

Florence, New Jersey 08518-2323
July 18, 2011

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 and posted in the main hall of the Municipal Complex."

Chairperson Hamilton-Wood stated as the Board's secretary, Paul Ostrander, had resigned, she would call the role.

Upon roll call the following members were found to be present:

Mayor Bill Berry	Wayne Morris
Mildred Hamilton-Wood	Dennis O'Hara
Tim Lutz	Frederick Wainwright

ABSENT: James Molimock
Thomas McCue
Dante Guzzi, P.E. (excused)
Joseph Petrongolo, P.P. (excused)

Mayor Berry nominated Wayne Morris as secretary, seconded by Tim Lutz. Motion of O'Hara to close the nominations. Motion unanimously approved by all members present to approve Member Morris as secretary.

RESOLUTIONS

Resolution PB-2011-05

Granting Preliminary and Final Major Site Plan approval to Duffy Manor, LLC for converting the former Marcella L. Duffy Elementary School site into 66 units of affordable senior housing on property located at 225 (a.k.a 208) West Second Street, Florence, NJ. Block 45, Lots 8 (a.k.a. 8, 13, 14 & 15).

Solicitor Frank stated that the applicant's attorney, Mr. Supko reviewed the resolution and found a few errors. The most important of which is that as the resolution was originally drafted the Board was looking at 62 one bedroom units and 4 two bedroom units. This was an error; in fact there are 61 one bedroom units and five two bedroom units. This is as originally applied for and as originally submitted. The other corrections are clerical in nature.

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Motion of Berry, seconded by Lutz to approve Resolution PB-2011-05. Upon roll call the Board voted as follows;

YEAS: Berry, Lutz, Morris, O'Hara
NOES: None
ABSENT: Molimock, McCue

MINUTES

Motion of Berry, seconded by Lutz to approve the Minutes of the regular meeting of June 20, 2011 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

A. Redevelopment Law Update – Spring 2011.

Motion of Berry, seconded by O'Hara to receive and file Correspondence A. Motion unanimously approved by all members present.

APPLICATIONS

There are no applications at this time.

OTHER BUSINESS

A. Florence Township Ordinance No. 2011-09 An Ordinance of the Township of Florence Amending Chapter 91 to provide for Temporary Inflatable Pools on Residential Single Family Properties in the R, RA, RB, RC and AGR zones.

Solicitor Frank stated that this was a referral of a land development ordinance in accord with N.J.S.A. 40:55D-26 which calls for the Board to opine on whether or not the proposed ordinance is consistent with the Master Plan and whether the Board has any other potential concerns with the ordinance as drafted. This is a necessary step in any land development ordinance that Council may undertake.

Solicitor Frank stated that he had a few questions regarding the proposed ordinance that perhaps Council Representative O'Hara and Mayor Berry could answer. He stated that the draft ordinance references two different depths discussed. He said that it defines a temporary pool, including inflatable pools, as those pools that are less than 4' in depth, non-permanent with no support structure. These pools can be installed no earlier than May 1st and removed no later than September 20th. Secondly the draft ordinance states that a building permit and zoning permit is required for any new pool that is 24" or more in depth. Finally that no permit shall be required per the Uniform Construction Code for any pool that is less than 24" in depth. So this creates 3 universes of pools. There are the temporaries that are less than 24", no permit required. The temporaries that are greater

than 24” but less than 4’ will be required to get a one time permit renewable annually. Then there is the deeper than 4’, which is the regular pool permit.

Council Representative O’Hara stated that Council was finding out that the cost of the pool was very minimal, but it would cost more to come in and get variance for bulk standards. As long as these pools are installed no earlier than May and taken down in September, Council felt that it was appropriate to address this.

Solicitor Frank stated that Section 2, Item h, states that temporary portable pools are not permitted in any front yard of secondary front yard setback. He stated that secondary front yard setback is not a term that we use in the Land Use Ordinance

Mayor Berry stated that the intention of the ordinance is for the pool to be inside the fenced in area of a yard. Solicitor Frank stated that we define the front yard for corner lots as being on both streets so the term secondary front yard setback doesn’t really mean anything in this case. Mayor Berry said that he always thought of the primary front yard setback as the side that the house front on. The secondary would be around the corner but still on the street.

Solicitor Frank said that the Board should understand that what we say is that when a house fronts on two streets there are 2 front yards. We don’t differentiate between primary and secondary. He suggested that we delete the word “secondary” and just reference front yard. Solicitor Frank stated that he would discuss this with Township Solicitor, William Kearns.

Council Representative O’Hara asked if we needed to say that on a corner property the front and the side are considered front. Solicitor Frank said no because the Land Use Ordinance already states this. This proposed ordinance is not just a pool ordinance it will be incorporated into the Land Use Ordinance.

Solicitor Frank stated that the Land Use Ordinance makes a distinction between front yard setback and front yard. The front yard setback is the required distance measured from the property line marking the area of the yard in which improvements are not permitted without variance relief. The front yard is the area from the building line to the street on any side that the house fronts on. Chairperson Hamilton-Wood stated that in her opinion the pools should not be allowed in the front yard setback. She asked for the opinion of the rest of the Board. She asked if the Board should preclude the placement of the pool on the side of the house if the house is on the corner. Council Representative O’Hara said that in his opinion the whole intention is to have the pools in the back yard. Solicitor Frank stated that if the Board only wanted to see pools in the area behind the house then this would be front yard not front yard setback.

Solicitor Frank stated that he doesn’t think that any change was necessary to the ordinance; he just wanted to be sure that the Board understood what was proposed. He stated that he would speak to Solicitor Kearns regarding the secondary front yard issue

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and suggested that with that issue addressed it would be appropriate for the Board to send a recommendation to the governing body that this is consistent with the Master Plan.

Motion of Berry, seconded by Lutz to recommend that the ordinance is consistent with the Master Plan and to authorize Solicitor Frank to send correspondence to the governing body regarding this.

Upon roll call the Board voted as follows:

YEAS: Berry, Hamilton-Wood, Lutz, Morris, O'Hara, Wainwright.

NOES: None

ABSENT: Molimock, McCue

PUBLIC COMMENT.

Motion of O'Hara, seconded by Lutz to open the hearing to public comment. Motion unanimously approved by all members present. Seeing no one wishing to comment, motion was made by Berry, seconded by Lutz to close the public comment. Motion unanimously approved by all members present.

Motion of Berry, seconded by Wainwright to adjourn. Motion unanimously approved by all members present. Meeting adjourned at 8:00 p.m.

Wayne Morris, Secretary

WM/ne