

VOORHEES ZONING BOARD OF ADJUSTMENT MEETING DECEMBER 11, 2014

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

ROLL CALL

PRESENT: Mr. Weil, Mr. Willard, Mr. Leoncio, Mr. Quarishi, Mr. Kerr, Mr. Daddario, Mr. Cupersmith, Mr. Senges, Mr. Doug Rohymeyer from CME-the board engineer, John Palm, Esq (conflict attorney-Ferro), Mrs. Cheryllynn Walters, the board attorney

ABSENT:Mr. Cohen

APPROVAL OF MINUTES: None

APPROVAL OF RESOLUTONS:

Animal Welfare:

Motion made to approve by Mr. Weil; Seconded by Mr. Willard. The remaining voice vote was in favor, Abstention: Manny Leoncio.

Khmer Buddist:

A motion was made by Mr. Weil; Seconded by Mr. Willard. The remaining voice vote in favor. Abstention: Manny Leoncio.

Keith Scherzinger:

A motion was made to approve by Mr. Weil; Seconded Mr. Willard. The remaining voice vote in favor. Abstention: Manny Leoncio.

NEW BUSINESS:

GERARD FERRO ZC 2014-005

6 Alton Avenue

Block 205, Lot 1.01

Mrs. Walters stated that they have a jurisdictional issue, the applicant failed to notice two of the individuals on the property owner list. It has been advised that they need to notice those two people so they are making an announcement at this point for members of the public that the Gerard Ferro application will be carried to the January 22, 2015 meeting of the zoning board. No further notice will be given to those that were already noticed. Mr. Ferro will provide proof of notice to the two property owners that he did not notice. They have an email from Mr. Ferro's new attorney, Damien Delducca, Esq. confirming that the applicant consents to the extension of time to act on the application until that date. Mr. Senges wanted to know how the board came up with that date. Mrs. Walters stated that the first meeting in January is January 8th-which is the reorganization meeting. She stated that the next meeting is January 22-there are two residential "C"s that night. Mr. Senges stated that he has to recuse himself and Mr. Cupersmith will not be at that meeting. Mrs. Walters stated that there are no use variances that evening. One application is seeking to put up a fence and one is for a garage building and the Ferro is an as built. Mr. Senges asked if anyone else has a problem showing up at the meeting. Mr. Senges stated no add on's to the agenda without checking with him. Mrs. Walters stated that this was a last minute issue and we could blame her for adding this to the meeting.

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NH NITTAL, LLC-ZC 2014-019

334 AND 336 ROUTE 73

BLOCK 225, LOTS 16 AND 17

Seeking a use variance to permit the construction and operation of a compounding pharmacy with the retail sales and a professional consultation room in a location where retail sales are not permitted. Also seeking certain bulk variances including minimum lot size of 1.2 acres where 2 acres is required; rear-yard setback, front-yard setback, and such other variances, waivers or relief as deemed necessary by the board. Mrs. Walters clarified that it was not denied because of retail; it was denied because a pharmacy is not a permitted use in the zone. Mrs. Walters stated that they are not clear on what the use is.

Barry Lozuke, Esq. he is the counsel for NH Nittal, LLC. The notice was done and this was all submitted to the office.

He had all his professionals sworn in and their credentials accepted. Mr. Tom Pape was present, the architect, Mr. Mike Avila, the professional engineer and Mr. James Kyle-the planner. Mr. Harry Patel-the principal owner for this property—he is a licensed pharmacist. Mr. Patel got up to speak about the project.

He stated that he is a pharmacist and owns the pharmacy in Marlton called the Marlton Pharmacy and a pharmacy in Woodbury. He stated that he has outgrown the pharmacy and needs bigger space. It is a compound pharmacy, which they make the medications from scratch. A retail pharmacy—you get it dispensed commercially (made by a pharmaceutical company). The pharmacist from a retail standpoint—fill up the bottle, count the pills and give to the patient. However, this is not the answer for specific needs patients, i.e. If a patient is allergic to an ingredient in a commercial medication—that customer cannot take that medication, the compound pharmacy will make the medication without those components. They are made on site for those patients. They are legally bound to make a compound prescription by a legal physician. They don't manufacture on a wholesale basis to distribute elsewhere for others to dispense. This is all a one to one basis. They are customized for patients only. The prescriptions are for humans. It is not a prescription that is from the actual pharmaceutical company. It is a prescription that you would bring into them and they make it up with all the ingredients on site. The example he gave was if your child or an adult is allergic to a dye, they would go to this pharmacy and they would make up the prescription. They make up prescription for animals through a veterinary office. They do not wholesale. It is a customized patient only pharmacy. You don't go into their pharmacy to buy cough drops. Their pharmacy in Marlton they are closing, it is only 1100 square feet. They said it is ideal for them to be on Route 73 with the hospital down the highway. Mr. Lozuke asked Mr. Patel how many are in the region. He stated that there are very few. There is only one left in south jersey. They don't sell candy, Motrin, etc. He stated that he is under one license retail/compound. If he has a medicine on the shelf he can dispense. Mr. Weil wants to know what percentage you would say is compound vs regular pharmacy. Mr. Patel stated that 60-70% is compound. Their marketing is strictly compound. Mr. Quarishi asked about FDA. Mr. Patel stated that it is not FDA approved products; they are ordered by the doctors only. The square footage of the building is 6,220. Mr. Kerr asked about if he is thinking down the road, the growing of marijuana—Mr. Kerr thought why such a large building. Mr. Patel stated that he does not have that plan in mind. The building is large for the fact that they need cubicles with hoods (5x6) wide and there are 8 cubicles for the compound. So it would be 8 hoods/work stations. He stated that his wife is a fellow medical student and is getting her master degree in nutrition. She would use an area in the building for counseling customers with nutrition and vitamin regimen. There is a big part for vitamins and knowing what the customer would need.

Mr. Cupersmith stated that he would think this would get a lot of references through the pharmacy itself at Virtua. Mr. Willard wanted to know in preparing the drugs and compounds are their vapors in the cooking/preparing. Mr. Patel stated that this is what the hoods are used for and why they are required. Mr. Kerr wanted to know why exam rooms. Mr. Patel stated that if you have an animal and stopping at the pharmacy, they would use the exam room to put the animal in there and explain to the client how to administer the medicine or apply a cream. Even with a customer maybe needing to know how to put a cream on and show them what is needed. Mr. Patel stated that the preliminary floor plan may be shifted and the need will dictate the arrangement when they are doing their site plan, which will have to come back to the board for approval. Mrs. Walters asked if there will be a pick up drive through window—Mr. Patel stated yes, for the need that if you have a sick animal in the car or sick adult/child, it is easier for the customer to go through the drive through. Mr. Patel stated that they just opened their pharmacy two months ago on the weekends—for customers that need help. For the past three years they have been closed on Saturday. They fill about 20 prescriptions a day—that is approximate.

Mr. James Kyle the planner met with the client and visited the site. He reviewed all the documents, ordinances and master plan. He stated that a portion of this is in Evesham and will have to get approval from their town. He stated that there are two single family dwellings that will have to be demolished. There is a billboard and an additional house to the north. The boundary is an isolated area to the east.

Mr. Weil asked how many employees on site. Mr. Patel stated 6. Mr. Kyle stated that the pharmacy is not listed as a permitted use. The retail is permitted on one side of the highway but not the other. They are seeking bulk variances. The site will be on well and septic.

He stated that it is for the public welfare; it goes with the development of the hospital and the additional medical facilities. It makes sense and is suitable with good access for the highway. It is good access for the community. There is a lack of these facilities in the area and to reestablish in this region is good for south jersey. The negative criteria is the fact of non-residential offices/banks/funeral homes, daycares these are permitted. The traffic is low on a typical day-20 people even with the drive thru. The impact is light. The MB zone is a wide range of uses. Retail/compound –no impacts, increases economic vitality. This area is changing and there is a need for this use.

Mr. Tom Pape-the architect was not necessary this evening, he will testify with the site plan.

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

The application was brought back to the board for a motion; Mr. Weil made a motion to approve the use; Seconded by Mr. Cupersmith.

ROLL CALL VOTE:

AYES: Mr. Weil, Mr. Willard, Mr. Kerr, Mr. Daddario, Mr. Leoncio Mr. Cupersmith and Mr. Senges

NAYS: NONE

The applicant will have to obtain Evesham and Pinelands Commission approvals as well for this project.

Mrs. Walters stated that given that the application is compounding and vitamins and supplements- would the client be in agreement as part of condition of a use variance-that the use is limited to that aspect. Including the consultation for his wife can be working. So it will be compound pharmacy with the consultation –condition it on limiting the retail. Mr. Patel stated that CVS sells sodas, candies, -they don't have those items. They will not have over the counter-no Tylenol, no cough drops. Mrs. Walters was interested in curling irons, etc. Mrs. Walters wanted to make sure that their counsel was okay with the wording. Mr. Lozuke felt that this was a good project and that if it's in the vision of the master plan has for this particular area.

The application was approved for the use variance. They will return to the office for their site plan soon as per Mr. Lozuke.

The meeting is adjourned.

Valerie S. Marchitto, Board Secretary