



Borough of Woodbury Heights Planning/Zoning Board
500 Elm Avenue Woodbury Heights, New Jersey 08097

JUNE 12TH REGULAR MEETING MINUTES

The meeting was called to order at 7:15 pm by Chairman Phalines. He asked all to stand and pledge allegiance to the flag. He stated that this meeting conforms to the directives of the 'Open Public Meetings Act'.

Roll call found the following; Mr. Baresich, Mr. Tomasetti, Mr. Holmstrom, Mrs. Sesko, Mr. Hart and Chairman Phalines present. Absent were Mr. Conley, Mr. Flynn, Mayor Elton, Mr. Deeck, Councilman Scull, Mr. Martino and Mr. Smith. Also present were Mr. Sinclair and Mr. Brunermer. Ms. CuvIELlo had a previous commitment and could not attend. Mr. Sinclair will handle her review letter for the application.

Chairman Phalines stated that we have minutes to approve for the April & May meetings. Anne clarified that just the April minutes are for approval tonight as she just finished the May minutes and gave them to the Board members present and they really didn't have time to review them. Chairman Phalines entertained a motion to accept the minutes for the April meeting. The motion was moved by Mr. Holmstrom, seconded by Mr. Tomasetti and passed by the following roll call vote; Mr. Holmstrom, yes, Mr. Tomasetti, yes, Mrs. Sesko, yes and Chairman Phalines, yes.

Chairman Phalines called on Mr. Sinclair for a solicitor's report and Mr. Sinclair stated he had nothing in addition to the agenda.

Chairman Phalines asked the gentlemen for New Beginnings Church to step forward. Mr. Brian Schroll started to speak and Mr. Sinclair interrupted him to ask him that for the record, would you please introduce yourself. Mr. Schroll stated that he is Brian Schroll of Schroll & Bowman Law Office on behalf of New Beginnings Church and with him is Pastor Dan Williams of New Beginnings Church. Mr. Sinclair asked if anyone else would be testifying tonight on behalf of the application. Mr. Schroll stated no. Mr. Sinclair asked Pastor Dan to raise his right hand and swore him in. Mr. Sinclair then stated that there are only 6 members present and the

Richard Phalines, Chairman

applicant is entitled to have 7 members present to hear the application since it is a use variance and it would require a minimum of 5 yes votes for the variance to pass. Mr. Sinclair spoke to Mr. Schroll prior to the meeting and they are satisfied with 6 and want to proceed. Mr. Sinclair noted that it is the decision of the applicant and not the Board as to proceeding with the application. Mr. Sinclair stated that Mr. Schroll's partner, Robert Bowman, provided the notices and Mr. Sinclair had time to review them and they are in order so the Board has jurisdiction to hear the application this evening. Mr. Sinclair also stated for edification for the Board; the applicant was granted a subsequent approval on November 1st 2010 for a use variance for a religious house of worship to expand their church to two condo units as well as site plan waiver with the condition that it was limited to 5 years or membership of 205, whichever comes first and as he understands the application for tonight, they want to remove the 5 year limit as they have the opportunity to purchase the condo units and that you will accept the 205 member congregation limit. Mr. Schroll stated that is correct. Mr. Sinclair stated that he had a couple of questions; he asked if they are buying the entire front building and how many condo units does it consist of? Mr. Schroll responded that there are four. Mr. Sinclair then stated that the next question may be better answered by Mr. Jones. Mr. Sinclair swore Mr. Jones in and proceeded to ask him; there are 4 existing condo units? Mr. Jones responds, correct; there are 2 upstairs and 2 downstairs? Mr. Jones responds, correct; currently the church occupies 2 out of those 4? Mr. Jones responds, right; the other 2 are leased? Mr. Jones responded and they occupy a portion of the upstairs. Mr. Jones states that the church occupies about 1,000 square feet upstairs and approximately 6,000 downstairs. To clarify, Mr. Sinclair stated that they (the Church) occupy the entire first floor and a portion of one of the units upstairs. Mr. Jones states, yes, each unit is approximately 2700 square feet. Mr. Sinclair asked Mr. Schroll if they are planning to expand the church or just remove the time frame in the application tonight. Mr. Schroll stated they want to purchase the property but would need to remove the time frame. Chairman Phalines asked Mr. Jones about the status of the building in the back. Mr. Jones stated there are 2 units and they are each owned by two separate individuals.

Richard Phalines, Chairman

Chairman Phalines called on Mr. Sinclair for the review letter from Ms. CuvIELLO. Mr. Sinclair stated that he is just going to read through the letter as that would be the easiest way. At #4, Mr. Schroll stated that they are currently under lease and those leases will continue. The leases are 1 ½ to 2 years and they will revisit them when the time comes as they won't know what the needs of the church may be at that time. Pastor Dan interrupts to state that he wants it to be very clear that the church is not looking to be a landlord and once the leases are over they don't intend to renew them. At #5 Mr. Sinclair states that a house of worship meets the positive criteria. At #6 Mr. Schroll states in eliminating the time restriction, the Board has the track record of the church to go by. He also stated that the church is willing to keep the membership restriction to 205 as condition of the approval.

Chairman Phalines then called on Mr. Brunermer to go over his review letter. Mr. Brunermer states that he is acceptable to the application being deemed complete by the Board. Mr. Brunermer noted that the necessary improvements were met so he is acceptable to the waiver of site plan. Mr. Brunermer asks for the record if they can note their hours of operation. Mr. Schroll states that they will be maintaining the current hours as previously stated; Sunday mornings, evening Bible study groups, just Pastor Dan during the day with the occasional group meetings. Pastor Dan states that they have a great working relationship with the other tenants on the 'campus' and the parking hasn't been an issue. Mr. Brunermer feels that the church should have the parking documented somewhere to avoid any problems. For #5 of Mr. Brunermer's review letter; Mr. Schroll clarified that just the change of ownership is occurring; not changing the fact that it is a condo with 4 units. Pastor Dan wanted the Board to be aware that Dr. Ferry is donating the back right parcel to the church. They have no immediate plans for the parcel at this time. Mr. Sinclair asked if it was approved as a condo unit and Mr. Jones stated yes, it is unit 105. Pastor Dan clarified that the church would own all of building A and unit 5.

Chairman Phalines asked Pastor Dan about the parking on Sundays and Pastor Dan responded that they may sometimes reach 60 percent but basically are at 50 percent. Chairman Phalines asked if they had any kind of cross easement with the other owners and Mr. Jones stated that it is common area. Mr. Sinclair went on to explain that the whole property is a

Richard Phalines, Chairman

condominium consisting of 7 units; Building A with 4 units, Building B with 2 units and the other for a possible unit. He notes that it is not like Hollywood Café and the Bank where they interconnect. Mr. Sinclair states that Mr. Jones is testifying that all the spaces are considered common and can be used by anyone at any given time.

Chairman Phalines entertained a motion to open the meeting to the public. It was moved by Mr. Holmstrom, seconded by Mr. Baresich and passed with a favorable 'aye'. Chairman Phalines recognized Debra Truhan of 113 Alliance Street, who was sworn in by Mr. Sinclair. She noted that she thought she was only making a comment and didn't realize she had to be sworn in. Mr. Sinclair stated that it is a public meeting and all need to be. Chairman Phalines then address Pastor Dan as to the fact, 'Don't you think it was strange that you had to swear to God to tell the truth and your attorney didn't'. Mr. Sinclair states that everyone knows attorneys don't tell the truth anyway. (Lots of laughter). Ms. Truhan commented that she misses Chairman Phalines' wit. She went on to note that the church has been an asset to our community and are always ready to pitch in and lend a hand and she swears that is the truth. A motion was made by Mr. Holmstrom, seconded by Mr. Tomasetti to close the public portion and it was followed with a favorable 'aye'.

Chairman Phalines then stated that he has no objections to the applications, it seems simple enough. Mr. Sinclair stated that it is in essence the same as awarded in 2010 with the exception of the time limit. A motion was made by Mr. Holmstrom, seconded by Mr. Baresich and passed with the following roll call vote; Mr. Baresich, yes, Mr. Tomasetti, yes, Mr. Holmstrom, yes, Mrs. Sesko, yes, Mr. Hart, yes and Chairman Phalines, yes. There being no further business the meeting was adjourned at 7:46 pm.

Anne L Deeck, Secretary

Richard Phalines, Chairman