Mount Laurel Planning Board

Regular Meeting Minutes

August 8th 2024

Chairman Bathke called the Regular meeting of August 8, 2024 to order at 6:00pm.

Open Public Meeting Notice was read by Chairman Bathke noting that all postings, filings, & Emailing's has taken place on January 18, 2024

Pledge of Allegiance/Moment of Silence was led by Chairman Bathke.

Roll call was taken by Planning Board Administrator Ms. Jennifer Parks. Members in attendance: Chairman Bathke, Vice-Chair Sorrentino, Mr Giegerich (Designee for Mayor Janjua), Council Women, Mr. Lovato, & Mr. Ahmad. Absent members: Township Manager Riculfy, Mr. Pfeiffer, Mr. Lieberman, Ms. Kharoudh, & Mr. Blum.

Professionals in Attendance:

Mr. Ronald Cucchiaro- PB Solicitor, Mr. William Long-Board Engineer, Mr. Ashton Jones- Board Planner, Mr. Brian McVey- Board Fire Marshal, Mr. James Markham- Board Traffic Engineer & Ms. Jennifer Parks- Planning Board Administrator

Adopting Minutes:

Chairman Bathke called for a motion to adopt the meeting minutes from the regular meeting of June 13, 2024. Mr. Giegerich made the motion and Mr. Lovato seconded. All Present were in favor and the motion passed.

Resolutions:

Planning Board Solicitor Mr. Cucchiaro explained that the resolution for CLNI OMLNJ, LLC located at 3000 Leadenhall Road (1 Mortgage Way) has been working to clear up some issues and ask for the resolution memorialization to be carried to the September 12, 2024 Meeting. This was accepted by the Board.

Board Solicitor Mr. Cucchiaro swore in the professionals for this evenings Meeting.

Discussion Items:

Board Solicitor Mr. Cucchiaro Wanted to define the scope of what the Board Members are legally permitted to do, the scope is defined by NJ State that's adopted by the legislations as well as ordinances by the town. The roll of the Planning Board is to determine if the applicant has satisfied all design criteria that are contained in the ordinance, If applicant complies the law states the Board must grant approval.

Public Hearing:

1. **PB2405- Mipro Homes, 249 Elbo Lane, Block 701 & 702 Lots 7 & 43. Preliminary & Major Subdivision with design Waivers for proposed 19 lot residential site**. Mr. Jeff Baron, Esq. represent the applicant, and explained the applicant was looking to Subdivide 21 lots 19 of which are residential and 2 that are storm water management, also requesting 2 variances 1. Lot frontage for lot 6 only and 2. Minimum rear yard variance for lot 4. Mr. Baron introduced Mr. Joseph Mancini as the engineer on the project. Mr. Mancini provided his credentials and they were accepted. Exhibits were submitted and marked as A-1 Color rendering Arial View of Site Plan. He explained a few key points and provided testimony.
   The first was they have submitted an EPA for some modifications to the Wetlands buffer. Mr. Mancini explained there is 21 new lots 19 of which will be residential and 2 will be for storm water management and open space. 10 Residential lots on a cul-de-sac off Elbo Lane, 7 Residential lots on a cul-de-sac off Cemetery Road, and 2 residential lots that will front directly on Cemetery Road.
   Mr. Mancini explained they would be requesting a waiver from township ordinance that limits the length of a dead end street that does not connect to another thoroughfare to 600 ft. They are proposing a 674 ft. length and are seeking a design waiver for the extra 74 Ft.
   Mr. Mancini also explained they are requesting a waiver for land scape plan the ordinance requires that the designate all trees are 8inch diameter or great and it requires that to be put on the environmental impact study. The waiver they are seeking is to be allowed to address that on the landscaping plan opposed to the EIS.
   Mr. Mancini Testified there will be minimal clearing of trees only where necessary such as roads, utilities that need to go in as well as the houses and driveways that will be built, and that 285 New Trees will be planted.
   Mr. Mancini Testified they are requesting a Waiver from the site light Ratios. Mr. Mancini also explained they are seeking a waiver to permit some of the lots with modified transition areas within the required yard areas and this would affect lots 3,4,5,16, and 21.
   Mr. Mancini explained they are also seeking a Variance for lot frontage for lot 6.
   Mr. Mancini explained storm water management. The rules require they analyze the pre development conditions before development happens. Then they must construct storm water management facilities that do not just maintain the existing conditions they actually reduce the storm water runoff leaving the site by 20 to 50 %.
   Chairman Bathke asked if there has been any development of construction plans at this time? Will all the homes be built at once or is it based off lots sold. Mr. Mancini explained The next Expert Mr. Procacci would be able to answer that better.

Chairman Bathke asked is any Board members had questions for the testimony provided by Mr. Mancini. Township Solicitor Mr. Cucchiaro asked if an Operations Owner's manual will be recorded for the Detention basins and Storm water facilities? Mr. Mancini informed everyone there part of the new storm water rules requires that we compile a maintenance manual to tell the owner of those facilities, how and when to maintain and inspect storm water facilities, and that gets recorded as a deed restriction and the HOA will be responsible. That will also give the township certain rights as well to enter the site if they want to.

Mr. Cucchiaro asked if the new streets being created would be public or private streets. Mr. Mancini stated they would be public streets.

Mr. Cucchiaro asked if the dimensions, cart ways and everything comply with the RSIS and all proposed homes will have adequate parking under RSIS? Mr. Mancini testified they all complied with RSIS and will have adequate parking. Mr. Cucchiaro also asked is the streets will allow parking on either sides or just one? Mr. Mancini Stated they would be allowed to park on both sides.

Mr. Baron introduced Mr. Michael Procacci the Vice President of Mipro Homes LLC. Mr. Procacci provided his credentials and they were accepted. Mr. Procacci explained if the board gives approval it would be about 3 to 6 months before construction starts. He believes it will be about one and a half to two years to complete all construction. They typically do not start construction until property is sold and then do selections with buyers and start building the homes once permits are issued. They intend to as of right now start on one side and then finish the other but do not know what side will start first as of now.

Mr. Procacci explained they are planning to build houses between 3,200 and 4,000 Sq. Ft.

Chairman Bathke asked if any Board members had questions for the testimony by Mr. Proccai. Chairman Bathke asked is they planning to have on site construction or sales trailers. Mr. Procacci informed him no not as of right now.

Mr. Baron introduced Mr. Victor Anosike Project Manager with Bowman in Traffic and transportation Engineering. Mr. Anosike provided his credentials and they were accepted.

Mr. Anosike explained there was comments from a review letter from the Board Engineer one being the procedure they used in the trip generation for the site to determine how many trips the site would generate. Mr. Anoskie broke down the number of trips for each street for both weekdays and Saturdays.

Chairman Bathke asked if any of the board members had questions for the testimony By Mr. Anosike. Mr. Cucchiaro stated when the board is looking at traffic in conjunction with a permitted use the fact that the use will generate traffic is insufficient under the law to deny an application. The courts have said that a governing body assumes that the traffic associated with such uses is going to happen. What the Board is essentially looking for is that the circulation is safe unsafe, ingress, and egress is always on the table. However, that is the focus.

The First too review his report was the Planning Board Planner Ashton Jones. His report was dated July 9, 2024 He did state he received a letter from the applicant agreeing to comply with some of the review comments so he would only touch on the ones that are still outstanding. Mr. Jones reviewed his report

have responded to comments this evening with testimony. Next to review, his report is Township Planning Board Engineer William Long. Mr. Long's letter was dated March 22, 2024. Mr. Long stated that he has spoken with the applicant's attorney multiple times, and we have met to go over the plans and drainage counts that were submitted. Mr. Long asked Mr. Mancini if he Dep. Has approved the Wetlands line is that file number on the plan. Mr. Mancici informed Mr. Long it was not and they would get that updated. Next to Review, his report was Township Planning Board Traffic Engineer Mr. James Markham. Mr. Markham's letter was dated March 19, 2024, and with the testimony provided this evening all comments they have agreed too. The next To review his letter was Township Fire Marshal Mr. Brian McVey his letter was dated April 1, 2024 and he stated the applicant submitted a response letter agreeing to work with the fire department on all of their concerns regarding moving fire hydrants and circulation plans.

Chairman Bathke asked if the Board Members had any questions for the Township Professionals. Mrs. Karen Kohen asked Dep has required all the municipalities to enact an ordinance about tree removal. Is that going to be an issue? With this particular application? Mr. Jones stated it should not be an issue. We are going to have to comply with the state regulations.

Chairman Bathke Opened up the public Portion of the meeting at 7:30pm and asked if there was anyone from the public who wanted to speak. First to Speak Was Mr. McCormick who wanted to know if there would be sidewalks along Cemetery Road and Elbo Lane. Mr. Jones informed him there would be sidewalks installed. Mr. McCormick also asked if they planned to plant more trees and vegetation to great a buffer between the proposed houses and the existing houses. Mr. Mancini stated there is already vegetation there and would not be planning on planting any more then what was proposed in their application.

Next, to speak during the public portion was Frank Acito. Mr. Acito's concerns are about the already existing flooding in his back yard getting worse from the new construction. Mr. Mancini referred back to his earlier testimony. Mr. Acito asked if there is inspections conducted prior to approval that makes sure it meets this standard. Mr. Long informed him yes, there are standards and inspection that are done. They have requirements for submitting storm water video showing the pipes work the pipes do not have any defects in them, etc. They have to do testing in the basin infiltration rate testing. Compare the constructed infiltration rate to the design rate. If they do not work, they have to rework the basin. Therefore, there is a number of different inspections that are done along the process prior to approval.

Next, to speak during the public portion was Charles Gersbach. Mr. Gersbach was concerned with the drainage issue and the possibility of the new homes adding pools in the future and causing even more drainage problems. Mr. Cucchiaro informed Mr. Gersbach that if the homeowner wants to come in and install a pool they will need to go thru the permitting process to make sure everything is built adequately. Mr. Gersbach was also concerned with the traffic at Elbo and Mt Laurel Road and these new homes effecting that. Mr. Cucchiaro stated the ingress and egress is the safety issue. It is certainly something that you could bring up at a council meeting. They have the direct jurisdiction over that.

Next to speak at the public portion was Mr. John Kelly was concerned about extending the cul-de-sac's and that additional 75 ft. put the proposed houses closer to their homes, and concerns for the drainage issues. Mr. Cucchiaro informed him the board would consider his concerns.

Next, to speak during the open public portion was Laurent Dionot. Mr. Dionot wanted to know if the sidewalks being installed if they would run from Maple Glen down to stanwyck or Will the sidewalks only be Built up to the end of the Proposed property. Mr. Mancini informed him they would only go as far as the end of the proposed property and not all the way to Stanwyck Road. Mr. Dionot asked for clarification for what the roadway between the property line and the water basin. Mr. Mancini informed him it is a road for maintenance. In addition, they have to provide something that can accommodate a vehicle. However, typically what we use on those sort of base and access roads is a concrete paver or a plastic device that allows grass and soil between them.

Next, to speak during the open public portion was Mr. John O'brien. Mr. O'Brien's concerns were with the extra feet added to the road way and the flooding issues from the drainage. Mr. Mancini referred back to his earlier testimony.

There was no other public comments and Chairman Bathke closed the public portion at 8:22pm.

Chairman Bathke noted there was a lot of discussion on the extra 75 ft. of Roadway and pointed out that both Mr. Baron and Mr. Mancini had discussed this in their earlier testimony.

Mr. Baron stated the applicant agreed to work with the township Planner and professionals to see if the access path to basin three & four could be somewhat relocated.

Mr. Ahmad asked if they could move two lots from the Whispering Court side to the Whispering Lane side so the road length could be shortened. Mr. Baron stated that would not be possible. Mr. Mancini stated it would not be possible because of the Wet Lands.

The Board Solicitor was asked to read the conditions in the record and the applicant their attorney were satisfied with the conditions as read Mr. Baron wanted it noted the withdrawal of the waivers is without prejudice.

Chairman Bathke called for a motion to approve the application as presented, Council Woman Cohen made the motion to approve and Mr. Giegerich seconded the motion. All present were in favor and the motion was carried.

2. PB 2410 Lazy Dog Restaurant 1361 Nixon Drive Blok 1200.02 Lot 2 Preliminary and Final Site Plan for proposed new restaurant. Mr. Duncan Prime, Esq of Lazy Dog Restaurant, he explained that the applicant was proposing a new Restaurant. Mr. Prime introduced his first witness Mr. Jared Taylor works for Golden Property Development. Mr. Taylor explained Lazy Dog Restaurant is a full service sit down and dine in restaurant with full menu available at all time the restaurant is open with offsite take out being offered.

   Mr. Taylor explained another part of Lazy Dog restaurant is the ability to bring your dog. Dogs can only sit on the patio and are not allowed inside unless a service dog.

   Mr. Taylor went on to explain delivery hours would be three times a week between the hours of 6a, and 9am. Mr. Taylor also gave the hours of operation for the restaurant. Mr. Prime asked

Mr. Taylor what the hours of trash pickup would be and Mr. Taylor informed him they would be between 6am and 9am.

Mr. Prime introduced his next witness Mr. Dwayne Mitchell. Mr. Mitchell is VP of design and construction at Golden Property Development. Mr. Mitchell stated that Mr. Taylor explained everything in his testimony and would be available for any questions.

Chairman Bathke asked if the board had any questions so far for Mr. Taylor or Mr. Mitchell. No one had any questions at that time.

Mr. Prime Introduced his third witness Mr. Jason DeYoung, Mr. DeYoung is a civil engineer with proof civil consulting engineers. Mr. DeYoung provided his Credentials and they were accepted. Mr. DeYoung Went through the existing conditions of the site and building and what the proposed condition for the site, building, hardscaping, and parking would be.

Chairman Bathke asked if there would be any landscape changes. Mr. Prime explained that there would be and had Mr. Taylor explain the proposed landscape changes.

Mr. Prime asked Mr. Taylor to walk the Board Members through the sign package. Mr. Taylor explained they are asking for signs on all four sides of the building, Mr. Taylor proceeded to walk to Board members through the locations and details of the signs.

Mr. Prime introduced his next witness Mr. Patrick Dineen, Mr. Dineen is a Licensed Architect. Mr Dineen provided his credentials and they were accepted. Mr. Dineen provided testimony of how the building will be built and explained the Buildings elevations, the types of materials that will be used as well as the color of those materials.

Mr. Prime asked if any of the board members had any questions for the architect. No one had any questions at this time.

Mr. Prime introduced his next witness. Mr. David Shropshire traffic engineer. Mr. Shropshire presented his credentials and they were accepted. Mr. Shropshire gave testimony on trip and parking generation. Mr. Shropshire stated they would see an increase of between 24 to 29 trips during weekday peak hours and Saturday peak hours. Mr. shropshire explained the variance for less parking spaces.

Mr. Prime asked if there was any questions for Mr. shropshire. Chairman Bathke asked how they would lose 30 parking spaces if the new building were the same footprint as the current building. Mr. Shropshire referred back to his testimony.

Mr. Prime introduced his last witness Alex Dougherty professional planner. Mr. Dougherty presented his credentials and they were accepted. Mr. Dougherty prepared an exhibit that was not previously submitted the exhibit was submitted to the record as A1 – A7.

Mr. Dougherty presented the exhibits showing arial views of the current building, parking lot, and surrounding shopping centers. Mr. Dougherty explained the requests for relief variances for setbacks, parking, and signs. Mr. Dougherty stated none of the variances requested would have an adverse effect for the town.

Mr. Prime asked if there was any questions from the board members. There was no questions at that time.

Mr. Ashton Jones Township Planner was the first to review his letter that was dated July 25, 2024. Mr. Jones reviewed his letter. First comment was about the parking variance Mr. Jones wanted to state that most of the parking lot is out of their jurisdiction and would differ to the townships traffic engineer. The second was the variance for setbacks for the structure and felt like the request for this variance was justified. Mr. Jones asked for a little more on why they feel they need a variance for four signs. Mr. Dougherty referred back to his testimony.

Mr. Prime asked was there a calculation or a number a bulk standard you needed. Mr. Jones stated if you provide on the record testimony, saying that we know that we are not over the 30% building. That is fine by me. Mr. Taylor testified they were not over the 30% building bulk standard.

Mr. Jones asked if the board had any questions for him on his review letter. Chairman Bathke asked for clarification of why the one sign was twice the size of what its allowed to be instead of 40 it was 80. Mr. Jones stated yes they did request that and he was okay with that variance. Mr. Jones stated if you reduce the signage or you said we didn't want that signage, you would have a giant blank wall and you would want to have something on that wall. Chairman Bathke stated he understood a sign would be appropriate but could they talk about the size of the sign. Mr. Prime noted he would talk with his clients and see what they could agree on.

Mr. William Long Township Engineer reviewed his dated July 15, 2024. The first comment was the applicant detailed the lighting plan but needs to add the lighting levels to the plans. The next comment was about a general soils report. A geotechnical report was submitted but that does not address the general soils and asked if they did a phase one for soils. Mr. Taylor stated they are not buying the land just leasing and there was no phase one soils inspection performed. Mr. Long let the applicant know what they will need to submit. Mr. Longs next comment addressed the loading docks he noted the applicant added a note for the loading docks but not clear on how it works. Will all deliveries be done by 9am? Applicant noted all deliveries are supposed to be done by 9am. Mr. Longs last comment was about the ADA parking but the comment was address by the applicants testimony.

Mr. James Markham Township Traffic Engineer reviewed his letter dated July 9 2024 and stated they agreed with the applicants reports for traffic and parking.

Mr. Brian McVey Township fire Marshal reviewed his letter dated April 18 2024 and stated the applicant has either satisfied or has is agreeing to satisfy his comments that were outlined in his report.

Chairman Bathke asked if anyone had any questions for the Planning Board professionals. There was no questions and that concluded the Mount Laurel Township Professionals testimony.

Mr. Prime noted that they did have a phase one for soils and would be submitting that as part of resolution compliance.

Chairman Bathke Opened up the public portion of the meeting at 9:42pm and asked if there was anyone from the public that wished to speak on this application, they needed to unmute and be on video, state their name and address and be sworn in by the board solicitor. Seeing no public wishing to speak the public portion was closed at 9:43pm.

Mr. Cucchiaro asked Mr. Prime if he was able to speak with his clients on the number of signs Mr. Prime informed the board he did and asked the board to seriously consider the request for four signs.

The Board Solicitor was asked to read the conditions in the record and the applicant their attorney were satisfied with the conditions as read.

Chairman Bathke called for a motion to approve the application as presented, Mr. Giegerich made the motion to approve and Council Women Cohen seconded the motion. All present were in favor and the motion was carried.

Chairman Bathke called for a motion to adjourn the Regular Meeting of August 8 2024 and Councilwoman Cohen made the motion to adjourn at 9:47pm and Mr. Giegerich seconded the motion, all present were in favor and the motion carried.

Respectfully Submitted

Jennifer Parks

Planning Board Administrator Adopted On: 9/12/24