

Florence, New Jersey 08518-2323
 May 17, 2004

The meeting was called to order at 7:30 P.M. by Chairperson Hamilton-Wood, followed by a salute to the flag. Chairperson Hamilton-Wood 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:

Mildred Hamilton-Wood	Thomas Napolitan
Dennis A. O'Hara	Robert R. Semptimphelter
Michael J. Muchowski	Gene DeAngelis

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

ABSENT: John T. Smith
 John Fratinardo
 Philip F. Stockhaus, III

RESOLUTIONS

Resolution #PB-2004-15

Continuing application for Burlington Assembly of God Church ("Fountain of Life") for Preliminary and Final Major Site Plan approval for construction of a gymnasium on Block 170, Lot 6.01, located in an AGR Agricultural District of the Township.

Motion of Muchowski, seconded by Semptimphelter that Resolution PB#2004-15 be adopted.

Upon roll call the Board voted as follows:

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

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RESOLUTION PB#2004-16

Memorializing the Board's granting of Preliminary and Final Major Site Plan Approval with Variances and Design Standard Waivers to MS Investments Two, LLC (Eckerd Pharmacy) for construction of a Pharmacy on Block 99.01, Lots 22-28 and 30-33, located in an HC Highway Commercial District.

Solicitor Abbott commented that she had forwarded this Resolution to the applicant's attorney one week ago and had received no comment back.

Motion of O'Hara, seconded by Napolitan that Resolution PB#2004-16 be adopted.

Upon roll call the Board voted as follows:

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

MINUTES

Motion of O'Hara, seconded by Napolitan that the minutes of the Regular Meeting of April 19th be approved as submitted.

Motion unanimously approved by all members present.

CORRESPONDENCE

Motion of O'Hara, seconded by Napolitan to hold the correspondence for further discussion later in the meeting.

Motion unanimously approved by all members present.

OLD BUSINESS

Chairperson Hamilton-Wood called for application PN#2003-08 for Fountain of Life. Applicant is requesting preliminary and final site plan approval for construction of a gymnasium at 2030 Burlington Columbus Road. This application was deemed complete at the February 23rd meeting.

Frederick W. Hardt, attorney for the applicant, introduced himself. Attorney Hardt handed the green card receipts for certified mail to Board Clerk Erlston. Solicitor Abbott stated that she had reviewed the notice and found it to be in order.

Wayne Lippincott, engineer for the applicant, and David Boudwin, Associate Pastor at Fountain of Life Church were both sworn in by Solicitor Abbott. Solicitor Abbott stated that Mr. Lippincott was qualified as an expert.

Mr. Lippincott stated that he and his firm had prepared a plan for the proposed gymnasium. Attorney Hardt asked Mr. Lippincott to review with the Board the plans that had been made to the plan since the last meeting. Mr. Lippincott referred to a drawing of the site and indicated that the location of the gymnasium had been relocated away from wetlands and wetland buffers. Mr. Lippincott stated that the area that they had indicated on the plan as wetland buffers really should not have been called wetland buffers because the ditch wetland is an ordinary wetland and doesn't require a buffer and the intermediate wetland only requires a 50 foot buffer. What Mr. Lippincott did to be very safe in locating the building they called out a 50 foot limit line on the ditch and a 150 foot limit line on the intermediate wetland. This is greater than what is generally required.

The parking areas have been re-adjusted with the existing parking and proposed parking. The building had been elevation wise reset. There is a transition connector from the existing facility that has been reworked. The new building is set lower than the existing facility so there is a transition elevation wise of roughly 6 feet to the new building.

The stormwater management areas of disturbance have been collected and located to the existing basin, which is a wet basin.

They have moved the fire lane to the eastern side of the site due to possible wetland encroachment on the western side.

Attorney Hardt asked if revised plans had been submitted and Mr. Lippincott stated that they had.

Attorney Hardt asked Mr. Lippincott to review for the Board the comments made in Engineer Sander's May 13th report and the applicants response to them. Mayor Muchowski questioned the 20,000 square foot increase in the size. Pastor Boudwin stated that the original plans called for a 98,000 square foot building. This did not include the connecting link from the existing building. The gymnasium has been made slightly bigger, but most of the increase in square footage comes from the connecting link. The total square footage of both buildings is now 126,000 square ft. Also added is a small second story mezzanine that was not included in original plan. Mayor Muchowski stated that the size had been increased 25% from the original plan. Does this have any bearing on a hearing. Solicitor Abbott stated that if the Board had granted Preliminary Site Plan Approval, the applicant would have to come back and amend their application. Chairperson Hamilton-Wood asked if this would change the completeness review. Planner Hintz said no they have sufficient land area and they are still considered complete even with the additional size.

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Mr. Lippincott stated that wastewater treatment disposal was addressed by the engineer and originally the Board had waived the need for boring and additional testing since there is no expansion in the population of the facility. Attorney Hardt questioned about the possible increase in population using the facilities. Pastor Boudwin stated that when the sewer bed was originally built it was built oversized with the possibility of an additional building to be added in the future. Pastor Boudwin stated that the County had looked at the sewer bed and approved it for this new use. Attorney Hardt stated that there is a letter from the County to this effect that they have not yet submitted to the Board. Attorney Hardt asked that any approval be conditioned on submission of this letter and the Board's satisfaction with the contents of the letter.

Attorney Hardt stated that their position is that the County has reviewed the septic system that was oversized to begin with, it is appropriate to meet the needs of a building that size and the County has verified that. Mr. Lippincott stated that the actual size of the septic system is based on sanctuary seating. Mr. Fratinardo asked what would happen if there was a Church function and a basketball game at the same time. Mr. Lippincott stated that he felt it was unlikely that the two events would occur at the same time and that it was his experience that usage is always far less than the calculation used to rate the system.

Pastor Boudwin stated that Church sanctuaries require more septic facilities per seat than a recreation facility because all the people are there at the same time. The Church is only used two hours one day and then two hours three days later. Mr. Lippincott stated that the presumption is that everyone in the sanctuary would use the restroom facility and the design and size of the system were based on old numbers used before water conservation became popular. Member O'Hara asked if the revised site plan with the increase in square footage was used by the County to determine if the septic system was adequate. Mr. Lippincott stated that the County did not review the revised plan, but their review is based on sanctuary seating, not square footage.

Mr. Lippincott stated that if he knew of circumstances that would unbalance the septic system, he would have brought that to the attention of the County. That is not the case here. Mayor Muchowski asked Engineer Sander for his opinion; Engineer Sander stated that he did not know. Solicitor Abbot asked why when there is a gymnasium with showers, why does this not need to be included in the numbers. Chairperson Hamilton-Wood asked about the usage of the school facility. Is this being taken into account?

Pastor Boudwin stated that they built the septic system larger than they needed for their church. The church was built for 1500 people. They meet there on Sunday morning with the largest group of people. The septic can handle 1500 people all the time. They come back with a small group of people on Sunday night and Wednesday night. There is church there 3 times a week for two hours. This is all the demand on the septic. Member Napolitan asked how many days they have school. Pastor Boudwin said they have school 5 days a week and this usage does need to be factored in. But the facility was built to handle 1500 people all the time. Chairperson Hamilton-Wood asked how many students

were in the school and what would be the capacity of the gym. Pastor Boudwin stated that the school had approximately 400 students and the gym had spectator room for 600. Chairperson Hamilton-Wood asked how many sporting events could be happening at one time. Pastor Boudwin stated that there could be a soccer game at the same time as a basketball game.

Mr. Lippincott stated that school facilities are designed for 15 gallons per student per day, however statistics show that the average usage per student per day is 6 gallons. This information was based on a study done at the Lenape School District. 400 students at Life Center Academy times 6 gallons per day this equals 2400 gallons. If you take the Sanctuary at 1500 times 3 gallons, which is the number you use for churches this is 4500 gallons. The numbers show that the sanctuary design provides more than twice the actual volume needed for the septic system.

Mayor Muchowski stated that if this is true why doesn't the applicant re-submit with the County's approval? Mr. Hardt stated that they would re-submit the septic system to the County with the new square footage numbers for approval. The applicant is willing to have this as a condition of approval before they can obtain the building permit.

Member Napolitan wanted to know what numbers were used to design the septic system on the original sanctuary. What if there was a basketball tournament and there were 600 people coming in for each game, would this overtax the system? Pastor Boudwin stated that you don't have turnover like that for a basketball tournament.

Engineer Sander stated that the County has the call on this. That is why when the Mayor asked what he thought he said he didn't know, because it is up to the County. Attorney Hardt stated that they would submit the responses that they get back from the County as a condition of approval.

Planner Hintz said he would like to restrict the use of the facility to a gymnasium and not have it used as a new sanctuary if the churches population should grow. Attorney Hardt stated that they have no intention to make the gymnasium a sanctuary and will be happy to make this a condition.

Chairperson Hamilton-Wood asked if in five years the septic system fails miserably would the Township have any responsibility. Engineer Sander stated that the property owner would be responsible. Mr. Hardt agreed with this.

The next point of Engineer Sanders report addresses the wetlands. Mr. Lippincott said they had relocated the building to be significantly beyond the wetland buffer that may apply. They have moved the building 50 feet from the ordinary wetland and 100 feet away from the intermediate wetland. Mr. Lippincott stated that he did not think that they needed a Letter of Interpretation because they are clearly outside the area of the wetlands.

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Again the note on the plans should say limit, not buffer. They used the wrong word on the plan. Engineer Sander recommends that the approval is conditioned upon an LOI or have the 150 foot area currently identified as a buffer, but will be changed to a limit line, make all the area within the 150 feet a conservation easement, which prohibits any construction in that area. This brings up the point that the corner of the building is within the limit. Mr. Lippincott agreed that there is an area where grading for the building will fall within the 150 feet. Attorney Hardt said that since the requirement was for 50 feet and they had extended the limit line to 150 feet, could they have the limit line go around the corner to eliminate this problem?

Mayor Muchowski asked if the wetland had been delineated by the State. Mr. Lippincott said no, he had made the delineation. Mayor Muchowski asked what about if they were wrong. Mr. Lippincott stated that they were always very cautious on their estimates of the wetlands and they have never had a case where they had been wrong. Discussion ensued as to whether or not a LOI is in fact required. Attorney Hardt said that they would take this risk of even having to tear down the building should the State come in and say they were in the wetland buffer section.

Carl Hintz stated that there are three different avenues open to an applicant. First is presence/absence – the State comes in and tells you whether or not you have wetlands, but they don't tell you where they are. Second is a footprint of disturbance, this could take several months, third is the Letter of Interpretation, this process could take up to 12 months.

Mr. Lippincott said that they delineated the wetlands. They know where they are located. On the intermediate wetland they came out 150 feet. The typical buffer is 50 feet. The grading of the building projects approximately 50 feet into the 150 feet limit line.

Attorney Hardt agreed to maintain 100 feet of conservation area from any part of the wetlands area. For those areas that are not being disturbed by the grading they will maintain 150 feet. Engineer Sander stated that no part of the building would come into the 150 feet limit. Attorney Hardt stated that they would get the LOI if we required it, but did not want this to be a condition of approval. Engineer Sander asked what would happen if the site was within the transitional area. Attorney Hardt said if they get in trouble they would be responsible for solving the problem.

Solicitor Abbot asked if they would agree to obtain and submit the LOI prior to the issue of certificate of occupancy. Attorney Hardt agreed to this. Mr. Lippincott has agreed to provide a copy of his wetland study to Planner Hintz and Engineer Sander.

Member O'Hara asked if by making all the concessions is the Board opening a can of worms. Engineer Sander stated that if what is shown on the plan by Mr. Lippincott is accurate it should be no problem at all. If there was a problem in the transition area it could most likely be handled through a transitional waiver. Planner Hintz would like to

visit the site to see the wetland area. Engineer Sander stated that he is satisfied with the conditions.

Attorney Hardt presented a letter from the County approving the existing septic system. This letter was dated November 13, 2003. Pastor Boudwin said that he had the statistics that the County had used to make their calculation. The County figured 2000 people plus 360 students plus the office staff. Chairperson Hamilton-Wood stated that we would still need an additional letter from the County.

Mayor Muchowski asked if the applicant had to get any State approval for the septic system. Pastor Boudwin explained that they went to the State with a proposal for an additional septic system in conjunction with their existing septic system. The DEP said that they had no record of the original septic system, because the building of the Church predated the founding of the DEP. The DEP sent them back to the County. They tried to do a whole new system. The County did some calculations and told them that the current system was sufficient. Engineer Sander asked if the school population would be increasing. Pastor Boudwin said that there is a possibility of increased student population. Engineer Sander asked the applicant to let the County know about the possible increase in School population. Pastor Boudwin agreed to do this. Chairperson Hamilton-Wood asked if there was any correspondence to substantiate the fact that the DEP sent them back to the County. He stated that all they need for the permit is that the County approved them. This is all that would be required.

The next comment on the Engineer's report is the increase in size of facility, 125,958 sq. feet. A variance will be required for height. The EIS previously prepared does not reflect the new numbers and needs to be updated.

Item 4 pertains to the parking data – presently 670 spaces – 158 are to be stone parking. Because stone parking is not allowed by the Ordinance they will need a design waiver. Owner requested the use of telephone pole wheel stops. Engineer Sander said there should be concrete wheel stops. Attorney Hardt stated that they would put in concrete wheel stops if the can use the stone. They will accept a condition that within a reasonable time after the issue of the certificate of occupancy should a problem arise they will pave the lot. Planner Hintz had raised similar issues as Engineer Sander. Planner Hintz doesn't have problem with stones because of the type of use, because this is an overflow parking area. This area is maintained by spraying for growth twice a year. The driveway that would be stone is at the outer perimeter westerly side of the site. The furthest parking lot away from the building. Parking exists around the front of the building and the side of the sanctuary and the school. Engineer Sander asks that these other lots to be shown on the plan. Chairperson Hamilton-Wood asked if the parking is adequate. Stone parking lots are used only for the Holiday Productions. Sunday Service only utilizes about 300 spaces. Productions utilize approximately 600 spaces. The School utilizes 35

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spaces daily. The buses are parked in the bus garage. Chairperson Hamilton-Wood when the new facility is in full use how many spaces would they expect to use. Pastor Boudwin said they thought they had enough existing parking, but the had Board said that parking would be a concern. Florence Township ordinance says one space for every 3 seats at Church. Chairperson Hamilton-Wood questioned about the amount of parking spaces that are needed. Pastor Boudwin stated that they have 106 acres of land. If they need more parking, they will put in more parking. Attorney Hardt said they would put in phantom parking if necessary. Attorney Hardt stated that they would setup phantom parking on the site plan, and make this a condition to approval that they will pave more parking if necessary. Pastor Boudwin stated that they wanted to build the gym for the sports teams. Planner Hintz suggested to look to the east of the sanctuary building for phantom parking. Pastor Boudwin indicated that there was a hill in that spot. The parking spaces are 10' x 20'. There will be no less than 734 parking spaces.

The next item is the landscape and lighting.

Marty Sander asked about the waiver being granted for method of sanitary waste disposal. Attorney Hardt said they were unaware of any waiver being granted for sanitary waste disposal. Attorney Hardt said they would comply with this whatever it means. Member O'Hara asked if the only variance being requested is for building height. Solicitor Abbott stated that there is the one waiver for height and design standard waivers for sign height, gravel parking area and curbing.

Kevin Mullen, Fire Official says that the fire lanes are okay. His concerns have been met. Fire Official is looking for a new drafting point for the trucks. The pump house is fine.

Engineer Sander said that everything in his report has been addressed and agreed to be complied with except for the variance for height.

The Board called a short recess.

The Board returned to the regular order of business.

Chairman Hamilton-Wood suggested that we move on to Planner Hintz's report. Attorney Hardt agreed to install signage to indicate the fire lane.

Attorney Hardt asked for a waiver for an island for trees. Planner Hintz indicated the island on the site plan. It appears to be only three feet wide. It would have to be eight feet wide for trees to thrive. Pastor Boudwin showed pictures of the area illustrating that there is a wooded area surrounding the gravel lot. He would like a waiver on the trees to be planted in the parking lot islands, however he said that if we must have trees they

would put trees in. The applicant agreed that if the lot is paved in the future, they would plant the required trees.

Planner Hintz stated that the island and curbing only shows as three feet on the plan. Attorney Hardt stated that they would move roadway on westerly side over 5 feet to have 8 feet of planting space. They won't plant trees now. Attorney Hardt and Planner Hintz will agree on what type and size and number of trees would be planted if needed in the future.

In regards to the site lighting. Where are the protected lights going to be located in the stone lot? Mr. Lippincott said they will put this on the plan. Another issue is the lighting. The Ordinance calls for an average foot-candle of 2. This is fairly intensive. Planner Hintz said that this area might not be used too much at all. Mr. Lippincott stated that stoned areas are the most difficult to walk in. Pastor Boudwin agreed to have the lights set up so they can be turned off when not in use. Pastor Boudwin agreed to lower the wattage of the lights on the paved area and retain the wattage of the stone area.

The height of the proposed retaining wall should be shown on the plans.

The height variance. The principal building on the site is the church. Pastor Boudwin stated that the gymnasium is higher than the ordinance standard because of activity. If soccer balls are kicked up high they can tear up the insulation. Attorney Hardt asked if the building height could be reduced? Pastor Boudwin indicated that they have reduced it a little but can't lower it any more. The requested height is 45 feet. The ordinance permits 35 feet. This is an accessory structure. This is a bulk variance not a use variance. The height is necessary for the sporting events. The church will still be 20 ft. higher than the gym.

Attorney Abbott stated that she wanted to draw the Boards attention to her memo dated January 12th addressing the issue of jurisdiction and set forth two reasons why the Planning Board would have jurisdiction. She referenced section 91-94 of the ordinance.

Member Napolitan asked about the heating and air conditioning. The air conditioning unit will be under the roof, not on top of the building. Pastor Boudwin stated that the interior height is 24 feet at the eave inside but due to the required peak of the roof the height goes up to 45 feet. You have to have a pitch on the roof because the building is so large. All mechanicals will be under the roof.

Chairperson Hamilton-Wood requested a description of the mezzanine. Pastor Boudwin stated that the mezzanine added to the square footage of the buildings, but it is only 12 feet high. This area is in the middle between the two fields.

46.

The Professional staff indicated that they were comfortable with everything. Mayor Muchowski suggested that there be a post professional meeting to address all the conditions. Attorney Hardt stated that first Solicitor Abbott should draft the resolution and then the Professionals should meet to iron out any problems prior to memorialization of the resolution.

Chairperson Hamilton-Wood opened the hearing to the public.

Seeing no one wishing to speak a motion was made by O'Hara, seconded by Napolitan to close the public portion of the hearing. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for a motion to grant Preliminary and Final Site Plan approval, with a variance for building height and design waivers for sign height, and gravel parking area and tree island. Subject to the final conditions:

Letter from the County certifying the adequacy of septic system following the resubmission of revised plans showing the new building size, school population and compliance with all County requirements.

Gymnasium shall not be used as a sanctuary, only to be used as shown on the plan.

100-foot conservation area from any part of the wetlands area and 150 feet from the area not disturbed by grading.

Letter of Interpretation will be obtained from the NJDEP and provided to the Township prior to receiving a Certificate of Occupancy. The applicant will make any modifications required by the DEP.

The applicant will provide copies of all correspondence from DEP and County Health Department regarding the septic system to the Township, if such correspondence is available to the applicant.

Concrete wheel stops will be installed.

The applicant will pave the parking area within 90 days of written notice from the Township Official that the stone parking area is detrimental to the public safety.

There will be banked parking installed, if determined that is necessary by the Township Officials then the applicant will submit an amended site plan to provide where additional parking will be installed.

The calculations for all uses of the structure will be shown on the plan.

The parking spaces will be no less than 734.

Revised plans will be submitted to all Township officials for their review and comment.

The roadway on the west side of the property will be moved 5 feet to the west to provide for an 8 foot tree island.

There will be trees planted in the area if it is determined that this area must be paved.

The Board Planner will determine the number of trees and species.

The light pole island will be shown on the plan. The light circuits for the stone parking lot will be on a separate circuit, and only used when needed and there will be a lower light wattage on the paved parking area.

The retaining wall and fence will be shown on the plan.

Engineer Sander suggested that the applicant would supply a NJDEP approved plan for the construction of the building. In other words the wetlands and wetlands transition area that is approved will show the building being able to be built.

Discussion ensued about the definition of the conservation easement versus the Letter of Interpretation. Chairperson Hamilton-Wood emphasized that there would be no chance to build anything including a playing field within the conservation easement. The applicant agreed with the previously stated condition on the conservation easement.

Motion by Semptimphelter, seconded by DeAngelis to approve application 2003-08.

Upon roll call the Board voted as follows:

YEAS: Napolitan, O'Hara, Muchowski, Semptimphelter, DeAngelis, Hamilton-Wood.

NOES: None

ABSENT: Smith, Fratinardo, Stockhaus

Motion approved. Chairperson Hamilton-Wood called for a short recess.

The Board returned to the regular business.

Chairperson Hamilton-Wood called for Application PB2004-02 for Atlantic Coast Co. Applicant is requesting Preliminary and Final Major Site Plan approval to convert and empty trailer manufacturing plant to a heavy duty fleet management factory at 2013 Route 130, Florence Township, Block 159, Lot 1.01.

48.

Fred Hardt, attorney for the applicant stated that the application was not complete. Attorney Hardt stated that they wished to address the Board for several purposes. First he introduced Engineer Robert R. Stout, licensed engineer and land surveyor in New Jersey and a principle of Stout & Caldwell Engineering . Mr. Stout was sworn in by Solicitor Abbott. Attorney Hardt introduced Anthony Berritto, Salson Logistics, and John Thayer, Atlantic Coast Companies. Solicitor Abbott swore in Mr. Berritto and Mr. Thayer.

Mr. Thayer stated that Mr. Berritto wanted to use the property as a transportation center, which Mr. Thayer stated was the same use that the property was previously used for. Mr. Thayer stated the Mr. Berritto operated a Trucking Company called Salson Logistics out of Jersey City and is looking for a more affordable location to service businesses in the Burlington County area.

Member O'Hara asked who Atlantic Coast Companies were. Mr. Thayer responded that Atlantic Coast was the name that he did business under. Member O'Hara mentioned that the taxes on the property had been paid by a lien holder, Life Center Academy. Attorney Hardt stated that Life Center Academy had joined in for the agreement of sale of this property. The property is currently titled to Riverbend SME which is a subsidiary of Life Center Academy and there is a servicing agreement back and forth between the Thayer Company for the promotion of this property. Mr. Hardt stated the Mr. Thayer was the correct person to submit the application.

Anthony Berritto stated that he operates a 65 million dollar trucking company. He chose this location because five of his largest accounts are in Burlington County. It is an ideal location. The facility is the right size. They are going to move their maintenance; repair facility and fueling operation to this location and it has ample space to grow. They primarily service retailers. He also thinks that it would be a prime location for a trucking company because of the plans Whitesell has to build distribution centers on the land behind this property.

Responding to a question from Attorney Hardt about the change in Federal regulations, Mr. Berritto stated that the new 14 hour rule makes it important for the company to be based closer to their clients this way your drivers are not on the road over long. Mr. Berritto stated that he plans to run his trucking business here as one of his locations. It will not be a corporate location, but they will put a manager here, use the facility as a break bulk center and fuel and repair and park trailers.

Chairperson Hamilton-Wood stated that before the applicant entered into extensive testimony, the Board would like to know what addition information would be necessary to have the application deemed complete. She also questioned the noticing of the meeting. Since there had been a problem with the original notice would the applicant be required to re-notice for the June meeting?

Solicitor Abbott stated that there were 42 of submission waivers. There were 5 waivers listed on the checklist. There were another 37 items that the applicant indicated were not applicable to this application, but Engineer Sander and Planner Hintz did not agree to this.

Chairperson Hamilton-Wood stated that because of the large number of things outstanding that any movement forward would not be appropriate at this time. Solicitor Abbott suggested that the Board could possibly grant submission waivers. Chairperson Hamilton-Wood stated that she did not feel comfortable moving forward at this time. Member O'Hara pointed out that Engineer Sanders report recommends that the Board not grant any of the requested waivers and that the application be deemed incomplete. Planner Hintz concurred with this. The Board agreed that any further discussion of the application would have to occur at a completeness hearing. Member O'Hara wanted to know about previous environmental concerns, due to possible fuel spills, etc. Attorney Hardt stated that they wanted to limit the environmental impact statement to those things that our professional staff says are important.

Mayor Muchowski asked if this was a permitted use. Solicitor Abbott stated that it was. Mayor Muchowski suggested that when Mr. Hardt met with the Board Professionals in regards to the Fountain of Life gym resolution they also discuss the 42 waivers requested on this application. Then they can come back in June for a completeness hearing.

Chairperson Hamilton-Wood stated the Board often goes right from completeness to substance and she did not believe that additional notice would be required.

Chairperson Hamilton-Wood opened the meeting to the public. Terri Cranmer, 2018 Route 130. stated that she would be happy to wait until the next meeting. The public portion of the meeting was closed.

Attorney Hardt requested a continuance until the June meeting and if necessary a time extension would be granted, but since all the required parts of the application have not yet been submitted the clock has not started yet.

Motion of O'Hara, seconded by Semptimphelter to deem the application incomplete and continue until the June meeting.

Upon roll call the Board voted as follows:

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

50.

Chairperson Hamilton-Wood called for application PB#2004-03 for John Drager. The applicant is requesting minor site plan approval with bulk variances to construct a 30' x 60' garage, a 25' x 6' porch and a 25' x 12' one story addition on his property located at 2122 Route 130 North, Block 165.01, Lot 11.01.

Solicitor Abbott reviewed her memo to the Board. She stated that because of the proposed use of the garage is for business it should be considered a principal commercial use and not an accessory residential use to the existing house. Subject property is a permitted use in the Highway Commercial District and section 91-160 of the ordinance permits multiple uses of commercial sites. It permits a residence and a business. There can be two principal uses on the site. Because the garage is a principal Commercial Use it is governed by the area and bulk requirements of the Highway Commercial District. The following variances are required for the garage: lot area, lot frontage and width, side yard setback, rear yard setback.

The other proposed improvement is the construction of a porch and an addition on the existing house. The variances required for the porch and addition are arrived at because section 91-216 of the ordinance in the Highway Commercial Zone includes all Neighborhood Commercial Uses as permitted principal uses in the HC District, section 91-227 of the ordinance in NC Neighborhood Commercial District includes all uses permitted in the RA District, subject to bulk requirements for the RA district. Single-family residences are permitted in the RA District. The following variances are required for the house portion of the application: lot size, lot width, maximum lot coverage, front yard setback, and side yard setback.

Mayor Muchowski questioned the ordinance allowing the residential uses in the HC District to be under the requirements of the RA District. After a brief discussion the Board agreed to re-visit this issue at a later time and return to the hearing of Mr. Drager's application.

Solicitor Abbott stated that Mr. Drager had amended his application to include a site plan waiver. Solicitor Abbott said the Board would have to determine whether the application was incomplete due to the fact that a site plan was not submitted. Mayor Muchowski stated that the Board had been requiring basic one page site plans for applications that did not include structural additions. The Mayor stated that he thought a site plan would be required. Member O'Hara asked how Mr. Drager was going to get back to the garage. Chairperson Hamilton-Wood stated that the Board required a site plan. She stated that he had a survey, but was not a site plan. Mr. Drager stated that he had been prepared to submit a site plan, but was instructed that one was not necessary. Mayor Muchowski asked who had given Mr. Drager this information. Mr. Drager indicated that Tom Sahol had told him this.

Mr. Drager stated that he was in a bunch for time because he had contractors that would do the job for him at a reduced price, but it had to be done quickly. If he couldn't get the approval now he would have to look for other contactors.

Mayor Muchowski asked why Mr. Drager would want to build the shed where it was when there was a 50 foot setback. Mr. Drager stated that he believed that it was only a 15 foot setback. Mr. Drager stated that it would not be a Commercial building. Mayor Muchowski asked if it was going to be used for the plumbing business. Mr. Drager said, No, not really. He said he a lot of business and he does most of his work at his customers' properties. Chairperson Hamilton-Wood asked if he had any inventory on his property. Mr. Drager said he did, but now it was in the yard. He is trying to clean his place up. One of his trucks had been robbed and he would like to have a garage to park it in.

Mayor Muchowski stated that a site plan helps to bring continuity to the whole property. Chairperson Hamilton-Wood stated that Mr. Drager has to provide the site plan and then give testimony as to why the variances are required. Mayor Muchowski pointed out the Solicitor Abbott's letter starts out with "Because of the proposed use of the garage for a business". Mr. Drager stated that it was not his intention to use this as a business, but he would be storing his trucks in there. Chairperson Hamilton-Wood stated that there might be a misunderstanding between Mr. Drager's understanding of a commercial building and the legal definition of a commercial building. If the building is used to housework trucks, inventory and equipment that support the business then it is commercial even though the public will not come into it.

Mayor Muchowski stated that Mr. Drager might be in violation of the use of the zone right now, so he is doing the right thing by coming before the Board. Chairperson Hamilton-Wood stated that the Board needs a site plan to refer to. Mr. O'Hara asked about the addition to the house, would it be used as an office. Mr. Drager said no. Member Napolitan asked what would be the best way for Mr. Drager to go. When Mr. Darger gets the site plan what should he do next. Planner Hintz said there would probably be some items that could be waived. The Board asked about a driveway, Mr. Drager said he had not thought about this yet. Chairperson Hamilton-Wood stated that the Board would not approve a building that does not have access. She suggested that maybe Engineer Sander could suggest an engineer for Mr. Drager to call.

Member O'Hara stated that Mr. Drager would have to prove to the Board that granting the requested variances would not be detrimental to the zoning issues. Engineer Sander said that most of the variances are exiting variances that would not be affected by the site plan. Mayor Muchowski asked how wide the property was. Engineer Sander answered 50 feet.

Solicitor Abbott stated that once Mr. Drager got a professional engineer, he should have that person contact our professionals to talk about the application.

52.

Engineer Sander stated that the ordinance calls out the same checklist whether you require a minor or a major site plan.

Chairperson Hamilton-Wood called for a motion.

Motion by O'Hara, seconded by Napolitan to deem the application incomplete and continue the hearing until the June meeting.

YEAS: Napolitan, Semptimpelster, DeAngelis, Muchowski, O'Hara,
Hamilton-Wood.

Mr. Drager does not have to re-advertise for the June meeting.

Correspondence

Member O'Hara asked about Engineer Sanders letter to Whitesell dated April 15th regarding DEP transitional plan required. Engineer Sander stated that the letter from Whitesell dated April 16th addressed this issue.

Motion of O'Hara, seconded by Napolitan to receive and file all Correspondence.

Motion unanimously passed by all members present.

Chairperson Hamilton-Wood requested a discussion on Ordinance 2004-07 Amending Chapter 91.

Mayor Muchowski brought up the issue of Cross Acceptance. Planner Hintz stated that he had made numerous calls to the County to get the schedule, but has not received a call back. Mayor Muchowski asked if he should reach out to Mark Remsa. Planner Hintz said that he should. Mayor Muchowski and Chairperson Hamilton-Wood will approach Mark Remsa as the Chair and ask for guidance.

Chairperson Hamilton-Wood asked if we needed to address this ordinance. This is the ordinance regarding the fire company being allowed to build in Industrial Zones. Solicitor Abbott said the Planning Board has 35 days to report back to the Council.

Board Clerk Erlston should prepare a letter to Council stating that the Planning Board has reviewed and approved Ordinance 2004-07.

Mayor Muchowski wanted to discuss Ready Pac. After four years to get the approvals for the building, Ready Pac management has determined that the approved building needs to be moved by 20 feet, the driveway needs to be re-aligned by about 30 feet, they want to enhance the landscaping plan, and the building that was approved needs to be 42 – 45

feet high. The zone height is 30 feet. The Board has had conversations in the past as to whether 30 feet is high enough. Higher buildings are the norm today. As it stands right now there is cross jurisdiction. The site plan would have to come back to the Planning Board to be amended and the height variance would have to go before the Zoning Board.

The conversations they have had were about the appropriate height. On all the other issues the Mayor told Ready Pac that they would have to go back out and speak to all the residents because they had laid this out for them for years. Now they are thinking of book ending the far end building, even if he has to have a tenant for a couple of years. All these things were thought of after approvals had been granted. Member Napolitan stated that the company he works for had already been asked to bid on this work. Chairperson Hamilton-Wood suggested that perhaps it was put out to bid merely as an evaluation of cost effectiveness.

Member Semptimphelter asked what kind of discussions there had been about the height. The Mayor responded 45 feet. Member Semptimphelter asked if the Zoning Board had been involved with this. Mayor Muchowski said that no, he had just had the meeting on Thursday last. After four years they are back at square one. The Mayor stated that a conversation needed to be had as to what the best way is to handle it.

Member O'Hara asked how were we able to hear the Fountain of Life gymnasium. Solicitor Abbott stated that was because the gym was an accessory building. Mayor Muchowski asked if Ready Pac would fall under the same guideline, would the warehouse be an accessory to the manufacturing plant. It is the SM District. The Mayor stated that the zone allows 30 feet, plus 25 % for incidentals puts it a 37.5 and 10% more puts it at 41 of 42 feet. Engineer Sander asked how high they wanted it. The Mayor said the Township said 45 feet Ready Pac said 41.4 feet. Member DeAngelis asked how the neighbors would feel about it. Member Napolitan asked how the buildings would be laid out. Mayor Muchowski said it would be parallel to Railroad Avenue. This is still at a very preliminary stage, but the Township had told Ready Pac to be sure of what they want this time.

The Board had a discussion about the advice given by the Zoning Officer and the interpretation of the ordinance as it pertains to expansion of pre-existing non-conforming uses. Solicitor Abbott said the way to correct the problem with the ordinance is to change the ordinance to read: all uses permitted in the NC zone with the exception of residential uses.

Solicitor Abbott said that she and Planner Hintz had been working on revising the Adult Use Ordinance.

Motion by DeAngelis, seconded by O'Hara to adjourn the meeting.

54.

Motion unanimously passed by all members present

John T. Smith, Secretary

JTS/nle