

Florence, New Jersey 08518-2323  
March 16, 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	Craig Wilkie
Mildred J. Hamilton-Wood	David Woolston
Timothy Lutz	James Molimock
Wayne Morris	

ABSENT: None

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

## RESOLUTIONS

### **Resolution PB-2009-14**

**Continuing the application of NFI Real Estate for Preliminary and Final Major Site Plan with bulk variances for Block 160.01, Lots 2.01, 8, 9, 10.01, 10.02, 20, 21 and 22 located in the HC Highway Commercial Zoning District with Special Manufacturing Overlay.**

Motion of Berry, seconded by DeAngelis to approve Resolution PB-2009-14.

Upon roll call the Board voted as follows:

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

### **Resolution PB-2009-15**

**Granting 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 District.**

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Motion of DeAngelis, seconded by Lutz to approve Resolution PB-2009-15.

Upon roll call the Board voted as Follows:

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

**Resolution PB-2009-16**

**Granting the application of Whitesell Construction Co., Inc. for Minor Subdivision approval for Block 158, Lot 5, located in the GM General Manufacturing Zoning District.**

Motion of Ryan, seconded by Woolston to approve Resolution PB-2009-16.

Upon roll call the Board voted as follows:

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

**Resolution PB-2009-17**

**Granting the application of Whitesell Construction Company, Inc. for Minor Subdivision approval for Block 159, Lots 2 and 7.02 located in the GM General Manufacturing Zoning District.**

Motion of Ryan, seconded by DeAngelis to approve PB-2009-17.

Upon roll call the Board voted as follows:

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

**MINUTES**

Motion of Ryan, seconded by DeAngelis to approve the Minutes of the regular meeting of February 23, 2009 as submitted. Motion unanimously approved by all members present.

**CORRESPONDENCE**

- A. Letter from Board Solicitor David Frank to Mayor and Council dated February 24, 2009 regarding Township Ordinances No. 2009-05 and 2009-06.

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- B. Memorandum from Township Clerk Joy M. Weiler, dated March 9, 2009 regarding Florence Township Ordinance No. 2009-04 which was adopted by Council at their March 4, 2009 meeting.
- C. Memorandum from Township Clerk, Joy M. Weiler, dated March 9, 2009 regarding Florence Township Ordinance No. 2009-05 and No. 2009-06 which were adopted by Council at their March 4, 2009 meeting.

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

## APPLICATIONS

Chairperson Hamilton-Wood called for Application PB#2009-03 for Community Investment Strategies. Applicant is requesting Preliminary Major Site Plan approval to convert the former Marcella L. Duffy School into age restricted affordable housing on property located at 208 West Second Street, Florence. Block 45, Lots 8, 13, 14, & 15.

Richard L. Evert, attorney for the applicant stated that they are seeking site plan approval for a project known as Duffy Manor. He said that the proposal is to convert the former Marcella L. Duffy School into 46 affordable age restricted housing units. This property has recently been rezoned as RD-1 High Density Residential Age Restricted Affordable Housing.

Attorney Evert said that they are also requesting a variance for an ornamental fence and various design and submission waivers. He stated that he has 2 witnesses to testify.

Chairperson Hamilton-Wood said that the normal procedure is to deal with completeness issues first.

Steven Schoch was sworn in by Solicitor Frank. Mr. Schoch stated that he was a principal with Kitchen and Associates Architectural Services of Collingswood, NJ. He said that he had been a licensed architect in the state of New Jersey since 1987. The Board accepted Mr. Schoch as an expert.

Mr. Schoch stated that he was the design architect retained by Community Investment Strategies to evaluate the building and design the conversion into housing.

Chairperson Hamilton-Wood asked Engineer Guzzi to go over the completeness items in his report dated March 6, 2009. Engineer Guzzi listed the items as follows:

Item A Environmental Impact Statement (EIS). Engineer Guzzi stated that the applicant had provided an abbreviated impact statement consisting of a preliminary assessment report. He indicated that he would support a partial waiver for this as the site is already developed.

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Item B Test Borings to the Water Table or 10 feet. Engineer Guzzi said that there are no stormwater management facilities and very little site work so he would support the waiver.

Item C Existing Elevations to Extend 100 feet past the Property Line or Intersection Pavement Transition. Even though the elevations on the plan do not extend 100' past the property, but the site is locked into a developed area. They have provided adequate elevations on the transition area to the alley and to the road. He stated that he would support a waiver.

Item D Sight Triangles at Intersections. Engineer Guzzi stated that the sight triangles should be added to the site plan. Mr. Schoch stated that they would like to defer this until the final site plan approval.

Item E Description of Expected Emissions. Engineer Guzzi stated that he would like to hear testimony on glare from site lighting and noise. Mr. Schoch said that the applicants engineer would testify to that.

Item F Cross Sections of New Streets, Aisles, Lanes Driveways, Sidewalks and Bikeways. Engineer Guzzi stated that there is very little planned in this regard. He stated that he was satisfied with the information that was provided and would support the request of a waiver.

Item G Municipal Services and Utilities Impact Statement (MSUIS). Engineer Guzzi said that a modified statement was submitted which addresses water demands even though there is no stormwater management proposed. An abbreviated report comparing pre and post development has been submitted. Engineer Guzzi stated that he is satisfied that the Board has enough information to proceed.

There being no further questions regarding completeness motion was made by Wilkie and seconded by Morris to deem the application complete.

Upon roll call the Board voted as follows:

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

Mr. Schoch submitted exhibit A1 photographs of the existing Duffy School and A2 a prospective rendering of the exterior design. He stated that the plan is to maintain the architectural integrity of the existing structure. The addition will match the main building in height, scale and window proportions etc. The new addition will contain several dwelling units on the end as well as a circulation element that is further recessed. This is required because this building was designed as a split-level type construction. When you enter the lower level is halfway below and the main level is halfway above grade. This

causes some handicap accessibility issues. You would have to get elevators with half stops.

Mr. Schoch submitted exhibit A3, which was the entry-level floor plan. This shows the proposed layout. There will be an entrance on both ends of the building to allow access from each parking area. The classrooms will be converted into apartments. There will be 2 studio apartments, 26 one bedroom units and the balance would be two bedroom units.

In addition to the residences on all 3 floors there will be a community gathering space, laundry area, exterior courtyard with an exterior seating area. There is a trash chute in the building that deposits the trash outside the rear of the building. A private company will pick up the trash.

Member Lutz asked if there was a community center? Mr. Schoch answered that there is a community gathering place for the residents of this community. He submitted exhibit A4 which shows the lower level floor plan. There is 1,500 sq. ft. designated as multi-purpose community space. There are other smaller gathering places on the other floors.

Sean Savage was sworn in by Solicitor Frank. Mr. Savage said the he was a civil engineer. He received a BS in Engineering from the University of Maryland and has been a licensed engineer in the state of New Jersey for 10 years. Mr. Savage indicated that he has testified before numerous Boards across New Jersey.

Mr. Savage said that he had designed the site for the project. He referred to exhibit A5, which is a color rendering of the landscape plan. The proposal is to add two additions to the existing building. The first is a 9,000 sq. ft. space to be added to the western (Summer Street) side of the property. The second is a smaller approximately 1,000 sq. ft. addition to the northeastern portion of the building. A trash enclosure will be added to the rear of the building.

Mr. Savage said that the RD-1 zone required 35 parking spaces and the proposed plan provides 39 parking spaces. There will be a total of 4 handicap parking stalls – 2 on either side of the building. Angled parking is proposed for the alley on the north side of the building. They would like to have the alley changed to one way only from the east of the site.

Mr. Savage said that the review letter had a comment regarding the curb radii on the islands entering the parking lots. He stated that he had done truck turning templates on the drives and they certainly can accommodate a trash truck, emergency vehicle and a typical fire ladder truck. In terms of safety there is adequate access around the site.

Mr. Savage said that in terms of stormwater, the proposed plan would reduce the impervious coverage on the site from 96% to 91%. The volume of the runoff would be reduced versus the existing conditions. There is a very limited stormwater system proposed, including some inlets and piping in the western parking lot. This will connect to an existing inlet located at the intersection of Summer Street and West Second Street.

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Mr. Savage pointed on exhibit A5 where the ornamental fence would be located. This would be 3'-4' decorative black wrought iron look fence that would give a sense of security to the residents.

Chairperson Hamilton-Wood asked Engineer Guzzi to run through the required waivers outlined in his March 6, review letter.

Engineer Guzzi stated that a signature line should be added to the plan. The request for a one-way alley would need to be approved by the Township Council. Chairperson Hamilton-Wood stated that her only concern was that some of the neighboring properties have garages that exit onto the alley and she doesn't want to negatively impact them. Mayor Berry stated that the alley had been a one way alley for many years before it was opened to a two way. Engineer Guzzi stated that it does make sense to have it as a one way so that there are not conflicting movements.

Engineer Guzzi stated that the existing bell towers exceed to allowed height of the zone. Item 4 on the report concerns the drive aisle width. 24' is proposed where 25' is required. He stated that 24' is typical in the RSIS standards and he takes no issue with this but a design waiver is required. A design waiver would also be required for parking stall size, 9' x 18' is proposed where 10' x 20' is required by the ordinance. He stated that this is not a retail environment so it doesn't really warrant the wider spaces.

Item 6 a design waiver is required for the curb radii in the right of way along the alley and along West Second Street. The radii proposed are 5' and 10' respectively. Engineer Guzzi stated that Mr. Savage had testified that the curb radii could accommodate emergency vehicle. Mr. Savage agreed to add turning templates to the plan.

Item 7 regarding the requirement that shade trees be planted in the right of way between curb and sidewalk along Summer Street. Engineer Guzzi stated that there is not enough room for the trees in this location. So the trees are proposed behind the sidewalk. A design waiver is required for this.

Item 8 a front yard setback variance or a design waiver is required for the ornamental fence. Planner Petrongolo stated that the fence shown on the landscape plan and the fence shown on the site plan do not match. Mr. Savage stated that this would be corrected when the plans are revised. He stated that this is a traditional black ornamental fence. The purpose is two-fold. It is aesthetic but also adds a sense of security. The fence will help to direct people to the new front entrance (which is different than the current main entrance) and it will keep people away from the building so that they cannot look into the lower level dwelling unit windows.

Item 9 states that the proposed lighting should be revised to eliminate spillover onto adjacent residential properties to the east of the site. Item 10 a setback variance is required for the existing fence along the eastern property line. Item 11 security lighting should be added to the rear of the building in the alley and all building mounted lighting

(existing and proposed) should be shown on the plan. Mr. Savage stated that this would be provided. Item 12 requests the material specifications for the traffic striping on the pavement.

Engineer Guzzi continued that Item 13 there were conflicting dimensions listed for the proposed monument sign. Mr. Savage stated that the intent is that the monument sign would be conforming. Item 14 the proposed handicap ramp detail is not consistent with the township's standard which uses the paver inserts rather than what was proposed. He said that it would be appropriate to use the municipal standards so that it matches. Mr. Savage agreed to this. Item 15 the detail for the proposed barrier free parking spaces should be revised to provide 8' stalls and 8' aisles. Mr. Savage agreed to revise the detail

Engineer Guzzi stated that Item 16 refers to building mounted signs. Following a discussion on sign details it was agreed that the sign package would be held until the hearing for Final. Item 17 the proposed stop bar should be 24" wide. Item 18 the proposal is to connect some of the on site stormwater collection to the existing inlet on Summer Street. The existing inlet should be re-parged and an "eco" headpiece should be installed. Item 19 regarding the grading in the alley. There are some variations in the elevations in the alley. The alley should be correctly graded so that there aren't any jumps up to the existing driveways. Item 20 the pavement specifications should be revised to reflect the new New Jersey Department of Transportation (NJDOT) requirements. Item 21 the paver sidewalk should be detailed on the plan. Engineer Guzzi stated that this completed his review letter.

Solicitor Frank stated that testimony should be put on the record regarding the setback of the existing chain link fence. Chairperson Hamilton-Wood asked if there was any concern of headlights shining into the adjoining property through the chain link fence. Mr. Savage stated that low plantings would be installed to block headlights. Planner Petrongolo stated that there was only 2' between the fence and the asphalt.

Mr. Savage said that they would remove the fence if necessary. Member Wilkie stated that they should be considerate of the adjoining neighbor because his yard is completely fenced in and this fence is one side of it. Engineer Guzzi said that the applicant should contact the neighbor to see what they would prefer in regards to the fence. Planner Petrongolo stated that the plantings that are proposed would not fit into the space. Member Wilkie suggested plastic slats. Planner Petrongolo stated that there are a few options that could be offered.

Chairperson Hamilton-Wood asked Planner Petrongolo to go over his review letter dated March 12, 2009. Planner Petrongolo stated that Engineer Guzzi has already addressed many of the items in his letter. He stated that he has had very good conversations with the applicant's professionals and they are willing to conform to all the comments in the review letter. He stated that he would relay some of the key items.

Planner Petrongolo stated that the ordinance requires curbing along the entire parking lot. It appears that curbing is not planned along the eastern side of the parking lot. Mr.

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Savage stated that curbing is not proposed on that side due to drainage. Planner Petrongolo stated that he had no objection to this.

Planner Petrongolo stated he had asked that one parking space be eliminated. This is a dead end parking bank and eliminating this space will allow a car to turn around if all other spaces are full. The applicant has agreed to this.

Planner Petrongolo stated that he has no objection to granting the waiver for the street trees outside of the right of way. A waiver is requested for number of parking lot trees. The applicant is proposing 7 trees where 8 are required. There is no objection to this waiver request. The applicant has agreed to conform to all other landscape comments

Planner Petrongolo had suggested some foundation plantings to soften the look of the building. Mr. Savage stated that they do not want to block the windows with plantings. Planner Petrongolo agreed that the windows shouldn't be blocked, but there is space between the windows for plantings. Mr. Savage agreed to work with Planner Petrongolo on this.

Planner Petrongolo stated that a waiver is requested for the light intensity on the site. Mr. Savage stated that they are proposing an average of 0.8 foot-candles where 0.5 foot-candles is permitted. He said that this was necessary due to the site conditions. They will be adjusting the lighting to reduce the light spillage onto the adjacent properties and this number may come down slightly. Planner Petrongolo stated that he had no objection to the waiver.

Planner Petrongolo stated that on the plan there appears to be limited lighting along the sidewalk in front of the site. Mr. Savage indicated that there would be lighting around the entrances that would shed extra light. This will be added to the plan.

Planner Petrongolo asked that details of the trash enclosure as well as the material and color for the privacy gates of the enclosure be added to the plans.

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

John T. Smith, 10 Boulevard was sworn in by Solicitor Frank. Mr. Smith asked if the hedge in front of the building would be removed. Mr. Savage stated that the hedge would be removed. Mr. Smith asked if the Fire Marshall had signed off on this plan? Mr. Savage stated that the plan would be submitted to the Fire District for approval. Mr. Smith questioned whether the ladder truck would be able to access the site. Mr. Savage said that they would be required to get the approval from the Fire District as a condition of their approval.

Mr. Smith asked for a clarification on the affordable housing status. Mr. Schoch stated that the proposal was for senior affordable housing.

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Motion of Ryan, seconded by Wilkie to close the public portion. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood asked for a recap of the requested waivers and variances.

Engineer Guzzi stated that variances and/or design waivers were requested for existing non-conforming height of the building, proposed drive aisle width of 24' where 25' is required, the proposed parking stall dimension of 9' x 18' where 10' x 20' is required, minimum curb radii in the right of way of 5' and 10' for the alley and West Second Street, shade trees planting in the right of way between the curb and sidewalk on West Second Street, the installation of an ornamental fence in the front yard setback, and existing fence to remain in the front yard setback along the eastern property line.

Planner Petrongolo stated that waivers were requested for curbing around the parking lot, intensity of the lighting within the parking lot, and one parking lot shade tree

Solicitor Frank stated that conditions of approval would be compliance with the plan detail changes as agreed on the record, Township Council approval of the "one way" for the alley, signage will be submitted as a complete package at the time of Final, and site triangles to be added at the intersections. The applicant will be working with the Board's professionals and with the neighbor to the east of the site to work out an appropriate landscape and screening on that side of the parking lot.

Engineer Guzzi stated that the applicant did not address the noise from the site.

Mr. Savage stated that the air conditioning units would be located on the roof. They will be no more than 30' high. Engineer Guzzi stated that the height couldn't exceed 40'. Mr. Savage stated that this would not exceed the maximum allowable height. These will be residential units that will be located on the center of the roof. You will not be able to see them or hear them from the ground.

Mr. Savage stated that deliveries and trash collection would take place during normal business hours. Chairperson Hamilton-Wood asked to have the trash collection limited so that it would not be very early morning. Mr. Savage stated that they would comply with the Township noise ordinance. There would be no noise generating truck activity before 7:00 a.m. or after 8:00 p.m.

Motion of Wilkie, seconded by Lutz to approve Application PB#2009-03 with the design waivers, variances and conditions as set forth.

Upon roll call the Board voted as follows:

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

47.

The Board took a 5 minute recess. The Board returned to the regular order of 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 Member Lutz had a conflict and would not be participating. Member Lutz left the dais. She stated that Engineer Guzzi has also left the dais due to conflict and the Board's Conflict Engineer James Priolo will advise the Board.

John Gillespie, attorney for the applicant, stated that the site is a parcel of land 126.34 acres in the HC/SMO zone. The applicant has proposed 1,626,750 sq. ft. of space divided onto 3 buildings. Building A will be 1,000,008 sq. ft. Building B would be 343,750 sq. ft., and Building C would be 275,000 sq. ft.

Attorney Gillespie stated that when NFI came to Florence Township the original proposal was for 2.2 million sq. ft. Following discussions with Township officials and professionals over an extensive period of time the number was brought down to the current proposal. He continued that this matter had been referred to this Board some time ago by the Township Council for consistency with the Master plan when it was considering an adoption of an amendment to the zoning in the rear corner of the parcel. Part of the record of that application was the Developer's Agreement between NFI and Florence Township and the drawing that were associated with that.

Attorney Gillespie stated that as a result of discussions between NFI Representatives and Florence Township representatives the basin was moved to the center of the site away from the school and residential development. NFI agreed to work with the Board of Education (BOE) with regards to runoff from its site and agreed to install perforated pipe that would assist in whatever drainage issues might be associated with the BOE. These drainage issues would not be caused by NFI, but NFI in the spirit of partnership is trying to help alleviate some pre-existing conditions.

Attorney Gillespie stated that the ordinance requires a 50' buffer between a building and the nearest residential property line or boundary line. NFI agreed to increase that to 180' and actually it is 182' from the rear corner of the closest property on Tall Timber Lane to the closest building. For the record it is nearly 300' from building to nearest rear of house. The applicant also agreed as a result of discussions with the Township that there would be no tractor trailer traffic coming along the northern side of building B closest to the residential neighborhood.

Attorney Gillespie stated that the applicant has also agreed to a number of sound mitigation devices and a report was submitted from Russell Acoustics that whatever activity takes place on this site will comply with New Jersey Department of

Environmental Protection (NJDEP) standards and that is in the Developer's Agreement as well. The applicant agreed to lighting mitigation of the north side of the development.

Attorney Gillespie stated that the applicant has previously provided at no cost to the Township 30' wide water and sewer easement. NFI has agreed to take reforestation in the northeast corner of the site. The buildings are to be made of pre-cast concrete that is more aesthetically pleasing than most warehouse buildings.

Attorney Gillespie said that prior to this presentation they have had a number of meetings with the Township Council, Council Representatives, this Board and with adjacent neighbors. There have been numerous meetings with NJDOT regarding the jughandle on the northbound side of the property.

Public hearings were held on the rezoning of the ordinance, the public record on the adoption of the resolution authorizing the Developer's Agreement.

Attorney Gillespie stated that in attendance this evening is Jeff Brown, the Four B's (owner of property), Josiah Knapp and Choong Yim, both of NFI, Ed Brady of Taylor Wiseman Taylor, the engineer responsible for the preparation of the plans, Cecilia Schmidt, Taylor Wiseman Taylor, Deanna Drumm of Horner Cantor Associates and Norm Dotti, Russell Acoustics, who prepared the sound study.

Attorney Gillespie submitted a chart entitled "Florence Planning Board Professionals' Common Areas of Comments" which highlights items, which are covered on both the engineering and the planning review letters.

Josiah Knapp was sworn in by Solicitor Frank. Mr. Knapp stated that he has worked with Florence Township on behalf of NFI for 2 ½ years. He stated that all the statements made by Attorney Gillespie were accurate. The only discrepancy was that comment that the applicant would meet the NJDEP sound standards, they will actually do better than the NJDEP sound standards.

Mr. Knapp stated that with 1.6 million sq. ft. they anticipate approximately 1,000 trucks in and out a day, which translates to 200 trucks at a peak hour. There would probably be several hundred. Mr. Knapp revised his initial statement to say that at the most there would be 1,000 trucks per day. They actually anticipate between 400 and 600 trucks per day. This is based on their personal experience from their other warehousing facilities and what they know about the users at this moment.

Attorney Gillespie stated that Traffic Engineer, Deanna Drumm estimated 2,400 vehicles in and out on a daily basis in her report. Mr. Knapp stated that Ms. Drumm's traffic study estimates 1,000 tractor trailers and he said that based on the information he has on users at this moment he anticipates 400 to 600 tractor trailers per day. Mr. Knapp stated that Ms. Drumm's report estimated 1,400 cars per day, he estimated 300 cars per shift basis.

Attorney Gillespie stated that the plan proposes 850 car spaces. Mr. Knapp stated that you often find that you overbuild car spaces to allow for shift changes. The proposed development will probably not use all 850 car spaces and they probably won't all be built out some will be banked for future build if needed.

Mr. Knapp testified that this facility would be open 24 hours per day and 7 days per week depending on the user. One user that they have hopes of tenaning half of the large building is a 24/7 operation, but if another tenant doesn't need 24/7 then it won't be for that warehouse.

Attorney Gillespie asked about sound mitigation. Mr. Knapp stated that they had taken the worst-case scenario in terms of sound and said that they want to do better than the NJDOT night time sound level. As part of the developer's agreement, they agreed not to let tractor-trailers behind the 2 buildings closest to the adjacent residential use. They agreed to build a sound wall to keep sounds from the interior of the site, traveling out to the residential areas. They agreed that there would be no loading docks along the back of buildings B or C and installing an 18' high berm on the back of that area. There would be some plantings on the berm.

Solicitor Frank asked Mr. Knapp to explain the difference between tractor-trailers and trucks for the purpose of this application. Mr. Knapp stated that no tractor-trailer would be permitted to access the back area, but since there may be an office entrance there might be delivery trucks such as a Fed-Ex or small delivery truck. Mr. Knapp also stated that the trash enclosures would not be adjacent to the residential zone. They would be located either in the central area or along the backside of the site.

Mr. Knapp stated that they have proposed to build a structure with a sign stating "No Tractor-Trailers" beyond this point. There would be no loading docks in this area and there would be no reason for a tractor-trailer to access this area.

Councilman Ryan stated that the professional traffic engineer's report for traffic used a much higher number for traffic as opposed to NFI's estimate. He asked why there was such a difference. Mr. Knapp stated that the professionals report is based on the ITE numbers. NFI has a warehousing version that is called National Distribution Centers. They have about 15 million sq. ft. of warehouses around the country. The knowledge that they draw as to how many trucks will be coming in and out of the site is based on actual volume of traffic into a warehouse site. There is the possibility that a tenant may come into the site that would have a higher volume of traffic, but it would not exceed the ITE numbers that were used for the traffic study prepared by Horner and Cantor.

Edward Brady, Taylor Wiseman & Taylor, was sworn in by Solicitor Frank. Mr. Brady stated that he was a licensed engineer in New Jersey for 22 years and has testified before many Boards including this Board. Chairperson Hamilton-Wood stated that Mr. Brady was a qualified expert.

Attorney Gillespie asked the Board to turn to page 3 of the March 4, 2009 report from Engineer Priolo.

Items 1a and 1b regarding a variance for signage. Mr. Brady stated that 4 signs are proposed for the site. There are 2 entrances for the site. A full access entrance is proposed at the existing traffic signal located at the northern end of the site. The second entrance is proposed at the southerly portion of the site. This would be a right in/right out entrance. Both of these proposed entrances are under the jurisdiction of the NJDOT.

Mr. Brady continued that the proposal is for 2 entrance signs – one on each side of the main entrance, a third entrance sign at the southerly entrance and a fourth sign (directional) to be located within the site. Mr. Brady stated that in his experience this type of request for signage is typical for warehouse sites of this type especially those located on a state highway.

Item 1c regarding a requested variance to permit parking in an area less than 20' from any lot line. Mr. Brady stated that the area the report is referring to is a small out parcel that fronts on Route 130, along the rear of this is a small drive aisle that is 10' to 12' off of the property line. This advances the safe flow of traffic within the site.

Item 1d regarding the number of proposed parking spaces. Mr. Brady stated that the SMO zone requires for warehouse 1 space for 1,000 sq. ft. Based on this the required parking spaces would be 1,627. He continued that there is another section of the ordinance that allows 1 space for 5,000 sq. ft. This requirement would be much less than what has been proposed. Mr., Brady stated the proposed parking has been based on NFI's experience. Out of the 848 spaces that are proposed, 96 will be phantom parking. Mr. Brady stated that the zone allows for 75% impervious coverage on the site. The plan as submitted calls for 56% impervious. If the required parking were added it would just increase the impervious.

Choong Yim, NFI, was reminded that he was still sworn from the previous hearing. Mr. Yim showed the location of the phantom parking.

Planner Petrongolo stated that when he met with the applicant they indicated that they did not need all of the required spaces. They wanted to show that they could provide more spaces if necessary. The phantom spaces will be part of the approval so if in the future the applicant decides that they need more parking they won't have to come back to the Board for amended site plan.

The Board had a question regarding the use for the lot adjacent to the small out parcel on Rt. 130 where the variance was requested to permit the drive aisle at 10' from the property line. Attorney Gillespie stated that this is an auto detailing business. Chairperson Hamilton-Wood stated that there is a house behind the auto detailing building and the Board did not know if that was a commercial use or a residential use. Chairperson Hamilton-Wood said that the Building Code Official has indicated that this is a residential rental property.

Item 1e regarding a variance for garbage enclosure. Mr. Brady stated that the ordinance requires that the trash areas be enclosed. He stated that they are satisfying the intent of the ordinance. All the tractor-trailer area parking and loading are within fenced in contained areas. Each side of the building that has a tractor-trailer area will have 16 trash receptacles. Each area is fenced in and contained and will be screened by the buildings. Planner Petrongolo stated that the ordinance requires that each trash receptacle be in its own enclosure. This proposal is to place the trash containers in the loading area. The buildings are being used to screen the trash receptacles. Planner Petrongolo has asked for additional landscaping to be added and the applicant has agreed to this.

Item 2a regarding a design waiver for sidewalk along Route 130. Mr. Brady stated that the ordinance requires sidewalk along the frontage of a site, no matter where the site is in the township. He stated that the relief is requested because there are no existing sidewalks to connect this to and they do not want to encourage pedestrian traffic along Route 130. Mr. Brady stated that a crosswalk is proposed at the traffic signal that will connect the site to the train station.

Councilman Ryan asked if the Board and the Applicant would consider holding the issue of sidewalks until the time of Final approval as a courtesy to the Township Council. Council will be having a discussion in April regarding the Township's vision for sidewalks on Rt. 130. Attorney Gillespie stated that the applicant would agree to this and would like to be given the opportunity to participate in this discussion if possible. Member Wilkie mentioned the possibility providing off site improvements rather than sidewalks along Rt. 130.

Chairperson Hamilton-Wood said that she would like to discuss the lack of on-site sidewalks. Are sidewalks proposed to link parking lots with the buildings? Mr. Brady said that there is sidewalk from the parking lots to the building. Mayor Berry asked if someone wanted to use the train and then cross Route 130 and enter the site is there a sidewalk that runs from Route 130 to the warehouses. Mr. Brady stated that there was not. Chairperson Hamilton-Wood stated that if there was going to be a crosswalk on Route 130 then there should be an access walk into the site. Mr. Knapp stated that they would install a sidewalk on the access road into the site.

Item 2b regarding the waiver for light intensity and for uniformity ratio. Planner Petrongolo stated that the proposal is to minimize the lights as much as possible to reduce impact on the adjacent residences. Planner Petrongolo stated that there are no objections to that waiver.

Item 2c regarding curbing along loading areas and driveways. Mr. Brady said that the applicant received stream encroachment approval (Flood Hazard Area) from the NJDEP. As part of receiving this approval the NJDEP required that the plan eliminate most of the curbing on site to allow increased sheet flow for runoff. Mr. Brady stated that they had kept the curbing in the area of passenger car parking. He stated that a lot of the areas in the perimeter they have removed the curb, which allows the sheet flow of the stormwater into the basins directly.

Item 2d regarding a waiver for parking area trees. Mr. Brady stated that the ordinance requires at least 2 trees for every 10 parking spaces. Mr. Brady stated that as part of the Developer's Agreement much of the landscaping was moved to the outside perimeter of the site. Consequently some of the areas within the passenger car parking do not have the required shade trees proposed, but additional plantings are proposed at the direction of the Council at the perimeter of the site. Planner Petrongolo said that in this project the Board needed to look at the overall landscaping package. The landscaping along Route 130 and the buffers along the residential properties have been improved. Planner Petrongolo stated that he does not object to the waiver for the parking lot trees because the layout of the landscaping meets the intent of the ordinance to improve the overall site aesthetics and the buffering to the adjacent property owners.

Item 3a regarding the location of the building mechanicals. Attorney Gillespie stated that NFI does not know the mechanicals yet. He stated that this could be made a condition of approval and stated that whatever is proposed it will be better than limits set by the NJDEP.

Item 3b regarding other methods of deterring tractor-trailer traffic behind buildings B and C. Attorney Gillespie stated that Mr. Knapp had already addressed this with his testimony of the structure that will be placed to deter tractor-trailer traffic.

Item 3c regarding the phasing of the plan. Attorney Gillespie stated that in item 3cii the landscape buffering on the northern side of the building closest to Tall Timbers will be started when Phase I is started. The perforated pipe will be started and the drainage basins will be started when Phase I is started. All those things that have been proposed to address the issues raised by the neighbors are going to be started with Building A.

Member Wilkie asked about the berm on the east side of the site. Attorney Gillespie stated that this would also be started as part of Phase I. The dirt from the basin will be used to construct the berm.

Attorney Gillespie asked Mr. Knapp to describe access to the site before the construction of the proposed jughandle. Mr. Knapp stated that they were proposing the right in/right out access from the northbound lane as well as the jughandle at the existing traffic light. During the phasing before they can build the entryway, any trucks heading southbound would be given a legal way by their dispatcher to turn around and get into the site depending on the mapping program that they use.

Item 4 of Engineer Priolo's report has to do with the Grading and Drainage Plan and Stormwater Management, Item 5 refers to the Utility Plan and Item 6 refers to the Landscape Plan and Reforestation Plan. Mr. Brady stated that he would agree to conform to these comments.

Item 7 refers to banking additional parking spaces to reduce lighting needs. Mr. Brady stated that they have banked 96 spaces. They do not want to bank any more spaces at this point.

Item 8a regarding the building elevations and the façade treatments. Solicitor Frank stated that we have been working off of exhibit A1 a color rendered site plan that was submitted and marked as part of the completeness hearing 2 months ago. Mr. Brady submitted exhibit A2 elevations for the buildings. Attorney Gillespie read the comment from Engineer Priolo's review stating that the applicant should present the same elevations to the Board, which were presented to and approved by Township Council. Mt. Knapp showed the elevations for the buildings. He stated that when they were working on the Developer's Agreement with the Township Council they agreed to present an office like appearance to the buildings. This is why they agreed to pre-cast concrete and a more professional look as opposed to a pre-engineered metal building. He stated that the colors shown in the photographs were the colors that would be used for the buildings.

Mr. Knapp submitted exhibit A4 showing the proposed landscaping. He pointed out the proposed berm along Route 130. He stated that they are keeping 2 dogwoods.

Attorney Gillespie asked Mr. Knapp about Item 9a regarding the proposed jughandle on Rt. 130. Mr. Knapp stated that they have had extensive conversations with the NJDOT and with various departments within NJDOT that would need to approve the right in/right out access, the jughandle and the left hand turn lane. Throughout all of the meetings there has been positive feedback and it is just a matter of working through the process. Attorney Gillespie said that in an effort to expedite they spoke with NJDOT regarding the need for right in/right out. Mr. Knapp said that in order to maintain a customer here in New Jersey they would have to phase in this project. They would have to build the first 600,000 sq. ft. of Building A. NJDOT agreed that NFI could have the right in/right out in order to start that construction so that this building can be built and occupied while they go through the process of designing the jughandle.

Attorney Gillespie asked what the time frame was for NFI to meet in order to avoid losing tenancy. Mr. Knapp stated that they needed to be in the building (first ½ of Building A) by June 2010. Mr. Knapp stated that it is his understanding that the right in/right out is sufficient for the capacity that they are building but NFI has guaranteed to NJDOT that they would be building the jughandle and a left turn lane.

Attorney Gillespie said that Item 9b and 9c refer to the ability of fire trucks and emergency vehicles to access the site. Mr. Knapp stated that there is full access to the site and he thought that it was approved by the fire marshal.

Norman Dotti, Russell Acoustics, was sworn in by Solicitor Frank. Mr. Dotti stated that he had been an acoustical engineer for over 35 years. He stated that he had a bachelor's degree in mechanical engineering a master's degree from NJIT; many post graduate courses in acoustics, teaches courses in acoustics, and is an appointed member of the NJ State Noise Control Council. He stated that he has testified at local Boards, Municipal Court, County Court, State Court and Federal Court in New Jersey. Mr. Dotti was accepted as an expert.

Mr. Dotti stated that he had reviewed Engineer Priolo's report and the comments about sound mitigation. He said that he had submitted a letter dated March 12, 2009 to address the issues raised in Mr. Priolo's review.

Mr. Dotti said that there was a question as to whether HVAC equipment for the offices was included in the sound study. Mr. Dotti stated that no air conditioners were included in the analysis. Office type air conditioners, even if they were put on the roof of the building would be significantly quieter than the other sound sources in the area. This would of course have to comply with the sound standards.

Mr. Dotti stated that no emergency generator was included in the study. Periodic testing of generators is covered by the State noise regulations and would have to comply with that. Mr. Dotti has recommended that whenever possible any equipment be on the interior of the site. The buildings are good sound barriers.

Chairperson Hamilton-Wood asked since Mr. Dotti didn't consider HVAC or generators what noise source was used for the study? Mr. Dotti answered that the noise source was trucks. He stated that in his opinion HVAC, office air conditioners even emergency generators are de minimus sound sources compared to the truck traffic on the site.

Chairperson Hamilton-Wood asked if the data was based on truck engine traffic or refrigerated truck units. Mr. Dotti stated that he included both. He stated that among other things he went to 4 NFI sites and took measurements of many different types of trucks moving around. He stated that he has a database on everything from pick-up trucks to refrigerated tractor-trailers. This data is compared against the Department of Transportation's Traffic Noise Model from the Volpe Transportation Center and gets the same values.

Mr. Dotti stated that when he does an analysis there are truck routes. He takes the highest sound level for each location.

Mr. Knapp stated that NFI asked Mr. Dotti to look at the absolute worst-case scenario which would be trucks running around the site, backing up and making whatever other noise they could make simultaneously and base the review on this.

Engineer Priolo stated that his concern was primarily concerning rooftop units on building B or a generator being placed behind Building B between the building and the residents. Mr. Dotti stated that he has recommended that wherever possible equipment be put on the interior of the site. However it may be that the location of an electrical feed would dictate that some type of machinery be located outside of the site. This would still have to meet State standards.

Engineer Priolo said that it is important that if this gets approved that it is stated in the resolution that the noise levels have to comply with standards.

Councilman Ryan said that he still has a concern with Building B. Will Mr. Dotti come back after Building B is constructed to see if the sound standard is met? Mr. Knapp said that there is nothing in their current agreement with Mr. Dotti's firm to have him come back out for a post build inspection. But if some piece of equipment were going to be placed that could potentially violate the sound requirements of the State, NFI would sit down with the Township Engineer and Mr. Dotti to insure that the sound standards were met.

Chairperson Hamilton-Wood asked if the State comes out to do inspections for sound or if an inspection only occurs if there is a complaint. Mr. Dotti answered that the County actually has the enforcement powers, not the State. They would come out to do an inspection if there were a complaint. There are no routine inspections.

Attorney Gillespie stated that the applicant has indicated that before Building B is constructed, NFI will consult with Mr. Dotti to confirm that the design and location of mechanicals would meet sound standards.

Attorney Gillespie stated that this completes Mr. Priolo's report and he would like to move on to Planner Petrongolo's report dated March 11, 2009 and address the items that were not listed as part of Engineer Priolo's report.

Planner Petrongolo stated that he would start at Section II Zoning Requirements Item C1 regarding the building height. Is the applicant planning on asking for a height variance. Mr. Knapp stated that there had been a change in the ordinance that would allow up to 50' and the height of the buildings will not exceed this.

Section III Performance Standards Item A1 the parking calculation takes into account that up to 20% of the building would be used for offices. Mr. Knapp confirmed that they would conform to this 20%.

Planner Petrongolo referred to Item B for Planting Design. B1 has to do with tree replacement. The applicant should provide an estimate of the number of trees to be removed as well as the number of trees proposed. Planner Petrongolo said that he had received an email stating that 418 trees would be removed and 490 trees are proposed by this application. The applicant is providing more trees than they are eliminating. This meets the intent of the compensatory ordinance standards.

Items B2 regarding shrubs and B3 regarding evergreens the applicant has agreed to amend the plans accordingly. Items B5 regarding a change in variety of trees, Item B6 a note to add regarding parking area shade trees, Item B7 verifying plant quantities and labels and B8 distance of evergreen for utility and sewer lines the applicant has agreed to conform to these items.

Item E regarding signage for the site. Planner Petrongolo stated that the ordinance allows for one freestanding sign on the site. The applicant is proposing 4 total. Based on the size on the site, the frontage, the intensity of the use and some of the other uses in the

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surrounding area in his opinion the 4 proposed signs do not have any negative impact on the site.

The applicant has addressed Item H in testimony. They have indicated that the buildings will be made of precast concrete and that the colors shown on the exhibits are the colors that will be used on site.

Item I1 testimony was given that the issue of sidewalks along Route 130 would be deferred until the hearing for Final approval.

Planner Petrongolo asked if the applicant would comply with the COAH obligation. Attorney Gillespie stated that they would conform to whatever the COAH obligation is at the Final approval.

Councilman Ryan said that these buildings if approved have an incredible amount of square footage on the roofs. He asked if the developer or owner would consider looking at renewable energies. Mr. Knapp said that they're looking into this and if it is financially feasible and feasible for what they are doing they would like to use renewable energy.

Motion of Ryan, seconded by Wilkie to open the meeting to public discussion. Motion unanimously approved by all members present.

Mike Maloney, 40 Tall Timber Lane was sworn in by Solicitor Frank. Mr. Maloney asked when the entire project would be completed. Mr. Knapp stated that he could not say when the entire project would be completed, but that they are proposing the initial 600,000 sq. ft., the basins, plantings, berm in the back and the front of the site and drainage pipe would hopefully be completed by June 2010. The rest of the site would depend on when they found tenants for the rest of the space. It could possibly be a matter of years.

Mr. Maloney asked about the reforestation. Mr. Knapp stated that the reforestation would be done at the beginning of the project also.

Mr. Maloney stated that a big part of this project hinges upon the locations of the other buildings as they pertain to light and sound pollution. If only Building A is constructed then the neighbors will have to deal with noise and light from the site without the buffer of the other buildings. Mr. Knapp said that they had addressed this in their sound study. Even with only Building A constructed they beat the State requirements for night time sounds. Chairperson Hamilton-Wood asked about light. Mr. Knapp said that there shouldn't be an issue with light glare because they are all downward facing lights and there is a great distance (1,150') from Building A to the closest point of the residential area. Along the point of the residential zone there will be 7' to 8' evergreen trees planted. The reforestation would be planted with saplings that will grow over 3 to 5 years.

Chairperson Hamilton-Wood asked if the fence would be installed as part of Phase 1. Mr. Knapp answered that it would not because they would then have to tear it down to build Phase 2. .

Member Morris asked about dust during the construction stages. Mr. Knapp stated that during any construction they would be required to keep the dust down. He stated that there is a substantial amount of trees between their site and the residential properties. Mayor Berry asked if site work would be limited to the area around proposed Building A or for the entire site? Mr. Knapp stated that they would have to do site work for the site in order to move the dirt around to where it needs to be. Member Woolston stated that the applicant would have to conform to Soil Conservation and the silt fence would keep everything including the dust from going off site.

Mr. Maloney said that one of his concerns was that all the site work including the land clearing would be done at the initial stage of the project. There is a prospective tenant for one of the buildings but the applicant could not say when the completion for the other buildings will be. The possibility exists that the site may be totally cleared and then never built up. Mr. Knapp stated that this might happen, but currently the field is already cleared. Mr. Maloney stated that where the driveway and parking area begins is currently a forest. The applicant will clear all these trees out and the residents will have to look at the building site for several years until the project is completed. Mr. Knapp responded that based on the studies they have done the plantings that will be put in would block that.

Mr. Maloney stated that he had attended both the meetings that NFI held with the residents. He said that at these meetings NFI would not commit to the number of vehicles using the site. Tonight the testimony was given that there would be up to 1,000 trucks and up to 900 cars per day. He stated that this volume of vehicles would have quite an impact on the community. Mr. Knapp stated that the maximum numbers that he used was coming from the 2008 NJDOT ITE standards; he said that he feels that the actual number of vehicles would be lower. The volume of vehicles depends on the user of the site.

Mr. Maloney said that he had requested a sound barrier wall be constructed and he thought that it was agreed that a sound wall would be constructed along the backside of the property. Mr. Knapp stated that it was always intended that the buildings be used as sound barriers and tractor-trailers would be prohibited from using that side of the site. Mr. Maloney said that cars would use that drive. Employee cars will use this drive when the 3<sup>rd</sup> shift comes on at 11:00 or 12:00 p.m. Mr. Knapp stated that this would depend on whether the building in that area has a 3<sup>rd</sup> shift or not. He said that NFI had agreed to limiting the lighting back there to ½ foot candle, the lighting would be all downward facing, 20' poles as opposed to 30' poles to mitigate any negative impact on the Tall Timber property.

Mr. Maloney stated that there is a dirt berm proposed for the east side of the property. Why are there no berms planned for the Tall Timbers side. Mr. Knapp said that the berm is a sound barrier.

Mr. Maloney stated that he understands the financial benefit that this project will have for NFI, but for most of the residents of Tall Timbers their property is one of their largest investments. This proposed development along with other sites approved for development in the vicinity will have a negative impact on the property values. The Planning Board needs to take this into consideration when they are ruling on this application.

Michelle Lamar, attorney with Sterns and Weinroth, and a licensed professional planner stated that she represents Whitesell Development, which owns and maintains the Haines Industrial Center across Route 130 from the subject site. Ms. Lamar stated that the issue is the ingress and egress for Route 130 and the proposed jughandle. Chairperson Hamilton-Wood stated that the Board would hear the testimony but she did not believe that this Board had jurisdiction over this matter. This issue is under the jurisdiction of NJDOT. Ms. Lamar stated that while the Board does not have jurisdiction of the final design the Board does have a right to know what the design is going to look like and the impact to the traffic. She stated that the Township has an interest in how the jughandle access operates and can have involvement in the NJDOT process.

Terrance Huettl, Vice President of Whitesell Construction Co. was sworn in by Solicitor Frank. Mr. Huettl stated that he was a professional engineer and a geologist. He said that he had been a licensed engineer for 5 years and has approximately 15 years of engineering experience. He stated that he had testified before many Boards in the state of New Jersey including this Board. Mr. Huettl was accepted as an expert in the field of engineering.

Mr. Huettl stated that he had reviewed the plans that had been submitted to the NJDOT and those submitted to Florence Township. He said that currently there is a left hand turn lane on northbound Route 130. That left hand turn lane is for northbound traffic turning into Whitesell's development on the west side of Route 130 as well as the New Jersey Park and Ride. That left hand turn lane works well for Whitesell today and would continue to work well for the future. NFI is proposing to eliminate that left turn lane and replace it with a jughandle that Whitesell believes is inadequate. Mr. Huettl stated that the proposed jughandle is too small and the way that it combines with the internal circulation of the on-site driveway is problematic. He said that he would like to communicate to the Board what those problems and concerns are so that the Board can make this important decision.

Mr. Huettl said that in response to the question as to whether this is a NJDOT issue or whether the Township has any jurisdiction – it is not clear reviewing the plans what NFI is proposing in terms of where the NJDOT's jurisdiction ends and where the Township's begins. The jughandle dumps into their internal driveway circulation and it is not clear who is going to own what. Typically jughandles are owned by the NJDOT, but NFI is not proposing a subdivision.

Mr. Huettl said that Whitesell has met with National Freight once and has had numerous conversations regarding this. Both companies have been trying to work together to

design a jughandle and internal circulation the work for both teams, but to date they haven't been able to come up with a design that both parties are happy with. He stated that Whitesell hopes to be able to continue to work with National Freight, NFI is one of Whitesell's largest tenants.

Mr. Huettl stated that he has 2 exhibits to submit and then he would like his traffic engineer to testify. Exhibit O1 is a letter from Whitesell's traffic engineer Michael Brown dated February 19, 2009 that documents their concerns. This letter was provided to NFI and to NJDOT. Exhibit O2 is a drawing of the proposed jughandle

Referring to Exhibit O2 Mr. Huettl stated that this is a representation of the jughandle as it has been presented today by National Freight. He said that testimony was given that there would be between 400 to 1,000 tractor-trailers going through this site just for National Freight's property. A fair amount of traffic from Whitesell's development is going to go through this same jughandle. All of the traffic that is coming from the south and wants to go to John Galt Way will use this jughandle and then go through the short "throat" that is proposed between the jughandle to Route 130. All the northbound traffic for the Park and Ride and all U turns will also be funneled through this jughandle.

Exhibit O2 shows that 3 tractor-trailers will clog up the throat of that driveway which would result in blocking the traffic circulation on the NFI site. Whitesell's primary concern is that this jughandle is too small. The way it is incorporated into the site's traffic is problematic and it is going to cause problems for NFI, Whitesell and for the resident's of Florence Township.

Michael Brown, Consulting Engineer Services, was sworn in by Solicitor Frank. Mr. Brown stated that he was a professional engineer in the state of New Jersey specializing in traffic. Mr. Brown indicated that he had testified before Boards in the state.

Mr. Brown stated that he had driven past the site and reviewed the plans and reports that were presented to this Board and to the NJDOT. Mr. Brown stated that he had prepared the document that had been marked as O1. Mr. Brown said that there would be a negative impact by the truck traffic on queues and the operation of the intersection. One of the reports that was prepared by the applicant's engineer stated that there was roughly 5% to 10% trucks on Route 130. The percentage of trucks on John Galt Way as well as the driveway for NFI will be significantly higher. Whitesell's experience is that it could be 30% or higher. The analysis of the intersection is based on 10%. In Mr. Brown's opinion the percentage should be higher. In addition the study that was submitted was based on traffic counts that were taken in 2007 and there has been a significant amount of construction and occupancy (over 1,000,000 sq. ft.) in the Haines Industrial Center since then. He said that the analysis should include this increase in square footage as well as take into consideration future square footage.

Mr. Brown stated that there were inconsistencies between the plans submitted to the Board and those submitted to NJDOT. Testimony tonight indicated that the report was based in ITE data, but the site would produce lower volumes. He said that his review of

the report submitted to this Board indicated that the applicant did use their own trip projection rates, not the ITE rates.

Mr. Brown said that right in/right out access was new. It appeared that this development would not touch the signalized intersection during Phase 1, but Whitesell would like clarification that the left turn lane would not be affected during construction, as they would like to maintain their current access to John Galt Way.

Councilman Ryan stated that being somewhat familiar with NJDOT and the queue that is shown on the display, the first thing that comes to mind is that this is a signaling department concern that the NJDOT through their process should go through with NFI and any other concerned parties to make sure that any issues are mitigated. He stated that he does not have the expertise to design an intersection or to comment on a plan that is still being developed.

Attorney Lamar said that the Board has been presented a design by the applicant based on certain studies and showing a certain ingress/egress into the property. Whitesell has concerns about this. Yes NJDOT does have final write off on that, but in approving this application the Board should have the full picture of what the concerns should be down the road. Councilman Ryan asked if this was the full picture. He stated that the Board was considering Preliminary approval this evening. He asked if this is a more appropriate conversation to have at the time of Final when the Board has the full picture. Mr. Brown said that in his experience he has seen municipal planning and zoning boards exercise their right to express their concerns with the NJDOT on current applications. He stated that they feel that it is also the Board's right to ask the applicant to submit a traffic study that is consistent with the plan that has been submitted. The layout of the jughandle will significantly affect the layout of the site and this should be addressed at Preliminary.

Member Morris asked if Whitesell had been to NJDOT to discuss these issues. Mr. Brown answered that Mr. Huettl had spoken with NJDOT and submitted the report marked as Exhibit O1 to them.

Mr. Huettl said the NFI is proposing to begin Phase 1 of this development (the big building in the front) prior to receiving NJDOT approval. Once they start construction of 600,000 sq. ft. building that is expandable to 1,000,000 sq. ft. and NJDOT rules that the jughandle is too small it is hard to move that building. It is important that these issues be addressed today and not in the future.

Councilman Ryan asked if Mr. Huettl was satisfied with the meetings that he had been going to at NJDOT in conjunction with NFI? Mr. Huettl stated that he has only had telephone conversations with NJDOT and has reviewed the documents that were submitted to NJDOT. NJDOT has told Whitesell that they are very early in the process and that it will likely take another 12 to 18 months for this approval. He stated that it seems premature to speak about beginning construction without having this approval.

Chairperson Hamilton-Wood asked what Whitesell was looking for The Board to do. Mr. Huettl said that the township could become involved in the NJDOT process. The Board could require the applicant to submit copies of their NJDOT application and documents to the township and have them reviewed. He stated that there are a lot of discrepancies between what the applicant submitted to NJDOT and what they submitted to the Board. He asked how the township was evaluating the impact of this on their community? Chairperson Hamilton-Wood stated that the township is relying on the expertise and jurisdiction of NJDOT.

Engineer Priolo added that the township is involved in the process from the outskirts. Any approval the Board should grant whether it is Phase 1 or the whole job is subject to NJDOT approval. He stated that he is involved through the process and prior to compliance he will review the NJDOT application, what is approved, and its impacts from the township's point of view. The statement that the township is not involved in the process is inaccurate. He stated that his traffic consultant has met with the applicant on this issue.

Mr. Huettl stated that he wanted it stated for the record that there are potential problems with what has been proposed.

Member Wilkie asked if Whitesell had built John Galt Way? Mr. Huettl said that John Galt Way was built by New Jersey Transit. Member Wilkie said that this is why there is only a left turn lane rather than a jughandle. The traffic counts probably don't take into consideration the warehousing that was developed by Whitesell. The bottom line is that this site (Haines Center) was based on access to the New Jersey Transit Park and Ride not Whitesell's warehouses. The intersection is not designed to accommodate the traffic associated with the warehouses developed by Whitesell.

Mr. Huettl stated that this is not correct. The road John Galt Way is designed to accommodate 100% of Whitesell's development. The left turn lane is designed to accommodate a significant portion of that. It is not clear how much because you don't know how much traffic a business will generate. Right now the left hand turn lane is working fine and there is no indication that it is going to fail any time soon.

Member Wilkie stated that the history is that NJDOT has tried to eliminate all left turn lanes on Rt. 130. There should have been a jughandle coming northbound when Whitesell was developing and there should be a jughandle from the southbound now that NFI is proposing to develop. This would be the safest and most effective for the community.

Mr. Huettl stated that they don't object to the replacement of the left turn with a jughandle. They object to the replacement of the functioning left turn lane with a dysfunctional jughandle. The second issue is that there could be a jughandle on Whitesell's side of Route 130. They have spoken to National Freight about that. Attorney Gillespie asked Mr. Huettl if it was true that Whitesell asked NFI to pay for the construction of that jughandle. Mr. Huettl said that this was correct, but NFI was not

paying for the land for the jughandle on the northbound side of the highway NJDOT did. Chairperson Hamilton-Wood stated that the Board does not have any ability to deal with this.

Solicitor Frank said that the Board has an application before it for Preliminary Major Site Plan approval. Attorney Gillespie said that the application was for Preliminary and Final. Chairperson Hamilton-Wood stated that it was not the Board's policy to grant Preliminary and Final at the same meeting. Solicitor Frank stated that if the Board does anything tonight it would grant a Preliminary approval. That Preliminary approval would be conditioned upon outside agency approvals. The Board is not allowed to not approve an application because another agency has to approve it later. The Board's role is to look at the application and see if it complies with the ordinance or meets the criteria for variances or waivers from those standards. If it does, then the Board must approve it subject to outside agency approvals. This is the Board's role – the limit of their jurisdiction.

If the Board grants an approval it must be conditioned on NJDOT approval of the entire package of access that is involved here. Solicitor Frank read the boilerplate conditions that are included in all resolutions. One of the conditions that Whitesell is requesting, that the Township be involved in the process at NJDOT, is necessarily a condition of approval. If there is a material change to the layout of the development as a result of going to NJDOT then the applicant would have to come back for revised Preliminary before they could move on to Final. Solicitor Frank stated that the Township is involved in the NJDOT process in a very direct way. If Whitesell thinks we need to be more involved they should articulate how.

Ms. Lamar said that it was not their intent to be contentious with the Board or that the Board wasn't doing something. Whitesell wanted to be sure that the Board was aware of their concerns. The application was listed on the agenda as Preliminary and Final.

Member Morris said that Whitesell should give NJDOT credit. He said that he just retired for NJDOT after 38 years. NJDOT knows what they are doing and it does take time to review plans. Member Morris stated that he looked at the queuing for the jughandle and it does look bad. He said that it would be beneficial for Mr. Huettl to make an appointment to talk to NJDOT about Whitesell's concerns.

Mr. Brown stated that they appreciate the suggestion to meet with NJDOT. He said that the jughandle is not to NJDOT standards for trucks. Regarding pedestrians, Whitesell does see dozens of employees walk from the transit station to their facility. The crosswalk that was mentioned was not shown on any of the plans or included in the timing for the traffic signal, which would have a significant impact on the timing. He said that it is within this Board's jurisdiction to request an analysis that matches the conditions and matches the plans that have been submitted.

Roland Newell, 2035 Bustleton Road was sworn in by Solicitor Frank. Mr. Newell said that his property is at the backside of the site and fronts on Bustleton Road. He said that

he has some of the same concerns as Tall Pines but he is also concerned with drainage. He said that he has lived at his residence for over 25 years and about 2 years ago had a major water problem at the back of his property where there was standing water for the entire spring. How is the applicant going to handle water coming off of the back part of the berm? Mr. Brady said that there is a pipe that will direct the drainage into their basin.

Mr. Brady said that the berm will be 18' high and grass covered. This will prevent light glare and sound from the site.

Tim O'Brien, 33 Tall Timber Lane, was sworn in by Solicitor Frank. Mr. O'Brien asked the Board to take into consideration the massive increase of traffic on the already failing intersection at Rt.130 and Cedar Lane. He mentioned that there would be a decrease of the quality of life due to the glare from the lights and the sounds from the site. Mr. O'Brien stated his concern about the diesel exhaust that will be put into his back yard as well as the athletic field at the High School. Mr. Knapp stated that they would be required to meet NJDEP standards.

Dave Tindall, 36 Tall Timber Lane was sworn in by Solicitor Frank. Mr. Tindall stated that his property was the closest to the site. He is concerned with the safety of his children during construction. He requested that there be some kind of fencing, even a temporary fence. Mr. Knapp stated that there would be a silt fence for soil conservation, but it doesn't make sense to install an expensive fence that would just have to be torn down to do the Phase 2 construction.

Mike Maloney said that this land is going to be cleared and then the second phase won't be started for years and without a fence installed kids will be driving their 4 wheel vehicles over this ground. In his opinion NFI should pay to insure the safety and security of the residents.

Tom Braille, Bustleton Road was sworn in by Solicitor Frank. He asked about the drainage along the berm. Mr. Brady said that there are storm sewer pipes through the berm, which would funnel the water to the basin. Mr. Knapp pointed out the location and dimension of the berm.

Motion of Ryan, seconded by Morris to close the public portion. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood asked Attorney Gillespie if he had any final comments. Attorney Gillespie referring to Mr. Brown's letter from CES dated February 19, 2009 reviewing the traffic study. Mr. Brown included 2 bullet points that were not considered by NFI and that he (Brown) thinks is a mistake on the part of NFI. The first bullet point is "4.5 million square feet of additional industrial space, a hotel, retail, bank and restaurant identified in traffic study from the Haines Industrial Center." Mr. Knapp stated that in a recent meeting with Whitesell it was disclosed that these new uses would be located on the Florence side of the Haines Center. He said Whitesell also indicated that they have not submitted site plans for any of these proposed uses at this time.

Attorney Gillespie asked Mr. Knapp what the relationship between NFI and Whitesell was. Mr. Knapp stated that the tenant that NFI is proposing to move into the 600,000 sq. ft. initial space is currently a tenant of Whitesell.

Attorney Gillespie stated that not only is NFI a competitor of Whitesell but they will be taking away a tenant if this opens in June of 2010.

Attorney Gillespie said that Member Wilkie was absolutely right about the access permit that was granted to NJ Transit. The permit lists all traffic volume as not applicable because Transit was a state agency. No consideration was given to the amount of square footage that was going to be built in the Haines Center by Whitesell.

Attorney Gillespie said that Mr. Brown in his traffic report criticizes the report by the applicant's traffic engineer, Deanna Drumm for not taking into consideration future development. Attorney Gillespie stated that future speculative data should not be included in these reports. Mr. Brown says in his report that the numbers used by NFI may not be high enough. Attorney Gillespie said the term "may not be high enough" is not evidentiary. There is nothing in Mr. Brown's report that with a reasonable degree of traffic engineering certainty states that this will fail or this is not adequate. "May not be high enough" is not a standard that is acceptable for evidence.

Attorney Gillespie stated that NFI is very sympathetic to the concerns that were raised by the residents. That is why so many of the accommodations have been made in terms of the increase in the distance from the ordinance requirement from a residential development to an SM project by 180'. That is why the buffer trees were put in. It is important to remember that NFI only asked to have a small portion of the site rezoned. The majority of the site was an HC/SMO parcel. NFI is not creating "quality of life" issues. The zoning was in place for this very type of development. When Council was reviewing the history of the area it was brought up that either a Use variance or zone change had to take place to permit the Tall Pines subdivision. When that development was built the land adjoining it permitted this activity. He continued that NFI has tried to help ameliorate some of the issues that were raised by the residents at an enormous expense.

Attorney Gillespie spoke about the discrepancy that Mr. Huettl pointed out regarding the reduction of 2 left lanes down to one left lane. He said that NFI had gotten NJDOT to accept the use of the 2008 ITE standards rather than the previous standards. The new standards only require one left lane. Attorney Gillespie said that Mr. Huettl wanted to keep the 2 left turn lanes as long as NFI is using the right in/ right out. Attorney Gillespie said that the 2 left lanes would not be replaced until the jughandle is completed.

Attorney Gillespie said that there was one change that was made that Mr. Huettl didn't identify and that was that the Florence Township Chief of Police wanted the queuing on the southbound side increased from 200' to 400'. This change was made.

Attorney Lamar objected to the fact that Attorney Gillespie testified to what the witnesses said that they did not say. If Attorney Gillespie had questions he should have cross-examined the witnesses.

Solicitor Frank said that he would like to take a moment to advise the Board as to where the law is in regards to traffic. He referred to the New Jersey Zoning and Land Use Administration book written by William M. Cox. On page 262 of the 2007 edition it states that a Planning Board has no authority to deny a site plan because of its anticipated detrimental impact on off-tract traffic conditions. Planning for traffic patterns is an exercise of zoning power vested in the governing body. The Planning Board may go no further than to condition approval on improvements to on-tract entrances and exits and contributions to off-tract improvements made necessary by the on-tract development.

Solicitor Frank said that in regard to the highway access what the cases tell us is that when we see a situation where there is an extreme and obviously unsafe condition posed by a particular development and the case for example is where there was a bad curve in the road and the developer refused to help reconfigure that roadway in order to improve site lines on a very busy area, the court denied it because of the obviousness and extremeness of the safety condition posed there and their inability to make a safe access plan. Here this body's jurisdiction with regard to the safety of the access point and its functionality has been pre-empted by the state DOT. The Board's exercise this evening must be based on the allocation of responsibilities under the statutes is to look at what is proposed on this site. How does it conform to our ordinances and standards? Evidence has been presented throughout the course of the hearing about that subject that is very direct. With regard to the stabilization of the site this would fall under the Soil Conservation District.

Chairperson Hamilton-Wood asked for a very concise itemization of what variances are requested for Preliminary approval. She said that as she understands it the only legal reason the Board would have to deny Preliminary is based on those variances.

Solicitor Frank stated with regard to variances the applicant is proposing a total of 4 signs where 1 is permitted. Testimony was given as to the nature of those signs and the Board's Planner supports the variance. A variance is requested for the number of parking spaces. The applicant is proposing slightly more than half of those, which are required under the ordinance standard. A variance is requested for parking setback from the rear property line of the out parcel in the front, 10' proposed where 20' is required. A variance required from the enclosure of the trash receptacles. There is also a variance for the total sign area. Waivers are requested for sidewalks along Route 130, the uniformity ratio and illumination levels of the lighting along the driveways and for curbing along parking and loading areas.

Chairperson Hamilton-Wood stated that the waiver regarding sidewalks along Route 130 is being held until Final pending a discussion with Council.

Solicitor Frank stated that the applicant did agree on the record that there would be pedestrian connection with Route 130 along their major access route. He stated that there is a waiver requested for the number of parking lot trees. The applicant is providing additional plantings along the perimeter especially along the adjoining residential properties instead of providing them along the parking lot areas.

Motion of Wilkie, seconded by Morris to approve the application for Preliminary approval with the variances and waivers requested and with the agreed upon conditions.

Solicitor Frank stated that there were numerous conditions discussed including compliance with the variance plan details that were agreed upon by the applicant. In addition there will be compliance of the HVAC and emergency generators with the noise standards. The applicant also has agreed to have their sound expert to insure compliance to Building B. There will be a submission of a report to the Board's staff confirming that the sound inspection was complete.

Upon roll call the Board voted as follows:

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

Attorney Gillespie asked if the application for Final approval could be carried until the May meeting. Motion by Wilkie, seconded by DeAngelis to continue the hearing for Final until May 18, 2009. Motion unanimously approved by all members present.

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

Motion of Wilkie, seconded by Berry to adjourn at 11:30 p.m.

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Gene DeAngelis, Secretary

GD/ne