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Florence, New Jersey 08518-2323

March 7, 2005 (Rescheduled from 2-28-05)

The Regular Meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, New Jersey. Chairperson Hamilton-Wood called the meeting to order at 7:37 P.M. followed by the 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:

Councilman Fratinardo
Mayor Muchowski
Thomas Napolitan

Philip F. Stockhaus, III
Mildred Hamilton-Wood
Gene DeAngelis

ABSENT: John T. Smith
Dennis A. O’Hara
Robert Semptimphelter

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

RESOLUTIONS

PB#2005-09

Granting extension of Preliminary Major Subdivision approval to A & H Florence Properties, LLC for Block 160.01, Lot 5.01.

Motion of Stockhaus, seconded by DeAngelis to approve Resolution PB#2005-09.

Upon roll call the Board voted as follows:

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

Resolution PB#2005-10

Continuing the application of Wawa, Inc. for Preliminary and Final Major Site Plan approval to permit expansion of the parking area and construction of an addition to the existing food mart on Block 11, Lot 13 located in an HC Highway Commercial District.

Motion of Stockhaus, seconded by DeAngelis to approve Resolution PB#2005-10

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, Stockhaus, Hamilton-Wood
NOES: None
ABSENT: Smith, O’Hara, Semptimphelter

Resolution PB#2005-11

Deeming complete and continuing the application of Fine Foods and Spirits, Inc. for Preliminary Major Site Plan approval for a catering facility on Block 165.01, Lot 11.02, located in an HC Highway Commercial District.

Motion of Stockhaus, seconded by Fratinaro to approve Resolution PB#2005-11.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, Stockhaus, Hamilton-Wood
NOES: None
ABSENT: Smith O’Hara, Semptimphelter

Resolution PB#2005-12

Granting Preliminary Major Site Plan approval to Craft Stewart, LLC for Block 156.01, Lot 2 located in an RA Low Density Residential and SM Special Manufacturing Districts.

Motion of Fratinaro, seconded by DeAngelis to approve Resolution PB#2005-12.

Mayor Muchowski stated that he had asked Township Engineer Dan Guzzi to send over a sheet on “Batter Boards” which make up the sides of hockey rinks. Solicitor Abbott stated that the Board would make an amendment to paragraph 14 of the resolution stating that the hockey rink must be constructed to meet these standards. Mayor Muchowski asked if we needed to give the applicant time to cost out the hockey rink. There was a representative of Craft Stewart in the audience. He stated that he did not need to see the paperwork on the “Batter Boards”.

Motion of Fratinaro, seconded by Napolitan to approve the resolution as amended.

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Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, Stockhaus, Hamilton-Wood

NOES: None

ABSENT: Smith, O'Hara, Semptimphelter

MINUTES

Motion of DeAngelis, seconded by Stockhaus to approve the minutes for the Reorganization/Regular Meeting of January 17, 2005 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

Motion of Napolitan, seconded by Stockhaus to receive and file Correspondence A through M. Motion unanimously approved by all members present.

Mayor Muchowski stated that TSMC, LLC had asked him if the Board would consider deviating from the agenda due to the fact that there was a large number of concerned residents in attendance. TSMC, LLC would give a 15 minute presentation and then have a private meeting with the concerned residents.

Chairperson Hamilton-Wood agreed to amend the agenda.

Chairperson Hamilton-Wood called for application PB#2005-01 for TSMC, LLC. Applicant is requesting Preliminary and Final Major Site Plan approval for construction of a 34,715 square foot shopping center located at Route 130 North and Fairbrook Drive, Block 166.12, Lot 2, located in an HC Highway Commercial District.

Solicitor Abbott stated that the Board and the Applicant needed to briefly address the requested waivers and determine whether the application would be deemed complete.

Gary Backinoff, attorney for the applicant stated that they would like to summarize the application. He stated that they realized that the package they had submitted needed to be supplemented. They were prepared to submit and Environmental Impact Study on the wildlife and vegetation, and a landscape plan by Wednesday March 9th. He asked that they be deemed complete subject to delivery and approval of the above sited reports. They also have a wetlands report to submit.

Chairperson Hamilton-Wood stated that it is not typically the practice of the Board to deem complete subject to additional submissions. She said that the application would be deemed incomplete and the overview can be given as an informal presentation.

Motion of Napolitan, seconded by Stockhaus to deem Application PB#2005-01 incomplete.

Upon roll call the Board voted as follows:

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

Chairperson Hamilton-Wood stated that after the overview was presented the applicant would meet with any concerned residents in the front conference room of the Municipal Complex.

Greg Scozzari, developer of the site and Francis Goeke, project engineer, principal of Lanning Engineering Company were sworn in by Solicitor Abbott.

Attorney Backinoff spoke about the Scozzari family and their reputation as developers. He stated that the Scozzari family had built the Roma Bank adjacent to the proposed site. He described the architects rendering of the building and explained it's orientation on the site.

Mayor Muchowski stated that the rendering was of the front of the site. One concern of the residents is the appearance of the back of the building, as this will face their homes. Mayor Muchowski requested that the area that faces the Mallard Creek Community to be as heavily buffered and aesthetically pleasing as possible.

Attorney Backinoff stated that applicant intends to put significant buffering by way of landscaping and fencing if the Board desires it. The landscaping will be similar to the Roma Bank site.

Mr. Goeke gave a description of the site and described the layout. He stated that the stormwater would be collected on-site and would flow into a catch basin. The site is limited by the 20 foot utilities easement that runs through the property. The main access will be from Fairbrook Drive. There will be a second driveway for deliveries and utility access. This driveway will not be open for public use.

Attorney Backinoff asked about the buffer concept. Mr. Goeke stated that there would be a buffer fence identical to the one at Roma Bank. He stated that 3 or 4 parking spaces would be removed to allow for additional plantings. Landscaping will be added to screen the fence also. There is an existing storm sewer that bisects the existing property. You can't plant trees over this easement so the buffering will have to be planted along side of this. In front of the property there will be tree islands in the parking lot and tree lines along the street lines.

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Mayor Muchowski stated that one of his concerns was the phasing of the building. The plan calls for construction to start on the section immediately adjacent to the Mallard Creek community. He asked if they could start construction on the other end and build toward the community. Mr. Scozzari said they could start at either side.

Attorney Backinoff stated that the applicant is open to suggestions. Member Fratinardo stated that several residents of the community had asked him about changing the orientation of the building. Having the front of the building facing the community. Attorney Backinoff stated that they would have to address this with the architect for the project. Attorney Backinoff said that the building is a buffer for lights and sound from the building. Mayor Muchowski said that at the back of the building there is still the traffic and noise for deliveries. The Board would require that there were limits on the times that deliveries would be allowed. Mayor Muchowski spoke about the importance of balancing the commercial and the residential. He also stated that the current site is heavily wooded and they hope that by buffering they will retain that appearance. Mr. Backinoff thanked the Board and left the meeting with the applicant and the concerned residents.

The Board took a short recess at 8:11 P.M. The Board returned to the regular order of business at 8:15 P.M.

Chairperson Hamilton-Wood called for application PB#2004-11 for Wawa, Inc. Applicant is requesting 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.

Chairperson Hamilton-Wood stated that Wawa's attorney Timothy Prime had sent in a letter requesting a continuance until the March 21, 2005 meeting. Solicitor Abbott stated that continuance had been subsequently requested to the April 18th meeting. Mayor Muchowski stated that the Council will be reconsidering the ordinance and make some minor amendments which will prompt Wawa to amend their application. Solicitor Abbott stated that re-notification would not be necessary.

Motion by Stockhaus, seconded by Napolitan to continue application PB#2004-11 for Wawa, Inc. to the April 18, 2005 meeting. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for application PB#2004-14 for Fine Foods and Spirits, Inc. Applicant is requesting Preliminary Major Site Plan approval for development of an existing building into a catering facility at 2120 Route 130 North, Block 165.01, lot 11.02 located in an HC Highway Commercial District.

Solicitor Abbott stated that this application had been continued from the January 17th meeting. There had been discussion about the inadequacy of the parking on the site. The

applicant now proposes to change the use to a restaurant and has reconfigured the parking lot. The applicant did give notice.

Edward Petkevis, attorney for the applicant stated that they had listened to the concerns of the Board. He said that the building is too large for the size of the lot to allow full usage of the building. They have changed the plan to use one half of the building as a 100 seat restaurant and the other half of the building will be used for storage or left vacant. The parking will meet the ordinance requirements.

The Board had a discussion about restricting the usage of the vacant part of the building. Solicitor Abbott stated that if the applicant wanted to add another commercial use on the vacant part of the building they would have to apply to the board for a variance for the number of parking spaces or they would have to decrease the number of seats in the restaurant.

Mayor Muchowski asked if the applicant was proposing significant façade improvements. Attorney Petkevis stated that originally the façade improvements were going to include an addition. The building is made up of two rectangles. The smaller rectangle was going to be built out with the façade improvements. At this point the addition is no longer proposed. There will be improvements made to the exterior of the building, but those improvements are not shown on the plans.

Chairperson Hamilton-Wood asked if there were any requirements for a storage facility. Attorney Petkevis said that the building would not be used as public storage. The area will be like a large closet. This would be the smaller portion of the building and is 2,070 square feet. The proposed restaurant will be 4,000 square feet.

Mayor Muchowski stated that the plan is creative, but he feels that with such a large space the applicant may want to use it. Attorney Petkevis said the applicant; Mr. Boghean did not see the sense in tearing down a perfectly good building just to be sure that he wouldn't use it. Mayor Muchowski asked if the applicant understood that he would have to put a significant amount of money into the improvement of this building even though he would not be able to use it. Attorney Petkevis said that the applicant understood this.

Planner Hintz stated that 2,070 square feet equated to 10 parking spaces and the site plan has 10 extra parking spaces included on it, so theoretically they could utilize this space for a permitted commercial use. All that would be necessary for a permitted use would be a Zoning Permit. Member DeAngelis asked if that space could be used to sell baked goods. Planner Hintz said yes they could if it was a permitted use in the zone.

Chairperson Hamilton-Wood asked if the site were expanded to be like Mastoris Diner where they have the bakery as part of the restaurant, what action would have to be taken.

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Solicitor Abbott stated that this would not require action from the Board, just by the Zoning Officer and Construction Office.

Planner Hintz stated that he would need to see the architectural elevations at the time of final approval. Attorney Petkevis stated that the loading area would still be located at the back end of the site. The façade will be consistent throughout the whole building.

Solicitor Abbott stated that the application had been deemed complete at the last meeting. There were no additional completeness issues.

Chairperson Hamilton-Wood asked for a recap of the Professional Review Letters. Planner Hintz referred to his letter dated February 23, 2005. His report listed non-conformance for lot size, lot frontage, lot width, side-yard setback, 100-foot buffer, and no proposed sidewalk along Route 130. Variances would be required for all these items. Removed trees need to be replaced and three more shade trees are required along the parking areas.

Engineer Morris referred to his report dated February 24, 2005 stating that the site triangle easement and the legal description be added to the plan. A design waiver is required for the use of ductile iron pipe instead of Polyvinyl Chloride (PVC) pipe. The handicap ramp should be centered on the cross-striped parking area. The handicap sign must be revised to meet the 5 feet height requirement. A masonry trash enclosure is recommended. Revise the designation of the welded wire fabric to 6 x 6 and revise the vertical curb detail to 8" x 10".

Attorney Petkevis stated that the applicant agreed with the review letters from both Planner Hintz and Engineer Morris.

He stated that they could provide the additional trees. They do need the variance for the area in the rear for the basin. They can provide additional plantings but they don't think they can achieve a full 100 foot buffer because of the constraints of the site. The building itself encroaches on the 100 foot buffer area.

Mayor Muchowski asked if the Department of Transportation would any say on the parking spaces if they are within twenty feet of the highway? Planner Hintz stated that the DOT is only concerned with new curb cuts. The entrance to this site is existing so there should be no problem.

The report from Fire Official Kevin Mullen requested that the fire lanes and the Fire Department connection be designated on the plans. The applicant agreed to add these items to the plans.

Chairperson Hamilton-Wood stated for the record that there is a letter from Police Chief Dawson indicating that there are no concerns from the Police Department.

Solicitor Abbott stated that there were 12 variances that would be required. She asked Attorney Petkevis if there would be any testimony for the record regarding the need for the variances. Attorney Petkevis stated that this is a pre-existing building and without the variances the use of the property will be restricted and will not be beneficial to the community.

Chairperson Hamilton-Wood asked if the Board would require sidewalk along the front of the property. The Board decided that they did not want to encourage pedestrian traffic along Route 130. The applicant will need to meet the landscaping and grading requirement of the ordinance.

Solicitor Abbott referenced her report dated February 23, 2005 for the list of requested variances. Six of the variances are pre-existing (lot area, lot frontage, lot width, side yard setback, buffer to residential zone, and parking buffer). Planner Hintz stated that the applicant would not be able to comply with the number of trees required. Mayor Muchowski asked if the applicant would fulfill the requirement by providing the additional trees to be used in another part of the community. Attorney Petkevis stated that the applicant would accept this.

Mayor Muchowski asked if any of the requested variances would be detrimental to the zone or to the growth of the corridor. He stated that this was a preexisting building that the applicant is trying utilize, but he is concerned and wants to be sure that the building and the landscaping are aesthetically pleasing. Solicitor Abbott stated that approval of the landscaping plan is a condition of approval for the site plan.

Mayor Muchowski asked if the site would be curbed. Attorney Petkevis stated that the entrance would curbed, but the outside edge will not be curbed. Engineer Morris stated that this would allow the drainage to be directed to the inlets and not drain offsite.

Engineer Morris stated that on the side where the building is close to the property line the applicant needs to avoid excessive lighting. Mayor Muchowski asked how deep the buffer was on that side. Attorney Petkevis stated that there would be a mixture of trees and shrubs. Mayor Muchowski asked if this would be sufficient or if berming would be necessary. He is concerned with headlights. He would like to see lights confined to the site as much as possible. Jeffrey Richter, engineer for the applicant stated that he would work with Planner Hintz on the landscaping/buffer plan for the site.

Chairperson Hamilton-Wood opened the hearing to public comment.

John Drager, 2122 Route 130 North was sworn in by Solicitor Abbott. Mr. Drager stated that he was very concerned with the buffering and the lighting of the parking lot. Mayor Muchowski stated that they would not be permitted to have spillover lighting to the adjacent site. Mr. Richter stated that at the property line the light measures ¼ foot

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candle. He stated that they are proposing pole mounted fixtures that will be 25 feet high and fitted with shields to direct the light down on the site. These lights will be positioned in front of the buffer. Mayor Muchowski asked if these could be put on a timer?

Chairperson Hamilton-Wood asked what the hours of operation would be. The applicant, George Boghean stated that he hadn't really decided, but would probably close around 10:00 P.M. Engineer Morris stated that ¼ foot angle is very deminimus and if the lights were on a timer this should not be a problem. Mr. Boghean stated that he would be willing to put the lights on a timer. Member Napolitan asked how the lighting would affect Mr. Drager. Mr. Drager stated that he wouldn't know until the lights were installed.

Mr. Drager asked if a stockade type fence could be erected to shield his property from the cars pulling in to park. The Board decided that a board on board fence would be the best for the site. Mr. Boghean stated that he would remove the existing chain link fence and install the board on board fence. Mayor Muchowski stated that the fence should be 35 feet from Route 130 so it does not interfere with the site triangle.

Member Stockhaus asked about the plans for the façade of the building. Mr. Boghean stated that the current exterior is cinder block, but he proposing to use stucco. Mayor Muchowski stated that the exterior should be earth tone colors.

Mr. Drager asked what would happen to the food waste. Chairperson Hamilton-Wood stated that this is the jurisdiction of the Department of Health. Mayor Muchowski stated that restaurants and businesses that serve food are monitored by the Department of Health.

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

Solicitor Abbott recapped the conditions for approval as follows: any increase in the use of the building must be in conformance with the ordinance requirements for parking, etc. or any required variances must be obtained, loading will be in the rear of the property, the building façade will be consistent for both buildings, lighting on the properties shall be no higher than the height of the building or 25 feet whichever is less, applicant shall supply architectural elevations, floor plan and the landscaping plan prior to final approval, parking area buffer shall be approved by the Board Planner, all light fixtures shall be shall be shielded to direct the light downward onto the site, the lights will be operated at a timer which will be set to turn the lights off at a reasonable hour and the applicant shall install a board on board privacy fence to replace the existing chain link fence along the east side of the property along the parking area behind the site triangle area.

Motion by Napolitan, seconded by Fratinardo to approve preliminary major site plan with variances and design waiver for the use ductile iron pipe and subject to the conditions just stated.

Mayor Muchowski asked if the new COAH regulations would apply. Solicitor Abbott stated that COAH would apply, as this was a new commercial use for this property.

Upon roll call the Board voted as follows:

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

Chairperson Hamilton-Wood called for PB#2005-02 for Florence Plaza, LLC. Applicant is requesting Final Major Site Plan approval for construction of a 12,000 square foot strip center located at Route 130 and Seventh Street. Block 111, Lot 2 located in a NC Neighborhood Commercial district.

Catherine Ward, attorney for the applicant, introduced Robert Fedorka, engineer with the firm of Perks Reutter Associates, Elliott Kattan, the applicant and David DelVecchio, architect for the applicant. All were sworn in by Solicitor Abbott. Solicitor Abbott stated that this was an application for Final Major Site Plan approval. Preliminary approval had been granted on December 20, 2004.

Attorney Ward stated that they would like to respond to the comment letters and then move to the elevations and architectural drawings.

Mr. Fedorka gave a quick overview and stated that they had revised their plans to conform to the conditions of the preliminary approval. The largest change has to do with the utilities, originally the plan called for the water to come in from Seventh Street and enter from the front of the building. The Township water and sewer Department asked them to extend a line along the rear of the site.

Mr. Fedorka stated that he would address the outstanding items of Engineer Morris' report. He stated that they will revise the plan to show the outflow structure detail.

In regards to the depth of the seasonal high ground water in the detention basin, they did perform additional soil borings in the area of the basin. Engineer Morris stated that he had recommended that a waiver be approved based on the soil water data that was provided due to the fact that it was still one foot from the seasonal high water to the bottom of the basin. This is in conformance with the NJDEP test management practices for basins. Engineer Morris asked that this data be added to the drainage calculations. Mr. Fedorka agreed to add this as an appendix.

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Mr. Fedorka stated that since the site will be accessed from Route 130 they will get an access permit and as part of their review the NJ Department of Transportation will review the drainage, site access and other parameters related to the site frontage along Rt. 130. He stated that they would note the slope of the basin to the DOT to determine if a guardrail would be required. Mayor Muchowski stated that he thought a guardrail was important depending of the amount of time that water would sit in the basin. Mr. Fedorka stated that the side of the basin that is adjacent to the parking lot would be railed.

Mr. Fedorka stated that they would conform to all the outstanding items in the Engineer's report.

Mayor Muchowski stated that the basin with the steep 3-1 slope was different than anything he had seen before. Engineer Morris stated that this type of basin is not unusual any more due to the restrictions caused by the shape of the lots. Guide rails and retaining walls are required to make sure these basins are safe and effective. The applicant will be required to maintain the basin and a basin maintenance schedule will be included with the plan.

Attorney Ward stated that the concerns of the residents in the area are being addressed.

Chairperson Hamilton-Wood referred to the report from Fire Official Kevin Mullen. Mr. Fedorka stated that they could address the fire lanes on the plan in two ways. The fire lane will be the main egress from Rt. 130 to Seventh Street. He stated that the area of greatest concern is the area where there is no parking. In order to keep that area clear of illegal parking they could do signs or striping. Fire Official Mullen prefers letters painted on the pavement.

Engineer Morris stated that it should be noted too that as part of the drainage system, because they can't provide the volume in the L shaped basin because it is narrow and steep the 5" diameter high density polyethylene pipe that runs from the small L shape to the back of the building, they are actually using the storage volume of the pipe also.

Chairperson Hamilton-Wood asked if the applicant had reviewed the letter from the director of water and sewer. Mr. Fedorka brought up the point that they had reviewed the letter from Dave Lebak, Director of Water and Sewer, which indicated that an 8" line should be extended down the alley behind the Plaza. There was also a review from Russell Trice the Water and Sewer Engineer that recommended a 6" line should be extended. Mayor Muchowski stated that he thinks it should be an 8" line because the Township has just run an 8" line down the roadway. Mr. Fedorka stated that he would co-ordinate between Mr. Lebak and Mr. Trice.

Mr. DelVecchio the architect described the exterior of the building. He stated that there is a band of ground faced concrete masonry, then a wider band of split faced concrete

masonry, above that is stucco. Then there is a metal coping in blue. The back of the building uses the same colors, but will be stucco over masonry.

On the elevations the HVAC units are 35 feet back. This additional distance gives almost 86 feet from the nearest residence. The location of the HVAC units has lowered the noise level to approximately 37 decibels per unit. If all twelve units are running the noise level will be at 48.5 decibels (+/- 5). The curbside noise is approximately 80 decibels – so these units would be quieter than the road traffic. Mayor Muchowski stated that there is a guideline for noise levels and they are different for daytime verses nighttime.

Member Fratinardo asked if any of the units would require refrigeration units outside the building. Attorney Ward stated that they would not be permitted to put refrigeration units outside of the building.

Robert Campbell, architect and structural engineer, was sworn in by Solicitor Abbott. He stated that a high efficiency unit would increase the noise level considerably. He stated that they would not allow the tenants to use high efficiency units. This does not address refrigeration units.

Attorney Ward stated that they did pay close attention to the fact that they are very close to the residential zone. The refrigeration units would be on the roofs and would be visually buffered. There are covers that can be installed to reduce sound levels. The Board discussed the noise level caused by exhaust fans.

Attorney Ward submitted exhibit A1 the elevation drawings. Planner Hintz said that he did not have a problem with the proposed colors of the building.

Planner Hintz asked about the free standing sign. Mr. Fedorka indicated where the sign would be located. Mayor Muchowski stated that the Board would require a backlit sign. The Board and the applicant had a discussion about relocating the sign to make it more visible from the highway.

Solicitor Abbott listed the following conditions – satisfaction of the conditions of preliminary approval, the fire lanes shall be shown on the plan and shall be noted by striping or by lettering, compliance with the report of the Board Engineer, Compliance with the report of the Township Water & Sewer Director (after clarification of the correct size line), the signs shall be backlit and of matching blue lettering that matches the buildings trim, individual tenants shall adhere to the standard for noise from the Burlington County Department of Health/OSHA, the seasonal high ground water shall be one foot, and adherence to the new COAH regulations.

Motion of Stockhaus, seconded by Fratinardo to approve application PB#2005-02 with the conditions as stated.

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Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, Napolitan, Stockhaus, Hamilton-Wood
DeAngelis

NOES: None

ABSENT: Smith, O'Hara, Semptimphelter

Member Gene DeAngelis was appointed as the Planning Board Member to the Environmental Commission.

The COAH workshop will be set up for March 21, 2005.

Motion By Stockhaus, seconded by Napolitan to adjourn at 9:55 P.M.

John T. Smith, Secretary

JTS/nle