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August 13, 2021

Willingboro Township Zoning Board of Adjustment
Municipal Complex
One Salem Road
Willingboro, New Jersey 08046

Attn: Reyann Frank, Zoning Board Secretary

**Re: *Potter House Lion of Judah Pentecostal Church
Use Variance Application - Review #1
399 Charleston Road
Block: 238, Lot: 1, Zone: B-3 (Tertiary Business District)
Willingboro Township, Burlington County, NJ
Our File: HWLZ0238.01***

Dear Zoning Board Members:

Our office has performed a review of the above-referenced application including, but not limited to, the following:

- Plan entitled "Plan of Survey, 399 Charleston Road, Willingboro Township, Burlington County, NJ" consisting of one (1) sheet, prepared by Bruce Benish, PLS of Louis Lehman, PA, dated March 24, 2021;
- Submittal Letter prepared by Wells & Singer Law Office, LLC, dated July 28, 2021; and
- Various submission items previously provided.

Based upon our review, we offer the following comments:

1) Project Description

The subject property is a triangular-shaped corner lot indicated to contain approximately 19,878 square feet (0.456 acres) within a B-3 Zone District and provides road frontages along Charleston Road to the south and John F. Kennedy Way (County Route 633) to the east. Currently, the property contains one-story building of approximately 2,500 square feet and its associated parking area. The building may have previously been used as a bank, but appears to have been vacant for several years. Access is provided via two (2) parking lot entrances, one (1) along Charleston Road and one (1) along John F. Kennedy Way (CR 633).

The Applicant is seeking d-1 Use Variance approval to convert the existing vacant building into a place of worship. Other than interior modifications to the existing building and some landscaping improvements, the Applicant has not proposed any other site improvements (parking, grading,



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stormwater management, etc.), or lighting improvements with this application. The Applicant has requested a waiver from providing a site plan, but has provided a survey of the property.

2) Surrounding Uses

The property is surrounded primarily by single family homes to the north, east, and west. South of the site across Charleston Road is the recently constructed fire and emergency squad station.

3) Zoning Compliance

The subject property is located in the B-3 (Tertiary Business District) Zone District, which does not permit places of worship as a permitted use per §370-61 or §370-85. Churches are permitted principal uses in the residential districts, and certain portions of the B-1 district of the Township. The following uses are permitted in the B-3 district:

- Retail stores and shops;
- All uses permitted in the B-2 district: which includes retail shops and retail services;
- Temporary buildings for uses incidental to construction work.
- Public utilities and motor vehicle service stations are permitted conditional uses.

The table below summarizes the bulk requirements in the B-3 District:

Table 1: Bulk Standards, B-3 (Tertiary Business District) Zone (§370 Art. XIII)		
Standard	Required	Provided
Minimum Lot Area (square feet)	20,000	19,878 (EC)
Minimum Lot Frontage (ft.)	100	200
Principal Building Setbacks		
Front Yard (ft.) (Charleston Rd.)	30	46.7
Front Yard (ft.) (John F Kennedy Way)	30	44.7
Side Yard (ft.)	10	N/A
Rear Yard (ft.)	10	19.4
Accessory Building Setbacks		
Side Yard (ft.)	10	N/A
Rear Yard (ft.)	10	N/A
Lot (Impervious Surface) Coverage	30%	81.7% (EC)
Maximum Number of Stories	2 ½	1
Maximum Building Height (ft.)	35	<35
Minimum Floor Area (s.f.)	800	2,070

(EC): Existing Condition



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4) Master Plan Considerations

The Township's Master Plan was adopted in 1997, and was last reexamined in 2018. The 2018 Reexamination Report noted the following goals, objectives, and recommendations in the Master Plan that may be relevant to this application:

- It was noted that left over business lots, in particular smaller lots on corners, that are unsuitable for modern business or housing remain vacant, is a significant issue in the Township. A recommendation is for these lots to be used as additional programming, such as tot lots or community gardens.
- An objective of the plan is to develop vacant commercial property to augment the commercial retail stock of the Township.
- An objective of the plan is to direct new development and redevelopment to places in relation to their transportation and environmental capacities.
- A recommendation of the plan is to clear the Township from derelict properties in order to improve neighborhoods.
- The plan recommends encourages the adaptive reuse of existing empty commercial buildings located throughout the Township.

5) Completeness

The Applicant has requested several waivers from the Township of Willingboro Site Plan Checklist, however an additional waiver for Item #37 is required in conjunction with this application. Item #37 requires a Traffic Analysis of the proposed use of the property. The Applicant has provided additional information regarding the number of occupants entering and leaving the site. Our office has reviewed the information provided and we take no exception to granting this waiver.

Based upon the above, our office recommends that the application be deemed **COMPLETE**, subject to the Board approving the requested waivers regarding Site Plan Application Submission Items.

6) Variations and Waivers Required

The Applicant has requested the following variances from the requirements of the Township Code:

- a) **Section 370.62** – A house of worship is not a permitted use in the B-3 Zone.

Other than the Use Variance, the Applicant has not requested any new/additional variances and/or design waivers with this application as no new site improvements appear to be proposed.



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We note the following existing non-conforming conditions associated with the property:

- b) **Section 370.63** – The minimum lot area is 20,000 square feet, where the lot is 19,878 square feet.
- c) **Section 370.63** – The maximum permitted impervious coverage in the B-3 district is 30%, where there is 81.7% impervious coverage on the lot.

7) Planning Comments

- a) As this application is for a d-1 use variance, the applicant must meet an enhanced burden of proof, and satisfy both the positive and negative criteria:
 - i) **Positive Criteria** – There must be special reasons to grant the variance. Special reasons can be met in one of the following three ways: 1) that there is a practical hardship in using the land in conformance with the ordinance; 2) that the proposed use is inherently beneficial; or 3) that the proposed use will enhance the general welfare of the community and that it advances the purposes of zoning.
 - ii) It should be noted that churches, or houses of worship, are generally considered to be inherently beneficial and presumptively satisfy the positive criteria.
 - iii) **Negative Criteria** – The applicant must demonstrate that the variance can be granted without substantially impairing the public good, and that it would not substantially impair the intent and purpose of the zoning ordinance. This means that it must be shown that using this building as a church would not have substantial negative impacts on the surrounding communities, and that granting a variance is not inconsistent with the intent and purpose of the Township's zoning code.
- b) The applicant should provide testimony addressing the anticipated operations of the facility, including the current and potential size of the congregation that will use the church, the times that services will be offered, and what types of activities will take place on site. Typically churches not only provide Sunday worship services, but many other activities ranging from bible studies during the week, after school activities, day care, counseling services, etc..
- c) The Township ordinance requires that parking for churches be provided 1 parking space for every 4 seats in the building. It is not clear what the seating capacity of the building will be. There are approximately 20 parking spaces on the site although the striping appears faded. The applicant should address the adequacy of the parking on site to meet the current and potential future needs of the church.



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- d) For comparison, the Township code at Section 370-85 does permit churches under certain conditions elsewhere in the Township, in particular in all residential districts, and in certain locations in the B-1 district on Route 130. These conditions include the following:
- i) Minimum lot area of 3 acres;
 - ii) Minimum lot frontage and width of 200 feet;
 - iii) Minimum lot depth of 300 feet;
 - iv) Building setbacks of 75 feet;

The current lot, and the building on the lot would not be in conformance with these standards. However, this section also gives the Planning Board the authority to determine appropriate bulk standards for a church in a given location depending on the particular conditions of that property and its surroundings.

- e) Although no site improvements appear to be proposed at this time, the applicant should clarify whether or not any new signage is proposed, either on the building or on site such as reusing the existing pylon sign near the corner.
- f) No architectural drawings have been provided. Although the applicant intends to use an existing building rather than construct a new facility, some conceptual plans of the interior spaces would be helpful in assessing how the building and property could be used, and how such uses might have any impact on the community.

8) Engineering Comments

- a) Reasons supporting the granting of required variances and/or design waivers and continuance of existing condition nonconformities. Compliance with the Use requirements for a house of worship must also be reviewed with the Board.
- b) Testimony relating to overall operations of the proposed use and site, including but not limited to: hours of operation, number of congregates during a normal service, holiday events, special occasions, etc. should be provided.
- c) Testimony should be provided regarding the adequacy of the existing number of parking spaces for the anticipated number of congregates. The Applicant has indicated that a maximum of 25 congregates would be on-site. The Applicant should provide architectural plans and/or clarify the number of proposed seats within the building
- d) The Applicant should discuss the condition of the existing improvements and any possible enhancements required with the Board.



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- e) Whether any identification signage is proposed for the subject use should be clarified. All proposed signage shall be subject to requirements outlined in Section 297 of the Township of Willingboro Ordinance.

The right is reserved to present additional comments pending the receipt of revised plans and/or the testimony of the Applicant before the Board.

Should you have any questions or require additional information, please do not hesitate to contact this office.

Very truly yours,
CME Associates

Bennett Matlack, PE, CME, CFM
Zoning Board of Adjustment Engineer

Christopher Dochney, PP, AICP
Zoning Board of Adjustment Planner

BM/CD/dol

cc: Zeller & Weiliczko, LLP – Zoning Board Solicitor
Potter House Lion of Judah Pentecostal Church – Applicant
Jonas Singer, Esq. – Applicant's Attorney
James A. Miller, AICP, PP – Applicant's Planner