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Florence, New Jersey 08518-2323
February 5, 2018

The Reorganization/Regular meeting of the Florence Township Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Solicitor David Frank called the meeting to order at 7:33 p.m. followed by a salute to the flag.

Solicitor Frank then 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:

Joseph Cartier	Anthony Drangula
Larry Lutz	Lou Sovak
B. Michael Zekas	Margo Mattis
Dennis Puccio	

Absent: Brett Buddenbaum, Anant Patel

Also Present: Solicitor David Frank
Engineer Andrew Banff
Planner Barbara Fegley

SWEARING IN OF NEW MEMBERS

Solicitor Frank administered the Oath of Office to Lou Sovak for a 4-year term expiring December 31, 2021.

ELECTION OF OFFICERS FOR 2018

Solicitor Frank called for nominations for Chairman of the Board for the year of 2018.

It was the Motion of Lutz, seconded by Cartier to nominate B. Michael Zekas as Chairman. Hearing no further nominations for Chairman, it was the Motion of Lutz, seconded by Cartier to close the nominations. Motion unanimously approved by all members present. Member Zekas accepted the nomination, thanked the Board and was seated as Chairman.

Chairman Zekas called for nominations for Vice Chairman of the Board. It was the Motion of Lutz, seconded by Sovak to nominate Anant Patel. Chairman Zekas stated that Mr. Patel is away on business; however, he had spoken to him earlier and Mr. Patel stated he would accept the nomination if that were to happen. Hearing no further nominations for Vice Chairman, it was the Motion of Lutz, seconded by Cartier to close nominations for Vice Chairman. Motion unanimously approved by all members present.

Chairman Zekas called for nominations for Board Secretary. It was the Motion of Cartier, seconded by Mattis to nominate Larry Lutz. Hearing no further nominations, it was the Motion

2.

of Sovak, seconded by Cartier to close nominations for Board Secretary. Motion unanimously approved by all members present. Member Lutz accepted the nomination and thanked the Board.

Chairman Zekas called for nominations for Board Clerk. It was the Motion of Lutz, seconded by Drangula to nominate Karen Federico as Board Clerk. Hearing no further nominations, it was the Motion of Lutz, seconded by Cartier to close the nominations for Board Clerk. Motion unanimously approved by all members present.

APPLICATIONS

- A. Application ZB#2017-10 submitted by Whitesell, One Underwood Court, Delran, NJ 08075 for Final Major Site Plan approval for property located at 600 Richards Run, Florence Township. Block 158, Lot 4

Lynn Blessing-McDougall stated she was here representing the applicant, Whitesell Construction Company. She stated Terrance Huettl, the executive vice president of Whitesell, as well as a licensed engineer, was here with her tonight to present the application.

Solicitor Frank swore in Terrance Huettl and declared him as an expert witness.

Mr. Huettl stated that their application is for Final Site Plan approval for an industrial facility at the Haines Center. This project, located at 600 Richards Run, was granted Preliminary Site Plan approval in 2010, which also included a use variance. That use variance was necessary because this project straddles the township lines of Burlington Township and Florence Township with the driveway and part of the parking lot to be located in Florence Township. The driveway and parking are accessory uses and because there is no principal use in Florence Township, a use variance was required. The preliminary approval was in 2010; the protection period associated with that approval was extended by the Permanent Extension Act and then further extended by an action of this Board in 2016; that extension expires in July of 2018.

Mr. Huettl stated this project is an industrial facility that will be located in the middle of the Haines Industrial Center at 600 Richards Run. He presented an exhibit, A-1, which was an aerial view of the Haines Industrial Center dated 4/18/17 and also handed out a smaller scale of the exhibits to the Board members. Mr. Huettl stated the Haines Industrial Center was developed by the Whitesell family and is 800 acres in size and is 2/3 developed to date.

Exhibit A-2 was presented, which was a site plan rendering dated 1/8/18. The dashed line on the exhibit represented the township line; the driveway, parking lot and a small portion of the loading area is proposed to be located in Florence Township with the building, loading, small portion of the parking lot, and an intended parking lot for a potential 2nd tenant to be located in Burlington Township. Their hope is to have only 1 tenant, but there is nothing firm at this time. If they do end up with 2 tenants, there will be a 2nd entrance and parking lot on the Burlington Township side of the building.

Mr. Huettl explained there are a few changes made since the preliminary approval was done; some were made because of the preliminary approval and some were done at Whitesell's request:

3.

- Whitesell discovered there were two areas on the original topography plan was not as accurate as thought. A new topography was submitted with this application.
- Related to the change in the topography is they have relocated the basin which was originally located in both townships to now being located in Burlington Township.
- The phasing of the project would now be to construct the entire building in Phase 1. The driveway around the back of the building will be built in Phase 1, as well. Phase 2 would now be the future parking area up front in Florence Township and the potential future parking area located in Burlington Township if they have a 2nd tenant.
- The lighting plan has been revised from high pressure sodium lights to energy efficient LED lights.
- The landscaping plan has been changed, which is associated with a new waiver request. This is due to over time, Whitesell has built a lot of buildings and they've discovered that mice like to live in the mulch that is surrounding the ground cover. They'd also like to have less plants that attract deer. This application's new landscape plan eliminates the ground cover in the islands of the parking areas. To replace these plantings, 10 trees have been added in Florence Township and 25 trees in Burlington Township. The species of the trees has also been changed and are intended to be trees that are native to the area. There will be a dozen different types of trees totaling 185 trees. The original design was done by a landscape architect which is required by the ordinance. An attempt was made to contact that same landscape architect to revise the plan and Whitesell was advised he was no longer in private practice. Whitesell has revised the plan themselves.

Seeing there were no questions of Mr. Huettl's presentation, Chairman Zekas stated we could move on to the review letters from Planner Fegley and Engineer Banff. Chairman Zekas asked Planner Fegley if the change in the landscaping was part of the applicant's submittal for this application. Planner Fegley stated it was part of this submittal. She also stated that it's actually not legal to require a landscape architect to prepare the plans and that they can be prepared by a licensed engineer, which Mr. Huettl is. Whitesell requested a waiver to allow Mr. Huettl to design the landscape plans, which he is allowed to do. Solicitor Frank stated technically, the ordinance does require a landscape architect but it is not enforceable if the licensing board states an engineer can do it.

Planner Fegley went through her review letter of the application. Her initial review letter was dated 1/2/18. Revised plans were submitted based on that review letter, so she submitted her 2nd review letter dated 1/31/18. She concurs that their lighting plan is adequate. She is asking for a copy of the easement to be provided. Mr. Huettl stated they had an easement prepared for this site because it is required and provided that copy to the Board. The easement is for parking, water runoff, and sharing the site and it has been filed with the county court office. Solicitor Frank marked the easement as A-3.

Planner Fegley asked the applicant to provide testimony that there will be no waste generated on the Florence Township portion of the site. Mr. Huettl stated the building is in Burlington Township and any waste generated on site will be in Burlington Township, and that includes recycling as well.

4.

Planner Fegley stated there are sidewalks on parcels opposite of this site but there is no sidewalk on the parcel to the east. She asked if that sidewalk would be built once that site is developed. Mr. Huettl stated that the original approval in 2010 did not require sidewalks on the one side of the road. Whitesell has started the installation of sidewalks on Richards Run and Dultys Lane to the township line and will complete the sidewalks from Richards Run to the train station. He stated this is consistent with the approval of 2010. And they are committed to installing all the sidewalks by 2020 when Richards Run becomes a public road.

Planner Fegley wanted confirmation that there were no comments from Florence Township's Water & Sewer Director. Mr. Huettl stated that since the building will be in Burlington Township only, Burlington Township will be providing water and sewer services for the project. There will be none required from Florence Township, with one exception that he just thought of which will be that there is some irrigation purposed in Florence Township and they will make an application to Florence Township for a water tap and meter.

Planner Fegley asked if there were any comments from the Fire Department or Police Department. There were no comments or concerns provided by either department. Mr. Huettl stated there are no fire department connections in Florence Township.

Planner Fegley asked Mr. Huettl if the problem with the mice and deer is happening all over with their properties. Mr. Huettl stated it is definitely happening in Florence Township and in Burlington Township. They will be replacing the mulch under the trees with stone and filter fabric. Other areas with shrubs will be mulched with wood mulch.

Planner Fegley stated that all of her other items had been addressed.

Engineer Banff stated his initial review letter was dated 12/27/17 with an update done on 1/30/18 because of the submission of revised plans to address the comments of his first letter. He stated the applicant provided testimony of the existing variances and any changes to the 2010 approval.

Engineer Banff did have a concern in regard to the parking being installed in Florence Township and if the applicant can provide a resolution on how it can be enforced if additional parking ends up being needed. Mr. Huettl stated they will post a performance guarantee if that is what is required. Solicitor Frank stated that there was a new law that was signed into effect in January regarding guarantees as to what can and can't be subject to performance guarantees going forward. And that performance guarantees can only be required for improvements that are public improvements or that are required buffers on the perimeters of properties that are there obviously to protect the public. He feels that it is highly unlikely that the additional parking would be subject to a future performance guarantee. Mr. Huettl agreed; however, stated he would be happy to provide a letter that states that Whitesell will post a performance guarantee if required.

Engineer Banff stated the applicant shows "Fire Lane - No Parking" signs along the right side of the driveway and asked if additional "Fire Lane - No Parking" signs and could be installed on the left side as well. Mr. Huettl stated there were no fire lane signs required by the preliminary approval, they are not required by the ordinance, and there were no comments made

5.

in regards to the signs by the fire marshal. They will be installing signs because of Engineer Banff had requested signs, but had not stated how many. They will be providing 4 signs on 2 posts; each post will have a back-to-back sign that will be facing in both directions. The signs will be along the right-hand side of the driveway and will say "Fire Lane – No Parking on Either Side". Member Lutz asked if striping was proposed. Mr. Huettl stated it was not. Chairman Zekas confirmed that the signs are visible and can be read from both directions of the driveway. Mr. Huettl stated they will be.

Engineer Banff had a concern regarding the building that will be located in Burlington Township and that the corner of the building is located on the existing Florence Township-Burlington Township line. From the information he has available, he is not completely satisfied that the property lines are fully established. Without having a full active boundary survey, it's impossible to tell if the building is being constructed fully outside of Florence Township. He advised the Board they should list as a condition of the approval that when the building is constructed, the boundary survey is provided at that time to prove the building is fully in Burlington Township. Mr. Huettl stated he will provide a survey of the existing conditions that shows all four corners in Burlington Township. He also stated the deeds have descriptions of the properties and they have surveyed those properties based on the deeds. He is quite confident that they are illustrating the lines in the correct place. The building's foundation will extend 8" out from the wall, so there is a possibility the foundation may fall into Florence Township. Mr. Huettl proposed that they will move the building 1 foot further into Burlington Township so that that 8" extension of the footing will be in Burlington Township, as well. He will provide a survey of the lot in Burlington Township that will show the outbound survey and the four points of the building. The outbound survey will be prepared by a licensed surveyor. Mr. Huettl stated the existing conditions plan was prepared for this project by a licensed surveyor and it contains the outbound information and the existing conditions that are being included in our plan. Discussion took place as to what is to be provided to satisfy that the entire building is located in Burlington Township. Solicitor Frank stated that a document from a licensed surveyor stating that the entire building is located in Burlington Township would suffice. Mr. Huettl agreed to that condition.

Engineer Banff referred to comment #9 on his review letter and stated it was more of a suggestion than a requirement. It's asking the applicant to add to the site plan a depressed curb to allow future pedestrian access from the future construction of the sidewalk. Mr. Huettl agreed to that condition.

Engineer Banff referred to comment #10 & #11 of his review letter which is a statement of fact that the stormwater basin has been relocated to fully be in Burlington Township. Mr. Huettl stated there is an existing stormwater basin on the northwest side of Richards Run and there is an easement agreement stating who is responsible for the maintenance of that stormwater basin. Mr. Huettl presented a copy of the easement, entered in as exhibit A-4. Engineer Banff asked if there was reference to this easement in the stormwater operation manual. Mr. Huettl stated that the maintenance schedule that Engineer Banff is referring to is for the basin in Burlington Township. After some discussion, it was agreed to by all parties to revise the maintenance schedule to include a map showing the location of both basins so that it is clear as to the locations of each basin and that they are not related to each other whatsoever. This is to avoid any possible future confusion.

6.

Engineer Banff addressed his comment #15 and asked for testimony in regards to the sight lines associated with the proposed driveway to be located in Florence Township. The plan shows a 405-foot sight plan and from his information, the sight line should be designed at 510 feet; this could be a deviation from a posted speed limit of 25 m.p.h. as opposed to a design speed limit of 30 m.p.h. Mr. Huettl testified that the sight line that was illustrated on the preliminary and final site plan was based on a speed limit of 25 m.p.h., which was a sight line that was approved by the previous Zoning Board engineer, the Burlington Township Planning Board engineer and traffic engineer, and the County engineer. Solicitor Frank asked if it was Mr. Huettl's professional opinion that what is being proposed is a safe sight distance for this location. Mr. Huettl stated it is and the site is a very low traffic volume location.

Engineer Banff stated he would like the applicant to provide testimony on the Burlington Township approval. Mr. Huettl stated the Burlington Township Planning Board approved the final application on 1/11/18 and the County Planning Board approved it on 1/23/18.

Engineer Banff discussed his comment #19 which was a recommendation for the pipe fitting detail for the HDPE pipe and that the construction detail should be on the plan. Mr. Huettl stated they have extensive notes on trenching and excavation on the plan. Solicitor Frank asked if it was Mr. Huettl's experience that they have adequate water table and soils at this location that are particularly appropriate that will allow them to do that without having to provide it on the plan. Mr. Huettl testified that the soil conditions at this location are adequate to support the HDPE pipe without stone. All of the other Whitesell buildings have been built this way and they have no problems and stone is not necessary. The notes that are on the plan indicate that if unsuitable soils are encountered, they will do what is needed to install bedding. Engineer Banff stated the applicant is testifying that it will be at their own risk.

Engineer Banff discussed his comment #20 regarding the light pole foundation details. Mr. Huettl stated the plans that were provided with their application provide full detail for the construction of the light pole foundations and are signed and sealed by a licensed engineer. Florence Township has not ever required this. Engineer Banff stated it's a typical requirement to have the foundation structural details and the requirement for Mr. Huettl to show the calculations, specifically on the wind load. Mr. Huettl stated he is the structural engineer and that he is testifying that the light poles have been designed appropriately to resist all wind impact. Chairman Zekas stated he did not feel we should require the calculations if they are not required.

Engineer Banff stated there are some outstanding approvals, the NJDEP approval being one. Mr. Huettl stated there's a creek in the back associated with wetlands and there are wetland buffers associated with the wetlands. They are not disturbing anything with the buffers or the wetlands so a NJDEP approval is not needed.

Engineer Banff asked if the SED approval was in place prior to November 2017. Mr. Huettl stated they did submit an application to the Burlington County Soil Conservation in November and received comments back regarding that application. They then submitted revised plans to accommodate the concerns expressed, but have not yet received a permit from them. He does not know when that will go into effect but they will fully comply with all the requirements of the Burlington County Soil Conservation.

7.

Mr. Huettl responded to Engineer Banff's comment #30 in regards having to obtain letters from the agencies that would say they do not require a permit; example, DEP. He does not wish to apply to these agencies just for a letter stating they don't need approval. It is not a requirement of the ordinance and was not a requirement of their preliminary approval. Currently, the outstanding approvals they are waiting for are from the Burlington County Soil Conservation, Florence Township Water & Sewer for the irrigation hookup, and Burlington Township's and Burlington County Planning Board's resolutions of approval.

Mr. Huettl made one quick clarification that they did obtain a letter of certification for the wetlands delineation, which was approved by the DEP. That did not involve any permits or modifications to any buffers or wetlands; it was just a plan they submitted to the state for them to come out and certify that Whitesell had correctly identified the wetlands. Engineer Banff concurred that all improvements are well outside the wetland buffers and it appears no other information is required from DEP. The letter Mr. Huettl had with him was entered in as exhibit A-5. Planner Fegley asked if Whitesell was given a new one because the old one expired. Mr. Huettl stated that was correct.

Engineer Banff stated his comment #31 was that Florence Township be kept advised when Burlington Township issues CO's. Mr. Huettl agreed.

Seeing no other comments from the professionals or any questions from the Board, it was the Motion of Lutz, seconded by Cartier to open the meeting for public comment.

Seeing no one wishing to be heard, it was the Motion of Lutz, seconded by Cartier to close public comment.

Solicitor Frank stated this application is for Final approval with the conditions being: the as-built survey showing the building is entirely in Burlington Township; the installation of a curb ramp; adding a map to the maintenance manual for the stormwater basin; Solicitor Frank to review all easements; outside agency approvals still needed from Burlington County Planning Board, Burlington Township Planning Board, and Burlington County Soil Conservation; Florence Township Water & Sewer approval in regards to the irrigation; and the usual conditions regarding escrow, taxes, and guarantees.

It was the Motion of Cartier, seconded by Lutz to approve the application for Final Major Site Plan approval with the conditions as noted above with also stating that this plan is not substantially detrimental to the public good and there is no substantial impairment to the zone plan as a consequence of approving this site plan as it is.

Upon roll call the Board voted as follows:

YEAS: Cartier, Drangula, Lutz, Sovak, Zekas, Mattis, Puccio

NOES: None

ABSTAIN: None

Chairman Zekas called for a 5-minute break at 9:05 p.m.

Chairman Zekas called the meeting back to order at 9:15 p.m.

8.

APPOINTMENT OF PROFESSIONALS

Chairman Zekas stated that the Board would hold the appointment of the Board Professionals until the March 5, 2018 meeting and also that the Board will go into Closed Session at the end of the meeting to discuss personnel matters.

RESOLUTIONS

- A. Resolution ZB-2018-01 - Authorizing the appointment of Zoning Board of Adjustment Solicitor, Engineer and Planner

This resolution will be held and acted on at the March 5, 2018 meeting.

- B. Resolution ZB-2018-02 – Establishing the Annual Schedule of regular meetings and other policies relating to the New Jersey Open Public Meetings Act

It was the Motion of Lutz, seconded by Sovak to approve Resolution ZB-2018-02. Motion unanimously approved by all members present.

- C. Resolution ZB-2018-03 – Adopting rules and regulations for submission and review of applications before the Florence Township Zoning Board of Adjustment

It was the Motion of Lutz, seconded by Drangula to approve Resolution ZB-2018-03. Motion unanimously approved by all members present.

- D. Resolution ZB-2018-04 – Approving application of David Klenk for front yard setback and impervious lot cover variances on property located at 437 W. Fifth Street, Florence. Block 31, Lot 12.

Motion of Drangula, seconded by Lutz to approve Resolution ZB-2018-04.

Upon roll call the Board voted as follows:

YEAS: Drangula, Lutz, Cartier, Sovak, Zekas, Mattis, Puccio

NOES: None

ABSTAIN: None

MINUTES

It was the Motion of Lutz, seconded by Cartier to approve as submitted the minutes from the regular meeting of December 4, 2017. Motion unanimously approved by all members present.

CORRESPONDENCE

There was no correspondence.

OTHER BUSINESS

There was no other business discussed.

9.

PUBLIC COMMENT

There was no public comment.

CLOSED SESSION

Resolution ZB-2018-05 – For Purpose of Discussing Personnel Matters

It was the Motion of Lutz, seconded by Drangula to go into Closed Session for the purpose of discussing personnel matters. Motion unanimously approved by all members present.

The meeting went into closed session at 9:20 p.m.

The meeting was called back into Regular Session at 9:58 p.m.

It was the Motion of Lutz, seconded by Cartier to hold a Special Meeting on February 27, 2018 at 6: 30 p.m. for the purpose of going into Closed Session to discuss personnel matters. Motion unanimously approved by all members present.

ADJOURNMENT

Motion of Drangula, seconded by Lutz to adjourn the meeting at 9:59 p.m. Motion unanimously approved by all members present.

Larry Lutz, Secretary

/kf