

MEDFORD TOWNSHIP PLANNING BOARD MEETING
August 25, 2021 --7:00 pm
Public Safety Building, 91 Union St. & Zoom On-Line Conference

Chairman Hartwig called the Planning Board Meeting to order at 7:03 p.m. and read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Bielec, Braatz, Czekay, Herman, Kornick, Watson, Devlin, Perks, Hartwig
Absent: Juliano, Ross
Professional Staff: Attorney Anthony Drollas, Engineer Christopher Noll, Planner Scott Taylor, Secretary Kimberly Moore, Recording Secretary Beth Portocalis

MINUTES:

July 28, 2021 Regular Meeting Minutes:

Mayor Watson made a motion to adopt the minutes. Councilman Czekay seconded the motion. Ms. Herman abstained. A voice vote of all other Board members in favor of adoption was unanimous.

CORRESPONDENCE: None

REPORTS: Chairman Hartwig reported that insufficient escrow balances over 6 months will continue to be listed on the monthly agenda. He acknowledged that there are the same four escrow balances, which may never be collected. This is unfair to the professionals who are not compensated for services rendered, but thanked Mrs. Moore for her continued efforts to collect the arrears.

MEMORIALIZATIONS:

Medford Township, 51 Union Street, 1601/2, PBC-526 Resolution #13-2021

Approval of Minor Subdivision to subdivide an existing residential lot to create two lots; one lot for the new municipal building and the other lot for the existing residential dwelling.

Zone: RHO

Mayor Watson made a motion to approve Memorialization of Resolution 13-2021. Councilman Czekay seconded.

Recorded Vote:

Ayes: Bielec, Braatz, Czekay, Kornick, Watson, Devlin, Perks, Hartwig
Nays: None
Abstentions: None
Motion carried: 8 - 0 - 0

APPLICATIONS/OFFICIAL ACTIONS:

Camp EFS Industrial 2, 35 Fostertown Road, 301/7.01, SPR-5755

Applicant is seeking Preliminary & Final Major Site plan approvals w/bulk variance reliefs to develop Flex Industrial Space on vacant farmland. Zone: PI

*(**Mrs. Kornick recused herself from this application)*

SWORN: Dominick Favierie, Esq.,
John Kornick, K2 Consulting, Engineer & Planner
Nathan Mosely, Traffic Engineer
Earl Stahl, Applicant

Mr. Hartwig opened the application by asking Mr. Noll to summarize the requested Submission Waivers and partial waivers as delineated in his August 5, 2021 review letter. Mr. Noll did so, and noted the Applicant withdrew his request for a submission waiver to provide a Traffic Impact Statement (#42) since the applicant has a traffic expert present to offer testimony.

Mayor Watson made a motion to approve the submission waiver and partial waiver requests based upon Mr. Noll's recommendations. Councilman Czekay seconded the motion. The voice vote was unanimous in favor.

Mr. Favierie opened the testimony by describing the proposed project to construct a 21,000 square feet commercial building for use as flex industrial space on this 5.07 acre lot. This would be constructed on the other lot of a subdivision approved by this Board in October of 2020. The building would consist of ten (10) 2,100sf units each with approximately 400sf of office space. It is anticipated that the tenants will be very light industrial, such as HVAC, cabinet makers, furniture refinishing, electricians, and the like, which would all be permitted uses in the Planned Industrial (PI) zone district. This type of tenant will have a minimal impact, as most will not generate noise or added traffic. Most are anticipated to operate between the hours of 7:00 am and 7:00 pm; with any deliveries restricted to within the same time frame. It is not expected that there will be any overnight use.

The orientation of the building on the lot will be such to limit openings towards Fostertown Road and the neighboring residential lot. At the suggestion of the Board professionals, a loading area facing Fostertown Road will be removed from the plan and not constructed. The height of the building is proposed at 29.5 feet, exceeding the permitted maximum building height of 27.5 feet, due to the 105' width of the building and the 5/12 roof pitch.

Mr. Kornick was next to testify. He described the unique trapezoidal shape of the lot, partially constrained by wetlands and its location on a corner. The building has been positioned on the lot to mitigate and avoid off-site impacts, and more importantly reduce the impact to adjacent properties as it relates to emission of noise, glare, vibration, heat, odor, and air & water pollution.

The previous subdivision addressed the Right-of-Way requirements being dedicated to the Township as required to 66' west on Reeves Station Road. Reeves Station Road contains a large solar farm and vacant warehousing.

The proposed project meets all bulk requirements except for three: rear yard setback of 101.5' whereby 150' is required; building height of 29.5' whereby 27.5' is the maximum; and minimum setback to residential property with 35' proposed and 75' is required. Mr. Kornick noted the residential property is located in the PI zone, but the use as residential is pre-existing/non-conforming, and would qualify as a C1 hardship variance.

Mr. Kornick continued that the proposed stormwater management plan meets the new requirements, and provided a Stormwater Management Facility Operations & Maintenance Manual dated March 17, 2021 as an Exhibit. There is an 8' drop-off from Reeves Station Road to the wetlands and stormwater containment area. The wetlands delineation was confirmed by NJDEP via a letter dated March 12, 2020, entered as an Exhibit. Mr. Kornick confirmed that the applicant agrees to Mr. Taylor's recommendation to plant street trees thru the wetlands area, and will agree to place deed restrictions on this area. To facilitate the proposed improvements, some trees on the western side of the lot will need to be removed, but the applicant will grade this area and then plant deciduous trees to re-forest the disturbed area.

Mr. Kornick also noted the architecture will match the style and color palette to the approved development on the other subdivided parcel. The applicant also proposed to mimic the buffering and fencing of the adjoining site. There will not be any on-site exterior/outside storage. A 10' x 12' trash enclosure will be located in the rear. The Board was concerned about the small proposed size, and after some discussion, the Applicant and Mr. Kornick said if increased in size it will still remain in the same location. Any trash removal will be limited between the hours of 7:00 am and 4:00 pm.

Traffic Engineer Nathan Mosley was next to testify. He stated that he reviewed both roads and the intersection. His review took into account the expansion of the cemetery recently approved by the Zoning Board, as well as the approved commercial development on the other lot. His review also included the residential units in design slated to be built on the Flying W Airport parcels. Based upon industry standards for this type of use, there will be minimal traffic generated-- +/- 30 trips per peak hour are expected onto this site. This is very low volume, and even if doubled for the new anticipated development, in his professional opinion the traffic capacity is present.

Mr. Taylor asked Mr. Kornick if the applicant will comply with all his questions/comments outlined in his July 28, 2021 review letter. Mr. Kornick replied that the applicant objects to installing a bike rack and to installing sidewalk along Reeves Station Road. They did agree to the condition that the site will not be used as a service station or a lumberyard.

Discussion ensued about the sidewalk, and was concluded that a condition be imposed upon Board approval that the applicant will install a sidewalk along the Fostertown Road frontage if and when sidewalks come to the site. This same condition was imposed on the approvals at the adjoining lot. The applicant also agreed to install a simple bike rack.

Mr. Taylor also inquired about exterior lighting, and recommended that they switch over to motion sensor 30 minutes after the last unit is closed. The applicant Mr. Stahl agreed. Mr. Stahl also agreed to a request by Mr. Taylor to conduct a site visit to determine if any of the existing vegetation can be saved in the area to be graded to supplement the buffering/screening.

Board members had no concerns with the colors of each of the two buildings on these adjoin lots matching in colors.

Mr. Taylor concluded his questions and comments by suggesting that the applicant may want to relocate the trash enclosure to the loading area to provide easier access.

Mr. Noll next discussed his review letter dated August 5, 2021. Mr. Kornick and Mr. Stahl had no exceptions to the comments in Mr. Noll's letter. Mr. Noll reiterated that he will require a condition to conduct a night light test prior to the issuance of the Certificate of Occupancy. In discussions with Mr. Kornick prior to the meeting, both agreed to discuss the curve in the driveway exit and the stormwater system in the field. He also noted that the soil testing meets the State's standards. Mr. Noll concluded that he accepts Mr. Mosley's testimony.

PUBLIC:

Tom Rende – 272 Church Road: Mr. Rende thought the proposal was for storage units, but opined the light industrial multi-tenant unit will be even worse. He also questioned the traffic study results, as living directly across from the end of Fostertown Road and being retired has allowed him to witness the 40-50 trips per day generated by the Township staff alone who operate from the Fostertown Road administrative offices and Sewer Treatment Plant. Once you add in the anticipated 400 new housing units, the road is not designed for this amount of traffic and he's heard no plans to improve this road. Mr. Rende added the Board should make the developers pay for the road improvements needed for all of the proposed and approved new development. His house has been hit at least 7 times. Mr. Rende concluded by asking what will be stored in this new building, asking specifically if there will be any chemicals. Lastly, Mr. Rende asked the Board to get more information about the fencing and anticipated security measures that will be installed.

Maryanne Rende – 272 Church Road: Mrs. Rende offered that she purchased her historical home over 30 years ago to be a part of this historical area of Medford and its rural characteristics. Kirby's Mill is on the State and National Registers of historical sites. The increased traffic and type of commercial spaces being built is degrading this area of the Township.

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Juliana Ruggeri – 30 Chapel Avenue: Ms. Ruggeri expressed her concerns about the potential tenants and asked the Board if they will impose any restrictions as to the types of businesses and what may be stored there. She was especially concerned if any chemicals would be stored there.

Laura Chandler – 108 Fostertown Road, Lumberton: Ms. Chandler voiced her concerns about the development taking place in the Medford portion of Fostertown Road; as this will have a direct impact on Lumberton residents, especially her and her neighbors who live closest to the border. Fostertown Road is not designed for this type of traffic nor the increased traffic. She was skeptical of Mr. Mosley's traffic counts, as they may be skewed since they were taken in August and also during the pandemic. She concluded that this does not fit with the rural and agricultural areas in proximity to this area.

John Ricketts – 4 Reeves Station Road: He reminded the Board that his testimony last October when the original lot was subdivided included concern for the development impact on this lot. The large size of the proposed building triggers the need for the bulk variance reliefs. The proposed driveway location is close to his driveway where his children wait for the school bus. He too is concerned about what will be stored in the building. He added that a utility pole to service the site is on his property. Mr. Kornick corrected him and said it is within the Township Right-of-Way and will be relocated as a part of this project. Mr. Rickett's last comment was that the proposed site plan purposely restricted the right turning radius so trucks will have to go left to Reeves Station.

Jonathan Reuther – 26 Bretshire Court: Mr. Reuther has not seen the proposed site plan or review letters, but he is concerned about the traffic impacts along with the changes to the character of the area as a cultural and historical resource. He stated he was encouraged by the discussion of both bicycle and pedestrian improvements.

Mayor Watson made a motion to close the public portion of the hearing; Councilman Czekay seconded. The voice vote was unanimous in favor.

Mr. Hartwig commented on four points in response to the public testimony: (1) the Planning Board has not granted approvals for 400 dwelling units on Fostertown Road, but it's been a part of discussions due the requirement for all municipalities to build low to moderate income housing as mandated by the New Jersey Legislature and Courts. (2) The Zoning is Planned Industrial and the use is permitted (3) the Planning Board is limited by the NJ Municipal Land Use Laws on conditions it can impose on developers, including the expansion of municipal roadways. (4) the Board members are cognizant that they must balance competing interests, but ultimately are guided by consistency with the Master Plan.

Mr. Favierie summarized the applicant's testimony by re-stating the property owner has the right to use the property in conformance with the current zoning. As detailed by Mr. Kornick, hardships exist on the property creating the need for a reasonable amount of variances. He concluded by reiterating the applicant's willingness to work out the concerns of the Board members and professionals to their satisfaction.

Councilman Czekay commented that the applicant was entitled to have 65% impervious coverage as per the PI zone district allowances; and there are no limitations on the number and times that trucks can access the site.

Ms. Portocalis, who also serves as the Township's appointed Zoning Official, outlined the Zoning process whereby each tenant is required to apply for a Zoning Permit, and in order to receive approval the uses have to be consistent with those in the PI zone district requirements. She also detailed the role of the Construction Official who enforces the State Uniform Construction Code requirements, which limits the types of tenants based upon the construction of the building. She also noted the Fire Marshall conducts annual inspections of all commercial properties, insuring no dangerous chemicals or compounds can be stored in this type of building.

Mayor Watson made a motion to approve the application as submitted with the following conditions. Councilman Czekay seconded.

1. Sidewalks will be installed along the Fostertown Road frontage when brought to the site (similar to the other lot in the sub-division approved in 2020);
2. The buffering, landscaping and fencing will be to the Board professionals satisfaction, and if the professionals and applicant cannot agree, the issue will be brought back to this Board;
3. No outside storage;
4. No oversized vehicles can be parked outside-all must fit in the approved parking spaces;
5. The hours of operation and permitted deliveries will be 7:00 am to 7:00 pm; and trash can only be collected between the hours of 7:00 am and 4:00 pm;
6. The Engineer must conduct a night light test prior to the issuance of the CO; with lighting to switch to motion sensed no later than 7:30 pm. (*Recessed lights over each door permitted to be on overnight with all lighting directed downwards);
7. No service stations/auto repairs or lumberyards permitted;
8. The loading zone area facing Fostertown Road has been removed from the site plan and will not be constructed;
9. A bike rack will be installed
10. The trash enclosure will be relocated closer to the loading area at a location to be determined in the field by the Board Professionals;
11. No signage relief has been granted, any future signage will comply with the Sign Ordinance and permitted separately; or the applicant must return to the Board for reliefs.
12. The applicant will comply with all comments in the Planner's and Engineer's review letters, having agreed to same during their testimony.

Recorded Vote:

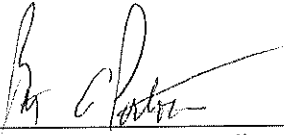
Ayes:	Bielec, Braatz, Czekay, Herman, Watson, Devlin, Perks, Hartwig
Nays:	None
Abstentions:	None
Motion carried:	8 - 0 - 0

GENERAL PUBLIC: None present or on Zoom

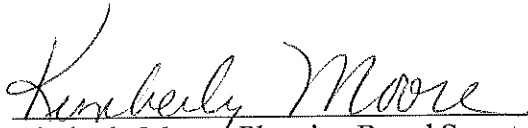
Mayor Watson made a motion to close the public portion of the meeting; Councilman Czekay seconded. The voice vote was unanimous in favor.

ADJOURNMENT:

Councilman Czekay made a motion to adjourn the August 25, 2021 Planning Board Meeting at 9:11 pm. Mayor Watson seconded. A unanimous voice vote in favor carried the motion.



Beth Portocalis, Recording Secretary



Kimberly Moore, Planning Board Secretary

