

2014:08

**A RESOLUTION OF THE BOROUGH OF WOODBURY HEIGHTS
PLANNING/ZONING BOARD GRANTING A USE VARIANCE TO NEW
BEGINNINGS BIBLE FELLOWSHIP CHURCH**

WHEREAS, New Beginnings Bible Fellowship Church has applied to the Woodbury Heights Planning/Zoning Board for a new use variance to expand the prior use variance granted by the Board to now include the entire second floor instead of only the first floor of the existing office building being used for a religious house of worship at 335 Glassboro Road, which property is designated as Lot 12 of Block 38; and

WHEREAS, the Planning/Zoning Board of the Borough of Woodbury Heights heard this application on April 7, 2014 at the regular meeting, at which time the applicant presented evidence to the Board in support of its application; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant in support of its use variance application as aforesaid at the April 7, 2014 meeting, and after the Board had opened the meeting to the public, has made the following findings of fact:

1. The applicant has submitted an application for a use variance, and waiver of site plan approval providing the Board with supporting documents.
2. The property is located in the Highway Commercial (HC) Zone.
3. The taxes on the subject property have been paid.
4. The applicant has paid and/or posted all required fees.

5. Proper notice of this application for a use variance has been given, based upon the certified list obtained from the Borough Tax Office.
6. The use as proposed is not permitted under the Borough Code for this Highway Commercial (HC) Zone.
7. The applicant was previously granted both use variance approval and waiver of site plan by the Woodbury Heights Planning/Zoning Board on October 1, 2007, which approvals were memorialized by Resolution No. 2007:22 as adopted by the Board on November 5, 2007.
8. The applicant's original approval involved only 3,000 square feet of the first floor of this office condominium building, and was restricted to a maximum of five (5) years and a maximum congregation of 120 members.
9. The applicant, after approximately three (3) years of occupying these premises, grew from its initial congregation size of 32 members to 105 members.
10. In 2010, the applicant had available to it the option to expand into the other first floor office suite as of January, 2011, and so requested a new use variance for that expansion into this second condominium unit in November, 2010.
11. At that time, the applicant was conducting the same religious services at the same times as per the original 2007 approval, with the only real difference being the need for more space to accommodate the increase in members.
12. In 2010 however, the increase in members raised a concern over the available parking on this site; while the applicant's use is

complimentary to the other office or professional uses on the site, such that the increased membership should not significantly impact the other uses, nevertheless, the then current ratio of families (and their vehicles) of 45 to the 105 congregants then utilizing the parking on site meant that the available parking would become critical when the membership reached about 200 congregants.

13. Accordingly, in November 2010, the Board again limited the number of congregants, to which limitation the applicant had agreed, to 205 members, so that there will not be a parking crisis at some point in time in the future on this site.

14. At the November 1, 2010 hearing, the Board granted the amended use variance, together with another waiver of site plan, to the applicant, which approvals were memorialized by Resolution No. 2010:16 as adopted by the Board on November 1, 2010.

15. Thereafter, on June 12, 2012, the applicant had again applied to the Board for a use variance, in order to eliminate the five-year limitation on the use variance that was a condition of the 2010 approval.

16. The reason behind the applicant's 2012 request was that the Church had the opportunity to purchase all four (4) of the condominium units (designated as C101, C102, C201 and C202 on the Borough Tax Map), which comprise the front building of this office condominium.

17. It obviously would not have been prudent for the applicant to purchase these units while being subject to the five-year limitation, so the applicant returned to the Board in 2012 to seek the elimination of this time limitation condition.

18. Accordingly, by Resolution No. 2012:14, the Board granted the applicant a use variance that eliminated the five-year limitation of the original use variance, such that there was no time limit thereafter imposed upon the applicant's use variance.

19. Back in 2012, the Church did not then seek a use variance to expand into the two condominium units on the second floor (Units C201 and C202), due to existing leases in effect with prior office tenants, but does so now, due to the termination of all but one such office lease.

20. At this time, the Church requests an expansion of their use variance to allow for a "Fellowship Hall" (Unit C201) and "Classroom & Blessing Room Food Pantry" (part of Unit C202) on the second floor of this office condominium building.

21. Part of Unit C202 is still occupied by Graphic Solutions, an office tenant, although that lease may not be renewed after its termination in November, 2014.

22. In the event that Graphic Solutions does not renew its lease with the applicant, the Church desires to expand into all of Unit C202 at some point thereafter.

23. Accordingly, the applicant is requesting an expansion of its previously granted use variance to allow all four (4) condominium units (C101, C102, C201 & C202) to be used for a religious house of worship or for related Church ministries.

24. The applicant is still not proposing any changes or revisions to the exterior of the existing buildings or the infrastructure in general.

25. The Church will still continue to conduct services every Sunday, plus religious holidays, for approximately 2 hours, including socializing after the services.

26. The Church will still continue to conduct a 'Sunday School' program approximately 1 hour prior to the actual Church service.

27. The Church will still continue to conduct Bible Study every other Wednesday and Friday evenings for 1 to 2 hours each night.

28. Based upon its application, the Church has again agreed to the condition that the use shall be only for a maximum congregation of 205 attendees (members, guests, visitors, etc.) (The applicant would have to re-apply to the Board if this agreed-to limit was reached).

29. An issue had previously arisen during the November 2010 hearing regarding the fact that the site plan approval for these office condominium buildings seemingly allows a third building to be constructed in addition to the existing two buildings; should a third building be so constructed, then a parking problem may then arise. Accordingly, as previously found, the applicant will have to come back before the Board for a reconsideration of its parking and overall usage should such third building ever be constructed.

30. Similarly, as also previously found, the use of the parking spaces by the applicant is based upon the other currently-existing uses on this site; should such uses change in any significant manner, such as by new or different owners or tenants, or by new or different uses that impact the parking to any substantial degree, then the applicant may have to

come back before the Board for a reconsideration of its parking and overall usage under those circumstances.

31. It was determined that a waiver of site plan could be granted, because all site plan issues as previously determined to be required per the 2007, 2010 and 2012 applications and approvals have been met by the applicant and no exterior modifications of any kind or manner are now being proposed by the applicant.

32. During the public portion of the meeting, no one expressed any opposition to the applicant's proposed use variance.

WHEREAS, based upon the above factual findings, the Planning/Zoning of the Borough of Woodbury Heights has concluded that the applicant has satisfied all requirements imposed upon it by the Planning/Zoning Board or as may be required in accordance with all applicable ordinances of the Borough of Woodbury Heights, except for any conditions or requirements as may be set forth either within this Resolution or any prior applicable resolutions, and all other applicable laws, for the grant of the use variance for a religious house of worship now utilizing all four (4) existing office condominium units in this existing office building, as well as a waiver of site plan approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Woodbury Heights that this Board hereby grants to New Beginnings Bible Fellowship Church a use variance and waiver of site plan for a religious house of worship for all four existing condominium units in the real property located at 335 Glassboro Road and known as Lot 12 of Block 38, subject to the agreed-to limitation of no more than 205 congregation members.

The Planning/Zoning Board hereby grants this use variance, having determined that the subject property is particularly suited to such proposed use, which is inherently beneficial, based upon the facts as presented to the Board and as found by the Board as set forth above. The Board has determined that this use variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zoning plan and zoning ordinances of the Borough of Woodbury Heights, and further, that the granting of this use variance promotes the zoning ordinances of the Borough of Woodbury Heights and the laws of the State of New Jersey, and because it is reasonable and within the general purposes and intent of the provisions of the law to grant such a variance and waiver of site plan approval.

BE IT FURTHER RESOLVED that the appropriate Board officials are hereby authorized and directed to take all appropriate actions to effectuate the intent and purpose of this resolution.

ROLL CALL VOTE

THOSE IN FAVOR: 7 Conley, B. Holmstrom, Deeck, Sesko,
Hart, V. Holmstrom and Phalines
THOSE OPPOSED: 0
THOSE ABSTAINING: 0

Dated: May 5, 2014

BOROUGH OF WOODBURY HEIGHTS
PLANNING/ZONING BOARD


RICHARD PHALINES, CHAIRMAN

ATTEST:


ANNE DEECK, SECRETARY
PLANNING/ZONING BOARD

CERTIFICATION

The foregoing resolution was duly adopted by the Planning/Zoning Board of the Borough of Woodbury Heights at the regular meeting of said Board held on May 5, 2014.


ANNE DEECK, SECRETARY
PLANNING/ZONING BOARD