

Florence, New Jersey 08518-2323  
September 20, 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. Acting Chairman Tim Lutz called the meeting to order at 7:33 p.m. followed by a salute to the flag.

Board Clerk Nancy Erlston then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meeting Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the municipal complex."

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

Mayor Bill Berry	Paul Ostrander
Tim Lutz	Sean Ryan
James Molimock	Frederick Wainwright
Wayne Morris	Charles Bauer

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

ABSENT: Mildred J. Hamilton-Wood

Vice Chairman Lutz will act as Chairman in the absence of Chairperson Hamilton-Wood.

## RESOLUTIONS

### **Resolution PB-2010-10**

**Granting preliminary and final 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 the Whitesell representatives had taken exception to some of the language in the previous draft of this resolution. A meeting was held with Whitesell and revised language was agreed upon and has been incorporated into this draft.

Motion of Berry, seconded by Molimock to approve Resolution PB-2010-10.

Upon roll call the Board voted as follows:

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

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#### MINUTES

Motion of Berry, seconded by Morris to approve the Minutes from the regular meeting of August 16, 2010 as submitted. Motion unanimously approved by all members present.

#### CORRESPONDENCE

- A. Letter from Burlington County Planning Board dated August 12, 2010 regarding CoFlow subdivision Block 165.01, Lots 2.10, 2.11 & 2.12.
- B. Letter from Burlington County Planning Board dated August 13, 2010 regarding Rocco's Pizza, 310-312 Front Street, Block 36, Lots 5, 22 & 23.
- C. Letter from Burlington County Planning board dated September 1, 2010 regarding CoFlow subdivision Block 165.01, Lots 2.10, 2.11 & 2.12.

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

Acting Chairman Lutz called for Application PB#2010-06 for Vogelbacher Properties, LLC. Applicant is requesting preliminary and final major site plan approval with bulk variances to convert an abandoned lumber warehouse into an Amish Farmers Market on property located at 2039 US Route 130 South, Florence Township. Block 159, Lot 4.01,

Acting Chairman Lutz stated for the record that the second application listed on tonight's agenda (PB#2010-07 Pulte Group) has been postponed at the request of the applicant until the October 18, 2010 meeting.

Engineer Guzzi referred the Board to his report dated September 15, 2010 and stated that with respect to completeness items a through k remain open and waivers have been requested. He stated that he supports waivers for these items for the issue of completeness.

Motion of Berry, seconded by Molimock to deem this application complete.

Upon roll call the Board voted as follows:

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

Acting Chairman Lutz stated that the Board would open the hearing for preliminary and final approval.

Attorney John Gillespie, representing the applicant stated that this application was for preliminary and final site plan approval to convert the former 84 Lumber site into an

Amish Market facility. He stated that Amos and Elizabeth Lapp were in attendance and Mr. Lapp would be testifying as to what is exactly proposed.

Amos Lapp from New Holland, Lancaster County, Pennsylvania affirmed that he would offer truthful testimony on the application.

Mr. Lapp submitted photographs that were labeled as exhibits A1 through A8. He stated that these photographs show an existing Amish Market in Bristol, PA that is similar to the proposal for the 84 Lumber site. Photograph A1 shows an outdoor demonstration of goods. There were also photographs of the interior of the Bristol market.

Mr. Lapp stated that he anticipates that there will be 12 vendors. The vendors will sell meat, poultry, and fresh produce. There will be a restaurant, bakery, deli, bulk foods and candy, soft pretzels and furniture. Mr. Lapp stated that he would choose the vendors and hire a manager (hopefully one of the vendors) who would be on site 3 days a week to manage the market. Mr. Lapp stated that he is the one who will lease the property and the vendors would deal with him. He stated that all of the vendors would come from Lancaster County. The proposed hours of operation are Thursday 8:00 a.m. to 6:00 p.m., Friday 8:00 a.m. to 7:00 p.m. and Saturday 9:00 a.m. to 4:00 p.m.

Mr. Lapp stated that there would be 35 – 40 employees. The arrival times of the vendors would vary between 6:00 a.m. and 7:30 a.m. depending on how long the stands would take to set up. All vendors would stay until after the market is closed.

Mayor Berry said that in a previous meeting Mr. Lapp had indicated that the furniture would initially start out in a small section but eventually might be expanded to the back portion of the building. Mr. Lapp stated that this is a possibility in the future. Mayor Berry asked if there would be storage sheds at this location. Mr. Lapp said probably not storage sheds as there is a property a short way up the road that already sells storage sheds. Responding to Mayor Berry Mr. Lapp stated that he would like to maintain and use the covered parking areas in the back of the site.

Responding to a question from Attorney Gillespie, Mr. Lapp indicated that the square footage of the Bristol site is 30,000 sq. ft. and the Florence site is 20,000 sq. ft. The Bristol site has approximately ½ of the number of parking spaces that are proposed for the Florence site. He stated that in his opinion the proposed parking would be sufficient.

Member Bauer asked if there would be any opportunity for jobs for local people. Mr. Lapp said that he did not think so.

Robert Stout, engineer for the applicant was sworn in by Solicitor Frank. Solicitor Frank stated that Mr. Stout has appeared before this Board and been accepted as an expert in the field of civil engineering many times.

Mr. Stout referred to Exhibit A9, which was a color rendering of the landscape plan that was provided to the Board as part of their packet.

Attorney Gillespie stated that there was a couple of changes to the submitted plan and asked Mr. Stout to go over them for the Board. Mr. Stout stated that proposal is to use the existing canopies so most of the parking would be covered. 133 parking spaces are proposed. Included in this number are 12 spaces that are near the edge of the existing fence and will be used for the vendor parking. The vendors will park early in the morning before the market opens and not leave until after closing so the absence of a drive aisle in this location will not have a negative impact on the site.

The proposal is to remove existing chain link fence in the front and install 2 decorative fences. There will be landscaping in the front. The existing paved area will be renovated and extended to the rear of the building. One of the proposed changes is to phase the paving of the rear section of the site.

The dumpster will be located near the front so as to be close to the restaurant area and will be landscaped.

The other change is as a result of the Police Chief's review letter. The Police Chief is concerned with cars exiting the site and turning north on the southbound side of Route 130 in order to access a break in the median that is just north of the existing driveway. This maneuver results in drivers going the wrong way for a short distance and is hazardous. Rather than relocate the NJDOT approved access an enhanced divided median is proposed. This median will be tapered and it will be difficult for cars to turn left out of the driveway, but mountable so that a tractor-trailer entering the site will have the ability to drive over it if necessary.

Engineer Guzzi stated that Police Chief Fazekas has agreed that this is an acceptable alternative to relocating the driveway.

Mr. Stout stated that the applicant has proposed 133 parking spaces (including the vendor parking area) where 138 spaces are required and a variance has been requested. He stated that as a comparison the Bristol site is 30,000 sq. ft. and has only 75 to 80 parking spaces and has not had any problems.

Acting Chairman Lutz asked what has changed about the back parking lot needing time to stabilize prior to paving? He said that he didn't notice any earthwork or pipe work proposed. He said that he was concerned with public safety. He is not against phasing this if it is truly necessary but would like to see a commitment date on the paving.

Mr. Stout stated that the drive aisle is an existing stone area. All the parking will take place on concrete slabs and is located under the existing canopies. This stone area would be paved at a later time. Attorney Gillespie related that the applicant would post the bond for the paving improvements and if they were not completed within the specified time the applicant would come back to the Board for an extension.

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Member Bauer asked if the proposed paving would exceed the permitted impervious coverage. Engineer Guzzi stated that it would not.

Other than the initial move in there should not be anything bigger than a box truck and trailers accessing the site. Mr. Stout said that the drives aisles are very wide over 40' so there should be no issues with circulation around the site.

Engineer Guzzi asked about the rear storage area. Mr. Stout answered that this is currently being used by Vogelbacher Properties as a storage area. This will remain and will be drawn down.

Mr. Stout submitted Exhibit A10, which is an interior layout of the site that was provided by the project architect. There will be a covered entry in the front of the building and a covered area at the rear of the building. The front covered entry will be under the existing roof. The back entrance will be new and will measure 16' x 16' and will have a new roof. The overhead doors will remain.

Mr. Stout referred back to Engineer Guzzi's review letter on page 3 under General Comments.

No. 1 the ordinance requires that the first 40' adjacent to any street line and 10' adjacent to any lot line shall not be used for parking. Parking is proposed 18' from Route 130 and 1' from the western property line. This is an existing condition and the applicant does not propose to change it.

No 2 states that no merchandise, products, waste, equipment or similar material or objects shall be displayed or stored outside. The applicant is requesting a waiver of this requirement as they would like to display some merchandise outside.

Mr. Stout said that they have requested a waiver for loading docks. The only deliveries would be by box type trucks so a loading dock would not be necessary. They will have a designated loading area.

Nos. 4, 5 & 6 are all governed by existing conditions as the proposal is to use the existing sign. No. 7 a waiver is requested for the minimum and maximum light intensity and the uniformity ratio. Engineer Guzzi stated that he would support the waiver request as long as Mr. Stout worked with him on the site lighting.

No. 8 the ordinance stated that no fences shall be permitted within the building setback line. The application proposes 2 sections of 3' high fence are proposed 13' from the front lot line. Mr. Stout stated that the existing chain link fence would be removed from the front and along the side of the property. The proposed fence is decorative pvc post and rail and is an architectural detail. Planner Petrongolo stated that the applicant is taking an existing site and making it better.

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No. 9 A waiver is requested for the location of the access drive. This is an existing condition that cannot be changed.

No. 10 refers to the requirement for curbing around parking areas. No curbing is proposed for this site. It is not necessary to direct stormwater and the parking actually has sheet flow drainage that curbing would impair.

Engineer Guzzi stated that a waiver would be required for not paving the parking lot at the rear of the site. Attorney Gillespie amended the application on the record to request this waiver.

Mr. Stout stated that he agreed to everything else in Engineer Guzzi's review letter.

Mayor Berry asked about sidewalks. Mr. Stout stated that sidewalks are proposed across the front of the site.

Acting Chairman Lutz asked Mr. Stout to move to Planner Petrongolo's review letter dated September 17, 2010. Planner Petrongolo stated that most of the items outlined in his report had been addressed and if it was acceptable to the Board he would just touch on the items that were not called out in the engineer's report.

Planner Petrongolo stated that the front yard setback and existing storage shed setbacks were both pre-existing non-conforming conditions. Attorney Gillespie stated that the applicant is not proposing any changes to these setbacks. Planner Petrongolo said that the ordinance does not permit parking in the first 10' adjacent to any lot line and the vendor parking is 1' from the lot line. Mr. Stout stated that this also is a pre-existing non-conforming condition and no change has been proposed.

On page 4 of the review General Comments A1, A2, A3, and A4 refer to plan revisions. Mr. Stout stated that these items would be provided. Page 6 Item C Planting Design – requires that street trees be provided along the property. 3 street trees are proposed and the applicant requests a waiver for parking lot trees. Planner Petrongolo stated that he would support this waiver.

Mr. Stout indicated that the planting schedule would be revised to show the height of the proposed shrubs. The applicant agrees to comply with Items C4 through C11 on pages 6 and 7 of the Planner's report.

In regards to COAH Attorney Gillespie stated that there may or may not be a requirement generated by this use. This will be addressed at a later date and the applicant agrees to comply with whatever is required.

Engineer Guzzi stated that there were 3 additional review letters. The review from Police Chief, Stephen Fazekas dated September 10, 2010 listed the concern regarding the illegal left hand turn from the driveway. This was addressed during testimony. Review dated

September 16, 2010 from Director of Water & Sewer advised the applicant that public water is available for this site. Mr. Stout stated that the applicant plans to hook up to the public water. The review letter Florence Township Fire Official, Brian T. Richardson, dated September 17, 2010 requested that a Knox box be provided. Mr. Stout indicated that a Knox box would be provided.

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

Member Morris asked if the applicant had contacted NJDOT to re-locate the entrance? Mr. Stout stated that they had not contacted the NJDOT and all the revisions to the entrance are on the site not in the right-of-way. Member Morris asked if this market would compete with the existing Amish Market in Columbus. Mr. Lapp stated that he was not affiliated with the Columbus Amish Market.

Richard Lotter, 3 Walnut Court, Florence, NJ was sworn in by Solicitor Frank. Mr. Lotter expressed concern over the removal of the chain link fences. He said that he had heard that there were to be outside picnic tables and was concerned with trash blowing onto Route 130 from the site. Attorney Gillespie stated that the picnic table outside will be under the covered canopy and will be for sale and not for dining. The dining areas are all inside the store so there shouldn't be a problem with blowing trash.

There being no one else wishing to offer comment, motion was made by Berry and seconded by Ostrander to close the public hearing. Motion unanimously approved by all members present.

Solicitor Frank listed the conditions as follows:

Paving will be done in phases. This must be bonded at the start but there will be 2 years to complete the phasing. If paving is not completed then the applicant must come back to the Board to request an extension.

The applicant will work with the Board's professional staff regarding the lighting intensity and uniformity ratio.

The applicant will comply with plan details and make the changes that were requested by the township officials as agreed upon on the record this evening.

There will be an outdoor display of goods, but only under the canopy area.

The restaurant dining will be interior only.

Motion of Berry, seconded by Bauer to approve the application for preliminary and final approval with the variances, design waivers and conditions as agreed upon this evening.

Upon roll call the Board voted as follow:

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

Motion of Berry, seconded by Ryan to open the meeting to public comment. Motion unanimously approved by all members present. There being no one wishing to offer comment, motion was made by Berry seconded by Morris to close the public comment. Motion unanimously approved by all members present.

Mayor Berry thanked Mr. Stout and the Board's professional staff and town officials who worked diligently on the technical review to bring this application in and allow it to be approved in such a timely manner.

Motion of Berry, seconded by Ryan to continue Application PB#2010-07 for Pulte Group until the October 18, 2010 meeting of the Board. Additional public notice will not be required.

Upon roll call the Board voted as follows:

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

Motion of Berry, seconded by Ryan to adjourn the meeting at 8:27 p.m.

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Paul Ostrander, Secretary

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