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. Weil, Mr. Willard, Mr. Daddario, Mr. Patton, Mr. Cupersmith, Mr. Senges

Absent: Mr. Leoncio, Mr. Brocco

Also, present, Mrs. CherylLynn Walters, Board Solicitor, Ben Matlack, Board Engineer, Elaine Powell, Acting Zoning Board Secretary

**APPROVAL OF MINUTES**

Mr. Weil motioned to approve the minutes from July 13, 2017; seconded by Mr. Cohen.

Motion carried by the assenting voice vote by all board members.

**MEMORIALIZATION OF RESOLUTIONS**

Sherwood Forest Homes, LLC

126 South Burnt Mill Road

Block 22, Lot 15

Resolution No. 17-23

**NEW BUSINESS**

**The Family Church**

333 Preston Avenue – Suite 2

Block 14, Lot 13

Case #ZC2017-014

Seeking ‘USE’ Variance relief from Section 153.082 of the ULDO along with site plan waiver to permit the use of the Property as a church. Also request any other relief as may be deemed necessary by the board and/or its professionals.

Michael Floyd, Applicant’s Attorney from Archer & Greiner indicated he was appearing on behalf of the Applicant, The Family Church, who submitted an application for a Use Variance approval, and if necessary, waiver of the formal requirements of site plan review all in connection with the proposed use of property as a church.

The following faculty witnesses as well as expert witnesses were sworn it to testify:

Pastors Dawn Winsley and Ted Winsley on behalf of The Family Church

Mr. Omar Wellington, Property Owner on behalf of the Coliseum

Deanna Drum, Traffic Expert

Joe Mancini, Professional Planner

Ken Levers, Professional Planner and Engineer

Mr. Misell of CME was sworn in as the Board Planner

Mr. Floyd indicated the applicant is a 501(c)(3) Non-Profit Church. The Family Church currently holds services in two locations, one in Camden and one in Voorhees. The property, the Coliseum is located in the B Zone and religious institutions such as churches are not permitted uses therefore they are seeking D-1 or Use Variance approval.

Pastor Theodore (Ted) Winsley was sworn in to testify. He stated The Family Church is a non-denominational Christian church 501(c)(3). They started the church nine to ten months ago on 9/11/16. He’s been the Assistant Pastor at a Church in Pennsauken, NJ on staff for 15 years. Currently he is the Chaplain for the Philadelphia Eagles for 17 seasons. Nine months ago The Family Church started their own ministry; Temple Emanuel. Ten months later they have grown and found that it was necessary to have two locations one in Camden and one in Voorhees at Eastern Regional High School. They hold an 8:45 service and 9:45 service in Camden and 11:00 a.m. service at Eastern Regional High School in Voorhees. Their Mission Statement is a local community with a biblical mandate to change the world by restoring God’s family. Pastor Ted went onto say they really believe the way to change the community is by restoring families. There are 200 registered members. However, actual attendance fluctuates. Hours of operation are as follows: Bible study Wednesday night from 7:00 p.m. to 8:30 p.m. and two service times at the Voorhees location of 9 a.m. and 11 a.m. The plan would be to add an additional service on Saturday evenings at 6:30.

During the 8:30 a.m. service there are anywhere from 80 to 100 members in attendance. The second service fluctuates from 150 to 200 members in attendance. Between the two services there may be as many as 300 members in attendance. Members go through a membership class and are committed to the church. During larger services or larger weeks or weekend it could be 300 altogether.

The Family Church has a regional draw with members coming from Delaware, Philadelphia and New Jersey. On occasion, Ushers participate in both services.

Moving forward The Family Church plans on strictly operating out of the Voorhees location. The Camden location will no longer exist. There will be services at 9 a.m. and 11 a.m. They are estimating 100 members attending the first service and 200 members attending the second service. The services are 1.5 hours. They have considered making the 11 a.m. service an 11:30 service. If there is an overlap there could possibly be a parking issue or traffic issue. There is a 30 minute separation between the two services. If The Family Church found there was an overlap of members coming in for the 11:00 a.m. service they would be willing to push the 11:00 a.m. service to 11:30.

The Family Church will host Bible studies, water baptisms, funerals, and weddings. Funerals and weddings will be planned. The facility was a catering hall previously, therefore, they could possibly hold weddings as well as a receptions. Events could range from small and intimate to larger events. The Church would work with Omar Wellington, the Owner of the Coliseum, as far as the logistics are concerned relative to the size of the events. Kitchen facilities could be used. If they are planning to serve food they would utilize the kitchen. Holding services are one thing. Having celebratory events or funerals would require advance notice. The Family Church is willing to work with the Board on any reasonable conditions regarding wedding services at the Church. They would also be willing to work with the police department on traffic control for exceptionally large events.

Mrs. Walters, Attorney for the Board, indicated the challenge with trying to determine any type of reasonable condition is that it’s very unpredictable. The Board does not want to create an enforcement issue by approving the Use Variance. Funerals, weddings, and baptisms will have to be treated differently. However, a funeral can occur seven days of the week. Mrs. Walters also inquired as to the occupancy load of the space, what is the maximum number of people allowed in the space?

Mr. Omar Wellington, Property Owner, was sworn in. He indicated the occupancy load of the larger sanctuary room is 498 and the occupancy load for the smaller room is about 150. The small room is marked as the Children’s area on the floor plan.

Exhibit A-5, Floor Plan was presented by Mr. Floyd. Mrs. Walters stated that Mr. Floyd for the record handed the Board, it’s professionals and herself an Exhibit list identifying exhibits A-1, A-2, A3, A4, A5, and A6; some of the Exhibits were multi-pages. For the record everything was marked on the Exhibit List and was accepted into the record. Mr. Floyd recommended speaking to Mr. Wellington regarding capacity. It is possible that once a determination is made as to maximum capacity, should events exceed x number of people, those events would have to be held elsewhere. This is practical and reasonable for

all parties. Mr. Wellington indicated the number of 498 on the Floor Plan came from the previous tenant; stadium seating and seating around the octagon.

Jeff Senges inquired as to how the space is going to be utilized by the congregation for the church services.

Mr. Floyd referred to Exhibit A-5D. The floor plan was designed to show approximately 350 chairs and indicated the facility had been a catering facility for over 20 years. He also indicated they did not have a plan showing a proposed layout of tables for a wedding. That will be determined at some point in the future. The Church has not had an opportunity to renovate the facility. They are waiting for approval before starting renovations. Mr. Floyd further indicated there are a variety of layouts that can be utilized for weddings.

Mr. Senges stated it was introduced in testimony that The Family Church would hold weddings and funerals. Funerals would most likely take a layout similar as a congregation. Mr. Senges indicated if the Board were to award the Use Variance that is going to include these type of events, they would need to know what the safe capacity is.

Mr. Floyd proposed for the Board’s consideration possibly looking at a limitation on the number of people invited to the wedding. Mr. Senges responded the client has to determine the number; this is not something the Board can impose. Mr. Floyd questioned Pastor Ted with respect to weddings would he be willing to limit the total number of guests at a wedding hypothetically at 200.

Mr. Senges responded, it has to be a number that has some basis and fact. Mrs. Walters inquired as to whether or not Pastor Ted has conducted weddings. He stated he has conducted about five or six, the largest wedding had 80 attendees. Mrs. Walters questioned what the average size for a wedding is. Pastor Ted responded 65. The room would easily hold 200 individuals. Mrs. Walters further indicated the Board does not have anything to demonstrate that. Mr. Wellington indicated that he observed 30 weddings there with over 400 people with a dance floor and tables.

Mr. Senges indicated the Board will categorize special events as weddings, funerals, baptisms and suggested limiting those events to 200 individuals. Should the Family Church have space for more and a need for more, they can always seek relief of that condition. The Board needs to assess impact and have a realistic idea of what is going to happen on site. Additionally, there will be a need to place parameters on parking, etc.

Mr. Senges also indicated they established 200 people as a reasonable amount and questioned Mrs. Walters as to whether or not they have set similar conditions for other similar uses, for example the Buddhist Temple on Route 561. The Temple is a little larger because they have more space. Jeff Senges stated the point of setting a limit is not unique to The Family Church. It is part of the process and the Board has learned from their mistakes.

Mr. Floyd stated should the needs change, Pastor Ted is aware they would have to come before the Board for a new Use Variance or an amended Use Variance approval.

Mrs. Walters inquired about special events, the kitchen facilities and the intent of the use of the kitchen facilities. Pastor Ted responded that his intent is to utilize the kitchen for special events, life cycle events. There will be no catering out of the kitchen for off premises, and will not be open to the public.

Mrs. Walters inquired as to whether or not the congregants stay after the service and if there is a meal service? Pastor Ted stated there is a café in the Coliseum. Individuals would leave the church and go into the café. The café is owned by Nexxt Level.

Mr. Floyd inquired with respect to the café and the other tenants in the Coliseum, why this site is particularly well suited for the Family Church. Pastor Ted responded the location is family friendly, how they operate, and it is the perfect usage for their congregation and their whole philosophy.

Mr. Floyd requested Mr. Wellington speak about the other tenants in the building, the condo association and the vetting process for bringing in new tenants. Mr. Wellington indicated he has been at the Coliseum for close to ten years. He started leasing 22,000 sq. feet of space in the Coliseum in 2007.

The business was running well, Nexxt Level was running very well. Mr. Wellington’s father who helped him start Nexxt Level, passed away in January 2012. His business partner of Nexxt Level passed away in

September 2012. The lease for Nexxt Level was scheduled to expire in October, 2012. Mr. Wellington along with his family decided to purchase the Coliseum and thought that would be in their best interest. The previous owner was in financial trouble. They made a commitment to Voorhees Township that the Coliseum would be a place for family, sports, fitness and positive gatherings. They acquired the property in 2014. Since then, one of the first things they did was sell the pool in the back section of the Coliseum to create the Aquatic Center. The property became a condo, Unit 1, the Aquatic Center. Unit 2 of the Condo is Nexxt Level as well as the remainder of the building. The Nexxt Level Condo Association is what governs the common area or common elements of the property. Their real estate approach is to make sure they have separate organizations and businesses within the building to give them their best chance at success. When there are special events at the facility such as a swim meet, basketball tournament, weddings, etc. the Nexxt Level Condo Association ensures there is a coordinated effort to make sure everything from parking, etc. runs smoothly. Mr. Wellington further indicated that he has not heard anything through the Township or from the Township to date or any other complaints as to how they have done thus far. Currently there are six tenants in the building. In Unit Two, there is a yoga studio, an art restoration studio, Nexxt Level, Tang Su Do Karate, and Colossal Sports Academy. Unit one is dedicated to the Aquatic Center.

Mr. Wellington further explained the yoga studio operates Monday through Friday early morning and then late afternoon into the evening. On Saturday they have two early morning classes, 6 a.m. approximately and the other at 9 a.m. On Sunday they have one class with 20 to 25 attendees maximum. The art and restoration studio operates Monday through Friday 9 a.m. to 5 p.m. There are two employees. Tang Su Do Karate operates early morning and then late afternoon early evening Monday through Friday and weekends similar to the yoga studio in that they have set class times for karate or boxing. The average class size is less than 30; average 20. Exhibit A-4, the floor plan for Unit 2 breaks down the square footage for each of the tenants. The yoga studio is 3,623 sq. ft., Karate Academy is 2,600 sq. ft. The other tenants in Unit 2 are much smaller in terms of their square footage and therefore limited to how many guests, visitors or patrons they can accommodate. Other than the fitness center, the church would be the Nexxt largest user. Nexxt Level Performance and Fitness has a similar schedule early morning adult training 6:00 a.m. and 9:30 a.m. and then late afternoon evening activities starting at 3:30 to 10:30 p.m. Monday through Friday; weekends depending on the activity at that moment and the season. On occasion Nexxt Level will operate from 8 a.m. to 2 p.m., 3 p.m. dependent upon the event or the activity both Saturday and Sunday. On other occasions, not as often on Sundays. On average Nexxt Level will have 40 participants and spectators for the weekend events.

Unit one is the Aquatic Center located in the rear of the building. Unit three at the moment is occupied by Colossal Sports Academy. Colossal Sports Academy, the existing tenant will come underneath Nexxt Level. Unit three is not completed yet and Mr. Wellington is hopeful that it will be completed soon. It’s a membership based rock-climbing facility that will offer similar times as Nexxt Level Performance and Fitness; early morning, late afternoons and evening. From an occupancy standpoint, they are building massive rock climbing walls indoors. We do not anticipate that they are going to be able to hold any more than the space currently holds. Given the space is currently an open turf field, the space will hold 20 on average at one given time.

Mrs. Walters inquired as to how many parking spaces the entire site has. Mr. Wellington responded they have 298 parking spaces. This includes the new parking for the Aquatic Center for the other condo which has not yet been constructed. Mr. Wellington does not know when the new parking lot will be completed due to financial issues. Therefore, there are approximately 175 spaces currently.

Mr. Ken Levers was sworn in to testify. Mr. Levers is a Licensed Professional Engineer and Licensed Professional Planner in the State of New Jersey. He has been the Owner of Environmental Consulting Southern New Jersey for over 30 years. He has been doing site engineering and Board and Court testimonies for many years. He has a Bachelor’s of Science in Civil Engineering. He was the site engineer for the Aquatic Center when that was approved. In response to the question from the Board Solicitor can you confirm the number of current parking spaces on the property and how many parking spaces are approved for the Aquatic Center? Mr. Levers stated approved for the Aquatic Center is 298 spaces. The area in the back is incomplete. The Aquatic Center has to build approximately 37 spaces in that area. Therefore, 261 spaces are currently available on the site.

Mr. Levers questioned Mr. Wellington based on historical experience and familiarity with the prior uses in the property in question particularly the banquet hall. Do you feel there will be sufficient spaces for church service uses on Sunday mornings along with the other services on the property? Mr. Wellington indicated they have scheduled swim meets and basketball tournaments simultaneously. He also stated the events were coordinated very well. He believes they have had a catering and banquet facility there at the same time as well as events running both upstairs and downstairs concurrently and parking has never been an issue at all. He continued to state that when there are special events with a high number of attendees, the events are managed through the condo association and it is a well-coordinated effort. They have individuals outside directing traffic as well as cones. Mr. Wellington feels as though there is more than adequate parking for church services. The last swim meet had 1000 attendees, however, they do not all arrive at once. The attendees come in and out at various times throughout the day. At a given time there are 200 attendees. There are 8 swim meets throughout the year. The swim meets are held on Saturday and Sunday mornings or afternoons.

Mr. Senges indicated testimony was given that there would consistently be approximately 200 people at any given point in time during a swim meet. He continued to state the Board has to look at the maximum capacity and worst case scenario. The Board cannot create a safety problem for public use. The Board over time has developed procedures and requirements so they don’t have to ask individuals to come back before the Board. The Board has learned over time from experience and from their mistakes and successes. Pedestrian safety is very important. The numbers the Board has been given are the worst case scenario for each one of the tenants. When the tenants are at maximum capacity it may limit the number of users for other tenants. Mr. Senges stated should there be a church service and swim meet and the other businesses are operating under their normal routine, there will be 500 people present, with the individuals attending the church, arriving at the beginning and leaving at the end. With some of the other events, they are coming and going all the time. It sounds like a busy scenario.

Mrs. Walters suggested Mr. Levers and Mr. Misell provide the testimony they were brought here to provide and defer to the Board’s engineer to attempt to clarify some of the issues relating to the Board’s concerns with parking.

Mr. Levers indicated Mr. Wellington stated there have been two swim meets within a year and a half. For the swim meets there are staging areas which means Nexxt Level shuts down the weight room area, basketball facility, and turf area. These areas become part and parcel of the swim meet operation. The only other tenants that are involved on a worst case scenario would be the yoga studio which is very limited, the karate studio, again a small studio with very minimal impact.

Mr. Levers indicated the current users conducted a parking study in 2014. As the Engineer for the Aquatic Center, a parking analysis was conducted of what existed there and how that was going to impact all the other functions that were ongoing at the time. For analysis purposes, the building was broken into Nexxt Level Sports, the catering and the banquet facility which was operated by Nexxt Level, and the Philadelphia Soul, who at times was involved with this facility as their training facility. The turf area was also included which was Nexxt Level Sports. There were offices on the second floor on the left side of the property. It was determined at that time based upon the Ordinance requirement for parking that a total of 341 spaces would be required to satisfy the Voorhees Ordinance. It did not take into consideration there is a 20% credit of shared parking because obviously not every operation is on-going at the same time in the entire facility so there is some shared parking section in Voorhees Land Development ordinance that allows the 20% shared parking credit. That dropped the then requirement of parking to 274 when you took the 20% credit which was agreed with the Planning Board Engineer, Rakesh Darji. The final site plan approval was for 298 spaces, albeit 274 were required. In addition, the Board and the applicant Aquatic Holding agreed to an additional 42 spaces in future reserve if the Township ever felt parking was inadequate, they would have to build those 42 spaces. Those spaces were designated on the Site Plan. That is the result of the 2014/2015 parking analysis for the Aquatic Center. The 37 spaces are part of the 298. There are now 261. The 37 spaces are on hold for financial concerns. They are bonded for and must be completed otherwise the bond would be called. However, the financial issue has been resolved and construction will be moving forward.

Mr. Levers stated the total required parking per the Ordinance based upon the current users and the square footage was 334 without taking the 20% credit. Taking the 20% credit, the result would be 267 spaces. With the church there are 117 spaces allocated, 350 seats, one parking space per every three seats. The code requirement 4.015 for Houses of Worship is one parking space for every three seats. Mr. Levers looked at the worse-case scenario of 334 spaces with the required maximum of 20% credit; there

are 298 spaces under the original site plan and 42 in reserve; for a total of 340. Mr. Levers feels as though the 340 meets the 334 required max scenario; assuming all the spaces are filled. Currently there are 261 spaces.

Mrs. Walters inquired as to what the peak times are for each one of the tenants. Mr. Wellington informed the Board the peak times for the yoga studio are early morning seven days a week. Nexxt Level Sports, early mornings during the week and late afternoon and evenings. Evening peak hours are from 6:30 p.m. to 8:30 p.m. during the week. The weekend events are minimal and not very often on Sundays. The karate studio peak times are early mornings on weekdays and 6:30 p.m. to 8:30 p.m. in the evenings Monday through Friday and early morning on Saturday. The art restoration facility only operates Monday through Friday.

Mrs. Walters inquired as to whether or not Mr. Wellington knows in advance when the swim meets are going to take place. Mr. Wellington indicated the Association meets and reviews the calendar and they plan the swim meets around other events that are scheduled. Mrs. Walters asked whether or not it would be feasible for the Applicant to not book a 200 person wedding at the same time as the swim meet if they know the dates a year in advance. There is concern regarding parking when a service is scheduled on a Sunday and there are 200 attendees during the same time potentially as a swim meet. Mr. Wellington reiterated the Association works with a master calendar to ensure busy uses do not overlap which would result in a lack of parking and additionally, it’s bad for business.

Mr. Floyd stated should the Board grant the requested approval, the applicant agrees to the condition not to schedule any weddings on those Sundays when there is a major swim meet.

Mrs. Walters commented she is not sure how feasible that would be.

Jeff Senges inquired as to how one could limit the church service to 200 people. The Board could approve it with the 264 however, it’s not possible to limit the parking.

Mr. Wellington indicated they have held a swim meet, a basketball tournament at the same time along with a mid-day birthday party or brunch held in the catering hall. The facility would be able to accommodate the events as far as parking is concerned as long as it is scheduled in advance. He further indicated should the church have 200 people attending a Service at 11 a.m. and if there is a swim meet, he thinks they can be scheduled to take place at the same time. However, should there be a basketball tournament at the same time, Mr. Wellington thinks parking would then be an issue.

Mr. Senges stated The Family Church cannot realistically turn people away and close the doors for a religious service. There needs to be additional parking and the Church needs to have the ability to accommodate the additional people. One extra car could be a problem.

Mr. Floyd stated the challenge is holding a swim meet, church service and/or a wedding on a Sunday. As a condition of any approval, we would agree not to hold church services 9:00 a.m. and 11:30 a.m. on those dates. Those dates would be rescheduled. The Church can make adjustments for eight weekends for swim meets on a Saturday or a Sunday. The Church would agree on those eight Sundays not to hold services at the same time. We would request the Board consider having that condition to terminate once the additional parking spaces are constructed either by the Aquatic Center or the Owner. The lease for the Church is five years. The Board will consider the proposal.

Mrs. Walters addressed Mr. Mancini and indicated the Board has established there are 267 spaces required and 261 spaces currently. There is a Parking Variance for six spaces. The Board would like to have this addressed. Mrs. Walters inquired as to what triggers the banking of the 42 spaces. Mr. Mancini responded, the Township. The Township has the condition of the approval. The way the Resolution reads if Voorhees Township at any point in time feels the parking is inadequate then Aquatic Holding has to construct the 42 spaces. Once notified by the Township they will have 90 days to construct the spaces. The location of those 42 spaces are very easily facilitated. They would be constructed off of an existing drive isle. Mrs. Walters stated for purposes of the record Exhibit is marked A-7 Aquatic Site Plan, last revised 4/3/16.

Mrs. Walters requested Mr. Mancini and Diana Drumm to come forward to discuss traffic patterns. Mrs. Walters advised the board Ms. Drumm was qualified as an Expert within the past two weeks before the Voorhees Planning Board. Ms. Drumm submitted a traffic assessment to this Board as well as a follow-up submission. During the week a minimal administrative staff will be present for the Church Monday through Friday. The Wednesday evening Bible studies will take place later in the

evening from 7 p.m. to 9 p.m. They are typically smaller groups. From a traffic perspective, there will be people coming in for the Bible study staying for that length of time and then leaving. With regards to traffic patterns on Preston Avenue, this will be outside the peak hours of 4 p.m. to 5 p.m. and 5 p.m. to 6 p.m. Sundays when Services are held is when The Family Church will have most of their members attending. Everyone typically arrives 15 minutes prior to the service and leaves approximately 5 to 10 minutes after service. From a traffic intensity for churches, it’s a very well run ship, people come in, they stay and they leave and it’s a very small concentrated time frame. It’s different than a shopping center that will have traffic from 10 a.m. in the morning to 10 p.m. in the evening. There is a concentrated timeframe and after that nothing is happening. Traffic counts were conducted along Preston Avenue. We reviewed the volumes on the weekday. Sunday is when most of the traffic will be generated by the Church. Ms. Drumm found that Sunday there is actually about 50% to 60% less traffic than during the weekdays. Preston Avenue extends between two major county arterials with a lot of cut through traffic from Evesham Avenue to Somerdale Road. On Sundays it drops dramatically. Weekdays there are 2,500 cars and on Sundays it drops down to 1,300 cars; a very substantial change within a 24 hour period. The hourly volume peak hours during the weekday is approximately 5 p.m. to 6 p.m. with approximately 265 cars. On Sunday there are about 100 cars. Again a very substantial difference. Peak time was 12 p.m. to 1 p.m. on Sunday. Church services are approximately 9 a.m. and 11 a.m. The 9 a.m. traffic is approximately 80 cars. At 11 a.m. it does increase to approximately 100 cars. During the week the peak was 5 p.m. to 6 p.m. with approximately 265. Therefore on a Sunday even with the church service, there would only be a maximum of 200 cars which is less than peak during the week. When church services are being held, the peak time from a traffic perspective would be the changeover when people are leaving the first service and the individuals attending the second service are coming in. Taking that maximum amount of traffic generated by the Church, it is not going to exceed what there is during the weekdays. Mr. Senges questioned whether or not there was an impact on the neighborhood at 11 a.m. on Sunday morning versus 5 p.m. or 6 p.m. on a weekday. Ms. Drumm responded when traffic impact is reviewed, they review more at a volume and capacity. Most people are home on a Sunday so they are more aware of the traffic on Sunday and Saturday.

Mrs. Walters inquired as to the number of cars during the evening hours during the week when they are planning on operating between 7 p.m. and 9 p.m. Ms. Drumm stated on average 7 p.m. the traffic drops roughly to 200, 8 p.m. it drops to approximately 100 and 9 p.m. it drops to approximately 70. The number of cars between peak hours of 5 p.m. and 6 p.m. is 265 and it continuously drops throughout the evening which is consistent with most traffic patterns. It is still very congested in the area between 6 p.m. and 7 p.m. Preston Avenue is a cut through between Evesham Avenue and Somerdale Road.

Mr. Floyd was requested to speak about not just the traffic volume on Preston Avenue but the level of service at the two intersections. Ms. Drumm stated it is hard to get in and out of Preston Avenue during peak hours. Somerdale Road during commuter peak hour and Evesham Avenue will be tough getting out because of the back up on Evesham Avenue. In comparison to Sunday there will be half the volume half the level of intensity and impact that is going to be generated by the Service. Jeff Senges inquired as to how much time will be added to getting on and off the roadways during services. Ms. Drumm indicated this is called surging of traffic. People coming out of services is typically when one will see most of the traffic. At most it should take 15 to 20 minutes to get out of the parking lot, assuming 200 members, assuming one per two, one per three cars, which would equate to approximately 75 cars.

Mrs. Walters stated the parking analysis from Mr. Levers indicated one parking space for every three seats that’s 150 seats or 117 cars. This is based on 300 seats. If you are calculating 200 people, that would equate to 75 cars. There are two ways to exit the parking lot, 50 cars heading towards Somerdale, 15 minutes, 33 cars per minute on average and again those cars can be easily cycled through the signal. They are not going to have to wait for a second cycle.

No further questions for Ms Drumm.

Mr. Mancini, Planner, was called to provide testimony for the Use Variance. Mr. Mancini had been qualified as an Expert and Planner for another Board that Mrs. Walters’s represents. He indicated they are requesting a D1 use Variance for approximately 20,000 sq. ft. that the church is going to occupy. The property is in the B business zoning district wherein churches are not permitted as a traditional use. Our position is the Church is an inherently beneficial use as defined by Municipal Land Use Law. Courts have held that certain uses are deemed inherently beneficial which means by definition the Use promotes the general welfare of the public. Although churches are not specifically enumerated in that list in land use law, religion uses are commonly considered to meet the standard of promoting good and general welfare which is self-evident. What follows the inherently beneficial use is that we do not have to present

any special reasons as a positive criteria and is presumptively satisfied in that condition. However, I would offer that the religious services, the workshops, community programs and the services they provide promotes good welfare. Additionally, Land Use Law states one must provide sufficient space in an appropriate location for the variety of uses to meet the needs of all NJ citizens and purpose to encourage coordination between various public and private procedures for the view of lessening the cost of such development and the more efficient use of land. This particular facility is where the church could build a whole new mega church. However, they are using an existing facility that is available and can accommodate the kind of parking they require. We believe the positive criteria is met with those considerations.

Mr. Mancini continued to state he is satisfied the Use Variance can be granted without a substantial detriment to the public good and without any substantial impairment of the intent and purpose of the business zone per the Township’s Master Plan. Based on the testimony he has heard from the Applicant, the Owner of the facility, and the other professionals that have testified tonight, with regards to the historical uses at the property the impact to traffic and parking and so forth, Mr. Mancini sees no detrimental impact to the neighboring properties for the Use provided the conditions imposed are upheld. The Use is compatible with the surrounding and existing uses and it is Mr. Mancini’s opinion the shared parking analysis, it’s no more intense than the other permitted uses in the Business Zone. He feels as though it’s much less intense than potentially the banquet hall could have been in that same space. The Use as proposed meets one of the goals of the Township’s Master Plan which is “to provide to the general needs of the community by making available those facilities necessary for the common good”. Mr. Mancini stated he thinks it is self-evident in the service the Family Church provides and meets that criteria.

Mr. Mancini stated a Bulk Variance should be granted with regards to the temporary deficiencies on parking. I believe there are 261 parking spaces onsite, we need 267 based on Mr. Levers’ calculations and I would offer the benefit to that deviation would outweigh any detriment. He does not see a real substantial detriment given the temporary conditions and the fact that there is a mechanism for the pool facility to eventually construct their 37 spaces and beyond that there is an additional safeguard for 42 more spaces if the need should arise. Mr. Mancini agrees with Mrs. Walters that would become very evident quickly with this continued partnership.

Hearing no further questions, Mr. Senges announced there would be a five minute break.

Mr. Matlack, Board Engineer came forward and agrees with the testimony from the Traffic Engineer. It appears they have reviewed the level of services at the intersection, the volume and the fact that the cars can make it through the intersection in one signal cycle. The biggest event at the church is specifically weddings, holidays, and how frequently does that happen and what the plan shows. It doesn’t indicate specifically how many seats are shown on that plan. A-5B. It appears to be more than 350 however it is hard to tell. He inquired as to whether or not Mr. Floyd can discuss this matter in further detail.

Mr. Floyd indicated the highest generator of traffic is typically the High Holy Holidays, Easter and Christmas. That is when one will typically see maximum attendance. There are a lot more family members during those services who are not regular attendees during the year. Individuals will typically go to church on High Holy Days. From a time perspective this will take place only three times a year including Palm Sunday at a maximum attendance at religious services.

Mr. Floyd stated relative to Mr. Matlack’s comments regarding the floor plan, Mr. Floyd will agree to any condition approval to have this floor plan revised to one indicate the maximum number of seats and/or to have a set number of seats whether it’s 350 or some other number. It will be revised to satisfy any concerns the Board may have.

Mr. Matlack indicated testimony was provided for 117 spaces, one space per three seats that would be 350 spaces. Mr. Matlack stated he’s not sure if the plan shows exactly 350 space or if it shows more.

Mr. Floyd stated he will have the drawings revised to specifically show 350 seats.

Mrs. Walters requested that Mr. Floyd also give the engineer a revised floor plan showing what it would look like during a wedding or similar event. Mr. Floyd agreed.

Mr. Senges opened the session to the Public:

Robert McKinley, Jr. stepped forward and was sworn in. He indicated he was the Principal of Eastern High School. He resides in Mullica Hill. He was asked to come to attest to the use of the high school and the impact on the students at Eastern Regional High School. Mr. McKinley stated the Family Church has been a tenant utilizing Eastern Regional High School since November 2016. They have been compliant with all the requirements as well as the uses of the facilities. They have been for the lack of a better term very amenable to any changes when they had to change their meeting times for the Performance Arts Center. They have met every requirement asked of them and they have done a good job. In terms of overall impact, they asked students from the high school to attend a positive interaction with members of the Philadelphia Eagles. Invitations were given to several students of the high school particularly members of the football team. Last but not least we had a student that was a resident of Voorhees pediatric facility, a tremendous Eagles fan, and really didn’t have a lot of resources around the holidays. Pastor Ted and members of his community gave this student a hat because that’s what he asked for. However, they also gave him a pair of cleats signed by his favorite football player.

Mr. Isaiah Reese was sworn in to testify. Isaiah Reese, is Mr. Reese’s birth name however most people know him as Ike. Mr. Reese is a former Philadelphia Eagle player, current Sports Talk Radio host for 94 WIP. He spoke about his history and relationship with Pastor Theodore Winsley and his wonderful wife, Pastor Dawn Winsley. Mr. Reese knew them when they were ministers before they were pastors. He first met them back in 2001 during Bible study when he was with Pastor Lamont McClain. They were brought in to do Bible study with the Eagles on Thursdays back in 2001 and he has been with the Eagles since 1998. At that time they did not have weekly bible studies that were strictly for players. They had chapel on Sundays but there was not a weekly bible study. Since the first time Mr. Reese and Pastor Ted met it’s been a growing loving relationship. Pastor Ted and his wife gave Mr. Reese and his current wife pre-marital classes and they’re still married! Pastor Ted and Pastor Dawn also christened their second son Alisha and Pastor Ted is the Godfather of his daughter, Jada. Since they’ve met, he has been following Pastor Ted wherever he goes. He’s moved several times. They have built a relationship that’s a life-long relationship. Mr. Reese knows the amount of people the Winsley’s have come in contact with and the lives they have impacted and indicated this is the reason why the Board room this evening is filled the way it is. Everyone here that supports Pastor Ted has nothing but love for him. It’s primarily for bringing a lot of us to Christ and showing us how to strengthen our relationship with Christ. That’s what they’re about; uplifting families, communities, making the community stronger. They’re about sharing the wealth of Christ. Mr. Reese continued to state that it’s been a long day for him however, he wouldn’t have missed standing before the Board to give his word to support them in what they are trying to do because he knows how much they have impacted this area. He continued to state, they’re led by something bigger than any of us could put our fingers on and they have a purpose. Mr. Reese stated he would like the Board to allow them to continue to do their purpose in life which is to uplift people and bring them to Christ.

Mr. Edward Hale of 301 Homer Avenue, Voorhees, NJ was sworn in to testify. Mr. Hale stated Preston Avenue has two entrances into Ashland. Ashland is a pretty small community, cut off by the speedline from the rest of Voorhees. Mr. Hale is the President of the Ashland Residential Coalition and represents them. The Coalition is a Community Group that represents the interest of Ashland and its residents. It’s a volunteer organization. The group met recently and gathered their concerns. Mr. Hale met with Mr. Wellington to discuss the application. He had taken their concerns to Pastor Winsley and then to Mr. Wellington. It was a very productive meeting. Mr. Hale told them some of the issues they had with the facility operating there. They came up with a few solutions most of which they were amenable to. It’s an auxiliary community within the Township. The residents are friends rather than neighbors and while the community has formed a valued relationship with the Wellington family, who currently own the Coliseum, they are very wary of their decision to lease a portion of this property to a House of Worship. The Coliseum is an athletic facility located in a B Business Zone where churches are not accepted as a Conditional Use. He believe the Family Church’s application for Use Variance represents a problematic request for a number of reasons. These aren’t necessarily problems that can’t be overcome with the proper restrictions. The number one concern is based on the information available on the Township’s website. There are 17 Houses of Worship in Voorhees that own $31 million dollars’ worth of property with a potential tax revenue of $1.2 million dollars. The Coliseum is currently valued at $1.1 million. This lease is to extend five years and then probably will end. Pastor Ted is a good guy and gets along with Omar very well. Mr. Hale assumes the lease will end up being a purchase at which point the Township is going to lose another $43,000. The problem is whether or not the Parishioners especially with the Camden church closing are not Voorhees residents. Mrs. Walters stated the Board cannot legally consider the sale of the property or the Church becoming tax-exempt. The Board’s restrictions are strictly Zoning and Use.

Mr. Hale continued to state the Ashland area presently supports three half way houses which lodges adult psychiatric patients, recovering drugs addicts and sex offenders. While the Family Church does not currently operate mental health or substance abuse programs it is possible such programs could be instituted sometime after the Use Variance is granted.

Mr. Senges stated providing these services are not part of this Use. If it is not a permitted Use in the Zone, they would have to come back for further relief if they wish to provide mental health or substance abuse programs.

Mr. Hale further stated the Coliseum property is directly integrated into a close knit residential neighborhood with an increased exposure. Therefore any negative impact that arises from the Board’s decision would have a greater impact than otherwise. The community’s concerns are real and are born from a history in which two much less reputable tenants then the Family Church; two Houses of Worships, previously occupied the Coliseum property. Persons directly tied to those churches vandalized and robbed houses in the neighborhood, assaulted the residents, threatened any voices of complaint and dissent. On one occasion, the parking lot of the Coliseum was filled with buses and campers on which occupants occasionally urinated in the parking lot. Mr. Hale stated Pastor Winsley certainly appears to be a man of his word. He has good feelings toward him. He has assured them the nature of the Family Church precludes such instances from happening. He cannot guarantee that at some future date he will be replaced by a less responsible Pastor. Mr. Hale stated individuals are provided the opportunity to hide their negative actions behind a veil of religion. If the Board seems fit to grant this Use Variance, Mr. Hale would respectfully request it also contain the following restrictions in order to minimize the possibility of negative impact on the neighborhood. He requested that no mental health programs or counseling be permitted to take place on site. He also requested that no substance abuse or counseling be permitted to take place on site. No sleeping accommodations, permanent or temporary, be permitted on site. That operation of the church is strictly mainly business hours. We would suggest 6 a.m. to 9 p.m. Special events taking place outside the facility in the parking lot be limited to a single day of six hours duration. No further Use Variance for House of Workshop or other 501(c)(3) Tax Exempt organization be granted for any further tenant or portion of the Coliseum property. Mr. Hale stated his statements are not meant to impugn Pastor Winsley or the Family Church. They appear to be a first rate organization. The community is only trying to move the Board to review this application carefully considering the risk the approval would invite. We hope to develop the type of relationship we have with Mr. Wellington. Mr. Hale considers him a friend and stated he has been a very good neighbor for the residents. He has operated that business better than anyone has in over 30 years. I believe Pastor Ted would be the same thing. However, the residents have to worry about themselves and protect themselves. Mr. Hale further stated this is why they requested certain restrictions be placed and indicated Pastor Ted had no problem with these restrictions.

Mrs. Walters stated the Applicant has indicated they are going to have Bible study. There was no testimony on any other type of service related gathering. We would require clarification from the Family Church. The scope of the Variance that is being granted is limited to the testimony that is provided to the Board. They did not indicate they were going to have a mental health program.

The Board will wait to hear from the Applicant or the Applicant’s Attorney as to which of those conditions they are willing to comply with and then Mrs. Walters can set forth said conditions in a Resolution of Approval.

Mr. Senges stated the only condition the Board has to address is the hours of operation; limited to a single day for a six hour event. Outdoor revival events are not permitted at all. No one at any facility can set up an outdoor event without a special permit.

Mrs. Walters indicated the Board has the six conditions Mr. Hale requested on behalf of the Coalition. When the public portion is complete, the Board will bring it back to the Applicant for their comment at which time the Board will deliberate.

Theresa Jastrzembski, 302 Preston Avenue, Voorhees, NJ was sworn it to testify. Ms. Jastrzembski stated she has nothing against the Church. She’s concerned the facility cannot handle the Church. There were three instances this year alone with parking up and down the street and kids are running in the middle of the street. What’s generating the parking up and down the street are the functions at the Coliseum. This is where the traffic is coming from. On one occasion, the Coliseum placed cones out and individuals attending the events still proceeded to come onto her property and other properties. She also indicated there was trash everywhere and no one cleaned up the trash.

Monica Schmidt, 311 Preston Avenue, Voorhees, NJ was sworn in to testify. Ms. Schmidt indicated she would like to speak on behalf of the Township. She thinks the Family Church is a wonderful idea and that she will be there every Sunday. However, her concern is the parking. Sometimes the parking bleeds over into the neighborhood. She believes it may be lacrosse, gymnastic, not just swim meets that has caused problems with parking in the past. The neighbor across the street had purchased no parking signs, which means they will be parking on her property. They kill the grass since there are no sidewalks. There’s also a lot of foot traffic, people coming in via the train. There are no trash cans. Will there be trash cans and is that going to look attractive? Ms. Schmidt is also concerned with the safety of the kids stating that Ms. Drumm spoke about the street being a Type B street relative to traffic. They live on a nice quiet little. For Ms. Drumm to state that on the weekend their Street would move up to a Type B street, unfortunately that would be a Type D for the community. She went on to state, it’s a wonderful neighborhood, and it sounds like a great church. She would be happy to have the church. Her issue is anything that coincides with parking and traffic.

Ralph Ervin, 308 Echelon Road, Voorhees, NJ was sworn in to testify. Mr. Ervin stated he has been a Voorhees resident for three years along with his wife and 13 year old daughter. They love the community. The community has been very good to them and his daughter is thriving in school. As part of their research when they decided to move to Voorhees was to research a ministry to determine where we might be able to establish permanent roots. The opportunity in Voorhees presented itself for us as a family, the Church was the icing on the cake. Mr. Ervin continued to state they are able to live in Voorhees, their daughter is educated in Voorhees and they get to Worship in Voorhees. He feels as though one of the things that was not addressed during the initial comments from the Community is really what the mission statement is for the Family Church and what they are here for. Their mission is to help people know God their father, experience personal freedom, discover personal purpose. Most importantly their mission is to go out and make an impact. He understands the concerns of the community and on behalf of the ministry would like to underscore that they are there to be community partners. They are not here to come to do anything that does anything other but represent Christ. As far as the previous experiences the community has had, Mr. Ervin would like to apologize on behalf of some of those caricatures of ministry. The Family Church is here as good neighbors to be supportive, to foster a spirit of cooperation and to serve the community and work together. Mr. Ervin is on the Board and one of the Ministry Officers. He would like to bring a couple of concerns to the table as far as some of the restrictions that have been requested. He understands the issues the residents have.

Mr. Senges questioned as to whether or not Mr. Ervin was authorized to represent the Church. Mr. Ervin indicated that he was not and further stated the Family Church is here to work together with the community and looks forward to a great relationship over time.

Joseph Petitdemange, 219 Homer Avenue was sworn in to testify. Mr. Petitdemange works in the District. He moved to Voorhees so his children could go where he teaches and be a part of Voorhees. He stated it has been a 17 year battle with the Coliseum. Mr. Wellington’s daughter is in his class. Mr. Wellington has been a great neighbor. They haven’t had any issues. He had a few questions for the Applicant. The first one was the 42 spaces. He suggested the Applicant consider installing a berm because of where the spaces are going to be located. The spaces will go into the neighbor’s yard. Everyone always says it’s a wooded area; but it’s not. Mr. Petitdemange indicated that he’s waiting for the pool to be finished because that will have to be adjusted due to the fact that it backs up to the rear corner of his property. He has attended several meetings and each time he voices his concerns about two things; lights and noise. When the pool is discussed, it’s about the lights. However, that is not relevant to this particular matter. When Preston Avenue gets busy, people cut down Ebert on which there is a blind spot which means you cannot see going over it. This is something that needs to be considered. The side streets have no sidewalk and there are several blind spots. He questioned what the Coliseum is entitled to as far as parking spaces are concerned? His concern is if parking is added then the down lights will come into the neighbor’s yards. His property is 450 feet away and anyone can see right into it. He stated if all of the events are held inside, the noise shouldn’t become an issue. With the previous tenant, there were a lot of buses; charter buses brining in large numbers of people. Mr. Petitdemange is a teacher in Voorhees and every dollar is limited. He is concerned that the Coliseum could possible become a Charter school in the future. He mentioned this because it was proposed in the past and that directly impacts him, his children and students. He feels as though the residents were sold a bill of goods with the previous owner who promised us thumbs up, lollipops, etc. so the residents are very cautious. The residents live and breathe with the Coliseum. They have been very happy since Mr. Wellington has taken over. He is aware of the issues the town has had with the Buddhist Temple. Approximately four to five weekends ago there were at least 500 cars parked on the grass. Once again, they said that wasn’t going to happen.

They also stated the music wasn’t going to be a problem however, the music can be heard all the way to a development in Hammonton.

Anthony Nicini, 309 Sycamore Avenue was sworn in to testify. Mr. Nicini indicated he has been a resident in the Ashland area for approximately 60 years. He’s owned three homes, one on Park Drive, Sycamore and Lennox Avenue. In the last year there has been some type of organization happening at the Coliseum where they have parked on his street which is approximately 300 feet long and there has been parking on both sides. The individuals have also parked on Park and Preston. This has happened several times. The congregation within 9 months is up to 200 individuals and most likely will continue to grow. He questioned whether or not this was really the place for them. He does not think this is the property for them. He questioned whether or not the Zoning Board has received any letters from the other organizations within the Coliseum what their plans are on making their organizations grow. He stated the Board was making a decision on numbers that are not factual, purely hypothetical. Mr. Nicini thinks the Board needs a letter from each one of the tenants or have a representative here to speak about true figures. Not once, not twice, but several times his street was completely packed with cars. He is a father of six and a grandfather of twelve. His grandchildren play in that area and as mentioned earlier there are no sidewalks. He does not think the benefits outweigh the detriments. Safety is more important for the children. The children bicycle, skateboard and play in that area. He also stated there are over 50 kids in Robin Hill Apartments directly across the street. He requested the Board table their decision until they obtain enough information knowing the true facts of how many individuals are at that facility at certain times. The tenant’s send out coupons so they are attempting to grow their businesses as well.

Charles Harris, 16 Tendron Road, Cherry Hill, NJ was sworn in to testify. Mr. Harris is a Member of Church and thanked the Board for the opportunity to speak on behalf of the Church. He stated the concerns of the residents of Ashland are definitely something Pastor Ted and Pastor Dawn take very seriously. He did not want to assume the Board as well as the Family Church is not taking what is heard into consideration. He stated as far as restrictions and speculations of what may happen if Pastor Ted is no longer in charge. It is very difficult for someone to predict at this point in time what may happen 15, 20 years down the road. Traffic, trash, parking, noise, what we are going to do as a church is not going to add to that situation. These are complaints of things that are already happening or have happened in the past. What we would like to do as a community church is aid the community in resolving these issues.

Stephanie McCafferty, 209 Ebert, Voorhees was sworn in to testify. Ms. McCafferty believes in the church and everything it stands for but is concerned about traffic and parking. She stated the street is a very small street and the kids do ride their bikes in that area. She resides on Ebert and the hill is something she dreads. The amount of traffic scares her. She stated the traffic is already horrible and any additional traffic would be worse. She realizes Ms. Drumm is a professional, however, Ms. Drumm does not live in the area and does not realize how 20 to 50 additional cars will impact the resident’s daily life. She moved to Voorhees for quality of life. Children can ride bikes and not have too much traffic. It’s a residential area and she moved here for that reason and feels as though the quality of life wouldn’t be there because of the additional traffic. There are halfway houses, a Walmart, a lot around them in that area and would like to limit the traffic for the safety of the small community.

Seeing no one further, this portion of the hearing was closed.

Mr. Senges indicated that Mr. Wellington on numerous occasions stated there are no parking issues. However, the residents are saying there is. He requested Mr. Wellington to explain why this is. Mr. Wellington stated there were two occasions where they allowed a cheerleading competition. The company stated they would bring x number of individuals. However, there were a lot more individuals than they had anticipated. The second scenario the parking went outside of the lot on a weekend was for an event they allowed for Just for Kids Consignment. It was a consignment sale for people and children to purchase products and there were a lot of individuals. These are two events that will no longer be welcomed back by the Coliseum.

Mr. Senges asked whether or not Mr. Wellington would be willing to add the 42 spaces that have been set aside now. Mr. Wellington stated that he was not in a position to agree to that. It’s Aquatic Holding’s obligation to add the 42 spaces. Mrs. Walters stated it’s their approval that required the 37 spaces and the banking of 42. That is a condition for approval from a separate unit owner.

Mr. Senges stated the 42 spaces will be of no value to the Board because they do not know if Aquatic Holdings has the capability to add those spaces. Therefore, the Board will not be able to count the 42 spaces into the equation during this particular meeting.

Mr. Senges questioned Mr. Wellington regarding special events is the Coliseum willing and/or able to accept the restrictions to not hold special events that would create a parking issue? Mr. Wellington stated yes, one of the purposes of the condo association is to ensure there are not multiple events.

Mr. Senges stated this is a Board decision. However, after hearing from the public, he is concerned that the Board does not have enough information to make a decision. He also stated the Board will need a site plan. Lighting was brought up during the meeting and Mr. Senges didn’t know how that was going to be handled. The Board’s Engineer has concerns about traffic flow and pedestrian flow at certain times. The Board doesn’t know how that is going to be addressed. He doesn’t know how the Board could say this Use could work in this space without a Site Plan and whether or not that’s the responsibility of the Landlord or the Applicant.

Mr. Floyd stated with respect to the submission of a site plan application, the applicant is not proposing any site improvements whatsoever, no changes to ingress, egress, no changes to lighting, no changes to curbing, storm water management, not doing any new impervious coverage etc. They are not proposing any new signage, not proposing any new lighting. Everything is pre-existing. To ask the applicant to hire an Engineer and develop a site plan especially when we already submitted a survey that was already submitted to the Board stating no new improvements.

Mr. Senges stated this is a wonderful group of people, and it’s a wonderful application and they would be in his opinion and obviously he’s only one voter on the Board; they would be a wonderful addition to the community. The Board would welcome them with open arms, however, the Board has learned as one of the other resident’s testified that they don’t believe other Houses of Worship the Board approved in the past knowingly came to them and gave them false numbers to get their approval. However, their numbers turned out to be inaccurate or not optimistic enough as to build it and they will come. People did park in the neighborhood, people did park on the main road and we do have traffic and safety issues as a result. Due to the fact the Board accepted the numbers that were presented and they turned out to be much more.

Mrs. Walters stated the scope of the Board’s concern and why they have the authority to look where they’re looking is the fact that the land use law has a definition for an inherently beneficial use. She does not think anyone here denies or can argue to the contrary that it is inherently beneficial. There are legitimate criteria which the Courts over time has said the Board can consider. The Applicant has to identify the public interest at stake, the detrimental effect of granting the Use Variance whether any conditions are proposed or can be imposed to mitigate those effects; and has to weigh the public interest versus the public detriment. It also has to be determined whether or not the Variance would cause a substantial detriment to the public good.

Mrs. Walters continued to state what the Chairman is getting at and what the Board has consistently looked at in the past on any type of Use Variance regardless of whether or not it was inherently beneficial, House of Worship or any other type of Use Variance application is the public interest at stake and in that regard, they are looking at the long term impact of the Use. In this regard, the Board is looking at the long term impact of this Use to the surrounding community to the public and the public detriment to the neighborhood and the township as a whole. The neighbors have complained about the impact of the use. The question to the Board is it too much to try to fit five pounds of potatoes into a two pound bag. The Board legally has the right to look at these types of impacts.

She continued to state what I hear the Chairman saying in considering this impact the parking numbers we have, the spaces available to us, at some point in the future, are not entirely reliable so we have to look at what’s on site right now. There are 261 parking spaces on site right now and those 261 has proved to be insufficient over time. There has to be a way to come up with some sort of condition of approval that would address the concerns in order for the Board to be able to legitimately say the benefits are not outweighed by the detriments.

Mr. Senges stated the Applicant and/or the Owner needs to do something about the parking. He doesn’t expect the Church to build parking on the Landlord’s property. The Board is more than willing to impose reasonable conditions. Mr. Senges requested they please tell the Board how to solve the parking.

Mrs. Walters suggested the property owner return for site plan approval with a proposal for him to construct the banked parking. This would alleviate the condition of the Planning Board approval. That is one solution. It would be a site plan application. It would be subject to public notice, it would be

subject for review of all of the issues the residents raised, parking, additional lighting if necessary, and would be subject to further public comment.

Mr. Senges stated the Board is not here to deny this application. The Board is here to approve it with reasonable conditions. The Board cannot impose those conditions on the Applicant. The Applicant does not have anything to do with the 40,000 square feet so the Board cannot impose or intertwine the Landlord’s business operation with the Applicant’s application. The only thing the Board can do according to the Solicitor is if you agree to a site plan with the additional parking spaces to support this application as the Landlord.

Mrs. Walters commented this would be a condition of approval of their approval that the Owner/Landlord would have their own agreement with the Applicant outside the Board’s control and jurisdiction as to who is going to pay for the parking, who is going to apply for it. It would be a condition of this approval. The Board only has jurisdiction of the application in front of them and the Applicant. The Board has no way to bind The Family Church to the property owner because they’re the applicant.

Mr. Floyd stated Pastor Ted agreed to install the 42 spaces if he is able to raise the funds. Would that satisfy the Board’s concerns regarding parking?

Mrs. Walters stated ordinarily when this type of restriction or condition is placed on this type of Approval, it impedes the C.O. Therefore, the C.O. would not be issued until the parking spaces are constructed. She doubts this is what the Family Church wants to do since they would like to get into the property sooner rather than later. She doubts the Board can impose that. There would be two Boards, with the same condition of approval, The Planning Board and the Zoning Board. There is no guarantee that the parking spaces will be constructed.

Mr. Senges suggested a five minute break.

Mr. Floyd thanked the Board for their time and consideration. They understand the concerns of the Board and the concerns of the public. Mr. Floyd along with the Applicant respectfully requested a continuance until next month’s hearing so they can further evaluate the timing for the swim club, the timing for the completion of the parking lot and the issues regarding the parking spaces and the status. He indicated the Applicant would prepare a floor plan as well.

Mrs. Walters indicated a full Board will be needed for either the August 10th or August 24th Zoning Board Meeting.

Mr. Cohen made a motion for the request for the Continuance to August 10, 2017, with no further notice being provided to the public or being published in the newspaper; seconded by Neal Cupersmith.

Ayes: Mr. Lee Cohen, Mr. Robert Weil, Mr. Hal Willard, Mr. John Daddario, Mr. Manny Leoncio, Mr. Neal Cupersmith, Mr. Jeff Senges.

Nays: None

Seeing no further business Mr. Cohen makes a motion to adjourn, seconded by Mr. Weil.

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Corrine Tarcelli

Zoning Board Secretary