

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
FEBRUARY 27, 2008**

The meeting was called to order by Chairman Lawrence Barrar at 7:30 PM. The public statement was read by the Chairman, followed by the flag salute.

ROLL CALL - CH-Chairman, VC-Vice Chairman, C-Council, MD-Mayors Designee, A-Alternate

Lawrence Barrar	CH	Present	Mary Martz	C	Present
Joyce Albrecht		Present	John Wolf, Jr.		Present
Robert Brown		Present	Joseph Conway	A1	Absent
John DiBartolomeo	VC	Present	Joseph Dymond	A2	Present
Jim Hannold		Present	Ronald Buchanan	A3	Present
Richard Krause	MD	Absent	R. Brian Carson	A4	Present
Arthur Loder		Present			

ALSO

David Kreck	Engineer	Present	Michael Ward	Solicitor	Present
John Szczerbinski	Zoning Off.	Present	Denise O’Kane	Secretary	Present
Leah Furey	BACH Eng.	Present			

APPROVAL OF MINUTES

Motions were made to approve the January 23, 2008 minutes with corrections. AIF-motion approved.

OLD BUSINESS

Motions were made to approve Resolution #08-07. Motion approved by roll call vote.

Major Subdivision / Preliminary & Final

SDV08-1 / D’Anastasio Corporation – Block: 7 Lot: 2.04

The applicant was represented by attorney Stacey Cohen of Dilworth Paxson. She requested to continue the presentation and respond to testimony from the January meeting. The applicant will be using a power point presentation and presented a letter dated February 26, 2008 regarding updated traffic information.

Paul Cray, P.E., P.P. of Kernan Consulting Engineers:

He presented slides of other projects similar to the proposed development regarding ponds and fencing. The size of the pond meets current standards of the NJDEP Storm water Management. The pond water surface is 1.1 acres, the area around the pond to the fence is approx. 1.7 acres and the entire area of the open space lot is approximately 3.1 acres; the pond will have a fountain aerated for water quality and to deter stagnant water and mosquitoes breeding. The applicant responded to the letter from the Fire Chief and is willing to work with the Fire Company and the engineers. The new proposed fence is now 6’ high iron style with mesh to deter climbing of the fence and the pond design includes a 5’ wide safety ledge, then 2.5’ down is another 5’ wide safety ledge.

Richard Orth, P.E. of Orth-Rodgers Associates, Inc./Transportation & Traffic Engineer:

He presented slides of his report and discussed the updated letter dated February 26, 2008 regarding the traffic issues as a result of the previous meeting. The study showed comparisons from April 2006 and January 2008 regarding the following:

Role of Davis Road as a Collector Road

Davis Rd. is a collector roadway with the primary function of collection traffic from local streets and distributing the traffic to arterial routes. The alternative road suggested is to connect with Otterbranch drive through the Magnolia Public Works department which is unacceptable from a traffic safety/planning viewpoint. Otterbranch is a local road not appropriate to serve as a “collector road”.

Trip Generation

The age-restricted housing would generate less traffic than a single family home, because there are no school children and fewer people per household.

Traffic Counts

The counts from April 2006 and the counts from January 2008, including the FedEx traffic, showed very little difference. New counts were done for Shreve Rd. with Commerce Dr. & with Centre St. showed little difference at any intersection.

Paul Cray, P.E., P.P. of Kernan Consulting Engineers:

He agrees with the Traffic Engineer that Davis Rd. is the best location for the Magnolia Way access and the alternate access road through the Public Works department is not required to be provided by the applicant; however, the applicant is willing to provide an access road for emergency use only. The applicant has addressed the concerns regarding the condition of the access road listed in the letter presented at the previous meeting from Fire Chief Riebel.

A public access road through PWD is a problem because of the Otterbranch Creek; the Freshwater Wetlands and the Flood Hazard regulations prevent any construction within 50' from the edge of the Otterbranch Creek; therefore, the road would have to curve, causing the removal of an existing PWD building to be removed. The size of the new road would increase the impervious coverage resulting in more runoff to be addressed through another storm water management system, which would be an independent system for the road and due to the grading issue of the land would affect more of the PWD property. Therefore the suitable location for the public access road for the development would be Davis Rd.

A pedestrian path was discussed in the area towards the recreational field; however, that involves a 3rd party owner and we would need consent from them. At the previous meeting it was mentioned if the path could be turned into a road? It would affect the wetlands and NJDEP would ask for an alternate route. He states again, from an engineering design the Davis Rd. access across from E. Williams Ave. is the best location.

In response to the letter from the Fire Chief, two (2) gates with a Knox Box will be provided for the emergency access road; one (1) from the PWD and one (1) to the cul-de-sac.

Stacey Cohen stated; the supplementary presentation is complete.

Opened to the professionals:

Dave Kreck, P.B. Engineer: Had two (2) questions;

- The updated traffic report am/pm counts, were they done on a weekday? Response: Yes
- Any weather conditions a factor? Response: NO

Fire Chief Riebel: He said the applicant responded to his letter and he is in agreement with the recommendations, but wanted to state for the record; "at this time the Fire Company is not set up to handle any water rescue?"

Opened to the board:

Being no further discussion, motions were made to open the meeting to the public. AIF- motion approved.

Opened to the public:

The Chairman requested a five (5) minute time limit, so everyone can speak.

Joann Lay, 221 E. Williams Ave.: Does not agree with the traffic study regarding the number of trips per housing unit - Single Family vs. High Density; If units do not sell will the age requirement be lowered?; Age regulations and deed restrictions can be changed in the future; She would prefer single family housing and to preserve the surrounding land.

Rudy Burhart, 3714 Davis Rd.: Flooding of property and septic tanks are a real problem now, if trees are removed will the water level rise and who will be held responsible?

Daniel Stuart, 226 E. Williams Ave.: Make Magnolia have the access from Otterbranch Dr.; Davis, Shreve and Williams can not handle the traffic.

Christina Gittens, 216 E. Williams Ave.: Her car and her fathers' car have been hit by drivers trying to avoid the speed humps; Williams Ave. will be a cut through and more accidents will happen.

Michael Passanante, 222 E. Williams Ave.: Barrington is burdened with the increase traffic since the FedEx project; He wants the traffic to stay in Magnolia and for Magnolia to be a considerate neighbor.

Bret Moonen, 118 E. Williams Ave.: The traffic survey is paid by the developer and it can be skewed to his favor, the actual traffic situation is different from the survey; From Davis & Shubert to Shreve Ave. the housing count will double and the wait on a one lane road will be more than a 10 minute wait.

Michael Spenser, 1036 Crest Rd., Pine Hill, NJ: He is a former resident of Barrington and has cancer. He presented to the board a notarized letter from his mother stating; she is a witness to drums being buried in the field that fronts Davis Rd. when it was owned by Owens Corning and he witnessed big drums being buried by heavy equipment. He is concerned about a possible health issue for all of the residents in the area, if they find the drums during the construction. He listed the names of the property owners who currently have cancer or who have died of cancer. He feels that the numbers are high for such a small area and believes the illnesses are from the field and would like someone to look into the situation.

John D'Anastasio, President of D'Anastasio Corporation: A report was done in April 2006 and on file for review. The Phase "1" environmental report came back showing some dumping, but shows it is not a contaminated site and his company would not build on a site that is considered contaminated. The report does not show any proof of drums being dumped on the site and no Phase "2" report has been done.

Tom Page, 116 Moore Ave.: The Barrington Public Works department shares an access road with the public, why are you not able to do this in Magnolia? Only a little portion of Magnolia is on Davis Rd. and you will get the tax ratable, so you should get the traffic.

Christy Hinson, 236 E. Williams Ave.: A school bus takes a half hour to pick up children on Davis, Williams and Shreve in the morning and afternoon; also mid-day for kindergarten. Many cars back up behind the bus and there are no sidewalks on Davis Rd. She feels the property may be considered a "Brown Field" and not suitable for development and would like someone to look into that possibility.

John Rank, Mayor of Barrington, 954 Chesterfield Rd.: For the record, he agreed with the testimony and asked the traffic engineer to define "Collector Street". He also stated; they have a similar situation of a shared road through the Public Works department and they have no problems; He asked about the selling price of the units and the average age of the buyers. He feels most of the owners will be working and will have two cars; therefore, the traffic counts would be higher; He asked Councilwoman Martz, if any comment was made at the council meeting preferring the road to access Otterbranch Dr.?. He presented to the board a site plan (Exhibit B1) and an engineer report (Exhibit B2) supporting information that "Magnolia Way" can access Otterbranch Dr., neither were signed or sealed, but will forward signed sealed copies to the board secretary. He feels the report shows viable options for the development to access through the Borough of Magnolia and if the board grants approval on the current design the Borough of Barrington will take legal action to stop the development.

Cindy Roberts, 2441 N. Fireland Rd., Southampton, NJ: She works for The Trust for Public Land and spoke before the borough council in 2004 regarding this development. She feels preservation is a possibility, open space is of no cost to the community and there are organizations to help communities preserve properties. She has heard the concerns of the public and maybe they should be addressed. She distributed flyers for anyone interested to view about the organization she represents.

Alex Esposito, 407 Brooke Ave., Magnolia: If the plans are changed for the traffic to go to Otterbranch Dr., then the Magnolia residents will have some concerns. He feels open space is a viable option; the area is not appropriate for development and would cause an increase in the traffic density. Was a soil test done on Industrial use? Mr. D'Anastasio responded No; the environmental report prepared did not require any additional testing and the reports never suggested a Phase II requirement. If a problem occurs he would defer to the professionals who prepared the reports. Mr. Ward stated; the planning board can not create

policy; that is done by the governing body, the planning board can only decide if the applicant is compliant under the guidelines adopted by the governing body.

Mr. Esposito inquired if the documents could be available on the web, because people work during the same hours that the documents are available for review. Mr. Ward stated; Mr. D'Anastasio has been very responsive to the board for any information regarding this application. This municipality has full disclosure for documents and everyone has the right to access them and to contact him if the documents are needed to be viewed on a weekend.

John Lamancusa, 216 Shreve Ave.: He has seen colors in the stream next to his property. That is a sign of pollution and he would like someone to investigate the claims regarding the buried barrels.

Robert Klaus, 152 Russell Ave.: He is the Council President and the Director of Planning & Zoning in the borough of Barrington. He supports all of the testimony presented by the Barrington residents and will have the signed & sealed copies presented by the Barrington Mayor to the Borough of Magnolia by Thursday, February 28, 2008.

Joseph Aupperle, 244 Evergreen Rd.: He is concerned about the time it will take for emergency vehicles to get to the development and feels Barrington will get on the site first.

Steve Kaplan, 510 Center St.: Does not agree with the traffic graphs for the proposed 62 units. Mr. Orth said the 62 units will equal 20 single family homes for traffic volume, not high volume. Mr. Kaplan feels the traffic should go through Magnolia and why is a high dense development proposed for this area? Mr. Cray responded that the State has determined the site a "Smart Growth" area and it has been approved under the redevelopment plan.

Debra Mele, 606 Sherwood Rd.: She is concerned if the traffic is directed to Otterbranch Dr., it would be a safety issue for the children who play at Tavener Park; also the residents may want a sound barrier for the traffic noise. The contamination studies are not user friendly and further testing should be done.

Thomas Cavallaro, 281 Evergreen Rd.: The chemical used for the fiberglass products was called "dentinal formaldehyde". When vates overflowed it went to an internal system, then to Otterbranch Creek. The current water table is 8'-10' and the ground is saturated now.

Jim Jarrett, 310 W. Jackson Ave.: He is concerned about the chemicals in the ground and the location to the Recreational Fields when construction starts and the dust is in the air. He wants a Phase II report done for the safety of the children who play in the area.

Jennifer Stuart, 226 E. Williams Ave.: She likes the proposed 6' fence around the pond; does not believe the traffic count is lower in 2008 than 2006; she would like the applicant to submit permits to the DEP; she requested the board to request a Phase II study and some confirmation regarding a five year pilot program not to collect school or county taxes.

Mr. Ward responded; your questions should be directed to the governing body, the board can only review for compliance under land use law and the local ordinance. The board can not request a Phase II report, that falls under the guidelines of the NJDEP. He suggested she speak to her legislatures regarding the Phase II report. Ms. Stuart suggested open space or have the traffic go through Magnolia.

Sandra Duganitz, 122 E. Williams Ave.: Is concerned about the health issues if the ground is contaminated, why not do a Phase II study? Mr. D'Anastasio said he hired a firm to do the report and there is no reason to do a Phase II. Ms. Duganitz is concerned about the safety of the children who play street hockey and the increase traffic cutting through her street, not all streets have sidewalks. The water table is high now, this will cause flooding.

Renee' Coppola, 520 Center St.: She is concerned about the possible endangered or threatened species in the field. She has sent pictures to the NJDEP department of endangered and threatened species and is waiting for a report. The applicant presented to the board; NJDEP letter dated February 11, 2008 (Exhibit 2/A-1) and the April 2006 Phase I report (Exhibit 2/A-2) for public record.

Elizabeth Moonen, 118 E. Williams Ave.: Would like less units built and would prefer open space. She questioned the board if public opinion does not count why are we here? Mr. Ward explained the process determined by state land use laws and the local ordinance requirements; if the applicant is compliant the board can not turn down the application.

Jackie Liccketto, 244 E. Williams Ave.: Why do we receive certified letters, if coming to the meeting is of no use? Mr. Ward explained that the public notice is a state requirement, anybody can be heard regarding an application, questioning if the application is appropriate and compliant. The board has listened to all of the testimony and the applicant needs to know all of the issues raised by the public and the board. Ms. Liccketto feels E. Williams Avenue will become a "Collector Street" if the plans remain the same.

Michael Cotter, 296 Sunset Rd.: A resident of Runnemede and his backyard goes to the Magnolia Public Works Department; he and his wife are over 55 and are still work for a living. He requested a continuance for the residents to complete their research for 90 days; requested the board to visit the site; he pointed out the traffic issue; he likes the open space not the town homes.

Andrea Hobbs, 232 Sunset Rd.: She requested to approve the continuance, so the report can come back regarding the wildlife on the property. The DEP wetlands map shows that herbatile species are threatened and that protection is provided by the borough, not the state.

Alex Esposito: Is there a letter of Interpretation from the DEP on the wetlands? Mr. Cray; the letter is on the freshwater wetlands and the DEP does an on site evaluation. They did not see a concern regarding endangered species.

Joe Aupperly, 233 Sunnybrook Rd.: Why was the site tested for farm chemicals, when it has been an industrial site for approximately 48 years? Why are you not going to check for industrial chemicals? Mr. Tedesco stated; the Phase I report dated April 2006 shows a No further action determination was received from the NJDEP in 1998. Mr. Ward clarified for Mr. Aupperly that the NJDEP has decided that there are no longer any areas of concern and he can contact the DEP and get a copy of that report. He also had some concerns regarding what fire company would respond in the event of an emergency.

Linda Hurd, 213 Oak Ave.: She grew up on Davis Rd. and never remembered a farm on the property, but remembers the colors in the stream being contaminated by Fiberglass. The property has never been cleaned up; she has family members who also have died of cancer; Davis Rd. has no sidewalks; traffic is a problem, the developer makes money and we live with the impact.

Being no further discussion, motions were made to close the meeting to the public. AIF-motion approved. Motions were made to continue the application to the March 26th meeting; the applicant can not attend on that date and requested to meet on March 19th.

Motions were made to continue the application at a special meeting on March 19th. AIF-motion approved.

COORESPONDENCE

Chairman discussed the new count and size of site plan copies for land development and variance applications. A recommendation was made to change the ordinance as follows: applications under the redevelopment zone will be 22, size 24" x 36"; applications not under redevelopment 20, size 24" x 36"; variance applications will be 17. Motions were made and approved-AIF-motion approved.

COMMENTS & DISCUSSION

Mr. Kreck; urged the borough to send a letter to DOT regarding improvements to the White Horse Pike, because the NJDOT accepted a fair share contribution in lieu of improvements to the White Horse Pike. Also the NJDOT has conditioned their approval upon the Borough of Magnolia passing a resolution that will restrict left turns from Washington Ave. onto the White Horse Pike.

Mary Martz; the ordinance changing the Parking space size to 9'x18' has had the second reading. She will have copies available when revisions are completed.

Robert Brown; if the Lions Head Plaza application is not coming back to the board, due we need to review the updated plans? Mr. Kreck suggested they should wait for his review letter.

OPEN PUBLIC

Alex Esposito thanked the board for the continuance of the application.

Mr. Ward explained the 95 day ruling vs. automatic approval. Mr. Ward said the board can deny the application if they do not have enough information to make an approval.

Paula Bonamassa: When does the open public portion of an application stop, can the public keep commenting on the same issues? Mr. Ward; the board has the ability to say, they have heard all of testimony on the same issue and if no new issues are presented for public comment then they can close the public portion and deliberate to make a decision.

ADJOURNMENT

Motions were made to adjourn the meeting at 11:25 pm. AIF-motion approved.

*AIF – All in Favor

*PWD – Public Works Department

*NJDEP – New Jersey Department of Environmental Protection

Respectfully Submitted by: Denise O'Kane, Planning Board Secretary

Official Copies should be requested through the Borough Clerks Office
by completing an Open Public Record Act Request Form. Contact us
at (856)783-1520 for additional information.