

Voorhees Township Zoning Board of Adjustment Minutes April 23, 2015

The Chairman 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.

Swearing in of Stella Sytnik-the board's new board member as Alternate #2

Roll call:

Present: Mr. Weil, Mr. Willard, Mr. Cohen, Mr. Cupersmith, Mrs. Sytnik, Mr. Senges Mr. Mr. Doug Rohymeyer, CME-board engineer, Ben Blair from Churchill Associates regarding the sewer issues, CherylLynn Walters, Esq. from Platt and Riso, the board attorney

Absent: Mr. Daddario, Mr. Leoncio and Mr. Quarishi

APPROVAL OF MINUTES: NONE

APPROVAL OF RESOLUTIONS:

ANIMAL WELFARE:

Motion was made by Mr. Cohen; Seconded by Mr. Willard. Abstention Mr. Cupersmith, Mr. Weil and Mrs. Sytnik. The remaining voice vote was in favor

DAVID JOHNSON:

A motion was made ty Mr. Cohen; Seconded by Mr. Willard, Abstention: Mrs. Sytnik and Mr. Cupersmith. The remaining voice vote was in favor.

CORRESPONDENCE: None

NEW BUSINESS:

CherylLynn Walters stated that there is an acknowledgment that Mr. Cupersmith listened to the tape for the hearing and is permitted to participate in the hearing.

N.H. Nittal-Compound Pharmacy

336 Route 73

Block 225, Lot 16 and 17

This meeting is continued from March 26, 2015 zoning board hearing. Mr. Barry Lozuke was present this evening along with all the professionals at the last meeting and the owners/applicants.

They went to the Environmental Board last week. They have satisfied their concerns. Cheryllynn stated there is a memo dated April 16, 2015 from the Environmental Board that the board has received. CherylLynn stated that they are here for preliminary and final site plan approval. All the professionals other than the sign installer was present this evening. The professionals are still sworn in from last meeting.

Mike Avila, the engineer was called up to go over the plan with the board. There were smaller scaled exhibits for the board to review. One was the coloring rendering 4/23/2015 exhibit A3, 11x17 sheet 2 demolition plan where he highlighted the improvements which is A4. He stated that the parking lot has been moved back 40 ft. They moved the building back 11 feet. They are trying to be conforming as much as possible. There was a drastic change in shifting the driveway north entrance from the sign-they distanced the sign further north. This allows a person to see the sign without passing the building. The basin in the back has a retaining wall to be compliance with the storm water management-push the basin back-to maintain the volume. Barry Lozuke wanted to go through the comments that CME had for the trees for the street. On the exhibit -A-3 There will be eight new trees in the front; an additional 3

trees on the parking lot. The total was 10. The board referred to Doug from CME to see if he was in compliance with the changes; he stated that he was. The applicant went to the Environmental Board and they had a memo regarding the tree compensation. Cherylynn did state that they do not have jurisdiction for the exception. Cherylynn did state that they are modifying the ordinance and the tree compensatory and the buy down. She went over with Doug from CME on the trees to be replace –they came up with 61 trees which would be exempt-39 to be compensated. Barry Lozuke went over the compensation tree ordinance-The Chairman has been faced with this issue many times with the applicant. The Chairman suggested that the trees can be planted in another location that the township feels fit if unable to plant them on their site. Doug stated it is one on one –total trees to be removed 61-strict interpretation –identify the trees to be removed-he felt 21 trees that would be exempt that would be 39 that would have to compensate. There are 20 trees; orientmetals –credit, Doug felt 21 trees short. Mr. Lozuke wanted to know the amount per tree-120.00 per tree if he remembered correctly. Jeff Senges stated it is 150.00 a tree –Doug from CME –he stated that is about right. Cherylynn stated that Animal Welfare just went to the board and this is the cost that they were told a very short time ago. Cherylynn stated that the resolution will state 21 trees at 150.00 each. Mr. Lozuke was given the Environmental report since he stated he did not have one on file for himself. He concurred with the memo-it was an accurate depiction of the hearing. Mr. Senges stated that the applicant wanted a waiver –the amount of the development –Mike Avila went over the surface body of wetlands or water –He stated that there is no development –they were able to survey work –there is nothing within the wetlands and nothing around it-no need to require. Doug agreed with this issue; no worry for impacts of water coming onto the site. Cherylynn stated that there are wells and the distance. Mr. Lozuke stated that they will be in compliance. Camden County Board of Health will have the jurisdiction. The Phase I environmental assessment did not warrant anything off site or on site.

Mr. Patel was called up for testimony-who is the owner and part of the LLC. Mr. Lozuke stated that he wanted him to go over the materials due to the concerns from the sewer engineer. Mr. Lozuke asked him for his experience. He has a pharmacy now in Marlton and has been there 4 years-he asked if he has ever had any accidents-with the compounds or formulation-into his existing premise. Mr. Lozuke asked him that he is overseen by the Department of Pharmacy-if he failed to abide by the regulations – he would be subject to disipline-loss of license. They mix and assemble medications by other suppliers. They are not manufacturing; they are blending, dosing and repackaging from one kind to the other. The quantity is ordered by physician -1 month or 3 month supply-it is not produced in mass quantity. They are on a small quantity. They are between 1 Oz to 3 oz. Mr. Lozuke asked who is involved in the end product-is it only you-they have a licensed technician that helps them out. There is a protocol for the technicians to comply with the regulatory-there is a protocol for everything they handle. Mr. Senges asked Mr. Blair if he would have any concerns. Mr. Blair stated he understands. The issue he has raised-there are 7 sinks that are connected to the septic system-they go down the drain. There are other businesses and residents that get their drinking water from this. The project was identified initially as a pharmacy. Mr. Blair stated to date Camden County Board of Health does not know that this is a compounding pharmacy and they do not know that they are remaining on septic. He just wanted to make sure the communication is very clear. He had in his review the concerns and Mr. Lozuke responded to him that there would be the proper Waste Management. He wants a letter from Camden County stating that they are aware that this is a compounding Pharmacy and that they are fully aware that they are hooked up to a septic system-groundwater. Mr. Lozuke stated that they can't tell the Camden County Board of Health. The applicant went over the septic and wells around them. The Camden County Board of Health would have to approve the septic. They will have the proper inspections and coverage and submit documentation. The former owners wells and septic will be properly abandoned. There was concern of materials –from the pharmacy possibly going into the sewer by the sewer engineer, Ben Blair. Ground water to the rest of the towns, streams, etc. Mr. Patel stated that he would be happy to provide a letter for the full protection. They had a letter from Sandy Mersky who is a very well qualified and well know septic engineer.

Mr. Kyle put testimony on record for the variance criteria. The plans have changed. There is a front yard setback 100 ft –it is the buffer from Route 73-extend to 87 ft. Min. rear 26 -100 ft required –the parking setback 50 ft 40 ft is proposed (was 29ft) impervious coverage 30% they have 42.1 proposed.; pervious 70 coverage -41.71-due to the trash enclosure. Landscape buffer 50 proposed 40 is proposed. The sign is for a variance-type of sign-the board wanted to know. There is waiver for parking 165-where 190 is proposed. Street trees 7 -3 interior. (5% now). Doug from CME asked about the loading and unloading zone. Mr. Lozuke stated that Fed Ex truck-there would be waiver from this requirement.

154.1b 10. Cherylynn Walters wanted to know if the lots are being consolidated. They would consent that they will do a lot consolidation.

Thomas Pape-licensed architect gave testimony regarding the sign. He stated that it would be a free standing sign-color in the packet. They will have a changeable copy sign-there will be no animation or scrolling. They wanted to design something to look like their building-stone pillar-they are detailing around the sign with a similar material –accents like that they are on the building-link it all together. There is small landscape plan that would be a small curve and follow the bike path. They wanted it to be interesting. Unique building and be interested in this building. By the time –they wanted it to be dynamic. The sign would say Marlton Pharmacy and at the bottom there will be changeable copy-there will be seminars and events and consult people –whatever medical –Voorhees Township will be on the wall. SW1-A 5 is the exhibit-they do not have the color rendering-the board had color architectural. The architect handed out to the solicitor-metal of the roofing/siding will match the sign. Mr. Kyle spoke with the sign variance-they are on a main highway. Site identification for a regional pharmacy-it enhances to help the public; creative an attractive; no glare, no site triangle issues. They are balances the safety and interest. There is a neighbor that has a billboard. There is a need to draw more to the site because of the speed. The front yard setback-there is a hardship with the wetlands –C1. The majority building and the landscaping they are trying to meet the majority of concerns. The building is short; not massive; no visual intrusion. There is no negative impacts to the zoned plan. The parking setback meets the C1-also a C2 to promote the public welfare. There are no impacts to the zoned plan. Size of sign 53 permitted; 176 sf including the base-applicant should consider the same message on both sides; small lettering per Doug from CME. The planner said there will be no distraction. Doug Rohymeyer from CME stated that the frequency and changing the messages on the sign-the size of the 29 inches high-it is in the detailed rendered. (Size 29 high less 6 ft -126.) It would be no more than 8 seconds. It is going to scroll? Mr. Kyle stated no-it will appear and then go away-10-12 seconds. It shouldn't change more than 8 seconds-with the speed on the highway-Doug Rohymeyer stated that he had concern with animation or scrolling-he was trying to figure out the travel speed-Jeff Senges wanted to know the safe speed – Doug Rohymeyer stated 30 second change. Mr. Kyle was in agreement. Mr. Willard –static message 30 seconds, it disappears and then it comes about. It might be the same message for a month. It might change once the seminar is over; no constant change. Cherylynn stated that the speed is 55 and people will go 70mph.

OPENED TO THE PUBLIC

Subash Rashatwar

488 Kresson Road

Subash stated that it would be nice to have Compound Pharmacy in our town-near the new hospital; it is a great business. He owns a business and feels there is a need for this kind of business.

This application is for a Preliminary and Final Site Plan –with the following conditions:

Relief from Rear yard setback -26 ft where 100 ft is required

Relief from front setback 87 ft where 100 ft is required

Relief from 30% Max coverage of 42.1 where is required

Relief Pervious coverage 70% where 57.9 is proposed

Relief from parking requirements 50 feet where 40 ft is proposed

Waiver from parking of 165 where 190 is proposed

Waiver for no loading zone

Waiver for sign

Consolidation of the lots 16 and 17 (deed of approval to board solicitor for review and approval).

Changeable copy sign with no scrolling or animation on sign-no less than 60 seconds between changes.

A letter shall be provided to the Camden County Department of Health to put them on notice that this is a Compounding Pharmacy, not just a pharmacy and that they have a septic system application submitted.

Compensatory Planting: To replant 21 trees on site or to make a contribution at the rate of 150.00 per tree.

Conditions of the CME review letter; as well as comply with conditions in their use variance approval granted in the year 2014-Resolution 15-08.

Location and well on adjacent on the property owners-Lot 11 -next to them in relation to the proposed septic-Board of Health-copy to the Zoning Board-will be on revised plan and meet the satisfaction of the Township Engineer.

Motion was made by Mr. Weil Seconded by Mr. Cupersmith with the following conditions that the solicitor stated:

ROLL CALL VOTE

AYES: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Cupersmith and Mr. Senges

NAYS: None

ABSTENTION: Mrs. Sytnik

Reithoffer Shows (Carnival)

2120 Voorhees Town Center

Block 150.01, Lot 2

The applicant is seeking relief from Section 156.020 of the ULDO to permit the temporary use permit for a Carnival from set up from 4/20/15 to start on April 23, 2015 thru May 3, 2015 to benefit NephCure.

Allison Lamson –Esq. from Adinolfi and Lieberman was present this evening. Mr. Ron Cohen was sworn in for testimony this evening who is with NephCure.

The Chairman went over with Mr. Cohen (3rd year in a row that they have come to the board late) the fact that he and the board were not happy with the submission of the paperwork for the Carnival and that it is not fair to the board to have to jump through hoops every time that make a submission. Mr. Ron Cohen stated that he was going to ask for approval for 2-3 years, obviously that is not going to happen tonight. Mr. Senges stated that they don't want them to set up and will make sure it does not happen again-they will be made to take down the carnival. Mr. Cohen explained to them that the vendor who handles the paperwork is in California and is very far from here and obviously if it was something he could do or handle, it would be taken care of right away. He stated that the company that has the contract with PREIT -they have the exclusive rights to do the events and he has no control over the paperwork. Mr. Senges stated that he did not even know if legally you are allowed to be operating. Mr. Senges stated that they will not go down this road. Mr. Cohen stated that they have a one day permit in not having to go to the board. Mr. Senges stated that he wanted to know who gave it out. Mr. Cupersmith stated that next year-the carnival will be taken down. It is already taking place; Mr. Cohen stated that they cannot open until tomorrow. Kevaworks who deals with the mall- Mrs. Walters stated that the one day permit was given out to the Zoning Office. Mr. Cohen stated that there were phone calls made from the Mall, to the office, to the Mayor, etc. Mr. Cohen expressed his embarrassment and would be on the phone the next day making sure that all parties are corrected and told of what is happening this evening and that this will not be tolerated. Cherylynn Walters –the newspaper notice was not done correctly. Mr. Senges stated that we have had this problem before with notice.

Mr. Weil stated that he took a turn to pull into the parking lot this evening and saw a Ferris wheel-he didn't know the event was up. Mr. Ron Cohen stated that they were not letting people in-they were told not to until the meeting was heard this evening and approve.

The certificate of insurance-was provided –CheryLynn Walters stated that Voorhees was spelled wrong.

Mr. Ron Cohen stated it is the same hours, the same days, same set up and break down, the police detail will be set up. It is all the same as last year. The board solicitor stated that the resolution will be the same as last year.

Police Department-presence-detail-they are paying for

Boards' review letter-relying on the same from last year so there isn't an additional charge

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

Mr. Ron Cohen stated that they will be on them next year in January so we don't run into this problem

A Motion was made Mr. Cupersmith; Seconded by Cohen

AYES: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Sytnik, Mr. Cupersmith and Mr. Senges

NAYS: NONE

A motion was made by Mr. Cohen to adjourn the meeting; Seconded by Mr. Cupersmith. The remaining voice vote was in favor.

Respectfully submitted,

Valerie S. Marchitto, Board Secretary