

Florence, New Jersey  
November 5, 2008

The Florence Township Council held a regular meeting on the above date in the Municipal Complex, 711 Broad Street, Florence, New Jersey.

The meeting was called to order by Council President Baldorossi at 8:00 PM. President Baldorossi led the Salute to the Flag.

The following statement was read by the Township Clerk: "Notice of this meeting has been given in accordance with the Open Public Meetings Act. Notice was published in the Burlington County Times on January 6, 2008; given to the Register News for information. Notice was posted on the Municipal Bulletin Board."

Upon roll call the following were found to be present:

Bruce Garganio  
Dennis O'Hara  
Sean Ryan  
Jerry Sandusky  
Frank Baldorossi

Also present:

Mayor William Berry; Richard Brook, Township Administrator; Thomas Sahol, Assistant Municipal Administrator; Dante Guzzi, Township Engineer; William John Kearns, Jr., Township Solicitor; Joy M. Weiler, Township Clerk

### **MINUTES**

Sandusky made a MOTION; seconded by Ryan to approve the following minutes. Roll call vote – all ayes. Motion carried.

Regular Session	August 13, 2008, September 3, 2008, September 17, 2008 and October 1, 2008
Executive Session	September 10, 2008
Closed Session	October 1, 2008

### **FINANCIAL CORRESPONDENCE**

O'Hara made a MOTION; seconded by Sandusky to approve the Treasurer's Bill List. Roll call vote – all ayes. Motion carried.

### **REGULAR CORRESPONDENCE**

Nothing at this time.

### **APPLICATIONS**

A. Social Affair Permit: American Legion Post 194, Night at the Races, November 14, 2008, 6:00PM – 10:00PM

It was on the MOTION of Ryan, seconded by O'Hara to approve the above application.

### **On the Question**

Nothing at this time.

**Florence Township Council Regular Session: 11/05/08**

Upon roll call Council voted as follows:

YEAS: O'Hara, Ryan, Baldorossi

NOES: None

ABSENT: None

ABSTAIN: Garganio, Sandusky

Motion carries.

**PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

*The Public Hearing for the CDBG Project was advertised in the Burlington County Times on October 19, 2008.*

Assistant Administrator Sahol explained that the Community Development Block Grant application is for handicapped improvements to the Florence Township Library entranceway, to provide for handicap accessibility with automatic opening doors. The other projects involve various handicap curb ramps throughout the community where there are none, to remove the architectural barrier. As part of the application the public has the ability to make comments regarding the project.

Council President Baldorossi opened the hearing to the public.

Nothing at this time.

All residents having an opportunity to be heard, MOTION by Sandusky; seconded by Ryan to close the public hearing. All ayes - motion carried.

Council Member Sandusky noted that the handicapped accessible restrooms in the Florence Township Library were constructed through the CDBG.

**PUBLIC COMMENTS**

Nothing at this time.

All residents having an opportunity to be heard, MOTION by Ryan; seconded by Garganio to close the public portion of the meeting. All ayes - motion carried.

**RESOLUTIONS**

**RESOLUTION 2008-196**

**RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM  
OF REVENUE IN THE BUDGET OF THE TOWNSHIP OF FLORENCE,  
COUNTY OF BURLINGTON, PURSUANT TO N.J.S. 40A:4-87  
CHAPTER 159, P.L. 1948**

**RESOLUTION 2008-197**

**CANCEL CERTAIN GENERAL CAPITAL IMPROVEMENT AND  
WATER AND SEWER UTILITY CAPITAL APPROPRIATION BALANCES**

**RESOLUTION NO. 2008-198**

**AUTHORIZING THE FILING OF COMMUNITY  
DEVELOPMENT BLOCK GRANT APPLICATION**

**RESOLUTION NO. 2008-199**

**AMEND RESOLUTION NO. 2008-05  
ACCOUNTS DEPOSITED AT ROEBLING BANK**

**RESOLUTION NO. 2008-200**

**BUDGET TRANSFERS**

It was on the MOTION of Garganio, seconded by O'Hara that Resolutions 2008-196 through 2008-200 be approved.

**On the Question**

Council Member Ryan asked for an overview of Resolution No. 2008-197. Administrator Brook explained that whenever a municipality does a Bond Ordinance either all of the funds that are in that Ordinance are used if the ordinance is funded where the municipality borrowed the money, or a Bond Ordinance is done and paid for out of the surplus fund to limit the interest expenses. Over time the municipality re-evaluates the Bond Ordinances and determines if the balances can be canceled. If the Ordinance's balance is unfunded that means the township has not borrowed the money; if the balance is funded, as in Resolution No. 2008-197, those funds get canceled and are returned to surplus for use in next year's budget.

Upon roll call Council voted as follows:

YEAS: Garganio, O'Hara, Ryan, Sandusky, Baldorossi  
NOES: None  
ABSENT: None

Unanimous approval.

**ORDINANCES**

Administrator Brook explained that Ordinance No. 2008-19 is before the governing body this evening for adoption. The ordinance was sent to the Planning Board for review and they gave their approval. The Ordinance changes the height in the Special Manufacturing Overlay/Highway Commercial (SMO/HC) Zone to 50 feet to bring it more consistent with what is along the highway and rezones approximately 24 acres of property from AGR to SMO/HC. All of the property owners within 200 feet were sent a notice along with a letter that outlined exactly where this stood with respect to the rezoning, the application and the proposal from NFI. NFI voluntarily offered to meet with the residents on a couple of different occasions.

John Gillespie, attorney representing NFI Real Estate, the perspective developer for the property owned by the Four B's, explained that the 24 acres to be rezoned is part of 124 acres. Of the 124

**Florence Township Council Regular Session: 11/05/08**

acres only about a third will be subject to development. The rest will stay wooded open space and be part of the buffer. Because this is a legislative procedure, Mr. Gillespie asked that the following be noted for the record:

1. Resolution No. 2008-184, which authorized the Developer's Agreement
2. The Developer's Agreement with all of the exhibits
3. Power Point presentation was presented to the Planning Board for their consideration at their October 28, 2008 meeting, where they considered the Ordinance and made their recommendation to the governing body that it is consistent with the terms of the Master Plan.
4. Correspondence from Planning Board Planner, Joseph Petrongolo of Remington & Vernick, dated October 20, 2008, to the Planning Board with his comments regarding the consistency of the Ordinance with the Master Plan.
5. Administrator Brook's memorandum to the Planning Board for their October 28, 2008 meeting, to give the Planning Board background of the matter and how it got to the point where it is.
6. Correspondence to Mayor and Council dated October 22, 2008 from David Frank, Planning Board Solicitor, with an attachment of the proposed Draft Resolution for the Planning Board, Resolution No. PB2008-29.
7. Correspondence, dated today, from James Priolo, Executive Vice President of Birdsall Engineering, addressing the Ordinance as well as the documents that he refers to on page 1 of his report to Mayor and Council.
8. Report dated September 5, 2008 from Russell Acoustics, which is referred to in Mr. Priolo's report.

Mr. Gillispie asked the governing body to take judicial notice of certain official documents of the Township of Florence, subject to the advice of Solicitor Kearns. The first of those he asked to be No. 9.

9. Florence Master Plans: 1976 originally adopted plan amended through 1999; 1994, 2000, 2003 and 2007 Master Plan Re-examination Reports.
10. Zoning Maps from August 1987, December 1991, February 1997, July 1999 and August 2003. These maps show the evolution of zoning changes in this area.
11. Planning Board public hearing notice of June 26, 1978 of a land use application submitted by L & A Homes for the Tall Pines Development. At the time Tall Pines was zoned AGR and SM; it was not a permitted use. Mr. Gillispie read the notice aloud for the record.
12. Planning Board Resolution No. PB1979-03 dated July 23, 1979, granting final major subdivision approval. The approval was for property located on Cedar Lane for 44 lots for construction of single-family dwellings. Mr. Gillispie read excerpts from the Resolution: the first Whereas states "which premises are in a Special Manufacturing and Agricultural zone", the third Whereas states "Whereas the Planning Board of Florence Township has determined that the relief and approval requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan of Florence Township, the municipal land use Ordinance of Florence Township and all other applicable presently existing ordinances of Florence Township." Mr. Gillispie stated that language is meaningful and today means that the negative criteria for a use variance was met.
13. Minutes of the March 8, 2006 Council Meeting where this matter was first presented. It has been 2-1/2 years since the first presentation and Council had issues, which lead to 2-1/2 years of

**Florence Township Council Regular Session: 11/05/08**

discussions and changes to the plan, to the point where NFI is comfortable asking permission to do what they would like with this property.

Solicitor Kearns stated that all of the items Mr. Gillespie listed are public documents.

Council Member Ryan asked to see a copy of the document from 1978? Mr. Gillespie provided a copy to Council Member Ryan.

Council President Baldorossi stated that over the past 2-½ years NFI has been cooperative with answering all of the governing body's questions.

**Public Comment**

Council President Baldorossi opened the meeting to the public for comments at this time.

Dr. William O'Brien, 33 Tall Timber Lane, discussed the quality of life issue. He moved to this area seven years ago because of the agricultural nature of the neighborhood. He was unable to attend the meeting with NFI in July but did attend the previous meeting in May, where he discussed his concerns. NFI was not able to address some of his concerns at that time and he is not sure if they have been addressed since. Dr. O'Brien's primary concern is the impact of the health and safety from this facility. NFI could not tell him in May the hours of operation. If the facility is operating 24 hours a day that means 24 hours of diesel exhaust, which is a bad thing for his neighborhood and the town. NFI could not address how the facility would be secured. In the most recent document there is talk of a six to eight foot fence. Dr. O'Brien believes that warehouse crime should be a major concern. He brought up concern that the noise study was conducted while construction of the water and sewer lines in Tall Pines was being done. Even so, NFI conceded that the neighborhood would be noisier and there would most likely be a glow in the area. The lost of open space also concerns Dr. O'Brien. Another concern is the impact on the traffic flow on Route 130 and the intersection of Route 130 and Cedar Lane. Dr. O'Brien asked that his concerns be taken under consideration.

Mr. Gillespie stated that the sound study that was submitted and referenced in the Township Engineer's report is not based on the prior sound study but an updated study from September 2008. He explained that NJDEP has requirements for sound all day long.

Josiah Knapp, President & COO NFI Real Estate, explained that the way sound is measured for state requirements is what is emanating from the site, and will emanate from the site. NFI has come below those levels.

Norman Dotti, Russell Acoustics LLC, prepared the September 2008 sound study and is fully familiar with this project. He explained that the projected sound level in the residential area, worst-case scenario, is approximately 45 dBA. The State nighttime limit is 50 dBA. Currently the ambient sound levels, at their quietest, are around 45 dBA and often significantly louder. Mr. Dotti noted that Route 130 and the Turnpike Extension contribute to the ambient sound. Once the NFI Development is complete, the ambient sound for the high school and the Tall Pines Development will go up 0 – 1 dBA. The human ear would not be able to detect a 1 dBA change.

Mr. Gillespie showed on the 2003 zoning map the 24 acres they are asking to be rezoned. The rest of the site is already a HC/SMO Zone. NFI would be able to develop without the zoning change. Of the 24 acres they are asking to be rezoned only 1/3 would be used; the rest will remain wooded and part

**Florence Township Council Regular Session: 11/05/08**

of the Developer's Agreement is to provide a buffer behind the residential area. He stated that the quality of life is not going to be impacted by the zoning change. Mr. Gillespie noted that the Tall Pines Development shares an extensive boundary line with HC/ SMO Zone.

Mr. Gillespie stated that under Florence Township's Ordinance they are only required to provide a 100-foot buffer between their zone and the Residential Zone. They have expanded the buffer dramatically.

Mr. Knapp stated that when NFI meet with the residents in May and July the residents wanted to be sure there was some type of barrier between the car parking on the side of the building that faces Tall Pines and their residents. NFI agreed to install a six or eight foot high fence but must get Planning Board approval. Mr. Knapp stated that the truck court area of the warehouse will effect the residents. Each facility will be governed as the security demands in that facility require. Council Member Ryan asked what electronic security measures would be used for internal or site security? Mr. Knap stated that it will vary depending on the user. If a space is leased out to user that has a lot of electronics, they may have cameras, fences and alarm systems. If a space is leased out to a user with a low value item, they may only have an alarm on the building. Security will be up to the tenant.

Administrator Brook stated that in his years here Florence Township warehouse crime has never been a significant issue. He does not believe that crime will proliferate on this site as a result of warehousing. Dr. O'Brien is not concerned with crime on the warehouse site but crime on his house and neighborhood. Administrator Brook does not believe that building this complex will increase the crime in a residential development.

Mr. Gillespie recognizes the concerns of security and believes it is more appropriate to address with the Planning Board. It also may be easier to address when there is a tenant. Solicitor Kearns stated that NFI still has to go through the Planning Board Review process and once they get to that step they may have more information for the Planning Board to look at.

Council Vice President O'Hara asked Dr. O'Brien if he was concerned with theft activity on the proposed site or how it will impact the safety of his neighborhood? Dr. O'Brien stated that his main concern is his neighborhood due to the transient nature of the people coming and going in the facility. If you walk through the woods behind the warehouses you end up in his back yard. Mr. Knapp stated that someone would have to climb over a six to eight foot fence to get to the woods. He stated that anyone could walk off the street today into Mr. O'Brian's neighborhood. He is not sure how to address the issue. He stated that truck driver's make their living carrying loads and not stealing; this is their livelihood.

Mr. Gillespie stated that one of the hardest things for lawyers, witnesses and governing bodies to do is to disprove unproven assumption.

Council Vice President O'Hara stated that a majority of the truck drivers will not know that there is a residential development there with the way the property is laid out and how the truck drivers access the warehouse. There is no truck traffic on the Tall Pines side of the property and with the buffering truck drivers will not be able to see the development as they approach the facility from Route 130. Council Vice President O'Hara explained that this Council and the previous governing body have looked at every consideration for the neighborhood as far as lighting, sound and safety.

**Florence Township Council Regular Session: 11/05/08**

Solicitor Kearns understands that the residents that purchased their home when it was open space and farm area would love to see it stay that way and not be developed but property owners have rights to develop their property within reasonable conditions that the municipality put on through their zoning. The only way to keep that property as open space is to buy the property. Solicitor Kearns stated that over the last two years the governing body has been very assertive in trying to obtain concessions from the developer.

Mr. Knapp addressed the concern of the glow from the lights of the facility. He explained that the resident's concerns were looked at and NFI has agreed to lower the height of the poles and face the lights away that are behind the building along the Tall Pines development. Due to the height of the buildings and the design of the facility, it is unlikely that the lights within the truck port would be visible from Tall Pines.

Mike Maloney, 40 Tall Timber Lane, drove through Whitesell's property, known as the Haines Center, on Route 130 earlier this evening. He recognizes the value of this facility to the community, in its location. It sits in an area where there is no impact to any residential neighborhood; it is on the far end of the township and abuts a neighboring industrial complex.

Mr. Maloney's concern with NFI's proposed plan is the 24 acres they are requesting to be rezoned, which he lives directly in front of. He realizes that a big portion of NFI's property is zoned Highway Commercial and it is their right to build a warehouse on that zone. He realizes that NFI has worked with the township but believes this project will have a negative impact on the quality of life and property values of the Tall Pines residents.

Administrator Brook stated that at this point the residents have had the opportunity to meet with NFI and informational packets have been made available to the residents. NFI will be going through the site plan process with the Planning Board. He explained that Florence Township worked with NFI over the past 2-½ years, not to appease NFI, but because they felt there was a good reasonable balance in developing this site.

Council Member Garganio requested that NFI show the slide of the landscaping in the 36 square foot area in the back. Mr. Knapp showed the proposed trees that would block the view from Tall Pines completely. Since then Council requested that another area be reforested in order for the residents to have a much fuller forestation and leave the view the residents like so much. Saplings will be planted in the area to be reforested.

It was on the MOTION of O'Hara, seconded by Sandusky to close the public hearing. All ayes – motion carried.

**ORDINANCE NO. 2008-19  
(2<sup>nd</sup> Reading)**

**AN ORDINANCE AMENDING CHAPTER 91 OF THE CODE OF THE TOWNSHIP OF FLORENCE, AND THE ZONING MAP OF THE TOWNSHIP OF FLORENCE, TO DESIGNATE THE ENTIRETY OF A PROPERTY KNOWN AS BLOCK 160.01, LOTS 2.01, AS BEING WITHIN THE HIGHWAY COMMERCIAL ("HC") ZONING DISTRICT,**

**Florence Township Council Regular Session: 11/05/08**

**SUBJECT TO THE SPECIAL MANUFACTURING OVERLAY (“SMO”) DISTRICT  
ZONING REGULATIONS**

It was on the MOTION of Ryan, seconded by O’Hara to approve Ordinance No. 2008-19 on second reading for adoption.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Garganio, O’Hara, Ryan, Sandusky, Baldorossi

NOES: None

ABSENT: None

Unanimous approval.

**REPORTS**

**Committees, Boards and Officers**

- Council President Baldorossi stated that this Monday, November 10, 2008, **Homes for Our Troops** will be holding a **key ceremony** to turn over the house that was built for Staff Sgt. Andrew Robinson, who was injured in Iraq.
- Council Member Sandusky stated that Tuesday, **November 11, 2008, is Veteran’s Day**. The veterans’ organizations will be meeting at the Broad Street monument at 11:00AM and marching down to the Veteran’s Park monument.
- Council Member Garganio stated that the School Board is looking into fundraising for a **monument at the new high school**. If they proceed with the project, Council Member Garganio suggested donating money from Waste Management.
- Council Vice President O’Hara **complimented the residents of Florence Township** for the large turn out at the voting polls yesterday.

**Mayor**

- Mayor Berry presented a **Proclamation** proclaiming the month of November 2008 as **National Family Caregivers Month**. Since there are many family caregivers that go in and out of the Sterling House on a daily basis, the Proclamation will hang in Sterling House.
- Mayor Berry stated that he is still getting calls regarding **Second Avenue parking**. He requested that the topic be discussed at next week’s Worksession. Council Member Ryan recalls that the last time this was discussed in depth Council was open to listening to suggestions and asked Mayor Berry if he had an additional specific suggestion or plan for Council to discuss? Mayor Berry suggested a letter of courtesy to the residents asking them to take into consideration, if they have multiple vehicles, to allow their neighbors to have a parking space close to their home. He wants the residents to know that the governing body has been trying to address their concerns. Will discuss further at next week’s Worksession.

**Administrator**

- Administrator Brook discussed the memo regarding the **road opening request on Bennett Street**. He stated that it is close to the end of the moratorium limit and advised the governing body to allow the road opening. Council Members are in agreement to allow the road opening.

**Florence Township Council Regular Session: 11/05/08**

**Assistant Municipal Administrator**

- Nothing at this time.

**Township Solicitor**

- Nothing at this time.

**Township Engineer**

- Nothing at this time.

**UNFINISHED BUSINESS**

Nothing at this time.

**NEW BUSINESS**

Council Member Garganio and Assistant Administrator Sahol met with **Boys Little League**. They have a sea box, which they rent for \$100 a month, and a shed in deteriorating condition for **storage**. Last year little league inquired about a better storage area but at that time the governing body was in the process of trying to figure out what to do with the old Public Works building. Since there is nothing eminent for that building, Council Member Garganio suggested allowing them to use a small section, at least temporally. Council Member Ryan's only concern is the hose that is being stored there by Water and Sewer, which is delicate. Council Member Garganio's thought was to corner off a location where they do not have access to other things being stored there. Administrator Brook stated that there is plenty of room and will meet the baseball representative at the building.

**BOARD OF HEALTH**

Nothing at this time.

**MISCELLANEOUS**

Nothing at this time.

9:20 PM MOTION by Garganio, seconded by O'Hara to adjourn meeting. Roll call vote - all ayes.

**ADJOURNMENT**

9:20 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER  
Township Clerk

/mab