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. Daddario, Mr. Leoncio, Mr. Senges

Absent: Mr. Brocco, Mr. Cupersmith, Mr. Schwenke, Mr. Weil, Mr. Willard

Also, present, Chris Norman, Board Solicitor, Ben Matlack, CME, Board Engineer and Corrine Tarcelli, Zoning Board Secretary

**MINUTES FOR APPROVAL**

 Mr. Cohen motioned to approve the Minutes from the October 24, 2019 Zoning Board hearing; seconded by Mr. Leoncio; none (0) against; Mr. Willard, Mr. Weil, Mr. Brocco, Mr. Schwenke abstained.

**RESOLUTIONS FOR APPROVAL**

Mr. Cohen motioned to approve Resolution 19-27 Beau DeLeon, 1413 Pine Avenue; seconded by Mr. Leoncio; none (0) against; Mr. Willard, Mr. Weil, Mr. Brocco, Mr. Schwenke abstained.

**NEW BUSINESS**

**The Chakrabarti Foundation**

111 Centennial Blvd.

Block 200, Lot 10.03

Mr. Norman summarized the case stating the Applicant is seeking Preliminary and final major site plan approval for the construction of an “Ashram” which will consist of a welcome/conference center and 20 age-restricted residences as per the use previously granted by the Zoning Board. A bulk variance is being requested for the installation of a 4 foot decorative fence in the front yard where fences are not permitted as per Section 150.14(B)(2)(a) and for a 6 foot high fence along the rear property line between the site and Centennial Mill and which extends to Matlack Drive, as limited by Section 150.14(B)(1)(a). The 4 foot front yard fence will also have privacy gates which can be closed in the evening for security purposes. 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. Cofsky, Attorney on behalf of the Applicant, stated the Use Variance was granted and the Resolution was memorialized. The Resolution was entered into the record and marked as Exhibit C1. Mr. Cofsky stated the purpose of the Ashram was to create a think tank of 20 volunteer scholars who will research, write, publish, and perform outreach within the community. The goal being to heal the cultural and religious divide, locally, nationally, leading to world peace. Dr. Chakrabarti hopes this model will also be used in other cities throughout this country and hopefully throughout the world. Mr. Cofsky stated he would call Dr. Chakrabarti forward to confirm and affirm those items he agreed to during the use variance meetings and conditions that were also presented. Mr. Cofsky also stated that three professionals, Mr. Nathan Mosley, Shropshire Associates, Mr. Joe Mancini, Engineer, Tri-State Engineering, and Mr. Rick Fumo, Architect will be called to discuss the site issues. Mr. Cofsky stated other than the fences, there are no variances being requested. The Applicant has met all bulk requirements, setbacks, lot coverage, and height requirements. The Applicant has requested 20 feet lower in height than permitted, 50% of the lot coverage. The only variances being requested is for a six foot fence along the rear property line separating

the Ashram from the Centennial Mill community which was a condition of the use variance approval. The other is a for a four-foot decorative fence that would be installed in the front yard for safety, security, identification and visibility reasons.

 The Professionals along with Dr. Chakrabarti were sworn in to testify. Dr. Chakrabarti’s office is located at 1288 Route 73 South, Mt. Laurel, New Jersey. He is the Founder of the Chakrabarti Foundation, Chairman of PMC Group. The Foundation has been in existence since 1992. Dr. Chakrabarti stated he reviewed the Resolution several times and agrees to the conditions within the Resolution. He further stated the think tank will have a welcome conference center. There will be 20 residents, volunteer scholars of different backgrounds, advanced education and must be financially self-sufficient, age-restricted 55 and over living in one bedroom apartments. The mission is to heal the divide in society, religious, cultural and lead to world peace. The residents will be residing within the apartments rent-free. They will pay for their own utilities and will share in the maintenance fund that will be set by the Board of Trustees. Their job is to research, write, publish, teach, go out to the community, and invite people to come into the community center in order to accomplish this mission. The facility will be overseen by a Board of Trustees. Initially Dr. Chakrabarti will be the Chairman however, at some point the position will be appointed to another individual. The first year, there will be a professional property manager. After that, the Board of Trustees will decide how the property will be managed. Dr. Chakrabarti agreed based on the conditions of the Resolutions, that there would be no outdoor activities. All activities will take place indoors. A six foot fence will be installed between the back of the property and Centennial Mill. There are four guest rooms. Only one individual can stay in the guest room. The guest rooms will not have kitchens and will only be utilized for a short duration. They may be for people presenting at a conference, a guest at the conference or a guest of one of the residents. There will be no more than four conferences per year. The conferences would not start before 11 a.m. and would conclude sometime after 6 p.m. to 8 p.m. followed by a dinner. One of the conditions was a deed restriction which incorporates these conditions including among other things the age restriction for residents. Dr. Cofsky will present same to the Board Solicitor for approval which will be inserted into the deed that Dr. Chakrabarti will ultimately receive. The facility will also be open to the public to come into to either meet with some of the scholars, use the library, and/or the meditation room. Those times will be set by the Board of Trustees. Initially four to six hours every day starting at 8 a.m. An occupancy agreement will be provided for the residents as well as any guests. The center itself in the basement will have a warming kitchen. There will be no on-site cooking. On-site cooking will only be allowed in the residential units. Initially forty-six parking spaces, and 30 phantom spaces were proposed. Also proposed initially, the Applicant was going to utilize a shuttle for conference attendees. The attendees would park at the Indian Cultural Conference Center and would be transported to the conference center by a small shuttle or van. The decision was made not to apply for a variance for parking, rather to supply the information at this time. There will be 76 spaces. Dr. Chakrabarti stated there are no changes to the representation he made to the Board previously. There was a discussion as to whether or not gates will be installed. The idea is for the protection of the people. The gates will be properly closed in the evening and will open in the morning. During the day they will remain open. There will be easy access to be able to open the gates. A fob will be utilized. There will be a box there with a code for guests or if there is an emergency so that any emergency vehicles or services will be able to enter easily. Dr. Chakrabarti stated he is confirming and affirming all of the conditions set forth in the Resolution.

 Mr. Fumo, Architect, previously qualified as an expert was called to testify. Mr. Fumo referred to an exhibit marked as C2 for the record. Mr. Fumo stated the exhibit shows photos of the site with a depiction of the proposed structure to scale. The other photos were aerials of the site. The photos were taken a year or so ago. Having visited the site recently there have been no major changes and accurately represents how the site looks today. There are also pictures of two types of fences. The white vinyl fence will be installed at the rear of the property as a screen from the site and the Centennial Mill property. The fence will be six feet. A variance will be required. A decorative metal fence is going to be placed in the front of the property. Mr. Senges stated no spheres are to exist on top of the post and indicated that would have to change. Mr. Fumo agreed. The decorative fence will be four feet in height paralleling Centennial Blvd. and Matlack. Mr. Fumo referred to a diagram of the floor plans of the residential units marked as Exhibit C3. The first floor is approximately 16 feet wide by 37 feet deep, approximately 592 square feet, contains an entrance, sitting area, kitchen area, three piece bathroom, one bedroom unit in the rear. Also on the first floor there will be a laundry closet. There is a loft area on the second floor which is a lounge area or sitting area with a Juliet balcony. The loft is approximately 240 square feet. It does qualify as a second floor even though it’s a loft. The total is 832 square feet. From the first floor the residents can exit into a common corridor that connects the residences to the welcome center to protect them from inclement weather. The basement will be utilized for storage and utilities. There is only one bathroom in each unit and there is not a bathroom in the loft area. There is a welcome center, multiple entrances into a lobby, double entrances into the meeting room, a corridor around the meeting room, sitting area, restroom facilities for men and woman as well as a library and first floor guest room. There are stairs in the back that go up to the second floor where there are three guest rooms with three individual restrooms. There is a basement under the welcome center that will be utilized for storage, mechanical as well as a warming kitchen. The welcome center will be able to accommodate approximately 50 to 60 individuals. The welcome center will be flanked by ten residential units on either side. There is a covered colonnade that is an exterior walkway that connects everything. There is also a corridor in the back. The residential units are staggered for elevation and aesthetics. These are constructed as apartments, not townhouses. There will be fire separation walls and the buildings have to be sprinklered. The conference center is 6,500 square feet however, the actual meeting room is approximately 2,500 square feet. Because of the use of the facility, the design emulates a building that may be reflected on a college campus. The welcome center will have a brick exterior with an architectural stone base, very traditional looking façade with columns and a pendant overhand, cornice molding. The residential units will also be brick. Some of the units will have stucco. Mr. Fumo is considering a faux shake shingle for the roof. The first floor of the residential units have windows, the second floor off of the loft will have a Juliet balcony with a railing and doors that open. The height of the welcome center is 27.6 feet. The residential units are 21 feet. To the top of the A roof is approximately 27-28 feet. Approximately the same as the conference center. The brick will be reddish, traditional, colonial type brick. The entrances are actually in the rear of the property. There is a door with double windows looking out into the colonnade which has columns, decorative metal railing, architectural block at the base, brick on the walls, and the shingled roof will be a faux shake look.

 Mr. Cofsky requested Joe Mancini, Tri-State Engineering and Surveying to step forward. Mr. Mancini is a licensed Engineer and also a licensed Planner in the State of New Jersey and has testified as a Planner in the past. Mr. Mancini was qualified as an expert. The project site is approximately 7.1 acres in total. To the west is Centennial Blvd. and to the east side is Matlack Drive, a private entrance to Centennial Mill. The site and surrounding property is in the EIB Zone with a CCRC overlay. To the north of the site is Centennial Mill residential development. To the south is an auto repair shop. To the southwest is a warehouse building of approximately 70,000 square feet with associated parking areas. There is a collision auto repair shop and the remainder across the street from Centennial is open space. The site is vacant with the exception of a retention pond. The site does contain of area of wetlands in the middle of the site. Mr. Mancini referred to the exhibit as a rendered version of the landscaped plan that is included in the site plan set. The wetlands have been verified. The site was previously designed as a retail center as part of the Centennial Mill Development. The retail space was never built however, a lot of the infrastructure including storm sewer, water mains, sanitary sewer and obviously the retention pond were constructed consistent with that approved site plan. The existing retention pond is consistent with the rules and regulations that are currently in place in terms of how water quality and quantity calculations are handled. In the contents of this development, it is a less intense use, and therefore the pond can handle the runoff of this site. There are a few comments in the Board Engineer’s letter, should the application be approved, Tri-State Engineering will provide additional plans and calculations and will also prepare a maintenance manual for on-going maintenance inspections of that pond.

 Mr. Matlack, Board Engineer, requested Mr. Mancini clarify. The existing stormwater management facility is a wet pond which requires a permanent pool of water. Mr. Matlack questioned whether or not the existing soils in the area are able to facilitate a permanent pool or does it drain down? Mr. Mancini stated in order for this pond to function the way it was designed, it needs to maintain that permanent pool. The pond appears to maintain the permanent pool as required. Mr. Mancini stated he will need to verify the depth of the pool. By having the storm sewer from this site connect to it, it will help facilitate in maintaining the permanent pool. The pond has not been filled with sediment over the years. Mr. Mancini stated the depth requirements will be verified. The foundation will be responsible for maintaining the pond.

 Mr. Mancini further described the site. The center is the welcome center with the residential units flanking to either site. Access is via a two-way drive from Centennial Blvd. into a circular entrance. Parking is available in the front of the building and at the left rear of the building. There are two way access drives in those locations and a one-way access drive around the right side of the building. There are seventy-five parking spaces proposed. The parking requirement is 70 spaces which does include four spaces for the four guest rooms. Mr. Mancini stated a turning template for a firetruck will be submitted as a condition of approval if it’s approved. Adequate circulation for emergency vehicles and trash trucks around the site will be demonstrated. The plan also includes a trash enclosure at the south side of the parking and a maintenance shed. The trash enclosure is sufficiently screened from Centennial Blvd. and from any other adjacent properties. Aesthetics will not be a concern. There is also a proposed tennis court on the west side of the property. All of those improvements are substantially separated from the nearest residents and screened by the buffer at the rear of the property. The rear of the property is proposed to have a six foot high vinyl privacy fence along the rear line and a 25 foot landscape buffer along the far side of the fence which includes evergreen trees and shrubs. The site will have a substantially greater rear setback from that line than what is required. There is a 36 foot rear property line where 20 feet is required. The Applicant is requesting two variances and two waivers. The variances are requested for a six foot fence where a four foot fence is permitted. A second variance is requested for a four foot fence in the front yard where fences in the front yard are not permitted. The Applicant is requesting two waivers for some modifications to the planting requirements. Within the 25 foot buffer the ordinance requires a triple row of evergreen trees. The Applicant is requesting a reduction in the requirement with the addition of the six foot high fence. Mr. Mancini feels as though a double row of evergreen and shrubs meets the intent of that ordinance. There is also a waiver in the five foot perimeter screening pertaining to the area along Centennial Blvd. where Mr. Mancini feels the street trees and the proposed shrubs along with the berm meets the intent of that requirement. The fences will not interfere with any sight lines. It is a solid fence. There is no passage way between the Applicant’s site and Centennial Mill. The reason for the fence is for safety and security and privacy for both the Applicant and Centennial Mill. The plan as presented proposed a portion along the north side of the entrance to connect with the existing sidewalk along Centennial Mill. It has come to the attention of Mr. Mancini that as part of the complete streets program the Board would like to see that sidewalk continued and the Applicant is agreeable to that. The intention is to match the layout and design across Centennial. The Applicant is open to working with the Board’s professionals as to any changes they would like to make relative to the additional landscaping planting requirements.

Dr. Chakrabarti stated there would be an irrigation system that will be used to maintain the landscaping as it’s designed. An irrigation maintenance plan will be provided to the Board Engineer.

Mr. Mancini further stated relative to the sliding gate, there are a number of mechanisms in place, keypad, key fob, to allow residents and emergency personnel to enter the property. Site lighting is consistent with the ordinance requirements with the sensitivity to shielding the back side of the residences which is why the parking was oriented away from the northeast side to keep all the parking away from residences so that site lighting is as far as possible and minimizes any impacts from glares.

 Mr. Mancini does not see any detriments relative to the variances. There is a benefit to both the Applicant’s community as well as the Centennial Mill community by discouraging anyone from trespassing into Centennial Mill by providing the six foot fence in the rear. Mr. Mancini is satisfied the variances will be granted without any substantial detriment to the public good or any substantial impairment to the intent or purposes of the zoning ordinance.

 Mr. Matlack questioned whether or not there will be a site verification sign. Mr. Mancini stated to the left of the entrance there is a proposed site identification sign. It is set back ten feet from the right of way and is approximately ten feet long and the size is consistent with what the ordinance permits for a ground mounted sign. Additionally ground-level plantings will be provided and downward facing lighting for the sign is being proposed.

Mr. Mancini stated the basin currently has a post and rail fence which will be maintained and repaired if necessary. The fence is currently in good condition.

Mr. Nathan Mosley, Sr. Project Manager on behalf of Dave Shropshire from Shropshire Associates was called to testify. Mr. Mosley did not testify regarding this application previously. He has appeared before hundreds of Zoning and Planning Boards throughout the state and has been licensed for over seven years. He is very familiar with the application and has reviewed all three reports. Mr. Mosely stated as a traffic engineer he looks for any potential offsite impacts from any traffic that would be generated by a new development on the existing roadway network and also to ensure there is a safe and efficient access for that development.

Mr. Mosely further stated there is a 45 mph posted speed limit. Within the frontage is a roadway about 55 feet in width with one travel lane heading north and one heading south. There is a center left turn lane for Matlack Drive going into the Centennial Mill residential development. There is about a fifteen foot shoulder that includes a striped bike lane. Traffic counts were performed when school was in session from 7 a.m. to 9 a.m. and 2 p.m. to 6 p.m. in the afternoon. Mr. Shropshire wanted to make sure they captured commuter traffic as well as any potential school traffic. The peak hour in the morning is from 7:30 a.m. to 8:30 a.m., approximately 70% is heading north on Centennial toward Route 73. Peak hour in the afternoon is from 4:45 to 5:45 with about 50% of the traffic heading south on Centennial. Regarding trip generation analysis standards provided by the Institute of Transportation Engineers were utilized. For the purpose of this use since it is a unique use, a combination of uses were utilized. The 20 residential units are very similar in nature to an age-restricted attached dwelling so that classification was utilized for the 20 units. Trip generations anticipated for operations of the welcome center with guests throughout the day arriving in the morning and leaving in the afternoon were calculated. Previous testimony was provided that guests would be arriving approximately 11 a.m. which is off peak until approximately 8 p.m. which again is after the peak afternoon traffic has ended. Mr. Mosely stated the impact will be negligible. Two to four events are predicted to take place throughout the year. The anticipation for these events during the peak hours is the trip generation will be approximately 14-15 trips in the a.m. peak hour in and out and in the afternoon peak hour approximately 20 to 25 trips in and out; one car every two to three minutes during the peak hours going in and out. Mr. Mosely stated this is a low intensity traffic use based on the types of operations the site will have.

Mr. Mosely further stated in looking at the intersection of Matlack and Centennial the traffic generated will account for less than a one percent increase of traffic. There will not be any noticeable change in traffic intensity during the peak hours as a result of this development. Based on our analysis and the traffic being added from this site there would be no changes in the levels of service in the future. The level of service will be a level service of D or better which is a good level of service for a movement at an intersection. We do not anticipate any additional delays as a result of this site. Improvements will be done along the frontage to accommodate traffic. The road will be re-striped to provide a left turn lane into the driveway of the site and is separate from the left turn lane into Centennial Mill. There will be 340 feet between the two so there will be more than enough of a space. The lane will be approximately 100 feet long enough to accommodate four to five cars. There will be more than enough area for the vehicles coming in to pull out of the travel lane safely and wait if they need to. Levels of service for the driveway, is a level of C or better for the movements at the site driveway intersection. In Mr. Mosely’s opinion, there is very minimal traffic intense of use and it will have a minimal impact from the area around the site. There will be 75-76 parking spaces on site. Relative to RSIS standards and local ordinance requirements, the Applicant exceeds the requirements for the facility. The Applicant wanted to provide as much parking as possible so there will not be any issues if there were to be an event. There will be more than enough parking to handle the residents as well as guests and to accommodate parking for events.

Mr. Cofsky stated at one point they discussed shuttling individuals from another site. However, the site can now accommodate parking. An alternative means of access to the site is no longer required through staging at another site. Parking can be accommodated at this site. Mr. Mosely does not see any issue with the utilization of the gates. The gates have been set back far enough so that two cars can be stacked without having them sticking out into the roadway. He does not anticipate a high influx of cars coming into the site during off peak hours. The drive area is able to accommodate safe access for emergency vehicles as well as garbage trucks.

Hearing nothing further Mr. Senges closed this portion of the meeting and the meeting was opened to the public.

Mr. Jeff Brennan, Attorney representing the Centennial Mills Homeowner’s Association. He stated he wanted to cross-examine the witnesses. Mr. Brennan called Mr. Mancini. Mr. Brennan inquired relative to the site plan and the tennis court whether or not the tennis court was part of the use variance approval. Mr. Mancini stated it was not. Mr. Brennan inquired as to whether or not it is his position that the Applicant is permitted to construct a tennis court notwithstanding the fact that it was not part of the use variance approval. Mr. Mancini stated that is correct, the use variance approval was subject to site plan approval at which time a number of conditions were to be considered that would not be appropriate to be considered during the use variance. Mr. Brennan inquired whether or not a tennis court is a condition or an accessory use. Mr. Mancini stated it’s an accessory use to the residential units.

Mr. Brennan questioned Mr. Fumo. Mr. Brennan stated Mr. Fumo testified the residential units are apartments, not townhouses and wanted to know what was that based upon. Mr. Fumo stated the apartment units are generally one story even though this is a two story building. Most townhomes are two to three stories. The apartments have a second floor that is a loft area open to the first floor. Mr. Brennan stated that it was Mr. Fumo’s personal opinion not based on authority or case law. Mr. Fumo agreed.

Mr. Brennan called Dr. Chakrabarti. Mr. Brennan stated the Resolution was marked as C1 and Dr. Chakrabarti indicated that he had read it several times and agreed with all the conditions and the various stipulations and representations. Dr. Chakrabarti agreed. Mr. Brennan referred to Item #5 on Page 47 which states at the time of site plan application the applicant shall supply guest stay agreements subject to the Board’s review and approval. Mr. Brennan inquired as to whether or not the agreements were supplied this evening. Dr. Chakrabarti referred Mr. Brennan to his attorney. Mr. Brennan referred to Item #6 on Page 47 stating at the time of site plan application the applicant shall supply the appropriate age-restricted deed. Was that supplied? Dr. Chakrabarti referred Mr. Brennan to his attorney. Mr. Norman stated both of these issues, a deed restriction is typically a condition of a site plan approval on the back end. Mr. Brennan stated in this case it was a condition of the use variance. In this particular case the use variance included those conditions. Mr. Brennan inquired as to whether or not there is some mechanism that the ashram will be self-sufficient. What criteria will be put into place to ensure the residents’ financial wherewithal? Have you ever heard of the anti-eviction act in the State of New Jersey? When accommodation is provided to someone for more than 30 days a tenancy is created. Dr. Chakrabarti referred Mr. Brennan to his attorney. Mr. Brennan confirmed there will be no more than four conferences per year lasting no more than one day. Dr. Chakrabarti agreed. Mr. Brennan stated the owner of the property is Darby Investment Corp. Dr. Chakrabarti currently has a contract to purchase the property. The Chakrabarti foundation is a Pennsylvania not for profit foundation. Dr. Chakrabarti agreed. Mr. Brennan inquired as to whether or not the Chakrabarti ever secured a Certificate of Authority from the State of New Jersey. Dr. Chakrabrti stated he filed income tax in New Jersey. Mr. Brennan asked if he ever filed a Certificate of Authority. Dr. Chakrabarti stated he did not know. Mr. Brennan stated he searched the website for the Division of Revenues and there is no such filing and further stated this has nothing to do with income tax. It has to do with Dr. Chakrabarti’s ability to conduct business within the State of New Jersey and appear before Boards and Courts. Dr. Chakrabrti referred Mr. Brennan to his legal team.

Mr. Brennan had no further questions.

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

Mr. Norman summarized the application. He stated the Motion would be to approve the application for preliminary and final site plan, for bulk variances, design waivers, along with the proposed conditions as follows: Continuation of all of the conditions of the original use variance approval, no outdoor events, installation of a six-foot high privacy fence, Applicant to supply the occupancy and guest stay agreement, and deed restriction to the Board Solicitor’s office. There will be a limit of four guestrooms with no kitchens, no more than four conferences per year, an extension of the sidewalk consistent with the complete streets program, and no spheres on the top of the four-foot decorative fence. The Applicant will comply with the recommendations by the Board Engineer including submitting a maintenance manual for the pond basin and submitting calculations on the basin’s function verifying its size and depth. The Applicant will also ensure the fence around the basin will be maintained. The Applicant’s professionals will submit turning templates for fire trucks and irrigation for maintenance of landscape buffering. The Applicant’s professionals will also work with the Board Engineer for additional plantings. Site lighting will meet ordinance requirements.

Mr. Weil motioned to approve the motion; seconded by Mr. Willard.

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

Nays: None

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

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 Corrine Tarcelli

 Zoning Board Secretary