

44.

Florence, New Jersey 08518-2323
April 18, 2005

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. Vice Chairman O'Hara called the meeting to order at 7:30 P.M. followed by a salute to the flag.

Vice Chairman O'Hara then read the following statement: "I would like to announce that This meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice had 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	Dennis A. O'Hara
Mayor Michael J. Muchowski	John T. Smith
Thomas Napolitan	

ABSENT: Phillip F. Stockhaus, III
Mildred J. Hamilton-Wood
Gene A. DeAngelis
Robert R. Semptimphelter

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

RESOLUTIONS

Vice Chairman O'Hara stated that there were no resolutions.

MINUTES

Motion of Fratinardo, seconded by Napolitan to approve the minutes for the regular meeting of March 21, 2005 and the special COAH workshop of March 21, 2005. Motion unanimously approved by all members present.

CORRESPONDENCE

Motion of Napolitan, seconded by Smith to receive and file correspondence A through F and to hold H and G for future discussion. Motion unanimously approved by all members present.

OLD BUSINESS

Vice Chairman O'Hara 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.

Vice Chairman O'Hara stated that a letter had been received from Wawa Attorney Timothy Prime requesting a continuance of the application until the May 16, 2005 meeting of the Board.

Motion of Muchowski, seconded by Fratinardo for the continuance of application PB#2004-11 for Wawa.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, O'Hara, Smith

NOES: None

ABSENT: Stockhaus, Hamilton-Wood, DeAngelis, Semptimphelter

NEW BUSINESS

Vice Chairman O'Hara called for application PB#2005-03 for Joe Gallina. Applicant is requesting Preliminary Major Site Plan approval with bulk variances to renovate an existing building for retail stores plus a small addition for future retail and two apartments located at Route 130, Block 110, Lot 8.01.

Jonas Singer from the firm of Wells, Singer, Rubin & Musulin appearing on behalf of the applicant stated that he was in receipt of the Professional's reports from Alaimo Associates, Clarke.Caton.Hintz and Solicitor Abbott.

Solicitor Abbott stated that the record should reflect that Board Member Thomas Napolitan had disqualified himself from participating in this application due to a conflict of interest and he had removed himself from the dais. She also stated that the application was incomplete due to a number of submission waivers requested. The Board would hear testimony regarding the waivers and then deem the application complete or incomplete. If deemed complete the Board could proceed with the hearing.

Attorney Singer stated that he understood this and hoped that the Board would deem the application complete. He would ask for input from the Professional Staff. The applicant would then make revisions and return for the hearing next month. He stated that he would not ask the Board for a vote this evening because there were some items that needed to be addressed on the plan.

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Attorney Singer stated that he had two witnesses in attendance to offer testimony. Eric Evers, Evers Associates, PE, PLS, licensed by the State of New Jersey. Mr. Evers stated that he had been qualified as a PE before other boards in the state. Vincenzo Gallina, 5 Pelle Court, Florence, New Jersey. Mr. Gallina stated that he was a partner with his brother Joseph. Solicitor Abbott swore in both witnesses.

Attorney Singer asked Mr. Gallina about proposed use and operations of the center. Mr. Gallina stated that they were proposing normal retail stores with regular hours. He stated that there were no present tenants. Attorney Singer stated that any approvals would be based upon retail use. Mr. Gallina stated that their intent was to renovate the existing center and add own the additional square footage as indicated on the plan.

Vice Chairman O'Hara suggested that the applicant address the items in the Professional's reports to establish whether the application was complete.

Frank Morris, Board Engineer, referenced his Review Letter No. 1 dated April 6, 2005. The applicant has requested a waiver for the Environmental Impact Statement. Engineer Morris stated that the EIS should be required. Attorney Singer stated that he did not feel that the EIS was required because the majority of the property is currently improved, the impervious coverage that exists will remain and other than the small addition they are not changing the site itself. The entrance will remain the same. He said that the reason he asked the applicant to testify briefly was to indicate that this would be a typical neighborhood retail center; therefore they don't believe that it will cause any safety hazards, odors, etc.

Vice Chairman O'Hara asked if the applicant was planning to relocate the Mario and Franks restaurant to this location. Attorney Singer said they were not. Mr. Gallina said that they did not intend to relocate the restaurant at this time. Attorney Singer stated that due to the parking requirements the applicant had decided that this will be a retail center and would not contain a restaurant.

Vice Chairman O'Hara stated that due to the fact that there are residential properties directly behind this site the Board would be concerned with protecting residents from noise, glare, vibrations and other environmental issues that would be generated from the site. He said that he did not feel that the EIS could be waived. When asked about the air conditioning units location, Attorney Singer stated that they haven't gotten that far in the planning as to where the air conditioners and compressors would be located. Mr. Gallina said that the site will be remodeled and there would a compressor for each individual store. Mr. Evers stated that they are proposing screening with arbor vitae staggered in two rows in the back to block the noise. He stated that compressors are usually roof mounted.

Planner Hintz stated that he did not agree that trees would provide a noise buffer. He also stated that it was important to see where the compressors would be located as part of the site plan.

Attorney Singer asked if there were any other issues besides the location of the compressors that would have to be included in an EIS. Engineer Morris stated that the Board would be looking at shielding light glare. Attorney Singer asked if the Board would allow an abbreviated Environmental Impact Statement to address the issues of noise and light?

Mayor Muchowski inquired about the location of the dumpster at the rear of the site. He stated that this becomes problematic because the adjacent neighbors have the refuse back there and the noise of the truck that empties the dumpster. He stated that the Board had worked with another applicant to relocate the dumpster area so as to have less impact on the adjacent residents. Engineer Morris said this is not really an EIS issue. He stated that in his review letter he had suggested putting a masonry enclosure around the dumpster to make it more attractive.

Mr. Singer stated that the applicant would submit the Environmental Impact Statement.

Vice Chairman O'Hara asked if the test borings were a concern. Engineer Morris stated that there had been borings taken at the site. They were taken approximately one year ago. Engineer Morris asked that the specific location of the test borings be shown on the plan to show that they were taken where the basin was proposed and to verify that there is two feet from the bottom of the basin to the seasonal high water table. Mr. Evers has agreed to do this. Mr. Evers stated that there is no problem with the seasonal high water table at the bottom of the basin. They will show the location of the three borings and the permeability tests that were done at the site.

Attorney Singer stated that they will use the existing freestanding sign and will show the location and dimensions on the plan. Mr. Evers said they would measure the sign to verify the square footage.

Mr. Evers stated that they would show the location of the sight triangles complying with Burlington County standards. He stated that Engineer Morris had a concern with the existing sign being within the sight triangle. Mr. Evers said that based on the speed limit of the road and the way Burlington County locates sight triangles it doesn't appear to be an issue, but he stated that they would show it on the plan to verify that it is not an issue.

Mr. Evers stated that the cross sections of aisles, lanes, driveways and sidewalks were shown on sheet S8 of the plan. Engineer Morris stated that he was satisfied with this. Mr. Evers will add a detail that shows the tie-in to the concrete curb. Traffic circulation will be added to the plan.

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Vice Chairman O'Hara stated that items (b) through (h) of Engineer Morris' review letter had been satisfied. He asked if the Board still had concerns with item (a) dealing with the Environmental Impact Statement. Attorney Singer stated that they would be submitting the abbreviated EIS.

Planner Hintz stated that landscape plans are required by ordinance to be signed and sealed by a certified landscape architect. Attorney Singer stated that they will comply with this.

Mayor Muchowski said that Planner Hintz' report still referred to the plans being for a restaurant with apartments over it. Planner Hintz stated that that had been his recollection from the earlier meeting, but it seemed that this has changed.

Vice Chairman O'Hara cautioned the applicant about coming back to the Board in a few years to seek approval for a restaurant because then there would be serious issues with parking, odors and noise, etc.

Engineer Morris stated that the applicant had shown a total of 27 parking spaces where 27 are required. There is no variance required for parking.

Engineer Morris stated that the maximum building coverage permitted is 25%. Mr. Evers stated that they are proposing 14% and this will be added to the plan. The building ties will be added to the plan. Engineer Morris stated that the setback line and buffer line were not shown on the plan. Attorney Singer stated that he did not believe that the buffer needed to be measured from the setback. Solicitor Abbott checked the code and stated that the buffer is to be measured from the property line.

Mayor Muchowski asked if the loading zone would now require a variance. The loading zone is 32 feet from the property line where 25 feet minimum is required. Solicitor Abbott stated that the code doesn't address setbacks for loading.

Attorney Singer said that they are requesting a design waiver for parking spaces. They are requesting 9' x 18' where 10' x 20' is required. This waiver is necessary in order to provide the number of parking spaces due to the small size of the site.

The other requested waiver is for a 23 feet, two way drive aisle, where 25 feet is required. Member Fratinardo asked if the narrower lanes make it more difficult to make the turn radius. Mr. Evers stated that they have expanded the size of the driveway to 30 feet to give more maneuvering room. Member Smith said that enlarging the driveway doesn't help the parking situation with the smaller spaces and the narrow aisle. Mr. Evers said they could eliminate the sidewalk in front of the building, or they could make the walkway three feet instead of five feet.

Mr. Evers stated that they were limited because the ordinance calls for the parking to be 20 feet from the right of way into the property. Attorney Singer suggested increasing the cartway to 25 feet by reducing the 20 feet to 19 feet from the curb and making the sidewalk four feet instead of five feet.

Planner Hintz stated that the new building could be moved back by two feet to increase the cartway. Vice Chairman O'Hara stated that he was concerned with the width of the aisle way. There is not enough space to make turns and maneuver the site. There are a lot of movements within the site that cause confusion. He asked if the parking along Rt. 130 could be moved in. Mr. Evers said that you could move the parking in by two feet, however the concrete base of the sign is right up to the curb line.

Engineer Morris said that this is a small site and the applicant is trying to put too much on the site. He said that this site was designed for a retention basin. He would prefer to see infiltration which is consistent with the stormwater management requirements for municipalities. He said that maybe they shouldn't try to save the existing sign. They are trying to put a very narrow basin in this site, if you put a retaining wall in the basin you wouldn't need the five feet walkway around the basin.

Vice Chairman O'Hara asked if the existing sign met the setback requirement?

Mayor Muchowski asked for an explanation of the infiltration system. Engineer Morris stated that this is underground detention. A volume of water goes into a basin and gets infiltrated into the ground. The State requirement is basically infiltration within a 72-hour period. The applicants plan calls for a permanent pond, Engineer Morris recommended infiltration and Mr. Evers has agreed to look at that.

Vice Chairman O'Hara said that he agreed that the applicant was trying to put too much on the site. There are a lot of changes that need to be done on the plan.

Attorney Singer said they had agreed to look at the infiltration of the basin. The sign is an existing condition and it dates back to the 1950's they would like to repair and maintain the sign, but they will take a look to see if it is salvageable. Vice Chairman O'Hara stated that it might be better to relocate and redesign the sign.

Solicitor Abbott said that freestanding signs are not permitted in the Neighborhood Commercial zone for retail establishments. This sign is pre-existing. The setback for a freestanding sign in Neighborhood Commercial for Shopping Centers (which is five or more retail uses) is fifty feet. A waiver will be required for signs.

Attorney Singer asked what the Board's view on the 9' x 18' parking spaces was. Vice Chairman O'Hara said that the Board would not have a problem with the size of the parking spaces as long as the aisle width was addressed.

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Mayor Muchowski expressed his concern about the parking spaces near the driveway. Cars will be coming off a 50 mph road and if people are backing out of these spaces it could be dangerous. Mr. Evers stated that there is a shoulder on Rt 130 approximately nine feet wide. This should allow cars to slow down prior to entering the site. Mayor Muchowski stated that if the applicant revises the basin configuration this might give the needed space to alleviate the bottleneck situation.

Mr. Evers said that they could redesign the sign and move the sign back from the road, but they would require a sign variance. Vice Chairman O'Hara said that he thought the Board would be amenable for a sign variance since this would alleviate some of the parking/drive aisle problems.

Mr. Evers stated that they have an 8-foot wide aisle for van parking; they could try to reverse where the handicap parking is and redo the parking lot to make it safer.

Engineer Morris stated that he thought the drive aisle needed to be re-located because the handicap parking spaces are within the drive aisle and this is a problem. Solicitor Abbott stated that there were no ordinance requirements regarding the access other than the design of the parking area has to permit each motor vehicle to proceed to and from each parking space without requiring the moving of another motor vehicle.

Attorney Singer said that they understood the Board's comments. The balance of the Engineer's report deals with technical items of retention and they will address those as well. The masonry trash enclosure is located to the rear corner in order to allow maneuverability of the truck and this seems to be the best place for it. He asked for the Board's comments on this location. Mayor Muchowski stated that in other sites that abut residential areas the Board has limited the delivery time to daytime hours.

Engineer Morris asked that the applicant make sure that all the downspouts are tied into the storm sewer system.

Vice Chairman O'Hara asked for a review of the Planner's report. Attorney Singer stated that many of the items in the Planner's report have been addressed in the Engineer's report.

Attorney Singer stated that they would provide building elevations. Planner Hintz stated that rear elevations would be required as well as front elevations. In regards to the landscaping plan Mr. Evers will contact Planner Hintz. They will submit the sign details.

Planner Hintz stated that there should be a curbed island where you enter the site for traffic control.

Member Smith asked if there were plans for apartments to be built above the future retail stores. Attorney Singer stated that there would not be additional apartments. Planner Hintz stated that the Board needed to see architectural floor plans.

Solicitor Abbott stated that the application remains incomplete and that the applicant will have to re-notice to include the additional variances. She stated that this is a new law. Attorney Singer stated that he did not agree with this, but he would look at the law.

Attorney Singer asked that the application be deemed complete with the condition that they submit the EIS. Member Fratinardo stated that there was also a waiver on the 23 feet drive aisle. Vice Chairman O'Hara stated that there were many items that needed to be submitted and the plan should be revised to reflect the items discussed at this meeting. He also stated that he agreed that additional notice should be given due to the close proximity to the residential area.

Mayor Muchowski asked about the size and configuration of the basin. He said that there seemed to be unused area going all the way back to the trash enclosure. Mr. Evers said the elevation was higher at that point so it could not be utilized for the basin. Mayor Muchowski again cautioned the applicant that if the applicant chose to re-locate the Mario and Franks Restaurant they would be limited to 46 seats. He also suggested that the Professional's have a meeting before the next meeting.

Motion of Smith, seconded by Fratinardo to deem application PB#2005-03 incomplete and require the applicant to provide additional notice.

Upon roll call the Board voted as follows:

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

Vice Chairman O'Hara explained to the public in attendance that the application was deemed incomplete and that the applicant would have to modify their plan before they could come back before the Board.

Vice Chairman O'Hara opened the meeting to public comment.

Joe Bordas, 850 Wallace Avenue, stated that in regards to the previous application the Board had covered all his concerns. He stated that he would like to see a landscaped berm at the rear of the property to alleviate noise.

Wayne Morris, 851 Wallace Avenue, asked if the applicant would have to get DOT approval to modify the driveway. Engineer Morris stated that this is a state highway and DOT approval would be a condition of Board approval.

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Kenneth Sandor, 830 Wallace Avenue, questioned about placing the dumpster in the buffer area. The question arose as to whether or not the alley behind the site had been vacated.

OTHER BUSINESS

Memorandum from Richard Brook regarding the rezoning proposal for Block 147.01, Lots 1 and 16.01. Mayor Muchowski said the ordinance had the first reading at April 6, 2005 Council meeting. This parcel is zoned SM Special Manufacturing off of Olive Street. Olive Street is a restricted truck route and a residential street. This parcel backs up to Ready Pac on one side, the railroad tracks on one side and McCay Drive on the third side. Ready Pac would have been the logical user for the parcel, but nothing has materialized over the years.

The Council gave some consideration to establishing an Active Adult Residential zone. They worked with a developer to come up with a conceptual plan. They talked about having more stringent buffering and also discussed utilizing a developer's agreement to address the areas of concern. As they moved through this process the new COAH regulations were introduced. This led to including the townhouse units in the plan. This will allow the developer to fulfill the COAH requirement on site. The townhouses on the outer rim of the site will act as a buffer as well. Mayor Muchowski stated that Council was comfortable with the number of units proposed. Member Fratinardo pointed out that the plan includes three additional COAH units that could be used to fulfill other COAH requirements.

Planner Hintz stated that he was concerned with using the townhouses as a buffer. Member Fratinardo stated that there are only 18 homes in this location, plus there is a 50-foot buffer and a buffer from the Ready Pac site. He stated that once this was approved by ordinance the developer would have to appear before the Board for Preliminary and Final Major Site Plan approval.

Member Smith related to the Board that the first block of Olive Street right off of Delaware Avenue near Pelle Court has six feet of right of way that was established in case the road needed to be widened.

Motion of Fratinardo, seconded by Smith that the Board has reviewed and approves the SM to AA ordinance.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, Smith, O'Hara

NOES: None

ABSENT: Stockhaus, Hamilton-Wood, DeAngelis, Semptimphelter

MASTER PLAN REVIEW

Mayor Muchowski stated that the Township is meeting the obligation to extend our certification so the work can be done to prepare the documentation for the next round.

Member Smith suggested that the area near Cream-o-Land is should be changed from General Manufacturing to Special Manufacturing.

Member Fratinardo mentioned the RA zone down by Griffin Pipe. Planner Hintz is working on preparing a zone change for this.

Motion by Smith, seconded by Fratinardo that a letter be sent to Mayor and Council regarding changing the General Manufacturing along Cedar Lane to Special Manufacturing or a different use. Motion unanimously approved by all members present.

Vice Chairman O'Hara asked about the progress of the Atlantic Coast Companies (Salson Logistics). Mayor Muchowski stated that they are moving along on the required improvements. Permits are finalized and the performance bond has been posted.

Vice Chairman O'Hara stated that going back to Correspondence there was a memo from Township Clerk, Joy Weiler regarding appointments. Mayor Muchowski stated that there was an open appointment that he has to make.

Motion of Smith, seconded by Napolitan at 9:03 P.M. Motion unanimously approved by all members present.

John T. Smith, Secretary

JTS/ne