

**Belvidere Planning Board Minutes
Town of Belvidere
Warren County, New Jersey
September 3, 2019**

Harold Halvorsen opened the meeting of the Belvidere Planning Board with the Pledge of Allegiance and read the following notice in compliance with the Open Public Meetings Act: In accordance with Chapter 231 of the Public Laws of 1975, notice of this meeting was given by way of notice filed with the Star Gazette and/or the Express-Times, filed in the Municipal Clerk's Office and posted in Belvidere Town Hall, 691 Water Street, Belvidere NJ.

Roll Call:

Present - David Dech, Andreas Eisenberger, Harold Halvorsen, Claudia Howard, Patricia MacCallum, Laurel Napolitani
Absent - Lawrence Gregan, Joseph Kennedy, Michael Luna, Charlotte Warnick

Adoption of Minutes:

A motion was made by David Dech, seconded by Patricia MacCallum with Laurel Napolitani abstaining and all others voting "yes" to adopt the June 18, 2019 minutes of the Belvidere Planning Board.

New Business:

Paul Sterbenz offered the following in review of the Redevelopment Plan amendment: Eight substantive changes, widening housing opportunities, lowered overall density, Town Council introduced ordinance approving the amendment, improvement of layout with less units (217), 19 unit reduction, 109 patio homes/48 apartment flats, 60 stacked townhouses.

A motion was made by David Dech and seconded by Patricia MacCallum to continue the discussion on the Redevelopment Plan amendment to the October 1st meeting so the Board can review the entire plan.

Roll call:

Ayes - David Dech, Andreas Eisenberger, Harold Halvorsen, Claudia Howard, Patricia MacCallum, Laurel Napolitani

Nays - None

Abstentions - None

Recusal - None

Absent - Lawrence Gregan, Joseph Kennedy, Michael Luna, Charlotte Warnick

Previous Business:

A motion was made by David Dech and seconded by Claudia Howard to adopt Resolution No. PBR2019x03.

RESOLUTION NO. PBR2019x03

RESOLUTION OF DENIAL

TOWN OF BELVIDERE

**PLANNING BOARD
FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING APPLICATION 2019-02 FOR "D" VARIANCE AND OTHER RELIEF AS
TO BLOCK 28, LOT 4, ZONE - RESIDENTIAL ("R-75")
DREAM BIG PROPERTIES, LLC
(320 KNOWLTON STREET)**

The Planning Board of the Town of Belvidere in the County of Warren and State of New Jersey, upon motion of David Dech, seconded by Claudia Howard, adopts the following findings of fact, conclusions and resolutions:

Findings of Fact:

1. The applicant, Dream Big Properties, LLC brings this application for "D" Variance and Other Relief to permit the conversion of an existing church building into an apartment building. The application requires the following relief and approvals:

A. A d(1) use variance to convert the existing church building into multi-family housing use which is not permitted in the R-75 zone;

B. A c variance(s) from Section 160-87 C to permit a building within 50' of a street or right of way and from the requirement that no building shall be within 50' of a property line.

C. A c variance(s) from Section 160-31 to permit a front yard setback of 23.8' where 30' is required and side yard setbacks of 4.66' and 6.72' where the minimum individual side yard is 10' and minimum cumulative side yard is 25'.

D. Preliminary and final site plan approval.

2. The applicant was represented at all hearings by Eric S. Goldberg, Esq. The following exhibits were marked into evidence throughout the hearing process:

A-1 Photograph of the front of church

A-2 Photograph of current renovations of three-bedroom apartment

A-3 Photograph of multiple leaks in structure

A-4 Photograph of vestibule area

A-5 Photograph of recently completed property as example.

A-6 Photograph of recently completed property as example

A-7 Photograph of recently completed property as example

A-8 Photograph of recently completed property as example

A-9 Photograph of recently completed property as example

A-10 Photograph of recently completed property as example

A-11 Denial of Zoning Official

A-12 Colored rendering of the landscape plan

- A-13 floor plans with rendering
- A-14 elevations
- A-15 Amended Site Plan - colorized dimension plan
- A-16 Revised Parking Plan
- A-17 Zoning Official denial
- A-18 map and block/lot analysis Review of R50 tax records and R75 zoning map.
- B-1 Sterbenz technical review correspondence
- B-2 Sterbenz 2nd review correspondence
- O-1 Portions of Code of the Town of Belvidere
- O-2 611 Oxford Street showing parking concerns
- O-3 Geology of Warren County
- O-4 Zoning/Tax map of the Town of Belvidere

3. The matter was entertained for purposes of completeness on January 3, 2019. Based upon the recommendation of the Board's Engineer/Planner, Paul Sterbenz, P.E., P.P., a motion to deem the application incomplete was made by David Dech and seconded by Lawrence Gregan. The motion was unanimously passed.

4. The matter was again entertained for purposes of completeness and possible public hearing on March 6, 2019. A motion was made by Lawrence Gregan and seconded by Patricia MacCallum to deem the application complete and grant certain waivers for completeness purposes only. The motion was unanimously passed.

5. On March 6, 2019, appropriate proof of service and publication of the Notice of Hearing was noted to have been provided and the Board was found to have jurisdiction to proceed with the hearing.

6. Attorney Eric Goldberg introduced the application. The property contains an abandoned church within the R75 zone with one three-bedroom apartment in an adjoining structure. The applicant seeks a "D" variance to convert the church to multi-family residential with six total apartments, one of which must be affordable with handicapped accessibility and twelve parking spaces.

7. Sworn testimony under oath was received from Christopher Anderson principal of the applicant and a professional property investor. He is engaged in the business of purchasing and rehabilitating residential properties and currently owns thirty properties. He endeavors to provide quality housing and wants to elevate the level of housing in the community. Mr. Anderson testified as to the state of the property when purchased using photographic evidence as well as the current renovations taking place using photographic evidence. He also testified as to examples of recently completed projects on properties owned by the applicant using photographic exhibits. He has not performed rental analysis yet. Every unit will be more than 900 square feet and three units will be over 1,000 square feet. The property was purchased in October 2018 for \$55,000.00 through a short sale. Investment into the property is estimated to be

an additional \$350,000.00. He initially testified that he was aware that a use variance was needed prior to purchase and that the property was a non-conforming use and his proposed improvements would require him to come before the Board. He claimed that the owner of the property was facing foreclosure and he had a narrow timeline to purchase the property. He claimed that he was initially advised by the Zoning Officer that the property was in the R50 zone which still would have required some variance relief.

8. The matter was opened to the public for questions of Mr. Anderson. Numerous members of the public questioned Mr. Anderson as to his testimony and the project. As to garbage storage, an area will be provided where garbage cans will be kept sheltered. Mr. Anderson has no plans to upgrade the alley and/or make accessible for two way traffic but claimed not to have authority to do so since the alley belongs to the Town. Security lighting will be downward facing. Snow removal will be performed by hand. A construction dumpster will be provided during construction. Mr. Anderson indicated that the leases would probably prohibit pets. The proposal is to connect to public water, sewer and electricity and the electricity will be underground. Concerns were raised by the public as to overflow parking and the location and extent of parking for the units. As to concerns raised regarding noise and activity on site, Mr. Anderson testified that his property management is very restrictive. The total occupancy is proposed to be five, two-bedroom and one, three-bedroom apartments with the number of occupants permitted on the lease and enforced via two semi-annual inspections. As to storage, each tenant will have a small storage area. No construction is proposed to the rear of the property. Mr. Anderson conceded that the renovation will not blend with the neighborhood but contended that the church does not blend now. He believed that the structure will never look like a single-family home but believed that the neighborhood would be enhanced and that the improvements will be a well-maintained property that will enhance property values. Mr. Anderson was urged to consider less units by the public and indicated that he would take that into consideration. As to signage, Mr. Anderson indicated that he would be willing to include a right turn only sign for motorists exiting the parking lot to avoid increased traffic on the alleyway. As to the preservation of the church, there is an intention to preserve the stained glass windows. The matter was continued to April 2, 2019 with no further notice being required.

9. On April 2, 2019, the matter was reconvened. Eric Goldberg, attorney for the applicant advised that the application had been amended to reduce the total number of units to four instead of the initially proposed six units. The units are proposed to include the existing three-bedroom unit and three two-bedroom units with no parking change. Given the number of units proposed, none of the units are required to be affordable units and none are proposed. Mr. Goldberg entered into evidence as Exhibit A-11 the Zoning Official denial.

10. Sworn testimony under oath was received from Craig Stires, P.E. who provided his qualifications and was accepted by the Board as an expert Engineer. Exhibit A-12 consisting of a colored rendering of the landscape plan was entered into evidence. The lot size is 17,152 square feet. The property is surrounded by two 12 foot alleys and consists currently of a vacant church with attached residence on the south side.

The lot has existing non conformities of lot width of 67 feet where 75 ft is required; Front yard of 24 feet where 30 feet is required; front yard to alley of 4.18 ft where 30 ft is required; and side yard of 7 feet where 10 feet is required. These are existing conditions and no exterior changes will exacerbate the variances from the ordinance provisions. The church is presently vacant but the use has not been vacated and there are roughly 180 seats in the church. In order to continue the use as a church, parking for 30 to 60 spaces may be required. The applicant proposed dry wells for stormwater management. Two 12' high downward facing lights in the parking area are proposed. The existing alley is in poor condition and should be one-way but the municipality would have jurisdiction. The current design allows for fire truck access.

12. Mr. Sterbenz referred to his Completeness review and technical report dated 2/26/2019 which was marked into evidence as Exhibit B-1. Mr. Sterbenz recommended a reduction in the parking area to eight-stall parking with headlights oriented so as not to affect neighbors and a direction of traffic to Knowlton Street. He indicated that soil disturbance and stormwater review was required and recommended revisions to the plan. All units will have all have entrances that will allow for storage of garbage and recycling under the steps.

13. Members of the public raised concerns via questions to Mr. Stires. Concerns were raised regarding the down spouts not being directed to the dry well. The applicant agreed to consider revision. The applicant proposed mature greenery along the fence line. Mr. Stires indicated that no study had been performed to determine the potential for an increase in groundwater to flow toward historic homes. The lighting is proposed to be Soft LED 10' lighting.

14. Sworn testimony under oath was next received from David Singer. Mr. Singer's qualifications as a licensed architect in the state of New Jersey were reviewed by the Board and he was accepted as an expert in his field. Mr. Singer reviewed the floor plans and elevations of the proposed improvements which were marked Exhibits A-13 and A-14. The proposal is for a single exterior colored wall overall. Sprinklers and fire rated walls will be provided. The structure consists of a poured concrete foundation with no noticeable foundation problems. The applicant is considering natural gas for heating and nothing will be roof mounted HVAC units. There will be eight to nine foot ceilings and no basement bedrooms. There is adequate water and sewer for the proposed use and unit one could be handicapped adaptable with lifts.

15. Members of the public raised concerns via questions to Mr. Singer. Questions were raised regarding parking on the east side of the building. Paul Sterbenz will meet with Mr. Stires and the applicant will resubmit a revised site plan for the next meeting. . The matter was continued to May 7, 2019 with no further notice being required.

16. On May 7, 2019, the hearing was continued with sworn testimony under oath provided by Robert Kiser, P.E. Mr. Kiser's qualifications were reviewed and he was accepted by the Board as an expert in his field. In an effort to address the concerns raised by the Board and the public, a revised plan was prepared and marked as Exhibit A-15. The parking was revised to provide four

parking spaces to the rear of the church structure and four parking spaces to the front of the attached residence structure. The stormwater detention was revised to have stormwater drainage piping tied into the Town's system as opposed to drywells. The two lights to the rear previously proposed for security lighting are now proposed to be reduced to one light. Exhibit A-16 was marked into evidence consisting of a site plan reflecting the revised parking. Pervious pavers are proposed to be installed in the parking areas. There will be right exit only out of the rear parking lot with appropriate signage.

17. Sworn testimony under oath was next received from Paul Gleitz, P.P. who provided his qualifications and was accepted as an Expert Planner. Mr. Gleitz provided testimony that the applicant requires d(1) use variance relief as the proposed multifamily housing is not a permitted use in the R-75zone. Mr. Gleitz contended that the uses in the area are predominantly residential. Mr. Gleitz related the Town's Master Plan goals of appropriate housing requirements for town and region; mix of land uses in keeping with environmental limitations and to encourage best uses of design and layout. The use of the church will maintain appropriate population densities, contribute to the improvement of the visual environment while maintaining the residential character of the neighborhood.

18. Mr. Gleitz opined that there are special reasons for the granting of the use variance. He generally argued that the general welfare would be advanced by granting the use variance. He also argued that the following purposes of the Municipal Land Use Law would be advanced by the proposal:

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;

g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;

Mr. Gleitz opined that these purposes would be advanced via an adaptive reuse of the existing

church structure. The lot is 52% larger than the zone minimum and the additional lands able are sufficient to handle the increased density. He argued that there is some multifamily housing within the neighborhood presently. The area is not a commercial zone and the proposed use is an "intensification of a residential use" but not an introduction of a commercial activity. Mr. Gleitz argued that there was a protection of the environment by the adaptive reuse of the existing structure and the visual environment of the neighborhood would be advanced by the rehabilitation of the vacant property in which the church architecture will be maintained. Mr. Gleitz contended that there will be a preservation of the historic sites and districts as the proposed church is not a historic structure.

19. As to particular suitability, Mr. Gleitz claimed that the church property is particularly suitable for the proposed multifamily housing in that it can be adapted to such a use and is located in a residential area. Use as a church would require additional parking and the accessory uses for a church are much more intensive.

20. As to the negative criteria, Mr. Gleitz claimed that there are other multifamily dwellings in the neighborhood, although he claimed that only one of those properties was "3 units" and any others were limited to "2 units". He generally alleged that there is "no negative impact" and the site can accommodate onsite parking requirements.

21. The applicant closed its testimony and the public testimony commenced. Sworn testimony under oath was received from Steven Ruff. Mr. Ruff raised great concerns regarding permitting multifamily dwellings in the zone and believed it could impact the whole district area including the historic structures in the area. Mr. Ruff noted that there were beautiful Victorian and other large houses in the area which could be easily converted to multifamily housing using the same rationale as the applicant which would change the entire makeup of the district and is a prohibited use in the zone. Mr. Ruff contended that the Town celebrates its heritage with Victorian Days celebrations and horse drawn carriages use the alley in question to marvel at the historic structures. Permitting the conversion of the church to multifamily housing would spoil the use of the alley to view the carriage houses and the parking lot impacts the character of the neighborhood. Mr. Ruff also noted concerns regarding firetruck access for the twelve foot alleyway. The matter was continued to June 18, 2019 with no further notice of hearing being required.

22. On June 18, 2019, the public hearing was continued. Sworn testimony under oath was received from Kristen Gaitan, 523 Fourth Street who raised concerns for privacy and security as well as there being no guarantee of correction of drainage. Concerns were raised regarding tenants' outdoor smoking. She would not have purchased her home if she thought this type of variance would be allowed. She is filled with anxiety. Four or three apartments are still too many.

23. Sworn testimony under oath was received from Joseph Roth, 530 Third Street whose back yard abuts the church property. Applicant did a great job with his presentation. Mr. Roth

appreciated the applicant's frankness and honesty. Exhibit O-1 Code of the Town of Belvidere was introduced. Applicant's planner testified that the predominance of the residents within a nine block surrounding area are single family homes. Approval of this variance would more than double the population of this area and would also create parking on the street. This is not why we moved to Belvidere. Alley not designed to handle additional traffic and would need to be rebuilt at the expense of the Town. Most of the Third Street Victorian homes have been, or are in, the process of being restored. Concerned about the value of neighboring homes. The Board should deny this application on the following five principles: 1) will dramatically increase the population to the detriment of the neighborhood 2) will disrupt the environment 3) more than a two-family is out of character for the neighborhood 4) economically dubious for the Town 5) will negatively affect the values of the surrounding properties. The Board needs to make their decision based on the long-term needs of the Town.

24. Sworn testimony under oath received from Maureen Overko, 526 Third Street. Three years after a fire destroyed her home in Hope, they purchased current home that had been vacant for over five years. The neighbors had maintained the grounds during this time. Property maintenance was done at the church every week while it was vacant. This proposal will affect the privacy and well being of the community. Concerned with the drainage. Board please vote "no".

25. Sworn testimony under oath received from Harry Brown, 607 Oxford Street. The multi-family conversions that were testified to by the applicant's planner were misleading. This proposal adds nothing to the community. Exhibit O-2 611 Oxford Street showing parking concerns was introduced. Parking will definitely be a concern. This is a slippery slope. If approved, site plan should address a water run-off collection system and submission of a geological report. Eric Goldberg objected to Mr. Brown's testimony as having no basis, not being an expert and impossible to cross examine. Paul Sterbenz reviewed Mr. Brown's document. Steven Gruenberg advised that the information in the document was common knowledge and that Mr. Brown was not offering expert opinion. Exhibit O-3 Geology of Warren County.

26. Sworn testimony under oath was received from Tracy Schade, 324 Hardwick Street who lives one block away, who is a realtor and an investor. Will be an impact on a close-knit community. Ms. Schade was not offered as an expert witness, nor was she accepted by the Board as same.

27. Sworn testimony under oath was received from Martha Linbo-Terhar, 520 Fourth Street. She had concerns regarding the multifamily housings impact upon the community. Churches show consistent community involvement. No public transportation available. Members should vote "no".

28. Sworn testimony under oath was received from Nancy Mason, 626 Third Street. She believes it is imperative to preserve the character of the historic district. Will drastically change the neighborhood and is wrong for the neighborhood. Fire truck will not fit down the alley and

have no access to the rear of the property. The slope of the alley creates a site-line issue. All surrounding properties are single family homes. Exhibit O-4 Zoning/Tax map of the Town of Belvidere was entered into evidence.

29. Robert Czopach, 605 Third Street was sworn and gave the following testimony: Uphold the zoning laws and protect the citizens of Belvidere. Not consistent with other uses in the area. Would change the whole neighborhood.

30. Steve Ruff, 529 Third Street was sworn and gave the following testimony: Applicant stated that if not approved, would go back to two townhouses. Selling both units would make the occupants property owners that would be more invested in the community. Landlord would be long distance and problems will arise. Vote to preserve single family occupancies.

31. Sworn testimony under oath was received from Tom Overko, 526 Third Street . He claimed that the proposal would ruin the quite residential neighborhood.

32. Sworn testimony under oath was received from Jean Gingles, 520 Third Street. Ms. Gingles reiterated that Belvidere is known for its Victorian homes with a large Victorian district. The seal of the Town has a Victorian house on it. Apartments on the edge of the historic district are not appropriate.

33. Mr. Golberg recalled Mr. Anderson. Mr. Anderson claimed that this property is still listed as an R50 with a conditionally permitted multi-family use. He claims to have relied on that information in purchasing the property. Would have received approval for two units. He conceded that even under an R50 zone, he would have required D3 variance relief and would have been before the Board either way. Exhibit A-17 Zoning Official denial.

34. The applicant recalled Paul Gleitz who presented Exhibit - A-18 map and block/lot analysis Review of R50 tax records and R75 zoning map. Review of conclusions of data presented.

35. After significant discussion and deliberation, a motion was made by Michael Luna and seconded by Lawrence Gregan to deny the use variance application for 320 Knowlton Street, block 28/lot4. Roll call: Ayes - David Dech, Andreas Eisenberger, Lawrence Gregan, Harold Halvorsen, Claudia Howard, Michael Luna Nays - Patricia MacCallum Abstentions - None Recusal - None Absent - Joseph Kennedy, Laurel Napolitani, Charlotte Warnick

Conclusions:

1. In this matter, the applicant seeks to convert a church structure into multifamily housing which use in not permitted in the R-75 zone. The proposed use requires the following relief and approvals:

A. A d(1) use variance to convert the existing church building into multi-family housing use which is not permitted in the R-75 zone;

B. A c variance(s) from Section 160-87 C to permit a building within 50' of a street or right of way and from the requirement that no building shall be within 50' of a property line.

C. A c variance(s) from Section 160-31 to permit a front yard setback of 23.8' where 30' is required and side yard setbacks of 4.66' and 6.72' the minimum individual side yard is 10' and minimum cumulative side yard is 25'.

D. Preliminary and final site plan approval.

2. The Board concludes that the standards it must apply in considering the "d(l)" use variances are as follows: The Board has the power to grant "d(l)" variances to permit non-permitted uses and/or non-permitted principal structures pursuant to **N.J.S.A. 40:55D-70(1)** "in particular cases and for special reasons." This is the so-called positive criteria of a "d(l)" variance. Our courts have held that the promotion of the general welfare is the zoning purpose that most clearly amplifies the meaning of "special reasons." Medici v. BPR Co., 107 N.J. 1 (1987). The Board must also determine whether whether the property is particularly suited for the very use proposed. Our courts held that proof that a site is particularly suited for a proposed use does not require a demonstration that there are no other viable locations for the project. Price v. Himeji, 214 N.J. 263, 292-293 (2013). The Board may not exercise its power to grant a "d(l)" variance otherwise warranted, however, unless the so-called "negative criteria" has been satisfied. Pursuant to the last unlettered paragraph of N.J.S.A. 40:55D-70: "No variance or other relief may be granted ... without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance." The phrase "zone plan" as used in the N.J.S.A. 40:55D-70 means master plan. Medici v. BPR Co., 107 N.J. 1, 4, 21 (1987). As to the zone plan (the master plan) and zoning ordinance, the Medici court held that the applicant must prove and the Board must find by an "enhanced quality or proof" that there will be no substantial impairment. The applicant must "reconcile" the use proposed with the ordinance's omission of the use from those permitted in the zone. Id.

3. The Board finds that the applicant failed to meet its burden of proof with respect to the positive criteria. While the applicant's planner argued that certain purposes of the Municipal Land Use Law would be advanced, the Board finds that his testimony lacked specificity as it merely parroted the statutes. Vague assertions of the applicant's planner were set forth that the following purposes of the Municipal Land Use Law as set forth in N.J.S.A. 40:55D-2 would be advanced by granting the deviation:

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;

- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;

Board members disagreed that the above purposes of the Municipal Land Use Law would be advanced by this proposal. To the contrary, Board members found convincing the concerns of the public regarding the possible impact to the community of multifamily housing which is not permitted. Mr. Gleitz could only site to one property that had 3 units contained therein. All other properties are either single family units with a few 2 unit properties. None of the existing multifamily homes that were cited by Mr. Gleitz were in close proximity to the site and none were on Knowlton Street where the site is located. While potentially improving the exterior of the building, the proposed improvements in converting a church to multifamily use are not in keeping with the residential neighborhood abutting the historic district and Victorian homes that make Belvidere so special. Appropriate population densities are not advanced. To the contrary, this property would be too dense for the residential character of the neighborhood. No other tangible benefits were cited by the applicant, the credibility of which was questioned by Board members and the public. In sum, the Board found that the applicant had simply failed to establish via credible evidence that the multifamily housing was needed in the location cited.

4. As to the issue of particular suitability, the Board finds that the applicant failed to meet its burden of proof that the property in question is particularly suited for the very use proposed. The Board recognizes that it was not the burden of the applicant to prove that the site was the best site for the proposed use, nor is the applicant required to demonstrate that there are no other viable locations for the project. Price v. Himeji, 214 N.J. 263, 292-293 (2013). The Board also understands the applicant's position regarding the ability to adaptively reuse the church building which is presently vacant. Nevertheless, the Board finds that the proposed site is NOT particularly suitable for the proposed use.

The Board questions the logic and factual support for converting the church into multifamily housing in the residential neighborhood on a lot that already requires multiple c variances as to setbacks. While the applicant attempted to alleviate those concerns by reducing the number of units, the proposed site is still not sufficient to accommodate the proposed multifamily housing.

5. Even if it can be said that the a purpose(s) of the Municipal Land Use Law was/were advanced and that the site is particularly suitable for the use, the Board likewise finds that the

applicant failed to establish, and the Board could not find by an enhanced quality of proof, that the use variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance. The Board immediately found the testimony of the public in opposition to this proposal convincing. The Board finds that the proposed multifamily use immediately adjacent to single family residential uses in a historic district would have a substantial impairment to the zone plan and zoning ordinance and is not in keeping with the residential and historic areas. The Board finds it notable that the applicant seeks to convert a structure that is an "inherently beneficial use" to one that is not even permitted in the zone. The Board found convincing the public's concerns regarding the visual impact and their right to enjoyment of their properties which will be impaired by the proposed development. Simply put, the Board members found that the number of apartments in this residential zone were too many and that it was obligated to hold as closely possible to the zone plan. Any benefits to rehabilitating a vacant property do not outweigh the detriments to the Victorian character of the neighborhood and alleyway.

Resolution:

RESOLVED, that the Applicant's application for "d" variance relief is denied. Having found "d" variance relief inappropriate, all other requested relief is denied.

Eligible to vote: Dech, Eisenberger, Halvorsen, Howard

Roll call:

Ayes - David Dech, Andreas Eisenberger, Harold Halvorsen, Claudia Howard

Nays - None

Abstentions - None

Recusal - None

Absent - Lawrence Gregan, Joseph Kennedy, Michael Luna

The Board again discussed the proposed RV ordinance. There were concerns based on prior conversations. Thought to be overreaching and narrow. Suggested going back to the original definition. Concerned with # 3 and # 4. Steven Gruenberg will advise Kevin Benbrook about the Board's concerns.

A motion was made by David Dech to adjourn the meeting of the Belvidere Planning Board at 8:06 PM.

Respectfully submitted,

Teresa A. Yeisley, Board Secretary