

Florence, New Jersey 08518-2323  
May 2, 2022

The Regular meeting of the Florence Township Board of Adjustment was held in-person and virtually via Zoom on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Lutz called the meeting to order at 7:38 p.m. followed by a salute to the flag.

Secretary Puccio 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:

Brett Buddenbaum	Joseph Cartier
Larry Lutz	Anant Patel
Dennis Puccio	Lou Sovak
Daniel Studzinski	Kevin Minton

Absent: Gina Sullivan

Also Present: Solicitor David Frank  
Engineer Hugh Dougherty

Planner Barbara Fegley was unable to attend tonight's meeting.

#### RESOLUTIONS

- A. Resolution ZB-2022-08: Approval granted to Daniel Studzinski for Bulk Variance for side yard setback to construct a single-car addition to an existing 2-car garage on property located at 15 Tall Timber Lane, Florence Township; Block 160.04, lot 11.

It was the Motion of Mr. Cartier, seconded by Mr. Patel to approve Resolution ZB-2022-08.

Upon roll call, the Board voted as follows:

YEAS:	Cartier, Patel, Buddenbaum, Puccio, Sovak, Lutz	
NOES:	None	
ABSTAIN:	Studzinski	
ABSENT:	Sullivan	Motion Carried

#### MINUTES

It was the Motion of Mr. Puccio, seconded by Mr. Patel to adopt the minutes from the Regular Meeting of April 4, 2022. Motion unanimously approved by all members present.

#### CORRESPONDENCE

There was no correspondence.

#### APPLICATIONS

Chairman Lutz announced that before tonight's applications are heard, he would like to schedule a Special Meeting specifically to hear the NFI applications. It was agreed the Special Meeting would be held Tuesday, May 31, 2022 at 7:30 PM.

- A. Application ZB#2021-14: Application by NFI Real Estate, LLC for Preliminary Major Site Plan with Use Variance to construct a warehouse in Mansfield Township with basins,

40.

parking and associated improvements to be located in Florence Township on property located at 1091 Florence Columbus Road, Florence Township. (Wainwright Tract); Block 167.01, Lots 2.01, 2.05, 3.01, 3.02 & 4.

Solicitor Frank stated the applicant has completed their case for the Wainwright Tract and we've heard from the public, including the Governing Body's Counsel, Planner, and Traffic Engineer. He stated the applicant and the professionals will be summing everything up, and unless we have new matter discussed, we should be bringing the application to a conclusion. Mr. Gillespie, counsel for the applicant, stated they do have some testimony in response to the public's comments and Governing Body's representatives but he does not believe it will take that long. They would then summarize everything and ask for a vote.

It was the Motion of Mr. Studzinski, seconded by Vice Chair Buddenbaum to adjourn Application ZB#2021-14 to the May 31, 2022 Special Meeting, 7:30 p.m., with no further notice required. Motion unanimously approved by all members present.

Because of the absence of Planner Fegley this evening, it was necessary to amend the agenda regarding the hearing of the remaining applications. It was the Motion of Mr. Puccio, seconded by Vice Chair Buddenbaum to amend the agenda regarding the applications. Motion unanimously approved by all members present.

**B. Application ZB#2022-05:** Application by Alex Kauriga & Christina Lynn for Impervious Coverage Variance to construct a 12' x 16' gazebo and 8' x 12' pool deck on property located at 325 E. Second Street, Florence; Block 74, Lot 3.02.

Alexis Kauriga and Christina Lynn Kauriga were sworn in by Solicitor Frank. Ms. Lynn Kauriga confirmed they did receive Engineer Dougherty's review letter.

Engineer Dougherty stated his letter is dated 3/30/22. The lot is a conforming lot at 11,000 sq. ft. and he pointed out that the survey plan indicated a 20' wide alley. He did research the alley and found that it has been vacated, meaning it doesn't exist so the setbacks on the plan are true setbacks. He stated the applicant is seeking an impervious coverage variance to construct a gazebo and also a deck for the existing above-ground pool. Even though the 20' wide alley dimensions are noted on the plan, he wanted to put it on record that because the alley technically does not exist, the only variance the applicant requires is for impervious coverage. He again stated it is a conforming lot, and added the existing pool is a permitted use.

In answer to Engineer Dougherty's and Board members questions, Mr. Kauriga and Ms. Lynn Kauriga stated the following:

- The pool is more than 6' feet away from their side and rear property lines, and that the deck for the pool will be at least, if not more than, 6' away from their side and rear property lines, as well.
- The height of the gazebo will not exceed the 20' height permitted.
- The accessory structures are consistent with the neighborhood.
- Their rear yard is screened from the street.
- These accessory items are for family recreational use only.
- The deck will be made of a composite decking and the gazebo is a prebuilt package that will be assembled on site, mainly made of a Trex-type material, as well.
- They currently have no grading, ponding, or draining issues, and the ground slopes towards their street and then towards Walnut Street.
- The gazebo will have a roof and be screened.

41.

- Based on what their neighbors told them, their rear fence is located in the middle of the former alley.

Engineer Dougherty stated the deck and gazebo will have slats so will allow water to drain to the ground. The applicant is allowed up to 25% impervious coverage for principal structure and accessory structures (20% for principal plus 5% for accessory). They are requesting 27% impervious coverage, so he feels the excess of 2% is de minimis. He has no issues with their request.

The meeting was opened for public comment and the Zoom moderator confirmed that we were muting no one.

Hearing no one wishing to speak, it was the Motion of Vice Chair Buddenbaum, seconded by Mr. Patel to close public comment. Motion unanimously approved by all members present.

Solicitor Frank stated this is a very common C2 type of variance where the applicant is seeking a variance for impervious coverage for an amenity that is typical to the neighborhood.

It was the Motion of Mr. Patel, seconded by Mr. Cartier to approve Application ZB#2022-05 as a C2 Variance.

Upon roll call, the Board voted as follows:

YEAS: Patel, Cartier, Buddenbaum, Puccio, Sovak, Studzinski, Lutz

NOES: None

ABSENT: None

ABSTAIN: None

Motion Carried

**C. Application ZB#2022-02:** Application by 2039 Route 130 Florence LLC for a Use Variance and Minor Site Plan with Bulk Variances to expand the existing building on site and operate a truck repair facility on property located at 2039 Route 130, Florence Township; Block 159, lot 4.01.

Because of Planner Fegley's absence, this application was heard for Completeness Only.

David DeClement stated he was here on behalf of the applicant. With him was Mike Textores.

Engineer Dougherty stated his letter dated 2/24/22 was his review for completeness only and stated the following:

- This is a Minor Site Plan application for an existing lumber/hardware site.
- Some submission items on the checklist are routine, but not required.
- Nothing is changing for most items and are, therefore, not applicable.
- It is unknown at this time if there are any easements on the property and he would like to verify there are no easements, or this can be deferred to the site plan hearing.
- He needs a confirmation if there are any covenants and deed restrictions for the property.
- He has no objection to granting test borings for the water table since this is an existing site.
- Not enough copies of the site plan had originally been submitted, but the applicant has submitted those, so this is no longer an issue.
- He would like the applicant to prepare a Traffic Impact Statement, which is not a completeness issue, but the Board can ask them to provide this prior to the site plan hearing. Solicitor Frank confirmed this request would be related to the Use Variance, but not the site plan.

Engineer Dougherty asked for a testimony as to if there are any easements to be able to deem the application complete, or this can be deferred to the public hearing. Mr. DeClement stated that they had their plans drawn up after the title search so there are no easements. He stated they have hired Shropshire to prepare a Traffic Impact Statement and will have that information for the next meeting. He added that while it was a lumber yard some time ago, Men of Steel, a rebar fabricator, previously occupied the site before them.

It was the Motion of Mr. Cartier, seconded by Mr. Puccio to deem Application ZB#2022-02 complete and adjourn public hearing to the June 2, 2022 meeting to be held at 7:30 p.m. with no further notice required.

Upon roll call, the Board voted as follows:

YEAS: Cartier, Puccio, Buddenbaum, Patel, Sovak, Studzinski, Lutz

NOES: None

ABSENT: None

ABSTAIN: None

Motion Carried

**D. Application ZB#2021-13:** Application by NFI Real Estate, LLC for Preliminary Major Site Plan with Height Variance to construct two warehouses, a portion of one will be located in Mansfield Township, on property located at 2115 Burlington Columbus Road, Florence Township. (Lounsberry Tract); Block 168, Lots 5.01, 5.02, 6, 8 & 11.

It had been agreed that even though Planner Fegley was not in attendance, this application could start with its opening statement this evening.

John Gillespie of Parker McCay started with consenting to extension of time for the NFI Wainwright Tract and Lounsberry Tract applications to be heard at the May 31, 2022 Special Meeting.

He stated that tonight they will be giving an overview of what they are proposing for the opposite side of the road of the Wainwright Tract application. They are here for Preliminary Major Site Plan approval; not Final. They are seeking a Height Variance and parking variance as well. This application is for 2 buildings with one building at 555,750 sq. ft. being fully in Florence Township, and the 2<sup>nd</sup> building at 870,480 sq. ft. being mostly in Florence Township with a small portion in Mansfield Township. Mansfield Township granted preliminary approval for this project in January 2022. The overall tract is 133+ acres with approximately 125 acres in Florence Township and 7+ acres in Mansfield Township.

He continued by stating the following:

- This is one single tract of land sitting on the border of Florence Township and Mansfield Township at the interchange of Florence Columbus Road and Exit 52 of I295. Interchanges like this are suited for this type of use.
- They will discuss their Traffic Impact Report at the next meeting. In general, 80% of the traffic will use I295 and the remaining 20% will travel to Route 130 to access the turnpike and have no reason to enter the town.
- Warehouses are permitted in the SM zone.
- Unlike their application for the Wainwright Tract, they are seeking a height variance.
- There is a small section in the northwest of property that is in the AGR zone and will need a Use Variance for that as well. They are looking to install a circular drive to be located in that portion of the property.

43.

- They are only seeking preliminary approval at this time because of all sites that will need to be hard designed with comments from professional and public. They save those final details to be deferred to final approval.

He stated at the 5/31/22 meeting when they finish up the application for the Wainwright Tract, they will be able to provide what the County is asking them to do regarding improvements to the roadway. With Mr. Gillespie tonight are Michael Landsburg and Rod Ritchie who were both sworn in by Solicitor Frank. Solicitor Frank noted for the record that Mr. Ritchie has previously submitted his credentials and was accepted as an expert witness. Chairman Lutz stated Mr. Ritchie is still considered an expert witness.

Mr. Landsburg stated he is the Chief Development Officer for NFI and has been with the company for almost 17 years. He has been involved with numerous projects in Florence Township. NFI is a 3<sup>rd</sup> party supply chain company founded in 1932 that started with trucking, transportation, and warehousing, and then as a real estate company in 1950. NFI is the largest family-owned supply chain company in North America. They have developed space for themselves to utilize and also for others. They developed 3 buildings in Florence between 2012 – 2017 that are being used by NFI, Subaru, Express Scripts, and QPSI. When finishing up that development, they saw an opportunity with both the Wainwright and Lounsberry Tracts for future industrial development for the growth needs of their market. NFI is also developing the former Vanco property in Mansfield Township (east side of interchange 52 of I295), received approvals, and have started construction on the 700,000+ sq. ft. building.

Mr. Landsburg confirmed that NFI does have buildings the size of what is being proposed in their portfolio, and that what is proposed for the Lounsberry Tract is being built to spec and they do not have a known user.

Mr. Ritchie presented Exhibit A, an aerial of the overall tract in Florence Township and Mansfield Township, and pointed out I295, the NJ Turnpike, Florence Columbus Road, Burlington Columbus Road and the site was indicated in red. He stated the property is approximately 133 acres, with approximately 7 of those acres being located in Mansfield Township. He stated along with the SM zone, the existing site includes AGR zone, flood zone, and approximately 69 acres are wetlands and green areas. He stated the portion in Mansfield Township is in their ODL zone.

Exhibit A-2 is a colored rendering of the overall site plan, which is a bigger more colorful version of what was submitted with their application and pointed out and/or stated the following:

- The existing PSE&G easement is basically the line between the SM zone and AGR zone in Florence Township.
- The blue color facility is the proposed wet pond as part of their storm water management for infiltration.
- The two proposed buildings; 870,480 sq. ft. and 555,750 sq. ft. and explained there will be one main access for all traffic off of Florence Columbus Road and a secondary entrance off Burlington Columbus Road for employees and visitors.
- They are proposing 589 proposed parking spaces, where 1,496 are required, 404 trailer parking spaces, and 332 loading docks. Most of these are located within Florence Township and is a permitted accessory use in the SM zone. They did discuss the need for a variance for the proposed 589 parking spaces. According to the township ordinance 91-256A, 1,496 parking spaces are required (1 for every 1,000 sq. ft.);

- however, Section 91-120 of the ordinance only requires 1 space per 5,000 sq. ft. and would therefore not require a variance.
- The number of spaces they are proposing is based on experience, type of facility they are proposing and the anticipated use. 589 spaces would be a ratio of 1 space per 2,421 sq. ft.; more than what 1 space per 5,000 sq. ft would require, but not as many as the other ordinance requires. The difference of the 907 parking spaces they are not proposing would require an additional 6.5 – 7 acres of impervious coverage. Based on his estimate, with a 25-year storm, 578,000 gallons of stormwater would be saved with the reduced number of parking spaces.
  - They are proposing to get their water supply from NJ American Water and are expecting to run the main across interchange 52 for both the Wainwright and Lounsberry projects.
  - They are proposing onsite septic, which is yet to be fully designed but is in preliminary concept stage.
  - Landscaping is proposed on within buffer areas on the perimeter, within internal parking islands and within the bioretention areas. They agree to work with the Board Planner to provide an acceptable landscape plan.
  - Their site lighting plan is compliant with the township ordinance.
  - The stormwater management, with infiltration basins and bioretention areas, are all designed to meet the current state regulations.
  - They are proposing that the solid waste containers and compactor to be placed within the loading docks areas.
  - No signs are currently proposed but that will be included in their final approval.

Mr. Ritchie then gave a status update for their outside agency approvals:

- Their application to Burlington County Planning Board was submitted on 11/5/21. They had a preapplication conference in mid-December and are currently working through the proposed improvements that would be required along the Florence-Columbus Road frontage. He noted that this application, along with the Wainwright Tract application, is being reviewed by the county and they are working through those comments and addressing those improvements.
- Their application to the Burlington County Soil Conservation District has been received and deemed complete. They are working on response to that review letter.
- Their DEP applications were submitted late last year, and they have since received their flood hazard area approval and their wetlands application is pending approval.
- They received preliminary approval from the Mansfield Township Joint Land Use Board on 1/24/22.
- For the Wainwright Tract: their on-site septic disposal system is dependent on a NJ DEP treatment works approval, as well as Burlington County Waste Water Management Plan and an application to DEP for the NJPDES for the discharge to groundwater permit.
- They will need to seek a permit from NJ American Water for the water main extension.

He stated they understand that all of these that apply to the Wainwright Tract also apply to the Lounsberry Tract and they will pursue getting those approvals, as well.

Mr. Gillespie stated they can answer any questions if the Board has any. Chairman Lutz stated with Planner Fegley not in attendance tonight, he would prefer that any questions wait until next month's meeting.

It was the Motion of Mr. Patel, seconded by Vice Chair Buddenbaum to adjourn for this evening and to continue Application ZB#2021-13 to the May 31, 2022 Special Meeting to be held at

45.

7:30 p.m. with no further notice required. Motion unanimously approved by all members present.

The Board took a brief recess at 8:47 p.m.

The meeting was back in session at 8:58 p.m.

**E. Application ZB#2021-16:** Revised Application by ASA Investment & Management LLC for Amended Use Variance for property located at 18/20 W. Front Street, Florence; Block 48, Lot 7.

Dennis Talty stated he was here representing the applicant with regard to property located at 18/20 W. Front Street, and they are here for Amended Use Variance. The former owner received a Use Variance for 4 residential units with 2-bedrooms in each unit. They are not here for amended with regard to the use but for reconfiguration of residential units. There will still be 4 units with 2 bedrooms each; however, the configuration is proposed to be different than what was previously approved by the Board.

He stated there is a completeness issue with regard to requesting a waiver to an item on the checklist, based on that information was already submitted in 2017 with the original application. Because they are not changing the use, they feel it is not applicable. His understanding is that except for that one item, the application could be considered complete. They are asking board to consider their application complete and then proceed with testimony.

He stated the applicant is also proposing a different method of removing trash and recycling from the building, which was condition of the original approval. They are proposing trash and recycling removal by way of a rear staircase constructed on the outside of the building. They are also asking for a bulk variance for the side yard setback. The site is already nonconforming with regard with side yard setback; 20' is required, 12' is existing, and 8.8' is requested. They are not making any changes to the proposed occupancy, so it will still comply with the approved required number of parking spaces on street in front of property.

Engineer Dougherty stated his letter dated 4/4/22 was with regard to completeness. There is a specific part of the checklist that requests a written legal justification. Since Mr. Talty stated they're not requesting an amended for the use, he feels that is adequate and the Board can find the application complete if they wish.

It was the Motion of Mr. Sovak, seconded by Mr. Cartier to deem Application ZB#2021-16 complete and to grant the waiver requested. Motion unanimously approved by all members present.

Mr. Talty stated he has Jacob Wesel, project manager, and Avarim Adi, owner, with him tonight. Both were sworn in by Solicitor Frank.

Mr. Wesel stated he is the project manager, created the drawings and is familiar with this project. He is the President of J Design and Consultants. He has appeared before land use boards in the State of NJ; however, he has not appeared before this board. Solicitor Frank asked Mr. Wesel if he held any licenses. Mr. Wesel stated he does not and asked to be considered an expert witness because of his knowledge of this project. Solicitor Frank stated the Board can consider his as a lay witness, but cannot as an expert.

Mr. Wesel stated his firm was retained by Mr. Adi to help plan a better layout for the project. They then found out they had to come back before the board in order to change the layout of

the bedrooms. Mr. Talty was then retained to help them through the process. Mr. Wesel explained that the configuration approved by the board was for 2 units on the 1<sup>st</sup> floor, 1 unit on 2<sup>nd</sup> floor, and 1 unit on 3<sup>rd</sup> floor. Exhibit A-1 was of the approved configuration, which they decided wouldn't work so well. They then reconfigured the layout which led to the current application as shown in Exhibit A-2. They decided to keep each building separate and still have 2 units on ground floor with a central staircase going up to the 3<sup>rd</sup> and 4<sup>th</sup> unit that will have their living spaces on 2<sup>nd</sup> floor and sleeping spaces on 3<sup>rd</sup> floor. They will still have 4 units with total of 8 bedrooms as originally approved.

Mr. Wesel stated with regard to trash and recycling removal, they are proposing that the ground floor units will have access to rear. The 2<sup>nd</sup> and 3<sup>rd</sup> floors are proposed to have a door out the rear of the unit onto a deck with stairs down to the rear of property. The rear stairway does not currently exist and will encroach into the side yard setback. This will make it further non-compliant with the side yard setback.

The trash and recycling pickup is in rear of the lot in the alleyway and will continue that way. There will be no change with regard to parking for the property because the number of bedrooms is staying the same so no additional parking spots needed.

Mr. Talty asked Mr. Wesel about the ADA compliance mentioned in Engineer Dougherty's letter dated 4/4/22. Mr. Wesel said the code states if there are 4 units in one building, it needs to be ADA compliant. There will be 2 buildings with 2 different addresses with 2 units each, so ADA compliance is not required.

Mr. Talty asked Mr. Wesel if the owner is willing to sprinkler the building as required in the previous resolution. Mr. Wesel stated yes he is.

Mr. Puccio mentioned there was supposed to be a fire escape for this building and if it was still the plan? Mr. Wesel stated the rear stairs on the outside of the building will provide for that.

Solicitor Frank asked if both units will have access from both the 2<sup>nd</sup> and 3<sup>rd</sup> floors. Mr. Wesel stated that is correct. Discussion took place as to where the decking and exits on the rear were actually located, as it was not clear on the drawing. Mr. Talty confirmed with Mr. Wesel that he will submit revised drawings with regard to exterior exits. Mr. Wesel agreed.

Mr. Puccio commented that these buildings would have to be completely gutted and asked if the previous owner had started any work. Mr. Adi stated they had not.

Mr. Sovak asked for confirmation that the variance being requested is for the side setback and the stairs are an issue for code official. Solicitor Frank stated that one of key points in 2017 was that there was rear access at ground level for all units. If this still remains a concern of the board, as he expects going up to the 3<sup>rd</sup> floor to exit to the rear would not be conducive, they can request the applicant to reconfigure the drawings to show a better way. Mr. Wesel agreed.

Mr. Puccio asked if the bedroom sizes were compliant with the code. Solicitor Frank stated for the construction code, yes. Mr. Wesel stated the bedroom size has increased 10 sq. ft. per bedroom with the reconfiguration. Per the code, 70 sq. ft. is required. They are now bigger than what was previously approved. He stated he can get figures for the Board as they are not shown on the plans. Mr. Talty stated they will need to revise the drawings or supplement them to show dimensions.

Mr. Puccio asked what the rear stairs would be made of. Mr. Wesel stated they would be built out of metal since they will also act as the fire egress.



47.

Chairman Lutz stated that without revised drawings, he doesn't see how they can decide on this application tonight. Mr. Patel added with the provided drawings, he's unable to envision the rear exits for 3<sup>rd</sup> and 4<sup>th</sup> units.

Solicitor Frank stated the Board can request the applicant to adjourn this application until revised drawings are received. Mr. Talty asked if the Board would consider approval tonight with that as a condition? Chairman Lutz stated he would like to see them prior to a vote.

The meeting was opened for public comment and the Zoom moderator confirmed that we were muting no one.

Brian Richardson, Florence Township Fire Marshal, still considered sworn in, stated that as to the side setback of 12' or 8' feet, there is almost a 0' lot line clearance on one side. He is not opposed to stairwell in rear, but the east side of building touches the property line. Mr. Wesel stated the revised drawings will show all dimensions. Engineer Dougherty stated that the building itself goes from property to property, but there is a nook within the building footprint for the staircase and they are adhering to the footprint of the building. Mr. Wesel confirmed the stairs will be in a nook where building is not. Engineer Dougherty stated it is not an additional variance, but the stairs may be aggravating it. Solicitor Frank stated that, legally, it is a variance but it is not changing what is there now. Fire Marshal Richardson stated there was a party wall before between 18 & 20, which is gutted now and asked if it is the same in the basement? Mr. Wesel stated there is no lateral movement from 18 to 20 in the basement.

It was the Motion of Mr. Patel, seconded by Mr. Cartier to close public comment. Motion unanimously approved by all members present.

The applicant was asked to provide amended drawings on at least 11" x 17" paper for the Board and the professionals.

It was the Motion of Mr. Puccio, seconded by Mr. Patel to adjourn Application ZB#2021-16 to the June 2, 2022 meeting to be held at 7:30 p.m. with no further notice required. Motion unanimously approved by all members present.

#### OTHER BUSINESS

There was no other business.

#### PUBLIC COMMENT

The meeting was opened for public comment.

The Zoom moderator confirmed that no one was being muted by us.

Hearing no one wishing to speak, it was the Motion of Mr. Cartier, seconded by Mr. Sovak to close public comment. Motion unanimously approved by all members present.

#### ADJOURNMENT

It was the Motion of Mr. Cartier, seconded by Mr. Puccio to adjourn the meeting at 9:44 p.m. Motion unanimously approved by all members present.

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Dennis Puccio, Secretary