

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. P.B.-2019-07

Application PB#2019-05

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF IPT ACQUISITIONS, LLC
“FLORENCE TURNPIKE CROSSING-EAST”
BLOCK 156.01 LOT 90
GRIFFIN PIPE PROPERTIES WEST FRONT STREET
REDEVELOPMENT PLAN
AMENDED FINAL MAJOR SUBDIVISION
APPROVAL**

**Application Decided:
Resolution Memorialized:**

**February 26, 2019
March 26, 2019**

WHEREAS, by way of its Resolution 2018-23, the Florence Township Planning Board granted preliminary and final major subdivision approval to IPT Acquisitions, LLC to allow creation of one approximately 72 acre parcel for development and five lots totaling approximately 23 acres to be conveyed to Florence Township, and preliminary and final major site plan approval to allow construction of a 528,000 sq. ft. warehouse distribution facility, along with associated site improvements, all concerning an approximately 95 acre parcel located on West Front Street and known on the official Tax Maps of the Township of Florence as Lot 156.01 of Block 90;

WHEREAS, the applicant now seeks amended final major subdivision to slightly reduce the areas of proposed areas of Parcels 1 and 2, and to increase the area of Parcel 6 (upon which the proposed warehouse distribution facility is to be built) to accommodate grant to the Township of Parcels 1 and 2 without certain areas of those parcels which the Township prefers not to own;

WHEREAS, no changes are now proposed to the previously approved major site plan for the proposed warehouse distribution facility to be developed on Parcel 6, and the areas added to Parcel 6 will be incorporated into the buffers for that proposed development;

WHEREAS, the applicant is represented by Christopher DeGrezia, Esquire, of Drinker, Biddle & Reath, LLP;

WHEREAS, the applicant is the owner of the subject property and therefore has standing to bring this application before the Board;

WHEREAS, upon a finding that its jurisdiction was proper, the Board reviewed administrative completeness of the application at the Board's February 26, 2019 regular meeting, granted waivers of certain ordinance checklist submission requirements as specified and recommended in the Board Engineer's letter of February 20, 2019 and his testimony in the course of the hearing, found the application administratively complete, and opened the substantive hearing on the application;

WHEREAS, the applicant's Engineer, Gregory Oman, PE, of Menlo Engineering Associates, appeared, was sworn, was acknowledged to have previously been accepted as an expert in the field of site and civil engineering, and offered his testimony 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 and therefore has standing to bring this application before the Board.
2. Application has been made for amended final major subdivision approval to allow reconfiguration of the previously approved major subdivision to slightly reduce the areas of proposed areas of Parcels 1 (now to be 1.72 acres) and 2 (now to be 7.65 acres), and to increase the area of Parcel 6 (now to be 74.88 acres). The revised subdivision plat now also reflects a small reduction in the area of Parcel 6 of .03 acre for a County right of way dedication.
3. No changes are now proposed to the previously approved major site plan for the proposed warehouse distribution facility to be developed on Parcel 6, and the areas added to Parcel 6 will be incorporated into the buffers for that proposed development.
4. No new bulk variances are required for approval of the amended subdivision.

5. The subject property is an approximately 95 acre parcel located on West Front Street and known on the official Tax Maps of the Township of Florence as Lot 156.01 of Block 90.
6. The subject property lies in a duly designated Redevelopment Area in which development is governed by the standards set forth in the “Florence-Griffin Pipe West Front Street Redevelopment Plan”, in which the proposed warehouse-distribution facility use is permitted as-of-right.
7. The applicant has submitted proof of service and proof of publication of proper notice of the amended final major subdivision hearing, and the Board has jurisdiction to hear this application.
8. 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 Subdivision 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. Subdivision Plans prepared Menlo Engineering Associates dated June 26, 2018 and revised through 1/25/19 (“Final Map”) and 1/18/19 (“Subdivision Plan”);
 - f. A colored aerial view of the site and surrounding properties entitled “Monitoring Well Exhibit” and dated 1/22/19 with the subdivision plan superimposed on the photograph, introduced and entered into evidence in the course of the public hearing as Exhibit A-1;
 - g. Application and Escrow Fees in accord with ordinance requirements;
 - h. An executed Escrow Agreement;
 - i. Form W-9 Request for Taxpayer Identification Number and Certification;
 - j. Executed corporate ownership disclosures in the form required by statute.
9. 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 February 20, 2019 which is hereby incorporated into the record.

10. The Board's Engineer, Hugh Dougherty, P.E., C.M.E. of Pennoni Associates, submitted a review letter dated February 20, 2019 commenting upon the application which is hereby incorporated into the record.
11. Public comment was offered on the proposed development Loretta Monteiro who was reassured that no new clearing not already approved as a part of the prior site plan approval was proposed as a part of this subdivision amendment.

Conclusions of Law:

The Board finds that the proposed amended major subdivision can be granted because no new variances are created as a result of the proposed amendments (all deviations from ordinance bulk standards associated with the proposed lots having been granted in conjunction with the Board's prior preliminary and final major subdivision approval) and the applicant has complied with the application requirements and procedures of the Board for approval of the requested development. Therefore, the proposed amended final major subdivision 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 IPT Acquisitions, LLC seeking amended final major subdivision approval to slightly reduce the areas of proposed areas of Parcels 1 and 2, and to increase the area of Parcel 6 (upon which a proposed warehouse distribution facility is to be built), all concerning an approximately 95 acre parcel located on West Front Street and known on the official Tax Maps of the Township of Florence as Lot 156.01 of Block 90, be and hereby is, **APPROVED**, subject to the following conditions:

1. All conditions of the Board's prior Resolution 2018-23 not expressly waived or altered by this approval shall remain in full force and effect.
2. The Board has relied upon the testimony of the witnesses and factual findings discussed in the body of this Resolution, and such testimony and findings are incorporated as conditions of this approval as though set forth at length herein.
3. The amended final major subdivision shall be perfected by filing a plat in the Office of the Burlington County Clerk.

4. All taxes and escrow fees for professional review must be paid current and in full.
5. 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 Water & Sewer Department, Florence Township Office of Construction Code Enforcement, Burlington County Planning Board and NJDEP. 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.
6. 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.
7. If another governmental agency grants a waiver or variance of a regulation, materially deviating from 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.
8. 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.
9. 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.
10. The applicant shall post a performance guarantee as required by N.J.S.A. 40:55D-53 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.
11. 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 SUBDIVISION:

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

MOTION TO ADOPT RESOLUTION:

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

FLORENCE TOWNSHIP PLANNING BOARD

Dated: 3/26/19


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 March 26, 2019 and memorializes a decision taken by the Board on February 26, 2019.

Dated: 3/26/19


Wayne Morris, Secretary