

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2018-07

Application ZB#2017-10

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF WHITESELL CONSTRUCTION COMPANY, INC.
FOR BLOCK 158, LOT 4
GM GENERAL MANUFACTURING ZONING DISTRICT
FINAL MAJOR SITE PLAN
APPROVAL**

**Decided: February 5, 2018
Resolution Memorialized: March 5, 2018**

WHEREAS, Whitesell Construction Company, Inc. has made application to the Florence Township Zoning Board of Adjustment for final major site plan approval to allow construction of automobile and trailer parking areas, and associated site lighting, landscaping and stormwater management improvements on property in Florence Township located at 600 Richards Run, and known as Lot 4 of Block 158, to serve a 310,960 sq. ft. freestanding office/warehouse building proposed to be constructed on adjoining lands which lie in Burlington Township and are known as Lot 1.05 of Block 153 on the Burlington Township Tax Map;

WHEREAS, by way of its Resolution 2010-15, the Florence Township Zoning Board of Adjustment approved the application of Whitesell Construction Company, Inc. for use variance approval and preliminary major site plan approval, with bulk variances and waivers of design standards, to allow construction of the proposed automobile and trailer parking areas, and associated site lighting, landscaping and stormwater management improvements;

WHEREAS, the Permit Extension Act provided an extended period of protection from changes in ordinance standards that ended July 1, 2016 of the 2010 approvals;

WHEREAS, by way of its Resolution 2017-04 the Board granted an additional two-year extension pursuant to NJSA 40:55D-49c of the period of protection from ordinance changes;

WHEREAS, the applicant is represented by Lynn Blessing McDougall, Esquire;

WHEREAS, the applicant is the developer of the owner of the subject property, which is owned by Haines Center-Florence, LLC;

WHEREAS, upon a finding that its jurisdiction was proper, the Board opened a hearing on the application at its February 5, 2018 regular meeting;

WHEREAS, the applicant's executive vice president, Terrance J. Huettl, PE, appeared, was sworn, was noted to have been previously accepted as a civil engineering expert by the Board, and offered his testimony in support of the application and request for submission waivers;

WHEREAS, upon the Board's Engineer recommendation, the Board found the application sufficiently complete to be heard and commenced its substantive review of the application;

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

Findings of fact:

1. The applicant is the developer of the subject property, located 600 Richards Run and known on the official Tax Map of the Township of Florence as Block 158, Lot 4, and therefore has standing to appear before the Board.
2. Application has been made for final major site plan approval, with a waiver of design standards, to allow construction of automobile and trailer parking areas, and associated site lighting landscaping and stormwater management improvements on property in Florence Township to serve a 310,960 sq. ft. freestanding office/warehouse building proposed to be constructed on adjoining

lands which lie in Burlington Township and are known as Lot 1.05 of Block 153 on the Burlington Township Tax Map;

3. The Burlington Township Planning Board granted final site plan approval for the proposed office/ warehouse building and accompanying site improvements to be located on the Burlington Township part of the overall parcel on January 11, 2018.
4. The subject property is now vacant and lies in the Township of Florence GM General Manufacturing Zone District, in which the proposed parking area use is not permitted as-of-right as a principal use. The proposed automobile and trailer parking area use is permitted when accessory to industrial uses that are permitted in the GM Zone District. However, the industrial use (office/warehouse building) is proposed to be on a Burlington Township parcel, therefore a use variance was a necessary predicate for the Board to hear a site plan application concerning the proposed development. That use variance as well as a preliminary major site plan approval were granted by the Board pursuant to its Resolution 2010-15.
5. The Board therefore has jurisdiction to hear this application pursuant to NJSA 40:55D-76(2)(b).
6. The applicant has submitted the following documents in support of its application:
 - a. Cover letters from Terrance J. Huettl, PE, the applicant's Executive Vice President, dated November 21, 2017 and January 22, 2018 summarizing the application and transmitting supporting documents;
 - b. A completed Township of Florence Land Development Application;
 - c. A completed Township of Florence Major Site Plan Applications Checklist of Submission Requirements;
 - d. Proof that no taxes were due on the subject property at the time of the application;
 - e. Stormwater Management Report, November 21, 2017 and revised January 22, 2018 comprising 11 sheets, prepared by Terrance Huettl, PE;

- f. An aerial map dated 4/18/17, marked MP-1, and introduced and accepted into evidence in the course of the hearing as Exhibit A-1;
 - g. A color rendering of submitted site plan sheet C-102 introduced and accepted into evidence in the course of the hearing as Exhibit A-2;
 - h. A copy of a parking and drainage cross easement document introduced and accepted into evidence in the course of the hearing as Exhibit A-3;
 - i. A copy of an easement document pertaining to the existing basin on the subject property that handles stormwater from the roadways within the Haines Center, introduced and accepted into evidence in the course of the hearing as Exhibit A-4;
 - j. A copy of an updated NJDEP Wetlands LOI dated November 16, 2016, introduced and accepted into evidence in the course of the hearing as Exhibit A-5;
 - k. Application and Escrow Fees in accord with ordinance requirements;
 - l. An executed Escrow Agreement is on file with the Township;
 - m. Executed corporate ownership disclosures in the form required by statute are on file with the Township.
7. The Board's Engineers, Andrew Banff PE, CME, and Anthony LaRosa, P.E., CME, of Maser Consulting, P.A., submitted review letters commenting upon the application and supporting submissions dated December 27, 2017 and January 30, 2018 which are hereby incorporated into the record.
 8. The Board's Planner, Barbara Fegley, P.P., submitted review letters commenting upon the applications and supporting submissions dated January 2, 2018 and January 31, 2018 which are hereby incorporated into the record.
 9. The applicant's Engineer testified that the application for final approval incorporates some changes from the preliminary site plan that was approved by the Board:
 - a. A new topographic survey has been performed and incorporated into the plans submitted for final approval;
 - b. The building on the Burlington Township part of the overall parcel is now proposed to be built in a single phase;

- c. Some parking is shown that will only be constructed if needed;
 - d. An outdoor seating area that will be built only if desired by a future tenant is shown on the Burlington Township part of the overall parcel;
 - e. The stormwater basin intended to serve the improvements on the overall parcel is now shown entirely on the Burlington Township part of the overall parcel instead of straddling the township line;
 - f. Lighting has been revised to be of light emitting diode (“LED”) type;
 - g. A single off-street parking space has been added at the suggestion of the electric utility at the building’s front near the proposed electrical transformer;
 - h. There have been some changes to the proposed landscape plan based upon the developer’s experience on other sites. These changes include: elimination of some ground cover plantings to avoid problems with small rodents, replacement of the eliminated groundcover with more trees (10 in Florence and 25 in Burlington), and replacement of tree species with more locally hardy native species.
10. Approval of the submitted plans would also require a waiver of the design standard that requires landscape plans to be prepared by a licensed landscape architect. Mr. Huetll prepared the revised plan, and he is not a licensed landscape architect. The Board’s Planner concurs that the revised landscape plan adequately addresses the Board’s previous conditions and relevant ordinance standards.
11. The Board previously waived the requirement under ordinance §91-74 that sidewalks be provided along all roadways. Whitesell had a sidewalk master plan approved for the entire Haines Center at the time of subdivision of the subject lot and the other lots that form the overall development. The master plan calls for sidewalks to be provided on the opposite side of Richards Run once that parcel develops, and the Board’s preliminary approval required construction of the sidewalk at that time. Mr. Huetll testified that Whitesell has now committed to construction of the sidewalk on the opposite side of Richard’s Run prior to the

planned acceptance of Richard's Run as a public roadway by the Township in 2020.

12. The applicant will be providing landscape irrigation in Florence Township and will seek Florence Township Water & Sewer Department approval for any such connections.
13. The proposed site improvements, but for the above referenced design waiver, is in conformity with Township ordinance standards for such development and the conditions of the Board's preliminary approval.
14. No public comment was offered on the application.

Conclusions of Law:

The Board finds that the proposed site improvements, but for the above referenced design waiver, are in conformity with Township ordinance standards for such development and the conditions of the Board's preliminary approval.

The Board finds that the proposed final major site plan should be approved because the development, but for the design waiver justified and granted herein, is in conformity with the Township ordinance standards, the conditions of the Board's preliminary approval and application requirements for such development.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Zoning Board of Adjustment in the County of Burlington and State of New Jersey that the application of Whitesell Construction Company, Inc., seeking final major site plan approval to allow construction of automobile and trailer parking areas, and associated site lighting, landscaping and stormwater management improvements on property in Florence Township located at 600 Richards Run, and known as Lot 4 of Block 158, to serve a 310,960 sq. ft. freestanding office/warehouse building proposed to be constructed on adjoining lands which lie in Burlington Township and are known as Lot 1.05 of Block 153 on the Burlington Township Tax Map, be and hereby is, **APPROVED**, subject to the following conditions:

1. All conditions of prior the subdivision, use variance and preliminary major site plan approvals concerning the subject parcel, shall remain in full force and effect unless waived or altered by this approval.
2. The applicant shall provide sidewalks on the opposite side of the Richards Run roadway from the subject parcel in accord with the applicant's approved master sidewalk plan. This sidewalk shall be constructed by the applicant prior to the Township's acceptance of Richard's Run as a public road.
3. The applicant shall obtain Florence Township Water & Sewer Department approval for any water service connections that serve the Florence Township part of the overall parcel.
4. Submission of revised site plan drawings that address the plan detail corrections set forth in the Board Planner's, review letter as agreed on the record.
5. Submission of a post-construction as-built survey plan showing that the proposed building lies entirely in Burlington Township.
6. Revision of the Stormwater Management Maintenance Plan to include a site map that makes clear that it covers only the newly proposed basin that serves the currently proposed improvements, and that the existing basin that serves the roadways within the Haines Center is not within the scope of the Stormwater Management Maintenance Plan for this project.
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. 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 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, 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.
11. 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.
12. 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. The Board acknowledges that there is presently a moratorium, pursuant the New Jersey Economic Stimulus Act of 2009 (P.L. 2009 Ch. 90), on the imposition of non-residential development fees for projects which obtained preliminary or final approval prior to July 1, 2010 and which obtain construction permits prior to January 1, 2013. Future legislation, executive branch actions and judicial decisions may have an effect upon the affordable housing obligation imposed upon the development that is the subject of this approval. The applicant's affordable housing obligation, if any, shall be that required by applicable law.
13. The applicant shall post a performance guarantee 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. In the event that the applicant does not seek final approval within two years of the date hereof, this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

MOTION TO APPROVE FINAL MAJOR SITE PLAN:

Moved by : Cartier
Seconded by : Lutz
In Favor : Cartier, Lutz, Drangula, Sovak, Mattis, Puccio, Zekas

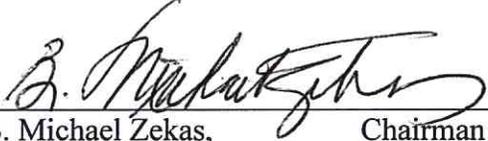
Opposed : None
Abstained : None
Absent : Buddenbaum, Patel

MOTION TO ADOPT RESOLUTION:

Moved by : Cartier
Seconded by : Lutz
In Favor : Cartier, Lutz, Drangula, Sovak, Mattis, Puccio, Zekas
Opposed : None
Abstained : None

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

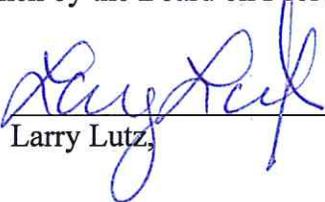
Dated: 3/5/18


B. Michael Zekas, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on March 5, 2018 and memorializes a decision taken by the Board on February 5, 2018.

Dated: 3/05/2018


Larry Lutz, Secretary