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. Leoncio, Mr. Brocco, Mr. Fanelli, Mr. Vandergrift and Mr. Senges

Absent: Mr. Daddario and Mr. Cupersmith

Also, present, Stuart Platt, Board Solicitor, Ben Matlack, CME, Board Engineer, Chris Dochney, CME, Planner, and Corrine Tarcelli, Zoning Board Secretary

**RESOLUTIONS FOR APPROVAL**

Mr. Willard motioned to approve Resolution for Case #ZC2018-010, Voorhees Animal Orphanage, Inc. presented before the Board on November 8, 2018; seconded by Mr. Cohen; none (0) against, Mr. Senges, Mr. Fanelli abstained.

**OLD BUSINESS**

**Higher Ground Education**

1004 Laurel Oak Road

Block 198, Lot 10.06

Case #ZC2018-021

Seeking Use Variance relief from Section 152.062 of the ULDO to remove the limitation of 60 students imposed by Resolution No. 32 adopted 8/20/2000 to permit a private school (including Toddler programming) with up to 132 students. Also seeking any and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals.

The following documents were entered into the record as Exhibits: Exhibit A-1 Survey Plan, dated July 28, 2018, Exhibit A-2 Floor Plan, Exhibit A-3 Four black and white photographs of the property, Exhibit A-4 Four black and white photographs of the front entrance, Exhibit 1-5 Two black and white photographs of the property, Exhibit 1-6 Four black and white photographs of the front of the school, Exhibit A-7 Four black and white photographs of the lighting at the entrance, Exhibit A-8 Four black and white photographs of the entrance, Exhibit A-9 Four black and white photographs of the exterior. Also provided were copies of a traffic analysis letter dated August 7, 2018 prepared by Shropshire and Associates; and copies of the Board Engineers’ review letter, dated October 10, 2018, consisting of ten (10) pages.

Mrs. Casey, Esquire, applicant’s attorney, summarized the application. She noted the subject property is now the site of the vacant Yale School which was approved by the Board on July 20, 2000, as set forth in Resolution 00-32 and has been vacant for several years. The applicant is a for-profit private school and childcare center and the contract purchaser of the property. The applicant is seeking a new use variance to allow for a private school and childcare center for all students and increasing the maximum enrollment from 60 students to 132 students. The applicant is also seeking a parking variance to allow for 64 parking spaces where 79 parking spaces would be required based upon the square footage of the building. The applicant is proposing no exterior site improvements that will require site plan approval.

Mr. Walshe, the applicant’s representative was duly sworn and testified on behalf of the applicant. He indicated the applicant is a Montessori organization. He described the school operations. Students are enrolled from the ages of 2 to 12 years old, approximately toddlers to fifth

grade. It is a private school for all children and will not be limited to special needs children as the former Yale School was. They have approximately 10 to 12 full-time employees and 6 to 7 part-time employees. The hours of operation for the school are from 7:00 a.m. to 6:00 p.m. Monday through Friday. The applicant operates a conventional private school and the site is especially well suited for the school at this location. There will be a queuing lane for parents picking up and dropping off their children who will then check-in electronically. He believes the 64 parking spaces are more than enough because no one parks at the site other than the employees and an occasional visitor. The applicant will also provide before and after care, including childcare for students until their parents pick them up after work. There will be no busing of students to and/or from the site.

Mr. Walshe also went over various Exhibits and described the floor plan which included a description of the classrooms, offices and rest areas for the children. The meals are served through outside vendors and there is no cooking onsite. It is his belief that the trash enclosure is more than adequate to serve the needs of the private school. He described the Mission Statement for the private school and indicated they operate 17 other facilities throughout the country but this will be the first one in New Jersey. He agreed as a voluntary condition of approval to limit the number of students enrolled to 132. He also agreed that all special events such as graduations will be held offsite. He also agreed on behalf of the applicant that parent-teacher conferences will be staggered and there will be appropriate traffic and parking management at the school. Based upon the operations of the school, he felt that 64 parking spaces are more than adequate and there are more parking spaces at this particular school than many of the schools the applicant operates around the country. He also noted the school will not be used for any outside meetings or activities, other than operation of the school and childcare services.

David Shropshire, PP, PE, the applicant’s traffic engineer was qualified in his area of expertise and testified under oath on behalf of the applicant. He summarized his parking analysis, dated August 7, 2018. With respect to traffic impact, he compared the proposed school operations to other permitted uses and indicated the peak hours of operation are either similar or less than other permitted uses in the O-3 Zone. It is his professional opinion that there is no negative impact from having the private school on the surrounding roadway. He also testified with regard to the parking variance. He analyzed the parking variance based upon the square footage of the building which will require 79 parking spaces while 64 parking spaces are being provided. He evaluated this in connection with the Institute for Traffic Engineers and found that the closest use would require 52 parking spaces. He believes that based upon the operations of the private school, there is very little need for all of the parking spaces and that most of the spaces which are provided will go unused. It is his opinion that there will be no substantial detrimental impact to the public good or the Master Plan for either the use variance or the parking variance for the private school.

James Miller, PE, PP, the applicant’s planner was qualified in his area of expertise and testified under oath on behalf of the applicant. He indicated that since this is a private school, the MLUL provides that this type of use is inherently beneficial. He went over the Sica balancing test. It is his opinion that the private school provides an educational alternative to public schools and promotes several purposes of zoning under the MLUL. It is also his opinion that the site is particularly suitable and it is an appropriate location for a private school because it has previously been used for a private school with no detrimental impacts to the public. It also will promote the adaptive reuse of what is now a vacant property. It is his opinion that negative impacts, if any, will be minor. The applicant has agreed to certain conditions to mitigate the impacts from the parking variance. It is also his opinion that there is no substantial detriment to the public welfare or the Master Plan and Zoning Ordinance as any issues as to the impact are reconciled due to the limitation of enrollment.

The applicant agreed to certain conditions, including staggering of parent-teacher conferences, special events being held offsite and no busing to ameliorate any detriments to the public good. Accordingly, the Board found that the grant of the parking variance will not result in a substantial detriment to the public good or substantially impair the intent and purposes of the Master Plan and Zoning Ordinance.

The meeting was opened to the public. Seeing no one, the public portion was closed.

Mr. Willard made a motion to approve relief from Use Variance relief from Section 152.062 of the ULDO to remove the limitation of 60 students imposed by Resolution No. 32 adopted 8/20/2000 to permit a private school (including Toddler programming) with up to 132 students; seconded by Mr. Willard.

Ayes: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Leoncio, Mr. Brocco, Mr. Senges

Nays: None

**The Chakrabarti Foundation**

111 Centennial Blvd.

Block 200, Lot 10.03

Case #ZC2018-018

Seeking Use Variance relief from Section 152.142 of the ULDO to allow an ‘Ashram’ with 20 efficiency age-restricted residential units with a large welcome/community center in an Economic Industrial Business (EIB) zone; seeking relief from Section 152.145(H)(2) to permit parking setbacks of 35 feet to right of way where 50 feet is required; and 25 feet to the property line where 50 feet is required; and from Section 150.16(A) a de minimis exception is requested from the Residential Site Improvement Standards if more than 0.8 parking spaces per unit as provided are required. Also seeking any and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Platt summarized the continuation of the application for the Chakrabarti Foundation, Case #2018-018. The application is located EIB Zone, 111 Centennial Blvd. Block 200, Lot 10.03. The applicant is seeking a use variance to allow an Ashram with 20 efficiency age-restricted residential units with a welcome community center. They are also seeking additional bulk relief for parking setbacks of 35 feet to the right of way where 50 feet is required 25 feet to the property line where 50 feet is required and from Section 150.16(A) a de minimis exception is requested from the Residential Site Improvement Standards if more than 0.8 parking spaces per unit as provided are required**.**

The hearing began on November 8, 2018. The Applicant had five witnesses sworn, James Professional Planner did not testify and Dr. Chakrabarti did not testify during the last hearing. Therefore James Miller will testify as will Dr. Chakrabarti. Upon conclusion of their testimony Mr. Baron who represents the Centennial Mills HOA has the right to cross examine the witnesses at which time the hearing will be opened to the public.

Mr. Donald Cofsky, representing the Chakrabarti Foundation stepped forward. Mr. Cofsky stated after reviewing the engineer’s report, relief from the setbacks originally requested are not necessary because they do comply and therefore will not need the additional bulk relief. Mr. Matlack agreed. As far as the minimus is concerned, regarding the number of parking spaces, Mr. Cofsky stated that may well be something for site plan if that is what this Board wishes. However as indicated previously the applicant has the ability to place 76 parking spaces on site which would be between five to ten more than the ordinance requires. Mr. Cofsky requested Mr. Fumo come forward to address something that was raised during the last meeting with regard to the rear elevation. Mr. Fumo was previously sworn, remained under oath and was still qualified as a licensed architect in good standing in the State of New Jersey.

Mr. Cofsky summarized the exhibits. Exhibit A-1 Site photos and surrounding areas, A-2 Variance Plan for the Ashram, A-3 Aerial Photo, A-4 Site Plan 2018, A-5 Front Elevation, A-6 Floor Plan. Mr. Fumo introduced an Exhibit of the rear elevation which was entered for the record as Exhibit A-7 Rear Elevation. Mr. Cofsky requested Mr. Fumo clarify whether or not the apartments are one story or two story. Mr. Fumo stated the apartments are two stories. Previously they were described as a one story unit with a loft. The apartments can no longer be described as a one story with a loft because the loft floor area has to be one-third or less than the floor area of the first floor. Because the area exceeds that, it is considered a two story. A larger loft area was designed due to the fact that the units do not have a living room or family room on the first floor. The first floor is close to 600 square feet and the loft area is 210 and therefore doesn’t meet the one-third requirement. The same materials will be utilized in the rear of the building as in the front of the building all the way around with brick on the exterior walls. There will be a standing metal roof and cultured stone on the base. The rear elevation is different in that there will be a roof covered colonnade and outdoor walkway that connects all of the apartment units to the welcome center. The bottom of the roof line on the rear is lower than the front due to the colonnade. The front is a two-story area and the back extends for the roof covered walkway. The units will have sprinkler systems installed as required by code. The dome on the original design has been eliminated primarily for how it impacts the inside of the space for ornamental lighting. Therefore, there will be a flat roof; no dome. The decision to make that change was very recent and therefore still appears on the rendering. By eliminating the dome, the highest point of this entire structure is 27.6 inches for a flat roof. The code requirements for the zoning ordinance for this particular zone is 50 feet. The height of the residences in Centennial Mills are similar. Centennial Mills units are two-story units generally entail an eight-foot ceiling height plus one foot structure and the end gable roof is almost the size of the floor. Eight feet high plus two structural floors is approximately 26 feet based on visual observation and expertise. No other changes have been made other than the removal of the dome.

Mr. Cofsky called Dr. Chakrabarti to the stand. Dr. Chakrabarti was previously sworn and remained under oath. Mr. Cofsky requested Dr. Chakrabarti provide his background. Dr. Chakrabarti has been living in Moorestown for approximately 20 years. He came to this country about 50 years ago. He started as a Professor of Chemistry and entered into industry. He was a CTO of a $20 billion dollar company. In 1994, he decided to build his own company. Today it is a global chemical company specializing in pharmaceuticals and chemicals. He is the Chairman of the Board and sole owner. He has been a US citizen for 45 years. This is his only country of citizenship. In 1991, he came to this country as a fully educated person so his education was in India. In 1991, when he was the Director of Research and wanted to give back to society. Therefore he started the Chakrabarti Foundation. The purpose was to provide not only professorship but also to provide education. Since then the foundation offers scholarships. The employees, as well as their children are able to go to college and the foundation also provides grants on a case by case basis. The foundation is 100% funded by Dr. Chakrabarti, his wife and his corporation which he owns 100%. He does donate to other charitable 503(c) corporations on a regular basis. He decided to call this project an Ashram and further stated that “when an individual comes to point in life, you did not come on your own. We stand on the shoulders of the giants and then when we succeed, it is our responsibility to lend our shoulders to others”. Dr. Chakrabarti further stated in looking at what makes people succeed, initially it is education and then he looked beyond that to see how he could make a difference in the world. According to Dr. Chakrabarti, one of the problems the world faces today is racial and religious conflict. There are organizations trying to solve those problems, however, he feels there should be an educational aspect. The purpose of the ‘think tank’ is to bring people together. The goal of the Ashram is to bring in 20 scholars from all around the world to live at the Ashram, provide services, and come up with ideas to eliminate racial and religious conflict. Religious extremist is a problem. The Chakrabarti Foundation respects all religions. Eighty-three percent of the population of the world is religious. He wants to bring together people together in a different way, scientists, engineers, philosophers all working together side by side to bring the masses together from all around the world.

Mr. Cofsky indicated that there are certain centers around the world and in universities that look to world peace, social harmony. How does this Ashram differ from those university and centers? Dr. Chakrabarti stated these centers do not focus on the root of changing the attitude of the people. , The one that comes close to what Dr. Chakrabarti is trying to accomplish is the Ashram that Gandhi built in India. Gandhi established a group of volunteers to educate others, mitigate darkness and religious conflict. That movement went around the world and shattered racial segregation. He feels as though that Ashram is probably the closest; one that is guided by spiritual not by religious dogma to make changes to the world. There will be no restrictions on religions or ethnicity. They will invite people from all different religions. It is not a mosque, synagogue, church or temple. It is a place for contemplation, thinking and coming up with solutions. No religious functions will be allowed within the center because then there will be a division amongst the people. The public is concerned that this complex will be for low to moderate income. Dr. Chakrabarti stated he is not going to divide people on the basis of income. However he expects each one of the residents to be financially stable. They will share contributions. The residents will volunteer and serve. Dr. Chakrabarti and his wife will be investing $6,000,000 into this project.

Mr. Cofsky questioned whether or not the Ashram is a cult. Dr. Chakrabarti stated it is not a cult. Mr. Cofsky further questioned how is it be possible for 20 people to change the world? Dr. Chakrabarti stated Mother Theresa who became St. Theresa, one single person changed the world. Gandhi, a successful lawyer, changed the world. It is the idea, the vision and the seriousness that makes something successful. History is full of examples where single people with a strong commitment can change the world. Dr. Chakrabarti feels as though if the right people are chosen, their mind is in the right place, it can create a significant change. We want the people to be proud of where they live so that is why the Ashram is being built in a very nice way, a comfortable way. The residents will be single individuals over 55. Mr. Platt questioned whether or not the apartments will be deed-restricted? Dr. Chakrabarti stated the units will be deed-restricted. The residents will meet in the common area, the welcome center. There is a meditation room in the welcome center. There will also be annual conferences where people will come from all around the world, approximately three to four conferences a year. There are four guest rooms in the welcome center. Should a visitor come to see one of the residents, they can spend one or two nights. If a lecturer comes to lecture, they would be able to stay. They are temporary guest rooms that will be used for the guests. There are no kitchens. Initially one or two annual conferences will be scheduled. The conferences are for people to come together to brainstorm; to bring people from different part of the world so the think tank can exchange their ideas. Lecturers and philosophers from different parts of the world will attend so they can share their vision and make recommendations. The conference center seats a maximum of 60 people. The conferences will normally last one day and will start at approximately 11 a.m. or 1 p.m. and finish with dinner around 8 p.m. Dinner will be catered. All the units will have their own kitchen but the common area will only have a warm up area. The foundation is going to schedule the conferences in a way where they are not scheduled during rush hour. The conferences will be by invitation only.

Mr. Cofsky stated regarding parking relative to the conferences, the plan shows 46 parking spaces. However, due to the guest rooms, 66 would be required according to code. The engineer presented a plan that provides 30 phantom spots for a total of 76 parking spaces. The foundation will agree to whatever the Board decides. The 20 residents will need 20 spaces. Shuttles are another option that can be utilized for conferences. The foundation would probably require three shuttles for conferences and if necessary they will park the shuttles elsewhere. An agreement already exists with the Indian Cultural Center on Route 73. Dr. Chakrabarti is a major contributor to the center. The Parking Agreement was marked for the record as Exhibit A-8. This would allow parking for the shuttles and also for other cars for a term of at least 35 years. If the applicant builds 76 parking spaces there will be plenty of parking. If not, the applicant will utilize shuttles.

Dr. Chakrabarti stated initially the Board of Governors for the Foundation will consist of seven people that will be appointed by Dr. Chakrabarti and his wife. The board will consist of business people, lawyers, professors, etc. Once the board meets, they will then decide what the future board composition will be. The board will interview the prospective residents and will decide who will be allowed to reside at the Ashram. Initially, everyone will be allowed to stay for five years. After five years, the resident can apply again or they will bring in a new resident. The landlord will be the Board of Governors. There is no rent. The only thing the tenants will be required to pay for is common maintenance. It will be fully funded by Dr. Chakrabarti. There will be criteria set, one is an educational requirement. The residents will consist of scientists, engineers, philosophers, etc. hopefully either with a Master’s degree or Doctorate. The board will review the applications, conduct personal interviews and the board will decide who can live there. There will be a capital reserve. The unit owners will be required to do their own maintenance. A monthly fee will be charged for maintenance of the common areas. Initially the foundation will provide money for the maintenance of the property. If there is a shortfall there are various ways to raise additional funds via fundraising efforts, or the foundation will come forward.

The residents are expected to produce over the five years. They are expected to contribute a substantial amount of their time. They will be expected to write and publish. They are volunteers therefore, the foundation is not going to impose any rules. The Board will meet once a month and review their progress. If someone is abusing the system, they will be asked to leave. Once the property is up and running, they will hire a professional manager. After a couple of years it will be decided as to whether or not a permanent maintenance person will be needed on site or a professional maintenance company will be subcontracted.

Mr. Cofsky inquired as to why Dr. Chakrabarti chose this particular site and why not a 20-acre site somewhere in the woods isolated with beautiful surroundings. Dr. Chakrabarti stated the foundation wants the residents to be involved in society. They do not want the members isolated. He wants the Ashram to be visible but not on a highway. He also wants the Ashram to be located near a medical facility and where all the facilities of life are local. The residents are not hermits. Part of their mission is to perform outreach programs and activities. Individuals who are interested are able to visit the Ashram and learn more about it. Dr. Chakrabarti’s dream is that this will put Voorhees on the world map. Dr. Chakrabarti stated he has put a lot of thought into this project and if he thought it wasn’t going to succeed, he would not be investing $6,000,000 of his own money into the project. He feels strongly that if he doesn’t move forward with the Ashram than he would have failed in his mission.

Mr. Cofsky called Mr. Shropshire back to the stand briefly to discuss any impact there would be on traffic when conferences are being held and what impact would there be on trip generation either when using shuttles or parking on site. Mr. Shropshire testified the worst case scenario would be if the parking was on site and if every attendee drove a car and came out of the site during the peak hour. It that were the case, it would increase the delay at the driveway by five seconds which is still a level service C. There will be some minor delay increase if everyone attending the conference one time a year to four times a year if all the attendees came out at the same time during the peak hour. However, there was testimony that the conferences will not be held during peak hours. Mr. Shropshire stated he does not suspect that all attendees will be driving their own car. The residents will be in attendance as well. Basically during conferences and things of this nature, not everyone enters and leaves at the exact same time. The best case scenario is if off-site parking is going to be utilized and/or shuttles. There will be no impact on traffic. It will not add intensity. Mr. Matlack stated in his opinion the site can handle the number of parking spaces if everyone were to come to the site. Mr. Shropshire stated 36 parking spaces are required for the residential units. The additional parking spaces would be allocated for the welcome center/conference center. If only single people are residing within the apartments, then in all probability there will be less than a 36 car demand from the residential component. Utilizing 20 as a maximum number of individual residents and adding 56 additional spaces based on the banked parking, it is Mr. Shropshire’s opinion that would be more than enough to accommodate parking for conference attendance.

Mr. Miller, Planner, was called to testify as the last witness. Mr. Miller was previously sworn in, was still under oath and was previously qualified. Mr. Miller stated he was asked to review the application from a planning and zoning perspective and to analyze the negative and positive criteria as it applies to this type of variance. His understanding of the project is along the lines of Dr. Chakrabarti’s testimony. He visited the site on several occasions to examine the land use patterns in the local area. He reviewed the applicable sections of the ordinance. He looked at the case law which might apply to this application and looked at the criteria of those cases as they apply to this type of variance. He further stated he is going to approach his presentation as an inherently beneficial use and will put those proofs on. The reason he decided to proceed this way is due to the fact that this is a very unique use, there is no comparable use that he is aware of. This is not being addressed by case law or statute. There are elements that justify this as being classified as inherently beneficial.

Mr. Miller testified in terms of the beneficial use, because it is not a use that is enumerated in the statutes or classified as such by case law, there is additional case law, primarily the Princeton Medical case, that establishes additional criteria so that one can decide on whether or not the use is inherently beneficial. First criteria is need. Inherently beneficial use has to be something that fulfills a need that isn’t currently met satisfactorily within the community. That’s a fairly easy threshold for this application because the need is a worldwide need and there is also no comparable use anywhere in the community and certainly not anywhere in the state. The need would be the social benefits that Dr. Chakrabarti described. The need would be the benefit that comes from the ‘think tank’ function and its contribution to conflict resolution through the academic activities that would occur within the facility. The second prong of the test is how does the Ashram serve the general welfare and public good? Mr. Miller further stated he viewed this project primarily as an educational use and it’s overriding goals is to promote public good through cultural and religious exchanges between scholars which is consistent with how Dr. Chakrabarti described it. The ultimate goal is to promote peace and harmony. Dr. Chakrabarti said to heal the divide through research, writing, scholarly courses and activities. Mr. Brocco inquired as to how does the community benefit from the Ashram when the events are by invitation only? Mr. Miller stated he feels as though the benefit is the product of the research that occurs. This is more in terms of philosophical pursuit and there are benefits in philosophy. Basically philosophy is an underpinning of thought that goes into moral and ethical decisions. It’s more of a societal benefit. The target is really worldwide. That is the benefit. Mr. Miller further stated there aren’t any projects specifically like this but there are uses that are akin to primarily educational. According to case law there is a continuum as to whether a use that is educational is inherently beneficial because not all educational uses would be. On one end of the continuum a use that is not clearly inherently beneficial would be uses such as trade schools. For example if you’re running a school to teach people how to type. That is a business situation. On the other end of the spectrum where it’s clearly educational, a school created to teach children, a curriculum overseen by the state Board of Education licensed by the State is considered inherently beneficial. Although the Ashram is not licensed by the State. With high schools, colleges they clearly contribute to the general welfare because they equip people to be functioning members of society. Mr. Miller feels as though there is at least an element of that but it’s more of a pure research type of facility akin to what one might find in a college or university where they would have a ‘think tank’ upon the members of the faculty. This is not a for profit business. That’s where the Board has to make a decision based upon what testimony was heard about the curriculum and the nature of the research that occurs there. The board would have to decide if that is closer to conventional academic inherently beneficial use or more akin to the trade school type business educational use which is not inherently beneficial. Mr. Senges stated it was his understanding of the mission is to bring people together who philosophically and from a practical standpoint think at a different level philosophically in a way that can be applied practically. Is that a correct statement? Mr. Miller responded ‘Yes’. Is the educational process that would occur within the confines of the program and the building or is the educational process extended to sharing their collective understanding and their collective idea who educate people outside either within the community beyond the community, beyond the country, worldwide in an effort to get people to understand their differences and different religions so that some of this animosity or fear could potentially dissipate? Mr. Senges stated he doesn’t see a benefit of the research staying within the confines of the program. Mr. Platt stated the board has not heard any testimony as to when the residents achieve some potential solution or new ways of thinking of things how that is going to then be put out into the world. The reason the MLUL states educational facilities are inherently beneficial is for upward mobility in life, and one’s career, etc. There is a scholarly discourse that occurs how is that information disseminated? The applicant has to establish that this promotes a public benefit. If it’s within the four walls of the Ashram. How does that in and of itself promote the public welfare? How from a land use and planning perspective is this going to be a public benefit? Mr. Miller stated in speaking with his client, it is his understanding that whatever research product that is produced would be disseminated to the world. It would be published and offered at conferences. In any academic environment when research is done, the findings are presented to the greater world through journal articles, lectures. However, it would be better if there was factual testimony to that effect from the client. Mr. Miller stated that was his understanding.

Dr. Chakrabarti stated there is no question that information will be disseminated. The community can come and visit the residents and learn about what they are the doing. The spirit will then spread and he believes it will change individual’s mentality. That is a direct benefit that will come as a result of the center. There is a meditation center where people can learn how to improve themselves. In addition, the research that will be conducted will be published into literature and will be available at the center. On a global basis individuals will go out and give talks and there will be lecturers invited to the center. The foundation will publish their findings. Scholars in the area will motivate others. Mr. Platt asked Dr. Chakrabarti to explain what the local benefits will be outside of the Ashram to the local community at large. Dr. Chakrabarti stated people who are interested can come to the center and invite themselves into the concept of world peace. The center itself will bring the benefits and recognition to this area. Just like a good school in an area brings reputation and acceptance of the area. Visitors can utilize the library, they can talk to the members of the residence. The center will be open to the public during specific hours, most likely from 10 a.m. to 4 p.m. There will be residents there to greet individuals who would like to visit during visiting hours. The library will be open to the public as well as the meditation area. Mr. Senges inquired as to whether or not there is going to be any type of involvement with the community. Dr. Chakrabarti stated when the society at large benefits, the community will benefit. The issues the residents will be addressing although they are global they are also local in nature. If it is not local it cannot be global. Mr. Fanelli asked if the local police chief came to the residents and said there is an issue, would someone from the Ashram meet with the police chief to discuss the matter? Dr. Chakrabarti said he would be very open to that. If the residents are invited by a local college, school, or the police, it would absolutely be directly within the scope of the foundation. Mr. Willard inquired as to how information will be disseminated to the general public. Dr. Chakrabarti stated there are various avenues, periodicals, articles that will be written, lectures that will be given, and outreach programs. Based on the time requirement the residents will probably focus more locally than globally. We haven’t really spoken about how outreach programs are going to be handled. However, he feels it is a very important point and the foundation will definitely consider it in a proactive way. Mr. Platt stated whether or not the Ashram is inherently beneficial is for the board to decide. Based upon the testimony and the elements of what would otherwise be a beneficial use under case law, the applicant and the professionals will have to establish that. Mr. Platt further stated that although Dr. Chakrabarti may feel as though it’s inherently beneficial just by its shear existence. However, the Board has to decide collectively whether or not it is a public benefit or promotes public welfare. He stated the point that a number of people have brought up this evening is for the Ashram to be inherently beneficial to the community at large, the foundation will have to get the community involved and the foundation will have to be involved in the community. Mr. Platt asked Mr. Miller to explain how does the Ashram serve and promote the general welfare? He also asked Mr. Miller based upon Dr. Chakrabarti’s testimony, does he believe under one of the prongs or elements that the Ashram provides an inherently beneficial use and does it promote and serve the general welfare. Mr. Miller answered ‘Yes’. He feels as though it does in a manner akin to an educational institution such as a public school, college, or a university. He feels as though the functions are similar and analogous to those types of inherently beneficial uses and that would be the basis for which he believes the Ashram would be an inherently beneficial use.

Mr. Miller testified the inherently beneficial use satisfied the positive criteria. For the benefit of the audience, there are four prongs. The first prong is to show the benefit of the use. Secondly he has to show what the potential detriments or impacts of that use is and then address measures that would mitigate or address those impacts. Finally if the benefits outweigh the detriments and would merit the board’s approval. He further stated Purpose A is to encourage municipal action, development of all lands in a manner that would promote public health, safety, morals and general welfare. Purpose G is to provide sufficient space in an appropriate location whether it is a residential, recreational, commercial, or industrial use in an open space for public and private in their respective environmental requirements in order to meet the needs of all New Jersey citizens. Mr. Miller believes it advances the purposes given the educational services that will be provided. Mr. Miller stated the board as well as the audience has heard extensive testimony on the product of the academic research and that the research will be disseminated to the public. Also discussed was the interaction with the community itself as well as the facility being open for visitation so the experts that our housed can outreach to the Voorhees community as well as to the community at large. The site has the capacity to accommodate the use. With ample room for buffering, appropriate setbacks, it’s a good use for the location and it’s compatible with the surrounding use.

Mr. Miller stated the potential impacts of the use are benign in most respects. It is primarily a residential facility to house 20 scholars. The impacts are similar to the impacts of the permitted use in the CCRC overlay of the EIB zone. The activity that distinguishes this use from the CCRC use is basically the academic pursuits that will occur within the building. This will not have an external impact on the surrounding community since they do not occur outside of the structure. The EIB zone has a CCRC overlay and the overlay encompasses the Centennial Mills Development, the parcel the Chakrabarti foundation is proposing, and there are two parcels to the south where there is a warehouse and an auto service. Without the conference center, and only 20 townhomes, this would be a permitted use. The only element that is different is the education element, the ‘think tank’ element. There has already been testimony that the site can accommodate the parking.

Mr. Miller stated regarding mitigation of the potential impacts, basically the Ashram is a residential use and the impacts are typical of a residential use. The commuting patterns are a little different because these people are working on the premises. They will not going out in the community during rush hour. In every other respect the impacts are consistent with a residential use and Mr. Miller doesn’t believe there are any additional mitigation measures warranted. The only real mitigation measures mentioned during the course of the hearing is whether or not the parking will be on site or will shuttles be utilized when conferences are held. In one case there is adequate parking on site or there is parking available off site. Any impact parking would have would be mitigated. The benefits outweigh the detriments and Mr. Miller does not see any signature detriments. He also stated he doesn’t feel as though visitations would be that extensive.

Mr. Miller continued his testimony stating the site is particularly suited for the use. He feels as though the same two municipal land use principals apply. He believes there are a series of reasons this site is particularly suited for the use. The site is surrounded by predominantly residential uses. The only other abutting use is the township property across the street which does not have an active use. This is a use that is quiet, it’s self-contained. It benefits from the location on a main street but not a highway and it has good access. It’s fully compatible with the residential community. It’s another form of residence for the most part. They residents of the Ashram will be in the same age cohort as the residents as the Centennial Mill development. The site is also suited for the Ashram itself. It has the size and capacity to absorb all the impacts. It has adequate space for buffering and for any other impact that needs to be mitigated. All the impacts can be mitigated. It’s in a tranquil setting. It’s a very appropriate setting for the use that is being proposed and an ideal fit with the age-restricted community next door. It’s a quiet use and there will be limited activity. Most of the activity is going to be contained within the building and will not have any impact on the surrounding neighborhood. The building will be an attractive addition for the area. The scale of the building is a consistent with the zone. It has a comparable height with the surrounding buildings and it is consistent with the development in the surrounding area. Mr. Miller further stated for all those reasons he feels this is an appropriate use for the site.

Mr. Miller stated regarding negative criteria, this use clearly advances the public welfare given the educational character of the use. The benefits of the use outweigh the detriments. His testimony is that there will not be a substantial detriment to the public good. It is a use that contributes to the public good and also because it is akin to the uses that are already present and the uses in that district. The primary reason this use would not have been anticipated for the district or any other district is because it’s a very unique use. It is not one that has been considered when going through the Master Planning process. The key is to the look at the use and how it relates to the zone and how it fits to the surrounding land use patterns. This is a use with no potential to adversely impact the EIB or CCRC overlay or the surrounding uses.

Mr. Senges stated the only thing that makes this not a permissible use is the conference center. He inquired if someone were to build an age-restricted building of this same length. How many stories high could that building be without a conference center?

Mr. Miller stated the zone allows a building of up to 50 feet which would be a four or five foot building depending on the roof line. That would apply to the uses of the EIB. Including industrial and business uses. For the CCRC overlay it is 55 feet according to 155.143(c)(d). Mr. Senges asked whether or not Mr. Miller saw any negative visual impacts on the residents living in Centennial Mills. Mr. Miler stated ‘none whatsoever’. The building is an attractive structure, consistent with the scaling character. It is less intense than what could potentially be built there under other development scenarios and it’s going to be buffered.

Mr. Cofsky stated he had nothing further, no further testimony.

Mr. Baron stated he will not be able to cross examine the witnesses in less than a couple of hours and therefore, the hearing will have to be continued. The focus of the cross examination will be Dr. Chakrabarti and Mr. Miller.

Mr. Cofsky stated Dr. Chakrabarti will be out of the country from January 20, 2019 through January 30, 2019 and therefore, the meeting will have to be continued to February 14, 2019 and the action date will have to be extended.

Mr. Platt requested Mr. Senges make a motion to continue the application to February 14, 2019. Mr. Platt requested nothing else be placed on the schedule for that evening and requested the action date be continued until February 28, 2019. Mr. Cofsky agreed and will confirm in writing.

Mr. Senges made a motion to continue the meeting to February 14th; 2019 seconded by Mr. Weil.

Ayes: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Leoncio, Mr. Brocco, Mr. Fanelli, Mr. Vandergrift

Nays: None

Seeing no further business Mr. Senges made a motion to adjourn, seconded by Mr. Weil.

Meeting was adjourned.

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Corrine Tarcelli

Zoning Board Secretary