

Florence, New Jersey 08518-2323
April 21, 2008

The regular meeting of the Florence Township Planning Board was held on the above date at the municipal complex, 711 Broad Street, Florence, NJ. Acting Chairman Smith called the meeting to order at 7:35 p.m. followed by a salute to the flag.

Acting Chairman Smith 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:

Mayor Bill Berry	Sean Ryan
Gene DeAngelis	David Woolston
Wayne Morris	James Molimock, Jr.
John T. Smith	

ABSENT: Mildred Hamilton-Wood
Craig Wilkie

ALSO PRESENT: Solicitor David Frank
Engineer Dan Guzzi
Planner Joseph Petrongolo

RESOLUTIONS

Resolution PB-2008-13

Continuing the application of Punam Corporation for Preliminary and Final Major Site Plan approval for construction of a retail building on Block 160.01, Lot 14, located in an HC Highway Commercial Zoning District.

Motion of DeAngelis, seconded by Ryan to approve Resolution ZB-2008-13.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan
NOES: None
ABSENT: Hamilton-Wood, Wilkie

MINUTES

Motion of DeAngelis, seconded by Morris to approve the Minutes from the March 17, 2008 meeting as submitted. Motion unanimously approved by all members present.

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CORRESPONDENCE

- A. Freshwater Wetlands Application Checklist for River Development, LLC, Block 163.02, Lots 13.01 and 13.02. (Hunt Circus Drive behind Burger King)
- B. Letter from Burlington County Planning Board dated April 15, 2008, regarding Florence Township High School.

Motion of Ryan, seconded by DeAngelis to receive and file Correspondence A and B. Motion unanimously approved by all members present.

Acting Chairman Smith stated that the Board would be going out of order on the agenda and called Application PB#2008-04 for Peregrine Partners. Applicant is requesting amended Minor Site Plan approval to allow an abandoned residence to be used as office/warehouse space for property located at 2037 Route 130 South Block 159, Lot 4.02.

Frank Natoli was sworn in by Solicitor Frank. Mr. Natoli stated that he and his brother are both half owners of Peregrine Partners.

Engineer Guzzi said that there were a few completeness items that needed to be addressed prior to the Board hearing the application. He directed the Board's attention to his review letter dated April 15, 2008.

Submission waivers are requested for the environmental impact statement, preliminary delineation of wetlands, preliminary delineation of stream encroachment, all structures and wooded areas within the tract and adjoining tracts, soil test borings, and a survey of the property by a licensed NJ Land Surveyor.

Engineer Guzzi stated that a plan was submitted. This was the same site plan that had been submitted as part of the last application. This plan references a survey. Engineer Guzzi asked for testimony from Mr. Natoli that nothing has changed on the site since the last application.

Mr. Natoli stated that the plan was accurate as submitted and nothing had changed on the site.

Acting Chairman Smith asked if Engineer Guzzi was recommending that the Board grant the waivers? Engineer Guzzi said that he does recommend granting the waivers and deeming the application complete due to the fact that the Board had recently considered this application and is familiar with the site. The proposal today has more to do with using the abandoned residence in the back than with site improvements.

Motion of DeAngelis, seconded by Morris to grant the submission waivers and deem the application complete.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Woolston, Molimock
NOES: None
ABSENT: Hamilton-Wood, Wilkie

Mr. Natoli stated that he would like to use the building in the back of the property as an office. He stated that he has a small fence business. The fence will be assembled at the front of the site in the masonry building. One of the conditions of approval for the previous site plan application was that the house be deed restricted so that it wouldn't be used as a residence.

Mr. Natoli stated that he had a deed restriction prepared but he was waiting for the approval to use the house as an office. He would then submit the deed restriction for approval by the Board's attorney and then file the deed restriction.

Mr. Natoli stated that the building would be office/warehouse. There are only 2 office staff – Mr. Natoli and his wife. He stated that he is rarely in the office. His wife works 3 days a week for 4 hours a day to do the books, payroll and taxes. He said that since the office is used so infrequently it did not make sense to use the whole house as office space. The living room will be used as the office. The remainder of the house would be a warehouse for storage of small boxes up to 40 lbs. They will meet the construction code for warehouse designation.

Mr. Natoli stated that he would like to put a garage door in the back so that he can walk the boxes in and out of the building.

Mr. Natoli said that the Florence Code requires a garbage enclosure for each building. This office building will only generate 1 or 2 plastic bags a week. Planner Petrongolo said that if Mr. Natoli was proposing to use the existing dumpster he could request a design waiver for the second trash enclosure.

Engineer Guzzi stated that the main thing is that the trash not be stored outside. It is either stored inside the building or taken to the dumpster. Mr. Natoli said that this was his intention.

Mr. Natoli said that this building would not be for public use. There is an existing fence that bisects the property so that people entering the site will not have access to this building. All deliveries would be to the front building. Only employees would have access to the rear building. Engineer Guzzi asked if Mr. Natoli was asking to waive the requirement for additional parking? Mr. Natoli stated that he could provide the parking if necessary. Engineer Guzzi said that the use generates another 2 parking spaces. He said that it looks like there is adequate room for the parking. Mr. Natoli said that he had measured for additional parking. There is an existing 2 car garage. In front of this garage there is a 24' x 45' paved pad before you get to the 3 parking spaces that were

delineated on the site plan. Mr. Natoli said that his plan shows 3 cars parking perpendicular to the house on the side without even taking into consideration the garage or the pad in front of the garage. Engineer Guzzi stated that there was about 30' on the concrete pad and it would be appropriate to put 1 barrier free parking space. This would leave room for on more space on the pad and then 2 spaces in front of the garage. Mr. Natoli agreed to this.

Mayor Berry stated that he was in the audience when the application for Mr. Natoli's original site plan approval was heard. This was before his term as mayor. He said that he remembered that there had been a concern from a neighboring property owner regarding water runoff. He asked if this concern had been addressed.

Mr. Natoli stated that Mr. Hiros had testified at the hearing about water runoff, but Mr. Natoli said that the comments that were made were not entirely accurate. Mr. Natoli said that immediately to the left of his building is Space Craft. Peregrine Partners and Space Craft share a property line approximately 75' back from Rt. 130. At 75' it becomes Bung's (Mr. Hiros' property). Mr. Natoli stated that for approximately 50 years water was running off of 15,000 square feet of the property now owned by Peregrine Partners onto the Bung's property. Mr. Natoli said that Mr. Hiros was requesting that the Planning Board require Mr. Natoli to do something about the runoff. Mr. Natoli stated that this 15,000 sq. ft. in question is a protected buffer zone into the wetlands on the Bung's property. He stated that he did not think that anyone was permitted to restrict water flow from a buffer zone into wetlands.

Engineer Guzzi said that his recollection was that no additional runoff should go onto the neighboring property. Mr. Natoli's engineer had demonstrated that no additional runoff would occur.

Mayor Berry asked if any of the improvements to the site would change the existing characteristics of the flow of the water. Mr. Natoli answered that it would not.

Engineer Guzzi stated that this application does not impact the runoff because there is no development. The previous application did impact because there was a proposed building, but it was shown that the pre-development and post-development run-off were the same because some impervious surface was removed.

Member Ryan asked for testimony regarding the COAH requirement for the site. Planner Petrongolo stated that the ordinance requires that the applicant provide an affordable housing production plan that goes to Council for approval. Mr. Natoli asked what the obligation would be. Planner Petrongolo stated that the requirement would be based on a calculation determined by COAH. There will be a fraction of a COAH unit. The cost of a unit is \$120,000 and Mr. Natoli would be required to pay a fraction of this. Mr. Natoli stated that he would provide for the required COAH obligation.

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Planner Petrongolo asked about a loading area in the back of the proposed office/warehouse. Mr. Natoli stated that this was a gravel walkway only. Bollards were shown on the plan to indicate that no vehicles would go down that path.

Engineer Guzzi stated that a detail of the gravel walkway, the barrier free space and the parking spaces should be added to the site plan.

Engineer Guzzi asked about site lighting for the proposed office/warehouse building. Mr. Natoli stated that there exists 2 head spotlighting in each corner of the building. Engineer Guzzi stated that this should be added to the plan.

Planner Petrongolo asked about the shed at the back of the property. Mr. Natoli stated that he was planning on keeping the shed. Planner Petrongolo stated that the shed was in the wetlands buffer, but since it is existing it can remain as long as it isn't made any larger.

Engineer Guzzi stated that a condition of approval should be that the applicant fulfills all the conditions of the prior approval. Mr. Natoli agreed to this.

Member Ryan asked if Mr. Natoli was currently operating on the site. Mr. Natoli said that they were not. They have been doing some improvements prior to opening the site.

Solicitor Frank summarized that a design waiver was requested for the trash enclosure permitting the use of the existing enclosure for the second building. The site plan should be revised to show the 3 parking spaces associated with the new office (one barrier free and 2 regular spaces), the affordable housing production plan to be approved by the Township Council. The applicant has agreed on the record to accept that. The width and material of the gravel walkway and the existing lighting should be shown on the site plan. There is a continuing obligation to satisfy all of the conditions of the prior site plan.

Motion of Woolston, seconded by Berry to approve application PB#2008-04 with the conditions as stated by the solicitor.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Woolston, Molimock
NOES: None
ABSENT: Hamilton-Wood, Wilkie

Acting Chairman Smith called for Application PB#2007-17 for Punam Corporation. Applicant is requesting Preliminary and Final Major Site Plan with bulk variances to permit construction of a 5,317 sq. ft. retail building at 2000 Route 130 North, Block 160.01, Lot 14.

Charles Petrone, of counsel for the law firm of Raymond & Coleman on behalf of the applicant stated that they were here for Preliminary and Final Major Site Plan approval with bulk variances. Attorney Petrone stated that he had received review letters from the Board's planner, engineer and from the Township Fire Official.

Engineer Guzzi said that there were completeness items to be addressed. He referred to his review letter dated April 10, 2008. The existing elevations are required to extend 100' along the property lines. The applicant has shown it up to 75'. The fire lanes are shown and labeled as approved by the Fire District. The Fire District has not approved the fire lanes yet. The sanitary sewer easements should be shown on the plan.

Engineer Guzzi said that if the Board agreed they could move forward with the hearing on the application.

Member Ryan stated that he was concerned with the maneuverability of a fire truck on the site. If this cannot be accommodated, would the plan need to be significantly revised? If this were the case the applicant would have to come back for hearing at a later date.

Gonzalo Rizo-Patron, architect for the project was sworn in by Solicitor Frank. Mr. Patron stated that he was a licensed architect in the state of New Jersey. He said that his practice is located in Pennington, NJ and he has appeared as an expert witness in many towns.

The Board accepted Mr. Patron as an expert in his field.

Attorney Petrone asked about the requirement of the Fire Official to provide 20' access roads around the building. Mr. Patron said that they had just received the requirement for the larger access roads earlier today. He stated that to provide the additional 5' along the back would require the removal of the basement. Member Ryan asked if in order to accommodate the requirement to the fire district would it dramatically alter the plan? Mr. Patron said yes and no. They could review the plan tonight and then they would revise it.

Member Ryan asked if after the plan was revised they would be able to accommodate the circulation of a fire vehicle? Mr. Patron indicated that they would.

Kevin Mullen, Florence Township Fire Marshall was sworn in for the year of 2008.

Mr. Mullen said that the comment in his letter wasn't entirely about the fire lane. He stated that the fire district is concerned that a fire truck will not be able to make the left hand turn off of Route 130. This is a comment that they have had from the very beginning of the review process. Mr. Patron stated that they could angle the entrance better to accommodate the fire truck.

Engineer Guzzi asked the applicant to display page 9 of 13 of the site plan. He stated that the concern was both the entrances coming in, it appears that the template used to

illustrate that turn was not extended the full length. He stated that he did not think it was a fair representation of what the turning radius is going to be. The turn is not a smooth arc. Mr. Mullen stated that it was unclear where the turn would be made from. If the turn were from the left hand lane they would be cutting off a lane of traffic on Rt. 130. Engineer Guzzi stated that this is the reason for showing the adjoining areas. Planner Petrongolo said that you couldn't look at the site in a vacuum. It is important to see how the vehicles are entering the site. You have to show the highway, the travel lanes and the shoulder to see the affect on the road.

Mr. Patron stated that he had supplied a smaller scale drawing that shows the shoulder of the road. Planner Petrongolo stated that it should be the same scale as the site plan. Engineer Guzzi said that he was not sure that the SU40 was a good representation of the fire apparatus that Florence has. It is important that the template that is used for the turning radius actually represents what the District has.

Attorney Petrone said that when the project was first designed an earlier letter from Mr. Mullen indicated that if the building were sprinkled he could accept the 14' wide roads. After review the fire sub-code official indicated that this was incorrect and the requirement is that the fire lanes be 20' wide. The applicant thought that since they added sprinklers to the building the 14' drive lanes would be acceptable. The one template shows the vehicles being able to access behind the building as designed. The applicant should be able to revise the plan to satisfy the fire official's letter and to meet the fire sub-code.

Engineer Guzzi stated that we are speaking of 2 separate jurisdictions here, but the plan should be drawn up in accordance with construction code and fire sub-code to avoid another hearing before this Board.

Thomas Layout, Florence Township Code Official stated that according to the code a 20' wide drive lane would be required for fire department access. The 20' is measured from curb line to curb line.

Engineer Guzzi stated that this would be a significant change to the site. Member Ryan asked if this modification would create additional variances? Mr. Patron stated that if the building size is made smaller it should reduce some of the requirements for parking.

Attorney Petrone stated that the site is limited by its depth of 110'. You are not able to provide the required front yard and back yard setback and have the parking spaces and the one-way aisle and still be able to use the property. The applicant has no choice but to request variances because of the existing conditions of the lot. The applicant thinks that they will be able to support the relief requested once the plans are revised to satisfy the fire marshal.

Member Ryan said that he reviews that plans to prepare for the meeting. If there is going to be a drastic change to the plans there may not be enough information submitted tonight to support a review and ruling by the Board.

Planner Petrongolo stated that he is not able to advise the Board without seeing the revised plan. Engineer Guzzi stated that the revisions that the applicant is proposing are significant.

Engineer Guzzi said that there was an additional issue regarding the size of the parking spaces. They are labeled as 18' they are actually 16' parking spaces because of the way they are dimensioned. This will take another 2' from the front and 2' from the back. This is going to pinch the building from both sides.

Acting Chairman Smith asked what impact the 14' drive aisle would have on the parking and circulation on site. Engineer Guzzi said that with a 14' drive and the 18' spaces there will not be sufficient room for cars to safely maneuver through the site. Engineer Guzzi said the Board would not be in a position to make a decision tonight in respect to Preliminary because you are not going to have a plan in front of you that is even close to what is being proposed.

The Board has to decide whether they want to start hearing the application or declare that the application remains incomplete since the applicant hasn't satisfied 3 items required for completeness.

Attorney Petrone asked to address the parking space size. Member Ryan suggested that the Board's professional staff could go through the review letters and let the applicant know of any other items of concern. Planner Petrongolo stated that they could do that if the Board required it, but a "table top review" can result in errors. Engineer Guzzi stated that the Board's staff had offered on many occasions to meet with the applicant's professionals to avoid this situation. The applicant's staff was not available for a meeting.

Acting Chairman Smith stated that the parking lot is an issue. Engineer Guzzi agreed and said that it was pointed out in both his and the planner's letter that the parking lot doesn't work. The parking spots are snug. Acting Chairman Smith said that with the reduced size of the spaces and the aisle you cannot make a sweep out of the parking spaces. Planner Petrongolo stated that a reduced parking space and a reduced drive aisle make it very difficult to back out.

Member Ryan said that he would prefer to have the revised plan to review before hearing the application.

Thomas Layou, Code Official was sworn in by Solicitor Frank for the year.

Mayor Berry asked if the 20' drive aisle was state mandated. Mr. Layou said that it was state mandated. The Building Code refers you to the Fire Code. This references the fire lanes and the access roads.

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Mayor Berry encouraged the applicant's professionals to meet with the Board's staff so that the application can move forward in a timely manner.

Member Morris said that he would like to make sure that the aisle width is sufficient so that the cars can easily exit the parking spaces.

Attorney Petrone said that as this application has evolved the types of proposed use have changed. After consultation with the New Jersey Department of Transportation (NJDOT), recommendation was made to provide uses that generated a certain peak hour trip count. The liquor store remained, but they changed to a specialty retail store that under the trip count manuals from NJDOT comply with an informal review process at the NJDOT office in Cherry Hill. There will be a defined trip count so some of the impact of not having the 10' x 20' spaces or the aisle width may be minimized and support the request for the variances.

Solicitor Frank stated that this should be packaged and reviewed by the Board's professionals so that they can make cogent recommendations to the Board. This will allow us to move through the review in a fairly expeditious way.

Solicitor Frank stated that there were 4 open completeness items. The Board would not hear the application at this meeting. Attorney Petrone agreed that completeness had not been confirmed so there was no time issue with respect to the running of the clock.

Solicitor Frank stated that he thought it was a long time since notice was provided on this application. Attorney Petrone stated that notice had been provided for the March meeting, but since the plans were not submitted on time the application was not scheduled on the agenda. Attorney Petrone submitted the proof of notice to the Clerk of the Board.

Motion of DeAngelis, seconded by Berry to continue application PB#2007-17.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Woolston, Molimock

NOES: None

ABSENT: Hamilton-Wood, Wilkie

OTHER BUSINESS

There was no other business to be discussed.

PUBLIC COMMENT

Motion of DeAngelis, seconded by Berry to open the meeting to the public. Motion unanimously approved by all members present. Seeing no one wishing to speak motion

was made by DeAngelis, seconded by Woolston close the public portion of the meeting. Motion unanimously approved by all members present.

MASTER PLAN DISCUSSION

Planner Petrongolo stated that he had reviewed the proposed Master Plan examination. He stated that the document that he reviewed indicated that it had been adopted in August 2007. This was not the case. This document has not been adopted.

This review does meet the statutory requirements for a re-exam. He stated that he had reviewed it and did not take any exceptions to it. The re-exam does recommend certain zone changes. Planner Petrongolo said that he is assuming that the members of the Board are aware of the proposed zone changes and agree with them.

Planner Petrongolo said that some of the stated goals that still exist today are that there is a disproportionate of residential to commercial development in the community. The Master Plan recommends that we try to alleviate that as much as possible by increasing commercial development and decreasing residential development.

He continued that the zone revisions include the creation of a new zone – the ROP Research Office Park. The standards as outlined in the plan are a little more particular than usually seen in a Master Plan. The Master Plan is a framework for the ordinance. This actually is outlining an ordinance as part of the Master Plan element. There is nothing illegal about this it is just not typical. Typically for a Master Plan, the Board would give a range of recommendations and then Council would decide on the finite numbers.

Planner Petrongolo said that the last re-examination was adopted in 2003. The Board is required to adopt a re-examination every 6 years. The Board did adopt the Housing and Fair Share Plan in 2005 so there is time before the next re-examination needs to be adopted.

Acting Chairman Smith said that it is to the Board's benefit to adopt the re-examination now rather than to wait. Planner Petrongolo said that there is no reason not to adopt the plan now. He stated that the 6 year requirement is part of the Land Use Law. The Ordinance and the Master Plan are supposed to be working documents that are amended to represent the evolving nature of the town.

Planner Petrongolo said that there was nothing included in the report that would preclude adoption by the Board.

Member Ryan asked if Planner Petrongolo had any suggestion of changes to the plan. Planner Petrongolo said that the Master Plan is the framework for how the Board wants to see the community develop. It is the most important planning tool that the town has. All of the ordinances are built from this document. He stated that he would not make a recommendation without sitting down and speaking with the Board.

Solicitor Frank asked Planner Petrongolo to outline the zoning changes that are included in the report. Planner Petrongolo stated that there is the recommendation for the Research/Office Park zoning. Also a recommendation for zoning some parcels into public lands – PUB zone and some other areas into PARK zoning. There is recommended downzoning from General Manufacturing to Special Manufacturing.

Mayor Berry asked for the location of this proposed downzoning. Acting Chairman Smith answered that it was located on Cedar Lane from the Turnpike to Cedar Lane where Cream-O-Land is and across Cedar Lane near where the old A & P warehouse was located. This is all zoned General Manufacturing.

Planner Petrongolo reminded the Board that when the re-examination is adopted it doesn't change the zone. This is the recommendation that goes to Council. Council then considers it for re-zoning. Planner Petrongolo stated that the Land Use Law is well designed. The governing body, Planning Board and Zoning Board are made to work together. The Planning Board adopts the Master Plan. The governing body creates the ordinances, which create the laws that enforce the Master Plan. The Zoning Board interprets the law.

Solicitor Frank stated that the Land Use Law also puts the elected officials in a pre-eminent position. They get the last word. When the Planning Board adopts a Master Plan it makes a particular recommendation. The governing body then provides ordinances that attempt to embody what the aspirations of the Master Plan are. Those ordinances are referred back to the Planning Board for review for consistency of the Master Plan. There is a response to the governing body. The Planning Board can say that the ordinances are consistent with or inconsistent with the Master Plan. The governing body can adopt the ordinances whether the Planning Board recommends them or not. If the governing body decides to adopt an ordinance that the Planning Board feels is inconsistent then they must do so by a supermajority vote that is on the record.

Acting Chairman Smith stated that he would like to adopt the report tonight. Member Ryan said that out of respect to the absent members he would like to wait until next month to adopt.

Solicitor Frank stated that the Land Use Law states that you can adopt the re-examination report at any regularly advertised meeting of the Board. However, there have been 2 recent cases that have called that into question – one right here in Burlington County. In order to conform to what the local judges have said Solicitor Frank suggested a public hearing on the document.

Planner Petrongolo stated that the document should be updated to show the current members of the governing body, Planning Board and the adoption date. Clarke Caton Hintz should do this since they created this document.

40.

Board Clerk Erlston said that the Re-examination Report was advertised for public hearing in August 2007. The Board held the public hearing and reviewed the report, but it was never adopted. Member Ryan stated that during the hearing additional zoning changes were suggested by the Board.

Solicitor Frank asked if the document that is before the Board now is the document that the current Board wants to adopt. He stated that the Board Clerk should notice for the public hearing at the May meeting.

The Board requested copies of the Minutes from the meetings where the report was discussed.

Engineer Guzzi said that there were some other zoning changes that Council had been discussing over the last few months. Planner Petrongolo said that this would be amending the Re-examination Report. Engineer Guzzi said that it would make sense to do it all together instead of in bits and pieces. Planner Petrongolo said that if the Board was going to do this then his firm would take over the amending of the document.

Motion of Ryan, seconded by Berry to open a public hearing on the Master Plan Re-examination Report at the May meeting. Motion unanimously approved by all members present.

There being no other business motion was made by DeAngelis and seconded by Ryan to adjourn at 9.05 p.m. Motion unanimously approved by all members present.

John T. Smith, Secretary

JTS/ne