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Florence, New Jersey 08518-2323  
April 25, 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	Jane Collins, Alt. #2

ABSENT: Russell MacArthur, Alt. #1

ALSO PRESENT: Solicitor David Frank  
Planner Barbara Fegley

EXCUSED: Engineer Hugh Dougherty

#### RESOLUTIONS

There were no resolutions.

#### MINUTES

It was the Motion of Molimock, seconded by Morris to approve the Minutes of the Regular meeting and the Closed Session of March 28, 2017. Motion unanimously approved by all those present.

#### CORRESPONDENCE

There was no correspondence.

#### APPLICATIONS

There were no applications.

## OTHER BUSINESS

- A. Florence Township Council Resolution No. 2017-74 referring a proposed redevelopment plan for parcels within the Highway 130 Redevelopment Area (2013) to the Florence Township Planning Board for the Board to take certain actions pursuant to N.J.S.A. 40A:12A-7(e).

Planner Fegley addressed the Board and the public in attendance and explained the Redevelopment Plan was prepared for Florence Station Apartments on Railroad Avenue, Block 147.01, Lots 3.03, 3.04, 4.02, 5.01, 5.02, 6.01, 6.02, part of Lot 3.01 and Fifth Street Right-of-Way. The proposed apartments would be on Railroad Avenue and that it is part of the Ready Pac site. Planner Fegley indicated on the display the full site and showed where Ready Pac is located and where the proposed apartments were to be located and pointed out the locations of Interstate 295, Route 130, the Delaware River, and the Conrail rail line that runs along Railroad Avenue. The site is in a Special Manufacturing (SM) zone.

Ready Pac already has prior approvals for this site from 2002, 2003 and 2006 and the site that is being talked about tonight, and the adjacent Ready Pac site, were ultimately approved for 548,547 sq. ft. of manufacturing warehouse space. What is proposed now are residential dwellings for a portion of the site with the Ready Pac site to be much less intensive; being a reduction of approximately 197,352 to 247,352 sq. ft. While there would be residential on a portion of the site, the Ready Pac expansion portion for the warehousing of the site would be significantly reduced. Also, being reduced from the Ready Pac expansion project would be the parking spaces to approximately 700, as well as the loading areas and all the noise that would accompany the extra spaces and loading areas.

Back in 2003, we looked at the Route 130 corridor and a lot of the surrounding areas for potential areas that were in need of redevelopment. Areas were determined to be in need of redevelopment, resolutions were prepared, and the resolution was submitted to the Department of Community Affairs (DCA) for their approval. The DCA sent a letter to the township saying they accepted the township's designation of the redevelopment area.

As a result of approval of this specific redevelopment plan and future application, if that's the case, this will supersede all the planning and zoning board approvals that were obtained for the unbuilt Ready Pac development on the portion of this site, which is Lot 3.01 of this plan. In turn, if the Florence Station Apartments would be approved, they would provide housing to employees and residents of the new businesses and warehouse that have been approved and constructed in Florence. In addition to providing apartments for the residents, 15% of the apartments would be available for low and moderate income housing; this is part of the township's Affordable Housing Plan that was submitted to the court. This development would consist of 330 one, two, or three bedroom apartments on 26.3 acres in 18 buildings. There would be three access points along Railroad Avenue. There would be a clubhouse and an outdoor pool. Walking paths would surround the residences and there will be basins, but they are required to be dry basins.

Planner Fegley continued her explanation of the redevelopment plan by saying that as far as the other elements of the redevelopment plan, we have to show the relation to the local objectives, proposed land use, provision for temporary and permanent relocation, identification of any of the areas that would be acquired, and the relationship of the redevelopment plan to the Master Plan, the county plan, and the state plan.

Relationship to the Local Objectives - the Reexamination Report of the Master Plan is dated 2007 and was adopted in 2008. As the Board has talked about in prior meetings this year, the Master Plan at that time talked about how residential growth had outstripped commercial growth. What we've been seeing lately in the township, because of the opening of the New Jersey Turnpike Pennsylvania extension, is a lot more non-residential development has come to the township. What has resulted is warehouse and distribution uses along the Route 130 corridor. There is also the Southern New Jersey Light Rail station in the Haines Center which was designed to provide new opportunities for economic development to bring mixed uses and to bring people along the route into the township from Pennsauken in the south to Trenton in the north and connecting points in between. The Reexamination Report documented the high priority and need for increased commercial industrial development and innovative solutions to redevelop portions of this site and of the township. While the redevelopment plan doesn't necessarily fulfill the goals of the SM zone, it is important to note a couple of things: first, the 2007 Reexamination Report of the Master Plan is 10 years old and that in the past five years, there's been significant changes to the land use in the township; and second, this is one aspect of meeting the fair share housing obligation for the township. Planner Fegley restated that the Ready Pac site already has approvals from 2006 for 548,447 sq. ft., 749 parking spaces, and 141 loading spaces.

Permitted Uses and What is Proposed for This Site - residential uses would be permitted and it would be a multi-family residential use. Accessory uses and structures would be on-site management and leasing offices, clubhouse with recreation areas and a pool, outdoor recreation areas, site signage, directional site signage, fences and walls, flag poles, bike racks, bike storage, parking areas, and things similar in nature that is normally associated an accessory to an apartment complex. Solar panels would also be permitted, but only to supply energy to that particular facility.

Bulk Standards - the minimum lot area is 20 acres; minimum lot width, depth and frontage would be 200 feet each; minimum front yard along Railroad Avenue is 50 feet; and various setbacks are listed. One of the important things, because of concern for the residents to the north of the site, is that the minimum distance to existing residences would be 100 feet from the residential structure. The maximum gross density would be 13 dwelling units per acre, maximum height would be three stories or 45 feet, and a landscape buffer of 50 feet minimum around the perimeter of the property; the storm water management facilities are permitted within the buffer. The maximum building and impervious coverage is 40% total and parking spaces would be according to RSIS (residential site improvement standards), which is 1.8 spaces per residential unit.

General Requirements - the setback should not be used for parking, there should be no products or waste stored outside unless its fully screened, all buildings have to be

designed to be consistent, whether constructed all at one time or staged over a time, all building walls facing the street or residential districts shall be suitably finished for aesthetic purposes including the low and moderate income units so no distinction can be made from one unit to the next, and the low and moderate income units should also be scattered throughout the development and constructed at various times upon the different time frames of CO's of the market rate units. Any area that's disturbed that's not used for development has to be landscaped using a combination of landscape fencing, shrubbery, lawn area, ground cover, rock formations; something aesthetically attractive. Every storm water management basin, of which there are 2, has to be a dry basin unless it's determined to be not feasible that it can be constructed as such, which would be up to the Board Engineer at the time of site plan approval.

Signs - the development is allowed to have one standard monument sign for each driveway. If it is a double-sided sign, the message has to be the same on both sides and it can only have a certain number of words; the development name, address, and telephone number. Those signs can only be 40 sq. ft. in total with a maximum height of 6 feet. It can contain one logo. Directional signs are permitted. Wall façade attached signs are permitted which would be similar to building numbers for people to find their units. Signage shall be consistent throughout the development.

Miscellaneous Requirements - there shall be a sidewalk along Railroad Avenue. In regards to all the other things that the ordinance requires, these will still have to be prepared which includes storm water management reports, traffic reports, impact reports, landscaping plans, site lighting plans, etc. The township has an ordinance in regards to recycling containment areas that they would have to comply with.

Provisions for Relocation - in a redevelopment plan, if there is the power of eminent domain going to be used or if there are provisions for relocation, that has to be identified. There are currently two single-family attached dwellings and two single family dwellings that are occupied as part of the redevelopment area. The four units are proposed to be acquired and the residents will be relocated. Right now, Foxdale Properties, LLC owns Block 147.01, Lot 3.01 and Florence Township owns Block 147.01, Lots 3.04 and 4.02. The township will need to acquire Block 147.01, Lots 3.03, 5.01, 5.02, 6.01 and 6.02. Lots 6.01 and 6.02 are currently owned by the same individual. After the township acquires those properties, the lots will be transferred to Foxdale Properties, LLC and this is all done according to the powers, regulations and laws of eminent domain using fair-market values. There will be a redeveloper's agreement between Foxdale Properties, LLC and the township which will be part of the land transfer. In the event the negotiations do not result in the acquisition of the properties, the township retains the right to exercise the right and use the powers of eminent domain.

Relationship to Other Plans – there really aren't any immediately adjacent towns in regards to the Master Plans of contiguous communities, so it is not applicable to this. The Burlington County Plan had identified part of this site as a node for development in the past and there is another map that shows this within the town center, which would be consistent with this type of use for mixed type of use; commercial and residential within the town center. The redevelopment of the property will assist in meeting the goals,

objectives, and recommendations to develop and/or redevelop vacant parcels in areas in need of redevelopment as a viable part of the community by providing housing for newly created jobs and opportunities for low and moderate income housing for the development of fair share number of units. The project would also advance the State's development and redevelopment laws. The State has recognized the desirability of enhancing economic opportunities and effectively planning development areas where growth and utilities are available. With all the commercial development and commercial warehousing development that has occurred in the past, the need for residential growth is now present in Florence Township. In looking at existing land use maps or if you're familiar with the township, you know that the majority of the housing is for single family units. There are very few apartment units in the township and the workers for a lot of these newly created jobs are perhaps more in need of apartments. In relationship to the Municipal Land Use Law, this development would implement a number of things. It would encourage municipal action to guide the appropriate use or development of all the lands; provide adequate light, area and open space; promote the establishment of appropriate population densities and contributions to neighborhoods, communities and regions to preserve the environment; provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses, and also to promote a visual environment through creative design techniques.

Affordable Housing Provisions – this application will implement the township resolution 2016-259 and the November 10, 2016 agreement between the township and Fair Share Housing Center. Subsequent to that, 15% of the units (50 units) will be designated in compliance with the Council on Affordable Housing rules and the Uniform Housing Affordability Controls. A breakdown of the maximum units the applicant has to provide is: up to 20% of all the units have to be 1 bedroom; a minimum of 30% of all the units have to be 2 bedrooms; and 20% of all the units have to be 3 bedrooms. The low and moderate income units shall be designed with the same façade, the same finishes, and the same materials as the market rate units so that you cannot tell by looking at it which ones are low to moderate income and which are market rate. All the regulations the State and Federal laws have in regards to affordable housing will be applicable to this development.

Chairperson Hamilton-Wood thanked Planner Fegley for her presentation and asked Solicitor Frank to describe to the Board exactly what their role is today in regards to the Redevelopment Plan. Solicitor Frank stated that under the Redevelopment Plan law, one of the duties as a Planning Board is to look at the draft Redevelopment Plan and assess whether or not it is consistent or inconsistent with the Master Plan and then make a recommendation to the governing body as to whether or not, in the opinion of the Board, the plan should be adopted and to comment on any of the issues that arise. In this particular instance, the redevelopment area has long been designated, and as Planner Fegley stated with the understanding of our Master Plan since we last did a reexamination, we were looking for more commercial development to balance the residential development. We have now seen such development and we now recognize the need to provide some residential development and most significantly, the governing body through the courts, has achieved settlement that addresses the municipalities obligations to provide affordable housing. This plan is designed to effectuate one of the significant components of that agreement.

To review again, starting in the 1970's and through the 1980's, there were a line of cases called the Mount Laurel Decisions that evolved into requiring every municipality to provide for its fair share of the region's need of affordable housing. COAH, Council on Affordable Housing, was created that essentially became defunct so the courts took back that duty. Florence Township very appropriately went to the courts saying that we are here to carry out our duties and don't want to lose control of our zoning completely by failing to do what we are supposed to do. The township doesn't want to have any development that is not what we asked for in any way and completely out of our control. Through that process, a settlement was negotiated that this proposal is designed to effectuate.

The Board's duty this evening is to see how the redevelopment plan fits in with our Master Plan and identify ways in which it is or isn't consistent with it and then make a recommendation to the governing body. Although we have before us potentially some conceptual site plans of what could be implemented under the development standards, our job tonight is not hearing the applicant in regards to those plans. What the Board is doing tonight is only recommending to the governing body approval or disapproval of the outline, the rules, under which such site plans could be developed and brought here for further public hearing and further review. That is a really important point for us to appreciate that if the Board makes a recommendation and that some or all this should be adopted by the governing body, the governing body will then have to hold a public hearing on the adoption of the ordinance that would actually make these the rules. Once those rules are in place, the applicant then needs to come before this Board for site plan review under those rules.

Chairperson Hamilton-Wood asked that just for clarity and for the Board's knowledge, the current Ready Pac expansion that is displayed has been approved and they have already gotten the approval to expand. Solicitor Frank stated yes and that the site plan approval did not expire and we have not substantially changed our ordinances since then in a way that would cause that application to need and come back before the Board for new approvals and that if Ready Pac chose, they could build and expand tomorrow.

Chairperson Hamilton-Wood invited the Foxdale Properties representatives to speak. John Gillespie, an attorney with Parker McCay, spoke of behalf of Foxdale Properties and addressed the Board and stated that the bottom line here is that this is a new zoning ordinance. The Redevelopment Plan is effectively a new zoning ordinance and they are substituting the existing zoning, in this case SM, and the standards associated with that with new standards. Foxdale is not here for site plan, they don't have traffic studies, they don't have financial impact reports, they don't have sound studies, and they don't have the hard engineering because developers don't do those things until they know the zoning is in place. This doesn't bind the Planning Board, should the Board recommend this to the Township Council to adopt the ordinance to adopt the Redevelopment Plan. The Township Council still needs to adopt it. Once that's adopted, then Foxdale Properties says to its professionals to do the plans and put together something that will answer all the detail questions the Planning Board wants to know before it allows the application to be heard.

Mr. Gillespie confirmed a couple of details previously stated by Planner Fegley. One being that the proposal calls for 330 units; 15% of those units are set aside for affordable housing, or 50 units; 10 one bedroom, 30 two bedroom, and 10 three bedroom, which meets the COAH requirements for bedroom distribution. This Redevelopment Plan is going to replace already approved development of Ready Pac which could be built now. A good way to envision what is absolutely going to be eliminated for certain in the portion of the Ready Pac expansion is what falls within Lot 3.01, which Mr. Gillespie pointed out on the display. With the setback standards that were approved, a great deal of building E that was previously approved would be wiped out. If the Redevelopment Plan is adopted and an application is brought before the Planning Board and approved, anything that was approved in the past that has not been built, loses all vested rights. This superseded zoning takes the place of the zones that were permitted and wipes out anything else that hasn't been built. Ready Pac, if they do expand, and everyone know they've received the EPA approval to get credits to expand, would have to come back to the Planning Board with a whole new site plan application because that piece will still remain SM. Mr. Gillespie agree with Solicitor Frank that the world has changed since the 2007 Master Plan reexamination was done and he suspects there will be questions asked of Ready Pac in a new site plan application that probably were not asked in 2006 when their site plan was approved. He feels the idea of shrinking 150,000 to 250,00 sq. ft. of previously approved manufacturing, distribution and warehousing in favor of multi-family residential units is a benefit to the community.

He continued by stating the idea that these 50 units are included in your submission to the court as part of the solution for Florence Township's affordable housing situation is very important. But what's more important than the 50 units is because this is single family rentals, it would be counted as double credits, so it would be worth 100 units in meeting the obligation of the township. It goes without saying that when you erase the manufacturing, distribution and warehousing expansion that has been approved in favor of this proposal, you've also eliminated a great deal of the truck traffic that has now become an issue in the town and an issue with the folks in the neighborhood. He stated they don't know the exact calculation but would have that when they, hopefully, come in for site plan approval.

Mr. Gillespie didn't know if the Board was aware of this, but at the Mayor's and Mr. Brook's recommendation, Foxdale Properties hosted a meeting with the public on April 6, 2017 and there were a lot of questions and it was felt that it was a really good meeting. Many of the questions simply could not be answered at this point because the details that come with the site plan application have not been done yet. In the normal zoning ordinance, when the governing body adopts a zoning ordinance, it seems what is in regard to bulk standards, it doesn't get the benefit of some of the things shown tonight because it's just a zoning ordinance. In a Redevelopment Plan, you actually have more material of which to frame how you want to establish these new standards; you have for example, some architectural elevations you could look at and you can say that it's generally going to look like that. Mr. Gillespie pointed out a display that showed the general layout of Florence Station Apartments on Railroad Avenue and pointed out the entrances, clubhouse and amenities. He stated what was on the display was the general

configuration subject to more specific details on basins and setbacks and such. He showed a display that showed a general streetscape, and also anticipated landscaping which shows it to be well buffered.

Chairperson Hamilton-Wood thanked Mr. Gillespie and asked if there were any questions from the board members. Member Morris asked about the access to the apartment complex and if it would be encouraged in any way for the traffic to go away from the intersection where the train track crossing is on Delaware Avenue. Mr. Gillespie stated no. Mr. Stout, architect for Foxdale Properties, stated that Railroad Avenue would have to be upgraded and that it would have sort of a boulevard effect. He stated the displays are conceptual and are what they envision it to be. There will be changes that will have to be done. The entrance will be a full movement so you'll be able to make a left or a right out of the complex. Member Morris stated there are big concerns at the intersection of Delaware Avenue and what the effect would be. Mr. Stout stated that traffic will be addressed in the site plan. What they're doing in comparison, is the amount of truck traffic is going to be significantly reduced by a couple hundred thousand square feet of warehousing. The car traffic from the complex will be a more staggered traffic pattern because people will be working different hours and different uses in this site compared to Ready Pac that has shifts. Member Morris stated the truck traffic now is encouraged to use Cedar Lane.

Member Collins asked if the only entrances to the complex would be off of Railroad Avenue? Mr. Stout stated yes and they are not proposing any tie ins to any of the neighborhood side streets that tie into Delaware. There will actually be 3 entries, or access points, off of Railroad Avenue.

Member Montgomery wanted clarity in regards to the 50 COAH units and that the township will be credited double the number of units. Mr. Gillespie stated that is his understanding from the township that it will receive the bonus because there is a certain amount you have to reach and if you have single-family rentals, you get a bonus for that because the State encourages that. You are limited on how many affordable senior developments you are allowed to have, but because of the township's number, Mr. Gillespie does not think we are close to exhausting what is available for double credits. Florence Township would be entitled to a 2-for-1 bonus because of providing for affordable family rentals in these units.

Mayor Wilkie said he could confirm as per our COAH experts that this is a 2-for-1, so for the 50 units going in, the township will get credit for 100 units. He stated that we have an agreement with the Fair Housing Center for approximately 340 units which obviously, the 100 units tie into this. When the courts started coming down hard on municipalities to have their fair share of affordable housing, that's the reason Birch Hollow development was put in, Mallard Creek was put in for the bonus density and money was given to the town for those units. We have the Roebing Inn that the town purchased, which are COAH homes. The multiple sclerosis building behind the library is part of the affordable housing requirement. Duffy School Apartments is part of the affordable housing requirement. Mayor Wilkie stated we are at our max for senior housing or in



those areas. We need to address the concerns as part of the requirements for multi-family rentals, which this project complies with and doubles the numbers.

Mayor Wilkie stated that if we did not have a plan in place and an agreement with the Fair Housing Center, a developer could come in and do what they call a 'builder's remedy', go to the courts, and be able to develop what they want to meet the obligation. At that point, you lose control of your community. Florence Township has a plan in place. Florence Township felt that this project would have less of an impact on the community than if there was the full Ready Pac expansion. The township has acquired properties on Railroad Avenue. One, the township worked out an agreement with the title company to clear the property, tore down the building that was in poor condition, and put a lien against the property. Another property was negotiated with the family and purchased; the house was in such deplorable condition that you had to wear Tyvek suits to go in. Railroad Avenue looks so much better than it did, and could still look better. You don't realize the investment that the community has put into it to improve the quality of life in that area. Part of the agreement with Foxdale Properties, not so much in writing, but the understanding is working with Railroad Avenue; putting a pathway to get to the railroad station. The DCRP is going to work with the town and support the application to get a walkway/bike path from the Florence Lightrail Station to Cedar Lane. There is commitment from Foxdale Properties to work with the township on the development of Railroad Avenue; widening it, making it so people can get from one part of the community to another and putting in a walking/bike path.

Mayor Wilkie stated the last apartments to be built in the township is Academy Woods built in the 1960's. When someone talks about housing and what is needed, this project would be the modern type of apartments and we will have much better detail in the future when their application comes before the Board, if everything is approved with the Redevelopment Plan. We're not having to deal with 330 different owners; we have one owner. We'd call the owner of the property to deal with whatever issues may arise, such as something not being maintained or snow removal. Chairperson Hamilton-Wood asked if everything off Railroad Avenue would be the owner's responsibility? Mayor Wilkie stated yes, that would be the owner's responsibility and the town is not acquiring any property, no streets being dedicated, no open space, it is all their property and their responsibility to maintain. The township would have a developer's agreement in place that would say what is expected from the owner to maintain the quality of the apartments. Chairperson Hamilton-Wood asked Planner Fegley what the proposed redevelopment zone call for in height as in stories; are we talking 2 stories, 3 stories, etc. Planner Fegley stated 3 stories; 45 feet tall. Chairperson Hamilton-Wood also asked what the buffers were, are they talking berms? Planner Fegley stated there can be but that has not been finalized at this time. Chairperson Hamilton-Wood confirmed with Planner Fegley that they would be 100' from any residential structure. Mayor Wilkie stated that one of the things too is that the site in question sits down from the rest of the Delaware Avenue and McCay Drive residents because back in the 1950's it was mined out in order to put in the turnpike extension for the bridge and it is quite low and is possibly 15' lower in some cases, so berming may be spotty in different areas. From his understanding, if the residents want the vegetation left alone, it'll be left alone. If they want it cleaned up, it'll

be cleaned up. Foxdale Properties will work with the community and with the Board on what makes sense.

Chairperson Hamilton-Wood's concern is more of what the Board would be setting up as parameters and clarified that there was no parameter right now as to berming, just the 100' buffer from residential properties and that there are no requirements as to vegetation. Planner Fegley stated there is a requirement for a vegetative buffer and that anything that is disturbed has to be restored or vegetated. Member Morris said he knows that it's a little early, but is there a proposal for a fence around the property. Mr. Gillespie stated that Foxdale Properties wanted to see what the response of the public was in regards to if a fence was wanted or not. He also wanted to clarify that it is a 50' buffer and 100' setback.

Chairperson Hamilton-Wood asked as far as what the noise requirement would be and if there was anything specific as to noise in this Redevelopment Plan since the Board has run into some complaints on noise with some of the other projects that have come before them. Planner Fegley stated that the noise would go along with the township ordinance and there is nothing specific stated that would supersede the ordinance. Solicitor Frank stated it would be the typical standards, if it was a nuisance to the public. Chairperson Hamilton-Wood stated the Board could control hours of the clubhouse and pool activity and limits could be set if or when the application comes before the Board.

#### Public Comment:

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

Jennifer Brennan, 700 Olive Street, spoke in regards to her concern of noise from the proposed apartments because there is so much noise generated from Amazon. Chairperson Hamilton-Wood stated that Amazon is a commercial site with different types of noises than what you would have with a residential site. The proposed project would be compared to the noise from Academy Woods in comparison to where Ms. Brennan lives. Chairperson Hamilton-Wood stated that when and if an application comes before the Board, that is something they have to consider to try to do what we can to try and avoid any noise issues. Ms. Brennan asked if there was any way this could wait until all the road issues in the area could get settled before this gets approved? Solicitor Frank stated that the law does not permit the municipality to impose moratoriums on development, so no, we are not allowed to do that. Ms. Brennan asked how is that legal to use eminent domain for a project like this which she feels is not for the betterment of the community? Mayor Wilkie stated that he thinks the township has done its research to see that there would be a benefit to the community with COAH and an improvement to the quality of life in that neighborhood. Ms. Brennan also expressed her concern over the number of cars this project would add to the town's roadways. Mayor Wilkie stated that Ready Pac could walk in tomorrow and file permits to build a facility they already have approval for. In comparison to the additional potential truck traffic to car traffic, the apartment complex would be a less of an impact on the community. Solicitor Frank stated that one of the things that happens when a developer comes before the Board, they

would provide a traffic study. One of the key purposes of the traffic study is so that in the event the developer needs to make a contribution or improvements to intersections like that, it can be calculated and gauged. Mayor Wilkie had stated that this project will spark top significant improvements to Railroad Avenue, so hopefully in the course of traffic studies submitted and the discussions during site plan about the needed off-site improvements, we can work with the developer to do those things to help solve the problems that you are talking about. Ms. Brennan then asked that if this project is going to be 3 stories high, will they be required to have a 3-story high sound buffer. Solicitor Frank stated that this development would not be required to have a sound barrier, it's residential; only commercial is required to have a sound barrier. Ms. Brennan asked that if this project does get developed, what improvements will be done to the roads? Will they be wider? She also stated that she is very thankful and appreciative to Foxdale for meeting with the residents and they mentioned about possibly making the roads wider around that area. Mayor Wilkie stated that would be part of the traffic study that would decide what needed to be done. They can't be specific as to what would need to be done until the traffic study was completed which would determine what improvements needed to be done.

David Bemiss, 17 Abrams Drive, asked how this Board could make an informed decision without traffic studies beforehand or without the impact studies or the impact on the schools? Also, at the meeting that Foxdale hosted, they were given what he believes to be an unrealistic number of 30 to 50 additional school children and he wants to know how that can be with 330 apartments? Mayor Wilkie reminded everyone that this is putting the zoning law in place for this project. This is not giving approval for the application. That would not happen until they come back before the Board with their application which is at least several months away. Township Council still has to go through and in essence create the zoning laws for this facility. He stated that you can't ask Foxdale these questions to turn around and do traffic studies until the ordinances are in place. Mayor Wilkie stated that they have checked with the school district to see how many school children are in Tollgate and in Birch Hollow; both developments each have the same number of units as the proposed development. He reminded everyone that over 110 units of this development are only 1 bedroom, which will not permit them to have any children because under the guidelines, a 1 bedroom apartment can only have 1 or 2 adults, but no children. The number of eligible apartments that may have children is then reduced because of that and based on what we see at Tollgate and Birch Hollow is about 30 to 40 students in each of those two developments. The numbers we are being given are realistic. The Superintendent of the school district told Mayor Wilkie they are doing a demographic study and from his experience, when doing a demographic study, you are not supposed to include anything that doesn't already have Planning Board approval. So, the study that is being done now would not have to include this proposed development. The township has advised the Superintendent of potential developments in the future just so they are aware of things. Chairperson Hamilton-Wood stated as a point of referencing, that she was on this Board when the high school was built, and they came in with a proposal for the high school that basically did not really enlarge it. The class sizes are almost the same as when she graduated 30+ years ago. The numbers didn't prove out that we needed a bigger school and if you look today, the graduating class of today is only a few students more than 30 years ago.

Michelle Pattik, 410 Delaware Avenue, stated that her biggest concern was in regards to the congestion at Railroad because you cannot widen Delaware Avenue. The timing on the light changes any time there is a power outage and reverts back to when it was originally put in and only 3 cars can get through when it turns green. Mayor Wilkie stated that the township can see if they can try to correct that. She also expressed another concern of hers as to what this will do for her taxes. How long is the abatement on this project? Mayor Wilkie stated there is no proposed abatement on this project. Ms. Pattik asked if water and sewer is involved, public works is not involved, there is no impact to our tax dollars? Mayor Wilkie stated there would not be and that it actually will be a positive for the residents because the ratable base will be increasing. The developer will be paying the connection fees for water and sewer even though he was not sure if that will be figured on 330 individual or one large bill on that piece. Again, from the township's public works perspective, we will have nothing to maintain in that development. Ms. Pattik said she doesn't believe that the accesses to the apartment complex will only be on Railroad Avenue and that they will eventually be on the tree streets off of Delaware. Emergency Services will be involved and they'll most likely tell you that for an emergency there needs to be other access points. Mayor Wilkie compared it to Riverbank Drive that only has two entrances there; one off the main road and one behind Koschek & Porter's and from his understanding, it has been taken into consideration what the requirements are. Ms. Pattik restated her main concern is the congestion and she feels that when the impact studies are done, you will see that there is really a serious problem in that area. Mayor Wilkie stated that there are plans of improvements to the intersection at Route 130 at Florence-Columbus Road and at Cedar Lane and at Hornberger Avenue and he hopes that some of the improvements that are being proposed there will allow for more traffic to get out quicker. Ms. Pattik stated she would like to know if the residents are ever going to get a break on taxes because they are so high. Mayor Wilkie said he has to disagree because the local tax rate has been the same tax rate since 2012. The budget that was just introduced last month is \$1,000,000.00 less than last year because the money that is coming in on the PILOTs is helping to pay for a lot of roadwork and other improvements going on in the town that would not even be happening if we didn't have the money that's coming in. There was 1.2 million dollars that came in with the PILOT program. Mayor Wilkie stated that ratables are 25% of the town's tax base.

Russ Woolston, 399 Delaware Avenue, had one question in regards to the ground behind him and that it is 15 feet lower and that the drainage of his property drains there. In the future, assuming this goes through, does he have a responsibility to worry about the runoff from his property to theirs? Mr. Gillespie stated that New Jersey State law states that if your property naturally runs off to lower property, you have no liability and that it is a natural function of the difference in elevations in the adjoining properties. If you were to do something that would cause the runoff onto the adjoining property, then that would be different.

Colleen Eldridge, 497 Delaware Avenue, stated her property is located on the corner of Delaware and Railroad Avenues and it is a rental. Ms. Eldridge stated that her tenants have told her semi-trucks turning onto Railroad Avenue from Delaware Avenue have come up over the curb of her property and have cracked a couple of sidewalks. She is

sure when the traffic study is done, it will be found out how that intersection can be improved. She and her tenants concern is the lighting along Railroad Avenue as there are employees that currently walk along Railroad Avenue from the warehouses across her yard to go to Bob's Deli and throw their trash in her yard. She would like to see sidewalks and lighting along Railroad Avenue to Delaware Avenue. She stated she would also like a fence put up because her property will be buffering the apartment complex.

Michelle Rosenblum, 19 Buttonwood Drive, stated the one thing she wanted to touch on was the Master Plan and the proposed Redevelopment Plan. She thinks that the renderings are very nice and the idea of an apartment complex being brought to the area as far as the affordable housing obligation is a good idea; however, she feels that this is a substantial deviation from what we have in our Master Plan right now. Solicitor Frank stated that our Master Plan is comprised of a statement of objectives, a housing element, a land use element; it has different components. One of those components of the Master Plan is our fair share plan, our housing element. In these circumstances, the Board could find that this is, in fact, designed to carry out the fair share plan, the housing element of the existing Master Plan. So, although it is, in fact, inconsistent, the Planner also explained the basis for that inconsistency and the Board can make findings with that intact. The Board is obliged is to look at the Redevelopment Plan and to discuss what issues there may be with it and make a recommendation to the governing body about this proposed redevelopment plan and its relationship to the Master Plan; not to rotely apply it or any of its components. Chairperson Hamilton-Wood stated that she didn't know that we were being inconsistent, because when that Master Plan was done, we did have a residential high/commercial low imbalance and now the pendulum has swung and we are now more commercially high and we are in the process of beginning to redo our Master Plan knowing that it no longer meets where this town is going. Ms. Rosenblum asked with this proposed complex, where are the people going to walk to? We don't have stores or restaurants or those types of uses in this town. Chairperson Hamilton-Wood stated we've been told time and time again by developers that this area does not have the proper demographics to support that kind of zoning. We are kind of forced to what the market will bear. We all would like a hotel, we all would like a grocery store, but unless those companies are willing to develop here, there's not much we can do. Mayor Wilkie stated developers tell us we don't have enough rooftops and that's the reason we don't have them looking to put in restaurants and shops. Ms. Rosenblum stated she understands about not enough rooftops but this proposed complex and a possible other one, we're talking about 20% - 25% increase to our current 12,000 population. Chairperson Hamilton-Wood said her understanding is that when the demographics are done, they're not done to the community itself, but regionally and that's one of the reasons we fail because regionally to the south and north of us, they've obtained those amenities and it doesn't make since to put more it. Mayor Wilkie added that when figuring out the demographics too, you put a dot on a map and draw a circle 5 miles around, but we have the Delaware River and landfill where we have no rooftops in that area.

Harry Warner, 23 McCay Drive, had a concern about the buffer between the complex and his residence. He understands that it would be a buffer of 50 feet and asked if there was

any way to extend the buffer. Mayor Wilkie told Mr. Warner that where his residence is located, there is an open space/retention basin and he is sure that is something that can be looked at.

Barbara Dessasau, 31 Applegate Drive in Legacy Meadowcroft, expressed her concern in regards to the number of anticipated school children and that the numbers that were given are unrealistic and there could possibly be up to an additional 300+ school children and the town would need a new school which would increase her taxes. Mayor Wilkie stated that the developer would have to do a demographic study and the school district is doing its own study which will show how many they anticipate what the numbers would be over the next 5 years. He also stated that there a tax freeze for seniors with a certain income level. Ms. Dessasau also expressed her concern about the foot traffic that they see now through her development with teenagers and even from people that live behind her development in the woods on Foxdale's property. She is concerned with the apartment complex, there will be much more foot traffic than there already is and wanted to know if there would be a fence between her development and the apartment complex.

Jacklyn Lopez, 925 Poplar, asked what will happen if this redevelopment plan does not get approved, would go elsewhere in the township? And when does the township have to meet the COAH standards by? Mayor Wilkie stated that if this is not approved, the township would have to come up with another plan of where the COAH units would go because we have an agreement with the courts which has not been finalized yet. Right now, until the plan is approved we could have an objector who could walk in and say they can meet our obligation and then we would have to fight that proposal.

Bruce Pittman, 801 Railroad Avenue, asked how this is benefitting him? He has lived here all his life and on Railroad Avenue for 20 years. His house is one of the ones on the eminent domain list. Mr. Pittman stated he thinks his house is priceless; he built that house. Mayor Wilkie stated that Mr. Pittman will be paid fair market value and that he couldn't tell him if there was any other benefit to him other than his house would be purchased fairly.

Jane Brennan, 700 Olive Street, stated that the people are all against this and asked how can we stop this? People are getting kicked out of their homes; they don't want to leave. Why can't this be put in the middle of farmland? Why are they putting it where it'll cause much more traffic? Mayor Wilkie stated the owners have a right to develop on their property. The township feels this is in the best interest on the community for apartments instead of more commercial development.

Member Morris remarked on an early concern regarding the traffic at the intersection of Delaware and Railroad Avenues. He stated he lives two blocks from that intersection and knows the traffic is terrible. With a developer coming in here, maybe we have an opportunity for them to come up with a design to better that intersection; let these people come up with some ideas and work with our engineers. The members of the board are all volunteers and are doing the best that we can for this community and control what goes on in our town.

Don Nemeth, 729 Morris Court, asked if there was any other place in the township this could go? Mayor Wilkie stated nowhere else has been proposed by the landowners. Mr. Nemeth asked about Roebing Steel Mill or Griffin Pipe property. Mayor Wilkie stated Roebing Steel Mill is not designed to be developed for housing and Griffin Pipe property has contaminated land with the closed landfill right next to it. Mr. Nemeth stated that Ready Pac has had 10 years to develop their expansion and they haven't. How can you say that it's going to happen? Mayor Wilkie stated that they could build tomorrow. The township is getting pressure from everywhere from developers for commercial and we've slowed things down where they can. Mr. Nemeth asked how it was determined to be 330 units? Mayor Wilkie stated that is based on their representation of the economy in order to be able to keep the apartment complex at a certain standard, not just COAH, but to be able to maintain the facility at a certain level; the quality of the apartments over time. He added that 330 units is much lower than what was originally proposed to the township. Mayor Wilkie explained that this Board didn't know anything about this project until they see it here tonight. They haven't been a part of any previous discussions. Chairperson Hamilton-Wood stated that the residents had a meeting on April 6<sup>th</sup> with the developers to discuss any concerns that they had with them well before the Planning Board got any information regarding this proposal. Mr. Gillespie stated the renderings were done for a presentation to township council, they then had a meeting with the neighboring residences, and now are making their presentation before the Planning Board. Mr. Nemeth also asked that when the B & H building was built, the developers promised to power wash the houses in Legacy and the Morris Court developments. Mayor Wilkie stated the Township Administrator will touch base with them about that.

Helen Steck, lives on Station Road behind the firehouse and has lived there for 48 years. She stated lately the traffic has been terrible and they are coming behind on Station Road to get out to Route 130. She can sit for 10 minutes at the intersection at Delaware Avenue sometimes before she can get across. She stated there are 7 children on her block and they either ride their bikes or walk and try to cross Delaware Avenue at the crosswalk and no one will stop to let them cross.

Seeing no further members of the public wishing to speak, it was the Motion of Lovenduski, seconded by Molimock to close public comments. Motion unanimously approved by all those present.

It was the Motion of Wilkie, seconded by Molimock to recommend the redevelopment plan to the Township Council as per Resolution 2017-74.

Upon roll call, the Board voted as follows:

AYES: Wilkie, Molimock, Hamilton-Wood, McCue, Montgomery, Lovenduski,  
Morris, Collins  
NOES: None  
ABSENT: MacArthur  
ABSTAIN: None

PUBLIC COMMENT

The meeting was then opened up for public comment. Michelle Rosenblum, 19 Buttonwood Drive, asked if anything for B & H Photo had been formally submitted to the Board. Mayor Wilkie stated that B & H would not need to make an application and that First Industrial had their approvals over a year ago and as long as B & H are meeting the obligation of what was in the land use approvals, they do not have to come before the Planning Board. Mayor Wilkie stated that to his knowledge, they were not seeking to make any changes from what was already approved. Chairperson Hamilton-Wood confirmed that there is nothing before the Board at this point. Mayor Wilkie stated that B & H hopes to be fully operational in September and are estimating to have 150 employees. They have a temporary CO at this time. They are telling us they typically don't start until 9:00 AM and they will work around the schools and other businesses schedules. They do shutdown for the sabbath at sundown on Friday and will most likely be closed until Monday morning. They will be observing the Jewish holidays. Ms. Rosenblum asked if it was known how many trucks were expected. Mayor Wilkie stated that it is actually much less than expected in their traffic studies. Chairperson Hamilton-Wood stated that when Mayor Wilkie says that he has talked to them, it is the Mayor talking to them and not this Board. The Board is not privy to some of the information the Mayor is privy to.

Seeing no further members of the public wishing to speak, it was the Motion of Molimock, seconded by Montgomery to close public comments. Motion unanimously approved by all those present.

#### MASTER PLAN REVIEW/DISCUSSION

Planner Fegley stated she would like to set up a time to meet with the subcommittee and stated she would be in touch with the subcommittee in regards to that.

#### ADJOURNMENT

It was the Motion of Montgomery, seconded by Molimock to adjourn the meeting at 9:36 p.m. Motion unanimously approved by all those present.

WM/kf

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Wayne Morris, Secretary