

CINNAMINSON TOWNSHIP COMMITTEE
May 16, 2016

The Regular Meeting of the Township Committee is being held at 6:30 p.m. in the Municipal Building, 1621 Riverton Road, Cinnaminson, NJ 08077. This meeting is being held in accordance with the "Open Public Meetings Act," P.L. 1975 c.231, having been advertised in the Burlington County Times on January 5, 2016 and sent to the Courier Post on March 22, 2016.

Committee Members Present: Mrs. Fitzpatrick, Mr. Minniti, Mr. Young, and Mayor McCarthy. Also Present: Attorney John Gillespie, Director King, Administrator, Michael Minton

Mayor McCarthy opens the meeting with the Pledge of Allegiance

Liaison Reports

Economic Development – Mr. Minniti

Actually I have three announcements this evening. Cinnaminson Township is pleased to announce that we have given our approval for application to Chipotle Restaurant and PDG which will be located on the corner of Cinnaminson Avenue and Route 130 at the Shops of Cinnaminson, as well as International House of Pancakes which will look to locate a pad in line with the Sleepys. It's good to see that activity is happening again and we hope that's a sign of good things to come. That's all I have.

Health/Senior Services and Veterans Affairs – Mrs. Fitzpatrick – none

Parks and Recreation –none.

Public Works – Mr. Young.

My report tonight is very brief. We have the following items; Our Spring clean-up day at Public Works is scheduled for this coming Saturday, May 21st. We will be open from 8am until 2pm. This has become a popular event, so much so, that we continue to hold it twice a year, Spring & Fall. We will have a gate keeper to make sure the event is reserved for our residents. This is your chance to get those unwanted items out of your garage, basement or storage shed. Unfortunately, we are still not able to take TVs or computer monitors.

We have completed our leaf collection pass through the community. If you have materials remaining, you can bring them to the rear of the library. They should be in some type of container, bag, etc. and not dumped off loose.

We do still have a great deal of leaf compost and wood mulch available for bedding materials, so please contact the Public Works office with your needs. Our brush pickup program is on and even a little ahead of schedule.

We continue to make pothole repairs and tree removals where appropriate. Since our budget for 2016 is now in place, we are in the process of putting a number of our capital projects out to bid. More to come on them by next month.

This concludes my report. Thank you.

Administration and Finance and Public Safety – Mayor McCarthy

I have three dates to announce for the Cinnaminson Police Dept. has an upcoming event – BBQ with the Cops on June 5th at the Cinnaminson Police Dept. Pirate Day which is the new DARE program is June 6th at Wood Park and National Night Out will be Aug 2nd and this year at Memorial Park which is a new venue. More information will be given in the upcoming weeks and will be posted on our website I'm sure. They are all good events. They were great events last year.

Administration – the results of an independent analyst's review of the Township building codes and enforcement of the same has shown an upgrade in our building code effectiveness rating from a 3 to a 4 in both residential properties and commercial/industrial properties. This grading is used in insurance underwriting. Special thanks to Brad Regn and John Marshall for their diligence with inspections and enforcements. And that's all I have except to remind people to try to visit our website at

www.cinnaminsonnj.org . It's a great website. It has a lot of information. If you take your time and get yourself familiar with it you'll find a lot of things that you need to know, dates, upcoming events, applications, permits, who to contact. You can always reach out. And as always I try to remind you to call 911 when in doubt if you feel something is wrong, don't hesitate. That concludes my report.

Old Business

Public Hearing on Ordinance 2016-9 – To amend certain provisions of Chapter 525 of the code of the Township of Cinnaminson – to establish standards for convenience stores with motor fuel dispensers for certain areas along the Route 130 corridor in Cinnaminson Township.

Open for Public comment –

Peter McArthur from Azrak & Associates, 627 Newark Pompton Turnpike, Pompton Plains, NJ on behalf of Bajwa Enterprises LLC. They have a business at 2601 Route 130 S., Cinnaminson, NJ, Block 702, Lot 23. I also have with me tonight Alexander Litwornia to testify on traffic and planning aspects of the proposed ordinance. First before I begin my statement I would like to ask Mr. Mayor when was the, there was a representation I believe by your solicitor that it was published in the Courier Post. May I ask when that was?

JOHN GILLESPIE: It was sent to the Courier Post.

LISA PASSIONE: I believe it went in the Friday before the April 25th meeting. April 22nd.

MR. MCARTHUR: Thank you very much.

MAYOR MCCARTHY: We can always confirm that.

MR. MCARTHUR: We're here to object to the passing of this ordinance and the paramount reason we're here tonight is because this ordinance is being passed, respectfully, to ensure that Wawa, who seeks to develop at block 702, lots 20 and 21 has a variance free application so it can appear at the Planning Board for site plan approval. This is yet another municipal legislative action in a series of municipal legislative actions to ensure that this development can be made in a variance free manner even if it's inconsistent with the master plan. Now last fall pursuant to section 525-65 of your ordinance, the BD regulations, Wawa would have been required to have several variances, a use variance under section 78-d6 and bulk variances for maximum building size, for maximum number of fueling stations, for maximum height of the building, for maximum height of the canopy. And they would have had to appear before the Zoning Board. And while this application as originally filed actually had some of these variances listed on the face sheet of the site plan that they filed. So then Ordinance 2015-22 was addressed which sought to amend section 411-8a of the redevelopment ordinance and it increased for convenience stores and gas the maximum building size from 4000 to 6000 square feet. And it increased the maximum height of the building from 20 feet to 30 feet, while their site plan ultimately showed 33 feet. It increased the maximum height of the canopy from 18 to 25 feet while this application showed 21 feet. It also increased the fueling stations from 9 to 12. Ultimately once that ordinance was passed, while amend face page of their site plan indicates to remove variances listed. There were then meetings had before this body where the Wawa application would proceed. Under section 411 of your ordinances and the local housing and redevelopment law of the State of New Jersey. Then subsequent to that there was Ordinance 2016-5 and that was addressed when it was discovered that Wawa application was not quite variance free and section 411 of your redevelopment ordinance was amended yet again. There was still a variance needed for front and side yard buffer to the residential use or zone of 7'. The application as it was filed did not meet that vs a vs the residential use on Taylors Lane and thus the ordinance was passed on April 4, 2016 taking out the word use or because it is an industrial zone behind that property, so that now the application was seemingly variance free, to proceed with no variances per the redevelopment ordinance and local housing redevelopment law. Then at the planning board meeting, as Mr. Mayor you know, I appeared on April 12, 2016 and this was the first meeting for the Wawa application. I argued several things. I argued that the redevelopment plan ordinance was invalid for several reasons. First because section 2.1 was invalid because the redevelopment ordinance and plan indicate that it superseded local ordinances and was (*unintelligible*) in violation of redevelopment law. I argued that the redevelopment ordinance usurped zoning board and planning board variance powers. That is section 4A of that ordinance. I then argued that Section 411.4b was violated because the consistency determination meeting was not had in conformance with your ordinance and that the redevelopment plan was inconsistent with the redevelopment ordinance and the master plan of this community. Most notably block 702, lots 20 and 21 were not in the redevelopment area. All of my arguments were rejected at that time. The meeting

proceeded. The meeting was carried to May 10th where we would present our witnesses in opposition. Subsequent to that meeting both my office and Mr. Litwornia's office, who is going to testify in a few minutes, confirmed through OPRA requests that the block 702, lots 20 and 21, the subject matter of the Wawa application was not in a redevelopment area and in fact there was no redevelopment agreement in existence between the redeveloper and the township. Then on or about the 18th of April there was a first reading on this ordinance and as you know it says that Township committee has determined that it is appropriate to amend the provisions of the BD zone business development district zone regulations to mirror those contained in the redevelopment area for this permitted use such that the same standard is applied to this use on all properties in the Township where the use is prohibited. I would state to you that that is circumventing the redevelopment regulations and the statute. There's no finding of blight or other factors existing in the BD zone that change the regulations and at the time, on the 18th of April, there was no other application besides Wawa for a convenience and gas. And mirror it does. Minimum lot size is the same, maximum building size is the same, maximum number of fueling stations, maximum number of stories. When we get to maximum height though it's pretty interesting because I had argued that a height variance pursuant to section 70 d 6 of the miscellaneous land use laws (*unintelligible*) And the other ordinance, that was section 411 when it was passed indicated it was 30'. This is now 35'. And Wawa's building is 33' tall thereby obviating that variance. The maximum height of the canopy was the same, 25'. The parking section was the same. The traffic study requirements were the same. When we get to landscape and buffering, particularly the minimum front side yard buffer and the landscape (*unintelligible*) we find that both provisions delete the words "use or" in front of the word zone in the language thus incorporating ordinance 2016 -5, again which was previously just for the redevelopment zone, now it's for the entire BD zone. The signage also remains the same. Then on May 6th Wawa withdrew its application without prejudice. Mr. Prime's letter stated that the applicant intends to submit a new application for preliminary and final site plan approval within the next few weeks. It is obvious that he is waiting for this ordinance to be passed so he can have a variance free application. Respectfully I would say to this body that this is spot zoning. Spot zoning is defined as the use of zoning power to benefit a particular private interest rather than the collective interest of the community. In *Cresca vs. Dumont* 15 New Jersey 238, a 1954 case, it describes spot zoning as zone changes mentioned previously were designed to relieve a property owner from the burden, in this case several general regulations will be stricken as impermissible lot zone. I would say to you that these requirements don't exist in the other zoned sites for development zone. There's no amendment to the master plan that was done and it does not serve a legitimate land use purpose which Mr. Litwornia will talk about. Now I notice on your April 26th Planning Board meeting that the ordinance was referred to the Board and my question is was there a report issued pursuant to that meeting to this body.

JOHN GILLESPIE: I believe there was yes. There is a memo from the Planning Board secretary indicating that the Planning Board considered the ordinance and found it to be consistent with the master plan.

MR. MCARTHUR: Is there a date on that Mr. Gillespie.

JOHN GILLESPIE: May 16, 2016. For the record I would have read this into the record when you concluded or Mr. Litwornia concluded. I will read it into the record now if I may.

MR. MCARTHUR: Go ahead.

MR. GILLESPIE: This is to Lisa Passione from Patricia Rucci dated May 16, 2016 re: Ordinance 2016-9. Please advise the Township Committee that on April 26, 2016 the Planning Board reviewed Ordinance 2016-9 and found it to be consistent with the master plan. End of memo.

MR. MCARTHUR: Thank you. Before I continue with my comments by indicating that I believe there's several sections of the master plan which this ordinance is inconsistent. In particular I'm looking at the 2009 land use plan element page 7. It states that the Township should develop a redevelopment strategy for the Route 130 corridor to determine the appropriate land uses and establish design standards. And again here as I've previously stated, I respectfully say that you're avoiding the redevelopment statute plan and ordinance. In item #9 on the same page it talks about changing Route 130 commercial district to BD to provide an integrated system of land use management for redeveloping Route 130 corridor. It's not integrated for the Route 130 corridor. It's just one property we're talking about. The BD zone on page 9, while actually I should step back and say on page 9 there's an identification of various redevelopment zones in the area. In sections 1 thru 4 block 702, lots 20 and 21 are not in sections 1 thru 4. In fact one of those sections is not even in the BD zone. Furthermore, on page 16 it talks about promoting the redevelopment of vacant and under utilized commercial sites located along Route 130. This site has an existing business on it. It's not vacant and it's fully utilized. So at this time I'd

like to ask Mr. Litwornia to step forward so I can qualify him for this board as a planner, and also as a traffic expert.

MR. GILLESPIE: Mr. Litwornia would you raise your right hand please. Do you swear or affirm that the testimony you are about to give before the Township Committee this evening is the truth, the whole truth and nothing but the truth so help you God?

MR. LITWORNIA: Yes sir.

MR. MCARTHER: Mr. Litwornia can you go through your qualifications please.

MR. LITWORNIA: Basically I've been doing traffic and transportation planning for 30 years. I've worked in the County as transportation inspector prior to (*unintelligible*) here for about 5 years. I'm responsible for the construction management of the courthouse as well as parking studies and traffic studies and traffic signals throughout this County. I was also on the Governor's Advisory Committee for highway access as the Governor's representative. I was also on the Interstate Study Task Force to review traffic and transportation volume between New York State and New Jersey. I was on the Long Island Sound Bridge study. I provided reports to Congress and represented and still represent various municipalities throughout New Jersey in doing traffic and transportation as well as planning. I don't represent municipalities on planning. It's just an alternate planner from Medford Township.

MAYOR MCCARTHY: For the record could you restate and spell your name for us please.

MR. LITWORNIA: Certainly, LITWORNIA

MAYOR MCCARTHY: And your company name?

MR. LITWORNIA: Litwornia and Associates in Medford Lakes, New Jersey.

MAYOR MCCARTHY: Thank you.

MR. MCARTHUR: At this time I'd like to have Mr. Litwornia accepted as an expert planner and

MR. GILLESPIE: Do you have a resume with you?

MR. LITWORNIA: Certainly.

MR. GILLESPIE: Now I'm not sure that I understood that he was offering his qualifications as both a planner and a traffic engineer or as a planner or as a traffic engineer?

MR. MCARTHUR: Both sir.

MR. LITWORNIA: I am a professional engineer and a professional planner in the State of New Jersey registered as to both.

Mr. Litwornia submits resume to Mr. Gillespie.

MAYOR MCCARTHY: Any questions? Are we okay to accept?

MR. GILLESPIE: This is a legislative hearing so it's not a quasi hearing so I don't know that it's necessary to accept or not accept Mr. Litwornia's credentials. But I think that the Township Committee certainly should hear from Mr. Litwornia. I don't believe that we need to say yes he's qualified or no he's not qualified. I think we can just go ahead and hear from him.

MR. MCARTHUR: So you're accepting his testimony as expert testimony?

MR. GILLESPIE: Under the statue we have to accept anybody's comment or testimony. So again that's why I don't believe it's necessary. This is not a quasi-judicial proceeding. Go ahead.

MR. MCARTHUR: Mr. Litwornia what did you do to prepare for this meeting?

MR. LITWORNIA: Basically what I did was I reviewed the ordinances and master plan, visited the site, reviewed the prior master plan as well as the redevelopment plan and reexamination reports. I reviewed the traffic study that was provided with the application under the board meeting. And I looked at other sites similar to this as far as the development of the Wawa stores. The first thing I looked at was the master plan that was the August 89 master plan to get a perspective to follow for chronology exactly what was called for in the corridor. And as I looked through it I found that on page 9 the goals and objective in the master plan call for limiting driveway improvements and improved access drives in reducing accidents along North Route 130. I also saw that on page 11 goal 2d calls for DOT improved design standards and performance standards in commercial zones. Page 20 said that the commercial land use, the redevelopment along Route 30 it notes without providing land use patterns and design controls in the commercial corridor. The development and redevelopment would be undermined. So basically what it's saying in that section which is important is that the goals and objectives are all calling for basically larger scale stores. It is also calling for design standards for designing along the front of the highway for buffers with trees along the road, with sidewalks etc. with special lighting to create as it says on page 23 a visually pleasing Route 130 corridor with smooth traffic flow. And that's usually by limiting driveway access and putting in projects that are having access through shared driveways and larger off parallel roads. In other words if you have a highway like 130 and you can interconnect shopping plazas and other things with your parallel access road you can maintain good access on the main highway as well as getting

more traffic between different sites on the side of the road. So goal 3b, 1b and subparagraph (1) recommendations on page 27 of the 1989 master plan says primary uses along Route 30 should include corporate, administration, professional offices, banks, other financial corporate offices, hospitals, rest homes, municipal uses and public utilities. Other commercial uses such as cafeterias limited to office uses. Code 1d subparagraph (2) Design guidelines are required to address visual quality, traffic flow and safety. Then it goes into some guidelines on page 28, 40,000 square foot minimum lots, coordinated shared access to reduce curb cuts and better traffic flow, buffers along route 30 to provide a frame of common green element along Route 30 as a design element. A buffer along Route 130 and better parking concept to help better design the corridor and provide, on page 29 it follows, under the guidelines provide quality land use in the corridor with limited signage. On page 30 uses in the commercial district recommended it should note did not include gas stations. So when it started off basically the idea was to provide larger lots, improve the lots, put them together, have common shared driveways, limited access onto 130 go to basically a scenic type of a corridor that you'd like to have everybody come to to shop and have as an improvement. After that the next thing that came out chronologically was the redevelopment plan. The redevelopment plan basically followed what the master plan in 1986 said. Page 23.1 it says the Township Committee ultimately hopes to improve not only commercial shopping opportunities for municipal residents but also employment and other opportunities as well as aesthetic improvement to these redevelopment areas. And I think the master plan in 1989 and redevelopment plan both come up with the same thing. They want to have this same scenic, aesthetic corridor coming out. And if you can do that you can maintain a good quality store and commercial activity within that area. And as it was stated before in page 20 of the first master plan in 1989 if you don't do that you modify it then the development and redevelopment will be undermined. That's one of the things that municipality has to be careful about. If you don't stay with that you're going to undermine the general intent of the master plan and the redevelopment plan. But that was the old plan. So we moved on to the reexamination report of April 2005. Chronologically that was the next thing to look at. On page 12 it accepted the redevelopment boundaries from Planning Board adopted performance and design standards. Page 13 on Route 130 recommendations was to eliminate incompatible businesses, reduce curb cuts which is still consistent, assemble small parcels with shared driveways, consistent, enhance spacial characters of the corridor consistent with the first two steps that we went over. Improve circulation of 130 including intersections and create new commercial centers. Everything there is consistent with the previous master plan as well as the redevelopment plan. Page 13 says improve Route 30 and Taylors Lane. Page 24 it goes over the unified vision for the Route 130 corridor. Linear tree plantings, improved lighting, trees 20 feet apart, 14 foot high, as initial plantings along 130. And it states this isn't called for consistently blocking the view of the site, but putting limited landscaping at low heights with the trees to provide good sight distance to the commercial stores but still create something that will enhance the entire corridor. On page 25 it says remove the gas station in the north corner of closed Caldor's, motels and residential site unit areas. Which is pointed out that there is no gas stations allowed along the corridor and one of the ones that was there was called in the master plan actually to be removed. And to page 31 to incorporate design standards in the redevelopment zone into the land use ordinance. The next thing we looked at was the circulation plan from the 2009 land use changes. And in that it's quoted a lot of the Burlington County Transportation plan along 130 to Andover to Taylors Lane is a problem location. It's stated in figure 3 from the County plan that there were 160 accidents in the intersection between 1997 and 2003 at the intersection of Taylors Lane and Route 130. Figure 4 shows that there was an additional 27 accidents at the jug handle at Taylors Lane and 30 other accidents at the jug handle on the far side, not inside the intersection, but when you add them together it was one of the top 10 in the County plan with accident problems.

MR. GILLESPIE: What document is that that you're reading from Mr. Litwornia?

MR. LITWORNIA: That is quoted in the circulation plan from October 2009 in figure 3 and figure 4.

MR. GILLESPIE: Thank you.

MR. LITWORNIA: Then as we follow the next thing was the land use element 2009. We get to the land use element on page 7 it has a few things in it. No. 6 item was new design standards were recommended. 7. The Route 130 corridor should be commercial focused which is consistent through all these. 8. Route 130 should have appropriate design standards which is consistent through whatever we were looking at. 9. Route 130 corridor is recommended for businesses only. 10. Design guidelines were recommended. On page 9 5. Aesthetic standards were called for. That's consistent to what the entire theme of things. Page 16 the community design calls for design standards visually and functionally

compatible plans harmonious in scale and location. Design standards for signs and buffers and encouraging development of office complexes and larger scale development. But basically as we go through this it is consistent that the Township knows what it wanted to have. It wanted to have larger scale development in the area. It was interested in having tree frontage with sidewalks. It wanted landscaping to tie the entire commercial corridor together. They wanted the corridor to be consistently done with a, let's put it as a flare for the entranceway to the Township.

MR. MCARTHUR: Mr. Litwornia did you have any conclusions from this analysis or did you look at additional items. For example did you also look at the need for a service station?

MR. LITWORNIA: While I did look at the need for a service station as well and that's an interesting thing. There is presently with the Obama administration there were various things that were done to increase efficiency of vehicles so that they would use less gasoline. The data shows that there was a trend for less gasoline stations in the United States over the past years due to the fuel efficiency. Less gasoline is used per person now. Now the US EPA has been striving for years to obtain less emissions from automobiles and buses and trucks. More efficient vehicles need less fuel. On page iii of the executive summary (*inaudible*) shows fuel economy has increased from 13.1 miles per gallon in 1975 to 22.5 miles per gallon in 2010 with a projected of 27.8 for 2011. There is a correlation of better fuel economy producing less gasoline per mile and thus less gasoline being consumed. New Jersey basically increased from 1994 to a peak in 2003 and then from 2003 and beyond the 2009 levels are similar to 2001 levels. So basically what happened is that as you went to 2009, from 94 to 2003 then you peaked in the amount of gasoline that was used. After that the gasoline has been trending down not up.

MR. GILLESPIE: Mr. Litwornia what is the source of your reference. You seem to be reading from. What are you reading from?

MR. LITWORNIA: I'm reading from a portion of text that I took, the first portion was from the Executive Summary of the Light Duty Automotive Technology Carbon Dioxide Emissions and Fuel Economy Trends.

MR. GILLESPIE: Published by whom?

MR. LITWORNIA: Published by US EPA.

MR. GILLESPIE: So you'll leave that with us then since you're reading from it?

MR. LITWORNIA: Yes, I can leave it with you.

MR. GILLESPIE: And what is the date of that document sir?

MR. LITWORNIA: The date of this document dated May 16, 2016 of what I have written. I don't have a date of the EPA document. I will provide a copy of the text and the references for you.

MR. GILLESPIE: Do you have a report, and I know that Mr. McArthur is walking you through some testimony, but did you prepare a report that would be able to be submitted to the governing body this evening?

MR. LITWORNIA: I have provided to Mr. McArthur an outline of my testimony.

MR. GILLESPIE: I don't want to put Mr. McArthur, I don't know if he's prepared to offer that. What I'm concerned about is I thought I heard you referencing what you were reading from something that seemed to end in 2011. In other words, conclusions from what you were reading from were reached in or around 2011.

MR. LITWORNIA: Correct

MR. GILLESPIE: Did I not hear that correct? Or did I hear that right?

MR. LITWORNIA: Right, before all the information gathered it takes a couple years because it's a national publication from the EPA.

MR. GILLESPIE: Okay and I thought I heard you start your discussion in that regard when you said the Obama administration has proposed regulations to increase the efficiency of vehicles to use less gasoline. And then you said data shows. So just so we're all on the same page to what regulations were you referring from the Obama administration that would increase efficiency of vehicles to use less gasoline and are those regulations in effect or are they proposed regulations?

MR. LITWORNIA: They are in effect and they are from the Clean Air Act. The administration follows through on the Clean Air Act.

MR. GILLESPIE: And you are going to provide us with these studies when you say data shows do you have that data and those studies with you.

MR. LITWORNIA: I don't have all the data with me. I reference it but I can provide that.

MR. GILLESPIE: Thank you. Go ahead.

MR. LITWORNIA: The US Department of Energy Vehicle Technology Program indicated that the trend is definitely down. There were over 2002 gas stations in 94, there are only 164,000 in 2007. That's a decrease of almost 20%.

MR. MCARTHUR: So Mr. Litwornia do you think there is a need for another convenience store?

MR. LITWORNIA: As far as gas stations, there's no need for another gas station. And if you put this one in then probably another one is going to go out of business in the area.

MR. MCARTHUR: And Mr. Litwornia you heard my comments with respect to my review of the master plan and the 2009 Land Use Plan element here in Cinnaminson Township. Do you concur with my statements?

MR. LITWORNIA: Yes.

MR. MCARTHUR: And based upon the reasons you have given here tonight is it fair to say that it is your opinion that this proposed ordinance is inconsistent with the various provisions of the master plan?

MR. LITWORNIA: Well there's two parts, or three parts. One part is as far as this being aesthetic and leaning out to aesthetic in nature of a corridor that's supposed to be something that's pulling in traffic and larger scale developments. Wawa certainly doesn't fit into that type of aesthetic structure in my opinion. That's number one. Number two it has a small lot. It's not the smallest lot along the block I would say but it is a cramped lot for a Wawa which has the amount of traffic that it is going to have on that site. And the reason that I say that is because Wawa's frequently been known for generating 250 to 450 trips on average in the (*unintelligible*) or an (*unintelligible*) amp? . So they are a large generator of traffic. A large generator of traffic does not lend itself to one of the major intersections with a high accident rate inside the Township especially since there were some significant number of accidents at the jug handle which is going to be realigned where with the Wawa drive. Now those are traffic considerations and safety considerations that are contrary to what's in the master plan which calls for cutting back traffic and coming up with safer driveway design. That doesn't to me make it. And number three, the third thing that I was thinking about was basically that the trees etc. in the buffer along the front of the property which is called for linking all the different lots, with specialized lighting and sidewalk and pedestrian amenities there's no where in site on this site. It's not there. It's not going to be there because there's not enough room to provide it.

MR. MCARTHUR: Thank you Mr. Litwornia. That concludes my statement and my presentation Mr. Mayor. Thank you very much.

MR. GILLESPIE: Mayor, may I ask Mr. Litwornia a couple of questions.

MAYOR MCCARTHY: Sure.

MR. GILLESPIE: Mr. Litwornia the studies upon which you relied, I think you mentioned EPA and you talked about these conclusions Mr. McArthur asked you. Based upon these studies is it your opinion that no more convenience stations are needed. Mr. McArthur said convenience stations and you said gasoline stations. And you said no they're not needed right? Is that what your conclusion was?

MR. LITWORNIA: Yes.

MR. GILLESPIE: Now these were nationwide studies that you were looking at?

MR. LITWORNIA: Correct.

MR. GILLESPIE: These were not studies that were prepared in New Jersey specifically were they?

MR. LITWORNIA: No. The only one that was prepared specifically for the New Jersey/Philadelphia area was one that indicated that the amount of traffic from Wawa is significantly greater than what is used in traffic flow reports.

MR. GILLESPIE: And when was that study prepared?

MR. LITWORNIA: Within a couple years.

MR. GILLESPIE: And you'll provide us with a copy of that?

MR. LITWORNIA: Yes sir.

MR. GILLESPIE: But again going back to the studies that lead to the conclusion that another service station isn't needed because data shows less cars using gasoline, that was nationwide, that was not New Jersey?

MR. LITWORNIA: I believe one of them indicated the number of gas stations that were in New Jersey, but it wasn't specifically a New Jersey study.

MR. GILLESPIE: Did that study reach any opinions or conclusions about the need for more gas stations in New Jersey or are you simply reporting statistics?

MR. LITWORNIA: It is statistical documentation.

MR. GILLESPIE: And given your area of expertise that you have proposed yourself to possess is it correct that New Jersey is still the most densely populated state in the nation?

MR. LITWORNIA: I don't know if it still, I haven't maintained my scholastic abilities to determine the answer to that question.

MR. GILLESPIE: Would you agree with me that New Jersey is considered at least one of the most densely populated states in the nation?

MR. LITWORNIA: Correct and one of the most densely populated area in the state and traffic wise in the country is around Newark airport.

MR. GILLESPIE: And that New Jersey from north to the Delaware Memorial Bridge is one of the most heavily traveled states in the nation. Isn't that right?

MR. LITWORNIA: It's heavily traveled.

MR. GILLESPIE: Did you have an opportunity to do any studies or did your conclusions include any reference to the volume of traffic on Route 130 itself?

MR. LITWORNIA: No, I just looked at the traffic volumes that were reported in the traffic studies that were done by the municipality.

MR. GILLESPIE: But you didn't undertake any study of traffic volumes along Route 130 in Cinnaminson, Delran, in this corridor for the last five or ten years?

MR. LITWORNIA: No I didn't study the corridor traffic.

MR. GILLESPIE: You talked about sidewalks and landscaping and the importance of aesthetics. This is an ordinance that covers the BD zone. I know that you were trying to reference in the context of Wawa but this is not a Wawa ordinance. It is a BD zone ordinance. Mr. McArthur talked about how it intended to mirror, and I don't think there's any question about intended to mirror the redevelopment area standards. Did you have occasion to review the application to which Mr. McArthur referred that Wawa had filed back in February, March or April?

MR. LITWORNIA: I reviewed that application yes.

MR. GILLESPIE: Did you review your client's application?

MR. LITWORNIA: No I did not. I was not hired to look at that so I don't know what it said.

MR. GILLESPIE: Are you able to give an opinion to this committee as to whether or not your client's application is consistent with the master plan?

MR. LITWORNIA: No I cannot.

MR. GILLESPIE: Are you able to give this committee an opinion on whether or not your client's property as approved by the Planning Board last year would meet the standards of this ordinance?

MR. LITWORNIA: I didn't look at the application so I couldn't answer any questions about it.

MR. GILLESPIE: So in terms of whether or not this ordinance promotes the aesthetic views outlined in the master plan are you able to give an opinion on whether or not the approvals granted to your client last year meet those standards established under the master plan for aesthetic purposes?

MR. MCARTHUR: He indicated that he didn't look at it so.

MR. GILLESPIE: Are you instructing him not to answer at a legislative hearing?

MR. MCARTHUR: I'm not instructing him not to answer but respectfully the question has been asked and answered many times. He was not involved in Mr. Bajwa's application and nor is Mr. Bajwa on trial here tonight.

MR. GILLESPIE: No one is on trial. Are you answering for Mr. Litwornia that his answer is?

MR. MCARTHUR: No sir I'm not. I'm making a statement.

MR. GILLESPIE: Mr. Litwornia can you answer my question.

MR. LITWORNIA: I know nothing about the other application but that it was viewed by the Board so it would be up to the Board and the Township to determine if it was enough.

MR. GILLESPIE: That's correct. I don't have any other questions of Mr. Litwornia.

MAYOR MCCARTHY: Does anyone else on committee have any questions? (None)

MR. MCARTHUR: Thank you.

MR. YOUNG: I do, I have one question. Would your testimony that you gave tonight before this committee be exactly the same as it would have been a year ago based on the data that you reviewed?

MR. LITWORNIA: In what way?

MR. YOUNG: If this were a year ago is the data you....

MR. LITWORNIA: *Unintelligible* with ordinances etc?

MR. YOUNG: Yes sir.

MR. LITWORNIA: I don't see anything different. The only thing different would be if there was a Wawa application a year ago on that same corner everything would be remaining the same in my testimony because I've addressed it for gasoline stations and I addressed it towards the higher traffic volume.

MR. YOUNG: Okay, thank you.

MAYOR MCCARTHY: Any other comments from the public on Ordinance 2016-9? Seeing no one coming forward we'll close that portion of the meeting. Any questions or comments from committee on Ordinance 2016-9? None

MOTION TO ADOPT ORDINANCE 2016-9 MADE BY MR. MINNITI, seconded by Mr. Young. Aye – Mr. Minniti, Mr. Young, Mr. McCarthy. Abstain – Mrs. Fitzpatrick. Ordinance is adopted.

New Business

Motion to add to consent agenda to sponsor one boy and one girl delegate to the Boys State and Girl's State which is \$300 each. MOTION MADE BY MR. YOUNG, seconded by Mr. Minniti. All aye.

Motion to add to consent agenda to accept and file the monthly Municipal Court report or receipts and disbursements for month ending April 30, 2016. MOTION TO ADD MADE BY MR. YOUNG, seconded by Mayor McCarthy. All aye. Reports added to consent agenda.

Public comment on consent agenda only – No comments

Consent Agenda

Motion to Approve raffle licenses for Durand Foundation on 10/14/16

Resolution 2016-63 authorizing the Tax Collector to reimburse and cancel taxes pursuant to exemption for Totally Disabled Veteran's status for Thomas R. Fillmyer

End of consent Agenda

MOTION TO APPROVE CONSENT AGENDA MADE BY MR. MINNITI, seconded by Mr. Young. All aye. Consent agenda is approved.

Minutes – Motion to approve minutes from April 25, 2016 and May 2, 2016 made by Mr. Minniti, seconded by Mr. Young. All aye. Minutes approved.

Bill List

MOTION TO APPROVE BILL LIST MADE BY MR. YOUNG, seconded by Mayor McCarthy. All aye. Bill List is approved.

Public Comment

CINDY PIERSON, 622 Pompess Ave – Is the 21st still clean up day for paint etc?

Kudos on the Boys and Girls state thing. We are doing cleanup down at Cinnaminson Harbor, at the river bank because Philadelphia sends all of its trash to our side of the river because they have a bulkhead and we don't.

The people of Cinnaminson Harbor have been very enthusiastic about helping out and we're really looking forward to having a cleanup on the 11th and the 25th, just 2 hours each Saturday. It will be quick and hopefully we'll be able to do it every month and keep it nice and neat. Lastly my duck is here to remind everyone that the duck race is on June 4th at Riverton Park. It's a fundraiser for the Watchdogs of the Watershed. We'd love to see you there. You guys have to enter this year and beat Ben. You can contact me at 609-760-3223. Thank you.

End of Public Comment

Comments from Committee – None

A MOTION TO ADJOURN IS MADE BY MRS. FITZPATRICK, seconded by Mayor McCarthy. Meeting adjourned.

Duly passed and adopted

Respectfully submitted,

Lisa A. Passione