

VOORHEES TOWNSHIP ZONING BOARD MINUTES SEPTEMBER 26, 2013

The Chairman(meeting started at 7:55 p.m.) called the meeting to order and stated it was being held in compliance with the "Open Public Meetings Act" and has been duly noticed and published by law.

ROLL CALL:

PRESENT: Stuart Platt, the board solicitor, Jeff Senges , Carole Pfeffer, Board Secretary (1/2 mtg) and Kathy Merkh, Board Secretary(½ meeting) , Neal Cupersmith, Mrs. Kirshbaum, Mr. Weil, Mr. Cohen, Mr. Kerr, Mr. Willard, Mr. Senges and Doug Rohymeyer , the board engineer from CME.

ABSENT:Mr. Leoncio and Mr. Daddario

MINUTES FOR APPROVAL: Mr. Cohen made a motion to table the minutes for approval; Seconded by Mr. Willard. The remaining voice vote was in favor.

RESOLUTIONS FOR APPROVAL: None outstanding per the board solicitor

CORRESPONDENCE: No per the board secretary

NEW BUSINESS:

Joanne Martindale

2 Wexford Terrace

Block 229.14, Lot 35

The application is continued from September 12, 2013 meeting. Seeking relief from Sections (d) (1), (b) and 154.001 (b) (4) of the ULDO to permit the front paver patio to remain in the front yard setback of 15 ft where 30 ft is required and a rear paver patio with a stream setback of 27 ft where 50 ft is required. Seeking any and all other relief as deemed necessary by the Board and/or its professionals.

Mr. Senges and Mrs. Kirshbaum will recuse themselves from this application. Mr. Cupersmith filled in as the Chairperson for this application.

Mr. Ari Linden , the board attorney for the applicant was present this evening. The board solicitor wanted to scrap the last application and start from scratch. The board solicitor wanted to know if there were any witnesses. Mr. Linden stated that there was not any witnesses. He stated that it is frankly a matter of elevation and setbacks. The original survey did not include the elevation; there were two issues at the prior hearing that needed to be addressed. There was concern about DEP involved in the water front, as this is a paver patio and not a wooden structure. The DEP which falls under 154.001 (b) 7 He did not believe it had anything to do with this application. They submitted a second survey which had an elevation. The original survey is dated 6-13-13 A1 and then a recent survey that was dated 9-13-13 A2 that was for the record, that has a water line elevation 123.4 ft at the point of the normal. This patio has been in place for more than 10 years. They have a irregular shaped lot. There have never been any complaints from neighbors. There is no detriment to the public good; both the rear and front pavers have never had a complaint. The builder at the time was paid for to obtain a permit. Mr. Platt asked about the stream in the rear-there is a body of water behind these pavers. There are no homes behind this property. Mr. Linden stated there is a home in the corner but it is far back. Mr. Platt asked if there was a permit obtained from Sturbridge Lakes. Mr. Linden stated that they were put on notice of tonight's meeting and Mr. Linden did speak with them and they had no opposition.

Mr. Cupersmith asked for comments from the board. Mr. Weil asked about the Sturbridge lakes association? Mr. Platt stated that it is a concurrent jurisdiction. Mr. Cupersmith stated he would have felt comfortable. Mr. Platt stated that you can make it upon a condition of approval. Mr. Platt asked where the client is located. Mr. Linden stated that they are in California. Mr. Rohymeyer stated that it is set at grade, it is not going to affect the stream, no floatable structures, it has been there for 10 years.

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

Mr. Weil made a motion to grant relief from Sections 152.015D (1) (b) and 154.001 (B) (4) of the ULDO to permit the front paver patio to remain with a front yard setback of 15 ft where 30 ft is required and a rear paver patio with a stream setback of 27 where 50 is required. He would like this approval to have a letter sought from the Sturbridge Lakes Association-a written approval, Mr. Cupersmith stated; Seconded by Mr. Willard.

ROLL CALL:

AYES: Mr. Weil (let the new people close on the house and have a problem down the road) , Mr. Cohen-he agreed with Mr. Weil's comments, Mr. Kerr, Mr. Willard, Mr. Cupersmith (hardship of the land)

NAYS: NONE

The application is approved per the board solicitor, subject on the contingency.

Muslim American Community Inc.

3 Lafayette Avenue

Block 278, Lot 15

Case

The case continued from July 26, 2012, September 13, 2012, December 13, 2012 and February 21, 2013 meetings. They are seeking use variance and preliminary and final site plan approval with variances for construction of an additional one-story (35') high building (which is proposed to be approximately 5,479 sf on the first floor and 2,000 sf in the basement), additional parking spaces and related improvements. The existing buildings will remain. Some existing parking spaces will be removed but the application proposes a total of 128 parking spaces, which is a net increase of 59 parking spaces on the property. The application seeks the following variances:

1. Voorhees code section 152.082-a mosque and related uses are not permitted uses in the b-business zone. The application seeks to use the existing 5,731 square foot building and the new proposed new building as a mosque, including religious services, religious studies, special events, community activities and funeral preparation.
2. Voorhees code section 182.085 © (s) –a 100 ft minimum rear yard is required. The application seeks a 40.6 minimum rear yard for the new building and 24.5 ft minimum rear yard for the trash enclosures.
3. Voorhees code section 152.085(d)- a 50 ft minimum buffer width is required. The application seeks a 39.5 ft buffer width for the parking area and 40.6 ft buffer width for the new building.
4. Voorhees code section 1532.085(f) –impervious coverage of 60% is permitted. The application seeks impervious coverage of 60.5%.
5. Voorhees code Section 152.085(l) a 50 ft minimum parking setback is required. The application seeks a 39.5 foot parking setback.

In addition, the application seeks such other variances, submission waivers, design waivers and other relief as may be required for approval of the application or as the Voorhees Township Zoning Board of Adjustment. ("Zoning Board") may deem appropriate.

The board solicitor stated that this application has been here for some time and we are going to –there was an interruption-Carole Pfeffer, the board secretary stated that we have a substitution for Kathy Merkh and she will be now filling in. . The last amendment to this application occurred in July 2013 with a revised plan with the expansion of the facility which was indicated in the resume which was just read into the record. They were going to look for offsite parking-which additional traffic testimony with revisions to the site plan at the next upcoming

meeting and their planner still had to testify as well. The applicant instead at this point has reduced the size of the building , increased the number of parking spaces.

Mr. Robert Kaszuba attorney from Bisgaier and Hoff on behalf of the applicant. It is accurate . There will be some changes. There was a lot of concern with the EID prayer services which were going to be held on site, which is going to be withdrawn. They will continue to do this prayer off site-this was a big concern. There was concern with the occupants in the building –they were tasked to look for offsite solutions-they were unsuccessful. They ultimately chose to downsize the application, the size of the building; it is large enough to serve the needs but increase the number of spaces on site and alleviate the concerns that some members of the board had expressed.

He called the first witness which was Biyal Akiyal-Mr. Platt stated that he was previously sworn in and is still under oath. Where they left off was seeking off site parking. They were looking in Berlin township and was told that the parking area they were looking for is Green Acres-it will not be able to provide them for temporary-they looked at the police station –department of association and they were very cooperative with them, they were looking for space at their hall, the most they could use would be the weekend, so that would not help them. So their decision was to reduce the size of the building and create more parking space; that was the decision. Mr. Kaszuba asked him to give a summary of the uses of the building as it is currently submitted to the board this evening. The operation of the mosque right now, it will exist the same way, the mosque has a 5 time prayer, that will remain the same. Also on Friday prayers, there will be the same right now –it will be the same two prayers –they will increase the separation between the two prayers to have between 45 minute to an hr gap. Mr. Stuart Platt wanted to know which prayers-Friday afternoon? Mr. Akiyal stated yes, which is now, but it will be increased gap between, so it will not have the overlap of the parking. It will be 45 min. to 60 minutes –so Mr. Platt stated that that date will have 6 prayer services, asked Mr. Platt. Mr. Akiyal stated it will only be 2 prayer-one of them will be starting roughly around 1:00pm and the second one will start 1-1 hr half after that . The month of Ramadan they have the evening prayer. They are using the mosque for breaking the fast-eating and breaking the fast; so they would like the expansion to be able to use that –that is what they are proposing for the all purpose room. Also they have the family event that happens once a month on the first Friday of every month. This will carry on the same, it will not change. Also on the original application , they proposed they proposed the EID prayer there , but realizing that this will be an issue for parking, they will keep it as this will be now to be outside the area. In terms of marriage –the religious portion of the marriage it is not a party –it is for the religious portion of it-roughly between 30-40 people to be attending; it is not the party per sae. It is not the reception . For annex study(bible study), it is an ongoing service-they have it at the mosque right now, last year they had 40-60 children. They started again after the summer time. They have 40 now. This is for classrooms in there and not to increase the amt of kids –create different classrooms for them right now. Mr. Platt-asked what time the religious studies ? The annex studies are sat or sun, the number gets greater, obviously there will be more classes and if that is the case they will do Sat and Sun-both days. Mr. Kasuba asked what times would the classes be held. He stated usually in the morning 10-12 and then they may stay to have the prayer-strictly sat and sun. Mr. Platt wanted to make sure not during the peak prayer service on Friday. With the proposed application, they are looking to have a small room to wash the body , which is part of their religion. They do understand there may be licensing through the state –they will go for that when the building is built. Mr. Platt wanted to know if they found the need to split up any other services during the month of Rahmadan-there are no other services that create that kind of gathering. Mr. Cupersmith asked funeral services or funeral preparation ? Both-yes, it is on30-40 people and it is prayer for the deceased body. It is not a viewing. Mr. Biyala stated that the body already comes there in a box and you say a prayer, it is not a viewing. There is a prayer and then you follow the body to the graveyard (sereneo) –very limited. Mr. Platt stated that this is different than what happens at a church-there is a viewing, follow to a cemenary-there is normally more people at a church. Mr. Cohen wanted to know how many prayers? Single? Mr. Ayikal stated that it is usually attached to the five prayers that they do. They have five prayers

as a muslim. Usually the prayer will follow any of the five prayers-nothing happens at night or early in morning. Mr. Kasuba nothing further for Mr. Akiyal.

Mr. Haberan , the architect. Mr. Kasuba asked if he prepared the plans, revisions. Did they provide an overview of the exterior and interior to the board. This is a new exhibit that needs to be sworn in –Exhibits A1 and A2-the colored rear elevation that was testified –Mr. Halberan that was testified December 13, 2012 hearing. They were exhibits of the floor plan and elevations for the addition which has been reduced in size from a two story 21,107 square feet addition to now a one story 7,479 square ft addition and with 8,000 square feet on the first floor and 4,421 square feet in the basement area. He went over the elevations . The worship services will be between the existing facility and the proposed addition. The applicant did agree to deed restrict the basement area of the 4,421 square feet for the storage and mechanicals only

Jack Gravlin, the engineer for the project went over the summary of the project for the applicant. The revised plan is for a one-story 7,479 square foot addition, to include 5,479 square foot to the first floor and 2,000 square foot basement limited to storage and mechanicals. The revised plan shifted the building away from the adjoin residence. The applicant is now proposing 128 (9x18) parking spaces which will comply with the ADA requirements. The proposed trash enclosure will meet the requirements of the township. Trash removal will be limited to the hours of 9:00 am to 3:00pm (Monday thru Friday)

The application was approved. A motion was made for _____Seconded by _____

ROLL CALL VOTE:

AYES:Mrs. Kirshbaum, Mr. Weil, Mr. Cohen,Mr. Kerr, Mr. Willard, Mr. Cupersmith and Mr. Senges

NAYS: None

With the following conditions:

All site improvements including by not limited to the reconfigured parking lot of 128 parking spaces, above ground storm water management basin, underground recharge facilities and access drive shall be constructed within Phase One.

Phase One has to be completed and approved by the township, Phase II shall maintain as a lawn area at or near the current grade with no basement excavation permitted.

The multi-purpose community center and Mosque one story building addition consisting of a 5,479 square feet on the first floor and 2,00 square foot basement shall be constructed with the same materials (stucco) and colors of the existing mosque building and a metal roof to match the roof the existing mosque building.

The 2,00 square foot basement shall be limited to storage and mechanics only and the applicant shall also prepare and record a deed restriction memorializing this condition subject to the review of the board solicitor.

The trash enclosure shall comply with the township regulations (Monday thru Friday 9:00am to 3:00pm).

All lighting shall be shielded subject to the review and approval of the board engineer

The applicant shall install 303 trees and shrubs as indicated on Sheet 4 of 7 of the plans with an additional enhanced evergreen buffer with a height of 8'-10' at the time of installation generally located east of the proposed one story building addition with underground irrigation subject to the review and approval of the board engineer.

The maximum sign area of the proposed sign shall be 24 square feet.

The applicant has voluntarily agreed to make a payment of 2,500.00 to the township open space recreation fund in lieu of replacing 25 trees onsite.

All Eid prayer services and marriage receptions shall be held offsite.

All Friday afternoon prayers shall be split service with an interval of no less than 45 minutes to one hr between services

All funeral preparations and services shall be subject to meeting all state permitting and licensing requirements.

The applicant shall comply with the Voorhees Fire Marshall review as revised to December 10, 2012.

The applicant shall comply with the Township Sewer's Engineer review as revised to September 23, 2013. With their modification:

As to item 10-G this application is exempt from the non-residential development fee

As to item A-3 under technical engineering review, the applicant shall use reinforced concrete storm pipe under the proposed building at its own risk and

As to item A-4 under technical engineering review the applicant shall not be required to install fencing around the existing basin but shall install fencing around the new basin subject to the board engineer review and approval

The applicant shall provide additional buffering and berming to create an 8 ft high screen at installation in an area adjoining Mr. Testa's property located at 8 Catania Court, Block 278, Lot 4, subject to the board's engineer review and approval

There shall be no right turn onto Lippard Avenue and the applicant shall reconfigure the access point and install signage in order to implement same subject to the board engineer's review and approval.

They should complete with the Resolutions that were memorialized (03-51 and 03-18 and 08-11)