Florence, New Jersey 08518-2323
September 17, 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 7:30 p.m. followed by a salute to the flag.

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

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

Gene DeAngelis	John T. Smith
Mayor Michael J. Muchowski	Mildred Hamilton-Wood
Sean Ryan	Frank Morris

ABSENT: Councilman John Fratinardo
Dennis A. O'Hara

ALSO PRESENT: Solicitor Nancy Abbott
Engineer Dante Guzzi
Planner Carl Hintz

RESOLUTION

Resolution PB-2007-31
Granting Minor Subdivision approval with bulk variances to William Cenneno for Block 146.09, Lot 3, located in an RA Low Density Residential District.

Motion of DeAngelis, seconded by Ryan to approve Resolution PB-2007-31

Upon roll call the Board voted as follows:

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

Resolution PB-2007-32
Dismissing without prejudice the application of HAPCO Petroleum Corporation for amended Final Major Site Plan approval for Block 159, Lot 13.01, located in an HC Highway Commercial Zoning District.

Motion of Smith, seconded by Morris to approve Resolution PB-2007-32.

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

MINUTES

Motion of Smith, seconded by DeAngelis to approve the Minutes of the August 20, 2007 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

Chairperson Hamilton-Wood asked if there was any discussion necessary on Correspondence A. As no discussion was required motion was made by DeAngelis and seconded by Ryan to receive and file Correspondence A. Motion unanimously approved by all members present.

Mayor Muchowski mentioned to the Board that on the dais were 2 correspondence regarding the Master Plan review for the Board Members to review.

APPLICATIONS

Chairperson Hamilton-Wood called for application PB#2007-16 for Whitesell Construction Co., Inc. Applicant is requesting Amended Preliminary and Final Major Site Plan approval with bulk variances for property located at 1500 John Galt Way, Block 158, Lot 1.

Lynn McDougall, attorney for the applicant stated that John Pagenkopf and Terrance Huettl both of Whitesell would provide testimony.

Terrance Huettl, licensed engineer in the State of New Jersey and John Pagenkopf, Vice President of Development for Whitesell and licensed professional planner in the State New Jersey were both sworn in by Solicitor Abbott.

Mr. Pagenkopf stated that their tenant International Paper would like to go back to the phased plan. They do have intentions on building out the entire building, but would prefer to do so in phases.

Mr. Pagenkopf presented 2 displays. The display on the left illustrated the input of the 1500 John Galt Way (International Paper) site onto the Whitesell Master plan map and the display to the right was the same as sheet C101 in the submitted plan with color depicting the building and parking and loading areas as proposed in this application.

Mr. Pagenkopf stated that the office remained consistent with the prior approval at 5,083 square feet. The warehouse area (not including the platform for the rail) is 425,618 square feet. The dashed area, which was included in the prior approval, is 173,641 square feet. Essentially the site closely resembles the prior approval. One significant

change is that the northern most portion of the gray area that is a driveway sat on top of a utility easement where the sewer force main and water go underneath the turnpike. Whitesell thought that it would be best to move the building and parking areas 25' to the south to insure that all the proposed improvements are not on top of that easement. The revised plan also includes the insertion of a southern driveway to access and loop the loading area. Also the tenant requested a fence for security.

Mr. Pagenkopf stated that the full build out had the driveway to the right hand side. They brought it in to now capture the southern most edge of the loading area. The fence is proposed in between the rear of the trailer parking and John Galt Way. There are no gates proposed but the tenant was concerned with some of the smaller materials like photo paper. They thought that someone could drive a car in and steal materials from the tractor-trailers.

Mayor Muchowski asked if the application was complete. Engineer Guzzi stated that the revised plan was very close to the original plan. He stated that there were 3 items regarding completeness that were identified in his review letter dated September 7, 2007. The 3 items were the Environmental Impact Statement (EIS), all structures, wooded areas within the tract, and an executed water and sewer agreement. All these were addressed in the original approval and those submission waivers were granted.

Mr. Pagenkopf stated that regarding the EIS the applicant is requesting a waiver. This plan is still consistent with the prior EIS. The second completeness item was all structures and wooded areas. The applicant is requesting a waiver and will comply with the request to add a note to the plan. There are no changes on the revised plans that would impact additional wooded areas. The applicant agreed to supply the water and sewer agreement.

Motion of Ryan, seconded by DeAngelis to deem the application complete.

Upon roll call the Board voted as follows:

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

Chairman Hamilton-Wood stated that the Board would now move onto the substantive issues of the application.

Mr. Pagenkopf said that the revision to the plan is to build the site in phases. They would begin with the first phase with the square footages that he had stated earlier. The tenant does have plans to build out to the ultimate plan. Mr. Pagenkopf stated that he did not have a time frame for the second phase.

Member Ryan asked why the site would be built in 2 phases. Mr. Pagenkopf stated that the tenant had originally thought of transfer 2 of their businesses to Florence. In mid summer the tenant revised their plan and decided to only relocate 1 facility at this time.

Mayor Muchowski said that the applicant indicated that they would be shifting the entire building by 25' and requested a fence. He asked if all variances had been noticed properly. Solicitor Abbott stated that sufficient notice has been provided.

Mayor Muchowski asked if the shift affects the parking. Mr. Pagenkopf answered that the parking is the same as initially approved. They did provide curb along the eastern side of the trailer parking and provided the sidewalk along John Galt Way.

Mr. Pagenkopf stated that there was a list of variances and waivers that were requested. These are consistent with what is on the previously approved plans. Engineer Guzzi stated that the Board had already acted on them. The only new variance is the fence in the front yard.

Mr. Pagenkopf stated that they are proposing a black vinyl chain link fence. This will be located behind the landscaping and will be for safety as previously stated.

Mr. Pagenkopf stated that in regards to the traffic impact study, the proposed development would not impact the overall development of 1500 John Galt Way. He stated that they would comply with the grading requirements that were called out in Engineer Guzzi's letter and provide the additional detail as requested.

Mr. Pagenkopf stated that this completed the review of Engineer Guzzi's letter. Engineer Guzzi stated that he is comfortable with the revised plan.

Mr. Pagenkopf stated that the location of the fire lane has been changed but it still circles the building.

Mr. Pagenkopf stated that he would go through Planner Hintz's letter dated August 9, 2007. On page 3 Item 6.1 Planner Hintz noted that there were 62 banked parking spaces. Mr. Pagenkopf stated that the font on the plan was light and there are actually 67 banked spaces. Item 6.4 regarding the landscape plan there was a condition listed as partially satisfied. The applicant will revise the landscape plan to correct that item. Item 6.5 regarding the material of the chain link fence, as previously stated that fence would be black vinyl chain link. Item 6.6 there is a note regarding lighting on the canopy. There is a note on the plan indicating that the underside of the canopy would be lit. It will be lit but the architectural plans are not done yet as far as what impact there would be from a lighting standpoint. Planner Hintz stated that this could be made a condition of approval.

Mr. Pagenkopf stated that Whitesell would comply with the affordable housing requirement.

Member Smith asked about the location of the fence. Mr. Pagenkopf stated that the grades of the berm undulate. There may be points where the fence may be near the top of the berm, but they have tried to maintain a consistent distance from the trailer parking stalls. They were afraid that if they located the fence any closer to the trailer parking, a trailer might hit the fence as it backs up.

Member Smith asked if there were wheel stops. Mr. Pagenkopf stated that there were no wheel stops but there was a curb around the parking area. He stated that the fence was 10' off of the curb. There is 30' of landscaping between the fence and the sidewalk. Mr. Pagenkopf stated that they could modify the grading plan to make sure that they do not install the fence at the top of the berm in any instance. Mayor Muchowski stated that for the aesthetic point of view the applicant might want to be careful in where the fence is located so that it blends in.

Engineer Guzzi said that when he scaled the location of the fence it appeared that the fence was 4' to 5' from the curb. Mr. Pagenkopf stated that on the plan that Engineer Guzzi is looking at it does appear that the fence is closer. Mr. Pagenkopf stated that they would make sure that fence was located on the back side of the berm and landscaped appropriately. This will be added as a revision to the plan.

Chairperson Hamilton-Wood stated that if the Board was satisfied with the response to review letters the meeting could be opened to the public. Motion of DeAngelis, seconded by Ryan to open the hearing to the public. Motion unanimously approved by all members present. Seeing no one wishing to testify motion was made by DeAngelis, seconded by Morris to close the public portion. Motion unanimously approved by all members present.

Solicitor Abbott stated that the conditions were compliance with all the conditions set forth in the reports of Engineer Guzzi and Planner Hintz. Also the fence shall be located as far behind the berm as possible in a location approved by the Board Engineer.

Motion of DeAngelis, seconded by Smith to approve Application PB#2007-16 with the conditions as stated.

Upon roll call the Board voted as follows:

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

Mayor Muchowski commented that fences are becoming the norm again due to Homeland Security issues.

Chairperson Hamilton-Wood stated the item C under Applications on the agenda, PB#2007-17 for Punam Corporation. This is an application for a retail building at 2037

Rt. 130. The applicant has requested a continuance of this matter until the October 15, 2007 meeting.

Chairperson Hamilton-Wood called for application PB#2007-20 for Whitesell Construction Co., Inc. Applicant is requesting Amended Preliminary and Final Major Site Plan approval and Minor Subdivision approval for property located at 280 Daniels Way (formerly Florence Speculative Building #2) Block 158, Lot 3 (proposed lot 3.01 and 3.02).

Attorney Lynn McDougall stated that the applicant is here for subdivision of Lot 3 into proposed lot 3.01 and 3.02. Attorney McDougall stated that after review of the professional's reports earlier today she had provided the engineer and the planner with a copy of the parking easement for the adjacent lot in Burlington Township (1.15) as well as a copy of the prior approvals granted by Burlington Township.

Solicitor Abbott stated that she had not received a copy of this from Attorney McDougall. Mayor Muchowski asked Attorney McDougall if there was a reason why this information had not been faxed to Solicitor Abbott. Attorney McDougall answered that she was responding to the review letters from the planner and the engineer so she submitted the information to them.

Solicitor Abbott reminded Mr. Huettl and Mr. Pagenkopf that they were still sworn in.

Mr. Pagenkopf stated that he had 2 display boards. The left side display showed the overall master plan for the Haines Center. 280 Daniels Way is shown as the dark building. Whitesell now has a tenant for this space called Aptuit. This tenant had some additional requirements that necessitated the amended application. The right hand display is a rendered copy of the site plan sheet site C100.

The site is located in the GM General Manufacturing zone. The existing use was a vacant warehouse. The proposed use is an office, warehouse and manufacturing. Aptuit will receive drugs in bulk. They will break down the drugs and have testing conducted. They will report on the testing, repackage the drugs and then send them back to the parent pharmaceutical company.

The area is a 23.387 acres site. The existing building complies with all the local setbacks. Mr. Pagenkopf put up a display of the Minor Subdivision plan prepared by Wallace and Associates, for Block 158, Lot 3. The proposed subdivision line, which follows the existing lease line for the tenant on 1100 John Galt Way, to the east of 280 Daniels Way, creates the need for a variance for the bulk building coverage of 40.86% versus the maximum permitted of 40%. A variance will also be required for pavement setback. The property line goes over a couple driveways so the applicant is seeking 0' where 20' is required.

The existing building has a shipping office on the north side of the building. This office is 5,235 square feet. The existing warehouse space is 411,100 square feet. The total building is 416,336 square feet.

Mr. Pagenkopf stated that on the southwest corner of the building there would be some lab space built in where they will package and process some of the drugs. This area is approximately 30,000 square feet. This would be interior space modification. There may be some windows put into the walls in that space. This would be the only modification to the exterior of the site.

The proposed building data will be the same 5,235 square feet shipping office on the north wall, the new 30,000 square feet manufacturing space and a warehouse space of 381,100 square feet for the same total 416,336 square feet.

Mr. Pagenkopf stated that there were 51 existing parking spaces on the northwest corner of the site between the existing shipping office and Daniels Way.

Engineer Guzzi stated that the Board needed to consider completeness before they move into the substantive issues.

Mr. Pagenkopf stated that in Engineer Guzzi's letter dated September 13, 2007 there were several completeness items listed. The first is the Environmental Impact Study (EIS). There will be no impact to the environment other that some expanded asphalt. There is a driveway from John Galt Way south of Daniels Way coming across and the area on the south sided area that is darker shaded on the plan is the expanded paving area. The existing asphalt is light gray on the plan. There will be a little bit of additional asphalt in the southwest corner. This is to satisfy the additional parking on the south side. While there is some additional impervious they did not think it was enough to warrant a new EIS.

They will provide the additional information that was requested regarding the wetlands delineation. The proposed use was provided so no waiver is requested. The applicant will comply with providing the location of the existing utilities on the plan. No waiver is requested. The drainage area map will be provided. No waiver will be requested. Engineer Guzzi stated that the additional information had been received on Friday. He said that he had taken a look at it and he is comfortable on moving forward for that item based on the information that was provided.

Mr. Pagenkopf stated that there would be no disturbance of any vegetation as a part of this application. A note will be added to the plan.

Mr. Pagenkopf stated that a waiver was requested for curbing in specific locations. Engineer Guzzi stated that this was just for the curb and gutter elevations. The application indicated that this was not applicable. Mr. Pagenkopf stated that they would provide the spot elevations as a condition of approval.

A waiver is requested of the location and identification of existing vegetation along Bustleton Creek.

Member Smith asked if there was any issue with the fact the proposed driveway is on another lot. Engineer Guzzi stated that there would have to be an easement as well as an easement on the drive in the rear.

Mr. Pagenkopf displayed a copy of the approved site plan for Florence Spec Building #2. There is an area designated on the prior approval for waste containment. This is the area in which the recycling center and trash dumpster will be located. No waiver is requested for the recycling center.

Mr. Pagenkopf stated that this is a very small trucking operation as far as shipping and receiving. There will be daily deliveries of FedEx/UPS 40' box truck. There may be 3-5 tractor-trailers accessing the site per week. The shipping will occur on the northern side. The south side of the site will be used for parking for employees.

Mr. Pagenkopf stated that a waiver was requested from providing the expected noise, glare, vibration, heat, odor, etc. Other than the limited truck activities all other activities will be inside the building. The Municipal Services and Utilities Impact Statement was prepared for the Haines Center. This application is consistent with that Municipal Impact Statement so a waiver is requested.

Engineer Guzzi stated that he thinks that the applicant has agreed to provide the necessary information.

Motion of Ryan, seconded by DeAngelis to deem this application complete.

Upon roll call the Board voted as follows;

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

Mayor Muchowski said that this was a situation where the applicant was building a spec building not knowing the type of parking that would be required whether it would be more truck parking or private passenger parking. In this configuration there would be more private passenger than loading docks. The applicant had stated that they had amended some of the parking. He asked what had changed from the original.

Mr. Pagenkopf stated that typically Whitesell has a cross dock warehouse where things are received on one side, stored in racks internally and then shipped on the other side. This tenant is not the typical Whitesell tenant. Their shipping and receiving will occur on the north side of the building. In order to accommodate the employees they have converted the south loading dock to a parking lot of 250 spaces. In order to satisfy the tenant's need for 350 spaces, Whitesell had to expand the asphalt on the southwest corner

of the site. A new driveway is being built out to John Galt Way for employees to utilize. Truck traffic will continue up John Galt Way make a left onto Daniels and then into the shipping/receiving area. He stated that they do not anticipate truck traffic for the tenant Aptuit along the new driveway.

Mayor Muchowski asked if the building configurations were the same as they had been designed except for the proposed subdivision line and driveway. Mr. Pagenkopf stated that the driveway between the buildings already exists. The subdivision line is new. Traffic patterns for 1100 John Galt Way will be the same. They don't use this driveway.

Mr. Pagenkopf stated that on the plan there is a dashed line that runs south of the fire lane, south of the parking area and north of the line that is labeled wetlands buffer. This line was noted on the prior approval as a limit of pavement. So the drainage facilities, basin, inlets, and pipes were all sized for a much larger area. The infrastructure exists to accommodate an even larger area of pavement if necessary.

Mayor Muchowski asked what had previously been located in the newly proposed driveway area? Mr. Pagenkopf stated that this was a buffer area but Whitesell had anticipated that there might be a need for this driveway and considered the drainage in the original stormwater calculations for 1100 John Galt Way and 280 Daniels Way.

Mr. Pagenkopf stated that in Engineer Guzzi's letter dated September 13, 2007 there are a number of items regarding variances and waivers. Many of the waivers were previously approved. There are a few that are amended.

Engineer Guzzi asked Mr. Pagenkopf to go over the variances and waivers items A through L. Item A is a waiver for front pavement setback of 30' where 75' is required for parking. This parking is existing. Item B to permit parking within 75' of a street line. This parking is existing. Item C. is a variance to permit 301 parking spaces where 437 spaces are required.

Chairperson Hamilton-Wood asked what the total parking spaces provided were now. Does the 301 include the banked parking? Mr. Pagenkopf answered that with the banked parking there would be 383 parking spaces where 450 spaces are required. 383 spaces equal 85% of the required parking. This is greater than the 75% mentioned in ordinance as a benchmark for relief.

Engineer Guzzi stated that this is different than what was submitted on the plans. Mr. Pagenkopf stated that what was submitted was for office and warehouse. When they looked at the actual use required by the tenant they discovered that there was a manufacturing element. Mr. Pagenkopf stated that he wanted to present to the Board that square footage and parking requirement. Engineer Guzzi stated that this was different than what was submitted with the application. Mr. Pagenkopf stated that a variance was still required.

Mayor Muchowski asked if they would be meeting the parking requirement with the addition of the banked parking? Mr. Pagenkopf stated that without the banked parking they have 301 spaces. This is maybe in the high 60's as a percentage of the site. The ordinance states that the requirements are subject to adjustment according to projected number of on site employees. The tenant, Aptuit, has asked Whitesell to provide for 260 employees over 3 shifts. There are 120 employees on the first shift (7:00 a.m. to 3:00 p.m.), 120 employees on the second shift (3:00 p.m. and 12:00 a.m.) and 20 employees on the third shift (12:00 a.m. to 7:00 a.m.). The tenant has asked Whites to provide 301 spaces. There are 51 spaces on the north for shipping and receiving employees and 250 spaces to the south for the other employees. With the shifts, there will be some overlap, but typically with 120 employees per shift 301 parking spaces is more than adequate.

Mayor Muchowski asked where the banked spaces were located. Mr. Pagenkopf indicated that the banked spaces were located in Burlington Township that was approved as part of the Florence spec building #2 plan. Mayor Muchowski said that Mr. Pagenkopf had testified that the buffer line goes to the dotted line to the south. There is the ability to expand that parking lot to accommodate the requirement. Mr. Pagenkopf agreed that this could be done. There is probably room on the site for another 270 future parking spaces but that is not part of this application. They are proposing the 301 spaces. The 51 that exist outside the shipping office and the 250 to the south and leave the Burlington Township banked parking as an approved allotment that they could build should the tenant need it. Mayor Muchowski why, if they have the space and the ability to meet the requirement, don't they adjust the parking proposal to meet the requirement? Mr. Pagenkopf stated that on a revised set of plans they would show additional banked parking to meet the parking requirement.

Mr. Pagenkopf moved on to Item D, a variance is requested for 34 truck loading stalls, 13'4" wide, in lieu of the required 60, 15' wide loading stalls. This tenant requires a smaller shipping and receiving area. The loading docks will be maintained on the north side. There are 34 overhead doors with loading docks, which occur on the north phase. There is a drive in door between the loading doors and the office. There is a second drive up door, which will remain, on the south side and there are 2 overhead doors on the east side along the lane, so there are 37 loading doors where material could be loaded. They could add a banked area of additional loading docks to the east side to satisfy the required 52 loading stalls. Mr. Pagenkopf stated that they don't need these additional loading spaces but they would be able to accommodate these as necessary.

Engineer Guzzi said that he would prefer to not guess as to what would be appropriate for the next tenant that comes along. Mayor Muchowski stated that it would be better to wait until the tenant changes and then make adjustments based on their needs.

Mr. Pagenkopf moved onto Item E, which is the request for a variance to modify the size of the truck loading space to 12' x 53' from the required 15' x 40' space. These spaces exist and were previously approved. Under Item F a new variance is required for signage. Mr. Pagenkopf stated for 280 Daniels Way there is a building mounted address sign. There is one sign on the right side of the western most driveway, which also says

280 Daniels Way. On the right side of the driveway that splits 280 Daniels Way and 1100 John Galt Way there is a sign for 1100 John Galt. On the southern driveway for 1100 John Galt Way there is a monument sign for 1100 John Galt Way. Currently for both buildings on one lot there are 3 monument signs. The proposal is to subdivide the lot and continue to have one monument sign for trucking activity on Daniels Way. This sign already exists and will remain. There is a proposal for a new monument sign along the driveway for Aptuit, which would give 3 monument signs on 1100 John Galt Way.

Mayor Muchowski asked if trucks entering 1100 John Galt Way used this driveway? Mr. Pagenkopf stated that currently there is a fence for Home Depot that leases the right side. There is no tenant currently for the left side. Once the left side is leased truck activity for the left side will come down Daniels Way into the driveway between the 2 buildings and then turn east into that area. That sign will be needed to identify the tenant for that site. Mayor Muchowski stated that this is more reason to have the monument sign to help direct the private passenger traffic appropriately into the parking lot of 280 Daniels Way. Mr. Pagenkopf stated that they would like to not commingle those employee car stalls with the truck traffic, which is one of the main reasons why they want to incorporate the new driveway. The sign for the new driveway will be for Aptuit to bring their cars only in that way. The truck traffic will still come up Daniels Way and enter the north side of the site so the monument sign on Daniels Way is still necessary to direct truck traffic.

Planner Hintz stated that this would be appropriate signage for the sites. There would be 4 signs on one lot, one building mounted and 3 monument type signs. Mr. Pagenkopf stated that there is an 1100 John Galt Way address sign plus a Home Depot building mounted sign that was previously approved. Engineer Guzzi stated that a sign variance would be required for both lots. There would be 2 signs for 280 Daniels Way.

Mr. Pagenkopf moved on to Item G, which was a variance to permit 2 freestanding signs at a height of 7'. Mr. Pagenkopf stated that actually they are requesting one new freestanding sign at a height of 7' to match the existing signs that are 7' tall. Mayor Muchowski stated that this was consistent with what the Board has approved throughout the Haines Center.

Mr. Pagenkopf stated that Item H was a new variance for maximum building coverage on Lot 3.02 the 280 Daniels Way lot by .86%. Whitesell has existing leases and mortgages for Lot 3.01 and the subdivision line echoes those conditions. The building coverage for Lot 3.01 is 34%. The trade off of coverage is created by the location of the line.

Mr. Pagenkopf stated that with regards to Item I there is a previously existing approval as well as a new amendment which is to permit wheel stops in lieu of curbing along the perimeter of the proposed southeast auto parking areas. They have been trying to be consistent with prior testimony from Whitesell as to where curbing is used to control traffic flows. Curbing is proposed along the driveway from John Galt Way up to where the curves occur to control traffic. Along the straight run south of 1100 John Galt Way on the north side where runoff is not an issue will be curbed. It will be curbed between the driveway and the loading area of 1100. Curbing is not proposed on the straight run

on the south side in order to promote sheet flow, not to concentrate the water, and to encourage infiltration of the surface water. Where the street curves again close to the existing loading area that is being converted to parking both sides are curbed to control traffic. Along the edge of the existing loading dock that is being converted to parking is not curbed and there is no plan to curb this. The area along the southwest corner that could be expanded will not be curbed to promote surface flow. A waiver for curb is requested for these locations.

Mayor Muchowski asked where this water flow goes. Mr. Pagenkopf said that in small storms the flow would concentrate into the lawn. In larger storms it will concentrate into the pipes and flow into the basin system. There is storm pipe in the existing asphalt area that leads into the basin system. In some areas sheet flow will be encouraged.

Member Morris asked about the lighting for the driveway. Mr. Pagenkopf stated that there is a landscape and lighting plan, which shows where the lighting is proposed. There are a few lights in the center that will provide ample lighting. They are proposing new lights along John Galt Way and a new light in the area between 1100 John Galt Way and 280 Daniels Way to provide lighting on the driveway. The proposed lighting will meet the ordinance requirement.

Mr. Pagenkopf stated that Item J was a request for a design waiver to allow 9' x 20' parking spaces where 10' x 20'were required. He stated that there are existing spaces that were previously approved that are 9' x 20' and they would like to stripe the new area as 9' x 20' also. This will help to minimize the impervious area and the runoff. Item K is a design waiver that was previously approved to permit off street loading and maneuvering areas within the front yard as an existing condition on the north side of 280 Daniels Way proposed Lot 3.02. The last requested design waiver is also a previously approved waiver to permit automobile and trailer parking spaces within a 75' buffer area.

Mr. Pagenkopf stated that the intended use of this site is consistent with the traffic impact study that was conducted on March 23, 2004.

Mr. Pagenkopf stated that in regards to the remainder of Engineer Guzzi's report the bulk table would be revised as requested. The banked parking has been discussed. The plan will be revised to provide the parking space count. Sign details will be provided. The minor subdivision will be filed by plat. Details will be provided for spot elevations. There won't be a flared end section or headwall but a capped detail will be provided. Inverts will be provided as requested. There will be no need for details of stabilization because no stormwater will be discharged from those pipes. The depressed curb detail will be provided. The striping detail will be provided. The survey and minor subdivision plans will be updated to include the total frontage of proposed Lot 3.01. The discrepancies between the 2 plans will be cleaned up. The plan will be revised regarding the private right of way. The applicant will comply with the other agency approvals.

Mr. Pagenkopf said that he would move onto Planner Hintz's review letter dated September 12, 2007.

Planner Hintz stated that most of the items had been covered in the Engineer's review. Mr. Pagenkopf said that Item 4.1-4 regarding 2 locations for handicap parking. They satisfy the ADA by providing the 6 existing handicap spaces by the office and the balance of the handicap spaces along the south side of the building. The Florence Township ordinance requires that the handicap parking be clumped together. Engineer Guzzi stated that where there are 2 different parking lots the ADA requires that there be handicap spaces at each parking area. Member Smith asked if a truck could maneuver in this driveway. Mr. Pagenkopf stated that he did not know. He would have this looked at and if a truck could not maneuver the plan will be modified.

Mr. Pagenkopf stated that they would comply with the landscaping and lighting requests that were outlined in Item 4.2- 1 and 2.

Planner Hintz stated that he suggested moving the lot line to reduce the building coverage on proposed Lot 3.02 but he understands that this is not possible due to the signed lease with Home Depot.

Chairperson Hamilton-Wood asked if Solicitor Abbott had a chance to review the parking easement. The Board is counting on this easement to provide the banked parking. Solicitor Abbott stated that it could be made a condition of approval that she reviews this. Attorney McDougall stated that she would be more than happy to provide Solicitor Abbott with a copy of the easement, but she knew that this had been previously submitted with the other applications and was reviewed at that time. She stated that it was not her intention to neglect Solicitor Abbott by not supplying it to her. She stated that in addition to submitting this to the Board Planner and Board Engineer, it was also submitted to the Board Clerk so it is part of the file.

Engineer Guzzi stated that he is satisfied with the testimony that the applicant has agreed to comply with the items listed in his report.

Member Smith asked about the runoff issue. Engineer Guzzi said that he had just received the additional information on the stormwater and he would review it and make sure that it meets all the specifications of the stormwater management plan.

Chairperson Hamilton-Wood stated that Fire Official, Kevin Mullen was in attendance. She stated that Mr. Mullen had indicated in his report that there were no issues. She asked if the fact that the proposed tenant would be manufacturing on the site would cause any concern. Mr. Mullen answered that it would not.

Mayor Muchowski said that under the landscaping plans, Planner Hintz had requested some additional landscaping. Mr. Pagenkopf stated that he had agreed to comply with both the landscaping and lighting and they will provide the 11 additional trees in a location that is satisfactory to the planner.

Motion of Smith seconded by DeAngelis to open the meeting to the public. Motion unanimously approved by all members present.

Thomas Layou, Florence Township Construction Code Official was sworn in by Solicitor Abbott. He said that if the tenant wants to take away a couple of loading docks and install a mechanized dumpster would this require Board approval? Solicitor Abbott stated that an application before the Board would be required because a variance would be involved. The tenant would be the applicant with the approval of the owner or the owner could be the applicant. Solicitor Abbott stated that the tenant would not be able to operate or use the building without approval.

Mr. Pagenkopf said that there is one loading dock to the east side of the existing drive up door that has been designated for the dumpster to be located. The loading dock to the right side of that is where the recycling is going to occur. Right now they are 15' away from the building. Mr. Pagenkopf stated that in the situation that Mr. Layou is referring to for 1100 John Galt Way Whitesell is going to come in as a landlord with Home Depot and make application for sprinklers for those compactors that are attached to the building. If Whitesell can convince Aptuit to do a similar condition they would come to the Board for approval to connect those compactors to the building. Today those 2 loading docks are the areas that they are anticipating the 30 yard dumpster for trash and the recycling dumpster.

Engineer Guzzi asked how many loading docks were proposed? Mr. Pagenkopf stated that there would be 33 loading dock doors and 4 drive-in doors. 2 of the dock doors would be used for trash and recycling, this will leave 31 dock doors. Mr. Pagenkopf stated that this meets the needs of the tenant. There are 31 areas that will be designated as loading docks. Mr. Pagenkopf stated that they could meet the ordinance for loading if necessary at a later date. If a future tenant needed additional loading docks Whitesell would submit an amended application.

Motion of DeAngelis, seconded by Smith to close the public hearing. Motion unanimously approved by all members present.

Motion by Smith, seconded by Ryan to approve Application PB#2007-20.

Upon roll call the Board voted as follows:

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

Chairperson Hamilton-Wood announced again that Application PB#2007-17 for Punam Corporation would not be heard tonight. This application had been continued by the applicant and will be scheduled for hearing on October 15, 2007.

The Board took a short recess. The Board returned to the regular order of business

Chairperson Hamilton-Wood called for application PB#2007-18 for Peregrine Partners, LP. Applicant is requesting Minor Site Plan approval with bulk variances for property located at 2037 Route 130, Block 159, Lot 4.02. She stated that this application would be heard for completeness only at this hearing.

Robert L. Sexton, attorney for the applicant, stated that the subject property was the former Travia site that sits between 84 Lumber to the north and Space Craft Enterprises and Bung's Tavern to the south. Attorney Sexton stated that the owner of Bung's, Mr. Hiros was in attendance.

Attorney Sexton said that Frank Natoli and his brother presently operate the subject fence business. They have a warehouse in Hamilton Township. They fabricate custom vinyl fence. They do not primarily sell to retail customers. The bulk of the business is wholesale through builders. Occasionally there is an individual customer who comes through a builder and wishes to see samples of the fencing. The applicant would like to utilize the site to receive the raw material, fabricate the fence and then have a small display area on site.

Attorney Sexton stated that currently there is a garage towards the front of the property. The concrete pad that surrounded the garage has been removed. There is an empty residential structure at the rear of the property. The owner may want to utilize this residential structure for limited office purposes for this business.

The applicant was also proposing to build a new structure which was a 1,000 square foot enclosed shed located immediately behind the existing garage building. This shed would be used for storage of product.

Attorney Sexton said that the applicant is aware that the property has areas, which have watercourses. It was brought to their attention today that they might have issue with a flood plain. This is due to the fact that the railroad track is to the back and there is a culvert that goes through the railroad track and the area fans out as a flood plain. This area encompasses part of 84 Lumber, part of Bung's, Space Craft and the subject property. He stated that they did not know what the New Jersey Department of Environmental Protection would allow in terms of building a new structure. With this in mind the applicant is going to withdraw that portion of the application, which is seeking the approval to build the new structure. The applicant is going to go the NJDEP and see if they would allow it. If NJDEP would allow a new building the applicant would come back before the Board with an application for a storage building.

Attorney Sexton stated that the applicant is seeking a ruling of completeness at this meeting.

Mayor Muchowski asked why if the applicant wants the 20' x 50' storage shed wouldn't you make that subject to the outside agency approvals rather than coming back to the Board at a later date. Attorney Sexton stated that he did not believe that the statute would

allow them to get the certificate of occupancy for the use of the structure without the approval.

Solicitor Abbott stated that if the application was approved subject to the outside agency approvals then the applicant couldn't start construction until they got all the outside approvals. Engineer Guzzi stated that if the was a major site plan then it could be phased.

Attorney Sexton stated that they are asking for a ruling on completeness. The applicant's engineer is in attendance if there are any questions regarding the plan. They are asking for a variance to permit outside display.

Frank Natoli, 17 Silvers Lane, Plainsboro, NJ was sworn in by Solicitor Abbott. Mr. Natoli stated that Perigrine Partners is a partnership between Mr. Natoli and his brother Joe. They own 2 properties: the warehouse in Hamilton Township and the building that they purchased in Florence.

Mr. Natoli stated that the fence business was conducted under the name of RainbowFence.com. This is a fabrication business. They bring in PVC and fabricate fence on site.

Attorney Sexton asked about the proposed display area. Mr. Natoli stated that the perimeter would be 4' tall white picket fence. This would extend 30' out along the side of the building and a little less than 60' along the depth of the building. Along the back there would be a 6' tall privacy fence. This privacy fence would also shield the dumpster area. Within this area there would be sections of different styles of fences displayed.

Chairperson Hamilton-Wood thanked Mr. Natoli and said that the Board needs to resolve the completeness issues.

Attorney Sexton said that there is the area where the display fences are proposed and then as part of this revised application they will be asking for permission to have some outside storage in the area where they were previously proposing for the enclosed shed. This would be outside storage screened with landscaping.

Engineer Guzzi referred to his September 10, 2007 report. He stated that the applicant had requested a submission waiver of the preliminary delineation of wetlands. He stated that because there is a stream that runs along the side of the property there at the least needs to be a statement that there are no wetlands or possibly an LOI or NJDEP approval might be required. Certainly if the applicant is not doing any construction this is less of a concern, but it would be appropriate to have something regarding the wetlands, stream encroachment and the floodplain. He said that these items could be addressed in the revised plan.

Engineer Guzzi stated that any trees that are going to be removed should be noted on the plan. The Soil and Sediment Control plan will not be required as long as the disturbance is less than 5,000 square feet. He said that there was no problem with the requested

submission waiver for the proposed utility layout on the plan since no new utilities are proposed. There is no objection to the waiver for the drainage area map since there are no stormwater management facilities planned.

Engineer Guzzi stated that the flood plain should be indicated on the plan. Based on the limited scope of the site work there is no objection to the requested waiver for the soil test borings. The plan of the property was provided using a prior survey so a waiver is required for a survey. The applicant should indicate that the site plan is accurate.

John Schweippenheiser, III, Hax Engineering, was sworn in by Solicitor Abbott. Mr. Schweippenheiser stated that his firm prepared the original site survey for the site plan that was previously approved. That identical base map was used and updated for this plan. He stated that the survey is accurate.

The applicant has also requested a waiver on the requirement of the Zoning Officer's certificate.

Member Morris asked that a note be added to the plan indicating the date that the survey was performed and by whom. Mr. Schweippenheiser agreed to provide this.

Mayor Muchowski stated that a few years ago the Board had a very similar application for Bradley Fence. He asked Board Clerk Erlston to provide a copy of the resolution for this application to the Board members.

Chairperson Hamilton-Wood asked for a motion to deem the application complete with the submission waivers as requested and as set forth by Engineer Guzzi.

Mayor Muchowski asked if there was a condition on any approval does it apply to the entire approval? If Mr. Natoli wanted to utilize the front building and had a master plan for the site for the 1,000 square feet. If the Board were comfortable with everything except that there was a procedural issue with a flood plain would the Board be able to approve this? Engineer Guzzi stated that they could not get their CO to occupy that particular use. Mayor Muchowski asked if this would apply even if the Board conditioned the application to just this one improvement. He stated that this seems like a difficult hurdle for someone when the site meets all the requirements except this.

Solicitor Abbott stated that Major Site Plan applications could be phased; there is provision in the land use law to allow this. The law has no provision for minor site plan phasing.

Attorney Sexton asked if they could get a CO to occupy the existing building. Florence Township Construction Code Official Thomas Layou stated that they could get a CO for the existing building, But the couldn't get building permits for the second building without the DEP approval.

Solicitor Abbott said that she would like to talk about what is involved in getting the NJDEP approval. Mr. Schweippenheiser said that this property, 84 Lumber immediately to the north and a large part of the property immediately to the south are all located within a flood zone. On paper the FIRM maps indicate that all those properties would technically flood in a 100 year storm. Any development that would be proposed in any of these areas would fall today under the stream encroachment regulations for NJDEP. This allows certain development in a flood plain provided that you meet 20% net fill, if you dig a little out here you have to put it back here. The rules are currently changing and are supposed to be adopted within the next few weeks. The current stream encroachment rules as they are written today are being totally revamped. Mr. Schweippenheiser is unsure as to whether this would be a permitted use. They think that it is, but they would have to have a pre-application meeting with NJDEP to confirm this. He stated that he could have a conversation with someone before the next meeting.

Solicitor Abbott said that the applicant needn't withdraw the application for the shed at this meeting. This could be done at a later date.

Attorney Sexton stated that they would like to keep the request for the shed on the application. Engineer Guzzi stated that the wetlands/stream encroachment/floodplain issues needed to be addressed. Soil erosion will have to be submitted if the shed is more the 5,000 square feet. There would have to be testimony regarding the stormwater runoff from the shed. Attorney Sexton agreed with this.

Motion of Muchowski, seconded by Smith to deem the application complete and grant the submission waivers with conditions as set forth by Mr. Guzzi.

Upon roll call the Board voted as follows:

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

Attorney Sexton stated that the applicant had agreed to waive the time limit for Board action.

Motion of Muchowski, seconded by Smith to continue the application.

Upon roll call the Board voted as follows:

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

Mayor Muchowski asked for a copy of the flood maps because there have been other applications along the Route 130 area.

Mayor Muchowski asked if it would be appropriate to open this to public comment on this application. Solicitor Abbott stated that the application has been deemed complete however public comment is generally not permitted until the applicant has given all his testimony and this would not be done until the public hearing is opened at the next meeting.

Mayor Muchowski stated that Mr. Hiros could wait until the general public comment section of the agenda and speak then. Mr. Hiros stated that he had quite a lot to say. Solicitor Abbott cautioned Mr. Hiros that any public comment that is given prior to the application being heard on its merits would not be considered as testimony either for or against the application. Mr. Hiros stated that he did not understand why he was given notice. Solicitor Abbott stated that in order for the Board to have jurisdiction to start the hearing process the applicant must give notice. Frequently applications are continued.

Chairperson Hamilton-Wood stated that the only thing that was accomplished tonight was that the application was deemed complete and would be on the agenda for public hearing on October 15, 2007. Revised plans will be on file at the Clerk's office 10 days prior to the next meeting.

Chairperson Hamilton-Wood called for PB#2007-19 for Frank Scamporino. Applicant is requesting Reaffirmation of Preliminary and Final Major Subdivision approval for property located at Route 130 south and Harkins Drive, Block 159, Lot 5.02.

Attorney Robert Sexton stated that this application had been heard last year. One of the approvals that had been granted was the subdivision approval. The subdivision was to be perfected by way of a deed filing. Attorney Sexton stated that they were not able to perfect the preparation of the deed and the filing of the deed within the required time period. One of the reasons for this was that after the approvals were given the applicant actually closed the title on the property to purchase the property.

Attorney Sexton stated that he is asking the Board to reaffirm the minor subdivision approval. He stated that nothing has been changed from the original approval. If the Board grants this he would then prepare the deed and submit it for approval.

Solicitor Abbott stated that the Municipal Land Use Law requires that a Minor Subdivision be filed with the County within 190 days from the approval. There is a provision for an extension of that period but only on the basis that there were other agency approvals that were unable to be attained. Since it can't be extended the applicant is asking for the minor subdivision to be reaffirmed.

Motion of Smith, seconded by Ryan to approve Application PB#2007-19.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Muchowski, Ryan, Smith, Morris, Hamilton-Wood
NOES: None

ABSENT: Fratinardo, O'Hara

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

Chairperson Hamilton-Wood stated that there would be no Master Plan review at this time.

Motion of DeAngelis, seconded by Smith to adjourn the meeting at 9:57 p.m.

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John T. Smith, Secretary

JTS/ne