

Florence, New Jersey 08518-2323  
May 31, 2022

A Special Meeting of the Florence Township Zoning 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 7:30 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	Gina Sullivan
Kevin Minton	

Absent: None

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

#### APPLICATIONS

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, 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.

John Gillespie of Parker McCay appeared on behalf of the applicant. He stated they do have some things they want to discuss since the April meeting. They have submitted a will-serve letter to Fire Marshal Richardson from NJ American Water, which should satisfy Fire Marshal Richardson's concern on the amount of water flow. He would like to start with Mr. Ritchie addressing any open items.

Rod Ritchie, still considered sworn, stated he met with Planner Fegley and Tim Kaluhiokalani, Landscape Architect at ERI, regarding the landscaping issues, and they have all now been addressed. He stated the landscaping plans have not yet been revised, but they have agreed to work through the landscaping for the buffers and berms. He will continually work with Planner Fegley's office and will provide revised landscaping plans that will be submitted with their application for Final approval.

In answer to Mr. Gillespie's questions, Mr. Ritchie explained the following:

- He has reviewed the report by Bayer Risse regarding the onsite septic and believes it addresses all the Board professionals' comments. It addresses the soil testing and shows the feasibility of the on-site septic system.
- He also reviewed the letter from Carter Geoscience regarding the initial EIS and believes it satisfies all the Board professionals' comments as well.

49.

- Approximately 13 acres in Florence Township will be disturbed for this project, which represents 13% of the overall parcel located in Florence Township. None of the AGR zone will be used, so the remaining 86 acres will be undisturbed.
- Parking requirements are calculated on the square footage of the building and stormwater runoff and basins are calculated on the impervious coverage of the site. Nothing is calculated depending on the height of the building.
- It is 1.53 miles from the proposed driveway of the site to the Route 130 & Florence Columbus Road intersection, and 1.38 miles from the western most corner of the property to that intersection.

Mr. Studzinski asked how far it was from I295 to the proposed driveway. Mr. Ritchie stated it was 1,600 feet from the end of the off-ramp.

Engineer Dougherty stated his 2<sup>nd</sup> review letter dated 4/22/22 was in response to the submitted revised EIS. His original review letter is dated 12/17/21. The applicant's engineer has agreed to his comments related to stormwater, traffic and EIS. The stormwater will be revised during Final. Their representation regarding traffic is that they noticed that traffic is always less than what ITE numbers generate and they won't know exact numbers until they have a tenant. The other is regarding the EIS and our ordinance is very detailed. There are 9 items that still needed to be addressed. We require objective conclusions and what he is looking for, and the applicant has agreed to provide this to us, the EIS should discuss general aesthetic. The applicant's report does not address this (ex. removal of the farm house, etc.). This can be done through a narrative, but it is not going to change the fact that there's going to be a warehouse where a farmhouse and a field once were. His 4/22/22 letter is asking how is the applicant is going to do this, what are the impacts, and how are we going to mitigate this. Their engineer stated he can satisfy this, but it still has not been satisfied. Tonight is just for Preliminary approval, but this will have to be addressed before they come back for Final approval.

Planner Fegley's 2<sup>nd</sup> review letter is dated 4/28/22. She asked if the Executive Summary for Feasibility for Discharge of Groundwater is the alternative analysis that she was asking for. Mr. Gillespie stated they did not provide what she was asking for as the ordinance does not require it, and their testimony has been that the building will be fully located in Mansfield Township as close to I295, and away from residences, as possible. Planner Fegley also expressed her concern about the location of the septic in Florence Township and again asked if it could be located in Mansfield Township. Mr. Ritchie stated he did look at the alternate location she had suggested, but it would be too close to wetlands and stormwater facilities. The depth to seasonal groundwater is also very shallow. Planner Fegley stated they had said that where it is proposed is not a definite and has not been finalized, so where will it be located. Mr. Ritchie stated the Executive Summary is a conclusion of borings, groundwater monitoring, etc. and that the septic in the location they propose is feasible. They have completed what he'll call a 2<sup>nd</sup> round; after submitting their application, they have done additional testing and supplied the feasibility. They understand all of that modeling and design is subject to outside agencies, DEP, etc. Through this 2<sup>nd</sup> testing, they've confirmed feasibility, so now they have to go through all the modeling.

Mr. Ritchie stated that on 3/9/22 they received a NJDEP approval of the flood line. They have an approval of the FHA line and can provide a copy of that approval. Freshwater lines are pending. Planner Fegley asked if DEP is doing more site visits to revise the line. Mr. Ritchie stated he doesn't believe they have done any additional visits and are just processing the information they have submitted. Planner Fegley asked that if the lines show less or more wetlands, will it affect the design of the site at all? Mr. Ritchie stated it would not.

Planner Fegley stated there will be irreversible loss of the view shed and asked what was the status of the Richard Grubb and Associates potential impact to historic areas on-site. Mr. Ritchie stated that was requested by NJDEP and that field work has been completed and will be documented once the Phase 2 investigation is completed. Planner Fegley asked if he had a plan to show the findings? Mr. Ritchie stated no, and from his understanding, it is a document. They identify artifacts, save them, and move on. Their consultants assured them this does not affect the development of the site in any way.

Planner Fegley mentioned that in the applicant's municipal services statement, it does not talk about the effect to the daily life of the residents, mainly from the traffic. She confirmed with the applicant that they did agree to supplemental buffers, berms, and landscaping. Mr. Ritchie stated that is correct.

Chairman Lutz asked in regard to the septic system if the disposal area is going to be located in the AGR zone. Mr. Ritchie stated it will not, it will be in the SM zone, in the same location as they have proposed and its proposed size is 100' x 162'. The exact size and dimensions are fine tuned dimensions that will be worked out by Final approval. Mr. Gillespie stated that in the event that it would need to be enlarged, nothing would take place in the AGR zone.

Mr. Puccio questioned that if the Executive Summary refers to the number of gallons a day of discharge is based on the number of employees on site, how can they know that number without knowing the end user?

Mr. Landsberg stated the Executive Summary shows an employee count based on their testimony and number of employees that are associated with buildings this size. Chairman Lutz confirmed their testimony was 133 employees per shift, or 400 in a day total. Mr. Landsberg stated they believe it would be slightly heavier for the 1st shift, with a lower number for 2<sup>nd</sup> shift, and an even lower number for 3<sup>rd</sup> shift, but yes, a total of 400 employees in a day.

Chairman Lutz stated the will-serve letter from NJ American Water is dated May 27<sup>th</sup> and asked if the applicant has heard from Fire Marshal Richardson. Mr. Gillespie stated they did have a conversation with Fire Marshal Richardson and Adam Schoen from the Fire Department on 4/28/22. That discussion was about which NFPA standard to utilize. With a 16" connection, Fire Marshal Richardson was concerned that enough water would be getting to the site. Now that they have the will-serve letter, that will ease that concern. Mr. Landsberg stated the letter does call out some improvements and off-site work that will need to be done.

Rob Hoffman, traffic engineer, still considered himself sworn. Mr. Hoffman presented Exhibit D-1, a Traffic Count Comparison. He stated the upper table is a comparison of their traffic count data on Florence Columbus Road to NJDOT's count station on Florence Columbus Road. He stated that generally a 10% difference is tolerable. Counts vary from day to day; literally, you can have a 200 – 300 difference from day to day. This comparison represents a consistent count. The lower table is another comparison for Old York Road. They did a new count for this area and there is about a 20-count difference, or 1.5%, which is acceptable. He added that this has been considered acceptable by Burlington County and their September 2021 counts have been accepted by Burlington County.

Mr. Hoffman added they do not factor potential traffic accidents or toll hikes on the turnpike into their counts as these are speculative and not a normal pattern. The height of the building also does not come into account with traffic counts. ITE gets their numbers from actual counts done for existing sites.

Mr. Hoffman presented Exhibit D-2; an Existing Condition Plan dated 4/20/22. He stated that what is depicted on this plan is the on ramp and exit ramp of I295 (showing a 2-lane section dropping back to a single lane in either direction). Also, shown is the existing driveway to the site. Exhibit D-3, Conceptual Roadway Improvement Plan dated 4/20/22 was presented. This plan shows their proposed improvements of the 2 lanes in each direction continuing further and picking up extra lanes at the new interchange at the proposed site entrance and Florence-Columbus Road. They are recommending a signal at the intersection of the proposed driveway and Florence-Columbus Road, and the extra lanes at that signal will be designated for right and left turns only. The 4 through lanes will continue approximately 600 feet on either side of the signal and taper down to one lane.

Planned Fegley asked if any of the improvements would be done in the AGR zone? Mr. Ritchie stated that the improvements would not be done without a county right-of-way dedication. The proposed improvements will be within a dedicated right-of-way in the AGR zone. Planner Fegley stated this would be a direct reflection of this development. Mr. Gillespie stated that is if the County approves their proposal. Mr. Ritchie stated from the center line each way, the ultimate right-of-way is 50' on the Wainwright side and another 50' on the Lounsberry side. He stated that it is currently about 20 – 25 feet. It is a substantial right-of-way dedication. The County has in their Master Plan a total of 100' right-of-way to allow for improvements.

The following are answers to the Board members questions:

- Mr. Gillespie stated there is no time frame for the roadway improvements to be done. The improvements would be done when they have funding available.
- Mr. Gillespie stated these are the roadway improvements they are recommending to the County. He added that they'd be happy to ask the County to not have any improvements affect the AGR zone.
- Mr. Hoffman stated they have expanded on what has been expressed by the township and what the County is looking for in regard to the roadway improvements. This is now before the County for their approval.
- Mr. Hoffman stated the recommended turning lanes came accommodate almost 4 trucks, so 3 full trucks.
- Mr. Hoffman stated the recommended right-hand turn lanes will accommodate for the truck swing. Mr. Gillespie stated that part of the design will ultimately deal with those concerns.
- Mr. Hoffman stated the average traffic counts are based on the average of 3 days' worth of counts of the NJDOT count station located on Florence Columbus Road.
- Mr. Hoffman: Even though their traffic study was done when State employees were working from home, he cannot speak to if the traffic counts would be higher with the State employees back to working in the office full-time. He added they followed accepted principles of calculating traffic counts when they did their traffic study.
- Mr. Hoffman stated there is a capacity number for Florence Columbus Road; however, he does not know that exact number. For this type of road, it would be approximately 2,500 per lane per hour.
- Mr. Hoffman stated their traffic study was done in 2021. The chart shown tonight was done 4/12/22 and shows the comparison of their numbers to the NJDOT count station's current numbers. This is the most current count done.
- Mr. Hoffman stated that they are not required to take into consideration the Florence Columbus Road & Route 130 failing intersection in their counts because of its distance from their location and it being off-tract. It is not a part of their application. Mr. Gillespie stated the County is currently looking to make improvements at the Florence

Columbus Road & Route 130 intersection and are not requiring the applicant to look at this intersection.

Mr. Sovak stated that everyone has their own little piece that adds to this intersection, and even though they are not required to look at it, the township residents are required to deal with all the pieces. He understands their obligations, but we have to live with the fallout. Mr. Gillespie stated they will have more to offer to this later.

Mr. Gillespie presented Exhibit D-4, 13 items consisting of Florence Township documents taken from the township website and other items from the Mansfield Township's and County's websites.

Solicitor Frank stated he has had extensive conversations with Mr. Gillespie prior to tonight's hearing to see if this can be entered into the record. Because they are public documents, they can be introduced tonight. Planner Fegley asked if it mattered that the Route 130 Transportation Plan was never adopted? Mr. Gillespie argued that this document was placed for public viewing and was opened for public comment during a public hearing.

Michael Landsburg, still considered sworn, answered Mr. Gillespie's questions as follows:

- The 2 tenants on the Margolis property are Aosom, an e-commerce company, and Elogistic, a 3<sup>rd</sup> party logistics provider. They are e-commerce and e-fulfillment.
- He is familiar with the 2017-11 ordinance and redevelopment plan that approved development of the Exit 52 properties in Mansfield Township. NFI was aware of these when they purchased the Vanco property.
- He is also familiar with the documents in Exhibit D-4 and stated they are true and accurate documents.
- In 2016, the Wainwrights approached NFI to see if there was an interest in purchasing their property. They previously had the farm under agreement with other developers, but preferred NFI because they appreciated NFI's relationship with Florence Township.
- They have had conversations with state representatives, county representatives, etc. regarding this property and the Vanco property.
- He was aware of Item #12 in Exhibit D-4, Northern U.S. 130 Regional Transportation and Circulation Plan, when it was being developed. On page 72, the Wainwright farm is highlighted in yellow and marked #75 & #76.
- Page 73 of that same document represents future potential development of parcels throughout the study area. There have been various meetings with various stockholders regarding development of this interchange.
- They looked at the gross square feet of what was to be built. Page 75 references Florence Township and its SM zone and Mansfield Township and its ODL zone and the potential development in square feet; a total potential of 1.5 million square feet.
- They are proposing 1.1 million square feet.
- They recognize that everyone is concerned about the traffic and have had numerous meetings and are a willing participant in making improvements. They are willing to provide funding, resources, etc. and are even willing to help out in Burlington Township in an area they have no developments in. They specifically recognize this project and its impact on already ongoing issues. They are willing to contribute, have offered, and have been shut down. They have been in Florence Township a long time and will continue to be here. They do not want more traffic issues because it affects their developments as well. They remain more than willing to help and assist in that effort.

53.

The Board took a 10-minute recess at 9:01 PM.

The meeting was back in session at 9:14 PM.

The meeting was opened for public comment exclusively on the matter discussed tonight. The Zoom moderator confirmed that we were muting no one.

John Fratinardo of 4 Yockus Lane, still considered sworn, stated he saw that NFI will be adding a light on Florence Columbus Road, but he still has a big concern of the speed on the road, people coming off of I295, and the stacking that will take place. He suggests that NFI ask the County to lower the speed limit on Florence Columbus Road.

Kristan Marter of 220 E. Front Street, still considered sworn, stated that with the light at Old York Road and the new light to be added, they will have trucks stacking up along with the backup of traffic that already exists, and the traffic backup will be much worse than it is now. There will be a possibility of another failed intersection. Would a traffic circle work better? A traffic light, in her opinion, is not a good choice. Solicitor Frank stated the Zoning Board has absolutely no jurisdiction on what will be put there and that her comments are best taken to the County, who does have jurisdiction over Florence Columbus Road.

Christine Pukenas of 1073 Florence Columbus Road, still considered sworn, asked how the septic system is supposed to work. Mr. Ritchie stated it is not really his area of expertise, but he imagines it would function similar to residential septic systems, with tanks and a disposal field. It has the same basic general components, only larger. Chairman Lutz asked if its size is based on the number of employees and how many gallons would be generated. Mr. Ritchie stated, basically, yes. Calculations are done on that and the depth to groundwater, subsoil, etc., and as long as that calculation meets the County and State requirements, a permit is granted. They are not at that point yet. They only know it is feasible and still have to do the design.

Ms. Pukenas stated she is concerned with her well and her neighbor's well being affected and the nearby stream as well. Mr. Ritchie stated their residences are over 1,000 feet to the northwest away from the disposal system. Plus, they will have to address both concerns with NJDEP and the County. All they know at this time is that their expert on the subject has stated it will work.

Ms. Sullivan asked if it is based on the occupancy, what if those figures are wrong and then you're faced with a septic overflow? She is concerned their projection is off. Mr. Gillespie stated if they violate the NJDEP's conditions and approval, they would not be able to occupy the building.

Ms. Sullivan confirmed the Board is being asked to approve the application based on their anticipated use of the building, so there will be conditions on who that occupant can be. Mr. Gillespie stated that is correct. They want as few parking spaces as possible, so they will have no more than their number of anticipated employees. And if not, they will have to come back before the boards. Mr. Landsburg stated this will also restrict who the tenant can be. Mr. Ritchie commented the number of truck drivers have also been factored into their calculations.

Ms. Pukenas stated she cannot imagine 400 people using septic, and Florence Township will be the "lucky" one to get the septic system since we've been told it cannot be located in Mansfield Township. She commented that NFI stated they have 90 years-experience and have presented a traffic study. She has 40 years-experience on Florence Columbus Road and the traffic has changed considerably. The traffic backs up from Route 130 to beyond her house. It is very

concerning to her and in her opinion, the traffic study is not correct. It will have a tremendous impact not only on the Florence Columbus Road residents, but on the community itself.

James Fevola of 39 Ridgway Drive, still considered sworn, stated along with talking about the septic system and the number of employees using it, what products will be used at the warehouse for cleaning and spillage and where will that go? Into the septic system and eventually into our drinking water? How can we control chemicals leeching into our drinking water?

Matt Madden of Madden & Madden asked Mr. Hoffman if a traffic control needs study was done for County Route 656 (Florence Columbus Road). Mr. Hoffman stated it was done at the county's request and it is their opinion that a traffic signal is needed. Mr. Madden asked if that was submitted to the Board? Mr. Hoffman stated it was not and was submitted to the county.

Mr. Madden asked Mr. Remsa, who considered himself still sworn, if he was familiar with the document that was referenced by Mr. Gillespie earlier. Mr. Remsa stated he was. He is the former County Planner and was one of the authors of that document. It was done to examine traffic impacts that were occurring. Unfortunately, that document was never adopted by the County and is not an official plan because it never made it out of "Draft" status.

Michelle Rosenblum of 19 Buttonwood Drive, still considered sworn, stated in regard to traffic and overall increase of volume, she keeps hearing de minimis impact. The applicant reported that 20% of the trucks will head to Route 130, which is 62 trucks a day. That is a huge amount to add to the congestion that is already there. She asked if there would be staggering shifts between the Wainwright side and Lounsberry side? She can't imagine being a parent dropping off or picking up their child at Liberty Lake Day Camp during the summer during a shift change. Is anything going to be done to be sure shifts are staggered? Her other concern is that it is not clear what shared services are going to be between the two townships. Will we need more fire, EMS, and police personnel, which will raise our taxes to provide those extra employees?

John O'Callaghan of 53 Oak Lane, New Egypt, still considered sworn, stated what's missing is that the needs much match the zone. It shouldn't matter where items are to be located, what matters is what the zone is. The applicant stated this will be good for the community financially. Amazon is closing warehouses in NJ. There's no guarantee this warehouse will be occupied. It was said you have to consider this application as a whole. He asked them to consider that the positive criteria does not outweigh the negative criteria. While this plan might be perfect in the correct zone, it is not perfect for Florence Township.

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

Mr. Gillespie stated the allocation of services is not a Zoning Board issue and will have to worked out between Florence and Mansfield Townships. Solicitor Frank added that there have been long-standing agreements in place with municipalities on how and who responds to what. This is a critical part on how public safety works.

Mr. Gillespie's closing remarks were as follows:

- They are asking for a variance from the parking requirements. They are offering less parking spaces than required, which will mean less water runoff that equates to 4 acres of less land covered. Their testimony is that they will be providing enough parking spaces for the anticipated number of employees.
- They are here for Preliminary approval, not Final. They are required to submit to the administrative officer a site plan and other information for the Board to make an

- informed decision on if Preliminary has been met. As with any prior approval, they still have to come back for Final approval. If there are conditions, they have to provide those with Final. They have shown that where the septic design is proposed, it will work. They know they need DEP approval and have a lot of work to do. If the Board needs more information, then do not vote tonight; they will come back to the next meeting.
- Because the principal use will solely be located in Mansfield Township, this is a D-1 variance for the driveway, parking area, and stormwater basins being accessory uses in the SM zone in Florence Township. They have to show that there will be no detriment to the public good and it will not substantially impair the intent of the zone. It will be a change to eliminate the farmhouse and silo to a warehouse, but they didn't zone this site. It is zoned clearly for this purpose. Only 13% of this project will be disturbed in the SM zone. All the AGR zone will not be disturbed, other than the County's improvements to the roadway.
  - This is called a technical variance because the uses they are seeking are permitted in the SM zone. There is just no principal use to what the accessory uses. The accessory uses become principal uses and need a Use Variance.
  - Mr. Madden had said buildings with this height are not allowed in the SM zone. They are not asking for a height variance because the building will not be in Florence Township. Nothing they are asking for has anything to do with the height.
  - The underlying zoning in Florence Township and Mansfield Township allow this use. The overall plan makes sense by placing the building as close to I295 and all in Mansfield Township, as far away from Florence Township residences as possible. They are honoring the AGR/SM line. The purposes of the MLUL would be advanced and the positive criteria has been met.
  - Mr. Remsa had remarked that Florence Township's 2018 Reexamination Report of the Master Plan stated these sites are not suited, but he never disputed that warehouse uses are permitted uses in both zones. The Redevelopment Plan for Mansfield Township, that was handed out this evening, was prepared by Mr. Remsa in 2015 and adopted by Mansfield Township in 2017 (2017-11). Page 8 of that document says the ODL zoning in Mansfield Township is compatible with the industrial zoning in Florence Township. The supported nature of uses proposed are compatible with both zones. The variance can be granted without compromising the zone plan.
  - Mr. Remsa also wrote (Exhibit D-4, page 7) that by planning access near I295, that most trips will be generated to and from I295 and that some will be to and from Route 130. That is what the applicant has testified to, that's why it was quoted as a good location then, and is still now.
  - We are governed by the existing Master Plan that is in effect now. Their application was deemed complete 12/2021. There is currently a draft Master Plan before the Planning Board, but that has no bearing on this application. Florence Township has said for the last 20 years that designating land north of I295 at I295 is less likely to impact residents as an SM zone, rather than GM. Even though the Planning Board adopted the 2018 Reexamination Report of the Master Plan, it was never implemented by the governing body. While Mr. Madden and Mr. Remsa rely heavily on that bullet point from that report, that the sites are not suited for this use, nothing was ever changed.
  - Their testimony is that 80% of the traffic will travel by way of I295 and the other 20% will travel by way of Route 130, but none will travel through town. They are not required to consider the Route 130 intersection into their counts, or do a study specific to that intersection, because it is too far away from their site. From a traffic expert's point of view, the additional traffic from their site is de minimis. He understands that it may not be acceptable to the community and no one has disputed the idea that trucks



- will cross Route 130. The 20% traveling to Route 130 will either be using Route 130 or the turnpike. No one has presented evidence to dispute their testimony as to how much traffic will go to Route 130 and how much will go to I295. Mr. Klein did not offer any testimony to contradict Mr. Hoffman's.
- Mr. Remsa had testified that the Route 130 & Florence Columbus Road intersection is a failed intersection. Mr. Remsa had opened his testimony with that remark and added that it would not be fixed for years.
  - In Mr. Remsa's letter to the NJ State Planning Commission dated 11/1/16 (Exhibit D-4, Document 13), he mentions Interchange 52 on I295 is the last remaining large undeveloped area within reasonable distance to the Port Authority; more than one-half of the land is within ½ mile of the interchange; the municipal boundaries split one large farm; I295 Interchange 52's easy on-off access and proximity to the Turnpike has become an extension of the Port Authority's chain of distribution sites for goods to be distributed to East Coast markets; no threatened or endangered species habitats will be adversely impacted by future development here; the area is not on the Burlington County target list for future preservation; these 24/7 distribution centers are not ideally located in "centers" due to their associated traffic and noise impacts, but on the edges of centers, such as this one at I295 Interchange 52; and finally, Mr. Remsa signed the letter submitted on behalf of the Bridge Commission and 3 Florence Township officials were copied on that document.
  - Exhibit D-4, Document 6 – Florence Township Council withdrew its support for the Interchange 52, I295 development by way of Resolution 2017-151, dated June 21, 2017. The last Whereas clause mentions the concerns to potential traffic impacts and concluded it would be advantageous to avoid generating additional traffic that would further congest the municipal roadway system. He understands it's all about traffic, that is what drives people nuts. They understand that.
  - This warehouse is not going to be a parcel hub. The township ordinance does not classify warehouses and distribution centers. The Board cannot decide "on the fly" what kind of development they want or don't want.
  - They have met the positive and negative criteria. Mr. Remsa did not say the facts presented in his document that was not adopted were false. Township officials have known for years about the development of Interchange 52. They have had the opportunity at least since 2017 to change it, but they did not.
  - NFI is not saying traffic is not a problem, they have sat in meetings trying to resolve this; however, the township is asking the Board to deny this application to bail them out and that's not fair to the members of the Board.
  - These accessory uses are permitted for the principal use, and we must look at this application as a whole.

Mr. Gillespie urged the Board to reject the pressure put upon them by the governing body.

Solicitor Frank stated, as properly framed by Mr. Gillespie, we are here for a D-1 variance to allow for accessory uses on a parcel where there's not a principal use. Mr. Gillespie is correct in saying there is ample case law in addressing parcels as an entire parcel, so the technical variance makes sense. There is also a parking variance in question, which is something we are used to seeing. Legally, if the applicant was looking to construct the building in Florence Township, they would need a height variance. Mr. Gillespie stated the character of the accessory uses is not changed by how tall the building is. We would allow all those accessory uses. Is there some aspect to that? Is it in fact altered by its height? You can address that if the facts are met in the positive criteria. We don't have jurisdiction of Florence Columbus Road or

over various intersections or over the design of the road. The only control baked into our ordinance with regard to impact on roads, is how did we zone it what did our zoning project there. This is an SM zone which clearly allows warehouse uses to access that road. If you find the height is an issue and will alter that use, then we can question the height.

The applicant would like the Board to grant their D-1 variance, the parking variance and approve their Preliminary Site Plan. This is not the end of this application. There are many outside agency approvals that are needed and required; NJDEP, wastewater, septic, etc. which will follow if Preliminary is approved. He read 40:55-49a regarding Preliminary approvals and stated this means we are saying to this applicant that their use and general parameters are approved depending on presenting Final. Preliminary approval would be in place for originally 3 years, which if needed, they could then get extensions, and then apply for Final approval which would be good for an additional 2 years. It is a significant step to grant Preliminary approval. Essentially when granting Preliminary approval, you are approving the project with the applicant to present all fine details with Final. We have received testimony from the applicant and their professionals, the township's professionals, and the Board professionals. In order to grant a variance, you need to find that the positive criteria has been met, and approval will not substantially be detrimental to the public good. You would also need to find the parking variance with benefits of less impervious coverage would outweigh the detriment of less spaces.

Chairman Lutz stated if the principal structure was to be in Florence Township, we would be looking at a D-6 variance for height. But, because we have no principal use, we're looking at a D-1 variance for the use. Solicitor Frank stated we have to look at this as one whole parcel and have to be respectful of Mansfield Township zone, as they do ours.

It was the Motion of Vice Chair Buddenbaum, seconded by Mr. Patel to deny Application ZB#2021-14. Chairman Lutz stated that a Yes vote means denying the application.

Upon roll call, the Board voted as follows:

YEAS: Buddenbaum, Patel, Cartier, Puccio, Studzinski, Sullivan

NOES: Lutz

ABSENT: None

ABSTAIN: Sovak

Motion Carried

Solicitor Frank stated he will prepare the resolution for the Board's review, and if the Board chooses to adopt the Resolution, their decision will then be memorialized.

B. 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.

Because of the late hour and an extremely full docket for the Thursday, June 2, 2022 meeting, another special meeting to hear the NFI application for the Lounsberry Tract, ZB#2021-13 was scheduled for Thursday June 30, 2022. Mr. Gillespie stated they did renote for the March meeting and asked to not renote. It was not determined at the time if renoting was required.

It was the Motion of Mr. Patel, seconded by Mr. Puccio to adjourn Application ZB#2021-13 to the June 30, 2022 Special Meeting to be held at 7:30 p.m.. Motion unanimously approved by all members present.

58.

**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 Vice Chair Buddenbaum, seconded by Mr. Patel to close public comment. Motion unanimously approved by all members present.

**ADJOURNMENT**

It was the Motion of Mr. Patel, seconded by Mr. Cartier to adjourn the meeting at 10:51 p.m. Motion unanimously approved by all members present.

/kf

---

Dennis Puccio, Secretary