

Florence, New Jersey 08518-2323  
 April 26, 2016

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairperson Hamilton-Wood called the meeting to order at 7:30 p.m. followed by a salute to the flag.

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

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

Mildred Hamilton-Wood	James Molimock
Tim Lutz	Wayne Morris
Mayor Craig Wilkie	Ray Montgomery
Thomas McCue	William Federico

ALSO PRESENT: Solicitor David Frank  
 Engineer Hugh Dougherty  
 (Planner Barbara Fegley was excused)

ABSENT: Councilman Ted Lovenduski

#### MINUTES

It was the Motion of Molimock, seconded by Montgomery to approve as submitted the minutes of the Regular Meeting of February 23, 2016. All ayes.

#### CORRESPONDENCE

- A. Letter from Burlington County Planning Board dated March 18, 2016 regarding 500 Cedar Lane, Block 48.06, Lot 6.01.
- B. Letter from Burlington County Planning Board dated April 11, 2016 regarding 500 Cedar Lane, LLC, Block 148.06, Lot 1 Major Site Plan.
- C. Letter from Burlington County Planning Board dated April 11, 2016 regarding 500 Cedar Lane, LLC, Block 148.06, Lot 2.
- D. Letter from Jerome Sheehan, Director, Burlington County Department of Solid Waste, dated April 13, 2016 regarding Burlington County Resource Recovery Complex Sanitary Landfill, Permit Modification.

It was the Motion of Molimock, seconded by Federico to receive and file Correspondence A through D. All ayes.

## APPLICATIONS

- A. Application PB 2016-04 for Brian Gordaychik. Applicant is requesting Minor Subdivision to create two lots on property located at 387 Delaware Avenue, Roebling. Block 147.06, Lot 4.

Chairperson Hamilton-Wood said the applicant appeared last month and the application was adjourned to this meeting. She asked if the board had the opportunity to review the additional information. All said they had. She asked if Solicitor Frank had any information regarding the submissions. He said the board has the direction of the RSIS in regard to the sidewalk.

Engineer Dougherty said the applicant had submitted new information. He revised the plan. The current revision date is April 1, 2016. It addressed some of the checklist items. He said he noted in his report there were submission items that were waived. There was also an existing front yard setback that would require a variance. Otherwise, both lots would be conforming lots.

Engineer Dougherty said there is also the definition for a minor subdivision. That was dealt with in discussions of the road and facilities. The board can decide it is a minor application and a minor subdivision. There are certain criteria, even under a minor subdivision that are in the ordinance or the Residential Site Improvement Standards. The RSIS are both a minimum and a maximum standard. The board can't ask for more or less.

The RSIS does not address trees. The local ordinance requires trees be planted in the right of way between the sidewalk and the curblin. The applicant did not propose any street trees so the board would have to provide a waiver. Street lighting is not addressed in the RSIS either. Lighting was not proposed in the application but he recommended a light at the end of Holly Avenue. That is consistent with the other streets in the neighborhood. Once there is a street light installed there it would be maintained by the township. To the fullest extent possible existing trees should be preserved, especially considering the layout of the lot. He suggested a note be added to the plan stating that clearing would be limited so as to preserve as many trees as possible. The applicant did provide a report in which he addressed some of the issues with some of the trees. Some were growing through the foundation and others were in bad shape. It was necessary to remove them. He reviewed that he recommended a street light be installed and a waiver could be granted for the street trees.

Engineer Dougherty said in this case the RSIS minimums and maximums superseded the local ordinance. The width of the existing street according to the surveyor's plan is 19.87', roughly 20'. The applicant has suggested this would be a rural street. The definition of a rural street is one that serves lots that are one acre or greater in size. This lot is not one acre, by definition the rural street designation does not apply. This falls under a residential access street, which is 28' wide with a sidewalk on one side and one graded area. Any deviation would require a "de minimis" exception from the RSIS

requirements. That would be a deviation from the standard for a particular reason. The standards do state that street width is a “de minimis” exception. There are some things that aren’t but this falls under that category. In addition, Holly Avenue is not likely to be extended and will remain a dead end street. A residential access street is categorized as having 3,500 trips per day. This would only be servicing two homes, possibly three. It would be well under the trip number. It meets the classification as a residential access but the volumes are very low. He would have no objection to the “de minimis” exception of 20’. He spoke to the applicant and the applicant said widening the street to the required width would disrupt the two handicapped access ramps and there is a utility pole that would have to be relocated. He feels the 20’ exception would be adequate. He did not agree with what was discussed at the last meeting, having the applicant pave only half the street. He suggested the entire 20’ be done and the applicant could recapture the cost if the neighbor across Holly Street subdivided his lot. A 10’ wide road would not be sufficient for truck access. The 20’ wide would provide enough room to get two cars past.

Some streets in the area dead end and some go through. There is limited sidewalk. There are only patches of sidewalk, especially on the streets that go through. On the streets that go through there should probably be continuous sidewalks. On the dead end streets there are no sidewalks to the cul-de-sac. The sidewalks are required but it could be a “de minimis” exception if the board should choose to waive the requirement.

Member Lutz said he was under the impression the board did not have the authority to waive the sidewalk requirement. He consulted Solicitor Frank. Solicitor Frank said there is an ordinance that requires sidewalks. The governing body attempted to remove the board’s ability to grant the waivers, but the board does have the authority to grant the waivers. The ordinance requires them and the RSIS requires them. Chairperson Hamilton-Wood said the governing body has suggested that is the way they want the town to go. Solicitor Frank said it is an important part of their policy. He said the board does have the authority to grant the waiver if it chooses to exercise it in certain circumstances. Engineer Dougherty said there would be sidewalk on one side and graded area on the other side.

He said curbs in the RSIS on a residential access street are not required. However, there is another provision that suggested curb for grading may be appropriate. That would again be a “de minimis” exception by the board, waiving the need for curb. He said the surrounding streets don’t have curbs but they do have a full width roadway. His recommendation is to have the width be 20’ and have it extend to 50’ along the frontage of the proposed lot so it can catch a driveway there. There would be adequate room for snow removal and things like that. A recapture agreement would occur with anyone else developing on that street. He suggested the plans be revised to reflect whatever the board ultimately decides.

The other item the board had concerns with at the last meeting was the utilities. The board suggested the applicant talk to the utility companies and find out what needed to be done. The applicant spoke to Director of Water & Sewer David Lebak and Mr. Lebak

was comfortable with a lateral connection to the main on Delaware Avenue and extending back within the right-of-way to the lot. There would be a service lateral to the home for the water and another service lateral for the sanitary sewer. He would like the plan to reflect the sufficient details so when the property is built the connections would be clearly marked. He said they would be private utilities within the right-of-way.

Member Lutz said when he did a subdivision he ran the water main into the township right-of-way. The sanitary he ran is an extended 6" lateral that is an easement through all three lots that is maintained by the owners of the properties. Mayor Wilkie said people that live on the opposite side are running underneath Delaware Avenue as a service line. It is a similar type situation. In the Village of Roebling the lines run down one side or the other and it is kind of the luck of the draw. Engineer Dougherty said that is the case here, the way the utilities are shown, the sewer and water are on the west side of the street. The east side of the street would have a longer lateral to service those houses. Mayor Wilkie said there was a situation like this at a residence across from the Riverfront School. A resident had to replace the line but it was on the other side of the street. It cost them a large amount of money to replace it.

Engineer Dougherty said there was another option and he believed it was something else Mr. Lebak had mentioned. If there was a concern about having private utilities in the right-of-way of Holly Avenue they could move it over and obtain an easement from the front lot. Mr. Gordaychik said he sees this all over town and he would be agreeable to doing the easement.

Solicitor Frank asked what would happen when the lot across Holly Avenue wanted to develop. Chairperson Hamilton-Wood said they would be responsible for running their own lines, this is single service. Engineer Dougherty said it more efficient to have a main and a lateral off the main. Since this situation occurs all over town, Mr. Lebak did not have an issue having the long laterals. The only thing to remember is that the longer a lateral runs, the more cleanings it would require. Mayor Wilkie said the town's preference would be that it be a lateral. The actual location could be decided when the work is set to begin. The township really doesn't want to run a main down Holly Avenue because it would be larger and wouldn't have the volume going through. The township has experienced in this situation having to flush it out frequently. On Poplar Avenue there is a main and it will be used if and when the project behind it happens. It will be looped so there won't be the stagnation there. Engineer Dougherty said that is called a dead end main and it basically only services the lot. There would be an 8" main with only one property being serviced. Often what happens is there is not enough usage and the water stagnates. There is discoloration, sometimes there are odors and there is no demand pulling water out but there is always water coming in. In a loop system the water comes in and out.

Solicitor Frank asked if Mayor Wilkie was saying the preference of the location inside or outside of the township right-of-way be determined based upon the post approval preference of the Department of Water & Sewer. Mayor Wilkie concurred and said the

resolution would clearly state that, so it would be up to the department. All were in agreement to the requirement.

Mayor Wilkie said regarding sidewalks, whenever the township does any road projects it now includes roads, sidewalks and curbs. There is a sidewalk on this site on Delaware Avenue and there will probably be a family living down Holly Avenue. It would be appropriate to have sidewalk there. Curbing is always an issue about whether the road will be maintained or not. It would be up to the board to decide if they wanted to require the curbing. When curbs were put in at Station Road it ended up eliminating a great deal of parking. If there was no curb it would allow the residents to let residents park on the property. He thinks the sidewalk should run next to the existing home and connect to the new lot in the back. He would rather it be done right now than the township having to install the remainder of the sidewalk at a later time. The sidewalk should go past the driveway for the second lot. Member Morris asked what would happen if the lot on the other side of the street decided to develop. Engineer Dougherty said they would be subject to the Recapture Agreement and would have to pay the applicant an amount for the paved road. The agreements usually run for ten years. It is not a direct payment to the applicant; the township would collect the money and distribute it to the applicant. The township would monitor the agreement.

Solicitor Frank asked if Mayor Wilkie was suggesting no curb but having grading and the sidewalk so there is parking and a place for pedestrians. Mayor Wilkie agreed. He said most likely the trash and recycling trucks will have to back down the street for collections. Mr. Gordaychik said that is common in town. The trash trucks in Roebbling maneuver narrow alleys.

Member Lutz said if the lot across the street is subdivided for a purpose similar to this, the 50' might not be adequate. He is afraid there would be driveways right across from each other. It would need to be extended and how would that person recapture the cost of additional paving? He didn't know if there was anything in the code that prevented driveways from being directly across from each other but if someone improved the potential lot on the other side and they needed to extend the road how would they recapture some of the cost associated with that. Solicitor Frank said the agreement would be written so that it would be done fairly. Right now the person across the street is not paying toward the street. There is a chance that lot might subdivide in the future and at that time they would then be required to pay.

Member Federico said in some areas there are sidewalks on one side and not the other. He asked if the township required them on both sides. Mayor Wilkie said it depends on the situation. Member Federico asked what would happen if the site on the other side of the street was developed and a sidewalk was required not required. The applicant would have just incurred the cost of the sidewalk for the whole street. Mayor Wilkie said that could happen. Member Lutz said the board has the authority to waive the physical sidewalk but not the contribution. Solicitor Frank said that is correct and also the sidewalk cost could be included in the Recapture Agreement. Engineer Dougherty said

sidewalks on both sides aren't usually required unless a street is a medium or high intensity street.

Mr. Gordaychik said he doesn't believe the neighbor across from his has any intention of subdividing his property so he doesn't think he'd be interested in a Recapture Agreement. He suggested that instead of the agreement, if the other lot were divided they could be required to install sidewalks on that side of Holly Street. That would be an equal cost to what he will be paying to pave the road.

Solicitor Frank said the applicant was doing himself a disservice by not doing the agreement. The applicant asked if that was because he didn't believe his neighbor was going to subdivide. Solicitor Frank said the roadway was going to be a significant expense. The other problem is that the applicant is presently developing and the town's policy is to have sidewalks. The important issue is to not postpone the sidewalk because if the resident across the street never develops there would never be a sidewalk there.

Mr. Gordachyk said he has been considering the cost to pave the road and the cost to install a sidewalk and decided it would be a sizeable sum. What is good about this plan is that it takes a road that is a gravel road that is now maintained by the neighbor and turns it into a paved road. It is an improvement for anyone living on Holly Avenue. He proposed to pave the road according to Engineer Dougherty's recommendations but not have to install the sidewalk. There is already a sidewalk on Delaware Avenue in front of the house that is there. He said he already agreed to pave the whole road and he feels it doesn't make sense to have to install the sidewalk also. Member Morris asked if the sidewalk could be macadam instead of concrete to reduce the cost. Engineer Dougherty said he would have to review the ordinance but generally sidewalks are concrete and 5' wide. It could be possible that a waiver could be granted for the type of material. Member Morris said he had seen many of the heritage trails made of macadam that people ride bikes on.

Chairperson Hamilton-Wood asked Solicitor Frank if the board was able to consider the financial information as part of the decision. Solicitor Frank said it would not be a zoning consideration but it is a practical consideration. Mayor Wilkie said it is an expense but it is an expense that is expected when someone has a home. Whether it be children or a handicapped person someone is going to be living down this 20' road. If the house is built and a Certificate of Occupancy is issued the owners are going to request the township install a sidewalk. There were developments built in the past that do not have sidewalks because they weren't required at that time. The town has been installing sidewalks as part of the road programs. Mr. Gordachyk said the town has not always required sidewalks. Chairperson Hamilton-Wood said that is correct but they are required now. New construction requires sidewalks. Many times there is a new house with a sidewalk and it is the only sidewalk on that block. But it is because it is an effort to start somewhere. It used to be that children living on Delaware Avenue were bussed to school now they all have to walk. There is a lot of foot traffic on Delaware Avenue. Presumably if there was a house on Holly Street there could be a few kids that would be going there. There is a lot of foot traffic in the area of the applicant's property and the

township recognizes that. There have been some tragedies and in an effort to avoid that kind of thing the township made a real concerted effort to put sidewalk wherever it could. She said she is not a proponent of sidewalk, she argued in the past against putting sidewalk along Route 130. She never won that battle but it is where the township is doing.

Member Lutz said he didn't want to install sidewalk at his property because he didn't want to shovel snow. He also did a subdivision and was required to install sidewalks. He estimated a 4' sidewalk at 150' would be about \$3,600 to \$4,000 depending on driveway aprons.

Mayor Wilkie said would agree to not requiring the applicant install a street light at the end of Holly Avenue. Mr. Gordaychik noted there was already a light at the corner of Delaware and Holly Avenues that provided sufficient lighting. Engineer Dougherty said one of the standards is to have light at an intersection and around a curve. It would not be required at the end of the street. All were in agreement that the light would not be necessary.

It was the Motion of Lutz, seconded by Morris to open the meeting to the public regarding Application PB#2016-04. Seeing no one wishing to be heard, it was the Motion of Lutz, seconded by Morris to close the public hearing. All ayes.

Chairperson Hamilton-Wood said at this point the board has heard this application at two separate meetings and has heard from the professionals and the applicant. At this point the board would be looking for a motion to approve the minor subdivision creating two lots with a 20' paved cartway with a length of 150' and sidewalk on one side. There is no need for any additional street lighting.

Solicitor Frank said there were a few plan detail and design comments. The first is the Recapture Agreement. It would need to be verified by the board solicitor. Chairperson Hamilton-Wood said the applicant indicated he wasn't interested, but she thinks the agreement should include the sidewalk. Solicitor Frank agreed. He said there was discussion regarding the water and sewer laterals being located in or outside of the township right-of-way and the post approval preference of the Water & Sewer Department for placement. All usual conditions would also apply. Engineer Dougherty said the requirements for trees would be waived. Chairperson Hamilton-Wood said she didn't recall discussing the trees. Member Lutz said looking at the lot there really is not a need for street trees. All were in agreement. Member Lutz asked Solicitor Frank if he would be including the waiver for the curb requirement. Solicitor Frank said he would.

It was the Motion of Lutz, seconded by Molimock to approve Application PB#2016-04.

Upon roll call, the Board voted as follows:

YEAS: Lutz, Molimock, Hamilton-Wood, Federico, Morris, Wilkie

NOES: None

ABSENT: Lovenduski

33.

- B. Application PB#2016-05 for NFI Real Estate. Applicant is requesting Amended Final Major Site Plan with bulk variances to construct a 342,720 sf warehouse distribution facility with offices on property located on Route 130, North, Florence Township, Block 160.01, Lot 2.03.

Chairperson Hamilton-Wood said the applicant failed to properly notice so the board would not be able to hear this application. Solicitor Frank said for the record the board was not able to take jurisdiction.

Mayor Wilkie asked if the board would like to also hold its regular meeting on May 11<sup>th</sup>. He spoke to the township administration and there are no other applications. Solicitor Frank asked to have the regular meeting in May to adopt a memorialization resolution for the action at the May 11<sup>th</sup> meeting.

#### ADJOURNMENT

It was the Motion of Lutz, seconded by Molimock to adjourn at 8:29 p.m. All ayes.

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Wayne Morris, Secretary

WM/ak