Florence Township Council Executive Session 12/8/2021

Florence, New Jersey
December 8, 2021

The Florence Township Council held an executive session meeting on the above date in the Municipal Complex, 711 Broad Street, Florence, New Jersey. Members of the public were welcome to attend in person or to attend virtually via Zoom.

The meeting was called to order by Council President Garganio at 7:00 p.m. Council President Garganio led the Salute to the Flag followed by a brief moment of silence for a resident lost in a house fire and also in remembrance of Pearl Harbor.

The Opening Statement was read by the township clerk: This meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice was published in the Burlington County Times on January 10, 2021; placed on the Township website, and given to the Trenton Times for information.

ROLL CALL OF MEMBERS

Upon roll call the following were found to be present:

Present: Frank Baldorossi, Paul Ostrander, Jerry Sandusky, Dave Woolston, Bruce Garganio

Also Present: Mayor Craig H. Wilkie; Thomas J. Hastie, Jr. Township Solicitor; Stephen Fazekas, Administrative Assistant; Nancy L. Erlston, Township Clerk; Jenise Silinsky, Deputy Township Clerk

Absent: None

OATH OF OFFICER FOR PROMOTION

Albert Jacoby, Police Captain

Captain Albert Jacoby was sworn in by Mayor Wilkie while his wife and children held the Bible for him. Captain Jacoby thanked his wife and kids; his parents and his grandmother who were all in attendance. Along with his family, he also thanked his friends, the prosecutor's office, the fire department and members of the community. He thanked Chief Boldizar and Command Staff, Administrator Fazekas, Mayor and Council and he stated that he appreciates their confidence and faith in him.

Chief Boldizar thanked Mayor and Council and stated that being able to promote a friend is huge and he appreciates being able to do so. Mayor Wilkie echoed the Chief's sentiments and stated that he was a new Councilman when Captain Jacoby was hired in 1996 and Captain Jacoby's leadership and stability has been solid over the years.

Councilman Sandusky thanked former Captain Gadbois and former Chief Dawson it was through their efforts of getting this group together and now there is a fine group of men and women along with a large audience in attendance to honor Captain Jacoby.

There was a brief five-minute recess.

FIFTEEN (15) MINUTES OF PUBLIC COMMENT

Council President Garganio opened the meeting up to the public at this time.

Seeing no one wishing to be heard, it was a Motion of Ostrander, seconded by Sandusky to close the public portion. Voice Vote – All Ayes.

NEW BUSINESS

A. Mark Remsa, Update on Delaware Valley Regional Planning Commission and Special Planning Services

Mark Remsa, special planner for Florence Township, gave an update on a number of items. He started off with the Delaware Valley Regional Planning Commission ("DVRPC") explaining that back in the summer there was a solicitation by the DVRPC for its 2022 work program. The DVRPC is called the Metropolitan Planning Organization and it is basically chartered by the Federal Government and is a regional agency based in Philadelphia and it includes several counties in New Jersey including Burlington County and several counties in Southeast Pennsylvania. The job of the DVRPC is to provide planning services to the region and also to help develop the transportation improvement program for the region. This is how the different DOTs, the Department of Transportation in New Jersey and the Department of Transportation in Pennsylvania, come up with their spending plan of how they are going to work on different projects and also give out different types of grants, mostly through the federal government. He attended the DVRPC's board meeting virtually. The two work program items that Florence Township submitted, a study for the Roebling super fund site and coming up with a master plan for that property, and the study for the connector road that starts in Burlington Township at River Road, it would make its way to Florence Township via Daniels Way and John Galt Way and ultimately to Route 130. The idea there is to help create a bypass for all of the trucks that are going through the center of town and try to get those trucks through the industrial complex instead. The study will verify the need for that connector road. These two items are on the work program and in January they will make a final decision to approve the work program. He is very confident that we will be working with DVRPC in 2022.

Mayor Wilkie elaborated on the steel plant stating that within the last 3 or 4 years the township has been talking about a marina and waterfront type of activities and the Planning Board's responsibility is to come up with the master plan. But one of the services being offered with the DVRPC is that there is a community involvement, community input and it is a deliberate process to make sure all parties involved participate in creating this document. The planning process includes public involvement. The committee will review and consider all of the options that are out there.

Council President Garganio asked what the timeline would be on the project and when we would have the finished product. Mr. Remsa stated that there should be results by the end of 2022.

Mr. Remsa went on to explain that a number of things have been accomplished on Route 130 and Florence-Columbus Road. It has been slow because we are dealing with state agencies, but there is positive movement and he can report that the concept development phase of developing a preferred alternative or reworking that whole intersection has been finally concluded earlier this year and it started in 2020. He has been working with the state agency, its consultant and with township officials to make sure that the preferred alternative gets refined and that's the alternative that the public got to see through their public review process last year and earlier this year.

Earlier this year Congressman Kim solicited municipalities for projects for the infrastructure bill. He worked with the Township and we put the Route 130 Florence-Columbus Road intersection on and submitted it to Congressman Kim. He had to work with the county engineer because Florence-Columbus Road is a county road and had to work with State DOT agency and put together that and he believes that Congressman Kim selected that one to be submitted through the infrastructure bill process. Like

anything, some of the earmarks were dropped but the good news is that there is some significant monies being provided to New Jersey through the infrastructure bill and by our continued efforts to make a lot of noise to make sure we get our share of the funding for constructing Florence-Columbus Road and Route 130.

Mr. Remsa stated that another thing that he has been working on is called Plan Endorsement. Back in 1995 there were twelve municipalities including Florence, working with Burlington County to come up with a revitalization plan called the Route 130 Delaware River Corridor and that plan was completed in 1998. It was submitted to the State and approved through Plan Endorsement in 1999. The state planning agency met in Florence in the Roebling Community Center and there was a full house there of over 100+ people and when the agency approved that plan endorsement for the corridor there was a standing ovation.

Mr. Remsa explained that plan endorsement means that the municipalities that participate are going to undertake their planning seriously and they have an implementation agenda that they are supposed to do. Recently there was an assessment of what the different towns did and Florence accomplished everything that was on its agenda. He explained that municipalities would want to do this because, in 1999 when the state had more monies and different resources, they would basically steer those resources to the municipalities that got plan endorsement. A number of the municipalities got very favorable results. The best example, worth over $20 million in the early 2000s, is Route 130, Branch Pike, Lenola Road and Cinnaminson Avenue in Cinnaminson. It was a nightmare dealing with two close traffic signals, there were a lot of accidents and congestion which let to a lot of problems. Back then, we came up with a plan to undo all of that and today, that intersection is working beautifully with no traffic delays or anything of that nature.

Back then the NJDOT invested $20 million in that intersection. Fast forward to now, the hope is to get the new plan endorsement because the rules have changed, and it will position Florence Township to get different types of funding and resources the state has available. We are working very closely with Burlington County and they are providing a lot of assistance in this process. His job is also to make sure to convey the needs of Florence Township to the County as we are putting together this plan endorsement response. The bottom line is that it positions municipalities to get benefits through this plan endorsement process and we want to accomplish that for Florence Township.

Mr. Remsa spoke about is the connector road running from River Road to Route 130. There is a lot of work ahead of us on that. He stated the he worked on getting Florence Township's voice heard at the Department of Environmental Protection regarding concerns with the warehouse project that is going on in Mansfield on the Jones Farm. It was very important to put together all of the concerns of flooding and other kinds of water quality issues. Mr. Remsa stated that he worked with the Mayor and Administrator Fazekas on this part of the project.

Mayor Wilkie stated that NJDOT must not have issued an approval because we have not heard anything back from them. Mr. Remsa explained that in Mansfield they have their rules that allow earth moving once they get their local approvals but no actual construction of buildings and septic systems and things like that can happen until NJDEP gives that approval. And that is always at the developer's own risk.

Mr. Remsa spoke about all of the major points, 2021 went fast and we are going to have to continue working on the Route 130 Florence-Columbus Road effort because there are multiple steps in the state agency design process and we have only completed the first of three steps so we have to keep after our state legislators, our NJ DOT officials and of course the County officials as well.

Councilman Ostrander asked about a ferry service that is being considered. Mr. Remsa explained that the DVRPC is doing a study to see if there is sufficient interest in a tourist level of ferry service that would be seasonable and would run from Philadelphia to Trenton. This came about from a suggestion from Beverly City and DVRPC felt that it was an interesting study because it is another way to help give the riverfront communities an economic "shot in the arm." They are looking at the feasibility of doing this and in an earlier meeting, they had gotten a lot of good input from the communities. The Roebling site could be a potential for a ferry stop and, depending on what DVRPC helps us out with the master plan, there could be the possibility for a link to the Delaware River Heritage Trail which runs through the site and the potential for more park and a possibility for a future marina with restaurants.

Council President Garganio suggested a letter be sent to Congressman Kim thanking him for securing the funding that was there. He did a great job for us and we are pretty close to being at the end and we need his help. Mr. Remsa agreed that they were setting aside a substantial amount of money for that construction and that he will work with Administrator Fazekas on that.

B. Fire District Resolution

Administrator Fazekas explained that the Department of Community Affairs Division of Local Government Services requires that when a fire district wants to compensate it's commissioners, they have to pass a resolution and then the town has to pass a resolution stating that they are in support of that. The fire district sent the letter over with a copy of the resolution which he provided to Council and if they are in agreement, the solicitor will draw up the resolution for next week's meeting. Council agreed.

OLD BUSINESS

A. Website Update

Mayor Wilkie shared a test site with Council so they can see the progress of the website. This was a major undertaking considering the amount of information contained on the website. Administrator Fazekas thanked the web designers, the committee and Marty Eckert for taking the lead on this and it is on track to be completed before the end of the year.

Council President Garganio echoed Administrator Fazekas's praise of Marty Eckert and the staff. This was a tough time with a lot of different things going on through Covid and people working from home. Compared to what we had before and having the ability to be functionable on a mobile device, it's a homerun in his opinion.

B. Memo from Administrator Fazekas Update on Request for Ordinance to Prohibit Major Site Plan Applications

Administrator Fazekas stated that during the open public session at last week's meeting there was a question about an ordinance prohibiting major site plan applications until the master plan is completed. He turned the meeting over to the solicitor for clarification on that.

Township Solicitor Tom Hastie explained that, regarding the question of taking a pause on major applications until the master plan is finished, there is a section in the municipal land use code that states the prohibition of development regulations in order to prepare a master plan is prohibited. His advice is not to touch a proposal like that because you are likely to lose in court on summary judgement. He said that there was an ordinance presented from a neighboring town that takes a more general approach and seems to be removing warehouses from every permitted area where warehouses were allowed. He poked around on the Mansfield website and it appears that it was drafted but it does not appear to be introduced.

The document exists but has not been officially introduced by that township. That approach also gives him pause because when you take something that is a permitted use and take it out of the permitted use category it turns into what is called a non-conforming use. Treatment at the Planning and Zoning Board level for non-conforming pre-existing uses is essentially to ignore them until they wither and die. While there is a legitimate conversation being had about how much warehouse, where, when, to take something that now exists and say we're going to treat it like we just want it to go away, when the development is that massive, can create unforeseen circumstances. Somebody has a warehouse that is being prepared or placement or things like that, or they need to move something around and they have to go back to the Planning Board and Planning Board says we can't touch it anymore because you are not supposed to be there, it can turn into a headache for a town. He stated that this is going to continue to be an item for Council going forward and he suggests we tread a little slowly and make sure to evaluate everything completely.

Council President Garganio asked for an update on the leaf collection. Administrator Fazekas stated that the leaf truck will be back in service in the morning.

ACTION

None at this time.

PUBLIC COMMENT

Council President Garganio opened the meeting up to the public at this time.

Kristan Marter, 220 East Front Street, spoke about the Senate Bill 2607 during the last Council meeting and in the Zoning Board meeting earlier in the week she had asked whether we put any kind of climate change and extreme vulnerability assessment in our checklist. They were going through the checklists for these two projects on Florence-Columbus Road to make sure the application is complete, and this is not in their assessment. It is something that, back in February 2021, a bill went through and we have a year to implement this for our master plan for climate change and flooding. The concern that she has is the runoff from the projects and the impact they will have on Crafts Creek. Once we add these 2.4 million square feet between the Lounsberry property on the Mansfield side of the Wainwright property along with the Margolis property and Vanco as well, there is around 10 million square feet of impervious coverage that tend to runoff into Crafts Creek. Everything runs to the Delaware which then impacts Roebling. With Jones Farm especially, that is another 610,000 square foot warehouse that they actually got approved with 75% impervious coverage. We have until February 2022 to get this in place. They are changing a lot of the runoff requirements and the stormwater runoff and things of that nature in February. We are in the midst of getting master plan together and she is requesting that we make sure this gets done before February to at least help to mitigate some of the issues that we will possibly see in Roebling. They do say that the legislation is a provision to the municipal master plan process to provide technical assistance in preparing the climate risk assessments and a planning board may request such technical assistance from the state Department of Environmental Protection. They have people there that can help us put this together we just have to take the steps to do it. She is requesting we do that as soon as we can.

Mayor Wilkie stated that he reached out to our planner who reached out to the State but did not get a response. He remembered having to change something with the stormwater in March. He said that there were discussions regarding the master plan review and the plan endorsement and when he attended one of the meetings that the county was utilizing, they were looking at those municipal structures that were in jeopardy. He stated that all of those things are being talked about and we will see with her specific questions, where it all is in the process.

Ms. Marter also mentioned that, with regard to the sewer plant and runoff, not only do we have the Carson project next to the sewer plant there are now talks about building two more buildings on the old GSA site.

Robert Tallon, 2454 Axe Factory Road, Bordentown, NJ, mentioned that he heard that it was brought up about an ordinance in Mansfield to temporarily halt the warehouses and he said that it went to first reading and got voted down. When it was drawn up by the attorney, it was with the intent not to permanently ban anything but to put a halt on things until they can go back into the master plan, look at what impacts these unintended consequences were having with all of the warehouses that were not foreseen in the planning and the accumulative effects that were not taken into consideration and the way it would impact our fellow communities. He was trying to put a halt on it temporarily, so it could be reviewed in much more detail but it wasn't passed.

Bryan Hewitt, 1080 Grove Street, spoke about how other townships have passed ordinances and have done other things to prevent warehouse sprawl, even in the instances where it did not prevent the sprawl, it created better negotiating terms in which the warehouses were downsized or there were additional effects that were taken into consideration or the townships received things that benefited the residents in exchange. He suggested that maybe we need to go back and do additional research and see what is going on in other townships and other lawsuits that have occurred. He agrees that not all were won and a majority were probably lost, but there are a multitude of things that we could be doing in order to slow this down. He stated that NFI is famous for launching a project and having it completed within one year. The Lounsberry tract is not a tract that is under contract if it could be a warehouse. There is a notice in settlement on the property which means that they have already purchased it. NFI owns that tract and they are going to ram that down our throats. As far as the Wainwright tract, he had not seen a notice of settlement yet and is unsure if they have purchased that tract but that may be more of a situation where they are waiting to see what happens. He thinks council needs to start doing something now or else these warehouses are going to be built within a year.

Seeing no one else wishing to be heard, it was a Motion of Ostrander, seconded by Sandusky to close public comment. Voice Vote – All Ayes.

Motion of Ostrander, seconded by Sandusky to adjourn to Closed Session at 7:57 p.m. where no action will be taken. Voice vote – all ayes.

ADJOURNMENT

Council returned to the Regular meeting at 8:04 p.m. No action was taken. Motion of Ostrander, seconded by Sandusky to adjourn. Voice vote – all ayes. Meeting adjourned at 8:04 p.m.

Respectfully submitted,

Nancy L. Erlston, RMC
Township Clerk
/jns