

Florence, New Jersey 08518-2323
October 3, 2022

The Regular 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 7:33 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	Larry Lutz
Dennis Puccio	Anant Patel (arrived 7:38 p.m.)
Lou Sovak	Daniel Studzinski
Gina Sullivan (virtual)	Kevin Minton

Absent: Joe Cartier

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

Board Clerk Federico stated for the record that Ms. Sullivan has listened to the recording of the May 2, 2022 meeting and Mr. Minton has watched the Zoom recording of the September 1, 2022 meeting.

RESOLUTIONS

A. Resolution ZB-2022-15: Approval granted to Kiran Rayapudi for Bulk Variance to install a freestanding sign on property located at 1301 Hornberger Avenue, Florence Township; Block 126.02, Lot 1.02

It was the Motion of Mr. Puccio, seconded by Vice Chair Buddenbaum to approve Resolution ZB-2022-15.

Upon roll call, the Board voted as follows:

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

MINUTES

It was the Motion of Mr. Studzinski, seconded by Mr. Puccio to adopt the minutes from the Regular Meeting of September 1, 2022. Motion unanimously approved by all members present.

CORRESPONDENCE

- A. 09/15/22: Email from resident regarding information about warehouse development
- B. 09/19/22: Letter from Engineer Dougherty regarding nighttime lighting check for 202 Foundry
- C. 09/26/22: Email to Mayor, Council, Planning & Zoning Board from residents of Greenbriar
- C.1. 10/02/22: Additional emails from residents of Greenbriar regarding warehouses
- D. 09/27/22: Compliance Review No. 1 from Engineer Dougherty regarding Florence Plaza, LLC
- E. 10/02/22: Compliance Review from Planner Fegley regarding 202 Foundry Street

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It was the Motion of Vice Chair Buddenbaum, seconded by Mr. Puccio to receive and file Correspondence Items A – E. Motion unanimously approved by all members present.

Solicitor Frank mentioned that the emails received from the public regarding an application before the Board, Item C and C.1., are not to be included with the evidence before the Board. Evidence is presented at the time of the public hearing of the application. His legal guidance to the Board is that they should not consider any of the discussion in the emails in their decision on the application.

APPLICATIONS

Application ZB#2022-08: Application by Mohamed Ibrahim & Hala Elshorbagy for Use and Bulk Variance to construct a 3-story, 3-unit residence on property located at 700 W. Front Street, Florence; Block 16, Lot 17.

Chairman Lutz stated because of the length of the NFI application, this application will not be able to be heard this evening.

Solicitor Frank stated that public notice was done by the applicant referencing tonight's date, and it would be appropriate for the Board to make a motion to adjourn this meeting to the Thursday, November 3, 2022, 7:30 PM without further notice being required.

It was the Motion by Mr. Puccio, seconded by Mr. Sovak to adjourn application ZB#2022-08 to date and time certain of Thursday, November 3, 2022, 7:30 PM with no further public notice required. Motion unanimously approved by all members present.

Solicitor Frank stated to the members of the public attending tonight's meeting for this application that this is their notice for the new date and time of this public hearing.

Member Patel arrived at the meeting, 7:38 PM.

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.

John Gillespie of Parker McCay appeared on behalf of the applicant. He stated that 7 documents were forwarded to the Board on 9/22/22 and requested the Board move to accept them. Chairman Lutz stated he had no objection.

Mr. Gillespie stated that also on 9/22/22, the applicant's engineer, Rod Ritchie submitted revised plans that moved the circulation drive associated more with Building 2 out of the AGR zone, so that use variance is no longer necessary. As a result, that will reduce the square footage of Building 2 by 55,750 sq. ft. making it now 523,644 sq. ft. This will result in a 2% reduction of overall square footage on site. This then reduces the number of parking spaces from 589 to 577.

Also shown on the revised plans is the relocation of the proposed septic field out of the AGR zone to the south west corner of the site and the proposed sound wall along Building 1 that Norm Dotti referred to in his testimony. In addition, an updated EIS in response to the Board Engineer's and Board Planner's comments was also submitted on 9/22/22.

Rod Ritchie, still considered himself sworn, and Chairman Lutz accepted him as an expert in the field of site and civil engineering.

Mr. Ritchie presented previously marked Exhibit A-1, Aerial of Overall Property and A-2, Site Rendering. He pointed out the following:

- The PSE&G easement that runs along the northern portion of the site. That easement represents the boundary of the AGR and SM Zones. He explained they had originally proposed the septic field in the AGR Zone and the circulation drive along the southern portion of that easement.
- They have now shifted that drive more south into the SM Zone and reduced the size of the building and the number of parking spaces.
- The septic field is now being proposed on the southwest portion of the site. They have submitted a revised site plan layout with a revised grading plan also showing a retaining wall that will be required to accommodate the septic disposal field, and a revised utility plan for the building.
- What has not yet been submitted are the revisions to the storm drain design for Building 2 as a result of the shift in the circular drive. These are minor changes in nature. The overall design and intent are still the same.

He then presented the pages of the revised site plans submitted 9/22/22 that had been changed from their original submission: Sheet 6 of 30 (circular drive, Building 2, and parking spaced), Sheet 7 of 30 (revised portion of larger building, southwest corner of site with retaining wall and septic area), and Sheet 12 of 30 (location of proposed sound wall).

Vice Chair Buddenbaum asked about the height of the sound wall. Mr. Ritchie stated the noise expert is evaluating that, and that information will be added to the site plan for Final approval. Mr. Gillespie stated it will be compliant. Mr. Ritchie added he anticipates it to be between 16 and 18 feet.

Chairman Lutz asked if they found favorable soils in the new area of the relocated septic. Mr. Ritchie stated that is correct, and this information was also submitted on 9/22/22 in the Bayer-Risse report. Mr. Bayer is available to testify tonight.

Chairman Lutz asked if it is a redesign of the parking lot or if they are just shifting the location. Engineer Dougherty stated it is a redesign but it is de minimis. The grading plan and the stormwater calculations will need to be revised and resubmitted. Chairman Lutz asked if he needed time to review the plans. Engineer Dougherty stated he did go through the plans, and will just need an updated stormwater report. He added the applicant did submit a revised EIS that is totally different than the original one submitted, but it does better realign with the township's ordinance than the original one did.

Engineer Dougherty went through his review letter dated 12/17/21. He stated this is the only review letter he has done because the testimony has been based on their original submittal. He did not do one on the revised plans because calculations and every plan in the set will have to be changed. He added that some of the changes the applicant has made address his comments in his letter. The following items were discussed:

- Height variance: 48' is proposed where 30' is permitted in the SM Zone
- Off street parking: less that required by ordinance is proposed. Experts have argued that are ordinance calls for overparking. Without the latest revision, 1,489 would be required; 586 proposed. With the new revision, 1,464 is required; 577 is proposed. This is a similar ratio. Through traffic testimony, the reason for providing less spaces than required has been addressed.
- Traffic Control Signage: the locations of traffic control signs for "No Parking", "Fire Lane", etc. need to be noted on the new plan set. Mr. Gillespie agreed.

- Off-street loading: there is a discrepancy with the parking requirements table showing 72 spaces are required; however, calculations indicated that a total of 179 spaces are required. Mr. Ritchie stated he will update the table.
- Trash: there are no trash enclosures indicated on the plans. Mr. Ritchie stated this is mostly tenant dependent and that most trash compactors are enclosed; either placed in a loading bay or placed inside the building. They will agree to provide this information with Final approval. Engineer Dougherty stated this has to be designated because if located in a loading bay, this will change the calculations. He would like to be sure where they intend to be located and said it could be rectified with Final approval. He needs to know that there will be adequate trash enclosures and adequate loading docks. Mr. Gillespie asked if this could be a condition of Final approval. Engineer Dougherty stated that it could.
- Building signage: This would be referred to Planner Fegley. The location of a monument sign needs to be shown on the plan. Mr. Ritchie stated if that can be done with Final or does it have to be done now? Planner Fegley asked if it will comply with our ordinance or require a variance? Mr. Gillespie stated he expects it to comply. Planner Fegley stated it can wait until Final.
- Sidewalks: township ordinance requires sidewalks. No sidewalks are being proposed along Florence Columbus Road or Burlington Columbus Road and a waiver should be requested. If sidewalks are provided, there are no continuous walking or bike paths are present to connect to. Are they expecting employees to walk to the site? Should we address this for the future? Mr. Ritchie stated that internal sidewalks have been provided to provide a safe means of walking around the site and they plan on having a walking path on site for exercise. They don't feel that Florence Columbus Road or Burlington Columbus Road are pedestrian friendly roads for sidewalks. They are willing to provide a contribution in lieu of sidewalks. Solicitor Frank asked if Burlington County was requiring sidewalks? Mr. Ritchie stated not at this time, but their application is still pending. If they are required, they will provide them. Discussion took place regarding pedestrian traffic being more frequent on Route 130 with employees walking to and from their jobs, and that this may be the same for this location. Mr. Gillespie stated that they will abide with what the County says. Engineer Dougherty stated we can make our wishes known to the County. Engineer Dougherty stated as a Board, we can require sidewalks, but the County can trump that and we would have to abide by their decision. Solicitor Frank stated that is true with regard to their right-of-way, but usually not with regard to out of their right-of-way. Mr. Ritchie stated with the interchange right there, there would be nothing for the sidewalk to connect to. In answer to Mr. Gillespie's question, Mr. Dougherty stated a sidewalk is 5' wide. Mr. Gillespie stated to add this to their list of items a waiver is being requested.
- Stormwater Management: The applicant must revise stormwater management report so they can address his comments at that time. Mr. Ritchie stated they will comply with the 23 comments when they submit the revised report.
- Street lighting and Landscaping: He will refer these items to Planner Fegley
- EIS: a revised EIS was submitted on 9/22/22; a 117-page document that is more in line with our ordinance. There are a few things that he will eventually bring to the applicant's attention. One of which is the septic system, which the applicant has testified to its new location. Basically they did a satisfactory job in addressing the points in our EIS statement.
- Traffic: the applicant's traffic engineer testified to all the traffic issues
- Outside Agencies: Outside agency approvals are needed from NJDEP, Wetlands, County, Treatment Works approval for septic, Fire Marshal, etc. Mr. Ritchie stated they will obtain all required outside agencies.
- Required Changes to Plans: Mr. Ritchie stated they agree to make all the mentioned changes to the plans.

Mr. Gillespie stated in regard to Fire Marshal Richardson's letter, with the Wainwright application they had put Fire Marshal Richardson in touch with Haines Fire. They hope to repeat this process for this application and will be in touch with Fire Marshal Richardson.

Engineer Dougherty stated those are all the comments he had in his letter.

Planner Fegley stated her review letter is dated 12/20/21. Variances have been discussed and she asked if there are any additional design waivers they will be seeking or any they are now not seeking.

In response to Planner Fegley's review letter, Mr. Ritchie stated the following:

- The size of the parking stalls that has been requested. They are proposing 10' x 18' where 10' x 20' is required. From his point of view, the 10' x 18' is a safe and acceptable size and this allows them to minimize the amount of impervious coverage on the site and to help maximize the number of parking spaces.
- With all of the landscaping comments in the letter, would it be acceptable to say they are amenable to sit down with her landscape architect regarding the landscaping (species, amount, placement, etc.)? Planner Fegley stated that's acceptable.
- They are asking for a waiver from the Board to help with on-site circulation regarding their internal driveway and aisles and not having them curbed. Having curb cuts will help with stormwater runoff.
- They are technically requesting a waiver regarding buffering but are amenable with working with her office to comply as closely as possible.
- They agree to make all plan revisions and some of those changes are subject to NJDEP approval and will be made once they received that approval.
- They will update the existing conditions and demolitions plans for the on-site well and septic and will decommission them according to State ordinance. They will locate this on the plans.
- They still believe there will be no observable impact to the existing population or schools within the township. Trash collection will be private and the proposed development will have no impact on the number of school children. As the property fronts on 2 county roads, no local roads will be impacted.
- The revised EIS submitted does not show the septic testing locations. A summary will be provided with Mr. Bayer's testimony.
- What is meant by "remote parking" for tractor trailers is that the trailer parking for Building 1 and Building 2 is shared. There is no off-site parking lot proposed. All parking will be on-site. He will revise the plans to reflect this.
- Their outside agency approvals:
 - o NJDEP had comments on their submission, they've made revisions and have resubmitted, but have not heard back.
 - o On 9/22/22, they submitted the latest wetlands delineations to NJDEP and are waiting for their comment.
 - o Their application is still pending with NJDEP regarding their FHA permit (Flood Hazard Area).
 - o Their wetlands permit will be submitted as soon as the lines have been determined.
- Site triangles will be submitted with Final approval. They will agree as a condition of approval that these will be shown on the plans. Planner Fegley and Engineer Dougherty stated this is okay with them.
- With anticipating this site to be in operation 24/7, lighting is to ensure safety for those working at night. They will agree to reduce lighting to the extent possible and practical. Mr. Patel commented on the surrounding warehouses and how bright their lighting is, mostly on the

loading bays, and stated he would not like that type of lighting to be used. Mr. Ritchie agreed to down facing lighting.

- They will be providing on-site signage and identification.
- They agree to adhere to the Model Ordinance for EV parking.
- The plans will be changed to match the number of loading spaces they are proposing.

Planner Fegley stated she agreed with Engineer Dougherty that the revised EIS that was submitted is better than the original, but she has not had a chance to go through it thoroughly.

In response to Planner Fegley's review letter, Michael Lansburg, still considered sworn, stated the following:

- They anticipate the operations to be 24/7 warehouse distribution building. He stated the numbers of employees are anticipated to be about 400 per building for a total of 800 employees; 400-500 for 1st shift, 200-300 on 2nd shift, and 100 on 3rd shift.
- Solicitor Frank confirmed that the 577 parking spaces proposed will provide enough parking for the employees. Mr. Landsburg stated shift times will be staggered so the max that will be on-site at one time will be about 1/2 of the total 800 anticipated.
- Shift times will be tenant dependent. Usually day shift is heaviest with lower totals at night. He confirmed the County will have them provide shift times and numbers post development.
- Access controls to the site would be tenant dependent.
- The site is designed with entry roads or access points that are long enough to prevent a backup onto Florence Columbus Road from trucks queuing up.

In response to Planner Fegley's review letter, Rob Hoffman, still considered sworn with Chairman Lutz accepting him as an expert in the field of traffic engineering, stated the following:

- The number of employees testified to by Mr. Landsburg did not factor into his trip calculations because trip generations are based on the size of the buildings, not the number of employees.
- All truck types pertaining to the warehouses, including deliveries and waste removal, are included in his calculations.

In response to Board Members' and Mr. Gillespie's questions, Mr. Hoffman stated the following:

- The numbers in his traffic calculations are the existing traffic numbers.
- The trip count does not factor in the number of employees, only the size of the buildings.
- The report prepared and testified to is based upon ITE standards and is an accepted means of reporting.

In response to Police Chief Boldizar's review letter, Mr. Hoffman stated the following:

- It is not required by the County to include the Route 130 and Florence Columbus Road intersection in his study. He does agree that that specific intersection is failing; however, that is NJDOT and the County's jurisdiction.
- Florence-Columbus Road and their site driveway will not be a failing intersection. All levels of service will be better with their proposed driveway road improvements and the county recommended improvements. The left turn egress will improve greatly.
- This site has 2 means of ingress and egress, so if one means is blocked, there is another means for emergency personnel or employees to enter and/or leave the site.
- A traffic signal, additional lanes and turn lanes have been recommended by the County and proposed by the applicant. Discussions are still ongoing regarding improvements to their driveway intersection and Florence Columbus Road.
- Mr. Gillespie stated that \$9 million had been appropriated to the Route 130 Florence Columbus Road intersection years ago. Rather than addressing this when studies were done and the

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County and State knew how many trucks were proposed for the area, still nothing has been done to improve this intersection. This is outside the scope of this applicant and this Board.

- The applicant's traffic count for the Wainwright Tract was included in the traffic study for this application.
- It is not confirmed that Florence Columbus Road (CR 656) is already failing.

The Board took a recess at 9:07 PM and was back in open session at 9:21 PM.

Theodore Bayer, of Bayer-Risse Engineering, Inc. was sworn in by Solicitor Frank. Mr. Bayer, Principal at Bayer-Risse Engineering, explained his credentials and was accepted by Chairman Lutz as an expert in the field of waste water treatment design.

Mr. Bayer explained that one of the documents submitted by the applicant on 9/22/22, Executive Summary of Feasibility for Discharge to Groundwater, was written by him. He has designed a treatment system for the Lounsbury Tract site and stated the following:

- He presented a chart of the process, Exhibit A-1, 10/3/22 and explained the most recent round of soil testing was done on the south western portion of the site
- Ultimately they are going to discharge wastewater into a trash tank (large septic tank) and explained the process
- The system will consist of a biological treatment tank (an aerated tank where oxygen is added to water to break down contaminants), ultrafiltration membranes (to separate the liquids from solids), and UV disinfection (for on demand water used for flush water of toilets and urinals). The water not required for recycling will pump to a soil bed.
- NJDEP flow generation for discharge to groundwater is 15 gallons per employee per day. Based on projected 800 employees, this totals 12,000 gallons per day. 95% of the discharge will be recycled for flush water. With 12,000 gallons coming down the sewer line each day, they anticipate 1,200 gallons a day to flow to the soil bed.
- The system does have to be permitted by NJDEP. NJDEP tells them that it is a 9 months to 1 ½ years process for the permits.

In answer to Mr. Gillespie's question, Mr. Bayer stated based on his experience, he is satisfied that this system will work and confirmed the system is based on the soils on this site in mind.

In answer to Board Professionals' and Members' questions, Mr. Bayer stated the following:

- This system was designed for the new location of the septic field
- This proposed system, submitted 9/22/22, is a different system than what was originally submitted.
- The disposal field is below the retaining wall. The tanks will be located outside the parking lot. The system will be serviced every 6 months or annually as required.
- These types of systems started in the late 80's primarily for office buildings, and then for restaurants. A system like this does not require a licensed operator and will have a contracted person to visit the site once or twice a week.
- Mr. Landsburg stated NJDEP standards calls for 25 gallons per employee per day if connecting to sewer. Based on 800 employees, that is 20,000 gallons, which is the calculation provided originally. Mr. Ritchie added their original numbers were based on estimates before they had final projected employee counts. This new proposed system is a more refined plan. And the system is still being refined.

Mr. Gillespie stated that is all they have for this evening and would like to adjourn to the November 3, 2022 meeting at 7:30 PM with no further notice required. He consenting to additional time needed in deciding on this application.

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Solicitor Frank stated for next month's meeting, the applicant still has testimony from their Planner, and there will be the opportunity for cross examination and public comment. Mr. Gillespie stated they are hoping to finalize this next month.

It was the Motion of Mr. Puccio, seconded by Vice Chair Buddenbaum to adjourn Application ZB#2021-13 to the Thursday, November 3, 2022, 7:30 p.m. meeting with no further notice being required. Motion unanimously approved by all members present.

Solicitor Frank stated to all members of the public attending for this application that we will resume this public hearing on Thursday, November 3, 2022 at 7:30 p.m. with no further notice being sent or published.

OTHER BUSINESS

A. Letter from Parker McCay regarding The Victor Robbins Group request for site plan extension from October 1, 2022 to November 1, 2022.

John Gillespie of Parker McCay appeared on behalf of the applicant. He stated when they were here in February, they were granted a Use Variance conditioned upon Site Plan approval to be submitted by October 1, 2022. The applicant was under the impression at that time that the site had an operating septic. This was not the fact and they had to address the sewer system first. The engineer hired to do the site plan put that on hold to design the sewer hookup. The applicant is occupying the building; however, they still have not closed on the property because the sellers keep pushing back the closing. The sellers keep changing the terms of the cell tower. If they are doing something with the cell tower, this will affect the easement. They hope to have the site plan application in by November 1st.

Engineer Dougherty and Planner Fegley both stated given the problems on site, this is reasonable and do not have any issues with this.

After discussion between Chairman Lutz and Mr. Gillespie regarding if they still may not be able to make the November 1st date, it was decided that December 1st would be a more certain date.

It was the Motion of Mr. Studzinski, seconded by Mr. Patel to extend the date for submission of a Site Plan application to December 1, 2022. Motion unanimously approved by all members present.

PUBLIC COMMENT

The meeting was opened for public comment on general zoning matters.

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

Mohamed Ibrahim, applicant for 700 W. Front Street asked with the NFI application being adjourned to 11/3/22, will his application still be heard at that meeting. Solicitor Frank stated at this time, we believe we will be able to hear his application on 11/3/22.

Joe Comfort of 10 Ridgway Drive began to ask a question regarding traffic. Solicitor Frank stated that since the applicant is not hear to answer, to please come to next month's meeting to address his concerns.

Vincent Mancuso of 11 Archibald Lane stated that if the Board knew there was not going to be public comment offered during the application, that should have been made clear to the public attending prior to the application. He did not appreciate sitting here for 2 ½ hours and not be able to express his concerns. Solicitor Frank thanked Mr. Mancuso and stated the Board will be sure to keep that in mind should that be the case again.

107.

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

ADJOURNMENT

It was the Motion of Mr. Studzinski, seconded by Mr. Patel to adjourn the meeting at 9:58 p.m. Motion unanimously approved by all members present.

Dennis Puccio, Secretary

/kf