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. Brocco, Mr. Cohen, Mr. Daddario, Mr. Fanelli, Mr. Senges, Mr. Schwenke, Mr. Weil, Mr. Willard

Absent: Mr. Cupersmith, Mr. Leoncio

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

**MINUTES FOR APPROVAL**

 Mr. Willard motioned to approve the Minutes from the February 28, 2019 Zoning Board Hearing; seconded by Mr. Daddario; none (0) against, Mr. Cohen, Mr. Weil, Mr. Brocco, Mr. Fanelli abstained.

**OLD BUSINESS**

**The Chakrabarti Foundation**

111 Centennial Blvd.

Block 200, Lot 10.03

Case #ZC2018-018

Mr. Platt summarized the case for the Chakrabarti Foundation. The Chakrabarti Foundation is seeking a 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. This meeting was continued from the previous meeting which took place March 14, 2019 at which time Mr. Cofsky was kind enough to agree to a continuance request approved by this Board for this evening’s meeting to allow Mr. Baron to have his Planner testify.

Mr. Baron, Attorney for the Applicant introduced Mr. Creigh Rahenkamp, Professional Planner, P.O. BOX 222, Riverton, NJ 08077. Mr. Rahenkamp is self-employed and has been in the field of planning for 37 years, licensed in NJ for 23. He qualified in the Superior Court for over 40 trials. He has served as a court appointed master in religious and fair housing cases. He is also a lecturer at Rowan, an expert for the field exam for the professional planner’s license, and appears regularly for zoning and planning boards throughout the state. His license is current.

Mr. Baron requested Mr. Rahenkamp testify as to what actions he took to prepare for his testimony. Mr. Rahenkamp stated he read through the zoning documents of the municipality zoning ordinance, has been out to the site on numerous occasions and has attended several of the meetings. From his perspective there are five issues he feels are important as one wrestles with the use variance. The first is a preliminary issue and that is the status of the tract as either a current or former part of a general development plan (GDP). Mr. Platt observed at the beginning that the terms of the GDP approval stated that it expired after a certain number of years. Mr. Rahenkamp stated there is a difference between expired or terminated. An expired GDP prevents a developer from advancing an application so an Applicant couldn’t submit a site plan application for example on this parcel to do whatever was contemplated under the GDP. There is a separate process at 40:55(d)-45.7 and 45.8 that discusses the process the municipality’s Zoning Board has to go through to terminate the GDP and free the lands that are part of the GDP to go and do and be something else. The reason that process exists is there are conditions typically of approval for the GDP and the Zoning Board has to sort out which ones have been met, which ones can be extinguished if they are no longer relevant. Mr. Rahenkamp further stated what also often happens from that process, deed restrictions end up getting filed that may restrict use or may require the development in the future to financially contribute to a storm water management system. Those are things the Zoning Board has to deal with in formally and officially terminating the GDP. We have filed an OPRA request, we have been working with staff to determine whether or not there is a Resolution of Termination. There is a Resolution of Approval however, as of yet no record of a Resolution of Termination. Mr. Rahenkamp suggested the Planner for the Applicant establish whether or not the property has been properly freed from the GDP in order to seek a use variance.

Mr. Rahenkamp continued to state regarding the application itself for the use variance, there was no testimony offered for example that there was a hardship. There is nothing wrong with the list of permitted uses in this district. There is no testimony that it couldn’t be used for something that it would be contemplated by the zoning district. Further there was no testimony that there is change in circumstances in the neighborhood, in the code that would necessitate a change of thought about this particular tract. Essentially the application that is presented is a ‘new’ use. Something the governing body couldn’t have known about or contemplated back when the zoning ordinance was adopted. Fundamentally it is a policy based use variance that the use they are applying for is somehow better for public reasons than those that it has been zoned for. No hardship no change in circumstances, just somehow better. Part of that argument is that this is an inherently beneficial use. Mr. Rahenkamp further stated world peace and cultural understanding are public benefits thought of in a broad context. The aspirations of this organization and what they are trying to do is truly inspiring. That is different than saying that it is an inherently beneficial use under the land use law in New Jersey for a couple of reasons. Inherently beneficial uses in New Jersey are measured by deeds, not by content. If you have the same use, the same building, the same 20 residents and you are going to think about how to solve discord and chaos, that would not be a public good. Clearly that puts this Board and other zoning boards in the state of New Jersey in the position of measuring the content of the speech and thought of what is occurring in the building and not the use of the structure itself and what it is actually physically accomplishing. It puts you in a position of measuring speech. The question is how do you start drawing boundaries in this context in terms of speech? For example, a pharmaceutical company placed in a residential district, is it inherently beneficial because they develop medications that cure cancer? There are lots of businesses and many businesses, most businesses that think they are advancing the cause of some broad benefit or good. The question is does that make it a land use concept?

Mr. Platt stated there is a distinction between what one might consider being morally beneficial versus what is inherently beneficial under the land use laws. Mr. Rahenkamp agreed and stated projects that are inherently beneficial because of case law are projects that deliver services. In healthcare, one delivers specific services to people to benefit their specific health. In education, one is delivering degrees, diplomas, certifications in a formal course of education for students. In housing there’s special needs, people with disabilities, low income and in those cases, the Applicant is providing housing services. These examples are inherently beneficial because they are all delivering very specific services and functions to a targeted population. There is a specific deed that is being accomplished; not just an intention to promote world peace and not just the content of their speech but delivering specific goods to the community they serve. This cannot be inherently beneficial or everything is inherently beneficial. Not just promoting world peace generally but how it is related to this particular piece of property and how this particular property specifically ties into the Applicant’s mission. How does it relate to the function that you are trying to undertake and the population they are specifically trying to serve.

Mr. Rahenkamp further stated the availability of alternative locations is a relevant consideration. That is to say that this location is not the only location in the world where this Ashram could be placed. If you were to look at this use coming into a community where are the logical places for this to go in the structure of your zoning ordinance? It was suggested in the testimony this is so new that there is no place in Voorhees that this could have been placed and could have been a permitted use. That is not true. There is a town center district where both residential and research is a permitted use. This would be a very good use in the Town Center. There is a district that could accommodate this use readily. There are two other districts. The Office One district where small scale offices are located and that district transitions between residential and more intensive non-residential uses. The Office One is intended to be a district that works with adjoining residential uses and transitions into something more intense. Office Four is actually a better example. Office campus is intended to offer compatibility with residential uses and is meant to provide residential ambiance. You have two low intensity office districts where residential character and ambiance are part of the purpose of that district.

Mr. Rahenkamp continued to state the EIB zone in two separate places explicitly prohibits residential use. It’s not that residential uses are not permitted, the Township went out of their way to say this is not where residential belongs unless there are 90 acres and a CCRC is being proposed. If there are not 90 acres, residential is prohibited twice in this district. The purpose of this district is to provide retail. This is the heaviest of the retail districts. It also provides for light industrial and warehousing. It is the most intense business zone in the zoning scheme for Voorhees Township. This would be the zone least likely to be the appropriate place to construct a low intensity residential use. There are at least three other districts that are more appropriately suited for an Ashram to be located.

Mr. Rahenkamp further stated he is not advising the Board to determine that there is a better location. The applicant has a duty to show the Board that this is the appropriate location. They have not given any testimony about three other zones within the community that are substantially more suitable than the zone they have chosen. Secondly within the Town Center there is an active redevelopment project. So at least in one of the three zones, there are opportunities.

Mr. Rahenkamp stated there are two cases Dover homeowner’s versus Dover and TWC Realty that set up three factors that an applicant is meant to address in trying to demonstrate that it does not have a negative impact on the intent and purpose of the zone plan. The first is the size of the lot in relationship to the size of the zone. The EIB from looking at the zoning map, is a relatively small zone. This is a zone where intense commercial activities were meant to occur. It doesn’t happen on your major corridors, it doesn’t happen near the mall it doesn’t happen near typically your major higher valued residential areas. Absent of the CCRC portion that has already been developed. This would appear to be a quarter to a third of the remaining EIB zone in this community. It is a substantial portion of the zone that would be used by this particular application. Secondly, the impact on other lands in the zone to be used as zoned. Mr. Miller previously testified the uses around the Ashram tract does not distract from the Ashram’s ability to be here. The question to ask is what will the effect of the Ashram be on the land zoned EIB to continue to be used for those uses. Essentially there will be a relatively low intensity primarily residential use coming deeper into the EIB zone where you have car repair across the street, a warehouse, a place where intense businesses are supposed to be. Are they going to feel this is an inappropriate place to be because they are going to receive complaints from people who have now moved into the Ashram, a quiet residential use? The purpose of this zone would be frustrated by having an additional residential use at this corner of this particular zone. It takes away from the ability of this zone to deliver light industrial or heavier activities to occur in this particular area. Lastly, is the degree of difference. How different is the use being presented to you from the type of things that are in the zoning district already? This is one that is radically changing the nature of the uses permitted in the district. It is a substantial change to what was expected to occur on this site. It’s a large share of the district, it has a negative impact on the remaining lands to be used in the zone and it is a substantial change of what would have been expected under the zoning plan. For those reasons, Mr. Rahenkamp further stated, it is in contrary to the intent and purposes of the zone plan. Mr. Rahenkamp feels as though the Ashram is not an inherently beneficial use. It is more content than deed or activity and that it does frustrate the intent and purpose of the zone plan and that special reasons are grounded in theory.

Traditionally individuals feel as though factories have a negative impact on residential by being noisy. This is the reverse. This is placing homes in close proximity to where the zoning code states heavier business should be located. Is it going to have a dampening effect on heavy businesses wanting to be on the land immediately around the Ashram because the businesses may receive complaints from the residents?

Mr. Senges inquired as to whether or not it was Mr. Rahenkamp’s opinion that the Ashram is considered a quiet residential development? How is it going to interfere with life at Centennial Mills and secondly how would Mr. Rahenkamp balance the fact that this zone has existed for almost two decades and none of the permitted uses have materialized? If nothing has happened in 15-20 years, why would it be a concern that placing something there would inhibit something that hasn’t happened in 20 years?

Mr. Rahenkamp stated it has been tied up in a GDP intending to be developed for retail. Until it goes through a termination process that land is really not to be utilized for something else. It is different than saying this is a vacant land so why did someone not develop on it. This is a piece of land that is part of a prior approval that had a life that someone intended to develop and has abandoned it. It is waiting for someone to terminate that process to become legally available to do something else.

Mr. Platt stated he does not believe the fact that there is a GDP element to the zone that prevents an otherwise permitted use from actually going forward. Therefore Mr. Platt does not agree with Mr. Rahenkamp. Mr. Platt continued to state that whether this site was developed for a use that is permitted or not is really not a matter for this Board to decide. It is not within our jurisdiction. That is a legislative determination of the governing body. The fact that the site has remained vacant is not a reason to grant a use variance.

Mr. Platt summarized Mr. Rahenkamp’s comment and stated there could be an impact from a planning standpoint on the businesses around the site because there may be neighbors directly across the street that might complain that they are near a commercial use and are hearing a lot of noise. Therefore, the reverse could be true. It’s an impact on the residents and the impact on the existing commercial. It’s the second prong of the negative criteria and has more of a planning argument.

Mr. Baron stated previously an Applicant came before the Planning Board for approvals for a shopping center. They received approval from the Planning Board. However, they never pursued it. Mr. Platt stated in 2006 it received approval for a 22,000 sq. ft. retail center under the GDP.

Mr. Rahenkamp further stated the zoning district has substantial buffers that apply for a new non-residential use adjacent to a residential zone. The CCRC development is a zoned use and would therefore be protected by buffers if something of that magnitude were to go on this property. That is the protection under the zoning. The buffers cannot be used for the Ashram because the ordinance is based on residential zoning not residential use so that buffer would not apply to that activity because it occurred through a use variance.

Mr. Baron to Mr. Rahenkamp “Based upon the testimony you have provided, and as a Professional Planner, based upon the material you reviewed, based upon what you have heard at these hearings, do you have a professional opinion to a reasonable degree as to whether or not this Ashram qualifies to be approved as a use variance?”

Mr. Rahenkamp stated “I have nothing against the use itself, its aspirations, but in terms as the planning testimony necessary, I think it is lacking.”

Mr. Baron to Mr. Rahenkamp “Do I understand your testimony: “What a person wishes to pursue as a use is totally irrelevant to what is actually going to occur if the use variance is granted. The intent is speculative and the law requires proof that it will actually happen. Mr. Rahenkamp is determining inherently beneficial uses. There needs to be an expectation in demonstration that the use has advanced the public good in the past.

Mr. Platt to Mr. Rahenkamp “If there were five other Ashram’s already operating in Voorhees, would that help or hurt?” I’m not sure how one would measure need or meeting the need of an Ashram since it’s basically a theory. Does the Applicant have an obligation under the inherently beneficial use cases as far as you understand them that there is a need for this in the community?” Do you believe from the testimony that you have heard has the applicant meant that need in terms of their proofs.” Mr. Rahenkamp stated “No not related to a specific deed of a demonstrated service to a targeted population. Inherently beneficial use has to benefit the public. The public not a universe, but local and regional.” Mr. Platt to Mr. Rahenkamp “Have you evaluated whether or not they met the prong of establishing that there will be actually some public benefit outside of the Ashram?” Mr. Rahenkamp stated “No I don’t believe that they have. They have testified outreach efforts they intend to engage in in terms of a message but there is no connection between that message and the advancement of the public good in a concrete way.”

Mr. Rahenkamp further stated all of the inherently beneficial uses have that concrete connection to a service delivered to a targeted population with a change in circumstances as a result of that service being delivered, health, education, housing, etc. “There is something concrete happening for a targeted population. The most intense commercial district in your community is where this less intense ‘think tank’ should be and that’s where I think the application fails.”

Mr. Cofsky to Mr. Rahenkamp “This reverse negative impact on the existing commercial business that are there and those that could come, have you ever testified to that before?” Mr. Rahenkamp stated “I’ve testified related to a quarries’ detrimental impact on a planned business district. Having a detrimental impact for the use of the zone for that purpose.” Mr. Cofsky to Mr. Rahenkamp “A residential area having a negative impact on existing businesses?” Mr. Rahenkamp stated “I have not come across that in my practice.”

Mr. Cofsky to Mr. Rahenkamp “You’re aware that when this EIB zone was close to 105 acres and because of the overlay all but 7.15 acres were devoted to residential use. Of the 107 acres that was part of this development, about 100 acres went to residential and the owner of the land. The developer carved out 7.15 acres basically to put in a retail center. There was an approval for approximately 22,000 to 23,000 sq. ft. of retail and that approval had 115 parking spaces. There were at least two major dumpster areas located between the retail, the back of the retail and Centennial Mills?” Mr. Rahnekamp requested to see the site plan to confirm. Mr. Cofsky showed a copy of the plan which was marked as Exhibit A9 Retail Site Plan granted in 2006 for the record, prepared by Taylor Weismann and Taylor dated November 21, 2006. Mr. Cofsky provided a copy to Mr. Baron for his review. There are two trash enclosures behind the retail site between the site and Centennial Mills properties. Mr. Rahenkamp stated there were three trash enclosures behind the retail site between the site and Centennial Mills. One is behind the larger l-shape retail building in the area of the wetlands and woods. The other is not behind but parallel to the rear wall of the smaller retail development which would be in line with lots 7, 8, and 9 on Exhibit A9 separated from the residential by a 30 foot landscape buffer and an internal circulation lane. The distance from the property line of the front parcel is a total of 54 feet approximately to the corner of one of the trash enclosures. Mr. Cofsky further stated of the approximately 125 acres of this particular EIB zone, 107 include the residences and slightly over 7 acre parcel. The remaining part of that EIB zone already has uses on it which includes a small auto shop, distribution center. Across the street from the warehouse and auto repair is a rather larger auto repair. On that 7 acres we discussed the potential of other permitted uses in the EIB Zone, only 3 to 3.5 acres could only be buildable because approximately half of that area is wetlands. Therefore, the EIB Zone has now decreased in size to approximately 3 to 3.5 acres that could be developed. Mr. Rahenkamp agreed. Mr. Cofsky stated the three acres have a substantial buffer, the wetlands, the auto repair shop and a warehouse. Directly across the street from where the Ashram will be constructed is a brown field, a former land fill that is currently undeveloped. Mr. Rahenkamp agreed. Mr. Cofsky further stated basically the Ashram cannot see the auto repair shop across the street and down. The Ashram cannot see the warehouse, the distribution center. Mr. Rahenkamp acknowledged there is a separation physically between the two.

Mr. Rahenkamp stated he did not state there was no testimony outlining a change in circumstances as a foundation of the application. What has happened historically is that the overlay was used as intended for at least the residential portion of the zone. Mr. Cofsky stated this area while initially thinking about various industrial type uses has really developed in a residential manner. Mr. Rahenkamp stated the area the governing body intended as the overlay has in fact been developed and the recommendation for further residential development is going in the opposite direction of the EIB uses.

Mr. Cofsky to Mr. Rahenkamp “You discussed site and site suitability in those zones, a variance would be necessary?” Mr. Rahenkamp stated I do not believe a variance would be required in the town center. A variance would be required in Office 1 (O1) and Office 4 (O4). The testimony was one zone it is allowed and two where it meets the intent of the zone and would still require a variance.

Mr. Cofsky to Mr. Rahenkamp “For the use which is being proposed here would you agree that this lot of 7 acres has somewhat of a tranquil type of setting?” Mr. Rahenkamp stated this lot is an undeveloped existing condition. It is fair to say most undeveloped properties with wetlands around them feel that way. That was not the intent of the governing body in establishing the zoning policy for the tract.”

Mr. Cofsky to Mr. Rahenkamp “Have you given opinions that variances might be justified to meet the public good because there is a use that was never contemplated before?” Mr. Rahenkamp responded “Absolutely.” Mr. Cofsky to Mr. Rahenkamp “You have acknowledged that the intent the purpose of the facility seems to be a good one?” Mr. Rahenkamp stated that he is not advocating against world peace and cultural understanding. Mr. Cofsky to Mr. Rahenkamp “You spoke about how you have to be able to show some product. So if a ‘think tank’ such as this with people on site who are dedicated to research, writing, publishing, disseminating the information to help heal the divide in our society and to go out into the community to discuss it, to talk about it and to foster that. Is that not a product?” Mr. Rahenkamp stated in his estimation it is not. In the same way university-based ‘think tanks’ have not been deemed as an inherently beneficial use once it is separated from the degree granting process of education.

Mr. Rahenkamp further stated it is the governing body’s decision what Voorhees is best served by through the zoning function and in demonstrating that a different use should be substituted be an inherently beneficial use. He further stated he feels as though the use has to connect to a delivery of services to a targeted population. He stated that the objective of the Ashram is certainly a good thing. Similarly, like Merck and other pharmaceutical companies that conduct research to cure cancer and they disseminate the information. However, that does not make them an inherently beneficial use when built in a residentially zoned area. There are lots of businesses both for profit and non-profit that conduct research, disseminate information. However, that hasn’t been found to be the basis of inherently beneficial determination in our court system.

Mr. Platt advised the Board that there is case law that generally states that in order to be inherently beneficial it is typically not a commercial use. While pharmaceutical is a commercial use, it’s a profit center and therefore not inherently beneficial.

Mr. Baron redirected. Mr. Barton to Mr. Rahenkamp “When Mr. Cofsky refers to this site as being 7 acres; half of what’s left in the EIB does the Dover Township case indicate the Board does not have the authority to grant a use variance because that would constitute rezoning?” Mr. Rahenkamp stated “I’m going to answer as a Planner. That ratio would be a significant factor.” Mr. Baron further stated that it takes away from the Board under certain circumstances to grant a use variance.

Mr. Cofsky had nothing further.

Mr. Platt to Mr. Cofsky “Do you have any further witnesses?” Mr. Cofsky called Mr. Miller and stated Mr. Miller would like to present very briefly primarily about site suitability. Mr. Miller reiterated the reasons he believes the site is particularly suited for the use and that it has to do with the specific characteristics of the location and include the fact that it is a residential use next to an additional residential use. Both uses are age-restricted so the two uses have a lot of commonality in their character and their impact. He also noted the open space parcel across the street is a community property and unlikely to be developed. All of these things contributed to the particular suitability of this specific location and he wanted to get that on the record because he feels as though it contradicts what Mr. Rahenkamp had testified and although the two clearly disagree, Mr. Miller firmly believes the site is particularly suited for the use.

Mr. Platt to Mr. Miller “Are you aware of any case law in New Jersey published, unpublished where a ‘think tank’ either with residential or not has been deemed to be an inherently beneficial use?” Mr. Miller stated “He is not and he testified to that previously.” Mr. Platt to Mr. Miller “So in your planning opinion, this would be a case potentially of first impression if it were to go to court?”

Mr. Baron to Mr. Miller “You talked about why the location of the site within the municipality is particularly suited. You did not talk about what unique characteristics of the site itself make it particularly appropriate for the proposed use. How is the dirt uniquely suited?” Mr. Miller stated “The character of the property, the physical character. It has a serene character. It abuts to the wetland area which provides buffering. That would also be appropriate for the permitted uses in that zone, not unique to the Ashram.”

Mr. Matlack, CME Associates, Board Engineer and Chris Doughney, CME Associates, Board Planner were both sworn in previously to testify. Mr. Matlack stated regarding engineering there is no site plan for this application at this time. This is strictly a Use Variance. If this application is approved, the Applicant would have to come back before the Board for site plan approval. The applicant did provide testimony regarding traffic. They did discuss the site having adequate space for required parking for their major events as well as everyday residential traffic. Mr. Shropshire did discuss the level of service on the driveway as well as the level of service on Matlack Drive and there would be no change to the level of service on Matlack Drive should this application be approved. During one of the meetings a new plan was provided eliminating a driveway entrance onto Matlack Drive. The only entrance on and off the site is from Centennial Blvd.

Mr. Doughney, Planner for the Board. Summarized that this application is a D-1 Use Variance, an Ashram is a ‘think tank’ community center with a residential component. The planner as well as the Engineer have reviewed this use as one use with two components not necessarily as two separate uses. A D-1 Use Variance requires the Applicant meet both the positive and negative criteria. Relative to positive criteria the Applicant has to show there is a special reason for this to be granted. There are three ways to do this under the case law. The first one is that there is a hardship virtually impossible to use the property for the uses that are permitted under the zoning. Mr. Doughney did not recall any testimony regarding a hardship. The second is that the use is inherently beneficial. Statutes define inherently beneficial as a use that is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such uses include but are not limited to a hospital, school, child care center, group home, or a photovoltaic energy facility. Last year the statute has been amended to include a sober facility. Additionally there has been case law that has been determined as inherently beneficial churches, houses of worship, community shelters, public housing, public utilities and there has been some cases that determine cell phone towers inherently beneficial uses. Mr. Platt stated in addition to those, a school bus parking depo and a seeing-eye dog training facility.

Mr. Platt stated typically commercial uses which don’t serve its patrons are not typically considered inherently beneficial. Inherently beneficial uses are generally limited in number and serve a public need. Inherently beneficial uses can serve a regional need beyond the municipal borders. Typically they are non-commercial in nature. An Ashram, ‘think tank’ with residential living on site is not specifically enumerated in the statute and there is no case law that states it’s inherently beneficial. There must be a need for this in the community and that there is some public benefit. Mr. Platt advised the Board that it would be very difficult to find that there is a public benefit. The Board has to decide whether the applicant has demonstrated under that piece of it, the public benefit because it might in theory serve the public. There has to be enough of a concrete plan, enough evidence and testimony that there will be a public benefit from the Ashram. The Applicant’s burden of proof is to show that there will be a public benefit and it has to be something that is demonstrative or of some substance. The Applicant has to demonstrate in a concrete way that this actually will serve the public. It cannot be something limited to the walls of the Ashram. That would not be enough.

Mr. Doughney stated the third reason they are advancing the purposes of zoning, the Applicant has to prove the Ashram will generally promote the general welfare. The Applicant has to demonstrate one reason, not all three. If the Board determines the Applicant cannot prove that the Ashram is inherently beneficial, then the Applicant has to show that they are advancing the purposes of the zoning somehow as well as show that the site is particularly suited for the use. What is necessary in the site suitability test is some sort of relationship between the proposed benefits of the use and the site itself. The case that was cited by Mr. Rahencamp specifically discusses the prior standard up to until 2013/2014. Some courts or Boards had interpreted the particular suitability that the applicant needed to show that the proposed site was the only location for that use to go. They would require an applicant to show they had actually examined every single piece of property in the town. If they have not examined every piece of property in the town, they would deny the variance application that they did not look at every property. The Price case overturned that essentially clarified that site suitability that the Applicant doesn’t have to show that it is the only possible location. The burden of all of this is on the Applicant. Mr. Doughney further stated in regards to Mr. Rahenkamp’s testimony regarding inherently beneficial, that in order to be considered inherently beneficial, the use has to provide a public service. Mr. Doughney generally agrees with Mr. Rahenkamp’s testimony. However, that is not necessarily something that has been spelled out in case law to his knowledge.

Mr. Doughney stated the next step in the D-1 use variance is the negative criteria. The first of which is that there is no substantial detriment to the public good. That is generally looked at as no substantial impairment or negative impacts to the surrounding community. Mr. Rahenkamp did not provide any testimony to that regard. Is that there is no substantial impairment of the intent and purpose of the zoning plan that’s both the master plan and the zoning ordinance. The zoning ordinance is required to be consistent with the master plan. Permitted uses in the EIB zone with the CCRC overlay consist of self-service public storage, community recreation, excluding movie theatres, wholesale, research development and testing laboratories, vehicle repair facility, bulk laundry processing, auction houses, vehicle storage contained within a building, administrative offices, movie theatres, fast food and convenience stores. Residential uses are expressly prohibited. Residential uses are permitted as a conditional use if they are part of a comprehensive retirement community overlay in this district. There are certain conditions to be met with that, 90 acres, buffering, etc. For the EIB district at least those were the uses that are permitted. That is the intent of the governing body. Residential uses are prohibited unless they are part of the CCRC overlay as a comprehensive care retirement community. There are two other EIB areas in town that do not have the CCRC overlay. In those particular locations any residential use would be expressly prohibited. It is not necessarily entirely expressly prohibited.

Essentially the purpose behind the second prong is usurpation. The easiest way to explain this prong is that you have the authority to grant a variance but you do not have the authority to rezone. That is the intent of all municipal land use law that zoning is done by an Ordinance by the governing body and not by variance. Should the Board want to grant this variance, the Board may do so because they believe the Applicant has met the proofs that are required, not because the Board disagrees with the governing body and thinks this is a better use than what they have determined is appropriate for this location.

Mr. Doughney further stated a consideration of the size of the area (proposed) that will be taken out of the zone for this new use as well as the availability of other space in the zone and essentially that is a consideration of if the Board grants the variance to allow an Ashram are you then taking away all the space that is available for the uses that are permitted in the EIB zone? Mr. Doughney stated he has not personally done an evaluation of the exact acreage of the EIB zone and how much would be taken away. He cannot say whether or not this would prohibit the laundry service or any of the other permitted uses.

To determine whether or not something rises to the level of substantial, the Board has to determine what the benefits are and what the detriments are and if the benefits are so great that they substantially outweigh the detriments. Then the detriment isn’t necessarily substantial. If there’s minor benefit, but the detriment is really great, than it would be a substantial detriment and vice versa. The first thing this Board needs to determine is whether or not this use is inherently beneficial because that then dictates whether or not the Board will need to go into the other special reasons or not and which tests to use to determine whether or not they have met their burden of proof.

Mr. Platt stated in terms of the EIB zones, this zone is EIB with the CCRC overlay. Directly across from Centennial Mills there is one small section. Down on the very southern side of the Township on Haddonfield Berlin Road there is another EIB zone that’s approximately two-thirds the size of this one. There is another EIB zone on the very western point of the Township that’s approximately 15-20 acres.

Mr. Baron to Mr. Doughney “In your opinion the residential and the ‘think tank’ uses of the Ashram are really one use which would be called Ashram. You are aware that residential uses are prohibited in two separate sections of the ordinance in the CCRC district? Why would you not need a use variance to be able to have residential?” Mr. Doughney stated “He did not say they would not need a use variance. The Ashram is one use and includes two components, the welcome center and the residential component which does need a use variance. The residential in and of itself also needs a use variance. If there was not a community center, it would probably still need a use variance.”

Mr. Platt stated if the Applicant came before the Board with this application without the Ashram and just the residential component, it would need a variance because it’s not part of the CCRC overlay.

The hearing was opened to the public. Mr. Senges stated only for public comments relative to the testimony that was heard this evening not from prior hearings.

Ms. Carlene Kaplan, 24 Stokes Avenue, Voorhees, NJ was sworn in to testify. How would you feel if a person lectured around the country about the benefits and importance of being a vegetarian but you saw this person at McDonald’s eating a bacon double-cheeseburger? Ms. Kaplan further stated when she first received notice about the Ashram she thought it was an interesting idea. She’s a clinical social worker, a therapist, and believes in peace. She helps people resolve conflict. With some degree of interest, she attended the very first meeting that Dr. Chakrabarti held in his office building to explain the concept of the Ashram to the Centennial Mill community.

Mr. Platt stated that meeting was held off site prior to this Board hearing it and therefore it is not evidence.

Ms. Kaplan continued to state that particular meeting provided an introduction to who Dr. Chakrabarti is. Since then she has attended each meeting and has heard Dr. Chakrabarti change his story several times. She is concerned that the Ashram will bring people from all over the world, different languages and different cultures and is concerned how would they be able to consult with Voorhees police about Voorhees issues without knowing the culture of the community? Whenever a specific question or objection was raised, Dr. Chakrabarti’s lawyer cleverly asked him leading questions. At one point Mr. Platt asked Dr. Chakrabarti’s lawyer to let Dr. Chakrabarti speak for himself. She stated she could site many more examples. She stated she went to the very first meeting with an open mind and ended up being opposed to this project. She does not trust this man. He presented himself with arrogance. He kept changing his story and he hired a lawyer who knows what the Board wants to hear. The goal of world peace is indeed a lofty goal, an admirable one. However, she has come to believe that his man is not really a person who really wants to work toward world peace. For all of these reasons, she opposes this project.

Dr. Prahlad Patel, 20 Ashton Drive, Voorhees, NJ was sworn in to testify. Dr. Patel is a practicing physician in Camden County and has been for about 30 years. He has lived in Voorhees for the last 14 years. He raised his two children in Voorhees and they graduated from Eastern High School with honors. He has known Dr. Chakrabarti for the past six years. He has attended all four zoning board meetings from the beginning to the end. He has heard all of the compelling testimony on both sides. He wanted to voice his support for the Ashram for this location. Mr. Patel further stated the Ashram is inviting and thoroughly screens educated scholars in science, engineering, economy and philosophy. The residents are retired, single, widowed and are volunteering their time and they want to serve the community. In return the Ashram is asking is to provide a safe place close to the many services they may need. For that reason the location is very appropriate. Secondly, the proposed location is a modern day Ashram. This is a place where the members are going to live be connected with the community around them. They should not be in a secluded area but within a residential area and not in a noisy environment but in a peaceful and quiet area. This Ashram is about community and living in harmony. This will be the first step in removing interracial tension and promoting peace. The proposed Ashram will bring benefit to Voorhees, neighboring towns, and the community.

Mr. Platt stated this is a case of first impression and asked Mr. Patel whether or not he thought the Board would benefit from having been provided with a written mission statement and a specific written action plan as to exactly how the Ashram is going to be operated. A concrete plan from the very beginning that states the mission and an implementation of exactly how this Ashram is going to operate? Mr. Patel stated he heard and read the mission statement and further indicated this is a unique project that cannot be found anywhere else. Dr. Chakrabarti is experimenting. The experiment is for the world peace. This is a $6,000,000 project. The benefit to the community will evolve.

Ms. Rena Patel, 4 Krestal Court, Voorhees, NJ was sworn in to testify. She is a CPA by profession and a mother of three children born in Voorhees. She has been a resident of Voorhees for over 20 years and is an active member of the community. She has worked with the Indian Temple Association in various committees and past President of Indian Temple Association. She has worked them in various capacities. She has also worked with the school board and other social organizations around the community. She is proud to be a Voorhees resident. She is not on any side and wanted to state what this project is going to do for her, her children and her family and my community. Voorhees has truly provided unity among diversity. Her and her family have associated with people in Voorhees of all ages, religions, skin color, and ethnicity. Her and her family have learned from them and hopefully provided support to all those who needed it. With that being said, she finds that their Township has faced some struggles. Property values have declined a bit, businesses are leaving, the mall once a vibrant shopping center is now almost empty, and we are witnessing growth of strip malls and high traffic. Such a development as the Ashram has the potential to put Voorhees into the world map. She further stated we may have a community, an intellectual community and a learning center in the midst of all the housing and strip malls. This project is to renew our faith in what Voorhees can aspire to be. This was a breath of fresh air. We send our children abroad to learn cultures of the world and to widen their horizons. Here is an opportunity that is handed to us on a silver platter and its right here in our back yard. I’ve heard many objections here tonight to the terminology of Ashram and its meaning and significance. What she sees in this project is a cultural retreat center by another name. She reviewed the proposal and finds that it is petty to cling on to one’s impression of foreign words that may frighten us. Not too long ago the word Yoga made us fear that some foreign culture was festering among our young ones in a cult like fashion. Now we know that Yoga is really a way to have better health, mind and peace. She stated if we strip our minds of what the word Ashram conjures up in our mind, we will admire the potential it offers. What it offers is a place of communion with intellectuals to study cultures and traditions to learn how to promote peace and harmony. All of this will be possible right in our community without having to travel the world. This facility if allowed to blossom has the potential to put Voorhees on the world map. It will allow us to make a difference one person at a time to grow on a spiritual journey in our own way. We need to step out of our comfort zone and think outside of the box.

Ms. Susan Wenger, 30 Milford Circle, Voorhees, NJ was sworn in to testify. Ms. Wenger stated she is fortunate to live in a community with many valuable resources. In a previous meeting it was stated that 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. It appears to her that the opposite is occurring and community participation is being excluded from the proposal. There has been little focus on the element of inclusion which could be an avenue to foster good will to the public. For example, Dr. Chakrabarti stated his Board of Governors for the foundation will consist of seven people appointed by him and his wife, consisting of business people, lawyers and professors. In an effort toward inclusion of the community, would it not be in his best interest to include community members on this Board? Not necessarily individuals from Centennial Mills. She’s referring to the Township of Voorhees. There has been no mention of this consideration. This would be inherently beneficial to the community. Dr. Chakrabarti indicated he will recruit age 55 and over single engineers, scientists and philosophers from all over the world to live at the Ashram. In Voorhees we are a stone’s throw away from Rutgers, Rowan, The University of Pennsylvania and many other universities. Why have our scholars in this area been ignored? Their inclusion would inherently benefit the community. This has not been suggested. Dr. Chakrabarti has offered the services of his scholars to speak at local schools and civic organizations in an outreach effort to disseminate information. Has the Board of Education in Voorhees Township, The Chamber of Commerce, local universities been approached or granted approval for such outreach to promote the public welfare. This may inherently benefit our community but no such proposals have been presented. In addition, Dr. Chakrabarti’s company has generously established a Moorestown Educational foundation where the Moorestown’s public schools benefit by fundraising activities for school enrichment activities and scholarships. Over the last 20 years they raised more than a half of a million dollars. This would be inherently beneficial to our community. This has not been suggested. There are many ways to enrich a community none of which have been expanded on in a logical, sequential and cogent plan offered by Dr. Chakrabarti. Instead, we have heard many hypothetical, romantic and speculative ideas toward his dream of world peace. An intelligent, involved, successful, responsible group of people that are invested in enriching their lives and the quality of life for the public good in Voorhees has been grossly disregarded.

Mr. Avinash Keswani, 27 Forrest Hills Drive, Voorhees, NJ was sworn in to testify. This is the first meeting Mr. Keswani has attended. By profession he is a Managing Director for Deloitt Consulting. He travels a lot for his job and takes anywhere from 160 to 170 flights a year. To say that he doesn’t have an opportunity to meet people across America would be an understatement. He doesn’t represent either side. Mr. Keswani continued to stated, if a human act changed a single life or saved a single life if there was a human being on the brink of suicide and another human being, no matter what culture, what language, what color, what country they came from but with their act of kindness helped save one human being’s life would you say that it was inherently beneficial? Mr. Rahenkamp stated it would be a wonderful thing but a wonderful thing is not necessarily a justification for a use variance under planning and legal criteria in New Jersey.

Mrs. Judy Sherman, 78 Borton Avenue, Voorhees, NJ was sworn in to testify. She moved to Voorhees approximately two years ago to be near her daughter who lives in Cherry Hill. She wanted to live in heterogeneous community with neighbors who were diverse, friendly, nonobtrusive, and who were supportive of each other and the township at large. She believe that Centennial Mills embodies these qualities. Her home is on the perimeter and will probably be minimally affected by some of my neighbor’s concerns regarding the Ashram. However, she had a few thoughts that she wanted to share. At the last meeting and this one, the Ashram was likened to a ‘think tank’. Most ‘think tanks’ are not located in close proximity to residential housing with occupants expected to live there for limited periods of time. There are to live near our community but not in our community. Parts of the Ashram however will be open to anyone who wishes to visit. It seems to be a contradiction in terms. She doesn’t believe Centennial Mills residents object to having neighbors per se. If the township were to build a development where families would move in and become a permanent part of the community at large, she believes most residents here would be welcoming. The primary issue aside from the congestion seems to be that the residents really don’t know what it coming, who is coming, for what purpose and for how long. World peace is an admirable goal by its definition and the means to achieve it will be influenced by those who set the standards and select the thinkers. The introduction of any sort of institution into or abutting an established residential community regardless of its worthiness is bound to change the nature of that community. Mrs. Sherman stated she saw this happen in a previous area where she lived for many years and she doesn’t want to see that happen here. She would therefore hope the Board rejects the variance application.

Seeing no one further from the public; public portion was closed.

Mr. Platt stated at this time the Board will hear summations

Mr. Baron stated the comments he is going to make are based upon the law in the State of New Jersey. It may not be what everyone would like to hear, but it is the law. The Board members have taken an oath to abide the law of the State of New Jersey. Mr. Barton further stated this application when originally filed was subsequently accompanied by a notice to property owners. One of the requirements of the MLUL.

Mr. Platt stated statements by the attorney are not evidence in and of themselves.

Mr. Baron stated the notice that was submitted in regard to this application after indicating the address of the property and indicating the evening when the testimony was anticipated to begin states as follows: It is for the approval of a use variance for an ‘Ashram’ which would consist of a welcome/community center and 20 age-restricted residences to be used to for the scholarly pursuit and study of methods and actions to promote interreligious and intercultural harmony and world peace and that it’s not a permitted use. There was no explanation of Ashram, no explanation of age-restricted, no actual support or explanation for the scholarly pursuit for the study of methods and actions to promote inter-religious and inter-cultural harmony. The MLUL and case law requires that information be included in a notice that would inform the public of the nature of the application in a common sense manner such that the ordinary lay person could intelligently determine whether to object or to seek further information. I respectfully submit that this notice doesn’t do that. This notice does not define the Ashram. Mr. Baron doesn’t believe it meets the standard of the law. It is vague. It doesn’t give a clear indication of what’s proposed and the reason Mr. Baron brings this information to light is if the notice does not comply with the law than the Board does not have jurisdiction to hear the application let alone decide it. That is a decision that will be made by the Board.

The Chakrabarti Foundation has filed an application before the Voorhees Township Zoning Board for a use variance in connection with a proposed Ashram and to include 20 age-restricted residential units to be located on the property known as 111 Centennial Blvd., Voorhees, NJ. The property consists of 7.1 acres situated in the EIB zoning district as well as the CCRC and CRC overlay district. Neither of which permit an Ashram, neither of which are still currently available for residential uses in the area of the overlays. As described in the application an Ashram is a ‘think tank’ of dedicated self-motivated scholarly humanitarians to conduct research and initiate action by promoting global peace without any expectations of material rewards. Mr. Baron stated he is not sure anyone understands what’s proposed, what’s really proposed. What are the facts? An overly glossy description. What is it going to be? There have been five meetings and it is fair to say many don’t know what it’s going to be. In fact Dr. Chakrabarti himself when he provided a definition of an Ashram, we still didn’t know any more than when he started. What we did know that he had added onto it from the first meeting. It is an honorable goal but how is it going to be achieved? They are going to read, study, and speak to each other. But how does that actually work, and how does it actually relate to world peace?

Mr. Baron further stated the application explains by drawing international attention to his mission and accomplishments, the Ashram will bring recognition to the Township to which it is located. It will also promote business and commerce. How? Mr. Barton stated he can tell you they will never buy in a store in Voorhees, how does he know that? He doesn’t. There are basically three standards for a use variance, inherently beneficial use, particularly suited to the property, and hardship. Everyone that has testified as a professional has agreed that there has not been any testimony relative to hardship. Then there are negative criteria which is no substantial detriment to the intent and purposes to the Zoning Ordinance which means the Master Plan and the zoning would not be offended. There is no substantial deviation to the public good. The public good as defined in case law, is it consistent with the surrounding neighborhood. That’s the proof the Applicant has to satisfy. An inherently beneficial use is defined as a use which is universally considered of a value to the community because it fundamentally serves the public good and promotes the general welfare. The most important words are universally considered and a value to the community. I agree with the Planner that there is not a definition of community as Mr. Platt indicated, it means the region. The region within the state, not the country, not the world, not Europe, this state. An inherently beneficial use often serves a recognized legitimate public need. The Applicant has the obligation to demonstrate that there is a need that will be fulfilled, will serve. It can’t be an idea, it can’t be a good motive and it can’t be this would be a great idea. It has to be real and it has to be proven. By definition there can be no proof. No one can prove it because there is no other Ashram in existence. Dr. Chakrabarti testified as to his own definition of what he believes as Ashram to be.

Mr. Platt asked whether or not a case of first impression can ever meet an inherently beneficial test. Mr. Baron stated not only is this a case of first impression whether it can be done without having an existing use to look at, he believes that’s a matter of first impression. Mr. Baron further stated a need has to be identified and the Ashram must satisfy that need. Dr. Chakrabarti was unable to show the Board how the Ashram will work. The law doesn’t rely upon the positivity of the applicant. It has to be proven to actually work because otherwise what the Board would be approving is a dream. The Board is approving a dream. This is an ever-changing, an evolving concept. How can an ever-changing evolving concept satisfy a need? It has to be consistent.

Mr. Senges stated this can’t legally be approved anywhere. Mr. Baron stated under our case law it cannot be satisfied. He does not know about other states. It can be placed where it is permitted. In two of the zones, it would not be, but in the third one, it would be. What we don’t know is whether or not there is space in that zone. The two uses that are proposed are permitted in the town center, residential and something that is very akin to a ‘think tank’.

Mr. Platt stated there has been no analysis as to whether or not this can be permitted in the Town Center Zone.

Mr. Baron stated specifically in regard to geographical considerations, the Supreme Court has clarified that the general welfare is used to determine special reasons for granting a use variance compliments the benefits not merely within the municipal boundaries but also to the regions of the state relevant to the public interest to be served and the Applicant has to be able to delineate and explain the public purpose to be served. World peace is not a community public purpose. It may be a universal purpose, it may be a multi-national purpose. It is not a community purpose and that is what the law requires. The nature of the proposed use and its function remains unclear. It has been every changing. If the Applicant is trying to foster and serve a need, the Applicant has to be prepared to say there is a need. The Applicant did not provide a mission statement and nothing states where Dr. Chakrabarti sees this Ashram going. Because of the ambiguity and uncertainty, it cannot be said that the use is one that universally brings value to the community. By definition a universal understanding necessitates a comprehension by the vast majority. If no one knows what the use it than it cannot be comprehended. There is no evidence that the proposed use will serve a recognized legitimate public need. There is no proof of a legitimate recognized public need, no facts. Has anyone heard testimony by Dr. Chakrabarti that he will guarantee this Ashram will achieve world peace and that there is factual support to prove that by evidence? It is unclear that the Ashram will actually achieve the attended effect of promoting world peace. Any testimony or evidence is completely speculative and self-serving.

Mr. Baron further stated particularly suited requires the demonstration that the use otherwise not permitted when authorized for a particular parcel will promote the general welfare. In the context of particularly suited there are two things you have to approve not just that this is an appropriate area of the township but also something about the site is particular for this use. We have not heard that testimony. Dr. Chakrabarti must prove that a need exists and that consequently it will promote the general welfare more so than other uses permitted within the zone. Dr. Chakrabarti has not done that. There is no proof the Ashram will promote the general welfare more than other uses permitted in the zone. Residential uses are not permitted and there must be testimony as to how that can be overturned. There is no proof that the residential prohibition should be changed. There are options for Dr. Chakrabarti. One option is to go to a zone where it is permitted. The other option is to go to another location, whether or not in New Jersey. The other option is to wait, see if someone else builds an Ashram. If so, than his case will be so much easier. A vision is not enough to grant a use variance.

Mr. Platt stated he would like to clarify for the Board the issue regarding the notice. Mr. Platt reviewed the notice and has no concern whatsoever that the notice is absolutely valid. To argue legitimately the notice did not alert people to the nature of this application, I believe that is not a basis to reject the application.

Mr. Platt called Mr. Cofsky to provide his summation. Mr. Cofsky thanked the Board and stated “You can’t look at this application in a vacuum. You have to have lived in a vacuum not to have seen what we as a state and a country are facing. Seventeen percent increase in hate crimes over a few years. New Jersey’s percentage is even higher. Is Voorhees immune to all this? Is there nothing like this that happens in Voorhees? Or are we protected from it? I understand the neighbors of Centennial Mills. They live in a gated community and what we have heard from them. I empathize, it’s fear, it’s fear of the unknown and fear of what’s happening is what’s ripping our society apart and something has to be done about it.”

Mr. Cofsky further stated, “We’ve seen the Pittsburg shootings, New Zealand, the mosques that were attacked, increased anti-Semitism. We have a few choices when we are confronted with all of this. One is do nothing, ignore it pretend it doesn’t exist.” A dear friend of Mr. Cofsky has a son who married a woman from Germany, had children in the school system, not in Voorhees, in DC. They are moving back to Germany because of the fear, the bigotry, the hatred and the violence. They are afraid for their children. “That’s another way to approach it, move or we can rely on our government to pass laws. Or let our government be our morale leaders. The fourth, the next thing that we have to do is to say this is unacceptable. It’s unacceptable, we have to do something about it not just for us but for our children, our grandchildren. The last option is what Dr. Chakrabarti has chosen to do. You can’t make laws to tell people that they can’t hate. You can’t make laws to do away with bigotry. But what you can do is try to reach these people individually, early on to stop the germination of these feelings and hatred.”

Mr. Cofsky further stated, “we are trying to create an Ashram. The concept is to have 20 scholars, minimum Bachelor’s Degree, preferably Master’s Degree, and Doctorate’s degree. Unlike what we heard previously, the tenants, will not be all men. The bulk of the residents will be from the United States not from all over the world. There is an assumption that no one will be from Voorhees, the assumption the Board of Trustees will not have anyone from Voorhees. These are merely assumptions. The idea is to bring in the best and the brightest located in a place that is easily accessible to the public, to the community. Easily accessible to the universities so they can be invited in and our scholars can go out to them. The schools are nearby. The location is perfect. This ‘think tank’ they are not just sitting there in a room talking to each other thinking. It’s thinking, it’s research, it’s writing, and it’s dissemination of the writing, with the publication going out to the community. The Applicant is not looking at an individual’s ethnic origin, cultural background. He is looking for the best and the brightest people to share the concept and who are willing to devote a minimum of five years of their lives to do this. If the scholars are doing well and they want to continue, they can ask to stay for another five years.”

Mr. Cofsky further stated, “The EIB Zone is very interesting and that was something that was discussed. We could be depriving Voorhees of a zone where all of these valuable things for the community could be erected. We know what they are. They include things such as self-storage public storage facilities, a community recreation center, wholesale, research, development and testing laboratories, repair facility. Facilities not just for cars, maybe trucks, buses, vehicle storage, etc. These are the types of things that are permissible in this zone. By allowing this Ashram on the property, are we prohibiting or preventing these types of uses in Voorhees? No, we know that this over 100 acre site has now been developed residentially for the most part. There are several of these facilities located there now that are within the EIB use. We also know that of the 7.15 acre parcel we are dealing with, half of it cannot be built upon due to the wetlands. There are 3 acres remaining for the Ashram. Is that going to deprive Voorhees of these other uses? There is another EIB Zone that does not have the overlay that does not permit CCRC, or any residential whatsoever, approximately 75 acres. Therefore, there is at least 75 acres for EIB development in Voorhees.”

Mr. Cofsky further stated there was a lot of time spent on inherently beneficial. “Time and time again planners have relied on our municipal land use law which specifically talks about the public good and general welfare and saying somehow how is what we are proposing help the general good and general welfare. Change minds and hearts. There are problems in every town. We could produce these studies and go out into the community, go out into the public and invite the public in, have dialogue and conversations. As the Ashram evolves, it will expand.”

Mr. Platt requested Mr. Cofsky for the Board to describe any evidence that shows actual statistical evidence regarding interfaith and intercultural conflict in Voorhees or in this region. “Do you have any statistics? Can you point to any evidence specially noting local or regional intercultural, interethnic or interreligious conflict or bias crimes we can rely upon?” Mr. Cofsky stated he could not.

Mr. Cofsky stated “to say world peace is obviously something that is worthy of trying to accomplish, of course. Attacking it at the very lowest level at the grass roots, to do away with this could be inherently beneficial. It has to start somewhere. Similarly low income housing had to start somewhere so now it is inherently beneficial.”

Mr. Platt to Mr. Cofsky “Your position is that you can have a case of first impression?” Mr. Cofsky stated “Yes.”

Mr. Cofsky further stated the site itself is suitable. “To try to place something like this into an office building or to try to put it somewhere in the Town Center, that’s not how this works. There are seven acres of land and only have three acres to work with. The Ashram and welcome center is to allow the scholars to get together, bring people in to the community, to the conferences that will held. The conferences will be invitation only. Individuals from Voorhees are encouraged to come. To ask Dr. Chakrabarti to put the cart before the horse to come up with a full plan to list every detail, this has to get worked out but there is no question that Voorhees will be the focus of this and the region.”

Mr. Cofsky further stated, the location is very important because it is visible. The Applicant wants people to pass it and see this as a center for harmony, world peace. Not hidden in an office building, or on a five acre tract hidden in the woods. That is one of the reasons why this location is so good. It is self-contained. It is extremely compatible with Centennial Mills. There are residences directly behind the Ashram, age restricted 55 and over. The cohorts are the same age. It has the size to accommodate the center, the residential units. It has buffering from Centennial Mills and the industrial uses near us. As far as the land across the street, it was a landfill. It is open space and adds to the openness and the airiness of this particular site. It is an ideal fit. From what we can see of zoning in Voorhees, there really is no other place in the entire township that would be as good a fit as this. This type of use does not exist anywhere in the zoning ordinance because it wasn’t anticipated but yet it is similar to residential because of the overlay. There is a similarity with community. There is a similarity with certain research and schools that research. Mr. Cofsky further stated if the developer of Centennial Mills did not want to carve out the seven acres to attempt to put in retail, that use could have been incorporated into Centennial Mills and there could just as well be residences on that property. Centennial Mills could have placed a community center on that property.

Mr. Cofsky stated, “The benefit is real. The benefit is to change minds, open hearts. As Mr. Miller has stated there really isn’t any negative criteria. Residents from Centennial Mills did voice their concerns that this will bring in terrorists, criminals. In comparison to the other uses that could be placed there, this is actually the most benign use one could possibly have that would actually buffer and help this community. The residents stated this will change the face of the community. How? Because you have a center for world peace? Would it change the face of the community if you had a Centennial Mills auto repair shop or Centennial Mills bulk laundry facility? Therefore any positive criteria will outweigh any negative.”

Mr. Platt stated there are two parts to the negative criteria that must be proven by the Applicant whether it is inherently beneficial under the standard Medici test. Number one, the variance will not result in the substantial detriment to the public good and number two the variance will not result in the substantial impairment of the master plan. Whether it is inherently beneficial or not, the Applicant still has to meet the suitability and general welfare standards and has to meet the negative criteria under both of those.

Mr. Cofsky stated “This site is particularly suited. The courts have long held simply because neighboring landowners do not want change to occur, that’s not good enough. The Ashram will be about 27-28 feet high, 90-100 feet from the rear of the Ashram to the closest home in Centennial Mills, lot coverage far less than allowed, setbacks greater than required. The Board now knows based on testimony how the Ashram is going to be utilized and who is going to be living there. In 1986, the President of Cornell University stated “It is always from a crisis of an era that the latest leadership emerges.” This project will create goodness in mankind. This is something this Ashram wants to accomplish. “We implore the Board to take this first step to allow Voorhees to participate in this partnership.”

Mr. Weil set a motion to grant the Use Variance 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; seconded by Mr. Willard.

Mr. Platt stated the applicant now has to receive five affirmative votes to obtain the Use Variance.

Motion carries by the following roll call vote:

AYES: Mr. Weil, Mr. Willard, Mr. Brocco, Mr. Schwenke, Mr. Senges

NAYS: Mr. Cohen, Mr. Daddario

Mr. Platt stated motion carries and the use variance is granted.

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

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Corrine Tarcelli

 Zoning Board Secretary