

MEDFORD TOWNSHIP PLANNING BOARD MEETING
November 15, 2021 --7:00 pm
Public Safety Building, 91 Union St. & Zoom On-Line Conference

Chairman Hartwig called the Planning Board Meeting to order at 7:06 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, Juliano, Kornick, Perks, Watson, Hartwig
Absent: Devlin, Ross
Professional Staff: Attorney Anthony Drollas, Engineer Christopher Noll, Planner Scott Taylor, Secretary Kimberly Moore, Recording Secretary Beth Portocalis

MINUTES:

October 27, 2021 Regular Meeting Minutes:

Mayor Watson made a motion to adopt the minutes with one minor correction (date of meeting). Councilman Czekay seconded the motion. Mr. Braatz, Mr. Juliano and Mr. Perks abstained. A voice vote of all other Board members in favor of adoption was unanimous.

CORRESPONDENCE: Chairman Hartwig reminded all Board members to respond to the Township Manager's email regarding Board re-appointments; and also to reply to Council's invitation to the Board Member Volunteer Appreciation gathering on December 16th.

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:

RESOLUTION #15-2021: Adoption of Municipal Open Space, Recreation & Conservation Plan Element to the Master Plan

Mayor Watson made a motion to approve the Resolution adopting the plan, inclusive of the changes made to the plan element as discussed at the public hearing held at the October meeting. Councilman Czekay seconded the motion.

Recorded Vote:

Ayes: Bielec, Czekay, Herman, Kornick, Watson, Hartwig
Nays: None
Abstentions: None
Motion carried: 6 - 0 - 0

After the vote was taken, Mayor Watson announced that Medford received a \$500,000 grant from the NJDEP Green Acres program, in part because of this newly adopted Open Space & Recreation Plan.

Orleans Conservatory Group Partners, 909/1.01, Himmelein Rd & Mill Street, SPR-5754

Applicant is seeking Preliminary & Final Major Site plan approval to develop 30 townhouse units of which 5 units provided will be affordable units. **Zone: GMS**
(Continued from September 22, 2021 Meeting)

Prior to opening the testimony, Ms. Bielec, Mr. Braatz, and Mr. Perks attested to watching the video of the September meeting in order to participate in the application.

The following were sworn at the September meeting and remain under oath:

Danielle Novak Kinback, Esq., - Bisgaier Hoff
David Fleming, Engineer- Marathon Engineering
Gene Grimaldi, Architect - Omni Group
Larry Dugan, Sr., Vice President-Orleans (Applicant)
Laurie Sanders, Director of Architecture-Orleans (Applicant)

Mr. Drollas began the testimony by summarizing the history of the applications for development of this site, including the affordable housing elements and resulting litigation, including a court mandate to build as a result of a builders' remedy lawsuit brought against Medford. This context was to explain why the Board is hearing this application, and what authority they have to compel the applicant to include as a part of the application.

Ms. Kinback opened Orleans' testimony by outlining the changes made to the application based upon the Board professionals and Board members' comments from the September meeting.

Mr. Fleming was next to testify. He described the primary changes were made to the Mill Street buffering and drainage plans. He and Mr. Noll worked together to create root drainage flowing into underground piping; which will minimize groundwater and allow more area for plantings.

Discussion ensued about the prior approvals, which included a 10' berm along Mill Street and fencing, along with the plantings in order to screen the view of the townhouses from the roadways. Mr. Fleming explained that there is no opportunity to build a berm that high. Mr. Taylor interjected that the berm would actually be 3-4 feet in height and with the fencing would present at 10 feet. The plantings would be moved to the top of the slope to effectuate added height. The fence would be a 3 board "horse" type fence between the planted trees.

Mr. Dugan added that the focus was what the look of the site will be from the surrounding streets, realizing this was a priority to the Board. The same emphasis on architectural enhancements was undertaken. He committed Orleans to increase the height of the berm to the maximum extent possible, to install the 3-board horse fencing, and move the plantings higher up on the slope. He will also look to plant deer resistant species. He noted they may need to add more inlets and pipes behind the town homes to collect the added runoff, and will work with Mr. Noll on same.

Mr. Fleming concluded his remarks that the open play area is proposed to be reduced to 60' x 60'; in response to Board and public comments. Mr. Noll reminded Board members that a design waiver will be required for this reduced play area.

Ms. Sanders was next to testify. She described the changes to the architecture of the three buildings as shown in the new renderings provided to Board members. Building B, which backs to Mill Street, has enhanced side elevations with pent roofs, added windows, and board and batten and stone veneers wrapping around to the front doors. Building C, which has the left side elevation facing Mill Street, has a change of color and decorative dormers. She displayed a board with the color palette of both the siding and roof shingles. The building backs up to woods and the Middle School. They feature walk-out basements. The decks of the first floor provide no access to the yard. A trellis has been added.

Upon questioning by Board members, she stated the HOA/condo association's deeds and covenants will restrict fencing, privacy screens and concrete or paver patios at the rear walkout area.

Mr. Taylor commented that the applicant has agreed to the comments in his September 15th report; including the comments that were made during tonight's testimony and the September testimony. He also mentioned the new State mandated EV charging spaces and EV ready requirements; and after questions arose about the new law's requirements, it was recommended by Mr. Drollas that a condition be included that the applicant must comply with this new law as applicable; to be certified at the time of application for construction permits or final certificates of occupancy.

Mr. Noll commented that his review letter comments were addressed at the September meeting. Since that meeting, Mr. Noll has worked with the applicant's Engineers to relocate the basin back a few feet to allow for more buffering along the roadways. He also noted that the Board must also approve a Certificate of Appropriateness for the historic resources on the site. Comments regarding road striping will need to be coordinated with Burlington County, as they have jurisdiction on Himmelein and Taunton Roads.

PUBLIC: While opening the application for public comment, Chairman Hartwig reminded the audience that all prior public comments are still on the record, so any comments offered tonight should be limited to the new testimony.

Michael Keczely: 2 Enclave Court. His property is on the corner with Mill Street. He stated that the Board is making concessions to the developers, and asked why the developer is not making changes in consideration of the neighbors. He also asked if the application is approved, would it be built by union laborers.

Bob Abplanalp – 3 Nantucket Court. He asked if the EV parking requirements are in effect, would it change the proposed site plan. He also asked who will be responsible for stormwater basin and swale maintenance.

John Wolgamot: 64 Mill Street. He lives directly across the street from the proposed development. He stated there are 35 houses on Mill Street. These will double that number on a ¾ mile road. This will affect traffic, despite what the traffic engineer stated. When the busses are added, the traffic is even worse. There are lines with and without busses. He asked Board members to consider if they lived in this neighborhood would their decision be different.

Sean Kilpatrick: 11 Trimble Street. He asked if the Board can conduct its own traffic study so it would be completely independent since it would not be paid for by the developer. He stated the traffic study done by the developer is not accurate. He also asked if a crosswalk is feasible across Mill Street, and if speed bumps could be added on Trimble Street. His car has been hit and scraped while parked on Trimble Street. Compared to the previously approved plans, there is a reduced berm/buffer and the townhouses are less aesthetically pleasing buildings. He asked why the existing mature trees surrounding the property and along the roadways have to be removed—why can't they remain. He is also concerned about the potential impacts on water and sewer service in the neighborhood (water pressure). He added that the cleared play area is not needed with the school open space and parks in such close proximity.

Paul Stang: 62 Mill Street. He asked if the townhouses will be assigned Mill Street addresses, and will the existing homes be given new house numbers.

Brian Pelloni: 108 Himmelein Road. He did the Chairman's "homework," and understands the controls that the Township and the Board loses. He stated that Orleans is not the owner of the property as yet; they have an option to buy contingent on approvals. He appreciates the Board's and Orleans' work on the architectural enhancements. For Building B, he asked if the berm will run the entire length of the development on Mill Street. He also asked if there is an elevation drawing for the view from Himmelein Road.

Jon Reuther: 26 Bretshire Court. He asked about pedestrian connectivity and circulation to Main Street and other areas of town. He asked why there is no proposed crosswalk to connect to existing sidewalk on the opposite side of Himmelein Road, yet one is proposed at the intersection of Himmelein and Mill where there is no sidewalk.

Robert Ellershaw: 58 Mill Street. He lives right across the street from the middle school track. He also questioned the traffic study results. Not only the busses, he asked if any accounting was done for the cars that drop off and pick up children from the schools. He also noted that when there is a track meet at the school or a baseball game at Bunning Field, the number of vehicles is much higher and there are cars parked along the sides of the road making traffic even worse.

Vice Chairman Juliano made a motion to close the public portion. Councilman Czekay seconded. The voice vote was unanimous in favor.

Chairman Hartwig then detailed the Township's affordable housing settlement with the Fair Share Housing Corporation. The State had required Medford to build over 800 units of low to moderate income housing, which at 15% of a development would have equaled more than 5,560 units of new housing; and a grand total of 6,171 units. By the Township settling, only 1200 units

of new housing are being built. Affordable housing in New Jersey is controlled by special interest groups, the Supreme Court justices and developers. His homework assignment would have revealed that if a Planning Board votes no, the courts take control of the Board. Vice Chairman Juliano added that this happened in South Brunswick, when the State took control of the Board and issued 9,000 permits for new homes, whereas if South Brunswick would have settled, only 3-4,000 new housing units would have been built. The Mayor added that the Town Council or Planning Board doesn't pick the locations, the developers propose them. Ms. Herman added that this parcel is in a residential zone district where housing is permitted.

The Board professionals then addressed the questions posed by the public.

Mr. Noll replied (1) the traffic study was prepared by a licensed professional and was reviewed by the Board professionals, including traffic engineers. (2) swale management will be the responsibility of the Condo/HOA association and they are required to abide by the State regulations. (3) there will be sufficient water pressure as there is a large well on Mill Street. (4) the townhouses will be on a private street in the new development, and will not have a Mill Street address. The new addresses will be assigned by the Planning Board Secretary and Assessor. (5) the crosswalks will be reviewed by the County; and the one at the intersection may be eliminated since there is no connection. (6) the first building will be 350 feet from Himmelein Road, so some existing trees and vegetation will remain. (7) no elevation drawings of the view from Himmelein Road were submitted. (8) speed bumps are a local issue and requests for should be directed to the Township Manager for Police study.

Mr. Taylor confirmed (1) the berm extends along the Mill Street frontage. (2) the EV requirements will not change the proposed site plan. (3) the open space play area is needed on site to provide an area for picnic pavilions, free play, and places for dog walks; and over 60% of the site will not be touched and those area deed restricted against any additional development.

Mayor Watson noted that the question of union involvement is out of the Township's purview. Ms. Kinback added that the applicant is not required to respond to the question about union involvement. She also noted that since residential use is permitted, the Board legally cannot cite traffic, an off-site condition, as a reason for denial. She also requested a waiver for not providing the required recreational amenities.

Vice Chairman Juliano made a motion to approve the application, inclusive of the certificate of appropriateness, with the following conditions: (1) requested submission waivers are granted; (2) all recommended conditions of the Board Engineer and Board Planner will be agreed to; and if agreements cannot be met the applicant will return to the Board; (3) comply with the requirements of the EV charging stations and make-ready parking spaces per the new State law; (4) the design waiver for the 60' x 60' open play area is granted, which is a reduction from the required area; (5) the waiver to provide the recreational amenities is granted, and the applicant shall erect an area with pavilions, picnic tables, benches and bike racks; the Condo Association's Deeds and Covenants will include a prohibition for added bedrooms, fencing, paver patio areas and privacy screens in the units with walk-out basements, and steps from the first floor decks in these same units. Mayor Watson seconded the motion.

Recorded Vote:

Ayes: Bielec, Braatz, Czekay, Herman, Juliano, Kornick, Perks, Watson,
Hartwig
Nays: None
Abstentions: None
Motion carried: 9 - 0 - 0

Chairman Hartwig called for a short recess at 9:55 pm. The meeting resumed at 10:05 pm. Mr. Hartwig announced that it is the Board's policy not to open any new applications after 10:00 pm, but given the fact that the next applicant has waited with their professionals, if Board members did not object, the Board would start the application and allow the applicant one hour to present as much as their application as possible in that timeframe. Being no objections, the next application proceeded.

Village of Taunton Forge, 3201/32.03 -C0001, 200 Tuckerton Road, SPR-56712F0

Applicant is seeking Final Major Site Plan and Amended Preliminary/Final Phasing Plan approvals. **Zone: TTRA**

SWORN: Peter Chacianas, Esq., Hyland, Levin, Shapiro
Gregory Elko, Engineer, Langam Engineering
Scott Baumer, Supermarket Operator's representative
David Crawford, Architect
Anthony Prizzi, Landscaper
James DePetris, Owner/Applicant

Mr. Chacianas opened the testimony by confirming that the applicant is not seeking any new submission waivers.

He then summarized the history of the Planning Board approvals for the Center, specifically Resolution 13-2014 that approved additions to the building with a supermarket, noted as section 2F0.

Mr. DePetris made brief remarks about the progress that has already taken place since the Planning Board granted the initial approvals. The vacancy rate has been substantially reduced, and with a new supermarket anchor tenant, it will be easier to fill the remaining open tenant space.

Mr. Elko was next to testify. He opened his testimony by summarizing the 2016 Preliminary Major Site Plan approvals which involved over 140,000sf of tenant space. Since that time, a new Rite Aid pad site building has been constructed, and renovations have taken place for a new Tacos El Tio restaurant, to Illiano's Cucina, Medford Hardware & Card Smart. Remaining space is the vacated bank building pad site and two new pad sites along Tuckerton Road. This

application is for section 2F0 final approvals to renovate and expand the existing supermarket building. The initial parking variances granted for 4.4 spaces per 1000sf space will continue with this application. The proposed architecture conforms and the building and impervious coverage will not be exceeded. The plan is also consistent with the Zone District, which has changed from Community Commercial to Taunton & Tuckerton Redevelopment Area.

The proposed supermarket will occupy 21,159 square feet of space. Changes from the original approvals include exterior freezers and coolers and a loading dock. The existing vestibule will also be modified. The building section, consisting of the supermarket, liquor store, the old Rite-Aid and Roast Coffee Shop was originally approved to be a maximum of 58,525 square feet. If approved with the proposed improvements, this building will be 57,670 square feet.

The rear parking area will be enhanced with 3 new light poles and a new paved driveway. Twelve parking spaces will be created in the rear for staff. The main parking area will have ten new light poles, and the entire parking lot will be repaved and repainted.

The Phasing plan is requested to be amended to note the current conditions and the proposed supermarket.

Mr. Elko then described highlights of the Exhibits C.1.3 dated 11/3/21 submitted after meeting with the Board professionals. This includes 8 EV parking spaces to meet the requirements of the new State law, relocated handicapped parking spaces to align with and straighten the crosswalk, proposed pick-up spaces in front of the market were relocated to the parking lot so that a fire lane could be added in front of the store, and 12 short term parking spaces were added in the parking lot at the liquor store.

Mr. Elko then displayed a board of six photos taken at the site on 11/20/21, marked as Exhibit A-17. A triangular shaped area behind the supermarket originally approved for tree removal will remain. He also noted that the original application called for all the trees and underbrush along Tuckerton Road to be removed. As a part of this application, the applicants are proposing limited/selective clearing in the existing trees between 3' – 7' starting 50' west of the driveway to 100' east of the driveway along Tuckerton Road. The underbrush will remain up to the 3', and all of the trees from 7' and above. The owners will maintain these areas as needed in the future.

Mr. Elko offered to walk the area with Board professionals to save specific trees. The owners propose to remove the one exiting pine tree in front of the sign, and will replant a 5" caliper maple or willow oak to the side of the sign. Trees right along the side of the building will also be removed and replanted with four new trees outside of the proposed expansion area.

Since there is no increase in the impervious surface coverage proposed, the existing stormwater management infrastructure is in place. There will be minor grading in the parking areas to facilitate rainwater runoff to the stormwater system.

Mayor Watson asked why the buffer along the east side of Tuckerton Road couldn't be expanded and the parking for the future pad sites be relocated. The parking requirements for these sites will be reduced as a part of the provision of the EV parking spaces. Much discussion ensued on this topic, with the Mayor reminding the applicant that they asked for the sign variances to place the monument sign where it is, knowing the one tree in question was centered right adjacent to it.

The discussion resulted in no clear consensus, and it being 11:00 pm, Chairman Hartwig announced the testimony this evening is concluded, and the application will be continued to the December 20, 2021 Regular meeting without the applicant's need to re-notice.

GENERAL PUBLIC: None present or on Zoom

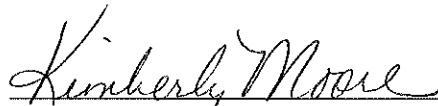
Mayor Watson made a motion to close the public portion of the meeting; Vice Chairman Juliano seconded. The voice vote was unanimous in favor.

ADJOURNMENT:

Councilman Czekay made a motion to adjourn the November 15, 2021 Planning Board Meeting at 11:02 pm. Mayor Watson seconded. A unanimous voice vote in favor carried the motion.



Beth Portocalis, Recording Secretary



Kimberly Moore, Planning Board Secretary