

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. P.B.-2018-05

Application PB#2017-05

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF US HOME CORPORATION d/b/a LENNAR
BLOCK 165.04 LOT 63
OP OFFICE PARK ZONING DISTRICT
ROUTE 130 REDEVELOPMENT AREA
PRELIMINARY and FINAL MAJORSUBDIVISION and SITE PLAN
APPROVAL**

Completeness Determination:	November 28, 2017
Application Decided:	December 21, 2017
Resolution Memorialized:	January 23, 2018

WHEREAS, US Home Corporation d/b/a Lennar has made application to the Florence Township Planning Board for preliminary and final major subdivision and site plan approval concerning an 8.87 acre parcel located at Florence-Columbus Road and Regars Drive, and known on the official Tax Maps of the Township of Florence as Lot 63 of Block 165.04, to allow development of 80 townhomes and associated site improvements;

WHEREAS, the applicant is represented by David Roskos, Esquire, and Frank Petrino, Esquire, of the Eckert Seamans firm;

WHEREAS, the applicant is the contract purchaser of the subject property, and the property owner has consented to the making of this application;

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 to review administrative completeness of the application at the Board's November 28, 2017 regular meeting, granted waivers of certain ordinance checklist submission requirements as specified and recommended in the Board Engineer's letter of November 17, 2017 and his testimony in the course of the hearing, found the application administratively complete, and adjourned the substantive hearing on the application to the time and date certain of the Board's December 21, 2017 regular meeting;

WHEREAS, the Board opened the public hearing on the substance of the application at the Board's December 21, 2017 regular meeting;

WHEREAS, the applicant's Engineer, Robert Stout, PE, PLS, and Traffic Engineer, Nathan Mosely, PE, CTOE, appeared, were sworn, were accepted as experts in their respective fields by the Board, and offered their testimony in support of the application;

WHEREAS, Mitch Newman, a Director 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 contract purchaser of the subject property, and the property owner has consented to the making of this application, located at Florence-Columbus Road and Regars Drive and known as Lot 63 of Block 165.04, and therefore has standing to appear before the Board.
2. Application has been made preliminary and final major subdivision and site plan approval to allow development of 80 townhomes and associated site improvements.
3. The subject property lies in the Township of Florence OP Office Park Zone District, in which the proposed residential use is not permitted as-of-right, however, the proposed development must comply with the use, bulk and design standards set forth in the "Redevelopment Plan, Lennar-Tristate, Block 165.04, Lot 63, Florence Township Burlington County, NJ", dated June 19, 2017, revised to July 12, 2017, and the proposed residential use is permitted by the Redevelopment Plan.
4. The applicant has submitted proof of service and proof of publication of proper notice the preliminary and final major subdivision hearing, and the Board has jurisdiction to hear these applications.
5. The applicant has submitted the following documents in support of its application:
 - a. A completed Township of Florence Land Development Application;

- b. Completed Township of Florence Preliminary and Final Major Subdivision and Site Plan Application Checklists of Submission Requirements;
- c. Proof that no taxes were due on the subject property at the time of the application;
- d. Township of Florence Certified List of Property Owners within 200’;
- e. A series of site plan drawings comprised of 15 sheets prepared by Robert R. Stout, PE, PLS of Stout & Caldwell Engineers, LLC dated 9/05/17 and revised through 11/06/17;
- f. A Subdivision Plan comprised of one sheet prepared by Robert R. Stout, PE, PLS of Stout & Caldwell Engineers, LLC, dated 9/05/17 and revised through 12/04/17; Architectural plans comprised of three sheets prepared by Joseph V. Bellucia, AIA;
- g. “Stormwater Management Report”, prepared by Stout & Caldwell Engineers, LLC, dated November 2017;
- h. Supplement to Stormwater Management Plan prepared by Stout & Caldwell Engineers, LLC dated December 2017;
- i. Operations and Maintenance Manual for Stormwater Management Facilities prepared by Stout & Caldwell Engineers, LLC dated September 2017;
- j. Architectural drawings comprised of four sheets showing plan and elevation views of the proposed townhomes prepared by Joshua Eckert, RA, of Alberto Associates, dated 08/08/17;
- k. Traffic Engineering Assessment prepared by Shropshire Associates dated September 5, 2017;
- l. Environmental Impact Statement prepared by Stout & Caldwell Engineers, LLC dated September 2017;
- m. Municipal Services and Utilities Impact Statement Stout & Caldwell Engineers, LLC dated November 2017;
- n. NJDEP Letter of Interpretation dated October 13, 2017;
- o. A “Review of Homeowner Association Responsibilities” prepared by Lennar dated 10.25.17;

- p. A colored aerial view of the site and surrounding properties (photography dated 2011), introduced and entered into evidence in the course of the December 21, 2017 public hearing as Exhibit A-1;
 - q. A color rendered Site Plan Exhibit prepared Stout & Caldwell Engineers, LLC, introduced and entered into evidence in the course of the public hearing as Exhibit A-2;
 - n. A selected section the submitted detail sheet of the site plans showing sign details, introduced and entered into evidence in the course of the public hearing as Exhibit A-3;
 - o. A rendering of the submitted architectural plan sheet A1.0 showing in color the front elevations and in black & white the side & rear elevations of the proposed individual townhomes, introduced and entered into evidence in the course of the public hearing as Exhibit A-4;
 - p. A rendering of the submitted architectural plan sheet A1.2 showing in color the front elevations and in black & white the side & rear elevations of the proposed stacked townhomes, introduced and entered into evidence in the course of the public hearing as Exhibit A-5;
 - q. Application and Escrow Fees in accord with ordinance requirements;
 - r. An executed Escrow Agreement;
 - s. Form W-9 Request for Taxpayer Identification Number and Certification;
 - t. 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 review letters commenting upon the application dated November 28, 2017 and December 18, 2017 which are hereby incorporated into the record.
8. The Board's Engineer, Hugh Dougherty, P.E., C.M.E. of Pennoni Associates, submitted review letters dated November 17, 2018 and December 14, 2017 commenting upon the application which are 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 December 13, 2017 which is hereby incorporated into the record.

10. The Township's Chief of Police, Brian Boldizar, submitted a review letter dated November 28, 2017 commenting upon the application and supporting submissions which is hereby incorporated into the record.
11. The applicant proposes 40 three-bedroom townhomes on individual lots around the perimeter of the site, and stacked townhomes with 20 three-bedroom and 20 two-bedroom units within the area bounded by a new 28 ft. wide circular access roadway to be called Kramer Court.
12. The individual townhomes around outer perimeter will each have a two-car garage and an 18 ft. wide driveway. The stacked townhomes will each have a one-car garage and a one-car driveway. The Residential Site Improvement Standards require a minimum of 190 parking spaces and a total of 256 parking spaces are provided. In addition, the 18 ft. wide driveways provided for the individual homes are rated as only providing one space each, but as a practical matter these can be used to park two cars. So there is ample parking provided for residents and guests.
13. The proposed street lighting is to be LED's which will provide an even level of lighting throughout that is compliant with applicable standards for uniformity and intensity.
14. The proposed tot lot will not be lighted.
15. A temporary sales trailer is proposed at the front of the site.
16. A conforming monument sign is proposed at the site entrance on Regars Drive.
17. There will be no direct vehicular access to Florence-Columbus Road.
18. Landscaping in conformance with applicable standards is proposed throughout the site with a mix of evergreen and deciduous plantings. The small existing berm at the rear of the property where it adjoins an existing residential development will be enhanced, and a landscaped new berm will be created along the front of the site. Ornamental fencing will be installed along Florence-Columbus road to mimic the style of nearby existing developments. Landscaping will be installed along the southeast side of the property where it abuts the Liquor Barn. There is a County drainage easement along that property line but there is no prohibition in that easement against such plantings because that drainage is piped from Florence-Columbus Road to the rear of the subject property and then onto the adjoining residential development.

19. The proposed stormwater management measures comply with applicable ordinances and NJDEP Regulations except that a *de minimus* waiver is requested to allow a wet basin with a smaller than required drainage area. The Board Engineer supports the requested *de minimus* waiver because of the impermeable soils at the site which make dry basin impractical, and presence of a high water table that will keep the basin wet even with stormwater inflows that may be smaller than typically relied upon. Stormwater will be collected from storm drains and inlets onsite into the wet basin at the rear of the property. The outflow from the basin will tie into the existing County drainage piping at the extreme rear of the subject property. Development of the subject property was contemplated at the time the residential development to the rear of the subject property was designed, and the required reductions in the rate and quantity of stormwater flows from the subject property should help the performance of the stormwater management systems within the existing adjoining residential development.

20. The proposed development complies with all applicable bulk standards.

21. All common improvements within the proposed development, except for Kramer Court which will be a public street, shall be owned and maintained by a Homeowners Association or Associations. The Township will maintain Kramer Court as a public street, and pick up trash and recyclables in the development; all other maintenance shall be the responsibility of the Homeowners Association(s).

22. The design will allow all trash and recyclables to be picked up by the typical equipment serving Township residences, including automated equipment now used to pick up recyclables.

23. The applicant's Traffic Engineer testified that onsite circulation and the new intersection of Kramer Court and Regars Drive will be safe and efficient. The Board Engineer concurs in this assessment. Burlington County has exclusive jurisdiction over the Regars Drive and Florence-Columbus Road intersection, but Mr. Mosely further testified that while there will be some reduction in the levels of service of that intersection, especially at peak traffic times, the intersection remains safe.

24. The applicant's representatives agreed on the hearing record to comply with the emergency access recommendations set forth in the Township Fire Official's letter of

12/13/17, and the unit and building numbering requests set forth in the Police Chief's letter of November 28, 2017. In addition, the applicant's representatives agreed to comply with the plan detail and design comments set forth in the review letters of the Board Planner dated December 18, 2017 and Board Engineer dated 12/14/18.

25. Public comment was offered on the proposed site plan by Philip Boyer, Subahn Numchanda, Joseph Marbach, Keith Watson, Sevvy Shama, and Jeff Hedeman. They are all residents of Leffler Circle, each spoke against the proposed development, and each expressed concerns about traffic and drainage in their lay testimony.

Conclusions of Law:

The Board finds that except for the requested *de minimus* waiver for drainage area that was amply justified in the hearing record, 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 preliminary and final major subdivision and 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 US Home Corporation d/b/a Lennar seeking preliminary and final major subdivision and site plan approval concerning an 8.87 acre parcel located at Florence-Columbus Road and Regars Drive, and known on the official Tax Maps of the Township of Florence as Lot 63 of Block 165.04, to allow development of 80 townhomes and associated site improvements, be and hereby is, **APPROVED**, subject to the following conditions:

1. Compliance with the emergency access recommendations set forth in the Township Fire Official's letter of 12/13/17.
2. Compliance with the unit and building numbering requests set forth in the Police Chief's letter of November 28, 2017.
3. Compliance with the plan detail and design comments set forth in the review letters of the Board Planner dated December 18, 2017 and Board Engineer dated 12/14/18.

4. Homeowners Association documents shall forbid or control excessive lighting and accessory buildings at the rear of the townhouse units.
5. Homeowners Association documents shall be submitted to the Board's professionals for review and approval prior to recording.
6. All taxes and escrow fees for professional review must be paid current and in full.
7. 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, including but not limited to: Florence Township Sewer Department, Florence Township Office of Construction Code Enforcement and Burlington County Planning Board. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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 PRELIMINARY and FINAL MAJOR SUBDIVISION and SITE PLAN:

Moved by : Mayor Wilkie
Seconded by : Mr. Molimock
In Favor : Mayor Wilkie, Mr. Molimock, Mr. McCue, Councilman Lovenduski, Mr. Montgomery, Mr. Morris, Chair Hamilton-Wood
Opposed : None
Recused : None
Absent : None

MOTION TO ADOPT RESOLUTION:

Moved by : Mr. Molimock
Seconded by : Mr. Montgomery
In Favor : Mr. Molimock, Mr. Montgomery, Mr. McCue, Mayor Wilkie, Chair Hamilton-Wood, Councilman Lovenduski
Opposed : None
Recused : None
Absent : Morris

FLORENCE TOWNSHIP PLANNING BOARD

Dated: 1/23/18

William Hamilton-Wood
, Chair

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Planning Board held on January 23, 2018 and memorializes a decision taken by the Board on December 21, 108.

Dated: 1-23-18

Karen Federico
, Secretary
(Acting)