

Florence, New Jersey 08518-2323
September 20, 2004

The Regular Meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, New Jersey. 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:

John Fratinardo	John T. Smith
Michael J. Muchowski	Philip F. Stockhaus, III
Thomas Napolitan	Mildred Hamilton-Wood
Dennis A O'Hara	Gene DeAngelis

ALSO PRESENT: Thomas Scattergood, Solicitor
Martin Sander, Board Engineer

ABSENT: Robert Semptimpfelter

Chairperson Hamilton-Wood stated that Mr. Hintz would be late for the meeting.

RESOLUTIONS

Resolution PB#2004-32

Memorializing the continuance of the application of Maryann Forman for minor subdivision approval with numerous bulk variances for Block 109, Lots 8 & 9, located in an RA residential district.

Motion of Smith, seconded by O'Hara that Resolution PB#2004-32 be adopted.

Upon roll call the Board voted as follows:

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

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Resolution PB# 2004-33

Memorializing continuing the application of Atlantic Coast Companies for Preliminary and Final Major Site Plan Approval for conversion of a trailer manufacturing plant to a truck fleet management facility and construction of a gasoline storage and dispensing facility on Block 159, Lot 1.01, located in a HC Highway Commercial district.

Motion of O'Hara , seconded by Smith that Resolution PB#2004-33 be adopted.

Upon roll call the Board voted as follows:

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

Resolution PB#2004-34

Memorializing denying submission waivers, deeming incomplete, and continuing the application of John E. Drager for Minor Site Plan approval and bulk variances to permit construction of a garage on Block 165.01, Lot 11.01, located in a HC Highway Commercial district.

Motion of O'Hara, seconded by Stockhaus to approve Resolution PB#2004-34.

Upon roll call the Board voted as follows:

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

Resolution PB#2004-35

Memorializing the granting of submission waivers, deeming, complete, and continuing the application of Maimon, Bleznak, Abramson, Investments for Preliminary Major Subdivision approval to permit construction of an industrial park on Block 168, Lots 6, 8, & 11, located in a SM Special Manufacturing district

Motion of Stockhaus, seconded by O'Hara to approve Resolution PB#2004-35.

Upon roll call the Board voted as follows:

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

Resolution PB#2004-36

Memorializing the granting of Preliminary and Final Major Site Plan approval with variances to Roebing Bank for expansion of the parking lot on Block 109, Lots 1, 5, & 7.03 located in an NC Neighborhood Commercial district.

Motion of O'Hara, seconded by Smith to approve Resolution PB#2004-36.

Upon roll call the Board voted as follows:

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

MINUTES

Motion of Stockhaus, seconded by O'Hara that the Minutes of the Regular Meeting of August 16, 2004 be approved as submitted.

Motion unanimously approved by all members present.

CORRESPONDENCE

Motion by Muchowski, seconded by Stockhaus to receive and file correspondence A,B,D, & E and to discuss correspondence C at this time.

Motion unanimously approved by all members present.

Correspondence C is a letter from John Hiros, owner of Bung's Tavern, regarding the conversation at the November 2001 Planning Board meeting about the culvert and the road. The meeting had been such a long time ago that the Board didn't recall the conversation accurately. Engineer Sander met with Terrance Huettl on the site (Whitesell property). Mayor Muchowski asked that Engineer Sander respond to Mr. Hiros' letter. The response should be directed to the Planning Board. Mayor Muchowski stated that Mr. Hiros was referencing the minutes from the November 2001 meeting regarding the culvert and the roadway. Engineer Sander indicated to Mayor Muchowski that 35 feet of the roadway and the culvert had been removed. Does this meet the intent of the promise made by Mr. Huettl to Mr. Hiros?

Engineer Sander stated that he walked the site with Mr. Huettl and it was obvious that either the culvert is too low or the creek is too high because water was being held back. Mr. Huettl told Engineer Sander that when the vegetation went down in the fall he would go out and survey the bank starting with the culvert to see what the situation was. He would provide Engineer Sander with the survey information and then they would decide what should be done.

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Chairperson Hamilton-Wood asked if the culverts were 9' x 5' that were mentioned in the minutes? Mayor Muchowski said that the minutes stated that there would be three 9' x 5' culverts installed to replace the old culvert. Engineer Sander stated that if culverts were installed there would be less flow than there is now. Currently there is approximately 25 feet of open space for the water to flow through.

Mayor Muchowski requested that the issue should be investigated and reported on at the next meeting of the Board. Board Clerk Erlston will respond to Mr. Hiros that the Board is conducting an investigation of this issue. Board Clerk Erlston will also provide a copy of the November 2001 minutes and Mr. Hiros' letter the professional staff.

Motion of O'Hara, seconded by Napolitan to hold the letter of Mr. Hiros for investigation. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for application PB#2004-03 for John Drager. Applicant is requesting minor site plan approval with bulk variances to construct a 30' x 60' garage, a 25' x 6' porch and a 25' x 12' one story addition on his property located at 2122 Route 130 North, Block 165.01, Lot 11.01.

John Drager was sworn in by Solicitor Scattergood. Chairperson Hamilton-Wood asked for a status report from Engineer Sander. Engineer Sander stated that he had received the revised plans from Mr. Drager's engineer, and that he had issued a report on September 16th addressing the plans. Engineer Sander read from his report the bulk variances that currently exist at the site. He stated that the applicant was requesting the following additional bulk variances: front yard setback, side yard setback, and accessory building lot coverage. He stated that the applicant was requesting the following waivers: lighting plan, landscaping plan, curbing along proposed driveway, facilities plan and traffic study.

Member O'Hara asked about the letter from Administrator Richard Brook. Engineer Sander stated that he and Mr. Brook met with Mr. Drager and his engineer, Bob Weatherford. Engineer Sander stated that Mr. Drager had submitted everything that he had been asked to submit for the application. He is still requesting the variances and there are a couple of minor details on the plan that need to be addressed.

Mayor Muchowski stated that the garage was still being referred to as an accessory building. He thought that we had decided that it was a primary use. The Board had a discussion as to whether this was an accessory use or primary use.

Member O'Hara asked what the Boards position on the waivers was. Mayor Muchowski stated that he thought the application was still incomplete and it would have to be deemed complete before the Board could move forward. Chairperson Hamilton-Wood stated the submission waivers that were necessary for the application to be deemed complete were landscaping plan, facilities plan, circulation plan, and traffic study.

Member O'Hara asked for a recap of the items on the plan that needed to be resolved. The contour line should be shown as a solid line on the Legend provided on the plan. The Wheel Stop detail should indicate 2-foot long metal pins for anchors.

Motion by O'Hara, seconded by Stockhaus to grant the submission waivers and deem the application complete.

Upon roll call the Board voted as follows:

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

The application was deemed complete and the Board moved on to the substantive issues. The Board still had a question as to whether this was an accessory or primary use. Mayor Muchowski was concerned that if we did not determine the correct use a variance might be missed. Member O'Hara read excerpts from Administrator Brooks memo to the Board, including the requirements of a concrete apron in the State's right of way, that all business vehicles are to be parked at the rear parking area once the improvements have been completed, only one private vehicle will be allowed to park in the front horseshoe driveway, and the removal of the storage trailer.

Engineer Sander stated that he was not sure about the principle vs. accessory use. Mayor Muchowski stated that the principle use was a non-conforming residential use. This building would not be accessory to that. Chairperson Hamilton-Wood asked if the Board could make a condition of approval that the use be re-identified on the plan as a principle use building. Chairperson Hamilton-Wood asked Mr. Drager if he would like to amend his application to make the garage a principle use and request a rear yard setback variance. Mr. Drager agreed to this verbally.

Engineer Sander told Mr. Drager that he would have to have his engineer amend the block with the zoning requirements to show principle use. Member O'Hara asked Mr. Drager if he intended to remove the unlicensed ambulance and the storage trailer that Mr. Brook referred to in his memo. Mr. Drager stated that he has registered the ambulance and is having it painted to be a work truck. He stated that he didn't want to get rid of the storage trailer because when he does big jobs off site he tows the trailer to the work location and stores his tools and supplies in it. Mr. Drager stated that he was planning to park the storage trailer right next to the garage. Mr. Drager stated that if he said he would remove the trailer and the Board requires him to remove it he would do that. Mayor Muchowski asked if the trailer would fit inside the proposed garage. Mr. Drager said that he had not thought of putting the trailer in the garage and he did not know if it would fit. Mr. Drager then stated that if this would hold up his approval he would get rid

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of the trailer. Chairperson Hamilton-Wood stated that it appeared from the documents that the representation had been made by Mr. Drager that the trailer would be removed.

Motion by O'Hara , seconded by Stockhaus, to approve the application as amended by the applicant and with the conditions set forth in the report from Engineer Sander and the memo from Administrator Brook.

Mr. Drager stated that he would like to keep the trailer if possible. He would have it registered if necessary. Member O'Hara stated that removing the trailer would be a condition of approval. Chairperson Hamilton-Wood re-iterated to Mr. Drager that the approval of the site plan was conditioned upon the removal of the trailer, the inoperable ambulance has been licensed and will be painted, and the changes necessary to the plans will be made if approval is granted.

Member Napolitan asked if Mr. Drager would be allowed to store the trailer offsite and bring it in to load for a particular job. The trailer would have to be moved in and out within 24 hours.

Mayor Muchowski asked about waste being kept outside. Mr. Drager stated that he had purchased a Waste Management dumpster. The dumpster is located on the property but does not appear on the plan. Mayor Muchowski stated that Mr. Drager's plan indicates that all waste would be stored in the garage. The plan needs to show where the dumpster will be located. Mr. Drager stated that Waste Management dictates where the dumpster should be located and this can not be determined until the driveway is installed.

The Board had a discussion about the location of the dumpster. The dumpster location can be done as a field change if necessary. Engineer Sander stated to put the dumpster at least 10 feet from the property line.

Member O'Hara amended his motion to approve with the stipulation that the waste receptacle be placed on the plan and reviewed by the Town Engineer, seconded by Stockhaus.

Upon roll call the Board voted as follows:

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

Mayor Muchowski apologized to Mr. Drager about the misguidance he had received earlier in the application process. Mr. Drager asked if he wanted to convert his house to an office and make the property totally commercial how would he do this? Mayor

Muchowski stated that this property is zoned commercial so it should be relatively easy to receive approvals.

Chairperson Hamilton-Wood called for application PB#2004-06 for Mary Ann Forman. Applicant is requesting Minor Subdivision approval with bulk variances to construct a single family dwelling on the empty lot located at 950 and 956 Wallace Avenue, Roebling, NJ. Block 109, Lots 8 & 9.

David Gladfelter, attorney for applicant, stated that the lots had been joined by ordinance. The applicant wanted to re-subdivide the property along the original lines. Lot 8 has an existing house on it. Lot 9 only has an access drive. The applicant wants to separate the lots and put a modular home on Lot 9.

Attorney Gladfelter stated that there were a number of variances that are required. Referring to Engineer Sander's report he stated that the subdivision line would be identified as requested.

The additional stormwater runoff would be resolved by either asking the neighboring property if they would accept the additional runoff, or grading the property to drain into the street. If the drainage is handled by re-grading this would have to be shown on the plan. The plan will be signed and dated. All other conditions of approval as called out in number 7 of Engineer Sander's letter will be complied with.

Engineer Sander stated that the only outstanding waiver was submission of the subdivision plan, which had been done.

Motion by O'Hara, seconded by Muchowski to deem application PB#2004-06 complete with the previously granted submission waivers for preliminary delineation of wetlands based on NJDEP criteria, preliminary delineation of stream encroachment based upon NJDEP criteria, and all structures and wooded areas within the tract and on adjoining properties within 100 feet.

Upon roll call the Board voted as follows:

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

Attorney Gladfelter introduced the owner, Maryann Forman, her husband John Forman, and Dario Grear the developer of the property.

Attorney Scattergood stated that there are eleven variances being requested. Attorney Gladfelter stated as for positive criteria for the variances that the property had been

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developed as two 50 foot adjoining lots. The house is centered on one of the lots with the vacant lot adjoining. If you were to view these two lots as one 100-foot wide lot the house would not be properly located on the lot. He then quoted the Municipal Land Use Law about developing residential areas to improve them.

Attorney Gladfelter then addressed the negative criteria by submitting a copy of the tax map (exhibit A1) showing eleven lots within approximately 500 feet of the subject property that are undersized. Due to this fact it is his opinion that another undersized lot would not be detrimental to the public good.

Member Stockhaus disqualified himself due to the fact that he lives within 200 feet of the subject property. Member Stockhaus left the dais.

John and Maryann Forman were sworn in by Solicitor Scattergood.

Chairperson Hamilton-Wood asked Attorney Gladfelter if any of the undersized lots on exhibit A1 were duplexes. He responded that Block 108, Lots 9 & 10 are halves of a duplex. Mayor Muchowski stated that he didn't believe that any of those non-conforming houses were recently built. He stated that Wallace Avenue had been developed 35-40 years ago. Attorney Gladfelter said that he would tend to agree with this but he did not know for sure.

Member O'Hara asked if the existing house on Lot 8 was a rental unit. Mr. Forman stated that their daughter lived there, but she did not pay rent. Member O'Hara asked if the Forman's planned to rent the new house. Mr. Forman stated that probably they would move their daughter and her family into the new house and sell or rent the existing house. Member O'Hara stated that all the other lots heading east on Wallace meet the zoning criteria. The Planning Board has done a lot over the years and most recently with the Eckerd Pharmacy application that will eliminate a lot of other non-conforming lots on the westerly side of Wallace Avenue. Mr. O'Hara said that this request is out of character with what had been developed along Wallace and Hamilton Avenues within the last 35 years that all meet the zoning criteria. He feels that this will add to the parking situation on that stretch of Wallace. Member O'Hara personally feels that the detriments far outweigh any positive attributes that all these variances if allowed will add to the community.

Attorney Gladfelter stated that the subject property is actually part of the old part of Wallace Avenue and they are proposing a two-car driveway for each residence. There will not be a garage. The driveway on lot 8 will be 10' x 40 feet and the drive on lot 9 will be 10' x 45'. Member O'Hara stated that impervious coverage would also be a problem. Attorney Gladfelter responded that the ordinance allowed 20 plus 5%. Mayor Muchowski said this only allowed a maximum of 20% for the house. The Board and the applicant had a discussion about what was allowable for the additional impervious coverage. Mr. Gear stated that the new house was planned with a four-foot high crawl

space which would allow storage of a bike, lawnmower, etc. Therefore an additional shed would not be required.

Mayor Muchowski commented that one house is actually set behind the other on the plan. Attorney Grear said they were attempting to meet the front yard setback. Mr. Forman stated that the modular house could be reduced down to a two bedroom model which would lessen the lot coverage.

Chairperson Hamilton-Wood stated that the Board is not in the habit of approving undersized lots for building purposes, however they were looking for the proof that this would be the best situation for these two lots. Solicitor Scattergood stated that basically the applicant was asking to take one conforming lot and turn it into two non-conforming lots.

Mr. Forman stated that for many years that lot was assessed at \$40,000. He feels that this is a lot of value for grass. It had been appraised and taxed as a lot. Mr. Forman stated that he gets two separate tax bills for these two lots. Attorney Scattergood asked if there was one deed for the whole parcel. Mrs. Forman stated that she believed that it was one deed. She said that when she inherited this property from he father she went back and cleaned up the property to improve the neighborhood.

Mrs. Forman stated that she always thought this was a “grandfather lot”. Mayor Muchowski responded that the Board has had several residents with the same complaints. Their family had bought the property when the zoning in place was for 50-foot lots. These lots merged when they became non-conforming on the zoning changing. The reality is that zoning has been put in place to create some kind of conformity. The Board has waived with slight deviations but the have consistent not approved 50-foot lots.

Mrs. Forman asked if she could sell one lot without the other. She was told that she could not. Mr. Forman again complained about the taxes on the additional lot. Mrs. Forman stated that someone who was interested in buying these lots had approached her and the Board would not be happy with what might be developed on the lots. Mayor Muchowski stated that he would investigate the tax assessment with the tax office and would get a letter of explanation sent to the Forman’s.

Chairperson Hamilton-Wood opened the meeting to public comment.

Wayne Morris, 851 Wallace Avenue was sworn in by Attorney Scattergood. Mr. Morris commented that he had appealed his taxes. He said that people on Wallace are trying hard to improve their neighborhood. He is opposed to this subdivision because he does not think it will be beneficial to the neighborhood.

Motion by O’Hara, seconded by Fratinardo to close public portion of the hearing.

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Motion unanimously approved by all members present.

Motion by O'Hara, seconded by Fratinardo to deny application PB#2004-06 requesting to convert one conforming lot into two non-conforming lots.

Upon roll call the Board voted as follows:

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

Application Denied.

The Board took a 10 minute recess.

The Board returned to the regular order of business. Member Stockhaus returned to the dais.

Chairperson Hamilton-Wood suggested that we move to the last item on the agenda - Application PB2004-05 for Maimon, Bleznak, Abramson Investments. Attorney Philip Licht had sent in a letter requesting a continuance, but did not indicate that he was waiving the time restraints. Solicitor Scattergood stated that he had reviewed the minutes from the previous meeting and apparently the postponement from the last meeting was not voluntary. Solicitor Abbott had stated that she was concerned about the time running out. Solicitor Scattergood suggested that the Board should dismiss the application without prejudice. The application can be re-opened at the next meeting without re-applying. The applicant will be required to re-notice.

Motion by Smith, seconded by Stockhaus to dismiss without prejudice and requiring re-advertising.

Upon roll call the Board voted as follows:

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

Chairperson Hamilton-Wood called for application PB#2004-02 for Atlantic Coast Companies. Applicant is requesting preliminary and final major site plan approval to convert an empty trailer manufacturing plant to a heavy duty fleet management facility at 2013 Route 130, Florence Township, Block 159, Lot 1.01.

Attorney Hardt stated that the plan had been modified to service only Salson Trucks. They will not sell diesel to the public. Solicitor Scattergood reminded everyone who was going to testify that they are still under oath from the previous hearing.

Robert Stout, engineer for the applicant, showed a rendering of the building after they complete construction. The plan also shows the proposed landscaping detail.

Mr. Stout stated that the plan had been taken back to what was originally on the site. The site has the same entries. There will be additional buffering by landscaping. The site has been broken into two smaller sections. First just to get up and running they will be using the existing facility. They are looking to use the existing storage area for 24 trailers. They have taken out the six bay diesel facility in the rear of the property. The above ground fuel storage tank has been relocated to the side of the building. This will service the on-site fleet only.

During Phase 1 they will use the existing edge of the blacktop to park 20 tractors. They plan to re-stone the existing stone area. Once the stoned area is completed the 20 parking stations will be re-located to the stone area. They have done drainage calculations and don't expect any drainage problems.

Mayor Muchowski said he thought they would have 50 power units on site. They have only laid out paved parking for 20 power units. Attorney Hardt stated that they are only asking for parking for 20 power units at this time.

The Professional Staff of the Board was satisfied that all the requirements for completeness had been submitted.

Motion by Fratinardo, seconded by Stockhaus to deem PB#2004-02 complete.

Upon roll call the Board voted as follows:

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

Attorney Hardt asked if it would be acceptable to mill the paving around the building and then put a topcoat on it. Engineer Sander said that he did not approve of this method. Mr. Stout proposed to overlay the site with two inches of FABC (a final topcoat). There is a lot of cracking on the site. They feel the base, which has been down there for thirty years, is in good shape, so they want to overlay it. They will repair all the cracks and overlay it. There is cracking from heating and cooling, but there are no potholes of disintegration of the base.

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Engineer Sander said he did not agree with this. He recommended that the existing asphalt be removed and replaced. Mr. Anthony Berito, Salson Logistics, stated that this is a huge expense. Member Stockhaus asked Engineer Sander why he felt this way. Engineer Sander said that there were cracks all over the asphalt and there was grass growing through it. Fixing the cracks will only be a temporary repair. Mr. Stout said that as a compromise they could take a big milling machine and mill the base, mix it up, re-compact it with some sealer added to it. Mr. Berito said when they do their yards all at their facilities all over the country all they do is put down a couple inches of stone. At this location there is a beautiful base and he doesn't think it should be torn out. Mayor Muchowski asked if they mill it and recompact it - would it be acceptable. Engineer Sander stated that he didn't have a problem with this process. All asphalt paving would have this process done to it. The concrete is in good shape.

Mayor Muchowski asked Mr. Berito if he was considering an additional 30 spaces of paved parking. Mr. Stout indicated on the plan where they could add the additional spaces.

Attorney Hardt asked to amend the application to increase the paved spaces by 30 to allow a total of 50 power units to be parked. In addition, they will decrease the paved area, remove the fence and the concrete pad. Mr. Stout described the proposed buffer for the parking area. Mayor Muchowski stated that he wanted sufficient buffer to screen the trailers from the road. The Board and the applicant discussed which type of trees would provide the best buffer. Planner Hintz thought that white pines were the best choice. Planner Hintz mentioned that the applicant did not show any lighting in the trailer parking area. Attorney Hardt stated that they would be seeking a waiver for this requirement. They don't want to draw attention to the parked trailers.

Attorney Hardt stated that as a condition of approval they would supply a perc test. Engineer Sander said that the only other requested waiver was for curbing. Mr. Stout indicated that they had added wheel stops, but they don't think they need curbs.

Mayor Muchowski requested that the buffer be sufficient so the trailers cannot be seen from the adjoining property. The applicant stated that they are putting Norway spruces to fill in the open spaces and there is existing vegetation as a buffer, which will screen the adjacent property.

Member Napolitan asked how many trailers would come in and out of the facility per day. Mr. Berito stated that there would be approximately 30 – 40 trailers coming into the facility per day. Mayor Muchowski asked why they were asking for 200 trailer spots when they are only going to have 30-40 trailers per day. Mr. Berito stated that he could rent trailer parking space to warehouses that need a place to park. Mayor Muchowski stated that this was not what they had represented on their application. Mr. Berito said that they also pick up containers from the ports and take them to warehouses to be

unloaded, then they would park them on site until they are returned to the port. Mr. Berito said that these trailers would only be on site for approximately 24 hours.

Member O'Hara asked if they would be selling trailers. Mr. Berito said no that is not their business. He stated that they own over 1,000 trailers. They run four different types of business within the Salson Company – and LTL carrier, a truckload company, a load to ride company, and a non-asset based brokerage operation. For the most part Salson prefers to be the carrier, but other rigs may come to pick up a trailer. Mr. Berito stated that they will not be having outside trucks coming in and refueling and sleeping on site. Mr. Berito explained that a non asset based transportation business is where a customer asks for a single source of a carrier. Salson may not service all parts of the country so the call other carriers in to pick up certain loads, but Salson is the main contact with the customer.

Elliott Shafer, attorney for Mr. Berito, was sworn in by Solicitor Scattergood.

Mayor Muchowski asked if they envision going to need 50 power units. Mr. Berito stated that he hopes this facility matures to a 50 power unit facility. Mayor Muchowski said his only real concern is trying to find all available space to park the trailers. He is concerned with the buffering on the left hand side of the site and the frontage of the property. Attorney Hardt asked for phantom trailer parking spaces. Mayor Muchowski said he would rather see phantom parking in the front area. Mr. Stout said they could relocate the front 10 spaces into the back of the lot. Mr. Stout said that he could adjust the parking so there will be a net loss of 10 spaces. Mayor Muchowski suggested that they put in a berm. Attorney Hardt stated that they would accept a condition that the planner will suggest the landscaping details.

Ken Garrett, fueling expert, was introduced by Attorney Hardt. Mr. Garrett stated that the above ground tank is going to have two fueling positions. There will be a steel dike with the fuel tank inside of it. If you have leak it will be inside the dike. There is overflow protection. There is a manhole to observe any problems. The dike holds 2000 gallons more than the tank. The excess capacity of the dike is due to the fact that rainwater gets into the dike. If the rainwater is clean you can pump it out onto the ground. If it is contaminated (if it has a sheen on it) you have to call the DEP to remove it. There is a new valve called the environbead valve. This valve detects a diesel leak.

Member O'Hara asked how the Township or the Environmental people monitor for leaks. Mr. Berito stated that they have a camera on all their fueling pumps so that if drivers get lazy and allow diesel to leak it will be on video. Also the fuel supplier is notified via a signal from the tank, which calculates how much fuel is used. The drivers do their own fueling and they must enter their own card into the tanks computer. There are safeguards to insure that the drivers don't abuse the fueling. Chairperson Hamilton-Wood asked if there was any kind of inspection. Mr. Berito stated that the fleet manager of the facility

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inspects and the weights and measurements inspector makes sneak inspections to be sure there are no leaks. Mr. Berito stated that all these facilities are HAZMAT certified.

Attorney Hardt stated that this particular operation must meet code and it is to the applicants benefit to make sure that it does not fail. If the fueling operation does fail they are responsible for cleaning up any spills.

Mr. Berito stated that the facility would employ approximately 75 people. They are a non-union shop.

Attorney Hardt stated that they had satisfied or would satisfy by condition of approval the engineer's report with the exception of the curbing. They had satisfied the planners report except that they had added additional responsibility with the additional screening that will occur with removing some of the areas where they were putting trailers and replacing it with buffers.

Attorney Hardt stated that they would like to not have curbing. They are putting in curb stops. Engineer Sander stated that curb stops are acceptable to him. Mayor Muchowski asked for an explanation of the re-stoning process. Mr. Stout stated that they would be stripping out all the vegetation, cleaning up the stone and putting four inches of fresh stone on the top. Mr. Stout stated that they had done borings and there is 8 – 10 inches of stone already there. Mayor Muchowski asked how you would contain a diesel spill on a stone base. Mr. Berito stated that you could not contain it you would have to dig it out and remove the contaminated stone. Mr. Berito stated that they rarely have spills at their facilities.

Mayor Muchowski asked why not pave the area. Attorney Hardt stated that asphalt get torn up very easily and concrete is very expensive.

Mayor Muchowski asked Engineer Sander what he feelings were about the curb waiver. Engineer Sander said he is uncomfortable with curbing because you won't have much car traffic through the parking area. Trucks will go in if you put curbs around the whole parking area there will be drainage concerns and you will have to collect the water and pipe it to the basin. Engineer Sander stated that he did not have a problem with what was proposed by the applicant.

Chairperson Hamilton-Wood opened the meeting to the public.

Motion by Fratinardo, seconded by O'Hara to close public portion. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood asked for a motion to approve or deny preliminary and final major site plan approval subject to the recommendations, comments and conditions, which had been outlined.

Member Smith asked if the fire marshal had reviewed the plan. Attorney Hardt said that they had agreed to meet the original report from the fire marshal. They will add the additional hydrant.

Motion of Smith, seconded by Fratinardo to approve PB#2004-02 with the conditions and agreements set forth on the record tonight.

Upon roll call the Board voted as follows:

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

Motion to adjourn by Smith, seconded by Napolitan. Motion unanimously approved by all members present.

John T. Smith, Secretary

JTS/ne