

Florence, New Jersey 08518-2323  
July 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 (arrived 7:40 p.m.)
Wayne Morris	Ray Montgomery
Mayor Craig Wilkie	Council Representative Ted Lovenduski
Russell MacArthur, Alt. #1	Jane Collins, Alt. #2

ABSENT: James Molimock

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

### RESOLUTIONS

**Resolution PB-2017-09 deeming the application of GeoPeak Energy, LLC complete and granting approval for Amended Preliminary and Final Major Site Plan with Bulk variances to construct two solar arrays on property located at 1830 Route 130 North, Florence Township. Block 160.01, Lot 1.01**

It was the Motion of Lovenduski, seconded by Morris to approve Resolution PB-2017-09.

Upon roll call the Board voted as follows:

YEAS: Hamilton-Wood, Morris, Lovenduski, Wilkie, Collins  
NOES: None  
ABSTAIN: None

**Resolution PB-2017-11 granting approval for the application of Wawa, Inc. for a one-year extension of approvals for application PB#2015-04 to construct a trash enclosure for property located at 2060 Route 130, Florence Township, Block 163.02, Lot 13**

It was the Motion of Morris, seconded by Lovenduski to approve Resolution PB-2017-11.

Upon roll call the Board voted as follows:

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

NOES: None

ABSTAIN: None

### MINUTES

It was the Motion of Morris, seconded by Lovenduski to approve and file the Minutes of the Regular and Closed Session meeting of June 27, 2017. Motion unanimously approved by all those present.

### CORRESPONDENCE

- A. 2018 Meeting Schedule for Review.  
Mayor Wilkie stated that 2018's dates are consistent with the normal meeting dates. They will go in the 2018 township calendar which they like to go to print with that in the beginning of November.
- B. Letter received 7/5/17 from Burlington County Planning Board regarding Effisolar Energy.

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

### APPLICATIONS

**Application PB#2017-03 for First Florence I Urban Renewal, LLC, c/o First Industrial, for Amended Final Major Site Plan for property located at 400 Cedar Lane, Florence, NJ 08518, Block 148.06, Lot 2.**

While the applicant was getting organized, Solicitor Frank asked if members of the public or any other persons in attendance to turn off their cell phones so as not to interfere with the recording system.

Erin Szulewski of Parker McCay representing the applicant, First Florence I Urban Renewal, LLC, stated they were here tonight seeking an amended site plan approval for the property located at Block 148.06, Lot 2, 400 Cedar Lane. The applicant did appear before the Board previously in February 2016 and received Preliminary and Final Site Plan approval for a 577,200 sq. ft. warehouse distribution center and associated site improvements. One of the conditions of that approval was outside agency approval, as well as compliance with comments within the Board's professionals review letters. She stated they are back tonight before the Board seeking approval for changes that have arisen to the site plan since that time.

There are 7 specific changes that they will walk through tonight and with her is James Knopka from First Industrial as well as Ahmad Tamous from Bohler Engineering. Solicitor Frank swore in Mr. Knopka and Mr. Tamous as expert witnesses. Mr. Knopka is the Senior Director of Construction with First Industrial and Mr. Tamous is the Project

Engineer from Bohler Engineering who is licensed in the State New Jersey and the State of Pennsylvania and has a master's degree in structural engineering. Both were considered qualified by the Board Members.

Ms. Szulewski had their first exhibit marked as A-1 which Mr. Tamous explained that it shows the previously approved site plan from 2016, sheet 1 of 1 - Site Plan exhibit. Their second exhibit, marked as A-2, is the same Site Plan, exhibit sheet 1 of 1, dated July 5, 2017, and shows the changes highlighted in red and will explain all the changes; landscaping along the frontage, the fencing, and guard house. Ms. Szulewski stated they will walk the Board through the changes that are being proposed. This first of which is the 5' wide sidewalk that is along the Cedar Lane frontage of the tract.

Member McCue arrived at 7:42 p.m.

Mr. Tamous stated that after receiving the township's approval, one of the requirements to obtain Burlington County's approval was the construction of a 5' wide sidewalk. The construction of the 5' sidewalk along the frontage resulted in a reduction of the area available for landscaping. During the last site inspection by the township, they noticed the discrepancy and some remedies were discussed to resolve the situation. They have also met with Planner Fegley to try to come up with a solution that is acceptable to the township professionals and also preserve the final approval. Ms. Szulewski stated this ties into their second item that is being amended which they will get to a little bit later on and is regarding the landscape treatment that was originally approved along the Cedar Lane frontage.

Ms. Szulewski continued with the next item which is an 8' high fence that is proposed to be placed along the northeast corner of the building and extend to the sound wall and will include sliding gates. Mr. Tamous pointed out that proposed location on exhibit A-2. He stated it will be along one of the entrances and will include manual sliding gates. Ms. Szulewski asked Mr. Tamous to also point out the second fence that is proposed to be located along the landscaped island which will separate the southerly parking lot from the truck access drive and will also have manual sliding gates. Mr. Tamous pointed out the location of the proposed second fence and added it was not a part of the original application. He stated they added a fence to the front driveway which was a part of the original approval. He also stated they are proposing an addition of a guardhouse, which was not part of the original approval. With this addition, it will allow for better security and supervision of the site. As a result of this change, they had to bump out the existing pavement about 10' into the grass area to allow for the island and construction of the guard house.

Ms. Szulewski stated the final addition to their proposed amendments is the installation of a trash compactor to be located at the southeast corner of the building. Ms. Tamous added that this was part of the original plans; however, it was omitted from the final plan set at some point. We then noticed it had been omitted and have included it in this submission as well.

Chairperson Hamilton-Wood confirmed with Planner Fegley that she had previously met with the applicant regarding the landscaping. Planner Fegley stated she did and stated that if the Board remembers, there is not much area for landscaping on the site in any way in

regards to what has been installed across the street because the county required the sidewalk; it is narrowed down to almost 5.5' at the narrowest. In some cases, along the road frontage, they are not getting enough of a buffer, but under the circumstances there isn't a whole lot that can be done. The applicant was also asked because of the slope, that they provide us with cross sections, but Planner Fegley didn't see that that was part of this package. The cross sections showed it was going to be a slope down to the sidewalk but there was a concern that when you get large shrubs, with evergreens, half of the root ball will be out of the soil. She said they had talked about having a wall and would like to see a higher wall, but they have reasons to not have a higher wall. She has asked the applicant to explain what they are proposing and why they have the conflicts and then address the other items addressed in her review letter.

Engineer Dougherty mentioned that there is a completeness issue that should be addressed first with this application. This is an amended major site plan application and with it comes along the checklist which is then verified. The applicant has requested quite a few waivers from the checklist and he wanted to verify that the application is complete. The first in regards to Submission Items under A and are listed as items 1 – 10 on his review letter. He does agree that these items are not applicable because they pertain to the original application and this is a minor amendment to an existing site plan. On page 3, Submission Items under B, are waivers that were requested. The Environmental Impact Statement, drainage area map and calculations, and a written description of the proposed use and operations of the building were all submitted with the original application. He has no objections to granting those waivers for this amended site plan application. Before proceeding with this application, the Board does need to deem it complete.

Chairperson Hamilton-Wood asked the Board for a completeness finding and to make a decision as to whether it can be deemed complete. There seems to be nothing of substance that is missing or that has not already been submitted with the prior application, so at this point we are looking for a motion to deem the application complete.

It was the Motion of Wilkie, seconded by Lovenduski to deem application PB#2017-03 complete. Motion unanimously approved by all those present.

Chairperson Hamilton-Wood stated we can now move forward and go to the substantive issues of this application. She explained to the members of the public present that the action that the Board just took was to deem the application complete and is ready to be heard and that a final decision has not yet been made on the actual application. All that was done was determine that the applicant provided the Board with enough documentation so the Board could hear the remainder of the application.

Mr. Tamous stated that as Planner Fegley explained, to provide a planter area for landscaping along the portion of the property, there are a couple of troublesome spots that are each approximately 200' in length. To provide a better landscaping area, they are proposing a 2' by 2 ½' wall in those area. During their discussions with Planner Fegley, she suggested a higher wall; however, if the 30" mark is crossed, then a railing would be required along the walls for protection and that would take away from the aesthetics of this complex and the street. They have opted for a reduced height which would give them a landing to provide the required landscaping along the frontage area which is about 5' wide and is the absolute best that can be done given the location of the sidewalk and the

clear zone required by the county. In the other area, there is approximately a 10' wide landing which will provide heavier landscaping in this portion and conforms with the original approval and is also enhanced, so in overall there will be no landscaping lost in quantity from the original approval, it will just be distributed in other places. This is the major change in the plans from the landscaping perspective because of the construction of the sidewalk along the frontage.

Mr. Tamous then explained that the location of the trash compactor is still in the original location on the southeast end of the building, the furthest point away from residential areas and located 378' from the property line. The noise impact is absolute minimum. Solicitor Frank asked that Mr. Tamous' testimony is that the trash compactor will comply with the township's noise ordinance in which Mr. Tamous stated yes.

Mr. Tamous stated that they are in agreement with all the comments in Ms. Fegley's review letter except two items. One of Planner Fegley's concern, #3 on page 3, was in regards to an existing manhole shown near the proposed retaining wall. They visited the site to double check the location of the manhole and it is located in the center of the sidewalk and is shown incorrectly on the plan so it will not have any impact on the wall. In regards to comment #4 on page 3, to allow for the construction of the retaining wall without the demolition of the recently constructed sidewalk, there is a 1/2 foot gap between the wall and the sidewalk because the base of the wall is wider than the wall itself. The plan shows there to be grass in that gap; however, what they are now proposing, if it's amenable to the Board and the professionals, to mulch that area instead of the grass. And that would be just for the 200' section along the sidewalk area. Ms. Fegley asked why they would not want to do hardscaping which gets into the type of wall that was previously discussed. She also asked why the wall that is now being proposed isn't even on the plans. Mr. Tamous stated the wall is an EP Henry, aspen color, wall which mimics the existing sound wall along the edge of the property which was part of the discussion with Planner Fegley. Planner Fegley again asked why they wouldn't want to do hardscape because there are potential problems with having mulch with runoff and weeds. Mr. Knopka stated they looked at river rock but that leads to potential problems with snow blowing. Planner Fegley stated that pavers that match the wall would look nice. Mr. Knopka stated as long as there are no problems with the drainage for their two 200' long sections, they are open to that suggestion and Mr. Tamous can have that incorporated when they submit their compliance plans. Planner Fegley stated they do not need to satisfy her, but to satisfy the Board.

Chairperson Hamilton-Wood wanted clarification regarding the retaining wall. She stated they are doing a retaining wall for a portion of the property which will create a 6" gap between the wall and the sidewalk because of the base underground is wider than the wall. If they try to grow grass there, it's never going to grow, mulch will not stay put and there will be weeds, and the alternative suggestion is to have some kind of paver placed next to and level to the sidewalk filling in the gap and that would in essence extend the sidewalk by 1/2 a foot. Planner Fegley said that is correct. Mr. Tamous stated there will be the 5' sidewalk, 6" of paver, then the 2' high wall, and then there will be landscape area on the other side which will include grass and plantings.

Mr. Knopka stated there will also be mulch in some areas and presented photographs. Exhibit A-3 is a blowup of the sidewalk and retaining wall showing trees to give a

relationship to scale of the building and the retaining wall. Exhibit A-4 is a view from the south driveway looking up Cedar Lane to the north showing the scale of the landscape. Exhibit A-5 is a view from across the street showing the landscape and their building.

Planner Fegley asked if Mr. Tamous could describe how many portions of block and what the wall will look like on the ends. Mr. Tamous stated the wall will step down and the plans will be amended to show that at the ends, the wall will taper down. Mayor Wilkie asked why Planner Fegley would like to see a higher wall. Planner Fegley stated that at the higher slope part, she thought it would flatten out better with a higher wall. Engineer Dougherty stated that with the wall, one of the reasons of keeping it at 2' is because anything over 30" would require a railing; however, that's only if you have a walkway within 5' so they don't really meet that criteria. It would only then be worker safety when someone is in that area landscaping the bed, but there are protective measures in regards to fall protection and that type of thing so the height criteria could be averted if the Board wanted the wall to be higher. The only other thing that he did notice is that the slope that is behind the 2' wall is 3 to 1 or less and that's generally a slope that is used for landscaping purposes. He does not see that as being difficult to plant or maintain, so the 2' wall, in other words, is adequate. In his opinion, they could go higher without a railing, but the 2' is adequate.

Chairperson Hamilton-Wood asked if the Board should have any concern with the sidewalk and the wall with snow removal, water from drainage, etc.? Engineer Dougherty stated the drainage will not be affected by the wall. He has discussed this with the applicant's engineer and they did talk about having river rock, but that would be a plowing nightmare. The brick seems like a good fit. The only problem is the wall could have a slight deviation so you're not going to get a perfect 6" brick in the gap, but you can cut the brick to fit. What he would recommend is that the slope of the sidewalk be maintained to the base of the wall so the water will drain out to the street as opposed to creating puddling. Chairperson Hamilton-Wood asked if there are going to be drains in the wall to let some of the water out or is it shallow enough that it will just come over the top of the wall? Engineer Dougherty said that generally that the EP Henry wall is constructed so it has built in leak holes so the water trapped behind the wall would come out. If it is a real heavy downpour, water will most likely come over the top of the wall as well.

Mr. Tamous continued with commenting on Planner Fegley's review letter, #5 on page 3, regarding the gate on the southerly side of the site that will separate the pedestrians from the employee parking from the truck access and trailer parking. In regards to #6, for the ornamental swing gates approved for the driveway entrances being amended to manual sliding gates on both entrances; the fence work will be exactly the same as the original approval. The original approval shows swing gates, these amended plans show sliding gates. Planner Fegley asked Mr. Tamous about the comments made by Fire Official Richardson in his letter to the Board. Mr. Tamous stated they did have a conversation with Mr. Richardson and are in agreement with all of his comments and they will provide all required minimums as stated in his letter as well as the Knox boxes so they could gain access to the site in case of emergency.

Chairperson Hamilton-Wood asked about the gate that will be in the back that is to control employee parking from the trailer parking. Mr. Tamous said that is correct and it will be to segregate those two areas. Chairperson Hamilton-Wood stated he mentioned that there

will be one on the other corner as well. Mr. Tamous said that is correct and that will be there for security; just for access. Mr. Knopka added they wish to segregate car traffic from truck traffic so they don't intermingle and that there is a separate truck drive on the south side and that is what they are trying to do and segregate a car parking lot from that truck drive. Their primary traffic movements will come in on the south entrance, go to the east side of the building and use the loading on the east side of the building. They are not intended to use many, if any, of the doors on the left side of the building facing Cedar Lane. Chairperson Hamilton-Wood asked if the guard house was not on the original plans? Mr. Knopka stated the guard house was on the original approved plans but it was off on the side of the driveway and just from a safety perspective, the tenant asked if we could put it in the middle of the driveway so trucks entering in can pull up right to the guard house as opposed to somebody walking out across traffic to the truck.

Planner Fegley asked if there is any difference is the amount of noise generated from a swing gate to a slide gate. Mr. Knopka stated they started off with swing gates with the original plan and as they worked through the driveway with the requirements by the county for trucks and vehicles to enter and exit at the same time, we ended up with about a 60' wide driveway, so the thought process was rather than having a 30' swing gate that trucks could run into, sliding gates that retract back behind the existing 8' metal fence and be tucked out of the way would be much more feasible. He stated they actually went to Express Scripts and looked at their gates to get an idea of how it would look and work. Chairperson Hamilton-Wood asked if they will be open most of the time? Mr. Knopka stated the south one will be open during the day and be closed at night when they are not in operation and the other will be closed most of the time. Planner Fegley asked about the noise generated by the manual sliding gate. Mr. Knopka said he could not comment on the noise of the manual gate; however, said it will opened in the morning and closed in the evening and not continually during the day or night. There will be 24-hour security on site. Express Scripts gates are electric and our proposed ones will be manual. Engineer Dougherty that he had asked for detail of the sliding gates and the different dimensions of each gate, that each gate should have its own detail and be a condition as approval.

Mr. Tamous did say they are in agreement with Ms. Fegley's comment regarding drip irrigation for the landscaping, #8 on her review letter; however, Ms. Szulewski added they are not in agreement with #9 regarding the perpetual landscape maintenance agreement because it was discussed with the original application and did not end up being a condition of that approval. The perpetual requirement does go beyond what is required by the Municipal Land Use Law and the Maintenance Bond, which is limited to a two-year period. Ms. Fegley stated the reason it was put back in is because this landscape is not what was originally presented. Mr. Frank stated that it can be listed as a condition of the approval that the landscaping must be maintained and if it is not, it would be a violation of approval. It would then be a question of a zoning ordinance where you could send the zoning officer out to say it's a violation of approval. It probably works as well or better for everybody instead of the perpetual language. Chairperson Hamilton-Wood stated the Board just wants to make sure since this is a little different landscaping that might require more attention and if it's not kept up, it's not going to look so good. Planner Fegley stated they did agree to the drip irrigation.

Mr. Tamous addressed #10 of Planner Fegley's review letter is regards to the status of the walkway plans for the rear of the property behind the sound wall. He stated that was a

stipulation of the redevelopment that if the county required a sidewalk along the frontage, then a walkway in the rear was no longer needed. Therefore, because of the sidewalk along the frontage, the applicant is no longer required to install the walkway in the rear. Mayor Wilkie stated that it still is an objective of the township to put a trail in that area but do understand that since the sidewalk along the front was being required by the county, the township couldn't ask for the applicant to do both.

Mr. Tamous stated that regarding Engineer Dougherty's review letter, that the applicant agrees to all comments with the exception of #1; the need for sheets 24-29 of the plan set. He discussed this issue with Engineer Dougherty earlier and those sheets represent the county cross sections and do not reflect the current site conditions. Due to some unforeseen construction conflicts, there were some revisions done for the county and they were going to include the plans; however, it would not be consistent with what the other plans show. There is no impact on the site, it's within the county jurisdiction, and all that improvement has already been constructed so there are no conflicts and no construction issues will arise from not providing those sheets. Engineer Dougherty addressed the Board and stated that just this afternoon he did speak with Mr. Tamous, and Mr. Tamous did email sheets 24-29 to him and it is all county improvements plans and they have county approval. The applicant is not hiding anything. He accepts the emailed sheets.

Mr. Tamous stated that in regards to other outside agency approvals, the site is currently under construction and they have a current valid approval so there is no need to reapply to the county planning board, or for soil conservation. All these improvements being requested tonight are within the property. Mr. Dougherty stated that what he was looking at with the soil conservation approval is there is a threshold if over 5,000 sq. ft. of disturbance, they need to file for a permit. The applicant does have all the outside agency approvals for the original application, and the amended application is less than 5,000 sq. ft., so he will agree that no further approvals are necessary at this time.

Planner Fegley asked what the applicant's timeline is for this application. Mr. Knopka stated that their goal is to get approval tonight. They will then have Bohler Engineering submit the plans to the professionals. They will order the block for the wall. They are anxious to wrap this up as soon as possible and plan to be done this Fall.

Ms. Szulewski stated that is all for their testimony but will answer any questions that the Board may have.

Being there were no other questions or concerns of the Board, it was the Motion of Wilkie, seconded by Montgomery to open for public comment. Motion unanimously approved by all those present.

Don Nemeth, 729 Morris Court, stated he had some technical questions and was then sworn in by Solicitor Frank. Mr. Nemeth wanted to know if there were any plans for there to be a sidewalk on the opposite side of Cedar Lane in front of Amazon. Mayor Wilkie stated that Amazon will be putting in a sidewalk as soon as the road improvements are completed and it will be from Firehouse Lane all the way down Cedar Lane. Mr. Nemeth mentioned that he understood the traffic pattern for 400 Cedar Lane was to be counter clockwise but that is not happening. Mr. Tamous stated that once both driveways are operational, the northern access will be closed and all traffic will use the southern side to



enter and exit. Mr. Nemeth also asked if the township was going to acquire the property behind the sound wall and behind his property behind his development from Cream-O-Land and asked that if it can be maintained and cleared out because they have no access to get behind their properties. Mayor Wilkie stated that was something the township was in the process of acquiring but does not own it yet so the township has no authority to maintain it. Mr. Nemeth also stated that power washing the affected houses on Morris Court from the construction of 400 Cedar Lane was something offered with the original approval and he was wondering when that was going to happen. Legacy was also to be power washed and that has been done, but Morris Court has not. Mayor Wilkie stated he'll have the Township Administrator check into that for him. Chairperson Hamilton-Wood does believe that it was a condition of that approval.

Melanie Chambers, 64 W. Main Street, Somerville, NJ, was sworn in by Solicitor Frank. Ms. Chambers asked about the occupancy of the building and if B&H Photo was the only tenant or if there were others? She was advised that B&H was the only tenant. Ms. Chambers stated that there were a few people here and does understand this is a Planning Board meeting and there is only so much power the Board has, but feels it's necessary to use every avenue possible to discuss the big issue they have with B&H moving to Florence. She stated B&H is a company that is currently being picketed in New York City where their warehouse is currently, which is why they are moving to New Jersey. She stated their workers have attempted to unionize due to dangerous and unsafe working conditions in the Brooklyn warehouse. She stated that obviously there are concerns that these unsafe conditions will continue here in Florence and the workers will no longer be protected under their unions. She asked if she could read some testimonials for workers. Chairperson Hamilton-Wood stated she could not and Solicitor Frank added that she can give her own testimony, but could not give testimony from a 3<sup>rd</sup> party. Ms. Chambers stated that as a resident of New Jersey, she would like to express her deep disapproval of this project and does not think it should happen and that she does not believe it can do anything good for Florence or New Jersey and urged the Planning Board to delay their decision on this application. Solicitor Frank wanted to be clear that Ms. Chambers had no comments on the design of the site. She stated that she did not. Solicitor Frank stated that was limit of this Board.

Seeing no other member of the public wishing to be heard, it was the Motion of Montgomery, seconded by Morris to close public comment. Motion unanimously approved by all those present.

Chairperson Hamilton-Wood stated the Board is looking for a motion to approve this application with the following conditions provided by Solicitor Frank: the applicant is agreeable to comply with all comments in Planner Fegley's letter with the exception of providing more detail in regards to the location of the manhole and providing a perpetual landscape maintenance; the applicant agrees to comply with all comments in Engineer Dougherty's letter; in addition to that, testimony was offered that the trash compactor will comply with the township noise ordinance, as will the entire site operations; the applicant will provide hardscaping between the existing sidewalk and the proposed retaining wall and also will provide detail of each of the proposed gates. Another condition, because the maintenance of this landscaping being more critical than usual landscape buffer, is that the maintenance of the proposed landscaping will be enforced by our zoning officer. The Board will acknowledge that additional outside agency approvals are not needed to be

redone from the original approvals. All prior approvals would remain in effect, including the power washing.

It was the Motion of Wilkie, seconded by Morris to approve application PB#2017-03 with the conditions that were outlined by Solicitor Frank.

Upon roll call the Board voted as follows:

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

NOES: None

ABSTAIN: None

ABSENT: Molimock

Motion carried

Chairperson Hamilton-Wood stated there will now be a five-minute recess; 8:32 p.m. Chairperson Hamilton-Wood called the meeting back into session at 8:38 p.m. and reminded all to please turn off all cell phones due to the possible interference with our recording system that it can cause.

#### OTHER BUSINESS

**Florence Township Council Resolution No. 2017-168 referring a proposed redevelopment plan for a parcel within the Highway 130 Redevelopment Area (2013) to the Township of Florence Planning Board for the Board to take certain actions pursuant to N.J.S.A. 40A:12A-7(e); specifically Block 165.04, Lot 63 located on Florence-Columbus Road.**

Solicitor Frank reminded the Board of its duties. The Planning Board shall transmit to the governing body within 45 days after referral, its recommendation or concerns. This report will include whether the redevelopment plan is consistent or inconsistent with the Master Plan and recommendations concerning those inconsistencies and any other matters that the Board deems appropriate. Tonight, the Board is in no way approving or disapproving a development application, nor is it approving or disapproving the redevelopment plan. Our job is to look at a redevelopment plan and to compare it to the Master Plan and to comment to the governing body whether it's consistent or inconsistent, and if inconsistent, what other matters might the Board recommend to the governing body.

Planner Fegley asked that the concept plan, which is on the last page of the redevelopment plan, be moved so that members of the public in attendance could see what was being discussed.

Planner Fegley stated we are here tonight to go through the Redevelopment Plan for Lennar – Tri-State, Block 165.04, Lot 63 on Florence-Columbus Road. The Board has done a number of redevelopment plans so they are familiar with what is contained in them. This property is 8.86 acres in size and is situated in the Office Park (OP) zone; however, it is also part of the area in need of redevelopment that was designated in 2013. The property is located on the northeastern side of Florence-Columbus Road, CR 656. It's immediately adjacent to Regars Drive and north of the Pennsylvania extension of the New Jersey Turnpike. There are single family residences in the Estates at Crossroads that are situated to the east and northeast. Vacant farmlands are located to the north, vacant

woodlands are situated to the west, and the Liquor Barn/Wayside Florist and a small solar field are located to the south. The Manor at Crossroads is located to the northeast of Brown Boulevard to the north of the property. The zoning to the east of the property is R-Residential.

In 2013, the area was designated to be an area in need of redevelopment and was approved by the Planning Board and the governing body. It was sent to the New Jersey Department of Community Affairs and was properly designated as an area in need of redevelopment. In November of 2016, Florence Township entered into an agreement with Community Investment Strategies (CIS) and that agreement is incorporated into this redevelopment plan by reference.

On July 12, 2017, Township Council passed Resolution 2017-168 directing the Planning Board to review this Redevelopment Plan and, as Solicitor Frank just said, determine whether or not it's consistent with the Master Plan.

This Redevelopment Plan specifically addresses the concept plan that is contained in Appendix F, which is the one shown on the easel; however, it does not prejudice the other possible uses that were set forth in the CIS Agreement. This Redevelopment Plan would have to be amended for any other use to be permitted.

What's proposed is 40 townhomes that are 23 feet wide by 38 feet deep with a two-car garage and a two-car driveway and 40 stacked townhomes that are 24 feet wide by 63 feet deep with a one-car garage and one-car driveway. All of the townhomes will contain 3 bedrooms; 20 of the stacked townhomes will be 2 bedrooms and 20 will be 3 bedrooms.

Contents of a Redevelopment Plan: In relationship to local objectives, the last Master Plan is dated 8/20/2007 and was adopted 6/18/08. That reexamination report is almost 10 years old. That Master Plan talked about housing development and how it outstripped commercial development and created an imbalance. That was true back in 2008. At the time, the Roebing Steel Mill had closed and there was already a lot of pressure on a strained tax base. It is important to know that one of the objectives at that time was to restore the imbalance in land by promoting commercial development. As we know from other applications this Board has heard, there has been a lot of commercial development, including warehouses and distribution facilities along the Route 130 corridor that opened in response to the opening of the Pennsylvania Extension of the New Jersey Turnpike. In addition, the township has benefitted from the Light Rail system at the Haines Center and also the Roebing Light Rail passenger station.

One of the things in the Master Plan and the zoning is about the OP-Office Park. At the time, the Master Plan also proposed an Office Research/Professional District on the Griffin Pipe property, but neither that zoning change nor the Office-Professional development in the area zoned for such has occurred in the township. So although this Redevelopment Plan does not meet the requirements of the OP district in which it is situated, it's important to note that the Master Plan was last done in 2007, it's close to 10 years old, and the township has significantly benefitted from the innovative solutions to develop or redevelop portions of the township suitable for commercial development. In the past 5 years there have been a number of large scale warehouse/office developments that have restored the balance to land use keeping property taxes low and provided

countless job opportunities. In fact, the number of residential developments has significantly decreased during the period of substantial increases in the non-residential development. In light of this changed development environment from primarily residential to primarily non-residential, the proposed residential use in the Redevelopment Plan becomes consistent with local objectives.

Proposed land Uses and Building Requirements:

Permitted uses would be townhomes and stacked townhomes.

Permitted accessory uses and structures would be the sales models for the townhomes or stacked townhomes, outdoor recreation such as a tot lot, site signage, privacy fences in the rear yards of the townhomes separating patio areas, patios, decks, parking areas and other uses customarily incidental to townhomes and stacked townhomes. Free standing or attached storage sheds would not be permitted. Solar panels to service a townhome only would be permitted in accordance with ordinance 2013-14.

The bulk standards are listed on page 7, section 4 of the Redevelopment Plan. The minimum lot area is 5 acres; lot frontage is 200 feet overall (23 feet for the individual townhouses); rear yard setback is 30 feet for the tract and 20 feet for the individual lots; minimum building setback is 25 feet overall – 18 feet for the individual townhomes and 10 feet for the stacked townhomes; maximum building height is 39’2” for the townhomes and 39’8” (3 stories) for the stacked townhomes; density is 29 dwellings per unit; perimeter buffer area is 42 feet minimum adjacent to Florence-Columbus Road, 40 feet minimum adjacent to Regars Drive; maximum building coverage is 40% overall; parking standard would be per RSIS as for the parking dimension size.

The general requirements are very similar with the ordinance. Ms. Fegley pointed out a few that are in addition to what the ordinance might already have.

- All buildings shall be compatibly designed, whether constructed at one time or in stages over a period of time. All building walls facing any street or residential line shall be suitably finished for aesthetic purposes.
- There is concern about a buffer to the residential units that are adjacent to the property, so evergreen buffer plantings, a minimum of 20’ in width, shall be provided in a staggered planting arrangement to create a visual and noise barrier between the proposed townhomes and residences to the north and northeast in the Estates at Crossroads and to Florence-Columbus Road to the south and southwest.
- It has been put in the Redevelopment Plan that all the storm water basins or the storm water area or areas shall be designed to be a dry basin unless soil borings and engineering studies determine that it is infeasible to construct such a basin.
- There is no parking permitted along Regars Drive.
- Except as to the rear yard privacy fences not to exceed 10’ in length situated perpendicular to the rear face of the townhouse, fences and/or walls are not permitted along any individual property line in the townhome or stacked townhome sections.
- In order to match the Birch Hollow Development across Florence-Columbus Road, a white meandering PVC post and rail fence in the style and height of the existing fence along Florence-Columbus Road shall be provided along the property line along Florence-Columbus Road.

Signs – the property is allowed to have one monument identification sign. Site plan reviews shall be required for the sign, the setbacks shall be a minimum of 1’ from the existing or proposed right-of-way line of Florence-Columbus Road or Regars Drive, the size is to not exceed 32 sq. ft. with a maximum height of 6’, and it may be located within the buffer area. Any directional signs are permitted, but they have to be small and can’t confuse or interfere with the message of the sign.

Miscellaneous –

- Sidewalks shall be provided throughout the development.
- Complete landscaping plans shall be prepared. Because this site is actively farmed, there are a minimum of trees to be considered for saving, but all shall be evaluated.
- Site lighting shall be provided for reasonable safe passage through the community and will be appropriate for the development and the neighborhood to minimize light pollution to the neighboring residences.
- Off-street parking shall be provided in accordance with the RSIS.
- The developer shall work with the township to create a user-specific recycling program that is tailored to the nature and volume of recyclable material produced on site.

Since the property is vacant, there are no provisions for relocations.

The township currently owns the property and at some point, will transfer to the property to a private entity for redevelopment.

Relationship of the Redevelopment Plan to the Master Plan or Contiguous Communities – since there are no adjacent communities, this is not applicable. The Burlington County Plan, which there really isn’t one because they tend to follow the state development and redevelopment plan or the Route 130 corridor strategic plan; however, that plan does not address Florence-Columbus Road.

This Redevelopment Plan is consistent with the state development and Redevelopment Plan and it’s 4 goals: to target economic growth, effectuate planning for vibrant regions, to preserve and enhance critical state resources, and to align government entities.

With all of the commercial warehouse/office development the township has experienced in the last 5 years, there’s now a need for additional growth in residential land use, particularly in multi-family units as opposed to single family units. In order to effectuate such development, there is clear partnership between Florence Township, Burlington County, and the State of New Jersey and the private sector. Although the property is currently an agriculture use, it was zoned for Office Professional development and it was declared an area in need of redevelopment. The township has targeted and zoned other areas of the township for agriculture, which would meet goal 3 of the state development and redevelopment plan. But this area of the township is situated along a corridor that links Route 130 and the Pennsylvania extension of the New Jersey Turnpike to the north, south, east, and west and to the Interstate 295 exit 52 to the north and south making agriculture less feasible for this particular site.

This project is also consistent in its relationship to the Municipal Land Use Law which is in regard to encouraging municipal action to guide appropriate uses or development which will promote the public health, safety, and welfare. It will promote the establishment of appropriate densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions. It will provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and open space. It will promote a visual environment through creative development techniques and good civic arrangement.

In reference to the Affordable Housing Provision, the Residential Affordable Housing Development Fee for the property shall be 0.5%.

Chairperson Hamilton-Wood stated that as Solicitor Frank and Planner Fegley have said, we are here tonight to report back to the governing body as to whether or not we feel this resolution for the Redevelopment Plan in pursuant to the Master Plan and what the goals of the township are. Ms. Collins asked for clarification as to the number of townhomes and stacked townhomes. Mayor Wilkie said there will be a total of 80 units; 40 individual townhomes, and 40 stacked townhomes that consist of one unit on the first floor and ½ the second floor with a second unit on the other ½ of the second floor and the third floor.

Mayor Wilkie stated that this is part of a litigation process. The town did receive a contribution towards affordable housing but the developer was not required to put affordable housing on the property because of a lawsuit they filed against the town. The property we're now talking about had been retained for an office park. As a part of the Redevelopment Plan in 2013, we extended down Florence-Columbus Road and we included this area in the need of redevelopment because there had been no interest for an office park. A couple years ago, the owner of the property reached out to the township and said they'd like to do something in that area because there had been no interest in an office park and asked if we'd allow them to put in warehouses, which the township said that would not be consistent with the Master Plan. A developer for affordable housing then came to Florence and said they could resolve our COAH requirements and they would put in about 120 homes between the two end properties and in the center property they would put in a 63 unit, low income housing, that would help meet the township's requirement. The township informed them we were not interested in that plan and we continued to develop our requirement for COAH. The owner of the property then became an objector.

As mentioned in the Redevelopment Plan, CIS, who had been one of the developers for Duffy and was replaced, then sued the township and the judge is telling Florence Township to come up with a solution. The township then bought the properties and will reserve 11 acres for the open space, which is the center property. The property on the end closest to Route 130 is not designated for anything at this time. And the property of the other end was offered to CIS as part of their compensation. Mayor Wilkie mentioned that this is the first housing project he has been a part of in the last 5+ years and the last townhomes he's aware of are the ones built in Legacy and before that would be the ones built on Morris Court in the late 1980's. Member MacArthur asked if there are any affordable housing units involved in this proposed development? Mayor Wilkie stated there is not. The developer will be contributing for 0.5% of the cost to the township as

their agreed upon COAH contribution. Township Council did the best that they could do under the circumstances.

Chairperson Hamilton-Wood asked Solicitor Frank to educate the Board on what the litigation exposure is to the township. Solicitor Frank stated there are two potential litigations to consider. The more global one is the affordable housing litigation which because the state agency, Council of Affordable Housing (COAH), was shut down by the courts for inaction, the courts are now reviewing and potentially approving any municipalities affordable housing plans. The hammer is if towns don't take care of their affordable housing obligations under the Mt. Laurel doctrine, developers can come in and say that they can help resolve the issue and the towns zoning no longer controls so you could end up with a developer driven pattern of development instead of a Master Plan and carefully thought out locally driven plan. Locally, some of the things we can point to is that kind of a breakdown in planning would be similar to what was able to be developed in Mansfield Township on Route 68 and was a direct consequence of affordable housing litigation, or a Builder's Remedy lawsuit. With Florence Township, and every other township, it is always the concern that they will not have an affordable approved plan and that some objector will continue to litigate and litigate and do something like that kind of violence to our plan. It takes on greater importance when you're an individual developer who is poised ready and able to do that and it's much easier for those developers when it's necessary for the town as it presently is, since COAH no longer works, to go to court to get its plan approved instead of going to the agency; so, there is already litigation. It is really easy for a developer to walk in, join up the litigation, and tell the court to not do what the town wants to do and do what they want to do and think is a better idea.

In order to short-circuit that, the Mayor and Council have worked hard to try and defang some of those situations and try to keep control over what happens and where it happens. The Mayor alluded that this was just such a circumstance where the town was effectively forced to buy the property almost in order to keep it from being something we didn't want.

In addition, there is another layer of litigation which is the CIS litigation, Community Investment Strategies. The township brought CIS in as a potential redeveloper of Duffy School and they had several contracts with the town over several years, in which they were going to redevelop the Duffy School into affordable housing for seniors. CIS was unable to secure the grant funding that was necessary to fund that project. Ultimately the town did not renew their contract and went to MEND who built the project and it's a wonderful redevelopment of an antique building that served the community well and is now a senior affordable housing development. CIS then sought litigation against the town claiming that the township had breached its agreement with CIS and they, as an affordable housing developer, were entitled to a profit in that project. This is one of the things the township has had to do in order to address that litigation; essentially pay off CIS by giving them this property that we're talking about tonight for potential redevelopment. CIS is then giving it to Lennar. So instead of CIS building affordable housing somewhere, there actually passing the property onto a developer with no affordable housing. We have a property that has been zoned Office Park, so it's been zoned for some sort of commercial, low-grade industrial development, and is reflecting a residential type of development that it joins other existing residential development that won't have truck traffic. And it does do something for our affordable housing contribution in three ways: one is it helps get rid of an objector, the second is it helps get a little bit of cash put back into the affordable

housing program, and the third was is that it completes the CIS litigation. We deal with the realities of our state government and the rules under which municipal governments are allowed for that, and this is the consequence of the sequence of those realities.

Chairperson Hamilton-Wood stated our failure to approve this Redevelopment Plan or to look at this zone and insist on that it stays Office Park when we've had no development like that for 10 years is something the court will not think highly of if an objector came to them. Solicitor Frank thinks that if objectors are allowed to linger in our affordable housing plan and the court approval process too long, they have a good possibility to come up with something the township would not want.

Seeing there were no other questions by the Board, it was the motion of Montgomery, seconded by Lovenduski to open for public comment. Motion unanimously approved by all those present.

Jessica Moore of 505 Wolfe Drive stated she was here tonight as a resident of the Manors and as the President of the Homeowners Association. She stated she has been in her home for 8 ½ years and when Hovnanian built the homes, the farmland in front of their development was promised to be zoned as Office Park; medical, administrative, etc. one-story buildings. The builders told us this is what we could expect. She purchased her home for over \$500,000. They understand that it's potentially to be approved to be rezoned as a part of the court order but it doesn't change the fact that they were ensured they would not have multi-story residences or food services structures on that land. Many of those in attendance are here tonight to voice a few concerns and would like to question if all the zoning in this area is properly updated to reflect the change in building structure. Lennar has shared with us some of their drawings earlier and we believe that there's a landscaping easement running the length of Regars Drive. If this is correct, how can they add a street through that area? Also, is there a storm water easement? The drainage and piping from the pond comes out of that field and into the Estates. If it does exist, was it made with the plan that would suffice for Office Park or for Residential. She feels residential would be more intense and would include more trash and such that may cause additional clogging. Currently the Estates Home Owners Association (HOA) is responsible for the maintenance of the pond and for both of the headwalls. The area is already overtaxed from the heavy rain. Does Lennar have permission to use the Estates drainage and pond and/or has any accountability for their storm water. Their last concern is they are concerned about what appears to be spot zoning and that it appears that for this particular development, it is not the same zoning that is natural for the best of Florence Township and it is not being applied consistently. Why is this lot being given exemptions for proper zoning that we have to use in the rest of our communities and this one is inconsistent and encroaching on the current minimum buffer zones? Some of their other concerns are stacked townhomes equals condos equals low cost. They are concerned about lower property values, traffic, and crime. The 85 homes in the Manors are urging the municipality that we choose to live in and partner with to pause before doing anything further and investigate their concerns.

Solicitor Frank thanked Ms. Moore for her very carefully parsed questions. He stated that with regard to the storm water runoff, the law requires that the post-construction runoff be less than presently, both in terms of its overall quantity as well as its rate of flow. Because the state law and the local ordinance requires it, there will be built on site a storm water



management system that will reduce the total amount of the water that leaves the site and the rate it flows. The development of this site should not negatively impact the existing drainage structures, it should only make them better. With regard to water quality, there is also a requirement that water quality measures are in place that also will reduce trash in the water, remove silt, remove oils and things of that nature. He could not state for sure whether a residential development would have more impervious coverage than a proposed office park development, but would expect they would be roughly comparable. Regardless of the total amount of impervious surface coverage, there are standards required for improvements to the quantity of water, quality of the site and there must be a reduction.

Solicitor Frank continued with regard to the access route and did not know what private easements exist on this property, but with any application submittal, any existing easements must be disclosed on that application. In regards to the assurances the homeowners received from Hovnanian as the developer in regards to what could or would not be built in front of their development, unfortunately, they are representations that were made by the people selling you the homes and not by the township. Zoning is never fixed, never static; in fact, we are required by state law to periodically review the existing development ordinances of the Master Plan and embrace change and flux in what the rules are. So unless Hovnanian bought that property and placed deed restrictions on it, they could have no way of assuring you what the future zoning of that property would in fact be. That was an empty promise at that point from someone who didn't have the ability to do it. Ms. Moore stated that what Hovnanian told them regarding the zoning of the property is referenced in their homeowner's association master document that they all signed. Solicitor Frank stated that a master deed can say all kinds of things about your own property but it cannot about other properties. He said if Ms. Moore can locate that document, we would sure want to know about it and if there's something in the chain of title on this property that restricts its future use, I think it would be a shock to the municipality because he is quite certain that the governing body, in acquiring real estate, that there was a title search done and something like that would have popped right out and would have been a part of the land title records with this parcel. He seriously doubts that exists with this here. Chairperson Hamilton-Wood stated that their homeowner association documents and their builder documents may reference something in particular but they are not necessarily their master deed. The photographs of the flooded basins on May 26, 2017 that Ms. Moore had with her were marked in as exhibits R-1 and R-2.

Solicitor Frank continued with regards to "spot zoning" and was not going to speak to specific standards but will speak to what we are working with. The way that zoning typically works here in New Jersey, we are a planning first state so this Board develops a Master Plan which looks at the physical resources, the human resources, the sustenance resources of the community, the land base, the water and sewer etc. And from that, they develop a document that says where we would like to go in terms of our plan. That's the Master Plan. It has a bunch of different elements and required documents. It must have a statement of goals and objectives, it must have a housing element, and it must have a land use element. But it can also have a lot of other elements, such as a circulation plan element, a recycling plan element, an open-space plan element, etc. We are presently just starting on the required every 10-year reexamination of our existing Master Plan. Our existing Master Plan and the zoning ordinances that the governing body adopted to try to implement that Master Plan are out of date at this point and what they were looking for 10

years ago isn't what we're looking for today because 10 years ago we hadn't experienced the boom in warehouse and other commercial developments that we've had. So, our goals and objectives and appreciations are going to change and we're in that process right now. Development isn't stagnant and we are prohibited from stopping development in the community. We have to deal with the flow of things that are happening as they happen. Our Master Plan says we would see this as Office Park but that doesn't necessarily work for us today.

Normally we would do our Master Plan, adopt zoning ordinances, and those zoning ordinances would affect the whole zone and but there is another avenue for development to take place and it's called the local redevelopment law. Under the redevelopment law, if you have an area that is blighted or has been stagnant for a long period of time, and there are specific criteria in the law for this, then it can be designated as an area in need of redevelopment. And that took place in regards to this property and many other properties in the vicinity a while ago. Once an area is designated as an area in need of redevelopment, then we are no longer doing those general ordinances that we adopted after doing our Master Plan. Now we implement redevelopment of individual parcels through individual redevelopment plans within areas in need redevelopment. If we were the Zoning Board and were selecting out one property to change the zone of that property at the request of a developer, that could be considered spot zoning. This isn't that. We are not under the general ordinances. This is the only context in New Jersey's Land Development process that allows for that interaction between the municipal government and a developer to figure out what the development standards are going to be.

Amit Rawat of 422 Arnold Drive asked about the entrance to the new area and why it has to be on Regars Drive where the sign for Estates at Crossroads is. Mayor Wilkie stated the county does not want any more entrances created off of Florence-Columbus Road. Regars Drive is a public road and development can happen off of that road. It is a safer entrance. Mr. Rawat asked later on in the meeting if the entrance could be moved to where the Liquor Barn entrance is. Chairperson Hamilton-Wood and Mayor Wilkie stated that is a private parking lot and private property. It is not a public street.

Suneel Sharad of 302 Seybe Lane stated he is a resident of the development and also the vice president and secretary of the homeowner's association board. He agrees with every word that Ms. Moore said. His main concern is the rain runoff and the flooding that was shown in the pictures from May 26<sup>th</sup> and that was not even 1/5 of the rain we are getting right now and that the new development's water will runoff through the easement to their pond. His second question is how did Lennar get to make this plan without the concurrence or documented permission of the Estates as to the pond's property and easement? Isn't this a storm water violation? Solicitor Frank again stated that the historic flow of water is permitted to continue; however, this development is not allowed to direct new water onto their development. And you are also not allowed to restrict historic flows of water from this new development from this site onto your development. So if there has been existing flowage of water, it is permitted to continue. Those specific easements will be required to allow that to continue. The second legal thing that Solicitor Frank explained again is that it is a requirement of both state and local law that once this project is developed, the total amount of water that leaves this site and goes onto your properties must be reduced and the rate of flow must also be reduced. Mr. Sharad asked how will that happen? Solicitor Frank explained that Engineer Dougherty will work with and

require plans from the developer's engineer that will require all the water from this site to go through a storm water management system on this site that will cause it to end up in the basin on site. More of that water will be required to soak into the ground at that basin than presently soaks into the ground. The water will have to leave that basin at a lower rate than presently leaves the site. Engineers can calculate the total of so much rainfall on so many square feet with so much permeability and so much leaving the site. And then the design will require that the quantity that leaves the site and the rate in which it leaves the site will be reduced. Strangely, despite every one's concerns, this development should actually make the conditions for your properties better. Mr. Sharad asked if this can be done without written concurrence of the Estates at Crossroads. Solicitor Frank responded yes. Because this property has a historic right to direct its storm water flows as it has always done from the existing rain. Mr. Sharad asked if they have the rights to appoint their own engineer to verify the results of the application. Solicitor Frank stated that prior to any hearing of this Board of an actual plan for development, there will be on file at least 10 days prior to the hearing all of the storm water calculations in the applicant's storm water plan and their engineer is able to get a copy of that and review it.

Mr. Sharad continued with his concern regarding traffic and that with their two developments, 58 homes and 85 homes, when you leave in the morning and try to make a left or a right on to Florence-Columbus Road that is already heavily travelled, another 80 homes with or without a traffic light will be much worse. He is asking that if this plan is approved, that the township engineers will consider the traffic impact to the residents. Solicitor Frank stated that Florence-Columbus Road is a county road and not a township road. As a part of this project, application will be made to the Burlington County Planning Board and this applicant is required to submit a traffic study and show what the existing conditions are at that intersection and what the post-development conditions will be added to it. The law does not say to the developer that "you're the last one here, so you have to fix all the problems that are the consequence of all the developments." The law does say that if the traffic studies, which will certainly be reviewed by the county engineers, demonstrate that a traffic light is necessary at this intersection, this developer would be required to contribute their fair share of the cost of that. Solicitor Frank couldn't tell Mr. Sharad there will be a traffic light, but he could tell him there will be a process as to what the new impact of this new development will be. The problems that are currently on Florence-Columbus Road are very much in the minds of the Mayor and governing body and the township engineer, and they are taking remarkable initiative to work to try improve that road. There is no doubt that this will add to the traffic on that road; how much will be quantified. The governing body is very aware and very focused on that road and this may very well be one of the ways that a little bit of money gets put in a pot that the governing body and the county will work on improvements to the road.

Manoj Khabe of 429 Arnold Drive also expressed his concerns with the traffic and that the entrance will be shared and back up the traffic. It will create more traffic in the community. He asks that the township consider this and ask the county to consider having a different entrance as well as a traffic light to control the traffic.

Metin Ozbek of 240 Leffler Circle expressed his concern that this will considerably affect the value of the homes and would like to know if this is a concern to the Planning Board or the township and if so what would the Board or the township do about it? Would there be a tax reduction because these condominiums are going in? Mayor Wilkie stated this

Board has no authority over that and to clarify they are not condominiums, they are townhomes. Mr. Ozbek asked if Lennar wanted to build single family homes similar to theirs, would that be an option they could pursue? Mayor Wilkie stated that if Lennar wanted to go in that direction, that would be up to them and that they have a list of options of what to choose from, and this is what they are proposing. He does not believe that the townhomes that are being proposed will lower the values of their homes. The value of your homes is not based on what is near you, it's based on the economy.

Chris Musso of 418 Arnold Drive stated that at the April 22<sup>nd</sup> council meeting, he mentioned to council that he and several residents had noticed holes being drilled into this property and he inquired as to what was going on. The response he got was that nothing was going on. And now, 3 months later, they find out that plans are already put together so please forgive him if he has mistrust as to what he is being told. He realizes that the township has been strong-armed into making this settlement but what has been put into place to stop another strong-arming again, such as something like the CIS settlement? Mayor Wilkie stated that New Jersey has not handled their responsibility for affordable housing and municipalities are handling it as best as they can. If Florence Township does not manage affordable housing, Florence Township will not have what it has today. Florence Township took areas such as where Mr. Musso's development is, where Birch Hollow is, where Mallard Creek is and said we are going to encourage housing development in those areas in order to pay for affordable housing so that we don't end up with a developer telling us what they are going to build there. Unfortunately, the State of New Jersey did not handle their responsibility so we are back to the courts, back where we were in 1989.

Mr. Musso asked if a traffic study been done by Lennar? Solicitor Frank stated that the traffic study will take place when Lennar comes before this Board for a development approval. What's here tonight is not a plan, it's not their application being heard, it's a concept drawing of what they'd like to do if the Redevelopment Plan is approved by the governing body. The real action, because Florence-Columbus Road is a county road, is that it will be before the County Planning Board and they will require, or not require, improvement to their road. Mr. Musso asked if the township is willing to have a traffic study done and fight for improvements to the road? Solicitor Frank stated not until the county recommendation is complete. Chairperson Hamilton-Wood verified with Solicitor Frank that a bad intersection does not stop a development. Solicitor Frank stated that we as a Board cannot legally say no to a developer because of traffic. If it is a township road, we have more control and have the ability to say to a developer what off-site improvements or contributions are needed. We don't have that kind of control on this situation because it is a county road. He can guarantee that our governing body will detail all those professionals to deal with the issue, if it's genuinely there, but ultimately the decision is with the county.

Mr. Musso stated that he has met with the Lennar representative that is here today and had a wonderful meeting with him last weekend, but is curious as to how far those townhomes offset from Florence-Columbus Road and as part of the traffic study, do they look at the chance of one of the many tractor trailers or cars on that road veering off the road and striking a townhome? Mayor Wilkie stated that they will meet the 42' minimum buffer adjacent to Florence-Columbus Road. Chairperson Hamilton-Wood added that is to the property line, not to the building, and would include a 30' back yard setback. Mr. Musso

hopes that is part of the traffic study as he does not feel that 72' is enough buffer for a car or truck traveling at 50 m.p.h. if one should veer off the road. Mr. Musso also asked if there were going to be sprinklers in these townhomes that will prevent spread of fire? Solicitor Frank stated that is a subject for the Construction Code office, not one of this Board. It would be the state wide standard.

Sevvy Sharma of 204 Leffler Circle stated that he thinks that a traffic study was conducted at some point earlier because he observed someone sitting in a car parked on Regars Drive for quite a while. Mayor Wilkie stated that he is not aware any study being done. Mr. Sharma just wanted to state that even though the property is zoned as Office Park but the Redevelopment Plan will allow for residential, he is concerned that their property values for their single homes will go down if townhomes are to be built and wanted to know if the developer would consider building single family homes as to multi-family homes.

Vincent DaSilva of 425 Arnold Drive asked how many units of affordable housing has been built in the township since COAH? From what he understands from tonight is that developers pay a fee to not have any units on-site and would like to know how the township is meeting its obligation. Chairperson Hamilton-Wood stated the township has always met its obligation. This Board is very diligent about having on-site requirements for our obligation. The Crossroads development paid a fee to not have it on-site as opposed to McHugh Court that is only 7 or 8 houses has one of those as a duplex to meet its affordable housing for that development. Mr. DaSilva asked what is our township's number that is required. Mayor Wilkie stated we have an agreement for 378 affordable housing units, some of which have already been built and there are still units that have to be built. 57 units went to Pemberton in 1988; Roebing Arms has 24 units but because they are rentals, the township got credited for 48 units; Roebing Inn has 14 units; there are 5 alternative living affordable transition units for a bonus of 10 units; there are a couple of buildings in Roebing for 2 units with double credits equals 4; Duffy Apartments has 53 units; there was a Salt & Light project of 8 units to be done but had issues with that location so they will now develop 10 units within the community instead; the township also needs to build a 60-unit building which is planned for Hornberger Avenue and Route 130; Legacy has 17 units; the 50 rental units that would have given us double credits of 100 for the apartment complex on Railroad Avenue will not be happening because the developer pulled out has left us with a gap that the township has to come up with another solution. That is where we are vulnerable to a potential objector. Solicitor Frank stated affordable housing is a moving target and that every day that goes by, the clock keeps on ticking and we add to our obligation. This township satisfied its obligation in the first 2 rounds of the affordable housing and is now trying to satisfying this round. The governing body does everything that it can to fulfill our obligation. Mr. DaSilva stated he is concerned with quality of life issues from the proposed new townhomes, water pressure, pond overflow, and quality of life.

Linda Capelli of 221 Leffler Circle stated her main concern is also the traffic and hopes that they could get some action towards getting a traffic light even now. She also stated that everyone here is in agreement that it would be okay if it was an office park to come in because it would only be open during the day and there wouldn't be a huge amount of traffic increase and wanted to know if there was any other property that the township owns that could be given in this settlement in place of this property? Chairperson Hamilton-Wood stated this property has been zoned as Office Park for 10 years and has gotten no

interest whatsoever. No developer has come to this Board asking to build an Office Park; they come to ask to build warehouses.

Mr. Sharad asked that if this is not going to be an affordable housing complex, what is the township going to do to ensure that if the townhomes do not sell, to keep it from becoming affordable housing. Solicitor Frank stated that just to be clear, when we say affordable housing, that is housing that has deed restrictions that says that it can only be marketed or rented within a certain range of prices which is affordable housing under New Jersey's law. Solicitor Frank stated that the price of the home has nothing to do whether it's classified as affordable housing under the law. We only get credit towards our affordable housing obligation when housing has been deed restricted to only be marketed within a certain price range. We have a certain percentage of affordable housing obligation units for rental, very low, low, and moderate units. These proposed townhomes are not going to be that. We don't have the ability, authority, or legal right to tell any private land owner what they can market their property for. So if this market wants to market luxury townhomes, they can market them that way. If they want to sell 80% as luxury townhomes and the other 20% at a significantly lower price for, say, family members, they can do that.

Subhash Manchanda of 202 Leffler Circle asked if the township has visited the site where the proposed 80 units are to be built. The Board responded that they had. He stated this is a small site and is about 1/10 of the size of where 80 single homes are built. How is the township allowing 80 townhomes in such a small spot? There are at least 20 trucks that pass each minute. They have thefts and burglaries already and this is not a viable project. It is not ecological viable, not technically viable, traffic wise it is not safe and should be developed in a proper place that has a proper size. It is already a mess and the township is creating a bigger mess.

Barbara Strubel, property manager for both the Estates and Manors at Crossroads, wanted to state for the record and clarify that the Estates at Crossroads owns the pond that was discussed tonight and the people that live around that pond paid a premium for their lots. She hopes that due diligence is done because the pond was built with the creation of that property.

Seeing no other members of the public wishing to be heard it was the Motion of Lovenduski, seconded by Montgomery to close public comment. Motion unanimously approved by all those present.

Solicitor Frank stated the Board had referred to them by the governing body a potential Redevelopment Plan. The Board's job is to find whether it is consistent or inconsistent with the Master Plan and make recommendations to the governing body to adopt or not adopt this plan. He did want to point something out that with regard to the traffic issue, one of the profound ironies of this situation for the landowners may be that more development is one of the ways that problems get solved because it's only going to increase the traffic on its roads and there is the potential for it to trigger a traffic light for that intersection.

It was the Motion of Wilkie to recommend this Redevelopment Plan to the governing body as outlined in the draft document, seconded by Montgomery.

Upon roll call the Board voted as follows:

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

NOES: None

ABSTAIN: None

ABSENT: Molimock

Motion carried.

PUBLIC COMMENT

It was the Motion of Wilkie, seconded by Lovenduski to open the meeting up for public comment regarding any matter. Motion unanimously approved by all those present.

Savvy Sharma of 204 Leffler Circle asked if Lennar submitted an application for single family homes in that area, would the Board be inclined one way or another? Chairperson Hamilton-Wood stated she thinks the Board would be inclined to entertain a developer bringing something like that to the Board. Mayor Wilkie stated nothing prevents them for asking to do something like that. Mr. Sharma asked that the Board to consider all that was mentioned tonight.

Seeing no other 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

No Master Plan discussion took place due to the late hour of the meeting.

ADJOURNMENT

It was the Motion of Lovenduski, seconded by McCue to adjourn the meeting at 10:42 p.m. Motion unanimously approved by all those present.

WM/kf

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Wayne Morris, Secretary