

TOWNSHIP OF HAMILTON
MAYS LANDING, NJ 08330
PLANNING BOARD MEETING
AUGUST 3, 2017

A meeting of the Township of Hamilton Planning Board was held on the above date with Chairman Richard Cheek presiding. Other members present were David Adams, Harry Bilicki, Charles Cain, Wayne Choyce, Mayor John Kurtz, Harry Rogers, Allan Womelsdorf, and Alt I John Percy. Absent members were Deputy Mayor Art Schenker and Alt II Marla Caldwell.

Compliance with the Open Public Meetings Law was acknowledged.

The following Board Professionals were in attendance: Charles Gemmel, Solicitor; Chris Carey, Landscape Consultant; Steven Filippone, Engineer; Jen Heller for Vince Polistina, Planner and, Kevin Dixon, Traffic Engineer and Philip Sartorio, Community Development Director/ Alternate II Planner.

Approval of Minutes: None presented.

Adoption of Resolutions as prepared by Solicitor:

#SP6-01 – Mays Landing Properties, LLC – Gateway Plaza - Block 1134, Lot 3.01 - 1 year Permit Extension — Major Site Plan Approval

Roll call vote: AYE: Bilicki, Choyce, Kurtz, Rogers, Percy, Womelsdorf, Cheek

NAY: XX

ABSTAIN: XX

Mr. Adams, Mr. Cain were not eligible to vote.

Motion Carried. 7-0-0

PB2017-08 — Wes Bates – Minor Subdivision – Block 768 Lot 1 - 700 Calhoun Avenue

The applicant, Mr. Wesley Bates, was present to explain that he just bought the house on 700 Calhoun Avenue and would like to sub divide the property into 2 residential lots on property that has city water and sewer.

Mr. Filippone referred to his report of July 13, 2017 and described where the property was – that the applicant is requesting a 2 lot minor subdivision, 1 structure is already on the property. Mr. Bates is seeking to create an additional lot for building purposes. The applicant received Pinelands COF for a two lot subdivision including the development of a single family dwelling. There are no variances; it will be 2 conforming lots. Mr. Filippone continued reviewing his report for completeness review and recommends that application be deemed complete.

Mr. Choyce asked Mr. Filippone if there were any of the 5 requested waivers he would support. Mr. Filippone responded: It is recommended that the applicant will provide #5 & #17 and to grant waiver for #13, 19 and 21.

Chairman Cheek asked if there were any more comments, there being none motion was made by Mr. Percy seconded by Mr. Cain to **Grant Completeness to PB2017-08 with the conditions of Items #5 and #17 of the checklist being met.**

Roll call vote: AYE: Adams, Bilicki, Cain, Choyce, Kurtz, Rogers, Percy, Womelsdorf, Cheek

NAY: XX

ABSTAIN:

Motion Carried. 9-0-0

Mr. Filippone then proceeded to review his technical comments from his report of July 13, 2017. He went over each items #1, 2, 3, 4, 5, and 6 and discussed the following with the applicant responding that he will comply with what Mr. Filippone request.

Discussion regarding sidewalk, and curbing. Mr. Gemmel remarked that the property falls under the sidewalk plan if we so choose to enforce it. It is an already developed neighborhood.

Mr. Womelsdorf questioned if anyone would be interested in just curbing.

Chairman Cheek asked Board members for their comments. Discussion ensued regarding granting a waiver for sidewalk and curbing with Board members giving their opinion.

Mr. Cain moved, seconded by Mr. Bilicki to **GRANT Minor sub division approval to #PB2017-08 granting waivers for sidewalk, curbing provision and bus stop provisions.**

Roll Call Vote: AYE: ADAMS, BILICKI, ROGERS, WOMELSDORF AND CHEEK

NAY: CHOYCE - appreciates what applicant is trying to achieve and he did see the improvements to property that already exists. Mr. Choyce votes no because he supports the need to follow the ordinance when it comes to the sidewalks in this particular neighborhood.

NAY: MAYOR KURTZ: He sees the plan, it looks good, we are always looking to bring new structures, nice looking homes into the community, however as a proponent to the Complete Streets Policy, which we are looking to adopt in full, he votes no because he would like to see sidewalks there.

NAY: PERCY: Has nothing against the applicant or the proposal. We do have an ordinance that is in effect, if we don't stick to it, why do we have it? Just because there are a couple of trees in the way, there are ways of going around obstacles and he feels we should stick to the ordinance. There is no concept of sidewalks to nowhere that is in Zoning or Planning theory.

ABSTAIN: XX

Motion Carried. 5-3-0

#PB2017-09 – Enclave @ Hamilton HOA – Block 1126, Lots 2.08 and 2.24 – Danielle Court – Amended Final Subdivision Approval – delete fencing from drainage basins.

Applicant is represented by Richard J. Hoff, Jr., Esq. The applicant, Enclave @ Hamilton HOA, is here seeking an amended final sub division approval related to fencing around subject basins.

Mr. Gemmel swore in Jay Sims, PE, Consulting Engineer. Mr. Hoff asked Mr. Sims to review his education and qualifications. Mr. Sims was accepted for testimony.

Mr. Hoff stated that the request comes from an issue of the basin fence which was brought to the attention with the development of the final lot within the court. The HOA met and discussed whether the fence should be constructed at all, or to seek relief and appeal to this Board and to ask the condition to be removed. They met voted in favor to proceed to amend and all members of the HOA were notified. The vote as taken by the HOA is to seek this relief. Members of the Board and Community are in attendance this evening.

Mr. Hoff turned the meeting over to Mr. Sims to give Board members and the public an outline as to where there location and what they would like the Board to consider with respect to this application.

Mr. Cain questioned how many lots are in the development, Mr. Hoff responded that there are 12 constructed with one remaining to be constructed. Mr. Cain further asked how many homeowners were at the meeting when they voted, Mr. Hoff said there was a quorum, perhaps 10 members and they did take a vote as official board action.

Mr. Sims presented Exhibit A1 – aerial of overlay of development with basin & lot lines and photographs of around the basins showing how they exist today.

Mr. Hoff inquired about the type of basins and what is in them; Mr. Sims responded that they are wet basins with fountains.

Mr. Hoff added that fencing was required as condition of approval, Mr. Sims, responded yes. It is noted on the plans. Discussion ensued regarding the sight of the property, the placement of the basins, type of basins as well as the safety element with the rail fencing design. Upon Mr. Hoff's request Mr. Sims stated that he feels in this instance it could actually be a detriment, children see fences as a challenge; safety wise, they would be hidden by the fence, anyone in trouble would be hidden from view; it could also provide safe haven for people doing things against the law to also impeded the rescue. Mr. Hoff stated asked is that to because as the fence is created there is only going to be certain access points to get out at the point, Mr. Sims responded, yes.

The location of the basins in relation to the houses was discussed. Mr. Hoff asked if there are any examples where basins are serving as water features and esthetics in the Township. Mr. Sims responded that there is one at Old Egg Harbor Road, Woods Landing, and explained the layout of that. Mr. Sims referred to Tavistock on Harding Highway, there is a wet pond surrounded by houses, does not have a

fence around it, has more of a potential of someone wandering into it. Mr. Choyce remarked that Tavistock is a bad example as the basins are designed and supposed to be dry basins and there is ongoing litigation regarding that. He does not take the applicants comments as them being wet basins.

Mr. Hoff remarked that there is not much from a presentation standpoint, you can certainly open up to Public Comment to the homeowners. The perspective theory is we don't think the safety concerns outweigh the esthetic concerns associated with the basin. As Mr. Sims testified you have a 3'-1' slope at the basin, you don't have a steep slope condition, you don't have a raised condition, and you have to balance the idea of an attractive nuisance. Mr. Hoff added that his past experience is that the fences are to prevent wandering toddlers from toddling into the basin. As Mr. Sims pointed out the concern about climbing the fence, the fence itself becomes an attraction to the wandering toddler, it is a consideration to the Board that the esthetics of the community, and the desire of the community itself is to not have that fence weigh against any safety concerns that would be mitigated by the creation of that fence.

Mr. Cain inquired as to what triggers the fence, we've heard testimony that when you have a retaining wall and the height that triggers the fence. Mr. Filippone referred to his report of August 3, 2017.

Mr. Sims remarked that actually nothing in the RSIS or BMP requires having a fence erected. His professional opinion is that the fence would be a safety rule.

Mr. Choyce commented that when this subdivision came, the design was a dry basin, they were originally designed and submitted as dry basin, once construction started they ran into difficulty with the basins, came back for a change in their design requesting wet basins. It required an installation of a well to maintain certain water levels within the basin because of it being maintained as a wet basin. I believe because of the change, the requirement of the fencing was put on the table by the board. I

Mr. Cain inquired as to what is triggering this now, if we are going back to 2007 why wasn't a fence installed. Mr. Cheek asked why the builder didn't put the fence in. Mr. Hoff said the fence remains a part of the performance bond, the issue is coming up with the last home being delivered and review has started on the performance and this issue came up. It is bonded but not yet constructed.

Mr. Filippone referred back to his report of August 3, 2017. There were no variances required but under completeness review applicant has asked for waivers from all items except for what they have submitted as in his report. Mr. Filippone remarked that no details were submitted nor as built drawing of storm water basin. Mr. Filippone looked at original construction drawings, while he agrees the storm water basin may standardly hold 3' water during a large storm it may go up to 5' and as you see in the photos he I took recently, it has to retain that excess in the surge of the storm. Typical water is 3 feet.

Mr. Filippone referred to Technical comments Page 2 and that it appears the basins have been constructed at 3-1 side slope. The applicant needs to provide #2 as-built plan and #3 shall provide testimony of actual depth and #4 reference to Section 203-265 of the Township Ordinance and NJAC 7:8 with regards to safety ledge. Mr. Filippone explained what a safety ledge is and gave an example of the design purpose. He did express his concern about the safety aspect of waiving the fence for this application.

The matter of implementing a safety ledge, how it is designed, functions and serving the purpose was discussed with questions from Board members and explanations given by the Engineer.

Mr. Gemmel inquired if our ordinance says you have to have a safety ledge, whether you have a fence or don't have a fence, if the basin is more than 2 ½ feet deep. Mr. Filippone responded that our ordinance says that and the state storm water regulations has the same wording and detail.

Discussion continued as to elevations, depth, condition of the basins and setting. Mr. Filippone provided photos of the basins showing the condition of the basins and you can see where the water level comes up and with heavy rain you are at 5'.

Mr. Choyce was surprised to find in one of the documents submitted by the applicant, the Declaration of restrictions to the Enclave of Hamilton, Page 4, Section 4.1, second paragraph, "In addition, the Association shall pay all costs and expenses in order to supply electricity to the water supply wells that are part and parcel of the Wells and Fire Suppression System. The Association shall not be responsible for any costs and expenses incurred or required in order to maintain the Wells and Fire Suppression System in good working order. That obligation shall belong to the Township of Hamilton and/or the Township of Hamilton Volunteer Fire Company." I am assuming that includes the wells connected with these wet basins and I was surprised to find the Township responsible for maintaining. If the Township is involved we need to take that into consideration considering these fences.

It was asked if the well was strictly for protection of this neighborhood. Mr. Hoff was not certain. He is here on behalf of the HOA for this matter.

Mr. Hoff remarked that they want to remove the fence, if fence goes in this is over. For the Board to say that we need to incorporate additional structures, I can't do that on behalf of the association.

Mr. Cheek asked the applicant if they would you like to withdraw and go back to the homeowners. Mr. Hoff responded that if the Board votes it down he can amend the application, he doesn't want to withdraw, maybe I can adjourn the application and come back.

Pursuant to open discussion held with the applicant's attorney and Board solicitor it was motioned by Mr. Choyce seconded by Mayor Kurtz to continue the hearing at the September 21 meeting, with all members voting Aye.

Mr. Cain remarked that this application that just came before us, with the Mayor sitting in the house, and this application came back to us in 2007, no fence on record to this point, it seems there is something flawed in Hamilton, because the potential existed for how many years for an issue to happen with no fence erected out there. How does this get missed? It is esthetically pleasing, but it was required, homes were built and children were put at risk. Through direction of this Board, I think that question should be asked of our enforcement department. It was further remarked that the fence should have been erected before the first house/co was issued then they could have asked us to take it down. The Mayor replied that he understands.

#PB2015-05 – St. Paul Coptic Church of Atlantic County – Block 1341, Lot 6 – 2460 Wrangleboro Road Completeness, Preliminary and Final Major Site Plan – I and Preliminary Major Site Plan for II.

Those present for the applicant were Kristopher Facenda, Esq. Rami Nassar, PE, PP, SNS Consulting, and Father Shenouda Awadalia of St. Paul Coptic Orthodox Church of Atlantic County. The application is seeking site plan for 2460 Wrangleboro Road, known as Block 1341 in Lot 6, located on corner of Wrangleboro Road and Pearce Road, 14.2 acres in size, currently vacant wooded land, located in RD5 Zone. Applicant is seeking site plan approval, preliminary and final, variances and waivers for applicant to construct church and assembly hall, chapel together with other accessory improvements including but not limited to parking facilities, retention swale, playground, soccer field, school, basketball court and solar array which is all depicted on the site plan that is on file in the secretary's office. As indicated it is located in RD-5 zoning district which permits places of worship. The Church will require a few variances tonight, the first for number of parking space; second, two separate front yard setback variances as indicated earlier, property is located on corner, has two front yards, one from Wrangleboro and Pearce .

Mr. Facenda continued that Mr. Nassar will establish the request we are not seeking special reason pursuant to the MLUL for the granting of I variances, we will satisfy the positive criteria for the grant of the variances as well as the negative criteria. We are not seeking a use variance, and as everybody on the board knows, and it has been confirmed, that churches are inherently beneficial. These are "C" variances.

Mr. Gemmel swore in Rami Nassar, Engineer for the applicant, for testimony. Mr. Facenda stated that the applicant is the same as the land owner. The Church is similar to the Catholic Church, they have a diocese and a parish, the applicant stated that essentially that is the best way he can describe the project.

Completeness:

Mr. Nassar offered that the property is on Wrangleboro Road, 530' foot frontage on Wrangleboro, close to expressway intersection; 850' frontage along Pearce. Our proposal as Mr. Facenda stated, it is a community center for a small church, called a chapel that will be utilized on a daily basis, eventually they will build a big church, hopefully in the next 5 or 6 years. Currently the Church is in Egg Harbor Township on Tremont Avenue and they bought this property a few years ago and are expecting to move out to have more room. Basically we have 3 weekly services during the day; maybe 10-15 people show up, services will be done in the small church that is proposed for Phase I. On Sunday it will be used for services, it will be utilized for Sunday school, have a gymnasium for the kids, place for parishioners to have a coffee hour and other classrooms, small library, and related offices. Mr. Nassar explained the general Sunday happenings, they are approximately 2½ hours long. There are 3 services in the morning during the week; Monday is bible study (15-20 people) very low intense proposal. Kids may come in one evening for a function. The building is not for other people, it is for the Church community. This is the proposal for this project.

The project will consist of a community center, classroom and chapel (100 +/- seats) have 70 families, Christmas or Easter get 200 people, doesn't happen that often and they will be able to squeeze in at that time. Normal Sunday, summer, 50/60 people; winter maybe 100/124 for this facility. We are proposing 98 parking spaces, 18 additional if needed in future along the side. We have a cleared area like a ball field where the kids can play we are trying to keep the kids from trouble and give them a place to go and get them use to coming to church. That is the kind of community they are trying to create.

Mr. Nassar continued that for completeness they did not provide, item #20 applicant shall indicate all parking shall be constructed in Phase I, it was discussed with the priest and council they agreed all parking will be built in Phase I – don't need waiver; # 31 letters from utilities, waiting for them to come in. Service on sight is septic and well, electric and gas if available. Don't need that waiver either.

Requesting waivers for #33 EIS; #35 #Vegetation; #37 Traffic; #42 and #43 Noise inventory; #46 Phasing and #49 Security analysis.

Applicant is also seeking completeness and approval or final for Phase I so they can break ground as soon as possible.

Mr. Nassar continued that these are items that usually deal with preliminary approvals. All revisions have to be done, we will have some based on our discussion tonight, and then they will be provided to the professional to sign off. Performance guarantees we can't do until all plans are finalized; it has to be done before building permits. Review by Engineer and sign off once we submit the final plans which are usually after we submit final revision and approvals from the County and Cape Atlantic Soil Conservation District. We can't break ground until we have all these approvals on hand.

Mr. Bilicki questioned diagram and if it is an artist rendition showing the sight from Wrangleboro? Mr. Nassar remarked yes and continued that the faith is a stickler for orientation and that is the placement, when they pray they have to face East. Orientation of the building as it relates to placement and the roadways was discussed, pointed out on exhibit and clarified.

Mr. Percy, entrance looks like it is on Wrangleboro but it is actually on Pearce. Mr. Nassar pointed out the location of the church. Entrance will be on Pearce.

Mr. Choyce asked about the surrounding uses, Mr. Nassar responded that across from Pearce Avenue is vacant, next to them is vacant, and there is an open road called McKee which is vacant. The parish owns additional property next to that, and then there is a development across the street on Wrangleboro Road and more homes down Pearce.

Mr. Gemmel inquired about the steeple height being 60' high and you are asking for a height variance for that. Mr. Nassar responded no, not the steeple. Mr. Gemmel responded that if they need a height variance for the steeple than the applicant would need to go to zoning board because it is more than 10%. Mr. Facenda said it is his understanding of the ordinance that height of the steeple is not included in that.

Ms. Heller remarked that per ordinance structures are compatible with uses in the immediate vicinity, church spires, cupola's, domes, monuments, water towers, they are not included in counting the height. The only height would be under 10%. Mr. Facenda added that only the area that appears to be not brick in nature but i.e. concrete in nature.

Ms. Heller spoke on completeness items from Polistina Associates report of May 20, 2017. Ms. Heller asked (item #20) if all parking and both driveways are being built as Phase I, the applicant's answer was no, that when they start construction on the church they don't want driveways because it will be broken up. Mr. Nassar continued that in their phasing plan we show only the circle and all the parking being built as Phase I, driveways are going to be built but speaking with the Priest they would like the other parking done. Nothing will be built but the building and just the parking and one driveway only

Ms. Heller went over the following items: amending item #20 as a condition of any approval the applicant must submit a revised phasing plan showing the revised parking that they are going to propose in Phase I; #31, #33, a Merimella impact statement; #35, vegetation plan; transportation and impact report; the air quality analysis; and the noise quality. They did get their Pinelands COF for that and Pinelands would have called that up. #46 the phasing plan and as we request any condition of approval be granted upon applicant submitting a revised phasing plan. We recommend deeming it complete.

Mr. Choyce inquired that by Pinelands COF being issued it addressed the issues of things associated with 33, 35, 37 42 and 43.

Ms. Heller said to take out #37, traffic, they did submit report of parking but they are asking for waiver from Traffic Impact Report. The Pinelands COF does address the EIS, Vegetation Plan and the Air Quality; if Pinelands had an issue they would address it in the COF.

Mr. Filippone spoke referring to his report of August 3, 2017, report. Referring to Item #20 he thinks that Mr. Nassar clarified only one of the two driveways are going to be constructed, and stated that he would like to see a modification to the phasing so we can clearly understand the limits of what is being constructed under I and II and also if there are any loading areas. Mr. Nassar stated that they are not proposing any loading areas, this is a church not commercial or retail. There is no cafeteria and Mr. Nassar explained how the families will bring food in for functions. The only thing that we will get will be stationery and bakers and things along those lines.

Mr. Filippone stated that the rest of the items listed in his completeness review exactly match what Ms. Heller identified in Polistina Associates report.

Mr. Carey wanted to discuss two areas that are proposed to be clear and he can't figure out why they are going to be clear, one is west of parking lot and also the clearing for future solar installation. Mr. Nassar said they have to go back to Pinelands and we will show it to be "future clearing" and that they don't have to show it now.

Mr. Cain feels that coming over the expressway, obviously the landscape changes. Why wouldn't we make an effort community center, mall, attract drive by traffic why wouldn't we make it effort to obscure it as much as we would to maintain the character along Wrangleboro. Mr. Carey remarked that the existing vegetation has got to remain, it is a Pinelands Forest. Mr. Nassar remarked they could add vegetation along Wrangleboro. Nassar remarked that when we clear we can supplement where we need to. It is a beautiful building, nice facility, we what to show it.

Mr. Cain remarked that yes it is; but also the character of the building and thinking of those who purchased along there and that they wanted to be close to things, with the rural character. Are you requesting a variance from front road setback? Mr. Nassar stated that the set back is based on the ordinance for scenic corridor; you have to go to 1,000' if you have anything less you can't meet that setback, it allows me to be at 90' but I still have to request variance. Mr. Cain further remarked that if it allows you to be 90' we can also require that the appearance is minimalistic to those driving by and live in the surrounding area. Mr. Nassar I understand and I am just saying why we did it that way.

Mr. Choyce asked about the development closest to Wrangleboro Road is your proposed Phase II. . How much clearing is proposed to be done in Phase I construction, are you clearing for the entire project? Mr. Nassar pointed out area to be cleared. He further stated that they cannot clear for Phase II because they don't have final approval. Mr. Choyce remarked about the west towards the Expressway, there is McKee Avenue and it is undeveloped and not to be cleared, there is some acreage and Mr. Nassar response was that the church owns that property and that is not going to be touched at this point.

Mr. Dixon reported that he has no objection to Board deeming application complete, because as stated, they are seeking waiver of traffic impact statement, we support that waiver given the following fact: 1 - As a church, its peak traffic impact is on Sunday, so it is not competing with rush hour traffic as it were where normal traffic studies take place weekdays 7-9 AM and 4-6 PM. Also it is a permitted use, traffic use would not be denied, and it is a very low volume roadway. So we can support and have no objection to the Board deeming application complete.

Chairman asked if there is any more discussion, none was offered.

Mr. Bilicki motion, seconded by Mr. Percy that application **#PB2015-05, St Paul Coptic Church for major site plan deemed complete.**

Roll Call Vote: AYE: Adams, Bilicki, Choyce, Kurtz, Rogers, Womelsdorf, Percy, Cheek
Kurtz – has some issue vote yes but feels he will have opportunity to address them
Rogers – echo Mayor's comments
NAY: Cain – has a problem with #35 and the Traffic
ABSTAIN: 0

Motion Carried. 8-1-0

Public asked about public comment being permitted as this is a large project and they would like to hear more and have input. Chairman Cheek advised they will have their time as this portion was just for completeness.

Preliminary and Final

Mr. Facenda asked Mr. Nassar if he prepared the plans and is familiar with the site and familiar with the surroundings, the neighboring properties and familiar with the Hamilton Township ordinance. Mr. Nassar responded yes.

Mr. Nassar basically we have an orientation to follow. We are proposing ground slopes from Expressway to Pearce Avenue and there is a low area so we are proposing the parking which will be shielded by the building so when you come down Pearce you will only see the back, and we are proposing trellis with vines for landscaping which creates a kind of a court yard. Basically the parking is shielded by the building from the street.

We are proposing a bio retention basin along Pearce which is a 2' deep depression, water goes in, is filtered and the rest will go into the big basin on the other side of the driveway. We are proposing two driveways; one closer to Wrangleboro and Mr. Dixon suggested it should be one way drive and the other driveway will be a full driveway because it will be used for Phase I. The basin will be at lowest area of the site and that is along Pearce Avenue. Unfortunately, it is in the front yard setback and that will require a waiver because we are not allowed basins in front yard. The topography of land dictates where the basin will be.

Mr. Nassar stated that they are proposing 98 parking spaces, on the southern side of building they have an area for 18 parking spaces and if need arrives, they can open curb and add spaces they need to, that gives 116 space total We feel that is sufficient for the uses. There are a lot of uses for this building which would require 208 maybe 210, but those uses are not being used at the same time and Mr. Nassar explained the timelines and coming and going. This is a community center for the people of the church and it is just typical religious institute. The Coptic is Egyptian and he continued to explain the use of the fields for the members and that it will be for their enjoyment. Some might be built or might not, he just wanted to show it on the plan.

Mr. Facenda asked what kind of landscaping is proposed. Mr. Nassar said that he thinks it is sufficient with what that they have. One thing that came to him from what Mr. Filippone said earlier tonight is that we will put a fence around the basin, and landscaping. It is deed restricted and has to stay grass, because that is the area that the water flows and gets filtered.

The applicant is also proposing a sign, the detail shows one but they are going to change the sign for two faces, reduce the height to 6', no variances needed. There are some modifications based on professional report that will deal with the variances.

Mr. Nassar presented design waivers, they are requesting. The ordinance says every 5 spaces you have to have an island, he thinks they have 7 or 8 spaces, he thinks every 5 is a lot and is excessive, we have 6, 7, and the maximum 11 spaces. We have the islands and church separated; handicap is next to the building and will be ADA requirement.

Mr. Nassar continued with the requesting of a waiver from Southern sidewalk and curbing along the site. He has worked with this Board when it requests curb and sidewalk, 90% of the time I agree, but I think this one does not require sidewalk and curb because the location, coming from Expressway, there is no room. This is not retail, it is a destination facility you come to go church and you don't walk here.

Vegetation was discussed and the item to identify endangered species, they did not find any on site, looked at data base nothing came up the sight, so we are requesting a waiver from that.

Mr. Facenda remarked that Mr. Nassar has testified extensively from site plan, and asked Mr. Nassar to please mark his exhibits and for Mr. Gemmel to accept them as such: A1 Site Plan; A2 perspective from Wrangleboro Road; A3 is the view from the parking lot.

Mr. Nassar then reviewed the variances he needed: with the parking variance, the proposed 118 in lieu of 209 is justified on the way this building functions. He added that if anything besides this proposed use is expressed, they would have to come back to Board who has final say about parking if adequate or not.

They are asking for lot coverage RD5 Zone you are allowed 2.5% coverage, 15.7% sounds a lot, but in the scheme of things it is not based on the area.

Mr. Nassar continued that they area requesting height variance for parapet height so they we can hide the mechanical electrical equipment; it is the entrance to the community building.

Mr. Nassar spoke of front yard setback. Based on Section 203 141C2 we are allowed to reduce to match any structure within 1,000 feet, which is Consumer Square where Best Buy is. Mr. Nassar spoke with the priest and if they have to move to 25' they can, but it will take away from the solar panels. The corner will be set back 125' instead of 100'. With this request we are getting closer to compliance.

Mr. Gemmel asked him to clarify the setback variance and Mr. Nassar said that he is asking for 125' from corner of Wrangleboro with the closet point of building being 90' from Pearce .

Mr. Facenda asked what purposes of zoning are advanced at least in the terms of variances proposed. Mr. Nassar remarked open and air space, it doesn't impact adjoining property, it is an esthetically pleasing structure, we can't use that as proof but it is inherently a beneficial uses. He feels that is important and it is for the general welfare for people to have a place of worship.

Mr. Facenda asked Mr. Nassar is it the general welfare because of the religious worship aspects and the education of the religious aspect associated with the project and if he would agree that those uses would be fundamental to the public good. Mr. Nassar responded yes.

He further asked if in Mr. Nassar opinion is this location appropriate for this church. Mr. Nassar, feels it is and that it is not good for residential and it is more commercial, and this project is very low impact comparing to Consumer Square or commercial but mirrors the use.

Mr. Facenda asked of Mr. Nassar that based on renderings depicted A2 and A3 does it promote a desirable visible environment. His response was yes.

Mr. Facenda continued that they we must also satisfy the negative criteria. In your (Mr. Nassar) opinion does applicant satisfy the criteria? Mr. Nassar responded on the application we had a two way drive and by making that one way, we are improving it. You are still going to have traffic because there are no projects that doesn't produce traffic, it is vacant land; you are putting in a church and community center. I think it has minimal impact.

Mr. Facenda asked if in his opinion is there any substantial impairment to the intent to Hamilton Township Planning or Zoning. Mr. Nassar stated no because the use is allowed and he is familiar with the Planning and Zoning. Mr. Facenda then asked if in his opinion does the public good outweigh any perceived detriment caused by the applicant. Mr. Nassar responded yes. Mr. Facenda commented that with respect to the outside approvals is it the applicants intention to obtain all outside approvals, county, CASCD, no call up letter from the Pinelands and state approval for well and the county for the septic system.

Mr. Bilicki, asked that Mr. Nassar explain the vehicle circulation, and he went over that pattern if the project were fully developed, making note of drop offs, ingress, egress and direction.

Mr. Bilicki expressed his concerns regarding Phase I. There is a single entrance and exit, Mr. Nassar said it is 30' wide, feels for this use it is sufficient and Mr. Bilicki felt it was still risky and expressed concern over fire and rescue and the surface that will be in place. Discussion ensued.

Mr. Bilicki asked about lighting and security. Mr. Nassar responded that parking will be well lit, enough lights for parking with parking in the back of the property, it is shielded from street and it will not be like what you see at the mall. There will be alarm systems for security, burglar and fire. Police will be notified. All doors are ADA accessible, there are no steps, just handicap ramps.

Mr. Bilicki has it been approved by Fire Company – sent it to them, they approved and had a question on fire suppression and upon discussion with Frank Primavera, Twp. Fire Official, and explained the proposal for the solution, a tank and sprinkler system will be part of this system.

Mr. Cain, you cited ordinance for setbacks, does that ordinance stay in effect when zones change, obviously one is Design Commercial and one is RD5. Mr. Nassar, Rami, It doesn't say anything because of that. If you look at other houses the closest is 125' and we will be meeting that.

Mr. Cain continued with questioning regarding Lot 1341, Lot 1, stating that according to sheet #1 you say the applicant also owns 1340 which is the property between the Expressway and McKee Avenue. It appears Lot 1341 goes much deeper, why couldn't the building be built back further. Mr. Nassar, said he could but with the parking he doesn't think it is good. Mr. Cain said the he feels sheet one looks like there is more property on Block 1340 Lot 1; you are building on 1341, Lot 6; the applicant responded that they don't own Lot 5. Mr. Cain said he feels it looks like the applicant is utilizing only a portion.

Mr. Gemmel remarked that we didn't hear any testimony for sign variances, Mr. Nassar Rami, we don't need one and, we are going to comply with Polistina Report. We are not having three signs, height 6 feet and double sided. Ms. Heller asked if they are doing a building mounted signs as well, response was no.

Mr. Rogers asked if there was any residence on property, Mr. Nassar responded no. Mr. Rogers then questioned Mr. Filippone about looking at sheet 5, the proposed septic bed and the amount of people for the facility, it seems small. Mr. Filippone said it is extremely small. Mr. Rogers presented scenario as to this being properly sized. Mr. Filippone said anytime you do any food preparation and kitchen you need to go DEP for a septic system of this size.

Mr. Rogers continued with the applicant talking about dropping the building back 25' to the lower end of lot that would give you more use. Mr. Nassar said he talked to Public Health and discussed all the uses; the applicant stated that they will be designing the system for 1100 to 1200 gallons a day.

Mr. Rogers asked Mr. Filippone if there is there is safeguard for this and that they won't get approval without it being acceptable. Mr. Filippone remarked, if it is domestic waste, it comes through County. DEP is most likely going to be involved in this application

Discussion ensued regarding vegetation removal and replacement, the septic and well and what would be workable for all. It was suggested they move the septic.

Mr. Kurtz if in fact we are talking about moving the building 25' (the entire sight) wouldn't they have to provide new drawings for us. Mr. Nassar said it is a simple revision. Mr. Bilicki asked if would it change the design of the basin, and Mr. Nassar responded that he would take it away from the proposed solar array.

Mr. Kurtz further remarked that with everything we are talking about, changes and such, that is why we have a workshop. Mr. Nassar responded that they have been to workshop and with this change they are just sliding the building down.

Mr. Cain remarked that if in fact they decide the septic system has to be made larger, that could give a reason for less vegetation to be planted, because they are not going to make them plant it over that and Mr. Filippone remarked that it has to be grassed over septic field. Mr. Nassar said that is why it is where it is. Not actual sizing, just for depiction.

More discussion continued regarding the septic, making it larger, not removing any more vegetation, and it being nowhere near the sight triangle.

Mr. Cain, in order to help clarify the discussion , remarked that the building is starting from the asphalt and everything is moving 25 feet.

Mr. Percy asked looking at that septic bed, along Wrangleboro Road are you suggesting that you are going to be removing vegetation along Wrangleboro. Mr. Percy remarked that there is a green belt there; Mr. Nassar said they are not removing anything there and with moving the building down it will give approximately 35' additional feet of vegetation to remain.

Mr. Choyce, we need to hear the opinions of our professionals. We made a lot of changes of what were originally given, it sounds like it needs to go back to another workshop to work out the concerns the Board has instead of designing on the fly.

Mr. Filippone would feel more comfortable to have a work session, more discussion and as the project starts moving 25' the grading is different, there will be drainage comments and comments to the moving and placement.

Mr. Facenda remarked that the alternative is not to move, proceed as designed.

Mr. Cain remarked that he is concerned about setbacks, visibility and preservation of the neighborhood. If you want to proceed it is entirely up to you.

Mr. Facenda replied that he understands that but we have attempted to make the changes as needed and address those comments. You are asking for the building to be moved 25'.

Mr. Cain remarked that he is able to be swayed, I am asking for no setback for that allowance of a 65' dual sphere in what is a rural area which we did discussed. I sit on the Board because of things like this, I think it is a beautiful building, I want to help you as an applicant but in turn if you want to proceed, it is

up to you, the flavor of the professionals can guide you through this application so both sides you are happy, I think if you proceed this evening, you may not come out with a happy ending.

Ms. Heller stated her first comment is in regard to parking, looking at the architectural plan and site plan, I am not clear how you came up with 209 parking space required and can you explain the number of seats in both one and two. Mr. Nassar you have 350 seats total for both but are not being used at the same time. Mr. Nassar stated that he basically used Mr. Dixon's analysis when he came to 209 parking spaces. It is difficult to quantify because it is not usual usage. Mr. Nassar stated that 100 seats is for the Chapel, Phase I and 250 seats for the Church, Phase II. Ms. Heller said that she will defer to traffic engineer for the parking. Our other comments are related to scenic setback which you addressed and we would like a revised phasing plan and a better explanation on that plan of what is being construction in Phase I and Phase II. The site improvements don't include curbing and sidewalk, we don't support waiver and a waiver was not originally requested, so we defer to the Board. The signage you are just eliminating building mounted signage and you will have 1 ground mounted which will comply. You need to get the approval for on-site septic and well, approval from Fire Official and the County and a COF of no call from Pinelands.

Mr. Filippone wants to go over variances. The impervious coverage variance and front yard on both Wrangleboro and Pearce Road is not clear to him, no parking variance and not being required and what activities will occur on a schedule so that we feel comfortable and, therefore, if there is multiple activities appearing at the same time it could be under parked. He defers to Mr. Dixon.

Mr. Filippone questioned the building being just under 34', then the applicant says they want to make it 35' and tonight they mentioned going to 38'. The new variance is not in our report.

Mr. Filippone remarked about items that are Mr. Carey perused: islands required every 5th parking space; waiver proposed for curbing and sidewalk; waiver for providing specimen trees. He personally didn't notice any specimen trees when he walked the sight to which Mr. Nassar felt waiver for vegetation plan took care of that identification for wildlife. Mr. Filippone commented that the basin in the front yard cannot be more that 24" in depth.

Mr. Filippone continued with technical review and commenting that there are quite a quite a few drainage issues and asking applicant provide pre development and post development watershed map, provide pipe routing; #18 basin located in front yard setback, design waiver required. He continued with items #4, 5, 6, 7, 8, 9, 11, 12, 12, 14, 15, and 16; concluding his comments.

Mr. Carey spoke of the waivers Mr. Filippone just talked about, providing landscape every 5th parking space. He could support that waiver, based on what Mr. Nassar has done, in providing larger islands in the parking lot, it will provide a lot of benefits to the vegetation that is planted, and the one thing I would suggest is a light standard is out of an island, I ask that it get placed in the island and I think there is comment in the report to discuss more vegetation be placed in the islands that are not planted. Carey supports that waiver

Mr. Carey presented his comments regarding landscaping. He went over items #1, 2, 3, 8, 10 highlighted some of the larger items that need some looking over. All proposed landscaping in the courtyard shall be noted on the plan.

Mr. Nassar questioned #4 and Mr. Carey said that they shall show proposed tree protection on the revised plan. Mr. Nassar responded that he really doesn't know that, it goes around individual trees, it will be difficult to show on every tree. Mr. Carey remarked that he thinks that they could provide protection around some of the larger areas, i.e. the storm fence.

Mr. Cain inquired if there are any plans for up lighting, of the building, façade lighting or dome, is any of that going to be illuminated. Mr. Nassar responded that there will be some down light and pointed the area out on his exhibit. They will not be on for 24 hours.

Mr. Dixon revisited the traffic impact statement, the report as submitted would basically identify trip generation from this use, that would be applied to the surrounding traffic either when the church is generating those trips on Sunday morning, or applied during rush hour, neither way, we are going to have extremely low trips during rush hour, because that is not when the church is operating or we are going to have normal trip for Sunday which is really not impacting rush hour traffic. The primary objective is to access the impact from 7-9 am and 4-6 pm during the weekdays. Although the traffic engineer didn't have an issue with the applicant seeking waiver of impact statement, that doesn't mean that they have no concern regarding the traffic circulation on site and parking. Parking being a primary concern at this point and looking at sheet 3 indicates (Plans received July 14, 2017) it indicates 250 seats so our numbers were based on 250 seats and tonight we heard 350 spaces. There is an area of concern, 100 additional seats from what we were working off. Based on what we are working on we anticipated there

could be as many as 209 compared to the 98 as proposed. There is a significant deficient of parking. I can think of only one project that this Board granted such a provided a deviation from a parking standard and in that project the applicant presented very detailed hours of operation in the components of the building, and in that project they gave specifics of the demands, parking demands and even took into account where there may be overlap of activities.

Mr. Dixon expressed his concern regarding his comment #8 in that if the Board approves this in its present configuration, the Governing Body will have to consider no parking signs on Pearce Road. Because there will be parking on Pearce Road. This is not in doubt, because he feels that for certain events that will happen.

Mr. Dixon thinks this applicant needs to demonstrate more clearly how they would overlap, if they would overlap, hours, days of the week, the spaces in at this facility would be used. Primary concern we have is for parking. Mr. Dixon remarked that he shares the concern that Mr. Bilicki has, and from his notes at a workshop from February in which all the parking was to be built in the first, that would mean to the access aisle in the first, if you are going to build the parking lot you should be building both drives because of the linear nature of this site and the long access that it gets for emergency vehicle and but just for any traffic circulation where you have to go around to meet into a dead end parking lot 98 plus additional spaces as marked on the plan, up to with 116 parking spaces with one driveway should be built with second driveway added to make sure circular action can be made.

Mr. Dixon reviewed the on sight circulation and remarked that with the on sight circulation, truck turning movement driveway should be as close to 90. The applicant did realign those to match and that turning movement is on the plans. He thinks that for the most part sight triangle meets ASTO but for the most part we ask to use 300', basically a longer look because of the higher speeds on Pearce Road approaching those driveways. We did recommend sidewalks and walkways from the streets coming into the facility. There are provisions in the ordinance that allows for a waiver request, special consideration for specific pedestrian generator and amongst those churches are mentioned. I ask the Board to take that into consideration.

Mr. Rogers with regards to additional parking spaces, is there anything to exclude the applicant from establishing parking spaces in Block 1340 Lot 1 using property that they own. It was stated that people would have to cross McKee Avenue, which is pretty far from facility and if you try to keep the distance within 300', you may not be able to accomplish that, but a portion could be used. It could be overflow and it could even be prepared for overflow parking. There is still a deficient of the parking provided for this facility for the uses and hours of operation.

Mr. Cain asked if they would consider going to another workshop.

Chairman Cheek called for a 5 minute break, then we will take public comment.

Mr. Facenda we will have another work session before coming back to the Board with the understanding that no notice would be required, and that plans would be submitted within "x" number of days. We would like to hear the public comments so that we might address those concerns.

CHAIRMAN OPENED TO PUBLIC COMMENT.

Residents making comment were Harry Rowlinson, Diane Sinatra, Denise Diana, Jennie McGarry and James McCourt. A combination of their comments were: too many considerations; it is a rural area and that is why they live there; do not feel a church should be in that atmosphere; traffic, which is bad enough now, safety of the residents and travelers. They have a difficult time now getting out of Pearce and Hamilton Walk and feels it puts too many residents in jeopardy when Wrangleboro gets shut down or in an emergency, no evacuation route. There was concern for further projects expanding adding to the traffic (AC Airport) and looking into the future to avoid major problems. They also expressed concern for the wildlife, the inadequate snow plowing. They feel the road needs to be widened like it was down the road. They spoke of a major flooding problem in the area that effect homeowners now. Concern was also expressed about the extra burden of Fire and Police and the amount of amount of money the township is going to have to bear is a tax burden on the people who live in the area. They also spoke about the building design and uses and size and parking. I am hopeful that you will have another night where you will have public presentation.

Chairman Cheek thanked those who spoke and offered their concerns and comments and asked if there was anyone else who would like to speak. There was no response.

Mr. Choyce commented that he feels the people of the public need to understand that a church is a permitted use in this zone and the Board cannot stop them from building a church, it is permitted use in the zone as part of the ordinance and the only thing this board has jurisdiction over is whether or not the construction meets with all the necessary requirements in the code but it cannot forbid them from building a church.

Chairman Cheek thanked Mr. Choyce for clarifying that.

Mr. Cheek asked to set the workshop date and the applicant will return to the Planning Board Meeting for September 21, 2017, no notice required. They will attend a workshop

Mr. Percy added that for public edification plans are on file and you have the right to look at the plans during business hours of the Township.

Mr. Choyce motioned, seconded by Mr. Percy to close public portion, with all members voting "aye". Mr. Facenda, Esq., attorney for St. Paul Coptic Orthodox Church said they will proceed with the workshop and return to Board on September 21, 2017. He further remarked that he appreciates comments with the Board, the time and detail to this matter and the public comment. Mr. Facenda added that it is permitted use and the application was advertised according to land use law and are on file.

Mr. Gemmel remarked that this is a matter that is continued so no need for any further notice unless at the workshop something develops other than what we heard tonight have to notice.

Mr. Rogers, asked one more question of Mr. Filippone, regarding the gentleman that spoke of flooding on adjacent property, does NJDEP look at ground level problems before giving them approvals, if level is high who takes a look at it?

Mr. Filippone answered that it is more wide spread than just the drainage on the site. He is looking for a drainage map. He will go out and look at the conditions of these offsite properties to see what effect it would have.

Workshop for St. Paul Coptic Orthodox Church is scheduled for August 29, 2017. Applicant and professionals agreed.

No Executive Session

Mr. Filippone spoke of the Benderson project, made some changes, it is for Administrative Review and no vote required. They are proposing to realign two of the buildings to parallel instead of perpendicular. They are going to construct Renaissance from Black Horse Pike to Volunteer Way. He stated that Mr. Dixon and he will reach out to Benderson on the layout. It does conform. They want to get started in February. Mr. Kurtz remarked that this meets the infrastructure, a project we need done. Mr. Filippone will keep the Board informed of any changes.

Mr. Womelsdorf remarked it is nice that they are putting everything under the roadway and nice to know that the eastern side of Volunteer Way will be completed.

Upon Mr. Percy's questioning, Mr. Filippone gave update of the Home Goods project and parking and sidewalks for the Festival. The project is not complete as yet.

Adjournment: 10:45 PM Mr. Adams moved, seconded by Mr. Cain to adjourn with all members voting "aye".

Respectfully submitted,

Mary Lisitski, Secretary
Twp. of Hamilton Planning Board