

15.

Florence, New Jersey 08518-2323
May 22, 2013

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."

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

William Federico	Mildred Hamilton-Wood
Tim Lutz	James Molimock
Wayne Morris	Council Representative Ted Lovenduski
Mayor Craig Wilkie	Thomas McCue

ALSO PRESENT:

Planner Barbara Fegley Dennis Germano (for Solicitor David Frank)
(Please note the Engineer was excused by the Board.)

ABSENT: Ray Montgomery

RESOLUTIONS

None at this time.

MINUTES

It was the Motion of Lutz, seconded by Lovenduski to approve the minutes of the regular meeting of March 27, 2013. All ayes.

CORRESPONDENCE

- A. 2nd Compliance Review letter from engineer Lee K. Phillips dated April 11, 2013 regarding Burlington Coat Factory Block 160.01, Lot 1.01.
- B. Review letter from Burlington County Planning Board dated April 22, 2013 regarding Pulte Homes, Estates at Oak Mills.
- C. Review letter from Burlington County Planning Board dated April 26, 2013 regarding Seaboard Solar – Solar Management NJ Solaire, LLC.

16.

- D. Compliance Review letter from planner Barbara J. Fegley dated April 30, 2013 regarding MEND at Duffy School.
- E. Compliance Review No. 1 from engineer Lee Phillips dated May 7, 2013 regarding MEND at Duffy School.
- F. Memo from Township Clerk Joy M. Weiler dated May 16, 2013 regarding Township Resolution No. 2013-110 and No. 2013-112.
- G. Letter from Alaimo Associates dated May 15, 2013 regarding Treatment Works Application Form for Township of Florence Conversion of Digesters to Sludge Holding Tanks.

It was the Motion of Lutz, seconded by Federico to receive and file Correspondence A-G. All ayes.

APPLICATIONS

PB 2012-06 for the Diocese of Trenton. Applicant is requesting Minor Subdivision, Preliminary and Final Major Site Plan with bulk variances to subdivide property into three lots. One for the existing Riverbank Charter School, one for a 34-unit senior rental development, and the third for a single family home on property located at 1300 Hornberger Avenue, Roebling. Block 143.01, Lots 1 & 10.
David M. Roskos, Esquire

Application received November 21, 2012 and continued at the request of the applicant until May 22, 2013.

REPORTS/CORRESPONDENCE

Letter from applicant's attorney, David Roskos, dated May 9, 2013 requesting a continuance until the June 26, 2013 meeting of the Board.

It was the Motion of Lutz, seconded by McCue to grant the continuance.

Upon roll call, the Board voted as follows:

YEAS: Federico, Hamilton-Wood, Lutz, Molimock, Morris, Lovenduski, Wilkie,
McCue

NOES: None

ABSENT: Montgomery

OLD BUSINESS

None at this time.

NEW BUSINESS

17.

None at this time

OTHER BUSINESS

Redevelopment Plan for the U.S. Route 130 Corridor Parcel B, Block 160.01, Lots 1.03, 14 and 15 Burlington Coat Factory, Florence Township, Burlington County, New Jersey dated May 2013 prepared by Barbara Fegley, AICP, PP. Submitted for review and recommendation.

Ms. Fegley said the plan dated May, 2013 is the topic of her discussion tonight. It is for Parcel B in the Route 130 Corridor that was declared "In Need of Redevelopment" in 2009. She indicated in the plan where the property was located in relation to the current Coat Factory building. In September of 2012 Parcel A was studied and a Redevelopment Plan was adopted in November. There will also be a parcel that is the remainder of the subdivision. Parcel B contains 7.23 acres. The first lot, 1.03, is owned by Burlington Coat Factory Warehouse Corporation and it is 6.4 acres, it is vacant and it is woodlands. Lot 14 is the former Bradley Fence Company, owned by Punam Corporation and Lot 15 is 0.28 acres and contains the Nirdip Motel, owned by Auro, LLC. This plan was prepared to guide the redevelopment of Parcel B in accordance with the Local Redevelopment and Housing Law.

The plan goes through all the elements that a redevelopment plan should contain. Planner Fegley outlined the elements. The first is the relationship to local objectives. The 2007 Master Plan was reviewed to see if this plan was consistent. It was deemed consistent. Redevelopment of the site will assist in meeting the Master Plan's economic goals and objectives. As far as the plan, the site is in the existing HC Highway Commercial Zone. The purpose of that district is to provide commercial uses along highways which provide services to the general public which serve the public in a radius more than the immediate neighborhood. Specifically proposed for the site is a business-class hotel and restaurant that would support the corporate office buildings and other uses along the Route 130 Corridor and the region. She presented a conceptual plan of what the site will look like when developed. The first one, an aerial photograph with a tax map overlay showing Parcel B was entered as A-1. She showed where the different components would be located.

She said this type of plan supports the Township vision for the area. In 1997 the Route 130 Corridor was identified by Burlington County as a strategic plan for the Route 130/Delaware River Corridor. The plan foresaw the development of parcels adjacent to Route 130 in the southern part of the Township. It was spurred by proposed intersection improvements with the New Jersey and Pennsylvania Turnpikes, better access to Route 295 and the active consolidation of older ad hoc and undersized commercial lots into cohesive commercial development. A 2010 reevaluation of the strategic plan continued to envision commercial and industrial development along Route 130.

There was a recent 2012 reevaluation of the Strategic Plan which continued to envision the commercial and industrial development along Route 130. The interconnection of the

New Jersey and Pennsylvania Turnpikes has revitalized developer interest in this portion of the Township; there are still challenges that remain. Since the beginning of 2012, the Township has approved 198,000 square feet of office space on Parcel A, which is adjacent to Parcel B (as shown), with a permitted build-out of 270,000 square feet. In addition, a 526,000 square foot warehouse and training facility, Subaru, is under construction and nearing completion on Block 160.01, Lots 2.01, 8, 9, 10.01, 20, 21 and 22 which is in close proximity to Parcel B. That site is also known as NFI and is zoned for an additional 1,000,000 square feet of warehouse-type development.

Parcel B is also in close proximity to the Haines Center, which is a mixed industrial and logistics development located primarily on Block 158. The Center was reported to have currently contained over 2 million square feet of space with an additional development potential of 2.2 million square feet.

Undeveloped parcels within the Haines Center together with the NFI site and Parcel C have drawn the attention of developers looking for sites to support other development in the Township and this vicinity. With the improvements to the roadways and the development of the Subaru warehouse and training facility, Burlington Coat Factory Headquarters and the two million plus square feet of existing offices at the Haines Center there is definite need in the area for this type of facility, which is the business-class hotel.

The Township has spoken with numerous developers and potential end users and a lot of them have indicated there is a need for a modern business class hotel. That issue is consistently raised. The inability to identify this type of amenity, in the Township's opinion, impacts the viability of both of the projects under construction and future projects in the immediate area. For the record, she said, a business class hotel is identified as a place of lodging aimed primarily at business travelers. The hotel provides sleeping accommodations and has limited other facilities such as a breakfast bar, afternoon beverage bar and possibly a snack bar. This is conceptually what could be proposed there; it is not what will definitely be there. There is no application at this time. The full lunch or dinner service is not provided, nor are meeting facilities generally at this kind of facility. A key feature to this is the 100-plus rooms which enable the hotel to have its own liquor license under existing state law. The license can be shared by a complimentary restaurant, which is what is proposed in the front of the site. Currently there are no such facilities in close proximity to the development that is occurring along the Route 130 Corridor.

The bulk standards of the property are similar to the highway commercial zone; minimum lot area is 60,000 square feet, minimum lot width is 200 feet and minimum lot depth is 250 feet. The plan goes through all the other bulk standards, such as front yard, accessory buildings, lot coverage, parking and that type of thing, which this plan conforms with. Looking at the existing lots out there – 1.01 is large enough, it meets the minimum square footage but there are other aspects of that lot, for instance the frontage is deficient. The two other lots – Lot 14 and 15 – are significantly undersized and this type of facility could not be built without the consolidation of the two lots. Without this consolidation and without these three properties this type of a motel cannot move

forward. For instance, lot 14 is only 200 ft. X 110 ft., or 20,473 square feet. The minimum is 60,000 square feet. Lot 15 is even smaller; it is 100ft. X 110 ft., or 12,197 square feet total. As far as the provisions for relocation, Block 160.01 Lot 103 and Lot 14 vacant so there is no need for any relocation. Lot 15 contains the Nirdip Motel which may require relocation.

Planner Fegley went on to discuss identification of properties to be acquired. All three of the lots would be acquired, subject to acquisition by the Township under the Redevelopment Plan. She referred to the determination of the Area in Need of Redevelopment that occurred in October 2009. All three parcels were declared "In Need of Redevelopment." Lot 1.01 did not specifically exhibit any of the characteristics, however an area can be declared "In Need of Redevelopment" if the land, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of those properties is necessary with or without change in their condition for the effective redevelopment of the entire area. Block 14, which was the former Bradley Fence, and the Nirdip Motel each qualified under different criteria for being "In Need of Redevelopment." Lot 14 met the criteria because it contained substandard structures unwholesome for occupancy. The lot also had severe dilapidation and the tax assessor at the time verified that the property was vacant for over 10 years. The Nirdip Motel, Lot 15, was determined to be in need of redevelopment because it met the criteria for faulty design. Specifically there was no provision for stormwater management, the building had a very shallow set back from right-of-way and the on-site traffic circulation and parking was separated from the Corridor by a narrow grass area along Route 130. All of these conditions presented a circumstance that was hazardous to the travelling public and also was contrary to the streetscape that is the goal of the Route 130 Corridor.

Township Administrator Richard Brook was sworn in to testify. He explained that he works quite frequently with Planner Fegley on redevelopment and planning work in the community. He explained that he reports directly to the Mayor and Council and the Economic Development Committee on economic development related matters. The first thing Planner Fegley discussed was the first things developers ask about – that is area hotels and restaurants. He just met with two companies from Germany that were interested in three different properties in Florence Township and a couple outside of the County. The first question was where is the closest business class hotel? In 2008 there was a Zoning Board approval for property near the Burger King on Route 130 for a hotel. The property went to tax sale and unfortunately they are significantly behind with the taxes and they approached Mr. Brook last week about subdividing the property to put another use there to try and recoup and pay off the taxes. The ability for them to come forward and do a decent business class hotel right now looks almost slim to none. He is asked frequently about business class hotels and about stand-alone restaurants. They are probably the top two questions that are asked. He said Planner Fegley referenced the conditions of the properties. The Coat Factory Property is vacant. When Mayor and Council asked him to take on this goal, one of the elements they were looking for was not only to revitalize this part of the community but take a look at sites over all. As you ride up and down Route 130, it is obvious that certain properties are blighted. He provided

some photos of the properties taken on May 15, 2013. These were entered as C-1 through C-15. When you take a look at these two sites and look at them in person it is quite evident that they are in terrible condition and frankly the Punam Corporation property is in even more deplorable condition and that is a site that a couple years ago, the Florence Township Code Enforcement Officer had to order the building demolished. There were vagrants living in the property, the structure was unsafe and ultimately the Township gave an ultimatum of the owner demolishing the building or the Township would demolish it. The Township was well on the way to doing that because it was unsafe, dilapidated and in danger of falling down. There was documentation from the Police Department that there were vagrants and squatters living inside, and no one wanted anyone to be hurt. Thankfully, the owner agreed to take the building down, but when you ride by the property now you can see the high grass, weeds and debris; it is overloaded and nothing is taking place. The owner has indicated no desire to develop the site. In fact, Punam Corporation came to Florence Township in 2005 and in 2007 and tried to develop the site. Each time they backed out. They were looking to build a liquor store and retail stores. The site was so undersized that they had significant problems with development issues that are very basic to developing any type of site, whether it is stormwater, water and sewer, etc. At one point the Water & Sewer Director prepared a memo for Nancy Erlston, Land Use Clerk, indicating the developer had to go back to the drawing board because there were so many hurdles for the property the first time and the second time. The second application in 2007 Punam's attorney contacted the Township and asked that the application be withdrawn. When the Township looked at this overall it was quite evident that to develop the site in a cohesive manner as Ms. Fegley has indicated, you have to work toward incorporating the two lots in the front. If not, what would happen if it was left as is? It would not be a stretch out of the realm of imagination or reality to think that the two properties in the front are going to wither and die. They are not in good shape, they are in very poor condition, and the pictures indicate it. When you look at it up close and in person it is even worse. Administrator Brook said he is out there working with the Construction Code Official on a regular basis.

Solicitor Germano said Planner Fegley testified as to when the properties were declared meeting the criteria for the designation of being "In Need of Redevelopment". He asked if anything has changed since 2009 when the determination was made and now. Administrator Brook confirmed that nothing has changed; the properties are still just as blighted now as they were then. Board Member Morris asked if the owners have been contacted and if they are willing to sell or will the Township need to resort to eminent domain. Administrator Brook said after the meeting he will reach out to them. The governing body has to do an ordinance to adopt the plan. The owners will be properly notified and will be invited to meet with him to sit down and talk to see if an amicable relationship can be worked out that is for the betterment of the community. He has spoken to Mr. Patel on a regular basis. He is more familiar with the Nirdip Motel unfortunately through the numerous police reports and incidents there and he believes in 2012 there was a serious Board of Health issue there. That is his primary familiarity with them. He knows the owner of the Punam Corporation because he believes he operates the liquor store at Harkins Plaza. He has worked with him in the past and he hopes to have some very good positive communication.

Chairperson Hamilton-Wood asked regarding Lot 15, does the County use that for housing for people? Administrator Brook said he has reached out to the County and is waiting for them to provide any information they may have. Chairperson Hamilton-Wood asked if the Township would have to deal with any of that. Planner Fegley explained this is the relocation element and the Township would have to provide adequate provisions for any relocation. Chairperson Hamilton-Wood asked what that entailed. Solicitor Germano said it means finding someplace else for the people to live. Administrator Brook said that is possible, but it is a motel/hotel. It is not an extended stay hotel. Chairperson Hamilton-Wood said she is not familiar with the criteria for that type of housing when the County or State is involved. Administrator Brook said he does not know, but the Township will certainly be finding out.

Planner Fegley said the plan also has to talk about the relationship to other plans. It talks about the consistency with Burlington Township's Master Plan, whose property abuts Florence Township. Their Master Plan calls for similar economic development. The Route 130 Corridor in the 1997 report had many goals and objectives. This plan meets or exceeds all of the things envisioned at the time. The plan identified some constraints that were discussed; the small lots, excessive curb cuts. This presents an opportunity to rectify all those negatives that are in the area. The consistency with The State Development and Redevelopment Plan was reviewed. Again, this plan would be consistent with that. It is for targeted economic growth. It has effective planning and preservation of any critical areas. She does not believe there are any there but those areas are protected and you concentrate development on the areas that are suitable for development. As for the relationship to the Municipal Land Use Law, there are a number of purposes of that act that this advances; to encourage municipal action to guide appropriate land use or development, to provide adequate light, air and open space, ensure that development of individual municipalities does not conflict with development and general welfare of neighboring municipalities, encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight, promote the visual environment and to encourage the coordination of various public and private procedures and activities in shaping land development. There is also an affordable housing provision in the plan that states whatever affordable housing objectives and goals are in place will need to be met.

It was the Motion of Lutz, seconded by Morris to open the meeting to the public. All ayes.

Brian Guest of Parker McCay was representing the Burlington Coat Factory. The Coat Factory recognized that the plan necessarily is going to require that all three of these lots be consolidated into the same ownership and the Coat Factory's lot is listed along with the others as a potential for acquisition. None the less, he believed it is a logical and thoughtful plan that responds to the marketplace that is out there. It is a marketplace that is only going to grow with the completion of the Subaru facility by NFI and the completion of the Burlington Coat Headquarters building. There is going to be a

substantial increase in demand for having a business class hotel near to the existing facilities with the newer facilities coming on line. He did not hear anyone mention it, but if you are going to have this type of a hotel and restaurant, which there is a clear need for, those uses require a certain amount of highway visibility. It is not something you can stick to the back of a lot and expect it to flourish. It does need the ability to have the highway frontage. He said he thinks it is a good idea.

Motion of Lutz, seconded by Federico to close the public comments. All ayes.

Solicitor Germano said as an introduction to the resolution that was included in the packet, the narrow purpose for everyone being there tonight, the statute that Planner Fegley referred to, the Local Redevelopment and Housing Law, is similar to the Municipal Land Use Law. When the governing body proposes to adopt a change, any change, to the Zoning Ordinance, that amendment always is referred to the Planning Board. The Board looks at it to determine if it is consistent with the Master Plan. There is an opportunity to make comments. The Local Redevelopment and Housing Law is the same. It requires the referral of the Board indicating if the plan is consistent with the Land Use Plan element of the Master Plan. The plan itself, pages 4 and 5, specifies a number of areas in which the plan is consistent with and is designed to implement the Land Use Element of that plan. Unless the Board disagrees with what Planner Fegley has indicated in her redevelopment report, it would be appropriate for someone to offer the resolution finding that this plan is consistent with the Master Plan.

Motion of Lutz, seconded by Lovenduski finding that the plan meets the criteria set forth in the Master Plan and the review of the plan is consistent with those objectives.

Member Federico inquired about the acquisition of the lots. He was concerned about eminent domain and inquired if the governing body would make that decision.

Administrator Brook explained that he would meet with the property owners to talk to them about the plan and provide them with a copy. The Township always tries to work in an amicable and reasonable manner with all property owners. Florence Township sorely lacks a stand-alone restaurant and a hotel.

Member Federico said the plan itself has merit, but he has a problem with the Township using eminent domain. Solicitor Germano said this was not necessarily true. The Township would only resort to eminent domain if they can't reach an agreement with the property owners about the value of their property. The first avenue of approach is to buy the properties. Chairperson Hamilton-Wood said she thinks Member Federico is not happy with the idea that the Township would buy property for the benefit of a third party. Administrator Brook explained that right now it is an all-encompassing plan. He is not 100 percent sure where it will be a year from now or six months from now, but the plan is to try and steer this blighted area of the community toward a better day. Member Federico said he understands the goals but he is still uncomfortable with the idea of eminent domain.

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Mayor Wilkie said the Township is doing something different than what it has done in the past. The Township will be active in trying to get Route 130 and Florence-Columbus Road to their full potential. The Township will work with the land owners, but in order to get the project moving the Township will do what it needs to do. From a Planning Board perspective is it consistent with the Master Plan and how the means of the Town goes for it will be a decision that will be made at the governing body's level. At this level it is to find if the redevelopment plan is consistent with Master Plan. He said he can tell people that as Mayor, he is not doing what was done in the past; the Township is being very aggressive looking at Route 130 and trying to get the areas redeveloped. He said there is a need to think outside of the box from what has been done in the past. He did not want to buy someone's property but if means it has to be done to make things move, it will be done. He has to do what is best for the community in the long run.

Mayor Wilkie said the second paragraph on the second page of the resolution said it was a special meeting, it should read regular meeting. This was offered as an amendment to the resolution. All in agreement.

Upon roll call, the Board voted as follows:

YEAS: Federico, Hamilton-Wood, Lutz, Molimock, Morris, Lovenduski, Wilkie,
McCue
NOES: None
ABSENT: Montgomery

PUBLIC COMMENTS

It was the Motion of Lutz, seconded by Lovenduski to open the meeting to the public. All ayes.

Seeing no one wishing to be heard, it was the Motion of Lutz, seconded by Lovenduski to close the public portion of the meeting. All ayes.

Motion of Lutz, seconded by Morris to adjourn at 8:08 p.m. All ayes.

Wayne Morris, Secretary

WM/ak