

Mount Laurel Planning Board
Regular Meeting Minutes
May 4, 2023

Chairman Bathke called the Regular Meeting of May 4, 2023 to order at 7:00 pm.

Open Public Meeting Notice was read by Chairman Bathke noting that all the postings, filings & emailing have taken place on January 19, 2023.

Chairman Bathke led pledge of Allegiance/Moment of Silence.

Roll Call taken by Board Secretary Ms. Hochreiter – Members in attendance: Chairman Bathke, Councilman Moustakas, Township Manager Riculfy, Mr. Venkatakrisnan, Mr. Pfeiffer, Ms. Kharoudh Mr. Dewey & Mr. Coffey. Absent: Mayor Steglik; Vice-Chairwoman Lewis & Mr. Lieberman

Professionals in Attendance

Mr. Ashton Jones – PB Planner; Mr. William Long – PB Engineer, Mr. Michael Angelastro – PB Traffic Engineer, Mr. Brian McVey – Fire Marshal, Mr. Ron Cucchiaro – PB Solicitor; Ms. Toni Sapio, T & M Associates & Trish Hochreiter – PB Secretary.

Adoption of Minutes:

Chairman Bathke called for a motion to approve the meeting minutes from the regular meeting of April 13, 2023. Township Manager Riculfy made the motion and Mr. Pfeiffer seconded it. All present were in favor and the motion was carried.

Temporary Use:

Chairman Bathke called for a motion to approve the Temporary Use for DR Horton (The Gables) for a 1-year extension for the vertical signage along Marne Highway, this is the first extension ask for by the Developer. Township Manager Riculfy made the motion and Mr. Dewey seconded it. All present were in favor and the motion was carried.

Planning Board Solicitor Mr. Cucchiaro swore in the Planning Board Professionals.

Mr. Cucchiaro the Planning Board Solicitor explained the procedures of the Planning Board and that the public would be given the opportunity to ask questions, after the applicant has provided testimony, the Planning Board Professionals have read their reports and board members have had the opportunity to ask their questions. He asks that everyone remains on mute, and when its time for the public you will be addressed by the Planning Board Secretary to state your name, address and be sworn in by the solicitor. Mr. Cucchiaro asks that if your questions have already been asked that you simply state that you concur with the questions asked by the previous and not repeat the same.

Public Hearing:

1. Fulton Bank, 533 Fellowship Road, Block 1202, Lot 2.01. Minor Site Plan Approval for an Emergency Generator. Mr. Jason Sunkett, Esq. represented the applicant, and explained the application and asked for Mr. Mark Matticola of Fulton Bank to give a brief explanation of why the generator was needed, Mr. Cucchiaro swore in Mr. Matticola. Mr. Matticola explained that Mount Laurel's Fulton Bank is the corporate headquarters for Central New Jersey and SE Pennsylvania and is part of the continuing Business Continuity Plan. In the event of a major outage, the Mount Laurel site would be able to continue to run the business out of the Mount Laurel Facility with the use of this generator. Mr. Joseph Schooley was sworn as an expert witness and the Chairman approved his credentials.

Mr. Schooley explained the importance for this generator to be placed in the proximity of the electrical service that is provided by PSE&G, generator will run off natural gas utility, so its location is in the front yard of this building. This is the least impact on the electrical, other locations would cause a hardship for this construction. The exhaust is far enough away from the building that an impact to the buildings ventilation system would not be an issue.

The next witness to be called was Mr. Martin Irving qualified as a professional planner and landscape architect for the project and his credentials were accepted.

Mr. Irving shared the plan that was submitted at the time of application to the board labeled MSAP-1 and showed the three parking stalls that would be eliminated for this placement. The variance requested is for three stalls that will house the generator and electrical, bringing the total to 123 parking stalls. The next plan presented was E-1 that was showing the new electric for this generator with the new conduits.

The proposed work also shows a new 6 ft. PVC fence to go around the front facing the street and the 2 sides, the board had asked if they would be agreeable to enclosing the entire area with this 6 ft. fence to prevent anyone from going into the area of this generator. The applicant was agreeable and noted the generator is not exposed it is encased with a lock to prevent anyone from gaining access. The area will also be landscaped with taller bushes (arborvitaes & evergreens) to mitigate the impact of the visual.

They have testified no construction trailer are needed. They will have monthly testing that lasts 5 to 10 minutes with the unit being approximately 400 kw/600 amp generator.

The proposed work requires variances for the fence that is not allowed in the front yard, and the elimination of the three parking spaces. They provided testimony indicating after studying the parking at this location they have found they have sufficient parking which Mr. Angelastro the Planning Board Traffic Engineer concurred with in his review letter. At the maximum impact at this location, they would be required to have 108 available spaces, but with most employees working remotely, they will not even get close to filling the 108 spaces, elimination of the three parking stalls is not a detriment.

The Planning Board Engineer Mr. Long reviewed his letter and indicated that he concurs with granting the submission waivers and agrees to approve the variances. They have agreed to comply with all his comments.

The Planning Board Traffic Engineer Mr. Angelastro reviewed his letter and indicated he has no objection to granting the variance and feels they have sufficient parking, they have agreed to add a note to plan and they have agreed to all of the Traffic Engineers comments.

The Fire Marshal did not prepare a report for this application.

Chairman Bathke opened up to the public at 7:40 pm seeing no comments closed the public portion.

The Planning Board Solicitor read the conditions of the application and the Applicants Attorney Jason Sunkett, Esq, agreed. At this time, the Board Chairman Mr. Bathke asked for a motion to approve the application, and Councilman Moustakas made the motion to approve and Township Manager Riculfy seconded it. All present were in favor and the motion carried.

2. Hempnotize, 4004 Church Road, Block 1302, Lot 2.01, Minor Site Plan w/Conditional Use for Cannabis Retail. Planning Board Solicitor provided some guidance to the Board and the Public for this application. He explained as a Planning Board the applications that are presented before them, are permitted uses. These uses have been determined by the governing body to be appropriate in these areas and the ordinance permits them. The Planning Board does not make a determination as to whether they like or dislike it that is a legislative prerogative and the Planning Board is not here to question the Governing Body but to make sure that they have ordinance compliance.

He also indicated that a Planning Board could not deny an application based on an increase of traffic, the courts have really come down on this and made it very clear that additional traffic does not constitute a denial and is limited to ingress & egress.

Mr. Robert Baranowski, Esq. of Hyland, Levin & Shapiro Law represented the applicant for this application; he proceeded to explain that the applicant meets all the conditions for this conditional use and introduced his team as, Mr. Joe Mancini, Engineer, Mr. Nehal Jhaveri, Architect, Mr. Dan McGinnis, Traffic Engineer and the Operations Team, Mr. Ermal Mandija, Adam Bressler & Waseem Younis.

Mr. Baranowski informed the board the applicant received their resolution of support on October 3, 2023 from Council for the proposed location. He advised there would be no outside storage or outside consumption of any cannabis products or related materials. A security plan was submitted to the Mount Laurel Police Department, they were satisfied with the plan provided, and the applicant will provide testimony on this.

Mr. Mandija, Mr. Bressler & Mr. Younis provided the details of the operation at this location. They estimated to have 10-12 employees that include retail staff, secretary/receptionist, & security staff that could be retired police officers. At all times access to two-way radios to communicate with each other along with 24-hour security monitoring and 50-80 cameras at the site. Trash pick-up will occur after hours and not during the opening hours of this business, they will provide a Knox box requested by the Fire Marshal and all comments from the professionals they have agreed to comply with all.

They indicated that the sq. footage of the building includes about 4,000 sq. ft. that will not be used as part of this retail cannabis. There is a door in the staff lounge area that leads into this empty space and they have agreed to remove that door.

The applicant was asked about a facility called Rhapsody Behavioral Healthcare that is located near this facility and as explained by Mr. Joseph Mancini, this facility does not house patients, they go to this facility as if they would go to a doctor for their treatment then they leave.

The Planning Board Planner reviewed his comments and stated the applicants has provided testimony in regards to several comments and they have agreed to comply with their comments as stated in their review. There are sidewalks provided currently so no new sidewalks will be required.

The Planning Board Engineer suggested the four submission waivers be approved; they have agreed to supply a lighting plan. They have complied with parking, & advised the ramp needs to be added to the plan. All other comments have been resolved or they have agreed to comply.

The Planning Board Traffic Engineer indicated that the applicant has agree to comply with all comments in his review letter. Mr. Angelastro advised that he does not expect this area to have significant impact to the roadways as well as intersections. The applicant is required to submit an application to the County Planning Board who will also review the traffic and trips to this site.

The Planning Board Solicitor Mr. Cucchiaro read the conditions of this application and Mr. Baranowski agreed to the conditions on behalf of his clients. The public portion was opened at 9:10 PM, Mr. Ramnik Shah Owner of 4000 E. Church Road that is next to this location asked a question about the access to this site and traffic in and out. Mr. Shah's question was answered and accepted. Seeing no further questions, the public portion was closed at 9:25 PM.

Chairman Bathke asked for a motion, & Township Manager Riculfy made the motion to approve and seconded by Councilman Moustakas all present were in favor and the motion carried.

3. NJ Mount Laurel Pleasant LLC, 907 Pleasant Valley Road, Block 1201.04, Lot 3, Preliminary & Final Major Site Plan with Bulks for the approval of a 214,665 sq. ft. refrigerated warehouse.

The Planning Board Solicitor Mr. Ron Cucchiaro explained the procedures of this board and that their focus is that this applicant complies with the criteria standards and not dispute whether they like the idea of an approved use going into this approved zone. Mr. Richard Wells, Esq. Archer & Greiner Law Firm represented the applicant, and explained that the application is for a 214,665 sq. ft. refrigerated warehouse that is a permitted use in the industrial zone.

Mr. Wells indicated that this space would include 10,044 sq. ft. of office space, 130 parking spaces, 38 bays & 25-trailer parking; they are also requesting a variance for the building height, allowed is 50 ft. they are looking for a building height of 54.9 so the variance is for 4.9 ft. that they are seeking approval.

Mr. Wells introduced several witnesses that would provide testimony on behalf of this application. Mr. Michael Adkins representative from Bentall Green Oak, Mr. Josh Lewis, representative from RL Cold, Mr. David Domen, PE, LEED AP with Marathon Engineer as the Applicants Site Engineer, Mr. A. Andrew Feranda, PE, PTOE, CME of Shropshire Associates, LLC as the Applicants Traffic Engineer, Mr. Norman Dottie, PE, PP, INCE of Russel Acoustics, LLC the Applicants Acoustical Engineer and Mr. John Taikina, PP from All Things Planning & Development, LLC the Applicants Professional Planner. The Planning Board Solicitor swore in all the applicants.

Mr. Michael Adkins provided his background in the cold storage industry and also that there is a need for cold storage in the area as to keep food cold until it is ready to be shipped out to the stores for purchase. This includes not only frozen food but also fresh food. This facility would house the different flavors for example yogurt, one day they would receive cherry yogurt, the next day strawberry and this location would put them together and package for a pallet to be delivered to the grocery store. The operation at this facility would be 24-7 with no overnight delivery. Pick up would take place 2-3 days during regular business hours & not overnight. The applicant has agreed to comply with the State and local regulations on noise. There will not be retail sales out of this location.

Mr. Josh Lewis provided his background in the cold storage industry, his testimony provides the construction of these warehouses and that the cold storage facilities are built today with insulated architectural panels that will hold the cold in and keep the heat out. They are also a CO2 refrigerated system that has no impact on the environment unlike the buildings that were built 40 or 50 years ago.

To use a warehouse that is already constructed the retrofit would create an even shorter building producing less product, and creating a worst environmental impact as well has more heat load into the building. Therefore, it is not a more efficient way to do this for anyone.

The cooling systems will be ground mounted condensing towers and refrigerant units, and the roof will have fully enclosed or fully capsulated with no freestanding units on the roof area. A proposed sound retaining wall will be in front of these units also.

A certified third party has removed the oil tank on site and the applicant received verified disposal. They also performed an asbestos survey to confirm that the existing locating contained no asbestos and it was confirmed that none was found.

They have also noted that they will have the original installers of the solar panels that are on the roof, remove them and use at another location. They do not intend to install solar panels at this time and if down the road, they will come back to the board for that approval.

They have agreed to make the amendments as requested by the Professionals in their review letters and provided the testimony agreeing to the changes noted.

Mr. David Domen provided his background and his credentials were sufficient. The access to the site will remain and circulation throughout the site was approved for trucks, cars, & emergency vehicles. A dedicated delivery space is being provided next to the ADA, & UV parking, it will be striped & signed.

Mr. Domen testified that they are compliant with storm water management. The retaining wall assists with grading, it will be fenced to prevent anyone falling, and the fence will be less than 6 ft. Site lighting they are compliant with and any changes they testified they would be agreeable too. The wall will be roughly 18 feet in height and is made with material to reflect sound.

A berm is being created to shield the building from view they will provide evergreens and deciduous trees along the front to shield the building from residential homes across the street this should satisfy the intent.

In regards to the firewater tank they testified to work with the Fire Marshal on the required gallons allowed being stored based on NFPA standards. The site and height is the absolute maximum that is shown on the plan, and could hold 150-200 thousand gallons of water. They will work with the Fire Marshal on what is best for this location. The filling of this tank would be in a phasing stage and not all at once, so they do not affect the other businesses and residential homes.

Mr. Andrew Feranda provided his credentials and the Board Chairman accepted them. The location of this warehouse was explained with street locations and access to other major roadways including Route 295 and the NJ Turnpike. The Traffic study conducted at this location indicated that at the AM peak hours which is 7 am to 9 am 24 vehicles with 18 in and 6 out. The PM peak hours 4 pm – 6 pm showed 8 in and 18 out. The truck count at six generated in the AM with four in and two out and the PM three in and three out. This is about one truck per every 10 minutes.

Mr. Feranda went on to state that with the Office space in this warehouse they calculated 92 trips in the Am peak hours with 81 in and 11 out, and in the peak hours 16 in and 77 out.

Mr. Norman Dotti provided his credentials that were accept by the Board Chairman. All sound levels will comply and be a lot less then what is out there now. Sound monitoring in 3 locations for 3 days to determine the typical sounds in the areas. It is doubtful by the expert that the neighbors across the street will hear any noise from this location.

Mr. John Taikina provided his credentials that were accept as a planning expert. He explained that the applicant was requesting two variances, the first is for the building height of 54.9 ft. where 50 ft. is allowed and for the retaining wall that is 7.25 ft. where 6 ft. is allowed.

That concluded the testimony provided by the applicant's professionals and the chair open up for Board member comments, the applicant's professionals answered them, and they were satisfied.

The Board Secretary advised the Board Chair that we were coming up to 1 ½ hours on this application, and asked to poll the board to see if they were acceptable for another 30 minutes. At this point of the meeting, we have board members questions, the testimony by our professionals and the public portion left to complete.

The applicants Solicitor advised that if this were going to be continued to the next meeting they would provide prior to the meeting additional color renderings of the landscaping, the applicants are in the middle of switching Architects, so they will have a better color rendering for the next meeting.

The Township Professionals reviewed their reports advising the board, all comments have been addressed in the response letter received from the Applicants professionals or with their testimony provided tonight. The applicant has agreed to comply.

This site will not act as a fulfillment center and the applicant agreed this is not delivery for individual use but for grocery stores and delis only.

Chairman Bathke called at 11:30 pm no further discussion of this application. The applicant agreed that they would be available for the June 8, 2023 meeting and the Board Solicitor advised the public that this is their notice, they would not receive another notice in the mail and the registration to that meeting will be available 10 days before the next meeting.

Chairman Bathke asked for a motion to adjourn, Councilman Moustakas made the motion, Mr. Pfeiffer seconded, and the motion was carried. The meeting ended at 11:30 PM.

Respectfully Submitted,

Trish Hochreiter

Planning Board Administrator

Adopted On: June 8, 2023