

**TOWNSHIP OF BURLINGTON PLANNING BOARD
BURLINGTON COUNTY, NEW JERSEY
MINUTES OF JULY 12, 2012**

The regular meeting of the Township of Burlington Planning Board was held on Thursday, July 12, 2012, at 7:30 P.M. at the Township Municipal Complex.

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

ABSENT: Mayor Brian Carlin

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 December 27, 2011;
- (b) Mailing written notice to the Courier Post on December 28, 2011, by certified mail, return receipt requested; hand delivered to the Burlington County Times on December 27, 2011, hand receipt obtained; and Legal Ad in the Burlington County Times on December 29, 2011;
- (c) Filing written notice with the Clerk of the Township of Burlington on December 27, 2011.

Approval of Minutes

Chairperson George requested a Motion to approve the minutes of the June 14, 2012 Regular meeting.

MOTION made by Mr. Walker and seconded by Mr. Davis to approve the minutes from the June 14, 2012 Regular meeting. On roll call the following vote was recorded:

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

NAES: None

ABST: Chief Diamond

Chairperson George declared the motion carried.

Correspondence

Items of Correspondence are listed in Addendum I.

All items were received and filed.

Chick-fil-A – Block 116, Lot 2.

Applicant is requesting Preliminary and Final Major Site Plan approval.

Timothy Prime, Esq. was present for the application. He introduced James Miller, PP; Nicholas Vererderese, Traffic Engineer; John Martinez, Development Manager for Chick-fil-A; and Justin Thornton, PE. (all sworn in)

This application proposes the construction of a 5,187 SF building in the existing Wishing Well Shopping Center. The proposed building will operate as Chick-fil-A restaurant with a drive-thru window on a leased portion of Lot 2.

An aerial photograph with Chick-fil-A superimposed in it was marked as Exhibit A-1, a color rendering of the site was marked as Exhibit A-2 and a color rendering of the building elevations was marked as Exhibit A-3.

Mr. Prime gave an overview of the application and submitted a Use and Operations Statement to the Board, which was marked as Exhibit A-4.

Mr. Germano stated that the requested variance for the free standing signs is actually a design exception.

The site plan was marked as Exhibit A-5.

Mr. Prime explained that the restriction of a left hand turn exiting the adjoining WaWa site is being reviewed by the County. He also stated that there will be a cross easement between the shopping center and Wawa.

Justin Thornton, PE was qualified as a professional engineer.

Mr. Thornton reviewed the site access, parking, dual drive-through lanes, loading zone and trash enclosure. He stated that they will be providing landscaping at the rear of the parking lot which has suggested by the Board Planner. They will revise the plans to include the landscaped area.

Nicholas Vererderese, PE was qualified as a professional traffic engineer.

Mr. Vererderese reviewed the parking and access.

Mr. Davis questioned the handicapped spaces.

Mr. Vererderese stated that there are 3 handicapped spaces proposed.

James Miller, PP was qualified as a professional planner.

Mr. Miller reviewed the sign plan, which was marked as Exhibit A-6.

Mr. Hatfield reviewed his report of July 2, 2012. Applicant will comply with the report.

Mr. Prime stated he is not aware of any protective covenants, easements or deed restrictions.

Mr. Germano requested that applicant submit a copy of the lease. Mr. Prime agreed.

Mr. Rijs reviewed his report of June 7, 2012. Applicant will comply with the report.

Mr. Witkowski reviewed his reports of June 1, 2012 and June 29, 2012. Applicant will comply with the reports.

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 Mr. Sabatino and seconded by Mr. Walker to grant Preliminary and Final Major Site Plan approval; waiver for locations of all ponds, streams, drainage ditches and water courses within 500 feet of the site; waiver for all buildings, structures, wooded areas, easements, rights-of-way, signs, lights and paving within 100 feet of the site; waiver for copies of any protective covenants, easements or deed restrictions applying to the site; waiver for the Environmental Impact Statement; design exceptions for the number of parking spaces, the size of the spaces, size of the loading area, design of the drive-thru lane and signage. Contingent upon Mr. Hatfield’s report of July 2, 2012; Mr. Rijs’ report of June 7, 2012; Mr. Witkowski’s reports of June 1, 2012 and June 29, 2012 and amendment to the plan to include landscaping on the border. On roll call the following vote was recorded:

AYES: Mr. Davis, Chief Diamond, 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.

DKR Holdings, LLC – Block 144, Lots 5, 5.02 & 6.

Applicant is requesting Preliminary and Final Major Sub-Division approval.

Michael McGee, Esq. was present for the application. He introduced Jeff Richter, PE. (sworn in)

This application proposes the construction of 41 single family dwelling units and two (2) storm water management lots. This project consists of four existing lots totaling 19.51 acres that presently consist of two vacant residential dwellings with surrounding agricultural lands. The property is zoned R-12 Medium Density Residential.

Mr. Richter reviewed the Color Rendering Layout Plan, marked as Exhibit A-1, the Offsite Sanitary Sewer Connection Plan, marked as Exhibit A-2 and the Rendering of Goodyear Lane, marked as Exhibit A-3.

Mr. Hatfield reviewed his report of July 9, 2012. He stated that the existing property owners along Goodyear Lane will have to be consulted about the planting of the street trees on their properties.

Mr. Richter offered testimony on the percolation tests.

Mr. Hatfield requested that the permeability tests be done below the basins and findings of those tests be submitted to the Board. Applicant agreed.

Mr. McGee stated that there is no phasing plan proposed.

Councilman Cantwell questioned the starting point of construction.

Mr. Richter explained that by starting at Columbus Road it allows for less disruption in the area closest to the existing homes.

Mr. Hatfield explained that 8 locations have been tested for lead, arsenic and pesticides as per the NJDEP. The Ordinance requires that the tests be performed for each lot. Applicant is requesting a partial waiver from this requirement in so far as they have requested that the Board make it a condition of any approvals granted that the soil test results be submitted for each proposed building lot prior to the issuance of a building permit.

At this time an extensive discussion occurred regarding access for the residents occupying the existing homes on Goodyear Lane during the reconstruction of that road.

Mr. Rijs reviewed his report of July 3, 2012.

Mr. Hatfield stated that he has received an email from the police department stating that they have no concerns.

Mr. Witkowski reviewed his report of June 28, 2012. He requested a copy of the plans including the stop-signs and stop-bars before construction. Applicant agreed.

Mrs. Niles questioned street parking.

Mr. Richter stated that they are proposing parking on both sides of the street.

Mr. Witkowski stated that he does not have a problem with access since the homes proposed have 2-car garages and driveways that can accommodate a total of 4 vehicles.

Mr. Hatfield requested that he be contacted to establish a full understanding of how the existing homes on Goodyear Lane will be handled with the installation of utilities underground, which includes cable, electric, telephone and gas.

At this time Chairperson George opened the meeting to the public.

James Pinto – 14 Goodyear Lane (sworn in)

Mr. Pinto questioned the existing utilities.

Mr. Hatfield stated that he does not know if they will be staying there until they talk with the utility company.

Mr. Pinto questioned the natural gas line.

Mr. Richter stated that there will be a natural gas line.

Mr. Pinto expressed concern with the sanitary sewer line. He currently has septic and it will cost him \$1800 to connect to the sewer.

Mr. McGee stated that the builder is willing to provide half of the fee for the connection to the sewer for existing residents.

Mr. Pinto questioned the water connection fee.

Mr. McGee stated that he only spoke with the builder about the sewer but will contact them about the water as well.

Tasha Square – 22 Lardner Road (sworn in)

Ms. Square questioned the sewer pump station.

Mr. Richter reviewed the plans showing the existing pump station.

Ms. Square stated that she is concerned with the location being close to her home because the pump station has a strong sewer odor coming from it.

Mr. Hatfield stated that he will contact the sewer department and address that issue.

Ms. Square questioned the impact on her taxes by this development.

Councilman Cantwell explained that the County is enforcing a tax re-evaluation that may take place before the development is constructed.

Ambre Morley – 26 Lardner Road (sworn in)

Ms. Morley expressed concern with the drainage since there is existing flooding between her property and her neighbor's property.

Mr. Richter explained the function of the retention basin.

Mr. Hatfield stated that he will try to address the existing flooding issue.

Joann Anastase – 12 Goodyear Lane. (sworn in)

Ms. Anastase expressed concern with the high weeds and maintenance of the basin.

Mr. Hatfield explained that it is a low-maintenance basin which usually includes a certain type of grass and the possibility of wild flowers.

Ms. Anastase expressed concern with the value of her home and drainage.

Maryann Walsh – 20 Goodyear Lane. (sworn in)

Ms. Walsh expressed concern that she will have to pave her driveway which is currently stone.

Mr. Hatfield explained that her driveway will be extended using the same material that is currently there.

Frank Cai – 28 Lardner Road. (sworn in)

Mr. Cai expressed concern with the economic impact on the Township with a new development, a negative impact on the value of his home and taxes, the existing sewer and chemical odors. He is also concerned about additional noise and requested a covenant restricting motorcycles from entering the development.

Mr. Germano explained that they have no control over motorcycles.

Tasha Square – previously sworn in.

Ms. Square stated that she has been keeping track of the odor intensity and offered her notes.

Mr. Hatfield requested that she contact him after the meeting.

There being no further public comment that portion of the meeting was closed.

MOTION made by Councilman Cantwell and seconded by Mr. Rife to grant Preliminary Major Subdivision Approval; waivers for percolation tests at a minimum of one for every 3 acres, legend including types of buildings along with the architectural sketch of each class of structure, copies of any protective covenants, easements or deed restrictions applying to the site, detailed cost estimated for the proposed construction of improvements for bond calculation purposes, Environmental Impact Statement, a detailed construction timetable, market feasibility study and partial waiver from performing soil test for every lot; and a continuance for Final approval to the September 13, 2012 meeting. Contingent upon a staging plan on access to Goodyear Lane during demolition; amended plan to show all easements; applicant will pay half of the connection fee for the existing residents on Goodyear Lane to connect to the sewer; Mr. Hatfield's report of July 9, 2012; Mr. Rijs' report of July 3, 2012 and Mr. Witkowski's report of June 28, 2012.

On the question Mrs. Siboczy requested that the applicant stay conscious of the existing home owners on Goodyear Lane and their quality of life.

On roll call the following vote was recorded:

AYES: Mr. Davis, Chief Diamond, 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.

Signature Solar LLC (Balford Farm Solar Array) – Block 121, Lot 1.

Applicant is requesting a continuance to the August 9, 2012 meeting.

MOTION made by Mr. Sabatino and seconded by Mrs. Siboczy to grant a continuance to the August 9, 2012 meeting. On roll call the following vote was recorded:

AYES: Mr. Davis, Chief Diamond, 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:

C.R. England, Inc. – Block 149, Lots 1, 3, 4 & 5.

MOTION made by Councilman Cantwell and seconded by Mr. Rife to approve the above resolution and that it be made part of the June 14, 2012 minutes. On roll call the following vote was recorded:

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

NAES: None

ABST: Chief Diamond

Chairperson George declared the motion carried.

Engineer's Report

Mr. Hatfield stated that he has no report.

Planner's Report

Mr. Rijs stated that he has no report.

Traffic Engineer's Report

Mr. Witkowski stated that he has no report.

Adjournment

MOTION made by Mr. Davis and seconded by Mr. Walker 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: _____