

Florence, New Jersey 08518-2323  
November 30, 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 7:38 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	Larry Lutz
Anant Patel	Dennis Puccio
Lou Sovak	Daniel Studzinski
Gina Sullivan	

Absent: Joe Cartier (recused), Kevin Minton

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

#### 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.

John Gillespie of Parker McCay appeared on behalf of the applicant. He stated that what they'd like to do this evening is to focus on the height variance. He stated they are also requesting a parking variance; but that can be discussed when the site plan is heard. He requested to stay the Preliminary Major Site Plan application and defer it until the height variance is established. If they are successful on the height variance, they will be back with the site plan and will give notice for that meeting.

Chairman Lutz stated the Board has no objections.

Mr. Gillespie stated with him tonight are four witnesses to testify as to why the height variance should be granted.

Michael Landsburg, still considering himself sworn, stated that NFI Realty is separate from NFI as they handle the real estate aspects of NFI. They both own and occupy 60,000,000 sq. ft. of warehousing throughout the United Sated. NFI has 3 buildings in Florence Township; Subaru, Express Scripts, and QPSI. He stated the Subaru building is 1,000,000+ sq. ft. and has a height of 39', from ground to top of building. This is not the clear height, which is the height that material can be stored.

The clear height for Subaru is 32'; Express Scripts is also 39' tall; and QPSI is 45' tall with a clear height of 36'.

They also have a building under construction in Mansfield Township on the other side of I-295 on the old Vanco property. That building is 700,000 sq. ft. with a building height of 47' and a clear height of 40'.

Mr. Landsburg stated that in their portfolio of the last 19 years, there is only one building that is less than 30' high. And that building has an older portion less than 30' high and a newer portion that is 35' high. In his 17 years with NFI, they have not built a building 30' high or lower. NFI is a mix between lease and/or operating the buildings. They own 79 buildings and only 2 are below 30' high because they were built in the 1980's. He stated the heights needed in today's market are for the racking technology and advancements that have been made in the industry. They can hold more product on a smaller footprint. The design for a 30' building is antiquated. With a higher building, you need less land to do what you want to do with less impervious coverage.

Mr. Landsburg confirmed they do not have an end user for this application at this time. He stated it would not be a last mile facility and that the material handling equipment and racking equipment is for a general warehouse and not a last mile warehouse as identified by ITE. He stated he cannot say that it is not going to be any type of fulfillment, but it will not be on the scale of Amazon.

Brad Rife of Thomas & Hutton Engineering Company was sworn in by Solicitor Frank. Mr. Rife stated his main focus is in civil engineering. He works in the graphics department at Thomas & Hutton and has been with the company for 21 years. He stated communication is one thing, but being able to visually understand is better. He presented some 3D visualizations as to what the project could potentially look like based on models provided by the applicant's architect:

- Exhibit A1, 11-30-22 is a view of both buildings from Florence Columbus Road at building height of 48'
- Exhibit A2, 11-30-22 is an image further down the road at the entrance to the facility
- Exhibit A3, 11-20-22 is a view off of Old York Road.

He stated for this project, he was provided with the existing survey and conditions. He then received a Revit model from the architect. The architect draws the building in Revit, with is a 3D software. Their design software program, InfraWorks, allows them to create a model of what the ground will look like. They then insert all the information into their Lumion software program where you can drop in trees, add the sky, add the landscape that was provided by Taylor Wiseman, the grading plan provided by the civil engineer, etc. and create what is being presented in his exhibits. Typically they look at the 2D plan of the drawing and bring in into a 3D environment.

Mr. Rife stated Revit and InfraWorks have been around for about 10 years. The graphic design has been around about 5 – 7 years. All industry software packages are used and are standard. Thomas & Hutton has done at least 100, if not more, of these items. Their landscape department uses it on every design. He personally has done 7 or 8 for NFI alone and 30 – 40 overall. The goal is visual communication to help people make decisions. To help people understand what the project is projected to look like in the end. There is no guarantee the project will look exactly like what his exhibits represent because there are a lot of different variables that could make things look different in the landscaping. As far as the elevations, they are pretty close. In his opinion, he's provided the information the best that he can, but with this type of visualization, there is no guarantee. However, the project will look similar to what is presented in his exhibits.

The goal is to not only help the client know what it potentially will look like, but also the Board. There is then no reason to doubt as they can be comfortable with comparing the exhibits to the architectural views. Given his experience, he is comfortable with the 3D images as they give a reasonable representation for all 3 views. The light poles and some lighting may not match up exactly.

Mr. Patel asked if he made any of the other renderings with a different height as the handout they were given, the trees are as tall as the buildings, but that is not what is represented on the exhibit. It was explained it was a different angle, the height of the eye, which is roughly 6' high.

In answer to Solicitor Frank's question about what crop and its height are represented on Exhibit A3, Mr. Rife stated he used Google Earth as a guide and is not sure of the height. He guessed maybe 6 – 8 inches.

Jake Terkanian, Vice President of CBRE (Caldwell Banker Richard Ellis), was sworn in by Solicitor Frank. Mr. Terkanian stated his company specializes in bulk warehouses. They are the largest real estate firm in 100 countries. He has been with the company for 17 years and explained they are involved with construction management and are responsible for engaging with the design team and construction to oversee the project. They work with the owner and developer of the site.

He has seen projects from design all the way to occupancy. He is licensed in NJ and PA as a realtor. He explained his credentials and was accepted as an expert in the field of industrial development and marketability of these projects.

His company identifies the site, helps build the buildings, and works with developers to find those to occupy the buildings. They also work with the occupiers. Occupiers usually have 2 – 3 million sq. ft. they are looking for at one time. The bulk industry has become very popular where bigger is better. The majority of their business is in between 300,000 sq. ft. and 1,000,000 sq. ft.

Most buildings are financed by investment groups. They find the ground, then find the developer, then find the money. The projects are heavily scrutinized with the criteria not only being the location, but the geometrics to be able to be financed. They will only get involved if the geometry and location fit and it fits to the industry now and for the future. Investors look to what is in today and what will be in the future. Institutions like to carry the assets for a long time and are really centered around the design of that facility.

Mr. Terkanian stated that with Florence Township's ordinance for 30' building height in this zone, the clear height would be 23' or 24'. He stated he has not seen any buildings built this low in the past 20 years. The industry has buildings being built with a clear height of 36', making the building height 46' – 47' or clear height of 40', making the building height 52'.

He did some research on buildings built in this area and their heights of the buildings and presented Exhibit A4, 11-30-22. He explained the 'Y' axis is the clear height and the 'X' axis is the year built. The radius of circle represents the size of the building. You can see that over the years, the buildings have grown and the height has intensified. 1,000,000 sq. ft. can now be considered small. The whole industry is designed around higher building, higher racking, fork lifts that can go higher. Anything over 400,000 sq. ft. should have a 40' clear height.

Exhibit A5, 11-30-22 was a list of 34 buildings in the market (Pennsylvania, Southern New Jersey, and Delaware) between 400,000 – 800,000 sq. ft. built from 2015 to today. These buildings over 6 sub-markets totaling 18,000,000 sq. ft., and all but one was built to 36' clear height. The one built lower was a spec to suit. This was for a user that was established before the building was built. This one was built for tire storage and had to be built to fire code of a 32' clear height; 40' building height.

The type of buildings in this application cannot be built at the 30' height. It would be obsolete the day it was built, and wouldn't be built because it wouldn't be financeable. Land is precious. Users and developers look to ways to utilize space and use less land which is driving buildings higher. The market today is to increase capacity to move product faster. Increased capacity leads to increased

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height. Because of the automated technolog. a higher building does not mean larger number of employees.

Mr. Terkanian stated that NFI would not be able to market a building with the height of 30'. Even if they divided the space needed into more 30' buildings, that height is not marketable or financeable. There will not be anyone that will invest in or finance a 30' height.

Ms. Sullivan asked the square footage of Building 1. Mr. Gillespie stated 870,000 sq. ft. Ms. Sullivan asked if there is any reason Mr. Terkanian did not speak to buildings larger than 800,000 sq. ft. in Exhibit A5? Mr. Terkanian stated he can certainly look to into larger buildings.

Mr. Patel stated the business reasons were given to why it couldn't be built at 30' max height. Could it be built for something other than a warehouse? Mr. Terkanian stated office complexes are not being built anymore and are not marketable. The same for light machine manufacturing. The industries that are mentioned in the township ordinance for permitted uses are no longer the norm and are on the down turn.

Paul Phillips, of Phillips Preiss, was sworn in by Solicitor Frank. Mr. Phillips has testified for the NFI Wainwright Tract application and had been accepted as an expert in the field of Land Use Planning. Chairman Lutz again accepted him as an expert in his field.

Mr. Phillips stated he has had the opportunity to review the application and has sat through all the meetings. He has reviewed the Master Plan documentation and prior development approvals by the Board and actions of the governing body. He has also visited the site on several occasions and reviewed reports of the board professionals.

There have been previous applications approved by the Board that also included height variances. He focused on 2 things; one on the rezoning with redevelopment plans as well as the allowable heights and the last Reexamination Report of the Master Plan. He feels the Board should grant the height variance.

The reason this application is before this Board is the buildings exceed the height allowed in the ordinance. This is a D6 Height Variance. The SM zone expressly permits distribution centers and warehouses. He reviewed the 1999 Land Use Element of the Master Plan in place at the time of this application and the 2018 Reexamination Report. Essentially that document changed the course for this particular intersection and wastewater management plan. However, there was no corresponding change and nothing was ever effectuated.

It is clear to him that over the last decade or so, the governing body and this Board has recognized that building heights of 30' were not viable. In 2019, this Board granted a D6 variance on Railroad Avenue for a building slightly in excess of 48'. It was acknowledged that the underlying warehouse use was permitted in the zone.

This Board has granted other applications allowing 45' or higher. This Board has been proactive with warehouse use and allowing this height. In 2008, some AGR parcels were rezoned with an SM Overlay increasing height limits to 50'. This was done to accommodate the current standards. Two redevelopment plans were adopted in 2015 and 2016 specifically targeted for warehouse and distribution use that could be up to 75' in height. The township and the Zoning Board have indeed recognized warehouse use and the heights that are the norm. The 30' height limitation was conducive for the 1990's.

To echo the comment from Mr. Terkanian, not too long ago, 32' clear height was the norm, then it went to 36' clear height, and we are now looking at 40' clear height. Vertical heights that high are needed to provide for ultimate stacking. A 30' max height is about 24' clear height. This will not work for today's market and has not worked for the last 20 years. This is a legitimate basis to grant the D6 Variance; 'G' in the MLUL to provide sufficient space for the use.

As a matter of zoning policy, the township allows warehouse distribution in this district and should allow a height that is needed in today's market.

In dealing with the negative criteria. The standard would be the intent to look at the height restriction and the light, air, and intensity of the development. The traffic engineer has already testified that there really is no distinction with traffic for a 30' height or a 50' height. A high cube warehouse facility is principally used to store goods. These buildings will not be an Amazon or similar type facility providing last-mile services. The principal concerns are light, air, open space. These buildings are set back well beyond the standards and buffering will be provided for the view shed. The front yard setback is over 700', where the requirement is only 75'. The front yard setback to Burlington Columbus Road is 140'. The side yard setback is 120', where 50' is the standard. This property borders and interstate on one side and basically a PSE&G 150' easement on the other side. The nearest residence on Florence Columbus Road is removed from the buildings. The largest contiguous property to this site represents farmland. The nearest residences on Cedar Lane Extension have very deep lots with the houses closer to the road. These are 700 – 800 feet from this development. The nearest residence is 400' away from the closest warehouse building. These don't rise to the level of being substantially detrimental. There are warehouses in Florence Township with residences that are much closer.

In regard to the zone impacts and dealing with the permitted use. The intent of the 30' height restriction was not to restrict warehouse use, but rather to limit the types of high impact uses allowed in the GM Zone. This was made clear in the 1990 Master Plan that the GM zone can cause off-site impacts, such as dust and noise. Traffic is not mentioned. The GM zone permits high intensity uses; the SM permits less intense. Going through the Master Plan, zoning ordinances, and recent approvals, there appears to be no evidence that the 30' height limitation was intended to restrict warehouse use because of traffic. As far as other reasons, the GM zone is more intense and does have uses of higher heights.

In his expert opinion, Mr. Phillips stated it does not make any planning sense to say the use is permitted, but render that use not achievable by limiting the height and feels the height variance should be granted.

Planner Fegley asked Mr. Phillips if he was familiar with the NJ Office of Planning Advocacy document of September 2022 that states a "warehouse should be directed toward areas that have sewer service and are not on local county road or on prime farm lands".

Mr. Phillips stated that document is a series of guidelines, and does not supersede local planning and zoning policy. In terms of this application, the use is permitted by the zone. The applicant is seeking a D6 Variance for the height.

Planner Fegley stated this document was developed because of everything we hear at these meetings because of so many warehouses being built and provides guidelines of what townships should do to deter that. A couple of the warehouses Mr. Phillips referred to that are along the river included redevelopment plans and were built on very contaminated sites. The developer cleaned up those areas.

Mr. Gillespie stated that document is not admissible because it is a post application submission.

Planner Fegley stated planning moves in time and we learn from mistakes.

Mr. Phillips stated he has read the document and does not object to the guidelines; but, the real issue here is the use here is permitted. They are not seeking a D1 Variance; they are seeking a D6 only for the height. The only issue he sees for the Board to deliberate and decide here is with respect to the height of the building.

Solicitor Frank stated that following the board approval for the Foxdale site on Railroad Avenue, the governing body did not move to increase the height in the SM zone. His recollection is that there was already an approval in place for an industrial building significantly in excess of what was approved. It certainly was in excess of what is allowed in the SM zone. Every application before this Board stands on its own.

Chairman Lutz called for a 10-minute recess at 9:30 p.m.

The meeting was back in session at 9:43 p.m.

Chairman Lutz stated we will end the meeting at 10:30 p.m. and we most likely will not finish tonight.

He opened the meeting to the public.

Matt Madden, of Madden & Madden, stated he was retained by Florence Township's governing body.

In answer to Mr. Madden's questions, Mr. Rife stated the following:

- He has not visited the site in person; only virtually.
- The height of the eye is from a 6' height. He did not do a height of the eye for a smaller person or child, but could if needed.
- He does not have actual completed site photos from any previously prepared renderings for comparison to the rendering.

In answer to Mr. Madden's questions, Mr. Landsburg stated the following:

- NFI does not know the end user for this development.
- Each building could have one or more tenant.
- Typically with multiple tenants, they will have alternate shift times, which are sometimes stated in the lease agreements. Even if both buildings empty at the same time, he does not see it being a problem.
- The first shift is usually the heaviest and estimates a maximum of 400 employees at one time for both shifts (200 for each building). This number is just an estimate, but even though the buildings are different sizes, the number of employees should be similar.
- NFI typically is in communication with tenants and when they move in, they will ask for an employee count.
- NFI does have a couple of last-mile facilities in the country. They are not proposing last-mile for this facility.
- The largest building in NFI's portfolio is 1.7 million sq. ft. located in Southern California. The largest in NJ is 1.1 million sq. ft. This development will be 2 separate building that are smaller. The 3 buildings located in NFI Park in Florence Township total 1.7 million sq. ft.

In answer to Mr. Madden's questions, Mr. Phillips stated the following:

- Buffers and setbacks are the mitigating factors to allow the height variance. The setbacks meet all the requirements.
- He did reference redevelopment plans where up to 75' height was allowed. He agreed that this development was not under a redevelopment plan.

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- He has reviewed all the documents that Mr. Gillespie cited and that Mr. Madden had mentioned. He has also reviewed the Foxdale and Ready Pac resolutions of approval. In the 2006 resolution of approval, it stated that existing trees will be taller than the building. Those conditions are not present for this application

Mr. Madden stated the Planner retained by the governing body is out of the country until December 18<sup>th</sup> and stated the Board would benefit from his testimony. He asked the Board to adjourn this to a later date so that the Planner can be present.

Mr. Gillespie stated he received an email on November 22, 2022 that the Planner would not be here. He added that the Planner knew at the November 3<sup>rd</sup> meeting about this meeting, but did not bother to tell anybody he would be unavailable for tonight's meeting. He absolutely objects to an adjournment. He stated an objector does not have the right to have an adjournment granted; they can request one, but the Board does not have to act on that request. He feels it was not fair to anybody to not inform them that he was not going to be here.

Mr. Madden requested that the matter be adjourned until the Planner returns.

Lee Klein of Klein Traffic Consulting LLC was sworn in by Solicitor Frank. Mr. Klein stated he was retained by Florence Township governing body to review this application and the traffic reports for this application. He had some concerns with the numbers that were represented so they sent someone out to the intersection of Florence Columbus Road and Route 130 on 9/29/22 to take photographs and to observe the queuing and general congestion in the area. He was able to ascertain that the left hand turn lane on Florence Columbus Road to turn onto Route 130 extend to the south, at many times is not visible, and takes more than one cycle. The jughandle traffic coming onto Florence Columbus Road blocks the traffic and there are long delays at this intersection. He sent a letter to Joseph Brickley at Burlington County dated 6/9/22 and outlined traffic and safety concerns over this development. He also has concerns over trip generation used for this analysis. His opinion is that the trip generation for the user of this facility will be 1 ½ to 4 times greater than what has been presented. His estimation is that the traffic analysis is liberal and not conservative and is probably the lowest being represented for this type of warehouse.

He looked into some of the traffic volumes for these types of warehouses and was not able to get the numbers that met what was presented. He had one hour that met what was presented. Traffic coming off I-295 traveling onto Florence Columbus Road is free flowing and introducing a signal will create a weaving from traffic coming off I-295 to get over to turn into the site. The distance is not adequate. He has concerns for 1.4 million square feet of warehousing whether it's e-commerce or general warehouse use.

Mr. Klein stated the existing conditions on Florence Columbus Road are troubling and he is not aware that anyone from the County has made a decision on road improvements for this development. Just to summarize, traffic counts do not match with his and stop bars and signaling that is proposed is not consistent.

Mr. Gillespie asked if the Board had seen the letter to Mr. Brickley from Mr. Klein from June 2022. Mr. Madden stated he forwarded it to Mr. Gillespie on October 3, 2022 electronically. Mr. Gillespie stated he did not receive it. Solicitor Frank asked Mr. Madden to please forward it to the him, the Board Secretary, and Mr. Gillespie.

Mr. Gillespie asked if Mr. Klein's testimony given this evening is reflected in that letter. Mr. Klein stated it was as well as his observations and traffic numbers.

Mr. Gillespie asked if he could have a chance to review that letter and reserve the opportunity to cross examine Mr. Klein at the 12/5/22 regular meeting. Chairman Lutz stated that would be fine.

Mr. Madden summarized by stating that the applicant is seeking a significant variance, D6, for height. That height is spread out over the entire 1.4 million square feet. This is not a typical height variance for measuring to the peak of the roof. He stated the Board needs to ask themselves if a building more than the 30' allowed will offend open air and space, and if they do believe it does offend, it is in their right to deny. Also, keep in mind that the applicant is also approaching maximum allowable building coverage.

Kacie Schoen of 210 E. Front Street was sworn in by Solicitor Frank. She stated she has a different testimony regarding setbacks. She and her husband own 2134 Old York Road, which is on the corner of Old York Road and Florence Columbus Road. They share 2400 feet of property with the Lounsberry project. The main driveway they are proposing is over their property line and they haven't heard anything from anyone regarding this. The applicant's site plan shows potential issues with crossing over their property line.

Solicitor Frank stated if she is asserting that this site plan crosses over their property line and we have evidence before us from a licensed surveyor that show that the property is owned by the applicant, her recourse is not before this Board, but in the courts. This Board cannot decide property line disputes.

Ms. Schoen stated that a little bit would be affected by the driveway around building 2. The Board professionals looked up the property on line, and Solicitor Frank asked Mr. Gillespie if they are in a position to the client's claim to the land. Mr. Gillespie stated that Mr. Schoen's father-in-law has talked to him in the past, but he does not think the development interferes.

Solicitor Frank stated this Board has to decide as if the applicant owns the land, but in the future if that is not true, we will have to revisit this application.

Pat Lerch of 100 Andrews Drive was sworn in by Solicitor Frank. She stated she currently can see the lights from the new warehouses across I-295. If these warehouses are approved, the light and sound pollution will decrease their property value. The light and sound will also impact the daily life in their home. She stated the light pollution is horrible especially with low cloud cover. The sound study was focused on the sound on the site, but nothing on sound around the site and that impact to the local residents. She can hear the semi-trucks in her bedroom. The path to the truck stop goes directly by her house. Her daughter enjoys playing in the yard and the amount of traffic is significant. This is affecting their quality of life. She has heard that bald eagles have been seen on the site.

James Fevola of 39 Ridgway Drive was sworn in by Solicitor Frank. He stated that being they touched on some testimony on traffic, he would like to bring up his observations. He drives Florence Columbus Road twice a day from Old York Road to Jacksonville Road. He started counting trucks along that distance of road, which takes him 3 – 5 minutes to travel. On 11/29/22 at 7:53 AM, he counted trucks travelling westbound towards him. In the 4 minutes of his travel, he counted 23 total trucks; 5  $\frac{3}{4}$  trucks per minute. Over the course of the days he counted trucks, the lowest number was 8 and the average number was 16 trucks. We are not going to get any road improvements for quite a while, if any, because it's the County's jurisdiction. He also lives off of Old York Road and agrees there are a whole lot of tractor trailers traveling Old York Road to get to the truck stop in Bordentown.

Christine Pukenas of 1075 Old York Road was sworn in by Solicitor Frank. She has spoken before regarding her concerns. She lives across the road from the Schoen property and the traffic has gotten worse. She wonders if this is the direction of where Florence Township wants to go. She hopes the



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Board's decision takes into consideration how all the warehouses have changed the town, which is not for the good.

Bryan Hewitt of 1080 Grove Street was sworn in by Solicitor Frank. Mr. Hewitt stated the applicant paid 30 million dollars for these 2 parcels. They knew the height limitations at the time of purchase. They had no intention of following the rules from the beginning.

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

Mr. Gillespie asked to adjourn the meeting to the December 5<sup>th</sup> meeting as he would like an opportunity to review the letter from Mr. Klein to the County. At that meeting, he will make his closing remarks and ask for a vote that night. He granted an extension of time for the Board's decision.

It was the Motion of Mr. Puccio, seconded by Mr. Patel to adjourn Application ZB#2021-13 to the Regular Zoning Board meeting on Monday, December 5, 2022 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 on general zoning matters.

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

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.

#### ADJOURNMENT

It was the Motion of Mr. Patel, seconded by Vice Chair Buddenbaum to adjourn the meeting at 10:41 PM. Motion unanimously approved by all members present.

/kf

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, Secretary