

**FLORENCE TOWNSHIP PLANNING BOARD  
RESOLUTION NO. P.B.-2019-08**

*Application PB#2019-03*

**RESOLUTION OF MEMORIALIZATION  
APPLICATION OF AID ELECTRIC CORPORATION  
“READY PAC PROPERTY”  
BLOCK 147.01 LOT 3.11  
SM SPECIAL MANUFACTURING ZONE DISTRICT  
MINOR SITE PLAN WITH BULK VARIANCES  
APPROVAL**

**Application Decided: February 26, 2019  
Resolution Memorialized: March 26, 2019**

**WHEREAS**, AID Electric Corporation has made application to the Florence Township Planning Board seeking minor site plan approval with bulk variances to allow installation of an auxiliary generator system to the west of the existing Ready Pac building at a property located at 700 Railroad known on the official Tax Maps of the Township of Florence as Lot 147.01 of Block 3.11;

**WHEREAS**, the proposed auxiliary generator system is comprised of two 1400kW natural gas powered generators, one 900kW diesel powered generator a PSE&G metering station, a 15kV Generator Gear, three transformers, three breaker boxes, natural gas service and related plant equipment;

**WHEREAS**, the applicant is represented by Katharine A. Coffey, Esquire, of Day, Pitney, LLP;

**WHEREAS**, the owner of the subject property, Foxdale Properties, LLC has consented to the making of this application;

**WHEREAS**, upon a finding that its jurisdiction was proper, the Board granted waivers of certain ordinance checklist submission requirements as specified and recommended in the Board Engineer’s letter of January 16, 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, Robert Stout, PE, of Stout & Caldwell Engineers, LLC, 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 owner of the subject property has consented to the making of this application, and the applicant therefore has standing to bring this application before the Board.
2. Application has been made for minor site plan approval with bulk variances to allow installation of an auxiliary generator system to the west of the existing Ready Pac building.
3. Variances are required for approval of the plans because the generator installation is proposed to be a minimum of 10 ft. from the westerly sideline of the subject property when a 50 ft. setback is required, and the generators are proposed to be less than the required 50 ft. from the principal building.
4. The subject property is an approximately 17.49 acre parcel located at 700 Railroad Ave. and known on the official Tax Maps of the Township of Florence as Lot 147.01 of Block 3.11.
5. The subject property lies in the Township's SM Special Manufacturing Zone District in which the Ready Pac use is permitted as of right and the proposed generator installations are permitted accessory uses and structures.
6. The applicant has submitted proof of service and proof of publication of proper notice of the minor site plan hearing, and the Board has jurisdiction to hear this application.
7. 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 Minor Site Plan Application Checklist of Submission Requirements;
  - c. Completed Township of Florence Variance Application Checklist 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. Minor Site Plan comprised of one sheet prepared Robert Stout, PE, of Stout & Caldwell Engineers, LLC, date 11/15/18;
  - g. A colored aerial view of the site and surrounding properties with the subject parcel outlined in black and the area of the proposed generators outlined in red, introduced and entered into evidence in the course of the public hearing as Exhibit A-1;
  - h. A blowup of the colored aerial view of the site focused on the area of the proposed generators, introduced and entered into evidence in the course of the public hearing as Exhibit A-2;
  - i. Application and Escrow Fees in accord with ordinance requirements;
  - j. An executed Escrow Agreement;
  - k. Form W-9 Request for Taxpayer Identification Number and Certification;
  - l. Executed corporate ownership disclosures in the form required by statute.
8. 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 January 29, 2019 which is hereby incorporated into the record.
  9. The Board’s Engineer, Hugh Dougherty, P.E., C.M.E. of Pennoni Associates, submitted a review letter dated January 16, 2019 commenting upon the application which is hereby incorporated into the record.
  10. An existing shed that is used for storage or exterior maintenance equipment and supplies and that appears to straddle the property line will be moved to a location not less than 35 ft. from the westerly property line.
  11. The principal structure is located only 8.3 ft. from the property line, and the proposed generators and associated equipment are proposed for their non-conforming location because that is where existing utilities and backup generators systems are located.
  12. A railroad right of way adjoins the subject property to its west.
  13. It is not feasible to locate the proposed generators in a conforming location because of locations of the existing building and existing utilities.

14. The shed cannot be located in a fully conforming place due to other existing improvements.
15. The proposed generators and associated equipment will be placed on concrete pads and result in minimal additional impervious surface.
16. The generators will be used to keep the facility in operation during brown outs and black outs, and at other times of high demand on the electric grid, and are sufficient to sustain full operation of the facility.
17. The equipment will comply with applicable noise standards and are subject to NJDEP permitting that limits operation of the diesel unit to a maximum of 100 hours per month and the natural gas units to 2000 hours per year, unless there is an emergency. If un-used, the generators will be exercised monthly during regular business hours on weekdays.
18. No public comment was offered on the proposed development.

Conclusions of Law:

The Board finds that the proposed side yard setback variances for accessory structures can be granted pursuant to NJSA 40:55D-70(c)(1), because the location of the existing principal structure precludes placement of the generators and supporting equipment in a conforming location, and other lawful improvements similarly block placement of the relocated shed in a fully conforming location. Strict adherence to the ordinance setback standard would preclude feasible installation of necessary infrastructure at the property. Since the property adjoins a railroad right of way (not a developed parcel), grant of the requested setback variances would create minimal detriments to the public good. The proposed deviations do not create any substantial detriments to zone plan because the underlying use and associated accessory uses are permitted and the proposed locations of these accessory structures will have very limited visibility or impact to any adjoining properties. Therefore, the Board finds it appropriate, subject to appropriate conditions, to grant the requested variances.

The Board finds that the proposed minor site plan can be granted because, except for the variances discussed above, the proposed development is consistent with applicable ordinance standards, and the applicant has complied with the application requirements and procedures of the Board for approval of the requested development. Therefore, the proposed minor 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 AID Electric Corporation seeking minor site plan approval with bulk variances to allow installation of an auxiliary generator system to the west of the existing Ready Pac building at a property located at 700 Railroad known on the official Tax Maps of the Township of Florence as Lot 147.01 of Block 3.11, be and hereby is, **APPROVED**, subject to the following conditions:

1. All conditions of prior Resolutions of the Planning and Zoning Boards concerning the subject property and 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 equipment will comply with applicable noise standards.
  4. If un-used, the generators will be exercised monthly during regular business hours on weekdays.
  5. Compliance with the plan details under items #5 & 6 on page 3 of the Board Engineer's letter of January 29, 2019.
  6. Compliance with the plan details and comments set forth in "General Comments" items #3, 4, 5, 6 (by relocating the walkway not the generator) &7 on page 3 of the Board Planner's letter of January 16, 2019.
  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: 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.
  9. Any additional development on the subject property or any substantial 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, 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.
  11. 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.
  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 as required and permitted 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.
14. 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 MINOR SITE PLAN WITH BULK VARIANCES:**

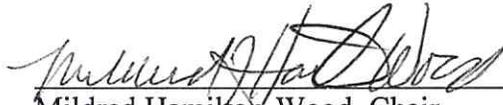
Moved by : Vice Chair Garganio  
Seconded by : Mr. Montgomery  
In Favor : Vice Chair Garganio, Mr. Montgomery, Mr. McCue, Mr. Morris, Councilman Lovenduski, Mr. Pagano, Chair Hamilton-Wood  
Opposed : None  
Recused : None  
Absent : Mayor Wilkie

**MOTION TO ADOPT RESOLUTION:**

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

**FLORENCE TOWNSHIP PLANNING BOARD**

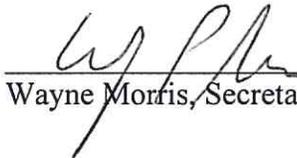
Dated: 3/26/19

  
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