

Florence, New Jersey 08518-2323
June 23, 2026

The regular meeting of the Florence Township Planning Board was held in-person and virtually via Zoom on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Pagano called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Fratinardo read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Councilman John Fratinardo	Mayor Kristan Marter
Stu Foulks	Chairman John Pagano
Bill Berry	Tina Lloyd
Bernard Isaacson	

EXCUSED: Adam Schoen

ALSO PRESENT: Solicitor David Frank
Engineer Bryan Clark
Planner Pat VanBernum
Clerk Anne-Marie Hellmann

MINUTES

A Motion was made by Mr. Berry, seconded by Mayor Marter to approve the meeting minutes from April 28, 2026. Motion unanimously approved by all members present. Mr. Isaacson abstained.

CORRESPONDENCE

A. Public Notice of NJDEP application dated May 1, 2026

A Motion was made by Mr. Isaacson, seconded by Mr. Berry to receive and file the correspondence. Motion unanimously approved by all members present.

MASTER PLAN REVIEW

A. Twp Ord. 2026-15: Amending Conditional Uses to Allow for Early Consumption and Sale of Cannabis at Locations Specifically Approved for Class 5 Retail Sales and with Class 5 Retail Sales Establishments Containing Consumption Areas

This is a Township Ordinance that amends and clarifies the hours of operation in the HC Zone for cannabis retail sales and indoor consumption.

5.

A Motion was made by Mr. Isaacson, seconded by Mayor Marter for find the Ordinance consistent with the Master Plan and to authorize Solicitor Frank to issue a letter to Council.

APPLICATIONS

- A. PB#2026-03: Application from Blue Stone Cathy Lane, LLC for Major Site Plan on property located at 61 Cathy Lane, Florence Block 163.01, Lots 3.01 & 3.07

Mr. John Gillespie of the firm Parker McCay represents the applicant. Mr. Gillespie started out by explaining the relief with design waivers to use the property for general freight parking and a small repairs business. The application is submitted under the Redevelopment plan that was adopted by Council on October 1, 2025 rendering the proposed use permitted as well as all of the accessory uses. The application is for no more than 42 tractor trailers parked on the site, and 7 parking spaces for trucks waiting for repairs. Mr. Gillespie stated that this is not a transfer station or warehouse. There is no loading or unloading trailers on this property. He said it is not a 24/7 business operation, there are no refrigerator trucks, no overnight occupancy by the drivers and there is no leasing or sale of tractor trailers at this property. The applicant also is not removing mature trees.

The application does enhance buffering on the rear of the property along the Birch Hollow development. There are also certain species of trees that the Board Planner recommends to further enhance the buffering. There is no lighting proposed along the Birch Hollow Drive side of this property; there is lighting proposed on the property line near the Stangel Motel for safety and security purposes. The property owner of the site also purchased the property at 41 Cathy Lane, and the closing took place on May 28, 2026.

What the applicant is proposing is consistent with the Redevelopment plan which is to improve the site with a new truck parking area. Portions of the existing Cathy Lane right of way will be dedicated to the Township as a public right of way to form a future cul-de-sac, which will be funded by the applicant. There is 9ft of right of way on Cathy Lane according to the Redevelopment plan. The state is proposing plans for Route 130 turnpike exit to Cathy Lane. The township will have the ability and right to widen the outbound side of Cathy Lane for right turns in the future.

There is an accessory building in the rear of the property which will be removed as part of the Redevelopment plan. There are also plans to install a new stormwater infiltration basin. The standards in the Redevelopment plan are being met, and there are no variances requested, however there are design waivers. One design waiver requested is for lighting with lower footcandles than required. There are lights proposed along the property lines for residential uses with the maximum level of .25 footcandles, which is the area behind the Stangel Motel. There is a proposed landscape screening where the screening will be closer than the minimum of 3 feet to the property line of lot 3.02.

There is another waiver requested for the installation of a sidewalk. A sidewalk does not seem necessary for this location. If the township decides to widen Cathy Lane, and includes specifications for a sidewalk, the applicant will fund the sidewalk. There is a waiver requested for this particular project regarding a sidewalk. As of now, there may be a sidewalk added in the future.

6.

There is a request for three access drives where two are provided. Adding a third access advances the circulation of the site. There is a design waiver request for the curblin radius for the right of way and cul de sac because it will become a municipal dead-end street.

There is a minimum number of three loading spaces required, however none are being proposed, which is a pre-existing, non-conformity.

Mr. Gillespie also added that there are a number of people from the public at the meeting tonight, and there were some things posted on social media regarding this application. He reiterated that there is no warehouse, no transfer station, there is no loading and unloading. The Redevelopment plan does not allow for any of those things. Mr. Gillespie said that there were posts on social media from a resident to Birch Hollow residents that included misinformation and he corrected the information which is what is in the application that the Board and Board Professionals received. Mr. Gillespie said that the residents were misled by some of the statements that were posted to social media.

One of the homes on Cathy Lane was bought by the applicant and the deed was submitted to the board which shows a purchase price of \$575,000. Mr. Gillespie also added that he objects to the inclusion of any petitions in the record because New Jersey law does not allow petitions without a chance to cross-examine anyone. Also, the petition was based on the false statements regarding the application details, so it is not acceptable.

Chairman Pagano made a statement for the public who are viewing the meeting on Zoom. There are no public comments allowed to be made through Zoom, the only public comments that are being heard are from the public who are in attendance. Everyone in the audience will be given the opportunity to speak when the application is opened to public comment.

Mr. Gillespie called up his two witnesses: Mr. Kuldeep Waraich, owner of the property. And Mr. Mark Malinowski, the engineer of the project, and they were sworn in by Solicitor Frank.

Mr. Waraich stated that his company is based in Newark, NJ. It is a trucking company that transfers goods like home goods, dry foods, and clothing. Mr. Waraich confirmed that the trucks are not loaded and unloaded at the site. The trucks leave from his property empty, go to a warehouse such as BJs or Amazon, and move the goods to the Midwest with 60% of the trips going to Indiana. Once the drivers drop off, they return to the property empty. The trips are staggered, some leave on Monday and return on Friday, some leave on Tuesday, the trips are about 5 days. The drivers leave their personal vehicles at the property while they are on the road.

Mr. Waraich confirmed that all of Mr. Gillespie's statements about what is not permitted and what is permitted on the property is accurate. The property is limited to 42 trucks with the 7 spots dedicated to truck repairs. The property includes a 13,000sf shop, of which his company is using 6,000sf for small truck repairs such as tire and oil changes. The company is only approved to use half of the existing shop.

There are no goods being sold at the property. Mr. Waraich confirmed that the drivers do not sleep overnight in the trucks and there are no shower facilities available on the property. The company currently has one employee, and once this is approved that will change to about four employees in

7.

the office and four to five employees in the shop, which are supervisors and mechanics. Mr. Waraich also confirmed that the accessory structure behind the shop will be removed.

Deliveries of supplies for the office and shop are delivered by a van or small truck. Mr. Waraich also confirmed that his company purchased 41 Cathy Lane and will possibly be used for employees. It is empty at this time.

Mayor Marter asked what time of day are the trucks arriving and departing. Mr. Waraich said that the hours start on Mondays at 8am, so they come any time after that through about 5pm. The hours of the facility or Monday-Friday 7am to 5pm, and Saturday 8am-4pm; Sundays closed. Depending on traffic there is a possibility of arrivals and departures outside of those hours. Mr. Waraich stated that if the trucks are arriving late, the dispatch will re-route them to their other facility in Newark. Mr. Waraich stated that there will be no operations between the hours of 10pm and 7am when asked by Chairman Pagano. Vice Chairman Berry asked how to get assurance that there will not be truck traffic in the middle of the night. Mr. Waraich said that they do not have night operations, and the ports they travel to aren't open at night.

Chairman Pagano stated that the hours of operation need to be memorialized in the resolution of approval which are 7am-5pm Monday – Friday; office hours are 8am-6pm. Saturday hours are 8am-4pm. Sundays are closed. Under no circumstances should there be truck traffic between 10pm and 7am.

Mr. Waraich confirmed that there is no vehicle washing or heavy repair at the site, all repairs happen indoors in the shop. They have a company that picks up used oil, Lorco Services, and brings it off-site for disposal once a week on average. The used tires are picked up in the same way, and the used tires are stored indoors. The trash dumpsters are maintained by Waste Management.

Engineer Clark requested an updated Environmental Impact Statement as a condition of approval. Mr. Gillespie stated that the applicant's bank also requested a report. Mr. Isaacson also stated that the report refers to different appendices and they are not included with the report that the Board received.

There was a question on the Engineer Review about the easement to the cell tower that is located near the property. That information has since been received. There is no objection to a waiver requested for providing half cross sections of every 50 feet and at critical points along the road and spot elevations at the center line, edge of pavement and proposed curbline along the road for work done on the Township right of way.

A waiver is required for showing sight triangles at intersections , and Engineer Clark does not recommend granting this waiver, new plans should be submitted with the revisions, which is a condition of approval. The applicant requires a waiver for expected truck and trailer traffic. The applicant has since provided a traffic engineering assessment and has provided testimony.

Mr. Isaacson brought up the Stormwater Management dated March 2026. Engineer Clark said that the stormwater items haven't been addressed, and there have been no submissions yet in response to Engineer Clark's report, but that is typical, and has no effect on the application being deemed

8.

complete at this time. Some of the items will be answered during testimony or ends up as a condition of approval.

With that, the application can be deemed complete. A Motion was made by Mayor Marter, seconded by Mr. Foulks to approve the completeness of the application. Motion unanimously approved by all members present.

Mr. Malinowski is the applicant's engineer on this project, he has testified many times in Florence, and is accepted as an expert witness. Exhibit A1 is a color aerial photo of the property and was prepared by his firm. He explained that the site consists of two properties; the property to the North is lot 3.01. It is a 7.24 acre site, that is developed with an office building and parking lot with direct access to Cathy Lane, behind is an open field. Lot 3.07 is to the south and that is 3.67 acres, which is mostly wooded area and some paved and stone areas for truck parking, the cell tower is also to the Southwestern corner of the site. There are no changes proposed to the cell tower. There are easements through that lot for access to the cell tower, and they will remain.

On lot 3.01 there is an existing building behind the office building that will be removed. There is also an extension on the office building that will be removed. Behind the repair facility is all stone with accesses to Cathy Lane. The total size of the shop is 13,000sf and the property owner is currently using about half of the building, as the previous owner was using. The Zoning Officer allowed Mr. Waraich's company to use the same area as the previous owner was using, which was before the Redevelopment plan. The Redevelopment Plan allows for the use of the 13,000sf.

Solicitor Frank clarified, the previous owners, a roofing business, were using the 6,000sf for truck repair and equipment repair which was an accessory use to the roofing company at the time.

Mr. Malinowski pointed out that Birch Hollow is to the east of the site, there is a section of lot 3.07 that has a common property line with that development and it is heavily wooded and includes some wetlands. There is no lighting proposed in that area.

Exhibit A2 is a color rendering of the modified site plan, that was submitted recently and it was updated as a result of some of the Board Professional's comments. Lot 3.07 is partially paved and the remainder is stone. The plan is to remove stone from that area and extend the pavement to accommodate the 7 parking spaces for the repair shop. Most of the vegetation in that area is deciduous, there will be additional evergreen screening to the East planted based on the recommendations from the professionals. There is about 200 feet between the existing and proposed screening to the common property line at Birch Hollow. There is no proposed lighting along the common property line, but there is some existing lighting from a warehouse that is across the street that is not part of this property. There is lighting proposed on the side of the property that is next to the Stangel Motel. This will illuminate the proposed stone parking lot which includes the 35 parking spaces for the tractor trailer storage area. There is some spillage based on the lighting analysis, over the property line near the Stangel Motel. Mr. Malinowski stated that there is no light spillage from this site to the east side near Cathy Lane, but there is some lighting to illuminate the entrance of the facility.

Mr. Gillespie added that the angle of the entry way was changed so that the headlights of the trucks will not shine into the home across the street. With the new angle, there is an opportunity to add additional buffering and screening.

Mr. Malinowski referred back to exhibit A1 and explained that there is a substantial amount of trees along the common property line with the motel. Some of the scrub is being removed, but the valuable trees will remain, and the new landscaping will work around them. This is also the area that is receiving a waiver for the .25 footcandles versus 1.0 footcandle. This waiver is appropriate because the light diminishes as you go further into the site. The evergreen buffer will also diminish the light further. The light poles are 24' tall which is standard. The Lighting Ordinance requires a minimum is .5 footcandles in a parking area, the waiver requests .3 and .4 footcandles. This is not flood lighting, it is down fixture LED lights. The lights are dimming appropriate, and they will comply if recommended by the township to dim to 40% of the standard of the light after hours.

Mr. Malinowski explained that an updated site plan was submitted because originally there is a 50ft buffer associated with the wetlands in that area. The original plans encroached into the buffer. The applicant provided buffer averaging which is required by the DEP, where you make up the area of encroachment with additional buffering along the buffer line. The alignment of the parking was reassessed as a result.

There is a waiver requested for a third entrance where two are permitted. There is an existing entrance for the repair facility, and a separate entrance for the office building parking lot. The Third entrance would provide direct access for the trucks to the parking facility which is north of the cul-de-sac. Without the third entrance, the trucks travelling to the repair area would have to travel through the parking areas. Mr. Malinowski feels that adding the third entrance provides more safety.

Mr. Malinowski explained that the Letter of Interpretation report from the DEP investigation on whether there any threatened or endangered species. After the wetland lines were put in place with a 50 foot buffer. If there were any threatened or endangered species, then the buffer would be required at 150ft minimum.

Mr. Malinowski confirmed that in the truck parking area, no trees will be removed. The stone will be removed and replaced with landscaping. Mr. Isaacson verified with Mr. Malinowski that a "significant" tree would be a tree such as an oak tree or a tree with a good size caliper. Mr. Isaacson mentioned that the Shade Tree Commission has specific tree recommendations. Mr. Malinowski said that the wetlands line is determined by hydraulics of the soil in the area by taking borings, as well as the vegetation in the area. It gets staked out and the applicant makes an application to the DEP for the verification of wetlands. The DEP comes out and verifies the stake out and make any adjustments if needed. Because the plan is to remove the building in the rear of the property, it gave more space to adjust the plans to avoid the wetlands.

Mr. Gillespie stated that the cost of installing the cul-de-sac is around \$350,000. The widening of Cathy Lane is still not certain, because it is dependent on what the township wants to do. There will be a deposit and performance bond posted for the road construction when asked by Chairman Pagano. After construction of the road, there will be a two year Maintenance Bond posted. He stated that this is all included in the Redevelopment Plan as well.

There is also an agreement between the applicant, township and DOT to install a barrier on the median on Route 130 so that the trucks are unable to make an illegal left turn out of Cathy Lane.

There is no requirement in this application to contribute to the Affordable Housing fund. Solicitor Frank added that non-residential development fees are assessed on the change in assessed value of the improvements. Mr. Gillespie said that the paving and the stoning of the property is not generally assessed by the assessor as an enhanced value to the property. Mr. Isaacson asked if the construction of a stormwater basin is considered an improvement to the property. Mr. Gillespie said that typically it does not count towards an improvement. Solicitor Frank said that there is currently no stormwater basin, control or management on the property; the applicant will be installing all of that as part of the project.

There is a trash enclosure proposed in the rear of the property. Typically, there is a concrete pad surrounded by a solid vinyl fence with gates which contain trash dumpsters. The dumpsters are emptied by Waste Management.

The Engineer's report mentions a requirement to install sidewalks. If the town had plans to install sidewalks in this area, then the town can require the applicant pay for a share of it as an off tract improvement into a sidewalk fund. But if there is no intention to install sidewalks, then the town cannot take money for a sidewalk fund to place sidewalks in another part of town. That is what had been happening in the past but there has been some case law pushing back on that. It doesn't make sense to build sidewalks on this site and it doesn't serve anything on Cathy Lane to put in sidewalks. However if the town decides that they do want sidewalks there, the applicant will fund it. That is the function of the Redevelopment agreement. The choices are to grant the waiver for the sidewalks, with the expectation that the Governing Body will address that in the Redevelopment agreement, or to require them. Either way, the developer would be funding them. The other issue brought up by Mr. Gillespie is that there is a plan to widen Cathy Lane in the future, so putting sidewalks in before that would not make sense.

In regards to the addition of the access roadway to the stormwater basin, Engineer Clark said it seemed like the roadway was reduced by moving it away from the wetlands. Mr. Malinowski said they will take a look and revise as needed. All the stormwater comments on Engineer Clark's review will be addressed and complied with.

Engineer Clark said the proposed cul-de-sac is smaller but there was a turning template provided for the trucks. There will also be an emergency vehicle turning radius will be sent as well. If a truck can make the turn, there should be no issues with an emergency vehicle making the turn. There is a requirement for an easement for snow removal. Mr. Malinowski said that there is a 10ft separation between the curblin and the future right of way line for the cul-de-sac.

The area where the vehicles are waiting to be repaired will be paved. Engineer Clark requested a sign to inform the drivers where to go for the repairs so they are not parked on the gravel. There is also requirement for some kind of curbing where the stone lot will be as well as concrete wheel blocks to indicate the parking spaces. Mr. Malinowski confirmed that they will provide the sight triangles.

11.

Mr. Malinowski confirmed that old trucks and equipment will be cleaned up or removed from the property.

The truck storage is proposed within the wetland buffer on lot 3.07 so the plans will need to be revised to avoid that. Solicitor Frank stated that the applicant is required to comply with the wetlands letter of interpretation from the DEP. In the event that the DEP agrees with a wetlands buffer averaging, then the applicant will implement the plan that is being heard. This is not part of the jurisdiction of the Board.

The easement that accesses the cell tower will remain the same. Once the town decides to install the cul-de-sac, then the access may be adjusted. Stop signs and bollards shall be provided on the site. There will not be any new signage for the site. Spill prevention is not required because there is only a small amount of oil stored on the property.

Planner VanBernum addressed his review and comment. Mr. Gillespie confirmed that there will be no passenger car parking in the truck repair area.

Planner VanBernum is requiring that a caliper size be assigned to the trees that are to remain or be removed in the area on the side of the property near the motel. Mr. Isaacson said that it depends on the purpose of the trees and whether or not it will compete with the other vegetation that is planted there. If the purpose of the trees is to prevent light spillage, then keeping existing trees that would compete with the conifers would diminish the value of having the buffer. Mr. Isaacson suggested a size of 20" or 24" caliper. If we keep the larger trees, then it could inhibit the buffer tree's growth. The applicant will work with the township on the tree removal.

Planner VanBernum also requested the applicant to confirm that scope of repair as part of the accessory repair use does not include repair of braking, coolant, engines, emission, exhaust, steering, transmission systems, or major body work, as these repairs are not considered "minor" by way of the Redevelopment plan definitions. Mr. Gillespie stated that minor repair does include the repair of brake discs, the other items are not proposed as uses in the shop.

Mr. Gillespie said there are no plans for any kind of office supply deliveries. Planner VanBernum asked for some clarification of the definition of "general freight trucking". Mr. Gillespie stated that the trucks pickup their deliveries at another location and deliver it to a destination in the Midwest, but what the Redevelopment plan states is that there is no loading and unloading at the property.

There are no signs proposed on the property. Planner VanBernum also added that the relief being sought are design waivers as opposed to variances. The waivers are requested because the enforcement of the provisions is not practical and results in a hardship on the applicant, due to the peculiar conditions of the site. Planner VanBernum asked Mr. Malinowski about the waiver for the lighting to be lower in the parking area than required and if he feels that it is still secure with lower lighting. Mr. Malinowski said that he feels that the lighting levels are still secure. The alternative to meeting that standard provides for less accessible truck circulation.

There was a letter received from the NJ Turnpike Authority regarding the site and the project. Mr. Gillespie didn't receive it in time, but he was able to review it briefly. Chairman Pagano asked for the clarification to an item in the letter about the installation of a fence. Mr. Malinowski stated that

there is an existing fence and it is indicated on the survey. Solicitor Frank added that the letter is a form letter and is not site specific. Anything relating to the turnpike will be handled directly with the Turnpike Authority.

Solicitor Frank gave a brief explanation of the duties of the board for the public who are in attendance and who are viewing the meeting on Zoom. The Planning Board hears applications for site plans and subdivisions for permitted uses. The Township Ordinances allow this use in this location, which means there would have to be justification in other Township Ordinances for the Board to deny this application. The application before the Board complies with all of the zoning standards of the applicable ordinances, which are indicated in the Redevelopment Plan which was adopted by Council specifically for this property. Some of the ordinances are in the general standards of the municipality. The background zoning of this site is Highway Commercial, and that permits a variety of intensive uses. When the Board reviewed the Redevelopment Plan for Master Plan consistency, the proposed use would generate significantly less traffic than the permitted Highway Commercial zone uses. The application conforms with the use standards and bulk standards of the zone. There are three sections in the code that pertain to Land Use, a procedural section, the site plan and subdivision design standards, and the Zoning portion. The requests for deviations from the standards are in the second section. The standard is far less to grant relief from the standard, than it would be for a variance. The design standards' purpose is to implement and enable the zoning. The Board can deny some aspects of the requested relief from the design standards, it cannot deny the application because it is a permitted use in the zone. Only the Township Council can decide what use is permitted in what zones.

PUBLIC COMMENT

A Motion was made by Mr. Isaacson, seconded by Ms. Lloyd to open the application to public comment. Motion unanimously approved by all members present.

Daniel Keene, former owner of 41 Cathy Lane. Mr. Keene read a statement as follows:

“Good evening Members of the Board, my name is Daniel Keene and I am the former homeowner of 41 Cathy Lane, directly next to this property. Last year, I appeared before this Board and opposed the same trucking use and presented videos and photos and more than 30 police incident case numbers showing 24 hour truck operations. There are trailers on site, constant activity and does not match what was supposed to be allowed there. After hearing that evidence, the Board ruled against the variance. There was another meeting I was not aware of, apparently. Despite the decision, he continued to run to 24 hour trucking operations. Trucks and trailers kept coming and going at all hours in clear defiance of the zoning of the prior ruling. I continued to call the police and the Township and kept documenting and have 30 hours of video footage of trucks running 24 hours per day, but the operation never meaningfully stopped. The impact on my family was severe. We live next to the speeding trucks and trailers on a small local road, with noise, lights and traffic in all hours of the night. It got so bad that that I ultimately sold my house to him [the property owner of 61 Cathy Lane] to get away from the illegal operation. We did not move because we wanted to; we did not move because the problem was solved. We moved because it became impossible to live there. We also did what we were supposed to do as residents, we made the calls, filed the complaints, and my neighbor and I went in personally to complete paperwork at the Township. We came to meetings, we put evidence on the record, yet there were no real fines or penalties, or enforcement. There was no reason for him to stop and he didn't. Now he is back again

asking for another variance, but I don't know what this meeting is about this time, variance, zoning, impractical turns. This is a repeat request from someone who has already ignored the prior decision and continued to operate illegally. Granting relief now would reward this behavior and send a message that if you break the rules long enough and ignore the Board long enough, you will get your way. I respectfully ask that you deny this application and insist on full compliance with Zoning ordinance and your prior rulings that Cathy Lane does not turn into a permanent trucking corridor at the expense of the other residents. Thank you." Mr. Keene confirmed his current address is 2124 Route 130.

Veronica Keene, 41 Cathy Lane read the following statement:

"My name is Veronica Keene and I lived with my husband and daughter at 41 Cathy Lane directly next to this property. At prior meetings, the applicant and his attorney Mr. Gillespie, described the use in a way that did not match the reality that we were living every day next door. What they said about how the property was being used and about the impact on our home was not what we were actually seeing and hearing. That same pattern continued with us directly during the sale process. For more than two years, he [applicant] told us he wanted to buy our house and was about to sign. Even right up to days of closing, his lawyer requested a walk-through time three days out. Once we agreed to that time, we were told two days before closing that his client was suddenly out of the country until the end of the month. We kept getting changing stories, changing dates while the trucking company continued their operations. So I do want to note the discrepancy tonight that were noted. What happens if there are more than 42 trucks; who will enforce that? He said that there won't be any refrigerated trucks or overnight stays but there already has been. And we have already gone on record in other meetings about the refrigerated trucks. John [Gillespie] also mentioned that we sold our home but he lied about how much it was worth, he lied about what they paid, and we didn't want to move—we were forced to move. I say all of that to say this: if Kuldeep is given an inch, he is proven that he will take a mile. If he is allowed 42 trucks, make no mistake, there will be 142 trucks. And without punishment, nothing will stop it. The realty next door was trucks and trailers stacked behind our house and a site plan that put a parking lot only feet from our home. This is not a small repair use, it looked and felt like a trucking yard. At other meetings, Kuldeep has admitted that his wife and his sister both also have trucking businesses. That tells me that this is not one small operation, it is connected to a larger trucking network. From what we were seeing on his property, this did not look like a limited 'mom and pop shop' use. It looked like part of something much larger which it is. Because of what was actually happening, after one of the meetings, I personally invited and encouraged Board Members to drive down Cathy Lane to see for themselves, to see how many trucks he had back there, how many trailers were stacked on that property, how close all of this was to our home and to the other homes on the street. I wanted you to see the truth on the ground not just what was being described on the microphone. Cathy Lane is a small local road, it is not an industrial truck route. Yet the trucks are still continuing to use it like a trucking access road—speeding, coming and going at all hours, putting heavy wear and tear, not only on Cathy Lane but also on the surrounding roads that were never meant for this kind of traffic. He is already not properly maintaining Cathy Lane. The bushes and grass become so overgrown that my husband personally cut the grass himself. The wear on the roads does not end with potholes or noise. This kind of heavy truck traffic puts long term pressure on the entire surrounding road systems and it creates demands for widening, redesigning and constant maintenance. Once the roads have to be widened to serve the trucking traffic, that can only mean forcing long-time homeowners and businesses like Roy's Garage, to have to sell and lose their property so those roads can expand. Families and businesses who have been here for

decades should not have to be pushed out of this street so that it can function like a trucking corridor. And the cost of those changes and the continued maintenance will not fall on the applicant, it will fall on all of the tax payers and all the people who have built their lives here. We have a young daughter who is now 10 years old, and with trucks speeding on our small neighborhood road, we were genuinely afraid for our safety. The noise was so bad at all hours that I had to move her bedroom to the other side of the house just so she could sleep. Our home stopped feeling like a safe place for a child. We did what the residents were supposed to do, we called and complained and filed complaints in person. We came to the meetings and put our experiences on the record. I also want to say that the police department in our town have gotten a bad reputation for not doing enough. In our situation, I believe that they did what they could. They came out and witnessed the trucks and they gave us case numbers each time we called. The problem is that when there are this many calls and complaints and this many case numbers and nothing meaningful happens, then the problem goes beyond the police department. At that point it is clear that the complaints are not being taken seriously at a higher level or are not being properly acted on or investigated. That is why this continued for so long and why we eventually had to leave. We understood that we would go unheard and that the illegal operation would continue. So I have to ask: is this what we want for our town? We want our residents run out while people keep turning their heads and look the other way? We want families to leave so there is no one left to complain? That is what it felt like to us. It felt like the residents and homeowners who have been there for 20 years were the obstacle, not the illegal trucking operation. I also want to state for the record that we were even pressured to stay silent. During the real estate process, an addendum was proposed by John [Gillespie] and tried to stop us from interfering with his approvals by attending Zoning meetings. He told us we could not speak in opposition, and we were not to submit written objects opposing criticism. We could not organize with our neighbors or put signs in the front yard. We refused to sign that. I also want to say for the record that access to these meetings has also felt uncertain. We attended meetings that have lasted for hours and hours, we spoke up, we made noise and yes we ruffled some feathers. Then at the following meeting regarding Cathy Lane, we arrived only five minutes late and found the doors locked. I knocked and I would not leave until someone answered and we were told that the meeting was already over. I believe that meeting was intentionally ended early without myself, my husband and our neighbors being heard. I also want to say that Birch Hollow only recently became aware of these plans because the first notification that went out were sent to the wrong Birch Hollow and I believe that was intentional too. I want to thank the Board members for allowing me to be heard tonight because being shut out of this process has felt like a very real threat. What does the future look like for this town if it is allowed to continue? Is it a town where families are pushed out and illegal operations are rewarded? Or a town where the rules actually mean something? A small, historic and proud American town, home to an Olympians, Champions and more little champions still growing up here. We are currently homeschooling our daughter with a focus on integrity. To do the right thing when no one is watching. That lesson has to start at the top, these children are always watching what adults choose to tolerate and what they will stand up for. Right now, the integrity of this town's rules and the way the rules are enforced is being questioned. I am here today to hope that in numbers, we are finally heard. I do not want silence to be mistaken for acceptance and I still believe that the people in this town deserve to know that the rules matter and that the residents matter too. I respectfully ask that you deny the application because by protecting family life, you are protecting Florence families and the future of this town. He did not come here to build something that fits into our town, he came to take as much as he can. He treats homes and roads

15.

and hardworking families like pieces in a Monopoly game, moving them around when it serves him. That is not the American dream, that is the destruction of it.

Pam Mueller 50 Cathy Lane:

“50 Cathy Lane right across the street from this wonderful place that you are all trying to push through. I only had a few questions, but I have a couple more because of a few things you have said. The first one is that they [applicant] said that the operating hours will be 7am-5pm. Chairman Pagano, you said 7am-10pm, so what is it going to be? Are you allowing them to come down the lane until 10pm?”

Chairman Pagano answered that they are simply trying to determine what their operating hours will be.

Ms. Mueller wants a guarantee about what the hours of operations are going to be

Chairman Pagano answered that he believed we went over and determined what the hours are as part of the application.

Solicitor Frank said his notes indicate that they are generally having trucks leaving and arriving between 8am and 6pm. But that has since be determined that were the office hours.

Ms. Mueller wants to know what the hours are that are going to be approved for this application. Solicitor Frank said that he has written down 7am-5pm for trucks; but sometimes they arrive a little later. Ms. Mueller said it sounds like it will be the same as it is now. Chairman Pagano added that one of the purposes is to establish the operating hours. Solicitor Frank stated that earlier in the meeting, the applicant stated that when a truck is going to be late, that they direct that truck to another one of their locations through a dispatcher.

Mr. Gillespie stated that the operating hours will be 7am-5pm Monday through Friday; 8am-4pm Saturday and closed on Sunday. There are occasions where it could be a little earlier than 7am. Chairman Pagano added that the hours being established including a quiet period, which is typical.

Engineer Clark looked up the hours for “construction” as it states in the Township Code and those hours are 7am – 8pm for a point of reference. Mr. Gillespie said that he agrees with that. Ms. Mueller wants to know what happens if a truck comes in at 8:05 or 8:30 or 9pm. Chairman Pagano said we have mechanisms in place for enforcement, and the Board is not here for enforcement.

Chairman Pagano also wanted to add that the members of the Board are residents of the town and are volunteers. And the decisions that are made by the Board and the narrow focus of what the Board has to look at, affect every person in this room. We want to make sure that everyone gets heard.

Ms. Mueller also asked about the plans to widen Cathy Lane, and even though the applicant will be paying for it, it all depends on when the township decides to do the work. She stated that it should have already been widened. When she turns into Cathy Lane, and the truck is taking up the entirety of Cathy Lane, it becomes dangerous to stop on 130 in order to turn on to Cathy Lane. She

said nothing has been done yet to widen the road. The trucks are currently using the road and it needs to be widened now. For example, she has a 92 year old stepfather living at 50 Cathy Lane who is totally blind and has heart problems. She cannot sell the house, even though the applicant offered to buy it, but she can't move him to another place where he won't know where anything is. If he were to call 911, how long would it take for the trucks to get out of the way for an emergency vehicle? Ms. Mueller thinks that is something that needs to be addressed immediately. Ms. Mueller said that the trucks are using the road, even though it's illegal, and the road needs to be widened now. She wants to know if there is any indication of when it will happen.

Solicitor Frank said that is a little more complicated than the Governing Body saying that the road will be widened because the NJDOT and the Turnpike Authority are doing a widening project of Route 130 and some lane changes in that vicinity. Any changes that are being made by the Township need approval from the NJ Dept of Transportation. Because there are already plans for the road through NJDOT, the plans to widen the road depend on what the State plans to do. Council is trying its best to expedite the process. Ms. Mueller said she will have to reach out the state.

Ms. Mueller also asked the applicant's engineer to indicate where 50 Cathy Lane is shown on the site plan exhibit and for some explanations of where the house is in relation to the parking area and driveway for the trucking operation. Mr. Malinowski gave her a detailed explanation of what is where on the drawing. Mr. Malinowski said that they angled the driveway toward Route 130 so that the lights won't shine directly into the home and they also added some evergreen landscaping for screening.

Ms. Mueller said that the big lot across from the home is just grass and she asked what part of grass will be left behind. She wants to know if she will be looking at trucks anytime she sits on the porch of the house. Mr. Malinowski said that the proposed landscaping and buffering is about 100 feet between the parking area and Cathy Lane. There is also proposed landscaping on the south side of the driveway that will help alleviate any headlight glare headed toward the home at 50 Cathy Lane.

Ms. Mueller also asked if the trucks have a backup indicator sound on them. Mr. Waraich stated that his trucks do not have that sound when they reverse. Chairman Pagano said that isn't something the Board can or cannot require. Mr. Gillespie said that since this is a permitted use that the ordinance allows the beeping from the trucks in reverse. Mr. Waraich said that tow trucks or flat beds have that reverse sound, but not his trucks. Engineer Clark researched the topic quickly and said that the reverse sound is not a requirement through the Federal Highway Administration, but it is required by OSHA especially in a construction environment like job sites.

Ms. Mueller also added that if there are 2 or 3 trucks ahead of her exiting Cathy Lane it takes a very long time to get out of the road because the trucks have to maneuver through the whole width of Cathy Lane, and then have to turn onto Route 130 using both lanes. When the traffic light at Cedar Lane turns red, that means that the cars waiting to enter 130 from the Turnpike take up the break between red lights.

Chairman Pagano stated that one thing the Board cannot take into consideration is the traffic impact off the site. He also added that one of the important issues that is being worked on this

evening is codifying items, such as operating hours, that were not codified before. By doing so, this assists the township in putting enforcement measures in place.

The topic of overnight stays and the use of the now-vacant 41 Cathy Lane home was brought up. Solicitor Frank stated that because that property is not a part of the Redevelopment Plan, this site plan does not address that property. It is currently a single family home and it cannot be used as a part of this use without approval from the Zoning Board.

Solicitor Frank asked if the applicant's professionals can comment on the other businesses in that area that use trucks as well. Mr. Malinowski said there is a warehouse facility near where the proposed cul-de-sac will be which has some trucking in and out of the facility. Ms. Mueller said that she has never seen any trucks other than a box truck using that facility and there has never been tractor trailers using Cathy Lane prior to the applicant.

Shelly Donahue 202 Birch Hollow Drive. She asked for some clarification on the lighting levels proposed in the parking area. The minimum is .5, and the applicant is proposing less at .3.

She also asked about the solid surface areas directly behind Birch Hollow Drive that are currently being used, and will that still be where the trucks will be parking. Mr. Gillespie said that one of the comments previously that there was haphazard truck parking. With the redevelopment plan, now the parking is defined in the site plan.

Ms. Donahue stated that she is the organizer of the petition which cannot be accepted at the meeting. But she wanted to inform that board that she was able to get 54 signatures from Birch Hollow residents in person, as well as 180 signatures online. Ms. Donahue lives within 200' of the property, she did not receive notice if the original hearing in 2024 when this application was at the Zoning Board. There were 34 homes that did not receive the notice then, but received notice for the Planning Board meeting tonight. She was unaware of the initial Zoning Board meeting and the council meeting in which the Redevelopment ordinance was discussed. Ms. Donahue said this is why the residents were unable to express their concerns then. Ms. Donahue's concerns are related to traffic safety, lighting and noise. She has not found any evidence in the public record about that a turning radius analysis was ever conducted to make sure tractor trailers can safely turn from Route 130 on to Cathy Lane, or from Cathy Lane on to Route 130. During the May 6, 2024 Zoning Board hearing, both Chairman Puccio and Mr. Studzinski raised questions about truck turning. Traffic consultant, Mr. Feranda, stated that his firm did complete the turning radius and Mr. Gillespie said that it would be evaluated. Without a turning radius study, there is no evidence in the record demonstrating that large tractor trailers can safely enter and exit Cathy Lane without creating conflicts with the existing traffic. The site will also be surrounded by multiple light fixtures. While the fixtures are designed to direct the light to the site, with the perimeter lights of this scale, the lights will inevitably direct toward neighboring residences and common areas. It will also increase nighttime illumination experienced by the residents. Ordinance 2023-20 states that efforts should be made to minimize light trespass, obtrusive lighting and sky glow, which has not been discussed tonight. The applicant has indicated that fencing and landscaping buffers will mitigate these aspects, however its difficult to understand how fences and vegetation will effectively shield neighboring properties from the light generated by the fixtures. Ms. Donahue continued by saying that residents already experience truck related noise from the site. Ms. Donahue's residence backs up to 50 Cathy Lane and the proposed parking area. She also can attest

to the current operating hours. She is also concerned about the site plan that allows parking for 42 tractor trailers, while the applicant's website as recently as June 21, 2026, indicated that they had storage capacity for up to 200 containers at 61 Cathy Lane. That statement has since been removed, and she has a screenshot from their website showing this. This raises the concern that the application does not fully reflect the intended scale of operations. Ms. Donahue said the board should take this into consideration as well as the increased intensity before approving the application. Cathy Ln presents Redevelopment challenges, however the question isn't if the property should be developed but whether these "variances" [design waivers] should be granted without substantial detriment to the public good. Ms. Donahue respectfully submits that the increased truck traffic, lighting and noise on neighboring residents should weigh heavily to the determination.

Mr. Gillespie said he knows that Ms. Donahue received a notice because they came from his office. He asked Ms. Donahue to indicate where her property is in relation to this site. She pointed it out on the aerial map of the site exhibit. Her unit backs up to a property that is across Cathy Lane from the site.

Chairman Pagano also added that these are not variances that are being requested, they are design waivers. They do not have to weigh the detriments or benefits of a design waiver as the Board would have to if the applicant was requested variances. Chairman Pagano thanked Ms. Donahue for her remarks.

Mayor Marter asked if the traffic study is available on the township website, and the Clerk confirmed that it is. Ms. Donahue added that the only traffic study available is the one from 2024 and only counted cars travelling on the road, and not tractor trailers. This traffic study is the most recent study available.

Kathleen Bencivengo 216 Birch Hollow Dr

Ms. Bencivengo said that her major concern in the exposure from the diesel fuel emissions and carcinogens from the trucks. She has read multiple studies where it can cause a multitude of different cancers. This is being brought directly into a residential community, which is not the same as being exposed out in the world. She can provide evidence-based studies where there is a link between diesel fuel particulate and different kinds of cancers as well as other illnesses. This affects everyone in Florence. The trucks can only turn right on Route 130 and have to access the jughandle at Delaware Ave/Florence-Columbus Road to get to the NJ Turnpike. Florence-Columbus Road is already overrun with trucks and traffic. Ms. Bencivengo wants to know who enforces the operating hours for the truck operations. There are several discrepancies from Mr. Gillespie and Mr. Waraich regarding the hours of operations. The concern is the noise from the facility outside of the operating hours. She does not believe that this business should be considered "light commercial" business.

Mr. Isaacson asked Solicitor Frank to explain who enforces the Redevelopment Agreements. He explained that the Board is hearing an application for site plan review, that is subject to the Redevelopment Plan and the Redevelopment Agreement. The Board can write conditions of approval and he also wanted to thank Ms. Mueller, again, for bringing up the hours of operation so that can be clarified. Any conditions that are discussed will be incorporated as conditions of approval. The conditions will be enforceable through the Zoning Officer, through the municipality

at Superior Court and seek an injunction against the use. Or, in this instance, there is a Redevelopment Agreement which is a contractual obligation of the applicant to live up to what has been agreed to in that Agreement. That includes things such as the Cathy Lane entrance, and all of the other concerns that have been brought up tonight. The goal is to create parameters to allow enforcement.

Ms. Bencivengo is also concerned about the validity of Mr. Waraich's statements regarding the trucks that could come in later than the operating hours, it is not clear if that is a regular occurrence. Ms. Bencivengo stated that she found some information online about Mr. Waraich's company being brought to the labor board for not paying his employees. Mr. Gillespie stated that he cannot verify that, and that has nothing to do with the application which is for site plan approval. Mr. Bencivengo said that she believes it has to do with character and validity of Mr. Waraich's statements.

Chairman Pagano asked for assurances that the state regulated anti-idling laws will be complied with by the applicant. Mr. Gillespie said this application is no different than any other application to come before a board where there are things that the Board approves and then are subject to future enforcement.

Bob Dunlap 2092 Route 130N, corner of Cathy Lane Route 130. He stated that the Redevelopment Plan was initially denied by Council when he attended that meeting. He said, there was another meeting held, and now the site is under a Redevelopment plan. Otherwise, the applicant would have needed a variance. Mr. Dunlap said this should not be permitted, even though it's a commercial area. The amount of tractor trailers that will come in and out of Cathy Lane will do more than just disrupt the traffic flow. He said that it hasn't been mentioned that the parking area will be gravel, which would increase noise and dust. Mr. Dunlap said that Mr. Waraich will say he will comply, but will end up doing whatever he wants because he has seen it before. Mr. Dunlap said that the property is not designed for the proposed use, and Mr. Waraich does not live here so he does not care. Mr. Dunlap also wants to know why it hasn't been enforced. Mr. Dunlap said he has filed complaints and nothing has happened. Mr. Dunlap said that this will ruin the people's lives who live there and it will bring property values down.

Mr. Isaacson asked the Mayor if she knows if there have been any zoning violations on this property and she said she wasn't aware. Also, Mr. Isaacson asked if starting the Redevelopment process changes the status of any zoning violations. At the March meeting, Mr. Isaacson said there was a remark about how the Redevelopment plan process changes the violation.

Kim Bernardon 23 Amboy Avenue She stated she wished she knew about this application before today when she saw it on social media. She didn't know or she would have been at the town council meeting voicing her opinion about this being a bad idea. We all live with the repercussions of the warehouses and Amazon and the truck traffic that came along with that. This is the new warehouses, all over again. Ms. Bernardon feels like this is making the same mistake again. She drove down to the site to see what it looked like, and she saw a truck turn on to Cathy Lane from Route 130 and it had to go all the way to the opposite curb to turn in. It should not be happening before it is safe enough to turn in yet. She accused the Board of not caring because they don't live in that area and have to see it. She also asked of the proposed landscaping is mature landscaping because if it is not mature, it will take years to fill in and act as a buffer. Mr. Malinowski said they

are planting the type of landscaping that is required by the ordinance and the evergreens will be about 5-6ft tall.

Patricia Ryan 326 Birch Hollow Drive. She and her husband own the property at 326 Birch Hollow Drive. She asked about the impervious surface where the trucks will be parked. She wanted to verify that the surface will be gravel or stone, Mr. Malinowski confirmed. Ms. Ryan asked if there is a particular reason why the area cannot be paved instead. Engineer Clark said there is no reason why they cannot pave it, and it is not a requirement in the ordinance. Ms. Ryan said that the parking area would be quieter if it was paved. She thinks it shows more faith from the applicant if it would reduce the noise. Mr. Malinowski said that pavement would increase the run-off from the site and it creates more heat. She said by using gravel, it means that the surrounding residents are giving up their quality of life.

Shelly Donahue 202 Birch Hollow Dr asked one more question. She asked for clarification of what are the next steps for this application after the Planning Board. Solicitor Frank said that if the Board were to grant approvals at this meeting, he would be tasked with writing the resolution of approval, which would embody all of the conditions based on the specific comments that were made. The resolution would then be adopted at next month's meeting. After that step, there is a 45 day appeal period during which someone can bring an appeal to Superior Court and challenge the board's approval. During the resolution writing process, the applicant's engineer is going to be working on compliance drawings and submissions that address all of the items brought up in the meeting tonight, such as the stormwater management and the landscaping buffers. The application is also subject to outside agency approvals. Once all of those plans are approved and all the pieces come together, then a Zoning Permit will be issued to complete the project. There will also be Performance Bonds posted for the improvements, and a pre-construction meeting. Other construction permits can be issued after this. It will not come back to the Zoning Board or Council, but Council will adopt a Redevelopment Agreement which is a contract between the applicant and the township which outlines what the applicant will fund, and all other details about the project going forward. And then the process is complete.

Solicitor Frank also clarified that this application did come in front of the Zoning Board in 2024 for a use variance, because at that time, the use was not permitted in the zone. The Zoning Board, at the time, said that because of the complexities of things like the requirement to widen Cathy Lane and the need eliminate trucks from illegally crossing the median on Route 130 and the issue with the cul-de-sac and specific parameters of the use, the Zoning Board felt that it was something that could be better addressed through the Redevelopment process, so the applicant can work directly with Municipal Officials. What the Zoning Board did was grant the applicant an adjournment from that hearing while the applicant sought to work with the municipality on the Redevelopment Plan that was ultimately adopted. When the Redevelopment Plan first came before the Planning Board for Master Plan consistency review, the Planning Board had some issues with the first version of that plan. That is what was being discussed in the minutes from previous meetings where this application and Redevelopment plan were presented. Then, the Applicant and Council went back and refined items to address the concerns that the Planning Board voiced at that time. The Plan was amended and came back to the Planning Board again, and the Plan was voted it as being consistent with the Master Plan, which was when the Redevelopment Plan ordinance was adopted by Council and created the permitted use. There has been a lot of work done, along the way to define that use and to make sure it was not going to be as problematic as was assumed by

residents. Mayor Marter also added that the Redevelopment Plan also gives the town “teeth” as opposed to just a use variance. Planner VanBernum said that it is a contract between the town and the applicant. It is also less risky to do the Redevelopment plan than a use variance because if the Zoning Board were to miss some of the specific concerns in a use variance, the Redevelopment Agreement lays out conditions of approval. In this case of a Redevelopment Agreement, the municipality, Council, the Planning Board and their advisors all have a voice in the process.

A Motion was made by Mr. Berry, seconded by Mr. Isaacson to close public comments. Motion unanimously approved by all members present.

Mr. Gillespie requested time for a rebuttal for some of the Public Comments. Chairman Pagano said that if Mr. Gillespie wants extra time, then the application will have to adjourn and carry to the July 28 meeting. The Board agreed to rebuttal comments from Mr. Gillespie as well as offer some evidence regarding some of the Public Comments. A Motion was made by Mr. Isaacson, seconded by Mr. Berry to carry the application to the July 28, 2026 meeting. Motion unanimously approved by all members present.

ADJOURNMENT

Motion made by Mr. Berry, seconded by Mr. Fratinardo to adjourn the meeting at 11:10PM. Motion unanimously approved by all members present.

John Fratinardo, Secretary

JF/ah