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Florence, New Jersey 08518-2323
January 7, 2019

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 7:30 p.m. followed by a salute to the flag.

The Recording Clerk 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."

SWEARING IN OF NEW MEMBERS

Solicitor Frank administered the Oath of Office to Anant Patel for a 4-year term expiring December 31, 2022, B. Michael Zekas for a 4-year term expiring December 31, 2022 and Dennis Puccio as Alt. #2 for a 2-year term expiring December 31, 2020.

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

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

Absent: None

Also Present: Solicitor David Frank
Engineer Chad Gaulrapp for Engineer Hugh Dougherty
Planner Barbara Fegley

ELECTION OF OFFICERS FOR 2019

Solicitor Frank called for nominations for Chairman of the Board for the year of 2019.

It was the Motion of Lutz, seconded by Buddenbaum 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. 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 Cartier to nominate Anant Patel. Hearing no further nominations for Vice Chairman, it was the Motion of Lutz, seconded by Sovak to close nominations for Vice Chairman. Motion unanimously approved.

Chairman Zekas called for nominations for Board Secretary. It was the Motion of Patel, seconded by Cartier to nominate Larry Lutz. Hearing no further nominations, it was the Motion of Puccio, seconded by Patel to close nominations for Board Secretary. Motion unanimously approved. Member Lutz accepted the nomination and thanked the Board.

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

APPOINTMENT OF PROFESSIONAL STAFF

It was the Motion of Lutz, seconded by Patel to nominate David Frank as Board Solicitor, Hugh Dougherty as Board Engineer and Barbara Fegley as Board Planner. Hearing no other nominations, it was the Motion of Lutz, seconded by Patel to close. Motion unanimously approved by all those present.

Member Buddenbaum said he would be abstaining from voting.

Voice vote for the nominated professionals - Motion unanimously approved by all those present.

RESOLUTIONS

- A. Resolution ZB-2019-01 - Authorizing the appointment of Zoning Board of Adjustment Solicitor, Engineer and Planner

It was the Motion of Lutz, seconded by Patel to approve ZB-2019-01.

Upon roll call, the Board voted as follows:

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

NOES : None

ABSTAIN : Buddenbaum

ABSENT : None

- B. Resolution ZB-2019-02 – Establishing the Annual Schedule of regular meetings and other policies relating to the New Jersey Open Public Meetings Act

It was the Motion of Buddenbaum, seconded by Lutz to approve Resolution ZB-2019-02.

Upon roll call, the Board voted as follows:

YEAS: Buddenbaum, Cartier, Drangula, Lutz, Patel, Sovak, Zekas

NOES: None

ABSENT: None

- C. Resolution ZB-2019-03 – 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 Patel to approve Resolution ZB-2019-03.

Upon roll call, the Board voted as follows:

YEAS: Buddenbaum, Cartier, Drangula, Lutz, Patel, Sovak, Zekas

NOES: None

ABSENT: None

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APPLICATIONS

- A. Application ZB#2019-01 submitted by Foxdale Properties, LLC for Preliminary & Final Major Site Plan with Bulk & Height Variances to construct a warehouse on property located on Railroad Avenue, Florence Township. Block 147.01, Lot 3.01 & 3.03
(Application being heard for Completeness only)

Erin Szulewski of Parker McCay appeared for the applicant. She thanked the Board for taking the time to hear the application on completeness. The application is for a Preliminary and Final Site Plan approval together with a Height Variance for property located at Block 147.01, Lots 3.01 and 3.03, located along Railroad Avenue. Foxdale is proposing to develop an approximately 300,700 sq. ft. warehouse facility together with parking, landscaping and lighting. The applicant is seeking a height variance to permit a height of 50' where a maximum height of 30' is allowed. The applicant is in receipt of Engineer Dougherty's letter with respect to the completeness of the application. With her this evening is the applicant's engineer, Robert Stout, to provide any information that is needed. She asked if the Board would like her to proceed with addressing Engineer Dougherty's letter.

Chairman Zekas said there were many people in the audience this evening. He requested Solicitor Frank explain what a completeness hearing is and what the Board would actually be doing this evening. Solicitor Frank said the Board is not deciding this evening to approve or not approve the application. The Board is reviewing the documents and drawings that have been submitted by the applicant to see whether all of the things that are on the provided checklist were submitted. It is an administrative function. The question is if the Board has the things that it needs to start the process of hearing the application. At the conclusion of this evening, there will not be a decision to approve or deny this application. That will be at a subsequent hearing, most likely next month, assuming the application is found complete this evening. This evening is not a public hearing. This is not a hearing where the Board asks the public to tell the merits of the application, or demerits of the application. The public hearing will be next month. That being the case, there will not be a period of public comment regarding the completeness hearing of the application. It is not required by law and this is an administrative function of the Board. There will be a time when there is a hearing on the substance of the application and the public will have an opportunity to talk about what their feelings are about the different aspects of it.

Solicitor Frank said some of those here this evening probably received a notice in the mail or saw it in the newspaper. The reason the notices were sent, even though this is not the public hearing of the application, is that the law requires that absolutely everything is done so that the public can see it. That was the reason for the notice and why the residents are here this evening. The Board will do its work of looking at whether the application is administratively complete and discussing submission waivers. That is all that is being done this evening.

Chairman Zekas said Solicitor Frank mentioned that the application will most likely be heard in great detail next month. The date for the next meeting is February 4, at 7:30pm.

Chairman Zekas asked Ms. Szulewski to address the Engineer's letter. She noted the letter addressed the submission items for the major site plan application and the variance application. With respect to the major site plan application, there are a number of items that the applicant feels are not applicable to this application. The Engineer's letter noted that he agreed they were

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not applicable. She reviewed the items that were listed as not applicable. Chairman Zekas asked if any Board members had any questions about any of the items. He said the Engineer concurred that they are not applicable.

Ms. Szulewski said the letter listed two submission items. The first is a request for a written description of the proposed use and operations of the building including the number of employees, the proposed number of shifts and the maximum employees each shift. She is requesting a waiver. At this point in time the building that was submitted is a spec building. There is not a tenant identified so the information requested could not be identified. The exact information is not available except that it is a warehouse use. She would request a waiver but can submit in writing what she just stated.

Chairman Zekas said he recognizes that the application is for a spec building. Some of the documents that were submitted were based on some estimations. He asked if she could provide something with the maximums. She agreed she could submit a written description to some effect, perhaps with a higher-end maximum count. There is no tenant so it would not be a definitive count. In generalities a narrative could be submitted. Chairman Zekas said he thought that would be helpful. He realizes it would not be binding.

Engineer Gaulrapp said it would behoove the applicant to provide as much definition as possible. It will help establish things such as adequate parking and things of that nature. The more information that is provided, the less that is open to interpretation later. It is not inappropriate to ask for as much data as possible. It would help the applicant. Solicitor Frank noted that there were some assumptions built into the provided traffic study. Ms. Szulewski said she understood that the information being requested would be helpful for the professional's reviews and for the Board in evaluating the application.

Ms. Szulewski said the second item in the Engineer's letter was a request for an executed Water & Sewer Agreement. Engineer Dougherty's letter states that he does not object to deferring this item with the understanding that it would be provided as a condition of approval. She said the applicant would agree to this. Engineer Gaulrapp said this would mean that the application could be heard, but at some point prior to the plans being deemed compliant they would need to provide the agreement.

Ms. Szulewski said with respect to these two items, as she sees it, for the first the applicant will provide a statement of the maximum use and for the second it would be made a condition. She asked that the submission be deemed complete in order to move forward. With respect to the variance application, the applicant submitted it completely. There are no waivers requested for anything on the checklist.

Solicitor Frank said when dealing with the question of completeness, the fundamental question is, does the Board have sufficient information to make an informed decision on the application under applicable ordinance standards as well as the standards necessary to grant variances. The ordinance checklist provides that information, if something is not provided the Board needs to ask that question. If the Board is satisfied with the submission of the materials provided and what is going to be provided is sufficient, the application can be deemed complete and the waivers can be granted. This does mean that the Board cannot ask for additional information in the course of the hearing.

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Chairman Zekas asked if there were any questions from the Board members. Member Sovak asked if this is allowing the process to start as far as the review of the submitted documents. Solicitor Frank said that was correct and there would be more provided about the maximum use.

It was the Motion of Patel, seconded by Buddenbaum to deem the application complete conditioned upon the submission of a statement of use and the Water and Sewer agreement a condition of approval. Solicitor Frank asked when the applicant thought the statement could be submitted so the Board Professionals and public have a fair amount of time to review it. Ms. Szulewski said it could be submitted within a week. Voice vote – Motion unanimously approved by all those present.

Solicitor Frank said the public has been noticed for the hearing of the application next month. Chairman Zekas said to reiterate, what the Board did tonight was address the completeness of the application and have deemed it conditionally complete based on additional information that will be provided by the applicant about the proposed use. The Board will be meeting next month, February 4, at 7:30pm to hear this application and to discuss the supplemental information that will be received from the applicant between now and then.

Solicitor Frank said this is the notice for the hearing. There will not be a new notice in the mail and there will not be a notice in the newspaper. This announcement is the notice of the February 4th hearing that will deal with the substance of this application.

A member of the audience asked if the new information would be provided within a week. Ms. Szulewski said it would. He asked if it would be available to the public when it is received. Solicitor Frank said everything the Board receives is immediately available to the public.

MINUTES

Member Lutz noted that Member Buddenbaum was not in attendance at the meeting but in the minutes, he was said to have seconded a motion.

It was the Motion of Drangula, seconded by Puccio to approve as amended the minutes from the regular meeting of December 3, 2019. Motion unanimously approved by all members present.

CORRESPONDENCE

There was no correspondence.

OTHER BUSINESS

There was no other business discussed.

PUBLIC COMMENT

It was the Motion of Lutz, seconded by Patel to open the meeting to the public. Motion unanimously approved by all those present.

Solicitor Frank said there could not be any comments regarding the substance of the Foxdale application.

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Lynne Hewitt, 951 Sassafras Street, said she wanted to know why there was such a large parcel described in the notice that she received. Solicitor Frank said it was a generalized description provided by the applicant's attorney so people would understand roughly where it lies. The township relies on the block and lot designations in the notice.

Ms. Hewitt said she knows there are certain things that are law, such as the number of parking spaces and that kind of thing. She asked if when the Board made its decision would it take into consideration the impact on the residents and peaceful living. Solicitor Frank said in some ways yes. In the case of an application like this the law says the proposed use is permitted, but the applicant is also asking for a height variance. Generally, when one is seeking a variance the Board has an obligation to see if it is substantially detrimental to the public good and whether or not it substantially impairs the zone plan of the zoning ordinance. In the context of variance applications, the Board does have that authority. In the context of site plan applications that essentially conform to the standards of the ordinances and are permitted uses the Board has very little latitude because presumptively those considerations are taken into account when the planning is done and the ordinances are adopted.

Ms. Hewitt said she is afraid the building will be too tall. Solicitor Frank said that was getting into too much detail about the application and it would be a topic for the next meeting.

It was the Motion of Lutz, seconded by Patel to close the public comments portion of the meeting. Motion unanimously approved by all those present.

Member Sovak said he had a question that was not specific to the application but was about the area in question. There have been a lot of warehouses built in the area on Cedar Lane. He asked if it would be possible to find out the height of those buildings before the next meeting. He thinks it would help to put things in perspective and provide a sense of scale.

The other Board members were in agreement.

ADJOURNMENT

Motion of Patel, seconded by Lutz to adjourn the meeting at 8:10 p.m. Motion unanimously approved by all members present.

Larry Lutz, Secretary

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