

Florence, New Jersey 08518-2323

April 23, 2019

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 Chair Garganio called the meeting to order at 7:30 p.m. followed by a salute to the flag.

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

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

Bruce Garganio	Wayne Morris
Ray Montgomery	Tom McCue
Mayor Craig Wilkie	Council Representative Ted Lovenduski
John Pagano	

ABSENT: Carl Mattson  
Mildred Hamilton-Wood and Solicitor Frank (excused - conflict with application)

ALSO PRESENT: Solicitor Kevin Aberant (conflict)  
Engineer Hugh Dougherty  
Planner Barbara Fegley

It was noted that there is a substitute attorney for tonight's Board meeting due to the Board's current attorney, Dave Frank having a conflict with tonight's application.

#### RESOLUTIONS

A. Resolution PB-2019-10: Granting Approval to Fountain of Life for Preliminary & Final Major Site Plan to legalize prior construction without approvals and to allow additional proposed development on property located at 2035 Columbus Road, Florence Township, Block 170, Lot 6.01.

It was the Motion of Mr. Pagano, seconded by Mr. Morris to approve Resolution No. PB-2019-10.

Upon roll call, the Board voted as follows:

YEAS: Pagano, Morris, Lovenduski, Wilkie, Garganio

NOES: None

ABSTAIN: Montgomery, McCue

Motion carried

#### MINUTES

A. Regular Meeting of March 26, 2019

It was the Motion of Councilman Lovenduski, seconded by Mr. Morris to approve the minutes of the Regular Meeting of March 26, 2019. Mr. Montgomery and Mr. McCue abstained from voting. Motion unanimously approved by remaining members present.

#### CORRESPONDENCE

A. Letter dated 4/4/19 from Burlington County Planning Board regarding Florence Associates

- B. Letter dated 4/9/19 from Burlington County Planning Board regarding PSE&G installation
- C. Letter dated 4/4/19 from Stout & Caldwell regarding Burlington Stores TWA application
- D. Public Notice for a letter of interpretation from NJDEP by Route 130 Truck Plaza, Inc.
- E. Letter dated 4/12/19 from Burlington County Planning Board regarding Fountain of Life
- F. Letter received 4/22/19 from Burlington County Freeholders regarding the County Highway Master Plan

Mayor Wilkie mentioned that Correspondence F was received from the DVRPC and is the Burlington County's Highway Master Plan that is available for review. He stated this will most likely become part of the Transportation Element of the township's Master Plan once Planner Fegley has a chance to review it.

It was the Motion of Councilman Lovenduski, seconded by Mr. Montgomery to receive and file correspondence A through F. Motion unanimously approved by all members present.

### APPLICATIONS

- A. Application PB#2019-08: Application of Estate of Donald Cooper/Donna Hobson Executrix, for Minor Subdivision to create 3 lots on property located at 899 Oak Street, Florence Township. Block 150, Lot 1.01.

Pat McAndrew, an attorney from Medford, NJ stated he was here on behalf of the applicant. With him was Dan Guzzi from Guzzi Engineering; the engineer for the application. Mr. Guzzi was sworn in by Solicitor Aberant. Mr. Guzzi is a licensed engineer in the State of New Jersey and was deemed an expert in the field of site and civil engineering.

Mr. McAndrew stated this application is a pretty classic minor subdivision. The applicant would like to create 3 lots out of one. The 3 new lots would be conforming to zoning standards. The existing house will be demolished, as well as other improvements on the lot, and 3 new homes will be built on the 3 new lots. No variances are being requested.

Mr. Guzzi stated the property in question is located at the corner of Oak Street and Olive Street. A portion of the property is adjacent to the Hamilton Farms development and is across the street from the Oak Court subdivision done many years ago. They are proposing to subdivide the lot into 3 conforming lots, all with frontage on Oak Street. The corner lot, having 2 frontages, will still be conforming, and the house, garage and improvements that are currently there will be demolished. Three single family houses will be constructed; all will front Oak Street. The 3 proposed lots are all conforming with respect to size, setbacks and dimensions so there are no variances required for the subdivision.

Mr. Guzzi confirmed the following:

- This is an infill subdivision and stated that it is basically surrounded by other properties that are almost identical with respect to lot size and development.
- The existing house is not on municipal sewer and there is an existing cesspool/septic system on the property which will be removed and abandoned per the county Board of Health requirements. The plan is to service the new lots with public water and public sewer.
- A condition of approval would be that all 3 lots would be on municipal water and municipal sewer before building permits could be issued. Mr. Guzzi stated there is existing sewer on Oak Street and extends to the front of western most lot where there is a manhole. There is also sanitary sewer that runs along the backside of that lot. He stated he is working with the township's water and sewer department to how they will extend

- the sewer and water service to these lots in an efficient manner. There is also water across the street for Oak Court and on Olive Street. They will most likely tie into the existing water main.
- There is apparently an unregulated heating oil tank in the basement of the existing house on the property. This will be taken care of as part of the demolition, removed and properly disposed of.
  - Because this is a minor subdivision, it will be perfected by filing a deed of subdivision. Mr. McAndrew stated this would be drafted and submitted to the Board Attorney and Board Engineer for review.

Engineer Dougherty stated that his review letter dated April 16, 2019, mentions a completeness issue. He stated that this application is for a minor subdivision. He has reviewed the letter from the Water and Sewer Director that asks that the sewer be extended 150'. Mr. Guzzi stated there is a manhole at the corner of Oak Court and the initial request was to extend that to continue down Oak Street 150' toward Olive Street. He stated there are a couple of different options they are working on to service the lots including possibly doing something with the sanitary line that's in the easement to the rear. If in fact that they do extend the sewer into Oak Street, then they would pursue that option and obtain whatever permits that are required through the TWA. Engineer Dougherty stated that generally, when there is any type of road or sewer extension, it becomes a major subdivision as opposed a minor.

Engineer Dougherty asked Mr. McAndrew that as far as the major subdivision versus the minor subdivision with a public improvement described for the sanitary sewer, it wouldn't change much on the plan but he would suggest as opposed to filing by deed, a plat should be filed instead. Mr. McAndrew stated that he would normally be in agreement; however, because there is no unique cross easement with this and no extension to any street or new streets being created that usually defines a major subdivision, feels this is a minor subdivision. He did not believe that running a water or sewer line would make this a major subdivision. Engineer Dougherty stated he was looking at it from a standpoint of any extension of public utilities. Mr. Guzzi stated that there is service to the Oak Court subdivision and that is directly across the street. He said it will be an extension of 150' that will only service the 3 new lots and there is no extension to any streets or any new ones being created. There is no major public improvement being done. His opinion is that it would still be a minor subdivision. He stated that they could have certainly extended the sewer first and then come before the Board for the subdivision, and it would be considered a minor subdivision at that time.

Engineer Dougherty stated he just wanted some clarification on the type of subdivision. He also let the Board know that it does have the jurisdiction to waive the requirements so that it could be kept as a minor subdivision, since it is a single sanitary sewer extension. His recommendation to the Board would be to have that sewer line extended as opposed to working easements around back yards because that becomes a headache going across someone else's property.

Engineer Dougherty stated another of his comments was in regards to an Environmental Impact Statement (EIS) which is required for a minor or a major subdivision, but the testimony that was provided as to the septic tank and the oil tank is that they will both be abandoned and removed. He was also concerned that the oil tank was underground, but it has been testified to that it is in the basement of the existing home so any leakage would be contained within the basement. He stated the Board could waive the EIS to render this application complete.

Engineer Dougherty stated another item he had was with structures on adjoining property within 100'. The survey stopped short of that 100' and his only concern was there are some grading

issues on the plan and is concerned about off-site runoff affecting the lot to the north, 1.11 and the lot to the south, 1.02. What he is seeking is not a waiver of that minimum requirement to show 100' and asked if that is something that could be provided. He stated that if this will be filed by deed, it may be a moot point; but possibly there could be some testimony with regard what is on those other lots. Mr. Guzzi stated that directly to the west on the other side of the sanitary easement is the Hamilton Farms development with single-family homes. Directly across Oak Street are a couple of single-family homes. Directly to the southwest, there is the existing dwelling that fronts Olive Street. Mr. Guzzi stated they did not show any proposed grading because they have no idea what the houses are potentially going to look like. The township requires a grading plan with any single-family dwelling so they would, as a condition of approval, submit grading plans when the individual lots are developed in order to be able to comply with and address any drainage concerns that the Board and the township may have.

Engineer Dougherty stated at this point, he does not recommend a waiver because he would like to see what is adjacent to the property because the entire lot and what's shown just drains to the rear lot at 1.02. His concern is that without actually showing the grading, the proposed additional impervious coverage will cause more storm water to run to that back property. He understands they are removing the existing house and the garage but they are putting in 3 new dwellings with 3 new driveways and possibly some other amenities. Mr. McAndrew stated they will do a grading plan lot by lot once they know the size of the house for each lot and that would be subject to township review when they come to the construction office for each house. Engineer Dougherty stated he understands that but his concern is that a lot of times when you do it lot by lot, you really have to look at it as a unit because all of those grades run to the back. It's one lot now and all drains in one direction. When you do it lot by lot, it becomes an issue unless there is some specific wording in the resolution, for instance, that with the grading plan the majority of the runoff would go out to Oak Street as opposed to the rear of the lot. Provisions are made that there will not be any added drainage to Lot 1.02. Clearly, the sheet flow goes right into that rear lot. Mr. Guzzi stated they will put a note on the plan that there will be no increased runoff onto the neighboring properties. Engineer Dougherty stated that is fine; however, if they will be filing by deed it would have to be memorialized in the resolution. Mr. Guzzi stated that with the resolution, there will be a revised plan submitted for review and signed off. Mr. McAndrew stated that those conditions can be listed in the deed. Agreeing to a grading plan and no increase of runoff to neighboring properties, those conditions will go with the deed.

Solicitor Aberant stated that since he will be reviewing the deed, he has seen that before with other subdivisions where there have been conditions that have been put in the subdivision deed.

Engineer Dougherty stated the only other completeness item he had was in regard to utility and drainage. The applicant has addressed this. There is no public water or sewer on the plan, but he thinks that through testimony, it has been stated that all 3 of the new lots will be public water and public water. Mr. Guzzi stated that is correct and they did not want to show anything until it has been coordinated with the Water & Sewer Department.

Engineer Dougherty stated that with the above items, the Board could deem this complete with a waiver in regards to structures within 100'. He noted his review portion of his letter addresses the drainage to the rear lot as well. With a waiver of the structures within a 100', waiver of the EIS and a deferral of the drainage and utilities being shown on the plan, the Board can declare this application complete and then proceed with the body of the hearing.

Mr. Garganio confirmed that with the drainage, it will be stated on the plan that each lot will not drain onto the other lot. Mr. Guzzi stated that it will say that it will not drain onto the

neighboring lot to the south. Right now, the property generally slopes toward Lot 1.02 and eventually to Olive Street so when they grade the lot, they'll make sure they don't shed any additional water onto Lot 1.02. Mr. Morris confirmed that it is their intention when the houses are built, the grading will be towards the street. Mr. Guzzi stated that is correct; however, the back yards will obviously drain towards the back and that water will then swale down to Olive Street. Mr. Garganio asked if when the first permit is pulled, that all the grading will be done at that point. His fear is that the lots will be sold off and with different people building on the lots. Mr. Guzzi stated that once they've finalized the water and sewer, the grading and utility connections will all be shown on the plan; it will show the lots and general grading. When the properties come in for permits, they will then have the specifics related to the shapes of the houses.

Engineer Dougherty stated that with this being a minor subdivision, some of these things are left up until the end. With a major subdivision, they are not. He would like to impress upon the Board that having a grading scheme at this time would be important; however, if it is stated in the resolution, the Board may have a little bit more ability to govern that. He mentioned that with these small subdivisions when it is done lot by lot, water is pushed to the next lot and so on until you end up with a drainage problem on the last lot. He would almost prefer this applicant to provide an overall drainage scheme, even though it may change, but at least something is provided so we know, for instance, a swale will be made along the back so the water can drain out to Olive Street. In his opinion, this would be an appropriate design. This way we know they're not taking all that water and dumping it onto the adjacent property, Lot 1.02. This application is too small for stormwater controls so there's no requirement for a detention basin, but it's now relying purely on grading. Either by resolution or an actual grading plan, at this stage, is highly recommended. Mr. Guzzi stated they will submit a revised plan to show the utility connections along with a general grading scheme. Engineer Dougherty stated that would be acceptable.

Engineer Dougherty addressed Vice Chair Garganio and stated that if the Board wanted to proceed and declare the application complete and then hear the testimony portion, they may do so.

Planner Fegley stated she feels that because access to sewer is right in front, it makes it less of a major subdivision than maybe something that really has to be extended. She would agree that this application should be treated as a minor subdivision.

It was the Motion of Councilman Lovenduski, seconded by Mr. Morris to deem the application complete with the waivers mentioned above.

Upon roll call the Board voted as follows:

YEAS: Lovenduski, Morris, Montgomery, McCue, Pagano, Wilkie, Garganio

NOES: None

ABSTAIN: None

Motion carried

Engineer Dougherty stated on page 3 of his letter is his comment regarding curbing. From a land development review standpoint there is mostly concrete curb; however, there's a little piece on one end that is missing concrete curb. The township's ordinance calls for concrete curb to be installed upon every street, and he would ask the applicant to install that curbing so that the entire frontage is complete with curb. Mr. Guzzi stated it's about 30' or so of curb, and they will install that to complete the frontage.

Engineer Dougherty stated items 3 & 4 in his letter have to do with the grading. The township's ordinance provides the Board with the opportunity to treat a minor subdivision more like a major subdivision and to require the applicant to provide some kind of drainage. Because this application is one of those cases where they may be pushing the water down the street to somebody else, items 3 & 4 were simply to give the Board the authority to request the drainage/grading. The applicant has agreed to that, so he believes we are fine.

Engineer Dougherty's remaining comments in his letter go along with Planner Fegley's comments so he will ask Planner Fegley to address those. He stated there are inconsistencies with the plan that will need to be revised, as well as looking for testimony regarding street trees.

Planner Fegley stated that her letter is dated April 17, 2019. She is looking for testimony that Mr. Guzzi's measurements are correct, because she had some slightly different measurements than what's stated on the plan. Mr. Guzzi stated that all lots are conforming. Planner Fegley and Engineer Dougherty stated the discrepancies are Lot B's width dimension, Lot A is 107.22' as opposed to 107', Lot C depth is 131' as opposed to 134'. There is also a transposition in a width and depth as well as the 200' list should state Florence Township. Mr. Guzzi stated he will make those corrections and recheck all the measurements to be sure they are correct. Planner Fegley stated item 3 & 4 in her letter were regarding shade trees and grading. Mr. Guzzi confirmed that the plan will be revised to show street trees, grading and utilities.

Solicitor Aberant asked for some clarification in regard to the shade trees. Mr. Guzzi stated they will be shown on the revised plan that will be submitted for review. Planner Fegley asked for testimony as to the types of trees that will be used, if they really qualify as shade trees and what trees would remain. Mr. Guzzi stated that by the time the driveways are put in, there is a good chance that not a lot of frontage will remain. They will see what can be added and/or supplement what is there.

Vice Chair Gargano opened the meeting for public comment.

Karen Babula of 745 Olive Street stated her back yard adjoins the applicant's property. She wanted confirmation that there is enough room for all 3 lots and that no variances are needed. Mr. Guzzi stated that is correct and each lot conforms 100%. She asked if the lots were going to be sold, who will be building the houses and what type of houses would be there, single or 2-story. Mr. Guzzi stated he does not know, but the plan is to provide single-family dwellings similar to what is already in the neighborhood. Ms. Babula stated she does not like the idea and does not want a 2-story house behind her property for someone to be able to look into her back yard. She is also concerned about the drainage and how it will affect her property.

Engineer Dougherty stated this application is what is called a "by right" lot size because each one of the new lots is conforming to the township's ordinance and no variances are needed. The applicant has been asked to provide a general grading plan so it is known which way the water will flow. He stated per the law, Ms. Babula will have no more water draining onto her property than what she currently has.

Ms. Babula asked if she could request the applicant to put up a privacy fence. Engineer Dougherty stated that would be a consideration of the Board, but it is not a requirement in the ordinance. Solicitor Aberant stated the Board requiring the applicant to provide a privacy fence is not a typical condition because this is a "by right" subdivision. If there was a variance requested, such as undersized lots, the Board could impose putting up a fence as a condition to mitigate against any variance. It was confirmed that the lots would be each 13,000+ sq. ft. The

rear yard setback requirement is 35' but because the lots are deeper, each lot will most likely have a larger back yard; all of lots will front Oak Street.

Ms. Babula asked when construction will take place. Mr. McAndrew stated it is not known who will be building the homes or when that will take place, but the builder will abide by the general requirements through the township construction office as to hours of construction, dirt and dust. Engineer Dougherty stated that there is a county conservation district approval and that dust control has to be done. Mr. Guzzi confirmed that this does fall underneath the county jurisdiction because it is over 5,000 sq. ft. Ms. Babula stated she just wanted it on record that she is not in agreement with this application.

Vice Chair Garganio asked if there was anyone else wishing to speak. Seeing none, he closed public comment.

Solicitor Aberant stated that the motion to approve this application would be with the following conditions: municipal water and sewer be provided for each lot to be obtained before building permits are issued; the subdivision will be perfected by deed; the deed will include a condition requiring grading on all lots to be directed toward Oak and Olive Streets; there will be a revised plan submitted that will include utility connections and grading plan; curbing will be extended along all road frontage; and street trees will be installed.

Vice Chair Garganio confirmed that the municipal sewer will be tied into what is already available on Oak Street and then extended down Oak to Olive so that all sewer will be from the front of each lot. Mr. Guzzi stated they are also looking at the option of tying into the sanitary sewer easement that runs behind proposed Lot C. So far, the initial discussions with the Water & Sewer Department are to extend the sewer down Oak to Olive. Vice Chair Garganio requested that this be put in the resolution as well to have the sewer along the front of the properties because tying into the existing sewer line in the front of the lots wouldn't affect any of the neighboring houses. If they were to connect through the rear of the property, it would be going through people's front yards. Mr. Guzzi stated that he would prefer that it be whatever is worked out with the township. He said if connecting in the rear was the way to go, they would be accessing that rear easement from the lots being created. Again, the intent is to come in from the front but they just want to have the other option in case connecting in the front doesn't work for them; whether it be because of a capacity issue, a grading issue, etc. Engineer Dougherty stated that the Water & Sewer Director, David Lebak's letter does recommend that the sewer main be extended 150' south from the manhole in Oak Street towards Olive Street. He stated that Board approval could be subject to Mr. Lebak's findings in his letter.

It was the Motion of Mr. Pagano, seconded by Mr. Montgomery to approve application PB#2019-08 with the conditions noted by Solicitor Aberant.

Mayor Wilkie stated that sidewalks were mentioned by Planner Fegley and it is in our ordinance. Planner Fegley stated that sidewalks are noted on the plan. Mayor Wilkie stated that with any planting of trees, it is not the best situation to plant them between the sidewalk and the curb. Mr. Guzzi stated they propose to put them behind the sidewalk.

Upon roll call the Board voted as follows:

YEAS: Pagano, Montgomery, Morris, McCue, Lovenduski, Wilkie, Garganio

NOES: None

ABSTAIN: None

Motion carried

OTHER BUSINESS

There was no other business to discuss.

PUBLIC COMMENT

There was no one wishing to make public comment.

MASTER PLAN DISCUSSION

No Master Plan discussion took place.

ADJOURNMENT

It was the Motion of Mr. Montgomery, seconded by Mr. Morris to adjourn the meeting at 8:10 p.m. Motion unanimously approved by all those present.

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Wayne Morris, Secretary

/kf