

MEDFORD TOWNSHIP PLANNING BOARD MEETING

September 28, 2022 @ 7:00 p.m.

Police Administration Building-91 Union Street

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

EXECUTIVE SESSION: Chairman Hartwig called for an Executive Session at 7:07 p.m. The regular meeting resumed at 7:16 pm.

MINUTES: July 27, 2022 Regular Meeting Minutes – Ms. Herman made a motion to adopt the meeting minutes with one date correction. Deputy Mayor Czekay seconded the motion. Vice Chairman Juliano abstained. A voice vote of the remaining Board members in favor of adoption was unanimous.

CORRESPONDENCE: None

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

MEMORIALIZATION:

Mill Creek Farm, LLC, 304.01/25, 33, 34, 99 and 304.02/5, 20 Haddington Way, PBC-1336AF.

Resolution #12-2022

Memorialization of Resolution approving Minor subdivision approval for lot line adjustments of all of the aforementioned lots and designation of open space lot by deed of dedication.

Recorded Vote:

Ayes: Braatz, Czekay, Hartwig, Herman, Kornick, Perks, Devlin
Nays: None
Abstentions: None
Motion carried: 7- 0 – 0

APPLICATIONS/OFFICIAL ACTIONS:

Eagle Auto Body, 301/7, 7.02, 35 Fostertown Road, SPR-5753AF

Applicant is seeking Amended Preliminary & Final Site Plan approval for proposed auto detail with on-site car storage inside. **Zone: PI** (continued from June 2022 meeting)

****Ms. Kornick recused herself from this application****

SWORN: Dominic Favieri, Esq.
David Sadusky, Owner
John Kornick, PP & PE, K2 Engineering
Michael Sabatino, Tenant-Auto Bella

This application was continued from the June 22, 2022 meeting. Those board members not present at the June meeting (Czekay, Juliano, Devlin) certified they watched the video of the June meeting, so they can participate as voting members in regards to this application.

All the above sworn participants in the application were reminded they are still under oath.

This application was continued to allow the applicant time to address color scheme and floor plan requests made by the board members and professionals. Mr. Favieri confirmed there were no new submission waivers being requested.

Chairman Hartwig went over all the salient discussions and verbal consents discussed at the June meeting, to which Mr. Favieri concurred, which included an amendment to the previously approved site plan to remove the landscape storage bins and replace with a detached garage to be used as an auto detailing business.

Mr. Favieri opened his testimony by stating that the applicant has submitted and had met with Mr. Taylor and presented color schematics that Mr. Taylor had conditionally approved to be presented to the Board, which are more in keeping with a rural, agricultural-type setting. Mr. Kornick presented site plan renderings prepared by Holliday Architects and color sample blocks for the stone treatment and roof.

After discussions with Mr. Taylor, the proposed detached garage building was slightly modified to incorporate the mechanicals being moved inside, so a small “wing” was added to the east and north portion of the garage building. The supplemental revised site plan renderings reflect this change. In addition, the Board determined the auto-detailing garage to be a separate use, so the accessory building setback criteria cannot be used. Instead, the bulk standards for a principal building structure are required, and a rear yard setback variance is required whereby 48.9’ is proposed in the closest point at the northwest corner, and 150’ is required.

Mr. Kornick detailed two other changes to the originally submitted site plan reviewed at the June meeting, including the concrete apron around the main building that will now have a paver treatment to enhance the aesthetic, and a second story deck for the apartment. These will be reflected on the conformance plans if so approved by the Board.

Board members had several questions about the windows and window treatments, which differed slightly because of the color changes, and the front has four posts instead of two.

Mr. Sabatino clarified the hours of operation to state that there may be occasional weekend hours only to allow customers to pick up or deliver their vehicles between the hours of 9:00 am and 5:00 pm. He confirmed there would be no detailing work on the weekends.

PUBLIC: None

Ms. Herman made a motion to close the public portion. Deputy Mayor Czekay seconded. The voice vote in favor was unanimous.

Deputy Mayor Czekay made a motion to approve the application as submitted, with all conditions outlined in Mr. Noll and Mr. Taylor's review letters, and hours of operation per testimony. Ms. Herman seconded the motion.

Recorded Vote:

Ayes:	Braatz, Czekay, Herman, Juliano, Perks, Devlin, Hartwig
Nays:	None
Abstentions:	None
Motion carried:	7 - 0 - 0

***Ms. Kornick rejoined the meeting for this next application.*

Auto Zone Northeast, LLC, 404/31, 185 Route 70, SPR-5760

Applicant is seeking Preliminary & Final Major Site Plan with bulk variance approval to construct an Auto Zone retail building with parking and a drainage basin. **Zone: HC-1**

SWORN: Francis DeVito, Esq., Attorney for AutoZone Northeast, LLC
Thomas Pugsley, Jr., Project Engineer-NorthStar Design LLC
John Taikina, PP, AICP, Planner for the Applicant, All Things Planning & Development, Inc.
Gary Dean, Traffic Engineer

Submission Waivers: A detailed justification/explanation list dated February 8, 2022 was included in the application packet, and also included in Mr. Noll's review letter dated September 14, 2022. As stated in his letter, Mr. Noll recommended approval of all.

Mr. DeVito asked that the Board subject any approvals contingent upon receipt of approvals from both NJDOT and the Pinelands Commission, since both may not review and formally approve for several more months. Mr. Noll and Chairman Hartwig had no objections to this request.

Ms. Herman made a motion to approve the submission waivers as submitted. Mr. Devlin seconded.

Recorded Vote:

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

Mr. DeVito opened the testimony by stating that based upon feedback from Mr. Taylor and Mr. Noll, Auto Zone is proposing to construct a 7,382 square foot retail building in their newest architectural model on the parcel currently containing a mini commercial center with 6800 square feet of space, including a restaurant, a bakery and other commercial tenant space.

Next door is an auto repair facility, and across the street is an automobile sales lot, so this location within the Highway Commercial corridor is appropriate.

Chairman Hartwig explained that the Board has past precedence whereby the Board considers improvements to the entire shopping center with plans submitted at the time of application. This application is only for one portion of the center. Mr. DeVito explained that this project comes up for corporate review next month, so there is a timeliness issue on Auto Zone's part. He asked that the Board consider conditions, and if the property owner/landlord does not agree, the Auto Zone will not be built if it cannot comply with the Board's approvals.

Mr. DeVito next asked the project engineer Thomas Pugsley to testify. He described the parcel as being 3.55 acres total. He reviewed the areas surrounding the property and existing conditions. There are 21 parking spaces on the property, and 44 additional spaces and circulation areas within the NJDOT right of way. There are a couple of pre-existing non-conformities including lot size where 5 acres is required; lot depth 277.5' where 400' is required; front yard setback existing is 11.4' to the existing building where 125' is required; and 11.4' buffer existing where a 50' front yard buffer is required. He continued describing the 2 ingress/egress full access driveways and 65 parking setbacks with relief granted for the size of each stall. There is two-way circulation within the site parking areas. There is no stormwater management on site--the site is graded towards the Sharp's Run area located to the rear of the property. The site is serviced by all public utilities except municipal water, so there is a well on the property. Lighting is by poles and building mounted lights. Landscaping is limited to grass with two trees. There are two trash enclosures in the rear of the building. There are two freestanding signs existing within the NJDOT right of way that conform to area but exceed the permitted height; and there are four building mounted signs that do comply with the area square footage requirements.

Mr. Pugsley next discussed Exhibit marked A-14, the site plan. Deputy Mayor Czekay asked about the outdoor seating on the west side of the building, which appears to encroach on their proposed development area. Mr. DeVito and Mr. Pugsley explained the survey/site plan was developed before this improvement was made, but Auto Zone's lease gives them access to that area. While this is an issue between the owner/landlord and that tenant, Chairman Hartwig and Vice Chairman Juliano expressed their opinion of the difficulty in not having the landlord/owner present to address the Board's questions about the entire center.

Mr. Taylor offered to compile a list of landlord/owner related issues and concerns raised by the Board so that the Board can hear the Auto Zone application components this evening. Mr. Taylor and Mr. Drollas explained that the existing and the new building must look similar and be "unified" in design, color, materials, etc. to meet the definition of a shopping center and consistency of buildings on the site as required in the Land Development Ordinances. After

compiling all of the Board's comments, the applicant (AutoZone) along with the Board's professionals, can meet with the owner/landlord to determine if they are willing and prepared to make improvements to the entire lot that the Board stipulates to meet the Land Development Ordinance requirements. Accordingly, the applicant can continue with their presentation, but the Board will take no vote until all issues are addressed. If not, then the application must be remanded to the Zoning Board for Use Variance reliefs.

With all in agreement for this course of action, Mr. Pugsley continued with his testimony. He displayed and described Exhibit A-20 dated September 27, 2022, which was a colorized version of the site plan with the landscaping superimposed, which was not in the Board packets. This also included the new asphalt parking areas. The proposed Auto Zone building location was included in the site plan.

It is a retail operation, with very limited services (install wipers, test battery, etc.) Hours are anticipated to start at 8 am – 9 pm Monday thru Saturday, and Sundays from 9 am – 7 pm. Hours may change based upon demand. There will be 10-15 total employees, with three or four working each shift. The existing building is not anticipated to change in tenancy or square footage. Retail sales for Auto Zone are a permitted use in the HC-1 Zone. The Auto Zone will not change any of the pre-existing non-conforming conditions. *The c2 bulk variance reliefs being requested were detailed earlier in his presentation, with an additional side yard setback and a side yard buffer variance required. The existing freestanding sign is in the NJDOT right-of-way (ROW) and will require a license from the State. The driveway access areas are proposed to remain in their current state with slight realignment per Mr. Noll's suggestion, and are awaiting the NJDOT "no interest" consent letter. The site plan as proposed is slightly under the Pinelands Commission requirements, so a Certificate is not required. A new drive aisle leading to Auto Zone is proposed, and the 35 required parking spaces are being provided. Two parking spaces currently within the ROW between the drive aisles will be eliminated and are being relocated elsewhere on the site. There will be at least one EV ready parking space as required per the new State law, as well as ADA compliant spaces. Tractor-trailer deliveries (1-2 times a week during off-hours) to the rear of the building take less than one hour and can be accommodated on the proposed site plan. Mr. Taylor suggested earlier hours since there are residential properties behind the site.

Deputy Mayor Czekay asked about prohibiting left turns from the site, and Mr. Noll explained that the parcel is grandfathered by NJDOT so the turns cannot be restricted now since they are currently permitted and the number of additional vehicles to the site do not meet the State's threshold. Restricting left turns in would require a full NJDOT review and plan.

A masonry trash enclosure to match the building exterior is proposed in the rear of the building. A stormwater basin to meet the current NJDEP requirements is also proposed to the rear of the Auto Zone building surrounded by a 4' high black coated chain link fence to safely secure the basin area. Mr. Noll recommended eliminating the fence in its entirety.

Lighting calls for the elimination of the existing flood light poles and the use of 3000 kelvin LED lights adhering to the Ordinance requirements for height, as recommended by Mr. Taylor. Lights will be turned off 30 minutes after the staff leaves the building.

Landscaping has been added to the Route 70 frontage and between the two buildings, primarily shrubs and grasses. Several trees as required by the Ordinance have also been added to the landscaping plan per Mr. Taylor's recommendations. Irrigation will be provided where landscaped islands are located.

The signage is proposed to be one wall mounted sign on the southern exposure totaling 138 square feet, which does comply with the Ordinance. One freestanding monument sign is also proposed, west of the westernmost driveway, which will be 68.25 square feet in size, and a combined 143 square feet total, where 248sf is permitted. The proposed height is 25', where 12' is permitted, so the applicant is requesting variance relief. Chairman Hartwig asked if the applicant would consider an externally illuminated building mounted sign rather than internally illuminated, and advised the applicant and Board members that another commercial location on Route 70 in the HC-1 Zone was denied for a height variance several years ago. Mr. Taylor acknowledged that the existing signs exceed the height limit, but historical photos dating back to the 1960's and 1970's show these signs in place in their current configuration. Discussion ensued amongst the Board members about the signage, including a combined (one) free-standing monument sign to show it is one shopping center; and internally versus externally illuminated building mounted signage.

Exhibit A-21 was distributed to Board members, which was 11' x 17" colorized updated exterior elevation drawings with the new color scheme as recommended by the Board professionals. (warm muted earth tones) Board members were complimentary of the updated design and color scheme, which differs from the typical Auto Zone building. Stone veneer on the bottom part of the exterior walls of the building and brick veneer columns have been incorporated, with areas of stucco materials and hardy board, totaling five different materials. Mechanicals will be mounted on the roof and hidden by the façade. The cornice has been emphasized per Mr. Taylor's suggestion. A triangular roof over the entrance defines the front of the building.

Mr. Dean, the applicant's Traffic Engineer was next to testify. Auto Zone is a very low intensity use for both traffic and parking according to recognized international standards. They are busiest on Saturdays. A February 2022 traffic impact statement was included in the application. There is negligible impact during the AM peak hours; and during the PM peak hours the average is one vehicle every three minutes, equating to 20 per hour. Saturdays typically double that to 40-45 per hour. The NJDOT expanded their ROW by 100' via condemnation action in the mid-1980's. There are no known license or permits allowing the existing signage and parking within the ROW after it was acquired from the property owner. The current NJDOT ROW is 216 feet. The DOT current master plan requirements for state highways only requires 114 feet of ROW. This is important to note for the current parking, which should be considered grandfathered and thus protected. A "confirmation of permit exemption" is awaited from NJDOT. The ROW line also affects Pinelands review jurisdiction.

Lastly, Mr. Dean stated restricting left turns is only going to cause turnarounds in the next available driveway, as no other driveways in this vicinity of the undivided highway have turning restrictions.

Upon Board questions regarding curbing, it was explained as not desirable to not adversely affect stormwater runoff from the highway. Most properties in this section of Route 70 do not have curbs. Mr. Dean also replied to questions about the driveways, and he and Mr. Noll explained any change triggers the need for NJDOT approvals that would most likely be denied, thus scuttling the project.

Mr. Taikina, Planner for the Applicant, was next to testify. He delineated the c1 and c2 variances requested which were listed and detailed in Mr. Taylor's August 23, 2022 review letter. The quantity of variances requested are due in large part due to the unique shape of the property and the significant state ROW. He discussed the need for revitalization of the existing center, and the provision of additional permitted uses, specifically as it relates to the positive criteria under the Municipal Land Use Law. He further noted the enhanced aesthetics at the entire center that will result from Auto Zone's development, the availability of existing infrastructure, and the improvements to the drive aisles and parking areas without affecting the established driveway entrances.

Mr. Taikina went on to discuss the variance reliefs sought for the signage, specifically the freestanding monument sign. The proposed height of 25' is not out of character in a highway zone, and while this Board may have denied another applicant, he respectfully opined that there are at least three other signs of this height along the highway that do not seem out of character for Medford. Further, the sign area does comply. The placement would be conforming if not for the significant right-of-way.

Several waivers from the Land Development Ordinances design standards in Chapter 506 are requested. Again, these are caused primarily due to the ROW constraints. This includes the landscaping and additional disturbance areas.

He summarized that the negative impacts are limited since the Auto Zone is a low intensity permitted use that provides positive development of the existing center and an adds a ratable to the municipality.

Much discussion ensued amongst the Board members about the landscaping, and the applicant's ability to add more. The applicant's professionals replied that they are limited in their ability to add more landscaping due to the ROW and the location of utilities, as well as the Pinelands Commission's limit of disturbance regulations. Mr. Taylor suggested that this be coordinated with Mr. Noll, and the applicant agreed to add more landscaping to the extent it would be permitted on the site. Suggestions were also promulgated to remove three parking spaces to add a landscaped island since there would be more parking spaces than required on the property.

Mr. DeVito stated this concluded Auto Zone's testimony.

PUBLIC: None

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

Chairman Hartwig asked if there were any objections to adjourning the application so that the applicant, along with the property owner along with Mr. Noll and Mr. Taylor professionals, could meet to discuss the issues and concerns raised by the Board members and professionals. There were no objections.

Mr. Noll commented about the loading space requirements, which were not discussed during testimony; and reminded that a design waiver is required for the size of the parking spaces; whereby 9' x 18' is proposed and 9' x 20' is required. Mr. Noll added that he does not object in the proposed plan to the approval of the design waiver. Mr. Dean supplemented his testimony to respond to the design waiver request. He stated the longest vehicle on the road is 18' 3" long. Extended cab pick-up trucks can be longer, but most owners back into spaces where there is overhang. He is a proponent of any plan that reduces impervious surface coverage.

Mr. Taylor summarized the salient issues that the Board members wish to have addressed by Auto Zone, that primarily being (1) a revised landscaping plan, (2) the building mounted signage (external lighting vs. internally illuminated), and (3) the freestanding monument sign height. Mr. Taylor added the omission of sidewalks on the proposed site plan also require a waiver. Being it would be a sidewalk to nowhere; the applicant at the Board's discretion has an option to make a contribution to the Township's sidewalk fund.

As contained in Mr. Taylor's review letter of August 23, 2022, at the next meeting there should be testimony about (1) the outdoor dining area on the west side of the existing building which protrudes in the proposed location of the Auto Zone building; (2) the disposition of the existing floodlights and lighting on the existing site; (3) updates to and/or consolidation of the existing freestanding monument signs; (4) architectural upgrades to the existing buildings, and (5) enhancement of the existing landscaping and upgrades to the existing trash enclosures.

Board members advocated for an overall site plan showing both buildings, including the sheds and trash enclosures; along with elevation renderings of the existing building as there are decks, etc. that do not appear to have been properly permitted by the Township.

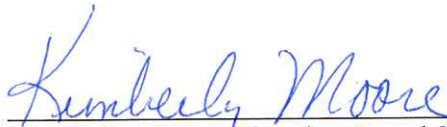
Chairman Hartwig stated the Board has satisfied the time requirements to hear the application, (in consultation with Mr. Drollas) and indicated the application would be continued to the October 26, 2022 meeting without the need to re-notice; pending the receipt of revised plans and documents by Friday, October 14th.

GENERAL PUBLIC: None present.

Ms. Herman made a motion to close the Public Portion. Vice Chairman Juliano seconded. The voice vote was unanimous in favor.

ADJOURNMENT:

Deputy Mayor Czekay made a motion to adjourn the September 28, 2022 Planning Board Regular Meeting at 10:38 pm. Ms. Herman seconded. A unanimous voice vote in favor carried the motion.



Kimberly Moore, Planning Board Secretary



Beth Portocalis, Planning Board Recording Secretary