

**CITY OF BEVERLY
BURLINGTON COUNTY
STATE OF NEW JERSEY**

**LAND USE BOARD
REGULAR MEETING
OCTOBER 20, 2021 – 7:00PM**

MINUTES

The Regular Meeting of the Land Use Board of the City of Beverly, County of Burlington, and State of New Jersey was held on the aforementioned date with the following in attendance: Maureen Cronin, John Haaf, Vice Chair Barbara Kelly, Robert E. Lowden, Jr., Ronald V. Paice, Richard Wolbert, Board Solicitor Chuck Petrone, Esq., City Planner Edward E. Fox III, and Board Secretary Caitlin D’Alfonso. Diane Benson, Mayor Randy Miller, and Chairman Harold Robertson were absent from tonight’s meeting.

Vice Chair Kelly called the meeting to order at 7:00PM and read the following opening statement into the record:

“The Provisions of the Open Public Meetings Act have been met. Notice of this meeting, Resolution 2021-1, was published in the Burlington County Times on January 31, 2021, transmitted to the Courier Post, filed with the Municipal Clerk, and was mailed to all persons who requested and paid for such notice.”

The above was followed by the Flag Salute and Roll Call.

MINUTES

– September 15, 2021

A motion was offered by Mr. Haaf and seconded by Mr. Wolbert to approve the above listed set of minutes. Motion carried.

OLD BUSINESS

No old business was presented at this time.

NEW BUSINESS

Public Hearing: 430-450 Broad Street – Block 1164, Lot 1.02 (Building 2). This application requests a site plan waiver with bulk and use variances to operate a place of worship in 1,966 square feet of the upper floor of the structure, which includes a 524 square foot sanctuary and other spaces to be utilized for offices, religious education, and the ministry of the School of Kingdom Institute. The remaining space of the upper floor and the entirety of the basement will be converted to auction storage space.

Board Solicitor Petrone stated that there are only five (5) voting members present tonight, and that as the application for 430-450 Broad Street contains use variances, all five (5) voting members must vote in the affirmative for the application to be approved.

Board Solicitor Petrone swore-in Mrs. Ruth Astemborski, property owner, and Mr. Gordon Parks, prospective tenant. Both Mrs. Astemborski and Mr. Parks confirmed that they consent to moving forward with the public hearing with only five (5) voting members present.

Ms. Kathleen Gaskill, attorney for the applicants, distributed Exhibit A-5, showing aerial photographs of the property depicting Buildings 1 and 2. Ms. Gaskill stated that the applicants are seeking a use variance for Building 2 of 430-450 Broad Street, as the same does not meet the conditional use requires of the Zoning Code to operate a place of worship. Additionally, this application also seeks to expand a previously granted use variance for auction site storage from Building 1 into Building 2, which will be temporary in nature.

Ms. Nikki Astemborski, operations manager for property owner, was sworn in to provide testimony for tonight's application.

Ms. Gaskill asked that Ms. Astemborski explain the current status of the building. Ms. Astemborski stated that the original purpose of the property, prior to the passing of the property's co-owner, was to be an auction house. Approval of this use was previously given by the Land Use Board in 2018, which required that the property owner complete certain site improvements, including landscaping, dumpster placement, parking lot striping, and the installation of a handicapped parking space. Though the property owner is now applying for a different use, these site improvements are still intended to be completed.

Mr. Paice inquired if the front entrance will be handicapped accessible per the 2018 approval. Ms. Gaskill stated that this was the intent, but plans are still being finalized. Ms. Astemborski further noted that due to necessary work performed around a basement window egress, the parking lot area was reduced by two parking spaces, which effects the way the plans are being designed.

Ms. Gaskill distributed Exhibit A-1, depicting the proposed layout of the first floor (upper floor) of Building 2, and asked Ms. Astemborski to identify same. Ms. Astemborski stated that Exhibit A-1 shows the layout of the first floor of Building 2, and identified the areas that will be used for the ministry and the areas that will be used as auction storage. Ms. Astemborski clarified that there are no renovations planned for the inside of the building outside of minor cosmetic work.

Ms. Gaskill stated that part of tonight's application includes the request for a bulk variance related to parking, as the applicant's parking lot does not contain enough parking spaces required for a place of worship, especially as the parking lot is shared with City Hall pursuant to a previously existing cross-easement agreement. Ms. Gaskill distributed Exhibit A-2, and asked Ms. Astemborski to explain same. Ms. Astemborski stated that the pictures of Exhibit A-2 were taken on a Sunday morning during general hours of religious worship to show that there will be ample street parking for a place of worship at 430-450 Broad Street. City Planner Fox inquired if the applicant was aware of the number of parking spaces available on the street. Ms. Gaskill noted that per the licensed planner involved in the 2018 application, there were 110 parking spaces within 250ft of the subject property.

Ms. Gaskill distributed Exhibit A-3 and asked Ms. Astemborski to identify same. Ms. Astemborski stated that the photos depict the same availability of street parking noted in Exhibit

A-2, but that Exhibit A-3 includes time and date stamps to prove that the photos were taken on a Sunday during general religious worship hours.

Ms. Gaskill then provided the Board members and support staff with Exhibit A-4. Ms. Astemborski explained that Exhibit A-4 contains photos of the ample street parking surrounding the building later in the day on a Sunday.

Regarding the point made of the availability of 110 parking spaces within 250ft feet of the property, Mr. Wolbert stated that sections of Laurel Street and Oak Street have recently been repaved, and new “no parking” areas have been implemented. Accordingly, he would estimate that there will be 10 less parking spaces available.

Gordon Parks, prospective tenant, was sworn-in to provide testimony. Mr. Parks stated that he is the pastor and leadership of the School of Kingdom Institute, and distributed a pamphlet with information regarding his ministry. Said pamphlet was identified as Exhibit A-6. Mr. Parks explained to the Board his business experience and time as a religious leader. Mr. Parks expressed that his overall goal with establishing the School of Kingdom Institute in Beverly City is to expand community services, provide additional resources to the residents, and support the youth.

Ms. Gaskill asked if the School of Kingdom Institute will have a social outreach aspect to the ministry. Mr. Parks confirmed same.

Ms. Gaskill referred to Exhibit A-1, and requested Mr. Parks to identify the areas of the building layout that will be used for his ministry to show his familiarity with the application.

Ms. Gaskill asked when services were to be scheduled. Mr. Parks stated that religious education will start at 9:00AM on a Sunday, with services to follow at 10:00AM. Light refreshments will be provided after. Bible study will take place on Tuesday and Thursday nights from 7:00PM to 9:00PM.

Ms. Gaskill inquired if there is an anticipated number of people that will attend service. Mr. Parks stated that he estimates that there will be approximately 20 individuals attending worship, which is subject to change if his membership grows.

Ms. Gaskill questioned the ministry’s need for office space. Mr. Parks stated that the office space will be utilized for counseling services, which will be provided by appointment only.

Ms. Gaskill expressed that if the ministry does not have employees, and that counseling services will be provided by appointment only, the building will not be regularly utilized outside of Sunday worship and bible study. Mr. Parks confirmed same, but stated that the School of Kingdom Institute will be open for morning prayer (no formal service), and that funerals, weddings, and other life events may be held in the building from time to time.

Ms. Gaskill distributed Exhibit A-7, which includes pictures of each room inside the building that will be used by the ministry. Mr. Parks identified each room, and explained how each room will be utilized.

Ms. Gaskill inquired if Mr. Parks was aware of the sanctuary's seating capacity. Mr. Parks stated that there is a seating capacity of 100. Ms. Gaskill asked that if the ministry was to reach full capacity, if he anticipates that members of the congregation will carpool to lessen the need for parking space. Mr. Parks stated that he would anticipate that carpooling would take place, as multiple members of the same household would more than likely come to services in the same vehicle.

Regarding any services that will be provided involving children, Mr. Parks stated that minors will be supervised at all times.

Mr. Haaf questioned the seating capacity of 100 individuals and the ventilation requirements for assemblies. Board Solicitor Petrone stated both points fall within the jurisdiction of the Fire Marshal. Mr. Wolbert added that the Fire Marshal has reviewed the submitted plans for the property, and that the Fire Marshal had no comments at this time other than the requirement for the building to be inspected prior to occupancy.

Regarding the education aspect of the ministry, Mr. Haaf inquired if the school will operate under any accreditations. Mr. Parks stated that though there is no accreditation, the ministry does operate as part of a larger spiritual organization with a bishop, who oversees 30-40 different ministries.

Ms. Cronin noted that the School of Kingdom Institute has thousands of followers on social media, and questioned if he anticipates the social media following to translate to in-person participation. Mr. Parks stated that he believes the social media following will not significantly impact in-person participation, as many of the online followers reside in different states or countries.

City Planner Fox asked for further details regarding the auction storage aspect of the application. Ms. Gaskill stated that the original plan, prior to the passing of the property's co-owner, was to operate one (1) on-site auction day a month. Currently, the auction business is operating strictly by online sales until an auctioneer can be found.

City Planner Fox inquired if the auction business has any employees, and if there will be anticipated shipping and delivery of items. Ms. Astemborski stated that there may be some employees and the scheduled pick-up of items once in-person auctions begin, but that in-person auction sales are far off in the future. Ms. Gaskill emphasized that if and when in-person auction sales begin, the events are planned to be held on Saturdays, which is outside of worship hours and municipal operations.

Board Solicitor Petrone summarized the basis of the approval of the 2018 application as it relates to auction sales in Building 1 for the Board's information.

City Planner Fox noted that there is a significant discrepancy in size of the proposed ministry compared to the square footage depicted on Exhibit A-1 presented tonight and what was noted on the application itself. Accordingly, Mr. Fox stated that he cannot appropriately determine the parking requirements for this application. Mr. Haaf inquired if the difference in square footage would significantly impact the parking requirements. Mr. Fox confirmed.

Ms. Gaskill inquired if the parking requirements in the application can be based off of the required spaces for an educational facility rather than a place of worship, as the ministry plans to provide educational services. City Planner Fox and Board Solicitor Petrone stated that the required parking spaces for this application must be based off of the requirements for a place of worship.

City Planner Fox questioned the temporary need for auction storage space in Building 2, and the length of time the storage space will be required. Ms. Gaskill stated that the applicants do not have a determined amount of time that a section of Building 2 will be used as storage space, which is why a use variance is being sought for same. Additionally, the property owner is seeking tenants for the area that is currently being utilized as auction storage space, as well as the basement. In response, Board Solicitor Petrone stated that if tonight's application is approved by the Board, the approval of the auction storage space in Building 2 can be conditional upon the lease of same. Once this space is leased, the use variance for storage space in Building 2 will be abandoned.

Ms. Cronin asked about the impact of parking if tenants are found for the back portion of Building 2 and the basement. Ms. Gaskill stated that depending on the tenant's use of the space, an application will be submitted before the Board for consideration, which will include the determination of parking requirements for same. City Planner Fox further emphasized that if the new tenant complies with the requirements of the Zoning Code, an application and any related parking considerations will not be submitted before the Board. Tonight, the Board is strictly considering parking impacts as it relates to the ministry and expanded use of auction storage space.

Regarding the request for a site plan waiver, Ms. Gaskill inquired of Ms. Astemborski if further site improvements are planned for the property. Ms. Astemborski stated that no site improvements will be made to the property outside of what was discussed and approved in the 2018 application.

City Planner Fox requested that night lighting function tests and the submission of a performance bond for the site improvements as related to the 2018 application be completed before occupancy of Building 2 to ensure that said improvements are finished. Ms. Gaskill stated that the applicants agree to these terms.

Regarding the posting of a performance bond, Ms. Astemborski stated that the site improvements have yet to be made because the City was planning to carry out certain paving projects, which would impact the completion of the site improvements. Mr. Wolbert stated that the paving projects are anticipated to be completed as early as next spring.

Mr. Wolbert, referring to the sign installation requirements in City Planner Fox's review letter, stated that there was an intent to erect a sign at one point, as the pole for same has already been installed. City Planner Fox noted that this improvement is not present on the plans submitted with the application. Ms. Gaskill stated that sign installations were not discussed with the property owner or prospective tenants, and that an application will be submitted before the Board for any future signs that do not conform to the Zoning Code. Board Solicitor Petrone stated that this stipulation will be made part of any approval resolution for tonight's application.

Mr. Parks inquired if the existing “for lease” sign can simply be replaced with a sign for the ministry. City Planner Fox stated that temporary signs have different regulations than those of a permanent fixture.

James Miller, license planner for the applicants, was sworn-in to provide testimony.

Mr. Miller stated that the use variance to temporarily expand the previously approved auction house storage into Building 2 should be granted, as it does not significantly impact the surrounding environment and will not generate a need for additional parking.

Regarding the requested use variance for a ministry, Mr. Miller summarized that the property doesn’t meet the conditional use requirements for a place of worship in terms of lot size, set back requirements, and parking requirements. Additionally, the property also exceeds the impervious coverage limits, though this condition is pre-existing and may be mitigated by the landscaping improvements stipulated in the approval of the 2018 application.

Mr. Miller presented the positive criteria for the approval of a use variance for the ministry as follows: a place of worship will positively contribute to the morals of a community; a place of worship is an approved conditional use for the zoning district despite the property’s deviations in bulk requirements; the School of Kingdom Institute is smaller than a traditional place of worship, which fits with the undersized lot and lack of on-site parking; and that the ministry will operate at different times than the auction house and City Hall, which will lessen the parking impact in the area. Mr. Miller noted that the estimate amount of required parking spaces (per the square footage stated in the application) is 25, and that there has proven to be ample street parking, which is further supported by the surrounding low density residential area. Conclusively, the granting of the use variances requested in tonight’s applications will enhance the City, keep the building occupied and viable, and will not substantially impact the public welfare or the purposes of the Municipal Land Use Law.

Mr. Paice inquired how this ministry will affect the nearby Baptist Church. Board Solicitor Petrone stated that the Baptist Church is not relevant to the application. Ms. Gaskill stated that the pictures provided in Exhibit A-2 show that there is little street parking occupied in front of the Baptist Church on a Sunday during general worship hours. City Planner Fox noted that consideration needs to be given to the fact that the lack of street parking at this time may be due to the ongoing global pandemic.

Regarding the supplemental statement provided with the application, Ms. Cronin questioned why the Board should not be concerned with a smaller lot size as it pertains to the ministry. Mr. Miller reiterated that the School of Kingdom Institute is smaller than the traditional place of worship.

There being no further comments, a motion was offered by Mr. Haaf and seconded by Ms. Cronin to open the public hearing on the application for 430-450 Broad Street. Motion carried.

John Crawford, 106 Country Road in Willingboro, was sworn-in by Board Solicitor Petrone. Mr. Crawford stated that he was a long-time resident of Beverly, and has known Mr. Parks for over 30 years. Mr. Crawford expressed his belief that the School of Kingdom Institute will have a positive impact on Beverly’s community.

Ronaldo Stein was sworn-in to provide public comment. Mr. Stein spoke highly of Mr. Parks and the positive impact he will make on the community.

There being no further comments, a motion was offered by Mr. Paice and seconded by Mr. Haaf to close the public hearing. Motion carried.

A motion was offered by Ms. Cronin and seconded by Mr. Haaf to approve the application for use variances as it relates to a place of worship and the expansion of auction storage space in Building 2 of 430-450 Broad Street, together with any bulk variances, a site plan waiver, and stipulations discussed at tonight's meeting, including the night lighting function tests, posting of a performance bond for the site improvements approved with the 2018 application, the requirement for an additional application to be submitted before the Land Use Board for the installation of any commercial signs that do not conform to the Zoning Code, and the use of an area of Building 2 for the additional auction storage space will be abandoned once new tenants are found to occupy same. The motion carried on a Roll Call Vote, as follows:

Aye: Cronin, Haaf, Kelly, Paice, Wolbert

Nay:

Abstain:

Absent: Benson, Robertson

CORRESPONDENCE

No correspondence was presented at this time.

BOARD/PROFESSIONAL COMMENTS

No comments.

PUBLIC COMMENT

There being no comments, a motion was offered by Ms. Cronin and seconded by Mr. Haaf to close public comment. Motion carried.

ADJOURNMENT

A motion was offered by Mr. Wolbert and seconded by Mr. Lowden to adjourn the meeting. Motion carried. Meeting adjourned at 8:59PM.

Approved:

Respectfully Submitted By:

Barbara Kelly, Vice Chair

**Caitlin D'Alfonso
Land Use Board Secretary**

Approved: November 17, 2021