

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. Willard, Mr. Daddario, Mr. Leoncio, Ms. Tulman, Mr. Pannu. Mr. Cupersmith,

Absent: Mr. Cohen, Mr. Weil

Also, present: Chris Norman, Board Solicitor; Ben Matlack, Board Engineer, CME; Chris Dochney, Board Engineer, CME, Jennifer Gaffney, Board Secretary

MINUTES FOR APPROVAL

Mr. Cupersmith motioned to approve the Minutes from the April 22, 2021, meeting; seconded by Hal Willard; none (0) against.

Ayes: Mr. Willard, Mr. Daddario, Mr. Leoncio, Ms. Tulman, Mr. Cupersmith

Abstentions: Mr. Pannu

Nays: NONE

Mr. Cupersmith motioned to approve the Minutes from the June 10, 2021, meeting; seconded by Hal Willard; none (0) against.

Ayes: Mr. Willard, Mr. Leoncio, Ms. Tulman, Mr. Pannu, Mr. Cupersmith

Abstentions: Mr. Daddario

Nays: NONE

Mr. Cupersmith motioned to approve the Minutes from the July 8, 2021, meeting; seconded by Hal Willard; none (0) against.

Ayes: Mr. Willard, Mr. Daddario, Mr. Leoncio, Ms. Tulman, Mr. Pannu, Mr. Cupersmith

Abstentions: NONE

Nays: NONE

Mr. Cupersmith motioned to approve the Minutes from the July 22, 2021, meeting; seconded by Hal Willard; none (0) against.

Ayes: Mr. Willard, Mr. Daddario, Mr. Leoncio, Ms. Tulman, Mr. Cupersmith

Abstentions: Mr. Pannu

Nays: NONE

The Chairman, Mr. Cupersmith switched the order of business for the evening due to a request of extension of the application under Old Business, ZC2020-009.

OLD BUSINESS

Patidar Brothers, LLC (Dunkin Donuts) MDR (R100) Case #ZC2020-009
101 Route 73
Block 247, Lot 4

Mr. Cupersmith indicated that the Board received a request for an extension for Patidar Brothers, LLC application and asked Mr. Norman read the letter to the Board.

Mr. Norman read the letter requesting an extension to November 11, 2021.

Mr. Willard made a motion to grant an extension to November 11, 2021, for the continuation. Motion is seconded by Mr. Pannu. Motion carries with the following roll call vote:

Ayes: Mr. Willard, Mr. Daddario, Ms. Tulman, Mr. Pannu, Mr. Cupersmith

Abstentions: Mr. Leoncio

Nays: NONE

NEW BUSINESS

S&J Kresson Gibbsboro MDR (R100) Case #ZC2021-010
113 Kresson Gibbsboro Road
Block 206.16, Lot 38

Mr. Norman gave an introduction and summary of the application for the record.

The Applicant is seeking multiple variances to allow the use of the property as a two (2) unit residential property where single family residential is permitted. The following variances are requested from:

- a. Section 152.012, where multi-family dwellings are not a permitted principal or conditional use in the MDR (R-100) district. This is a d-1 use variance.
- b. Section 152.014, to permit a gross density of 5 units per acre where the maximum permitted residential density in the MDR (R100) district is 1.5 units per acres, or up to 2.0 units per acres at the discretion of the Board. This is a d-6 density variance.
- c. Section 152.015.D(3), to permit a side yard setback of 8.02 feet is existing for a residential use where a minimum side yard setback of 15 feet is required. This is an existing non-conforming condition.
- d. Section 152.015 Impervious Coverage - Maximum impervious coverage is permitted to be 45 percent, where 52.3 percent coverage is existing. This is an existing non-conforming condition that is not proposed to change.
- e. Any other variances or waivers as may be required.

Present on behalf of S&J Kresson Gibbsboro, LLC is Mr. Dennis Talty, their attorney and witnesses Mr. Joseph Abraham, sole managing member of the LLC and Mr. James Miller, expert witness, professional planner.

Mr. Talty introduced and summarized application in greater detail confirming no exterior renovations to be completed, only interior renovations. They will be reducing the impervious coverage by removing parts of the parking lot and add in landscaping. They have provided a landscaping plan that includes an attractive view and will enhance the green space.

Mr. Cupersmith asked if any of the changes would result in changes for parking. Mr. Talty indicated that currently they are over parked. They plan to reduce the parking down to the appropriate level based on the number of bedrooms.

Ms. Tulman asked if any other conversion of an office space to a multi-family dwelling has been completed in Voorhees previously. Mr. Talty indicated that he is unaware of any other properties or similar situations that have occurred.

Mr. Norman swore in both Mr. Abraham and Mr. Miller.

Mr. Abraham, the applicant resides at 10 Bronwood Drive, is the sole owner of S & J Kresson LLC. Mr. Abraham has lived in Voorhees for over 30 years. He has owned 113 Kresson Gibbsboro Road since 1997 and is a licensed engineer that utilized the 2nd floor on the property as his office. Other than his limited use on the 2nd floor the building is vacant. Mr. Abraham indicated that he will be retiring and that he will no longer be needing the space.

Mr. Talty referred to his earlier summary that no exterior renovations are planned, and the interior of the structure shall be renovated so that the 2 units would become 3-bedroom residential units. Mr. Abraham confirmed.

Mr. Talty introduced Mr. James Miller as their expert witness in the field of professional planning.

Mr. Miller confirmed that he reviewed Voorhees Township Ordinances and performed a site visit in preparation to give testimony and opinion for this hearing.

Mr. Miller gave a summary of the property. The lot faces south. To the northeast and west of the site is a partially wooded area which is occupied as a yard that belongs to an excavating company. That yard extends around all 3 sides of the subject lot. The lot is partially wooded, is occupied by construction equipment, topsoil piles and several construction vehicles parked on the site.

Mr. Miller stated that to the south of the building across the street from the location is the Alluvium Corporate Center that is an office complex with a couple of buildings. The building closest to this structure is occupied by the Fresh Word Kingdom Assemblies Church. That property is zoned office.

Mr. Miller confirmed he reviewed the proposal to renovate the existing office structure into the two (2) residential units consisting of 3 bedrooms each. One (1) dwelling will exist on the bottom floor and one (1) dwelling on the second floor.

Mr. Miller stated that Mr. Norman has already reviewed the relief that the applicant is seeking and indicated that the only difference between what Mr. Norman already identified is that the plan has been amended to eliminate the impervious surface variance.

Mr. Miller stated that there will be nine (9) parking spaces will still exist with the landscaping improvements that are proposed.

Mr. Miller believes there are two purposes that the relief requested would advance.

Purpose A: To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

Purpose G: To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

Mr. Miller stated that in order to justify the variance it has to be shown that the site is particularly suited for the use proposed. Mr. Miller stated that there were a number of factors that contribute to the site being suited for the use proposed.

First, the improvements make the site particularly suited. The building has a brick façade which is suitable for residential use. The existing office suites can readily be converted into residential dwellings given the existing floor plans, access points, etc. There is ample parking. All improvements have the capacity to accommodate the proposed plans.

Secondly, the current use provides a means of utilizing a non-confirming structure in the residential district, with the proposed improvements it becomes a permitted use in a district by becoming a residential structure in a residential district.

The impervious surfaces will be more compliant. Currently the existing is at 50% and it will be reduced to 43%, the ordinance requirement is 45%. There will be an installation of the perimeter foundation plantings with landscaping around the perimeter of the lot, thus giving the property more residential character. The site will become more attractive to the surrounding area. Additionally, these improvements will combine to make the use much more consistent with the MDR district.

Mr. Miller stated that the building is partially vacant at present, Mr. Abraham is retiring which would leave the property vacant. Mr. Abraham has tried to find tenants to occupy the building as an office and has been unsuccessful. The market for the professional space has contracted over the past decade and given the location of the structure, the nature of the structure, it has limited utility as an office structure.

Mr. Miller indicated that the proposed plans provide a means of occupying the building, keeping it viable with constructive use contributing to the stability of the area and contribute to the Master Plan goal of redevelopment and revitalization.

Mr. Miller stated that the property is better suited for a multiple family use vs. single family use.

In terms of negative criteria, Mr. Miller stated that it has been shown that the relief the applicant is seeking will not be a substantial detriment to the public good and the use will not impair the intent or purposes of the zone plan or zoning ordinances. The proposed use will have lesser impact than the current office use. The relief that the applicant is seeking will make it more conforming and consistent with the MDR zone.

Mr. Talty thanked Mr. Miller for his testimony and stated he had no further questions.

Mr. Talty stated that the applicant was in agreement with most of the comments from the Township. The minimum side yard setback is 15 feet, currently they have an existing non-conforming side yard setback of 8.02 feet. There will be no change to that. The impervious coverage will be reduced to below the requirement of less than 45%. Parking concerns listed by the Township Engineer have been addressed.

Mr. Talty stated that the request from CME stating as per Section 152.014.B also requires that where the density is permitted to increase, a payment of \$25,000 per additional unit to the Township's open space fund is not applicable. The property is not a subdivision. There will be no reduction to open space, on the contrary space will be gained due to the reduction of the impervious surface.

Mr. Cupersmith thanked Mr. Talty and Mr. Miller for their testimony and asked the Board if they had any questions.

Ms. Tulman asked for clarification on whether the units will be rentals, or if it would be sold to one family to reside in both.

Mr. Talty indicated that there would be a sale of each of the units for them to be separate residences.

Ms. Tulman asked if it would be considered a condo.

Mr. Talty confirmed she was correct as the current state of the property is a 2-unit office condo. It would change to become a 2-unit residential condo. Mr. Talty indicated that the condominium documents would be amended to provide for the use as residential. There is no condo Board, the association consists of the 2 owners of the units. Those owners would be enforcing the rules and regulations together.

Ms. Tulman asked if they believe it could be purchased by an investor owner and then rented out to two families.

Mr. Talty stated that they could not predict the future.

Ms. Tulman discussed concerns for the property being a rental. Mr. Talty indicated that the plan and intent is to sell each of the units separately as owner-occupied units.

Mr. Willard asked Mr. Talty to confirm that they could not rule out the property being purchased by one investor. Mr. Talty stated that he could not say for certain.

Mr. Cupersmith indicated that it is not for the Board to determine how the unit would be purchased or occupied.

Ms. Tulman agreed and indicated her concern was for this application possibly setting a precedent for future applications as there are several office properties that may find the conversion to residential to be an alternative to vacant space.

Mr. Willard agreed and stated that it was not just going from commercial to residential but commercial to rental/multi-family.

Mr. Nolan stated that whether they are rental units or owned, the land use impacts are the same as far as who lives in the house. There is the same number of people occupying the property.

Mr. Cupersmith asked if the Board had any other questions. Seeing no further questions, the meeting is opened to the public for questions.

With no public questions or comment the public portion was closed.

Mr. Matlack of CME asked if the application is requesting a site plan waiver.

Mr. Nolan commented that the waiver was implied since no exterior improvements were proposed.

Mr. Matlack stated for the record that he did not have a problem with the waiver of site plan since the property is surrounded by woods, the landscape plan and buffer that have already been provided. Mr. Matlack asked that the applicant confirm the adequacy of the improvements for the parking lot and sidewalk, if any upgrades needed to be made.

Mr. Talty asked for Mr. Matlack to confirm his request.

Mr. Matlack asked for the applicant to confirm the adequacy of the existing site improvements, specifically the parking lot, sidewalk, and if any upgrades needed to be made.

Mr. Talty stated that to his knowledge no upgrades were needed. The current improvements are adequate.

Mr. Matlack asked if the current parking lot lighting would remain.

Mr. Talty stated that the lighting is currently on the perimeter and asked Mr. Abraham to confirm if it would stay. Mr. Abraham confirmed.

Mr. Matlack asked if this application was submitted to Camden County Planning Board. Mr. Talty confirmed that they sent notice of the application to Camden County Planning Board and did not receive any response or comments.

Mr. Cupersmith asked Mr. Norman if the Board would be approving subject to the Camden County Planning Board approval.

Mr. Norman confirmed that any approval the Board grants is subject to any outside agency approvals as a standard condition.

Mr. Willard asked Mr. Norman with relation to the discussion about the property being office condos, does that change whether it's considered a single-family residence or a multi-family dwelling.

Mr. Norman stated that condo ownership would mean that it's common ownership in the same block and lot with rules and regulations and used an analogy of going from one flavor of ice cream to another flavor of ice cream. It is essentially the same set up. There will have to be a maintenance agreement for responsibilities. If the Board is inclined to approve the application, the Board can suggest they submit any forum of changes to the condo association to the Board and Professionals to review so that there is provisions to ensure the maintenance of the landscaping.

Mr. Talty stated that the applicant would find that provision to be acceptable.

Mr. Willard gave background to his thoughts being that if this is being done as condos, he is looking at them as 2 residences, whether they are owned by the same person or not. He can reconcile that.

Mr. Chris Dochney of CME stated that whether they are condos, or each individually owned by 2 separate families that are owner-occupied sharing a maintenance agreement, or an investor owner who rents out both units, for the purposes of this discussion tonight the land use law is very clear that they should not be treated separately because of the tenure of ownership.

Mr. Dochney stated that whether they are rental units or owner-occupied units should not be influencing any decision based on the land use law and the Board's limited ability to grant variances.

Mr. Willard clarified that his point was not about who was residing in the units it was instead regarding ownership. Mr. Dochney indicated that in the single-family district 2 separate structures are required for that purpose.

Mr. Cupersmith stated that the applicant already agreed to submit the condo documents and changes to the Board for the professionals to review to make sure that the common improvements will be maintained and that it's residential character.

Mr. Talty stated that would be acceptable to the applicant.

Mr. Dochney took the opportunity to point out a misnomer in the report provided by CME. The density variance is a d5 and not a d6.

Mr. Norman summarized stating that the only conditions being added to the requested variances is that the applicant agrees to the requests in the CME report except for the contribution to the Open Space which does not apply. The applicant will also submit the condo documents to the Board for review by the Board's professionals.

Mr. Willard asked for Mr. Norman to recite what the motion would be.

Mr. Norman stated the motion would be to grant the use variance subject to the following conditions:

1. The applicant agrees to the requests in the CME report except for the contribution to the Open Space which does not apply.
2. The applicant will also submit the condo documents to the Board for review by the Board's professionals.

Mr. Willard makes a motion to grant variance relief for the two bulk variances with the above conditions:

Motion is seconded by Mr. Leoncio.

Motion carries with the following roll call vote:

Ayes: Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Pannu, Mr. Cupersmith

Abstentions: NONE

Nays: Ms. Tulman

With no further business to discuss, Mr. Pannu motioned to adjourn the meeting seconded by Mr. Daddario.

Jennifer Gaffney
Zoning Board Secretary
Voorhees Township

Minutes prepared by Jennifer Gaffney. The minutes are intended to reflect the basic comments and action. Verbatim transcripts of all electronic recordings can be available upon proper request and payment.