AMENDED
PLANNING BOARD REGULAR MEETING AGENDA
Thursday, May 14, 2020, 7:30 P.M.
Telephone Conference Meeting only – 856 914 3095
Council Chambers, Town Hall, 111 West Second St.
Moorestown NJ 08057

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. and in consideration of Executive Order No. 103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the Township of Moorestown Planning Board does hereby notify the public that to protect the health, safety and welfare of our citizens and applicants while ensuring the continued functioning of government, this meeting will be held via teleconference only. Members of the public can participate in the teleconference meeting just the same as if at an in-person meeting. The Chairman will open the floor for public participation in accordance with normal protocol.
To join the meeting, dial (856) 914-3095, state your name, then hit the pound sign (#) after saying your name and you will be joined with everyone.

I. Call to Order

II. Opening Statement

Notice of this meeting has been provided in accordance with the Open Public Meetings Act by:
1. Posting a copy of the Annual Meeting Notice on the bulletin board at Town Hall and emailing a copy to the Burlington County Times, Courier Post, Philadelphia Inquirer and all those requesting copies have taken place on January 24, 2020.
2. Posting a copy of the agenda on the bulletin board at Town Hall.
3. Filing a copy of the agenda in the office of the Board Secretary at Town Hall.
4. Forwarding a copy of the agenda to the Burlington County Times, Courier Post and the Philadelphia Inquirer.
5. Forwarding a copy of the agenda to each person who has requested copies of the regular meeting schedule.

All of the above posting, filing and mailing of the agenda have taken place on the 1st day of May 2020.

III. Moment of Silence and Flag Salute

IV. Roll Call

V. Minutes March 5, 2020

VI. Adoption of Resolutions

18-2020 – A Resolution Granting Minor Subdivision Approval For a Lot Line Adjustment Together With Site Plan Approval to Permit an Accessory Structure Conversion of a Former Drive-Through and Office Banking Building into an Accessory Garage and Storage Structure with Front Yard Set Relief Incident thereto and Bulk Variance and Waiver Relief from Parking and Buffering Requirements for Premises in the Specially Restricted Commercial (SRC-1) and Affordable Multi-Family Residence 1 (AMF-1) Districts

19-2020 - A Resolution Reporting to Township Council that Proposed Ordinance No. 6-2020 is Consistent with the Use of Land Designated in the Master Plan

XI. Public Comment – telephonic capacity is 20 members total including the Board; please email azappasodi@moorestown.nj.us immediately if you cannot get connected to the teleconference.

XII. Adjournment

OFFICIAL ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA

Next Meeting: June 4, 2020
PLANNING BOARD REGULAR MEETING
Meeting Minutes
March 5, 2020

MEMBERS PRESENT:
Christopher Chesner
Douglas Joyce
Chris Chesner
John Logue, Chair
Chris Locatell
Brian Donnelly
Dave Zipin
Ryan Vander Wielen
Dianne Walker
Melissa Arcaro Burns

STAFF PRESENT:
Peter Clifford
Peter Thorndike, ESQ, Board Attorney
Mackenzie Kelly, Recording Secretary

ABSENT: Tom Merchel and Robert Musgnug

Mr. Logue called the meeting to order at 7:32 PM in the Council Chambers of Town Hall, 111 West Second Street by reading the Open Public Meeting Act statement. The Pledge of Allegiance followed a moment of silence. Roll call was listed as above.

Minutes: January 24, 2020
Mr. Locatell made a motion, seconded by Mr. Donnelly to approve the January 24, 2020 meeting minutes, as written, the voice vote of the Board was unanimous in favor with those eligible to vote.

Adoption of Resolutions
17-2020 – A Resolution Reporting to Township Council that Proposed Ordinance No. 2-2020 is Consistent with the Use of Land Designated in the Master Plan.
Mr. Logue stated to add the word they on the third line pertaining to number 11 on the second page. Mrs. Walker inquired about the specific number of units per acre. There was some discussion regarding the number of units allowed per acre. Mr. Zipin clarified that a unit is a unit whether it’s a 2 or 3 bedroom.
Mr. Chesner made a motion that resolution 17-2020 is consistent with the Master Plan, seconded by Mr. Van Wielen. Mr. Donnelly abstained. The voice vote of the Board was unanimous in favor with those eligible to vote.

New Business
Docket #PB-2019-10; 2020 N Close Moorestown LLC Block: 2500 Lot: 86; 232 West Main St Application for Preliminary and Final Site Plan, Conditional Use, and Bulk Variances to construct a Chase Bank with Drive-Thru Facilities in the CRO-1 Commercial Retail/Office District. (ADJOURNED TO APRIL 2, 2020 FROM JANUARY 16, 2020)
They applicant has requested an extension to the April 2, 2020 meeting. There will be no further notice.

Docket #PB-2020-02; Township of Moorestown / SFA 312 Route 38 LLC Block: 3201 Lots: 3 & 4; 307 Harper Drive & 312 Route 38
Application for Minor Subdivision and Site Plan with Bulk Variances and Waivers for a lot
line adjustment and conversion of an existing structure to a garage in the AMF-1 and SRC-1 Districts
Mr. Donnelly recused himself from this application.

Kevin Aberant the Township’s attorney stated this is a joint application with the township
and the owner of the adjacent property SFA 312 Route 38 represented by Brian Lozuke.
The township is seeking a minor sub-division. The township currently owns Block 3201 Lot
3 (307 Harper Drive). The purpose is to take a 60 foot strip from Lot 4 to consolidate it
with the adjacent property owned by the township. The township is seeking a parking
variance be granted as to the remaining parking lot on lot 4. He stated another aspect of
the application is a minor site plan review dealing with Lot 4. It has an existing structure
which was used as a drive through but has been converted to a garage. The owner had to
make an application before this board for minor site plan approval for conversion of that
structure. Since the township had to apply for the minor sub division it is in the interest of
efficiency of the board and all the parties it became a joint application to seek the relief at
the same time. There will be some variances required to that structure. Mr. Lozuke will
address those. Mr. Aberant will be presenting the testimony of Mark Malinowski regarding
the site plan. Mark Malinowski is an Engineer for Stout and Caldwell. Other waivers are
being requested, such as a wetlands letter of interpretation, soil testing requirement under
Chapter 150 of the township of Moorestown and Chapter 160 compliance regarding trees
and also waivers to show topographic contours. They are being requested because there
will be no development for the current application. He stated it is anticipated in the near
future that there will be a site plan application filed for the consolidated lot 3. There have
been additional variances pointed out by the planner regarding setbacks and buffer
requirements. In a conversation with Mr. Thorndike they would be addressed during the
site plan application since there will be development of that parcel.

Brian Lozuke from Brian Wrath and Miller stated that SFA 312 Route 38 LLC has an
existing accessory structure for the former PNC Bank campus that was formally approved in
1972. Specifically that is when the zoning permit was issued for the main building and the
accessory drive through, which was originally 3 lanes. In 1981 the township approved a
partial conversion of the existing structure to enclose approximately 500 square feet. This
was memorialized by resolution. The issue is there is a code provision requiring no
accessory building be located in the front yard. According to Chapter 180-84 there is an
exception that accessory structures can be located in a front yard provided they are
customary incidental to the main building. Requesting a variance in respect to off-street
parking requirement. The ordinance requires 370 spaces if approved with aspect to the
subdivision, 312 parking spaces would remain. Leaving a net loss of 67 spaces.
They would request a Site plan waiver under section 158-36A. There is no development
proposed.

Sworn in:
Mark Malinowski 705 Rt 130 S Cinnaminson
Mr. Jeffery Schneider 312 Rt 38 Moorestown
Mr. Aberant stated he provided the board secretary with an affidavit of publication, as well as an affidavit of service of letters for property owners within 200 feet. Mr. Aberant, Mr. Malinowski and Mr. Lozuke reviewed all of the professional letters. Mr. Aberant stated with regard to Mr. Noll there were a few technical comments. He stated the part of the application Mr. Lozuke is handling there was a recommendation for him to do a full site plan, he said it was not a condition. Anything that is a technical requirement will be complied with.

Exhibit A1
Mr. Malinowski explain the exhibit. It shows a colored aerial of the site. Both lots 3 and 4 are in yellow. The current property line is in red. Lot 4 is an 8.4 acre property which fronts on New Jersey Route 38 and East Gate Dr. Lot 3 fronts on Harper Dr. and East Gate Dr. Lot four is an improved site, with 77,843 square feet. It is an office building with parking and the accessory building. Lot 3 is a vacant open space lot. It is pretty much a lawn area with wooded area in the NW corner of the site. The subdivision they are proposing is to take a 60 foot wide portion from lot 4 which runs along the common property line. It is about .56 acres. They are conveying it from lot 4 to lot 3. The Owner of Lot 3 is the Township of Moorestown. Per Mr. Aberant, it is anticipated simultaneous with the conveyance there will be Deed of consolidation. The 60 square foot strip will never be an independent block and lot. Mr. Malinowski stated that Lot 4 is in the SRC district and lot 3 is in the affordable multifamily district. Mr. Aberant believes another manner in this meeting is an ordinance that purposes the rezoning of the 60 foot strip. With regard to the 60ft strip, the rear of lot 4 has a substantial parking lot, which encroaches on the 60 foot strip, it will remain there until the development of lot 3 at which time that portion will be removed. There are 379 parking spaces and with removal of that pavement they will lose 67 spots. There are some light fixtures will have to be relocated when lot 3 is developed. There is a storm structure in the lower south west corner of parking lot which drains to a covert. It runs within a 20 foot wide storm easement. The storm pipe is on the lot 4 side. It provides storm water relief from lot 5 through lot 4. Mr. Logue inquired on how that will be addressed. Mr. Aberant stated that existing storm drain inlet is part of the land conveyed and once improvements are made there will still be a need for storm water drainage that will run off the parking lot. He stated an engineering solution has not been determined. The applicant does recognize there will be a need to address the storm water runoff. This is noted in Mr. Noll’s letter. Mr. Aberant recommends for purposes of the minor subdivision a condition be attached to any approval that says no development activities and no disruptions of the existing storm water flow on lot 4 can take place until there is an approved site plan for consolidated lot 3 that addresses relief of storm water from the parking lot. They understand there needs to be an inlet and an alternate structure will need to be provided.

The township requests that 312 parking spaces remaining on lot 4 be deemed an adequate number for the existing building on lot 4 for any permitted use in that SRC zoning district.
Mr. Malinowski stated the current standard for office use is 1 space for every 250 sq feet of office use. The building is 77,843 square feet which translates to 389 parking spaces required by code. There are currently 370 on site. The majority of the parking lot is not in use. They looked into the studies provided by the Institute of Traffic Engineers. They looked at studies on office use and medical use. They compare the number of parking spaces being utilized in these types of facilities in comparison to the square foot. They took their information and the summary of their studies. They used the ITE’s chart which compares the parked vehicles at the facilities based on square footages. The ITE created a fitted curved equation, which they used and found for general office use the average parking lot is 200 spaces for this size and for medical use is 260 spaces. These are two permitted uses. Mr. Thorndike inquired on how they get to the conclusion. Mr. Malinowski stated for the general use, they created a fitted curve equation. It takes the number of parking vehicles times the square footage to get the parking requirement. Mr. Aberant inquired if the ITE studies are relied upon by people in your field. Per Mr. Malinowski yes they are. Mr. Aberant gave the board copies of the excerpt of the parking manual from ITE. Mr. Thorndike marked them as Exhibit A2.

Mr. Aberant inquired if the remaining 312 spaces would be adequate for the existing size building based on the ITE traffic manual for existing office use and other permitted uses in that zone. Mr. Malinowski stated yes that is correct. Mr. Logue has been at the site a few times and inquired about their observation of the current parking there. Mr. Malinowski stated it has been consistent with approximately 125 cars parked there. Mr. Thorndike stated this is with 40% occupancy. Yes this is correct.

Mr. Lozuke stated with respect to the existing structure they are seeking relief that it is in fact a non-conforming structure under section 180-82A4 he believes it would afford the board the right to make a determination that it is in fact preexisting and that is used as maintenance garage. His stated client modernized the building.

**Exhibit A3**
This shows pictures taken last spring. He stated that his client rather than keep the cinderblock building he spent money on metal siding, stone veneer and custom doors for the cars to enter in and out of the facility. Mr. Thorndike inquired how long Mr. Schneider owned the property. Mr. Schneider stated he owned the property for about a year. Mr. Thorndike inquired if the original site plan for PNC included this structure when it was used as a drive thru window. Mr. Schneider believes so, however it was unoccupied when he acquired it.

**Exhibit A4**
The original zoning permit from 1972 was submitted. Mr. Thorndike stated at some point it changed into a garage. Mr. Schneider said it was changed into office space which was used as storage by PNC. He has no idea when it changed into a garage, when he acquired it, it was used as a garage for office space.
Exhibit A5
Shows the documentation from 1981 when the board approved the conversion. Mr. Thorndike said this shows the enclosed existing building and creating a mini branch in 1981. Mr. Snyder stated he made improvements in 2019. He said they re-skimmed the building, gutted the inside and cleaned it out and modified its use to storage. They enclosed it and he put the garage doors on. They closed two bays, one was already closed. Mr. Thorndike inquired about the outside improvements. Mr. Schneider stated they did siding and stone veneer. He confirmed they used the garage for heat and storing of equipment for the maintenance of the main building. They planted trees and other plants. They landscaped $100,000 worth of trees throughout the whole property.
Kevin Aberant stated he presented all testimony they intended.

Professionals:
Mr. Thorndike stated only go over what they do not agree with. Kevin Aberant stated on Mrs. Taylors letter page 2 zoning, it refers to deed 1 A the need to have the side yard setbacks. It is referring to a setback to a parking area (E1). He asks that it does not apply here because no development is being done. He asks to defer this as well B, D1B, and D1C. Mrs. Taylor stated E1 just indicates a note be added to the plan, it indicates that the parking lot needs to rehabilitated or removed. Mr. Aberant stated E7 is a requirement for street trees again he asked defer. Mrs. Taylor is comfortable with deferring these items. Mr. Aberant stated there were other waivers mentioned such as: LOI, soil testing trees and depicting topographic lines on the plan. He stated Mr. Noll recommended those waivers be granted. Mr. Joyce feels there are also issues with Mrs. Taylor’s letter, such as is there a site plan for lot 4. Mr. Aberant it will not be part of the development application for lot three it will be addressed in the future. Mrs. Lozuke stated their request was to request a formal site plan waiver and there is an ordinance pending buffer requirements with respect to the parking configuration once the site plan is filed for lot 4. Mr. Aberant stated on behalf of the township the plan submitted has an existing condition that the parking lot on lot 4 goes all the way to the lot line. Mr. Noll does not think it is practical to do that, there will need to be restriping. Mr. Schneider stated to obtain the 312 spots they have to park up to the lot line, he said they have to repave and then restripe. Mr. Noll understands there has to be some kind of delineation. Mr. Joyce inquired if there will there be a recirculation plan. Mr. Schneider has no intention of submitting a recirculation plan. He does not want to come back to the board to repave the parking lot. Mr. Noll asked if Mr. Schneider will submit a striping plan, per Mr. Schneider they will. He inquired if they do not accept the striping plan what will happen. Mr. Lozuke stated essentially it will be an administrative approval, so they will not have to come back. Mr. Aberant stated they agree with everything else in Mr. Noll’s letter. Mr. Noll inquired about the number of spaces. Mr. Thorndike they are going down to 312 spaces and they need to meet the needs identified by the Township’s engineer in this application, going by the ITE. They will meet a national recognized standard. Mr. Noll stated there may be less than 312 spaces after the striping plan. Mr. Malinowski stated the proposed property line does cut through existing spots, those were eliminated by excluding the partial parking spaces. Mr. Schneider made a suggestion to do a ratio of what the
engineer arrives at to be sufficient for that use and that building going forward. Mr. Noll stated to try to obtain 312 however it can be modified based on the ITE numbers if necessary. Mr. Noll stated 214 for office and 262 for medical. Mr. Thorndike inquired if there was a number that would unify everyone. Mr. Noll stated 262.

Board Comments: none

Public Comments: David Barry 305 Harper
He is the owner of Gallagher Marine Systems LLC located on Lot 2. He was concerned because when he received the letter there was no mention of 307 Harper. He did not know the lot number. He stated if so, he would have had his lawyers look at it. He said it did not really talk about 307 Harper being a part of the application. Mr. Aberant said 307 Harper is lot 3 technically the subdivision is of lot 4 which is 312 Route 38. Mr. Barry stated it was not clear to him they were expanding 307 Harper. He feels it was not a clear notice. He feels he should have more time to look at the application. Mr. Van Wielen inquired if this would adversely affect him. Per Mr. Barry he does not know if it would or not. He just did not think it had anything to do with 307 Harper. Mr. Thorndike clarified with Mr. Barry that he did not know lot 3 was 307 Harper Dr. Mr. Logue stated it is our job to make sure the applicant meets the requirements. He said you had the opportunity to come to town hall and review it. He said as an owner of a business in the town a much clearer notice should have been submitted.

Deliberation:
Mr. Thorndike stated his notes indicate that what is being sought is relief to sub-divide 60 feet from lot 4 SRC1 to lot 3 AMF 1 to increase the size of the lot. To meet the parking needs generated by the 75 units of affordable housing that will be proposed in the future. The decrease in Lot 4 will need a parking variance for the number of spots. There will be a need for a variance from a parking provision or a setback and buffer requirements for existing lot 4 so that it will come up to the new property line for lots 3 and 4. Included in the zoning relief requirements is a variance for need for the location of a drive through window that was converted and is now an accessory garage structure/ office area, which is located within the required front yard setback. The Ordinance tonight is regarding that setback. All of the above would involve an amendment to the original site plan approval. Lot 4 is part of the joint application seeking a site plan waiver in connection with the modifications to its site. Mr. Thorndike asked the board for a motion to grant approval with all of the above along with waiver relief that the township is seeking with the LOI, topographical, Chapter160 and soil testing.
Mrs. Burns made a motion to approve Docket #PB-2020-02 with the conditions/comments mentioned by Mr. Thorndike, seconded by Mr. Zipin. The voice vote of the Board was unanimous in favor with those eligible to vote.

Referral
Township Council Ordinance 6-2020 - An Ordinance Of The Township Of Moorestown Amending Chapter 180 Entitled “Zoning” Of The Township Of Moorestown By Rezoning A
Portion Of Land As AMF-1 Affordable Multi-Family Zoning District, And Modifying The Standards Of The AMF-1 Zoning District

Mrs. Taylor stated this ordinance would expand the AMF zone which includes the land just subdivided above. It would amend some yard sizes, building length and it reduces buffer requirements. She stated the Land Use Plan recommends Lot 3 for affordable housing and lot 4 as office campus space. Mrs. Taylor stated that it is consistent with the land use plan and housing element. Mr. Chesner made a motion to approve Ordinance 6-2020, seconded by Mr. Joyce. The voice vote of the Board was unanimous in favor with those eligible to vote.

Discussion

1. Sub-Committee Updates – Conservation and SRI

Mr. Musgnug is not here today, an update will be provided at the April meeting.

Mr. Thorndike stated they will have something ready by April 1 with regard to the SRI.

Mr. Zipin talked about future plans for the mall and the owners possibly selling it and how it could possibly be designated as an area redevelopment. He discussed Main Street with regard to driving more commerce there. He stated they also had a discussion regarding a brewery, which he stated could exist as an economic generator. He has consulted with the Mayor from Collingswood for advice/ideas to see if there are opportunities here to share some successes like they have had on Haddon Avenue the past 15-20 years. They did not discuss the farm issue.

Mr. Zipin imagines the brewery issue has a lot of potential. Mrs. Walker inquired where they were putting the Brewery. He stated they originally were thinking Main St, they need somewhere large enough. Peter Pan is no longer available.

Public Comment: None

ADJOURNMENT

Mr. Logue stated the next meeting would be 4/2/2020. A motion to adjourn was made by Mr. Locatelli and seconded by Mr. Zipin. The meeting was adjourned at 9:00 PM.

Next Meeting: 4/2/20 at 7:30 pm
RESOLUTION NO. 18-2020
MOORESTOWN TOWNSHIP PLANNING BOARD
Docket # PB 2020-02

A RESOLUTION GRANTING MINOR SUBDIVISION APPROVAL FOR A LOT LINE
ADJUSTMENT TOGETHER WITH SITE PLAN APPROVAL TO PERMIT AN ACCESSORY
STRUCTURE CONVERSION OF A FORMER DRIVE-THROUGH AND OFFICE BANKING
BUILDING INTO AN ACCESSORY GARAGE AND STORAGE STRUCTURE WITH FRONT
YARD SET RELIEF INCIDENT THERETO AND BULK VARIANCE AND WAIVER RELIEF
FROM PARKING AND BUFFERING REQUIREMENTS FOR PREMISES IN THE
SPECIALY RESTRICTED COMMERCIAL (SRC-1) AND AFFORDABLE MULTI-FAMILY
RESIDENCE 1 (AMF-1) DISTRICTS

WHEREAS, on March 5, 2020, the Township of Moorestown Planning
Board held a public hearing in connection with the joint application of the
TOWNSHIP OF MOORESTOWN (hereinafter referred to as Township) and SFA
312 ROUTE 38 LLC (hereinafter referred to as SFA) for premises located at 307
Harper Drive in the Affordable Multi-Family Residence -1 District (hereinafter
referred to as AMF-1) and 312 Route 38 in the Specially Restricted Commercial
-1 District (hereinafter referred to as SRC-1 District), respectively; and,

WHEREAS, applicants seek multiple forms of land use relief in connection
with the movement of the boundary line between applicants' premises which is
also the boundary line between the SRC-1 and AMF-1 zoning districts.
Specifically, applicants seek minor subdivision approval to remove a 60 foot wide
strip of land at the southernmost portion of the SFA property at 312 Route 38
and add it to the northernmost portion of the Township property at 307 Harper Drive.
Further, SFA seeks variance approval from the provisions of Article XXIII, Section
180-73F(1) to permit a reduced number of parking spaces; from Article XX,
Section 180-63C(2) to permit reduced parking lot set back; from Section 180-
63D(2) to permit reduced landscape buffer; from Section 180-63D(4) to permit a reduced berm buffer; and, from Section 180-63C(1)(a) and Section 180-84 to permit the drive-through/office conversion to accessory garage and storage space within the required accessory building front yard set back area together with amended site plan approval to permit the aforementioned conversion; and,

WHEREAS, due notice was given by the applicant in accordance with statute by publication and by certified mail to all property owners within 200 feet of the premises, more than 10 days before the date of the initial hearing; and,

WHEREAS, the Moorestown Planning Board having heard the testimony of applicant’s Engineer Mark Malinowski, PE, SFA principal Jeff Schneider, Planning Board Planner, Michelle Taylor, P.P., A.I.C.P. CNU-A, Planning Board Engineer Christopher Noll, PE, CME, PP and member of the public David Barry, and having further considered the arguments of Township counsel, Kevin Aberant, Esquire and SFA counsel Brian Lozuke, Esquire, as well as the minor subdivision, site plan, bulk variance and waiver application and the exhibits submitted in connection therewith, the Board finds as follows:

**FINDINGS OF FACT**

1. The Township is the owner of property located at 307 Harper Drive designated as Block 3201, Lot 3 on the Moorestown Township Tax Map. Said premises are 3.12 acres in size and are located in the AMF-1 District. SFA is the owner of property located at 312 Route 30 designated as Block 3201, Lot 4 on the Moorestown Township Tax Map. Said premises are 8.4 acres in size and
located in the SRC-1 District. Said properties are contiguous to one another with the southern boundary of Lot 4 abutting the northern boundary of Lot 3.

2. Lot 4 is bounded by Route 38 to the north beyond which is Strawbridge Lake Park, East Gate Drive to the south and commercial office park development to the east. Lot 3 is bounded by Lot 4 to the north, East Gate Drive to the west, Harper Drive to the south and commercial office park development to the east. Across East Gate Drive is the north branch of Pennsauken Creek beyond which are retail sales and service uses and the Moorestown Mall.

3. The Township property is unimproved. The property owned by SFA is improved with a two story masonry office building, parking lot and associated site improvements including an accessory building set back 26.7 feet from East Gate Drive midway between the northern and southern boundaries of the SFA property. The building was originally used for a three lane banking drive-through purpose. The main building and the three lane drive-through were previously approved for a zoning permit in 1972 by the Township and in 1981 the Moorestown Planning Board permitted the enclosure of 500 square feet of one of the three drive-through lanes to be utilized for walk-in banking purposes. Since that time, drive-through banking was discontinued and the structure has been used for accessory storage and garage space.

4. The applicants propose to adjust the lot line between TaxLots 3 and 4 by moving the lot line between them 60 feet to the north. This will expand the area of Lot 3 to enable it to meet anticipated future affordable housing parking and site development needs and will coincide with the amendment of the AMF-1 Zoning Ordinance to expand it to include the portion of property to be subdivided
from Lot 4. Said ordinance amendment has been adopted by the Township Council on first reading on February 24, 2020. As subdivided, Lot 3 will be increased to 3.68 acres and Lot 4 will be reduced to 7.84 acres.

5. The December 2019 Land Use Plan and December 2019 Housing Element and Fair Share Plan components of the Moorestown Master Plan, designate Lot 3 for affordable housing. The site is proposed for development of 75 units of 100% affordable rental housing. The Housing Element provides for 50 parking spaces on Lot 4 to be utilized to meet the needs of the affordable housing development on Lot 3. The within minor subdivision will enable Lot 3 as expanded, to meet its own parking needs on site.

6. The proposed reduction in the size of Lot 4 will impact the ability of Lot 4 to satisfy the number of parking spaces required by Article XXIII of the Moorestown Zoning Ordinance regulating parking. At Section 180-73F(1) thereunder, the 77,843 square foot two story office building generates a parking demand at 1 space per 200 square feet of floor area of 389 spaces. A total of 379 spaces are currently provided. The 60 foot strip of land to be excised from Lot 4 contains 67 paved parking spaces at the southernmost portion of the parking lot on Lot 4. This will reduce the number of parking spaces on Lot 4 to 312. Currently, 60% of the building on site is vacant and an average of 125 parking spaces are utilized on a daily basis. Data from the Institute of Traffic Engineers, a national resource commonly relied upon by traffic experts to guide parking projections, would indicate that 214 spaces would be sufficient to meet the needs of a fully occupied office building and 262 spaces would be sufficient for medical office use to enable the building to operate efficiently from a traffic standpoint.
7. The movement of the boundary line between Lots 3 and 4, 60 feet northward will eliminate on Lot 4; (a) the 25 foot side yard set back required by Article XX of the Moorestown Zoning Ordinance at Section 180-63C(2) of said ordinance; (b) the landscaped 25 foot wide buffer area required along the new property line by Section 180-63D(2); and, (c) space for landscaped buffering requirements including landscaping, material, berms, fences or walls required by Section 180-63D(4). This is because the southern end of the parking lot on Lot 4 will now be adjacent to the boundary line between Lots 4 and 3.

8. The improvements on Lot 4 are all existing conditions. The change of use of the structure on Lot 4, from a component of the main banking use, to an accessory structure for garage and storage use, triggers the applicability of bulk requirements for an accessory structure and requires site plan approval for the conversion of the drive-through/office structure to the garage and storage accessory building. Article XXV of the Moorestown Zoning Ordinance at Section 180-84 requires accessory buildings to be located to the rear of the front line of the main building. The front line of the main building is set back 127.8 feet from East Gate Drive. The structure to be converted into an accessory garage and storage building is set back 26.7 feet from East Gate Drive. Accordingly, as an accessory building in front of the front line of main building, front yard set back relief will be necessary to permit said structure to remain at its current location.

9. Applicants seek waivers from the Moorestown Township Minor Site Plan Checklist requirements for the submission of a Letter of Interpretation (LOI), from NJDEP; a topographic contour map showing existing and proposed conditions; soil testing as required by Section 158-15.1 and proof of compliance
with Chapter 160, Preservation and Restoration of Existing Vegetation. All of the aforementioned waivers are recommended by the Planning Board Engineer since there is no development proposed at this time and the only change in Lot 4 will be the shifting northward of its southerly lot line and the consequential removal of the paved parking spaces that existed on the southern portion of Lot 4 to be transferred to the northern portion of Lot 3. Applicant SFA has agreed to pave and re-stripe the parking spaces along the new southern boundary of its parking lot as needed subject to the approval of the Planning Board Engineer.

10. Applicant SFA has agreed to relocate to new Lot 4 the three light fixtures currently located on the portion of property to be transferred from Lot 4 to Lot 3 and to take no action to disrupt the existing southwestern storm water flow across Lot 4 until an adequate plan has been submitted by said applicant and approved by the Planning Board Engineer for the management of storm water drainage from Lot 4, and implemented.

11. The Moorestown Planning Board has considered the following documents in connection with the subject application:

A. Application for Land Development (joint) dated 2-6-20 for Minor Site Plan, Minor Subdivision, Submission Waivers and Bulk Variance Relief.

B. Subdivision Plan and Minor Site Plan prepared by Stout and Caldwell Engineers Inc. dated 2-5-20.

C. ERI report letter (4 pages) dated 2-28-20, revised 3-2-20, signed by Chris Noll, PE CME PP.

D. ERI memorandum (2 pages) dated 2-28-20, signed by Chris Noll, PE CME PP.

Any and all other items of documentation and representations made by applicant and submitted to the Planning Board and presented to the Planning Board at the public hearings held in this on March 5, 2020.

12. The Moorestown Planning Board finds that the within application for minor subdivision, minor site plan, bulk variance and waiver relief is complete and in compliance with the procedural requirements of the local ordinance subject to the aforesaid variance and waiver relief recommended as herein set forth. Further, the application meets the standards established by the Municipal Land Use Law for minor subdivision and site plan approval subject to the conditions hereinafter set forth.

CONCLUSIONS OF LAW


2. Applicants have demonstrated that the positive criteria for bulk variance relief to permit reduced parking and front yard set back relief for the accessory structure on Lot 4 together with the buffer relief required as a result of a movement of the property line between Lots 3 and 4 incident to the minor subdivision, has been established by a preponderance of the competent, credible evidence. This is because applicants have demonstrated that granting the requested relief will advance the purposes of the Municipal Land Use Law by benefitting the general welfare. The relief requested will provide the Township
with sufficient space on an expanded Lot 3 to address the parking needs accessory to the affordable housing proposed for the site. This will promote the public health, safety, morals and general welfare by enabling the Township to advance the goals of the Township Master Plan by meeting the affordable housing obligations of the municipality at a site designated for affordable housing in the December 2019 Land Use Plan and Housing Element and Fair Share Plan components of the Township Master Plan. This is a better zoning solution for the site than the strict application of the zoning regulations applicable to Lot 4 in the SRC-1 District which would prohibit any reduction in parking spaces and require the maintenance of a buffer thereby impairing the ability to develop Lot 3 for affordable housing and meet its on site parking needs. Further, the benefits resulting from the relief granted to enable the maintenance of parking on Lot 4 at a reduced set back and buffer adjacent to the parking area, stormwater basin and buffer area development anticipated for Lot 3 in proximity to the boundary line between the two lots will substantially outweigh any detriment that may be deemed to result therefrom.

3. Applicants have also established hardship by a preponderance of the competent, credible evidence as a basis for bulk variance relief with regard to the location of the accessory garage and storage structure in the front yard area of Lot 4. This is because the structure exists at its current location by virtue of municipal approvals previously granted. Its non-conformity results only due to the applicability of set back requirements triggered by its change of status from a primary structure functioning in connection with the original banking use to an accessory support structure used for garage and storage purposes incident
to the main building on the site. It would be a hardship upon the applicants to require either moving said accessory structure back to meet set back requirements, which would thereby further decrease the number of parking spaces, or requiring its demolition. Accordingly, applicants have satisfied the positive criteria for bulk variance relief on the basis of hardship.

4. The variance relief requested herein can be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

5. The Mooresstown Township Planning Board imposes the following terms and conditions on the relief hereinafter granted:

A. Applicant SFA shall relocate the three lights located on Lot 4 onto the parking area on said lot subject to the approval of the Planning Board Engineer.

B. Applicant SFA shall subject an adequate plan for the management of storm water flow across and from Lot 4 subject to the approval of the Planning Board Engineer and shall do nothing to disrupt the existing stormwater flow across Lot 4 until said plan is implemented.

C. Applicant SFA shall repave and restripe the parking spaces adjacent to the new southern boundary line of Lot 4 subject to the approval of the Planning Board Engineer.

D. Applicants shall comply with the requirements and recommendations contained in the 2-28-20 report letter of ERI, revised on 3-2-20, subject to the relief herein granted.

E. Applicants shall comply with the requirements and recommendations contained in the Taylor Design Group report letter of 3-4-20 with the exception of subsection D (Zoning Requirements 1(a) through (c) which shall be deferred pending the submission of site plan improvements for Lot 3, subject to the relief herein granted.

F. Applicants shall be required to pay all escrows and fees prior to the issuance of any required permit.
G. Applicants shall perfect minor subdivision by deed subject to the approval of the Planning Board Solicitor and Engineer.

H. Applicants shall secure any and all other permits and approvals that may be required.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Moorestown, that on motion duly made by Melissa Arcaro Burns and duly seconded by Ryan Vander Wielen, to grant minor subdivision approval to permit the proposed lot line adjustment together with bulk variance relief incident thereto from Section 180-73F(1) to permit reduced parking to be not less than 214 spaces for office use and 262 spaces for medical office use with the condition that best efforts will be made to maintain 312 parking spaces with practical consideration being given to the provision of adequate drive aisles and landscaped strips for the location of light fixtures; and, from Section 180-63C(2) to permit a reduced side yard on Lot 4; and, from Section 180-63D(2) and (4) to permit reduced landscaped and bermed buffer, respectively, on Lot 4 contiguous to its boundary with Lot 3, and minor site plan approval to permit the conversion of the former drive-through and walk-in bank facility to garage and storage use, the exterior modification incident thereto, together with accessory structure front yard setback relief from Section 180-63C(1)(a) and Section 180-84 and waiver relief for the submission requirements for: (a) an LOI for NJDEP; (b) topographic contours; (c) soil testing; and (d) proof of Chapter 160 compliance; all in accordance with the provisions set forth in the Findings of Fact and Conclusions of Law, be and the same are hereby GRANTED subject to compliance with the conditions set forth in the Findings of Fact and Conclusions of Law, be and the same is hereby granted, all for the reasons hereinabove set forth.

The above land use relief was granted by an 8 to 0 vote of the Moorestown Planning Board at a meeting held on March 5, 2020.
ROLL CALL VOTE:

IN FAVOR: Christopher M. Chesner, Douglas M. Joyce Christopher J.
Locatell, John Logue, David Zipin, Ryan Vander Wielen, Dianne
Walker, Melissa Arcaro Burns

OPPOSED: none

CERTIFICATION

This Resolution of Memorialization being adopted by action of the Planning Board
of the Township of Moorestown on this day of , 2020 is a true copy of the
action taken by the Moorestown Township Planning Board at its meeting held March 5,
2020.

ANTHONY J. ZAPPASODI, Secretary
RESOLUTION NO. PB 19-2020

MOORESTOWN TOWNSHIP PLANNING BOARD

A RESOLUTION REPORTING TO TOWNSHIP COUNCIL THAT PROPOSED ORDINANCE NO. 6-2020 IS CONSISTENT WITH THE USE OF LAND DESIGNATED IN THE MASTER PLAN

WHEREAS, the Moorestown Township Planning Board pursuant to the provisions of the Municipal Land Use Law at N.J.S.A. 40:55D-26 is required, prior to the adoption of a development regulation, revision or amendment thereto by the governing body, to transmit to the said body, within 35 days of referral therefrom, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the Master Plan and recommendations concerning those inconsistencies and any other matters as the Board deems appropriate; and,

WHEREAS, Block 3201, Lot 4, on the Moorestown Tax Map at the northeast corner of Route 38 and East Gate Drive, an 8.4 acre parcel addressed as 312 Route 38 is zoned Specially Restricted Commercial-1 and Lot 3 of Block 3201, a 3.12 acre parcel at the northeast corner of East Gate Drive and Harper Drive is zoned Affordable Multi-Family-1; and,

WHEREAS, the governing body has introduced and adopted on first reading at a meeting on February 24, 2020 in the form of Ordinance No. 6-2020 containing a proposed revision of the zoning map, a modification of certain AMF-1 standards, and a corresponding rezoning of a .56 acre portion of Block 3201, Lot 4, on the Tax Map of the Township of Moorestown; and,

WHEREAS, the aforementioned .56 acre portion of Lot 4, a 60 foot wide strip of land contiguous to its southern boundary, has been subdivided from said lot and added
to abutting Lot 3 of Block 3201 by minor subdivision approval by the Planning Board on March 5, 2020; and,

WHEREAS, the proposed revision to the zoning map and rezoning provided for in Ordinance 6-2020 rezones the subdivided portion of Lot 4 from SRC-1 to AMF-1 consistent with the manner in which the balance of Lot 3 is currently zoned; and,

WHEREAS, the rezoning of the subdivided portion of Lot 4 and the modification of applicable AMF-1 standards to expanded Lot 3 is being done to support the Township's efforts to meet its constitutional obligation to provide its fair share of low and moderate income housing and in compliance with the Settlement Agreement it has reached with Fair Share Housing Center.

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

1. The Moorestown Master Plan, revised and updated in 2002, contains specific goals and objectives which include "Managing the Present" by seeking to maintain the necessary services, capacities and opportunities sufficient to satisfy the needs of present residents and to allow for the well planned expansion to meet future needs. An objective identified within that goal is the maintenance of a fair share housing plan and associated development regulations which meet the municipality's requirements for affordable housing.

2. A second Master Plan Goal identified in the 2002 revised and updated Master Plan is "Envisioning the Future" by seeking to bring about an improvement to the quality of life for the people of Moorestown by promoting, through the implementation of the Master Plan document, the sense of a shared community with a consensus about the future of the town.

3. The New Jersey Supreme Court has mandated that every municipality has an obligation to provide affordable housing.
4. The New Jersey Legislature has adopted the Fair Housing Act to implement the Supreme Court’s mandate and the Township, which has a long history of compliance with said act, has successfully effectuated the incorporation of affordable housing into the fabric of the community.

5. Affordable housing addresses the housing needs for senior citizens, individuals with special needs, single persons making less than $46,592.00 and families of four making less than $66,560.00.

6. The Master Plan Reexamination Report dated December 2018 and the December 2019 Land Use Plan Map recommend affordable housing for Lot 3 and office campus use for Lot 4. Lot 3 is identified as Site “B” on the Affordable Housing Site Map dated December 2019. In the Housing Element and Fair Share Plan adopted December 5, 2019 said site is proposed as a municipally sponsored 75 rental unit 100% affordable housing site with 50 spaces in support of the affordable housing parking requirements to be provided on adjacent Lot 4. The December 5, 2018 Amendment to the Master Plan – Land Use Plan element provides for affordable housing residential densities up to 25 units per acre.

7. Ordinance 6-2020 is substantially consistent with the Land Use Plan Element – Land Use Plan Map dated December 2019 even though the subdivision of the 60 foot wide .56 acre strip of land from Lot 4 and its addition to Lot 3 was not illustrated on the map. This is because the text of the Housing Plan contemplates that a portion of Lot 4 would be used to provide the parking support for the affordable housing on Lot 3. The conveyance of a portion of Lot 4 to Lot 3 and its rezoning will enable Lot 3 to meet its parking needs on site rather than off site on Lot 4. Further, the construction of 75 units on Lot 3 will result in a residential density of 20.4 units per acre on the expanded 3.68 acre lot. Accordingly, Ordinance 6-2020 is consistent with the Land Use Plan and Housing Element.
8. Based upon the adopted Land Use Plan and the 2018 Re-Examination Report and Land Use Map, the Housing Element and Fair Share Plan, as well as the modified Land Use Plan Element of the Master Plan, the proposed revision to the ordinance is consistent with the use of land designated in the Master Plan adopted on April 4, 2019, for the reasons set forth in paragraph 7 above.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Moorestown, that on motion duly made by Christopher M. Chesner and duly seconded by Douglas M. Joyce, that the Moorestown Township Planning Board hereby reports to the Moorestown Township Council that the proposed Ordinance No. 6-2020 is consistent with the use of land designated in the current Master Plan, all as set forth in the above Findings of Fact and Conclusions of Law.

The action taken was granted by a 8 to 0 vote of the Moorestown Planning Board at a meeting held on March 5, 2020.

ROLL CALL VOTE:

IN FAVOR: Christopher M. Chesner, Douglas M. Joyce, Christopher J. Locatell, John Logue, David Zipin, Ryan Vander Wielen, Diane Walker, Melissa Arcaro Burns

OPPOSED: none

ABSTAINED: Brian Donnelly

CERTIFICATION

This Resolution of Memorialization being adopted by action of the Planning Board of the Township of Moorestown on this ______ day of ____________, 2020 is a true copy of the action taken by the Moorestown Township Planning Board at its meeting held March 5, 2020.

ANTHONY J. ZAPPASODI, Secretary