

Florence, New Jersey 08518-2323
December 18, 2006

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairperson Hamilton-Wood called the meeting to order at 7:38 P.M. followed by a salute to the flag.

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

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

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

ABSENT: None

ALSO PRESENT: Solicitor Nancy Abbott
Engineer Dante Guzzi
Planner Carl Hintz

RESOLUTIONS

Resolution PB-2006-62

Continuing the application of CBC New Home Building for Preliminary and Final Major Subdivision approval and Preliminary and Final Major Site plan approval for Block 171.01, Lot 1.01 located in an AGR Agricultural Zoning District.

Mayor Muchowski arrived at 7:42 P.M.

Motion of Stockhaus, seconded by DeAngelis to approve Resolution PB-2006-62.

Upon roll call the Board voted as follows"

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

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Resolution PB-2006-63
Granting amended Preliminary Major Site Plan approval to Cream-O-Land, Inc.,
for Block 155.47, Lots 12.01 and 12.03, located in a GM General Manufacturing
District.

Motion of Napolitan, seconded by Fratinaro to approve Resolution PB-2006-63.

Upon roll call the Board voted as follows:

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

Resolution PB-2006-64
Continuing the application of Harold M. Boston for Preliminary Major Site Plan
approval for Block 147.01, Lot 3.03, located in an SM Special Manufacturing
District.

Motion of Fratinaro, seconded by Stockhaus to approve Resolution PB-2006-64

Upon roll call the Board voted as follows:

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

Resolution PB-2006-65
Granting a One Year Extension of the protection period for Final Major Site Plan to
Roebing Bank for Block 109, Lots 1, 5, and 7.03, located in an NC Neighborhood
Commercial District.

Motion of Napolitan, seconded by Smith to approve Resolution PB-2006-65.

Upon roll call the Board voted as follows:

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

MINUTES

Motion of Smith, seconded by DeAngelis to approve the Minutes from the regular meeting of November 20, 2006 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

Chairperson Hamilton-Wood stated that there was Correspondence A and B. Motion of O'Hara, seconded by Stockhaus to receive and file the Correspondence A and B.

On the Question:

Member Smith asked Mayor Muchowski if Council had reviewed Correspondence A regarding the pump station at the proposed Crossroads development. Mayor Muchowski responded that Council had reviewed this and there will be permanent power to the pump station, not generators. Engineer Guzzi stated that the developer would run a temporary power line from the street.

Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for application PB#2006-21 for CBC New Home Building. Applicant is requesting Preliminary and Final Major Subdivision and Final Major Site Plan approval with bulk variances for property located off of Burlington-Columbus Road, Block 171.01, Lot 1.01.

Chairperson Hamilton-Wood stated that a letter had been received from the applicant's attorney, Louis Colaguori requesting that the application be withdraw. She stated for the public in attendance that this application was being dismissed and would require further action by the applicant before it would be heard again.

Motion of Fratinardo, seconded by Stockhaus to dismiss the application without prejudice.

Upon roll call the Board voted as follows:

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

Mayor Muchowski requested that the Clerk of the Board send a letter to Burlington Township to advise them that the application had been dismissed.

Chairperson Hamilton-Wood called for application PB#2006-23 for Harold Boston. Applicant is requesting Preliminary and Final Major Site Plan approval for a 26,751 square foot office building on property located at 837 Railroad Avenue, Florence Township. Block 147.01, Lot 3.03.

Mayor Muchowski questioned if the application was for Preliminary and Final or just Preliminary. Attorney for the applicant, Jonas Singer stated that the application had

originally been for Preliminary and Final but he had amended it to be just for Preliminary at a previous meeting.

Attorney Singer stated that this was a continuation of last months hearing requesting Preliminary Major Site Plan approval. He said that the plans had been revised in accordance with the review letters of December 14, 2006 for Engineer Guzzi and December 7, 2006 for Planner Hintz.

Mayor Muchowski asked if the applicant had received the reports. Attorney Singer stated that the reports had been received in a timely fashion.

Member O'Hara stated that there was also a report from the Fire District. Attorney Singer stated that they had received the report from the Fire Official and the report indicates that the layout of the parking area allows the fire trucks to maneuver on site from both entrances.

Mayor Muchowski said that it had been brought to his attention by the Water & Sewer Director that there have not been any water and sewer plans submitted. Attorney Singer stated that this was correct but he thought they had submitted water and sewer plans back when the residential site was proposed. Mayor Muchowski asked if the applicant had brought the water and sewer service out of the road when the road was being repaved? Applicant Charles Wells, who was previously sworn stated that the stub was on their property. Engineer Guzzi stated that he believed that there was only a 3/4" water service there and that may not be adequate fro the proposed development. Mayor Muchowski said that the Township had just spent \$500,000 to pave Railroad Avenue. The applicant will have to work with the Township on maintaining the integrity of the road.

Attorney Singer called Raymond Worrell, from Lord, Worrell and Richter, the applicant's engineer to testify. Solicitor Abbott reminded Mr. Worrell that he was still under oath from the previous meeting.

Attorney Singer directed the Board to the report from Engineer Guzzi dated December 14, 2006. He stated that he would just address the items that were outstanding.

Item 6 regarding the test boring of the stormwater basin. Attorney Singer stated that the test boring had been done. He said that Alaimo's office had waived the witnessing of the test borings. The applicant is agreeable to do an additional boring that can be witnessed by Engineer Guzzi's office. Engineer Guzzi said that this was acceptable as a condition of approval. He stated that there is a second infiltration area proposed now and they would like to witness the boring on this at the same time. Attorney Singer agreed with this.

Item 9 regarding barrier free ramps should be provided. Mr. Worrell stated that they had addressed this issue in the most recent revision of the plan. There is now a continuous barrier free route to the building.

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Item 12 is a variance requested for a 50' minimum buffer between this development and the adjacent residential uses. Mayor Muchowski said that the applicant had proposed a wooden fence between the residential uses. He stated that the vinyl fence, like at the Rite Aid, looks nicer and it is less of a maintenance issue. Attorney Singer stated that the applicant is willing to provide whatever the Board prefers.

Item 13 is a variance request for 9' x 18' parking spaces where 10' x 20' is required.

Item 17 refers to the adequacy of the trash/recycling center. Engineer Guzzi stated that the applicant had addressed the adequacy issue at the last meeting. An enclosure was shown on the plans, but Engineer Guzzi had suggested something a little more permanent than a fence. Mr. Worrell stated that this had been addressed in the revised plans.

Engineer Guzzi stated to the Board that revised plans had just been received on this day and he had not had the opportunity to adequately review them. Attorney Singer stated that the plans had been revised in response to these review letters.

Item 18 is a variance request for 2 loading spaces where 4 are required.

Item 20 the note has been added to the plan to indicate where the latex striping will be and where the thermoplastic will be.

Item 23 Engineer Guzzi stated that he is looking for a couple more spot elevations.

Item 28 regarding the easement agreement for the proposed grading and storm sewer inlet on adjacent Block 147.01, Lot 3.04. Attorney Singer indicated that the applicant had contacted her neighbor and the neighbor had provided a letter in agreement to the easement. Attorney Singer said that he would submit a copy of the letter and they would obtain a formal easement agreement. Solicitor Abbott marked the letter as exhibit A1.

Item 29 the sign details have been added to the plans. Mr. Worrell stated that the front setback and the 300' site triangle have been shown on the revised plan.

Item 31 Engineer Guzzi stated that the building square footage had changed on the most recent plan. He said that there needed to be verification on the square footage to calculate the parking. Attorney Singer asked the applicant what had occurred to cause the change in square footage. Mr. Wells stated that at the Board's request and advice they had added corridors front to back on the lower floor and recessed the building front and back to add handicap spots at 3 of the 4 entrances. Mr. Wells stated that it is still the intent to generate 50% of the space for medical and 50% for general office. Engineer Guzzi stated that there was a net decrease in one parking space. Engineer Guzzi stated that the parking calculation changed because the gross square footage changed. Attorney Singer stated that they would get the exact number of the gross square footage and bring it back at Final. He stated that the testimony at the last meeting from the applicant's traffic expert indicated that the same or less of a variance would be required because of

the slight change to the building. Mayor Muchowski stated that this was a difficult issue that the applicant was going to confront. He stated that the applicant had several options: reducing the size of the building, changing the split, or a combination of the 2. Attorney Singer stated that they could also request a variance for parking spaces.

Engineer Guzzi said that the question was did the gross square footage of the building change? If it has changed then what is it? Then he could determine what the variance would be. He stated that the last plan requested a variance for 18 less parking spaces. He said that in his opinion they would still require a variance for 18 or possibly 19 spaces. Attorney Singer stated that there had been much discussion about the design of the building. It was highly recommended that the applicant redesign the building and that would assist in the granting of the variance. Mayor Muchowski stated that never was it suggested that a redesign of the building would automatically grant the variance. Mayor Muchowski said that he had told the applicant that they were better off looking at the split of the use or the size of the building then requesting the 18 space parking variance. He stated that there was no place for overflow parking on Railroad Avenue.

Mayor Muchowski stated that parking and circulation on the site have always been an issue. Chairperson Hamilton-Wood said that the Minutes from the last meeting indicated that the Board had suggested a 60-40 mix of use to reduce the parking space requirement. Attorney Singer stated that he did recall the conversation. Mayor Muchowski stated that the applicant does not know how the site will lease out. You could have an evaluation at 70% occupancy and show actual figures to have the split use evaluated.

Attorney Singer said that the applicant would agree to a 40% medical office/60% general office use. This may not eliminate the need for a variance, but it would significantly reduce the amount of variance required. Engineer Guzzi suggested that the Board move onto Planner Hintz's report and he would recalculate the parking requirement based on the newly proposed split.

Attorney Singer said that their had also been discussion that the more appropriate calculation for parking would be the Office Park zone even though the property is located in the SM zone. If you were to use the Office Park zone then split may be different. Engineer Guzzi stated that if this is what the applicant wanted then it should be presented that way to the Board. Attorney Singer stated that this testimony had been given by traffic expert Jim Kocheneur at the last meeting. Attorney Singer stated that Mr. Kocheneur's traffic report still stands. Attorney Singer quoted from the traffic report.

Engineer Guzzi stated that based on the zoning requirements that are outlined on the plans, based on the 60/40 split 149 spaces would be required where 134 are proposed. This is based on the SM zone requirements. If they use the General Office requirements the requirement would be 134 spaces where 134 are proposed. They would need a variance to use the General Office calculation.

Mayor Muchowski stated that he could see the validity of this discussion when proportioning the building for this use. He stated that this calculation makes sense, as the

plan is not to throw an office into an SM use. We are basically approving a General Office use. Engineer Guzzi stated that the General Office requirement is more appropriate for what is proposed on this site. Engineer Guzzi stated that he based his calculation on 26,000 square feet. Mr. Wells stated that the building was only reduced by approximately 50 square feet. Mayor Muchowski said that referencing this calculation would be the basis for granting the variance. Attorney Singer stated that the applicant would agree to this as long as there is language in the resolution that contemplates allowing the applicant the opportunity to come back before the Board to ask for a change in the usage split based on actual mix after the building is leased. Engineer Guzzi stated that this would be an amended site plan application. Attorney Singer said that he would still like to have some language in the resolution stating this. Chairperson Hamilton-Wood stated that something could be worked out.

Attorney Singer asked the Board to move on to the report from Planner Hintz dated December 7, 2006

Mayor Muchowski asked if the 23,000 square footage number that they were using was the net square footage. Mr. Wells answered that the net was probably less than this because of the stairways. Mayor Muchowski asked where did the number come from? Mr. Wells stated that he did not know. Engineer Guzzi said that he would guess that this was the net.

Attorney Singer asked about Item 8.1 regarding the septic system abandonment. Mr. Worrell indicated where they believed the septic system was located and said that a note had been added to the plan to allow for the abandonment.

Item 8.3 refers to the neighbor granting the easement onto his property. Testimony was already given regarding this.

Item 8.4.1 has been partially satisfied. The detail of the stockade fence should be added to the plan. Planner Hintz stated that the plan that was delivered today did include the fence detail. Item 8.4.4 access for the basin has been shown on the latest revision of the plan. Item 8.4.8 the drip line has been shown on the revised plan.

Item 8.5.1 the applicant agreed to sharp cut off luminaries to prevent spillover light. The individual luminaries of each light have been added to the plan.

Item 8.6 a monument sign identifying the building has been added to the plans. The individual tenant signs will be located on the interior.

Member O'Hara asked about the entrances to the building. Mr. Wells stated that there are 4 general entrances into a corridor. The back entrance is located near to the loading zone. People will be able to access this entrance if they wish. The handicap parking is located at the other 3 entrances.

Planner Hintz stated that he hasn't found the detail for the lighting fixture of the monument sign. Mr. Wells stated that it is on the plan, but there was a bad scan and it didn't show up well. Mr. Wells showed different plan that shows the detail. Planner Hintz stated that this should be added to the Final plan.

Item 8.7 regarding the architecture. Mr. Wells showed where the 4 entryways were located and described the revision to the architecture. Planner Hintz stated that the new architecture looks a lot better. Mr. Wells stated that they had taken the Board's advice and added 2 corridors, replaced the doors with windows and relocated the handicap stalls.

Item 8.8 the applicant will pay the COAH contribution according to the ordinance.

Mayor Muchowski asked about the fencing and the buffering. Planner Hintz stated that they had satisfied the buffering requirement. Attorney Singer stated that if the Board would prefer a vinyl fence the applicant would comply.

Mayor Muchowski asked if there would be a 6' fence along the entire property. Attorney Singer stated that the fence would only be along the residential properties. They don't plan to have a fence along the back of the property, as this is the ReadyPac property. Mayor Muchowski stated that the plan shows a 6' fence along the back. Mr. Singer stated that he would prefer that the fence not be required along the back because it backs up to an SM zone. Mayor Muchowski stated that ReadyPac would have a chain link fence; he suggested that the applicant should enhance the plantings along the back.

Mayor Muchowski asked where the fence line ends. Engineer Guzzi stated that the fence along the residential side would have to stop 60' back from the right of way. Mayor Muchowski suggested having the fence be 6' up to a point and then dropping down to 4' as you get closer to Railroad Avenue. Engineer Guzzi stated that fences are not permitted in front yard setback. Mayor Muchowski stated that the parking is in the front yard setback. Planner Hintz stated that if you drop the fence back to 40' this would provide the required buffer. This should be uniform on both sides of the site.

Engineer Guzzi stated that the front basin had been eliminated. Mayor Muchowski stated that the applicant had agreed that they would look at enhancing the buffer in the back and enhance the side fence from the wooden to vinyl. The fence will be 6' and will extend to 40' from the right of way on both sides.

Mayor Muchowski asked about the basin fence. Engineer Guzzi stated that the basin fence is a vinyl clad chain link fence around the basin. Member O'Hara stated that the split rail with the mesh would be a nicer look. Mr. Worrell stated that the black vinyl chain link fence is harder to see.

Mayor Muchowski asked if the applicant had seen the report from the Fire Official. Attorney Singer stated that what was provided by Mr. Kocheneur was satisfactory to the Fire Official. Chairperson Hamilton-Wood stated that there were 2 other issues. The location of the suppression system and that it would a stortz connection and that the

building should have a knock box. Fire Official Kevin Mullen stated that he had called the applicant's engineer and architect. The architect stated that he didn't know if a sprinkler system would be installed. Mr. Wells stated that the building would be sprinklered.

Mayor Muchowski asked about the water and sewer plans. Engineer Guzzi stated that this should be resolved prior to final. Mayor Muchowski advised the applicant that they would have to get permission from Council to cut the road because of the moratorium.

Member Smith asked what the sewer impact downstream would be. Engineer Guzzi stated that as part of the ReadyPac approval they had to increase the size of the line that runs under the railroad track. The sewer in Railroad Avenue was replaced recently by the Township. Member Smith asked where the line runs. Engineer Guzzi did not know the answer to this. Mayor Muchowski stated that he would get this information, but he did not believe that the level of intensity of the water and sewage use of this applicant is going to negatively impact the integrity of the system. Member Smith stated his concern in that we keep adding to the system in this area. Mayor Muchowski agreed with this and stated that the flows are permitted by the state of New Jersey and we are not at capacity.

Chairperson Hamilton-Wood opened the meeting to the public. Hearing no one wishing to comment, motion was made by O'Hara, seconded by Fratinardo to close the public portion of the meeting. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood asked for a recap of the application.

Solicitor Abbott stated that this was an application for Preliminary Major Site Plan approval with variances for parking setback, parking in buffer area, parking along residential use, number of loading spaces, number of parking spaces, impervious asphalt, front yard, side yard and rear yard setbacks and a fence setback. There are also design standard waivers for parking space size. The conditions are compliance with all the items set forth in the December 14, 2006 report of the Board Engineer, the December 7, 2006 report of the Board Planner, the report of the Fire Official, the report of the Water and Sewer Director, sidewalks will be installed from the entrance of the property to Delaware Avenue, trash pickup will occur only during normal business hours, signage will be addressed at the time of Final approval, the rooftop equipment will be shielded from public view, the lights in the parking area will be complimentary to the building lights, lighting and footing details for the free standing times will be submitted prior to Final approval, the use of the building will be split between 60% general office use and 40% medical use and there will be language in the resolution regarding that if they demonstrate that based on actual usage the opportunity exists to come back and amend that percentage, there will be a 6' vinyl fence along the sides of the property and the fence will be set back 40' from the front property line, the detention basin will be fenced with black vinyl clad chain link fence.

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Mayor Muchowski stated that the fence line must coincide with the end of the parking. Chairperson Hamilton-Wood stated that the parking calculation is based on General Office not Special Manufacturing.

Motion of Fratinardo, seconded by Napolitan to approve application PB#2006-23 for Preliminary only.

On the question:

Mayor Muchowski asked that the landscaping plan come back before the Board at time of Final. He wanted to be sure that the landscaping compliments the beautiful building that is planned.

Upon roll call the Board voted as follows:

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

Solicitor Abbott stated that she had received an order today dismissing the appeal that was pending on this application. Attorney Singer stated that he had spoken with Judge Sweeney last week and the Judge had anticipated that the Board would approve the application. Attorney Singer stated that he would be reporting the outcome back to Judge Sweeney.

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

Chairperson Hamilton-Wood called for application PB#2006-26 for Richard and Annette Gaglio. Applicant is requesting Minor Subdivision approval for property located at 1027 Potts Mill Road. Block 166, Lot 16.

Solicitor Abbott had a conflict with this application. She left the dais and was replaced by Solicitor David Frank.

Attorney Robert Sexton stated that Mr. Gaglio had been at the meeting, but had to leave at 8:30 P.M. due to a prior commitment. Attorney Sexton stated that they were hoping to be heard for completeness at this meeting and that Mr. Gaglio would be present at the next meeting to answer any questions from the Board.

Attorney Sexton referenced a survey done by Robins and Co. dated September 22, 2006. He stated that the property in question was located on the northerly side of Potts Mill Road. This is a very deep property that goes back a distance greater than 1,000'. Mr. and Mrs. Gaglio purchased the property in 1999. There was an existing house that needed extensive remodeling which has been done.

The proposal is to take the one existing lot and subdivide it. This would leave the existing lot where the house is with approximately 217' of frontage and a new lot with just over 200' of frontage. The proposed new lot would not require any variances for development.

The proposed new lot will have a depth of approximately 1,070'. Toward the rear half of the property is a branch of Crafts (or English) Creek. Attorney Sexton stated that this is not really a running or flowing creek, but it does get wet in times of rain.

Attorney Sexton stated that this concluded his introduction. He said that notice had been properly given and the copies had been sent to the Board Clerk's office. The Tax Certification had been signed. Attorney Sexton stated that there would be 2 variances on the existing lot, the existing garage violates the side yard setback and the existing house violates the front yard setback. These are pre-existing conditions

Attorney Sexton stated that he would like to have the matter heard for completeness tonight. Mayor Muchowski said that the biggest concern for the residents is if there would be clearing proposed toward the back of the lot. Would the applicant be willing to restrict the wooded area from clearing? Member Napolitan stated that he is very familiar with this piece of property and it is very deep. Attorney Sexton stated that they are not proposing a flag lot.

Attorney Sexton stated that his understanding was the Mr. Gaglio does not have any plans to cut the wood line but he would have to double check this.

Chairperson Hamilton-Wood directed the Board back to the issue of completeness.

Engineer Guzzi referred to his report dated December 7, 2006. Item A the certification to the tax collector had been received.

Item B is for the Environmental Impact Statement. He said that the only concern here is the wetlands. He stated that he didn't have any problem with the waiver of the EIS as long as there is a delineation of the wetlands. Obviously there cannot be any construction activities in the wetland area or the buffer area. Item C and D refer to the need for the Wetland Delineation and the Stream Encroachment permit.

Item E the general indication of drainage flow should be added to the map. Item F the proposed driveway should be added to the plan. Mayor Muchowski stated that when lands are subdivided it always seems that the driveway is placed away from the person who is doing the subdivision. He thinks that the person who is getting the benefit of the subdivision should have the driveway on their side. Attorney Sexton said that he did not think that Mr. Gaglio would object to this.

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Item G if a septic system is proposed then test pits and permeability results would be required. Attorney Sexton stated that he believed that a septic system was going to be proposed.

Item H the constraint free circle (building envelope) needs to be added to the plan.

Attorney Sexton asked if there was enough information to have a completeness determination. Chairperson Hamilton-Wood stated that she is uncomfortable deeming this complete due to the fact that several items have not been provided. Engineer Guzzi stated that he is confident that the applicant can meet all the issues, but the Board should have the opportunity to review all the items prior to granting completeness.

Chairperson Hamilton-Wood said that we had discussed waiving the EIS. There are a lot of wooded areas and Mr. Sexton had indicated that on the existing lot there is no indication of the removal of any woodlands. How can you stop the purchaser of the subdivided lot from removing all the trees? Mayor Muchowski suggested a conservation easement for the woodlands area. Engineer Guzzi stated that he wouldn't mind waiving the EIS so that the applicant can move along with the application but the Board has the right to request it at a later time. Engineer Guzzi stated that the Board might want to request that they show the existing woodland on the site.

Mayor Muchowski said that he thought that the Board might be able to move through completeness and substantive at the next meeting as long as the applicant submits all the items that the Board has requested.

Chairperson Hamilton-Wood asked if the meeting could be opened to the public. Solicitor Frank stated that if there were members of the public in attendance who wanted to comment they should be given the opportunity with the understanding that this is not a public hearing.

Attorney Frank stated that there is a recommendation from the Board's Engineer to grant a waiver of the Environmental Impact Statement subject to showing the existing tree line and the limit of the woods and subject to all the other data requested by the Board Engineer.

Motion of Muchowski, seconded by O'Hara to deem the application incomplete based on the points and recommendations made by Engineer Guzzi, with the appropriate waivers as discussed. Motion unanimously approved by all members present.

Motion of Fratinardo, seconded by Stockhaus to open the meeting to public comment. Hearing no one wishing to comment motion was made by Fratinardo, seconded by O'Hara to close the public comment. Motion unanimously approved by all members present.

Attorney Sexton requested that the application be carried until the February 26, 2007 meeting of the Board. Additional notice will not be required.

Chairperson Hamilton-Wood called for application PB#2006-27 for Joseph Gallina. Applicant is requesting amended Preliminary Major Site Plan approval and Final Major Site Plan approval with bulk variances for property located at 2107 Route 130 South, Block 110, Lots 8.01 and 3.01.

Attorney Jonas Singer stated that this was an application for amended Preliminary because there was a request for 2 apartments above the existing store. This was denied without prejudice and indication that if the applicant wanted to reapply they should do so. Attorney Singer stated that he had re-noticed as well.

There was a suggestion that one of the proposed apartments didn't have a living room. They have removed one bedroom and created a living area. This still would require a variance because it is undersized.

The second part of this application is the request for Final Site Plan. The applicant would like to have the freezer box outside of the store. Mr. Singer stated that they have a photograph of Bob's Corner Deli having an outside freezer. They would like to submit that the proposed location is a lot less visible for this application than at Bob's Corner Deli. Mayor Muchowski asked if the freezer was encroaching into the setback. Engineer Eric Evers, who was previously sworn, stated that the freezer does not encroach into any of the setbacks.

Member O'Hara asked about the proposed 2 apartments. Engineer Guzzi stated that 850 square foot is the minimum for an apartment. Mayor Muchowski asked about the apartment being a COAH unit. Planner Hintz stated that if they were to make this a COAH unit they would have to go back to the state to amend the affordable housing plan. Attorney Singer asked that the apartments be market rate and the applicant will be responsible for the COAH contribution per the ordinance.

Member O'Hara asked how many apartments were there now. Attorney Singer stated that there was one apartment now and two apartments were proposed. Engineer Guzzi stated that one of the apartments would conform, the second will not. Member O'Hara stated that the existing apartment conforms. Engineer Guzzi said that this was true but the applicant would like to split it into 2 apartments.

Engineer Guzzi stated that they had just received the architectural plans for the proposed apartments within the past 72 hours. Attorney Singer stated that the architectural plans had been previously submitted. The only change was changing the second bedroom into the living area in the second apartment. Planner Hintz stated that this was one of the recommendations of the Board.

Member Napolitan asked what the proposed square footage of the apartments was? Planner Hintz stated that he had calculated this. The applicant's architect did not submit the proposed square footage calculations. He stated that he is coming up with 648 square feet for the smaller unit and 864 square feet for the larger unit. The ordinance requires

850 square feet minimum. Attorney Singer said that the applicant would rather have the 2 smaller units than have one large apartment with 4 or 5 bedrooms.

Attorney Singer stated that due to the way the apartment is laid out it could not be reconfigured to be 2 conforming apartments. He stated that they had been granted preliminary approval at the October meeting.

Engineer Guzzi stated that an additional sign was being requested. Attorney Singer stated that they were requesting identification signs above each of the store units. The request was for 5 façade signs.

Member Napolitan asked for the width of the proposed hallway. Planner Hintz scaled is as 3' 7". He stated that he did not know if this conformed to the building code. Attorney Singer said that he believed that the hallway did conform to code since the architect designed it that way. Planner Hintz stated that he thought the building code was 4'.

Mayor Muchowski asked if the outdoor freezer was in the same spot that it had originally been proposed? Mr. Evers said that based on the architects plans the outdoor freezer in the same spot. Attorney Singer stated that the outdoor freezer was not listed on the original site plan but it was on the original architecture plan.

Engineer Guzzi said that there were 2 issues: the amended Preliminary approval, which is the apartment, and the Final approval. All the conditions of the Preliminary haven't been satisfied yet. There are outstanding issues on the Preliminary. Typically you at least satisfy your Preliminary issues prior to coming in for Final approval. The amended is for the apartment, changing the 2 bedroom into a 1 bedroom with a sitting area, but it is still an undersized apartment.

Chairperson Hamilton-Wood asked if there was a way to get furniture into this apartment. There is a 3 ½' hallway and then you have to make a right angle turn. It appears that it would be difficult. Attorney Singer stated that there is a landing and there is a balcony.

Mayor Muchowski said that the applicant had asked for 2 apartments at the Preliminary and the Board had not approved this. Now the applicant is coming back with an amended Preliminary asking for the second apartment again. Engineer Guzzi said that the original plan that was denied called for a 2 bedroom apartment with no living space. The plan has been amended to a 1 bedroom apartment with the sitting room added.

Attorney Singer said that adding another living unit doesn't negatively impact the site. They are providing for parking as required. The applicant thinks it is more manageable to have 2 apartments rather than 1 large apartment.

Solicitor Abbott stated that the variance for the undersized apartment unit was denied without prejudice, so the Board isn't under any obligation to make any determination one way or the other they are starting with a new application. Attorney Singer stated that it

was discussed at the time of the Preliminary approval that the applicant would modify the floor plan and come back.

Chairperson Hamilton-Wood said that there are several conditions still to be met on the Preliminary approval. Engineer Guzzi stated that there were items on his letter, Planner Hintz's letter and the letter from Director of Water Sewer, David Lebak that had items to be resolved. Engineer Guzzi stated that typically they try to resolve all the Preliminary issues before they enter into Final.

Chairperson Hamilton-Wood asked Attorney Singer if he had seen the letter from David Lebak. Attorney Singer stated that yes he had seen it.

Planner Hintz stated that the lighting and landscaping plans had not been modified. The buffer hasn't been increased.

Chairperson Hamilton-Wood asked where things stood legally if the applicant hadn't met the conditions of the Preliminary approval? Solicitor Abbott stated that the Board could grant Final approval and attach the unmet conditions of Preliminary or you could continue the application. Chairperson Hamilton-Wood asked if there was a time constraint. Solicitor Abbott stated that the Board has until February 1, 2006 for the Final approval. The amended Preliminary has variances so the Board has 120 days from completeness.

Chairperson Hamilton-Wood asked about the issue with the water and sewer. Engineer Guzzi stated that the applicant needs to resolve this with David Lebak and it should be shown on the Final Site plans. Mr. Evers stated that Mr. Lebak indicated that he wanted a driveway extended from the driveway on the site back to the manhole which would be a $\frac{3}{4}$ " stone drive. This would cut across the planted buffer. This would have to be at least 15' to allow the trucks to back in. Planner Hintz stated that you could put a 6' high fence with a gate large enough for the truck to access it.

Mr. Evers said that he had to speak to Mr. Lebak further about the water main, but he is concerned about new trees planted. Planner Hintz stated that they would have to be outside of it. Mr. Evers asked if there was a reduction in the number of trees would this cause a problem. Chairperson Hamilton-Wood and Mayor Muchowski both stated that it probably would be a problem.

Attorney Singer stated that in fairness this issue was only raised last Friday. Engineer Guzzi stated that the water issue was raised back in the summer. Attorney Singer stated that the driveway and easement was only raised on December 14, 2006. Chairperson Hamilton-Wood asked if there was a field meeting? Mr. Evers said that they had tried to set up a field meeting back in June, but there were conflicts and the meeting could not be scheduled.

Mr. Evers said that the issue of the sanitary sewer manhole that has to be cleaned out. When he mentioned to Mr. Lebak that this would be in a planted buffer, concerned was raised as far as access to the manhole.

Chairperson Hamilton-Wood stated that they had discussed on various occasions that there was a manhole back there. Planner Hintz gave Mr. Evers a preferred location for the access. Engineer Guzzi stated that this is just a lane to get the truck back to service the manhole. Mayor Muchowski asked the Board's professional's to cross reference the approval for Florence Plaza to see what they did there. Planner Hintz stated that the lane at Florence Plaza was all treed and they put a little stub through.

Chairperson Hamilton-Wood stated that this issue needed to get resolved so that the Board knows where the landscaping is going and what kind of fencing is proposed.

Engineer Guzzi stated that all the conditions of the Preliminary approval must be met. The Professional's have to have the opportunity to check the signs to make sure that they conform. The only thing the Board needs to address tonight is the amended apartment and the freezer box. Chairperson Hamilton-Wood asked if the Board needed to address this tonight, as there was some question about the location of the freezer box. Member O'Hara stated that he would prefer to see the Board's Professionals report on the revised architecturals.

Chairperson Hamilton-Wood stated that the Board was still questioning the undersized apartment. Attorney Singer asked if there was any additional information that the Board would like regarding the apartments? Planner Hintz said that it would be helpful to have the square footage of both apartments added to the plan and check to be sure that the hallway meets the code.

Member O'Hara stated that he had a problem with creating a non-conforming apartment where a conforming apartment exists.

Attorney Singer stated that in the Municipal Land Use Law under B2 you weigh the positives versus the negative and if you feel the negative outweighs the positive you don't approve it. If you don't believe that the intent of the ordinance is being violated then you approve it. Attorney Singer said that having a 1,550 square foot apartment is not the best utility for that site. It would be impractical to rent it at a fair market value especially in light of all of the efforts that the applicant is making to bring the building up to code and improve the outside façade of the building. He needs the additional rental to support the project. It is easier to rent 2 smaller apartments and get a higher rent than getting a high rent for the larger apartment. Attorney Singer stated that he knows that the economics don't play a part but it does go into the balancing as to whether or not it makes sense.

Member Fratinardo stated that a variance should not be approved based on the economics. Mr. Singer agreed with this and said what the Board can determine is that the applicant is improving the site and that part of the improvement is creating that second apartment that fosters and facilitates the improvements that are going on site.

Member O'Hara stated that it would be tough for him to vote to approve a non-conforming unit where a conforming unit exists. Member Napolitan stated that he doesn't like the size of the hallway.

Member Napolitan said that he thought a 3 bedroom apartment would be hard to rent. Chairperson Hamilton-Wood stated that she thought a 3 bedroom apartment would be easy to rent as it is a rare commodity.

Attorney Singer said that he would extend the time for Board action until the January 15, 2007 meeting of the Board. Motion of Fratinardo, seconded by Napolitan to continue the application until the January 15, 2006 meeting. Motion unanimously approved by all members present.

There will be no need to re-notice.

OTHER BUSINESS

Amendment to the September 18, 2006 approved Minutes. The Minutes mistakenly list the CBC New Home Building application as being deemed complete when it had actually been deemed incomplete.

Motion of Fratinardo, seconded by Napolitan to approve the Minutes as corrected. Motion unanimously approve by all members present.

Chairperson Hamilton-Wood stated that the next item was the letter from Cream-O-Land regarding the proposed guardhouse. Mayor Muchowski said that the Cream-O-Land building is a beautiful building he would like the guardhouse to be complimentary to the building. This proposed pre-fab guardhouse is not acceptable. Engineer Guzzi stated that he had responded to Cream-O-Land.

Mayor Muchowski stated that member Phil Stockhaus had submitted a letter of resignation. Mayor Muchowski thanked Member Stockhaus for his hard work over the past several years. Member Stockhaus thanked the Mayor for the opportunity and said that he enjoyed working with everyone. He said that he was proud at what the Board had accomplished over the past years. Chairperson Hamilton-Wood stated that the Board would miss Member Stockhaus.

Member Napolitan stated that he was also giving notice at this meeting. Mayor Muchowski thanked Member Napolitan for his years of service. He stated that Mr. Napolitan came prepared to the meeting and brought his knowledge of the community and his perspective to the meetings. Member Napolitan thanked everyone and stated that it was a shame that more of the community really doesn't understand the Land Use process.

Mayor Muchowski stated that there had been a TRC Committee meeting with Pete's Pizza. Under an ordinance in the community when you have a transient type license

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there is the requirement of a Site Plan. Mr. Alex Stefan brought in some ideas for the development of the site even though it is not a permanent structure. Mr. Stefan will submit an application for Minor Site Plan to improve the site.

Mayor Muchowski wished all the Board Members Merry Christmas. Member O'Hara complimented the Mayor and the Administration on the beautiful holiday decorations at the Municipal Complex.

Motion of Stockhaus, seconded by Napolitan to adjourn the meeting at 10:15 P.M.
Motion unanimously approved by all members present.

John T. Smith, Secretary

JTS/ne