

Florence, New Jersey 08518-2323  
May 17, 2010

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairperson Hamilton-Wood called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Chairperson Hamilton-Wood then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the municipal complex."

Upon roll call the following members were found to be present:

Mayor Bill Berry (LATE)	Wayne Morris
Mildred Hamilton-Wood	Council Representative Sean P. Ryan
Tim Lutz	Frederick Wainwright
James Molimock	Charles Bauer

ALSO PRESENT: Solicitor David Frank  
Engineer Dante Guzzi

ABSENT: Paul Ostrander

Chairperson Hamilton-Wood stated for the record that Planner Petrongolo had been excused from the meeting.

## RESOLUTIONS

### **Resolution PB-2010-07**

**Finding Ordinance No. 2010-07 substantially consistent with the Master Plan and authorizing report to the governing body.**

Motion of Morris, seconded by Molimock to approve Resolution PB-2010-07.

Upon roll call the Board voted as follows:

YEAS:	Hamilton-Wood, Lutz, Ryan
NOES:	None
ABSENT:	Ostrander, Berry
INELIGIBLE	Molimock, Morris, Wainwright, Bauer

## MINUTES

Minutes from the meeting of April 19, 2010.

33.

Member Bauer stated that attendance roll call on the Minutes from April 19, 2010 listed him as both absent and present. He was, in fact absent. Board Clerk Erlston will correct this.

Motion of Ryan, seconded by Lutz to approve the Minutes with the noted correction. Motion unanimously approved by all members present.

#### CORRESPONDENCE

- A. Letter from Burlington County Planning Board dated April 15, 2010 regarding CoFlow subdivision, Block 165.01, Lots 2.10, 2.11, 2.12.
- B. Letter from State of New Jersey Department of Transportation dated May 10, 2010 regarding submission of permit applications to New Jersey Department of Environmental Protection for US Route 130 over Craft's Creek Bridge Replacement Project.
- C. Letter from State of New Jersey Department of Transportation dated May 10, 2010 regarding submission of an application for Flood Hazard Area Verification to New Jersey Department of Environmental Protection for US Route 130 Crossing of Craft's Creek.

Motion of Ryan, seconded by Morris to receive and file Correspondence A through C. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for Application PB#2010-03 for Roma Bank. Applicant is requesting amended Preliminary and Final Major Site plan for Roma Bank Phase II (Offices at Mallard Creek) for a proposed 25,720 sq. ft. medical and general office building at 2160 Route 130, Florence Township. Block 166.13, Lot 1.

Chairperson Hamilton-Wood stated that this application was scheduled for an administrative completeness hearing only. There would be no hearing on the substantive matters.

Solicitor Frank stated for the record that the applicant had published notice for this application so the Board could take jurisdiction and continue the hearing to the next meeting.

Vice Chairman Lutz stated that he had a conflict, recused himself and left the dais.

Rudolph Palumbi, Jr. stated that he was the attorney for the applicant, Roma Bank. He said that he understands that this is an administrative completeness hearing, but asked for the Board's indulgence to allow discussion of requested variances as the applicant's engineer, Teal Jefferis was in attendance. He stated that the waivers were noticed.

Chairperson Hamilton-Wood said that it was her understanding that this hearing was for completeness only and once completeness is determined it is typically this Board's procedure to have the applicant come back. She stated that the Board's planner had been excused from this evening's meeting since they didn't think that they would need him.

Attorney Palumbi stated that he had reviewed the Board engineer's report and with respect to the issues of completeness it will be very simple for the applicant to comply with all of them.

Solicitor Frank stated that there had been an email conversation between Board Planner Petrongolo, Chairperson Hamilton-Wood and himself regarding the status of Planner Petrongolo's review and his understanding that Roma Bank was on the agenda for completeness only and therefore he had not completed his review.

Attorney Palumbi stated that they were just asking as this property had an approval from 2002 for this Block 166.13, Lot 1. They never got Final approval and they are amending the Preliminary.

Chairperson Hamilton-Wood stated that the Board was not prepared to go through with that this evening.

Solicitor Frank asked Attorney Palumbi if it was his representation that the applicant was prepared to comply with submitting Items A, B, & C on page 2 of Engineer Guzzi's report? Attorney Palumbi answered that it was.

Attorney Palumbi stated that the applicant's engineer would not be available for the June meeting and asked if the Board would agree to carry this hearing to July and if the Board would at that time hear the application for both Preliminary and Final approval. Chairperson Hamilton-Wood stated that the Board would agree to this providing that the applicant agreed to extend the time limit for Board action.

Solicitor Frank asked Engineer Guzzi if it would be beneficial to have a meeting between the Board's and the applicant's professional staff prior to the meeting. Engineer Guzzi said that he did not think that a meeting would be necessary but Mr. Jefferis would have the opportunity to revise the plans to comply with the professional's reports and submit revised plans in an adequate time to be reviewed prior to the July meeting.

Attorney Palumbi stated that he would like to continue this application to the July 19, 2010 with no additional notice required.

Chairperson Hamilton-Wood asked Engineer Guzzi if there were any other items on his report that need to be addressed.

Engineer Guzzi referred to his review letter dated May 12, 2010 and gave the Board an overview of the 3 completeness items that remain open.

Item A. The Tax Map sheet number should be indicated. Item B. The limit of floodplain should be delineated or a waiver requested. Item C. The proposed building setbacks and distances between buildings should be shown on the plan. He stated that the applicant has agreed to supply this information.

Mayor Berry arrived at 7:41 p.m.

Motion of Ryan, seconded by Wainwright to deem the application conditionally complete and to carry the application to the July 19, 2010 meeting.

Upon roll call the Board voted as follows:

YEAS:	Hamilton-Wood, Molimock, Morris, Ryan, Wainwright, Bauer
NOES:	None
ABSTAINED:	Berry
ABSENT:	Ostrander

Vice Chairman Lutz returned to the dais.

Chairperson Hamilton-Wood called for Application PB#2010-04 for Cream-O-Land Dairies, LLC. Applicant is requesting Preliminary and Final Major Site Plan with bulk variances for the purpose of siting a trailer adjacent to the existing building on the site located at 529 Cedar Lane, Florence. Block 155.47, Lot 12.01.

Chairperson Hamilton-Wood stated that this application has to be amended from an amended major to a minor site plan. Solicitor Frank stated that the applicant had withdrawn the application for the Major Site Plan and will be submitting a Minor Site plan application and will provide notice for the June 21, 2010 meeting.

#### OTHER BUSINESS

- A. Florence Township Ordinance No. 2010-07. An Ordinance of the Township of Florence amending Chapter 91 of the Florence Township Code and specifically amending Section 91-74 to require sidewalks as a condition of Land Use approval and of construction permits. Adopted by Council on April 21, 2010 and due to take effect on May 15, 2010.

Solicitor Frank stated that in the packets there was a sequence of correspondence between Solicitor Kearns and himself. The first correspondence was the memorandum that Solicitor Frank sent to the governing body at the Board's request stating the Board's concerns with the ordinance. He stated that it was his understanding that on that evening, notwithstanding the Board's concerns, the ordinance was adopted as introduced.

Following the adoption of the ordinance there were several correspondences back and forth between the solicitors. The present status is that Solicitor Kearns is suggesting that there be a joint meeting between the Mayor and Council and the Planning Board to

discuss Land Use policy and how the Planning Board and Council can best move forward together, especially in response to the recently passed "Time Of Application Law". Council suggested either the Planning Board meeting of June 21, 2010 or a special meeting on June 30, 2010 at 7:00 p.m. for a joint discussion.

Chairperson Hamilton-Wood asked if there were many applications on the June 21, 2010 agenda. Board Clerk Erlston answered that there was the Preliminary Major Site plan for Whitesell and the Minor Site plan for Cream-O-Land, both which have been continued from this meeting to June.

Chairperson Hamilton-Wood asked what the Board wanted to do? Vice Chairman Lutz stated for the record that he was offended by the tone of Solicitor Kearns' letter. He stated that the questions that he had asked via email have not yet been addressed. He stated that he doesn't feel that the Planning Board is against sidewalks on Route 130 but feels that they should be given the same opportunity as past Planning Boards to make a correct decision on waivers as needed as the Board reviews the entire process. He stated that he was open to a meeting.

Mayor Berry stated that he thought that a meeting would be in the best interest of both groups not just in regards to the sidewalk issue but for the Time of Application law.

Solicitor Frank stated that he would have to see what Solicitor Kearns has in mind and would speak with the Board's planner. Chairperson Hamilton-Wood stated that the Board has recently completed a Master Plan review. Solicitor Frank said that this Time of Application Rule changes everything. It essentially says that the Township's regulations are frozen in time from the moment that someone submits an application. The town cannot alter them while that application is pending. So what we have to do in response of that is have a higher level of comfort that our regulations actually meet our concerns and goals.

Chairperson Hamilton-Wood asked if another Master Plan review would be necessary? Solicitor Frank stated that he would have to check with Solicitor Kearns to see what his objectives are in regards to that issue.

Council Representative Ryan said that there are a couple things. One is taking a hard look at everything on the books to make sure that there is a comfort level with it acknowledging the Time of Application Law. Solicitor Frank stated that this law would take effect in a year and that will give us time to tune up our regulations. Council Representative Ryan stated that this was a risk management issue. Chairperson Hamilton-Wood said that her concern is that this is a lot to accomplish in a few hours. Council Representative Ryan stated that this is a starting place. He stated that it is important the Council and the Planning Board work well together on certain potential development opportunities.

Chairperson Hamilton-Wood asked what the process of this meeting would be? Solicitor Frank stated that the Council is the pre-eminent body so they convene the meeting and

the Board would jointly convene their meeting. Chairperson Hamilton-Wood stated that there are obviously some goals here and we need to establish an agenda and get those goals together so we all know what we are coming to talk about. She said that there is a little bit of difference in interpretation of what the law is and this needs to be addressed.

Member Molimock asked Solicitor Frank if there should be more correspondence between himself and Solicitor Kearns prior to this meeting. Solicitor Frank said that he thinks there needs to be an agenda established, perhaps have some presenters, and have something that focuses us on how to work together so that the meeting can be productive.

Solicitor Frank gave the Board an explanation of the history of Land Use, the Land Use Law and the specific powers of the governing body and the Board.

Chairperson Hamilton-Wood stated that her wish is that there be some formalized agenda. She stated that the regular June meeting of the Board has a busy agenda already so there would have to be a special meeting for this.

Solicitor Frank said that the fifth Wednesday, June 30, 2010 is a good day as there are usually no conflicts on the fifth week.

Member Bauer, who had been absent at the last meeting, asked for an explanation of ordinance. The Board then had an in depth discussion regarding Ordinance 2010-07 and how it affects the Board.

Motion of Wainwright, seconded by Lutz to direct Solicitor Frank personally meet with Solicitor Kearns and iron out the difference between the legal problem and the policy/power issue prior to the special joint meeting that will be tentatively scheduled for Wednesday, June 30, 2010. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood opened the meeting to public comment. Seeing no one wishing to offer comment, motion was made by Lutz and seconded by Berry to close the public portion. Motion unanimously approved by all members present.

Motion of Berry, seconded by Morris to adjourn at 8:34 p.m.

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Paul Ostrander, Secretary

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