

**FRANKFORD TOWNSHIP LAND USE BOARD**  
**MAY 28, 2008 – 6:00 P.M.**  
**MINUTES OF THE REGULAR MEETING**

**CALL TO ORDER**

This meeting was called to order by the Board Chairman, Mr. Romania, by announcing that notice appeared in the New Jersey Herald and the New Jersey Sunday Herald in accordance with the requirements of The Open Public Meetings Act.

Flag Salute

**ATTENDANCE**

Those Present were: Mr. Ayers, Mr. McDowell (arrived at 7:00 p.m.), Mr. Bennett, Mrs. Fountain, Mr. Gstattenbauer, Mr. Sutphen, Mr. Shelton, Mr. Romania, and Mr. Nadolny. Also present were Mr. Clark, the board attorney, Mrs. Leo, Mr. Clark's Assistant and Mr. Pellow, the board engineer.

Those absent were: Mr. Larson (excused), Mrs. Albanese (excused) and Mr. Dolan (excused).

**APPLICATIONS CARRIED FROM A PREVIOUS MEETING**

**Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & “C” Variance:**

Mr. Sutphen stepped down from this application.

Appearing on behalf of the applicant was their attorneys, Richard Keiling and Roger Thomas, their engineer, Owen Dykstra, their traffic engineer, Elizabeth Dolan, and their Planner, Jason Dunn. Mr. Dykstra, Ms. Dolan and Mr. Dunn were still under oath from the previous meeting.

Mr. Keiling indicated that this is an 8.1 acre tract of property on Route 206 and East Shore Lake Owassa Road. The applicant originally appeared before the board with a proposal for a Day Care Center. They received feedback from the board and the public and revised the application from a 10,000 square foot day care center to a 16,000 square foot retail center with 8 different uses. There was testimony from the board and the public indicating that access from East Shore Lake Owassa Road was inadequate. The applicant came up with an alternative plan, which was submitted as Exhibit “A-3”, which relocates the access out onto Route 206. He indicated that this applicant is specifically prohibited from coming out directly out onto Route 206 from this property because of a regulation with DOT. They have amended there application because there has been a change in the Ordinance that says a strip mall, which the applicant was proposing, is prohibited. The applicant did advertise, in the alternative, for a “D” Variance and/or just a commercial or professional use. He further indicated that he has brought co-counsel, Roger Thomas, with him this evening to assist him in this application.

Appearing before the board was attorney, Roger Thomas. He indicated that this application is now for a “D” Variance since the township has changed its ordinance where strip malls are not permitted. He indicated that this is a D1 Variance. He further indicated that alternatively they are suggesting to the board that there is also an application for a Site Plan on a permitted use, to have this site utilized for what continues to be permitted in the C-1 Zone, which is business/professional office which allows multiple uses in the same building.

Appearing before the board was the applicant's engineer, Owen Dykstra. He indicated that he previously testified on this application on a Day Care Center which was changed by letter dated February 1, 2008 to a retail facility. The design of the septic at that time was changed for the change of use. They have redesigned the plan for an alternative use

**APPLICATIONS CARRIED FROM A PREVIOUS MEETING CONT.**

**Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & “C” Variance cont.:**

for a business and/or professional office, which is an allowed use and allows for multiple uses of this type within the same building. He indicated that he has reviewed all the reports submitted by the board engineer, Harold Pellow, dated September 11, 2007 and February 25, 2008. He responded to those reports by his letter dated March 5, 2008. There was an additional report dated March 26, 2008 from Mr. Pellow which deals with the landscaping which he has reviewed. He further indicated that he has no objection to any of the landscaping comments made by Mr. Pellow in his report.

Mr. Pellow reviewed his report of March 26, 2008 with the board:

Paragraph “1”: According to the Frankford Township Ordinance Section 30-601b-7(b), all trees along an access drive must have a minimum 2 ½” caliper at planting. The applicant should revise their minimum size to meet the requirements. Mr. Dykstra agreed to make this change.

Paragraph “2”: Foundation planting should be placed on the northwestern side of the building. No foundation plantings are proposed anywhere else around the building due to the sidewalk being next to it. Where possible, especially on the southeastern side of the building that does not face a parking lot, room for foundation planting should be made by moving the sidewalk away from the building. Mr. Dykstra agreed to make this change.

Paragraph “3”: The plantings along the 206 right-of-way should be moved towards the building between the proposed swale and the edge of the parking lot. This will create a buffer for the parking lot and will connect the plantings and deciduous trees with the parking lot. Currently, these plantings are disconnected from the parking lot being 20 feet off. Also, an evergreen shrub should be used to provide a year-round buffer. Mr. Dykstra agreed to make this change.

Paragraph “4”: According to the Frankford Township Ordinance Section 30-601b-7(k), the garbage enclosure shall have evergreen plantings around it. The proposed plantings should be changed from deciduous to evergreen. Mr. Dykstra agreed to make this change.

Paragraph “5”: The shrub plantings between the rear of the building and the parking lot have been placed in the middle of the planting area, not connecting them with the parking lot or the building. The shrubs should be moved closer to one or the other. Mr. Dykstra agreed to make this change.

Paragraph “6”: The entrance planting does not follow the typical hierarchy of a planting bed; the widest and tallest plants are facing the entrance and the short, creeping plants are behind them. I believe to create an appropriate entrance planting, these beds should be redesigned. Mr. Dykstra agreed to make this change.

Paragraph “7”: I am assuming that the tree symbol that is unmarked is the betala nigra, but this symbol should be called out on the plan. Mr. Dykstra Agreed to make this change.

Paragraph “8”: Currently there are no shade trees proposed around the parking lots. An addition of shade trees would soften the parking lots and provide some shade as well. Mr. Dykstra agreed to make this change.

**APPLICATIONS CARRIED FROM A PREVIOUS MEETING CONT.**

**Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & “C” Variance cont.:**

Paragraph “9”: The line of planting on the western side of the property along Lot 22 should more closely follow the edge of the pavement. Mr. Dykstra agreed to make this change.

Mr. Thomas indicated that there are 2 bulk variances with this application. The first variance is for the signage. The applicant is authorized to have a free standing sign 24 square feet. Mr. Dykstra indicated that they are proposing a free standing sign adjacent to the highway which is important to this site along the highway so people will be aware of what is in this facility. Mr. Thomas indicated that the applicant is also proposing signs on the building which would be 8 entrance type signs with a maximum of 24 square feet each. Mr. Dykstra indicated that these signs are needed so people pulling into the site would know what store they would want to go to. Mr. Thomas indicated that this is needed because of internal circulation and safety. The second bulk variance is with regard to the frontage along East Shore Lake Owassa Road. Mr. Dykstra indicated that the applicant has 95.85 and 100 feet is required. Mr. Thomas indicated that this is an existing condition. Mr. Thomas referred to Exhibit “A-3” which is a proposed realignment of East Shore Lake Owassa Road which is the alternative access plan. This plan proposes the purchase of the lot adjacent to the applicant’s property, Lot 22, Block 65 which is owned by the township. If this property can be acquired from the township, then the second bulk variance will be eliminated. He further indicated that there is no additional area to the northeast of the subject lot to acquire to correct this situation.

Mr. Thomas indicated that there are a series of waivers requested by the applicant. They are seeking a waiver of the requirement of having belgium block curbing around the parking lot. Mr. Dykstra indicated that under the new stormwater management ordinances that the township has approved, you are required to have sheet flow off the site in order to provide disconnected run off into the infiltration basins. He further indicated that traditionally you curb the parking lot with catch basins that will collect the water and deliver down. This is a more environmentally sensitive technique and it is required under the stormwater ordinance of the township. Mr. Pellow agreed. Mr. Thomas indicated that the next waiver is that the curbing that the applicant is proposing on the site by ordinance is supposed to be 20’ from the structure. Mr. Dykstra indicated that they are asking for a waiver. He indicated that the footprint of the structure that is inside the building is 20’, however, to give the building some architectural appeal they have provided a sidewalk which has an overhang and the overhangs come within 8 ½’ of the curb.

Mr. Thomas referred to the requirement of the spacing of lighting and asked Mr. Dykstra to explain this waiver to the board. Mr. Dykstra indicated that they tried to minimize lighting in regards to lighting poles. The ordinance allows for a 15’ mounting height, which they have provided and the spacing distance required under the ordinance between poles is 75’. However, when you have the poles 75’ together, you don’t need them that close together, so you don’t need that many light fixtures, therefore, they are asking for a waiver for a 100’ separation.

Mr. Thomas indicated that the last waiver the applicant is requesting is the fact that they are proposing foot candles of 1.12 on average. Mr. Dykstra indicated that the ordinance allows per maximum foot candle average of .5, which he does not feel is a safe foot candle for pedestrians in this type of design. He does not believe this foot candle will have any excess glare or any disturbance to abutting properties. It is simply a safety factor.

**APPLICATIONS CARRIED FROM A PREVIOUS MEETING CONT.**

**Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & “C” Variance cont.:**

Mr. Thomas asked Mr. Dykstra to explain Exhibit “A-3” which is the proposed Realignment of East Shore Lake Owassa Road and how this redesign will affect the operation of this site as well as the operation of East Shore Lake Owassa Road. Mr. Dykstra indicated that they relocated the existing East Shore Lake Owassa Road to the north, approximately 125’, which puts it much closer to the high point of the highway and opposite the existing driving. This also allows for a reasonable geometry coming into the line with East Shore Lake Owassa Road. It allowed the applicant to create a far greater site line. Currently there is a site line of approximately 300’ to the north and an excess of 700’ to the south. He stated that under the proposed location there would be in excess of 650’ in both directions meeting the DOT standards. The proposal is making a safe situation. Mr. Dykstra presented to the board Exhibit “A-5” which was a Sight Distance Profile Map dated March 20, 2008, last revised May 28, 2008. Mr. Dykstra indicated that by realigning East Shore Lake Owassa Road, it will eliminate the original access that was proposed to the site, which was a concern that was raised at the previous hearings. This proposal improves the safety for this particular site and the safety for the entire area.

Mr. Thomas presented to the board Exhibit “A-6” which is an Architectural Rendering prepared by Charles Schaffer for the retail stores. Mr. Dykstra indicated that this rendering is a proposal which looks like a country stable. There is a red field roof, stone on the base, clap board and a steel roof. He indicated that this is a very expensive building to construct. This proposal is limited to the retail component of this project because there is a significant difference in the rents that can be collected from retail versus professional office. He indicated that this building fits with the rural character of the area and will be a benefit to the neighborhood.

Mr. Thomas presented to the board Exhibit “A-7” which is an Architectural Rendering prepared by Charles Schaffer for the business/professional office. Mr. Dykstra indicated that this is a more traditional office building. He indicated that his client reviewed the project and determined it was not financially feasible to build the building as shown in Exhibit “A-6” for an office building. This building is built with a split block type material, stucco material and flat roof. This is a less expensive structure because the building is the only place to save money on the site because the site is effectively unchanged. He feels this design is more fitting for a professional office use.

Mr. Dykstra indicated that assuming the alternate access is approved, the financial responsibility of it will be assumed by the applicant. He indicated that the estimated cost of this proposal would be approximately \$100,000 without the cost of the land purchase from the township. Mr. Dykstra indicated under the professional office proposal, the use of Lake Owassa Road would result in approximately 27% of the trips. He further indicated that under retail proposal, the use of Lake Owassa Road would result in approximately 70% of the trips.

Mrs. Fountain questioned Mr. Dykstra as to the size of the Professional Office building. Mr. Dykstra indicated that both proposals have the same size building, which is approximately 16,000 square feet.

Mr. Shelton indicated that he feels that the professional office building could be designed to look more like the retail building. Mr. Romania indicated that there are commercial guidelines in the ordinances that the applicant should follow. Mr. Pellow indicated that the commercial design guidelines are only for the C-2 and LI Zones, not the C-1 Zone. Mr. Thomas indicated that this design could be changed to some degree.

**APPLICATIONS CARRIED FROM A PREVIOUS MEETING CONT.**

**Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & “C” Variance cont.:**

Appearing before the board was Elizabeth Dolan of Dolan & Dean who was previously sworn in and qualified as a traffic expert. Ms. Dolan previously submitted a traffic report on October 16, 2007 for the Day Care Application. Subsequently this application and this report was modified because there was a change in the application for a retail center. Her report was revised and dated February 12, 2008. Ms. Dolan indicated that the difference in the two reports was the trip generation. The day care was level of service “E” coming out of East Shore Lake Owassa Road for the am/pm peak hours. The second report she submitted was for the retail facility which showed the higher trip generation for the evening peak associated with the retail use. This also showed a level of service “E” coming out of the side street. The revised report also commented on site access, circulation and parking supply for the retail use, whereas, the first report talked about parking for the day care operation. Mr. Thomas indicated that Mr. Pellow prepared a report dated February 27, 2008 where he commented on the traffic report of February 12, 2008. Ms. Dolan indicated that Mr. Pellow requested additional analysis of the Saturday peak hour revision to the distribution of site traffic. She indicated that this analysis was set forth in a letter report dated March 13, 2008 which showed a recalculated level of service “F” for the evening peak hour, which has been discussed with this board as being the critical hour in terms of traffic flow and impacts.

Ms. Dolan indicated that at the March 19, 2008 meeting there was some additional comments made and she has submitted to the board a letter dated April 10, 2008 which had additional traffic counts. She indicated at the March hearing there were some questions as to the adequacy of their counts given that they were not summertime counts and that they were not counted on a Friday evening. They did revisit the site and they summarized the counts from 4-5, 5-6, 6-7 p.m. on a Friday evening which showed steady traffic volumes, but the peak hour reported still was 4:45 to 5:45. These volumes were consistent with the ones they had originally produced in March of 2007. She indicated that they checked NJ DOT’s database and found July traffic counts. The morning and evening peak hour volumes that the state’s database showed for July closely matched those counts that they conducted in March and October. She believes that her assessment has been prepared based on traffic volumes that are reflected with normal routine activity through the area and they have had the benefit of looking at the state’s data for the summertime. Based on this data the results of the analysis that she has presented and testified to have not changed. Mr. Thomas submitted the April 10, 2008 report prepared by Ms. Dolan an Exhibit “A-8”.

Mr. Thomas referred to the Alternative Access Plan submitted by the applicant. He questioned Ms. Dolan if she had an opinion as to whether or not this particular site and this alternative access is an improvement to safety for the site and for the area in general. Ms. Dolan indicated that certainly for the area in general. She indicated that the relocation of the intersection will allow the applicant to meet the appropriate site distance criteria. The current design of the site now does meet the site distance criteria. She indicated that the other aspect of the design which is shown on Exhibit “A-3” is that they are taking what is now a one lane approach to Route 206 and making it 2 lanes. They are widening it out so they can separate the left turn and right turn movements. This will also improve the operation of the intersection. She indicated that her testimony based on the various analysis is that this site does work as it exists today. They would certainly be having an impact on the added delay to the side street approach to Route 206. However, as she has testified and as it was visible on Exhibit “A-2”, there is queuing for approximately 7 or 8 cars before they would get to the driveway and then there is substantial queuing on the driveway as shown on exhibit “A-2”. Therefore, you would have that buffer. Therefore, the existing configuration works, however, she feels that the

**APPLICATIONS CARRIED FROM A PREVIOUS MEETING CONT.**

**Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & “C” Variance cont.:**

relocation of the road is a vast improvement over the existing conditions. Mr. Thomas indicated that the improvement would be a benefit of the health, safety and welfare of not only the people going to this site as developed but also the residents generally in the area. Ms. Dolan agreed. Mr. Thomas questioned Ms. Dolan if this improvement would improve traffic flow generally in the area. Ms. Dolan indicated that Mr. Pellow issued a report dated May 28, 2008 and one of the items (#3) questions whether the levels of service would change with this new intersection configuration. Ms. Dolan indicated that there is an improvement with the two lane approach, the level of delay is reduced. Therefore, there is an improved operational level with 2 lane approach to Route 206.

Mr. Thomas referred to Mr. Pellow's report dated May 28, 2008:

The following are a few comments about the revised traffic report and about realignment of East Shore Lake Owassa Road:

1. Did queuing take place on 206 northbound on Friday evening or did most vehicles pass on the right? Ms. Dolan indicated that the observations made at that time were that the majority of the vehicles did pass on the right. She noted that there is a rather large shoulder in that area and there is excess pavement, so there is certainly sufficient maneuvering area to by-pass a vehicle turning left.
2. Did queuing take place on East Shore Lake Owassa Road from eastbound during the peak hour? Ms. Dolan indicated that they did not, not more than 2 or 3 vehicles at any time.
3. Can the northbound 206 shoulder be widened to accommodate vehicles passing on the right? Ms. Dolan indicated that with the existing condition, this would not be necessary. However, with the proposed condition, there is a pole right across the street and that pole is right adjacent to the pavement of 206. They would not be able to widen that location. However, there is sufficient shoulder there to allow for by-pass.
4. From an on-site inspection, East Shore could move to the north slightly and the sight distance north and south along 206 will be at the optimum. Ms. Dolan indicated it would be at the optimum and they are meeting and exceeding ASHTO site distance with the re-location as it is. She indicated that the problem with relocating further is the utility pole on the site side as well so there would be the cost of relocating the utility pole.

Mr. Romania indicated that one of the concerns of the community was the ability of a large vehicles being able to maneuver this curb. Mr. Pellow indicated that they would have to show a turn table. He also indicated that Ms. Dolan stated that if they widen the road any more on the alternative plan, they would have to move the utility pole. He indicated that they have to move the pole anyway with this new design. Mr. Dykstra indicated it was a guide pole from across the street. He also indicated that this would make the geometry a little tighter and feels it is better as to where they propose it. Mr. Romania questioned if some of the queuing is because of the current site distance. Ms. Dolan agreed.

Mr. Clark questioned Ms. Dolan as to the difference between the retail use of this site compared to the office use in terms of trip generation. Ms. Dolan indicated the daily use for the professional office is just under 200 and it goes up to 2000 for retail.

The board interrupted this application at 7:10 p.m. to conduct Board Business.

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May 28, 2008 Minutes  
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Mr. Sutphen returned to the meeting.

**EXECUTIVE SESSION**

A Motion was made by Mrs. Fountain and seconded by Mr. Ayers to go into executive session to discuss a contract with H2M with regard to the Plan Endorsement Process. All were in favor. The Motion was carried.

A Motion was made by Mrs. Fountain and seconded by Mr. McDowell to reconvene the meeting at 7:45 p.m. All were in favor. The Motion was carried.

**MINUTES**

The Minutes of the February 27, 2008 Regular Meeting of the Land Use Board were reviewed. A Motion was made by Mrs. Fountain and seconded by Mr. McDowell to approve the Minutes of the February 27, 2008 regular Meeting of the Land Use Board. All were in favor. The Motion was carried.

The Minutes of the March 19, 2008 Regular Meeting of the Land Use Board were reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Sutphen to approve the Minutes of the March 19, 2008 regular Meeting of the Land Use Board. All were in favor. The Motion was carried.

The Minutes of the March 26, 2008 Regular Meeting of the Land Use Board were reviewed. A Motion was made by Mrs. Fountain and seconded by Mr. Sutphen to approve the Minutes of the March 26, 2008 regular Meeting of the Land Use Board. All were in favor, except Mr. Ayers and Mr. Gstattenbauer, who abstained. The Motion was carried.

The Minutes of the April 16, 2008 Regular Meeting of the Land Use Board were reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Sutphen to approve the Minutes of the April 16, 2008 regular Meeting of the Land Use Board. All were in favor. The Motion was carried.

It was noted that the March 19, 2008 and April 16, 2008 Executive Session Minutes and the April 23, 2008 Regular Meeting Minutes were not yet completed.

**RESOLUTIONS**

**Off Shore Marine, Inc. – LUB 07-12 – Block 50, Lot 3.01 – 352 US Highway Route 206 – Preliminary & Final Major Site Plan & “C” & “D” Variances:**

Mr. Clark indicated that this Resolution was not yet completed and should be placed on the agenda for the June 18, 2008 Meeting. It was noted that Mr. Pellow needs an opportunity to review a copy of the revised site plan which must be attached to the Resolution.

**RESOLUTIONS CONT.**

**Matthew Sargent – LUB 07-25 – Block 130, Lot 4 – 9 Upper North Shore Drive – “C” Variance:**

The Resolution was reviewed. A Motion was made by Mrs. Fountain and seconded by Mr. Shelton to approve the Resolution for Matthew Sargent for a “C” Variance. Roll Call:

YES:           7        McDowell, Bennett, Fountain, Gstattenbauer, Shelton, Romania, Nadolny

NO:            0

ABSTAIN:    0

The Motion was carried.

**RESOLUTIONS CONT.**

**Timothy and Anne Keller – LUB 06-22 – Block 104, Lot 5 – 11 Nook Lane, Culver Lake – “C” & “D” Variance:**

The Resolution was reviewed. A Motion was made by Mr. Ayers and seconded by Mrs. Fountain to approve the Resolution for Timothy and Anne Keller for a “C” & “D” Variance. Roll Call:

YES: 5 Ayers, Bennett, Fountain, Gstattenbauer, Romania  
NO: 0  
ABSTAIN: 0

The Motion was carried.

**H.J. Hautau & Sons, Inc. – LUB 08-10 – Block 25, Lot 15 & Block 28, Lots 1 & 1.03 George Hill Road – Agricultural Subdivision:**

The Resolution was reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mrs. Fountain to approve the H.J. Hautau & Sons, Inc. for an Agricultural Subdivision. Roll Call:

YES: 5 Ayers, McDowell, Bennett, Fountain, Gstattenbauer  
NO: 0  
ABSTAIN: 0

The Motion was carried.

**Laura Quigley – LUB 08-08 – Block 196, Lots 2 & 3 – Minor Subdivision & “C” Variance:**

The Resolution was reviewed. A Motion was made by Mr. Gstattenbauer and seconded by Mr. Ayers to approve the Resolution for Laura Quigley for a Minor Subdivision and “C” Variance. Roll Call:

YES: 7 Ayers, Bennett, Fountain, Gstattenbauer, Sutphen, Shelton,  
Romania  
NO: 0  
ABSTAIN: 0

The Motion was carried.

**BOARD BUSINESS**

**Subcommittee Reports:**

**COAH Committee– Growth Share Ordinance:**

Mr. Ayers indicated that the Growth Share Ordinance has been updated to comply with the new third round rules. They have changed that every 5 market rate units creates a COAH unit, instead of every 8 as the current ordinance states. Mr. Sutphen felt with regard to the Developer’s Fee for additions it should state the increased equalized assessed value of the house, therefore, only charging the COAH fee on the new addition, not the entire house. The board agreed.

**BOARD BUSINESS CONT.**

**Subcommittee Reports Cont.:**

**COAH Committee– Growth Share Ordinance Cont.:**

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Shelton to approve the Growth Share Ordinance revision to comply with the new Third Round COAH rules, a copy of which is attached hereto and made a part hereof. All were in favor. The Motion was carried.

**Green Ordinances Committee:**

Mrs. Albanese indicated that this committee has not yet completed their review of the ordinance.

**Consolidation of Town Center with Branchville Township Committee:**

Mr. Shelton indicated that this committee has not yet met.

**Floor Area Ratio (FAR):**

Mr. Sutphen indicated that there have been many “D” Variance requests for the FAR and thought that Mr. Pellow should update the graph as to what variances were approved. He also thought that the board needs to review the FAR. He suggested that the board should base the variance on the first floor of the house rather than the entire house, such as just the footprint of the house. Mr. Clark thought that the board may want to look at the definitions of the FAR Ordinance, such as to what counts and what doesn’t count in the FAR. Mr. Romania appointed Mr. Gstattenbauer, Mr. Shelton and Mr. Ayers to the FAR Committee.

**Plan Endorsement – H2M Contract:**

A Motion was made by Mr. Ayers and seconded by Mr. Nadolny to accept H2M Contract for the sum of \$23,500 for the Plan Endorsement Process and to forward it to the Township Committee for approval. Roll Call:

YES:           7       Ayers, McDowell, Bennett, Fountain, Sutphen, Shelton, Nadolny

NO:            2       Gstattenbauer, Romania

ABSTAIN:    0

The Motion was carried.

**Plan Endorsement Advisory Committee (PEAC):**

Mr. Gstattenbauer indicated that it was brought to his attention that members of the PEAC committee met with the developers and he feels that this was inappropriate without the Land Use Board being aware of it. He further stated that he feels that all meetings should be in front of the public at a public meeting.

Appearing before the board was Barbara Kelly, the Vice Chairman of the PEAC to update the board as to the progress of this committee. She indicated that PEAC has met on March 10<sup>th</sup> and May 6<sup>th</sup>. She indicated to the board that the Office of Smart Growth has put together a ten (10) step process in terms of what towns need to do in order to get Plan Endorsement to lead to benefits for the township. She noted that the township is currently at Step 3 of the process, which is the preparation of the Municipal Self



**PUBLIC PARTICIPATION CONT.**

Sam Castimore cont.: meeting. He also objected to the hiring of H2M as the Planner for the Plan Endorsement process.

Barbara Kelly appeared before the board with a concern of the comments made about PEAC and the meetings being held outside of the public meeting. Although, she was not involved in these meetings, she feels they were held to help the Plan Endorsement process along.

Nancy Cooper appeared before the board with a concern about the Floor Area Ratio Ordinance. She was also concerned with the hiring of H2M and the benefits of having a Town Center.

Jeff Tandel appeared before the board and suggested that they review a book named "Rural by Design". The book explains how to maintain agriculture and still have development in the township. He also suggested that the township create a tree ordinance.

Richard Wingle appeared before the board and suggested that the township reduce the size of the minimum lot requirement of 5 acres.

There being no further public participation, a Motion was made by Mr. Shelton and seconded by Mr. Gstatenbauer to close this meeting to the public. All were in favor. The Motion was carried.

**NEW APPLICATIONS**

**Flag Associates – LUB 08-07 – Block 16, Lots 1.01 & 1.02 – Route 206 - Use Variance:**

Appearing before the board was the attorney for the applicant requesting that this matter be carried without further notice to the June 25, 2008 Land Use Board Meeting. A Motion was made by Mr. Shelton and seconded by Mr. Gstatenbauer to carry this application without further notice to the June 25, 2008 Land Use Board Meeting. All were in favor. The Motion was carried.

**APPLICATIONS FROM A PREVIOUS MEETING CONT.**

**Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & "C" & "D" Variance cont.:**

The board continued with the application which begin at 6:00 p.m. Mr. Sutphen and Mr. McDowell stepped down from this application and left the meeting.

Appearing before the board was Jason Dunn, the applicant's Planner, who was previously sworn at a prior meeting.

Mr. Dunn indicated that the new ordinance recently passed by the Township Committee prohibits strip malls on this property. The alternative plan submitted by the applicant this evening for the professional office building continues to be an allowed use. He indicated that this site lends itself to a development of a building of this shape and size and the site is well suited to withstand development of this type because the zoning is a C1 Zone which supports retail business and office uses. Mr. Dunn submitted to the board Exhibit "A-9" which was an Aerial Map in 2002 of the surrounding areas of the subject property. He indicated that across the street from the subject property there is commercial uses. The tracts of lands surrounding the subject site are wooded and many of the tracts of land

**APPLICATIONS FROM A PREVIOUS MEETING CONT.**

**Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & “C” & “D” Variance cont.:**

are restricted due to the regulatory NJ DEP laws, such as wetlands and buffers. He indicated that the tract of land across East Shore Lake Owassa Road is The Bear Swamp area which also restricts development. He stated that this makes this site unique because development can't continue in a strip development manor to either side of this site. He also stated that the other unique feature of this site is the topography and shape of it. The property is approximately 3 times as long as it is deep which lends itself to a building the size and shape proposed by the applicant.

Mr. Thomas questioned Mr. Dunn if this retail project has some consistency with the Master Plan of this Municipality. Mr. Dunn referred to the criteria of the Municipal Land Use Board with regard to the “D” Variance request of the applicant. Goal “A” is that this is an appropriate location for a retail use in the C1 Zone, no matter what the building's configuration is, it meets this goal. Goal “C” of the Municipal Land Use Law insures that the site design insures adequate light, air and open space. It is his opinion that the site plan that was submitted as part of the “D” Variance (the retail use) does reach this goal because of the fact that it is only 17% impervious of the entire 8 acres and the site layout is concentrated into one side, part of which is due to the restrictions of the wetlands. Goal “D” of the Municipal Land Use Law is that it an appropriate concentration of a variety of uses and compact in an efficient way, which the applicant has done. Goal “F” is that the proposed road alignment would encourage the appropriate use of public and private resources. Goal “G” is that it helps to provide for a sufficient variety of uses while protecting the environment. Goal “I” is having a desirable visual environment. Goal “H” is the promotion of adequate locations of intersections and transportation routes. Mr. Dunn referred to Goal “I” and in his review of the township's Master Plan which they encourage a rural type of architecture and a certain site layout that is pleasing with landscaping and buffering. He feels that this type of retail building and architecture is conducive to the early American architecture and this site layout provides for sufficient open space and buffering. Mr. Thomas questioned Mr. Dunn if the proposed retail building provided a desirable visual impact in regards to the area it is located in. Mr. Dunn indicated that based on his visual survey, he would agree that this is a very high quality architectural rendering.

Mr. Thomas referred to Goal “H” of the Municipal Land Use Law which states “To encourage location and design the transportation routes which will promote a free flow of traffic, while discouraging locations of such facilities and routes that will result in congestion.” Mr. Thomas questioned Mr. Dunn as to how this retail project provided for this goal. Mr. Dunn stated that the basis of his opinion is on the expert testimony from the engineers, but it is also from a Planning point of view, you can visually see that even the angle of this intersection and the fact it is introducing two exit lanes from East Shore Lake Owassa Road onto Route 206, it certainly qualifies to promote the objective of goal “H”. He further indicated that with the new design proposed of East Shore Lake Owassa Road, it is a more safe intersection then what exists today. Mr. Thomas questioned Mr. Dunn if Goal “A” of the Municipal Land Use Law which refers to promoting public health safety and general welfare, would this goal be satisfied with regard to the issue of a positive criteria. Mr. Dunn indicated that it would be satisfied which ties into the traffic proofs submitted.

Mr. Dunn indicated that he read the 2000 Master Plan and the 2005 Re-examination report. He indicated that the early American architecture was referred to in the 2005 Re-examination report and he feels the proposed design of the retail proposal meets this requirement of the Master Plan. The Master Plan 2005 Re-Examination report also states that because of the Highlands Act and other regulations, that there is a scarcity of

**APPLICATIONS FROM A PREVIOUS MEETING CONT.**

**Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & “C” & “D” Variance cont.:**

developable land within the community and there is a desire to try and maximize this which this proposal achieves this goal of the Master Plan.

Mr. Dunn indicated that he has reviewed the State Plan and the County Strategic Growth Plan. He indicated that there are certain parts of the State Plan that this proposal will be consistent with. The first is the goal to pursue economic development and job creation and also to utilize tracts that are currently under-utilized. He indicated that this is a wooded tract which is a legal commercial zone, which is vacant. He further stated that the County Strategic Growth Plan also speaks to job creation. It further refers to lots that are not good for agriculture be used in other ways. It is his opinion due to the topography and soil types, the size and the wooded parcel it would not be conducive for agriculture.

Mr. Thomas indicated that the proposal is to build a retail facility and the current zoning authorizes commercial development. He questioned Mr. Dunn if there is a consistency between the zoning and the proposal for retail on this site. Mr. Dunn indicated that there was consistency and the deviation is very minor to go from a retail building of the proposed shape and size and call it a strip mall.

Mr. Dunn indicated that there are 2 bulk variances required of this proposal; one is with regard to the frontage along East Shore Lake Owassa Road. The deviation is approximately 5'. Mr. Dunn indicated that this is an existing non-conformity and the applicant has looked into buying lots on both sides and they are not available at this point, therefore, it eliminates the variance. The fact that it exists, does not cause a public detriment. The second bulk variance is the signage. The applicant is proposing a conforming free standing sign. The variance request is for the signs individually for the tenants that will occupy this building. He stated that it is required to have both. You can not have a free standing sign without signage on the building with multiple units; it will cause confusion in the circulation.

Mr. Dunn indicated that he studied this entire application and where it is located and how it can benefit the community and it is his opinion that any negative impacts would be outweighed by the positive attributes of this project. The positive attributes of this project are the visual aesthetic improvement of the site by the building and by the alternative access plan that is being proposed in response to the comments by both the members of the public and the board.

Mr. Shelton questioned the type of signage the applicant is requesting for the individual stores. Mr. Dunn indicated that the signage on the building for the individual tenants are 2' high by 12' long signs for each retail unit which could be up to 8 units. The signs are not proposed to be lit or up-lit. They are proposed to fit within the context of the building. Mr. Romania questioned as to the size of the free standing sign. Mr. Dunn indicated that they are proposing a 24 square foot sign, which is in compliance with the ordinance. The variance request is for the 8 2' x 12' signs on the building for each individual tenant. Therefore the variance is the total square footage of signage and number of signs allowed.

Mr. Ayers stated that there was 2 renderings submitted this evening, one for straight in and one curved and the testimony this evening has all been on the curved. He questioned if the straight in proposal has been withdrawn. Mr. Thomas indicated that the applicant feels that the alternative entrance to East Shore is the alternative that the applicant is willing to do on either proposal. He further stated that, however, it is not the applicant's choice. The applicant does not have the ability to do the alternative plan without the governing body's approval and assistance to provide the land. They will request this as a

**APPLICATIONS FROM A PREVIOUS MEETING CONT.**

**Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & “C” & “D” Variance cont.:**

condition of approval, subject to the governing body approval. He stated that the board has heard testimony from both the engineer and traffic engineer that both accesses work. The applicant agrees that the alternative access is better.

Mr. Clark stated that one of the reasons Mr. Dunn gave for the argument for the special reasons and purposes under section 2 of the Municipal Land Use Law was the intersection would be made safer with the Exhibit “A-3” plan, which is the new alignment of East Shore Lake Owassa Road. Therefore, if the applicant does not obtain the approval from the governing body for this proposal, then this purpose no longer applies, it can not be part of the applicant’s argument. This is also true of the argument of safety and health. Mr. Dunn indicated that he would stand by that public safety would still be promoted with the current design of the road because it doesn’t have a significant impact to the Route 206 traffic, as testified by the traffic engineer. Mr. Clark indicated that this is due to the State Access Code, and arguably this is not a special reason. Mr. Dunn indicated that he would not consider this a special reason; however, it does fit into the goal Mr. Clark is referring to.

Mr. Clark questioned Mr. Dunn since the ordinance has been changed during this application, how can they satisfy the negative criteria, because by granting this variance, it would impair the zone plan or ordinance which is in place. Mr. Dunn indicated that this application with the proposed retail use can provide a building of this caliber. If the applicant goes as zoned, then there will be a different type of building because of the viability of the economic status of the site is reduced. Mr. Clark indicated under planning reasons, the applicant could build a desirable building as an office building.

Mr. Clark referred to the State and County Plan and questioned Mr. Dunn that don’t these plans try and focus commercial development at the town centers. Mr. Dunn indicated as a broad brush view of the Strategic Growth Plan and the Township Master Plan, both said that you should concentrate commercial development in the town centers. It is his opinion that it does not preclude or prevent the expansion of roads that already exist between environs. He further indicated that due to the unique location and conditions of this site, it is consistent with the township Master Plan, portions of the County Strategic Plan and the State Development Plan.

Mr. Dunn indicated that although this proposal is not an inherently beneficial use for the township, it does provide for an efficient and convenient place for shortened trips for the community for the retail stores.

Mr. Clark questioned Mr. Pellow if the township could extend the road without purchasing a piece of the applicant’s property. Mr. Pellow indicated that they could not.

A Motion was made by Mr. Nadolny and seconded by Mr. Ayers to open this matter to the public. All were in favor. The Motion was carried.

Thelma Rooney appeared before the board and was sworn in by the board attorney. She was concerned with the 2 different types of buildings being proposed for the retail and for the office.

Walter Winkler appeared before the board who was under oath from a previous meeting. He indicated that he has no problem with the retail building. He was concerned with the statement from the applicant that they tried to buy the property on both sides, he feels this needs to be researched. The property is owned by the township and he feels the township

**APPLICATIONS FROM A PREVIOUS MEETING CONT.**

**Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & “C” & “D” Variance cont.:**

Walter Winkler cont.: should give the property to this applicant because the lots are basically useless. He was concerned with the proposed trip generation of traffic with the retail use. He feels that they should look into the option of access through Mills Street. He indicated that he spoke to the DEP with regard to this and the applicant has the right to apply for a wetlands crossing to access through Mill Street. Mr. Thomas indicated that he does have certified mail letters that he sent to the adjoining property owners which was the township and Mr. and Mrs. Vanderburg and there was no response. Mr. Winkler indicated he was referring to the northern neighbor off of Mill Street. Mr. Thomas indicated that this property does not help the variance situation of the applicant.

Joel Weintraub appeared before the board and was sworn in by the board attorney. He was concerned with the traffic created by this development for retail use.

Andrew Retz appeared before the board who was still under oath from a previous meeting. He does not have a problem with the design of the building and the use of the property. He was concerned with the access from Route 206 through East Shore Lake Owassa Road. He also thought that they should review the access from Mill Street.

Dave Miller appeared before the board who was still under oath from a previous meeting. He was concerned with the tractor trailers entering this project. Mr. Dykstra indicated that they designed the site for delivery through box trucks, not tractor trailer traffic. They also designed the site to accommodate a fire truck. There was a vehicle movement plan submitted to the board dated March 4, 2008 which demonstrates the turning movements. Mr. Miller questioned Mr. Dykstra as to the length of the box trucks and the fire truck. Mr. Dykstra indicated that the box truck is a 30' truck and the fire truck is 8.1 meter. Mr. Miller was concerned with the traffic back up when a tractor trailer is entering or exiting this site. He was also concerned with the trip generation testified to by this project.

Kirk Perry appeared before the board who was still under oath from a previous meeting. He feels that a land owner should be in a position to develop their commercial land; however, he does not feel that this retail proposal is good for this site. He questioned the applicant's engineer if a tractor trailer entering East Shore Lake Owassa Road would they cross over into oncoming traffic on this road, particularly when they are going South on Route 206 and making a right hand turn into this road. He was also concerned about the traffic on this site for the retail. He was concerned about the COAH obligation and how many jobs were going to be created by this development.

Nancy Cooper appeared before the board and was sworn in by the board attorney. She indicated that over 15 years ago this board deemed it impossible for 200 customers at the flea market on weekends to enter in and exit onto Mill Street.

Jeffrey Tandul appeared before the board who was still under oath from a previous meeting. He was concerned with the traffic problems at this intersection. He was concerned with the lighting on this project. He was concerned about the dead end parking that is being proposed on the site and that there are no trees in the parking lot. He was concerned about the COAH obligation and jobs created by this development.

A Motion was made by Mr. Ayers and seconded by Mr. Gstattenbauer to close this matter to the public. All were in favor. The Motion was carried.

Mr. Thomas summarized this application to the board. He indicated that there was concern with regard to the traffic, the design of the 2 proposals and the access. There

**APPLICATIONS FROM A PREVIOUS MEETING CONT.**

**Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & “C” & “D” Variance cont.:**

Was a suggestion to access from Mill Street, however, this is not what is before the board. He indicated it was stated by the board attorney that development should be at the town centers as suggested by the State Plan. However, the State Plan does not imply that development outside the centers is inappropriate. He feels his client, with the exception of a few minor variances, has the right to put in a commercial development. Mr. Thomas referred to the Ordinance which states that strip malls are a prohibited use. He further stated that in the ordinance there is not a definition of a strip mall. The issue with this application is the traffic. The applicant is willing to realign the road to make it safer for the public. He indicated that there was concern with regard to tractor trailers entering the site. He stated that if the board is concerned about the tractor trailer traffic, then the applicant will stipulate that they will accept a condition that says no articulated vehicles will enter the site. He stated that the applicant is increasing the traffic on this road; however, they are putting \$100,000 into the realignment of the road to make it a safer intersection. He feels that this site with these improvements are particularly well suited for the intended purpose. The intended purpose is commercial and incorporating retail. He indicated that there was testimony that this proposal is consistent with the Zone Plan, Ordinance and Master Plan. The Master Plan Re-examination Report of 2005 states that commercial development along Route 206 is appropriate, which the applicant has intended to do. The report requires good quality architecture, which the applicant is providing. The Master Plan states that developable land is scarce. The applicant agrees and they are trying to develop it in a manner that is reasonable and rational in relation to the township ordinance and relation to their neighbors. They have more than satisfied the enhanced criteria. The positive criteria is that there is a substantial improvement to the safety of this site. He referred to Subsection “A” of Section 2 of the Municipal Land Use Law which talks about health, safety and welfare. He stated that this project advances this purpose. He referred to Subsection “H” of Section 2 of the Municipal Land Use Law which talks about the improvement of transportation and avoiding congestion. He stated that this proposal advances this proposition. He referred to Subsection “I” of Section 2 of the Municipal Land Use Law talks about providing for an enhanced visual environment, this is a purpose of zoning. He stated that this proposal meets this criteria. He indicated that there is not a detriment to the adjoining properties. The mere fact that additional traffic occurs, does not make it a detriment. It is only a detriment if the site can not handle it. The applicant is willing to spend \$100,000 to realign the road to handle the increase in traffic. He stated that there was no detriment to the intent and purpose of the zone plan because they are consistent.

Mr. Clark summarized this application. The applicant is requesting “C” Variances. One is for lot size which was within a few feet for the frontage, which is an existing condition. They are also requesting variances on the signage, which he feels the board needs to be specific as to how the applicant should design the signage. The board did agree that the signage requested is necessary. The approval would be subject to Mr. Pellow’s review of drainage and waivers as listed in his report. He indicated that the applicant is requesting a “D” Variance because an Ordinance just passed in the township to prohibit strip malls. The applicant has offered a solution to make the area safer; however, they do not have the approval from the township to purchase the land at this time.

Mr. Thomas indicated he would like a time limit for a decision from the Township Committee as to the purchase of the property for the alternate plan so the applicant can come back to the board and relate to the them as to the status of this request.

Mr. Shelton questioned the applicant if they intended to do the road improvements whether the board approves the retail or the office use. Mr. Thomas indicated that they do intend to do the road improvements with either approval.

**APPLICATIONS FROM A PREVIOUS MEETING CONT.**

**Sana Enterprises – LUB 07-15 – Block 65, Lot 23 – Route 206 – Preliminary Major Site Plan & “C” & “D” Variance cont.:**

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Nadolny to approve the application for the retail proposal of the applicant with the following conditions: 1) It is contingent upon the purchase of the property to do the road improvements; and 2) The limitation of the tractor trailer vehicles. Roll Call:

YES: 1 Gstattenbauer

NO: 6 Ayers, Bennett, Fountain, Shelton, Romania, Nadolny

ABSTAIN: 0

The Motion was denied.

The board had a discussion with the second proposal for an office building and the architectural design. Mr. Thomas indicated that the applicant would be willing to work with the township’s consultants to design something in the rural character without substantially affecting the cost of the building.

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Shelton to approve the Preliminary Site Plan for an office building shown in Exhibit “A-3” and if the applicant can not obtain the property from the township, then Exhibit “A-1” with the waivers requested and the applicant has to have the architectural design revised to meet the rural character, the “C” Variance requests, and a variance for the additional signage requested and the placement and amount to be determined by a submission of a rendering to be reviewed and confirmed by the board at the Final Site Plan hearing; and with a time limit from the Township Committee to make a decision of 3 months from the adoption of the Resolution. Roll Call:

YES: 7 Ayers, Bennett, Fountain, Gstattenbauer, Shelton, Romania, Nadolny

NO: 0

ABSTAIN: 0

The Motion was carried.

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Nadolny to have a letter sent to the Township Committee to accept A-3 Option. All were in favor. The Motion was carried.

**NEW APPLICATIONS**

**North Plains Holdings, Inc. – LUB 07-08 – Block 1, Lot 2 – Route 565 & North Plains Road – Preliminary Major Site Plan & Minor Subdivision:**

Appearing before the board was the applicant, John Wingle, his attorney, William Haggerty, and their engineer, Joseph S. Miannecki. Mr. Wingle and Mr. Miannecki were sworn in by the board attorney. Mr. Miannecki gave his qualifications to the board and was accepted as an expert witness.

Mr. Haggerty indicated that the applicant initially filed a Use Variance and Site Plan approval. The hearing was bifurcated in order to consider the Use Variance application.

**NEW APPLICATIONS CONT.**

**North Plains Holdings, Inc. – LUB 07-08 – Block 1, Lot 2 – Route 565 & North Plains Road – Preliminary Major Site Plan & Minor Subdivision cont.:**

At the time the property was located in the C2 & LI Zones. The LI Zone is impacted with wetlands. The applicant has asked for outdoor storage and display and the C2 Zone did not permit this, this was the reason for the Use Variance application, which was granted on July 18, 2007 and memorialized September 19, 2007. The applicant is now before the board seeking site plan approval and a minor subdivision approval. The application was declared complete at the March 19, 2008 meeting. He indicated that since that meeting the applicant has obtained a wetlands crossing permit.

Appearing before the board was the owner of the property, John Wingle. Mr. Wingle is the owner of Wingle Supply on Cook Road. He indicated that Wingle Supply sells landscape, hardscape supplies and equipment rentals. He is proposing to have the same type of operation at this proposed location. At the present time he has 5 employees and this location he expects to grow which will be more than 7 employees. The hours of operation are from 7:00 a.m. to 5:00 p.m. Mondays through Fridays and Saturdays are from 7:00 a.m. to 4:00 p.m. The building as proposed this evening will be used half by his operation and half he would like to rent to contractors, pool contractors, someone in their type of trade.

Mr. Haggerty referred to page 3 of the site plan to discuss the outdoor display and storage area. He questioned Mr. Wingle as to what they intend to store outdoors as indicated on the map as “outdoor display and storage area”. He indicated paving stone, wall block, cubes of pavers and things of this nature. He further noted that they rent machinery which will be stored outdoors. The site plan refers to bulk material storage area and loading zone and it shows 16 marked bins. Mr. Haggerty questioned as to how these bins would be constructed. Mr. Wingle indicated that they would be constructed out of concrete pre-cast block. They intend to store decorative stone, any type of aggregate, mulch top soil, bulk product.

Mr. Haggerty indicated that the plan provided to the board shows slightly less lighting than the ordinance may call for and the applicant is requesting a waiver or relief from this. He asked Mr. Wingle to explain. Mr. Wingle indicated that they are not open late at night and he does not see a reason for it.

Mr. Ayers questioned Mr. Wingle if they are planning on making mulch or top soil at this site. Mr. Wingle indicated that they were not.

Mr. Shelton questioned Mr. Wingle if they are going to restrict their tenants to his hours of operation so that they would not need the required outside lighting. Mr. Wingle indicated that there would not be any activity after hours in the rear of the building; however, there is enough lighting up front for the tenants and their customers. Mr. Pellow indicated that the lighting up front is sufficient.

Appearing before the board was the applicant’s engineer, Mr. MianECKi. Mr. MianECKi referred to Sheet 2 of the site plan. He indicated that the access was from Route 565 is an existing access driveway. Off this driveway the applicant is proposing a 24’ wide driveway across the existing hay field and across a man made drainage ditch, for which the applicant obtained a wetland permit to cross into the main area of the site. The site will be served by a septic system and well. He indicated that the site is considerably lower than Route 565. Mr. MianECKi referred to page 7 of the site plan which was the landscape and lighting plan. He explained to the board as to the location of the landscaping proposed.

**NEW APPLICATIONS CONT.**

**North Plains Holdings, Inc. – LUB 07-08 – Block 1, Lot 2 – Route 565 & North Plains Road – Preliminary Major Site Plan & Minor Subdivision cont.:**

Mr. Pellow indicated that he did a report which was last revised May 28, 2008. He stated that he met with the applicant's engineer and reviewed most of the items of the report and he asked Mr. Miannecki to summarize all the changes agreed to in a letter, which was completed. He indicated that there were only a few items left to review:

Item "3" Zoning Comments – Mr. Pellow indicated that these comments were addressed at the time of the Use Variance.

Item "4" Minor Subdivision Comments: a) Wetlands and transition areas should be shown on the minor subdivision plans. The LOI and any NJDEP permits should be referenced. The applicant has agreed to do this; b) Where a building envelope crosses a wetland and/or transition area, it should follow the transition area boundary. The complete building envelopes for both lots to be shown. The applicant has agreed to do this; c) Deeds and descriptions for both proposed lots and for all associated easements to be provided with revised minor subdivision map for review and approval by the Board Attorney and Board Engineer. The applicant has agreed to do this; d) County approval is needed for the minor subdivision. This will be made a condition of approval if the site plan is approved.

Item "5" Site Plan Comments:

"b" The applicant received preliminary site plan approval to permit a driving range with a clubhouse, miniature golf and batting ranges for proposed Lot 2.02 and portions of the remainder lot 2, decided on September 8, 1993 and memorialized October 20, 1993 with an amended preliminary site plan approved on July 17, 1996 and memorialized on August 27, 1996. Some of this development will impact the previous approvals and how the two developments will function together. Some testimony was given at the use variance meeting but should be provided again due to the new members of the Board. Mr. Haggerty questioned if this proposal will impact the functioning of this property. Mr. Wingle indicated that it would not impact it.

"d" There are storage bins proposed on the site and they may be considered a structure. Some of these bins are located within the front yard setback. The Board attorney to comment. Mr. Clark questioned the applicant as to how tall are the bins. Mr. Wingle indicated that they are 6' high. Mr. Haggerty indicated if the board deems these bins to be a structure, the applicant would request a variance.

"e" The existing access drive needs to be shown with associated curbing, inlets and drainage. The parking area under construction also needs to be shown in detail to show how all of the proposed development will be linked together. The existing access drive needs the final wearing surface applied. Millings are stored in the existing parking lot and have to be covered with pavement by April 15, 2008, as storage is not permitted by NJDEP. Mr. Pellow indicated that the applicant has agreed that they are going to use these millings for the base, which is sufficient, and they will pave over top of them.

"f" There is an existing utility line on the site that is proposed to be moved. The applicant to obtain a letter from the Utility Company agreeing to the relocation of the power line. A map is needed showing the existing location of the power line and any associated easements along with the proposed location of the power line and any associated easements in the new location. The applicant agreed to this.

**NEW APPLICATIONS CONT.**

**North Plains Holdings, Inc. – LUB 07-08 – Block 1, Lot 2 – Route 565 & North Plains Road – Preliminary Major Site Plan & Minor Subdivision cont.:**

Item “6” – Grading & Soil Erosion Comments. Mr. Pellow indicated that the applicant’s have obtained their General Permit and they will fence in the transition areas, which is a condition of the permit.

Item “7” – Drainage/Environmental Comments. Mr. Pellow indicated that the DEP has taken jurisdiction on this. Mr. Pellow indicated that the applicant will have to excavate soil logs where the proposed basins are going to make sure that they have infiltration. Mr. MianECKi indicated that this has been done and submitted to the DEP. He further indicated that this had to be done before DEP issued the permit. He indicated that he would forward the information to Mr. Pellow.

Mr. Pellow noted that the NJDEP also took over the Water Quality and the Recharge.

Mr. Pellow questioned the applicant’s engineer if they would submit a copy of the Maintenance Plan to the township. Mr. MianECKi agreed.

Item “7” viii. General. 1) The proposed “B” inlet construction detail should be revised to show Type “N” curb piece. The applicant agreed; 2) Construction profiles of the proposed storm drainage must be submitted for review. Mr. Pellow indicated that he agrees with the applicant that these are not needed; 3) Cross Sections of the proposed access driveway must be submitted for review, including a typical section construction detail. The applicant agreed to submit cross sections and a typical section. Mr. Pellow indicated that the applicant wanted the driveway tipped from one side to the other and he wanted a crown in the road. He has agreed to work this out with the applicant’s engineer.

Item “8” Landscaping & Lighting Comments. Mr. Pellow indicated that the applicant has agreed to a lot of the items of his May 28<sup>th</sup> report. He noted that a variance is needed for the lighting. The light source shall be spaced at a distance not to exceed five (5) times the mounting height. For 15 foot high lights = 75 feet. Mr. Haggerty indicated that this would actually be a waiver.

Item “8c”. Cobra-type fixtures are prohibited; therefore, the proposed yard lights to be revised. The applicant has agreed to the colonial type lightings as required by ordinance.

Item “8d”. Free standing lights at the perimeter of the parking lot shall be aligned with parking stall striping. The applicant will realign the lights.

Item “8e”. Street trees need to be planted along the access road. The applicant has agreed to this.

Item “8f”. The access drive to be lit. Mr. Pellow indicated that there are no lights for the access road. The board felt that this was not necessary.

Item “8g”. On Sheet 7 of the plans, four (4) lights are shown to be mounted on the front of the building. Which one will be used? Mr. MianECKi indicated it will be the same as the other lighting.

Item “8h”. All site lighting must be on timers and all lighting turned off by 11:00, except for minimum security lighting. The applicant agreed.

Item “8i”. The applicant has agreed to provide landscaping around the refuse enclosure.

**NEW APPLICATIONS CONT.**

**North Plains Holdings, Inc. – LUB 07-08 – Block 1, Lot 2 – Route 565 & North Plains Road – Preliminary Major Site Plan & Minor Subdivision cont.:**

Item “8m” The applicant’s have proposed a ground mounted sign will be installed at the entrance. Mr. Wingle indicated that they also discussed having a sign on the metal silo. Mr. Haggerty indicated that the sign detail will be submitted which will be within the 24 square feet as required by the ordinance.

Item “9”: Traffic Comments. Mr. Pellow indicated the applicant should give some testimony as to the type of trucks entering the proposed site. Mr. Wingle indicated that there may be one tractor trailer a day, straight trucks, dump trucks and pick up trucks which are generally customer trucks. Mr. Pellow indicated that the applicant’s engineer has agreed to provide the turning templates for the types of trucks proposed to be used on the site.

Item “11” Parking Comments:

“a”: One parking space per 200 square feet of gross floor area is required for the proposed use in the C-2 Zone. The applicant is proposing a 20,000 square foot building; therefore, 100 spaces are required. The applicant is proposing 39 spaces in front of the building and 20 employee spaces to the rear of the building, and a variance is needed. Mr. Haggerty questioned Mr. Wingle as to how many parking spaces he has on his site on Cook Road. Mr. Wingle indicated that he has 8 parking spaces which is adequate for his customers and he has employee parking in the back. Mr. Clark questioned as to the tenants parking area. Mr. Haggerty indicated that they are proposing a tenant such as an electrician, a plumber, etc. They are not looking at a substantial retail operation where they were having a lot of demand for parking spaces. The type of tenants that they are requesting are not retail, they would be a service type of business.

“b”: Off street loading is prohibited in the front yard. A truck/trailer loading area is shown on the site plan in the front yard. A variance is required. Mr. Haggerty indicated that there was previously approved the Use Variance and there is the topography issue of the site to justify the variance.

“c”: The minimum front yard parking area setback is 100 feet and the proposed parking area is setback 125 feet. The display area is 35.8’ from the right-of-way and will be located in the 100’ setback, which is not allowed. A variance is required.

“d”: The minimum parking area setback from the buildings is 20 feet. The proposed parking setback from the 12 foot canopy is 7 feet and a total of 19 feet from the building wall. A Variance is required.

“e”: Outdoor display areas to have a dense graded aggregate base surface instead of shale, as shale weathers over time and will become muddy during inclement weather. The applicant agreed to install dense graded aggregate base.

“f”: Need backout areas at the northerly side of the both parking lots, 10 feet wide. Revise dumpster location so the refuse truck can pull straight in to pick up the container. Mr. Pellow indicated after he talked about this with the applicant’s engineer, they decided this is not needed.

“g”: Granite curb to be jumbo blocks. The applicant has agreed to do this.

“h”: Need centerline access drive profile and typical section. Also, cross sections are needed, as it appears that all stormwater will flow overland from County Route 565 to the access drive and then over the access drive, as there is no crown in the drive. This will

