

Florence, New Jersey 08518-2323
September 18, 2006

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Acting Chairman John Fratinardo called the meeting to order at 7:39 P.M. followed by a salute to the flag.

Acting Chairman Fratinardo 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."

The roll call was taken by Acting Secretary Thomas Napolitan. Upon roll call the following members were found to be present:

Councilman John Fratinardo	Gene DeAngelis
Mayor Michael J. Muchowski	Sean Ryan
Thomas Napolitan	

ABSENT: Mildred Hamilton-Wood
Dennis A. O'Hara
John T. Smith
Philip F. Stockhaus III

ALSO PRESENT: Solicitor Nancy T. Abbott
Engineer Dante Guzzi
Planner Lisa Specca (substitute for Carl Hintz)

RESOLUTIONS

Resolution PB-2006-42 Granting Preliminary and Final Major Subdivision approval to Whitesell Construction Company, Inc., for Block 158, Lots 1, 2, & 3.

Solicitor Abbott advised the Board that there were 2 minor changes on the resolution. She stated that on page 3 condition # 6 makes reference to paragraph 4 and 5 on the Board Engineer's report – they are deleting paragraph 5 regarding the submission of the water and sewer agreement. Solicitor Abbott stated that she had spoken to Township Administrator Richard Brook and he said that was not required.

She stated that there was a typo on the certification date. The date was changed to September 18, 2006.

Motion of DeAngelis, seconded by Napolitan to approve resolution PB-2006-42 with the minor changes as outlined by Solicitor Abbott.

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Upon roll call the Board voted as follows:

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

Resolution PB-2006-43
Granting Preliminary and Final Major Site plan approval with variances and design standard waivers to Whitesell Construction Co., Inc. for Block 158, Lot 2 (Phase 1).

Solicitor Abbott stated that there were a number of changes to this resolution. Whitesell's attorney, Lynn McDougall asked if the Board had the copy of the resolution that had been revised and provided to her this morning? Solicitor Abbott stated that the Board did not have the revised resolution. She stated that she would go through the changes that had been discussed earlier and if Ms. McDougall had anything further to add she could do so.

Solicitor Abbott said on page 2 regarding the documents that the applicant has submitted there will be added #10 the memorandum from Jennifer Marx, PE, the applicant's engineer, to Dan Guzzi, PE, Board Engineer dated August 15, 2006 regarding building height calculation.

Solicitor Abbott said that the first variance for building height would be revised from 82 ½ feet to 81' 13/16". Attorney McDougall stated that exact measurement of the height matters because it is the difference between a "c" variance and a "d" variance.

Solicitor Abbott stated that regarding the design standard waivers there would be 2 additions. Section 91-49L to waive any survey of trees greater than 6" in diameter. Section 91-90A to allow a landscaping plan prepared by a licensed engineer with the involvement of a licensed landscape architect. Section 91-117 after the word building there is text added that says along the front and rear of the warehouse.

Solicitor Abbott said that in section headed "Findings of Fact" #1 should read owned by Haines Center-Florence LLC. #3 after the name of Mr. Cureton after AIA there should be PP for professional planner. Exhibit A2 has been amended to read a color rendering of the May site plan. Paragraph 4C it is not over seas boxes it is oversized boxes. Paragraph 4D a sentence is added to say the operation may increase to 3 shifts 7 days a week particular during holiday season.

Mayor Muchowski asked what an over sized box was. Solicitor Abbott said that she did not know, the minutes reflected that they were over seas boxes. Terrance Huettl from Whitesell stated that it was an over seas box – a shipping container. This was a miscommunication.

Solicitor Abbott referred to item 4E a sentence is added to say dense landscaping is also proposed for 15' from the side property line. Under #4 there is a new paragraph G stating that the proposed building will be slightly under 82 ½ feet in height in order to provide for the user's operational needs. The size of the parcel can easily accommodate a building of this height. The property is surrounded by other Haines Center warehouse properties, so the proposed building will not be inconsistent with the character of the surrounding area. Mayor Muchowski asked if the height was going to be revised to 81 feet 13/16 inches. Ms. McDougall stated that it was fine to leave it at 82 ½ feet. Mayor Muchowski asked why we would have inconsistency in the resolution. Ms. McDougall stated that the height in the variance table could be changed to less than 82 ½ feet. She stated that she had given Solicitor Abbott the option of using either the exact number or less than 82 ½ feet. If the Board wanted to keep thing consistent that would be acceptable to the applicant. Solicitor Abbott stated that she would amend the variance table to read less than 82 ½ feet.

Solicitor Abbott stated that under #4 there is a new paragraph H that reads, "the proposed 12.5 foot width of the loading area is sufficient to accommodate the trucks at the site and the increased length of 53 feet and the increased aisle width both add to the maneuverability of the vehicles."

Solicitor Abbott stated that under #5 under paragraph D, the second sentence under the word driveway would then conclude, "thus satisfactorily addressing any traffic pattern conflict."

Solicitor Abbott referred to the conditions. She said that on condition 12 the date of August 10, 2006 for the report of the Fire Official should be added. Condition 14 at the end of the paragraph after reference herein they added "with the exception of Item #28."

Mayor Muchowski asked what Item 28 was. Solicitor Abbott stated that this was the requirement that the driveway be one way. Engineer Guzzi stated that this was the drive coming out of the vehicle parking.

Attorney McDougall stated that there were 2 other items that had been in her memo to Solicitor Abbott regarding the drafts of the resolutions. She said that one was very important to the end user of the building. She stated that Rick Cureton had given additional testimony on this during the hearing and that the end user wanted to see this in the resolution. This was a clear statement that their operations could potentially be 24/7. They don't want there to be any perceived restriction on their shifts because of a condition in the resolution. Acting Chairman Fratinardo stated that he thought this was handled in section 4D. Ms. McDougall stated that it had been handled except that it was a little unclear. Mayor Muchowski said that there is no restriction in any Township ordinance against working 24/7. Solicitor Abbott stated that she would delete the words "during holiday season" and change it to read that the operation may increase to 3 shifts, 7 days a week.

Ms McDougall said that the second item was a sentence in condition 6 regarding if the applicant has to come before the Board for future parking expansion. She requests that the sentence would read “ Any and all ordinance provisions that are based on the number of parking spaces, area of parking or impervious coverage shall be as in effect at the time of this approval and calculated taking into consideration Phase 1 and Phase 2 of the development on Block 158, Lot 2.”

Mayor Muchowski asked if it would still come back to the Board. Solicitor Abbott stated that it would come back to the Board. Mayor Muchowski said if Whitesell did the build-out and the needs changed and the banked parking goes into play. Then what happens? Solicitor Abbott stated that they would have to come back to the Board.

Mayor Muchowski asked Ms. McDougall what she was asking the Board to add. She stated that it was just a clarification of the end of that sentence so that it is clear that when it says it is calculated, the method of calculation is based on what is in effect at the time of the approval so that there is no question that there is a change in the protection period or anything else and that it is full build-out of Phase 1 and Phase 2 of the development of Lot 2. Solicitor Abbott stated that the resolution read maximum build-out and what they are asking for was just a clarification that for purposes of this application maximum build-out is Phase 1 and Phase 2 of this building lot so that the Township doesn't try to make Whitesell comply with the entire build-out of the Haines Center.

Solicitor Abbott stated that she thought the language was unnecessary but she doesn't think that it will jeopardize the resolution or the Boards approval. Mayor Muchowski asked that we cross-reference this language so that we don't have to go over this with every application. Solicitor Abbott stated that this is the standard language that has been used for every Whitesell application that dealt with banked parking. She stated that it was her understanding that the tenant for this building requires more clarification than other tenants in other Whitesell buildings have required. Ms. McDougall stated that most of the other applications have been for spec buildings.

Motion of DeAngelis, seconded by Napolitan to approve resolution PB-2006-43 with the changes as previously stated.

Acting Secretary Napolitan stated that only the 3 members were listed on the back of the resolution and were eligible to vote.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Napolitan, Muchowski
 NOES: None
 ABSENT: Hamilton-Wood, O'Hara, Smith, Stockhaus

Mayor Muchowski questioned if Member DeAngelis was not eligible to vote would he be eligible to make the motion. Solicitor Abbott stated that for all the resolutions only the members that voted on the resolution last month were eligible to make the motion and

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vote on the resolutions. The Board went back and revised the motions and votes for resolution PB-2006-42, and PB-2006-43 as follows:

PB-2006-42 motion of Fratinaro, seconded by Napolitan, affirmative votes by Fratinaro, Napolitan, and Muchowski.

PB-2006-43 motion of Napolitan, seconded by Fratinaro, affirmative votes by Fratinaro, Napolitan, and Muchowski.

Resolution PB-2006-44

Granting Preliminary Major Site plan approval with variances and design standard waivers to Whitesell Construction Company, Inc. for Block 158, Lot 2 (Phase 2).

Solicitor Abbott stated that Resolution 44 would have the same amendments as 43. The resolutions are virtually identical except for the sign variance and they are for separate phases.

Motion of Fratinaro, seconded by Napolitan to approve Resolution PB-2006-44 with the amendments as previously stated.

Mayor Muchowski asked if the applicant agreed that the resolutions were virtually identical. Ms. McDougall signaled her agreement.

Upon roll call the Board voted as follows:

YEAS: Muchowski, Fratinaro, Napolitan
NOES: None
ABSENT: Hamilton-Wood, O'Hara, Smith, Stockhaus

Resolution PB-2006-45

Denying without prejudice the application of Whitesell Construction Co., Inc. for a two year extension of the protection period for Final Major Site plan (Phase 1) and a four year extension of the protection period for Preliminary Major Site plan (Phase 2) for Block 158, Lot 2, located in a GM General Manufacturing District.

Solicitor Abbott stated that there was one minor change, in the 4th whereas paragraph after Richard Cureton's name, in addition to AIA add the letters PP.

Motion of Napolitan, seconded by Fratinaro to approve Resolution PB-2006-45 with amendment as noted above.

Upon roll call the Board voted as follows:

YEAS: Muchowski, Fratinaro, Napolitan
NOES: None
ABSENT: Hamilton-Wood, O'Hara, Smith, Stockhaus

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Resolution PB-2006-46

Granting a one year extension of the protection period for Final Major Site plan to Whitesell Construction Co., Inc. for Block 158, Lot 8, located in a GM General Manufacturing District.

Motion of Muchowski, seconded by Fratinardo to approve resolution PB-2006-46.

Upon roll call the Board voted as follows:

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

Resolution PB-2006-47

Continuing the application of Cream-O-Land, Inc. for amended Preliminary and Final Major Site plan approval for Block 155.47, Lots 12.01 and 12.03, located in a GM General Manufacturing District.

Motion of Muchowski, seconded by Fratinardo to approve Resolution PB-2006-47.

Upon roll call the Board voted as follows:

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

Resolution PB-2006-48

Granting submission waivers and deeming complete the application of Joseph Gallina for Preliminary Major Site plan approval with bulk variances for Block 110, Lots 8.01 and 3.01.

Motion of Muchowski, seconded by Fratinardo to approve Resolution PB-2006-48.

Upon roll call the Board voted as follows:

YEAS: Muchowski, Frat, Napolitan
NOES: None
ABSENT: Hamilton-Wood, O'Hara, Smith, Stockhaus

Resolution PB-2006-49

Granting Preliminary Major Site plan approval to Frank Scamporino for construction of a retail center and financial institution on Block 159, Lot 5.02, located in an HC Highway Commercial District.

Solicitor Abbott stated that this resolution would be tabled until next month. She stated that she had spoken with the applicant's attorney Robert Sexton and informed him that she was having computer problems and was not able to complete the application.

Resolution PB-2006-50
Granting amended Preliminary and Final Major Site plan approval to Fine Foods and Spirits, Inc., for a restaurant and bar on Block 165.01, Lot 11.02, located in an HC Highway Commercial District.

Solicitor Abbott stated that this resolution was also tabled until next month and she had spoken with applicant's attorney Edward Petkevis regarding this.

Resolution PB-2006-51 denying without prejudice the application of Fine Foods and Spirits, Inc. for a restaurant and storage area on Block 165.01, Lot 11.02, located in an HC Highway Commercial District.

Motion of Muchowski, seconded by Napolitan to approve Resolution PB-2006-51.

Upon roll call the Board voted as follows:

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

Resolution PB-2006-52
Dismissing without prejudice the application of Robert Foulks for Minor Site plan approval with bulk variances for Block 168, Lot 2.09, located in an AGR Agricultural District.

Motion of Muchowski, seconded by Napolitan to approve Resolution PB-2006-52.

Upon roll call the Board voted as follows:

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

Terrance Huetll from Whitesell apologized for all the revisions to the draft resolutions. He stated that this project is very, very large to Whitesell and to the end user. It was very important for the end user to have some things clarified on the resolutions. He apologized for being picky and thanked the Board for their patience last month and tonight.

MINUTES

Motion of DeAngelis, seconded by Napolitan to approve the Minutes of the regular meeting of August 21, 2006 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

Mayor Muchowski commented on Correspondence B regarding the applications for Farmland Preservation of the Ashmore Farm. He said that this is one of the first applications that has come before the Council that would include a 20% Municipal share match. The Council has asked the Administration to discuss with the County to give us an idea as to what the projection of that obligation would be so that the Council can factor that into the decision making process as to whether we would participate on a Municipal cost share basis on that farm being preserved.

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

Acting Chairman Fratinardo called for Application PB#2006-06 for Frank Scamporino. Applicant is requesting Minor Subdivision and Preliminary and Final Major Site plan approval for construction of a 15,500 square foot retail center and a 2,000 square foot financial institution on property located at Route 130 and Harkins Drive, Block 159, Lot 5.02.

Solicitor Abbott stated for the record that she had a conflict with this application so she was turning the representation of the Board over to David Frank, Esquire. Since the bulk of the application was heard prior to the appointment of Engineer Guzzi as the Board Engineer, Jim McKelvie of Alaimo Associates represented the Board for this application.

Mayor Muchowski asked if all the Board members present would be eligible to vote on the application. Member Ryan was absent at the August meeting. Solicitor Frank stated that the issues to be discussed at this hearing were so intertwined with the discussions from the August meeting that in his opinion it would not be appropriate for Mr. Ryan to vote since he had not listened to the tapes.

Attorney Robert L. Sexton stated that the applicant had appeared before the Board on several occasions. He stated that the plans had been revised per the suggestions of the Board's professional staff. He said that at the August 21, 2006 meeting the Board had granted Preliminary approval of the application.

Attorney Sexton stated that he had received a report from Alaimo Associates and Clarke Caton Hintz and stated that the applicant had satisfied all outstanding issues. He said that there were 3 items that were noted on the planners report.

Attorney Sexton stated the on page 4 of the planner's report there were 2 issues regarding landscaping. One was regarding the need to protect the existing trees on the site during

the construction phase. The other issue was to provide plantings on the pork chop island on the 130 entrance to the site. The applicant agrees to comply with both of these.

Planner Specca stated that it was her understanding that the trees that were recommended to be saved within the parking area particularly two 10" Oaks and one 24" Maple couldn't be protected in a 6' island. She stated that in her opinion these trees should be replaced. She stated that plan was over on the trees in the parking lot, but they would like to see more buffering along Route 130. Planner Specca stated that the replacement trees would have to be 2" caliper trees. Planner Specca stated that the Cherry trees should be removed and replaced. Attorney Sexton stated that the applicant would work with the Board's Planner on the tree replacement issue.

Attorney Sexton stated that on page 5, item 2 of the Planner's report regarding proposal of a 16 square foot façade sign. Attorney Sexton stated that this was incorrect. The sign is not to exceed 12 square feet.

The applicant's engineer Jeffrey Rausch showed the Board an architectural of the rear of the building showing a parapet that will hide any HVCA units on the rear of the building. Member Napolitan asked about the location of any walk in refrigerator boxes. Mr. Scamporino stated that any refrigerator boxes would be located on the inside.

Engineer McKelvie said that prior to filing the deeds and drainage easements would need to be reviewed by the Board Solicitor and Engineer.

Mayor Muchowski asked about the access from Route 130. Mr. Rausch stated that signs would be posted directing incoming traffic to the right. There will be "Do Not Enter" signs to prevent cars from entering the driveway from the wrong direction. There will be a "No Right Hand Turn" sign installed.

Mr. Rausch stated that the 3 spaces along the side of the bank had been removed. One space was moved to in front of the bank and 2 spaces were eliminated. This will insure that there is no pull out action in conflict with cars coming off of Route 130.

Mayor Muchowski stated that the spaces behind the building were still listed as employee only parking. He stated that he thought that this was to be removed. Mr. Scamporino stated that the employee only designation would be removed from the plan.

Mayor Muchowski asked about the buffering between the Land-O-Lakes site to the south and the plaza site. Planner Specca stated that she did not have anything in her records about buffering. Mr. Rausch stated that he could increase the buffering and would work with the Board's planner on this. Mayor Muchowski stated that the area he was referring to was on the Burlington side of the building where the railroad spur is located.

Engineer McKelvie stated that the applicant had testing done for pesticides. It was concluded that the contaminant levels were in a safe range and no further action was necessary. He stated that the analysis of the retaining wall around the storm basin is still

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preliminary, he recommended that as a condition of approval prior to issuance of a building permit signed and sealed calculations be submitted to the Township for approval. Another condition would be the preparation of as-builts for the storm system. Solicitor Frank said that the calculations were already a condition of Preliminary approval and that would carry over.

Mayor Muchowski asked the applicant if he understood his COAH requirement under the Township ordinance. Mr. Scamporino answered that he did understand.

Acting Chairman Fratinaro opened the hearing to public comment. Seeing no one wishing to speak motion was made by DeAngelis and seconded by Napolitan to close the public comment.

Motion of DeAngelis, seconded by Napolitan, to approve application PB#2006-06 with all the conditions that had been discussed previously.

Mayor Muchowski asked if this approval would be affected by the fact that the Board had not yet approved the Preliminary resolution. Solicitor Frank stated that the Board had done a thorough job of reviewing the conditions of the Preliminary approval and the applicant would be bound by those conditions as well as by those of the Final approval.

Upon roll call the Board voted as follows:

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

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

Acting Chairman Fratinaro called for application PB#2006-16 for Joseph Gallina. Applicant is requesting Preliminary Major Site Plan approval with bulk variances for property located at 2107 Route 130 South, Block 110, Lots 3.10 and 8.01.

Solicitor Abbott stated that that a letter had been received from the applicant's attorney requesting that the application be continued until the October 16, 2006 meeting of the Board.

Motion of DeAngelis, seconded by Ryan to continue application PB#2006-16 until October 16, 2006.

Upon roll call the Board voted as follows:

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

Mayor Muchowski stated that on the agenda there were 2 full applications listed as well as a clarification of the railroad crossing at the Boulevard. He asked if there were any objections to going out of order and addressing the issue of the railroad crossing before starting the hearing on the applications. No one signaled an objection.

Edward Penberthy, attorney for Craft Stewart, thanked the Board for deviating from the agenda. Attorney Penberthy stated that he was appearing to give a public notice of a requirement of the DOT to close a railroad crossing at Church Street, which is within 100' of the railroad crossing that had been approved by the Board at Boulevard as part of their application.

Attorney Penberthy stated that the applicant's traffic engineer reported that the impact of closing Church Street would be minimal and it would be better to have the crossing at Boulevard. He said that it was his understanding that the Florence Township police, fire and township officials have reviewed the plan to close Church Street and there are no objections. Attorney Penberthy stated that the crossing at Church Street would be closed after the Boulevard crossing was installed.

Mayor Muchowski stated that during the review process the NJDOT reviewed the crossing at the Boulevard. At that time NJDOT advised the applicant and the Municipality that they would require shutting down the crossing at Church Street in order to approve the proposed crossing at Boulevard. Mayor Muchowski stated that even though the applicant viewed this as a minor change, the Township thought it was appropriate that the affected residents in the area be given the opportunity to come before the Board and address any questions to the applicant. He stated that police, fire, water & sewer and all the potentially affected department heads within the Municipality were given the chance to review this and all were comfortable with the closing.

Solicitor Abbott stated that the applicant gave quite thorough public notice of this hearing. She also stated that Attorney Penberthy had submitted to her an updated traffic report for the area.

Attorney Penberthy stated that the traffic report was from Mr. Shropshire, who had testified before the Board in the original application. The report is addressed to the applicant, Mr. Stewart. Attorney Penberthy read the report into the record as follows:

“Dear Mr. Stewart:

In response to your request, we have prepared this brief summary of the existing traffic utilizing the Church Street at-grade railroad crossing between eastbound and westbound 5th Street. The previously submitted July 29, 2004 traffic engineering assessment indicated that the Church Street railroad crossing is currently being used by 9 vehicles during the weekday AM peak hour and 6 vehicles during the PM peak hour. Updated traffic data was collected at this location in September 2006. The updated data indicated that 2 vehicles utilized the at-grade crossing during the AM peak hour, and one vehicle

used the crossing during the PM peak hour. The updated traffic data is attached for your review.

Based upon the minimal amount of traffic using the Church Street railroad crossing, the relocation of the existing Church Street railroad crossing to Boulevard Street will have no impact on the operations of the area roadway network. In fact, due to the alignment and designs of Boulevard Street and Church Street, the location of the future at-grade railroad crossing at Boulevard Street provides improved traffic conditions on the adjacent roadway network.”

Acting Chairman Fratinardo opened the hearing to public comment. Seeing no one wishing to speak motion was made and seconded to close the public comment. Motion unanimously approved by all members present.

Solicitor Abbott stated that there was no official action required by the Board, this is not an amendment to the site plan. Attorney Penberthy asked the Board to send a letter to Council advising them that no members of the public appeared to speak. The Board directed Board Clerk Erlston to prepare a memo to Administrator Brook for the next Council packet.

Acting Chairman Fratinardo 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.

Mayor Muchowski asked for an explanation as to why the ALBAX application had been switched from the Zoning Board to the Planning Board. Engineer Guzzi said that the applicant had received Use variance approvals from the Zoning Board, but did not proceed to Subdivision approval at that time. The application for major subdivision approval was not received until after the Council had re-zoned the parcel to RA Residential. Solicitor Abbott stated that the Zoning Board lost jurisdiction.

Mayor Muchowski asked if it would have been better for the applicant if Council had not rezoned the parcel. He said that he was assuming that there had been testimony and dialogue given. Engineer Guzzi stated that testimony had been strictly related to the Use variance.

Clifford Halper, attorney for the applicant, stated that they were looking for their plans to be deemed complete. They were asking for a waiver on the requirement of a tree survey. He said that the site is a 2 acre forest. The applicant would use common sense in the development of the site. Attorney Halper stated they would like to see as much buffer as possible, but stated that some of the trees are going to be a danger.

Mayor Muchowski asked if the applicant was planning on meeting the tree replacement ordinance?

Attorney Halper introduced the applicant's engineer, Dale Boston. Solicitor Abbott asked that everyone who would be giving testimony be sworn in at one time.

Dale Boston, Boston and Seeberger, professional land surveyor and Benedetto Catarinicchia, C-squared Architecture, licensed architect were sworn in by Solicitor Abbott.

Mr. Boston stated that their plan is to save as many trees as possible. At this time they are asking for a waiver from located trees over 6" calipers. They would submit a footprint of disturbance for each individual lot. This would show which trees would be saved in each lot. They are showing buffers along the rear of the property, the roadway, the railroad tract and along the adjacent lot.

Planner Specca stated that her office has a concern with granting a waiver from identifying the large trees on what is a very heavily wooded site. There probably are some extremely valuable specimens existing. She stated that trees over 6" should be identified between what the applicant is calling a buffer and the rear setback. She said that if there are any real significant trees 20"-30" in diameter be located so that they could be flexible with locating sidewalks and driveways. She stated that she objects to waiving the requirement.

Planner Specca stated that she would like to see all trees over 6" between the existing tree line on the plan and the rear setback. She said that she would like to see trees identified in the area where the houses are going to go and any tree over 20". Planner Specca stated that this does give the applicant some relief from having to go out and survey every tree on this 2 acre wood.

Mayor Muchowski said that he knew the Board was only considering the application for completeness at this stage, but said that of the 7 lots proposed- 6 would require variances. He asked why the applicant thought that the Board would grant variances for all but one of the lots.

Engineer Guzzi stated that based on the ordinance for cul-de-sacs the frontage permitted is 75'. The plan only shows 1 lot (lot 6) as meeting this requirement. The plan shows the other lots with frontages of 37', 40', 41' and 42' for the remaining lots.

Mayor Muchowski said that he doesn't want to go out of sequence in the hearing process, but he doesn't want the applicant to spend a lot of money designing a subdivision plan that is not workable. Attorney Halper stated that the applicant was hoping to get completeness and then they would ask for the variances for the lots. Mayor Muchowski said that 4 of the lots proposed were less than 42'. He said that he has genuine concerns with the applicant trying to fit 7 houses onto a site when they can't meet the minimum residential requirements.

Attorney Halper stated that the way they looked at it was that if they don't get completeness then they couldn't file for the variances. Solicitor Abbott pointed out that

the applicant did file for bulk variances as part of the application. Attorney Halper stated that if completeness were granted tonight then they could move on to Preliminary.

Attorney Halper said the size of the cul-de-sac had been reviewed by the Florence Township Fire Department and approved. Mayor Muchowski stated that the Fire Department reviews a cul-de-sac to make sure that an emergency maneuver can be made. This review is irrelevant to the number of houses that would be permitted in a cul-de-sac.

Mayor Muchowski stated that the application is only being heard for completeness at this time, but he wanted the applicant to understand his position as a Board member. It is highly unusual to propose a development with only 1 out of 7 lots conforming. This is not a typical application.

Attorney Halper stated that it was his understanding that adjustments could be made through the Planning Board. Solicitor Abbott stated that the Planning Board had the authority to grant bulk variances pursuant to subdivision approval.

Engineer Guzzi stated that the purpose of the ordinance was to provide for larger cul-de-sacs with smaller frontage, but otherwise the frontage by ordinance is supposed to match the lot width, which is the 100' width.

Mayor Muchowski stated that the applicant had asked to be heard on completeness tonight so the Board should continue with the hearing for completeness.

Engineer Guzzi stated that his concern with respect to the trees was that with the grading that is proposed for the most part those lots would have to be cleared as shown on the plan. Without knowing where the trees are it would be difficult to know where the grades can be put.

Engineer Guzzi stated that for completeness there would need to be a preliminary determination of wetlands or a letter stating that there are no wetlands based on a preliminary inspection of the site. The tax map sheet number must be added to the plan. He also stated concern with the trees that would be impacted by the development. He said that he is less concerned with the trees on the perimeter of the site that aren't going to be touched, providing that protection can be made for those. He is more concerned with trees located on the individual lots.

Planner Specca concurred with Engineer Guzzi. She stated that she needs to see trees 6" or greater prior to deeming the application complete. The applicant can stake out the road and stake out the setback of where they are proposing their disturbance and just identify the large trees in there. And then mark out the bigger trees around the edge. Then if it turns out that there is a valuable tree on the site then the Board would think carefully as to whether they would allow the applicant to change the grade and clear-cut the site.

Mayor Muchowski asked if the applicant was agreeable to this. Attorney Halper stated that the applicant was agreeable. Mayor Muchowski said that this would allow the applicant to look at the lot configuration also.

Planner Specca stated that she concurred that there needed to be a determination of wetlands or lack of them. Engineer Guzzi stated that all that would be required for completeness in regards to the wetlands would be a letter from the applicant's engineer stating that he had looked at the site and listing whether or not wetlands are present.

Mayor Muchowski asked what would be required for completeness in regards to the tree survey. Planner Specca stated that the site should be staked out and the tree information added to the plan. She also stated that the preliminary wetlands determination would be required.

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

YEAS: Fratinaro, Muchowski, DeAngelis, Ryan, Napolitan

NOES: None

ABSENT: Hamilton-Wood, O'Hara, Smith, Stockhaus

Acting Chairman Fratinaro called for application PB#2006-21 for CBC New Home Building. Applicant is requesting Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan approval with bulk variances for property located off of Burlington-Columbus Road. Block 171.01, Lot 1.01.

Thomas Carter representing CBC New Home Builders addressed the Board. Mayor Muchowski stated that the application indicated that CBC New Home Builders would be represented by Attorney Louis Colaguori. He questioned whether the application could be heard without an attorney present.

Solicitor Abbott asked Mr. Carter if he was an attorney. Mr. Carter stated that he was not an attorney, he was a sole proprietorship. He stated that he was not required to have an attorney. Solicitor Abbott stated that there was an exception to the rule that a corporation must be represented by an attorney. If it is a sole proprietorship there need not be an attorney.

Mayor Muchowski stated that the Board had a letter saying that the applicant would be represented by Attorney Colaguori. Solicitor Abbott stated that she had spoken with Attorney Colaguori. She stated that she had a copy of the Department of Community Affairs application that does show that CBC is a sole proprietorship. Mr. Colaguori will be representing the applicant for purposes of the substantive review of the application. For the issue of completeness the applicant is here with his engineer. Solicitor Abbott stated that the applicant could go through the whole hearing process without an attorney if he so chose.

Mayor Muchowski asked who had completed the application. Mr. Carter stated that he had completed the application. Mayor Muchowski stated that it was unusual for an applicant to be represented by an attorney and then come to the hearing without him. Solicitor Abbott stated that Attorney Colaguori was unable to attend the meeting due to a conflict. Mayor Muchowski stated that his concern is that Mr. Carter may agree to something and Attorney Colaguori may come in at a later time and say the he was not present representing his client and question the agreements. Solicitor Abbott stated that the applicant would be bound by any agreements made at this hearing regardless of the fact that his attorney was not present.

Thomas Carter, CBC New Home Builders and Patrick Ennis, Lord, Worrell and Richter were sworn in by Solicitor Abbott.

Mr. Carter stated that he was seeking completeness on his application for a 5 lot subdivision on Block 171.01, Lot 1.01. He stated that he had received the review letters and would be able to supply all the submissions that were not included.

Engineer Guzzi stated that there were 9 items that were not included in the initial submission.

Item A referred to contours based on USCGS datum. He stated that there was a note on the plan, but there was no datum reference. Mr. Ennis stated that the vertical datum was based on 1929 and is state plane coordinates. This will be added to the plan.

Item B is the locator map with all road intersections, Item C the area of the flood hazard zone, if applicable, Item D test boring for each type of soil, on the tract, Item E permeability tests for each proposed lots – soil logs were submitted but no permeability tests were submitted. Mr. Ennis stated that the borings were witnessed by the County Health Department and the soils were deemed acceptable and no permeability or percolation was needed. He said that when they apply for septic they would get approval.

Engineer Guzzi stated that part of the problem is that the applicant did not request waivers for any of these items. He asked if the applicant wanted to request any waivers. Mr. Ennis requested a waiver on the permeability tests.

Engineer Guzzi said that since the application is for both Preliminary and Final approval there were a couple items that needed to be submitted. Half cross sections were required at every 50' along the road. Mr. Ennis asked for a clarification as to what road this pertained to. Engineer Guzzi stated that this was for the proposed road. Mr. Ennis asked why it had to be half cross sections, he had shown typical cross sections. Engineer Guzzi stated that half cross sections were required by the ordinance. Mr. Ennis asked for a waiver for the half cross sections.

Mayor Muchowski said that the applicant had said that they would supply everything that was asked for and now the engineer is asking for waivers. Mr. Carter stated that they would supply everything.

Engineer Guzzi said that many times there are items listed on the check list that are not required for all applications, but they are required for the bulk of applications so they are listed on the checklist. Typically on those situations the applicant requests a submission waiver. These items were not checked as submission waivers on the checklist.

Engineer Guzzi stated that the key map was listed on the plan but it was completely illegible. The Municipal Services and Utilities Impact Statement was not submitted. This is required and the ordinance spells out exactly what is required. Mr. Ennis stated that there would be no impact to the Municipal Utilities because they are having wells and septic. Engineer Guzzi stated that there is more than just the utilities, it is municipal services impact and if they review the ordinance all the elements that should be included in that are shown (traffic, schools, etc). In particular to this development, which is a little unusual, there is no direct access to Florence Township through the road. This means that municipal services would have to go into Burlington Township, through a development in Burlington Township, and come back into Florence Township. Engineer Guzzi stated that this is something that he thinks in particular must be addressed in the Municipal Services Impact Statement.

Mayor Muchowski asked if Florence Township would be required to maintain this road. Engineer Guzzi said that it would be a Florence Township road for snow to be plowed and trash to be picked up, but they would have to go through Burlington Township. He stated that there is a paper right-of-way in the development in Burlington Township that the applicant proposes to improve the Burlington Township portion of it and then extend the road into Florence Township.

Engineer Guzzi stated that the subdivision plan complying with the requirements of the Map Filing Law would have to be supplied.

Mr. Ennis stated that they could comply with all these requirements. Acting Chairman Fratinardo asked if this would include the permeability. Mr. Ennis stated that they have the samples and can do the permeability tests.

Planner Specca said that the applicant needs to submit the wetlands delineation, DEP letter of exemption or presence of wetlands. There are notes on the plan that say there is a stream corridor on the southern tip of the property, but there is no evidence of a stream encroachment permit or any data saying that it is not required. This would have to be submitted. Mr. Ennis stated that they would comply with all the DEP requirements. They are in the process of getting an LOI together. There are wetlands at each end of the site.

Engineer Guzzi stated that if this application was just for Preliminary then they wouldn't need the LOI at this time, but since the applicant has asked for Final they need to submit this.

Mayor Muchowski suggested that the applicant amended the application to just be for Preliminary approval. He stated that the applicant doesn't even have a road. Do they have to go to Burlington Township first?

Mr. Carter stated that he spoke to Burlington Township. This is a road on their tax map. When the lot was originally subdivided for the Sante Fe development they left this road on their tax map to access this lot.

Engineer Guzzi stated that if the Board were to grant Preliminary approval, before they considered the application for Final approval, an approval from Burlington Township would be required. Mr. Carter stated that Burlington Township's only requirement was a cross section of the street. They wanted their asphalt at 5 and 2.

Mayor Muchowski asked where exactly on Arrowhead Drive this paper street access was located. Mr. Carter stated that he would supply an overhead photograph of the area. Mayor Muchowski stated that the street would be going between somebody's houses in Burlington Township. Mr. Ennis stated that there is a 50' right-of-way existing. Mayor Muchowski said that Florence Township would be required to maintain that entire stretch of roadway for those 5 houses. Engineer Guzzi stated that this is why the Municipal Services report is important.

Mr. Carter submitted a copy of the Burlington Township tax map and a color picture of the Sante Fe development. Solicitor Abbott asked Mr. Carter to submit a larger copy of this for the hearing.

Member Napolitan asked about an adjacent lot listed on the tax map. Mr. Carter stated that the lot with the scribbles on it was Hegyi Court. Mayor Muchowski asked if all the people on the list were notified? Mr. Carter stated that notice had not been sent since this was only a completeness review.

Engineer Guzzi asked if the applicant was agreeing to comply with the outstanding completeness items. Mr. Ennis stated that they would. Engineer Guzzi stated that all the outstanding items would need to be submitted to the Professionals offices and the Board office no later than October 6th. He stated that the Township stormwater management ordinance states that the soil borings in the basin be witnessed by the Township. Mr. Carter stated that the borings had been witnessed by the County. Engineer Guzzi stated that it was required by the ordinance that they be witnessed by the Township.

Mayor Muchowski asked if the Board should make a motion that the application be heard for Preliminary only? Solicitor Abbott stated that a staff meeting could be set up. This saves time; if all issues are resolved the hearing could proceed more quickly. Mr. Carter asked why they could not be heard for completeness, Preliminary and Final all at the

same time? Solicitor Abbott stated that it is possible, but with this many outstanding completeness items the Board would submit another completeness hearing to make sure that everything outstanding was submitted. She said that there are several applications that have been carried over until the next meeting. If the agenda were too full then the application would be heard for completeness and then schedule for substantive review the following month.

Mr. Carter asked if there was anything major that would cause them to not let them get completeness and then come to the next meeting. Mayor Muchowski answered that this is up to Mr. Carter's staff of professionals and how quickly they can address the issues at hand. If the submissions are not made in a timely manner in order to give the Board's staff sufficient time for their review then there may be a problem in moving forward.

Motion of Muchowski, seconded by DeAngelis to deem the application incomplete.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, Napolitan, DeAngelis, Ryan

NOES: None

ABSENT: Hamilton-Wood, O'Hara, Smith, Stockhaus

OTHER BUSINESS

The Board discussed the proposed schedule for 2007. Member Ryan stated that the Environmental Commission meeting is after the Planning Board meeting. Board Clerk Erlston suggested that Mr. Ryan ask the Environmental Commission about changing the date of their meeting so that it falls before the Planning Board Meeting.

Acting Chairman Fratinaro question the January meeting date. This always falls on the Martin Luther King holiday. Should the Board change this date in deference to the holiday? Mayor Muchowski stated that the Township is open on that day.

Mayor Muchowski said that he wanted to discuss starting the meeting at an earlier time – Maybe 7:00 P.M. or even 6:00 P.M. Member Napolitan said that this would be okay as long as there was an ending time to the meeting. He wouldn't want to start at 6:00 P.M. and then go until 1:00 A.M.

Board Clerk Erlston said that the Township calendar was going to print and the dates had to be submitted by the end of the month.

Mayor Muchowski asked if the Board could look at the January date for the next year 2008. Mayor Muchowski said that he understands what Member Napolitan was saying and they could look at putting an end time on new applications.

Mayor Muchowski asked the Board Clerk to poll the missing members to see if the meeting could start at 6:30 P.M.

205.

Motion to adjourn by Muchowski, seconded by DeAngelis at 9:45 P.M.

John T. Smith, Secretary

JTS/ne