

# Mount Laurel Planning Board

## Special Meeting Minutes

### July 13, 2023

Chairman Bathke called the Special Meeting of July 13, 2023 to order at 7:00 pm.

Chairman Bathke led pledge of Allegiance/Moment of Silence.

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

Open Public Meeting Notice was read by Chairman Bathke noting that all the postings, filings & emailing have taken place on June 29, 2023.

#### **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. Louis Karp – PB Solicitor; Ms. Toni Sapio, T & M Associates & Trish Hochreiter – PB Secretary.

#### **Oath of Office**

Mr. Antonio Sorrentino was sworn in by the Board Solicitor Mr. Louis Karp, and will serve on the planning board as Alternate #1 to replace Mr. John Coffey who will become a Class IV member to the Planning Board.

**Discussion Items: the Board Secretary Ms. Hochreiter read the following.** Township Ordinance 2023-7 is an Ordinance Amending the Code of Chapter 154 “Zoning” to rezone certain parcels from the ‘O-2’ Office District to be placed in the ‘I’ Industrial District. This would take a vote from the Planning Board that they recommend this change with no further recommendations to Town Council for approval. Mr. Pfeiffer made the motion to recommend this change to Town Council for their approval and Mr. Lieberman seconded, all present were in favor and the motion passed.

#### **Public Hearing:**

The Board Solicitor made those on the zoom special meeting of July 13, 2023 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.

1. H-Free LLC/BMW of Mount Laurel, 1220 Route 73, Block 1305, Lot 2.01, Amended Site Plan Approval with Ancillary Variance Approval for Signs.

Frank Wisniewski, Esq of Flaster Greenberg represented the applicant. He introduced those providing testimony tonight as Mr. Daniel Allen the Applicant and Jeremy Philo the applicants architect. The solicitor swore them both in. Mr. Wisniewski indicated that the signs presented this evening were sent to the Planning Office earlier in the day. He indicated them as being Mt. Laurel BMW MINI Signage Square Footages spreadsheet and to be marked as A-1, the next plan marked as A-2 is an 18 sheet plan set bearing date on cover sheet 06.27.23 and the last exhibit marked as A-3 are the existing signs.

The 8 existing signs to include façade signage is 403.90 sf and site signage is 174.53 sq. ft. for 578.43 sf the new façade signage will be 662.93 sq. ft. and a new directional sign to be 165.13 sq. ft. for a total new sign package to be 800.06 sf. The 2 freestanding monument signs exist, will not need a variance, and will only get new re-facing.

Mr. Jones reviewed his report and advised that they have complied with or are willing to comply with

The public portion was opened at 7:54 pm and seeing no public was closed.

Township Manager Riculfy made the motion to approve the sign package as presented and Mr. Pfeiffer seconded. All present were in favor and the motion carried.

2. Gateway Business Park, 124, 136, & 158 Gaither Drive & 200 East Park for a 437,262 sq. ft. warehouse. Richard Roy, Esq of Boudwin, Ross, Roy & Leodori represented the applicant, Mr. Roy introduced those who would be providing testimony this evening as Ahmad Tamous from Bohler Engineering the applicants Professional Engineer & Nathan Mosley the Applicants Traffic Engineer, they were both sworn in and Chairman Bathke accepted their credentials.

The applicant has agreed to apply to the State for sidewalks if not approved by the State a letter will need to be received for the file, and the applicant agreed, they also indicated a phase 1 was submitted, but they were asking for a waiver for the EIS.

A portion of this location was an office building that has remained vacant for a number of years; they will indicate construction trailers on their plan so they will not need to come back to the board for approval. They also indicated that there would be less traffic and a reduction in trips since its going from office space to a warehouse.

Mr. Jones the Board Planner reviewed his report dated March 24, 2023, he ask for the applicant to provide testimony that they will comply with the standard as presented the first shift would be 300 and second shift would be 200, they agreed to comply with the standard.

Mr. Long the Board Engineer reviewed his report dated March 27, 2023 and a response from the applicant on July 10, 2023 they have agreed to comply with all comments as stated in review letter.

Mr. Angelastro the Board Traffic Engineer reviewed his report dated May 25, 2023 and a response from the applicant they have agreed to all comments and the Board Traffic Engineer agreed to remove comment #3.

Mr. McVey the Fire Marshal reviewed his report dated March 23, 2023 and the applicant has agreed to all comments.

Mr. Bathke asked if the Board had any comments and all had been addressed. Mr. Bathke opened up Public Portion at 9:04 pm seeing no comments closed the public portion. The board Solicitor Mr. Karp stated all conditions. Mr. Bathke asked for a motion, Mr. Pfeiffer made the motion to approve with the conditions as stated and Mr. Lieberman seconded it. All present were in favor and the motion carried.

Chairman Bathke asked for a motion to adjourn, Councilman made the motion, Mr. Pfeiffer seconded, and the motion was carried. The meeting ended at 9:10 PM.

Respectfully Submitted,

*Trish Hochreiter*

Planning Board Administrator

Adopted On: August 10, 2023