

Florence, New Jersey 08518-2323  
September 15, 2008

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairperson Hamilton-Wood called the meeting to order at 7:30 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:

Mayor Bill Berry	Council Member Sean P. Ryan
Gene DeAngelis	Craig Wilkie (LATE)
Mildred A. Hamilton-Wood	David Woolston
Wayne Morris	James Molimock
John T. Smith (LATE)	

ABSENT: None

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

Chairperson Hamilton-Wood asked Member DeAngelis to act as secretary in the absence of Member Smith.

## RESOLUTIONS

### **Resolution PB-2008-22**

**Continuing for the second time the application of Whitesell Construction Company, Inc. for extension of the period of protection of Final Major Site Plan approval for construction of a warehouse/distribution building on Block 158, Lot 8, located in a GM General Manufacturing Zoning District.**

Motion of Ryan, seconded by Berry to approve Resolution PB-2008-22.

Upon roll call the Board voted as follows:

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

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**Resolution PB-2008-23**

**Continuing the application of Florence 130 Plaza, LLC for relief from a condition of site plan approval for Block 162, Lot 5, located in the HC Highway Commercial and Special Manufacturing Zoning District.**

Member Smith arrived at 7:33 p.m.

Motion of Ryan, seconded by Berry to approve Resolution PB-2008-23.

Upon roll call the Board voted as follows:

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

Member Smith resumed his duties as secretary.

Member Wilkie arrived at 7:34 p.m.

**Resolution PB-2008-24**

**Deeming Incomplete the application of James and Lori Heupel for Minor Subdivision approval for Block 166, Lots 17.02 and 18.02, located in the R Low Density Residential Zoning District.**

Motion of Ryan, seconded by Berry to approve Resolution PB-2008-24.

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

**MINUTES**

Motion of DeAngelis, seconded by Morris to approve the Minutes of the regular meeting of August 18, 2008 as submitted. Motion unanimously approved by all members present.

**CORRESPONDENCE**

- A. Certified soil erosion and sediment control plan for Perigrine Partners dated September 3, 2008.
- B. Notice from NJLM dated September 9, 2008 regarding Permit Extension Act.
- C. Freshwater Wetlands Application Checklist submitted by Beneficial Bank for Blocks 121, and 141.01, Lots 4.02, 4.03, 9 & 10.

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

#### APPLICATIONS

Chairperson Hamilton-Wood called for Application PB#2008-09 for Gina and Robert Lounsberry, Jr. Applicant is requesting a Minor Subdivision (lot line adjustment) with bulk variances for property located at 2109 and 2111 Old York Road. Block 164.01, Lots 5.01 and 7.04.

Solicitor Frank stated that he had a conflict and would be stepping down for this application. Robert Kingsbury, Esq, will represent the Board.

Chairperson Hamilton-Wood stated that it was her understanding that additional plans had just been received this evening. Engineer Guzzi said that his September 4, 2008 letter outlined 12 submission items that would need to be addressed prior to hearing the application. The revised plans that were received address Items E, H and I that needed to be added to the plan.

Engineer Guzzi stated that submission waivers had been requested for the following:

- A. Environmental Impact Statement.
- B. Preliminary Delineation of Wetlands.
- C. Preliminary Delineation of Stream Encroachment.
- D. All structures and wooded areas within the tract and on adjoining properties within 100. feet.
- F. Any extension of off-tract improvements necessitated by the proposed development.
- G. A general indication of drainage flow by the use of arrows.
- J. If an on-site disposal system is proposed, test pits and permeability tests.
- K. Constraint free circles
- L. A table showing all applicable residential site improvement standards (RSIS) and corresponding actual residential site improvement proposed.

Engineer Guzzi stated that he does not have objection to granting the above submission waivers as no development or additional lots are proposed for the site.

Robert and Gina Lounsberry were sworn in by Solicitor Kingsbury.

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Motion of DeAngelis, seconded by Smith to deem the application complete.

Upon roll call the Board voted as follows:

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

Engineer Guzzi referred to his report dated September 4, 2008. He stated that the application is for the re-location of one lot line between the 2 lots. He stated that there would be one new variance situation created on Lot 7.04. The proposed condition would create a setback issue. The rest of the conditions are existing and the reconfiguration of the lot line will actually lessen the non-conformance of the property. No new development is proposed.

Engineer Guzzi continued that Lot 5.01 is an odd shaped lot with the way that it wraps around Lot 7.04. This adjustment will equal the lots out. Both lots are undersized to begin with. He stated that there were 3 comments on the letter. First, that a zoning table should be added to the plan. This was shown on the revised plan. Secondly, whether the subdivision would be filed by plat or by deed and thirdly, if the Board approves the application a copy of the new deeds and legal description should be provided for review and approval prior to filing.

Responding to question from Chairperson Hamilton-Wood, Mr. Lounsberry stated that there was no plan to develop this site and that there was an agreement of sale for the portion of the lot to be conveyed by the subdivision.

Motion of Smith, seconded by Wilkie to open the hearing to the public. Motion unanimously approved by all members present. Hearing no one wishing to testify motion was made by Ryan, seconded by Berry to close the public portion. Motion unanimously approved by all members present.

Responding to a question from Engineer Guzzi, Mr. Lounsberry stated that the subdivision would be filed by deed. Solicitor Kingsbury stated that he had already reviewed a copy of the deeds and they are fine. Engineer Guzzi stated that he had not yet reviewed the deeds and legal description.

Motion of Berry, seconded by Ryan to approve the application with the condition that Engineer Guzzi reviews the legal description.

Upon roll call the Board voted as follows:

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

Solicitor Kingsbury left the dais and Solicitor Frank returned to the dais.

Chairperson Hamilton-Wood called for Application PB#2008-06 for Whitesell Construction Co., Inc. Applicant is requesting an extension of the period of protection for 1000 John Galt Way, Block 158, Lot 8.

Chairperson Hamilton-Wood stated that a letter was received from Whitesell on September 15, 2008 indicating that the application is being withdrawn since it is no longer necessary.

Solicitor Frank stated that the applicant ends up with more time under the Permit Extension Act then they would have if the Board had granted the extension.

Motion of Berry, seconded by Ryan to withdraw the application without prejudice.

Upon roll call the Board voted as follow:

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

Chairperson Hamilton-Wood called for Application PB#2008-07 for Florence 130 Plaza, LLC. Applicant is requesting amendment of a condition placed on approval granted under Resolution 1998-15 and 1999-19 for property located at 2071 Route 130 south, Block 162, Lot 5.

Michael Hartsough, Esq. stated that he would be representing the applicant. He stated that this application had been carried from the last meeting and no further notice was required. Solicitor Frank agreed that additional notice was not required.

Attorney Hartsough recapped that in 1998 an application was before the Board to expand the existing building (9,000 sq. ft.) that was occupied by the church by adding an additional 8,000 sq. ft. building. At the time the Board had a concern that was referred to in Resolution 1998-15 indicating that because of parking limitations the development of the property for office use is preferable to its use as a church. The applicant's attorney at the time recognized the concern for parking and represented that the church tenant in the front property would be vacating the property at the end of the lease. When the church was unable to find an alternate site the attorney corresponded with the Board and a revised resolution was passed with the condition that there would be no certificate of occupancy issued for the additional building until the church use ceased.

Attorney Hartsough stated that the purpose of this current application is to request relief from this condition. He stated that the 8,000 sq. ft. building was constructed in 2001 and has remained vacant.

Attorney Hartsough stated that he had reviewed the reports from the Board's professional staff and recognized that there are concerns relative to parking. One concern mentioned by Engineer Guzzi is that the number of parking spaces required by the existing use based upon some representations that were made in writing relative to the church use was that there was a need for 86 parking spaces and there are currently 74 being provided. That happens to be the very same number that the applicant received the variance for in 1998 in the first resolution.

Attorney Hartsough stated that when you have mixed uses you should look at the parking in totality of those uses. If there are 2 particular uses that have different peak hours there is actually a savings in terms of what you have for parking spaces. He stated that there are not very many offices that conduct business on Sunday, which is the peak time for a church.

Attorney Hartsough stated that there was some concern as to whether the church was a permitted use. He stated that according to the representatives of the church, they believe that they had approval since 1995 for use of the property as a church. They have occupied the property now for almost 20 years but initially it was used for childcare. Then converted in 1995 for church use, which was acknowledged in 1998 and has continued ever since.

Attorney Hartsough stated that his client, Howard Cohen, the principal who is going to be testifying on the application, is looking to lease the rear 8,000 sq. ft. or at least a portion of the space. Currently he is unable to use that space due to the condition that was placed on the previous approval. Mr. Cohen does not want to ask the church to vacate because the church is a paying tenant.

Attorney Hartsough said that in regards to the tax impact to the township, the church is in a private building and is paying taxes. The property owner is not enjoying the benefit of not having to pay real estate taxes because of the church use. The rear of the property, which has been vacant for 6 or 7 years, is not being taxed to its full extent because it hasn't been able to be occupied.

Attorney Hartsough said that they are here today to ask the Board to reconsider this particular condition in the resolution so they can utilize the rear portion of the site.

Member Smith stated that back in 1995 when the site was approved for a church it was approved for only a seating of 50 people. After the approval the church subsequently presented a seating plan for 200 people. There was not enough parking to accommodate 200 seats. This triggered the concern by the Board. After discussion, the owner at the time offered that he would not renew the lease to the church.

Attorney Hartsough said that now there is the benefit of almost 10 years of use and his hope is that the Board considers this fact.

Planner Petrongolo addressed the issue of whether the church was a permitted use. He stated that the church is 100% within the HC Highway Commercial zone. Church uses are permitted uses in the HC zone. The HC zone permits all uses in the R Residential zone and church use is permitted in R. The question came up because a portion of the site is in the SM Special Manufacturing zone and church use is not permitted in SM.

Howard Cohen, 7 Gordon Avenue, Lawrenceville, NJ was sworn in by Solicitor Frank.

Mr. Cohen related that at the last meeting he had given a presentation outlining the background of his ownership of the site that led up to the filing of this application. Mr. Cohen stated that previous resolutions, one from 1998 and one from 1999 allude to the fact that the Planning Board may reconsider in terms of the parking requirement.

Mr. Cohen stated that it comes down to common sense. This will be a mixed-use type of building if approved. The church will occupy half and office space the other half. Mr. Cohen said that he could not think of any office that is utilizing parking spaces on Sunday morning. The church's primary use is on Sunday morning. During the week there are some minor activities, but Sunday morning is the issue.

Mr. Cohen said that there is a small portion of the new space that is rented, but over all the space is vacant and they are continuing to show it, but since this will be an office related use there should be no overlap in parking at all.

Member Smith asked if there was any parking on Cumberland Street? Mr. Cohen answered that he did not know if Cumberland Street was posted for No Parking. Member Smith asked if there were cars parked on Cumberland Street on Sundays? Mr. Cohen said that he did not know, but a representative of the church was here and would be able to testify on that.

Chairperson Hamilton-Wood asked if Mr. Cohen had testified that he had rented a portion of the building already? Attorney Hartsough answered that Mr. Cohen had negotiated letters of intent with several individuals, but the space is not being utilized at this time.

Chairperson Hamilton-Wood asked Mr. Cohen to state which types of offices he had negotiated with? Mr. Cohen stated that nothing is finalized yet, but he had been speaking with Garelick Dairies for office space. This has not gotten too far. There is one prospect that is interested in 2,000 sq. ft. and they are currently operation across the street. Chairperson Hamilton-Wood asked what type of business this was? Mr. Cohen answered that it was "medically massage related type of business". This is called Sunny's and their current building is going to be torn down.

Attorney Hartsough stated that in regards to the parking on Cumberland Street, he rode out to site before the meeting and noted that parking is allowed on Cumberland Street.

Member Smith stated that his point was that there is overflow parking on Cumberland Street on Sundays. Member Morris asked if the applicant would consider limiting the hours of operation to alleviate the parking concerns. Attorney Hartsough stated that this would be acceptable as long as it is not 100% where you couldn't rent any space. For instance the massage therapist would be open on Saturday and Sunday, so something would have to be worked out. Traditional office use should only be Monday through Friday with and occasional Saturday morning.

Todd Lane was sworn in by Solicitor Frank. Mr. Lane is a representative of the Nothing But the Word church. Mr. Lane stated that he had written the letter that was submitted to the Board in August regarding the hours of the church.

Mr. Lane testified that on Wednesday evenings (7:00 p.m. to 9:00 p.m.) the church holds Bible Study. There are 30 – 40 people who attend. Occasionally during the week there would be smaller gatherings (10 to 15 people) for youth rehearsals or choir practice. On Sunday mornings there is Sunday school that starts at 10:00 a.m. followed by the morning worship service from 11:00 a.m. to approximately 1:00 p.m. Periodically there are youth services or gatherings on Friday evenings.

Responding to Attorney Hartsough, Mr. Lane stated that there has been parking on Cumberland Street, but the parking is permitted. He said that the congregation has been reduced due to military families relocating. Currently they are averaging between 90 – 100 people on a Sunday. Mr. Lane recalled that this past Sunday the parking lot was not completely full.

Mr. Lane stated that he has been on the site during the week and there are employees from Garelick Farms parking on the lot.

Member Ryan asked for an estimate of how many parking spaces are required during a weekday. Mr. Lane stated that the parking lot is divided into 2 sections. Weekday parking does not fill up the one section adjacent to the church use. Mr. Lane estimated at the most 20-25 spaces were utilized in the evening. During the day there might be 2 or 3 cars.

Chairperson Hamilton-Wood asked if there was church representation on the site daily. Mr. Lane answered that there was not, there are no daily office hours. Mr. Lane testified that the church has a current membership of 175 members. This includes children.

Engineer Guzzi stated that the parking requirement is one space for every 3 persons.

Mayor Berry asked if there was any occasion during weekdays that would result in heavy parking, for example a funeral. Mr. Lane stated that funerals are very rare. There hasn't been one in the church for at least 2 years.

Mr. Lane clarified that the average attendance on a Sunday ranges from 90 to 100 people.

Engineer Guzzi stated that there was an issue with parking. He stated that he had calculated the parking requirements based on the documents that were submitted outlining 150 seats at the church. This would require 50 spaces for the church use and then an additional 36 spaces that would be required for the office use. This is for general office use, not for medical office. Medical office requirements are higher. If massage therapy were considered a medical use the parking requirement would be higher.

The other issue is the permitted maximum occupancy, which is for 300 chairs. Based on 300 chairs the parking is grossly inadequate. If the Board were to consider this request the Board should limit the number of chairs permitted.

Planner Petrongolo stated that he had requested the maximum capacity of the site. He noted that currently the attendance is 90 to 100 people. Next week it could be 200 to 250 people. Chairperson Hamilton-Wood stated that she was concerned because as Member Smith pointed out this was the very issue that was discussed in 1998 regarding the number of seats and possibility of increase in church attendance. There was a reason why this condition was placed on the approval.

Member Smith asked for the size of the parking spaces. Planner Petrongolo stated that the spaces scale out on the plan as 9' x 18'. Member Smith said the Mr. Cohen had mentioned the possibility of renting office space to Garelick. He asked if there would be a sidewalk from the site to Garelick. Mr. Cohen said that this offer was off the table. He discussed this with Garelick but nothing was finalized. Member Smith said that Mr. Cohen had alluded to the fact the Garelick employees are already utilizing the parking on the subject site. Attorney Hartsough said that on his way to the meeting he had toured the site and there were 3 cars from Garelick parked in the lot and 2 tractor-trailers parked on Cumberland Street.

Planner Petrongolo said that the ordinance only permits 1 freestanding sign and there are currently 2 signs on site. Attorney Hartsough said that he had meant to ask Mr. Lane about the existing signs. One of the signs seems very outdated. Attorney Hartsough stated that the applicant's intention is to comply with the ordinance on signage. This would involve the removal of the older sign.

Motion of DeAngelis, seconded by Ryan to open the hearing to public comment. Motion unanimously approved by all members present. Seeing no one wishing to testify, motion was made by Ryan, seconded by Berry to close the public portion of the hearing.

Engineer Guzzi stated that if the Board limited the church to 150 seats this would be 50 parking spaces. Then there would be an additional 24 spaces for office use. If the use were straight office 36 would be required. If they want medical office for a portion of that the requirement might be 38 or 40 spaces.

Engineer Guzzi said that if the Board granted the approval for strictly office space, in essence they would be granting a waiver for 12 parking spaces. If the Board wanted to allow the applicant to market to medical office use they would have to grant a waiver for

an additional 4 parking spaces for a total of 16. He stated that the justification for this waiver would be that the church use is mostly on Sunday and would not conflict with business hours.

Chairperson Hamilton-Wood stated that the Board should specify that the office use should have hours limited so as to not conflict with the church use. Testimony was given that the church hours are Sundays, Wednesday evenings and Friday evenings.

Attorney Hartsough stated that he was concerned that there was 8,000 sq. ft. of office and the ordinance would require 32 parking spaces for a traditional general office. Engineer Guzzi stated that the section that is unoccupied now would require 36 parking spaces. It is in 2 different zones. Attorney Hartsough stated that he wanted to make sure that they are not limited in renting out a portion of the business because the parking ratio is off. He reminded the Board that there is a shared parking concept as there are different uses at different times.

Responding to a question from Engineer Guzzi Mr. Cohen stated that the proposed medical massage would take 1,875 sq. ft. Mr. Cohen stated that Administrator Richard Brook had written a letter to him, which stated that massage therapy is not a medical use. Planner Petrongolo stated that massage therapy might not be a permitted use. Engineer Guzzi stated that it is not a permitted use in the SM zone. It is permitted in the HC zone.

Member Wilkie stated for the record that he was ineligible to vote on the application since he was not present at the August meeting.

Motion of DeAngelis, seconded by Berry to approve the application with the 50 parking spaces for the church use, the 24 parking spaces for the office use and for the office to utilize 24 additional parking spaces when the church is not in use.

Member DeAngelis stated that this approval would not be detrimental to the town or create additional traffic on Route 130.

Engineer Guzzi stated that the Board is granting a waiver for 24 spaces. When the applicant comes in with tenants, the parking requirement would be calculated for the particular tenants.

Engineer Guzzi stated that the approval would give them 98 parking spaces worth of use. The church will be limited to 150 seats at all times. The number of seats cannot be increased without returning to the Board.

Attorney Hartsough stated that the language regarding the parking would be added to any leases. He stated that this should be made a condition of approval.

Engineer Guzzi stated that all the site work has been completed on the site. There is no bonding required. The additional building will have to be fit out and then certificates of

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occupancy provided for each of the spaces. Engineer Guzzi stated that the analysis of the parking would be done administratively by the township engineer.

Chairperson Hamilton-Wood asked about ADA compliance. Engineer Guzzi stated that the existing parking meets the ADA requirement.

Chairperson Hamilton-Wood stated that the motion on the floor is for a 50 parking space limit on the church, a 24 parking space waiver for the office use that will not conflict with church activities and removal of the one sign.

Upon roll call the Board voted as follows:

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

Chairperson Hamilton-Wood called for Application PB#2008-10 for Griffin Pipe Products Co. Applicant is requesting Preliminary and Final Major Site Plan approval to permit construction of a baghouse addition to the site located at 1100 West Front Street, Florence. Block 179, Lots 1.02 through 1.05.

Member Woolston recused himself due to conflict and left the dais.

Chairperson Hamilton-Wood stated that Engineer Guzzi's review letter dated September 11, 2008 listed several completeness items. She asked if any of these items have been satisfied. Engineer Guzzi stated that nothing has been addressed since that letter.

Engineer Guzzi stated that his letter lists completeness items A through T that must be addressed prior to hearing the application.

Attorney Mark Stoffman from the firm of Klehr Harrison, stated that he was representing Griffin Pipe. Attorney Stoffman stated that this is the second or third phase of a major overhaul of environmental components of Griffin Pipe's operations in Florence Township. The application today is for a baghouse. This is an environmental cleaner. Attorney Stoffman stated that he has witnesses in attendance that will help to explain what a baghouse is, what it does and what Griffin Pipe hopes to accomplish by installing it.

Attorney Stoffman said that he would like to have one of his witnesses explain the process to the Board. Chairperson Hamilton-Wood answered that at this point the Board was considering the issue of completeness only. Engineer Guzzi stated that since the proposal involves a disturbance of greater than 5,000 sq. ft. it is subject to stormwater management state regulations and the municipal regulations that mimic that.

Attorney Stoffman agreed and said that the reason he wanted the project to be explained is because this is in conjunction with the huge storm water management application that

Griffin Pipe had before this Board a year ago. This storm water management plan has been installed specifically to deal with the changes that are going to be necessary as a result of the new EPA regulations that are requiring these different emission standards. The stormwater management plan that Griffin was here a year ago for was designed to deal with all of the issues that were presented here because it is a phased plan. Attorney Stoffman stated that he had the engineer here to testify as well as someone from Griffin Pipe to explain how the previous stormwater management plan that was approved and built is designed to handle the concerns that were listed in Engineer Guzzi's review letter.

Chairperson Hamilton-Wood stated that this should have been part of the submittal to allow the Board's staff ample time to review it. Engineer Guzzi stated that this was a new application that was submitted, not an amendment to the previous approval. Engineer Guzzi stated that the submission items are required. It could be that some of the items were addressed as part of the prior stormwater management plan but unless that is submitted with this application it is difficult to say whether or not that is the case.

Attorney Stoffman said that they could certainly produce that information as part of this application. He stated that this information was produced and discussed at great lengths over several hearings before this Board. All of those technical specifications that were provided to get that stormwater management approved would be the same specs and information that would be supplied here.

Chairperson Hamilton-Wood stated that this brings us back to the issue of completeness. If this management plan that is already in place is going to be the underlying basis on which everything else is determined it should be the first thing that the Board looks at. Engineer Guzzi said that it would be important to see that plan to demonstrate that this baghouse was contemplated in that original stormwater management plan. Chairperson Hamilton-Wood stated that she was on the Board at the time of the last application and the term "baghouse" is new to her. Attorney Stoffman stated that this is a technical name and he stated that he wanted to take 5 minutes to explain the process. Chairperson Hamilton-Wood stated that she would prefer to go through Engineer Guzzi's letter in regards to completeness.

Engineer Guzzi listed the outstanding items from his report:

- A. Environmental Impact Statement. Engineer Guzzi said that he would support a waiver of this.
- B. Certificate that the applicant is the owner of the land. Attorney Stoffman stated that this had been submitted to the Land Use Clerk.
- C. Location of all existing utilities. Engineer Guzzi stated that he would like to see the utilities in the vicinity of the baghouse shown. Attorney Stoffman stated that this would be added to the plan.
- D. Location and extent of all easements, along with a statement of their use and

owner thereof. Attorney Stoffman stated that there were no easements in the vicinity of the baghouse.

- E. Existing and proposed storm sewer drainage systems within or adjacent to the development site, showing size, type, location and profile of lines, ditches, manholes, inlets, drywells and detention basins, plus all supporting designs. Engineer Guzzi stated that a waiver is not acceptable for this. A report is required. Attorney Stoffman indicated that the application would be amended to include the stormwater management plan.
- F. Drainage area map and drainage calculations. Attorney Stoffman stated that this is included in the stormwater management plan.
- G. Test borings – soil borings. Engineer Guzzi stated that if this particular improvement was contemplated in the previously approved stormwater management plan new test borings would not be necessary, but there is no way for the Board to determine this without the plan being submitted. Attorney Stoffman stated that the stormwater management plan was in place because of and in anticipation only of this baghouse. He stated that they would be submitting sufficient data to support this.
- H. Soil boundaries taken from either the county soil survey or more detailed field observations. This should be added to the plan.

Several members of the Board stated that they had been on the Board when the previous application was heard and none recalled mention of a “baghouse”. Attorney Stoffman stated that at the previous application it was described that because Griffin is changing the way that they do their operations – most of the storm water was utilized by the wet scrubbers that were used. The reason that they needed such a big stormwater management capacity was because they are now going to a dry system so the storm water will have to be processed and discharged. So even though the term baghouse may not have been used this why the change in the stormwater management system was required to support the change in the manufacturing process. Attorney Stoffman stated that he would present all necessary information on this to Engineer Guzzi.

Member Ryan indicated that it would be difficult for the Board staff to advise the Board on the issue of completeness without all the pertinent data being submitted. Attorney Stoffman asked if the Board and the Board’s professional staff were comfortable enough to have the stormwater management documentation showing that there is no increase in the discharge be a condition of approval.

Chairperson Hamilton-Wood stated that she was not comfortable with proceeding without this critical piece of information. She said that the Board preferred to continue with Engineer Guzzi’s letter in regards to completeness.

- I. The location, elevation, type and size of all existing and proposed curbs,

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sidewalks, driveways, etc. Engineer Guzzi stated that the applicant had requested a waiver, but he would like to see this information added to the plan just in the vicinity of the baghouse not for the entire site. Attorney Stoffman stated that there was none proposed but they would amend the plan to show that.

- J. Existing and proposed signs, lighting standards, utility poles and trees of six inch caliper or larger, again this would only apply to the area around the baghouse. Attorney Stoffman said that there were none in the vicinity, but they would add a note to the plan.

Engineer Guzzi stated that the checklist indicates that a waiver is requested versus non-applicable. If the requirement doesn't apply, then the non-applicable section should be checked.

- K. Any existing wells or septic systems. A waiver is requested for this.
- L. Supply one boring for each acre if soil maps indicate that the seasonal high water table may exceed ordinance standards for a buildable lot. Engineer Guzzi stated that this was different than the storm water management and he would support this waiver.
- M. Existing and proposed rights of way and easements with in the proposed tract. Engineer Guzzi stated that there was no objection to this waiver.
- N. Location and identification of existing vegetation outside of the wooded area. Engineer Guzzi stated that the vegetation along the West Front Street right of way should be shown on the plan.
- O. Number and location of parking and loading spaces, loading berths, or docks. Attorney Stoffman stated that there would be no change or impact to parking or loading.
- P. Pedestrian walks from each entrance/exit along expected paths or pedestrian travel, such as but not limited to access to parking lots, driveways or other buildings on site and across common yard areas between buildings. Waiver has been requested. Attorney Stoffman stated that this proposal does not change the existing patterns or operations as far as truck traffic. The only difference will be that the people who walk along the existing structure will walk along the new structure.
- Q. All related facilities for the movement and storage of goods and lighting on the Baghouse. Attorney Stoffman said there would be no moving or storage of goods. The only lighting will be task lighting on the facility. It is path lighting all small bulbs pointing down. There is no overhead lighting. Planner Petrongolo requested that the lighting details be added to the plan.

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- R. Landscape plan. Engineer Guzzi said that the applicant indicated that no landscape is planned for the project. It is important to see the existing vegetation to determine if there would be any visible impact from the addition.
- S. Facilities plan. Engineer Guzzi requested that information be submitted on the nature of the operation.
- T. Municipal Services Impact Statement. Engineer Guzzi requested that testimony be provided on the impact on municipal services. Attorney Stoffman said that all of the impacts on municipal, county, and state level will be positive.

Engineer Guzzi said that these are all of the completeness items. He said that it is difficult to provide a review for the Board without being able to see the items prior to the meeting. Planner Petrongolo stated that it is important to have information provided on the landscaping, the visual impact, the sound impact, environmental impact, etc.

Chairperson Hamilton-Wood stated that in the past the Board's professional staff has had meetings with applicants to sort out some of the issues before the Board hearing. Engineer Guzzi stated that it would be a good idea to have a meeting. Chairperson Hamilton-Wood stated that she was overwhelmed to see items A through T not submitted. She stated that after the testimony given 8 of the items could be waived. The major issue is the stormwater management plan which once submitted would enable the Board to make educated decision on what will be required to hear the application.

Engineer Guzzi stated that the stormwater management and a good explanation of the proposal. Attorney Stoffman stated that there were people in attendance that could testify to all these items.

Chairperson Hamilton-Wood stated that the Board would prefer to have written submittals to the professional staff so that the staff could review the information and advise the Board. She stated that she would like to have the application deemed incomplete which would allow the applicant to submit the additional information prior to the next meeting.

Solicitor Frank stated that the Board has an obligation to review the proposal and compare it to the standards in the ordinances. The applicant will be able to supply the additional information that is required, but the professional staff must have sufficient time to give the information a proper review.

Attorney Stoffman stated that the applicant would do this, but time and money are issues. He stated that the previous submissions, aside from confirming that the landscaping plan has been adhered to, all the specifications and all of those issues that were raised are all part of previous approvals that this Board had approved. This application was submitted in that context. The required information can be submitted, but if the application can't move forward today it would not be good for the factory.

85.

Solicitor Frank stated that the applicant bears the burden of submitting all the information required for a complete application. If the information is not submitted by the applicant the Board is not able to move forward on an application.

Chairperson Hamilton-Wood stated that she appreciates that the applicant has brought witnesses with them, but this Board is not prepared to move forward unless the professionals are fully informed. She stated that she was looking for a motion to deem the application incomplete.

Motion of Berry, seconded by Ryan to deem the application incomplete.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Wilkie, Molimock,  
Hamilton-Wood

NOES: None

ABSENT: None

#### OTHER BUSINESS

The Board reviewed the proposed 2009 meeting dates. Member Wilkie stated that he had a conflict for January and February due to a work conflict. He requested that the Board move the dates to January 29 and February 26.

Chairperson Hamilton-Wood asked that the Board would review this and rule on it at the October meeting.

Motion of Ryan, seconded by DeAngelis to open the meeting to public comment. Seeing no one wishing to comment, motion was made by Smith, seconded by DeAngelis to close public comment. Motion unanimously approved by all members present.

Motion of Berry, seconded by Smith to adjourn at 8:57 p.m. Motion unanimously approved by all members present.

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John T. Smith, Secretary

JTS/ne