

25.

Florence, New Jersey 08518-2323
February 27, 2006

The Regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Vice Chairman Dennis O'Hara called the meeting to order at 7:31 P.M. followed by a salute to the flag.

Vice Chairman O'Hara then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public 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:

Councilman John Fratinardo	John T. Smith
Mayor Michael Muchowski	Phillip F. Stockhaus, III
Thomas Napolitan	Sean Ryan
Dennis A. O'Hara	

ABSENT: Mildred Hamilton-Wood
Gene DeAngelis

ALSO PRESENT: Solicitor Nancy T. Abbott
Board Engineer Frank Morris
Board Planner Carl Hintz

RESOLUTIONS

Resolution PB-2006-08
Dismissing because of lack of jurisdiction the application of Harold M. Boston for Preliminary Major Subdivision approval for Block 147.01, Lot 3.03 located in an RA Low Density Residential District (subsequently amended to an SM Special Manufacturing District).

Motion of Stockhaus, seconded by Smith to approve resolution PB-2006-08.

Upon roll call the Board voted as follows:

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

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Resolution PB-2006-09

Granting Preliminary Major Subdivision approval to Orleans Homebuilders, Inc. (“Bustleton Estates South”) for Block 170, Lot 1.01, located in an AGR Agricultural District.

Motion of Fratinardo, seconded by Smith to approve resolution PB-2006-09.

Upon roll call the Board voted as follows:

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

Resolution PB-2006-10

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

Solicitor Abbott stated that the draft copy of the resolution that the Board received had two conditions missing. She stated that the original resolution that would be signed was correct. The following conditions had been added:

No. 16. – The applicant shall comply with all items set forth in the letter from the Burlington County Planning Board dated January 16, 2006.

No. 17. – Exit from the property onto East Front Street shall be limited to a right Turn. Left turns onto East Front Street shall be prohibited and the applicant shall post appropriate notification signage at the exit.

Motion of Napolitan, seconded by Smith to approve resolution PB-2006-10 as amended.

Upon roll call the Board voted as follows:

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

Resolution PB-2006-11

Granting amended Final Major Site Plan approval to Whitesell Construction Company for Block 158, Lot 3.

Motion of Fratinardo, seconded by Stockhaus to approve resolution PB-2006-11.

Upon roll call the Board voted as follows:

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

Solicitor Abbott stated that before Resolution PB-2006-12 could be adopted the Board needed to take formal action on Item A under Old Business.

Vice Chairman O'Hara directed the Board to Old Business Item A Application PB#2005-16 for Ronald J. Patterson. Applicant is requesting Minor Site Plan approval to allow Griffin Pipe Products to construct a temporary stormwater storage tank on property located at 1100 West Front Street, Block 179, Lot 1.02. The application had been deemed incomplete at the January 16, 2006 meeting and continued until the February meeting. Correspondence was received from the applicant's attorney requesting that the application be withdrawn.

Motion of Muchowski, seconded by Fratinaro to approve Resolution PB-2006-12 to acknowledge the withdrawal of application PB#2005-16.

Upon roll call the Board voted as follows:

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

MINUTES

Motion of Napolitan, seconded by Smith to approve the minutes from the Reorganization/Regular meeting dated January 16, 2006 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

Mayor Muchowski summarized the discussion for Correspondence X regarding Hiros/Whitesell. He stated that the Township Administrator and Township Engineer had visited the site and would be preparing an extensive report for the Board to review at the March meeting.

Motion of Stockhaus, seconded by Smith to receive and file correspondence A through Y.

NEW BUSINESS

Vice Chairman O'Hara called for application PB#2005-14 for Fine Foods and Spirits, Inc. Applicant is requesting Final Major Site Plan approval for development of an existing

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building into a restaurant and bar at 2120 Route 130, North, Block 165.01, Lot 11.02 located in an HC Highway Commercial District.

Edward Petkevis, attorney for the applicant stated that he believed that all items regarding the Final approval had been resolved. He said that he would like to address the question of the packaged goods.

Patrick Ennis, Lord, Worrell and Richter , was sworn in by Solicitor Abbott.

Attorney Petkevis stated that there had been a meeting between him, Administrator Richard Brook and Police Chief Gordon Dawson that put the issue of the packaged goods to rest and correspondence had been provided regarding this.

Mayor Muchowski said that he would like to see the design of the packaged goods area. He stated that there had been a misunderstanding as to what the applicant was permitted to do under the liquor license. He said that the use that was proposed was not permitted under the class of liquor license held by the applicant. Attorney Petkevis stated that the Class C liquor license does allow the sale of packaged goods. Mayor Muchowski said that he had seen Mr. Brooks' letter dated January 12, 2006 and asked if the plan had been amended. Attorney Petkevis said that the plan was the originally submitted plan. Chief Dawson had concerns about the amount of shelving. Attorney Petkevis stated that the applicant agreed to reduce the amount of shelving.

Mayor Muchowski stated that the original plan called for a fine restaurant. Attorney Petkevis stated that there would be a restaurant on one side of the building and a bar and packaged goods place on the other. Mayor Muchowski stated that the license allows for a small cooler with packaged goods. Attorney Petkevis said that he understood that this was not a liquor store license, however display of packaged goods is clearly permitted along the exterior walls of a bar. Mayor Muchowski asked about the interior shelving. Attorney Petkevis stated that this was not for packaged goods but for chips, pretzels and snack items. Mayor Muchowski stated that the original plan indicated that there would be a fine restaurant with a service bar area, now it is a bar and packaged goods store. Attorney Petkevis stated that there would be two sections, the front would be a bar that would also sell packaged goods and the rear would be a fine restaurant.

Mayor Muchowski said that he did not think that this was consistent with a Class C liquor license. Attorney Petkevis said that this is what a Class C license allows. He also stated that he did not think this was going to be an issue, especially in light of the correspondence from Mr. Brook. Mayor Muchowski stated that he believes that the applicant has deviated from the plan that was granted Preliminary approval by the Board.

Mayor Muchowski asked if the bar was intended to be a staging area for the restaurant. Attorney Petkevis answered that it was. Mayor Muchowski stated that Attorney Petkevis had just described it as 2 separate entities – a restaurant and a bar and packaged goods

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store. Attorney Petkevis stated that both are within the same structure. This would be similar to Charlie Browns. Mayor Muchowski said that what the applicant had portrayed to the Board was a fine restaurant on the site; now the applicant wants to utilize the site to sell chips in the bar. Attorney Petkevis stated that most bars had chips. Mayor Muchowski replied that most restaurant bars with 100 seats aren't looking to service the chip clientele at the same time. Attorney Petkevis said that they are completely separate entities within the same structure with clearly defined areas of what is going to occur within each section. All completely within what is permitted within the license and restrictions on that license are not permitted. This is governed by State law as to what is allowed for a Class C license.

Vice Chairman O'Hara suggested that the Board review the Professional's reports. Engineer Morris stated that he had been asked by Administrator Brook to investigate claims of a flooding condition on the adjacent Drager property. Engineer Morris stated that they did a site inspection and the applicant had started excavating and the Drager property is on the downstream side of the site. Since the Preliminary approval last year the site was cleared for structures and vegetation, topsoil has been stripped and stockpiled at the rear of the property. The detention basin has not been excavated so basically the storm improvement has not been installed. There was minimal silt fencing erected along the common property line with the Drager property. It should be noted that the fencing was not installed per the approved plan for the sediment control. There has been a dramatic increase of runoff due to the removal of the vegetation. This is causing flooding on the Drager property.

Engineer Morris stated that he had contacted the Soil District and spoke to Ed Evans. Mr. Evans wrote a violation notice for sediment barrier not installed correctly, and disturbance prior to approval (they have not gotten the approval from the Soil District for offsite sedimentation).

Engineer Morris stated that immediate attention needed to be put into this issue. Vice Chairman O'Hara questioned that work was done on the site. Engineer Morris stated that the applicant had received Preliminary approval so they were doing site clearing. Vice Chairman O'Hara asked if this was permitted. Engineer Morris stated that with Preliminary approval you can clear the site at your own risk, however you have to conform to the Burlington County Soil District. Engineer Morris read from the Soil District violation notice. Solicitor Abbott marked this violation as exhibit A1.

Attorney Petkevis asked for the record what the dated of the violation notice was. Engineer Morris stated that it was February 27, 2006. Attorney Petkevis stated that he had not seen this violation notice and therefore had not been able to take action on it as of yet.

Engineer Morris moved on to his review letter dated February 23, 2006. Item 2h the legal description regarding the site triangle and plantings must be submitted. Mr. Ennis

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calculations for the storm sewer pipes. Engineer Morris stated that the calculations had been received on February 24, 2006 and he did not have the time to review this yet. Also included is the comment regarding the roof runoff pipe and that was included in the new calculations that were submitted.

Item 8 is the outstanding approvals that should be forthcoming. Item 19 testimony must be given regarding installation of concrete sidewalks along State Highway Route 130. Attorney Petkevis stated that this had been addressed previously and was in the resolution for Preliminary approval stating that it is in the interest of the public good that a sidewalk not be provided. Solicitor Abbott read from the resolution granting Preliminary Site Plan approval PB-2005-14 dated March 7, 2005. Page 4, paragraph 8 states in part “ the Board finds and concludes that a variance from the sidewalk requirement will promote public safety as it will discourage pedestrian traffic along Route 130 and the frontage of the property will be properly landscaped”.

Item 20 stated that the application had been given Preliminary approval and no NJDEP permit was required. The applicant only had to conform to the ordinance in place at the time. Therefore the applicant does not conform to the new stormwater management regulations. The applicant must provide testimony of same. Mr. Ennis stated that they had prepared the drainage in accordance with the ordinance. Engineer Morris said that he will review the calculations that had just come in and it would be conditional upon that approval.

Item 21 the downspouts had been added to the plan. Engineer Morris will be reviewing this. There was a discrepancy in the architectural plan and proposed floor plan. The architectural plan did not show the 2' offset that was originally in the engineering site plan. Either there is a 2' offset or not. Mr. Ennis stated that he would sort this out with the architect.

Item 23 regarding the offsite runoff. Attorney Petkevis stated that immediate action would be taken to correct this. Mayor Muchowski asked if there was a stop order on any site clearing or work until they get their Soil Conservation District approval? Engineer Morris stated yes they would have to stop work until they received approval.

Mayor Muchowski stated that he believed that this issue had been brought to the applicants attention several months ago when the site clearing had been started. The applicant George Boghean was sworn in by Solicitor Abbott. Mr. Boghean stated that he did not recall a previous inspection of the property for runoff.

Chairperson Hamilton-Wood arrived at the meeting at 8:00 P.M.

Attorney Petkevis stated that he was aware that Mr. Drager had a dispute with Mr. Boghean that was not related to the application, but he had never seen anything from the Township regarding a previous complaint.

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Mayor Muchowski asked if as part of the Preliminary approval the applicant was required to get the Soil Conservation approval. Solicitor Abbott stated that this was a condition of Preliminary approval. Engineer Morris stated that there should be no site work until the Soil District approval is in place. Mr. Boghean stated that he understood this.

Mayor Muchowski asked if there was a signage package. Attorney Petkevis stated that there was no pending application for a sign. The Preliminary approval stated that the applicant would submit the signage plan later. Mayor Muchowski stated that later in the Preliminary approval generally meant at the time of Final approval. Solicitor Abbott stated that the sign plan would be a condition of the Final approval. Mayor Muchowski stated that if this was not submitted for Final the applicant would have apply for an amended site plan to put up a sign.

Attorney Petkevis said that he would like to see how far they could get tonight. They had received the Preliminary approval and it outlined what was required and those requirements were met and he stated that he was surprised with these issues. Especially the issue regarding the drainage that didn't exist previously. Member Fratinardo stated that the conditions of Preliminary did exist and the requirement of a silt fence was in the approval. Attorney Petkevis stated that they did provide a silt fence and this was approved in the Soil and Erosion Sediment Control Plan dated September 16, 2004, revised February 16, 2005. Engineer Morris stated that the soil plan showed a silt fence surrounding the property. One the site there is only segmental pieces of silt fence. This clearly does not meet the requirement. Attorney Petkevis stated that Mr. Boghean would address this issue immediately.

Planner Hintz stated that the revise landscaping plan had been submitted but it needed work.

Mayor Muchowski asked what the applicant should do before continuing on site work. Engineer Morris said the applicant should follow the Preliminary approved plan, which includes installing the silt fence, berm along the sides of the site so you do not adversely affecting down-gradient properties with runoff from the site. Typically you should install the basin and temporarily set that up so that there is not excessive runoff.

Mayor Muchowski asked if the Board should be more specific in the resolutions so the applicant is aware of the requirements. Engineer Morris stated that this was governed by the Soil District. Engineer Morris stated that before the applicant starts to move dirt a permit from the Soil District is required. Solicitor Abbott stated that the approval of the Soil District is a condition of the Preliminary approval that has to be satisfied.

Vice Chairman O'Hara asked Planner Hintz to review his report dated February 22, 2006. Planner Hintz stated that item 6.1.1 the planted islands are shown, but no plantings of shade trees are shown. Item 6.2.2 the applicant will need to comply with the new fence code requirements. Item 6.2.1 the architectural plans show 2 rear elevations, one is the

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front elevation and should be noted as such. Item 6.3.1 shows a chain link fence on the western side of the property. The applicant should state if this fence is removed or replaced with the board on board fence. Item 6.3.2 the headwall of the detention basin should be screened with wet tolerant plantings. Item 6.4.1 lighting should be metal halide. 6.5 there is no growth share requirement and no affordable housing fee is required. Solicitor Abbott stated that the affordable housing fee was a condition of Preliminary. Planner Hintz stated that there was nothing to base the fee on.

Vice Chairman O'Hara asked to go back to 6.2.2 regarding the cooler within the retail area. Planner Hintz stated that the applicant was required to submit architectural plans and provide testimony as to the use of the cooler which they have done. Solicitor Abbott stated that the applicant must comply with the New Jersey law regulating Class C liquor licenses.

Attorney Petkevis read from the January 12, 2006 letter from Richard Brook stating the packaged goods will only be displayed on the outside perimeter walls. The inside shelving will not be used for display or storage of alcoholic products. The interior shelves will be used for snacks and similar food related products. Mr. Boghean agreed to reduce the cooler box by 50%. Mr. Brook also stated in the letter that the Township felt that their concerns regarding the floor layout and its compliance with the ABC regulations had been met during the meeting.

Mayor Muchowski said that when this applicant first came in the plan was for a restaurant with a bar that was going to service the restaurant with a small takeout cooler. Tonight the statement was that this is a restaurant that has a bar and packaged goods within the same building. He stated that this is almost proposed as 2 separate uses.

Attorney Petkevis stated that this is in accordance with all the variances given to Mr. Boghean and all the resolutions of this Board where they approved the transfer of the liquor license as a restaurant, bar and packaged goods facility. Solicitor Abbott stated for the record that the Planning Board was not involved in the transfer of the liquor license. Attorney Petkevis stated that when Council approved the transfer of the liquor license they stated in their resolution the purpose for which it could be used.

Attorney Petkevis said that if packaged goods are permitted by the license, the State of New Jersey and the Township Council and there is a letter from the Chief of Police and the Administrator saying there are no problems he doesn't see why there is an issue before the Board tonight. He stated that this Board does not have authority to restrict a Class C license.

Solicitor Abbott stated that this plan was different than what was originally approved. Chairperson Hamilton-Wood stated that the Board had numerous discussions regarding the parking requirement for the site. She asked if the fact that this will be a package store and a restaurant change the parking requirements? Attorney Petkevis said that this is a

bar and restaurant, not a package store. Mayor Muchowski said that he had understood that the applicant was building a bar with a restaurant to service the patrons of the restaurant. Attorney Petkevis stated that 90% of the site was devoted to the restaurant, the facilities concerning the restaurant, and the bar. With one small cooler that is less than half the size that is permitted. That is what is being proposed. Mayor Muchowski said that the proposed floor plan is not typical of a restaurant with a bar setup. He stated that the approved use was based on a 100 seat occupancy. The Board said that based on that occupancy there was excess parking. The question is does this layout meet the ABC criteria for this class license for a restaurant bar. He said that he does not think that the layout that is proposed is consistent with the impression given to the Board a year ago of the type of establishment they wanted to develop on Route 130. He said that the statements this evening don't indicate that this bar is to service the restaurant area. Mayor Muchowski stated that Attorney Petkevis said that this was a restaurant and a bar and packaged good store within the same building. Attorney Petkevis responded that the bar is servicing the restaurant. You can walk from one side of the building to the other and the only thing that the Board has any concern with is one small cooler against the wall, which is strictly in accordance with ABC regulations and the law of the State of New Jersey. If it wasn't he wouldn't have gotten the letter from the Township Administrator and Chief of Police thanking them for the time spent reviewing and indicating that it was good. Mayor Muchowski said that they thanked the applicant for taking the time to meet so that they could fully understand the application. Neither the Chief of Police nor the Administrator sat at the Preliminary hearing to see the representations that were made by the applicant as to the type of establishment that was proposed. When the original floor plan came into the Chief of Police it raised a red flag under the interpretation of the use that was permitted under that class of license. That is why the applicant was called in to take a proactive step to save time and expense before they came before the Board. Attorney Petkevis replied that if that proactive step had led to any other result other than the letter from the Township approving what was being done steps might have been taken otherwise. Attorney Petkevis submitted the January 12, 2006 letter from Richard Brook as exhibit A2.

Attorney Petkevis asked if it was the intention of the Board to deny the application so long as Mr. Boghean has packaged goods available in the bar area. Mayor Muchowski stated that he could not speak for the Board. He said that ABC allows for a small amount of cooler space under the Class C license. Mayor Muchowski stated that he did not like the layout. He said that he did not believe that it matches what the applicant said he was going to do.

Attorney Petkevis stated that before the cooler was there this plan was essentially the same. When the cooler box was added suddenly there was a problem with the design in general. He stated that every time they came before the Board they have been willing to work with the Board and make changes.

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Mayor Muchowski asked when this interior design was submitted. Mr. Ennis stated that it was submitted in February 2006.

Solicitor Abbott stated that the applicant came to the Board first for a catering hall. What was approved in March 2005 was a restaurant. She read from the approving resolution that what was approved was a 4,000 square foot restaurant and a 2,000 square foot storage area. There was no mention of a packaged goods area.

Mayor Muchowski said that what the applicant is asking for on Final is different than what was approved at Preliminary. Solicitor Abbott stated that if the plans are substantially different the applicant should be before the Board for amended Preliminary not Final. Chairperson Hamilton-Wood asked Solicitor Abbott if it was her legal opinion that the plans are substantially different. Solicitor Abbott asked Engineer Morris if he felt that the plans were substantially different. Vice Chairman O'Hara stated that there was a lot of retail space and it appeared that the applicant was trying to create 2 separate businesses. He is concerned if the parking is adequate. Solicitor Abbott asked what happened to the 2,000 square foot storage area. Attorney Petkevis stated that this is where the bar area is. He said that Mr. Boghean was encouraged by some of the statements made at the Preliminary hearing and believed that he could submit an amended plan because there was enough parking. Chairperson Hamilton-Wood stated that the applicant did not ask for an amended plan and this was a whole different application than what was approved. Solicitor Abbott stated that there might be an impact on the parking requirements with a bar instead of a storage area.

Attorney Petkevis asked for his options. Solicitor Abbott stated that he could request Final approval of the plan that was approved at Preliminary or he could apply for amended Preliminary approval. Member Fratinardo stated that he was concerned with the drainage problems. If the applicant has not met the conditions of Preliminary the Board should not be considering Final approval.

Chairperson Hamilton-Wood asked if this would constitute 2 uses. She said that she is speaking of the retail space. Does this have an impact on the parking?

Attorney Petkevis stated that he would meet with Mr. Boghean's architect and with Mr. Boghean and they will submit either the previous plans for Final approval or submit amended plans for Preliminary approval.

Motion to deny Final Major Site Plan approval without prejudice by Fratinardo, seconded by Smith.

Mayor Muchowski stated that the applicant would not be permitted to do any work without the approval of the Soil District. Vice Chairman O'Hara stated that the applicant should prepare a sign plan. Solicitor Abbott suggested that Mr. Petkevis schedule a staff meeting.

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Upon roll call the Board voted as follows:

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

Chairperson Hamilton-Wood apologized for being late and thanked Vice Chairman O'Hara for taking over in her absence.

Chairperson Hamilton-Wood stated that she was going to go out of order and called for application PB#2006-02 for Robert Foulks. Applicant is requesting Minor Subdivision approval for property located at 2023 Cedar Lane Extension, Block 168, Lot 2.09.

Solicitor Abbott stated that this application was first scheduled for completeness. The applicant has applied for Minor Subdivision approval to divide an existing 6 acre lot into two 3 acre lots. One of which will be a flag lot with a substantial flag pole. She stated that the issue was that what was submitted was a survey of the entire parcel on which the applicant had hand drawn the subdivision line that estimated the dimensions. As a result of some questions about this application the Township Administrator asked for an opinion from Solicitor Abbott as to what was required for Minor Subdivision submission in order for the Board to consider an application.

Solicitor Abbott told Mr. Foulks that it was a very good plan but when the Board grants Minor Subdivision approval, what the Board is doing is creating 2 new lots that are going to be official tax lots. These lots will be created by deed. The Board needs to have subdivision plans prepared by a licensed professional surveyor with exact dimensions. Mr. Foulks said that he understood that.

Solicitor Abbott said that with approval of a Minor Subdivision that is either filed by deed or by plat with the County. The deed that is prepared or the plat that is filed has to have official dimensions on it prepared by a licensed surveyor. In order for the Board to make a determination the Board has to know exactly what it is approving. Therefore the waiver that is requested is probably not appropriate. The Board has to be absolutely definite as to what they are approving.

Chairperson Hamilton-Wood stated that she was concerned because the plan was created from a deed with no research into any title history. The Board doesn't know if this is a good survey of the original lot. There may have been easements on the property.

Engineer Morris said that the survey should be done by a licensed surveyor and must be signed and sealed. The bearings and distances have not been provided. There should be area and bulk requirements for the particular zone.

36.

Engineer Morris stated that the Wetlands Research Data Map shows wetlands on the site. The wetlands must be delineated. There may be property that is unbuildable. Solicitor Abbott stated that Mr. Foulks had indicated on the checklist that the wetlands delineation was not applicable. Engineer Morris is indicating that the wetlands delineation is required.

Mr. Foulks stated that the reason he had penciled in the dimension was he did not know what was acceptable for the flagpole of the proposed lot. Chairperson Hamilton-Wood stated that typically this was not acceptable. There is a minimum of frontage that is required for all lots. She stated that the Board has denied similar applications for flag lots in the past.

Mr. Foulks stated that he did not have the surveyor do the plan because he did not know if the 20' flagpole was acceptable. Chairperson Hamilton-Wood stated that the Board could not tell him what was acceptable without hearing the application, however this would require a very substantial variance. She stated that this application would create 2 non-conforming lots out of 1 conforming lot. Vice Chairman O'Hara stated that the applicant would have to prove to the Board that the positives would far outweigh the negatives in order for the Board to consider granting this variance. Vice Chairman O'Hara said that he admired the amount of information that had been submitted for the application. He said that there seemed to be a lot of trees along the 20' easement to get to the back of the lot. Engineer Morris gave Mr. Foulks a copy of the wetlands map. Mayor Muchowski stated that this is the first issue Mr. Foulks should investigate. Mr. Foulks stated that he had looked a floodplain map and thought this was okay.

Solicitor Abbott stated that she and Engineer Morris had looked over the checklist and there were several waivers that could be granted. This will limit the information that has to be provided. This would be waivers for the Environmental Impact Statement, utilities and drainage both existing and proposed within the tract, any extension of off tract improvements necessitated by the proposed development, and if an on-site disposal system is proposed the location of test pits and the results of permeability tests. These would be submission waivers.

Mayor Muchowski asked about if there would be a concern with buffering and drainage along the drive aisle.

Chairperson Hamilton-Wood stated that the appropriate action would be a motion to grant the 4 submission waivers, deem the application incomplete and continue.

Engineer Morris stated that Mr. Foulks should go to the Department of Environmental Protection to delineate the wetlands. The surveyor will have to show the wetlands on the plans and the buffer requirements.

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Motion of Fratinardo, seconded by O'Hara to grant the waivers and deem the application incomplete.

Upon roll call the Board voted as follows:

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

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

Chairperson Hamilton-Wood called for application PB#2006-01 for Wawa, Inc. Applicant is requesting Amended Preliminary and Final Major Site Plan approval to construct a new parking lot at Route 130 and Cedar Lane. Block 163.02, Lots 13, 13.01 and 13.04.

Vice Chairman O'Hara announced that he had a conflict and recused himself and left the dais. Alternate Sean Ryan will vote in his place.

Tim Prime, attorney for Wawa, Inc., stated that they had received Preliminary and Final approval on September 19, 2005.

Attorney Prime presented the following witnesses. Matthew Rutt, Bohler Engineering, appearing for the applicant. Kenneth Fears, Oracle Engineering, traffic engineer for the applicant. Michael Redel, Wawa Project Engineer, and Irv Szeller, Wawa Real Estate Manager. All witnesses were sworn in by Solicitor Abbott.

This approval permitted 6 oversized parking spaces in the rear of the site. Wawa already owns the front lot and has an agreement to purchase the back lot for additional approval for the site. After the approval there was a meeting between Police Chief, Gordon Dawson, Township Administrator, Richard Brook and Wawa's Internal Operation Department. The original approval required either video monitoring of the parking lot or a parking attendant. Wawa's Internal Operation Department would not agree to video surveillance in the back of the lot or a parking attendance. Wawa had a problem with this at other Wawa stores. There was also a concern about liability – if the video should tape a criminal act and Wawa did not act on it in a timely manner. Wawa decided that for 6 oversized spaces it wasn't worth it.

The existing Florence Township ordinance regarding truck stops requires no more than 6 oversized spots and video monitoring. Attorney Prime stated that the only change to the plan was that the 60' x 16' oversized spots have been eliminated and replaced by 10' x 20' spots. Wawa understands that this site will not accommodate tractor-trailer traffic other than Wawa's own delivery vehicles. They are proposing that tractor-trailers will be banned from the site.

38.

Wawa has agreed after a meeting with Chief Dawson and Mr. Brook to close the back parking lot from 9:00 P.M. until 5:00 A.M. This way there will be no issues with overnight parking. The Chief indicated that this was fine and he confirmed this in his memo. The lot will be closed by an automatic gate.

Attorney Prime stated that there has been a severe problem with Wawa's good customers being ticketed at the site, not tractor-trailers but other types of trucks.

Solicitor Abbott asked how many spaces would replace the 6 oversized spaces. Attorney Prime answered 34 regular 10' x 20' spaces.

Attorney Prime stated that regular customers including FEDEX trucks and UPS Trucks were ticketed at the site. The drivers have screamed at Wawa's employees and filed complaints with the Headquarters at Red Roof. Attorney Prime had to meet with Chief Dawson on this problem. Chief Dawson has confirmed in his memo to just ban tractor-trailers. The back parking lot will be available only for the other oversized vehicles and trucks. This will open up the front lot for regular car parking.

The application is basically the same as approved except the big spots will be re-striped. Wawa also agrees to the condition of no tractor-trailers and this will be subject to Title 39 enforcement and the back lot will be closed at night.

Attorney Prime stated that they had explored changing the geometry of the entranceway to make it harder for trucks to get in, but it was very difficult.

Chairperson Hamilton-Wood asked where the smaller truck would be expected to park. Attorney Prime stated that they would park in the back lot. Chairperson Hamilton-Wood stated that these spaces were too small. Attorney Prime stated that the trucks would take 2 spaces.

Attorney Prime stated that they feel that this addresses the Township's concern. There will be a limit of 15 minute parking. The lot will be signed for no tractor-trailers. There will be a sign directing trucks to the back lot.

Attorney Prime stated that the only open issue was Planner Hintz' letter relating to the planted islands. He stated that Wawa has had a lot of experience with planted islands. He stated that planted islands are very attractive but they get demolished at Wawa's. They get run over, and are used as ashtrays or trashcans. Wawa has avoided them by using striped areas. Wawa puts a lot of money into landscaping around the site, but not into planted islands.

Mayor Muchowski asked about the directional arrows in the back parking lot. The arrows have the traffic coming in the back end and going out the front end. The spaces on both parking lanes. Attorney Prime stated that Matthew Rutt would address that issue.

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Matthew Rutt stated that he was a professional engineer with 9 years experience. He has testified before Boards in New Jersey for 6 years. Mr. Rutt was accepted as a qualified witness.

He stated that the parking has in essence been laid out as pull through parking. It has been designed for non tractor-trailer truck traffic. It is not anticipated that many passenger cars will access the back lot. Signs will be posted directing cars to the front and trucks to the back. Mayor Muchowski stated that this would only be from 9:00 A.M. to 5:00 P.M. What will happen over night? Attorney Prime stated that they did not anticipate based on their nighttime parking that there will be any problems. The oversized vehicles will have to park in the front. Attorney Prime stated that there would have to be education of their customers. Mayor Muchowski stated that it would be difficult to make signs with all the necessary information. Signs would be posted outside of the parking lot. There is no pass through from the front lot to the back lot.

Member Napolitan asked what was the longest truck that would be permitted. Attorney Prime said that he and Chief Dawson had a lot of dialogue about this and the ban should be tractor-trailers. Everyone knows what this is. Problems will occur if you try to estimate the length of smaller trucks. Attorney Prime presented a copy of a box truck and a ticket that it had received. Solicitor Abbott marked this as exhibit A1.

Mr. Rutt said that small trucks would be entering the back site. He recommended keeping the striping to allow maneuverability rather than having landscaped islands. The planted islands are difficult to maintain.

Planner Hintz referred to his report dated February 22, 2006. Item 5.2 refers to the curbed islands. He stated that he could see where the 2 end islands near the southern part of the parking lot might be an issue, but the 2 other islands located in the northern end of the parking lot are rather large, approximately 20' wide, and could be planted and easily maintained.

Item 5.13 refers to discrepancies on the plans for the sign package. Attorney Prime stated that he would prefer to develop the sign package with the Chief of Police.

Planner Hintz stated that the gate for the back parking lot should be shown on the plan. Attorney Prime stated that this would be an automatic gate. Planner Hintz stated that the lighting standards were 25' high; they should consider lowering the lights now that there are no trucks. Mr. Rutt said that this was revised as a condition of approval. The lighting along Hunt Circus Drive has been taken down to 14'. Attorney Prime stated that the remainder of the site was 25' high. Planner Hintz stated that they should be sharp cut-offs. Mr. Rutt stated that they would like to keep the 25' height and will work with Planner Hintz on the lighting.

40.

Mayor Muchowski asked if a truck came onto Hunt Circus Drive and the gate was closed what would happen. Attorney Prime stated that the truck would have to go back out to Route 130 North. Attorney Prime said that they could gate the back entrance to the lot so that trucks could not sneak in that way.

Mayor Muchowski stated the Chief Dawson's report referenced 10' x 30' spaces. Attorney Prime stated that the plan originally reference 10' x 30' spots. Revised plans were submitted. Mayor Muchowski wanted to verify that Chief Dawson had seen the revised plans.

Mayor Muchowski asked what would happen if a tractor were to arrive without a trailer. Attorney Prime stated that they would still be subject to the hours of the parking lot.

Chairperson Hamilton-Wood asked what would happen if trucks did not exit the lot after the gate closes. Attorney Prime stated that Wawa would work with the police on this issue.

Motion of Napolitan, seconded by Fratinardo to open the hearing to the public. Motion unanimously approved by all members present.

Seeing no-one wishing to speak a motion was made by Fratinardo, seconded by Napolitan to close the public portion of the hearing. Motion unanimously approved by all members present.

Solicitor Abbott stated that the Board was looking for a motion to grant approval of amended Preliminary and Final Site Plan subject to the conditions the tractor-trailers are prohibited on the site and notification signage will be installed, the back parking lot will be closed between the hours of 9:00 P.M. and 5:00 A.M., lots will closed by 2 automatic gates which will be shown on the plan and approved by the Police Chief, there will be a 15 minute parking limitation, the signage plan will be approved by the Chief of Police, the northern islands in the rear parking lots shall be curbed and landscaped, and all lighting and landscaping shall be approved by the Board Planner.

Attorney Prime asked for a condition the tractor-trailer ban not apply to Wawa delivery vehicles. Mayor Muchowski said as long as the delivery trucks are parked in the loading zone. Attorney Prime asked for a condition that the other smaller trucks shall be permitted and be directed to the rear lot between the hours of 9:00 A.M. and 5:00 P.M., these trucks will be permitted in the front lot when the back lot is closed.

Mayor Muchowski suggested shrinking the 20' island by 2' all around and extend the striping 2' around the curbing. This gives the visual barrier of the striping and still allow for the green space.

41.

Mayor Muchowski stated that he was concerned because there are 26 spots that are 10' x 20'. Should they be offering 5 or 6 spots that can accommodate a larger vehicle? He stated that he would leave this conversation to the Chief of Police. Attorney Prime stated that they would prefer to not have any oversized parking, but they would speak to the Chief.

Motion of Smith, seconded by Napolitan to approve application PB#2006-01 with the conditions outlined by Solicitor Abbott.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, Napolitan, Smith, Stockhaus, Ryan,
Hamilton-Wood
NOES: None
ABSENT: None

Open to the public.

John Drager wanted to address the Board regarding the Fine Foods and Spirits application. Chairperson Hamilton-Wood advised Mr. Drager that they could not discuss the application since the applicant was not in attendance. Mayor Muchowski advised Mr. Drager to contact Mr. Brook and set up a meeting with the Code Official regarding the drainage onto his property.

OTHERBUSINESS

Sean Ryan volunteered to represent the Planning Board at the Environmental Commission.

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

John T Smith, Secretary

JTS/ne