

PLANNING BOARD SPECIAL MEETING

Meeting Minutes

February 4, 2021

MEMBERS PRESENT:

William Barker, Chairman
Robert Musgnug
Christopher Chesner
Dave Zipin
Ryan Vander Wielen
Dianne Walker
Melissa Arcaro Burns
Henry Balikov
Jeffrey Dey
Steve Pazienza

STAFF PRESENT:

Nancy Jamanow, PP, Planning Board Secretary
Matthew Wieliczko, Board Attorney
Mackenzi Kelly, Recording Secretary

ABSENT: Thomas Merchel

Mr. Barker called the meeting to order at 7:04 PM in the Council Chambers of Town Hall, 111 West Second Street by reading the Open Public Meeting Act statement. The Pledge of Allegiance followed a moment of silence. Roll call was listed as above.

Adoption of Resolutions

RESOLUTION #35-2020, Resolution Recommending that Block 3000 Lots 2, 3, 3.01, 3.02 & 5 (Moorestown Mall) be determined to be an Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-1 ET. SEQ.

Mr. Chesner made a motion to adopt Resolution #35-2020, seconded by David Zipin, the voice vote of eligible board members was unanimous.

RESOLUTION #36-2020, Approving PB#2020-11, Big NJ Portfolio/Bancroft, 101 Executive Drive, Block 500 Lot 2-Minor Site Plan with a bulk variance.

2021-02: Annual Notice 2021

This has been moved to the next meeting.

New Business

PB#2020-09, 14 Sbar Boulevard, 1 Sbar Blvd. and 14 Sbar Blvd, Block 100 Lots 1.01 to 1.08, Minor Site Plan and Minor Subdivision

Mr. Wieliczko stated this is an application for minor subdivision to redraw lot lines to create two separate lots. It is also a minor site plan to eliminate existing Sbar Blvd. and replace it with an access drive to the east end of the property providing access to Lot 1.04.

Mr. Sheehan is the attorney representing the applicant from Parker Mckay. Mr. Sheehan stated this is located on Lenola Rd south of the township border of Cinnaminson. It separates 6 existing lots and provides access to a lot with a 260,000 square foot warehouse. The township has reached out to family that owns the property to request the fronts parcels split by Sbar Blvd to be zoned as residential and inclusionary development. The family agreed. The property owner agreed to vacate Sbar Blvd. and provide an access on that side of the property. By doing this, some variances are required for setbacks and buffers.

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Witnesses:

Anthony Piperno, Applicant

Rod Ritchie from Taylor Wiseman, Project Engineer

Nathan Mosley, from Shropshire and Associates, Traffic engineer

Nicholas Cangelosi, consultant to the Property Owner

Professionals:

Michelle Taylor

Scott Taylor

Chris Noll

Mr. Piperno stated he is owner operator of the property. He stated the rear property is the building distribution center the front is land. Sbar Blvd. goes through the middle of the property. He stated they were approached about their land being rezoned as residential. They were asked to remove the current road which accesses their distribution center. They are here to help support this and help the mission.

Mr. Ritchie stated he has a BS and MS in civil engineering and is licensed in NJ as a Professional Engineer.

Exhibit A1

Shows a colored version of the site plan.

Exhibit A2

Shows the subdivision plan.

Exhibit A3

Shows the site as an overlay on an aerial.

Mr. Ritchie described the existing property's location. It shows the existing 260,000 square foot warehouse building on the existing lot 1.04 as well as lots 1.01 through 1.03 and 1.05 through 1.07. There is an existing sanitary sewer pump station on lot 1.08. There are agricultural land to the north. The site itself is comprised of agricultural lands in the AMF 3 zone. The existing warehouse site has parking, loading and trailer parking within the BP 1 district. There are industrial, commercial to the east, and south of the site.

They are proposing a minor subdivision creating a new flag lot 1.04 with a new driveway access onto Lenola Rd. to access the rear portion of the new lot. They will be vacating Sbar Blvd and consolidating the existing lots into a new lot 1.09 for a future fair share residential housing development.

Mr. Ritchie stated the proposed driveway is along the southern portion of the existing site They are proposing to make a connection onto N Lenola Rd. within the flag portion of the lot. There is a variance required for a 25 foot setback for a driveway from a residential lot line where they are proposing 15 feet. It is proposed here because there is an existing 25

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foot sanitary sewer force main easement along the southern property line. Another constraint is when the curb radius of the new driveway terminates, it has to terminate before it leaves the property line. The new curve radius comes into the site and the driveway runs straight back to the existing warehouse building. The width of the driveway is proposed to be 40 foot width, which is what it is currently. They are proposing to maintain the existing width and maintain a straight driveway alignment in order to meet county requirements and provide a safe means of ingress and egress to the rear portion of the site. There is a 75 feet buffer requirement between residential and non-residential uses. They are not able to provide the buffer because this is an existing non-conforming condition. There is a 25-foot strip of land between the existing parking spaces and residential zone line.

Exhibit A1

Shows a colored version of the site plan.

They are proposing significant substantial landscaping throughout this area to do the best they can for the required buffer.

The maximum impervious coverage in the BP1 district is 60%. The proposed lot 1.04. AMF3 zone has a maximum requirement of 65%. The existing impervious coverage on lot 1.04 is 71.2% and the proposed is 69%. They have an existing non-conforming condition in which they are improving slightly. They are proposing to remove some of the impervious pavement. It still requires a variance.

They are asking for parking relief. There are 191 existing spaces.

They are keeping the amount of spaces. They are proposing removing 7 existing spaces to provide for the new driveway and then proposing 7 replacement spaces where it is currently pervious. They will have 8 ADA spaces

He has seen in other towns where a Warehouse parking requirement is 1 to 5000 sq feet as a parking requirement. Under these criteria only 129 spaces would be required. By other ordinances and jurisdictions, the number of existing parking and proposed parking would be adequate. He stated that only about 50 to 60 % of the current spaces are occupied as a maximum. There are 2 shifts per day. The heaviest shifts are typically 8am to 7pm.

There are less than 10 visitors a day. A total of 6-10 trucks per day for normal operation.

He expects the site to be used the same in the future.

Mr. Wieliczko inquired if the applicant would agree as a condition to provide a written operational statement. Yes, they can do that as it operates today.

They are requesting a sign variance. They are proposing to place a monument sign in a residential zone. This is a condition of the flag lot. The sign will be places along the Lenola Rd frontage. It will promotes safe traffic circulation and site identification for emergency vehicles. The sign is 100 sq ft 10 foot high 10 foot wide that is permitted in the BP1 district. The required setback in the AMF3 district is 50 feet however, they are proposing a 10-foot setback to increase visibility along Lenola Rd.

They will be need for some existing tree removal. There are trees on the Lenola Rd frontage that need to be removed. They are within the site triangle, which is in the county

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right of way. They will have to get approval from the county. There are existing trees where the driveway meets the rear of the site, which will have to come down. The proposed buffer plans will make up for the trees that have to be removed. They are not proposing irrigation. They are proposing hardy native tree and shrubs species in lieu of the irrigation system. They are no changes to the existing lighting. The only new lighting will be along the new driveway. Mr. Wieliczko the applicant agreed to provide details for the proposed ground mounted lighting as well as a lighting plan to the Professionals.

Mr. Wieliczko inquired if there was a variance necessary in regard to the minimum lot frontage. Yes, it is still required. Mr. Ritchie stated it is required due to the amount of land required for the new driveway access location, to meet the constraints mention before about the curb radius, existing easement areas, as well as to maximize the amount of land available for the residential use required, accommodating the township's Fair share Plan.

Nathan Mosley he is a professional engineer in N.J. He has been with Shropshire associates for about 18 years now and he is a Senior Project manager and Partner in the company. He was accepted as an expert witness.

He stated he prepared a traffic assessment report dated on 11/20/2020 addressing potential traffic impacts of the existing site and the relocation of the existing Sbar Blvd. along Lenola rd. He stated they are proposing to provide a new access to the existing development in the rear of the site to accommodate future development on the remainder of the site.

They have discussed the application with the county in 10/2020 to get feedback on any concerns regarding the new driveway. Generally, the county was in favor of the new location, they had a few comments with regard to potential restriping of Lenola Rd. He stated that overall there are no major changes required along Lenola Rd.

In October of 2020 they did traffic counts of the existing Glen Ave and Lenola Rd intersection as well as the existing Sbar Blvd intersection along Lenola Rd. They study was done during the weekday am and pm peak hours. They also looked at historical data (Delaware Valley Regional Planning Commission), from pre covid times compared that to the data they collected and made conservative adjustments.

They also did a trip generation analysis from the existing building. The counts showed there was not much activity with the existing Sbar. They did the analysis using IT Land use 140 which covers manufacturing. Based on the trip generation analysis and the size of the existing building it would generate 160 to 170 trips during the am and pm peak hours. He stated for future conditions all the movements will operate at a level C or better. Even with additional traffic from the site all movements will continue to operate at a level C or better. Site Driveway movements will operate at a Level b in the am peak hour and a level c peak hour. The final approval will be with the county since Lenola Rd is a county road. He also looked at onsite access and circulation. He believes the new driveway location has been designed safely to accommodate passenger vehicles as well as tractor-trailers. He looked at the ITE for the parking variances. The ITE came up with parking generation rates for various land uses. Based on their rates for a facility of this size their peak parking demand would be around 100-110 vehicles during peak times during the week. He feels they have more than enough parking for the anticipated demands of this facility.

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Mr. Sheehan stated they are asking for a minor subdivision site plan with the variances, which are necessary to accommodate the Township's Fair share plan.

Board Professionals

Mrs. Taylor went over her letter dated 1/7/2021. The applicant did respond to the letter.

Mr. Sheehan stated he believes lot 1.08 is owned by the applicant (Sbar Blvd). Mrs. Taylor stated the existing cart way is 36 feet and is now 40 feet. She asked if trucks have an issue now with the 36 foot cart way. Mr. Mosley stated the trucks are able to enter the existing Sbar Blvd. fairly well. They are trying to provide a wider cart way to provide for a larger margin of safety. Mrs. Taylor suggested making it a condition that no truck parking or idling be permitted on the new access drive. Mr. Piperno stated that was acceptable.

Mrs. Taylor stated they are providing the 40-width driveway and they require a variance for the setbacks as well as the buffers. The applicant responded to their concerns and would like the location must remain. The professionals are concerned however understand based on the layout it can be justified. Mrs. Taylor stated with parking there should be additional landscaping provided on the site not particularly the street. The variance is warranted, there should be a sign. The Applicant did offer to relocate the light fixtures along the driveway.

Mr. Taylor stated the letter dated 2/2/2021 particularly item F3 referring to the buffers that are required. The applicant has had to shift the road to the north, which has small drainage feature leaving about 5-6 feet for buffering. He does not feel this is big enough.

Mr. Taylor inquired if they often see industrial driveway where the width can be reduced to 30 or 35 feet. Mr. Mosley stated he has seen some that have smaller cart ways like 36 feet. They wanted to maintain something wider since it is their only point of access especially for emergency access. Mr. Ritchie has seen driveways less than 40 feet, but for overall safety concerns, they are proposing this width.

Mr. Wieliczko inquired how many feet of buffer would be required. Mr. Ritchie stated there will be 5-10 of buffer along the northern property line, especially where it is most narrow in the squall area. Mr. Wieliczko stated there would be a 10 foot buffer where there is no squall and a 5 buffer of landscaping where there is a squall. Mr. Sheehan agreed. Mrs. Taylor stated this is an inclusionary development and there is concern of the impacts for development. Mr. Taylor stated there is a dramatic deviation from what the ordinance requires. Mr. Taylor suggested trees be located and identified. Mr. Wieliczko stated the applicant will identify the existing trees to remain and to incorporate them into a proposed landscape plan, they will be supplemented. Mr. Taylor inquired if the applicant can plant an additional row of evergreens on the residential property, which may be done after the plan is done for the adjacent site.

Mr. Sheehan stated to make the other applicant do that. Mr. Taylor stated this would make it closer to meet the intent of the ordinance.

Mr. Wieliczko inquired if they would you agree to the condition that they would share and disclose to any developer of the residential site the concern for buffering, along with an additional row of evergreens. Mr. Sheehan agreed they would notify any developer that this would be a requirement.

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Mr. Noll went over the letter dated 1/14/2021. He stated Mr. Ritchie said they have applied for the letter of interpretation.

He stated they are satisfied with the testimony on traffic issues, driveway location in regards to the curb returns and the parking spaces at 191 vs 323 required. The township will need to approve the location for Sbar Blvd.

His stated some minor comments: He has talked to Mr. Ritchie regarding the cartway width as well as the traffic consultant. Based on Mr. and Mrs. Taylor's concern he feels 36 feet is sufficient. They do understand the reason, however maybe applicant can consider this.

There is no major development concerning storm water management, so no water quantity or recharge is needed.

Mr. Wieliczko stated they applicant has agreed to the terms and conditions of both review letters. Mrs. Jamanow stated in Chris Noll's letter item 18, requesting the pump station remain on Lot 1.08. Their response is that it would be removed. The utility company would like it to stay. Mr. Ritchie stated they can keep it as a separate lot.

Mr. Wieliczko stated the review letters and responses have a number of call outs and requests. They have agreed to comply with a number/majority of suggestions and conditions. The applicant has identified variances and waivers. The LOI will be a condition of approval.

They have agreed to provide an identification of existing trees as well as a landscaping plan.

Number of conditions:

1. Provide an Operations statement
2. The Township will need to vacate Sbar Blvd.
3. They will provide revised plans incorporating recommendations from the professional's letters.
4. They will provide a lighting plan in satisfaction with the board's professionals.
5. No parking or idling on new access road
6. Maintain lot 1.08 as a separate lot
7. Provide revised plans for the location of the force main.

Mrs. Taylor Mr. Ritchie indicated the sanitary lot is not in the easement. Mr. Ritchie stated their surveyors found the main is located outside the easement area. He stated it runs through Lots:1.01,1.02 and 1.03. He stated with the proposed subdivision, the need for the separate easement goes away; the new force main will be on the new flag lot. They will locate the location on the plan. Mr. Noll recommending getting the deed and decide if they need to adjust the easement or not.

Board Questions:

Mr. Barker stated an area needing input is whether the cartway should be 36 or 40 feet. The applicant would ensure they would notify any developer of the buffer needed on the residential side.

Mrs. Taylor inquired if the residential developer would be responsible for implementation and pay for this buffer. Mr. Sheehan stated they would be responsible for their side and

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they would be responsible for letting the residential developer aware they need to put one in on their side. Mrs. Taylor stated if it is on the Affordable housing developer they may not do that, it would be above what they would have to do. There may not be a buffer. Chris Chesner inquired if you go to 37 feet would you still need this. Mr. Taylor said no they would still be struggling; they will not get that layered buffer like they always do. He is suggesting an additional foot adds more green space, which allows for draining and for trees to grow.

Jeffrey dey inquired about the location of the cart way, Mr. Noll stated the curb return cannot be extended through the adjacent property. Mr. Taylor suggested moving the northern curb line 5 feet down to reduce the width. Mr. Noll agreed.

Mr. Balikov inquired if there was any consideration in putting in impervious surface in the existing parking area. Mr. Sheehan stated there is existing surface there, they are not purposing to remove it. They are swapping out 7 parking spaces. Per Mr. Wieliczko in doing that they will decrease the impervious from 71.2 to an improved 69.9.

Mr. Balikov inquired if there any circumstances where the driveway would flood. Mr. Ritchie stated they designed the new driveway in accordance with the requirements and designed adequate drainage system, Mr. Noll agrees, it meets Moorestown's and the state's standards.

Mr. Chesner inquired about existing driveway's width. Mr. Wieliczko stated it is a 40 foot cart way. Mrs. Taylor stated a residential street is 28-30 feet wide with cars parked. Mr. Noll stated it can be as low as 20 feet. Chris Chester stated with no parking on the new driveway, he has trouble understanding why the 40 feet is needed. If it can satisfy the buffering ordinance, he does not know what harm it is taking away a few feet. Mr. Barker inquired if they would be willing to accept a condition of a 36 foot wide driveway. Mr. Sheehan stated the applicant would like to keep it at 40 feet. There was some discussion on the width of the driveway. Mr. Noll stated the driveway has some curvature, which could be 40 feet, and when it is straight, you can take a few feet off. Mr. Ritchie stated he is not going to disagree; his opinion is 40 feet is preferred for safety reasons. Mr. Noll feels 36 feet is safe.

Public Questions:

Lisa Paoline from 2 Shenandoah Rd. Cinnaminson, NJ

She inquired about traffic patterns and if they took into the account of the proposed dwelling units. Mr. Mosley stated they did not include any traffic from the anticipated proposed dwelling units. When someone comes in for site plan approval they will need to do a study.

She also inquired if soil remediation is needed prior to breaking ground and for the driveway. Mr. Ritchie stated there will be a Phase 1 environmental testing required as part of the future development of the site. There was no need for one for this application. The proposal is to place new impervious paving on the existing agricultural lands for the new driveway. There will be minimal disturbance. Mrs. Paoline inquired if they will be notified when they break ground. Mr. Wieliczko stated there is nothing as part of this application required to give notice. Mr. Wieliczko inquired if the applicant agrees that the application of the new roadway comply with all NJ environmental regulations, disclosure notices and

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environmental laws. Mr. Sheehan stated yes. Mr. Wieliczko there is no date as of yet because there is no application yet.

Mrs. Jamanow inquired if part of this application was vacation of Sbar Blvd. Mr. Ritchie stated it is a timing issue. The construction of the new driveway and the removal of Sbar Blvd will be done at the same time. It will mostly likely be done during the new residential development. Mrs. Jamanow wants to clarify who is going to be bonded for the removal of Sbar Blvd. Mr. Wieliczko stated as a condition of approval being the vacation of Sbar and the removal of Sbar Blvd in a manner that is acceptable to the Board Professionals. Mr. Sheehan stated they could be done at the same time. Mrs. Taylor stated it would be consistent with the demolition plan. Mr. Sheehan agreed.

Board Deliberations:

There was a lengthy discussion regarding the width of the new drive. Mr. Sheehan stated they feel it is safer to maintain the 40 feet and asked the board to approve as presented.

Mr. Barker asked each member on their opinion on 40 or 36 feet. All eligible board member's voice vote was for 36 feet except for Mr. Dey.

Mr. Sheehan agreed given the strong vote of the board, to make it a condition.

Mr. Barker made a motion, seconded by Mr. Musnug to approve the application with the variances, waiver requests and the conditions noted in the meeting. All eligible member's voice vote was yes, except for Mrs. Acaro Burns

Motion passes 8 to 1.

Other new business has been postponed to 2/25/2021.

Discussion

1. Updates/Discussion from Brewery Subcommittee

Mrs. Jamanow stated the subcommittee has been going over for months. Everything has been ironed out with the exception of one thing (two parts). The township would like a brewpub as well as packaged goods allowed in town. There are two licenses available with a possible of another. The subcommittee's proposal is that brewpubs and packaged goods would be permitted in all commercial and business zones. The Brew Pubs would be a conditional uses with package goods allowing permitted use in these zones. In the Business zone a Class A Brewery Licensed is permitted, example The Flying Fish. She stated should package goods stores have a lot minimum. She feels 2 to 2.5 acres is good. She stated the question is if package goods should be allowed in Lenola Town Center and in the Main St area. Mr. Chesner stated he does struggle with the location in the downtown centers. They discussed music being allowed on Friday and Saturday until 10pm. Mr. Zipin stated he struggles to see the problem with a brewpub on Main Street. He feels they would be complimentary to the restaurants. The shopping center in LTC is underutilized; he feels a packaged goods store could fit in there. Mr. Barker thanked the subcommittee. He is in favor of granting both types of licenses, but feels a restriction of 2-2.5 acres on the package good stores. They discussed parking, location and

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size limitations. Mr. Wieliczko stated this is a land use board and the job of this board is to make a recommendation to Council regarding the size and location. Mrs. Jamanow wants to draft up a memo for Council regarding the Board's recommendation. The board's consensus is everyone is in favor of brewpubs as proposed a permitted use in business and commercial district.

Mrs. Jamanow recommends that Package good stores have a minimum limitation of 2-2.5 acres. Mrs. Jamanow stated it would also be permitted in the SRC zone by Young Ave. By putting this limitation on Package Goods, they would not be allowed on Main Street. Mrs. Jamanow inquired on who would be in favor of not placing limitations on Package Goods. Mr. Chesner, Mr. Barker, Mr. Balikov, Mrs. Acaro Burns, Mr. Pazienza and Mr. Musgnug are in favor of the limited lot size. Mr. Zipin, Mr. Vander Whielen, Mrs. Walker, Mr. Dey

The Council will look at Mrs. Jamanow's memo and make any changes and refer it back to the Board. Mr. Wieliczko stated there is a strong consensus on Brewpubs, with a split decision on Package Good Stores. Eventually Council will send the ordinance back for the Board to look at.

Public Comment: None

ADJOURNMENT

Mr. Barker stated the next meeting would be 2/25/2021. A motion to adjourn was made by Mr. Dey and seconded by Mr. Chesner. The meeting was adjourned at 10:02 PM.

Next Meeting: 2/25/2021 at 7:00 pm