

Florence, New Jersey 08518-2323  
September 25, 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. Vice Chair Lutz called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Vice Chair Lutz 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:

Tim Lutz	Council Representative Ted Lovenduski
James Molimock	Mayor Craig Wilkie
Wayne Morris	Thomas McCue

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

ABSENT: William Federico, Mildred Hamilton-Wood, Raymond  
Montgomery

#### RESOLUTIONS

**Resolution No. P.B.-2013-04**  
**Resolution of Memorialization**  
**Application of Joseph Gallina for**  
**Amended Preliminary and Final Major Site Plan Approval**  
**With Bulk Variances**  
**Block 110, Lot 8.01 & 3.01**  
**Neighborhood Commercial Zone Approval**

It was the Motion of Wilkie, seconded by Lovenduski to approve Resolution No. PB-2013-04. All ayes.

#### MINUTES

There were no minutes at this time.

#### CORRESPONDENCE

- A. Letter from Burlington County Department of Resource Conservation to Mayor Craig Wilkie dated September 13, 2013 regarding Burlington County Farmland

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Preservation Program – Acquisition Targeting List Request for Municipal Review.

B. Letter from the Burlington County Planning Board dated September 20, 2013 regarding NFI Warehouse subdivision. Block 160.01, Lots 2.01, 2.03 & 2.04.

It was the Motion of Lovenduski, seconded by Morris to receive and file the Correspondence. All ayes.

## APPLICATIONS

Vice Chair Lutz 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 explained that this property is the subject of an application that will be heard later this evening. The applicant has requested this application be adjourned until the next meeting. Application PB#2013-07 will lead to this application being abandoned. He recommended at this time adjourning until the next meeting on October 23, 2013.

Motion of Morris, seconded by Molimock to grant the requested continuance to the October meeting. All ayes.

Vice Chair Lutz called for Application PB#2013-05 for Albert Jacoby. Applicant is requesting Minor Subdivision (Lot Line Adjustment) with bulk variances for property located at 2085 Bustleton Road and 2089 Old York Road, Florence Township. Block 164.01, Lots 6.01 and 6.

Solicitor Frank said at last month's meeting the applicant was scheduled to appear but there was a deficiency in his notice. At that meeting he informed everyone the application would be heard this month. No re-notice was required.

Vice Chair Lutz called the applicant. Albert J. Jacoby was sworn in by Solicitor Frank. Mr. Jacoby explained that he owns a 3.8 acre parcel at 2085 Bustleton Road. The adjacent parcel is owned by Matthew Militch, who was in attendance. The address is 2089 Old York Road. There is an opportunity to subdivide the property at 2089 Old York Road. There would be a lot line adjustment to create a smaller parcel where there is an existing residence and an accessory building. The remainder of vacant land would be added to 2085 Bustleton Road. There would be no change in use for the parcel, there would only be a lot line change that would increase the size of Mr. Jacoby's lot.

Engineer Phillips addressed completeness issues. The variance applications were complete. There were items noted not applicable for the Minor Subdivision Application

checklist. Engineer Phillips reviewed these and concurred. He asked the applicant if there were wetlands on the property. Mr. Jacoby said he has owned the property since 2001 and there has never been any freestanding water and there is no long standing surface water from underground. There is no vegetation that would lead him to believe there were wetlands. Engineer Phillips concurred. Because there will be no development on the parcel, many items were not applicable. Engineer Phillips confirmed that the disposal system for the smaller lot is physically located on that lot. Mr. Jacoby said he did look at the other property and the disposal is located on the smaller lot. The septic tank is 35 feet from the residence. It is a linear installation that runs parallel to the driveway. Engineer Phillips said the applicant is required to indicate constraint free circles. He recommends deferring this item until there is discussion of bulk variances. In this case both lots are developed so there is no need. The applicant will be required to notify the Burlington County Planning Board of the proposed lot line change. Engineer Phillips said the application should be deemed complete.

Planner Fegley said she agrees the application is complete.

It was the Motion of Lovenduski, seconded by Morris to deem Application PB#2013-05 complete.

Upon roll call the Board voted as follows:

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

Engineer Phillips said there is no issue with the zoning of the property. There was a prior approval from the board to build an accessory for storage of landscaping supplies and a landscaping business. Mr. Jacoby noted that there was a variance granted in 2006 for an accessory building and to run the business. There are no plans to expand the building or the business. Engineer Phillips said the applicant is gaining land but the use variance does not apply to the new parcel. He noted that the proposed lot line change does not affect the density of the subdivision. If the applicant subdivides his lot in the future he will need to apply for a variance for density. He recommended that proposed lot 6.01 be deed restricted to prevent subdivision without board approval.

Solicitor Frank concurred but thinks it should be a deed notice. Engineer Phillips said there are no variances for the proposed larger lot. For proposed lot 6 there are variances required. Some are for existing conditions. He reviewed the variances required. On the plans both properties are noted as being on Old York Road. If filed by deed, a correction would not be required.

Planner Fegley asked the applicant to testify regarding any detriment to the public good or the Township Master Plan. Mr. Jacoby said the look of the site is not going to change so the character of the area will remain the same. There is a smaller lot being created but there are many other lots of similar size in the area.

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Member Morris said he has been by the property and he agreed that there is no evidence of wetlands.

It was the Motion of Molimock, seconded by McCue, to open the meeting to the public regarding Application PB#2013-05. All ayes.

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

Solicitor Frank asked what the acreage would be used for. Mr. Jacoby said there was an opportunity to purchase it but there are no plans for the property.

Solicitor Frank explained the application is for a Minor Subdivision. There was discussion from the applicant and the planner about the rationale for the variances. He said his position is that existing conditions don't require new variances. He reviewed what conditions do require variances. He recommended that confirmation to the engineer regarding the location of the septic system be a condition. There would also be a deed notice that there would be no further subdivision without board approval.

It was the Motion of Lovenduski, seconded by Morris to approve Application PB#2013-05.

Upon roll call the Board voted as follows:

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

Vice Chair Lutz called for Application PB#2013-07 for the Township of Florence. Applicant is requesting Minor Subdivision approval with bulk variances to consolidate two existing lots and create two new lots under separate ownership (proposed lots 1.01 and 1.02) on property located at 1300 Hornberger Avenue, Roebing. Block 143.01, Lots 1 & 10.

Anthony Drollas, Township Solicitor and James Biegen, Township Engineer, were accepted as experts and sworn in by Solicitor Frank. Solicitor Frank explained there is no binding authority on the subject of whether or not a municipality is obliged to appear to seek a subdivision. There were situations in the past where it was said that it is desirable for the municipality to appear before the Board to allow citizens to participate and comment. He thinks that in the larger structure of government the Planning Board is subordinate and the ordinances being enforced are coming from the governing body. The municipality is here to make a public record about what the town is doing, to allow the public to participate in the process and to make it entirely transparent.

Solicitor Drollas concurred. He explained the nature of the application and noted the process is the same as with any other application. He thanked Solicitor Frank for his

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explanation, and reiterated that the nature of the relief being sought is really more advisory in nature.

Engineer Biegen said the property is about 9 acres and composed of two tax map lots. Lot 1.01 is the larger lot and there is a tiny Lot 10 that has frontage on Hornberger. The property is in two zones. The main portion is in the RC Zone and there is a small part that is in the RA Zone. The zones do allow for residential, but also for public parks and schools. Right now the property houses the Riverbank Charter School. The property is owned by the Parish of Sts. Frances and Clare. There is one waiver requested regarding the Environmental Impact Study. There are no improvements proposed. It is simply taking two lots and creating three lots out of it. Lot 1.01 would be the Charter School, 1.02 would become public open space and 1.03 would be a residential lot on Maple Avenue. There are several variances required. There is a 5 acre minimum lot size in the RC zone. Lot 1.01 is 4.318 acres, Lot 1.02 is 4.221 acres. There is no place to obtain additional property to make them 5 acres. There is ample room for the proposed uses. The 5 acre minimum for that zone is geared toward the multi-family residential that could possibly be built in the zone. There is a pending application for that type of project. It appears it will be withdrawn if this application is approved. The application will provide public open space and there will be a dedication of right of way on Hornberger Avenue. It also creates a buffer between the school and the residential lots on Maple Avenue. Another variance that will be needed is for impervious coverage on Lot 1.01 because of the change in the property line. There are no physical changes to the lots. Another possible variance is in the creation of the public open space lot. It has sufficient length and frontage on two roads that it could be subdivided off in the future. But it does not meet the minimum area requirements if that is the case. Engineer Biegen agreed to make the changes proposed in the Board Professional's reports.

Engineer Phillips said there were many things he agrees were not applicable. He recommended the application be deemed complete. Planner Fegley agreed it is complete.

It was the Motion of Molimock, seconded by Morris to deem Application PB#2013-07 complete. All ayes.

Engineer Phillips said the lot with the school should have a rear yard setback. He would like revisions to reflect that. He said when the residential property is developed there should be sidewalks. Mayor Wilkie said it would be the responsibility of the church. Engineer Phillips would like the sidewalk to go all the way around. Vice Chair Lutz said he does not believe the Board can require that.

Mayor Wilkie believes the residential lot can be developed without coming to the Board. This was confirmed by the Board Solicitor. Mayor Wilkie said the address for the residential lot should be Maple Avenue. Planner Fegley also would like to see sidewalks. She asked what the plans were for the land. Mayor Wilkie said it is to preserve open space. Funds from the Open Space tax are being used to preserve this site, rather than have the high intensity use.

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It was the Motion of Wilkie seconded by Lovenduski to open the meeting to the public regarding Application PB#2013-07. All ayes.

Seeing no one wishing to be heard it was the Motion of Lovenduski, seconded by Molimock. All ayes.

Solicitor Frank summarized the application. He said the applicant wants to make two lots into three. There are lot area variances required for the school lot and open space lot. A variance for impervious coverage is required for the school lot. Overall nothing is changing. Some conditions included adhering to design comments provided by the board professionals and installing sidewalks on Parish Lane and Maple Avenue when the residential lot is developed. The address of the residential lot will be Maple Avenue. Burlington County Planning Board approval will be required.

It was the Motion of Molimock, seconded by Morris to approve Application PB#2013-07.

Upon roll call the Board voted as follows:

YEAS: Lutz, Molimock, Morris, Lovenduski, Wilkie, McCue

NOES: None

ABSENT: Federico, Hamilton-Wood, Montgomery

#### OTHER BUSINESS

#### PUBLIC COMMENTS

It was the Motion of Wilkie, seconded by McCue, to open the meeting to the public. Seeing no one, it was the Motion of Wilkie, seconded by Lovenduski to close the public comments. All ayes.

Mayor Wilkie explained that the fourth Wednesday is not always convenient for the board professionals and some members of the board. He had informal discussions with the Zoning Board, and they have volunteered to move their meeting to the first Monday of the month. The Planning Board would move to the fourth Tuesday of the month. He asked that if there are any members with conflicts please let him know.

Motion of Lovenduski, seconded by Molimock to adjourn at 8:25 p.m.

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Wayne Morris, Secretary

WM/ak