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Florence, New Jersey 08518-2323
October 17, 2005

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 6:08 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."

Chairperson Hamilton-Wood stated that Board Secretary John Smith was absent and John Fratinardo would assume the duties of Acting Secretary.

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

Councilman John Fratinardo Gene DeAngelis
Mayor Michael Muchowski
Thomas Napolitan
Mildred Hamilton-Wood

ABSENT: Dennis O'Hara, John T. Smith, and Philip F. Stockhaus III

ALSO PRESENT: Nancy T. Abbott, Board Solicitor
 Frank Morris, Board Engineer
 Carl Hintz, Board Planner (Late)

Chairperson Hamilton-Wood stated that the Board would start the meeting even though Planner Hintz had not yet arrived.

RESOLUTIONS

PB#2005-32

Granting Preliminary Major Site Plan approval with bulk variances and design standard waivers to TSMC, LLC for construction of a retail center on Block 166.12, Lot 2, located in an HC Highway Commercial District.

Mayor Muchowski asked that the Board review this resolution prior to approval. Mayor Muchowski asked the applicant, Greg Scozzari if he had reviewed the resolution. Mr. Scozzari stated that he had reviewed it.

Chairperson Hamilton-Wood stated that conditions 1 through 6 were standard language. She then read all the conditions of the resolution. The Board had a discussion regarding Item 30 the fence encroachment on Block 166.11, Lot 48. Mr. Scozzari stated that they would work with Mr. Vlahovic the homeowner and either relocate the fence for him or grant an easement for the fence.

Mayor Muchowski asked if the letter regarding the colors of the building (Item 12) would be for approval. Mr. Scozzari said that the chosen colors had been submitted on the architects rendering and these colors had been suggestion by the Board's professional staff.

Item 13 regarding a mansard or A-frame roof should be changed to be only a mansard roof on the side of the building by Rt. 130, the side of the building by Fairbrook and the side by the property would be covered by the mansard.

Mayor Muchowski stated that there was a recent situation where a commercial business was able to add a fence to the front of their property without site plan. Part of the argument for this was that there was no language in the resolution prohibiting this. The Board asked for a condition that would make sure that no additional development or modification of any development pursuant and inconsistent to this approval may take place only with an approval by the Board.

Motion to approve PB2005-32 as amended to include Item 29 requiring any modifications to seek Board approval by DeAngelis, seconded by Muchowski.

Upon roll call the Board voted as follows:

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

Planner Hintz arrived at 6: 12 P.M.

Resolution PB#2005-33

**Continuing the application of Quaker Group Burlington II, L.P. (Crossroads East)
 for Final Major Subdivision Approval for Block 165.01, Lot 4.01 located in an R
 Low Density Residential District.**

Motion of Fratinaro, seconded by Napolitan to approve resolution PB#2005-33.

Upon roll call the Board voted as follows:

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

Resolution PB#2005-35

Continuing the application of Peoples Savings Bank for Preliminary and Final Major Site Plan approval for construction of a parking lot on Block 58, Lots 3 & 4, located in an NC Neighborhood Commercial District.

Motion of Muchowski, seconded by DeAngelis to approve resolution PB#2005-34.

Upon roll call the Board voted as follows:

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

PB#2005-35

Continuing the application of Atlantic Equity Olive Street LLC, for Preliminary Major Subdivision approval for Block 147.01, Lots 1 & 16 located in an AA Active Adult District.

Motion of DeAngelis, seconded by Napolitan to approve resolution PB#2005-35.

Upon roll call the Board voted as follows:

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

MINUTES

Motion of Fratinaro, seconded by DeAngelis to approve minutes from the regular meeting of September 19, 2005. Motion unanimously approved by all members present.

CORRESPONDENCE

Mayor Muchowski requested that Correspondence A through H be held for discussion after the application hearing. The Board agreed to hold the correspondence.

OLD BUSINESS

Chairperson Hamilton-Wood called for application PB#2005-06 for Quaker Group Burlington II, L.P. Applicant is requesting Final Major Subdivision approval for 64 lots

(58 residential) located at Florence Columbus Road, Block 165.01, Lot 4.01, located in an R Residential District.

Thomas Smith, attorney for the applicant stated that he was distributing a binder containing exhibits marked as A1 through A11.

He stated that A1, A2 and A11 were response letters that had been submitted to the Board Clerk. A rendering of the proposed streetlights would be marked as A12. Attorney Smith asked to have the witnesses sworn in.

Dennis O'Keefe, Manager with K Hovnanian Homes, Richard Clemson, G.S. Winters and Associates, Project Engineer, and Nick Casey, Vice President of Development, Quaker Group were sworn in by Solicitor Abbott.

Attorney Smith stated that the color-coded display of the proposed subdivision on the tripod should be marked as exhibit A13.

Attorney Smith stated that the proposed subdivision would front on Florence Columbus Road. The property is to be subdivided into 58 single family residential lots, 3 open space lots that include the detention basin. There will be one out parcel that is intended to be developed for commercial purposes at a later date. The subdivision received Preliminary approval from the Planning Board in 2002.

Attorney Smith stated that he would like to start with the review letter from Engineer Morris dated July 26, 2005. He stated that most of the items would be complied with on the revised plans.

Mayor Muchowski advised Attorney Smith that the Board had just received a letter from Engineer Morris dated October 17, 2005. Attorney Smith stated that he had not received that letter prior to leaving his office. Engineer Morris stated that the revised plans had been received within the week. Attorney Smith was given a copy of the October 17th letter.

Attorney Smith reviewed the open items in Engineer Morris' letter and offered the following comments. The applicant will comply with item 3 regarding deed restrictions, easements, and protective covenants and a conservation easement for wetlands. Attorney Smith suggested that this be made a condition of approval.

Item 4b requiring the outbound corners to be marked with monuments will be complied with. Item 4e regarding adding street names to the final plan will be complied with. Item 4i there will be landscape easements. Rick Clemson stated that they tried to be consistent with the Crossroads project, which joins with this project. They have matched the section that was approved for Crossroads with the exception that their tree easement was one foot wider. They are using a 6' wide tree easement. The easement is beyond the public right

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of way. The closest line of the easement would be 2.5' from the ROW line and then an additional 6' was where the trees would be located. Planner Hintz said that this was fine. The easements are on the individual lots. Item 7a the statewide general permits were received earlier this day. Item 7c and 7d, the revised stormwater management report will be submitted. Item 11 regarding the 28-foot drive cartway. This meets the Residential Site Improvement Standards requirement. The houses are designed with large turnaround areas in the driveway and full-length driveways. Mayor Muchowski asked how wide the entry road into the site was. Mr. Clemson stated that the entry road in the OP zone was 36' wide and tapers down to 28' in the residential section. Item 17, as built drawings will be submitted to the Township Engineer. Engineer Morris had no further comment.

Attorney Smith stated that he would like to move on the review letter from Planner Hintz dated October 17, 2005. Item 1 regarding the preliminary delineation of stream encroachment. The total area of the site is 66 acres, but the site is divided into 3 watershed areas and none of these areas exceed the 50 acre minimum that requires the delineation. The application was reviewed under the new stormwater management review and it was agreed that the delineation was not necessary. Attorney Smith stated that they did not have this information in writing. Solicitor Abbott stated that the approval would be subject to other agency approval so if they were wrong about this it would have to be addressed at that time.

Item 7 – exhibit A3 is a report of the high level of ground water on the site. This requires the basements to be raised. The plans are for all English basements, which have a partially exposed foundation. In order to construct the houses with the English basements, they would have to grade the site to be 2' above the water table.

The report by the geotechnical engineering firm indicates that 16 test pits were dug within the residential portion of the project and the estimated seasonal high water table was encountered in every soil log. The location of the estimated seasonal high water table varied from about 2' below existing ground to 4.5'. They also encountered ground watered in 6 of the 16 test pits. The applicant has taken the results of the subsurface investigation and designed the site so that the homes will have a basement that is 2' above the high water table.

Mayor Muchowski questioned the slope of the site in the back of the property. He asked if the grading and sloping requirements were going to be met and still allow for a usable back yard. Mr. Clemson stated that the units that are proposed would minimize the steep slopes surrounding the units. The English basement has 4' underground and 4' above the ground. This keeps the basement above the seasonal high water level, but this keeps the finished grade at a reasonable level. Every basement has a stone drain with a sump pump and many of them have a connection into a header system that is detailed on the plans. If the sump pump were activated, this would be discharged into a solid pipe header that would connect into the storm sewer system and go to the lake. This eliminates the issue of having wet condition in the yards.

Mayor Muchowski asked how they could be sure that one house doesn't sit drastically higher than surrounding houses. Mr. Clemson stated that the size of the lots and the grading plan would allow them to create gradual transitions.

Chairperson Hamilton-Wood asked where the soil was coming from. Attorney Smith stated that there would be some importation of soil and they will comply with ordinance section 91-93. The soil will be clean and tested before it is delivered. Most of the soil will come from the lake. They have no intention to mine the soil from the open space areas.

Attorney Smith stated that there were a number of different designs for the units. This helps lessen the grading of the properties. Mr. O'Keefe stated that they are basically trying to keep a consistent group height and curb appeal throughout the entire community. Mayor Muchowski stated that under the preliminary approval there was a specific grade approved for the yards. Attorney Smith stated that anything that was in the preliminary approval would be agreed upon in the final approval. Solicitor Abbott read from the preliminary approval resolution and did not see any language about the slope of the property. Attorney Smith stated that it is their procedure to allow the prospective buyer to look at the grading plan.

Mr. Clemson stated that if you don't transition the slope through the side yard you have to do it through the rear yard. The developer has set units specific to the conditions on every single lot so that they would work to the greatest advantage, but the only way to create a walkout basement is to grade through the side of the foundation. The developer has chosen to use side entry garage. One of the drawbacks is that there is a lot less building foundation to grade through. The walkout basements will have steeper slopes to get through the foundation on the side of the house where there is the garage, but on the opposite side the slopes will be much less. Mr. Clemson stated that he did not believe that anything on the site was graded greater than 4 to 1.

Mr. O'Keefe stated that lot 5 was an English basement. They will try to lose the slope on the side yard to ensure usable front and side yards.

Mayor Muchowski read from the preliminary resolution regarding the clearing of lots and the grading plan for all lots. Mr. Clemson stated that there are 7 lots that will have to be cleared to put in the building footprint. For these lots the clearing limits would be flagged before any disturbance took place on the lot. The road would have to be cleared, but before a building permit would be released the Board Planner and Engineer would review the grading and vegetation to be removed.

Nick Casey stated that the homeowner would be able to choose how their property was set up. He stated that a 4 to 1 slope is easily traversable. Homeowners will be able to choose what they want to do with these slopes.

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Mayor Muchowski asked about the landscaping berm between the OP zone and the R zone. What is the buffer? The buffer is 35' with landscaping between the berms. When the OP zone is developed there will be concerns about the closeness to the residential area.

Attorney Smith returned to Planner Hintz' letter Section 5.2 Items 1 through 3. Exhibits A5 through A9 regarding the height variation. The homes need to be raised to 38' due to the high water table. Mr. Smith showed the Board some pictures of different roof pitches. He stated that the steeper peaks were much more aesthetically pleasing. The heights of the building will range from slightly over 35' to slightly under 38'. They want to maintain a consistent roof slope. They won't know until they start building exactly where the high level ground water is. If there is a location on which they can't live with the 38' they will seek a height variance from the Zoning Board. As a last resort they would lower the roofline.

Engineer Morris asked where the measurement is done for the height of the building. Attorney Smith stated that they took the average from the back of the property where the ground slopes off.

Chairperson Hamilton-Wood asked Engineer Morris about roof pitch. Engineer Morris stated that steeper pitch is better for snow and flat is better for wind.

Item 5.3 subsection 1 states that the landscaped plans have not been prepared or sealed by a landscape architect. Attorney Smith stated that these plans had been approved at preliminary. Planner Hintz agreed that the applicant had complied and it was fine to waive the requirement.

Mayor Muchowski asked why the walkway around the basin had been changed from concrete to quarry dust. Planner Hintz stated that this was for aesthetic purposes, less impervious surface and if maintained properly will be a fine surface to walk on.

Mayor Muchowski said he wanted to talk about geese. He stated that he did not want this to become a Township problem. Attorney Smith stated that the Township was not going to own the basin. This would be the responsibility of the Homeowners Association. Attorney Smith stated that it could be in the declaration the HOA is responsible to control the goose population. Planner Hintz stated that if you have a high barrier around a body of water the geese would not go there. Member Napolitan stated that if the geese can run across the surface to take off they would be there. Mayor Muchowski stated that he wants to be sure that the Township doesn't end up dredging and refilling this basin or paying for its upkeep. Solicitor Abbott recorded a condition for geese control to be the responsibility of the HOA. The applicant agreed to this.

The final issue has to do with lighting. Attorney Smith stated that they would use metal halide lights. They are proposing to use a Hagerstown light fixture. This will create the

aesthetic look but also is economical and is a standard product that is maintained by PSE&G. Planner Hintz stated that this was fine.

Attorney Smith stated that their testimony was concluded. He respectfully asked the Board to grant final approval and the height variance.

Motion of Muchowski, seconded by Fratinardo to open the meeting to the public. Hearing no one wishing to speak, motion was made by Fratinardo and seconded by Napolitan to close the public comment portion of the meeting. Motion unanimously approved by all members present.

Solicitor Abbott stated that the application was for Final Major Subdivision approval along with a variance for the height of the building. There has been testimony given regarding the criteria in support of the height variance. A waiver from the requirement that the landscape plans be signed and sealed by a certified landscape architect has also been requested.

She stated that all of the conditions attached to preliminary approval and set forth in Resolution PB#2002-09 would carry forward and be conditions of final subdivision approval. The remaining conditions are as follows:

Compliance with the items in the October 17, 2005 report of the Board Engineer.

Compliance with the October 17, 2005 report of the Board Planner.

Compliance with the September 16, 2005 report of the Township Fire Official.

Every basement shall have a stone drain with a sump to be discharged into the stormwater drainage system.

Deterrent and control of geese shall be the responsibility of the Homeowners Association and the Homeowners Association documents will clearly specify this requirement. The Homeowners Associations will hold the Township harmless for any and all condition on the site relating to the existence of geese.

Mayor Muchowski expressed concern about the height variance. He wants to be sure that the rooflines have a good pitch. Solicitor Abbott stated that this could be made as a condition. The Board and the applicant had a discussion regarding the height variance and the rooflines.

Attorney Smith stated that if there were a situation where they could not meet this condition they would seek a height variance from the Zoning Board of Adjustment. Mr. Casey stated that the first option would be to conform to the conditions of approval without coming before the Board. They would try to work out the situation through the

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Professionals with the grading plan. Engineer Morris stated that they usually do not see the height of the building on the grading plan. The applicant stated that they could put the finished height of building on the grading plan. The applicant will devise a fit list, which will predetermine which type of basement will be used for which lot based on the site conditions.

The Board and the applicant agreed that the condition would be that all roofs would have an 8 on 12 in pitch and be a maximum height of 38.5'.

Building height shall be shown on each individual plot plan and grading plan.

Engineer Morris stated a concern about residents in the development complaining about the steep grades and wanting to put in retaining walls, etc. Mayor Muchowski stated that this is why there is the provision of signing off on the grading plan. Attorney Smith said that they would have the homeowners sign off on the lots specific grading. This would become part of the file.

Motion of Muchowski, seconded by DeAngelis to approve application PB#2005-06.

Member Napolitan asked if the landscape plans are not being signed and sealed by a licensed landscape architect, who would be responsible to make sure that the plan was met. Planner Hintz stated that he has already approved the plans. Township Engineer, Dante Guzzi, would inspect any bondable improvements.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, Napolitan, Hamilton-Wood, DeAngelis

NOES: None

ABSENT: O'Hara, Smith, Stockhaus

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

Chairperson Hamilton-Wood called for application PB#2005-07 for Peoples Savings Bank. Applicant is requesting Preliminary and Major Site plan approval for construction of a parking lot to the rear of the existing bank structure located at Broad & Front Street, Block 58, Lots 3 & 4, located in an NC Neighborhood Commercial District.

Jonas Singer, attorney for the applicant stated that he had two witnesses to provide testimony. Patrick Ennis, engineer for the applicant was sworn at the prior meeting and was still under oath. Gary Pelehaty, President and CEO of Peoples Savings Bank was sworn in by Solicitor Abbott.

Mr. Pelehaty stated that the bank intended to renovate the existing branch in Florence and install a small parking area facing Front Street. Attorney Singer presented a group of

photographs of the site that were marked as exhibit A1 and a sketch of the façade of the bank was marked as exhibit A2. Mr. Pelehaty stated that the new entrance to the bank would be to the side of the building facing Front Street. There would be minimum changes to the interior of the bank – the teller window will be turned.

The bank currently has 2 ½ employees. The hours are 9 to 5 Monday through Wednesday, and 9 to 6 on Thursdays and Friday, and 9 to 1 on Saturday. There is no walk up window or ATM existing or planned. Mr. Pelehaty estimated that there were 2 to 3 customers in the branch at one time. Mr. Pelehaty stated that they were proposing 6 parking spaces. He does not think that all spaces would be utilized at the same time. He stated that customer usage had increase some over the years. Peoples Bank acquired this building from the Florence Township Savings and Loan. If this plan is approved the two lots will be consolidated.

Chairperson Hamilton-Wood asked if there would be an increase in number of employees. Mr. Pelehaty stated that he did not think so.

Mayor Muchowski stated that the major problem with this application is the bus stop. The question is how to handle safe and efficient access onto Front Street.

Mr. Ennis stated that he had personal knowledge of the submitted site plan. He stated that he had added the site triangles from the driveway onto the plan as requested. The bus stop is approximately 55' from the bus stop to the ingress and egress to the site. The width of the proposed driveway is 25'. Attorney Singer stated that this would add another 12.5' to the distance, which would total approximately 60' from the front of the bus. The bus schedule indicates that the bus stops every hour during the week and every two hours on the weekend. Mr. Singer submitted the bus schedule to be marked as exhibit A3.

Member DeAngelis asked how long a bus was. Mr. Ennis said a bus was 30' to 40' long. Attorney Singer stated that a sign would be installed in the outgoing lane of the parking area indicating that there is an active bus stop.

Mr. Ennis stated that since Front Street was a county road he had submitted a site plan to the county for review. The County Engineer had not yet reviewed the application. Mr. Ennis stated that in his opinion there could be safe exiting from the site. Even if a bus were at the stop (the concrete pad) a car exiting would be able to see oncoming traffic from both directions. From the concrete pad to the corner is a distance of 40'. There is a distance of 95' from the corner to the proposed driveway.

Member Fratinardo stated that the left turn from the parking lot would be very difficult if a bus was there. Mr. Ennis stated that the bus would be pulled over by the curb and shouldn't pose a problem to cars exiting to the left.

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Attorney Singer stated that the County had jurisdiction and the applicant would have to comply with the County recommendation. Mayor Muchowski asked what would happen if the County would require relocation of the bus stop. Attorney Singer stated that the application would have to conform to the County's recommendation.

Chairperson Hamilton-Wood expressed concern over cars making a right from Broad Street around a bus while at the same time a car is exiting the proposed parking lot to the left. She stated that she thinks the applicant should explore moving the bus stop.

Solicitor Abbott asked if the applicant had contacted NJTransit about moving the bus stop. Mr. Singer asked where the appropriate place for a bus stop would be? Chairperson Hamilton-Wood stated that the Police Chief stated that the appropriate place would be at far side of the driveway.

Attorney Singer stated that he is prepared to bring in a traffic engineer to testify on what the appropriate site distances should be if that would assist the Board. Chairperson Hamilton-Wood stated that the Board gives great deference to the concerns of the Police Chief. She stated that she didn't think a traffic engineer was necessary.

Mayor Muchowski stated that the bus doesn't always stop in the same spot. The site triangle is greatly impacted by even a few feet. The concern is how do we most efficiently handle the entrance and exit.

Attorney Singer said they would endeavor to have the bus stop moved, but this might not be the answer to the problem.

Chairperson Hamilton-Wood asked if the driveway could be moved closer to Broad Street. Attorney Singer stated that the County would dictate where the driveway would be located. Mayor Muchowski asked about having a right turn only out of the driveway. Attorney Singer stated that their concern was cars making a U-turn on Front Street. Attorney Singer said they would be agreeable to conditioning approval on moving the bus stop.

Member Fratinardo said that it was already difficult to make a left hand turn from Broad Street. He is also concerned with collisions between a driver making a right from Broad Street and a bank customer making a left from the driveway. Member Fratinardo stated that he thought it should be a right hand turn only. Attorney Singer stated that if they move the bus stop they would want the ability to make a left out of the parking lot.

Engineer Morris stated that there was a problem with the design of the parking stalls. The last 2 parking stalls the farthest from the bank may present a problem. Cars backing out will be backing out into the oncoming traffic coming into the site. Mr. Ennis stated that in his opinion there would be sufficient room for the cars to back up and not into other cars.

Attorney Singer stated that there was testimony at the August meeting that there would not be employee parking on the lot.

Chairperson Hamilton-Wood asked if angle parking would be possible. Engineer Morris stated that the site was very restricted and he did not think angle parking would work.

Attorney Singer stated that the DOT language does not prohibit the driveway location to be in the acceleration/deceleration lane. Chairperson Hamilton-Wood asked what the stopping area of the bus was.

Mayor Muchowski stated that this plan is a great improvement, but how do we make it work effectively and safely. 3 of the 6 parking spots are in the driveway. This is a highly unusual and undesirable situation. Attorney Singer stated that the area of the lot is 6,000 square feet. They don't have a lot to work with. Mayor Muchowski stated that this puts the Board in a bad position. They want to work with the applicant, but they have to make sure the plan is safe and efficient. Attorney Singer stated that the off street parking would benefit the neighborhood. Mayor Muchowski stated that if the bus stop were moved to the east of the site, street parking would be reduced for the residents. These homes do not have driveways or alley parking. They use the street in front of their homes for parking. Attorney Singer stated that the applicant is doing the best that they can.

Member DeAngelis asked if only having the right hand exit from the driveway would make the site work efficiently. Members Napolitan and Fratinardo both spoke in favor of the right turn only exit.

Engineer Morris stated that if the plan were altered to have 2 parking spaces plus the handicap space it would be workable.

Mayor Muchowski asked for the distance from the back of the parking spaces to the edge of the driveway. Mr. Ennis said that it was 20'. Engineer Morris stated that a typical aisle is 25' for two way access, 18' for one way. The parking spaces are 9' x 18'.

Attorney Singer stated that they would agree to reduce the parking spots from 6 to 5 to make it easier to maneuver. They would also agree for right hand only exit. The applicant would need to apply for a variance for the parking requirement.

Chairperson Hamilton-Wood asked what would happen if the Board approved the application, but the County had a different opinion. Solicitor Abbott stated that the Board could determine under what circumstances the applicant would have to come back before the Board for further review. Chairperson Hamilton-Wood asked if the County had the authority to move the bus stop? Solicitor Abbott stated that if the County can recommend the removal of the bus stop, but it is up to NJTransit to move the bus stop. Solicitor Abbott stated that if the County should change the plan, the Board has the right to review the changes.

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Chairperson Hamilton-Wood asked if the lot would be signed as “bank customer parking only”. Attorney Singer said that he didn’t think the bank would mind if residents of the area utilized the lot during the evening hours.

Mayor Muchowski said that if you eliminate the 9’ and go to 10’ spots, on the 4 remaining spots there might be area for a buffer for privacy. Engineer Morris stated that eliminating the one spot does help the circulation on site. It would be better to have 10’ x 18” spots. The wider stalls give better maneuverability. Attorney Singer stated that they could take the extra space and add landscaping.

Planner Hintz referred to his report dated October 7, 2005. Item 3 regarding the 15’ buffer to the residential area is partly solved by the elimination of the one parking space. Item 6 regarding the Right of Way for Front Street is subject to the County.

Engineer Morris stated that he would like to see the survey plan attached to the approved set plan.

Mayor Muchowski asked if a design waiver would still be required for parking spaces within the buffer area? Planner Hintz stated that a waiver would still be required.

Mayor Muchowski asked what was being proposed for the back of the parking area where it abuts the residential lot next door. He asked what would be put there to keep head lights out of the neighbors yard. Attorney Singer stated that the bank only had night hours on Thursday evenings, and only until 7:00 P.M. There currently exists a chain link fence between the two properties. Planner Hintz stated that the applicant should approach the neighbor and see if they could replace the chain link fence with a Board on Board fence. Chairperson Hamilton-Wood asked if wheel stops were provided? Attorney Singer stated that the plan calls for a 6’ sidewalk this would allow for any vehicle overhang. Mayor Muchowski asked what buffer was planned to protect the neighbor? Attorney Singer stated that if the Board wanted a board on board fence they would speak with the neighbor and get permission to replace the chain link fence. He said that they would also add the wheel stops to the plan.

Chairperson Hamilton-Wood asked Planner Hintz if he had looked at the proposed plantings. Planner Hintz stated that arbor vitae were proposed, they would be 5’-6’ when installed and will grow to approximately 15’. Chairperson Hamilton-Wood asked what the elevation of the property next door was. She said that the neighbor would look out their door into the parking lot.

Mr. Ennis said the time limit for the County response was running out, but they might ask for an extension.

Solicitor Abbott said that the plan would be revised to reduce the number of parking stalls, an amended plan application would be required and additional notice will be

required. Attorney Singer stated that he had language in his notice regarding any and all variances or waivers deemed necessary. Solicitor Abbott stated that she would look at the notice. Chairperson Hamilton-Wood stated that a new variance would be required for eliminating the buffer between the residential zone, a new variance for the parking spaces, and design waiver for the length of the parking spots.

Chairperson Hamilton-Wood asked where the house next door was located. Engineer Morris stated that he had asked for existing conditions. The Board tried to determine from the plan where the County right-of way was located.

The Board discussed the waiver request to eliminate the buffer. Mayor Muchowski stated that the Board was trying to work with the applicant on this plan. The parking lot is completely planned in what should be the buffer area. Attorney Singer stated that at the beginning of the evening the bus stop was the issue. Mayor Muchowski stated that it was unfair of Attorney Singer to downplay the importance of the buffer from the neighboring property. Attorney Singer stated that the applicant was trying to modernize the existing facility; they are making great effort to improve the façade of the building and create off street parking. There is no addition land, so if they are going to create off street parking they cannot provide buffer. They can't create any more space and they hope that the improvements that they are proposing would be sufficient to allow the Board to approve that waiver. Solicitor Abbott asked if they would renovate the building if the parking was denied. Attorney Singer stated that he did not know.

Motion by Fratinardo, seconded by Napolitan to open the meeting to the public. Hearing no one wishing to speak motion was made by Fratinardo, seconded by DeAngelis to close the public portion of the meeting.

Engineer Morris said that if a fence was run around the side into the front yard setback a variance would be required. Attorney Singer stated that he was not requesting that.

Mayor Muchowski asked if the applicant had a Technical Review Committee meeting with the Board. Attorney Singer said that he did not think that was necessary. Attorney Singer stated that he would work with the professionals and add as much buffer as they can.

Solicitor Abbott suggested that the 2 engineers should sit down and review the plans. Solicitor Abbott stated that at this point it was appropriate for the Board to continue the application until next month.

Engineer Morris stated that the applicant needed to revise the plan to show the setback requirements and show the new building footprint to see if any variances are required for the building. Mr. Ennis stated that the whole building is within the setback. There is no setback line that he could show.

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Chairperson Hamilton-Wood stated that the applicant might want to do some investigating with NJTransit to see if there are any options regarding the moving of the bus stop.

Mayor Muchowski stated that the Board had to take into the consideration the well being of the applicant and all neighboring properties. He said that a zero buffer is never a good situation but he is willing to look at the project based on the volume and the fencing. He also suggested possibly adding buffer to the neighbors yard to allow the uses to peacefully co-exist.

Chairperson Hamilton-Wood stated that she agreed with the Mayor that there is work that needs to be done so that the needs of the community are met.

Attorney Singer agreed to extend the time limit for Board action.

Motion of Fratinardo, seconded by Napolitan continue the application until the November meeting. Motion unanimously approved by all members present.

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

Chairperson Hamilton-Wood called for application PB#2005-08 for Atlantic Equity Olive Street, LLC. Applicant is requesting Preliminary Major Subdivision approval to develop Block 147.01, Lots 1 and 16 located off Olive Street into an active adult community consisting of 73 single family detached, 39 single family attached homes and 3 open space/recreation area lots.

Chairperson Hamilton-Wood stated that the cut-off time is 11:00 P.M. and no further testimony would be accepted after that time.

Charles Petrone, Raymond and Coleman, attorney for the applicant stated that the property is known as Block 147.01, Lot 1. The lots were consolidated previously. The property is located on Olive Street. ReadyPac borders it on the south, Conrail Railroad tracks to the west, properties along McKay Drive to the east and Conrail railroad and Fifth Street along the north side.

The following witnesses were sworn in by Solicitor Abbott: Jonathan Grebow, President, Atlantic Equity, Brett Owings, director of engineering, Atlantic Equity, Robert Stout, Stout & Caldwell, designing engineer and David Horner, Horner & Cantor, traffic engineer.

Mr. Stout described the site to the Board. The property is zoned as AA Active Adult. There are town homes along the railroad tracks and the Readypac side and the 73 single family homes are intermixed throughout the site. The town homes are part of the COAH affordable housing obligation. The property grades from east to west and drops into a

basin, which meets the Residential Site Improvement Standards (RSIS). There is a large buffer area and the site is heavily landscaped. They have designed a larger berm straddling the property with ReadyPac to provide a greater buffer against the industrial use. The lots are 8,000 square feet. There will be off street parking and garages.

David Horner from Horner & Cantor stated that he had prepared the traffic impact study for the development. He gave an explanation of how the traffic study was conducted. He stated that there is proposed to be an access opposite Sixth Street and an access equi-distance between Oak Street and Fifth Street. There is approximately 800' between the 2 access points. They found that the combination of the volume on Olive Street and the 2 access points that the overall traffic impact during peak hours is not very high for this development. The level of service (LOS) would be between the A and B range. This indicates that there will not be undue delays exiting the development.

They also looked at the off-site intersections. There is an existing problem for the stop-controlled vehicles at the intersection of Olive Street/Hornberger Avenue and Delaware Avenue. This intersection operates at a LOS F. This LOS would continue and the study indicated that in the future based on general background growth that a traffic signal should be considered for this intersection. With a traffic signal the intersection would operate at a Level A or B. The intersection does not meet the warrants for a signal at this time.

Attorney Petrone asked Mr. Horner to explain the procedure for having a traffic signal installed. Mr. Horner stated that the intersection included a County road. If the Township noticed that a traffic signal installation should be pursued an application would be filed with the County. This also has to be approved by NJDOT. Assuming that both agencies approve the traffic signal then one would be installed. Chairperson Hamilton-Wood asked who would be responsible for payment for the installation of the traffic signal. Attorney Petrone stated that under the development agreement with the applicant, the applicant is obligated to pay \$97,000 toward site improvements for the traffic signalization and sidewalks. This would be a good portion of the cost.

Chairperson Hamilton-Wood asked if when Mr. Horner did his traffic study he took into consideration oversized vehicles maneuverability throughout the site. Mr. Horner stated that he had. Based on the RSIS parking would be allowed on one side of the street only.

Mr. Napolitan asked at what time the traffic study was conducted. Mr. Horner stated that the study was conducted at the typical commuter peak hours between 7:00 A.M. and 9:00 A.M. and between 4:00 P.M. and 6:00 P.M. on a weekday. Chairperson Hamilton-Wood asked what would warrant a traffic signal. Mr. Horner stated that the warrants were based on volumes. You need to have 100 vehicles minimum on the peak hour on the minor street and 500 vehicles on the major street. We don't have this volume on the minor street yet, but it won't be long until this volume is met.

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Chairperson Hamilton-Wood asked Engineer Morris to review his letter dated October 14, 2005.

Item 3 regarding existing and proposed deed restricted easements and protective covenants. The applicant agreed to forward these to Engineer Morris' office. The applicant also agreed to a conservation easement and a landscape easement.

The applicant agreed to Item 4 regarding the file plat and Item 5 regarding the sign off block. Item 6 Mr. Stout indicated that there is a note on sheet 2 indicating that there are no wetlands on the site. Item 6 a note will be added indicating which area will be dedicated to the Homeowners Association.

Item 9 Mr. Horner indicated that in approximately 2 years the improvement to the Olive Street/Delaware Avenue intersection would be warranted. Mr. Horner estimated a 5% increase in peak hour traffic based on the building of this development.

Item 10 site triangles and easements will be added. Item 11 contours in the roadway will be added.

Items 12 and 13 Engineer Morris stated that there were some areas that appeared flat and would cause ponding. Mr. Stout will work with Engineer Morris to solve this.

The applicant agreed that all driveways would be 2 to 8% grading. Item 15 steep grade around the southwest townhouses. Mr. Stout stated that there was 25' of usable back yard and then there is a swale for the berm. Mr. Stout will work this out with Engineer Morris.

Item 16 the 50' contour will be corrected on the plan. Item 17 the applicant will provide the grading and construction detail for the sales trailer parking. Item 18 cross sections of the stormwater management basin will be including. Item 19 the "Low Impact Development Checklist" will be provided. Item 20 a note will be added that there will be no compacting of the area of the basin bottom. Item 21 a permeability test will be provided. Item 22 regarding stormwater reduction from 75% to 80% for the 100 year storm. Mr. Stout said their system is much more restrictive yielding only 20%. Item 23. the stormwater management report will be revise as requested.

Item 24 Mr. Stout stated that they have met the RSIS standard for the reinforced concrete pipe. The RSIS does not require as much cover over the pipe as the Township ordinance does. Engineer Morris stated that there is a percent reduction that must be shown. There is reduced flow based on the pre-developed site conditions. The Township Engineer would have to look at the overall system. Mr. Stout stated that their system is independent of the system they are tying into because they have the basin. All the pipes lead into the basin. The allowable water in 100 years storm is 141 cfs. They are only allowed to discharge 28 cfs. This doesn't include percolation. The water that collects

into the basin will seep into the ground so the amount of the water will never reach the 28 cfs. Engineer Morris stated that he couldn't verify Mr. Stout's numbers but he did agree with his philosophy.

Chairperson Hamilton-Wood asked again about the cover for the pipe. Is 10" of cover over the pipe sufficient? Engineer Morris said that the Township ordinance calls for 2' of cover, but he feels that the RSIS requirements are sufficient.

Item 25 the interference with the fence and the storm sewer pipe will be taken care of. Item 26 a 12' thick minimum, I-57 stone aggregate will be installed under all inlets, outlets and manhole structures. Item 27 stormwater structures will reference the ASTM standard. Item 28. The N-Eco curb piece will be installed. Item 29 the applicant will conform to the asphalt paving spec. Item 30 the applicant agrees to note all revisions on the plan. Item 31 Handicap ramp details will be added to the plan. Item 32 the applicant will provide as-builts in Auto-CAD format to the Township Engineer. Item 33 the applicant agrees to post all bond and escrow fees required.

Mayor Muchowski asked about the asphalt paving specification. Engineer Morris stated that if the applicant would like to reduce the paving specification they would have to submit testing for the sub-base material for approval.

Chairperson Hamilton-Wood asked Planner Hintz to review his letter dated October 13, 2005. Section 5.0 Item 4 states that the zoning code requires a 25' buffer along the perimeter of the site. The area where the buffer should be between the existing houses and proposed lots 3, 4, and 5 is proposed to be a utility easement for the existing houses. The code does not allow for this, the applicant would need to apply for a variance for this. Brett Owings stated that when they originally looked at the zoning for the projects the residents at existing lots 16.02, 16.03, and 16.04 within Block 147.01 asked if the applicant could provide sanitary sewer for them. Mr. Owings said that the applicant had agreed to provide an easement along the applicant's property for the sewer. They can't provide both the buffer and the sanitary sewer easement. They would like to provide the sewer for the existing residents. Mayor Muchowski asked if it was possible to move the line onto the resident's property. Mr. Owings said he would be happy to put the sewer line on the resident's property, but he doesn't want to hold up his development if one of the residents doesn't agree. The MUA would require a 20' easement if the lines were run on the existing resident's property. Mayor Muchowski stated that he would ask the Township Administrator to contact the property owners in regard to the sewer easement.

Planner Hintz suggested that the buffer could be provided on the existing resident's lots. Mr. Owings was agreeable to whichever solution the Board preferred.

Mr. Owings said that one of the property owners had a shed over the property line and the applicant will grant an easement for this.

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Item 5 regarding the 100' buffer from the SM and GM zone. Attorney Petrone stated that the AA zone requires a 50' buffer to the SM zone and this is what they conformed to. Mr. Stout stated that if ReadyPac does not agree to the berm on their side, the site would still have a 50' buffer. Mr. Stout stated that the rear yards are 25' deep; this drops down to 15' of swale and then up to the berm, which is 35' wide. If ReadyPac agrees to allow the berm on their side of the property line also it would be 10' to 12' berm before planting.

Mr. Stout stated that if the berm needs to be extended there is room to do that. There will be 6' planting on top of the berm. Mayor Muchowski asked what the average height for the town home window. Mr. Owings said approximately 15'. Mayor Muchowski asked if the berm could be constructed at the beginning of the project.

Mr. Stout stated that they had just checked the code and the AA zone requires a 25' buffer so even if ReadyPac does not want to have a berm on their side, the applicant has sufficient buffer built into the plan.

Due to the late hour Chairperson Hamilton-Wood asked if it would be appropriate to open the meeting to the public. Solicitor Abbott stated that this would be fine. Motion of Fratinardo, seconded by DeAngelis to open the hearing to the public. Motion unanimously approved by all members present.

Tony Zayas, 1 St. Andrews Court, Westampton, NJ. Mr. Zayas stated that he works for ReadyPac and would like to speak on behalf of ReadyPac. Attorney Petrone objected to Mr. Zayas testifying on behalf of ReadyPac. He stated that an attorney must represent ReadyPac. Solicitor Abbott stated that any testimony given by Mr. Zayas should be considered as his personal opinion and does not reflect the views of ReadyPac. Mr. Zayas stated that he is the Facilities Director at ReadyPac. Mr. Zayas stated that he has a concern that the houses that back up to the property are adjacent to the area where the shipping and receiving takes place. ReadyPac is a 24-hour operation and there is lighting and noise from the backup alarms from the tractor-trailers.

Mayor Muchowski stated that in reviewing the site plan the Board had some of the same concerns. He requested that copies of the ReadyPac resolutions and the Atlantic Equity Olive Street Developers Agreement be forwarded to members of the Board. He stated that lighting shouldn't spill over into the residential site. The Board has tried to create a standard where the two zones can co-exist. Mr. Stout stated that some of the dialogue between the applicant and ReadyPac had already taken place and would continue.

Gregory Bouchard, 309 East Franklin Avenue, Edgewater Park, NJ. Mr. Bouchard is the Engineering Manager for ReadyPac. He stated that he echoes the testimony of Mr. Zayas. ReadyPac has always tried to be a good neighbor and doesn't want to have problems with the neighbors.

Cynthia Cardi, 748 Olive Street. Mrs. Cardi says she lives on the furthest end from ReadyPac and if she goes out on her back porch in the winter the light are very bright. This will be a problem for people sleeping on the second floor of the town homes. Mrs. Cardi asked if her lot had been rezoned. Mayor Muchowski stated that he would check on this. If it hadn't been done, it will be done. Mrs. Cardi asked about the sewer easement/ buffer on her property. Mayor Muchowski stated that Mrs. Cardi would be contacted within a few days regarding the rezoning of her property.

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

The Board returned to Planner Hintz' report. Item 5 regarding the landscape buffer. Planner Hintz will meet with the applicant's landscape architect.

Mayor Muchowski asked why the clubhouse and the pool were put where it was located. Jonathan Grebow stated that they could flip-flop the pool and the parking lot if needed. Planner Hintz stated that more buffering was needed in that area.

Attorney Petrone agreed to extend the time limit for Board action.

Motion by Fratinardo, seconded by DeAngelis to continue until the November meeting. Motion unanimously approved by all members present.

Motion to hold correspondence until the November meeting by Fratinardo.

The Board decided to put the Board of Education Long Range Facilities plan until November.

The November 21, 2005 meeting will begin at 6:00 P.M. The first item on the agenda will be COAH.

Chairperson Hamilton-Wood stated that the Board needed to have a special meeting. The Board agreed to have a special meeting on Monday, November 28, 2005 at 6:30 P.M.

Board Clerk Erlston will write a letter to the applicants stating that revised plans should be received 2 weeks ahead of time in order to be considered.

Motion by DeAngelis, seconded by Napolitan to adjourn the meeting.

John T. Smith, Secretary