

173.

Florence, New Jersey 08518-2323  
November 21, 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. Vice Chairman O'Hara called the meeting to order at 6:05 P.M. followed by a salute to the flag.

Vice Chairman O'Hara 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 Meeting 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:

Councilman John Fratinardo	John T. Smith
Mayor Michael Muchowski	Philip F. Stockhaus, III
Thomas Napolitan	Gene DeAngelis
Dennis O'Hara	

ABSENT: Chairperson Mildred Hamilton-Wood

ALSO PRESENT: Nancy T. Abbott, Board Solicitor  
Frank Morris, Board Engineer  
Kate Fullerton, Board Planner (substituting for Carl Hintz)

Vice Chairman O'Hara announced that there would be a public hearing on the amendment of the Housing Element and Fair Share Plan of the Florence Township Master Plan.

Mary Beth Lonergan, Senior Associate and New Jersey licensed Professional Planner with Clarke Caton Hintz stated that she would be presenting Florence Township's Housing Element and Fair Share Plan.

Ms. Lonergan stated that in the past the Township has prepared both a first round and second round Fair Share plan. The Township had petitioned and received certification from the Council on Affordable Housing (COAH).

The first round certification was for a plan that covered 210 affordable units. The second round number from COAH was 171. The second round certification was extended to allow the Township to develop the third round plan. This third round plan must be filed with and petitioned to COAH by December 20, 2005.

Municipalities that petition with an adopted Housing Element and Fair Share Plan are viewed by COAH to have a presumption of validity of both the Master Plan and the

Zoning Ordinances. Municipalities that voluntarily go to COAH and petition for certification have the widest flexibility in planning and addressing their affordable housing obligation. With petitioning you are protected from “Builders Remedy” lawsuits. If a litigant is successful in a Builders Remedy lawsuit, that Builder may receive the ability to build 4 market rate units for every one affordable unit that the Developer provides.

Affordable Housing is housing that is deed restricted as a rental unit or a sell unit for a minimum of 30 years. The income for 2005 are based on a percentage of the regions median income. For moderate income the percentage is 80% or \$55,000 for a family of 4. Low income is defined as households that earn up to 50% or \$34,400 for a family of 4.

The typical affordable sale price for a 2 bedroom unit at the moderate level is \$100,000. The low income sale price would be \$70,000 to \$75,000. Typical affordable rent for a 2 bedroom moderate income apartment would be \$930 per month. Affordable rent for low income would be \$700 per month.

COAH’s new Growth Share is a significant departure from the prior 2 rounds of Affordable Housing obligations. In the past COAH assigned each municipality a specific number. At this point the Growth Share obligation is based on what growth both residential and non-residential occurs in the municipality in the Third Round period. The Third Round started January 1, 2004 and goes for 10 years until January 1, 2014. The Growth Share methodology puts the burden of determining what the obligation is on the municipality. The municipality must analyze the historic trends of development, you need to project for what residential and non-residential developments have been approved by the Planning and Zoning Boards, and project what may come before the Boards and be developed and receive certificates of occupancy within the 10 year period.

The Township’s Affordable Housing subcommittee has done this analysis and has determined that the Third Round Growth Share will be 153 units. This slightly exceeds the State plans projection for this Third Round period. This adds validity to the plan so that an objector would have to by clear and convincing evidence show that that number does not address the Township’s provision of Affordable Housing for the region.

The complete Third Round obligation consists of 3 different parts. The first part is the rehabilitation share. COAH has done an analysis of the 2000 census and has determined that Florence has a rehabilitation share of 21. The second component is the prior round. The prior round number is 115. The Third Round Growth share is the 153 units.

The Township has already addressed a portion of the rehabilitation. The County has already rehabilitated 5 substandard units that are occupied by low or moderate income households. The Township will continue the relationship with Burlington County to rehabilitate an additional 16 units. If the Housing Authority (Maplewood Homes)

175.

performs rehabilitations over the period the Township will be eligible for credits from that program also.

The efforts that the Township has done to address its prior round obligations has really put the municipality in good position at this point. The Township has a surplus of 52 units. Specifically the prior round was met with Regional Contribution Agreements (RCA). Florence transferred a total of 103 units to Pemberton Township. There are also two existing affordable housing developments in the Township, Roebing Arms (MSAA) which is family rentals at 24. There is also Roebing Inn administered by BCCAP. Between these two the Township is eligible for 26 prior round rental bonuses.

The plan to address the Third Round Growth Share starts with the 52 surplus credits. There is also a proposal to turn the Duffy School into a senior age restricted rental complex. Although there are 63 units proposed for this structure, it is capped at 58 credits. Into the latter part of the Third Round we should get full credit for the renovations at Duffy School.

There are also 9 existing Transitional Housing units in the Township that will yield full credit for rental, but no bonuses at this time.

There are two exciting programs for the Township. The first is the Purchase Assistance Program and the second is the Rental Acquisition Program. Both programs are based on the same premise. The thought is to take existing market rate units in the Township, purchase them and either help a low or moderate income household to purchase them at a reduced rate or to own them with a non-profit or other entity owning them and renting them for an affordable rent. Both programs are in the plan for the initial unit of 10 units each. This is an artificial COAH limitation, but it makes sense to put it in at this point.

Another big part of the Township's plan is through the adoption of the Growth Share ordinance. This ordinance specifically says that residential and non-residential development in this Third Round period, which generates affordable housing obligations, will have to address this obligation.

The Township has projected what may be the Third Round Growth Share. This is a projection. COAH's rules are set up with 3 progress reports. These progress reports are due in 2008, 2010 and 2013. COAH requires that with the petition or subsequent certification of the housing plan, any municipality that comes for certification must go through the State Planning Commission for initial plan endorsement.

Ms. Lonergan concluded her presentation and asked the Board for questions.

Mayor Muchowski gave the example that if Whitesell wanted to build a warehouse that generates a 4 unit obligation. They could provide the units or pay into the fund. The Township is taking the approach that it may be better through a rehabilitation plan to

provide the units. For instance, a Roebling row home that is selling for about \$130,000, if Whitesell purchases a unit, rehabilitates it and sells it for \$100,000. They have provided the unit with the documentation and the restrictions that are necessary, but with the net cost of \$50,000 as opposed to \$120,000. Without changing the character of the Township we may be able to use innovative techniques to have in-place housing stock satisfy the requirement while upgrading the housing stock at the same time.

Ms. Lonergan stated that a developer would have to make sure that a unit was renovated up to code standard. The cost of this is unknown. An average of \$8,000 in hard costs has to be expended on a major system (roofing, plumbing, electrical work, windows, etc.).

Mayor Muchowski stated that the Township is trying to steer away from having one area bear the brunt of the affordable housing. He stated that, as a component of any Developer's agreement that the Township enters into will have distinct language as to how the obligation would be addressed. Some developments will have on site units, some developers' will do rehab, and the Township through the evaluation process still has the ability to explore RCA's. The document remains a living document and can be amended at any time.

Ms. Lonergan stated that the growth share on 153 units anticipates a portion of the Roebling site to be rehabilitated. She stated that we did get credit for the buildings that were torn down. Any buildings that were demolished during the Third Round period will be subtracted from any type of growth.

Vice Chairman O'Hara asked how the Duffy School project would be funded. Mayor Muchowski stated that the School Board is handing the property over to the Township for \$1.00. The Township has been looking for an experienced affordable housing provider to help find funding to convert the Duffy School.

Mayor Muchowski stated that the COAH rules put a big responsibility on the municipality. The Township needs to administer the units that are deed restricted and become qualified. For instance, if one of the qualified properties gets foreclosed, there is the possibility that the unit becomes a market rate unit again. This is why the Township is looking at multiple type approaches to this.

Member Napolitan did not approve of the fact that the Township could end up being landlords with all the resultant problems. Ms. Lonergan stated that in the plan they were hoping that the Township would hire an experienced administrative entity. For instance, for the purchase assistance program the owner would be the household. The good news in the Third Round is that COAH has changed its restrictions so the act of foreclosure can no longer extinguish affordability controls.

Ms. Lonergan said that the Township will be looking for an experienced administrator to potentially own some of these units. Consultants will be hired to deal with rent

177.

collecting, maintenance, etc. Member Napolitan stated that the bottom line is the Township is responsible for the property. Mayor Muchowski stated that the Township was responsible to fulfill its COAH obligation. This is a very difficult task. It can be administratively burdensome on the Township to fulfill the obligation. There is no recourse except becoming as well versed and administratively sound as possible. This becomes a 30-year partnership to make sure that the system continues to function properly.

Member Stockhaus asked if the Township would be responsible for insuring the Duffy School building. Mayor Muchowski stated that this would be similar to the Village Tavern sale. This building was sold to BCCAP with the caveat that it had to remain affordable housing.

Vice Chairman O'Hara asked where we stood with the debt from the RCA units that former Mayor Benedetti had assigned to Pemberton. Mayor Muchowski stated that this had been bonded and part of the COAH fees that had been collected had been put toward paying off the bond debt. Ms. Lonergan stated that it is hoped that the incoming fees for the Third Round will go towards paying off all the bond debt. The Board had a discussion about the bonus density unit for the Mallard Creek development.

Mayor Muchowski said that fortunately prior administrations had laid a very solid foundation that has put us in a position where even with the difficulty that we faced that the ruling was retroactive to approvals with permits dates after January 1, 2004. For Greenbriar, the approval predated the formulation of the Third Round regulations, but we are responsible for any units that received permits after January 1, 2004. Mayor Muchowski asked that Administrator Brook provide the COAH spreadsheet to the Board.

Member Smith asked where the funding would come from to cover these administrative costs? Ms. Lonergan stated that COAH's rules allowed 20% of all fees collected would be used to cover administrative costs.

Mayor Muchowski stated that the Township had done some ordinance changes, which expanded the ability to generate the COAH fees. As the Township refined what they were doing the ordinance was amended to reflect the cost of actual construction of an affordable housing unit within the region. The average cost was determined to be \$120,000. 1 house in every 8 houses built has to be an affordable unit. A person who builds a single-family home will also have to 1/8 of the cost. It wouldn't be fair to make the taxpayers bear this expense.

Vice Chairman O'Hara asked if the Florence Township Housing Authority had the ability to be administrators. Mayor Muchowski stated that no the groups that we are looking into work with building contractors and developers and put together the entire package for tax credits and incentives.

The Township had Clarke Caton Hintz evaluate the Duffy School to see how many units it would take to make it a viable marketable property to attract the type of organization the do this. Ms. Lonergan stated that it is between 60 and 65 units in order to have an on-site management entity in the building. Member Napolitan asked if there would be sufficient parking. Mayor Muchowski stated that the Township is conducting a parking study. Mayor Muchowski stated that the impervious coverage on the site would actually improve with the conversion to affordable housing.

Member Napolitan asked if there would be a new department in the Township to run this. Ms. Lonergan stated that the Township would donate the land to the chosen experienced developer. Vice Chairman O'Hara asked about taxes. Ms. Lonergan stated that most funding sources require a payment in lieu of taxes (PILOT). This is typically in the neighborhood of 6.3% of the gross of the rent roll. Member Smith asked what a typical rent would be. Ms. Lonergan stated that the rents would be similar to those that she had mentioned earlier. Possibly around \$650 -\$750 per month.

Mayor Muchowski stated that the Township would put a request for proposals for administrative entities.

Mayor Muchowski stated that Florence is a community that has an existing housing stock of affordable units. What we don't have is the deed restriction that counts towards the program. This is part of what the Township is trying to do. This way we can use the existing housing stock and spread the obligation throughout the community.

Vice Chairman O'Hara opened the meeting to the public. Hearing no one wishing to comment the public portion was closed.

Motion of Fratinardo, seconded by Stockhaus to approve and adopt the amendment.

Upon roll call the Board voted as follows:

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

The Board took a 10 minute recess.

The Board returned to the regular order of business.

**RESOLUTIONS**

179.

**Resolution PB-2005-36**  
**Granting Final Major Subdivision approval to Quaker Group Burlington II, L.P.**  
**(“Crossroads East”) for Block 165.01, Lot 4.01 located in an R Low Density**  
**Residential District.**

Motion of Fratinaro, seconded by DeAngelis to approve resolution PB-2005-36.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Napolitan, DeAngelis  
NOES: None  
ABSENT: Hamilton-Wood

**Resolution PB-2005-37**  
**Continuing the application of Peoples Saving 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 Fratinaro, seconded by DeAngelis to approve resolution PB-2005-37.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Napolitan, DeAngelis  
NOES: None  
ABSENT: Hamilton-Wood.

**Resolution PB-2005-38**  
**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 Residential District.**

Motion of Fratinaro, seconded by DeAngelis to approve resolution PB-2005-38.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Napolitan, DeAngelis  
NOES: None  
ABSENT: Hamilton-Wood

**MINUTES**

Motion of Fratinaro, seconded by DeAngelis to approve minutes from the regular meeting of October 17, 2005. Motion unanimously approved by all members present.

## CORRESPONDENCE

Solicitor Abbott stated that the Board needed to act on Correspondence F and F1.

Vice Chairman O'Hara directed the Board to Correspondence F. Township Ordinance No. 2005-23 providing for the adoption of best management practices for the management of stormwater and providing for design and performance standards for stormwater management plans.

Solicitor Abbott asked the Board to review F1 first amending the zoning ordinance for fences in a commercial zone. The ordinance had been silent regarding any approval for fences on commercial properties. If the fence complies with all the bulk requirements there was nothing in the ordinance that required site plan approval. The ordinance has now been amended so that any non-residential property that wants to erect a fence has to file a site plan with the Board for approval.

Councilman Fratinardo outlined the reasons for the amendment to the ordinance. Solicitor Abbott stated that she had prepared a resolution approving ordinance No. 2005-26. She then referenced correspondence F regarding ordinance No. 2005-23 codifying the stormwater regulations. Frank Morris stated that these regulations are more for the commercial sites. The regulations are consistent with the State regulations.

Motion of Fratinardo, seconded by Stockhaus approving resolution 2005-40 approving ordinance No. 2005-26 and resolution 2005-41 approving ordinance No. 2005-23.

Upon roll call the Board voted as follows:

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

Vice Chairman O'Hara stated that the Board would hold correspondence A for future discussion and receive and file B through E and F through O. Motion unanimously approved by all members present.

## OLD BUSINESS

Vice Chairman O'Hara stated that a letter was received from Jonas Singer, Esquire, regarding Application PB#2005-07 for Peoples Savings Bank. The applicant has requested a continuance until December 19, 2005 and has agreed to extend the time limit for Board action.

Motion was made and seconded to continue application PB#2005-07. Motion unanimously approved by all members present.

181.

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

Vice Chairman O'Hara called for 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 homes, 39 single family attached homes and 3 open space/recreation area lots.

Solicitor Abbott stated for the record that there are a few members of the Board who are not eligible to vote because they were absent from the last meeting and had not heard all the testimony. The eligible members are Mayor Muchowski, Councilman Fratinardo, Mr. Napolitan, and Mr. DeAngelis.

Charles Petrone, attorney for the applicant stated that they had started their presentation at the last meeting. They had gone through the Board Engineer's letter and portions of the Board Planner's letter. One of the items that had been discussed at the prior meeting was the berm that will be constructed along the common property between the applicant's property and the property of ReadyPac. Attorney Petrone made reference to a letter from Florence Township Administrator Richard Brook regarding an understanding that is being developed between Atlantic Equity and ReadyPac as it relates to that berm. This letter was entered into the record as exhibit A1.

Attorney Petrone stated that the berm would be located along the property line adjacent to the townhouse units. Robert Stout, licensed engineer and land surveyor, was introduced by Attorney Petrone. Mr. Stout was informed that he was still under oath from the previous meeting. Mr. Stout stated that they were proposing to construct a joint berm between the 2 property lines. The berm will be about 10'-12' above the finished floors of the existing houses between lots 17 and 18 down 775' to the back of the parking area. The berm will taper down to ground level at the ends.

Mayor Muchowski gave an explanation of the reason for the berm and the buffer to protect the residents. During the rezoning process of the area both property owners were concerned with the berm and buffer. There had been conversation at the last meeting regarding the height of the plantings on the berm.

Mr. Stout stated that the berm was going to be split at the property line. The peak will be right on the property line. Mayor Muchowski stated that the Township would like the berm to be constructed right at the beginning of the project so the landscaping will have the ability to grow and mature during the construction process.

Vice Chairman O'Hara asked if the swale would impact the back yards of the townhomes. Mr. Stout stated that the backs of the properties would be graded at a gentle 2% slope. The swale be located outside of the homeowners property and will be located on the

association owned ground. The swale will run along the back of the townhomes into the detention basin.

Vice Chairman O'Hara asked who would be responsible for the maintenance of the landscaping. Mr. Stout stated that the plan before the Board shows the landscaping the applicant is putting in. This landscaping will be bonded and then will be taken over by the Homeowners Association. When ReadyPac submits their application they will put buffering on their side of the top of the berm and whatever they chose on their side. Mayor Muchowski stated that he hopes that the ReadyPac plan is submitted in a timely manner so they both sides of the berm can be completed in good time.

Attorney Petrone stated that he would like to make certain representations and asked that Attorney for ReadyPac, John Gillespie to correct any misstatements. Solicitor Abbott referenced a letter from Richard Brook, Township Administrator, to Dennis Gertmenian, Chairman of ReadyPac and Jonathan Grebow, President of the Atlantic Companies. Both Atlantic Companies and ReadyPac agreed to all items set forth in the letter, with exception to the fourth condition. ReadyPac would like to have the ability extend the 66 grade (approximately 12' from finished grade) further to the end of the berm on the ReadyPac side of the berm. ReadyPac would bear the cost for this extension. Attorney Petrone stated that if by chance ReadyPac begins construction first they have agreed to construction and access easements so that Atlantic could construct the berm on their property. Mr. Stout said that he would revise the plan to show the expansion.

Member Smith asked where the dirt for the berm would be coming from. Mr. Stout stated that fill dirt would be required to construct the berm. Mayor Muchowski stated that it must be certified clean fill. The berm will be about 75 feet at the base.

Attorney Petrone stated that Atlantic and ReadyPac had agreed to have everything regarding the berm worked out and an agreement in place by the end of December.

Vice Chairman O'Hara asked if there were any variances for this application. There are not any requested variances.

Member Napolitan expressed concern about the railroad. Mr. Stout stated that there would be a tree buffer and a board on board fence to restrict access to the railroad.

John Gillespie, attorney for ReadyPac, pointed out that there would be one berm constructed. The two entities will work out a cost-sharing plan. He stated that Mr. Stout will be the engineer for the ReadyPac site plan and they will use the same landscaper so there will be integrity of landscaping. Attorney Gillespie said that he agreed with Mr. Stout's description of the berm. It will be a 10' wide berm at the top. If ReadyPac needs to maintain a little higher elevation for two lots they will show it on their side. They will

183.

pick up any additional costs that go to the ReadyPac property. The developer's agreement will be done before the end of December and will be submitted for the record.

Mayor Muchowski stated that one of the conversations that had taken place when they developed the ReadyPac agreement was to create a buffer zone and then a spatial zone of parking so that the most extensive usage in the center of the site.

Attorney Petrone stated that each party would be responsible for their half of the top of the berm and the side of the berm on their property. Both parties agreed that the plantings on top of the berm will be consistent and complimentary.

Attorney Petrone stated that there was the issue of the sewer main connecting to the 3 adjacent property owners at lots 16.02, 16.03 and 16.04 that front on Olive Street. The main was originally shown on Atlantic property, but the Township prefers that the main be shown on lots 16.02, 16.03, and 16.04. Atlantic Company is concerned that if one of the residents doesn't agree to the easement it will hold up construction.

Mayor Muchowski stated that one of the concerns was the effect on the buffering ability. The Township thought that it is cleaner for the homeowner that wants to utilize the main to have the easement on his property rather than a neighbor's. This was the buffer would be on the Atlantic Company property and the easement on their own property. Mr. Stout said that 20' of the buffer will be on Atlantic Companies side and 5' will be on the property owner's side. They will have a 25' buffer and the sewer if they agree to the easements. Attorney Petrone is optimistic that they will be able to work this out with the property owners. Solicitor Abbott stated for the record that this was set forth in a letter to Attorney Petrone from Richard Brook dated November 9, 2005. This is being marked as exhibit A2. Mayor Muchowski stated that it makes sense to have these 3 properties connected to the sewer system.

Solicitor Abbott mentioned that there were revised reports from the Board's Engineer and Planner and asked Attorney Petrone to respond to these. Attorney Petrone stated that he would begin with Engineer Morris' letter dated November 17, 2005 first. He said that many of the items had been discussed at the last meeting. The applicant had agreed to provide all the information that was previously requested. In the November 17<sup>th</sup> letter a lot of these items have been identified as satisfied. All open items regarding Final approval will be satisfied prior to the request for Final.

Item 9 on page 3 requests testimony for intersection improvement from the Traffic Engineer. Attorney Petrone stated that this had been covered at the last meeting. The applicant is contributing approximately \$97,000 toward improvements that will be necessitated sometime in the future, once this project is built as well as the anticipated increase in traffic.

Attorney Petrone stated that all items that relate to Preliminary that are not satisfied will be satisfied as required for the approval.

Member Smith asked about the contribution toward the intersection improvement. He asked if the improvement was only for the Delaware intersection or if they had looked at the Cedar Lane intersection as well. Mr. Petrone stated that contribution was not applied to any specific project at this time. Member Smith stated that without the development the improvements would not be required. Mr. Stout stated that even without the development the projected increase in traffic would require improvement within five years. Attorney Petrone stated that the testimony of the \$97,000 would be greater than their pro-rata share. Member Smith asked what improvements were anticipated, just a traffic signal? Mr. Stout said that a signal was not warranted at this point. DOT has to approve a signal warrant for the intersection.

Brett Owings for the Atlantic Company said that a study was done for the intersection of Olive and Delaware and there were 500 trips an hour in each direction. This does not meet the requirements for a traffic signal. Member Napolitan stated that this development would impact both directions on Olive Street. Mr. Stout said that this was all taken into consideration when the traffic study was done. He said that the contribution is for both directions, not just Delaware Avenue. Mayor Muchowski stated that a cost estimate for a signalized intersection is \$150,000. Member Smith stated that the Township owns 6' of property for one block coming off of Delaware if the street needs to be widened.

Engineer Morris stated that the biggest problem was with the berm. He is concerned with the grading and stabilization. He thinks there will be a problem with run-off to the townhome units. He stated that he doesn't like the 1% slope; he wants to see a minimum of 2% in the swales around the houses. Mr. Stout stated that originally there was spot grading in the center. They can meet the 2% grading where it is needed. The grading will be addressed. The homes will have basements. There were no problems with the soil boring.

Engineer Morris asked for testimony on the rationale behind only having 19 parking spaces for the clubhouse when there will be 112 units in the development. Mr. Stout said that it was a small clubhouse. He feels that between the 19 parking spaces and the on street parking there should be more than ample parking for the clubhouse. The parking does meet RSIS standards.

Mayor Muchowski asked if the townhouses had 2 car off street parking. Mr. Stout stated that there is room for one car in the garage and one space in the driveway. Member Smith pointed out that the clubhouse was in the area of the townhouses and he felt that residents of the townhouses might utilize street parking rather than park a car in the garage. Vice Chairman O'Hara stated that this plan has significantly more parking than the Birch Hollow development. Member Fratinardo asked if the clubhouse would have a

185.

kitchen. Mr. Owings stated that the clubhouse would have some kind of cooking facilities including a stove.

Engineer Morris asked about trash disposal. Mr. Stout stated that the municipality would pick up trash. Engineer Morris asked about lighting around the clubhouse. Mr. Stout stated that he would supply the lighting details.

Engineer Morris stated that the sales trailer should be redesigned. Mr. Stout stated that he will look into this.

Engineer Morris asked about the maximum number of townhouse units, typically according to the medium/high density there is a maximum of 8 units. This plan has 11 units. Attorney Petrone stated that this number of townhouses was agreed to in the developer's agreement.

Engineer Morris asked about the landscaping for the sewer easements. Mr. Stout stated that this would be a combined easement. The applicant will meet with the homeowners to decide what they would prefer. There will be no plantings in the easement area.

Engineer Morris asked about fire equipment access to the rear side of the townhouses. Mr. Stout stated that the fire truck would not be able to access the back.

Mayor Muchowski asked for a clarification on the parking spaces for the single homes. Mr. Stout stated that there would be parking for 2 cars side by side in the driveway. The townhouses only have a single driveway. Mayor Muchowski stated that he had seen designs that allow for 2 car parking in a townhouse development. Mr. Owing stated that they would look into this.

Member Napolitan asked if 28' wide was going to be wide enough for rescue vehicles. Engineer Morris stated that this meets the RSIS standards. Vice Chairman O'Hara asked Engineer Morris is he was satisfied. Engineer Morris stated that he would be satisfied when the revised plans are submitted.

Mayor Muchowski asked Mr. Stout if he was satisfied with the drains that Engineer Morris had spoken of on the back of the development. Mr. Stout stated that he would work this out with Engineer Morris. Mr. Stout stated that they wanted to be sure that there was no ponding on the site.

Planner Fullerton referred to her letter dated November 15, 2005. She stated that most items had been satisfied. They would like to see a revised landscaping plan. She would like to see the information on the landscaping for the berm.

On Page 6 section 6.3 item 5 they would like to see more wet tolerant plantings around the basins. Mr. Stout stated that he had met with Carl Hintz prior to resubmitting their

plans. There are 3 headwalls that don't show. They have proposed putting some mounding and landscaping around the headwalls. Landscape buffering should extend down to the rip-rap.

Planner Fullerton stated that they would like to see a split rail fence instead of the chain link fence that had been proposed. Mr. Stout stated that there was one very large basin that would hold water for 24 to 48 hours. This basin should drain very well. There is an outflow structure as well so they don't anticipate this basin holding water. Mayor Muchowski stated that he had chain link at his development and it has blended in very well. Even though it is an adult community, there is still a safety concern. Planner Fullerton asked that if chain link was preferred that it be vinyl coated with dark green to blend in.

Mayor Muchowski stated that Township has run into a problem with trees, where they are the right caliper but they are not nice trees. He asked if there was a grading system for trees. Mr. Stout said that he did not think there was a grading system for trees other than caliper and height. Mr. Stout stated that they are working with Planner Hintz.

Planner Fullerton referenced comment 17 on page 8 regarding the shrubbery. On comment 18 she is asking for more specifics on the plant type. She also asked what existing trees were going to remain. Mr. Stout stated that there would be selective clearing. They will save whatever trees they possibly could. Mayor Muchowski asked if the applicant had met with the residents of McCay Drive. Mr. Stout said that they had met with the residents and the residents requested that they save a row of evergreen trees. Mr. Stout said they would make every effort to save these. Mayor Muchowski asked if a barrier could be put up to protect these trees during construction.

Planner Fullerton stated that the landscape plans need to be signed and sealed. The Planner would appreciate a copy of the architectural plans. Attorney Petrone stated that these would be submitted for Final approval.

Planner Fullerton asked about the proximity railroad line. Attorney Petrone stated that they had made a phone call to Conrail, but had not heard anything back yet. Mayor Muchowski said they should follow up with a call to Administrator Richard Brook and Griffin Pipe the company that utilizes this spur.

There will be a sign for the development. This will be submitted at Final. Mayor Muchowski stated that he thought it had been agreed that the applicant would clear Olive Street and install new landscaping. Attorney Petrone stated that they would be taking a close look at Olive Street.

Member Smith asked how long the applicant was responsible for plantings on the berm? Mayor Muchowski stated that there would be a condition in the approval that the applicant or the Homeowners Association would have to maintain the original site plan or

187.

come back to the Board for a modification. Member Napolitan asked about the jointly owned berm. Mayor Muchowski stated that responsibility goes up to the property line in the center of the berm. ReadyPac will be held to the same site plan standards that Atlantic Equity is held to.

Member Fratinardo asked if privately owned fences would be permitted. Attorney Petrone stated that they are required by law to submit their Homeowners Agreement to Department of Community Affairs for approval and then be reviewed by Solicitor Abbott. Vice Chairman O'Hara asked about the impervious coverage on the site. Mr. Stout stated that the development has been designed that they cannot go over 45% maximum impervious coverage and any one lot with an aggregate of 35%. Mayor Muchowski stated that this is similar to the development at Greenbriar. The homeowners will not be permitted to go to the Zoning Board for a variance. Member Napolitan stated that this should be included in the deed. Attorney Petrone stated that the AA Zoning ordinance has a provision that maintenance buildings and storage shed on individual housing lots are permitted as accessory uses, but not in any case where the impervious coverage for any individual housing lot would exceed the allowable coverage. This language would be included in the Homeowners Association document.

Vice Chairman O'Hara stated that the meeting was open for the public.

Leonard Skeenes, 10 Olive Street, was sworn in by Solicitor Abbott. Mr. Skeenes asked if there was any way to have an entrance to the development through the ReadyPac property. The proposed entrance is directly across from Mr. Skeenes' driveway and he feels that this is a very dangerous situation. He is also concerned with headlights shining in his windows as cars exit the development. Mr. Skeenes stated that he already has a problem backing out of his driveway. This development is going to make the problem worse. Mr. Skeenes stated that he is concerned with the safety of the intersections at both Cedar Lane and Delaware Avenue. Mr. Skeenes is concerned with fire engines responding to calls. Mr. Skeenes presented a petition signed by his neighbors on Olive Street. Solicitor Abbott explained that if the residents who had signed the petition came forward to testify then their views could be taken into consideration. Mr. Skeenes stated that he is not against the development, but he thought the location was poor. He strongly requests that the applicant reconsiders the position of the driveway.

Mr. Skeenes submitted a written summary of his comments to Solicitor Abbott. Member Napolitan asked Mr. Skeenes if his property was wide enough to widen his driveway. Mr. Skeenes answered that his lot was only 60 feet wide and would not allow for a larger driveway.

Jeanne Ondusko, 10 Olive Street, was sworn in by Solicitor Abbott. Ms. Ondusko stated that there are no shoulders on Olive Street or street parking. They have a problem with visitors parking. She stated that Olive Street was posted as 25 MPH, however cars are constantly speeding. There is already a problem in pulling out of the driveways. She

stated that the petition that Mr. Skeenes had tried to submit was a letter signed by the residents of Olive Street stating that they were against the proposed location of the entrance to the development. Many of the families that live on Olive Street are lifelong residents and they are going to have even greater difficulty pulling out of their driveways. Ms. Ondusko stated that she is not against the proposed development, but she is concerned with the location of the driveway. She asked the Board for their help on this.

Cynthia Carty, 748 Olive Street, was sworn in by Solicitor Abbott. Ms. Carty stated that she agrees with Mr. Skeenes and Ms. Ondusko regarding the difficulty in pulling out of the driveways.

Mayor Muchowski asked if the radii of the entrances could be softened to allow for easier access onto the roadway. Mr. Stout stated that the applicant could do this. Mr. Stout stated that in regards to the location of the entrance, they felt that the proposed location was the best place to put the entrance.

Ms. Carty asked about the sewer easement and buffer on her property. Mayor Muchowski stated that the buffered area would be restricted and the adjacent owner in the new development would not be permitted to cut down the trees. Ms. Carty asked if she would be permitted to clear the trees from the 5' on her property. She was told that she would not be permitted to clear this 5'. Mayor Muchowski stated that he felt the trade off of 5' for the sewer hook up was a good deal for the homeowners.

Ms. Carty asked about trees along the west side of her property. Mr. Stout said that this area is part of the Homeowners Association and the existing trees will remain. Ms. Carty stated that the wooded area is too dense and she is concerned with trees damaging her home. The area needs to be cleaned up.

Member Fratinardo asked if there was any possibility of moving the entrance to line up with Fifth Street. Mr. Stout stated that they do not have full frontage on Fifth Street. Fifth Street is a divided street and the entrance would line up with the wrong side of Fifth Street. Mr. Owings stated that they were happy to look at lining the entrance up with Fifth Street. Member Napolitan said that the Board would accept a smaller buffer if it would alleviate the need for the entrance to be across from an existing driveway.

Hearing no one else wishing to speak Vice Chairman O'Hara closed the public portion of the meeting.

Solicitor Abbott stated that there had been a lot of discussion, but the conditions were very nebulous.

Attorney Petrone asked the Board to grant a Preliminary approval at this time. He stated that the applicant was more than willing to look at the entrance of the plan to see if a change could be made. Vice Chairman O'Hara asked Mr. Stout where the applicant's

189.

property ended. Mr. Stout stated that the applicant owned to the center of Fifth Street. There is a small section of Fifth Street that is a paper street. Attorney Petrone stated that the applicant would look at the issue of relocating the entrance to Fifth Street and as long as this meets RSIS and doesn't eliminate a building lot; the applicant would agree to do this. Mr. Owings stated that if they can do it engineering wise it makes sense. If it can't be done they will look at improving the existing street and the proposed entrance to alleviate some of the problems.

Vice Chairman O'Hara referenced the letter from the Chief of Police concerning a traffic light. Mayor Muchowski stated that Delaware Avenue would be looked at in conjunction with the county. The intersection would have to meet warrants in order to have a light.

Solicitor Abbott stated that the members eligible to vote were Mayor Muchowski, Councilman Fratinardo, Mr. Napolitan and Mr. DeAngelis.

She stated that this was an application for Preliminary Major Subdivision approval with no variances. The conditions would be the November 21, 2005 letter from Richard Brook as discussed referencing the berm between Atlantic Equity and the ReadyPac site, the November 9, 2005 letter from Richard Brook pertaining to the sewer main and the easements on lots 16.02, 16.03, and 16.04, the November 17, 2005 report of the Board Engineer and the November 15, 2005 report of the Board Planner as discussed this evening, the applicant and Board Engineer will coordinate the sales trailer details, all single family houses will accommodate parking of 4 vehicles on site, investigate 3 parking spaces for townhouses, the berm will be approved by the Board planner, the fence around the basin will be determined at the time of Final approval, the applicant and the Board Planner will work together to resolve all landscape issues, architectural details will be submitted at time of Final approval, the Homeowners Association will maintain all berm plantings, approval of all homeowners association documents, investigate relocating the northern entrance to align with Fifth Street without eliminating any lots and meeting RSIS, radius of the Olive Street entrances shall be softened.

Attorney Petrone stated that they understand that they made representations that may not be reflected in the Solicitor's recitation and what they have said on the record is what they agree to.

Motion of DeAngelis, seconded by Napolitan to approve application PB#2005-08 for Preliminary Major Subdivision with the conditions stated in the record.

Upon roll call the Board voted as follows:

YEAS:           Fratinardo, Muchowski, Napolitan, DeAngelis  
NOES:           None  
ABSENT:       Hamilton-Wood

## OTHER BUSINESS

Solicitor Abbott spoke to the Board about the Educational Requirements for the Planning and Zoning Board members in New Jersey. Planner Fullerton stated that Clarke Caton Hintz was working with New Jersey Planning Organization to provide a program. No courses have been scheduled as of yet. Members are required to take the course within 18 months of the time that the first course is offered.

Solicitor Abbott suggested that the Board Clerk contact the Board of Education and request that a representative of the Board of Education present the Long Rang Facility Plan for the School District.

The Board agreed to have the agendas and the approved minutes posted on the Township website.

## PUBLIC COMMENTS

Fred Wainwright, 1091 Florence Columbus Road, said that there was a fence at the Greenbriar property that was supposed to be taken care of. Mr. Wainwright asked the Board to send a letter to the developer to address the issue of the fence. Mr. Wainwright also expressed hurt and disappointment in the fact that the name of the development was changed from Reserve at Brooklet Farm to Greenbriar Horizon. Mayor Muchowski stated that there had been a significant conversation about this issue with the family when the sale of the property took place. Mr. Wainwright stated that the Resolution approving the development calls it the Reserve at Brooklet Farms and then the name was changed. He feels that at least the clubhouse should honor the Wainwright family.

Vice Chairman O'Hara asked about the fence issue. Mr. Wainwright stated that the property next door has horses. The owner has an electric fence on the other side of the old fence. If children go through the broken old fence they may be injured by the electric fence. Mayor Muchowski said that he thought there were two conversations about fences. Solicitor Abbott stated that she would look at the minutes of July 15, 2002 regarding the fence issue. Mayor Muchowski stated that he would follow up with the Assistant Administrator regarding the name of the development and get a clearer answer for the Board and for the Wainwright family. Mr. Wainwright requested a letter outlining the Mayor's findings.

## MASTER PLAN REVIEW

Member Smith asked about rezoning the General Manufacturing area, which comes up to the railroad tracts, and the RD Wood area. Mayor Muchowski stated that he had a preliminary conversation with the owner of the River Terminal Center that rezoning was a possibility.

191.

Member Fratinardo asked about transferring rights to save some of the farmland in the country. Mayor Muchowski stated that there really wasn't any place to transfer the rights to. He stated that Council is going to take a hard look at the preservation component of the Master Plan. One way to do this is by cluster development, but we are not able to sewer this area and septic systems will not work with clustering.

Member Napolitan stated that in his opinion the Township should preserve some open space in Florence Township before all the open ground is gone to development.

Member Smith asked about changing Railroad Avenue from RA to SM. Mayor Muchowski stated that Council would discuss this at the first meeting in December. Member Smith stated that he felt that it would be in the town's best interest to rezone this area. The Board had a discussion regarding rezoning.

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

---

John T. Smith, Secretary

JTS/ne