

Florence, New Jersey 08518-2323
October 15, 2007

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Vice Chairman O'Hara called the meeting to order at 7:32 p.m. followed by a salute to the flag.

Vice Chairman O'Hara then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

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

Gene DeAngelis	Sean Ryan
Councilman John Fratinardo	John T. Smith
Mayor Michael J. Muchowski	Mildred Hamilton-Wood (LATE)
Dennis A. O'Hara	Wayne Morris

ABSENT: NONE

ALSO PRESENT: Solicitor Nancy Abbott
Engineer Dante Guzzi
Planner Lisa Specca (substitute for Carl Hintz)

RESOLUTIONS

Resolution PB-2007-33

Granting amended Preliminary and Final Major Site Plan approval with bulk variances to Whitesell Construction Co., Inc. for Block 158, Lot 1, located in a GM General Manufacturing Zoning District.

Motion of DeAngelis, seconded by Morris to approve Resolution PB-2007-33.

Upon roll call the Board voted as follows:

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

Resolution PB-2007-34

Granting amended Preliminary and Final Major Site Plan approval and Minor Subdivision approval with variances to Whitesell Construction Co., Inc. for Block 158, Lot 3, located in a GM General Manufacturing District.

158.

Solicitor Abbott said that there were 2 minor corrections to the resolution. On page 4, paragraph I, in the second sentence it states that the applicant proposes 2 signs for Daniels Way. This should be changed to read 1 sign for Daniels Way. On page 5 the paragraph starting with "Now be it therefore resolved" it references Block 158, Lot 1. This should be changed to read Lot 158, Block 3.

Motion of DeAngelis, seconded by Smith to approve Resolution PB-2007-34 as amended.

Upon roll call the Board voted as follows:

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

Resolution PB-2007-35

Deeming complete and continuing the application for Perigrine Partners, LP for Minor Site Plan approval with bulk variances for Block 159, Lot 4.02, located in an HC Highway Commercial Zoning District.

Motion of DeAngelis, seconded by Smith to approve Resolution PB-2007-25.

Upon roll call the Board voted as follows:

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

Resolution PB-2007-36

Affirming the Minor Subdivision Approval granted to Frank Scamporino for Block 159, Lot 5.02, located in an HC Highway Commercial Zoning District.

Motion of Smith, seconded by DeAngelis to approve Resolution PB-2007-36.

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

MINUTES

Motion of DeAngelis, seconded by Ryan to approve the Minutes from the regular meeting of September 17, 2007 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

159.

- A. Application for Modified Freshwater Wetlands Statewide General Permits #1, #2, and #21 for PSE&G.
- B. Burlington County Farmland Preservation Program – DRAFT Acquisition Targeting List.

Motion of Fratinardo, seconded by Smith to receive and file Correspondence A and B.
Motion unanimously approved by all members present.

APPLICATIONS

Vice Chairman O'Hara called for application PB-2007-18 for Perigrine Partners, LP. Applicant is requesting Minor Site Plan approval with bulk variances for property located at 2037 Route 130, Block 159, Lot 4.02.

Attorney Stuart Warren advised the Board that he was substituting for Robert Sexton, Esquire, at this meeting. Attorney Warren said that Land Use was not his general area of practice and added that if got off track he would appreciate if the Board would steer him in the right direction.

Solicitor Abbott said that this application had been deemed complete at the last meeting. Mayor Muchowski stated that there had been some issues left open and asked that the applicant's engineer give an overview of the steps that were taken regarding the application. John Schweppenheiser, engineer for the applicant stated that he had been sworn at the last hearing and said that he understood that he was still under oath.

Mr. Schweppenheiser said that the site plan is unchanged except for a few minor revisions. There are no changes being proposed to the existing dwelling located immediately off of Route 130. The applicant is still proposing an outdoor display area for the display of various types of fences.

Mr. Schweppenheiser said that since the last meeting they have obtained the previously delineated wetlands line with a 50' buffer. This has been added to the plan. He said that there had been a question at the last meeting regarding the status of the proposed 1,000 square foot shed that is going to be used for storage of materials. The shed is being proposed this evening. The location was moved directly to the east outside of the wetlands buffer area. The applicant will be required to obtain DEP Floodplain approval for this and they are in the process of submitting this to DEP.

Mr. Schweppenheiser stated that shrubs have been added along the rear of the fence display area to shield the shed and 3 trees have been added to the landscaping plan. At the suggestion of the Board's engineer a 10' wide stone access road has been added to get from the Route 130 driveway area to the shed. He stated that a few notes have been added to the plan and the plan was certified by a surveyor. This is the extent of the revisions.

Engineer Guzzi stated that he had reviewed the revised plan that was submitted after the last meeting and prepared his review letter dated October 3, 2007. Item 1 states that the ordinance does not permit parking within 40' of the street line. A variance is required for this.

Mayor Muchowski asked if there was any pavement proposed as part of this project? Mr. Schweppenheiser said that no paving was planned with the exception of a concrete pad for the handicap parking area.

Engineer Guzzi stated that Item 2 indicates that a variance is required to permit display of merchandise or product stored outside. Mr. Schweppenheiser stated that small 4' sections of the fence that will be sold would be displayed in this area. Engineer Guzzi stated that another part of this variance would be the storage shed since the construction will allow some of the product to be visible. Mr. Schweppenheiser stated that the entire property was located within a state regulated flood plain. The flood plain actually extends into the 84 Lumber property to the east and into adjacent Lot 8.01 to the west. The flood plain elevation was previously delineated at 31.5. The finished floor elevation of the shed is proposed to be elevation 28. The shed was set at this location to minimize the amount of fill that would be added into the flood plain. The State is mandating that the shed be constructed in an open air type construction. The shed can be enclosed on all sides, but not below elevation 31.5. So the first 3.5' from the ground will be open. The owner has indicated that he would like to install a black chain link fence to the inside of the shed for security purposes.

Engineer Guzzi stated that his interpretation is that this constitutes outdoor storage since you will be able to see products inside the shed. Mayor Muchowski asked if any visual buffer in addition to the 3 shade trees had been proposed. Mr. Schweppenheiser answered that only the 3 shade trees along the front side and the row of tall evergreen type bushes along the rear of the display area. They think that this is sufficient, but they could add more trees and shrubs if the Board feels it necessary. Mayor Muchowski said that if they did some base planting around the areas visible from Route 130 that covers the 3' you wouldn't notice that the wall didn't go all the way down.

Vice Chairman O'Hara asked if the chain link fence would have the slats in it. Mr. Schweppenheiser said that they would have to check with DEP to see if this was allowed. Mayor Muchowski suggested relocating the door to the shed to the rear of the building and extending the stone road around to the door. Mr. Schweppenheiser stated that the applicant would do this.

Engineer Guzzi said that Item 3 pertains to the requirement that all areas not used for buildings or paving should be landscaped. The plan should be revised to indicate the landscaping or groundcover that is proposed. Engineer Guzzi said that Item 4 pertains to a variance for parking spaces. 9 spaces are required and the applicant is proposing 6 spaces. Item 5 is a variance for a loading space. Mr. Schweppenheiser stated that the driveway could meet the requirements for a loading space. They would agree to

configure this space to be big enough to fit a tractor-trailer. He noted that the applicant intends to receive approximately 4 loads per year from a tractor-trailer.

Secretary Smith asked for the status of the house at the rear of the property. Mr. Schweppenheiser stated that the applicant does own the house. Mr. Smith stated that the agreed to loading area/stone drive is encroaching towards the house. Mr. Schweppenheiser stated that the house is about 135' back from the shed. Mr. Schweppenheiser asked applicant Frank Natoli to address the use of the house. Solicitor Abbott reminded Mr. Natoli that he remained under oath from the previous meeting. Mr. Natoli said that the previous owner used the house as a residence. Mr. Natoli stated that right now the house is vacant and they have no intention to lease the house out or to rent it or use it as a residence. He said that he might want to use it as an office some time in the future. Mr. Natoli agreed to a condition that the house would not be used as a residence. Vice Chairman O'Hara pointed out that site plan approval would be required should Mr. Natoli decide to utilize this as an office at a later date.

Mayor Muchowski asked why the applicant doesn't meet the parking requirement and provide the 9 spaces. The display area will attract a certain amount is customers. Mr. Schweppenheiser stated that they wanted to keep as much green space as possible on the site.

Mr. Natoli stated that most of his business is done with contractors, but occasionally a contractor will have a customer that would like to look at the fence. Contractors mostly work out of their homes or trucks so they don't really have displays. The contractors would send the customers to the shop to see the fence. Mr. Natoli estimated that in season you would have approximately 5 people per week visit the site to view the fence. Most jobs are sold by a contractor. Mayor Muchowski said that the applicant is asking for 1,600 square feet of display space. This is a significant area of display. He said that he thought it would make sense for the Board to require the appropriate amount of parking. Mr. Natoli said that when he purchased the property there was an old rusty chain link fence around this area that had been used to store cars. They took this down and would like to replace this with a 4' vinyl white fence. Mr. Natoli said that since this fence is being called a display instead of a security fence is why the variance is required. Mayor Muchowski said that it wouldn't be the outside perimeter fence as much as the displays inside the fence that would require the variance.

Mr. Schweppenheiser stated that they could fit 3 additional stone parking spaces along the front and landscape the back of the spaces. This would negate the reason for the variance. He stated that the idea was that with so few people visiting the site they didn't need the extra spaces. Mayor Muchowski said that he is not adverse to the parking being behind the shed, where employees could park. He stated that Mr. Natoli had created a nice storefront along Route 130. Mr. Natoli stated that employee parking was not an issue because there is a concrete paving and a 2 car garage adjacent to the house. Mr. Schweppenheiser stated that this area could be designated as employee parking and that would eliminate the need for the variance. Mayor Muchowski said that they might want

to look at creating more than the 3 additional spots to include the parking that would be required for the future office use. Mr. Schweppenheiser said that they would look at this.

Engineer Guzzi said that Item 6 pertains to the requirement for a trash enclosure. The applicant has provided a dumpster behind the existing building. Mr. Schweppenheiser stated that the applicant has a piece of machinery that he will use to transport the 6' x 6' dumpster to the front of the site on trash day and then return the dumpster to the back once the pickup has occurred. Mr. Schweppenheiser stated that they feel that this is a good scenario because it keeps the trash container off of the Route 130 line of site.

Engineer Guzzi expressed a concern that if it is a wet or snowy day the transportation of the dumpster would tear up the lawn area. Mr. Napoli said that he chose the proposed location because it would be close to where the trash is generated and the other reason to put it behind the building is to keep it out of site so that people traveling down Route 130 don't see it and use it for their own large trash items. Mr. Natoli stated that during the season trash would be picked up once a week.

Vice Chairman O'Hara expressed concern with the ability of the tractor-trailer to maneuver around the site. Mr. Schweppenheiser stated that the tractor-trailer doesn't have to have a dedicated loading dock. The material could just be off loaded on the side. Vice Chairman O'Hara asked how the tractor-trailer would enter the site. Mr. Schweppenheiser stated that it would pull along the front of the building and then back up to the storage building. Mayor Muchowski said that the applicant should demonstrate that the turning radius would allow this.

Vice Chairman O'Hara said that he was concerned with the first 2 parking spaces interfering with the entrance into the property. Mr. Schweppenheiser stated that they thought the proposed configuration would work with the 4 deliveries per year and they would not create a conflict with patrons.

Engineer Guzzi said that in getting back to the trash enclosure - is the Board comfortable with the trash enclosure getting wheeled out? If so they should have the applicant provide some indication of the route and put some sort of note on the plan regarding the maintenance of that route so that it doesn't get chewed up.

Mr. Schweppenheiser stated that the dumpster will sit on an existing concrete pad. Engineer Guzzi said that the issue is when the dumpster is wheeled out. Mr. Schweppenheiser stated that they could propose a little stone path for the trash enclosure transportation route.

Engineer Guzzi returned to his report Item 7 regarding the site lighting. Mr. Schweppenheiser stated that the lights are shown on the plan. Mr. Natoli stated that the business would be open from 8:00 a.m. to 4:00 p.m. The Board agreed that since the business would not be open after dark the existing lighting would be sufficient.

Chairperson Hamilton-Wood arrived at the meeting at 8: 11 p.m.

Secretary Smith asked where the feed for the lighting to the pole barn would be. Mr. Natoli stated that there is no plan to have power in the pole barn. There will be exterior lights on the existing buildings that will shine towards the pole barn.

Engineer Guzzi said that Item 8 is a variance for the proposed 17.53' drive aisle where a 25' aisle is required. Item 9 pertains to the stormwater run-off from the proposed shed. The applicant's engineer has provided calculations demonstrating that would be no increase of run-off to adjoining properties. Item 10 regarding the access to the shed has been satisfied. Item 11 pertains to the requirement that ingress, egress and all parking spaces be paved. The proposal right now is to maintain the existing stone surface with the exception of the barrier free parking. Mr. Schweppenheiser stated that DOT approval would not be necessary since they are not changing the existing driveways.

Engineer Guzzi said that Item 12 pertains to landscaping. The parking area requires shade trees. These have not been provided so a variance may be necessary. Mr. Schweppenheiser stated that they would add the shade trees to avoid the variance. Mayor Muchowski asked about the existing landscaping. Mr. Natoli said there was a 60' berm along the front. Mr. Schweppenheiser said that the previous application required that 2 shade trees to be planted and they are existing. Mr. Schweppenheiser agreed to add another shade tree back by the additional parking at the rear of the site.

Engineer Guzzi said Item 13 states that no sign is proposed as part of the plan. Mr. Natoli stated that there is currently an existing signpost in front of the building that they don't intend to use. Right now there is a temporary banner that was approved by the Zoning Officer. This temporary banner will be taken down. The plan is to have Rainowfence.com on the sides of the building. Mr. Natoli stated that he would like 3 signs. One on the front that is 7" tall and 7' wide and a sign on each side that is 12" tall and 12' wide. These would be stenciled onto the building. Vice Chairman O'Hara said that he believed that 3 signs exceeded the ordinance requirement even though the proposed signs are not that big.

Engineer Guzzi stated that one attached sign would be permitted. A 1' x 12' sign would conform and then there would be a variance required for the additional signs. A freestanding sign of 17 square feet would be permitted.

The Board discussed the number and location of the proposed signs. Mr. Schweppenheiser stated for the record that the applicant agrees to meet the square footage of the ordinance for the combined 2 signs – one free standing, one attached.

Engineer Guzzi said that Item 14 pertains to the requirement that the perimeter of the parking lot be curbed. Mr. Schweppenheiser said that since there will be a very minimal amount of patrons expected to visit the site they are proposing to keep the site as it is with the existing concrete wheel stops.

Mayor Muchowski asked for an explanation of the display area. Mr. Natoli said there would be sections of fence, arbors and benches. The area will look like a back yard. Mayor Muchowski said that there needed to be some kind of mechanism in place to control the appearance of the display area.

Member DeAngelis asked why the display area couldn't be located in front of the shed. This way the fence would block the open bottom of the shed. Mr. Natoli stated that he wanted the display area to be visible from Route 130. He stated that he really didn't want people walking all over the site. The display area will be enclosed and there will only be one entrance/exit gate.

Vice Chairman O'Hara said that the plan indicates at least 6 different displays. Mr. Natoli said that the perimeter fence would be comprised of 2 styles of fence. Around the front and the side would be a 4' 1½" picket step fence and across the back will be a privacy fence to screen the shed. The displays would each be a stand alone section of its own style. Mayor Muchowski said that the plan doesn't depict it that way. Mr. Schweppenheiser stated that the drawing on the plan wasn't intended to show the exact location and quantity of each fence. The purpose was to show that there would be fence sections displayed in this location. Vice Chairman O'Hara said that the Board is asking if there would be more than the 6 items shown as display on the plan. Mr. Natoli stated that he would be comfortable with a total of 10 different samples. The benches are 4'. The arbor is 50" wide, 4' deep and 9'tall. Vice Chairman O'Hara said that he wouldn't have a problem approving the plan as submitted with the 3 pieces with 2 sections on each, 2 benches and an arbor. He asked if any Board Members disagreed. Secretary Smith stated that he was concerned with the 17.5' drive aisle behind the parking. He asked if diagonal parking would help with this. Engineer Guzzi said that diagonal parking would help but then you would have to have one way in and one way out. Mayor Muchowski said that this was previously a repair facility and this is the condition that the Board approved for a more intensive use on the site.

Secretary Smith asked if the display could be pushed back a bit to allow more room at the entrance near the first parking spot. Mayor Muchowski said that this might improve the turning radius with the truck. Mr. Schweppenheiser said that they would investigate this.

Vice Chairman O'Hara said that he likes the idea of pushing the fence area back. He asked if that would impact the existing tree? Engineer Guzzi stated that the tree would have to be relocated or replaced. Vice Chairman O'Hara asked if there was a path planned to the display area. Mr. Schweppenheiser stated that you would have to walk across the grass to get there. Engineer Guzzi said that there should be a walkway to the display area and it should be handicap accessible. Mayor Muchowski said it would be easier to relocate that gate to the front then to add the walkway around the side. Engineer Guzzi stated that the gate should be relocated to be close to the offload aisle for the barrier free space.

Planner Specca said that they should not relocate the existing tree, it should be replaced. The applicant agreed to replace the tree.

Engineer Guzzi recapped the existing variances, which include the minimum front yard of the building, minimum lot frontage, minimum side yard and minimum side yard of the accessory building for the frame garage at the rear of the property. These are all pre-existing non-conforming conditions.

Solicitor Abbott stated that the remaining variances are for the parking setback, the outside display of merchandise – including that which is to be stored inside the shed, loading space, trash enclosure, the paving of the drives and the parking areas, curbing around the parking lot, number of signs and the drive aisle width. She stated that the applicant has not provided any testimony in support of the variances.

Mr. Schweppenheiser said that the bulk requirements all relate to the existing building, its position on the lot and the lot size itself. This is an undersized lot that has been in existence for many years and has operated as a commercial use for many years. The applicant feels that the rehabilitation of this property will greatly enhance the aesthetic nature of the property and will be a benefit to the Township as a whole. The approval of this application certainly will not be a detriment to the Master Plan of Florence Township.

Mr. Schweppenheiser said that as to the proposed variances – the parking setback variance to the front of the property – testimony was given that the property will have minimal usage by patrons and would make this property usable for this use. The applicant gave testimony that the outdoor display area was a crucial element to his business. It will be constructed in an aesthetically pleasing manner and it will enhance the aesthetic nature of the use. He said that in regards to the waiver for the outside trash container, testimony was given that the applicant will put the container at the front of the property on trash days and immediately remove the container after the trash pickup occurs. This will hide the dumpster from the traffic on Route 130.

Mayor Muchowski asked to have a window put on the amount of time that the dumpster sits in front of the building. Mayor Muchowski said that he does not want the dumpster to sit out overnight. Engineer Guzzi stated that a note should be added to the plan that there would be a 4 hour window for the container to be on the street and must not be left out overnight. Mr. Natoli said that he would accept the 4 hour window for the dumpster.

Mr. Schweppenheiser said that the last 3 variances for not paving the parking lot, not curbing the parking lot and the undersized drive aisle are all related. Testimony was given that there will not be many patrons visiting the site and that the ingress/egress movements could be safely and easily accomplished especially since 3 parking spaces will be relocated to the north. He stated that all these variances combined with the rehabilitation of this site would not pose a detriment to the Master Plan of Florence Township.

Vice Chairman O'Hara asked if the applicant had received the memorandum from Environmental Commission Chairman Paul Ordog, Jr. Mr. Natoli stated that he had a

conversation with Mr. Ordog regarding the Environmental Commission's suggestion of Bradford Pear trees. Mr. Natoli stated that he would put Bradford pears along the grass area between his site and the 84 Lumber property. This would provide screening of the dumpster located at the edge of the 84 Lumber property.

Planner Specca said that she wanted to comment on the species – Bradford Pears are extremely weak wooded and tend to break every time that there is a storm. She said that she thought the tree line was a good idea and meaning no disrespect to the Environmental Commission there are several more suitable species of trees listed in the ordinance.

Engineer Guzzi recapped that the display area would contain approximately 6 sections of fence, a bench and an arbor.

Vice Chairman O'Hara opened the hearing to public comment.

Thomas Layou, Construction Official Florence Township was sworn in by Solicitor Abbott. Mr. Layou asked what was going to happen to the house at the rear of the property. Mayor Muchowski said that the applicant had indicated that the house would remain vacant. The applicant also stated that there was no plan to use the house as a residence and understood that Board approval would be necessary for any proposed use other than vacancy. Mr. Layou stated that he would like to see the house secured to keep out vandals.

Mr. Layou stated that the Construction Office would classify this shed as a warehouse because it is oversized for a shed.

John Hiros, 49 Four Mile Road, New Lisbon, NJ was sworn in by Solicitor Abbott. Mr. Hiros stated that he had the opportunity to meet with Mr. Natoli and he is happy to have him as a neighbor on Route 130.

Mr. Hiros commented that there is a very nice long driveway going to the back of the property and in his opinion the drive should be lined with the fences for the display.

Mr. Hiros asked if the property had been purchased. Mr. Natoli answered that it had. Mr. Hiros asked if Mr. Natoli had discussed the sale with anyone at the Municipal government and had anyone indicated that this property was in a floodplain. Mr. Natoli said that he had spoken to the zoning officer but only about zoning issues. Mr. Hiros asked Mr. Natoli when he had found out that the property was in the flood plain. Mr. Natoli answered that Mr. Hiros had informed of this when they met approximately one month ago.

Mr. Hiros asked Mr. Natoli what changes he had made to the property so far. Mr. Natoli said that prior to doing anything he sat down with the construction code office and asked what he was allowed to do. Mr. Natoli said that he proposed to paint the building, do the roof, change the windows and get rid of all the junk around the building. He said that when he first purchased the building there was a financial problem between the previous

owner and the tenant. The tenant was locked out of the building. The previous owner assured Mr. Natoli that the tenant would vacate the premises before the completion of the sale. He said that the tenant would not leave and this was holding up the closing of the sale. Mr. Natoli said that he helped the tenant and owner negotiate so that the sale could be completed. He said that he was assured that the owner would remove approximately 300 to 400 gallons of waste oil, 100 gallons of antifreeze and at least 75 used tires scattered around the building along with used auto parts. The owner did not remove these prior to the closing so Mr. Natoli stated that he would take care of this. He said that within a week of closing on the property he had the recycling company remove the waste oil and antifreeze. He said that he personally took all of the tires to his town's recycling center. He stated that he then changed the windows and painted the building. No permit was required. He obtained a permit and replaced the roof.

Mr. Natoli said that he removed some cement from the site and that no permit was required for this. He said that after he had done this he spoke with the DEP and they liked the idea of cement being removed from the flood plain area. He also removed an old chain link fence.

Mr. Hiros asked if during this time was any fill dirt or gravel brought onto the site? Mr. Natoli stated that he had taken the 268,000 lbs. of 50 year old cement off the site and brought in 2 truckloads of fill dirt. Mr. Natoli said that he had spoken with Dennis Contouri of DEP and this was not a problem as long as you don't have any net fill.

Mr. Hiros said that fill dirt had been dumped on his property and he had objected to this. He asked if Mr. Natoli had removed the fill dirt. Mr. Natoli said that he had removed the fill from Mr. Hiros' property. Mr. Hiros stated that there still was some dirt left on his property. He said that he does not like the idea of fill dirt being put in the wetlands or the floodplain. Mr. Natoli stated that this had been a mistake and that he had apologized to Mr. Hiros.

Vice Chairman O'Hara said that the Board had received a copy of a letter from the Florence Township Construction Code Official to Mr. Hiros regarding certain issues on the site. He asked if these issues had been resolved. Mr. Hiros stated that there was a tank removal company on site and he did not know what this was about and wanted to make sure that it was handled properly and it was.

Mr. Hiros asked Mr. Natoli to show the location on the site where 3,400 square feet of concrete had been removed. Solicitor Abbott asked Mr. Hiros for the reason of this questioning. She stated that the applicant had submitted a site plan and this Board's jurisdiction only extends to this site plan. Mr. Hiros said that his question is where was this 3,400 feet of concrete removed from. Mr. Schweppenheiser showed the location on the site plan where the concrete was removed. Mr. Hiros asked for the number of square feet removed from each side of the building. Mr. Schweppenheiser said that he did not have this information.

Mr. Hiros stated that he did not believe that this much concrete had been removed from the site. Mr. Natoli stated that he had 2 contractors come out and measure the concrete and give him an estimate on removing it. The measurement from both contractors was close to 4,000 square feet.

Solicitor Abbott asked Mr. Hiros what the purpose of this questioning was? Mr. Hiros said that the purpose was that in the application it was indicated that the applicant had removed 3,400 to 4,000 square feet of hard surface. This is being used as a reason to justify the construction of a 1,000 square foot building indicating that now there is a net improvement on the property concerning drainage and wetlands and Mr. Hiros stated that he did not agree with this. Solicitor Abbott said that she did not think that this was part of the testimony. Mr. Hiros said that this was listed on the site plan if this is incorrect then the application is incorrect.

Solicitor Abbott said for purposes of what the Board is determining at this meeting they are going by what is on the plan. Anything that was removed prior to the plan being prepared is not before the Board for consideration.

Mr. Hiros stated that it has to be because it is in the application. Solicitor Abbott stated that if Mr. Hiros has any allegations of wrongdoing on the part of the applicant this is not the forum for that. Mr. Hiros stated that if the Board has an applicant who has provided false information and that Board is being advised of this and it can be proven. There is a real problem because the Board is accepting an application that is not true. Solicitor Abbott asked why Mr. Hiros was saying that the application was being misrepresented? Mr. Hiros said that the applicant had stated that 3,400 to 4,000 feet of concrete had been removed from the site. This appears to be a major justification for not having to provide any soil erosion controls, drainage or retention ponds for a brand new building in a flood plain.

Solicitor Abbott stated that the plan indicates that the total impervious area for the proposed storage shed and the concrete parking area 1,542 square feet. This is significantly lower than the 3,369 square feet area previously removed. Solicitor Abbott asked Mr. Hiros if he was alleging that there was not 3,369 square feet of concrete removed? Mr. Hiros said that he had just showed a scale drawing and he can prove that part of what was removed was not concrete. Solicitor Abbott asked Mr. Hiros to show where the area of concrete was that he was alleging was removed. Mr. Hiros stated that he was not alleging that anything had been removed because he was not there to remove it. Solicitor Abbott asked what was incorrect about the plan? Mr. Hiros said that the plan was incorrect because they did not remove that amount of concrete. Solicitor Abbott asked what amount was removed. Mr. Hiros said that he had no idea what they had removed, but he knew that it wasn't that amount. He said that the location on the site that the applicant's engineer had indicated as the area that the concrete was removed from did not have any concrete on it. Chairperson Hamilton-Wood asked how Mr. Hiros was aware of this? Mr. Hiros said that if you go on the Internet and look at Google Earth you could find photographs of the whole Earth. This photograph was taken between 1999 and about 2002. The area that they have indicated was concrete does not appear to be

concrete in the Google photograph. It appears to be a green area. Mr. Hiros said that the date of this photograph was between 1999 and 2002. Chairperson Hamilton-Wood said that the Board doesn't know what happened on the site between 2002 and 2007. Mr. Hiros said that he as a witness can say that he went by that property at least twice a month and the only thing that was on either side of the building was a walkway. The Google picture was listed as exhibit O1.

Solicitor Abbott stated that Mr. Hiros has spoken as a member of the public and given his opinion on this application. In deciding this application the Board should give whatever weight they feel should be allocated to Mr. Hiros' public opinion.

Mr. Hiros asked if he could continue. Solicitor Abbott stated that rather than directing his questions to the applicant he should direct his questions to the applicant through the Chairperson.

Mr. Hiros said that he strongly objects to the construction of a 1,000 square foot building because the Board is not requiring the applicant to provide any drainage control. The Board is asking Mr. Hiros as the adjoining landowner to absorb any water that runs off this proposed building. He said that he is also absorbing approximately 15,000 square feet since there are no controls and this was a historic site. He stated that he objects to allowing the applicant to direct the drainage toward his property.

Vice Chairman O'Hara stated that Mr. Hiros would not have to absorb the drainage. If this happens corrections would have to be made. Mayor Muchowski said that the applicant's engineer had indicated that the approval of the building was before the DEP who regulates that within the flood plain. Mr. Schweppenheiser said that the trigger that the DEP has to require stormwater management is $\frac{1}{4}$ acre of additional impervious coverage or one acre of total site disturbance. This plan is well below all of that. He stated that in his opinion a 1,000 square foot shed is going to generate a negligible amount of stormwater specifically relevant to the flood plain.

Mr. Hiros stated that this is a historic property built in a flood plain. If this Board at this time does not require that the drainage be corrected and improved so that it doesn't create further problems then when would it ever be corrected? There is a considerable amount of concrete on this property that has not been removed. The applicant has indicated that he is willing to convert the house into an office. There is a 500 square foot garage building already existing next to the house. This building is not going to be used. This garage could be used as the storage shed for the site. The proposed shed could be built on the existing concrete pad next to the house and there would be no increase in impervious coverage. There are several alternatives that have not been explored that would reduce the amount of runoff from the property.

Mr. Hiros said that he is also upset that the Board granted a waiver for the requirement for soil erosion techniques to be employed during construction. The applicant has already put soil on his property and with the rain it will silt and runoff.

Mayor Muchowski stated that soil erosion is from the County. Mr. Natoli said that he had applied to the Burlington County Soil Conservation District. Mr. Hiros said that the applicant has already worked on the property and he can only go by past performance. There has already been dirt deposited on his property and with the rain there is runoff. The applicant bulldozed all the way around the building. He never planted grass. He never put up a silt fence.

Mr. Natoli asked Mr. Hiros to indicate where the drainage onto his property would occur? Mr. Hiros said that any and all drainage from Mr. Natoli's property would go onto his property. Mr. Natoli asked if Mr. Hiros was concerned that the Bustleton Creek would fill up? Mr. Hiros referenced the damaging floods in Medford two years ago.

Mr. Natoli asked if Mr. Hiros was concerned with the Bustleton Creek overflowing? Mr. Hiros answered that he was. Mr. Natoli asked why Mr. Hiros had sought and been granted a subdivision by the Zoning Board to allow for development on 1 acre of the property by the Fraternal Order of Police that will create a 5,000 square foot building and parking lot. All of this runoff will go into the existing retention building which will then be released in a controlled fashion and allow final transport to the wetlands associated with the Bustleton Creek.

Mr. Natoli said that Mr. Hiros doesn't want any water from his property going to the Bustleton Creek because it may fill up and affect his property, but yet he has subdivided his property and is encouraging development that is going to take the runoff from the building and the parking lot and funnel into the detention basin which will lead into the Bustleton Creek. Mr. Natoli said that Mr. Hiros doesn't want him to fill up the creek; he wants to fill it up himself. Mr. Hiros said that this was incorrect.

Vice Chairman O'Hara said that it was time to bring this to a close. Mr. Hiros said that he wanted to answer the question. He said that if you have a retention basin and you have a flood the water goes into the retention basin. It does not flow into the stream at that time. It settles from that retention basin down into the ground water. Mr. Hiros said that he would be happy if Mr. Natoli installed a retention basin on his property. Mr. Hiros stated that he was required to install a retention basin on his property and he did. The Board by not requiring Mr. Natoli to install a basin is allowing water to go unimpeded into the streams. This increases floods and this is what the flood plain ordinance in the State is all about.

Mr. Hiros said that all he asking for is for Mr. Natoli to be required to control the runoff from his property. Historically this hasn't been done so it is not 1,000 square feet, it is 15,000 square feet that is going unimpeded. At this time when a new project is being developed is the time for this problem to be corrected.

Vice Chairman O'Hara asked if there were any other members of the public wishing to comment seeing none motion was made by DeAngelis, seconded by Ryan to close the public comment. Motion unanimously approved by all members present.

Vice Chairman O'Hara asked Engineer Guzzi if he had any concerns regarding run off. Engineer Guzzi stated that the application as presented is not considered a major development according to the Municipal Land Use Law and as such is not subject to stormwater management requirements. Based on the information that has been provided regarding the amount of impervious that is existing and removed far exceeds the proposed improvements. This is the information that the review letters were based on and if that information were valid then there would not be any additional runoff to the creek.

Secretary Smith asked if the information was valid. Engineer Guzzi said that as a Board and a Board Professional we have to rely on the information that is provided by the applicant and his professionals. This is why the applicants are required to hire licensed professionals.

Secretary Smith asked what ramifications would the Board face if the information is not valid. Solicitor Abbott stated that the Board is at no risk. If the information provided is not valid there are signed and sealed plans. Mr. Schweppenheiser has put his license and his reputation on this plan. If it turns out that there is an error on the plan then the application can be reconsidered based on misrepresentation. This is a valid reason grounds for the application to be reconsidered at the request of an individual.

Mayor Muchowski stated that the applicant was presenting this plan to the DEP and the office of Flood Management. Is it an ordinary course of action within that review for them to consider what is being proposed in making a decision on what control measures if any would need to be implemented. Engineer Guzzi said that they could certainly review it for that but this wouldn't be subject for their stormwater management requirements because it is not a major development.

Mayor Muchowski asked what procedurally occurs in the review of the impact of a flood plain. Engineer Guzzi stated that he thinks that what they are looking at is more of how water that leads into that floodplain is impacted by the building, which is the reason that they are excluding them from constructing below that flood elevation. That is why the walls of the building have to be 3 feet from the ground so that the water can freely flow through the building.

Vice Chairman O'Hara asked if the impervious coverage had been dramatically reduced on this site. Engineer Guzzi stated that the information that had been provided shows a reduction in the impervious coverage. Secretary Smith stated that there had been conflicting testimony regarding this and no one can validate this. Member Ryan asked if since there was a discrepancy does this information need to be validated before the Board makes a decision on the application.

Mayor Muchowski said that the applicant mentioned having a picture of the area where the concrete was removed. Mr. Natoli stated that he had a receipt for \$8,000.00 to have 260,000 lbs. of cement removed. He also showed pictures of where the existing fence had been removed. He stated that the concrete on the north side of the building ran the

length of the building, which was 60', and it ran about 30' out just on one side of the building only. This was over 1,800 square feet just there. Plus on the other side of the building the clean area shown in the picture is where the concrete was removed. This was a triangular shape that went back 60' and went over 20'.

Engineer Guzzi stated that the way to validate this would be to look at aerial views. Solicitor Abbott said that the Board has heard the testimony given in this application. If the Board feels that they can make a decision based on the fact that the amount of impervious that is shown on the plan is less than what was previously there. It is also much less than what is permitted by the ordinance. The ordinance permits 75%. If the Board feels that an objective decision can be made based on the testimony given by both sides then a decision should be made tonight. Frequently there is conflicting testimony in applications and that's why what the Board does is quasi-judicial. The Board acts as a judge and makes a decision based on the information. If you feel that you can't possibly make a decision without additional information then you should request that the applicant provide the additional information.

Member Ryan asked if a condition of approval could be that the applicant provide the receipt for the removal of the concrete. Solicitor Abbott said that if this would help the Board to make an informed decision this would be appropriate.

Planner Specca pointed out that the issue of impervious coverage is not the subject of a variance. The application meets the ordinance requirement. The testimony given by the neighboring property owner is not the subject of a variance.

Vice Chairman O'Hara asked that Solicitor Abbott review the conditions. Solicitor Abbott stated that if the Board were approve this application for a Minor Site plan with bulk variances and the variances have already been discussed and there has been testimony given by Mr. Schweppenheiser regarding the positive and negative criteria for the variances, the conditions that should be attached to any approval would be compliance with all the items set forth in the October 3, 2007 report of the Board Engineer. The building on the property previously used as a residence will be abandoned as far as the residential use goes and a restriction shall be inserted in the deed that it will not be used as a residence. The applicant will meet the ordinance requirement for the number of parking spaces. The dumpster will be placed in the front of the property for trash collection, but shall not be left there overnight and a note shall be added to the plan indicating that the dumpster may be place out front for a period of 4 hours. The applicant shall provide the turning radius information for tractor-trailer maneuverability on the property. The applicant will provide the required number of parking lot trees. There will be no free standing sign and the 2 façade signs proposed will meet the ordinance requirement for square footage. The display area of the fencing will be limited to what is shown on the plan. The front parking spaces will be relocated to comply with the drive aisle width. The display area will be moved back 7.5 to 8' to allow for the increase in the drive aisle. The gate to the display area will be relocated to the front. A paved walkway will be installed in front of the display area. A new tree will be planted to replace the existing tree in the parking area. The house will be secured from vandalism. A

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maximum of 6 trees will be installed along the side property line by 84 Lumber, the type of trees to be determined by the Board Planner. The display area will be limited to 6 sections of fence, in addition to the sections around the display, 2 benches and 1 arbor.

Motion of Ryan, seconded by DeAngelis to approve the applications with the conditions stated and with the applicant providing the receipt for the concrete removal.

On the Question:

Secretary Smith stated that Mr. Hiros opened his eyes as to how the rules and regulations aren't subject to existing conditions and that there are instances where you can increase the detriment to the environment.

Engineer Guzzi stated that minor developments are not subject to the Stormwater Regulations although they do require that no increase in stormwater be sent to the neighboring properties.

Vice Chairman O'Hara stated that he appreciated Mr. Hiros' remarks. He stated that he liked the fact that the applicant has removed waste oil; old tires and other environmentally sensitive pieces were taken from the site. The overall appearance of the site has improved greatly. He asked if there were any other comments.

Attorney Warren requested a conditional CO so that work on the existing building could begin while the other issues were being resolved. Solicitor Abbott stated that the Certificate of Occupancy was the jurisdiction of the Code Official, Tom Layou.

Engineer Guzzi said that permits could be issued for the existing building and it would be the jurisdiction of the Code Official to issue a Temporary Certificate of Occupancy if appropriate.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Ryan, Smith, Morris

NOES: None

ABSENT: None

Vice Chairman O'Hara turned the Chair over to Chairperson Hamilton-Wood.

Chairperson Hamilton-Wood called for a 5 minute recess. The Board returned to the regular order of business.

Chairperson Hamilton-Wood called for application PB#2007-17 for Punam Corporation. Applicant is requesting Preliminary and Final Major Site Plan with bulk variances to permit construction of a 6,107 sq. ft. retail building at 2000 Route 130 North, Block 160.01, Lot 14.

Charles Petrone, attorney for the applicant stated that the application would be heard for completeness only at this hearing. Attorney Petrone said that Joseph Beim, the applicant's engineer would be providing testimony regarding the requested waivers.

Joseph Beim, licensed professional engineer, stated that he has been licensed in New Jersey since 1986. Mr. Beim stated that he had prepared many site plans and subdivision plans during his career and has appeared before Land Use Boards many times. Mr. Beim was qualified as an expert witness.

Attorney Petrone said that in the September 12, 2007 letter from Engineer Guzzi Item A was a requested waiver for the Environmental Impact Statement (EIS). Mr. Beim stated that he had walked the site and he doesn't see any significant concerns for the property compared to the magnitude of less than an acre. He said that there was no sign of endangered species, wetlands, wetlands buffers or streams. Mr. Beim said that he had examined the existing structure and it appears that the previous use was fence sales. There was no sign of manufacturing on the site.

Secretary Smith stated that prior to a fence company this was a farm stand.

Attorney Petrone stated that items B (existing elevations along the centerline and edged of paving...) and C (fire lanes) would be shown on the revised plans. Mr. Beim has testified that there are no wetlands or streams on the site so they are requesting a waiver for the preliminary delineation of wetlands (Item D) and a waiver for the delineation of stream encroachment (Item E). Attorney Petrone agreed to add a note to the plan that there are no wetlands or stream encroachment issues to the plan.

Attorney Petrone stated that Item F pertains to the recycling center. The plans show 2 dumpsters. One will be labeled as a trash dumpster and one as a recycling dumpster. Item G (existing utilities) and Item H (location of easements) will be shown on the plan. Attorney Petrone asked if the site was in a Flood Hazard Zone. Mr. Beim stated that the site was not. Attorney Petrone stated that for Item I (Flood Hazard) a note would be added that the site was not in the Flood Hazard Zone. Item J the applicant will provide the location of the existing test boring and if they were to receive site plan approval would accept a condition that any additional borings be witnessed by the Board Engineer or Township Engineer.

Attorney Petrone stated for Item K (soil boundaries) a report had been submitted indicating the type of soils found on site. If required this can be added to the plans. Attorney Petrone stated that Item L (setback lines) would be provided. A submission waiver has been requested for Item M (description of the expected emission of noise, glare, vibration, heat, odor, air and water pollution and safety hazards). Attorney Petrone stated that Mr. Patel would give testimony in support of this.

Paresh Patel, was sworn in by Solicitor Abbott. Mr. Patel stated that if the application were to receive site plan approval he would be the manager of the site. He stated that they plan to have a liquor store and some retail use – possibly Dunkin, Donuts, a deli or a

bagel shop, etc. Mr. Patel stated that he did not anticipate and type of noise, glare or odor from these uses. He did not think that there would be any water pollution or safety issues.

Attorney Petrone stated that the plan was for a small retail site. The proposed size of the building is 6,100 sq. ft. but with respect to the professional review letters they realize that they have to adjust the size of the building and they will be coming in with a proposal for a smaller building on the revised plan.

Vice Chairman O'Hara said that a Dunkin Donuts was mentioned. Sometimes they have tables and seats. Any type of food service where there is seating impacts the amount of parking spaces required. Attorney Petrone stated that they understand the parking requirements and the fact that there is no overflow parking on Route 130. Secretary Smith asked if this could be considered a safety hazard. Attorney Petrone said that he doesn't anticipate any safety concerns based on the uses that will occupy the retail center.

Attorney Petrone stated that Item N (landscape plan) they will comply with the comments in Engineer Guzzi's letter and in Planner Hintz's review dated September 12, 2007. The existing 6" caliper or greater trees, the location of any wooded areas and the grading at 2' contours will be shown on the plan. The plans will be signed by a Landscape Architect.

Attorney Petrone stated that the last waiver requested was for the Municipal Services and Utilities Impact Statement (Item O). Mr. Patel testified that water and sewer would be provided through Florence Township. The trash pickup will be through a private contractor. Mr. Patel stated that the only other municipal service required would be police and emergency services if needed.

Attorney Petrone stated with respect to the completeness items, waivers were requested for EIS, that soil borings be witnessed by Board or Township Engineer, and the Municipal Services and Utilities Impact Statement.

Solicitor Abbott asked if the applicant was going to willingly provide the majority of the submission items, why didn't they already provide them? Attorney Petrone said that they had intended to request the waivers, but since they have to revise the plans to show a smaller building the decision was made to provide the items, most of which are notes to be added to the plan.

Engineer Guzzi said that one of the elements of the Municipal Services and Utilities Impact Statement is the traffic element. Testimony has not been provided regarding the anticipated traffic to be generated by the site. Chairperson Hamilton-Wood stated that there is the potential of a drive-thru associated with a Dunkin Donuts. This could cause traffic concerns. Engineer Guzzi stated that especially since this is a site with several requested variances it is important to know what the uses are going to be and what the anticipated traffic generation is going to be. Certain uses have different amounts of traffic that is generated. He said that for this type of mixed use retail some type of information should be provided.

Attorney Petrone stated that a traffic report was submitted as part of the application. Engineer Guzzi said that he was talking about a study based on actual tenants or users. Attorney Petrone said that he thought that this type of testimony would be appropriate at the time of site plan hearing with respect to the different types of tenants and their peak times of service. Engineer Guzzi stated that this information must be provided. Mr. Beim said that the uses would not all have the same peak hours. Attorney Petrone stated that they are aware of the issue of a drive-thru on the site.

Vice Chairman O'Hara asked if documentation would be provided regarding the type of signage? Attorney Petrone said that signage had been shown on the plan and they would make sure that it was compliant.

Engineer Guzzi said that with respect to the test borings he recommends that the borings be witnessed prior to Final especially since the retention basin is underground.

Mayor Muchowski asked if the applicant had thought of approaching the landowner behind the site to try and purchase some land to make this site work? Attorney Petrone stated that they had asked the adjacent owner and were turned down, but they would ask again.

Mayor Muchowski said that the applicant had requested Preliminary and Final approval. Would the Board grant both at one time? Chairperson Hamilton-Wood stated that for an application of this magnitude the Board would typically not grant both Preliminary and Final at the same time.

Motion of O'Hara, seconded by Ryan to grant waivers and deem the application complete.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Ryan, Smith,
Hamilton-Wood

NOES: None

ABSENT: None

Chairperson Hamilton-Wood called for application PB#2007-14 for The New Jersey State Fraternal Order of Police. Applicant is requesting Preliminary and Final Major Site Plan approval with bulk variances for construction of a police/lodge building on property located on Route 130 South, Block 159, Lot 8.01.

Chairperson Hamilton-Wood stated that this application would be heard for administrative completeness only. There will be no public hearing at this meeting. Mayor Muchowski recused himself due to a conflict and left the dais.

Attorney Charles D. Petrone representing the New Jersey State Fraternal Order of Police (NJFOP) asked that the applicant's engineer Bill Nicholson be sworn in.

William H. Nicholson was sworn in by Solicitor Abbott. Mr. Nicholson said the he had been a licensed engineer for 25 years. He stated that he had previously appeared before both the Florence Township Planning Board and Zoning Board of Adjustment. Mr. Nicholson was accepted as an expert.

Mr. Nicholson stated that he had reviewed the October 5, 2007 letter of Engineer Guzzi and would offer testimony in support of the waiver requests. He said that items A (Environmental Impact Statement-EIS), B (preliminary delineation of wetlands), C (delineation of stream encroachment) and D (trees greater than 6" in diameter) would be taken together as they impact each other.

Mr. Nicholson stated that the property in question has an existing restaurant and tavern on it. During the approval process for that site plan the wetlands and flood plain was all delineated on the property and they are located entirely above and to the right of the restaurant and do not impact the area where the office building is proposed. Mr. Nicholson stated that he had investigated all of the existing trees on site and though there are trees greater than 6" in diameter they appear to be of poor quality and in poor health and not worthy of preservation so they would like a waiver of identifying the trees. The EIS could be waived because all of the other items have been addressed above. The applicant will be doing the proper stormwater management on site.

Mr. Nicholson stated that they are not seeking a waiver, but only a deferral on the Soil Erosion and Sediment Control Plan. They would like to get through the Preliminary approval and then prepare that plan.

Mr. Nicholson said the for Item F (Flood Hazard Zone) a note would be added to the plan indicating that they are not in the Flood Hazard Zone and reference the prior stream encroachment permit on the property and the federal mapping. Item G (soil test borings) initially they thought that they were going to request a waiver for this but they will have to do this in compliance with some of the drainage considerations. So these will be supplied and they will be witnessed by the Board Engineer. Item H (soil boundaries) the site is entirely one soil group – Galestown sand – which is a very good soil for drainage. This will be mapped out on the Soil Erosion and Sediment plan.

Mr. Nicholson stated that he would move on the Planner's letter dated September 26, 2007. Attorney Petrone stated that the applicant was requesting a waiver for the requirement that the landscape plan be signed by a licensed landscape architect. Mr. Nicholson stated that the State law does allow professional engineers to do a landscaping plan. They would agree to work with the Board's planner on the type and number of species. Planner Specca stated that the Board generally does require that the landscape plan is signed by a licensed landscape architect.

Wayne Winkler, State Secretary of the NJFOP, was sworn in by Solicitor Abbott. Mr. Winkler stated that the use is mainly an office building. There will be 3 different services from this location. The general member services – there are currently 16,800 members statewide this is the central location – the mother lodge – for the local lodges. The labor council (union), which does contract negotiation and arbitration for 80 different police units in the state and the legal services to represent officers in situations where they are not covered by the town. This is all office use with hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Mr. Winkler stated that he did not think that this use would have any negative impact in regards to noise, glare, vibration, heat or safety issues. Mr. Winkler said that the current location for NJFOP is 108 State Street, Trenton, NJ. They have been at this location since 1996 or 1997 and they have out grown the building. He stated that with respect to municipal services they would be utilizing water and sewer, and police protection. Trash will be picked up by a private contractor.

Vice Chairman O'Hara asked of this lodge will have game rooms? Mr. Winkler said that the term lodge is used, but this is the state office building. It does not mean that this is a social club.

Vice Chairman O'Hara said that he had a question regarding the requirement that the landscape plans be signed by the licensed landscape architect. He stated that the aerial photograph shows a lot of trees on the site. Attorney Petrone stated that they would have the plans signed by the landscape architect. Chairperson Hamilton-Wood stated that the Board would like to have the trees greater than 6" identified on the plan.

Attorney Petrone said that Bung's received site plan approval several years ago. The NJFOP recently received subdivision approval for slightly larger than 1 acre lot where the NJFOP is proposing to build.

Vice Chairman O'Hara stated that each member of the Board had received a copy of the Zoning Board resolution ZB-2007-35 that was prepared by Solicitor Abbott. He said that there was a typo on the 1st page – John Hiron should be John Hiros.

Chairperson Hamilton-Wood said that the applicant has asked for waivers on several items and based on conversations earlier in the evening would it not be in the best interest of the Board to get more information on Soil Erosion and Sediment Control. Engineer Guzzi said that the larger issue is the stormwater management issue. Although the original plan did involve the entire site, this new site would be subject to the new stormwater regulations.

Member Morris asked if this property would be owned by the State of New Jersey and would it be subject to taxes. Mr. Winkler stated that the property will be owned by the NJFOP and would be subject to taxes.

Engineer Guzzi said that they had touched on the Municipal Services and Utilities Impact Statement and access to trash and recycling needs to be addressed. Attorney Petrone said that they would be required to file some kind of cross easements with respect to common access points. The stormwater management system is utilizing the system that is already in place on the Bung's lot so they will have to provide a series of easement for this as well.

Vice Chairman O'Hara stated that there was an elaborate sign proposed for the property and asked if it met the code. Planner Specca stated that the size of the sign does comply with the code. Vice Chairman O'Hara said that he thought it was an attractive sign. It is proposed to be single faced and facing the highway. He said that this might require a variance and the applicant should be sure that this is noted.

Motion of O'Hara, seconded by Fratinardo to grant the waivers with the exception of the landscape architect and the 6" trees and deem the application complete.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, O'Hara, Ryan, Smith, Morris, Hamilton-Wood
NOES: None
ABSENT: None

Chairperson Hamilton-Wood called for application PB#2007-21 for the Four B's. Applicant is requesting Minor Subdivision approval for property located at Route 130 North and Bustleton Road, Block 160.01, Lots 2.01 & 6.01.

No representative of the applicant was in attendance at the meeting. Solicitor Abbott stated that in this case, due to the time limit for action the Board should move to dismiss this application.

Motion of Fratinardo, seconded by DeAngelis to dismiss without prejudice.

Upon roll call the Board voted as follows:

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

OTHER BUSINESS

Chairperson Hamilton-Wood said that the Board had been provided with a schedule of meeting dates for 2008. She said that the 3rd Monday in January is Martin Luther King's Birthday holiday. There had been discussion last year about changing this date. The Board decided that it was appropriate to move the date to the 4th Monday January 28, 2008.

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PUBLIC COMMENTS

There were no members of the public in attendance to comment.

Motion of Muchowski, seconded by DeAngelis to adjourn at 10:50 p.m.

John T. Smith, Secretary

JTS/ne