

Florence, New Jersey 08518-2323
June 22, 2010

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

Secretary 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 newspaper and posted in the main hall of the Municipal Complex.”

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

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| Keith Crowell | Candida Taylor |
| John Fratinardo | B. Michael Zekas |
| John Groze | Robert Adams |
| Ray Montgomery | |

ABSENT: Brett Buddenbaum (excused)
Rebekah Borucki (excused)

ALSO PRESENT: Solicitor David Frank
Engineer Dante Guzzi
Planner Chris Brown (substitute for Planner Perry)

Chairman Zekas called for Application ZB#2010-09 for Whitesell Construction Co., Inc. Applicant is requesting a Use variance and Preliminary Major Site plan approval to permit parking as a primary use in support of a proposed building to be constructed at 600 Richards Run, Burlington Township, NJ. Block 158, Lot 4.

Attorney Lynn McDougall representing the applicant said that they are here before the Zoning Board seeking a Use variance and with the Board’s ancillary powers they are seeking Preliminary Major Site plan approval as well. She stated that Terrance Huettl, Director of Development at Whitesell Construction would present the application, offer testimony and go over the review letters from the Board’s professionals. She added that Mr. Huettl is also a licensed New Jersey engineer. He has appeared before the Zoning Board one time before and was accepted as an expert and has appeared many times before the Florence Township Planning Board and was accepted as an expert as well.

Terrance Huettl was sworn in by Solicitor Frank. Chairman Zekas asked if there were any completeness issues. Engineer Guzzi stated that there were some completeness items but it might be beneficial for Mr. Huettl to give an overview of the project.

Mr. Huettl stated that this is Whitesell’s first appearance before the Zoning Board so he would like to take a moment to give an overview of the project in Florence. He said that

Whitesell is a family owned and operated land development company located in Delran, NJ. They have been developing properties in Burlington County for approximately 50 years. During that time they have built a couple hundred buildings and have kept ownership of about 90 buildings. These buildings are rented out and there are almost 300 tenants. Most of this space is industrial and office and is located primarily in Burlington County, but there are some building in Gloucester County, Camden County and Bristol, PA.

Mr. Huettl stated that most of their buildings are concentrated in industrial parks and office parks where Whitesell has developed the entire park. There are 3 industrial parks that actually straddle township lines (Cinnaminson/Delran, Moorestown/Mt. Laurel, and Burlington/Florence) and this complicates things.

Mr. Huettl showed a master plan of the Haines Industrial Center and stated that half of the 800 acre park is in Burlington and half is in Florence. All the buildings shown in red on the plan are built and they represent about 4 million sq. ft. of industrial space. It also represents approximately $2/3$ of the development of the park. Mr. Huettl pointed out all the existing buildings in Florence. The first building in Florence, 1100 John Galt Way is a half million sq. ft. This is occupied by Home Depot Supply. The building behind it is 400,000 sq. ft. and is leased by a pharmaceutical company called Aptuit. The largest building 700,000 sq. ft. was built for Christmas Tree Shops and Whitesell sold this building to the Christmas Tree Shops. The final existing building is the most recent one. This is 1500 John Galt Way. This is 420,000 sq. ft. and is occupied by International Paper. This is the first tenant in the park that uses rail. There is rail access throughout the Haines Industrial Center and Whitesell hopes that this will bring more business to the Haines Industrial Center.

The application for today straddles the township line. Most of the project is in Burlington. The building is located in Burlington and has a loading area on the back, which is accessed from Richards Run on the Florence side of the township line. The office is in the corner with car parking out front. The car parking is both in Burlington and Florence. Mr. Huettl pointed out an area on the plan that is set aside for potential future expansion of the building and the loading area and some additional car parking. He said that over time Whitesell has learned that in order to keep these buildings functional over decades it is important to make these buildings as flexible as possible. Whitesell's buildings are a little taller than most building and they are further apart with more green space. This allows for changes to accommodate new tenants.

Mr. Huettl said that Florence may think that they are getting the short end of the stick because the building is in Burlington and all Florence is getting is the parking, but this circumstance has come up twice before in the park. There was one other building built in the 1980's where a small amount of parking is on the Florence side of the line. The other is a section of the park where the stormwater for 3 large buildings and one future building in Florence flows to a big 6 acre stormwater basin that is in Burlington.

Mr. Huettl stated that the property in Florence is zoned General Manufacturing and in that zoning district you are required to have a principal use, which in most cases is a building. Whitesell is not proposing a building just the parking lot and that is why they are here today. They don't have a principal use on this Florence parcel and they are here today to request a Use variance.

Vice Chairman Fratinardo asked if Richards Run and John Galt Way were owned and maintained by Whitesell? Mr. Huettl stated that they are both currently privately owned and maintained by Whitesell. Vice Chairman Fratinardo stated that one of his concerns is having this road dedicated to Florence Township and having to take over the maintenance of these roads.

Engineer Guzzi referred the Board to his June 3, 2010 review letter to go over the completeness items. Whitesell had requested submission waiver for Items A through F. Mr. Huettl suggested addressing the Use variance testimony first since if the use is not granted then there is no reason to talk about the site plan application. Engineer Guzzi agreed that there were no completeness issues for the Use variance portion so the applicant could address the Use.

Engineer Guzzi stated that it would be appropriate to deem the Use variance portion of the application complete and defer the site plan portion until after the Use variance. Chairman Zekas stated that the Board would comply with the applicant's request.

Mr. Huettl stated that this portion of the Haines Center site has always been problematic because it is at the confluence of several things. There is a creek that goes through the middle of the Haines Center and it runs across the back of this area. There is a road that comes through. There are railroad tracks. There is a municipal boundary. All of those things make this a rather tight location. There are further problems in that there is steep drop off toward the back. The road at the front is as high as 44' above sea level. Toward the creek and the rear of the site it drops down to 14'. This is over 30' of fall from the front of the site to the back of the site. He stated that they are also encumbered by a 75' setback requirement for all of the improvements; this site is on a curve in the road, there are wetlands associated with the creek. Due to this it wasn't possible to create every lot in both Burlington and Florence to be ideal lots. They couldn't help this lot without sacrificing another lot in Florence.

Mr. Huettl stated that they felt that this was the best balance of all the constraints and they tried to determine what they could build on the site. They quickly came to the conclusion that this site is just too small to develop in a fashion that is consistent with the ordinance.

When you take into account all these constraints with the setbacks, the grading, the wetlands you end up with a building envelope that is a little over 2 acres in size and it is long and skinny and triangular. There would not be enough space left for the maneuvering of trucks within the site. Whitesell came to the conclusion that this site could not be developed on it's own but could only be developed in conjunction with the

adjacent property in Burlington. If the entire facility were entirely in either township (Burlington or Florence) it would be totally in conformance with the ordinance in terms of permitted use. This building is very similar to everything that surrounds it. If you were to drive along Richards Run you would never know that there was a municipal boundary or a non-conforming lot because everything is consistent and looks the same. As a result the intent and purpose of the ordinance is preserved because the intent is to cause uses to be put in an appropriate location where there are facilities and services for them. This area was intended by both towns to be industrial and that is what Whitesell is proposing. This proposal also does not result in any detriment to the public good because it is consistent and seamless. There is no impact to anybody by the fact that this is a non-conforming lot because it is consistent with the other lots in the area.

Mr. Huettl said that they are requesting this Use variance in order to be able to develop this lot because it otherwise would not be developable and it is appropriate to develop it in this fashion in conjunction with the adjacent lot.

Vice Chairman Fratinardo asked how many truck loading stalls were proposed. Mr. Huettl answered that there were 50 loading dock doors across the back of the building and 70 trailer stalls across the back of the building. Whitesell anticipates that this building will employ somewhere between 50 and 150 people. This building is being proposed on speculation and Whitesell doesn't know who the tenant would be but based on their track record with 90 other buildings they anticipate that they would have 50 to 100 employees and there would be approximately 40 to 50 trucks per day accessing this facility. Mr. Huettl stated that they had submitted a detailed traffic engineering report that estimated anticipated traffic.

Mr. Huettl said that the traffic report also included estimates for the peak hour truck traffic and automobile traffic. During those peak times it is estimated that this project would result in fewer than 10 trips during that rush hour. Engineer Guzzi stated that there was a traffic study that was submitted for this application and there also was a total Haines Center traffic study that was initially done and subsequently updated so the traffic generation from this is not unanticipated. It is consistent with the proposed development and with the infrastructure that Whitesell has put in with respect to the intersections at Rt. 130 at both John Galt Way and Dulty's Lane.

Mr. Huettl added that the number of loading docks and truck parking stalls sound enormous, but the reason that they have so many stalls is because the distribution companies like to have as many loading docks as possible. This cuts down of the time it takes for the forklift driver to unload and stock material. They don't want the forklift driver sitting idle waiting for a shipping bay to open.

Planner Brown stated that Mr. Huettl had sufficiently addressed the negative criteria but more testimony should be given regarding the special reasons necessary for the positive criteria.

Mr. Huettl stated that the special reason that is applicable in this case has to do with a hardship associated with the unusually small developable area that is part of this parcel and also it's odd shape. The hardship is that there is this unusual circumstance where it is difficult to develop this property in a fashion that is consistent with the ordinance because it is small, because there is not room for large trucks to come in and operate on it and because it is an odd shape. It is very shallow and half of the developable area is taken up by the front yard setback. The special reason is a hardship due to the physical constraints of the property.

Planner Brown referring to his report dated June 14, 2010 asked for testimony on Item f on page 4 regarding the affect of drainage facilities in the adjacent township neighborhood. Mr. Huettl said that today in the pre-developed condition the stormwater runs to the back of the property into Bustleton Creek. Once it gets to the creek it flows downstream, crosses River Road just before the asphalt plant in Burlington and goes out to the Delaware River. In the proposed condition, all of the stormwater from this area of the Burlington site and the portion of the site that is in Florence will all be conveyed to an existing stormwater management basin that is located behind the building known as 400 Richards Run in Burlington. All of the required stormwater management parameters in terms of water quality, ground water recharge and stormwater detention will take place either in a new proposed basin behind the building or in this large existing basin behind 400 Richards Run. Ultimately all of the stormwater in the site will go through the existing basin in Burlington and then will be metered out to Bustleton Creek and will continue downstream out to the Delaware River. Mr. Huettl stated that when this basin in Burlington was designed, it was designed to accommodate the full development of this site here both in Burlington and Florence.

Mr. Huettl stated that all of this stormwater would pass through Burlington to Bustleton Creek to the Delaware River as previously proposed and approved in Burlington. This application was heard by the Burlington Township Planning Board in June 10th of this year and was approved. They have confirmed that this drainage plan is consistent with what was originally approved and is consistent with the design and construction of that basin.

Planner Brown stated that the applicant had sufficiently addressed the criteria for use variance but asked that the applicant accept a condition that this parking always be an accessory use to the proposed building in Burlington Township.

Solicitor Frank said that the parking lot as it is proposed is clearly being developed in conjunction with the intent to be used with the development of the Burlington portion of this parcel. We are not intending to create a stand-alone parking lot, which could be used for rental purposes.

Mr. Huettl agreed to this and stated that as a condition for final approval Whitesell would submit an easement agreement that would permit access through this lot in Florence for the benefit of the building in Burlington. This would be the document that would solidify

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the connection between those 2 parcels illustrating the fact that this parking lot is an accessory use to the building in Burlington.

Chairman Zekas asked if the approvals from the Burlington Planning Board included the building and the parking in the rear and the part of the parking on this side of the property line. Mr. Huettl said that the approval from Burlington included everything that was proposed within Burlington Township associated with this project. The approval from Burlington Township was conditioned on Whitesell receiving approval for this application from the Florence Planning Board.

Member Taylor asked what the proposed use for this building was? Mr. Huettl said that the primary use in all but one of the Whitesell owned buildings in the Haines Center is distribution. He stated that they expect to have the same distribution type use in this building. The building is designed to accommodate distribution but there is the flexibility in the design to convert this to a manufacturing facility if there is a tenant interested in manufacturing.

Member Taylor said that her concern is what kind of trucks would be coming to this building; what would they be carrying and what would they be taking out. She also asked about increased traffic on the roads leading to the Haines Center.

Mr. Huettl stated that just about every type of product that you could imagine comes through this facility. International Paper brings in paper on the railroad, chops it up and makes writing paper and other paper products that are then trucked out of the site. Christmas Tree Shops is a 700,000 sq. ft. warehouse of decorator/home items. Home Depot Supply sells building materials and appliances directly to contractors. Aptuit is a pharmaceutical company that will be occupying one of the buildings very soon. There are distribution warehouses for a baking goods company, Canon electronic items, BJ's Wholesale Club with food products, Loreal with make-up, FFE (Frozen Foods Express), Tai Chen a Taiwanese Stainless Steel distributor, National Freight (storing mostly cranberry products from Ocean Spray), and Sports Authority that has sporting good items. There is one building that is empty waiting for the right tenant.

Mr. Huettl said that the nice thing about the distribution companies is that they are clean and quiet. They don't employ very many people so they don't generate a lot of traffic. Most of the trucks come in and out in the middle of the night.

Mr. Huettl said that in regards to the second question on traffic, for this particular building the vehicles coming or going will either use Richards Run to get to Dulty's Lane and out to Route 130 or use Richards Run to John Galt Way then out to Route 130. Once on Route 130 most of the traffic goes north and around 40% goes south. Of the component that goes north into Florence most goes through Cedar Lane and a large portion of that takes the Turnpike. The balance goes to Florence-Columbus Road turns right and heads out to Rt. 295.

Member Taylor stated that her concern on the end user is that no business comes into the building that would have environmental issues such as smells or deposits into the ground. Mr. Huettl said that since the majority of these businesses are distribution as opposed to manufacturing plants everything is containerized. It is already on pallets and wrapped. There is very little raw material handling and consequently is very clean.

Mr. Huettl states that Whitesell does have buildings in other locations that are manufacturing and they do have to deal with these issues with manufacturers, but here because everything is sealed when it comes in the door these issues don't exist. He stated that although it is possible that there could be a manufacturing tenant, based on the track record he is 90% sure that this would be a distribution user like all the others in the Haines Center.

Vice Chairman Fratinardo said that Mr. Huettl had testified that there was 2 million sq. ft. presently in Florence and asked about future development in Florence. Mr. Huettl answered that last night he had appeared before the Florence Township Planning Board for approval of a building on a 109 acre site. They received preliminary major site plan approval from the Planning Board for a half million sq. ft. building expandable to 1.25 million sq. ft. This site is possibly the most unique industrial site on the whole eastern seaboard. Whitesell doesn't think that there is another site on the eastern seaboard that is directly adjacent to north/south and west highways, has rail accessibility and is within one and a half hours of New York City. They anticipate a big building or possibly a pair of big buildings. Mr. Huettl stated that they hope to have this project under construction within 2 years. He said that there is another smaller lot that is very close to the train station and they are hoping to do something on the office or research development side of things. This is directly adjacent to the train station and they think that over time the market for that in the Burlington/Florence area will improve for that type of product.

The remainder of the Center is in Burlington and there are several remaining building sites.

Member Taylor asked if Whitesell was interested in leaving any green space anywhere. Mr. Huettl said that actually Whitesell does leave a lot of green space. He said that he hasn't tallied it in Florence but every time he goes before the Burlington Boards they ask him to tally it up. He said that for the full development of the Haines Center in Burlington Whitesell is projecting an impervious coverage ratio of less than 60%. They are currently targeting 56% impervious coverage and 44% green space. In Florence because they are developing the ground in a very similar fashion they anticipate full build out being similar to that – maybe a little higher – 65% of impervious coverage. He stated that something close to a third of the Florence site would remain undeveloped even if they develop all the spaces that they have saved for future expansion. Some areas are naturally protected, as they are wetlands and some areas that you just can't get to as they are far from the road or hidden behind wetlands. This is actually more than is required. In fact the ordinance does not have a limit on impervious coverage.

Member Crowell asked if there were any particular factors as to why most of the build out is occurring first in Burlington Township as opposed to Florence? Mr. Huettl said that this was a good question. He said that when Whitesell purchased this property the only road frontage was Dulty's Lane in Burlington. Dulty's Lane already had water and sewer so the infrastructure was there to start the development in Burlington. That is why the first 3 buildings were in Burlington. It took a few years and several million dollars to develop the infrastructure in Florence so that they could start development. Whitesell had to build over a mile of road, over mile of water and sewer. They built a water main that goes from Route 130 all the way through the site, under the turnpike, past the municipal building and over to 9th Street. This is a couple miles of water main that alone cost over a million dollars.

Solicitor Frank stated that the first item for the Board's consideration was the Use variance. He stated that the criteria for the Use variance is to demonstrate that there are special reasons for an exception from the normal uses permitted by the ordinance. The Medici case law says that the site needs to be peculiarly suited to the proposed use. In this particular instance it appears that the applicant is proposing that the basis for a finding of peculiar suitable special reasons would be that the site is constrained in terms of it's size, shape and topography. As a consequence it can't be developed in the ordinary course for the permitted uses within the pattern of development that is proposed there. This is the positive criteria.

Solicitor Frank continued that for the negative criteria for a use that is not inherently beneficial the use has to not be substantially detrimental to the public good and it cannot substantially impair the zone plan of the zoning ordinance. In terms of the zone plan and the zoning ordinance the applicant has proposed that this is consistent with the existing development on the site and can't be discerned as being different from what is going on around it. In terms of the public good this is a parking area like many other parking areas in the vicinity and has no qualitative difference to any of the other parking areas. Mr. Huettl stated that every one of those buildings both in Burlington and Florence has a parking lot associated with it for their employees. In fact both Burlington and Florence have ordinances respective to the specific zone that require parking to be an accessory use to that permitted primary use so yes this parking lot is not only consistent with all the other parking lots in the other buildings but it is consistent to the zone in that it would be required to accompany any principal use at this site.

Solicitor Frank stated that the last aspect of the Use variance criteria is the enhanced quality of proof. The applicant is asked to reconcile the omission of the use in that zone with the proposed use. If it such a good ideal to do this here why isn't this permitted? In this particular instance the applicant is agreeable to a condition that this use would only exist in conjunction to the use on the adjoining parcel in Burlington Township and will not be a stand-alone use.

Vice Chairman Fratinardo stated that right now the roads are owned by Whitesell. The substantial impact is not there to the public in Florence Township. If it becomes a public road in the future there would be an impact. He stated that the majority of tax benefit is

going to go to Burlington. Mr. Huettl pointed out that there is currently 2 million sq. ft. and a lot of future development in Florence Township. Mr. Huettl stated that they spend roughly \$125,000 maintaining the roads in the Florence portion of the Haines Center. The majority of this is on lawn care. Whitesell would have to do this even if the roads were dedicated so this cost is not a pass through to the Township. There is of course street sweeping and snow plowing. Engineer Guzzi stated that these roads are built for heavy traffic and built to municipal standards.

Chairman Zekas opened the hearing to public comment. As there was no public in attendance to offer comment motion was made by Fratinardo, seconded by Montgomery to close the public hearing. Motion unanimously approved by all members present.

Motion of Fratinardo, seconded by Adams to approve the request for Use variance subject to approval of site plan review and with the condition that this parking lot remain an accessory to the proposed building in Burlington Township.

Upon roll call the Board voted as follows:

YEAS: Crowell, Fratinardo, Groze, Montgomery, Taylor, Zekas, Adams
NOES: None
ABSENT: Buddenbaum, Borucki

Engineer Guzzi referred to his June 3, 2010 review letter in regards to completeness for the site plan application.

Item A Environmental Impact Statement (EIS) Engineer Guzzi stated that as part of the initial approval an intensive environmental impact statement was created for the entire Haines Center. Since then there have been numerous DEP permits that have been obtained. He stated that in his opinion there has been no new change to the site that would require another EIS for the site and said that he is supportive of the waiver.

Item B All Structures and Wooded Areas Within the Tract and Adjoining Tracts. Mr. Huettl stated that all of the site that is shown in light green is currently being farmed. There are some trees that are proposed to be cut down as part of this application. Trees are being cut down in an area a little less than a quarter of an acre. This represents approximately 2% of the total trees that are on the facility. So 98% of the trees on this Florence portion of the site are remaining. Engineer Guzzi stated that based on this testimony he would support the waiver.

Item C Cross Section of Water Courses. Engineer Guzzi stated that this site does border on the creek but there is no construction proposed in the creek area so he is supporting the waiver.

Item D Protective Covenants of Deed Restrictions. Engineer Guzzi stated that the applicant had indicated that this item is not applicable but there appears to be a rail easement that traverses the site. Mr. Huettl said that there is the existing utility easement

that runs along the Richards Run frontage. They did illustrate a rail easement. The idea is that the last buildings over on River Road could have rail access. So the buildings in Burlington have been designed to have the potential of a rail spur coming off of the main line crossing Richards Run cutting behind the proposed building, cutting behind the back of the basin and going back towards River Road. The plan for this building is that it has been designed to potentially have the railroad come across the back. There is an easement on the Burlington side to allow the rail easement, but the easement for the rail line does not exist in Florence. The only easement that exists in Florence is the utility easement along the edge of the road and there are no deed restrictions. Engineer Guzzi stated that he would support the waiver.

Item E Building Elevations Engineer Guzzi stated that, as there is no building proposed this item is not applicable.

Item F Expected Truck and Tractor-Trailer Traffic Engineer Guzzi stated that a waiver had been requested but the information was provided as part of the traffic study.

The Board voted unanimously to grant the requested waivers and deem application complete.

Engineer Guzzi stated that he and Planner Petrongolo had the opportunity to meet with Mr. Huettl to go over the site plan comments and resolved some issues.

Mr. Huettl stated that Whitesell has been in the approval process with Florence for around 10 years. It took that long to complete the infrastructure. When that original subdivision was approved in Florence and this included the road design and all of the utilities, Whitesell has long discussions with the Planning Board about sidewalks. It was determined at that time that all of the roads would have sidewalks and that the sidewalks would be provided at a minimum on one side of the road. Whitesell agreed to put them on one side of each road. On this particular road Richard's Run in Florence it was agreed that the sidewalk would go on the opposite side of the road from this current application. The reason for that is that the rail station is on that side of the road and additionally there will be buildings on that side of the road on the future where there will not be buildings on the side with the proposed parking lot application. It makes sense to have the sidewalks on the side of the street where the buildings are going to be. Mr. Huettl asked for a waiver for sidewalks on the side of the current application. Engineer Guzzi stated that this would be a design waiver from section 91-74 of the ordinance.

Item 2 is a requested variance for pavement setback. The GM General Manufacturing zone requires a setback of 75' along roadways for all improvements. This corner of the proposed future parking lot is a minimum of 40' from the right-of-way, which means it is about 50' from the actual curb. The majority of the frontage is in compliance with the 75' setback. There is just a small area at the township line where this doesn't comply. Mr. Huettl said that the average setback across the front of the building is in excess of 100'. He said that since they have provided on average more than what the ordinance

requires they believe that the intent of the ordinance is still met and that there is no detriment to the zone plan.

Item 3 a variance is required for the height of the freestanding sign 7' proposed where 6' is permitted. The sign will be located at the edge of the driveway. He stated that Whitesell has 90 buildings and they try to standardize things as much as possible. All of the buildings have the exact same sign. They are 4 ½ ft. wide and 7' tall. This allows them to interchange parts and placards. Unfortunately this sign that Whitesell has been using for a couple of decades does not meet the Florence ordinance. This is a waiver request that has been granted by the Planning Board for the other buildings in Florence.

Item 4 the freestanding sign is proposed within the 20' wide utility and storm drainage easement adjacent to Richards Run. Mr. Huettl stated that when Whitesell did the original subdivision that created the right-of-way for this road they did not have all the utility plans completed for gas, electric and telephone so they created easements along Richards Run that would accommodate all those utilities but it ends up that the way all those utility companies operate, they all have regions and different manager and nobody wants anything to cross municipal lines. So it ends up that there are utility easements on both sides of the road, but no utilities actually crossing the municipal lines.

Mr. Huettl stated that Item 5 is the Use variance, which the Board has already granted. Item 6 is a request for a design waiver to allow a portion of the parking stalls to be 18' deep as opposed to the required 20'. This is only for the parking stalls along the edge of the building and allows 2 additional feet of green space between the building and the parking lot. The waiver request does not allow for any additional parking it is only requested to add additional green space, reduce runoff and reduce resource consumption associated with the construction of the building. This is requested for both perimeter lines of the building.

Item 7 pertains to a recommendation for concrete curbing. The ordinance indicates that concrete curbing and/or concrete wheel stops may be required. Whitesell proposed concrete curbing along the entire driveway coming in and it returns back to the building into the end of the trailer parking stalls. The whole front of the building is curbed. The islands inside the parking area are curbed. There are 2 places where curbs are not being proposed. One is back along the trailer stalls. The water does not run off in that direction so there is not an erosional issue there. The stormwater runoff is directed inward towards inlets so curb is not necessary to direct or convey stormwater. The other spot where curb is not proposed is along the future edge of pavement. The water is directed away from that edge to the internal portions of the parking lot to storm inlets that are located within the paved area so there is no stormwater that runs off the parking lot. There are concrete wheel stops proposed in these areas to prevent vehicles from driving on the lawn.

Mr. Huettl said that they would provide all the additional information requested in Items 8 through 12. Item 13 is a request for information on the rail easement and as previously testified that rail easement does not exist in Florence. The plan will be revised to reflect that this is a potential future rail easement. Solicitor Frank stated that in the future rail

use would become more common and it was a great foresight to provide potential rail access to all of the buildings. Items 14 and 15 are recommendations that Whitesell will comply with.

Item 16 requests testimony on the proposed use of HDPE pipe in the heavy traffic areas. Mr. Huettl stated that they are proposing to use high-density polyethylene plastic pipe. Whitesell has been using this in place of concrete pipe in many of their new buildings. This is not substantially cheaper but it does have some benefits. Water moves faster through it so it has a higher capacity. Another benefit is that the pipes are very light and easy to move around. The smaller pipes can be moved by 2 guys just picking it up and carrying it around. Even short sections of concrete pipe have to be moved by bulldozers and loaders. This has been used very successfully in the last 3 projects – 2 in Florence and 1 in Burlington. In those 3 projects alone Whitesell has installed over 3 miles of this pipe and some of it has been in the ground for over 3 years now without any problems even in the heavy truck traffic areas.

Mr. Huettl said that they would comply with Item 18 the requested revision regarding the drainage basin. On Item 18 there was a 3' high berm outside of the driveway exiting the parking lot that could block the driver's view of the road. This berm will be pushed back to get it out of the driver's line of sight Mr. Huettl stated that they would comply with Items 19 through 22.

Item 23 requests testimony of the proposed light pole foundations with respect to depth and diameter. Mr. Huettl stated that there is a detail that provides different specifications for light poles that are proposed in automobile areas as opposed to truck areas. Obviously a car hitting a light post does not do as much damage as a truck so the ones in the truck areas are larger and heavier. All of the foundations that hold the light poles go 4' into the subsurface. If they are in car areas they are 18' in diameter. If they are in truck areas they are 2' in diameters. Additionally if they are in a truck area those concrete foundations extend 3' above the ground surface so that they are the same elevations as the bumper at the back of a trailer. Engineer Guzzi stated that the 4' submersion seems a little light for a 30' light pole. Mr. Huettl said that from a structural standpoint it is fine. When trailers hit the light poles they do have to go in and fix them. Mr. Huettl said that this had been there standard for many years.

Mr. Huettl said that they would comply with all the items under the stormwater management section – Items 24 – 28.

Mr. Huettl said that he wanted to address 4 smaller letters before the Planner's review letter. Letters of No Comment were received from Department of Water and Sewer, Shade Tree Commission and Police Department. The Environmental Commission asked if the height of the light poles could be reduced to 15' from the proposed 30'. Mr. Huettl said that from an aesthetic and light pollution standpoint 15' poles would be better than 30' poles. The problem with 15' poles in an environment like this is that you would need an awful lot of them and they would become hazardous. There is very little impact on any residential areas in Florence as the nearest home is over a mile away. Engineer

Guzzi asked if the light pole was consistent with all other development in Florence and Burlington. Mr. Huettl stated that all of the sites in Burlington and Florence have been developed with 30' poles. This is also the standard mounting height for all the wall mounted exterior lights that are used to illuminate the truck loading areas.

Mr. Huettl asked the Board to turn to page 3 of the planner's letter dated June 14, 2010. The first item pertains to the Use variance that we have already discussed. Planner Brown stated that Mr. Huettl has already addressed the 2 variances called out in Section C Items 1 and 2.

Planner Brown stated that he had conferred with Mr. Huettl and worked out many of the issues that are called out in this review letter. Planner Brown said that Item IV-1 requests that the minimum lot depth be added to the provided chart. Mr. Huettl agreed to provide this.

Planner Brown stated that they could now move to Section V. Item A2 regarding truck trailer parking area. Mr. Huettl stated that there would be no loading or unloading in the 8 trailer stalls that would be located in Florence Township. All of the loading and unloading will occur behind the building at dock doors. Item A3 Mr. Huettl will revise the plan to show the accurate number of parking stalls. He said that since there are many fractional parking stalls; they will consider a stall to be in Florence if more than 50% is in Florence.

Item A4 all of the ADA accessible stalls are located in Burlington Township directly adjacent to the office. Those stalls were reviewed and approved by Burlington Township at their meeting on June 10th.

Planner Brown said that Items A5 and A6 were actually addressed in Engineer Guzzi's letter. Subsection B regarding the planting design. Mr. Brown stated that several waivers have been requested in regards to the landscaping and his office has no objection to the granting of these waivers. Mr. Huettl said that he would like to provide a little bit of background information here. He said that he hoped that all the Board members had an opportunity to drive through Whitesell's park at some point. He said that Whitesell is very proud of this park. They do an excellent job landscaping. He said that they landscape these industrial buildings better than most developers landscape Class A office buildings. They maintain them very well. Most of the landscaping in front of the buildings is sprinklered. Whitesell is very proud of that. In the design of these landscaping plans Whitesell takes into account all of the ordinance requirements and some of the ordinances are not as concise as they might be and as a result there is more than one way to interpret them. Whitesell's intention is to comply with all the landscaping ordinances; in fact it is their intention to surpass the requirements when it comes to landscaping. It was certainly their intention to comply with the requirements for landscaping. Mr. Huettl suggested that regardless of how you interpret it the intent of the ordinance has been met. They have far more trees than are required at this location and that is consistent with all of their sites. Whitesell always has more trees. So it may appear that they are asking for a few waivers and not doing everything that they should

but that just has to do with one interpretation versus another. They really do have more trees than required and this is a circumstance when the ordinance is interpreted differently. We think that we comply and the Board's Planner thinks otherwise.

Solicitor Frank stated for the record that he has had extensive conversations with Planner Petrongolo regarding Planning Board applications concerning parking lot trees and these issues that Mr. Huettl is raising tonight and said that he agreed that the ordinance is imperfect but stated that the interpretation that the Board's Planner has offered is a reasonable and appropriate one and he supported the requested waiver so there shouldn't be an issue this evening.

Planner Brown stated that the issue that Mr. Huettl referred to is that Whitesell is providing a number of evergreen trees. According to the ordinance, trees that have branches no lower than 6' should be taken into consideration as counting toward the required number. Evergreen trees have branches lower than 6'. Planner Brown said that his office is aware that Whitesell Construction has a history of great site maintenance and is amenable to the requested waiver.

Chairman Zekas complimented Whitesell on the landscaping of the buildings and said that he is sure that Planner Brown is willing to work together with Whitesell to come up with a landscaping plan that will meet everyone's satisfaction.

Planner Brown continued with Item B2 requiring a design waiver for the screening of the parking lot from the street. Mr. Huettl stated that Whitesell and their landscape architect believe that they are in compliance. The ordinance states that the majority of the area between the road and the parking lot shall be landscaped with trees planted in clumps or singularly or with grass berms. Whitesell has proposed clumps of trees, trees planted singularly and a large grass berm for this area. There are over 2 dozen trees for the area between this parking lot and the road. The parking lot is only 28 stalls wide so there is nearly 1 tree per stall width of this parking lot. Planner Brown said that he would support the waiver. Mr. Huettl said that they would be making a slight change to the plan regarding this. Whitesell's landscape architect had proposed that a portion of those trees to be installed when the future parking goes in, but they will revise the plan so that all of those trees will be put in when the initial construction occurs. So all of the trees up front will be planted during the first phase and there will not be any plantings associated with the future parking.

Item B3 Mr. Huettl stated that the note would be added to the plan. Item B4 recommends that the Virginia Pines be specified as nursery sheared or semi-sheared. Mr. Huettl stated that the Haines Industrial Center has thousands of Virginia Pines. This is a native tree to this area and they have incorporated it into their planting schedule in an attempt to blend together the developed portions of the site with the undeveloped portions. The intent is to use a lot of that same native vegetation to create a harmonious transition from developed areas from non-developed areas. If they put in sheared trees they will look like Christmas trees and not like the thousands of existing trees that are already there. Whitesell would prefer to not use the sheared trees. Planner Brown stated that this was acceptable.

Planner Brown continued his review with Section C on Lighting. Item C1 the applicant exceeds the recommended average illumination and uniformity ratio. A design waiver would be necessary. Mr. Huettl said that the ordinance calls out 3 recommended criteria for the design of lighting and it is virtually impossible to meet all of them in a large paved area. He stated that what they are proposing is an okay balance of the 3. Engineer Guzzi said that one of the things to keep in mind with this item is that this project is really at a vast scale compared to the other developments that you might see so some of the ordinance standards become difficult to apply. This is why we have so many design waivers. Planner Brown stated that his office supports the waiver.

Item C2 Mr. Huettl stated that the illumination chart would be revised as requested. Item C3 there are two 400 watt pole mounted lights in Burlington Township that have been shown as being constructed as part of Phase 1. Mr. Huettl stated that these were erroneously proposed to be built as part of the first Phase. The revised plans will indicate that those 2 lights in Burlington will be installed only when and if the parking lot associated with those lights is constructed.

Planner Brown stated that the signage has been proposed and he understands that Whitesell has their own site safety inspector. Mr. Huettl stated that Whitesell does have a safety office. They have regular OSHA training courses and have OSHA compliance meetings at the job sites, but as far as the request that they provide a note on the plan regarding OSHA they would rather not do that. This Board doesn't have jurisdiction over OSHA and nor does the township. OSHA standards apply whether this note is on the plan or not.

Mr. Huettl stated that there is one more issue and that is COAH. Solicitor Frank stated that the language included in the resolutions regarding the affordable housing obligation has been the subject of much discussion between himself and the applicant's counsel. The language will be worked out and agreed upon and then added to the resolution.

Chairman Zekas opened the meeting to public comment. As there was no public in attendance to offer comment motion was made, seconded and unanimously approved to close the public comment.

Solicitor Frank stated that this application is for site plan approval for a parking lot. The Board granted Use variance approval earlier in the meeting. There are variances requested for distance from the street line to the parking area and height of the freestanding sign 6' required, 7' proposed. Waivers are requested for extent of the parking lot screening, provision of curbing everywhere in the parking areas as well as proposed on the entire perimeter of the ultimate construction of the car parking area and while it is proposed in the drive lanes of the driveway area, it is not proposed in the truck parking area. It is not proposed on the eastern boundary of the car parking lot during the interim period if there is one. In addition there is a waiver for the number of parking lot trees, for both the intensity and the uniformity of the lighting, sidewalks and 10' x 18' parking stall dimension.

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Solicitor Frank stated the conditions of compliance with plan review comments by the Board's staff as agreed to on the record, outside agencies approval where applicable, final Board approval and the standard conditions.

Mr. Huettl stated for the record that there are no DEP or DOT approvals required for this project. The required approvals are Burlington Township Planning Board approval, Florence Township Zoning Board approval, Burlington County Planning Board approval and Soil Conservation District.

Motion of Fratinardo, seconded by Groze to close the public hearing. Motion unanimously approved by all members present.

Motion of Montgomery, seconded by Crowell to approve the application with the waivers, variances and conditions as set forth in the testimony.

Upon roll call the Board voted as follows:

YEAS: Zekas, Adams, Taylor, Montgomery, Crowell, Fratinardo, Groze
NOES: None
ABSENT: Buddenbaum, Borucki

MINUTES

Motion of Fratinardo, seconded by Groze to approve the Minutes of the regular meeting of May 25, 2010 as submitted. Motion unanimously approved by all members present.

RESOLUTIONS

Resolution ZB-2010-14
Granting the application of Angela Rothweiler for front yard setback and impervious lot coverage to permit replacement of an existing deck with a larger deck on the front of property located at 421 East Fifth Street, Florence, NJ. Block 98.06, Lot 25.

Motion of Taylor, seconded by Crowell to approve Resolution ZB-2010-14.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Crowell, Groze, Montgomery, Taylor, Zekas
NOES: None
ABSENT: Buddenbaum, Borucki

CORRESPONDENCE

A. Memo to Board Members regarding the 2010 Annual New Jersey League of Municipalities Convention.

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- B. Letter from Engineer Guzzi dated June 8, 2010 regarding Application ZB#2009-08 for Robert O'Brien.
- C. Letter from Florence Township Environmental Commission to Bruce Garganio, Director, Board of Chosen Freeholders dated June 14, 2010 regarding the possibility of a composting facility on River Road in Burlington Township.

The Board asked Engineer Guzzi to comment on Correspondence B. Engineer Guzzi said that the Board would recall that the Mr. O'Brien had installed a pool and associated concrete work and actually exceeded the impervious coverage on the site by installing more concrete that was approved as part of the building permit. This resulted in some run-off into a neighboring property. Mr. O'Brien appeared before this Board and was granted a variance. He had Stout Engineering produce a drainage /site plan for his property and was charged with completing the work to comply to the plan. Mr. O'Brien had called on several occasions for an inspection and when the property was inspected it was determined that it did not comply with the plan. Mr. O'Brien will be unable to receive a certificate of occupancy for his swimming pool until he complies with the plan.

The Board asked for an explanation of Correspondence C regarding a possible composting facility in Burlington Township. Engineer Guzzi stated that this is a property in Burlington off of River Road that is being developed under the guise of a mining operation for soil, but there is no approval at this time for the composting facility.

Member Crowell stated that in his opinion that area of Florence Township already has the sewer plant and 2 manufacturing facilities that adjoin a residential area. There are already environmental impacts in this area. He stated that the Federal government has an office on environmental justice that addresses these types of issues.

Member Montgomery stated that there is an approval for a new residential housing development in that area. Vice Chairman stated that it is also close to the municipal ball fields. There will be odors and airborne molds that could impact on the health of the township residents.

Engineer Guzzi stated that the problem is that this development is in Burlington Township.

Member Crowell stated that there are federal statutes that deal with this under USEPA. If the Board Member s are serious about protesting this they could call USEPA and ask for the Environmental Justice office and make a formal complaint.

There being no further business motion was made by Fratinaro, seconded by Taylor to adjourn the meeting at 10:05 p.m.

Ray Montgomery, Secretary

RM/ne