

Florence, New Jersey 08518-2323
November 28, 2005

The special meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ Chairperson Hamilton-Wood called the meeting to order at 6:37 P.M. followed by a salute to the flag.

Chairperson Hamilton-Wood then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meeting Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

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

Councilman John Fratinardo	Philip F. Stockhaus, III (LATE)
Mayor Michael Muchowski	Mildred J. Hamilton-Wood
Dennis A. O'Hara	Gene DeAngelis
John T. Smith	

ABSENT: Thomas Napolitan

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

OLD BUSINESS

Chairperson Hamilton-Wood called for application PB#2005-11 for Orleans Homebuilders/Bustleton Estates South. Applicant is requesting Preliminary Major Subdivision approval with bulk variances to develop Block 170, Lot 1.01 located on Bustleton Road in the AGR Agricultural zone into 21 building lots and 1 basin lot.

Attorney Edward Penberthy stated that he had several witnesses that he would like sworn. Solicitor Abbott swore in the following witnesses: Michael Karmatz, Senior Vice President Orleans Homebuilders, Deanna Drumm, Horner & Cantor Traffic Engineers, Mark Gallagher, Princeton Hydro Environmental Consultants, Mike Citterone, Everland, Shourds & Associates. Mr. Citterone stated that he was a licensed engineer in the states of New Jersey and Pennsylvania. He was accepted by the Board as a qualified witness.

Mr. Citterone stated that the project encompassed approximately 83 acres. This parcel is known as Block 170, Lot 1.01 on the tax map of Florence. The property fronts on Bustleton Road. There is a mix of farm fields and wooded areas. There are wetlands in some areas. They are proposing to develop this into a residential subdivision. They are proposing 18 market value lots and 3 affordable sites and one basin.

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Member Stockhaus arrived at 6:40 P. M.

They are proposing 2 cul-de-sac streets with lots fronting on the internal streets. There are 18 market value homes on approximately 3 acres and 3 affordable units on smaller lots.

Mr. Citterone stated that the minimum lot size for the zone is 3 acres. He referred to a copy of the site plan that was color coded to illustrate required variances. Lots outlined in blue required a frontage variance, yellow require a lot area variance, and outlined in orange require a lot depth variance. He stated that the original plan was for an 18 lot subdivision with no variances. The applicant was then asked to provide the affordable housing on site and this caused an adjustment of the lot lines, which resulted in the variances. The plan still maintains the 18 market rate lots that they had shown on their By Right plan.

Attorney Penberthy asked Mr. Karmatz to explain the affordable income housing proposal. Mr. Karmatz stated that the market rate units are 3,800 to 4,000 square feet. In keeping with the suggestion of the Board previously, they have planned an affordable housing unit that looks like a single-family house, but is actually 3 town houses. At the request of Planner Hintz the entrances had been modified so the appearance of a single home was accomplished.

Attorney Penberthy stated that these 3 units would be members of a Homeowners Association. This HOA will oversee the maintenance of the 3 properties. These 3 properties and this Homeowners Association will also be members of the overall Homeowners Association that will oversee the maintenance of the basin and other public areas.

Attorney Penberthy stated that a waiver for radial lot lines was also requested. Mr. Citterone stated that in order to provide the required lot areas, lot widths and setbacks, some of the lot lines were required to be on a slight angle rather than perpendicular. These angles are no more than 5 degrees of off perpendicular.

Vice Chairman O'Hara asked if the affordable housing was located on one lot. Mr. Penberthy stated that there would be 3 separate lots and the owners of the town homes would own the lots. The houses surrounding the affordable houses are all market rate. Vice Chairman O'Hara asked why the lots of the homes surrounding the affordable housing units were so condensed. He also asked what the By Right plan was?

Attorney Penberthy stated that the By Right plan was presented to the Board informally. This plan showed 18 market rate units. The Board asked if the applicant would construct the affordable units on site. The applicant stated that they would do that, but the lot lines would have to be adjusted. Mayor Muchowski stated that if one of the existing lots was converted to the affordable lots; this would eliminate the need for the variances.

Mr. Citterone showed the Board a copy of the By Right plan. On this plan they could have 18 market rate lots and meet all requirements of the zone. In order to add the 3 lots on site for the affordable housing units and still retain the 18 lots that they have by right, it requires that certain lots be reduced in size.

Chairperson Hamilton-Wood asked why they did not go to 17 market rate lots and 1 COAH lot. Mayor Muchowski stated that this would fulfill the COAH obligation and keep the integrity of the zone intact. Mr. Citterone stated that they had tried this affordable unit in several different locations and this was the best place.

Attorney Penberthy stated that the Board had expressed to the applicant that they could still have the market rate lots. Chairperson Hamilton-Wood said that she did not think that this was ever promised. She said that the discussion might have been the Township has an obligation to take care of the COAH obligation. Right now the plan is to keep all COAH on site because the Township doesn't have anywhere else to put it at this time.

Chairperson Hamilton-Wood stated that she was concerned with the long narrow shape of the affordable housing lots. Attorney Penberthy stated that the reason for the shape of the lots was that they were trying to make this look like the market rate homes.

Vice Chairman O'Hara expressed concern for the parking. Mr. Karmatz stated that these are 24' townhouses with garages. There is also a circular driveway for these units and there is the entrance road to the units. This should accommodate visitors to these homes. Vice Chairman O'Hara asked how the homes were accessed. Mr. Karmatz stated that there was a 2 car garage on one side and a 1 car garage on the other side. Each unit has a private entrance.

Vice Chairman O'Hara asked if this lot had the greatest frontage before it was divided. Attorney Penberthy stated probably not.

Member Fratinardo asked if the 3 affordable house units would yield the same price as a market rate unit. Mr. Karmatz stated absolutely not. The price of the affordable houses are set by COAH. Attorney Penberthy said that from the builders point of view, they would rather make the contribution. Mr. Karmatz stated that the contribution was still an option. He said that he remembers specifically that there was a conversation that the affordable housing would be better on site and there was a statement by the Board that they would not have to lose lots to do this.

Mayor Muchowski asked for a clarification of the statement of the Board. Mr. Karmatz said that the Board has stated that if the applicant agreed to put the affordable on site they could still have the 18 as long as it works. Chairperson Hamilton-Wood said that "as long as it works" may have been the key language. First of all the applicant was in for conceptual, not real plans, but if that was said the thought was to try to work to get

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everything on. Just because the affordable housing is planned on site doesn't mean that you can do anything you want with the 7 other lots.

Mr. Karmatz said that this was an attempt to make these units appear as market rate units. They could have gone to an 18' unit and gotten the 3 on 1 acre lots, but this would have drastically changed the appearance and it would not look like the rest of the units. The footprint is about the same as the market rate unit.

Mayor Muchowski said that this decision affected 7 other units creating a host of variances. The affordable units are on Lots 120, 121, and 122.

Mayor Muchowski stated that if they went back to the original plans they could have 18 non-variant lots with one divided into 3. Attorney Penberthy stated that this would cost a lot. Mr. Karmatz stated that he would be willing to do this. Attorney Penberthy stated that he did not feel that the applicant should have to do this. Vice Chairman O'Hara stated that he thought that this would make the plan a lot more palatable without destroying the 3 acre minimum in the zone.

Attorney Penberthy said if they did this there would be 20 lots instead of 21.

Chairperson Hamilton-Wood asked Engineer Morris to go through his review letter dated November 28, 2005.

Engineer Morris went over his report and the applicant agreed to the following items:

1. Utilization of open space will be shown on the plan.
2. Conservation easements and wetlands areas will be deed restricted.
3. Lots with dual frontages will be deed restricted to allow access only from interior lots.
4. Names of streets will be coordinated with Township Council and the 911 coordinator.
5. The triplex created flag lots. Testimony should be given on the best location for the affordable housing to be located.
6. Screening between multi-family units and single family units. Attorney Penberthy that they were trying to blend the affordable housing unit into the development. Planner Hintz stated that they should try to make it look like a single family home. This would be a design waiver.
7. Attorney Penberthy stated that the homes would have basements and there would be a sump pump discharge system that will tie into the inlet. The 3 townhomes will have basements also.
8. Curbing and inlets will be provided as required.
9. The ordinance requires curbing. The plan has no curbing only swales directed toward inlets. This would be a design waiver. Mr. Karmatz stated that RSIS and DEP prefers swales to curbing. Attorney Penberthy stated that the reason they did not plan on curbs is that this allows the water to runoff and percolate into the ground. Member Smith questioned the need for the 6 acre detention basin. Mr. Citterrone stated

That this was designed to accommodate the 100 year storm. Mr. Citterone stated that the lot is 6 acres but the basin is slightly less than that. Mr. Smith said that by decreasing the basin lot you could increase the size of other lots by moving the roads. Attorney Penberthy stated that the road was placed to align with the road of the Bustleton Estates North development that had already been approved. Mr. Karmatz stated that they would look at changing the location of the road.

Mayor Muchowski asked if sidewalks were planned. They are not. Mayor Muchowski is concerned with pedestrians walking in the cartway. Attorney Penberthy stated that there is enough room in the 30' cartway to accommodate pedestrians.

Engineer Morris stated the swales are too flat. They are not defined on the plan. He is concerned about where the swales cross over driveways. He stated that there is another problem with the maintenance of the swales. Who is responsible for maintenance? The swales are located in the grass adjacent to the road. The applicant does not anticipate street parking because the driveways are long enough to accommodate visitors parking.

Mr. Karmatz stated that Orleans would do what the Board required in regards to swales versus curbing. The storm sewers are located out side the paved area of the street. Mr. Citterone stated that the Bustleton Estates North development was approved with swales.

Engineer Morris asked about underdrains to channel the water under the driveways. He stated that the swales are in the right of way so they would get dedicated to the town. Mayor Muchowski requested a condition to speak to the Public Works and Engineering Department to clarify any issues with the swales.

Member Smith stated that without curbs there is nothing to channel the snowplow against. Will ice form on the road if the plow stops up the swales. Attorney Penberthy stated that if the Board requires curbs they would prefer Belgian block.

Planner Hintz stated that the stormwater master plan recommends swales and non-structural devices. Vice Chairman O'Hara stated that the Board has not had to deal with this type of development very often. Mayor Muchowski stated that this might create additional maintenance for the public works department. Attorney Penberthy stated that the applicant could impose whatever restrictions the Township would like in regards to the swales.

Engineer Morris brought up the issue of sidewalks. Attorney Penberthy stated that sidewalks and curbs are not required by RSIS. Mayor Muchowski stated that the Sutton Heights Development has sidewalks on one side of the street. Mr. Karmatz stated that they would comply with whatever the Board decides on the issue of sidewalks. Engineer Morris suggested sidewalk on one side of the street. Attorney Penberthy said that he did not think this would be a problem.

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The Board returned to the Review of Engineer Morris' report.

10. The location of the development sign will be dimensioned on the plan.
11. The location of the dogwood plantings will be adjusted to keep the site triangle clear
12. The grading issues will be worked out.
13. The basin will be moved away from the right of way line as requested.
14. The emergency spillway discharges on an easement between 2 homes. A letter was received from Burlington Township dated November 22, 2005 stating that they do not accept the spillway discharging into Burlington Township. Attorney Penberthy stated that he did not think they could do this, but he would speak with Burlington Township to be sure they were satisfied. He stated that the applicant is actually decreasing the volume going off site. Engineer Morris stated that a condition of approval should be that the applicant satisfy the Burlington Township Engineer on the five items that are open. Solicitor Abbott stated that this could not be a condition because it is out of the Boards jurisdiction. Attorney Penberthy stated that there is a 100 year basin so there shouldn't be any flooding. Mayor Muchowski said that he is concerned with satisfying the neighboring community. Engineer Morris stated that piping the overflow out would be better than an emergency spillway.

Mr. Karmatz showed the Board a picture of the sign. He stated that the sign would comply with the ordinance. The Board preferred the sign with a more country style.

15. The applicant agreed to add a maintenance schedule to the plan.
16. Borings, grade elevations and permeability test results will be provided.
17. Construction details around the berm will be provided.

Items 18 through 23 are all technical issues. Attorney Penberthy agreed that these would be addressed.

24. The pavement design will be revised as required.
25. The applicant agreed to revise the plan to show the 2% slope as required.
26. As-Builts will be provided as requested.

Chairperson Hamilton-Wood asked Planner Hintz if he would go over his review letter dated November 18, 2005. Planner Hintz stated that he would just go over the open items.

On Item No. 6 regarding the affordable units, the applicant is providing 3 units instead of the payment in lieu, which is a requirement of the Townships new Growth Share ordinance. He stated that with the original 18 units the requirement is 2. The applicant is offering to provide 3 units. The depth of the 3 affordable lots relates the depths of the

lots throughout the subdivision. Chairperson Hamilton-Wood stated that the only long lots are the ones backing up to Bustleton Road.

Planner Hintz stated that on the original plans there were 3 individual driveways going to the 3 individual affordable units. He suggested that they supply one driveway in with a circular loop and garage access from that driveway. This would make the house look like the other homes in the development. Vice Chairman O'Hara said that the design of the driveway was phenomenal. He asked Planner Hintz if he was happy with where the affordable unit was placed in the development. Planner Hintz stated that there were other lots in the development that would be suitable. He mentioned that lot 1.12 was larger.

Vice Chairman O'Hara asked how wide the entry drive to the affordable units was. Attorney Penberthy stated that it was approximately 18' wide. Mayor Muchowski said that he thought one of the overriding factors on the placement of the affordable unit would be the percolation for the 3 unit septic system. Mr. Karmatz stated that they do septic testing and this is approved by the Burlington County Health Department. This is one of the outside approvals that are needed. Member Smith stated that sometimes outside approvals don't ensure a working system. Attorney Penberthy answered that Orleans is a very experienced builder that has done septic systems throughout southern New Jersey and Pennsylvania. They are familiar with the soil conditions at this site and they have to stand behind their product.

Vice Chairman O'Hara asked if this was one of the reasons that this particular lot was chosen because of the severe depth of the lot yielded more ground to handle the septic for the 3 units. Mr. Karmatz said yes.

Planner Hintz stated that he recommended a privacy fence be constructed between the affordable units.

Planner Hintz stated that he needed to see the signed and sealed architectural plans for the affordable units. Attorney Penberthy stated that they did not have the signed plans as of yet but they would provide them at time of final.

Planner Hintz stated that on the landscape plan, where there are wooded areas the tree location should be provided. Mr. Karmatz stated that he would co-ordinate the trees with Planner Hintz. Attorney Penberthy stated that the applicant would work with Planner Hintz on the landscape plan.

The lighting plan needs to be revised to show that the average intensity of 0.5 footcandles will be met. Lighting should be located at the intersection and perhaps the cul-de-sacs bulbs. The plan should show that the lighting should be sharp cut-off luminaries. The existing and proposed lighting within 100 feet of the site needs to be shown on the plan.

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The applicant may request a waiver for the lighting requirements. Planner Hintz stated that he needed to see where the lighting patterns are.

Mayor Muchowski spoke about striping to deter speeding within residential neighborhoods. Attorney Penberthy stated that there are no through streets so this cuts down with speeding.

Member Smith asked if the lights are privately owned. Attorney Penberthy stated that the cost of street lighting is borne by the municipality. Member Smith stated that the plan showed a 240 volt 7500 watt metal halide light that is mounted on a concrete base. Normally the pole is directly buried and the light is 110 volts. If you put the light on the outside of the radius they get hit. Engineer Morris stated that he has seen this type of lighting on a concrete base in rural developments. Attorney Penberthy stated that the applicant would do whatever the Township wanted in regards to the lighting.

Mayor Muchowski asked about the tree replacement ordinance. They must replace all removed trees. Attorney Penberthy stated that they would meet whatever is required. Member Smith asked if the trees could be put in before the certificates of occupancy are granted. Mr. Karmatz stated that he did feel that he could agree to this because you are limited as to when you can plant, but they will work with the Township on this.

Motion of Fratinardo, seconded by Stockhaus to open the meeting to public comment. Motion unanimously approved by all members present.

Ronald Faga, 2018 Bustleton Road, was sworn in by Solicitor Abbott. Mr. Faga stated that he was not opposing the development. He said that he was opposing the requested variances for the lot size, lot width and depth. He stated that he does not oppose the low to moderate income housing, but he is not happy with the fact that it is located directly behind his house.

Mr. Faga stated that his septic system was done by Mr. Lippincott. Mr. Faga said that his soil log from the County indicated water at 4 feet. Mr. Lippincott told Mr. Faga to dig with a posthole digger in several areas around his property and measure the water. Mr. Faga said he did this and found water at 3 feet. Mr. Lippincott designed Mr. Faga's system and he does not get water in his basement. Mr. Faga said that his neighbors do get water in their basements. Mr. Faga stated that in August he put in a clothesline. When he dug down 2 ½ feet the ground was wet. He stated that he does not want a dense pack of houses with a large septic system behind his house. Mr. Faga asked the applicant to move the location of the low to moderate homes. He stated that he did not think the Board should grant waivers for the undersized lots. He said he is not opposed to having a single family home behind his property. Mayor Muchowski pointed out that the applicant had agreed to reduce the number of lots to 18. This will eliminate the undersized lots and the town house unit will be on a 3 acre lot. He stated that the applicant had also agreed to look at the possibility of relocating the affordable housing to

another location on the site. Mr. Faga stated that the cul-de-sac is located in an area that contains a ditch. The ditch is almost always filled with water. Mayor Muchowski stated that the Board has experienced this problem in other sites. He asked if there were any existing farmer's drainage ditches that are controlling some aspect of that water that needs to be investigated. The placement of the houses may need to be adjusted on the site. Mr. Karmatz stated that the DEP had been out and Orleans would abide by their recommendations. Mayor Muchowski stated that the applicant should contact the farmer to see where the drainage problems are on the site.

Mr. Faga stated that even if the County and the Township approve the septic systems, this doesn't ensure that there will not be septic problems. He stated that he would like fencing to separate his property from the development. He has flowerbeds at the back of his property and he doesn't want children running through his yard. He stated that if the low to affordable unit were moved to the south side of the cul-de-sac, the people buying the surrounding houses would be aware of its existence.

Mr. Faga said that the detention basin would be maintained by the Homeowners Association. Mr. Karmatz stated that there is a maintenance plan for the basin that must be approved. Mr. Faga asked if there was a fence planned around the basin. There is no fence planned around the basin, it is designed to be a dry basin. Mr. Faga said the basin should be fenced. He is concerned with the safety of children. Attorney Penberthy answered that fences don't keep children out if they want to get in and it inhibits emergency vehicles from getting in if needed.

Mr. Faga thinks that the applicant should pay for a sidewalk from the development to the Township line. Attorney Penberthy stated that Bustleton Road is a County road and the County will probably require sidewalks. Chairperson Hamilton-Wood stated that according to the letter from the County it appeared that they were requiring sidewalks. Mr. Faga is also concerned with kids walking to the new high school. There should be a sidewalk heading to the school also.

Mr. Faga asked if the ground had been tested for pesticides. Mr. Karmatz stated that the ground had been tested and is safe. Mr. Faga stated that he is concerned with the 30' cartway. If cars were parked in the road this might cause a problem with fire trucks. Attorney Penberthy stated that they meet RSIS standards without street parking.

Mr. Faga stated that his strong preference was that the applicant relocates the affordable housing and take a good look into the septic system.

Joe Johnson, 2022 Bustleton Road was sworn in by Solicitor Abbott. Mr. Johnson asked if a Phase 1 environmental test was done. Mr. Karmatz stated that a Phase 2 had been done and the levels were good. Mr. Johnson asked what would happen in front of the existing homes in the County right-of-way. Mr. Citterone stated that the County was requiring the applicant to widen Bustleton Road, but this would not extend all the way to

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Mr. Johnson's house. There will be sidewalk, but it will end at the applicant's property line.

Mr. Johnson asked for clarification on the basin. Mr. Citterone stated that the basin would be dug into the ground. They had done 8 to 10 test pits in the area to determine the seasonal high water. There will be berming approximately 4 feet high around the basin. Mr. Johnson asked where the outfall for the hundred-year storm was located on the plan. Mr. Citterone stated that there was a spillway located to take advantage of an existing drainage system that is part of the existing neighboring development. The ground naturally drains towards Burlington Township. The basin is designed to accommodate greater water than expected in a hundred-year storm.

Mr. Johnson stated that he is not in favor as to where the affordable housing is located on the plan and asked that it be relocated. Mr. Johnson asked to get a planting buffer as opposed to a fence. Attorney Penberthy said that they had to do re-forestation anyway and they could plant some of the trees at the back of Mr. Johnson's property. Attorney Penberthy said that they could create an easement in that location. Mayor Muchowski gave an explanation as to how a tree conservation easement would work. Mr. Johnson said his concern is that people generally store things that they do not want at the back end of their property.

Mr. Johnson asked if any fill dirt would be imported on the site. Attorney Penberthy stated that no fill dirt is going to be brought in. Mayor Muchowski asked if the property would meet the grading ordinance. Engineer Morris stated that there has to be a minimum 2% grade. The proposed grades were soft not steep.

Mr. Johnson stated that on some of the properties the septic systems seem to be mounded. Mr. Citterone said that numerous test pits were dug to determine where the houses and septic systems should be situated. He stated that the septic is generally located in the front yard and the property grades up from the street. There may be a few properties where the septic will be put in the back yard and mounded if necessary. Mr. Citterone stated that they don't design septic systems until they have approved lots. Mr. Karmatz said that they don't expect to bring in dirt but if they do it will be clean fill.

Patrick Brady, 13 Philly Way, was sworn in by Solicitor Abbott. Mr. Brady lives in Burlington Township and the emergency spillway is located on to his property. Mayor Muchowski said that Mr. Brady's concern is a legitimate one, but the new standard from the DEP actually significantly reduces the amount of runoff post-construction, as it was pre-construction. There is a common border between the two townships and the Board will not simply allow the water to runoff into Burlington Township. However, the natural runoff of this ground is toward the corner where the basin is located. The Board will try to incorporate berming and landscaping into the plan to be sure that it is a visually pleasing basin. The Homeowners Association will maintain this basin.

Mr. Brady expressed concerns about traffic on Bustleton Road. He asked if there would be improvements of Bustleton Road. Mayor Muchowski stated that Bustleton Road is the County's jurisdiction. Burlington County will determine what road improvements are necessary. Mayor Muchowski gave Mr. Brady the name of Troy Sanders, from Burlington County Engineering Office who sent a letter dated October 24, 2005 regarding the road improvements.

Mr. Brady asked if there was a plan to limit the dust during construction. Mr. Citterone stated that the County does require that there is a limit to the allowable level of dust. Mayor Muchowski stated that if neighboring homeowners encounter excessive dust during construction they should call either the builder or Florence Township.

Alberto Rodriguez, 2020 Bustleton Road, was sworn in by Solicitor Abbott. Mr. Roderiguez stated that he moved into his property in February 2004 and has invested a lot of money in upgrading his property. He stated that he is concerned with the low to moderate housing lowering property values in the neighborhood. Mr. Roderiguez stated that he had contacted Orleans about purchasing the property behind his house. He stated that he had never received a response from Orleans and doesn't feel that they are a credible organization. Mayor Muchowski answered that the applicant will be held to all the conditions that the Board deems necessary. Mr. Roderiguez also expressed concern with the elevations of the homes.

Carrie Brady, 13 Philly Way, was sworn in by Solicitor Abbott. Mrs. Brady asked if there was a buffer zone from their back property line to the 4' elevation of the berm. Mr. Citterone stated that the grading starts at the property line and slopes upward. The distance from the top of the berm to the Brady's property line is 35'. Mayor Muchowski asked where the water runoff went. Mr. Citterone stated that there is an existing drainage easement already on the Brady's property. The overflow from the basin would travel over the ground surface toward an inlet located in the Brady's yard. Engineer Morris stated that the easement appeared to be running through 4 properties, but the drain is in the Brady's yard.

Roy Graber, 11 Philly Way was sworn in by Solicitor Abbott. Mr. Graber said that he was concerned that if everything drains to the one spot, what will happen to water that does not get into the basin? Will this drain into their yards? Mr. Citterone stated that they are not allowed to increase runoff from the site. Mr. Graber asked about the safety of the basin. He asked how long it would hold water for? Mr. Citterone said that the regulations say that the basin must be emptied within 72 hours. The Homeowners Association would be legally liable for the basin property.

Fred Heydorn, 2018 Bustleton Road, was sworn in by Solicitor Abbott. Mr. Heydorn asked if there was going to be any tree removal on the property. There exists a strip of woods that he would like to see preserved. Mr. Citterone stated that they have tried to preserve as much woods as possible. Mr. Heydorn asked about clearing wetlands areas.

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Mr. Citterone stated that they have applied for a permit from the DEP to allow wetlands clearing.

Mr. Faga spoke again about the percolation tests and the septic systems. Mayor Muchowski stated that the applicant would be required to have the County come out and do a visual test boring before the design is done. Mr. Faga said that the water table varies over time. He said that the staining of soil doesn't always give a true representation of the high water level.

Motion by O'Hara, seconded by Stockhaus to close the public portion of the meeting. Motion unanimously approved by all members present.

Solicitor Abbott stated that the Board has to determine what to do at this time. Attorney Penberthy stated that the applicant would consider revising the plans to relocate the affordable housing away from its current location and not near the border with Burlington Township. He suggested that the applicant work with the Board's Engineer and Planner to determine an appropriate location.

Attorney Penberthy asked the Board to grant the Preliminary approval with conditions. Chairperson Hamilton-Wood stated that she did not think approval was appropriate with the outstanding issues. Attorney Penberthy requested to continue the application to the January 16, 2006 meeting of the Board. Revised plans must be received at least 10 days in advance of the meeting. Mayor Muchowski stated that this is also Reorganization. Chairperson Hamilton-Wood stated that as a courtesy the applicant would be placed first on the agenda after the Reorganization. Attorney Penberthy agreed to waive the time requirements until the January meeting.

Mayor Muchowski asked for a status update on the open issues in a week or so.

Motion of Stockhaus, seconded by Fratinardo to continue until January 16, 2006.

Upon roll call the Board voted as follows:

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

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

Chairperson Hamilton-Wood called for application PB#2005-09 for Harold M. Boston. Applicant is requesting Preliminary Major Subdivision approval to develop Block 147.01, Lot 3.03 located on Railroad Avenue into 5 building lots and 1 basin lot.

Chairperson Hamilton-Wood asked Attorney Jonas Singer if the applicant was here for completeness only. Mr. Singer stated that he had been advised that should the application be deemed complete it would proceed to a hearing. Mayor Muchowski and Chairperson Hamilton-Wood stated that they thought the application was being heard for completeness only. Solicitor Abbott stated that generally if an application is deemed complete it could proceed to hearing if the Board so chooses. Attorney Singer stated that he understood the letter sent by the Board Clerk to mean that should the application be deemed complete, the Board would consider hearing the matter on the merits.

Attorney Singer said that he reviewed the reports from the Board Planner and the Board Engineer and there are some very minor items that remain to be satisfied. He stated that the application does not require any variances or waivers. He asked that the Board grant Preliminary Subdivision approval and then work things out with the Professional staff and come back with the revisions at Final. Chairperson Hamilton-Wood stated that the Board would go through the completeness issues. After the completeness the Board would have a discussion as to what further would be addressed at this meeting.

Vice Chairman O'Hara said that Attorney Singer had mentioned that no waivers were requested, however the Board's engineer and planner both indicated that the applicant had requested a submission waiver for the Municipal Services and Impact Statement. Attorney Singer stated that there were no other waivers requested.

Chairperson Hamilton-Wood asked Engineer Morris to start with his report for completeness. Engineer Morris referenced his November 23, 2005 letter. Item 1b regarding preliminary delineation of wetlands. A note should be added to the plan stating that there are no wetlands on the site. Attorney Singer stated that they had received a Presence/Absence letter and this note would be added to the plan.

Engineer Morris stated that a waiver was requested for the Municipal Services and Utilities Impact Statement, waivers also requested for Items 1f, 1g, 1h, and 1i which is basically half cross sections, cross sections of aisles, lanes, driveways and sidewalks, free standing sign details and size, height, location and arrangement of all proposed signs. Attorney Singer stated that the only signage would be the stop sign. There is no sign planned for the development.

The last item open is 1j the depth to seasonal high water table and percolation rate based on soil borings should be provided.

Patrick Ennis, Lord, Worrell and Richter, engineer for the applicant was sworn in by Solicitor Abbott. Mr. Ennis stated that the boring results are listed on the soil permeability and erosion plan. Engineer Morris checked and stated that he had received this.

Engineer Morris stated that these were the only items left open for completeness.

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Planner Hintz stated that trees to be removed should be located on the plan by species. The applicant has added a limit of disturbance line, but this line differs between sheets 2 and 3, so the addition of the limit of disturbance line does not fulfill the completeness requirement. This is information that is needed. Planner Hintz stated that the ordinance states that all trees need to be located on the plan by caliper and species.

Chairperson Hamilton-Wood asked for a clarification of the tree issue. Planner Hintz stated that the plan does not indicate the trees proposed to be removed on the area of the west in lots 3.11, 3.12 and the area of the detention basin. Attorney Singer said that the applicant would locate the trees and identify them on the plan. Chairperson Hamilton-Wood stated that this was a completeness issue. She stated that with this outstanding the Board would not be able to deem the application complete. Solicitor Abbott agreed that the application should not be deemed complete.

Attorney Singer said that with the understanding that the applicant will locate the trees and that they will need to revise the plans before Final, they ask that this item be allowed to be amended for Final.

Chairperson Hamilton-Wood stated that the application was nowhere near Final. She asked Attorney Singer if they were asking for a waiver on this issue. Attorney Singer stated that he wanted a waiver for completeness and would show this for Final. Chairperson Hamilton-Wood asked if the Board had ever granted a waiver for this in the past. Planner Hintz stated that the Board has only issued a waiver for this on an area where the trees are not going to be disturbed. Attorney Singer stated that they would identify it and asked that this not be an impediment to the Preliminary approval.

Chairperson Hamilton-Wood stated that the Board is uncomfortable in deeming the application complete when information is still required. She stated that the applicant should make the revisions and come back to the next meeting and be deemed complete and then go into the hearing for Preliminary.

Motion of O'Hara to grant all requested submission waivers with the exception of item 6.3-2 in the report of the Board Planner regarding location and identification of trees, seconded by Smith.

Upon roll call the Board voted as follows:

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

Attorney Singer asked if upon providing the requested information the application would then be heard on its merits? Chairperson Hamilton-Wood stated that this was the

intention of the Board. Attorney Singer stated that he had provided public notice and asked to have the application postponed without requiring additional notice. Chairperson Hamilton-Wood stated for the record that the meeting was postponed until December 19, 2005 and no additional notice would be necessary.

Chairperson Hamilton-Wood called for application PB#2005-10 for Craft-Stewart, LLC (Estates at Oak Mill). Applicant is requesting Final Major Subdivision approval to develop Block 156.01, Lot 2 into 85 building lots, 4 open space lots and 1 remaining lot.

Edward Penberthy, attorney for the applicant, stated that he had 4 witnesses and he would like to have them all sworn. The following were sworn in by Solicitor Abbott. James Stewart, the applicant, Edward Brady, site engineer, Michael Karmatz, Orleans Homes, David Shropshire, traffic engineer. Attorney Penberthy stated that Mr. Karmatz was representing Orleans the proposed builders for the site. Mr. Brady and Mr. Shropshire were qualified when they appeared before the Board for Preliminary.

Mr. Brady stated that the site would be named "The Estates at Oak Mill". There are 3 frontages on the site. Fifth Street with a railroad crossing at the Boulevard is the main entrance to the site. The second entrance is along Sixth Street at the intersection of Sixth and Winter, and the Third entrance which was added as a condition of the Preliminary approval is off of Summer Street. They are proposing 85 building lots each with a minimum lot size of 10,000 square feet. There are also 4 open space lots. The main one is the large wooded area. There will be a tot lot in the center. There will also be a roller hockey rink built on the Township's recreation field. The last open space lot will hold the retention basin.

The total site is 150 acres that stretches from Front Street to Summer Street. The part that is being developed is approximately 55 acres and is zoned for residential.

Vice Chairman O'Hara asked Mr. Brady if he had reviewed Police Chief Gordon Dawson' report regarding Winter Boulevard. Mr. Brady stated that they would be changing the name to Winter Street. He also indicated that the proposed street names had been submitted to the Township Clerk for approval by the Township.

Engineer Morris referred to his report dated November 8, 2005. He stated that in item 1 regarding deed restrictions that a draft had been received. Engineer Morris stated that they had recommended a conservation easement down Sixth Street and along Summer Street. Attorney Penberthy agreed to this. He also agreed to items 2, 3, 4, 5, 6, 7, 8, and 9.

Item 10 refers to recycling centers for residential developments over 50 dwellings or more. Mr. Brady stated that he had spoken to Engineer Morris about this. He stated that they had planned for curbside pickup. Mr. Brady said that he thought that this ordinance

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might be pertaining to an apartment complex – not a single family development. Solicitor Abbott read the ordinance and stated that this would be a design waiver.

Attorney Penberthy asked for a design waiver for the recycling center requirement.

Item 11 regarding the Homeowners Association (HOA) clubhouse or meeting place. Mr. Karmatz stated that as the community is developed the meetings are held in the Sales Office. Once the community is completed that HOA would rent space from a school to hold their meeting. The responsibility of the HOA is to maintain the basin and the open space. Mayor Muchowski said that another development in the community uses the Front Conference Room in the Municipal Building to hold their HOA meetings. The basin maintenance schedule will be provided.

Item 13 Attorney Penberthy agreed that an easement would be provided to the basin area whereby the Township would have the right to enter the land to address maintenance problems if the HOA neglects its duty. Mayor Muchowski asked that HOA documents be revised to include this statement. Solicitor Abbott stated that this is generally standard in these documents.

Attorney Penberthy agreed with items 14 and 15. Item 16 refers to the stormwater management report. Mr. Brady will work with Engineer Morris on this.

Items 17 through 22 are technical details and Attorney Penberthy stated that the applicant agreed to all of these. Item 23 regarding details and improvements along Sixth Street. Mr. Brady stated that the existing Sixth Street is a 20' wide paved road with curbing on the side where the residents are. The applicant will widen the road to 30' total. There are some existing trees that will have to be removed to allow this widening. They will then re-landscape and buffer the area. Concrete curb will be added to the development side. Mayor Muchowski asked about addressing the stormwater draining problems on Sixth Street. He stated that the water is supposed to run down Sixth Street make the turn and collect at Winter Street and this doesn't happen. Mr. Brady stated that they are planning to mill and overlay the entire road. Mayor Muchowski stated that he thought there was going to be a stormwater pipe. Mr. Brady stated that he would meet with Engineer Morris and if a pipe needs to be installed they will install one. Mr. Brady stated that no sidewalk was planned on the unimproved area of Sixth Street.

Mr. Brady stated that they would be widening Sixth Street and adding curbing from Summer to Winter. Mr. Brady stated that they would conform to item 24 regarding deceleration lanes, concrete sidewalks, curbs, storm sewer systems, handicap ramps, etc.

Engineer Morris stated that he is concerned about drainage from the unimproved area of Sixth Street and he wants to meet with Mr. Brady regarding this.

Chairperson Hamilton-Wood asked Planner Hintz to address his report dated November 18, 2005. Planner Hintz stated that he would like to see details for shade trees along Fifth Street. He stated that the applicant needed to provide a snow easement within the cul-de-sac. Mayor Muchowski stated that behind the cul-de-sac is an open lot area so they should be able to push the snow back in there.

Planner Hintz stated that the site plan appears to skip Block 156.09, Lot 21. Mr. Brady stated that that was just a typo; this is actually the open space lot. The application references that there are a total of 90 new lots, 85 that are residential. The site plan indicates that there are 86 residential lots with a total of 92 lots created. Mr. Brady stated that there were 85 building lots, 4 open space lots, and one pump station lot, plus the remainder of the parcel.

Attorney Penberthy stated that the sign would be similar to the sign shown to the Board for the Orleans development. Mr. Brady stated that he would show the footing details of the signs.

Mr. Brady agreed to conform to all items in the Planners report.

Member Smith asked about the lights. Planner Hintz stated that the lights were a “town & country dayform traditionaire” light. The applicant is proposing a total height of 16’. Mr. Brady stated that they would change it to 12’ if necessary. Planner Hintz stated that 16’ would be appropriate. Member Smith stated that a standard PS pole is 17’ and it goes 5’ into the ground. That makes 12’. Mr. Brady said they would adjust the height of the light.

Mayor Muchowski expressed concern with the area of landscaping on Sixth Street from Winter to Summer. This will buffer the rear of the properties for the new development and be the view from the front of the existing homes on Sixth Street. Planner Hintz stated that the shade trees should be along the edge of the street at the edge of the buffer.

Vice Chairman O'Hara asked if the applicant had seen the letter from Director of Water and Sewer. Mr. Brady stated that they had seen this and would comply. Vice Chairman O'Hara stated that for the record the Fire District had no comments on the application.

Mayor Muchowski asked about the on site and off site recreation improvement. What is the timing for this? Mr. Brady will send a plan for the hockey rink to the Township Engineer for approval. They will seek a building permit for the hockey rink when they start construction on the first house. The rink will be completed when the 20th building permit is issued. The rink will be completed within one year of the beginning of construction.

Member Smith asked if the sales trailer would infringe on the ball field. Mr. Brady stated that the trailer will be positioned approximately 75’ from the ball field. Mr. Brady stated

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that water and sewer will extend along this portion of the Winter Street loop. Mayor Muchowski asked if the water and sewer service would be left in place? The Township has an agreement with Griffin Pipe to use the ball field. Could the pipe be sized appropriately to allow for bathroom facilities for the ball field? Mayor Muchowski said that they would need agreement of Griffin Pipe also. Mr. Stewart agreed to consider this. Mayor Muchowski stated that this issue would be left open for future discussion.

Motion of Fratinardo, seconded by Stockhaus to open the hearing to public comment.

Lula Henry, 315 West Sixth Street, was sworn in by Solicitor Abbott. Mrs. Henry thanked the Mayor and Mr. Smith for addressing the concerns of the residents especially with the widening of Sixth Street. Mrs. Henry stated that she and her husband had put a considerable sum of money into the remodeling of their home. She is concerned with how the new development will affect her property value. She asked what the price range would be for the new homes. Mr. Karmatz stated that the homes would start at approximately \$350,000.

Mrs. Henry also thanked the Mayor for the plan to correct the drainage at Sixth and Summer Street. Mrs. Henry stated that she would like to have a streetlight added along Sixth Street. She stated that it is very dark on Sixth Street and a lot of people go walking along that street after dark. She feels that this is a safety concern. Mayor Muchowski stated that the applicant should look at the spacing of the lights along Sixth Street and keep it consistent. Mrs. Henry stated that she is very happy to see these houses going up because they will raise the value of homes in the area. Mrs. Henry asked if these new homes would affect the fireworks. Mayor Muchowski said that he did not think they would affect the fireworks, but he would look into that issue.

Motion by Stockhaus, seconded by Fratinardo to close the public portion of the meeting. Motion unanimously approved by all members present.

Motion of O'Hara, seconded by Fratinardo to approve application PB#2005-10 for Final Subdivision approval subject to all the conditions set forth in the resolution of Preliminary Subdivision approval, compliance with all items set forth in the reports of the Board Engineer, the Board Planner, the Director of Water and Sewer and the Chief of Police, all the landscaping will be approved by the Board Planner, the building permit for the hockey rink will be obtained at the time of the application of the first residential building permit and the hockey rink shall be completed before the issuance of the 20th residential building permit or within one year from the date the permit was issued whichever first occurs, there will be a design waiver from the requirement of a recycling center.

Upon roll call the Board voted as follows:

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

Mayor Muchowski and Solicitor Abbott had a discussion regarding the COAH requirement that was agreed upon in the Preliminary approval.

The Board requested that the Board Clerk contact the School Board to have a representative present the Long Range Facilities Plan at the December 19, 2005 meeting.

Motion of O’Hara, seconded by Stockhaus to adjourn the meeting.

John T. Smith, Secretary

JTS/ne