

BROWN MOSKOWITZ & KALLEN

A PROFESSIONAL CORPORATION

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Richard S. Schkolnick
Partner

Email: rschkolnick@bmk-law.com
Please Reply To Summit, NJ

September 24, 2020

Via E-mail and Lawyer's Service Overnight

Rose DeSena, Zoning Board of Adjustment Secretary
Township of West Orange
66 Main Street
West Orange, NJ 07052

RE: Application of Jesus, Others, Yourself, Church of God, Inc.
446 Northfield Avenue
Block 160, Lot 11

Dear Rose:

This Firm represents Jesus, Others, Yourself, Church of God, Inc. ("JOY Church"), owner of the above property. In support of JOY Church's application for conditional use approval, preliminary and final site plan approval, along with d-3 (conditional use) variances to occupy the existing structure at the above location as a house of worship, enclosed please find the following:

1. Township of West Orange Application Form.
2. Site Plan Checklist.
3. Tax Statement, through September 10, 2020.
4. Property owners, dated July 2, 2020.
5. W-9 form.
6. Survey, prepared by Butler Surveying & Mapping, Inc., dated March 3, 2020. Signed and sealed copies to be provided after completeness review.
7. Site Plan of Existing Conditions (Sheet SP-1); Existing Floor Plans (Sheet A-1); Existing and Proposed Elevations (Sheet A-2), prepared by J. Michael Petry, P.E., P.P., R.A., dated June 16 and June 25, 2020 (one full sized and six, 11" x 17").

8. Project Narrative, dated September 4, 2020.
9. Sustainability Checklist Form.
10. Planner's Report, prepared by Michael Petry, P.P., dated September 23, 2020.

I have enclosed the application fee of \$1,059.75 based on the "d" variance and associated conditional use standards (\$350.00), "c" parking variance (\$250.00), preliminary site plan base fee plus 13 parking spaces (\$306.50) and final site plan fee (\$153.25). Per our discussion, I have also provided a check for escrow of \$2500.000.

Please advise on the number of hard copies that are required, and I will forward promptly.

Pursuant to N.J.S.A. 40:55D-48.1, the applicant/owner is a not-for-profit entity. Thus, there are no persons or entities with a 10% or greater interest in the Applicant.

The Applicant is submitting an electronic copy of this application and is therefore requesting a waiver of the digitizing fee. Please advise if any additional fees are required.

Please note that no exterior changes to the existing site are proposed, other than parking restriping. The interior of the existing structure, which JOY Church does not propose to alter, consists of the following:

1. Basement (1,022 gross square feet; current office rental; no change proposed).
2. Main Floor (816 square feet, interior dimensions of usable space, consisting of assembly space of 678 square feet and ancillary storage/office space of 138 square feet) (to be used only by the Church).
3. Second Floor (582 square feet, interior dimensions of usable space to be used only by the Church, primarily for classroom lessons for 7 or 8 children under the age of 11).

The property is located in the R-4 zone. Houses of worship are a conditional use in this zone.

In addition to preliminary and final site plan approval, the following d-3 (conditional use) deviations are requested to allow occupancy of the house of worship in the existing structure (noting that the location of the structure is not being changed):

- a. Minimum building setback (Section 25-24.2(j)(1)): 125 feet from all property lines required; 1.4 feet from the front property line; 66.8 feet from the rear property line; 20 feet from the westerly property line and 68 feet from the easterly property line proposed.

b. Minimum parking aisle setback (Section 25-24(j)(1)): 75 feet from all property lines required; 7.1 feet from the front property line; 19 feet from the rear property line; -0.8 feet from the westerly property line; and 2.3 feet from the easterly property line proposed.

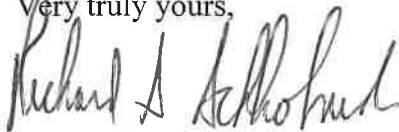
c. Minimum buffer strip (Section 25-24(j)(2)): 50 foot buffer of natural vegetation required; 19.4 from the rear property line; -0.8 feet from the westerly property line and 2.3 feet from the easterly property line proposed.

In addition, a "c" (bulk) variance is requested from Section 25-12.2b(1): 33 parking spaces required; 13 parking spaces proposed.

We request that this matter be reviewed by the Site Plan Review Advisory Board at its next available meeting.

Thank you for consideration of this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Richard S. Schkolnick", written over a horizontal line.

Richard S. Schkolnick

RSS/lp
Enclosures

cc: Bishop Douglas H. Adams Sr. (Via Email Only)

TOWNSHIP OF WEST ORANGE APPLICATION FORM FOR THE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

A. APPLICANT INFORMATION

Full Legal Name: Jesus, Others, Yourself Church of God, Inc.

Mailing Address: (Last) 9 Westover Terrace (First) West Orange, N.J. 07052

Telephone Number: (973) 365-0088 (Street) (City) (State) (Zip)
Email: pastor@joychurchofgod.org

Is the Applicant an: ☐ Individual, ☐ Corporation, ☐ Partnership, ☒ Other Not for Profit Corp.

If the Applicant is a corporation or partnership, a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership must be attached. Not applicable - Not for Profit Corp.

Relationship of the applicant to the property: ☒ Owner, ☐ Tenant or Lessee, ☐ Purchaser under contract
(with consent of owner, ☐ Other (please specify) _____)

If the applicant is not the owner of the property in question, the applicant must submit an affidavit with the owner(s) authorization to proceed with this process.

B. PROPERTY OWNER INFORMATION

☒ Check here if same as applicant. If the owner is not the applicant, please complete the following:

Owner's Name: _____

Address: _____

Telephone Number: () _____ Email: _____

C. PROPERTY INFORMATION

Street Address: 446 Northfield Avenue

Block Number(s): 160 ; Lot Number(s): 11

Tax Plate: 96.01 ; Zone of Property: R-4

The location of the property is approximately 428 feet from the intersection of Northfield Avenue
and Walker Road (closest intersection.)

Has there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property?

☐ Yes, Date(s): None known at this time. ; ☒ No

If yes, please attach copies of the written decisions adopted by the Board to each application.

Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☒ None

Is this property listed in "The Historic Sites Survey" prepared by Robert Guter 7/9/1992 ☐ Yes ☒ No

D. TYPE OF APPLICATION

Indicate the type of application being submitted, check all boxes that apply. Note that more than one variance may be necessary, please indicate the number of each type needed:

- 1) ☐ Interpretation of ordinance or map.
- 2) ☐ Appeal of action of Zoning Officer.
- 3) ☒ Variance "C1" Reason: ☐ shape of property; ☐ physical features; ☐ exceptional situation.
- 4) ☐ Variance "C2".
- 5) ☒ Variance "D".
- 6) ☐ Subdivision without variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 7) ☐ Subdivision with variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 8) ☒ Site Plan: ☐ preliminary; ☐ final; ☒ preliminary and final; ☒ with variances; ☐ without variances.
- 9) ☐ Amended Site Plan.
- 10) ☒ Conditional Use.
- 11) ☐ Conceptual.
- 12) ☐ Home Professional Office.
- 13) ☐ Home Occupation.
- 14) ☐ Soil Removal Permit.

Please list the specific Sections of the Ordinance for which a variance is sought. If additional space is required, please attach a list. See attached Narrative Statement

Section: _____; Proposed: _____; Description: _____
Section: _____; Proposed: _____; Description: _____
Section: _____; Proposed: _____; Description: _____
Section: _____; Proposed: _____; Description: _____

E. DESCRIPTION OF PROPERTY

Existing Use of the Property Existing structure is occupied by 2,893 square feet of office space

Briefly describe the major elements of your proposal: (a more detailed description is required in Section G.)

Applicant proposes to occupy an existing commercial office building with a house of worship

The property is 12,555 (square feet); 0.28 (acres)

Impervious Surface Coverage: Present: 60.25%; Proposed: 60.25%

Building Coverage: Present: 8.97%; Proposed: 8.97%

Is the property located:

Within 200 feet of another municipality?	☐ Yes	☒ No
Adjacent to an existing or proposed county road?	☒ Yes	☐ No
Adjacent to other county land?	☐ Yes	☒ No
Adjacent to a state highway?	☐ Yes	☒ No

F. EXPERTS

The following information is respectfully requested to enable the Board to facilitate the processing of this application:

APPLICANT'S ATTORNEY: Richard S. Schkolnick, Esq., Brown Moskowitz & Kallen, P.C.

Telephone Number: (973) 376-0909 Email: rschkolnick@bmk-law.com

Address: 180 River Road Summit, N.J. 07901

APPLICANT'S ENGINEER: J. Michael Petry, P.E., P.P, R.A., Petry Engineering, LLC

Telephone Number: (973) 227-7004 Email: _____

Address: 155 Passaic Avenue, Suite 350 Fairfield, N.J. 07004

APPLICANT'S ARCHITECT: Same as engineer

Telephone Number: () _____ Email: _____

Address: _____

APPLICANT'S PLANNER: To be determined

Telephone Number: () _____ Email: _____

Address: _____

OTHER EXPERT(S): _____

Telephone Number: () _____ Email: [REDACTED]

Address: _____

If necessary, please list any additional experts below, including address, telephone number and email address.

G. REQUIREMENTS FOR VARIANCES

- 4A) Please attach a written statement labeled “ ”, describe the major elements of your proposal, and describe in detail the physical and use changes proposed.
- 4B) Please attach a written statement labeled “**REASONS FOR RELIEF**”, which fully answers 4C-1, 4C-2 or 4D (Special Reasons) **AND** part 4E (Negative Criteria).
- 4C-1) *(For C1 variances only)* The strict application of the provisions of the Zoning Ordinance would result in the peculiar and exceptional practical difficulties or exceptional undue hardship under *N.J.S.A. 40:55D-70c(1)*. List in detail wherein this case conforms to this requirement, including, if applicable, reference to the exceptional narrowness, shallowness, or shape of the property, or the exceptional topographical conditions affecting the property which applicant contends warrants the granting of the variance.
- 4C-2) *(For C2 variances only)* State how the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment according to *N.J.S.A 40:55D-70c(2)*. Please list all benefits of the deviation to the Township and any adverse effects. State how the benefits of the deviation would substantially outweigh any detriment to the Township.
- 4D) *(For D variances only)* State the special reasons under *N.J.S.A 40:55D-70d* affecting this property.
- 4E) The granting of this variance will not be substantially detrimental to the public good and will not substantially impair the intent of the zone plan and zoning ordinance. List in detail the reasons, among others, why the variance can be granted without being materially detrimental to the welfare of the community or injurious to the property or improvements of others in the neighborhood and zone.

H. PLAT SUBMISSION

- 4F) Please list all maps and other exhibits accompanying this application. Attach an additional sheet if necessary.

ITEM	SIGNED BY	DATE/REVISION
Architectural Floor Plan and Elevations (2 sheets)	J. Michael Petry	June 16, 2020
Site Plan	J. Michael Petry	June 25, 2020

I. NOTICE

Applicant is responsible to publish and serve notice of this application in accordance with Zoning Board of Adjustment/Planning Board requirements; however, notice may not be served until this application is certified as complete and the administrative officer has assigned the applicant a public hearing date.

J. VERIFICATION AND AUTHORIZATION

SIGNATURE IS REQUIRED FOR ALL OF THE FOLLOWING:

APPLICANT'S VERIFICATION

I hereby certify that the above statements made by me and the information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Applicant's Signature: Richard A. Scholbach Attorney for Applicant Date: 9/24/20

CONTINUANCE

Should the Planning Board/Zoning Board of Adjustment have a full and heavy agenda, or discussion and meeting regarding this application requiring carrying the matter past the statute time limit, the applicant grants permission for such an extension.

Applicant's Signature: _____ Date: _____

OWNER'S AUTHORIZATION – MUST BE SIGNED

I hereby certify that I reside at 150 River Road
in the County of Summit and the State of NTJ;
and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 160;
Lot(s) 11 on the Tax Map of _____ which property is the subject of the above
application, and that said application is hereby authorized by me. Furthermore, I authorize inspection of the site
which is the subject of this application.

Owner's Signature: Richard A. Scholbach Attorney for Applicant Date: 9/24/20

THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH OTHER TOWNSHIP ORDINANCES SUCH AS THE TREE REMOVAL ORDINANCE AND OBTAINING THE NECESSARY APPROVALS AND PERMITS UNDER SUCH ORDINANCES.

TOWNSHIP OF WEST ORANGE

APPLICANT: JOY OF CHURCH

Site Plan/Subdivision Checklist

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Minor Application		Major Application				COMPLETE	INCOMPLETE	WAIVER REQUESTED	
Item Number	Description		Subdivision	Site Plan	General Development Plan	Subdivision		Site Plan				
						Preliminary	Final	Preliminary				Final
1. PROJECT-PLAN INFORMATION												
1.	Item: Name, address of owner and applicant.	X	X	X	X	X	X	X	X	✓		
2.	Item: Name, signature, license number, seal and address of engineer, land surveyor, architect, professional planner, and/or landscape architect, as applicable, involved in preparation of plan.	X	X	X	X	X	X	X	X	✓		
3.	Item: Title block denoting type of application, tax map sheet, county, name of municipality, block & lot, and street location.	X	X	X	X	X	X	X	X	✓		
4.	Item: A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, etc., within 500'. Comment: Describes setting; may be less detailed in pre-application-concept plan and ODP stages.	X	X	X	X	X	X	X	X	✓		
5.	Item: A schedule of required and provided zone district(s) requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc. Comment: Schedule may be less detailed in pre-application-concept plan stages.	X	X	X	X	X	X	X	X	✓		
6.	Item: North arrow and scale.	X	X	X	X	X	X	X	X	✓		
7.	Item: Proof that taxes are current.		X	X	X	X	X	X	X	✓		
8.	Item: Signature blocks for Chairman, Secretary and Municipal Engineer.		X	X	X	X	X	X	X	✓		
9.	Item: Appropriate certification blocks as required by Map Filing Law.		X			X	X					
10.	Item: Monumentation as specified by Map Filing Law. Comment: Monumentation required only for final subdivision.		X				X					
11.	Item: Date of current property survey. Comment: Required by Map Filing Law for final subdivision and site plan; necessary for vesting on GDP.		X	X	X	X	X	X	X	✓		

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Item Number	Description		Minor Application		General Development Plan	Subdivision		Site Plan				
			Subdivision	Site Plan		Preliminary	Final	Preliminary				Final
12. Item:	One (1) of four (4) standardized sheets: 30" x 42", 24" x 36", 15" x 21", 8.5" x 13" <u>Comment:</u> Required by Map Filing Law for minor and major subdivisions.		X	X		X	X	X	X	✓		
13. Item:	Metric and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and right-of-way, and centerline curves on streets.		X				X		X			
14. Item:	Affidavit of ownership. <u>Comment:</u> Map Filing Law for minor and major subdivision.	X	X	X	X	X	X	X	X			
15. Item:	Acresage of tract to the nearest tenth of an acre (for GDP--to nearest acre).		X	X	X	X	X	X	X	✓		
16. Item:	Date of original and all revisions. <u>Comment:</u> Item necessary for continuity-history of project.		X	X	X	X	X	X	X	✓		
17. Item:	Size and location of any existing or proposed structures with all setbacks dimensioned. <u>Comment:</u> Item important for detailed planning.	X	X	X	X	X	X	X	X	✓		
18. Item:	Location and dimensions of any existing or proposed streets (for GDP and pre-application- concept plan -- general locations). <u>Comment:</u> Item important for detailed planning.	X	X	X	X	X	X	X	X	✓		
19. Item:	All proposed lot lines and area of lots in square feet.		X	X		X	X	X	X	✓		
20. Item:	Copy and/or delineation of any existing or proposed deed restrictions or covenants. e	X	X	X	X	X	X	X	X	To be supplied if required		
21. Item:	Any existing or proposed easement or land reserved for or dedicated to public use. e	X	X	X	X	X	X	X	X	To be supplied if required		
22. Item:	Development stages or staging plans (for GDP--general staging). <u>Comment:</u> Not applicable at pre-application- concept plan stage; minor plans usually not built in stages.				X	X	X	X	X			

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LICENSED PROFESSIONAL.

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Item Number	Description		Minor Application		General Development Plan	Subdivision		Site Plan				
			Subdivision	Site Plan		Preliminary	Final	Preliminary	Final			
23.	<u>Item:</u> List of required regulatory approvals or permits. <u>Comment:</u> Basic planning information. e		X	X	X		X		X	✓		
24.	<u>Item:</u> List of variances required or requested. e <u>Comment:</u> Basic planning information.		X	X		X	X	X	X	✓		
25.	<u>Item:</u> Requested or obtained design waivers or exceptions. e <u>Comment:</u> Describes location of all adjacent structures; not necessary at pre-application-concept plan stages; required at site plan stages; required at site plan only if notice is required by ordinance.		X	X		X	X	X	X	NA		
26.	<u>Item:</u> Payment of application fees. <u>Comment:</u> Fee not imposed for pre-application conference.	X	X	X	X	X	X	X	X	✓		
27.	<u>Item:</u> Property owners and lines of all parcels within 200' identified on most recent tax map sheet. <u>Comment:</u> Describes location of all adjacent structures; not necessary at pre-application-concept plan stages; required at site plan only if notice is required by ordinance.			X	X	X	X	X	X	✓		
28.	<u>Item:</u> All existing street, water courses, flood plains, wetlands or other environmentally sensitive areas on and within 200' of site. <u>Comment:</u> while detailed specification of environmentally sensitive areas may not be necessary at pre-application-concept plan and GDP stages, general specification of and sensitivity to such conditions is an important planning consideration.	X		X	X	X	X	X	X	✓		
29.	<u>Item:</u> Existing right-of-way and/or easements on and within 200' of tract. <u>Comment:</u> Rights-of-way and easements are often unknown at the pre-application-concept (see however, Item 28).	X		X	X	X	X	X	X	✓		
30.	<u>Item:</u> Topographical features of subject property from U.S.G.S. map. <u>Comment:</u> More detailed topographic information is needed for major subdivision.	X		X	X					✓		

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Item Number	Description		Minor Application		General Development Plan	Subdivision		Site Plan				
			Subdivision	Site Plan		Preliminary	Final	Preliminary				Final
31.	Item: Existing and proposed contour intervals based on U.G.S. & G.S. datum. Contours to extend at least 200' beyond subject property as follows: up to 3% grade - 1' 3% + grade - 2' Comment: Major site plan and subdivision requires level of detail of Item 31 as opposed to Item 30.					X	X	X	X			
32.	Item: Boundary, limits, nature and extent of wooded areas, specimen trees, and other significant physical features (detail may vary). Comment: Basic for good planning.	X	X	X	X	X	X	X	X	✓		
33.	Item: Existing system of drainage of subject site and of any larger tract or basin of which it is a part. Comment: See Item 31. Extensive level of detail required only for major subdivision and site plan.					X	X	X	X			
34.	Item: Drainage Area Map. Comment: Necessary for major application; inapplicable at GDP stage.					X	X	X	X			
35.	Item: Drainage Calculations. Comment: Required for minor applications if deemed necessary by Planning Board; not required at GDP stage because storm water management evaluated at major subdivision and site plan stage.		X	X		X	X	X	X	NA		
36.	Item: Proposed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric & cable TV. Comment: Information necessary for minor site plan because of potential effect on utility systems. Only general location for electric, telephone and cable TV required.		X	X		X	X	X	X	NA		
37.	Item: Proposed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric and cable TV. Comment: Information necessary for minor site plan because of potential effect on utility systems. Only general location for telephone, electric and cable TV required.			X	X	X	X	X	X	NA		

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan			Major Application				COMPLETE	INCOMPLETE	WAIVER REQUESTED	
Item Number	Description		Minor Application		General Development Plan	Subdivision		Site Plan				
			Subdivision	Site Plan		Preliminary	Final	Preliminary	Final			
38.	<u>Item:</u> Soil Erosion and Sediment Control Plan. <u>Comment:</u> Required for soil disturbance over 5,000 sq. ft.			X		X	X	X	X	NA		
39.	<u>Item:</u> Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations. <u>Comment:</u> Not required for minor subdivision because not involving construction of buildings.			X	X	X	X	X	X	NA		
40.	<u>Item:</u> Construction details as required by ordinance. <u>Comment:</u> Such level of detail necessary only for major applications.					X	X	X	X			
41.	<u>Item:</u> Road and paving cross-sections and profiles. <u>Comment:</u> See Item 40.					X	X	X	X			
42.	<u>Item:</u> Proposed street names. <u>Comment:</u> Applicable only when new road is proposed.					X	X	X	X			
43.	<u>Item:</u> New block and lot numbers confirmed with local assessor or municipal designee. <u>Comment:</u> Needed whenever a new lot is created.		X				X					
44.	<u>Item:</u> Lighting plan & details. <u>Comment:</u> Not applicable for minor subdivision because just creating lots.			X		X	X	X	X	NA		
45.	<u>Item:</u> Landscape plan & details prepared by a professional landscape architect <u>Comment:</u> Required for site plans because of magnitude of required landscaping			X				X	X	NA		
46.	<u>Item:</u> Solid waste management plan. <u>Comment:</u> Site plan consideration only; see Item 44.			X				X	X	NA		
47.	<u>Item:</u> Site identification signs, traffic control signs, and directional signs. <u>Comment:</u> See Item 44.			X		X	X	X	X	NA		

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			Minor Application		General Development Plan	Subdivision		Site Plan				
						Subdivision	Site Plan					
Item Number	Description		Subdivision	Site Plan		Preliminary	Final	Preliminary	Final			
48. <u>Item:</u> Sight triangles. <u>Comment:</u> Necessary even for minor applications because sight triangle easement created.			X	X		X	X	X	X	NA		
49. <u>Item:</u> Vehicular and pedestrian circulation patterns (less detail necessary for pre-application-concept plan and GSP stages). <u>Comment:</u> See Item 44.		X		X	X	X	X	X	X	✓		
50. <u>Item:</u> Parking plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions. <u>Comment:</u> See Item 44.				X		X	X	X	X	✓		
51. <u>Item:</u> Preliminary architectural plan and elevations. <u>Comment:</u> Not required where building is not proposed.				X				X	X	✓		
52. <u>Item:</u> Plans and legal documents for compliance with West Orange COAH Ordinances.			X	X	X	X	X	X	X			

! Proposed restrictions or covenants do not have to be included for pre-application-concept plan and GDP.
! Conditional approval may be granted subject to other regulatory approvals.

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.

(REVISED: 8/30/05 aw

:\Fonns & Awards\PB-ZBAPP.FRM\CHECKLIST\CHECKLIST.FRM

West Orange Property Tax Site - Item Display

[Back to Landing Page](#)
[Back to Main Page \(Start a New Search\)](#)
[Back to Search Results](#)

Interest Thru 09/10/20

Block 00160
Lot 00011
Qualifier
Account 08818000
Name JESUS OTHERS YOURSELF CHURCH OF GOD
Location 446 NORTHFIELD AVENUE
Address 446 NORTHFIELD AVENUE
Address 446 NORTHFIELD AVE.
City/State WEST ORANGE NJ
Zip 07052
Class 4A
Additional Lots
Building Description 2SF
Land Size
Zoning
Map Page 961
Bank Code
Current Amount Due: \$4,343.47

The amount below is the original dollar amount billed, the amount does not reflect any adjustments made to your account such as interest, tax appeal credits, homestead rebate and or any other credits applied.

Year	Due Date	Amount	Period	Pay Date	Balance
2019	02/01/2019	\$4038.00	1	02/04/2019	\$0.00
2019	05/01/2019	\$4038.00	2	05/02/2019	\$0.00
2019	08/01/2019	\$4312.00	3	08/05/2019	\$0.00
2019	11/01/2019	\$4256.00	4	11/04/2019	\$0.00
2020	02/01/2020	\$4161.00	1	01/29/2020	\$0.00
2020	05/01/2020	\$4161.00	2	07/10/2020	\$114.80
2020	08/01/2020	\$4161.00	3	//	\$----
Total		\$			\$114.80



Buffer Report

THE TOWNSHIP OF WEST ORANGE

Office of the Assessor

66 Main Street

West Orange, New Jersey 07052

Telephone: (973) 325-4060

Facsimile: (973) 669-4859

Highlighted feature(s)

Subject Property (1)

Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	ZipCode
160	11		446 NORTHFIELD AVENUE	JESUS,OTHERS,YOURSELF CHURCH OF GOD	446 NORTHFIELD AVENUE	WEST ORANGE, N.J.	07052

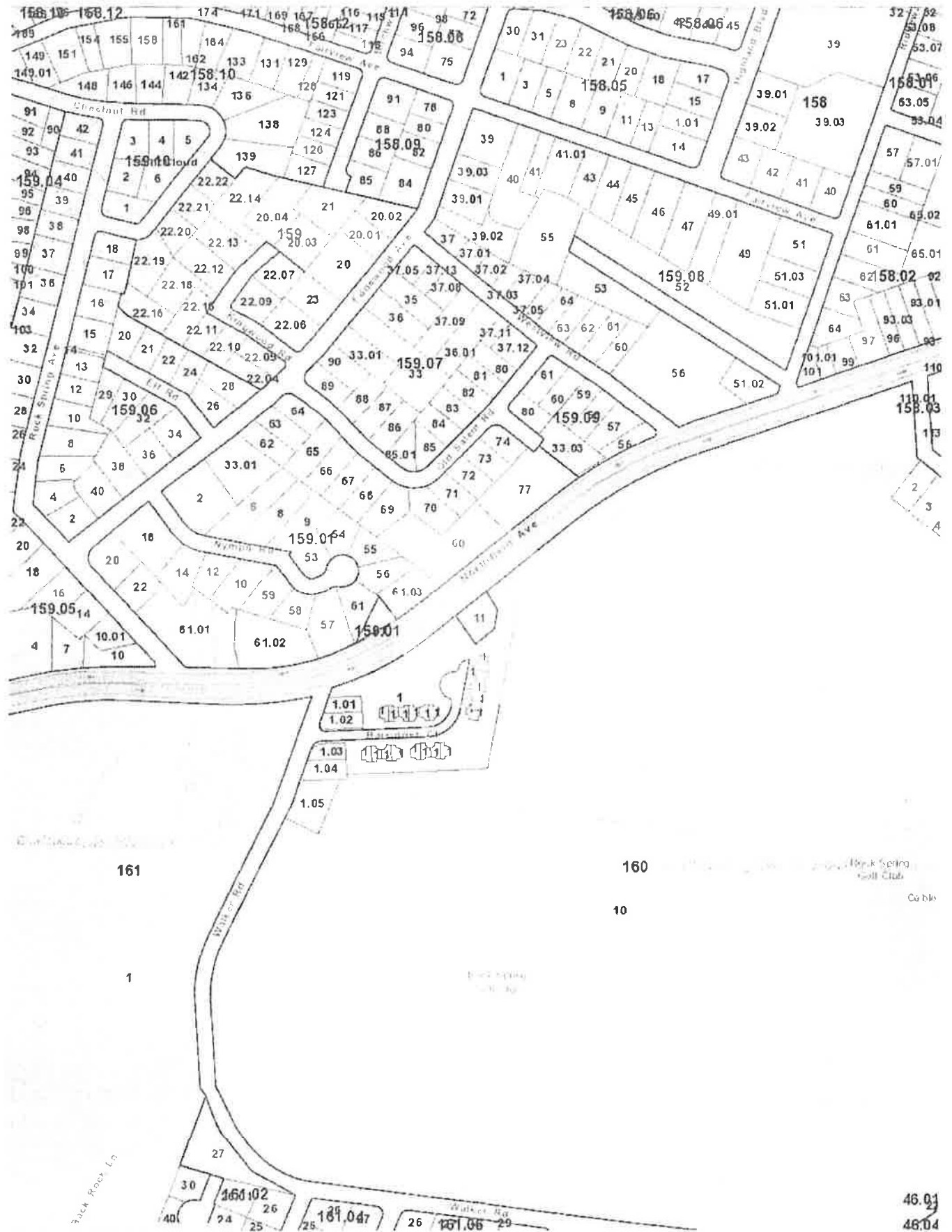
§

List of adjoining feature(s) that intersect 200 foot buffer from Subject Property.

Adjoining Properties (12)

Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	ZipCode
159.01	56		21 NYMPH ROAD	DEJESUS,J &FIRST HOPE BANK (CO-TRU)	161 NEWTON-SPARTA ROAD	NEWTON, NJ	07960
159.01	60		443 NORTHFIELD AVENUE	443 NORTHFIELD REALTY LLC	443 NORTHFIELD AVE	WEST ORANGE, NJ	07052
159.01	61		19 NYMPH ROAD	RAYNOLD,CURTIS&DAWN EDWARDS-RAYNOLD	19 NYMPH ROAD	WEST ORANGE, NJ	07052
159.01	61.03		447 NORTHFIELD AVENUE	447 MOUNTAINVIEW ASSOCIATES, LLC	447 NORTHFIELD AVE	WEST ORANGE, NJ	07052
159.01	77		433 NORTHFIELD AVENUE	JAKIMOWICZ PARTNERS, LP & RAPP PART	30 KERBY LN	MENDHAM, NJ	07945
160	1		BARRINGER COURT	HILTON HEAD NORTH	BARRINGER COURT	WEST ORANGE NJ	07052
160	1	C0201	404 BARRINGER COURT	GOLDBERG, DANIEL & MARILYN	404 BARRINGER COURT	WEST ORANGE, N.J.	07052
160	1	C0202	403 BARRINGER COURT	SCHATTEN, FLORENCE A.	403 BARRINGER COURT	WEST ORANGE, NJ	07052
160	1	C0203	402 BARRINGER COURT	NOVAK, GREGORY & ALENA POLESIN	402 BARRINGER COURT	WEST ORANGE, NJ	07052
160	1	C0204	401 BARRINGER COURT	PETER, MARGARET	401 BARRINGER COURT	WEST ORANGE, NJ	07052
160	1	C0301	304 BARRINGER COURT C0301	SLOANE, SHERRY	304 BARRINGER CT.	WEST ORANGE NJ	07052
160	10		ROCK SPRING ROAD	TOWNSHIP OF WEST ORANGE	66 MAIN STREET	WEST ORANGE, NJ	07052

Buffer Report - Map



Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. JESUS OTHERS YOURSELF CHURCH OF GOD		
2 Business name/disregarded entity name, if different from above JESUS OTHERS YOURSELF CHURCH OF GOD		
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☒ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► C Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ►	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)	
5 Address (number, street, and apt. or suite no.) See instructions. 446 NORTHFIELD AVENUE		Requester's name and address (optional)
6 City, state, and ZIP code WEST ORANGE NEWJERSEY 07052		
7 List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number	

or

Employer identification number

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person

Date ► **8/5/2020**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (Interest earned or paid)

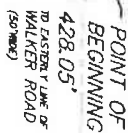
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

TAX LOT 11 BLOCK 160
446 NORTHFIELD AVENUE
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY

THIS WAS AS CERTAINED FOR



- BLUE BOUNDARY LINES, COURSES AND DISTANCES
- RED ADVISORY COURSE
- BLACK: EXISTING FEATURES

AQUARIUMS:

- FISH COMPON
- DOOR/DRAW CLAMP
- ON GAS VALVE

MOTES

- ADV MANTLE
- IN WATER WILL BE
- UP UTILITY POLE

THE PORCH

- WAS MOSQUITO
- LAKELAND ZEPHYRUS

- 1) OFFICIAL TAX MAP OF THE TOWNSHIP OF WEST BRIDGE
- 2) THIS STATE HAS BEEN PAROLED IN ACCORDANCE WITH
- 3) N.J.A.C. 17-40.3
- 4) AND DIRECTION NOT TO SET CARRIER
- 5) LICENSES HAS BEEN OBTAINED FOR THE DELINQUENT USER
- 6) PURSUANT TO N.J.A.C. 17-40.3-1(f)
- 7) SUBJECT BASED ON DEEDS FILED. IT IS STRONGER
- 8) RECOMMENDATION THAT A FULL TITLE SEARCH BE PERFORMED
- 9) ON ALL EXISTING PROCEEDINGS PRIOR TO ANY
- 10) FURTHER CONSTRUCTION.

BELLEVILLE

Proj BSM20-7400	SCALE: 1" = 20'	3/3/2020
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BUTLER
SURVEYING & MAPPING, INC.
PROFESSIONAL ENGINEERING AND SURVEYING

JOHN J. BUTLER, PLS
N.J. PROFESSIONAL LAND SURVEYOR LIC. NO. 43267

PROJECT NARRATIVE
APPLICATION OF JOY CHURCH OF GOD, INC
446 NORTHFIELD AVENUE
BLOCK 160, LOT 11
(dated September 4, 2020)

Applicant, Jesus, Others, Yourself Church of God, Inc. ("JOY Church" or "Church"), recently purchased the existing structure located at 446 Northfield Avenue ("the Property"). It intends to occupy the structure for a house of worship. Other than repointing and restriping the existing parking lot, JOY Church does not propose any exterior site plan changes to the Property.

JOY Church has been operating in rented space at 366 Main Street, West Orange and desires to move its small congregation to the Property.

Operationally, the main activities at the Property will take place on Sundays. There will be very limited activities during the week, consisting only of small group meetings one or two weeknights per week, with a few congregants present for committee work or fellowship meetings.

Presently, there are approximately 38 to 40 regular members/congregants, of which approximately 7 or 8 are children ages 4 to 11. The Church proposes to conduct one worship service each Sunday lasting approximately 90 minutes, with arrivals starting at around 11 a.m. and services starting at 11:30 a.m..

Upon arrival, children aged 4 to 11 will go to rooms on the Second Floor of the structure for supervised instruction. The remaining adults, children under 4 years old, and children over 11 years old will attend services on the "main" floor of the building, which contains a space of 678 square feet.

If the Church expands in the future, a second service will be added that will start at 9 a.m., and will end by 10:30 a.m., so that all congregants attending the "early" 9 a.m. service will have exited the premises shortly after 10:30 a.m., and prior to the "11 a.m. arrivals."

There are thirteen (13) parking spaces proposed, after the parking lot has been restriped. The Church intends to exercise great diligence to insure that parking is safe and adequate for demand.

Currently, congregants generally carpool to services, with 4 or 5 persons per car. With between 38 to 40 regular congregants, the existing parking is adequate for the proposed use with one service. As an additional assurance, the Church intends to require mandatory car pooling, with a designated Church official organizing and "making sure" that the mandatory car pool policy is strictly enforced. As an additional safeguard, the Church owns a van and can use this van for pick ups/drop offs, to lessen parking demand and make sure that the parking facilities meet demand. With these safeguards in place, the Church is confident that existing parking is sufficient and safe.

The Church is agreeable to any additional reasonable conditions of approval to insure the adequacy of parking.

From a zoning standpoint, we note that houses of worship are a permitted conditional use in the Township's R-4 zone. The existing physical structure of the building will not be changed, but certain of these existing conditions do not meet the relevant conditional use standards. Thus, d-3 ("conditional use") deviations are requested, as follows:

1. Minimum building setback (Section 25-24.2(j)(1)): 125 feet from all property lines required; 1.4 feet from the front property line; 66.8 feet from the rear property line; 20 feet from the westerly property line and 68 feet from the easterly property line proposed.
2. Minimum parking aisle setback (Section 25-24(j)(1)): 75 feet from all property lines required; 7.1 feet from the front property line; 19 feet from the rear property line; -0.8 feet from the westerly property line; and 2.3 feet from the easterly property line proposed.
3. Minimum buffer strip (Section 25-24(j)(2)): 50 foot buffer of natural vegetation required; 19.4 feet from the rear property line; -0.8 feet from the westerly property line and 2.3 feet from the easterly property line proposed.

In addition, a "c" (bulk) variance is requested from Section 25-12.2b(1): 33 parking spaces required; 13 parking spaces proposed.

We note that churches and houses of worship have been deemed "inherently beneficial" uses. House of Fire Christian Church v. Zoning Board of Adjustment of the City of Clifton, 379 N.J. Super. 526, 535 (App. Div. 2005). See also New Jersey & Land Use Administration (2019 ed.) ("the Cox Book"), Section 32-5.3. As stated by the Appellate Division in House of Fire, Courts "have held that religious activity itself is in furtherance of public morals and the general welfare, and that religious institutions enjoy a highly-favorable and protected status, which severely curtails the permissible extent of governmental regulation in this area." House of Fire, 379 N.J. Super. at 535 (quotations omitted).

When a use has been deemed "inherently beneficial," the "applicant's burden of proof as to the negative criteria does not depend on the "enhanced quality of proof" that is required for commercial uses. Id. The proofs on the negative criteria are modified as well for "inherently beneficial" uses, in comparison to commercial uses, with boards of adjustment following the "4-Step" SICA balancing test. Id.

Stated briefly, the 4-Step "SICA balancing test" requires that the Board:

1. Identify the public interest at stake.
2. Identify the detrimental effects that will ensue from the grant of the variance.
3. Reduce the detrimental effects by imposing reasonable conditions.
4. Weight the positive and negative criteria and determine whether, on balance, the grant of the variance would cause a substantial detriment to the public good.

See Sica v. Board of Adjustment of Township of Wall, 127 N.J. 152, 165 (1992). At the hearing on this matter, we will address the relevant "SICA" standards and the 4-Step balancing test.

We also note also that the proposed house of worship implicates the protections afforded by the federal Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 United States Code Section 2000cc. RLUIPA is intended to protect freedom of religious expression in the land use context. RLUIPA prohibits government agencies from imposing "substantial burdens" upon the exercise of religion and religious assembly. RLUIPA also provides that religious assemblies and institutions must be treated at least as well as non religious assemblies and institutions. This is known as the "equal terms" provision of RLUIPA.

SUSTAINABILITY CHECKLIST FORM

SUSTAINABLE BUILDING AND DESIGN STANDARDS	APPLICANT - PRINT OR TYPE - ALL SECTIONS TO BE COMPLETED:	TOWNSHIP OK (Date)
Name of LEED Accredited Professional working on project:	MICHAEL S. SHUBECK LEED AP-BD+C #11265811	
List of Energy Star and WaterSense appliances, fixtures and construction techniques:	NA - NO CHANGE - NO CONSTRUCTION	
List of green and recycled building materials in new construction, renovation, and maintenance:	NA - NO CHANGE - NO CONSTRUCTION	
Waste Management Plan for recycling and/or reuse of 60 percent of all construction and demolition of waste generated in projects larger than \$25,0000:	NA - NO CONSTRUCTION	
Use of any water efficient landscaping:	NA - NO CHANGE TO SITE / LANDSCAPING	
Use of any on-site renewable energy systems such as: (i) Solar (ii) Wind (iii) Geothermal	NA - NO CHANGE to site	
Details of roofing materials designed to reduce the urban heat island effect such as: (i) Construction of roof top gardens to reduce solar gain in summer and insulate in winter (ii) Use of roofing materials that are no darker than a light gray or demonstrate how alternate roofing materials reduce the urban heat island effect	NA - NO CHANGE to site / structure	
Details of any sustainable stormwater systems employed such as: (i) Bioswales/ raingardens (ii) Permeable surfaces (iii) Grey water systems (iv) Retention and detention facilities (v) Continuous trenching	NA - NO CHANGE to site	
A list of native and well adapted species used in landscaping to eliminate the need for fertilization and pesticides:	NA - NO CHANGE to landscaping	

Note: Please indicate for each of the sustainable building/design items listed, the extent to which the measure is being incorporated in the project or, alternatively, indicate the reason(s) why it is not being incorporated in the project.

PLANNER'S REPORT

JOY CHURCH OF GOD, INC

446 NORTHFIELD AVENUE
BLOCK 160, LOT 11

WEST ORANGE, NEW JERSEY

PREPARED FOR:

JOY CHURCH OF GOD, INC
446 NORTHFIELD AVENUE
WEST ORANGE, NEW JERSEY 07052

PREPARED BY:

PETRY ENGINEERING, LLC
155 PASSAIC AVENUE
FAIRFIELD, NEW JERSEY 07004
973-227-7004

J. MICHAEL PETRY, PP
NJ PROFESSIONAL PLANNER # 5256
SEPTEMBER 23, 2020

INTRODUCTION

The applicant, Jesus, Others, Yourself Church of God, Inc. ("JOY Church" or "Church") purchased the existing structure located at 446 Northfield Avenue ("the Property"). It intends to occupy the structure for a House of Worship. Other than restriping and repairing the asphalt parking lot, JOY Church does not anticipate any exterior changes to the property that serviced the former occupants.

JOY Church has been operating in rented space at 366 Main Street in West Orange since ---- and ultimately desires to move their small congregation to this recently-purchased property.

The existing parcel consists of 12,555 square feet of land. It is located within an R-4 Zone and the abutting parcels are similarly zoned. The Rock Spring Golf Course, which is Zoned R-1) is also within 200 feet of the subject property and on the same side of Northfield. Properties across Northfield Avenue are zoned OB-1 and OB-2, with a corner of the 200-foot radius touching an R-5 zone.

Houses of worship are permitted conditional uses within the R-4 zone. The specific conditions will be outlined in the ZONING section of this report.

The parcel is currently developed with a 2 ½ story frame structure that includes 2,893 square feet (gross) of floor area. Until the recent purchase, the building was occupied by two separate office uses and a child care center within those 2 ½ stories. A total of 13 parking spaces service the existing building. The majority of the bulk standards for the property are currently existing non-conformities.

PROPOSED USE OF THE PROPERTY

The psychologist that occupies the lower level of the existing building is scheduled to remain as a tenant in the building.

Operationally, the main activities at the Property will take place on Sundays. There will be very limited activities during the week, consisting only of small group meetings one or two weeknights per week, with a few congregants present for committee work or fellowship meetings.

Presently, there are approximately 38 to 40 regular members/congregants, of which approximately 7 or 8 are children ages 4 to 11. The Church proposes to conduct one worship service each Sunday

lasting approximately 90 minutes, with arrivals starting at around 11 a.m. and services starting at 11:30 a.m..

Upon arrival, children ages 4 to 11 will go to rooms on the Second Floor of the structure for supervised instruction. The remaining adults, children under 4 years old, and children over 11 years old will attend services on the “main” floor of the building, which contains a space of 678 square feet.

If the Church expands in the future, a second service will be added that will start at 9 a.m., and will end by 10:30 a.m., so that all congregants attending the “early” 9 a.m. service will have exited the premises shortly after 10:30 a.m., and prior to the “11 a.m. arrivals.”

Currently, congregants carpool to services with between 4-5 people per car. With the current parking count of thirteen spaces, the existing lot is adequate for the proposed use with one service. As an additional assurance, the Church intends to require mandatory car pooling, with a designated Church official organizing and “making sure” that the mandatory car pool policy is adhered to at all times. As an additional safeguard, the Church has represented that it owns a van and can use this van for pick-ups and drop-offs to lessen parking demand. With these safeguards in place, the Church is confident that the existing parking will be sufficient and will function in a safe and efficient manner.

The Church has indicated that it is agreeable to the above being a condition of any action taken by the Board, along with any additional reasonable conditions related to the adequacy of parking.

ZONING

Houses of Worship are considered permitted conditional uses within the R-4 Zone in the West Orange Ordinance. The standards for this particular use are set forth in Section 25-24.2 (j) of the Ordinance. They are as follows:

(1) All houses of worship and their accessory uses shall be set back at least one hundred twenty-five (125) feet from any property line and all parking areas, parking access aisles and accessory buildings shall be set back at least seventy-five (75) feet from any property line.

(2) There shall be a fifty (50) foot wide buffer strip adjacent to all property lines, within the required setback, which shall consist of natural vegetation and, if required by the Planning Board or Board of Adjustment, new vegetation to supplement the existing vegetation.

(3) A landscape plan, which provides substantial buffering of the parking area, must be approved by the Planning Board or Board of Adjustment and kept on file in the Department of Planning and Development. All plantings shall be maintained in perpetuity and all plants must be replaced in kind when necessary.

(4) Ingress and egress to the property shall be clearly marked and shall not be located within seventy-five (75) feet of a street intersection.

(5) Parking requirements must be considered for the use for religious services as well as for accessory uses such as parochial schools. When calculating the parking requirements, the requirements for each use or building shall be aggregated.

(6) Parking for the house of worship shall be on the same lot as the main structure.

Parking requirements for all non-residential uses are set forth in Section 25-12.2 (b) 1 [Parking Schedule II]. For Houses of Worship, the standard is as follows:

1 space for each 3 seats of fixed capacity or 1 space for each 45 square feet of floor area available to patrons. Benches and pews shall be considered as 1 seat for each 2 linear feet of seating space.

For office space, the standard is 1 space for every 250 square feet of gross floor area.

VARIANCES REQUIRED

The existing physical structure of the building will not be changed, but certain of these existing conditions do not meet the relevant conditional use standards.

Thus, d-3 (“conditional use”) deviations are requested, as follows:

1. Minimum building setback (Section 25-24.2(j)(1)): 125 feet from all property lines required; 1.4 feet from the front property line; 66.8 feet from the rear property line; 20

feet from the westerly property line and 68 feet from the easterly property line proposed.

2. Minimum parking aisle setback (Section 25-24(j)(1)): 75 feet from all property lines required; 7.1 feet from the front property line; 19 feet from the rear property line; -0.8 feet from the westerly property line; and 2.3 feet from the easterly property line proposed.

3. Minimum buffer strip (Section 25-24(j)(2)): 50 foot buffer of natural vegetation required; 19.4 from the rear property line; -0.8 feet from the westerly property line and 2.3 feet from the easterly property line proposed.

a. Parking

A “c” (bulk) variance is required from Section 25-12.2b(1), with 33 parking spaces required and 13 parking spaces proposed.

STANDARD OF REVIEW

a. Positive Criteria

Churches and houses of worship have been deemed “inherently beneficial” uses. House of Fire Christian Church v. Zoning Board of Adjustment of the City of Clifton, 379 N.J. Super. 526, 535 (App. Div. 2005). See also New Jersey & Land Use Administration (2019 ed.) (“the Cox Book”), Section 32-5.3. As stated by the Appellate Division in House of Fire, Courts “have held that religious activity itself is in furtherance of public morals and the general welfare, and that religious institutions enjoy a highly-favorable and protected status, which severely curtails the permissible extent of governmental regulation in this area.” House of Fire, 379 N.J. Super. at 535 (quotations omitted). The positive criteria are presumed as a matter of law when a use is “inherently beneficial.”

b. Negative Criteria

When a use has been deemed “inherently beneficial,” the “applicant’s burden of proof as to the negative criteria does not depend on the “enhanced quality of proof” that is required for commercial uses. Id. The proofs on the negative criteria are modified as well for “inherently beneficial” uses, in comparison to commercial uses, with boards of adjustment following the “4-Step” SICA balancing test. Id.

In addition, since the proposed use is a conditional use in the R-4 zone, the analysis is informed by the Supreme Court’s decision in Coventry Square, Inc. v. Westwood Zoning Board of Adjustment, 138 N.J. 285 (1994). In this case, the Court held that the focus of the inquiry is whether “in the context of the applicant’s proposed site plan, [the Property] continues to be an appropriate site for the conditional use notwithstanding the deviations from one or more conditions imposed by the ordinance.” Coventry Square, 138 N.J. at 298. In short, the standards to satisfy the negative criteria for a d-3 (conditional use) variance are even less stringent than the already relaxed standards for an ‘inherently beneficial’ use.

Using the more stringent “d-1” standards to analyze the negative criteria, the 4-Step “SICA balancing test” requires the Board to apply the following test:

1. Identify the public interest at stake.
2. Identify the detrimental effects that will ensue from the grant of the variance.
3. Reduce the detrimental effects by imposing reasonable conditions.
4. Weigh the positive and negative criteria and determine whether, on balance, the grant of the variance would cause a substantial detriment to the public good.

Sica v. Board of Adjustment of Township of Wall, 127 N.J. 152, 165 (1992).

1. Public Interest At Stake

The use has been deemed inherently beneficial. First Amendment/Constitutional rights such as freedom of religion, freedom of speech, and freedom of assembly are all implicated. As set forth below, the protections set forth in Federal legislation, the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) are also implicated. The New Jersey Supreme Court has held that the house of worship use furthers the “general welfare.” My opinion is that the “public interest at stake” in this matter is extremely high.

c. Detrimental Effects

My opinion is that there are minimal or no detrimental effects associated with this application. The structure exists. As set forth above, other than on Sunday mornings, there will be very minimal use of the structure as a house of worship. Thus, any impact to the public is limited to a few hours on Sunday morning. The applicant proposes a reasonable parking plan to ensure that there is sufficient parking. With a reasonable parking plan in place, my opinion is that there will be no detrimental impact on the surrounding area. Since houses of worship are conditional uses, the Township has already contemplated this type of use on the Property.

d. Reasonable Conditions

As set forth above, the Church has put forth a coherent and reasonable methodology to ensure that parking is adequate. It is agreeable to any other reasonable condition of approval.

e. Balancing

On balance, the grant of the conditional use variance would not cause a substantial detriment to the public good, Zone Plan or Master Plan. As mentioned, there is no detriment to the Zone Plan or Master Plan, because the R-4 zone contemplates a houses of worship as a conditional use. There is no new structure proposed. At all times other than Sunday morning, the Church use will be even less than any other reasonable use of the structure. Any impact is confined to a 3 or 4 hour period

on Sunday morning, inside an existing structure. The parking plan proposed, in my judgment, is reasonable. There is virtually no detriment to the surrounding area. Taken as a whole, the requested conditional use variances can be granted without substantial detriment to the public good, zone plan or zoning ordinance.

The same rationale applies to the parking variance. In essence, the parking variance is subsumed within the 'd' variances. To the extent that separate or independent proofs are required, the parking variance can be granted based on the 'c-2' criteria. The benefits to the public from the adaptive reuse of an existing structure to accommodate an "early stage" house of worship substantially outweigh any detriments (which, as stated above, are negligible or non-existent).

It is also noted also that the proposed house of worship implicates the protections afforded by the federal Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 United States Code Section 2000cc. RLUIPA is intended to protect freedom of religious expression in the land use context. RLUIPA prohibits government agencies from imposing "substantial burdens" upon the exercise of religion and religious assembly. RLUIPA also provides that religious assemblies and institutions must be treated at least as well as non-religious assemblies and institutions. This is known as the "equal terms" provision of RLUIPA.