

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. Weil, Mr. Leoncio, Mr. Hundal, Ms. Stewart, Mr. Phillips, Mr. Jhaveri, Mr. Willard, and Mr. Cupersmith

**Absent:**

**Also, present:** Mr. Christopher Norman, Board Solicitor, Mr. Bennett Matlack, Board Engineer, Mr. Chris Dochney, Board Planner, and Mrs. Jennifer Gaffney, Board Secretary

Mr. Norman swore in the Board Engineer Mr. Matlack and the Board Planner Mr. Dochney.

RESOLUTIONS

Resolution 23-29                      ZC2023-007 – 3017 Fifth Street | Block: 195, Lot: 17  
William D. Boyle

Mr. Willard made a motion to approve Resolution 23-29, Mr. Cohen seconded the motion. All were in favor.

MINUTES

Mr. Weil made a motion to approve the May 11, 2023, minutes. Mr. Cohen seconded the motion.

NEW BUSINESS

RASHIDAH ROBINSON

MDR/100A

Case #ZC2022-029

1 ALTON AVENUE | BLOCK: 206, LOT: 8.01

Action Date: 8/15/2023

Mr. Norman summarized the application as follows, the applicant is seeking “c” bulk variance for a proposed inground pool in the rear yard, with relief from the following sections:

- A. **Section 150.13(A)(6)**, where the minimum rear yard setback for accessory uses and structures is 15’, and the proposed pool decking is just 10.7’ from the rear property line; and
  - B. **Section 152.015(D)(3)**, where the minimum side yard setback for accessory uses and structures is 15’, and the proposed side setback is just 12’; and
- Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Ms. Robinson was sworn in by Mr. Norman. Ms. Robinson stated that she moved to town a few years ago and has always wanted to install a pool. She stated that due to the size and layout of her lot there’s an impediment from being able to install one within the required setbacks. She stated that there will be no reason to remove any trees within the process of installing the pool. Ms. Robinson confirmed that the unique layout of the land is an undue hardship.

Mr. Cupersmith asked the Board if they had any questions, there were no questions. Mr. Cupersmith then opened the application up to the public for questions. There were no questions from the public. Public portion was then closed.

Mr. Willard made a motion to approve the application, Mr. Weil seconded the motion. A roll call vote followed:

**Yay:** Mr. Cohen, Mr. Weil, Mr. Leoncio, Mr. Hundal, Mr. Phillips, Mr. Willard, and Mr. Cupersmith

**Nay:** None

**Abstain:** None

Mr. Norman stated that there is a 45 day right of appeal from date of publication once this application is memorialized. If the process is started within the 45 day period, the applicant is doing so at their own risk.

MOHAMAD HAMMADMDRCase #ZC2023-010

9 ROYAL COURT | BLOCK: 230.27, LOT: 47.09Action Date: 9/12/2023

Mr. Norman summarized the application as follows, the applicant is seeking “c” bulk variance for an as-built patio in the rear yard, with relief from the following sections:

- A. Section 152.015(B)(3), where the minimum side yard setback required for the property is 15’ and the existing patio has a side yard setback of 13’ 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. Hammad was sworn in by Mr. Norman.

Mr. Hammad summarized his application to the Board and that when the contractor finished the patio, there was an additional 2-feet as an additional façade. Mr. Cupersmith asked if any of the Board had any questions. There were no questions.

Mr. Norman asked if the Board Engineer, Mr. Matlack had any comments regarding the grading plan. Mr. Matlack stated that it was just a final survey, as the work had already been completed. He stated that there had been no grading completed during the process. He stated that on the plan it appears that the patio is 12’ from the property line, not 13’ as noted on the application.

With no further comments from the Board Mr. Cupersmith opened the application up to the public. There were no questions from the public Mr. Cupersmith closed the public portion and brought it back to the Board.

Mr. Willard made a motion to approve the application with the correction of it being 12’ from the property line, Mr. Cohen seconded the motion.

Yay:Mr. Cohen, Mr. Weil, Mr. Leoncio, Mr. Hundal, Mr. Phillips, Mr. Willard, and Mr. Cupersmith

Nay:None

Abstain:None

WESLEY ADUCATMBCase #ZC2023-011

351 ROUTE 73 | BLOCK: 222, LOT: 27Action Date: 8/29/2023

Mr. Norman summarized the application as follows, the applicant is seeking a conditional use variance and site plan waiver to permit Class 5 Cannabis retail establishment, with relief from the following sections:

- A. Section §152-175.C, where cannabis retail businesses shall not be located within 500 feet of the RR district and the subject property is 430 feet from the RR district along Kresson Gibbsboro Road; and
- B. Section §152-175.C, where cannabis retail businesses shall not be located within 500 feet of a house of worship and the subject property is 450 feet from the Mt. Zion AME church on Route 73; and
- C. Section §152-102.A, where the minimum required lot area is 2 acres is required for retail use in the MB Major Business Zone and where the subject property is 0.82 acres; and
- D. Section §152-102.A, where the minimum required front yard setback is 50 feet and the existing building is setback 29 feet from Route 73; and
- E. Section §152-102.A, where the minimum required rear yard setback is 100 feet and the existing building is setback 37 feet from the rear property line; and
- F. Section §152-102.A, where the maximum impervious coverage for lots not connected to the sewer is 30% and the property has 32% impervious coverage; and
- G. Section §152-102.E, where parking is required to be setback at least 20 feet from any side or rear lot line and the parking lot is 13 feet from the southern side lot line; and Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Ms. Emily Weiner, Esq., the applicant’s attorney summarized the application once more and stated that there will be no changes to the site plan which was previously approved and that the application is for a site plan waiver and a use variance.

The applicant's professionals, Ms. Emily Weiner, Esq, attorney, Ms. Tiffany Morrissey, Planner, Mr. Dave Shropshire, Traffic Engineer, and Mr. Steve Filippone, Engineer were all sworn in by Mr. Norman.

The professionals then gave their professional information.

Ms. Tiffany Morrissey, 7 Equestrian Drive, Galloway, NJ, as the planner for the project.

Mr. Dave Shropshire, Shropshire & Associates, 277 White Horse Pike, Atco, NJ, as the traffic engineer.

Mr. Steve Filippone, 5 Cambridge Drive, Oceanview, NJ, as the engineer for the project.

Mr. Filippone was then qualified by Mr. Norman, Mr. Cupersmith accepted his credentials.

Mr. Filippone began his testimony and reviewed the site plan that he created and was approved by the Board in 2008. There were certain items approved that still need to be installed such as a stop sign, 32 square foot sign, wheel stops, concrete area with handicap parking, and ADA accessibility area with concrete.

Mr. Filippone stated that the change of use shall not affect the site plan at all. The retail use will not provide any increase in use.

Mr. Matlack asked for Mr. Filippone to comment about the loading area. Mr. Filippone deferred to Mr. Shropshire to answer that question during his testimony.

Mr. Matlack asked for the activity of operations in a day, Mr. Filippone deferred to Mr. Shropshire to answer that question during his testimony.

Mr. Matlack asked if the current state of the gravel parking lot was suitable for the retail use. Mr. Filippone stated that in his professional opinion it is sufficient. He stated that the concrete wheel stops will be pinned in place, and with regards to striping he is of the understanding that Mr. Aducat, the applicant, will continually maintain the parking lot.

Mr. Norman asked if the cannabis retail would be medical or recreational. Ms. Weiner stated that it will be just recreational.

Mr. Phillips asked to confirm that the original approved use was for office. Mr. Filippone confirmed. Mr. Phillips indicated that there are differences between office use and retail use. He asked Mr. Filippone to expand in his details regarding how the site plan would not need any improvements with the change of use, as it seems that retail would be a more active use.

Mr. Filippone stated that the only difference would be a parking requirement. The parking standards listed for each use, the use that is proposed is consistent with the use that was previously approved.

Mr. Jhaveri asked the Board Engineers that if the site plan that was approved in 2008 applies to today's standards. Mr. Matlack stated that what was previously approved for the use is acceptable, since there are no changes to the site plan. Mr. Matlack stated that should the site plan need to be adjusted or changed by way of increase to impervious area, increased drainage, the applicant would need to bring it up to today's standards. But since that is not the case, that does not apply.

Mr. Phillips asked if there is any consideration needed for an additional ingress or egress for security measures with the new use. Mr. Filippone stated that there is no need for an additional ingress and egress. Mr. Phillips then clarified by stating additional ingress or egress for the building itself with deliveries, etc.

Ms. Weiner reminded everyone that so much of the use is regulated by the state, as well as the municipalities. Whatever those requests are, the site will be compliant with those regulations on a state level, municipal level, and what's required by Voorhees Township Police. She stated that this is again a bifurcated application, and that the applicant is here seeking a change of use variance. Should the end user require any additional changes to the site plan, they will return at that time.

Mr. Norman stated that part of a conditional use standard it requires the submission of a security plan. He asked if the applicant was requesting a waiver for said security plan. Ms. Weiner indicated that they were not.

Mr. Norman asked if someone was going to testify with regards to the security plan. The applicant approached the Board. Mr. Norman swore in Mr. Wesley Aducat, applicant.

Mr. Aducat stated that the security plan was not submitted yet as they were looking to secure the use approval first. Once the use was approved, they planned to submit the security plan to the police and that plan goes over everything from entrances and exits, waiting areas, etc.

Mr. Norman stated that he has sat before 6-7 applications where the security plan was submitted before the Board, along with a report from the police chief stating the analysis of the plan. Security cameras, security guards, etc. were all discussed.

Mr. Aducat stated that the process would still have to go before committee to get their approval, so submitting the security plan now to the Board and should they not approve it. Mr. Norman asked if they had the letter of support from the Township.

Mr. Aducat explained again that the first step of this process is to get the Use Approval, they cannot get support from the Township until the Use is approved.

Mr. Dochney went through the various security items that need to be addressed but doesn't necessarily need to be submitted this evening. However, Mr. Dochney stated that he has never come across an applicant that has not supplied it. He did remark that this was the first application where the applicant has not gotten approval from the State. Mr. Aducat indicated again that because he was unsure of who the end-user would be, they had to approach the license a bit backwards.

Ms. Weiner backtracked again to remind everyone that the applicant is in a very unique position where he has the property first, where most other applicants get all of their licensure before finding a location. She stated should the security plan trigger the need for a site plan, then the Zoning Board could very well require that.

Mr. Willard stated that the applicant had a development review meeting prior to the application and discussed the Board's expectations and necessary information needed to review and decide on an application such as this.

Mr. Dave Shropshire, traffic engineer, began his testimony. He stated that there is a standard for cannabis dispensaries now, where there was not before. He stated that it was updated in the 10<sup>th</sup> edition, however the numbers came down in the 11<sup>th</sup> edition as the demand was not as high as anticipated.

Mr. Shropshire stated that during the critical pm peak hour there are 35 trips anticipated consisting of 17 cars in, 18 cars out based on the data. That data was then compared with what was proposed for the medical office site and that data indicated 14 trips, showing a 21-trip increase for the cannabis use during the critical pm peak hour. The DOT states that a "significant" increase would consist of an increase of 100 trips or more. Therefore, the change in use does not substantiate a significant increase.

Mr. Shropshire began to address the earlier questions with regards to loading/deliveries, etc. He stated that the deliveries would be made by a single unit truck. The property has more than the required parking spaces, so they will do a delivery in a designated space. He stated that his opinion is that with having more than the required number of spaces there are no concerns that the single unit delivery truck and the scheduled deliveries that would be made would provide for any increased traffic concerns.

With regards to the trash pickup, the operator will handle the trash inside the facility and will not require any external trash enclosures or pickup. The trash pickup would consist of employee trash, etc. Any trash related to the cannabis product would be completed and regulated as per state requirements.

Mr. Phillips asked about how Route 73 has 3 lanes that merge down to 2 would be affected by vehicles entering and exiting the property. Mr. Shropshire stated that the applicant had received site plan approval prior to those roadway improvements. The State specifically designed that lane with knowing where all of

the access points are located. The State believes that the access to the site is safe. He concluded that the 21 additional trips are not substantial enough to cause any direct change.

Mr. Shropshire stated that the parking requirement is 12.2 spaces, and the site currently has and is approved for 15.

Mr. Phillips asked if there are additional loading/unloading considerations that need to be considered for this specific use with regards to security reasons. Mr. Shropshire reiterated that a single use truck would be able to load and unload in a parking space with no concern. Mr. Phillips asked if there are any parameters of where they are required to park. Mr. Shropshire stated that is unaware of any such requirements, in fact another dispensary in Voorhees utilizes a regular parking space. Ms. Weiner indicated that there are no parameters, etc. put into place by the State.

Mr. Filippone stated for the Board that if there is a concern for safety and security for deliveries there is an additional entrance at the back of the building that will be utilized for any deliveries.

Mr. Norman brought up a concern about not having a floor plan to show access of the vault where the inventory would be kept.

Ms. Morrissey was then called to testify. She started her testimony by stating that she would like to clear up any confusion that the Board may be having with regards to the requirements. She indicated that while the Board has only seen her on the applicant side of applications, she also represents several municipalities and works with them with regards to the requirements and standards of cannabis use. She stated while some towns may be well versed because they've seen more applications, some towns may not be.

She then took the cannabis ordinance for Voorhees Township and read/reviewed it line per line with the Board, explaining it as she went along. She spent special detail to explain the security requirements and what the applicant has planned. She also indicated how while that is a requirement, it is not something that impacts the site plan and from a Land Use perspective how a change of use could impact the township. It is something that will be reviewed thoroughly by the professionals that have the knowledge and experience to determine if it meets the criteria.

Ms. Morrissey stated that in her professional opinion from reviewing other security plans, including 2 applications in Woodbury Heights, an application in Buena Vista, the security plan does not impact the site plan as it is designed. However, if the Board is inclined to agree with the testimony and application presented, they will stipulate that if the Voorhees Township Police Department states that they require floodlights outside, that changes the site plan, and they must return for site plan approval. They would be more than happy to return to the Board and address that.

She continued to go through the performance standards and how the applicant shall comply with those requirements.

Lastly, the requirements with regards to Land Use were addressed and how the applicant meets those requirements with their application.

Ms. Morrissey then showed the exhibit of the Site Plan and the distance between residential zone located 445' and the place of worship of 430' in which they are requesting variances for.

They showed on the Land Use Plan that due to the wooded area and the lake that is in between the property and the residential zone the realistic distance is 556', additionally the realistic distance to the Kresson Bible Church is 935'. With that waterbody in the direct line, there is no way to walk that distance.

Mr. Norman stated that legally the Board can address the process that the applicant is taking, while it is the first time it has been done in this order. The first component being the conditional use variance on the property to attract a tenant or buyer for the property in order for it to be utilized. The second component is the site plan. A lot of the testimony provided support for the existing site plan being in conformance for the needs of the proposed use, however the Board has concerns on other elements relating the security and operations and should there be site plan related changes. Mr. Norman stated that the Board could vote on just the conditional use on the condition that once there is a tenant and a fit

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out for the building, should the Board have any additional questions, the applicant can return to address those concerns at that time.

Mr. Cupersmith asked if the applicant had any further testimony before opening the application up to the public. Ms. Weiner stated that there was no further testimony at this time.

With no comments from the public, Mr. Cupersmith opened the application back up to the Board for a motion.

Mr. Norman summarized a motion for the Board, should they choose to approve. It would be a motion to approve the conditional use variance approval, subject to the letter of support from the town, licensure from the CCRC, approved security plan by the police department, and subject to site plan approval within 18 months except for items related to parking and traffic.

Mr. Willard made a motion as Mr. Norman summarized; Mr. Phillips seconded the motion. A roll call vote was conducted as follows:

- Yay:

Mr. Cohen, Mr. Weil, Mr. Leoncio, Mr. Hundal, Mr. Phillips, Mr. Willard, and Mr. Cupersmith
- Nay:

None
- Abstain:

None

Mr. Cupersmith opened the meeting to the public for general comments. With no one in the audience, the public portion was closed.

With no further business to discuss Mr. Willard made a motion to adjourn the meeting, Mr. Leoncio second the motion. All were in favor. Meeting adjourned.

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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.*