

Mount Laurel Planning Board
Regular Meeting Minutes
August 12, 2021-via Zoom

Opening

The regular meeting of the Mount Laurel Township Planning Board was called to order by Chairwoman Conte at 7:00 pm on August 16, 2021.

Open Public Meeting Notice was read by Chairwoman Conte, noting that all postings, filings & emailing took place on January 20, 2021.

Pledge of Allegiance / Moment of Silence was led by Chairwoman Conte.

Roll Call:

Roll Call taken by Board Secretary Ms. Hochreiter - Members in attendance, Chairwoman Conte, Councilwoman Janjua, Township Manager Tomczyk, Mr. Pizzo, Mr. Pfeiffer, Mr. Naik, & Mr. Bathke.

Absent:

Vice-Chair Cassidy; Mayor Steglik

Professionals in Attendance:

Mr. John Miller-Board Solicitor, Trish Hochreiter-Board Secretary, Mr. Jay Petrongolo-Board Planner, Mr. William Long-Board Engineer, Mr. Michael Angelastro-Traffic Engineer, Mr. Brian McVey-Fire Marshal. Board Professionals were sworn in by Planning Board Solicitor John Miller.

Approval of Special Meeting Minutes & Regular Meeting Minutes:

Chairwoman Conte called for a motion to approve the Regular Meeting Minutes of June 10, 2021, and Mr. Pfeiffer made the motion to approve the meeting minutes of June 10, 2021 and Mr. Pizzo seconded the motion. Mr. Pfeiffer-agree; Mr. Pizzo-agree; Mr. Bathke-agree; Mr. Naik-abstained; Township Manager-agree; Councilwoman Janjua-agree; & Chairwoman Conte-agree and the motion was carried

Chairwoman Conte called for a motion to approve the Special Meeting Minutes of July 8, 2021 and Mr. Pizzo made the motion to approve the special meeting minutes of July 8, 2021 and Mr. Bathke seconded the motion. Mr. Pizzo-agree; Mr. Bathke-agree; Mr. Naik-abstained, Mr. Pfeiffer-agree; Township Manager-agree; Councilwoman Janjua-agree; & Chairwoman Conte-agree and the motion was carried

Resolution:

Larry & Stephanie Nejman, 363 Hartford Road, Block 405, Lot 6, R-3 (Residential) zone, file PB2105. Preliminary & Final Major Subdivision. Chairwoman Conte called for a motion and Township Manager Tomczyk made a motion to approve resolution R-2021-14 and Mr. Pizzo seconded. Township Manager Tomczyk –agree Mr. Pizzo-agree; Mr. Bathke-agree; Mr. Naik-abstained; Mr. Pfeiffer-agree; Councilwoman Janjua-agree; & Chairwoman Conte- agree and the motion was carried.

Temporary Use:

Integrity Roofing, Inc.- Hillside Elementary School, 1370 Hainesport-Mount Laurel Road, Block 801, Lot 8.02, PB 21-73-04. The request is for approval for (2) 30 yard dumpsters for disposal of roofing material from July 1, 2021 – August 30, 2021. Township Manager Tomczyk indicated to Chairwoman Conte & the Board, that she gave them permission for these 2 dumpsters to be located at Hillside School for a roofing project they needed to get done prior to the start of school in September, at time of the meeting the project was just about completed.

Chairwoman Conte called for a motion to approve the temporary use permit and Mr. Pfeiffer made the motion to approve PB 21-73-04 and Mr. Bathke seconded the motion. Mr. Pfeiffer-agree; Mr. Bathke-agree; Mr. Naik-agree; Mr. Pizzo-agree; Township Manager Tomczyk-agree; Councilwoman Janjua-agree; and Chairwoman Conte-agree and the motion was carried.

Swearing In: The Planning Board Professionals were sworn in by the Planning Board Solicitor John Miller.

Public Hearings:

Chairwoman Conte before proceeding to the Public Hearing, advised that each application will be heard individually, the applicant will then present their application, the professionals will review their reports and then under that application it will be open for the public's questions or comments. In order to speak under the public portion of an application you must be on video. The first public hearing on the agenda is SP 8021 for Fairshare Housing Development located at Ark Road & Hovtech Blvd and located on the tax map as Block 302.15, Lots 2 & 3 in the SAAD Zone. The Applicant is seeking approval for an Amended Preliminary Major Site Plan for Phase I, Final Major Site Plan for Phase I & Preliminary & Final Major Site Plan Approval for Phase II and Minor Subdivision Approval, for the construction of 70 affordable senior housing units for Phase I and 58 affordable senior housing units for Phase II.

Mr. Damien Del Duca, attorney at law, represented the Applicant and introduced those providing testimony as, Mr. Peter O'Connor, Representative to the Applicant, Erik Littlehales, Professional Engineer; Ferdinando Micale, Architect; and Michael Brown the Traffic Engineer, all were sworn in by Mr. Miller, Planning Board Solicitor & accepted by the Board. Mr. Del Duca described this project as being a municipal sponsored project and the Township owns the property and has conveyed it to Fairshare to build 184 senior rentals to satisfy their 3rd round obligation with Fairshare in 3 phases. The applicant was before the board in 2017 for preliminary site plan for Phase I and was approved for 71 units as well as minor subdivision approval. Most affordable income communities are financed through low income housing tax credits, and are awarded by HMFA. When approval was received in 2017, Fairshare indicated they would apply to HMFA and did obtain an award from them. When they received this award the design of the building needed to be changed and the number of units were changed slightly in each building. As a result, of this change the Ordinance previously approved was amended with Ordinance 2021-17 to make some changes to help facilitate the development for this project.

The Township has agreed to provide certain funds for Phases 1 and 2 and adopted a resolution of need and approved a payment in lieu of tax these are 2 pre-requisites for receiving tax credits. Mr. DelDuca is asking for the Board to allow them to extend perfecting their minor subdivision with a 1-year extension instead of the 190 days that is stated in the MLUL. Mr. Del Duca indicated that the Minor Subdivision was never perfected meaning it was approved by the Board but never recorded. Mr. Miller advises not to grant a one-year extension because in accordance with the MLUL Statue 47: G, doesn't comply with the MLUL, therefore he doesn't recommend this being granted. Mr. Del Duca agreed with this and had no objection.

Mr. Petrongolo reviewed his report dated July 21, 2021 and indicated he has spoken to the applicant's engineer Erik Littlehales and received a letter dated August 12, 2021, which they have agreed to comply with all comments. There are a few waivers being requested but no variances are required for this application. Submission waivers requested the Metes and Bounds they would like to make as a condition of their approval from Mr. Petrongolo's Planner perspective he has no objections to that request. The *de minimis* exception is necessary, RSIS requires 336 parking spaces for this use the proposed is 197. Mr. Petrongolo has no objection with this request considering the use, but advises if this is granted that the applicant notifies the State and the applicant has agreed to do this. There are sidewalks to be installed around the development and they have asked for this to be done as phases are being built and Mr. Petrongolo had no objection. The other waiver was on lighting. The applicant proposed post stand lighting fixtures and Mr. Petrongolo couldn't support that waiver and they will be required to do down lighting that will cause less of an impact on the residents around this community as well as glare.

A member of the Board asked why there was a change from a 3 story building to a 4 story building. Mr. O'Connor advised the Board that they could not get the tax credit approval, there were restraints and in order to get these tax credit awarded they found that it was more feasible to go with a 4 story building. They came back to the Township for an amendment to existing Ordinance 2017-2. The amendment would further amend standards for the maximum height of any building to be 55 feet instead of the initial approval of 50 feet with Ordinance 2021-17 being recommended by the Planning Board and approved by Council.

In the previous approval lot 3 was not included but now this submission includes lot 3. Mr. O'Connor explained that the Court order gave permission for 14 acres to be used and the previous submission was for 10 acres. However, as they laid out the 3 phases they found that Ark Road had a heavy tree line and they couldn't develop on it so they were pushed out a little bit. Mr. O'Connor indicated that the Court approved 14 acres not the 10 acres they were approved to develop on lot 2 & 3 and that is where the intrusion took place.

Mr. Long reviewed his report dated July 27, 2021 and the applicant has agreed to all his comments. All environmental concerns & comments have been addressed. Mr. Long, agrees that all submission waivers should be granted. The approval to have access to the Easements is needed from the adjoining property owners. Mr. Long has no objections to the minor subdivision as requested by the applicant. There were no additional comments from the Board. Mr. Angelastro reviewed his report dated July 28, 2021 and indicated the applicant has agreed to comply with all comments and no additional questions or comments were asked from the Board.

A question was asked on the approved minor subdivision in 2017 being different from this new request. As explained by Mr. O'Connor, the Township was having difficulty with the buy down provision in the round 3 plan by providing 100 Market to Affordable units with only getting about 5 or 6 of those units and asked if Fairshare could accommodate more as part of their Stanley Project that was approved for 36 units on 6 acres, and providing 70. They indicated they have gone back to their planners/engineers to see how much more acreage would be needed from this lot to accommodate this request.

Fire Marshal McVey reviewed his report dated July 23, 2021, they have responded with a letter dated August 12, 2021 and have agreed to most of his comments except for a few and spoke with the applicant's engineer and Mr. McVey has agreed to strike comment number 2 from his review recommending a second means of access. The main access has two separate driveways and are 20 ft. wide and can be used for in or out for emergency vehicles during an emergency situation. On comment #3 the applicant has agreed to widen the other means of egress to 20 ft. and to have it paved for emergency access during Phase 3 or 5 years after phase 1 is completed. There were no additional comments from the Board.

Chairwoman Conte opened up the public portion at 8:03 and seeing no comments from anyone from the public the public portion was closed.

Board Solicitor Mr. Miller reviewed the conditions of this application. Chairwoman Conte called for a motion and Township Manager Tomczyk made the motion to approve the application with the conditions as stated by Mr. Miller and Mr. Bathe seconded the motion. Roll Call Vote: Township Manager Tomczyk-agree; Mr. Bathe-agree; Mr. Naik-agree; Mr. Pfeiffer-agree; Mr. Pizzo-agree; Councilwoman Janjua-agree; and Chairwoman Conte-agree; and the motion was carried.

2. **Union Mill Road, LLC** 541 & 543 Union Mill Road, Block 510.02, Lot 6.02, 6.03 & 6.04, PB 2104. The applicant was represented by Robert Baranowski, Esq. from Hyland, Levin, & Shapiro Law Offices who introduced their professionals that would be providing testimony for this application. Rob DePiero, Core One Representative, John Kornick, Professional Engineer, Dan McGinnis Traffic Engineer &, Kim Dechen, Professional Architect. Mr. Baranowski advised the applicant was there to seek Preliminary & Final Major Site Plan with Bulk Variances for the construction of a 76,000 sq. ft. warehouse, with 272 parking spaces, 24 loading docks and storm water improvements. He explained this project also includes Lot 6.02 which is located on Fernbrook Lane and is the access road for the Brightview Assisted Living Facility who has given permission to use that easement to access this property. Mr. Baranowski also indicated this is a permitted use with no variances being requested.

Planning Board Solicitor Mr. John Miller asked Mr. Baranowski to explain the warehouse more on the specifics and the characteristics of the warehouse. Mr. Miller indicated he needs to make sure that what is being purposed matches up to a permitted use.

Mr. DePiero explained at this time they don't have a tenant for the building, they are building as a spec building. These warehouses are designed to not house a large distribution facility rather a small distribution/manufacturing facility such as wood working, or cabinet makers and they look for local/ regional distributor who are familiar with the area. As indicated at this time they don't have a tenant but provided testimony that there will be tractor trailer traffic in and out of this facility. They also plan to have the main entrance for the warehouse onto Walton and not as much on Fernbrook Lane.

Mr. Kornick provided his credentials and they were accepted by the board. Mr. Kornick provided an Aerial view of the property and pointed out the location of the site, entrances to the site and the easement owned by Brightview Assisted Living Facility located on Fernbrook Lane that they have been given permission to use as part of this application located on lot 6.02. He explained the adjoining properties as NFL Films, Brightview Assisted Living Facility, Residential Properties and Religious Buildings.

It was suggested by the Board that Fernbrook Lane continuously has car parking and would prevent any tractor trailer access to or from the site at Union Mill Road. Mr. DePiero indicated that they have agreed to allow Brightview access to the parking lot that is located on their site, and have agreed putting in their leases that all truck traffic use the Walton Avenue in and out and not Fernbrook Lane and signs posted along Fernbrook.

Mr. McGinnis provided his credentials and they were accepted by the Board. The traffic study conducted was based on various studies collected by the Institute of Traffic Engineers and was estimate to be 166 vehicles per day and 1/3 of them being trucks on off peak hours and not during the afternoon.

Chairwoman Conte advised that the applicant has gone beyond their hour and half allowed time and polled the board members to let this application continue for another hour. Board Secretary was asked to call the roll. Mr. Bathke-Aye; Mr. Naik-Aye; Mr. Pfeiffer-Aye; Mr. Pizzo-Aye; Township Manager Tomczyk-Aye; Councilwoman Janjua-Aye & Chairwoman Conte; Aye. The meeting was approved to continue at 9:40 PM.

Mr. Baranowski continued to discuss the easement at lot 6.02 and if it's not being used as stated then it's an issue of the Township and is enforceable, and again indicated this is a permitted use, and to impose reasonable conditions on the site. Chairwoman Conte indicated there are a lot of unopened issues.

Mr. Petrongolo indicated there are some serious concerns that still need to be addressed. He felt this was best for this application to be suspended at this time because it's hard for the professionals to make recommendations to the Board with so many outstanding issues to approve at this time. Mr. Angelastro at this point cannot support the application with the safety concerns in regards to traffic, that need to be addressed.

Mr. Long indicated that there are issues that are not being resolved and the application is going on 2 hours with only hearing the applicant's presentation. The Board professionals have not gone through their reports at this point nor has the public been heard. He agrees for this to continue to a future hearing date.

Mr. Baranowski was given the opportunity to address the comments made by the professionals. He indicated that himself and his applicants have met with the Board professionals prior and now they are in August with a new round of comments. Mr. Angelastro indicated that his comments are nothing new as indicated by the Applicants attorney, this was noted in his March 2021 comments and in Mr. Kornick's response was that testimony would be provided at the hearing. Mr. Baranowski will regroup with his professionals and the board professionals to address and come back to another hearing in hopes of getting approval for this application that again is a permitted use as stated.

Mr. Baranowski has accepted the request for this application to be carried to the next available public hearing. He indicated that they wouldn't be ready to come back at the September 9, 2021 Planning Board and has asked for the October 14, 2021 hearing. This will give them the time to meet and discuss further before they come back to the Board for approval of this application.

Mr. Miller then made an announcement addressing the board members, board professionals, applicants team & the public that the application being heard this evening, Union Mill Road, LLC application PB2104 is being carried to the regular meeting of October 14, 2021 at 7:00 pm via zoom. The Public was advised if they received written notification of this meeting, they will not receive written notification for the October 14, 2021 meeting and that this announcement tonight is their notice and if they wish to review any of the documents for this application they can reach out to the Board Secretary Trish Hochreiter who will provide those documents during regular business hours at the Township. Mr. Miller also advised that this is not a put off or to keep the public at bay, the public will have the opportunity at that time, to speak, and question not only the applicant's professionals but also the board's professionals if they wish.

Chairwoman Conte asked the Township Manager Tomczyk to discuss the policies moving forward for the Planning Board meetings. She advised that it was up to the members of the Board, but it was her recommendation due to the rise in COVID cases in the region to conclude this year's meeting via zoom. The Board will reevaluate at their January 2022 Re-Org meeting on how to move forward. The Board Members agreed to the recommendation and it will be posted by the Board Secretary that the remainder of the 2021 meetings for the Planning Board will be via zoom.

Seeing no comments from Board Members, Board Professionals or the Board Secretary, Chairwoman Conte called for a motion to adjourn the meeting and motion was made by Mr. Pfeiffer at 10:40 pm and Mr. Bathke seconded the motion, all present were in favor and the motion was carried.


Trish Hochreiter
Planning Board Secretary


Adopted on: