

RESOLUTION: 17-2022

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: The Redeemed Christian Church of God, Tabernacle of Peace
BOARD'S DECISION: Granting Minor Site Plan Approval and a Use Variance
PROPERTY ADDRESS: 593 Rancocas Road – Block 203, Lot 11
ZONING DISTRICT: B-1, Business District
DATE OF HEARING: July 6, 2022

WHEREAS, The Redeemed Christian Church of God, Tabernacle of Peace (the “Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting a “d2” Use Variance and Minor Site Plan approval (“Approval”). The Applicant is proposing to convert an existing office building into a house of worship that will include a sanctuary space with seating for 147 people along with a choir area and several offices in the B-1, Business District and located at 593 Rancocas Road, Westampton, New Jersey, designated as Block 203, Lot 11 on the Township Tax Map (“Subject Property”); and

WHEREAS, the Board has jurisdiction to hear this matter (the “Application”) under the New Jersey Municipal Land Use Law (“MLUL”), *N.J.S.A. 40:55D-1*, et seq.; and

WHEREAS, the Subject Property is a 1.970-acre parcel located at the northeast corner of the intersection of Rancocas Road (County Route 626) and Springside Road, approximately 2,000 feet west of Interstate Route 295; and

WHEREAS, the Applicant came before the Board at the regularly-scheduled public meeting held on July 6, 2021, and was represented by Mark G. Carusillo, Esquire. The Board heard testimony from the Applicant’s witnesses and professionals as to the nature, purpose, location, and description of the Application; and

WHEREAS, the Board discussed the Application and the Board Professionals offered comments. The Application was opened to the public for comment, and any members of the public wishing to comment on the Application were given the opportunity to do so; and

WHEREAS, based on all the evidence submitted, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Board considered the following submissions from the Applicant:

- A. Minor Site Plans consisting of a four-sheet set of architectural drawings from Todd Geter, Architect, dated June 9, 2022; and
 - B. One sheet showing an existing conditions survey drawing from Moran Engineering & Surveying, dated May 19, 2022.
2. The Board considered the following review letters submitted by the Board Professionals:
 - A. A letter prepared by the Board's Engineer, James Winckowski, PE, CME, dated June 30, 2022;
 - B. A letter prepared by the Board's Planner, Chris Dochney, PP, AICP, dated June 30, 2022.
3. The Subject Property is being purchased by The Redeemed Christian Church of God, Tabernacle of Peace, located at 593 Rancocas Road Westampton, New Jersey, lying within the B-1 Business District.
4. The Applicant seeks a Use Variance and Minor Site Plan approval for the conversion of an existing office building on the Subject Property into a house of worship to include a sanctuary space with seating for 147 people, a choir area, office space, and related spaces for members of the house of worship to utilize.
5. The Applicant submitted the following exhibits during the July 6, 2022 hearing:
 - a. Exhibit A-1 - Minor Site Plans consisting of a four-sheet set of architectural drawings from Todd Geter, Architect, dated June 9, 2022; and
 - b. Exhibit A-2 - One sheet showing an existing conditions survey drawing from Moran Engineering & Surveying, dated May 19, 2022.
6. Pastor Ola Arasanyin, Applicant's representative, and Todd Geter, Architect, were both sworn in by the Board's Solicitor.
7. Mr. Carusillo presented and introduced the Application to the Board and explained the requested relief.
8. After placing his credential on the record, the Applicant's Architect, Mr. Geter, testified before the Board. Mr. Geter testified that it was his understanding that the Applicant is not proposing any changes to the exterior of the office building on the Subject Property. Mr. Geter testified that he is aware of the Applicant's intention to change the existing sign on the Subject Property. Mr. Geter testified that Exhibit A-1, page 1, depicted the existing conditions of the Subject Property. Mr. Geter testified that page 2 of Exhibit A-1 depicted proposed first-floor alterations for the sanctuary space to seat 147 people. Mr. Geter testified that the 147-person capacity includes the number of people for the entire building. Mr. Geter testified that there is an existing bearing wall that spans the middle of the space that will be removed and replaced by a series of columns and beams. Mr. Geter testified that page 3 of Exhibit A-1 depicted the proposed Church Administration and office area. Mr. Geter testified that the space for the children's church currently exists within the building.

10. Mr. Carusillo directed Mr. Geter to testify regarding the site plan that depicted parking. Mr. Geter testified about page 1 of Exhibit A-2, namely, that the pictures depict the current parking lot configuration and that the striping is currently faded. Mr. Geter testified that the survey does not include parking area numbers 4, 7, and 8 and speculated it could be because the striping is faded but the spots have wheel stops so it is reasonable to conclude these were parking spaces at one time. Mr. Geter testified that the total number of parking spaces is 71.

11. Mr. Jones asked if there is only one exit; Mr. Geter responded that there are two exits.

12. Mr. Holshue asked if the Fellowship Hall was included in the estimated 147-people occupancy of the office building; Mr. Geter responded in the affirmative.

13. Mr. Roberts asked if there was any intention by the Applicant to restripe the parking lot; Mr. Geter responded in the affirmative. Mr. Roberts recommended that the ADA-accessible spaces be moved closer to the main entrance and indicated that all upgrades will have to be ADA accessible. Mr. Geter responded in the affirmative. Mr. Roberts stated that the survey has the parking spaces scaled as 9' by 20' in terms of size but the Township Code requires 10' by 20' so a design waiver would be needed. Mr. Roberts questioned if there was a need for a loading location.

14. Mr. Thorpe commented that the professional review letters contain questions requiring testimony regarding landscaping, restriping, design waivers, and other items. Mr. Thorpe stated his belief that the Board needs a plan depicting the parking, including handicap spots and loading spots. He further stated there are mentions of landscaping and buffers but these items are not addressed nor have they been provided to the Board. Mr. Carusillo responded that it was his understanding to move forward with the recommended design waivers, as indicated by Mr. Dochney. He indicated the Applicant is seeking a conditional approval with the understanding the Board needs more information regarding parking, buffers, and berms. Mr. Dochney responded that the application can be bifurcated since it seeks a use variance and the Applicant seeks to take an existing building on an existing site in its current conditions and make no changes to the site other than interior reconfiguration of the building. Mr. Borger responded with his support of the bifurcation of the application, where if the application were to be approved, the Applicant would come back before the Board with more detailed information including setbacks, berming, landscaping requirements, and apply for those variances, if necessary. This was agreed by Mr. Borger, Mr. Thorpe, Mr. Jones, and Mr. Fagan.

15. After being sworn in, Pastor Ola Arasanyin testified as the representative for the Applicant. Ms. Arasanyin testified to the proposed uses of the building, which would be used for church activities for a limited amount of time on Tuesday, Thursday, and Saturday, Sunday being the day of worship, and Monday the Church is closed. Ms. Arasanyin testified that the Church currently participates in a food pantry on the third Saturday of every month from 10:00 A.M. to 2:00 P.M. in conjunction with the Food Bank of South Jersey but the Food Bank of South Jersey must approve the Subject Property as appropriate for the food bank distribution. She testified the food bank makes deliveries once a month. She further testified there is a Vacation Bible School in the summer that is usually from 10:00 A.M. to 4:00 P.M. Further, she testified of her

willingness to work with the Board to resolve all concerns regarding restriping, parking, landscaping, and lighting. She testified she would like to replace the current sign with a sign for the church.

16. Mr. Borger asked if Ms. Arasanyin understood she would need to return before the Board with more detailed plans and submit a second application; she acknowledged that.

17. Mr. Thorpe commented that he wanted the approval for the food bank to be separate from the Application because the food bank should be reviewed with the Code Official.

18. Mr. Odenheimer asked whether the Board can grant approval for the use of a food pantry as part of the use variances. Mr. Dochney responded, stating the Zoning Ordinance does not permit a food pantry as a principal use, but understood the food pantry to be an accessory or ancillary use and that the Board could approve the request as part of the Use Variance. Mr. Holshue and Mr. Borger agreed with Mr. Dochney.

19. Mr. Dochney asked if the Church planned on hosting Alcoholics or Narcotics Anonymous meetings; Ms. Arasanyin responded in the affirmative. Mr. Dochney asked about hosting counseling or couples counseling at the Church to which Ms. Arasanyin responded in the affirmative.

20. After testimony was presented by the Applicant and comments were made by the Board and Board Professionals during the July 6, 2022, hearing, the matter was opened to the public for comment; eight members of the Applicant provided public comment in support of the Application.

21. Following a summary of the Application by the Board's Solicitor, Mr. Borger asked for a motion to approve or deny the application for a Use Variance with an ancillary use of a food pantry consistent with the testimony given, and Minor Site Plan Approval. The motion to approve was moved by Mr. Thorpe and seconded by Mr. Jones. The Application was granted by the vote of the Board.

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, that the Applicant's Application for a Use Variance and Minor Site Plan for the conversion of an existing office building into a house of worship at the Subject Property upon motion duly made by Mr. Thorpe and seconded by Mr. Jones, was and is hereby **GRANTED**, subject to the representations set forth on the record by the Applicant and the Applicant's professionals, and any conditions set forth on the record and stated herein.

IT IS FURTHER RESOLVED, the above relief is subject to the following standard conditions:

1. That the Application, all exhibits, testimony, map, and other documents submitted and relied on by the Applicant are true and accurate representations of the facts relating to the Applicant's request for approval. In the event it is later determined by the Board on non-arbitrary, non-capricious, and reasonable grounds that the Application, exhibits,

testimony, maps, and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied upon by the Board as bearing on facts essential in the granting of the relief sought by the Applicant, the Board may review its approval and rehear the Application if circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice;

2. Upon discovery by the Board of clear and convincing evidence of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, consistent with the MLUL and case law, including, but not limited to, a reconsideration of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate. In addition, at any time within 45 days after the adoption of this resolution, a party of interest may appeal to the Superior Court of New Jersey for an order vacating or modifying any term or condition as set forth herein;
3. The Applicant shall indemnify and hold the Township harmless from any claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including, but not limited to, proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to *N.J.S.A. 40:55D-12(c)*, and publication of the notice of public hearing in this matter in accordance with the law;
4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed;
5. The Applicant must obtain approvals from all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control, but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining from which governmental and/or public agencies, if any, such approvals are required;
6. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner;
7. The Applicant must pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land development ordinances, zoning codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law;

8. The Applicant assumes all risks should the Applicant fail to obtain any other construction or other municipal permits required with respect to the relief as granted herein during the statutory appeal period associated with the language of this resolution;
9. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein;
10. The Applicant shall comply with all representations and stipulations contained in the application and as represented through testimony in support of the application.
11. The Applicant shall comply with all other applicable Township Code requirements.

ROLL CALL VOTE

Ayes Nays Abstentions Recusal

Board Members	Ayes	Nays	Abstentions	Recusal
Unanimous				

WESTAMPTON LAND DEVELOPMENT BOARD

BY:


 Gary L. Borger, Chairman

ATTEST:


 Jodie Termi, RMC, CMR, Board Secretary

DATE MEMORIALIZED: 8/3/22