

July11, 2011
Regular Meeting
7:00p.m.

STATEMENT:

PUBLIC NOTICE of this meeting pursuant to the Open Public Meetings Act has been given by the Riverside Township Planning Board in the following manner:

1. Posting written notice on the official bulletin board at the Township Municipal Building on January 13, 2011.
2. Written notice was delivered to the Burlington County Times on January 13, 2011.
3. Filed written notice with the Clerk of the Township of Riverside on January 13, 2011.

The Regular Meeting of the Riverside Township Planning Board was held on the above date at the Riverside Municipal Building.

Roll Call: Mrs. Jack, Mr. Cicali (7:20), Ms. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Mr. Stottlemire, Mr. Kenney and Chairman Kane. Ms. Carruthers and Mr. Graf were excused.

APPROVAL OF MINUTES:

Motion made by Ms. Hatcher and Mr. Hart that the minutes of the May 9, 2011 Regular Meeting be approved as written.

Ayes – Mrs. Jack, Ms. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Mr. Stottlemire, Mr. Kenney and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

RESOLUTIONS:

None

TECHNICAL REVIEW:

- 1) William F. Paciocco
805 Delaware Avenue
Block 2403, Lot 28
Technical Review-Shed

The applicant was not present for comment on the application. Chairman Kane indicated that a technical review has been requested for the property located at 805 Delaware Avenue for the

construction of a shed. The property already hosts a garage and, as such, needs Board approval to construct a second accessory structure. Chairman Kane indicated that he, Mr. Kenney and Mr. Hart reviewed the application and visited the property and asked Mr. Kenney and Mr. Hart to comment.

Mr. Kenney indicated that the property owner has recently acquired additional equipment that is necessary to maintaining the property due to both its size and the condition of the rear adjoining property on Arndt Avenue. There is plenty of room on the lot, so there is no reason not to grant the request.

Mr. Hart stated that in addition to the size of the lot, the property owner is try to clean up the lot and needs the second structure in order to do so.

Chairman Kane concurred with Mr. Kenney and Mr. Hart stating that he recommends approving the application.

Chairman Kane opened the application to the public. There were no comments.

Motion made by Mr. Stottlemire and Mr. Epperly to close public portion.

Ayes – Mrs. Jack, Mr. Cicali, Ms. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Mr. Stottlemire, Mr. Kenney and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

Motion made by Mr. Hart and Mr. Kenney to approve the technical review.

Ayes – Mr. Cicali, Ms. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Mr. Kenney and Chairman Kane.

Nays – None.

Abstentions – Mrs. Jack and Mr. Stottlemire.

Motion Carried.

NEW BUSINESS:

- 1) Karen Lightfoot
Scott Street
Block 905, Lot 12
Conditional Use Approval, Use Variance, Bulk Variances

Mrs. Jack asked Mr. Cicali if he needed to recuse himself from the application due to a tax appeal. Mr. Cicali indicated that he did not, as the matter had been resolved.

Mr. Darian Morgan, esquire came forward as the representative for Riverlution and the applicants, Mr. and Mrs. Lightfoot. Mr. Morgan stated that the applicants were before the Board for a conditional use approval and any required variances for the property located at 46 E. Scott Street, Block 905, Lot 12. Mr. Morgan indicated that the approval sought was for the operation of a new Church and that the pastors were present and would provide additional testimony. Before doing so, however, Mr. Morgan provided the following overview:

- 1) Mr. and Mrs. Lightfoot have spent several months searching for a suitable location for their Church;
- 2) The owner of the property is in agreement that a Church is a good use for the property;
- 3) Mr. and Mrs. Lightfoot will be occupying two spaces on the property:
 - a) Fitness Studio, which has already received approval.
 - b) Church, which would provide weekend and mid-week services and bible study, likely to occur on Sunday and Wednesday.
- 4) The following variances and/or waivers are required:
 - a) Lot Size Variance: 10,000 required, 3,000 exists.
 - b) Lot Width Variance: 100 required, 30 exists.
 - c) Parking Waiver: Approximately 160 spaces available.

Karen Sue Lightfoot and Kenneth Eugene Lightfoot of 80 Ember Lane Willingboro, NJ were sworn in by Solicitor Brennan.

Chairman Kane asked if the application was complete. Mr. Brennan indicated that the notice was sufficient and Mr. LaRossa indicated that he received a revised application and that we could move forward.

Mr. Morgan asked for Board questions.

Chairman Kane asked if their credentials had been revalidated and if they had communicated with the other Churches in the area. Mrs. Lightfoot indicated that they had renewed their licenses and that she has spoken to Pastor Wood, Reverend Parker and Father Ed and will be joining the Triple-Town Ministry. Chairman Kane asked Mr. and Mrs. Lightfoot if they could expand upon their credentials and speak to what they have done to be ordained. Mr. Lightfoot stated that they have been associated with local Churches throughout the years, particularly in Cinnaminson and Delran and Assembly of God most notably, and have worked and trained under several pastors as well. Mrs. Lightfoot also indicated that they had to have references from two pastors in order to become ordained.

Chairman Kane stated that the last time this application was before the Board that this project would entail the establishment of a coffee house, arts studio, fitness studio, cinema, religious services and food and clothing pantry. How has that vision changed.

Mr. Morgan indicated that prior to the previous meeting and his representation, the Lightfoots were given non-legal advice. At present, the application is for worship services, bible study and possibly outreach programs. Mrs. Lightfoot added that the outreach would likely be limited to Saturdays, since Mr. Lightfoot is a mailman, and would serve the local community.

Chairman Kane opened the application to questions.

Mr. Kenney asked for additional information on the credentials of Mr. & Mrs. Lightfoot; are they able to marry people, are they licensed, do they have counseling credentials. Mrs. Lightfoot indicated that they can marry people, that they are licensed, but that they do not have counseling licenses, only twenty years of experience. In response to Mr. Kenney's question, Mr. Brennan indicated that the Lightfoots are licensed.

Chairman Kane asked if there are any other places where they have done this work or ministered. Mr. Lightfoot indicated that they were part of the Billy Graham crusade, while Mrs. Lightfoot indicated that they have worked with youth for 22 years. Chairman Kane asked if they have ever had a center like this before. Mr. Lightfoot indicated that they had not on their own, only under the guidance of others. Mrs. Lightfoot also indicated that they undertook a year of study in Camden.

Mr. Stottlemire asked the Lightfoots to provide the Board with some short-term and mid-term goals. Mr. Lightfoot indicated that they are looking to make a positive impact upon the community. Mr. Stottlemire asked why Riverside? Mrs. Lightfoot indicated that when they were looking for property, they were introduced to the owner, who is a generous man and offers a reasonable cost for rent. She further indicated that they are eager to work with the other Churches and denominations and that Pastor Wood was thrilled with the idea of another Church. Mr. Lightfoot added that though they live in Willingboro, they are very familiar with Riverside, as he has family who live on Heulings.

Chairman Kane asked the Lightfoots what they intend to accomplish in five years. Mrs. Lightfoot indicated that in the short-term it is simply worship services on Sunday and Wednesday, as there is only so much that can be done with so few people. Mrs. Lightfoot indicated that the first time before the Board, they gave their entire dream, but the long-term is simply growth, namely through getting residents involved. Chairman Kane asked how that growth would be handled. Mrs. Lightfoot stated that she has not thought that out, but would likely necessitate adding additional services.

Mrs. Hatcher asked when they were intending to do the fitness studio. Mrs. Lightfoot indicated that they were doing it now, as it had already been approved for zoning.

Mr. Stottlemire asked the Lightfoots to expand upon the health component. Mr. Lightfoot indicated that they would provide marriage counseling, health information and Mrs. Lightfoot indicated that she would also teach liturgical dance. Mr. Stottlemire asked if they had any references. Mr. Morgan proceeded to "switch hats," indicating that he is a Pastor in Burlington City and has personally worked with the Lightfoots and witnessed their ministering to families and the teaching of liturgical dance.

Mr. Cicali asked how the property was going to be fit-out and the number of people that would be permitted for occupancy. Mr. Morgan indicated that the property owner has obtained permits for necessary work in the building, but that the current plan before the Board may not be accurate in its depiction. Mrs. Jack indicated that the fit-out and occupancy would be regulated by the Uniform Construction Code.

Mr. Kane asked Mr. Morgan to revisit the parking component. Mr. Morgan indicated that per his calculations there is a requirement for 33 spaces if the occupancy is for 99, and that there are 160 public spaces available. Mr. Kane asked how people would get there. Mrs. Lightfoot indicated she believed people would use the riverline or walk and that if they came by car, there would be one car per couple, which for a group of twenty is not many. Mr. Kane asked about the effect on noise and traffic. Mrs. Lightfoot indicated that if the Church is successful, they would look into getting a van for transportation and that the Landlord has installed a sound-proof ceiling, as to not impact the residents. Mr. Morgan also added that if the Church is successful, the members will be utilizing the downtown stores, which is positive.

Chairman Kane asked Mr. LaRossa to comment on the application. Mr. LaRossa stated that the applicant is before the Board for a Church and Worship Services, which is a Conditional Use under the Land Use Code. As such, the use requires variances for lot area and width, the front and side yard setbacks and a parking waiver.

Chairman Kane asked about fire safety. Mrs. Lightfoot indicated that there is an emergency exit in the back.

Chairman Kane opened the application to the public.

Jodi Ann Kochie of 53 West Mill Creek in Easthampton came forward in support of the application stating that she has worked under the Lightfoots and has grown tremendously under their ministry and witnessed the impact they have had upon children and families.

Pat Hrehowsik of 65 Farrington Street in East Windsor came forward in support of the application stating that she and her husband met the Lightfoots at a conference and have witnessed the tremendous results that have come from their goodness.

Motion made by Mr. Epperly and Mr. Hart to close public portion.

Ayes – Mrs. Jack, Mr. Cicali, Ms. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Mr. Stottlemire, Mr. Kenney and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

Solicitor Brennan gave a summation of the items the Board must vote upon.

The Board recessed for five (5) minutes.

Solicitor Brennan indicated that the conditional use approval is a “D” variance and, as such, Mrs. Jack and Mrs. Hatcher cannot vote on that component of the application. Solicitor Brennan provided a synopsis of the criteria that must guide the Board’s decision in this matter. Solicitor Brennan explained that the applicant has the burden of proof to show that there are special reasons as to why the application should be granted. The Applicant must first satisfy the positive criteria by demonstrating that in granting a “D” variance the proposed project carries out the purpose of zoning, that the refusal to grant a “D” variance would impose an undue hardship on the applicant or that the use is an inherently beneficial use. In addition, the Applicant must satisfy the negative criteria in demonstrating that the variance can be granted without substantial detriment to the public good and/or it does not impair the intent and purpose of the zone (master) plan and zoning ordinance.

Mr. Morgan took a moment to provide closing remarks and stated that under the law, there are special reasons to allow this type of use, as a Church is considered an inherently beneficial use. The main question at hand is whether or not the Church will negatively impact the community. If so, the applicant must address the negative criteria and the application can be denied if and only if they cannot address the negative impact.

Chairman Kane indicated that besides generalities, there was no testimony that explicitly addressed negative criteria and impact. Mr. Morgan responded as follows:

- 1) Parking: 160 public spots are available for parking. Even though there are other establishments and residences that use those spots, the hours of operation of the Church would not impact the parking
- 2) Noise: The landlord has taken precautions to minimize noise to the residents and the building is stand alone.
- 3) Variances: All variances are pre-existing.
- 4) Occupancy: Is regulated by the Uniform Construction Code and will be adhered to by the Church.

In conclusion, there is no substantial negative criteria and, as a result, the Church would not negatively impact on the community.

Motion made by Mr. Cicali and Mr. Avery to approve the conditional use application.

Ayes – Mr. Cicali, Mr. Epperly, Mr. Hart, Ms. Avery, Mr. Stottlemire, Mr. Kenney and Chairman Kane.

Nays – None.

Abstentions – Mrs. Jack, Mrs. Hatcher and Mr. Stottlemire.

Motion Carried.

Motion made by Mr. Cicali and Mr. Avery to approve the bulk variances and waivers.

Ayes – Mr. Cicali, Mr. Epperly, Mr. Hart, Ms. Avery, Mr. Kenney and Chairman Kane.

Nays – None.

Abstentions – Mrs. Jack and Mr. Stottlemire.

Motion Carried.

ACTION:

No Action Items to address.

CORRESPONDENCE:

No Correspondence.

PUBLIC PORTION:

No public comment.

Motion made by Mrs. Hatcher and Ms. Avery to close public portion.

Ayes – Mrs. Jack, Mr. Cicali, Ms. Hatcher, Mr. Epperly, Mr. Hart, Ms. Avery, Mr. Stottlemire, Mr. Kenney and Chairman Kane.

Nays – None.

Abstentions – None.

Motion Carried.

There being no further business to attend to, **motion made by Mr. Epperly and Mr. Hart that the meeting be adjourned, and so declared by Chairman Kane.**

Meghan Jack
Secretary

