

1.

Florence, New Jersey 08518-2323
January 29, 2009

The Reorganization/Regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Board Clerk Nancy Erlston called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Board Clerk 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 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:

Mayor Bill Berry	Councilman Sean Ryan (LATE)
Gene DeAngelis	Craig Wilkie
Mildred J. Hamilton-Wood	David Woolston
Wayne Morris	James Molimock
Timothy Lutz	

ABSENT: None

ALSO PRESENT: David Frank, Esquire
Dante Guzzi, PE
James Priolo, PE
Joseph Petrongolo, PP

Attorney David Frank was called upon to administer the oath of office to Wayne Morris (Class II), Sean Ryan (Class III), Timothy Lutz (Class IV), and James Molimock (Alt. #2/Class IV).

Attorney Frank stated that Mr. Ryan was not in attendance and proceeded to administer the oath to the other members.

Board Clerk Erlston called for nominations for Chairperson of the Board.

Motion of Berry, seconded by Wilkie to nominate Mildred Hamilton-Wood as Chairperson. Hearing no further nominations motion was made by Berry, seconded by Wilkie that the nominations be closed. The Board voted unanimously to elect Mildred Hamilton-Wood as Chairperson. Ms. Hamilton-Wood thanked the Board and was seated as Chairperson.

Chairperson Hamilton-Wood opened nominations for Vice Chairman.

2.

Motion of Berry, seconded by DeAngelis to nominate Craig Wilkie as Vice Chairman. Hearing no further nominations motion was made by Berry, seconded by DeAngelis to close nominations. The Board voted unanimously to elect Craig Wilkie as Vice Chairman of the Board. Mr. Wilkie thanked the Board.

Chairperson Hamilton-Wood called for nominations for Board Secretary. Motion of Berry, seconded by Morris to nominate Gene DeAngelis as Board Secretary. Hearing no further nominations motion was made by Wilkie, seconded by Lutz to close nominations. The Board voted unanimously to elect Gene DeAngelis as Board Secretary.

Chairperson Hamilton-Wood called for nominations for Board Clerk. Motion of Berry, seconded by DeAngelis to nominate Nancy Erlston as Board Clerk. Hearing no further nominations motion was made by DeAngelis, seconded by Wilkie to close nominations. The Board voted unanimously to appoint Nancy Erlston as Board Clerk. Mrs. Erlston thanked the Board.

Chairperson Hamilton-Wood called for the appointment of professional staff.

Motion of Wilkie seconded by DeAngelis to nominate David Frank Esq. as Board Solicitor. Motion of DeAngelis, seconded by Wilkie to close nominations. The Board voted unanimously to appoint David Frank as Board Solicitor. Solicitor Frank thanked the Board .

Motion of DeAngelis, seconded by Berry to nominate Dante Guzzi as Board Engineer. Motion of Berry, seconded of DeAngelis to close nominations. The Board voted unanimously to appoint Dante Guzzi as Board Engineer. Engineer Guzzi thanked the Board.

Motion of DeAngelis, seconded by Wilkie to nominate Joseph Petrongolo as Board Planner. Motion of DeAngelis, seconded by Wilkie to close nominations. The Board voted unanimously to appoint Joseph Petrongolo as Board Planner. Planner Petrongolo thanked the Board.

Solicitor Frank stated for the record that Member Ryan had arrived at the meeting (7:40 p.m.) Solicitor Frank administered the oath of office to Member Ryan.

RESOLUTIONS

Resolution PB-2009-01 Appointment of Planning Board Solicitor, Engineer and Planner.

Motion of Wilkie, seconded by DeAngelis to approve Resolution PB-2009-01.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Morris, Ryan, Wilkie

3.

NOES: None
ABSENT: None

Resolution PB-2009-02

Establishing annual schedule of regular meetings and other policies relating to the New Jersey Open Public Meetings Act.

Member Wilkie asked the Board to consider changing the 2010 Reorganization meeting to January 28, 2010.

Motion of Wilkie, seconded by DeAngelis to approve the Resolution as amended.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Morris, Ryan, Wilkie
NOES: None
ABSENT: None

Resolution PB-2009-03

Readopting the Florence Township Planning Board Administrative rules.

Motion of DeAngelis, seconded by Wilkie to approve Resolution PB-2009-03.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Morris, Ryan, Wilkie
NOES: None
ABSENT: None

Resolution PB-2009-04

Continuing the application of Griffin Pipe for Preliminary and Final Major Site Plan approval to permit construction of a baghouse addition to the site located at 1100 West Front Street, Block 179, Lots 1.02 through 1.05 located in an GM General Manufacturing District.

Motion of Berry, seconded by Morris to approve Resolution PB-2009-04.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Morris, Ryan, Wilkie
NOES: None
ABSENT: None

4.

Resolution PB-2009-05

Continuing the application for Frank Scamporino, Jr. for Preliminary Major Site Plan approval with variances for a shopping center at Route 130 and Cedar Lane, Block 160.01, Lots 4, 11.01, 11.02, & 24.

Motion of Berry, seconded by DeAngelis to approve Resolution PB-2009-05.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Wilkie, Ryan, Hamilton-Wood
NOES: None
ABSENT: None

Resolution PB-2009-06

Granting the application of Sterling Bank for Amended Final Major Site Plan approval with bulk variances for signage on property located at 2 East Front Street (4 Broad Street), Block 58, Lots 3 & 4 located in an NC Neighborhood Commercial Zoning District.

Motion of DeAngelis, seconded by Wilkie to approve Resolution PB-2009-06.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Morris, Ryan, Wilkie
NOES: None
ABSENT: None

Resolution PB-2009-07

Continuing the application of R.M. Sunny's for Minor Site Plan approval to permit a massage therapy center on property located at 2071 Route 130, Block 162, Lot 5.

Motion of Morris, seconded by DeAngelis to approve Resolution PB-2009-07.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Morris, Wilkie, Ryan
NOES: None
ABSENT: None

Resolution PB-2009-08

Memorializing the appointment of the conflict engineer.

Motion of Berry, seconded by DeAngelis to approve Resolution PB-2009-08.

Upon roll call the Board voted as follows:

5.

YEAS: Berry, DeAngelis, Hamilton-Wood, Morris, Ryan, Wilkie
NOES: None
ABSENT: None

MINUTES

Motion of DeAngelis, seconded by Morris to approve the Minutes of the Special Meeting of December 12, 2008, the Closed Session of December 12, 2008 and the Regular meeting of December 15, 2009 all as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

- A. Letter from Burlington County Planning Board dated December 11, 2008 regarding review of Robert & Gina Lounsberry subdivision.
- B. Letter from Burlington County Planning Board to Terrance J. Huettl, Whitesell Construction Company, Inc. dated December 15, 2008 regarding 700 Richards Run and John Galt Way.
- C. Review letter from Planner Petrongolo dated January 9, 2009 regarding resolution compliance review for Whitesell application PB#2008-14, 700 Richards Run.
- D. Notification of Treatment Works Approval application for Bustleton Estates South, Block 170, Lot 121.
- E. Compliance review letter from Engineer Guzzi dated January 13, 2009 regarding Sterling Bank.
- F. Letter from Terrance J. Huettl, PE of Whitesell dated January 15, 2009 to Engineer Guzzi regarding Block 158, Lot 5.
- G. Letter from Burlington County Planning Board dated January 14, 2009 regarding Block 158, Lot 5 in the Haines Industrial Center.

Motion of Ryan, seconded by DeAngelis to receive and file Correspondence A through G. Motion unanimously approved by all members present.

APPLICATIONS

Chairperson Hamilton-Wood called for Application PB#2008-18 for NFI Real Estate. Applicant is requesting Preliminary and Final Major Site Plan approval with bulk variances for a proposed warehouse site located at Route 130 North, Florence Township. Block 160.01, Lots 2.01, 8, 9, 10.01, 10.02, 20, 21, & 22.

6.

Chairperson Hamilton-Wood stated that this hearing would be for completeness only. Board Engineer Guzzi left the dais and Conflict Engineer James Priolo, of Birdsall Engineer stepped up to advise the Board.

John Gillespie, attorney for the applicant submitted a disclosure statement regarding the applicant to Board Clerk Erlston.

Attorney Gillespie stated that the applicant had reviewed the letters of Planner Petrongolo and Engineer Priolo. He stated that he had 2 witnesses to testify on the matter of completeness. Choong Yim of NFI Real Estate and Ed Brady of Taylor Wiseman Taylor were sworn in by Solicitor Frank.

Solicitor Frank gave a brief explanation of the completeness hearing. He explained that we use a single checklist for all site plan applications. The checklist often includes items that do not apply in every case. If an item doesn't apply the applicant can request that this item be waived. At the completeness hearing that Board determines whether the requested waivers can be granted or if the information is critical to the body of the application. He explained that this was not a public hearing in the sense that there is not an opportunity for the public to comment on whether or not information is waived. The public will be given the opportunity to comment during the hearing on the substantive matters of the application.

Solicitor Frank stated that since this was the reorganization he would like to swear in the planner and engineers. The oath for 2009 was given to Planner Joseph Petrongolo, Engineer Dante Guzzi, and Conflict Engineer James Priolo.

Attorney Gillespie said that this site involves 126 acres on Route 130. The matter was before the Planning Board last year as part of a referral from the township council for a rezoning of a small portion of the rear of the property. The property is now in the Highway Commercial with the Special Manufacturing overlay.

The proposal involves 1.6 million sq. ft. of warehouse space – a little over 1 million sq. ft. on Building A, 342,000 sq. ft. on Building B and 275,000 sq. ft. on Building C. It has taken the applicant a long time to get before the Board. The original proposal was for significantly more square footage than this proposal is. The applicant worked with former Mayor Muchowski and Mayor Berry to reduce the scope of the project and redesign the site to have less impact on the adjacent residential properties.

Ed Brady stated that he was a licensed engineer with the firm of Taylor Wiseman and Taylor (TWT). He stated that he has been a licensed professional engineer for 21 years and has worked for TWT for those 21 years. He stated that he has appeared before this Board within the last 3 years and has testified before many Boards in the state of New Jersey. Mr. Brady stated that he had prepared the site plan documents and drawings that were submitted to the Board as part of this application. The Board accepted Mr. Brady as an expert.

7.

Attorney Gillespie stated that he would review the letter from Engineer Priolo dated January 15, 2009.

On Page 2 Item 1a requests a waiver from all structures, wooded areas within the tract and adjoining the tracts and all trees greater than or equal to six inches in diameter within the tract. Mr. Brady stated that the improved portion of the site that includes the 3 buildings and the retention facility are in the center of the site. He stated that they don't want to locate the specific specimen trees on the site because they will all be cleared. The plan proposes compensatory reforestation areas along the perimeter of the site.

Chairperson Hamilton-Wood asked how much of the site was forested? Mr. Brady stated that the majority of the site is farmland. The forested area is toward the south of the site.

Item 2a requests a waiver for existing and proposed signs, lighting standards, utility poles and trees of six-inch caliper and larger, measured five feet above the ground, over the entire tract, except in heavily wooded areas. Mr. Brady said that items 2a and 2c are the same request as 1a except that the trees are listed with different items in the checklist. The applicant is only seeking the waiver for the location of existing trees. The proposed trees are included in the site plan.

Item 2b requests a waiver for the intent for water and sewer treatment. Show any existing wells and/or septic systems. Mr. Brady stated that the wells and septic systems would be located during the first phase of construction. If the information is required as part of the site plan review it will be provided.

Item 2d requests circulation and parking details and curbs. Mr. Brady said that specifically regarding the issue of the curb; they had to submit to the DEP for stream encroachment on this application. The current DEP stormwater regulations list water quality as a major feature. To help the water quality on the site, specifically in the center of the site where the retention system is located the curb was eliminated to improve the water quality. This waiver would be for adding the curb detail to the plan.

Item 2e requests a waiver of the facilities plan. Mr. Brady stated that the existing facilities are shown. The proposed locations are typically supplied by the utility companies themselves. Once preliminary approval is granted then they will submit to the utility companies for the locations and have these added to the plans.

Item 2f requests a waiver of the submission of all the State and Federal approvals. These would be obtained and submitted before any construction on the site.

Item 3a is a request for waiver that all information required for preliminary site plan approval revised to show all conditions of preliminary approval. Attorney Gillespie stated that this information would be incorporated into the plan prior to the final compliance review and signing of the plans.

8.

Item 3b requesting a waiver of the executed water and sewer agreement. Attorney Gillespie stated that this would be supplied at the appropriate time.

Engineer Priolo stated that he supported these waiver requests based on the testimony given.

Motion of Wilkie, seconded by DeAngelis to grant waivers and deem the application complete.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Morris, Ryan, Wilkie
NOES: None
ABSENT: None

The application for NFI Real Estate has been deemed complete and a public hearing on the substantive matters will commence at the Board's next meeting scheduled for February 23, 2009.

Engineer Priolo was dismissed and Engineer Guzzi returned. Chairperson Hamilton-Wood stated that the Board would be going slightly out of order on the agenda. She called for Application PB#2008-17 for Mary Candice Ware. Applicant is requesting Minor Subdivision approval with bulk variances for property located at 6 Boulevard, Florence. Block 26, Lots 1 & 2.

Mary Candice Ware and William A. Ware were sworn in by Solicitor Frank.

Engineer Guzzi stated that there were some completeness issues, which are listed in his report dated January 13, 2009. The requested waivers are for Environmental Impact Statement, Utilities and Drainage, General Indication of Drainage, and Residential Site Improvement Standards. Engineer Guzzi stated that as the applicant is not proposing any development at this time he would support the request for these waivers.

Chairperson Hamilton-Wood asked if Solicitor Frank had reviewed the power of attorney documentation. Attorney Frank stated that he had reviewed that and the hearing notice and both were sufficient.

Motion of Wilkie, seconded by Lutz to deem the application complete. Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Morris, Ryan, Wilkie
NOES: None
ABSENT: None

Chairperson Hamilton-Wood stated that since this was a minor subdivision application the Board would continue with the public hearing.

9.

Mrs. Ware stated that when her parents (the Steinrucks) had bought this home in 1953 the lot next door was owned by another person. Many years later Mr. Steinruck bought this empty lot. Mrs. Ware stated that for tax purposes her parents had the lots joined.

Mrs. Ware said that her mother, Mrs. Steinruck was no longer living at the house. The house has been vacant for some time. Mrs. Ware said that she would like to subdivide the property with the possibility that someone else would buy the lot and build a home there. She stated that they have been trying to sell the house in a bad economy. The extra ground raises the price of the property. They are hoping that by subdividing they will be able to sell the existing residence and the empty lot.

Mrs. Ware said that Engineer Guzzi had questioned the location of the property line on the subdivision plan. She stated that this was where the lot line was located so they didn't move it. They thought that it would be best to keep the existing home consistent with the neighboring properties. Engineer Guzzi pointed out that by shifting that property line although it would not be consistent with the neighboring 50' lots it eliminate the creation of variances for side yard setback and impervious coverage on Lot 2.

Solicitor Frank stated that the Lot 1 would then have a width of 76' to 77'. This would eliminate the side yard setback on Lot 2. Ms. Ware stated that she would agree to this.

Chairperson Hamilton-Wood asked if the Board were to approve this subdivision and someone wanted to build a house on the newly subdivided lot; would they have to come back to the Board for approval? Solicitor Frank stated that by granting the subdivision the Board is creating a buildable lot. There would be no need to appear before the Board as long as the proposed development met the bulk standards in effect at the time. If the proposed development did not meet the bulk standards this would go before the Zoning Board for variances.

Chairperson Hamilton-Wood asked what the square footage would be if the property line moved as suggested by Engineer Guzzi. Engineer Guzzi stated that Lot 2 would 130' x 56'. This would allow Lot 1 to still have access to the alley where the sewer lines run. Engineer Guzzi said that it is up to the applicant where they put the line, but his goal was to get the additional square footage on Lot 2. This would increase the lot size on Lot 2 to 7280 sq. ft. Mayor Berry asked if there was a reason why the Board couldn't leave Lot 2 in conformance with the existing lots along the street. Engineer Guzzi said that the applicant could do this, but the simple lot line shift would eliminate the need of 2 of the variant conditions on Lot 2.

Planner Petrongolo stated that from a planning prospective it is always better to eliminate variances if possible.

Engineer Guzzi continued with his report. The lot line issue was Item 1.

10.

Item 2 states that the existing chain link fence on Lot 1 does not conform to the setback requirements of the ordinance and should be relocated or removed as a condition of any approvals granted by the Board.

Mrs. Ware asked that this fence be allowed to remain until the lot is sold for security purposes. This fence was installed many years ago and was conforming at the time it was installed. The fence keeps people from cutting across the yard from Front Street to the Boulevard. It keeps children from playing on the lot and it helps to keep trash off the lot.

Engineer Guzzi stated that a condition could be added that the fence be removed prior to the issue of a building permit for the property.

Item 3 the water utilities should be shown on the plan. Engineer Guzzi said that he had spoken with the applicants engineer and he did not have a problem with showing the utilities on the plan.

Item 4 the impervious coverage calculations presented in the bulk table should be updated to include all impervious coverage located on the property (i.e. service walks, decks, etc.). Mrs. Ware said that her engineer would make this revision to the plan.

Engineer Guzzi stated that Item 5 was that a statement be added to the plan indicating that the subdivision would be filed by deed. The Board would have to review a copy of the deed prior to the filing. Item 6 states that if approval is granted, a Grading Plan should be required prior to the issuance of any building permits for proposed Lot 1.

Engineer Guzzi stated that the applicant must obtain any and all other agency approvals including Burlington County Planning Board.

Engineer Guzzi gave a summary of required variances: minimum lot area, minimum lot area, minimum side yard for Lot 2, minimum side yard other side Lot 2, front yard setback, maximum lot coverage.

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

Motion of Berry, seconded by DeAngelis to approve the application for subdivision with the lot line moved 6' as proposed by Engineer Guzzi to reduce the number of variances.

Mrs. Ware agreed to this change.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Morris, Ryan, Wilkie
NOES: None

11.

ABSENT: None

The Board took a 5 minute break. The Board returned to the regular order of business.

Chairperson Hamilton-Wood called for Application PB#2008-10 for Griffin Pipe Products Co., Inc. Applicant is requesting Preliminary and Final Major Site Plan approval to permit construction of a baghouse addition to the site located at 1100 West Front Street, Florence. Block 170, Lots 1.02 through 1.05.

Member Woolston recused himself due to a conflict and left the dais.

Attorney Mark Stoffman, representing Griffin Pipe stated that the application today is for Preliminary and Final Site Plan approval for the baghouse addition to the site. He said that due to the current economic conditions in the country Griffin Pipe has decided to halt manufacturing operations at the plant. However, the company is very hopeful that the economy will turn around so they are here to continue this application so that when the economy turns around they are ready to go.

Attorney Stoffman stated that he had 3 witnesses in attendance to testify; Greg Creehan, Manager of Maintenance and Engineering at Griffin Pipe, Mike Junghans, from the firm of VHB, the applicants engineer, and Michael Spencer, Lewis S. Goodfriend & Associates who is the applicant's sound expert. All were sworn in by Solicitor Frank.

Engineer Guzzi stated that the Board should first deal with completeness. After the first meeting, most of the submission items have been satisfied but a few waivers are being requested. Waivers were requested for Environmental Impact Statement, location of all easements, witness soil borings, location and elevation of all curbs, sidewalks, parking areas, etc., lighting standards and utility poles, existing wells and septic systems, one soil boring for each acre of soils, existing and proposed rights of way and easement, number and location of parking and loading spaces, pedestrian walkways for each entrance and exit, lighting, landscape plan. Engineer Guzzi stated that enough information has been submitted for him to support the request of all the preceding waivers.

Engineer Guzzi said that regarding the Municipal Services Impact Statement the applicant should put some testimony on the record regarding what if any impact the new baghouse will have on the municipal services.

Motion of Berry, seconded by Wilkie to grant the requested waivers subject to the conditions listed by Engineer Guzzi.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Morris, Ryan, Wilkie
NOES: None
ABSENT: None

12.

Attorney Stoffman called Greg Creehan to testify. Mr. Creehan stated that Griffin Pipe had employed him for 3 years. He said that he is a mechanical engineer by degree. He stated that he has 19 years experience working in foundries.

Mr. Creehan said that Griffin Pipe is required by new DEP regulations to reduce mercury levels and improve the air quality of their operation. The current system uses a wet scrubber system. The wet scrubber runs the air through water to remove particulates. The baghouse is similar to a filter cartridge. This is a considerably more efficient method and will result in considerably cleaner discharge. The deadline to meet the new DEP regulations is January 1, 2010.

Chairperson Hamilton-Wood asked if Griffin Pipe was going ahead with the construction of the baghouse or if they were going to wait? Attorney Stoffman stated that they would wait for the turn around in the economy, but they wanted to have the site plan process completed so that they could move quickly when the operations resumed.

Chairperson Hamilton-Wood asked if the baghouse was something that had to be replaced? Mr. Creehan said that the filter bag cartridges inside the baghouse will be changed, but the structure will not have to be replaced.

Attorney Stoffman called for testimony from Mike Junghans. Mr. Junghans stated that he worked for a company called Vanasse Hangen Brustlin, Inc. (VHB) located in Edison, New Jersey. He stated that he has a bachelor's degree in civil engineering from Northeast University in Boston and a master's degree from Rutgers in New Brunswick. He has been a licensed professional engineer in New Jersey for approximately 14 years. Mr. Junghans stated that he has appeared before many Boards throughout the state including this Board. Mr. Junghans was accepted as an expert.

Mr. Junghans submitted a colored copy of page C2 in the submitted plan. This was identified as exhibit A1. Mr. Junghans pointed out the location of the existing wet scrubber at the center of the site. He stated that this piece of equipment would be removed. This would be replaced with the baghouse equipment, which will be located a little more centrally on the site. This change on the site does not really affect any of the existing or non-conforming bulk standards for the site. It doesn't create any changes in loading, vehicle circulation or pedestrian circulation. This area is within the work area of the site. There is no exterior access.

Mr. Junghans said that one of the biggest concerns listed in the review letters was the visual impact to the adjacent residential properties. He submitted exhibit A2 which was a set of photographs of the proposed site from Woodlawn Avenue and Richardson Street. The proposed baghouse is superimposed on these photos to illustrate the visual impact.

Mr. Junghans said that photo 1 was taken between Richardson and Woodlawn on Front Street. The existing building along West Front Street obliterates the view of either the existing or the proposed air cleaning equipment. Moving north beyond Richardson Street photo 2 shows where the new equipment will be located. The baghouse will be a little

13.

closer to West Front Street than the scrubber, but it is still well back on the site. Photo 3 is from a spot further north on West Front Street. You can still see the scrubber and the proposed baghouse is visible but the impact is minor. Moving back to Woodlawn Photo 4 shows that scrubber that is going to be removed but you can't see the baghouse.

Mr. Junghans stated that recommendations have been made to add some additional landscaping at the top of the berm. The berm was built as part of the previous application for stormwater several years ago. Mr. Junghans said that the applicant would plant some additional evergreens along the top of the berm to enhance the screening.

Planner Petrongolo said that he had asked for some additional evergreens to augment what was already there. This would not be a significant amount of plantings. This would just help to screen the proposed baghouse building and improve the view.

Mr. Junghans stated that they had submitted as part of the application some lighting that would be directly around the baghouse. This is strictly pathway lighting for people who are accessing the equipment. No tall general area lighting is proposed. There would be minimal impact on the adjacent residences. Mr. Junghans stated that there would be no impact on any municipal services.

Planner Petrongolo asked if the baghouse building would be the color blue that is shown in the photograph. Chairperson Hamilton-Wood said that a more earthy shade would be preferable. Mr. Junghans stated that the only color available from the manufacturer is the blue that is shown.

Attorney Stoffman called Michael Spencer to testify. Mr. Spencer stated that he is a project manager at Lewis Goodfriend and Associates, which is an acoustical consulting firm that has been in business for 56 years. He has been with the firm over 10 years. Mr. Spencer stated that he had a bachelor of science in engineering and acoustics in music from the University of Hartford and a masters of science in acoustics from Penn State. He stated that he had testified before various planning and zoning boards through out the state of New Jersey. Mr. Spencer was accepted by the Board as an expert.

Mr. Spencer said that his firm was retained by Griffin Pipe to take a look at the replacement of the wet scrubber by the proposed baghouse. Part of the research is to look at the applicable noise regulations. Florence Township has an ordinance that limits noise to certain hours but does not have quantitative limits. The state of New Jersey has a statewide noise regulation that is promulgated by the New Jersey Department of Environmental Protection (NJDEP). This sets both daytime and nighttime limits for residential property receivers.

Mr. Spencer said that first he visited the site and performed daytime sound pressure level measurements at 2 locations. These are all referred to in the report dated December 1, 2008 that was supplied in the initial package.

14.

Mr. Spencer pointed out the 2 locations that he was referring to on exhibit A1. Location 1 is on the lot labeled on exhibit A1 as Zone RB. It is on the western side of Woodlawn Avenue. Location 2 is right in front of Block 178, Lot1. These are the 2 locations that they performed sound pressure measurements and vibration measurements on the sidewalk.

Mr. Spencer said that there is a baghouse facility running in a US Pipe facility in Bessemere, Alabama. He stated that he performed tests at various locations around this operating baghouse to determine what the sound levels were at different parts of the baghouse. Since the baghouse is a long piece of equipment with different stages there are different sound sources on the different stages.

Mr. Spencer said that they took the measurements from that facility and used the sound data from that to put together a model of what the sound levels would be at this facility at the neighboring property lines. The sound levels listed in the report are very conservative. For each piece of equipment there is a spot where the sound is at the max for a given direction. For example, when you are directly in front of the cooling fans they are the loudest. Even though the cooling fans aren't pointing toward the residential property line in this situation they took the data from right in front of the cooling fans and used that. The study used the highest levels of sound for all areas of the baghouse. Mr. Spencer stated that his opinion is that the actual noise levels will be lower than what he is predicting because they used the highest levels for the evaluation.

Mr. Spencer said that the facility he visited in Alabama was similar to the structure proposed at Griffin Pipe so the sound data should be comparable.

Mr. Spencer stated that he took sound measurements without the existing scrubber operating and then they took the data of the new baghouse and added that data back in to predict what the sound levels would be if the baghouse were operating. Based on this the overall A weighted sound levels were reported to be 62 dba at Location 1 and 57 dba at location 2. The lower dba at Location 2 is due to additional shielding from the existing building. He stated that they didn't consider any shielding from the berm that would lower the sound levels even more.

Chairperson Hamilton-Wood asked if the additional trees that would be planted on the existing berm would lower the sound levels. Mr. Spencer stated that trees do not provide any attenuation of sound. This is a myth.

Mr. Spencer stated that based on the sound levels that he is predicting for the new baghouse, he discussed with Griffin Pipe that they would not be able to operate this during the night time hours without additional noise control. The result from the testing indicates that the operation would exceed the decibel levels the NJDEP has set for nighttime operation, which is defined as 10:00 p.m. to 7:00 a.m.

Mr. Spencer stated that the sound levels for the site would be well below the state requirements for daytime operation.

15.

Solicitor Frank stated that if actual levels met the NJDEP levels for nighttime use then Griffin would not have to come back for further approval.

Chairperson Hamilton-Wood stated that she was concerned that if this is approved by the Board and then the levels exceed what is permitted what is the recourse? Engineer Guzzi said that if it is too loud then it would have to be reported to the state and the state would have to do a sound inspection.

Mr. Spencer said that typically someone would call the county health officer and the inspection would come through them. The NJDEP doesn't have on call staff that would come out and do measurements.

Chairperson Hamilton-Wood said that at different times of the day different machinery would be running along with the baghouse. Would this cumulative sound raise the noise level? Mr. Spencer answered yes, but said that as far as he knew Griffin Pipe was running at their normal operations when these measurements were taken.

Planner Petrongolo stated that the Board could add a condition to the approval that they would have to keep the noise level below the state standards.

Mr. Spencer stated that adding the baghouse would not make the noise any louder than it already is.

Planner Petrongolo stated that one of the concerns in his letter were sound and vibration. Mr. Spencer gave testimony on sound levels but did not mention vibrations. Mr. Spencer said that the measured vibration levels were well below the perceptible levels for humans. There is no equipment on this baghouse that would change that.

Councilman Ryan asked for the daytime decibel increase after the scrubber is removed and the baghouse installed. Mr. Spencer stated that he predicted 3 to 4 decibels. He stated that a 3 decibel increase is the least perceptible change that a human could notice. Mr. Spencer said that the different piece of equipment may sound different but it will not be any louder.

Councilman Ryan said that in his experience Griffin Pipe has always been willing to work with the township and with the residents on any concerns. He said that he hopes that business picks up and the economy improves. He said that if there were any sound issues as a result of this improvement he would hope that Griffin Pipe would again work with the Township for resolution.

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

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

Chairperson Hamilton-Wood stated that she was looking for a motion for preliminary and final approval with the conditions as set forth by the Board's professional staff.

Solicitor Frank said that with regard to the noise issue Griffin Pipe would be authorized to conduct daytime operations only as long as they are within the limits of NJDEP. If the actual data demonstrates that they can meet the nighttime standards as well then would the Board allow them to operate during nighttime hours? Mr. Stoffman said that if conditions warrant that the baghouse be operated at the night the applicant would like to be permitted to submit testing to the Board's professionals to show that the noise would be within acceptable levels. Chairperson Hamilton-Wood stated that she doesn't want the applicant to have to do a whole new application.

Solicitor Frank stated that the Board could provide as part of their approval that if the applicant can demonstrate as an administrative matter to the Board's professionals that in fact they comply with the nighttime standard then they can proceed with nighttime operation without coming back to the Board.

Solicitor Frank recapped that the Board is presently authorizing Griffin Pipe to operate during the daytime only. As a condition of the approval, when they operate during the daytime they must comply with NJDEP noise limits. Otherwise they would be in violation of this approval. If their actual data when they are in operation demonstrates that they can meet the nighttime standard as well as the daytime standard then the Board will authorize them to submit this to Engineer Guzzi for his review. If he concurs that they meet the nighttime standard then as part of this approval they will be authorized to start nighttime operations without having to come back before the Board. However, if they need to do any additional work (adding height to the berm or sound attenuation structure, etc.) they would come back to the Board.

Solicitor Frank stated that if the need arrives to conduct a sound study based on a complaint then the cost of testing would be the responsibility of the applicant.

Motion of Berry, seconded by DeAngelis to approve the application with the conditions as set forth by the Board's professionals.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Ryan, Wilkie, Morris
NOES: None
ABSENT: None

Mr. Woolston returned to the dais.

The Board took a 5 minute recess. The Board returned to the regular order of business.

Chairperson Hamilton-Wood called for Application PB#2008-12 for Frank Scamporino, Jr. Applicant is requesting Preliminary Major Site Plan approval with variances for a

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shopping center on property located at Route 130 and Cedar Lane, Florence. Block 160.01, Lots 4, 11.01, 11.02, & 24.

Attorney John Gillespie representing the applicant stated that this was a continuation of an application that began in November. At that time the application was deemed complete and the public hearing opened. There were a few issues that were identified by the Board and the applicant is prepared to address those issues.

Attorney Gillespie called the applicant's architect, Bruce Constant to testify. Mr. Constant was reminded that he remained sworn from the prior hearing.

Mr. Constant submitted exhibit B1 which is a colored rendering of the 4 sides of the principal building. The materials are the same – the thin brick at the top and stone at the bottom. Exhibit B2 is a view of the building from the parking lot. Exhibit B3 is a rendering of the 2 story office building. This exhibit shows that the office building will be made of the same materials and be of the same color scheme. Exhibit A3 is the rendering of the McDonald's site.

Planner Petrongolo stated that one of the comments from his review letter was that in shopping centers all the buildings should work together to present a unified site. Mr. Constant stated that this would happen. Planner Petrongolo asked that the plans be revised to show detailed explanation of the materials and the colors.

Attorney Gillespie asked if the brick used in the shopping center would be the same as the McDonald's? Mr. Constant stated that they would be similar in tonality but not the same. Attorney Gillespie stated that the detail that would be provided would be what was consistent with the drawings and testimony.

Planner Petrongolo stated that his understanding was that the materials and colors would be consistent throughout. Is this the case? Mr. Constant stated that they are not necessarily identical. Planner Petrongolo asked if they would be the same color, because it does not appear so from the pictures. He stated that it is important to have the colors consistent throughout the project.

William Gore was sworn in by Solicitor Frank. Mr. Gore stated that he was a code developer on this project with Frank Scamporino. He said that he is usually actively involved in the coordination of the colors, the architectural, the layout, and the engineering. Mr. Gore stated that he has owned a heating and air conditioning business for over 25 years. He stated that he has developed other projects with Frank Scamporino in other municipalities.

Responding to a question from Attorney Gillespie Mr. Gore stated that he was in the development business and was very much sensitive to market conditions. Attorney Gillespie asked Mr. Gore to explain the distinction between the hues of color to the Board.

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Mr. Gore said that they were more than willing to change to whatever colors the Board or the Board's professionals require. He said that sometimes having all the brick identical doesn't look good. It often looks better to have varying shades of the same hue to have it all tie together. Mr. Gore stated that they could not change the color of the McDonald's brick. This is already set. If the Board wanted to have the whole site in that color brick it would not be a problem to do that.

Mr. Gore stated that his personal preference is to have colors that are consistent but not identical. Planner Petrongolo said that the colors should be consistent throughout the site.

Attorney Gillespie called the applicant's engineer Robert Stout to testify. Mr. Stout was previously sworn.

Mr. Stout submitted exhibit B4, which was a colored rendered site plan with the landscaping shown. Mr. Stout said that the buildings were still in the same location. He said that one of the first items that they addressed was the passive stormwater management. There was a swale along Cedar Lane with no curbing there to permit passive stormwater management. This has been eliminated and everything is now curbed. The original wet basin that was at the bottom of the site has been changed. The large basin has been moved up and will now be a standard retention basin that will meet NJDEP criteria. The basins have been pulled back 15' from parking lot behind the office and additional landscaping has been added.

Mr. Stout stated that they concentrated on the rear of the facility adjacent to the Tall Timbers development. The wetlands buffer and the wetlands line remain the same. He stated that the entire paved section has been pulled farther away to 77'. A 6' high PVC fence has been added to run along the entire rear of the property. There is a small transition berm coming off the parking lot. Behind the proposed fence there will be a series of 6' to 8' high mixed evergreens along the back section.

Mr. Stout stated that the lighting has been lowered. In the front the lights have been lowered to 20'. The number of lights has been increased from 47 to 119 light standards. This results in a much more uniform lighting in the front. In the rear of the site the lights have been brought down to 15' mounting height. This will be a result in less glare from the site to the adjacent residential development.

Responding to a question from Attorney Gillespie, Mr. Stout stated that it was 260' from the back of the building to the nearest residence. The building to the property line is 125' and 77' from the parking area to the property line. The basins are approximately 60' from the property line.

Mr. Stout said that the loading layout has been changed from 9 bays to 7 bays. The first bay, which is closest to the residential area, has been removed and a row of arbor vitae was added for buffer. The other end is a trash compactor.

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Mr. Stout said that a connecting sidewalk has been added to the center of the site from the grocery store to the pad sites. A further revision will be done to tie in the other pad sites. The sidewalks to the pad site have been connected to the sidewalk on Cedar Lane. The Cedar Lane walk goes from the jughandle down to the guardrail and they really can't construct the sidewalk past this point. The rest of the site hasn't changed. They are still requesting the waivers for parking stall size and loading areas. No parking spots were lost by these changes.

Attorney Gillespie asked Mr. Stout to justify the need for the waiver on the parking stall size. Mr. Stout stated that the main reason for the variance is the interior circulation loop. He said that there are 545 parking spaces proposed. This plan provided 5.15 spaces per 1,000 sq. ft. The ordinance requires 5.5 per 1,000. In comparison the Delran shopping center is 5.12 and the Bordentown shopping center is 3.84. This proposal has the highest parking ratio of the 3 closest shopping centers. This number works and the bypass lane creates a much better circulation as opposed to all the cars being shifted in front of the grocery store.

Councilman Ryan asked for an explanation as to why there is no sidewalk proposed on the Rt. 130 frontage of the site. Mr. Stout said that there is no sidewalk along this stretch of Rt.130. There is nothing to connect a sidewalk to. The second reason is that the site is graded higher in the front of the property with a landscaped area to force the storm water to the back of the site. It would be very difficult to add a sidewalk.

Councilman Ryan said that due to the state of the economy and the high price of gas more individuals are choosing to walk. Florence Township and the Planning Board should have a vision for sidewalks along Rt. 130. Chairperson Hamilton-Wood stated that in her opinion pedestrian traffic does not belong on the state highway. There have been several pedestrian fatalities on Rt. 130 over the past year and sidewalks would encourage people to walk along the highway. Councilman Ryan said that if there is no sidewalk along Rt. 130 then those individuals who are going to walk along the highway will have no choice but to walk in the street.

Attorney Gillespie said that the applicant respectfully stands by their request for a waiver of the sidewalks on the highway.

Councilman Ryan stated that he would like to see some data regarding the accidents along Rt. 130 on communities with sidewalks as opposed to communities without sidewalks.

Applicant Frank Scamporino, who was previously sworn, stated that he does not support the idea of sidewalks along the highway. He said that the high school students would not follow the rules of safety. If they were to walk down the sidewalk to the McDonald's and then wanted to cross Rt. 130 they wouldn't walk back to the light to cross, they would cross where they were. He said that in his opinion this is a terrible idea and he would be very averse to installing sidewalks along the Rt. 130 frontage.

Engineer Guzzi said that the Board had requested at the previous hearing that the applicant extend the sidewalk as far down Cedar Lane as possible. The current proposal shows the sidewalk ending before the end of the applicant's property. He stated that there is room to extend the sidewalk even further down Cedar Lane toward the school. Chairperson Hamilton-Wood stated that she agreed and she would like to see the sidewalk extended to the school.

Mr. Stout said that he would have to look at the culvert. If the culvert had to be moved then it would be a NJDEP issue. Engineer Guzzi said that he thinks there is room without moving the culvert. Attorney Gillespie said that if the sidewalk could be installed without having to go to NJDEP they would be happy to do that. Attorney Gillespie said that it makes more safety sense to install sidewalks along Cedar Lane rather than a high-speed highway.

Engineer Guzzi said that he and Mr. Stout would look at the possibility of installing the sidewalks along Cedar Lane.

Attorney Gillespie asked Mr. Stout to comment on the lighting plan. Mr. Stout said that the number of lights had been increased from 47 to 119. In addition there was a comment on Planner Petrongolo's report that the applicant install ornamental type light fixtures. Mr. Stout said that this would be a significant increase in cost. He mentioned that all the surrounding sites have shoebox style lighting similar to what is proposed for this site. He stated that they feel that this is consistent with the area.

Planner Petrongolo stated that this would be a premiere site in Florence Township. The aim is for an above average project. He stated that he wouldn't compare it to the Wawa or the storage facility. The proposed site has aesthetic buildings and improved landscaping. Adding ornamental light fixtures goes to improving the overall aesthetics of the site. This site will set the benchmark for future sites coming into the township.

Member DeAngelis said that he never notices the lights at a shopping center. Chairperson Hamilton-Wood stated that she does not notice the type of lights either. Planner Petrongolo stated that this goes to the overall character of the site. Member DeAngelis stated that he would rather see the money spent on sidewalks than on ornamental lighting.

Attorney Gillespie said that to add ornamental lights would be another \$100,000 cost to the applicant. Councilman Ryan stated that this is a landmark development for Florence Township. The residents, Planning Board and governing body want to be sure that this is a premiere development. Attorney Gillespie stated that he understood the point but eventually the point is reached where the cost makes it no longer feasible to proceed with the project. He stated that the applicant is asking for the waiver for sidewalk on Rt. 130. They are willing to do whatever is necessary for sidewalks on Cedar Land and they are asking for the waiver on the lighting standards.

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Mr. Stout said that this version of the plan is much better. This plan has a better layout, better aesthetics and enhanced landscaping. The goal is to have the overall site be attractive. They don't want people to notice the lights; they want the lights to blend in. The ornamental lights would look nicer, but the light intensity would be the same whether they are shoebox or ornamental.

Mr. Stout said that in regards to the requested variances to the lighting plan, the max to min ration of 10 to 1 is almost impossible to meet. Mr. Stout said that the Wawa lighting ratio is 193 to 1. This proposal is for 54 to 1. He said that they have tried to meet the lighting standard as close as possible. Planner Petrongolo stated that there has been significant improvement to the site. He stated that there were only two unresolved items on his report. One was the ornamental light poles and the Board has given an opinion on that issue. The second is the question of sidewalks. Planner Petrongolo stated that he would like to see sidewalks from the site to the school. The ordinance requires sidewalks all the way around the site so it was important for the Board to hear testimony as to why the applicant did not want sidewalk installed along the Rt. 130 frontage.

Councilman Ryan would like an opinion from the Chief of Police as to whether or not sidewalks along Rt. 130 are considered dangerous and asked Planner Petrongolo to look at other communities along Rt. 130 and provide information on long term plans for sidewalks along the highway.

Chairperson Hamilton-Wood said that she was concerned with the proposed row of arbor vitae at the end of the loading dock. It may be difficult to maintain this and may create an eyesore.

Member Woolston said that this is a beautiful project and it would be good for our community. He said that he is concerned that the Board is losing site of that fact. The Board needs to give a little too.

The Board had a discussion regarding whether the arbor vitae would survive. Mr. Stout said that he would look into this.

Engineer Guzzi asked if there was any further testimony regarding traffic. Attorney Gillespie stated that the intersection is bad and the proposed development will make it worse. He stated that there is not a lot they can do about it except support the Mayor and Councils efforts to have NJDOT install a left turn arrow at the intersection and possibly adjust the timing. Mayor Berry stated that Attorney Gillespie had arranged a meeting between representatives of the governing body and the Assistant Commissioner of NJDOT to address this intersection and the Delaware Avenue intersection. Councilman Ryan stated that there had been no response from the NJDOT as to what if any improvements would be made.

Engineer Guzzi stated that the a.m. peak was analyzed and as expected this was the worse time.

Motion of DeAngelis, seconded by Wilkie to open the meeting to the public. Motion unanimously approved by all members present.

Fritz Wainwright, who was previously sworn, stated that he lives across the street from the proposed site. He said that he was in favor of the plan. He asked how far down the trees were going to be removed. Mr. Stout said it would be about 50' past Mr. Wainwright's driveway. Mr. Wainwright said that he is in favor of the sidewalk along Cedar Lane to the school.

Motion of DeAngelis, seconded by Berry to close the public comment. Motion unanimously approved by all members present.

Engineer Guzzi stated that design waivers were requested for the quantity of replacement trees, parking adjacent to residential property (60'), off street loading for the pad sites, parking spaces 554 provided where 592 are required, 9' x 18' parking stalls (approximately half of the stalls), lighting levels and uniformity ratio. Variances were requested for distances between the buildings, front yard setback, parking within 40' of the street line.

Engineer Guzzi suggested that the Board hold off on ruling on the requested waiver on sidewalks until more information had been submitted prior to final approval.

Attorney Gillespie stated that this was not acceptable to the applicant. The testimony given by the applicant was that a sidewalk on a high-speed highway was not acceptable. They will work with the engineer in trying to extend the sidewalk down Cedar Lane, provided that they don't have to go to NJDEP for approval.

Attorney Frank stated that it was very important to insure that there be sidewalk on the Cedar Lane frontage. Attorney Gillespie said that they were willing to work with the Board on the Cedar Lane sidewalk, but they do not want to consider installing sidewalks along Rt. 130.

Councilman Ryan stated that the ordinance requires sidewalks along all road frontages and Planner Petrongolo pointed out there are communities along Rt. 130 who are requiring sidewalks be installed. Councilman Ryan stated that he would like to have more information regarding the safety issue of sidewalks along Rt. 130.

Member Wilkie said that you might want sidewalks on areas on Route 130 where there is potential of pedestrian traffic. In the area of Wallace Avenue there is a strip mall proposed. This abuts a residential area and sidewalks might be a good idea in that area. Along the subject site and going south to the Burlington Township line there is not a lot of residential properties so the need for sidewalks is not there. He agrees that the sidewalk should be waived on the Route 130 frontage and sidewalk installed from the site to the Tall Pipes development. The students will be walking from the high school to the proposed facility.

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Attorney Gillespie said that the applicant had agreed to extend the sidewalk along the property and look at the feasibility to extend the sidewalk offsite to the Tall Pines development.

Motion of DeAngelis, seconded by Wilkie to approve the application with a waiver for the sidewalk requirement on Rt. 130 and with sidewalk extended down Cedar Lane to the end of the subject property and the agreement to investigate the possibility of extending the sidewalk off tract down along Cedar Lane to the Tall Pines development.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Morris, Ryan, Wilkie
NOES: None
ABSENT: None

PUBLIC COMMENT

Motion of DeAngelis, seconded by Ryan to open the meeting to public comment.

Fritz Wainwright stated that the idea of sidewalk along Rt. 130 is not a very healthy situation. Mr. Wainwright stated that the applicant's property actually goes over the creek so the applicant has to figure out how to extend the sidewalk.

Motion of DeAngelis, seconded by Wilkie to close the public portion of the meeting. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood stated that the Board had one last bit of housekeeping regarding the R.M. Sunny's application. Motion of Berry, seconded by DeAngelis to continue the application until the February 23, 2009 meeting.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Lutz, Morris, Ryan, Wilkie
NOES: None
ABSENT: None

Motion of Wilkie, seconded by DeAngelis to adjourn the meeting at 11:30 p.m. Motion unanimously approved by all members present.

Gene DeAngelis, Secretary

GD/ne