

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
 REGULAR MEETING MINUTES  
 MAY 11, 2023

The meeting of the Upper Township Zoning Board of Adjustment was held at Township Hall at 2100 Tuckahoe Road, Petersburg. The meeting was called to order at 6:30 p.m.

SUNSHINE ANNOUNCEMENT  
SALUTE TO THE FLAG  
ROLL CALL

Member	Attendance
James Burger, Alt #1	Present
Paul Casaccio, Chairman	Absent
Sherrie Galderisi	Present
Tom Jackson Alt #2	Absent
Richard Mashura	Absent
Lynn Petrozza	Present
Christopher Phifer	Present

Member	Attendance
Donald Rainear Alt #3	Present
Andrew Shawl	Present
Matthew Unsworth	Present
Hobie Young, Alt #4	Present

Also, in attendance were Jeffrey Barnes, Board Solicitor, Paul Dietrich Township Engineer and Liz Oaks, Board Secretary and Zoning Officer.

APPROVAL OF THE APRIL 5, 2023 MEETING MINUTES

A motion to approve the minutes was made by Ms. Petrozza and seconded by Mr. Shawl.  
 In Favor: Burger, Galderisi, Petrozza, Phifer, Rainear, Shawl, Young.  
 Abstain: Unsworth

Paul Dietrich, Township Engineer and Liz Oaks, Board Secretary were sworn.

APPLICATIONS

CHAPEL BY THE SEA – BLOCK 600 LOTS 14.01, 14.02, 15, 39.01 BA 07-2023

Applicant is seeking variance relief for front yard setback, landscape buffer, number of parking spaces required, percentage of residential space required, permit a residential use on the ground floor along Route 9 and a Use Variance to permit a church in the MTCD Zone at 300 Route 9, Marmora, New Jersey.

Cory Gilman, Esq. with Josephson Wilkinson and Gilman representing the applicant. There is a correction to be made. The applicant is Union Chapel by the Sea. The applicant is the contract purchaser of the subject property located at 300 and 306 Rt 9 South and 235 Stagecoach Road. It consists of block 600 and lots 14.01, 14.02, 15, and 39.01. The property is split between the residential zone and the MTCD zone. The lot is a very large and long parcel, running from route 9 to Stagecoach Road. It is currently mostly wooded with 2 houses and 3 driveways on route 9. They propose to relocate one of the houses to the other located near the southern boundary line. They will convert them to the required affordable housing units. They will remain close to Route 9. Behind that is the location of the new church facility. This will include classrooms, an activity room and sanctuary. Proposed is a driveway running from the main entrance on Route 9 and an

access driveway running to Stagecoach Road. Providing a free flow of traffic and parking. The applicant is seeking preliminary and final site plan approval with a few minor bulk variances and waivers. The residential zone allows for churches where the MTCDD zone does not state churches are permitted but civic uses are. Quoting the purpose and goals of the MTCDD zone. The purpose of the "MTCDD" District is intended to promote a desirable mix of commercial, office, civic and inclusionary residential land uses with an emphasis on uses that service local needs. One of the goals is to encourage a mix of inclusionary residences and civic uses. Webster defines civic as relating to the duties or activities of people in relation to their town. Churches fall under civic organization. The ordinance also lists as its goals the district should ensure compatibility with existing development but provide off-street parking that is well screened from public view. Controlling the means of vehicular access to major highways, accomplished by reducing the driveways from three to one this is accomplished. They are required to promote an affordable housing component. They are retaining two homes along Route 9 and creating three units for affordable housing which complies. Another goal is to promote cross access and shared access to reduce the number of driveways specifically along Route 9. Their plan will clearly show that.

Timothy Bromhead, Officer of the Applicant, 305 Quail Avenue, was sworn.  
Joseph Maffei, Licensed Planner with EDA, 5 Cambridge Avenue was sworn as an expert.  
Kevin Olandt, Architect, Fenwick Architect, 646 West Ocean Heights Avenue, was sworn as an expert.

Mr. Bromhead – Officer of the applicant and pastor of the church. The property is currently under contract to Union Chapel by the Sea as purchaser. The church currently runs in Ocean City at 55<sup>th</sup> and Asbury. He has been a resident of Upper Township for 20 years and a lifelong resident of Ocean City. Many of the fellowship come from Upper Township. They want to move closer to the parishioners and increase the congregation. Their current location is limited in space and older needing repair. They need something newer and larger. They want to work with people of all ages in the community, especially students and children of all ages. He ran a youth ministry in Ocean City along with being a law enforcement officer and hopes to have many programs for kids. All of the space is versatile that can be switched around to house many different opportunities. They currently have approximately 60 parishioners and hope to grow. This site will allow for growth. They have 3 employees working daily. They have a Sunday morning service that runs about two hours. They have a Wednesday program that is about an hour and a half that approximately 30 people attend. They have a few small different meetings that happen throughout the week. Events and Sunday have about 60 people in attendance and holidays about 80 people attending and 20-25 cars. The site could accommodate up to double the parishioners. They are done usually 9pm and occasionally 10:30. The earliest would be an 8:00 am prayer breakfast. There will be no truck deliveries. The driveway is to be used for parishioners and employees with the main entrance being on Route 9. There will be low lit lighting at night for security with standard lighting going off around 10:00 pm. The existing two homes will be refurbished and considered part of the campus. They will maintain the property. There will be 3 units and hope they become part of the fellowship. There is a historic tree along route 9. It is a 100–200-year-old Pecan tree and they will create a prayer garden around it for everybody. They hope to keep as many trees as possible, especially in the rear of the property.

There was a brief discussion about affordable housing. Age restriction and the effect on taxes. The re-zoning of the MTCDD Zone and the calculating of the required housing and limitations due to septic.

Mr. Dietrich – In a situation like this, where residential runs directly next to commercial, it is beneficial to find a proper transitional use. A church will be likely to cause less conflict than other permitted commercial uses.

Mr. Young – Believes it is difficult to find housing in the township, especially for seniors.

Mr. Shawl asks for clarification regarding landscaping.

Mr. Bromhead testified that their intention to keep as many trees as possible. Any unhealthy trees would be removed but they would add trees if necessary.

Mr. Rainear asks what the plans are for the classroom. He also questions COAH requirements.

Mr. Bromhead explained that they are for their Sunday School Ministry and in the future hope to have a daycare facility. No formal school is planned.

Mr. Dietrich explained that affordable housing is court ordered and it is not something the township can waive.

Mr. Olandt explained the architectural plans submitted. The floor plan shows a 14,000 square foot one-story building with a campus feel. The sanctuary faces Route 9 with a traditional church aesthetic. There is a large lobby area for before and after services. The western portion is the education wing. It contains a nursery, 5 smaller classrooms and a large multi-purpose room for gatherings. There is a kitchen. A small office area in the rear for the 3 staff members. The elevations show the view from Route 9. A traditional country church with a bell tower and large gable. Parking lot to the south. The sanctuary on the right. The porch for before and after gatherings. The houses shown for affordable housing and the signage along Route 9. The pecan tree which is about 8 feet in diameter. The relocating and refurbishing of the existing homes will keep in character of the neighborhood. The bungalow remains in the same location and the farmhouse duplex will be moved. The refurbishment will be to current codes.

Mr. Maffei – EDA prepared the site plan submitted with the application. The current site has a small bungalow to the south and a 2-story house to the north. There has been some clearing in the back, but it is mostly wooded. The current septic is below standard and will be upgraded as part of this application. The house to the north will be moved toward the south corner. The historic tree and tree south of it are to be maintained. They are believed to be healthy and worth saving. The septic will be in the far north corner and will be for the housing and the church. The lot area is 367,896 square feet, almost 9 times the required lot area. The frontage is 304 feet, and the depth is 1200 feet. The neighboring uses include mixed use along Route 9, mostly consisting of commercial with some existing residential with a farm across the street. On Stagecoach it is mostly residential. The proposed site has the sanctuary setback at 149 feet, the 2-story home setback at 50 feet and the bungalow is about 100 feet off Route 9. It will include 49 parking spaces. It will include site lighting and a trash enclosure. There are going to be four stormwater basins in accordance with current stormwater rules. They are maintaining the 15-foot buffer along with supplementing it with additional landscaping. The only area they will be losing some existing trees is along the first basin they may need to plant evergreens for a year-round buffer. Lighting that meets ordinance requirements. Building mounted lights that are for security will remain on through the night. The driveway will come off Route 9, it will be 24 feet wide with a 54-foot curb opening. This replaces the existing three driveways. There is also alternate access from a stone driveway toward Stagecoach. There is a proposed maintenance garage with a vinyl sided trash enclosure next to it. Fitting in with the character of the church and neighborhood. The

nearest residential home is approximately 300 feet away. This application poses no negative impact on the neighbors. This project could be much denser given other permitted uses of the zone. There will be fencing around the basins. The sign will be located on the north side of the driveway. It will be in conformance with the ordinance. It will be a monument style at grade level with landscaping surrounding it. A zoning schedule is included. Variances requested are:

- 1- To not provide all the additional residential uses as indicated. Based on the square footage, they would need approximately 18 total residential units, out of that they would need 20%, this is where they come up with the 3 affordable housing units. It is the market rate residential they seek relief from.
- 2- A use variance.
- 3- Variance for the use of a residential unit on the ground floor. They are using existing housing and would be wasteful to not take advantage of these units.
- 4- Variance for the front yard setback of zero feet. He doesn't think having a house or structure directly on Route 9 is particularly safe.
- 5- Parking, where 54 is required and 49 is proposed. Most of the uses will not overlap.

They request the following waivers:

- 1- Providing curbing.
- 2- The vinyl trash enclosure rather than the masonry. To create a more residential look.

He believes these two waivers can be granted as they are reasonable considering the full application. He believes the variances can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan. The uses that are permitted in the zone are similar. Specifically, daycare is a permitted use and they do have a nursery as part of the application. The rear portion of the property is residential and does allow for churches. This use is less intense than other's that are permitted such as hotels, motels, conference halls and banquet rooms. It also promotes the ordinance by providing the townships requirements for affordable housing. The property will remain surrounded by woods and buffers. The plan calls for the removal of the three existing driveways and replacing them with one proper 24-foot driveway. Due to most of the use of the property being toward Route 9 he believes there will be no detriment to the neighboring properties. This zone promotes mixed use with civic use. This site is particularly suited for this use being proposed. The site is approximately nine times larger than what is required, and they only propose to use about 4.8% building coverage when 45% is allowed. Impervious coverage is 18.5% where 70% is allowed. The number of stories allowed is three stories, they have an existing two-story duplex and single-story bungalow. The church is 35 feet in height; however, it is still only one-story. In New Jersey churches are an inherently beneficial use.

The special reasons pursuant to NJS 40:55D-2:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote public health, safety, morals and general welfare. Obviously, a church is a community use.
- c. To promote adequate light, air, and open space. This site is nine times larger than what the zone requires. And what they propose is well under in both building and impervious coverage.
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space. It has access along Route 9 and is accessible to neighboring residential properties.
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in

congestion. The proposed driveway changes of three to one. And the emergency rear access along Stagecoach Road.

Mr. Maffei believes a D-1 variance can be granted under these special reasons. He believes the bulk variances can be granted because the benefits outweigh the detriments.

Mr. Young – Questions plans for recreation area. And potential acceleration deceleration lane on Route 9.

Mr. Maffei explained the recreation area is for general outside activities. There is nothing structured. They have not gone to the Department of Transportation, but it may be something they require.

Mr. Phifer seeks clarification of the rear driveway to Stagecoach Road.

Mr. Maffei – It is to be used as an alternate means of access.

Ms. Petrozza – seeks clarification regarding recreation fields.

Mr. Maffei explained, on the rendering sheet, the dark green areas are stormwater basins. The tree line will maintain the 15-foot buffer. The area beyond that would be an open area. There will not be any baseball diamonds or football fields. Parishioners will be able to walk from the parking area.

Mr. Shawl – Questions need for parking variance rather than provide parking.

Mr. Maffei – The current application and size of the congregation does not require more. If you go over 49 parking spaces, you are subject to CAFRA approval. That is a lengthy and expensive process that isn't needed currently. If they need to increase parking in the future, they will come back before the board.

Mr. Rainear – Is the driveway one way only. And are the spots near the housing specifically for them? He only sees one septic system.

Mr. Maffei – The driveway allows for ingress and egress. The spots near the housing are for them and include a handicap spot required for affordable housing. There is only one septic for the housing and for the church.

Ms. Galderisi questions whether a garage will be moved.

Mr. Maffei – This is a new garage for yard equipment.

Mr. Dietrich makes the following statements:

-There is a lot line that needs to be fixed between residential lot 13.09 and a vacant commercial lot 13.01. The residential lot has only maybe 50 feet that is adjacent to proposed project site.

-He believes the saving of structures and saving the pecan tree are beneficial to the township. He suggests a safety fence placed around the tree during construction to prevent damage to the roots of the tree.

-It is suggested that a condition of approval that the lots be consolidated by deed.

-A sidewalk should be added along Route 9 to connect to existing.

Mr. Young asked how many bedrooms will be in the homes.

Mr. Bromhead agrees to no more than two bedrooms. He also agrees to the addition of a sidewalk as suggested by Mr. Dietrich.

Mr. Dietrich – The application meets the township standards. The paving thickness is a little less than typical, but this is meant mainly for residential vehicles. If this were a more commercial application, it would be different. The applicant testified that there would not be any commercial vehicles. At most there would be a trash truck once a week. With that information he believes it is satisfactory.

The meeting was open to the public within 200’.

Jules Korschak, 305 South Shore Road, was sworn. Mr. Korschak owns property across the street and is in support of the application. A church is an inherently beneficial use. It is a beautiful church. It promotes light, air, and open space. He welcomes the pastor.

John Haynal, 207 Stagecoach Road, was sworn. Mr. Haynal is concerned about the loss of trees if the application is not approved. He is concerned about the wildlife such as foxes, coyote and wild turkeys that have been more prevalent with development. He moved here from Ocean City 25 years ago purposely to get away from the clutter. He is a church goer. He is against the application. He might not be if the stone road didn’t go through to Stagecoach. He is concerned about the growth of the church and getting too big.

James Borasi, 45 Run Creek, was sworn. Mr. Borasi agrees with Mr. Haynal. He is concerned about the access road and site already being cleared. What are the cut outs? He also questioned what was being done on two specific lots 14.01 and 15. He has buffer concerns and trespassing. He would like a fence around the property.

Mr. Maffei explained that the new stormwater rules require excavation pits to be dug to validate the soil. To do that you need to get a backhoe back there. For this project they needed to excavate 10 holes with the backhoe. It is required to the stormwater management design. It wasn’t done to clear the property. The cut outs are to be basins and buffers will remain.

Mr. Dietrich – In response to the comment about specific lots within the application he explained that if approved, the lots will become one and will consist only of what is proposed with this plan.

Mr. Bromhead - He will do all that he can to prevent trespassing on neighboring properties.

Kathy Bellucci, 43 Run Creek, was sworn. Ms. Bellucci is not 100% against the church. She is concerned about the access road to Stagecoach and safety. She would prefer a larger buffer and suggested moving the basin. She has a dog and is concerned about trespassing and would like a fence.

Mr. Maffei – In the past they could make one large basin. The new rules require multiple, and these locations are in compliance with the regulations.

Douglas Brown, 215 and 211 Stagecoach Road, was sworn. Mr. Douglas is concerned about the access road to Stagecoach Road for safety and suggests limiting hours of access and or a gate.

Mr. Bromhead – The road will be minimally used. It is stone, not asphalt. It is meant for emergency vehicles or an alternate entrance and exit. It won't become a drag strip. He agrees to put up a gate and open it when they are having services or programs. Sunday morning, Wednesday evening. Occasional use to be determined.

John DiPompeo, 48 Run Creek, was sworn. Mr. DiPompeo has the same concerns as stated by others. He likes the idea of the gate. He is concerned about the traffic on Stagecoach Road. He has no trouble with the church but is not happy with the access road. It is a huge safety concern due to congestion. He also would like fencing around the property for the benefit of the community.

Janet Ay, 205 Stagecoach Road, was sworn. Ms. Ay is concerned about the buffers and lighting of the recreation field. The access road is a safety concern. She suggests the gate be used by access cards like campgrounds.

Mr. Maffei confirmed no lighting of fields,

Joanne Haynal, 207 Stagecoach Road, was sworn. Ms. Haynal does not want the access road in any way. She thinks affordable housing would require police, fire, and public transportation. She is concerned that this affordable housing will grow.

The meeting is open to the public outside of 200'.

Will Hanson, 136 Pennsylvania Avenue, was sworn. Mr. Hanson is with the church. He is a father of two. The kids in the church are well disciplined. It is the children that are currently using the property and having bonfires and drinking that they hope to attract to the ministry to have a positive impact. He supports the application

Rick Schad, 50 Run Creek, was sworn. Mr. Schad agrees with the neighbors about the access road. He supports the church. The gate is a good idea but who is going to oversee the gate. Has a study been done on the traffic impact?

Mr. Maffei – Due to this being on Route 9, a state highway, the New Jersey Department of Transportation is requiring they do a traffic count as part of the application. The traffic generated by a church is at the minimum amount according to the D.O.T., which is less than 500 trips per day. This is considered a minor access permit. They have placed the driveway in the middle of the property so it isn't near any property lines. They may have to look at acceleration and deceleration lanes. They would expect 52 trips per day, which is well below the 500 trips allowed by the state.

Mr. Dietrich – The study is how this project in particular will impact traffic, which is minimal.

Mr. Schad asked for a definition of affordable housing. Has anyone done a study on cost analysis. The cost of trash removal or students in our schools, how does this affect his taxes. He is opposed to the application and agrees with other comments from the public against it.

Mr. Dietrich – Explained that the only difference from any other landlord would be income requirements. The number of housing units presented by the applicant is less than what is required. They could put in 18 residential units of housing by-right.

Mr. Shawl – The board members are not able to use economic criteria to base their decision. There are zoning laws which were presented by Mr. Gilman.

Nathalie Neiss, 759 Route 50 was sworn, Ms. Neiss does not support the application because a church is not permitted in the MTCD zone. She believes they should only allow uses set forth in the master plan. We need more affordable housing. She does not support this application.

John Vogt, 222 Head of River, Corbin City, was sworn. Mr. Vogt has been a member of the church for nine years and supports the application.

Hearing no one else and seeing no one else, the public portion is closed and returns to the board for findings of fact.

Mr. Gilman – His applicant wants to be a good neighbor. What they propose is minimal density. The applicant has agreed to a gate. The gate will prevent cutting through from Route 9 and traffic safety by slowing traffic. There has been a lot of concern about clearing of the property. The applicant will clear as few trees as possible and will keep all buffers as required by ordinance. He believes they have provided the legal requirements to grant the variances.

Mr. Shawl – The applicant, Union Chapel by the Sea, has come before the board for the property they have under purchase agreement known as block 600, lots 14.01, 14.02, 15 and 39.01. The applicant proposes to build a church on the site and requests variances to accomplish this. We heard from the attorney representing the applicant that the property is a split zone with residential in the rear along Stagecoach Road and the Marmora Town Center along Route 9.

The existing site has two buildings with three units and three driveways that have access to Route 9. The lot is cleared toward Route 9 and wooded in the rear toward Stagecoach Road. The proposed church has one main access along Route 9. There are three units of affordable housing. They propose to move one of the existing homes to a different location on site to better preserve existing trees and build the new sanctuary.

The applicant is seeking preliminary and final site plan approval with design waivers relating to that and variance requests. The attorney for the applicant specifically referenced the Upper Township ordinance for the Marmora Town Center, the purpose of the zone is to provide a desirable mix of civic, commercial, and residential development. The goals are to encourage a mix of inclusive development and a civic organization is a town use and a church would be a civic organization. One of the design waivers the church is asking for is to have compatibility with the existing development in the Marmora Town Center to obscure parking from the street, to provide affordable housing, to promote cross access and to minimize road openings.

We heard testimony from the Pastor of Union Chapel by the Sea that the current church is in Ocean City at 55<sup>th</sup> and Asbury. A move to Upper Township will facilitate more outreach to families and will provide more space than at their current location. They have about 60 parishioners and hope to increase this number. There is one service on Sunday and a Wednesday program typically, and there may be more outreach programs through the week. Christmas and Easter are more heavily attended. It is not overbuilt for the parishioners they have. The facility has 152 seats proposed.

There will be minimal truck deliveries. There will be lighting at the building and the parking lot that will be off at 10:00 pm. There will be no lighting along the access road. The affordable housing component is something they are looking forward to the challenge of providing that. The



existing buildings on the property are in keeping with the character of the neighborhood. The style of the new sanctuary is also keeping in the character of the neighborhood and designed to be aesthetically pleasing. Fifteen-foot buffers around the property are designed to keep as many trees as possible. And the design of the buildings also preserves existing large trees that have been in the township for years.

We heard testimony from the expert architect that it will be a 14,000 square foot one-story building plus the additional dwelling units closer to Route 9. The view from Route 9 will be the sanctuary with a bell tower keeping with the look of a country church. There will be classrooms towards the rear to facilitate educational opportunities for the youth and youth outreach. The plan has typical features of a church with a sanctuary worship area with classrooms and a common gathering area. There is a porch by the main entrance of the sanctuary to facilitate the crowds going in and out for the services. The existing buildings that will be repurposed on site will be improved and brought up to current code. The septic system will be improved to modern standards. The number of affordable housing units on the property represents the commitment based on the proposed development. This helps the township meet the goal of affordable housing that is required by the Fair Share Housing settlement. We heard testimony from the engineer about the current site and existing buildings that are livable but not up to current code. We heard testimony the septic system will be upgraded for all the development planned. The trees on site have been examined and are in good shape. The design proposed considers existing conditions and tries to retain as many features as possible while updating buildings and septic. The lot area is about 368,000 square feet and the frontage is 304 feet on Route 9 and 1,200 feet deep to Stagecoach Road. The lot is a mix of residential and commercial. The Stagecoach area is residential, and the Route 9 area is the Marmora Town Center. The sanctuary will be 149 feet from Route 9 where zero is required. Existing trees will be kept for the buffers. A single access driveway will replace the existing 3 driveways. There will be a road opening permit on Route 9 and the state conditions of approval will be referenced in our zoning approval, if approved.

There are specific design waivers requested for the site plan approval, particularly curbing along the proposed off-street parking. The testimony provided to allow the waiver, was the stormwater flow would not be channeled along the parking lot but would flow into a grassy area. A waiver request to allow a vinyl fence trash enclosure in lieu of a masonry wall, keeping with the overall design of the buildings and a more residential feel.

There will be a sign in front, shown on the 3D rendering, provided by the architect, that will be in a similar design as the building. The distance to residential units is about 300 feet away. The use proposed is like other permitted uses in the zone. This use is a less intensive use than others that would be permitted without variances. This is a nice transition between residential and commercial due to minimal traffic. The look of it is more residential than commercial along the frontage. The applicant is proposing 49 parking spaces where 54 are required because of its current size. The inclusion of affordable housing does help satisfy the township's requirements.

This site is particularly well suited to the uses proposed because of its transitional nature. Churches are inherently beneficial uses. A three-story structure would be allowed in this zone and only a one-story structure, even though it is 35 feet tall, is what is proposed. The engineer provided special reasons that there is enough light, air, and open space so they won't shadow the neighbors. There is enough traffic circulation provided by the new driveway proposed. There are a variety of uses. We heard the negative criteria would be satisfied. We heard there would be no detriment to the public good and there would be no negative impact to the zone ordinance or the zone plan. We heard the benefits outweigh the detriments. The proposed development provides a better visual environment for the community.

Additional permits will be needed, the state road access permit. On Stagecoach Road there is an access road that will be gated. We heard some information from the township engineer about a lot line adjustment on the site plan. The affordable housing units would be a benefit to the township. In addition, saving the trees and using the existing housing on site. The lots should be consolidated as a condition. The applicant has agreed to install a sidewalk along Route 9 and to limit the affordable housing units to no more than two bedrooms per unit.

We heard from residents within 200'. We heard concerns that clearing of the site took place prior to any development approval from the zoning board which was explained that it was required information for presenting the drainage design to be presented tonight. We heard that people are concerned that there may be people trespassing from the church. We heard there is a concern about the traffic that may result from the gravel access road from the main entrance on Route 9 back to Stagecoach Road. There was concern about the buffers that was reiterated there would be 15-foot vegetative buffers or more. We heard testimony from church members that they would do their best to prevent trespassing. Based on public testimony that was received, the special reasons, the positive criteria, a church is a transitional use, affordable housing, and the inherently beneficial use of a church. He believes the variances can be granted without detriment to the public good and without detriment to the zoning plan and zoning ordinance.

Mr. Young – Concurs with Mr. Shawl. He believes the applicant has met the burden of proof under the D Variance requirements. A church is an inherently beneficial use. Which means they are permitted there if they meet the criteria. The same with COAH housing. This is minimal impact in this area. With what could go there it could be costly with the school system. And even with commercial development, affordable housing would be required. This lessens the impact on things like snow removal and trash removal. The applicant agreed to keep the housing units limited to no more than two bedrooms. He is in favor of the application.

Mr. Burger – Concurs. This application is grossly underdeveloped compared to what could have been there and is in favor of the application.

Mr. Phifer – The applicant proved the positive criteria pursuant to NJS 40:55D-2 special reasons a, c, and h. The applicant has proved that this application can be granted without substantial detriment to the public good and will not substantially impair the intent or purpose of the zoning plan and zoning ordinance. He is in favor of the application.

Ms. Petrozza – Adds special reasons g and i that satisfy. We heard our professionals satisfy reasons for the variance to permit the proposed residential use on the ground floor along Route 9 where ground floor residences are not permitted. She believes this application can be granted without substantial detriment to the public good and will not substantially impair the intent or purpose of the zoning plan and zoning ordinance. She concurs with her colleagues and is in favor of the application.

Mr. Rainear- Agrees with the board that the applicant has met its burden in the special reasons category. The similarity of the uses permitted in the zone weighs heavily on his decision and therefore he supports the application.

Ms. Galderisi – She believes the applicant provided the appropriate information and the benefits outweigh the detriments. The lots shall be combined. The affordable housing was met. Special reasons pursuant to NJS 40:55D-2 a, b, g, and i. She is in favor of the application.

Mr. Unsworth – Concurs. The applicant and the professionals did a nice job in trying to minimize the impact of development on this lot and preserving the historic nature of the site with the structures and trees. He is in favor of the application.

A motion to approve the use variance for this application was made by Mr. Phifer and seconded by Ms. Petrozza.

In Favor: Burger, Galderisi, Petrozza, Phifer, Rainear, Shawl, Unsworth

A motion to approve the bulk variances; front yard setback, number of parking spaces required, percentage of residential space required, and to permit residential use on the ground floor along Route 9. And two waivers, one for curbing and the other for a trash enclosure for this application, was made by Ms. Galderisi and seconded by Mr. Shawl.

In Favor: Burger, Galderisi, Petrozza, Phifer, Rainear, Shawl, Unsworth

A motion to approve the preliminary and final site plan for this application with the following conditions: deed consolidation, a safety fence around the pecan tree during construction, a sidewalk located on Route 9, the residential units will contain two bedrooms or less, there will be a gate located on Stagecoach Road that will be monitored and only open for ingress and egress during hours of operation that are reasonable to the church or activities, there be a fair share housing deed restriction so that those units are restricted to fair share housing and it is subject to any and all other governmental approvals, was made by Ms. Galderisi and seconded by Ms. Petrozza.

In Favor: Burger, Galderisi, Petrozza, Phifer, Rainear, Shawl, Unsworth

## **RESOLUTIONS**

HOLT, RALPH & DEANNA – BLOCK 652.01 LOT 19– BA 05-2023

A motion to approve the resolution was made by Mr. Shawl, seconded by Mr. Phifer

In Favor: Burger, Galderisi, Petrozza, Phifer, Rainear, Shawl, Unsworth

SARIAN, STEPHEN – BLOCK 567 LOT 55.13 – BA 06-2023

A motion to approve the resolution was made by Mr. Shawl, seconded by Ms. Galderisi

In Favor: Burger, Galderisi, Petrozza, Phifer, Rainear, Shawl, Unsworth

RIHL, AMY – BLOCK 686 LOT 1 – BA 08-2023

A motion to approve the resolution was made by Ms. Galderisi, seconded by Ms. Petrozza

In Favor: Burger, Galderisi, Petrozza, Phifer, Rainear, Shawl, Unsworth

## **BILLS**

A motion to pay the bills as presented was made by: Ms. Petrozza and seconded by Mr. Shawl.  
All in favor.

## **ADJOURNMENT**

A motion to adjourn the meeting was made by: Ms. Galderisi, seconded by Ms. Petrozza.  
All in favor. The meeting ended at 9:38 pm.

Submitted by,  
Liz Oaks