

Mount Laurel Planning Board
Regular Meeting Minutes
August 10, 2023

Chairman Bathke called the Regular Meeting of August 10, 2023 to order at 7:00 pm.

Open Public Meeting Notice was read by Chairman Bathke noting that all the postings, filings & emailing have taken place on January 19, 2023.

Chairman Bathke led pledge of Allegiance/Moment of Silence.

Roll Call taken by Board Administrator Ms. Hochreiter – Members in attendance: Chairman Bathke, Vice-Chair Lewis, Mr. Giegerich (Designee for Mayor), Township Manager Riculfy, Councilman Moustakas, Mr. Lieberman, Mr. Dewey, Mr. Sorrentino - Alt #1, Ms. Kharoudh - Alt #2. Absent: Mr. Pfeiffer & Mr. Coffey.

Professionals in Attendance

Mr. Ashton Jones – PB Planner; Mr. William Long – PB Engineer, Mr. Michael Angelastro – PB Traffic Engineer, Mr. Brian McVey – Fire Marshal, Mr. Ron Cucchiaro – PB Solicitor; Ms. Toni Sapio, T & M Associates & Trish Hochreiter – PB Administrator.

Adoption of Minutes:

Chairman Bathke called for a motion to approve the meeting minutes from the regular meeting of June 8, 2023 & Special Meeting of July 13, 2023. Township Manager Riculfy made the motion and Mr. Lieberman seconded it. All present were in favor and the motion was carried.

Memorialization of Resolutions:

Chairman Bathke asked for a motion to approve Resolution R-2023-13 for Preliminary & Final Site Plan approval for a 45,120 sq. ft. warehouse located at 204 East Park Drive. Township Manager Riculfy made the motion to approve and was seconded by Councilman Moustakas. All present who were eligible to vote were in favor and the motion carried.

Chairman Bathke asked for a motion to approve Resolution R-2023-14 for Amended Preliminary & Final Site Plan Approval with Ancillary Variance Relief for signs located at 1220 Route 73. Councilman Moustakas made the motion to approve and was seconded by Township Manager Riculfy. All present who were eligible to vote were in favor and the motion carried.

Chairman Bathke asked for a motion to approve Resolution R-2023-15 for Preliminary & Final Site Plan with Preliminary and Final Subdivision Approval for a 437,262 sq. ft. warehouse located at 134, 136 & 158 Gaither Drive and 200 East Park Drive. Township Manager made the motion to approve and was seconded by Councilman Moustakas. All present who were eligible to vote were in favor and the motion carried.

Chairman Bathke asked for a motion to approve Resolution R-2023-16 for review of Proposed Ordinance No. 2023-7 which amends Chapter 154 of the Code of Mount Laurel entitled “Zoning” to rezone certain parcels from the “O-2” Office District to be placed in the “I” industrial District and the Planning Board confirms this is consistent with the Master Plan. Township Manager Riculfy made the motion to approve and was seconded by Councilman Moustakas. All present who were eligible to vote were in favor and the motion carried.

Temporary Use Permit

Fairshare Housing Development, Inc. requested an extension of their temporary use permit for construction trailer located at Ark Road and Hovtech Blvd for an additional year. This extension will be from August 11, 2023 until August 11, 2024. At that time, they can request one more year to extend. Chairman Bathke called for a motion and Mr. Lieberman made the motion to approve this temporary use permit for another year and was seconded by Mr. Giegerich. All present were in favor and the motion was carried.

Planning Board Solicitor Mr. Cucchiaro swore in the Planning Board Professionals.

The Boards Solicitor Mr. Cucchiaro made those on the zoom meeting this evening aware that the jurisdiction of this Planning Board and every Planning Board in the State of New Jersey when they are analyzing a site plan application the uses here at the planning board are permitted by Ordinance. A member's view on whether a certain use should or should not be permit as well as the public view on whether a certain use should or should not be permitted it is irrelevant. That is a decision made by the governing body, the use in this instant is permitted. Any comments or thoughts based upon the fact that you do not like a use is beyond this board's jurisdiction and is improper and basing your decision on such would be deemed arbitrary, unreasonable & capricious by a superior court.

He went on to discuss another concern not just this application but all applications is traffic. Whether a permitted use will generate traffic, the Planning Board has limited jurisdiction and that jurisdiction is only required to make sure the ingress and egress to a site is safe. The fact that additional general traffic will increase that may be true but the courts state this is a determination that the governing body would have thought about when making these permitted uses. Increases of traffic alone cannot support a decision to deny an application it should be pinpointed on the safety of ingress and egress.

Mr. Cucchiaro explained the procedures of the Planning Board and that this evening the public portion would be a continuation from the previous June 8, 2023 Planning Board meeting. Therefore, if you have not been heard previously, this evening you would have the opportunity to speak on behalf of this application.

Public Hearing:

1. NJ Mt. Laurel Pleasant LLC, 907 Pleasant Valley Road, Block 1201.04, Lot 3, Preliminary & Final with Bulk Variance approval for 214,665 sq. ft. refrigerated warehouse PB-2305. This is a continuation of a prior meeting held on May 4, 2023 & June 8, 2023.

Mr. Cucchiaro explained that all board members that are on the call for this evening and have missed the previous meetings, have certified they have watched both meeting video's so all members on the meeting this evening are eligible to vote on this application.

The meeting first started with Agnes Maderich of 1622 Hainesport-Mount Laurel Road. Ms. Maderich was sworn and stated her first question was regarding safety of ingress and egress and the total number of trucks in and out of the facility and the number of days. Andrew Ferande the applicant's expert witness was reminded that he is still under oath. Mr. Ferande stated again that this is in their report that was submitted with the application that during the am peak hours 6 trucks are expected and during the pm peak hours 6 trucks are expected with roughly 50- 60 trips throughout any given day this could be entering or exiting. She also asked about the seasonal turnover and storage of products in the facility, as explained by Mr. Adkins the storage in these facilities could be for many months there may not be a quick turnover. The noise concern was also brought up, as stated by the Board's Solicitor the noise ordinance is not codified, and it does not exist in the zoning ordinance or site plan or design criteria, it is

its own ordinance and the applicant must comply with it, you cannot grant relief from it they are required to comply. If they receive approval, they are required to not go over that sound barrier. They are held to national standards on the release of any CO₂, which is, the only product that will be on-site. A professional with their signature and stamp on the plan will design the equipment and it would be designed based on the national standards that they are held to. There are protocols that must be followed when it comes to any releasing of the CO₂ in the area along with sensors that monitor any releasing of these chemicals. Also, stated was no equipment will be on the roof of this building all equipment will be placed on the ground. May have piping on the roof but no equipment. This facility will not look like their other facility throughout the country they have taken in to consideration the proximity and overall view of the building. That completed Agnes Maderich's questions and addressed.

Karen Dellaratta of 108 Roberts Place asked if Mount Laurel has any plans to put a limit on the number of warehouses that they will allow. Her concern is these huge buildings will be built and what if they are not used and they remain vacant. The Planning Board does not have the power to put a moratorium on a particular use and there is case law that tells towns more specifically Planning Board's or Council and they have been knocked down for trying to do that. This is the State Legislature and the Courts that say it is not within the power of the MLUL to grants this board or the Town the right to do this.

Ms. Dellaratta, voiced concerns about the truck fumes being released in the air at this site. Mr. Cucchiaro stated that New Jersey has a Clean Energy Law that has standards that must be followed, they are only allowed to idle for 3 minutes per the state and federal laws and they will have the use of outside electrical outlets so the generators for these trucks can be plugged in and will not have to run.

Matt Watkins of 8 Edinburgh Court, concerns were with the esthetics of the building, and it was addressed at previous meetings that the buffer was changed dramatically to address the concerns of looking at this building they will add in where necessary additional plantings. They believe the barrier is effective as it continues to grow. Mr. Watkins asked about sidewalks and the use of them with added truck traffic. The Traffic Engineer for the applicant indicated that in their study they took into effect the traffic and sidewalks and that sidewalks exists along the frontage, it extends from Church Road to Fellowship Road with pedestrian provisions with signalized at both intersections at either end. The roadway is 38 feet wide that is 19 feet on either side very significant width and can handle truck traffic as it currently does today.

Deborah Calhoun, 307 A Ralston Drive, requested information on the distance from the loading docks to the warehouse and what type of machine would be used in the moving of product forklift or skid steer. The trucks back up to the warehouse so there is no removing products in a parking lot and taking it into a building. Trucks will not be coming to the facility after 10 pm and all of the noise for the refrigerate unit was taken into account when the noise study was performed and the levels are compliant.

Stewart Duarte of 22 Edinburgh Court. Asked about the perishable products being stored and asked for an explanation of those products that will fail in time due to refrigeration, down time, trailer down time and expired products in accordance with regulatory standards and FDA transport rules also EPA how will it be handled and discarded. All products will be packaged and sealed not raw food. So any food that has spoiled will go in a sealed container (dumpster) specifically designed to handle this type of food waste. If there is, a recall on a perishable that requires a large amount of food to be disposed of it will be placed in this sealed container and an additional pick up will be sealed. They will not have this product laying around to attract animals. The applicant and operator also have an agreement with a pest control operator that will follow all the standard operating procedures.

Mr. Fox, Esq, along with his clients Ms. Williams. The next one to speak who is Mr. William Green not a client of Mr. Fox just was given the use of the conference room. Mr. Green lives at 5025 B Church Road. Again brought up the trip calculations and trucks waiting to get into the facility. Mr. Green was informed that the road has a no parking regulation, so trucks would not be able to stop and wait for the facility to open.

Mark Remsa 10 Dewberry Court was reminded that he remains under Oath from the previous meeting. Exhibits) 4 on a letter was provided on August 10, 2023. 3 other exhibits were submitted.

Board members were asked at 9:10 if they wished to continue to another 30 minutes at that, they all agreed and meeting continued.

Several questions were asked and addressed by the Planner and he indicated that the water tower is needed for this building and relief would not be required, he addressed the landscape buffer and the applicant has agreed to work with the planner to make sure enough landscaping is added where needed.

The public portion of the meeting was closed at 9:35 pm.

Chairman Bathke asked the Board Solicitor Mr. Cucchiaro to read the conditions for this application:

1. Compliance with the reports of all the board's professionals and their recommendation as well as the fire official.
2. Reduced lighting after hours should be added to the plans and subject to the board professional's approval.
3. Landscape compliance report along the front of the property.
4. Phase 1 must be submitted.
5. This property will not be a fulfilment center and is prohibited.
6. Noise barrier to be reviewed and approved by the board's professionals
7. No idling requirements.
8. Prohibition of outdoor storage of materials
9. No deliveries past 10:00 PM.
10. No long term parking for the trucks visiting the site
11. Compliance to all buffer requirements
12. Trucks that are there parked for staging shall not have food materials stored in them.

Approval of this application would be for Preliminary & Final Major Site Plan Approval with Ancillary Variance Relief.

Chairman Bathke asked for a motion for application #PB2305, motion to approve the application was made by Township Manager Riculfy and seconded by Mr. Dewey. Township Manager Riculfy-Yes; Mr. Dewey-Yes; Alt #2 Ms. Kharoudh-Yes; Alt #1 Mr. Sorrentino-Yes; Mr. Dewey-Yes; Mr. Lieberman-Yes; Councilman Moustakas-Yes; Mr. Giegerich-Yes; Vice- Chair Lewis-Yes; & Chairman Bathke-Yes; Motion carried, Application Approved.

Chairman Bathke asked for a motion to adjourn, Councilman Moustakas made the motion, & Mr. Lieberman seconded, and the motion was carried. The meeting ended at 9:40 PM.

Respectfully Submitted,

Trish Hochreiter

Planning Board Administrator

Adopted On: September 14, 2023