

Florence, New Jersey 08518-2323
 October 22, 2019

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Acting Chairman Montgomery called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Acting Chairman Montgomery 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 to the official newspapers and posted in the main hall of the Municipal Complex."

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

Ray Montgomery	Wayne Morris
Mayor Craig Wilkie	John Pagano

ABSENT: Mildred Hamilton-Wood, Bruce Garganio, Tom McCue, Carl Mattson

ALSO PRESENT: Solicitor David Frank
 Planner Barbara Fegley
 Engineer Hugh Dougherty

Solicitor Frank administered the Oath of Office to John Pagano for an unexpired term that expires 12/31/22 as a regular Class IV member, moving up from Alternate #1.

RESOLUTIONS

There were no resolutions.

MINUTES

A. Regular Meeting of September 24, 2019

It was the Motion of Mr. Morris, seconded by Mayor Wilkie to approve the minutes of the Regular Meeting of September 24, 2019 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

- A. 09/26/19 - Letter from Stout & Caldwell regarding Florence Associates, LLC
- B. 10/15/19 - Transmittal sheet for soil erosion and sediment control regarding ReadyPac
- C. 10/17/19 – Letter from PSE&G regarding application for Flood Hazard Area Verification
- D. 10/22/19 – Compliance Review No. 2 from Engineer Dougherty regarding 899 Oak Street

It was the Motion of Mr. Morris, seconded by Mr. Pagano to receive and file correspondence A through D. Motion unanimously approved by all members present.

APPLICATIONS

- A. Application PB#2019-11: Application of IPT Florence West Urban Renewal LLC for Preliminary & Final Major Site Plan and Minor Subdivision with Bulk Variances for construction of a warehouse on property located on W. Front Street, Florence. Block 179, Lot 1.02, 1.03, 1.04 & 1.05.

Christopher DeGrezia of Drinker Biddell & Reath stated he was here on behalf of the applicant, IPT Florence West Urban Renewal and that they will not be providing any testimony because

they are here tonight for completeness only. They have received the report from Engineer Dougherty who is recommending the application be deemed complete. He asked that if their application is deemed complete tonight, that it be carried without the need for further notice.

Engineer Dougherty stated he did prepare a letter dated 10/17/19. He informed the Board that he has met with the applicant regarding their completeness issues and that they have addressed everything in the completeness checklist for both the minor subdivision and the major site plan. He stated he has also done some technical reviews as well and they will be included in another letter addressing all the technical issues. He stated that as far as tonight is concerned, he is in a position to recommend to the Board declare this application complete.

Solicitor Frank advised the Board that with their Motion to deem the application complete, the Board should also include that the public hearing for this will be adjourned and held at the next regular scheduled meeting of the Planning Board which is November 26, 2019 at 7:30 p.m. And, this will be the notice to the public members who have appeared tonight and there will be no further mailed and published notice required of the applicant.

It was the Motion of Mr. Pagano, seconded by Mr. Morris to deem application PB#2019-11 complete and to carry this to the November 26, 2019 meeting with no further notice required. Motion unanimously approved by all members present.

B. Application PB#2019-12: Application of Robert Galinat for Minor Subdivision on property located at 301 Bennett Street, Florence Township, Block 146.03, Lots 3 & 6.02. Applicant is looking to subdivide Lot 3 into proposed Lot 3.01 & 3.02 and combine Lot 6.02 with new Lot 3.02.

Jonas Singer of Welles and Singer appeared on behalf of the applicant, Robert Galinat. He explained this is technically a minor subdivision but is really just a change in lot lines. They are not proposing any new lots. There are two that exist and two that will remain. They are taking land from Lot 3 and adding to what is now Lot 6.02 to create a new Lot 3.02. The remaining portion of Lot 3 will become Lot 3.01. He explained Robert Stout of Stout & Caldwell is here with him as the engineer for the project.

Robert Stout was sworn in by Solicitor Frank and the Board accepted Mr. Stout as an expert witness.

Mr. Stout confirmed that this is a minor subdivision; however, really a lot line adjustment. He presented Exhibit A-1 which was a colored aerial of the lots in question. He explained current Lot 3 is a corner property on Bennett Street and Yurcisin Street. The common owned property consists of 2 adjoining lots; the house sits on Lot 3 and Lot 6.02 is a land locked parcel and does not conform to anything within the township's standards. What they are proposing to do is to create 2 new lots by dividing current Lot 3. This will create a lot for the existing homestead and a lot that will now be a buildable lot. Both of these lots will meet all the criteria for the bulk standards except for one, possibly two variances. He explained that, normally, they would try and divide this where there are no variances needed, but because of the unique "L" shape of this lot, it allows them to have this secondary lot.

Mr. Stout state the variance that is being sought is the impervious coverage of the existing lot. Right now, the lot consists of 19% impervious coverage where 25% is allowed. By creating the lot line change, the lot where the existing home is will be at 38% impervious coverage, which is above the township's ordinance allowance. They are not making any additional impervious on this lot, and even if they maximize the impervious on the other lot, this would still be below the

NJDEP threshold of impervious coverage so it would not qualify for any stormwater managements. He explained that in looking at some of the other lots in the area, without doing an exact calculation and just by visual, the lots right across the street look to be more than 40% impervious coverage. It is keeping within the nature of the lot and the surrounding area. He added that there is a second variance that Planner Fegley brought up that can be adjusted if need be. There's a caveat in the township's ordinance that says the front yard setback of 100', which is what we have on the proposed lot, has to be measured at the building setback line. Because of the proposed position of the lot line dividing the current Lot 3, it creates a variance of 97' – 98'. Mr. Stout stated they are asking for that variance just because they believe this layout is better. If the Board does not wish to grant that variance, the lot line can be adjusted. Other than the variances discussed, the lots meet all other requirements.

Engineer Dougherty prepared a letter dated 10/16/19. The first part of his letter deals with the completeness of the application. He stated that as the applicant's attorney and engineer mentioned, this is a minor subdivision application. In the minor subdivision checklist, an Environmental Impact Statement (EIS) is required; however, because this is a residential nature and also an existing lot, he would recommend a waiver of the EIS. In addition, a Zoning Officer's Certification is required, but technically, the variance didn't occur until the subdivision occurred so there really is no Zoning Officer denial. He would have no objection to a waiver of this as well. With these 2 waivers, the Board could declare the application complete.

Solicitor Frank added that the Zoning Officer's Certification could be considered 'Not Applicable' instead of granting a waiver.

It was the Motion of Mr. Morris, seconded by Mr. Pagano to deem the application complete with granting a waiver of the EIS and the Zoning Officer's Certification as Not Applicable. Motion unanimously approved by all those present.

Engineer Dougherty stated the balance of his letter has to do with the actual zoning, which Mr. Stout testified to. He stated that both he and Planner Fegley looked at the zoning and bulk requirements of the lots. He pointed out that the 2 lots as they are now, 1 is conforming and 1 is not. After the subdivision, both will be conforming. It will be an improvement. He stated that as engineers, they like straight lines that are perpendicular or radial to roads, but in this case, the line does take a little jog and pointed out the green line on the exhibit. He believes this is to satisfy the criteria of a rear setback for an auxiliary building of 15'. They could keep moving those lines to meet the township's ordinance. He would prefer a straight lot line, but that would create another variance. He believes they have placed the line for the best scenario. They will have 2 conforming lots that will meet most of the bulk criteria except for the impervious coverage (which is all existing) and the front yard setback.

Engineer Dougherty confirmed with Mr. Stout that even though the new Lot 3.01 will be over on impervious coverage, the drainage will flow out to the streets. Mr. Stout stated that is correct. Engineer Dougherty stated that even if the homeowner maximizes the impervious coverage on the 2nd lot, overall the area would be under 25%, the intent of that zoning ordinance is met, and there will be no impact on the drainage. Mr. Stout agreed and added they are under the parameter of new impervious for NJDEP and the criteria for stormwater management. He stated this is just a threshold he used to show that the 38% does not impact the zoning ordinance.

Engineer Dougherty stated Planner Fegley can comment on the building width at the building set back line, as far as the street frontage. He stated the applicant does meet the criteria at the street frontage, but as you follow the lot line back to the building setback, it is at 96' to 98'. The

preexisting variance is front yard setback, where 25' is required and it shows on the plan 24.7' to 24.9'. Solicitor Frank stated because it is a preexisting condition, it is unaffected by anything we are doing here tonight. As a legal matter, that is not a new variance.

Planner Fegley stated the comments in her letter of 10/16/19 were regarding the minimum lot width which is measured at the building setback, not at the street frontage, is approximately 96', the preexisting nonconforming condition and the overage on the impervious coverage. She did have some general comments on the widths and depths due to it being a corner lot which creates changes in the definitions since it has 2 front yards, the one opposite the address is the rear yard and the other one is a side yard. She asked Mr. Stout to change the table on the plans to conform to the ordinance. She asked him to recheck the dimensions of the lot width and depth to confirm that they have been measured accurately and for him to coordinate the lot numbers with the township Tax Assessor. Mr. Stout agreed to do these items.

Planner Fegley mentioned that sidewalks are required by the township ordinance. Mr. Stout asked if they should install sidewalks on this site since it is a residential site and currently does not have any sidewalks from one end to the other. There are other properties that do not have sidewalks in the neighborhood and they are asking for a waiver to fit the neighborhood.

Mayor Wilkie stated that he wasn't here when the older homes that do not have sidewalks were built, but suspects that the newer homes were required to put in sidewalk and that is why there are portions of the sidewalks that do not connect. At some point, the township will have to put in the missing areas of sidewalk. From the town's perspective, they will want the applicant to put in sidewalk per the ordinance. Mr. Morris asked if that could be required for the new lot that if someone does build a home there, they would be required to put that in. Mr. Stout asked if he meant as a condition of the building permit for the new lot? Mr. Morris stated yes, for the new lot only.

Solicitor Frank stated our ordinance requires sidewalks to be put in, or a contribution to the sidewalk fund if the town has a plan to implement sidewalk development in that area in the foreseeable future. He stated that maybe it's sensible to say to put in the sidewalk when the new lot is developed; for two reasons, one, the owner and builder of the new lot will be required to pay for it rather than tonight's applicant, and two, you also wouldn't want the sidewalk installed until the heavy equipment has finished crossing the front of the property. This can be done as a condition to have the sidewalk put in for that lot when it is developed. He stated the Planning Board does not have the authority to waive sidewalk without requiring a contribution; and they cannot require a contribution if there is not a reasonable plan in place to put in sidewalk in that area. If there is a plan in place, it is the applicant's decision to put in sidewalk or make a contribution. Mr. Stout stated they will put in the sidewalk, but at the end of construction. Engineer Dougherty asked if that would be on both Bennett and Yurcisin Streets or just on Bennett? Mayor Wilkie stated on both. Mr. Singer asked what the likelihood of the sidewalks being connected on the side street. Mayor Wilkie stated that most likely depends on when Yurcisin is scheduled on the Road Program for repaving; the remaining sidewalks and curbs would be done at that time.

Mayor Wilkie asked how far the lot line would have to be moved to make both properties in compliance. Mr. Stout stated the new lot is roughly 3,000 sq. ft. above what is required and said they could move the lot line in approximately 15'; however, the township ordinance has, and Engineer Dougherty's letter mentioned, a 40' constraint free circle, which is the area that you can build in. If the lot line is moved in more, it will be right up against that amount required by ordinance. Mayor Wilkie asked if the existing lot would have to remove most of the macadam,

basically the existing garage driveway to be more conforming. Mr. Stout stated they would need to remove 3,000 sq. ft., and all of the sidewalk, driveways, and connectors to the garage and shed would not allow for that. There is really not a lot to change in that area. He stated the variance will run with the land so if they wanted to add another amenity, they would have to remove some of the existing impervious coverage. Engineer Dougherty stated they would most likely need to submit an application to the Zoning Board for a variance. Solicitor Frank stated they would have to come before the Zoning Board because it is not what was approved here tonight. Mayor Wilkie stated he is just trying to look at the big picture so a hardship for someone in the future is not created by what is agreed to tonight. Discussion took place as to moving the lot line and make it straight as opposed to leaving it as the planned. Mr. Stout stated that if the line was changed, the existing lot with the home would be decreased to approximately 35% impervious coverage; however, it would shorten the footprint of the open space area that you could build on the new lot, but only by several feet. If the Board's preference is to make the lot line straight, it can be done. Solicitor Frank confirmed that this would increase the lot width variance being requested, but reduce the impervious surface on the other lot. Mr. Stout stated that is correct. The lot width variance would go from 96' to 92' and the impervious surface coverage would go from 38% to 35%. Mr. Singer stated he would prefer to leave it as submitted. There is a potential buyer and he does not wish to change the plans.

Mr. Pagano verified that the slope of the lot allows the drainage to go towards the street. Engineer Dougherty stated that the existing lot does drain to the street and it does not affect the adjacent neighbors. Mr. Stout stated that there is street drainage on the existing lot. He was not sure with the new lot, but the grading would be submitted with plans to the construction office.

Solicitor Frank stated the sidewalks will not be a condition of recording the subdivision deeds, but will be a condition of obtaining a final Certificate of Occupancy (CO). Mr. Stout asked that the condition to install be after construction but prior to issuance of a CO. Mr. Singer stated they will put it in the deed so the new owners know what is required of them.

It was the Motion of Mr. Morris, seconded by Mr. Pagano to open the meeting for public comment. Motion unanimously approved by all those present.

Lou Sovak of 320 Delaware Avenue came forward and stated his property is directly behind the existing home on Bennett Street. He confirmed that the new lot would be conforming and that anything built on that lot would have to meet township criteria. Mr. Stout stated that is correct. Mr. Sovak stated that the currently, the water does drain back from Bennett Street towards the back of the property; however, there has never been a problem with drainage from the lots in question in over 30 years.

Seeing no one else wishing to be heard, it was the Motion of Mr. Morris, seconded by Mr. Pagano to close public comment. Motion unanimously approved by all those present.

Solicitor Frank stated we are looking for a motion to take 2 existing lots and reconfigure them to place the existing dwelling on one lot that is conforming except that this creates a need for a variance for impervious coverage; the maximum is 25% and we will be allowing 38% for only existing house and amenities. The reconfigured additional lot will be conforming except with regard to lot width, where it is approximately 96' as opposed to the required 100'. A proposed condition of approval would be that sidewalks would be required on all frontages at the time of construction of a dwelling on the new lot and stated it's been discussed attaching the resolution that requires that to the subdivision deeds.

It was the Motion of Mr. Pagano, seconded by Mr. Morris to approve Application PB#2019-12 as previously stated by Solicitor Frank.

Upon roll call the Board voted as follows:

YEAS: Pagano, Morris, Wilkie, Montgomery

NOES: None

ABSTAIN: None

Motion carried

OTHER BUSINESS

There was no other business discussed.

PUBLIC COMMENT

It was the Motion of Mr. Morris, seconded by Mr. Pagano to open the meeting for public comment. Motion unanimously approved by all those present.

Seeing no one wishing to be heard, it was the Motion of Mr. Morris, seconded by Mr. Pagano to close public comment. Motion unanimously approved by all members present.

MASTER PLAN DISCUSSION

A. Statement of Objectives

The Master Plan's Statement of Objectives had been discussed at last month's meeting. Planner Fegley stated we had started with 35 different objectives from previous Master Plan Reexaminations which has now been consolidated and amended down to 15. She asked if there were any additional comments on the remaining 15 objectives. There were none.

B. Land Use Plan Element

Planner Fegley stated the subcommittee met on 10/16/19 and decided that Waterfront District (WF) would be the best name for the new zone being created. She passed out a handout that listed various suggested permitted uses and conditional uses. Mayor Wilkie stated that when the town finally obtained access to the park, the Park Committee had recommended a wharf or boat ramp to be put in so as not to get a lot of debris like the Florence boat dock does. The two areas being looked at for the new WF Zone is the Roebling Steel Plant property and the south end of town along the river; the former Griffin Pipe Property and DC Fabricators, should the current use and approved redevelopment plan ever end. Mr. Pagano stated he appreciates that we are taking time to create a special designation for these 2 unique parcels in town.

Planner Fegley stated the subcommittee discussed instead of neighborhood commercial uses, having local retail shops and services more small scale; similar to New Hope and Lambertville. She stated she had obtained their ordinances but was disappointed with them as she thought there would be more items to use from them. There is a riverfront overlay district in New Hope but their downtown commercial is your standard commercial uses. She stated the subcommittee also talked about mixed retail and residential uses; however, we will have to go to the EPA to see if residential on the upper floors is allowed. If allowed, residential could be apartments, condos, or artisan lofts on the 2nd or higher stories. Other conditional uses could be taverns, bars, brewery, distillery and theaters.

Solicitor Frank mentioned with breweries and distilleries, we should keep in mind to keep the size down and to require an associated retail component so as to not get industrialized. Some sort of limitation of scale is important. This type of use being permitted as a conditional use is perfect

because it says that these uses are permitted in the zone, but only if they meet a certain criteria. He suggested there could also be wine tasting rooms and a farmer's market. Planner Fegley stated there are a lot of uses here that will have to have specific definitions for.

Planner Fegley asked, in keeping with the Master Plan's goals and objectives, are there any other areas in town that we should be looking into different uses or different zones. Discussion took place to change the zone for the 3 homes on Cedar Lane across from the cemetery from AGR to RA. Discussion also took place regarding the AGR zone adjacent to the Municipal Building and Park zone. The township owns the property in that AGR zone with the exception of Brookdale assisted living facility. The possibility of changing the AGR to P and the Brookdale facility to a new zone for assisted living facility was discussed. Many other areas in town were addressed during last year's Reexamination Report.

Solicitor Frank stated that as we move additional property into Park (P) Zone, that we need to be cautious about whether or not we want it designated as green open space. We could possibly have 2 Park zones, one that is a Recreation Open Space Inventory (ROSI) Park Zone and one that is not a ROSI Park Zone. The legal affect of this is if it is ROSI and the township wants to move property out of its use as parks and open space, they would have to get DEP approval and then provide 2 acres of similarly capable lands elsewhere for every 1 acre you want to extract. Planner Fegley stated she will provide 2 Park zones, one designated as ROSI and one designated as non-ROSI.

Solicitor Frank stated it should be put on the record that each of these work sessions on the Master Plan do not require public comment. The Master Plan process involves public hearings so before we adopt any element for the Master Plan, we have to notice publicly and then hold a public hearing on the adoption of that element. At which time, the public has an opportunity to see the actual proposed product, not the work in progress, and be able to make comments upon that.

ADJOURNMENT

It was the Motion of Mr. Pagano, seconded by Mr. Morris to adjourn the meeting at 8:49 p.m. Motion unanimously approved by all members present.

Wayne Morris, Secretary

/kf