

Florence, New Jersey 08518-2323
June 21, 2010

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 7:30 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:

Mayor Bill Berry	Paul Ostrander
Mildred Hamilton-Wood	Council Representative Sean P. Ryan
Tim Lutz (LATE)	Frederick Wainwright
James Molimock	Charles Bauer
Wayne Morris	

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

ABSENT: None

RESOLUTIONS

There were no resolutions to be acted on at this time.

MINUTES

Motion of Berry, seconded by Molimock to approve the Minutes from the regular meeting of May 17, 2010 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

- A. Letter from Burlington County Planning Board dated May 26, 2010 regarding Estates at Oak Mills Phase 1.
- B. Letter from Burlington County Planning Board dated May 26, 2010 regarding Wawa, Route 130.
- C. Memo regarding the 2010 Annual New Jersey State League of Municipalities Convention.

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- D. Copy of complaint in lieu of perogative writ filed by Roma Bank against Florence Township Council.
- E. Letter from Florence Township Environmental Commission to Bruce Garganio, Director, Board of Chosen Freeholders dated June 14, 2010 regarding possibility of composting facility on River Road in Burlington Township.

Motion of Berry, seconded by Molimock to receive and file Correspondence A, B, C and E and hold D for later discussion. Motion unanimously approved by all members present.

OLD BUSINESS

There was no Old Business to be discussed.

NEW BUSINESS

Chairperson Hamilton-Wood called for Application PB#2010-05 for Rocco Gangone. Applicant is requesting Preliminary and Final Major Site Plan approval with bulk variances to permit construction of an addition to the existing restaurant and to add an off-street parking area to support the restaurant on property located at 310-312 West Front Street, Florence. Block 36, Lots 5, 22, & 23.

The applicant is represented by Attorney Charles Petrone of the firm of Raymond and Coleman.

Chairperson Hamilton-Wood stated that she had a conflict with this application and left the dais. In the absence of Vice Chairperson Lutz, Secretary Ostrander assumed the duties of the Chair.

Solicitor Frank stated that this was a hearing on completeness only.

Engineer Guzzi stated that items to be addressed in respect to completeness were listed on pages 2 and 3.

Item A for the Environmental Impact Statement. Based on the location a waiver would be supported.

Item B for Preliminary Delineation of Wetlands and Item C Preliminary Delineation of Stream encroachment these do not appear to apply to this application and a waiver would be supported.

Item D existing lot lines to be eliminated. Engineer Guzzi said the application as presented did not consolidate the 3 lots. There are 3 existing lots that would be part of this development and he recommended that the lots be consolidated.

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Item E requiring existing elevations of road for every 25' and Item F proposed elevations of curb every 25'. The applicant has indicated that these are not applicable however they did provide this information.

Item G half cross sections every 50' of road. Since there is virtually no work proposed in the municipal right of way a waiver would be supported.

Item H buffers in accordance with the standards of the Ordinance. The applicant is providing a buffer of 4' but it doesn't meet the 15' required. Engineer Guzzi stated that he would support this waiver.

Item I is for free standing sign details. If a sign in addition to the existing freestanding sign is proposed the applicant should address that. Attorney Petrone stated no additional sign has been provided at this time, but should one become necessary it would be presented as part of the site plan and details would be provided.

Item J is sight triangles. These should be provided on the plan.

Item K acceleration and deceleration lanes. The access here is from Front Street, which is a county road. The municipality does not have jurisdiction so the waiver would be supported.

Item L cross section of new streets. There are no new streets proposed so a waiver would be supported.

Item M intended screening devices and buffers. This has been provided but in a lesser extent than what is required. Engineer Guzzi stated that he was not sure that a waiver would be required but since the applicant requested it he would support one.

Item N for retaining walls, fences and signs, etc. Engineer Guzzi said that a waiver was requested but since none are proposed this would not be applicable.

Item O all utilities are to be installed under ground. Since the existing electric is supplied by overhead wires and no new utilities are proposed a waiver would be supported.

Item P submission of all required State and Federal approvals. He would support this waiver with the condition that all applications and subsequent approvals are provided to the Board when they are made.

Item Q is the Municipal Services and Utilities Impact Statement (MSUIS). The applicant has asked for a waiver. Engineer Guzzi stated that he would support the waiver with the condition that during the hearing the applicant addresses traffic and the existing conditions of the roads and alley adjacent to the site and this information be provided at the time of site plan.

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Charles Petrone, of Counsel to the firm of Raymond, Coleman and Heinhold representing the applicant introduced Robert Stout, design engineer for the application. Mr. Stout was sworn in by Solicitor Frank and accepted as an expert in the field of engineering.

Mr. Stout stated that the site in question was on the corner of Front Street and Summer Street in Florence. The proposal is to remove the existing residence on the corner and build a dining room addition to the existing residence and an on-site parking lot to support the restaurant. Most of the waivers were requested due to the fact that this is an existing condition.

Solicitor Frank stated for the record that Mr. Stout is referring to a color rendering of the site plan sheet 3 of 6 dated 6-1-10. Mr. Stout stated that this sheet was submitted to the Board as part of the application packet.

Attorney Petrone stated that the applicant understands that he will be required to combine the lots should the site plan be approved and constructed and that further testimony would be required with respect to buffers and traffic and municipal impact.

Motion of Berry, seconded by Bauer to grant the waivers and deem the application complete.

Upon roll call the Board voted as follows:

YEAS: Berry, Molimock, Morris, Ostrander, Ryan, Wainwright, Bauer
NOES: None
ABSENT: Lutz

Chairperson Hamilton-Wood returned to the dais and called for Application PB#2010-04 for Cream-O-Land Dairies, LLC. Applicant is requesting Minor Site Plan with bulk variances for the purpose of siting a trailer adjacent to the existing building on the site located at 529 Cedar Lane, Florence. Block 155.47, Lot 12.01.

Meryl Gonchar, attorney with the firm of Greenbaum, Rowe, Smith and Davis representing the applicant stated that the application is seeking minor site plan approval. Two bulk variances are required to allow a trailer to be a permanent structure at the Cream-O-Land site. This property is identified as 529 Cedar Lane, Block 155.47, Lot 12.01. This property is located in the GM General Manufacturing Zone.

Attorney Gonchar stated that the Ordinance does permit trailers in this zone but only on a temporary basis in connection with construction. There was a discussion as to whether or not this request necessitated a Use variance, but it was determined that since this is an accessory not a principal structure and even though it is not permitted, because it is an accessory structure it can be handled as a "C" variance. The Ordinance requires a distance of 50' between structures. The applicant has requested a variance to permit a minimum of 4' going up to 6'. She stated that an explanation would be given as to why this location is preferred.

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Attorney Gonchar stated that as part of the minor site plan the applicant is also requesting the re-location of 3 light poles that have been repeatedly hit by trucks.

Attorney Gonchar stated that there were 3 witnesses to testify at this hearing. The first, Scott Stoner, Director of Operations for Cream-O-Land, will explain why the variances are being sought. Ahmed Osmen, site engineer to describe physically what is on the site, and finally Christine Cafone, licensed professional planner who will provide the planning support for the variances. Also in attendance is Harry Kling, Cream-O-Land's maintenance supervisor who can offer testimony if required.

Responding to Attorney Gonchar's question regarding the public notice, Solicitor Frank stated that he had reviewed the text and form of the notice and Board Clerk reviewed the specifics of the 200' list and the certified mail slips and the jurisdiction is proper to the Board.

Attorney Gonchar called all 4 witnesses forward and they were sworn in by Solicitor Frank.

Engineer Guzzi stated that his review letter dated June 3, 2010 outlines 5 completeness items.

Item A regarding Preliminary Delineation of Wetlands as there are no wetlands present in the area of the proposed work on the site a waiver would be supported.

Item B the tax map sheet and Item C key locator map should be added to the plan. This could be added as a condition of any approval.

Item D regarding the location of all existing utilities, Engineer Guzzi stated that the applicant should provide some testimony that the trailer would not be placed on area that would have to be accessed for utility work.

Item E regarding location of all proposed and existing storm sewer, Engineer Guzzi again stated that testimony should be given that there is no storm sewer in the subject area.

Attorney Gonchar called Ahmed Osmen, civil engineer with Matrix New World Engineer. Mr. Osmen stated that he was a senior project manager. He is a licensed professional engineer and has been practicing for over 11 years. He stated that he was involved with the preparation of this site plan. Attorney Gonchar stated that this was the first time the Mr. Osmen had attended Board meetings but never testified. Mr. Osmen was accepted as an expert in engineering.

Mr. Osmen submitted Exhibit A1 this is sheet C101 of the amended site plan dated 04-23-10. On this Exhibit the location of the trailer and the light poles have been highlighted. Mr. Osmen testified that there are no existing utilities in the area that the trailer will be located. The closest utilities are 2 inlets for stormwater. The first is approximately 150'

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away to the east of the trailer along the southern property line. The second inlet is approximately 120' to the west of the trailer.

Engineer Guzzi stated that this testimony satisfied the item. He stated that the Board needed to consider Items A through E for the completeness waiver. Chairperson Hamilton-Wood stated that A would be waived, B, C, D & E would be waived for completeness only and would be provided later.

Motion of Morris, seconded by Molimock to grant the waivers and deem the application complete.

Upon roll call the Board voted as follows:

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

Chairperson Hamilton-Wood stated that the Board would move on to the public hearing on the substantive matters of the application.

Engineer Guzzi directed the Board to page 3 of his June 3, 2010 review letter. Item No. 1 is regarding the variance to permit the trailer to be a permanent addition to the site and Item No. 2 addresses the variance to permit the trailer to be placed 4' from the existing building where 50' is required. Engineer Guzzi requested testimony on these variances.

Attorney Gonchar called Scott Stoner to testify. Mr. Stoner stated that he was Director of Operations at Cream-O-Land Dairy and is the main supervisor for the majority of the employees who work there.

Mr. Stoner said that Cream-O-Land has 5 or 6 dealers that buy milk from Cream-O-Land. The purpose of the trailer is to give these dealers a location where they can come in and organize paperwork before they go out for their daily deliveries and to complete the paperwork and count money after returning from deliveries. These dealers are not employees of Cream-O-Land and are not permitted access to the facility because of the federal food safety regulations.

Attorney Gonchar asked what the alternative would be for these dealers. Mr. Stoner stated that the dealers would have to complete paperwork and count money in the cab of their truck. Attorney Gonchar asked if this trailer would be used as a full time office. Mr. Stoner answered that it would not. The majority of the dealers arrive between 5:00 a.m. and 7:00 a.m. They take the paperwork from their truck; go to the trailer to check over the paperwork. This takes approximately 20 minutes. At the end of the day, they unload their empties and park their truck, count their money and leave.

Attorney Gonchar asked if there was a reason why this location was chosen for the trailer? Mr. Stoner answered that Cream-O-Land takes pride in this property and they

don't want a trailer sticking out where people driving by will see it. He also indicated that this location is 30' to 40' from where the dealer's trucks are parked. He said there is nowhere to go in the site to re-locate this trailer.

Chairperson Hamilton-Wood stated that testimony was give that one of the reasons for this trailer is to add some kind of security, but there won't be any security personnel at this trailer. She asked how this was more secure than the driver sitting in their truck. Mr. Stoner said that one time there was a driver sitting in his truck and he was robbed. Chairperson Hamilton-Wood stated that she is concerned that if this is the known place where money is counted then what is to stop someone from laying in wait at the trailer. Mr. Stoner said that the trailer is kept locked and the dealers would have their own keys.

Member Bauer asked if this trailer would be big enough if the business picked up and there were more dealers? Mr. Stoner stated that in his past experience in the milk industry the number of dealers is decreasing not increasing. Attorney Gonchar asked if by some strange quirk there were 10 dealers instead of 5 would this create a problem. Mr. Stoner stated that this would create a problem but he doesn't foresee this happening.

Chairperson Hamilton-Wood asked where payment to Cream-O-land was made, in the trailer or in the building? Mr. Stoner said that the dealers send a check in the mail. Chairperson Hamilton-Wood asked why the dealers were counting money. Mr. Stoner said that the dealer's go to their customer's and deliver milk and sometimes they are paid in cash at the end of the day they come back to Cream-O-Land and unload their empties, park their truck to be re-loaded for the next day. The dealer's then count their money. This money has nothing to do with Cream-O-Land and is not used to pay Cream-O-Land. The requested trailer is really a courtesy to the dealers.

Chairperson Hamilton-Wood said that testimony was given that there currently were 5 dealers and asked if it was the same drivers everyday. Mr. Stoner answered that it was the same drivers every day. Chairperson Hamilton-Wood asked if the dealers ever enter the Cream-O-Land building. Mr. Stoner stated that the only part of the building the dealer's access is loading dock. They are not permitted to enter any further into the building.

Mr. Stoner said that the dealer's will have keys to access the trailer and he will have a master key. The dealer's do not have 24 hour access to the site. Yard access is restricted by the gate located at the guardhouse. The dealer's will not be able to sleep in the trailer because they can only enter the site at certain times of the day.

Mr. Stoner stated that the only utility that would be provided to the trailer is electric so it would not be conducive to live in this trailer. Member Bauer asked if the dealer's have access to restroom facilities. Mr. Stoner stated that if someone had to use the restroom they could come to the receptionist area and be escorted into the building to use the restroom and then be escorted back out.

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Attorney Gonchar asked Mr. Stoner to explain why he would like to relocate the light poles. Mr. Stoner stated that there had been a serious problem with drivers backing over the poles. The original plan called for the poles to be set a foot to a foot and a half off the parking lot. The drivers have been backing into these poles to where they are leaning at a 30-degree angle and it is creating a safety issue. He stated that they have straightened these poles, installed concrete ballast and curb stops and none of the prevention measures have worked.

Attorney Gonchar stated that they are not requesting any additional light poles; they would just like to relocate the existing poles to 5 feet back from the pavement.

Engineer Guzzi stated that the applicant's planner should address the 2 variances.

Christine Cafone, principal and owner of the Cafone Consulting Group was called by Attorney Gonchar. Ms. Cafone said that she was a licensed professional planner in the State of New Jersey. Although she has not testified in Florence before, she has testified before hundreds of Boards across the State of New Jersey. Ms. Cafone stated that she has a master's degree in city and regional planning and represents municipalities. She stated that prior to opening her own firm she was a partner in a firm from Manhattan and had spent approximately 10 years practicing with the engineering firm formerly known as Shore DePalma. Ms. Cafone stated that she is an adjunct instructor for Rutgers Government Services.

Chairperson Hamilton-Wood stated that Ms. Cafone was accepted as an expert in the field of planning.

Ms. Cafone stated that she is familiar with this site and her responsibility was to review the application to see if she could provide a justification under the Land Use Law for the two variances that the applicant is seeking. She stated that this first variance is to permit a permanent trailer where the ordinance only permits a temporary trailer. She stated that Mr. Stoner did a great job in explaining that this is not a trailer that is going to be used for permanent employees of the facility so it would be used on a limited basis and not with the intensity that the Cream-O-Land employees use the main building. The second variance is for a dimensional setback requirement. The ordinance requires a setback of 50' and the proposed setback is between 4' and 6' from the building.

Ms. Cafone stated that these are both bulk "C" variances and under Land Use Law the applicant has a burden of proof to demonstrate to the Board that the variances could be granted as either "C1" hardship variances or in the absence of any hardship that the purposes of the land use law would be advanced by the grant of the application.

Ms. Cafone stated that in her opinion these variances could be granted as both "C1" and "C2" hardship. One of the criteria that permits the granting of a hardship variance is if there are lawful pre-existing structures on the property. She directed the Board to Exhibit A1, which is the site plan of the property as stated that you can see the building illustrated in gray in the center of the site. This existing building really constrains where the trailer

could be placed. Exhibit A1 shows the trailer in its proposed location as a small green building on the southeast portion of the site. The trailer would not be visible from the adjoining right-of-way of Cedar Lane. She stated that in her opinion as a planner this could be granted as a "C1" hardship variance because the existing building and the physical plan of the existing structures certainly limit where the trailer could be placed. She stated that in the absence of a hardship the Board could grant a variance if some purpose of the land use law would be advanced.

She stated that in her opinion Criteria A the promoting of the general welfare would be advanced. Testimony was given by the applicant as to operationally why this would be a good thing for Cream-O-Land, so while the trailer is not technically for the benefit of the Cream-O-Land employees it is certainly to the benefit of one of the corporate citizens in town (Cream-O-Land). This would promote the general welfare, as this would be operationally a good thing for this site. Criteria I is a desirable visual environment. She stated that this is also very important in this case.

Ms. Cafone stated that she also looked at the zone plan and the subject property is in the GM zone. The GM zone states that "the use of buffers, conservation techniques, aesthetic considerations and other visual and ecological considerations be an integral part of this district whether explicit or implied. She stated that this is important because as proposed the view of the trailer is essentially blocked from the building and will not be visible from Cedar Lane. The location of this trailer is in conformance with the purpose of the GM zone and this would substantiate the burden of proof for the negative criteria that not be a substantial detriment on the public good or the zone plan. She said that as far as the public good this site is in an industrial park and given the fact that this is a secure site and the trailer would be well screened from the adjoining roadway there is no impact on the public good or the zone plan. She stated that they could substantiate both prongs of the negative criteria if the Board were to vote in favor of this variance.

Attorney Gonchar asked if it was fair to say that another location of the trailer would have a negative impact on circulation in the site is visual impact. Ms. Cafone agreed and stated that the proposed location is the most benign in the site.

Chairperson Hamilton-Wood stated that a few years ago Cream-O-Land came in to the Board for a guardhouse and they built a structure. Chairperson Hamilton-Wood asked why this proposal was for a trailer and not a structure? Attorney Gonchar stated that she could answer but she is not really offering testimony. Chairperson Hamilton-Wood stated that eventually this question would have to be answered.

Engineer Guzzi stated that his concern with the trailer location is how close it is to the building. There are some construction code issues and some fire code issues that need to be worked out. He stated that he did not think that the trailer needs to be 50' from the building but it needs to be more than 4' from the building.

Chairperson Hamilton-Wood asked what was the reason for setting the trailer in this location? Mr. Stoner said that it was proposed in that location due to circulation of the

trucks going around the site. Attorney Gonchar stated that they had seen the comments for the Construction and Fire Depts. and had spoken with them briefly. She stated that obviously they are required to comply with the code. Engineer Guzzi asked if there was the ability to move the trailer if necessary? Attorney Gonchar stated that she did not have the answer to that question. Engineer Guzzi said that he doesn't think that the 4' to 6' setback would be acceptable and asked the Board if they would agree to have administrative approval if the location has to be moved.

Attorney Gonchar stated that there had been a question as to whether the trailer would block access to the building. She stated that it was not. She said there are photos that show a roll door that has never been used. There is no entrance being blocked and no staircase being impeded by the trailer.

Solicitor Frank said that with regard to the variable variance question – at some point the rationale for the proposed location based upon site circulation fades as the location of the trailer moves farther out into the parking lot. Even if the Board were inclined to permit there to be flexibility there is some rational point where the basis of the variance has failed.

Engineer Guzzi stated that with respect to the other bulk variance regarding the use of the trailer the applicant has provided sufficient testimony.

Chairperson Hamilton-Wood asked what the dimensions of the trailer were. Mr. Stoner stated that the trailer was 10' x 46'. He said that the trailer is located in an existing parking space. Member Bauer asked if the steps leading out of the trailer extended into the adjoining parking spot. Engineer Guzzi said that based on the plan it looks like the bottom of the steps go right to the next parking stall. Mr. Stoner stated that this showed the striping of the old parking lot. Engineer Guzzi said that the parking stalls should be shown on the plan correctly.

Mr. Stoner testified that between the bottom of the stairs until the next full line shown on the plan is not used. Where you see the first line indicating a space lines up with a loading bay. Mr. Stoner stated that there is 8' between the bottom of the stairs and the next full line that you see on the plan. This space is not used for parking. The first line indicating a space lines up with a loading bay. Attorney Gonchar said that there is approximately the width of a space before you come to the next parking line. Chairperson Hamilton-Wood stated that a space has got to be at least 12' for a truck. Engineer Guzzi said that based on the striping that is shown on the plan that particular space looks to be in excess of 10'. Mayor Berry asked if there was an overhead door in conjunction with the first stall right next to the trailer?

Attorney Gonchar submitted Exhibit A2, which is a photo of the actual trailer in its location. The Board questioned if this trailer is already in place. Attorney Gonchar stated that it was. Mayor Berry said that there appears to be an overhead door in the spot right near the trailer. Mr. Stoner stated that the door to the right of the trailer is the

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charging station and trucks do not park there. Mayor Berry asked if this could be striped for no parking. Mr. Stoner said that it could be striped.

Chairperson Hamilton-Wood asked about the other overhead door located to the left of the trailer on the wall. Mr. Stoner states that this has never been used and there is no plan to use it. Attorney Gonchar stated that the photo shows that the stairs and door that are visible behind the trailer are not blocked. Mr. Stoner stated that this is an emergency exit. People cannot enter this door.

Member Bauer asked how electric is provided to this trailer. Engineer Guzzi pointed out an electric conduit that runs from the main building to the trailer.

Mayor Berry asked why the trailer was already installed? Mr. Stoner said that they should not have installed it but they were not aware that they needed approval. Attorney Gonchar stated that they came in to get a C of O and were told that they could not get one because site plan approval was required. Chairperson Hamilton-Wood asked how long the trailer was on site? Mr. Stoner said it had been in its present location for at least 6 months.

Member Bauer stated that this is an illegal structure that needs to be removed. Engineer Guzzi stated that the applicant was before the Board to try and make it a legal structure. Attorney Gonchar stated that once they were advised that they needed site plan they filed several months ago. There was some confusion as to whether a Use variance or major site plan was required and finally it was determined that the application should be for minor approval. So once Cream-O-Land found out that approval was required they made every effort to get before the Board and rectify this.

Chairperson Hamilton-Wood asked to go back to her earlier question. She stated that 2 years ago Cream-O-Land came before the Board and asked for a structure for a guardhouse. Approval was granted and the guardhouse was built. She asked why is this proposal for a temporary structure, why not a permanent structure?

Member Morris asked why a 46' long trailer was required for one person to count money? He stated that he does not like trailers on properties where there could be permanent buildings.

Mr. Stoner stated that he would have the trailer removed, as it is not worth the aggravation, but asked if he could have approval for the lights. Chairperson Hamilton-Wood stated that the Board is not trying to aggravate the applicant. The Board is trying to understand what they would be approving. She said that as the applicant's planner stated we are talking hardship and it is difficult to approve a hardship that is self-created.

Chairperson Hamilton-Wood stated that if the applicant wants to withdraw that portion of the application the Board could move on to the discussion of the lights.

Attorney Gonchar said that Cream-O-Land had this circumstance where they have these dealers come onto the site. A problem existed that they thought they could solve by putting a trailer on the site. You can't see the trailer unless you are on the site. You can't see this from adjoining properties or from the street. This seemed like a logical way to add the trailer where it didn't create any problems in terms of circulation or operations. The goal was to allow the dealers to have a location on site without affecting anybody else while still maintaining the level of security that they are required to by regulation in their facility. Chairperson Hamilton-Wood said that by security you mean the milk security not the money security. Attorney Gonchar said yes, this is a regulated industry and people can't be in areas that would cause a violation of the regulations that they function under. The idea was to keep it completely separate while accommodating an operational need.

Mayor Berry asked why they needed 46' of trailer. He stated that smaller trailers were available. Mayor Berry said that the testimony today is that the trailer is only for this use, however this trailer is so large that other uses could be added to it in the future.

Attorney Gonchar requested that the matter of the trailer be withdrawn without prejudice. The trailer would have to be removed.

Chairperson Hamilton-Wood stated that the Board would now address the issue of relocating the lights. Engineer Guzzi said that he would skip the items in his review relating to the trailer and asked the Board to refer to Item 4 on page 4. In accordance with Section 91-74, sidewalks are required on all streets adjoining the development, so sidewalk would be required along the Cedar Lane frontage as well as Independence Road. Attorney Gonchar asked if this would apply to the replacement of 3 light poles. Engineer Guzzi stated that with any land use application sidewalks are required. Attorney Gonchar stated that the applicant is requesting a waiver on the sidewalks.

Engineer Guzzi stated that Item 6 is related to the minimum intensity, average intensity and uniformity ratio required. The proposed lighting is deficient in all 3 areas. The lighting should be revised or a waiver requested.

Engineer Guzzi stated that the plan shows lights in the middle of the parking lot and asked if these lights had a problem with trucks running into them. Mr. Osmen answered that they did not. Only the lights at the edge of the parking lot have trucks backing into them. Engineer Guzzi stated that the lighting plan that was submitted does not seem to take into consideration those lights in the center of the parking lot. Mr. Osmen said that the photometrics analysis that was submitted with the application only takes into consideration the 3 lights. He said that he did not show the other existing lights. Engineer Guzzi stated that the problem is that he can't analyze whether the lighting levels can comply with the ordinance. Mr. Osmen stated that it is a one for one switch out. The only difference is that the location will be shifted a little.

Engineer Guzzi stated that the testimony is that the new lighting patterns will be substantially similar to the existing lighting. Chairperson Hamilton-Wood stated that this

backs up to the turnpike and there are no residences nearby. Engineer Guzzi stated that he thinks that it would be appropriate to grant a design waiver.

Engineer Guzzi stated that Item 8 asks for a detail of the light pole foundations. Mr. Osmen stated that this would be provided. Item 9 refers to the existing light poles. Mr. Osmen stated that there are existing light poles in the parking lot and they will remain. Item 10, 11, and 12 are related to plan details that should be added to the plan. Mr. Osmen stated that the details would be provided. Item 13 is regarding the recycling centers. Any land development has to provide a recycling center in accordance with Section 91-124 unless the facility already has a municipally approved recycling program. Mr. Osmen stated that Cream-O-Land does have a municipally approved recycling program. Item 15 has to do with other agency approvals. Engineer Guzzi stated that he didn't think that any other approvals would be required for the replacement of the lights.

Chairperson Hamilton-Wood stated that if no other members of the Board have further questions the meeting should be opened to the public.

Motion of Wainwright, seconded by Bauer to open the hearing to public comment. Motion unanimously approved by all members present. Seeing no one wishing to comment motion was made by Ostrander, seconded by Wainwright to close the public hearing. Motion unanimously approved by all members present.

Engineer Guzzi stated that this application is for Minor Site Plan approval. The 2 variances that were discussed by the Board no longer apply as they were related to the trailer. There is a design waiver for the particular lighting standards outlined in Chapter 91-87D. There is also a request for a waiver of sidewalks along Cedar Lane and Independence Road.

Solicitor Frank stated that the conditions would be compliance with the plan detail comments sent forth in Engineer Guzzi's letter. In addition, the lighting plan should be revised to show all the lights in that parking lot. This will be reviewed administratively.

Solicitor Frank asked for the basis for the request for the waiver regarding sidewalks. Attorney Gonchar said that they understand the connection of providing sidewalks when you are doing development, but in this case there is no development. They are replacing 3 light stanchions with 3 light stanchions this does not seem like an appropriate exaction.

Motion of Ostrander to approve the minor site plan with the 2 design waivers and the withdrawal of the trailer portion of the application. The motion was seconded by Molimock.

Upon roll call the Board voted as follows:

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

51.

Mayor Berry advised the applicant that they would be receiving a letter with a date for removal of the trailer.

Member Lutz arrived at the meeting at 9:04 p.m.

Chairperson Hamilton-Wood called for Application PB#2010-02 for Whitesell Construction Co., Inc. Applicant is requesting Preliminary Major Site plan for a 1.25 million sq. ft. industrial building at 1000 John Galt Way, Florence Township. Block 158, Lots 7 & 8.

Attorney Lynn McDougall stated that the applicant Whitesell Construction Co., Inc. is before the Board this evening to construct a very large building in 2 phases. Terrance Huettl, Director of Development for Whitesell and also a licensed professional engineer was sworn in by Solicitor Frank.

Solicitor Frank stated that Mr. Huettl had previously been qualified before numerous Boards in this town and it would be proper to accept him as an expert in civil engineering.

Mr. Huettl presented an enlarged plan of the proposed building. He pointed out the location of the initial first phase building of a half million sq. ft. and the expansion of roughly 700,000 sq. ft. The building has truck docks on both sides of it and trailer parking on both sides. The office is located in the corner and there is automobile parking area associated with that. A trailer storage area is proposed in the back.

Mr. Huettl stated that if the Board did not have any additional questions he would address the items in the professional's letters. Engineer Guzzi referred to his May 7, 2010 review letter.

Engineer Guzzi reviewed the outstanding completeness items.

Item A for Environmental Impact Statement. Engineer Guzzi stated that Whitesell and the Haines Center are up to date on all their DEP permits. He has seen an overall EIS and has no problem with granting the waiver for this application.

Item B all structures and wooded areas within the tract again due to the extent of the proposed construction the waiver is supported.

Item C existing lot lines to be eliminated – this item was marked as “NA” on the checklist. Engineer Guzzi asked if there was going to be consolidation of lots. Mr. Huettl stated that the parcel is composed of 2 separate tax lots and as a condition of final approval Whitesell is proposing to consolidate those 2 lots into a single lot.

Item D proposed storm sewer profiles. Engineer Guzzi stated that there are storm pipe profiles provided in the stormwater management report. He stated that he would support the waiver.

Item E cross-sections of watercourses – there is a creek adjacent to the property but as there is no development approved in that area the waiver would be supported.

Item F regarding cross-sections of channels and retention/detention basins. Engineer Guzzi stated that he has asked for a couple of sections for each basin but supports the waiver for completeness. This would need to be provided at time of final approval.

Item G regarding existing and proposed signs and trees of six-inch caliper. Mr. Huettl stated that there are approximately 14 acres of trees on this parcel and they are concentrated on wetlands. He stated that they are proposing to remove .9 acres of trees that will be removed in association with this project and pointed out their location. Engineer Guzzi stated that he would support this waiver.

Item H regarding outside approvals. Engineer Guzzi stated that all other approvals required would have to be submitted but for completeness the waivers would be supported.

Planner Petrongolo stated that he had no objection to granting any of the requested waivers.

Motion of Berry, seconded by Ryan to grant the waivers and deem the application complete.

Upon roll call the Board voted as follows:

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

Mr. Huettl referred to page 4 of Engineer Guzzi's review letter and said that many of the items have already been discussed and Whitesell will comply but there are also a number of items that require additional testimony.

Mr. Huettl stated that the plans would be revised in accordance with items 1 and 2. Item 3 is a variance or design waiver regarding parking. The ordinance requires 1,282 parking stalls. Mr. Huettl said that they do not anticipate anywhere near that many employees at this site. He said that all of the large buildings at the Haines Center to date are housed by distribution users. They bring in material generally by truck; do minimal processing and then ship it out. There are very few employees. Whitesell anticipates the same type of user for this proposed building and have designed the site with only 216 parking stalls. There is the capacity to provide a lot more parking if a manufacturer were to lease the building. There are trailer stalls across the back and across a portion of the front of the building. These areas have been designed to be converted to rows of automobile parking if required. There is also an area of trailer stalls in the back that could be converted if necessary. Should the necessity arise Whitesell would come back before the Board for an amended approval to allow the re-striping of the parking lot.

Engineer Guzzi stated that this is similar to other approvals in place at the Haines Center and there have been no issues with this. Mr. Huettl stated that this would reduce impervious coverage, reduces drainage and increases the amount of green space on the site.

Mr. Huettl stated that Item 4 is another waiver regarding parking. There is a small area of automobile parking where they are proposing 10' x 18' stalls in lieu of the 10' x 20' stalls required by the ordinance. This is just in front of the building. It doesn't yield more parking, but adds more green space; there would be less impervious coverage and runoff.

Mr. Huettl stated that Item 5 has to do with concrete curbing on parking areas. He said that there are some areas where concrete curbing is proposed and some areas where it is not proposed. The front entrance to the loading facilities and the driveway to the parking facilities is all curbed. The parking lot across the front of the building is curbed. The parking lot across the back is not curbed and concrete wheel stops are proposed in that location. There is no requirement in this area for curbing to convey stormwater runoff or keep people on the road so the wheel stops are proposed. At the boundary line between the proposed and future automobile parking stalls Whitesell would rather not install concrete curb if there were a chance that they have to take it out. No curb is proposed along the driveway to the truck loading area in the back. The stormwater run-off from that location goes straight to the south and directly into the basin so curb would be blocking the conveyance of that run-off. In the truck loading areas in the front and back concrete wheel stops are proposed. In this area the water runs off the edge of the pavement and into a shallow swale and then into the stormwater management basin.

Engineer Guzzi said that the drive aisle near the basin had very little shoulder and then dropped of into the basin so he suggested curb, but Whitesell has agreed to re-grade the area and provide more shoulder to mitigate the safety concern.

Solicitor Frank asked for the record if this proposal meets with the State of New Jersey's stormwater regulations. Mr. Huettl answered that it does.

Mr. Huettl said that Item 6 was a request for a barrier free ramp at the front door. From this particular location there are steps leading into the office so it is not handicap accessible. The handicap entrance comes from the side where the handicap parking spaces are located and leads up a ramp to the front door.

Items 7a, 8a, 8b, 8c and 8d are all plan revisions that will be provided.

Item 8e requires testimony regarding the Township's new recycling ordinance. This like the parking requirement is based on the size of the building and for this particular building in order to meet the ordinance Whitesell would need to provide 84 eight yard dumpsters for paper and cardboard and 60 four yard dumpsters for co-mingled trash and

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bottles and cans. Clearly this is not the purpose of this ordinance so a municipally approved recycling plan will be submitted for final approval.

Engineer Guzzi stated that this ordinance was not dreamt up by the Township but came down from the State.

Mr. Huettl said that Item 9A is a request for rip-rap along the edge of pavement where the water comes off the edge of pavement and goes to the basin. They would like to propose jute matting there in lieu of rip-rap.

Mr. Huettl stated that they would comply with Items 9b, 9c, 9d, and 9e. Item 9f is a comment regarding some existing drainage conditions. There are some areas that are very flat with essentially no run-off. When it rains the water goes to low spots and just sits there until it percolates into the subsurface within a day or so. Mr. Huettl requested that this condition be allowed to exist until that portion of the site is developed. He said that no additional run-off would be directed to that area as a result of the improvements.

Items 9g is a question regarding drainage adjacent to a wetland that is to remain. Mr. Huettl said that the treed areas have wetlands inside of them and the trees roughly follow a 50' buffer so the wetlands are in some distance from these tree lines. Mr. Huettl has asked Engineer Guzzi if he would defer this to the DEP. Engineer Guzzi stated that this was appropriate.

Items 10a and 10b the applicant will comply with these items. Item 11a is a concern about the use of high density ethylene storm pipe. This is the black corrugated plastic storm pipe. Mr. Huettl stated that Whitesell has used this on their last 3 large buildings at the Haines Industrial Center. This totaled 3 miles of storm pipe and there have been no problems with it. It is a lot easier and safer to move around the site. Engineer Guzzi stated that he does not have a problem with the material as it is widely used but wanted to make sure that the pipe proposed meets the loading requirements in the heavy truck traffic areas. Mr. Huettl answered that it does.

Item 11b a note will be added to the plan. Mr. Huettl stated that they would comply with Items 12a and 13a.

Item 13b a 7' high monument sign is proposed where 6' is allowed. Mr. Huettl stated that Whitesell owned approximately 90 buildings throughout Burlington County and they try to standardize things so that they can swap out parts. All of the signs in all of the buildings are exactly the same. All the signs are 4 1/2' wide and 7' and they would like to continue using this standard. All the buildings that have already been built in Florence have signs that are 7' tall. Engineer Guzzi stated that this would be an appropriate waiver.

Mr. Huettl stated that they would comply with Items 13c, 13d, 14a, 15a, and 15b.

Item 16a is a recommendation for a different pavement spec than what Whitesell has used for 11 of the existing buildings in the Haines Center. The specification that they are using includes 2" of a topcoat of bituminous pavement over 5" of bituminous stabilized base course. This has proven to be an adequate specification and they would like to continue using it. Engineer Guzzi stated that he has no problem with this.

Mr. Huettl stated that Items 16c, 16d, 16e, 16f and 16g will be provided. Item 17a the plan will be revised as requested. Items 18a, 18b, 18c, and 18d are regarding the design of the basin and all information will be provided.

Item 19 a through f are all comments regarding the traffic study. Engineer Guzzi stated that he did receive the supplemental report from Langan Engineering addressing all of those comments.

Mr. Huettl stated that this concluded the engineers review letter. Mr. Huettl said that he would go over the shorter review letters prior to moving on to the Planner's review.

Mr. Huettl said that the Director of Water and Sewer requested some clarification on the sizing of domestic and fire water lines. This will be provided. Mr. Huettl stated that he had met with the Fire Department to go over the 3 items listed in the May 14, 2010 review letter. One of the items requested a 30' wide fire lane across the side of the building as a temporary condition. Mr. Huettl said that if they end up with a half million sq. ft. building there would be a fire lane across the back. The Fire Department had requested 30' but after discussion agreed that 25' would be adequate. The 6 fire hydrants will be provided as requested. The 3rd item had to do with striping out tractor-trailer stalls that were adjacent to fire hydrants. Mr. Huettl stated that they would locate the fire hydrants in areas away from the trailer stalls so there would not be a need to stripe them out. Revised plan will be provided for the fire departments approval.

There was a no comment letter dated April 27, 2010 from the Florence Township Police Dept.

Mr. Huettl stated that the last review letter was from the planner dated May 13, 2010. He stated that since the letter is last many of the items have already been discussed.

Planner Petrongolo said that in Section B on page 5 a waiver had been requested for loading within the front yard and asked for testimony. Mr. Huettl stated that this is a very unique site. In order to have this size of building they have to have loading on the street side of the building. Mr. Huettl pointed out that this truck maneuvering area in the front yard is 140' from the curb. Planner Petrongolo stated that he has no objection for this waiver.

Section B4 is a variance request for the size of the off-street loading spaces. The applicant is requesting 13.33' x 55' where 15' x 40' is required. Mr. Huettl stated that trailers today are as much as 53' long so obviously those dock stalls need to be much longer than 40'. The distribution uses want as many dock doors as the can get.

Whitesell's standard column spacing is 40' and it works very well to put 3 dock doors in a 40' bay. This means that the spacing is 13'4". The truckers are able to maneuver into this space. This dock spacing is the standard for the Whitesell buildings. Planner Petrongolo stated that he has no objections to granting this variance.

Planner Petrongolo stated that Item C on page 6 refers to pedestrian circulation. He said that there had been lengthy discussions with the applicant regarding this item and that he was withdrawing this comment from his letter.

Item D on page 6 regarding the planting design a waiver is requested for number of parking lot trees. Mr. Huettl stated that more than two times the required number of trees is proposed, but they are not located as close to the pavement as the ordinance calls for. Mr. Huettl stated that they have located the trees in areas that will provide the best buffering of the site.

Item E indicates that a waiver is necessary for the intensity of the illumination and the illumination of foot-candles. Planner Petrongolo requested testimony in support of this waiver. Mr. Huettl said that the ordinance contains 3 recommendations for the design of lighting systems and provides different recommendations for different uses (retail, office, residential). He said that these recommendations are very difficult to meet all at the same time. What is proposed is what Whitesell thinks is the best balance of all three. It also balances energy efficiency and safety. Planner Petrongolo stated that he has no objection to the lighting as proposed.

Planner Petrongolo deferred to Solicitor Frank for the COAH obligation. Solicitor Frank stated that with the assistance of the Township Administrator, he and Attorney McDougall are trading back and forth appropriate language to address the complexities of the affordable housing situation. At the moment the law is that projects receiving approval presently that pull a building permit in a timely manner are going to be exempted from COAH contributions. Language needs to be crafted that respects this state of statutory affairs but also understands that the law may change sometime in the future.

Mr. Huettl said that one of the last things that governor did was pass an economic stimulus package and one of the items in that was a COAH moratorium that was to encourage to developers to build in New Jersey. There are 2 hurdles that a developer has to clear in order to comply with the requirements of that moratorium and qualify from that COAH exemption. The first one is to get approval before July 1, 2010. The second is that you need to have a building permit by January 1, 2013. It is Whitesell's intent and hope that they will have a final approval and a building permit by January 1, 2013.

Mr. Huettl stated that Whitesell's last 2 projects in Florence had very substantial COAH contributions. The Christmas Tree Shops project, which was 700,000 sq. ft. had a COAH contribution of 1.2 million dollars and the International Paper project had a COAH contribution of 522,000 dollars. There was a change in regulations and Whitesell got a little of that money back, but it is still a lot of money and it is important for Whitesell to

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take advantage of this moratorium if they can. They are competing with buildings that exist over in Bristol, only 15 minutes away and they don't have the high taxes and COAH contributions that the developers in New Jersey face.

Motion of Lutz, seconded by Berry to open the hearing to public comment. Motion unanimously approved by all members present.

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

Solicitor Frank listed the following conditions. Lot consolidation as a condition of final. Cross sections for each of the basins will be provided. Plan detail changes and submissions in accord with testimony on the record this evening. Development of a municipally approved recycling plan prior to final. Design waiver for the sign height. There is an agreement to a different pavement spec with the understanding that if problems arise the applicant will comply with the spec called out in Engineer Guzzi's review. Waiver for loading in the front yard. Loading zone size variance 13'4" x 55' proposed. Waiver for number of trees in the parking lot area. A design waiver for the intensity and uniformity of the lighting. Waiver for number and size of parking stalls. Partial waiver on concrete curbing for parking lots.

Motion of Berry, seconded by Ryan to approve the application with the conditions called out by Solicitor Frank.

Upon roll call the Board voted as follows:

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

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

Chairperson Hamilton-Wood stated that the Board would discuss Correspondence D. This is a complaint stating that Roma Bank is suing Florence Township Council over the sidewalk ordinance.

The Board agreed that they would attend a joint meeting with Township Council on June 30, 2010 at 8:00 p.m. to discuss the sidewalk ordinance as well as issues regarding the Re-Examination of the Master Plan and the some Redevelopment in the town.

Motion of Ryan, seconded by Wainwright to adjourn the meeting at 10:20 p.m.

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Paul Ostrander, Secretary

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