

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. P.B.-2024-08

Application PB#2024-02

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF WHITESELL CONSTRUCTION COMPANY, INC.
FOR BLOCK 158, LOT 7
GM GENERAL MANUFACTURING ZONING DISTRICT
AMENDED PRELIMINARY MAJOR SITE PLAN
APPROVAL**

Decided:

August 27, 2024

Resolution Memorialized:

October 22, 2024

WHEREAS, by way of its Resolution 2010-10, dated September 20, 2010, the Florence Township Planning Board granted Whitesell Construction Company, Inc., preliminary major site plan approval, with bulk variances and waivers of design standards, to allow construction of an approximately 1,250,000 sq. ft. freestanding office/warehouse building (in two phases of approximately 500,000 and 750,000 sq. ft. each) on property located at 1000 John Galt Way and known as Lots 7 & 8 of Block 158;

WHEREAS, by way of its Resolution 2014-05, the Board granted minor subdivision approval to permit re-configuration of existing Lots 7 & 8 of Block 158 (to allow each of the project phases to subsist on its own lot for purposes of leasing and financing), and for final major site plan approval, with a bulk variance, to allow construction of an approximately 406,375 sq. ft. freestanding industrial building intended for tenant Destination Maternity (along with authorization of a future expansion of 93,600 sq. ft. —referred to as Phase IA), with associated parking and loading areas, lighting, landscaping and other site improvements, on the part of the reconfigured overall property located at 1000 John Galt Way known as newly configured Lot 8 of Block 158;

WHEREAS, following the 2014 minor subdivision approval and multi-phase final approval concerning newly configured Lot 8, the preliminary approval to allow construction of an approximately 750,000 sq. ft. office/warehouse building with associated parking and loading areas on Lot 7 granted by way of Resolution 2010-10 was unaffected;

WHEREAS, the Permit Extension Act provided an extended period of protection of the 2010 preliminary major site plan approval from changes in ordinance standards that ended July 1, 2016;

WHEREAS, the applicant obtained an additional two-year extension pursuant to NJSA 40:55D-49c of the period of protection from ordinance changes for the preliminary major site plan approval with bulk variances concerning Block 158, Lot 7 by way of Board Resolution 2017-06 dated January 24, 2017;

WHEREAS, the applicant now seeks amended preliminary major site plan approval for Phase II to allow construction of a separate 728,000 sq. ft. industrial building without any connection to the previously constructed building on adjoining Lot 8 (which was originally conceived as just the first phase of a single 1,250,000 sq. ft. building spanning both lots) and associated site improvements;

WHEREAS, the applicant is represented by Lynn Blessing McDougall, Esquire;

WHEREAS, the applicant is the developer of the subject property, which is owned by Haines Center-Florence, LLC;

WHEREAS, upon a finding that proper hearing notices had been mailed and published, and that its jurisdiction was therefore proper, the grant of certain submission waivers as recommended by the Board Engineer, and a finding that the application was administratively complete, the Board opened a hearing on the application at its August 27, 2024 regular meeting;

WHEREAS, the applicant's Executive Vice President, Terrance J. Huettl, PE, appeared, was sworn, was noted to have been previously accepted as a civil engineering expert by the Board, and offered his testimony in support of the application;

WHEREAS, the applicant's traffic engineer, David H. Horner, appeared, was sworn, was accepted as an expert, and offered his testimony in support of the application;

WHEREAS, the applicant's site and civil design engineer, Ryan Havey, PE, also appeared, and was sworn, was accepted as an expert, but did not testify;

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

Findings of fact:

1. The applicant is the developer of the subject 58-acre property, located at 1200 John Galt Way and known on the official Tax Map of the Township of Florence as Block 158, Lot 7.
2. Application has been made amended preliminary major site plan approval to allow construction of a separate 728,204 sq. ft. industrial building without any connection to the previously constructed building on adjoining Lot 8 (which was originally conceived as just the first phase of a single 1,250,000 sq. ft. building spanning both lots) and associated site improvements;
3. The applicant has submitted proof of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
4. Lot 7 remains vacant, and lies in the Township of Florence GM General Manufacturing Zone District, in which the proposed use is permitted as-of-right.
5. The applicant has submitted the following documents in support of its application:
 - a. Cover letter dated July 26, 2024 from Steven Taylor, the applicant's Civil Designer conveying the application and supporting documents to the Board;
 - b. A completed Florence Township Land Development Application;

- c. A completed Major Site Plan Application Checklist;
- d. A Tax Collector's Certification that no taxes are due on the subject property;
- e. Boundary and Topographic Survey comprised of 3 sheets dated August 22, 2022 and prepared by Edward Constantine, Jr., PLS of Taylor, Wiseman, Taylor;
- f. Site plan drawings comprised of 14 sheets dated July 19, 2024 and prepared by Ryan Havey, PE, of Taylor, Wiseman Taylor;
- g. Architectural plans comprised of two sheets, dated July 24, 2024, not signed;
- h. A Traffic Impact Study prepared by David H. Horner, PE, PTOE, of Horner & Canter Associates, dated May 17, 2024;
- i. A geotechnical report of Underwood Engineering Company dated 5/15/2023 signed by William Underwood, PE;
- j. A Stormwater Management Report dated July 19, 2024 and prepared by Ryan Havey, PE, of Taylor, Wiseman Taylor;
- k. A Stormwater Management Facility Operation & Maintenance Manual dated July 19, 2024 and prepared by Ryan Havey, PE, of Taylor, Wiseman Taylor;
- l. A copy of the relevant Redevelopment Plan last revised January 21, 2014;
- m. Response letter of Terrance Huettl, PE, dated August 21, 2024;
- n. An aerial view of the subject and surrounding properties dated 8/23/2024 annotated by the applicant to show the addresses and outlines of existing and proposed buildings within the Haines Center, the outbounds of the entire Haines Center property, and the limits of several undeveloped parcels within the Haines Center, introduced and entered into evidence in the course of the public hearing as Exhibit A-1;
- o. A color rendered site plan dated 8/13/2024 that was introduced and entered into evidence in the course of the public hearing as Exhibit A-2;
- p. Proof that no taxes were due on the subject property at the time of the application;

- q. Township of Florence Certified List of Property Owners within 200’;
 - r. Application and Escrow Fees in accord with ordinance requirements;
 - s. An executed Escrow Agreement;
 - t. Executed corporate ownership disclosures in the form required by statute are on file with the Township.
6. The Board’s Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter dated August 15, 2024 commenting upon the application which is hereby incorporated into the record.
7. The proposed 728,204 sq. ft. building with associated site improvements including car and truck parking areas, driveway, landscaping, lighting and stormwater management facilities has been designed for use by a single tenant. Approximately 15,000 sq. ft. of the building are proposed to be office space. Mr. Huettl testified that the proposed 362 car parking spaces are not sufficient to support an intense fulfillment center use. These parking spaces are proposed to be 9 ft. x 18 ft. to comply with the Redevelopment Plan and will include 15 spaces pre-wired for use as EV charging stations. No visitor parking spaces are proposed. The proposed 13 ft. wide loading dock bays comply with the 12 ft. minimum width set forth in the Redevelopment Plan.
8. The application does not seek any variances, but does seek three design exceptions: i. Stormwater management designs have been revised to reflect the standards which became effective in 2021 except that the runoff quantity for this site is not met- although the amount is less than it would have been under the original 2010 approval; ii. to allow lighting levels in excess of the maximum 0.25 ft. candles in side yards where the property adjoins the Conrail right of way and at the driveway entrance; iii. to allow light poles to be 30 ft. tall instead of the required 24 ft. height.
9. Mr. Huettl testified that there are two tree lines between the area of higher light levels along the Conrail right of way and the adjoining Turnpike right of way, and that higher light levels are necessary at the driveway intersections for safety. He further testified that the proposed taller light poles allow for better and safer navigation of vehicles in the truck maneuver areas because there are fewer poles

to avoid, and that because there are many more lights needed with lower pole height, less reflected light pollution will result from the proposed fewer taller light poles.

10. Board Engineer Dougherty agreed that the proposed deviation from the stormwater runoff standard is *de minimus* and within the power of the Board to allow under a specific exemption under NJAC 7:8-1.6(e). He also supported the requests for taller light poles as an efficient design solution, and the proposed higher lighting levels in certain areas acceptable in this industrial park location.
11. The Board received correspondence from the New Jersey Turnpike Authority which voiced certain generic concerns about development, like this project, which is proposed in the vicinity of Turnpike rights of way. It does not appear as though the Authority reviewed the plans for this proposed development prior to issuance of its letter. Comity requires that the Board respect the concerns of the Authority, and the Board feels that comity is adequately addressed through compliance with the standards the Board is authorized to review. The Authority may seek to address its specific concerns directly with the applicant outside of the Board's limited site plan review authority.
12. Similarly, the Board received correspondence from the Burlington County Engineer conveying a conceptual plan and stating the intent of that office to pursue, design and permitting for a roundabout at the John Galt Way and Daniels Way intersection in conjunction with a planned bypass road that would extend Daniels Way toward River Road. That plan had not been finalized at the time of the Board's hearing on this application, and the Board is unaware of any notice of a taking of lands by the County from the subject property in furtherance of development of potential intersection improvements. Mr. Huettl, and his traffic expert, Mr. Horner, made clear in the course of the public hearing that they are aware of the County's proposal to construct a roundabout that would impinge upon the subject property, and that they do not agree with the Burlington County Engineer's office that a roundabout is a necessary or appropriate traffic solution for the intersection. The Board is obliged to hear and decide applications for

development under the Redevelopment Plan and Township ordinances and to apply those standards to the subject property as it now exists. Accordingly, in the event of a future taking, the applicant may need to seek an amended approval from the Board.

13. The proposed development, subject to fulfillment of the conditions agreed on the record, is otherwise in compliance with the standards of the applicable Redevelopment Plan, Township stormwater ordinances, and where the Redevelopment Plan does not provide specific standards, with the Township's zoning and performance standards.
14. No public comment was offered on the application.

Conclusions of Law:

The Board finds that the proposed design exceptions may be granted because they are sensible in light of the particular constraints and situation of this site. The Board further finds that the proposed development, upon compliance with the conditions set forth below, is otherwise consistent with the applicable standards of the Redevelopment Plan and Township ordinances. The applicant has complied with the Board's procedures for seeking the requested relief.

Therefore, the requested amended preliminary major site plan approval should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Planning Board in the County of Burlington and State of New Jersey that the application of Whitesell Construction Company, Inc., seeking amended preliminary major site plan approval for Phase II to allow construction of a separate 728,000 sq. ft. industrial building without any connection to the previously constructed building on adjoining Lot 8, and associated site improvements on property located at 1200 John Galt Way and known as Lot 7 of Block 158, be and hereby is, **GRANTED**, subject to the following conditions:

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Planning Board in the County of Burlington and State of New Jersey that the application of Whitesell Construction Company, Inc., seeking amended preliminary major site plan approval for Phase

II to allow construction of a separate 728,000 sq. ft. industrial building without any connection to the previously constructed building on adjoining Lot 8, and associated site improvements on property located at 1200 John Galt Way and known as Lot 7 of Block 158, be and hereby is, **GRANTED**, subject to the following conditions:

1. All conditions of previous approval Resolutions not expressly waived or altered herein shall remain in full force and effect.
2. The applicant shall revise the plans to show all trees to be removed of greater than 6-inch diameter at breast height.
3. The applicant's traffic engineer shall revise his report to address the data and analysis requested in Section C. items 1-6 of Board Engineer Dougherty's August 5, 2024 review letter.
4. Compliance with applicable standards for light pole and light pole base finishes.
5. The applicant shall coordinate landscape and tree planting species selections with the Board Planner. This coordination shall include the provision of landscaping in parking and buffer areas in quantities and sizes in accord with the standards set forth in the Redevelopment Plan. Planting beds and the ground treatment of all landscape areas, along with other provision for the ground treatment of all landscape areas shall be shown on revised plans. These landscaping details shall be finalized and shown at the time of submission of any application for final approval.
6. Loading dock dimensions shall be shown on revised plans.
7. All solid waste and recycling containers shall be located at the rear of the building, and a note shall be added to the plans to state that the tenant shall coordinate recycling with Township officials.
8. Plans with appropriate turning templates shall be provided in order to demonstrate that Township fire apparatus can navigate around the site.
9. Details of the proposed freestanding sign and directional signage shall be added to the plans.
10. The plans shall be revised to show curb elevations along the proposed ADA parking stalls and to add concrete wheel stops.

11. All HVAC units are to be roof-mounted and a note shall be added stating that they shall be mounted not less than 20 ft. from the roof edge.
12. A note shall be added to the plan calling for silt and tree protection fencing to be installed prior to any clearing in order to protect vegetation to remain, and the part of the subject property which is to remain as farmland.
13. Building elevations shall be revised to include all proposed colors and materials for exterior finishes.
14. Ordinance provisions pertaining to reduced lighting at night will be implemented.
15. Exterior lighting shall have a 4000° Kelvin correlated color temperature, and the lighting plan shall be revised to provide the information characterized at ordinance §91-87.1F, and discrepancies in the quantities of different lighting types shall be reconciled.
16. Landscape notes in accord with paragraph F. 10 of the Board Planner's review letter of August 16, 2024 shall be added to the plans.
17. The locations of trees now shown above storm and/or sanitary sewer piping and other utilities shall be adjusted to avoid conflicts.
18. All taxes and escrow fees for professional review must be paid current and in full.
19. Any additional development on the subject property or any substantial modification to any development pursuant to, or inconsistent with, this approval and the drawings and exhibits presented by the applicant in support of the application or testimony leading to this approval shall require revised approval of this Board.
20. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to: Burlington County Planning Board, Burlington County Soil Conservation District, Florence Township Fire Marshal, Florence Township Water and Sewer Department and Florence Township Construction Department. Copies of all applications, permits and certifications related to such approvals shall be filed with this Board. The

applicant shall pursue with good faith and due diligence any and all such additional approvals as may be required and shall provide the Board with copies of all reports and approvals for same, including copies of any and all applications filed.

21. If another governmental agency grants a substantial waiver or variance of a regulation, affecting 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.
22. The form of any permits, deeds, easements, vacations, dedications or other documents related to this proposed development shall be reviewed by the Board Attorney and Board Engineer for consistency with this approval and filed with the appropriate authority. Proof of recording with the County Clerk shall be filed with this Board.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees.

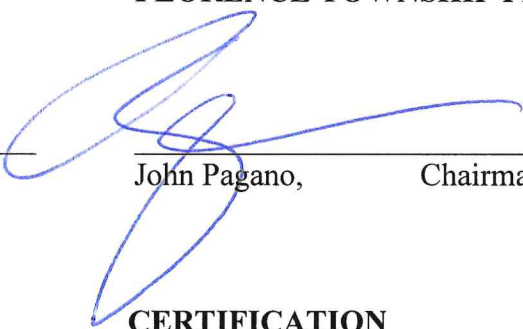
MOTION TO APPROVE APPLICATION:

Moved by : Ms. Taylor
Seconded by : Mr. Kehr
In Favor: Ms. Taylor, Mr. Kehr, Councilman Fratinardo, Mr. Gabriele,
Mr. Isaacson, Mr. Mattson, Mayor Marter, Chairman Pagano
Opposed : None
Abstained : None
Absent : None

MOTION TO ADOPT RESOLUTION:

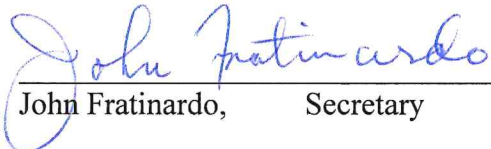
Moved by : Mr. Johnson
Seconded by : Mr. Fratinardo
In Favor : Johnson, Fratinardo, Gabriele, Isaacson, Kehr, Marter, Mattson, Pagano
Opposed : None
Abstained :

FLORENCE TOWNSHIP PLANNING BOARD

Dated: 10/22/2024 
John Pagano, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Planning Board held on October 22, 2024 and memorializes a decision taken by the Board on August 27, 2024.

Dated: Oct 22, 2024 
John Fratinardo, Secretary