

Borough of Clementon

Planning/Zoning Board

June 17, 2021 Special Meeting

The June 17, 2021 meeting of the Clementon Planning/Zoning Board was called to order by Chairman Feldman. It was announced that the meeting has been properly advertised and posted Pursuant to N.J.S.A. 10:4-6, The Open Public Meetings Act. The meeting was then opened with a salute to the flag and called to order at 1900hrs by Chairman Feldman.

Roll Call: Chairman Feldman, Secretary McKelvey, Mayor Weaver, Member Armbruster, Member Kuns, Member Shover, Solicitor Rhodes: Present, Vice Chairman Kunkel, Member Lofland, Member Saunders: Absent

*Chairman Feldman:* This meeting was called as a special event for Clementon Park and Splash World is there anyone here tonight representing that organization?

Solicitor Rhodes swore in subject present to testify on behalf of Clementon Park and Splash World please state your name

Gary Fawks

*Chairman Feldman:* What can we do here for you today

*Gary Fawks:* I believe we are here Mr. Chairman to ask for approval from this Board for temporary mercantile license to continue our efforts to open the park. I am here tonight to try and answer any questions the Board members have. Activities that are ongoing or planning. I understand at the first appearance there were some questions that Dan attended. We tried to address some of those with staff, and I apologize that it never got back to the Board. We are here to answers those questions and put them to rest so that we can move forward with our efforts, to work with the staff, and to get all the correct approvals in line so we can open the park to the public. It is our goal to be good members to the community. I don't know how much you've heard or read the activities up in Indiana that we purchased. We have had really strong support and reactions to the changes that we've made. It is more of a family-oriented place in Indiana, and I think you are going to find that here too. Gene is an owner that looks at it as a perspective to our guests, his sons are involved in the business, one just graduated college, he will be spending most part of the summer in our Buffalo park, overseeing installation of new rides. His youngest is 14 and can't wait to be part of the organization. It has been a family affair for the Staple family and we are excited to be part of this community and prove to you we can be good members of the community, good neighbors and contributing partners.

*Chairman Feldman:* What is your position in this?

*Gary Fawks:* I am senior vice president of park operations for the corporation over all three parks

*Chairman Feldman:* My first question is you did mention the previous meeting we had with Dan, and we laid out quite specific requirements and questions at that particular time, and I am curious why that wasn't attended to at the last scheduled normal meeting we had 2 or 3 weeks ago?

*Gary Fawks:* To be honest with you, we were not aware that we were supposed to be at that meeting, from what I was told. I was not aware that we were supposed to be represented I think we were told we were not on the Agenda.

*Chairman Feldman:* You were not on agenda because you didn't apply to be on it. You have to have information to be put on the agenda. Did you have conversations with Dan about that meeting?

*Gary Fawks:* After the fact, he told me he was unaware that we had to be at the first meeting till last minute, and it was on zoom and he jumped on and tried to answer questions. Dan is here he can represent himself we are not trying o dodge any meeting. This is not relevant but I have spent 10 years on city council back home and I know what it takes to try and serve in your positions, and our desire is to be forthcoming with everything. Not to avoid representing ourselves or answer any questions you have. For example, Dan came back after the first meeting and said there were concerns about parking and traffic. We have met with the police chief and staff on several different occasions to try and address that. So, we felt like we were working with staff to address your concern. Were we missed that is we were unaware we had to come back and address the community on that, to the Board. I also heard about the post office, I spoke to Gene about his plans, and after we get the park open we will be back to discuss a new site plan for that one. His intension is to utilize the building. Our plan is to use is at offsite receiving it looks like it has that type of loading dock. It would allow us to preserve the building. Our emphasis is to try and get the park open. Once we work on front o the house our intension is to take care of that.

*Chairman Feldman:* I did read your post when you were going to open a few weeks ago and you mentioned Borough official but you didn't mention them by name, can you tell me what exact officials you were referring to?

*Gary Fawks:* My conversations prior to that have been with the Mayor

*Chairman Feldman:* So, it was official not officials

*Mayor Weaver:* So just to clarify that since I am the Mayor, are you stating that the Mayor gave you permission to open the park?

*Gary Fawks:* It was under the impression that the Mayor stated we were good to open the park once we got the TCO, which we were granted on Friday evening. We were able to work with the DCA officials to get ride inspectors out that evening, so it was our impression that that is what was needed to open the park, as a matter of fact I spoke with the Mayor about 10:30 that night, Friday night, he stated there were concerns with two of the restaurant's hoods, and I pledged not to open those restaurants the next day because of those concerns. He called me around 9:30 that next morning and stated we can not open, that there were other circumstances that will have to be taken care of and so we did not open the park.

*Member Armbruster:* Id I can interrupt, I have been involved in it since last Friday till today got a clear understanding of the chain of events. What happened was the Mayor was under the impression they

needed the CO from the construction department and didn't have a clear understanding that it would trigger the involvement of the Fire Marshalls office. I think he thought that was part of the other approvals. He felt that was enough since this Board had given a temporary mercantile approval that would expire this past Tuesday, so the weekend would still be in that. I think honestly it was just a huge misunderstanding without everyone fully understanding all the steps. We went to the Borough Solicitor between Friday and Saturday to make sure we were doing everything legal and get legal advice. So, the Mayor called the Solicitor Saturday morning, and he went on his recommendations.

*Mayor Weaver:* That is correct, I want to say one thing I explained and expressed to Gary and to Gene Stapleton who is the owner, that I do not have the authority to allow the park to open without the consent of the building inspector and any other inspections. I stated that they work for the DCA of the state of NJ, even though I am their boss which we only hire them, I do not supersede their policies and procedures and what they do. So, that was all understood.

*Gary Fawks:* I explained that we were this close and to see if he can talk to the Building Official about a temporary CO so we can open, and he said I can't tell anybody to do anything

*Mayor Weaver:* So, that's a mistake right there, it wasn't so we can open, so we can have state inspector's come in and inspect our rides, because we are trying to open this weekend. So my intension was to help you have the state inspector's come in and inspect your rides. I don't know anything about the Fire department the health department or any other departments. My intension was just to help move things along, and that is what I did, so with that if there isn't anything else.

*Gary Fawks:* With the limited hours with building be closed down, what it was is I didn't know what to ask.

*Chairman Feldman:* Let me tell you my position, my personal opinion, has nothing to do the position of the chair, my personal opinion was the park was fine when it was closed, when open it brings traffic, pollution, trash, noise and characters. Besides those five things anything the park is going to contribute to the municipality?

*Gary Fawks:* I assume that it is a tax paying part of the community. We haven't been approached about and contributions to the community, until we get open. We have been trying to make improvements to the property we have invested hundreds of thousands of dollars already to improve the property. We have invested in a state-of-the-art metal detection system at the front gate. I have discussed this with the Chief we are going to have a strong security present. We want to send a message day one that it is a family place, bad actors aren't welcome and they will be escorted out the door. Our goal is to run a safe clean operation that the community would love to have.

*Chairman Feldman:* Will you be concentrating on individual parties, groups?

*Gary Fawks:* It will be a mix individual make up the majority for 2021 for sure as far as groups, schools are out for this season, but we do have some camps that are talking about returning on a couple of private event type days. The core of our business is going to be individuals.

*Chairman Feldman:* How about the parking fee? I understand it is not going to be required is that correct?

*Gary Fawks:* That is Correct, we have heard enough concerns about that at least for the 2021 season. Unless we have a solution, everyone can agree with we are not going to have parking fee. Another commitment I made to Councilman Armbruster was if we had any larger events planned that we will work with city with either code enforcement, police chief whatever is your pleasure to make sure we are planning out the best way to handle that.

*Chairman Feldman:* Free parking is going to be part of this mercantile and there of which means that if you change or decide to charge for parking you are going to have to reapply for another mercantile license, is that clear?

*Gary Fawks:* Yes sir

*Chairman Feldman:* What about traffic, went on to a discussion on handling traffic

*Gary Fawks:* That is something that we would have to work with the Police Chief to find out what the art of the possible. I am willing to put our officers in vests with flashlights flags to try and make the traffic move smoother. That is up to the Police Chief

*Chairman Feldman:* How many officer's do you have on staff?

*Dan Jankowicz:* We have over 30 security guards

*Member Armbruster:* Went on to discuss what they have done in the past with the painting of the x box in front and posted signage. He also explained in the past the park hired off duty police officers at large scale events to direct with that intersection at the entrance to the park.

*Gary Fawks:* I spoke with the Chief they are short staffed but hopefully in the upcoming seasons, we want people to get into the parking lot parked and into park as quickly as you do.

*Chairman Feldman:* How many parking spots are there? What is the capacity?

*Dan Jankowicz:* There are 1100 spots with both lots, capacity is a little under 9,000, based on 2010 study 9,968, we also have buses that come in to the property.

*Member Armbruster:* You have said to me Monday that even with this study that in the past it was about 7,000? We also talked about the egress and with numbers that high, you can't get out the lake side. We have to look at how do we get those many people out of there in an event of an emergency.

*Dan Jankowicz:* That is correct, I don't remember a time in the past 5 years that we have been over 7,000.

*Member Kuns:* I don't know if you have heard but the post office was used for employee parking only

*Gary Fawks:* I did hear that I don't know if we have discussed that but if it is a parking situation we can look into doing that.

*Member Armbruster:* I have given Gary a copy of the approved plans for that property to the post office. Do you have any intensions on contracting out with the properties you did in the past the old Big Lots?

*Gary Fawks:* We have not discussed that but if the parking becomes an issue we will look into ways to expand that

*Member Armbruster:* Explained in the past they worked with the Borough to get signage put up for additional parking with arrows. They would have busses there to take people or park the empty buses there after offloading.

*Chairman Feldman:* As part of the mercantile we will need the precise times of operations of the park opening to closing. Do you plan to do anything for Halloween? Did you plan any fireworks nights? If you do plan on it you are open until 9pm will that suit that particular event?

*Gary Fawks:* I have an operational calendar, it will be till 8pm Sunday through Thursday 9pm Friday and Saturday till Labor Day and then 2 weekends after that. We would love to do something for Halloween, we would struggle to do it right this year, it is something we would like to leave open for the future. We have had many discussions about fireworks to my knowledge that has been a problem in the past, at this point it is premature to speak about it until we get the park open. Open till 9pm will not work we would ask for permission to stay open till 10pm.

*Chairman Feldman:* Ideally, we can put those times and dates down and make that part of the mercantile, but since we don't have those events and times listed, so we can't we can probably handle that when the need arises?

*Member Armbruster:* The way I think we should handle that, they typically have to come before the council to get approval for the fireworks, and work with the fire marshal's, if it is something borough related we usually waive the fees. Council can give approval for extra hours during those types of events.

*Chairman Feldman:* This will become part of the mercantile as an attachment

*Solicitor Rhodes:* You are representing the schedule that you provided o us about hours of operations the Board will simply attach this calendar as a supplement to the mercantile license to show(interrupted)

*Gary Fawks:* That calendar is only representing this year, when we might open the park, it wouldn't show anything in May, or anything prior to this date. If you look into 2022, we would be looking to open maybe two weekends before Memorial Day. Can we add in there for next year similar operating hours would not be any later or earlier? If we can just ass to that exhibit

*Member Armbruster:* Talked about how the park hosted our annual Clementon Day and Trunk or Treat there.

*Solicitor Rhodes:* As I look at the calendar it looks the same Monday through Thursday 11am till 8pm and Friday, Saturday and Sunday 11am till 9pm. So, if that is the schedule you want us to approve we can simply skip attaching this and use those hours of operation.

*Member Armbruster:* I suggest you request May through September at least for now, if you do something in the future say Halloween, Christmas there might be issues so you ask for an addendum to the mercantile, and come before the Board for that.

*Gary Fawks:* How about we do the May through September for this year and possibly next and if we talk about longer operating season we will come back before this Board.

*Chairman Feldman:* Asked what they are doing with the liquor license?

*Gary Fawks:* We have engaged a law firm that handles that, Polk and Pollack, we will not be serving alcohol this year based on the 6-month process. He went on to talk about the relationships his developed with staff as far as Miles with mercantile license and Mr. Zuggi at the Fire Marshall office had multiple meetings, as we start to build that repour it makes it easier for us to navigate the waters to accomplish the things you want us to do. Due to covid and the limited hours and people not in the office, is where we were having the difficulties.

*Member Armbruster:* And the phone system at the Borough has been down not working properly for 3 weeks now, that makes it not possible for anyone to leave messages. We do have people answering phones and passing the messages along, but has created a lot of issues.

*Chairman Feldman:* Not to be redundant but can you go over the intensions you have for the post office site again? Do you plan on having employee parking there?

*Gary Fawks:* I only had a brief conversation with the owner about it, his plan was to turn it into an offsite returning and receiving office where we can do some warehousing, receiving. We have not really discussed about employee parking there, we would like to retain that option if we had a really big day, for them to park there.

*Chairman Feldman:* How many employees will you have hired there

*Dan Jankowicz:* We will have anywhere from 300-500 employees we are roughly right now at 275 employees hired. That includes turnover.

*Member Armbruster:* One of the things I wanted to talk about tonight since you brought up the post office property, the Borough might want to help work with 2 businesses in town to come to a partnership is the park and the person that bought Walkers if the two could possibly work together and this Board allowing them to lease some of that parking area and allow them to make some more income for the property there it wouldn't be used during same operating hours.

*Chairman Feldman:* Ok, I am about done anyone else have any questions or concerns?

*Member Armbruster:* I did have some questions I mentioned it to Gary the other day I would like clarification for the Board and on the record, as far as the businesses that serve food that you bring into the park, such as Chickie n Pete's and the food truck that was advertising last week. They are advertising as new location. If that is the case they would require separate inspections, mercantile, and health certificates. You explained to me that they are separate businesses your employees are making the food under there brand, is that correct?

*Gary Fawks:* That is what we are going to have to do this year. In the future it is possible we might have concessioners' that will have to come in and get mercantile. We are going to make a license agreement and buy their product and use the name this year.

*Member Armbruster:* Asked about self-insurance or if they have an insurance carrier. Talked about big carriers will give suggestions on safety issues.

*Gary Fawks:* We have an insurance carrier

*Chairman Feldman:* Any other question from the Board or concerns? Hearing none is there anyone here regarding this application?

*Miles Dumbleton:* My only concern is about the trash will there be cans provided?

*Gary Fawks:* We have contracted with the trash company

*Chairman Feldman:* I have spoken with CVS and there is an abundant amount of trash there, will you have your staff clean up that area.

*Gary Fawks:* We certainly will

Hi my name is John Zuggi your local Fire Marshall, and I am here to present to the Board a few concerns that we have. We met for the first time Monday night to discuss fire safety issues fire lanes and stuff like that. I have a list of stuff that has not been met yet.

*Chairman Feldman:* Is it ok to just attach that as part of the mercantile and make it a requirement?

*John Zuggi:* That is fine, but I wanted the opportunity to hear what the delay is, and my recommendation is that we don't open the park until we satisfy all these requirements for life safety issues. We are still waiting for fire alarm paperwork, I understand they were out today, we haven't received it yet. Fire lanes need to be established and completed per Fire Chief, occupancy load for park and the buildings. He did make mention of a letter from an Ian Gill associates. As far as I know this gentleman is making an opinion not an engineered fact. He is not showing any formula as to how he came to these numbers. Dan misquoted he stated 9,000 this says 8179. Speaking to the state of NJ the occupancy load needs to be set by construction. If not construction then an engineer. He explained in 2012 they did renovations to the park, went on to explain how to get an occupancy load. I would like to go out Monday morning myself and the Fire Inspector, State division of fire safety to come to the park to do inspections to clear up this list. Then we can give them the game plan to open. There are 20 items on the list that have to be addressed. Hazardous material there that have to be addressed before the park can open.

*Member Armbruster:* Is there a fair amount that can be resolved are they life safety issues that the park can't open?

*John Zuggi:* Out of respect the park should remain closed till everything has been met. The fire lanes to be established and painted the trees need to be trimmed for the apparatus, the bollard is in the black top and the trashcans, two of us couldn't move them, they are solid pre-cast. The gate has to have access it is the only way into the park. These have to be taken care of before we can open the park.

*Chairman Feldman:* Are you willing to tend to the entrance he is talking bout to have more access into the park?

*Gary Fawks:* We are working on that to get a front loader out there and clear that path. Also get the gates enlarged.

*Member Armbruster:* I think the best we can do is agree that we met Monday night and the Fire Marshall gave them a list of what he thought were life safety issues, that there is no way to give any permission without those issues being taken care of first that there were a multitude of other issues. While there discovered other items that needed to be addressed.

*Chairman Feldman:* To solve this whole thing is that Council can't give any approvals until John signs off

*Member Armbruster:* What council decided was that they would grant a temporary mercantile license upon this Boards recommendation and any approvals required by Fire Marshall and meeting concerns of any other Inspector. My understanding is that the Building Inspector issued a TCO with all requirements still having to be met. That left this Board for this hearing tonight and Fire Marshalls concerns and Fire Chief concerns being met.

John Zuggi made copies of the list of concerns that have to be met and distributed it to Gary Fawks.

*John Zuggi:* Explained about the Code and when a place changes hands and things have to be up to code. Not how its been running for the past 50 years. He also explained that he just does maintenance after the Construction Departments does their inspections to make sure it is up to code.

Hi I wanted to introduce myself I am a lawyer my name is Larry Zucker out of Mt Laurel I am also in the amusement association. So, Gary and Gene came to me. I represent the amusement industry. I agreed to work with Gary and Gene on this property.

*Chairman Feldman:* Is there any other questions or concerns or anyone in the audience? Hearing none can I get a motion to send this on to Council for their approval, with all amendment's attachment

Member Armbruster made a motion with all the amendments attached and any other issues we spoke about earlier that they would have to come back for an advised mercantile, Mayor Weaver 2<sup>nd</sup> the motion and roll call was called upon;

Chairman Feldman, Secretary McKelvey, Mayor Weaver, Member Armbruster, Member Kuns Member Shover: Ayes

Member Armbruster explained the mercantile license with temporary and then permanent as long as the issues are addressed.

Chairman Feldman asked for a motion to dismiss all in favor.

Adrienne Guernon