel panels and landscaping consisting of six-foot-high evergreen trees shall be installed to screen the perimeter of the masonry walls whereas the plan proposes a vinyl fence and gates with no evergreen screening.
4. Section 154.015(A)(8)(b) permits a maximum of 0.9 foot-candles in parking areas and walkways for non-residential uses whereas the plan proposes a maximum of 4.4 foot-candles.
5. Section 154.015(A)(4)(a) requires the building layout be constructed in a manner to position at least 50% of the building façade along Route 73 Corridor required front yard building setback (100') whereas the building is set back 135.3'.
6. Section 154.015(A)(4)(a) requires trash receptacles and refuse areas be enclosed with solid walls that match the façade of the building or buildings it serves. Gates and doors that provide access shall compliment the color scheme of the walls. The doors shall be constructed of a solid material like metal or wood. Landscaping shall be utilized to soften the appearance of any such wall. The plan proposes a vinyl fence and gates with no evergreen screening.
7. Section 154.006(A)(8)(a)(5) requires a continuous earthen berm constructed to a minimum of six feet above the final design elevation of the adjoining proposed non-residential or the adjoining residential property, whichever is higher in elevation. The minimum berm height of six feet shall be maintained along the entire length of the buffer area unless it is determined by the Board that a discontinuation or break in the berm design can be accommodated without impacting the effectiveness of the intended screen to the adjacent residential use. There are no berms proposed along residential boundaries.
8. Section 154.006(A)(8)(a)(6) requires a continuous six-foot-high decorative solid wood or vinyl fence be provided along the top of the berm. The fencing shall also be constructed such that the decorative side of the fence faces the residential boundaries.
9. Section 154.006(A)(8)(b) requires that plantings shall generally be located on the upper elevations of the berm and planted on a continuous four-inch-deep shredded hardwood mulch bed. There is no berm proposed.
10. Section 154.006(A)(8)(b) requires that in situations where exiting vegetation can be preserved within the 50-foot buffer, existing vegetation shall be supplemented with a continuous six-foot-high decorative solid wood or vinyl fence. No fence is proposed.

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

Mr. Norman stated that previously the applicant completed the presentation in the last meeting.

Mr. Senges recused himself.

Mr. Damien DeDuca, Esq attorney for the applicant summarized the application and briefly detailed previous testimony for the board. Mr. Tamous shared the exhibits previously seen.

Mr. DeDuca stated he would like to call Mr. Andrew Teeters and Mr. Ahmad Tamous to clarify some previous questions.

Mr. Tamous shared exhibit A-2 Overall Site Plan. Mr. Tamous confirmed that Whitby Court is the closest street to the North. Mr. Tamous then shared A-9 Alternate Layout to provide greater detail and measurements. He stated that Lot 3 is ~180 feet from the building and Lot 4 is ~175 feet from the building.

Mr. Darji stated that most of the items in his report have been addressed in the last meeting. Mr. Darji wanted clarification for the tree compensation plan, the applicant provided a different calculation based on the square footage. The ordinance states it is a 1 for 1 replacement and the cost is determined should they not be able to replace the trees. That amount would be determined at time any application would be approved.

Mr. Teeters was called next. In the previous meeting, Ms. Tulman requested clarification for the congregate apartments. Mr. Del Duca asked if congregate apartments exist in Voorhees already. Mr. Teeters stated that rental congregate care, assisted living care and memory care in one facility together does not exist.

Mr. Del Duca asked if the inclusion of congregate apartments make the assisted living and memory care more feasible. Mr. Teeters stated that it does by providing the full continuum of care allows people to age in place, there are several services included with congregate care including meals, laundry, transportation, concierge services, emergency services, should their needs increase the facility includes the assisted living and memory care centers.

Mr. Del Duca asked if the congregate apartment demographic are individuals that are able to live independently without assistance. Mr. Teeters stated that they are not, they are typically in their 80s and have a need, such as a loss of a spouse, they cannot drive, they cannot cook, or need some level of monitoring for their health and safety.

Mr. Del Duca indicated that was the end of their presentation and request to reserve the right to respond at the end of the public portion.

Mr. Cupersmith asked for confirmation that these units will be rentals and that no one is buying the units. Mr. Teeters confirmed that is correct.

Mr. Tamous addressed Mr. Darji stating that the total number of replacement trees is 817 trees. Mr. Tamous stated that the applicant would like to address a lower monetary compensation since the number of trees is significant.

Mr. DelDuca indicated that was the end of their testimony. Mr. Cupersmith asked the Board if anyone had any questions or comments. No one had any so Mr. Cupersmith opened the meeting up to the public.

Mr. Norman indicated that each person would be given 5 minutes for questioning, if it was an attorney or a representative of a large group they were permitted 10 minutes. He reminded all attendees that if they have previously testified to limit their questions and comments to new ones and not repeat previous ones.

Mr. Cupersmith asked Mr. Norman if they should start with attorneys or residents. Mr. Norman suggested attorneys, as their may be answers to residents questions while answering the attorney's questions.

Mr. Keith Loughlin, Esq. of Hill Wallack was admitted as a panelist. Mr. Loughlin is the attorney for Sturbridge Lakes Association. He stated how he represents 728 homes adjacent to the project and asked if it was possible to go over the 10 minute limit as he has some very specific questions for the applicant and their professionals.

Mr. Loughlin asked Mr. Teeters to outline the staffing and their hours. Mr. Teeters stated that there are 3 shifts. The peak shift is 7am – 3pm and in that time frame there will be 40-45 employees, 3pm – 11pm there will be 20-25 employees and 11pm – 7am would have 5 employees. He further clarified that half would be full time and half would be part time and that they were looking to employ 100 or so employees.

Mr. Loughlin asked if they were willing to agree to an age restriction of 62 as previously mentioned in a prior meeting. Mr. Teeters confirmed.

Mr. Loughlin asked how they planned to market to prospective residents. Mr. Teeters stated that any residents typically come from a 5 mile radius either they are a senior, have lived in the area or they are seniors that have their adult children that live nearby. Those prospective residents are typically in their 80s and need assistance. He stated that they market through internet ads and direct mail.

Mr. Loughlin asked Mr. Teeters the breakdown of the units. Mr. Teeters stated that there are about 130 congregate apartments that are a combination of studios, one bedrooms and two bedrooms. The assistant living is also a combination of studios, one bedroom and two bedrooms. The memory care is studios and a handful of one bedroom.

Mr. Loughlin asked who Mr. Max Farentinos was within the company. Mr. Teeters stated that he is the Vice President of Monarch Development Company and oversees the day-to-day project management working through the site plan. He works with the consultant team, the architects, the engineers, and planners in collaboration with himself.

Mr. Loughlin asked if Mr. Teeters was aware that Mr. Farentinos met with the Sturbridge Lakes Association President and himself. Mr. Teeters stated that ye was aware of the meeting and had an understanding that they discussed the project site plan, landscaping, and buffering.

With no further questions for Mr. Teeters, Mr. Loughlin called on Mr. Tamous next. He asked how many times Mr. Tamous had visited the property to which he responded 3-4 times within the past year.

Mr. Loughlin asked if on the last visit Mr. Tamous took note on any low areas and the area where they intend to connect the sanitary sewer and storm water outfall. Mr. Tamous stated that they did and that the area is heavily wooded as well. He also spoke to the conditions of the inlet being in good condition and no need to be reconstructed.

Mr. Loughlin asked if Mr. Tamous is aware of where the water from the inlet flows. Mr. Tamous stated that to date they have not done a complete assessment of the entire underground infrastructure however based on area investigation the proximity of the lakes suggests that majority of the runoff gets directed further away from the site. Mr. Loughlin asked if he observed that being something that is not typical. Mr. Tamous responded that the only way to determine that would require a complete survey. Assessing the elevation of every element along the run of the system would require videotaping of the infrastructure to see which direction the water is flowing. That has not been conducted.

Mr. Tamous futher stated that the assessment of this project is at the limit of the property line as regulated by the State and by Voorhees Township. The point of assessment is the connection point or the discharge point. What happens beyond that is not something that is required by any regulations to be assessed. There was more discussion about pump stations, bypass systems, etc.

Mr. Loughlin continued to ask very pointed specific technical questions of Mr. Tamous.

After about 20 minutes of these technical questions Mr. Norman asked Mr. Loughlin where he was going with the line of questioning. He reminded Mr. Loughlin that the Board are not engineers. He also stated they are approaching 25-30 minutes of questioning and there are other members of the public that are patiently waiting. He asked for some reasonableness in wrapping his questioning up.

Mr. Loughlin stated that he still had at least 10 more minutes of questioning for Mr. Tamous and would still like to ask questions of the planner. He stated he had 4 more questions. Mr. Cupersmith stated that he could have 10 more minutes.

Mr. Loughlin continued with technical questions for Mr. about the drainage, the landscaping, etc.

Next attendee Jamie Austino of 167 William Feather Drive was sworn in by Mr. Norman. She stated that she was a resident and a board member of the Sturbridge Lakes Association. She gave testimony as to the

desirable community of Sturbridge Lakes and vehemently opposed the application stating that it is improper development that will destroy the property values.

Mr. Gregory Offt of 25 Fox Hollow was sworn in by Mr. Norman. He expressed frustration and disappointment that their attorney was cut off after 30-40 minutes and that he should be allowed to ask questions as the applicant is afforded a very long period of time.

Mr. Norman stated that the rights of objectors and the public is not equivalent to that of the applicant.

Mr. Maury Cutler of 2 Whitby Court was sworn in by Mr. Norman. He stated that he was testifying not in his professional capacity but as a resident living at "ground zero" of this project. He stated that currently he walks out his front door and sees beautiful forest of mature trees. They block all noise and sound from Route 73. This project will not only affect that but also create a difficult and dangerous condition in the community. He has concerns for traffic, trees, and the height of the building.

Ms. Emily Santoro of 3 Whitby Court was sworn in by Mr. Norman. She echoed the sentiments of Mr. Cutler and those who spoke before her. She stated that it goes against the master plan's goals to minimize the visual impact of new development.

Mr. DelDuca asked for a 2-3 minute recess. Mr. Cupersmith stated that they would take a 5-minute recess.

Mr. Norman stated once more that the Board is hearing redundancy in testimony, for those that agree with those who have spoken prior, please state that you agree with prior testimony regarding the issues that were presented by other neighbors.

Mr. Paul Lacovoni of 16 Harwood Drive was sworn in by Mr. Norman. He stated that he had concerns for the mixed use. He works in law enforcement in a neighboring jurisdiction and he is concerned for the security and safety that goes with guest visitation, extended visitations of guests.

Ms. Barbara Silary of 175 William Feather echoed the same statements of opposition as prior residents.

Mr. Dennis McSweeney of 16 Battery Hill Drive was sworn in by Mr. Norman. He stated his concerns about the discharge pipe that drains directly behind his home.

Mr. George Peters of 29 Brookview Drive was sworn in by Mr. Norman. His concerns were about the traffic.

Mr. Robert Bond of 6 Sturbridge Court was sworn in by Mr. Norman. He asked about the possibility of the applicant putting up a bond for the sewer. Mr. Norman stated that is already a requirement. He also echoed prior testimony and that their attorney should have been allowed more time to speak.

Mr. Edwin Ledwell of 5 Whitby Court was sworn in by Mr. Norman. He echoed previous statements about being at "ground zero" and the loss of trees.

Mr. James Pellacio and Ms. Susan Pelaccio of 31 William Feather were sworn in by Mr. Norman. They expressed concern with any noise issues and that this project will have a "serious financial and emotional direct impact" to the homeowners in their community.

Mr. Tyler Torres of 6 Tarsfield Court was sworn in by Mr. Norman and testified that he moved here for the location and the trees, and echoed the sentiments of those before him.

Mr. Cupersmith spoke up stating that he would like the applicant and their professionals to respond fully to all of the residents concerns. Mr. Norman suggested that they continue the application to a time after reorg.

Mr. Cupersmith called Mr. Loughlin to become a panelist once more and asked for him to have Sturbridge Lakes Association's professionals meet with the applicant's professionals prior to their next meeting

which is tentatively schedule for November 10, 2022 at 7:00pm. No further notice will be required, all registration information is listed on the website.

Mr. Willard made a motion to continue the application on November 10, 2022, Mr. Cohen seconded the motion.

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

Mr. Cupersmith opened the meeting to the public once more. No hands were raised.

Ms. Tulman made a motion to adjourn the meeting, Mr. Weil seconded the motion. All Board members were in favor.

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.