

**TOWNSHIP OF BURLINGTON PLANNING BOARD
BURLINGTON COUNTY, NEW JERSEY
MINUTES OF SEPTEMBER 29, 2011**

The Special meeting of the Township of Burlington Planning Board was held on Thursday, September 29, 2011, at 7:30 P.M. at the Township Municipal Complex.

PRESENT: Chief William Diamond; Mayor Brian Carlin; 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 Rijts, PP, Board Planner; Matt Witkowski, PE, Board Traffic Engineer

ABSENT: Robert Davis; Delbert Rife

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 September 9, 2011;
- (b) Mailing written notice to the Courier Post on September 8, 2011, by certified mail, return receipt requested; hand delivered to the Burlington County Times on September 7, 2011, hand receipt obtained; and Legal Ad in the Burlington County Times on September 12, 2011;
- (c) Filing written notice with the Clerk of the Township of Burlington on September 9, 2011.

Mayor Carlin stated that Boy Scout Troop 764_Steven Jones_, was present to observe the meeting so that he could receive his Citizenship Award.

Public Hearing: County Rte 541 Area 2 Redevelopment Preliminary Investigation – Block 114, Lots 1.01 and 3, Block 90, Lot 28.

Joseph Augustyn PP, AICP Township Planner, was present before the Board. Mr. Augustyn reviewed the Tax Map and Zone Plan of the redevelopment area with surrounding properties, and an aerial overview photograph. He explained the criteria to be satisfied from Study Area 2, identified as Springside School. He stated that under New Jersey Statute 40A:12A-1 et. Seq., and subject to public notice and Public Hearing, the investigation and planning analysis concludes that, in general, the private market sector has not successfully stimulated sufficient investment and activity to improve the properties within the study area. The continuing stagnation of the areas has resulted in land and infrastructure not being utilized to their full potential. Area land and infrastructure which are valuable for contributing social (serving the public health, safety and welfare) and related economic benefits to Burlington Township has not been fully utilized. Redevelopment criteria under N.J.S.A. 40A:12A-5 have been satisfied for Study Area 2.

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

Herb Tomer – 1610 Mt. Holly Road (sworn in)

Mr. Tomer questioned if a formal notice was given to adjacent property owners.

Mr. Germano explained that there is no legal notice for this type of action since it is a preliminary investigation.

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

MOTION made by Mr. Walker and seconded by Councilman Cantwell to have a resolution created stated the Board’s agreement with the investigation. 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: None

Chairperson George declared the motion carried.

Mayor Carlin and Chairperson George excused themselves from the Board for the application due to a conflict of interest.

MOTION made by Councilman Cantwell and seconded by Mr. Walker to allow Mr. Sabatino to serve as Vice-Chairperson in the absence of Mr. Davis. On roll call the following vote was recorded:

AYES: All NAES: None

Islamic Academy of Burlington County – (Four Acres Swim Club). Block 109.31, Lot 5.03; 613 Sunset Road.

Applicant is requesting Preliminary and Final Major Site Plan approval for a Proposed House of Worship and School.

Pat McAndrew, Esq. was present for the application. He introduced Mohammed Zaki, Founding Board Member and William Nicholson, PE.

This application proposes the construction of a 2-story 7,515 S.F. Mosque with appurtenant drainage, parking, lighting and landscaping improvements. There is also a Private/Parochial School accessory use for the same building.

Mr. McAndrew explained that the issue at hand is the parking for the Mosque since there are no seats which are used as the basis for determining the amount of required parking in the code.

Mr. Germano explained that it was discovered at the last meeting that the newer parking standards (ITE Parking Generation manual, 4th ed.) offer information specific to a Mosque but it is based on a very small sample (3 mosques) parking.

Mr. Hatfield spoke with the construction code office regarding the layout. He reviewed the footage of the rooms proposed. They have calculated 110 could occupy the Activity Room and 36 people could occupy the Sisters Prayer Room which would require 49 parking spaces. He explained that the calculation is based on 3 people per car. He expressed concern that the Mosque is not similar to this scenario. The prayer time is usually during the day and he doesn't feel there would be many people carpooling which may require more parking to accommodate the calculated occupancy. He is recommending that an area be designated for future parking to accommodate growth and additional parking if needed.

Mr. Rivera questioned sufficient parking if the school and prayer service are being conducted at the same time.

Mr. Zaki stated that school ends at noon and the prayer service starts at 1:15pm so the parking will be available.

Mr. McAndrew stated that the ordinance addresses a House of Worship at 3 people per 1 parking space.

Mr. Germano explained that the reason for adjournment at the last meeting was to identify a reasonable standard and if the applicant is willing to abide by the standard. If a reasonable standard is identified then the application will stay before this Board. Applicant agreed.

At this time Vice-Chairperson Sabatino opened the meeting to the public.

Walter Spiehs – 601 Sunset Road (sworn in)

Mr. Spiehs expressed concern with the parking. He questioned if 75 parking spaces would be required since the building is 7,500 SF.

Mr. Hatfield explained that the primary use is not an assembly hall which the standard of 74 spaces would apply. The building will be used for a school and mosque as well.

Gregory Ringenary – 78 Amherst Road (sworn in)

Mr. Ringenary expressed concern with the asbestos in the old building.

Mr. Ringenary expressed concern with the narrow driveway.

Mr. Zaki stated that the exiting driveway is 20 feet wide and will not be widened but it is overgrown, so it appears much narrower.

Mr. Ringenary expressed concern with the hours, specifically prayer starting at 5:00am.

Cecil Kirkpatrick – Sunset Road Church of Christ (sworn in)

Mr. Kirkpatrick expressed concern with the access area not being wide enough and drainage.

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

MOTION made by Mayor Carlin and seconded by Chief Diamond to grant a continuance to the November 2011 meeting. On roll call the following vote was recorded:

AYES: Chief Diamond, Councilman Cantwell, Mr. Walker, Mr. Sabatino, Mr. Rivera, Mrs. Niles, Mrs. Siboczy

NAES: None

ABST: None

Vice-Chairperson Sabatino declared the motion carried.

Chairperson George resumed as Chairperson at this time.

Balford Investments – Block 121, Lot 1. 4 Manhattan Drive.

Applicant is requesting Amended Major Site Plan approval for an addition to an existing facility.

Tom Chatman, Esq. was present for the application. He introduced Dan Smith, VP of Operations for Balford and Robert Stout, PE. (both sworn in)

This application proposes the construction of an 18,324 SF building addition and five additional truck parking spaces to serve the existing Balford Farms facility.

Mr. Smith explained that they are currently over capacitated and are utilizing trailers for storage. They currently have 162 employees. He stated that the trucks that will be parked in the six proposed truck parking spaces will rarely be moved to the single-lane driveway will not be an issue. No additional parking is proposed.

Mr. Stout gave an overview of the color rendering, marked as Exhibit A-1, and the colorized rendering of the site plan, marked as Exhibit A-2. He explained that there is currently an existing 30,000 SF building and 4,000 SF maintenance building.

Mr. Witkowski questioned if the employees work in shifts.

Mr. Smith stated that there are three shifts.

Mr. Hatfield reviewed his report of September 22, 2011.

Applicant is requesting waivers for: location of all ponds, streams, drainage ditches and watercourses within 500 feet of the site; all buildings, structures, wooded areas, easements, rights-of-way, lights and paving within 100 feet of the tract; landscape plan; detailed cost estimates for the proposed construction of improvements for bond calculation purposes; Traffic Impact Report; and Environmental Impact Statement.

Mr. Hatfield questioned how the construction will be handled.

Mr. Smith stated that the construction area will be contained with a fence around it.

Mr. Hatfield questioned the water and sewer for the addition.

Mr. Smith stated that it will be internally connected. He agreed to make the drive aisle in the rear of the building “One Way” and will install mirrors on the building to help drivers pulling in and out of the truck spaces.

Mr. Hatfield recommended that applicant contact the Department of Public Works regarding the potential need for additional water and sewer EDU's.

Mr. Rijs reviewed his report of September 14, 2011.

Mr. Stout stated that no additional signage is proposed.

Mr. Rijs recommended approval of the requested waiver from submission of a landscape plan.

Mr. Witkowski reviewed his report of September 26, 2011. He recommended approval of the requested waiver of a Traffic Impact Report.

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 preliminary and final Major Site Plan approval; design exceptions to permit 101 parking spaces where 120 are required and 6 truck parking spaces within 20 feet of the building; waivers for: location of all ponds, streams, drainage ditches and watercourses within 500 feet of the site; all buildings, structures, wooded areas, easements, rights-of-way, lights and paving within 100 feet of the tract; landscape plan; detailed cost estimates for the proposed construction of improvements for bond calculation purposes; Traffic Impact Report; and Environmental Impact Statement. Contingent upon Mr. Hatfield's report of September 22, 2011, Mr. Rijs' report of September 14, 2011, Mr. Witkowski's report of September 26, 2011 and applicant will contact public works regarding the potential need for additional water and sewer EDU's. 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: None

Chairperson George declared the motion carried.

Mr. Witkowski excused himself from the meeting at this time.

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 Mark Rubin, Principal, RF Services, Inc. and James Kyle, PP. (both sworn in)

Mr. Germano stated that the applicant's engineer is from Dewberry which is the same firm as the Board Traffic Engineer and this may present a conflict of interest. A continuance was required to the Oct. 14, 2011 meeting. He explained that he would agree to prepare a resolution to be adopted and memorialized in one step.

Mr. Quinn requested a short recess to research the facts on the situation.

Mr. Rivera excused himself from the meeting at this time.

Mr. Quinn stated that their engineer will not give testimony on this application at this meeting to avoid a conflict of interest.

An extensive discussion occurred regarding the height of the tower and number of carriers on each tower.

Mr. Rubin explained that AT&T is launching a new 4G network requiring replacement of antennas to LTE (Long Term Evolution) antennas. He explained the function of the different antenna heights.

Mr. Hatfield reviewed his report of September 21, 2011.

Mr. Rubin explained the difference in flush mounting and platform mounting.

Mr. Quinn submitted a copy of the Franchise Agreement, dated September 29, 2011.

Mr. Kyle offered testimony on the requested rear yard setback of 18 feet where 40 feet is required. He reviewed the positive and negative criteria.

Mr. Germano stated that there was no public present for this application.

MOTION made by Mayor Carlin and seconded by Chief Diamond to grant a continuance to the October 2011 meeting. On roll call the following vote was recorded:

AYES: Chief Diamond, Mayor Carlin, Councilman Cantwell, Mr. Walker, Mr. Sabatino, 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 resolutions be approved:

Tecoppa Real Estate, LLC c/o Dr. Scott Dorfner – Block 105, Lots 5.04; 811 Sunset Road.

Occupational Training Center – Block 121, Lot 1.03.

Rimtec – Block 95, Lot 9.01.

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

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

NAES: None

ABST: Mrs. Niles

Chairperson George declared the motion carried.

Engineer's Report

Mr. Hatfield reported on Tecoppa. He stated that he made a site inspection with the applicant and there was a satisfactory resolution for all parties involved.

Planner's Report

Mr. Rijs stated that he had no report.

An extensive discussion occurred by the Board regarding future conflicts of interest with Board professionals and applicant's professionals.

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:_____