

Florence, New Jersey 08518-2323  
September 19, 2005

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. 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:

|                            |                         |
|----------------------------|-------------------------|
| Councilman John Fratinardo | John T. Smith           |
| Mayor Michael Muchowski    | Philip F. Stockhaus III |
| Thomas Napolitan           | Mildred Hamilton-Wood   |
| Dennis O'Hara              | Gene DeAngelis          |

ABSENT: None

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

Chairperson Hamilton-Wood announced that the Board had a very full agenda. She stated that she would be following the order of the agenda as presented. She stated that the Board does not like to start new applications or hear new testimony after 11:00 P.M. She stated that applications late on the agenda might not be heard due to time. She also stated that everyone had the right to speak during the public portion. She said that the Board hoped that comments be limited to what is pertinent to the application and that there was no redundancy of testimony that was previously given.

## RESOLUTIONS

### **PB#2005-27**

**Granting Preliminary and Final Major Site Plan approval with bulk variances and design standard waivers to Wawa, Inc. to permit expansion of the parking area and construction of an addition to the existing food mart on Block 163.02, Lots 13, 13.01 and 13.04, located in an HC Highway Commercial District.**

Motion of Fratinardo, seconded by Napolitan to approve resolution PB#2005-27.

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Member O'Hara stated that Engineer Morris' review letter listed some "open" items. Engineer Morris stated that he was comfortable in moving forward with the application.

Mayor Muchowski questioned the use of the loading space. He wanted to be sure that it was very clear that any and all deliveries utilize the loading space. He asked if the wording in the resolution regarding the loading area was enforceable. Solicitor Abbott stated that it was enforceable. He asked about the sidewalks going from Rt. 130 to the end of the property line. Engineer Morris said that this would be a condition as part of the final sign off. Solicitor Abbott stated that this resolution was contingent to the perfection of the subdivision and the completion of the basin. Wawa can proceed with the construction, but they cannot use the area until the basin is completed.

Solicitor Abbott stated that she would amend item 15 to include the provision for sidewalk along Cedar Lane from Route 130 to the property line.

Upon roll call the Board voted as follows:

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

NOES: None

ABSENT: None

**PB#2005-28**

**Continuing the application of TSMC, LLC for Preliminary and Final Major Site Plan approval with bulk variances for construction of a retail center on Block 166.12, Lot 2, located in an HC Highway Commercial District.**

Motion of Stockhaus, seconded by DeAngelis to approve resolution PB#2005-28.

Upon roll call the Board voted as follows:

YEAS: Fratinaro, Muchowski, Napolitan, Smith, Stockhaus, Hamilton-Wood

NOES: None

ABSENT: None

**PB#2005-29**

**Continuing the application of Quaker Group Burlington II, L.P. ("Crossroads East") for Final Major Subdivision approval fro Block 165.01, Lot 4.01 located in an R Low Density Residential District.**

Motion of O'Hara, seconded by Smith to approve resolution PB#2005-29.

Upon roll call the Board voted as follows:

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

**PB#2005-30**

**Deeming complete and continuing the application of Peoples Savings Bank for Preliminary and Final Major Site plan approval for construction of a parking lot on Block 58, Lots 3 & 4, located in an NC Neighborhood Commercial District.**

Motion of O'Hara, seconded by Stockhaus to approve PB#2005-30.

Upon roll call the Board voted as follows:

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

**PB#2005-31**

**Deeming complete and continuing the application of Atlantic Equity Olive Street, LLC for Preliminary Major Subdivision approval for Block 147.01, Lots 1 & 16, located in an AA Active Adult Residential District.**

Motion of O'Hara, seconded by Smith to approve resolution PB#2005-31.

Upon roll call the Board voted as follows:

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

**MINUTES**

Motion of Napolitan, seconded by Smith to approve the minutes of the August 15, 2005 meeting as submitted. Motion unanimously approved by all members present.

**CORRESPONDENCE**

Motion of O'Hara, seconded by Fratinaro to hold correspondence A for discussion and receive and file items B through H. Motion unanimously approved by all members present.

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## OLD BUSINESS

Chairperson Hamilton-Wood called for application PB#2005-01 for TSMC, LLC. Applicant is requesting Preliminary and Final Major Site Plan approval of a 30,000 square foot shopping center located at Route 130 North and Fairbrook Drive, Block 166.12, Lot 2, located in a HC Highway Commercial District.

Chairperson Hamilton-Wood recognized Jonas Singer, attorney for Peoples Bank. Attorney Singer stated that Peoples Bank was the third application on the agenda. Peoples Bank had submitted plans late and Attorney Singer wondered if the Board Professionals had the opportunity to review the revised plans. Chairperson Hamilton-Wood stated that since the plans had just been received earlier in the day they had not been reviewed and the Board would not be in the position to hear the application. Attorney Singer asked for a continuance until the October 17, 2005 meeting and agreed to extend the time limit for Board action.

Motion of Stockhaus, seconded by Fratinardo to continue the application PB#2005-07 until the October 17, 2005 meeting. Motion unanimously approved by all members present.

Attorney Gary Backinoff representing TSMC. LLC asked the Board what there preference was. He stated that they had very limited testimony and response to offer. Their response since the July meeting had been primarily a revision of the plans in accordance with the Board Professional's recommendation.

The Board's traffic consultant, Deanna Drumm, submitted a report on the application. Elizabeth Dolan, traffic consultant for the applicant had reviewed the report from Ms. Drumm and had submitted two letters in response to this report. Attorney Backinoff stated that in regards to the off site traffic conditions there are very little if any disagreement between the two traffic consultants.

Attorney Backinoff stated that they would like to offer some very short testimony from the applicants traffic consultant, supplement the record to the extent that the Board has received the revised plans and reports and they will introduce a new exhibit showing the berm.

Chairperson Hamilton-Wood interrupted the testimony to state that Member O'Hara had a conflict with this application and had recused himself and left the dais. She then asked Attorney Backinoff to summarize the revisions to the plan for the Board.

Attorney Backinoff stated that a primary issue in this application had been a buffer between the commercial property and the residential development to the rear. Pursuant to the Board's request, the applicant revised the plan removing the part of the building, the roadway and the parking area out of the 100' buffer area. There is no longer a request for

the buffer variance. The Phase 2 building has been reduced in size and the buildings have been shifted on the plans closer to Rt. 130 and farther away from the residential community.

Attorney Backinoff submitted exhibit A7 which illustrated the new higher berm that had been proposed. The berm is approximately 7' higher than the grade at the property line. The new berm will completely block the view of the commercial building from the first floor of the Vlahovic property. Fran Goeke, engineer for the applicant, stated that the trees will be 12' tall at time of planting. This will shield the view from the Vlahovic house as soon as it is planted.

Mr. Backinoff stated that as they reviewed the Board's traffic engineer's report they realized that if they provided the angled parking that was suggested by Ms. Drumm they would pick up 4 parking spaces. The ordinance calls for 151 parking spaces. If they revise the plan to include the angled parking there would be 151 parking spaces ( 147 shown, 4 banked).

Mayor Muchowski asked if this takes into consideration the methodology employed by the applicant's traffic engineer, Ms. Dolan – mixed use strip mall type uses as opposed to taking the restaurant as a stand alone use. Attorney Backinoff said that both traffic engineers agree that when you have a mixed use there are off hours at different times. Mayor Muchowski stated that the ordinance calls for a specific requirement for a restaurant use. He stated that he wants to be clear as to what the ordinance requirement is from a parking standpoint, when you have a pad site that is a restaurant or a restaurant incorporated in a strip mall.

Attorney Backinoff stated that their traffic consultant would talk about the methodology and get back into what they believe is required not only by ordinance, but also by industry standards in regards to the parking. He stated that they believe and he thinks that the Board's traffic consultant, Ms. Drumm agrees that for a shopping center type use what the Urban Land Institute (ULI) and other industry standards would provide is that 131 spaces would be appropriate for this type of use. The Florence Township ordinance is a stricter ordinance that calls for 1 space for 200 square feet. This is how the total number of spaces gets up to 151 spaces. The applicant has always maintained that this is more than was necessary for the shopping center. Mr. Smith pointed out that this was with the assumption that the spaces would 9' wide.

Engineer Goeke stated that on the revised plans all the revisions are clouded and numbered. He stated that on the plan there were only 4 loading spaces shown. There had been a loading space at the rear of the Phase 2 building; they will add this back onto the plan. Mayor Muchowski said that he thought the Board had discussed eliminating this as a loading space because there wouldn't be any uses in that building requiring a loading zone. Mr. Scozzari, the applicant, said that the Planning Board Engineer had told them that the loading space should be provided. Attorney Backinoff stated that the applicant

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would be glad to go with the discretion of the Board as to whether they wanted the loading space or not.

Attorney Backinoff called the applicant's traffic engineer, Elizabeth Dolan. He stated that Ms. Dolan had another meeting to attend so they were hoping she could give her testimony, answer any questions before leaving.

Solicitor Abbott stated for the record that all the witnesses had been sworn at a previous meeting and were still under oath. Mr. Backinoff stated that they did not have any new witnesses to offer, they were just trying to respond to issues raised at the last meeting.

Ms. Dolan stated that she had reviewed the August 23, 2005 letter from Deanna Drumm at Horner and Cantor. Ms. Dolan said that generally the first few comments of Ms. Drumm's letter indicates that she concurs with the methodology that was used in preparing the traffic study including the appropriate methodology for calculating the trip generation, accepting the 5% background growth rate, and generally concurring with the trip distribution and assignment.

Ms. Dolan stated that comment number 5 of Ms. Drumm's letter stated that the capacity analyses do not reflect the use of a peak hour factor. A peak hour factor is a factor that indicates how uniformly traffic is spread out over the peak hour. Ms. Dolan re-calculated the levels of service, issued a letter dated September 7<sup>th</sup> with the calculations and indicated the very minor changes in additional delay. The critical movement that they had looked at - turning onto Fairbrook would operate at "B". There was no change in this calculation, but there were a few more seconds of delay. Coming of of Fairbrook they had originally shown a level of service "B" and this had dropped to "C" for both the evening and Saturday peak hour. She stated that the incremental added delay was no more than a few seconds.

Item 6 refers to a "stop ahead" symbol and the applicant has no problem with this. Item 7 addresses the signage and the visibility on the state highway.

Ms. Dolan stated that there was one more item on the site plan comments that she had responded to. On September 15, 2005 Ms. Dolan faxed her response to the Board Clerk regarding the parking spaces. The ordinance requires 5 spaces for every 1,000 square feet of retail space. This equates to the 151 spaces that are shown on the plan as the required amount. The previous plan had shown 147 spaces, or a deficiency of 4 spaces. If the angled parking is added in the back of the site they could meet the 151 required spaces.

Ms. Dolan said that when she last testified she had spoken about standards that were recommended by the ULI, which is 4 per thousand. Some of the newer Institute of Transportation Engineers (ITE) data recommend a little more than 4 per thousand. But the number she had talked about in great detail was an adequacy of approximately 4 ½

per thousand. This would yield 135 spaces for the 30,000 square feet that is proposed. The comment from Horner and Cantor was with regard to the concern of possible restaurant space within the center, because the ULI ratio of 4 per thousand cautions that if you have a higher concentration of restaurant space you may have to look at a higher parking ration. But this is for a 4 per thousand ratio. The plan has 5 per thousand and is meeting the ordinance criteria. This plan exceeds the ULI and the ITE recommendation. She stated that in her opinion there was adequate parking to meet the demand of any of the tenants in the center.

Mayor Muchowski asked if there had been an analysis of the parking if the variance was not granted and they would have to provide 10' x 20' spaces. Ms. Dolan stated that they had not done this analysis. Ms. Dolan stated that 9' x 18' is a recognized design parameter for a standard parking stall, even recognizing that some of the vehicles are larger SUV's and vans. A 9' x 18' stall is recognized by the ITE even for higher turnover uses such as retail uses. The wider spaces are more effective in areas with shopping carts or Home Depot type stores. 9' x 18' spaces are recommended because there is less pavement which means less lighting and is better for the impervious coverage. For the needs of the motoring pavement 9' x 18' is sufficient to enter and exit stalls and provide enough room for the passenger vehicles to maneuver throughout the site.

Ms. Dolan stated that she believes that the site does have safe and efficient egress and ingress and has been designed in accordance with recommended design criteria.

Mayor Muchowski stated that a resident had brought concern to him about cars making a right onto Fairbrook. The concern is that a car making the right onto Fairbrook will stop short at the same time that a car is trying to make a left onto Fairbrook from the south side of Route 130. Would it be possible to round out the corner to allow for a two-lane entry into the site? Ms. Dolan said that if you increase the radius of the turn, it would increase the speed of the cars turning into the site from Route 130. Anyone turning left from southbound Route 13 would be doing so from a stopped position. She stated that she did not know if two lanes is the right answer. You also have to consider that if you have two lanes you at some point have to merge them back into one lane and it would not be a good idea to merge the at the site frontage where the entrance to the bank and the site are. She stated that you would need a couple hundred feet from the turn to merge the lanes. Ms. Dolan stated that she did not know why a car would need to stop in the entrance to Fairbrook Drive, as the entrance to the bank and the proposed site are 150' to 200' in from the road.

Attorney Backinoff stated that as part of the record he wanted to receive the reports from the Chief of Police, Gordon Dawson. The first letter was received on June 9, 2005 indicating that he had no concerns regarding the site. After the review of the revised plan a second letter dated September 7, 2005 was received with comments regarding additional signage. Attorney Backinoff stated that the applicant is prepared to meet the

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requests by the Chief of Police pending the Board Engineers review and approval. Ms. Dolan stated that she did not have any problem with the suggestion of the Police Chief.

Mayor Muchowski said that if a tractor-trailer came of Route 130 North and stopped in the entrance to Fairbrook to re-adjust in the turn. He said he doesn't know why someone would stop short in the entrance, but sometimes they do. This is a genuine concern. Maybe opening the mouth of the entrance isn't the right idea, but we shouldn't disregard this idea without investigating it. Everyone is concerned with the safety of the site.

Ms. Dolan stated that she understands the Mayor's concerns but she does not think that widening the entrance is the answer. This could promote more speed and she doesn't think this is positive.

Chairperson Hamilton-Wood asked the Board appointed traffic engineer, Deanna Drumm, from Horner and Cantor to respond to Ms. Dolan's comments. Ms. Drumm was sworn in by Solicitor Abbott.

Ms. Drumm stated that they did review Ms. Dolan's traffic study and found it generally acceptable in regards to the methodology, technical analyses, trip generation and trip distribution.

Mayor Muchowski stated that some of the general public and Board Members have asked if there was enough physical data to make the assumptions that were used in the report.

Ms. Drumm stated that she thought that what Ms. Dolan had done was appropriate. Horner and Cantor Associates has conducted some traffic studies in this area, so Ms. Drumm had reviewed historical traffic data collection that was approximately 2 years old. The data that Ms. Dolan had collected was higher which you would expect.

The one issue that Ms. Drumm had with Ms. Dolan's study was from a technical capacity analysis. She thought that how Ms. Dolan responded was fine. What Ms. Dolan had said was that exiting you would have level of service "C" delays (average of 10 – 15 seconds wait).

Item 6 on the report is the recommended "stop ahead" sign. The stop sign is a little hard to see because it is on the radius.

The final item that that Ms. Dolan referred to was the parking in regards to restaurants. Ms. Drumm stated that one of their concerns was that when you look at retail strips the applicants don't necessarily know who there tenants will be. Ms. Drumm stated that one of her concerns was if you do get a restaurant there are different parking requirements. The ULI has compiled parking studies of retail centers that do have restaurant space. Basically what it says is if you have 10% square footage that is restaurants the base retail parking requirement (in this case 5 per thousand) is sufficient. The ULI recommends 4

per 1000 for this type of use, but she feels that the 5 per thousand is fine. The ULI says that if you have more than 10% as restaurants the need for more parking increases. As you get up to 20% as restaurants you get into the shared parking analysis. Restaurants have their own parking requirement and demand as do retail uses. You have to make sure that there is sufficient parking if the retail and the restaurant peak at the same time. Ms. Drumm recommended that the applicant be limited to 10% of the square footage for restaurant use. The pad site is approximately 6,000 square feet. If this is used as a restaurant there may be some parking concerns. Mayor Muchowski said that his understanding was that our ordinance specifically called out parking requirements for restaurants. He asked how you could administer a site plan in a strip center where a restaurant was located. Ms. Drumm stated that ULI does not differentiate between types of restaurants. Studies show that restaurants with a bar or lounge area require more parking. Chairperson Hamilton-Wood asked about the question in the report about "gross space". Ms. Drumm stated that Ms. Dolan in her September 15, 2005 response letter to the Board asked whether you use gross leasable space or gross floor area. Ms. Drumm stated that the ULI says that you look at gross leasable space. The difference between gross floor area and gross leasable is the common area. For example in a shopping mall the common area – the walkways and open spaces are considered common areas. In a strip center you don't have the common area. Chairperson Hamilton-Wood said that she was thinking of the pad site – 6,000 square feet. Attorney Backinoff said that the pad site was actually 3,600 square feet. Ms. Drumm stated that this would be considered gross leasable space. This is a little above the 10% mark. Solicitor Abbott asked if the Board were to consider attaching a condition to their approval to limit the restaurant space to a percentage, what percentage would be recommended. Ms. Drumm recommended 10%. Mayor Muchowski stated that the Florence Township ordinance has a requirement of 1 space for every 2 seats. He said that the site plan might be unworkable because we are calling this retail, does retail mean restaurant within the use. We don't know what the end uses are. He said he was under the assumption that the only real restaurant was going to be on the pad site. Engineer Morris stated that we could take the percentage and calculate what that equates to as number of seats. Mayor Muchowski stated that this would equate to the plan at hand, even if we allow 15% of the to be restaurants. This would be the pad site and one other unit. Ms. Drumm offered for the Board consideration that perhaps you start out with the 10%. If the applicant wants to go beyond the 10% after the center is operating you would do actual parking demand counts. This would give you real time parking. Restaurants generally peak a little later than retail.

Chairperson Hamilton-Wood asked Ms. Drumm what a workable percentage would be. Ms. Drumm stated between 10 and 15 %. Mayor Muchowski stated that the current plan was at 12 %.

Chairperson Hamilton-Wood asked Ms. Drumm her opinion on the Mayor's suggestion to cutting the radius on the entrance to Fairbrook from Route 130. Ms. Drumm stated

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that she agreed with Ms. Dolan that once you cut back the radius you increase the speed. Creating the two lanes is not desirable it may create additional problems.

Chairperson Hamilton-Wood asked for Ms. Drumm's opinion on the parking stall size. Ms. Drumm stated that 9' x 18' is appropriate as long as the circulation aisle is 25'.

Attorney Backinoff asked Ms. Drumm to tell the Board what the standards for the ULI and ITE recommended for mixed-use shopping centers. Ms. Drumm stated that the ULI says that when you have a mixture of general retail, restaurants, and entertainment sites, if you are below 10% you can use a straight retail ratio. Above 10% the ULI does recommend increasing the retail ratio. Once you are over 20% for restaurants and entertainment space the ULI recommends completing a shared parking analysis. The ULI recommends 4 spaces per 1000 square feet. The ITE recommends 4.35 spaces per 1,000 square feet. Attorney Backinoff asked Ms. Drumm that if she did some additional research did she think she could be comfortable with a ratio of up to 20%. Ms. Drumm said that she had done some number crunching and at 20% you getting up to 130-135 spaces this is overall space. There is parking in the back. Employees should be utilizing these spaces. More than 10% of the parking is behind the building.

Mayor Muchowski asked what does the Florence ordinance call for. Ms. Drumm stated the ordinance calls for 5 spaces per 1000 square feet. He then asked is the restaurant factor considered in this. Ms. Drumm answered that it was not. Mayor Muchowski asked how we would determine what the appropriate amount of spaces are so we can in an educated way tell the applicant what our ordinance requires. The applicant is proposing for more than just the pad site to be used as a restaurant. What does our ordinance allow? If the applicant should propose an additional 3,000 or 5,000 or 17,000 square feet as restaurants what is our control measure that says no you can't do it because the parking doesn't accommodate it.

Attorney Backinoff asked if he could be responsive in a practical sense because the applicant is trying to work with the municipality to make this a good application. The applicant would be comfortable with limiting the type of use on the property to 20% for restaurant use and if they were going to exceed that to do the actual additional parking analysis and coming back before the Board with this. Mayor Muchowski asked how many total seats would they be recommending with 20% of the space (6,000 square feet). Ms. Drumm stated that the ordinance calls for 1 space per 2 seats. There are standards under the ITE that use gross square footage. As a general rule of thumb the ITE recommends 20 spaces for 1,000 square feet. Mayor Muchowski stated that at 6,000 square feet they could potentially need 120 spaces just for restaurants. Ms. Drumm stated that she thought number of seats is more appropriate in this situation but unfortunately we don't have that information.

Member Stockhaus asked if anyone had an answer to the Mayor's question regarding the number of parking spaces that would be required by the Florence ordinance. Mayor

Muchowski stated that the concern is that the parking in the site is limited to the site. There is no overflow area. He said that he is working with the idea that in site plan approval retail and restaurants are considered two separate animals and spaces should be equated accordingly. Engineer Morris stated that he thought the solution was simple; you equate the square footage to the number of seats. If the applicant states that there will be no more than 40 seats, this will generate 20 parking stalls. This would be consistent with the approved site plan. If you exceed the number of seats they would have to come back in for an amended site plan.

Attorney Backinoff asked for a clarification. Chairperson Hamilton-Wood stated that since the ordinance says that for a restaurant you must have 2 parking spaces for every 1 seat. The question is if the Board approves this for 151 parking stalls and 20% restaurant and the 20% has 200 seats, all the shared parking would be used for restaurant parking and nothing left for retail. If the Board limits the 20% based on the 151 spaces parking available or roughly 30 stalls designated for restaurant use. This would yield only 60 seats.

Attorney Backinoff stated that with the regards to the Preliminary plan perhaps the Board could approve the application with the limitation that there won't be more than 15% restaurant use unless the applicant comes back at Final or some future time to demonstrate by the further shared parking analysis that there is sufficient parking for additional restaurant use.

Mayor Muchowski asked if the applicant had a general idea about the amount of seats that a restaurant would want to have in a 3,600 square foot building. Attorney Backinoff stated that the applicant did not know about this parking issue until this evening. They thought they were providing a 5 per 1000 square feet requirement. The thought that there is an additional parking requirement is new. Mayor Muchowski stated that this shouldn't be new. The requirement for restaurants is part of the ordinance. Member Smith stated that this is also with the assumption of the 9' x 18' parking stalls.

Mr. Goeke stated that he wanted to clear up any confusion over the size of the parking stalls. He said that all the drive aisles are 25' wide. The head to head parking the stalls are 9' x 20'. The third double row of parking is 9' x 18'. All parking adjacent to a curb is 9' x 18'. Mayor Muchowski asked Mr. Goeke if he had determined what the parking requirement would be for a stand-alone pad site. Mr. Goeke said that parking sites for restaurants are different depending on the type of restaurant. Mayor Muchowski said that if the applicant wanted the Board to analyze their request they needed to analyze what they are marketing the pad site for. In the parking analysis of the site this is the biggest unknown factor. Mr. Goeke stated that he thought the ordinance was silent on how many seats were required for a restaurant in a shopping center. Mayor Muchowski stated that he was trying to find out the answer to that question.

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Solicitor Abbott suggested that as a possible condition to any approval that the Board might give: the number of parking spaces to be made available for restaurant use shall be limited to 15% of the total number of parking spaces and any restaurant leasing space on the subject property shall limit the number of seats therein in order to comply with this limitation. Attorney Backinoff stated that they were struggling to come up with a methodology, but what they do have that was agreed upon between both the traffic consultants was 15% of gross leasable area unless the applicant comes back and demonstrates by actual counts that there is room for more.

Chairperson Hamilton-Wood said that the problem was how do we weigh this off of our ordinance that already exists regarding restaurants. The applicant would be in violation of the ordinance.

Mayor Muchowski stated that as the application has evolved and he realized that there is really no limitation on the restaurant space, he needed to ask if we are effectively managing the site plan. Maybe the premise that we were working on was inaccurate, but as its becoming clearer the concern on the parking is legitimate.

Attorney Backinoff said that aside from the confusion over the ordinance there are 2 professional traffic consultants sitting here telling the Board what the industry standards are and what they feel is appropriate based on those standards. They agree that 15% is a comfortable number. Mayor Muchowski said that the current proposal is at 12% restaurant use. Mr. Scozzari said that these are flex type buildings. Mr. Backinoff said that if the pad site was a restaurant, that would be the only restaurant permitted on site. He said that they would live with this through preliminary approval and if they thought that it would make sense to allow for more restaurant use they would come back with data to support that at the time of Final.

Attorney Backinoff stated that they would rather take the percentage than limit the restaurant to the pad site. Solicitor Abbott stated that her notes from the July meeting indicates that the tenancy of the pad building be limited to a restaurant. Mr. Scozzari said that this was not his intention.

Solicitor Abbott amended the condition the say that restaurant use be limited to 15% gross leasable area. That percentage can only be exceeded pursuant to the Board's approval of an actual parking study.

Ms. Drumm stated that she was concerned with the dead end parking near the pad site. She thought this was an inefficient design. If a motorist should go up this aisle and there is no parking available they will have to back out. She thinks this is a circulation issue that the Board should consider. Attorney Backinoff said that he thought that when the traffic consultant was being hired by the Board this was for a limited purpose to review Ms. Dolan's report concerning safety and off site traffic conditions. This plan has been worked over for six months and a lot of the changes that had occurred were in response to

concerns raised by the Board and the Board's consultants. Mr. Goeke and Ms. Dolan can testify again in regards to the traffic circulation, but that has already done.

Ms. Drumm stated that she reviewed the on-site parking circulation because she thought it was part of her task. She stated that she felt the traffic circulation was an inefficient design, but this is the Board's call. Member Stockhaus stated that if the Board is paying an expert to look at something, he welcomes any comments that the expert might have. Mr. Goeke stated that if they put the escape aisle in they would lose 6 parking spaces. The dead end aisle is 80' long and 25' wide. The only issue occurs when all the parking spaces in the aisle are full and the driver has to back out. Mayor Muchowski said that this was what Ms. Drumm's concern was.

Mr. Goeke said there was one other concern that had been raised by Ms. Drumm. This was the alignment of the parking field and the east side of the entrance drive and the main drive aisle. The reason they don't line up is the ordinance requirement that there be 40' from the property line to the parking. There is no parking adjacent to the main drive aisle along Fairbrook Drive. To maintain the 40' setback you get the jog between the 2 drive aisles. The comment was that they should be aligned. If they align them they will need a variance for the 40' setback.

Ms. Drumm stated that there was a comment regarding additional signs that was not addressed in the review letter. Mr. Goeke said that this was not a problem.

Attorney Backinoff stated that they had no further testimony, but would gladly answer any questions from the Board and would like to reserve the right to a closing statement.

Mayor Muchowski stated that there was a visual concern of the Phase 2 building. Attorney Backinoff stated that he thought that issue had been dealt with at the previous meeting. There was a concern about the view of the back of the Phase 2 building from Fairbrook Drive. He said that he believed that the testimony was that you would not be able to see into the top of the building from Fairbrook Drive.

Mayor Muchowski said that the concerns were how far was the mansard roof going to go, why couldn't there be a residential type roof just on that building. Mr. Scozzari said the Mansard roof goes completely down the side and turns down the back. Attorney Backinoff stated that combined with the landscape berm you will not be able to see into the roof area.

Mayor Muchowski asked that since there was not going to be any restaurant use, why couldn't there be a more residential roof. Mr. Backinoff said that they were trying to keep uniformity between the 2 buildings. If the Board would like an "A" line roof the applicant will comply.

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Member Smith asked if the 9' x 18' parking stalls with a 25' aisle work? Ms. Drumm stated that this she feels that this does work. She stated that some of the larger trucks are longer than 18', but this will not be the norm. You don't design for the exception. She also stated that the spaces along the building will have a little overhang.

Motion of Napolitan, seconded by Stockhaus to open the meeting to the public. Motion unanimously approved by all members present. Chairperson Hamilton-Wood asked any member of the public who wished to comment on this application to state their name and address. She also asked anyone wishing to speak to allow people who hadn't spoken at previous meetings to speak first and to limit remarks to those not yet made.

David Walls, 10 Creekwood Drive, was sworn in by Solicitor Abbott. Mr. Walls asked for an explanation about the restaurant usage. Chairperson Hamilton-Wood answered that the current proposal would allow only 15% to be used for a restaurant. Ms. Drumm stated that once the shopping center is open and operational if there is a need for additional restaurant square footage you would look at the existing parking demand and determine whether there was enough unused spaces to accommodate more restaurants. It is highly unlikely that they will be able to modify the site plan to provide more parking.

Mr. Walls asked if a pizza restaurant were to open in the phase 1 building, the pad site would not be able to be a restaurant. Chairperson Hamilton-Wood stated that this was true. Mr. Walls then stated that if the center should start to fail and the developer can get various restaurants into the site, could the Board accept this. Chairperson Hamilton-Wood stated that the Board couldn't take financial matters into consideration when they make their decision. Mayor Muchowski stated that this Board could not bind a future Board from changing the 15% limit on the restaurant use.

Mr. Walls asked about the view from the Vlahovic house. Mr. Scozzari stated that the view was taken from the first floor of the Vlahovic property, not the ground level. Mr. Walls stated that he did not think there should be parking behind the Phase 2 building. Mayor Muchowski pointed out that the parking had been removed from behind the Phase 2 building. There was only one loading zone remaining there.

Mr. Walls asked if the applicant wanted to put a restaurant in the phase 2 building would they be able to do that. Chairperson Hamilton-Wood stated that they would have to back to the Board for a revised site plan.

Mr. Walls suggested putting a concrete barrier in the entrance to Fairbrook Drive. This would cause the traffic to slow down and would be protection from cars on the other side. Ms. Drumm stated that any change to the Highway would have to have DOT approval.

Chris Vlahovic, 110 Fairbrook Drive was sworn in by Solicitor Abbott. Mr. Vlahovic stated that he thought that there would not be any restaurants in the Phase 2 building.

Attorney Backinoff stated that this was true. Mr. Vlahovic asked if the traffic study was done with a 5% increase in growth.

Mayor Muchowski interrupted to clarify that no cooking type restaurant would be in the Phase 2 building.

Mr. Vlahovic wanted an understanding as to how the 5% increase was calculated. Ms. Drumm stated that traffic grows based upon area developments coming in. Traffic grows by roughly 2 – 3% per year. NJDOT had done studies on Rt. 130 and found 2-3 % growth. Ms. Dolan used 5%, which is higher. Ms. Drumm concurred because they looked at historic traffic counts at this location and found a 4 – 5% growth. Mr. Vlahovic said that traffic from the developments was greater than 5%. Ms. Drumm said that on the streets immediately adjacent to the development it would be greater but as traffic disperses some will go to Rt. 130, some goes to Rt.295. The annual growth is 2 – 3 %.

Mr. Vlahovic stated that he is concerned that people will cut through the Mallard Creek development to access the shopping center. Ms. Drumm said in her opinion it would be mostly local people cutting through the development.

Mr. Vlahovic asked about the buffer variance. Mr. Backinoff stated that there would not be a variance for the buffer. The loading zone and the road are not in the 100' buffer area. The applicant had measured 100 ft. from the Vlahovic property for the buffer area. He asked about the view from his home. Mr. Backinoff stated that the view from the berm is measured from the first floor of the Vlahovic home. Mr. Vlahovic asked when the berm and landscaping would be installed. Solicitor Abbott stated that the condition was that the berms and landscaping would be installed as part of the Phase 1 building. Attorney Backinoff stated that it would be during the construction of Phase 1 and prior to the construction of Phase 2.

Larry Martin, 32 Creekwood Drive was sworn in by Solicitor Abbott. Mr. Martin stated that he was opposed to the development of this piece of land. He said that the additional traffic and construction would bring a hindrance onto the community.

Mark Miller, 86 Creekwood Drive was sworn in by Solicitor Abbott. Mr. Miller asked if there was any consideration for a drive-thru or fast food restaurant. He stated that a 57-seat restaurant is the right size for a fast food restaurant. This would have a marked impact on the traffic on the site. Mr. Scozzari stated that they were not applying for a drive-thru restaurant. Mayor Muchowski stated that at the previous meeting the applicant had been asked to limit the site to no drive-thru's and Mr. Scozzari had answered "No" at that time. Solicitor Abbott stated that any future development of the pad site would have to come back before the Board for approval and notice would be given. Mr. Miller stated that one of the end units could support a drive-thru also. Chairperson Hamilton-Wood stated that they would still have to come back before the Board for approval. Attorney Backinoff stated that there was no proposal for a drive-thru. The applicant understands

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that should there be an application for drive-thru they would have to come back for amended site plan. If the Board should approve this application, they will not be approving a drive-thru.

Mr. Miller stated that he was also very concerned with increased traffic on Creekwood Drive. There are a lot of kids and bus stops in the area. There have been a lot of older senior citizens cutting through the neighborhoods. He asked if there had been any discussion of speed humps to slow down the traffic. Mayor Muchowski said that there had been conversation about speed humps at the Township Council. He stated that this proposal has been very divisive in the community. Some people are in favor of them and some are against them. The Township started on Brookside Drive as a pilot project. They used striping of the shoulder to try to calm traffic. They had a small meeting with the residents of Brookside and speed humps were one of the issues that was discussed and got very mixed reaction from the residents.

Councilman Fratinardo stated that the Township had put the striping in to psychologically slow drivers down. Mr. Miller said that this had not had much effect on the speeding on Brookside Drive. Councilman Fratinardo said that he lived in the senior community and he occasionally goes through the Mallard Creek area. He has found that residents of the Mallard Creek development are driving too fast through their own community.

Mayor Muchowski stated that all the residential streets have a problem with speeding in the neighborhood. Mr. Miller stated that currently they have a problem; the retail center will exacerbate it.

Mr. Miller stated for the record that he was not opposed to the retail center. He was concerned with the size of the parking stalls. In his neighborhood there are many oversized vehicles and he thinks that the variance should not be given for the size of the parking stalls. He would rather see a variance for the number of parking spots, than the size. Mayor Muchowski said that every application that comes in asks for 9' x 18', this has become the industry standard. The Board has kept the 10' x 20' requirement so that if those larger scale shopping centers come in this is in effect.

Mayor Muchowski stated that as our community evolves and new type development is showing interest in our community some of our ordinances and Land Development criteria needs to evolve and move along with the process.

Mayor Muchowski stated that he was still concerned with the parking requirements. The Board could put the 15% restriction on the restaurant use and still overwhelm the parking on the site. He stated that he is still not comfortable that the appropriate number or percentage has been achieved. Mr. Miller agreed with the Mayor and said that he felt that there were a lot of unanswered questions that needed to be answered before a formal vote was taken.

Neil Gilchrist, 118 Fairbrook Drive was sworn in by Solicitor Abbott. Mr. Gilchrist stated that he had attended these meetings since March. He said that he had tried to have a very open mind about these procedures. He has changed his personal viewpoint on this to one issue – safety. He does not think there is enough analysis to be able to make a decision on this. He does not think that this project is appropriate for Florence. Chairperson Hamilton-Wood asked Mr. Gilchrist which safety issue he was referring to. Mr. Gilchrist stated that it was the traffic safety issue.

Attorney Backinoff asked if Ms. Dolan could leave to attend another meeting. Mayor Muchowski stated that he had some NJDOT issues that he wanted to discuss, he didn't mind continuing the application until next month at this point. Ms. Dolan indicated that she would stay at the meeting.

Hearing no other members of the public wishing to speak, motion was made by Napolitan, seconded by Stockhaus to close the public portion of the meeting. Motion unanimously approved by all members present.

Mayor Muchowski stated that he agreed with the statement from NJDOT that Fairbrook Drive was the only access point to the site from Route 130. On the applicants plan it depicts a painted island that currently exists on the site. Would the applicant be willing to make this a physical barrier? Ms. Dolan stated that application would have to be made to the NJDOT in order to put any kind of island in the intersection. Ms. Drumm stated that if it was a physical island it would have to be a certain size. Chairperson Hamilton-Wood asked if there was any benefit to this? Ms. Drumm stated that drivers could drive over a painted island; a physical island tends to keep traffic more in their lane. She stated that she did not know if the painted island was wide enough to accommodate a physical island, also if you have delivery trucks coming to the site you might need a greater turning radius. Chairperson Hamilton-Wood stated that if it was a curbed island with grass in the middle it doesn't have much effect. People can run over it. If it is a barrier it's like a brick wall. Ms. Drumm stated that she did not believe that DOT would approve a barrier, they might approve a curbed island. Chairperson Hamilton-Wood asked if this would improve the flow of traffic in any way. Ms. Drumm said only by keeping drivers in their own lanes. It does not improve the level of service for the intersection.

Mayor Muchowski asked if there was any advantage in trying to add an additional right turn in entrance besides Fairbrook Drive. Ms. Drumm stated that she thought this would be a safety issue and the DOT code says that you can't have access from a deceleration lane.

Mayor Muchowski asked if Ms. Drumm had studies the adequacy of the left turn lane into Fairbrook from South Route 130. The adequacy of the left turn lane depends on how much storage is available. The left turn lane is between 150' and 160', this can accommodate 6 to 7 vehicles. The DOT uses a 25' average for a car.

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Engineer Morris referred to his letter dated September 13, 2005. The drainage calculation for water quality had not been submitted yet. There is still a detail on the plan that shows a wooden gate on the dumpster, this should be deleted. Engineer Morris said that they had asked for the drainage calculation to show the roof drain header piping system into the storm sewer system.

Engineer Morris stated that there were 3 other comments. Item 29 was regarding the drainage swale equivalent adjacent to Block 166.11, Lot 48. The berm is being added; the basin didn't show adequate swale and Engineer Morris want to be sure that there is no run-off into the adjacent property. Mayor Muchowski asked about the sprinkling of the berm. Mr. Scozzari stated that the berm would be sprinkled. Item 30 regarding a fence encroachment onto Block 166.11, Lot 48. Mr. Backinoff stated that this would be worked out with the homeowner. There also needs to be handicap access and parking at the employee parking in the rear of the building. Mr. Backinoff agreed that the handicap parking would be installed.

Planner Hintz did not have any additional comments. Mayor Muchowski asked if the applicant was meeting the tree replacement ordinance. Planner Hintz stated that they were.

Member Fratinardo said that at the last meeting he had asked the existing foliage at the banked parking area could be retained. Mr. Goeke stated that he had not looked at this. Retaining the existing foliage depends upon the change of grade. Mr. Scozzari said that if they do not change the grade of the area they would retain the foliage. Engineer Morris stated that the sanitary lines are going through this area so it would be difficult to save this foliage.

Solicitor Abbott said that the application was for Preliminary Major Site Plan approval with 4 variances and 2 design standard waivers. The variances were for the number of loading spaces (the applicant proposes 4 instead of the required 5), to permit a tenant identification sign on the main freestanding sign, for the number of façade signs on the building, and a buffer on the west side of the property between the buffer and the residential zone line. Design standard waivers are for the parking space sign and to permit plastic piping instead of concrete.

There are 21 conditions that will be attached to any approval that is granted. These conditions are as follows:

Architectural design of the pad site shall be compatible with the other building on the site. Subsequent Board approval is required of the architectural design for any building to be constructed on the pad site.

The mechanical equipment on the rooftop shall be shielded from public view.

All tenant signs shall be placed flat on the buildings. There will be no signage on the roofs or on the dormers.

The architect shall submit a letter certifying the architectural design colors.

The existing Mallard Creek sign is to be removed if in fact it is on the applicant's property.

The easement road use shall be limited to employees and deliveries and a sign will be posted restricting the use of the road for such purposes.

The fence along the property line of the adjacent residential lot shall be moved closer to the easement road and landscaped on both sides, subject to authorization for crossing utility easements; the location of the fence to be approved by the Board.

Deliveries to the site shall take place only between the hours of 8:00 a.m. and 6:00 p.m.

The letter size on the identification sign will be a maximum 20" high.

Compliance with all requirements of the reports of the Board Planner, Board Engineer and Traffic Engineer.

Berms and landscaping shall be installed as part on the Phase 1 building.

Employee parking shall be in the rear of the building only and a provision limited this parking shall be inserted in the lease for each tenant.

Restaurant uses is limited to 15% of the gross leasable area. That percentage can only be exceeded pursuant to the Board's review and approval of an actual parking study.

Additional directional signs shall be installed pursuant to the report of Deanna Drumm and compliance with any and all other requirements set forth in that report.

Compliance with all COAH regulations pursuant to the Township ordinance.

There will be no uses involving the cooking of food in the Phase 2 building.

Any proposed drive-thru establishment must be approved by the Board.

The foliage on the east side of the Phase 2 building will be retained if possible.

Compliance with the requirements set forth in the September 9, 2005 report submitted by the Police Chief.

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Attorney Backinoff thanked the Board, the Professional Consultants and the public for their patience and fair hearing regarding this matter. He stated that the hearing had certainly been thorough. He thinks that the dialogue has resulted in an improved plan. Secondly he requested that the Board acknowledge that the applicant has worked hard and at great expense in order to meet the concerns of the Board, the Professionals and the neighbors as well. He stated that it was very important to review the reports from the Board's Professional consultants. If you look at those reports and comments you will see that they support the plan, which is no surprise because the plan substantially complies with the zoning ordinance and advances the intent and purpose of the Master Plan.

Attorney Backinoff said that the property was part of the bigger tract that made of the Mallard Creek subdivision. When it was subdivided the intent of the approval was to retain the frontage for upgraded commercial development. The Board at that time intended that this be maintained as a commercial property. The planners of Mallard Creek and the developer provided the necessary buffer by installing the retention basin to the rear of the property and this additional buffer being offered by the current applicant certainly provides the buffer that was intended at the time that Mallard Creek was developed.

There is clearly no use variance here. They are looking for a retail shopping center. This has been planned as a combined retail center. The applicant thinks that the retail services with the small restaurant use that is being proposed is an appropriate use of this property.

They have heard testimony from the neighbors saying that it is an enormous center. The applicant respectfully disagrees. The ordinance provides for controls over the intensity of the development of the Highway Commercial properties. If you look at the numbers in the ordinance, this is a small retail center. The ordinance would allow 66,000 square feet. The plan is only for approximately half of that 30,000 square feet. With respect to the ordinance, this plan strictly complies with the intent and purpose of the Master Plan and the Zoning Ordinance.

This property is particularly well suited for the proposed use. There is access to Route 130. The testimony of both the traffic consultants and the Florence Township Police Chief indicated that there was no major traffic concern about the access to the property. The wetlands and the slope to the south of the property created a natural buffer of over 150 feet off-site. The access road was pre-existing but they were still able to remove the need for the buffer variance for the rear of the property.

Mr. Backinoff stated that he would briefly touch upon the variances that were identified by Solicitor Abbott. The primary issue had been the buffer to the rear. This variance was no longer necessary. In fact the highly improved berm and landscape was precisely what the Board, the Professionals and the neighbors were requesting from the beginning of this application. In respect to the buffer to the south, he doesn't think that this is any concern from negative impacts. There is over 150' of wetlands and slope before you get to the

creek in that residential district. There is also substantial buffer on-site probable in excess of 200 percent of what's required by the ordinance. With regards to the signage variances, the applicant feels that the size of the signs is appropriate. If the Board had concerns with the size of the signage the applicant would withdraw the request for the variance. The parking under industry standards is appropriate for this type of center with the limitations being imposed.

In conclusion, Attorney Backinoff stated that this application was in substantial compliance to the ordinances, subject to the waivers and variances they have discussed and feel are appropriate.

Attorney Backinoff said that one of the conditions had to do with fence relocation. The fence has been removed from the plan and will be replaced by the berm. He also said that one of the conditions listed by Solicitor Abbott was for the applicant to comply with all the requirements of all the reports. He said that they believe there were perhaps some minor inconsistencies between the traffic consultant plan and the plan that is being proposed. The applicant agrees to comply subject to the discussions they had on the record this evening. The applicant does not want to lose the additional parking, but would be willing to lose the additional parking, if this is what the Board wants.

Mayor Muchowski asked to comment on Attorney Backinoff's closing statement. He said that Attorney Backinoff indicated that the Board Professional's through their reports had agreed with the assessment of the parking. Attorney Backinoff stated that he thought his comment was more general, he said if you looked at the overall comments and reports regarding the use and the overall site plan, he feels they are generally in agreement with the applicant's plan.

Mayor Muchowski stated that he did not feel that limiting the restaurant space to 15% was adequate in itself. It needs to be coupled with a limit on the number of seats because this is what will sway the effectiveness of this parking on site. Attorney Backinoff said that they would like to come back with additional information subject to Board approval at Final approval. Solicitor Abbott stated that the condition now reads that the restaurant use shall be limited to 15% of the gross leasable area. That 15% can only be exceeded pursuant to the Board's review of an actual parking study. Mayor Muchowski stated that he does not know what 15% yields in the way of seats and he does not want the onus to be on him as a Board member to disprove what they need to prove to him is appropriate from a parking ordinance standpoint. He believes that the applicant has the burden of proof to say to the Board how many seats the site can handle. Mayor Muchowski asked the Board's Professional staff to tell him what the required number of seats is. Attorney Backinoff stated that the applicant was not trying to put the onus on the Board. They are suggesting that they will come back at Final with a proposed number of seating and have documentation to support it.

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Engineer Morris stated that the Board is looking at 25,500 square feet and 4,500 square feet (restaurant area). If you take the 25,500 square feet and use their projection for 250 square feet that leaves 102 parking stalls. If you subtract that from 151 parking stalls that leave 49 parking stalls which equates to 98 seats. Attorney Backinoff stated that they would agree to 100 seats. Mayor Muchowski had come up with 80 seats. The Board had a discussion about the appropriate number of seats. Attorney Backinoff stated that whatever limitation the Board puts on the applicant, they would like to come back at time of Final with support for the parking. Solicitor Abbott stated that the condition would be changed to read that the total number of seats not to exceed 80 seats, with the total number of seats to be determined at time of Final. Mayor Muchowski asked if the Board's Professionals were happy with this. Engineer Morris stated that 80 seats still does not meet the ordinance for 1 parking stall for every 200 square feet. This is a compromise. Attorney Backinoff stated that this was a mixed use development and there had been testimony given about shared parking.

Mayor Muchowski stated that his only other concern was to see the mansard roof on the back end of the Phase 2 building. Member Fratinardo stated that this was only for the front, the north side and the rear. The south side could be open to allow access to the air conditioning units.

Mayor Muchowski asked if anyone else on the Board shared his concern over the seating issue. Chairperson Hamilton-Wood said that the testimony was from both traffic experts that 15% under the industry standards of the ULI, the parking that was proposed was sufficient. She said that she understood that the ordinance calls for 1 spot for every 2 seats, but if the Board accepted the concurrence of the Board Professionals and Ms. Dolan the applicants traffic expert that 15 % was an acceptable number than the Board is limiting the number of seats just to say they are meeting their ordinance with maybe no purpose.

Mayor Muchowski stated that he also heard Ms. Drumm say that the industry standard is up to 20 spaces per 1,000 square feet of restaurant. Ms. Drumm said this was a general rule of thumb.

Ms. Drumm stated that if you use 80 seats for the 15% of the overall square footage and the remaining square footage for retail you use a 4 per 1000 you would meet the parking requirement for both of them with the 151 parking spaces. You could go up to 100 seats with the 4 per 1000 and meet the ordinance.

Member Smith stated that he was annoyed with the request for 9' x 18' parking stalls. He supports the 10' x 20' parking stalls. He also complimented the applicant's willingness to work with the Board.

Chairperson Hamilton-Wood called for a motion to approve application PB#2005-01.

Mayor Muchowski stated that he still had questions about the sign variance. Attorney Backinoff stated that they think the individual façade signs are appropriate with a development of this nature, but they will defer to the preference of the Board. The façade signs will be a maximum of 18” high and then 5% of the area. There will be 8 names on the main street sign. The signs will be internally lit. The signs will all be uniform in appearance.

Member Fratinardo asked about the speed hump on Fairbrook Drive. Chairperson Hamilton-Wood stated that this is not the jurisdiction of the Board. This would have to be taken to Council.

Motion of Smith, seconded by DeAngelis to approve application PB#2005-01.

Upon roll call the Board voted as follows:

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

The Board took a 5 minute break. The Board returned to the regular order of business.

Chairperson Hamilton-Wood stated that the time was 10:55 p.m. and it was the procedure of the Board to not start any new applications or hear testimony after 11:00 p.m.

Chairperson Hamilton-Wood called for application PB#2005-06 for Quaker Group. Tom Smith, legal counsel for Quaker Group consented for an extension of time for Board action.

Mayor Muchowski asked if the Board could begin the October meeting at 6:00 p.m. Attorney Smith stated that Quaker Group would appear at 6:00 p.m.

Motion of Stockhaus, seconded by O’Hara to continue the application of Quaker Group PB#2005-06. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for PB#2005-08 for Atlantic Equity Olive Street, LLC. Attorney Thomas Coleman agreed to waive the time limit for Board action. The application will be continued until the October meeting and the applicant was advised to arrive for 7:30 p.m.

Motion by Napolitan, seconded by Fratinardo to continue the application of Atlantic Equity Olive Street. Motion unanimously approved by all members present.

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Chairperson Hamilton-Wood called for PB#2005-11 for Orleans Homebuilders, Inc. Applicant is requesting Preliminary Major Subdivision approval with bulk variances for 21 residential building lots located on Bustleton Road, Block 170, Lot 1.01 in an AGR Agricultural District.

Attorney for the applicant Edward Penberthy stated that they would like to be heard for completeness only. He stated that they could meet all the requirements in the Professionals letters, but they are requesting a variance in depicting trees in area on non-disturbance. Planner Hintz recommended this waiver. Mayor Muchowski asked if a protective barrier would be put up to delineate the area of non-disturbance. Attorney Penberthy stated that they would do this.

Mayor Muchowski asked if the Professional Staff was comfortable that the application was complete. Planner Hintz stated that there were some items that need to taken care of. Attorney Penberthy stated that they would provide all the required information.

Solicitor Abbott stated that there were some lot dimensions that were not shown on the plan. Attorney Penberthy stated they would show these on the plans. He did say that there were some issues that they would have to go over with the Board regarding the low and mod units that will be provided on site. He would like to have a staff meeting regarding this. Engineer Morris stated that cross sections and additional soil borings would be required.

Motion of O'Hara, seconded by Fratinardo to deem this application complete with the conditions set forth that they will abide with the requirements of the Professionals letter and granting the waiver for the trees.

Upon roll call the Board voted as follows:

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

NOES: None

ABSENT: None

Motion of O'Hara, seconded by Smith to adjourn the meeting at 11:25 p.m. Motion unanimously approved by all members present.

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John T. Smith, Secretary

JTS/ne