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Florence, New Jersey 08518-2323
March 28, 2017

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:

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

RESOLUTIONS

There were no resolutions.

MINUTES

It was the Motion of Lovenduski, seconded by Montgomery to approve the Minutes of the Reorganization/Regular meeting of January 24, 2017. Motion unanimously approved by all those present.

CORRESPONDENCE

- A. Letter from Burlington County Planning Board received 2/2/17 regarding 500 Cedar Lane, LLC, Block 148.06, Lot 6.01, remaining on conditional approval status.
- B. Burlington County Soil Conservation District transmittal sheet for soil erosion and sediment control for Delaware River Heritage Trail Route 130 Bypass received 2/9/17.

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

APPLICATIONS

There were no applications.

OTHER BUSINESS

There was no other business.

PUBLIC COMMENT

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

Michelle Rosenblum, of 19 Buttonwood Drive, came forward to thank the Planning Board for having the resolutions now posted online. She also mentioned that the Planning Board Member information was not up-to-date on the Township website. She was told that would be looked into and corrected. Ms. Rosenblum also asked if the Planning Board had prepared a report yet regarding Council resolution 2017-74. Solicitor Frank stated that resolution had not been referred to the Board at this time.

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

MASTER PLAN REVIEW/DISCUSSION

Solicitor Frank addressed the Board, as he did at January's meeting, regarding the obligation of the Planning Board to re-examine the Master Plan every 10 years, where as it used to be every 6 years. There are things that the Board must do by statute with the re-examination to satisfy our obligation. The question that was posed in the January meeting was whether the Board just wants to do a Master Plan re-examination or whether Council will approve a deeper re-working of our municipal planning documents. Council has since agreed to support the Board in doing a much deeper re-working of the Master Plan. Solicitor Frank continued by stating that we do have a statutory deadline that we need to deal with is that by sometime in early 2018, we do need to have adopted a re-examination report, which is the start of the process. He stated that the Board also has the opportunity to work on the various elements of the Master Plan.

Solicitor Frank stated the first piece of the Master Plan is the Statement and Objectives, the second piece is the Land Use element, and we must incorporate our recent court settlement from December 2016 into our housing plan, which addresses our housing obligation. We can then move onto other plan elements; for example, we have an outdated Circulation element. There are other pieces of the puzzle which will be a longer process compiling all those pieces, but Council has certainly indicated support for that. Solicitor Frank stated as part of this, Mayor Wilkie would like to address the Board about

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some rather specific substantive things and some of them are the subject of on-going contract negotiations with redevelopers which would not be appropriate for the Mayor to discuss during Open Session because they are the subject of contract negotiations. There is a specific exemption in the Open Public Meetings Act in regards to contract negotiations that states we should go into Closed Session so as not to expose the municipality's position in those contract negotiations to the general public and be part of public record. He stated the Mayor thinks it is important that the Planning Board, in thinking about the planning process, has an understanding of some of things that the governing body is working on in those regards and at some point in tonight's meeting, the Mayor will be asking us to go into Closed Session and we'll make a motion to do so. In addition to that, Planner Fegley has exhaustively looked at the planning documents and would like to address the Board regarding her findings.

Planner Fegley addressed the Board and mentioned again what she had spoken to the Board about in the January meeting: that there is the Master Plan reexamination that was last done in 2007; dated August 2007 but adopted June 16, 2008. By looking through it, you'll see there are a lot of parts that are either not done or have never been implemented. Basically, what the reexamination does is to look at:

- Major problems and objectives that relate to land use in the municipality at the time of the adoption of the last reexamination report.
- The extent to which such problems and objectives have been reduced or have increased.
- The extent to which there have been significant changes in the assumptions from the last reexamination report.
- The specific changes recommended for the Master Plan or development regulations or whether a new plan or regulations should occur.

As Solicitor Frank stated, in discussion with the Township Council, they are at the point in looking at a new Master Plan since the last full plan was done in 1976.

- Recommendations of the Board concerning the redevelopment plans.

And, as we all know, we have had a lot of redevelopment areas and redevelopment plans. We want to include this in the reexamination and look at areas that have been redeveloped and potential additional redevelopment areas.

Planner Fegley said that if you look at the 2007 reexamination report, you will see there are some recommendations in that report; primarily, the section on Court Ordered Revision's to COAH's Third Round Rules. There was a lot of back and forth with that, and in November 2016, there was an agreement with the Court but that hasn't come out yet and it is unsure when that date will be. Mayor Wilkie stated that the township does not have a date yet because the finalization of the CIS litigation has not been completed yet and until that property is transferred, which has been held up because of some soil

questions, it won't be finalized. Mayor Wilkie added that the township still has one objector. Planner Fegley said that the Housing element with the COAH/Affordable Housing is still in question but it has significantly changed since 2008.

Planner Fegley went on to say that the Proposed Office Research Zoning (ROP) from the reexamination report in 2008 has never went into play. In fact, Griffin Pipe came in for redevelopment which wasn't entirely consistent with the last Master Plan reexamination and the Proposed Office Research Zoning, but it was consistent with the zoning that was in place. Something else that is still an issue in the reexamination, and this goes to the zoning plan, there are certain areas that are zoned either Park or School and we had a park and a school with applications before the Zoning Board that weren't actually in the zoning district. They're public, so that needs to be changed which was a recommendation on page 12 of the reexamination report that never was done. And another part of this Master Plan was solar and wind generated facilities. A solar ordinance has been implemented; but, as far as wind, nobody is really doing wind around here as there is not enough to support it. And with all the new warehouse developments, there are new concerns there.

From here, we need to talk about is how does the Board want to proceed. Does the Board want to have a subcommittee? There are also workshops on how to go about the reexamination. One thing to consider is the visioning; what does Florence Township look like in the future? Now, we are really look at land use. The original Master Plan of 1976 was updated in 1994 and also, 1999. Planner Fegley mentioned that one thing that she thinks is not mentioned on any of the Master Plans is existing land use. We can go online with GIS and actually do a land use plan from existing data that links the Mod 4 tax information with the land use and you can see what percent of your land is agriculture, residential, industrial, commercial, etc. She stated she has not seen anything like that done for the township. She feels that is something we should look at. Planner Fegley stated that when you look at the actual Master Plan and in the 1999 revision, there are a lot of sections that there is no material; it was just called 'reserved'. The Utilities plan actually was updated in detail in 1995, but even that is aged now.

The Circulation plan was marked 'reserved' and is a critical element to do. The township can receive more points for that plan which will make us eligible for more grant money. Even if the Circulation plan can address sidewalk, pedestrian routes, bikeways, and proposed roads, and what Mayor Wilkie mentioned what the DVRPC is doing with the County that they started last year and will wind up being our Circulation element. The Board can get that element started and just 'reserve' the part that we don't know that the County and the DVRPC is doing, but at least have a part of the element completed. Solicitor Frank stated that in addition, when a developer comes to the township and we have out pedestrian ways, or bikeways, and our roads in our Circulation plan, then that developer has an obligation to build according to that plan unless given relief from this Board or the Zoning Board and that's a powerful tool to guide the way the things we match with a developer.

Planner Fegley said that the last element listed in the Master Plan was the Historic Preservation Plan. And with what she handed out in January, since 1976 there are many

more elements that can be done; some more important than others and that is something to look at. She stated the Board would want to first do the Master Plan reexamination and also with it, schedule the elements to be done. Solicitor Frank added that the Master Plan reexamination is really where you deem what really needs to be worked on. Planner Fegley stated when reexamining the Land Use element, that the old reexamination talks about the imbalance of residential to commercial but now the town is looking more balanced than it used to be. So, the mapping done with the GIS showing the percentages of residential, commercial, agricultural, etc. is a very valuable tool.

Chairperson Hamilton-Wood said the Board would like some direction as to what decisions need to be made. There had been talk about having a sub-committee which she believes the Board did for the last reexamination. Mayor Wilkie suggested it be good for the sub-committee to have experienced and unexperienced members on it. He also mentioned that he didn't believe that anything would be coming before the Board in May or June and that it might be a good idea to try and do the reexamination report at the May meeting and in the meantime, have the subcommittee. He did mention that in Richard Brook's letter to the Board, he mentions that the Township Council does want a new Master Plan. With the original one being done in 1976, it just doesn't bode well even though we know we've kept everything up-to-date and are in good shape. With a new one to be adopted in 2018 with no amendments to it, it will be much better. Solicitor Frank stated it will really help the Zoning Board as well by giving them a much clearer focus. He also suggested that one of the things we should bring to the Planning Board is the compilation of the Zoning Board's annual report because that would be very informative as to the kinds of variances that are being brought before them that would help the Board understand where there's friction in our system. Planner Fegley agreed.

Solicitor Frank stated that if the Board wanted to do a subcommittee, it would be compiled of a maximum of three members of the Board, so you don't have a quorum, and any of the Board's professionals and anybody from the municipal staff can serve on the subcommittee. Chairperson Hamilton-Wood asked who would be interested in serving on the subcommittee. Member MacArthur, Member Morris, and Chairperson Hamilton-Wood agreed to serve on the subcommittee.

Mayor Wilkie stated for the public's information, the Planning Board will be doing the required reexamination of the Master Plan and the goal is to have a complete Master Plan by the end of 2018. We will have a new Master Plan to replace the original one done in 1976. He stated that there are a couple of things he'd like the Board to help him and help the town with. The main one is the item involving Exit 52, which has created quite a bit of excitement with the township residents, and the possible increase of traffic. We are working right now with the DVRPC and the county regarding our intersection at Route 130. One key issue is: who is going to fund the improvements? We've already had our Township Engineer look at the situation at Hornberger Avenue and Florence Columbus Road intersections. We've also requested a meeting with NJDOT in regards to the Cedar Lane intersection to discuss whether to go back to a left-hand turn lane as in the past, a reverse jughandle, or a big jughandle.

In regards to Exit 52, at the 295 interchange, it is zoned SM (special manufacturing). There is no water and sewer in that area so what can you put in an SM that has on-site septic? Something with not a lot of people; it's very limited. Those are some questions that have to be asked. Mayor Wilkie explained what he just witnessed in Mansfield Township that as soon as it went from a "warehouse", where you've got a huge building and only a few people, to something that would require a lot of people, Mansfield couldn't do it. They have to have a connection for sewer. They are looking to connect with Burlington City. Mayor Wilkie asked what are we going to do on this side of 295 in Florence Township? Are we going to encourage development in that area? This is something he'll need direction from the Board in thinking about sewer service areas. We've tried to provide water out to the Fountain of Life Center and we are not able to because we can't handle the volume of water going through. By the time the water would get out there and come back, it would be so untreated it would be undrinkable. So, to provide water to the folks in this area, do we have to put a treatment facility out there? And if so, will there be enough volume running through to have water? And these are the issues with providing water; we're not even talking about providing sewer.

Mayor Wilkie said in regard to other development in town, the township owns the Roebbling Steel Mill so we pretty much can say what's going to go in there, what's allowed. He stated that they are working with a couple of developers. In regards to Griffin Pipe, the township does not own that property; it's a private property. The Steel Mill and Griffin Pipe are the two biggest pieces left when you look at developer land. Just to remind you of where you've been over the last six years, we brought Planner Fegley on and we said "look at this redevelopment plan that was put in for Route 130 and let's see what we can do to try and get redevelopment really happening". In 2008 or 2009, we had a limited redevelopment plan put in place that really didn't give us much opportunity. Since then that has changed and everything on this side of the highway commercial zone was brought in and it also gave us the ability to develop on Florence-Columbus Road within the standards. We said to ourselves "In order to redevelop, we have to now figure out what makes sense and what doesn't make sense".

Mayor Wilkie stated that another good thing with the Master Plan is in regards to COAH. The township already has a plan in place and has stayed on top of it. Having a plan put together, keeps us protected. The way you fund affordable housing partly is through tax credits. To get the tax credits, they want us to show that if someone is living in an affordable house, they have access to transportation. Is there bus or rail transportation nearby? Is there the ability to walk someplace? That is one of the reasons that everything gravitates towards within township with COAH in order to meet those obligations. One of the things that I have been thinking about is that by 2025 when the State comes down with Round 4 and tells us where our numbers are supposed to be in regards to number of COAH units, I want to have in place a redevelopment plan of existing stock. Mayor Wilkie stated that most of Florence Township is affordable, the problem is that most of the town was built prior to 1980 and if there hasn't been any documented substantial improvements to the affordable units, it doesn't qualify in our numbers. We don't have credit for the units in Maplewood Homes, which is a Housing Authority built in the 1950's, because they have not been substantially updated. One of the conversations the he has had with the Township Administrator, Richard Brook was about bringing in the

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township's COAH advisor, Mary Beth Lonergan, and have her go through COAH for the Board when they are looking at that piece of the Master Plan. This would help give them a lot of background on it. He stated he can't tell you what the rules are as far as COAH is concerned because there are no set of rules for COAH, from what he can tell.

Mayor Wilkie stated he did wish to brief the Board of some projects that are currently in negotiations but would like to go into Closed Session for that discussion. Solicitor Frank stated that as the Board develops Master Plan elements, each of those will be developed through the subcommittee, brought to the Board, and will be at a public meeting for the public to hear and have a chance to comment on each of the elements as they come out. There has to be a hearing for each element.

A member of the public, who had missed the public comment portion of this meeting, asked if she may ask a question. Chairperson Hamilton-Wood stated not at this time but was willing to see if the Board was agreeable to having a second public comment portion of the meeting. She stated that the Board has an agenda to follow and the meeting starts promptly at 7:30 P.M., whether the Mayor is in the room or not, because they have an obligation to meet the guidelines. As far as she was concerned, she did not have any objections tonight in bending those rules slightly to allow for a second public comment; although it's not a practice that the Board will do again because there is quite a bit to cover and we need to get it done by a reasonable hour.

At this point, Chairperson Hamilton-Wood asked for a motion to open for public comment. It was the motion of Montgomery, seconded by Member McCue to open the meeting for public comment. Motion unanimously approved by all those present.

2nd PUBLIC COMMENT

Jennifer Brennan, 700 Olive Street, came forward and stated she is having issues with the noise from Amazon and asked how the residents can get a barrier between housing and Amazon. She stated she has also spoken about this at a Township Council meeting. Mayor Wilkie stated that when the Planning Board approved that application, they put a caveat in the resolution that could require Liberty to do a second sound study. Now that the Turnpike bridge is again open, the township has sent the request for a second sound study to Liberty. In fact, the Township Administrator, Richard Brook heard from Mr. Dotti today in regards to that study. Mr. Dotti performed the first sound study and will be doing the second one as well. The Mayor stated he was not sure when the second study would be done. Ms. Brennan stated that right now there are no leaves on the trees and you can hear people at Amazon talking in the middle of the night, especially when they're yelling across the parking lot, and it wakes her up out of a sound sleep. Solicitor Frank stated that when the Board had that application, there was designed into that site the ability to build the sound wall but the Board thought ahead and decided that presently the applicant was not required to build one because their sound study stated that the barrier was not needed; but, it would have to be justified down the road if there were issues and complaints from the residents. Ms. Brennan asked if we knew when the second study would be completed. Mayor Wilkie said we did not, but that he was hoping

it would be completed the same time of year as the first one, which he believed was done last year in May.

Michelle Rosenblum, 19 Buttonwood Drive, stated that she understands there are no applications on tonight's agenda and that typically when there are, there is an opportunity for public comment regarding the application; however, given the agenda we have, would it be possible to move the public comment section so that it's following the discussions that are held regarding the Master Plan and COAH and items like that. She stated the reality is the public comment section of this agenda is really done prior to essentially all the meat and bones of the meeting. Chairperson Hamilton-Wood stated that is incorrect as today the Board was getting a rundown of what their procedures and obligations were in regards to the Master Plan reexamination and were not doing anything substantive; typically, that is why the public comment is placed where it is on the agenda. The administrative things the Board needs to go over is done after the public comment. Typically, the most important parts of the meeting, resolutions and applications, are done before the public comment and any time the Board has an application, and as the Master Plan reexamination is done with each element, there is an opportunity for public comment for each item the Board takes action on. Ms. Rosenblum stated that it is possible that members of the public have questions on what the Board administratively discusses. She does not particularly have any questions on what was discussed today as she has had extensive email conversation with Mr. Brook in regards to COAH and the impact of the pending applications that will be before the Planning Board, which probably reduced any questions that she would have had hearing it for the first time tonight; however, maybe other members of the public might have questions regarding items that are being discussed as there was a lot of information at the tail end of this meeting. It would be helpful for the public to have an opportunity for public comment after that section. Chairperson Hamilton-Wood stated that again she appreciates Ms. Rosenblum's concern; however, what she is asking to have public comment on are things that are not anything that the Board is making decisions on. The Board is simply getting information and getting the information at the same time the public present for this meeting. Chairperson Hamilton-Wood said tonight was an information process and no decisions were made by the Board. In all likelihood, the Board is probably not prepared to answer too many of the public's questions at this point because we are just learning as well. Substantive items are up to and including item 7 on the agenda, those are items the Board is making decisions on and public comment is after that.

Solicitor Frank stated that just to be clear, "N.J. statute 40:55-28 – Master Plan: Preparation; contents; modification. a) The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof." What the law is saying is that within the actual agenda item of the Master Plan discussion, just as there is an application, there is by law a requirement that we open it up to the public for comment. And what Chairperson Hamilton-Wood is saying is that we put the public comment in where it is on the agenda for all of the things that has come before the planning board that night and what follows that is the administrative business of the board, not the public's policy discussion. Ms. Rosenblum stated that as far as she knew, it does not provide a line item place holder as where public comment could be held which means that it is persuasive to the Board where on their agenda they would like it to be, so

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there's no presumptive requirement that it has to be where it is and could be amended so that the public comment section could be moved to a spot further down on the agenda. Solicitor Frank stated it could be put on the agenda first before there was any discussion in the meeting but that wouldn't be very useful to the public, would it? He stated that in each case when you're faced with something substantive, the public will have a chance to talk about it. This is not public stuff, this is not public substance, this is not policy decisions, this is just the Board laying out how it's going to do what it does. The public is here and can see that, but it's not policy. Ms. Rosenblum stated that there was discussion about having amendments or changing the Master Plan. Chairperson Hamilton-Wood stated that is not what was being done tonight. Ms. Rosenblum stated it was being discussed. Chairperson Hamilton-Wood stated they were talking about what the Board has the right to do that but they were not talking about doing any of those things at this point. The Board was being given education as to what their options are when reexamining the Master Plan but are not even contemplating doing those things at this point. She stated the Board needs to keep the meeting moving forward and at some point and time there has to be a limit to the questions about things that aren't on the agenda or things the Board is not taking action on. There is no reason to discuss things when decisions aren't being made. Tonight was about the Board learning what the process is and the steps that need to be taken to accomplish what needs to be accomplished. Ms. Rosenblum thanked the Board for their time.

It was the motion of Lovenduski, seconded by Morris to close public comment. Motion unanimously approved by all those present.

CLOSED SESSION

Solicitor Frank stated that Mayor Wilkie would like to discuss some ongoing contract negotiations having to do with redevelopment matters and affordable housing matters and location settlement negotiations, as well; all of which are appropriate subjects for Closed Session. The Board can adopt by voice resolution that would call for a Closed Session for those purposes and the minutes of the Closed Session meeting would be published as soon as the matters are no longer sensitive. It was the motion of Lovenduski, seconded by Montgomery to go into Closed Session. Motion unanimously approved by all those present. Members of the public were asked to leave the room. Closed Session began at 8:25 p.m.

ADJOURNMENT

Open Session began at 9:16 p.m. Motion was made, and seconded, to adjourn the meeting at 9:16 p.m. Motion unanimously approved by all those present.

Wayne Morris, Secretary

WM/kf