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PLANNING BOARD
Monday, June 15, 2020
APPROVED MINUTES

OPENING: The meeting was called to order by Chairman John Osorio at 7:36 PM.

PLEDGE OF ALLEGIANCE: Led by John Osorio.

OPMA STATEMENT: Read by John Osorio in compliance with the Sunshine Law and per the New Jersey Department of Community Affairs' (NJDCA) Guidance for Remote Public Meetings in New Jersey (N.J.S.A. 10:4-9.1 (P.L. 2020, c.11)).

ROLL CALL

- **Members in attendance:** Ann Madden Tufano; Michele Golkow; John Osorio; William Carter; Marlyn Kalitan; Sam Kates; and Alise Panitch.
- **Professionals in attendance:** Cosmas Diamantis, Esq., Secretary; Alternate Secretary; Jacob Richman, PP, AICP, Alternate Secretary; James Burns, Esq., Solicitor; and Stacey Arcari, PE, PP, CME, PTOE, Planning Board Engineer.

ADMINISTRATIVE ITEMS

Adoption Meeting Minutes from June 1, 2020. Ann Madden Tufano made a motion, which was seconded by Michele Golkow, to adopt the Meeting Minutes from June 1, 2020. Affirmative votes by Tufano, Golkow, Osorio, Kates, Kalitan, and Panitch. Minutes are approved.

Agenda Items:

20-P-0008

Block(s) 207.01 Lot(s) 1
Zone: Highway Business (B2)

Mahantji, LLC
200 Haddonfield Road
Cherry Hill, NJ

Relief Requested: A Minor Site Plan with Bulk (C) Variances to convert a vacant restaurant into a retail CBD and Vape Shop called, Beyond Smoke, along with various site improvements.

Applicant's Representatives: Melanie Levan, Esq. – Applicant's Attorney; John Kornick, PE, PP – Applicant's Professional Engineer; Dharmesh Patel & Pinal Patel – Applicants & Operators of Beyond Smoke.

Exhibits Submitted: A-1: Site Photographs; A-2: Minor Site Plan; A-3: Architectural Plan; A-4: Right Side Photo; A-5: Front Side Photo; A-6: Back Side Photo; A-7: Left Side Photo; A-8: Front Side Photo 2; A-9: Operations Report Letter; and A-10: Utility Easement.

Ms. Levan introduced the application and noted that the site was a former pizza restaurant. In 2017 the Planning Board heard another application for a restaurant which was approved but they never began their site work. Ms. Levan noted the applicant is requesting approval for a retail CBD and Vape Shop called Beyond Smoke along with various site improvements. Ms. Levan noted the requested variances and existing nonconformities related to parking, parking setbacks, and lot dimensions.

Mr. Dharmesh Patel noted that he will be operating the proposed retail use at the subject site. Dharmesh confirmed that himself and his partner, Pinal, operate three (3) other similar shops in the area. Pinal stated he has been in this business for about five (5) years. Pinal confirmed they will be selling CBD oils and confirmed there will be no smoking and no marijuana on the site. Dharmesh stated that CBD oil is used to treat joint pains, for example, and that some oils can be ingested via an eye dropper onto the tongue and/rubbed on to the skin. Dharmesh confirmed that CBD oil is not hallucinogenic and confirmed that no marijuana is sold at the facility as it is not permitted in New Jersey. Dharmesh confirmed that no special license is needed to sell CBD oils and noted other places like Wawa also sell CBD oil. Dharmesh added that they also sell e-cigarettes and that there will be no sampling, tasting, or smoking on the property and that they have no intention to permit such at their property. Cigars will also be sold but no smoking is allowed and they have no intention to add a lounge to the use. Mr. Levan stated the applicant agrees that if the ever wanted to put in a lounge that they would have to return to the Board for approvals. Hours of operation will be 7am to 10pm Monday through Saturday

and 8am to 4pm on Sunday. There will be one (1) employee working at the site and they expect about ten (10) customers per hour. Dharmesh stated that trash will be limited to cardboard boxes primarily. He expects two (2) trash pick-ups per week by a private hauler which will occur during normal business hours.

Dharmesh stated they propose one (1) façade sign facing Haddonfield Road. Dharmesh stated they will have box truck (like a UPS truck) for deliveries. Ms. Levan and Dharmesh discussed signage and confirmed that the façade sign and freestanding sign will be conforming in terms of size and materials. Dharmesh gave a brief description of the proposed improvements to the site and that their intention is to beautify the site. Dharmesh confirmed that they are keeping the existing restaurant's walk-in freezer box and utilize that space for storage. Pinal stated that they follow the State law concerning not selling to underage individuals and confirmed they can check and scan ID's. Dharmesh stated that they train their employees on this matter. Regarding having ten (10) customers per hour, Dharmesh stated they base this number on their experience operating their other stores. Dharmesh stated that customers spend approximately 5 to 10 minutes at the store at the time.

Mr. Kornick submitted exhibit A-4 and described the site location and gave an overview of the site characteristics. Mr. Kornick went through the requested variances and existing nonconforming conditions, some of which are being improved, and other that are remaining the same. Mr. Kornick discussed the perfecting of the circulation patterns by way of removing encroaching concrete from neighboring properties and mitigating nonconforming parking setback conditions. Mr. Kornick stated the site has one-way counter-clockwise circulation with a right in and right out only driveways. Mr. Kornick stated they are requesting a parking variance of fourteen (14) spaces where a maximum of seven (7) parking spaces are permitted which, as Mr. Kornick is explained, is a function of the prior approvals, the existing site conditions, and the flexibility should the site change use in the future. Mr. Kornick discussed the proposed lighting and landscaping to show the lighting levels and the buffering to the adjacent residential property to the west. Mr. Kornick confirmed light shields will be installed as needed. Regarding landscaping, the existing vegetation will remain along the western property line and will be supplemented with additional landscaping. Additional landscaping will be situated throughout the site including along Haddonfield Road. Mr. Kornick discussed the proposed signage and noted they would be conforming in terms of size but clarified that the freestanding sig is in an existing nonconforming location that will remain unchanged. Mr. Kornick went through the positive and negative criteria of the requested variances and noted repurposing the use/site is a benefit. Mr. Kornick stated he agrees with the Planning Board Engineer's letter as well as Community Development's review letter. Mr. Kornick confirmed that the rooftop mechanical equipment will be appropriately screened.

Public Discussion: None.

Motion: Following the reiteration of the conditions by Solicitor Burns, John Osorio made a motion, which was seconded by William Carter, to approve the application. Affirmative votes by Tufano, Golkow, Osorio, Carter, Kalitan, Kates, and Panitch. The application is approved.

Resolutions:

20-P-0002

Block(s) 335.19 Lot(s) 3
Zone: Limited Office (O1)

Scott Holdings, LLC

98 Kings Highway North
Cherry Hill, NJ

Relief Requested: A minor site plan with bulk (C) variances to redevelop a vacant site into a law office along with a new parking area (13 spaces) and various site improvements.

Motion to Ratify: Following the review of the resolution, William Carter made a motion which was seconded by Sam Kates, to memorialize the resolution. Affirmative votes by Tufano, Carter, Kalitan, Kates, and Panitch. The resolution is memorialized.

20-P-0001

Block(s) 433.02 Lot(s) 1
Zone: Highway Business (B2)

Goodwill Industries of Southern New Jersey & Philadelphia

610 Kresson Road
Cherry Hill, NJ

Relief Requested: A minor site plan with bulk (C) variances to convert a former convenience store into a Goodwill Donation Center along with various site and signage improvements.

Motion to Ratify: Following the review of the resolution, Sam Kates made a motion which was seconded by Ann Madden Tufano, to memorialize the resolution. Affirmative votes by Tufano, Carter, Kalitan, Kates, and Panitch. The resolution is memorialized.

Meeting Adjourned: at 8:35 PM.

ADOPTED: 7/6/20

John H. Osorio

JOHN OSORIO, CHAIRMAN

ATTEST:

Cosmas Diamantis

COSMAS DIAMANTIS, ESQ.
PLANNING BOARD SECRETARY