

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
June 09, 2016

- Call to order:** **Call to Order by Mr. Waddington 7:35pm**
- Pledge of the Flag:** **Led by Mr. Waddington**
- Sunshine Law:** This is a regularly scheduled meeting of the Pine Hill Planning and Zoning Board. This meeting has been duly advertised and is in full compliance with the Sunshine Law.
- Appointments:** **Mr. Waddington:** The first thing we have on the agenda tonight is the three appointments. Teresa Ciotto who is moving to the Class IV for the balance of a 4 year term; Zachery Greer is moving to alternate 1 for the balance of a 2 year term and Michael Green will become the new alternate 2 for the balance of a 2 year term that expires 12/31/17.
- Mr. Sitzler:** Would you like me to swear them in together or individually
- Mr. Waddington:** individually
- Mr. Sitzler:** Swore in the new appointees individually
- Roll Call:** **Present:** Mr. Waddington, Mr. Castor, Mr. Ford, Mr. Shultz, Mr. Hagy, Mayor Green, Councilman Robb, Mrs. Ciotto, Mr. Greer, Mr. Green
Absent: Mr. James
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty, Planner: Mr. Luste
- Correspondence:** **Mr. Waddington:** We have the New Jersey Planner; Vol. 77, No.2
- Approval of Minutes:** **Mr. Waddington:** At this time if you had a chance to read through the minutes I will entertain a motion to approve

Motion made by Mr. Shultz and seconded by Mrs. Ciotto
Roll Call: Mr. Castor, Mr. Greer and Mr. Green abstained; all others
“aye” motion carried

Application 2016-3:

Mr. Waddington: at this time we will hear the application from
November 8th, 2007 1 Year extension of Third Fairway Development LLC;

Mr. Lario: good evening my name is Marc Lario and I’m representing the
applicant Pine Hill Development LLC. We have provided to Mr. Gallagher
proof of mailings, Publications and proof of signed green cards.

Mr. Sitzler: Mr. Gallagher do you have those?

Mr. Gallagher: Yes I do have those:

Mr. Sitzler: Good just a matter of record

Mr. Lario: this is just an application for the approval of an extension of a
site plan that was entered a number of years ago which is currently
expiring on June 30th, 2016. It is my understanding that it has been
certified that everything was filed timely and that everyone was notified
and the application was complete and in order, so we are just asking for
this extension to be granted.

Mr. Dougherty: Mr. Chairman I don’t know if there will be other
testimony, but for the boards sake I would just like to go over. This
would be an extension under the Permit Extensions Act for site plans.
This was as the attorney correctly indicated from November 8th
application for Amended Preliminary and Final Major Site Plan approved
November 2007 and under the Permit Extension Act they were
automatically extended because of the down turn in the economy the
state instituted the Permit Extension Act which is a law that extended all
permits. They were DEP permits; DCA permits so basically all permits
under the land use law. So they were extended and now they are filing,
originally they were extended to 2014, then 2015 and ultimately the
finally the cut off was to June 2016. So that meant that even though this
Permit may have expired under our local and the UL (Municipal land use
law) requirements it was extended by state law till June 2016. So the
applicant then is entitled to 3 one year extensions under the municipal
land use law; so they are looking at this time for a 1 year extension to
June 2017.

Mr. Lario: That is correct

Mr. Dougherty: One other thing to look at is that was there any zoning
changes since 2007; there have not been any zoning changes since 200.
There have not been any Zoning changes in this area since 2007 that I’m
aware of, so I would not have any objection of this board extending this

application for another year. They would also have the option to coming back for 2 more 1 year extensions. They could come back in May/June of next year if they desire.

Mr. Sitzler: So this extension would be to June 30th 2017, it would change the expiration date to June 30th 2017 just so the board is aware. So if they would need more time they would have to come back in before June 30th 2017 to apply for a 2nd 1 year extension.

Mr. Waddington: Any questions by the board members? If no questions I will entertain a motion to open the floor to the public?

Mr. Castor: I make a motion to open the floor to the public.

Mr. Waddington: This is for the matter of the Third Fairway Development. I have a motion do I have a second

Mr. Ford: Second

Mr. Waddington: All in favor? All “aye” motion carried; the floor is now open to the public to address the Planning Board on the Third Fairway Development LLC for the extension of it; if there is anyone who would like to address the board please up to the podium and give your name and address. Seeing none

Mr. Castor: make a motion to close the floor; second by Mr. Ford

Mr. Waddington: all in favor; all “aye” motion carried floor closed

Mr. Castor: I make a motion to extend it one more year; seconded by Mr. Hagy

Mr. Waddington: I have a motion and a second; roll call

Roll Call:

“Aye”: Mr. Waddington, Mr. Castor, Mr. Ford, Mr. Shultz, Mr. Hagy, Mayor Green, Councilman Robb, Mrs. Ciotto and Mr. Greer.

“Abstain”: Mr. Green; Motion carried you have your extension

Application 2016-4:

Mr. Waddington: Next on the agenda is application 2016-4 minor site plan for the Mountain of Fire and Miracles Ministries, Inc.

Mr. Lozuke: Good evening Mr. Chairman and members of the board; for the record I’m Brian Lozuke from the Firm Mattleman, Weinroth & Miller on behalf of the applicant known as Mountain of Fire and Miracles Ministries of South Jersey. A couple of housekeeping items an original affidavit of publication, mailings and application has been submitted to the board secretary. I do have two witnesses this evening if you would like to swear them in first; Mr. Taiwo Odedele the Pastor of

the Church and Mr. John Pettit our Engineer from the Pettit Group;
would you like to swear them in

Mr. Sitzler: I would if we can do you both together gentlemen?

They were both sworn in

Mr. Lozuke: Thank you I would like to present before you this evening as you may be familiar here there is some history here back to prior approvals. Now the property is known as 717 Erial Road and sits at the corner of 8th Avenue otherwise identified as Block 65 Lots 101-104 on your tax map. The application was previously approved as a church in 2011 with the result of litigation. As you recall we were here before you this past January to seek an informal interpretation that the use variance would be extended which the board agreed to. So essentially you have before you this evening a Minor Site Plan Application; and it is important to differentiate the application before you this evening as opposed to the church that was approved in 2011. The primary distinction between the two approvals or two applications in 2011; let me back up for a moment the existing building is an 8320 square foot building with essentially 4 units. The Church in 2011 proposed a 72 seat church that would roughly occupy 3000 square feet of the existing building with 3 additional rooms that would remain. Our application before you this evening is entirely different our applicant is the current title owner of the entire building and property and it is their intent to utilize the existing structure for the Church it is a relatively new and small congregation; there are approximately 15 parishioners currently although they do hope to increase their membership in the future. Unlike the prior application in 2011 the entire structure is proposed to be utilized for services the Church will be on the upstairs floor with the children's ministry proposed for the down stairs unit. With respect to the prior approvals we did have an opportunity to review the Borough Resolutions from the board and we took the comments from the board very seriously Mr. Pettit has tried to create a site plan which address the majority of the comments particularly with respect to the landscaping, fencing and actually I would defer to Mr. Pettit to highlight you on that; the site plan itself.

Mr. Dougherty: Mr. Chairman; just on a completeness issue one of the things we look at is completeness of the application prior to the hearing and on my letter dated May 25, 2016 on page 2 there is a completeness issue where the applicant would have to submit for a waiver or submit testimony to pass the wavier basically. So what we have there on section C some of the things that were insufficient in the application as a completeness issue. That would be a submission of a recycling report addressing storage location, method and frequency of trash collection, and quantity of materials generated. The line I have offered there is part of the site plan application testimony would provide some testimony on the trash operation and pick up. On the site plan there is showing 3 recycling/trash receptacles so if the board would so see fit to waive your testimony from the applicant we can differ it to the site plan. On item number 2 the applicant has requested a waiver from providing landscape details and there are conflicting notes on the plan it said there was going to be no landscaping and then it shows some landscaping so there will need to be some testimony at the site plan stage but that will need to be referred to the site plan as well. The third item which was a waiver from providing lighting details but I do not believe there is any lighting proposed but using existing lighting so that would be a deferral based on testimony from the applicant during the site plan. They are also asking for a waiver providing sign details so then again if no signs are being provided so that would be testimony as well and we would defer that. Then there is 5 & 6 drainage provisions since there is no additional impervious are, I have no objection in waving that out right. And also the soil removal plan, no earthwork is proposed it is pretty much an impervious site now with paving and building so I would have no objection in waving that. So if the board is comfortable with accepting testimony tonight addressing 1 through 4

than I would have no problem declaring the application complete and moving ahead with the application.

Mr. Waddington: so will you be able to address these

Mr. Lozuke: Would you like us to address those now?

Mr. Waddington: Yes

Mr. Pettit: We are proposing to add a chain link fence enclosure 5ft high with vinyl slats for the trash and that is shown on the revised plans we submitted subsequent to tonight's approval.

Mayor Green: How do you propose in picking up that trash?

Mr. Pettit: By privet hauler. With respect with confusion to the landscaping we are proposing evergreen trees along the edge of the property line. And the lighting we are looking into using the existing lighting there is no new lighting proposed and the lighting will be on during the scheduled evening events. On the signage there is no sign proposed at this time

Mr. Shultz: You're not going to have any signage what so ever

Mr. Pettit: that is to be determined we do not have a sign detail or package my client is aware that if a sign was proposed it would have to conform with the ordinance if not it would have to be submitted for a waiver

Mr. Castor: isn't this the property they were going to use the upstairs they were going to use and there is only one way up and one way down?

Mr. Waddington: Yes I believe so you are talking about that general store or thrift store. Yes this is that location

Mr. Castor: What is going to happen with the egress going upstairs?

Mayor Green: they are still going to have to comply with whatever the requirements are for a certificate of occupancy inspection and all that. I don't think that is the board's responsibility they will have to comply

Mr. Castor: I thought that was something before

Mr. Waddington: I think you are right but they were not occupy the whole building; that thrift store did not have access to the whole building they only had access to some storage and that front north west room. Are there any other questions from board members on those 4 points they just addressed?

Mr. Castor: we are going to have to judge on all these waivers aren't we

Mr. Dougherty: Well accepting the testimony will be saying he provided adequate testimony on some of those issues and then if there is other issues for instance on trash or on the landscaping we can address

those on the site plan stage but we could determine the application complete this evening and we can move ahead

Mr. Waddington: so you are fine with the testimony given

Mr. Dougherty: at this point I think there is enough information there to proceed.

Mayor Green: do we need a resolution?

Mr. Sitzler: We need a motion for completeness

Mayor Green: I make that motion that the application has been deemed complete; Seconded by Mr. Castor

Roll Call: "aye" Mr. Waddington, Mr. Castor, Mr. Ford, Mr. Shultz, Mr. Hagy, Mayor Green, Councilman Robb, Mrs. Ciotto, Mr. Greer, Mr. Green; motion carried

Mr. Pittit: Thank you so when we prepared the plan that was submitted as part of the application we looked at the resolution that was adopted on the previous application we looked to address all the conditions that were part of the previous approval. So part of the conditions was the removal of the handicap space that was out on Erial Road this location here that was removed. So there are two handicapped spaces here out on 8th at the corner now that has been prorated into the site. There is a proposed 4ft high vinyl fence along the property line as well as evergreen creating landscaping on the property line and as I indicated the trash receptacle area will be here and fenced in. Other than that a lot of the improvements have already been incorporated into the site. We had some design waivers that are part of the application the first one was to provide a 5ft landscaping strip along all property lines which we are requesting because it is an existing site and we are not looking to greatly modify to incorporate a landscaping strip. We are not looking at doing any landscaping other than what is proposed on the adjacent property line shown on the plan. The last design waiver is from providing a loading space because of the nature of the proposed use as a church we really don't need. Other than that there are three variances we are requesting all due to an existing condition. The first variance was for a minimum front yard setback; the ordinance requires 25 feet we have the existing building at 14.8ft setback from Erial road and 21.5 set back from 8th Avenue again existing condition. The side yard setback is 15ft required and it is 11ft existing setback on the northern property line. And the last variance is for maximum lot coverage for impervious your current ordinance only allows 75% and existing coverage is 89.6% again that is an existing condition that is not being increased. Other than that the site is not being changed other than being improved along the Eastern property line

Mr. Sitzler: are there any questions

Mr. Waddington: does anybody from the board have any questions

Mr. Greer: How many parking spaces

Mr. Pettit: 16 based on your ordinance with 15 seats 4 are required

Mr. Greer: with 15 seats requiring 4 if you are trying to increase the membership how is that

Mayor Green: What happens if the membership gets above the parking spaces?

Mr. Pettit: The parking requirement is one space for 4 seats

Mayor Green: I'm not disagreeing with you; my question is what happens when your church membership gets above the number of parking spaces on your plan

Mr. Pettit: I don't know how that can be enforced I'm a planner and engineer so

Mr. Dougherty: One of the things I guess is the ultimate growth of the church; what was the number of the people in the church again

Mr. Pettit: 15

Mr. Dougherty: So if the growth exceeds X; but then again per the site plan the number of seats would be limited based on the number of parking spaces so 64 seats

Mr. Sitzler: I think we can all agree that is what the ordinance says now based on the parking spaces if you have 4 congregants per space it would be 64

Mr. Pettit: Again it is a substantial reduction from the previous church

Mr. Ford: Would that be upstairs and downstairs? Because if there was a youth ministry downstairs and

Mr. Pettit: It would just be where the services are upstairs

Mr. Ford: That would be the 64 seats

Mr. Pettit: Correct

Mr. Ford: so down stairs there could be another 40 maybe

Mr. Pettit: Then again they are children they would have no parking impact

Mr. Dougherty: Yes the intent is the services so whether it would be pews or chairs or something like that it is for the services that is how it is warranted. And I think one of our issues in our report was other uses I know in the previous applications; I know this is independent on the other applications there were 4 uses we had a store a potential office and we had a business so all those parking lots had to be added up and then separated between the 4 units, but in this particular case it is a whole 100% going to be the church and the activities associated with the church.

Mr. Lozuke: That is correct

Mr. Dougherty: Right so then that parking count does apply for church use there are no other uses. If there is an office use it is all incidental to the church it is not like if you have a condo with a church and an office. So basically it is all church so the number of parking spots would be based on the number of seats. So the congregation would be between 15 and 64 if the code enforcement officer sees parking in

the street and overflow parking they could go in and examine the church and if they see over 64 seat capacity for that church use then they would have to come back to the board for some other extended approvals. The other thing we did ask for and I don't know if the applicant has approached it; but in the event here is overflow parking there should be some discussion and I think this was on the previous application as well I know you have that grass lot adjacent to the building

Mayor Green: they don't own that

Mr. Lozuke: I can address that because that was one of the issues that I had asked my client to investigate. The lot adjacent that grass lot is a separate lot the former owner from whom we acquired the title apparently has an option to purchase that lot, my client is exploring the possibility in the future to acquire that lot however the prior resolution from the board in 2011 the specific condition was that if the owner of that lot was to develop it or put in improvements that the church would attempt to secure a cross easement to utilize the parking it is not our intent to use the grass area at all due to the limited number of parishioners. Again if the church should expand at some point my client is investigating potentially purchasing that lot. Looking at the building it is originally comprised of 4 units my client is looking at a limited number of hours per week; they will be using that building 7 hours a week Sunday from 10 to 1, Monday from 7-9 and Wednesday from 7-9; additionally monthly there is an additional 13 hours that are spread out over the week nights where there are prayer visuals they are proposing. So again for the entire week the building is proposed to be open approximately 7 hours per week it is quite frankly a very minimum impact given the potential that 4 independent commercial uses that could use the existing building

Mayor Green: Now the previous owner/applicants never complied with any of the requirements of the planning board. In fact they never did the improvements on the 8th Avenue side; they never had approval from the engineer they just went out and did what they thought they could do. So right off the bat this first handicap parking space is inaccessible if there is another car parked there so I don't know how you are going to address those

Mr. Pettit: I'm sorry the

Mayor Green: The first handicap space you have on the drawing is inaccessible if there is someone else is parked in the 2nd handicap space because there is a curb and there is a stop sign there and the stop sign is not going to go away. So I don't know how you can say that is a handicap spot when there is no way to get to it. You have to drive through the 2nd handicap space to get to the first one

Mr. Dougherty: There is a vertical curb right behind that handicap it looks like van accessible because it is a little bit bigger but there is a vertical curb right behind that so getting in and out of that spot because of the configuration. In addition to that there was an additional handicap space that was required from the previous application they were looking at having 3 handicap spaces. Now according to ADA they may only require 2 I don't know if that is your

Mr. Pettit: I believe less than 20 only one is required so we can look at the ADA guide lines

Mr. Dougherty: Because I know that would eliminate for sure that one space

Mr. Pettit: we can look at it to make sure it complies with the ADA guidelines

Mayor Green: Yea but that knocks you down to 15 spaces because that last space is not accessible unless you drive over the other one. You may be able to shift them but right now on this plan the way it is laid out you can't get to that last one without driving over the other one

Mr. Pettit: Right I can look at them and see if they meet the ADA guidelines and see if they are accessible

Mayor Green: Now the other issue is these parking spaces on 8th Avenue require people to drive over and back out over sidewalk which is a pedestrian hazard. The last applicant agreed he could tear up the existing sidewalk and curb line between there and pour new concrete that would be a driveway apron across these parking spots with new curbing and sidewalks and a concrete apron drive to enter the back of the parking lot to get to those parking spaces this way those people who are walking realize that somebody may be backing out because the way it is now you just don't know. Again he decided one day he was just going to come in and paint the parking lot black and paint some lines down. He never contacted the engineer, never got approval; as a matter of fact we called him and sent a letter informing him he did not comply with the requirements. We have actually sent him several letters over the years saying he had not complied with any of the requirements. So how are you going to address what I'm talking about as far as fixing what I'm talking about putting driveways aprons in and do concrete so people can see what is going on

Mr. Pettit: I'm not aware what the previous applicant did; you are sitting here saying there is supposed to be an apron in there

Mayor Green: There was supposed to be concrete driveway aprons and obviously curbing and sidewalk so the people walking through would know that

Mr. Pettit: They would know they are walking on an apron instead of side walk

Mayor Green: and that they know cars could be pulling in because the way it looks today you don't now cars are going to be pulling in there

Mr. Dougherty: There are also an issue from a design stand point as your plan shows there is a concrete apron to bring you into the driving portion and down at the concrete apron enters the sidewalk in that section where it's thicker usually it is 4 inches for pedestrian walk and 6 inches for vehicle access so with that whole driveway apron would be more substantial that potentially what is there. That could be investigated to see if you have adequate sidewalk

Mr. Pettit: to see if the sidewalk is 4inches or 6inches

Mr. Dougherty: Correct; what we are looking at is a driveway apron just the way you have there but to extend it to where the parking would be. That is going towards Erial Road from the existing driveway apron

Mr. Pettit: So now you have the sidewalk with the asphalt so you are looking at having the sidewalk with concrete

Mayor Green: we are looking for a driveway apron and a concrete walkway

Mr. Pettit: You are basically looking for an apron from the edge of the pavement to the sidewalk on the site side

Mayor Green: Correct

Mr. Dougherty: Because it is essentially a driveway

Mayor Green: We require it

Mr. Pettit: That is going to be a tremendous expense in 16 improvements after we have an issue it becomes deteriorated making those improvements

Mayor Green: Well I have an issue with you driving over the side walk to park cars in an area that wasn't initially designated to parking cars and part of the previous resolution was the applicant who was here before agreed to do this that we would allow them to park cars there and then they just went along and painted it black and put some lines in they never got approval from us

Mr. Pettit: and that parking was preexisting as is every other condition

Mayor Green: I don't think he's ever put in legitimate parking spaces there without those driveway aprons and there is a safety issue; a pedestrian safety issue

Mr. Pettit: They are parking spaces under the ordinance they meet the ordinance requirement

Mr. Dougherty: from with and length stand point

Mr. Pettit: Yes

Mr. Dougherty: You are right there is room for them but access to them does not meet driveway apron standards; we don't know what that sidewalk thickness is and generally you have a concrete apron distinguishing that is a place to drive on. That would actually be a waiver is the board chose to grant a waiver for instead of having concrete having a bituminous apron, but I think the position of the board is a concrete apron is what they are looking for

Mr. Pettit: Excuse me for a second

Mr. Lozuke: We could potentially do a concrete apron in addition to building in time to do these improvements; we are proposing 18 months to do the additional parking improvements

Mayor Green: That's fine

Mr. Lozuke: so Mr. Pettit would revise the plan for future submissions with the notations which would obviously be memorialized with the approval

Councilman Robb: Just to be clear you would not be using that parking you will just be parking behind the building

Mr. Pettit: We would be using that parking

Councilman Robb: So you would still be driving over the curb that is kind of what I'm getting at

Mr. Pettit: I would be happy to tell my client that the presumption would be the parking would be in the rear and the side would be overflow should they need it during that period of time

Mayor Green: Yes; and the plan is going to be revised to show 15 parking spaces or were you going to be able to squeeze in, I mean that first one is just not accessible as it is there

Mr. Pettit: I will work with your engineer to make sure there is the required spaces

Mayor Green: I mean there is a stop; I'm referring to the ADA requirement for parking spaces and there is a stop sign there and it is not like the stop sign can be taken down because there is no other place to put it

Mr. Dougherty: Right and what the applicants engineer is indicating there are federal guidelines that say between 0 and 25 spaces may say you need 1 space so they may meet that criteria but it has to be van assessable and it would have to be a certain width and then if you go over 25 to 50 or whatever it is you need 2 spaces one of them being van accessible so what we may end up with is 1 less handicap space so with this site plan under ADA guidelines you might be able just to eliminate that space and you would have 15 spaces and 1 handicap space as opposed to 2

Mayor Green: so a total of 15 spaces or 16 spaces

Mr. Pettit: there is also the 8ft space by the handicap space you need the striped spot next to the handicap space for clearance

Mr. Waddington: I don't think it is the handicap spot is the question it is the parking spot on the corner that's the question

Mr. Pettit: It just happens to be a handicap spot

Mayor Green: Right but if spot is eliminated you are down to 15 spots

Mr. Pettit: Correct

Mayor Green: Okay

Mr. Dougherty: And that would further limit the congregation

Mr. Sitzler: 64 to 60, from 16 to 15 parking spaces

Mr. Pettit: Yes depending how the parking works out

Mr. Dougherty: So the idea would be that this plan would be in compliance with our ordinance which is 1 space for every 4 seats; so the seats would be the limiting factor you could have up to whatever number of parking spaces we end up with. So if it is 15 spaces we come up with so if you go over say 15 parking spaces is 60 seats and you go over 60 seats you have to come back to the board for some approval or

the Zoning Officer would; you know if it is anything obvious if you are parking out in the street you or if it is overflow parking then you would be in violation of our code which basically states 1 space for every 4 seats

Mr. Pettit: Understood

Mr. Waddington: Anything else

Mr. Dougherty: There was one point I was going to make on our letter the sign compliance the applicant did testify that he declined to testify as far as variances they are preexisting variances so they are in existence with the site so the proof would be a little bit less since it is a preexisting condition; so the board could let those ride or grant this applicant those variances there were 4 variances. 2 for front for front yard 1 for rear yard and 1 for lot coverage; but they are preexisting and that basically in part for approving it is already there it is an existing condition and has been with the site

Mr. Greer: Does the seating only include the congregation seating

Mr. Dougherty: Yes that church what it will be utilizing

Mr. Greer: Would it not include the children ministries as well

Mr. Dougherty: I think the way the ordinance is written it is the church use; so in other words the service of some sort as opposed to have seats throughout the premises

Mr. Greer: so the children ministries services would not be included in there

Mr. Dougherty: I would say no it is not that specific

Mr. Waddington: I guess that number would count when they are up top there; if they have 30 kids and 40 adults that would be 70 right so it would be over the parking. So that is what you are talking about right

Mr. Greer: Right

Mr. Waddington: If they have some downstairs and some up eventually you're going to be over

Mr. Greer: Usually you have the congregation upstairs and downstairs you have the children's ministry and there is certainly adults going to be running those children groups which will increase the number of seats

Mr. Dougherty: Again it is not specific it is just for the church use

Mr. Greer: I'm just concerned the numbers are a little off there

Mr. Pettit: Again your ordinance is clear with respect to parking for a church which again is 1 space for 4 seats and I agree it pertains to service only. There will be no parking impact with respect to the children's ministry because there will because again

Mr. Greer: There will be no adults present the children will be down there by themselves

Mr. Pettit: no the children will not be down there by themselves and to be honest your ordinance does not break out that separate calculation it is for the services only

Mr. Waddington: Any other questions from any of the other board members. Nothing else at this time

Mr. Pettit: Just a request for your approval

Mr. Waddington: I'll entertain a motion to open the floor to the public

Mr. Castor: So moved; seconded by Mr. Ford

Mr. Waddington: All in favor; All "aye"

Mr. Waddington: The floor is now open to the public if anybody would like to address the application of the Mountain of Fire Ministries Inc.: seeing none

Mr. Castor: Move to close

Mr. Waddington: I have a motion

Mr. Hagy: Second

Mr. Waddington: and a second: all in favor "aye"

Mr. Waddington: So; Mr. Dougherty you are okay with the waivers that were asked for and that they are meeting the stipulations that we had

Mr. Dougherty: Yes the applicant has agreed and the content has been provided and to the design waivers on page 4 and also the submission waivers on page 2 I believe they have all been addressed. And in addition to that the applicant has agreed to the things in our letter in regards to the planning support, and the one other thing regarding the trash removal that would be a private huller and the location will be fenced in. So they basically address all the issues in my letter.

Mr. Waddington: And with the parking they agreed to have fixed in 18 months

Mr. Dougherty: Correct; to reconfigure the handicap spaces to comply with the ADA and they would also supply any concrete apron for those for those spaces within an 18 month period

Mr. Waddington: And the would complete the filing correct

Mr. Dougherty: It would mean it is there request to file a minor site plan and basically a preliminary filing at the same time

Mayor Green: and their congregation would be limited to 60 seats for services

Mr. Waddington: Based on 15 parking spots

Mayor Green: And if they exceed that number of seats they will have to come back before the board with another plan

Mr. Waddington: At this time I will entertain a motion for approval or denial of minor site plan for the Mountain of Fire and Miracles Ministries with the comments that Mr. Dougherty has brought before us

Mr. Hagy: So moved

Mr. Castor: Will that include the variances that are involved?

Mr. Sitzler: Yes I would ask the board to vote on those variances with the understanding that they are preexisting

Mr. Castor: Preexisting and there is nothing you can do about them any way

Mr. Sitzler: There is not much that can be done about them given that it is an existing building. I think it would be better for the site plan to show those variances. Again for the front yard setback 25ft is required by ordinance and they have 14.8ft and then it goes to 21.05 and going from your review letter the rear yard requires 25ft and ranges from 11ft to 56ft 9inches

Mr. Dougherty: .9ft

Mr. Sitzler: .9ft and then the lot coverage we require a maximum of 75% and this one has 89.6 so those would be the three variances spelled out as to what exactly is involved

Mr. Castor: So if we make a motion to approve this we will be granting all waivers as requested correct?

Mr. Sitzler: Correct

Mr. Castor: Make a motion we approve

Mr. Waddington: Is there a second

Mr. Castor: With the conditions they meet the engineer and whatever other entities are involved

Mr. Shultz: I second the motion

Mr. Waddington: Roll call vote

Roll Call: All "aye" motion approved

Old Business:

Mr. Waddington: Is there any old business I see none

New Business: **Mr. Waddington:** the next meeting is July 14th at 7:30PM

Open Meeting to the Public: **Mr. Waddington:** At this time I will have a motion to open the meeting to the public

Mr. Castor: motion to open the floor to the public

Mr. Ford: second

Mr. Waddington: all in favor; all "aye"

Mr. Waddington: Seeing none do I have a motion to close the meeting to the public

Close Meeting to the Public: **Mr. Castor:** Make a motion to close

Mr. Shultz: second

Mr. Waddington: all those in favor: all "aye"

Motion to Adjourn: **Mr. Castor:** Motion to adjourn

Mr. Schultz: motion to adjourn

Mr. Waddington: I hear a motion to adjourn is there a second

Mr. Shultz: second

Mr. Waddington: all in favor: all "aye" motion carried