

TOWNSHIP OF WATERFORD 2131 AUBURN AVE., ATCO, NJ 08004

LAND USE BOARD

Minutes - May 16, 2016

The May 16th, 2016 Joint Land Use Board Meeting of the Township of Waterford, was called to Order at 7:00pm by Chairman Ralph Condo.

SUNSHINE STATEMENT: In accordance with Chapter 231, Public Law, 1975, *Open Public Meeting Act*, notice of time, date and place for this meeting was sent as part of the annual notice to the Courier Post and Record Breeze, and is posted in the Municipal Building.

SALUTE TO THE FLAG

NOTICE:

The Planning Board reserves the right to change the order of the published agenda. All changes will be announced at the start of each meeting.

It is the intent of the Board to not begin a new application after 10:30 PM and take no testimony after 11:00 PM.

For those of you in attendance with a cell phone, please turn it off or put in on silent mode. Also, if it is necessary to have a conversation with the professionals involved with your application please do so outside the meeting room.

ROLL CALL:

Members responding to the roll call were: Ms. Iles, Mr. Jacoby, Ms. Ferguson, Mr. Becker, Mr. Achey, Councilman Giangiulio, Mayor Richardson, Mr. Hanna, Alt. #1 and Chairman Condo. Mr. Russomano was an un-notified absence.

Also present: Mr. Wells, Esq. and Mr. Hanson, Engineer

SWEARING IN OF PROFESSIONALS: Mr. Wells swore in Mr. Jeff Hanson the Planning Board Engineer.

MOTIONS OF ADJOURNMENTS OR OTHER MOTIONS: - None

OLD BUSINESS: - None

RECESS IN MEETING:

Chairman Condo announced a fifteen minute recess at 7:15PM.

At 7:30PM Mr. Condo called the meeting to order.

SECOND ROLL CALL:

TOWNSHIP OF WATERFORD 2131 AUBURN AVE., ATCO, NJ 08004

The following members responded to the second roll call vote: : Ms. Iles, Mr. Jacoby, Ms. Ferguson, Mr. Becker, Mr. Achey, Councilman Giangiulio, Mayor Richardson, Mr. Hanna, Alt. #1 and Chairman Condo.

Mr. Russomano was an un-notified absence.

NEW BUSINESS:

1. Rock of Refuge Block 505 Lot 30 302 White Horse Pike – Use Variance

Mr. Mark Rinaldi, attorney and Pastor Gregory Pinckney, were sworn in, and presented their case for approval of a variance at Block 505, Lot 30 at the Town Center Shopping Center, at 302 White Horse Pike, Atco, NJ. The Pastor presented his plan to open a church at the center. He explained the site would be used by a limited number of people at first but growth was expected as time went by. Services would be held on Sunday (all day), Thursday and Tuesday evenings. Workshops would be held on Saturdays and twice a year, Friday services will be held. He also mentioned that no employees would be at the site. There will be no weddings, funerals or fund raising events held at the site. The primary aspects of the program held in the building will be bible study, education, and people assistance.

Mr. Rinaldi stated that no exterior renovations are to be completed to the building. There will be some renovations to the inside of the space to for chairs and worship altar. The space is limited to 60 persons.

Jeff Hanson stated a parking lot assessment was completed by Shropshire Assoc. The report indicated that there is sufficient parking spaces if the church were to be approved at the site.

Councilman Giangiulio commented that in his estimation parking will be an issue. Rack's Sport's Bar and Grill fills up on weekends, particularly on Sunday for brunch, which makes parking, access and egress from the lot a program.

Mr. Toussaint also commented on the parking matter.

Following additional comments made by several Board members, Mr. Wells offered the following:

This is an application proposing to use the property as a church or place of worship, where that use is not permitted in the zone. The application is therefore requesting a use variance, meaning they're asking for an exception to the rule.

When reviewing an application for a use variance, the Applicant has the burden of satisfying both positive and negative criteria. For the positive criteria, the Applicant must show "special reasons" why the relief should be granted, such as whether the proposed use inherently serves the public good, that the proposed site is particularly suited for the proposed use, or where the property owner would suffer an undue hardship if the application was denied.

TOWNSHIP OF WATERFORD 2131 AUBURN AVE., ATCO, NJ 08004

If the positive criteria is satisfied, the applicant still must satisfy the negative criteria, by showing that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the township's zoning plan and ordinance. Please explain the reasons for your vote.

Chairman Condo commented, the Board has had a lot of deliberation. The vote of the Board will have a major impact on the community and Township. He stated at the time of the original approval, the planning board's intent was to have a shopping center at the site that served the community in the area. He continued, the shopping center was not the proper site for a church. He reminded the Board that a yes vote was to deny the request.

Mayor Richardson offered, he does not think the church is suitable use for the shopping center and it is a zoning issue.

Roll Call Vote: On a motion by Mr. Achey, seconded by Mr. Becker a motion was made to deny the request for a use variance of Block 505, Lot 30 at 302 White Horse Pike. As the roll was called each Board member explained their vote was based on the original plan approved by the planning board for the property that it is to be a shopping center and their second concern was parking issues.

Ms. Iles - yes, Mr. Jacoby - yes, Ms. Ferguson - yes, Mr. Becker - yes, Mr. Russomano - absent, Mr. Achey - yes, Mr. Hanna Alt. #1 - yes, Councilman Giangiulio - No vote, Mayor Richardson - No vote, Chairman Condo - yes, 7 ayes, 2 no votes - Motion carried.

COMMUNICATIONS/DISCUSSIONS:

1. Review of Land Use Board Engineer Contract

RESOLUTIONS: - None

MINUTES:

1. March 28, 2016 Special Meeting - On a motion by Mr. Jacoby, seconded by Mayor Richardson the minutes were approved by a voice vote - 9 ayes - Motion carried.
2. May 2, 2016 Meeting - On a motion by Mr. Jacoby, seconded by Councilman Giangiulio the minutes were approved by a voice vote - 9 ayes - Motion carried.

OPEN TO THE PUBLIC: -

Mr. Ferguson was sworn in and stated that the increased traffic at the shopping center would create additional traffic problems.

TOWNSHIP OF WATERFORD 2131 AUBURN AVE., ATCO, NJ 08004

BOARD COMMENTS AND QUESTIONS:

Several Board members thank Pastor Pinckney for his presentation and wished him success with his church.

ADJOURNMENT:

On a motion by Mr. Achey, seconded by Mayor Richardson the meeting adjourned at 8:25PM – 9 Ayes – Motion Carried.

Submitted by:



Edward Toussaint
Board Secretary