

Florence, New Jersey 08518-2323
December 21, 2017

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairperson Hamilton-Wood called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Chairperson Hamilton-Wood then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

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

Mildred Hamilton-Wood	James Molimock
Wayne Morris	Ray Montgomery
Thomas McCue	Mayor Craig Wilkie
Jane Collins, Alt. #2	Council Representative Ted Lovenduski

ABSENT: Russell MacArthur

ALSO PRESENT: Solicitor David Frank
Planner Barbara Fegley
Engineer Hugh Dougherty

RESOLUTIONS

There were no resolutions.

MINUTES

It was the Motion of Lovenduski, seconded by Molimock to approve the minutes of the regular meeting of November 28, 2017 as submitted. Motion approved by all those present with the exception of Montgomery, who abstained due to being absent at November's meeting.

CORRESPONDENCE

It was the Motion of Molimock, seconded by Montgomery to receive and file correspondence A through D. Motion approved by all those present.

NEW BUSINESS

Florence Township Council Resolution No. 2017-231 referring a proposed redevelopment plan for a parcel within the Route 130 Redevelopment Area (2013) to the Township of Florence Planning Board for the Board to take certain actions pursuant to N.J.S.A. 40A:12A-7(e); specifically Block 160.01, Lots 4, 11.01, 11.02, and 24 located at Route 130 and Cedar Lane.

Planner Fegley began her presentation by showing the location of the proposed redevelopment plan and pointed out Route 130, Cedar Lane and the involved Block and Lots, including an adjacent parcel owned by the NJ Turnpike Authority. The properties contain approximately 17.33 acres in total and are located in the HC–Highway Commercial Zoning District. In 2013, this property was designated as an area in need of redevelopment along the Route 130 Corridor. This property had received Preliminary Major Site Plan approval in January 2009 for a 107,000-sq. ft. shopping center to include a 70,000-sq. ft. grocery store, three smaller flanking buildings, and four pad sites that included a McDonald’s, a bank, a restaurant and a 2-story office building; however, nothing further was done with this site after the Preliminary Major Site Plan approval.

Planner Fegley explained this Redevelopment Plan proposes a 100+ room hotel, commercial uses including but not limited to restaurants(s) with outdoor seating, and a 240 multi-family residential development with clubhouse, pool and other amenities. The hotel and restaurant uses are intended to be served with a liquor license.

Planner Fegley then reviewed Section III of the Redevelopment Plan:

- A. Relationship to Local Objectives – the Reexamination Report of the Master Plan was adopted in 2008 and referenced a need for increased commercial/industrial development. Solutions to develop or redevelop portions of the township that were suitable for commercial development continued to be a high priority. It also recognized the ambitious and costly program undertaken by the township to meet its constitutional fair share obligation for affordable housing.

This Redevelopment Plan allows for permitted or conditionally permitted uses in the HC-Highway Commercial zone such as a restaurant and hotel. Although the multi-family portion on this Redevelopment Plan does not necessarily meet the zoning requirements of the HC zone, it does meet an equal or greater need to assist the township in reaching its affordable housing obligation by having 15% of the multi-family units set aside for low and moderate income.

- B. Proposed land uses and building requirements

Permitted Principal Uses – Residential Uses: multi-family residential uses with 15% set aside for affordable units; hotel with 100+ guest rooms; restaurant with or without an accessory retail component; and a stand-alone retail component.

Permitted Accessory Uses – Model unit(s) and on-site management offices; clubhouse and recreation areas such as pool, pool house, outdoor BBQ’s with dining area and fire pit; outdoor recreation areas such as a tot lot, playground, walking paths and gazebos; dog park and pet waste disposal; maintenance building, trash compactor, recycling center; signage; flag poles; off-street parking; temporary construction and marketing trailers; fences, walls and retaining walls; patios and decks; bike racks; solar panels; and other accessory uses such as those listed are permitted.

Project Phasing – The project will begin with all site clearing and grading. The stormwater management basins will be constructed first. There are 10 residential

buildings on the site and each is comprised of approximately 24 to 28 units. The redeveloper agrees that construction of the hotel structure must be started and underway before the township issues any permits for residential buildings 6 through 10.

Zoning/Bulk Standards – This Redevelopment Plan supersedes the zoning of the prevailing HC-Highway Commercial zone. Page 9 of the Redevelopment Plan lists the bulk standards for commercial portions of the redevelopment area and page 10 lists the bulk standards for the multi-family residential portion.

General Requirements – These are the same as in other Redevelopment Plans and involve requirements for landscaping and parking, as well as all units shall be compatibly designed, whether constructed all at one time or in stages.

Signs – There will be 3 monument signs along Route 130; 1 for the residential development, 1 for the commercial property and 1 for the hotel. There will be 1 monument sign permitted on Cedar Lane. Directional signs, façade and wall signs will also be permitted. One pylon sign will be permitted due to the size of the hotel being proposed.

Miscellaneous Redevelopment Plan Requirements – These requirements are just restating what is required in the township ordinance, such as the location of trees; however, this developer will not have to do this because they wish to preserve those areas that are wetlands and there are not many trees on site. Sidewalks, landscaping, site lighting, and parking are explained in a little more detail.

- C. Provisions for Relocations – There is currently one single-family dwelling on site but it is vacant so there will be no residential relocation. Also on-site is Clyde Boisten’s Storage Sheds which is a business and a tenant, so that lease will be terminated once the development would be started.
- D. Identification of Property to be Acquired – There is a small triangular piece on the corner of Route 130 and Cedar Lane that is currently owned by the NJ Turnpike Authority and would have to be acquired.
- E. Tax Exemption and Abatement – The township may offer the redeveloper a long-term tax exemption or abatement; however, the township may exercise its option to not utilize either process and the project would be fully taxed.
- F. Infrastructure – There will be a roundabout constructed on Cedar Lane which will require a good deal of infrastructure. The township may consider legislation that allows the redeveloper to recapture some of the costs of the road improvements. The township is willing to enact a recapture ordinance after the Township Solicitor verifies the municipalities’ authority to do so.
- G. Relationship to Other Plans – There are no other municipalities immediately adjacent so consistency with their Master Plan is not applicable. This Redevelopment Plan will however assist in meeting goals, objectives and recommendations of the Burlington County plans to develop and/or redevelop

vacant sites and area in need of redevelopment along the Route 130 Corridor. It is also consistent with the State Development and Redevelopment Plan by targeting economic growth, effective planning for vibrant regions, preservations and enhancement of critical state resources, and tactical alignment of government; and is constant with the Municipal Land Use Law as well.

Planner Fegley then reviewed Section IV, Affordable Housing Provisions, of the Redevelopment Plan. She stated this development is required to have 15% of the overall units, which is 36 units, to provide very low, low and moderate income housing. For very low income, there will be 1 one-bedroom unit, 3 two-bedroom units and 1 three-bedroom unit. For low income, there will be 2 one-bedroom units, 8 two-bedroom units and 4 three-bedroom units. For moderate income, there will be 3 one-bedroom units, 10 two-bedroom units and 4 three-bedroom units. Very low, low and moderate income units shall be dispersed throughout the development and be designed with the same façade, finishes and materials as those specified for all other units in the development.

Mayor Wilkie asked if the affordable units with this development count as double units as with other plans in the past. Planner Fegley stated that the 36 units with this proposed development will count as 72 units towards our COAH plan. Mayor Wilkie stated that the township is short 100 units to fulfill its plan, so with these 72, the remaining 28 units will be able to be dispersed throughout the community.

Solicitor Frank reminded the Board of its responsibility in regards to the Redevelopment Plan that was referred to us by the Township Council. The stature requires that when the governing body refers this to the Planning Board, the Board is required to make a report containing its recommendation concerning the Redevelopment Plan to provide back to the Township Council. The report is to include any inconsistencies with the Master Plan and recommendations concerning those inconsistencies and any other matters the Board deems appropriate. He stated that Planner Fegley has articulated that while the apartment use is inconsistent with the HC zone, it is consistent with other aspects of our Master Plan; the Housing Element, the Fair Share Plan, etc. There are both consistencies and inconsistencies, and we can discuss them; but, there is an overall consistency.

Member Collins asked who controls the affordable housing units and who is determined to be qualified to occupy a unit. Solicitor Frank stated there is language in the plan in regards to that and there are administrative organizations that are in the business of affirmative marketing according to the rules and regulations for doing that sort of thing. Mayor Wilkie stated the numbers of how many units must be provided comes from the federal government. Planner Fegley stated it is discussed on page 18 of the Redevelopment Plan and the developer would have to have someone handling this for them. Solicitor Frank stated this proposed development is not public housing and will be deed restricted affordable housing. He reminded the Board that we are not here tonight to rule on the site plan and that we are only making recommendations and referring this plan back to Township Council.

It was the Motion of Molimock, seconded by Collins to open the meeting for public comment. Motion approved by all those present.

Seeing no one wishing to be heard, it was the Motion of Montgomery, seconded by Morris to close public comment. Motion approved by all those present.

Chairperson Hamilton-Wood stated she was looking for a Motion regarding the Redevelopment Plan. Solicitor Frank stated that if it is the Board's pleasure to recommend the Redevelopment Plan back to the Township Council, they can authorize him to draft a letter to the Township Council regarding their recommendation so as to not to hold up their action on the Redevelopment Plan since the Planning Board will not memorialize the resolution until the January 23, 2018 meeting.

Mayor Wilkie wanted to explain that there is a proposed roundabout to be constructed that will match up with Hunt Circus Drive. There is a commitment from the developer to construct a sidewalk along Cedar Lane and over the creek to the Tall Pines development and the township will be constructing a sidewalk from Tall Pines to the high school.

It was the Motion of Molimock, 2nd by Morris to recommend the Redevelopment Plan to the Township Council as indicated by Solicitor Frank.

Upon roll call the Board voted as follows:

YEAS: Morris, Molimock, Montgomery, Lovenduski, Hamilton-Wood, Wilkie,
McCue, Collins
NOES: None
ABSTAIN: None
ABSENT: MacArthur

Motion carried

APPLICATIONS

Application PB#2017-05 for US Home Corporation (Lennar), for Preliminary and Final Major Subdivision and Site Plan for property located on Florence-Columbus Road at Regars Drive, Florence Township, Block 165.04, Lot 63

David Roskos appeared on behalf of US Homes/Lennar and stated they are seeking Preliminary and Final Subdivision and Site Plan approval. The Board is familiar with this site as it recommended adoption of the Redevelopment Plan for this site. With Mr. Roskos tonight is Robert Stout, Project Engineer; Nathan Mosley, Traffic Engineer; Mitch Newman, Director; and Joshua Eckert, Architect. Mr. Stout, Mr. Mosley, Mr. Newman, and Mr. Eckert were all sworn in by Solicitor Frank and all were deemed qualified to be expert witnesses.

Robert Stout began by presenting a colored aerial version of the site from 2011 which was marked as Exhibit A-1. This exhibit shows the surrounding area with Florence-Columbus Road to the bottom of the page, the proposed development in the center, The Liquor Barn to the south, a vacant lot and wetlands wooded area to the north, and directly behind the proposed development and to the east is a residential development that was built in 2005/2006. Exhibit A-2 was a colorized rendering of the project site and shows that the site currently now grades from Florence-Columbus Road directly back. The site is an existing farm field and there is a lot of flooding that occurs onto this site from the water, which runs from the front and ponds into the back. Going through the original design

plans on this site, it was designed to be all incorporated within this development so the drainage calculations have taken that into account. There is an existing county drainage line that originally ran through the center but was re-routed as part of the residential development in the back. The proposed development will tie into this existing line.

Mr. Stout explained that they have met the redevelopment standards that were adopted by the Township Council and they are not asking for any variances or deviations from that redevelopment plan. What they propose is a circular motion which is noted as Kramer Court with a mix of townhomes and stacked townhomes; 80 units total. There is a 44-lot subdivision consisting of 40 lots, which are the townhomes lot around the perimeter and 3 lots in the interior with each lot containing a building with stacked townhomes consisting of 40 units. The mix is 80 total units; all the perimeter are 3-bedrooms and the middle units have a mix of 20 3-bedroom and 20 2-bedroom. The development has a full circular movement for fire trucks, fire truck safety and trash/recycling pickup. The radius on the corners are wide enough for the fire trucks to safely make that maneuver. There is a second entry along Regars Drive for fire truck access in case the main entrance is blocked. Per the request of the Fire Marshall, they have widened that 2nd entrance to 20-foot wide fire access lane. That 2nd entrance will not be accessible to the general public.

Mr. Stout stated there will be an ADA tot lot on the premises which will be placed off to the south side of the property. There will be parking along the front of it. It will not be lit at night; it is only for daytime use. Street lighting throughout the facility will be LED lighting approximately 80 to 100 feet on centers which will give you a nice uniform light. Parking will exceed the RSIS standards. Because of the unit mix, 190 spaced are required. The regular townhomes have 2-car garages with a double driveway. The garages will count as 2 parking spaces. They have adjusted the 20' wide RSIS standard driveway to 18' wide, so they can only count the driveway as 1 parking space. There will also be perpendicular parking along the perimeter of the roads; 45 total parking spaces and of those, 14 are parallel along the road. The total parking spaces per code is 190 and 256 are being providing. The RSIS standards do have guest parking figured into their totals so there is more than an ample amount of parking spaces to be provided.

Mr. Stout stated that there will be a temporary trailer on the property, which will be the sales unit. There will also be a monument style sign which will be a stone sign with only two letters on it which will placed along the front on Regars Drive and will be outside the site triangle. The small berm currently along the back of the property will be increased along the entire rear of the proposed units and the same will also be done with the units along the front of the property. A fencing has been incorporated along the front to match the fencing across the road of that development to tie it in with the adjacent property. Extensive landscaping will also be done with a mix of evergreens and insidious along the back, along Regars Drive, and along the front as well. There will be additional landscaping along the side the Liquor Barn is on, but to provide buffering for the units and to not interfere with the county easement that are along that side, some firs and evergreen with a smaller root will be used. The easement is in the area directly behind units 13 – 17 and some of those lots to go into the easement area.

Mr. Stout explained that the stormwater management does meet all of the DEP and Township ordinances. There is a restriction in the Redevelopment Plan that all basins if at all possible should be dry. Unfortunately, this basin cannot be dry. Extensive soils work

has been done and there is a seasonal high-water table so there is water in that basin that you just can't get rid of. The basin in the residential development behind is the same type of basin. The soil is like clay and will not let water into the ground. The proposed basin has been designed so it will sustain the water. They've taken the seasonal high water and have added a safety factor to allow more than normal water. It is an aerated fountain basin with the fountain placed in the center. The way this basin is designed is that it will reduce the amount of runoff to 9 CFS, when 29 CFS is required. The amount of water runoff is being reduced by 63%, when it's only required to be reduced by 20%. They are also making sure all the water runoff from this property is dumped into its basin first, settles out, and that the water that goes into the basin on the property to the rear is clean water. It will increase the water quality of the basin directly behind our property.

Chairperson Hamilton-Wood stated that Mr. Stout had indicated that when the development behind the proposed development was designed, it was designed to handle the water from the applicant's property. She stated that the Board knows from previous meetings that there are concerns from the residents of that rear property that their basin did not seem to be working as it was supposed to. She asked Mr. Stout that if they remove as much water as he says they will be removing, will that allow the rear basin to function as it was intended? Mr. Stout stated yes and that it will not affect the design or the performance of the rear basin.

Member Morris asked what the impervious service coverage of the proposed development will be. Mr. Stout replied they are allowed 60%; however, they are at 42%. He also added that the numbers that he is giving the Board in regard to the basin is for a 100-year storm scenario, which the worst-case scenario.

Mr. Stout introduced their next exhibit, A-3, which was the same as what was included with their site package. He again stated the proposed sign will be a simple identification sign; a monument style sign. The orientation of the temporary sales trailer will be at the entrance off of Regars Drive. The trailer will be in place the majority of the time. Once that is removed, they will build back the berm and put in landscaping. Exhibit A-4 showed the elevations for the site and the proposed townhomes for the perimeter of the development and A-5 showed the proposed stacked townhomes for the center of the development.

Mr. Stout then went through the review letters from Engineer Dougherty and Planner Fegley. He stated they agree with everything in Planner Fegley's review letter with the exception of one comment regarding landscaping. Because of the shading effects of the buildings, they are going to do a little bit different landscaping on the north side versus the south side. They have agreed to work with Planner Fegley to make sure that is accomplished. Chairperson Hamilton-Wood asked what type of landscaping will be put in. Mr. Stout replied they will use local species with the majority being evergreens. Along the front of the property will be smaller shrubs and ornamental trees. There will be no large trees; only ornamental, water tolerant, local species. Chairperson Hamilton-Wood questioned the height of the trees upon maturity along the buffers. Mr. Stout stated they will be 12' to 14' upon planting. With the height of the back berm at 6' and the growth of the tree, it will obviously be much higher.

Mr. Stout continued with comment #1 of Planner Fegley's letter regarding supplying HOA documents. He stated that 'yes' they definitely will have one and will submit it once the site is close to being built. As far as the ownership and maintenance go, everything within the site with the exception of the roadway will be maintained by the association. That will include maintenance of the landscaping and all of the plowing within the stacked townhomes and the perpendicular parking spaces. The Township's responsibility will be plowing the roadway and trash pickup. Recycling will be done by the county. Planner Fegley stated the applicant has satisfied all of her concerns once the landscaping is ironed out.

Mr. Stout stated that they agree to all of Engineer Dougherty's review letter comments. Chairperson Hamilton-Wood and Mayor Wilkie asked if they were also going to comply with the fire and police department's concerns with the building numbering as stated in the Fire review and the Police review. Mr. Stout stated 'yes' and that he actually had a conversation today with Richard Brook, Township Administrator and Brian Richardson, Fire Marshall and will also comply with all the Chief Boldizar's concerns.

Engineer Dougherty pointed out that the application was submitted in September and stated he had met with the applicant in October, just to go over items of concern. He did have a November 17, 2017 review letter from the plans submitted by the applicant. At the November 28, 2017 meeting, the application was deemed complete. Another set of plans that addressed the completeness and outstanding issues were then submitted and he did a No. 2 review letter dated December 14, 2017. Engineer Dougherty did speak with Bob Stout today as well and with his testimony tonight, he has addressed all items that he was asking for testimony on; however, one item that testimony was not provided was in regards to the 20' wide easement and if there are any landscaping restrictions conditions on the easement. Mr. Stout stated there are not. The easement is dedicated to the County and there are no restrictions on planting within the easement. They have worked with Planner Fegley's office and their landscape architect to come up with a species with a small root base that will work well in the easement. The storm sewer line is concrete and we are keeping the plantings approximately 3 – 4' off of that and will not damage to the pipes whatsoever. Engineer Dougherty said they are mainly making sure that there will be no structures in the easement because it could interfere with maintenance of the pipe. The landscaping can be removed if the piping needs to be repaired or replaced. Solicitor Frank clarified that the easement does not provide a surface quality of water, it's an easement that carries a drainage pipe.

Engineer Dougherty asked if Mr. Stout could provide more testimony on the street lighting and confirm there will be street lights that will be on from dusk to dawn and that the stacked townhomes in the center of the development will have lighting at the rear of the residences. Mr. Stout confirmed the street lighting and that the homes in the center will have lighting throughout the back of those units, with each unit having an individually owned and operated rear light. Mr. Stout stated that some of the streets are not lit enough in many communities so they have put this development's lighting a little bit closer to give it a nice uniform foot-candle across the entire site so there are not dark spots. Engineer Dougherty confirmed that the HOA documents would address specific light ruling for the residents. Mr. Stout said that the HOA documents will specify everything the residents can and cannot do, for example: no accessory buildings, no fences, no flood lights, etc. Engineer Dougherty said all other items of concern have been addressed with the

exception of the HOA documents. He asked Mr. Stout if there was going to be 2 HOA's. Mr. Stout said that has not been resolved and as soon as they have the HOA complete, it will be submitted. Chairperson Hamilton-Wood stated there should be 2 with 1 of them addressing the whole complex. Mr. Roskos stated they were thinking the same thing.

Member Morris asked if the proposed complex would be tying into the existing stormwater drain? Mr. Stout stated that they were and that the water will be cleaned up before going into the rear neighboring basin. Engineer Dougherty stated that overall, it will be an improved condition.

Nathan Mosley, senior project manager with Shropshire Associates and a professional engineer fully licensed in the State of New Jersey, then spoke in regards to the Traffic Impact Study. He has been doing traffic impact studies for over 15 years and generated the report for this application. Mr. Mosley put together a traffic engineering assessment report, which is dated 9/5/17, that was submitted with the application. The report shows the existing conditions as well as the future conditions of the traffic to be generated by this site. He was looking mainly at being able to provide a safe ingress and egress for the residents of the neighborhoods as well as to maintain existing conditions and provide safe conditions for the surrounding roadway network. Traffic counts were done at the intersection of Florence-Columbus Road and Regars Drive in April 2017 from 7 – 9 AM and 2 – 6 PM to collect existing traffic volume data. The existing intersection already has an additional auxiliary lane to provide some additional capacity. There is a left turn lane along the east bound approach and a dedicated right turn lane along the west bound approach. There is also a dedicated left turn lane and right turn lane on Regars Drive for turning onto Florence-Columbus Road. Based on the trip generation rates that are provided for this study, they are looking at very similar numbers to the existing numbers for Regars Drive; they are looking at the traffic being double what it currently is which is not very significant today compared to what is on the surrounding roadways. The levels of service from current to future do not appear to change; we are not looking at excessive queues. Traffic exiting from Regars Drive will be able to get out into traffic and should not have to wait more than 30 seconds. Mr. Mosley stated he also did a crash data report for that intersection from information received from the Florence Township Police Department. There were 3 motor vehicle collisions during the past year for the intersection of Florence-Columbus Road and Regars Drive; two involved hitting a deer and the other one was a single motor vehicle accident. He does believe based on the traffic study and based on what they looked at, they have provided a safe ingress and egress for the site. Engineer Dougherty stated that he did review the traffic study and that he does concur.

It was the Motion of Morris, seconded by Molimock to open the meeting for public comment. Motion approved by all those present.

Philip Boyer, 307 Seybe Lane, says he opposes this application and does not want the additional traffic and expressed concern that the traffic light at Route 130 and Florence-Columbus Road is not adequate for more traffic as well as the turn lanes off of and coming into Regars Drive. He 2nd concern was that the construction would cause dirt and dust throughout his neighborhood. His 3rd concern was the burden of extra children in our school system.

In regards to the traffic, Mr. Stout stated the Burlington County Planning Board has approved what they are presenting today. They will be extending the deceleration lane from the east to the west and will widen Florence-Columbus Road for that purpose.

Mayor Wilkie stated the township is working with the County, State, and Township Engineer in regards to improving the intersection at Route 130 and Florence-Columbus Road; but, the problem now is funding, which the township is working on receiving grants to fund the improvements. As far as the burden on the school system, the Redevelopment Plan addresses that and shows that this development will add about 40 students across K – 12. Mayor Wilkie stated that this may be not what the township wants, but it is in the township's best interest to move forward. It is a part of a lawsuit settlement and the objector, being Quaker who was the previous owner of the Estates at Crossroads, was looking to put in 200 units on 30 acres of land and the township was able to keep it at being only 80 units being developed on 8 acres. This is not a PILOT program and will be fully taxed.

Engineer Dougherty stated the developer has stated they will have dust control measures in place, such as a water truck to water down the site and tracking pads for the trucks to keep dust off the street.

Solicitor Frank added that the applicant is not seeking any variances. The law says that if the application complies with the Redevelopment Plan standards, the Board has an obligation to approve the plan. If the Board were to deny the application, the applicant can appeal and the judge would then approve it.

Subhash Manchanda, 202 Leffler Circle, stated this proposed development will be sitting right along Florence-Columbus Road and there is so much noise and vibrations from traffic on the Turnpike and Florence-Columbus Road. So much so that he is not able to sleep and it causes stress. He strongly objects to this application and says that site is not a place for residences.

Joseph Marbach, 254 Leffler Circle, stated his concern that this site is being considered for residences and not an office park (OP) for what is zoned for, which is referenced in Planner Fegley's review letter of December 18, 2017. He stated by looking at the township's zoning map, this is the last piece of property that is zoned OP. His 2nd concern was in regards to the parking. Realistically, the garages will not be used for cars, but will be used for storage. It may be in accordance with the standards, but it is not with practicality.

Solicitor Frank stated that the parking standard is prescribed by the state. Twenty years ago, developers had to face different parking standards in each town. Developers lobbied together because of the wide standards from town to town, and the state then developed a state-wide standard applied by the regulations adopted by the Department of Community Affairs. He continued by stating the Board is not permitted to legally take practicality into consideration. If the development meets the RSIS, the Board cannot deny them on that issue. RSIS are the standards and the Board is obliged by them. The Police Department will have to deal with residents parking incorrectly.

Mayor Wilkie stated that this site was designated as an area in need of redevelopment in 2013, so the zoning of OP was superseded when the Township Council put in that Redevelopment Plan for that location which did allow for this site to be redeveloped as residential or other commercial. Chairperson Hamilton-Wood stated that an office park would be welcomed there; however, in the 10 years that it has been vacant land, not one developer has approached the township to put in an office park there or in any of the township's OP zones. The township cannot control what the developers put it.

Keith Watson, 258 Leffler Circle, concurs with most of his fellow residents. He expressed his concern in regards to the traffic and stormwater management system. Mr. Watson's question to the Board was if they were convinced or do they feel that there has been enough information submitted to the Board to suffice that this proposed stormwater management system will do what has been testified to and that it will not add to their already overburdened basin? He is not convinced of that from what he has seen and heard. Mr. Watson's 2nd concern is that the access area on Regars Drive from Kramers Court to Florence-Columbus Road will be a very short distance and if it is not widened; it will not work for the additional traffic without widening Regars Drive.

Sevvy Sharma, 204 Leffler Circle, stated he does not fully grasp the water drainage system. Currently, their pond is full from rainwater. How will the additional water from the new development not overflow it even more? Solicitor Frank stated that the rules require that the rate of flow be substantially be reduced by 20% and Mr. Stout has testified that it will be reduced by 63%. He is telling us that there will be a reduction by the flow into your basin. The water will stop in the new basin first and then be metered out at a slower rate into your basin. That's actually what the rules require and Mr. Stout's design shows that. Engineer Dougherty stated the outlet of the basin has a trash rack which will stop the floatable stuff and there will be less silt going into the rear basin. Mr. Sharma stated he is also concerned about the traffic and noise. He also questioned why this lot was picked, and not one of the other two or purchase another parcel of land? Mayor Wilkie stated out of the 3 lots, the 11-acre lot butts up to open-space and the other 8-acre lot has no access to Florence-Columbus Road. This site is next to an already active business, so it was the most logical one. Chairperson Hamilton-Wood stated that as far as purchasing another parcel of land, that was for Township Council, not for the Planning Board.

Jeffrey Hedeman, 248 Leffler Circle, asked why this couldn't be built on the residential area next to Birch Hollow and why that area is not being used? Mayor Wilkie restated the reasoning of the lawsuit. He also stated the New Jersey Turnpike Authority purchased the area next to Birch Hollow when they did their expansion in the 90's. The township has asked them to sell it to the township but is not getting any response from them. Mr. Hedeman also expressed concern about the issue on Regars Drive and that it is almost impossible to make a left or right onto Regars Drive when there are cars there. Widening Regars Drive may help.

Solicitor Frank stated that the widening of Regars Drive is within the County's jurisdiction and not the township's. Engineer Dougherty stated that the applicant is making the deceleration lane longer which will slow traffic down.

It was the Motion of Montgomery, seconded by Morris to close public comment. Motion approved by all those present.

Solicitor Frank stated the Motion being made for the application was with the following conditions: that the applicant has agreed to comply with all comments made by the Fire Official, Chief of Police, Engineer Dougherty and Planner Fegley; everything within the site except for Kramer Court will be maintained by the HOA and the township's responsibilities will be limited to plowing the main road through the development and trash and recycling pickup; the HOA documents will be submitted once complete and will encompass the forbidding of high lighting, accessory building, fences, etc.; and the usual conditions with posting a performance bond.

It was the Motion of Wilkie, seconded by Molimock to approve the application with the above-mentioned conditions.

Upon roll call the Board voted as follows:

YEAS: Morris, Molimock, Montgomery, Lovenduski, Hamilton-Wood, Wilkie,
McCue, Collins
NOES: None
ABSTAIN: None
ABSENT: MacArthur

Motion carried

Application PB#2017-08 for Richard Levenduski for Minor Subdivision for property located on Delaware Avenue, Florence, Block 96, Lots 10 & 11.

Jonas Singer appeared before the Board representing the applicant. He stated his client's application is for a change of lot line and is classified as a minor subdivision. The applicant owns Lots 9, 10, & 11 and wishes to identify Lot 10, which is now part of Lot 11, and merge it with Lot 9. This would then result in Mr. Levenduski having a 100' frontage, making it a conforming lot. Lot 11 would then be non-conforming. He noted that Lot 10 is currently a vacant lot.

Solicitor Frank swore in Richard Levenduski. Mr. Levenduski testified that he is not planning on any new construction or new improvements as a result of this application. Mr. Levenduski stated there is a house on Lot 11 that he has renovated it is for sale and under contract set for the end of January 2018. He is looking to move the lot line so that he has additional land with his lot 9, improving his lot coverage and providing a better existing condition. Lot 11 would then stand alone. Chairperson Hamilton-Wood stated Mr. Levenduski had an application in 2015 before the Zoning Board on Lot 9 for impervious coverage to build a garage, which was approved. Lot 10 & 11 were then owned by one individual and merged. She then clarified that Mr. Levenduski now owns all three lots and wants to take Lot 10 and merge it with Lot 9. Mr. Singer stated that individually, all lots are nonconforming; but, Lot 10 & 11 were merged so were conforming. Chairperson Hamilton-Wood stated that no matter what the Board does with moving this lot line, there will still be nonconforming lots. Engineer Dougherty stated that he believes that Lot 9 is quite a bit over in impervious coverage, but merging it with Lot 10, the impervious coverage goes down a significant amount. Chairperson Hamilton-Wood stated Lot 9 is currently at 59%.

Engineer Dougherty stated that in doing his completeness review, the applicant did submit a minor subdivision checklist and is seeking waivers, but due to the minor nature of this shifting lot line, he feels that even though the application is incomplete without those items, he has no objections to the Board waiving those items and deeming the application complete. The Board can declare the application complete and then hear the application. This application will shift the non-conforming from Lot 9 to Lot 11. Either way you will have one non-conforming lot.

It was the Motion of Lovenduski, seconded by Montgomery to deem the application complete with waiving the submission documents. Motion approved by all those present.

Chairperson Hamilton-Wood asked if there is any reason why Lot 10 would not just be split and give $\frac{1}{2}$ of the lot to Lot 9 and $\frac{1}{2}$ to Lot 11? Engineer Dougherty stated you would still have 2 non-conforming lots. Chairperson Hamilton-Wood stated that both of them would be more conforming than not. Mr. Singer stated the applicant is looking to create a side yard for his residence as a buffer to the other home and is looking to have the entire lot. The Board expressed concern that in the future, an application for a subdivision would be done to sell Lot 10. Mr. Lovenduski stated he does not plan to do that. Solicitor Frank stated that if the Board wishes to put conditions of its approval, it can. Given the amount of the impervious coverage that's existing on that lot already and the fact that the combined lots would reduce it to close to conforming, it actually is not an unreasonable condition to impose. Mr. Singer stated that he is not real sure why they would want to do that. Chairperson Hamilton-Wood stated that currently, Mr. Lovenduski's impervious coverage is at 59% which will reduce greatly with the addition of Lot 10. But suppose in 2 years, he wants to subdivide and come back before the Board with an application to do so. Mr. Singer stated that Board has a right to deny that application. Mr. Singer added he hesitates to every put any sort of deed restrictions on lots.

There was a brief discussion between Mr. Singer and his client.

Mr. Singer stated that he has spoken with his client, and Mr. Lovenduski has no intention of ever subdividing this lot during his ownership and does not find it necessary to place any conditions on it. By presenting this application, he is doing nothing other than improving his current lot coverage. Chairperson Hamilton-Wood stated the Board understands that; however, the Board is charged with trying to not create a non-conforming condition which we are now creating even though we're making Lot 9 better by adding 10, we're now making Lot 11 nonconforming because it's impervious coverage will now be at 32%. We're not solving a problem, we're creating one. If the new owner wants a shed or a pool, they will not be allowed to without appearing before the Zoning Board. It just makes more sense to split Lot 10 between Lot 9 and Lot 11. Hugh Dougherty stated they would then both be nonconforming for lot width; impervious may be conforming, but lot width would not.

It was the Motion of Lovenduski, seconded by Montgomery to open the meeting to public comment. Motion approved by all those present.

Seeing no one wishing to be heard, it was the Motion of Montgomery, seconded by Morris to close public comment. Motion approved by all those present.

Chairperson Hamilton-Wood stated she was now looking for a Motion to either approve or deny the application or to approve with conditions. The Board was unsure if they could impose a condition if the applicant had not agreed to it. Solicitor Frank stated the Board can choose to impose conditions that are rationally related to the circumstances of the land, even if the applicant does not agree to them. Mr. Singer stated that the Board would be imposing a condition on a lot that even after subdivision would still have an impervious coverage issue.

It was the Motion of Montgomery to approve the application, seconded by Molimock. Mayor Wilkie asked if that was for approving with no conditions? Chairperson Hamilton-Wood stated yes. Solicitor Frank stated there would be the normal conditions of a minor subdivision, such as review of the deed by the Board Attorney and Engineer. Chairperson Hamilton-Wood stated the Motion was to approve the application with the normal minor subdivision conditions and no specific condition regarding Lot 10.

Upon roll call the Board voted as follows:

YEAS: Morris, Molimock, Montgomery, Lovenduski, Hamilton-Wood, Wilkie,
McCue, Collins
NOES: None
ABSTAIN: None
ABSENT: MacArthur

Motion carried

OTHER BUSINESS

There was no other business.

PUBLIC COMMENT

It was the Motion of Lovenduski, seconded by Montgomery to open the meeting for public comment. Motion approved by all those present.

Seeing no one wishing to be heard, it was the Motion of Morris, seconded by Lovenduski to close public comment. Motion approved by all those present.

MASTER PLAN REVIEW/DISCUSSION

There was no Master Plan review or discussion.

ADJOURNMENT

It was the Motion of Molimock, seconded by Collins to adjourn the meeting at 10:14 p.m. Motion unanimously approved by all those present.

Wayne Morris, Secretary