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**ZONING BOARD OF ADJUSTMENT
AGENDA FOR FEBRUARY 8, 2024
6:45 P.M. CAUCUS, 7:00 P.M. MEETING**

CALL TO ORDER & FLAG SALUTE

NOTICE:

The Zoning Board of Adjustment reserves the right to change the order of the published agenda. All changes to the agenda will be announced at the beginning of each meeting.

It is the intent of the board (and at the discretion of the Chairman) to not begin a new application after 10:00 P.M. and to adjourn the meeting by 11:00 P.M.

It is a further policy of the Board that members of the public will be limited to five minutes when speaking on an application. When a person is representing a group of people, he or she may speak for ten minutes.

Thank you for your cooperation.

This Board is a quasi-judicial Board therefore this meeting shall be conducted in a similar manner to a judicial proceeding. Decorum appropriate to a judicial hearing must be maintained at all times and any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision.

OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is being held in compliance with the requirements of the 'Open Public Meetings Act' and has been duly noticed and published as required by law.

ROLL CALL

MINUTES FOR APPROVAL

January 25, 2024

NEW BUSINESS

DR. DAVID LACKNER

ORB

Case #ZC2023-027

219 S. Burnt Mill Road, Block: 100, Lot: 18

The Applicant is proposing to occupy a portion of the existing building for Bible education/training. Applicant has indicated that the program is proposed to be operated on Saturdays when the building is not being used by the Daycare or the Church, thus requiring a d-1 use variance as follows:

- a. Section 152.072(A)** – where religious education uses are not permitted uses in Zoning District ORB and the applicant proposes a religious education on the property; and
- b. Section 152.075(C)(b)** – where a minimum side yard setback of 20 feet is required, and the pre-existing non-conforming setback is 10.7 feet; and
- c. Section 152.075(F)** – where the maximum impervious coverage limit is 60% and the pre-existing non-conforming impervious coverage is at 78%; and
- d. Section 152.075(G)** – where the maximum permitted clearing limit 70%, where the pre-existing non-conforming clearing is approximately 80% of the lot is cleared; and
- e. Section 152.075(H)** – where the required parking setback is at least 20 feet from the right of way, and 25 feet from residentially zoned property, and the pre-existing non-conforming parking setback is 0 feet from Wayne Avenue, and 12 feet from the residential property to the east; and
- f. Section 152.075(I)** – where a minimum of 25% of the tract is required to be set aside of open space, and the pre-existing non-conforming less than 20% of the tract is undeveloped; and

Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

The Applicant has requested the following use and bulk variances to repurpose an existing office building into 96 senior apartments, 16 senior townhouses in a 2-phase project:

- a. Section 152.132Q** – where lots that were used as non-residential uses as of July of 1999 and are only permitted to be used for non-residential uses and the applicant proposes repurposing non-residential existing office building into residential units; and
- b. Section 152.134(A)(d)** – where a maximum density of 1.7 units per acre is permitted for residences in high rise buildings, where a density of 23.4 units per acre is proposed; and
- c. Section 152.135(G)** – where the maximum permitted building height is 75 feet, it appears the existing building is approximately 100 feet in height; and
- d. Section 152.135(D)(1)(c)** – where the minimum required front yard setback is 30 feet, and a pre-existing non-conforming condition of a 25-foot setback exists; and
- e. Section 152.135(D)(2)(a)** – where the minimum required rear yard setback where adjacent to a residential use is 50 feet, and a pre-existing non-conforming condition of a 16-foot setback exists; and
- f. Section 152.135(E)** – where the minimum required buffer width is 25 feet where adjacent to residential use, and a pre-existing non-conforming condition of 16-foot buffer exists; and
- g. Section 152.135(H)** – where the maximum permitted impervious coverage is 60%, and there is a pre-existing non-conforming condition of 75% impervious coverage exists; and
- h. Section 152.135(I)** – where the maximum permitted clearing limit is 70%, and the pre-existing non-conforming condition of the entirety of the site has been cleared; and
- i. Section 152.135(J)** – where the minimum required parking setback from the right of way is 25 feet, and the pre-existing non-conforming parking area is located on the Laurel Road right of way (0-foot setback); and
- j. Section 152.135(K)** – where minimum required open space is 10%, and the pre-existing non-conforming open space is 0%; and
- k. Section 154.006(A)(5)** – where a typical 25-foot buffer is required to include three rows of trees and shrubs planted 5-feet on center, where two rows are proposed; and
- l. Section 154.006(B)(8)** – where a minimum of 5% of the internal parking lot area is required to be landscaped, and no landscaping is proposed; and

Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

COMMENTS FROM THE PUBLIC

COMMENTS FROM THE BOARD

NEXT MEETING DATE(s): February 22, 2024, March 14, 2024, and March 28, 2024.