

Mount Laurel Planning Board

Regular Meeting Minutes

November 9, 2023

Chairman Bathke called the Regular Meeting of November 9, 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. Pfeiffer, Mr. Lieberman & Mr. Sorrentino. Absent: Mr. Coffey, Mr. Dewey & Ms. Kharoudh

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; Trish Hochreiter – PB Administrator & Jennifer Parks, Assistant to Secretary.

Adoption of Minutes:

Chairman Bathke called for a motion to approve the meeting minutes from the regular meeting of October 12, 2023. Mr. Giegerich made the motion and Vice-Chair Lewis seconded it. All present were in favor except Councilman Moustakas, Mr. Pfeiffer and Mr. Lieberman who abstained and the motion carried.

Memorialization of Resolutions:

Chairman Bathke asked for a motion to approve Resolution R-2023-22 for Ordinance #2023-14 Amending the Route 38, Ark Road and Fostertown Road Redevelopment Area plan standards to modify and expand permitted uses and evaluate the building standards. Mr. Lieberman made the motion to approve and was seconded by Township Manager Riculfy. All present were in favor except for Councilman Moustakas who abstained and the motion carried.

Chairman Bathke asked for a motion to approve Resolution R-2023-23 for Preliminary & Final Major Site Plan for approval of Nuvo Development a multi-story self-storage facility located at 35 Beaver Avenue. Mr. Giegerich made the motion and was seconded by Township Manager Riculfy. All present were in favor except for Councilman Moustakas and Mr. Pfeiffer who abstained and the motion carried.

Chairman Bathke asked for a motion to approve Resolution R-2023-24 for Minor Site Plan denial without prejudice for the property located at 4129 Church Road. Mr. Giegerich made the motion to approve and was seconded by Township Manager Riculfy. All present were in favor except for Councilman Moustakas and Mr. Pfeiffer who abstained and the motion carried.

Swearing in of the Professionals:

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

Public Hearing:

Mr. Bathke introduced the first application to be heard this evening as Chesapeake Pines NJ, Tommy's Express Car Wash located at 912 Route 73 Block 1305.02, Lots 6-13 - Preliminary and Final Major Site Plan Approval with bulk variance approval in the Fellowship Redevelopment Zone for a express car wash, file # PB 2310.

Mr. Cucchiaro stated before an application is heard it is customary on applications like this that I try to establish the boards, jurisdiction in certain regards, in terms of what it can evaluate and cannot evaluate and specifically about traffic. The municipal land use law and the New Jersey courts are very clear that when a use is permitted and is merely generating additional traffic by virtue of the use. The courts are very clear, that this is an unlawful reason to deny an application. What they can look at is the safety of ingress and egress. Therefore, this is the focus that the board should have in reviewing the application and is the focus of our traffic analysis. There are overall traffic counts that are done and there may be some discussion of off track improvements that may be a contribution to but merely generating additional traffic by virtue of this use. The courts are very clear that it is unlawful to deny an application. Therefore, I say that not only for the Board, but I say that for the public, who would have no reason to know that is what the law says, or that is what the courts say. Mr. Cucchiaro stated that he will help guide the public in terms of the questions and testimony they may offer and help the Board in focusing on what elements of traffic can be evaluated and he will answer any questions as this application moves along.

The Chairman asked the applicants attorneys to unmute themselves and proceed with introducing those that will be providing testimony and a brief explanation of the project.

The attorney for the applicant introduced himself as George Kroculik from the firm Duane Morris, LLP. Mr. Kroculik explain the location as was stated at the beginning; he explained that in 2010 the Township made a determination that the property among a number of other nearby parcels was an area in need of redevelopment pursuant to local redevelopment and housing laws and ultimately designated the property as part of the Fellowship Road redevelopment area.

A redevelopment plan for the property was then adopted, and this plan has been amended over the years pursuant to the redevelopment plan. The property is specifically located within the redevelopment area, today more than a decade after the redevelopment plans initial adoption, the property remains vacant, and it is still in need of redevelopment. The developer who was previously appointed by the Township is before the board tonight seeking preliminary & final major site plan approval with variance and design waiver to redevelop this property a 4,625 sq. ft. proposed car wash.

Mr. Kroculik further stated in his opening statement that this is a permitted use in this zone and does meet all the conditions. He further stated that they would have a shared access with Nuvo Development that was heard and approved last month at this board. There will be shared access through the property in turn gives very limited egress on Beaver Avenue, he also indicated that they also agree for Title 39 and should be applied to this property as well.

The applicant's professionals through testimony will introduce all the variances and some waivers this evening. Mr. Kroculik indicated that this meeting was noticed for October 12 and was carried to this evening so new notices were not required again. Mr. Kroculik indicated that he had several witnesses this evening; Mr. Michael Cianelli is the co-founder and CEO of Chesapeake Pines, Ms. Jill Koop is the Director of Development of Olympus Pines, Brian Perry is the applicants professional engineer, Beth McManus is the applicant's planner as well as Andrew Feranda the applicant's traffic engineer of Shropshire. The Planning Board Solicitor Mr. Cucchiaro swore in all professionals for the applicant.

The first to speak was Michael Cianelli; he mentioned his background as a navy fighter pilot for many years and that he co-founder with his partner Mr. Sperry Chesapeake Pines while going back to graduate school. He went on to describe his career and how he helped 18-22 year old who without a lot of guidance in life with giving them responsibility.

The next to speak with Mr. Brian Perry, he provided his credentials that were accepted by Chairman Bathke. Mr. Perry gave an overview of the project and provided several exhibits that would be part of his testimony this evening.

Mr. Perry spoke on the site location and existing conditions, the proposed elevations, and will discuss the signage as well. He indicated that all wells installed for the groundwater remediation were properly decommissioned and that the remediation associated with the groundwater was completed. He also mentioned there are no wetlands, flood hazard areas, repairing zones or critical slopes on the site.

The next exhibit A2 shows a one-story car wash with a signal lane tunnel and 3 pay stations and the building itself totals 4,625 sq. ft. He went on to discuss the setbacks, parking, sidewalks and the traffic flow. Mr. Perry stated that an application has been made for sanitary sewer and water service will be through American Water who they have been in contact with, they will not be required to install a main extension as they have what is needed to hook into the existing equipment.

Mr. Perry touched on the design of the rain garden, which will be compliant with the current storm water management rules while implementing green infrastructure, ultimately the site is going to maintain its existing drainage patterns where infiltration will occur within the proposed storm water management facility. The Rain garden and any of the runoff that does not infiltrate into the ground will overflow and be piped to a receiving catch basin on Route 73 where the majority of the site runoff collects under existing conditions.

Landscaping was designed to be consistent with the municipal ordinance and the redevelopment plan. Buffering is being provided as required at 20 ft. wide along the frontage of route 73, including at least a 5-foot strip of grass between the proposed sidewalk and curb along Route 73. 46 trees are proposed on the site this is a ratio that is over 30 trees per acre over the entire tract. This will include a mix of holly, honey, locust, witch hazel, black gum, London plane and American Elms, with also a total of 262 shrubs proposed throughout the site.

Lighting was discuss at 10 pull-mounted lights that are proposed as well as a necessary building and mounted lighting and all fixtures will be LED.

The next exhibit is a bird's eye view looking east showing the site, along with the elevations. He described the building exterior material as a combination of Gray Fiber cement and red metal paneling as shown in the renderings shown.

Mr. Perry went on to describe the signage that includes typical traffic control signs as well as façade signs and directional signage. Exhibit A-5 shows a gateway sign that will be located off Route 73 the north face of the sign is our welcome to Mount Laurel sign.

Mr. Perry indicated that they have received some preliminary comments from the Burlington County Soil Conservation and recently resubmitted that to them, and working with not only the outside agencies but has had many conversations with the Planning Board Professionals staff and are working with them to address any and all outstanding comments from their review letters. He also indicated that they acknowledge and agree to comply with the remaining open comments and the review correspondents as any condition of the site plan approval.

As per Ordinance, sidewalks are required along all streets and they are proposing a sidewalk along route 73, there are currently no sidewalks on Oregon or Beaver and they do not want to encourage loitering on this site since it is mostly vehicular nature site in and out service and the intent is to keep a flow moving.

The next to give his testimony was the applicants traffic engineer Mr. Andrew Feranda from Shropshire and was certified as an expert witness for the applicant with his credentials being accepted. Mr. Feranda went over the counts that were taken during peak hours of the week and on Saturday afternoons, this is to determine the highest peak hour volumes, there are models that are used to determine this as explained by Mr. Feranda. Mr. Feranda's office has quite a bit of experience with car washes in the State of New Jersey, and their numbers tend to be a little bit higher. At a similar sidewalk with a 3 lane setup it was determined that they would have 70 in and 59 out, or 127 total trips in the pm, and on a Saturday

The delays that exist today at this intersection of route 73 and Beaver Avenue will have that same delay in the future. They project 39 trips in and 39 trips out or 78 trips in the PM. The afternoon peak hours for a Saturday, the trips would be 19 in 22 out or 41 trips. . The reason they did a second analysis is just to give a conservative estimate of what would come from a site like this. A car wash similar to this with a 3 lane set up they found it would have 70 in 57 out, or a total of 127 total trips in the PM, and on a Saturday there would be 75 in 60 out with a total of 135 trips.

He went on to explain that in New Jersey, there might be a little bit more intense, use more cars, and more dense population. Therefore, car washes get used a little bit more in this area and those numbers; they counted actual facility because they are higher than the site number. He explained the queuing during pm peaks and added 4 to 5 cars queuing in the PM and on Saturdays. Someone entering the site from Church could enter but there is no right turn out so no one can leave the site and go towards Church and there would be a left turn out of the site to go back towards Route 73. When asked if the ingress and egress is appropriate for a site like this, Mr. Feranda indicated very appropriate and it has been made as safe as possible. That concluded the testimony provided by the Applicants Traffic Engineer.

The last witness for the applicant is Ms. Elizabeth McManus the applicants Planner, she was sworn in and she provided her credentials that were accepted. Ms. McManus went through all the requirements they need pursuant to the redevelopment plan. They are asking for relief regarding signs, as they are permitted to have one and are proposing 7. They are also not permitted to have a façade sign that exceeds 3 feet in height, and they have 2 façade signs with a height of 4.9 and 4.6.

The freestanding sign contain a name and a logo of the project with additional information on other signage. Some of the signs note vacuum locations, also advertising on the site about the business to the patrons, so they understand the options and the services that are available to them. They also have a total of 14 freestanding signs. As part of the redevelopment plan, they are required to incorporate a gateway sign.

Ms. McManus explained the proposes and how the municipal land use law supports this proposed signage and how important it is on this location to provide accurate signage that is easily read by those traveling Route 73 because there is not a traditional site entrance and access to the property that you would find with a curb cut. The signage would help facilitate safely so the public traveling can see the sign in time and make the turn onto Beaver Avenue safely. The welcome to Mount Laurel sign is more visible to travelers.

It was also important to note and provide testimony on that the majority of the sign relief that is being requested and majority of the signage being proposed are not oriented towards Route 73 and not toward the public facing side of the building. Instead, they have a site identification, and a small number or less than full number of vacuum signs that are facing the highway. Instead, the rest of the façade signage. The rest of the freestanding signage is oriented towards the rear of the site or towards the car wash access points. This is not having an excessive number of signs facing the traveling public that might result in a cluttered building appearance; instead, the signage is really to just direct the public to the site activity that they are seeking. This has been done with the goal of eliminating the possibility of people circling the building and perhaps missing an opportunity for a vacuum station.

Ms. McManus cited that because with by eliminating or not proposing sidewalks on Beaver Avenue and some of these enhanced pedestrian areas they are able to provide more pervious coverage and impervious coverage to provide enhanced landscaping on the property. She mentioned that the intent of a requirement for sidewalks where pedestrians are encourage to walk rather than to dive, and she felt that providing sidewalks along 73 is appropriate and not providing additional sidewalks where pedestrians are unlikely to be located and really serve no purpose to the neighborhood. The last of her testimony were the goals and objectives and they have met the positive as well as the negative criteria for those categories of sign variances as well as pedestrian relief items. This ended the testimony given by Ms. McManus.

Chairman Bathke moved onto the Professionals to review their comments. Mr. Ashton Jones, the board planner reviewed his report dated November 6, 2023. Mr. Jones indicated that the testimony provided was pretty strong and just needed to point out that the landscaping for this location has been addressed and that this is not directly adjacent to the residential area like the last application so that's why the buffer requirements are different and the landscaping is sufficient and meets the regulations. He went on to discuss the signage specifically the freestanding signs and states these are directional or informational signs and they have the applicants logo that is why they are put into the freestanding signs versus directional signs so its not so much the number of these freestanding signs that is looked at.

Mr. Jones questioned the welcome to Mount Laurel sign, was not sure why this was facing the wrong direction of traffic, and asked for the applicants professionals to address because he is not sure this sign will even be seen. Mr. Brian Perry addressed the sign is placed there for additional visibility and is facing route 73 and the business identification sign is facing to the rear again for additional visibility for the business itself. Ms. McManus indicated that this is not only to provide the Welcome to Mount Laurel sign as required by the redevelopment plan but it is necessary to give as much visibility to those that are traveling in the other direction as possible.

The monument sign would need to have further discussion with the Township and would the applicant be agreeable to that, the applicant was agreeable to that. Mr. Jones indicated that everything else in his letter has been addressed or was agreed to by the applicant.

Mr. Pfeiffer indicated that we do not waiver from the sidewalk discussion and he felt that further conversation was needed for a sidewalk on Beaver Avenue. The applicant's attorney indicated that the applicant would be agreeable to installation of the sidewalk. The next question to be addressed was on the monument sign and how the redevelopment plan indicates a monument (Gateway Sign) Welcome to Mount Laurel, and with driving down Route 73 no one will be looking at the tommy's logo, you could not miss the building so why have this logo. Township Manager Riculfy stated she would rather see that Tommy logo at the top of the sign removed and replaced with the township seal. They felt it was appropriate to put a business sign on a Township Welcome sign.

The applicant agreed to work with the professionals on providing a clearer sign without the logo and possible the township seal.

It is 8:55 PM and Chairman Bathke stated that this hearing has passed a 1 ½ hr. and polled the members to continue, all members raised their hands to continue to move on with the hearing.

Mr. William Long, the board engineers reviewed his report dated September 22 with a response to our comments dated October 10, 2023. Mr. Long has been working with the applicants engineer for months and based on Mr. Perry's testimony this evening I have one question for them to address and that is some additional soils work and would like to know if this has been scheduled and for when. Mr. Perry will let Mr. Long know when this additional testing is scheduled to be done as well as a condition of their approval. Lighting has been addressed with dark sky and led lights.

The Business hours are typically 7 am to 8 pm Monday – Saturday and Sunday 9 am to 6 pm. Sign lighting will stay on for an hour or two after closing. They will work with the Mount Laurel Police Department on the security lighting overnight. There were no additional questions for Mr. Long.

Mr. Michael Angelastro the board traffic engineer reviewed his report dated September 25th with the applicant's response letter dated October 10, 2023 and they have agreed to comply with all comment in my report. Mr. Angelastro quickly spoke on the traffic study that was done and has no reason to doubt this and from a traffic perspective this should operate very efficient and there is adequate vehicle storage in the queue and queueing lanes leading up to the pay kiosks to accommodate the anticipated demands. Any remaining comments they have agreed to comply with.

Mr. Brian McVey the Township Fire Marshal reviewed his report dated September 20th, and indicated he has worked with the applicants quite a bit and they have responded with a letter dated October 10, 2023 and they have either satisfied or agreed to comply with all comments in my letter.

Ms. Toni Sapio, the board's environmental consultant advised that her comments were included in Mr. Long's letter and have been or will be complied with based on the response letter dated October 10, 2023

Mr. Lieberman asked a question about water usage and the chemical runoff, American Water Company who has jurisdiction would address this, they would also be required to adhere to all State, and Local ordinances on noise, lighting, and air pollution.

At 9:00 pm, the testimony from the applicant and their professionals and the review letters from the boards professionals ended and the public portion of the meeting was opened.

The public was informed that they are required to unmute and be on video, they will be called and sworn in by the solicitor and they would be required to provide their name and address for the record.

The following residents spoke during the public portion of the meeting:

Theresa Pezza – 39 Oregon Avenue – question on water run-off and causing flooding to her basement. Brian Perry the Applicants Engineer addressed this.

Anna Rosenberg – 24 Oregon Avenue – many questions were asked and addressed by the applicant's professionals.

David Jimenez – 34 Oregon Avenue – questions on the procedures set up for the car wash and how it works. Michael Cianelli the CEO of the Car Wash answered this. He asked about the sizes of the trees, and this was answered by the applicant's professionals.

Chuck Simon – 5 Beaver Avenue – traffic questions and concerns, he was addressed by Mr. Angelastro that Title 39 would be put into place this allows the police department to write ticket.

Katie J – 31 Beaver Avenue – traffic questions, with 3 businesses in this area on a residential road, a question about the emergency access, this will be with cordoned off on either end, one end at Oregon, the other end on the site with bollards and a locking chain across the 2 bollards. Her last question was on landscaping and a dark parking lot where a car can pull in a dark corner and the police coming down 73 are not going to be able to see the car. This was addressed by the applicant with them having some sort of security lighting at the site and will work with the police to follow their guidance and instructions to make sure we have a safe site. They will have about 30% security cameras, monitored by some entity, and can be review remotely.

Jessica Simon – 5 Beaver Avenue – She asked who will be enforcing the right hand turns and how the township will keep the traffic down, because signs will not work. Again, it was reiterated this is an enforcement issue that is handled with the police, and cannot be address by this board.

Seeing no further public that wishes to speak the public portion of the hearing was closed at 10:30 pm.

Chairman Bathke asked if any board members had any additional questions or comments, and seeing known, he asked Ron to discuss the conditions.

- Consolidation of all lots.
- Board professionals reports
- Title 39 agreement
- RAO submission
- All outside agencies approvals
- Access easement agreement
- Sidewalk required along frontage

- Welcome to Mount Laurel sign will not have any other messages and the final review and approval by the Board's Professionals, with an eye towards also including the seal of the municipality. The signs that say car wash are going to be eliminated on the south side.
- Final lighting plan to be reviewed and approved by the board professionals.
- Pre construction meeting will be coordinated.
- Applicant will confer with the police department regarding a security plan and the use of security cameras.

Chairman Bathke asked for a motion to approve this application, and Mr. Pfeiffer made the motion to approve with conditions as read and seconded by Councilman Moustakas. All present were in favor of the application, except for Mr. Lieberman & Vice Chair Lewis who voted nay and the motion carried.

A motion to adjourn the meeting was asked by Chairman Bathke, and Councilman Moustakas made the motion to adjourn and Vice-Chair Lewis seconded it and the motion carried. The meeting ended at 10:45 pm

Respectfully Submitted,

Trish Hochreiter

Planning Board Administrator

Adopted On: December 14, 2023