

42.

Florence, New Jersey 08518-2323
March 20, 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. Chairperson Hamilton-Wood called the meeting to order at 7:35 P.M. followed by a salute to the flag.

Chairperson Hamilton-Wood then read the following statement: "I would like to announce that the 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 to the main hall of the Municipal Complex."

Due to the absence of Secretary John Smith, Member Stockhaus will be acting as secretary.

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

Councilman John Fratinardo	Mildred Hamilton-Wood
Mayor Michael Muchowski	Gene DeAngelis
Thomas Napolitan	Sean Ryan
Phillip Stockhaus	

ABSENT: Dennis A. O'Hara
John T. Smith

ALSO PRESENT: Solicitor Nancy T. Abbott
Board Engineer Doug Traver (substitute for Frank Morris)
Board Planner Carl Hintz

RESOLUTIONS

Resolution PB-2006-13

Denying without prejudice the application of Fine Foods and Spirits, Inc. for Final Major Site Plan approval for a bar and restaurant on Block 165.01. Lot 11.02, located in an HC Highway Commercial District.

Motion of Fratinardo, seconded by Muchowski to approve resolution PB-2006-13.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Napolitan, Stockhaus, Ryan, Muchowski
NOES: None
ABSENT: O'Hara, Smith

43.

Resolution PB-2006-14

Granting Amended Preliminary and Final Major Site Plan to Wawa, Inc. to permit expansion of the parking area and construction of an addition to the existing food mart on Block 163.02, Lots 13, 13.04 and part of 13.01, located in an HC Highway Commercial District.

Solicitor Abbott said that she had received a letter from Wawa attorney, Timothy Prime. This letter addresses condition 12 on page 4 of the resolution regarding the size of the trucks that will be permitted on site. In his letter Mr. Prime attached a copy of the report of the Township Police Chief. The last paragraph of that letter requested that only tractor-trailers be banned from the lot. Solicitor Abbott amended condition 12 to state that all trucks other than tractor-trailers shall be permitted on the site and appropriate signage should be installed.

Mayor Muchowski stated that the intent of the Board was to only ban tractor-trailers.

Motion of Napolitan, seconded by Fratinardo to approve resolution PB-2006-14 as amended.

Upon roll call the Board voted as follows:

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

Resolution PB-2006-15

Granting certain submission waivers and deeming incomplete the application of Robert Foulks for Minor Subdivision approval with bulk variances for Block 168, Lot 2.09 located in an AGR Agricultural District.

Motion of Muchowski, seconded by Fratinardo to approve resolution PB-2006-15.

Upon roll call the Board voted as follows:

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

MINUTES

Motion of Napolitan, seconded by Stockhaus to approve the minutes from the Regular meeting dated February 27, 2006 as presented. Motion unanimously approved by all members present.

44.

CORRESPONDENCE

Chairperson Hamilton-Wood stated that the Board had already dealt with Correspondence P.

The Board discussed Correspondence C regarding the County Planning Board letter regarding a proposed seasonal pig roast business. Solicitor Abbott stated that this would be an application before the Zoning Board.

Mayor Muchowski referred to Correspondence L regarding the Fountain of Life Center and stated that based on this letter from the Burlington County Planning Board it appeared that Fountain of Life would be coming back before the Board.

Chairperson Hamilton-Wood commented on Correspondence J regarding the required classes for board members.

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

There was no old business listed on the agenda.

NEW BUSINESS

Chairperson Hamilton-Wood called for application PB#2006-04 for James and Maria Tomosi. Applicant is requesting Minor Subdivision approval for property located on Wallace Avenue and Seventh Street, Block 106, Lot 2.02.

Jonas Singer, attorney for the applicant stated that this was an application originally for Minor subdivision to create 2 lots from 1. He stated that he had received a letter from Solicitor Abbott and he agreed that this application should be a "Technical Major" because the proposed lot is not on an improved right-of-way. The applicant desires to subdivide the rear portion of their property. Wallace Avenue at the corner of Seventh Street is blocked with bollards preventing direct access through Wallace Avenue. This would remain. The applicant has no desire to open Wallace Avenue.

Attorney Singer asked that waivers be granted for Environmental Impact Statement, Stream Encroachment and Drainage facilities. A statement can be provided that there are no wetlands on the site.

Chairperson Hamilton-Wood asked if the intention was to subdivide without improving Wallace Avenue up to the new lots. Attorney Singer stated that this was a discussion that they would like to have with the Board. Solicitor Abbott stated that this would be a discussion to have on the merits of the application and a variance would be required to

45.

put a house on an unimproved street. Attorney Singer stated that the desire was to improve Wallace Avenue to the driveway of the new lot, but not to extend to the rest of the street.

Chairperson Hamilton-Wood stated that she was confused as to what the Board was acting on for the completeness issue. Mayor Muchowski asked if there were any issues on the Major Subdivision checklist that are not on the Minor Subdivision checklist that would be important for the Board to review for completeness issues. He stated that he didn't think there were any real issues other than the road frontage. This is a conforming lot except for the road.

Solicitor Abbott stated that the submission requirements for the Major Subdivision approval include things like the Municipal Services and Utilities Impact Statement that is clearly not applicable. The EIS is required for the Minor Subdivision.

Chairperson Hamilton-Wood stated that she was concerned with drainage from the proposed lot. Engineer Traver stated that there needed to be some design for the road whether it is 10' or 100'. Mayor Muchowski said that there is a Township specification for road construction.

Attorney Singer asked that the road issue be a condition of approval. Solicitor Abbott stated that she was unaware until Mr. Singer mentioned it tonight that the applicant was not proposing to improve the road. If the applicant is not going to improve the road and they are going to file a variance, they will need to file a variance application that has its own checklist. She stated that the best thing to do might be to wait until next month and deal with the entire completeness rather than deal with the completeness for the subdivision and then deal with the variance at a separate time.

Attorney Singer stated that he would agree to this if the Board would agree to allow him to notice for next month and then deem the application complete and then move on to a hearing on the merits. Mayor Muchowski stated that the Board could not guarantee that the application would be deemed complete and heard on the merits. Solicitor Abbott stated that the Board could agree that if the completeness outcome is favorable and the agenda permits then the application could possibly move on to a hearing on the merits.

Mayor Muchowski suggested that the applicant base their decision on the assumption that they would have to improve the entire roadway. This way the applicant would know what the potential costs were for this process. Attorney Singer asked whom he should contact to get the Township's specification for improving roads. Mayor Muchowski suggested that Attorney Singer contact Township Administrator Richard Brook.

Chairperson Hamilton-Wood asked for a motion to deem this application incomplete and have the applicant come back for completeness next month.

46.

Mayor Muchowski said that the Board needed to discuss the date of the April meeting because he and Chairperson Hamilton-Wood would both be on vacation on April 17, 2006. Mayor Muchowski stated that the Board would discuss this. Attorney Singer stated that he would contact the Board Clerk to get the date of the meeting.

Motion of Muchowski, seconded by Napolitan to deem the application incomplete.

Upon roll call the Board voted as follows:

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

Mayor Muchowski asked if the Board wanted to deviate from the agenda before hearing the next application and discuss Other Business B a memorandum from Township Administrator Richard Brook and Township Engineer Dante Guzzi regarding the Whitesell/Hiros Bustleton Creek issue.

Mayor Muchowski stated that he had asked Mr. Brook and Mr. Guzzi to review all the previous documentation and do a site inspection. Both concur that there are 2 adjacent landowners that aren't seeing eye to eye on the topic. Ultimately, based on the information at hand and what has occurred on the site, both feel that Whitesell met the approving resolution's conditions. Mayor Muchowski stated that Mr. Hiros can contend that he would like to have more done, but at the same time the Board has had this looked at from every angle by the Municipality and there seems to be concurrence that Whitesell has met the obligation under the approving resolution.

Chairperson Hamilton-Wood said that the Board has come to this conclusion on 3 separate occasions and they always end up reviewing the same things. Mayor Muchowski answered that this may be a fault of the Board in trying to be accommodating and a conduit for good information, sometimes when you don't give the answer that they want to hear people keep trying to get the answer that they are looking for. He stated that the Board has now thoroughly reviewed this issue and determined that from every possible angle it has been met and the Board should put this issue to an end.

Mayor Muchowski asked for any Board member who might disagree with him to speak up or forever hold their peace. Chairperson Hamilton-Wood stated that as far as any future correspondence that should be received on this issue? Mayor Muchowski stated that the response should be that the Board has acted and there will be no further action.

Member Napolitan said that in the minutes of the meeting Whitesell agreed to remove the road. Mayor Muchowski stated that this was in the minutes but it is not listed as a condition on the resolution. He stated that realistically that road removal does nothing in

47.

any way to improve the current conditions that the property owner is facing. Therefore the Board has been trying over the last few years to make sure that the resolutions are very clear in meaning so the these issues don't creep up again. Mayor Muchowski stated that he does not feel that the Board has done any harm to Mr. Hiros. The improvements that were promised in the resolution were made.

Chairperson Hamilton-Wood stated that it was her impression that a lot of the conversation in the minutes were comments directly between the applicant and the adjacent landowner and did not involve the Board. This was a conversation that the 2 were having in this room while the Board was making their decision. She stated that in her opinion the situation was better than it had been.

Chairperson Hamilton-Wood stated that if there weren't any further comments on this issue it would be put to rest. Motion by Napolitan, seconded by DeAngelis to receive and file the correspondence. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for application PB#2006-05 for Atlantic Equity Olive Street, LLC. Applicant is requesting Final Major Subdivision approval for 73 single family detached, 39 single family attached, and 6 open space/recreation area lots for an active adult community located off of Olive Street, Block 147.01, Lot 1.

Charles D. Petrone, of Counsel, for the law firm of Raymond & Coleman stated that he was representing the applicant. He said that he had with him Jonathan Grebow and Brett Owings representing the applicant and Robert Stout, of Stout and Caldwell, the applicants engineer.

The following were sworn in by Solicitor Abbott: Jonathan Grebow, President of the Atlantic Companies, which owns Atlantic Equity at Olive Street, Brett Owings, Director of Engineering for the Atlantic Companies, and Bob Stout, Professional Engineer from Stout and Caldwell Engineers.

Attorney Petrone said that the applicant had received Preliminary approval for the development in November. They are before the Board again to receive Final approval for the development now named Legacy at Meadowcroft. Mayor Muchowski asked for some background as to where the name of the development came from and asked if the name was etched in stone. Mr. Grebow stated that the name might be etched in stone but they would talk about it at a later time.

Attorney Petrone stated that the plan still shows the 73 single family detached dwellings and the 39 townhouse units spread over 4 buildings. As requested at time of Preliminary they did look into and have redesigned the second access into the development.

Mr. Stout stated that the main change from the previous plan was the entry. The Board had asked to have the second entrance re-aligned with 5th Street. Abrams Drive used to

48.

go straight out to a T intersection. They have re-aligned Applegate Drive into 5th Street. This is going to be a one way in and out street divided by an island. This will line up exactly with 5th Street. You will now enter the development from Applegate Drive. This is the main change from the Preliminary to the Final.

There is still the large berm in the back, which is a compilation with the ReadyPac site. This runs from the end of the townhouse units down. The cul-de-sacs and detention facilities have been supplemented by some additional landscaping. There is a 25' landscape buffer along the rear of the 3 properties that front on Olive Street and everything else is pretty much the same as the original plan.

The change in the roadway did not reduce the number of units. The development has been designed so all of the units conform. The only design variation from the code is the 100' tangent length, however it does meet the RSIS standards. The Florence Code says that you have to come into a straight section of road before the intersection. This is the tangent. Mr. Stout stated that they come into the curve at a 90-degree angle. There is no distance for the straight section. This is safer as a traffic intersection.

Mayor Muchowski asked if the type of volume created in this development would cause concern over this intersection. Mr. Stout stated that a straighter intersection is preferable. This is not a normal tie-in but the intersection will work. Mayor Muchowski asked if emergency vehicles could easily access this intersection. Mr. Stout stated that the intersection radius 45'-50' the intersections are designed per the code and emergency vehicles would be able to access them. The cartway width of the intersection is 28'.

Planner Hintz asked if the applicant owned any additional land to the east and west of the intersection. Mr. Stout said that one of the problems with designing this was the limitation of the land. They used the land that was available to them. Planner Hintz stated that there was land to the east and the west of the intersection. Mr. Stout said that they could widen the entrance of the intersection – approximately 10'. Mayor Muchowski stated that they didn't want to widen the street so much that it has a negative impact on the adjacent houses. He said that what Planner Hintz wanted to do was to mirror the island that divides 5th Street. Mr. Stout said that they have a wider cartway than 5th Street. They could mirror that by keeping the edges in line and expanding outward. Planner Hintz said that he thought this would work.

Mayor Muchowski asked if the road could be made as a teardrop shape, wider at the intersection and then tapers away. He stated that this might help with the stacking at the intersection.

Mayor Muchowski brought up the issue of the naming of the streets. There had been a comment on one of the reports suggesting that the street be a continuation of 5th Street. The Township had gone through a ceremony with the families of the fallen veterans who the streets are named for. He doesn't want to change the name of the street due to the re-

49.

alignment. The Board discussed the issue and did not see the merits of changing the proposed names. The names of fallen veterans will remain as shown on the Final plan.

Mr. Stout showed the Board a sketch of the proposed clubhouse. This was marked as exhibit A1. Solicitor Abbott questioned that in the name of the development on the site plan "Meadowcroft" is one word and on the sketch of the clubhouse it is two words "Meadow Croft". Mr. Stout stated that this would be worked out.

Chairperson Hamilton-Wood asked the applicant to go through Board Engineer's review letter. Mr. Stout stated that he would just address the open items.

On page 3 item No. 4 they will comply with the provisions of the Map Filing Law as requested. Item 8 for the status of agency approvals. Soil District approval is in place. They are working with the Burlington County Planning Board. The Fire Marshal has been given an updated set of plans. The Water and Sewer has been approved by the Township Water and Sewer official and the plan is in the hands of the DEP for final review.

On page 4 Items 12 and 13 regarding the drainage areas behind the townhomes and the grading at the pool area. Mr. Stout stated that the drainage concerns would be met. The drains in the backyard will be satisfactory. Item 17 Mr. Stout stated that there was a comment on the ADA compliant ramp for the trailer. The temporary sales trailer will be located in the Fifth Street area. The comment states that the details of the handicap ramp for the trailer must be submitted back to the Board for approval. Mr. Stout would like the comment to read that the details need to be submitted back to the Board Engineer and Planner for review.

On page 5 they will comply with item No.20. On page 6 they will comply with No. 36 regarding the redesign of the clubhouse area.

On page 8 No. 46 the wording will be corrected on the final plat. Item No. 47 they will comply with sub items a through i. Item No. 48 they will comply with the handicap ramp through the island at Applegate and Olive.

Item 49 is about the tangent requirement for the intersection at Applegate Drive and Olive Street. They request the waiver for this requirement to meet the RSIS code.

Item No. 50 regarding soil borings. They will do a random sampling get an estimated high water and supply this to the Board's engineer. There will be the option to have basements in these houses. They have already done 6 or 8 borings. They will do 10 additional borings. The borings so far have shown a very low water table.

50.

Engineer Traver stated that he was satisfied with the testimony that had been provided. The biggest concern at this time is the grading issues, but they will work with Mr. Stout on this.

Chairperson Hamilton-Wood stated that before they moved on to the Planner's letter the Board should discuss the sewer and where it is running, especially behind the 3 lots on Olive Street. Mr. Stout said that gravity sewer comes in at Sixth Street. There is a manhole on Sixth that they are tying into. As part of the initial discussion it was brought to their attention that the 3 lots did not have sewer. They were on septic and well. On subsequent discussions it was determined that the first house does have sewer. That leaves lots 16.02 and 16.03 that have no sewer. There is a manhole that sits at the intersection of Applegate and Abrams. They have taken a sewer line to the back of the properties and run it across as per the water and sewer review onto the 2 properties. They are running the sewer lines to service those 2 properties at the expense of Atlantic Equity Olive Street, LLC. There is a proposed 25' landscape buffer on Atlantic Equity's property. Part of this buffer will be private and part will be within the open space area. There will be a random mix of evergreens and deciduous trees. The sewer line is proposed to run through the properties of lots 16.02 and 16.03. The property owners have not yet granted the easements. Attorney Petrone asked if the sewer line could be serviced from the front. Mr. Stout said not through their system. They could be serviced through the front, but they would have to be pumped. There would have to be a full service system installed all the way down Olive Street. This is not a practical option.

Chairperson Hamilton-Wood asked what the disruption to the property would be from a sewer easement. Mr. Stout stated that at the corner of lot 16.03 there is a manhole. This would be the only visible sign from lot 16.03. The sewer line will run down the back of the property to the mid-point of 16.02. This is a 20' wide easement. Mayor Muchowski stated that long term the homeowners would not be able to build or plant inside this easement. Mr. Stout stated that the sewer line would be 10' inside the easement. He stated that the property is still usable. The owners could plant a garden in that area, but couldn't plant a tree or build a shed. If the existing septic do fail the cost benefit is tremendous. The applicant feels that this is a plus benefit to the properties.

Member Fratinardo asked if they could have put the line and the buffer along the developer's property. Attorney Petrone stated that the November 9, 2005 letter from the Township Administrator stated that it is fair and reasonable to place the sewer lines on the rear of the lots identified as 16.03, 16.04, and 16.02. This letter was the result of a meeting between the Administrator and Water and Sewer Director David Lebak for future connection and maintenance purposes.

Solicitor Abbott stated that one of the issues is that one of the conditions of Preliminary approval is the location of the sewer line on these 3 lots. Member Fratinardo said that he thought he remembered the applicant saying that if they could not get the easement they would run the sewer lines on their property. Mr. Grebow said that even if the sewer lines

51.

were on Atlantic's property the adjacent lot owners would need to grant an easement if there were to hook up to the sewer.

Chairperson Hamilton-Wood asked what would be the disruption to the yards. Mr. Stout stated that if the existing septic systems did fail the residents would have to remove the septic systems per the Health Department standards. The residents would then have to run the sewer lateral, at least a 4" line and 2 percent slope from the back of their house to the sewer line whether the line is on their property or Atlantic's property.

Mr. Stout stated that the Atlantic Company is not doing any of the hook-ups. That will be the responsibility of the property owners. Chairperson Hamilton-Wood asked what the approximate cost was to run the line from Applegate to the back yards of lots 16.03 and 16.02. Mr. Owings stated that it was approximately \$10,000.

Chairperson Hamilton-Wood asked what the estimated cost would be to go out the front to the pump station. Mr. Owings said that this would be a lot more because you would have to trench the road. He estimated approximately \$25,000.

Chairperson Hamilton-Wood asked Mr. Stout to move on to the Planner's letter. Planner Hintz said that on his report dated March 16, 2006 there were compliance issues starting at item 5.0 on page 2.

He said that the architectural materials that were received were promotional architectural drawings, not what is required for a final set of plans. There are no signed and sealed elevations. They are not to scale. The architectural drawings need to be provided for the units and for the clubhouse.

The promotional architectural material shows the proposed townhouse design with a 2 car garage but the application for preliminary approval shows a 1 car garage. The engineering plans show a one car driveway. Mayor Muchowski stated that this might have stemmed from the Board's hope that they could look at the design of a townhouse that would allow for a 2 car garage because realistically one car is not going to park behind each other.

Attorney Petrone stated that the market is dictating that a 2 car garage is preferred by purchasers and one of the comments of preliminary approval was that there was more off street parking.

Planner Hintz stated that usually the sealed architectural drawings are submitted with the application, but if the Board is willing to let him review them they could be treated as a condition of approval.

Planner Hintz stated that the applicant must identify which of the units will be COAH units. Attorney Petrone stated that they would be sale COAH units. They will be

52.

staggered throughout the townhouse groups. There will be five units in one group and 4 units in the other 3 groups of townhouses. There will be 9 low income and 8 moderate-income units. These will be mixed up. Planner Hintz stated that this information must be submitted and this should be a condition of approval.

Mr. Stout said that on Section 5.1 Item 2 there are some trees on McCay Drive that need to be saved. They don't know which trees they are. There is a note on the plan to have the contractor identify and save these trees. Mayor Muchowski said that the trees should be identified by the applicant so there is no chance of the contractor mistakenly removing these trees.

Planner Hintz referred to Section 6.01 item 1 regarding the details where Applegate meets Fifth Street. The wide island should be landscaped with street trees, shrubs and ground covers. Mayor Muchowski suggested that the island be pulled back behind the crosswalk to allow handicap access. Planner Hintz stated that this would also make the left hand turning easier.

Planner Hintz suggested that there be some enhanced architectural features on the houses located on the corner lots of Applegate Drive. Mr. Grebow said that they could dress these lots up with landscaping but the houses were already nice looking.

Planner Hintz stated that the site plan does not show the walkways to the dwelling units or the orientation of the dwelling units. This should be added to the plan. Mr. Stout stated that on one of the details is a typical house layout showing walkways. There are 4 different models so it depends on which model the purchaser picks as to where the walkways will be located. Planner Hintz stated that if you look at the architectural drawing it shows a side entered garage, where would this happen. This is shown in elevation B of the Cardiff model. Mr. Grebow stated that there would not be any side-entered garages.

Planner Hintz said that the 2-car garage door is a very large door. If it were broken up by a center column with 2 doors this would look better. Mr. Grebow said they could look at doing an upgraded door with windows, but because of the size of the unit they cannot have 2 doors. Planner Hintz suggested having garage doors with windows.

Planner Hintz said that items 6 and 7 on page 4 are housekeeping items. The final plat should be corrected to read the Florence Township Engineer and the cover sheet for the final site plans should state that approval was granted by the Florence Township Planning Board not Zoning Board.

Mr. Stout agreed to correct the discrepancies on the subdivision plan and the final plat that are indicated in Section 6.2, items 1 and 2.

53.

Mr. Stout agreed with the Landscape issues indicated in Section 6.3 items 1 through 5 and provide the landscape details for the clubhouse.

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

Cynthia Carty, 748 Olive Street, was sworn in by Solicitor Abbott. Ms. Carty said that the letter she had submitted to the Board relayed how she felt. Last year when Mr. Richard Brook discussed the sewer line issue, Mr. Stout indicated that the applicant didn't care if the sewer line was on Atlantic's property or the resident's property. He just stated that they could not accommodate both the buffer and the sewer line. Ms. Carty did not know that the Township was opposed to this until Mr. Brook approached her in the hallway outside of the meeting. Mr. Brook pointed an area out on the map and told Ms. Carty what the Township felt was the best option. Ms. Carty stated that she could not get a straight answer from Mr. Brook as to what was the Township's preference for this issue. She stated that she had contacted Mr. Brook in February and received conflicting information as to what her obligation was.

Ms. Carty stated that she received a memo that indicated that the decision as to where the best place to located the sewer line was made by Mr. Brook and the Director of Water and Sewer, David Lebak.

Ms. Carty said that the bottom line is that she will have enough disruption to her life and her property if she wants to hook up to the sewer, the sewer being located on Atlantic's property is the least that should be done to accommodate her. She stated that she has lived her whole life in this Township and never had the benefit of sewer. She understands the reasons why it was not possible to hook up to the sewer in the past and realizes that this is probably the last chance to have the sewer hookup. She said that the Township is dictating where the sewer line should be but she doesn't have a clear answer of what the benefit is to having the sewer line in her yard as opposed to where she would like it located on Atlantic's property.

Ms. Carty stated that she would have a lot of disruption running the line from her house. How much more disruption does she need at the back of her lot. She has spent money for landscaping and a fence at the back of her lot and all of this will be torn up. Ms. Carty said that she was under the impression that she could have the plantings on her yard. She thought that the buffer would be on her property.

Mayor Muchowski said that he thought the conversation was how to accommodate it and make it work – not that Ms. Carty would get a full-scale buffer on her property. He said that this benefit is solely to the 2 property owners. The developers were willing to this at their own expense. Mayor Muchowski asked for clear statement of what Ms. Carty was looking for. Ms. Carty asked that the easement be at the rear of the developer's lot.

54.

Mr. Grebow stated that per the last meeting they added 25' of landscaping on their land thinking right, wrong, or indifferent that easement would be on the adjacent homeowners property. Mr. Grebow stated that if Ms. Carty would allow 5' on her property. The developer would like at least 10' of landscaping behind the proposed homes. If the easement is 20' the pipe will still be on Atlantic's side, they would like to go 5' on Ms. Carty's property and 15' on their property.

Mr. Grebow stated that there would be a 15' conservation easement of landscaping and 5' conservation easement on Ms. Carty's property. The pipe would be on Atlantic's property. Ms. Carty would have to move her fence 5' onto her property after the pipe gets constructed.

Ms. Carty asked if a fence could be on the easement. Member Fratinardo stated that if the fence was on the easement and work was required to the sewer line, which damaged the fence, it would be Ms. Carty's responsibility to repair it.

Kathy Kais, 750 Olive Street was sworn in by Solicitor Abbott. Ms. Kais said that she was concerned with the easement running straight across her backyard. Basically the entire back yard would have to be dug up, plus there is the cost for filling in the septic system and running the sewer line.

Mayor Muchowski asked Ms. Kais if she wanted the sewer. Ms. Kais answered that she did. Mayor Muchowski stated that the easement was established to protect the property owners. If the Township were to bring a large truck in to do work and destroyed her property beyond that easement point the Township would be responsible. This is why the Township restricts putting structures into the easement area. Member Fratinardo added that when the Township does work within the easement area they do restore the area. It is not left as a torn up mess.

Member Napolitan asked the applicant if they could run the sewer lines to the homes at the same time that they run the sewer main. Mr. Grebow stated that existing septic systems would have to be abandoned first. Mayor Muchowski said that the residents were not planning to hook in to the sewer lines at this time, but by having the sewer main installed they would be able to hook in when their septic systems fail. Mayor Muchowski also said that the homeowners could negotiate with the contractor who is laying the sewer main but this would be a private issue between the 2 parties and would not involve the Township at all.

Mayor Muchowski re-iterated that at the Legacy at Meadowcroft there will be a deed restricted 10' tree buffer, a 15' easement and 5' for easement on the adjacent Carty and Kais lots. Chairperson Hamilton-Wood asked what type of buffering would be behind lot 16.04? Mr. Grebow stated that they will do whatever the Board wants in buffering this lot. The conservation easement and the open space lot will be maintained through the Homeowners Association. Mayor Muchowski requested that under the Homeowners

55.

Association document will specifically include that the deed restricted lot in the easement area is considered open space maintenance.

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

Chairperson Hamilton-Wood stated that at this time she was looking for a motion to approve with the comments and changes set forth by the Board's Professionals and the applicant.

Solicitor Abbott stated that she had one other issue to discuss before a motion was made.

Attorney Petrone referred to one of the County's review letters that asked for a contribution of \$10,000 for light signalization at Delaware Avenue and Olive Streets. He stated that in the Preliminary approval the applicant had agreed to a total contribution of \$97,000 for improvements. They want the total contribution to be the agreed upon \$97,000. If the County wants the whole \$10,000, they would like to reduce the contribution to the Township to \$87,000.

Mayor Muchowski said he wanted to clarify. The resolution states that the \$97,000 was partly for the lighting and partly for off-site improvements that the applicant was not going to do. The resolution reads in and around Delaware Avenue. The full \$97,000 was not earmarked for Delaware Avenue. Mr. Grebow said that they had come up with \$1,000 per lot for off-site, which was sidewalk on Olive Street and Delaware Avenue.

Solicitor Abbott said that the amount of \$97,000 was established in the Developer's Agreement and is listed as condition 21 in the resolution of the Preliminary approval.

Mr. Grebow said that he wasn't sure that the County was aware that Atlantic Companies was giving the Township monies to be expended for light signalization. Attorney Petrone stated that the County might want to move quicker on the light signalization than may be warranted at this time. Mayor Muchowski asked if the County were to ask the Township for \$10,000 for a traffic light because of the Olive Street development, would the Township give it to them? Attorney Petrone said out of the money that Atlantic Companies had given to the Township as part of this approval. Mr. Owings said that he thought that originally they had talked about the Township approaching the County to put in the signal and part of this money was for that. The County now is asking Atlantic Companies for the money.

Mr. Grebow asked if they had the Board's support when they talked to the County to say that they have already given the Township \$50,000. Mayor Muchowski said there was no schedule as to how much money was earmarked for the traffic light. Mr. Grebow asked if they could tell the County that they had already given \$10,000 to the Township for the light. Mayor Muchowski said that he did not know.

56.

Solicitor Abbott said that the issue she was going to address that condition No. 21 of the resolution of the Preliminary approval states that the applicant will make a contribution of \$97,000 for a traffic signal and other improvements to the Delaware Avenue intersection. She stated that she would like to include this condition as a condition of Final approval, but to reword it so that it will read: the applicant shall make a contribution in the amount of \$97,000 for all off-site improvements pursuant to the Developer's Agreement.

She said that if there are difficulties with the County and they get documentation from the County that they are going to require an additional \$10,000 contribution, then it would be possible to come back before the Board and have the condition of approval modified. The applicant agreed to this.

Chairperson Hamilton-Wood asked again for a motion to approve.

Solicitor Abbott stated that the motion would be to grant Final Major Subdivision approval with a design standard waiver for the 100' tangent. Conditions would be all items set forth in the reports of the Board Planner and Board Engineer, the island at Applegate Drive at the entrance at Olive Street will be modified and approved by the Board Planner, the condition attached to the Preliminary approval will be modified, there will a 5' sewer easement on the applicant's property, 15' sewer easement on the applicants property, followed by a 10' conservation easement this will be deed restricted for the individual lots and maintained by the Homeowners Association. Mayor Muchowski asked if Ms. Carty and Ms. Kais were comfortable with this. The replied that they were.

Attorney Petrone stated that this was subject to execution of the easement by the property owners. If they don't execute the easement they want to make sure that the approval is not voided. Mr. Grebow stated that they would prepare an easement agreement and have It to the Township for review in 2 weeks time. Attorney Petrone stated that the agreement must be signed within 90 days.

Mayor Muchowski explained to the Ms. Carty and Ms. Kais that the Township will not void the approval if they decide to not sign the easement agreements. If they don't sign within 90 days of the Township's approval of the document the developer will not be required to lay the sewer line.

Mr. Grebow said that construction would start this summer. They hope to have everything paved by the winter. The total completion of all the homes will take 2 to 3 years.

Motion of Fratinardo, seconded by DeAngelis to approve the application with conditions as noted by Solicitor Abbott.

57.

Upon roll call the Board voted as follows:

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

OTHER BUSINESS

Chairperson Hamilton-Wood stated that Item A under other business is 2 incomplete applications that have been dormant for many months. Solicitor Abbott stated that Gallina was deemed incomplete on April 18, 2005. Punam never appeared before the Board. There were 2 staff meetings but complete submissions were never received. The Board needs to close the files good housekeeping.

Motion of Fratinaro, seconded by DeAngelis to close the files and notify the applicants that due to inactivity the files have been closed and should the applicant wish to pursue the matter a new application must be filed. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood stated that since there were no members of the public in attendance there was no need to open to public comment.

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

John T. Smith, Secretary

JTS/ne