

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. P.B.-2018-21

Application PB#2018-07

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF B & H FOTO & ELECTRONICS CORP.
FOR BLOCK 148.06 LOT 2
400 CEDAR LANE
GM GENERAL MANUFACTURING ZONING DISTRICT
ROUTE 130 REDEVELOPMENT AREA
THIRD AMENDMENT
FINAL MAJOR SITE PLAN
APPROVAL**

Application Decided: September 13, 2018
Resolution Memorialized: September 25, 2018

WHEREAS, by way of its Resolution 2016-10, the Florence Township Planning Board granted preliminary and final major site plan approval concerning a 33.36 acre property at 400 Cedar Lane known as Lot 2 of Block 148.06 to allow development of a proposed 577,200 sq. ft. warehouse/distribution building and associated site improvements;

WHEREAS, by way of its Resolution 2017-13, the Board granted Amended Final Major Site Plan approval to allow changes to the previously approved plans, principally concerning treatments along the frontage of the subject property including installation of sidewalks, landscaping, fencing, gates and a trash compactor (at the southeast corner of the building), and also involving relocation of a guard booth;

WHEREAS, by way of its Resolution 2018-13, the Board granted B &H Foto & Electronics Corporation, the tenant of the subject property, Second Amended Final Major Site Plan approval to allow to install three additional trash compactors: one at the rear loading area and two in the front loading area that faces Cedar Lane;

WHEREAS, B &H Foto & Electronics Corporation now seeks approval for a third amendment to the final major site plan to allow construction of an electrical room, installation of three electrical generators in a grassed island on the northeast of the existing building, and conversion of truck circulation and loading dock areas into 127 car parking spaces in the area between the building and Cedar Lane;

WHEREAS, the applicant is represented by Erin A. Szulewski, Esquire, of the Parker McCay firm;

WHEREAS, upon a finding that its jurisdiction was proper, the Board opened a hearing on the application at a duly noticed special meeting on September 13, 2018, granted waivers of certain ordinance checklist submission requirements as specified and recommended in the Board Engineer's letter of September 11, 2018 and his testimony in the course of the hearing, found the application administratively complete, and opened the public hearing on the substance of the application;

WHEREAS, the applicant's Engineer, Ahmad Tamous, PE, of Bohler Engineering, appeared, was sworn, was accepted as an expert in the fields of site and civil Engineering by the Board, and offered his testimony in support of the application;

WHEREAS, Yakov Herman, the Facility Director for the applicant, appeared, was sworn, and also offered his testimony, along with the arguments and representations of counsel in support of the application;

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

Findings of fact:

1. The applicant is the tenant of the subject property, located at 400 Cedar Lane and known as Lot 2 of Block 148.06, the owner has authorized the making of the current application, and the applicant therefore has standing to appear before the Board.
2. By way of its Resolution 2016-10, the Florence Township Planning Board granted preliminary and final major site plan approval for the subject property to allow

development of a proposed 577,200 sq. ft. warehouse/distribution building and associated site improvements.

3. By way of its Resolution 2017-13, the Board granted amended final major site plan approval to allow seven distinct changes to the previously approved plans. These changes were:
 - a. Installation of a 5' wide sidewalk along the property's Cedar Lane frontage in accord with County Planning Board requirements;
 - b. Modification of the width and composition of the previously approved landscape treatment along Cedar Lane to accommodate the new sidewalk;
 - c. Installation of an 8' tall black vinyl-coated chain link fence from the northeast corner of the building to the sound wall, and installation of 12' wide sliding gates in that fence;
 - d. Installation of an 8' tall black vinyl-coated chain link fence along the landscape island separating the southerly parking lot from the truck access drive, and installation of 12' wide sliding gate in that fence at the driveway;
 - e. Relocation of the guard booth from the southern side of the truck access to the center of the truck access drive, and slight widening of the drive (and narrowing of the grass island) at that point to accommodate the new booth location;
 - f. Installation of a trash compactor at the southeast corner of the building;
 - g. Replacement of the ornamental swing gates at the driveway entrances with ornamental sliding gates.
4. By way of its Resolution 2018-13, the Board granted B &H Foto & Electronics Corporation, the tenant of the subject property, Second Amended Final Major Site Plan approval to allow installation of three additional trash compactors: one at the rear loading area and two in the front loading area that faces Cedar Lane.
5. The applicant now seeks approval to now seeks approval for a third amendment to the final major site plan to allow construction of an electrical room, installation of three electrical generators in a grassed island on the northeast of the existing building, and

conversion of truck circulation and loading dock areas into 127 car parking spaces in the area between the building and Cedar Lane.

6. The subject property lies in the Township of Florence GM General Manufacturing Zone District, in which the warehouse/distribution facility use is permitted as-of-right, however, the proposed development must comply with the use, bulk and design standards set forth in the “Cedar Lane First Industrial Redevelopment Plan, Block 148.06, Lot 2, Florence Township Burlington County, NJ”, dated December 9, 2015, revised to December 29, 2015 and approved by the Florence Township Council by Ordinance No. 2016-01 adopted January 20, 2016.
7. The Board has jurisdiction to hear this application.
8. The applicant has submitted the following documents in support of its application:
 - a. Transmittal letter dated August 29, 2018 from the applicant’s counsel;
 - b. A completed Township of Florence Land Development Application;
 - c. Completed Township of Florence Major Site Plan Application Checklist of Submission Requirements;
 - d. An explanation of the application;
 - e. Proof that no taxes were due on the subject property at the time of the application;
 - f. Sheets 5 and 7 of the record site plan drawings prepared by Bohler Engineering dated 8/24/15 and revised through 8/28/19 (the set is of 29 sheets but the additional sheets are not revised, so were not submitted);
 - g. A color rendering of site plan Sheet 5 revised through 9/12/18 to address comments of the Township Fire Code Official and showing the locations of the currently proposed improvements, introduced and entered into evidence in the course of the public hearing as Exhibit A-1;
 - n. Application and Escrow Fees in accord with ordinance requirements;
 - o. An executed Escrow Agreement;
 - p. Form W-9 Request for Taxpayer Identification Number and Certification;
 - q. Executed corporate ownership disclosures in the form required by statute.

7. The Board's Planner, Barbara Fegley, AICP, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted a review letter commenting upon the application dated September 10, 2018 which is hereby incorporated into the record.
8. The Board's Engineer, Hugh Dougherty, P.E., C.M.E. of Pennoni Associates, submitted a review letter dated September 11, 2018 commenting upon the application which is hereby incorporated into the record.
9. The Township's Fire Code Official, Brian Richardson, submitted an email offering no comments upon the application and supporting submissions dated September 4, 2018 which is hereby incorporated into the record.
10. Mr. Herman testified that the proposed backup generators are necessary because the electricity provided by the public utility has repeatedly since the facility opened, and the resulting interruption of facility operations has been very problematic. He further testified the truck loading bays between the building and Cedar Lane are not used, and that more conveniently accessible parking for employees is needed. Hence, the request to convert these areas into automobile parking spaces. Providing parking for cars as proposed will also help to keep onsite car and truck traffic separated. The proposed car parking is in addition to existing car parking and is not intended to replace such existing parking.
11. The applicant's Engineer testified that the proposed generators will comply with Township noise ordinances, and the applicant's representatives were agreeable to a condition of approval that the generators be exercised only during regular business hours Monday through Friday.
12. The proposed new development will not result in creation of any new impervious lot cover.
13. A 6 ft. tall black vinyl chain link fence is proposed to block access from the new car parking area to the existing unused truck loading docks.
14. No variances are required for approval of the proposed amended final major site plan.
15. A design waiver is necessary for the proposed car parking areas because no shade trees are proposed. The applicant proposes to provide additional evergreens in the vicinity of the proposed new generators instead.

16. No public comment was offered on the proposed amended site plan.

Conclusions of Law:

The Board finds that except for the requested design waiver concerning provision of shade trees in the proposed car parking area (which the applicant proposes to offset with trees elsewhere), the proposed development conforms to Township ordinance standards. The applicant has complied with the application requirements and procedures of the Board for approval of such development. Therefore, the proposed third amendment to the approved 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 B &H Foto & Electronics Corporation seeking a third amendment to the approved Final Major Site Plan to allow construction of an electrical room, installation of three electrical generators in a grassed island on the northeast of the existing building, and conversion of truck circulation and loading dock areas into 127 car parking spaces in the area between the building and Cedar Lane, be and hereby is, **APPROVED**, subject to the following conditions:

1. All conditions of previous approval Resolutions not expressly waived or modified by this approval shall remain in full force and effect.
2. The backup generators operation shall comply with applicable noise standards and shall be exercised only during regular business hours Monday through Friday.
3. All taxes and escrow fees for professional review must be paid current and in full.
4. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development. Copies of all applications, permits and certifications related to such approvals shall be filed with this Board. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required. It is expressly acknowledged that the applicant has already obtained County Planning Board approval for this project, and that many of the

modifications in this Amended Major Site Plan approval are in furtherance of implementation of that approval. Therefore, a new County Planning Board approval is not required.

5. Any additional development on the subject property or any modification to any development pursuant to, or inconsistent with, this approval shall require approval of this Board.
6. 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.
7. Any permits, deeds, easements, vacations, dedications, revised drawings or other documents related to this proposed development shall be approved by the Board attorney and Board engineer and filed with the appropriate authority. Proof of recording with the County Clerk shall be filed with this Board.
8. The applicant shall post a performance guarantee (if applicable under current statutes) in an amount accepted by the Township Council after recommendation by the Board Engineer and in a form approved by the Board Engineer and Township Attorney.
9. Compliance by the applicant with Township ordinances, and State laws and regulations pertaining to non-residential developers' affordable housing obligations which are applicable to the subject development. The applicant's affordable housing obligation, if any, shall be that required by applicable law.
10. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. If this approval is not perfected within two years of the date hereof, or such extended date as may be provided by statute or Board action, this approval shall be void.

MOTION TO APPROVE SECOND AMENDED FINAL MAJOR SITE PLAN:

Moved by : Mr. Molimock
Seconded by : Mr. Pagano
In Favor : Mr. Molimock, Mr. Pagano, Mr. Morris, Councilman
Lovenduski, Chair Hamilton-Wood
Opposed : None
Recused : None
Absent : Mr. McCue, Mr. Montgomery, Mayor Wilkie

MOTION TO ADOPT RESOLUTION:

Moved by : Mr. Lovenduski
Seconded by : Mr. Pagano
In Favor : Mr. Lovenduski, Mr. Pagano, Mr. Morris

Opposed : None
Recused : Mayor Wilkie
Absent : Mr. Molimock, Chair Hamilton-Wood

FLORENCE TOWNSHIP PLANNING BOARD

Dated: 9-25-18

Karen Federico
~~Mildred Hamilton-Wood, Chairman~~
Karen Federico, Acting Secretary

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Planning Board held on September 25, 2018 and memorializes a decision taken by the Board on September 13, 2018.

Dated: 9/25/18

Wayne Morris
Wayne Morris, ~~Secretary~~ Acting Chairman