

# Mount Laurel Planning Board

## Regular Meeting Minutes

### September 14, 2023

Chairman Bathke called the Regular Meeting of August 10, 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 Administrator Ms. Hochreiter – Members in attendance: Chairman Bathke, Vice-Chair Lewis, Mr. Giegerich (Designee for Mayor), Councilman Moustakas, Mr. Lieberman, Mr. Dewey, Mr. Sorrentino - Alt #1, Absent: Township Manager Riculfy, Ms. Kharoudh - Alt #2.

#### **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; Mr. Chris Dochney, Township Planner & Trish Hochreiter – PB Administrator.

#### **Adoption of Minutes:**

Chairman Bathke called for a motion to approve the meeting minutes from the regular meeting of August 10 2023. Councilman Moustakas made the motion and Mr. Lieberman seconded it. All present were in favor except Mr. Pfeiffer who abstained and the motion was carried.

#### **Discussion Items:**

The first discussion item will be Township Ordinance 2023-10, this is an ordinance amending the code of Chapter 121 “Registration of Rental Property” Chapter 124 “Site Plan Review” Chapter 138 “Subdivision of Land” and Chapter 154 “Zoning to Modernize the Code and Streamline Review Procedures”. The Board’s Solicitors explained the Boards role in this process and once the governing body has introduced the ordinances on first ready, they are referred to the Planning board. The Board’s purpose is to review the ordinances and determine whether they are substantially consistent with the municipal master plan. The board can make comments if they want but statutorily, we must find whether it is substantially consistent or it is not. The motion would be to indicate that it is consistent with the Master Plan of the Town.

This discussion was turned over to Mr. Chris Dochney the Township Planner with CME Associates. Mr. Dochney indicated that any questions provided will go back to Town Council all land use ordinances or redevelopment have to be reviewed by the planning board for consistency to the Master Plan. The Board’s solicitor asked Mr. Dochney that with his professional opinion in being the creator of this Ordinance and reviewing the Township’s Master Plan it is his professional opinion that they are substantially consistent. Mr. Dochney indicated that he does not see any inconsistencies with the master plan and is just here to briefly explain the changes and hopes the board has had the chance to read it. It was explained that this is created by taking the annual report from the Zoning Board that they are required to prepare every year by law. They provide the feedback to the governing body as well as the Planning Board on what issue they’ve seen as well as some feedback from Township Staff in terms of some inconsistencies with the ordinance and trouble they’ve had where some clarity, on interpreting certain things was needed, and reorganizing certain parts of the ordinance, so that regulatory language

was not in the definition section, and moving that to its own section so its properly in order. There are not substantial changes here to your land use ordinance; this is more clarification and cleaning up things.

Mr. Dochney gave a brief over view first that there is a new State law on a requirement for lead based paint inspections on all rental dwellings, and explained if anything is found there are some abatement procedures that are required to be done. Changes to escrow fees and application fees that are consistently insufficient to cover professional review fees this is a change that would be updated across the board so escrow fees that are deposited by a developer should be sufficient to cover the majority of, if not all professional reviews. A few changes to the zoning ordinance and addition of a few definitions to clarify accessory apartment and accessory dwellings and the difference between a standalone apartment on a property versus what's typically known as a granny flat or an in-law suite where you have sort of a separate living unit within a house. But its occupied by somebody of the same family, such as a grandmother, mother-in-law who lives in the house, but sort of has her own semi-independent dwelling unit, so that there's no confusion between somebody who has a second apartment on their property that they're just renting out to whoever versus somebody who has a family member living in a semi independent unit.

The few other items included definition changes such as home occupation. Added definitions for adult daycare, assembly hall since they are absent from the code and have been issues with applications. Minor revisions have been made to the definitions for pole barns and a private garage to clarify the difference between industrial and farm structure that is a pole barn and a private garage, which is a residential structure where people store their cars or landscaping equipment.

One of the biggest changes that went through about 2 years ago was the Township adopted an ordinance to permit micro-breweries and wine tasting rooms. For whatever reason ecode, placed those ordinances in the wrong section with wrong reference number, so this is in 14 different locations, and that actually accounts for about half of this document correcting that number of code referenced for micro-breweries and what the requirements are as well as requirements for adult daycare center to clear some inconsistencies between adult daycare facility and a child daycare facility.

Some language has been added to the conditional uses for the requirement of cannabis and made it clear that there are conditions for conditional uses and not a permitted use that happens to have some bulk requirements along with it. Clarity for accessory structures like decks that are at grade and how large they are allowed to be some with swimming pools and the amount of decking or pavement around the pool is allowed as well as size of utility sheds and garages along with updated requirements for temporary uses or structures and the same for temporary signs clarity has been provided along with limitations on how long a temporary sign, like feather flags in front of businesses can stay up.

The changes are not substantial it is just housekeeping of the codes, which is needed every couple of years. This completed Mr. Dochney's review of Ordinance 2023-10. Chairman Bathke asked for a motion to approve this ordinance and that it is substantially consistent with the Master Plan. Motion to approved was given by Mr. Lieberman and was seconded by Councilman Moustakas all present were in favor and the motion was carried.

The next discussion item was Ordinance 2023-11 An Ordinance adopting a redevelopment plan for the Rancocas Wood Development. Chairman Bathke indicated that there would be no public comment on this tonight. The solicitor Mr. Cucchiaro indicated that there are certain block and lots that the Township council had directed the planning board to conduct a preliminary investigation as a result of that investigation the governing board declared that this area be in a redevelopment. The process that comes after the declaration, because it does not change any zoning. It's just a declaration that the governing body adopts what's called a redevelopment plan. It is like a zoning ordinance, but it is done

through the local redevelopment and housing laws and just like the ordinance before this is referred to the planning board for a review and to confirm this is substantially consistent with the Master Plan. Mr. Cucchiaro turned it over to Mr. Giegerich who will share the additional information on this redevelopment plan.

After tonight's vote for consistency, this would go back to council for the last reading, which will not happen. A community meeting will be held which is geared towards the residents in Rancocas Woods but all Mount Laurel residents are invited to attend. The meeting will be held on Wednesday, October 18, 2023 at 5:30 at Lakou Events which is the old Cater To You property located at 2901 Marne Highway this meeting will give the public the opportunity to ask questions. The public will get two opportunities to ask questions, they will have the meeting to be held on October 18, 2023 and again at a public meeting to adopt the ordinance.

Mr. Pfeiffer asked if there are material, changes to the redevelopment because of the community meeting will this come back to the Board. Mr. Cucchiaro indicated if the governing body wants to make substantial changes then yes they have to reintroduce and send it back to the board and this has happened because of public process. Mr. Dochney who prepared the redevelopment plan can go over that with you this evening and its relationship to the Town's master plan.

Mr. Dochney indicated some concern with the plan and a lot of misinformation floating around on social media about what this plan is and what it permits and what is actually going to happen. This can be addressed at the public meeting in October. If the Planning Board after tonight's discussion has substantial changes this will be gone over and could result to some substantial changes to the plan, which would require a reintroduction and bringing it back to the board again.

This has been a long time in the making, this is an area of Creek Road known as Rancocas Woods, and this area has craft shops, antique stores, bookstores and Ma & Pa's and monthly craft events. This area runs from Marne Highway down Creek Road and up to the location of Fleetwood Elementary School. This was designated as an area in need of redevelopment in 2018, then in 2020 it came back when a few parcels were added that were not included in the original study. Town Council added 2 additional properties and then an additional 4 properties were included in this plan. Then late last year a few more properties were added to complete the area as a whole so that virtually all of the Creek Road frontage with the exception of a township owned open space parcel is now in an area in need of redevelopment, with that resolution adopted a few months ago.

Mr. Dochney stressed that no current land use rights are being taken away from any property owners, this would be an overlay of a second set of property right that if someone chooses to redevelop, they can go through the process of being designated a redeveloper, and redevelop their property under this plan. This is different from the current underlying zoning of the area, most of which is the neighborhood commercial. Mr. Dochney shared his screen showing the plan, and pointed out that redevelopment usually means tearing down old blighted buildings and building completely new. The intent here is to take the rancocas woods business area, leave it as it is, but supplement it with some new smaller buildings sort of infill the development within the redevelopment area. The idea is to make this like a craft village or maker space area, which would consist of it being like Peddler's Village or historic Smithville.

Essentially looking like a seasonal event area with these maker huts scattered amongst the trees, now these crafters are setting up tents, the idea is to have these permanent exhibition space for the vendors that come there on a temporary basis. This is the general overall vision for this area, the plan shows how the area is broken down into 4 different land use districts. The red area being the maker space where smaller uses would be permitted, orange parcels are the village residential district that largely reflects

existing conditions, the large orange piece is the approved townhouse community known as Mount Laurel Manor. There are 2 existing pieces that include a residential section from a previous approval from 15 years ago where a zoning use variance was approved to do townhouses but never went ahead with construction as the housing market crashed.

The additional larger district is called Gateway Commercial. This is similar in terms of what the existing neighborhood commercial permits, and perhaps a little bit larger building. This is a bit more of a conventional redevelopment, potentially either reusing the existing what use to be known as Cater to you, this is the property on the corner as well as the hair salon. These properties could be developed with a bigger parcel and there is a long range of permitted uses there. Council is trying to be flexible, in order to try to attract a bigger almost as a anchor tenant to that space, to compliment all the smaller craft spaces that would infill all over Creek Road, and the general idea being that this would be a community gathering space for the town. This would not mean a convenience store with a gas station would be allowed and no warehouses would be permitted to go at this location.

Mr. Dochney in closing stated that in his professional opinion he finds this to be consistent with the Town's master plan and went through a few goals and objectives in his conclusion of this presentation. He also mentioned that residents were concerned about no cap being placed on the number of craft huts being allowed and well as buffering around the site, along with tree removal was another concern and there is technically being part of the redevelopment plan and or designated as a redevelopment property but is township owned open space on creek road, the original plan marked it as future event space and that worried several residents. Mr. Dochney went on to indicate this is a deed restricted parcel owned by the Township and there are no plans of turning this into an event space, this will remain open space and the township does have the ability if they choose to turn into a park or use this area as the area for their tree lighting event at the holidays. This was misnamed on the previous plan and has been changed.

Parking seemed to be another concern and Mr. Dochney briefly spoke on that and indicated these concerns will all be discussed at the community meeting to be held on October 18, 2023. Mr. Pfeiffer asked a few questions that were answered by Mr. Dochney; no other members had any questions so Chairman Bathke asked for a motion that this is substantially consistent with the Master Plan as presented, Mr. Lieberman made the motion and Mr. Giegerich seconded, all present were in favor except for Mr. Pfeiffer who abstained and the motion carried.

#### **Memorialization of Resolutions:**

The two resolution that were to be memorialized this evening will be carried until next month's meeting on October 12, 2023.

#### **Temporary Use Permit**

Willing's Nutraceutical of 13000 Midlantic Drive is asking for an extension of their temporary use permit for 4 trailers an additional year. This extension will be from September 8, 2023 until September 8, 2024.

Chairman Bathke called for a motion and Councilman Moustakas made the motion to approve this temporary use permit for another year and was seconded by Mr. Lieberman. All present were in favor and the motion was carried.

#### **Swearing in of the Professionals:**

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

**Public Hearing:**

The Boards Solicitor Mr. Cucchiaro indicated that one of the applications that was on the agenda to be heard this evening, K & L Better Properties, LLC located at 4129 Church Road failed to notice properly so they have been moved to the October 12, 2023 Planning Board Meeting.

Chairman Bathke explained the procedures of this board and presented the application that was on the agenda for a public hearing as, Willing's Nutraceutical Corp located at 13000 Midlantic Drive, Block 516, Lot 5 for a minor site plan approval for new front entrance canopy along with two additional loading docks. This is Planning Board file #PB 2240

The attorney for the applicant, Mr. Richard Wells of law firm Archer Greiner represented the applicant this evening; he explained this application as an alteration of a minor site plan with the addition of a decorative entry canopy and the installation of 2 loading bay doors. This location will be housing its packaging and storage operation. There are 3 witnesses this evening and this has been provided with the exhibits prior to the meeting. Planning Board Solicitor Mr. Cucchiaro swore in the 3 witnesses at once. The first witness will be Mr. Anthony DiRosa the professional engineer for the applicant, his credentials were announced and accepted. He proceeded to explain the parking counts with 11 parking spaces being eliminated, this would leave them with 334 parking spaces where 283 are required, he went on to explain there is no impact on drainage, no lighting changes, no construction trailer will be needed and no impact to Midlantic or wooded areas. A request for additional notes to be added to plan and Mr. DiRosa had no objections to adding these additional notes to the plan.

Mr. Wells went on to the Architect for this project Mr. Nik Kuzowsky who presented his credentials and they were accepted. Mr. Kuzowsky presented the canopy renderings and explained the existing conditions and stated that this design is given a somewhat mundane building an entrance with some purpose and some presence. It actually gives more of a direct entrance to the building so people will know where they are going when they pull into the parking lot. A few of the bushes on each side of the entrance would be altered but the two large trees will remain.

The last witness was Ms. Carol Chen, the CEO of the company, she has been in operation for 20 years they are currently working out of Cherry Hill and they are expanding the business. So they purchased this building and will be moving in on September 15, 2023 and continue to operate as a nutritional supplement operation. That concluded the testimony for this application.

Chairman Bathke proceeded with our Board Professionals and asked Mr. Jones to review his report, his report was dated September 10, 2023 and after testimony this evening all of his comments were answered and asked if the board had any questions, which they did not. Mr. Long the Board Engineer did not prepare a report for this application and due to the limited nature, he would recommend the Board grant the submission waivers and Mr. Jones also affirmed he had no concern with the submission waivers. Mr. Angelastro the Traffic Engineer did not prepare a report for this application and had no related traffic issues with this application. Mr. McVey the Fire Marshall indicated his report was dated January 20, 2023 and since this report was issued all safety codes have been complied too as well as all fire violations have been abated. No questions by the board members and this was opened to the public at 8:30 pm and closed seeing no public comments.

Chairman Bathke asked Mr. Cucchiaro for any conditions on this application, the plan will be revised to depict the proper landscaping that is being proposed, and compliance with all reports and comments from the board professionals, there will be no construction trailers and the loading bays and canopy will be dimensioned on the plan as well. The applicant's attorney agreed to the conditions as stated.

Chairman Bathke asked for a motion to approve application PB 2240. Before a motion was made, Councilman Moustakas thought he may have a conflict with this application and Planning Board Solicitor indicated that out of an abundance of caution, which it would be best to recuse from voting on this application and even though the board is not finding that there was a conflict we will just ask that you recuse yourself. Continuing with the motion, Mr. Giegerich made the motion to approve the application and Vice Chair Lewis seconded. All in favor except for Councilman Moustakas who recused from voting, and Mr. Pfeiffer who lost his connection to the meeting, all other present were in favor and the motion carried.

That was the last item on the agenda this evening. Chairman Bathke asked for a motion to adjourn, Councilman Moustakas made the motion, & Vice-Chair Lewis seconded, and the motion was carried. The meeting ended at 8:45 PM.

Respectfully Submitted,

*Trish Hochreiter*

Planning Board Administrator

Adopted On: October 12, 2023