

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2022-12

Application ZB#2022-02

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
2039 ROUTE 130, LLC
USE VARIANCE
MINOR SITE PLAN
BLOCK 159, LOT 4.01
IN THE HC
HIGHWAY COMMERCIAL ZONE DISTRICT
WITH SPECIAL MANUFACTURING OVERLAY
APPROVAL**

Decided:

July 11, 2022

Resolution Memorialized:

August 1, 2022

WHEREAS, 2039 Route 130, LLC, has made application to the Florence Township Zoning Board of Adjustment seeking use variance and minor site plan approval to allow conversion of the existing 28,500 sq. ft. principal building and property formerly used as a lumberyard and later as a steel rebar sales and fabrication facility to be used as heavy truck maintenance and repair facility, at a 7.928 acre property located at 2039 Route 130, and known on the official Tax Map of the Township of Florence as Block 159, Lot 4.01

WHEREAS, the applicant is the owner of the subject property;

WHEREAS, the applicant is represented by David DeClement, Esquire;

WHEREAS, upon a finding that the applicant had mailed and published proper notices, the Board took jurisdiction of the application at its May 2, 2022 regular meeting;

WHEREAS, the Board granted certain submission waivers based upon the recommendations of the Board Engineer as set forth in his letter of March 24, 2022, found the application sufficiently complete to be heard, and scheduled the public hearing on the application for the Board's June 2, 2022 regular meeting;

WHEREAS, the Board opened the public hearing on the application at its June 2, 2022 regular meeting at which the applicant's principal, Gennadi Aleksandrovski, appeared, was sworn, and offered his testimony, along with the arguments and representations of counsel, in support of the application;

WHEREAS, the applicant's planning expert, James A. Miller, PP, AICP; Architect and Structural Engineer, Shawn Limbert PE of Schlosser Steel Buildings; Traffic Consultant, Andrew Ferranda, PE, PTOE, of Shropshire Associates; and Site Engineer; Michael Textores, PE, PP, CME, of Van Cleef Engineering, appeared, were sworn, were accepted as experts in their respective fields, and offered their testimony in support of the application;

WHEREAS, the Florence Township Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicant is the owner of the subject property, and the applicant therefore has standing to bring this application before the Board.
2. The subject property is 7.928 acres in size and is located at 2039 US Route 130, in the Florence Township Highway Commercial Zone District with Special Manufacturing Overlay, and is known on the official Tax Map of the Township of Florence as Block 159, Lot 4.01;
3. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
4. Application has been made for a use variance pursuant to NJSA 40:55D-70(d)1 from requirements of local ordinances, to allow conversion of the existing 28,500 sq. ft. principal building and property formerly used as a lumberyard and subsequently as a steel rebar sales and fabrication facility to be used as heavy truck maintenance and repair facility.
5. The truck repair use is not permitted in the HC/SMO Zone District, so a use variance is necessary to permit the proposed use.

6. The applicant also seeks minor site plan approval pertaining to the site improvements proposed to implement the new use.
7. As modified in the course of the public hearings, approval of the proposed development would also incorporate deviations from bulk and design standards applicable in the HC/SMO Zone District. Specifically, approximately 2,300 sq. ft. of an area of the existing principal building now under a roof, but not enclosed, will be enclosed as a part of the building renovations, and this area will be in the required front yard setback necessitating a front yard setback variance. The total building area after renovations will be 30,826 sq. ft. Behind the renovated building 22 outdoor truck parking spaces are proposed, but a dedicated truck loading area with required dimensions is not proposed as the applicant testified that deliveries are typically received via company vans or small UPS type vans. The applicant agreed in the course of the July public hearing to make the two proposed dedicated van parking spaces at the front of the building (1 for the company van and 1 for UPS/Fedex) 10 ft. x 18 ft., while the 31 car parking spaces at the front of the building (of which 2 will be accessible) will continue to be 9 ft. x 18 ft. All of these spaces will require a design exception as the Township's required parking space dimensions are 10 ft. x 20 ft. Curbing is not proposed around the parking areas, and the truck parking and maneuver area at the rear of the building is proposed to remain gravel instead being paved, which are each further design exceptions.
8. The applicant has submitted the following documents in support of its application
 - a. A completed Township of Florence Land Development Application;
 - b. A completed Township of Florence Variance Application Checklist of Submission Requirements;
 - c. A completed Township of Florence Minor Site Plan Application Checklist of Submission Requirements;
 - d. A Township of Florence Tax Collector's Certification that no taxes were due on the subject property at the time of the application;
 - e. A Township of Florence Township Certification that no sewer and water charges were due on the subject property at the time of the application

- f. A map entitled “Plan of Survey Block 159, Lot 4.01” prepared by Stout & Caldwell Engineers, last revised July 29, 2021, which shows the property outbounds and the locations of improvements;
 - g. A report entitled “Wetlands/Transition Area/Riparian Zone Investigation” as prepared by Environmental Technology, Inc. dated November 22, 2021;
 - h. A series of site plan drawings comprised of seven sheets entitled “Use Variance, Minor Site Plan prepared for 2039 Route 130, LLC” prepared by Van Cleef Engineering Associates, dated January 14, 2021 and last revised June 16, 2022.
 - i. Plans entitled “Building Rehab For: United Brakes & Clutches, 2039 US-130, Roebling, NJ” comprised of 12 sheets prepared by Schlosser Steel Buildings, dated September 10, 2021;
 - j. A demolition plan dated June 2, 2022; which was introduced and accepted into evidence in the course of the June 2, 2022 public hearing as Exhibit A-1, and which was revised June 16, 2022, was submitted to the Board and its professionals on that date, and which was presented to the Board at its July 11, 2022 meeting as an unmarked exhibit;
 - k. An aerial view of the site and surrounding properties which was accessed by the Board’s Zoom moderator and which was introduced and accepted into evidence in the course of the public hearing as ExhibitB-1.
9. The Board’s Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted review letters dated March 24, 2022 and July 7, 2022 commenting upon the application, which are hereby incorporated into the record.
10. The Board’s Planner, Barbara Fegley, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted a review letter commenting upon the application dated March 24, 2022, which is hereby incorporated into the record.
11. The Township Fire Official, Brian T. Richardson, submitted review letters commenting upon the application dated April 20, 2022, and July 6, 2022 which are hereby incorporated into the record.

12. The Florence Township Environmental Commission submitted its comments on the proposed development by way of a memorandum dated March 11, 2022, which is hereby incorporated into the record.
13. The Township's Chief of Police, Brian Boldizar, submitted a review memorandum dated March 14, 2022 which is hereby incorporated into the record;
14. The subject property is adjoined by an industrial facility leased to Ready-Pac to the northeast and by a retail service use to the southwest.
15. Mr. Aleksandroviski testified extensively about his company's proposed operations which involve the repair and maintenance of heavy trucks and trailers. Most of the business is scheduled maintenance and repair of fleet vehicles for regular customers, but some emergency repairs are also undertaken. Offsite or roadside repairs are not a part of this business. All repairs will be performed inside the building. No body work or painting is proposed to be performed at this site. Trailer shell repairs will involve bolting in new pre-painted panel sections. Fleet vehicle drivers will be able to drop off their trucks for scheduled service 24-7 by entering a passcode that will open the proposed new gate to the rear truck parking area. No overnight parking of occupied trucks is proposed, and only trucks on site for repairs will be parked at the property. No fuel will be sold from the facility. There will 15-18 mechanics and 4 administrative employees. Hours of operation are typically 7:00 am to 6:00 pm weekdays and 7:00 am to 3:00 pm on Saturdays. Deliveries of parts and supplies will be in the company's own van or by smaller delivery and panel vans. Tractor trailers are not used for deliveries. Waste fluids will be held inside the building in proper storage tanks and carted away by a responsible vendor. There will be dumpsters at the rear of the building for solid wastes and recyclable materials other than fluids which will be removed by a commercial hauler. Proper spill response materials are kept on site. There will be a customer waiting area, a parts counter, and a parts display and sales area at the front of the building along with administrative functions.
16. No signage was proposed as a part of this application. Any signage will conform to applicable ordinance standards and be subject to administrative review by the

Township Zoning Officer. The existing non-conforming monument sign and all associated improvements will be removed.

17. Mr. Ferranda testified to the nature of the traffic impacts of the proposed use. He offered his analysis based upon ITE data, and opined that traffic impacts would be less than other permitted uses for the site such as office and retail uses. Mr. Ferranda also discussed the proposed site entrance driveway improvements that are intended accommodate trucks turns in and out without causing those trucks to swing out into the left travel lane of southbound US Route 130. The driveway entrance improvements are also intended to discourage all movements other than right turns in and right turns out. These improvements are intended to address the concerns of Chief Boldizar as expressed in his memorandum, and must be approved by NJDOT. Mr. Ferranda also testified about his observation of pedestrians walking along the Route 130 frontage of the site and his anticipation that the sidewalk along that frontage that is required by Township ordinance would actually be used by pedestrians.
18. Mr. Miller testified about the relation of the proposed use to surrounding uses and offered his professional opinions as to the positive and negative criteria for the use variance. He testified that the subject property is particularly suited to the proposed use because of its physical location on US Route 130, the nature of adjoining and nearby uses, and the existing development of the subject property. Mr. Miller opined that the proposed use would address purposes a, g and m of the MLUL as set forth in NJSA 40:55D-2. Mr. Miller further testified that the proposed use would be less intense than the former lumberyard use, and that because all of the truck repair uses would be conducted indoors, the proposed use would present less impact to, and greater compatibility with, surrounding uses, as compared to the current use. Therefore, he sees no substantial detriment to the public good or substantial impairment of the zone plan and ordinance that would result from implementing the proposed use.
19. Mr. Limbert testified about the proposed renovation of the existing principal building (all of the accessory buildings to the rear that were formerly used for lumber storage are to be demolished), which will include completely new siding,

removal of 1600 sq. ft. of the existing roof overhang at the front of the building, enclosure of about 2,300 sq. ft. of that roof overhang area, new windows, new storefront doors and new garage doors. The entire exterior of the building will be entirely new. Accessible entrances will be provided as required by law. All site lighting will be downward directed and designed to minimize offsite light spillage.

20. Mr. Textores testified that there are no wetlands or wetlands transition areas on the subject property although two thirds of the subject property lies within the designated Flood Hazard Area of Bustleton Creek. The property's location in the FHA will make some flooding of the car parking area probable in extreme storm events. No new stormwater management facilities are required because only minimal areas of new impervious surface are proposed. The front parking area and driveway along the side of the building will be re-paved, landscaping will be provided along the Route 130 frontage of the property along with the required sidewalk, and landscaping will also be added along the southerly property sideline. The proposed dumpster locations will be buffered with landscaping. The property is connected to public sewers and will be connected to public water, subject to approval of Florence Township's Sewer and Water Department. Concrete wheel stops will be provided in the car parking area in lieu of curbs.
21. Mr. Textores also agreed on behalf of the applicant to comply with all of the requirements set forth in Fire Official Richardson's July 6, 2022 review letter.
22. Board Engineer Dougherty further testified that lighting levels in the front car parking area are consistent with the Township's 1 ft. candle/sq. ft. standard.
23. Public comment was offered on the application by: Adam Faiella, Esquire, of the firm Sills, Cummis, & Gross, who represents, LOL Associates, owner and lessor of the adjoining Ready-Pac facility. Mr. Faiella requested on behalf of his client certain conditions of approval, these conditions were agreeable to the applicant, and they have been incorporated into the conditions set forth below.

Conclusions of Law

The Board finds that special reasons exist for the proposed use variance pursuant to NJSA 40:55D-70(d)1 because the proposed use would allow an adaptive re-use of the existing principal building and site, and the site's location on Route 130 in a largely industrial/commercial area is appropriate for a use of this type.

The proposed use will be less intense with regard to traffic than permitted uses and will be conducted inside (instead of outside like the former lumberyard and materials use, so many of the negative externalities of the previous uses will be substantially reduced. The proposed adaptive re-use of the property, would enhance the aesthetics of the site and building, would provide an opportunity for redevelopment in accord with Township Master Plan goals, and can uniquely exploit the site's location on Route 130. For these reasons, the applicant has also shown that the proposed use variance can be granted without substantial impairment of the zone plan and without substantial detriment to the public good.

The omission of the proposed permitted uses in the HC/SMO Zone District can be reconciled by the similarity of the proposed use with auto repair, which is permitted, the relative scarcity of this use, and the similarity of the proposed use with permitted and nearby light industrial uses.

For these reasons, the proposed use variance and associated minor site plan with bulk variances and design exceptions, should be approved, subject to appropriate conditions as set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Zoning Board of Adjustment in the County of Burlington and State of New Jersey that the application of 2039 Route 130, LLC, seeking use variance and minor site plan approval with bulk variance and design exceptions approvals to allow conversion of the existing 28,500 sq. ft. principal building and property formerly used as a lumberyard and steel rebar sales and fabrication facility to be used as heavy truck maintenance and repair facility, at a 7.928 acre property located at 2039 Route 130, and known on the official Tax Map of the Township of Florence as Block 159, Lot 4.01, and hereby is, **APPROVED**, subject to the following conditions:

1. The Board has relied upon the testimony of the witnesses and factual findings discussed in the body of this Resolution, and such testimony and findings are incorporated as conditions of this approval as though set forth at length herein.
2. There shall be no leasing of truck or trailer parking spaces or overnight parking of occupied trucks. Only trucks or trailers on site for maintenance or repairs shall be parked on site.
3. Maintenance and repair services shall be conducted only indoors.
4. There shall be no painting or body repair services provided except as discussed above concerning trailers.
5. There shall be no sales or leasing of trucks or trailers from the site.
6. Gate passcodes shall be required for entry into the rear truck parking area outside of normal business hours.
7. Compliance with the plan detail and design comments set forth in the July 6, 2022 letter of the Township Fire Code Official.
8. Reservation for delivery vans through posting of proper signage of two 10 ft. x 18 ft. striped parking spaces in the front car parking area.
9. Installation of concrete wheel stops in accord with the recommendation set forth in the Board Planner's letter of March 24, 2022.
10. Addition of signage to the car parking area warning of flooding potential. The specific size and location if such signage shall be subject to the administrative review and approval of the Board Engineer.
24. The existing non-conforming monument sign and all associated improvements shall be removed.

11. Any new signage will conform to applicable ordinance standards and be subject to administrative review and approval of the Township Zoning Officer.
12. Any additional development on the subject property or any modification to any development pursuant to, or inconsistent with, this approval shall require approval of this Board.
13. Trench drain details shall be resolved with the Board Engineer and shall be subject to his administrative review and approval.
14. Compliance with the Board Planner's recommendations concerning species choices for the proposed landscaping.
15. Only right turns in and out of the site entrance onto US Route 130 shall be allowed.
16. All site lighting shall be on photo-sensors to assure dusk to dawn operation and the applicant shall work administratively with the Board Engineer to minimize off-site spillage. Any general lighting that is not needed for overnight security will be turned off to minimize light pollution.
17. Hours of operation shall be 7:00 am to 6:00 pm Monday through Friday and 7:00 am to 3:00 pm on Saturdays.
18. Required outside agency approvals, including but not limited to: Burlington County Planning Board, New Jersey Department of Transportation, Florence Township Water and Sewer Department and Florence Township Construction Department.
19. If another governmental agency grants a waiver or variance of a regulation, materially deviating from this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
20. Compliance by the applicant with Township ordinances, and State laws and regulations, pertaining to non-residential developers' affordable housing obligations, which are applicable to the subject development.
21. Any permits, deeds, easements, vacations, dedications, revised drawings or other documents related to this proposed development shall be approved by the Board attorney and Board engineer and filed with the appropriate authority.

22. All taxes and escrow fees for professional review must be paid current and in full.
23. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not implement this approval within two years of the date hereof (or such other extended date as may be provided by statute or Board action), this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

MOTION TO APPROVE USE VARIANCE APPLICATION:

Moved by : Mr. Cartier
Seconded by : Mr. Patel
In Favor : Mr. Cartier, Mr. Patel, Vice Chair Buddenbaum, Mr. Puccio
Mr. Sovak, Ms. Sullivan, Chairman Lutz
Opposed : None
Recused : None
Absent : None

MOTION TO APPROVE MINOR SITE PLAN APPLICATION:

Moved by : Mr. Cartier
Seconded by : Vice Chair Buddenbaum
In Favor : Mr. Cartier, Vice Chair Buddenbaum, Mr. Patel, Mr. Puccio
Mr. Sovak, Ms. Sullivan, Chairman Lutz
Opposed : None
Recused : None
Absent : None

MOTION TO ADOPT RESOLUTION:

Moved by : Mr. Puccio
Seconded by : Vice Chair Buddenbaum
In Favor : Mr. Puccio, Vice Chair Buddenbaum, Mr. Patel,
Ms. Sullivan, Chairman Lutz
Opposed : None
Abstained : Mr. Studzinski
Absent : Mr. Cartier, Mr. Sovak

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

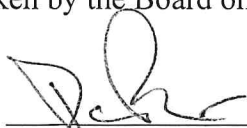
Dated: 8/01/2022


Larry Lutz, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on August 1, 2022 and memorializes a decision taken by the Board on July 11, 2022.

Dated: 8/1/22


Dennis Puccio, Secretary