

The Chairman called the meeting to order and stated it was being held in compliance with the "Open Public Meetings Act" and was duly published as required by law.

ROLL CALL

Present: Mr. Fanelli, Mrs. DeMesquita, Mr. Murray, Mayor Mignogna, Mr. Waters, Mr. Rashatwar
Mr. Vandegrift, Mr. Ravitz

Absent: Mrs. Kerr, Mr. Nicini, Mr. DiNatale

Also present were Mr. Rakesh Darji, Board Engineer, Mr. Chuck Westen, Township Engineer, Mr. Ben Blair, Township Sewer Engineer and Mr. Stuart Platt, Board Solicitor.



Mr. Platt swore in Subash Rashatwar and Carole DeMesquita prior to the meeting starting.



MEMORIALIZATION OF RESOLUTIONS

REORGANIZATION RESOLUTIONS

- Solicitor
- Engineer
- Secretary
- Conflict Solicitor
- Conflict Engineer
- Development Review Committee
- Completeness Review Committee



APPROVAL OF MINUTES

Mr. Murray motioned to approve the minutes dated November 28, 2012; seconded by Mayor Mignogna. Motion carried by the assenting voice vote of all board members present, with the exception of Mrs. DeMesquita, Mr. Ravitz and Mr. Vandegrift, all of whom abstained.

Mr. Vandegrift motioned to approve the Reorganization minutes, January 9, 2013; seconded by Mr. Ravitz. Motion carried by the assenting voice vote of all board members present, with the exception of Mrs. DeMesquita and Mr. Rashatwar, both of whom abstained.



BRUCE PAPANONE
BLOCK 305; LOTS 1, 3-9 & 12
AMENDED FINAL SUBDIVISION
PC 12-002

Appearing before the board were, Bruce Papanone, applicant, William Skinner, attorney and Tim Lurie, engineer.

Mr. Skinner stated that, this application is Phase 2 of the Highpoint 2 development. They received final approval in 2010 and at that time the sewer from the 49 homes was to be pumped to Berlin Township with the condition that once the Dutchtown Road pump station was complete and operational the pump station would be turned around and the sewage would be pumped to Voorhees. They have re-engineered the plans and they are now proposing that the sanitary sewer flow by gravity to the Berlin Township system and into a pump station that was built for an adjoining residential development. This would eliminate the need of having to build another pump station in Voorhees. The approving resolution stipulates that if the sewer situation changes the applicant would have to return to the Planning Board for an amended approval.

Mr. Lurie stated that, they are not changing the lot configuration at all and the open space lot will remain 100% a storm water management basin.

Mr. Platt swore in Mr. Ben Blair, Churchill Associates and Mr. Charles Westen, Remington, Vernick & Arango as board professionals for the year 2013.

Mr. Westen stated that, they have reviewed the plans and found they are in conformance with their prior review letter as well as the prior resolutions. The only change to this plan relates to the sewer. One point he wants to bring up is, sheets 9 & 10 list a lot clearing table in excess of 70% and that is not in conformance with the land development ordinance. His discussions with Mr. Platt indicate that a variance has not been granted nor has one been requested. He would like that removed from the plan.

Mr. Skinner stated that too was their understanding and the intent is not to clear beyond 70%.

Mr. Lurie stated that, he will remove the chart from the plan and he also agreed that the lots would have individual grading plans.

Mr. Blair addressed the sewer review letter dated January 30, 2013 and stated that, the plan as outlined is satisfactory for sewer development but there are several issues that need to be made part of the approval for signing the plans. One issue relates to a financial contribution and the applicant shall make a fair share contribution to the Dutchtown Road pump station. Connection fees will be paid as each home applies for a certificate of occupancy. This situation is unusual in that the homeowner will pay a sewer user fee to both Voorhees Township and Berlin Township. He feels this should be a point of sale disclosure to potential buyers.

Mr. Skinner stated that, they understand those 3 financial obligations and agree to them.

Mr. Blair stated that, there will need to be an inter-municipal agreement between Voorhees Township and Berlin Township for the conveyance of the sewer through Berlin Township's sewer system. This agreement should be executed prior to the signing off on the subdivision plan. Lastly, there is an issue with the TWA as it is written today and the applicant either needs to apply for an amended TWA or get a letter from DEP stating that there is no need for an amended TWA.

The applicant agreed to all comments in Mr. Blair's review letter.

The application was opened for public comment.

Seeing none, Mrs. DeMesquita motioned to close the public portion; seconded by Mr. Murray. Motion carried by the assenting voice vote of all board members present.

Mrs. DeMesquita motioned to grant amended final subdivision approval subject to the following conditions and stipulations:

1. The applicant shall comply with all of the recommendations of the Board Engineer as set forth in its review letter dated February 5, 2013.
2. The applicant shall not exceed the 70% clearing limit for the project and shall amend its plans accordingly.
3. The applicant shall comply with all the conditions set forth in all prior approvals for this development including those set forth in Resolution No. 10-019 to the extent not inconsistent herewith.
4. The applicant shall comply with the Township Sewer Engineer's review letter dated January 30, 2013 including but not limited to the following:
 - a. The applicant shall comply with the fair share contribution regarding the Dutchtown Road Recapture Agreement.
 - b. The applicant shall pay sewer connection fees to Voorhees Township and Berlin Township (if required).
 - c. Each homeowner in the Highpoint II subdivision shall pay the annual sewer user charge to Voorhees Township, the CCMUA, and to Berlin Township (if required) in perpetuity.
 - d. Any approvals herein are specifically contingent upon Voorhees Township and Berlin Township entering into an inter-municipal agreement regarding the sewer service for this project which said inter-municipal agreement must be in effect prior to the signing of any plans for this development.
 - e. The applicant must prepare a Point Of Sale Disclosure to all perspective purchasers regarding the foregoing subject to the Board Solicitor's review and approval.

5. The applicant shall either obtain an amended TWA permit or a letter from the NJDEP confirming that an amended TWA permit shall not be necessary.
6. The applicant has voluntarily agreed to submit individual lot grading and clearing plans similar to the lot grading and clearing measures established for Highpoint II, Section 1, subject to the review and approval of the Board Engineer.
7. The applicant shall impose a conservation easement on Block 304.07, Lot 7 in the back of the existing homes which conservation shall preclude any development, construction or alteration of the existing natural areas. Said conservation easement shall be subject to the review and approval of the Board Engineer and Solicitor. In furtherance thereof, the applicant shall also prepare a point of sale disclosure for any prospective purchasers of the homes that are affected by this conservation easement. Said point of sale disclosure shall be subject to the review and approval of the Board Solicitor.
8. The applicant shall create and establish a homeowner's association which shall ultimately be responsible for the ownership, operation and maintenance of the storm water management basin and any open space areas except the open space dedicated to Voorhees Township. Said homeowner's documents shall be subject to the review and approval of the Board Solicitor. The applicant may not dedicate the storm water management lot or any other property to the homeowner's association until such time as it has satisfied all conditions of approval and has been released from all performance and maintenance guarantees relative to the same. The applicant shall also prepare a point of sale disclosure notifying all prospective purchasers of the establishment of the homeowner's association, the requirement to become a member thereof and all other relevant information necessary to advise a prospective purchaser concerning the rights of being a member of same subject to the Board Solicitor's review and approval.
9. The applicant shall comply with all the recommendations of the Voorhees Township Fire Marshall dated October 7, 2009.
10. The applicant shall comply with all Court Orders and Stipulations of Settlement in all prior litigations relative to the subject subdivision included but not limited to the Consent Order and Judgment (Exhibit 1) and the Stipulation of Settlement (Exhibit 2) attached hereto.
11. The applicant shall delineate all clearing limits on the subdivision plan subject to the review and approval of the Board Engineer.
12. The applicant shall have no more than two stockpiles of soil which shall not exceed 20 feet in height and have a slope of no greater than 1 to 3 during construction.
13. The applicant has agreed that it shall not do a mass or wholesale clearing of the building lots and shall do its clearing in stages based upon lot sales to the greatest extent possible.
14. The applicant shall be required to pay the affordable housing fee for residential development as required by law which at the time of approval is 1%,
15. All of the open space, which is the subject matter of this application, shall remain in its current condition and the applicant shall prepare conservation easements and point of sale disclosures to consummate same subject to the review and approval of the Board Solicitor and Engineer.
16. The applicant shall obtain all required outside agency approvals.

Seconded by Mayor Mignogna; the motion carried by the following roll call vote:

AYES: Mr. Fanelli, Mrs. DeMesquita, Mr. Murray, Mayor Mignogna, Mr. Waters, Mr. Rashatwar, Mr. Vandegrift, Mr. Ravitz

NAYS: None

AMERICAN GLOBAL INVESTMENTS, LLC
BLOCK 229; LOTS 4 & 4.01
FINAL SITE PLAN
PC 13-001

Appearing before the board were John Morelli, attorney, Randy Whitt, owners rep for American Global, Jim Maddonni, engineer and Nayan Shah, architect.

Mr. Morelli stated that, to start with the applicant agrees to comply with all comments in the sewer letter dated February 7, 2013, prepared by Churchill Engineers. To assist with the installation of the sewer line Township Committee has made an agreement with the applicant and a resolution was passed on Monday the 11th and he provided a couple copies. With regard to the letter prepared by Environmental Resolutions, dated January 17, 2013, the applicant agrees to comply with most but has a

few exceptions; numbers 7 & 8 with regard to angled parking and number 14. There will be a maintenance agreement that will be submitted and recorded which will give the Township permission to come on site if necessary.

Mr. Maddonni stated that, the site is next to Lowes Home Improvement Center and contains 3 existing buildings on site that are all vacant. The applicant is proposing to renovate the buildings with individual suites for medical offices and provide the proper amount of parking. The applicant is proposing to abandon the septic system and replace with a sanitary sewer pumping station that will pump south on Route 73 and tie into a manhole on Signal Hill Drive. In order to put the force main in the right of way the Township would have to be the applicant and that portion of the system will have to be deeded to the Township. The applicant will own the balance of the system. There were several design waivers applied for and granted at preliminary. Tonight they are applying for final approval.

Mr. Maddonni addressed the review letter dated January 13, 2013. There is parking at the northern property on the side of the site with a 22 foot driveway away from the building, then 18 feet deep parking spaces. This conforms to the ordinance but the board engineer has suggested that they look at angled parking to lessen the chance of someone backing into the building. They would lose 8 parking spaces. They are 2 parking spaces over what they are required to provide so that would leave them short 6 spaces. Parking is always an issue and they would like to keep the plan as is.

Mr. Darji stated that, he made the suggestion to enhance the site but they have no obligation to comply.

Mr. Platt addressed the conditions of preliminary of approval and asked what they are doing to comply with the compensatory tree requirement.

Mr. Morelli stated that, the applicant would like to make a donation to the Township in lieu of planting the required trees.

Mr. Darji stated that, they are proposing to remove 169 and will be planting 9. They are proposing to compensate in the amount of \$100 per tree and the normal contribution is between \$250 – 300 per tree.

Mr. Shah stated that, the reason they are requesting a change of light fixture is aesthetic reasons.

Mr. Darji did not have a problem with their request to change the light fixture.

Mr. Maddonni addressed deliveries and stated they would be handled by each individual unit in a normal van type truck. If the delivery is larger the truck would park parallel with the driveway and deliver the package.

Mr. Platt asked if the applicant would agree to restrict the site and prohibit tractor trailer deliveries.

The applicant agreed and the types of deliveries to expect would be Fed Ex, UPS and normal van type vehicles.

Mr. Blair addressed the sewer letter dated February 7, 2013 and stated that the applicant has agreed to comply with recommendations 4-10.

Mr. Maddonni stated that, his office will prepare the application to the Department of Transportation and have it reviewed by Mr. Blair.

Mr. Morelli stated that, the maintenance agreement will be included as well as a cash payment to Voorhees Township in lieu of a Developer's Agreement. The total contribution will be \$75,000 paid in increments, prior to the issuance of any certificate of occupancy.

Mr. Blair stated that a treatment works application will be required. The applicant will prepare the application and the Township will endorse it. There might have to be 1 or 2 applications or a joint application for the sewer extension.

Mr. Murray stated that, the construction detail shows a large monument sign and directory signs. He noted that the directory signs are limited in size and there has not been a variance granted.

Mr. Shah stated that, they are proposing 1 monument sign and 2 directory signs and they will comply with the ordinance.

Mr. Fanelli stated that, the applicant must comply with the ordinance requirements or come back to the board for a sign variance.

Seeing no public, the meeting was not opened for public comment.

Mrs. DeMesquita motioned to grant final site plan approval subject to the following conditions and stipulations:

1. The applicant shall comply with all of the recommendations set forth in the Township Engineer’s review letter dated January 17, 2013, except as follows:
 - a. Item #7 – the perpendicular parking spaces proposed are acceptable and the applicant shall not be required to install angled parking spaces.
 - b. Item #8 - the perpendicular parking spaces proposed are acceptable and the applicant shall not be required to install angled parking spaces.
 - c. Item #14 – while the applicant will be required to own, manage, repair and maintain the Storm water management facilities, a deed restriction to that effect will not be necessary, it being the understanding that this condition of approval shall be sufficient to bind the applicant.
2. The applicant shall comply with all of the recommendations set forth in the Township Sewer Engineer’s report dated February 13, 2013.
3. The applicant shall enter into a Maintenance Agreement with the Township of Voorhees as set forth in Resolution 76-13 and shall pay the amount of \$75,000.00 in increments for the cost of the Township to maintain the sewer line.
4. The applicant shall comply with the Memorandum of the Voorhees Fire District dated January 15, 2013.
5. Tractor-trailers shall be prohibited from the site except for tenant move-ins.
6. It has been determined that in accordance with the Tree Replacement ordinance that the applicant shall be required to replace 160 trees. In lieu thereof, the applicant has agreed to make a payment to the Township Open Space and Recreation Fund in the amount of \$175.00 per tree for the total amount of \$28,000.00 which shall be payable prior to the time the applicant applies for building permits for the subject property.
7. The applicant shall comply with all conditions set forth in Resolution 11-008 except for condition #2 with respect to the Board of Education easement, condition #6 to the extent it is no longer applicable and condition #8 to the extent it is no longer applicable.
8. The applicant shall participate in the Dutchtown Road Pump Station Recapture Agreement as may be required.
9. The applicant shall comply with the Voorhees Environmental Commission Memo and engineer recommendations.
10. The applicant has agreed to pay a community impact fee equal to \$2.00 per square foot of gross floor area based upon the 8,000 square feet of new construction or \$16,000.00.
11. The applicant shall consolidate Block 229; Lots 4 and 4.01.
12. The applicant shall be required to obtain all outside agency approvals.

Seconded by Mr. Vandegrift the motion carried by the following roll call vote:

AYES: Mr. Fanelli, Mrs. DeMesquita, Mr. Murray, Mayor Mignogna, Mr. Waters, Mr. Rashatwar
Mr. Vandegrift, Mr. Ravitz

NAYS: None



There being no further business before the board, the Chairman adjourned the meeting.

Carole Pfeffer, Secretary