

Florence, New Jersey 08518-2323
June 25, 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 7:35 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	Bob Johnson
Mayor Kristan Marter	Carl Mattson (virtual)
Chairman John Pagano	Newell Kehr
Kecia Taylor	

ABSENT: Engineer Hugh Dougherty (excused)

ALSO PRESENT: Solicitor David Frank
Planner Michelle Taylor

RESOLUTIONS

A. Resolution PB-2024-07: Finding Ordinance 2024-05 Substantially Consistent with the Master Plan and Making Recommendations

Solicitor Frank stated that at last month's Planning Board meeting, we looked at this Ordinance regarding locations of packaged liquor stores. Our findings were that it is consistent with the Master Plan as recommended by Planner Taylor.

It was the Motion of Mr. Gabriele, seconded by Mayor Marter to approve Resolution PB-2024-07.

Upon roll call, the Board voted as follows:

YEAS: Gabriele, Marter, Fratinardo, Isaacson, Kehr, Mattson, Pagano, Taylor, Johnson

NOES: None

ABSTAIN: None Motion carried

MINUTES

It was the Motion of Mayor Marter, seconded by Mr. Gabriele to adopt the minutes of the regular meeting held on May 28, 2024. Motion unanimously approved by all members present.

CORRESPONDENCE

A. Treatment Works Approval Application Form TWA-1, Burlington County Resource Recovery

Motion made by Mayor Marter and seconded by Mr. Gabriele to receive and file the correspondence. Motion unanimously approved by all members present.

APPLICATIONS

There were no applications

OLD BUSINESS

A. Liquor License Ordinance

Councilman Fratinardo said that the ordinance was not passed at the last Council Meeting, no action was taken and it was referred back to the Planning Board.

Planner Taylor mentioned that the Board had questions about the specifics at the last meeting. The best way to help with these questions is to provide exhibits. Ms. Taylor's firm provided an aerial photo of the township which indicates the 3 liquor stores' locations in the township labeled A (Florence Wine and Liquor, 302 Broad Street), B (Town Liquor on Route 130 South) and C (The Liquor Barn on Florence-Columbus Rd). They are all within one mile of one another in a one-mile radius. At the last meeting, Mr. Isaacson was asking the driving distance between each location- The distance from A to B is about 2.3 miles, the distance from B to C is about 1.2 miles, and A to C is about 2.6 miles using Google Maps driving directions.

According to the exhibit provided by Planner Taylor, Florence Wine and Liquor on Broad Street (A) is located in the NC-Neighborhood Commercial district. Town Liquor (B) is located within an RA-low density residential district, not in HC or NC districts. The Liquor Barn (C) is located in the OP (Office Park) zoning district.

There are other zoning districts indicated on the map to show the location of residential dwellings in relation to these locations. Planner Taylor said she has had conversations with Chairman Pagano and Solicitor Frank as to why this ordinance was created. She said the idea was for separation distance between stores and not wanting to overburden a neighborhood with too many liquor stores as a use.

Mr. Isaacson asked about Route 130 and the number of vehicle trips per day. Planner Taylor said the NJDOT provides an interactive map for roads where they monitor the vehicle trips. Mr. Isaacson asked if there is a formula for different types of businesses and the amount of expected traffic. Planner Taylor said that Route 130 is a busy road but not as busy as somewhere like Route 70/73 in Marlton. He also asked if there are other factors like noise, that impact where a use like a liquor store can be located. Planner Taylor said she doesn't view a liquor store any differently than any other retail. It would be located in a shopping center, requiring 4-5 vehicle parking per 1,000sf of retail space.

Solicitor Frank also added that there is an institution called the Institute of Traffic Engineers and they publish information for Traffic Engineers about what kind of traffic would be generated from particular uses. There is data on that that an expert traffic engineer could obtain. The information from the traffic engineer would be related to the size of each liquor store's square footage.

Mayor Marter added that the liquor store on Broad Street is more convenient for people walking as opposed to vehicle traffic.

Mayor Marter asked about the original purpose of the ordinance, it wasn't for economic purposes but to avoid the nuisance or impact of liquor stores being too close together in a more residential area. Planner Taylor said the ordinance most likely stemmed from a "morals" issue. Solicitor Frank said it is dangerous as planners/engineers to attempt to move the market around. Last month, Mr. Reale stated that a liquor store can be a draw or an economic anchor in a shopping center. The purpose of those regulations was to keep criminality out and to encourage moderation of use.

Chairman Pagano asked about the next steps since this was not passed by Council, what additional work needs to be done by the Planning Board.

Solicitor Frank said it is up to the Board: the Board can do nothing, the Board can try to apply recommendations for other locations or other standards.

Mr. Isaacson added that if the distance standard was for morality purposes, then it is interesting that there is different zoning for different purposes. Maybe the distance standard makes more sense in a residential zone where there are more residences or in certain zones.

Planner Taylor said that when a retailer is looking at a commercial site the main goal would be accessibility to the site from both directions on the highway. Planner Taylor is asking if that is possible for the new proposed liquor store site or the current liquor store on Route 130. Mayor Marter said that you can get to Town Liquor from both directions on Route 130 where there is a U-turn. There is another small U-turn Lane near the intersection of Florence-Columbus Rd and Route 130. In the near future, there is going to be work done on Route 130 and there is a chance that U-turn Lane will no longer be there.

Planner Taylor said that putting a liquor store on Route 130 solves the problem with keeping the stores out of residential areas. Mayor Marter also added that there is going to be apartments built near the Wawa on Route 130 and maybe some retail which could be a location for another liquor store. However, there are a lot of infrastructure improvements that need to be completed and this is not happening soon.

Chairman Pagano said that a lot of these laws were written post-Prohibition when there was a time and place for these kinds of ordinances. His opinion is that a liquor store shouldn't be treated any differently than any other kind of retail.

Mayor Marter added that the Township Council has been working on cannabis ordinances and specific zoning and types of cannabis businesses and where is the best location for these types of businesses. There was no discussion on any separation distances for those businesses.

Solicitor Frank said back when these distance ordinances were conceived, there were probably no other zoning tools to implement through other techniques. Today we have different tools such as zones. Mayor Marter said that there are two liquor stores in zones that are not zoned for liquor stores, is that grandfathered in if these store owners were to sell their stores? Solicitor Frank said that it would be a pre-existing, non-conforming use. They are not personal to the owner, but run with the land. Any subsequent owner would be permitted to use the property as a liquor store.

Planner Taylor said that it is not usually encouraged to have uses that are not permitted in zones because when you have non-confirming uses or buildings, sometimes it becomes cost-prohibitive to expand or improve the property because the property owner would have to come to the board for a use variance or an expansion of a non-confirming use variance.

Chairman Pagano asked about the request to carry this topic to the July meeting. Solicitor Frank said that Mr. Jeffrey Hall, who represents a few of the liquor store owners, called him today. He has another commitment and he was asking if it would be permissible for Mr. Miller, a Planner, to speak to the board without Mr. Hall joining as counsel. There are rules that require businesses and companies to be represented by counsel when they appear before the board. Solicitor Frank and Mr. Hall agreed that the board would not take any action this evening and we'd give Mr. Miller and Mr. Hall an opportunity to speak at the July 23 meeting. This also gives extra time for the board to come back with any specific questions or concerns.

It was the Motion of Councilman Fratinardo and seconded by Mayor Marter to open this discussion to public comment. Motion unanimously approved by all members present

Ohm Patel, 21 Berkely Place, East Windsor approached the microphone. He is with the Punam Corporation and is the one who initiated this discussion with the Council. He has studied up on some information similar to the exhibit that Planner Taylor brought to the meeting. He said that the existing liquor stores are all within one mile of each other and there are no other zones further south on Route 130 that can be developed into a liquor store. The only viable option for a new store would be going north on Route 130. As of now, there is no set location for a new store and he is open to conversation.

He also studied the population of the Township and it has increased about .6% since 2020. If the liquor store were placed in the residential areas, then it would decrease revenue for Florence Wine and Liquor which is in a more residential area and would not be beneficial to anyone.

He also said with the new warehouses there is an increase in traffic on Route 130 and he believes there is more than enough traffic for two liquor stores on Route 130. Mr. Patel also looked at some studies from the DOT and there was an increase in car traffic from 18,000 to 20,000 cars traveling on Route 130. He said it wouldn't increase noise or traffic by adding one extra retail location.

Another point Mr. Patel made was that Town Liquor on 130 is the only liquor store between the Yardville Buy Rite and H&M Liquors in Burlington. The distance between those two stores is about 12.2 miles. He believes that it is economically feasible to have another liquor store in Florence in the Highway Commercial zone.

The Board thanked Mr. Patel for his comments.

Jay Patel, 2117 Route 130 South, Town Liquor spoke next. He has been at some previous Council meetings to discuss this as well. His store opened a little over 10 years ago and this ordinance was already in place then and he was aware of it. It gave them a sense of "protection" even though the ordinance isn't really for economic purposes. Mr. Patel said that Gray's Liquor closed but not due to the location, but maybe it was business related. He said they have been abiding by the ordinance

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and it doesn't seem fair that it may change and it could affect the businesses. Mr. Patel said if there are multiple liquor stores in one area, the area doesn't look as nice compared to an area that has restaurants or another type of retail.

The Board thanked Mr. Patel for this input.

Mayor Marter asked if other towns in the area have a similar ordinance to this one. Planner Taylor looked briefly and didn't see anything like this in the County but she said she can look into it again.

Hansal Desai, 436 Lancaster Rd, Piscataway, NJ from Florence Wine & Liquor located at 302 Broad Street added some comments. He said everyone is mentioning traffic. He asked how many 18-wheelers will be stopping at these locations. It is usually passenger vehicles.

Planner Taylor said when she was talking about numbers of cars, she was speaking to the parking requirements of retail establishments.

Mr. Isaacson asked Planner Taylor if the DOT differentiates between truck and car traffic. She said it does not differentiate between types of vehicles. Planner Taylor is going to do more research into this.

Ohm Patel came back up to the microphone and added that about 20 years ago his dad owned a liquor store that was where Rite Aid is now. That would violate the ordinance if it was still there. Back then, it seemed like all the locations were doing well. He also added that neither Burlington, Bordentown, or Mansfield have any separation requirements for liquor stores in their towns.

A Motion made by Councilman Fratinardo and seconded by Mr. Kehr to close public comments. Motion unanimously approved by all members present.

Chairman Pagano said that we will continue this conversation during the July 23 meeting before there is any final decision.

OTHER BUSINESS

None

ADJOURNMENT

Motion made by Councilman Fratinardo and seconded by Mr. Gabriele to adjourn the meeting at 8:33PM, which was unanimously approved by all members present.

John Fratinardo, Secretary

JF/amh