

Florence, New Jersey 08518-2323
December 20, 2004

The Regular Meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, New Jersey. Vice Chairman O'Hara called the meeting to order at 7:30 P.M.

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

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

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| John Fratinardo | John T. Smith |
| Michael J. Muchowski | Philip F. Stockhaus, III |
| Thomas Napolitan | Robert R. Semptimphelter, Alternate #1 |
| Dennis A. O'Hara | Gene A. DeAngelis, Alternate #2 |

ABSENT: Chairperson Mildred Hamilton-Wood

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

RESOLUTIONS

Resolution PB#2004-45

Memorializing granting submission waivers, deeming complete and continuing the application of Wawa Inc. for Preliminary and Final Major Site Plan approval to permit expansion of the parking area and construction of an addition to the existing food mart on Block 111, Lot 13, located in an HC Highway Commercial District.

Motion of Semptimphelter, seconded by Stockhaus to approve Resolution PB#2004-45.

Upon roll call the Board voted as follows:

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

Resolution PB#2004-46

Deeming incomplete the application of Florence Plaza, LLC for Preliminary Major Site Plan approval with bulk variances for construction of a 12,000 square foot retail building at Seventh Street and Route 130. Block111, Lot 2.

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Motion of Stockhaus, seconded by Smith to approve Resolution PB#2004-46.

Upon roll call the Board voted as follows:

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

MINUTES

Motion of Smith, seconded by Fratinaro to approve the Minutes of the Regular Meeting of November 15, 2004 as submitted.

Motion unanimously approved by all members present.

CORRESPONDENCE

Motion of Smith, seconded by Stockhaus to receive and file Correspondence A, C, D, E and to hold B for further discussion.

Motion unanimously approved by all members present.

MINOR APPLICATIONS

Vice Chairman O'Hara called for application PB#2004-15 for Hobora-Rush Construction, LLC. Applicant is requesting Minor Subdivision approval with bulk variances at East Sixth Street and Spruce Street. Block 77, Lot 3 located in an RA Low Density Residential District.

Mayor Muchowski recused himself from the application and left the dais.

Attorney Rob MacIver from the firm of Raymond and Coleman stated that he would be representing the applicants on their application for a subdivision of a single lot that had been a former substation for PSE&G. There is a variance required for each lot for the minimum frontage requirement. The Ordinance calls for 100 foot frontage and each proposed lot would have an 80 foot frontage. Mr. MacIver stated the development of this parcel as residential will be beneficial to the Township. The property is currently deteriorating. Attorney MacIver stated that the proposed subdivision is consistent with other homes in the area. 60 – 70% of the lots within 200 feet of this site do not meet the frontage requirement.

Vice Chairman O'Hara stated that we must first deal with the issue of completeness because there were submission waivers requested. He asked if the neighbors within 200 feet had been notified. Solicitor Abbott stated that the neighbors had been notified. She also referred to item (a) in Engineer Morris' report and stated that the Tax Collector had certified that all taxes were current on the property.

Vice Chairman O'Hara asked if the Board had any problem with submission waivers for items b through e of the Engineers report. Environmental Impact Statement, preliminary

delineation of wetlands, preliminary delineation of stream encroachment, and wooded areas within tract and on adjoining properties within 100 feet.

Attorney MacIver asked to address items b through e. He stated that the applicant before purchasing the property had a modified Phase 2 environmental assessment performed on the site, which a copy of which they would share with the Board. While this may not include all of the details of a full blown environmental impact statement it does indicate that the property is free of contamination by PCB's and hydrocarbons and there were no other conditions noted by the investigator on the property that would indicate the need for additional investigation.

With regards to both wetland and stream encroachment, Attorney MacIver stated that it was fairly evident from a site inspection that there are no streams or wetlands on the property. Also the surrounding area is not a heavily wooded area.

Vice Chairman O'Hara asked if there had been any tree removals. Attorney MacIver stated that there had been a few older trees removed and it was his understanding that they were trees that were in need of removal.

Engineer Morris asked that in regards to the Phase 2 assessment, he requested a "No Further Action Letter" from the DEP. Attorney MacIver stated that they have an ISRA inapplicability letter that was furnished in connection with the acquisition. Engineer Morris stated that there should be something on file from the DEP that the Phase 2 assessment was acceptable. This will be a condition of approval. Attorney MacIver stated that this was acceptable.

Motion by Semptimphelter, seconded by Stockhaus to grant submission waivers and deem application complete, with the condition to submit DEP approval.

Upon roll call the Board voted as follows:

YEAS: Fratinaldo, Napolitan, O'Hara, Smith, Stockhaus, Semptimphelter,
DeAngelis

NOES: None

ABSENT: Hamilton-Wood

Application complete.

Ray Hobora, manager of Hobora-Rush, LLC, was sworn in by Solicitor Abbott.

Engineer Morris referred to his report dated December 13, 2004. He stated that a variance was required for the minimum lot frontage – 100 foot required, 80 foot provided. Also the plan shows a 25 foot rear yard setback where 35 foot is required. Engineer Morris stated that this appeared to be a typo and the plan should be revised to correct this.

Attorney MacIver stated that he had discussed Engineer Morris' review letter with William Robins, the surveyor who had prepared the plan and he did not have any problem with any of the technical correction that were requested.

Engineer Morris asked if the applicant agreed with all the items in the Engineer's report. Attorney MacIver stated that the only item there was an issue over was subparagraph d on page 3 which references a small triangular area in the southeast, which is where the alley runs up to the Conrail right-of-way. All they can go on is the deed descriptions. Mr. Robins, the Land Surveyor was looking into this, but hadn't gotten an answer at the time of the meeting. Engineer Morris said that the owner of this land would have to be verified by the tax assessor prior to final approval being granted.

Attorney MacIver referred to the chain link fence that encroaches into the alleyway. The applicant thought that the alley was an open public right-of way notwithstanding that the deed description goes to the centerline of the alley. This would have to be determined by the tax assessor's office as well. Whether this is a private alleyway or public alleyway, the encroachment does not infringe on the developable envelope of the lot in question. Attorney MacIver stated that this was a private matter to be worked out between the adjoining property owners.

Attorney MacIver agreed that the subdivision would be filed by deed. Engineer Morris stated that concrete slabs, post railings etc. should be noted on the plan as to be removed.

Vice Chairman O'Hara stated for the record that the variance was for lot width.

Vice Chairman O'Hara opened the meeting to the public.

Harley Richardson, 400 East Fifth Street, was sworn in by Solicitor Abbott. Mr. Richardson asked about the determination of PCB's on the property. How far down into the soil was the testing done? Was the soil under the concrete slab tested? He also asked where the triangular piece of land in question was located. Solicitor Abbott showed Mr. Richardson the triangular piece on the plan and it was decided that Mr. Richardson did not own the triangular piece.

Attorney MacIver stated that the sampling was from zero to ½ foot below the ground surface. Attorney MacIver provided Engineer Morris with a copy of the report. Three samples had been taken, one on either side of the concrete slab and one nearer the railroad spur in an area that was described as a possible area of stained soil. The report did not find that there was no longer PCB's or hydrocarbons, the report found no evidence that there had ever been any PCB's or other contaminants on the property. The report stated that "based on the analytical results of this investigation no additional sampling or investigation activities are recommended at this time."

Member Stockhaus asked if the soil sample depth was sufficient. Engineer Morris said that this was the standard process for testing. Engineer Morris stated that this is why the final criteria would be the acceptance from the DEP. If there were something wrong the DEP would require more testing. Member Smith asked who did the testing? Attorney MacIver stated that ATC Associates had performed this testing for the prospective purchasers (Mr. Hobora).

Mr. Richardson said that this testing did not satisfy him. There are PCB's in transformers and we know that transformers were on this location. He thought there should be more extensive testing of this soil to protect the residents of the neighborhood.

Attorney MacIver stated that the Phase 2 investigation was conducted according to normal engineering protocol by the contractor engaged by Mr. Hobora to identify if there was an environmental problem with the site. The report doesn't state that there are minimal levels, it says the levels are undetectable. Attorney MacIver stated if there was no contamination in the top six inches of soil he finds it highly unlikely that contamination has collected under the concrete slab.

Member Stockhaus asked Engineer Morris if he agreed with Attorney MacIver's evaluation. Engineer Morris stated that he did agree. Generally if a tank was sitting on a concrete pad, you would not remove the pad and test under it unless there was a stain on the pad. There was a discussion between the applicant and the Board as to whether the contractor went through gravel to get the soil samples.

Solicitor Abbott marked the Phase 2 report as exhibit A1.

Joseph DeLorenzo, 415 Wilbur Henry Drive was sworn in by Solicitor Abbott. Mr. DeLorenzo stated that the fence in the alley was his. He stated that Mr. Hobora had sent someone over to his house and told him that he would have to take the fence down or Mr. Hobora would take it down. Mr. DeLorenzo said that he called the Township and spoke to someone about the location of the fence. He stated that the Township told him that he did not have to remove the fence. He said that if he has to take the fence down he would. Vice Chairman O'Hara stated that the fence extends past the centerline of the alley. Attorney MacIver said that it will have to be determined as to whether the alley is public or private property.

Solicitor Abbott stated that this application was for a minor subdivision. This issue would be handled later.

Gregory Kohfeldt, 403 Wilbur Henry Drive, was sworn in by Solicitor Abbott. Mr. Kohfeldt stated that the applicant had marked almost every tree on the property and in the alley. They cut the trees and left them on the ground. Only one tree on the site was dead. Trash has been left in the alleyway. Mr. Kohfeldt stated that surrounding the concrete pad is all stone.

Attorney MacIver stated that the applicant had approval of the Shade Tree commission.

Mr. Kohfeldt stated that this happened after he notified the Township of the tree removal. Mr. Hobora stated that he had approval to clear every tree on the lot except for one. Solicitor Abbott asked Mr. Hobora to provide a copy of his Shade Tree Approval. Mr. Kohfeldt submitted 10 photographs of the trees and the lot before they started to cut and what is there now.

Richard Everett, 433 Wilbur Henry Drive was sworn in by Solicitor Abbott. Mr. Everett asked what the frontage on Spruce Street was? Solicitor Abbott stated that currently the frontage was 160 feet and the applicant was proposing two lots with 80 feet frontage first.

Mr. Richardson said that they did a study on 2 concrete pads and one pad with a possible stained area. Mr. Richardson asked what "stained" meant. Attorney MacIver quoted

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from the report that a sample was taken from an area with stained soil. Mr. Richardson does not think that enough soil samples were taken.

Solicitor Abbott suggested that Engineer Morris provide information as to what the New Jersey DEP would require. Engineer Morris stated that he would like to see the DEP response to the Phase 2 investigation. Attorney MacIver stated that there was no indication that there was any testing required by the NJDEP in connection with the purchase of the property or this application.

Member Stockhaus said that it would be very troublesome to him if the state did not require testing on a site that was a former PSE&G site before changing it to a residential site. Engineer Morris stated that the DEP has a criteria for testing. If they see surface contamination they may require additional testing. This would have been a condition of the transfer of the property to the new owner. The testing had been done, but had not been verified with the DEP. Engineer Morris stated that he would like to see the verification from the DEP.

Attorney MacIver said that the applicant had agreed to provide this information as a condition of approval. He presented for the record the ISRA Non-Applicability letter dated December 5, 2003 that had been issued to PSE&G by the DEP. Solicitor Abbott marked this as Exhibit A2.

Engineer Morris read the letter from James Bono, supervisor of applicability unit. The letter stated that the transaction was not subject to the provisions of ISRA. Engineer Morris stated that the letter said they were not applicable to ISRA, but there are other environmental testing that might be required. This was why Engineer Morris requested the follow-up from the DEP. Attorney MacIver stated that the did not submit the Phase 2 report to the State because it was not required.

Attorney MacIver stated that PSE&G was not required by any law known to him which would require environmental testing before the sale of the property to the applicant. The applicant on his own due diligence asked that he be allowed to conduct the test before the purchase of the property.

Joe Delorenzo wanted to know if they were going to level the ground because there is a mound behind his house that runs off on his property when it rains. He also wanted to know what the cost of the Phase 2 testing is? Vice Chairman O'Hara stated that the cost of the testing had no relevance on the application for subdivision.

Vice Chairman O'Hara moved to close the public portion of the hearing.

Vice Chairman O'Hara asked Mr. Hobora why the property had been left to grow weeds. Mr. Hobora stated that he thought this claim was blown out of proportion. He stated that he would address the runoff and would provide the Shade Tree permit.

Solicitor Abbott stated that the Board was looking at Minor Subdivision approval to create two lots as well as a variance for the frontage require – 100 feet required and 80 feet for each lot proposed. There are a number of conditions: All setbacks must conform to the ordinance requirements, the applicant will show on the plan the owner of the small

triangular area at the southeast corner of the property, there will be no construction in the alleyway, the subdivision will be filed by deed, the applicant will provide a copy of the approval letter from the Shade Tree Commission. Solicitor Abbott also made note of verification from the NJ DEP of the ATC report and the ISRA no further action letter.

Attorney MacIver said that he would like to understand why the Board and Professionals were requiring the verification from the State since there was no law mandating this testing. Solicitor Abbott stated that as a condition of approval, the applicant be required to record the resolution of approval with the County. The resolution would have reference to the prior owners of the property, the fact that there had been transformers on the property and would make reference to the report that showed that the testing was done. This way when the property was sold a title search would reveal this resolution. Attorney MacIver stated that the applicant would be amenable to this.

Member Stockhaus asked if there were any State regulations about investigating former PSE&G transformer sites. Engineer Morris stated that he would have to check with the DEP about this. Vice Chairman O'Hara asked about the difference between Phase 1 and Phase 2 testing. Phase 1 is mainly investigating. Phase 2 is more invasive. Soil borings are taken. Responding to a question from Member Napolitan, Mr. Hobora stated that the homes he was planning to build did have basements.

Motion of Semptimphelter, seconded by Fratinardo to approve the application with the conditions as called out by Solicitor Abbott.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, O'Hara, Smith, Stockhaus, Semptimphelter, DeAngelis
 NOES: Napolitan
 ABSENT: Hamilton-Wood

Mayor Muchowski returned to the dais.

Vice Chairman O'Hara called for application PB#2004-16 for Griffin Pipe Products. Applicant is requesting Minor Site Plan Approval for the addition of a curing shed to an existing structure at 1100 West Front Street, Block 179, Lot 1.02 located in a GM General Manufacturing District.

Kenneth Denti , attorney for the applicant, addressed the Board. Solicitor Abbott stated that notice was not required to be given because the application was for a Site Plan with no variances. She stated that the application was incomplete because there were a number of outstanding items on the checklist.

Engineer Morris stated that this was an existing industrial site on which was proposed a 30' x 130' addition. The applicant has submitted the plant drawing that shows the layout of the plant. Engineer Morris feel that there should be a Title Sheet. Mr. Denti provided a Title Sheet that had been prepared. Engineer Morris stated that the Title Sheet appeared to be sufficient , but he would have to do a review.

Engineer Morris stated that the applicant had requested waivers for Environmental Impact Study, delineation of wetlands, and delineation of stream encroachment.

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Engineer Morris does not see a problem with granting these submission waivers. He stated that there should be a survey of the property by a licensed land surveyor that shows all the boundaries and existing structures. A certified drawing of such should be submitted. Engineer Morris stated that the submission waivers could be granted for completeness.

Vice Chairman O'Hara noted that there were a great number of submission waivers requested for this application. The applicant had agreed to supply the survey and the Title sheet, but there were still several waivers requested.

Motion of Fratinardo, seconded by Napolitan to deem the application complete and grant the requested waivers. Mayor Muchowski asked why the items on the checklist were non-applicable rather than waived. Solicitor Abbott stated that when an applicant feels that an item is non-applicable they will check non-applicable and not provide the information, but the Board states whether those requirements are needed or not.

Upon roll call the Board voted as follows:

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

Attorney Denti stated that the application was for a 30' x 130' addition. The addition will be used as a curing shed. Pipe needs to be heated for a certain amount of time before it can be exposed to the elements. There was an area in the plant that had been used for curing, but due to an increase in business they need to use this area for manufacturing. This area will be used as a warehouse, there will not be any employees stationed here.

Morris Seavey, Continuous Improvement Engineer at Griffin Pipe was sworn in by Solicitor Abbott. Mr. Seavey stated that the curing was currently taking place within the existing building, but due to the second ship they are producing more pieces and need more space. The pipes are cement lines, when they come off the production line they are still wet. They must be cured before they are taken outside.

Mayor Muchowski asked if the applicant would provide the additional information that the Board had requested. Attorney Denti answered that the information would be provided.

Motion by Napolitan, seconded by Semptimphelter to approve application PB#2004-16.

Upon roll call the Board voted as follows:

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

Vice Chairman O'Hara called for application PB#2004-13 for Florence Plaza, LLC. Applicant is requesting Preliminary Major Site Plan approval with bulk variances for construction of a 12,000 square foot retail building at Seventh Street and Route 130. Block 111, Lot 2.

Catherine Ward from Cooper Levenson, LLP, attorney for the applicant, introduced Elliott Kattan, manager of Florence Plaza, LLC and Robert Fedorka, engineer with Perks Reutter Engineers. Both men were sworn in by Solicitor Abbott.

Mr. Fedorka stated that they had gone through the completeness issues and think that the application is now complete.

Vice Chairman O'Hara asked Engineer Morris to go through the submission waivers listed on page 2 of his report dated December 14, 2004. The applicant had submitted an Environmental Impact Statement. Engineer Morris recommends a waiver for the political boundary line.

The applicant had requested a waiver for test borings to the water table (maximum depth of 10 feet). Mr. Fedorka stated that they drilled down to 9 feet but could not go down 10 feet because they were using a hand augur and they hit a gravel layer, which could not be penetrated. He stated that intent of the boring was to provide that the bottom of the basin would be two feet above the seasonal high water table. Mr. Fedorka believes that they are two feet above the high water level. Engineer Morris stated that he did not think that the testing provided proved that the basin would be two feet above the seasonal high water level. He recommends that the addition testing be done at a later date and he would like to observe that testing was done for verification purposes. Mr. Fedorka agreed with this.

Engineer Morris recommends a waiver for a statement of the proposed number of units. The lighting and landscaping plan had been provided. Scaled architectural drawings had been provided.

A waiver was requested for a written description of the proposed use and operations of the building. Mr. Fedorka stated that the building would be a retail center. The exact number of stores is unknown at this time. The building is 200ft wide and could be divided into 10 units. The walls could be moved to make certain units larger. Mayor Muchowski asked how to determine what would be adequate parking if the occupants and unit sizes are not know. Mr. Fedorka stated that it was based upon the square footage of the building – 5 ½ spaces per 1,000 square feet for general commercial/retail use.

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Engineer Morris asked if the employees were included in the parking space number. Mr. Fedorka stated that they were. Mr. Fedorka stated that in the meeting with the Technical Review Committee it was suggested that they provide 55 spaces where 66 are required and there are 11 spaces that can be provided if needed. Mayor Muchowski asked if the 5 ½ spaces per 1,000 square feet was based on the worst case scenario of parking. Mr. Fedorka stated that this was based on the Florence Ordinance. Engineer Morris stated that the parking requirements vary based on the occupancy of the building. Mayor Muchowski stated that in the case of a restaurant the amount of required parking varies based on the number of seats in the room. He stated that he wouldn't want to see the first tenant be a restaurant that had 100 seats and take up all the parking spaces and then you can not have any other tenants.

Attorney Ward stated that at the TRC meeting the applicant had provided for the 66 parking spaces and the TRC committee had suggested that they provide 55 spaces with the 11 banked spaces. Mayor Muchowski stated his concern with not knowing the prospective tenants. Mr. Kattan said that these would be typical strip center uses – dry cleaner, beauty salon, nail salon, convenience store, takeout restaurant.

Vice Chairman O'Hara suggested that the Board return to the issue of completeness.

Engineer Morris stated that the applicant had provided the description of the expected emissions of noise, glare, vibration, heat, odor air and water pollution, and safety hazards. Floor plans and expected expansion plans had been submitted. He recommended a waiver for the cross sections of aisles, lanes, driveways and sidewalks.

Engineer Morris stated that the application could be deemed complete with the conditions that the test borings be taken to 10 feet and that a more definitive statement regarding actual operation planned for the building to generate the number of parking spaces.

Vice Chairman O'Hara stated that the applicant had come before the TRC and proposed 66 spaces based on the square footage of the facility. The TRC asked the applicant to reduce the number of spaces.

Motion of Fratinardo, seconded by Semptimphelter to deem the application complete, granting the waivers and with the conditions stated previously.

Upon roll call the Board voted as follows:

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

Application complete.

Vice Chairman O'Hara asked Engineer Morris to continue with his report. Mayor Muchowski asked about the number of units. Attorney Ward stated that according to The Florence Ordinance there could be a maximum of 12 units. Vice Chairman O'Hara asked if the restrooms in each unit would be accessible to the public. Mr. Kattan stated that each individual business would determine whether or not to open their restroom to the public.

Engineer Morris stated that Block and Lot numbers of adjacent lots with owners of record had been provided. A 3" diameter orifice had been added to the plans. Mr. Fedorka agreed to provide the additional information that is required. The applicant will provide a conclusion in the drainage calculations as called out in the Engineers report. The applicant will provide an emergency spillway, they will obtain DOT approval. In regards to the slopes the site is very tight. The only way to make the drainage work was to provide for the 2 to 1 side slopes. These will be stabilized in accordance with soil erosion control standards of the State. Engineer Morris stated that he has encountered problems with slopes that are steeper than 3 to 1. Even with soil erosion controls there have been problems with maintenance. This should be clearly defined on the maintenance schedule on the plan.

Mr. Fedorka stated that there would be a sidewalk to access the site from Seventh Street. There will be landscaping along the front of the property bordering Rt. 130 in accordance to Planner Hintz's suggestions.

Mr. Fedorka agreed to provide the details for the manhole cover, outlet control structure, handicapped sign as requested in Item 9 of the Engineers report.

The applicant has requested a waiver for High Density Polyethylene Pipe where concrete pipe is required. This is a design standard waiver. Mr. Fedorka said that since the site is so steep they feel that HDP pipe is a better fit. Engineer Morris did not have a problem with granting this waiver. Mr. Fedorka agreed to change to concrete headwalls and waiving a trashrack on the inlet structure. The applicant agreed to comply with all requests from the Engineers report.

Planner Hintz stated that he had received the architectural plans one week prior. He stated that the applicants engineer needed to review those plans for consistency with his plans. There were some discrepancies between the two plans.

Planner Hintz asked about the location of the HVAC unit. He stated that he had sent a review letter regarding the landscaping and has not seen revised landscaping plans from the applicant yet. Mr. Fedorka said that all the plans had been revised according to Planner Hintz's recommendations and would be submitted.

Mayor Muchowski asked if the HVAC unit was going to be on the roof. Some high efficiency units put off a high pitch noise that is above the OSHA levels for noise. Mr.

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Kattan stated that there would not be one huge air conditioning unit for the whole building. There would be 1 to 2 ton units on the roof, so there shouldn't be noise.

Mayor Muchowski asked about the elevations of the building specifically the colors to be used. Attorney Ward stated that the architect tried to capture the character of Roebling in the detail of the building. She thinks that the building looks interesting and historic.

Attorney Ward stated that the dumpster had been relocated on the plan. Mayor Muchowski stated that the dumpster was now located in the banked parking area. He suggested that the applicant might want to list an alternate dumpster location should the banked parking area need to be utilized.

Planner Hintz stated that the architects plan lists the building height as 35 feet. Attorney Ward stated that the building was only 25 feet high.

Mayor Muchowski said that this is a spec building. What happens if the first use or two exceeds the parking allowances? There is no truck parking. What if trucks use the stores in the center? Solicitor Abbott stated that the Board should put a condition on the approval that the site is only for passenger vehicles. Vice Chairman O'Hara asked about deliveries. Mr. Fedorka stated that there was a loading dock with three oversized spaces and a sidewalk along the back of the building for hand truck.s.. Delivery trucks could access from Seventh Street.

Solicitor Abbott suggested a condition of no trucks or oversized vehicles on site except for delivery trucks, a sign shall be posted prohibiting tractor trailers on the site and delivery trucks shall be advised to access from Seventh Street. There will be signs indicating that the three oversized spaces are for delivery vehicles only.

Vice Chairman O'Hara asked if these three oversized spaces were included in the 55 proposed parking spaces. Mr. Fedorka answered that they were. Mayor Muchowski said that these spaces couldn't be included in the parking spaces unless the applicant planned to limit the time for deliveries. Mayor Muchowski stated that he didn't want the residents to have the aggravation of trucks delivering early in the morning.

The Board and the applicant had a discussion about the proposed delivery times. Vice Chairman O'Hara stated that it would be difficult to limit the delivery times until you know kind of businesses would be renting the space. The applicant has agreed to limit the delivery time to 9: 00 A.M. to 3: 00P.M.

Mr. Fedorka stated that they are providing access for the Public Works department to access the pumping station from the site. The applicant plans to put up a six foot high fence with trees planted in front of it. There are three homes on the other side of the alley from the site. The alley will remain and according a letter from Township Engineer Guzzi has not been vacated.

Vice Chairman O'Hara asked if the applicant would work with the Board in any way possible to alleviate the concerns about deliveries and noise. Mr. Kattan said that they would cooperate but he wanted to state that the property is zoned commercial. Mr. Kattan stated that he would put a restriction in the lease not allowing tractor trailers on the site.

Vice Chairman O'Hara opened the hearing to the public. Seeing no one wishing to comment the public portion was closed.

Vice Chairman O'Hara referenced the letter from the Fire Official. There are no fire lanes on the plan. Mr. Fedorka stated that the front of the building is marked as "No Parking" and could be used as fire lanes. Fire Official Kevin Mullen was satisfied with the plan.

Mayor Muchowski asked how a parking regulation worked in an approval? Is there a provision to kick in the banked parking? Engineer Morris stated that if there was a change the applicant would have to come back before the Board to amend the approval. This would come through the zoning office. Solicitor Abbott stated there would be a condition in the resolution that determined by the Township Engineer or the Zoning Officer that parking was tight on the site then the applicant would be required to install the additional spaces.

Catherine Ward stated that there is an art to putting together a good mix in a strip center. She also stated that they couldn't be limited on the uses per the zoning and there were enough systems in place to insure that the parking will be increased if necessary.

Solicitor Abbott stated that the Board was voting on Preliminary Site Plan Approval with variances as set forth in the Planner's and Engineer's reports. The applicant agrees to Title 39 enforcement. There will be a restriction on all leases restricting tractor trailers on the site. Planner Hintz added that the architectural plans and the engineering drawings need to coordinate in respect to lighting, and sidewalks. The revised landscape and lighting plans comments need to be shown on the plans. There needs to be a tree protection detail, the height of the building needs to be revise on the architects plan. HVAC units need to be shown on the architectural plans.

Attorney Ward asked about amending the application to include a variance for the height of the building to 27.5 feet.

Motion by Fratinardo, seconded by Semptimphelter to approve application PB#2004-13 with conditions stated above.

Upon roll call the Board voted as follows:

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

The Board took a five minute recess at 10:40. The Board returned to the regular order of business at 10:45.

Vice Chairman O'Hara asked if the applicant Fine Food and Spirits would accept a continuance due to the lateness of the hour. Solicitor Abbott stated that the application was still incomplete. She stated that prior to the January meeting the Board's Professional Staff would set up a meeting with the applicant to iron out any completeness issues. Edward Petkevis, attorney for the applicant stated that he understood the Board's request, however, the applicant has a liquor license that is going to lapse if he doesn't move forward quickly. Solicitor Abbott stated that in that case the applicant should meet with the Board Professionals to resolve the issues and next month they could be deemed complete and move into the substantive hearing.

Solicitor Abbott stated that the application should be deemed incomplete. Any changes to the drawings need to be back to the Professionals 10 days prior to the January meeting.

Motion by Fratinaro, seconded by Smith to deem the application incomplete with the understanding that the Board Professionals will meet with the applicant prior to the January meeting.

Upon roll call the Board voted as follows:

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

Vice Chairman O'Hara called for application 2004-09 for Craft Stewart LLC. Applicant is requesting Preliminary and Final Major Subdivision approval on Block 156.01, Lot 2 located in a RA Low Density Residential and SM Special Manufacturing District.

Edward Penberthy, attorney for the applicant, stated that the applicant had revised the plans for the subdivision, which incorporated changes that the Board had suggested. He stated that the application had been continued at the October meeting to allow the Township to consider taking the portion that was in the SM zone to Residential. Due to the fact that the Council had not agreed on the zone switch, the applicant has revised the plans eliminating the zone switch. They have excluded that portion that was SM from the plan, which reduces the number of lots down to 85 lots. They have moved the open space over to the treed area. They have eliminated 4 of the 5 proposed cul-de-sacs. They

have added an access onto Summer Street. He stated that he had some witnesses present in case there were some questions and requested that they be sworn. Vice Chairman O'Hara asked if this was an Informal presentation. Solicitor Abbott stated that this was a continuation of a public hearing and therefore the witnesses should be sworn. However, this was Informal in the sense that no member of the Board or the Professional staff had had the time to review the revised plans.

Mayor Muchowski commented on the vote at the Council. There had been a vote on whether or not the Board felt the area should remain residential or become SM or Commercial. There was one Council Member absent and the vote deadlocked at 2-2. Another concern is that COAH had put out new regulations. COAH regulations state for every seven houses there must be one affordable house.

Attorney Penberthy stated that the residential plan is now on a complete residential parcel. He feels that the subdivision now meets the requirement of the Residential zone.

James Stewart, principle in Craft Stewart, Edward Brady, Taylor Wiseman & Taylor, engineer, and Andrew Feranda, Shropshire Associates. traffic engineer, were sworn in by Solicitor Abbott.

Vice Chairman O'Hara asked about the buffering between the SM Zone and the Residential Zone. Mr. Brady stated that the lots were 150 feet deep so additional buffer could be provided if necessary.

Mayor Muchowski stated that Attorney Penberthy mentioned an additional entrance off of Summer Street, but the Boulevard was still the main entrance. Mr. Brady stated that the Public Works department had voiced a concern about having the access onto Summer Street because of Public Works vehicles. Member Smith asked if there was a proposal to improve Sixth Street. Mr. Brady stated that they planned to clean out the brush but leave the trees intact. Mayor Muchowski stated that there would need to be drainage improvements on Sixth Street. He asked where the applicant planned to connect to the stormwater system. Mr. Brady stated that they were not connecting to the stormwater. The subdivision would have its own basin.

Mr. Brady stated that the Summer Street access would allow residents to access the Township's Recreational Complex. One open space area will be dedicated to the Township and the other will be the responsibility of the Homeowners Association. Mr. Stewart stated they would either make a contribution towards a recreation site of the Township's choosing (for example a hockey court), or they would build the facility on Township property.

Member Smith stated that the Boulevard access was not a good idea. It would greatly increase the traffic on the Boulevard. Also they are proposing an entrance on Sixth Street, but are not proposing any improvements to the street. Attorney Penberthy asked if the Board wanted them to make Summer the main entrance, because there was going to

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be increased traffic and they were trying to find the best way to do this. Mr. Brady stated that having three entrances should spread the traffic out. Mr. Stewart stated that they would look at making improvements on Sixth Street. The applicant discussed the benefits of using the Boulevard as the main entrance as opposed to other streets in the area.

Member Smith asked about the rec area in the center of the site. Mr. Stewart stated that they were trying to create a central park area to improve the community.

Mayor Muchowski asked about the railroad crossings. Mr. Stewart stated that the crossings are in poor shape. He had spoken to Griffin Pipe about this and said that Griffin is looking for proposals to improve the crossings. He hopes to have a proposal from Griffin by the January meeting.

Mayor Muchowski was concerned about the applicant wasting time. The Council needs to act on what is the best use of the site overall. Anyone who puts an application before the Board is profit driven. The Board needs to protect the Township's interests while still being fair to the applicant. Vice Chairman O'Hara asked if any variances were required. Attorney Penberthy stated that there were no variances. Solicitor Abbott stated that the revised plans would have to be reviewed before it could be determined if a variance were required. The Board requested that the applicant re-notice for the January 17th meeting. Solicitor Abbott asked Attorney Penberthy to extend the time limit for Board action. Attorney Penberthy stated that they would not agree to extend the time limit, but if a problem occurred before the January meeting they would address this matter.

Mayor Muchowski asked what would happen if the zoning change became a reality? Planner Hintz said that it would be 45 days from the public hearing on the zone change. Emory A. Craft Jr., was sworn in by Solicitor Abbott. He stated that he believed that the vote taken by Council was to take the SM parcel and change it to residential. Mayor Muchowski stated that he thought the vote was to change the whole parcel to SM. There was a discussion about what the exact zone change proposal was at the Council Meeting.

Solicitor Abbott stated that the time for Board action expires on December 31st. Attorney Penberthy stated that they would agree to extend to the next Planning Board Meeting on January 17, 2005.

Mr. Stewart asked why would the town would want SM in the center of a residential area. Mayor Muchowski stated that he had asked the Council to look at what would be the best use for the area. The Master Plan discussion had suggested a research/development zone as the best use of the area.

Mayor Muchowski stated that the applicant needed to take into consideration the COAH requirements. Attorney Penberthy said they would work with the Board on COAH.

Motion of Semptimphelter, seconded by Fratinardo to continue the application until January 17, 2005.

Upon roll call the Board voted as follows:

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

OTHER BUSINESS

The Board returned to Correspondence B. Ordinance#2004-17 prohibiting truck stops. If this ordinance is adopted by Council, Wawa would have to go before the Zoning Board if they were requesting more than four parking spaces. Solicitor Abbott read the ordinance

Solicitor Abbott stated that the Board needed to make a recommendation to Council. Mayor Muchowski stated that intent of Council was to address the need based on the diversity of uses that are happening at Whitesell and outside the community that would have some truck related activity. The Township is not looking to exclude them, but they are not looking to cater to them as a business entity in and of themselves. This will give the Board the ability to control site plans to make sure they are appropriate.

Solicitor Abbott stated that the Board could recommend and adopt the resolution at this meeting. PB2004-47 Approving and recommending that the Township Council adopt proposed ordinance 2004-17 entitled An Ordinance of the Township of Florence amending Chapter 91 Land Development of the Florence Township Code to define and to prohibit Truck Stops within any Zoning District of the Township of Florence. By adopting this resolution, the Board is finding that the proposed ordinance promotes the general welfare of the Township and is in conformance with the master plan of Florence Township.

Motion by Muchowski, seconded by Napolitan to adopt Resolution PB#2004-47.

Upon roll call the Board voted as follows:

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

Planner Hintz stated that there would be a meeting with Council on January 12, 2005 regarding the new COAH regulations.

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Motion to adjourn by DeAngelis, seconded by Semptimphelter to adjourn the meeting.
Motion unanimously approved by all members present. Meeting adjourned at 11:45 P.M.

John T. Smith, Secretary

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