

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. P.B.-2022-09

Application PB#2021-08

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF WHITESELL CONSTRUCTION CO., INC.
PRELIMINARY and FINAL MAJOR SITE PLAN
BLOCK 158, LOT 5.01
GM GENERAL MANUFACTURING ZONING DISTRICT
APPROVAL**

Decided: May 24, 2022
Resolution Memorialized: July 26, 2022

WHEREAS, Whitesell Construction Company, Inc., has made application to the Florence Township Planning Board for preliminary and final major site plan approvals to allow development of 249,600 sq. ft. industrial building, and associated site improvements including parking, lighting, landscaping and stormwater facilities, at a 17.14 acre property located at 900 Richards Run and known on the Official Tax Map of the Township of Florence as Block 158, Lot 5.01;

WHEREAS, the applicant is the developer of the property, which is owned by Haines Center-Florence, LLC, which has authorized the making of this application;

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

WHEREAS, the Board granted certain submission waivers (including from the requirement that the landscape plans be prepared by a licensed landscape architect) and found the application to be administratively complete at its January 25, 2022 regular meeting;

WHEREAS, upon a finding that proper hearing notices had been mailed and published, and that its jurisdiction was therefore proper, the Board opened a hearing on the application at its February 22, 2022 regular meeting;

WHEREAS, the applicant's Traffic Engineer, David Horner, PE, PTOE, appeared, was sworn, was accepted as an expert in his fields by the Board, and offered his testimony in support of the application;

WHEREAS, Terrence Huettl, Executive Vice President of Whitesell Construction, and a licensed professional engineer, also appeared, was sworn, was accepted as an expert in the field of site and civil engineering, and offered his testimony, along with the arguments and representations of counsel, in support of the application;

WHEREAS, following the presentation of the applicant's case-in-chief, review of the Board professionals' letters, public comment, and Board discussion, the the Board moved to adjourn the public hearing to the time and date certain of the Board's March 22, 2022 regular meeting (without further mailed or published hearing notices) to allow an opportunity for certain plan revisions in accord with recommendations of the Board and its professionals;

WHEREAS, at the Board's March 22, 2022 regular meeting, and with the applicant's consent, the Board decided to adjourn the public hearing to the time and date certain of its April 26, 2022 regular meeting (without further mailed or published hearing notices) to allow sufficient time for its professionals to review the revised drawings that were submitted by the applicant under cover of Mr. Huettl's letter of March 11, 2022;

WHEREAS, at the Board's April 26, 2022 regular meeting, the Board decided to adjourn the public hearing to the time and date certain of its May 24, 2022 regular meeting (without further mailed or published hearing notices) to allow all regular members of the Board who had participated in the initial February 22, 2022 hearing to participate in the continued hearing on the revised plans;

WHEREAS, the hearing on the application resumed at the Board's May 24, 2022 regular meeting, the applicant presented additional testimony from Mr. Huettl concerning the applicant's revised plans; and the Board opened the hearing for additional public comment on the newly presented matter only;

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

Findings of fact:

1. Whitesell Construction Company, Inc., has made application to the Florence Township Planning Board for preliminary and final major site plan approvals to allow development of 249,600 sq. ft. industrial building (within which 5,200 sq. ft. is proposed to be used as office space), and associated site improvements including parking, lighting, landscaping and stormwater facilities, at a 17.14 acre property located at 900 Richards Run and known on the Official Tax Map of the Township of Florence as Block 158, Lot 5.01.
2. The applicant is the developer of the property, which is owned by Haines Center-Florence, LLC, which has authorized the making of this application, and therefore has standing to bring these applications before the Board.
3. The subject property lies in Florence Township's GM- General Manufacturing Zone District in which the proposed industrial building use is permitted as of right. Therefore, jurisdiction to hear the application is proper in the Planning Board.
4. The applicant has submitted proper proofs of service of notice and proof of publication of notice of the major site plan hearing, and the Board has jurisdiction to hear this application.
5. The applicant has submitted the following documents in support of its application:
 - a. A completed Township of Florence Land Development Application;
 - b. A completed Township of Florence Major Site Plan Application Checklist of Submission Requirements;
 - c. Township of Florence Tax Collector's Certifications that no taxes were due on the subject properties at the time of the application;
 - d. Site Plan drawings comprised of 12 sheets prepared by Terrance J. Huettl, PE, and dated 12/20/2021, and subsequently re-submitted as revised March 10, 2022, April 12, 2022 and May 4, 2022;
 - e. Plan of Survey prepared by Wallace Associates dated 12/16/2021;

- f. Stormwater Management Report prepared by Terrance J. Huettl, PE, and dated 12/20/2021 and subsequently re-submitted as revised through March 2, 2022, April 12, 2022 and May 4, 2022;
 - g. Environmental and Municipal Impact Statements prepared by Terrance J. Huettl, PE, and dated 12/20/2021;
 - h. Major Development Stormwater Summary prepared by Steven Taylor dated 12/20/2021;
 - i. Traffic Impact Study prepared by David H. Horner, PE, PTOE of Horner & Canter Associates, PC, dated October 28, 2021;
 - j. Preliminary overall floor plan and elevations dated 12/16/2021;
 - k. Cover/response letters of Terrance Huettl dated December 20, 2021, March 11, 2021, April 12, 2021, April 21, 2022 and May 4, 2022;
 - l. Email of applicant's counsel dated March 21, 2022 requesting that the public hearing be adjourned from March 22, 2022 to April 26, 2022;
 - m. Township of Florence Land Use Escrow Agreement;
 - n. Application and escrow fees as required by ordinance;
 - o. Ownership disclosure as required by statute is on file with the Township;
 - p. Tax Collector's Certification that no taxes were due on the subject property;
 - q. An aerial photo of the site and surrounding properties, introduced and entered into evidence in the course of the public hearing as Exhibit A-1";
 - r. A site plan color rendering, introduced and entered into evidence in the course of the public hearing as Exhibit "A-2".
6. The Board's Engineer, Theodore Wilkinson, P.E., C.M.E. of Colliers Engineering & Design, Inc., submitted review letters dated January 10, 2022, February 9, 2022, March 21, 2022, April 18, 2022 and May 11, 2022 commenting upon the application which are hereby incorporated into the record.
 7. The Board's Planner, Barbara Fegley, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted review letters commenting upon the application dated February 10, 2022 and March 16, 2022, which are hereby incorporated into the record.

8. The Township Fire Official, Brian T. Richardson, submitted review letters commenting upon the application dated February 17, 2022, and April 20, 2022 which are hereby incorporated into the record.
9. The Florence Township Environmental Commission submitted its comments on the proposed development by way of a memorandum dated February 10, 2022, which is hereby incorporated into the record.
10. The Township's Director of Water and Sewer, David Lebak, submitted a review memorandum dated February 8, 2022 which is hereby incorporated into the record;
11. Approval of the plans as amended through the date of the applicant's May 4, 2022 plan revisions in accord with the suggestions of Board and municipal officials (most significantly to provide full circulation for emergency vehicles around the rear of the building and sidewalks along the road frontage of the subject property) would require variance relief from applicable automobile parking standards and a design exception from the width requirement for truck loading docks. In addition, design exceptions are necessary from curbing requirements for the east automobile parking area and the trailer parking area, where in each case concrete wheel stops will be provided, and from the maximum monument sign height which is proposed to be 7' where 6' is permitted.
12. With regard to automobile parking spaces: 131 are proposed, 271 would be required under the GM Zone standards and 70 would be required under the Township's general parking requirements. Mr. Huettl testified that the proposed 131 spaces are consistent with the needs of the tenants his company seeks to locate in its buildings.
13. Florence Township ordinances require all automobile parking spaces to be 10' x 20'. In order to provide more green area and less impervious coverage, Mr. Huettl testified that the interior parking spaces are proposed to be 9.5' x 20' and the perimeter spaces are proposed to be 9.5' x 18'.
14. With regard to the width of the truck loading docks, Mr. Huettl testified that the required 15 ft. width is inefficient as compared to the 13 ft. width his company prefers to use in its designs. The inefficiency derives not from having fewer docks

but from a building design that is inefficient. In exchange for the requested design waiver, Mr. Huettl testified that the applicant would be agreeable to an approval condition that there be no more bays on the 13 ft. spacing than there could be if they were built with a width of 15 ft. This would reduce the number of docks to 46 from the initially proposed 53.

15. In addition to the truck loading docks 55 trailer parking spaces are proposed.
16. Mr. Huettl testified that the requested design waiver to eliminate some curbs was justified because so doing would allow for stormwater to sheet flow to the basins in accord with the proposed design.
17. With regard to the proposed 7' monument sign height, Mr. Huettl testified that the proposed sign dimensions are consistent with those used by Whitesell throughout its several industrial parks, including this one, and that this consistency is a visual and aesthetic benefit as well as being a functional benefit to his company.
18. The overall site will meet all applicable stormwater standards.
19. Except for the above-noted parking variances and design exceptions, and upon agreed compliance with the Board professionals review letters, the proposed, parking, loading, lighting and landscaping will meet applicable standards.
20. The proposed lighting will be downward-directed, and an "auto off-on" switch system will be installed to assure that lights are on only at night and are turned off during daylight hours. There will be three separate circuits for site lighting for the automobile parking area, trailer parking area and loading area, respectively, to allow the site operator flexibility in dimming or turning off un-needed site lighting. When the facility is not in operation, the site operator shall dim or turn off any lights not needed for site safety and security. To the extent that this represents a deviation from ordinance lighting design standards, the practical and environmental reasons for such a deviation are clearly evident, and such a waiver can be granted by the Board.
21. The applicant's May 4, 2022 plan revisions have addressed the comments set forth in the review letter of the Township's professionals and officials.
22. The Board finds the testimony of the applicant's experts credible and probative.

23. Public comment was offered at February 22, 2022 hearing by Brian Hewitt of 1080 Grove Street.

Conclusions of Law:

The Board finds that the proposed parking variances can be granted pursuant to NJSA 40:55D-70(c)2 because the proposed development offers a better zoning alternative than strict adherence to ordinance standards the benefits of which outweigh any potential detriment to the public good or impairment of the zone plan which may result from those deviations from ordinance standards.

The Board finds that the requested design exceptions pertaining to loading dock widths, elimination of some curbs, monument sign height and lighting uniformity can be granted because these features will be efficient and functional as proposed in light of the specific design and use considerations applicable to this site.

Except for the referenced variances and design exceptions, the proposed 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 preliminary and final major site plan should be approved, subject to appropriate conditions as set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Planning Board in the County of Burlington and State of New Jersey that the application of Whitesell Construction Company, Inc., seeking preliminary and final major site plan approvals to allow development of 249,600 sq. ft. industrial building, and associated site improvements including parking, lighting, landscaping and stormwater facilities, at a 17.14 acre property located at 900 Richards Run and known on the Official Tax Map of the Township of Florence as Block 158, Lot 5.01, be, and hereby is, approved, subject to the following conditions:

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. If any future gate to control entry onto the site is proposed, the developer will comply with Fire Department requirements for such a gate or gates.
 3. Compliance of the site operator with Florence Township recycling plan ordinance requirements.
 4. The applicant shall comply with statutory requirements concerning EV charging spaces and make-ready spaces, and solar roofs.
 5. Compliance by the applicant with affordable housing obligations, if any, in accord with Township ordinances and State statutes in effect at the time of issuance of a Certificate of Occupancy.
 6. All taxes and escrow fees for professional review must be paid current and in full.
 7. Any additional development on the subject property or any modification to any development pursuant to, or inconsistent with, this approval and the drawings and exhibits presented by the applicant in support of the application or testimony leading to this approval shall require revised approval of this Board.
 8. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to: Burlington County Planning Board and Burlington County Soil Conservation District. Copies of all applications, permits and certifications related to such approvals shall be filed with this Board. The applicant shall pursue with good faith and due diligence any and all such additional approvals as may be required and shall provide the Board with copies of all reports and approvals for same, including copies of any and all applications filed.
 9. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
 10. 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.

11. 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 this decision be published in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not implement this approval within two years of the date hereof (or such other extended date as may be provided by statute or Board action), this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

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

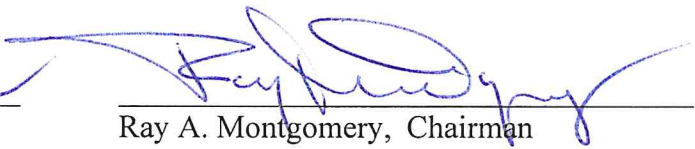
Moved by : Mr. Kehr
Seconded by : Councilman Garganio
In Favor : Mr. Kehr, Councilman Garganio, Ms. Cartier, Mr. Mattson,
Mayor Wilkie, Chair Montgomery
Opposed : Mr. Pagano
Abstained : None
Absent : None

MOTION TO ADOPT RESOLUTION:

Moved by : Mayor Wilkie
Seconded by : Mr. Kehr
In Favor : Mayor Wilkie, Mr. Kehr, Ms. Cartier, Councilman Garganio,
Mr. Mattson, Chair Montgomery
Opposed : None
Abstained : None

FLORENCE TOWNSHIP PLANNING BOARD

Dated: 7-26-22


Ray A. Montgomery, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Planning Board held on **July 26, 2022** and memorializes a decision taken by the Board on **May 24, 2022**.

Dated: 7-26-22


Carl Mattson, Secretary (Acting)
Karen Federico