

**HOPE TOWNSHIP PLANNING BOARD MEETING
AUGUST 4, 2015**

The rescheduled agenda/business meeting of the Hope Township Planning Board was held on Tuesday, August 4, 2015. Chairman Fish called the meeting to order at 7:30 p.m. and he announced that notice of the meeting was given in compliance with the “Open Public Meetings Act – This meeting has been advertised in accordance with the provisions of the Open Public Meetings Act, Chapter 231, P.L. 1975.” He then led the Board in the pledge of allegiance.

Roll Call:

Members present: John Kruk, Mayor Timothy McDonough, Marvin Fish, Steve Larena, Betsy Peterson, Neil Rosenberg, Robert May (arriving at 7:33 p.m.), John Koonz, Brian LaBar, and Tom Toohey.

Member absent: Chris Maier

Also Present: Board Attorney Roger Thomas, Board Engineer Ted Rodman, and Board Secretary Alfia Schemm.

Correspondence:

None

Completeness:

#15-003 Estate of George B. Winter, Block 5000, Lot 400

Chairman Fish noted that a letter was received from the Applicant's Attorney requesting that this matter be carried to the Board's September meeting.

Approval of Minutes

The minutes of July 6, 2015, were distributed prior to the Board meeting.

Mr. Koonz made the motion to adopt the minutes. Motions seconded by Mayor McDonough. In a voice vote, all were in favor, except for Mr. Rosenberg and Ms. Peterson, who were not present at the July 6th meeting and abstained.

New Business:

#14-001 St. John the Baptist Serbian Orthodox Church, Preliminary and Final Major Site Plan, Block 4000, Lot 500-Completeness

The Applicant's Attorney is stuck in traffic and the Board agreed to address other matters on the agenda.

Other Business:

Zoning Ordinance Amendment/Non-Household Animals

The Board noted the Ordinance received from the Township Committee.

Ms. Peterson made the motion to recommend the Ordinance for adoption. Motion seconded by Mr. May. In a roll call vote, all were in favor.

Affordable Housing Discussion

Mr. Koonz noted that the Township has filed the Declaratory Judgment. Board Attorney Thomas arrived.

New Business:**#14-001 St. John the Baptist Serbian Orthodox Church, Preliminary and Final Major Site Plan, Block 4000, Lot 500**

Chairman Fish noted the Environmental Commission report dated April 22, 2015.

Steven Schepis Esq. arrived and he apologized for being late. He then provided a letter, dated August 4, 2015, which summarizes his client's position, on determining the initial question, which was discussed with the Board. He stated that the Church will retain title of the Cemetery and is exempt from State regulations. The following was submitted and marked as an Exhibit:

A-1 Serbian Orthodox Cemetery Rules and Regulations

Michael Starcev was sworn in and he testified that he is a member of the Committee that is involved in the development of the subject property. He stated that the proposed cemetery would be the first cemetery on the Eastern seaboard. He stated that their church would be responsible for developing and maintaining the site. He stated that the cemetery will be mostly for Serbian people and their decedents. He agreed that the use will be available to all members of Serbian Churches as long as it is approved by their Bishop. Chairman Fish clarified that the use of the cemetery is not incidental only to the Church in Hope, but also available to other members of other churches of the same domination. That the incidental use is to the overall church not, just the Hope location.

Father Vladislav Radujkovic was sworn in and he described the parishes of the Serbian Orthodox Diocese of Eastern America, their faith, the need for the proposed cemetery, and the territory of the Diocese of Eastern America.

Meghan Hunscher was sworn in and she testified to her qualifications and experience as a Planner. She stated that she reviewed the submitted application and the plans, the notice, the Township Ordinance, the Master Plan, the subject property and surrounding area, other churches and cemeteries within Hope, and she also visited the site while it was being used. She spoke about the cemetery use and she stated that she evaluated whether the proposed cemetery is an ancillary use to the existing Church as they both would be located on the same lot. The following was submitted and marked as an Exhibit:

A-2 Rendered Site Plan, sheet 3 of 6, dated 6-26-15

Ms. Hunscher described the rendered drawing and the existing conditions. The following were submitted and marked as Exhibits

A-3 Two Sheets of Photographs, dated 8-2-15

A-4 Figure Plat

Ms. Hunscher went on to describe the Exhibits and the existing conditions. She reviewed the interpretation and the variance for impervious coverage. She reviewed the Township Ordinance and she stated that she feels that the cemetery is accessory to the existing church as it will be on the same lot, it is a private cemetery, and that it will be controlled and managed by the Church. She went on to describe the other cemeteries in Hope. The following was submitted and marked as an Exhibit:

A-5 Five Aerials Photographs

Ms. Hunscher described the Aerial Photographs of present Cemeteries, which was discussed with the Board and they continued to review the proposal.

The meeting was opened to the public. With their being no public comments, the meeting was closed to the public.

Attorney Schepis reviewed with Father Radujkovic as to who would be entitled to be buried in the cemetery and the use of the Church facilities. Father Radujkovic stated that their facilities are open to the Serbian Orthodox community/denomination, although owned locally. Attorney Schepis stated that there are site plan limitations, where the church building cannot hold more than 250 people. Father Radujkovic stated that he believes that there are approximately 40 parishes on the Eastern Seaboard and any baptized member of the "Orthodox" faith can be buried in the cemetery and the cemetery would not be limited to the "Hope" parish. (Mayor McDonough left.) Attorney Schepis stated that they are requesting that the Board make the determination that the cemetery is accessory to the principle church use, which the Board discussed. He stated that they would be required to come back to the Board, if they want to expand the cemetery, beyond what is currently depicted on the submitted site plan 1760 grave/interment sites. Ms. Peterson asked how many members belong to the "Church" in Hope. The Applicants stated that there are 200 families. Attorney Schepis stated that the Hope site is an auxiliary site and is used for special events and the main parish is in Paterson. He reviewed the prior approvals that were granted for the soccer fields and he reviewed the Church Community/Organization vs. the singular Parish.

Reza Hashemi was sworn in and he testified that he has been qualified in the past as an Engineer. He displayed Sheet 2 of the Plans and he reviewed the reasons for selecting the proposed cemetery site. The following were submitted and marked as an Exhibit:

A-6 7 Photos taken by Reza Hashemi on 8-2-15

A-7 Existing Site

Engineer Hashemi reviewed the Exhibits displayed and the location of the cemetery was discussed with the Board. Attorney Schepis addressed the accessory use in conjunction with the principal permitted use of the Church. The Board discussed possibly limiting the cemetery to the "Hope Parish". Attorney Schepis stated that there are not many cemeteries in the area and they are a very close knit community and they agree to limit the cemetery to the approximately 1.9 acres interment area and that they would have to reapply if they were to ever expand the proposal.

The Board took a 5 minute recess at 10:00 p.m. The meeting resumed at 10:05 p.m.

Attorney Schepis stated that in speaking with his client, they would apply to the Zoning Board of Adjustment, for either a "D" variance and/or Interpretation, if they were to ever come back in the future for an expansion of the cemetery. He then rested his presentation. Board Attorney Thomas summarized the proposal if the Board were in favor of voting on the proposal: limiting the cemetery to the 1.9 acres and the 1760 grave sites. He stated that the Board would be accepting the rationale that the cemetery is accessory to the Church Parish but authorizing interment of persons that are baptized in the Serbian Orthodox Church and any expansion would be heard by the Zoning Board of Adjustment. Attorney Schepis stated that there may be more than one person buried at a burial plot and the baptism requirement would be of any one in the Orthodox faith. The Board continued to discuss the issues.

Board Attorney Thomas stated that the Board can make a motion that the Board determined that they retain jurisdiction because the facts as outlined to the Board represent an accessory use to the Parish known as St. John the Baptist Serbian Orthodox

Church and the fundamental facts are that the Board authorizes the accessory cemetery use to be limited to the acreage and burial plots (as per the subject application) and that they authorize the burial of baptized Members of the Orthodox religion

Mr. Larena made the motion as outlined by Board Attorney Thomas. Motion seconded by Mr. Koonz. Discussion on the motion: Chairman Fish questioned whether the Board has the jurisdiction to limit the proposal as to how the cemetery is to be used. Board Attorney Thomas stated that Board can limit the proposal, otherwise the proposal would become an open unlimited cemetery, that would then be a commercial principle use. Ms. Peterson questioned the definition of a "Parish", which Board Attorney Thomas addressed. In a roll call vote, all were in favor, except for Mr. Larena, Mr. May and Mr. Fish, who voted in opposition.

Board Attorney Thomas stated that he will prepare a Resolution, for the next Board Meeting. Attorney Schepis noted that he provided notice, so he asked that this matter be carried to the Board's September meeting. The Board discussed whether there will be any new site plan drawings. Board Attorney Thomas announced that the matter is carried to the Board's September 14th meeting without further public notice.

Bills: **Rodman & Associates**
Re: General 158.75

Mr. LaBar made the motion to approve the voucher. Motion seconded by Mr. May. In a roll call vote, all were in favor.

Adjournment:
In a motion made and seconded the meeting was adjourned.

Respectfully Submitted:

Alfia Schemm
Board Secretary
11/30/15