

Florence, New Jersey 08518-2323  
September 21, 2009

The regular meeting of the Florence Township Planning Board was held on the above referenced 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 given 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:

Mildred Hamilton-Wood	David Woolston
Tim Lutz	Paul Ostrander, Alternate No. 1
James Molimock	Frederick Wainwright, Alternate No. 2
Wayne Morris	

ABSENT: Mayor Bill Berry  
Council Representative Sean P. Ryan

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

## RESOLUTIONS

**Resolution PB-2009-24**  
**Continuing the application of the Church of Saints Francis and Clare for Preliminary and Final Major Site Plan with bulk variances for property located at 1290 Hornberger Avenue, Roebling, NJ. Block 145. Lot 1**

Motion of Morris, seconded by Lutz , to approve Resolution PB-2009-24.

Upon roll call the Board voted as follows:

YEAS: Hamilton-Wood, Lutz, Molimock, Morris, Woolston, Ostrander,  
Wainwright  
NOES: None  
ABSENT: Berry, Wilkie

## MINUTES

Motion of Lutz, seconded by Morris to approve the Minutes from the August 17, 2009 meeting as submitted. Motion unanimously approved by all members present.

## CORRESPONDENCE

- A. Final Major Site Plan review letter from Engineer Guzzi dated August 31, 2009 regarding NJ State FOP, Block 159, Lot 8.01.
- B. Final Site Plan and Major Subdivision Plan review from Engineer Guzzi dated August 25, 2009 regarding Albax, LLC, Block 100, Lot 8.03.
- C. Memorandum from Township Clerk Joy M. Weiler dated August 14, 2009 regarding Ordinance No. 2009-13 ‘An Ordinance of the Township of Florence Amending Section 91-23 of the Florence Township Code to Establish a Fee for an Application to Extend the Period of Approval’.
- D. Memorandum from Township Clerk Joy M. Weiler dated September 3, 2009 regarding Township Resolution No. 2009-197 authorizing and directing the Florence Township Planning Board to Cause a Preliminary Investigation to be made pursuant to the New Jersey Local Development and Housing Law, as to whether a certain area along the Route 130 corridor within the Township of Florence is “An Area in Need of Redevelopment” within the meaning and intentment of said statute.
- E. Final Site Plan compliance review from Planner Petrongolo dated September 9, 2009 regarding NJ State Fraternal Order of Police. Block 159, Lot 8.02.
- F. Letter from Burlington County Planning Board dated September 4, 2009 regarding Sterling Bank.

Solicitor Frank recommended that the Board hold Item D for discussion under Other Business.

Motion of Woolston, seconded by Lutz to receive and file Items A through C and E and F and to hold D for further discussion. Motion unanimously approved by all members present.

## APPLICATIONS

Chairperson Hamilton-Wood called for Application PB#2009-05 for Wawa, Inc. Applicant is requesting Amended Preliminary and Final Major Site Plan approval including the relief from a condition of approval restricting the parking of tractor-trailers on property located at Route 130 and Cedar Lane, Block 163.02, Lot 13.

Solicitor Frank reminded the Board that this application had been continued on the record from the July meeting.

Attorney Tim Prime stated that this application has 4 components. The first component is relief of the condition restricting tractor-trailers on the site. The rear parking lot will

continue to be closed between the hours of 9:00 p.m. and 5:00 a.m. but tractor-trailers will be allowed to park in the rear lot during the day in the designated parking spaces. The second component is the requested amendment to revise the site plan to allow for 6 spots for oversized vehicles including tractor-trailers in the rear lot. The third component is to replace the mechanical gates with the removable bollards. The fourth component is the replacement of existing signs and installation of new signs for the rear parking lot.

Attorney Prime indicated that Wawa had a meeting with the Board's staff and the Township officials. Wawa has received permission to install 2 cameras to monitor the rear parking lot as requested by the Board. The cameras will be mounted on the building and will monitor the rear parking lot. The same hard drive that supports the front lot cameras will be used for the back lot. Wawa will have a 30 day continuous record of activity in the lot. Should an issue occur the police could monitor the recording and make a copy of any relative content. There will be no formal monitoring of the camera system.

Attorney Prime stated that they have reviewed the Board professional's letters. He stated that they could comply with everything listed in Engineer Guzzi's letter. The letter from Police Chief Fazekas requested extra signs. This triggered the notation in Planner Petrongolo's letter that the over all square footage of signage on the site would be slightly increased. He stated that if a variance were required they would apply for that. 5 extra signs are proposed to prevent the night parking, prevent the idling and to enforce the 15 minute time limit for parking. There are also some fire lane signs proposed.

Engineer Guzzi stated that when they met with the police and the staff there were a lot of signs talked about. He stated that Wawa could develop one sign that combine the restrictions rather than having separate signs. He stated that he thought that what Planner Petrongolo referred to in his letter were the larger Wawa signs that say Wawa with truck parking. These signs seem to be similar to the 2 existing signs that say "Entrance". The proposal is for an additional 5 that say "Wawa Truck Parking". Planner Petrongolo stated that these proposed signs are 8 sq. ft. He said that in his mind a directional sign says "enter". When you increase the size of the sign and add the Wawa logo to it now it becomes more of an advertising sign than a directional sign. The ordinance permits 1 freestanding sign on site. The applicant has their main sign and then the 2 entrance signs existing and they are proposing to add 5 more signs each 8 sq. ft. Planner Petrongolo stated that in his opinion these are advertising more than directional and a variance would be required. He asked for the applicant to show where the additional signs were to be located.

After being sworn in by Solicitor Frank, Bradford Bohler, Bohler Engineering, stated that he had a Bachelors and Masters of Science degree from Purdue University and has been a licensed professional engineer for 1 ½ years. He stated that he had testified before other land use boards. The Board accepted Mr. Bohler as an expert.

Mr. Bohler referred to a color copy of the amended site plan. On Rt.130 directly west of the right turn entrance of Hunt Circus Drive a 1' x 1.5' aluminum sign would be replaced

with an 8.2 sq. ft. directional truck parking sign. There is a similar aluminum sign across from the jughandle on Cedar Lane this will be replaced with the 8.2 sq. ft. sign. This directs trucks to head southbound on Cedar Lane to access the truck parking via Hunt Circus Drive. Engineer Guzzi stated that at the same spot there is an existing Wawa entrance sign. Is this going to replace the existing sign? Mr. Bohler stated that the existing sign faces perpendicular with Cedar Lane for car traffic. The proposed sign will be parallel to Cedar Lane and is for trucks exiting the jughandle. These signs will be next to each other, but you will only be able to see the truck parking sign from the jughandle. Attorney Prime stated that trucks are not permitted in the front lot so the signs are intended to direct cars to the front lot and trucks to the back lot.

Mr. Bohler stated that the third sign is perpendicular to Cedar Lane right next to Hunt Circus Drive. This would be a double sided sign so that trucks from either direction would know to turn into Hunt Circus Drive to access the lot. This would also replace an existing small metal sign. There are 2 one sided signs on either side of Hunt Circus Drive so that a truck can see as he is coming either southbound or eastbound on Hunt Circus Drive.

Planner Petrongolo said that it appeared that the 2 signs located across from the jughandle would block each other. Mr. Bohler stated the proposed locations would not block each other as one faces the jughandle and the other will be visible from Cedar Lane. Planner Petrongolo stated that it is important to have the Wawa truck driving sign to direct the trucks to the correct parking area. However, there are a lot of signs proposed for the site. He stated that in his opinion whenever the sign includes the name Wawa this is an additional advertising sign and a variance would be required. He questioned whether 5 additional signs are necessary.

Chairperson Hamilton-Wood stated that everyone is in agreement that the current signs on site are very confusing. It is important to install signs that will clearly direct everyone as to where they should go. She said that she didn't know how many signs would be necessary for this. Engineer Guzzi stated that he would like to see signs consolidated wherever possible. He wondered if the 2 signs on Cedar Lane across from the jughandle could be combined to include directional arrows for both car and truck parking.

Attorney Prime said that he didn't want to belabor the discussion regarding the signs. The Police Chief had looked at the plans and Wawa had marked up the plans to conform to the recommendations from the Chief. Attorney Prime said that he doesn't have a problem with combining signs but there are multiple uses on Cedar Lane and they need to differentiate Wawa truck parking from the other uses. Engineer Guzzi asked if Wawa could combine the 2 signs across from the jughandle?

Planner Petrongolo stated that there are locations where it is important to have the Wawa identifier on the signs. There should be one on Route 130 at the eastern corner of the site. There should be one at Cedar Lane at the southern corner of the site. The question is on the intersection of the Wawa entrance and the jughandle on Cedar Lane it doesn't make sense to have 2 signs they should be combined into one sign somehow. Attorney Prime

121.

stated that they could do this. Planner Petrongolo stated that he did not think the 2 signs were necessary along Hunt Circus Drive. One sign should be enough. The Board had an extensive discussion regarding the sign package.

Planner Petrongolo stated that the applicant had addressed all the issues listed in his review. He requested that if any of the buffer plantings along Cedar Lane do not survive they should be replaced. Attorney Prime stated that they were still under maintenance bond for the site.

Engineer Guzzi stated that there are 2 items remaining to be addressed from his report. The detail for the stop bars should be added to the plan and the truck turning pass should be added to the plans to verify that the trucks can make the turn. Mr. Bohler agreed to both these items.

Attorney Prime stated that the Chief of Police had requested in his review that at least 2 more "no idling and 15 minute parking only" signs be added to the plans. Chairperson Hamilton-Wood stated that this would not be a problem, but these should be combined to lessen the overall number of signs.

Chairperson Hamilton-Wood asked the Board's professionals what happens if trucks park illegally. Engineer Guzzi stated that the police have enforcement power and with the cameras they will be able to enforce the rules of the parking lot. Attorney Prime stated that Wawa will call if there is a big problem and the police will come out and investigate. He stated that they do have Title 39 enforcement.

Member Morris asked for the height of the bollards? Mr. Bohler stated that they were 48" and composed of solid plastic. Member Morris stated that the detail of the storage bin indicates that it is 24" and the bollards will not fit. Mr. Bohler stated that this is the wrong dimension on the plan and this would be corrected.

Solicitor Frank asked if the signs, which are not illuminated, are directional signs or are they informational advertising signs that require variance for the number. Planner Petrongolo stated that with the Wawa logo on there they become advertising signs. Attorney Prime stated that he had not advertised specifically for any variances other than the standard language for any variances that come during the hearing. He stated that Wawa does request the variance. Solicitor Frank stated that the variance would be for the number of freestanding logo signs. A variance had previously been granted for 3 signs. This proposal adds another 4 signs for a total of 7 freestanding signs. Planner Petrongolo testified that this signage is appropriate and necessary to deal with a safety issue and to inform the truck drivers to the location as to where they should go.

Solicitor Frank said that when the parking and addition to the site approval was granted for truck parking it was subject to camera monitoring. Attorney Prime stated that Wawa did not accept the condition of the cameras so they amended the approval to prohibit truck parking. This amendment of the site plan proposes to reinstate the truck parking with the camera surveillance, the gates have been replaced with the bollards, there will

continue to be no parking between 9:00 p.m. and 5:00 a.m. in the rear parking lot, trucks are not permitted to park elsewhere on the property, there would be an addition of several mixed directional signs and for restrictions and more detail has been added as to line striping and other controls in the truck parking area.

Solicitor Frank listed the following conditions of approval. The elimination of the individual small truck parking hour signs at the Cedar Lane main entrance (referred to on the plan as "C" signs). The elimination of 1 truck parking sign on Hunt Circus Drive at the entrance of the truck parking area (referred to on the plan as "B" sign). The hours that the truck parking area is closed will be added to the sign that runs parallel to Cedar Lane at the jughandle which guides trucks into the rear truck parking area (referred to on the plans "A" signs). The hours that the lot will be closed is 9:00 p.m. to 5:00 a.m. The applicant will comply with the review letter from Engineer Guzzi dated August 26, 2009 and the review letter from Planner Petrongolo dated September 16, 2009. A note will be added to the plan stating that the new signs are not illuminated. The signs restricting idling and 15 minute parking will be consolidated. The bollards will be routinely installed and removed on a daily basis. The digital images on the hard drive will be available for up to 30 days. Two cameras will be installed at the rear of the building. Cameras are monitored on an as needed basis.

Attorney Prime stated that the primary function of the cameras is deterrence.

Motion of Woolston, seconded by Lutz to open the hearing to public comment. Motion unanimously approved by all members present.

Motion of Woolston, seconded by Lutz to close the public portion of the hearing. Motion unanimously approved by all members present.

Motion of Morris, seconded by Woolston to approve the application with the variances and conditions as set forth.

Upon roll call the Board voted as follows:

YEAS:	Hamilton-Wood, Lutz, Molimock, Morris, Woolston, Ostrander
NOES:	None
ABSENT:	Berry, Ryan
INELIGIBLE:	Wainwright

Member Wainwright returned to the dais.

Chairperson Hamilton-Wood called for Application PB#2009-06 for the Church of Saints Francis and Clare. Applicant is requesting Preliminary and Final Major Site plan approval with bulk variances to permit construction of a parking lot on property located at 1290 Hornberger Avenue. Block 145, Lot 1.

Solicitor Frank advised the Board that any member who was a parishioner of the Church of Saints Francis and Clare should recuse themselves from the application. Let the record show that none of the attending Board Members belong to the parish.

Dave Roskos, attorney for the applicant, said that the plan has been revised several times to meet the ordinance standards as closely as possible. Some of the variances and waivers are driven by the existing conditions, as the church is over 70 years old. The applicant views the application as a benefit to the neighborhood. They have taken a bad situation and are improving it by adding parking, which will eliminate much of the on street parking and provide a safer environment for the parishioners. The property will be improved aesthetically by the addition of landscaping and the erection of a 6' board on board vinyl fence between the subject property and the residential neighbors. There will also be a stormwater detention facility installed on the site to address potential runoff caused by the increase in impervious coverage.

Attorney Roskos stated that this is a classic C-2 variance. They are fixing up a site that has been neglected for many years. The parishioners benefit, the neighborhood benefits and the Township benefits because the Board's staff has asked the applicant to install certain improvements including sidewalks, which were not proposed as part of the plan.

Engineer Guzzi stated that they should start with completeness because there are a number of submission waivers that the Board has to decide on prior to moving forward on the application. These are outlined in the review letter dated September 11, 2009. Engineer Guzzi reviewed the required waivers as follows:

Item A regarding Environmental Impact Statement the waiver would be supported.

Item B regarding a preliminary delineation of wetlands and Item C a preliminary delineation of stream encroachment the waiver would be supported but the applicant's engineer is asked to verify that there are no wetlands or buffers that impact the site.

Item D regarding a clear statement of the proposed use. Engineer Guzzi asked that during testimony the applicant list the use of the building and the hours of operation.

Item E regarding the soil erosion and sediment control plan and Item F regarding soil boundaries this information should be provided and added to the plan.

Item G regarding test borings to the water table. Engineer Guzzi stated that borings were done but they were not witnessed as required by ordinance. A waiver would be required for the witnessing of the soil borings.

Item H regarding elevations of roadway every 25' to extend 100 feet past the property. Engineer Guzzi stated that some of the proposed work would be in the Hornberger and Emerick Avenues right-of-ways. This information should be added to the plan as a condition of approval. The purpose of this is so that no drainage or grading problems occur with the installation of driveways.

Chairperson Hamilton-Wood said that she has noticed that some work has been done at the site. When we refer to existing elevation does this refer to the present condition or the condition prior to the installation of sidewalk and curbing? Engineer Guzzi said that the time period between the initial submission of the plans and the meeting with the applicant's staff sidewalks were replaced along Hornberger Avenue. This was done with the Township's permission and Engineer Guzzi had requested that this information be updated on the plan so that the plan would show existing conditions.

Item I regarding the loading space and Item J regarding the recycling center. Two loading spaces are required and none is proposed so a waiver is required. The applicant should provide testimony in support of this during the hearing.

Item J regarding the municipal services and utilities impact statement. Engineer Guzzi stated that the applicant should address traffic generations and the hours of operation.

Solicitor Frank asked if the applicant was prepared to give testimony as requested by Engineer Guzzi. Attorney Roskos stated that they will supply the required testimony, but he stressed to the Board that the installation of this parking lot will not result in even 1 more parishioner. This is not an intensification of the use. The real purpose of the improvement is to get a majority of the parking off the street and into the parking lot.

Engineer Guzzi stated that the Board should consider granting submission waivers for Items A through K as outlined in the review letter. Solicitor Frank stated that Items E, F, and H would be conditions of any approval. Items I and J are waivers of submission of them but the Board will still have the issue of the substantive waiver as to whether the Board would waive these items for the substantive issues based on the testimony.

Chairperson Hamilton-Wood asked about the witnessing of the soil borings. Engineer Guzzi stated that if there should be any problems it would fall back on the applicant to make any adjustments or at worst case come back before this Board.

Motion of Lutz, seconded by Morris to deem the application complete and grant the requested waivers.

Upon roll call the Board voted as follows:

YEAS: Hamilton-Wood, Lutz, Molimock, Morris, Woolston, Ostrander,  
Wainwright  
NOES: None  
ABSENT: Berry, Ryan

Neil Pirozzi, Director of Real Estate Property for the Diocese of Trenton and Joseph Mester, PE, Trenton Engineering, Inc. were sworn in by Solicitor Frank.

Mr. Mester stated that he was a professional engineer, professional land surveyor and a professional planner. He stated that he received his license in 1980. He stated that he had previously appeared before many Boards. Mr. Mester was accepted by the Board as an expert.

Mr. Mester said he would like to verify some of the information that Mr. Guzzi asked for. He said that there were no wetlands or stream encroachment on the site. He agreed to provide the soil information.

Mr. Mester said that the test borings were done by Environmental Soil Sciences on May 6, 2009. This is on page 7A of the stormwater management report. He said that the seasonal high water table is 92" deep. The bottom of the proposed underground detention system is 2' above the seasonal high water table.

Mr. Mester stated that the proposal is for 59 spaces in the parking lot and 4 spots in the garage.

Attorney Roskos asked Mr. Mester to give an overview of the site using the color-coded display board. This is a colorized copy of the plan that was submitted to the Board as part of the application. Mr. Mester stated that there would be an entrance off of Hornberger Avenue with a one-way circulation. If the parking lot is full, overflow can access the school parking lot across Parish Lane.

Mr. Mester said that the entrance radius from Hornberger Avenue was adjusted at the request of the Fire Commission to allow emergency vehicles to enter from Hornberger and exit from Emerick Avenue. Mr. Mester stated that 3 handicap spaces have been provided. One handicap space was relocated and the ramps were redesigned to meet the comments listed in Engineer Guzzi's review.

Mr. Mester stated that drainage is from the edge of the sidewalk to the street and drains toward Emerick Avenue. He stated that the lot is very flat and directly behind the rectory there is what appears to be a stone pit that aids in infiltration of water on the site. There have been no drainage problems with the site. There will be no change to this area of the site.

Mr. Mester stated that the proposed drainage is going to have the same flow. It will drain from the sidewalk to the street. There is a high point at the edge of the parking stalls and the drainage to the west of the highpoint drains to an inlet in the curb area. It is then piped into the underground system. He stated that the underground system consists of four 30" diameter pipes, which are each 71' long. The entire system is 75' x 22'. Manhole entrances are provided for each of the pipes for cleaning access when necessary.

He stated the water from the back section of the parking lot behind the existing church drains out the driveway into Emerick Avenue. The post runoff will be 5% or 6% less than the current runoff and for the 100 year storm the post runoff is less than the current runoff in all cases over a 24 hour period.

Attorney Roskos identified the requested variances. There is a trash enclosure variance and Deacon Pirozzi will testify to that. Attorney Roskos stated that a trash enclosure isn't needed, as the church does not generate more than 1 or 2 cans of trash each week.

Attorney Roskos stated that there are 2 other setback variances requested. The ordinance requires a 25' landscape buffer along the common property line with residential uses on the westerly side of the property. Mr. Mester stated that the proposal is for a 9' buffer with a 6' board on board vinyl fence along the property line with a row of arbor vitae between the fence and the parking. This area will be bermed slightly to keep any runoff from the neighboring property. Attorney Roskos stated that the fence would be entirely paid for by the Church. He continued that the neighbor had requested that the fence extend as close to Hornberger Avenue as possible. He stated that the applicant had limited the fence to the end of the parking area after having worked with the Board's professionals, but the applicant has no objection to extending the fence closer to the Hornberger right of way as long as there is adequate sight distance.

Chairperson Hamilton-Wood suggested that there be a step down to the fence so that it doesn't impact the sight triangle. Engineer Guzzi noted that fences are not permitted in the front yard setback and any further encroachment would increase the amount of variance. Planner Petrongolo stated that he had no objection to extending the fence as long as it does not impact the sight triangle. Planner Petrongolo stated that if the fence is extended then the plant material should also be extended. Attorney Roskos stated that they are willing to work with the Board's professional staff to work out the details of this.

Attorney Roskos said that the mitigation of the variance for the 25' buffer by installing the 6' board on board fence would actually provide more privacy than what was intended by the ordinance. Chairperson Hamilton-Wood said that she was concerned with sound mitigation one reason for the 25' buffer is to reduce sound from the non-residential use. She stated that she is also concerned with water. The testimony that was given indicated that the runoff was less but you have taken a property that had a building and grass and have proposed to pave this entire area. This has to displace more water.

Engineer Guzzi said that he had been concerned with this as well, but what the applicant has provided is an underground system. Large pipes will be installed underground to store the runoff and allow it to perq into the ground. He stated that this plan has gone through a couple of revisions because he wanted to be sure that the pipes could store without flooding the parking lot. In the event that the system completely fails the water would build up in the parking lot itself. If this were to happen they would have to open the manholes and clean it out. The system is designed to collect the water, store it and let it perq into the ground. The applicant has provided the soil testing results that show that the ground can handle it.

Chairperson Hamilton-Wood said that she was concerned with the runoff to Emerick. Engineer Guzzi stated that the calculation provided shows that the runoff to Emerick would be less than the current condition. Chairperson Hamilton-Wood said that most

sites in town have sidewalk along the property and then there is a grass strip along the curb. This site has concrete to the curb line on Hornberger Avenue. She stated that this was recently done and she doesn't understand the purpose of that. Engineer Guzzi stated that this was done with township authorization. She asked how this played into the drainage? Engineer Guzzi stated that it doesn't as this area is off site.

Chairperson Hamilton-Wood stated that the impervious coverage on this property is very, very high. Mr. Mester stated that the increase in impervious area is 9,000 sq. ft. Attorney Roskos stated that there is an increase in the impervious but there is also the addition of the stormwater retention system. Engineer Guzzi said that this is the NC zone so impervious coverage is not a bulk requirement. Mr. Mester stated that the total volume of runoff in the post is less than in the pre. This very rarely happens.

Chairperson Hamilton-Wood asked if the arbor vitae would remain healthy in the 9' buffer area. Planner Petrongolo stated that he had actually suggested arbor vitae. These trees would be 6' to 8' at time of planting.

Attorney Roskos stated that they think that the fence will be good for the neighbors. He stated that sound attenuation is usually by a solid structure. The car engines will be attenuated more by the board on board fence than it would be by a bush. He said that in his opinion the neighbors are better off with this than with a 25' landscape buffer.

Chairperson Hamilton-Wood stated that she would like to hear testimony on the use and the hours of operation. Attorney Roskos said that he wanted the Board to understand that there is no change in masses or in hours of operation. Chairperson Hamilton-Wood said that as members of the community the Board knows that there are a lot of changes going on in the parish plus the school building has just been opened as a charter school. She asked if the school children would at any time be on this site. Attorney Roskos stated that they would not.

Attorney Roskos asked Mr. Mester for his opinion as a licensed planner in the state of New Jersey if the requested variances satisfy the C2 criteria under the Land Use law, meaning that the benefits outweigh the detriments in connection with the variance relief we are looking for in terms of the ordinance? Mr. Mester indicated that they did. Attorney Roskos asked Mr Mester in regards to the proposed waivers does the intent behind the provisions in the ordinance being fulfilled with this site plan. Mr. Mester stated that it was.

Planner Petrongolo asked for a little more testimony as to why the benefits outweigh the detriments. Mr. Mestor agreed with Attorney Roskos' statement that assuming there were 18 spaces in the existing parking lot and the proposed parking lot would be increased by at least 45 spaces this would be taken off the adjoining streets and would now be parked on site. He agreed that this would create a safer condition for both the traveling public and for parishioners who are visiting the church. There is a public benefit to creating the on site parking.

Attorney Roskos asked if the site plan as worked out with the Board's professionals was an aesthetic enhancement to the neighborhood. Mr. Mestor stated that it was and that it was an improvement in on-site circulation for fire trucks and for parishioners accessing the site. Mr. Mestor stated that in his opinion there would be no detriment from the substitution of the fence for the 25' landscape buffer. There is no detriment to extending the fence into the front yard setback on both Hornberger and Emerick. There is no detriment in the waiver for the trash enclosure. The parish does not generate enough trash to warrant a separate enclosure.

Attorney Roskos stated that the witness's testimony has substantiated that the benefits do outweigh the detriments. He said that they think that this will be an improvement to the neighborhood.

Attorney Roskos called Neil Pirozzi to testify. Deacon Pirozzi said that he works for the Diocese of Trenton finding new sites for churches, retreat houses, alternative uses for closed schools, etc. He stated that at the Holy Assumption campus of the Parish of Saints Francis and Clare there are 3 mass liturgies per weekend. There is one at 5:00 p.m. on Saturday, one at 8:00 a.m. on Sunday and one at 11:00 a.m. on Sunday. Daily mass is held at the Saint Clare campus.

Deacon Pirozzi stated that on the 3<sup>rd</sup> Sunday of October each year the diocese does a headcount of how many people attend mass at each parish. In 2008 at Holy Assumption Church for the 3 masses there was a total of 562 people. He stated that there are 400 seats in the church so it is safe to say that all 400 seats are not filled for each mass.

Deacon Pirozzi stated that in 2008 there were 8 baptisms. These take place at the 11:00 a.m. mass. There were 7 funerals. These are generally held at 10:00 a.m. on weekdays. There were 8 weddings. They generally take place at 1:00 p.m. on Saturday afternoons. The CCD program takes place at the cafeteria of the old school on Sunday morning. He stated that the church building is generally not used during the week unless there is a funeral.

Deacon Pirozzi stated that there is no intention by the diocese to add more seats to the church. He stated that this plan should be aesthetically pleasing for the neighborhood.

Responding to questions from the Board Deacon Pirozzi stated that only one person lives in the rectory, the pastor (Father Adam Midor). The preschool is no longer being conducted in the basement of the church building. The River Bank Charter School will not be utilizing the church campus. He stated that the church retained custody of McGrath Hall (the former 4,000 sq. ft. cafeteria) and breakfasts or other events could be held at this location.

Chairperson Hamilton-Wood asked if the intention was have Hornberger Avenue posted as no parking in front of the church. In the past funerals and weddings would park in front of the church to utilize the front doors. Deacon Pirozzi stated that these vehicles would probably utilize the parking lot rather than parking out front.

Chairperson Hamilton-Wood questioned the location of the handicap entrance at the back of the church. Attorney Roskos said that they had revised the handicap entrance per Engineer Guzzi's review letter.

Member Morris asked what the minimum aisle width was for perpendicular parking. Engineer Guzzi stated that it was 22' for perpendicular. Chairperson Hamilton-Wood asked if there was enough room for a car to back out of the end spot adjacent to Hornberger. Engineer Guzzi stated that there is a potential for conflicting movements here but it is a wide drive aisle.

Motion of Lutz, seconded by Ostrander to open the hearing to public comment. Motion unanimously approved by all members present.

George Pizzio, 1230 Hornberger Avenue, was sworn in by Solicitor Frank. Mr. Pizzio stated that his property was adjacent to the church property on Hornberger Avenue. He submitted 2 photographs marked P1 and P2 that showed the fence that was recently approved by the Zoning Board at the Fallon building (old firehouse) on Delaware Avenue. Mr. Pizzio said that the photographs show the fence extending close to the edge of the property and he would like the fence adjacent to his house to extend as close to Hornberger Avenue as possible.

Mr. Pizzio said that he has a problem with Hornberger Avenue being posted as no parking because he would then have nowhere to park. Engineer Guzzi stated that this Board has no jurisdiction to restrict street parking.

Chairperson Hamilton-Wood said that the applicant had agreed to extend the fence to the right of way line. Engineer Guzzi stated this is approximately 7' behind the sidewalk. Engineer Guzzi said that the fence could be stepped down to meet the 4' existing chain link fence on Mr. Pizzio's property. Attorney Roskos asked about sight distance. Engineer Guzzi stated that sight distance would take priority in this instance.

Stefan Voj, 1221 Emerick Avenue, was sworn in by Solicitor Frank. Mr. Voj stated that he is the adjacent homeowner to the church on Emerick Avenue. He stated that he built his home 22 years ago and has had no problem with the church. He stated that his wife was a parishioner. He said that when Father Adam said that he was going to remove the existing chain link fence, he (Mr. Voj) approached Father Adam and asked him to not remove the fence, as it was a good strong metal fence. Father Adam decided to remove the fence anyway. Mr. Voj is pleased with the agreement to have the new fence installed and complimented the Board on the job they have done in hearing the application.

Motion of Morris, seconded by Lutz to close the public portion of the meeting. Motion unanimously approved by all members present.

Attorney Roskos stated that they would comply with all the items called out in Engineer Guzzi's review letter and will continue to work with the Board's professional staff.

Planner Petrongolo said that the applicant's engineer has indicated that they would conform to his letter. He said that there was a requested waiver for number of parking spaces, 138 are required, 18 exist, 63 are proposed. This will obviously make an existing non-conforming situation better. The applicant has requested a waiver to permit 9' x 18' parking stalls where 10' x 20' are required. He said that again the applicant is trying to maximize the amount of parking that they can have on site. There is a requested waiver on the number of parking lot trees, ordinance requires 13 the applicant has proposed 5. There are a plenty of trees on site. The applicant indicated that they were willing to provide additional shrubs along Emerick Avenue.

Chairperson Hamilton-Wood asked that installation of the fence be a priority and not left until the end of the job. She asked that the fence be one of the first things that are done as long as this is reasonable. Attorney Roskos agreed, but stated that they want to do the grading before they install the fence. Chairperson Hamilton-Wood said that she did not want the fence to be the last thing done.

Engineer Guzzi stated that the fence would be extended all the way to Hornberger Avenue and the last 8' would be dropped down to 4' height. On the Emerick side the fence would go to the edge of the parking lot. The fence will be either tan or white and the applicant will work this out with the neighbors.

Motion of Woolston, seconded by Lutz to approve Application PB#2009-06 with variances, design waivers and conditions as set forth.

Upon roll call the Board voted as follows:

YEAS: Hamilton-Wood, Lutz, Molimock, Morris, Woolston, Ostrander,  
Wainwright  
NOES: None  
ABSENT: Berry, Ryan

#### OTHER BUSINESS

Chairperson Hamilton-Wood stated that the Board had held Correspondence D regarding Township Resolution No. 2009-197 to be discussed as Other Business.

Solicitor Frank stated that the governing body has requested that the Planning Board engage in an examination as to whether or not certain areas are in need of redevelopment. This is a function of the Planning Board.

Planner Petrongolo stated that his office is investigating the Route 130 corridor area and will develop a plan. Attorney Frank stated that the process is to hold a noticed public meeting. Planner Petrongolo stated that the draft should be done by the end of this week. Solicitor Frank stated that the Board could notice for October 19, 2009. The public notice should be given on October 1, 2009 and October 8, 2009.

131.

Planner Petrongolo stated that redevelopment begins and ends with the governing body. The governing body gives the Board the Blocks and Lots to look at. The Board can't add to the Blocks and Lots, but can take them away. Solicitor Frank stated that the Board could make a recommendation to add Blocks and Lots if they deem necessary.

Motion of Woolston, seconded by Lutz to go into closed session to discuss a matter of litigation. Motion unanimously approved by all members present.

The Board returned to the regular order of business.

Motion of Woolston, seconded by Morris to adjourn the meeting at 9:55 p.m.

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David Woolston, Secretary

DW/ne