

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. P.B.-2017-13

Application PB#2017-03

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF FIRST FLORENCE I URBAN RENEWAL, LLC
FOR BLOCK 148.06 LOT 2
400 CEDAR LANE
GM GENERAL MANUFACTURING ZONING DISTRICT
ROUTE 130 REDEVELOPMENT AREA
AMENDED FINAL MAJOR SITE PLAN
APPROVAL**

Application Decided: July 25, 2017
Resolution Memorialized: August 22, 2017

WHEREAS, by way of its Resolution 2016-10, the Florence Township Planning Board granted preliminary and final major site plan approval concerning a 33.36 acre property at 400 Cedar Lane known as Lot 2 of Block 148.06 to allow development of a proposed 577,200 sq. ft. warehouse/distribution building and associated site improvements;

WHEREAS, applicant First Florence I Urban Renewal, LLC, now seeks Amended Final Major Site Plan approval to allow seven changes as detailed in the body of this Resolution to the previously approved plans;

WHEREAS, the applicant is represented by Erin A. Szulewski, Esquire, of the Parker McCay firm;

WHEREAS, the applicant is the owner of the subject property;

WHEREAS, upon a finding that proper hearing notices had been mailed and published, and that its jurisdiction was therefore proper, the Board opened a hearing on the application at its July 25, 2017 regular meeting, granted waivers of certain ordinance checklist submission requirements as specified and recommended in the Board Engineer's letter of July

19, 2017 and his testimony in the course of the hearing, found the application administratively complete, and opened the public hearing on the substance of the application;

WHEREAS, the applicant's Engineer, Ahmad Tamous, PE, appeared, was sworn, was accepted as an expert in the fields of site and civil Engineering by the Board, and offered his testimony in support of the application;

WHEREAS, James Knopka, Senior Director of Construction of First Industrial Realty Trust, Inc. (parent entity of the applicant), appeared, was sworn, and also offered his testimony, along with the arguments and representations of counsel in support of the application;

WHEREAS, the Florence Township Planning Board has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicant is the owner of the subject property, located at 400 Cedar Lane and known as Lot 2 of Block 148.06, and therefore has standing to appear before the Board.
2. By way of its Resolution 2016-10, the Florence Township Planning Board granted preliminary and final major site plan approval the subject property to allow development of a proposed 577,200 sq. ft. warehouse/distribution building and associated site improvements. This building and associated improvements have been substantially completed.
3. Application has now been made for amended final major site plan approval to allow seven distinct changes to the previously approved plans. These changes are:
 - a. Installation of a 5' wide sidewalk along the property's Cedar Lane frontage in accord with County Planning Board requirements;
 - b. Modification of the width and composition of the previously approved landscape treatment along Cedar Lane to accommodate the new sidewalk;
 - c. Installation of an 8' tall black vinyl-coated chain link fence from the northeast corner of the building to the sound wall, and installation of 12' wide sliding gates in that fence;

- d. Installation of an 8' tall black vinyl-coated chain link fence along the landscape island separating the southerly parking lot from the truck access drive, and installation of 12' wide sliding gate in that fence at the driveway;
 - e. Relocation of the guard booth from the southern side of the truck access to the center of the truck access drive, and slight widening of the drive (and narrowing of the grass island) at that point to accommodate the new booth location;
 - f. Installation of a trash compactor at the southeast corner of the building;
 - g. Replacement of the ornamental swing gates at the driveway entrances with ornamental sliding gates.
4. The subject property lies in the Township of Florence GM General Manufacturing Zone District, in which the warehouse/distribution facility use is permitted as-of-right, however, the proposed development must comply with the use, bulk and design standards set forth in the "Cedar Lane First Industrial Redevelopment Plan, Block 148.06, Lot 2, Florence Township Burlington County, NJ", dated December 9, 2015, revised to December 29, 2015 and approved by the Florence Township Council by Ordinance No. 2016-01 adopted January 20, 2016.
 5. The applicant has submitted proof of service of notice and proof of publication of the minor subdivision hearing, and the Board has jurisdiction to hear these applications.
 6. The applicant has submitted the following documents in support of its application:
 - a. Transmittal letter dated July 12, 2017 from the applicant's counsel;
 - b. A completed Township of Florence Land Development Application;
 - c. Completed Township of Florence Preliminary and Final Major Site Plan Application Checklists of Submission Requirements;
 - d. Proof that no taxes were due on the subject property at the time of the application;
 - e. Township of Florence Certified List of Property Owners within 200';
 - f. A series of site plan drawings comprised of 23 sheets prepared by Bohler Engineering dated 8/24/15 and revised through 07/05/17 (the set is of 29

sheets but sheets 24-29 pertain to cross sections of the County road right of way and are not relevant or current, so were not submitted);

- g. A copy of the previously approved site plan Sheet 1, introduced and entered into evidence in the course of the public hearing as Exhibit A-1;
 - h. A color rendered Site Plan Exhibit (revised through 07/05/17) highlighting the proposed changes in red, introduced and entered into evidence in the course of the public hearing as Exhibit A-2;
 - i. A color rendering of a close up view of the proposed landscaping, introduced and entered into evidence in the course of the public hearing as Exhibit A-3;
 - j. A color rendering of the proposed landscaping as viewed from the south driveway entrance looking north, introduced and entered into evidence in the course of the public hearing as Exhibit A-4;
 - k. A color rendering of the proposed landscaping as viewed from across the street, introduced and entered into evidence in the course of the public hearing as Exhibit A-5;
 - n. Application and Escrow Fees in accord with ordinance requirements;
 - o. An executed Escrow Agreement;
 - p. Form W-9 Request for Taxpayer Identification Number and Certification;
 - q. Executed corporate ownership disclosures in the form required by statute.
7. The Board's Planner, Barbara Fegley, AICP, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted a review letter commenting upon the application dated July 20, 2017 which is hereby incorporated into the record.
 8. The Board's Engineer, Hugh Dougherty, P.E., C.M.E. of Pennoni Associates, submitted a review letter dated July 19, 2017 commenting upon the application which is hereby incorporated into the record.
 9. The Township's Fire Code Official, Brian Richardson, submitted a review letter commenting upon the application and supporting submissions dated July 20, 2017 which is hereby incorporated into the record.
 10. The most significant modifications to the previously approved plans involve or are a direct consequence of the installation of sidewalks. The Board's previous approval

contemplated that the sidewalks being constructed by another developer on the opposite side of Cedar Lane could be relied upon to carry pedestrian traffic along Cedar Lane and sought participation by this developer through a developer's agreement in "Walker's Lane", a pedestrian way along the railroad right of way at the rear of the subject property. But, the County required sidewalks on both sides of Cedar Lane. Construction by this developer of sidewalks on this side of Cedar Lane does now relieve this developer of its undertaking to assist the Township with its "Walker's Lane" pedestrian way along the railroad right of way.

Additionally, in order to have both sidewalks and landscaping along the Cedar Lane frontage of the subject property, and to accommodate the grades and relative elevations of the parking area, sidewalk and street, the developer proposes a retaining wall of varying height between the sidewalk and the remaining landscape area. The material chosen for the retaining wall is intended to mimic the finish of the completed sound wall.

As a result of the need to retrofit the retaining wall along the edge of the already-constructed sidewalk, there will be an approximately 6" wide gap between the sidewalk and retaining wall. The applicant's representatives agreed in the course of the public hearing to cover or close this gap with hardscaping material compatible with the retaining wall instead of with mulch as initially proposed.

11. The applicant's Engineer testified that the proposed trash compactor (which is located as far from adjoining residences as feasible on the site) will comply with Township noise ordinances.
12. The added fences and gates are intended to enhance safety and security on the site by better separating cars and trucks.
13. The change from swinging gates to sliding gates at the driveway entrances will result in better placement of the gates to allow better on site circulation and space utilization. These gates will still be ornamental in design.
14. All sliding gate mechanisms will comply with Township ordinance noise standards.
15. The applicant's representatives agreed in the course of the public hearing to comply with all of the plan detail and design comments set forth in the review letters of the Board Engineer and Township Fire Code Official.

16. The applicant's representatives agreed in the course of the public hearing to comply with all of the plan detail and design comments set forth in the review letter of the Board Planner, except Comment #3 concerning an existing manhole (because it is actually in the center of the sidewalk; and Comment #4 concerning recording of a perpetual landscape maintenance agreement (but it was agreed, in light of the very tight area remaining after installation of the proposed sidewalk and retaining wall, that maintenance of the landscaping as approved and installed would be a condition of approval).
17. In accord with the testimony of the applicant's Engineer, with which the Board's professionals concur, the proposed amended final major site plan remains consistent with applicable bulk standards of the Redevelopment Plan pertaining to the subject property that was adopted by the Florence Township Council on January 20, 2016 by way of Ordinance No. 2016-02, and no variances or design exceptions are required for approval of the proposed amended final major site plan.
18. The proposed development continues to be consistent with applicable stormwater standards.
19. Public comment was offered on the proposed amended site plan by Don Nemeth, of 729 Morris Court, Florence, and Melanie Chambers of 64 W. Main St., Somerville, NJ.

Conclusions of Law:

The Board finds that the proposed development conforms to Township ordinance standards. The applicant has complied with the application requirements and procedures of the Board for approval of such development. Therefore, the proposed amended final major site plan should be approved, subject to appropriate conditions as set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Planning Board in the County of Burlington and State of New Jersey that the application of First Florence I Urban Renewal, LLC, seeking Amended Final Major Site Plan approval to allow seven changes as detailed in the body of this Resolution to the previously approved plans, be and hereby is, **APPROVED**, subject to the following conditions:

1. All conditions of previous approval Resolutions not expressly waived or modified by this approval shall remain in full force and effect.
2. Submission of revised site plan drawings that address the plan detail and design comments and corrections set forth in the Board Engineer's review letter of July 19, 2017, Board Planner's review letter of July 20, 2017 (except for Comments #3 and #4) and Township Fire Code Official's review letter of July 20, 2017.
3. Revised site plan drawing shall include individual details for each proposed gate.
4. The approximately 6" wide gap between the sidewalk and proposed retaining wall shall be closed or covered with hardscaping material compatible with the retaining wall.
5. The proposed sliding gates at the driveway entrances shall be ornamental in design.
6. All sliding gates and the trash compactor shall comply with Township noise ordinances.
7. Continued maintenance of site landscaping as approved and installed (subject to natural growth), is an express condition of this approval.
8. All taxes and escrow fees for professional review must be paid current and in full.
9. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development. Copies of all applications, permits and certifications related to such approvals shall be filed with this Board. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required. It is expressly acknowledged that the applicant has already obtained

County Planning Board approval for this project, and that many of the modifications in this Amended Major Site Plan approval are in furtherance of implementation of that approval. Therefore, a new County Planning Board approval is not required.

10. Any additional development on the subject property or any modification to any development pursuant to, or inconsistent with, this approval shall require approval of this Board.
11. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
12. Any permits, deeds, easements, vacations, dedications, revised drawings or other documents related to this proposed development shall be approved by the Board attorney and Board engineer and filed with the appropriate authority. Proof of recording with the County Clerk shall be filed with this Board.
13. The applicant shall post a performance guarantee in an amount accepted by the Township Council after recommendation by the Board Engineer and in a form approved by the Board Engineer and Township Attorney.
14. Compliance by the applicant with Township ordinances, and State laws and regulations pertaining to non-residential developers' affordable housing obligations which are applicable to the subject development. The applicant's affordable housing obligation, if any, shall be that required by applicable law.
15. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. If this approval is not perfected within two years of the date hereof, or such extended date as may be provided by statute or Board action, this approval shall be void.

MOTION TO APPROVE AMENDED FINAL MAJOR SITE PLAN:

Moved by : Wilkie
Seconded by : Morris
In Favor : Wilkie, Morris, Lovenduski, Montgomery, McCue,
MacArthur, Hamilton-Wood
Opposed : None
Recused : None
Absent : Molimock,

MOTION TO ADOPT RESOLUTION:

Moved by : Lovenduski
Seconded by : Wilkie
In Favor : Lovenduski, Wilkie, Hamilton-Wood
Opposed : None
Recused : None
Absent : McCue, Montgomery, Morris, MacArthur

FLORENCE TOWNSHIP PLANNING BOARD

Dated: 8/22/17


Mildred Hamilton-Wood, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Planning Board held on August 22, 2017 and memorializes a decision taken by the Board on July 25, 2017.

Dated: 8/23/17


Wayne Morris, Secretary