

**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 eliminate the five (5) year limitation condition that had been part of the prior use variance granted in 2010 to allow an existing office building to be 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 June 12, 2012 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 June 12, 2012 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, 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. At this juncture in time, the applicant has 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 request is that the church has 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 the office condominium.

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

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

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

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

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

22. Because of existing term leases that the church would be subject to if they purchased all four of these office condominium units, the church will only be utilizing their current church space for the foreseeable future.

23. 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 for continued use if this agreed-to limit was reached).

24. 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.

25. 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.

26. It was determined that a waiver of site plan was not now needed, as all site plan issues as previously determined to be required per the 2007 and 2010 applications and approvals have been met by the applicant or the landlord, such that a waiver of site plan is not required at this time.

27. 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 within this Resolution and all other applicable laws, for the grant of the use variance for a religious house of worship utilizing the same two (2) existing office condominium units per the 2010 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 for a religious house of worship for the two existing condominium units currently occupied 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.

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: 6 Tomasetti, Sesko, Hart, Baresich
Holmstrom and Phalnes
THOSE OPPOSED: 0
THOSE ABSTAINING: 0

Dated: ~~July 2, 2011~~
Sept 17, 2012

BOROUGH OF WOODBURY HEIGHTS
PLANNING/ZONING BOARD


RICHARD PHALNES, CHAIRMAN

ATTEST:


ANNE DIECK, 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 ~~July 2, 2012~~

Sept 17, 2012


ANNE DIECK, SECRETARY
PLANNING/ZONING BOARD