

Florence, New Jersey 08518-2323
July 24, 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 7:32 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	Council Representative Ted Lovenduski
Mildred Hamilton-Wood	Mayor Craig Wilkie
Tim Lutz	Thomas McCue
Wayne Morris	

ALSO PRESENT: Solicitor David Frank
Engineer Lee Phillips
Planner Barbara Fegley

ABSENT: James Molimock, Ray Montgomery

RESOLUTIONS

There were no resolutions at this time.

MINUTES

Motion of Lutz, seconded by Federico to approve the Minutes of the regular meeting of June 24, 2013 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

- A. Letter from Burlington County Planning Board dated July 3, 2013 regarding Estates at Oak Mill.
- B. Letter from Burlington County Planning Board dated July 8, 2013 regarding Estates at Oak Mill Phase 3.
- C. Letter from Burlington County Planning Board dated July 8, 2013 regarding Burlington Coat Factory, Block 160.01, Lot 1.01.

Motion of Lutz, seconded by Lovenduski to receive and file Correspondence A through C. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for Application 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 3 lots. One for the existing Riverbank Charter School, one for a 34 unit senior rental development, and a third for a single family home on property located at 1300 Hornberger Avenue, Roebling, NJ. Block 143.01, Lots 1 & 10.

Solicitor Frank stated that a letter had been received from the applicant's attorney requesting that the application be continued until the August 28, 2013 meeting of the Board. He stated that additional public notice would be required.

Motion of Lutz, seconded by Federico to grant the requested continuance until the August meeting with the understanding that additional public notice would be given.

Upon roll call the Board voted as follows:

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

Chairperson Hamilton-Wood called for Application PB#2013-03 for Pulte Homes. Applicant is requesting Amended Final Major Subdivision approval for a change in the grading plan on lots located on Seaman Drive and Tetkoski Court. Block 156.07, Lots 7-24 and Block 156.09, Lots 10-20.

James Mullen, Esq. stated that he is an attorney licensed in the state of New Jersey as well as an officer of Pulte Homes and an employee of the company. He stated that he was before the Board to talk about the Estates at Oak Mill. In particular, Phase 3 of that community. The application is for amended final major subdivision approval but only as it pertains to the grading of the site. No other changes are proposed. The community is under construction. Many of the homes are occupied and sales have picked up.

Attorney Mullen stated that during the construction of Phase 3 Pulte's Land Development Manager and the Township Engineer, Jim Biegen realized that there could be substantial savings in the amount of soil trucked into the site by lowering the grading in Phase 3. The proposal is to lower the grade by approximately 4". Carroll Engineering prepared the revised grading plan that was submitted with the application. Engineer Biegen has reviewed this plan made some comments for revision and approved of the plan. The plan was also reviewed by Board Engineer Phillips.

Engineer Phillips stated that the applicant had requested a waiver from submitting the checklist. He stated that there were only 2 items on the checklist that might have some effect; the Environmental Impact Statement and the Drainage Area Map and the Drainage

43.

Calculations. He stated that after his review of the revised grading he did not see anything that would impact either the EIS or the drainage calculation. He stated that he had no objection to granting the waiver of the submission requirement and deeming the application complete.

Motion of Wilkie, seconded by Federico to grant the waivers and deem the application complete. Upon roll call the Board voted as follows:

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

Engineer Phillips stated that the grading plan does not require any additional bulk variances than those already approved. He stated that the plan does state that it was revised in accordance with the township engineer's recommendations. There should be a condition of approval that the plan is reviewed by the township engineer.

Engineer Phillips stated that the plan calls the one street Seaman Street but the street signs say Seaman Drive. The applicant should check with the tax assessor to insure that the correct street name is used. He stated that there is a possibility that this change might affect the performance guarantee. The applicant should work with the township engineer on this also.

Vice Chairman Lutz asked if there was any proposed change to finished first floors or basement elevations. Engineer Phillips stated that the proposed amendment only affects the inlets and surrounding grades. Everything still drains in the same direction. He stated that all of this area drains into the already constructed basin. The question is if the street level is lowered a little bit water would water back up into the streets. Township Engineer Biegen has reviewed this and indicated that there would not be any back up into the streets from a 100 year flood event.

Solicitor Frank said that this was a very close call as to whether this could be done as a field change or a visit back to the Board. Following conversation with the township administrator, it was determined that it would be better to bring it to the Board so there was a record of what had taken place and revised drawings of the amendments. That's why the Board is relying more on the township engineer's appreciation of the details than Engineer Phillips'.

Secretary Morris stated that the Board's concern is if there would there be puddling anywhere due to the change of the grades of the street inlets. Engineer Phillips stated that the net result was that the inlets were not lowered.

Vice Chairman Lutz asked about the cul-de-sac. Engineer Phillips stated that the cul-de-sac is lowered by 6" but it is pretty far from the basin. Vice Chairman Lutz stated that he was concerned with 1% in that cul-de-sac where it was previously 2%. He asked if the inlet grades had changed there. Engineer Phillips said that initially the inlet grades were

44.

lowered but following the review by township engineer, Jim Biegen they were raised again. Vice Chairman Lutz stated that his concern is that the water will drain at a slower rate especially in the winter time. This could lead to icing. Attorney Mullen stated that they would make sure that Engineer Biegen is satisfied with the grades in the cul-de-sac.

Solicitor Frank stated that there would be a condition of approval that the final road pitches (% grade) be approved by the township engineer based upon field conditions and seek where possible to achieve 2%.

Motion of Lutz, seconded by Morris to open the hearing to the public. Motion unanimously approved by all members present. Seeing no one wishing to offer comment motion was made by Lutz, seconded by Federico to close the public portion. Motion unanimously approved by all members present.

Solicitor Frank stated that this was an application for amended final subdivision approval for Phase 3 of the project only. Conditions are that final plan details be coordinated with the township engineer, correct Seaman Drive vs. Seaman Street, plus the previously stated condition regarding road grades.

Motion of Lutz, seconded by Lovenduski to approve the application with the conditions as stated by Solicitor Frank.

Upon roll call the Board voted as follows:

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

OTHER BUSINESS

A. Township Ordinance No. 2013-14 for review and recommendation

An ordinance of the Township of Florence amending Chapter 91 of the Code of the Township of Florence to create Article XLVI, entitled Renewable Energy, and to provide standards regarding such renewable energy facility uses and installations.

Mayor Wilkie said that the ordinance had been introduced at the last township council meeting. This ordinance allows for large scale renewable energy installations to be a permitted use in GM General Manufacturing (industrial type) zone, especially areas considered brownfields. These types of uses would not be permitted in the AGR Agricultural zone. The ordinance also designates what is permitted on residential uses.

Solicitor Frank stated that the essential structure of this ordinance is that it looks at major versus minor projects. A major project is defined as where there is a ratio of more than 1

45.

to 5 in land area, where it is more than 10 acres in size, where all the energy produced on that site is not used on that site or on an adjoining parcel that is in common ownership.

Minor projects are pretty much everything else. Within minor you could pick up commercial accessory uses. For example, if a business wanted to do a ground mounted or roof-mounted system that would be net metered (serving only that business).

The ordinance creates standards to regulate that in terms of where it could be placed on the property and what kind of bufferings and screenings are needed both for major and minor projects. It also creates standards for roof-mounted projects as well as ground mounted projects.

The ordinance really discourages major projects on high quality farmland. Especially high quality farmland that is targeted under the farmland preservation programs of the state or the county. This actually picks up on recent developments in legislation because in 2008 there was legislation that made solar, wind and renewable energy as inherently beneficial uses everywhere and created them as permitted uses on industrially zoned property greater than 20 acres and on any kind of brownfield or closed resource extraction operation or closed landfill.

Since 2008 there has been more recent legislation that attempts to discourage the construction of “big solar” on high quality farmland, especially high quality farmland that is desirable for preservation.

Planner Fegley stated that they basically researched through many existing ordinances to put together an ordinance that best fit Florence Township. They also looked at the Municipal Land Use Law regulations.

Planner Fegley stated that the last review of the Master Plan in August of 2007 did recognize solar and renewable energy as something up and coming and that the uses should be permitted. She stated that this ordinance is substantially consistent with the Master Plan and it was recognized as something that needs to be addressed and this ordinance addresses it.

Solicitor Frank asked if specifically with regards to the Master Plan and the governing body’s decision not to create major solar as a permitted use in the Agricultural Zones, is this consistent with the position set forth in the Master Plan. Planner Fegley stated that while it doesn’t specifically address this in the solar part, it talks in other parts of the Master Plan about preserving agriculture.

Solicitor Frank stated that this ordinance does permit solar as an accessory use on farms consistent with the State Agricultural Development Committee’s regulations. Planner Fegley stated that solar is permitted in all zones either rooftop or ground mounted if it can be screened adequately and meets all the conditions.

46.

Motion of Lutz, seconded by Federico finding that the proposed ordinance is substantially consistent with the Master Plan and recommending that it be adopted by township council.

Upon roll call the Board voted as follows:

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

Solicitor Frank stated that he had prepared Resolution PB-2013-14 stating that the Board had reviewed the ordinance and found it to be consistent with the Master Plan and recommended it to council.

Motion of Lutz, seconded by Morris to approve Resolution PB-2013-14.

Upon roll call the Board voted as follows:

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

Motion of Lutz, seconded by Federico to open the meeting to public comment. Motion unanimously approved by all members present.

Fred Wainwright, 1011 Cedar Lane, stated that he had received a letter from Public Service about the high tension lines stating that they do not want anything over 3' high growing under the lines. He stated that the lines that go through his farm were built in the 1930's. Nothing was ever said about crops growing there. In one area there is a peach orchard that Public Service wants removed. He said he is worried about the crops. They had discussed this at the Farm Bureau and he thought it was all ironed out but now he has been approached again by Public Service. He said that he wanted to bring this to the Board's attention.

Motion of Lutz, seconded to Federico to close the public comment. Motion unanimously approved by all members present.

Motion of Federico, seconded by Wilkie to adjourn at 8:08 p.m.

Wayne Morris, Secretary

WM/ne