



Department of
Community Development

TO: Cherry Hill Township Zoning Board Members
FROM: Cosmas P. Diamantis, Esq., Director
Natalie Shafiroff, PP, AICP, Deputy Director
Jacob Richman, PP, AICP, Planner
RE: **COMPLETENESS REVIEW**
VR Philly, Inc.
2101 Route 70 West
Cherry Hill, New Jersey 08002
Block 41.01 Lot(s) 2
Application No. 18-Z-0038
DATE: May 26, 2021

I. GENERAL INFORMATION

- A. **Applicant & Owner.** VR Philly, Inc., 1 Cameron Lane, Lumberton, NJ 08048.
- B. **Proposal.** A Site Plan Waiver with Bulk (C) Variances to install an 88.2 SF LED changeable copy façade sign in connection with the Vu and Sector X businesses at the subject site. Specifically, the applicant is proposing said changeable copy façade sign on the Route 70 elevation of the existing commercial building.
- C. **Zone.** Highway Business (B2) Zone.
- D. **Site Area.** Lot 2 of the subject site is located in the western portion of the Township at the southwestern corner of Marlton Pike West (N.J.S.H. 70) and South Washington Avenue. Lots 3, 4 and 5 are located along South Washington Avenue but are not directly adjacent to Lot 2, as Lot 1 has an access driveway with frontage along South Washington Avenue that splits Lot 2 from Lots 3, 4 and 5. Lot 1, which is located adjacent to the west and south of Lot 2 (north and west of Lots 3, 4 and 5) also has direct frontage onto Marlton Pike West (N.J.S.H. 70) and Beideman Avenue. While the subject lots and the nearby neighboring lots to the west and east are all zoned Highway Business (B2), the Residential (R2) zoned Park Place neighborhood is located to the south of the subject site. Additionally, the Regional Business (B4) zoned Garden State Park development is located across Marlton Pike West (N.J.S.H. 70) to the north and the Rickshaw Redevelopment Area (Mercedes-Benz Dealership) is located to the West. Lots 2 through 5 have a total size of approximately 0.55 acres while Lot 1 has a total size of approximately 1.15 acres.
- E. **History. Lots 2, 3, 4 & 5:** Tax Assessor records indicate that the original structure located on Lot 2 was built in approximately 1965 and is currently occupied by Kehtron Computer (a/k/a Magnus Computers); however, the Department of Community Development cannot find zoning or signage approval records pertaining to this business. Lots 3, 4 & 5 are presently vacant wooded lots. Lots 3, 4 and 5 are presently vacant wooded lots. In May of 2019, the Zoning Board approved an application (#18-Z-0038) for a bifurcated use variance to permit off-site parking on Lots 3, 4 and 5 as a principal use in conjunction with the applicant's proposed indoor amusement center to be located on Lot 2. In April of 2020, the Zoning Board approved a bifurcated preliminary and final major site plan application (#18-Z-0038) with bulk (c) variances to convert a vacant computer repair business into an e-sports gaming and indoor amusement venue and other parking and site improvements. Included in the variances was approval from Section 517.G.3.a.i, to permit a façade sign located on a non-principal façade on each street frontage relating to the "Sector X" façade sign on the south elevation of the building; however, it should be noted that the applicant is not proposing a façade sign on a non-principal elevation as part of the present application. Furthermore, as of the date of this letter, the applicant has a pending freestanding sign permit

application under review (ZA-21-00704) to permit the utilization of the existing freestanding sign structure on the subject site for a “Sector X” only identification sign. **Lot 1:** Tax Assessor records indicate that the original structure located on Lot 1 was built in approximately 1975 and is presently known as a Track Town Mall, a commercial shopping plaza. In December of 1995, the Planning Board approved an application (#8369-A) for an abbreviated minor site plan to permit the installation of a 320 SF portable mini warehouse in the parking lot of the shopping plaza for the purpose of storing dry goods (Siri’s Thai French Cuisine). In November of 1996, the Zoning Board of Adjustment denied an applicant’s request (#6632-96) for an interpretation as to whether a check cashing agency is a permitted use in the Regional Business (B4) zone. In October of 2003, the Planning Board denied an application for sign variances (#8919-V) that requested permission to construct a twin pole multi-occupancy sign to replace the existing freestanding sign. Additionally, the Department of Community Development has numerous records containing sign permit approval and zoning permit approvals for changes in occupancy for tenants at the Track Town Mall.

II. COMPLETENESS REVIEW

- A. **Submitted Items.** The following information has been submitted in support for this application and reviewed by the Cherry Hill Township Department of Community Development for conformance to the Zoning Ordinance:
1. Façade Sign Details prepared by *Enrico Fumo, AIA, PP, of Fumo & Associates, Inc.* dated *February 3, 2021*:
 - a. Sector X Façade Sign, Sheet 1; and
 - b. Vu Façade Sign, Sheet 2.
 2. From Township Records – Approved Preliminary & Final Major Site Plan prepared by *Joseph A. Mancini, PE, PP, CFM of Tristate Engineering and Surveying, PC* dated *April 15, 2019* and *last revised June 19, 2020*.
 - a. Cover Sheet, Sheet 1 of 11;
 - b. Demolition Plan, Sheet 2 of 11;
 - c. Overall Site Plan, Sheet 3 of 11;
 - d. Drainage & Grading Plan, Sheet 4 of 11;
 - e. Landscape & Lighting Plan, Sheet 5 of 11;
 - f. Landscape & lighting Details, Sheet 6 of 11;
 - g. Soil Erosion & Sediment Control Plan, Sheet 7 of 11;
 - h. Soil Erosion Details/Notes, Sheet 8 of 11;
 - i. Construction Details, Sheet 9 of 11;
 - j. Construction Details, Sheet 10 of 11; and
 - k. Profile Plan, Sheet 11 of 11.
 3. Project Narrative/List of Variances.
 4. Aerial & Site Photographs.
 5. Resolution 18-Z-0038 (Use Variance and Preliminary & Final Major Site Plan – From Files)
- B. **Checklist.** The following checklist items should be submitted for completeness review:
14. **Photographs of the site showing area in question. The applicant shall provide testimony regarding the chosen location for the changeable copy LED sign and from what vantage points the sign can and cannot be seen. As the site is presently under construction, the application shall provide brief testimony regarding what street facing portions of the site will look like once completed.**

16. *Summary.* A written description of the proposed use(s) and operation(s) of the building(s), i.e., the number of employee or users of non-residential buildings, the proposed number of shifts to be worked, the maximum number of employees on each shift, expected truck traffic, noise, glare, radiation, heat, odor, safety hazards, air and water pollution. **The applicant shall provide testimony operational regarding the “Sector X” and “Vu” uses as previously approved by the Zoning Board. The applicant shall indicate what their existing limitations are with respect to properly identifying the business by way of permitted signage. Please discuss the location of the proposed uses, surrounding roadways, location of parking, and hours of operation for both uses. Testimony regarding the physical characteristics of the proposed LED changeable copy sign shall be provided (see comments in Section III.E below). Additionally, the applicant shall specify the type of aesthetic goal they are trying to achieve with an LED changeable copy sign and how that may tie into the nature of the businesses to occupy the site.**

37. *Signs.* Existing and proposed signs, including the location, size, height and necessary measurements and a Sign Location Plan. **The applicant shall confirm the dimensions and sign text are of the proposed LED changeable copy signage. Please see the comments in Section III.E below.**

C. **Determination.** This aforementioned application has been **deemed complete**. The below-referenced items shall be addressed on revised plans and submitted for conformance review.

III. DEPARTMENT OF COMMUNITY DEVELOPMENT COMMENTS

A. **Zoning Requirements.** Indoor recreational facilities are a permitted use in the Highway Business (B2) Zone per §415.B.10.c of the Zoning Ordinance. Signage is a permitted accessory structure per §517 via §415.D.11 of the Zoning Ordinance.

CODE SECTION	REQUIREMENTS	PERMITTED	EXISTING	PROPOSED	CONFORM
§517.G.3.b.ii	Facade Sign Square Footage	150 SF ^A	N/A	88.2 SF (Sector X and Vu individually)	V

ENC Existing Non-Conformance

V Variance

C Conforms

^A Permitted façade signage area is based on whichever is the smaller of the following: 1) An area equal to or less than 15% of the façade area; or 2) A maximum of 150 SF. Façade area of Route 70 elevation = 24' x 50'-8" = 1,216 SF x 15% = 182 SF. Therefore a maximum of 150 SF of sign text area applies.

B. **Use (D) Variance.** *Per Resolution #18-Z-0038 (Use Variance) the applicant was granted Use d(1) variance approval to permit off-site parking as a principal use on Lots 3, 4, and 5 associated with the principal use on Lot 2.*

C. **Bulk (C) Variances.** It is recommended, although not required, that justification be provided by a licensed New Jersey Professional Planner (P.P.), for the requested variances in accordance with N.J.S.A. §40:55D-70. *Per Resolution #18-Z-0038 (Site Plan) the applicant was granted numerous Bulk (C) variances; however, the below variances are only in reference to the proposed LED Changeable Façade Sign Application:*

1. From §517.D.23, to permit an LED changeable copy façade sign, where e-sports gaming and indoor amusement facilities are not permitted to have changeable copy signs. ***It shall be noted that only the following establishments are permitted changeable copy signs: movie theaters, religious institutions, public schools, gasoline filling stations, and businesses that have a Class C Plenary Retail Consumption License.***
2. From §517.D.23.b, to permit 88.2 SF of changeable copy signage, where a maximum changeable copy area of 24 SF is permitted.
3. Any other variances deemed necessary by the Zoning Board.

D. **Design Waivers.** No Design Waivers are requested or required as part of this signage application.

E. **Comments.**

1. The applicant shall provide testimony regarding the proposed LED changeable copy façade signage. Testimony shall be provided regarding sign colors, text size, logos, location, and similar aspects. The applicant shall affirm that the proposed sign will be located on the Route 70 frontage of the existing commercial building. The applicant shall also discuss internal illumination, how often the proposed sign will change between “Sector X” and “Vu,” as well as text and background color(s).
 - a. The applicant shall affirm that the hours of operation of Sector X and Vu are consistent with the testimony from the use variance and site plan approval. It was previously indicated that Vu would be operational from 9am to 3pm and that Sector X would be operational from 3pm to 11pm.
 - b. The applicant shall verify that the sign text and design as shown on the Signage Details plan from Fumo Architects dated February 3, 2021 is consistent with how the proposed changeable copy signs will appear if the application is approved. No other signage shall be permitted to be display accept as approved by the Zoning Board.
2. The applicant shall indicate how they will manage the changeable copy façade sign. Conformance with §517.D.4 of the Zoning Ordinance must be achieved regarding ensuring that the sign has no flashing, blinking, twinkling, animated, moving, or projection of any type. When the sign is changing, such change shall be instantaneous with no illusion of movement. Once the sign changes, said image shall remain static (or turned off during non-business hours) until the next sign change. **This shall be a condition of approval.**
 - a. The applicant shall also indicate how the LED internal illumination is controlled and how they will ensure that the sign is not too bright so as to prevent potential lighting impacts such as glare and excessive light infiltration.
3. Sign illumination may be provided by downward-lit exterior fixtures or internally-lit incandescent bulbs, fluorescent tubes, metal halide or mercury-vapor lamps. Regardless of the type of illumination employed, all illuminated signs shall be properly shielded and so located as to prevent glare or blinding effects upon motor vehicle traffic and so as not to cause a nuisance to residents of the area. **This shall be a condition of approval.**
4. Signs capable of illumination shall be turned off between the hours of 10:00 P.M. and 7:00 A.M. unless the business and uses identified are open to the public later than 10:00 P.M. or earlier than 7:00 A.M., in which event any such establishment may keep a sign illuminated during business hours, only. **This shall be a condition of approval.**
5. Any illegal temporary signage such as flag signs, banner signs, and stake signs are prohibited per Section 517.K.1 of the Zoning Ordinance and shall not be placed anywhere on the site. It is not only the tenant’s responsibility but also the property owner’s responsibility to ensure that compliant site signage is maintained at all times. **This shall be a condition of approval.**

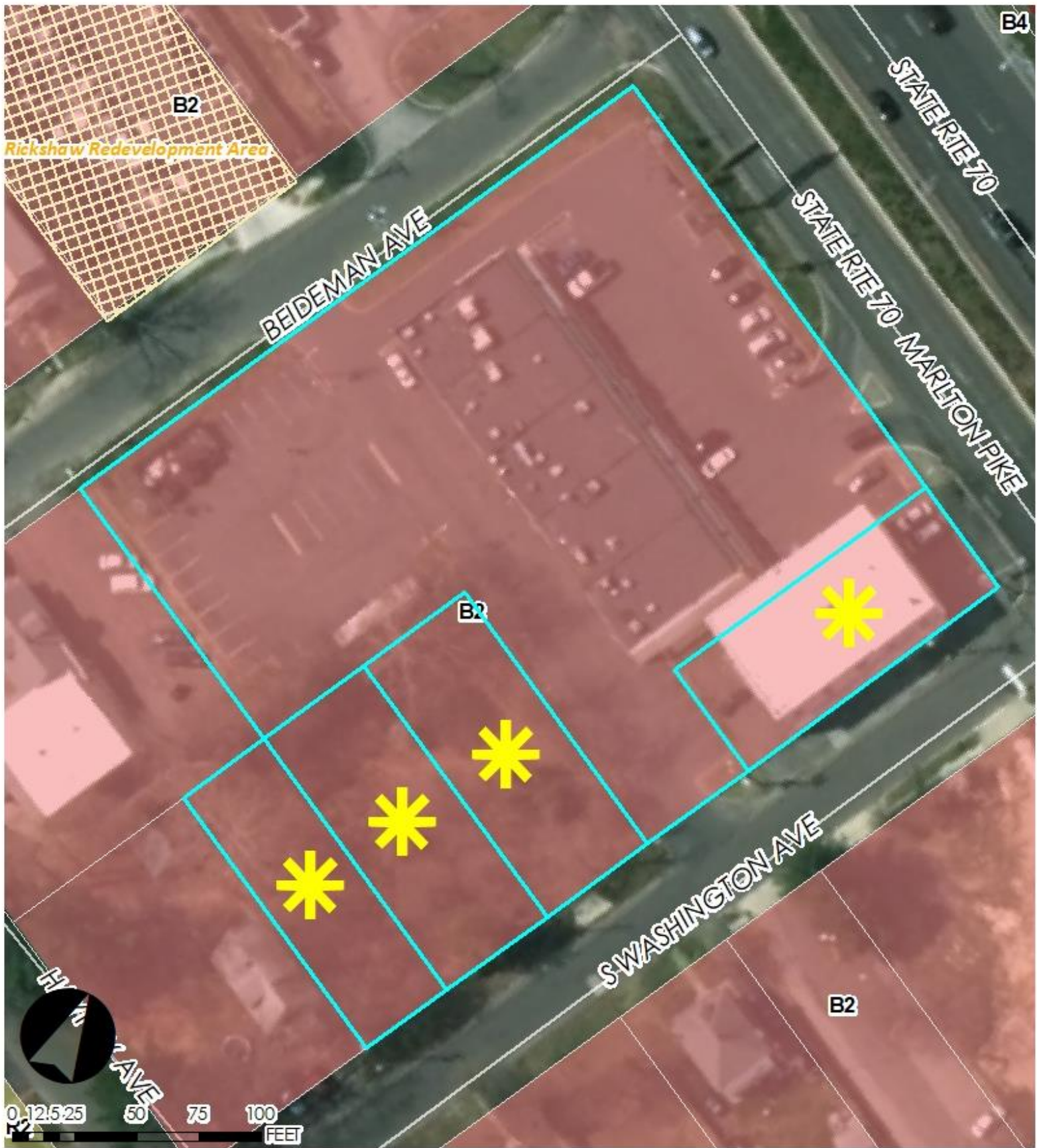
6. The application may be subject to additional comments by members of the Zoning Board, the Cherry Hill Department of Community Development, the Township's Zoning Board consultants, and/or the public.

IV. APPROVAL PROCESS

If approved, the following items are required to complete the approval process (notwithstanding any other needed items due to the unique nature of the application):


1. After the resolution is memorialized, a **Notice of Decision** will be published in the Courier Post by the Department of Community Development.
2. After comments from the Department of Community Development have been provided, **revise (if needed), and submit three (3) copies of finalized signage plans for our records.**
3. Payment of any outstanding **Review Escrow.**
4. Complete and submit **Sign Permit Application(s)** (for all façade, free-standing, and functional signs). Instructions for submitting sign permit applications can be found here: <https://www.cherryhill-nj.com/201/Sign-Permits>.








Cc: *Robert S. Baranowski, Jr., Esq. (via email)*
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VR PHILLY, INC.

BLOCK 41.01 LOT 2-5 (with Lot 1)


PREPARED BY:
 LORISSA LUCIANI PP, AICP, DIRECTOR
 DEPARTMENT OF COMMUNITY DEVELOPMENT
 LICENSE NO. 33L00611500

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|  PARCELS |  TRAIL PARCELS |
|  WETLANDS |  PUBLIC SCHOOLS |
|  AE FLOOD |  RECREATION & OPEN SPACE |
|  X FLOOD |  BURLINGTON COUNTY |
|  TRAIN STATION |  CAMDEN COUNTY |
|  NJ TRANSIT | |
|  PATCO | |