

Florence, New Jersey 08518-2323
December 15, 2008

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairperson Hamilton-Wood called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Chairperson Hamilton-Wood 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 newspaper and posted in the main hall of the municipal complex."

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

Mayor Bill Berry	Craig Wilkie
Gene DeAngelis	Mildred J. Hamilton-Wood
Wayne Morris	David Woolston
John T. Smith	James Molimock
Council Member Sean P. Ryan	

ABSENT: None

ALSO PRESENT: Solicitor David Frank
Engineer Dan Guzzi
Planner Joseph Petrongolo

RESOLUTIONS

Resolution PB-2008-33

Continuing the application of Griffin Pipe until the December 15, 2008 meeting of the Board.

Motion of Smith, seconded by DeAngelis to approve Resolution PB-2008-33.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Wilkie, Hamilton-Wood
NOES: None
ABSENT: None

Resolution PB-2008-34

Continuing the application of Frank Scamporino, Jr. for Preliminary Major Site Plan approval with variances for a shopping center located at Route 130 and Cedar Lane, Block 160.01, Lots 4, 11.01, 11.02 and 24.

Motion of Wilkie, seconded by DeAngelis to approve Resolution PB-2008-34.

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Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Wilkie, Hamilton-Wood
NOES: None
ABSENT: None

Resolution PB-2008-35

Granting the application of Sterling Bank for Re-amended Final Major Site plan approval to permit a temporary bank for property located at 2 East Front Street (4 Broad Street), Block 58, Lots 3 & 4.

Motion of Wilkie, seconded by Morris to approve Resolution PB-2008-35.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Wilkie, Hamilton-Wood
NOES: None
ABSENT: None

Resolution PB-2008-36

Granting Amended Preliminary and Final Major Site plan approval for parking and stormwater management serving a warehouse/distribution center in Burlington Township, located in the Haines Center, Block 158, Lot 5 in Florence Township.

Motion of Morris, seconded by DeAngelis to approve Resolution PB-2008-36.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Wilkie, Hamilton-Wood
NOES: None
ABSENT: None

MINUTES

Motion of Wilkie, seconded by Ryan to approve the Minutes from the November 17, 2008 meeting as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

- A. Letter from Burlington County Planning Board regarding Florence Township High School dated November 21, 2008.
- B. Letter from Burlington County Planning Board regarding Lounsberry subdivision dated November 7, 2008.

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- C. Letter from Burlington County Planning Board regarding Lounsberry subdivision dated December 4, 2008.
- D. Compliance review letter from Engineer Guzzi dated December 3, 2008 regarding Fountain of Life gymnasium.

Motion of Berry, seconded by DeAngelis to receive and file Correspondence A through D. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for Application PB#2008-10 for Griffin Pipe Products Co. Applicant is requesting Preliminary and Final Major Site plan approval to permit construction of a baghouse addition to the site located at 1100 West Front Street, Florence. Block 179, Lots 1.02 through 1.05.

Chairperson Hamilton-Wood stated that a letter had been received from the applicant requesting a continuance until the January meeting. Motion of Berry, seconded by DeAngelis, to continue the application until the January 29, 2009 meeting of the Board. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for Application PB#2008-12 for Frank Scamporino, Jr. Applicant is requesting Preliminary Major Site Plan approval with variances for a shopping center located at Route 130 and Cedar Lane, Florence Township. Block 160.01, Lots 4, 11.01, 11.02 and 24.

Chairperson Hamilton-Wood stated that a letter requesting continuance had been received from the applicant's attorney, John Gillespie. Motion of Berry, seconded by Wilkie to continue the application until the January 29, 2009 meeting of the Board. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood said that Planner Joseph Petrongolo does not need to be present for Application PB#2008-15 for R.M. Sunny's so if there were no opposition the Board would be going out of order on the agenda and hearing Sterling Bank first. Planner Petrongolo would then be excused from the remainder of the meeting.

Chairperson Hamilton-Wood called for Application PB#2008-16 for Sterling Bank. Applicant is requesting amended Final Major Site Plan approval with bulk variances for signage for property located at 2 East Front Street (4 Broad Street), Florence.

William Hyland, Esq., attorney for the applicant stated that the application before the Board tonight is an amendment to the approved site plan for signs. The applicant would like to have approval for 2 signs on the renovated bank building and the permission to have signs on the temporary bank building.

Attorney Hyland stated that they had reviewed the comments in the letters from the Board's Planner and Engineer. He stated that he has 2 witnesses in attendance, Scott Horner and Greg Woodring. Chairperson Hamilton-Wood stated that she believed that

these witnesses had been previously sworn. Attorney Hyland said that they were and they recognize that they remain under oath.

Attorney Hyland stated that a comment in Planner Petrongolo's review letter had raised a question regarding the signage. He stated that the application that was submitted indicated that the front of the building was on Broad Street. Using this as the principal sign, the square footage that would be permitted as of right would be somewhat smaller than what was outlined in the review letter from Planner Petrongolo. Planner Petrongolo assumed that the front of the building was on Front Street. This would permit a maximum sign of 30 sq. ft. on the Front Street side and if the Board were to grant the waiver to permit the second sign then a maximum of 15 sq. ft. would be permitted.

Mr. Woodring said that the applicant actually wants to put the larger sign on the Front Street side and the smaller sign on the Broad Street side. He indicated that the drawings that were submitted show it the other was around.

Attorney Hyland said that they had based this on the assumption that the front of the building would remain on Broad Street because the Board had graded a front yard setback for this. Engineer Guzzi pointed out that since this building is on a corner there are actually 2 front yards. Attorney Hyland said that the door is at the corner of the building, but does face Front Street. On this basis the applicant would be permitted to have "as right" a maximum sign of 30 sq. ft.

Engineer Guzzi stated that it makes more sense to put the larger sign on the longer side of the building.

Solicitor Frank asked for a clarification of what the applicant is requesting. Engineer Guzzi stated that the drawing that was submitted shows the larger sign on the smaller building façade (Broad) and the smaller sign on the larger building façade (Front). Engineer Guzzi asked if the applicant was changing that? Mr. Woodring answered that they would like to change the request to have the larger sign on Front Street and the smaller sign on Broad Street.

Solicitor Frank said that the interpretation of the ordinance is that the applicant would be allowed 15 sq. ft. on the smaller side and the applicant is asking for 7.25 sq. ft. and up to 30 sq. ft. on the larger side and they are only asking for half of that, so even if it was switched it wouldn't matter.

Mr. Woodring said that the mistake was that they had assumed that the front of the building would be on Broad Street, but the front should be on Front Street since the door exits on the Front.

Planner Petrongolo said that a second sign is not permitted, so a variance is required.

Chairperson Hamilton-Wood stated that the Front Street side would be the most logical place for the front of the building. Engineer Guzzi stated that the requested size of the

signs 12.6 sq. ft. on Front Street and 7.25 sq. ft. on Broad Street is below the maximum permitted. Engineer Guzzi stated that the third variance in his letter was eliminated by switching the signs. There is still a variance for the additional sign. He also stated that signs are supposed to be installed flat against the building. The proposed signs are propped up on the awnings. This is potential a second variance.

Chairperson Hamilton-Wood asked if there was lighting on these signs. Mr. Woodring stated that they were proposing that these signs be internally illuminated. They would be translucent white panels with green letters.

Engineer Guzzi stated that only the first sign is permitted to be internally lit. If the Board approves the variance for the second sign, they would also have to approve the illumination.

Attorney Hyland said that it is important to have the internally illuminated sign so that people who are not familiar with the area are able to locate the bank. Attorney Frank stated that a corner site is a special reason as to why 2 signs would be needed.

Attorney Hyland stated that he would like to discuss the request for signs on the temporary bank trailer. Mr. Woodring said that there are 2 signs on the existing bank and they would like to use these signs on the temporary bank. The sign on the Front Street side is 25 sq. ft. and would be illuminated with 2 “lollipop” type lights.

Engineer Guzzi said that the application is for one sign on the temporary bank. He asked if Mr. Woodring was amending the application to be for 2 signs on the temporary bank. Mr. Woodring said that they were amending the application.

Mr. Woodring said that on the Broad Street side the sign would be 12 sq. ft. He stated that this sign would not be illuminated.

Member Ryan questioned why the permanent building would need to have an illuminated sign on the Broad Street side. Mr. Woodring stated that the Broad Street side would be planted with a small garden; he said it was important to have the sign lit for identification.

Mr. Woodring said that the interior of the building would have low illumination at night for security reasons. If the sign were not lit you would not be able to see it.

Chairperson Hamilton-Wood said that the Board was trying to determine the requirements for the temporary bank. Engineer Guzzi stated that an additional variance would be required for the secondary temporary sign.

Engineer Guzzi said that at the last hearing the applicant had received approval for the location of the temporary bank building. On this new set of plans the temporary building has been relocated about 30' back further and extend it into the new parking lot.

Chairperson Hamilton-Wood said that this should be addressed by the applicant as the relocation of the temporary bank is not part of this application.

Mr. Woodring said that relocating that building is required. When they flipped the building as approved with the last amendment to the site plan, a distance had to be kept available to build the front entrance of the building while the trailer was in place. Engineer Guzzi stated that originally the temporary building was going to be placed right out on the property line. The new location is 5' closer to the existing building and 30' back into the parking lot. This is shown on the revised plans although there was no mention of it.

Solicitor Frank asked if this change reduced the degree of variance since it pulls the structure away from the property lines? Engineer Guzzi agreed that it did. Solicitor Frank stated that the last approval gave the applicant the choice of keeping the parking lot open or of closing it for the period of construction. If the applicant chose to keep the parking lot open they would be required to at least 4 parking spaces for the use of the public. If they chose to close the parking lot, then they would have to show the temporary fencing that closes this to the public.

Mr. Woodring said that the contractor wants the parking lot closed while the work is being completed.

Solicitor Frank said he was not trying to minimize Engineer Guzzi's concern about this because it is normally not the case that things change after the approval. Attorney Hyland agreed, but stated that as a result of flipping the building it became complicated because of the entrance that has to be constructed. He stated that the temporary bank was moved back closer to the building because the Board had been concerned about the area in between the trailer. Attorney Hyland said that he did not realize until he saw Engineer Guzzi's letter that there were these additional changes. Mr. Woodring said that the size of the trailer has actually been reduced.

Member Ryan said that he realized that the Board was not reviewing the previous application but asked Engineer Guzzi if he was comfortable with the modification that has been made and the relocation of the temporary trailer. Engineer Guzzi answered that he was okay with what was shown on this plan, but now testimony has been given that the size of the trailer is not what is shown on these plans. When the plans are revised again then the smaller trailer should be shown on the revision.

Member Morris asked if the applicant had made any further changes, which were not part of this application. Mr. Woodring stated that there were no additional changes.

Member Ryan stated that he has no problems with the additional signs, but asked if it was absolutely necessary to have an illuminated sign on Broad Street facing the apartment complex that is immediately across the street?

Mr. Woodring said that this is a design issue. This would be a much smaller sign. It would not light up the street. It would just be internally lit to identify the building.

Scott Horner, executive vice president of Sterling Bank, stated that it was very important to Sterling Bank that this sign be lit. They want the building to be easily identified from both streets. He agreed that there are residences across the street, but there are also commercial businesses with signs fronting Broad Street. Mr. Horner said that these backlit signs do not project a lot of light.

Member Ryan said that signs have different light intensities. Planner Petrongolo stated that the lighting plan had not been submitted so he had nothing to review on the intensity of the lights. Mr. Woodring said that the larger signs would have three T12 bulbs and the smaller sign would probably have two. Member Ryan stated that he doesn't know how bright that would be. Mr. Woodring said that distance between the branch and the neighboring commercial/residential uses is over 100' away. These lights are a translucent panel. Chairperson Hamilton-Wood asked if the lights could be dimmed if the Board decided that they are too bright. Mr. Woodring stated that they could put dimmable transformers into the sign. Chairperson Hamilton-Wood said that she had seen some of these signs and didn't think that they spill too much light, but she was trying to come up with a plan in case they did.

Engineer Guzzi said that the Board could put a condition on the approval that if the sign is too bright then they could be toned down. The applicant agreed to this. Engineer Guzzi asked if the sign would be lit all night. Mr. Horner said the lights would be on a timer and would turn off around 11:00 p.m. Solicitor Frank stated that this would be a condition that the sign would be lit from dusk until 11:00 p.m.

Motion of Smith, seconded by Morris to open the hearing to public comment. Motion unanimously approved by all members present. Since no one signaled a desire to be heard, motion was made by Ryan, seconded by DeAngelis to close the public portion. Motion unanimously approved by all members present.

Motion of Berry, seconded by Smith to approve the second sign for the permanent building, with the condition regarding the illumination and the second sign on the temporary building and the placement of the sign at an angle rather than flat against the building.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Wilkie, Hamilton-Wood
NOES: None
ABSENT: None

Planner Petrongolo left the meeting at 8:15 p.m.

Chairperson Hamilton-Wood called for application PB#2008-15 for R. M. Sunny's Inc. Applicant is requesting Minor Site Plan approval to permit a massage therapy center at property located at 2071 Route 130, Florence Township. Block 162, Lot 5. Richard Foga stated that he was the sole shareholder in R.M. Sunny's. He stated that he would be representing himself. Mr. Foga was sworn in by Solicitor Frank.

Engineer Guzzi stated that there were 19 outstanding completeness items (A through S in his December 8, 2008 review letter) that should be addressed prior to the application being deemed complete.

Engineer Guzzi stated that the application is for a Minor Site Plan approval. There is no site work proposed for this. This is change of use in an existing building.

Engineer Guzzi outlined the submission items from his report.

Item A - The applicant has requested a submission waiver for the Environmental Impact Statement. Engineer Guzzi said that since there is no site work proposed he would support this request.

Item B - The Preliminary Delineation of Wetlands. The checklist indicated that the wetlands delineation is not applicable. Engineer Guzzi stated that there doesn't appear to be any wetlands or wetlands buffers on site, but the applicant's engineer should provide confirmation of this.

Item C – Preliminary Delineation of Stream Encroachment. Again this was listed as not applicable. The applicant's engineer should provide confirmation that there are no stream encroachment issues on the subject property.

Item D – Certification that the applicant is the owner or has authority to act as an agent. Solicitor Frank stated that the signature of Mr. Cohen on the application as affidavit of ownership is sufficient to indicate that Mr. Cohen is aware of the application.

Engineer Guzzi stated that what was submitted was a survey, not an actual minor subdivision.

Item E – Acreage of the tract to the nearest tenth of an acre. Engineer Guzzi stated that this should be added to the plan.

Item F – Contours at two-foot intervals. Engineer Guzzi stated that he would support this waiver.

Item G – Key Locator Map. Item H – Locator Map and Item I – Location of structures and wooded areas. Engineer Guzzi stated that since there was no site work he would support the request for the waiver.

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Item J – Names of owners within 200’ of the site. Engineer Guzzi stated that information has been submitted separately but it should be added to the plan.

Item K – Adjacent Block and Lot Numbers. This should be added to the plans.

Item L – Statement of the proposed use. Engineer Guzzi stated that the applicant should give testimony about the use at the hearing.

Item M – Signature block for Board Chairperson and Secretary. This should be added to the plan.

Item N – Indication of drainage conditions. Engineer Guzzi stated that he would support the waiver.

Item O – Zoning District. This should be shown on the plan.

Item P. – Location of all existing utilities. Engineer Guzzi stated that testimony should be given as to the location of the utilities. Mr. Foga stated that there were no existing utilities for that end of the building. Engineer Guzzi stated that this information should be added to the plan.

Item Q – Location of any easements. Mr. Foga indicated that there were no easements on the property.

Item R – All existing and proposed storm sewer drainage systems. Engineer Guzzi stated that this was listed on the plan even though the checklist stated that this was inapplicable.

Item S - Location, size and nature of all roadways. This was indicated as not applicable, but it is shown on the plan.

Engineer Guzzi stated that there are a number of items that should be shown on the Minor Site Plan, but nothing significant enough that would preclude the Board from moving forward on the application.

Chairperson Hamilton-Wood said that the survey that was submitted was from 2002, is the parking accurate? Engineer Guzzi stated that the parking is accurate as to what is out there now. What the Board had done in the last application related to this was to release the condition on the existing church.

Engineer Guzzi stated that the plan that was submitted was an as-built plan from when the structure was built back in 2002. If the Board approves the application then the owner or the applicant will have to supplement this information.

Engineer Guzzi recommended moving forward with the application, if the Board is so inclined, and handling these items as conditions of the approval.

Chairperson Hamilton-Wood asked Mr. Foga to give testimony on the nature of the proposed use. Mr. Foga stated that the use would be massage therapy. The hours of the operation would be 10:00 a.m. to 10:00 p.m. Monday through Saturday and 12:00 p.m. to 10:00 p.m. on Sunday. Mr. Foga stated that there were 3 employees total. All 3 would be there at the same time.

Mr. Foga stated that the employees are all licensed massage therapists with the state of New Jersey. He stated that the service is by appointment only and there are only 2 customers at a time.

Chairperson Hamilton-Wood stated that the floor plan shows an employee lounge and a lunchroom. She asked what was contained in the lounge. Mr. Foga answered that there would be a couch and a TV. He stated that no one would reside on the site.

Engineer Guzzi asked Mr. Foga to indicate where in the existing building his site would be located. Mr. Foga stated that it would be toward the center of the building. Chairperson Hamilton-Wood asked if the existing door would service the site. Mr. Foga said that it would not. He stated that the final plans would show the actual site. He said that he would like to get the approval and then he would have his final blueprints done. Chairperson Hamilton-Wood stated that usually final plans were submitted for the approval.

Mr. Foga stated that the site would be 2,400 sq. ft. at the middle of the existing site.

Solicitor Frank asked if the Board was able to analyze parking requirements based on the items that were submitted. Engineer Guzzi stated that parking was granted to the owner, Mr. Cohen based on permitted uses. This use falls under the heading of personal services. The only reason that there would be a parking issue is if a restaurant would want to occupy some of the space.

Chairperson Hamilton-Wood stated that the Board was concerned with Sunday, because parking is an issue during the church services.

Solicitor Frank stated that the way the parking was conditioned at Mr. Cohen's recent approval was to allocate a certain amount of parking to the entire building. If this parking were exceeded there would be a problem. Engineer Guzzi stated that if there were a use that had a high parking requirement there would be a problem.

Chairperson Hamilton-Wood stated that the uses that are granted for the site could all be low parking uses and there could still be a problem on Sunday. Engineer Guzzi said that if this happens then the church is using more parking spaces than they represented.

Engineer Guzzi stated that it would be appropriate to deem the application complete with the understanding that the items outlined in his report would be provided as a condition of any approvals granted by the Board.

Motion of Wilkie, seconded by DeAngelis to deem the application complete. Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Wilkie, Hamilton-Wood
NOES: None
ABSENT: None

Chairperson Hamilton-Wood asked about the barrier free parking spaces. Engineer Guzzi stated that the existing barrier free spaces service all the existing exits.

Engineer Guzzi stated that he would continue with his review letter. He stated that Item 1 discussed the parking, similar to the discussion that the Board just had. Item 2 requested testimony regarding the location of this business in the building. Mr. Foga just gave testimony to this. Item 3 was related to the floor plan that was provided. Engineer Guzzi asked that the floor plan be provided to scale with the appropriate square footage. Mr. Foga stated that the total square footage would be 2,400 sq. ft.

Mr. Foga stated that the building was set up to be 4 smaller sections or 2 large sections. Mr. Foga stated that the door would be shifted toward the end of the space. Chairperson Hamilton-Wood stated that this would change the floor plan. Engineer Guzzi stated that this would add about 400 sq. ft. to the site.

Member Smith stated that this was a lot of space for 3 employees and 2 customers at a time. Mr. Foga said that is the business that they have now. Solicitor Frank said that if the Board approves 3 employees and 2 customers at a time today and 2 years from now there are 4 customers at a time. Then Mr. Foga had exceeded his approval. Solicitor Frank stated that if the plan is to have the ability to service 4 customers in the future then he should tell the Board that now.

Mr. Foga stated that he would like to have approval to service 4 customers at a time and have 5 employees on site.

Chairperson Hamilton-Wood asked about the restroom facilities. Mr. Foga stated that there would be one handicap accessible unisex restroom.

Member Smith asked what the Sunday hours were going to be. Mr. Foga stated that they would be 12:00 p.m. to 10:00 p.m.

Chairperson Hamilton-Wood asked if the utilities coming in to the building were all above ground. Mr. Foga stated that the electric and the gas come in along the back of the building to the church. It would have to be run from there. There is no sewer in the building. He stated that the sewer is supposed to be in the parking lot. Engineer Guzzi stated that there is sewer in the parking lot. This is why he asked to see this on the plan. Mr. Foga stated that this as-built plan was the only thing that he had and the only thing that Mr. Cohen had.

Engineer Guzzi stated that the owner, Mr. Cohen would have to show where he was going to make the sewer connection. Mr. Foga stated that there was a clean out in front of the building by the window. He stated that when they poured the concrete floor in that building they left 4 holes in front when you walk in the door for each section. There are currently no pipes coming into the building.

Engineer Guzzi stated that the connection of gas, electric and sewer should be shown on the plan. He asked if there was any water in the building. Mr. Foga said that according to the as-built plan the water comes into the church. He stated that this plan was the only thing that anyone has for the property.

Chairperson Hamilton-Wood said that a true site plan should show the Board what the proposal is.

Member Ryan stated that he thought that the previous testimony from the Howco (Cohen) approval was that no uses conflicting with the church use would be permitted.

Chairperson Hamilton-Wood stated that typically the Board would receive a Minor Site Plan prepared by a licensed engineer or surveyor to show what the proposed changes are being made. Engineer Guzzi stated that normally you would see this.

Solicitor Frank stated that he does not know if this submitted as-built plan conforms to the original approval. Engineer Guzzi stated that this as-built plan does conform to the prior approval because this as-built was prepared when the bond was released. Chairperson Hamilton-Wood stated that this as-built was prepared in 2002. Is everything still in place? Engineer Guzzi stated that he did not know.

Chairperson Hamilton-Wood stated that this as-built is 6 years old. There is a retention basin that may or may not need attention. There is a dumpster enclosure that could be falling down. She stated that she felt that there should be a current survey and the Minor Site plan submitted to the Board.

Engineer Guzzi stated that he had thought that since there was relatively little site work the Board could hear the application, but based on the testimony provided by Mr. Foga, it would be appropriate to have the applicant update the survey to show all the existing conditions and have the floor plan set into the site.

Solicitor Frank said that what the Board is really saying is that the application is not sufficiently complete to be heard. He asked Mr. Foga if he would provide the additional information? Mr. Foga said that he was willing to provide the blueprints of his section of the building. He asked if he was responsible for the site plan showing utilities outside of the building or is that something that the owner should provide. Engineer Guzzi stated that Mr. Foga was the applicant; he would have to address this with his landlord.

Solicitor Frank stated that the Board has no ability to dictate to Mr. Cohen anything other than what is in his approvals.

Solicitor Frank stated that there is an aged site plan approval for this site. The site plan allowed this structure to be built. There recently was a hearing in front of this Board where the Board relieved one of the conditions of that previous site plan approval. This condition said that as soon as you start to use the back part of the building the church use in the front must be vacated because there isn't enough parking. This was the only issue that the Board dealt with. The Board did not look at anything with regards to that site other than the narrow issue of the parking condition on the prior approval.

Mr. Foga has come to the Board with his Minor Site Plan application. In essence the site is designed. Most site issues have been addressed, but now Mr. Foga is adding an actual use for the interior of that building into the situation. Our ordinance says that when you do this the Board gets to look again at the site and make sure that the site continues to function properly and continues to meet the standards of the ordinance.

Solicitor Frank stated to Mr. Foga that the landlord has a responsibility to his tenant to deliver a usable site. He said that Mr. Foga is asking the Board to approve his small part of the site, but the Board has to look at the entire site. This may mean that the landlord has to come in with information for the Board.

Solicitor Frank stated that the application should be continued so that the architectural drawings that are specific to the site can be provided and so that the site issues relating to utility connections and the submission items A through S in Engineer Guzzi's letter can be shown on the revised site plan.

Solicitor Frank stated that the use that Mr. Foga is requesting is a permitted use, the Board must determine if the site issues meet the standards of the zone.

Mr. Foga requested that the application be postponed until January and agreed to extend the time limit for Board action.

Solicitor Frank stated that there is an issue with the prior testimony from Mr. Cohen about the uses that he put into the site. When the Board approved the removal of the condition regarding the abatement of the church use prior to other uses being permitted on the site, they placed a condition on the new approval saying that the uses coming in would be office type uses that would not conflict with the church use. Mr. Foga's proposed use does conflict with the church use. There is an overlap on Wednesday evenings and until 2:00 p.m. on Sunday afternoon.

Solicitor Frank stated that the Board would have to reanalyze the parking based on this information.

Motion of Berry, seconded by DeAngelis to continue the application until the January 29, 2009 meeting. Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Wilkie, Hamilton-Wood

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NOES: None

ABSENT: None

Chairperson Hamilton-Wood stated that there was no other business to be discussed at this time.

Motion of DeAngelis, seconded by Ryan to open the meeting to public comment.

Motion unanimously approved by all members present.

Seeing no one wishing to offer comment, motion was made by Ryan, seconded by DeAngelis to close the public comment. Motion unanimously approved by all members present.

Motion of Berry, seconded by Ryan to adjourn the meeting at 8:57 p.m.

,Secretary

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