

Florence, New Jersey 08518-2323
 May 23, 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
 Engineer Hugh Dougherty

RESOLUTIONS

Resolution PB-2017-08 finding proposed redevelopment plan for Florence Station Apartments, 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 Substantially Consistent With the Township's Master Plan and Recommending Adoption of the Plan Pursuant to N.J.S.A. 40A:12A-7(e).

It was the Motion of Molimock, seconded by Montgomery to approve Resolution PB-2017-08.

Upon roll call the Board voted as follows:

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

MINUTES

There were no minutes available for approval.

CORRESPONDENCE

There was no correspondence.

APPLICATIONS

- A. Application PB#2017-02 for Geopeak Energy, LLC for amended preliminary and final major site plan to construct two solar arrays on Burlington Coat Factory Warehouse property located at 1830 Route 130 North, Florence Township, Block 160.01, Lot 1.01.
Application received May 4, 2017 and is for completeness review only.

Sarah Szymborski of Prime Law was representation for the applicant. Ms. Szymborski stated she was there for completeness review of the Board so that their applicant, Geopeak Energy, could move forward to have a public hearing. No public notice was required for tonight's meeting since it is only for a completeness hearing. She stated that it was noted on the engineer's report there was a variance checklist that was required and was missing from the initial application. That variance checklist has since been submitted on May 19, 2017 and provided to the Board.

Engineer Dougherty stated that his review letter dated May 17, 2017 does state the application did have all required submissions with the exception of the variance checklist which was then submitted by the applicant on May 19, 2017. He noted that in looking at the checklist, there are a lot of 'not applicable' items noted because for solar arrays, they are not applicable. Also, there is a list requesting a lot of waivers but those items have actually been provided by Burlington Coat Factory with their original application and there wouldn't be any additional impact as a result of the solar panels. Engineer Dougherty stated that if the Board would like to see it as a waiver, that would be fine. All 'not applicable' items indicated on the application are appropriate. One waiver requested on the variance checklist was for the certified list of property owners; however, that was actually submitted with this initial application so that is not a waiver needing to be requested. Engineer Dougherty has no issues with any of the checklists and stated that the Board can declare the application complete if it so chooses.

Chairperson Hamilton-Wood stated for clarification to all those present, that by deeming this application complete, the Board is simply saying that it has received all the information it needs to later be able to make a finding on the substantive issues and that it is not approving nor disproving it this evening. The Board is simply saying that the documents necessary for the application to be reviewed have been submitted.

It was the Motion of Molimock, seconded by Morris to deem application PB#2017-02 complete.

Upon roll call the Board voted as follows:

YEAS: Hamilton-Wood, Morris, Molimock, Lovenduski, Wilkie, Montgomery,
 McCue, Collins

NOES: None

ABSTAIN: None

OTHER BUSINESS

Mayor Wilkie stated he was advised last week that the owner of the Florence Station Apartments property will not be moving forward. He commented that the resolution that was done at the beginning of this meeting still needed to be followed through, but he's

been told that based on a new circumstance, they have now decided that they will not be pursuing it.

Chairperson Hamilton-Wood stated for clarity purposes, what the Board did with the approval of the resolution tonight does not affect the ability for Ready Pac to use the site for the original approvals they have from 2005 & 2006. Mayor Wilkie stated that is correct. He understands a French company has purchased Ready Pac and is planning on doing an expansion and that maybe they have decided to go with the original approvals for the land that Foxdale Properties owns.

PUBLIC COMMENT

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

Debbie Partyka, 705 Baird Drive, asked since the developer of the apartments has pulled out, is there anyone else that is interested in building affordable units there or anywhere else? Mayor Wilkie stated Foxdale Properties is the owner and developer of that site so there are now no plans at this time for affordable housing for that site. He stated the township now has to regroup and figure out where the next alternative is. It will be a continuing work-in-progress. Ms. Partyka asked if Ready Pac were to continue with the original expansion plans, what is the estimated additional truck traffic? Mayor Wilkie said he can't speak on what the truck traffic would be and could only say that the cars from an apartment complex would have been less of an impact on the community and be less intensive.

Mayor Wilkie also stated that the COAH requirements are Council's responsibility and not Planning Board's so there is not too much information available for this Board to be able to answer all the questions.

Anthony Drangula, Route 130, stated he hasn't seen any of the development plans for the apartment complex or what they had planned to do but asked if they had planned to open the 5th Street right of way to be a through street through the complex? Mayor Wilkie stated no and that it would have been encompassing within the apartment complex.

Michelle Rosenblum, 19 Buttonwood Drive, asked with the 2006 approvals for expansion of Ready Pac's warehouse operations and the Areas in Need of Redevelopment Study done in 2013 which includes properties on Railroad Avenue in a blighted area that could be products of eminent domain, what is to happen to those properties if Ready Pac were to expand? Mayor Wilkie stated that the 2006 approval is still in place and did not include those properties, so the expansion would not affect those properties unless there was some type of agreement between the owners of those properties and Ready Pac. Ms. Rosenblum asked if there have been any discussions in regards to a Ready Pac Redevelopment Plan. Mayor Wilkie stated no.

Ms. Rosenblum stated an area of concern for her was that in the 2009 Redevelopment Plan, when the area in need of redevelopment was approved, there was not one designation that contemplated section 5e, which is the blight statute. There was also quite a bit of public comment in 2009 regarding the plan, and comments and issues were addressed by the Planning Board regarding the possible use of eminent domain; however, in 2013, there was no public comment when the Planning Board approved the Areas in

Need of Redevelopment Study. She thought this to be very unusual given the large amount of properties included in that study. She noted that there were also no comments from the Planning Board about the fact that eminent domain was now being contemplated. She suggested that if those properties in question did in fact receive notices, maybe they didn't understand what the notice was about. Ms. Rosenblum also thinks some people may not realize that their property is listed in that study under section 5e and somewhere down the line they will receive a notice that says their property can be condemned by eminent domain. Her concern is how many people don't understand what that means and suggested that a re-noticing of property owners be done according to the same provisions as in the resolution that was issued in 2017. She added they would then at least be made aware so if there were any objections, they would be able to at least state their objection. Ms. Rosenblum also asked why there was such a huge shift between the 2009 redevelopment plan and 2013 redevelopment study in terms of using section 5e and eminent domain?

Chairperson Hamilton-Wood stated she thinks it is unfair to ask this Board to now try and comment or speculate as to what was going on during that time. She stated that one reason why there may have been the shift from 2009 to 2013 was because there were different personnel on the Board at that time. She also explained most of what Ms. Rosenblum wants to have done is legislative in nature and not something the Planning Board can do because the Board doesn't have the authority; such as, the Board has no authority to re-notice property owners.

Solicitor Frank stated that there was a change in the law in September of 2013. He stated that in 2009, whenever a Planning Board made a recommendation in regard to a redevelopment area, it was built in that with the power of condemnation, the governing body would be authorized to use those powers if it elected to take up that recommendation. In 2013, the legislature said if a municipality is doing a condemnation of a redevelopment area, the governing body still had the power to do so but needed to now reference those areas. The reason that it wasn't mentioned in 2009 is that it was already built in, but since 2013, you are now obliged to mention it. He added that it is required that when a Planning Board is recommending a redevelopment plan or study, it must state in the resolution the properties designated as 5e.

Solicitor Frank assured Ms. Rosenblum that prior to any hearing of the adoption of redevelopment areas or designation of redevelopment areas, individual notices are sent to each of the affected land owners. In addition to that, notices are required to be published in the newspaper. The language of the notice, the list of property owners, the publication and mailing dates are very carefully checked that the law has been complied with and also that the affected landowners are as completely informed as the law requires with the information the township can provide as to what is being discussed about their property interests. He stated they get a notice prior to the Planning Board meeting and they also get a notice 10 days after the determination of the governing body, which includes what is essentially an invitation to challenge it if they thought it necessary to do so. He advised Ms. Rosenblum that if she would like to challenge those designations, then the place to do so is in Superior Court. Solicitor Frank stated that this body could not reopen the 2013 redevelopment designation if it wanted to and that the Planning Board is only by law permitted to look at redevelopment area designations that is directed by the governing body; we do not have the authority to do what Ms. Rosenblum is asking.

Mayor Wilkie stated he does remember Planner Fegley went page by page of the 2013 document and he believes she made the presentation here with the Planning Board and also at a public hearing at a Township Council meeting before it was approved. There were many questions that were asked prior to those meetings and personal discussions with the administration. The document was also made available prior to those meetings. Mayor Wilkie stated that in the 2013 study, any property owner within that area was notified that the study was being done because that is what we are required by law to do. He stated that with the redevelopment study, the Planner was trying to work with properties that had not been able to get developed. It was a very restrictive plan done in 2009 but in 2013, it was much more encompassing that allowed for businesses such as NFI and Burlington Stores to be developed the way they were. Township Administrator, Richard Brook has told him that Florence Township has never gone through condemnation in the 29 years he's been working for the township.

Mayor Wilkie stated that if we take the example of what was just done with the Redevelopment Plan for Railroad Avenue where the township reached out to each property owner and met with them before giving them that notice, that would show what Florence Township will continue to do in the future. Those meetings were individual meetings between the Township Administrator and the 3 owners of the 4 occupied properties explaining what was going on. Mayor Wilkie also stated that this Planning Board does not have the authority to go forward so if Ms. Rosenblum wants exact answers of what happened in 2013, he suggested she make an appointment with Mr. Brook and let him know exactly what she is looking for ahead of time. He knows Mr. Brook would be more than willing to sit down with her and answer all her questions.

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

MASTER PLAN REVIEW/DISCUSSION

Planner Fegley stated she had a brief questionnaire to hand out to the members. She also mentioned that she would be scheduling a workshop meeting with the subcommittee which includes Member Hamilton-Wood, Member Morris, and Member MacArthur and will be in touch with them in regards to that meeting.

Planner Fegley mentioned that the township map would need to be updated because there are areas on the current map that show as vacant land but are now occupied with Amazon, NFI, Express Scripts, etc. She will be contacting the Tax Assessor so that the map can reflect those changes and show those zones as industry.

ADJOURNMENT

It was the Motion of Morris, seconded by McCue to adjourn the meeting at 8:20 p.m. Motion unanimously approved by all those present.

Wayne Morris, Secretary

WM/kf