

Florence, New Jersey 08518-2323
December 28, 2021

The regular meeting of the Florence Township Planning Board was held in-person and virtually via Zoom on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Vice Chairman Pagano called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Mattson 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:

Councilman Bruce Garganio	Emma Cartier
Newell Kehr	Carl Mattson
John Pagano	Tara Sandusky
Mayor Craig Wilkie	

ABSENT: Ray Montgomery

ALSO PRESENT: Solicitor David Frank
Engineer Ted Wilkinson
Planner Barbara Fegley

RESOLUTIONS

There were no resolutions.

MINUTES

A. Regular Meeting of November 23, 2021

It was the Motion of Mr. Mattson, seconded by Ms. Sandusky to adopt the minutes of the Regular Meeting of November 23, 2021. Motion unanimously approved by all members present. Ms. Cartier abstained from voting.

CORRESPONDENCE

There was no correspondence.

APPLICATIONS

A. PB#2021-07: Application from LIT/MRPI River Road, LLC for Preliminary & Final Major Site Plan with Bulk Variances to construct 2 warehouses with a portion of one of the buildings and parking lot to be located in Florence Township on property located at 1900 River Road, Burlington Township (their Block 154, Lot 1); Block 155.51, Lot 1.

Solicitor Frank stated this application was deemed complete at the 1/23/21 meeting. He stated he received an email this evening from the applicant's counsel requesting to adjourn this application to the January 25, 2022 meeting and that no further notice be required.

Discussion took place as to the potential ramifications if renoticing is not required. Solicitor Frank stated the Board usually does not require renoticing when a one-month adjournment is requested and does this as a courtesy to the applicant. It is certainly within the Board's power to request

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notification, but it is typically not required. Members of the public who are interested in this application would be here tonight, and will receive their “notice” upon the Board’s motion.

It was the Motion of Ms. Sandusky, seconded by Mr. Kehr to adjourn application PB#2021-07 to the 1/25/22 meeting without further notice being required, as long as the applicant agrees to the extension of time for the Board to hear this application. Motion unanimously approved by all members present.

Solicitor Frank announced to the members of the public in attendance for the LIT MRPI, 1900 River Road application, that this application has been adjourned, time and date certain, to the January 25, 2022 meeting at 7:30 p.m. and that no further mailed or published notice is required. He added this announcement is the public’s notice.

B. PB#2021-04: Application from Palash Saha & Gopal Das for a Minor Subdivision with Bulk Variances on property located at 754 Olive Street, Florence Township; Block 147.14, Lot 16.04.

Jonas Singer of Wells & Singer appeared on behalf of the applicants. Mr. Singer stated this application is for a minor subdivision with variance relief to allow the creation of 2 lots, which with all respects, will be conforming for lot depth and setbacks, but will require a lot width variance; 55’ is proposed, where 100’ is required.

Palash Saha and James Miller were sworn in by Solicitor Frank. Solicitor Frank stated Mr. Miller has frequently appeared before this board and many other boards throughout the county as an expert in the field of professional planning and asked that he be accepted as an expert witness. Vice Chair Pagano stated the Board would accept Mr. Miller as an expert witness.

Mr. Saha stated he has lived at 735 Olive Street since 2016, but has lived in the township since 2002. His business is to buy and rehab homes. He has rehabbed more than 15 houses and is asking the Board to approve the minor subdivision so that he can build 2 homes; each 2-story and 1,800 sq. ft. He will meet all of the bulk standards for each lot except lot width.

Mr. Miller stated he has reviewed the Board Professionals reports and has been out to the site and surrounding area to assess the conditions in the field and reviewed the subdivision plan submitted by the applicant and tax plates for the surrounding area. The lot is currently vacant and understands the applicant is seeking to subdivide the lot into 2 lots and a C-2 variance is necessary for lot width. The C-2 variance would allow the lots to have a 55’ width in a zone where 100’ lot width is required.

Mr. Miller explained they have to show the relief they are seeking would be a better zoning alternative and that it would advance the purposes of the municipal land use law. Basically, when you have a C-2 variance, it’s a balancing test; you look at the benefits of the relief and you compare that with any potential detriment. And, if the benefits outweigh the detriments, then the variance would satisfy the positive criteria. This application does have some substantial benefits. First, the proposed lots are going to be consistent with existing development patterns in the surrounding community. The lots are located in the RA Zone, but this section of the RA Zone is characterized by many lots which are nonconforming, in some cases for width and for other factors, but primarily for width. These include the lots which adjoin this parcel immediately to its west. There are 2 lots that adjoin the western property line which have dimensions that are identical of what is being proposed; they are 55’ wide and 225’ deep. Each lot has a single family

detached dwelling as is what is proposed this evening; with the exception that they are not 2-story homes. Each lot will have a lot area of 12,375 sq. ft.; 2,375 sq. ft. greater than what is required by ordinance. The neighborhood has a series of older homes that have lot widths the same, if not smaller, and have much shallower depths that were built prior to zoning laws. The subdivision development to the rear of the property has many lots that are non-conforming, but received relief from the width requirement. The lots proposed this evening are comparable to the pattern. The proposed lot layout will conform on all other setbacks.

Mr. Miller stated to sum up, the benefits of the relief is the resulting development pattern would be appropriate for the area. The lots will be large and spacious enough and will not encroach on the light, air and open space of adjoining lots. The layout will be efficient and advance the purpose of the municipal land use law. When balancing the positives to the detriments, he does not believe there are any detriments from the use that is being sought. The lots are going to be occupied by fully conforming homes similar to those in the surrounding areas. Basically the lots will be consistent with the development patterns established in the neighborhood. Based on that analysis, he believes the benefits of the relief would exceed any potential detriment. And the relief would satisfy the positive criteria. In terms of the negative criteria, they have to show that there is no substantial detriment to the public welfare and that there would be no impairment to the intent or purpose of the zone plan. In terms of the substantial detriment to the public welfare, he believes these lots are fully consistent with the development patterns in the area and as a consequence there is no potential to have any adverse impact on the any of the surrounding uses within the neighborhood. The use is fully permitted and the lot dimensions will not have any discernable differences from the surrounding lots. The lots have substantial area and are larger in area than required by the code. The homes being constructed will be fully compatible and comparable to the ones surrounding homes.

Mr. Kehr asked if what we have for the request and design standards are going to be met. Such as, the fire hydrant, water & sewer easement, driveway aprons and all the improvements needing to be done. Mr. Singer stated when the applicant makes application for his building permit, that will all be shown in the plot plan. Everything recommended by the Board Engineer will be shown on the plans.

Solicitor Frank asked if Mr. Singer was stating they are able to comply with the requests in the Board Engineer's letters. Mr. Singer stated that is correct.

Planner Fegley stated her concerns are: the 8' wide easement for water & sewer on block 141.47 lot 20 and if that needs to remain or can it be abandoned; shade trees on Olive Street and sidewalk; and coordinate the new lot numbers with the Tax Assessor. Mr. Singer stated they will comply with all of Planner Fegley's comments.

Mr. Mattson asked if Engineer Wilkinson could go into more detail regarding comment #6, Design Standards, on his review letter. His concern is that he knows Olive Street floods rather easily. Mr. Wilkinson stated that as a condition of approval, if the applicant would agree to preparing a development plan so we know when things are going to be done. The right-of-way dedication would normally be considered to be 25', the board should consider that and a variance would be granted and in doing so, then the fire hydrant would not be on private property anymore. The cost of moving a fire hydrant is approximately \$3,000.00, so it is actually saving the developer a lot of money to dedicate the right-of-way. Also, we then have ample land for maintaining our sidewalks. In addition to that, another 5' easement should be established for the shade trees to be planted as a condition of the easement, they will be protected in an easement so the homeowner cannot take

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down the trees, and you'll have nice hearty trees away from utility poles so they won't create a problem in the future. Those 2 things should be codified as part of the approval.

Engineer Wilkinson stated drainage is an issue all along the road and we can't ask the developer to do another outside the right-of-way; however, for every new and impervious area developed, we should have the developer agree to store his new impervious runoff from the rooftops and drain into an underground facility to store his water, which is about 2" of rain on average. It's not excessive, but at least it lets the neighbors know we are not just letting people build impervious areas and creating more flooding. That would be another condition of any approvals. This is specified in my letter under IV and Item F. When we make development plans, we want to be assured that we're getting proper full depth concrete curbs, depressed aprons, easement expunged, detail of shade trees, etc. Councilman Garganio asked what type of construction is Engineer Wilkinson proposing to hold the water runoff. Engineer Wilkinson stated half pipes with a lot of holes and wrapped in fabric are buried in the ground. The water runs to the pipes and the water then seeps slowly into the ground.

Vice Chair Pagano stated he agrees with Engineer Wilkinson with water runoff, especially with the strength of the recent storms. This is an issue to be taken very seriously. It is a concern the Board has and a concern of the residents. Engineer Wilkinson stated that building permits can be expanded to be prepared to hold your own stormwater.

Vice Chair Pagano stated tonight's applicant is looking for us to provide an approval and lot width variance for 2 homes as opposed to 1 home, so it is somewhat magnified. Engineer Wilkinson stated that is why Mr. Miller went into detail about how the benefits outweigh the detriments, but if the applicant agrees to hold his own stormwater, plant trees and maintain them in an easement, and give the right-of-way, etc., he feels that it is favorable.

To review, Solicitor Frank confirmed that Mr. Singer will comply with the requests in the Board Engineer's letter, specifically regarding dedicating a 5' wide strip along the frontage of both lots for additional road frontage right-of-way and additional 5' easement for street trees, and supplying a development plan as well as all other requests by the Board Engineer and Board Planner. Mr. Singer stated that is correct.

Mayor Wilkie commented that our code calls for planting of street trees between the curb and sidewalk but that has caused problems in the past. Engineer Wilkinson stated that the code should be re-written. Solicitor Frank confirmed we are not asking the applicant to comply with our code, but to a 5' easement to bring the trees further into the property so they do not destroy the curbs and sidewalks.

Engineer Wilkinson stated there is one other request that he failed to mention in his review report and that is to comply with the RSIS. The amount of parking spaces needed depends on the number of bedrooms. There is no on-street parking available on Olive Street, so the driveways will have to provide the required number of spaces per home. If the houses are 4 bedrooms each, 3 parking spots would be required with one of the spots being in a garage. Mr. Singer stated they will comply.

Engineer Wilkinson stated this is the reason for requesting a development plan, so we all know what is being done and when. Vice Chair Pagano stated it would also outline what was approved for the Building Official.

Discussion took place regarding the following:

- The house width will meet bulk standards. Engineer Wilkinson added it can't be wider than 25'; but, it can be deep and possibly 2 stories.
- Mr. Saha stated this will be his first construction of homes in Florence, but he has helped his parents building a couple of homes in Burlington. Mayor Wilkie wanted to make sure they are nice quality homes in the area and has concerns with the narrow lot not being consistent with the current land use laws. Mr. Singer stated they will be similar to the houses in the neighborhood and have a 900 sq. ft. footprint and be 2-stories. It was then agreed that the look of the proposed homes would indeed be different and would not be consistent with the neighborhood, as all homes in the immediate vicinity are single story or cape cod type homes. Mr. Singer stated that the homes would still meet all bulk standards.
- There is no available parking for visitors to the homes, which Mr. Singer stated is the same situation for all other homes on Olive Street. Mayor Wilkie stated those homes were built 40 – 60 years ago; they are not new construction.

Mayor Wilkie stated that even though the two lots next to this lot are 55' width, it is still very narrow. Mr. Miller stated lots across the street have widths of 50', 55' and 65'. Google Earth was used to view the area of the proposed subdivision and the neighboring lots. Discussion took place regarding the lot widths and the tax map was also viewed to get the correct lot widths of each lot. The Google Earth image was dated August 2013 and showed a 2-story home on the lot in question, which has since been torn down. Mr. Miller stated the homes adjacent to the proposed subdivision look to be a cape cod style and a single story with possibly an additional ½ story in the rear. The Google Earth image, street view, and tax map were all entered in as exhibits for this application.

Vice Chair Pagano asked if because we are looking at approving two 2-story houses in an area where ranch or cape cod style houses are, is this something we should be looking at in addition to the variance they are requesting. Solicitor Frank stated from a legal perspective, we are usually looking at the impact of the deviation and what affect it has. So perhaps to the extent that there is a visual perception of the street, you may make a massing argument or something like that, but he suggested that given they are proposing a building height that is consistent with the building height requirement of the zone, and setbacks that are consistent with the building height required in the zone, that he was having a hard time making the connection to the height of the building with the width of the lot.

Engineer Wilkinson stated each house can only hold a 25' maximum building width and with a 2-story house, the house will be taller than wider. Most homes are 30 – 35 feet wide. Townhouses are 22 feet wide. When you take this into consideration, it will look different and would not be consistent with the neighborhood homes. It will be taller, skinnier and deep. The lot can handle a home 50' deep. It is hard to envision this without a rendering. Vice Chair Pagano stated we are being asked to consider a variance relief when the homes will not be consistent with the neighborhood.

Mr. Singer stated if it would assist the board, he could bring a rendering in from the architect and ask for an adjournment to next month's meeting. He will ask the architect to also attend the meeting to be able to answer any questions.

Mr. Mattson and Vice Chair Pagano stated that would be a good idea. Solicitor Frank announced to the members of the public that the Board will hear their concerns this evening, and this application will continue to be heard at next month's meeting.

It was the Motion of Mr. Kehr, seconded by Mr. Mattson to open the meeting for public comment on any item. Motion unanimously approved by all members present.

Katherine Kais of 750 Olive Street was sworn in by Solicitor Frank. Ms. Kais stated she lives in the home directly adjacent to the applicant's property. She mentioned Mayor Wilkie expressed her biggest concern about the narrowness of the proposed lots. The current 3 properties were all part on one family and when the property was divided up, her driveway ended up right up to the property line. If a fence is put up on the applicant's property, she will not be able to open her car door. She made it clear that her home is not a 2-story home; it has a crawl space. She is concerned about additional water runoff. She never had an issue years ago, but once the development was built behind her, she now has an issue. With 2 additional homes proposed to be next to her, it will be even more of an issue. With the 3 new homes recently built on Oak Street, there is even less street parking on Oak Street than before. There is no extra room for visitors to park. She fears if this is approved, it will affect her quality of life with the possibility of 6 to 8 people living in each home.

Cynthia Carty of 748 Olive Street was sworn in by Solicitor Frank. Ms. Carty stated she lives in the one-story home near the applicant's property. She stated she subdivided her lot the same way creating smaller width lots, but that was 40 years ago. She said she always had septic, but had to connect to township sewer when the Legacy development was built behind her. She stated Olive Street is heavily travelled and does have issues with water runoff now. Keeping water on your own property sounds well and good but when the ground is saturated, it has to go somewhere and she is on the downside of the slope in the road. The houses on Olive Street were built in the 40's, 50's and 70's. When neighbors have celebrations, the only alternative is for them to park on Oak Street. Olive street is a narrow street, they do get the occasional lost semi-truck and it is hard to back out onto Olive Street from your driveway because of the narrowness and traffic.

Mayor Wilkie asked Engineer Wilkinson about the drainage on Olive Street. He confirmed that additional water created by development is not to leave the property. Engineer Wilkinson stated as of today, all the water from the applicant's property is flowing from front right to back left, which is going onto to Ms. Kais's property. If homes are built on the property in question, that new impervious area in a high intensity rainstorm would overflow and track onto her property because that is the natural terrain of today. Natural terrain has to remain in that same direction; but, it can't be a negative impact. During normal storms, there will most likely be less water with runoff systems in place; however, during heavy storms, she may get more.

Jean Ondusko of 10 Olive Street was sworn in by Solicitor Frank. Ms. Ondusko stated she knows she cannot speak on behalf of all her neighbors, but she read a letter that contained all their complaints, which are her complaints as well. They are as follows:

- density, drainage problems, erosion from water runoff, etc.
- too much altering to the neighborhood -- recently 3 homes built where 1 once stood and now proposed for 2 homes to be built where 1 once stood. These homes plus the Legacy development and Morris Court development have already affected the neighboring homes with increasing the density.
- there is more traffic from trucks and employees for Amazon and B&H making it dangerous to back out of your driveway -- adding 2 more driveways to the street will make it even more dangerous
- drainage issues are washing away property

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- the speed bumps that were put in now act as dams as there is no where for the water to drain. When it's cold outside, these large puddles freeze causing ice on the street. There have already been large amounts of impervious surfaces added to their neighborhood and the natural land is no more. They need extensive drainage systems.
- they have water & sewer issues with broken water and sewer pipes rom heavy vehicles on the street. This damage is at the expense of the homeowner. Olive Street should have been upgraded when the fire station was built at Firehouse Lane making it stronger for the fire equipment, since it is the main road for fire trucks to get quickly to the other side of the township.
- water pressure is a problem due to all the extra homes that have been added.
- adding 2 more homes will just add to the current issues.
- the flooding issues are leading to leaking basements where they never had problems before. Removing the trees, shrubs and vegetation creates more flooding.
- she has nothing against developing the property, but she is against the subdivision. Put only 1 home, where 1 home belongs; not 2.
- Over the past 3 years, they have all seen such a change from the developments along Olive Street that have created financial and emotional hardships. No more hardships can be accepted.

Solicitor Frank stated for the record for the Board and the public, without permission of the Board, the applicant can construct a single home on the one lot without a subdivision.

The Zoom moderator confirmed that those attending virtually have not been muted by us nor was anyone raising their hand.

Hearing no one else wishing to speak, it was the Motion of Mr. Kehr, seconded by Mr. Mattson to open the meeting for public comment on any item. Motion unanimously approved by all members present.

Mr. Singer stated they would like to carry this application to next month's meeting to be able to provide a rendering of the homes and have the architect available for questions.

Solicitor Frank announced to the public that the time and date certain is January 25, 2022 at 7:30 PM for the continued hearing of this application and that further public notice is required.

Engineer Wilkinson stated that one of the residents brought up an issue of water pressure and asked if it would be wise for the applicant to discuss this with the Water & Sewer Director to look into this issue. Mr. Singer stated he requested a letter from Mr. Lebak regarding adequate pressure and has not yet received an answer.

Ms. Fegley asked Mr. Singer if they could also provide a sketch plan of where the proposed driveways are to be placed and the amount of impervious coverage. Mr. Singer agreed.

It was the Motion of Mr. Mattson, seconded by Mr. Kehr to carry application PB#2021-02 to the 1/25/22 meeting without further notice being required. Mr. Singer agreed to the extension of time for the Board to make a decision on this application. Motion unanimously approved by all members present.

OTHER BUSINESS

There was no other business.

PUBLIC COMMENTS

It was the Motion of Mr. Mattson, seconded by Ms. Sandusky to open the meeting for public comment on any item. Motion unanimously approved by all members present.

The Zoom moderator confirmed that those attending virtually have not been muted by us nor was anyone raising their hand.

Hearing no one else wishing to speak, it was the Motion of Mr. Kehr, seconded by Mr. Mattson to close public comment. Motion unanimously approved by all members present.

MASTER PLAN REVIEW/DISCUSSION

Mayor Wilkie stated that when the Board met in November, it was mentioned that there would be more information for the January meeting. Mark Remsa has been hired for the Route 130 Endorsement which the State is requiring to be reported to the Planning Board on the findings first before including them in the Master Plan. A law was passed last February that required that climate change also be included in the Master Plan. Planner Fegley stated the Land Use Element does have a small section regarding climate change and that we will have to find out if DEP has a contact for help with this. Solicitor Frank stated there are some technical things we will need DEP's help with.

Solicitor Frank stated before we adjourn, we have who determines completeness of an application in our rules and regulations which are adopted each reorganization meeting. He asked if we wanted to change that to where a subcommittee, usually comprised of the Board Engineer, Planner and 2 members, could determine completeness. It was decided to keep it as is.

ADJOURNMENT

It was the Motion of Mr. Kehr, seconded by Ms. Sandusky to adjourn the meeting at 9:10 p.m. Motion unanimously approved by all those present.

, Secretary

/kf