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. Leoncio, Mr. Patton, Mr. Brocco, Mr. Cupersmith, Mr. Senges

Absent:

Also, present, Mrs. CherylLynn Walters, Board Solicitor, Ben Matlack, Board Engineer, John Keating, Board Planner, Corrine Tarcelli, Zoning Board Secretary

**NEW BUSINESS**

Ari Weiss and Melissa Murray

93 Kresson-Gibbsboro Road

Block 206, Lot 10

Case #ZC2017-019

Seeking Bulk Variance relief from Section 152.005(D)(3) of the ULDO to permit the construction of a 12’x30’ detached garage with a side-yard setback of 4 feet where 30 feet is required and wherein no event shall grading, construction, or alteration of lot be permitted within 5 feet of the side property line. Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Ari Weiss was sworn in to testify. Mr. Weiss stated six weeks ago the Board granted Bulk Variance relief to permit the construction of a 12’x 30’ detached garage with a side-yard setback of 8.3 feet where 30 feet is required. However, they encountered an issue prior to excavating when they had the utility lines marked. The gas line was not marked where it was marked three months ago. There was some confusion. Mr. Weiss thought it was in one location and it was marked at a different location. They paid a professional to confirm the correct location. Unfortunately it was the new location where it was marked which interfered with the garage by one to two feet. Therefore, they wanted to move it over enough to make sure when they excavate, they’re at least two to three feet away from the gas line.

Mrs. Walters questioned whether or not Mr. Weiss verified with a professional, either a surveyor or an engineer, that the garage needed to be moved. Mr. Weiss indicated he spoke with an engineer as well as the utility company. They excavated a portion of the line to see exactly where it was located because they were told even the markings could be off by either 18 inches on one side or 18 inches on the other. Therefore, they did determine exactly where it was located and the garage will be at least two feet away from it.

Mr. Senges inquired as to whether or not Mr. Weiss had spoken to his neighbors to obtain their point of view about being that close to the property line. Mr. Weiss stated he had spoken to his direct neighbors prior to our first Variance when they were before the Board six weeks ago. At that time the neighbors stated they didn’t mind what the Weiss’s did at all. They allowed Mr. Weiss to take down a few trees at that time that were on their property. Mrs. Walters indicated she received a call from the one neighbor, Rose Mashee one day prior to this particular meeting expressing some concerns over the relief Mr. Weiss was seeking this evening. Her instruction was under the Land Use law either her or someone on her behalf needs to present to provide testimony to the Board in person. The Board cannot provide testimony or relay information. Mrs. Walters simply wanted to make the homeowner aware that there are some concerns as to the proximity to Mrs. Mashee’s property line.

Mr. Senges inquired knowing she may be unhappy would Mr. Weiss have a change of heart as to what he would like to do with this garage. Mr. Weiss stated unfortunately, no.

Mrs. Walters inquired as to whether or not Mr. Weiss had spoken to his neighbor previously. Mr. Weiss said yes prior to coming before the Board for the 8 foot variance and at that time her and her husband were both okay. He saw them in person when they signed the notice for the first Variance. He reiterated the Mashee’s allowed them to remove three trees that were on their property that were leaning over and would have been hanging over where the garage was going to be and they had no issues with that. Her husband stated he would call their tree removal company and Mr. Weiss stated he wanted to pay for the tree removal himself. He stated he wanted to remove the trees because of where the garage is to be located, the trees would be hanging over and should they fall they would land directly on the garage.

Mrs. Walters inquired as to whether or not additional trees needed to be removed. Mr. Weiss stated no.

Mr. Senges inquired as to whether or not Mr. Weiss can get the Variance to five feet. Mr. Weiss, stated it would be really close to five feet.

Mr. Senges inquired as to whether or not the gas line could be moved. Mr. Weiss contacted the utility company and offered to pay to have the gas line moved. The utility company told him they would not move a gas line once it was installed in order to build a garage. The utility company does not feel that is a necessity. He further indicated he requested four feet in his application to play it safe. He thinks it will be closer to five feet. He wanted to make sure he didn’t have to come back in front of the Board again. Unfortunately, until they start digging, he will not know exactly where the line is and Mr. Weiss wants to stay 18 inches away from where the utility company advised him to do so.

Mr. Weiss further stated photos presented previously show a wooded property for approximately 100 feet between the side of their property and where their neighbors have clear land and a landscaped back yard. There are really thick woods between their house and their neighbor’s home.

The meeting was opened to the public. Seeing no one, the public portion was closed.

Mr. Weil made a motion to approve C Variance relief from Section 152.005(D)(3) of the ULDO to permit the construction of a 12’x30’ detached garage with a side-yard setback of 4 feet where 30 feet is required and wherein no event shall grading, construction, or alteration of lot be permitted within 5 feet of the side property line. Seconded by Mr. Cupersmith.

Mr. Senges asked the Board Solicitor, Mrs. Walters whether or not there should be something included in the motion that this is an adjustment to a previously approved application because they have such limited testimony. Mrs. Walters indicated the Resolution will reflect there was a previously approval granted.

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

Nays: None

**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. This is a continuation from the July 27, 2017 Zoning Board Meeting in which this application was initially considered.

For the record, Michael Floyd of the firm of Archer and Greiner, appeared on behalf of the applicant The Family Church for their request for a Use Variance approval for Unit 2 at the Voorhees Coliseum.

Mrs. Walters, Board Solicitor stated Mr. Floyd and his client and all of their professionals were here a few weeks ago for the initial part of the presentation. The Board closed out the presentation. The Board took testimony and comment from the public and The Family Church requested to continue the application to address parking issues. Mrs. Walters stated she anticipates the testimony coming from Mr. Floyd this evening will be limited to parking and any other testimony with respect to the Use variance criteria itself as it relates to the impact of the parking. Mrs. Walters will advise the members of the public all testimony tonight will focus on the issue that was unresolved when the meeting was adjourned a couple of weeks ago. Public comment will be limited to comment on whatever testimony is presented this evening. We are not going to rehash the issues we heard previously. We are focusing on this particular issue.

Mrs. Waters stated the letter from the Engineer was forwarded to Mr. Floyd in the afternoon on August 10, 2017.

Mr. John Keating from CME, the Board’s Planner was introduced this evening. Mr. Keating was sworn in to testify. Mr. Keating is taking the place of Mr. Misell who was present for the last meeting. He has reviewed the notes and the file and is up to speed on the planning criteria and the planning testimony that had been provided.

Mr. Floyd confirmed that he was in receipt of the August 10, memo from Ms. Matlack regarding the prior testimony as well as issues that were raised by the Board. The first bullet point in that memo is additional testimony in support of the requested Use Variance. Mr. Floyd requested Joe Mancini approach and provide the prior testimony that he put forth in support of the requested Use Variance approval.

Mr. Mancini is a licensed professional planner in the state of NJ and was previously admitted as an expert on July 27, 2017. Mr. Floyd requested that he be acknowledged as an expert again for his testimony this evening.

Mr. Mancini was sworn in to testify. Mr. Floyd requested Mr. Mancini to bolster his testimony with respect to the Church as a religious institution and why it is an inherently beneficial use. Mr. Mancini stated when we speak about Use Variances obviously there are two categories. We believe the church clearly fits within what we consider an inherently beneficial use in that the use promotes general welfare. He believes this is self-evident. A religious institution provides services to the community as a whole and its constituents, the courts have held that to be true as well. Religious uses are commonly considered to meet the standard of promoting public good and promoting public welfare. That being said, the other way we look at a Use Variance is in the absence of an inherently beneficial use. We look to see whether the use is particularly suited to the site at hand. Again, we think the Family Church meets the criteria here at the Coliseum. The building size is consistent with their needs, they have addressed parking and the parking works for the church and that’s always a concern for religious use. He believes the other uses in the Coliseum are complimentary which again speaks to the

parking and the shared parking calculation the Ordinance allows. Mr. Mancini thinks the other uses of the coliseum, Nexxt Level are complimentary to the church and to the family style they promote. Finally he thinks the family church is a better use for this particular unit then other uses that would be permitted in that condo unit particularly the banquet hall.

Mr. Floyd reiterated and inquired Mr. Mancini for the record case law and his expert opinion the Family church is an inherently beneficial use. Mr. Mancini responded, absolutely there is no question in his mind.

Mr. Senges stated the memo requests they expand on the negative and positive criteria. Mr. Mancini stated religious services, houses of worship, and community outreach advance several purposes of Land Use law. He stated he previously spoke about several purposes of the Land Use law promoted by religious use. Mr. Mancini stated he believes they are appropriate here for the Family Church in this location. Purposes of the Municipal Land Use Law are advanced by the Church in this location.

Mrs. Walters apologized for interrupting and asked Mr. Floyd from a legal perspective is he arguing in the alternative. Mr. Floyd responded they are stating that a religious use is an inherently beneficial use but even if it was not an inherently beneficial use, this site is still particularly well-suited for the intended use. Case law is very clear of that. Mrs. Walters stated they are mixing the criteria here. Mr. Mancini responded in his professional opinion it is inherently beneficial use.

Mr. Mancini continued to state those purposes he mentioned were purposely promoting an establishment of appropriate concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment. Again he thinks this is a great use for this location. He thinks this is an efficient use and less intense use of this unit and it is a much better zoning alternative to use this space as opposed to build a church somewhere else on land that isn’t disturbed. He likes to see this sort of infill use as a better zoning alternative.

Mr. Senges inquired as to whether or not there are any negative criteria other than the parking? Mr. Mancini responded that he does not see any detriment. The parking will be addressed and therefore he does not see any detriment to the public good. The use as mentioned is a benefit to the community. Again, the only detriment is if the parking is an issue and that issue will be addressed. Secondly, whether or not there is a detriment or substantial impairment of the intent and purposes of the Zoning Plan, Mr. Mancini stated he does not see that here, and thinks providing a facility that meets the needs of the public and necessary for the common good is consistent with the Master Plan. Therefore, he does not see how it could be a detriment to the Zone or the Master Plan. He believes he met the positive negative criteria and would request the Board to grant the Use Variance.

Mr. Senges asked Mr. Matlack whether or not this satisfies the question he raised. Mr. Matlack responded ‘Yes’.

Mrs. Walters stated she would like to pose a question and requested they then defer to Mr. Keating to provide his planning opinion. Regarding inherently beneficial use, the use should promote the public interest and they have heard testimony on that. The use should not result in a substantial detriment to the public good and testimony was provided for that. Substantial detrimental effects resulting from the use can be reduced or mitigated from conditions imposed by the Board. Is that where the testimony is going next? She further inquired based upon what

we have heard and what we are going to hear, Mr. Floyd thinks there is some sort of reasonable condition of approval that can be established to offset the parking issue and the positive impact should substantially outweigh the negative impact? Mr. Floyd responded ‘Absolutely’. The positive impact will substantially outweigh any detrimental impact if any is perceived.

Mrs. Walters requested Mr. Keating to comment on the planning testimony. Mr. Keating stated that churches are a beneficial use as far as positive criteria. The spillover parking is what is going to create the negative criteria.

Mr. Floyd proposed they hear testimony from Mr. Wellington briefly and then Ken Levers regarding how they plan to address overflow parking on specific days and times of the Church and the other uses at the Coliseum. Mr. Floyd stated Mr. Wellington has been in touch with the Township regarding the potential use of a Township owned lot for overflow parking and there is a Concept Plan prepared by Mr. Levers showing how the Township owned lot can be used for overflow parking with up to 54 parking spaces at this time.

Mr. Floyd stated once the Concept Plan is presented to the Board it will be clear the Applicant can accommodate any overflow parking on those exceptionally busy days, whether it’s a High Holy Day, swim meet or other special event. Mr. Floyd stated they are eliminating any negative impact to the neighbors and the character of the neighborhood. And at that point Mr. Floyd would ask after that testimony is presented for Mr. Mancini to come back up and reaffirm his testimony.

Mr. Senges stated Mr. Floyd mentioned coordination of other events within the facility and at the last meeting there was testimony in order to accommodate that the church services would be shifted to take place during times that were not typical times for church services. Is that still going to be necessary with the overflow parking?

Mr. Floyd indicated he does not believe that will be necessary given the overflow parking lot. There will be sufficient parking for any special events including any overlaps with the use of the Township owned lot. Mrs. Walters stated should the Board grant the Variance Approval a reasonable condition of that approval would state the Owner of the Coliseum would have to enter into a written agreement with the Township for the use of that lot.

Mr. Senges inquired as to whether or not a swim meet would occur at the same time of the church that the additional overflow parking will accommodate both events simultaneously.

Mr. Floyd stated ‘That is correct’.

Mr. Floyd called Mr. Levers before the Board. Mr. Levers is a licensed professional planner and professional engineer in the State of New Jersey. He has testified before this board as well as the planning board on numerous occasions. Mr. Floyd requested he be recognized again as an expert for the purpose of this hearing a continuation of the July 27, hearing.

Mr. Levers was sworn in to testify. Mr. Floyd requested Mr. Levers describe for the Board the Conceptual Plan for the Township owned lot. Conceptual Plan was marked as Exhibit A-8. Conceptual Development Plan dated August 7, 2017. The lot is located south of the project site, Nexxt Level Coliseum complex, 333 Preston Avenue. Mr. Levers stated if one were to head south on Preston a short distance where Preston intersects with Sycamore Avenue, turn right on Sycamore and there is the parcel lot that sits inside the fenced area. Mr. Levers visited the site. One building remains on the site. There was another building in the back that has been removed and the concrete surrounding is still in place. Basically the rest of the site with the rare exception

is paved. The pavement has weeds growing up through it. There is a perimeter fence around the entire complex except right where the building that remains sits.

Mr. Floyd requested Mr. Levers describe the enclosed parking lot area including ingress, egress and whether the drive isle and parking spaces comply with code requirements. Mr. Levers stated all he did was utilize the two entrances into the parcel site; gates through the fence area. He kept that as the entrance and the pavement goes out to Sycamore Avenue. Simply stayed in the area where the pavement was intact and removed the building area and behind the building utilizing two gates. There is a 25 foot drive isle.

Mr. Floyd stated he spoke with the Township Solicitor, Mr. Long on the morning of August 10, 2017 and Mr. Long stated that he is ready and willing to enter into negotiations for the use of the Township owned lot with Mr. Wellington, the owner of the Coliseum.

Mrs. Walters inquired as to how many spaces exist on the lot. Mr. Levers responded there are 54 spaces. Mr. Senges inquired as to the status of the other spaces discussed during the last meeting; the additional spaces. Mr. Levers stated there were 42 reserved spaces on the Coliseum site itself that were part and parcel to the site plan approval for the Nexxt Level Aquatics Center. They are unconstructed at this point, they are reserved and un-bonded. At the Township’s request the Applicant which is Aquatic Holdings has 90 days to construct those spaces. Mr. Senges inquired as to whether or not they will complete the spaces if requested. Mr. Levers stated he assumes they would because otherwise their C.O. would be in jeopardy. Mrs. Walters stated there were 37 spaces in the back that are bonded spaces. The pool construction on the one side is not complete and therefore there are approximately 37 spaces that are remaining to be constructed in northwest quadrant.

Mr. Levers stated the site as it exists today the parking lot goes all the way to the fence line in the back. There are some stock piles of soil and concrete that was utilized in the back parking lot area from when the pool was under construction. Hence the construction fence that is there now. That is not finished. As part of the Aquatic site plan approval, we reconfigured the parking area that exists there today. The purpose of that was regarding the layout in that quadrant was very inefficient and circulation was not good. The original pavement is still there behind the construction fence. The new configuration has not been completed. That will result in approximately 37 spaces being there. That work is bonded already. That will be completed based upon when Aquatics Holdings proceeds with finishing their project which they are now in the process of doing. Mr. Levers stated his guess would be probably within the next 90 days. Mr. Levers was also the Site Engineer for Aquatic Holdings. There were some financial issues. It appears they have gotten their secondary loan. They have just started to put in their therapy pool. They are under a temporary C.O. They have kept the Township apprised. Mr. Levers believes as of last week Aquatic Holdings has told them the project is now moving forward at an expected pace. His thought process is it would be completed before winter.

Mr. Senges indicated the Board could then count on the 37 spaces; for a total of 298 spaces. However, we cannot count on the 42 spaces. Mr. Levers stated how he arrived at the 261 number at the last testimony, he took the approved 298 knowing there was approximately 37 in that northwest quadrant; 298 minus the 37 I knew had not been constructed, leaves a balance of 261.

Mr. Matlack stated he counted 249. Mr. Levers stated he went out the day of the Board meeting, August 10, 2017 and counted the spaces. He counted 253. That’s what is there today excluding the parking that still remains behind the building. Two hundred fifty three plus the 37 will give us 290. Assuming the 37 spaces are completed within 90 days, within 90 days there will be a total of 290 spaces.

Mrs. Walters stated it has been established that there are 290 spaces on site that doesn’t include the 42 banked which the Township has the right to call due if they see a problem. However, the Board cannot count the 42 spaces because they have not been completed and the Board has no jurisdiction over calling that requirement due. Therefore there are 290 spaces plus the 54 spaces at the off-site location. Mr. Levers states there are actually 57 off site plus the 290. A maximum possibility of 347 spaces. Mrs. Walters stated the condition is that the spaces would have to be constructed before a C.O. can be issued for the use. If the applicant ever lost the right to utilize the off-site parking they would have to return to the Board to demonstrate adequate parking. Now the Board will have to determine what the anticipated parking requirements are. The last time the Applicant appeared, there was testimony anticipating 350 seats on the Concept Floor Plan. The Conceptual Floor Plan showed 554 seats. There was discussion about limiting the number of people who would attend special events. In looking at that and doing some

research on that, that’s really not a condition the Board can set or an enforcement issue this Board can create. The Land Use issues before us are the Use and the Impact of the Use. The impact of the Use is the parking. So there’s really no mechanism for this Board to establish a limit nor would we want to. The Board is happy, the Township is happy, everybody is happy the Church is here. The only limiting factor we have is the capacity of the room. We have a Certificate of Occupancy for the prior use which was the banquet facility, Elite Catering. The maximum occupancy load noted on the Certificate of Occupancy for that Use for this space was 585 people. We’re not looking to limit the Church. What the Board is trying to determine is what the parking requirement would be. The congregation is not that big, the Board is aware the congregation is less than half that size. The Board has to look at the bigger picture, the Church is growing and there are other uses at the site. With that in mind the 585 maximum load, the Ordinance requirement of one parking space for every three seats, would yield a requirement for the church’s use alone of 195 spaces. Mrs. Waters requested Mr. Floyd to address that issue unless the Applicant has another way of telling the Board how many people they anticipate that the Board can rely upon. Then that would be the number we would have to address. Five hundred eighty five is the maximum capacity. That assumes 585 seats and nothing else. That’s the maximum number of people. The church has a sanctuary area which takes up a certain amount of square footage of that area and eliminates some of that potential. The church’s floor plan shows that 500 seats fit in the sanctuary area. Therefore, for purposes of calculating parking the Board is going to utilize 500 seats. That would require 167 parking spaces. The floor plan was marked for the record as Exhibit A-9, Conceptual Floor Plan. The churches maximum load will be 167 parking spaces.

Mr. Senges inquired as to whether or not everyone was in agreement. Everyone concurred.

Mrs. Walters inquired as to whether or not Mr. Matlack was in agreement with that number. Mr. Matlack concurred with the 167 required parking spaces.

Mr. Floyd asked Mr. Mancini to confirm the total required number of parking spaces. Mr. Mancini stated he would break it down into two categories. Referring back to Mr. Lever’s initial report, all the other uses are 2.5 spaces per 1,000 square feet. His report breaks down the square footage for each of those uses. Putting all of the uses together, there are 217 spaces required for all the other uses and does not include the church. We have established we need up to 167 for the Church based on the 500 seats we anticipate. A total of 384 spaces. We also heard testimony that the Ordinance allows for the 20% shared parking. We have demonstrated the Uses are compatible to apply that shared parking. The 384 applying the shared parking equates to 307 spaces required total for the site. That is based on maximum occupancy for the church at 500 seats. Due to the shared parking, there are a total of 307. Mr. Mancini stated he has demonstrated there are 290 spaces that are bonded for including the 37 in the rear plus 57 off-site that results in a total of 347 spaces available with the off-site overflow. Therefore, there are 347 available versus 307 required. With that being said, Mr. Mancini believes he has sufficiently addressed the scenario for the larger events.

Mr. Senges states the 217 spaces as a typical load does not include special events. He asked how will special events impact that need because when he asked earlier whether or not the church will have to make adjustments to accommodate special events, he was told ‘No’. He stated it seems as though we only have 40 spaces for special events. Based on previous testimony, there’s more than 40 spaces needed for a swim meet. In the meantime, Mr. Senges was approached by an individual who stated the karate studio holds special events as well. They’ve held tournaments that generates hundreds of people. This information has not been entered into the record. He requested the Owner to verify whether or not this is the case. Mr. Senges asked Mr. Wellington whether or not this is an accurate statement. Mr. Wellington stated that is not accurate.

Mr. Omar Wellington was sworn in to testify. Mr. Floyd inquired as to whether or not the karate studio hold special events for hundreds of students or children. Mr. Wellington indicated there are no karate tournaments. He is not aware of any special events held by the karate studio. They occupy 2600 square feet; it is a very small studio. They have never had a karate tournament there.

Mr. Senges stated the Board is only concerned about the swim meets. Would 40 spaces be adequate to accommodate a swim meet?

Mr. Floyd stated if there was a swim meet held either on a Saturday or Sunday or both, the overlap would be Sunday morning with the church services. He asked Mr. Mancini based on his experience with the aquatic center and the swim meets, is there a sufficient number of spaces on site and with the overflow parking lot? Mr. Mancini stated the maximum number of seats for the church is 500. Testimony was provided that the church congregation is about 200 at the present time. He stated one must take into consideration when the swim meets occur a lot of the teams arrive in a bus or van. They are not necessarily driven individually. The meets are rather a unique event. Therefore, Mr. Mancini thinks from a parking perspective unless the church is going to occupy 500 seats on any given Sunday, there would be sufficient space.

Mr. Senges asked whether or not the swim meets will require 40 or more spaces? He stated the initial parking analysis was different than the numbers established this evening that we have all agreed to work with. When there is an overlap will there be a problem?

Mr. Floyd stated based on the testimony we had this evening 40 spaces will not be sufficient. However, going back to the testimony on July 27, Mr. Floyd had spoken with Pastor Ted, the church would be willing to rearrange any church services on a Sunday morning when there was an overlap with a swim meet. Mr. Senges stated the Board needs to know when they vote on this exactly what it is they are voting on. Our Counsel, our engineers, the Applicant’s Counsel and the Applicant’s engineers all agree the number we have to work with is 307 spaces. There are 347 so there is sufficient parking unless there’s a special event. Mr. Senges noted if there is a special event that creates an issue then the residents are all going to be calling and complaining the streets are packed with cars.

Mr. Floyd stated that everyone is all on the same page and the testimony provided on July 27, the swim meets are scheduled a year in advance. Mr. Wellington on behalf of the ownership entity would agree to give those dates in advance to Pastor Ted and The Family Church. As a condition of approval the church would agree not to hold church services on Sunday mornings when there is a swim meet. That would extend to other special events that even though they do not occur now they may occur at some point in the future.

Mrs. Walters stated they are creating a condition that is difficult to enforce from a municipal perspective. It would have to be a condition in the Church’s lease. That is the only enforcement mechanism. She further stated she can review the lease on behalf of the Board before it’s signed and confirm it contains the language in the condition.

Mr. Floyd stated they would agree as a Condition of Approval the lease or a lease addendum will provide that the church will not have any services that overlap with a swim meet or any other special event at the Coliseum and they would be more than happy to provide a copy of the agreement to the Board and it’s professionals for review. That lease agreement will be part of the record and part of the Zoning file.

Mr. Senges stated the Board does not want that to have to happen so the ideal is that it can be avoided somehow. He thinks it’s terrible for a church service to be moved to an uncomfortable inconvenient and unusual time. On the other hand the Board doesn’t want to create an issue based on experiences with other Houses of Worship they have created and have had to deal with and not in a good way.

Mr. Floyd stated that understands the Board’s concerns and the neighbor’s concerns about parking. They would agree with the Condition of Approval to provide the lease agreement.

Mr. Senges stated special events like Easter and Christmas most likely will not overlap with any special events. If for some reason, the Church is blessed enough to have the congregation grow to 500 and there were parking issues on those particular nights, he would think the public would understand and accept it.

Mrs. Waters stated she wants everyone to understand the Condition from a procedural perspective. Mr. Wellington is here providing testimony on behalf of the Applicant to sign off on the application as the property owner. However, the Applicant is the Church. The condition is that the Applicant, The Family Church, obtain the ability to use the 57 off-site parking spaces prior to the issuance of Certificate of Occupancy. The obligation though for those spaces in negotiation is going to take place

between the property owner and the municipality and I’m sure the church understands it could take some time. This the one dichotomy we have here.

Mr. Floyd stated he understands any negotiations between the property owner and the Township is outside the control of the Board and outside the control of the Applicant, The Family Church. It will be the ownership entity entering into negotiations with the Township. The use of the overflow parking lot will not be just for the church but for any other special events at the Coliseum.

Mr. Senges inquired as to how the individuals will get back and forth from the overflow parking lot to the Coliseum. Mr. Floyd stated to some degree weather dependent when the weather is nice on a Sunday morning, they may walk. If there’s a wedding on a Saturday evening, he has spoken with Pastor Ted, who stated he has utilized shuttle buses in the past for the guests. It varies on the event.

Mrs. Waters stated the off-site parking lot is not a stand-alone permitted use anyway. The Owner may have to come before the Board for a Use Variance and a site plan. Mr. Floyd stated he realizes they have to enter into that written agreement with the Township. There are a lot of terms and conditions that will have to be worked out. Liability insurance, snow plowing and those negotiations will all be undertaken by the ownership entity.

Mrs. Waters stated she had no further questions.

Mr. Floyd stated Mr. Mancini has to update his testimony before the Board. Mr. Mancini stated because the 57 spaces are off site and they are counting them towards the overall requirements, if those spaces were excluded as they should be, they would need a Variance for 17 spaces. It was demonstrated they are 290 available on site and they have determined that 307 is required. There is a shortage of 17 on site. With that in mind, the Applicant will need a Variance for those 17 spaces and Mr. Mancini think it’s obvious the benefits of that Variance outweigh any detriment. There is no detriment because they are conditioning this approval, obviously if it is granted, on the ability to use the 57 spaces and further they recognize there is the 42 spaces that could be called into play. They also recognize the maximum attendance is very unlikely to happen on Day 1 for the church. Therefore, he believes there is sufficient time for the 37 spaces to come into play before they are really needed. Mr. Mancini thinks they have effectively satisfied the parking issue notwithstanding the technicality of where the spaces are. The Variance is predicated on part of our testimony that we’re going to obtain the 57 spaces.

Mr. Waters stated technically they require 307 spaces on site with the proposed use on site. There are 290 presently. Technically this would require a Variance for 17 spaces. The justification for that deviation is that they have a Condition of Approval that states they are not going to get a C.O. until they have access to the additional parking off site to the additional 37 spaces. Therefore what they are requesting is a Variance for the number of on-site parking spaces needed. However, they will not be able to take advantage of that Variance unless they satisfy the parking requirement that we are setting as a Condition of Approval. Out of an abundance of caution they are giving testimony on a perceived parking Variance. We are not creating a situation where they are not going to have to rely upon the off-site parking because we have a Condition of Approval that specifically requires that. It will be perfectly clear in the Resolution. Mr. Floyd and Mrs. Walters will work out the language in the Resolution. So the Variance of the spaces is predicated upon the acquisition of the 57 off-site spaces.

Mr. Senges inquired as to whether or not there were any other questions or comments from the Board before the session was open to the public.

This portion of the meeting was closed and open to the public limited only to the testimony heard this evening.

Mr. Hale was sworn in to testify. Mr. Hale introduced himself as the Chairman of the Environmental Commission for Voorhees Township. He stated it sounded as though everything was going really smoothly until the off-site parking was mentioned. The lot is a certified NJDEP brownfield. It is an active toxic site. The place is riddled with 75 year old drainage throughout and he is much more aware of the current condition for monitoring wells on site then Mr. Long is. He seriously doubts the Township would assume all of the liability that exists on the site. Even if Mr. Wellington was to go and try to repair this drainage system so that cars weren’t dropping through it, it would be easier and cheaper to take care of the ghosted sites. Mr. Hale requested the Board to table this until there is at least assurance from the Township. I would never recommend this to the Township Committee or to Mr. Long. We have addressed the site many times when the Coliseum property purchase was performed by the

Township. The off-site parking site was slated to go into open space. However, it cannot be placed into open space until the toxic waste is clean. This is why the space remains walled off and why it’s fenced.

Mr. Floyd stated he had spoken with Mr. Long and he was not aware of any use or activity restrictions on the property related to the environmental remediation. Mr. Floyd stated the testimony heard from Ken Levers is that we will not disturbing any soil, but striping on the existing asphalt. He is not discounting what Mr. Hale is stating. This is an issue for the Township Counsel, the governing body, to discuss with Mr. Wellington and potentially with the Environmental Commission. Mr. Floyd simply does not have any information regarding this.

Mr. Senges stated the condition the Board is going to place on this if it is approved is that it’s conditioned upon the Township entering into an agreement with the owner of the Coliseum and an amendment to the lease which allows the church to use these spaces. The Board has no jurisdiction and no control over a Township executed agreement on land they own. That agreement has not been executed nor negotiated. So if there is information that may influence the Township that deems this lot is not safe for use or prudent use of the land then the condition the Board will place on it if we were to approve it could not be met. Mr. Senges stated Mr. Hale’s concerns are well noted since the Condition we are talking about is that the Township has to execute this agreement with the Landowner and the Landowner has to give him an amendment or addendum to the lease for the required parking. Then if your concerns are legitimized and accepted by the Township, they will not enter in the agreement. So our condition will void any approvals.

Mr. Hale asked if it would it be too much to ask that he has an opportunity to speak to Mr. Long and clear things up and table this until the next meeting in two weeks.

Mrs. Walters stated this Board has jurisdiction over the application and the property that is presented. We do not have jurisdiction on the off-site parking property because that is not before us this evening. So any approval granted by this Board not only is it subject to any specific conditions the Board sets, it’s conditioned upon the Applicant obtaining outside agency approval, this which would be in some instances the County Planning Board, the Soil Conservation District, Pinelands, or DEP depending upon whatever the property circumstances are. This application, if approved, with the conditions we discussed this evening, would be subject to outside agency approval and would be subject to the Township approval. We have no jurisdiction over that. The Board cannot stop them from discussing this as an option. We cannot interject and whether or not they go to the Township and it turns out it won’t work or not is irrelevant to this evening because if they can’t satisfy the condition of approval that was discussed here this evening, they have to come back to us. Their Use Variance goes away and they have to come back again and demonstrate the availability of sufficient parking in another manner.

Mr. Hale stated they are 17 spaces short. He would rather have 17 of these folks parked in front of his house and not that parking lot.

Mrs. Waters reiterated that is between the Coliseum and the Township. She understands what Mr. Hale is saying, the concern he is raising should be brought to the Township’s attention. If the Township decides this isn’t something they should enter into or the site is not suitable for what they are contemplating then the condition they obtain the right to use these 57 off-site parking spaces cannot be met. The Applicant will then have to come back to this Board which would require notice to the public.

Mr. Senges states the Board cannot table the application only the Applicant can ask the Board to table this and come back in two weeks to do further investigation. We are obligated if they ask us to proceed and to vote on this application to do so. Which is what happened at the last meeting.

Mr. Hale stated at least he has a clear conscious that he’s made the Board and the Applicant aware of what is going on at this site.

Mr. Chuck Kahn, 1137 Winding Drive, Cherry Hill, NJ, Mayor of the Township of Cherry Hill was sworn in to testify. Mr. Kahn was a long time resident of Voorhees. He stated he’s happy to be here to hear such great testimony and cross examination and examination of the facts. He stated he’s here on behalf of the Family Church and as a representative of the Township of Cherry Hill. Mr. Kahn stated this Church leased property in Cherry Hill for a period of time and he wanted to state how responsible the church acted as a responsible religious institution within his Township. The issue the Board is addressing tonight is in fact one they addressed many times with the Family Church because they too came to one of their religious facilities and at times they would require overflow parking. They were very responsible and had arrangements with the high school and the Board of Education. They had transportation, bus

transportation back and forth to some of their special events and the reality was they were nothing but more than responsible very good citizens; very good and an integral part of our community. Pastor Ted and his entire congregation attended just two weeks ago, our National Night Out where we celebrate with hundreds of residents in Cherry Hill in support of our police officers. This is something that goes beyond the parking that you’re addressing tonight but really a community outreach that makes Cherry Hill a better place. Mr. Kahn is sure they will continue to be good citizens in Cherry Hill and he thinks they would do the same for Voorhees. He would highly recommend the approval of their application because they will be great citizens to the township. Mr. Kahn is sorry to see them leave Cherry Hill. He knows they’ll be close neighbors and he knows they will act responsibly in terms of their obligations to this Board and the Boards of all of the Township of Voorhees.

William Monaghan was sworn in to testify. He goes by the name of Bud. He is the Chief of the Cherry Hill Police Department. He stated he is here to echo the statements made by Mayor Kahn with respect to the cooperation he had with the Family Church as well as the fact that they are truly sorry to see them leave Cherry Hill. Hopefully the church will be coming to Voorhees with the Board’s approval tonight. Pastor Ted has built a relationship with him. Mr. Monaghan actually met Pastor Ted a little over a year and a half ago at their National Night Out. One of the first things that came out of his mouth was how can I help. It’s the same statement out of his mouth every time, how can I help, how can I help. Pastor Ted as far as the good of the community has bonded with our police officers, become a police chaplain. We sent him to multiple schools. He has worked with kids within our community. When you talk about the things that you look at with respect to the positive that an application could bring, you are going to get a very true passionate energetic community leader. His congregation also welcomed him and his officers into their services and Mr. Monaghan cannot speak enough to the love that each and every one of them has shown to not only him but to all of our officers. When he was thinking about coming here tonight he was torn as far as whether or not he was going to wear his uniform or whether or not he was going to wear a suit. The reason why he didn’t wear a uniform was very simple, he didn’t want anyone to think, that he was here because of work or because he had to be. He is truly standing here as an individual in support of this application because of the love they have shown not only to him but to his officers. With respect to the parking he doesn’t think that 17 parking spaces is going to be that much of a trade-off for what the Township is going to benefit when they welcome this church and these community members into the Township.

Edward Trueblood, 9 Chippenham Drive, Voorhees was sworn in to testify. He’s been a Voorhees resident for over 20 years. He’s also been a member of Pastor Ted’s church for Living Faith Christian Center and now a member of The Family Church. He’s been a member with him for well over 20 years. He stated he’s heard a lot of testimony. He would like to applaud the Board for addressing a matter of speculation which is difficult in and of itself and the Board did a great job of balancing those issues. He wanted to point out and echo what was already said. He stated Voorhees would be bringing into this community a church that will better the community. He’s been with Pastor Ted and his wife and he’s seen how they have brought positively to every community they have operated. You’ll find children attending their church that would not have wanted to and go to college who may not have wanted to go to college. Parking spaces, community traffic, are important issues but what he hasn’t heard enough of aside from the two speakers that spoke prior to him is the benefit they bring into the neighborhood. He doesn’t think you can put a number on that and he doesn’t think you can put a value on that. He thinks the community will see a benefit from the Church’s presence. He’s been a resident of Voorhees for 20 years, a practicing attorney, so the last thing he would want to see in his community is a bad element. However, he thinks with The Family Church, the residents will perceive a very good element that will improve our families. Hence the name the Family Church.

The public portion of the meeting was closed.

Mr. Floyd stated between the testimony presented on July 27, 2017 and the testimony this evening we have clearly shown that the church is an inherently beneficial use and should you grant the Use Variance approval we have no exception on reasonable conditions being placed in that approval regarding the overflow parking on the Township owned lot. We are aware of the concerns of Mr. Hale and the Environmental Commission and Mr. Wellington on behalf of the Ownership. We will work with Howard Long and the governing body to enter into an appropriate agreement to protect the public health welfare and safety. Mr. Floyd stated the Board has heard very strong testimony from members of the public regarding the Church and all the benefits they will bring to the community. He respectfully requested the Use Variance approval be granted and to the extent necessary for the Variance for the number of parking spaces.

Mrs. Waters stated to the Board, that the Board has before them an application for a Use Variance to permit The Family Church to utilize a portion of the property located at 333 Preston Avenue, Suite 2 for Use for a religious house of worship where that is not a permitted use in the B Zone. Also associated with that is a Variance for parking relief where 307 spaces are required on site and 290 are existing on site. The Applicant has testified that to offset that Variance or justify the Variance and to address the impact of parking the Board was concerned about with respect to granting a Use Variance, the following conditions would be set: The Applicant must be able to demonstrate the ability to use the 57 off-site parking spaces and will not be able to obtain a C.O. for this space until the use of the off-site parking spaces is in place. The lease must state the Church will have access and permission to use those spaces once they are in place and if the Applicant loses or cannot obtain the right to utilize the off-site parking as testified to this evening, the Applicant would have to return to the Board to address the parking needs associated with the Use. The Use Variance and a Parking Variance to permit 290 spaces where 307 is required on site with the conditions that I’ve outlined.

Mr. Senges, motions to approve as outlined by the Solicitor. Seconded by Mr. Cohen.

Ayes: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Patton, Mr. Brocco, Mr. Cupersmith, Mr. 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