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Florence, New Jersey 08518-2323  
January 24, 2017

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

Board Clerk Federico 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:

Mildred Hamilton-Wood	Thomas McCue
James Molimock	Ray Montgomery
Wayne Morris	Council Representative Ted Lovenduski
Mayor Craig Wilkie	Russell MacArthur, Alt. #1
Jane Collins, Alt. #2	

ABSENT: None

ALSO PRESENT: Solicitor David Frank  
Engineer Hugh Dougherty  
Planner Barbara Fegley

#### SWEARING IN AND SEATING OF NEW MEMBERS AND/OR ALTERNATES

Solicitor Frank administered the Oaths of Office to Wayne Morris as a Class II member for a one-year term expiring December 31, 2017; Thomas McCue as a Class IV member for a four-year term expiring December 31, 2020; Russell MacArthur as a Class IV member, Alternate #1, for a two-year unexpired term expiring December 31, 2017; and Jane Collins as a Class IV member, Alternate #2, for a two-year term expiring December 31, 2018.

#### ELECTION OF OFFICERS FOR 2017

##### **A. Election of Board Chairperson**

Solicitor Frank asked for nominations for Board Chairperson. It was the Motion of Lovenduski, seconded by Montgomery to nominate Member Hamilton-Wood for Chairperson. It was the Motion of Morris, seconded by McCue to close the nominations. Nomination unanimously approved by all those present Chairperson Hamilton-Wood chaired the meeting at this time.

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**B. Election of Board Vice-Chairperson**

Chairperson Hamilton-Wood asked for nominations for Board Vice-Chairperson. It was the Motion of Lovenduski, seconded by Mayor Wilkie to nominate Member Molimock as Board Vice-Chairperson. It was the Motion of Montgomery, seconded by Morris to close the nominations. Nomination unanimously approved by all those present

**C. Election of Board Secretary**

Chairperson Hamilton-Wood asked for nominations for Board Secretary. It was the Motion of Mayor Wilkie, seconded by Montgomery to nominate Member Morris as Secretary. It was the Motion of Lovenduski, seconded by McCue to close the nominations. Nomination unanimously approved by all those present.

**D. Election of Board Clerk**

Chairperson Hamilton-Wood asked for nominations for Board Clerk. It was the Motion of Mayor Wilkie, seconded by Molimock to nominate Karen Federico as Board Clerk. It was the Motion of Lovenduski, seconded by Morris to close the nomination. Nomination unanimously approved by all those present.

APPOINTMENT OF PROFESSIONAL STAFF

**A. Appointment of Board Solicitor**

**B. Appointment of Board Engineer**

**C. Appointment of Board Planner**

It was the Motion of Mayor Wilkie, seconded by Montgomery to Appoint David Frank as Board Solicitor, Hugh Dougherty as Engineer, and Barbara Fegley as Planner. Nominations unanimously approved by all those present.

RESOLUTIONS

Solicitor Frank suggested Resolutions A – C be voted on as a whole. The Board agreed.

- A. **Resolution No. P.B.-2017-01  
Appointment of Planning Board Solicitor,  
Engineer and Planner**
  
- B. **Resolution No. P.B.-2017-02  
Establishing the Annual Schedule of  
Regular Meetings and Other Policies  
Relating to the New Jersey Open Public Meetings Act**
  
- C. **Resolution No. P.B. 2017-03  
Readopting the Florence Township Planning Board  
Administrative Rules**

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It was the Motion of Molimock, seconded by Lovenduski to approve Resolution No. PB-2017-01, PB-2017-02, and PB-2017-03.

Upon roll call the Board voted as follows:

YEAS: Hamilton-Wood, McCue, Morris, Molimock, Montgomery, Lovenduski,  
Wilkie  
NOES: None  
ABSENT: None

**D. Resolution PB-2017-04  
Approving Whitesell application PB#2016-08  
requesting three one-year extensions of period of protection pursuant to NJSA  
40:55D-52a on approvals made by way of Resolution PB-2010-04.**

Solicitor Frank mentioned that there was one change made to the draft resolution that was circulated by email to the Board members. Solicitor Frank had added the wording “four-unit”, but in speaking with Mr. Huettl of Whitesell, he stated that the approval did not state a specific number so Solicitor Frank removed the “four-unit” wording.

It was the Motion of Morris, seconded by Molimock to approve Resolution No. P.B. 2017-04 with the change as noted.

Upon roll call the Board voted as follows:

YEAS: Hamilton-Wood, Morris, Molimock, Lovenduski, Wilkie  
NOES: None  
ABSTAIN: McCue, Montgomery

**E. Resolution PB-2017-05  
Approving Whitesell application PB#2016-09  
requesting three one-year extensions of period of protection pursuant to NJSA  
40:55D-52a on approvals made by way of Resolution PB-2010-10.**

It was the Motion of Molimock, seconded by Lovenduski to approve Resolution No. P.B. 2017-05.

Upon roll call the Board voted as follows:

YEAS: Hamilton-Wood, Morris, Molimock, Lovenduski, Wilkie  
NOES: None  
ABSTAIN: McCue, Montgomery

**F. Resolution PB-2017-06  
Approving Whitesell application PB#2016-10  
requesting a two-year extension of period of protection pursuant to NJSA  
40:55D-49c on approvals made by way of Resolution PB-2010-10.**

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It was the Motion of Molimock, seconded by Lovenduski to approve Resolution No. P.B. 2017-06.

Upon roll call the Board voted as follows:

YEAS: Hamilton-Wood, Morris, Molimock, Lovenduski, Wilkie

NOES: None

ABSTAIN: McCue, Montgomery

#### MINUTES

It was the Motion of Molimock, seconded by Lovenduski to approve the Minutes of the regular meeting of December 15, 2016. Motion unanimously approved by all those present.

#### CORRESPONDENCE

- A. Letter from Burlington County Planning Board received 12/16/16 regarding 500 Cedar Lane, LLC, Block 148.06, Lot 6.01, remaining on conditional approval status.
- B. Letter from Burlington County Planning Board received 12/22/16 regarding 500 Cedar Lane North, Block 148.06, Lot 2, remaining on conditional approval status.
- C. Letter from Burlington County Planning Board received 1/17/17 regarding 500 Cedar Lane, LLC, Block 148.06, Lot 1, remaining on conditional approval status.
- D. Letter from DuBois Environmental Consultants, LLC received 1/17/17 regarding an application being made for permit(s) to the NJ Department of Environmental Protection for proposed development of Block 166, Lots 17.02 & 18.02.

It was the Motion of Lovenduski, seconded by Molimock to receive and file Correspondence A - D. Motion unanimously approved by all those present.

#### APPLICATIONS

There were no applications.

#### OTHER BUSINESS

There was no other business

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## PUBLIC COMMENTS

It was the Motion of Montgomery, seconded by Molimock to open the meeting for public comments. Motion unanimously approved by all those present.

Michelle Rosenblum, of 19 Buttonwood Drive, came forward and asked if the Planning Board resolutions could be made available on-line so they could be accessible to the public without having to call and request them? Solicitor Frank stated that the resolutions could not be made available until they had been memorialized at a meeting. Mayor Wilkie said that it is a definite possibility they could be provided on-line after memorialization and that he would look into it. He stated that the resolutions are quite lengthy, but it would be looked into.

It was the Motion of Morris, seconded by Molimock to close public comments. Motion unanimously approved by all those present.

## MASTER PLAN REVIEW/DISCUSSION

Solicitor Frank gave a brief review for the board members and a little background regarding the Master Plan.

He stated the Municipal Land Use Law was adopted in 1975 and it is the framework of which we, as a municipal government, are obliged to conduct regulation of land use throughout New Jersey. It describes rules, it describes what we can and can't do, the things we can and can't regulate and then tells us how we can do it. The most important piece of that is that we are a planning first state. Before we can write rules of what can and can't be built or what uses are allowed in different parts of each town, you have to have a Master Plan. That Master Plan is a gathering together of pre-existing conditions and historical facts of the community and the application of them gives some forethought of where we want to go next. It's really important to recognize that before the governing body, the Township Council, can adopt ordinances, which are laws that say what can and can't happen, the Planning Board adopts a Master Plan with is the vision of what can happen. The governing body has an obligation to either adopt things that are consistent with the vision of the Master Plan, which is the Planning Board's creation, or to put it in the record the reasons that it's doing something other than what our Master Plan tells us to do and then has to do it by super majority. So, what we're doing here with our master planning really is our future vision and what happens and where in town. It's first the Master Plan and then the ordinances from the governing body that implement that Master Plan. The Zoning Board of Adjustment's job, which is the other land use board in town, is different from the job of the Planning Board because it is where people go if the application of the general rules just don't make sense or are just unfair to apply to a particular property. A person would have their application heard by the Zoning Board to get relief from the ordinance; for example: front yard setback.

Planner Fegley then spoke regarding her 4-page memo sent to the board members regarding the reexamination of the Master Plan. The Municipal Land Use Law now

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requires that every 10 years the Master Plan must be reviewed as opposed to the previous every 6 years. Chairperson Hamilton-Wood stated that the last time it was done, which was in 2007, it took the Board over a year to do the reexamination. Planner Fegley stated the law changed because it was considered somewhat of a hardship, financially and time consuming, to try and do it every 6 years.

Planner Fegley stated there are two different ways to prepare the Master Plan. One way is to do an entire Master Plan. Our Master Plan was completed in 1976 with reexaminations being done since then. Along with the Master Plan is a proposed land use map which in turn then gets turned into the zoning map through the governing body by ordinance. In addition to the land use plan and the vision statement, there is a housing element that is said to be optional, but it's really not. The housing element of our Master Plan is very current with the declaratory judgement being done in 2015, so that element does not require any work from the Board. Other plan elements that are optional are: circulation, utility, community facilities, recreation, conservation, economic, historic preservation, recycling, farmland preservation, educational facilities, and green buildings and environmental sustainability. Another plan that can be done is the TDR plan, or transfer development rights plan, which is where you want to preserve a lot of farmland and then cluster your denser developments in other sections.

The second way of preparing the Master Plan is to do periodic reexaminations, which most of our documents are. The reexamination should really talk about the major problems and objectives related to land development in the municipality since the time of the last reexamination report; the extent to which such problems and objectives have been reduced or may have increased; the extent to which there have been significant changes in the assumptions, policies and objectives from before; the specific changes recommended for the new master plan or reexamination; and any areas to be considered for redevelopment.

Planner Fegley noted that the discussion should be where the board wants to go with this. Does the board want to do a reexamination or really do a land use Master Plan with a land use element and the two mandatory elements and any optional elements? Planner Fegley mentioned that she had received an email from the Assistant Municipal Administrator, Tom Sahol regarding grant applications and that the township is actually lacking points towards these grants because they don't have certain elements (ex.: transportation or circulation element) in the Master Plan. Planner Fegley will talk with the Township Engineer, Jim Biegen, in regards to this to get a better understanding of this because more points can lead to more grants, such as safe streets.

Planner Fegley stated that she personally thinks that with all the redevelopment Florence Township has had, that the Master Plan done in 1976 is pretty old, and the Planning Board may want to consider preparing a full plan. The last reexamination done in 2007 mentioned an ODL (office/research district) which has not happened. The Master Plan/Reexamination is due to be adopted this year, so there isn't even a full year to complete this.

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Solicitor Frank stated that if we don't fulfill our obligation to do the periodic reexamination, then our ordinances can be challenged and the township would lose the presumption of validity in court. Our ordinances wouldn't be invalid, it's just that we would lose our edge walking in the door. But, if the Board chooses to do a really significant "dig-in" and the governing body chooses to fund that and is up against time, the Board can do a very brief reexamination report that says that we've identified certain areas that the Board is working on regarding doing changes to those elements. The Board needs to assess the available resources and desires of what it wants to do.

Planner Fegley noted that the last reexamination is dated 2007 but was not formally adopted until 2008. Chairperson Hamilton-Wood commented that it is quite time consuming. Her question to Planner Fegley and Solicitor Frank was "what authority do we have to make the decision, because it is a funding issue, as to what avenue we're going to take?"

Solicitor Frank suggested that the Planning Board as a body make a recommendation to the governing body as to what you want to do and what course of action you want to take and ask the professionals to come up with a prospective budget to achieve what the vision is and then send it to the governing body and see what they want to do with it.

Mayor Wilkie added that Florence Township has been very active in reviewing their plan and may not have done a whole new Master Plan, but he remembers working on a reexamination in 1994 and also when Mayor Benedetti in 1988-1990 where he addressed the issue with COAH in Mt. Laurel and really tightened up our plans at that time so we wouldn't have "a suburbia" all the way across the township. Mayor Wilkie stated he knows we've always kept the housing element up-to-date. He thinks what it comes down to is a budget to hear not only dollars, but the time to be invested.

Solicitor Frank stated it's also important to recognize that the Master Plan has your statement of objectives and policies, that's the launch pad, and the next big chunk is your land use element. A lot of the land use element is driven by what's already here, so there are probably 10 to 15 places in town where you have real policies or flexibility on the Master Plan scale. When you start to dissect it, you can see how this very large task has pieces that can be taken as individual chunks, worked on, assembled, and pieced together. The circulation element will then follow from your land use plan element. Planner Fegley stated that element could even be done next year. Solicitor Frank stated that it could be stated in the statement of objectives that you would undertake certain optional elements.

Mayor Wilkie said that the previous reexamination had been done by a subcommittee. He only knows on one possible project that may be coming before the Board soon which is with Railroad Avenue and the apartment complex in order to meet the COAH obligation; although, he didn't believe that would be coming before the Board within the next couple of months. He suggested that maybe on a certain night, for example March's meeting, the Board could work on one piece of the Master Plan. Solicitor Frank said that is absolutely what could be done but it all comes down to what can be funded.

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Chairperson Hamilton-Wood concurred. Solicitor Frank said that Planner Fegley is really the driver of that, and that although he and Engineer Dougherty will have input, she is the core of what will take place at the meetings.

Planner Fegley restated that based on the email she received about having certain elements that would give the township more points making us eligible for more grant money, that could play a role in which direction the Board takes. Mayor Wilkie stated that he believes the town has already received some of the grants previously mentioned in regards to sidewalks to schools, a walking path to the Florence light rail station, and a sidewalk to be put in at the expansion of the entrance to Hornberger Avenue. He had a meeting today with Delaware Valley Regional Planning Commission, the County, and the State and they have approximately 16 spots between Florence Township and Burlington Township of improvements to be done, which included the ones just mentioned. A lot of the things the DVRPC is doing mentions a circulation plan which he does not believe will be ready by June, but we should have an update by June, and that is information that needs to be forwarded to Planner Fegley.

Chairperson Hamilton-Wood stated we are looking for direction for the Master Plan. Mayor Wilkie stated Planner Fegley can put a proposal together as far as the approximate cost as part of the budget process. The budget will be introduced on March 1, 2017 to the Township Council at their meeting, so that will let the Board know what is financially able to be done.

Solicitor Frank asked Planner Fegley if she could at least bring back to the Board for the February meeting an estimate of the cost of doing a complete Master Plan as opposed to doing a reexamination. Planner Fegley stated that what she'd like to do is go through the documents and make a suggestion of the direction the Board would take. Mayor Wilkie suggested that Planner Fegley submit the two proposals to Board, one for the full Master Plan and one for the reexamination, and at that time, we should know what the budget being presented to council looks like.

#### ADJOURNMENT

It was the Motion of Molimock, seconded by Lovenduski to adjourn the meeting at 8:10 p.m. Motion unanimously approved by all those present.

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Wayne Morris, Secretary

WM/kf