

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. P.B.-2020-08

Application PB#2020-04

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF 2001 ROUTE 130 ASSOCIATES LLC
PRELIMINARY and FINAL MAJOR SITE PLAN
BLOCK 159.02, LOTS 6.01, 9 & 10
HC HIGHWAY COMMERCIAL ZONING DISTRICT
2001 ROUE 130 REDEVELOPMENT PLAN
APPROVAL**

Decided: July 28, 2020
Resolution Memorialized: August 25, 2020

WHEREAS, Route 130 Associates, LLC, has made application to the Florence Township Planning Board for preliminary and final major site plan approvals to allow development of a 71,280 sq. ft. warehouse and office building, and associated site improvements including parking, lighting, landscaping and stormwater facilities, at a currently vacant 5.68 acre property located at 2001 Route 130 and known on the Official Tax Map of the Township of Florence as Block 159.02, Lots 6.01, 9 and 10;

WHEREAS, the applicant is an affiliated company of 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, 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 July 28, 2020 regular meeting;

WHEREAS, the applicant's engineer, Samuel Agresta, PE, of Stout & Caldwell, and Traffic Engineer, Nathan Moseley, PE, of 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;

WHEREAS, the Florence Township Planning Board has made the following findings of fact and conclusions of law:

Findings of fact:

1. Route 130 Associates, LLC, has made application to the Florence Township Planning Board for preliminary and final major site plan approvals to allow development of a 71,280 sq. ft. building comprised of 67,780 sq. ft. of warehouse and 3,500 sq. ft. of office space, and associated site improvements including parking, lighting, landscaping and stormwater facilities at a currently vacant 5.68 acre property located at 2001 Route 130 and known on the Official Tax Map of the Township of Florence as Block 159.02, Lots 6.01, 9 and 10.
2. The applicant is an affiliated company of 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 with SMO overlay.
4. The proposed development has been designed by the applicant, and reviewed by the Board, under the standards of the "Redevelopment Plan 2001 Route 130 Block 159.02 Lots 6.01, 9 and 10, Florence Township, Burlington County, New Jersey" pertaining to the subject property prepared by Environmental Resolutions, Inc., and duly adopted by the governing body pursuant to NJSA 40A:12A-1 *et seq.*
5. The proposed warehouse/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:
 - 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 12 sheets prepared by Stout and Caldwell Engineers, LLC and dated 07/10/20;
 - e. Stormwater Management Report prepared by Stout and Caldwell Engineers, LLC and dated July 2020;
 - f. Operations and Maintenance Manual for Stormwater Management Facilities prepared by Stout and Caldwell Engineers, LLC and dated July 2020;
 - g. Community Impact Statement prepared by Stout and Caldwell Engineers, LLC and dated July 2020;
 - h. Environmental Impact Statement prepared by Stout and Caldwell Engineers, LLC and dated July 2020;
 - i. Traffic Engineering Assessment prepared by Shropshire Associates, LLC dated May 14, 2020;
 - j. Architectural drawings comprising 6 sheets prepared by RCP Architecture, dated 7/19/19;
 - k. Township of Florence Land Use Escrow Agreement;
 - l. Certified List of Property Owners within 200' of the subject parcels;
 - m. Application and escrow fees as required by ordinance;
 - n. Ownership disclosure as required by statute;
 - o. Transmittal letter of the applicant's Engineer dated 7/13/2020;
 - p. An "Existing Conditions Plan" introduced and entered into evidence in the course of the public hearing as Exhibit A-1";
 - q. A site plan color rendering, introduced and entered into evidence in the course of the public hearing as Exhibit "A-2";

- r. A color rendering of the proposed front building elevation, introduced and entered into evidence in the course of the public hearing as Exhibit “A-3”;
8. The Board’s Engineer, James Biegen, P.E., C.M.E. of Maser Consulting, Inc., , submitted a review letter dated July 23, 2020 commenting upon the application, which is 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 July 22, 2020, which is hereby incorporated into the record.
 10. The Township Fire Official, Brian T. Richardson, submitted a review letter commenting upon the application dated July 22, 2020, which is hereby incorporated into the record.
 11. The proposed development is entirely consistent with the applicable standards in the relevant Redevelopment Plan except for two bulk variances. A retaining wall along the west edge of the site is proposed to be only 3.9 feet from the property sideline where a 15 ft. setback is required, and the dumpster enclosure is proposed to be only 1.5 ft. from the rear property line where a setback of 15 ft. is also required. The applicant’s Engineer testified that the proposed setback variances provide a better site design than fully compliant alternatives, and are consistent with the intent of the approved Redevelopment Plan. Ms. Fegley concurred with Mr. Agresta’s testimony and testified as to her support of the requested variances.
 12. The overall site will meet all applicable stormwater standards, and the applicant’s representatives agreed to include a plan note that acknowledges the need for annual inspections of the stormwater facilities by the Township to assure that they continue to function as designed.
 13. 42 automobile parking spaces are proposed, along with 12 loading spaces.
 14. The proposed, parking, loading, lighting and landscaping meet applicable standards.
 15. Mr. Moseley testified that the proposed driveway would be “right-in, right-out only”, and that the site would be classified as a minor traffic generator by NJDOT. An access permit application has been submitted to NJDOT.

16. The applicant's representatives agreed to comply with the comments set forth in the review letter of the Township's Fire Code Official.
17. Mr. Gillespie requested that the applicant be allowed to proceed at its own risk with certain site work such as clearing and grading prior to receipt of all outside agency approvals (not including that of the Soil Conservation District), and he was agreeable to the applicant posting site stabilization performance guarantees prior to commencement of any such work, as recommended by the Board Engineer.
18. The Board finds the testimony of the applicant's experts and representative credible and probative.
19. Public comment was offered on the proposed development by Kristen Marter, of 220 East Front Street, who expressed concerns that the proposed development could increase truck traffic on Front Street and Delaware Avenue. Mr. Moseley offered that trucks leaving the site and seeking to head north would be routed via Dulty's Lane to John Galt Way, and thence onto north-bound Route 130. Mr. Moseley added that he does not consider it likely that the "through-town" route of concern to Ms. Marter would be preferred by trucks since it is substantially longer than the route through the industrial park.

Township Construction Code Official James Hoey expressed his concern that adequate site access for inspectors and first responders be maintained during construction, and the applicant's representatives agreed to work with Township officials to assure such access.

Conclusions of Law:

The Board finds that the proposed bulk variances pertaining to setbacks for a retaining wall and the dumpster enclosure can be granted pursuant to NJSA 40:55D-70(c)2 because the benefits to the community flowing from the proposed deviations from ordinance standards substantially outweigh any detriment to the public good or impairments to the zone plan that could result from such deviations.

Except for the referenced bulk variances, 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 Route 130 Associates, LLC, seeking preliminary and final major site plan approvals to allow development of a 71,280 sq. ft. warehouse and office building, and associated site improvements including parking, lighting, landscaping and stormwater facilities at a currently vacant 5.68 acre property located at 2001 Route 130 and known on the Official Tax Map of the Township of Florence as Block 159.02, Lots 6.01, 9 and 10, be, and hereby is, approved, subject to the following conditions:

1. Compliance with the plan detail and design comments of the Board Planner's letter of July 22, 2020 and Board Engineer's letter of July 23, 2020.
2. The applicant shall provide details of the proposed guide rail and monument sign (which shall be visually consistent with the exterior finishes of the proposed building) to the Board Planner for administrative review and approval.
3. The car parking stall and loading area counts shall be corrected on revised plans.
4. The applicant shall work administratively with the Township's Fire Code Official to address each of the comments set forth in his review letter of July 22, 2020.
5. The applicant shall work with Township officials to assure that adequate site access for inspectors and first responders is maintained during construction.
6. A deed notice shall be recorded with the stormwater maintenance plan that acknowledges the Township's authority to access the stormwater management facilities for annual inspections in order to assure that those facilities continue to be properly maintained and to operate as designed.

7. The applicant shall provide an executed agreement with the Township Sewer and Water Department for connection to those services.
8. The applicant may proceed at its own risk with clearing and grading of the site prior to receipt of all outside agency approvals (but not including that of the Soil Conservation District which must be obtained prior to commencement of any work at the site), and shall post site stabilization performance guarantees prior to commencement of any such work.
9. The tax lots comprising the subject property shall be consolidated into a single tax lot, and the applicant shall confirm an appropriate lot number for the consolidated property with the Township Tax Assessor.
10. 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.
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 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: New Jersey Dept. of Transportation, 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.
14. 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.

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 PRELIMINARY and FINAL
MAJOR SITE PLAN APPROVAL:**

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

MOTION TO ADOPT RESOLUTION:

Moved by : Mr. Mattson
Seconded by : Mr. Morris
In Favor : Mr. Mattson, Mr. Morris, Mr. Pagano, Ms. Weise,
Mayor Wilkie, Acting Chair Montgomery
Opposed : None
Abstained : Councilman Garganio

FLORENCE TOWNSHIP PLANNING BOARD

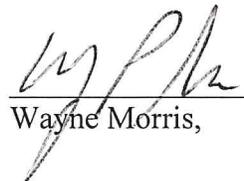
Dated: 8-25-2020


~~Michael Hamilton-Wood~~, Vice Chair
Ray Montgomery,

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Planning Board held on August 25, 2020 and memorializes a decision taken by the Board on July 28, 2020.

Dated: 8/25/20


Wayne Morris, Secretary