

Florence, New Jersey 08518-2323
February 26, 2007

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 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:

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| Gene DeAngelis | Sean Ryan |
| Councilman John Fratinardo | John T. Smith |
| Mayor Michael Muchowski (LATE) | Mildred Hamilton-Wood |
| Dennis A. O'Hara (LATE) | Wayne Morris |

ABSENT: None

ALSO PRESENT: Solicitor Nancy Abbott
Engineer Dante Guzzi
Planner Lisa Specca

RESOLUTIONS

Resolution PB-2007-08

Granting amended Final Major Site Plan approval to Cream-O-Land, Inc. for Block 155.47, Lots 12.01 and 12.03 located in a GM General Manufacturing District.

Motion of Smith, seconded by DeAngelis to approve Resolution PB-2007-08.

Upon roll call the Board voted as follows:

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

Resolution PB-2007-09

Continuing the application of Joseph Gallina for amended Preliminary Major Site Plan approval with bulk variances and Final Major Site Plan approval for a restaurant, retail use and apartments on Block 110, Lots 3.01 and 8.01, located in a NC Neighborhood Commercial District.

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Motion of Fratinardo, seconded by DeAngelis to approve Resolution PB-2007-09.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Ryan, Smith, Hamilton-Wood

NOES: None

ABSENT: Muchowski, O'Hara

Vice Chairman Dennis O'Hara arrived at 7:33 P.M.

MINUTES

Motion of Ryan, seconded by Smith to approve the Minutes of the Regular meeting of January 15, 2007 as submitted. Motion unanimously approved by all members present.

Mayor Michael Muchowski arrived at 7:34 P.M.

CORRESPONDENCE

Chairperson Hamilton-Wood stated that there was Correspondence A through F. She stated that F the report from Solicitor Abbott on the applications would be addressed as each application was heard. Member Smith asked that the Board hold A for future discussion.

Motion of Smith, seconded by Ryan to hold A and F and to file B through E. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood stated that application PB#2007-01 for Homes of Hope would not be heard at this meeting. The application will be heard by the Zoning Board. Chairperson Hamilton-Wood stated that the property owners within 200' feet of the subject property would be receiving notice as to the date of the public hearing of the application before the Zoning Board. The Planning Board will take no action on this application now or in the future.

OLD BUSINESS

Chairperson Hamilton-Wood called for application PB#2006-27 for Joseph Gallina. Applicant is requesting amended Preliminary Major Site Plan approval and Final Major Site Plan approval with bulk variances for property located at 2107 Route 130 South, Block 110, Lots 8.01 and 3.01.

Attorney Jonas Singer stated that at the previous meeting the application had included a request to permit 2 apartments on the second floor of the existing building. He stated that

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the applicant has withdrawn the portion of the application and there would only be the one existing apartment.

Attorney Singer stated that they had received the review letters from Planner Hintz dated February 13, 2007 and from Engineer Guzzi dated February 14, 2007. He stated that the Planner's report indicated that all outstanding items had been satisfied. The Engineer's letter indicates the only remaining issue has to do with the noise control.

Attorney Singer called Rick Fumo who had previously testified as a licensed architect to address the issue of sound. Solicitor Abbott stated that Mr. Fumo had been previously sworn at the last month's meeting.

Mr. Fumo directed the Board's attention to exhibit A1. This shows that in the back of the building there are 2 condensers for the restaurant, 1 for the tenant space and 1 each for the walk-in freezer and refrigerator. He stated that there is an existing outdoor unit that takes care of the apartment and that is to remain.

Mayor Muchowski asked if the addition of the condenser on the side would be an expansion of a non-conforming use that encroaches into the side yard setback. Engineer Guzzi said that the proposed sound block walls are not existing and would have to abide by the setback requirements and an additional variance would be required. The condenser unit itself is not considered a structure and would not be subject to the setback.

Mr. Fumo stated that he could have located the condenser in the back of the property but he was hoping to keep the units away from the adjacent residences to the rear of the site.

Mr. Fumo stated that they had proposed sound block to enclose the outdoor condensers. This would cut the sound transmission by approximately 60%. The block has to extend at least 6' above the condenser unit in order to be effective. The face of the block will be stucco to match the building.

At the rear of the building is the walk-in box. The freezer box would have block walls on both sides and over the top. The backside would be exposed for access. Mayor Muchowski stated that he had wanted to see the freezer box inside. Mr. Fumo stated that even if the freezer box were located inside the condensers would be located outside.

Attorney Singer asked Mr. Fumo if the decibel levels will be below the State maximum level once the sound block walls were constructed. Mr. Fumo stated the maximum decibel level permitted by the state was 65 decibels during the day and 50 decibels at night. This is the maximum decibel level permitted at the property line. Mr. Fumo stated that the noise level would meet the state requirement at the property line. He stated that there is no local ordinance for sound.

Mayor Muchowski asked what technical expertise was Mr. Fumo basing his comment that the noise would be dissipated at the property line on? Mr. Fumo stated that he was

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not a sound acoustics engineer; but that he knows that the decibel level reduces the farther it travels from the source.

Councilman Fratinardo asked what the decibel level was without the enclosure? Mr. Fumo stated that it each one would be approximately 70 decibels. With the enclosure it would be 56 decibels. Mayor Muchowski said that the block manufacturer stated that the wall dissipates 60% of the noise. Mr. Fumo said that the block reduces the noise level by 60%. There are 2 units that are approximately 70 decibels each. So each unit would be only giving of 40% of their noise. This would be 28 decibels each so for the 2 units you would add these together and the decibel level would be 56 decibels.

Mayor Muchowski stated that he is not a sound expert, but he has heard sound testimony from experts on several occasion. He stated that you don't add the 2 numbers together to get the level. Mr. Fumo said that he is not a sound expert, but in his opinion the sound levels at the property line would be within the acceptable range.

Attorney Singer stated that since this is technical in nature he would provide to the Board's Engineer and Planner with the sound data. Mayor Muchowski stated that this should have been provided to the Board already. Attorney Singer stated that they had provided the sound data and the method of mitigating the sound. Mayor Muchowski stated that they had only provided part of the information.

Member O'Hara stated that according to the information on the decibel levels for the condenser units that had been supplied to the Board the reading for decibel levels were not for the exact units that are being proposed. Mr. Fumo stated that the information that was provided was representative of the actual units.

Chairperson Hamilton-Wood stated that the numbers don't match. Engineer Guzzi asked if the data that had been provided was data for the units that were proposed to be installed. Mr. Fumo answered yes. Chairperson Hamilton-Wood stated that the email says that they are not the same models. Engineer Guzzi stated that the Board needs a comparison for what the provided models are versus what is being actually proposed. Mr. Fumo stated that he was not able to get anything specific except for those calculations based on the type of condensers that are required for the walk-in box.

Chairperson Hamilton-Wood asked how the units that are listed on the data sheet compare with the actual unit that is being installed? Mr. Fumo stated that he had asked the machinery manufacturer to help him with this data and this is what was provided. Mr. Fumo stated that the sound level at the property line would be below the level permitted by the state. Mayor Muchowski said that Mr. Fumo was not qualified to say that. Mr. Fumo agreed that he was not qualified to calculate sound at a distance; he is not an acoustical engineer. Mayor Muchowski said that the applicant has not demonstrated to the satisfaction of the Board that the sound would be mitigated.

Attorney Singer stated that the information that they have provided is below what is permitted by the State. He stated that he didn't think that there was a local ordinance.

Mayor Muchowski stated that the Township is ruled by the State ordinance as it is administered by the County Health Department.

Chairperson Hamilton-Wood stated that the testimony that was given based on the units listed in the email were not the units that are going to actually be used. The units that are going to be used may well be within the appropriate limits but there has not been testimony to support this. She stated that there were several units and asked shouldn't they take into consideration all of the units together. Engineer Guzzi stated that the noise levels don't add up exponentially. He stated that the worst-case scenario in this case would be the air conditioning unit at 70 decibels. The enclosure for this is only 3' from the property line. The testimony is that the acoustical block, based on the literature that was submitted reduces approximately 60% of the noise passing through.

Mayor Muchowski stated that he is supportive of this side yard setback variance because the applicant is attempting to improve on an existing condition. He asked if this would be furthering a non-conforming use. Solicitor Abbott stated that the use is not conforming it is just the setback that needs the variance for the additional encroachment. Attorney Singer said that this wall was proposed to improve the existing situation if the Board doesn't want it then they won't place the wall around it.

Member O'Hara asked how would the Board know that the actual units won't be louder than the readings that were listed on the email. Mr. Fumo stated that the decibel levels on the email were for the units that would be installed. Engineer Guzzi stated that there was conflicting data because that model numbers listed are different than those proposed to be installed. He stated that he would want to know that the data that was provided was actually noisier than the models that were proposed to be installed.

Chairperson Hamilton-Wood stated that saying the models were similar leaves a lot of room for interpretation. Attorney Singer said that there is leeway because of the percentage reduction by the acoustical wall. Even though the readings may go up to 71 or 78 decibels it would still be well within the limits at the property line. Chairperson Hamilton-Wood said that Attorney Singer is asking the Board to make some assumptions that may be true, but these assumptions are not supported by any data that has been submitted. Attorney Singer asked the Board to allow the applicant to supply to the Board's professionals the proof that noise levels would not be exceeded at the property line. If the proof couldn't be supplied then they would come back to the Board.

Member Fratinardo asked about calculating the noise level. Engineer Guzzi stated the noise from the units don't add together $X + Y$. You would have to have a calculation done to see what the level is. The reduction based on the sound barrier is 60%. If this is accurate then it should cover the worst case, which is the air conditioning compressor at 70 decibels. As long as the other refrigeration units are in the 65 to 70 range then it should be okay based on the information provided.

Mayor Muchowski stated that the applicant had demonstrated the willingness to put a barrier up but they haven't demonstrated that they have enough knowledge of how the

product works, how it is going to be constructed, and what it is going to do to give the final determination. If the Board were comfortable with this it would be a condition of approval that the applicant would need to demonstrate to the satisfaction of the Board Engineer that you could meet what you are stating as testimony tonight. Engineer Guzzi said that after construction there would have to be verification that the units meet that requirement; If not they would have to mitigate the problem. Mayor Muchowski stated that mitigated means that you cannot operate if you can't meet the requirements.

Mayor Muchowski said that all the Board is looking at tonight is the outside freezer box and for the applicant to meet the noise requirement. Engineer Guzzi stated that the Board also has to look at the additional variances that are required. If the block wall were constructed then the setback variance would be required. If the block wall is not constructed then it would be outside equipment, which is not permitted, and this would require a variance.

Engineer Guzzi asked if the rear wall of the freezer box would be exposed. Attorney Singer stated that 3 sides of the freezer box would be covered and one side would be shown. The rear wall would be the stainless steel of the freezer. There would be no access from the outside. Mayor Muchowski said that this could be softened with landscaping. Planner Specca said that the area was pretty well screened per the landscaping plan.

Mayor Muchowski said that he wanted to be sure that the proposed stucco as an aesthetic improvement to the sound wall doesn't cause the sound to go over the wall as opposed to mitigating through the wall. Engineer Guzzi stated that it should not.

Chairperson Hamilton-Wood stated that there should be more information submitted to the Professionals regarding the exact models and the calculations, and a modified landscaping plan to address the units and the block wall for side and rear yard.

Chairperson Hamilton-Wood asked if Attorney Singer had seen the letter from Florence Township Director of Water and Sewer David Lebak. Attorney Singer stated that he had seen the report, however the sewer line that was proposed by the applicant's engineer had been designed in accordance with the Township's Water and Sewer Engineer, Alaimo Associates. Attorney Singer stated that it appears that Mr. Lebak does not agree with his own engineer. Mayor Muchowski asked if there had been a group meeting. Attorney Singer stated that there was a group meeting and the Township's Water and Sewer Engineer came up with a plan and the applicant followed that plan and as of last Friday the applicant was made aware that Mr. Lebak wanted to change the layout of the line.

Eric Evers, engineer for the applicant, stated that the Township's Water and Sewer engineer, Russell Trice had reviewed the facilities plan and approved those plans subject to a few minor changes. Mr. Evers stated that they made those revisions and sent the plans back to Mr. Trice. He said that a representative from Alaimo Associates was at the meeting with Dave Lebak where the suggested change to the layout of the line was made. Mr. Evers stated that he would have to contact Mr. Lebak to discuss this matter further.

Engineer Guzzi stated that the current plan has the line laterals for the 3 retail units come out and come to a common header that makes a couple bends before it hits the main. What Mr. Lebak is suggesting is that the 3 laterals come out to a header that is a straight run tying in to the main so that you don't have those extra turns. The turns are always potential problem spots.

Engineer Guzzi stated that the only other outstanding issue was related to conditions of approval which would be consolidations of the tax maps lots and the approval of other agencies.

Solicitor Abbott said that she had a question regarding the January 11, 2007 report of the fire official. Chairperson Hamilton-Wood stated that the follow up report dated February 20, 2007 stated the fire official had no problems with the plans.

Motion of Smith, seconded by DeAngelis to open the hearing to public comment. Motion unanimously approved. Hearing no one wishing to speak motion was made by DeAngelis and seconded by Ryan to close the public portion of the hearing. Motion unanimously approved.

Solicitor Abbott stated that the appropriate motion would be for amended Preliminary and Final Major Site Plan approval with a 3' side yard setback variance subject to the conditions that were discussed on the record those conditions include that the applicant will submit further specific documentation of sound levels the individual units and the entire condenser system at both the side and rear property lines for the specific model to be installed on the property. This is subject to approval by the Board Engineer prior to installation and by way of field verification upon construction, lots 3.01 and 8.01 will be consolidated, a modified landscape plan shall be submitted, chain and bollard should be installed to block access to the sewer access, the block wall should match the stucco of the building, the applicant must meet all conditions of the preliminary approval and outside agency approvals.

Member O'Hara asked what would happen if the actual running unit failed the sound test. Engineer Guzzi stated that the approval would be based on the supplied documentation. If the sound test fails the applicant would lose their certificate of occupancy until they could mitigate the problem.

Motion of O'Hara, seconded by Fratinaro to approve the application with the conditions as set forth by the Board's solicitor.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinaro, Muchowski, O'Hara, Ryan, Smith,
Hamilton-Wood

NOES: None

ABSENT: None

Chairperson Hamilton-Wood called for application PB#2006-22 for ALBAX, Inc. Applicant is requesting Preliminary and Final Major Subdivision approval for property located at Hamilton Avenue, Block 100, Lot 8.03.

Clifford Halper, attorney for the applicant stated that they have revised the plans to be more in line with what the Board is looking for.

Attorney Halper was asked to qualify the applicant's engineer Robert Seeberger. Mr. Seeberger stated that he had a Bachelors degree from Drexel University and a Masters degree from Villanova University. He said that he had been a professional engineer for 24 years. He stated that he had testified before many Boards in the state of New Jersey. He never testified before the Florence Township Planning Board before, but did testify before the Florence Township Zoning Board.

Mr. Seeberger was accepted by the Board as an expert and was sworn in by Solicitor Abbott.

Attorney Halper asked the Board to deem the application complete. Solicitor Abbott stated that there were a number of completeness issues and the Board's procedure is to address those items first. She asked for proof that the taxes were current on the property. Attorney Halper submitted the proof. Solicitor Abbott stated that the application could be deemed complete.

Motion of Muchowski, seconded by DeAngelis to deem the application complete. Motion unanimously approved by all members present.

Mr. Seeberger stated that the site is made up of 2.4 acres fronting on Hamilton Avenue. The lot is currently wooded with low brush. There are residential properties on 2 sides, the Light Rail in the rear and special manufacturing to the north. The applicant is proposing 6 conforming lots and a detention basin lot that would be taken by the Homeowner's Association. There would be municipal water and sewer. Utilities would be provided to all 6 lots proposed. There has been a wetlands study and Mr. Seeberger has submitted a letter confirming that there are no wetlands on site.

Mr. Seeberger stated that the tree survey had been completed and incorporated into the plan. Mayor Muchowski asked if the survey was done before the applicant had trees cleared. Mr. Seeberger stated that every tree that was originally on the lot is shown on the survey. He said that what Mayor Muchowski is speaking about is the clearing that was done in the vicinity of the proposed cul-de-sac. He stated that clearing was done because of the intense density of the site. The surveyor has to have his instruments set up to take a shot of every tree. The surveyor originally tried to survey around the perimeter but this did not work and he requested that the clearing be done so the he could survey the internal area of the site.

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Mayor Muchowski asked if the survey was done prior to the clearing. Mr. Seeberger stated that the clearing was done during the surveying. Chairperson Hamilton-Wood asked if the tree survey shows which trees had been removed. Mr. Seeberger stated that the tree survey doesn't indicate which trees had been removed, but the landscaping plan does show the limit of the trees that the applicant is proposing to remove. They have been able to save 50% of the trees that exist on the site.

Mr. Seeberger stated that they had submitted for water and sewer approval through Florence Township and haven't heard back yet. He said that they had submitted a letter to the Fire Department and had received a no comment letter.

The location of the cul-de-sac entrance was adjusted after the meeting at the Zoning Board. A resident across the street from the site had suggested the relocation to eliminate the shine of headlights into his windows.

Paul Szymanski was sworn in by Solicitor Abbott. Mr. Szymanski stated that he was a professional planner with an office in Hightstown. He said that he had been a planner since the mid 1970's. He stated that he had a bachelor's from Rutgers and did his Masters work at New York University School of Public Administration. Mr. Szymanski stated that he had appeared before the Florence Planning Board many years ago and had testified before the Florence Zoning Board recently. Mr. Szymanski was accepted as a qualified expert.

Mr. Szymanski stated that the proposal was for a 6 lot subdivision with a detention basin lot for stormwater management and a new right of way cul-de-sac street being proposed. Hunter Industries Inc. owned this property. In December 2003 a subdivision was approved to create this lot. The current applicant bought the lot from Hunter Industries. In 2005 the applicant received a Use variance from the Zoning Board to allow the construction of single family homes on the site, which was then zoned as Special Manufacturing.

Originally a 14 lot and then a 10 lot concept plan were proposed. The Zoning Board granted the Use variance but did not address the number of lots or the bulk variance. Subsequent to this action in December of 2005 the property was rezoned to RA Residential.

The applicant has addressed many of the concerns that had been discussed by the Zoning Board and at a Staff meeting for the current Board. Mr. Szymanski stated that the number of lots had been reduced from 10 to 6. This is still in conformance with the density that is allowed in the RA zone. The theoretical density would permit 9 lots. Mayor Muchowski stated that this was not an accurate statement. There is a 25% open space offset within the RA zone. Mr. Szymanski said that there was a separate section of the ordinance for the RA zone that says the density per gross acre allowed is so many units per acre and that equates to 9. Mayor Muchowski said that if you utilize the 25% open space based on what Mr. Szymanski is saying it yielded 6 lots. Mr. Szymanski stated that the applicant was requesting a variance or a waiver for the open space. The

ordinance does address that you can make a contribution in lieu of providing the active recreation area. Mayor Muchowski stated that there is still an open space requirement even with the recreation contribution. Mr. Szymanski disagreed with this statement. He referenced section 91-187 of the ordinance regarding maximum gross density for the RA district is 4 dwelling units per acre. They are not building 9 and couldn't achieve 9 dwelling units.

Mr. Szymanski stated that they are providing for stormwater management on the site. They are saving 50% of the trees on the site. They are providing for the alignment of the new street so that the lights don't shine on the Boldizar property across the street. This was a request made at the Zoning Board hearing. The applicant is also providing for a driveway apron either through an easement or through some other means to connect to the rear of lot 10. The owner of that lot requested that during the Zoning Board process. They are providing for a 6' high board on board fence along the Conrail Line.

Mr. Szymanski directed the Board's attention to the memo from Planner Hintz dated February 13, 2007. He stated that he would go over the sections of the report that dealt with the requested variances.

Section 5.0-2 25% of the site is required to be in an open space parcel requiring 26,245 square feet. The applicant is asking for a variance from this particularly because of the very small size of this property and the fact that there are only 6 homes proposed that would use the recreation site. Mr. Szymanski stated that he thought the intent of the 25% open space was for much larger tracts of development and not for small infill sites. He said that this was one of the comments that was made during the Use variance approval, that the Zoning Board was aware that because of the relatively small number of units that would be here that the applicant would be asking for a variance to allow the financial contribution in lieu of. Mr. Szymanski stated that in his opinion the 6 homes proposed here are insufficient in number to maintain and pay for the open space area especially as a Homeowners Association. He said that he wasn't even sure that the Township would want this small open space area. He stated that there was a park area within walking distance. He also stated that kids do not really play in parks any more, they mostly play on organized teams or inside on the computer. He said that it would be impractical for the 6 homeowners to pay for the open space. Mayor Muchowski asked what would be involved in the homeowners paying for a wooded open space area. Mr. Szymanski stated that to meet the intent of the ordinance half of it would have to be active recreation.

Chairperson Hamilton-Wood asked if the applicant was proposing any sidewalk along Hamilton Avenue? Mr. Seeberger answered that sidewalk was proposed along the entire frontage from property line to property line.

Section 5.0-3 deals with a variance for lot width for the basin lot. The ordinance requires 100' and the applicant is proposing 69.8'. Mr. Szymanski stated that it was his opinion that zoning ordinances are written so that the minimum lot sizes apply to the single family lots. He stated that he does not believe that it is the intent of an ordinance to have those same bulk requirements apply to open space lots or stormwater management

facility lots. He said that he doesn't think this is a variance that is necessary in this case. He stated that if the Board requires a variance he believes that the lot is of sufficient size for the basin. This basin has been designed to be a dry basin and won't remain wet for more than 24 to 48 hours.

Mr. Szymanski said that if the variance for this lot is an issue. They could eliminate lot 7 and put the basin on a larger lot 6 and let the basin exist as an easement for the Homeowners Association or the Township to take care of. This would also take away the need for a variance for an undersized lot on lot 7. Engineer Guzzi stated that this was not an option because the Stormwater Management Plan does not permit it. The basin must be on a separate lot.

Item 5.0-6 states that existing lot 10 which adjoins the proposed development will be made non-conforming due to the fact that if the cul-de-sac street is built then lot 10 will be a corner lot. There would be a 25' setback from the secondary front yard and a variance would be required for the existing house.

Engineer Guzzi stated that what has been presented is a 60' right of way in the area along that lot. Mr. Szymanski stated that the applicant has offered to give the owner of lot 10 a 10' strip that would reduce the right of way to 50' and increase the side yard setback to 21'. Solicitor Abbott stated that there is no obligation in a developer developing a property to do it in a way that will preserve the conformity of the adjacent property. What is happening is that the adjacent structure is being made into a non-conforming structure because it will not meet the setback.

Mayor Muchowski pointed out that the existing house is already non-conforming because the side yard setback is 11' where 15' is required. He asked why the applicant needs 60' of right of way? Engineer Guzzi stated that they don't need that much right of way, but the storm sewer runs down there so he thinks the extra right of way was added to accommodate the sewer. He said that the cartway is 30' and the balance of the right of way for the rest of the development is 50'.

Mayor Muchowski asked if lot 10 was the same property that had requested to have the driveway put in so they could access the rear of the property. Mr. Szymanski answered that it was. He stated that even if the applicant kept this strip they could provide the easement. The applicant has shown the curb cut on the plan with the intent that the owner of lot 10 would build the driveway himself. Mayor Muchowski asked if it was wise to have the driveway coming off of the cul-de-sac street. Mr. Szymanski stated that the proposed location would be better than where the homeowner currently drives in, which is along the back of his property encroaching on the subject lot.

Engineer Guzzi stated that they had suggested making this strip part of the stormwater management basin lot. This would increase the size of the lot and make it more conforming. If the homeowner would like to have that property it would be fine but the storm sewer should be located in the right of way.

Mr. Szymanski said that the Board's Planner had recommended additional detention basin plantings. He stated that he thought that there should be further discussion on this even though the applicant is willing to provide additional plantings. There is a request to retain a 40' willow oak tree, which is located on the common property line with lot 9. The applicant agrees to retain this tree.

Mr. Szymanski stated that the waivers requested for the entire project are quite modest in number and impact. In his opinion they are providing for a well designed infill single family home development.

Mayor Muchowski asked how the application was planning to fulfill the COAH requirement.

Mr. Szymanski said that they would be making a contribution. Chairperson Hamilton-Wood stated that the Planning Board has tried to make it a habit that all COAH requirements are met on site. Mr. Szymanski stated that he understood that an ordinance had been adopted that required payments. Solicitor Abbott stated that the ordinance that Mr. Szymanski was referring to was 2005-21 or 22. She stated that applicant would have to comply with whatever the provisions of the ordinance are. This Township requires that the obligation be provided on site.

Mr. Szymanski stated that he was not aware of this requirement and did not see this raised as an issue in any of the review letters. He stated that he was not sure that it was the intent of the applicant to have one of the homes to be an affordable housing unit with 10,000 square foot lots. He stated that there was a previous plan when they were before the Zoning Board that had 2 smaller lots along Hamilton Avenue and there was discussion at that time that one of these units could be affordable housing, however since they chopped the density from what was then 10 units and since the Township rezoned the property they did away with these units.

Mayor Muchowski stated that "chopped" is not the appropriate term to use because the current plan is more in conformance to the zoning requirements that are in place. Chairperson Hamilton-Wood stated that the Planning Board is neither bound by nor are they privy to conversations between the applicant and the Zoning Board that were not reflected in some kind of determination.

Solicitor Abbott directed Mr. Szymanski's attention to page 9 of the Board Planner's report section 6.4 that does address the affordable housing issue and makes reference to the section of the ordinance. Mr. Szymanski stated that he had made an incorrect assumption that the ordinance referred to payment in lieu of especially for a development of this size.

Solicitor Abbott stated that condition 6 of the approval from the Zoning Board does require compliance with any applicable COAH regulations. Mr. Szymanski stated that at that time they were proposing to have the affordable units on site because they had more overall units planned for the site. Now with cutting down the units it is not feasible to

have one of the units as affordable. Chairperson Hamilton-Wood stated that the Board had recently required on site affordable housing in a development that had a 3 acre lot minimum lot size. Mr. Szymanski stated that he could not answer the COAH question at this time.

Chairperson Hamilton-Wood asked what the square footage on the proposed houses was?

Benedetto Catarinicchia was sworn in by Solicitor Abbott. Mr. Catarinicchia stated that he was a licensed New Jersey architect. He stated that he had a degree from the University of Arizona. He stated that he had testified before this Board in September on this matter. Chairperson Hamilton-Wood stated that Mr. Catarinicchia was qualified as an expert.

Mr. Catarinicchia stated that the applicant is proposing standard modest houses. The square footage of the houses ranges from 2,400 to 3,000 square feet. He stated that they were trying to match the character of the surrounding area. The finish of the houses will be standard siding with a mixture of stone. Member O'Hara asked if there would be basements. Mr. Catarinicchia said that they are still considering whether or not basements would be installed. Member O'Hara asked if the proposed houses would be prefabricated. Mr. Catarinicchia stated that currently they were leaning toward stick framing, but it would depend on the cost. They will look at both avenues.

Chairperson Hamilton-Wood stated that it appeared that 2 major problems had arrived. The first was the open space requirement that is typically required by the Board. The second issue is that of the COAH obligation. She said that it doesn't appear that the current plan takes these 2 issues into consideration.

Member Fratinardo said that in the case of the COAH requirement the Township does not want to have a situation where they are clustering all of the COAH requirements in one place. This way they don't have an area in town that is all low income.

Mayor Muchowski stated that a contribution simply passes the obligation from a financial situation for the applicant to a number situation for the Township. With every financial contribution the onus is on the Municipality to create those units. Unfortunately the way the law was developed and passed the Municipality already has a certain amount of requirements to deal with. The financial resources are not the mechanism that alleviates the situation. It is the game plan to create that unit that assist the Municipality. The spirit of the COAH obligation is to actually create the unit. Florence Township has had to work with developers even on the commercial front to come up with innovative ways to fulfill those obligations.

Attorney Halper asked if the Board could offer any suggestions on this issue. He stated that he knew there had been some changes in the regulations. Planner Specca stated that the creation of 6 new units generates less than a 1 unit obligation. She spoke of the ruling on the COAH issue and stated that it was highly likely that the COAH obligations will increase due to this new ruling.

Attorney Halper asked for some guidance from the Board on how to handle to COAH situation and the open space requirement.

Mayor Muchowski stated that it is the applicant's responsibility to develop a plan to meet the concerns of the Board. Attorney Halper stated that he would have to consult with his clients and perhaps meet with someone to come up with a plan.

Chairperson Hamilton-Wood stated that a meeting with the Board's Professional Staff could be arranged.

Mr. Szymanski stated that the issue was that for such a small development the applicant can't provide both the 25% open space and an affordable unit on site. Chairperson Hamilton-Wood suggested that the applicant try to develop something. The applicant is asking the Board to grant variances without making any effort to solve the problems. Mr. Szymanski stated that if they had to provide 25% open space in addition to the detention basin it would cause them to drop the size of the development down one additional unit and then the Board is asking for one of those to be affordable. He stated that it might get to the point that the project is no longer feasible.

Member O'Hara stated that the Board was looking for a little creativity on the part of the applicant.

Motion of Fratinardo, seconded by O'Hara to open for public discussion. Hearing no one wishing to speak motion was made by Fratinardo, seconded by DeAngelis to close the public portion. Motion unanimously approved by all members present.

Solicitor Abbott asked if the applicant would like to have a staff meeting. Attorney Halper stated that he would like a staff meeting. Mayor Muchowski said that the applicant should look at the possibility of setting up a COAH unit and maybe setting up an aesthetically pleasing open space that is beneficial to the neighboring residents along with the recreation contribution to help offset and preserve some of the needed space to make the development work. He stated that there are avenues available for the applicant to address the concerns of this Board if the applicant is willing to see what these avenues are.

Attorney Halper stated that he would like to continue this application until the next meeting and agreed to waive the time requirement for Board action.

Motion of Smith, seconded by Fratinardo to continue the application.

Upon roll call the Board voted as follows:

| | |
|-------|---|
| YEAS: | DeAngelis, Fratinardo, Muchowski, O'Hara, Ryan, Smith, Hamilton-Wood |
| NOES: | None |

33.

ABSENT: None

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

Chairperson Hamilton-Wood reminded those in attendance that the Board has a policy to end the meeting at 11:00 P.M. She stated that no new applications would be called after 10:30 P.M.

Chairperson Hamilton-Wood called for application PB#2007-02 for Griffin Pipe Products, Inc. Applicant is requesting Preliminary and Final Major Site plan approval for proposed drainage improvements for property located at 1100 West Front Street, Block 179, Lots 1.02 – 1.05.

Ronald Patterson, attorney for the applicant, stated that the application was for Preliminary and Final Major Site Plan approval for surface and below grade work associated with stormwater capture and control. This is pursuant to an administrative consent order (ACO) that was entered into with the New Jersey Department of Environmental Protection as a result of alleged stormwater control and discharge violations. This application would allow the applicant to modify the existing system to capture and control stormwater completely on site.

Attorney Patterson stated that the applicant had requested submission waivers and this could be addressed.

Michael Junghans, engineer for the applicant, was sworn in by Solicitor Abbott. Mr. Junghans stated that he has a Bachelors degree in civil engineering from Northeastern University in Boston, MA. His Masters is from Rutgers University. He is a licensed engineer in New Jersey. Mr. Junghans stated that he has appeared before 30 Boards throughout the state. Mr. Junghans was qualified as an expert.

Mr. Junghans stated that he had prepared the site plan that was submitted with the application. He stated that he would start with the review letter from Guzzi Engineering dated February 16, 2007 on page 2 relating to completeness issues. Waivers are requested for the following:

Item A- a waiver was requested on the requirement of an Environmental Impact Statement. He said the proposed upgrades are not going to change the existing or the proposed use of the property or the impact on the surrounding areas.

Item B – a preliminary delineation of wetlands based on NJDEP criteria. Based on a study of databases available to NJDEP there are no wetlands mapped for this site. They haven't had a formal inspection by a wetlands person, but based on this information they are requesting a waiver.

Item C – a preliminary delineation of stream encroachment based on NJDEP criteria. This site is on a tidal waterway therefore stream encroachment is not applicable.

Engineer Guzzi stated that the last 2 items are self-policing since the applicant is under jurisdiction of the NJDEP for this project.

Item D – Cross sections of water courses. The proposed application does not alter any water course so a waiver is requested.

Item E – location of all existing utilities. The application provides for surface stormwater collection. There will be no impact to any off site or on site utilities.

Item F – location, elevation, type and size of all existing or proposed sidewalks, curbs, driveways, fences, landscaping, retaining walls, parking spaces and off street loading. A survey of the site has been provided. Some of the requested information was not shown in its completeness based on the quality of the survey. They will be addressing the landscaping issue later in the application. A waiver is requested for the remainder of the information.

Item G – existing and proposed signs, lighting standard, utility poles and trees. The nature of the work being proposed will not impact any of these items.

Item H – building elevations. There is no proposal to add or remove any buildings on the site.

Item I – existing wells and septic systems. There are no proposed changes to the septic or sanitary operations of the facility.

Item J – one soil boring per acre. Soil borings have been provided for the area of the proposed detention basin but not provided for the balance of the site because no work is proposed for the balance of the site.

Item K – existing and proposed right-of-ways within the adjoining tract. The work is strictly limited to on site.

Item L – sight triangles at intersections. The sight triangle was provided a waiver is not required.

Item M – description of expected emission of noise, glare, vibration, heat, odor air and water pollution. The proposed operation of the site overall will not be changing. There will be testimony later in the application regarding the stormwater improvements, which are the focus of the application.

Attorney Patterson stated that the proposal is to capture and control all stormwater on site.

Item N – number and location of parking and loading spaces. No revisions are proposed for the parking and loading spaces.

Item O – pedestrian walks from each entrance/exit along expected paths of pedestrian travel. This proposal does not revise any of the existing patterns.

Item P – all related facilities for the movement and storage of goods. There will be testimony to satisfy this.

Item Q – a landscape plan. Testimony on the landscape plan will be provided.

Item R – facilities plan. The applicant feels that what has been submitted is sufficient.

Item S – Municipal Services and Utilities Impact statement. This proposal only deals with on site stormwater. It doesn't affect any of the utilities or other connection to outside Municipal facilities.

Engineer Guzzi stated that there are a lot of applications requested. This is due to the type of application. This is for storm sewer and storm water improvements on a very large site. It is a major site plan because of the amount of disturbance, which is in excess of 5,000 square feet, which makes it major.

Mr. Junghans asked the Board to refer to Planner Hintz's letter dated February 21, 2007. Section 4 deals with completeness items. Many of the items had already been addressed as part of the review of Engineer Guzzi's report. Additional items called out in Planner Hintz's review include:

Item 49.KK – copy of the protective covenants or deed restrictions applying to the land shall be provided with the preliminary plat. Based on the nature of the project a waiver is requested.

Item 52.N – lighting details. No lighting revisions are proposed.

Item 52.O – freestanding sign details showing location and dimension. No sign modification is proposed.

Item 52.Q – location of recycling centers. This proposal only deals with stormwater so this is not applicable.

Item 52.R – each site plan shall have the following information shown thereon or annexed thereto: building and use plan, circulation plan, landscaping plan, facilities plan, and municipal services and utilities impact statement. Based on the nature of the application a waiver is requested for all these items with the exception of the landscaping plan.

Planner Specca stated that the only real issue is the landscaping plan. The other issues could be waived.

Motion of Muchowski, seconded by DeAngelis to deem the application complete.
Motion unanimously approved by all members present.

Chairperson Hamilton-Wood asked that the applicant start with a review of the proposed landscaping plan.

Mr. Junghans said that based on what was presented in the two review letters the main concern seems to be the provision of some landscaping along the frontage of the property. The frontage of the property is within the County right-of-way. The existing fence line is on the property line. There is an area from the fence to the curb line that has the potential to be grassed.

Mr. Junghans said that although the applicant is looking to providing landscaping, the County in preliminary conversations indicated some concern as the landscaping would be in the County right-of-way. Mayor Muchowski stated that he would sit in on the meeting with the County. He didn't think that the County would raise an issue to the beautifying of the site.

Mr. Junghans stated that areas of concern were the bus stop area and the main entrance area. He provided a sketch of proposed landscaping along the frontage of the property. This sketch was marked as exhibit A1. The sketch shows grass along the frontage of the site. In addition they would like to add in front of the bus stop and also at the main entrance where the cars go in they would like to add pavers. There would also be an 80' strip of planted bed landscaping. This strip would be repeated 5 times along the frontage of the property.

Mayor Muchowski stated that he would like to see some screening across from the residences at the northern edge of the property. Member Smith stated that the site had become even more unsightly with the dumping of piles of earth from the digging of the swales.

Mayor Muchowski stated that some of the residents in that area had taken over the area of the right-of-way for parking spots. Part of what they need to do is create aesthetics that would eliminate that situation but the biggest area of concern is protecting through the residential area and transitioning as they move to the southerly side of the site (closer to Burlington). This is the gateway to the community and the green space and landscaping will work there.

Mayor Muchowski said that the screening should be from the edge of the site down to Woodlawn Avenue. Planner Specca said that the biggest concern is the people that have to look out their front windows. There should be a full screen where there are houses across the street. She stated that they would refer to see a mix of full sized evergreens that would screen that side completely from the residences. She stated that it would be helpful to know if the applicant was going to dedicate any land behind the fence because the little strip between the fence and the street doesn't provide a lot of room and gets a lot of pressure from salt and snow.

Attorney Patterson stated that they would like to have a meeting with the Board Professionals regarding the landscaping.

Chairperson Hamilton-Wood asked about the bus stops. She asked if NJDOT decided where the bus stops are located. Mayor Muchowski asked if the two bus stops could be consolidated. Mayor Muchowski stated that the Township could contact NJTransit about providing a new bus stop shelter in the area.

Member Smith stated that there was a bus stop at the entrance gate to the site and another bus stop at the northern end of the site where the railroad tracks cross Front Street. Mr. Junghans stated that he is not sure that the applicant owns the area at the northern end of the site. Mr. Junghans stated that they would investigate this and show the bus stops on the plan.

Planner Specca stated that there is a lot of debris and property maintenance that needs to be done. It appears that a truck may have hit a bollard and drug it into the driveway and left it there. The driveway has been pushed out by the trucks. Mr. Junghans stated that they would speak to the County about adding some curbing on the driveway.

Chairperson Hamilton-Wood stated that the fence itself was not in good condition. Mayor Muchowski stated that he would like the applicant to take a comprehensive look at the front of their property. The Board understands that Griffin is a working operating factory and there are financial constraints, however the site is the gateway to the community and the Board would like to see the site made more attractive. Mayor Muchowski asked if the applicant would be able to plant this spring? He stated that the meeting with the County would need to happen rather quickly so that all this can take place.

Chairperson Hamilton-Wood asked for some testimony regarding the basin.

Eric White, engineer for the applicant, was sworn in by Solicitor Abbott. Mr. White stated that he was a licensed engineer. He received his Bachelor's from University of Massachusetts in 1989. He got his Masters at the University of Michigan in 1993. He stated that he had been practicing environmental engineering since 1992. He has never appeared before a Board before. Mr. White was accepted as a qualified expert.

Mr. White stated that currently the stormwater is controlled on site in uncontrolled ponds. Griffin Pipe's current NJPDES permit is for zero discharge with less than 10 year 24 hour storm. They have to keep this on site and cannot discharge through their existing outfalls.

Griffin Pipe had some disagreement with the DEP regarding some seep flow that may have breached the berm and gotten into the river. The DEP characterized this as a discharge. Griffin Pipe disagreed with this. This is what instigated the enforcement action that resulted in the Administrative Consent Order. The ACO necessitated a change

in the Stormwater Plan. This required Griffin to change the zero discharge permit. An amended permit application was submitted to allow discharge of stormwater into the Delaware River by outfalls.

Mayor Muchowski asked how the previous application for the big temporary pool related to this modification of the permit. Attorney Patterson said that since the State said that no water could leave the facility they had to repair the berms and contain all the water. One idea to contain all the water was with the temporary tank. This application was withdrawn. In addition there was going to be changes to the air pollution control devices that will change the cupola control device from a wet scrubber, which uses some of the water, which they would capture to a baghouse filter, which is a dry control device. This would then require Griffin to handle an additional 60,000 gallons per day, which they wouldn't know what to do with. This required Griffin to go back and re-evaluate the existing permit and say that they would need some form of discharge. What they have now is a combination of on site capture and control and reuse and discharge from the retention basin. Through the ACO the site has been separated into 2 parts. One part being the finished product storage area, which the product is ductile pipe. This water is pretty much clean and can be captured and reused. The second area (Area 2) has some solids. This water would be captured and sent through a sand filter and into basin. This water is incorporated into the facility or discharged to the outfall. The berms have been reinstalled all water is captured, controlled, and contained to be reused on site or discharged.

Mr. White stated that the finished product storage area and the manufacturing area are considered Area 1. The pipes are stored on blue stone. This area will be regraded and a swale installed at the perimeter of the site, a new sewer line and catch basin will be installed to capture and direct stormwater. Concrete roadways will be repaired and extended. The water that is captured by Area 1 either goes to the swales, into the on site storm sewer line that is connected to a new underground overflow box. The overflow box goes into the existing treatment system on site; that water is used and then discharged. No structures are being proposed just catch basins and underground piping.

Mr. White said that Area 2 is primarily the raw material storage area. The raw material consists of limestone and scrap metals. The current ground condition in Area 2 is dirt. The applicant is proposing to install a new storm sewer and swale to direct the stormwater to flow toward the new storm sewer. The water captured by the storm sewer will go into the new 2.75 million gallon detention basin. The detention basin will normally be dry. The water collected during a storm event would go through the new sand filter and be discharged into the river or can be used internally. The surface in this area will remain dirt.

Chairperson Hamilton-Wood asked about testing of the water to make sure that it doesn't contain any hazardous material before it is discharged. Attorney Patterson stated that under the consent order there are interim limits and there are final limits that have to be met. There are stipulated penalties should the effluent limitation not be met.

Mr. White stated that the water that is collected in the detention basin is discharged into the river. This basin is only for collection of rainwater on site. If there is no rain then the basin would be dry. The basin is about 11' deep. Mayor Muchowski asked if this basin stepped down. Mr. Junghans stated that the basin showed contour line. It does step down, not a steep drop off. Mr. White stated that they would be designing around the tide in the river.

Planner Specca asked if the swale along Front Street could be backed up. Mr. White stated that the swale was already built. Planner Specca stated that the landscaping could possibly be placed behind the swale. The existing swale is about 2' deep. The detention basin will be concrete lined so that there is no infiltration.

Motion of Fratinardo, seconded by Smith to open the meeting to the public. Motion unanimously approved.

Joan Young, 1014 West Front Street, was sworn in by Solicitor Abbott. Mrs. Young stated that she lived right across from the site. She stated that she is no longer able to enjoy sitting on her front porch due to the collection of dirt and debris directly across from her home. She stated that she is worried about bad odors and pollution from the water. She is concerned with mosquitoes and possible illness. She has lived in her house for 38 years. She had suggested to the factory several years ago that they install bushes and trees to block out the coal dust from coming across the street. She stated that every time she called people were very nice, but they never did anything.

Mr. Patterson asked if Mrs. Young was concerned with the smell of the water from the detention basin. Mrs. Young answered that she was. Mr. Patterson stated that the basin is about 800' behind the property line. Mr. Patterson stated that they had testified that they would be addressing the issue of the landscaping.

Chairperson Hamilton-Wood asked how long the water would be in the basin. Mr. White stated that as soon as the rain event is over the water should start to draw down. The water is not supposed to sit in the basin. The basin is designed to hold about 4" for 24 hours. The water should not be there long enough to breed mosquitoes or create bad odors. Mr. Patterson stated that this is not a reservoir. Chairperson Hamilton-Wood asked about the dirt. Mr. Patterson said that the dirt would be used on site. Mrs. Young stated that when the old building was there she could not see any of the junk on site. The building acted as a buffer. When they knocked down the building this buffer was taken away. Mayor Muchowski stated that Griffin Pipe is looking to cooperate with the Township.

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

Solicitor Abbott stated that the Board was looking at approving Preliminary and Final Major Site plan for drainage improvements. This would be conditioned on approval of a landscaping plan.

Mayor Muchowski asked if the Board should be granting Preliminary and Final when this is conditioned on the landscaping plan. If there were issues with the landscaping plan then Griffin would not be able to move forward with the drainage improvements. The project is currently on hold awaiting the approval of the site plan. Mayor Muchowski said that it might be better to continue the application. Solicitor Abbott suggested a Preliminary approval and then the landscaping plan would be a condition of Preliminary.

Mr. Patterson asked what was the benefit of Preliminary approval if they still had to have the landscaping plan approved before they could be granted Final and continue with their work on the drainage basin? Solicitor Abbott stated that you have to fulfill all the conditions of Preliminary before you come in for Final, but in some instances the Board has been willing to grant an exception from that and allow Final approval to be granted and have the condition of Preliminary approval carried over to Final.

Mayor Muchowski stated that there needed to be a comprehensive meeting to address the landscaping. Attorney Patterson stated that the applicant was most concerned with getting the building permits to start the construction. Chairperson Hamilton-Wood asked if the Board granted Preliminary with the condition of the landscaping plan being approved would this allow them to get their building permit. Solicitor Abbott answered that it would not. Engineer Guzzi asked where they stood with their soil erosion application. Attorney Patterson stated that the soil erosion and the county application had been submitted, but they have not gotten any comments back yet. Engineer Guzzi stated that it was unlikely that those approvals would be finalized before the date of the next Planning Board meeting, which is March 19, 2007. Attorney Patterson stated that they were required under the ACO to start construction by April 1, 2007. Engineer Guzzi stated that he did not know that there was any local building permit required because there is no structure, but they do need soil erosion approval.

Mayor Muchowski stated that it might be better to continue and address both Preliminary and Final next month.

Attorney Patterson asked for Preliminary approval and then they would come back next month for Final.

Engineer Guzzi stated that there were 6 items in his letter that needed to be addressed. Attorney Patterson stated that they would comply with the outstanding items in Engineer Guzzi's letter.

Mayor Muchowski stated that he would designate Assistant Administrator, Tom Sahol, to set up a meeting with Burlington County to discuss the proposed landscaping in the right-of-way.

Motion of Muchowski, seconded by Fratinardo to grant Preliminary approval conditioned on approval of the landscaping plan and the basin design to address the issue of the river tides and compliance with all the reports of the Board Professionals.

41.

On the Question:

Member Smith asked about the general cleanup of the site. Attorney Patterson stated that they would make this part of the landscaping discussion. The reason to add the landscaping is one of aesthetics. If the current conditions affect the aesthetics of the site then it should be addressed. Member Smith also mentioned the condition of the fence across the street from the mill. There is also an abandoned trailer in the existing parking lot. Mayor Muchowski stated that there would be an encompassing meeting regarding the gateway improvements.

Upon roll call the Board voted as follows:

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

Chairperson Hamilton-Wood called for application PB#2007-03 for K. Hovnanian at Florence II, LLC. Applicant is requesting amended Major Subdivision approval for property located on Florence Columbus Road, Block 165.01, Lot 4.01.

Michael Macaninch, attorney for the applicant, thanked the Board for hearing the application and promised that they would be very brief.

Attorney Macaninch stated that there were 2 issues before the Board. One relates to the street tree and utility easements and the second relates to the entrance signs. Following discussions with the Board's Professional staff the applicant will be asking for a continuance of the entry sign discussion and focus on the street tree issue. The hope is to come back next, month after meeting with the Board's Professionals, to resolve the issue of the sign.

Attorney Macaninch stated that when the Final plans were approved the street tree easement is located outside of the Township right-of-way. The expectation was that PSE&G would go within the right of way. The utility company will not go within the right-of-way so there is a conflict issue between the location of the street trees and the proposed PSE&G right-of-way. The applicant met with the Board Professional staff and came up with 2 options.

Option 1 is to place the street tree easement within the right-of-way. There would be curb line, 6.5' grass strip for the street tree easement, sidewalk and another 2.5' grass strip and then the PSE&G easement. This seems to be the option most supported from the Board's staff.

Option 2 is to have everything outside of the right-of-way and have a 15' combined street tree easement area and utility easement area keeping an 8' separation between the 2.

Attorney Macaninch stated that with the exception of the water and sewer department everyone agreed with option 1.

Richard Clemson was sworn in by Solicitor Abbott. Mr. Clemson is a project manager employed by Pennoni and Associates. Attorney Macaninch asked Mr. Clemson to go through Option 1. Mr. Clemson pointed out on the plan where the curb line, right-of-way, sidewalk and 10' wide utility easement where the gas, electric, cable, phone lines etc. would be installed. There would be 6.5' between the curb and the sidewalk. Street trees would be installed in this 6.5' strip between the curb and the sidewalk.

Mayor Muchowski asked Mr. Clemson to address the concerns of Water and Sewer Director David Lebak. Mr. Clemson stated that the only impact from a water and sewer utility would be sewer. The water services are one length of pipe from the street to the house. There are no joints that would allow root systems to enter in.

Historically before pipe materials evolved and became more technologically advance there were situations where if you had street trees planted too close to piping systems, those pipes would break down and crack. Their joints would fail and there would be a water source that would allow roots to get into those pipes. With the pipes that are available today it is much less likely. The only time there would be root intrusion was if there was an actual source of water for the roots to gain access to from a faulty pipe. This is not anticipated with brand new construction.

Secondly with the types of trees they are proposing most of the feeder roots would be within the fist 18" of the soil. The water and sewer laterals are constructed at a depth of 4'. There would be very few roots that would be deep enough to penetrate the system. If the sewer director really did have a problem, then during construction they could maintain a set minimum distance between a sewer lateral and the nearest tree.

Engineer Guzzi stated that they would be requiring that the water and sewer laterals be not beneath the trees regardless of whether they are on the property or between the curb and the sidewalk. This could be a condition of approval.

Mayor Muchowski said that there was an issue with the use of a root barrier. The Shade Tree Commission does not agree with the use of a root barrier. Mr. Clemson stated that the landscape architect from his firm also stated that the root barriers are not a good idea as they keep the trees from growing to their full potential.

Mayor Muchowski asked if the water table would impact the growth of trees. Mr. Clemson stated that he doesn't think that this would be an issue because of the fill dirt that is being used.

Member O'Hara asked if since the water table is so high would a storm affect the sewer lines. Engineer Guzzi stated that the sanitary sewer is made with tight joints so there shouldn't be any infiltration.

43.

Mayor Muchowski asked if everyone was in agreement that Option 1 was the best.

Engineer Guzzi stated that he would review this with Mr. Clemson to be sure that everything is coordinated and make sure that there are no issues over time.

Engineer Guzzi stated that he was in agreement with Option 1. Planner Specca stated that she had one concern regarding the pump collection header. It is shown offset from the sidewalk about a foot. Mr. Clemson stated that they could move the location of this maybe another 6".

Engineer Guzzi stated that he recommended that the subdivision plat be refilled. Mayor Muchowski stated that they do not want the root barrier. The applicant agreed to comply with all the comments in the Professional's review letters.

Motion of Fratinardo, seconded by Smith to open for public comment. Unanimously approved. Hearing no one wishing to speak motion was made by Fratinardo, seconded by Smith to close the public portion. Motion unanimously approved by all members present.

Solicitor Abbott stated that this would be a motion to approve amended Final Major Subdivision to re-locate the tree easement conditioned on Option 1 as presented by the applicant where the trees would be planted in a 6'5" area between the sidewalk and the curb. There would be 10' between the tree and the sewer and water laterals and compliance with all items in the reports of the Board Engineer and Board Planner.

Motion by Muchowski, seconded by Smith to approve as noted above.

Upon roll call the Board voted as follows:

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

Motion of Fratinardo, seconded by DeAngelis to continue the sign application.

Upon roll call the Board voted as follows:

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

Mr. Macaninch said that the same issue would occur at The Manors, the other half of the development. He asked if that could now be handled as a field change. Chairperson

44.

Hamilton-Wood answered that she thought the applicant would have to come back before the Board. Mayor Muchowski said that he would look into this.

OTHER BUSINESS

Sean Ryan volunteered to be the Planning Board's representative to the Environmental Commission.

PUBLIC COMMENTS

Motion of Smith, seconded by Fratinardo to open the meeting to public comments.

Motion unanimously approved by all members present.

Charles Burg and his son Kyle Burg from 495 Delaware Avenue approached the Board. Mr. Burg stated that his son is interested in doing a site plan for the Green Acres parcel on Bustleton Road for an Eagle Scout project. Mayor Muchowski said that this Green Acres parcel has been out there for years. The Cub Scouts and Boy Scouts have utilized this site in the past but there is no real access to it.

Mr. Burg stated that as part of an Eagle Scout project the young men are required to come up with a plan to better the community. Assistant Administrator Tom Sahol had mentioned that the Township would like to get walking paths through this site. The scouts would have to come up with an overall site plan that would then be voted on by the Scout Council. If approved by the Scouts the plan would then come back to the Planning Board for approval. Mayor Muchowski stated that a site plan would not be a municipal requirement. Mr. Burg stated that this is an Eagle Scout requirement.

Mayor Muchowski stated that he would get together with Tom Sahol and Dan Guzzi to determine to figure out how to get a site plan drawn up for the project.

Motion of Smith, seconded by Fratinardo to close the public portion of the meeting.

Motion unanimously approved by all members present.

Chairperson Hamilton-Wood asked the Board to go back to Correspondence A. Engineer Guzzi stated that he has been trying to get the curb headpiece at the BP station repaired. The radius is bad and the trucks keep breaking the curb.

Engineer Guzzi stated that this is a bad situation. He has been trying to get the owners to repair this and then install some bollards to keep it from occurring again. The owners are not responding. Township Council will be discussing this at the March meeting and take some action on this issue.

Mayor Muchowski announced to the Board that he would not be seeking re-election.

Motion to close by DeAngelis, seconded by Fratinardo to adjourn at 11:40 P.M. Motion unanimously approved by all members present.

45.

John T. Smith, Secretary

JTS/ne