

**FLORENCE TOWNSHIP PLANNING BOARD**

**RESOLUTION NO. P.B.-2018-08**

*Application PB#2017-04*

**RESOLUTION OF MEMORIALIZATION  
APPLICATION OF ACADEMY WOODS APARTMENTS  
BLOCK 148.01 LOT 3.01  
RC HIGH DENSITY RESIDENTIAL ZONING DISTRICT  
AMENDED FINAL MAJOR SITE PLAN  
APPROVAL**

**Application Decided: January 23, 2018**  
**Resolution Memorialized: February 27, 2018**

**WHEREAS**, Academy Woods Apartments has made application to the Florence Township Planning Board for an amended final major site plan approval concerning a 7.82 acre parcel located at 95 Cedar Lane, and known on the official Tax Maps of the Township of Florence as Lot 3.01 of Block 148.01, to allow construction of 79 additional parking spaces to serve the existing apartment complex at the subject property;

**WHEREAS**, the applicant is represented by Erin Szulewski, Esquire, of Parker McCay;

**WHEREAS**, the owner of the subject property, Brian Hunsberger, has authorized the applicant to make this application to the Board;

**WHEREAS**, upon a finding that proper hearing notices had been mailed and published, and that its jurisdiction was therefore proper, the Board granted waivers of certain ordinance checklist submission requirements as specified and recommended in the Board Engineer's letter of January 18, 2018 and his testimony in the course of the hearing, found the application administratively complete, and opened a hearing on the substance of the application at the Board's January 23, 2018 regular meeting;

**WHEREAS**, the applicant's Engineer, Mark Malinowski, PE of Stout & Caldwell, appeared, was sworn, was accepted as an expert in the field of site and civil engineering by the Board, and offered his testimony in support of the application;

**WHEREAS**, Mr. Brian Hunsberger, owner of the property and principal 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 has been authorized to make this application by the owner of the subject property, and therefore has standing to bring this application before the Board.
2. Application has been made for amended final major site plan approval concerning a 7.82 acre parcel located at 95 Cedar Lane, and known on the official Tax Maps of the Township of Florence as Lot 3.01 of Block 148.01 to allow construction of 79 additional 9' x 18' parking spaces to serve the existing apartment complex at the subject property. There are presently 147 parking spaces, and a total of 226 spaces would result from the proposed development, of which 8 would be handicapped accessible.
3. The subject property lies in the Township of Florence RC High Density Residential Zone District, in which the existing apartment use is permitted as-of-right.
4. The applicant has submitted proof of service and proof of publication of proper notice the amended major site plan hearing, and the Board has jurisdiction to hear the application.
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 Major Site Plan Application Checklist 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 9 sheets prepared by Stout & Caldwell dated 8/28/17 and revised through 01/08/18;
  - f. Submission cover letters dated 09/05/2017 and 09/06/17 prepared by the applicant's counsel;
  - g. A colored aerial view of the site and surrounding properties, introduced and entered into evidence in the course of the January 23, 2018 public hearing as Exhibit A-1;
  - h. A color rendering based upon the submitted site plan, introduced and entered into evidence in the course of the public hearing as Exhibit A-2;
  - 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 review letters commenting upon the application dated September 20, 2017 and January 18, 2018 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 September 20, 2017 and January 18, 2018 commenting upon the application which are hereby incorporated into the record.
  9. The Township's Fire Code Official, Brian Richardson, did not submit a review letter but offered testimony at the January 23, 2018 hearing.
  10. Approval of the submitted site plans would require a bulk variance for impervious coverage. Maximum permitted impervious g coverage is 40%, existing is 47% and 55% is proposed.
  11. Ordinarily, parking spaces are required to be 10 ft. x 20 ft. under Florence Township ordinance standards, but 9 ft. x 18 ft. spaces are proposed, and these are compliant with the size requirements of the Residential Site Improvement Standards ("RSIS"), so no variance is required.
  12. The RSIS would require a total of 224 spaces, so the applicant is providing only two more the required minimum number of spaces.

13. A playground area for small children and some trees are to be removed to provide space within the complex for the new parking. There are presently only 22 school-age children living in the apartment complex, and none of those children are young enough to use the playground area. The applicant's principal was amenable in the course of the public hearing to designating a space within the complex to which the playground equipment could be relocated, if in the future a need for such an amenity arises due to changed demographics of tenants.
14. A new stormwater basin is proposed to meet the water quality and quantity standards of applicable ordinances. The proposed stormwater management measures comply with applicable ordinances and NJDEP Regulations. No fence is proposed around the basin, which is very shallow and expected to be fully dry within 8 hours of a typical rainfall and within 72 hours of a 100 year storm.
15. New LED lighting and sidewalks are proposed around the perimeter of the new parking areas.
16. The Township Fire Code Official noted that as a result of the proposed development there will be more access within the site than presently exists, but he expressed his concerns about the ability of fire trucks to turn around at the end of the parking area. It was agreed that the end of the parking area would be reconfigured to allow for fire trucks to turn around, and that the reconfiguration could be subject to the administrative review and approval of the Township Fire Code Official, and Board Planner and Engineer. It would be acceptable to the Board if such reconfiguration resulted in the loss of those proposed parking spaces that are in excess of the RSIS requirement.
17. But for the impervious cover variance noted above, the proposed development complies with all other applicable use, bulk and design standards.
18. Public comment was offered on the proposed development by Jeff Avrin, 250 Morris Lane, who was concerned about the loss of green space and feared increased runoff from the site.

Conclusions of Law:

The Board finds that the requested bulk variance concerning impervious coverage associated with the proposed new parking may be approved pursuant to NJSA 40:55D-70(c) 2 because, on balance, the benefits to the community of the proposed overall improvement of the site through provision of adequate parking substantially outweighs any detriments that may flow from the requested variance. Overall, the purposes of the relevant ordinance standards are better addressed through the proposed development than through maintaining the *status quo*, and strict adherence to ordinance standards would prohibit these improvements. The balance skews more heavily in favor of the requested variance because all new stormwater is being managed in accord with applicable standards. The Board finds that the proposed variance does not pose a substantial detriment to the public good, nor does it substantially impair the zone plan and zoning ordinance.

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 Academy Woods Apartments seeking an amended final major site plan approval concerning a 7.82 acre parcel located at 95 Cedar Lane, and known on the official Tax Maps of the Township of Florence as Lot 3.01 of Block 148.01 to allow construction of 79 additional parking spaces to serve the existing apartment complex at the subject property, be and hereby is, **APPROVED**, subject to the following conditions:

1. The extreme end of the new parking area shall be reconfigured to allow for fire trucks to turn around. The reconfiguration shall be subject to the administrative review and approval of the Township Fire Code Official, and Board Planner and Engineer.
2. Compliance with the plan detail and design comments set forth in the review letter of the Board Engineer dated January 18, 2018.

3. The applicant shall work with the Board Planner to refine the proposed landscaping. Such refinements shall be subject to the administrative review and approval of the Board Planner.
4. The sidewalk width shall be increased to 6 ft.
5. If there is standing water remaining in the basin for a period longer than 48 hours after a design storm, the basin shall be enclosed within a fence.
6. The applicant shall show on the compliance plans a proposed new location for playground equipment to be installed in the event that it elects to do so to meet tenant needs.
7. All taxes and escrow fees for professional review must be paid current and in full.
8. 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: 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.
9. 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.
10. 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.
11. 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.
12. 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.

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

**MOTION TO ADOPT RESOLUTION:**

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

**FLORENCE TOWNSHIP PLANNING BOARD**

Dated: 2/27/18 Mildred Hamilton-Wood  
Mildred 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 February 27, 2018 and memorializes a decision taken by the Board on January 23, 2018.

Dated: 2-27-18 Karen Federico  
Karen Federico, Acting Secretary