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Florence, New Jersey 08518-2323
September 27, 2004

The Special Meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, New Jersey. Vice Chairman Dennis O'Hara called the meeting to order at 7:30 P.M. followed by a salute to the flag.

Vice Chairman O'Hara then read the following statement: " I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

John Fratinardo	Philip F. Stockhaus
Michael J. Muchowski	Mildred Hamilton-Wood (late)
Thomas Napolitan	Gene DeAngelis
Dennis O'Hara	Robert Semptimpfelter
John T. Smith	

ALSO PRESENT: Nancy T. Abbott, Board Solicitor
Martin Sander, Board Engineer

ABSENT: Carl Hintz, Board Planner

INFORMAL PRESENTATION

Vice Chairman O'Hara called for the informal presentation for the Burlington County Central Communication System NJ Turnpike Authority Interchange 6/6A Tower.

Carl Bock, Assistant County Solicitor with the Burlington County Solicitors office stated that he would give the Board a brief presentation and an overview of the plan. Also attending was Harold DeLaRoi, Assistant County Administrator.

Mr. DeLaRoi stated that the County has an agreement with the Turnpike Authority to use tower 6 as part of their central communication system. Burlington County has been providing central services since 1975. They handle approximately three million 911 calls per year and about 600,000 dispatches per year. They handle dispatches for all the fire and most of the police throughout the County. The current system has significant problems including dead spots, interference, etc. They are in the final stages of installing a brand new public safety radio system costing approximately 32 million dollars. The new system will require 17 sites to operate. The Turnpike site in Florence is leased for \$1.00 per year.

Mr. DeLaRoi stated that they are pleased with the new system. He stated that 95% of the time, when the First Responder pushes the button on the radio they will get through. This includes portable radios also. They should have most of the system up and running by the end of the year. The cost to the County to build this site is \$650,000. There will be a prefab shelter 27' x 12' constructed on the site. The shelter will be connected to the tower by an over ground ice bridge. The purpose of the ice bridge is to protect the communications cables from ice. On the tower itself there will be located four antennas and an one four-foot microwave dish. The brick veneer on the shelter will match the brick on the Turnpike site. They will use a diesel generator for backup power so there will not be propane on the site. The generator will be located in the shelter. They will use the existing PSE&G transformer for power. A fence will surround the site.

The County has made a conscious effort to use existing towers wherever they can. Mayor Muchowski cited the letter from Police Chief Dawson supporting this tower to improve the 911 and emergency response system.

Member Smith asked who would be responsible for maintaining the landscaping. Mr. DeLaRoi stated that the County would maintain the site.

Solicitor Abbott stated that this presentation was merely a courtesy to the Board. The Board would not rule on this matter. Mr. Bock stated that any comments the Board made would be taken into consideration. Mayor Muchowski asked how long the comment period would be. Mr. De La Roi stated that they intend to start within two weeks. Mayor Muchowski stated that he would ask Richard Brook, as Zoning Officer to review the plan.

RESOLUTIONS

There were no resolutions to be approved at this meeting.

MINUTES

Motion by Stockhaus, seconded by Smith to approve minutes from the regular meeting of September 20th.

Mayor Muchowski wanted to clarify the minutes in regard to 50 foot lots in a zone that only allows 100 foot lots. The Board has looked at each application and how it fits in the neighborhood on its own merits. They have not made a blanket statement that they will not allow 50 foot lots. They have worked with the applicants and the residents in those neighborhoods to meet middle ground. Vice Chairman O'Hara stated that he agreed that the Board looked at each application individually. He could not agree with taking one conforming lot and dividing it into two non-conforming lots. Mayor Muchowski stated that he had followed up with Administrator Brook who had spoken with the Applicant in question and the Tax Assessor regarding the assessment on the property.

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Motion unanimously approved by all members present.

Chairperson Hamilton-Wood arrived at 7:45 P.M.

OLD BUSINESS

Mayor Muchowski asked if any of the Board Members had reviewed the letter from Russ Minuto regarding converting his site on Rt. 130 from its existing storage industrial type use to more of a small office condominium use. Mayor Muchowski asked that this letter be resubmitted with the next packet and requested that the Board review this. Vice Chairman O'Hara commented that this would be a phased project. Mayor Muchowski will call Mr. Minuto and suggest that he come in for a fifteen-minute informal presentation.

NEW BUSINESS

Chairperson Hamilton-Wood called for application PB#2004-09 for Craft Stewart, LLC. Applicant is requesting Preliminary Major Subdivision Approval to create 100 building lots and 4 open space lots on Block 156.01, Lot 2. Application was received on July 30, 2004. The application was deemed incomplete due to waiver requests on August 25, 2004.

Solicitor Abbott stated that the applicant did not give notice so the application could only be heard for completeness. She also stated that she had spoken with the attorney for the applicant and a preliminary meeting had been set up for Monday October 4, 2004.

Solicitor Abbott stated that the only waiver that had been requested was for the requirement that all structures, wooded areas within the tract and adjoining tracts and all trees greater than or equal to six (6) inches diameter within the tract.

Attorney Edward Penberthy stated that they had submitted a report that showed all of the trees so they no longer need the planner. Planner Hintz sent a report in which he mentioned trees on the entrance road that were not included. Attorney Penberthy stated that these trees would be added to the plan. Planner Hintz's letter also indicated that the applicant provide a discussion of the affordable housing requirement in the environmental impact statement. Attorney Penberthy stated that he did not see where this was required. He stated that they would have to meet the requirements of the Florence Township ordinance, which he believes is a contribution, and they are willing to do this. Planner Hintz had also mentioned the minimizing of stripping of existing vegetation. Attorney Penberthy stated that this was a design standard and they would comply wherever they could. If the trees have to be removed they will work with the Planning Board on replacing them. Attorney Penberthy stated that he did not think this should be included in the environmental impact statement either, but could be worked out at the

preliminary meeting. There was another issue in Planner Hintz's report regarding the lots that are set aside for open space, again Attorney Penberthy stated that he felt this was a design issue, not a completeness issue.

Mayor Muchowski stated that there were several Board Members who had serious concerns about this project. Solicitor Abbott suggested that if some of the Board Members would like to attend the preliminary meeting to voice their concerns. Only three Board Members would be allowed to attend this meeting.

Solicitor Abbott stated that all the items required for completeness had been submitted.

Mayor Muchowski asked why there were not completeness letters from Solicitor Abbott and Engineer Sander. Solicitor Abbott stated that she had spoken with Attorney Penberthy and told him that the application was incomplete due to the one waiver. Attorney Penberthy stated that the tree survey had been submitted so the waiver was no longer required. Engineer Sander agreed that all the submission items for completeness had been submitted. Solicitor Abbott stated that they should disregard Planner Hintz's review because it doesn't have anything to do with completeness.

Solicitor Abbott stated that once the application is deemed complete the clock starts and the Board would have to act within 95 days because there are no variances. Mayor Muchowski asked how there could be no variances when the open space is going to be in a different zone? Attorney Penberthy stated that the open space was in the SM Special Manufacturing Zone that doesn't permit residential building lots. Mayor Muchowski stated that he did not understand how this is not a variance if they use an industrial zone as an open space against the residential zoned property? Solicitor Abbott stated that it depended on what they were going to do with the open space. If it were going to be used as recreation there would be a variance, but if it is only going to be a field no variance would be required. Mayor Muchowski said that the applicant wants to use an industrial zone as a 20% buffer to a residential zone and this is within the Land Use Ordinance. He stated that this is a quirk in the ordinance, it is not the intent of an industrial zone to be used as an open space buffer so the applicant can get more housing units on a residential site. Solicitor Abbott stated that she would research this and include it in her report.

Vice Chairman O'Hara asked if the open space issue was a completeness issue. Solicitor Abbott stated that this does not have an impact on completeness unless it is determined at a later date that a variance is required. She stated that the Applicant had submitted everything on the checklist required for Preliminary Major Subdivision. They are entitled to have their application deemed complete.

Motion by O'Hara, seconded by Fratinardo to deem application PB#2004-09 complete.

Upon roll call the Board voted as follows:

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YEAS: Fratinaro, Muchowski, Napolitan, O'Hara, Smith, Stockhaus,
Hamilton-Wood.
NOES: None
ABSENT: None

Application deemed complete. 95 day time period starts.
Chairperson Hamilton-Wood called for Application PB#2004-10 for Assembly of Christ Church. Applicant is requesting Minor Site Plan Approval with bulk variances to convert an unoccupied former nursing home into a church on Block 17, Lots 1 & 2.01 located at 628 West Front Street, Florence.

Eileen Shimizu, attorney for the Assembly of Christ Church, stated that the plan to convert the building to a church was displayed for the Boards review. The applicant would be requesting some waivers.

Attorney Shimizu introduced Richard Thomas Cannarella, engineer for the applicant. Solicitor Abbott swore in Mr. Cannarella. Mr. Cannarella is a partner at Goodwin and Clearwater, specializing in church design and planning. He has a BS from University of Delaware in Civil and Environmental Engineering.

Mr. Cannarella stated that they would like waivers for the environmental impact statement, wetlands delineation, delineation of stream encroachment and all structures and wooded areas within the tract and 200 feet thereof.

Mr. Cannarella stated that they did not feel that they needed an environmental impact statement because this is an existing building on a very small lot. They will not be intensifying anything in regards to environmental as far as traffic flow, sewage, water, there are no wetland or stream encroachments on the lot. There is no wooded areas or structures around the site.

Chairperson Hamilton-Wood asked if a traffic study was required. Engineer Sander stated that traffic study would not be required for a minor site plan.

Engineer Sander stated that he did not have a problem with granting any of the waivers. Vice Chairman O'Hara asked if the applicant would be merging the two lots. They would like to merge the lots and plan to pave the lot and the alleyway. Mayor Muchowski asked why Solicitor Abbott stated in her report that the site is presently accessed by way of the alley. Engineer Sander stated that he accessed the site from the alley. Mayor Muchowski stated that the site doesn't have a parking lot. There is only street parking. He asked the applicant if they were currently parking cars on the site. Mr. Cannarella stated that they did not as this was a vacant site.

Mr. Cannarella stated that there are two lots but they contiguous lots owned by the same owner. By law they have already been consolidated, they just have to go through the

formal process of filing the deed. The alleyway does span the whole length of all lots on the block. The plan is to pave it for an access. Mayor Muchowski stated that there has never been on site parking at this location.

Member Stockhaus asked if there was curbing and side walk on Iron Street. There is curbing on Iron Street, but it does not go in front of the alley.

Solicitor Abbott stated that the reason she made the comment about the alley access in her report was to distinguish it from the new plan, which shows a driveway from Front Street as opposed to the current situation that shows the only access from the alley. This was not meant to imply that there was presently parking on the site.

The professional staff agreed that the application could be deemed complete.

Motion by Stockhaus, seconded by Fratinardo to grant requested submission waivers and deem application complete.

Member Smith had a question about an existing tree that would have to be removed to install the driveway. The tree was shown on the first page of the plan.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, Napolitan, O'Hara, Smith, Stockhaus,
 Hamilton-Wood
NOES: None
ABSENT: None

Mr. Cannarella stated that the building had been vacant for 10 years. The church had owned the site for the past 4 years. The building is serviced by all public utilities. There are no stormwater runoff controls at this time; some runs off onto adjacent properties, some runs into Front Street or Iron Street. The proposed plan calls for a small church with 24 seats. In order to meet the ordinance for parking, they would have to build a small parking lot. They are proposing to minimize the disturbance by saving all the trees except one. They are not proposing any changes to the size off the building or the utilities. There currently is no off street parking. They are proposing a small parking lot with eight spaces, which meets the ordinance for one space for every three seats in the church.

There are five variances requested. Four of the variances are existing – lot area, lot width, front yard setback, and rear yard setback. The new variance is for lot coverage. Solicitor Abbott stated that in Florence Township a corner lot has two front yards, a side yard and a rear yard.

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Mr. Cannarella stated that they had received a letter from the County and they can meet all the County's requirements. They received a letter of no interest from the soil conservation district.

Mayor Muchowski referenced a letter dated August 18, 2004 from Reverend Pean. The plans indicate that they are planning a 24 seat church, but the letter from Reverend Pean indicates that there are 38 members in the church. Attorney Shimizu stated that all members of the church do not attend services every week. The 24 seats are based on an average attendance. Mayor Muchowski stated that the 24 seats could not accommodate the current membership. Engineer Sander stated that he did not think you could base the plan on average attendance.

Reverend Marc Pean, pastor Assembly of Christ, 19 Hampshire Lane, Willingboro, NJ was sworn in by Solicitor Abbott. The 24 seats are for the adult members of the church. The number 38 includes children in the church. Engineer Sander asked where the children stay during the services? Reverend Pean said that they could go to another location when they have the service. Attorney Shimizu stated that the parking was based on the number of adults that drive. Engineer Sander stated that the parking should be based on the number of seats in the church. Mayor Muchowski stated that it seemed that they had picked the number of seats in church to match the number of parking spaces they could create. Attorney Shimizu stated that they were also limited by the size of the building. Mayor Muchowski asked if the building could hold 38 people.

Mr. Cannarella stated that regardless of the letter from the pastor the application is for a 24 seat church. He stated that there are other options. The children could be sent to someones house to daycare during the service. Chairperson Hamilton-Wood asked how they could approve a situation that appears to be unworkable and is un-policeable.

Mr. Cannarella stated again that the application was for a 24 seat church. Chairperson Hamilton-Wood said that is absolutely true however the testimony that has been given doesn't support that fact. Vice Chairman O'Hara stated that the Board could not make a decision based on the information that had been submitted. Attorney Shimizu said that there could be multiple services. Chairperson Hamilton-Wood asked what would happen if more than 24 people attended one of the services? Mr. Cannarella said that if people saw there were no seats they would go away. Chairperson Hamilton-Wood stated they would probably get folding chairs and the cars would be parked all over the streets. Mr. Cannarella said that then you would be in violation of the fire code. Chairperson Hamilton-Wood stated that we don't want to set up a situation where the fire marshal has to go out to Sunday services to make sure there aren't too many people there. Mr. Cannarella said that this is why townships have building codes and fire codes. Chairperson Hamilton-Wood said that this is why the ordinance and the planning is in place so that the Board doesn't approve a situation that is unrealistic. Solicitor Abbott stated that there is a difference between what the fire code or the building code might require and what the ordinance requires by way of number of parking spaces based on

number of seats. What the Board is looking at is how many people will be utilizing the church at any given time and will there be sufficient parking.

Attorney Shimizu stated that the church does want to comply with the Township's ordinance. She also mentioned that there is the Religious Institution Federal Act, which says that as much deference should be given to religious organizations so as not to impede freedom of religion.

Member Semptimphelter asked why the members couldn't park on Iron Street, if the lot was full. He asked what is done at the other religious facilities at Christmas and Easter time. Chairperson Hamilton-Wood stated that when the applicants come before the Board they are required to provide the maximum number of seats and have required overflow parking shown on the plans.

Vice Chairman O'Hara stated that he didn't know how a church would turn someone away from a service. He said that he agrees with the mayor that the plan seems to show 24 seats because they can only have 8 parking spaces. He said that due to the fact that many of the members were from Willingboro transportation would definitely be required. The site is very small, parking is a critical issue. The plan calls for a youth ministry, food pantry, and a preventive medical clinic.

Richard Reagan, architect and professional planner in the State of New Jersey, was sworn in by Solicitor Abbott and listed his credentials. He said that there would be two services on Sunday-one at 8:00 A.M. and one at 11:00 A.M. This would leave plenty of time for cars to move out before the next service begins. On Wednesday and Friday evenings from 7:30 P.M. to 9:30 P.M. there would be a function at the church. Saturday from 9:00 to 1:00 a fasting would occur. Due to the concern over the parking situation, one of the members has purchased a property in Florence and would allow up to six cars to park on their property during the service. This would only be necessary if they had more members attend then the parking lot could accommodate.

Mr. Reagan stated that this is a small church. If they out-grow the building, after they have fixed up the building, then they would have to find a new location. Mayor Muchowski asked if Mr. Reagan thought that this was appropriate planning, since it appears that the membership in the church already is greater than the site warrants. Mr. Reagan stated that you have to take each case individually. In this case the church is willing to respond positively and commit to the ordinance. There is an overflow situation that would accommodate another six to eight vehicles adjacent to the property. (street parking). Mr. Reagan stated that the mayor has the right to evaluate whether Iron Street could be made to have parking on both sides. This is an existing vacant building and the church is trying to do something positive with this location. Mr. Reagan stated that from a planning point of view the Board is protected by the 8 spaces in the lot and the overflow parking from the off street parking. If the church were to grow past 38 members, the Board could require them to find another place to worship.

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Chairperson Hamilton-Wood asked for the floor plan to be posted. Mr. Reagan pointed out the layout of the first floor of the church, which would include the sanctuary, a bathroom, and an office. The floor plan and elevation is marked as A1. The dimensions of the sanctuary is 30' x 50' for the main room. Member Stockhaus asked how many seats could fit in a 1,500 square foot sanctuary? Mr. Reagan stated that it would be between 40 and 50 people. Mayor Muchowski said that the council chambers were approximately the same size as the main room of the proposed church. Member Stockhaus stated that the council chamber could fit approximately 100 seats.

Member Stockhaus stated that they could service 100 people in the building, but the site could not handle the parking required. Mr. Reagan stated that there are churches in the area that have almost no parking. Mayor Muchowski stated that Mr. Reagan is comparing existing buildings that were built before zoning laws.

Chairperson Hamilton-Wood asked what was directly across from the alleyway. There is a residence across Iron Street from the alley.

Mr. Cannarella stated that they are proposing to pave the 10 feet alley, but with curbing you would be left with 9 feet of alley. The garbage truck does come down the alley. This could be one reason why there is no parking on the one side of Iron Street. There is only one house that faces Front Street that is across Iron Street from the site. Member Napolitan asked how many parking spaces could you get along the property on Iron Street. Mr. Cannarella you could get approximately five parking spaces on the street. There would be room for maybe two cars in front of the building.

Chairperson Hamilton-Wood asked where the stormwater would runoff to since the site will have 68% impervious coverage. Mr. Cannarella stated that the curbs would reduce the runoff onto neighboring properties. The water will be directed out the driveway and down to an inlet into the storm drains in the street. Mayor Muchowski said that he thought the new stormwater standards stated that you could not increase the drainage off of the site. Engineer Sander said that this site is not residential so it doesn't fall under the new standards. There are no new standards for commercial as of yet.

Mr. Cannarella stated that they would be putting curbing in the alley to protect the adjacent property owners. They will re-grade the alley to make sure the water runs the right way. Chairperson Hamilton-Wood asked who would be responsible to maintain the alley once it was paved. Solicitor Abbott stated that it would be the Townships responsibility. Chairperson Hamilton-Wood then asked if they would need approval from the Township to pave the alley. She stated that the Planning Board did not have authority to approve a paved alley. Mr. Cannarella stated that it could be made a condition of approval on the resolution that the church get Township approval for the paving of the alley. Vice Chairman O'Hara asked where the utilities were located. Mr. Cannarella said that the water was on Front Street. The electric was overhead. The sewer is on Iron Street.

Chairperson Hamilton-Wood asked about the adjoining property. Mr. Cannarella stated that there was a 20 foot lot immediately adjacent to the site and a house next to the lot. He said that he thought the lot and the house had the same owner.

Mayor Muchowski asked what was different about the new plans as opposed to the plans that had been denied by the Board in 2000. Mr. Cannarella said they had asked for a parking variance previously that they were not requesting at this time and they had decreased the impervious coverage.

Chairperson Hamilton-Wood asked about the side yard setback buffering requirement. Engineer Sander stated that he did not think there was a requirement, but because this is a permitted use in a residential zone it would be prudent to provide buffering for the neighboring property. Engineer Sander stated that the side yard setback was from the building, not the paving. Chairperson Hamilton-Wood asked if there were requirements for paving. Could you pave right up to the property line? Mr. Cannarella stated that they were one foot off the property line to leave room for a six-foot wooden stockade fence.

Mr. Cannarella stated that they had requested a design waiver to permit parking spaces at 9.5' x 19.5', where 10' x 20' for the purpose of decreasing the amount of impervious coverage. Engineer Sander asked how the spaces were measured. Mr. Cannarella said they had measured perpendicular from the curb line. Engineer Sander said that he would recommend 9' x 18' spaces measured on an angle. Curb stops must be provided.

Mr. Cannarella said that had asked for a design waiver for Stormwater management because it is an negligible amount and for water quality.

They will repair the sidewalks on Front Street and Iron Street and provide curbing on Iron Street. They will provide construction detail for the concrete curbing and sidewalk. The alley is proposed to be paved the entire length of the lot pending township approval.

There are four large trees existing on the property. One 36' tree would have to be removed to install the driveway from Front Street. The other three trees are depicted on the plan. They are trying to save the tree that is on the property line. It is a 36" tree, so 18" is on their property. Engineer Sander stated that they would have to have approval from their neighbor to remove the tree since half of it is on the neighboring lot.

The applicant is planning to erect a 6 foot high stockade fence along the property line adjacent to Lot 2.02. Engineer Sander recommended that a row of arborvitae be planted along the fence. Mr. Cannarella stated that in order to plant these the Board would have to agree to reducing the size of the driveway, because they could not plant arborvitae and have a fence in a one foot area. He stated that there are other alternatives, for example trumpet vines along the top of the fence or maybe if the neighbor was willing perhaps the arborvitae could be planted on the neighbors' side of the fence. Engineer Sander stated

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that by changing the parking to 9' x 18' the buffering area will increase to three to three and a half feet.

Mayor Muchowski stated that the applicant was discussing the same issues that had been brought up in 2000 when the Board heard the original application. He stated that previously the Board had advised that the applicant try to buy the 20 foot lot foot adjacent to Lot 2.01.

Juliette Kersaint, was sworn in by Solicitor Abbott. Ms. Kersaint is Chairperson of the building committee for the church. Ms. Kersaint stated that they made several visits and phone calls to Jeffrey Ogden the owner of the property. Mr. Ogden repeatedly stated that he did not want to sell or lease his property. The resident of the neighboring house does not own the small lot 2.02. Jeffrey Ogden owns the lot. The neighboring house is owned by Teresa Williams. Chairperson Hamilton-Wood asked if they had offered money. Ms. Kersaint stated that Mr. Ogden did not want to talk to them about selling the land.

Mr. Cannarella stated that revisions would be identified as requested; they will get the approvals from other agencies if necessary. The applicant will comply with submitting 8 sets of plans, and the deed of consolidation.

Mr. Reagan spoke about the reasons for requesting the variances. The lots are average with other lots on Front Street. The setbacks are existing and are similar to other properties in the neighborhood. The lot coverage will be less than stated in the plan due to the revision on the parking spaces. To further reduce the lot coverage the applicant would be willing to pave the driveway, van space and the handicap space and put stone on the remaining spaces. Mr. Reagan said he does not recommend this, but it could be done if coverage is a problem. A church is an inherently beneficial use. Mr. Reagan questioned as to whether the Planning Board could establish a size limitation on the number of people allowed in the building at one time?

Solicitor Abbott stated that Mr. Reagan had provided expert testimony regarding special reasons which is generally only given when a use variance is required. There is no use variance required for this application.

Vice Chairperson O'Hara asked if any of the members of the church were residents of Florence Township. There is one member who is a resident. Attorney Shimizu stated that the church owns this property. They had tried to find a location in Willingboro to hold there services and were not able to do so.

Attorney Shimizu stated there are 24 adult members of the church. The remaining 14 members are children (under the age of 18 years). The children do attend the services. The church is willing to have multiple services.

Mayor Muchowski stated that his biggest concern is that they would be creating a situation where the parking is going right up to within a foot of the lot line. Also using the alley to access the site and create a driveway that is right next to someone's side and back yard. Mayor Muchowski asked if there was a setback requirement as to where the parking had to be located.

Chairperson Hamilton-Wood called for a five minute recess.

The Board returned to the regular order of business.

Solicitor Abbott referenced the ordinance section 91-91A deals with a minimum buffer of 15 feet wide required along all lot lines and street lines that separate a non-residential use to a residential use. Mr. Cannarella said that with lot 2.02 there is a buffer of over 15 feet. Chairperson Hamilton-Wood pointed out that the applicant didn't own Lot 2.02 and that you could not use someone else's property to create the buffer.

Mr. Cannarella said that this would be a design waiver, and they would request this of the Board. The applicant is willing to work with the Board. Mayor Muchowski said that the size of the property has been a problem from the beginning.

Attorney Shimizu summarized by restating that this is a small lot, but it is also a small congregation. They have stated that they will have multiple services. They have provided the parking that is mandated by the ordinance and the engineer has agreed to make the revisions to the plan that the Board has suggested. She also quoted the national law that religious applications should be allowed to go forward.

Solicitor Abbott stated that the counsel for the applicant has raised the issue of federal law and promoting religion. The Board should keep in mind that a church is a permitted use and frequently laws that are passed to promote religious freedom or to promote the proliferation of churches or houses of worship in the town are really directed toward permitted uses in a zone. You can't zone out churches.

The Board has to look at the fact that it is a small congregation, but also has to look out for the public welfare. There are reasons for the requirements for parking and lot coverage that are called out in the ordinance. When the Board makes a decision on this you have to consider whether or not this will be detrimental to the public welfare. The church is a permitted use. It is allowed to be at this location, but only if it complies with the ordinances that are in place to protect public safety.

Chairperson Hamilton-Wood opened the meeting to the public.

Teresa Williams, 616 West Front Street was sworn in by Solicitor Abbott. Ms. Williams lives in the house next to where the parking lot is proposed. She has concerns about the parking lot. She would like to be assured that the 6 foot privacy fence be a requirement.

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She is also concerned about the lighting. All the bedroom windows in her house face the parking lot. She does not want the big tree removed because it shades her yard and house. If it had to be removed, she wanted to be sure that it be replaced. She is in support of the plans for the church because if they are not allowed to do this what will happen to that building? If the building remains vacant it will continue to deteriorate. Member Napolitan asked Ms. Williams about Lot 2.02. She does not own the lot. Mr. Ogden lost the house in a tax foreclosure, but retained the 20 foot lot. Member Smith asked if Ms. Williams had concerns about the congregation growing. She said that she does have concerns, but she has to weigh the benefits and detriments of the church versus a vacant building. Ms. Williams does not see parking as a problem.

Robert Machion, represents his mother Phyllis Machion. His mother lives on Iron Street. He stated that there is residential parking so street spots are not always available. His mother lived there since 1948. He said it is a beautiful building for a church but it is a bad location due to the parking situation. It will disrupt the neighbors. It is a quiet neighborhood. He is concerned with the parking. He is concerned with the water flow. The water would have to come from the parking lot down the alley. It would then have to go down Iron Street to a catch basin on Second Street. The water doesn't flow down Iron Street to the storm drain now. He is afraid that the water is going to be held in the back of his mother's property by the proposed curb line. All the water will back up in the yard. There is a ten-foot distance between the building and his mother's property line. After the curbs are put in the will be a nine foot driveway. What will happen when the snowplow comes down? Where will the snow be pushed? There is a problem with snow removal on the alley. People have fences along the alley. How will the curbs be put in without removing the existing fences? He doesn't believe that there will only be 24 people. When they sell the property if they sell it to another church there would be a big problem. He was upset that the applicant sent someone to his 92-year-old mother to try and get her to sign a paper to give the church the okay. He felt that this building should have been torn down years ago.

Seeing no other members of the public wishing to speak Chairperson Hamilton-Wood closed the public portion of the hearing.

Solicitor Abbott stated that what the Board had before them was a minor site plan with bulk variances and design standards. The required variances are lot size, lot width, front yard setback from Front Street, front yard setback from Iron Street, and rear yard setback these are all pre-existing conditions. Also a new variance is required for lot coverage. What is permitted in the zone is 40% and what is proposed is slightly less than 68%. Also looking for design standard waivers from parking space size and buffering. If the Board is inclined to approve this application in addition to the standard conditions there are additional conditions. The applicant shall obtain all Township approvals required for the paving of the alley, the parking spaces will be 9' x 18' measured on the angle.

Solicitor Abbott suggested that the Board make two separate motions. If the motion for the variances fails, there is no need to move on to site plan approval.

Solicitor Abbott stated that the applicant testified that there would be 24 seats in the church and 8 parking spaces. This meets the ordinance. Mayor Muchowski asked if there were any requirements for the office that is planned. Engineer Sander stated that he didn't think there were any restrictions on this. The parking has to be adequate for the largest use. Member Napolitan asked if the testimony of Mr. Marchion about the back yard flooding was correct. Engineer Sander stated that it would depend on the grade of the yard. The Board had a discussion about the removal of snow on the church parking lot and alley. Solicitor Abbott referred to her report dated September 23, 2004, describing the criteria that the applicant must prove that they are entitled to the variance. Engineer Sander recommended that any motion to grant a variance be subject to site plan approval.

Motion by Fratinaro, seconded by Stockhaus, to grant the variances set forth as well as design waivers subject to site plan approval.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Napolitan

NOES: Muchowski, O'Hara, Stockhaus, Smith, Hamilton-Wood

The Board voted to deny the variances.

Chairperson Hamilton-Wood opened the meeting to public comments.

Motion by O'Hara, seconded by Smith to close public portion. Motion unanimously approved by all members present.

Vice Chairman O'Hara asked if a letter had been sent to Mr. John Hiros as had been requested by the Board at the September 20, 2004 meeting. The letter had been sent by Board Clerk Erlston.

Motion by Fratinaro, seconded by O'Hara to go into closed session. Motion unanimously approved by all members present.

Motion by O'Hara, seconded by Fratinaro to end closed session. Motion unanimously approved by all members present.

Motion by O'Hara, seconded by Fratinaro to adjourn. Motion unanimously approved by all members present.

John T. Smith, Secretary

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