

VOORHEES ZONING BOARD OF ADJUSTMENT MINUTES - APRIL 25, 2013

The Chairman (Neal Cupersmith) called the meeting to order and stated it was being held in compliance with the "Open Public Records Act and has been duly noticed and published by law".

ROLL CALL

PRESENT: Mrs. Kirsbaum, Mr. Cohen, Mr. Weil, Mr. Daddario, Mr. Willard, Mr. Leoncio, Mr. Cupersmith, Mr. Joseph Marrazzo, the board solicitor and Mr. Doug Rohymeyer, CME-the board engineer

ABSENT: Mr. Kerr and Mr. Senges

MINUTES FOR APPROVAL:None

RESOLUTIONS FOR APPROVAL:None

CORRESPONDENCE:

The board secretary just wanted to let the board know that the office received a letter from Robert Kasuba, Esq. dated April 25, 2013 (fax) regarding the Muslim American Community Association and the use variance and site plan application. They are requesting that the Board adjourn consideration of the application which is currently scheduled for May 9, 2013 because MACA intends to submit revised plans in response to issues that have arisen during the course of the application. They extended their act on the application until the end of June 2013. Mr. Marrazzo stated that he will check with Mr. Platt, his partner to see the activity and status of this case. Mr. Marrazzo made an announcement to the board. A motion was made by Mr. Weil; Seconded Daddario; the remaining voice vote was in favor.

They wanted to resubmit their revised application. The applicant agreed to do notice again. The June 27, 2013 meeting is clear and if the applicant in agreement. The board attorney's will work out this issue.

NEW BUSINESS:

Dreamland Amusements

Voorhees Town Center

Block 150.01, Lot 2

Seeking a temporary use permit under Section 156.020 of the ULDO for a carnival from April 25, through May 5th, 2013 to benefit NephCureFoundation (set-up will begin on April 23, 2013; will be removed on May 6, 2013). The carnival will be on the lower level parking lot area closest to Laurel Road and immediately adjacent to the Star Building and extending to the Municipal Building/Food Court area of the mall complex. The hours of operation will be 5 pm to 11pm weekdays and 12pm to 11pm weekends. Seeking this approval for two year period with dates in the year 2014 to be determined by the property owner.

The applicant, Alexander Rigden, legal counsel for Dreamland Amusements was present along with Mr. Ronald Cohen, the applicant. Mr. Cohen was sworn in for testimony.

She deferred to Mr. Cohen for testimony on the carnival this evening. She stated that the carnival is going on right outside the door as we speak. Mr. Cohen has been doing this event for 30 years; he was appreciative to give him a shot to get the carnival started in this area.

Doug Rohymeyer from CME, the board engineer looked at the application letter-dated April he stated that he went over the items of concern and wanted to make sure the applicant has the fire department-locally for their approval. He has a revised sketch plan dated April 15, 2013. Mr. Rohymeyer's original concern was the proposed handicap spaces, of area and that they will not be touched. They did not touch any of the handicap per Mr. Cohen. They will close at 10:00 pm during week nights with school in session. Mr. Cohen wasn't aware of how residential the area surrounding the carnival and wanted to make sure it did not bother anyone. Mr. Cohen would love to see a lot of people to show up. He distributed \$5.00 coupons throughout the local area and school districts. They would buy wrist bands or pay one price. They do track attendance. They would like to make this an annual event. They would like to be a good guest in the area to the surrounding area and businesses. They take the prior years and events, problems, and try to correct all that are deficient and make it a good thing. They would like to work with Macy's with the idea of a coupon to tie their store into play with the event of the carnival. They contacted Police Chief Bordi and they (the carnival) contracted to have detail police duty at site from 3 pm to close. There were 3 hired.; there are 10 walking around. This carnival is for stroller crowd. On Friday and Saturdays, there are many teenagers. Are any of the traffic pattern changed, asked a board member. The people park all in different areas. The key day is on Saturday. The mall management is thrilled with the idea. Mr. Cohen's daughter lives in Cherry Hill-it is underutilized and about a year ago they went and asked the permission from the Voorhees Town Center mall management. If god forbid its busy where the traffic impacted and they will make sure there are no problems. The engineer asked if the larger rides anchored-they are assembled very quickly and easily and are secure. They put together a roller coaster in a very short time. There will be no trash left, not a piece paper. The trash collection management was asked who will be handling there disposal. Mr. Cohen stated that a waste management will be handling dumpsters.

The dates were confirmed by the board members that they will be on April 25-27th to May 5th. Sunday 12 to 10:00pm; No noise after 9:00 pm during the weekend. There will be no animals, no fireworks and no odor. There will be a lot of security.

Dreamland Amusement has a lot of security-they are employees, not a private security company. There are approximately 25 employees, all young, big men. The mall management was concerned for the Camden area and making sure no issues. There are many kids tonight, young. One of the board members asked if the township required a bond. There was \$ 1,0000 they get back once all is cleaned up and no damage. The insurance is a 10 million aggregate.

Mr. Cohen stated that this all is for a cause called NephCure Foundation which is 11 yrs old, kidney disease, and more people affected by this illness than cystic fibrosis. His grandson got this illness 10 years ago. No one knows anything about this illness. He, Mr. Cohen himself ,parents, started this foundation to help the kidney issues and to hopefully find a cure. An African Americans, 5 times more to get problems. 40 percent white Caucasian and ½ of the white population are Jewish. They found the gene for African Americans more common. The foundation has committed over 13 million towards research and treatment of this illness. Mr. Cohen does them all over the east coast. Lee Cohen asked how many times he has done this carnival. Mr. Cohen stated 100 carnivals, started booster club in Long Island, New York. This is his 127th carnival. Dreamland staff closes down-they help to make sure everyone leaves, no cars accidents, etc.

OPENED TO THE PUBLIC; SEEING NONE; THE PUBLIC PORTION WAS CLOSED

Motion was made Mr. Weil ; Seconded by Cohen

The board solicitor stated the conditions as follows:

Carnival from April 24, 2013 to May 5, 2013

Removal on May 5, 2013 if not before

Carnival will be on the lower level of the parking lot area closest to Laurel Rd/Star Building, Municipal Building and Food Court area of the mall complex

Hours will be 5:00pm to 10:00pm on weekdays and 12pm to 11:00pm on weekends

Make sure all trash/debris will be cleared/removed after the completion of the carnival.

Agreed to all the conditions in the Board Engineer's letter dated April 15, 2013.

ROLL CALL VOTE:

AYES: Mrs. Kirshbaum, Mr. Weil, Mr. Cohen, Mr. Daddario, Mr. Leocio, Mr. Willard and Mr. Cupersmith

NAYS: NONE

SURINDER AND KULJIT HUNDAL

490 KRESSON ROAD

BLOCK 213.04, LOT 144

The meeting was continued from February 28, 2013. Seeking relief from Sections 152.005 (D) (3) and 154.001 (B) (1) to allow a 4.1 ft side yard where a 30 ft side yard is required for the use of a raised patio/patio/fire pit/sitting area and Section 154.015 (C) (2) to allow a 4 foot ornamental fence within the front yard and portions in the side yard to enclose the property. The fence is to be a maximum of 1 foot off the property line. Relief is also sought for any additional variances or waivers deemed necessary by the Board.

Mr. Hudal and his wife were present this evening, along with his engineer Brian Peterman, and his legal counsel David DeClement.

Mr. Singh was present this evening and he resides at 500 Kresson Road, the home in the front and Mr. Hudal is his relative.

Mr. Cupersmith stated that they discovered through the board's engineer regarding the easement and have Doug Rohymeyer-right off the back there are two issues

1. Information today cross access agreement regarding the driveway-outbound boundary descriptions-metes and bounds and it doesn't have driveway detail or information. He stated that there needs clarification-gate and driveway widening. He finds hard
2. Part of application, variance plan, last revised there is a big difference with the variance plan and the grading plan—they don't match up (driveway wider n a wetlands buffer and the gate appears to be in the wetlands area.

They were going to transfer on the plan. Also the discussion of the driveway—grading plan came in after the initial plan.

Mr. Peterman feels it is just a technical issue. Mr. Marrazzo stated that the gate/driveway issue in buffer area and the board has a concern with this issue. Mr. Marrazzo wants to know which plan are we going with—he knows you will go to DEP and see the determination. Mr. Marrazzo stated he does not know where the limit where the easement is? He needs an assurance.

He needs to know from a zoning. It gives an issue for the property owners—this would no sacrifice a variance for this issue. Mr. Peterman can't show the easement ton the drawing. Mr. Marrazzo stated that the easement area be delineated; and he has not received an easement description for him to review and specifics. Where and what document is it on?

Mr. Peterman you can't see it in the field, gate and fencing—it's a technical issue. Mr. Marrazzo stated the board members want to see the location of the fence and gate and know where the easement area—the board can't make a determination; Mr. Marrazzo stated that you don't have proof. Mr. Peterman stated why you can't have as a condition of approval. Mr. Marrazzo stated this is is a technical issue, it's directly related to easement in reference to the gate and where all of this is located. DEP is an outside agency approval—as a receipt before anything would happen anyway per Brian Peterman. 2.4 acres-I tis a

large piece of ground. There is a ton of room available on this lot. If the board feels they can't make a decision on this issue, because of a technical issue, Mr. Marrasso stated

Mr. DeClement asked for a continuance on this matter.

Mr. Willard wanted to know about what is the transition averaging-he doesn't understand. Doug Rohymeyer from CME stated that there are buffers –you can apply wetlands transition, where if you encroach in that area you can give back to somewhere else on that plan-you can go to DEP and seek that relief if they approve this; you add somewhere else.

Mr. Marrasso whether or not before them results of DEP or whether or not a condition of approval. Mr. Willard stated what if not approved. JM stated language is subject to outside agencies; it appears as built a portion of construction in driveway in buffer area without dep approval, the board wants to address that?? Mr. Willard doesn't know where the buffer or easement area even is and either does the Zoning Board and stated if you are not aware than how the board can be aware of the issue. Mr. Peterman stated that buffer averaging takes about 45 days. Mr. Marrasso asked the board's preference. Mr. Cupersmith asked board. A condition should suffice stated Mr. Willard to ask the applicant to obtain this information and provide to the zoning board.

Mr. Marrasso asked for detailed information, location of the easement and buffer area and the board would allow for the buffer averaging with DEP with the board-Mr. Marrasso asked if Doug Rohymeyer was in agreement; which he stated yes he was in agreement with this suggestion.

Mr. Marrasso asked the board secretary the next date . She stated the next availability would be on June 27th and time they needed would be a good time frame. They agreed to extend the action date. Mr. DeClement stated that will be enough time to handle the fence and patio area as well.

OPENED TO THE PUBLIC; SEEING NONE, THE PUBLIC WAS CLOSED.

Motion to by Mr. Weil; Seconded by Mr. Cohen ; all the remaining voice vote in favor. The application should be continued to June 27th, 2013. An announcement made by Mr. Marrasso to anyone from the public; there will be no renofice.

Meeting was adjourned.

Respectfully submitted:

Valerie S. Marchitto