

Zoning Board Chairman Mr. Cupersmith 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. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman, Mr. Senges, and Mr. Cupersmith

**Absent:** Mr. Weil and Mr. Hundal

**Also, present:** Mr. Chris Norman, Board Solicitor, The Platt Group; Mr. John Helbig, Board Engineer, CME

Mr. Norman made an announcement that the Monarch Application scheduled to be continued this evening will be scheduled to a date to be determined.

#### **NEW BUSINESS**

**Edwin F. & Lynn M. Castillo**  
95 Route 73 | Block 246, Lots 14 & 17

**MB**

**Case #ZC2022-010**

Mr. Norman summarized the application as follows:

#### ***Use Variance Requested:***

1. Section 152-74.3 to permit a cannabis establishment within 500-feet of a residential zone, where all cannabis businesses shall be at least 500-feet from any residential zone; and, Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Richard Roy, Esq., attorney for the applicant gave summary of the application and listed the 4 witnesses that will be coming before the Board.

Ms. Lynn Castillo, applicant; Mr. Anthony DiRosa, applicant's engineer of Tri State Engineering; Ms. Monal Patel, and Ms. Tiffany Morrissey, planner for the applicant; were all sworn in by Mr. Norman. They each introduced themselves.

Ms. Castillo was called as the first to testify. She introduced herself and discussed the property and the surrounding area. She indicated that her and her husband were looking to sell the building.

Mr. Roy called his next witness, Ms. Monal Patel. Ms. Patel was experiencing technical difficulties so while she worked those out Mr. Roy moved to the next witness, Mr. Anthony DiRosa.

Mr. DiRosa gave the Board his credentials and qualifications. Mr. Cupersmith accepted those credentials and qualified Mr. DiRosa as a professional and expert.

Mr. DiRosa gave testimony to describe the property. He indicated that behind the building there is 75-80 feet of vegetation providing an extensive buffer. He shared exhibit A-1 Distances to Residential. He stated that the distance from the building to the closest residential property line is 106.78'. That home sits on that property sits 116.23', so the distance from building to building is 223.01'.

Mr. Senges stated that the residential properties on Cooper Road are actually 0' from the property line as they share rear property lines. Mr. Senges asked for Mr. Norman to weigh in, and Mr. Norman stated that he would let our planner, Mr. Helbig weigh in as he believes the ordinance is written that a cannabis business must be at least 500' from a residential zone. Mr. Helbig confirmed.

There was discussion about whether or not the basin would need to be modified. Mr. Roy stated that the footprint of the building will remain the same.

No site plan was created for the Board and it's professionals to review. Mr. Roy asked Mr. DiRosa if the proposed use would fit in with the existing site plan.

The next witness Ms. Monal Patel of 167 Brewster Avenue, Piscataway NJ was sworn in by Mr. Norman. Ms. Monal was introduced by Mr. Roy as the interested party in purchasing the property. She stated she is a registered pharmacist in NJ and PA, she has a certification in medical marijuana through the State of PA. She has been involved in the cannabis industry for the past 2 years.

She detailed her reasons for interest in the property. She stated that the proposed hours of operation are Monday – Saturday 10am – 9pm, Sundays from 11am – 7pm. They anticipate having between 2-5 employees. She then explained how the site would operate. She indicated that there is no odor as the items are already pre-packaged.

She stated that there will be no changes to the building other than some aesthetic upgrades. All operations will be inside the building. There will be a 24-hour alarm system, a backed up video surveillance system. There will also be a security guard onsite.

Mr. Roy asked if anyone has any questions for Ms. Patel. Mr. Norman asked about the shifts of the employees. No less than 2 people would be onsite, always 1 manager. The later shift would have more employees.

Mr. Roy asked if the Board would admit Mr. David Kotler, a cannabis consultant as a panelist. Mr. Norman swore him in. Mr. Kotler resides at 2 Birchwood Drive, Medford, NJ. He gave his qualifications and credentials. Mr. Cupersmith accepted his credentials.

He discussed other properties that have been given resolutions on Route 73, and other areas in other municipalities. He stated that there are properties close by and at 1pm and 5pm that do not have lines.

Mr. Senges continued to express concerns about parking.

Ms. Tiffany Morrissey gave her qualifications and credentials. Mr. Cupersmith accepted them.

She indicated how it was a bifurcated application because it's a conditional use, then they have the intentions of coming back with the site plan. She reviewed the buffer and distances from the property to residential zones. She reviewed the positive and negative criteria.

Mr. Senges stated that they are not being provided a comprehensive picture and in essence are being asked for permission to grant something within 500' without seeing the full picture of what they are agreeing to.

Mr. Cupersmith echoed that he is also uncomfortable with all the open issues on the site plan, or lack thereof.

Mr. Willard mentioned that his office is next to a TerraVita which grew explosively and asked what measures they have put in for cash pickup, etc. Ms. Patel stated that there are 2 separate entrances, and the back entrance would be for that.

Mr. Matlack reiterated that the applicant is submitting a bifurcated application and a lot of the items discussed are based on the pre-existing site plan. Many of the questions are directed towards items discussed on the site plan level.

With no further testimony Mr. Cupersmith opened the meeting to the public.

Ms. Sheryl Culp of 96 Cooper Road was sworn in by Mr. Norman. She expressed security and safety concerns as this property backs up to hers. The vegetation that the applicant speaks of is very sparse especially in the winter.

Mr. Brian Whelan of 93 Route 73 with Pleasant Valley Golf next door to the applicant. He spoke in support of the application.

With no more public comments or questions Mr. Cupersmith closed the public portion and brought it back to the Board.

Mr. Cupersmith asked if Mr. Roy had any other comments. Mr. Roy asked if they could take a quick 5 minute recess to discuss with his team. Mr. Cupersmith stated that he would take a 10 minute recess.

Upon return Mr. Roy stated that the applicant understands that the Board cannot operate in a vacuum, but was wondering if the Board was able to consider a variance with a 500' requirement.

Mr. Willard stated that he would be able to make a more educated decision with seeing a full picture. Ms. Tulman stated that she believes that the overlay was placed with that 500' barrier for a reason, and it is hard for her to get past. Mr. Senges previously stated that he was uncomfortable.

Mr. Roy asked if the Board would allow them to table the application to regroup with the applicant and their professionals to see if it would be within their best interest to move forward.

Mr. Norman suggested an extension of the action date to February 28, 2023.

Ms. Tulman made a motion to continue the application, Mr. Willard second the motion.

**Ayes:** Mr. Cohen, Mr. Willard, Mr. Leoncio, Mr. Pannu, Ms. Tulman, Mr. Senges and Mr. Cupersmith

**Abstain:** None

**Nays:** None

Mr. Cupersmith opened the meeting to the public for any general questions or comments.

Ms. Sheryl Culp asked if she would be noticed if the applicant chose to come back. Mr. Norman confirmed she would receive notice.

Ms. Tulman made a motion to adjourn. Mr. Willard seconded the motion. All were in favor.

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Jennifer L. 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.*