

The Chairman called the meeting to order and stated it was being held in compliance with the "Open Public Meeting Act" and had been duly noticed and published as required by law.

### ROLL CALL

Present: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Cupersmith, Ms. Tulman

Absent: Mr. Pannu

Also, present: Chris Norman, Board Solicitor; Ben Matlack, Board Engineer CME; Chris Dochney, CME, Stella Sytnik, Board Secretary

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### RESOLUTIONS FOR APPROVAL

Mr. Weil motioned to approve the following **RESOLUTION NO. 21-20** regarding Application ZC2020-008; Stacy and Amir Vana, 203 Kresson Gibbsboro Road; Block 218.42, Lot 1.01; seconded by Mr. Willard; none (0) against:

Ayes: Mr. Cohen, Mr. Willard, Mr. Weil, Mr. Cupersmith, Mr. Senges, Mr. Pannu, Ms. Tulman

Abstentions: Mr. Daddario, Mr. Leoncio

Nays: None

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### MINUTES FOR APPROVAL

Mr. Weil motioned to approve the Minutes from the April 8, 2021 meeting; seconded by Mr. Willard; none (0) against.

Ayes: Mr. Cohen, Mr. Willard, Mr. Daddario, Mr. Cupersmith, Ms. Tulman, Mr. Senges,

Abstentions: Mr. Leoncio

Nays: None

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### NEW BUSINESS

**The Thomas Jefferson University**  
443 Laurel Oak Road  
Block 162, Lot 22

O3 Zone

Case #ZC2020-032

Appearing before the Board is Ms. Tiffany Morrissey, Mr. David Shropshire, Mr. Robert Mintz, Mr. Michael Dryer, and Mr. Herbert Smith

Mr. Norman informs the Board the applicant is seeking relief for an expansion of a non-conforming use which was previously approved through a use variance granted in 2019.

The expansion of the use requires relief from:

§152.062. et seq and Resolution #19-14 to allow the non-conforming use as a Physician Assistant educational program to expand from 80 students per year (40 per program) to 120 students per year (60 per program).

Also seeking all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Norman swore in the applicant's planner, Ms. Tiffany Morrissey, applicant's traffic engineer, Mr. David Shropshire, the applicant's attorney, Mr. Robert Mintz, Mr. Michael Dryer from Jefferson, and Herbert Smith from Jefferson.

Mr. Mintz gave a brief introduction of Mr. Shropshire and Ms. Morrissey to the Board as experts in traffic and planning.

Mr. Mintz confirmed that notice of the hearing was sent and advertised, taxes confirmed as current.

Mr. Mintz gave an overview on the request for expansion on the use that the Board granted in 2019 under Resolution 19-14, which is a 2-year physician's assistant program of 40 students with the concept of the second year is offsite in an internship program. The applicant states there will be no change to the footprint of the building or parking lot is proposed. Applicant is looking to waive, if not determine that no site plan requirement is necessary.

Mr. Mintz indicated that there is an aerial image that reflects the roadway and the building on file and on the website. The site is an O3 Zone with a "town center" overlay, historically that overlay does not permit educational functions. The applicant has previously come to the Board requesting a variance under 152.062 and the Board granted that approval for 80 students with 11 staff members.

Mr. Mintz indicated that the building is 32,000 square feet, consisting of 2 floors. The educational program is located on the second floor. The first floor is a physician's practice.

Mr. Mintz stated that the resolution asked for the applicant to pursue some restriping, there is testimony that indicates that has been accomplished. Additionally, the resolution asked that the traffic study be updated, records will reflect that has also been accomplished.

Mr. Mintz stated that a letter seeking consideration from County and Municipal Counsel with respect to traffic void timing has been circulated and testimony will be provided.

Mr. Mintz explained that the program has been well received and part of the last consideration was to come to the Board if they received any increase in state agency or any other credential.

Mr. Mintz provided further extensive explanation regarding the credential portion of the program. Jefferson is certified for the program which is then allocated to Pennsylvania & New Jersey. The allocation is underserved in New Jersey and Jefferson is looking to equalize the representation.

Mr. Mintz asked that Mr. Dryer to provide his testimony first.

Mr. Dryer gave an introduction. Mr. Dryer is the Dean of the College of Health Professions and is responsible for programming at the Voorhees, NJ campus, Center City Philadelphia campus, and the East Falls (Philadelphia) campus.

Mr. Dryer gave an overview of the 2-year master's degree program.

Mr. Mintz asked Mr. Dryer if there was any other similar program in Southern New Jersey.

Mr. Dryer answered that there are not, that Jefferson's was the only one in South Jersey.

Mr. Mintz asked Mr. Dryer if he has found that the student body is active and has fulfilled the program's needs of bringing in physician students.

Mr. Dryer indicated that they see 15 applicants for each seat, thus the demand for the program is very high. Mr. Dryer is confident that as the program expands, Jefferson will be able to provide a resource to the community.

Mr. Mintz confirmed they are seeking to go from the current 80 students, 40 per year to 120 students, 60 per year. The process to increase class size would take a year to phase in. Should the Board approve, the first year would have 60 first year students, but 40 second year students. The second year would be 60 first year and 60 second year.

Mr. Dryer indicated that the phase in might be a little slower due to COVID. There has been difficulty with clinical placement during the pandemic. They would build it out to transition in a slower fashion so that they have an adequate number of clinical placements as they progress into the clinical placement phase.

Mr. Mintz asked if there would be an increased need in staffing from the previously approved 11 staff members.

Mr. Dryer confirmed that it would not require increased need. Currently staff is at 6.

Mr. Mintz indicated that prior testimony from prior approval stated that 6-10 times a year there is a student-wide gathering of all students and asked if those gatherings would occur in Voorhees or elsewhere.

Mr. Dryer confirmed that the gatherings would occur elsewhere.

Mr. Mintz asked if the program start was the same for all classes or if it was staggered.

Mr. Dryer stated that it is staggered. Typically, a class would start at 8am or 9am, but could vary from day to day.

Mr. Mintz asked for confirmation on the program being accredited by the Accreditation Review Commission for the Education of Physician Assistants Inc.

Mr. Dryer confirmed that as correct.

Mr. Mintz asked for confirmation that the accreditation is Jefferson-wide not based on each campus.

Mr. Dryer confirmed that the accreditation is by program and not location.

Mr. Mintz asked for confirmation that it is a multi-year accreditation allowing an increase over time.

Mr. Dryer confirmed that to be correct.

Mr. Mintz asked for confirmation that for the number of students that would be permitted as per the accreditation for the 2021 school year.

Mr. Dyer indicated that it would allow for an intake of 120 students total for all programs with 60 in Voorhees and 60 in Philadelphia.

Mr. Mintz asked if Mr. Dyer has an understanding and recognizes that if the Board were to approve the 120 students as 60 first year, 60 second year, that if the student body should increase beyond that approval would be needed from the Board once more.

Mr. Dyer confirmed he understood.

Mr. Mintz asked if an inquiry was made to the architects or professionals as to the number of individuals that could utilize the second floor of the building. Mr. Mintz asked if it was 263 individuals, if not they could confirm with Mr. Herbert Smith.

Mr. Dyer believed they consulted with professionals and that number was accurate.

Mr. Mintz indicated that the increase request was less than what capacity could be housed.

Mr. Mintz asked if Mr. Dyer has received any reports of parking insufficiencies over the course of the program's existence.

Mr. Dyer confirmed he had not.

Mr. Cupersmith stated to Mr. Mintz that he was aware of the program and was on the Board for the previous approval and stated that since they were just seeking an increase, moving forward with the meeting the focus should be on the increase in traffic, adequate parking, positive criteria, and negative criteria.

Mr. Dyer stated that he would move forward with Mr. Shropshire and utilize the narrow version of the report.

Mr. Shropshire indicated that the narrow version of the report, which was dated 12/16/2020 shows that if everyone drives during the peak hour there would be 26 trips during the evening peak hour and 27 trips in the morning peak hour. There is a nominal increase in volume and more than sufficient capacity at the existing driveway into the site.

Mr. Shropshire stated the impact offsite is a relatively low impact as there is not a high increase in traffic, however there is some existing issues with a delay pre-COVID. The traffic report shows modifications that can be done to the traffic signals. They have had communication with the county engineer regarding the modifications, they haven't reviewed the data yet but stated that they are always interested in improving traffic flow if possible.

Mr. Shropshire visited the site for inspection of spaces and striping confirming there are 219 parking spaces. 219 total spaces are inclusive of 22 ADA spaces. The overall requirement is less than that. CME's report included 2 different scenarios; Mr. Shropshire believed that the scenario listing 65 spaces for the first floor is the correct scenario and would lead to an overall requirement of 196 spaces, thus there is sufficient parking on the site to meet the requirement.

Mr. Shropshire stated that previous surveys showed that 94 parking spaces demanded during peak in January 2020, pre-COVID, also showing that there is sufficient parking spaces to meet the requirement for an increase.

Mr. Mintz asked Mr. Cupersmith if the Board had any additional questions.

Mr. Cupersmith asked for someone to enter record the positive and negative criteria.

Ms. Morrissey stated when appeared before the Board for prior approval the Board found it to be inherently beneficial use and it is believed to continues to be the case. In the limited capacity of the change proposed the impacts are as follows; increased in demand for parking and increased traffic. As previous testimony from the traffic engineer stated the site can not only accommodate the increases, in fact far exceeds any

demand for parking and traffic increases are modest in comparison to the existing conditions. With regards to negative criteria, the substantial impairment to zoning ordinance and zone plan are that there are other permitted uses in this zone that would have a much greater impact. The proposed use makes good use of the building and is consistent with the surrounding area. With meeting the requirements of ordinance and no need for site improvements, balances the negative criteria. There is no substantial negative impact to the public good.

Mr. Cupersmith asked if any of the Board members had any questions.

Mr. Norman asked for clarification for resolution that in January 2020 upon inspection of the parking, 94 vehicles were onsite and was the demand.

Mr. Shropshire confirmed that there were 94 vehicles at the peak at 11:30am.

Mr. Weil recalled during previous proceedings that the striping in the median was going to be changed and asked if that has been delayed or has it been completed so that the center turn lane has been extended.

Mr. Shropshire confirmed that the striping has been completed.

Mr. Matlack asked Mr. Shropshire about whether all students will be gathering as previously mentioned in prior hearing.

Mr. Shropshire confirmed that those events will no longer be occurring at the Voorhees campus. Mr. Dryer pointed out that the earlier testimony from Mr. Dryer indicated that those events would no longer occur onsite.

Mr. Matlack stated that the parking demand states needing 120 spaces, but the parking analysis states that the peak vehicles entering the site are 74 and 71 and asked for Mr. Shropshire to explain the difference.

Mr. Shropshire stated the peak of what is going in and out of the site during peak times in total was 69 vehicles. 44 vehicles were already onsite contained within the 94 peak demand that was counted. There was an increase of 25 inbound and outbound trips during critical peak hours is what makes up the 120 approximate peak vehicles onsite, which would be more than adequately accommodated with the 219 spaces available.

The application is opened to the public.

Seeing no public comments, the Chairman closed the public portion.

Mr. Weil made a motion to grant relief for an expansion of non-confirming use which was previously approved in a use variance in 2019. Relief from Section 152.062 previously 40 per session, 80 per year to be increased to 60 per session, 120 per year.

Motion seconded by Mr. Willard. Motion carries with the following roll call vote:

Ayes: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Ms. Tulman, Mr. Cupersmith  
 Abstentions: None  
 Nays: None

**Nicole Gansert**  
 29 Christopher Road  
 Block 218.01, Lot 108

RR Zone

Case #ZC2020-025

Appearing before the Board is Ms. Nicole Gansert.

Mr. Norman informs the Board by way of preliminary background; the applicant just bought the residence and conditions existed prior to purchase. The applicant is seeking bulk variance relief for an existing deck and shed to remain as constructed.

The existing deck requires relief from:

- §150.12(B)(1) to allow a wooden deck to remain at 0' from a side (non-party wall) where no improvements or alterations are permitted within 5' of a side property line;
- §150.13(A)(6) to allow a wooden deck to remain at approximately 10' from the rear property line where the minimum rear setback for accessory uses and structures is 15'; and

- §152.003(D)(2)(b)2. to allow a wooden deck to remain at 0' from a side (non-party wall) property line where a minimum side setback of 10' is required for attached dwellings in the RR zone.

The existing shed requires relief from:

- §150.12(B)(1), to allow a 100 SF shed to remain as constructed at approximately 3' from a side (party wall) property line where no grading, construction, or alteration is permitted within 5' of a side or rear property line; and
- §150.13(A)(7)(b) to allow a 100 SF shed to remain as constructed at approximately 3' from a side property line where a minimum side setback of 5' is required.

Also seeking all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Norman swore in Ms. Nicole Gansert.

Mr. Norman gave summary that Ms. Gansert is before the Board due to existing structures on the property that were non-conforming to the township ordinances.

Ms. Gansert indicated that she purchased the home in September and during the purchase when the survey was completed it was discovered that the improvements in the backyard were done without permits. The previous owner stated that her husband, now deceased, took care of those matters. Previous owner could not locate any paperwork. The deck is too close to side and rear setback the shed is also too close to the side setback.

Ms. Gansert stated she was asking for the Board to allow her to keep those items where they are as they were a problem that she inherited and were influential in her purchase of the home.

Mr. Norman asked for the height of the fence.

Ms. Gansert stated the fence is 6 feet high.

Mr. Norman asked if the wood deck is visible from the adjoining properties.

Ms. Gansert indicated that adjoining properties would have to stand on something to be able to see it. The deck is ground level, it is not elevated or attached to the house and is floating on a sidewalk that leads to the sunroom.

Mr. Norman noted that in photos it shows a wood deck flush to a fence and asked if that was the deck the applicant was seeking the variance for.

Ms. Gansert confirmed that the deck goes up to the fence.

Mr. Norman stated that in the survey it is difficult to discern whether the fence is the applicant's property or a neighbor.

Ms. Gansert indicated that it is her fence, it was another item that was not permitted when previous owner constructed. Ms. Gansert has since obtained a permit for the fence.

Mr. Norman asked if the fence encroaches on any neighboring property.

Ms. Gansert stated that the fence does not encroach on the neighbors on either side, however it was determined it crosses onto the property behind which is land owned by the Township and was addressed when applying for the permit for the fence.

Mr. Cupersmith asked if the Board has the authority to grant permission for something that is on other people's property.

Mr. Norman advised that the Board does not have that authority, a variance cannot be granted if it is on a property that is not owned by the applicant.

Ms. Gansert indicated that the permit was issued under the condition that the fence would be moved back within the property line. The previous owner of the property has an agreement with the applicant that whatever the costs associated with correcting the issue will be handled based on the outcome of the hearing, so that it can all be done at one time.

Mr. Cupersmith asked if there were enough funds in escrow to take care of all the requests at settlement. Ms. Gansert confirmed there was.

Mr. Cupersmith addressed the Board for any questions.

Mr. Willard stated that he feels the Board should address this application as if she were planning to put it in herself and asked if Ms. Gansert could explain why she needs the shed and the deck where it is now.

Ms. Gansert stated that the shed is used for lawncare equipment and the issue with moving it would cause a problem for the foundation that is already in place. The deck would not be able to be moved as there is a sidewalk and sunroom that have already been permitted that it would be moved into, it would have to be cut down, which at that point it would have to be removed completely.

Ms. Tulman asked if the shed was on township property. Ms. Gansert confirmed that the shed is within the property line it was just a portion of the fence that was on township property.

Mr. Norman confirmed that the shed is 2 feet too close to the side setback, it should have been at 5 feet and is at 3 feet.

Mr. Weil referred to the last photo provided representing a shed in the neighbor's property that looks awfully close to the property line as well. Mr. Weil suggested that is a common infringement on the zoning in that corner. The fence that infringes on township property would have to be moved.

Mr. Cohen stated that he lived in that neighborhood about 18 years ago and they have 1 car garages. There is no way to get a lawnmower in the one car garage with a car parked in there, so there is a need for the shed. Mr. Cohen asked what was on the deck.

Ms. Gansert stated there was nothing on the deck. Currently there is a built-in box to the deck where cushions may have been kept for lawn furniture but is currently empty. An older survey featured a water feature, but the previous owner removed it.

Ms. Tulman asked for Ms. Gansert to clarify what the concrete is that comes up to the deck as it is not shown in the photos.

Ms. Gansert stated it was in the photos, there have been previous permits obtained to extend the driveway and to pave a path from the driveway to the backyard. There is also a sunroom off the back of house, there is a small concrete pad as a walkway.

Ms. Tulman asked if the previous owner gave any explanation as to why the deck was built in the location it was as opposed to adjacent to the house.

Ms. Gansert indicated that on the other side of the sunroom is where the air conditioning condenser is and there would be no room on the other side.

Mr. Cupersmith opened the application to the public.

Rob & Michelle Onuffer at 27 Christopher Road stated their main concern is for the future sale of their home and what kind of zoning issues they could possibly incur with the fence being over their property line.

Mr. Norman asked how much of an encroachment there is. Mrs. Onuffer stated that the picture shows 9.5 inches, but it doesn't take into consideration of the posts which are another 4 inches, totaling a foot. Mrs. Onuffer also stated that the fence was installed 3 months before the house was sold.

Mr. Cupersmith stated that it wasn't the husband that handled those affairs, the wife did as well, and asked which survey Mr. & Mrs. Onuffer were reviewing.

Mr. Onuffer indicated that it was a survey from Your Hometown Title, LLC. and on the right-hand side of the survey where it states S 74" 41' 51" a little higher there is a line that states 0.76' is the infringement.

Ms. Tulman asked for confirmation if the owner installed the fence 3 months before moving out.

Mrs. Onuffer confirmed that to be true.

Mrs. Tulman asked if the owner installed the entire fence before she put it on the market to be sold.

Mr. and Mrs. Onuffer confirmed that she installed both the entire fence and the deck.

Ms. Gansert stated that there was obvious weathering to the deck that shows it has been there for longer than the suggested timeframe of 9 months. The previous owner indicated that the fence was installed in 2015.

Mr. Onuffer clarified that a previous fence was installed, however there was improvements that were made that then infringed on the property line. Ms. Onuffer stated that the deck was there, however the box was later installed in an area that used to be trees which can be seen on Google maps.

Ms. Gansert stated that she does have a permit out to move the fence on the back property line and when that is moved the other part of the fence that is encroaching on the Onuffer's property can be moved as well.

Mr. Onuffer stated they don't have a problem with the fence, they just don't want to run into an issue when selling their property in the future.

Mr. Norman stated that it was understood they didn't want to inherit a title problem.

Ms. Tulman asked for confirmation that Mr. & Mrs. Onuffer did not have a problem with the deck, so long as it does not infringe upon their property line.

Mr. & Mrs. Onuffer confirmed that they did not have a problem with the deck.

Mr. Cupersmith asked for confirmation as to what improvements were made to the fence that caused it to encroach on the property.

Mr. Onuffer indicated that the fence had been there a long time, however when improvements were made to the deck, a section of the fence encroached.

Mr. Norman asked if that section was angled off because they were trying to square it off with the concrete, as that is what it appears to be on the survey.

Mr. Cohen stated that in order to move the fence, it would appear that the deck would need to be cut on that side.

Mr. Cupersmith stated it would have to be cut and was not sure how that would be allowed by permit.

Mr. Onuffer stated he didn't believe that there was a permit obtained when they originally built the deck.

Ms. Gansert said that she has no problem with cutting the deck so that it falls within the property line.

Mr. Cupersmith asked Mr. Norman if the witnesses had been sworn in.

Mr. & Mrs. Onuffer were sworn in by Mr. Norman.

Seeing no further public comments the Chairman closes the public portion.

Mr. Norman asked Ms. Gansert if the deck was left and modified to eliminate the encroachment would it have any adverse effect to any neighboring properties.

Ms. Gansert confirmed it would not.

Mr. Weil makes a motion to grant variance relief for the two bulk variances with the following conditions:

Shed may remain in current location.

Remove the fence off rear property line from township property.

Relocate the fence along 27 Christopher Drive to be within property line.

Allow deck to remain in place aside from the area to be cut back to remove encroachment of fence on 27 Christopher Drive.

Motion is seconded by Ms. Tulman. Motion carries with the following roll call vote:

Ayes: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Ms. Tulman,

Abstentions: None

Nays: Mr. Cupersmith

With no further business to discuss, Mr. Cohen motioned to adjourn the meeting seconded by Mr. Willard.

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Jennifer Gaffney

Zoning Board Secretary

Voorhees Township

Minutes prepared by Jennifer Gaffney. The minutes are intended to reflect the basic comments and action. Verbatim transcripts of all electronic recordings can be available upon proper request and payment.