

MEDFORD TOWNSHIP PLANNING BOARD MEETING
September 22, 2021 --7:00 pm
Public Safety Building, 91 Union St. & Zoom On-Line Conference

Chairman Hartwig called the Planning Board Meeting to order at 7:05 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: Czekay, Herman, Juliano, Kornick, Watson, Hartwig
Absent: Bielec, Braatz, Ross, Devlin, Perks
Professional Staff: Attorney Anthony Drollas, Engineer Christopher Noll, Planner Scott Taylor, Secretary Kimberly Moore, Recording Secretary Beth Portocalis

MINUTES:

August 25, 2021 Regular Meeting Minutes:

Mayor Watson made a motion to adopt the minutes. Councilman Czekay seconded the motion. Mr. Juliano 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:

Camp EFS Industrial 2, 35 Fostertown Road, 301/7.01, SPR-5755 Resolution #14-2021

Preliminary & Final Major Site plan w/bulk variance approvals to develop Flex Industrial Space on vacant/farm. Zone: PI

Mayor Watson made a motion to approve Memorialization of Resolution #14-2021. Councilman Czekay seconded.

Recorded Vote:

Ayes: Czekay, Herman, Watson, Hartwig
Nays: None
Abstentions: None
Motion carried: 4 - 0 - 0

APPLICATIONS/OFFICIAL ACTIONS:

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

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

Mr. Hartwig opened the application by asking Mr. Taylor to summarize the history of this proposed project. Mr. Taylor detailed that an application for similar development on this almost 30 acre parcel was denied by the Planning Board in 2004; which resulted in litigation. The courts in 2006 issued a consent order overturning the Planning Board's decision. This order approved 29 townhouses, with 5 slated to be affordable units. This consent order was amended in 2012 to grant the applicant sewer permits with the condition to provide 5 affordable units. A prior applicant received preliminary & final site plan approvals in 2013 for 29 units, including 5 affordable units. This plan included two driveways onto Mill Street. In 2016, the Planning Board granted a 3-year extension of that approval until June 30, 2019. These approvals have expired. Medford's third round Fair Share Plan and Housing Element to the Master Plan now reflects a 30 unit townhouse development with 5 affordable units, and the aforementioned consent order was amended to reflect the same.

Mr. Hartwig next asked Ms. Kinback about the requested Submission Waivers, which were delineated in Mr. Noll's letter dated September 17, 2021.

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.

Ms. Kinback concurred with Mr. Taylor's summation of the history of the project. The Orleans Conservancy Group Partners is the new developer for this project. There have been meetings with the Planning Board professionals in order to enhance the architectural and landscaping aspects of the proposed development.

First to speak on the application was Mr. Fleming. He displayed two exhibits: one a display board aerial of the site area, and second, the proposed site plan overlaid on the display board aerial, which was labeled as Exhibit A-17. There will be five total buildings, identified as A thru E. Buildings A & B are each proposed to have two affordable units, Building C is proposed to have one.

One access driveway has been eliminated, and the one remaining driveway has been relocated as far away from Himmelein Road as possible. There will be sidewalks along the perimeter of the site along both Himmelein Road and Mill Street. There will be a passive recreation area (30' x 65') envisioned to have a pavilion, picnic tables, etc. and an active recreation open space area of 100' x 100'.

Only a small percentage of the 29.39 acre site is proposed to be developed, which is in the uplands. The remainder will remain undeveloped in its natural state, as it is mostly wooded wetlands.

As required for the site, there will be two stormwater basins meeting current NJDEP regulations. Water and sewer service are both available for the site. Parking will be available in front of the units and meets the zone district criteria.

Chairman Hartwig asked if the applicant would be willing to deed restrict the undeveloped portion of the lot. Mr. Dugan stated yes on behalf of Orleans.

Ms. Sanders was next to testify. She referenced Exhibit A-7, the front elevation rendering, and pointed out how the units in each building vary in width and depth. There are offsets between the units of 2-4 feet to create variety in depth and dimension and so as to not be flat.

She next referenced the rear elevations of the two buildings facing Mill Street. These have been changed from the initial submission in response to comments from Mr. Taylor in his initial July 21, 2021 letter. Orleans has added gables, board and batten, pitched roofs, shutters and mullions in the windows. The buildings will have a gray and white pallet; and there is green space planned between the buildings and the roadways.

Ms. Sanders continued that the COAH affordable units will not be distinguishable from the other units. These units will also have 2-car garages. Discussion ensued about the rear of the other units not facing Mill Street, and Ms. Sanders conceded they will not be as detailed. She had no renderings of these elevations. Mayor Watson, Mr. Taylor and several other board members expressed some concern about the lack of detail to the rear of these units, as the building will be facing Memorial Middle School property. They also mentioned the ends of the buildings facing Mill Street will also be very visible from Mill Street and stated they need enhancement. Mr. Taylor made some recommendations, including changing the direction of the siding and continuing with the shutters.

Mr. Dugan stated that Orleans would be willing to add details to the side elevations. He also described other features of the units, including they will have basements that will either be unfinished or upgraded with an open den. They will be organized as a condominium association, and the master deed will prohibit adding a fourth bedroom to any unit, a condition imposed as a part of prior Planning Board approvals. There will be no exposed basement walls. Buildings D & E will have daylight basements. Building C will have a walkout basement option. Each unit will have an optional rear concrete patio.

Board members requested colorized elevation renderings for each of the five buildings; including front, rear and sides. There was also discussion if second level decks would be an option and the size of the concrete patios. Mr. Dugan stated he would consolidate the Board's wishes on these features and establish requirements in the master deed. As recommended by Mr. Taylor, this would also include uniformity for any fencing and a ban on accessory structures. It was noted by Chairman Hartwig that these were all conditions in the 2013 approvals.

Mr. Fleming was next to testify. He first described the landscaping plan as contained in Exhibit A-17. There will be street trees planted along both Himmelein Road and Mill Street with additional buffering on a berm, which will serve to screen the townhouses. This plan has been amended from the original application to incorporate Mr. Taylor's initial review comments. This landscaping plan does mimic the 2013 approved plan, with the exception of the elimination of the fencing as approved in the 2013. In addition, modification in the stormwater basin swales was required due to the new NJDEP requirements.

Mr. Hartwig stated the Board would like a rendering of the proposed landscaping plans including a schedule of proposed plantings and grades to approve with the application, rather than relying solely on field adjustments.

Ms. Kornick questioned the basins, and asked if there were other options. Mr. Noll responded yes, and he will discuss with Mr. Fleming.

In regards to the proposed sidewalks, Mr. Noll noted that it cannot be extended to the end of the property along Himmelein Road due to wetlands. In lieu of that portion of the sidewalk, Orleans will make a financial contribution to the Township's Sidewalk Trust fund; the amount is calculated and equal to the cost of the sidewalk installation.

Traffic Engineer Nathan Mosley was next to testify. Mr. Mosley referenced his March 15, 2021 report that was submitted with the application. He had prepared the traffic study for the 2013 application, and noted that the projected traffic increase is typical for any new development. New counts were taken in October of 2020 inclusive of the surrounding County roadways. The peak hours are 7:00-9:00 am and 2:00-6:00 pm to include the traffic generated by the nearby schools. He compared these to the historic traffic count numbers. The trip generation analysis anticipates 15 additional total trips during the AM peak, and 20 additional total trips during the PM peak hours. He acknowledged there are some existing delays at the Mill Street and Himmelein Road intersection, however the new traffic impacts on the level of service will have de-minimous (under 1%) change at Stokes Road and Mill Street or at Stokes Road and Himmelein Road. He concluded his remarks that it is his professional opinion that the proposed development will have minimal impact on the surrounding traffic conditions.

Mr. Taylor was asked by Chairman Hartwig for his comments. He referred to his review letter dated September 15, 2021. He asked if the applicant would agree to comply with his comments and recommendations. Discussion ensued and Mr. Dugan stated on behalf of Orleans they were generally in agreement to comply. Mr. Taylor pointed out that the Land Development

Ordinance requires 250 sf of dedicated storage space in a townhouse development, so that will have to be labeled on the architectural plans. In addition, the area in the garage where the trash & recycling carts will be stored should be labeled, since they cannot be stored outside. Mr. Dugan agreed to label the revised plans to be re-submitted accordingly.

Mr. Taylor then noted that a development of this size was to include active and passive recreational spaces, including playing fields, sports courts and tot lots. Given the proximity to several municipal parks and the schools' play areas, Mr. Dugan noted that Orleans will agree to make a payment (PILOT) to the Township's Recreation Trust Fund for each unit, but asked that the affordable units be excluded—to which Mr. Drollas responded would be appropriate.

Ms. Kornick asked if the schools and Township recreational areas are close by, why cut trees to create the 100 ft x 100 ft open space play area.

Mr. Taylor closed his comments by mentioning the Townships preference to eliminate 1-2 of the street light poles and to switch out from the use of cobra heads. The applicant agreed to comply with all of the lighting comments.

Mr. Noll was asked for his comments by Chairman Hartwig. Mr. Noll referred to his review letter, dated September 17, 2021. His first comment was that clarification is needed as to who would be responsible for trash collection: the township or a private entity hired by the condominium association. Mr. Noll noted that Orleans will bestow the Title 39 responsibilities to the police department. For the record, Mr. Noll wanted to correct Mr. Mosley's comment that no left turn lane is warranted since it does not meet the required thresholds. He also asked Mr. Mosley if the growth rate counts for the new development at Hidden Creek on Mill Street were incorporated. Mr. Noll also stated the developer will make a \$5,000 contribution to the Sidewalk Trust Fund. Mr. Noll concluded his remarks by stating the Township will need to adopt an ordinance for no parking along the development roadway.

Ms. Herman asked if an entrance monument sign is being proposed. Mr. Dugan replied yes. He will be providing details on the monument sign and lighting at the next meeting.

Chairman Hartwig called for a 5 minute recess at 9:40PM. The meeting resumed at 9:46PM.

PUBLIC:

Howard Gibb: 109 Himmelein Road. He has been a resident since 1957. He asked why the plan calls for taking down all of the trees along Mill Street. He also asked if the basin can be moved back from the corner edge of the property to the edge of the property closest to the golf course garage so as not to be so visual at the intersection.

Brian Pelloni: 108 Himmelein Road. He has been a resident at this property for 2 years. He appreciates the thorough review by the board. He stated a GMS zone district analysis in 2002 stated the capacity on this lot was 27 units, yet this is proposed for 30 units. This is inconsistent with the planning boards as stated in the 2014 Master Plan Re-examination Report. He also

suggested that the basin be relocated to the 100ft x 100ft recreation area. His last comment noted that the traffic report collected data during the winter of 2019 when traffic counts would be lower due to reduced traffic because of the number of residents who relocate during the winter (“snow birds”).

Pam Sloves: 20 Teak Court. She objects to the proposed development. This parcel should be kept natural as it is a sanctuary for wildlife and birds and would destroy the scenic vista. 1000’s of mature trees would be lost, which would be in conflict with the recently adopted tree ordinance. If approved, this would continue the overdevelopment of Medford.

John Wolgamot: 64 Mill Street. He also thanked the board for their thorough review. He was present during the planning board hearings in 2013 and appreciated the board reconsidering the same issues and concerns. From his house, his view will be the side of building C, so he is in favor of added architectural enhancements and natural buffering and screening. He asked if the proposed earth berm will go to the edge of the property line along Mill Street.

Paul Stang: 62 Mill Street. He echoes Mr. Wolgamot’s statements about the board’s thoroughness. He asked why the number of units was increased from the 29 previously approved to 30. He also questioned why the recreation amenities and areas were reduced. He also asked if 3-bedroom units are proposed, indicating by use for a larger family, where would bikes, yard equipment, etc. be stored. Mr. Stang further commented that there is no parking available along Mill Street, especially during Main Street special events. He recommended to extend the deed restrictions to the wooded uplands, and to restrict added dormers that could potentially permit attics to be finished and increase living space. He mentioned his concerns about the added traffic, and the turning lanes onto Himmelein Road. Lastly, he asked where the runoff goes. Is it under Mill Street? And where does the excess runoff go from the emergency runoff in basin 1?

Marvin Smith: 116 Himmelein Road. He also was at the 2013 planning board meeting. He stated it’s obvious from the testimony thus far that residents don’t want this development approved. He moved to Medford in 1992 from Philadelphia because he wanted a more rural life with trees and wildlife. He never envisioned his view would change so dramatically. The planning board should remember it’s all about people, not money, and asked the board to vote no.

Maryann Argood: Medford Commons. She moved to Medford from Virginia. She too is concerned about the traffic. If there are 30 units, it’s reasonable to expect that at least 60 cars per day will be coming and going from the site. It is already difficult to make a left turn into Himmelein Road from her development now, so this added traffic will only exasperate this situation.

Robin Rusinski: 15 Himmelein Road. She is opposed, mainly due to traffic. She also works at a location on Himmelein Road, and her experience is the peak hours are different than the traffic engineer reported. She also asked if the traffic impact on Trimble Street was studied. It’s such a narrow road that so many people already cut through from Mill Street to Stokes Road. She also questioned how added bedrooms could be prevented.

Alvin Kilpatrick: 11 Trimble Street. He purchased his house 2 ½ years ago, and he can attest to the number of cars that use Trimble Street as a cut-through. He is also concerned that the traffic study did not adequately look at the Hartford/Taunton/Himmelein intersection which is already difficult to navigate and has been the scene of multiple accidents. He also commented with the traffic that speeds down Mill Street, so much so that the police regularly run radar and post police cars to try to stop the speeding. He is also concerned about the small size and the limitation of the site itself due to the wetlands constraints. Townhouses are more representative of city living, not a rural suburban community. Townhouses do not fit the character of the Township. He also questioned why mature trees will have to be cut down; as the buildings will be seen no matter what landscaping or berms will be added to the site.

Bethany Palloni: 108 Himmelein Road. She too is concerned about the traffic. She has to make a left turn from Mill Street to Himmelein Road every day. It takes at least 3-4 minutes to turn left because those making a right are situated as such that she loses all visibility to oncoming traffic. This corner is not safe for pedestrians or bikers. She also commented that there is speeding all night long already. She also objects to the loss of the trees, especially those on the 100ft x 100ft lot. She feels that this development is changing the ambiance of the community and the small town feel of Medford is being lost.

Justin Harty: 14 Christopher Mill Road. He shares the same concerns as the others regarding the traffic and the aesthetics. He acknowledged that Downtown Main Street is great with all the new investment, but this proposed development would be taking a step backwards. Consideration of a left turn lane addition means there is overdevelopment of the area. He also asked about the relationship between the HOA and the Township: I.e., What if the HOA were to change its roles?

Michael Keczely: 2 Enclave Court. His property is on the corner with Mill Street. He also moved from the city to the suburbs for a better quality of life for his family and children. He leaves for work at 4AM daily and noted that there is already traffic along Mill Street. There is a constant police presence already to control the speeding. Other than the amount of traffic, the area is quiet and peaceful and the wooded lot is a nice amenity to have, and he can't understand why the board would be inclined to change all that.

Kevin Sparkman: 128 Bracken Road. He wanted to reinforce the HOA inconsistencies and noted the difficulty with the Township enforcing the requirements down the line in the future. If the development were to be approved, it provides a unique opportunity to improve the intersection at Mill and Himmelein. He also asked if any consideration was given to provide pedestrian and/or bicycle access to connect to the new walkways and bike lanes on Stokes Road at Cow Point. He also asked if the Pinelands Commission has approved this development, and what will be the maturity of the plantings on day one.

Jon Reuther: 26 Bretshire Court. He asked about pedestrian connectivity to Main Street, Cow Point, the Township's park system, and the schools. He suggested a connection from the cul-de-sac to Himmelein Road. He also suggested a crosswalk from the north side to the south side of Himmelein Road, and to extend the sidewalk on Mill Street to Trimble Street.

G. Gragales: 118 Himmelein Road. She just purchased her property 3 weeks ago. She had no idea about this proposed project, as the seller did not disclose. She moved from North Jersey for a better area to raise her children and took on a long daily commute. Her teen children like to run and bike, and she is now more concerned for their safety when they are doing so. She leaves for work at 5AM and there's already traffic and speeding. Being directly across the street, all the trees and wildlife they expected to see will now be gone. They left North Jersey because of the density, and everything they left will now be right in front of them again.

Shawn Weiss: 130 Himmelein Road. He relocated from Connecticut 1 year ago and planned this as his retirement home. He is a Navy Veteran and has lived all over the country. He has enjoyed living in Medford but this development is much different from his expectations. He concurs with the traffic comments and shares the concerns expressed about the removal of the trees and the impact on the wildlife. He is also concerned how property values in the neighborhood will be affected after a few years when the townhouses start to become run down.

Kathy Duffy: 8 Cedar Falls Drive. She questioned when plans for this parcel came into discussion. It's been under the same ownership for quite a while. She also asked what was the intent, smaller to larger.

Carmine Mazzu: 114 Himmelein Road. He has lived there for 36 years. When he moved in, Medford had a small town atmosphere and he was attracted to the area because of its charm and beauty. As Medford continues to overdevelop, they are losing this appeal. There have been 3 accidents at his house, which is a testament to how bad the traffic is in this area of Himmelein and Mill Streets.

Mayor Watson made a motion to close the public portion. Councilman Czekay seconded the motion.

In response to the public comments; the Board members and professionals offered the following rebuttals:

Chairman Hartwig noted the affordable housing mandates are imposed by the State, leaving municipalities with no choice but to approve. This takes the decision making ability away from the Council and Planning Board to create and maintain the community as they envision it should be.

Vice Chairman Juliano commented that the State's requirement for affordable units was much higher, but the Council was able to negotiate with the Fair Share Housing Corporation to substantially lower the number of units by building senior housing, apartments, townhouses, and apartments for the disabled and veterans. This mitigates the impact on property taxes as the great majority of the new housing will not compel the Township to build more schools and add to education expenses, which is the largest portion where tax dollars are allocated. Mr. Juliano added that the low to moderate housing is not Section 8 type low income housing. It's based on

the per capita income in Burlington County, so to be eligible incomes must be over \$30,000-\$40,000+ per year, based on the number in the family.

Ms. Kornick reminded the residents in attendance that the Board members are residents too and they share the same concerns and do not want to detract from the ambiance of the community. The Board members and professionals have heard the comments about the traffic, and will look into additional traffic calming with the Police Department. She added that legally the proposed development conforms to the Zoning District requirements, so the Board cannot deny.

Mr. Taylor re-stated the legal history of the proposed development, and noted the third round settlement agreement with the Fair Share Housing Corporation and courts is still in effect.

Mr. Drollas followed Mr. Taylor's comments by stating that legally if the Board were to deny the application, it is a safe assumption that the developers would file suit with the Courts against the Township & Planning Board. This is what occurred when the Board originally denied the application, and Medford Twp. lost in court and appeals. In NJ, since 2015, all COAH matters have been handled by the Courts. The Medford Council did negotiate to substantially lower its obligation. But this site's developed has been litigated and required for almost 20 years. If the Board was to deny this application, the Fair Share Housing Corporation could take Medford to court for violating the settlement agreement; and past Court precedence is we would lose.

Mr. Noll addressed specific questions posed by Mr. Gibbs and Mr. Stang. He stated that rainwater is designed to stay on the site, but the spillways will go onto Mill Street, but only if the 100 year flood levels occur.

Ms. Kinback reiterated to the public that the Board cannot use traffic as a reason to deny the application, since the use is permitted.

Mr. Mosley talked about how he determined the peak hours and when the counts were taken. He incorporated the school traffic counts taken pre-COVID. The trip generation projections are based on approved industry standards that are used nationally.

Mr. Dugan & Ms. Kinback expressed their willingness to work with the Board professionals on the proposed 100 ft x 100 ft open play area slated for tree removal. In regards to the other trees slated to be removed, they will have to look at the proposed site improvements. They also committed to develop legally binding condominium rules that incorporate the comments of the Board members and public comments as maintenance standards, prohibitions for added bedrooms, outside storage of personal belongings, etc.

Chairman Hartwig concluded the comments by stating the Board is not inclined to vote on the application until revised elevation plans for each building inclusive of all views in full color are provided, along with an updated landscape plan and profile view of the buffer with revised grades, and a draft of the HOA covenants.

Mayor Watson made a motion to continue the application to the October 27, 2021 meeting without the requirement to re-notice. Councilman Czekay seconded the motion.

Recorded Vote:

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

GENERAL PUBLIC: None present or on Zoom

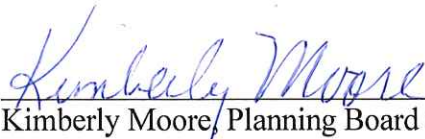
Councilman Czekay made a motion to close the public portion of the meeting; Mayor Watson seconded. The voice vote was unanimous in favor.

ADJOURNMENT:

Councilman Czekay made a motion to adjourn the September 22, 2021 Planning Board Meeting at 11:40 pm. Mayor Watson seconded. A unanimous voice vote in favor carried the motion.



Beth Portocalis, Recording Secretary



Kimberly Moore, Planning Board Secretary