

Florence, New Jersey 08518-2323  
May 21, 2007

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 7:35 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:

Gene DeAngelis	John T. Smith
Councilman John Fratinardo	Sean Ryan
Mayor Michael Muchowski	Mildred Hamilton-Wood
Dennis A. O'Hara	Wayne Morris

ABSENT: None

ALSO PRESENT: Solicitor Nancy T. Abbott  
Engineer Dante Guzzi  
Planner Marybeth Lonergan

## RESOLUTIONS

### **Resolution PB-2007-18**

**Continuing the application of Ryan Homes for modification of a condition of approval set forth in Resolution PB-2006-17 as affects Block 147.01, Lot, located in an AA Active Adult Residential District.**

Motion of Fratinardo, seconded by Smith to approve Resolution PB-2007-18.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Smith, Morris  
Hamilton-Wood  
NOES: None  
ABSENT: None

### **Resolution PB-2007-19**

**Transferring to the Zoning Board of Adjustment the application of K. Hovnanian at Florence II, LLC ("Crossroads East") for Block 165.01, Lot 4.01, located in an R Low Density Residential District.**

85.

Motion of DeAngelis, seconded by Smith to approve PB-2007-19.

On the Question:

Member Fratinardo asked if the applicant would be permitted to put up a sign because they do not own the lot. Solicitor Abbott stated that the applicant needs a Use variance to permit the sign as a principal use on the property. Member O'Hara said that this would be an off premise sign is there anything in the ordinance to prevent this. Member Fratinardo asked if this would be a billboard. Engineer Guzzi stated that this was essentially a billboard and that is why the Use variance is required.

Member Smith asked if the Zoning Board would retain jurisdiction over the development of this area? Solicitor Abbott stated that she is researching this. The Land Use Law is clear that when a Use variance is involved then the Zoning Board has jurisdiction over the rest of the application. What is not clear is if the Zoning Board can cede jurisdiction back to the Planning Board and she and her colleagues are researching to see if there is case law to support this. The Zoning Board does not want to keep the application recognizing that it is part of the entire development that the Planning Board should continue to hear.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Smith, Morris  
Hamilton-Wood  
NOES: None  
ABSENT: None

**Resolution PB-2007-20**

**Granting Minor Subdivision approval to Richard and Annette Gaglio for Block 166,  
Lot 16, located in an R Low Density Residential District.**

Motion of O'Hara, seconded by Morris to approve Resolution PB-2007-20.

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Smith, Morris  
Hamilton-Wood  
NOES: None  
ABSENT: None

**Resolution PB-2007-21**

**Granting Minor Site Plan approval to Alex Stefan, d/b/a/ Pete's Pizza, for Block  
140.02, Lots 1.01, 1.03, 1.04 & 1.05, located in an NC Neighborhood Commercial  
Zoning District.**

Motion of DeAngelis, seconded by Fratinardo to approve Resolution PB-2007-21.

On the Question:

Member Morris asked about the landscaping. Engineer Guzzi stated that when the revised plan was submitted the Board's professionals would review it. Engineer Guzzi stated that he spoke with the applicant's engineer a few days ago and they are waiting for the approved resolution so that they can be sure to take care of everything that the Board required.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Smith, Morris  
Hamilton-Wood  
NOES: None  
ABSENT: None

**Resolution PB-2007-22**

**Granting submission waivers, deeming complete and continuing the application of Whitesell Construction Company, Inc. for Preliminary and Final Major Site Plan approval for Block 158, Lot 1, located in a GM General Manufacturing Zoning District.**

Motion of Fratinardo, seconded by Smith to approve Resolution PB-2007-22.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Smith, Morris,  
Hamilton-Wood  
NOES: None  
ABSENT: None

**Resolution PB-2007-23**

**Granting Minor Site Plan approval to Cathy Lane, LLC for building additions and other site improvements on Block 163.01, Lot 3.01, located in an SM Special Manufacturing Zoning District.**

Motion of Smith, seconded by Morris to approve Resolution PB-2007-23.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Smith, Morris  
Hamilton-Wood  
NOES: None  
ABSENT: None

MINUTES

87.

Motion of O'Hara, seconded by Fratinardo to approve the Minutes of the April 16, 2007 meeting as submitted. Motion unanimously approved by all members present.

#### CORRESPONDENCE

Mayor Muchowski commented on Correspondence E regarding Griffin Pipe. He stated that the conversation of the landscaping is going well. The proposed Heritage Trail that will be constructed by the County was to run along the Griffin Pipe side of the street. The County has stated that the Trail can be relocated to across the street from the Griffin site.

Member O'Hara asked a question about correspondence C the violation notice for Fine Foods and Spirits. He asked if construction had stopped on the site. Engineer Guzzi stated that construction had been sluggish. There were issues with stormwater management and soil erosion so the Soil Conservation District fined them. No action is required by the Board.

Motion of Muchowski, seconded by Fratinardo to receive and file Correspondence A through E. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood announced that the PRM application would not be heard by the Board at this meeting and would be transferred to the Zoning Board due to the fact that the Planning Board does not have jurisdiction.

#### APPLICATIONS

Chairperson Hamilton-Wood called for application PB#2007-08 for Ryan Homes. Applicant is requesting relief from a condition of approval listed in Planning Board Resolution PB-2006-17 granted to Atlantic Equity Company on March 20, 2006.

Matt Kalwinsky, attorney for the applicant, stated that when Final Major Subdivision approval was granted the resolution provided that the 17 affordable housing units had to be staggered within the community. The applicant did not anticipate that in order to comply with the ADA requirement if they stagger the affordable housing they would have to build large ramps up to the homes. This would destroy what the intent of the Board was, which was to make it look like a uniform community.

The applicant is proposing to provide 4 or 5 affordable units in each town home building, but to cluster them to one side. This would allow a flat entrance to these buildings that would be built on slabs. The market rate units would be built on top of full basements.

Attorney Kalwinsky stated that he had reviewed the letter from the Board's Planner, which indicated that this proposal does meet the intent of what the Board wanted. The applicant is asking the Board to grant the administrative relief so that construction could proceed.

88.

Mayor Muchowski stated to the Board that Marybeth Lonergan was the COAH expert within the Board's Planning firm Clarke Caton Hintz.

Planner Lonergan stated that the Board appreciates the efforts the applicant made in coming up with this solution. She asked if the applicant had a revised floor plan for the Rosecliff unit.

Lee Panfili, production manager for Ryan Homes was sworn in by Solicitor Abbott. Mr. Panfili submitted a floor plan, which was marked as exhibit A1.

Chairperson Hamilton-Wood asked about an architectural sketch that had been submitted. Mr. Panfili stated that the Griffin was the market rate unit and the Rosecliff was the affordable unit. The Rosecliff is offered with slab construction. This will allow the units to be ADA compliant with out affecting the streetscape whatsoever.

Mayor Muchowski asked why the market rate units didn't have to have ramp. Mr. Panfili stated that market rate units are not required to be ADA compliant.

Mayor Muchowski asked how long of a ramp would be required. Mr. Panfili said that if the homes had basements they would have to expose about 18" foundation minimum. This with a step into the house would require a 25' ramp.

Mr. Panfili stated that there would be no front step in the COAH unit. The market rate would have a step. He stated that if the Board wanted the homes to be identical they could provide a step for the COAH units and bond 10% of the units that could be converted in the future. They prefer not to do this; they would like to make them ADA accessible up front.

Planner Lonergan asked if the bedroom window shown in the floorplan is a casement window. Mr. Panfili stated that they would prefer to use the casement. Planner Lonergan suggested that if the homeowner wanted a first floor bedroom that there would be the structural setup to allow the interior bedroom wall to be created. Mr. Panfili stated that this was correct. He stated that he would send all this to the Construction Code Official for approval.

Planner Lonergan said that there is a new state law that requires all multi-story affordable units to have a full bathroom on the first floor and the possibility for a first floor bedroom and proper maneuvering for hallways and kitchen. Tom Layou, the Township's construction official will be signing off to make sure that this does meet the new state law on adaptability.

Chairperson Hamilton-Wood asked about the steps in the garage. Mr. Panfili stated that there only had to be one accessible entry and that would be the front door.

Chairperson Hamilton-Wood asked about the distribution of the affordable homes. Mr. Panfili stated that he had submitted a proposal as to how the affordable units would be

clustered. There would be 3 town home buildings with 4 affordable units and 1 town home building with 5 affordable units. Mr. Panfili stated that the affordable units are blocked at the ends of each town home building.

Member Smith asked why in one section the 2 blocks of affordable homes are next to each other. Mr. Panfili stated that this was due to the contour of the land. You would want the slab units on the highest points for drainage.

Mayor Muchowski asked Planner Lonergan if she was satisfied that this proposal met the spirit of what the Board intended at the time of approval? Planner Lonergan answered that the general intent of the Township's ordinances are to have the units staggered and she stated that the proposal was a good solution to a difficult problem with having some units with slabs and some with basements.

Member Smith asked if this was going to be built with trusses. Mr. Panfili answered yes. Member Smith asked if it was a 1 car garage? Mr. Panfili answered that it would be a 2 car garage. Member Smith asked if sheds would be permitted? Mr. Panfili stated that he did not know. Member Smith stated that he was trying to determine if there would be adequate storage. There is an existing town house in Florence where the residents can't park in their garage because they have to be used for storage. Mayor Muchowski stated that this is why the development was planned with side by side parking in the driveway as well as the 2 car garages.

Mayor Muchowski stated that only the 17 COAH units wouldn't have basements. Mr. Panfili stated that all other units would have full foundation basements that could be used for storage. Mayor Muchowski stated that he is comfortable with the recommendation of the Board's COAH expert that they have met the intent of the COAH obligation within this development plan.

The affordable units are still distributed throughout the 4 buildings, but for aesthetic reasons as well as construction purposes it makes more sense to group the units as proposed.

Engineer Guzzi stated that he had met earlier with Ryan Homes and there are some grading changes that will be required as part of this. He asked that if the Board were to approve the application that they would condition it on submitting a revised grading plan. Mr. Panfili stated that he worked to revise the grading plan to alleviate future drainage problems.

Motion of Muchowski, seconded by Fratinardo to approve the application with the condition as set forth by Engineer Guzzi.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Smith, Ryan  
Hamilton-Wood

90.

NOES: None  
ABSENT: None

Member O'Hara asked about trees and the basin. Chairperson Hamilton-Wood stated that the basin doesn't seem to drain. Engineer Guzzi stated that they are working with the Developer's engineer to insure that the basing does dry out.

Chairperson Hamilton-Wood called for application PB#2006-22 for ALBAX, Inc. Applicant is requesting Preliminary and Final Major Subdivision approval for property located at Hamilton Avenue, Block 100, Lot 8.03. She stated that the application was deemed complete on February 26, 2007. Public notice was required for this hearing and was given.

Mayor Muchowski asked if the Board would be hearing this application for both Preliminary and Final or just for Preliminary? Chairperson Hamilton-Wood stated that she anticipated that the hearing would be for Preliminary only as was this Board's practice.

Clifford Halper, attorney for the applicant, called engineer Robert Seeberger to testify. Mr. Seeberger was reminded that he was still sworn from the February hearing.

Mayor Muchowski stated that there were some concerned residents in attendance and asked that Mr. Seeberger illustrate the changes that had been made to the plan as he went through his presentation.

Mr. Seeberger stated that they had taken the comments that had been given by the Board and by the adjacent homeowners regarding the issues of concern. The applicant is asking for a variance for open space. They will provide 12.5% open space on the lots and are requesting a contribution per lot to fulfill the requirement for open space. In March they appeared before the Board to discuss conceptually the plan to put enough open space on the rear perimeter of the lots and still leave enough solid lot area left to meet the lot area requirements. There is no open space regulated for the basin lot.

Member Smith asked if there was still access to the open space for the other property owners. Mr. Seeberger answered that they did not. This was eliminated.

The other requirement was for them to create a low-income housing unit. They did this by proposing a duplex unit. This was originally planned to face Hamilton Avenue, but after hearing the concerns from the adjacent property owners they relocated the duplex to inside the cul-de-sac adjacent to the basin lot. The Lots 6 and 7 that the duplex sits on will require variances for lot area, frontage, lot width and for zero side yard setback where the duplexes meet. The basin lot will also require a lot area variance.

The strip that ran along McHugh Court in front of the basin lot has been joined to the basin lot. This has been removed from the right-of-way and will be the responsibility of the Homeowners Association.

Mayor Muchowski asked if the affordable side of the duplex would meet the ADA requirements for a full bathroom on the first floor and the ability for one first floor room to be converted into a bedroom. Member Smith stated that the affordable unit was very small. Planner Lonergan stated that the applicant would need to completely redo the floor plan to meet the COAH requirements. Mr. Seeberger stated that they would meet the COAH requirements.

Mayor Muchowski stated that he doesn't usually defend the applicant's professional staff, but in this case the architect worked very hard to meet the intent of what the Board was looking for from the aesthetic standpoint. Mayor Muchowski said that he assumed that from a structural standpoint they concentrated more fully on the exterior elevation. Chairperson Hamilton-Wood asked if they would still be able to work within the footprint that they have or would this have to be changed.

Mr. Seeberger stated that he believed that they could work within the footprint. Planner Lonergan stated that the square shown on the plan was larger than the size of the proposed building. Mr. Seeberger stated that there is about 500 more square feet to work with.

Mayor Muchowski stated that Chairperson Hamilton-Wood is just trying to protect the applicant because if the Board approves this plan and the applicant can't meet it then they have to come back. Mr. Seeberger stated that if they don't meet the approval they don't have an approval.

Chairperson Hamilton-Wood asked about the turning radius of the driveway into the garage of the duplex unit. Mr. Seeberger stated that this is an acceptable radius for automobiles. Chairperson Hamilton-Wood stated that turning in would be fine, but she thinks it would be difficult to back out.

Chairperson Hamilton-Wood stated that the maintenance of the open space would be the responsibility of the homeowners. The basin lot would be the responsibility of the Homeowners Association. Chairperson Hamilton-Wood asked if there were trails or sidewalks through the open space. Mr. Seeberger stated that there was not. He said that the open space would be deed restricted to keep it open. No sheds could be built on the open space.

Mayor Muchowski asked if there was an issue because the plans and the architectural don't match. Engineer Guzzi stated that the site plan shows a maximum footprint. The homes must fit into the approved footprint. Member O'Hara asked what the minimum square footage for a single family home or duplex would be. Engineer Guzzi stated that there was no minimum square footage requirement in the ordinance.

Engineer Guzzi stated that he had a report dated April 17, 2007 that outlines the variances requested and lists the general review comments. Mr. Seeberger stated that as far as Engineer Guzzi's general recommendations and constructive criticism, the applicant

accepts these and the final plans will reflect this. He said that in regards to the stormwater designs, he could testify that they do meet the state standard.

Mr. Seeberger said that a specific subdivision plan for review would be submitted above and beyond the site plan.

Mr. Seeberger stated that the only outstanding comment has to do with the fence material, chain link versus vinyl. Engineer Guzzi stated that this would up to the Board's preference. The applicant had proposed chain link. Engineer Guzzi said that at the minimum it should be a vinyl clad chain link fence. Planner Lonergan stated that her office would be willing to work with the applicant to come up with a suitable fence. Mr. Seeberger stated that the applicant is agreeable to this.

Chairperson Hamilton-Wood asked about the design of the basin. Engineer Guzzi stated that this basin would be periodically wet. This is a retention basin and is designed per the revised stormwater regulations that require a recharge element. A minimum of a 2 year storm has to recharge into the basin.

Mr. Seeberger stated that this basin is regulated with a small orifice that slows down the flow enough to allow the recharge of the 2 year storm. Engineer Guzzi stated that this orifice would not be on the bottom of the basin. A certain portion of this basin will be wet and will not empty as quickly as basins with the orifice on the bottom. In this basin the orifice is approximately 6" up from the bottom and this will allow percolation into the ground.

Mayor Muchowski said that the applicant had proposed a 6' fence. If a child were to get into the basin would they be able to get back over a 6' fence. He asked if the fence should be a 4' fence?

Member Smith asked where the other water comes from. Engineer Guzzi stated that the other water that overflows out of there would tie into the municipal storm sewer system. It would travel down Hamilton and back toward the railroad tracks.

Mayor Muchowski asked if much of the road would be disturbed? Engineer Guzzi stated that it would only be right in front of the development. Mr. Seeberger stated that the utilities would tie in along the curb line. They will restore from the disturbance back to the curb line, not a trench away from the curb.

Chairperson Hamilton-Wood asked Planner Lonergan if she had any comments. Planner Lonergan stated her firm had a letter dated May 15, 2007. She asked Mr. Seeberger if he had any comments on this review letter. Mr. Seeberger stated that for the most part the applicant would agree with the Clarke Caton Hintz letter dated May 15, 2007. He stated that they would work with the Planner's office regarding the plantings in the basin.

Mr. Seeberger stated that they are planning to keep the large willow oak by the basin at the back of lot 9. They have designed the basin in a kidney shape to stay away from the

tree. The Planners letter requests that this tree is better identified so it is not destroyed by accident. Planner Lonergan stated that the key was to get what they are testifying that they will do on the plan.

The other item on the Planner's letter was the question of the fence material and they have already agreed to address this with the Planner.

Planner Lonergan stated that she wanted to bring up one additional issue to the Board. She stated that the Township's governing body has contracted with an affordable housing management entity through the state of New Jersey. Any applicant coming in and building affordable housing will be required by the Township's ordinance to help fund the administrative cost for the state agency to market and administer the affordable control at least initially. This applicant would be required to pay for this up front cost and then the state agency would be administering to the affordable unit over the course of the next 30 years.

Member Morris stated that as Chairperson Hamilton-Wood pointed out it appeared that it would be difficult to back out of the side entrance driveway to the duplex. He suggested that the applicant reconfigure the driveway to allow a K-turn movement.

Chairperson Hamilton-Wood asked if there were comments from Mr. Lebak. Board Clerk Erlston stated that Mr. Lebak had sent a letter previously but had not submitted a new letter based on these revised plans. Mayor Muchowski stated that Board Clerk Erlston would follow up with Mr. Lebak to be sure that he has no issues.

Engineer Guzzi stated that the plans had not been approved by the Township's Water and Sewer Engineer, Russell Trice.

Chairperson Hamilton-Wood stated that any approvals would be conditioned on those agencies giving approval. Engineer Guzzi stated that they would look to have all the conditions of approval satisfied prior to coming back for Final.

Motion of O'Hara, seconded by Fratinardo to open the meeting to public hearing. Motion unanimously approved by all members present. Seeing no one wishing to comment, motion was made by Fratinardo and seconded by DeAngelis to close the public portion. Motion unanimously approved by all members present.

Solicitor Abbott stated that the Board was looking for a motion to grant Preliminary approval with variances. The conditions would be complying with all the comments set forth in Mr. Guzzi's letter as well as the letter from the Board's Planner. The applicant will comply with all the interior COAH requirements. Mayor Muchowski stated that the unit should not be any smaller than what has already been proposed. Solicitor Abbott continued with the conditions that the driveway should include an additional area for backing out of the garage and all conditions must be satisfied prior to Final. Approval also conditioned on the approval by the Township's Water and Sewer Department.

Motion of O'Hara, seconded by DeAngelis to approve Preliminary with variances as set forth by Solicitor Abbott.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Ryan, Smith  
Hamilton-Wood  
NOES: None  
ABSENT: None

The Board took a 5 minute break. The Board returned to the regular order of business.

Chairperson Hamilton-Wood called for application PB#2007-06 for Whitesell Corporation. Application is requesting Preliminary and Final Major Site Plan approval with bulk variances for property located at 1500 John Galt Way (previously 290 Daniels Way), Block 158, Lot 1.

Attorney Lynn McDougall stated that last month they had been before the Board for the issue of completeness. The Board deemed the application complete with the condition that a few submissions be made and the submissions were submitted on May 3, 2007.

Attorney McDougall stated that the original submission was for the project to be constructed in phases. The plan has been revised and resubmitted to construct the whole site at one time.

Terrence Huettl and John Pagenkopf were sworn in by Solicitor Abbott. Mr. Huettl stated that he was a licensed engineer in the state of New Jersey and is Vice President at Whitesell Construction Co. Mr. Pagenkopf stated that was a licensed planner and is the Vice President of Architecture, Engineering and Development for Whitesell Construction Co.

Attorney McDougall stated that they would start with Mr. Pagenkopf's presentation. Mr. Pagenkopf asked the Board to refer to Clarke Caton Hintz's letter dated May 15, 2007.

Mr. Pagenkopf stated that item 4.2 requires that the first 75' adjacent to a street line and the first 20' adjacent to a property line be planted and not used for parking. He stated that they have designed the site for a 604,342 square feet office warehouse and have incorporated into the designs vehicle parking stalls for 103 cars, 99 trailer parking stalls as well as 60 loading stalls with the rail spur and there are 13 dock doors on the rail spur. The proposed setbacks for pavements are sufficient with the room for landscape buffers. The views of the parking areas will be screened and the landscaping will adhere to the existing landscaping found throughout the industrial park.

Mr. Pagenkopf continued with Item 4.3 regarding the purpose of the General Manufacturing District stating that standards are set forth for buffers and aesthetic considerations. He said that the typical pavement setback along most of John Galt Way

is 41.17' of landscaped area from the setback to the edge of the pavement. Mr. Pagenkopf pointed out on the site plan where the landscaped area is located. There is over 50' of green area between the curb and that edge of parking. He stated that there is one point where the paving setback is reduced to around 15'. This is located at the end of the cul-de-sac at the northern most truck parking stall. The landscaping will be consistent with that elsewhere in the Haines Center. This area is only visible coming around the cul-de-sac or anyone leaving the northern or left entrance.

Mr. Pagenkopf stated that the rail spur would come in along the western side of the proposed building. This will be the receiving area for the raw material. The radius of the rail spur and the site conditions were factors in determining the design of the loading area. He stated that he hoped that the proposed landscaping would provide sufficient screening for the reduced setback.

Item 4.4 regarding the curbing variance. He stated that along the truck parking spaces on the upper side that back up to John Galt Way there is no curb proposed along this truck parking area, however there are bumper blocks to stop the trucks from backing up too far into the landscaped area.

Item 4.5 the minimum parking space variance. He stated that they are proposing 103 car parking spaces, which does satisfy their tenant's needs. They have proposed an additional 62 parking stalls should those needs change. The additional 62 stalls would occur on the northwest corner of the building and would be an extension of the proposed parking lot. The variance for the reduction in the required number of parking stalls allows for additional landscaping and a reduction in impervious coverage while still providing adequate room for circulation and parking for cars and trucks.

Mr. Pagenkopf stated that for Item 4.6 there was some confusion on the alternate parking plan. He stated that there was an exhibit in the plan that showed a parking alternate plan, if all the truck loading area were converted to car parking then they could provide all the 626 required parking stalls. However in order to do this they would have to convert the rail side to the 75 loading docks.

Mayor Muchowski pointed out the Mr. Pagenkopf was speaking of removing the rail, but they are going to be utilizing the rail. Mr. Pagenkopf stated that if they needed a plan that complied with all the 626 car parking stalls, the required 75 loading docks would have to be on the west side. With the rail it is difficult to provide the truck loading as well as the car parking on the other side. Mr. Pagenkopf stated that the tenant wanted 60 doors with truck access and 13 doors with rail access. Mr. Pagenkopf stated that they could punch 75 loading doors on the rail side then they don't have the problem of the conflict of trucks and they could provide the 626 car spaces on the east side.

Mr. Pagenkopf stated that what they are proposing today does satisfy the current tenants need. If in 10 years time there is a different tenant there is the availability to provide the required car parking spaces and the required loading doors. The alternate parking plan explains how this could be done.

Mayor Muchowski asked if there was a requirement in the ordinance for loading doors? Engineer Guzzi stated that the ordinance does call out a requirement for loading spaces. Whitesell has probably never come in with a plan that did not meet the requirement before so it wasn't an issue.

Mr. Pagenkopf stated that if the need for rail loading should go away the site has been designed with inlets and setbacks where they could substitute truck loading on the rail side.

Engineer Guzzi stated that the difference with this application is that they have rail and our ordinance doesn't really contemplate rail. The applicant has provided additional loading but it is rail loading. They have proposed 60 truck loading stalls where 75 are required. They also have the rail loading spaces.

Member O'Hara asked what the rail would be used for? Mr. Pagenkopf stated that the rail was there to receive the raw material and the 60 truck loading spaces were provided to ship the finished goods.

Planner Lonergan asked if the rail line went all the way along the building. Mr. Pagenkopf stated that it did. Planner Lonergan asked if you could have truck loading over the rail line. Mr. Pagenkopf stated that he did not think so. Planner Lonergan asked if they could have truck loading on the southern wall. Mr. Pagenkopf stated that the current intention would be to allow the southern wall to expand towards Daniels Way. If a new tenant came in and they needed additional loading they would come in with a revised plan to add loading to the southern wall of the building.

Item 4.7 regarding the loading requirement Mr. Pagenkopf stated that this was included in the testimony that he just gave. Item 4.8 for the variance considerations Mr. Pagenkopf said that they felt that they had satisfied the criteria set forth in section 91-121 by the testimony already given on the needs of their tenant for this facility, by outlining pertinent facts specific to the parking and loading needs, by illustrating the ability of the site to provide the required car parking as well as loading stalls and they have provided landscape buffer that exceeds the ordinance and this will be consistent with the Whitesell standard that exists throughout the Haines Center.

Item 4.9(a) regarding loading in a front yard. The rail on the west side will be the receiving side. There is a cross dock facility where material will be stored in the facility and then shipped from the east side of the building. The practical and efficient use of the site and utilizing the research they have in the rail lends itself to this proposed design. This site is at the end of the cul-de-sac so there is limited traffic passing by.

Item 4.9(b) regarding the location of the dumpster. Mr. Pagenkopf stated that the dumpster would sit in the area between the stairwell area that is not being used for the loading docks. Bollards would be set to make sure that the dumpster does not impede on either of the adjacent truck loading spaces.

Item 4.9(c) the plans will be revised to show lighting under the canopy to satisfy this item.

Item 4.10 regarding the loading space size. The ordinance requires 15' wide loading areas. Mr. Pagenkopf stated that they are proposing 13'4" wide loading stalls. This allows for a wider drive aisle and the comparable to what was previously approved for 280 Daniels Way.

Item 4.11 is for the requested sign variance. Mr. Pagenkopf stated that the proposed signage is consistent with the other signage throughout the Haines Center. There was a typographical error on the application regarding the sign. All of the signs will be 7' tall. Given the size of this facility and the distance between the curb cuts on John Galt Way they believe that both signs would help maintain safer truck movements. Mr. Pagenkopf stated that truck traffic would enter at the first entrance to the site. Visitors and cars would go to the end of the cul-de-sac and enter there. This would eliminate competing movements between cars and trucks. The revised plans will contain the details for the building mounted sign and this will be consistent with other signs throughout the Haines Center.

Item 5.1 regarding a request for a curbing waiver. Mr. Pagenkopf stated that they had proposed wheel stops to keep the trailers from backing into the buffer area. Curbing is unnecessary as a physical warning to the drivers and is consistent to other applications that they have made in Florence.

Item 5.2 regarding the Parking/Maneuvering in a buffer area. The unique shape of the site as well as the rail component drove the site design. They are proposing more effective landscape buffers along John Galt Way to produce light, division and noise issues beyond the lot.

Item 5.3 the parking space size requires a waiver. They are proposing 9' x 18'. This satisfies the needs of the tenant. They result in less impervious area and less runoff.

Item 5.4 regarding the waiver for garbage and recycling. Mr. Pagenkopf stated that he already spoke about the garbage dumpster. Recycling will occur. There is a compactor and a baler will be inside the building. This will be located near the first bay on the east side of the building.

Member O'Hara asked how the dumpster in the northeastern corner would be accessed? Mr. Pagenkopf stated that there is a small drive up door where you can drive up a ramp and into the building. Then there is a series of 9 loading docks where the trucks back up to the door. In 4 locations in this truck loading area they are not putting in an overhead door, but they are putting in a man door with a set of stairs. In these 12' areas where there is no loading dock this is where the dumpster would be proposed. The trash truck would come in through the loading dock, back up and empty the dumpster.

Trash dumpster between small drive up door and then series of 9 loading docks in 4 locations along this area they have installed a man door with a set of stairs. In these 12' areas this is where the dumpster would be located closest to the office.

Item 6.0 regarding the landscape plan. Mr. Pagenkopf stated that they would comply with all the recommendations in the Planner's notes on the landscape plan. There is one note under Item 6.2 about additional evergreen trees. He stated that there are additional evergreen trees in the details for the sample buffers. The evergreen trees show up in 2 locations.

Item 7.0 on lighting and Item 8.0 on affordable housing Mr. Pagenkopf stated that they would comply with the Planner's comments on both of these items.

Planner Lonergan asked if this was a trash enclosure or an open dumpster. Mr. Pagenkopf stated that this would be a dumpster with a lid that would close, but no screening. This is to be located between 2 tractor trailer loading docks. They are proposing to provide concrete bollards to make sure that the dumpster is dropped in the right location and doesn't conflict with the truck loading. Planner Lonergan asked if Whitesell had dumpsters located in the front of any other building? Mr. Pagenkopf stated that Whitesell had trash compactors against buildings. This tenant doesn't need a trash compactor. The majority of their waste is recyclable items. Planner Lonergan stated that it would be up to the Board but she would recommend that Whitesell look for another location for the dumpster. Mayor Muchowski stated that putting a dumpster in the front of the building is highly unusual and out of sync with what they usually propose.

Mr. Pagenkopf stated that he didn't think that a trash compactor was any more aesthetically pleasing than a dumpster. Planner Lonergan stated that dumpsters were often seen with the lids open and overflowing with trash.

Mr. Huettl stated that he was a little more familiar with Whitesell's past projects than Mr. Pagenkopf was. He stated that there are a few situations in the Haines Center where there are dumpsters on the side of the building that faces the road. He said that the buildings are set so far back off the road that you don't notice the dumpster. He also stated that the only part of the site besides the automobile parking is this loading area in the front of the building and they'd rather not have to design the automobile parking area to accommodate a trash truck. They could consider a location at the end of the building but they do need to have the dumpster centrally located. It is a big deal to take trash from one end of this building to the other because it is such a large building. Mr. Huettl stated that they are anticipating having one dumpster and one compactor. He said that they would investigate relocating the dumpster and get back to the Board.

Mr. Huettl asked the Board to refer to Engineer Guzzi's review dated May 15, 2007. He stated that Mr. Pagenkopf had already covered Item 1 regarding the variances and design waivers. Items 2, 3 and 4 pertain to the reports that were submitted to the Board for review.

Engineer Guzzi asked for some engineering justification for not putting the curb along the front of the truck parking area. Mr. Huettl answered that historically they have provided curbing in areas where vehicles are entering or exiting the site, where they are turning around corners and the curb serves the function of directing traffic and keep the vehicles on the pavement. Across the front where the trailer parking is, there is obviously nobody driving along that edge of the pavement because this is the back end of the parking spots. Additionally all the drainage in this location is directed away from the edge of pavement so there is no water that is running along the edge of the curb for drainage purposes.

Member Ryan asked what would happen if the parking lot had to be reconfigured in the future to accommodate a larger number of parking spots? Mr. Huettl answered that any reconfiguration of the parking lot would require Whitesell to come back before the Board.

Mr. Huettl stated that this would be approximately 1,000' of curb. He said that this would not be an aesthetic issue because there is a landscaped berm between this area and the road. The wheel stops would not be visible from the road. Chairperson Hamilton-Wood asked if Whitesell would be repositioning the wheel stops when they were moved by tractor-trailers? Mr. Huettl stated that there was a detail on the plan that each concrete wheel stop has 2 either 1/2" or 3/4" rebar stakes that hold them in place. As far as the long term maintenance, the tenant would be responsible.

Chairperson Hamilton-Wood stated that she preferred curbs to the wheel stops. Engineer Guzzi stated that he thought that curbing would be appropriate since this was in the front of the site. He said that a curb of slightly less than 1,000' based on the scale of this project is not a tremendous burden to the applicant. Mr. Huettl said that if the Board wants curb they would supply curb.

Returning to Engineer Guzzi's report Mr. Huettl stated that Items 2, 3, & 4 regard reports that were submitted. An update of the traffic impact report was provided and the traffic engineer determined that the conclusion of that report is still valid. The wetlands report indicated that there are no wetlands present on the site. On the stormwater management report the engineer concluded that the existing stormwater management basin was designed properly to accommodate the storm water on this site and it would do so in a manner that is consistent with the storm water management regulations.

Items 5, 6, & 7 were minor errors that were found on the plan these will be revised accordingly. Item 8 there is a minor discrepancy on a slope. This will be corrected on the plan. Item 8 also references some small storm water management pipes that pick up roof water. They don't have manholes on these systems that pick up the roof water. They typically don't do this because the likelihood of these pipes getting clogged is very minimal because all of the water comes from the roof and it is clean water. Everywhere there is a bend in these pipes there is a downspout that goes into the subsurface pipe. Everyone of those locations acts as a cleanout. Engineer Guzzi stated that his concern is that there is a way to clean the pipes in case of a clog. Mr. Huettl stated that he would

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provide detail to illustrate that you could get to a clog. Item 9 is the same issue. Mr. Huettl stated that he would submit information to show that the pipes could be cleaned out.

Mr. Huettl stated that Items 10, 11, & 12 are some requested changes to details. The applicant is happy to provide these changes. Item 13 the trash enclosure was already discussed. Chairperson Hamilton-Wood stated that the trash enclosure had been discussed but she wasn't fully satisfied with the outcome. Solicitor Abbott stated that she had listed a condition that the applicant would work with the Board's Planner on the location and design of the trash enclosure.

Item 14 was an error on the plans and this will be revised.

Chairperson Hamilton-Wood asked Member Smith if he was comfortable with the size of the parking spaces and the loading spaces. Member Smith said that he has given his comments before. The applicant asked for a variance for parking and then asked for a variance for size.

Chairperson Hamilton-Wood asked if the doors on the loading docks were 15' apart. Mr. Huettl stated that the doors on the truck loading area were spaced 13'4" on center. Mayor Muchowski stated that this was because they had 40' spans and they could fit 3 spaces in each one. Mr. Huettl said that the Mayor was correct.

Mr. Huettl said that on the rail side the doors are spaced much further apart because you can only have one door per rail car. In between each one of these rail doors are multiple knockouts. A knockout is a place where they can put a door if they need one in the future. The masonry is constructed in a fashion such that the wall can be knocked out to put in a door if they need one.

Chairperson Hamilton-Wood asked how many employees would work at this location? Mr. Huettl said that the tenant currently anticipates fewer than 100 employees for all 3 shifts. This includes warehouse and office personnel.

Mayor Muchowski said that Council had a discussion regarding transferring landscaping off site to add buffer. This was brought up because the new Whitesell building that is under construction can be seen from the park area around the Municipal Complex. Could a buffer of taller growing trees be shifted to the edge of the park to give better screening?

Solicitor Abbott stated that she has done this in another Municipality. Chairperson Hamilton-Wood stated that this issue does not really apply to this application. Mr. Huettl stated that the height of this building in this current application is approximately half the size of the building that the Mayor referred to. Mayor Muchowski agreed with Mr. Huettl, but stated that this came into his mind and he wanted to relay this to Whitesell while he was thinking of it.

Planner Lonergan asked for testimony for the affordable housing. Mr. Huettl stated that Whitesell has historically with all their previous applications met their core requirements by making payments in lieu of providing affordable housing. He said that they had been talking with the Township looking for a way that produces the affordable housing obligation in a way that is favorable for both Whitesell and Florence Township. Mayor Muchowski said that as an example there was a presentation made to the Council about partnering with a service organization or someone that has expertise in affordable housing management. They are hoping to work out a program where Whitesell will participate in the creating of the affordable units rather than just handing over the money.

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

Chairperson Hamilton-Wood asked Solicitor Abbott to give a recap. Solicitor Abbott stated that the motion would be for Preliminary Major Site Plan approval with variances. If the Board does not feel that the applicant has provided the proofs entitling them to the variance for the curbing as was discussed, the motion would be for the approval with the variances with the exception of the curbing. It does not have to be 2 motions.

Mr. Pagenkopf stated that they had asked for Preliminary and Final approval. They had made a prior submission for Preliminary and appeared at the April meeting for the completeness hearing. He stated that there had been ample time for review and comment.

Chairperson Hamilton-Wood stated that there are issues that need to be worked out such as the trash enclosure and the drainage clean out and the curbing. She stated that she believes that they are looking at Preliminary unless another member of the Board thinks otherwise. Mayor Muchowski stated that there are only 3 remaining issues: curbing, clean outs and trash. Mr. Pagenkopf stated that they had agreed to do the curbing, they would work with Engineer Guzzi on the clean outs and they would commit to building an enclosure for the dumpster. Chairperson Hamilton-Wood stated that the dumpster might need to be relocated. Planner Lonergan stated that her office could work with the applicant to resolve the issue of the dumpster.

Solicitor Abbott asked the applicant if it was their intention to amend their application to withdraw the request for the curbing variance. Engineer Guzzi stated that a curbing variance would still be required for the car parking area on the north side.

Member O'Hara asked if there was sidewalk planned along John Galt Way. Mr. Huettl stated that there is not a sidewalk proposed along this section of John Galt Way. The intention is to put the sidewalk on the other side of the street. Mayor Muchowski asked if there was existing sidewalk in place along John Galt Way. Mr. Huettl stated that there was sidewalk from the intersection of Richards Run and John Galt Way up to the intersection of Daniels Way. When they build on that side of the street they will continue the sidewalk up John Galt Way to the cul-de-sac.

Member O'Hara stated that this would not service anybody who worked in the subject building and used the Light Rail. They would have to cross John Galt Way to use the sidewalk.

Member O'Hara stated that in his personal opinion and based on the location of this building at the end of the site he would prefer to see the 1,000' of curb eliminated and have sidewalk on that side of John Galt Way. Mr. Huettl stated that the applicant would be agreeable to that.

Mayor Muchowski said that he recalls early testimony about making the Haines Center pedestrian friendly because of the Light Rail. He said that the sidewalk for curb is a good trade off. Chairperson Hamilton-Wood stated that in her opinion there should be curbs and sidewalks. She stated that she does not like the curb stops.

Mr. Huettl stated that as far as the maintenance issues of the curb stops. The tenant International Paper is a large international company that has committed to a long term lease. Mr. Huettl stated that the facility is very well maintained. Whitesell does weekly drive bys to be sure that all the tenants are maintaining their properties to the Whitesell standards. If a property is not kept up Whitesell issues notices. If the tenant does not respond Whitesell does the maintenance and bills the tenant.

Mayor Muchowski stated that the Board did not require Salson to curb their site and this is out on Route 130. Chairperson Hamilton-Wood stated that she had given her opinion regarding the curbs and the issue will have to come down to a vote.

Mr. Morris stated that he doesn't see the reason for curbing in this location. It is not necessary for drainage on this site. Chairperson Hamilton-Wood stated that the wheel stops are a mess.

Solicitor Abbott stated that if everyone was in agreement with everything except the variance for curbing we could take that first. That would be a motion to grant a variance for the curbing along John Galt Way.

Mayor Muchowski stated that the applicant is requesting Preliminary and Final. He stated that the issues left are minor.

Member O'Hara said that the applicant does maintain their properties and if there are broken wheel stops and the tenants don't replace them Whitesell will go in and replace them and bill the tenant.

Mayor Muchowski asked if the applicant had any further comments regarding the curbing issue. Attorney McDougall said that the applicant would like to have Preliminary and Final approval tonight. There are 2 outstanding issues that will be resolved between the applicant and the Board's Planner and Engineer. The applicant will agree to provide both sidewalk and curbing along the front of the site.

Solicitor Abbott stated that she thought it would be appropriate to grant both Preliminary and Final Major Site plan approval with the variances and design standard waivers as discussed subject to the conditions that were discussed on the record and with compliance with all the items in the reports of the Board Engineer and Planner except as modified on the record.

Motion of O'Hara, seconded by Fratinardo to approve as previously set forth.

Upon roll call the Board voted s follows:

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Ryan, Smith  
Hamilton-Wood  
NOES: None  
ABSENT: None

Chairperson Hamilton-Wood called for application PB#2007-10 for Burlington Assembly of God Church. Applicant is requesting Amended Preliminary and Final Major Site Plan approval with bulk variances for property located at 2035 Burlington-Columbus Road, Block 170, Lot 6.01.

Attorney Frederick Hardt stated that this was a relatively minor application. There were 2 administrative approvals that had been addressed in the Board Planner's report. The original plan as approved had the fire lane end as a cul-de-sac. In the field the church thought it would be a better configuration if the fire lane were extended around the building. This was administratively approved, but did not come back before the Board.

The present application proposes a modification to the drainage by modifying a drainage swale pipe and to increase the parking area by adding 24 new spaces. There are currently 735 existing parking spaces. This would increase to 759 total parking spaces. The Board Planner's report indicates that there has been a reorganization of parking, but this was also approved as an administrative change. The applicant is asking the Board to formally approve these changes as part of the amendment.

The only other major change is the request for the storage building. The applicant proposes a 3,200 square feet shed to be located behind an existing storage facility. The existing storage facility houses props from the annual plays and assorted odds and ends from the church and the school. The new storage shed is proposed to house lawn care equipment.

Chairperson Hamilton-Wood asked if the Board had to address the issue of completeness before accepting testimony. Engineer Guzzi stated that this was an amended application; completeness was established at the time that the original application was heard.

Engineer Guzzi said that on the issue of the fire drive, the main reason that it didn't come around the building in the first place was because there was an outstanding DEP approval

with respect to wetlands. The anticipated wetlands buffer would keep them from extending the fire lane at that time. He stated that the proposed shed is a new part but it is part of the original site plan.

Attorney Hardt stated there is 125' of area behind the shed before you get to the wetland buffer area. Planner Lonergan asked for a copy of the LOI. Attorney Hardt stated that this had been submitted with the original application, but that he would provide an additional copy for the record.

Randy Bercaw, staff member at Fountain of Life Center and David Boudwin, associate pastor of Fountain of Life Center were both sworn in by Solicitor Abbott.

Mr. Bercaw stated that the existing building is used for some storage. The church does 4 theatrical shows a year and the props from these shows are stored in half of the existing building. The other half has some maintenance equipment, stocks and supplies.

The proposed shed will be for tractors, backhoes and large equipment. The building would be basically for shelter of this equipment. There will be no maintenance done in this building and no electric is proposed for this building.

Attorney Hardt asked for testimony on how the parking area got reoriented. Mr. Bercaw said that the original site plan was short on spaces that were required by the ordinance. Their engineer added a small parking lot in the front of the complex. As they were developing the site, it did not seem to make any sense to develop this one remote parking area so when they changed the orientation of the parking in the back, they were able to take those spaces and move them to the back area of the parking lot and maintain the same number of spaces. Mr. Bercaw said that they felt that this created a better traffic flow into the traffic spaces and the drive aisles.

Reverend Boudwin stated that this also allowed them to preserve the existing shade trees that were in that area. Attorney Hardt stated that an additional 3 shade trees would be provided as part of this amendment. He stated that it is the intent of the applicant to extend whatever existing light pattern, intensity and layout into the new parking area.

Attorney Hardt stated that they would comply with all the requirements of Engineer Guzzi's report.

Mayor Muchowski said that the side yard setback requirement is 50'. The building appears to be placed right at that 50' line. He suggested that the applicant might want to shift the shed slightly to allow for mistakes in the field. There have recently been errors made where after the buildings are constructed it has been determined that they encroach into the setback and the applicant has been forced to seek a bulk variance from the Zoning Board. Reverend Boudwin said that they have plenty of room and they can add a couple more feet to insure that there is no problem.

Member O'Hara stated that testimony had been given that there would not be any electricity. He question as to whether electricity would be required in the winter months in the case that you had to get out a plow.

Reverend Boudwin stated that their dump truck and plow are kept outside. He stated that this building is a farm pole barn, just an equipment shed.

Attorney Hardt stated that the Planner's report indicated that they should prepare a brand new plan. He stated that the applicant would like to avoid this. The application is only feasible if it is a small change to the plan.

Attorney Hardt stated that he would like to discuss the affordable housing obligation. Planner Lonergan stated that she was going to turn this over to the township construction official.

Thomas Layou, Construction Official Florence Township, was sworn in by Solicitor Abbott. Planner Lonergan asked if a storage shed with no electricity would be classified as use group S or U. Mr. Layou answered that this would be an S use group. Planner Lonergan stated that this would yield a very small obligation.

Attorney Hardt stated that he is obligated to assert that as a religious institution they would be exempt. He stated that he is reserving the right to assert that exemption. Having said that they will abide by whatever affordable housing obligation there is for 2 reasons. First they think it has excellent civic value and secondly they don't really have a choice.

Mayor Muchowski asked for an explanation. Attorney Hardt stated that there is a religious freedoms act issued regarding exaction against a religious organization of this nature. There is a position to be asserted that the applicant is exempt from that requirement.

Planner Lonergan stated that the COAH rule exempts sanctuary or assembly spaces for any house of worship. She stated that the applicant should know that the development of the site that wouldn't be deemed as sanctuary has generated a tremendous affordable housing obligation for the Township. She stated that she didn't believe that any obligation was charged to the applicant. The current application may generate .02 affordable housing obligation.

Mayor Muchowski asked why this point wasn't raised while they were building the gymnasium. Planner Lonergan stated that the rule unfortunately came in, and every town unfortunately was in the same situation where there was a period of years that lapsed where this applicant had prior approval before the Township's Growth Share Ordinance was valid. COAH's own rules were effective in December 2004, but they went back to January 2004 and said that anything receiving a CO as of January 1, 2004 would generate an obligation.

Attorney Hardt stated that they still don't know what the rules are and we won't know for a couple of years. This places the municipalities at a great disadvantage.

Mayor Muchowski asked if there was electric in the existing storage building. Mr. Bercaw answered that there was no electricity to the existing building. Attorney Hardt stated that they were not proposing any site lighting in this location.

Mayor Muchowski asked if there was electricity to the maintenance garage that was located in front of the existing storage building. Reverend Boudwin stated that the maintenance garage was used to repair equipment. There is electricity and site lighting to this building. He said the building that they are proposing is simply a farm shed so that they can pull the equipment out of the weather.

Mayor Muchowski asked if the Township had any liability if they approved this shed without being lit. Solicitor Abbott stated that if there was something in the ordinance that required the lighting and would require a variance you would need to look at the public welfare, but if there was nothing in the ordinance that deals with that it would be okay.

Mayor Muchowski asked if there was any way to extend site lighting even to the front of the site. Reverend Boudwin stated that the headlights on the vehicles would provide light. He said that they are not planning to access this building at night, as most of the equipment to be stored there will be seasonal mowing equipment and is used in the summer time.

Reverend Boudwin stated that this was an open building it doesn't have a side. It is a shed building, you would pull up and the car lights would shine in. It is a lean to with only 3 sides. Mayor Muchowski stated that since this was an open building he did not see the need for the site lighting.

Member Smith asked about the proposed new parking that is shown going right up to the building. Reverend Boudwin stated that this goes up to the kitchen so that a truck could make deliveries to the kitchen.

Engineer Guzzi stated that most of his comments were pretty minor. The applicant did provide a clarification on the parking and indicated that they would extend lighting to the new parking area. There will be 3 additional shade trees added in the new parking area.

Mayor Muchowski asked the applicant if they were agreeing to everything except the COAH. Attorney Hardt stated that there was an exemption that they have to look at. If they are not subject to the exemption they will comply. Mayor Muchowski asked who the exemption came through. Attorney Hardt stated that it comes through the construction official. Mayor Muchowski asked what would happen if the construction official stated that they were not exempt. Attorney Hardt stated that they would have to comply unless they wanted to make a federal case over it. Reverend Boudwin stated that he was not sure that they would want to go to the Supreme Court for .02 of an obligation, but they would leave that up to their attorney.

Member Fratinardo asked if they were seen to be exempt would the Township still be responsible for that COAH obligation. Planner Lonergan answered no.

Motion of O'Hara, seconded by Smith to open the hearing for public comment. Motion unanimously approved by all members present.

Seeing no one wishing to testify motion was made by Fratinardo and seconded by DeAngelis to close the public portion of the hearing. Motion unanimously approved.

Motion of Fratinardo, seconded by DeAngelis to grant amended Preliminary and Final approval with the conditions set forth in Engineer Guzzi's letter and Clark Caton Hintz's letter except as otherwise resolved.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Ryan, Smith  
Hamilton-Wood  
NOES: None  
ABSENT: None

#### OTHER BUSINESS

Member Smith asked if Council had looked at rezoning for the area around the Cream-O-Land site. Mayor Muchowski stated that the Council had started discussion on this item. Member Smith asked if it was time to re-examine the Master Plan.

Member Smith said that in the packet there was a letter of interpretation/presence absence for RTC Properties. The Board discussed this correspondence. Mayor Muchowski asked Engineer Guzzi to investigate this. Engineer Guzzi stated that the applicant would have had to send the entire package to the Township Clerk. He stated that he would contact Joy Weiler and look over the plans.

Member Fratinardo mentioned that when the Board was looking at the Master Plan they should examine preservation or minimum lot size in the Agricultural Zoning District.

There were no members of the public in attendance to offer comment.

Motion of Smith, seconded by Fratinardo to adjourn at 10:55 p.m. Motion unanimously approved by all members present.

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John T. Smith, Secretary

JTS/ne