FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. P.B.-2019-09

Application PB#2019-04

RESOLUTION OF MEMORIALIZATION
APPLICATION OF BURLINGTON COAT FACTORY
PRELIMINARY and FINAL MAJOR SITE PLAN
BLOCK 160.01, LOT 1.01
HC HIGHWAY COMMERCIAL ZONING DISTRICT
BURLINGTON CAMPUS PHASE II REDEVELOPMENT PLAN
APPROVAL

Completeness Determination:	**January 22, 2019**
Decided:	**February 26, 2019**
Resolution Memorialized:	**March 26, 2019**

WHEREAS, Burlington Coat Factory, a corporation whose principal place of business is 1830 Route 130 North, Burlington, New Jersey, has made application to the Florence Township Planning Board for preliminary and final major site plan approvals to allow development of Phase II of its corporate headquarters campus including a 217,617 sq. ft. addition to its existing office building, reconfiguration of existing parking and stormwater facilities, and construction of additional parking, lighting, landscaping and stormwater facilities at a 49.07 acre parcel of land located on the southeast side of Route 130 adjoining Burlington Township and known on the Official Tax Map of the Township of Florence as Block 160.01, Lot 1.01;

WHEREAS, by way of its Resolution 2012-14 dated December 5, 2012, the Board granted minor subdivision, and preliminary and final major site plan approvals to divide the mother parcel of which the subject property was a part into three parcels, and to construct on then-proposed new Lot 1.01 a new 198,000 sq. ft. office building with a four-story 144,000 sq. ft. wing and a 54,000 sq. ft. three-story wing, and associated site improvements concerning property;

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WHEREAS, by way of its Resolution 2017-09 dated July 25, 2017, the Board granted amended preliminary and final site plan approvals concerning the subject property to allow construction of a net-metered accessory solar array at the subject property;

WHEREAS, by way of its Resolution 2018-20 dated August 28, 2018, the Board granted a second amended preliminary and final major site plan approvals to allow construction of a net total of 114 additional car parking spaces;

WHEREAS, the Board's 2012 and 2017 approvals have been implemented by the applicant (except for a 72,000 sq. ft. building addition that was approved in 2012 that was not built), but the current application seeks approval of development intended to take place instead of construction of the parking design that was approved by the Board in 2018 and the building addition that was a part of the original 2012 approval;

WHEREAS, the applicant is the owner the subject property and therefore has standing to appear before the Board;

WHEREAS, the applicant is represented by John Gillespie, Esquire of the Parker McCay firm;

WHEREAS, the Board found the application administratively complete at its January 22, 2019 regular meeting;

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 February 26, 2019 regular meeting;

WHEREAS, the applicant's engineer, Robert R. Stout, PE, of Stout & Caldwell, and Traffic Engineer, Nathan Moseley, PE, or Shropshire Associates, LLC, appeared, were sworn, were accepted as experts in their respective fields by the Board, and offered their testimony in support of the application;

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WHEREAS, the applicant's Vice President for Facilities, Shirley Culman, was sworn and offered her 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. Burlington Coat Factory, a corporation whose principal place of business is 1830 Route 130 North, Burlington, New Jersey, has made application to Florence Township Planning Board for preliminary and final major site plan approvals to allow development of Phase II of its corporate headquarters campus including a 217,617 sq. ft. addition to its existing office building, reconfiguration of existing parking and stormwater facilities, and construction of additional parking, lighting, landscaping and stormwater facilities on a 49.07 acre parcel of land located on the southeast side of Route 130 adjoining Burlington Township and known on the Official Tax Map of the Township of Florence as Block 160.01, Lot 1.01
2. The applicant is owner of the subject property, and therefore has standing to bring these applications before the Board.
3. The subject property lies in the Township of Florence HC Highway Commercial Zone District.
4. The proposed development has been designed by the applicant, and reviewed by the Board, under the standards of the "Burlington Campus Phase II Redevelopment Plan" pertaining to the subject properties prepared by Environmental Resolutions, Inc., and duly adopted by the governing body pursuant to NJSA 40A:12A-1 *et seq.*.
5. The proposed office building use is a principal permitted use in the HC Zone District, and under the applicable Redevelopment Plan, therefore jurisdiction to hear the application is proper in the Planning Board.
6. The applicant has submitted proper proofs of service of notice and proof of publication of notice of the major 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:

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a. A completed Township of Florence Land Development Application;
b. A completed Township of Florence Major Site Plan Application Checklist of Submission Requirements;
c. Township of Florence Tax Collector's Certifications that no taxes were due on the subject properties at the time of the application;
d. Site Plan drawings comprised of 24 sheets prepared by Stout and Caldwell Engineers, LLC and dated 01/10/19 and last revised 2/19/19;
e. Stormwater Management Report prepared by Stout and Caldwell Engineers, LLC and dated January 2019;
f. Operations and Maintenance Manual for Stormwater Management Facilities prepared by Stout and Caldwell Engineers, LLC and dated January 2019;
g. Municipal Services and Utilities Impact Statement prepared by Stout and Caldwell Engineers, LLC and dated January 2019;
h. Traffic Engineering Assessment prepared by Shropshire Associates, LLC dated January 8, 2019;
i. Architectural drawings comprising 6 sheets (A200- A400) entitled "Burlington Corporate Headquarters, HQ2, 2006 Route 130 North, Burlington, New Jersey 08016 prepared by Hammel, Green & Abrahamson, Inc., dated February 11, 2019;
j. A 1st Floor Plan architectural plan, and a perspective elevation color rendering of the proposed building addition in an 11" x 17" format;
k. Burlington County Planning Board approval letter dated February 14, 2019;
l. Township of Florence Land Use Escrow Agreement;
m. Certified List of Property Owners within 200' of the subject parcels;
n. Application and escrow fees as required by ordinance;
o. Ownership disclosure as required by statute;
p. Response email of the applicant's Engineer dated February 11, 2019;
q. Response letter of the applicant's Engineer dated February 19, 2019;

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r. An aerial view of the subject property (State photography dated 2015), introduced and entered into evidence in the course of the February 26, 2019 hearing as Exhibit A-1";

s. A color rendering of the submitted Landscape Plan Sheet, introduced and entered into evidence in the course of the February 26, 2019 hearing as Exhibit "A-2";

t. A color rendering of the proposed front building elevation, introduced and entered into evidence in the course of the February 26, 2019 hearing as Exhibit "A-3";

u. A color rendering of the proposed rear building elevation, introduced and entered into evidence in the course of the February 26, 2019 hearing as Exhibit "A-4";

v. A color rendering of the proposed south building addition elevation, introduced and entered into evidence in the course of the February 26, 2019 hearing as Exhibit "A-5";

w. A perspective elevation color rendering of the proposed building addition, introduced and entered into evidence in the course of the February 26, 2019 hearing as Exhibit "A-6".

8. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted review letters dated January 17, 2019, February 18, 2019 and February 21, 2019 commenting upon the application, which are hereby incorporated into the record.

9. The Board's Planner, Barbara Fegley, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted a review letter commenting upon the application dated February 21, 2019, which is hereby incorporated into the record.

10. The Township Fire Official, Brian T. Richardson, submitted a review letter commenting upon the application dated January 22, 2019, which is hereby incorporated into the record.

11. The Township's Environmental Commission, submitted a review letter dated February 8, 2019, which is hereby incorporated into the record.

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12. The proposed development is entirely consistent with the applicable standards in the relevant Redevelopment Plan except for two variances requested for the façade sign to be constructed on the proposed building addition. A height of 5 ft. is permitted, where a height of 13 ft. is proposed, and sign area of 100 sq. ft. is permitted where sign area of 169 sq. ft. is proposed. The applicant's Engineer testified that the proposed building is setback so far from the Route 130 roadway that a smaller sign would not be identifiable, and that the scale of the proposed sign is consistent with the overall scale of the proposed building addition façade. Ms. Fegley concurred with Mr. Stout's testimony.
13. The overall site will continue to meet all applicable stormwater standards except for the infiltration standard under the NJDEP's Best Management Practices. The site has always essentially infiltrated all stormwater from the design storm within its own boundaries and will continue to do so after completion of the currently proposed development. The result is more infiltration than called for under the applicable NJDEP standard, so a waiver is necessary if the proposed plan is to be adopted.
14. The proposed additional and reconfigured existing lighting and landscaping continues to meet applicable standards.
15. There are presently 826 automobile parking spaces, 1286 spaces are required under the applicable ordinance standard, and a total of 2000 spaces are now proposed based upon the applicant's experience with current usage.
16. The expanded Headquarters campus building will principally house office space, but an 11,000 sq. ft. "Event Center" is proposed as well. The Event Center will be used for meetings of the applicant's personnel, vendors, suppliers and invitees, but not for outside third party events.
17. A traffic light at the site's principal entrance on Route 130 has been conceptually approved by NJDOT. The submitted Traffic Engineering Analysis, and Mr. Moseley's testimony, demonstrate that, in conjunction with the existing signalized entrance and exit intersection to the south in Burlington Township near the warehouse operated by the applicant (for which cross access easements were provided as a part of the Board's 2012 approval), the principal entrance for the site

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in Florence will function adequately as a "right-in, right-out only" intersection. But, it would be a substantial improvement if the entrance and exit intersection were signalized to allow traffic to also come and go from the southbound lanes of Route 130. Such improvement is not a condition of this approval, though it will be welcomed if it is constructed.

18. A pedestrian connection from the Headquarters building to Route 130 is proposed, and the applicant has agreed to construct sidewalks along the site's Route 130 frontage in Florence Township. Because of the potential delay and uncertainty concerning the final configuration of the site's entrance at Route 130 pending final approval by NJDOT of a signalized intersection, these sidewalks will be separately bonded by the applicant and likely not constructed as a part of the other development contemplated by this approval. The Route 130 sidewalks shall be constructed either as a part of the entrance intersection signalization improvements, or if such improvements are not approved by NJDOT, upon such denial.
19. The applicant's representatives agreed to comply with the comments set forth in the review letters of the Township's Fire Code Official dated January 22, 2019, and with all of the plan detail and design comments of the Board Planner's letter of February 21, 2019, except for the comment calling for drip irrigation along the Route 130 frontage.
20. The Board finds the testimony of the applicant's experts and representative credible and probative.
21. No public comment was offered on the proposed development.

Conclusions of Law:

The Board finds that the proposed bulk variances associated with the height and area of the proposed façade sign can be granted pursuant to NJSA 40:55D-70(c)2 because the benefits to the community of properly visible signage for this significant use substantially outweighs any detriment to the public good or impairments to the zone plan that could result

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from such deviations from ordinance standards, especially in light of the overall scale of the proposed building and its distance from Route 130.

The Board further finds that the design waiver for "over-infiltration" of stormwater should be approved because it makes practical sense to continue a pattern of stormwater management that has long worked on this site.

Except for the referenced bulk variances pertaining to signage and the stormwater design exception, the proposed major site plan (upon fulfillment of the conditions of approval) will fully comply with the standards of the applicable Redevelopment Plan and other relevant Township Ordinances and should be approved.

The applicant has complied with the substantive standards, application requirements and procedures of the Board for approval of the requested development. Therefore, the proposed preliminary and 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 Burlington Coat Factory seeking preliminary and final major site plan approvals to allow development of Phase II of its corporate headquarters campus including a 217,617 sq. ft. addition to its existing office building, reconfiguration of existing parking and stormwater facilities, and construction of additional parking, lighting, landscaping and stormwater facilities on a 49.07 acre parcel of land located on the southeast side of Route 130 adjoining Burlington Township and known on the Official Tax Map of the Township of Florence as Block 160.01, Lot 1.01, be, and hereby is, approved, subject to the following conditions subsequent which do not toll the running of the time for appeal:

1. All conditions of prior approvals not expressly waived or modified by this Resolution shall remain in full force and effect as though set forth at length herein.
2. Compliance with the with the comments set forth in the review letter of the Township's Fire Code Official dated January 22, 2019, and with all of the plan detail

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and design comments of the Board Planner's letter of February 21, 2019, except for the comment calling for drip irrigation along the Route 130 frontage.

3. Because of the potential delay and uncertainty concerning the final configuration of the site's entrance at Route 130 pending final approval by NJDOT of a signalized intersection, the sidewalks proposed along the Florence part of the applicant's property shall be separately bonded by the applicant and are not required to be constructed as a part of the other development contemplated by this approval. The Route 130 sidewalks shall be constructed either as a part of the entrance intersection signalization improvements, or if such improvements are not approved by NJDOT, upon such denial.
4. Compliance by the applicant with affordable housing obligations, if any, in accord with Township ordinances and State statutes in effect at the time of issuance of a Certificate of Occupancy.
5. All taxes and escrow fees for professional review must be paid current and in full.
6. Any additional development on the subject property or any substantial modification to any development pursuant to, or inconsistent with, this approval and the drawings and exhibits presented by the applicant in support of the application or testimony leading to this approval shall require revised approval of this Board.
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: Burlington County Planning Board and Burlington County Soil Conservation District. 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 such additional approvals as may be required and shall provide the Board with copies of all reports and approvals for same, including copies of any and all applications filed.
8. If another governmental agency grants a substantial 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.

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9. The form of any permits, deeds, easements, vacations, dedications or other documents related to this proposed development shall be reviewed by the Board Attorney and Board Engineer for consistency with this approval 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 (to the extent permitted by current statutes) in an amount accepted by the Township Council after recommendation by the Municipal Engineer and in a form approved by the Township Solicitor.

BE IT FURTHER RESOLVED, that a brief notice of these decisions be published 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. In the event that the applicant does not implement this approval within two years of the date hereof (or such other extended date as may be provided by statute or Board action), this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

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MOTION TO GRANT PRELIMINARY and FINAL

MAJOR SITE PLAN APPROVAL:

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

MOTION TO ADOPT RESOLUTION:

Moved by	:	Vice Chair Garganio
Seconded by	:	Mr. Morris
In Favor	:	Vice Chair Garganio, Mr. Morris, Mr. Pagano, Councilman Lovenduski, Chair Hamilton-Wood
Opposed	:	None
Abstained	:	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

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