

Florence, New Jersey 08518-2323
October 19, 2009

The regular meeting of the Florence Township Planning Board was held on the above referenced date at the municipal complex, 711 Broad Street, Florence, NJ. Acting Chairman Ostrander called the meeting to order 7:30 p.m. followed by a salute to the flag.

Board Clerk Erlston 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 given to the official newspapers and posted in the main hall of the municipal complex."

Solicitor Frank noted for the record that Chairperson Hamilton-Wood was absent due to illness and Vice Chairman Lutz had called and indicated that he would be late arriving due to a work commitment. Member Ostrander (Class IV Member) would be acting as Chairman.

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

Mayor Bill Berry	David Woolston
Tim Lutz (LATE)	Paul Ostrander (Alternate No. 1)
James Molimock	Frederick Wainwright (Alternate No.2)
Wayne Morris	

ABSENT Mildred Hamilton-Wood
Council Representative Sean P. Ryan

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

RESOLUTIONS

Resolution PB-2009-25

Granting the application of Wawa, Inc. for amended Preliminary and Final Major Site Plan approval for property located at Route 130 and Cedar Lane. Block 163.20, Lot 13.

Motion of Woolston, seconded by Morris to approve Resolution PB-2009-25.

Upon roll call the Board voted as follows:

YEAS:	Molimock, Woolston, Ostrander, Morris
NOES:	None
ABSENT:	Hamilton-Wood, Lutz, Ryan

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INELIGIBLE Berry, Wainwright

Resolution PB-2009-26
Granting the application of the Church of Saints Francis and Clare for Preliminary and Final Major Site Plan with bulk variances for property located at 1290 Hornberger Avenue, Roebing. Block 145, Lot 1.

Member Woolston stated that he had been asked a lot of questions regarding this application. Solicitor Frank said that the approval is the approval. This body (Planning Board) does not have any enforcement authority whatsoever. Enforcement of zoning ordinances or of the conditions of this approval resolution are the province exclusively of the town's zoning officer and Mr. Guzzi as the township engineer, not as the Board's engineer. The Board can't change anything absent of finding of fraud or a mistake. The Board really can't talk of all the externalities in the context of this approval resolution.

Motion of Wainwright, seconded by Molimock to approve Resolution PB-2009-26.

Upon roll call the Board voted as follows:

YEAS:	Molimock, Morris, Woolston, Ostrander, Wainwright
NOES:	None
ABSENT:	Hamilton-Wood, Lutz, Ryan
INELIGIBLE:	Berry

MINUTES

Motion of Morris, seconded by Woolston to approve the Minutes from the September 21, 2009 meeting as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

- A. Letter from New Jersey State Department of Environmental Protection dated October 14, 2009 regarding Application for Solid Waste Facility Permit Renewal Burlington County Landfill.

Motion of Berry, seconded by Molimock to receive and file Correspondence A. Motion unanimously approved by all members present.

REDEVELOPMENT HEARING

Solicitor Frank stated for the record that this is a public hearing and that notice of this hearing has been given in the manner required under the Redevelopment statute to landowners as well as publication in the newspaper.

Joseph Petrongolo, Township Planner from the firm of Remington & Vernick, Haddonfield, NJ and George Stevenson, Senior Planner from the firm of Remington & Vernick, Haddonfield, NJ were both sworn in by Solicitor Frank.

Planner Petrongolo stated that the purpose of tonight's meeting is to discuss an area in need of redevelopment designation. Township Council had asked the Planning Board to look at the Route 130 corridor from Burlington to Mansfield to see if the appropriate criteria existed to do these areas in need of redevelopment. Under the redevelopment law there are 8 separate criteria to determine if an area is in need of redevelopment. To be deemed "in need of redevelopment" you must meet only one of the criteria.

Planner Petrongolo stated that redevelopment starts with and ends with Township Council. Council designates the Planning Board to investigate the area. Planning Board reviews the area to determine if it meets the criteria, has a public hearing, takes public comment and then makes a recommendation to Council. Mayor and Council then makes the final determination as to whether these areas will be deemed "in need of redevelopment". Once this happens then a redevelopment plan will be created as to how to improve these areas in the future.

He said that the purpose of redevelopment is to help bring new development to these areas. The advantage to having the redevelopment designation is that under traditional zoning you are not able to go out and solicit a developer or to negotiate with a developer. You have to hope that you zone appropriately and that a developer you would like to have is interested in that parcel. Redevelopment gives the town the ability to go out and try to get a certain developer to come to the township. He stated that a lot of communities along the Route 130 corridor are deeming areas in need of redevelopment. Most recently they have worked with Cinnaminson Township and now they have a nice new shopping center.

Planner Petrongolo stated that Council via Resolution 2009-197 had asked the Planning Board to look at these areas. His firm was retained by the Board and conducted a preliminary investigation of the entirety of the corridor. The areas were looked at geographically. He stated that many of the lots along the corridor are in good shape and don't meet the criteria. There are some parcels that do meet the criteria. Planner Petrongolo said that it is important to remember that there are 8 criteria these are listed on the redevelopment report on page 6. He briefly paraphrased the criteria:

- A. generality of building are substandard, unsafe, unsanitary, dilapidated or obsolescent.
- B. discontinuance of use or in great state of disrepair
- C. unimproved vacant land has remained so for a period of 10 years
- D. areas with buildings or improvements which by reason of dilapidation, obsolescence, overcrowding, faulty arrangement, etc.

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- E. growing lack or total lack of proper utilization
- F. areas in excess of 5 contiguous acres whereon buildings or improvements have been destroyed by fire, flood, natural causes
- G. municipalities which have enterprise zones
- H. designation that the area would be consistent with smart growth planning

Planner Petrongolo stated that it is important to note that the designation is an area designation. Not every parcel has to meet the criteria if that parcel is part of the overall area and it is appropriate planning to consider those parcels within the overall redevelopment area.

He stated that the study area had been broken down into 4 areas. Area A is from the turnpike to the Mansfield border on the northbound side of Rt. 130. Area B is from the turnpike to Mansfield on the southbound side of Rt. 130. Area C is from the turnpike to the Burlington border on the southbound side of Rt. 130. Area D is from the turnpike to Burlington on the northbound side of Rt. 130.

Planner Petrongolo said that within the study areas they had found sites that met Criteria A for substandard structures and are unwholesome for occupancy. These are outlined on page 16 of the report. They identified sites that showed discontinuance of commercial use (Criteria B). These are also listed on page 16. Conditions were found that met Criteria D for sprawl development, severe dilapidation of improvements, instances of incompatible land use, instances of obsolescence and instances of faulty design. All of the parcels in these areas show a detriment to the parcels for improvement and it was appropriate to deem these areas in need of redevelopment.

Planner Petrongolo showed a map that highlighted each parcel that was deemed to be appropriate for redevelopment (page 29 of the report). He stated that it was important to note that when they were looking at these areas they did not include residentially zoned parcels. They were shown within the overall study area because the railroad tracks were chosen as one of the boundaries of the study. The only area that is in the Residential zone that is being deemed as an area in need of redevelopment is the back portion of Illusions. This is actually zoned Residential. There are some residential areas along the highway in the Highway Commercial zone. He stated that they recommended that these properties be deemed in need of redevelopment because they are currently non-conforming uses. The redevelopment designation won't impede those properties. There won't be any negative effect to the properties to be deemed in need of redevelopment but it does meet the criteria because it is Highway Commercial Zoning. It is inappropriate to have residential property on a major highway and it is not in conformance with the Master Plan.

Planner Petrongolo stated that it had been stressed to him that they would not be utilizing condemnation as a part of this plan.

The goals are to help to bring new jobs and quality commercial projects into the township to help to improve the Rt. 130 corridor. A lot of municipalities along the corridor, including Bordentown, Willingboro and Cinnaminson are doing redevelopment and are getting quality projects and quality retail to come to their townships. The redevelopment option gives us a great planning tool to allow us to get some of those good projects here in Florence where there is easy access to the turnpike and easy access to Philadelphia.

Planner Petrongolo asked for questions from the Board.

Member Morris asked without the use of eminent domain what powers does the township have? Planner Petrongolo stated that the redevelopment designation allows the township to seek and negotiate with developers. Under traditional zoning you can't negotiate with developers. There is also the possibility of receiving grants.

Member Wainwright stated that he is very glad that the town is not looking to use eminent domain.

Acting Chairman Ostrander opened the hearing to public comment.

Maryjo Caputo Giancola, 224 Old Forge Road, Monroe Twp., NJ was sworn in by Solicitor Frank. Ms. Giancola stated that she is pleased that the Township is not initiating eminent domain. She stated that she is curious as to what her responsibility is as a property owner. How will this help with her small business?

Planner Petrongolo stated that from a responsibility standpoint it is no different than traditional zoning. There is no requirement for property owners to improve their properties. One potential benefit is that if a developer is interested in your parcel this gives him a benefit to your parcel, which potentially could be increased value in the parcel. Also you as a property owner have the ability to act as a redeveloper yourself and negotiate with the township. If there are grants available for improvements to parcel you might qualify to apply for them.

Marie Bingham, 1012 Cedar Lane was sworn in by Solicitor Frank. Ms. Bingham asked if Planner Petrongolo could be more explicit about the condemnation. Planner Petrongolo stated that there would be no condemnation of any properties. Ms. Bingham stated that her property was on Cedar Lane across from the graveyard. Her property is within the boundary of the study, but is not in an area where redevelopment is planned. Planner Petrongolo stated that her property is not in the designated redevelopment area. Ms. Bingham asked if she could to sell to a developer in the future if she wanted to? Planner Petrongolo stated that she could sell her property if she chose. This isn't anything that would prevent you from developing your site by not being in this area. The redevelopment designation gives the township the ability to negotiate with developers. It

has options for pilot programs if they are deemed appropriate and again helps to make potential grants available for improvements along the corridor.

Ms. Bingham asked if there was a status on the proposed supermarket site. Planner Petrongolo stated that the site had received Preliminary approval from the Planning Board. He stated that they are recommending that this parcel be included in the redevelopment zone. He stated that one of the reasons that the project hasn't started is probably the difficulty in procuring funding. The redevelopment status gives the township the ability to work with the property owner to look at alternate funding options and to potentially assist the developer in getting that project off the ground or in locating another project for that site.

Ms. Bingham asked if it would be possible to have the developer of that supermarket site to extend water and sewer up Cedar Lane. Planner Petrongolo stated that he did not know if this was possible because the developer already has preliminary approval. Ms. Bingham said that it would be beneficial to the township to have water and sewer extended up Cedar Lane.

Member Morris stated that he had to recuse himself because he lived in within the study area.

Holly Carley, 61 Norman Avenue, was sworn in by Solicitor Frank. She asked which sites near her home were deemed in need of redevelopment. Planner Petrongolo stated that the gas station on the corner of Hornberger and Rt. 130 and the commercial site across Rt. 130. Planner Petrongolo said that one of the advantages of deeming these sites as in need of redevelopment is that they act as a gateway coming into the municipality.

Ms. Carley stated that her concern would be traffic coming onto Hornberger Avenue. Planner Petrongolo said that there is no recommendation to deem the stretch of Hornberger Avenue entering Roebling as an area of redevelopment and no improvements are planned.

Ms. Carley asked about the actual planning process. She stated that she is concerned about pedestrian access to some of the stores that may be developed in these areas and what kind of affect this might have on the Roebling Town Market?

Planner Petrongolo stated that this is a 2 step process. There will be another public hearing when the actual redevelopment plan is completed.

Solicitor Frank stated that this hearing is a narrowing down process for the properties. For the next step only those properties that are deemed in need of redevelopment will be noticed. There will be public notice in the newspaper and posted in the municipal building.

Vice Chairman Lutz arrived at the meeting. Solicitor Frank asked if Vice Chairman Lutz had been present since the beginning of the public hearing. Vice Chairman Lutz stated

that he had just arrived, but he had reviewed the written redevelopment plan that had been prepared by Planner Petrongolo.

Ralph Restuccio, 720 Hamilton Avenue was sworn in by Solicitor Frank. Mr. Restuccio asked if a large developer wanted to develop the Illusions site, would they want to come back into the residential zone on Wallace Avenue to accommodate the developer. Planner Petrongolo answered that the Township has no desire to move the redevelopment into the residential area.

Terrance Huettl, 315 Tom Brown Road, Moorestown was sworn in by Solicitor Frank. Mr. Huettl asked if there were any zoning changes or overlay changes as part of the redevelopment zone to help spur development in those areas. Planner Petrongolo stated that at this point we are just looking at the need for redevelopment designation. They haven't developed the actual plan yet. Planner Petrongolo stated that he didn't know whether there would be zoning changes.

Jeffrey Lucas, 20 New Freedom Road, Medford was sworn in by Solicitor Frank. Mr. Lucas asked if someone wasn't in a redevelopment zone and wanted to be in one is there a process for that. Planner Petrongolo stated that a parcel has to meet the criteria under the statute and they included the commercial parcels that they thought met the criteria.

Solicitor Frank stated that this was a public hearing and it was this body's obligation to review its Planner's recommendation with regard to whether or not particular properties meet the criteria. The Board is acting here in somewhat of a quasi-judicial fashion. He stated that if Mr. Lucas has a property that was not included but does meet the criteria the Board should hear that.

Mr. Lucas said that he was the agent for Brandow. He said that Brandow supports redevelopment. They believe that it gives the developer the opportunity to work with the Township to create the right kind of plans. With that they also ask for access issues. He said that one thing that hurt Brandow was when Wallace Avenue was cut off. He asked that highway access issues that are supportive of business development be included in the plan.

Mr. Lucas said that with regard to properties that are not in the study, he has a client that is in excess of 10 acres of vacant land on Route 130. He will speak with the client and if they want to have this included in the redevelopment area he will send a letter to the Township.

Mr. Lucas said that they had seen that this parcel was in the study area. Planner Petrongolo stated that this recommendation was for the areas highlighted in the report. There is nothing precluding the Township from adding another parcel if they want to.

Mr. Lucas stated that he is in favor of redevelopment. He has worked in redevelopment zones up and down the corridor. One of the biggest advantages is that any permits that you apply for at the State get expedited.

Ms. Giancola said that Planner Petrongolo had alluded several times to the possibility of grants. Should the grants come through how would the developers know what was available? Planner Petrongolo stated that grants are noted on the website of the body that offers the grant. Very often the Township will be aware of the grants. A property owner who wanted to see what grants were available would have to check the state agency websites.

Phil Wilgus, 662 Delaware Avenue was sworn in by Solicitor Frank. Mr. Wilgus questioned the expansion of Illusions. Planner Petrongolo stated that the plan doesn't propose expanding Illusions, but the entirety of the property all 3 lots would be included in the redevelopment area.

Sharon Johnson, 19 Walnut Drive, Burlington was sworn in by Solicitor Frank. Ms. Johnson stated that her property was 2116 Route 130. She said that she was trying to see if her property was included in the designated area. She said that she had heard that the property behind her had been sold and she wondered if this was true. Planner Petrongolo stated that he had not heard about the sale.

Frank Natoli, 17 Silvers Lane, Plainsboro, NJ. Mr. Natoli asked if he could get a copy of the Redevelopment Report. It was agreed that any one who wanted a copy of the plan should leave their name, address, phone# and email address with the Board Clerk and they would be notified when the copies were available.

Corneliu Balasa, 13 Burnhaus Road East Brunswick, NJ was sworn in by Solicitor Frank. Mr. Balasa asked if Route 130 would be widened? Planner Petrongolo stated that there is no proposed change to Route 130. Mr. Balasa asked if his property was included in the redevelopment area. Planner Petrongolo answered that it was not.

There being no one else wishing to comment, motion was made by Berry, seconded by Wainwright to close the public comment portion of the hearing. Motion unanimously approved by all members present.

Planner Petrongolo stated that his firm believes that the areas highlighted on the map meet the criteria outlined within the statute and that it is appropriate to deem these areas in need of redevelopment.

Motion of Berry, seconded by Lutz that the Planning Board adopt a resolution approving this redevelopment plan and forward a copy of this resolution to Township Council.

Upon roll call the Board voted as follows:

YEAS:	Berry, Lutz, Molimock, Woolston, Ostrander, Wainwright
NOES:	None
ABSENT:	Hamilton-Wood, Ryan
INELIGIBLE:	Morris

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Planner Petrongolo encouraged anyone wishing for a copy of the report to provide his or her contact information. The Board took a 5 minute recess.

Acting Chairman Ostrander called for Application PB#2009-07 for Whitesell Construction Co., Inc. Applicant is requesting Minor Subdivision and Preliminary and Final Major Site Plan approval for property located at 290 Daniels Way. Block 158, Lot 1 located in the Haines Industrial Center.

Terrance Huettl from Whitesell asked the Board to allow another 5 minute recess to review a letter that he had just been given a copy of. Solicitor Frank stated for the record that the letter had been submitted to the Board late today from Attorney John Gillespie from the firm of Parker McKay. Mr. Gillespie represents NFI, which has recently received approval from this Board to construct a warehouse project on the northbound side of Route 130. Solicitor Frank stated that the letter in summary is a request for the traffic study for Whitesell be updated.

The Board agreed to the recess.

Lynn McDougall, attorney for Whitesell Construction Co., Inc. stated that this application is for minor subdivision of Lot 1 in Block 158 as well as preliminary and final major site plan approval for the proposed Lot 1.02. She stated that she would like to address the completeness and then proceed with the applications if deemed complete.

Attorney McDougall said that the applications were submitted separately although everything is being lumped together in the review letters. She said that the application for the subdivision is a conforming subdivision that does not require any variances. The site plan for the undeveloped portion of the lot does require variances. She requested that the subdivision be deemed complete and proceed with a hearing and hopefully an approval for that and then proceed with the completeness hearing for the site plan.

Solicitor Frank stated for the record that in reviewing his file it does appear that there was one application submitted by Whitesell that included both the subdivision and site plan portions. He asked Engineer Guzzi if he was prepared to review the subdivision independently of the site plan. Engineer Guzzi stated that he could do this.

Attorney McDougall stated that she would turn things over to Terrance Huettl who is a licensed professional engineer in New Jersey as well as the Director for Development for Whitesell. Solicitor Frank stated that Mr. Huettl has appeared before this Board previously and has been previously qualified as a civil engineering expert. Mr. Huettl agreed that he had been previously sworn in earlier in this meeting and remained under oath.

Mr. Huettl stated that he would like to start with a brief description of the application. This application is for a subdivision and site plan application for a proposed new building. There is an existing single tax lot containing one building known as 1500 John Galt Way. 1500 John Galt Way was built by and owned by Whitesell and is occupied by

International Paper. Whitesell would like to subdivide approximately 10 acres from the lower part of the lot and develop a freestanding 131,000 sq. ft. building. The proposed building is a different type of building that what has previously been built in Florence Township. All of the other buildings in Florence are very large and intended to be single occupant buildings. This new building is long and narrow and designed to be broken up.

Mr. Huettl showed the Board the layout of the proposed building as well as the site plan showing paving and parking spaces. He continued that Whitesell thinks that there is a market for this type of building and they are excited to get this building underway.

Engineer Guzzi stated that there were 2 completeness items outstanding pertaining to the minor subdivision listed in his review letter dated October 8, 2009.

- A. Environmental Impact Statement (EIS) - Engineer Guzzi stated that originally there was a very significant EIS submitted for this overall development. That has been updated in so much as additional environmental permits obtained for wetlands, stream encroachment, etc. He stated that since this application is consistent with the development that was proposed and studied in that initial EIS he would support a waiver for an additional EIS.
- B. Identification of all structures and wooded areas within the tract and adjoining tract. Again this information has been divided. This site that is going to be subdivided off is really void of any existing vegetation. The parent parcel, which is 1500 John Galt Way to the north, does have existing trees but they are not impacted by this application. Engineer Guzzi stated that he would support a waiver.

Engineer Guzzi said that if the Board concurs that those 2 items could be waived then you could deem the application for minor subdivision complete.

Engineer Guzzi stated that Items C and D are particular to the site plan portion of the application.

- C. Clear statement of the proposed use. The Board heard a brief introduction about what is proposed. He stated that it was his understanding that there was no tenant at this point so there is no specifics on the use but the proposal is consistent with what the intent is in the development. He was asking that if there was additional information that it be presented to the Board.
- D. Traffic Impact Study. Engineer Guzzi noted that the original study for the development was prepared in 1998. In 2003/2004 Whitesell was before the Board with an application and at that time Engineer Guzzi recommended that the study be updated. It was thoroughly updated in March 2004 and provided data analysis and levels of service through 2008. This is the first application beyond that period of time that Whitesell has come in with and he is recommending that the study be updated to project another 4 years into the future in light of some of the

existing and approved development.

Responding to Solicitor Frank's request of a summary Engineer Guzzi stated that he supports the necessary waivers to find that the Minor subdivision plan is complete and could be heard this evening, but with regard to the site plan he made a recommendation to the Board that there be an update of the Traffic Impact Study. If the Board does not grant this waiver then the Major Site plan would be deemed incomplete and could not be heard this evening.

Motion of Berry, seconded by Woolston to grant the waivers for the Environmental Impact Statement and the identification of all structures and wooded areas.

Upon roll call the Board voted as follows:

YEAS: Berry, Lutz, Molimock, Morris, Woolston, Ostrander, Wainwright
NOES: None
ABSENT: Hamilton-Wood, Ryan

Mr. Huettl stated that there were 2 items in each of the professionals' letters regarding the subdivision. He said that Engineer Guzzi's letter had one item regarding the map filing law and Whitesell will comply with the map filing law.

Engineer Guzzi stated that there was an existing gravel fire lane that does encroach on the subdivision plan. Planner Petrongolo stated that he had asked that the new location be shown on the plan. Mr. Huettl said that a fire lane from the adjacent property actually crosses the proposed subdivision line. This will be reconstructed so that it is solely on the northern lot. It will meet the turning radii per the fire department.

Planner Petrongolo stated that the only item he had regarding the subdivision was a clarification of the lot sizes. Mr. Huettl stated that the discrepancies would be corrected on the plan.

Solicitor Frank stated that this is a conforming subdivision no variances are required.

Motion of Woolston, seconded by Berry to approve the minor subdivision portion of Application PB#2009-07.

Upon roll call the Board voted as follows:

YEAS: Berry, Lutz, Molimock, Morris, Woolston, Ostrander, Wainwright
NOES: None
ABSENT: Hamilton-Wood, Ryan

Solicitor Frank stated that the Board would now return to the completeness hearing for the site plan application.

Mr. Huettl stated that when Whitesell came before this Board 9 years ago for the first subdivision application they had provided a master plan traffic impact report that included the entire impact of the development both in Burlington and in Florence. This expansive report included 6 ½ million square feet of industrial space, a hotel, a small shopping center, bank building and a fast food restaurant. So there was an enormous amount of traffic investigation associated with that report. Mr. Huettl stated that this report was updated multiple times, the most recent being in 2004 when the report was completely redone. New traffic counts were taken and new projections were given. At the time the economic conditions were such that they thought they would be done building in Florence by now.

Mr. Huettl said that as it stands today the development at the Haines Center is approximately 50% completed. He said that traffic engineer's look at how many trips a development would generate. If you look at how much of the development in Florence Township that has occurred relative to the amount that was projected, Whitesell has only built 40% of what they thought they would by this time. So Whitesell has only built 40% of the traffic capacity that was accounted for in that report. The same holds true for the Burlington portion of the Haines Center. So there are big chunks of undeveloped ground or traffic allocation that hasn't been utilized yet in both Burlington and in Florence. In fact 60% of the traffic that Whitesell thought that they would produce in Florence hasn't materialized yet. The addition of this little building represents 2% of what has been proposed in Florence and 1% of all anticipated traffic for the Haines Center. So this is really quite insignificant and if you break it down into traffic it is approximately 7 vehicles per peak hour will travel the Route 130 corridor to go to this building. So at the peak of rush hour this building will have 1 vehicle every 9 minutes. This is really an insignificant amount of traffic.

Solicitor Frank asked what the basis for these projections was? Mr. Huettl stated that he used numbers from the traffic report that was done in 2004 and compared with that what buildings were anticipated to be built and what has been built and this is how he came up with the percentage that 40% has been built and 60% has not been built from a trip standpoint. Mr. Huettl said that he then extrapolated from that trip generation rate per square footage to determine how many trips would be attributed to this building if it were built.

Mayor Berry asked if the 40% was based on just traffic alone not the land that is occupied by warehouses – because it looks the opposite. Mr. Huettl said that it is visually misleading because in the one corner of the site there is 10 acres where they proposed a 100 room hotel, 2 restaurants, a bank, and a small shopping center. The amount of traffic that is generated by this small parcel is very substantial when you look at it as a percentage of the whole traffic generation for Florence. He said that he didn't do the calculation as to what percent of the site traffic this parcel represents but it is a very significant portion. This is a very small geographical area, but a high percentage of the trips generated from the entire site are associated just with that little spot that hasn't been developed yet. So even though it looks like there is not much left to develop in Florence,

because they didn't develop the area that generates the most traffic they are not even half built out from a traffic standpoint.

Mr. Huettl said that the report from 2004 included background growth on the roads. They used anywhere from 2 to 2.75% annual compounding traffic growth every year on all the major roads that were included in the report and from 2004 to 2008 this resulted in a 13% increase on average on all those roads. So the 2004 report took into account background growth to the extent that they increased all the existing traffic by 13%. So they have accounted for other development that occurred in the area. Whitesell has accounted for other development that has occurred in the area. They didn't specifically include other locations because they didn't know about them in 2004, but the fact that they increased the background traffic by 13% over those 4 years they have accounted from that traffic.

Solicitor Frank asked Mr. Huettl if he was a traffic engineering expert? Mr. Huettl stated that he was a licensed engineer in the state of New Jersey and by right of his license he is permitted to provide expert testimony on any subject that he feels that he is qualified to provide testimony on. He stated that he feels fully qualified to provide the testimony that he has provided tonight.

Solicitor Frank stated that we live in an environment where people are critical of statements such as those that Mr. Huettl has offered with regard to his analysis. He stated that there are critical observers of this proceeding although they may not be present this evening. He said that the Board needs to proceed very carefully as to whether or not it accepts that the projections that had been provided in 2004 with regard to the growth is in fact an accurate reflection of the reality of conditions approximately 6 years later.

Mr. Huettl stated that he would like to make some additional projections. He said that in the Florence portion of the Haines Center they have only developed roughly 40% of the trips that they anticipated generating by this point. He said that if you look at how much extra capacity there is- all the traffic that they haven't generated that was anticipated. And if you add in the traffic that they haven't generated in Burlington because they aren't built out there either. There is more traffic that has been planned for but hasn't been built yet to handle traffic that would be generated by projects that have been approved at other sites but not yet built.

Solicitor Frank asked Mr. Huettl if what he was saying was that there was so much accounted for in Whitesell's plan previously that they haven't done that actually covers everything else that everyone around is planning to do. Mr. Huettl answered that generally speaking this is true. Solicitor Frank said that at some point Whitesell would actually build those things out. Mr. Huettl agreed that they would. Solicitor Frank asked at what point would it be appropriate to require Whitesell to refresh these studies to reflect the actual conditions and reflect how the Whitesell additional development integrates with the actual conditions that surround the Whitesell site.

Mr. Huettl said that the application that he currently has before the Board represents 2% of what Whitesell was going to build in Florence and 1% of the entire Haines Industrial Center. Due to this fact he strongly believes that the report is still valid and can accurately characterize the impact of what they've built so far. Mr. Huettl stated that Whitesell would be happy to provide an updated traffic report for the next building that they build after this one.

Engineer Guzzi said that his concern is with what development has taken place since this study was done about 5 years ago. Since then the high school was built contributing to traffic. The intersection at Route 130 and Cedar Lane is a major concern. This intersection has been stressed. When you add in development along Route 130 that has recently been approved or is under construction and there is a significant change from 5 years ago. That is why he made the recommendation to have the study updated. Engineer Guzzi said that Mr. Huettl is making the argument that this proposal is for such a small percentage that it won't really make a difference. This is what the Board has to weigh – whether or not they feel that they can move forward with this application based on the previous traffic study.

Member Woolston stated that he personally would like to see an updated traffic study just because of the lapse of time. He said that he has taken into consideration everything that Mr. Huettl said but he feels that enough time has gone by that it is reasonable for the Board to request an updated traffic study.

Solicitor Frank said that if there is a consensus that the traffic study should be refreshed then Whitesell could come back to the Board and try to have the Preliminary and Final approval at one meeting if the Board should not grant the waiver.

Mr. Huettl stated that he was disappointed especially with the letter that was submitted by John Gillespie. He stated that Mr. Gillespie provided a lot of misinformation during the course of the NFI hearing and made several unfavorable and untrue comments about Whitesell. Whitesell is making its largest investment in Florence and Burlington and they care very deeply about their investment and the community and what the impacts are. Whitesell strongly believes that they are doing the right thing.

Mayor Berry said that he did not think that any of the Board Members had a chance to review Mr. Gillespie's letter since it was just left on the dais tonight.

Engineer Guzzi stated that the Board could continue the hearing until next month to give Whitesell time to update the traffic study. Mr. Huettl said that it would take several months to update the traffic study. Engineer Guzzi stated that the update should be similar as to the update that was provided in 2004. The counts and projections should be updated based on the current conditions.

Mr. Huettl said that if it is the Board's decision that a new traffic study is provided before it hears this application then Mr. Huettl requested that this application be continued. He stated that they could probably come back in January.

Solicitor Frank stated that it could be appropriate for the Board to grant waivers A (Environmental Impact Statement), B (All structures and wooded areas within the tract), & C (Clear statement of the proposed use), but deny waiver D for the traffic study. If the Board is persuaded by Mr. Huettl that to refresh the traffic study is too onerous, and this is a reasonable position, then it would be appropriate to grant all the waivers.

Motion of Lutz, seconded by Woolston to grant waivers A, B & C and to deny the waiver for D and request that the traffic study be refreshed.

Upon roll call the Board voted as follows:

YEAS: Berry, Lutz, Molimock, Morris, Woolston, Ostrander, Wainwright
NOES: None
ABSENT: Hamilton-Wood, Ryan

Solicitor Frank stated that he assumed that incorporated into that motion was the carrying of the application until the January 28, 2010 meeting of the Board. The Board agreed. Solicitor Frank stated that there was no need for additional notice.

OTHER BUSINESS

The Board discussed the proposed dates for meeting in 2010. The Board agreed with the proposed dates.

PUBLIC COMMENTS

Motion by Woolston, seconded by Lutz to open the meeting to public comment. Motion unanimously approved by all members present. Seeing no one wishing to comment motion was made by Berry, seconded by Lutz to close the public comment. Motion unanimously approved by all members present.

Motion of Berry, seconded by Morris to adjourn at 9:22 p.m. Motion unanimously approved by all members present.

David Woolston, Secretary

DW/ne