

Florence, New Jersey 08518-2323  
July 19, 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 his 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	Wayne Morris
Mildred J. Hamilton-Wood	Paul Ostrander
Tim Lutz	Council Representative Sean P. Ryan
James Molimock	Frederick Wainwright

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

ABSENT: Charles Bauer

## RESOLUTIONS

### **Resolution PB-2010-08**

**Deeming complete the application of Rocco Gangone for 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.**

Motion of Berry, seconded by Wainwright to approve Resolution PB-2010-08.

Upon roll call the Board voted as follows:

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

### **PB-2010-09**

**Withdrawing without prejudice the variance request to allow the placing of a permanent trailer on the property and granting minor site plan approval to Cream-**

60.

**O-Land Dairies, LLC to permit relocation of 3 light poles in the parking area on property located at 529 Cedar Lane, Florence. Block 155.47, Lot 12.01.**

Motion of Berry, seconded by Ostrander to approve Resolution PB-2010-09.

Upon roll call the Board voted as follows:

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

**PB-2010-10**

**Granting preliminary major site plan approval to Whitesell Construction Co., Inc. for a 1.25 million sq. ft. industrial building at 1000 John Galt Way, Florence Township. Block 158, Lots 7 & 8.**

Solicitor Frank stated that he had received an email at 3:15 p.m. this afternoon from counsel for the applicant with numerous suggested changes to the draft and he did not have an opportunity to fully review them and consult with the Board's other professionals regarding the items in that email. He requested that this resolution be carried.

Motion of Berry, seconded by Lutz to carry this application until the August 16, 2010 meeting.

Upon roll call the Board voted s follows:

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

**MINUTES**

Motion of Lutz, seconded by Berry to approve the Minutes from the regular meeting of June 21, 2010 as submitted. Motion unanimously approved by all members present.

**CORRESPONDENCE**

A. Letter from the Burlington County Planning Board dated June 14, 2010 regarding the CoFlow subdivision, Block 165.01, Lots 2.10, 2.11 & 2.12.

On the Question:

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Member Wainwright stated that it was his understanding that this subdivision was just to move lot lines, there was no road or building proposed. Engineer Guzzi stated that no development was approved as part of this application. The County, according to the review letter, is insisting that CoFlow show a proposed driveway on that site. Mr. Wainwright said that the lot that was increased in size by the subdivision does not have any road frontage. Engineer Guzzi said that the County for whatever reason is insisting that a driveway be shown on the plans for that lot. He stated that there isn't anything that the Board can do about it. However, CoFlow can't make any improvements or even put a driveway in without coming back before this Board.

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

Chairperson Hamilton-Wood called for Application PB#2010-03 for Roma Bank. Applicant is requesting amended preliminary and final major site plan approval for Roma Bank II (Offices at Mallard Creek) for a proposed 25,720 sq. ft. medical and general office building at 2160 Route 130, Florence Township, Block 166.13, Lot 1.

Vice Chairman Lutz stated that he had a conflict and left the dais.

Attorney Rudolph Palumbi representing Roma Bank requested that the Board hear the application for both preliminary and final approval this evening. Chairperson Hamilton-Wood stated that this is typically not the Board's procedure but if no members of the Board object both preliminary and final could be heard.

Attorney Palumbi stated that the applicant is prepared to streamline the process. Engineer Guzzi stated that since there had been a lag time between the completeness hearing in May and this evening the applicant did submit revised plans which addressed most of the comments from the review letters.

Teal Jefferis, of Jefferis Engineering was sworn in by Solicitor Frank. Mr. Jefferis stated that he had a BS in civil engineering and is licensed in the state of New Jersey, Pennsylvania, Delaware and Ohio. He said that he has practiced here in the state since 2000 focusing on land development and has testified before numerous planning boards throughout the state. Mr. Jefferis was qualified as an expert in civil engineering.

Mr. Jefferis submitted exhibit A1 dated 7-19-10 a rendered copy of the site development plan revised June 24, 2010 that was submitted to the Board for review and consideration.

Mr. Jefferis stated that they are here this evening for an amended preliminary and final site plan for a proposed office building at the site of the existing Roma Bank on the corner of Fairbrook Drive and Route 130. The site is identified as Block 166.13, Lot 1. The plan that is proposed this evening is an amendment to a previously approved preliminary site plan. At the time that the approval for the Roma Bank was granted back in 2002, the second phase of the project was approved for a 37,200 sq. ft. building composed of approximately 28,300 sq. ft. of office and 7,500 sq. ft. of retail space that

was approved preliminarily. At the time of that particular application there were a number of variances that were granted for that application including parking stall size, quantity of loading areas and the quantity of freestanding signs.

Mr. Jefferis stated that as a condition of that approval the applicant had approached NJDEP for permitting associated with waterfront development along the stream (Craft's Creek). As part of that permitting process they learned that the extent of the proposed improvements had to be cut back and reduced in order to stay out of a buffer for the existing freshwater wetlands on the stream. As a result of that the proposed improvements for Phase II were reduced.

Under this application the use for this site has changed. The original approval was for office and retail with a total square footage of 37,200 sq. ft. Under the current proposal the square footage of the building will be approximately 25,720 sq. ft. This is proposed to be an office building used for conventional office or medical office or combination thereof.

Mr. Jefferis showed the location of the building on the plan as well as the proposed parking and drive access aisles for this new building. This will consist of parking along the western side, the northern side along Route 130, employee parking stalls along the back (eastern) side of the building and a parking lot to the south of the proposed building. Additionally there is a driveway loop proposed for the bank so that the patrons leaving the drive thru bank will turn and exit around the front of the bank and onto Fairbrook Drive.

Mr. Jefferis stated that the applicant does not know who the tenants are going to be, so they built some flexibility with regard to the conventional and medical office space. Assuming the worst-case scenario that the entire building was leased out as medical space, it generated a parking requirement for a 190 parking spaces. Currently 161 parking spaces are proposed plus an additional 11 parking spaces located in the southern corner of the site next to the entrance off of Fairbrook Drive to be designated as future parking spaces if they are deemed necessary. There will be testimony offered by the traffic engineer with regard to parking spaces in support of the building size.

Mr. Jefferis said that on the south side of the building there is a porte-cochere (carport overhang) so that people visited the site could drop off passengers during inclement weather prior to parking in one of the lots. The existing trash enclosure will be shifted to the south and expanded to comply with the new recycling ordinance. This will be for both trash and recycling and will service both the existing bank and the proposed office space. Handicap parking spaces have been provided for the office as well as the possibility of modifying the proposed (banked) parking if additional handicap parking was deemed necessary by one of the tenant spaces. The yellow shading on the plan represents concrete sidewalks and pads. Along the Route 130 corridor in light of the requirements of the town a 4' wide sidewalk is proposed along the frontage to approximately the edge of the existing vegetation and wooded area. In order to continue the property to the end of the sidewalk both NJDOT permits and NJDEP permits would

be required as this area falls within the jurisdiction of the Waterfront Development Permit as well as some of the lower elevations in regards to the Flood Hazard Area. This area is also heavily sloped and heavily wooded and as a result it would be very difficult to extend sidewalk down to the end of this property at which this point there is no existing sidewalk to connect with.

Mr. Jefferis submitted Exhibit A2, which is a rendered version of the landscaping plan that was provided as part of the set. On this plan the dark green along the northeastern and eastern portion of the property represents the existing wooded area. The dark green circles along the southern border represent the existing vegetation along the landscaped berm as well as some of the existing vegetation along the existing parking lot of the Roma Bank. A significant amount of parking lot trees are proposed throughout the parking lot as well as shrubs around the building, along the front of the parking spaces and also along the Route 130 frontage of the parking to enhance and complement what is there as well as to comply with the township ordinance with respect to parking lot landscaping.

Mr. Jefferis referred back to Exhibit A1 the site development plan and addresses the variances and waivers that were required as part of this application.

He stated that the ordinance requires that a buffer of 100' be provided between a commercial development and a residential district. This falls along the southern property line. At the time of the previous approval that requirement in the ordinance was 50' and the previous design complied with that 50' setback. Since that time the ordinance has changed to 100'. The applicant is proposing the extent of parking in this area to stay the same as what was previously approved and not extend any closer to the residential property but to remain at that 50' setback mark as well as to preserve and protect the existing landscaped berm and the mature trees that are along that property line. As a result of that change in the ordinance a variance is required for the setback from the residential properties.

Mr. Jefferis said that the ordinance states that parking is prohibited within any buffer. Obviously this area is proposed for parking so a variance would be required for this also. The third requested ordinance is for the parking stall size. The ordinance requires 10' x 20' and 9' x 18' is proposed. There are existing 9' x 18' parking spaces and the Board at the time of the previous application had granted 9' x 18' parking stalls for this particular project.

He continued with the next variance that deals with loading areas. The ordinance requires 4 loading areas based on the square footage of the building for this site. Given the type of use proposed (office space and bank) that quantity of loading area is just not required for the use. In lieu a 15' x 40' loading area along the eastern side of the building is being proposed to allow UPS, Fed EX and Postal trucks to park and then enter through the front door. The loading area is away from the rest of the parking. The next variance proposed is for the parking quantity. The ordinance calls for 190 parking stalls and

assuming the worst case scenario of 100% medical office use within the building and 161 parking spaces are proposed with 11 future (banked) parking spaces if needed.

Mr. Jefferis said that the ordinance specified that a maximum of 20% of the required parking can exist within the front yard of the site. The ordinance also specifies that the 20% maximum applies to offices that are not located within shopping center complexes. Mr. Jefferis stated that he had discussed this with Engineer Guzzi and both agreed to base this upon both facilities being considered office even though one is a bank. To be conservative it was looked at from both facilities for total parking. As a result of that a maximum of 38 parking spaces would be permitted in the front yard of both Route 130 and Fairbrook Drive. The existing bank currently has 20 parking spaces that would fall within the front yard. The proposed plan is for 20 parking spaces in front of the building for the proposed office use. This equates to a total 40 spaces within the front yard where 38 is the maximum permitted.

Mr. Jefferis said that if they were to take the bank out of the equation and just look at the requirement for the new building. With a total parking spaces of 172 (161 plus the 11 future spaces) 20% of that would be 34.4 parking spaces. They are currently proposing 20 at the new building. Under a worst case scenario there is an existing 31 parking spaces for the bank and the bank requires a total of 18 parking spaces. That leaves an additional 13 parking spaces that are in an excess of what the bank would require. So from a worst case scenario there would only be 33 parking spaces for the office that would be in the front yard.

Mr. Jefferis stated that the next variance is for freestanding signs. Under the proposed plans the existing freestanding sign pylons along Route 130 is proposed to be removed and replaced with a sign that would have information for the Roma Bank as well as the new office. The size, setback, etc. for this sign complies with the ordinance. Under the ordinance one freestanding sign is permitted for the property. Under the previous approval there were 2 freestanding signs granted. Those 2 freestanding signs consisted of the existing freestanding sign along Rt.130 and the development at Mallard Creek sign that was on the existing masonry wall at the very southern corner of the site. That sign has been removed from the wall and the only identification sign deals with the pylon on Route 130. Within the interior of the site there are 3 informational signs that are proposed. These are directional signs that will give guidance to people coming into the facility. The Board Planner viewed these signs as freestanding signs and incorporated that into the overall count. This makes the total number of signs 4, which requires a variance.

The last variances required are for lighting. Mr. Jefferis submitted Exhibit A3 a copy of the lighting plan. He said that the previously approved design incorporated and utilized 175 watt metal halide lights that were mounted on poles at 20' height throughout the parking lot, along the rear of the formerly proposed building as well as throughout the bank area. The original design submitted for this application attempted to maintain the original lighting design. The light levels exceeded the recommendation in the ordinance of 1 foot-candle. The lighting in the office site area under the originally proposed design

and the formerly approved design were approximately in the 1.78 foot-candle range as an average lighting intensity in this area. The Board Engineer had some concerns with regard to this lighting and the applicant worked with a lighting rep and revised those lights to be 150 watt metal halide lights mounted at 20' in height. House shields have been incorporated on all those lights. This caused the average light levels to drop significantly to an average of about 1.39 with a uniformity ratio of approximately 6.10. This was a significant drop from what was previously approved in that area.

Mr. Jefferis stated for reference that the existing bank parking lot and the previously approved plans had a lighting intensity of approximately 1.57 foot-candles. The lighting intensity with revised plans would be 1.39. This is less than what is there currently in the existing parking lots. Even with the reductions they couldn't get the light levels down to an average of one foot-candle; simply because in order to have an average of one you have to have levels below one. When levels were below one it started to raise concerns with regards to security, the security cameras in order to have facial recognition and also in terms of getting light in between the cars. With the medical office use the applicant wanted to make sure that they had ample, not bright, lights for patrons that may be coming to this building as well as people utilizing the bank. He stated that he had worked back and forth with Engineer Guzzi trying to reduce that to the extent possible but technically will need a design waiver for the light levels for exceeding the recommendations in the ordinances from 1 foot-candle to approximately 1.4 foot-candles.

Mr. Jefferis said that as a point of interest with regard to the lighting, under section 91-87-C3 of the Township Ordinance states that the intent of the lighting information in the ordinances is to provide guidelines and not rigid standards which may be used for design of lighting systems subject to the possible adjustments by special site specific conditions. He said that he wanted to emphasize that what was in the ordinance is defined as general guidelines and not as rigid standards. They have worked to try to reduce lighting and comply with the extent possible but can't quite get there. It is important to remember that the existing light levels at the bank now are higher than the proposed light levels at the office.

Engineer Guzzi stated that his concern was spillover of light onto the adjoining residential area. He said that he wants the parking lot to be lit to a safe level but this parking lot is closer to the residential area and this is why he thought it was important to have the levels reduced closer to the ordinance requirements.

Chairperson Hamilton-Wood stated that the berm is an enhanced berm with plantings and asked if this diffused any of the light flow into the residential areas. Engineer Guzzi stated that it did on the lower levels but the second floors of the home are going to look out on that parking lot.

Chairperson Hamilton-Wood asked Engineer Guzzi if it was his opinion that the light levels on the plan were sufficient to secure the property for safety while being low enough to not have too negative an impact on the residential properties. Engineer Guzzi stated that he did believe that it was adequate lighting levels for the parking lot and is

much better than that which was previously proposed in respect to the impact to the neighboring residences. He said that he wants to be clear that no matter what the Board does the residences will see light in that parking lot. Mr. Jefferis stated that in the design there would be lights around the bank and in the building that will remain on for security reasons for the night, but the bulk of the lights in the parking lot are on a timer switch that would turn them off at 11:00 p.m.

Mr. Jefferis said that the single and double-headed fixtures in this area are all proposed to have house shields involved. The fixtures themselves are a shoebox style that has a hidden source. This is more of a directional light to control and minimize any glare. The fixtures along the southern part of the curb line are single headed, aimed away from the residences with house shields. This is consistent with what was approved in the previous approval.

Mr. Jefferis called Jerry Cantor from the firm of Horner and Cantor to give testimony regarding traffic. Solicitor Frank stated that Mr. Cantor is well regarded as an expert in the field of traffic engineering and had previously appeared before this Board as well as numerous other Boards. Mr. Cantor was accepted as an expert and sworn in by Solicitor Frank.

Mr. Cantor stated that his firm was retained by the applicant to do a traffic generation and parking analysis of the application. A traffic report dated April 22, 2010 was submitted as part of the application. He stated that they looked at the trip generation of the site. As was testified to by Mr. Jefferis the proposed building is about 10,000 sq. ft. smaller than the originally approved building and it is minus the retail component, which is a higher generator of traffic than office use. As a result the proposed Phase II as opposed to the originally approved Phase II is going to generate between 40% and 50% less traffic because of the change of use and reducing the size of the building.

Mr. Cantor stated that he would offer testimony in support of the 2 requested parking variances. The intent and purpose of a parking ordinance requirement is simply that you want to make sure that a plan that is before you has a supply of parking that will meet the demand for parking so that people won't park illegally to access the site. The applicant is requesting a variance for number of parking spaces because they do not meet the 190 spaces required by the ordinance. The plan proposes 161 active parking spaces with 11 banked parking spaces if found necessary in the future.

Mr. Cantor stated that traffic engineers do actual parking accumulation studies of similar office buildings throughout the country. These studies are compiled and published by authoritative sources. The most notable being the publication called "Parking Generation" which is published by the Institute of Transportation Engineers (ITE). He stated that his firm is a contributing editor to that publication.

The Florence Township Ordinance requires something like 6.67 spaces for 1,000 sq. ft. Mr. Cantor said that the published study results, which are verified by their local studies, indicate that the parking demand for medical office space is 4.3 spaces for 1,000 sq. ft. in

the 85<sup>th</sup> percentile. This means that of all of the studies statistically that 85% of the time the study will not exceed these 4.3 spaces per 1,000 sq. ft. The supply that is proposed for the office is just over 5 spaces for 1,000 sq. ft. Within the office area there are 130 parking spaces and there is 31 spaces in the bank area. This adds up to the proposed 161 spaces. The parking variance is based on the site as a whole but from a practical standpoint for the most part people will not park at the bank and walk to the office unless they have a dual purpose. Generally people tend to park closest to the building that they want to use.

Mr. Cantor stated that the office has a supply of 130 parking spaces. Using the parking demand indices, which his firm has found to be adequate, that building would require 111 parking spaces and a parking supply of 130 is proposed. When you add the bank in because the ordinance is based on looking at the site as a whole, the total requirement is 190. The total supply would be 161 plus the 11 banked and the total demand would be 131 spaces. The reason for the difference is that the parking supply at the bank is over supplied. The ordinance requires the bank to have 18 spaces and there are 31 available so there are extra spaces should they be necessary. In addition, the 11 banked spaces are proposed if necessary. Mr. Cantor stated that in his opinion the banked parking would never be needed.

Chairperson Hamilton-Wood asked if the published standards differentiate between medical office and general office? Mr. Cantor stated that they did. The standard for general office buildings based on the ITE studies is 3.44 spaces per thousand and opposed to the 4.3, which is required for medical. Once again the applicant is proposing to utilize this as 100% medical office even though it may not turn out that way. If it were to turn out that way, Mr. Cantor stated that he has demonstrated that the parking supply would exceed the parking demand and there would be no negative affects. He said that he believes that the variance could be granted for parking supply without impairing the intent and purpose of the ordinance for the reason that the demand for parking would be less than the supplied parking and there would be no negative impact to the site resulting from this variance.

Mr. Cantor stated that the second ordinance was for stall size. The ordinance calls for 10' x 20' parking spaces and 9' x 18' is being proposed and was approved as part of the previous plan. He stated that all of the authoritative sources on parking, ITE, Urban Land Institute, the American Planning Association and the Eno Foundation all recommend 9' x 18' as a standard for a large parking space. Also a lot of regulatory agencies, e.g., RSIS, CAFRA or the Pinelands (none of which apply here) require 9' x 18'. Using this as a guide, given the size of the vehicles that are on the road today the 10' x 20' parking spaces are no longer needed; the 9' x 18' parking spaces are quite sufficient.

Mr. Cantor said that aside from these studies his office has taken the time to look up every large vehicle on the manufacturers websites to see how they would fit into the parking spaces. The largest passenger car that is still being produced this year is the Lincoln Towncar, which is 18' long. Every other car is smaller, even the standard Ford F150 pickup, the Escalade and Expedition would fit into an 18' space. He stated that

most towns have reduced the standard to 18' length in their ordinances. The 9' width has also become the standard. There are 2 instances where a traffic engineer would recommend a greater width than 9'. One where you have an extremely high turnover of parking – Wawa, 7Eleven, etc. or where shopping carts are used. Neither of these apply in this case. He stated that in his opinion granting this variance would not impair the intent and purpose of the ordinance nor would it have any substantial negative impact.

Susan DeHart , USA Architects was sworn in by Solicitor Frank. Ms. DeHart stated that she is a project architect licensed in the state of New Jersey. She stated that she has a Bachelor's of Architecture and has worked with USA for almost 10 years. Ms. DeHart stated that this was her first appearance before a Board.

Ms. DeHart submitted Exhibit A4 floor plans for the proposed building. She stated that the building has two floors with approximately 12,500 sq. ft. per floor. Since they don't know who the tenants are going to be they are trying to allow for as much flexibility as possible. The green area shown on the floor plan would be tenant space. Not knowing how much space tenants would require they are leaving this open and will divide it at a future date. The blue space is a central corridor that houses all the core facilities for the building, circulation space, elevator, stairs and toilet rooms.

Exhibit A4 also shows 2 rendered perspectives. The top one is the view that you would see from the parking lot. This is the porte cochere that was previously mentioned and the one building mounted sign is also in this view. The other rendered view would be from the Route 130 perspective and as you can see the building has been designed with 2 fronts. The functional front would be from the parking lot side, but the side of the building that most people would see on a daily basis is the side facing the highway.

Member Morris asked if the color of the bricks would be similar to the Roma Bank. Ms. DeHart stated that the exact same brick would be used. The standing metal roof that is shown as an accent will also be the same. The bulk of the building has a flat roof that is hidden behind a 3' parapet. She stated that they had also included awnings and paneling to break it up a little bit and bring it down to a more residential scale.

Ms. DeHart submitted Exhibit A5 which was another view showing the elevations and the building materials for each side of the building. There is an 11'4" clearance at the porte cochere which was added in response to the first review letters. There will also be a stucco system on the building that has been chosen to compliment the color of the brick.

Chairperson Hamilton-Wood asked if all the mechanicals would be hidden by the parapet? Ms. DeHart answered that yes the HVAC systems would be on the flat roof hidden by a 3' parapet that covers the perimeter of the building.

Attorney Palumbi stated that the applicant understood that whatever the COAH obligation is the applicant will abide by that.

Chairperson Hamilton-Wood asked that the Board's professional staff go through their review letters.

Engineer Guzzi referring to his July 8, 2010 report stated that many of the items have already been addressed. On page 2 numbers 1 through 5 are the design waivers and variances that were already addressed by testimony from the applicant's staff. Item 6 is the partial waiver for sidewalks. The applicant is proposing to extend sidewalks along Route 130 but not the entire frontage due to some environmental constraints on the property.

Chairperson Hamilton-Wood stated that the sidewalk would stop and she understands the reason behind it. She said that the sidewalk would stop at a pretty dangerous spot on the highway. Should the Board require a sign that tells people not to cross the road? Engineer Guzzi said that the flip side is anyone already walking up the highway would be able to use the sidewalk in this spot. Chairperson Hamilton-Wood said that she just doesn't think that people should cross Route 130 at this location.

Solicitor Frank stated that we do need to address the Board's authority in regards to this issue, which has been in a state of flux as of late. The Board may recall that the governing body passed Ordinance 2010-07 which would have removed the authority from this Board to review or grant waivers of the sidewalk requirement along Route 130. He said that the governing body did introduce at it's most recent meeting on first reading Ordinance 2010-14 which would restore to the Board that authority to hear and decide a request such as this one with regard to waiver of sidewalks along Rt. 130. He also pointed out that there was litigation filed in an attempt to overturn ordinance 2010-07 based upon the legal theory that the governing body doesn't have the authority to remove the Planning Board's ability to hear and decide those questions. This lawsuit would become moot upon the passing of that ordinance.

Chairperson Hamilton-Wood asked if the Board had the authority at this time to do anything with this waiver request? Solicitor Frank said that there is a case that says that this body needs to take cognizance of pending ordinances. There is a pending ordinance that is going to give back the authority to the Board. He stated that the body should hear and decide the question of sidewalk subject to passage upon second reading/final adoption by the governing body. In the event that the governing body doesn't pass that ordinance then the applicant has to address that by going to the governing body or pursuing it's litigation with the governing body with regards to the status of that ordinance and it's withdrawal. He stated that in his opinion the Board does have the authority to grant this variance.

Solicitor Frank stated that the pending ordinance does request that there be contribution in lieu of sidewalk whenever this body grants such a waiver. That would be calculated by the engineer based upon the cost of construction of that length of sidewalk. He stated that he did not know if there was an off setting sidewalk being provided somewhere else.

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Attorney Palumbi stated that if payment in lieu is a condition of the pending ordinance the applicant will conform.

Engineer Guzzi said that Item 7 refers to the freestanding signs. He said that as Mr. Jefferis testified the second Mallard Creek development sign that was on the wall was removed which would remove the requirement. As Mr. Petrongolo suggested the 3 directional signs should be considered as a variance to be on the conservative side. Planner Petrongolo stated that this is a technical variance, as the ordinance doesn't differentiate between directional signs, informational signs or monument signs. It should be noted that the overall sign square footage for the combined freestanding signs is actually less than the ordinance requirement.

Engineer Guzzi said that Items 8 through 11 were plan details. Mr. Jefferis stated that he had no issues with these except for Item 11, which is really an architectural issue, and he would defer that to the architectural design of the building. Engineer Guzzi asked about the small retaining wall. Mr. Jefferis referred back to Exhibit A1 and pointed out the area. He stated that Item 11 deals with the elevated landing at the front entrance at the northwestern corner of the site. What they are proposing is that this element would be designed as an integral part of the building and is deferring the detailing of that as a part of the building. This would be an entrance step as well as a handicap ramp. This will be complementary to the building.

Engineer Guzzi stated that Items 12 and 13 are regarding the lighting; testimony has been given in support of the required design waiver.

Mr. Jefferis stated that he would make the changes that were requested in Items 14 and 15.

Engineer Guzzi said that Item 16 is regarding the footing and foundation details for the lights. These should be provided prior to issuing of the construction permit. Item 17 regarding stormwater management, Mr. Jefferis stated that they would comply with this. Item 18 regarding the ADA Standards and the barrier free parking, as was discussed there are no tenants as of yet but there are flexible parking spaces that can be converted to handicap. He suggested that as tenants occupy the building the applicant could provide this information and Engineer Guzzi will keep a log of the parking stalls and if additional parking stalls need to be converted they can be done at that point. This should be a condition of the approval.

Item 19 Mr. Jefferis stated that there are 3 dead trees to be removed and replaced and the location of these will be identified on the plan as requested.

Engineer Guzzi stated that the outside agencies are listed in his review letter and comments have been received from some of those agencies already.

A review letter was received from David Lebak, Director of Water and Sewer dated May 13, 2010 regarding water and sewer details and changes. Mr. Jefferis stated that they

have revised the plans to incorporate those comments as part of the resubmission and are awaiting any further comments. Engineer Guzzi stated that these were mainly detail issues.

A review letter was received from Fire District No.1, there were 5 comments including fire hydrant locations and fire department connections. Mr. Jefferis stated that they had reviewed these comments and incorporated them and he had spoken with Brian Richardson with respect to one comment pertaining to the fire hydrant location and that was incorporated into the revised set that was submitted for comment.

A memo was received from the office of the Environmental Commission. Engineer Guzzi read the items into the record. They requested light housing shields be required. The testimony given was that they were being provided. They asked for the location of all night security lights be indicated on the plan – these are the lights that will remain on. The Commission asked that sidewalks be extended to the traffic light. Testimony was given on sidewalks. They also requested that a maintenance plan for the stormwater management be added to the plan. In this case there are stormwater management devices and then the subsurface management plan. Mr. Jefferis stated that they did this with the revised plans.

A “No Comment” review letter dated May 6, 2010 was received from the Florence Township Police Department.

Review letters must be received from Burlington County Planning Board, Burlington County Soil Conservation District, New Jersey Department of Environmental Protection (if required) and New Jersey Department of Transportation (if required).

Chairperson Hamilton-Wood asked Planner Petrongolo to address any items in his letter that had not already been addressed.

Planner Petrongolo stated that his letter was July 14, 2010 and said that most of the comments had already been discussed. All of the landscaping comments from the first review letter have been satisfactorily addressed. Light levels have been discussed. Mr. Jefferis stated that there was no objection to adding notes to the plan regarding the light quantities and landscaping.

Planner Petrongolo stated that he had a question regarding the trash enclosure location. When the gates are open on the trash enclosure they actually swing out into the drive aisle for the bank. The concern is that sometimes gates swing open or are left open mistakenly. Mr. Jefferis indicated on Exhibit A1 where the enclosure was located. He stated that the gates would extend out beyond the curb-line when they are open. However, when those gates are open the truck will be removing the dumpster. At that point the drive through lanes would be temporarily blocked by the trash truck. In the event that the gates are inadvertently left open they would be extended out into the bypass lane around the stacking. For a car to be that far over all the stacking lanes for the drive-through would have to be fully stacked. The location of this enclosure is prominent

as it is between the buildings. They did look at possibly relocated this on the site, but there are environmental constraints and there really is not another acceptable location. It would be in the best interest of the bank and the office to make sure those doors remain closed just from an aesthetics point of view. To support that there is also a man door on the side of the enclosure. The big gates realistically would only be operated by the truck driver when he is loading and picking up.

Engineer Guzzi asked for the width of the enclosure. Mr. Jefferis answered that it was approximately 24'. Engineer Guzzi asked if it was possible to put 2 sets of gates with a bollard in the middle. Mr. Jefferis stated that there are 4 swing gates proposed. Engineer Guzzi stated that this would be a 6' gate that would extend into the drive aisle not a 12' gate. Engineer Guzzi asked if the area where the gates would swing could be striped off? Mr. Jefferis stated that they could do this. Mayor Berry asked if the gate could be spring-loaded? Mr. Jefferis stated that they would consider this.

Planner Petrongolo stated that the signage and COAH had already been discussed.

There being no other questions from the Board, motion was made by Ostrander, seconded by Morris to open the hearing to public comment. Motion unanimously approved by all members present.

Betsy Angelo, 15 Creekwood Drive was sworn in by Solicitor Frank.

Ms. Angelo said that she heard a lot about the previous site plan that was approved and asked if that approval is still valid. Solicitor Frank stated that the previous approval is still valid. Ms. Angelo said that she understands that the size of the development has decreased based on the environmental constraints of the site. She stated that the responsibility of the Board is to determine whether the size and the scope of the development are consistent with the constraints and the size of the lot. She asked the Board to reconsider what they have heard tonight.

Ms. Angelo said that what she heard was that the applicant cannot comply with the 100' buffer to the residential area which has been increased over the last 8 years since the original site plan was approved. She stated that she was sure that this was increased for good reason. The applicant can't take the parking out of this area as required by the ordinance. They are not providing the number of parking spaces or meet the ordinance for the size of the parking spaces. She said that she would really like the Board to consider what could possibly be built in accordance with the ordinances. She asked to what extent the Board was permitted to over develop the site. She stated that she understood that this was an important tax ratable but there are an excessive number of ordinances that are being violated and wanted the Board to ask the developer what conforming development could be put on this site.

Ms. Angelo said in regards to the sidewalk, as she understood the testimony the applicant has already received the DEP permits and the sidewalk is currently a requirement of the township ordinance. She stated in her opinion the applicant was presumptuous in

assuming that they could get the Board to approve the elimination of the sidewalk, which is really needed for safety reasons. Right now pedestrians have to walk in the shoulder to get to the traffic light where they are allowed to cross. We are bringing development in and would like to encourage walkable communities where our residents and visitors can use the train station to get to an office park. She stated that since the developer was presumptuous in getting there permits, this Board should reconsider and have the applicant go back and try to get the permit from DEP and DOT. She stated that she didn't think this was insurmountable for safety reasons since it is state right of way.

Lastly, Ms. Angelo stated that the residents would be most impacted by parking if the users of the site start parking on the residential street and by the impact of the lighting. The fact that the applicant can't comply with 1 foot-candle which is a safe lighting level and which is the township standard also concerns her significantly.

Ms. Angelo asked if the lights were full cut-offs? Mr. Jefferis stated that they were. Ms. Angelo asked if the lights could be turned off sooner than 11:00 p.m.

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

Chairperson Hamilton-Wood said that based on the comments presented by Ms. Angelo regarding the 11:00 time for cut-off of the lights, could this be altered? Mr. Jefferis stated that they would agree to turn the lights off at 10:00 p.m.

Ms. Hamilton-Wood asked for additional testimony on the one foot-candle.

Mr. Jefferis said that the lighting design was established to incorporate a number of poles and light fixtures in specific locations to try to get a uniform coverage over the parking area. In areas that fall between the light fixtures there is a decreasing intensity of light. If you envision a flashlight pointing down there is a bright spot under the flashlight that would quickly diminish in intensity. They tried to locate the poles so that the point where they decrease in intensity overlap with that of the other pole so you have uniform light throughout the parking area. The purpose of the lighting design is to avoid the dark areas, which become unsafe areas. The plan is to have adequate light for in between the vehicles, across the pedestrian sidewalks and the driveways. As stated earlier the average foot-candles across the site which incorporates the lights at the bank as well as lights around the parking area is around 1.39, visually the difference between this and 1.0 foot-candle would be very difficult for people to distinguish. The recommendations for lighting in parking lots vary a little bit from source to source but the general consensus is from an enhanced security point of view they recommend a maximum of 2 ½ foot-candles for an average, which is a bit on the bright side, with a minimum average of approximately 1 foot-candle. With regard to 1 foot-candle, to provide that average across the site they would have to lower some of the light levels in between the fixtures in order to be able to bring the average down. The concern that they had with this was being able

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to get ample light in between the cars and then to provide ample light so that they are not creating dark areas.

Planner Petrongolo stated that along the bottom row of the lighting plan it shows 2 light poles. Would it possible to eliminate one of those poles and locate the remaining pole in the center. It shouldn't impact any parking spaces. The only impact would be to the drive aisle. Mt. Jefferis stated that he wouldn't have an objection to this provided that the Board Engineer was in favor of it. There is a drainage easement in the area and the pole would have to be located outside of the easement. Engineer Guzzi stated that the main purpose of those 2 fixtures is that rear drive aisle. It appears from the isolux plan that there would be adequate lighting on the parking stalls. The drive aisle would be a bit darker but not for a large stretch. This would help to reduce the lighting and removes the fixture that is centered on the residence right behind it and moves closer to the property line between the 2 residences. Mr. Jefferis stated that there is also an enhanced buffer in that location that would help to screen the lights.

Chairperson Hamilton-Wood stated that this plan has been converted from a retail use to an office use, which is much less intensive.

Member Morris asked if the applicant anticipated any of the people coming to this office would utilize the light rail? Mr. Jefferis said that as they do not know who the tenants would be he couldn't answer this question.

There being no further questions or testimony to be given, Chairperson Hamilton-Wood asked for a re-cap.

Solicitor Frank stated that this was an application for preliminary and final amended site plan approval with the variances that were discussed this evening. The conditions of approval include the applicant's agreement to comply with plan details as discussed this evening on the record, in the event that it is necessary the payment in lieu with regard to the sidewalk waiver granted, footing details for the light poles to be shown prior to issuing the construction permit, a log of handicap parking will be submitted as the building is tenanted, altering the striping at the trash/recycling enclosure, relocation of the existing light pole at the southern end of the parking area to a more central location where it is more fully buffered and eliminating the second light pole along that line, lights will be out at 10:00 p.m. for the parking areas other than the base security lighting, the all night security lights will be shown on the plan, and the standard conditions that apply to all approvals.

Motion of Ostrander, seconded by Molimock to approve Application PB#2010-03.

Upon roll call the Board voted as follows:

YEAS: Berry, Hamilton-Wood, Molimock, Morris, Ostrander, Ryan,  
Wainwright.

NOES: None

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ABSTAINED: Lutz  
ABSENT: Bauer

The Board took a 5 minute recess. The Board returned to the regular order of business. Chairperson Hamilton-Wood stated that she had a conflict with Application PB#2010-05 for Rocco Gangone, recused herself and left the dais.

Vice Chairman Lutz returned to the dais and 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.

Charles Petrone, of Counsel from the law firm of Raymond, Coleman and Heinhold representing the applicant stated that in attendance this evening was the architect, Richard Schroeder, engineer Robert Stout and the applicant Rocco Gangone. All 3 men were sworn in by Solicitor Frank.

Solicitor Frank stated that Mr. Stout has been qualified as an expert by this Board many times.

Richard Schroeder stated that he was an architect licensed in New Jersey. He said that he has a Bachelor's of Architecture from Clemson University and had been practicing for over 34 years. He stated that he has been qualified as an expert and has appeared before many Boards throughout the State of New Jersey. Mr. Schroeder was accepted by the Board as an expert.

Mr. Schroeder submitted a copy of the floor plan dated 7-19-10, a sheet showing elevations, and a sheet showing elevations with additional comments. These submissions were marked as Exhibits A1, A2, and A3 respectively.

Mr. Schroeder stated that the existing restaurant is 2,545 sq. ft. The proposal is to expand the restaurant into the eastern side of the building an additional 26' 4". The depth of the expansion will be 62' 8" (This is the depth of the existing building). The proposal is to add on a large dining/banquet room that will be able to be split into 2 smaller dining/banquet rooms. One of the smaller rooms would hold 52 seats and the second 46 seats for a total of 98 seats.

There will be a new recessed entrance into the building expansion from the proposed parking lot. There will be a foyer/waiting area, a coat closet, and barrier free rest rooms.

The existing garage will be linked to the rest of the building. The barrier free restroom in the existing restaurant will be renovated.

Mr. Schroeder referring the Board to exhibit A2 pointed out the existing entrance on the elevation. He stated that the front of the existing building would be redone to match the

proposed addition. The plan is for light beige stucco with a green awning and a charcoal color roof. The side of the proposed addition facing the parking lot will have the entrance into the restaurant and 5 windows each with a green awning. The garage and the new link will also be stucco. The height of the addition will be 13' 8".

Mr. Schroeder stated that there is a residential structure that exists on the corner of West Front Street and Summer Street. This residence will be demolished as part of this project.

Vice Chairman Lutz asked for the location of the mechanicals. Mr. Schroeder stated that there is going to be a slight parapet on the roof to shield the mechanicals from view.

Mayor Berry asked about the location of the original door. Mr. Schroeder stated that the proposal is to relocate the original door for the take-out counter to the east of its present location.

Robert Stout, engineer for the applicant submitted Exhibit A4 and stated that this was a colored rendering of the site plan sheet 3 of 6 that was submitted with the original application package. Mr. Stout stated that the proposed addition is colored in red and is directly to the east of the existing facility. This facility is the east end cap of a strip of store along West Front Street. The existing concrete on the plan is shown in orange.

Mr. Stout said that the proposal is to demolish the existing residence on the corner, consolidate all of the functions into one building and to add some parking. He stated that there is not a lot of parking in this area and the proposed parking lot will add 19 additional off street parking spaces for use of the restaurants patrons.

Mr. Stout said that there would be a one-way entrance from West Front and then exit by the alley behind the site. Landscaping has been proposed around the perimeter for the parking lot. The ordinance calls for 20' and 25' buffers around the project. This was physically impossible so the proposal is for a 6.7' buffer on Summer Street and 4' buffer at the smallest point on West Front, and a 6' buffer to the property line with an easement on it to the rear. Even though the rear has a 25' setback they couldn't landscape within the 20' anyway because it is an active municipal alley.

The site will be made ADA compliant. There will be sidewalk installed around the easterly side of the building. There will be 2 shoebox style down lights. These are 250 watt lights on 16' high poles to allow lighting for the parking lot. The site is less than 1 acre of the area so the stormwater guidelines do not apply to this site. In order to eliminate any kind of run-off there are 2 inlets that will tie into the storm drains on West Front Street, which is a county road. A 13' x 28' loading zone is proposed. The ordinance requires 15' x 30' so a waiver is required. There is an existing dumpster at the back rear corner. This will be modified into a trash/recycling enclosure that will be screened with by a chain link fence with slats through it.

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Mr. Stout stated that the front sidewalk will be continued all the way through and the handicap ramp will be updated to ADA compliance. The existing rear alley will be paved for the length of the back property line.

Attorney Petrone asked Mr. Stout to give testimony on the variances that are noted in the Board professional's review letter. Mr. Stout said that a summary of the requested variances and waivers was outlined on page 7 of Planner Petrongolo's letter.

Mr. Stout said that the first variance requested was for lot area. The code requires 20,000 sq. ft. The proposal is to consolidate the 3 lots. These 3 lots will add up to 14,050 sq. ft. The second variance requested is for lot depth. The ordinance requires 150' and 100' is proposed. Both of these variances are for existing site conditions.

Mr. Stout listed the following variances and waivers and provided testimony in support of the requests.

Principal Building Coverage – 25% required – with the proposed building addition 32.3% is proposed.

Front Yard Setback – 60' required – zero proposed (this is an existing condition).

Rear Yard Setback – 25' required – when the existing garage is connected to the building addition it becomes one structure. The garage is setback 5' from the rear property line (this is an existing condition).

20' parking setback to the street line – there are 2 street lines. If they tried to meet that requirement there would be no room for the off street parking.

25' residential buffer – directly behind the property is the residential section. This 25' has to be landscaped. 20' is composed of the alley and that can't be used. There is 26' to the residence but only 6' is landscaped.

Number of parking spaces. For restaurant use the requirement is 1 space for 2 seats. This would make the requirement 79 spaces, 19 spaces are proposed. There is no room for additional parking. Plus currently all the parking is on street so the additional 19 spaces should help the parking situation in the area.

15' x 30' loading space – testimony has already been provided in support of this.

Lighting for the loading spaces – this is listed as a variance but one of the comments was to add a wall mounted light. Mr. Stout stated that they would do this to remove the need for the variance.

Mr. Stout stated that there were also 3 design waivers requested.

Street Trees – the ordinance calls for street trees along the frontage. No street trees are proposed because it is a county road and the county does not permit street trees.

Commercial parking lot lighting – this is for the intensity of the lights. 2 lights are proposed with a minimum foot-candle of .5, which the ordinance allows. There is a maximum of 17.1 directly under the 2 light fixtures. The maximum allowed is 1.0 foot-candle. The average on site is 1.5 foot-candle. Also the permitted uniform ratio from the ordinance is 15 to 1. The proposed is 34.2 to 1. Mr. Stout said that 15 to 1 is a very tight ratio and requested the variance.

Parking Stall Dimension – the ordinance calls for 10' x 20' stalls, in order to get the maximum number of parking spaces the proposed size is 9' x 18' along with the modifications that were requested.

Attorney Petrone asked if the ADA spaces would be 20' long and asked about the changes that were discussed with the Board engineer and Board planner with respect to the width of the drive aisle. Mr. Stout stated that in some of the comments there was concern about the width of the drive aisle to alleviate the concern over this the parking lot was restricted to one-way traffic only. Mr. Stout said that the ADA code requires 20' wide. In doing so the row of parking closest to the building would be 20' wide. The center aisle will be dropped down to 22' as per the ordinance. This also gives one extra foot to add some additional landscaping. So there would be 7.7' on the easterly side of the site adjacent to Summer Street.

Mr. Stout stated that the loading zone would be paved. Attorney Petrone asked about the size of the new trash enclosure compared to the existing trash enclosure. This will be approximately 8' x 15' approximately double the existing trash enclosure. This will accommodate one dumpster and all the recycling cans that are currently there. So everything will be enclosed instead of sitting out by the garage.

Engineer Guzzi asked if the applicant was seeking relief from the requirement for the recycling center. Mr. Stout stated that they would be supplying the recycling center.

Attorney Petrone said that the last item for Mr. Stout to comment on was the impact of headlights for the residential properties located along the alley. Mr. Stout stated that they did look at the exiting movement from the parking lot. He stated that there are 3 properties affected by that movement.

The house on the corner has a small bungalow that fronts on Summer Street, a green house and 2 sheds. You can't even see the house from this drive aisle. The next 2 houses are owned by Mr. Gangone and he has no issue with that. Plus there are sheds in the back yards, which provide a visual buffer.

Attorney Petrone asked Mr. Stout to address the 2 stormwater comments. Mr. Stout said that Engineer Guzzi is asking for additional updates on the stormwater management, additional soil borings and design changes. He stated that due to the fact that the site

doesn't fall under the stormwater management regulations and the total runoff is less than 1 cfs and that would be maintained, they are agreeable to revising the under drain but requests a waiver on doing the additional borings.

Engineer Guzzi stated that this ties into the County storm drains on Front Street. The County is requesting additional information on the stormwater so it would be reasonable to see what the County comes back with and if the County gives its approval he would accept that.

Attorney Petrone stated that there were 2 other review letters received. Mr. Stout stated that he has reviewed the letters from the Police Department and Fire District and will comply with both letters.

Member Morris said that he knew that the aisle width for perpendicular parking is 24' and asked what the aisle width for one way? Mr. Stout said that 22' is the required for one way. This will allow them to meet ADA requirements and gives the landscaping area extra footage. Engineer Guzzi stated that this would also make the parking stall length 20' along that entire row.

Engineer Guzzi said that he wanted to talk a little bit more about the site lighting. He suggested that possibility of providing 4 smaller fixtures to even out the lights. Mr. Stout stated that they did look at that possibility but found that the proposed 2 lights was the most cost effective.

Planner Petrongolo stated that the sidewalk design should be extended to the corner so that the proposed addition looks like it belongs there and was not added as an afterthought. Engineer Guzzi stated that the sidewalk wouldn't have to extend all the way to the curb line. Engineer Guzzi stated that the lighting might tie into this as well. The applicant should work with Planner Petrongolo on keeping a uniform streetscape.

Engineer Guzzi said that the only other thing he has is that the awnings on the proposed addition will extend into the county right-of-way so County approval would be necessary. Attorney Petrone stated that the applicant understands this.

Planner Petrongolo stated that this might generate a COAH requirement. Attorney Petrone stated that they would comply with whatever the COAH requirements are at the time of permitting or Certificate of Occupancy.

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

Richard Lotter, 3 Walnut Court, Florence was sworn in by Solicitor Frank. Mr. Lotter stated that Mr. Gangone was a long time friend of his and a friend of the town. He thanked Mr. Gangone for keeping his business in Florence Township and spoke in favor of the application.

There being no other members of public indicating a desire to be heard motion was made by Berry, seconded by Ryan to close the public hearing. Motion unanimously approved by all members present.

Solicitor Frank stated that the applicant is asking for all the variances and design waivers that were discussed as part of the testimony. He listed the conditions as follows:

The drive aisle width would be modified so that there is a center aisle of 22' and making the parking spaces along the building side of the parking area 20' deep. The alley and the loading area will be paved. The driveway access will be one way entering from West Front Street and exiting from the alley. All of the trash and recyclables will be in an enclosure as required by ordinance. The streetscape design including the lighting will be carried along the balance of the Front Street frontage in coordination with the Board Planner and subject to his administrative review. Standard conditions apply including compliance with affordable housing obligations. County Planning Board approval will be required. The applicant will comply with the reports from the Board's professionals as agreed to on the record this evening. The only exception to that being with regard to Engineer Guzzi's request for additional soil borings, we will be referring to the County with regards to stormwater since they will be tying into their system so the Board won't be requiring this so long as the county doesn't kick it back at us. In addition the Board is also deferring to the county any encroachments into their right-of-way.

Mayor Berry asked Mr. Gangone if the parking lot would be only for his customers. Mr. Gangone indicated that it would be. Mayor Berry said that signs should be installed indicating that parking was for Rocco's patrons only.

Motion of Berry, seconded by Morris to approve Application PB#2010-05. Upon roll call the Board voted as follows:

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

Mayor Berry thanked Mr. Gangone for his commitment to this community and the fact that he wanted to expand his business. He said that Mr. Gangone had run a very reputable business for 35 years and that everyone on the Board had enjoyed the food from the restaurant.

Chairperson Hamilton-Wood returned to the dais.

#### OTHER BUSINESS

- A. Florence Township Ordinance No. 2010-14. An Ordinance of the Township of Florence amending Chapter 91 of the Florence Township Code and specifically Amending Section 91-74 to require sidewalks as a condition of Land Use

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Approval and providing for payments into a dedicated Sidewalk Trust Fund as an alternate under certain circumstances.

Solicitor Frank stated that Township Solicitor Bill Kearns forwarded to him a draft of the ordinance. Solicitor Frank stated that he had made several amendments to the draft that Solicitor Kearns graciously accepted and the final draft of the ordinance is before the Board for review and recommendation.

Solicitor Frank stated that the authority to review and decide the request for waivers for sidewalks throughout the township has been returned to this Board. In the event that the Board grants a waiver what has changed is that now we are creating a sidewalk trust fund, so that an applicant will be required if there is a waiver in whole or in part to pay into the sidewalk trust fund a sum equal to 120% of the Board engineer's estimate of the cost construction of that sidewalk.

The Township Council would then have the ability to use that fund along with any other grant monies to build sidewalks when and if it is appropriate in any location that is appropriate.

Solicitor Frank continued saying that one of the criteria that Board may use is that if the construction of sidewalks would result in there being piecemeal construction which in the Board's estimation would be unsafe or unsatisfactory, this is the basis to waive the sidewalk but require the contribution. This gives the Council that last word in the matter of sidewalks that they were seeking. Additionally, the Board will also be requiring developers who receive this sidewalk waiver to leave a right-of-way so that if the Council decides to use the funds to build sidewalks on that site the right-of-way is already in place.

Motion of Berry, seconded by Lutz that Solicitor Frank draft a letter to Township Council stating that Florence Township Ordinance No. 2010-14 is consistent with the Master Plan and that the Board recommends it be adopted by Township Council. Motion unanimously approved by all members present.

Motion of Ryan, seconded by Ostrander to open the meeting to public comment. Motion unanimously approved by all members present. As no one signified an interest in offering comment, motion was made by Berry and seconded by Ryan to close the public comment. Motion unanimously approved by all members present.

Motion of Berry, seconded by Morris to adjourn the meeting at 10:00 p.m.

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Paul Ostrander, Secretary

PO/ne