

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

SEPTEMBER 3, 2014 7:00 P.M.

MINUTES

The regular meeting of the Westampton Township Land Development Board was held at the Municipal Building on Rancocas Road on September 3, 2014 at 7:06 P.M. The meeting was called to order by Chairman Ron Applegate and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 3, 2014 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

Roll Call: Present: Mr. Blair, Mr. Carugno, Ms. Chang, Ms. Coe, Mr. Maybury, Chairman Applegate, Mr. Attaway, Solicitor Jesse Debrosse, Engineer Greg Valesi, Planner Harry McVey, Secretary Marion Karp
Absent: Mr. Borger, Mr. Freeman, Mr. Williams

The minutes of the August 6, 2014 meeting were approved as written.

Resolutions:

17-2014 2367 Kuser Road, LLC, Block 1411, Lot 21 (895 Rancocas Road) – continuation of application until 9/3/14 meeting – was memorialized

18-2014 Project Freedom, Block 203, Lot 4.02 – minor subdivision, amended preliminary and final site plan approval – was memorialized

New Business:

2367 Kuser Road, LLC, Block 1411, Lot 21 (895 Rancocas Road). Lionel Frank, applicant's attorney, was before the Board with a use variance application to convert an existing medical office building to a church. The applicants desire to present the application even though there are only 5 voting Board members at this meeting. It shall be noted that Bob Maybury and Mayor Chang would not be voting since this is a use variance. Sworn in were: Mike Avila, professional engineer and planner; Andrew Feranda, traffic consultant and Michael Hughes, architect. Each individual gave a brief professional background of themselves for the Board so that the Board could determine that they were indeed expert witnesses in their fields.

Mr. Avila distributed a packet to the Board and went through it; it consisted of a tax map identifying the site; an aerial photograph highlighting the site, a zoning map and a color photograph of the existing building. A site layout showed existing conditions and

features of the site. The property is currently vacant, and was a former medical office occupied by Virtua. It is 3.245 acres in size, the building is 21,490 square feet, and also contains a parking lot and a storm water management basin. Some of the site has fallen into disrepair. It is serviced by public water and sewer; abutted to the north and west by residential development in the R-2 zone, to the south the R -1 zone and to the east the Commercial zone (shopping center). The project is on a corner lot and has one way to enter the site off Holly Lane. There is also an egress lane along Holly Lane and another point of egress along Rancocas Road.

The applicant is proposing to take the existing building and use it for religious purposes. The building will be retrofitted and remodeled for church use. The parking lot would be patched and re striped, the trash enclosure would be repaired, etc. There would be internal and external repairs made. The church consists of 250 to 300 people that meet on Sunday for services from 10:30 AM to 12:30 PM and a midweek service from 6:30 PM to 8:00 PM. The congregation currently meets in the Burlington Middle School. There is no school or nursery proposed per se according to Mr. Avila. A use variance is required because a church use is not a permitted use in the C Commercial Zone. A church use is a conditional use in the R-1 to R-5 zones but is not permitted in any zone by right. A church is also considered an inherently beneficial use and generally satisfies the criteria necessary to allow for the granting of a use variance, according to the applicant's attorney.

Special reasons include demonstrating a public good; the site already has existing utilities in place and will not require the extension of any utilities; the road network is already in place since it is at the intersection of Rancocas Road and Holly Lane and the dedicated turn lanes are already in place. Sufficient parking spaces exist (125 spaces are proposed, in excess of either 87 or 116 required by using building square footage or 1 space per 3 persons attending church). A church use is compatible with a residential use according to Township zoning. There is a need for the membership of this church to have a place to call home; the site improvements to be made will enhance the site, provide vitality and improve marketability, according to Mr. Frank.

Negative criteria include traffic but the applicant believes that due to the way the site is oriented that it would not be worse than it was before nor than if a shopping center came in. Lighting is another factor that can be a negative but the applicants believe that they can address this and mitigate its impact upon the neighborhood. They don't believe that this use will deteriorate the character of the neighborhood; it does not promote any kind of negative impact. It advances the purpose of the Municipal Land Use Law.

There will be some office use during the week that would take place on a limited basis and by appointment only. Ms. Coe asked if there would be any additional services other than those mentioned. The applicants answered that on holidays such as Christmas, they would hold several services. There would also be weddings and funerals conducted there as well. Ron Applegate asked if they had looked at any other buildings in Westampton. Pastor Daniels answered that they had looked within a ten to fifteen

minute radius of where they meet now. Gene Blair commented that since this involves a change of use that an application would also have to be made to the County. He asked if they knew an existing church was across the street in the shopping center; they said they were aware of this.

Board Engineer Greg Valesi asked about the other rooms in the floor plan; he wanted to get a sense of when these other rooms would be used. He needed to know if a service is the absolute peak use.

The Board had concerns if the congregation grew and if they held more services during the week on a regular basis; it could cause a detriment to the neighborhood and traffic problems.

Andrew Feranda, applicant's traffic consultant, distributed a report to the Board dated August 26, 2014. The Board has not seen the report previously. They looked at traffic that would be generated in the building by any of the permitted uses in the Zone; medical offices, a restaurant, daycare center or a shopping center. Church trips are generated in off peak hours when the roadways are being used the least and there is less roadway volume. Greg Valesi suggested that he perform some Sunday peak hour traffic counts, especially since there is another church right across Holly Lane. The Board is concerned about the traffic exiting the site.

Harry McVey directed the Board to assess if this site is particularly suited to this use. He suggests that the Board continue the application until they get the information that they need to make a decision.

There are 125 parking spaces at the site currently; churches typically demand less than this. The maximum use would be 350 seats at a service according to Mr. Feranda. They currently have 250-300 members. There will be no concurrent activities going on when a service is being held.

Jesse Debrosse, Board Solicitor, asked if the applicant would be amenable to staggering the times of their service so that it wouldn't be at the same time as the church across the street. Pastor Daniels stated that they would be. The Board also wants to see intent of use for the entire structure.

The applicant's architect, Michael Hughes, testified regarding the interior of the building. He had a preliminary plan of the layout of the building. The main focus is the worship space, which would hold 350. They are trying to save as much of the existing interior as possible. Administrative spaces would be used on weekdays; the only other spaces that would be used at the same time as the worship space would be the nursery area and children's church area. The children's church will hold approximately 45 children; the nursery will hold approximately 12 children. There is a large meeting space at the rear of the building which would hold 30 to 40 persons. The seats in the worship area will be moveable seating. Harry McVey asked if there was any possibility that the worship area would be used for a banquet; the applicants answered that there is no

kitchen planned for the building.

The applicant asked for an adjournment so that they can come back and present the additional information that the Board has requested. The applicant will address the site plan issues that were raised in the Board's professional's reports at the time of site plan approval. Harry McVey recommends that a written statement be provided by the applicant that details ultimately what they want this facility to be in the future and how they want it to operate. He advises this so that they don't have to keep coming back for additional changes to their original use variance approval, if the Board decides to grant the approval.

Gene Blair asked if they have another location; the pastor answered that they have another location in Ewing where they see approximately 1300 people per week. A typical Sunday would consist of the pastor going from Ewing to Burlington and back to Ewing again.

The meeting was opened to the public for comment. Fitzgerald Gittens of Burlington commented regarding the Mt. Olive Church on Rancocas Road and that they have less than 100 members and that their services are held at a different time. Gene Blair stated that the church he was speaking about isn't this one; it is another church in the shopping center across Holly Lane.

Steven Rice stated that that church is empty; he owns a barber shop in the same shopping center. He stated that the church is not functioning.

The applicant's attorney proposes a continuance until the next meeting, which would be held on October 1st. Mr. Attaway informed the Board that he would be unable to attend the October 1st meeting. Marion Karp, Board Secretary, would do her best getting the 3 absent members a copy of the CD to listen to, so that they would be able to vote on the use variance.

Ms. Coe made a motion to continue the application until the Board's October 1st meeting; Mr. Carugno seconded the motion. All Board members voted yes, with the exception of Mayor Chang and Mr. Maybury, who cannot vote on use variance applications.

The meeting was again opened to the public for comment. There being no comment, the meeting was closed.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board

