

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. Z.B.-2019-10

Application PB#2019-02

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
ROUTE 130 TRUCK PLAZA, INC.
BLOCK 159.01, LOT 1.01
SM- SPECIAL MANUFACTURING ZONING DISTRICT
ORDINANCE INTERPRETATION
USE VARIANCE
SITE PLAN REVIEW
DISMISSAL WITHOUT PREJUDICE**

Decided: July 1, 2019
Resolution Memorialized: August 5, 2019

WHEREAS, Route 130 Truck Plaza, Inc., made application to the Florence Township Zoning Board of Adjustment seeking initially an ordinance interpretation and waiver of site plan review, and later included requests for site plan review (and in the alternative to its interpretation request) use variance approval to allow use for truck parking of the property located at 2013 Route 130 and known on the Official Tax Maps of the Township of Florence as Lot 1.01 of Block 159.01;

WHEREAS, the applicant is the owner of the subject property, and therefore has standing to bring this matter before the Board;

WHEREAS, the application was first submitted to the Board on March 15, 2019, and after issuance of initial review letters by the Board's Planner and Engineer, a revised application was submitted to the Board on April 23, 2019;

WHEREAS, at its May 6, 2019 regular meeting, upon a finding that the applicant had provided proper mailed and published notices of hearing and that jurisdiction was proper in the Board, it took jurisdiction of the application for the limited purpose of adjourning (in accord with the request of the applicant's counsel) the public hearing to the Board June 6, 2019 meeting date without a requirement for additional mailed and published notice;

WHEREAS, the applicant is represented by Erin Szulewski, Esquire, and John Gillespie, Esquire, of Marker McCay;

WHEREAS, the Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, published to the Board and applicant a review letter dated May 13, 2019, which detailed the ordinance checklist submission items that had not been submitted in the revised application of April 23, 2019;

WHEREAS, despite repeated notifications from the Township to correct its arrears, the applicant did not maintain a positive balance in its review escrow account in accord with the applicant's escrow agreement with the Township;

WHEREAS, the applicant did not provide any substantive verbal or written responses to the review letters of the Board's professionals, and through counsel, requested an adjournment of the public hearing on the application to the Board's July 1, 2019 meeting;

WHEREAS, by way of correspondence from its counsel dated June 21, 2019, the applicant again requested yet another adjournment of the public hearing to the Board's August 5, 2019 meeting;

WHEREAS, at its July 1, 2019 meeting, the Board discussed the procedural status of the application, the repeated requests for adjournment, the seeming lack of interest on the part of the applicant in addressing the substantive comments of the Board's professionals, and the applicant's review escrow account deficiency;

WHEREAS, the Board determined, upon advice of its counsel, that dismissal, without prejudice to bringing the same or a similar application to the Board in the future, would be an appropriate course of action;

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 Truck Plaza, Inc., seeking initially an ordinance interpretation and waiver of site plan review, and later including requests for site plan review (and in the alternative to its interpretation request) use variance approval to allow use for truck parking of the property located at 2013 Route 130 and known on the Official Tax Maps of the Township of Florence as Lot 1.01 of Block 159.01, be and hereby is, **DISMISSED WITHOUT PREJUDICE**, subject to the following conditions:

1. All taxes and escrow fees for professional review must be paid current and in full.
2. 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 resolution shall run with the land and be binding on all successors in interest, purchasers and assignees.

MOTION TO DISMISS WITHOUT PREJUDICE:

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

MOTION TO ADOPT RESOLUTION:

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

FLORENCE TOWNSHIP PLANNING BOARD

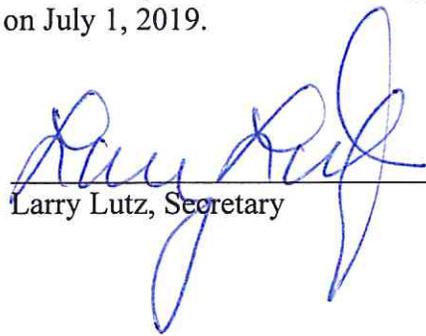
Dated: 5 August 2019


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 5, 2019 and memorializes a decision taken by the Board on July 1, 2019.

Dated: 8/05/2019


Larry Lutz, Secretary