

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. P.B.-2019-14

Application PB#2019-07

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF FLORENCE ASSOCIATES, LLC
PRELIMINARY and FINAL MAJOR SITE PLAN
MINOR SUBDIVISION
BLOCK 160.01, LOTS 4, 11.01, 11.02 & 24
HC HIGHWAY COMMERCIAL ZONING DISTRICT
WEISS PROPERTIES REDEVELOPMENT PLAN
APPROVALS**

**Completeness Determination: March 26, 2019
Decided: May 28, 2019
Resolution Memorialized: June 25, 2019**

WHEREAS, Florence Associates, LLC, whose business address is 41 Bayard Street, 2nd Floor, New Brunswick, New Jersey 08901, has made application to the Florence Township Planning Board for minor subdivision approval to allow creation of three re-configured new lots (of 9.53 acres, 4.27 acres and 3.0 acres) from the four existing lots, and preliminary and final major site plan approvals to allow development of a 104 room four-story hotel, a 6,034 sq. ft. restaurant or retail building, and an inclusionary apartment development comprised of ten apartment buildings with a total of 92 one-bedroom units, 140 two-bedroom units and 8 three-bedroom units, a clubhouse, a maintenance garage with on-site manager's apartment above, and a trash & recycling center at a 16.80 acre parcel of land located at 2054 Route 130 North and known as Block 160.01, Lots 4, 11.01, 11.02 and 24 on the Florence Township Tax Maps;

WHEREAS, the proposed development also encompasses necessary site improvements including parking, lighting, landscaping and stormwater facilities, as well as off-site improvements to the Cedar Lane and Route 130 intersection;

WHEREAS, the owners of the subject properties have consented to the making of this application, and the NJDOT has granted conceptual approval to the proposed intersection improvements at Cedar Lane and Route 130 that would add some lands now owned by NJDOT to the area for which approval is now sought, and the applicant therefore has standing to bring these applications before the Board;

WHEREAS, the applicant is represented by Richard Hoff, Esquire of Bisgaier-Hoff;

WHEREAS, the Board found the application administratively complete at its March 26, 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 May 28, 2019 regular meeting;

WHEREAS, the applicant's engineer, Robert R. Stout, PE, of Stout & Caldwell, and Traffic Engineer, Matthew J. Steckler, PE, PP, PTOE of Stonefield Engineering and Design, LLC, and Architect, Victor Barr, RA, appeared, were sworn, were accepted as experts in their respective fields by the Board, and offered their testimony in support of the application;

WHEREAS, the applicant's Vice President Yonasan Nevanansky, was sworn 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. Florence Associates, LLC, has made application to the Florence Township Planning Board for minor subdivision approval to allow creation of three re-configured new lots: one Lot of 9.53 acres in area (upon which the first five apartment buildings, clubhouse, maintenance garage and recycling center will be built); a second Lot of 4.27 acres (upon which the second group of five apartment buildings will be built); and a third Lot 3.0 acres (upon which the proposed hotel

and restaurant will be built), from the four existing lots that now comprise the existing overall 16.80 acre parcel.

2. Florence Associates, LLC, has also made application for preliminary and final major site plan approvals to allow development of a 104 room four-story hotel, a 6,034 sq. ft. restaurant or retail building, and an inclusionary apartment development comprised of ten apartment buildings with a total of 92 one-bedroom units, 140 two-bedroom units and 8 three-bedroom units, a clubhouse, a maintenance garage with on-site manager's apartment above, and a trash & recycling center.
3. The proposed apartments are to be an inclusionary development that provides 6 one-bedroom, 20 two-bedroom and 10 three-bedroom apartment units that are subject to affordability controls in furtherance of Florence Township's efforts to meet its obligations under the Mount Laurel doctrine.
4. The proposed development also encompasses necessary site improvements including parking, drive aisles, lighting, landscaping and stormwater facilities, as well as offsite improvements to the Cedar Lane and Route 130 intersection. These off-site improvements include removal of the existing "forward jug-handle" that provides right hand turning movements onto Cedar Lane from north-bound Route 130 and replacement of that jug-handle with a smaller "slip-ramp", and construction of a new roundabout on Cedar Lane where it meets Hunt Circus Drive. The new roundabout and Route 130 intersection improvements are subject to approval by the NJDOT and Burlington County. The new roundabout (and associated crosswalks for pedestrians) will provide access to the site from Cedar Lane. A "right-in, right-out only" entrance and exit driveway from northbound Route 130 is also provided at the western end of the site's Route 130 frontage.
5. The development is proposed to be constructed in two phases with sub-phases within the first phase. The phase noted on the submitted plans as Phase IA will include the hotel and retail/restaurant buildings, and the phase noted on the submitted plans as Phase IB (which will likely be constructed before Phase IA) will include the first five apartment buildings, the clubhouse, the maintenance garage with on-site manager's apartment above, and the trash & recycling center.

The second group of five apartment buildings at the western side of the site will be constructed as Phase II. The off-site improvements are proposed to be constructed in conjunction with Phase I.

6. The applicant has standing to bring these applications before the Board.
7. The subject property lies in the Township of Florence HC Highway Commercial Zone District at 2054 Route 130 South and is known as Block 160.01, Lots 4, 11.01, 11.02 and 24 on the Florence Township Tax Maps.
8. The proposed development has been designed by the applicant, and reviewed by the Board, under the standards of the “Weiss Properties 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.*
9. The proposed uses are permitted uses under the applicable Redevelopment Plan, therefore jurisdiction to hear the application is proper in the Planning Board.
10. The applicant has submitted proper proofs of service of notice and proof of publication of notice of the minor subdivision and major site plan hearing, and the Board has jurisdiction to hear this application.
11. The applicant has submitted the following documents in support of its application:
 - a. A completed Township of Florence Land Development Application;
 - b. A completed Township of Florence Major Site Plan Application Checklist of Submission Requirements;
 - c. A completed Township of Florence Minor Subdivision Application Checklist of Submission Requirements;
 - d. Township of Florence Tax Collector’s Certifications that no taxes were due on the subject properties at the time of the application;
 - e. Minor Subdivision Plan Sheet 1 of 1 prepared by Stout and Caldwell Engineers, LLC and dated 03/05/19;
 - f. Site Plan drawings comprised of 21 sheets prepared by Stout and Caldwell Engineers, LLC and dated 03/05/19 and last revised 04/30/19;
 - g. Stormwater Management Report prepared by Stout and Caldwell Engineers, LLC and dated 03/05/19 and last revised 04/30/19;

- h. Operations and Maintenance Manual for Stormwater Management Facilities prepared by Stout and Caldwell Engineers, LLC and dated 03/05/19;
- i. Environmental Impact Statement prepared by Stout and Caldwell Engineers, LLC and dated 03/05/19;
- j. Municipal Services and Utilities Impact Statement prepared by Stout and Caldwell Engineers, LLC and dated 03/05/19;
- k. Traffic Engineering Assessment prepared by Matthew J. Steckler, PE, PP, PTOE, and Charles T. Olivo, PE, PP, PTOE, of Stonefield Engineering and Design, LLC dated February 27, 2019;
- l. Architectural drawings of comprising 11 sheets entitled "Florence Development" prepared by VLBJR Architects dated March 7, 2019;
- m. Architectural Plans & Elevations for "Town Place Suites by Marriot" comprised of three sheets dated 12/1/15;;
- n. NJDEP Freshwater Wetlands Letter of Interpretation concerning the subject properties marked March 19, 2018;
- o. Township of Florence Land Use Escrow Agreement;
- p. Certified List of Property Owners within 200' of the subject parcels;
- q. Application and escrow fees as required by ordinance;
- r. Ownership disclosure as required by statute;
- s. An colored aerial view of the subject and nearby properties (State photography dated May 2019), introduced and entered into evidence in the course of the May 28, 2019 hearing as Exhibit A-1";
- t. A color rendering of the submitted Landscape Plan Sheet, introduced and entered into evidence in the course of the May 28, 2019 hearing as Exhibit "A-2";
- u. A color rendering of the proposed front building elevation of the proposed clubhouse building as seen from the proposed cedar Lane roundabout, introduced and entered into evidence in the course of the May 28, 2019 hearing as Exhibit "A-3";

- v. A color rendering of the proposed typical apartment building elevation, introduced and entered into evidence in the course of the May 28, 2019 hearing as Exhibit “A-4”;
 - w. A color photo-simulation of the front of the proposed hotel building, introduced and entered into evidence in the course of the May 28, 2019 hearing as Exhibit “A-5”.
12. The Board’s Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted review letters dated March 19, 2019, and May 17, 2019 commenting upon the application, which are hereby incorporated into the record.
 13. The Board’s Planner, Barbara Fegley, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted a review letter commenting upon the application dated May 17, 2019, which is hereby incorporated into the record.
 14. The Township Fire Official, Brian T. Richardson, submitted a review letter commenting upon the application dated May 22, 2019, which is hereby incorporated into the record.
 15. The Township’s Environmental Commission submitted a review letter dated April 11, 2019, which is hereby incorporated into the record.
 16. The Township’s Chief of Police submitted a review letter dated May 2, 2019, which is hereby incorporated into the record.
 17. The proposed development is entirely consistent with the applicable standards in the relevant Redevelopment Plan. No variances or design exceptions are required for approval of the submitted plans except for a design exception from the Township’s design standard that requires provision of sidewalks along the entirety of the site’s frontages on Route 130 and Cedar Lane. The applicant proposes to provide sidewalks along all frontages except at the southeast corner of the site along Cedar Lane, where there is an extensive area of wetlands and wetlands transitions areas along the roadway. Burlington County has undertaken to do the extensive environmental permitting necessary to construct sidewalks in this area and the County will build the sidewalks when all necessary permits have been

granted. A design exception is therefore appropriate to allow this deviation from the sidewalk standard otherwise applicable throughout the Township.

18. The overall site will meet all applicable stormwater standards under Florence Township Ordinances and NJDEP regulations.
19. The proposed lighting, landscaping and buffering meet applicable standards. The lighting has been mounted at a height of only 16 ft. above grade (when 18-22ft. is more typical for such development) in order to better maintain the residential character of the apartment area and minimize off-site light spillage.
20. All signage is proposed to be consistent with the standards set forth in the applicable Redevelopment Plan.
21. The development is proposed to be served by public water and sewer provided by Florence Township's Water and Sewer Department. The water supply system will be "looped", in order to better provide for fire safety.
22. Parking within the apartment areas meets applicable standards under the Residential Site Improvement Standards. 462 spaces are required and 472 spaces are proposed.
23. Parking for the hotel, retail/restaurant building and clubhouse areas meet the relevant standards under the Redevelopment Plan. 94 spaces are provided for the proposed hotel and 71 spaces are provided for the proposed retail/restaurant building. Under applicable standards 20 spaces are required if the retail/restaurant building were to be used for retail, and 69 spaces are required if it were to be used as a restaurant.
24. All spaces are 9 ft. x 18 ft., and ADA compliance has been addressed in appropriate locations throughout the site.
25. The trash & recycling center is proposed to be within a masonry enclosure, will be ADA compliant, and will include a compactor system.
26. The apartment above the proposed maintenance garage will have be a three bedroom unit and will be used solely for an on-site manager.
27. Cross easements for access and utilities are proposed for all three new Lots.

28. The stormwater basin is proposed as a “detention” basin that will maintain a four foot depth of water under normal conditions. The basin will be fenced. Two aerators will be provided to maintain water quality.
29. The Board expressed concerns about the distance of the proposed crosswalk over Cedar Lane from the Cedar Lane and Route 130 intersection. The applicant’s representatives agreed to work with the County and NJDOT to attempt to provide a crosswalk over Cedar Lane nearer Route 130 than presently shown. The applicant’s representatives also agreed to provide a four foot (4’) decorative fence in addition to the landscaping already provided along the Cedar Lane frontage between the development entrance and northeastern corner of the site (closest to Route 130) to discourage pedestrians seeking to cross Cedar Lane in unmarked locations.
30. The applicant’s representatives agreed to comply with the comments set forth in the review letters of the Township’s Fire Code Official and Police Chief, and with all of the plan detail and design comments of the Board Planner and Engineer’s letters of May 17, 2019.
31. The Board finds the testimony of the applicant’s experts and representative credible and probative.
32. Public comment was offered on the proposed development by Anthony Drangula of 2124 Route 130 (who had questions about how the trash & recycling facility would work, stormwater and sidewalks), Fritz Wainwright of 1011 Cedar Lane (who asked that consideration be given to redesigning the proposed center divider for Cedar Lane near the roundabout so that he could continue to make left turns out of his driveway, and also expressed his concern that the proposed roundabout will back up traffic on Cedar Lane), and Paula Franta of 18 Tall Timbers Drive (who expressed concerns about the proximity of the proposed development from her home and added runoff, and opined that the new roundabout would be a “nightmare”).

Conclusions of Law:

The Board further finds the requested design exception to allow the applicant not to provide sidewalks along the Cedar Lane frontage at the southeast corner of the site is appropriate in light of the environmental challenges that must be addressed in order to construct such sidewalks and the County's stated commitment to undertake both permitting and construction of sidewalks in this area. The Applicant shall provide an easement to the County and/or Township to allow for the future construction by the County of sidewalks along the Cedar Lane frontage at the southeast corner of the site.

Except for the referenced design exception, the proposed minor subdivision, and preliminary and final 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.

The applicant has complied with the substantive standards, application requirements and procedures of the Board for approval of the requested development.

Therefore, the proposed minor subdivision, and 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 Florence Associates, LLC, seeking minor subdivision approval to allow creation of three re-configured new lots from the four existing lots, and preliminary and final major site plan approvals to allow development of a 104 room four-story hotel, a 6,034 sq. ft. restaurant or retail building, and an inclusionary apartment development comprised of ten apartment buildings with a total of 92 one-bedroom units, 140 two-bedroom units and 8 three-bedroom units, a clubhouse, a maintenance garage with on-site manager's apartment above and a trash & recycling center, together with required on and off-site improvements, at a 16.80 acre parcel of land located at 2054 Route 130 South and known as Block 160.01, Lots 4, 11.01, 11.02 and 24 on the

Florence Township Tax Maps, be, and hereby are, approved, subject to the following conditions subsequent which do not toll the running of the time for appeal:

1. 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.
2. The approval hereby granted is for a single development proposal that involves the totality of the application heard and reviewed by the Board. Any material and substantial change to the proposed development (including but not limited to significant changes to the site boundaries, site layout, proposed uses, or square footage of proposed buildings) will require review by the Board.
3. Compliance with the comments set forth in the review letters of the Township's Fire Code Official and Police Chief, and with all of the plan detail and design comments of the Board Planner and Engineer's letters of May 17, 2019.
4. The proposed off-site improvements shall be constructed in conjunction with Phase I of the proposed development.
5. The proposed clubhouse, maintenance garage and trash & recycling center shall be constructed as a part of Phase IB of the project.
6. The applicant will work with Burlington County authorities to seek to move the median divider in Cedar Lane away from Mr. Wainwright's driveway
7. The applicant shall grant necessary construction and other easements to Burlington County to enable the County to construct sidewalks along Cedar Lane in the areas in which the County has undertaken to do so and the Board has waived the obligation of the applicant to construct such sidewalks.
8. No Certificates of Occupancy shall be granted for any of the proposed residential buildings until the proposed roundabout is in service.
9. The applicant will seek County and NJDOT approvals to provide an additional mid-crosswalk over Cedar Lane closer to Route 130 than now proposed.
10. A 4 ft. tall decorative fence shall be provided along Cedar Lane from the development entrance to the northeast corner of the site (nearest Route 130) to guide pedestrians to the provided crosswalk(s) and to inhibit crossing Cedar Lane in unmarked locations.
11. All taxes and escrow fees for professional review must be paid current and in full.

12. 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.
13. 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, Burlington County Soil Conservation District, New Jersey Department of Transportation, and Florence Township Construction Office and Water & Sewer Department. 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.
14. 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.
15. 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.
16. 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.

**MOTION TO GRANT MINOR SUBDIVISION, and
PRELIMINARY and FINAL MAJOR SITE PLAN APPROVAL:**

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

MOTION TO ADOPT RESOLUTION:

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

FLORENCE TOWNSHIP PLANNING BOARD

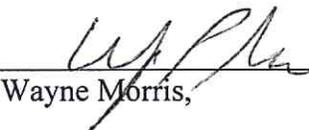
Dated: 6/25/19


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 June 25, 2019 and memorializes a decision taken by the Board on May 28, 2019.

Dated: 6/25/19


Wayne Morris, Secretary