

Florence, New Jersey 08518-2323
March 22, 2016

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 and posted in the main hall of the Municipal Complex."

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

Mildred Hamilton-Wood	Tim Lutz
James Molimock	Council Representative Ted Lovenduski
Mayor Craig Wilkie	Wayne Morris

ALSO PRESENT: Solicitor David Frank
Engineer Hugh Dougherty
(Planner Barbara Fegley was excused)

ABSENT: Ray Montgomery, William Federico, Thomas McCue

RESOLUTIONS

- A. Resolution PB-2016-11 dismissing the application of Wawa Inc., for Minor Site Plan approval to allow for the sale of diesel fuel at existing pumps and addition of an underground fuel storage tank at 2060 Route 130.

It was the Motion of Lutz, seconded by Morris to approve Resolution No. PB-2016-11.

Upon roll call the Board voted as follows:

YEAS: Hamilton-Wood, Lutz, Morris, Molimock, Lovenduski, Wilkie

NOES: None

ABSENT: Federico, McCue, Montgomery

MINUTES

It was the Motion of Lutz, seconded by Lovenduski to approve as submitted the minutes of the Regular Meeting of December 17, 2015 and the Reorganization/Regular Meeting of January 26, 2016. All ayes.

CORRESPONDENCE

- A. Letter from PSE&G dated February 22, 2016 regarding Freshwater Wetlands General Permit #1 Application.
- B. Letter from Burlington County Planning Board dated March 3, 2016 regarding

20.

500 Cedar Lane, Block 148.06, Lot 4.

It was the Motion of Lutz, seconded by Molimock to receive and file Correspondence A and B. All ayes.

APPLICATIONS

- A. Application PB 2015-04 for Brian Gordaychik. Applicant is requesting Minor Subdivision to create two lots on property located at 387 Delaware Avenue, Roebing. Block 147.06, Lot 4.

At this time Member Lovenduski recused himself due to a conflict.

Mr. Gordaychik was sworn in by Solicitor Frank. Chairperson Hamilton-Wood asked the applicant if he had a chance to review the reports from the board professionals. He said he had not. At this time Engineer Dougherty provided him a copy of his letter and the letter from the Fire Official.

Solicitor Frank suggested reviewing completeness while the applicant reviewed the reports. Engineer Dougherty said he had a letter dated March 9, 2016 that he presented to the applicant. Page two dealt with the completeness items. There were items that were not applicable. There were waivers requested. It is a minor subdivision, but it is not a simple subdivision because the second lot being created has no frontage and there are public improvements that need to be constructed. It would be considered major, but the board has the authority to declare it a minor if the public improvements are made as part of a condition of approval. Chairperson Hamilton-Wood asked Solicitor Frank what the procedure would be to do that. He said it would be made as part of the ultimate findings. Notice would have been required otherwise.

Engineer Dougherty said in regard to the Environmental Impact Statement there was documentation that an oil tank was removed and back filled with clean fill. There was no objection to a waiver. The tract appears to be wooded so he asked the wooded areas be shown on the plan. Utilities and drainage both existing and proposed within the tract goes to the major versus minor subdivision issues. He is not recommending a waiver. They need to be shown or there at least needs to be some indication that they would be provided to the lot in the back. There are no public utilities for that lot currently. That would be a deferral. The extension of off tract improvements also goes to the same issue. In addition to the utilities there is the need for road improvements from Delaware Avenue along Holly Avenue to gain access to the property in the back. It would need to be shown on the plan. That would also be a deferral. He also would like an indication as to which way the water flows as to not impact adjacent properties. With those items as deferred or as conditions of final approval, the application could be deemed complete.

Solicitor Frank said as a question to the applicant, was he amenable to providing the additional plan details. He said he was.

21.

It was the Motion of Molimock, Seconded by Lutz to deem the application complete with the noted deferrals.

Upon roll call the Board voted as follows:

YEAS: Molimock, Lutz, Morris, Wilkie, Hamilton-Wood

NOES: None

Absent: Federico, McCue, Montgomery

Chairperson Hamilton-Wood said at this point the application was deemed complete so the board could move forward and discuss the substantive issues of the application. She asked if the applicant had enough time to review the reports provided to him. Mr. Gordaychik said he did.

Engineer Dougherty said both lots would be conforming but there would be existing non-conforming front yard setbacks. Otherwise the proposed lot and existing lots are conforming in the RA Low Density District.

He referred to page four of his report regarding the issue of the subdivision being major and not minor because of the extension of utilities. He quoted that the "planning board shall reserve the option to require the improvements as set forth in Part 2, Articles XIV through XX, in lieu of classifying the application as a major." There would be a requirement for street trees, unless the board chose to waive it. There would be a requirement for street lighting. He is recommending it be done similar to some of the other dead-end streets nearby. For example, at the end of Maple Avenue there is a street light at the end of the paving. The existing trees should be preserved to the fullest extent possible. There was some selective clearing on the lot, it was not just a broad brush clearing.

The other dead-end streets in the area do have a road that is accessible on both sides. The unique situation here is that Block 1.01 on the other side of Holly Avenue is not developed with a second lot in the back. However, it could be and it does appear to meet the criteria. If the owner decided to subdivide there would be a buildable lot there. That would make Holly Avenue accessible to more than one vehicle and serving more than just one lot. The thought was that it would be a residential access street that would be 28' wide with sidewalk on one side and a graded area. From the center line of the street to proposed lot 4.02 would only be half the width. He is suggesting the applicant would be responsible for his portion of the street which would 14' wide and then if and when the property on the other side subdivides he would be responsible for the other 14'.

Chairperson Hamilton-Wood said from Delaware Avenue there is no pavement on Holly Avenue at all. Engineer Dougherty confirmed this. He said using Maple Avenue as an example, it is tied to Delaware Avenue and is paved the full width all the way back. The goal is to get paved access to proposed Lot 4.02. It would be paved 20' past the driveway or a minimum of 50' into the lot. In this case utilities have to be extended, sanitary sewer and water and road improvements and possibly sidewalks and street trees and it

encumbers the lot that is being created. The plans and details need to be revised to show the roadway. He is recommending curbing for both sides for drainage purposes, consistent with the RSIS. Pavement shall be provided in accordance with RSIS or Florence Township ordinance. He would like a detail of that provided. All other utilities would be run underground and it would need to be noted on the plan. Off-street parking would require two spaces per unit but given the length of Holly Avenue with improvements there would be enough parking on the street.

The water extension would come down Holly Avenue. Details of that would need to be provided. If the lot on the other side of Holly Avenue was ever subdivided, he would be responsible for paying a portion of the water main extension. That would be done with a recapture agreement, understanding that the person on the newly subdivided lot would pay half the cost of running the line. The sanitary sewer would follow the same guidelines. The locations would need to be based on existing man holes and existing water connections from Delaware Avenue. There would need to be deed restrictions.

Chairperson Hamilton-Wood asked if there was any concern about the access to Lot 1.01. There is going to an area where it would go from road to gravel to concrete. She is concerned about issues like snow removal. Engineer Dougherty said it is a public right-of-way and the concrete apron is within the public right-of-way. He thought building 14' wide is about the width of a driveway so it could accommodate a vehicle. Chairperson Hamilton-Wood said the township still has an obligation to plow that street. Solicitor Frank said that is why the paving will be required to go beyond the driveway and down about 50', so the snow could be pushed down. Solicitor Frank said the problem is that it would burden this applicant with the entire cost of the improvement. Chairperson Hamilton-Wood said she understood that but her concern is that the owners of Lot 1.01 are not aware of any of this. She doesn't want to create a hardship for them.

Engineer Dougherty said there are provisions for off tract improvements. An option would be to have the applicant do the entire width and length of the road and have another recapture agreement. There is usually a life of 10 years for a recapture agreement. The rationale was that 14' is about the width of a driveway so it would allow access to the proposed Lot 4.02 for ingress and egress. Chairperson Hamilton-Wood was concerned there would be issues with maintenance. She was also concerned that the water and sewer lines be covered properly. They generally run down the middle of a street.

Engineer Dougherty said there are no utilities shown on the plan so he would need additional information but for the sanitary sewer it would depend on where a man hole might be on Delaware Avenue. He agreed the lines do usually run down the center of a road. Member Lutz said if it involves Delaware Avenue the county would most likely be involved. He wanted to make the applicant aware that there could be additional fees on top of the township fees.

Solicitor Frank said with regard to sidewalks it is suggested it run from Delaware Avenue across the front of both lots to about the driveway location of the new lots. This would provide clear pedestrian access.

Engineer Dougherty said the ultimate goal for the street is to have curbing on both sides and sidewalks on one side, which is the applicant's side. Solicitor Frank said the board has the legal authority to impose an obligation to build the entire road, subject to a recapture agreement. The professionals struggled with trying to be as fair as they could to the applicant. Solicitor Frank said even if this is all that is ever improved on the street, he is comfortable that the site is accessible and the plowing and emergency vehicles could access.

Chairperson Hamilton-Wood said her fear is that there will be a nice paved area and a muddy potholed mess next to it. She was concerned about the ground being disrupted for the pipes and the drainage being affected and that puddling would occur. She agreed it is burdensome on the applicant to make him do the whole ride. At the same time she doesn't want to leave the street half gravel. Mayor Wilkie said in the end the town would probably end up having to pave it. Chairperson Hamilton-Wood said if it was only done half way it might begin breaking up and not last anyway. Because where Lot 101 accesses their property there is no way that the gravel area won't be used, at least in part. And it is public so it becomes the township's problem. Mayor Wilkie said most likely it would be put in one of the road programs. Chairperson Hamilton-Wood said the taxpayers would get this burden and she doesn't know that it's theirs.

The applicant said it has been unimproved all this time and maintained by the township. Chairperson Hamilton-Wood said it is gravel and has not been maintained by the township. Mr. Gordaychik said the condition on the other side of Holly Street is not changing; it's the same as it's always been. Member Lutz said that isn't accurate. When the soil is disturbed it will not be the same.

Chairperson Hamilton-Wood said she would be much more comfortable talking about this plan if she knew where the water and sewer lines were going. It could be that it is stubbed somewhere and the applicant won't have to disturb the gravel. Here other concern is that if the lines run down the middle of the road they won't be entirely protected by pavement. She doesn't think a decision can be made about the road until the board knows more about the water and sewer lines.

Mr. Gordaychik said it was his understanding the township takes care of the road and plows it. He said he does not know where the lines are right now and doesn't know where he would have to run them. Chairperson Hamilton-Wood asked his feelings on the paving and what he felt was appropriate. Mr. Gordaychik said he felt the people on the other side of Holly Street should pay for half of the paving. He said his responsibility was to pave half the road.

Chairperson Hamilton-Wood said his responsibility is not half a paved road. Engineer Dougherty makes suggestions and the board makes the determination as to what the

24.

applicant's responsibility is. The board doesn't have to abide by the professional's opinions. There have been other instances where an applicant has been told by the board to pave the entire road. Some of the concerns come from past experience. She said the board would like to make a reasonable determination.

Member Lutz said he agreed with Chairperson Hamilton-Wood. He thinks there were a couple of different ways to approach this. Perhaps the applicant could do the entire width but not have to go down as far. Maybe put the driveway further up. He would never want to leave half the road unpaved and exposed to the elements. Water will find its way under the pavement and cause it to crack.

Engineer Dougherty asked Mr. Gordaychik what his plans were for the empty lot. Mr. Gordaychik said he didn't know at this point. Engineer Dougherty said the burden is that the board is having to guess things like where the driveway would be and where the utilities would be coming from. The burden should be on the applicant.

Chairperson Hamilton-Wood said as a suggestion, at this point it could be wise to stop for tonight and continue when there was more information available. Solicitor Frank said it would help the applicant considerably to know where the utilities are. Member Lutz suggested he contact the Director of Water & Sewer, Dave Lebak. Solicitor Frank said he thinks the board is asking the applicant to adjourn the hearing for a month so he can contact Mr. Lebak, and then an engineer to show where he would run the lines.

The applicant requested to adjourn to the next meeting so he could gather the required information.

Mayor Wilkie said before the board took action he wanted the applicant to realize there was a developer working with the township to develop the land behind his site. It is a large complex of about 100-150 apartments. The driveways will be off of Railroad Avenue. He wanted to make the applicant aware. The applicant said he had heard about it.

It was the Motion of Lutz, seconded by Molimock to adjourn Application PB#2016-04 to the April 26, 2016 meeting.

Upon roll call, the Board voted as follows:

YEAS: Hamilton-Wood, Molimock, Lutz, Morris, Wilkie

NOES: None

ABSENT: Federico, Montgomery, McCue

PUBLIC COMMENTS

It was the motion of Lutz, seconded by Molimock to open the meeting to the public. Seeing no one wishing to be heard, it was the Motion of Lutz, seconded by Morris to close the public comments.

ADJOURNMENT

It was the Motion of Lutz, seconded by Molimock to adjourn at 8:15 p.m. All ayes.

25.

WM/ak

Wayne Morris, Secretary