

maintain the area. A picture of the equipment on one of the two tot lots for the older children was shown. A smaller version will be for the younger children. There will be two different sets of equipment connected by the seating area. Fencing will be installed as suggested by Mr. Cline and they will work through the details as the engineering plans are finalized.

Mr. Feinberg and Mr. Troy looked at the COAH building to see if they could address the height concern. The height would be no greater than 43'. The width of the building was also reduced to 112' from 132'. It is about 70' deep. This will be reflected on the final plans.

Mr. Coppola said that his recommendations have been incorporated into the plan. Mr. Cline agreed and noted that the sports field is proposed to be irrigated so the maintenance is covered. Mr. Bartolone was glad to see the changes that were made. He would like to be included in the decision on the type of fence.

Mr. Willson said the plan as presented is remarkably better than it was. He asked about the grading of the field. Mr. Troy said the grading is very gradual. Mr. Willson asked about the height of the COAH building and the protection by the Township Fire Department. He asked if the ladder trucks can service the building and whether the Fire Chief reviewed the plan. The height of the building will be reviewed by the Fire Department as a condition of the preliminary.

Mr. Conforti updated the Board on the site visit. He said he was concerned about the recreation, the height of the building and how far away the building was from the 55 and over community. The building is pretty far away. The topography is pretty low in that area so the building should not be above the tree line.

Ms. Davis asked how this development will be marketed since the whole makeup of the development has changed. Mr. Troy replied that at this point it is two separate and distinct projects. At the time of final a model area and sales area will be shown. The DCA filing will have to be amended to take what would have been the potential Phase II out of the filing so that is registered only as Phase I.

Chairman Some said the plan as proposed is a great improvement. He asked whether a decision has been made on the rental or sale of the COAH building. Mr. Troy said they have not. If it were to be a rental it would either be something they would retain ownership of or it would be transferred to another entity that would be able to manage it collectively. Chairman Some said he would prefer them to be rental.

Mr. Petrino said the COAH building is on a separate lot. The Conversion Act has a provision that allows the Board to give a preference for up to 50% of the units to households having members who work or reside in the Municipality. This could be a condition if the application is approved.

Mr. Coppola said if that was a condition there would be 23 credited affordable units with a deviation from the normal affordable housing rules that everything be put into a lottery system. The Board would like to put in a condition to make it a preference.

Chairman Some opened the meeting to the public. There being no public comment, the Board voted unanimously to close the public hearing.

Mr. Linnus explained that the applicant has agreed to bifurcate the application into two procedures and will apply for final if preliminary is granted.

A motion to approve the eligibility and preliminary site plan and subdivision subject to conditions was made by Mr. Conforti, which was seconded by Ms. Davis. This was carried on the following roll call vote:

Ayes: Conforti, Davis, Trzaska, Willson and Some

Nays: None

Mr. Petrino signed an extension to June 9, 2012 for the final.

Mr. DeRochi and Vice Chairman Matthews returned to the meeting.

Case PB-03-11

Applicant: Mother of God Orthodox Church

Block 33001 Lot 29

Preliminary and Final Major Site Plan with Variances

Expiration Date – 4/6/12

Affidavit of Notification and Publication Required

Notice was found to be in order. Richard Schatzman, Esquire represented the applicant. The proposal is to convert a 1½ story single family dwelling to a church. Alterations are proposed to be built for the new use

including a new driveway, curb cut and parking facilities and drainage facilities. A variance is needed for front yard setback because of the dedication for widening of Cherry Hill Road. The building is at 100' now and after the dedication it will be 85.8'. The applicant advertised for a design waiver for lighting because they average 1.4 footcandles and the ordinance requires an average of 1 but that waiver is being withdrawn and they will comply with the ordinance. They are asking for a design waiver to allow the back aisle to be 22' instead of 24' and for landscaping to allow the replacement of trees that are being removed rather than 14 per acre since the lot is heavily wooded. Churches are allowed in the zone and have enhanced bulk standards. The applicant meets all the standards except for the front yard setback due to the dedication.

William Tanner, 339 Amwell Road, was sworn in. Mr. Tanner was accepted as an expert. A colored rendering of a composite site plan was marked as Exhibit A-1. The plan is a combination of a site plan, landscaping plan and the lighting plan. The 1½ story frame dwelling is the original dwelling on the site. There are going to be two additions to the dwelling; one in the back and the carport/garage will become part of the structure. There will be an addition of stairs to the front and a sidewalk that will go to the parking lot. The parking lot will circulate in both directions and has 41 parking spaces including two handicapped spaces. The ramp for the handicapped access begins at the point in between the two spaces and continues upward to the main entrance. There is a ceremonial entrance but is only used for funerals or major high holy days. The driveway has been relocated further from Cherry Valley Road at the suggestion of the applicant's Traffic Engineer. The westerly aisle is 22' because of the proximity to the wetlands buffer. The aisle is pass through only and has no other traffic movements on it. The entrance driveway, anywhere there is parking and the driveway to the east are 24'. The lighting will be revised to meet the ordinance. The lighting fixtures will be focused downward. The main fixtures on site are shadow box and the only other lights are at the front doors. The architect has said they will be downward lighting with a hidden bulb. The stormwater management is a combination of items. There is porous pavement that will act as a Best Management Practice (BMP) for stormwater and cleanses the water. It is then carried to a catch basin. Underneath the parking lot is an underground detention basin consisting of an 18" polyethylene porous pipe which connects the catch basins. It is a depressed curb so that if it backs up it will discharge over the curb. The discharge is an 8" pipe that ends in a rip rap apron and then discharges over ground to the stream that is on site. The stormwater management meets all the requirements of the LDO and the DEP. The removal of solids occurs in the driveway and as a result the stormwater management plan has an operation maintenance plan. The maintenance plan requires that it be vacuumed as opposed to just swept about four times a year. All the rest of the material on site is considered clean. There are wetlands that run along the stream bed and a 100' stream buffer. The application complies with the Montgomery Township stream corridor ordinance. There are 150' wetland buffers and they are not being disturbed. A 10' wide pathway easement is being dedicated over the Transcontinental easement in the rear of the property. The stream corridor area will be protected by a conservation deed restriction which language would allow for a future crossing through the stream corridor if approved by the NJDEP and provided that the crossing is a direct as practical and the disturbance is no greater than 40' in width. Any future crossing would be subject to site plan approval from the Planning Board. The applicant will retain the ability to access the lands in the future if it ever develops to the west. Monuments will be placed at the property lines where the deed restriction area begins in accordance with the ordinance.

Mr. Schatzman discussed Mr. Coppola's memo. The architectural plans show a larger scale Church. The other additions are abandoned at this time. There are 35 congregants but 41 parking spaces. The extra spaces may be needed at holiday time and for future growth. An additional "No Parking" sign will be added on the 22' aisle way. Mr. Tanner explained the circulation from the parking lot to the building. The sidewalk before the handicapped spaces cannot be installed because of the height differential. A wooden post and rail fence will also be installed on the higher retaining wall.

Chairman Some asked if there would be space for overflow parking if the additional spaces were not provided. Mr. Tanner said cars would end up parking along the driveways and the potential could exist for parking along the road.

Mr. Schatzman discussed Ms. Elliott's memo. There are no fire hydrants on Cherry Hill Road. Soil borings for the detention basin will be a condition of approval. An adequate stormwater management system can be redesigned and constructed if it is determined that the depth of groundwater is less than assumed for the design of the current system. There is enough room for the improvements in the 2' curb strip dividing the parking lot. The double light will be installed in front of the wall with a diamond created around it. The pathway easement will not be located outside the Transco easement.

Mr. Schatzman discussed Mr. Bartolone's memo and the Shade Tree Committee memo. The applicant will work with Mr. Bartolone for buffering along Cherry Hill Road and replacing the trees that are removed. The applicant will comply with the other issues raised in Mr. Bartolone's memo.

Mr. Yesowitz prepared a traffic study for the applicant. Mr. Rea issued a memo suggesting the driveway be moved to the north, which the applicant has done. The balance of the site plan has been prepared in accordance with acceptable traffic engineering principals. Mr. Tanner said there is a discrepancy between the number of parking spaces on the plan and the note on the plan about the number of congregates because they are showing how few parking spaces they can have based upon the ordinance.

Harvey Yesowitz was sworn in. Mr. Yesowitz gave his qualifications and was accepted. Chairman Some asked Mr. Yesowitz to go over his estimates regarding traffic in and out of the Church during peak hours and the flow. Mr. Yesowitz said he had projected 35 cars arriving and leaving on a Sunday. The services take place from 10-11:30 on a Sunday. The counts were taken towards the end of that period because they would be higher than the beginning. The peak hour would occur right after the end of the service. Saturday evenings was the same situation. The service is from 7:00 to 7:45. The key aspect is that the traffic associated with the Church is largely out of the peak period. It doesn't occur when the commuter traffic is travelling on adjacent roadways. In general it is a low impact use from a traffic standpoint. Volumes along Cherry Hill Road are relatively low during the time frames that this has any impact.

Chairman Some said his concern is if all the congregates leave at the same time and whether there will be a backup of vehicles exiting. Mr. Yesowitz said there would be a short period of time that could occur but it would be cleared in 15 minutes or less. Mr. Yesowitz thought the line of cars waiting to get out would probably not reach the parking lot itself. The "A" level of service will be maintained at the driveway intersection with Cherry Hill Road.

Vice Chairman Matthews asked if the entrance and exit driveways are at the same elevation as Cherry Hill Road. Mr. Tanner said they are at the same elevation; there is about a 3% slope into the road.

Mr. Schatzman discussed Roy Mond's memo, the Environmental Commission's memo and the Open Space Committee's memo. There were no issues with the memos.

Reverend John Casar, Rocky Hill, was sworn in. Mr. Casar explained that many of the parishioners come from the surrounding area. The Church has been in the area for about 14 years and started in Rocky Hill and has moved two times. Everywhere they have been they have had great relationships with the community. He gave a brief description and history of the Orthodox Church. Reverend Casar is only allowed to serve one service per day. Mr. Casar confirmed the hours now are 9 am to 12:30 am on Sundays, 5 pm to 9:30 pm for Saturday evening services, 12 Feast Days per year with lights on no later than 9:30 pm, and occasional church meetings/activities during the week, concluding by 9 pm. The facility will not be leased to either parishioners or the public. The Church structure is worship space.

Jeremiah Ford was sworn in. Mr. Ford gave his qualifications and was accepted as an expert. Mr. Ford showed a board of photographs he took showing what the structure looked like approximately 2 years ago. The board was marked as Exhibit A-2. Mr. Ford discussed the floor plans and elevations that were submitted. There is a discrepancy between what is shown on the plan and what the applicant had previously agreed to. At one point they were proposing stairs out of the basement but that has been eliminated.

Mr. Coppola said the applicant worked with his office and the Township to address the concerns that were raised. Ms. Elliott had no comment. Mr. Bartolone said the applicant addressed his comments.

Chairman Some opened the meeting to the public.

Maxine Baicker, 903 Cherry Hill Road, was sworn in. Ms. Baicker asked if Cherry Hill Road was going to be widened. Mr. Tanner said the widening that is referred to is not a pavement widening, it is a widening of the right-of-way so that if in the future the Township wanted to widen the road they could. Ms. Baicker asked if the driveway and parking area are considered impervious surface even though they drain through. Mr. Tanner said they are. Ms. Baicker asked if the Church could have daycare or summer camp for their parishioners. Mr. Coppola said that the applicant has indicated that it is a center for prayer and the floor plans show that. Reverend Casar confirmed and said if they want to do that in the future they would have to come back to the Board. There is no signage, other than the "No Parking" signs proposed at this time. If they want to install a sign they would have to come back to the Board. Ms. Baicker asked about the buffering of the site. Mr. Bartolone said the ordinance requires a minimum of 5' - 6' high evergreen trees and 2' - 3' high shrubs.

There being no further public comment, a motion to close the public hearing was made by Mayor Trzaska, which was seconded by Mr. Willson. This was carried on the following voice call vote:

Ayes (9) Nays (0) Abstentions (0)

Vice Chairman Matthews asked Mr. Linnus if the approval of the Church goes with the land. Mr. Linnus confirmed it does. Mr. Schatzman noted that if there are changes to the approval or a change of use, it would have to come back before a Board.

Ms. Davis asked about the number of members and at what point would they mother another Church. Reverend Casar said they average about 75 people now. It is hard to say when they would mother another Church. If the Church membership outgrows the site they would look for a second location while also remaining at this location.

Mr. Willson asked about fire access and turning movements into the driveway for emergency vehicles. Mr. Willson suggested an area that an unimproved driveway could be installed to bring in a truck if things are blocked at the other end. Mr. Tanner said there is a retaining wall proposed in that area.

Mr. Linnus summarized the application.

Ms. Elliott said the success of the porous pavement is dependent on the enforcement of vacuuming four times a year. She suggested a condition be placed in the resolution requiring quarterly monitoring. Mr. Tanner said the applicant will file quarterly inspection reports with the Township. Ms. Elliott said the light in the triangle should be on an elevated foundation so the cars don't hit it. Mr. Coppola asked for some sort of casing to cover the cement.

A motion to approve the application subject to the conditions, was made by Mayor Trzaska, which was seconded by Mr. Willson. This was carried on the following roll call vote:

Ayes: Conforti, Davis, DeRochi, Dyer, Mason, Matthews, Trzaska, E. Willson and Some

Nays: None

IV. MINUTES

March 19, 2012 – Regular Meeting

A motion to approve the minutes was made by Mayor Trzaska, which was seconded by Ms. Dyer. This was carried on the following roll call vote:

Ayes: Some, Conforti, Davis, Dyer, Trzaska and E. Willson

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:00 p.m.