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Florence, New Jersey 08518-2323
January 17, 2005

The Reorganization/Regular Meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, New Jersey. Board Clerk Erlston called the meeting to order at 7:30 P.M.

Board Clerk Erlston 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 provided to the official newspapers and posted in the main hall of the Municipal Complex.” This statement was followed by a salute to the flag.

Upon roll call the following members were found to be present:

Councilman John Fratinardo
Mayor Michael J. Muchowski
Dennis A. O’Hara
John T. Smith

Philip F. Stockhaus, III
Mildred Hamilton-Wood
Robert Semptimphelter
Gene DeAngelis

ABSENT: Thomas Napolitan

ALSO PRESENT: Nancy T. Abbott, Board Solicitor
Frank Morris, Board Engineer
Carl Hintz, Board Planner

Solicitor Abbott called Councilman John Fratinardo, John T. Smith and Gene DeAngelis to stand while she administered the oath of office. The newly sworn members were then seated.

Board Clerk Erlston called for nominations for Chairman of the Board. Councilman Fratinardo nominated Ms. Hamilton-Wood. The nomination was seconded by Member Smith. Hearing no further nominations a motion to close the nominations was made by Member O’Hara and seconded by Mayor Muchowski. Motion unanimously approved by all members present. The Board then unanimously elected Mildred Hamilton-Wood as Chairperson. Chairperson Hamilton-Wood was then seated.

Chairperson Hamilton-Wood called for nominations for Vice Chairman. Motion of Smith, seconded by Fratinardo to nominate Dennis O’Hara. Hearing no further nominations, Chairperson Hamilton-Wood called for a vote to approve Dennis O’Hara as Vice Chairman. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for nominations for Board Secretary. Motion of Fratinardo, seconded by Stockhaus to nominate John Smith as Board Secretary. Hearing

no further nominations a motion was made by Fratinardo, seconded by Stockhaus to close nominations. Chairperson Hamilton-Wood called for a vote to approve John Smith as Board Secretary. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood then called for nominations for Board Clerk. Motion of Smith, seconded by Fratinardo to elect Nancy Erlston as Board Clerk. Hearing no further nominations a motion was made by Smith, seconded by Stockhaus to close nominations. Chairperson Hamilton-Wood called for a vote to approve Nancy Erlston as Board Secretary. Motion unanimously approved by all members present.

The Board moved to appointment of Professional Staff. Chairperson Hamilton-Wood called for a motion to appoint the existing Professional Staff (Solicitor Abbott, Engineer Morris and Planner Hintz) for the upcoming year. Motion of O'Hara, seconded by Stockhaus to re-appoint the Professional Staff. Motion unanimously approved by all members present.

RESOLUTIONS

PB#2005-01 Appointment of Professional Staff

Motion of Stockhaus, seconded by Smith to approve Resolution PB#2005-01 with the correction of Engineer Morris, not former Engineer Sander.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, O'Hara, Smith, Stockhaus, Semptimphelter,
Hamilton-Wood
NOES: None
ABSENT: Napolitan

PB#2005-02 Annual Schedule of Meetings.

Motion of Smith, seconded by O'Hara to approve Resolution PB#2005-02.

Mayor Muchowski pointed out that the February meeting is on the fourth Monday of the month due to the President's Day Holiday.

Upon roll call the Board voted as follows:

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YEAS: Fratinaro, Muchowski, O'Hara, Smith, Semptimpfelter
Hamilton-Wood
NOES: None
ABSENT: Napolitan

PB#2005-03

Re-adoption of Florence Township Planning Board Administrative Rules

Motion of Fratinaro, seconded by Stockhaus to approve Resolution PB#2005-03.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, O'Hara, Smith, Semptimpfelter
Hamilton-Wood
NOES: None
ABSENT: Napolitan

Resolution PB#2005-04

Granting Minor Subdivision approval with lot frontage variance to Hobora-Rush Construction, LLC, for Block 77, Lot 3, located in an RA Low Density Residential District.

Member Smith had a question about correspondence that had been received regarding this application. Solicitor Abbott stated that the Board was just memorializing the approval they had granted at the December meeting.

Motion of O'Hara, seconded by Semptimpfelter to approve resolution PB#2005-04.

Mayor Muchowski stated that he had recused himself from this application due to a conflict.

Vice Chairman O'Hara stated that the applicant had submitted the Shade Tree permit, which was a condition of the resolution.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, O'Hara, Smith, Stockhaus, DeAngelis
NOES: None
ABSENT: Napolitan

Resolution PB#2005-05

Granting Minor Site Plan approval to Griffin Pipe Products for construction of a building addition on Block 179, Lot 1.02 located in a GM General Manufacturing District.

Motion of Stockhaus, seconded by Semptimphelter to approve Resolution PB#2005-05

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, O'Hara, Smith, Stockhaus, Semptimphelter
DeAngelis
NOES: None
ABSENT: Napolitan

Resolution PB#2005-06
Granting Preliminary Major Site Plan approval with variances and waivers to Florence Plaza LLC, for construction of a retail building on Block 111, Lot 2, located in a NC Neighborhood Commercial District.

Motion of O'Hara, seconded by Semptimphelter to approve Resolution PB#2005-06.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, O'Hara, Smith, Stockhaus, Semptimphelter
NOES: None
ABSENT: Napolitan

Resolution PB#2005-07
Continuing the application of Craft Stewart, LLC, for Preliminary and Final Major Subdivision approval for Block 156.01, Lot 2, located in an RA Low Density Residential and SM Special Manufacturing Districts.

Motion by Semptimphelter, seconded by O'Hara to approve Resolution PB#2005-07.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, O'Hara, Smith, Stockhaus, Semptimphelter
NOES: None
ABSENT: Napolitan

Resolution PB#2005-08
Deeming Incomplete the application of Fine Foods and Spirits, Inc. for Preliminary Major Site Plan approval for Block 165.01, Lot 11.02, located in an HC Highway Commercial District.

Motion by Stockhaus, seconded by O'Hara to approve Resolution PB#2005-08.

Upon roll call the Board voted as follows:

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YEAS: Fratinaro, Muchowski, O'Hara, Smith, Stockhaus, Semptimphelter
NOES: None
ABSENT: Napolitan

MINUTES

Motion of O'Hara, seconded by Smith to approve the minutes for the Regular Meeting of December 20, 2004 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

Motion of Smith to receive and file Correspondence A, B, C, E, I, J and to hold for discussion D, F, G, H, and K, seconded by Fratinaro. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood stated that since there were outstanding issues with the Hobora-Rush application and there were several residents in attendance the Board would discuss the issue. Vice Chairman O'Hara stated that the Board had received from the applicant a report from the State and also a letter from resident Richard Everett regarding the subsurface investigation of the site. Mr. Everett had also attached a letter addressed to him from an engineer that he had hired to investigate the site. Vice Chairman O'Hara suggested that the Board should discuss this issue. Chairperson Hamilton-Wood asked Solicitor Abbott if a public discussion was the correct course of action. Solicitor Abbott stated that procedurally the Board heard the application and the public was given the opportunity to give their input on the application. Mr. Everett was in attendance at the public hearing and did offer his testimony. Based on the public input that was given at the December meeting and the evidence that was presented by the applicant, the Board found that there were sufficient grounds to grant the Minor Subdivision. The applicant met all the requirements except for the frontage requirement. The Board approved the application. The resolution that the Board had just approved merely memorialized the Board's decision. The Board was not deciding the case all over again.

Solicitor Abbott stated that frequently Boards make decisions that people do not always agree with so New Jersey law allows that an appeal may be filed within 45 days after the publication of the resolution in the newspaper. The appeal is to be filed at Superior Court to overturn the Boards decision. This is the only recourse that is open. Solicitor Abbott stated that it was the decision of Chairperson Hamilton-Wood as to whether the residents in attendance should be permitted to address the Board regarding the approved application.

Vice Chairman O'Hara stated that the applicant had stated at the public hearing that prior to purchasing the property he had asked for testing to be done. The report had not been submitted to the Board prior to the December meeting but had been submitted to the

Board subsequently. Vice Chairman O'Hara read from the test data that had been submitted and stated that it did corroborate with the testimony that had been given by Mr. Hobora and his attorney at the previous meeting. Chairperson Hamilton-Wood stated that providing this report was a condition of approval and the applicant had met the condition. Vice Chairman O'Hara also referenced a letter from James J. Bono, supervisor of the Applicability Unit from the State Department of Environmental Protection to PSE&G in Newark dated December 5, 2003, which also substantiates the testimony that was given at the previous meeting.

Solicitor Abbott stated that had the applicant wished to build only one house on the property, the application would never have come before the Board. The Board also required the applicant file with the County a copy of the resolution or put with the deed to the property enough detail of the resolution so that anyone wishing to purchase the property would see that the property had been previously owned by PSE&G and that transformers containing PCB's had been present.

Chairperson Hamilton-Wood stated that the Board's action was consistent with the testimony and additional evidence that had been submitted since the approval. Any member of the public who was unhappy with the Board's decision could appeal the decision within 45 days from the publication of the resolution. Board Clerk Erlston stated that the resolutions were generally published in the Burlington County Times approximately 3 days after the meeting. The Planning Board's jurisdiction on the application has ended. Hearing no further questions from the Board regarding this matter, Chairperson Hamilton-Wood stated that the Board would continue with the Agenda.

NEW BUSINESS

Chairperson Hamilton-Wood called for A & H Properties, LLC. Applicant is requesting extension of previously granted Major Subdivision approval for a 15 home development located on Bustleton Road, Block 160.01, Lot 5.01.

Edward Penberthy, attorney for the applicant introduced Mr. Michael Karmatz, Senior Vice President of Orleans Homes, the contract purchaser. Mr. Karmatz was sworn in by Solicitor Abbott. Mr. Penberthy is also representing the current owner, Mr. Haber.

Attorney Penberthy asked Mr. Karmatz if he would conform to the proposed Ordinances 2005-01 and 2005-02 regarding the new COAH regulations. Mr. Karmatz agreed to meet the COAH regulations. Mr. Penberthy stated that he understood the one ordinance to be 1% of the assessed value, this is the developers fee. The other ordinance provides for the method to calculate the number of low and mod units. If you did an RCA you would then have to pay \$35,000 per unit. This agreement is conditioned on the regulations being upheld by the State. Attorney Penberthy stated that he believed that there was

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litigation pending on the COAH regulations, but they would agree to meet whatever the Township's obligation turns out to be.

Mayor Muchowski stated that he did not think that Attorney Penberthy's commentary was completely correct. He stated that the Township is looking to make the contribution in house. Mr. Karmatz said that he understood that the \$35,000 would be paid into the Township fund, but that it is \$35,000 per unit.

Solicitor Abbott stated that the Board could grant the one year extension, deny the one year extension or to grant an extension for a lesser time period. The lot is over 50 acres so there is no limit to the amount of extensions that can be granted.

Solicitor Abbott asked what was the reason for the extension. Mr. Penberthy stated that the reason the development had not been built yet was because they did not have a good builder like Orleans.

Mayor Muchowski asked what would happen if in the re-examination of the Master Plan the Township would look at what is the appropriate densities and zoning in the AGR Zone. The conversation will be ongoing through the year as the Township tries to keep in touch with the amount of COAH contribution that the Township will be required to give. There is one methodology that calls out one unit per every 8 houses, but there is a methodology that goes along with commercial growth. A warehouse will have an impact of one unit for every 125,000 square feet. The component for offices is 1 unit for every 8,333 square feet. Smart Growth initiatives are going to create COAH requirements. The Township may reestablish the criteria of the residential unit within the Agricultural Zone. The current density in the AGR zone is 1 house per 3 acres. This may change.

The new school and the new firehouse will create COAH requirements because of square footage and job creation – the growth component. Everything that occurs within the community will now impact the Round Three COAH requirement. He pointed out to the applicant that any extension the Board approves would be evaluated under the new COAH rules. Attorney Penberthy stated that Mr. Karmatz is the Chairman of the South Jersey Builders Association and is very aware of the impact of COAH.

Vice Chairman O'Hara asked when Orleans had purchased the property. Mr. Penberthy stated that Orleans did not own the property, but had entered into an agreement to purchase the property on September 21, 2004. He said that he would get a letter from the current owner authorizing the application. Attorney Penberthy stated that they were requesting a one-year extension. The extension would be retroactive to November 15, 2004.

Motion by Semptimphelter, seconded by O'Hara to grant the extension. Solicitor Abbott stated that there would be two conditions for the extension. One is compliance with the

Third Round COAH requirements and the second is supplying a letter of authorization from the current property owner.

Member Fratinardo asked if they Board granted the extension would the applicant have to start building by November 2005. Solicitor Abbott stated that the would have to come back before the Board for Final approval by November. Member Fratinardo asked if the zone was changed, then what would happen. Solicitor Abbott stated that this extension would protect the applicant from the zone change. When the Final Approval is given the property is protected from a zone change for an additional two years.

Motion by Semptimphelter, seconded by Stockhaus to open the hearing to the public. Motion unanimously approved by all members present.

Ronald Faga, 2018 Bustleton Road was sworn in by Solicitor Abbott. Mr. Faga lives across the street from the subject property. Mr. Faga asked about zone protection. Chairperson Hamilton-Wood said that this is a one year extension if they need more time they must apply to Board. Solicitor Abbott said that this extension was not based on change of ownership. Mr. Faga was concerned at how the extension would change the approval. Mayor Muchowski explained that the extension does not change the approval; it only extends the protection from the zone change. The approval remains for 15 homes on 45 acres.

Motion by O'Hara, seconded by Stockhaus to close the public portion of the hearing. Motion unanimously approved by all members present.

Mayor Muchowski stated that the previous extension had expired in November. He asked if there was a time limit to requesting the extensions. The applicant agreed that if an additional extension were required they would apply for it by October 21, 2005.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, O'Hara, Smith, Stockhaus, Hamilton-Wood
Semptimphelter
NOES: None
ABSENT: Napolitan

Chairperson Hamilton-Wood called for application PB#2005-11 for Wawa, Inc. Applicant is requesting Preliminary and Final Major Site Plan approval to construct a new parking lot at Route 130 and Cedar Lane. Block 163.02, Lots 13, 13.01, and 13.04.

Solicitor Abbott stated that there was a letter from Wawa attorney Timothy Prime asking to continue the meeting until February 28, 2005.

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Motion of Stockhaus, seconded by O'Hara to continue the application and require additional public notice.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, O'Hara, Smith, Stockhaus, Semptimphelter
Hamilton-Wood
NOES: None
ABSENT: Napolitan

Chairperson Hamilton-Wood called for application PB#2004-14 for Fine Foods and Spirits. Applicant is requesting Preliminary Major Site Plan approval for development of and existing building into a catering facility at 2120 Route 130 North, Block 165.01, Lot 11.02.

Attorney Edward Petkevis approached the Board. Chairperson Hamilton-Wood stated that the application had not yet been deemed complete. Solicitor Abbott referenced her memo from the January 14, 2005 meeting that was held to review checklist and waivers.

Jeffrey Richter, engineer with the firm of Lord, Worrell & Richter, and George Boghean owner of the property were sworn in by Solicitor Abbott. Mr. Richter has 14 years of engineering experience in the state of New Jersey.

Attorney Petkevis stated that the subject property is the old Roebling Tool and Die place. Currently the property is very ugly. The existing building is placed in the wrong direction. Mr. Boghean plans to improve the appearance of the site a make it a catering facility.

Solicitor Abbott stated that the Board's Professional had met with the applicant and reviewed the completeness items in the Planner's and Engineer's report. The applicant had stated that he would comply with the reports. Chairperson Hamilton-Wood asked if Planner Hintz and Engineer Morris had reviewed the revised plans. Planner Hintz had not reviewed them.

Engineer Morris stated that the application had been revised to read Preliminary Major Site Plan. The applicant had revised to plans to include all the submission requirements listed in section 2 in Engineer Morris's November 19, 2004 report, with the exception of the following waiver requests. Political boundary lines, test borings to the water table, free standing signs, curbs along the parking lot.

Engineer Morris recommends waivers for the political boundary lines and the test borings. Site triangles have been added to the plan, but Engineer Morris would like to have time to review this.

The applicant is not proposing curbs along the eastern side of the property, only wheel stops. Mayor Muchowski asked how the water could be controlled from going onto the neighboring property. Mr. Richter stated that the drainage is going into the parking lot. It will not drain into the adjacent property. He stated that there is a chain link fence on the property line. If required they could extend the curb to where the fence is.

The Board Professional agreed that the requested waivers could be granted and the application could be deemed complete.

Motion of O'Hara, seconded by Semptimpfelter, granting waivers and deeming application complete.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, O'Hara, Smith, Stockhaus, Semptimpfelter,
Hamilton-Wood
NOES: None
ABSENT: Napolitan

Chairperson Hamilton-Wood said that she did not think it was appropriate to go into the substantive review because the Professionals have not had the time to review the revised plans. Solicitor Abbott stated that the applicant could give an overview of the application and the Board could hear any public comment.

Attorney Petkevis stated that the application was for a catering facility on Route 130. Mr. Boghean has a liquor license. The plans are for two catering halls each with an occupancy of 90 persons. He stated that the catering facility would be an asset to the community.

Member Stockhaus asked about parking on the site. Attorney Petkevis said that the ordinance requires one space for every two people. He said that in a catering facility families attend so there are more people per car. The plan calls for 68 parking spaces where the ordinance would require 90 spaces. Mayor Muchowski pointed out that they would need parking for staff, disc jockey's, etc. He stated that if you had 10 employees utilizing the parking spaces, parking would be tight. Attorney Petkevis said that they anticipate between 10 and 20 staff. He agreed that this would make the parking situation tight. He also pointed out that the site would not be in use all the time. It will mostly be used on weekends.

Mayor Muchowski asked if there will be a bar or tavern associated with the property. Attorney Petkevis said that there would not be a bar or tavern. Mayor Muchowski wanted to know if this use was unsuccessful, could a restaurant or bar take over the use. If the Board approved could he expand the approved use. Solicitor Abbott stated that she would look into this.

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Member O'Hara asked why the applicant thought a catering hall would be the best use for the site. After thinking about it Mr. Boghean came up with catering as the best use. Member O'Hara said that this was a very intense use with very limited parking. Member Stockhaus stated that the parking will not support this as a successful venture. Attorney Petkevis said that they may have to make one hall slightly larger and not use the other hall to make it work. The structure is approximately 10,000 square feet. Mayor Muchowski stated that if the room fits 300 and you are only catering for 90 people this won't work. He doesn't think that the applicant can utilize the potential of the site.

Attorney Petkevis said that the proposed addition is to improve the look of the existing building. Mayor Muchowski stated that the property to the right of the site is the veterinarian. Could they possibly put overflow parking on the veterinarian's property? Everyone in the area has septic systems. Where would they connect to the sewer? The sewer does go by the site. Engineer Morris could check out where the main is located to see if the facility could be linked to the Municipal sewer.

Mayor Muchowski stated that he would like to see this be a successful site, however catering events are for a set amount of time. There is very little turnover. Attorney Petkevis said that they could convert the use to a restaurant if the Board thought this was a better idea.

Vice Chairman O'Hara stated that he felt the facility would lose business to due the inadequate parking. He also stated that there are too many variances to be granted on the property. Attorney Petkevis said that the applicant was willing to revise the plan to make it work. Vice Chairman O'Hara said maybe they should reduce the size of the building.

Motion by Smith, seconded by Fratinardo to open the meeting to the public. Motion unanimously approved by all members present.

John Drager, 2122 Rt. 130 North was sworn in by Solicitor Abbott. Mr. Drager owns the property to the left of the site. He has concerns regarding the parking and water drainage. Mr. Drager claimed that the applicant's property currently drains onto his property. He asked where the food waste would go. Mr. Drager is concerned with odors from the site. He doesn't think the facility will be able to hook up to the township sewer. If not, where will the septic tank be located? Will they stop serving liquor at a certain time? There is no buffer between the two properties. How close to the fence will the parking be? Mr. Drager stated that he is spending a lot of money to enhance the value of his property; he doesn't want it to be negatively impacted by the neighbor.

Mayor Muchowski stated that the catering business would be regulated by the Department of Health.

Mayor Muchowski said that the building created a buffer on one side. On Mr. Drager's side of the parking lot the parking buffer would be 20 feet. Mayor Muchowski said that

they have to create a balance of buffering residential uses within commercial zones. On the right hand side of the applicants property the use is commercial in nature.

Motion of O'Hara, seconded by Stockhaus to close the public portion of the hearing. Motion unanimously approved by all members present.

Solicitor Abbott stated that the Board would not make a decision at this hearing. The applicant needs to revise the plan. Attorney Petkevis requested to continue the application until the February meeting and agreed to extend the time limit. Attorney Petkevis stated that the applicant would look at making the existing application change by changing the use to restaurant. If this doesn't work they will consider re-doing the plans.

Motion by Stockhaus, seconded by Fratinardo to continue the application. Solicitor Abbott stated that if the plans change or the application is amended additional notice would be required. Vice Chairman O'Hara stated that he hoped the applicant would consider what was discussed regarding the parking.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, O'Hara, Smith, Stockhaus, Semptimpfelter
Hamilton-Wood
NOES: None
ABSENT: Napolitan

Chairperson Hamilton-Wood stated that the Board would deviate the agenda and move to the Public Comment section of the meeting.

Motion by Fratinardo, seconded by Stockhaus to open public portion of the meeting. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood stated that the public portion would be limited to comments regarding anything except the Craft Stewart application, those public comments would be addressed during the hearing of that application.

Greg Kohfeldt, 403 Wilbur Henry Drive, was sworn in by Solicitor Abbott. Mr. Kohfeldt spoke about the Hobora Rush subdivision. He listed two concerns. He asked about the Shade Tree permit regarding the trees that had been cut down and the tree debris that had been left on the property. He also asked about the site plan in regards to drainage. Mr. Kohfeldt stated that as the trees are being removed the stormwater is draining into his yard and if there is contamination it could be draining onto his property.

Chairperson Hamilton-Wood told Mr. Kohfeldt that he could contact the Shade Tree Commission and talk to them about the permit. She stated that there was no site plan.

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The Board had granted a subdivision. Solicitor Abbott asked Mr. Kohfeldt if he had been at the prior months meeting when the application was heard. Mr. Kohfeldt stated that he was in attendance and had offered testimony. He stated that he would have to go to the Shade Tree Commission to see which trees were allowed to be removed. He is very concerned with the cut down trees that have been piled in the alley.

Mr. Kohfeldt also stated that Mr. Hobora brought a backhoe and a trailer to the property. The trailer was filled with concrete and piping and this debris was dumped onto the property. Chairperson Hamilton-Wood stated that this was the jurisdiction of the Code Official. Mr. Kohfeldt stated that they had contacted the Code Official but had yet to receive a response. Mr. Kohfeldt asked if he had to wait for the site plan to be submitted to do anything about the drainage. Solicitor Abbott stated that there would not be a site plan submitted. Mr. Kohfeldt asked how would he address the water runoff and the problems that he is encountering. Engineer Morris stated that in many cases the Construction Code Official would require a plot plan that shows grading and slopes. Mr. Kohfeldt will have to wait until the plot plan is submitted at the Construction Office and the issue can then be addressed with the Code Official.

Vice Chairman O'Hara gave Mr. Kohfeldt copies of the Shade Tree permit and correspondence that had been received within the month.

Richard Everett, 433 Wilbur Henry Drive, was sworn in by Solicitor Abbott. Mr. Everett was concerned with the toxicity of the property. He asked Engineer Morris if the study that had been done on the soil stating that there were no PCB's on the property was sufficient. Engineer Morris stated that the report was based on common testing procedure. Mr. Everett asked what the common testing regime was. Chairperson Hamilton-Wood asked if this line of questioning was within the jurisdiction of the Board. Solicitor Abbott stated that the Board understood Mr. Everett's concern however at the December meeting the Board had heard all the testimony and considered the evidence and determined that the subdivision and the variance would be granted. The matter has already been decided. The Board can take no further action on this application.

Mr. Everett stated that he didn't understand how the Board could make a decision to grant the subdivision when there was a chance of contaminants from the property. Chairperson Hamilton-Wood stated again that this was out of the Board's jurisdiction. She said that if Mr. Everett thought there was contamination he should contact the DEP. Mr. Everett stated that he did not think the environmental report that had been examined by the Board's Engineer was professionally done. He stated that the engineer he had retained also made note of this. Chairperson Hamilton-Wood stated that Mr. Everett could not make comments regarding his engineer because that person was not at the meeting to be qualified.

She stated that the application had been for a variance for lot frontage and a subdivision only. The Board did not have jurisdiction to go into every issue on the property.

Solicitor Abbott stated that the Board had considered the evidence that had been put before them. Mr. Everett stated that he disagreed with the findings of the environmental report. Solicitor Abbott stated that it was his right to disagree. She stated that Mr. Everett had reviewed the environmental report and in his opinion it was not sufficient. The Board and their Professionals reviewed the same report and their opinion was that the report was sufficient. The Board did put a condition on the approval that the applicant had to make sure that any potential buyers were made aware of the previous use of the property. Mr. Everett stated that the existing residents would be affected if there were toxins exposed. He thought that the Board should have mandated that the new owner do additional testing or have the Township test for contamination. Solicitor Abbott stated that if it was within the jurisdiction of the Board to require additional testing the Board would have done so. The Board was considering a minor subdivision and a variance. It was not required and would not have been appropriate for the Board to mandate additional testing.

Mr. Everett asked if there would be barriers put around the site for construction. Would the property be trenched for runoff? Engineer Morris stated that a silt fence that would be submerged in the ground was standard for construction. Mr. Everett asked if there was any other help the Board could give he would appreciate it. Vice Chairman O'Hara told Mr. Everett that one of the documents that had been given to Mr. Kohfeldt was a letter from the NJ Department of Environmental Protection that had been sent to PSE&G that claimed an ISRA (Industrial Site Recovery Act) report was not required. Vice Chairman O'Hara stated that Mr. Hobora had this testing done even though he was not required to do so. Mr. Everett stated that his engineer who was not present said that testing should be done at a greater depth than what was done. He stated that PCB's could leach into the ground and could be exposed when the basements are dug. Mr. Everett stated that he had suspected that there were PCB's on the site. He stated that he believed that at times transient transformers were dropped at the site and could have contaminated a larger area of the site. He did not feel that three samples were sufficient.

Member Stockhaus stated that he agreed with Mr. Everett's concerns, but it was his understanding that it was not within the Boards jurisdiction to require Mr. Hobora to provide further testing.

Solicitor Abbott told Mr. Everett that his recourse was to file an appeal of the approval with the County.

Seeing no further members of the public wishing to speak, motion was made by O'Hara, seconded by Smith to close public portion. Motion unanimously approved by all members present.

The Board returned to the regular order of business.

15.

Chairperson Hamilton-Wood called for application PB#2004-09 for Craft Stewart LLC. Applicant is requesting Preliminary and Final Major Subdivision approval on Block 156.01, Lot 2 located in an RA Low Density Residential district.

Edward Penberthy, attorney for the applicant, introduced the witnesses that were in attendance. Edward Brady, Taylor Wiseman & Taylor, professional engineer licensed in the State of New Jersey, James Stewart, Craft Stewart, LLC (applicant) and David Shropshire traffic engineer with Shropshire Associates, professional engineer and professional planner in the State of New Jersey were sworn in by Solicitor Abbott. Mr. Shropshire stated that he had appeared before many Boards and Municipalities throughout the State representing both the Developers and Municipalities. Solicitor Abbott stated that the Board would accept Mr. Shropshire as a qualified traffic engineer.

Mr. Brady stated that the parcel is known as the Griffin Pipe property. The parcel is a total of 150 acres. It extends from Front Street to Summer Street and out to Fifth Street. He stated that the portion of the property that they want to develop is the RA Residential zoned part of the property. Attorney Penberthy asked if the portion where the detention basin was located was in the subdivision. Mr. Brady stated that it was part of the subdivision because currently the parcel is one lot. The Residential Zoned part is 31.7 acres and will remain intact as it currently exists. The border of the proposed improvements would run along the left of the basin up to Fifth Street.

Mr. Brady stated that there are 85 proposed building lots. There will also be 4 open space lots. Three of the four open space lots are proposed as Homeowners Association lots. The fourth lot – 6½ acres- will remain wooded and will be dedicated to the Township.

There is a typical roadway pattern with a 30 foot wide cartway, curb and sidewalk on both sides, with the exception of the open space section of the one entrance road. Mayor Muchowski asked if the 30 foot cartway allowed for parking on both sides of the street. The Residential Site Improvement Standards allow for parking on both sides with a 30 foot cartway.

There are three proposed accesses to the site. The first is at the intersection of Fifth Street across from Boulevard. There is no current railroad crossing at this location. The applicant is proposing a crossing to be constructed to allow vehicles to access the site from Boulevard. The second access point is at the intersection of Sixth Street and Winter Street. The third access is from Summer Street.

The applicant is proposing to have a tot lot on the Homeowners open space and they are proposing either a basketball or hockey court at the Township's location of choice.

Mr. Brady stated that the density of the site is 1.4 lots per acres, which is much lower than the four lots per acre that is permitted.

Mr. Brady listed the following changes that had been made to the original plan. The building lots had been reduced from 100 to 85. The original plan had included part of the SM zone as open space. That has been eliminated from the calculations of the site. The 15 lot reduction was for the purpose of saving the wooded area at the suggestion of Planner Hintz and the Board. The other change was from recommendations from Planner Hintz and from the Public Works Department. They have removed three cul-de-sacs, which allows the access from Summer Street. There was an open space lot along Sixth Street and Summer Street. This has been removed. The buffer will remain and has been included into the homeowner's lots and will be maintained by the homeowners association.

Mr. Brady summarized that the entire development is within the Residential Zone. There is 31 acres out of the total of 86 acres of residential that is being retained as open space. The development will take up approximately 55 acres.

The streets will be public streets. They will also have public water and sewer.

Mayor Muchowski asked about the cul-de-sac. Mr. Brady stated that there would be no houses located on the cul-de-sac. The cul-de-sac will be used to give access to the open space at the center of the site. Snow could be pushed into the cul-de-sac if necessary to clear the streets of the development.

Attorney Penberthy asked to have the plan marked as exhibit A1.

Member Fratinardo asked where Sixth Street would go on the plan. Mr. Brady stated that Sixth Street is a paper street on the plan. Mayor Muchowski asked if any drainage improvements were being considered for Sixth Street? Mr. Brady said they had met with the engineer and they are willing to add some improvements to this stretch of Sixth Street, but they wanted to know what the Township was looking for. Mayor Muchowski stated that currently there was no collection system in the area of Sixth and Summer. It would be beneficial to have a collection system that ties in. In theory the water is supposed to go to Winter Street, but this is not happening. Mr. Brady said they would look at adding some grading or a concrete gutter along the edge to help with the drainage. He also stated that they could widen Sixth Street if the Township wanted to. The Board had a discussion about the existing tree line. Mr. Brady said they could meet with Planner Hintz to determine what should happen with this buffer.

Mr. Stewart said they could widen the road and add a berm or whatever the Board would require. Member Smith asked about Winter Street. This is the feeder road to Fifth Street and this street is not in great shape either.

Mayor Muchowski asked Mr. Stewart if they were planning on meeting their COAH obligation on site. Mr. Stewart said that they would address the COAH the same as they did with the A & H Properties. Mayor Muchowski stated that A & H was the extension

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of an already approved site. He stated that with the type of share the Township is facing, he believes the direction of Council is to look at the individual sites that have the ability to handle the COAH on site. Mr. Penberthy stated that they preferred to offer a contribution toward COAH. Mayor Muchowski stated that this development would yield 11 COAH units. Mr. Stewart stated that the purchase price of the units should start around \$350,000.

Mayor Muchowski stated that any development that we look at now, we have to ask the developer to share in the obligation. The Growth Share Component will go beyond the tenure of the current Board. He stated that we are now going to have to deal with planning the COAH obligation. We must make sure that we address it in a systematic manner that doesn't leave the Township exposed in the long term with these types of units accumulating. The Council is also looking at some of the other alternatives – rehab, rental units, etc. He asked if it was appropriate to require that the residential developer put the requirement on site. We don't have the luxury of an RCA agreement. In the past we were able to purchase units in a neighboring municipality. In this case it was Pemberton. We then instituted and received certification of a fee to help offset that debt. Now with these fees, that money can't be used to purchase an RCA unit. So the money we are taking in would have to be used in our certified plan within the community borders.

Member Smith asked if we could get creative like we have in the past with other types of housing like senior housing. Mayor Muchowski stated that we could get creative but Whitesell is building a warehouse that will yield a COAH obligation of approximately 40 units. How do you create a housing unit on site when you build a warehouse? Mayor Muchowski stated that this is where we will need to get creative.

Member Fratinardo stated that we would have a COAH obligation for developments that had already been approved – Crossroads, Crossroads East, Greenbriar etc. Mayor Muchowski stated that the State had put the requirement on us retroactively, but we cannot retroactively change our approvals.

Member O'Hara asked if we were to ask Craft Stewart to have on site COAH, what would be the price of a COAH approved home? Planner Hintz stated that an acceptable COAH home would cost \$65-80,000. Member O'Hara asked how you could make a \$350,000 home and sell it for \$80,000. Mayor Muchowski stated that there is an appeal process taking place. For example the Roebling Plant. It employed 5,000 people at its peak. Is there an offset? There isn't. Mayor Muchowski stated that the new High School and the new Firehouse might give us a COAH impact. He stated that Council has introduced an ordinance saying that the Township will meet the new rules of COAH. Planner Hintz stated that the ordinance provides for 1% for each unit. Member Smith asked if the new regulations don't give you leeway to be creative. Mayor Muchowski stated that the problem is commercial and growth share components can have a huge impact. He stated that there is a 25% component that can be rentals, but if you exceed

rentals you can get a bonus above the minimum required amount of 25%. He said that there are ways to be creative with rental units above the 25% that is required.

The Craft Stewart application will directly affect the community by 10.6 units.

Chairperson Hamilton-Wood asked if the Council was issuing an ordinance saying that the requirements should be handled on site. Mayor Muchowski said there were two ordinances. One references the new associated fees with the contribution and the second lays out what the requirements are based on growth share. Council would like to have the residential component handled on site as much as possible throughout the planning process.

The Board had a long discussion on the COAH plan.

Attorney Penberthy stated that they did not know that the on-site requirement existed. He had received copies of the proposed ordinances from Solicitor Abbott. These dealt with the monetary contribution and the applicant was agreeable to this. Attorney Penberthy said that the Township needed to think through all the ramifications of COAH. Mayor Muchowski asked if the applicant would allow the Township to think it through. Attorney Penberthy stated that they were here to get an approval. The ordinances were not in affect yet so he did not feel that they were bound by them. He stated that the applicant was agreeing to comply with the regulations to the extent that they are required to do so ultimately. The applicant has agreed to contribute the 1% of the assessed evaluation and the calculation of the number of units. He stated that if the ordinance is adopted and other people are required to pay, they would agree to abide by it. Solicitor Abbott stated that she had spoken with Attorney Penberthy and advised him that the ordinances had been introduced and directed him to case law which required the Planning Board to take notice on pending ordinances and the Planning Board should not approve pending applications without the applicant agreeing to abide by the ordinances if adopted. Attorney Penberthy agreed that they were proposing a COAH contribution of \$35,000 per unit plus 1%.

Mr. Shropshire, Traffic Engineer, stated that there are fewer units so there would be less trips generated by the site. He estimates 90 trips during the critical afternoon rush hour. The other change that affects the traffic study is the addition of the third access point. The 90 trips are distributed between the three different access points. They are continuing to propose the rail crossing at Boulevard. They are proposing to widen Sixth Street. Winter Street between Sixth and Fifth is 25 – 30 feet wide. This is sufficient for two-way traffic. The traffic will be distributed. From the study that they performed the expect 10% of the trips would use the Boulevard access. This equals out to 9 trips during the peak hour.

Mayor Muchowski asked if it is only 10% of the trips generated why create another crossing at Boulevard. Mr. Shropshire stated that if you don't build the crossing you are

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creating U-turn movements that occur at Church Street and at Eyre Street. These U-turns happen today, but there will be more volume. Attorney Penberthy said that they want to keep the Boulevard as the main entrance because it is the most attractive access for the entrance of the development.

Member Smith stated that he did not think that 9 cars at peak time was accurate. Mr. Shropshire stated that the trips were spread out over the peak time. That is why there is an average of 9 cars at the peak hour. Mr. Shropshire stated that he thought the changes to the plan were positive because it is less traffic intense and helps disperse the traffic out.

Attorney Penberthy stated that he would like to go over the review letters. Engineer Morris referred to his review letter dated January 10, 2005. The applicant had requested submission waivers for preliminary delineation of wetlands based on NJDEP criteria and for preliminary delineation of stream encroachment based upon NJDEP criteria. Mr. Brady stated that they would supply a presence/absence letter.

The applicant has not requested any area or bulk variance for the project. Engineer Morris asked about deeds or protective covenants. Attorney Penberthy stated that deed restrictions and conservation easements would be provided at the time of final.

The signoff block and the tax map should be relocated on the plan.

Engineer Morris asked for a clarification on the plan of the dedication of the open space lots to the Homeowners Association versus Florence Township.

Engineer Morris asked to hear testimony regarding the construction of the homes with basements. Mr. Brady stated that the homes would have basements. They had submitted test borings that support the ability to have basements. They are also supplying additional soil borings. Mr. Brady agreed to revise the Stormwater Management Report to show that storm runoff volume will be infiltrated within a 72 hour time period. Mr. Brady agreed to comply with the ordinance for Class IV Reinforced Concrete Pipe (RCP) and that no pipe shall have less than one foot of cover. Also notes will be provided on the plan specifying all classes of RCP.

Engineer Morris stated that the Traffic Engineering Assessment should be revised to recommend alternate improvements to the subdivision boulevard and proposed rail crossing. Member Fratinardo asked about the proposed railroad crossing. Previously Griffin Pipe had asked the Township to close more crossings. He asked that if they do not add the railroad crossing at Boulevard, does this stop the development? Mr. Stewart said that this would not stop the development. The traffic works with or without the crossing. The crossing that they are proposing is similar to the Broad Street crossing. He stated that the parent company of Griffin has approved the funds to repair the crossings. Mr. Stewart is accepted the condition of approval that he will post a separate bond for the

repair of the crossings. Mayor Muchowski stated that he believes that Griffin Pipe will live up to their representation.

Engineer Morris stated that he would like to see a better study for sidewalks, curbs, handicap ramps, storm sewer system, and deceleration lanes along Fifth, Sixth and Summer Streets. Mr. Brady stated that Sixth Street would be widened if the Township wants that. Mayor Muchowski stated that he thought that the applicant would be required to provide widening and drainage improvements on Sixth Street.

Engineer Morris stated that he would like to see the grading plan revised to show contours, access to all open space lots must be shown, access all the way around the basin. The basin should be provided with an emergency spillway and vegetation of proper stabilization. Mr. Brady stated that the applicant was agreeable with all these conditions.

Mr. Brady stated that the applicant would comply with the recommendation of Engineer Morris regarding the stormwater system and inlets, a split rail and wire mesh fence will be constructed around the basin, a basin maintenance schedule will be added to the plan, AutoCAD as-builts drawings of the storm sewer system and the basin will be submitted to the Township Engineer in digital format.

Planner Hintz stated that he had discussed the completeness issues with Mr. Brady. A tree survey with botanical names had been provided. The Environmental Impact Statement (EIS) is not complete. The EIS needs to be revised to include the affordable housing requirements that will result from the development and Planner Hintz would like to see the impacts on municipal and school costs as a result of the proposed development.

In regards to subdivision design issues, Planner Hintz had proposed that road "A" be realigned to line up with the existing island boulevard to the north. He would also like to save the tree that is on the property. He stated that the basin should be landscaped with wet-site tolerant trees shrubs and ground cover.

Mr. Brady has agreed to a lesser slope to the basin and the applicant will maintain the basin. Planner Hintz asked for more detail on the types of plantings. The pedestrian path needs to be related to the landscape plan. Mr. Brady stated that they would supply a full site plan of the tot lot and landscaping at final. Planner Hintz said that he would prefer the landscaping plan at the preliminary approval stage.

Mayor Muchowski asked what the applicant was proposing for the recreation area. Mr. Brady stated that there would be a tot lot on-site and a hockey court at the Municipal Recreation Complex that would be open to the public. Member Smith asked if the on-site recreation area would just be a big open space with the tot lot in the center. Mr. Stewart explained that they would landscape the area to make it a "green" with a gazebo and the tot lot.

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Mr. Stewart stated that they would submit the costs for constructing the hockey court to the Township Engineer for review. He agreed that they would meet all the requirements of the ordinance as well.

Mr. Brady stated that they would agree to conform to the 40-foot spacing between trees. Planner Hintz stated that the lighting plan had been revised.

Mayor Muchowski asked Planner Hintz about the existing trees along Sixth Street, whether they should be saved or reworked. Planner Hintz stated that the area should be reworked, as it was currently overgrown with “weed trees”.

Mayor Muchowski asked for an explanation of the sidewalk plan. Mr. Brady stated that they were not proposing sidewalks on Summer Street where the buffer is. Mayor Muchowski said that he thought there should be sidewalks on Summer Street due to the traffic flow. Mr. Stewart said they would be willing to install sidewalks.

Mayor Muchowski stated that there have been issues with stormwater system in the area of Summer and Sixth Street. And as it flows from Summer to Winter. He suggested that the applicant contact the Township Engineer to discuss these issues.

Chairperson Hamilton-Wood asked about the letter from the NJ Turnpike Authority addressing noise mitigation. Mr. Shropshire stated that there is no noise mitigation proposed because the traffic noise will not exceed the acceptable levels.

Motion of Fratinardo, seconded by Stockhaus to open the meeting to the public. Motion unanimously approved by all members present.

William Guertler, 301 Boulevard was sworn in by Solicitor Abbott. Mr. Guertler asked about the 31 acres on the Subdivision Plan. Will there be a Phase II with more houses built on the parcel? Mayor Muchowski stated that that part of the property could be housing because it is zoned residential. However, the owner of the property, Griffin Pipe, has indicated that they would like to have the zoning changed to commercial. The balance of the parcel is zoned Special Manufacturing. There are some uses allowed in the SM Zone that are very intensive. Council has discussed at changing the zoning to a office park/research park zone to have less intensive uses. Mr. Stewart stated that Griffin Pipe wanted to keep a large buffer zone. Mayor Muchowski stated that the balance of that site would funnel to Front Street not down Boulevard.

Mr. Guertler stated that he does not think that only 10% of the traffic will use the Boulevard. He asked if consideration was given using Fifth Street to Bodine Street and linking up to Front Street by Griffin Pipe.

Joanne Guertler, 301 Boulevard was sworn in by Solicitor Abbott. Mrs. Guertler testified that if you were going south on Rt. 130 you would go out Eyre Street to Fifth and out to

Woodlawn. Mr. Shropshire stated that they did traffic counts on Fifth Street and Boulevard and turning toward Woodlawn. The traffic count showed 31 vehicles during existing peak hours going to Woodlawn, 30 vehicles come back from Woodlawn to the Boulevard.

Mr. Guertler said that he was proposing Bodine Street just to lessen the traffic going down Boulevard. Mayor Muchowski stated that Bodine Street is actually on Griffin Pipe's land.

Member DeAngelis stated that when people move into a new development they find the way to get out to work with the least traffic. The Board had a discussion about the traffic pattern and the effects to the existing residents in the area.

Mr. Guertler stated the he felt that the more accesses into the development would spread the traffic out and lessen the impact on any one area. He said he felt that this revised plan was better than the previous plan, but more accesses should be explored. Mayor Muchowski stated that he didn't know where they could add another access to get a more even distribution of traffic. He stated that the Township would not close the crossing at Eyre Street.

Mrs. Guertler stated that cars speed down Boulevard and run the stop signs. Member Fratinardo stated that the only way to slow down traffic is to put lines on the street to narrow to driving lane.

David Ames, 248 West Fifth Street was sworn in by Solicitor Abbott. Mr. Ames stated that there is an existing unimproved street the runs through the foundry farm area of the Griffin parcel. He thinks there should be a crossing at Winter Street. He stated the Sixth Street should be widened. Also the existing trees are junk and they should be removed.

Hearing no further members of the public wishing to speak a motion was made by O'Hara, seconded by Stockhaus to close the public portion of the meeting. Motion unanimously approved by all members present.

Solicitor Abbott stated that the Board was looking at a Preliminary Major Subdivision approval. The application did not require any variances of design standard waivers. Mayor Muchowski asked if not using the COAH on site was a design standard waiver. Planner Hintz answered that it was not.

Mr. Stewart stated that the project doesn't really produce that much traffic on the Boulevard. The project will work with or without the crossing. He stated that he thinks it works better with the crossing because it eliminates the U-turn movement. Member Fratinardo stated that the residents agree with the crossing but they would like to have additional access to cut down on the traffic. Mr. Shropshire stated that an additional access from Eyre reduces traffic from other streets, but within the development it might

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cause confusion. He said that he doesn't know if this additional access will alleviate the traffic.

Mr. Shropshire explained again how he came up with the 10% increased traffic. Member Smith stated that there was more traffic on the Boulevard than the traffic engineer is indicating. He doesn't think the applicant has explored the solutions to the traffic problems. Vice Chairman O'Hara stated that the Board is looking at an application that does not require any variances. The applicant has done a lot to alleviate the traffic problems by adding additional access to the development. He said that he thought the application had a lot of merit.

Solicitor Abbott listed the following conditions. There will be a Public Works easement on the cul-de-sac for snow removal, grading and improvements are to be completed on Sixth Street to improve the drainage problem, Sixth Street will be widened and trees removed between Winter and Summer Street, and the applicant will comply with the COAH requirements called out in the pending Ordinances 2005-01 and 2005-02. The applicant shall discuss the possibility of improvements to Winter Streets with the Board Engineer. The applicant will comply with everything set forth in the Board Engineer's report dated January 10, 2005. The applicant will post a separate two-year performance bond for all railroad crossings, the widening and drainage improvements along Sixth Street will be determined by the Board Engineer. The applicant will comply with all recommendations set forth in the January 15, 2005 Planners report. The Homeowners Association shall maintain the retention basin. A hockey court shall be constructed on Township property, which will meet all recreation ordinance requirements. The cost of which will be determined by the Township Engineer. All landscaping around the retention basin shall permit access to maintenance machinery. There will be sidewalks along Summer Street that will provide pedestrian access to the site. Compliance with all the recommendations set forth in the reports from all of the Township Officials.

Member Smith asked about the drainage inlets on the plan. Mr. Brady stated that the storm sewer inlets would collect the water and drain it to the site's retention basin.

Mayor Muchowski asked about the recreation improvements. He stated that it would be a tot lot, on site, that would be maintained by the Homeowners Association and the hockey rink or whatever the Township wants, on Township property, that would fulfill the recreation requirement.

Mr. Stewart clarified that the sidewalks on Summer Street would be on either side according to what the Township Engineer recommends. He also stated that the performance bond would be posted at the time of Final Approval.

Mayor Muchowski asked about the cartway: 30 feet with 2 sided parking. He thinks this becomes a problem because of emergency services vehicles. Mr. Stewart agreed to 30 feet cartway with parking on one side. There would be curb and sidewalk on both sides.

Mayor Muchowski stated that according to our pending ordinances the COAH requirement would be \$35,000 per unit plus 1% assessment of each marketable unit. The applicant agreed to this. Mayor Muchowski asked about putting COAH onsite. Solicitor Abbott stated that this would be problematic because there is no ordinance pending that would allow for COAH to be built in all zones.

Mayor Muchowski asked about adding crossings at Winter Street or Eyre Street. Mr. Stewart was not willing to put additional crossings besides the proposed Boulevard crossing. He stated that they were going to use the Boulevard as their main access street with or without the crossing.

Mayor Muchowski asked if we could require a condition that the town hires a traffic engineer to determine which would be the best way to access the site. Chairperson Hamilton-Wood stated that the Board was trying to protect all the existing residents in the area, but they also have an obligation to the people who will be buying these new homes. Vice Chairman O'Hara stated that the residents in the area have stated that cars coming from the side streets are running the stop sign, not the cars traveling down Boulevard toward Fifth Street.

Chairperson Hamilton-Wood stated that the COAH issue was resolved, and the cartway issue was resolved. The only issue left is the crossing at Winter Street. Member Smith stated that a crossing at Winter Street would give additional access to the site. Mayor Muchowski asked Mrs. Guertler if the fact that the Eyre Street crossing is staying open would alleviate her concern about accessing Woodlawn. Mrs. Guertler said that she did not object to the Boulevard crossing. They were just looking to see if there would be a way to lessen the impact on Boulevard. Mr. Guertler said that adding a crossing at Winter Street would diversify the traffic out of the proposed development.

Mayor Muchowski said that he did not know if the Board had the authority to add another crossing.

Vice Chairman O'Hara stated that there were only four residents at the meeting. There did not seem to be very much opposition to the project or there would be a greater amount of the public in attendance. He felt that the Board should vote.

Motion by Semptimphelter, seconded by O'Hara to approve the application subject to the conditions as presented.

Mayor Muchowski asked if the Board should have conversation regarding having a Township traffic engineer looking at the application. Vice Chairman O'Hara said that he did not think this was necessary. The Board had another discussion of the traffic study.

Upon roll call the Board voted as follows:

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YEAS: Fratinaro, Muchowski, O'Hara, Smith, Stockhaus, Semptimpelter
Hamilton-Wood
NOES: Smith
ABSENT: Napolitan

Motion by Smith to adjourn. Since there was no second to the motion the Board continued on the regular order of business.

The Board decided to table the appointment of the Planning Board member to the Environmental Commission until the February meeting.

Member Smith left the meeting at 12:30 A.M.

CORRESPONDENCE

The Board discussed correspondence F from the NJDEP regarding environmental concerns from the former dry cleaning business at the Eckerd Pharmacy site.

The Board discussed Correspondence K, the memorandum from Township Clerk, Joy Weiler regarding the pending ordinances for COAH. Township Council is looking for a zoning change that will allow a combination of homes and townhomes, which will allow the obligation to be built on site.

Solicitor Abbott stated that the response to Council should be approving the ordinance and address the issue of on-site contribution. Mayor Muchowski asked if the Board should suggest to Council to look at establishing a Research zone. Solicitor Abbott stated that the Board could suggest that to Council but it is not part of the COAH issue.

Vice Chairman O'Hara asked if the Board could call a special meeting to discuss COAH. Mayor Muchowski asked if Marybeth Lonergan from Clarke.Caton.Hintz could come to the meeting at 6:30 to discuss COAH with the Planning Board. Mayor Muchowski stated that he would look into having the Planning Board attend a meeting on January 26, 2005 with the Council regarding COAH.

Motion by O'Hara, seconded by Semptimpelter to adjourn. Motion unanimously approved by all members present. Meeting adjourned at 12:45 A.M.

John T. Smith, Secretary

JTS/nle