



**ZONING BOARD OF ADJUSTMENT**  
**Thursday, November 7, 2019**  
**APPROVED MINUTES**

*You couldn't pick a better place.*

**OPENING:** The meeting was called to order by Chairman Jonathan Rardin at 7:30 PM.

**PLEDGE OF ALLEGIANCE:** Led by Chairman Jonathan Rardin.

**OPMA STATEMENT:** Read by Chairman Jonathan Rardin in compliance with the Sunshine Law.

**ROLL CALL**

- **Members in attendance:** Jonathan Rardin; Daniel DiRenzo, Jr.; Wyatt Sklar; Marshall Spevak; Nacovin Norman; Ann Madden Tufano; and Greg Bruno.
- **Professionals in attendance:** Jacob Richman, PP, AICP, Planner; and Allen Zeller, Esq., Zoning Board Solicitor.

**ADMINISTRATIVE ITEMS**

*Adoption Meeting Minutes from October 17 2019.* Mr. Spevak made a motion, which was seconded by Mr. Sklar, to adopt the Meeting Minutes from October 17, 2019. Affirmative votes by Rardin, DiRenzo, Sklar, Spevak, Norman, and Tufano. Minutes are approved.

**AGENDA ITEMS:**

**19-Z-0040**

Block(s) 338.04 Lot(s) 2

Zone: Institutional (IN)

*Relief Requested: A use (d1) variance to permit a single family residence in the Institutional (IN) Zone.*

**St. Michael's Lutheran Church**

102 Chapel Avenue East

Cherry Hill, NJ 08034

**Applicant's Representatives:** Richard Goldstein, Esq. – Applicant's Attorney; Peter Lazaropoulos, PP – Applicant's Professional Planner; and Lisa Gess – President of St. Michael's Lutheran Church Council.

**Exhibits Submitted:** A-1: Photographs of Exterior and Interior; and A-2: Aerial & Street View Photographs.

Mr. Goldstein gave an overview of the site location and the property under Church ownership which consist of the Church plus three (3) residential properties including the subject site located at 102 Chapel Avenue East. Mr. Goldstein stated that the applicant is proposed to convert the subject property into a single-family dwelling. Goldstein noted that the property was historically utilized as a residence (constructed in the 1950's) as it has 3 bedrooms and 1 bathroom. Subsequently in 2004, the Master Plan changed the zoning of the property to Institutional (IN) which does not permit single-family dwellings. In 2008, the subject site was used as a food pantry associated with the Church but has since ceased operations. The property has been vacant for a couple of years and the applicant now intends to convert the property back to residential without the need for site improvements. Mr. Goldstein explained that the Planning Board recently adopted the 2018 Master Plan which called for the rezoning of the subject site to the Residential (R2) zone which would permit single-family residence; however, the Master Plan has not been adopted by Township Council. Due to the property still sitting vacant, the applicant decided to wait no longer and just proceed with the use variance request. Mr. Goldstein posited that the use of the property as a single-family dwelling is appropriate.

Ms. Gess noted that the subject site is appropriately laid out as a single-family dwelling. Mr. Goldstein submitted exhibit A-1 and Ms. Gess proceeded to provide a description of the dwelling's residential character and affirmed that it would be utilized as a single-family residence if approved. Ms. Gess clarified that they intend to utilize the property as a rental property which will be an additional source of income for the Church. Ms. Gess detailed the proposed repairs and aesthetic improvements that will be made to the dwelling in order to pass all necessary Certificate of Occupancy inspections. Ms. Gess stated that they are not proposing any footprint changes to the dwelling; however, if they plan to make any changes in the footprint in the future they will obtain all necessary permits/approvals. Lastly, Ms. Gess stated that the applicant's open construction permit for an air condition was recently closed out with the construction office.

Mr. Lazaropoulos submitted exhibit A-2 and detailed the characteristics of the property and the surrounding neighborhood. Mr. Lazaropoulos posited that the proposed use of the property as a single-family dwelling is consistent with the surrounding area. Mr. Lazaropoulos explained how utilizing the site as a commercial use would be an undue hardship on the applicant. Mr. Lazaropoulos also detailed how the property conforms to RSIS requirements. Lastly, Mr. Goldstein stated that the applicant agrees to all Department of Community Development review letter comments and acknowledged that checklist comment #39 was included in error and is stricken from the record.

**Public Comment:** Kay McConnell of 3503 Church Road stated that she is a member of St. Michael's Lutheran Church and she is in support of the requested variance to convert the property into a single-family dwelling.

**Motion:** Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Mr. DiRenzo and seconded by Mr. Spevak, with affirmative votes for approval by Rardin, DiRenzo, Sklar, Spevak, Norman, Tufano, and Bruno for the approval of the Use d(1) Variance. Motion carries 7-0.

**19-Z-0027**

Block(s) 289.01 Lot(s) 1  
Zone: Multi-Residential (R10)

**Congregation Beit Tefilah of Cherry Hill**

819 Cooper Landing Road  
Cherry Hill, NJ 08002

*Relief Requested: A use (d)1 variance to utilize the existing property as a house of worship for the Orthodox Jewish Congregation known as Young Israel.*

**Applicant's Representatives:** Robert Cohen, Esq. – Applicant's Attorney; and Ari Miller – President of Congregation Beit Tefilah of Cherry Hill.

**Exhibits Submitted:** A-1: Site Photographs.

Mr. Cohen gave an overview of the property characteristics and the applicant's proposal to move the congregation from 817 Cooper Landing Road next door to 819 Cooper Landing Road; however, as the next door property is zoned R10, it does not permit religious uses by right. Mr. Cohen detailed the site/development history of 819 Cooper Landing Road and noted that it started out as a residence before becoming a residence with a hair salon business and then ultimately abandoned the commercial component by converting the entirety of the dwelling back to single-family residential. Mr. Cohen explained that the applicant is just proposing to move the congregation to 819 Cooper Landing Road and that no site improvements are proposed. Mr. Cohen stressed that congregants primarily walk to synagogue due to religious reasons and because many of the congregants live close by. As such, their present parking lot (16 spaces) is rarely full and the new parking lot (15 spaces) is more than sufficient.

Mr. Miller noted that he is the President of the congregation but also has a background in property management. Mr. Miller stated that the congregation has approximately 60 membership units (consisting of families & individuals). Mr. Miller noted the hours of operation and stated the building is used twice per day (one in the morning and once in the evening). In the mornings the hours are presently Monday through Friday from 6:45 am to 7:30am, Saturday morning from 8:30am to 1:00pm, and Sundays 8:30am to 9:30am. In the evenings the hours can vary a bit as it is dependent upon when the sun goes down and explained that during the winter the starting hours range between 4:30pm and 5:25pm during the work week. Morning services have up to 15 people with maybe 10 drivers and in the evening approximately the same amount. Saturday mornings (peak time) will have 50 to 60 adults. Even during peak times, the parking lot is not used as people walk to synagogue; however, if they hire a security guard then one (1) parking space may be used. Mr. Miller noted that they will

have 90 seats in the synagogue. Mr. Miller affirmed that should any ADA improvements be necessary in the future that they would comply accordingly.

Mr. Miller gave an overview of how they would utilize the new facility and noted that there will be a prayer room, a kitchen, and a play/babysitting area for children; however, no changes in operations are proposed if they receive approval to move from 817 to 819 Cooper Landing Road. Mr. Miller stated that he believes the property is particularly suited as a religious use and due to the fact that it is within walking distance of many of their congregant's homes. Mr. Miller believes there will be no adverse impacts if their application is approved as there wouldn't be a noticeable change by moving their operations next door. Mr. Miller stated that there are no plans presently as to what will happen with 817 Cooper Landing Road if approved to move to 819 Cooper Landing Road; however, they would seek all necessary approvals should they propose any changes to 817 Cooper Landing Road. Mr. Miller clarified that they still intend to use 817 Cooper Landing Road for storage associated with their proposed use at 819 Cooper Landing Road.

Mr. Cohen stated that the applicant prefers to enter into a shared parking agreement with their existing property at 817 Cooper Landing Road to avoid the need for a bulk variance for parking to accommodate the needs at 819 Cooper Landing Road. This agreement would be subject to the review by the Department of Community Development and the Zoning Board Solicitor. Mr. Cohen understood that any changes to 817 Cooper Landing Road (specifically from a use or operation standpoint) would require the need for a reexamination of the agreement and potentially a Zoning Board application. A number of Zoning Board members expressed more favorability of the shared parking/lease agreement as opposed to consideration of a variance. It was clarified that the subject site would technically require 31 parking spaces and that the two sites combined have 31 parking spaces. Mr. Miller stated that the proposed site has a dwelling consisting of approximately 3,000 SF while the existing space is approximately 1,200 SF, and as such, the new location would provide much needed space for their congregation. Mr. Miller closed his testimony by affirming that he does not expect to exceed the need for more than 90 seats at 819 Cooper Landing Road.

**Public Comment:** None.

**Motion:** Following a review of the application and conditions of approval by Solicitor Zeller, a motion was made by Mr. Spevak and seconded by Ms. Tufano, with affirmative votes for approval by Rardin, DiRenzo, Sklar, Spevak, Norman, Tufano, and Bruno for the approval of the Use d(1) Variance. Motion carries 7-0.

**RESOLUTIONS:**

None.

**Meeting Adjourned:** at 8:15 PM.

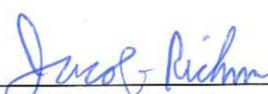
**ADOPTED:** 11/21/19



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**JONATHAN RARDIN, CHAIRMAN**

**ATTEST:**



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**JACOB RICHMAN, PP, AICP**  
**ALT. ZONING BOARD SECRETARY**