

Florence, New Jersey 08518-2323  
November 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 7:30 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	Joe Cartier
Larry Lutz	Anant Patel
Dennis Puccio	Gina Sullivan
Kevin Minton (virtual)	

Absent: Lou Sovak, Daniel Studzinski

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

#### RESOLUTIONS

There were no resolutions.

#### MINUTES

It was the Motion of Mr. Patel, seconded by Mr. Puccio to adopt the minutes from the Regular Meeting of October 3, 2022. Motion unanimously approved by all members present.

#### CORRESPONDENCE

- A. 10/04/22: Compliance Review letter from Planner Fegley regarding Florence Plaza, LLC
- B. 11/01/22: Compliance Review letter from Fire Marshal Richardson – 2039 Rte. 130 Florence LLC

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

#### APPLICATIONS

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.

Chairman Lutz mentioned due to our full agenda, conversations had taken place between him, the Board Solicitor and the applicant. The applicant did not want to be restricted to possibly only have an hour before the Board and then have to adjourn again. It was suggested to hold a Special Meeting on Wednesday, November 30<sup>th</sup> for their application in anticipation of being able to finish their application that night.

Because of this, correspondence was received from the applicant's attorney, John Gillespie, requesting adjournment from tonight to the November 30, 2022 Special Meeting to be held at 7:30PM. The applicant will renotice for this meeting.

It was confirmed that 6 Board Members and the Board Professionals are available that evening.

Solicitor Frank stated it would be appropriate for the Board to make a motion to adjourn this application to time and date certain and recognize the applicant will renote for this meeting.

It was the Motion of Mr. Puccio, seconded by Ms. Sullivan to adjourn application ZB#2021-13 to time and date certain of Wednesday, November 30, 2022, 7:30 PM with public notice required. Motion unanimously approved by all members present.

Board Clerk Federico stated she will publish a notice regarding the Special Meeting.

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 called for the applicant who was not present either in person or virtually. Solicitor Frank pointed out that the applicant did appear at our last meeting and sought confirmation that his application would be heard tonight.

Board Clerk Federico stated she had emailed the applicant advising him that because of NFI's request for an adjournment, that his application would be the only one heard tonight.

Members of the public present for this application stated that the majority of them had not received the original Notice from the applicant and requested that the applicant be required to provide public notice again.

Solicitor Frank stated it would be appropriate for the Board to make a Motion to adjourn this application to next month's Regular Meeting to be held Monday, December 5<sup>th</sup> at 7:30 PM, and added that additional notice can be required.

It was the Motion of Mr. Cartier, seconded by Mr. Puccio to grant an adjournment for application ZB#2022-08 to the Monday, December 5, 2022 meeting to be held at 7:30 PM with public 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 on general zoning matters.

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

Keith Crowell of 74 Creekwood Drive stated he was here because of the 700 W. Front Street application and commented that many within 200 feet of the property did not receive their Notice from the applicant. He is just bringing to everyone's attention that there may be an issue with the noticing procedure. Solicitor Frank stated that the MLUL requires that the applicant has to prove he has provided public notice, but does not have to prove that it was received by the property owner. Board Clerk Federico verified that the applicant did fulfill the public noticing requirements.

Maria Elliot of 6 Carty Drive asked what is the benefit to the township to expand warehouse space in town? Solicitor Frank stated this is not the correct body to be asking that question and explained the zoning laws and procedures, as well as the responsibilities of the Planning Board, Governing Body, and the Zoning Board.

110.

Ms. Elliot asked when a traffic study is done for an application before the Board, if they take into account other development that is proposed in town and the surrounding area? Solicitor Frank stated with not speaking about any evidence presented to this Board on any present applications, he understands the general practice in doing those studies is they count the cars that are there now and then add in the projection of what the development is likely to deliver. DOT also has a percentage of growth anticipated in the area which is then added in as well. Engineer Dougherty agreed.

Seeing and hearing no one else wishing to speak, it was the Motion of Mr. Patel, seconded by Ms. Sullivan to close public comment. Motion unanimously approved by all members present.

#### CLOSED SESSION

A. Resolution ZB-2022-16: Closed Session for Discussion of Matter Subject to Attorney-Client Privilege Relating to On-going Litigation with NFI Real Estate, LLC

It was the Motion of Mr. Puccio, seconded by Mr. Patel to enter into Closed Session for the purposes of discussing Attorney-Client Privilege Relating to On-going Litigation with NFI Real Estate, LLC. Motion unanimously approved by all members present

The Board entered into Closed Session at 7:56 PM.

The Board was back in Open Session at 9:04 PM.

It was the Motion of Vice Chair Buddenbaum, seconded by Mr. Puccio to authorize Solicitor Frank to respond to the Complaint received from NFI Real Estate, LLC.

#### ADJOURNMENT

It was the Motion of Mr. Cartier, seconded by Ms. Sullivan to adjourn the meeting at 9:04 PM. Motion unanimously approved by all members present.

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Dennis Puccio, Secretary