

**FLORENCE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

**RESOLUTION NO. Z.B.-2019-04**

*Application ZB#2019-01*

**RESOLUTION OF MEMORIALIZATION  
APPLICATION OF FOXDALE PROPERTIES, LLC  
PRELIMINARY and FINAL MAJOR SITE PLAN  
HEIGHT VARIANCE- NJSA 40:55D-70(d)6  
BULK VARIANCES  
BLOCK 147.01, LOTS 3.01 & 3.03  
SM SPECIAL MANUFACTURING ZONING DISTRICT  
APPROVALS**

**Completeness Determination: January 7, 2019  
Decided: July 1, 2019  
Resolution Memorialized: August 27, 2019**

**WHEREAS**, Foxdale Properties, LLC, whose business address is 180 South Lake Drive, Pasadena, California 91101, has made application to the Florence Township Zoning Board of Adjustment for a height variance pursuant to NJSA 40:55D-70(d)6, and preliminary and final major site plan approval with bulk variances to allow development of a 300,700 sq. ft. warehouse/office building and associated site improvements at a 30.82 acre vacant parcel of land located at Railroad Avenue and known as Block 147.01, Lots 3.01 and 3.03 on the Florence Township Tax Maps;

**WHEREAS**, the proposed development also necessitates off-site improvements to a presently unimproved part of Fifth Street, and the intersection of that part of Fifth Street with Railroad Avenue;

**WHEREAS**, the applicant is the owner of the subject property, and the applicant therefore has standing to bring these applications before the Board;

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

**WHEREAS**, the Board found the application administratively complete at its January 7, 2019 regular meeting;

**WHEREAS**, after a series of adjournments of the substantive hearing on the application requested by the applicant to allow for modifications of the proposal to address concerns of the Board's professionals and other municipal officials, upon a finding that proper hearing notices had been mailed and published, and that its jurisdiction was therefore proper, the Board opened a public hearing on the application at its June 6, 2019 regular meeting;

**WHEREAS**, the applicant's engineer, Robert R. Stout, PE, PLS, of Stout & Caldwell, traffic engineer, Andrew Feranda, PE, PTOE of Shropshire Associates, LLC, professional planner, Leah Furey Bruder, PP AICP, sound expert, Norman Dotti, PE, of Russell Acoustics, and project architect, John Romano, RA, of Wulff Architects, appeared in the course of the hearing, were sworn, were accepted as experts in their respective fields by the Board, and offered their testimony in support of the application;

**WHEREAS**, at the conclusion of the applicant's case-in-chief, on June 6, 2019, the Board heard extensive public comment on the application, but the public's opportunity for comment and cross examination was not concluded when at 12:20AM the Board elected to close testimony and adjourn the hearing to its July 1, 2019 scheduled meeting date;

**WHEREAS**, at the Board's July 1, 2019 regularly scheduled meeting, the Board re-opened the public hearing on the application and allowed additional testimony and cross examination by the public and rebuttal testimony from the applicant's experts before the Board decided 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. Foxdale Properties, LLC, has made application to the Florence Township Zoning Board of Adjustment for a height variance pursuant to NJSA 40:55D-70(d)6, and preliminary and final major site plan approval with bulk variances to allow development of a 300,700 sq. ft. warehouse/office building and associated site

improvements. As amended in the course of the public hearing, the application seeks a maximum overall height for the principal structure of 48.3 feet. That building will have 289,700 square ft. of warehouse space and 11,000 sq. ft. of office space with 5,500 sq. ft. of that office space located at either end of the building so that it will be configured to accommodate up to two separate tenants.

2. The subject property is a 30.82 acre vacant parcel of land, much of which was previously mined for materials used in construction of the New Jersey Turnpike, located at Railroad Avenue and known as Block 147.01, Lots 3.01 and 3.03 on the Florence Township Tax Maps.
3. The subject property lies in the Florence Township SM-Special Manufacturing Zone District in which the proposed warehouse/office use is permitted as of right.
4. The requested relief also includes height variances for the proposed sound walls to be constructed along the north and south edges of the subject property, to the west of the proposed new building. These sound walls are proposed to have a maximum height of 24 ft. when a maximum height of 8 ft. is permitted for fences and walls. As amended between the initial submission and the public hearing, the proposed sound walls will comply with required setbacks at the rear of the subject property where it adjoins the Legacy development and at the front of the property where it adjoins other residential properties (except as otherwise provided below), and conforming buffers will be provided between the sound walls and adjoining residential development. The proposed setback for the sound wall near Lot 4.02 (now vacant and municipally owned) is only 8 ft. at and the 5<sup>th</sup> Street right of way is only about 14 ft., for which a front yard setback variance is proposed.
5. The proposed development also encompasses necessary site improvements including parking, drive aisles, lighting, landscaping and stormwater facilities, as well as offsite improvements to a presently unimproved part of Fifth Street, and the intersection of that part of Fifth Street with Railroad Avenue.
6. The applicant has standing to bring these applications before the Board.
7. The applicant has submitted proper proofs of service of notice and proof of publication of notice of the variance and major site plan hearing, and the Board has jurisdiction to hear this application.

8. 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 Variance 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. Site Plan drawings comprised of 19 sheets prepared by Stout and Caldwell Engineers, LLC and dated 11/28/18 and last revised 05/22/19;
  - f. Stormwater Management Report prepared by Stout and Caldwell Engineers, LLC, dated November 2018 and revised May 2019;
  - g. Operations and Maintenance Manual for Stormwater Management Facilities prepared by Stout and Caldwell Engineers, LLC, dated November 2018 and revised May 2019;
  - h. Environmental Impact Statement prepared by Stout and Caldwell Engineers, LLC, dated November 2018 and revised May 2019;
  - i. Municipal Services and Utilities Impact Statement prepared by Stout and Caldwell Engineers, LLC, dated November 2018 and revised May 2019;
  - j. Traffic Engineering Assessments prepared by Nathan Moseley, PE, of Shropshire Associates, LLC dated November 21, 2018 and May 22, 2019;
  - k. Architectural drawings comprising 2 sheets prepared by Wulff Architects, Inc., dated 5/21/2019;
  - l. Explanation in Support of Height Variance dated 11/29/18;
  - m. Deed of Easement for Storm Sewer dated 4/19/1974;
  - n. Transmittal letters of Erin Szulewski, Esquire, of Parker McCay, dated 11/30/18 and 01/11/19 accompanying respectively the initial application and an "Operational Description";
  - o. Letters of John Gillespie, Esquire, of Parker McCay, dated 01/22/19, 03/25/19 and 04/24/19 requesting hearing adjournments;
  - p. Transmittal letter from Stout & Caldwell dated 11/29/18;

- q. Three transmittal/response letters of Stout & Caldwell dated 05/22/2019 to Board Planner, Board Engineer, and Township Fire Official conveying revised plans and addressing prior review letters of each of those officials;
- r. Township of Florence Land Use Escrow Agreement;
- s. Certified List of Property Owners within 200' of the subject parcels;
- t. Application and escrow fees as required by ordinance;
- u. Ownership disclosure as required by statute;
- v. Transmittal letter of John Gillespie, Esquire, dated June 4, 2019 conveying Exhibits later marked as Exhibits "A-1" through "A-9";
- w. A copy of Florence Township Zoning Board of Adjustment Resolution 2008-37 granting approval for development at the subject property of a building for expansion of the Ready Pac facility that adjoins the subject property , introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit "A-1";
- x. A copy of Florence Township Council Resolution 2013-112 directing the Township Planning Board to study whether the subject property, inter alia, satisfies the criteria for inclusion in an Area in Need of Redevelopment in accord with NJSA 40A:12-6, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit "A-2";
- y. Copy of the minutes of the June 24, 2013 meeting of the Township Planning Board at which the Board identified the subject property as being "in need of redevelopment" within the meaning of the Local Redevelopment and Housing Law, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit "A-3"
- z. A copy of Florence Township Planning Board Resolution 2013-12 Adopting Preliminary Investigation Report and Recommending Boundaries of Proposed Route 130 Corridor Redevelopment Area and Recommending that the Governing Body Declare Designated Parcels as In Need of Redevelopment, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit "A-4";

- aa. A copy of Florence Township Council Resolution 2013-147 designating certain parcels, including the subject property as “In Need of Redevelopment”, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-5”;
- bb. NJ DCA letter of August 23, 2013 acknowledging redevelopment designation, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-6”;
- cc. Deed dated April 18, 2017 between Robert F. and Deborah A. Phillips and Foxdale Properties, LLC concerning Block 147.01 Lot 4.01, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-7”;
- dd. Letter of May 31, 2017 from Township Administrator Richard Brook, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-8”;
- ee. Copy of Meeting Minutes of the Florence Township Council from May 3, 2017, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-9”;
- ff. A color rendering of the initially proposed development as detailed on the initially submitted Landscape Plan Sheet that was overlaid onto an aerial view of the subject and surrounding properties, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-10”;
- gg. A color rendering of the revised development proposal as detailed on the revised Landscape Plan that was overlaid onto an aerial view of the subject and surrounding properties, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-11”;
- hh. A “Typical Sounds” exhibit prepared by Mr. Dotti, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-12”;
- ii. An “Ambient Sound Study” exhibit prepared by Mr. Dotti, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-13”;

- jj. A series of six graphs of sound level measurements from six locations at or near the subject property prepared by Mr. Dotti, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-14”;
  - kk. A “blow-up” view of the sound graph from the 5<sup>th</sup> Street sound monitoring location prepared by Mr. Dotti, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-15”;
  - ll. A graphic of the acoustic modeling of the site and surrounding properties that was performed by Mr. Dotti using “Soundplan” software, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-16”;
  - mm. A sound propagation graphic showing the effects of the proposed sound walls prepared by Mr. Dotti, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-17”;
  - nn. A “blow-up” of a part of the prior sound propagation graphic exhibit prepared by Mr. Dotti, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-18”;
  - oo. A section view showing the elevation relationships between the proposed warehouse/office building and the adjoining homes along Delaware Avenue, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-19”;
  - pp. A color perspective rendering of the proposed building elevation, introduced and entered into evidence in the course of the June 6, 2019 hearing as Exhibit “A-20”;
  - qq. A copy of the Florence Township Planning Board’s 2018 Master Plan Re-examination Report, introduced and accepted into evidence in the course of the June 6, 2019 hearing as Exhibit “A-21”;
9. The Board’s Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted review letters dated December 18, 2018, January 17, 2019, and June 3, 2019 commenting upon the application, which are hereby incorporated into the record.

10. The Board's Planner, Barbara Fegley, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted review letters commenting upon the application dated January 18, 2019 and June 3, 2019, which are hereby incorporated into the record.
11. The Township Fire Official, Brian T. Richardson, submitted review letters commenting upon the application dated January 22, 2019, May 30, 2019 and June 28, 2019, which are hereby incorporated into the record.
12. The Township's Environmental Commission submitted review letters dated January 15, 2019 and February 8, 2019 which are hereby incorporated into the record.
13. The Township's Chief of Police submitted a review letter dated January 7, 2019, which is hereby incorporated into the record.
14. The revised application proposes, 354 automobile parking spaces (when 345 are required) that will be 10 ft. x 20 ft. as required by applicable ordinance standards,. The applicant proposes not to construct initially the 99 automobile parking spaces along the easterly side of the eastern most drive aisle to the east of the building, because it believes that these spaces are not needed for the proposed use. Not constructing these spaces will effectively increase the greenspace on the site and the setback of the proposed development from the rear yards of the houses along Delaware Avenue. These parking spaces will be "banked" for future construction without further Board review and may be constructed when they are necessary for parking of all autos at the site.
15. The proposed development includes 111 trailer parking spaces, and 37 loading spaces, 2 of which are located in the trailer parking area. Loading spaces are 15 ft. x 40 ft. as required by Township ordinances, with 2 spaces measuring 15 ft. x 53 ft..
16. The overall site (including the "banked" parking) will meet all applicable stormwater standards under Florence Township Ordinances and NJDEP regulations except for the infiltration standard. Because the subject property was extensively mined, it is essentially a bowl from which stormwater runoff does not presently flow. The stormwater standards anticipate some offsite flow. The post

development condition, like the predevelopment condition of the site, will infiltrate all stormwater onsite. A design exception is necessary to allow this “over-infiltration”.

17. The proposed lighting has been mounted at a height of only 20 ft. above grade (when a higher 24 ft. -26 ft. mounting height is more typical for such development) in order to better minimize off-site light spillage. The consequence of lower light mounting heights is that there are some drive aisle areas with slightly less than the required levels of light. All pedestrian areas will have conforming light levels. A design exception is necessary to allow these lower light levels.
18. The proposed landscaping and buffering meet applicable standards.
19. All signage is proposed to be consistent with the standards set forth in the applicable ordinances.
20. The development is proposed to be served by public water and sewer provided by Florence Township’s Water and Sewer Department.
21. The applicant proposes to construct sidewalks along its Railroad Avenue frontage as required by ordinance.
22. The proposed “pump station” shown on the plans in the front yard area of the principal building will be accessed via an at-grade manhole. There will be an emergency generator located near the pump station which will be appropriately fenced and landscaped. This generator will be exercised only on weekdays during regular business hours.
23. 5th Street between the subject property and Railroad Avenue is a mapped street, and its right of way is owned by Florence Township. The applicant proposes to improve 5<sup>th</sup> Street to serve as the westerly access to the site. This access would be used exclusively by trucks, and would be their only access to the site. All autos accessing the site will use the proposed easterly access driveway on what is now Lot 3.03, which is proposed to be consolidated with Lot 3.01 as a condition of this approval. No trucks will be allowed to use this easterly access drive and no trucks will be allowed in the easterly automobile parking area. The applicant presented a proposed design for the 5<sup>th</sup> Street access driveway improvements that includes a

1.5ft. to 2 ft. tall retaining wall along the easterly side of the 5<sup>th</sup> Street right of way, and an intersection design than would allow trucks to enter only from the west and leave only to the west. Both arriving and leaving trucks would thereby be encouraged to use the roundabout and “whirlybird” overpass at Cedar Lane instead of the difficult Railroad and Delaware Avenue intersection to the east of the site. The Board recognizes that the design of 5<sup>th</sup> Street is not within the site plan review authority granted to the Zoning Board of Adjustment under the Municipal Land Use Law and that the Township Council has exclusive authority over the design of municipal streets and intersections. Though it is an atypical layout, the Board commends the applicant’s proposed design to the governing body as a means to meet the underlying need to provide access to municipal streets for a permitted use while minimizing unwanted traffic impacts from the proposed development.

24. The applicant’s sound expert provided testimony showing that with the proposed sound walls, in combination with the sound-blocking effects of the proposed new warehouse/office building, and in light of the prevailing levels of background noise, the proposed development will comply with applicable sound regulations at NJAC 7:29. The proposed sound walls, at their proposed heights, are necessary to achieve compliance. Mr. Dotti further testified that use of backup alarms that are “adaptive” or “broad spectrum” could help minimize the audibility to neighbors of yard tractors and forklifts used on site.
25. The applicant’s Engineer, Mr. Stout, testified based upon his review of records and personal knowledge from involvement in many recently constructed or approved facilities in the vicinity, that heights similar to the proposed 48.3 ft. height at the subject property are common for modern warehousing and typical for nearby industrial buildings. Such facilities include the nearby Amazon and Cedar Lane warehouses, Burlington Stores facility, NFI warehouses, and the adjoining Ready Pac facility.
26. The applicant’s planner, Ms. Furey, testified concerning the particular suitability of the site for the proposed use. She related her perception, from her review of Florence Township’s Master Plan documents, that the purpose of the prevailing 30 ft. height standard in the SM Zone District is to limit types of manufacturing, and

not to constrain warehousing. She concluded that none of the Master Plan's stated goals and objectives would be undermined by the height of the proposed building. She pointed out that the heights of many of the mature trees on the perimeter of the site are taller than the proposed building, and that the height of the proposed sound walls will be significantly mitigated by setbacks and planted buffers. Ms. Furey opined in light of her review of the foregoing that the proposed building and sound wall heights would not substantially impair the Master Plan and Zoning ordinance and would not be substantially detrimental to the public good.

27. In the course of the re-opened hearing on July 1, 2019, the applicant's engineer, Mr. Stout, reported the results of a survey performed by his firm of the heights of the mature trees that will remain in the buffer area between the developed part of the subject property, and the adjoining homes in the Legacy development and along Delaware Avenue. Mr. Stout related that the average height of the mature trees adjoining the Legacy development is 55 ft., with some as tall as 80 ft. In general, Mr. Stout testified, the prevailing height of the buffer trees is at least 10 ft. taller than the proposed new building.
28. Also on July 1, 2019, the applicant's architect, Mr. Romano, testified that the tallest part of the proposed new building would be 48.3 ft., and because of the roof's pitch, the lowest area would be 43.3 ft. tall. Mr. Romano testified that his firm also designs office buildings (another of the permitted uses in the SM Zone District) which are generally not less than 3 stories or 45 ft. tall.
29. Ms. Furey spoke in her rebuttal testimony of the particular suitability of the site for warehousing in light of its proximity to the transportation network, and the trend for offices to be located in center cities or in research hubs such as the Princeton Area along Route 1. In light of these factors, she foresees little demand for office or research uses in Florence.
30. The applicant's counsel represented and agreed in the course of the public hearing that if the current development that is the subject of this Resolution were approved, that the applicant would abandon and not assert in the future any vested rights that it may have in all site plan approvals for the subject property that were previously granted by the Florence Township Planning and Zoning Boards.

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 numerous members of the public and owners of neighboring properties. They expressed principally concerns about traffic, visual impacts and noise. Kristen Marter of 220 East Front Street produced an aerial photo exhibit, accepted into evidence as Exhibit "P-1" that shows what she believes to be recently approved and/or proposed commercial development in Florence and neighboring towns.

Conclusions of Law:

The Board finds that the proposed height variance for the principal structure to allow it to be 48.3 ft. tall when a height of 30 ft. is permitted may be granted because the underlying warehouse/office use is a permitted use, and the requested variance does not render the use less suitable for the proposed site than it would otherwise be. There is no evidence in the record that the taller warehouse will be a substantially more intense use than a warehouse of conforming height, and it does not appear as though the target of the SM Zone District height limitation was warehousing. So, the requested height cannot be said to substantially impair the zone plan and zoning ordinance. The primary potential impact on the public good is visual. The site is peculiar in that it was extensively mined, so that the prevailing grade is substantially lower than the surrounding properties. The surrounding mature trees that will remain in the buffer areas between the development on the subject property and adjoining houses are as tall or taller than the proposed building will be. Therefore, the visual impacts of the additional building height will be minimized into insubstantiality by the peculiar physical features of the site.

The Board further finds that the requested height variance and front yard setback variance for the sound walls should be granted pursuant to NJSA 40:55(c)2 because the 24 ft. height in the proposed locations is necessary to achieve sound attenuation that will render the permitted activities at the site compliant with applicable noise standards. The proposed sound walls will be well set back onto the site and extensively buffered by landscaping. On

balance, the proposed sound walls provide a zoning alternative that better achieves the objectives of zoning than strict adherence to the applicable 8 ft. height limit.

The Board further finds that the design exception 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. Similarly, the design exception to allow lower than required light levels in some drive aisles is appropriate in order to allow for lower light mounting heights that will better protect neighbors from light pollution.

Except for the referenced height variances and design exceptions, the proposed preliminary and final major site plan (upon fulfillment of the conditions of approval) will fully comply with the standards of the applicable 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 height variances, front yard setback variance, design exceptions, 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 Zoning Board of Adjustment in the County of Burlington and State of New Jersey that the application of Foxdale Properties, LLC, seeking a height variance pursuant to NJSA 40:55D-70(d)6, and preliminary and final major site plan approval with bulk variances pursuant to NJSA 40:55D-70(c)2 to allow development of a 300,700 sq. ft. warehouse/office building and associated site improvements at a 30.82 acre vacant parcel of land located at Railroad Avenue and known as Block 147.01, Lots 3.01 and 3.03 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. This approval extinguishes all site plan approvals for the subject property that were previously granted by the Florence Township Planning Board and Zoning Board of Adjustment.
3. The proposed sound walls shall be located at least 50 ft. from the property line (except at Lot 4.02 and at the 5<sup>th</sup> Street right of way, and the areas between the sound walls and property line shall be landscaped in accord with ordinance buffer planting requirements. Where appropriate and subject to the administrative review and approval of the Board Planner, existing trees may remain in these buffer areas, subject to supplementation with additional plantings.
4. Fence details shall be revised to delete the tie-in to the Ready-Pac site.
5. Site grading details shall be refined in cooperation with and subject to the administrative review and approval of the Board Engineer.
6. The area in which the 100 “banked” parking spaces can be constructed shall remain green planted space until such time as the parking spaces are constructed. These parking spaces may be constructed without further Board review when they are necessary for parking of all autos at the site.
7. The sound wall design including materials, colors, patterns and the like shall be subject to administrative review and approval by the Board Planner prior to construction of the sound wall.
8. The area of the pump station and associated emergency generator shall be appropriately fenced and landscaped, subject to administrative review and approval by the Board Planner. The emergency generator shall be exercised only on weekdays during regular business hours.
9. The applicant shall work with the Board Planner to address the landscape comments and the plan detail revisions set forth in “Other Comments” items 1, 2, 4 and 5 in the Planner’s letter of June 3, 2019.
10. A mulch bed shall be provided at the base of the proposed monument sign.
11. The site owner shall require all tenants to work with Township officials if the need arises to offset shift changes with other nearby uses to minimize additional traffic on local roadways at peak hours.

12. All truck tractors and forklifts based at the subject property shall be equipped with backup alarms that are “adaptive” or “broad spectrum” to minimize the audibility to neighbors of such machines.
13. The applicant shall work administratively with the Township Fire Official to assure that the opening mechanisms for the perimeter access road gates in the sound walls are suitable and function properly.
14. All taxes and escrow fees for professional review must be paid current and in full.
15. 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.
16. 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, 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.
17. 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.
18. 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.
19. 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 subsection (c) and (d) HEIGHT VARIANCES:**

Moved by : Mr. Lutz  
Seconded by : Ms. Mattis  
In Favor : Mr. Lutz, Ms. Mattis, Mr. Buddenbaum, Mr. Drangula,  
Chairman Zekas  
Opposed : Mr. Cartier, Mr. Sovak  
Abstained : None  
Absent : Mr. Patel

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

Moved by : Mr. Lutz  
Seconded by : Ms. Mattis  
In Favor : Mr. Lutz, Ms. Mattis, Mr. Buddenbaum, Mr. Drangula,  
Chairman Zekas  
Opposed : Mr. Cartier, Mr. Sovak  
Abstained : None  
Absent : Mr. Patel

**MOTION TO ADOPT RESOLUTION:**

Moved by : Mr. Buddenbaum  
Seconded by : Mr. Lutz  
In Favor : Mr. Buddenbaum, Mr. Lutz, Mr. Drangula, Chairman Zekas  
Opposed : None  
Abstained : Mr. Sovak

**FLORENCE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

Dated: 27 Aug 2019

  
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 August 27, 2019 and memorializes a decision taken by the Board on July 1, 2019.

Dated: 8/27/2019

  
Larry Lutz, Secretary