

Florence, New Jersey 08518-2323
 May 16, 2005

The Regular Meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. 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 has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

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

Councilman John Fratinardo	Phillip F. Stockhaus, III
Mayor Michael J. Muchowski	Gene DeAngelis
Thomas Napolitan	
Dennis A. O'Hara	
John T. Smith	

ABSENT: Mildred J. Hamilton-Wood
 Robert R. Semptimphelter

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

RESOLUTIONS

PB#2005-17

Deeming incomplete the application for Joe Gallina for Preliminary Major Site Plan approval with bulk variances for retail stores and two apartments on Block 110, Lot 8.01, located in an NC Neighborhood Commercial District.

Motion of Fratinardo, seconded by Smith to approve Resolution PB#2005-17.

Upon roll call the Board voted as follows:

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

55.

PB#2005-18

Approving amendments to Chapter 91 of the Code of Florence Township to rezone Block 147.01, Lots 1 and 16.01 from SM Special Manufacturing to AA Adult Residential

Motion of Smith, seconded by Fratinardo to approve Resolution PB#2005-18.

Upon roll call the Board voted as follows:

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

PB#2005-19

Continuing the application of Wawa, Inc., for Preliminary and Final Major Site Plan approval to permit expansion of the parking area and construction of an addition to the existing food mart on Block 111, Lot 13, located in an HC Highway Commercial District.

Motion of Smith, seconded by Fratinardo to approve Resolution PB#2005-19.

Upon roll call the Board voted as follows:

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

CORRESPONDENCE

Motion of Smith seconded by Fratinardo to receive and file correspondence A through G and J,K and to hold for discussion H, H1, H2 and I.

Motion unanimously approved by all members present.

Vice Chairman O'Hara stated that before continuing with the agenda the Board would like to address the correspondence that were held. He referred to correspondence I regarding landscaping issues at the site for the new firehouse. Vice Chairman O'Hara asked Chief Kensler to step forward.

Chief Edward Kensler stated that he had concerns regarding drainage, grading and the health of some of the trees. The fire company hired local landscaper Al Jacoby to evaluate the health of the trees.

Chief Kensler stated that one of the issues has to do with grading. If they leave the trees in place the property will slope down to a gully on the side of the road, also this may damage or kill some of the trees. They are concerned with trees falling over onto the road. Chief Kensler asked the Board to review the issue and allow them to revise the landscaping plans.

Planner Hintz stated that the trees were shown on the plan to be preserved and saved. He stated that this may require Engineer Morris to re-look at the grading of the site and the ordinance states that any trees that are slated to be saved that are removed should be replaced with trees in kind. A re-vegetation plan would have to be prepared showing those trees and the proper graded setting.

Chief Kensler requested a variance on this requirement. He stated that the fire company was a public entity and did not want to pass this additional cost onto the public taxpayers.

Solicitor Abbott stated that procedurally in order to have a variance granted there would have to be an application filed for amended site plan. Mayor Muchowski said that he understood the idea behind preserving the existing trees, however the site is unsafe as it stands today. He asked if the field engineer could handle this as an administrative change in the field because of the concerns that were uncovered during the process of developing the site. Solicitor Abbott said that the ordinance requires that any trees that are destroyed be replaced with trees in kind.

Mayor Muchowski stated that there was a similar situation on the back end of Brookside with the fifteen foot conservation easement between Brookside and Potts Mill Acres.

Solicitor Abbott stated that the fire company does have to abide by the ordinance. The ordinance states that any trees that are removed have to be replaced. If the Board Planner and Engineer do a site inspection and determine what trees are going to be removed and what trees should be replaced according to the ordinance. This probably could be done as a field change.

Chief Kensler stated that he felt it would be better to remove the line of trees and plant grass initially with the notion to eventually plant the area back up with trees, but without a heavy cost to the community. They had discussed an adopt a tree or a memorial tree program to keep the burden off the taxpayers. Member Napolitan asked how many trees the fire company was planning to remove. Chief Kensler referred to the letter from Mr. Jacoby citing 57 wild cherry trees. Chief Kensler stated that the original plan did call for the tree line to remain.

Solicitor Abbott suggested that the Board Planner and Engineer go out and view the site and determine if this could be done as a field change. Vice Chairman O'Hara stated that he would like some type of documentation of which trees would be removed and what would have to be put in place of them.

57.

Mayor Muchowski stated that the Board had been trying to work in accordance to the ordinance but the landscaping is not going to be what the Board had hoped for. Vice Chairman O'Hara asked about the regrading. Chief Kensler stated that they would regrade as well. Mayor Muchowski asked Chief Kensler to give the Board's Professionals some time to review the situation and report back on it.

Vice Chairman O'Hara stated that with Whitesell's indulgence the Board wanted to review correspondence H, H1 & H2 because this correspondence affects Whitesell Corporation. Mayor Muchowski asked Terrence Huettl from Whitesell if he was aware of the correspondence. Mr. Huettl indicated that he was not. Vice Chairman O'Hara read the correspondence dated April 26, 2005 into the record as follows:

Gentlemen: As you may remember, I brought to your attention at the July 2004 meeting, the non-compliance of the Whitesell Corp. to remove an earth roadway located in wetlands. During the discussion Whitesell's Director of Development stated that he never agreed to remove the roadway.

My letter to you of September 15, 2004 with a copy of the minutes of the November 19, 2001 Florence Township Planning Board meeting provided clear evidence of Whitesell's statement to remove the roadway.

Your letter to me of October 2004 stated that the minutes of 11-19-01 would be reviewed and you would inform me of your findings. As of yet I have not heard from you regarding this matter.

I believe New Jersey's Land Use Law is clear on this matter and landmark court cases support the contention that developers are required to meet the conditions of approval they agree to.

I would appreciate learning your determination in this matter as soon as possible.

Thank you for your assistance in this matter.

Sincerely, John E. Hiros

Vice Chairman O'Hara stated that the correspondence included the letter sent to Mr. Hiros on September 27, 2004 and a copy of the minutes from November 19, 2001. Mayor Muchowski stated that approximately one month ago he had a conversation with Rick Cureton of Whitesell regarding some of the attempts to meet what Mr. Hiros is calling a condition of approval. Mayor Muchowski stated that he thought part of the roadway had been removed already, and the additional clearing that Mr. Hiros is requesting may require permits from the Department of Environmental Protection.

Solicitor Abbott stated that according to the minutes this issue was not a condition of approval. This is really a private matter between Whitesell and Mr. Hiros. Mr. Huettl and Mr. Hiros just happened to have a dialogue on the record. On page 128 of the November 19, 2001 minutes Mr. Huettl stated that they would remove the blockage if the DEP permits. Vice Chairman O'Hara stated that Mr. Hiros' recent letter of April 26, 2005 was regarding the removal of an earth roadway located in wetlands. Solicitor Abbott pointed out that on page 127 of the minutes it states that Whitesell intended to remove the road and culvert as soon as the new creek crossing was installed.

Mayor Muchowski gave Mr. Huettl copies of the correspondences. Terrance Huettl, Director of Development for Whitesell Construction Co., as well as a licensed professional engineer in New Jersey stated that he had not had a chance to review the correspondence so he could not respond to them. He stated that there had been a planning board meeting where Whitesell did agree to take out the old farm road and the culvert that the creek passed through. Some time after that a storm came through and the headwall and culvert collapsed partially blocking the stream. Whitesell immediately went out and removed the culvert and the road to clear the blockage to the creek. Whitesell did not have any permits for that at the time because it was an emergency situation. In Whitesell's opinion this action fulfilled the requirements for the reference where Whitesell had promised to remove the roadway and the culvert. Mr. Hiros inspected the property and thought that Whitesell should have done more. Since that time Whitesell had the section of stream surveyed that Mr. Hiros was concerned about and provided a copy of that survey to Engineer Morris. Engineer Morris provided the survey to Alaimo's DEP specialist to see if any further action by Whitesell is required. As far as Whitesell is concerned they have completed any legal obligations and were pursuing this matter with Mr. Hiros as a good neighbor to try and relieve his concerns

Mr. Huettl stated that they had installed 4 new culverts. Mr. Huettl indicated on the plan where the area in question was located. He stated that after the inspection by Mr. Hiros, Whitesell agreed to have the property surveyed and see what further removal the DEP would permit. Mr. Huettl stated that downstream from the culvert that goes under the railroad tracks there is a slight increase in grade of approximately 14 inches and then the streambed goes down again. The 14 inches rise and grade causes approximately 14 inches of water to back up in the culvert and therefore back up onto Mr. Hiros' property which has surface water all year round. The concern that Whitesell has is that the DEP may not want this condition fixed because it may be a natural condition and it would clearly have a negative impact on the wetlands that are on Mr. Hiros' land. It could cause a portion of the wetlands to dry.

Mr. Huettl stated that he believes that the culvert under the railroad tracks is undersized and may not have been put in properly, however this culvert could be over one hundred years old.

59.

Vice Chairman O'Hara asked if the earth roadway had been removed. Mr. Huettl stated that it had and he would be happy to meet Engineer Morris at the site, he had met the prior planning board engineer, Marty Sander at the site. Mayor Muchowski stated that he recalled Engineer Sander saying that in his opinion the roadway was removed to a point of not being a detriment and that Whitesell had fulfilled the intent of the agreement. Mr. Huettl stated that Whitesell had removed approximately thirty five feet of the roadway because it had collapsed during a storm. The balance of the road remains.

Lynn Blessing-McDougall, attorney for Whitesell, addressed the Board and stated that this was not a condition of approval, but Whitesell went ahead and did these things to be neighborly to Mr. Hiros. This had already been revisited at a Planning Board meeting in 2004 and the Board Professionals had agreed that Whitesell had done everything they were supposed to do. She was concerned because Mr. Hiros keeps bringing this issue up again and again. Mayor Muchowski stated that Whitesell was taking the steps to resolve this issue permanently by approaching the DEP. Vice Chairman O'Hara asked Engineer Morris to draft a letter to Mr. Hiros updating the issue. Solicitor Abbott stated that the letter should come from the Board Clerk. Mayor Muchowski stated that Whitesell should be able to provide a letter to the Board Clerk stating what they have done to respond to Mr. Hiros' requests.

Motion by Napolitan, seconded by Smith for the Professional Staff to provide information to the Board Clerk and for the Board Clerk to send a letter to Mr. Hiros. Motion unanimously approved by all members present.

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, 13.04.

A letter was received from Wawa attorney, Timothy Prime to continue the hearing of the application until the July planning board meeting and extending the time limit through the end of July.

Motion by Fratinardo, seconded by Stockhaus to continue the Wawa application until the July meeting.

Upon roll call the Board voted as follows:

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

Vice Chairman O'Hara called for application PB#2005-11 for TSMC,LLC. Applicant is requesting Preliminary and Final Major Site Plan approval for construction of a 34,715

square foot shopping center located at Rout 130 North and Fairbrook Drive, Block 166.12, Lot 2, located in a HC Highway Commercial District.

A letter was received from Greg Scozzari requesting a continuance until the June 20, 2005 meeting.

Motion of Fratinardo, seconded by Smith to continue the application.

Mayor Muchowski asked Planner Hintz about a redesign of the shopping center. He stated that the Board Professionals had met with the applicants and the site has been redesigned. They removed part of the building that was closest to the one residence, put the same building as a new pod up front to mimic where the bank is. The plan will show some overflow parking in the area closest to the residence but not within the buffer. They are proposing to remove the center section of the building and add a walkway and maybe an outside eating area.

Upon roll call the Board voted as follows:

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

Vice Chairman O'Hara called for application PB#2005-05 for Whitesell Construction Co., Inc. Applicant is requesting Preliminary and Final Major Site Plan Approval to construct Spec Building No. 2 at the Haines Center 1100 and 1300 John Galt Way, Florence Township. Block 158, Lots 2 & 3, located in an GM General Manufacturing District.

Solicitor Abbott stated that the application is not complete due to the request for submission waivers.

Lynn Blessing McDougall, attorney for Whitesell introduced Terrence Huettl, Director of Development for Whitesell and a licensed engineer in the state of New Jersey. Mr. Huettl was sworn in by Solicitor Abbott. Solicitor Abbott stated that Mr. Huettl had appeared before the Board before and is qualified as an expert.

Mr. Huettl stated that he would go through Engineer Morris' letter very quickly. Item 1a. Whitesell will provide the survey and show building tie distances.

Item 1b. They did not provide a copy of the tax map because the tax map has not been updated to show the subdivision in the Haines Center. They would like to have a waiver for this.

61.

Item 1c. They will provide the zoning district map. Item 1d. Political boundaries will be provided.

Item 1e. They will provide the delineation of stream encroachment. Engineer Morris asked if they would provide an updated Letter of Interpretation. Mr. Huettl stated that they did have an updated LOI and would be providing it.

Item 1f. Whitesell would prefer to use the flood plain study that they had done several years ago. This study is more relevant to their property than the Federal Flood Hazard. The study is technically expired but Mr. Huettl feels the information is still relevant. Engineer Morris recommends the waiver for this.

Item 1g. The test borings had been completed four years ago. Mr. Huettl stated that a geologist had said that the borings are still accurate. Engineer Morris said that he would recommend the waiver, and he feels that they can accept the borings from 2001.

Item 1h. Requires the proposed use and purpose. Mr. Huettl stated that this is a spec building and there is no tenant at this time. The building will be either a manufacture or warehouse use. Member Smith asked if there had been any interest in using the building for other uses. Mr. Huettl stated that there had been some very preliminary talks with a user who is looking for a very large office campus. Whitesell is not sure about where this will go. Engineer Morris recommended a waiver for this.

Vice Chairman O'Hara asked about the banked parking that had been agreed to for the previous building. Mayor Muchowski asked if the use fit and the parking needs were met for the 500,000 square foot building that got previous approval? Mr. Huettl stated that Home Depot is leasing 3/5 of the building. The parking that was proposed and built according to the original plan was sufficient for this use. There may be additional parking that is necessary for the remaining 2/5 of the building. If someone leases the balance of the building, Whitesell will come back before the Board.

Item 1i. This refers to expected emissions of noise, glare, vibrations etc. Mr. Huettl stated that this is similar to 1h. All of these issues would be what one would expect from an industrial facility. There would be some truck traffic. Item 1j. They will provide the truck turning radius and any sign information that is required. Item 1k and 1l. The traffic impact report and the Municipal Services and Utilities Impact Statement were provided with the subdivision of Block 158, Lot 1.

Mayor Muchowski suggested a re-evaluation point to look at the traffic impact when the site is 50% built. Mr. Huettl stated that they would provide a letter with each application stating that the application is in conformance with the traffic impact study.

Item 1m. Since the specific user is not known they are not sure what type of recycling center will be required. He stated that they would add a cardboard recycling center. Mr.

Huettl stated that they could provide minimal containment for cardboard and paper but not beyond that. Engineer Morris stated that there should be an area indicated as future recycling center. No waiver requested here.

Mayor Muchowski asked if the tenant has to keep of record of how much recycling they do? Mr. Huettl said that currently they are not required to keep tallies on recycling but if it becomes advantageous for Florence Township they will be glad to record this.

Vice Chairman O'Hara noted that the applicant has agreed to provide items a,c,d,e,j,& n and is requesting waivers for the balance of the items.

Motion of Stockhaus, seconded by Fratinardo to grant waivers and deem the application complete.

Upon roll call the Board voted as follows:

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

Vice Chairman O'Hara asked if the notice had been provided. Solicitor Abbott stated that sufficient notice had been provided.

Mr. Huettl stated that the first variance that is required is for parking. 133 automobile spaces, 76 truck spaces and 66 truck loading dock spaces are proposed where 437 total spaces are required by ordinance. He said that there are two potential users for this type of building, either manufacturing or warehouse distribution. Warehouse distribution requires a lot of truck loading but very few people. This type of user requires very few car parking spaces. This is the type of user that Whitesell is anticipating and they have designed their plan with this in mind. If a manufacturer were to lease this building, they would require a lot more car parking, but would not need all the loading and trailer storage requirements. If a manufacturer leases the building they will convert one of the loading dock areas to car parking. They have evaluated this scenario and determined that they can comply with the ordinance by converting the loading area on the north side of the building without any detriment to the public good. Mayor Muchowski stated that this parking plan agrees with the Township's philosophy on parking. Mr. Huettl stated that there is a large area of approximately five acres of buildable space to the south of the building that could be used as additional parking if necessary. The Board's Professional staff did not have a problem with this proposal. Solicitor Abbott read the banked parking condition from the resolution from the site plan approval for the adjacent building.

63.

Mr. Huettl questioned that the remaining variances on Solicitor Abbott's letter were listed as design waivers on Engineer Morris' letter. Solicitor Abbott stated that these were variances. Mayor Muchowski stated that the requested variances were the same as those that had been approved for the adjacent building.

Mr. Huettl stated that they are proposing 9' x 18' and 9' x 20' parking stalls where 10' x 20' are required, 10 feet pavement setback where 20 feet is required, 133 parking spaces where 437 is required, 13 feet 4 inches loading stall width where 15 feet is required, and 12' x 65' truck parking space where 15' x 40' is required.

Planner Hintz stated that section 91-117 requires two trees for every ten parking spaces. Mr. Huettl stated that if Whitesell were to convert a loading area to car parking they would need to provide sufficient trees to comply with the Township's required ratio of trees to parking stalls. Whitesell will provide all the trees needed to comply with the ordinance. Planner Hintz said that the trees are more important in the automobile parking section.

Mr. Huettl stated that they would comply with Engineer Morris' suggestion regarding the storm sewer inlets.

Solicitor Abbott gave a brief description to the Board outlining the differences between variances and design waivers.

On the Engineer's report Item 4 refers to the title sheet for the plans. Mr. Huettl stated that they had to create over 60 sets of this plan because of the approvals they need to get. They chose not to provide a separate title sheet to save 60 large sheets of paper for environmental reasons. Planner Hintz suggested that Whitesell provide 8 copies with the title sheets. Mr. Huettl agreed to this. Item 5 Whitesell will provide legal descriptions for the access easement and the easement radii as requested.

Item 6 regarding Block 153, Lot 1.15 in Burlington Township. Mr. Huettl explained that all the stormwater from the proposed site would drain across the township line to the basin that is located on Block 153, Lot 1.15. Whitesell currently has an application before the Burlington Township Planning Board to divide the lot between the basin area and building area. Engineer Morris asked how any building on that lot would be accessed. Mr. Huettl stated that it would not be a flag lot. It would be part of the building site and will be accessed internally. Item 7 Whitesell will label Bustleton Creek on the plans.

Items 8a and 8b refer to DEP requirements for stormwater management. Mr. Huettl stated that all of the stormwater pipes that service this building had been installed when the adjacent building was built. All of that was done per DEP requirements and with permits. Mr. Huettl said he could provide the information. Even though the regulations have changed Whitesell is "grandfathered" in because they were previously approved.

Engineer Morris stated that Whitesell has met the requirements of the DEP, however he feels that Whitesell should install a water treatment unit to reduce the amounts of hydrocarbons that could enter Bustleton Creek. Mr. Huettl stated that the existing basin was permitted by the DEP as a water quality basin. It was designed to reduce the amount of solids and petroleum that would enter the basin. Engineer Morris stated that he did not agree that the basin would remove petroleum or hydrocarbons.

Mr. Huettl stated that this is only a loading area and there wouldn't be a significant amount of oil generated. Engineer Morris strongly suggested a CDS type of basin unit. Mr. Huettl stated that the yard jockeys are fueled by diesel. Mr. Huettl said that he was not sure where the fueling station for the yard jockeys would be located. Vice Chairman O'Hara stated that Engineer Morris had a genuine concern about this matter and asked Mr. Huettl if Whitesell would work with the Board on this matter. Mr. Huettl agreed to look at this with the Board's Professional Staff and try to come to an agreement.

Councilman Fratinardo asked what material the roof of the building would be made of. Mr. Huettl answered that it would be made of rubber, but any hydrocarbons that would come off the roof would be volatilized in the atmosphere and would not add to the runoff. The rubber used in these roofs is very stable and last several decades.

Mayor Muchowski asked why Engineer Morris thought the special treatment units were necessary. Mr. Huettl stated that there was concern that hydrocarbons would wash from the asphalt parking lots into the storm basin and ultimately into Bustleton Creek. He said that the old stormwater regulations did require provisions for the removal of any material that would be washed into a basin from a parking lot; so there is some provision in the existing basin for that. Mr. Huettl stated that he is happy to work with Engineer Morris on this and would come up with a solution for a reasonable cost. He would agree for this to be a condition of approval.

Mr. Huettl returned to the Engineer's report. He stated that item 10 called for all existing storm sewer pipes and inlets. He stated that these had just been inspected by Township Engineer Dante Guzzi in association with construction of the Home Depot building.

Whitesell will comply with items 11, 12, 13, 14, and 15.

Item 16 is a request for a change in the pavement specification for heavy duty pavement. Whitesell has built 10 building in this area. They have used the same pavement for this entire site and would like to keep this. Engineer Morris stated that he would agree to this, but there were some inconsistencies on the plan. Mr. Huettl stated that he would correct any inconsistencies.

Whitesell will comply with items 17 and 18. Item 19 is a request for an as built survey of the existing basin including the storm pipes. Mr. Huettl stated that the storm pipes had already been inspected and they would prefer to not have an as built survey. Engineer

65.

Morris stated that he would defer to the Township Engineer as to whether an as built survey is required. Mr. Huettl stated that if Engineer Guzzi required it he would provide it.

Whitesell will comply with Item 20 and 21. Item 22 is a request for testimony regarding the 6" thick concrete slab at the dock loading areas. Mr. Huettl stated that this is to provide a more durable surface under the feet of the trailer after the tractor unhooks. This pad will be re-enforced with steel at this location.

Whitesell will comply with Items 23 and 24.

The Board moved on to the review letter by Planner Hintz. Planner Hintz stated that the only items not discussed had to do with lighting and landscaping.

Item 6.1 states that Florence Township Code requires that all Landscape plans be prepared by a Certified Landscape Architect. Mr. Huettl said that he hoped that the Board had seen the landscaping that Whitesell had done at the Haines Center. The landscaping is designed by Tom Whitesell and Whitesell's personal landscaper. Whitesell has received many compliments on the landscaping. Planner Hintz stated that he thought this requirement had been waived on the previous application. Mayor Muchowski complimented Whitesell's landscaping.

Mr. Huettl stated that they would prefer to not plant street trees on the north side of the road until after they develop the north side because he feels these trees may be damaged during construction. Planner Hintz stated that this was acceptable.

Mr. Huettl stated that he would comply with request of the Fire Official to change the plans to read 5" Stortz connection. The fire lanes will be marked as requested.

The Board discussed the Third Round COAH requirements with Mr. Huettl. Mayor Muchowski stated that the Board could condition approval on having a meeting with Whitesell to discuss the COAH requirements for not only this building, but for the entire build-out of the site.

The proposed building is 400,000 square feet. This would yield 5 COAH unit obligations. Mr. Huettl said that having the 2% fee as a fall back gives the framework for solving the issue one building at a time. Whitesell will be happy to work with the Township to find an alternative solution to Whitesell meeting their requirements and the Township meeting their requirements in a mutually beneficial way.

The Board had a discussion on the COAH requirements. Planner Hintz suggested making the COAH fee a condition of the Preliminary approval and making the determination of how to address the requirement at the time of Final approval.

Mr. Huettl said that the plans were complete. Whitesell requests that they be granted Preliminary and Final approval, they would like the condition to be the payment of the 2% fee as required by ordinance. Mr. Huettl stated that he would give Whitesell's word that they would work with the Township on the COAH issue. They would like to start production of this building before the cold weather sets in.

Vice Chairman O'Hara asked if the Township or Council have had any problems or issues with Whitesell. Mayor Muchowski stated that there have not been any issues, but there have been several requests by Whitesell to look at fee schedules for permits. Mayor Muchowski stated that the relationship is positive.

Mr. Huettl stated that Whitesell had to pay \$316,000 for the building permit for the Home Depot building. They feel that this amount is greatly above what the actual costs of inspections are. Mayor Muchowski stated that in Burlington Township the fees may be significantly less, but that Burlington Township does not offer a tax abatement program, which would give a free building or reduced building over the course of the first five years. Mayor Muchowski discussed regional competition for commercial business.

Vice Chairman O'Hara asked if the Board were to grant only Preliminary at this time, how would that affect Whitesell's plans. Final approval could be given next month. Mr., Huettl stated that he did not think that one month' time was sufficient to evaluate the types of alternative solutions to low and moderate income housing. He suggested tying the COAH fee to the Certificate of Occupancy. This would allow a year to work on this issue. Planner Hintz agreed that it would be difficult to establish a program in one month's time. Mayor Muchowski stated that if the Board were to grant both Preliminary and Final approval he would be disappointed if Whitesell did not pull a construction permit in 2005.

Vice Chairman O'Hara opened the meeting to public comment. Seeing no public wishing to speak the public portion of the meeting was closed.

Mayor Muchowski asked if one month would be detrimental in the time schedule for the construction of this building. Mr. Huettl said that one month would tighten the schedule but it would still be feasible to start construction this year. This is a 20 million dollar proposal for Whitesell, but if something unforeseen should happen they might not be able to start construction this year.

Vice Chairman O'Hara stated that the Board had granted only Preliminary approval to applicants in the past and due to the issue of COAH the Board may need the additional month. Solicitor Abbott stated that when the site plan was granted for the Home Depot Building Preliminary approval was granted first and then Final. Mr. Huettl stated that Whitesell had requested only Preliminary at that time.

67.

Member DeAngelis stated that the agenda shows that the applicant was requesting Preliminary and Final. The Board has sat through two hours of testimony. Why would the Board wait until the end to deny Final approval. Vice Chairman O'Hara stated that he didn't think it was an unjust decision for the Board to grant only Preliminary approval. Member Smith stated that he agreed with just granting Preliminary. Councilman Fratinardo does not have a problem with granting final approval, but his main concern is with COAH and yet one month from now this issue will still be here.

Mr. Huettl stated that COAH is something that the Township has been working on for months and will probably be working on for months to come. He stated that as a Vice President for Whitesell, he gives his word that they will work with the Township to come up with an agreeable solution. He also stated that the plan changes that would be required between Preliminary and Final were very minimal.

Solicitor Abbott suggested two motions one for Preliminary and a second for Final approval.

Member Stockhaus spoke in favor of granting both Preliminary and Final. Mayor Muchowski also stated that he was not against granting both approvals at this time.

Mayor Muchowski stated that Whitesell would be obligated to a 2% COAH requirement at a minimum for this application. Vice Chairman O'Hara stated that after the comments by the Board members he could see both sides of the issue.

Solicitor Abbott asked for a clarification on the Traffic Impact Report. Mr. Huettl agreed to supply the report from Whitesell's Traffic Engineer regarding the traffic impact of the new building on the entire site. Other conditions will include the items from Engineer Morris' report. On Planner Hintz' report waivers were granted for item 6.1, 6.4, and 6.6. Also the banked parking will be per the previous resolution. Compliance with the items on the report of the Fire Official and satisfaction of the COAH requirement.

Member Napolitan stated that he preferred to have two separate motions.

Motion by Stockhaus, seconded by Smith to grant Preliminary and Final approval with the variances, waivers and conditions discussed at this hearing.

Upon roll call the Board voted as follow:

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

Vice Chairman O'Hara asked the Board to return to Correspondence G Ordinance 2005-11 An Ordinance of the Township of Florence amending Chapter 91 – Land Development of the Florence Township Code to Define and to Prohibit Truck stops within any Zoning District of the Township of Florence.

Motion of DeAngelis, seconded by Fratinardo to recommend to Council that Ordinance 2005-11 be adopted.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Smith, Stockhaus, DeAngelis
 O'Hara
NOES: Napolitan
ABSENT: Hamilton-Wood

Motion by Smith, seconded by Fratinardo to approve the minutes from the April 18, 2005 as presented. Motion unanimously approved by all members present.

The Board had a short discussion about COAH.

Motion by Smith, seconded by Napolitan to adjourn at 10:40 P.M. Motion unanimously approved by all members present.

John T. Smith, Secretary

JTS/ne