

26.

Florence, New Jersey 08518-2323
March 15, 2004

The Regular Meeting of the Florence Township Planning Board was held on the above date in the Municipal Complex, 711 Broad Street, Florence, New Jersey.

The meeting was called to order at 7:30 P.M. by Chairperson Mildred J. Hamilton Wood 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:

| | |
|----------------------|--|
| John Fratinardo | Philip F. Stockhaus III |
| Michael J. Muchowski | Mildred J. Hamilton-Wood |
| Thomas Napolitan | Robert R. Semptimphelter, Alternate #1 |
| Dennis A. O'Hara | Gene DeAngelis, Alternate #2 |

ABSENT: John T. Smith

ALSO PRESENT: Nancy T. Abbott, Board Solicitor
Martin S. Sander, Board Engineer
Carl E. Hintz, Board Planner

RESOLUTIONS

RESOLUTION #2004-07

Granting minor subdivision approval and variances to the application of Anthony D'Altrui for Block 37, Lot 1

Motion of Fratinardo, seconded by Stockhaus that Resolution #2004-07 be adopted.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, O'Hara, Semptimphelter, Stockhaus,
Hamilton-Wood

NOES: None

ABSENT: Smith

RESOLUTION #2004-08

Granting submission requirement waiver and deeming complete application of Burlington County Assembly of God Church (Fountain of Life) for preliminary and final major site plan approval for construction of a gymnasium on Block 170, Lot 6.01, located in an AGR Agricultural District of the Township.

Motion of Napolitan, seconded by Fratinaro that Resolution #2004-08 be adopted.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Napolitan, O'Hara, Stockhaus, Muchowski, Hamilton-Wood

NOES: None

ABSENT: Smith

RESOLUTION #2004-09

Continuing application of Burlington Assembly of God Church (Fountain of Life) for preliminary and final site plan approval for construction of a gymnasium on Block 170, Lot 6.01, located in an AGR Agricultural District of the Township.

Motion of Stockhaus, seconded by Fratinaro that Resolution #2004-09 be adopted.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Napolitan, Muchowski, O'Hara, Stockhaus, Hamilton-Wood

NOES: None

ABSENT: Smith

RESOLUTION #2004-10

Continuing application of Whitesell Construction Company for final major site plan approval with variances for Block 158, Lot 1, (proposed Lot 3).

Motion of Fratinaro, seconded by Stockhaus that Resolution #2004-10 be adopted.

Upon roll call the Board voted as follows:

YEAS: O'Hara, Fratinaro, Napolitan, Stockhaus, Muchowski, Hamilton-Wood

NOES: None

ABSENT: Smith

RESOLUTION #2004-11

Continuing the application of MS Investments Two, LLC (Eckerd Pharmacy) for preliminary and final major site plan approval with variances and design standard waivers for construction of a pharmacy on Block 99.01, Lots 22-28 and 30-33, located in a HC Highway Commercial District.

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Motion of Fratinardo, seconded by O'Hara that Resolution #2004-11 be adopted.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, O'Hara, Muchowski, Napolitan, Stockhaus, Hamilton-Wood

NOES: None

ABSENT: Smith

MINUTES

Motion of O'Hara, seconded by Stockhaus that the minutes of the Regular Meeting of February 24, 2004 be approved as submitted.

Motion unanimously passed by all members present.

CORRESPONDENCE

Chairperson Hamilton –Wood requested that Correspondence A,D,G, and E be held for further discussion.

Motion by O'Hara, seconded by Stockhaus to receive and file Correspondence B,C,F, and H and to hold for review Correspondence A,D,G, and E.

Motion unanimously passed by all members present.

OLD BUSINESS

Chairperson Hamilton-Wood called for application PB #2003-08 for Fountain of Life. Applicant is requesting preliminary and final site plan approval for construction of a gymnasium at 2030 Burlington Columbus Road.

Chairperson Hamilton-Wood brought to the Board's attention the letter dated March 15, 2004 from Frederick Hardt indicating that the applicant was not ready to move forward at this time. Applicant asked to carry the application to the April 19, 2004 meeting.

Motion by Fratinardo, seconded by Napolitan to continue the application until the April meeting.

Chairperson Hamilton-Wood asked if there were any questions on the motion.

Mayor Muchowski inquired whether the applicant of the Board had any procedural issues that needed to be addressed from a timing standpoint or anything else. Solicitor Abbott indicated that procedurally the applicant is okay on timing. Engineer Sander had met with the applicant on March 12th or 13th. Engineer Sander indicated that it would be

some time before the applicant was ready to proceed due to the new Stormwater Management Law, but he indicated that we should just continue the application to April.

Planner Hintz had made suggestions to the applicant on improvements to make, but it may take a month or two for them to finalize the plans. There was a question as to whether the applicant would be required to re-advertise. Mr. Hardt's letter indicated that the applicant would be re-advertising before the April meeting. Mayor Muchowski suggested that Board Clerk Erlston send a confirming letter to Mr. Hardt indicating that we would require the re-advertisement.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, O'Hara, Stockhaus, Hamilton-Wood,
Semptimphelter

NOES: None

ABSENT: Smith

Chairperson Hamilton-Wood called for application PB#2003-12 for Whitesell Construction Company. Applicant requested final major site plan approval for Block 158, Lot 1 (proposed Lot 3).

Attorney Lynn McDougall represented Whitesell. Licensed Architect and licensed Planner Rick Cureton and Licensed Engineer Terrance Huettl, both Whitesell employees, stated their credentials and were sworn in.

Chairperson Hamilton-Wood asked if Attorney McDougall had a presentation to give. Attorney McDougall stated that she did not, but that Mr. Cureton would address the each comment in the Professionals Memos. Solicitor Abbott stated that the application needed to be deemed complete before we could continue with substance of the application.

After a brief discussion it was determined that the application had been already been deemed complete.

Mr. Cureton gave a description of the Haines Center. Whitesell has received approval from Burlington Township and the DEP to proceed with a stormwater basin in Burlington Township. This basin will collect the stormwater from the proposed site plan. Whitesell anticipates site plan approval from the County in March. Their intention is to proceed immediately. The pad site is ready to go. Whitesell anticipates pouring foundations on May 1, 2004. There is no tenant for this building yet, but the market for buildings has picked up and Whitesell does not think that there will be a problem in filling this spec building. Whitesell has also been working on a building that is approximately 300,000 square feet, and they may be back before the Board within a month or two with an application for this new site.

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Mr. Cureton stated that they were requesting some small changes to the site plan. Originally Whitesell had requested to have 70 parking spaces with additional “phantom” spaces that could be utilized if necessary. After analyzing the market they think it would be better to put in 130 parking spaces. They also have corrected the sidewalk that was an issue. They have placed it across the entire frontage of the building. The sidewalk will connect to the NJ Transit location. In regards to the issue of the trees and the sidewalk – Whitesell requested that they keep the sidewalk where they show it. There would be curb then some grass and then sidewalk. This would all be within the right of way. Trees would be on Whitesell property and Whitesell would maintain the trees. In regards to stormwater management, size of piping, and how to handle distribution; Whitesell will concur with Engineer Sander’s recommendation on this.

Solicitor Abbott asked about the usage of the building. Mr. Cureton indicated that Whitesell expects the building to be used for distribution – not manufacturing. Mr. Cureton said that the truck docking areas could be turned into car parking and there are other areas that could be used for parking if necessary.

Engineer Sander inquired about the proposal for a 700,000 square foot building. The current site plan is for a 500,000 square foot building. If this new proposal were picked up Whitesell would need to come back for a modification to the site plan. Engineer Sander asked if Whitesell would cut the building down to 700,000 square feet or would the build a building that was 1,000,000 square feet. Mr. Cureton indicated that typically Whitesell would build the larger building and leave the back for future expansion for the building. The lot is designed to accommodate two large users with individual driveways quite comfortably.

Engineer Sander questioned that the size of Lot 3 on the subdivision plan and the site plan are not the same. Mr. Huettl stated that they are aware of this and the engineer and surveyor will figure it out. Engineer Sander stated that if the problem is with the subdivision plan that has already been approved, Whitesell would have to come back before the Board and have the plan amended.

Solicitor Abbott asked if this had to do with the relocation of John Galt Way. Mr. Huettl said that he thought that this was part of the problem.

Solicitor Abbott asked about the sidewalks being changed, but it is only the tree location that will be changed.

Member O’Hara asked about a sign on John Galt Way. Mr. Cureton indicated that the Zoning Board had approved a sign similar to the sign at Dulty’s Lane. Member O’Hara also asked about NJ Transit signs. Mr. Huettl stated that he had spoken to NJ Transit and they had indicated that all their signs had already been installed.

Mayor Muchowski inquired as to when Whitesell would begin to install the signs. Mr. Cureton stated that the signs would be built this spring. Mr. Huettl indicated that water and electrical service has already been stubbed in. Member O'Hara complimented Whitesell on the maintenance at the Dulty's Lane location.

Mr. Huettl indicated that when they submit the revised grading and drainage plans they will also submit a revised hydrological report.

Engineer Sander indicated that the only item not addressed was the Freshwater Wetlands transitional waiver, which he had just received and would review.

Planner Hintz inquired as to the maintenance of the trees. Mr. Cureton indicated that it would be Whitesell's responsibility to maintain the trees. . Mayor Muchowski indicated that should a tree need to be replaced, it must be replaced with a similar tree. Engineer Sander stated that there should be a note on the plans indicating the species and size of tree.

Member O'Hara brought up the fact that in Engineer Sander's February 25th letter he recommends that a waiver not be granted. Engineer Sander indicated that this pertained to the storm sewer and Whitesell has agreed to Engineer Sanders recommendation.

Engineer Sander indicated that we would be granting approval conditioned on submission of revised plans. They would be reviewed by professionals and sent to Chairperson and Secretary for signatures.

Member O'Hara asked what would happen to the reports when Whitesell comes back and asked for a 1 million square foot building. Mr. Huettl stated that the stormwater basin would accommodate drainage for two buildings totaling 2,000,000 combined square footage. The pipes are set up for a single 1,000,000 square foot building. New pipes would need to be installed for the second building. The installation of those pipes would be subject to further review by Engineer Sander and the Board. Member O'Hara inquired about drainage for the rest of the Haines Center site. Mr. Cureton indicated that there would be other stormwater basins built for future buildings.

Chairperson Hamilton-Wood questioned when the application had been deemed complete. Solicitor Abbott's February 19th letter stated that the application was scheduled for completeness on the 19th of January and that hearing was continued. Solicitor Abbott stated that the application was definitely complete but as a formality a motion should be made to deem it complete. Mayor Muchowski asked about preliminary approval. Solicitor Abbott indicated that the preliminary approval was granted 2 years ago.

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Chairperson Hamilton-Wood called for a brief recess.

The Board returned to the regular order of business.

Chairperson Hamilton-Wood asked the Board for questions on the application.

Solicitor Abbott brought up the issue of banked parking. The resolution stated that if the parking were to be changed in any way the applicant would have to come back to the Board for approval. Since the parking is going to be changed the applicant would have to apply for amended preliminary site plan approval. Since the Board had the opportunity to see the revised plans for parking at this meeting the applicant does not have to apply for the amended preliminary approval.

Motion by Fratinardo, seconded by Stockhaus that Application PB2003-12 for Whitesell Construction Company be deemed complete and to grant approval to the final major site plan.

Solicitor Abbott pointed out that this approval would be conditioned that the applicant would comply with all items raised in all the reports from the Board Professionals and In House Staff. The applicant must also add to the plan that the trees will be maintained and a new hydrological report will be supplied.

Chairperson Hamilton-Wood asked for any public comment. Since no one indicated a desire to speak the public portion of the hearing was closed.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, O'Hara, Stockhaus, Hamilton-Wood,
Semptimpfelter

NOES: None

Absent: Smith

Chairperson Hamilton-Wood called for Application PB#2004-01 for MS Investments. Applicant requested preliminary and final major site plan approval for an Eckerd Pharmacy at State Route 130 South and Delaware Avenue; Block 99.01, Lots 22-28 and 30-33.

Chairperson Hamilton-Wood relayed to the Board that a letter had been received from MS Investment's attorney, John Gillespie, requesting a continuance of this application until the April 19th meeting.

Motion by Stockhaus, seconded by Napolitan to continue the application.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, O'Hara, Stockhaus, Hamilton-Wood,

NOES: None

ABSTAINED: Semptimphelter

ABSENT: Smith

It was determined that Member Semptimphelter is not eligible to vote on this application because he has a conflict. He will have to leave the dais during the hearing of the application in April.

Alternate Member DeAngelis should listen to the tapes from the February 24th meeting so that he would be eligible to vote at the April meeting if necessary.

Since there was no New Business or Other Business Chairperson Hamilton-Wood opened the meeting for public comments. There were no public comments so the public portion of the meeting was closed.

Master Plan Review/Discussion

Planner Hintz recommended that we add Stormwater Management Plan as letter D on the Master Plan Review.

Mayor Muchowski stated that Alaimo's office (Township engineer) had a meeting with the state and submitted a Stormwater Management Plan based on the directive of the meeting. The person who was in charge of that meeting no longer works for DEP, so all the things that had been agreed upon were lost.

Mayor Muchowski signed a consent order 2 weeks ago in which the State agreed that the portion that pertains to the school site was completed and acceptable and just has to go through the public portion while we continue to revise the other part of the Stormwater Management Plan. This will enable the school to get the approval within 90 days.

Chairperson Hamilton-Wood requested that the Board move back to the correspondence that had been held earlier in the meeting.

Correspondence A – The Freshwater Wetlands Application Checklist from the Florence Township Board of Education. Solicitor Abbott stated that the letter is informational and no action is required by the Board at this time.

Correspondence D – Letter from Engineer Trice to Richard Brook addressing a revised punch list for Hamilton Crossing Development. Mayor Muchowski stated that this letter was for informational purposes.

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Correspondence E – Letter from Engineer Sander to Chairman Hamilton-Wood regarding the Stormwater Regulations. Engineer Sander explained that the Township is required to adopt a stormwater management plan. They have one year to do this. The stormwater management plan is supposed to be incorporated in the Master Plan. The Township had to submit a proposed plan to DCA within the year along with a draft ordinance implementing the plan. Then there is a year to adopt the ordinance. So there is up to two years before these rules will be in effect for any development of any kind in the Township, including work the town does. There are a lot of elements to this new plan, including basin safety, changes to the way stormwater is managed, and an education program that the Township has to adopt and continue to use.

An issue had been raised as to the new Stormwater Regulations. New rules starting February 2nd will apply to all development that doesn't have approval or permit. One question was does this apply to commercial sites? DEP said No does not apply to commercial sites until the town has adopted the regulation; unless one of the following permits has to be applied for to the DEP –CAPRA, Freshwater Wetlands Permit, Wetlands Transitional Waiver, and a couple other that we don't usually get involved in. It will very expensive for the town. Especially Tier A towns. Therefore most towns will not adopt this ordinance until January 2006. Tier A towns have to worry about new development and update what is already there. We will be required to change all the inlet grates on the inlets, put trash racks on all detention basin along with other requirements.

Alaimo's position is that this does not apply to commercial development unless a permit is required or the Board Solicitor says it applies.

Solicitor Abbott agrees that the new regulations do not apply to commercial unless the permits are involved. Engineer Sander stated that the reason they apply to residential is because of the Residential Site Improvement Standards. The new Stormwater Regulations are part of these new RSIS.

Chairperson Hamilton-Wood questioned as to whether responsibility for these Regulations fall to The Planning Board or Council. Mayor Muchowski is investigating the most cost effective way to handle the entire process. Member O'Hara asked that the Mayor and Member Fratinardo keep the Planning Board apprised as to what the Council is doing.

Correspondence G – Letter from Troy Sanders, Burlington County Planning Board, to GS Winters & Associates referencing Crossroads East Subdivision. Chairperson Hamilton-Wood inquired as to whether they are talking about road striping. Mayor Muchowski said yes and that he assumed that since it is a County Road and there will be an entrance to the Subdivision from Florence Columbus Road. Chairperson Hamilton-Wood asked if they are they doing a revised traffic study?

Chairperson Hamilton-Wood referred to Engineer Sanders status report and noted that Crossroads East has Preliminary Major Subdivision approval awaiting revised plans. Engineer Sander indicated that he had not received revised plans yet. Board Clerk Erlston stated that G.S. Winters had requested a certified list for the Crossroads East Subdivision indicating that they are preparing to come before the Board in the near future. The Board asked Engineer Sander to draft a letter to the Quaker Group requesting revised plans for the Crossroads East Subdivision.

Chairperson Hamilton-Wood asked if the traffic study was from the preliminary hearing. Engineer Sander stated that most likely it was the traffic study the Board saw for preliminary that had been revised for the County. Chairperson Hamilton-Wood asked if the road improvements were the widening that the county had been talking about. Mayor Muchowski said that he thought this could be in conjunction with what the County says they are doing at Birch Hollow, but he believes that what they are trying to do is pull back for a future expansion and extend right of way to the County.

Mayor Muchowski stated that he had asked Fire Official/Marshall, Kevin Mullen to stay at the meeting to discuss the plans for the new firehouse to be located by the water tower on Cedar Lane. Area is zoned General Manufacturing. They have gone out and received bonding approval and all things are in place. They would like to know the next step. For the public school there is only a cursory/informational type review. Mayor Muchowski has asked Tom Sahol to head this internally. The first thing that needs to be done is a zone change at the Council level, because this is not a permitted use. The Mayor does not want the Fire Company to have to go through the expense of getting a use variance. The Mayor does not believe that the Fire Company gets the same protection as the School Board gets.

Member Napolitan questioned that the Fire Company is not part of the Township. Mayor Muchowski explains that the Fire District raises their own levy. The 3 fire companies are merging into one, with the possibility of Emergency Services also joining them. Years ago the fire company had started to look for a central location that could service the entire community. The Fire Company has purchased the site, they have voter approval, bonding approval, and now they will be coming in for site plan approval. Mayor Muchowski stated that he was looking for a way to control costs and fees because the Fire District money comes from taxpayer money as well.

Chairperson Hamilton-Wood asks for any other comments or questions.

Motion by Napolitan, 2nd by Fratinardo to adjourn the meeting. Motion unanimously approved. Meeting adjourned.

John T. Smith, Secretary