

# PLANNING BOARD MEETING

Meeting Minutes

January 16, 2025

## **MEMBERS PRESENT:**

Robert Musgnug  
Melissa Arcaro Burns  
Rudy Thomas  
Christopher Keating  
William Wesolowski  
Naoji Moriuchi  
Lisa Petriello  
Kevin Aberant  
D'Arcy DiSpirito  
Alfred Driscoll

## **STAFF PRESENT:**

Patricia Muscella, Land Use Administrator  
Eric Riso, Alternate Board Attorney  
Laura Moore, Recording Secretary

**Absent:** Joe Maguire

Eric Riso called the meeting to order at 7:03 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 as listed above.

Mr. Riso conducted the swearing-in of the following members: Ms. Arcaro Burns, Ms. DiSpirito, Mr. Wesolowski, Mr. Driscoll, Mr. Thomas, and Mr. Keating.

## **Reorganization Election:**

Aberant motioned to elect Robert Musgnug as Chair; seconded by Moriuchi. The roll call of eligible members was unanimous in favor.

Musgnug motioned to elect William Wesolowski as Vice Chair, seconded by Aberant. The roll call of eligible members was unanimous in favor.

## **Adoption of Resolutions:**

**PB#2025-01 Annual Notice 2025**

**PB#2025-02 Appointing Planning Board Secretary**

**PB#2025-03 Appointing Planning Board Recording Secretary and Alternate Secretary**

**PB#2025-04 Appointment of Planning Board Attorney**

**PB#2025-05 Appointment of Planning Board Engineer**

**PB#2025-06 Appointment of Planning Board Planner**

**PB#2025-07 Electronic Guidelines**

**PB#2025-08 Adoption of Planning Board Rules and Regulations**

Patty Muscella asked to amend Resolution 2025-03 to correct Laura Russo to Laura Moore as Planning Board Recording Secretary. Arcaro Burns made a motion to approve Resolutions 2025-01 through 2025-08; seconded by Aberant. The roll call of eligible members was unanimous in favor.

**PB#2024-30 to PB#2024-35, Moorestown Public Schools Improvements on 6 different sites with 11 projected site improvements.**

Moriuchi made a motion to approve Resolution PB#2024-30 to PB#2024-35; seconded by Wesolowski. Arcaro Burns recused herself, the roll call of eligible members was unanimous in

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favor.

### Minutes:

**December 5, 2024**

Mr. Wesolowski made a motion to approve the December Meeting Minutes seconded by Mr. Aberant. A roll call of eligible Board Members was unanimous in favor.

Mr. Riso advised the order of the agenda is being changed to hear Open Space first.

**PB#2024-29 Amended Open Space & Recreational Element Plan of the Master Plan Public Hearing and adoption of First Amendment to the Open Space and Recreation Element. -Brian M. Slaugh, PP, AICP of Clark Caton Hintz. If acceptable, Adoption of Resolution #2024-29; a resolution adopting the First Amendment to the Open Space and Recreation Element Plan of the Moorestown Township Master Plan prepared by Clark Caton Hintz.**

Arcaro Burns recused herself and left the room. With Maguire being absent, Driscoll and DiSpirito will be eligible voters on this matter.

Brian Slaugh, PP, AICP of Clark Caton Hintz, planning consultant for the municipality was sworn in. The first order of business is an amendment to the Recreation and Open Space Element, last amended in 2022. There is a small change in that it clarifies the ownership of Memorial Field. At the time of the Open Space Recreation Plan was done in 2022, it was left that unclear but due to more research in the interim period, it has been determined that the municipality owns the property. Right now, the plan shows Memorial Field owned by the Board of Education and is listed as an open space area not under the township's control. This amendment to the 2022 plan substitutes some language and indicates the municipality will include Memorial Field in the list of properties that they have jurisdiction and ownership. This also leads to an amendment of the Recreation and Open Space Inventory ("ROSI") which is filed with the state's Green Acres Program. None of the functions of Memorial Field will change, the township will continue to maintain this field as it has for years.

There are several tables and charts within the ROSI, with Memorial Field being added, the acreage will need to be recalculated. No goals or objectives are being changed regarding open space, this is just a technical amendment. Another matter that was brought to Mr. Slaugh's attention by Aberant was the classification of Remembrance Park at the intersection of Camden Avenue and Second Street (also sometimes referred to as the WWI Memorial), it was characterized as a medium-sized park and was lumped together with the Perkins Property. Remembrance Park is more appropriately classified as a pocket park based upon documentation that was brought to the Township's attention when Lynn Ware, the founder of the park, passed away. Aberant suggests since we are making corrections, now is the time to reclassify Remembrance Park as a pocket park. Mr. Slaugh advised that it will be called a mini park based on size classifications like Percheron Park. Reclassifying Remembrance Park from under the Perkins Center to its own mini park will also adjust the tables.

Keating asked if making these changes to the ROSI will require the township to take any action. Slaugh responded that recreation depends on the population and demographic. Reclassifying Remembrance Park as a mini park shows that Moorestown has all three types of recreation space according to national standards and assists in meeting our goals for open space.

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### **Public Comment:**

Pamela Richards- 304 Colonial Avenue, Mr. Riso swore in Ms. Richards. Richards asked in the interest in transparency, why did this suddenly arise- is there a strategic benefit behind this that benefits the receiving party. Slaugh responded, explaining when Memorial Field used to be operated by the Board of Education and in the late 80's that Board ceased to function properly. There was a reversion clause in the deed that stated if the BOE didn't meet certain conditions, it reverts back to the township. The way the deed and operating agreement reads, the township has taken over that function. Making these changes came about because in review of the 2022 plan, the township knew this needed to be corrected but more research had to be done.

Mark Villanueva-630 New Albany Road was sworn in. He is speaking on behalf of himself, not the School Board and disagrees that this is an administrative change to the Master Plan. Villanueva feels the amendments make clear that the School Board owns Memorial Field. He passed out courtesy copies of the deed (marked as MV-1) pulled from the county's public records. The first document is the Indenture dated March 1, 1957 conveying Memorial Field to the Board of Education. Second tab is Declaration of Encumbrance dated April 29, 2021, third is various properties and on it is Memorial Field and in the note section it says Board of Education owns the property. Declaration of Recreation and Open Space Inventory (MV-2). Tab 1 lists 260 Church Road, Memorial Field and indicates the Board of Education owns the property. Tab 2 - April 14, 2021 letter from Director of Community Development to the Department of Environmental Protection- "this property is owned by the Moorestown Board of Education, not the Township." Tab 3 also shows a note saying the Board of Education owns Memorial Field. In 2022, the Planning Board considered amendments to the Master Plan, including the Recreation and Open Space Inventory. August 4, 2022 planning board minutes (MV-3) page 3 discusses the recreation and open space element- saying that Memorial Field was the high school track. When the new high school was built, the township began maintaining the field. Minutes go on to say that "in theory, the school can say they need it for a new field." Villanueva feels that including Memorial Field on the Recreation and Open Space Inventory is inaccurate. Moorestown Township Environmental Resource Inventory (MV-4) published by a third party, on page 106 lists township parks and Memorial Field is absent. On page 108 the Board of Education fields include Memorial Field. On page 113, there is a section describing Memorial Field- "while owned by the Board of Education it functions as a township park with five baseball fields..." Villanueva feels the deed on file with the county is all that should be needed and urges the Board not to amend the Master Plan. Chris Keating refers to page 8 of MV-1 contains a clause that the Trustee (the Board of Education) can resign as trustee and can be replaced by subsequent trustee. Mr. Riso read into the record what the deed says about the trustee resigning by providing written notice to the governing body. Mr. Keating asked Mr. Villanueva if he agrees that the Board, by unanimous vote, resigned as the Trustee of Memorial Field on or about September 15, 1986. Villanueva does not know if that is correct. He agrees there was a meeting but does not know if the resignation was effective. Villanueva has no further documentation showing that the Board of Education regained ownership after the 1986 document but continues the opinion that the Master Plan should not be amended and the Planning Board has no standing regarding ownership of the Field. Mr. Riso stated this is not what this amendment is for. Villanueva feels it is misrepresented. Mr. Keating again asked if the Board of Education has any evidence that the Board of Education took any action subsequent to 1986- Villanueva does not know as those documents are from 30 years ago. Mr. Aberant said there are correspondences between the attorney for the Board of Education and the Township attorney disagreeing over the ownership of

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the field and suggests continuing this to the next meeting. There is a lot of documentation that should be reviewed by the board members. There was no further public comment. This matter will be continued on the March agenda. The staff will publish notice in the paper that the matter is continued.

Mr. Aberant made a motion to continue, Mr. Moriuchi seconded the motion. A roll call vote of eligible members was unanimously approved.

**PB#2024-26 Historic Preservation Element Plan of the Master Plan Public Hearing and adoption of the Historic Preservation Element Plan- Brian M. Slaugh, PP, AICP of Clarke Caton Hintz. If acceptable, Adoption of Resolution #2024-26; a resolution adopting the Historic Preservation Element Plan of the Moorestown Township Master Plan prepared by Clark Caton Hintz.**

Mr. Rizo addressed an email he received from Mr. Talty, who represents several property owners, regarding providing notice. Mr. Rizo asked Talty to bring his concern to the Board so they can determine if notice was proper. Mr. Talty felt the notice was inadequate, but Rizo has ruled that notice was not required to individual property owners based on the provisions of the MLUL. Mr. Talty's position is that notice should be given to property owners who are in the proposed district. Talty spoke of last spring when the council worked creating a historic district. It was pulled from council agenda and picked up Planning Board in the fall, and then pulled again without a new date. He argues that the public had no knowledge that the matter was coming back and therefore notice should have been sent. Mr. Rizo stated notice was published in the Burlington County Times on January 3<sup>rd</sup> and notice was mailed to surrounding towns. Section 13 does not require notice be mailed to the individual property owners. Mr. Musgnug referred to Mr. Slaugh about the 2018 Master Plan and if there is a historic district already called out. Mr. Slaugh stated there are recommended historic districts in the Master Plan. Mr. Musgnug wanted to clarify that they are not adopting an ordinance, they are only updating the Master Plan. Mr. Slaugh agrees with the Board's attorney that proper notice was made.

A motion that the Board has jurisdiction (all of Section 13 has been complied with) and can continue is made by Mr. Aberant, seconded by Mr. Keating. A roll call vote of eligible members was unanimously approved.

Mr. Slaugh continued speaking about the Master Plan. It provides support for policies, not implementation. The governing body's function to apply any ordinances or administrative policies to help implement that Master Plan. Mr. Slaugh went through the Master Plan and explained it was part of the petition put together for the national and state register. It was commissioned by the Moorestown Improvement Authority. It consists of photographs and articles. The State of National Registers provides a review process where the actions of government could affect the historic resources. The most familiar form of a historic resource is a building that has certain architectural integrity. It can encompass archeological areas, landscapes, engineering marvels, etc. Only a local ordinance can create a local historic preservation commission that would oversee changes to a property in a historic district. The listing on the data national register is what is reviewed if there is going to be actions or funding from levels of government that would affect a historically listed property but does nothing to protect the cultural resources that you have. That can only be done by

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local ordinance. If, for example, demolition permits were issued for private property, there is nothing the municipality can do. If there are concerns about resources within the town being lost, the only way to protect it is to have a Historic Preservation District. Mr. Keating asked Mr. Slaugh to explain what the proposed phases are. In the existing plan, there are two phases proposed. Phase one is co-equal to the Data National Register (more than 400 properties, 85% are contributing to the district). Phase two is additional areas developed a little later outside the core area. The proposed plan has three districts. The first is the downtown area known as phase one, that is the area along Main Street and Chester Ave. It would include the Friends complex and cemetery. The second phase in the proposed plan is the national data register. Phase three would be the area identified back in 2002. The purpose is to provide support for those designations and helps indicate what the land use policy is. Keating asked if Slaugh knows the number of properties in phase one, Slaugh estimates 25% of the properties (a little more than 100 properties). The first district as proposed in the plan is consistent with the Land Use Plan. The Historic Preservation office does have some grants where there is a commitment from the municipality. Furthermore, there is the Historic Trust itself which helps fund historic preservation- construction and renovation of buildings. For those in a historic district with a historic property that needs work, they can apply to the Historic Trust for a grant opportunity. If Phase One was established, the Historic Preservation Commission could weigh in on Phase Two or Phase Three- there are other duties spelled out in the Municipal Land Use Law. A concern is historic structures being demolished- if a barn is disassembled and moved, they lose their eligibility. The Board would set policies, but they would be the same policies as twenty years ago. Aberant refers to the Element, a 21 page document from 2002 and compares to the version in front of the Board tonight and there are very few changes. Moriuchi expressed a concern about the conflicts in the Master Plan in balancing new development while preserving historic element.

Musgnug opened the floor for public comment. Mr. Talty asked for clarification on what is being asked of the Planning Board. The historic preservation element has been in the Master Plan since 2002, tonight's meeting is to support a historic district. Talty asked why now? Keating countered with when is it too late? Action needs to be taken before too much demolition takes place and protective measures should be taken. Talty feels there is a low percentage of buildings threatened to be demolished so why are we trying to fix something that isn't broken. Talty wants to point out some of the negatives to creating a "district". Slaugh responded that materials to maintain the properties could be expensive and possibly hiring experts to assist in repairs. Petriello commented these are recommendations and feels the decision ultimately would fall on the governing body. Talty states that if the Planning Board recommends, an ordinance will be created. Mr. Riso suggested that perhaps this matter should be carried since more than hour has been spent on this topic. Mr. Talty has an expert, Jim Miller, who also has a presentation but they are agreeable to a continuation. It was agreed that a special meeting will be held between the February and March meetings. Proper notice will be published of the meeting date that at this time is a date to be determined.

A motion to continue the matter at a special meeting is made by Mr. Moriuchi, seconded by Mr. Thomas. A roll call vote of eligible members was unanimously approved.

Aberant brought to the attention of the Board that a brief discussion needs to take place regarding the inclusive playground at Wesley Bishop. Although amending the Open Space & Recreational Element Plan of the Master Plan is being carried to the March 6<sup>th</sup> meeting because the grant

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application is due February 1, 2025. Aberant explained Jake's Law and that the playground equipment is specifically for children with disabilities.

A motion to adopt the resolution (PB#2024-29) that supports the Green Acres application to provide the funding for the Jake's Law Inclusionary Playground at Wesley Bishop was made by Moriuchi, seconded by Wesolowski. A roll call vote of eligible members was unanimously approved.

**PB#2024-22 Lenola Wellness LLC, 876 North Lenola Road, Block 100 Lot 9. Applicant proposes a 4,998 sq. ft. Cannabis Retail Facility and requests Conditional Use Approval and Preliminary and Final Site Plan with bulk variances. The applicant request relief from Section 180-73E to permit zero loading spaces where 1 is required and Section 180-67.3.4b to permit a 15.3 side yard setback where 50' setback is required, this condition is existing.**

Matthew Posada, Esquire of the law firm Sills, Cummis, and Gross is representing the Applicant, Lenola Wellness, LLC. All requirements of the conditional use have been satisfied. The Applicant is proposing a 4,998 square foot facility with 106 parking spaces and are asking to revise to 62 parking spaces with the option to bank the remaining parking spaces until needed but asks to not have to come in front of the Board again but to just discuss with the township's engineer. The Applicant also removed the proposed loading space variance. That leaves the variance for the landscape buffer as well as the side yard setback and one waiver regarding tree removal. They have received their license from the State. The Cannabis Regulatory Commission ("CRC") will also do a property inspection to make sure they have met all conditions required by the State. All witnesses were brought up to be sworn in. Josh Sewald, P.E. of Dynamic Engineering, was sworn in as an expert. An aerial map (A1) is shown exhibiting lot lines. There is an existing home on the property. The focus of the application is 2.5 of the 34.5 acres of the property. A colorized site plan sheet is labeled as (A2). The building is about 5000 square feet centrally located along North Lenola Road. The proposed building will be knocked down and the area redeveloped. The two curb cuts will be consolidated into one. They have conditional Burlington County approval. The Applicant intends to cut the parking down to 62 parking spaces and landbank the additional area (it is planned for future use and stormwater measures are in place). 10 parking spaces will be temporarily moved, as well as the 10x20 trash area, from the north side to the south side allowing them to provide more landscaping. They will stripe one of the parking spaces and use it as a loading zone, this will make the application more compliant. They comply with all stormwater management recommendations. Lighting will be LED, downward facing, forward through and will not overspill to neighbors. There are also light poles in the parking lot for safety. Sewald was asked to testify about the potential wetlands surrounding the property. Their consultant confirmed that any wetlands are much farther back on the property, and they filed a Letter of Intent ("LOI"). Applicant confirmed they will not build within 300 feet of the wetlands as a condition of their approval. The driveway is on the south side of the property, and they intend to build on the north side of the property. They are adding a curb, sidewalk, and widening the shoulder of the road, they are required to mill the entire area afterwards. Changes to the utilities include tying into the gas main, adding new utility poles, a new 6" sanitary sewer line will be coming out of the building, as well as a brand-new water line. They are compliant to having a light review also. Petriello questioned what happens to the landbank spaces- they will be grass and new curbing will be added. Any additional parking spaces would have to be constructed within 6 months of the Township stating the additional parking is necessary. There is an existing non-conforming side yard- what they are proposing has no impact on that

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existing non-conforming side yard setback structure. Sewald feels their application is improving the land. The second variance is the minimum landscape buffer- they are increasing the landscape buffer from 39 feet to 57 feet. They will also comply with the screening for the front parking area that was part of the planner's review letter. They will be removing the gravel and adding various trees and shrubs. Petriello questioned the planting of trees. They would be required to plant 69 trees but are planting only about 30-38 trees. There is not enough space to plant the required number of trees (also, this location is an industrial area) so the remainder of the required number of trees will be planted elsewhere in town. The development is also staying within the impervious coverage limits. The application does not propose a berm because their site is about 10 feet higher than the neighboring sites, they are keeping 25 feet of existing woods and then another 32 feet of new landscaping on that northern side. Corey Chase with Dynamic Traffic testified next. A traffic impact study was submitted with the application. Along with consolidating the curb cuts, they are also widening the shoulder. They took into account the new affordable housing being built when looking at the overall traffic. No detrimental impacts were noted. 72 vehicles are projected per hour into the business. They expect that those 72 vehicles will leave within an hour and the turnover rate is about 8 minutes. They do not anticipate any issues of the traffic within the industrial park affecting any other businesses. Joe Davidson, architect was next to testify explained the layout. When entering from the parking lot, the customer will enter a vestibule for a security check and verification of age. The customer will come into the dispensary and be able to see the display of products and speak to a representative. Once they receive their product, they will leave out the same door they came in. There is a public restroom for customers, a storage area, an IT area and then the back of house where product is stored. They are proposing the front of the building be 24 feet high with two towers on either end measuring 29 feet (this will screen roof top equipment as well). They will back light aluminum panels for interest and glow (this is not considered a sign). Mr. Thomas questioned about the back lighting behind the panel- applicant compared to the Wholefoods in Marlton and said it is just for appearance. The entrance is in the middle of the building, the towers are there only to anchor the building and for architectural interest. It was asked if the proposed sign was designed yet – sign regulations were read and applicant is compliant. Mr. Gonzalez will be the operations expert and has been involved with the industry for over 7 years now. There will be 6-10 employees on a daily basis- varying with peak hours. There will be up to 20 employees total. Deliveries will occur at scheduled times and kept away from customers and in a secure location. Deliveries will not be scheduled on Saturdays due to it being the busy time. The CRC have put the Standard Operating Procedures in place. They do not intend at this time to have a delivery service to customers. The only cannabis waste will be expired or defective cannabis and will be deposited in a secured dumpster. Preferably, deliveries will happen during daylight hours at the beginning of the day. Curbside pick up is offered, the order is prepicked and credentials are verified and then the goods can be given to the customer (there will be a mobile scanner to verify ids). Rob Cormier, a security expert, discussed security cameras, access controls, and advised the premises is under constant observation. There is a secure vault for storage of the cannabis. The security guard will not be armed. Petriello asked if when the customer's ID is verified is it logged- yes, all customers and employees are logged. There will not be a designated consumption area. Wesolowski confirmed "No Consumption" signage will be displayed. Moriuchi asked how big the waiting space is and it was confirmed that since each customer will on average be in the store 5-8 minutes, the 12 person waiting room is sufficient. The applicant agrees to comply with all professional review letters. The meeting was then opened to public comment.

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Pamela Richards-304 Colonial Avenue, expressed her appreciation for a wonderful presentation and wanted to clarify the location of the property. Ms. Richards was reassured that the lighting would be low and wildlife would not be affected.

Mr. Aberant clarified there are four EV charging stations. Moriuchi requested they be at least 30 feet from the building and it was agreed they will be moved to the back access aisle. Mr. Riso summarized the application.

A motion to adopt the resolution (PB#2024-22) was made by Arcaro-Burns, seconded by Aberant, Keating was recused. A roll call vote of eligible members was unanimously approved

### **Adjournment:**

A motion to adjourn was made by Ms. Arcaro Burns and seconded by Mr. Aberant. The meeting was adjourned at 10:51PM.

Next Meeting: February 6, 2025 at 7:00 pm