

41.

Florence, New Jersey 08518-2323
May 19, 2008

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:

Mayor Bill Berry	Sean Ryan
Gene DeAngelis	Craig Wilkie (LATE)
Mildred Hamilton-Wood	David Woolston
Wayne Morris	James Molimock, Jr.
John T. Smith	

ABSENT: None

ALSO PRESENT: Solicitor David Frank
Engineer Dan Guzzi
Planner Joseph Petrongolo

RESOLUTIONS

Resolution PB-2008-14

Granting the application of Perigrine Partners, LP for approval of Amended Minor Site Plan, Block 159, Lot 4.02, 2037 Route 130 South in the HC Highway Commercial SM Special Manufacturing Overlay Zoning District.

Motion of Smith, seconded by Ryan to approve Resolution PB-2008-14.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Woolston, Molimock
NOES: None
ABSENT: None

Resolution PB-2008-15

Continuing the application of Punam Corporation for Preliminary and Final Major Site Plan approval for construction of a retail building on Block 160.01, Lot 14, located in an HC Highway Commercial Zoning District.

42.

Motion of Berry, seconded by Morris to approve Resolution PB-2008-15.

On the Question:

The Board expressed concern that this application keeps being continued by the applicant without any progress toward public hearing. Engineer Guzzi stated that he and Planner Petrongolo had both given numerous dates for a professionals meeting with the applicant's staff, but the applicant was unable to agree to a meeting date.

Chairperson Hamilton-Wood stated that at this time the Board was just memorializing action that was taken last month. Solicitor Frank said that the applicant claimed to have noticed for the March meeting, but the revisions to the plans may be so significant that additional notice may be required.

Solicitor Frank suggested that if there is no new submission and action by next month then the Board should dismiss the application without prejudice. This would allow the applicant to re-apply.

Chairperson Hamilton-Wood suggested that the Board vote on this resolution and postpone this discussion until later in the meeting.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Woolston, Molimock
NOES: None
ABSENT: Wilkie

MINUTES

Motion of Ryan, seconded by Smith to approve the Minutes from the regular meeting of April 21, 2008 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

- A. Permit Application for Flood Hazard Area Individual Permit Burlington Neck Redevelopment Project.
- B. Planner's compliance review for The Shoppes at Mallard Creek dated May 1, 2008.

Motion of Berry, seconded by Woolston to receive and file Correspondence A and B. Motion unanimously approved by all members present.

OLD BUSINESS

43.

Chairperson Hamilton-Wood stated that the only item under old business was Application PB#2007-17 for Punam Corporation. She stated that the Board should discuss what the plan of action should be. Chairperson Hamilton-Wood referred to an email that had been received from the applicant's attorney Charles Petrone indicating that the applicant is requesting a continuance until the June meeting in order to allow for the Professional's meeting.

Solicitor Frank stated that the applicant needed to submit plans that are reviewable under applicable standards. Chairperson Hamilton-Wood stated that the plans must be submitted in a timely manner (15 days prior to the hearing).

Solicitor Frank stated that the applicant should be informed that if they do not submit the revised plans in a timely manner then the application would be dismissed without prejudice.

Fire Official Kevin Mullen stated that he had contacted the State Fire Marshals office and was told that a sprinklered building would be acceptable in lieu of the wider fire lanes. Construction Code Official Tom Layout contacted DCA and they verified that this is correct.

Mr. Mullen stated that the bigger issue was getting a fire truck onto the site. He stated that he had given the applicant all the information regarding the fire truck size, turning radius, etc.

Motion of Berry, seconded by Woolston to authorize Solicitor Frank to contact the applicant's attorney advising them that they must supply a reviewable plan at least 15 days prior to the June meeting. Failure to do so will result in a dismissal of the application by the Board. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood stated that there being no new or other business to discuss she would now open the meeting to public comment. Motion of Smith, seconded by Ryan to open for public comment. Seeing no one wishing to comment, motion was made by Smith and seconded by DeAngelis to close the public comment. Motion unanimously approved by all members present.

PUBLIC HEARING OF THE RE-EXAMINATION OF THE MASTER PLAN

Planner Petrongolo said that he had reviewed that Minutes from the public hearings on the Re-examination report that were held on July 16, 2007 and August 20, 2007. The Re-examination report had been prepared by the previous Board Planner Clarke Caton Hintz. Planner Petrongolo stated that he had reviewed the document that was dated August 20, 2007. He said that this document appears to address the comments from the Minutes of the previous meetings. The Re-examination recommends that there be two additional zones established within the community, ROP Research Office Park and the PUB Public zones.

Planner Petrongolo stated that the Re-examination report also established standards for the ROP zone. There was a lot of discussion at the public hearing on July 16th and August 20th 2007 regarding the building height, setbacks and buffers from residential properties. It appears that the report is in conformance with the testimony and questions from the previous public hearings.

Planner Petrogolo continued that there is a proposed PUB zone. The purpose of this is to overlay existing institutional uses so that the map clearly indicates where the institutional areas are located. Engineer Guzzi pointed to a display that illustrated all the Blocks and Lots that were proposed PUB zones.

Planner Petrongolo said that there is a proposed zone change from AGR Agriculture to P Park for Block 155.49, Lot 54.02. This is the parking lot and park area at the recreation facility adjacent to the municipal offices. He stated that finally there is a proposed down zoning of a portion of the Cedar Lane area (Block 155.47, Lots 12.01 & 12.02, Block 148.06, Lot 6.01 and Block 148.02, Lot 6.02) from the GM General Manufacturing zone to the SM Special Manufacturing zone. This would be more in conformance with the surrounding zoning and a better transition from the residential area to the commercial area.

Planner Petrongolo stated that the report suggests that a new objective be added to the Master Plan regarding the benefits of wind and solar energy. The Re-examination report provides some standards for these uses.

Solicitor Frank stated that he thought that the standards provided for the wind power were sketchy. He stated that if this is adopted, when the ordinance is set down it should be more specific.

Chairperson Hamilton-Wood asked if someone came in and wanted to build a wind turbine in a residential zone, wouldn't they have to meet the height and bulk requirements in the present zone. Solicitor Frank stated that currently yes they would. He said that wind turbines ordinarily and customarily are not associated with a residential use so they would be an accessory use. Anyone seeking this now, height aside, would probably need a variance from the Zoning Board until the standards are created in the ordinance. Planner Petrongolo said that when someone goes for a Use variance part of the proofs are is this in conformance with the intent and purpose of the Master Plan. One this document is adopted the answer would be yes, because the Re-examination report states that it is important to have renewable resource opportunities for residential units with standards.

Chairperson Hamilton-Wood stated that she was concerned about the size of wind turbines in residential areas. Engineer Guzzi stated that small wind turbines are being constructed in areas along the coast. Towns in those areas have adopted standards for this use.

Chairperson Hamilton-Wood asked about people installing solar panels and then selling back the excess energy. Engineer Guzzi stated that the State was paying half of the

installation cost, but the funding has run out for this. Planner Petrongolo said that there have been issues where one neighbor's tree is shading out another neighbor's solar panels. This needs to be considered when the standards are being written in an ordinance. Chairperson Hamilton-Wood stated that she was concerned with the solar energy being used as a commercial enterprise – someone lining his or her back yard with panels to get the commercial benefit.

Solicitor Frank said that when the ordinances are drafted to allow solar panels as an accessory use in a residential zone the standards must be quite explicit to limit the percentage of energy that is sent off site. Solicitor Frank said that you have to count the panels as impervious coverage. Engineer Guzzi stated that setbacks have to be met also.

Chairperson Hamilton-Wood stated that it would be the same for the wind turbines. Engineer Guzzi stated that the wind turbines are a lot quieter than you think but there are standards issued by the State for noise. He said that there is also a light issue with the turbines. The sunlight shining through can create a strobe effect on neighboring properties as well.

Member Ryan asked if renewable energy sources were feasible in a residential community. Engineer Guzzi stated that he is seeing wind turbines on smaller lots in coastal areas because of the higher levels of wind. They are not as prevalent inland, but as Member Smith pointed areas along the river they might be appropriate. Member Ryan asked what height the wind turbines would be? Planner Petrongolo said that the Re-examination report gives a maximum height allowance of 35 feet.

Engineer Guzzi asked the Board to take a look at the Lots and Blocks slated to be zoned as PUB Public. He stated that there are a couple of lots that might not be appropriate. The VFW lots have been subdivided and half of the lot is going to be developed with a residential and commercial building. The other site is the Holy Assumption school property. There has been talk of the Church selling the property.

Mayor Berry asked about Sterling House this is zoned as AGR Agricultural, shouldn't this be re-zoned as PUB? Engineer Guzzi answered that the PUB was for public uses only. Sterling House is a private care facility.

Member Smith asked what the zoning was for the VFW? Engineer Guzzi stated that the underlying zone on the back of the property is RA residential. The NC Neighborhood Commercial zone is 150' from Hornberger Avenue back. Chairperson Hamilton-Wood stated that the zoning map shows the zone as "O". Engineer Guzzi said that the map shows it as "Q". This is one of those letters that are tagged onto institutional uses, but it is not a zoning district, this is just an identifier. Planner Petrongolo stated that the PUB zone is intending to eliminate this confusion.

Planner Petrongolo pointed out to the Board Members that they are not actually rezoning they are recommending to Council what they believe the appropriate zone should be.

Council then can take action if they desire. They are not required to act if they do not think that it is appropriate.

Mayor Berry asked again about the zoning of the Sterling House. He said that he thought that this should be something other than AGR Agricultural. Engineer Guzzi suggested a rezoning to RA Low Density Residential, which is the adjacent zone.

Engineer Guzzi stated that the park adjacent to the Sterling House was being rezoned as P Park and the proposal suggests keeping the Sterling House as AGR. Mayor Berry asked for the zoning on the MSAA (Roebing Arms) building on Hornberger Avenue and the BCCAP (Roebing Inn) building on Riverside Avenue in Roebing? Both of these sites are zoned RD High Density Residential. Mayor Berry stated that the Sterling House is a very similar use and he recommended that the zoning be changed to RD.

Planner Petrongolo said that this issue was not raised as part of the Re-examination report that the Board is reviewing. Engineer Guzzi stated that the Board should be cautious about zoning this site as RD. If Sterling House were to go out of business and sell the site, the RD zone allows for apartment complexes. This doesn't really fit in with the adjoining RA Low Density Residential neighborhoods.

Chairperson Hamilton-Wood said that she thought that the Board should not change the zoning for Sterling House because it is a private institution. Engineer Guzzi said that it was more appropriate to have this zoned as RA than AGR. Solicitor Frank suggested creating a zone that reflects what is actually there. Planner Petrongolo said that the only disadvantage would be if the building were sold, only an assisted living facility would be permitted. If the zone were changed to RA it would conform to the adjacent zoning.

Mayor Berry asked that Engineer Guzzi and Planner Petrongolo look at the Sterling House site and suggest appropriate zoning.

Engineer Guzzi asked the Board to consider the Holy Assumption school property. Mayor Berry said that the Holy Assumption property has not yet been sold and the Board would be speculating as to what the future use might be. He suggested leaving that site alone until there is movement on the property.

Member Smith stated that in his opinion the Board should adopt this Re-examination report. He said that in 2000 the Board did a Re-examination but never adopted it. The Griffin Pipe lot was targeted for Research Office Park. This zone change never was done and now there is approval for an 85 home subdivision on part of that lot.

Member Ryan stated that he agreed with Member Smith. This process can become an on-going process because things change everyday. Planner Petrongolo stated that the Master Plan is an important document. It is the guidance for all Use variances that go before the Zoning Board.

47.

Mayor Berry asked if the AA Active Adult Residential zone would work for the Sterling House? Engineer Guzzi said that he had looked at this and it doesn't really meet the standards. He stated that the closest use to the Sterling House is "convalescent homes" and this is only permitted in the OP Office Park zone.

Member Ryan asked for an explanation the procedure for implementing the Board's suggestions. Solicitor Frank stated that today the Board is engaged in periodic general re-examination of the Master Plan. The Master Plan documents already exist. There are specific rules for a Re-examination and Planner Petrongolo reviewed this report to see if it met all the rules and it does. In adopting this as this Board's Re-examination report the Board could use this to drive other components of the Master Plan if desired or the Board could adopt this as an amendment to the Land Use Plan element and work from there.

Either way, the governing body then has the option to adopt ordinances that are consistent with the approved Re-examination report. The Land Use Law says that if the ordinances are consistent with the Board's work on the Master Plan then they are presumed to be valid. If they are not consistent they can still have a presumption of validity if the governing body on the record with a super majority say that they don't want to do it for the following reasons and state the reasons in the record.

Member Ryan asked when was the last time that the Planning Board approved an amendment to the Master Plan? Planner Petrongolo stated that the last Re-examination was adopted in 2003 and the Housing Fair Share Plan was adopted in 2005.

Solicitor Frank said that after the Public Hearing the Board could, if they chose to, adopt the Re-examination report, but could also adopt a new report or amendments to the Land Use Plan element.

Chairperson Hamilton-Wood stated that it was her preference to not make any final adoptions this month, but put it on the agenda next month.

Member Ryan asked Planner Petrongolo about revising the Re-examination report. Planner Petrongolo stated that this was a document that was prepared by a previous planner. He stated that he can't under State regulations and ethics put his name on it.

Engineer Guzzi said that there were 2 parts to this. There is the Re-examination and there is the Master plan. Planner Petrongolo can revise the Master Plan. Solicitor Frank suggested that the Board could look at the Land Use element and define the proposed changes.

Planner Petongolo stated that Land Use Law requires a Re-examination every 6 years. Adopting this document gives the Board that protection that you have met the statutory requirement. Then we could look further into the Land Use element include these amendments into that element and add any changes the Board wants to make.

Member Wilkie suggested having town board meetings with the Planning Board, Zoning Board, the new Economic Development Committee, Council and the Fire District. The meeting would consist of a power point demonstration to explain what's in the Re-examination report. The other Board's could give comments.

Solicitor Frank stated that they would have to declare a joint special meeting of all those Boards. Planner Petrongolo stated that the Zoning Board is supposed to supply an Annual Report to the Planning Board. Chairperson Hamilton-Wood stated that the Zoning Board does supply this.

Solicitor Frank stated that the Municipal Land Use Law views this in a more fractured way. The Planning Board does things on notice, with the Mayor and a member of the governing body in attendance. Members of the public are welcome to participate. The Zoning Board is kept out of this because of their quasi-judicial role. They are really the judges in Land Use.

Mayor Berry said that the members of all those Board's could come to this meeting as residents of the community.

Motion of Berry, seconded by Ryan to open the hearing for public comment. Motion unanimously approved by all members present.

Fritz Wainwright, 1091 Columbus Road stated that he had reviewed the report and there was an error in one place regarding street names. The report says that Florence Township goes to the Jacksonville-Burlington Road and it does not.

Mr. Wainwright said that Member Smith is right-you have to protect the zoning. It is up to the Council to change the zoning, if need be for a good reason.

Seeing no one else wishing to comment, Ryan made motion, seconded by Berry to close the public portion. Motion unanimously approved by all members present.

Member Ryan asked for a recap of the issues that were discussed tonight and asked for very specific direction for the professionals to move in or if the Board is at a consensus a motion to accept the Re-examination report.

Solicitor Frank stated that there are 2 possible motions. One is to continue the public hearing on the adoption of the Master Plan Re-examination report. The other would be to adopt it. The Board could adopt the document that is before the Board with modifications.

Chairperson Hamilton-Wood said that it was her understanding that there were a lot of potential issues and it would not be detrimental to continue the public hearing.

The Board asked Planner Petrongolo to review the zoning for the Sterling House property, the split in the VFW parcel and the Holy Assumption school site.

Planner Petrongolo suggested that he meet with Engineer Guzzi regarding these sites since Mr. Guzzi knows the history of the town.

Member Smith asked if there was a circulation element included. Planner Petrongolo stated that the circulation element is included in the Master Plan but is not part of this re-examination. Solicitor Frank said that if the Board is aware of any deficiencies in the circulation plan element than that should be addressed in the Re-examination report.

Member Smith said there had previously been discussion of a road from Florence-Columbus Road to Burlington Columbus Road. Also an access road into the OP zone on Florence-Columbus Road. Member Wilkie said that he recalled talk of a road from Route 130 to Burlington-Bustleton Road.

Planner Petrongolo said that the Board might want to sit down with a large map and go through all the roads. It appears that there are some issues on the circulation report that need to be looked at. This would entail creating a new re-examination document.

Member Ryan asked Planner Petrongolo if he felt that the Re-examination report that had been prepared by Clarke Caton Hintz was a sound document? Planner Petrongolo answered that it was. Solicitor Frank stated that there was a difference between the analyses that was performed – does it meet the statute requirements versus does it do the thing that the Planning Board for the town wants it to do to make it the aspirational document for the future development for the town? These are 2 separate issues. Planner Petrongolo stated that he had not been in those previous meetings and he assumed that the Board was satisfied with the report that was submitted.

Motion of Berry, seconded by Ryan to continue the public hearing of the Re-examination Report of the Master Plan until the June 16, 2008 meeting of the Board.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Hamilton-Wood, Morris, Smith, Ryan, Wilkie
NOES: None
ABSENT: None

Motion of Berry, seconded by Smith to adjourn the meeting at 9:00 p.m. Motion unanimously approved by all members present.

John T. Smith, Secretary

JTS/ne