

Florence, New Jersey 08518-2323
February 23, 2009

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairperson Hamilton-Wood called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Chairperson Hamilton-Wood then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the municipal complex."

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

Mayor Bill Berry	Councilman Sean Ryan
Gene DeAngelis	David Woolston
Mildred J. Hamilton-Wood	James Molimock
Timothy Lutz	

ABSENT: Wayne Morris
Craig Wilkie

ALSO PRESENT: David Frank, Esquire
Dante Guzzi, PE
Joseph Petrongolo, PP

RESOLUTIONS

Resolution PB-2009-09

Granting the application of Mary Candice Ware for Minor Subdivision with bulk variances for property known as Block 26, Lots 1 & 2, located in an RA Low Density Residential Zoning District.

Motion of Berry, seconded by DeAngelis to approve Resolution PB-2009-09.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Ryan, Lutz
NOES: None
ABSENT: Morris, Wilkie

Resolution PB-2009-10

Granting submission waivers, deeming complete and continuing the application of NFI Real Estate for Preliminary and Final Major Site Plan approval with bulk

25.

variances for Block 160.01, Lots 2.01, 8, 9, 10.01, 10.02, 20, 21, & 22 located in the HC/SMO Highway Commercial/Special Manufacturing Zoning District.

Motion of Berry, seconded by Lutz to approve Resolution PB-2009-10.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Ryan
NOES: None
ABSENT: Morris, Wilkie

Resolution PB-2009-11

Granting Preliminary and Final Major Site Plan approval to Griffin Pipe Products Co., Inc. for Block 179, Lots 1.01 – 1.05, located in the GM General Manufacturing Zoning District.

Motion of Berry, seconded by Lutz to approve Resolution PB-2009-11.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Ryan
NOES: None
ABSENT: Morris, Wilkie

Resolution PB-2009-12

Granting Preliminary Major Site plan approval with bulk variances to Frank Scamporino, Jr. for Block 160.01, Lots 4, 11.02, 11.01 and 24, located in the HC Highway Commercial Zoning District.

Motion of DeAngelis, seconded by Lutz to approve Resolution PB-2009-12.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Ryan
NOES: None
ABSENT: Morris, Wilkie

Resolution PB-2009-13

Continuing the application of R.M. Sunny's Inc. for Minor Site Plan approval for Block 162, Lot 5, located in the HC Highway Commercial and SM Special Manufacturing Zoning Districts.

Motion of Berry, seconded by DeAngelis to approve Resolution PB-2009-13.

Upon roll call the Board voted as follows:

26.

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Ryan
NOES: None
ABSENT: Morris, Wilkie

MINUTES

Motion of Ryan, seconded by DeAngelis to approve the Minutes of the January 29, 2009 meeting as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

- A. Letter from Burlington County Soil Conservation District dated February 3, 2009 regarding Frank Scamporino, Jr., Block 160.01, Lots 4, 11.01, 11.02 & 24.
- B. Letter from Florence Township Clerk's Office requesting email addresses and cell phone numbers to be included in the internal municipal directory.
- C. Memorandum dated February 19, 2009 from Joy M. Weiler, Township Clerk with attached copy of Ordinance No. 2009-05 'An Ordinance Amending Chapter 91 entitled "Land Development" of the Code of the Township of Florence, New Jersey, so as to create a New Section XXXA Entitled "RD-1 High Density Residential – Age Restricted Affordable Housing Zone" and Ordinance No. 2009-06 'An Ordinance of the Township of Florence to Adopt an Updated and Amended Official Map and an Updated and Amended Zoning Map.'
- D. Memorandum dated February 19, 2009, from Richard A. Brook, Township Administrator regarding zoning change for Duffy Manor (former Duffy School).

Motion of Berry, seconded by Ryan to receive and file Correspondence A through D. Motion unanimously approved by all members present.

Planner Petrongolo stated that the Board needed to discuss Correspondence C regarding the zoning change for Duffy School. He stated that Ordinance Nos. 2009-05 and 2009-06 are proposed to create a new zone in the municipality. This would be the RD1 High Density Age Restricted Affordable Housing zone. The ordinance at the same time would create that zone on Block 45, Lot 8. The purpose of this zone is to provide appropriate zoning standards and designations for high density residential affordable housing. The site that is proposed to be zoned RD1 is the Duffy School.

Planner Petrongolo stated that he had looked at the Master Plan and the Housing Element. The Land Use element does not specifically mention rezoning this parcel, but the Housing Element does recommend having affordable housing on this site and recommends the that action that is proposed. He stated that in his opinion the proposed ordinance is in conformance with the intent of the Master Plan and he stated that he sees no objection to the Board recommending that Council adopt this.

27.

Chairperson Hamilton-Wood stated that this proposal was included in the COAH plan. Planner Petrongolo stated that yes this had been included in the numbers to meet the township's affordable housing requirements.

Motion of Berry, seconded by DeAngelis to direct Solicitor Frank to draft a letter stating the Board's finding that the proposed ordinance is in conformance with the Master Plan. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood excused Planner Petrongolo from the balance of the meeting.

OLD BUSINESS

Chairperson Hamilton-Wood called for Application PB#2008-18 for NFI Real Estate. Applicant is requesting Preliminary and Final Major Site Plan approval with bulk variances for a proposed warehouse site located at Route 130 North, Florence Township. Block 160.01, Lots 2.01, 8, 9, 10.01, 10.02, 20, 21, & 22.

Chairperson Hamilton-Wood stated that a letter had been received from the applicant's attorney requesting that the matter be continued until the March 16, 2009 meeting and agreeing to extend the time limit for Board action.

Motion of DeAngelis, seconded by Ryan to grant the continuance.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Ryan, Woolston, Molimock
NOES: None
ABSENT: Morris, Wilkie

Chairperson Hamilton-Wood called for Application PB#2008-15 for R.M. Sunny's Inc. Applicant is requesting Minor Site Plan approval to permit massage therapy center at property located at 2071 Route 130, Florence Township. Block 162, Lot 5.

Applicant Richard Foga was reminded that he was still sworn from the previous meeting.

Engineer Guzzi stated that at the last hearing of this application it was determined that additional information needed to be supplied. The applicant has provided the minor site plan and a floor plan addressing some of the items.

Solicitor Frank stated that when the application was opened in December the Board granted waivers and found the application significantly complete to be heard. During the course of the hearing it was determined that additional information was necessary for the Board to make an informed decision.

28.

Engineer Guzzi listed the items that have been provided by the applicant including acreage to the nearest tenth of an acre has been added to the plan, key locator map has been added to the plan, adjacent block and lot numbers, signature blocks, zoning districts have been added, location of all existing utilities have been added.

Chairperson Hamilton-Wood stated that her recollection was that the Board's major concern was where the utilities were located and where the doors were located. Engineer Guzzi said that this information was addressed on the floor plan that was submitted.

Chairperson Hamilton-Wood asked Engineer Guzzi to go over his review letter dated February 19, 2009.

Engineer Guzzi stated that the overriding issue with this development is parking. He stated that Item 1 is the parking requirement for this use, which is 1 space per 200 sq. ft. or a total of 12 spaces based on the gross square footage of the project.

Chairperson Hamilton-Wood stated that she has driven by the site on several occasions and noticed that the back half of the parking lot was filled with cars. Engineer Guzzi stated that he understood that this was overflow employee parking from Cumberland (Garellick) Farms. He stated that the landlord would have to address this because at some point the tenants would not have enough parking spaces.

Engineer Guzzi stated that the parking issue is there. This plan is in general conformance with the previous approval on the site. The only problem is that R.M. Sunny's hours aren't strictly business hours, which was one of the conditions for the approval of the previous application for Florence 130 Plaza the owner of the site. This is the big issue. Will R.M. Sunny's operation conflict with the existing church use?

Councilman Ryan asked if the parking requirements based on square footage or does it coincide with number of employees. Engineer Guzzi said that the parking is calculated based on the gross square footage. He stated that testimony was given at the last meeting that an allotment of 12 spaces will be adequate for this use.

Chairperson Hamilton-Wood asked Mr. Foga to reiterate for the Board how many employees and customers were anticipated. Mr. Foga stated that there would be 3 total employees. He said that that they really only need 4 to 5 parking spaces.

Engineer Guzzi asked what the hours of business were. Mr. Foga said that weekday hours are 10:00 a.m. to 10:00 p.m. He said that they would cut back on the hours on Sunday so as not to conflict with the church. They would open up at 3:00 p.m. until 10:00 p.m. Engineer Guzzi stated that the church also has services on Wednesday evenings.

Solicitor Frank asked if on a Wednesday night when the church has an evening service would approval of this plan cause the available parking to be exceeded? Engineer Guzzi said that the church was not granted approval to use the entire parking lot. There was a

design waiver granted to Florence 130 Plaza by this Board to allow 74 parking spaces for the entire facility with 50% of the spaces being occupied by the church.

Solicitor Frank read from the resolution of approval that the Board adopted on October 20, 2008. Finding number 14 on page 5 states the “based on the testimony of Mr. Cohen and Mr. Lane concerning the tenancy of the church presently being approximately 90 to 100 persons including children and there being only 150 seats in use within the church, the parking requirement for the church use is 50 parking spaces.”

Solicitor Frank said that based on the claim that there are 50 parking spaces needed for the church on Sunday and Wednesday nights, there are still 24 spaces remaining. So theoretically with this use we are not beyond the 74 spaces that exist. If all 12 of R. M. Sunny’s spaces were occupied on a Wednesday night then 62 spaces would be used.

Chairperson Hamilton-Wood stated that she is concerned with the next application that comes in for the site there might not be enough parking.

Engineer Guzzi said that an office use is 1 space for 250 sq. ft. This would be less intense than the personal service use. Chairperson Hamilton-Wood said that if it turns out that the parking is being used in full the Board not could decide to not grant approval for any additional use on the site. Engineer Guzzi said that if a more traditional office use came in that would be 9:00 a.m. to 5:00p.m. Monday through Friday this would not conflict with the church use.

Councilman Ryan said that the main basis of the approval for Florence 130 Plaza was that no future uses would conflict with what is currently in place and the first application that is submitted there is a very clear conflict on 2 days. Engineer Guzzi said he didn’t think that they have exceeded that allotment of parking spaces. If another applicant comes in with similar conflicting hours it would be a problem.

Chairperson Hamilton-Wood stated that the reality is that on Wednesday night when there is a church service, one third to one half of the parking lot is already full with the overflow parking from the neighboring business. Engineer Guzzi said that this use of overflow parking is an issue for the zoning officer.

Solicitor Frank stated that off-site parking is not a permitted principal use in the zone. Leasing out parking spaces isn’t allowed. If the landlord leases the building to Garelick Farms then it becomes the landlord’s responsibility to make sure that the parking isn’t being used for the rest of their site. Chairperson Hamilton-Wood stated that she is concerned and doesn’t want trucks to end up parked on the street.

Member Woolston stated that the old sign that advertises church services at 5:00 a.m. is still there. Solicitor Frank stated that a condition of the approval for the Florence 130 Plaza application was the removal of this sign. Engineer Guzzi stated that this would hold up the issuing of a certificate of occupancy to R. M. Sunny’s.

Chairperson Hamilton-Wood stated that because of the location of the property on Route 130 she is concerned with the possibility that parking may overflow onto Route 130 and cause a safety issue.

Solicitor Frank stated that the Planning Board is not an enforcing agency, it is an agency that reviews and approves or denies based on whether or not it complies with the ordinance standards or meets the standards for a variance. He stated that if the parking lot is being used for off-site parking for another operation on another site this is not a permitted use in the zone. The zoning officer can call the owner and inform him that this level of parking on the site for other facilities is not permitted.

The Board's role is to grant or deny approvals when they can perceive based on the facts presented whether or not something is going to work. There has been testimony given on the record of the intensity and hours of the church use. The Board based their decision on the Florence 130 Plaza application that allows this area to be used based on that testimony. If actual experience shows that the testimony was not accurate it falls upon the zoning officer to enforce the terms of the resolution.

Chairperson Hamilton-Wood stated that she is always concerned that the Board will grant an application that won't work based on the facts that are presented. Solicitor Frank stated that if the Board is concerned that something won't work then they should deny the application.

Mr. Foga stated that he has been on site and parishioners of the church are parking across the street on the grass. Engineer Guzzi stated that the parking situation is probably being exacerbated by the off site parking from Garelick Farms. Chairperson Hamilton-Wood stated that she is not concerned with adding Mr. Foga's use because the added parking is nominal, but there is 3,000 sq. ft. still available for rental in this building.

Solicitor Frank stated that he would relay to the zoning officer the Board's concern on parking for the site, based on the apparent off site parking that is occurring. Engineer Guzzi stated that Mr. Foga would not be granted a certificate of occupancy for his business until the conditions of approval for the Florence 130 Plaza application were met.

Councilman Ryan asked Mr. Foga to state which hours of his use would be conflicting with the church use. Mr. Foga said there would be conflicting hours on Wednesdays. Mr. Foga stated that he could move his hours on Wednesday if there turns out to be a parking problem. Councilman Ryan said that there should be definite times stated. Mr. Foga said that Monday through Saturday 10:00 a.m. to 10:00 p.m. Sunday will be 3:00 p.m. to 10:00p.m. The conflict would be on Wednesday evening.

Solicitor Frank stated that the Board would be approving these hours of operation, so Mr. Foga will not be able to open earlier than 3:00 p.m. on Sunday or it would be a zoning violation.

Councilman Ryan asked for the information on the employees and customers. Mr. Foga stated that there would be 3 employees and 2 customers at a time. This is an appointment only business. Engineer Guzzi stated that Mr. Foga would be allocated 12 parking spaces so the number of employees/customers will not be conditioned.

Engineer Guzzi stated that there are a few minor issues that should be worked out by the applicant's engineer. There has been no signage proposed for this application. Mr. Foga stated that he was just planning to put a sign on the door. Mr. Foga said that Howard Cohen the owner of the site said that the one existing sign would be removed and the second existing sign would be modified. Solicitor Frank said that condition No. 6 indicated that the applicant shall remove the older free standing sign setting forth the former hours of operation for the church. Engineer Guzzi said that the sign with the wooden frame has to be removed.

Engineer Guzzi stated that Mr. Foga's unit will be located in 2 different zones, but the door would be in the SM Special Manufacturing zone. Mr. Foga said that he wants to put the sign on the door, not on the building. Solicitor Frank read the sign requirements for the SM zone. Mr. Foga said that he would put his sign on the upper glass of the door. This will not be lit. Mr. Foga stated that he is not asking for a sign on Route 130. Engineer Guzzi stated that a door sign would be conforming.

Engineer Guzzi asked Mr. Foga if he agreed to have the items outlined in his report added to the plan by his engineer? Mr. Foga agreed to this. Engineer Guzzi stated that all copies of the site plan should be sealed.

Solicitor Frank said that this is a permitted use in the zone. The parking issue was addressed by prior approvals. The approval should be conditioned on the hours as testified at this meeting. A note should be added to the resolution of approval that we have consumed 12 of the available parking spaces under the prior approval. This would leave 12 spaces available during peak hours for additional use.

Solicitor Frank said that as part of the previous approval the Board waived 24 parking spaces. Assuming that the church consumes 50 spaces. There would then be and additional 48 spaces for the hours that are offset from the church hours available to us in the remainder of the spaces.

Motion of DeAngelis, seconded by Woolston to approve Application PB#2008-15 with the conditions as set forth in the testimony and conforming to the review letter by Engineer Guzzi.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Woolston, Molimock
NOES: Ryan
ABSENT: Morris, Wilkie

NEW BUSINESS

Chairperson Hamilton-Wood called for Application PB#2009-01 for Whitesell Construction Company, Inc. Applicant is requesting minor subdivision approval for Block 158, Lot 5 (proposed Lots 5.01 & 5.02)

Attorney Lynn McDougall stated that Whitesell was before the Board in November for site plan approval for a portion of Lot 5. This was for the parking lot that was servicing the building on the adjacent lot that is in Burlington Township.

Terrance Huettl was sworn in by Solicitor Frank. Mr. Huettl stated that he was a Vice President at Whitesell Construction Co, and is also a licensed engineer in the state of New Jersey.

Engineer Guzzi stated that there were a few completeness items listed in his review letter dated February 20, 2009 for the Board to act on prior to hearing the application.

Item A the applicant has requested a waiver for the Environmental Impact Statement (EIS). Engineer Guzzi said that he would support a waiver because Whitesell has submitted an extensive EIS prepared for the initial approvals for the Haines Center. This has been updated several times in the course of the development of the site. Secondly there is no proposed development attached to this subdivision application.

Items B and C for preliminary delineation of wetlands and preliminary delineation of stream encroachment were listed as non-applicable. He asked for confirmation that there was no wetlands or stream encroachments impacted by this proposal. Mr. Huettl stated that there are no wetlands or floodplains on either of the lots that are the subjects of these applications.

Mr. Huettl said that in regards to the EIS everything that was previously submitted still holds.

Motion to of DeAngelis, seconded by Ryan to deem complete

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Ryan, Woolston, Molimock
NOES: None
ABSENT: Morris, Wilkie

Referring to Mr. Guzzi's review letter Mr. Huettl stated that the subdivision would be filed by plat. The inconsistencies on the bulk zoning table will be corrected. Mr. Huettl stated that the missing documentation regarding the corners and monumentation would be taken care of in compliance of map filing law.

Mr. Huettl referred the Board to Item 4 on Mr. Guzzi's letter regarding a missing adjacent lot. He stated that the subject lot creates 2 tax lots for this site. The basin and parking lot that spill over the township line will be on their own tax lot and the balance of the lot would be available for future development. The item in the engineer's letter identifies a former lot that was adjacent to this on the other side of the railroad tracks. This lot technically doesn't exist any more. It was consolidated with Lot 2 back in 2004 and this is why it didn't show up on the plan.

Mr. Huettl said that this consolidation occurred by deed and was filed at the county clerk's office. Engineer Guzzi stated that this showed up on the property owner's list and that is why he cited it in his letter. Mr. Huettl agreed that this lot was on the property owner's list that was prepared by Florence Township. Engineer Guzzi stated that he would look at updating the tax maps.

Mr. Huettl stated that the last item on the engineer's letter indicated that there is a lot missing on the adjacent property ownership list. Mr. Huettl said that he included the lots and the listed owners that were provided to them on the certified property lists that came from both Burlington and Florence. Burlington missed one of the lots. This will be added to the plan.

Engineer Guzzi asked that a copy of the certified list from Burlington be provided to the Board for the records.

Engineer Guzzi asked Attorney McDougall to provide information showing the previously mention lot consolidation.

Mayor Berry left the meeting at 8:25 p.m.

Engineer Guzzi stated that both lots conform to the standards of the zone.

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

Fred Wainwright, 1011 Cedar Lane asked if the building crosses the township line or just the parking lot. Mr. Huettl said just the parking lot crosses. Mr. Wainwright said that a few years ago there was a dispute over an application out in the country, the Maimon property, where the Board was against building over the township line. Chairperson Hamilton-Wood stated that in the previous case the majority of buildings were in Mansfield Township but the access road was in Florence Township and Florence Township would have to provide maintenance on this road without the tax benefits from the commercial properties.

Motion of DeAngelis, seconded by Ryan to closed the public comment.

Motion of DeAngelis, seconded by Lutz to approve with the standard conditions and with conformance to Engineer Guzzi's review letter.

34.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Hamilton-Wood, Lutz, Ryan, Woolston, Molimock
NOES: None
ABSENT: Berry, Morris, Wilkie

Chairperson Hamilton-Wood called for application PB#2009-02 for Whitesell Construction Company, Inc. Applicant is requesting Minor Subdivision for Block 159, Lots 2 & 7.02.

Attorney McDougall stated that this is a request for subdivision in lot 2 and then consolidation of another lot. She stated that right now there is an existing right of way and easement where the road John Galt Way is built. This subdivision carves out that right of way and creates separate building lots on either side of John Galt Way,

Mayor Berry returned to the meeting at 8:30 p.m.

Engineer Guzzi stated that there are the similar 3 completeness items including the EIS, preliminary delineation of wetlands and preliminary delineation of stream encroachment that are required for minor subdivision applications.

Chairperson Hamilton-Wood reminded Mr. Huettl that he remained sworn from the prior application.

Solicitor Frank stated for the record that Mr. Huettl had been previously qualified as an expert before this Board on numerous occasions.

Mr. Huettl stated that there are no wetlands or flood plains on this parcel as well so there would be no stream encroachment lines.

Mr. Huettl stated that the parcel has frontage on Route 130 and backs to railroad lines where the New Jersey Transit train station is located. Currently there is one large tax lot with a road going down the middle. The intention of the application is to create 2 tax lots on for each side of the road, which is John Galt Way, the main entrance into the Haines Center.

Mr. Huettl said that New Jersey Transit came to Whitesell several years ago and wanted to buy land for their train station and Whitesell sold them lots on each side of the railroad station. New Jersey Transit also bought from Whitesell an easement for the road. After the road was built Whitesell put in some utilities between Route 130 and the Haines Center. A utility easement was established that paralleled the road easement or access easement.

Unfortunately the existing road easement does not match very well with the road that New Jersey Transit built. Whitesell wants to make the new right of way consistent with

the edge of pavement so that there is sufficient room between the edge of pavement and the edge of the right of way. As a result of that change modifications have to be made to the adjacent utility easement. Finally this plan will consolidate 2 lots.

Chairperson Hamilton-Wood stated that the Board was still considering the completeness issue at this point. It appeared that sufficient testimony had been provided to support the deeming complete of the application.

Motion of DeAngelis, seconded by Lutz to deem the application complete. Upon roll call the Board voted as follows:

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

Chairperson Hamilton-Wood asked if John Galt Way was a township road. Engineer Guzzi stated that John Galt Way was a private right of way. Engineer Guzzi stated that the bulk of his letter addresses the easement issues because the applicant is proposing to abandon easements that are owned by New Jersey Transit and the utility companies and you have to obtain all the necessary approvals to abandon or change those easements.

Attorney McDougall stated that Whitesell is not proposing to abandon the easements but just to adjust them. Engineer Guzzi stated that any modification to the easement would have to be approved by the holder of the easement. Attorney McDougall said that they would need approval if they were proposing to modify the recorded document but this proposal does not change the rights of New Jersey Transit. The roadway is still within what they have registered. Engineer Guzzi asked if what was shown on the plan now is actually current conditions or the proposed adjustment? Mr. Huettl answered that it was both.

Mr. Huettl said that the road is currently in a privately owned and maintained easement. This application proposes to slightly modify the shape of that easement and turn it into a privately owned and maintained right of way. Chairperson Hamilton-Wood asked if the Board had the authority to do that without the easement holder's approval? Solicitor Frank said that the Board has no authority with regard to private property law. The Board can help Whitesell with the lot lines.

Mr. Huettl said that the proposed lot line wraps around the easement. The road goes up the middle and there is one tax lot on each side. Solicitor Frank said that usually fee ownership stops at the right of way. In this case the Board would be creating a lot under the right of way because it would still be under private ownership.

Engineer Guzzi stated that the tax assessor of the township recognizes John Galt Way as a private road not a tax map lot.

Engineer Guzzi said that the lot lines would go beyond the edge of the easement. The easement doesn't match up with the proposed right of way line/ proposed lot lines. Attorney McDougall said that they would like to reduce the easement to the right of way line. Engineer Guzzi said that if the map is filed with an adjusted easement, New Jersey Transit has to be made aware that they are losing the easement and somehow okay that. Solicitor Frank said that this is an issue that Whitesell would have to deal with by themselves. It has to do with New Jersey Transit's private relationship with Whitesell. Engineer Guzzi stated his concern with ignoring the easement and approve a subdivision that modifies an easement. Solicitor Frank stated that what happens between the private parties of Whitesell and New Jersey Transit is a private issue. Solicitor Frank stated that he is troubled by the fact that the road is not a tax lot. Chairperson Hamilton-Wood said that there would be no ownership if the Board creates the lot. Mr. Huettl stated that Whitesell still owns this land and they are legally required to maintain it and keep it open to the public.

Engineer Guzzi stated that everything in the development has been filed by plat so this will be filed and go in the plat as a proposed right of way, albeit a private right of way.

Engineer Guzzi stated that one of the advantages of this is that it creates a road to establish setbacks. He said that this is more of a housekeeping issue with respect to creating these 2 lots and creating this private right of way to match the rest of the development and to adjust the easements to match what is actually there.

Mr. Huettl stated that Whitesell would be happy to dedicate these roads to the township. Solicitor Frank asked if the township owns the existing water main that is indicated on the plan? Mr. Huettl said that main has not been dedicated but the township is listed as a beneficiary of the utility easement. Engineer Guzzi stated that he was concerned more with the proposed easement that will cover that water main to the township road. Mr. Huettl said that they are modifying the shape of that utility easement to mirror the proposed right of way because it currently mirrors the existing access easement. This didn't make any sense relative to the road. It was not parallel to the road. He stated that he would meet with the township's water and sewer department, review the easement with them and ensure that the modifications to the easement are acceptable.

Solicitor Frank stated that it would be a condition of approval the Whitesell meet with the water and sewer department for approval of the easement. Engineer Guzzi stated that conditions would be the right of way and easements, the corrections to the bulk table and the subdivision would be filed by plat.

Mr. Huettl and Engineer Guzzi had a discussion regarding the lot numbers in the Haines Center. Mr. Huettl said that he would have lot numbers corrected.

Mr. Huettl stated that there are no uses or improvements on the lots. Engineer Guzzi stated that there is a sign use on the lots. This sign was granted a Use variance by the Zoning Board several years ago.

37.

Motion of Ryan, seconded by DeAngelis to open to public comment. Motion unanimously approved by all members present.

Seeing no one wishing to comment motion was made by Ryan, seconded by DeAngelis to close the public portion. Motion unanimously approved by all members present.

Motion of DeAngelis, seconded by Lutz to approve the application with the conditions that have been set forth and with the understanding that the lot numbers will be corrected. The easements will be adjusted and not abandoned. Whitesell must meet with the Florence Township Water & Sewer Department in respect to the easement and approval will be obtained from Burlington County.

Upon roll call the Board voted as follows:

YEAS: Berry, Hamilton-Wood, DeAngelis, Lutz, Ryan, Woolston, Molimock
NOES: None
ABSENT: Morris, Wilkie

Mayor Berry stated for the record that he had to briefly leave the meeting and as a result missed the vote for Application PB#2009-01. He stated that he would have voted for the application if he had been present.

OTHER BUSINESS

- A. Mayor's appointment of Planning Board Representative to the Florence Township Environmental Commission.

Member Molimock volunteered to continue his role on the Environmental Commission for another year.

Motion of Ryan, seconded by DeAngelis opened the meeting to public comment. Motion unanimously approved by all members present.

Seeing no one wishing to comment motion was made by Ryan seconded by DeAngelis to close the public comment. Motion unanimously approved by all members present.

Motion of Berry, seconded by Ryan to adjourn the meeting at 8:54 p.m.

Gene DeAngelis, Secretary

GD/ne