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Florence, New Jersey 08518-2323

April 19, 2004

The meeting was called to order at 7:30 P.M. by Chairperson Mildred J. Hamilton-Wood, 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:

John Fratinardo	Philip F. Stockhaus III
Michael J. Muchowski	Mildred J. Hamilton-Wood
Thomas Napolitan	Robert R. Semptimphelter, Alternate #1
Dennis A. O'Hara	Gene DeAngelis, Alternate #2
John T. Smith	

ALSO PRESENT: Nancy T. Abbott, Board Solicitor
A. Lee Talbot, Board Engineer (substitute for Martin Sander)
Carl E. Hintz, Board Planner

RESOLUTIONS

RESOLUTION #PB2004-14

Continuing the application of MS Investments Two LLC (Eckerd Pharmacy) for Preliminary and Final Site Plan Approval with variances and design standard waivers for construction of a pharmacy on Block 99.01, Lots 22-28 and 30-33, located in an HC Highway Commercial District.

Motion of Fratinardo, seconded by Stockhaus that Resolution #PB2004-14 be adopted.

Upon roll call the Board voted as follows:

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

RESOLUTION #PB2004-12

Memorialize the Granting of Final Major Site Plan Approval to Whitesell Construction Company, Inc. for Block 158, Lot 1 (proposed Lot 3)

Motion of Fratinardo, seconded by O’Hara that Resolution #PB2004-12 be adopted.

Upon roll call the Board voted as follows:

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

RESOLUTION #PB2004-13

Continuing the application of Burlington Assembly of God Church (“Fountain of Life”) for Preliminary and Final Major Site Plan Approval for construction of a gymnasium on Block 170, Lot 6.01, located in an AGR Agricultural District of the Township.

Motion of Semptimphelter, seconded by Stockhaus that Resolution #PB2004-13 be adopted.

Upon roll call the Board voted as follows:

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

MINUTES

Motion of Semptimphelter, seconded by Fratinardo that the minutes of the Regular Meeting of March 15th be approved as submitted.

Motion unanimously passed by all members present.

CORRESPONDENCE

Motion of O’Hara, seconded by Stockhaus to receive and file Correspondence A – S.

Motion unanimously passed by all members present.

OLD BUSINESS

38.

Chairperson Hamilton-Wood called for application PB#2003-08 for Fountain of Life. Applicant is requesting preliminary and final site plan approval for construction of a gymnasium at 2030 Burlington Columbus Road.

The application had previously been continued from the March 15th meeting to the April 19th meeting. Correspondence had been received on March 19th to continue the application until the May 17th meeting. Chairperson Hamilton-Wood announced to the public in attendance that the hearing of application PB#2003-08 would be continued to the May 17th meeting. Member O'Hara requested that Solicitor Abbott review the notice that was sent for the April meeting. No further notice would be required, providing that this notice was acceptable.

Motion of O'Hara, seconded by Fratinardo to continue application until the May 17th meeting.

Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for application PB#2004-01 for MS Investments. Applicant is requesting preliminary and final major site plan approval for an Eckerd Pharmacy at State Route 130 South and Delaware Avenue, Block 99.01, Lots 22-28 and 30-33.

Solicitor Abbott explained the application had been heard on February 23rd and was deemed complete at that time. Extensive testimony had been presented however there was a question about the traffic study. The application was continued at that time so the applicant could provide information about the impact of the light rail, Saturday peak hours, projected traffic from new housing across Rt. 130 and other issues from the Engineer's report. The new traffic study had been received.

Member Semptimphelter excused himself and left the dais due to a conflict.

John Gillespie, attorney for MS Investments stated that they were prepared to talk about the traffic issues. The Board had specifically asked the applicant to address the following issues: The impact of the intersection from the light rail, a tighter examination of the Saturday peak hours, the projected traffic from new residential developments that had been approved by the Township and the history of accidents at this intersection. Attorney Gillespie stated that following last meeting Jay Kruse, Dewberry-Goodkind, Engineer for the applicant, who testified at the last hearing and would testify again had met with the County Engineers office to address their concerns. They (the County) were satisfied but wanted to see better empirical data. Attorney Gillespie indicated that during a phone call with Tom Jaggard, from the County Planning Board earlier in the day, Mr. Jaggard indicated that the County is satisfied with report and submissions. The County Traffic Engineer. will recommend to the County Planning Board that it include as a condition to approval the right in future should a problem arise to restrict left hand turn into or out of

Delaware Avenue depending on what the situation was that might be causing a problem in the future.

Mayor Muchowski asked if the applicant is comfortable with this language. Attorney Gillespie indicated that the applicant was comfortable. The County, which has jurisdiction over Delaware Avenue, is satisfied with the traffic study and they realize that you can't predict what might happen in the future. Attorney Gillespie stated that traffic studies are based on the best statistics available, but no one has a crystal ball.

Attorney Gillespie called Wayne E. Haussler, Traffic Engineer for Dewberry-Goodkind. Mr. Haussler is a PE, PP, PTOE (Professional Traffic Operations Engineer). This is a voluntary certification through the Institute of Traffic Engineers the intent of which is to affirm to Boards that the person speaking to them is a certified traffic engineer Mr. Haussler was sworn in by Solicitor Abbott. Attorney Gillespie asked Mr. Haussler to list his experience. Mr. Haussler stated that he had 30 years experience in traffic design, traffic operations, and transportation reports and traffic impact reports. Mr. Haussler indicated that he currently serves as a Traffic Expert for Burlington Township Planning and Zoning Boards; he had prepared documents for Moorestown Planning Board and for the Alandale Planning Board. Solicitor Abbott suggested that the Board should accept Mr. Haussler as an expert in his field.

Member Smith questioned whether or not Mr. Haussler had been involved in the decision to place the asphalt plant on River Road. Mr. Haussler indicated that he did not pass or approve anything; he simply gave a review of the traffic situation.

Member Napolitan asked if Mr. Haussler had viewed the site of the proposed Eckerd Pharmacy and if he had attempted to make a left turn into the site from Delaware Avenue. Mr. Haussler indicated that he had made the turn. Mr. Napolitan indicated that when he tried to make the left turn from Rt. 130, he had to wait for the cars heading toward the light to proceed. He backed up five cars while he waiting.

Attorney Gillespie asked Mr. Haussler if he was personally familiar with this project. Mr. Haussler indicated that he was and he had worked with Engineer Gavino on the Traffic Study and Supplemental Study that had been submitted to the Board.

Attorney Gillespie asked Mr. Haussler to discuss the impact of the Light Rail on the intersection of Delaware Avenue and Route 130. Field crews recorded the volumes at the A.M. and P.M. and the Saturday peak hour periods. They found that a maximum of 8 cars would be waiting at the gate. The cars proceeded to the intersection (approximately 1,000 feet away) upon reaching the intersection they split between the two lanes. Mr. Haussler came to the conclusion that it did not significantly worsen the queuing situation. Mr. Haussler stated that a train comes through 4 times per hour weekly and twice per hour during the Saturday peak period. Mr. Haussler stated that they had put traffic counters out and observed how traffic moved toward the intersection from the rail

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crossing. In a “No Build” situation the train has a very minimal impact on the traffic operation. Attorney Gillespie asked if Mr. Haussler was able to extrapolate information if the build situation existed, what impact that would have. Mr. Haussler indicated that they found almost no significant impact. Traffic coming out of the Eckerd Site is a very small percentage of eastbound traffic. They entered data into simulation models and found only a matter of a few seconds difference. The eastbound left turn is currently operating at capacity. This will remain so because they would only be adding seven cars through 2005, which is the build situation, and with all the other developments. Attorney Gillespie questioned if ITE standards had been used Mr. Haussler indicated that he had used same standards.

Supplemental Traffic Impact Report will be marked as exhibit A-3.

In response to Attorney Gillespie’s question in regards to a better analysis of Saturday peak hours. Mr. Haussler stated that they put people out to count traffic during 11:00 A.M. to 2:00 P.M. on Saturday. The Saturday situation was least busy. The P.M. peak 4:30 – 6:30 was the worst. The A.M. peak 7:00 – 9:00 was next, then Saturday from 11:00 A.M.-2:00 P.M. Considering a “Build” situation they found very minor impact. Delay less than 1 second increase over all approaches to intersection. Member Smith asked about how they counted the peak hours. Mr. Haussler indicated that they recorded the count every 15 minutes. Attorney Gillespie indicated that this is not averaged it is raw hours. To estimate traffic impact they take expected normal increase and added in the impact of the 3 new developments. This would be the no build situation. Then they add in the estimated Eckerd traffic. This would reflect the build situation. In response to Mr. Gillespie’s question they took the information from prior traffic reports from the 3 new developments.

Mr. Gillespie asked Mr. Haussler to give his conclusions for a “Build” scenario. The delay at the intersection would be only 3 seconds over all. Mr. Haussler stated that the intersection operates with Rt. 130 being one phase; Delaware Avenue left turn movements operate next and then the through and right movements. They found that the worst delay was the eastbound left out of Delaware turning north on 130. This is currently running at capacity, which is level service E. They ran a simulation analysis and found that an increase of three seconds to left turn brings the level to D.

The westbound traffic, where they would be taking the three seconds from would remain as a Level D. This would bring the intersection into a better operation that it is at now. Mr. Haussler stated that he had spoken to the State Department Of Transportation. The DOT Traffic Operations Group approves this timing change but request has to come through the County because this is a County Road. .

Member Napolitan asked if Mr. Haussler had taken into account the impact of the new school having to bus students out to the country. Mr. Haussler stated that the peak commuter time is after the school peak. Mayor Muchowski asked about the store hours.

Mr. Thomas Dwyer, still sworn from the February meeting, indicated that the typical hours are 8:00 A.M. to 10:00 P.M. closing. The Pharmacy opens at 9:00 A.M. Mayor Muchowski questioned what the High School/Middle School hours were currently. Member Napolitan stated that Middle School started at 7:45 A.M. and ends at 2:18 P.M. Mr. Hausser said he believed that with present school hours there should not be an impact on the traffic.

Member Napolitan also asked how long the light coming out of town to cross Route 130 lasts. Mr. Hausser stated that this is an actuated signal. The timings vary slightly. Route 130 has 57 seconds of green time out of 90 second cycle this leaves 33 seconds of red time. On Delaware Avenue because of the left turn advance you could experience 33 seconds green or 17 seconds of green depending on how many vehicles are in the queue. To go straight across you have either 7 seconds or 23 seconds; timing depends on how many cars are in the queue. Mayor Muchowski asked about Mr. Kruse's conversation with the County to address concerns that they had regarding Delaware Avenue, what mechanism will be in place to let the County know that there is a problem at the intersection. Attorney Gillespie stated that the County is concerned about same things that the Board is. Mr. Haussler stated that the situation at the left turn is currently at capacity. They ran their simulation models and found that an increase of 3 seconds could help the situation. They discussed this with the State Engineers. The State agreed that the solution was good but noted that because it was a County road the request would have to come from the County. They spoke to the County earlier in the day and the County agreed that this would be a good solution. Member O'Hara asked if there was anything in writing from the County stating this. Mr. Haussler stated that they have nothing in writing yet, but are drafting a letter requesting this. Member O'Hara asked if in the County recommended that there be a bypass lane on the westbound side. Mr. Haussler said this had been considered; but widening the road means taking land, and takes a long time. Adding the 3 seconds is an easier and quicker way to mitigate the problem. Member Smith asked if the town had any input into the decision to changing the timing. Mr. Haussler did not know. Mr. Smith stated that currently you might sit through 2 or 3 light trying to enter town going straight across Rt. 130 from Florence-Columbus Road to Delaware Avenue. Mr. Haussler stated that any change in timing is a tradeoff to get the least delay for the most cars. Chairperson Hamilton-Wood asked what would the County have as a trigger to upgrade the intersection. If problems ever arise than we want to impose restrictions on the driveway for Eckerd. Chairperson Hamilton-Wood wants to know who will be the person to identify the problem. Attorney Gillespie said his expectation is that if we have problems, we would call the County and tell them that a problem is occurring; we want you to impose restrictions. The County would look into it and if they conclude that there is a concern then they would investigate and if a problem was apparent they would impose the restriction.

The last issue that was raised by the County was the incident of accidents over last few years. Mr. Haussler pulled accident reports from the Florence Chief of Police. Over the last two years there were 14 accidents at the intersection of Delaware Avenue and

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Rt. 130. Of those 14 accidents one involved existing driveway of the site. Other accidents were due to inattentive drivers or drivers acting inappropriately. The one accident that did involve the driveway was a person pulling out of the Paglione building and crossing two lanes of traffic. They were struck by a car traveling in the eastbound lane that couldn't see them due to the line of cars. This wouldn't happen at the proposed driveway because there is only one lane of traffic at the proposed driveway. The Queue currently comes up to the future driveway. It completely blocks existing driveway at the Paglione Building.

Member Napolitan stated that cars exiting the Eckerd site by making a left onto Delaware Avenue might potentially have to cross three lanes of traffic. Responding to a question from Attorney Gillespie, Mr. Haussler stated that making the left turn out of the existing driveway at the Paglione Building is considerably more dangerous than it would be if the driveway were re-located as proposed.

Member Smith stated that the sight triangle is impaired by the queue of traffic. Mr. Haussler stated that traffic is not generally included in the definition of a site triangle, usually site triangle is generally applied to intersections or driveways and involves stationary objects: tree, sign, wall, etc. Attorney Gillespie stated that this is not a problem in the context of our ordinance.

Mr. Haussler stated that he anticipates approximately 13 vehicles making a left on to Delaware Avenue during the afternoon peak, this equates to one turn every 3 traffic cycles. This is an estimate. Member Smith asked how this was determined. Mr. Haussler answered that these figures were determined by using the standard manuals; for example the ITE trip generation manual. This is based on square footage of building. Mayor Muchowski asked if Eckerd had any data to suggest how many cars would be coming in and out.

Mr. Dwyer, Senior Director of Real Estate for Eckerd Corporation offered a ballpark estimate. Eckerd estimated that there would be 400 customers per day on the first year, but can't say which direction they would be coming from. Most customers would be drive up customers not pedestrians. The average ticket is a little difficult to estimate because there are front-end customers, pharmacy customers, and customers who do both. The current average pharmacy scrip is approximately \$65.00. The front-end average ticket ring up is between \$14.00 and \$16.00. It would be very hard to estimate how many customers use both pharmacy and front-end products on a daily basis. Mr. Dwyer can't guess what percent would use the drive thru. Eckerd will be open 7 days a week. Mr. Dwyer said approximately 20 trips per hour. Trips are spread out evenly throughout the day. Responding to a question by Attorney Gillespie, Mr. Haussler agreed that the number of trips stated by Mr. Dwyer is consistent with ITE standards. Member O'Hara stated that traffic impact in early morning would be minimal. Mr. Dwyer stated that trips in pick up around 9:00 –10:00 A.M. Mr. Dwyer stated that the plan is to build a brick Eckerd, all brick no stucco.

Member Fratinardo questioned how the County would restrict the movement of the lane. Attorney Gillespie stated that there would be a condition of approval for the County Planning Board resolution. Attorney Gillespie suggested that the Board should make that a condition on our resolution also. This restriction would be implemented if in several years there were an increase in accidents at the site. The Township would contact the County and they would review the report and see if there should be a restriction made to left hand turns into the site. Member Smith said this would be a great imposition on our community. Attorney Gillespie stated that re-locating the driveway is going to improve the current condition, by reducing the curb cuts on Delaware Avenue and Route 130. This will improve the appearance of the entrance into Florence from Route 130.

Solicitor Abbott commented on the procedure of the County review. The Board would get copy of the county review letter. The Board would have input during the whole process of mitigating a problem.

Jay Kruse, the engineer assigned to prepare this project on behalf of MS Investments. Mr. Kruse received a letter from the County's Engineering Office dated March 9th. The County asked all the same questions that the Board had asked at the last meeting. The only additional questions were about accidents at the intersections.

Mr. Kruse had a meeting with the County Engineer's Office. He met with Tom Jaggard, Assistant County Engineer in charge of traffic, Mr. Jaggard's Assistant, Marty Livingston, also a Traffic Engineer, and John Engle, Principal Engineer of the County Planning Board. They sat down with the Supplement that had been prepared on March 10th. This addressed all the concerns that had been brought up by the Board. They discussed all the same items that the Board had discussed. Mr. Kruse obtained the accident history information from Chief Dawson and presented that to the County so they could analyze it. At this point all the County's concerns had been addressed. There was one comment about the additional turn lane, after reviewing the Traffic Supplement the County concluded that an additional turn lane was not required at this time.

Mr. Kruse addressed the question of additional easements to the County. Eckerd is granting the easement. Member O'Hara asked what impact will this have. Mr. Kruse says there is no impact. In response to Attorney Gillespie Mr. Kruse stated that the County was satisfied with the responses to all their concerns.

Chairperson Hamilton-Wood left the meeting at 9:14 P.M.

Member O'Hara asked what if there were no accidents but letters coming back from residents complaining of the nuisance of traffic. Would the town have the right to contact the County? Attorney Gillespie did not know, but he guessed that the Town would not have this right for an inconvenience. There would have to be a traffic hazard or dangerous situation.

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Chairperson Hamilton-Wood returned to the meeting at 9:16 P.M.

Mayor Muchowski asked about building a mechanism into the plan. What if the traffic study is wrong? If actual conditions far exceed the anticipated conditions used to get the approval the County should be able to modify the site. Attorney Gillespie said to address the concerns they will build in safety valves.

Member O'Hara stated that the intersection is a nightmare. There are problems constantly. There are many positives for this property, but the intersection is a negative. If approved we will still get people complaining. Attorney Gillespie stated that he is not trying to downplay the seriousness of the problem. Data shows that level of service is going to improve not being degraded. The current situation will remain but the Eckerd will not make it worse. Mayor Muchowski asked if the board chose to not approve based on traffic study what would happen. Solicitor Abbott stated that the Board could deny if the ingress/egress onto the site created an unsafe or inefficient traffic circulation, but could not deny it because of offsite conditions. Attorney Gillespie stated that the County has adopted a Land Management Code; the County is satisfied because what is being proposed complies with the County Highway Access Management Plan. The Board has to comply with the County code. Attorney Gillespie said that if evidence shows that the level of service will not be degraded then by law you have to approve. Chairperson Hamilton-Wood asked if there was any further testimony, Mr. Gillespie responded that there was no further testimony.

Chairperson Hamilton-Wood opened the hearing to the public.

Clark Boyd, 31 East Fourth Street, Florence, owner of Boyd's Pharmacy was sworn in. Mr. Boyd asked if the site now had the County endorsement, because he had read that the County had asked for a turning lane. Attorney Gillespie responded that the County was satisfied with all the issues that had been raised. Mr. Boyd said he was concerned about the safety of intersection. Mr. Boyd said he thinks we need 2 lanes out of town and 2 lanes into town. Mr. Boyd disputed the statistics about the number of vehicles during peak hours. He had doubts about the veracity of the traffic study. He brought up the questions about the school bus traffic. Mr. Boyd requested that the Board ask Eckerd and the County for the correct traffic information. Light rail crossing will double in the summer.

Bob Fiscor, 800 Hamilton Avenue, Roebing was sworn in. Nobody made mention about left turns people make coming out on the bank. He stated that it is no different. Mr. Fiscor suggested having the traffic exit onto Wallace Avenue. He said that if we keep chasing businesses out of the township we would not have anyone left in the Township to pay taxes.

Bill Bott, 64 Riverbank Drive, Roebing, was sworn in. Mr. Bott suggested having the egress onto Wallace Avenue.

John Perry, 1040 Wallace Avenue, Roebling was sworn in. Mr. Perry spoke in favor of the Eckerd.

David Bowen, 1014 Cedar Lane, Florence was sworn in. Mr. Bowen believes that most of the buses will come down Cedar Lane to get to the new school. He thinks people use alternate ways to get into town. Mr. Bowen stated that we need to get more businesses in town.

Motion by Smith, seconded by O'Hara to close the public portion of the hearing.

Motion unanimously passed by all members present.

Attorney Gillespie requested the right to address Mr. Boyd's comments. Mr. Boyd is speaking with emotion, but is not a traffic engineer.

Attorney Gillespie presented his closing argument in favor of the application for the Eckerd Pharmacy.

Mayor Muchowski asked about the 8-foot easement that is outside of county right of way. Mr. Kruse replied that the County had requested 8 feet because this would be enough space to widen the road. So if they want to do improvement they would have the easement already in place. Chairperson Hamilton-Wood asked Solicitor Abbott if the County came back in to widen the road would it require an action of the Board. Solicitor Abbott said yes.

Solicitor Abbott recapped that the applicant was requesting Preliminary and Final Major Site Plan Approval with several variances and design waivers. The variances requested were front yard setback from Wallace Avenue, parking setback from the street, number of attached signs, size of attached sign. The design waivers required are parking space size, parking aisle width, front yard loading area, number of parking spaces.

At the request of Chairperson Hamilton-Wood, Attorney Gillespie gave a brief recap of all the variances and the design waivers. Mayor Muchowski asked Planner Hintz if he is happy with the building and the fencing and the grounds. Planner Hintz said it was a good design for the building. The fence will be softened on the Wallace Avenue side by plantings. Also enhanced landscaping with berm.

Solicitor Abbott stated that we would require the usual conditions of compliance with all reports subject to the jurisdiction of any other agency, including the Burlington County Planning Board. Landscape plan and lighting plan to be approved by the Board Planner, delivery and servicing trucks including trash trucks to access site only between 8:00 A.M. and 6:00 P.M. One tractor-trailer per week arriving no earlier than 8:30 A.M. and no later than 4:30 P.M. No outside freezers or cooling boxes. Compliance with all noise standards for outside equipment. The alley will be vacated. One free standing sign on

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Rt.130. The area of the freestanding sign will comply with the ordinance. And any restriction imposed by the County regarding future mitigation.

Engineer Talbot stated that Engineer Sander had received a call from John Engle from the County. Mr. Engle had called and agreed to approve the plan with two caveats – changing the timing of the signal and put the restriction in the future on left turn into the site.

Mayor Muchowski asked if the basin would be in the area of the remaining residence. The Mayor wanted to be sure that this area would be fenced and landscaped as well. Member Napolitan questioned whether or not there would be sidewalks. Mr. Kruse said there would be sidewalk along the Delaware Avenue and the Route 130 sides of the property. If the County comes in to make a change in the road they would be responsible to fix the sidewalk.

Mayor Muchowski asked Planner Hintz if he had any concerns. Planner Hintz stated that the applicant had agreed to satisfy all his comments. Solicitor Abbott stated that the applicant had complied with as much as they could and the remaining conditions are minor enough that preliminary and final approval can be granted.

Motion of Fratinardo, seconded by Stockhaus to approve M.S. Investments Two for Preliminary and Final Approval with the conditions that had been set forth.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, O'Hara, Stockhaus, Hamilton-Wood

NOES: Smith

ABSENT: NONE

Motion passed.

Chairperson Hamilton-Wood called for a short recess.

The Board returned to regular order of business.

MASTER PLAN REVIEW

Adult Use Zone. Because houses were knocked down the zone was extended. Mayor Muchowski suggested that Solicitor Abbott work with Tom Sahol to review and revise the adult use zone. Planner Hintz suggested a new zone for only adult uses.

Motion of O'Hara, seconded by Stockhaus to adjourn meeting.

Motion unanimously approved by all members present.

John T. Smith, Secretary

JTS/nle