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Florence, New Jersey 08518-2323
March 26, 2024

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. Chairman Pagano called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Fratinardo 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 John Fratinardo	Fred Gabriele
Bernard Isaacson	Mayor Kristan Marter
Carl Mattson	Chairman John Pagano
Kecia Taylor	Newell Kehr (virtual)

ABSENT: Planner Michelle Taylor (excused); Engineer Hugh Dougherty (excused)

ALSO PRESENT: Solicitor David Frank

RESOLUTIONS

There were no resolutions.

MINUTES

It was the Motion of Mayor Marter, seconded by Mr. Isaacson to adopt the minutes of the regular meeting held on February 27, 2024. Motion unanimously approved by all members present.

CORRESPONDENCE

A. Letter From Stout & Caldwell dated 3/14/24 re: Florence Associates TWA Application

Solicitor Frank stated that this is an outside agency approval that they are required to obtain and this does not require any action from the Planning Board. Chairman Pagano added that this is regarding a previous application that has been to the board before.

Motion by Mayor Marter, seconded by Councilman Fratinardo to receive and file the correspondence. Motion unanimously approved by all members present.

APPLICATIONS

There were no applications.

OLD BUSINESS

A. Planning Board Rules & Regulations Amendments

During the February 27 meeting, Solicitor Frank distributed the original Planning Board Rules and Regulations and asked that the board members read them and email him with any changes or suggestions.

Solicitor Frank started off by thanking Ms. Taylor for converting the PDF version to a Word document. He didn't receive that many comments but did address the comments that he received either by email or by the comments on the document.

Mayor Marter's suggestion is to put the finished Rules & Regulations document on the website.

On page 3, there was a question about informal applications and informal review of applications. The statute provides for informal review of developer's concept plans. The Rules and Regulations state that "an applicant may request an informal review of a concept plan for development, for which the application intends to prepare and submit a formal application.....Neither the applicant or the Planning Board shall not be bound by any concept plan for which review is requested." Our Rules do follow the statute.

Mayor Marter asked regarding an informal review, if the applicant comes in front of the whole Planning Board as if they would for a formal application hearing. Would this apply to someone who maybe just purchased some property and they bring their ideas to the board as an informal conversation? Solicitor Frank said, for instance, we might have a proposal for development and there are two competing alternative designs, each hopefully fits the ordinance standards. An example would be asking the board for preferences of where certain elements are located on the property, or which way the building is facing on the property. This is only available to the Planning Board where there is a permitted use.

Regarding Rule 14. Determination of Completeness: Our board has historically relied on the board engineer to make a recommendation as to whether or not an application can be deemed administratively complete. A checklist of submission requirements is adopted by ordinance for each type of application. When an applicant submits each item on this checklist then the application is administratively complete. Typically, an applicant submits the application, the Board Engineer does the administrative completeness review and makes a recommendation as to whether it is complete or if there are waiver items and if they do or do not support waiver of those items. Rule 14, right now, is set up a little differently where it states "the Clerk or any professional [will notify the applicant, in writing, within 45 days after receipt if the deficiencies of the application]" is a little too open. For fairness to applicants, they should be aware of who they are looking to tell them what is or isn't needed. Solicitor Frank prefers that there is a definitive individual such as "Board Engineer". Sometimes there are comments from the Board Planner about whether certain items should or should not be waived but we can make clear that Planner should be voicing concerns through the Engineer.

Chairman Pagano asked if we get an application and a waiver is being granted, should we then have a vote to deem the application complete before we hear the application? Solicitor Frank stated that we should do it this way. There is also a submission waiver which is waiving

submission of an item on the checklist. There are also a design standards, which are lighting levels, landscaping, buffer standards and the details of site design. When one grants relief from a design standard, it's formally called a "design exception". Professionals and boards refer to these as "design waivers". A submission waiver and design waiver are not the same thing. Regarding a vote at the time of submission on whether we will grant the submission waivers necessary to open a public hearing on the application, the board would need to make an informed decision based on the ordinance standards of what has been submitted and what can and cannot be waived. When it comes to very large applications, such as an apartment complex or a warehouse complex, there could be several meetings to determine completeness of the application, preliminary and final approvals. If it is an application that involves a small subdivision that doesn't require new public streets, it makes more sense to hear preliminary and final in the same night.

Every application that gets approved is subject to outside agency approvals such as the Burlington County Planning Board, Water and Sewer Departments, NJDEP, NJDOT...etc. An application can be approved subject to administrative review & approval by the Planner for example. Preliminary approval grants certain rights, protection from changes in zoning but doesn't give the right to construct but it protects the applicant for 3 years after receiving the approval. Final approval means that construction can start and the approval is good for 2 years.

Rule 18B. An application seeking both preliminary and final major site plan approval or major subdivision approval simultaneously shall be treated as an application for preliminary approval only. Solicitor Frank would like to change the word "shall" to "may" because if the applicant wants to do it that way, they can.

Rule 29. Citizens Advisory Committee. This doesn't need to be in the rules because it is already a statute. Mayor Marter wanted to clarify that the rule applies even if it's not in our own rules. If the Planning Board were to ever get overwhelmed with applications, they could form sub-committees just for subdivisions, or for completeness review.

Rule 36. Regular Meetings. The old rules state that the meetings are regularly held on the third Monday of the month. This needs to be changed to the fourth Tuesday of the month which is the current schedule. Councilman Fratinardo had the idea to change it to "as established each year at Reorganization", so if the day changes again in the future, the rule can stay the same.

Rule 39. Order of Business. This rule calls for "Informal Presentations" early in the meeting. Solicitor Frank suggests this be moved between Old and New Business on the meeting agenda. Solicitor Frank also wants to add a sentence regarding the Chairman having the ability to modify the agenda.

Rule 42. Meetings Open to the Public. There is a sentence that states "an executive session for the purpose of discussing and studying procedural preliminaries concerning any matters to come before the Board shall not be deemed a regular or special meeting." Solicitor Frank said there used to be a time when there would be a work session prior to the meeting and that is a violation of the Open Public Meetings Act. That sentence needs to be removed from the rules.

Rule 44. Annual Reorganization. This rule assumes that the board is a whole board up to the moment the new members are sworn in and assumes the former members will show up to the

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Reorganization meeting to vote on the minutes & resolutions from the prior meeting. This is not actually how it works in Florence Township. As long as there is one member from the previous year, he/she can vote and approve minutes and resolutions. If nobody is available, then any member who viewed the Zoom recording or heard the recording can vote.

Rule 46. Solicitor Frank wants to add letter D. "Decline to commence any hearing after 10PM."

Rule 55. Representation of Applicants. The rule states "Applicants that are corporations shall be represented by an attorney". Solicitor Frank wants to add "limited liability companies" shall be represented by an attorney. For a long time, a single member corporation didn't have to be represented by counsel, there has been a recent decision that a corporation is a separate entity.

Rule 64. Registration of New Streets. Back in 1991 there was a pilot 9-1-1 program in Burlington County. The tax assessor is usually the 9-1-1 coordinator for designating 9-1-1 addresses.

Solicitor Frank is going to work on the changes to the Rules and Regulations document and they will be ready for the April 23 meeting and hopefully ready for adoption then. Mayor Marter said when they are completed and adopted, the document will be available on our website so anyone can view them at any time.

OTHER BUSINESS

There was no other business.

PUBLIC COMMENTS

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

It was noted there are no members of the public in person and no members of the public on Zoom.

Seeing and hearing no one wishing to speak, it was the Motion of Mr. Gabriele, seconded by Ms. Taylor to close public comment. Motion unanimously approved by all members present.

ADJOURNMENT

Chairman Pagano adjourned the meeting at 8:27PM, which was unanimously approved by all members present.

John Fratinardo, Secretary

JF/ah