

**TOWNSHIP OF BURLINGTON PLANNING BOARD
BURLINGTON COUNTY, NEW JERSEY
MINUTES OF OCTOBER 13, 2011**

The regular meeting of the Township of Burlington Planning Board was held on Thursday, October 13, 2011, at 7:30 P.M. at the Township Municipal Complex.

PRESENT: Robert Davis; Chief William Diamond; Mayor Brian Carlin; Delbert Rife; Councilman Michael Cantwell; Lacy Walker; Joseph Sabatino; Israel Rivera; Celeste Niles; Patricia Siboczy; Charleen George; Mr. Kingsbury, Esq., Board Solicitor; Scott Hatfield, PE, Board Engineer; Kevin Rijs, PP, Board Planner; Matt Witkowski, PE, Board Traffic Engineer

ABSENT:

David Horner, PE was present to serve as Board Traffic Engineer for US Home Corp/Lennar application.

Meeting was called to order by Chairperson George. She opened the meeting by reading the "Statement of Minutes" as follows:

PUBLIC NOTICE of this meeting pursuant to the Open Public Meetings Act has been given by Planning Board in the following manner:

- (a) Posting written notice on the official bulletin board at the Township Municipal Complex on January 5, 2011;
- (b) Mailing written notice to the Courier Post on January 6, 2011, by certified mail, return receipt requested; hand delivered to the Burlington County Times on January 5, 2011, hand receipt obtained; and Legal Ad in the Burlington County Times on January 7, 2011;
- (c) Filing written notice with the Clerk of the Township of Burlington on January 5, 2011.

Approval of Minutes

Chairperson George requested a Motion to approve the minutes of the September 8, 2011 meeting.

MOTION made by Mayor Carlin and seconded by Mr. Walker to approve the minutes from the September 8, 2011 meeting. On roll call the following vote was recorded:

AYES: Mr. Davis, Chief Diamond, Mayor Carlin, Mr. Rife, Mr. Walker, Mr. Sabatino, Mr. Rivera, Mrs. Siboczy, Chairperson George

NAES: None

ABST: Councilman Cantwell, Mrs. Niles

Chairperson George declared the motion carried.

Correspondence

Items of Correspondence are listed in Addendum I.

All items were received and filed.

New Cingular Wireless PCS – Block 107, Lot 3. 512 Elbow Lane.

Applicant is requesting a modification to an existing AT&T telecommunications facility.

Christopher James Quinn, Esq. was present for the application. He introduced Richard Peterman, PE (sworn in)

This application proposes the installation of three additional “LTE” antennas on an existing monopole along with appurtenant ground-based equipment for a Wireless Communication Facility located at 512 Elbow Lane (Henkels & McCoy Site).

Mr. Quinn stated that due to the conflict of interest with their previous Engineer they have retained the services of Richard Peterman, PE.

MOTION made by Mayor Carlin and seconded by Councilman Cantwell to recognize Mr. Peterman as a professional expert. AYES: All NAES: None

Mr. Peterman gave an overview of the site plan and offered testimony on the application. He stated that the structural analysis has been performed and they will comply with Mr. Hatfield’s report of September 21, 2011.

Mr. Hatfield stated that the testimony given satisfies his concerns.

Mr. Quinn stated that there has been no change made to the site plans since the last meeting.

At this time Chairperson George opened the meeting to the public. There being no public comment that portion of the meeting was closed.

Mr. German stated that he has prepared the resolution to be approved for this application.

MOTION made by Mayor Carlin and seconded by Mr. Sabatino to grant Amended Minor Site Plan approval and a bulk variance for minimum rear yard setback of 18 feet where 40 feet is required, contingent upon Mr. Hatfield’s report of September 21, 2011. On roll call the following vote was recorded:

AYES: Chief Diamond, Mayor Carlin, Councilman Cantwell, Mr. Walker, Mr. Sabatino, Mr. Rivera, Mrs. Niles, Mrs. Siboczy, Chairperson George

NAES: None

ABST: Mr. Davis, Mr. Rife

Chairperson George declared the motion carried.

US Home Corp / Lennar – Block 98, Lots 7 & 8.

Applicant is requesting Final Major Subdivision approval and Final Major Site Plan approval.

David Horner, PE was present to serve as Board Traffic Engineer for this application.

Frank Petrino, Esq. was present for the application. He introduced Mark Malinowski, PE; Anthony Mignone, Vice President and Project Manager, Lennar; and Mark McGraw, Traffic Engineer. (all sworn in)

This application proposes the construction of 250 single-family attached dwelling units consisting of 182 side-by-side townhouse units and 68 stacked townhouse units consisting of a mix of 2-bedroom (34) and 3-bedroom (216) units. This project is located on what is a designated Redevelopment Area between the Trellis Green development and the municipal boundary line with Edgewater Park Township. The underlying zoning is R-12 Medium Density Residential.

Mr. Petrino reviewed the updates that have taken place since the applicant was last before the Board in July. He stated that the water extension permit was obtained by DEP in August; the Burlington County Soil Conservation was issued on September 20th; they received County Subdivision approval on October 3rd and County Site Plan approval on October 11th.

Mr. Hatfield explained that a separate lot and block may be designated for the common areas.

MOTION made by Mayor Carlin and seconded by Councilman Cantwell to recognize Mark Malinowski, PE as an expert. AYES: All NAES: None

Mr. Malinowski gave an overview of the Color Rendering of Overall Site Plan, marked as Exhibit A-1, and the Color Rendering of Site Entrance, marked as Exhibit A-2.

Mr. Hatfield questioned the size of the sign proposed.

Mr. Malinowski stated that the pillars are 6' 2/3" high and the sign is 40 square feet. A design exception will be needed for the pillar style. He stated that the sign will not be in the sight triangle and will be maintained by the home owners association.

Mr. Germano questioned if the sign has been approved by the County.

Mr. Malinowski stated that his is unsure if the approval has been received because the location was not determined at that time.

Mr. Hatfield's report of October 11, 2011 was reviewed.

Mr. Malinowski stated that they would like to keep the Belgian Block curbing throughout the entire site.

Mr. Hatfield expressed concern with the maintenance of the Belgian Block curbing in front of the two existing adjacent homes.

Mr. Petrino stated that Lennar will take responsibility of the curb maintenance.

Mr. Malinowski explained that there are current discussions with Public Works regarding the controls to the well. Underground hardwire and radio controls are being discussed.

Mr. Rijs reviewed his report of October 7, 2011. He questioned the phasing plan.

Mr. Malinowski gave an overview of the Phasing Plan, marked as Exhibit A-3. He reviewed all five phases.

Mr. Mignone stated that Phase I will start by spring of 2012.

Mr. Hatfield requested that applicant work with the owner of Lot 15 to relocate certain plantings. Applicant agreed.

Mr. Horner reviewed his report of September 20, 2011.

Applicant agreed to provide the striping as recommended.

At this time Chairperson George opened the meeting to the public. There being no public comment that portion of the meeting was closed.

Mr. Germano stated that at the applicant's request and with the Board's approval he has drafted a resolution to allow applicant proper time for the sale of the property before the year ends. Applicant will have to be in agreement that the drafted resolution is contingent on change by a supplement resolution including details from this meeting. Applicant agreed.

Mr. Germano stated that the Board reserves the right and applicant has consented to a supplement resolution with facts and findings identified during this meeting.

Mayor Carlin suggested a special meeting to allow time to prepare a full resolution for approval.

The Board was in agreement to meet on October 27th at 7:00pm.

MOTION made by Mayor Carlin and seconded by Mr. Sabatino to grant Final Major Subdivision approval contingent upon Mr. Hatfield's report of October 11, 2011; Mr. Rijs' report of October 7, 2011; and Mr. Horner's report of September 20, 2011. On roll call the following vote was recorded:

AYES: Mr. Davis, Chief Diamond, Mayor Carlin, Mr. Rife, Councilman Cantwell, Mr. Walker, Mr. Sabatino, Mr. Rivera, Mrs. Niles, Mrs. Siboczy, Chairperson George

NAES: None

ABST: None

Chairperson George declared the motion carried.

MOTION made by Mayor Carlin and seconded by Mr. Davis to grant Final Major Site Plan Approval and authorizing the site to be developed in phases, contingent upon Mr. Hatfield's report of October 11, 2011; Mr. Rijs' report of October 7, 2011; and Mr. Horner's report of September 20, 2011. On roll call the following vote was recorded:

AYES: Mr. Davis, Chief Diamond, Mayor Carlin, Mr. Rife, Councilman Cantwell, Mr. Walker, Mr. Sabatino, Mr. Rivera, Mrs. Niles, Mrs. Siboczy, Chairperson George

NAES: None

ABST: None

Chairperson George declared the motion carried.

PSM Donut, LLC – Block 103, Lots 2.12 & 2.13; 1007 Sunset Road.

Mr. Witkowski was present to serve as Board Traffic Engineer for this application.

Pat McAndrew, Esq. was present for the application. He introduced Chirag Patel, PSM Donut, LLC and John Petit, PE. (both sworn in)

This application proposes minor improvements to an existing site that is proposed to be occupied by a Dunkin Donuts.

MOTION made by Mayor Carlin and seconded by Councilman Cantwell to recognize Mr. Petit, PE as an expert. AYES: All NAES: None

Mr. Petit gave a site plan overview. He reviewed the Color Presentation Plan, marked as Exhibit A-1, and the Color Rendering of Building Elevations, marked as Exhibit A-2. He also reviewed the trip generation and peak hours.

An extensive discussion occurred regarding size and location of signage.

The Board and applicant came to an agreement to have the freestanding sign located in the same spot as the previous Bank of America sign.

Mr. Hatfield reviewed his report of June 29, 2011.

Applicant is requesting waivers for: location of all ponds, streams, drainage ditches and water courses within 500 feet of the site; all buildings, structures, wooded areas, easements, right-of-way, signs, lights, and paving within 100 feet of the tract; a complete landscaping plan, including type and size of all plants; location of all utilities including water supply, sewer, gas and electric services; storm drainage system to be shown and submission of drainage calculations; provisions for soil erosion and sediment control; copies of any protective covenants, easements or deed restrictions applying to the site; and submission of Traffic Impact Report.

Applicant is requesting design exceptions for: four parallel parking spaces which are 8' wide where a minimum of 10' is required; and providing one loading parking space.

Mr. Hatfield requested that applicant provide a copy of the leasing rights with regards to parking.

Mr. Hatfield questioned if there are any items in his report that applicant is not willing to comply with. Applicant indicated they would comply with the report.

An extensive discussion occurred regarding various dumpsters around the whole property that are not enclosed which are the responsibility of the landlord, whom is not present to address the issue.

Mr. Germano stated that the Board does not hold applicant responsible for other issues on the site.

Applicant offered testimony on the operations of the business. There will be 6 employees during peak hours to accommodate the estimated 110 customers the will have per hour during that time. The hours of operation are 5am-10pm every day. There will be no food fryers on site, only baking.

Mr. Rife questioned tractor trailer deliveries obstructing customers.

Mr. Patel stated that the delivery truck comes only once per week.

Mr. Petit gave an overview of the delivery route through the site.

Mr. Rijs reviewed his report of June 28, 2011. Applicant will comply with the report.

Mr. Witkowski reviewed his report of July 1, 2011. Applicant will comply with the report.

Mr. Witkowski recommended that the requested waiver for the Traffic Impact Report be granted.

At this time Chairperson George opened the meeting to the public. There being no public comment that portion of the meeting was closed.

MOTION made by Mayor Carlin and seconded by Mr. Walker to grant Minor Site Plan approval, waivers for: location of all ponds, streams, drainage ditches and water courses within 500 feet of the site; all buildings, structures, wooded areas, easements, right-of-way, signs, lights, and paving within 100 feet of the tract; a complete landscaping plan, including type and size of all plants; location of all utilities including water supply, sewer, gas and electric services; storm drainage system to be shown and submission of drainage calculations; provisions for soil erosion and sediment control; copies of any protective covenants, easements or deed restrictions applying to the site; and submission of Traffic Impact Report; design exceptions for: four parallel parking spaces which are 8' wide where a minimum of 10' is required; and providing one loading parking space. Contingent upon Mr. Hatfield's report of June 29, 2011; Mr. Rijs' report of June 28, 2011 and Mr. Witkowski's report of July 1, 2011. On roll call the following vote was recorded:

AYES: Mr. Davis, Chief Diamond, Mayor Carlin, Mr. Rife, Councilman Cantwell, Mr. Walker, Mr. Sabatino, Mr. Rivera, Mrs. Niles, Mrs. Siboczy, Chairperson George

NAES: None

ABST: None

Chairperson George declared the motion carried.

Reports

Solicitor's Report

Mr. Germano requested that the following resolution be approved:

Rt. 541 Redevelopment Area 2-Springside School

MOTION made by Mayor Carlin and seconded by Mr. Rife to approve the above resolution and that it be made part of the September minutes. On roll call the following vote was recorded:

AYES: Mr. Davis, Mayor Carlin, Mr. Rife, Councilman Cantwell, Mr. Walker, Mr. Sabatino, Mrs. Niles, Chairperson George

NAES: None

ABST: Chief Diamond, Mr. Rivera, Mrs. Siboczy

Chairperson George declared the motion carried.

Mr. Germano requested that the following resolutions be approved:

New Cingular Wireless PCS, LLC

Balford Farms

MOTION made by Mayor Carlin and seconded by Councilman Cantwell to approve the above resolutions and that they be made part of the September minutes. On roll call the following vote was recorded:

AYES: Mr. Davis, Chief Diamond, Mayor Carlin, Mr. Rife, Councilman Cantwell, Mr. Walker, Mr. Sabatino, Mr. Rivera, Mrs. Niles, Mrs. Siboczy, Chairperson George

NAES: None

ABST: None

Chairperson George declared the motion carried.

Engineer's Report

Mr. Hatfield stated that he had no report.

Planner's Report

Mr. Rijs stated that he had no report.

Traffic Engineer's Report

Mr. Witkowski stated that he had no report.

Adjournment

MOTION made by Mayor Carlin and seconded by Councilman Cantwell to adjourn the meeting. On roll call the following vote was recorded:

AYES: All NAES: None

Chairperson George declared the motion carried.

RESPECTFULLY SUBMITTED,

EILEEN LISS, SECRETARY

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APPROVED: _____