PLANNING BOARD MEETING
Meeting Minutes
September 5, 2024

MEMBERS PRESENT:
Robert Musgnug
Melissa Arcaro Burns
Christopher Chesner
Christopher Keating
James Barry
Lisa Petriello
William Wesolowski
Naoji Moriuchi
Kevin Aberant
Joseph Maguire

STAFF PRESENT:
Patricia Muscella, Land Use Administrator
Matt Wieliczko, Board Attorney
Laura Moore, Recording Secretary

Matt Wieliczko called the meeting to order at 7:05 PM in the Council Chambers of Town Hall, 111 West Second Street by reading the Open Public Meeting Act statement. The Pledge of Allegiance followed a moment of silence. Roll call was listed as above.

Minutes:
July 11, 2024
Mr. Chesner made a motion to approve July Meeting Minutes seconded by Mr. Moriuchi. Kevin Aberant, Lisa Petriello and Melissa Arcaro Burns abstained. A roll call of eligible Board Members was unanimous in favor.

August 1, 2024
Ms. Arcaro Burns made a motion to approve August Meeting Minutes, seconded by Mr. Aberant. Lisa Petriello abstained. A roll call of eligible Board Members was unanimous in favor.

Adoption of Resolution:
PB# 2024-09 D.R. Horton, The Enclave, Block 8801 Lot 3.01, Centerton Road, Application for Preliminary and Final Major Subdivision. Adopted as written.

Mr. Wesolowski made a motion to approve Resolution 2024-09. Mr. Maguire seconded the motion. A roll call vote was unanimously approved.

New Business:
PB# 2023-38 ILM Center Associates, LP, Block 1200, Lots 5 and 6, 200 W Camden Ave, Application for Change of Use and Site Plan Review/Submission Waiver. The applicant is proposing 2 New Tenants in the Shopping Center, the "Light Factory" and the "Moorestown Artisan Market."

Luke Grabiak, Esquire of Del Duca, Lewis and Berr Law Firm presented on behalf of the Applicant. Also present are Stanley Schille, Property Manager and Erik Hough, P.E.

The property is a shopping center with 12 commercial units. The initial application was for a change of use and site plan waiver. An amended site plan was submitted on July 16, 2024 that addressed landscape, lighting, sidewalks and curbing. The Light Factory will function as an art studio and museum and the Artisanal Market will function as a food hall, both would be permitted uses. Review letters from ERI dated July 24, 2024 and HGA dated July 25th were received by the Board. Grabiak's firm's letter dated August 28, 2024 confirmed there are no façade changes and no proposed signage at this time. Any new tenants will comply with the current ordinance or submit an application for a sign variance.

Mr. Schille and Mr. Hough were sworn in.

Mr. Schille described to the Board that the Light Factory is a museum atmosphere with an immersive experience all done with lights, cameras and lasers. There would be 10-14 anticipated employees. The expected hours would be 10am to 7pm. The Artisanal Market would have small areas in charge of their own food; described as an artistic food court. It is estimated that there would be about 10-15 vendors and the hours would be about 9am to 8pm.

Mr. Hough is a design and traffic engineer for Bertin Engineering. Mr. Hough provided an overview of the site plans. There are two vacant spaces; space 10 is 11,746 square feet to be occupied by the market and space 11 is 12,397 square feet to be occupied by the museum. There are two trash disposal areas in the rear of the property that measure 7 feet deep by 25 feet long. All other site features are to remain. All 246 existing parking spaces are compliant including 8 handicap spaces. All existing lighting will remain. The lighting intensity plan shows the footcandle for the existing lights to remain. There will be a row of evergreens planted along the road. The final exhibit is the vehicle circulation plan showing that garbage trucks can access the trash enclosures and exit safely back onto West Camden Avenue. There is an existing fence and gate on the east side of the shopping center. The gate is planned to be removed.

Chris Noll, PE, CME, PP of ERI reviewed ERI's letter dated July 24, 2024. Submission waivers were recommended. He asked Mr. Hough to review any utility or traffic impacts. Mr. Hough did not anticipate any impacts for utility or traffic since the shopping center was originally designed to be fully occupied. Once the first tenant occupies the shopping center, the fence will come down. The purpose of the fence is to preclude mischief. The proposed development has no impact on the county roadway and therefore is exempt from appearing before the Burlington County Planning Board. Mr. Noll confirmed the proposed evergreens are on the applicant's property are not in the right of way.

Ms. McKinley Mertz of Heyer Gruel advised that any concerns they had have been addressed and they have no further comments.

Board Comments:
Mr. Wesolowski suggested looking into more substantial signposts that have "authorized vehicles only" but also suggested they reach out to the police department and inquire about Title 39 enforcement allowing police officers to ticket and remove tractor trailers that park in the lot. Mr.

Schille said they would commit to speaking to the police department about enforcement. Mr. Wesolowski asked if they intended to keep the sprinklers and existing fire system and was advised they will. Mr. Wesoloski also inquired about the fence and dumpsters behind the building (southwest corner) being removed so that firetrucks can fit behind the building in case of emergency as well as cutting back overgrown vegetation.

Mr. Hough says a firetruck would not fit anyway and Mr. Wesolowski says he knows from experience that they can and will fit. Mr. Noll says the pavement encroaches onto the other property by 20 some feet. Mr. Hough is very resistant to moving dumpsters and fence and doesn't want to lose parking spaces and offers to speak with fire department. Mr. Noll confirmed that the Township owns Lot 7 for circulation purposes. The Applicant prefers not to move the dumpsters unless it is a condition of approval.

Mr. Maguire asked what the status is of the two potential tenants. Mr. Schille responded that the potential tenants are silent because they are frustrated with the delay. Neither tenant has signed a commitment. Mr. Maguire asked where food deliveries will go because the property is awkwardly shaped. Mr. Schille said the bays, although old, can still be opened.

Mr. Chesner said only 232 parking spaces are required, and they have 246 so he doesn't understand why they cannot give up a few parking spaces in order to move the dumpsters. It would improve the circulation, but Applicant is still resistant to lose parking spaces because there will be more tenants in the future. Mr. Aberant asked if they had a site plan showing the dumpsters in that location or did it just happen over time. They cannot produce a site plan showing the dumpsters in their current location.

Mr. Grabiak asked to swear in Richard Stabile, one of the property managers. He asserts that because the parking lines have been there for many years, if the dumpsters were meant to be located somewhere else, the lines would reflect that. In addition, if the dumpsters are moved, the trash truck would have to do a double k-turn. Also, removing the fence would allow people to go behind the building at any hour. Owners put fences there years ago when employees parked behind the building and for their safety. Wesolowski argued that the fence wasn't there in the past because the fire department trained behind the building. Moriuchi stated that they never had an application for the fence, and it needs to be taken down for safety and fire department response time.

Lisa Petriello confirmed that prior facades that were submitted were only proposed, and they will not be happening. New tenants may choose not to make any façade changes. Petriello is concerned there is no planned beatification. Feels building looks in disrepair, the roof looks to need repair. There has been flooding there in the past and she has concerns about mold in the building. Mr. Schille advised that he was just on the roof end to end and 90% of the roof is only 5 years old. Mr. Stabile expressed his frustration with how long the process has taken and potential tenants are losing interest. Mr. Stabile called the owner and the owner agreed to remove fencing on the southeast corner and will relocate the trash enclosures to where Mr. Noll finds appropriate. Mr. Noll, suggested putting "emergency access only" signs up as well as putting a fire lane in to prohibit people from going behind the building. Ms. Petriello asked if they would consider repaving the parking lot. Applicant agrees to restripe handicap parking spaces. Petriello would like to see the potholes repaired.

Public Comment:

Irene Gaughan, owner of Edge Salon was sworn in to make comments. She is concerned because women employees want the fence so they feel safer taking trash out etc. It is desolate and if tenants do not move in soon, she will not be able to keep her business there. They are only trying to protect the current tenants with the fence. Mr. Maguire asked if more activity in the area, because tenants have moved in, would that mitigate the fence issue. She feels that no, it is much better with the fence.

Pamela Richards is sworn in to express that the property is an eyesore and the owner should be embarrassed of the condition. She feels the township needs to be doing a better job of maintaining overgrowth. The township needs to enforce the ordinances on businesses. More fire and police should be hired as well.

Board Comment:

Wieliczko summarized that the Applicant came before the Board for change of use and site plan waiver. There are no proposed façade changes or new lighting. This is for interior renovations. Applicant agrees to provide a letter from their engineer detailing reasons why this site is exempt from any planning board review or letter of no interest. The Applicant agreed that all new tenants will comply with sign ordinance, any change of use or tenant that requires additional parking will come before the Board for a parking variance and amended site plan approval; allow Title 39 enforcement on the site; remove fencing in southwest corner and relocation of existing trash enclosures with placement at a different location that is acceptable to Mr. Noll; appropriate signage of “emergency access only” and fire lane designation. Applicants also agree to repair potholes on site and comply with all ADA compliance requirements. The applicant’s attorney agrees to all.

Petriello would like to see code enforcement to stop loiterers in the area. Aberant also reiterated that Township Code says when there is a change of tenant, the applicant is supposed to come in to make sure that the circulation works. The reason for that code is to prevent things like fences from being installed without permission that could impact public safety. Township Council recognizes that this site is not in good repair and that is why last year, this property was included in the Area in Need of Rehabilitation - to incentivize businesses to make these repairs and upgrades to the property. They are trying to make sure new businesses come to town and existing businesses thrive. Mr. Maguire worries about tenants being fearful and inquires about cameras behind the building, it is confirmed there are cameras. Maguire states that if they improved their façade and parking lot they would have more tenant interest and they need to stop blaming the township for their vacancies. They need to put money into the shopping center and take advantage of the tax incentives and improve the center.

Mr. Maguire made a motion to approve application PB# 2023-38. Mr. Aberant seconded the motion. A roll call vote was unanimously approved.

PB#2024-20, 1490 Glen Owner LLC, 1490 Glen Ave., Block 301 Lot 6. Application for Preliminary & Final Site Plan for proposed concrete and asphalt areas along with landscaping.

John Gillespie, Esquire of Parker McCay presented on behalf of the Applicant. Mr. Moriuchi recused himself due to a conflict and Mr. Barry will vote in his place.

The property was formerly used as a contractor storage yard. The applicant/owner and proposed tenant is a reputable service provider. Primary function of the property is for truck parking and light maintenance. There are about 7-8 employees and tenant expects 8-10 employees. Hours of operation are 8am to 6pm Monday through Saturday. The application proposes to pave part of the rear parking area, install landscaping and to install a fence to prevent any encroachment onto wetlands. There are no proposed improvements to the building.

Will Slater, property owner, and Matt Kearse from Bohler Engineering will testify. Comments from Mr. Noll's 8/28/24 letter are addressed. Mr. Noll received an LOI letter from Eco Solutions and that satisfies the requirement (#7 of the 8/28/24 letter). Mr. Slater is with the ownership group of the property and has been overseeing the application. The proposed tenant is STL Truckers. They would be parking empty trailers on the property, anywhere between 10 to 20 parked at night and 20-40 trips per day depending on the season. The building consists of offices and a location where light maintenance of the trucks will occur. There will be no storage of goods on the property and site is not open to the general public.

Mr. Kearse, an accepted expert in his field, describes the property as roughly 4 acres located at the end of Glen Avenue with a 5000 square foot masonry building with concrete pads located on the east and west side of the facility. There is also a large gravel lot. The proposed conditions are keeping the same access off Glen Avenue but taking 2.4 acres of the gravel and converting it to asphalt and concrete. They are also looking to install landscaping along the front of the property. They will be installing additional parking and ADA compliant parking in front of the building as well. There will be a fence surrounding the wetland area so there is no impact. Converting the gravel to asphalt will not impact stormwater management. The impervious coverage that is currently there (the gravel) has been so compacted from the trucks, there is no concern regarding the impervious coverage when the gravel becomes asphalt.

Mr. Noll's letter stated that the lighting needs to comply with the ordinance. There is no lighting in the parking lot. All lighting is on the building and the property is gated; this will be taken into consideration in conjunction with the required nightlight function test. The ordinance calls for plantings in parking lots with over 10 parking spaces. Having the plantings at the entrance is more applicable for the use. The setback of the building is an existing non-confirming condition.

Mr. Wieliczko summarized that there will be no adverse drainage impact on adjoining properties or downstream properties. There will be no outdoor storage of goods or repair of vehicles. The loading bay will only be for maintenance of the trucks, no loading operations- no additional relief is required. Mr. Noll asked that items 2, 3, and 4 be addressed. The property does not currently have a sprinkler system. The site is currently serviced by township sewer and water and they are not modifying or adjusting any utility services. They are proposing one trash enclosure in the rear of the building serviced by private hauling. John Gillespie will check the vacation of Glen Avenue, but they are not modifying ingress or egress. Any due diligence will be submitted to ERI. The use of the building is basically the same so there is no anticipated increase in traffic.

Board Comments

Mr. Chesner asked if the concrete existed. Concrete slabs already exist, and they are just adding a small sliver.

No public comment.

The only variance requested is §180-73 C(5) regarding plantings in parking lots with more than 10 parking spaces. No landscape is proposed in the parking lot. There are no objections to the waivers requested. Applicant has also agreed to conditions of approvals identified in the letters. Applicants agree to no storage of goods or materials and there be no outdoor repair or maintenance. They will continue due diligence with regard to vacation.

Ms. Arcaro Burns made a motion to approve application PB# 2024-20. Mr. Aberant seconded the motion. A roll call vote was unanimously approved.

Another call was made for PB# 2020-07 Community Investment Strategies, but no one was present.

Ordinance No 23-2024 – Ordinance amending and supplementing Bond Ordinance No. 11-2023 appropriating an additional $4,755,000 and authorizing the issuance of an additional $2,515,000 in Bonds and Notes of the Township to be used for the Kings Highway/Main Street Water Main Replacement.

This is the ordinance that will provide the township's portion of the water main replacement from Lenola Road to Church Street. The existing water mains are approximately 80 and 100 years old. This project is partially funded by an EPA grant. The price does not include the repaving. The existing concrete water mains go to Pancoast and also down Chester. There will be a phase 2 to include the remainder of the concrete water mains. It is hoped that this project can begin before the end of the year.

The Planning Board finds that it is consistent with the Township's Master Plan and recommends that the Township Council adopt the proposed Ordinance.

Mr. Maguire made a motion to approve Ordinance 23-2024 to amend and supplement bond Ordinance 11-2023. Mr. Chesner seconded the motion. A roll call vote was unanimously approved.

Adjournment:
A motion to adjourn was made by Ms. Arcaro Burns and seconded by Mr. Aberant. The meeting was adjourned at 8:56 PM.

Next Meeting: 10/3/2024 at 7:00 pm