

Florence, New Jersey 08518-2323
August 16, 2004

The Regular Meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, New Jersey. Chairperson Hamilton-Wood called the meeting to order at 7:35 P.M. followed by a salute to the flag.

Chairperson Hamilton-Wood then read the following statement: "I would like to announce that 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:

Michael J. Muchowski	John T. Smith
Thomas Napolitan	Philip F. Stockhaus, III
Dennis A. O'Hara	Mildred Hamilton-Wood

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

ABSENT: Gene DeAngelis
Robert Semptimphelter
John Fratinardo

RESOLUTIONS

Resolution PB#2004-25

Continuing the application of Maimon, Bleznak, Abramson Investments for Preliminary Major Subdivision Approval to permit construction of an industrial park on Block 168, Lots 6, 8, & 11, located in a SM Special Manufacturing District.

Solicitor Abbott stated that all members could vote with the exception of Mr. O'Hara.

Motion of Smith, seconded by Napolitan that Resolution PB#2004-25 be adopted.

Upon roll call the Board voted as follows:

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

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Resolution PB#2004-26

Continuing the application of John E. Drager for Minor Site Plan Approval and bulk variances to permit construction of a garage on Block 165.01, Lot 11.01, located in a HC Highway Commercial District.

Motion of Stockhaus, seconded by Smith that Resolution PB#2004-26 be adopted.

Upon roll call the Board voted as follows:

YEAS: Muchowski, Napolitan, Smith, Stockhaus, Hamilton-Wood
NOES: None
ABSENT: DeAngelis, Semptimpfelter, Fratinardo

Resolution PB#2004-27

Memorializing the granting to Whitesell Construction Company, Inc. Final Major Site Plan Approval with variances and waivers for Block 158, Lot 1 (proposed Lot 8), located in a GM General Manufacturing District.

Motion of Smith, seconded by Stockhaus that Resolution PB#2004-27 be adopted.

Upon roll call the Board voted as follows:

YEAS: Muchowski, Napolitan, Smith, Stockhaus, Hamilton-Wood
NOES: None
ABSENT: DeAngelis, Semptimpfelter, Fratinardo

Resolution PB#2004-28

Memorializing the granting of submission waivers and deeming incomplete and continuing the application of Mary Ann Forman for Minor Subdivision Approval with bulk variances to construct a single family dwelling on the empty lot located at 950 and 956 Wallace Avenue, Roebing, NJ Block 109, Lot 8 & 9.

Motion of Napolitan, seconded by Smith that Resolution PB#2004-28 be adopted.

YEAS: Muchowski, Napolitan, Smith, Stockhaus, Hamilton-Wood
NOES: None
ABSENT: DeAngelis, Semptimpfelter, Fratinardo

Resolution PB#2004-29

Memorializing the granting of Preliminary and Final Major Site Plan Approval with waivers to Florence Fire District Commissioners for construction of a new fire station on Block 155.47, Lot 10.01, located in a GM General Manufacturing District.

Motion of Smith, seconded by Stockhaus that Resolution PB#2004-29 be adopted.

Upon roll call the Board voted as follows:

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

Resolution PB#2004-30

Memorializing the granting of submission waivers and deeming incomplete and continuing the application of Roebing Bank for Preliminary and Final Major Site Plan Approval for expansion of the parking lot on Block 109, Lots 1, 5, & 7.03 located in a NC Neighborhood Commercial District.

Motion of Stockhaus, seconded by Smith that Resolution PB#2004-30 be adopted.

Upon roll call the Board voted as follows:

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

Resolution PB#2004-31

Memorializing the granting a submission waiver, deeming complete, and continuing the application of Atlantic Coast Companies for Preliminary and Final Major Site Plan approval for conversion of a trailer manufacturing plant to a truck management facility and construction of a gasoline storage and dispensing facility on Block 159, Lot 1.01, located in a HC Highway Commercial (SM Special Manufacturing Overlay) District.

Motion of Smith, seconded by Stockhaus that Resolution PB#2004-31 be adopted.

Upon roll call the Board voted as follows:

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

MINUTES

Motion of Smith, seconded by Napolitan that the minutes of the Regular meeting of July 19, 2004 be approved as submitted.

Motion unanimously approved by all members present.

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CORRESPONDENCE

Motion of Smith, seconded by O'Hara to receive and file correspondence A – G.

Motion unanimously approved by all members present.

At the request of Mayor Muchowski, the Board moved to item 10 on the agenda – public comments.

Mr. John D'Acquisito, 7 Yokus Lane, Greenbriar Horizon. Mr. D'Acquisito stated that the residents at Greenbriar are having a problem with the clubhouse. The only work that has been done on the clubhouse was to start the foundation. Mr. D'Acquisito asked if the Planning Board had denied anything that would affect the building of the clubhouse.

Mayor Muchowski stated that the Council had been asked to look into the building of the clubhouse because all of the literature from US Home stated that the clubhouse would be built by the end of 2004. Mayor Muchowski said that the approving resolution did not include a trigger to make sure that the clubhouse gets built.

Mayor Muchowski stated that Administrator Richard Brook had sent a letter to US Home asking them to live up to the promises that they had made. Mr. Brook's letter asked for a start date and a finish date for the clubhouse.

Chairperson Hamilton-Wood stated that there is no approval pending from the Planning Board that would hold up the building of the clubhouse. Mayor Muchowski suggested that Mr. D'Acquisito reach out to Mr. Brook to be involved in resolving this issue.

Hearing no other members of the public wishing to speak, Chairperson Hamilton-Wood closed the public portion of the meeting.

The Board returned to the regular order of business.

OLD BUSINESS

Solicitor Abbott stated that the applications for Maryann Forman and Atlantic Coast Companies until the September 20, 2004 meeting of the Board.

Chairperson Hamilton-Wood called for application PB#2004-03 for John Drager. 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.

John Drager, 2122 Route 130 North, was sworn in by Solicitor Abbott. Solicitor Abbott stated that the application had been deemed incomplete because the applicant had not

submitted a formal site plan. She stated that the site plan had been received and reviewed, the application was still incomplete due to submission waivers.

Solicitor Abbott explained the procedure for the waiver hearing. She stated that Mr. Drager had asked for 10 waivers.

Engineer Sander listed the waivers on his report.

- a. Location of existing utilities. Not shown on the site plan.
- b. Plans of proposed utility layouts showing feasible connections to existing utility system.

Mr. Drager stated that the electrical pole was on his neighbor's property and the neighbor would not allow his engineer to go onto his property to find the exact location of the pole. Engineer Sander stated that there should be an easement. Mr. Drager said that he would get his own pole if necessary. Engineer Sander stated that the location of the pole would have to be on the plan for the approval.

- c. Drainage calculations – Engineer Sander thought that this should be supplied – looking at grade on the site plan water will drain on other properties. Calculations should be submitted to show how much drainage is going off site now and how much will go off site after the construction.
- d. Test borings to the water table or a depth of 10 feet – Engineer Sander felt this could be waived.
- e. Lighting plan – applicant proposed no additional lighting.
- f. Landscaping plan – there is an issue as to whether addition landscaping will be required at the back of the property. The property is difficult to provide much of a buffer due to the narrowness of it.

Mayor Muchowski asked how if Mr. Drager's property was in the Highway Commercial zone, that the main use was a residence and the garage is listed on the plans as an accessory building for commercial use. Solicitor Abbott stated that the garage is a principle building. There are two principle uses on the property. Mayor Muchowski pointed out to Mr. Drager that his lot is 300 feet deep, but he is trying to put his commercial building 15 feet from the rear property line. Mr. Drager stated that the garage is not completely a commercial building; he will be storing personal items in the garage as well. Mr. Drager stated that he would not be selling commercially. Solicitor Abbott stated that the zoning law states that if the garage is an accessory building to the residence its use has to be for things that are incidental to the residential use – storage of

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cars, toys, sports equipment, etc. If business related equipment would be stored in the garage it loses its classification as an accessory structure to the residence.

The garage went from accessory to principle use because Mr. Drager will be storing business equipment. For principle buildings the setback is 50 feet. Solicitor Abbott stated that when Mr. Drager filed his application he indicated that the garage would support his heating and cooling business. Due to this fact the building would be a commercial building. Engineer Sander asked Mr. Drager if he would be working inside the building or if it would be just used for storage. Mr. Drager indicated that he would be fabricating, the same that he would do in his truck. Engineer Sander stated that Mr. Drager needed to revise his plan to show what he planned to do in and at the site and needed to address this as a permitted principle use.

Mayor Muchowski asked Mr. Drager if his engineer had called anyone to get clarification of what was needed. Mr. Drager said yes his engineer had called someone – but he could not recall who it was. He had gotten a business card from someone at the previous meeting and his engineer said he had made a call to an engineering firm. Mayor Muchowski suggested that Mr. Drager find out from his engineer who he had spoken to. Mr. Drager said that it didn't matter because he would not be coming back before the Board. He said he had wasted enough time and money.

Solicitor Abbott said what that the Board was looking for was engineering details on the plan and some of them are probably relatively easy. Mayor Muchowski told Mr. Drager that the Board could go over the requirements and let him know what was required. Member O'Hara stated that Mr. Drager could reduce the number of variances that he needed by moving the location of the garage closer to the center of the property. Mr. Drager indicated that the neighboring properties had their buildings all the way at the back end of the lots. Mayor Muchowski said that the variance that had been requested were incorrect. Solicitor Abbott stated that Mr. Drager needed side yard setback and rear yard setback variances for the garage. The lot area, lot frontage, and width are existing. On the porch he needs front yard setback and side yard setback. So basically Mr. Drager only needs four variances.

Solicitor Abbott stated that the site plan is incorrect and the application could be deemed incomplete. Chairperson Hamilton-Wood stated that she is uncomfortable in moving forward. Mayor Muchowski referred to Mr. Drager's engineers letter and said that he had some concerns.

Motion of O'Hara, second by Stockhaus to deem the application still incomplete and not grant any submission waivers.

Member Smith stated that he didn't understand the concern of the Board because the adjoining lots are similar to Mr. Drager's property.

Upon roll call the Board voted as follows:

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

Chairperson Hamilton-Wood called for application PB#2004-05 for Maimon, Bleznak, Abramson Investments. Applicant is requesting preliminary major subdivision approval for the construction of an industrial park at Florence-Columbus Road and Route 295, Block 168, Lots 6, 8, & 11.

Phil Licht, attorney for the applicant introduced Lee Maimon, one of the Group owners, Andrew Ott, Ott and Warren, Land Engineer for the applicant and David Horner, Horner Cantor Associates, Traffic Engineer for the applicant. Solicitor Abbott swore all in.

Solicitor Abbott asked for the status of the application before Mansfield Township. Mr. Ott stated that the applicant had received Preliminary Major Subdivision approval from Mansfield. The approval was given June 25, 2004, but they do not have the copy of the resolution from Mansfield.

Mr. Ott described the layout of the site. The site is approximately 42 acres. 32 acres are in Florence and 11 acres are in Mansfield. They are looking to develop the site to house plus or minus 322,000 square feet of both manufacturing and office flex type buildings. The site is bisected by the township line. Florence sits on the north, Mansfield on the south. The access road would come off of Florence Columbus Road. They have had discussions with the DEP they are ready to make that application but they are holding off until they hear the comments from the Planning Board. They also have had discussions with the County regarding the entrance and provided to the County a preliminary plan.

The site is zoned SM Special Manufacturing and the applicant is proposing to put six lots on the Florence side of the Township line. They are asking for one overall variance for this application. That is relief from the requirement that parking should be 75 feet off the right of way line. They are proposing the buildings parking to be 75 feet off the right of way line from Florence Columbus Road. However on the cul-de-sac access road they would like relief on the setback of 75 feet.

Mayor Muchowski asked if the entire road was in Florence Township. Mr. Ott stated that most of the road is in Florence; the cul-de-sac is in Mansfield. Mayor Muchowski asked why if Florence had 32 acres and Mansfield only had 11 acres, why was Mansfield enjoying the benefit of more buildings. Mr. Ott explained that on the Florence side of the road there is an Letter of Interpretation (LOI) from the DEP a wetland area and a 50 feet buffer. They have been speaking with the DEP and on Florence Columbus Road there is a culvert that crosses the road and there is a swale through the site that flows down to that culvert. The DEP will only allow them to fill 25% of this space. They would have liked to have two more buildings on the Florence side but the DEP will not allow this.

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Mayor Muchowski asked that of the 322,000 square feet, how much was in Florence. Mr. Ott answered that 130,000 square feet would be in Florence. Florence would get one entire buildings and split two other buildings with Mansfield Township. Mayor Muchowski stated that Florence is supplying three quarters of the acreage but ending up with 40% of the buildings. Mr. Ott stated that there was one other site in Florence that he had missed.

There are two buildings straddling the line. It would have to be sorted out between the two townships as to who would handle the building permits, inspections, etc. In regards to the ratables some townships split the ratables according to the percentage of the building that is in each town.

Planner Hintz stated that the variance the applicant is asking for relates to site plan not to subdivision approval. Engineer Sander explained that the Board should be addressing for subdivision is the configuration of the lots, the roadway that is proposed and detention basins A & B that take the runoff from the road.

Florence Township will get detention basin B, the road and 130,000 square feet of buildings. Mr. Ott stated that they are proposing a couple of swales (drainage ditches along the side of the road). The water will flow down the side of the road in these ditches and go into the detention basin. This would be called a wetland basin. The DEP will have to approve this based on their new laws.

Mr. Ott stated that Mansfield had approved the subdivision with just a few minor changes. Attorney Licht stated that the application is working under an LOI that expires on April 17, 2005. If they don't quickly get moving on this project the whole area may be deemed as wetlands.

Member Napolitan asked how far the entrance to the road is from 295. Mr. Ott stated that the entrance is about 320 feet from the 295 interchange.

Chairperson Hamilton-Wood asked if the professional staff had any problems with completeness. Engineer Sander stated that there were two items, which he did not see a problem with granting waivers. One was preliminary delineation of stream encroachment based on NJDEP criteria and secondly the identification of trees 6" and greater in diameter.

Mr. Ott stated that they had done the delineation but they were waiting to hear what the Board had to say before they sent it to the DEP. In regards to the 6 inch trees, the site is generally clear the only foliage is around the wetland, so they are asking for the waiver. Planner Hintz did not have any objection to waiving this.

Mayor Muchowski stated that he is not pleased to have the road but not the benefit of a majority of the buildings. Mayor Muchowski asked why the road could not be

straightened out. Mr. Ott stated that it was a DOT requirement the access road must be perpendicular where it meets Florence Columbus Road. Mayor Muchowski asked what the requirement was as to the distance from 295. Mr. Horner stated that where they have the road located is as close to 295 as they can go.

Mr. Horner stated that he did not want to put a traffic light at the street because it would interfere with cars exiting 295. Engineer Sander stated that an unsignaled intersection would be a failed intersection. Engineer Sander asked if they could move the intersection down more into Florence. Mr. Ott stated that because of the flood plain and the 20% net fill requirement there would be less square footage than they currently show.

Engineer Sander is concerned with the traffic situation. He can't see approving a failed intersection. He thinks this will cause accidents. Mr. Horner stated that an F intersection does not necessarily mean it would be a traffic hazard. Member Napolitan stated that tractor trailers entering the site will make the situation worse. Mr. Ott stated that the County had asked the applicant to widen a part of the road to help alleviate a bad situation.

Mr. Horner stated that he didn't know if a traffic light would be approved by the County and the State.

Mr. Horner stated that peak hour traffic would be 90% cars.

Chairperson Hamilton –Wood suggested that the Board resolve the completeness issue before they continued with substantive issues.

Motion of Stockhaus, seconded by O'Hara to deem Application PB#2004-05 complete and grant submission waivers for preliminary delineation of stream encroachment based on NJDEP criteria and identification of trees 6" or greater in diameter.

Upon roll call the Board voted as follows:

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

Mayor Muchowski asked how much of the 32 acres in the Florence portion of the site were wetlands? Mr. Ott stated that between 7 and 8 acres are wetlands. Mayor Muchowski asked the applicant could make this fairer to Florence. Florence has 24 acres, Mansfield has 11 acres, and yet Mansfield is getting 200,000 square feet of ratables and Florence is getting 130,000 square feet of ratables. Florence will also have to maintain the road. Mr. Maimon said that he is trying the best to configure the site to use it, but he is held back by the configuration of the land. Mr. Ott stated that if he shifted one building he might be able to gain 30-40,000 square feet. Mr. Maimon stated that he

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is trying to build a site that would be beneficial to both Townships. Mayor Muchowski stated that maybe the Board needed to have a conversation with Mansfield about this site. Florence is holding the majority of the land but giving the maximum benefit to Mansfield Township. Attorney Licht stated that maybe an inter-township agreement could be worked out where a greater allocation of the ratables to Florence Township.

Mayor Muchowski stated that without the road going through Florence Township the site couldn't be built. Mr. Maimon asked if they could work out another 30-40,000 square feet of ratable would that be acceptable. Mayor Muchowski said the Board would have to look at that. Chairperson Hamilton-Wood has concerns about the road Traffic from 295 will have to cross two lane of traffic to make a left hand turn into the site. Mr. Ott stated that the off ramp ends approximately 120 feet from the proposed driveway. Member Stockhaus has a concern about the cars trying to make a left out of the site. If cars or trucks are stacked to make a left into the site and cars are coming from 295 and passing the vehicles waiting to turn in. Mr. Horner stated that there should not be a problem because the left turn into the site should have the right of way.

Mr. Horner stated that the merge area will end before the left turn into the site, so there should not be a problem with turning. Member O'Hara asked if the intersection would still remain an "F" if it was moved. Mr. Horner stated that yes it would because this is a function of volume.

Member O'Hara said that the Board needed to look at what we could do with this site if it wasn't merged with Mansfield so that both Townships benefit from it. The Mayor and Council need to develop an equitable ratio as to the benefits of this plan.

The Board and Mr. Ott explored several options to redesign the site to give more benefit to Florence. Mayor Muchowski said that Florence still has 2/3 of the remaining land and Mansfield has the greater share of the benefits. Mr. Licht said that effective April 17, 2005 the LOI expires and all the land would be considered wetlands. Mr. Maimon would agree to change the building to give Florence 30-40,000 additional square feet. Mayor Muchowski stated that this is an awesome plan for Mansfield and an okay plan for Florence. Mr. Maimon said that he felt it was an awesome plan for Florence as well; it would give Florence 170,000 square feet of ratables that they don't have the benefit of at this time. Mr. Maimon stated that he has designed this plan to meet the zoning that Florence Township wanted.

Mr. Maimon stated that he had spent a lot of money; he had met with the Board professionals to come up with an acceptable plan. Mayor Muchowski stated that to service Florence Township half of the proposed roadway was not necessary. The road was being built to access the Mansfield portion of the site. He said that you could build in Florence. Mr. Licht stated that Mayor Muchowski was not taking into consideration the 100-year plain and the wetland delineations as to how the road has to work so they can build as much as they want. Mayor Muchowski said that they are paying attention of

the full development potential of the site regardless of the Township lines. He stated that this plan is great for the applicant, but he would like them to look at reworking the plan to make it more equitable for Florence. Mr. Maimon stated that he already said he would give Florence 30-40,000 additional square feet. Mr. Maimon said he can't lose the road. It has to be the way it is because of the detention basin and flood plain and wetlands. Mayor Muchowski asked if the board professionals agreed with Mr. Maimon that there was no way to move the road to affect the site triangle. Engineer Sander said that it was not a site triangle, it was a number of things – the location of the road and the functionality of the intersection that was a cause for concerns. Mayor Muchowski said that this was the conversation that he wanted to take place to come up with a way to more evenly distribute the development through the available lands. Mr. Maimon said he was trying to make a concession that he thinks makes the ratables 50/50 he doesn't see the problem with the road being more on one side.

Mr. Ott stated that he is limited as to where he could move the road. Mr. Maimon said that he would give a plus for Florence, by approving this development it will make the adjoining farm (Lounsberry) more attractive to developers. The zoning on the Lounsberry property is SM Special Manufacturing. Mr. Maimon said this area is a natural area for growth of light industry due to the interchange of 295. Mr. Ott said that part of the approval with Mansfield was to give access to Lounsberry's property.

Mr. Ott said he will look at rotating the building, but he doesn't think you will get as much square footage for Florence. Mr. Ott said he would shift the building back and put traffic in the front.

Mr. Maimon said that at site plan approval the Board would have a say as to where the buildings are located. Mr. Ott stated that the most he could move the road over is approximately 50 feet due to the constraints of the site. Chairperson Hamilton-Wood stated that she is still concerned with the intersection. Engineer Sander stated that moving the road would gain nothing. Mr. Ott stated that you would wipe out one site if you move the road.

Member Stockhaus asked what volume of vehicles were expected at peak hours. Mr. Horner stated that the volume based on 322,000 square feet indicates that in the evening there will be 60 vehicles exiting left, 110 exiting left. At the morning peak there would be 57 entering left and 30 entering right. Engineer Sander stated that he doesn't like the road. He thinks the delay on making a left at the evening peak is too long. If most of the businesses have the same hours this would cause a major delay in exiting the site. Mr. Horner stated that the location of the driveway does not change the failure rate of the intersection. Mr. Horner stated that the County is the approving body on the access. The preliminary assessment from the County was that the intersection was good as long as the applicant widened the road to accommodate the left hand turns. Mayor Muchowski asked if the applicant had a copy of the letter from the county. Mr. Ott said that they do not have a letter from the County. The road was designed based on comments from

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meetings with the County. They have had their proposal in with the County for two months, but haven't gotten anything back yet.

Member Stockhaus is concerned with the safety of the failed intersection. Mr. Horner stated that they had not spoken to DOT about putting a light at the intersection. Mayor Muchowski stated that if we approve this site plan subject to the County, the Board would have no more say. Engineer Sander stated that by creating the lots, we are creating the road. Mr. Ott stated that they had an informal meeting with John Engle at the County. They prepared their road and grading plan according to the comments that the County made and they are waiting for County approval before they go on with any more of the plans.

Member Napolitan asked what the width of the driveway was. Mr. Ott stated that it was 40 feet wide. Member Napolitan brought up the concern about U turns in the developments driveway. Mr. Ott didn't think there would be any U turns.

Solicitor Abbott suggested setting up another meeting with the professionals to smooth out the problems. Mr. Maimon said that if the Board does not allow them to put a road in they can't use the property. Engineer Sander said they could use the back end of the property.

Member O'Hara asked Mr. Horner if he could state a case where an "F" level intersection was approved. Mr. Horner could not think of one off the top of his head. Member O'Hara asked Mr. Horner to look at similar scenarios that he could bring back to the Board. Chairperson Hamilton-Wood asked Engineer Sander if there is anyway to move the road so it could be signalized. Engineer Sander said the ideal situation would be to come in from an adjacent property and not access off of Florence Columbus Road at all.

Chairperson Hamilton-Wood opened the meeting to the public.

Bob Lounsberry, 2109 Old York Road was sworn in by Solicitor Abbott. Mr. Lounsberry owns a piece of property that was adjacent to Mr. Maimon's property. Mr. Lounsberry would like to have a road built accessing his property. He stated that Florence Township had turned him down twice for Farmland Preservation so his property will most likely be developed.

Mr. Lounsberry suggested solving the traffic problems with making the exit no left turn out of the site and using 295 as a U turn.

Mr. Maimon said that he had provided access to Mr. Lounsberry's property. Part of the Mansfield approval was that if they acquired Mr. Lounsberry's property there would be access through the Maimon property.

Fred Wainwright, Florence Columbus Road was sworn in by Solicitor Abbott. Mr. Wainwright said the reason that Mansfield wanted a road through Mr. Lounsberry's property to Burlington Columbus Road was in case of a fire there would be access if Florence Columbus Road got blocked.

Mr. Wainwright stated that Florence Township should have had the Township lines moved a long time ago. He stated that he would shift his line to Florence then there wouldn't be a problem. He said the lines should have been shifted when 295 was put in.

Mr. Wainwright stated that he has been farming Mr. Maimon's property for 30 years and when the County put the pipe under Florence Columbus Road they created a dam. When 295 was put in it created more run-off. There are wetlands on the site, and several of the adjoining properties drain into the pipe under Florence Columbus Road. Mr. Wainwright spoke in favor of the application, if there is a way to use this property he stated they should do it. He also agreed with Mr. Lounsberry on the no left turn/U turn on 295.

Hearing no one else wishing to speak motion was made by O'Hara, seconded by Stockhaus to close public portion of the hearing.

Motion unanimously approved by all members present.

Member O'Hara asked if making the exit to the site no left turn would improve the rating of the intersection. Mr. Horner stated that yes it would improve the rating because the "F" was only for the left turn out.

Mr. Maimon stated that he would agree to right turn only provided the application was approved this evening.

The plan that had been proposed was a concept site plan. Chairperson Hamilton-Wood asked that if the Board approved the site plan for the lots and the road how would to applicant approach site plan approval for the individual buildings. Would they go the Florence or Mansfield first? Engineer Sander stated that if they got approval from Mansfield first and then Florence did not approve, the applicant would have to go back for amended site plan to Mansfield. Mr. Maimon stated that the way to make it easier is for Florence to make an agreement with Mansfield. Mayor Muchowski was concerned that after the access road was built in Florence the first several buildings would be built in Mansfield. Mr. Maimon said that he would be at the mercy of the market, he doesn't know which buildings would sell first.

Mr. Licht said that they are asking the Mayor to protect the interests of Florence Township by giving the approval to this application so the project can be started and not lose the whole site to wetlands. Mayor Muchowski asked if one month would kill this deal. Mr. Licht stated that they had at least 120 days for the DEP and yes a month would make a difference. Mr. Ott said that the road had to be at least 80% done by April.

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Mr. Maimon said they would start construction as soon as they get DEP approval. Mayor Muchowski asked Mr. Maimon to explain why if the road was not built by April he would lose all developable rights to the property. Mr. Maimon stated that his knowledge of the DEP, which came from the man who did his delineation. Engineer Sander said that there is nothing that says after April 2005 the site becomes wetlands. The finding has an expiration date. What it says is until April 2005 this is the delineation, after then it is liable to change.

Mr. Maimon said that the laws have gotten much stricter. He had the man who did his delineation go out and look at the property and the man told him that possibly most of the property now would be considered wetlands if he did not act on his approval. He has to move fast to make his permit stay by starting construction on the site. Mayor Muchowski asked when Mr. Maimon received the delineation and the permit. Mr. Maimon said it was about 9 years ago. Mr. Ott said the new regulations indicate that the farmland will be deemed wetlands unless they have a rebuttable presumption where they make the land fallow for a year, remove all tiles then have the land retested. That would be the applicant's burden to overcome the presumption that it is wetlands. The new rules were published in January. Planner Hintz stated that agricultural fields that were artificially drained, under the new rules would be wetlands.

Member O'Hara asked if the culvert that Mr. Wainwright spoke about was on the Maimon property. Mr. Ott stated that the culvert was in the right of way. Mr. Ott said they are not allowed to increase the flow of water downstream through the culvert to alleviate a flooding situation on their property.

Member O'Hara stated that the Board had spent a lot of time on this application and the applicant had made some concessions. He asked what would happen to this property? He said that he thought the Board should negotiate with Mansfield. Mayor Muchowski asked if the approval could be subject to the negotiations. Member O'Hara wondered if this is a stepping stone to future development. Mayor Muchowski asked if they could subject a sub-division approval with the caveat that the Board wants to have a discussion with Mansfield. Mr. Licht stated with all due respect that the Board could not expect the applicant to go to the DEP and for all future approvals and then have the Board come back and say sorry we didn't get enough from Mansfield so you are out of luck. He stated that this was too much risk for the applicant.

Mayor Muchowski asked if the Board by law had to make a subdivision approval that grants a road to access Mansfield. Engineer Sander stated that the subdivision the Board would approve would only be the lots in Florence and the road up to the Township line.

Mayor Muchowski asked if he had to allow access into Mansfield? Solicitor Abbott said they would not be landlocked. The Board and applicant had a discussion regarding access to the site from Mansfield Township.

Attorney Licht stated that Florence Township should have a discussion with Mansfield Township, but we can't make it a condition of approval. Solicitor Abbott stated that we needed to see the resolution of approval from Mansfield. We don't know what Mansfield approved and what their conditions were and if they placed conditions on their approval that would conflict drastically with what the Board was approving then the matter would have to be revisited.

Mayor Muchowski said that in theory the Board could be approving a subdivision that does nothing except access Mansfield. Chairman Hamilton-Wood agreed and said that there is no reason why the Florence portion would have to be built. Attorney Licht said that if the applicant only wanted to develop the Mansfield part of the site, they would not have gone through the trouble of trying to co-operate with Florence in preparing the site plan over the last 3 months. Mr. Maimon said it is possible that they would develop the Florence side and nothing in Mansfield. He said that he couldn't believe that the Board did not want to co-operate with Mansfield because Mansfield had already co-operated with Florence. Mayor Muchowski asked how they had co-operated with us. Mr. Maimon said that he needed two approvals to build this site. So he is in a tough spot. Mayor Muchowski stated that it is necessary for Florence to improve the road in order for the Mansfield site to be developed. Attorney Licht stated that it also facilitates Florence being developed. Mayor Muchowski said that he was told that he couldn't talk about site plan. Mr. Maimon said that the Board would have say on site plan – but not now. Attorney Licht stated that if the Board considers the rear lot the crown jewel then they have to come to both Townships and the two Townships are going to have to work this out.

Mayor Muchowski stated that the maximum benefit of this development goes to Mansfield. Mr. Maimon stated that the maximum benefit goes to both Townships. Engineer Sander gave his opinion that the applicant is going to fix the access on the road to alleviate the dangerous condition. They have agreed to give us the maximum of the buildings but we have to take them on good faith until the site plan is submitted.

The Board would be approving the road, the lots and one basin that is for the road.

Member O'Hara asked if the applicant would wait one month until the Board had a chance to have discussions with Mansfield. Attorney Licht stated that he felt those discussions could take place at site plan approval and waiting another month would hinder them in getting other approvals and it is against their best interest to wait due to the pending expiration of the Letter of Interpretation.

Solicitor Abbott stated that in regards to the future site plan applications the Board is limited as to the conditions that they can put on the site plan approval.

Chairperson Hamilton-Wood called for a motion to either approve or deny the subdivision. Member Napolitan asked if there were any conditions. Solicitor Abbott

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stated that there were items raised in the Planners and the Engineers report that should be reviewed. Mayor Muchowski asked what happened if we made right turn only a condition, but the State or County grants full access. Engineer Sander stated that then they would have to come back before the Board again. Attorney Licht agreed to a condition that Engineer Sander approve of the intersection prior to the signing of the final plans. Nothing has changed in the plan for widening of the road with the exception that the intersection is right turn only. Another condition that approvals do not conflict with any approvals by Mansfield Township.

Attorney Licht stated that the intention of the applicant is to have this be a public road. Mayor Muchowski stated that he didn't want Florence to maintain the road, he would prefer if it were a private road. Member Napolitan inquired as to what discussion Mansfield Township had about maintenance of the road. Mr. Wainwright stated that they did not discuss the road because it didn't concern them. Mr. Licht said that there was discussion that the road would be addressed by an inter Township agreement. Chairperson Hamilton-Wood asked why we did not have a copy of the resolution of approval. Engineer Sander stated that in some Boards it takes a long time to get resolutions.

Member O'Hara said that he thought the Board should vote.

Solicitor Abbott stated that if it were a private road then there would have to be an association to maintain a private road.

Chairperson Hamilton-Wood asked if the Board could act on its own to continue this until the September meeting. Solicitor Abbott stated that the Board had 45 days to act on this application and if there wasn't a quorum at the September meeting it could be a problem. Chairperson Hamilton-Wood stated that there were two meetings in September - the 20th and the 27th. The 45th date is on the 26th, but since this is a Sunday it would be within the time limit. Solicitor Abbott thinks this is cutting it too close. The Board needed to act tonight. The applicant will either grant a continuance and extend the time limit until the October meeting or the Board will deny the application without prejudice.

Mr. Maimon stated that they would have to form an association to take care of the basin and they would include the maintenance of the road.

Member O'Hara asked why we couldn't continue to the September meeting. Solicitor Abbott stated that she was afraid that there would not be a quorum. Member O'Hara stated that he couldn't remember the last time they did not have a quorum at the Planning Board.

Engineer Sander asked if the applicant agreed to comply with all the comments in his letter and in Planner Hintz's letter. Mr. Ott stated that he did agree with everything.

Member O'Hara said that because of the sensitivity of this hearing between the two Townships and the fact that the Resolution from Mansfield had not been presented he made a motion to continue the application until the September 20, 2004 meeting of the Board, seconded by Smith.

Upon roll call the Board voted as follows:

YEAS: Muchowski, Napolitan, O'Hara, Smith, Stockhaus, Hamilton-Wood

NOES: None

ABSENT: Fratinardo, DeAngelis, Semptimphelter.

The applicant is not required to re-notice for the September meeting.

Chairperson Hamilton-Wood called a short recess.

The Board returned to the regular order of business.

Chairperson Hamilton-Wood called for application PB#2004-07 for Roebling Bank. Applicant has requested Major Site Plan Approval for the construction of a parking lot at Route 130 and Delaware Avenue, Block 109, Lots 1, 5, and 7.03.

J. Robertson MacIver, solicitor for Roebling Bank stated that they had complied with the submission requirements that were not waived at the last meeting. Solicitor Abbott stated that she and Marty Sander had met on August 12, 2004 with Attorney MacIver and Hagop Keshishian, engineer for the applicant, and discussed in detail the submission waivers that were being requested and went through Engineer Sanders report. Solicitor Abbott stated that everything was in line and the application could be deemed complete. Engineer Sander and Planner Hintz both concurred with this.

Motion of O'Hara, seconded by Stockhaus to deem PB#2004-07 for Roebling Bank complete.

Upon roll call the Board voted as follows:

YEAS: Muchowski, Napolitan, O'Hara, Smith, Stockhaus, Hamilton-Wood

NOES: None

ABSENT: Fratinardo, DeAngelis, Semptimphelter

Attorney MacIver introduced Frank Travea, President/CEO of Roebling Bank and Hagop Keshishian, applicants professional engineer. Both are under oath from the last meeting.

Attorney MacIver addressed the comments made in the Engineer's report. All lots will be consolidated and they will provide the descriptions of lots 7.01 and 7.02. Attorney

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MacIver said that the property owners for these lots would have to re-file their deeds if they wish providing that the Mayor and Council rule favorably on the request to vacate Tilton Lane and the paper alley. The adjoining lot owners and the bank will own to the center line of the vacated right away. Attorney MacIver stated that they will have a perimeter description of the Bank's side of the property so they can consolidate it into a single tax lot.

Mr. Keshishian indicated on the plan where the one-way pattern of circulation drive aisle will be located as per the request on the Engineer's report.

The applicant will revise the final site plan to show the correct grading and the drainage calculation will be revised and the stormwater runoff will be directed to the correct basin.

Mr. MacIver indicated that they would procure approval from all required agencies.

Mayor Muchowski asked if the County required an eight foot expansion of the right of way to expand Delaware Avenue would that have a negative impact on the plan? Mr. Keshishian stated that this would not have a negative impact.

Mr. MacIver moved onto Planner Hintz's review letter. The letter indicates that a variance is needed which would require a 20 foot setback for parking areas from lot lines. Attorney MacIver stated that he had consulted the Florence ordinance and he believes that it is the first 20 feet adjacent to the street line that should not be used for parking. They don't believe that they have any parking areas that encroach within 20 feet of the street line. Attorney MacIver stated that due to this they do not feel that they require a variance.

Planner Hintz's letter suggests that the applicant might want to apply for a variance reducing the size of the parking stalls from 10' x 20' required by ordinance to 9' x 18'. Not to increase the number of parking spaces, but to reduce the size of the lot so there could be more trees and less impervious coverage. Attorney MacIver stated that they did not want to reduce the size of the parking stalls.

Next the planner's report stated that a variance would be required because the plan does not call for two shade tree for every ten parking spaces. Also the proposed landscape design does not screen or buffer in accordance with the ordinance. The applicant will comply with these requirements.

The plan shows a free standing sign on the access required for from Route 130 and a variance would be required for this. The existing sign will remain at the corner of Delaware and Rt. 130. The proposed sign is a monument sign – approximately five feet high and would be located between the entrance and the exit on Rt. 130. This sign will not impede the site triangle.

Planner Hintz responded that Attorney MacIver was correct about parking area setback from the street line not the lot line. However, the ordinance also states that a minimum buffer area of 25 feet in width shall be provided along any common property line with a residential district and or residential use. He said that the reason he had suggested smaller parking spaces, especially the width, every foot that you gain would increase the buffer area and the size of the two islands in the new parking lot. Solicitor Abbott asked if the applicant would agree to amend the application to reflect the 9' x 18' parking stalls.

Member O'Hara asked what was decided on the parking stalls. Attorney MacIver stated that the applicant agreed to reduce the size of the parking stalls. Member Smith stated that he did not agree with reducing the size of the stalls. He stated that this is transient parking, people coming in and out and opening and closing their doors. Planner Hintz stated that reducing the size of the stalls gives you less impervious coverage and better maneuverability around the islands.

Chairperson Hamilton-Wood asked if this would be customer parking or employee parking. Mr. Travea stated that the intention was to have the employees park in the new lot allowing the customers to park closer to the bank. Mayor Muchowski asked how many employees the bank had. Mr. Travea stated that they had approximately 14 - 15 employees. He said that the employees would be parking at the far end of the lot, saving the closer spots for customers.

Mayor Muchowski asked what size the existing parking spaces are. Mr. Travea stated that they were 9' x 18'. Chairperson Hamilton-Wood asked if the applicant would want the new spaces to be the same to line up with the existing spaces. Member Smith stated that he still thought it was a poor design due to transient parking. Member O'Hara asked if the applicant were to agree to the 9' x 18' parking stalls would that allow for less impervious coverage and more landscaping. Planner Hintz answered yes. Member O'Hara suggested to Member Smith that this was a good trade-off. Member Smith suggested that the Township change the parking ordinance because most applicants ask for a variance for the parking, and in this case the Board's Planner is suggesting the variance to the applicant.

Attorney MacIver recapped the requested variances which were highlighted in Planner Hintz's report – section 1.1, 1.2, and 1.4. The Board had a discussion as to whether a variance would be needed for the freestanding sign on Rt. 130.

Mr. Keshishian responded to Planner Hintz's request to re-contour the retention basin to look less like a hole in the ground. The applicant will revise the design of the basin to be more aesthetically pleasing. They will add plantings on the north side of the basin to make it more acceptable. The basin doesn't need an outlet structure because the basin will percolate in half an hour for a hundred year storm. Planner Hintz stated that this is more a detention basin than a retention basin.

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Mr. Keshishian stated that they would add the dimensions for the proposed entry lanes from Rt. 130 onto the plan. The entry is 18 feet wide. The landscaping on the plan is misrepresented in terms of growth. Mr. Keshishian stated that they could add more landscaping or change the icons on the plan if needed.

The buffer from the highway does not meet the ordinance. Planner Hintz added that some shrubs should be added to the landscape plan in this section. He stated that he would sketch something out.

Solicitor MacIver stated that there was a certified landscaped architect involved in preparing the plan. The landscape plan details will be worked out between the Board Planner and the architect.

The 400 feet sight triangle is shown on the plan. Mr. Keshishian stated that he would do a light test to see if a light needed to be added. Planner Hintz said that if an additional light was needed they should get one with a sharp cut-off so it doesn't disturb the neighbors. Planner Hintz stated that the appropriate foot candle for the light would be .2. Mr. Keshishian stated the foot candle is zero at the property line. There is a street light at the entrance from Rt. 130.

Chairperson Hamilton-Wood opened the meeting to public comment.

Chris Horbatt, 970 Wallace Avenue, was sworn in by Solicitor Abbott. Mr. Horbatt's property is on the corner of Wallace Avenue and Tilton Lane. Mr. Horbatt opposes the vacation of Tilton Lane. His garage faces Tilton Lane. He stated that he has to make a 90 degree turn to pull into his garage and with the way the road will be divided up there is no way he will be able to access his garage.

Mr. Horbatt stated that if Tilton Lane is vacated and the applicant does the proposed plan. The parking spaces will be in Tilton Lane. Mr. Horbatt said his dining room looks out onto Tilton Lane. He doesn't want to sit at his table and have people parking right outside his window. Mayor Muchowski stated that at present cars are driving 3 feet from his house. Mr. Horbatt agreed but said that the cars are not parked facing right up to his house. Actually there currently is approximately 60 feet buffer from the parking lot to the side of his house. Mr. Horbatt said that the new plan would have parking 10-15 feet facing his house. He measured the distance, from the property line he has seven feet from his fence, a car is six feet wide. He doesn't think he will be able to get into his garage.

Mayor Muchowski stated that they had this conversation at Council. The existing right of way goes to Mr. Horbatt's building. Mayor Muchowski said that the right of way is where the cartway should be not where it actually exists. Engineer Sander stated that the applicant is proposing a ten-foot wide easement on their property to give Mr. Horbatt access to his garage. Mr. Horbatt is not happy with an easement. He doesn't feel that it

is a valid reason to close that road just because somebody wants the property. Mayor Muchowski said that the majority of residence in the area had asked to have Tilton Lane to be eliminated. The Township has been looking for ways to eliminate traffic using Tilton Lane. Mr. Horbatt stated that he didn't think he should be denied access to his garage.

Chairperson Hamilton-Wood stated to the Board that the issue of vacating a town street is a town council matter. The Planning Board does not have jurisdiction to act. Mayor Muchowski stated that the approval of the application would be conditioned on the vacation of the road by the Town Council. He stated that conversations have taken place and the Council is taking in to consideration the interests of both affected parties.

Mr. Keshishian stated that what they are providing is a one-way street. Mr. Horbatt stated that they were going to narrow the road. Engineer Sander stated that it won't be any narrower than it already is now. Mr. Keshishian stated that some of Tilton Lane is on Roebing Bank's property. Engineer Sander stated that the applicant is taking the right of way which is 20 feet wide and splitting 10 feet and 10 feet. On the 10 feet that Roebing Bank is taking they are giving Mr. Horbatt access easement.

Mr. Keshishian stated that the right of way line goes to Mr. Horbatt's fence. They are giving Mr. Horbatt a 24 feet radius and they have proposed a stone area in front of his garage to make access easier. Mr. Horbatt said that his truck is 18 feet long. He doesn't park in his garage all the time, but he does use it. He said he is not trying to make it harder for Roebing Bank, but he wants to have access to his garage.

Mayor Muchowski asked if by shrinking the parking spots that are next to the residence, would this improve the problem. Mayor Muchowski asked Mr. Horbatt what could be done to improve the situation. Mr. Horbatt answered keeping Tilton Lane open.

Attorney MacIver asked Mr. Horbatt, short of leaving Tilton Lane open, what would he accept as a solution to the problem? Mayor Muchowski asked Mr. Horbatt if there was a dense landscaping buffer near the parking area and the applicant provided a six foot privacy fence and moved the fence back two feet on his property, would this be acceptable. Mr. Horbatt said that this would be acceptable to him. Attorney MacIver stated that the applicant would provide a privacy fence to provide an additional buffer from the parking lot and to keep people from parking and blocking him in. The applicant agreed keep the easement and buffering area as it is and have a privacy fence starting about 20 feet from Wallace running down the westerly side of the driveway to end.

Hearing no other members of the public wishing to speak. Motion of O'Hara, seconded by Smith to close the public portion of the meeting. Motion unanimously approved by all members present.

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Motion of Napolitan, seconded by O'Hara to grant preliminary and final major site plan approval with variances. With the condition that the applicant complies with the reports of the Board Planner and Board Engineer dated August 12, 2004, that Tilton Lane and the alley would be vacated, a six foot privacy fence to be installed for Mr. Horbatt, the pavement at the end of Mr. Horbatt's driveway to be extended ten feet past the garage with appropriate radius provided to facilitate turning.

Upon roll call the Board voted as follows:

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

Application PB2004-06 for Mary Ann Forman and Application PB2004-02 for Atlantic Coast Companies, letters had been received from both applicants requesting continuance.

Motion by O'Hara, seconded by Napolitan to continue these application.

Upon roll call the Board voted as follows:

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

Motion to adjourn by O'Hara, seconded by Stockhaus.

Motion unanimously approved by all members present.

John T. Smith Secretary

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