

PLANNING BOARD SPECIAL MEETING

Meeting Minutes

February 17, 2022

MEMBERS PRESENT:

William Barker, Chairman
Robert Musgnug
Christopher Chesner
Dave Zipin
Henry Balikov
Naoji Moriuchi
Melissa Burns
Lisa Petrillo
Kevin Aberant
Joseph Maguire

STAFF PRESENT:

Nancy Jamanow, PP, Planning Board Secretary
Eric Riso, Board Attorney
Mackenzi Kelly, Recording Secretary

Chairperson Barker called the meeting to order in the virtual meeting at 7:02 pm by reading the information to connect to the meeting and the Open Public Meetings Act statement. A moment of silence was followed by the Pledge of Allegiance. Roll call was listed as above.

ABSENT: None

Mr. Eric Riso is acting solicitor for this meeting tonight.

Minutes:

February 3, 2022

Mr. Chesner made a motion to approve the February 3, 2022 minutes with suggestions made by Mr. Balikov, seconded by Mr. Moriuchi. A roll call vote of the Board members was unanimous in favor with all eligible to vote.

Resolutions:

PB#2021-49, Michael & Emily Darling, 200 Pleasant Valley, Block 2704 Lot 8, Minor Subdivision

Mr. Aberant made a motion to approve Resolution #2021-49, seconded by Mr. Zipin. The roll call vote of the Board was unanimous in favor with all eligible to vote.

PB#2021-42, PCCH Properties LLC, 500 Covington Terrace, Block 1607 Lot 18, Minor Subdivision with Bulk Variances

Mr. Aberant made a motion to approve Resolution #2021-42, seconded by Mr. Musgnug. The roll call vote of the Board was unanimous in favor with all eligible to vote.

New Business:

PB#2021-40F, Bel Canto Asset Growth, 400 Route 38, Block 3000 Lot 3, Final Site Plan

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There have been several discussion with the applicant and the professionals regarding the conditions put in place in the preliminary site plan approval.

Mr. Barker stated the Board usually does both Final and Preliminary at the same time, however tonight they are doing only final.

Mr. Riso stated this is a final site plan approval. Preliminary site plan approval was already granted at the 12/2/2021 meeting that came with several conditions. The applicant had to meet them in order to come before the board for Final approval. The applicant is providing testimony that those conditions have been meant and complied with.

Mr. Burns is an attorney from Dembo, Brown and Burns and is representing the applicant. Mr. Burns stated, Bel Canto has revised and addressed the conditions put in place in the preliminary site plan approval. They have meant with PSE&G and Moorestown school transportation's director. They feel they have worked out a location for the bus stop. They redesigned the outside courtyard areas, with the help of the Board's Professionals. There are no variances needed and they meet all ordinance requirements for the MX Zone.

Witnesses:

Jennifer Nevitt, CEO of Bel Canto Growth Fund

Tom Leonard, Chairman of the Board, for Bel Canto

Ahmad Tamous, Engineer

Adam Alexander, Director of Landscape Architect from Bohler Engineering

Ken Linehan, Architect

Ted Sobieski, LSRP Tri State Environmental

David Shropshire, Traffic Engineer

Dan Pascale, PREIT Representative

Professionals:

Michelle Taylor

Chris Noll

Ahmad Tamous is a Licensed Professional Engineer in NJ; he was accepted as an expert witness. He agreed the opening statements were all true.

Exhibit A

Blown up of the Overall site plan

He discussed the landscaping enhancement and storm water management. They have the adjacent property's permission to modify the driveway near Panera Bread. They do have an email correspondence between Preit and the owners. They shifted the driveway to allow for safer movement between the properties. Some trees and landscaping were added. The courtyard design has been changed to serve the communities, tenants and owners.

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Exhibit B

Overall site plan

There were some environmental concerns. The applicant provided a report to the Planning Board Engineer, Mr. Noll showing the existing system drains to the stream behind Turning Point. Some sections of the storm sewer system need to be replaced or relined. They will work with ERI to determine what needs to be replaced and what should be lined. They have added additional stop signs and provided ADA space in front of the apartment building. There will be electrical vehicle stations in the northeast corner of the modified Boscov parking area.

Exhibit E

Existing conditions of the Boscov's pickup area

They are maintaining the existing curb line and are providing additional parking spaces. There will be two dedicated spaces for customer pickup. They are providing additional landscaping around that Boscov entrance.

Exhibit C

Shows existing entrance to Boscov's near bus stop

They are proposing landscaping and some planter boxes near the bus stop. They will work with the Board Professionals. There are trees that are located along the loading area, which will be removed. They will work with the Board Professionals to pick out trees to add landscaping along the loading area along with a decorative screen that will be placed on both sides of the loading area to replace the existing barrier.

The area behind the bus stop is part of Boscov's lease, and Boscov's will not permit this area to be changed. They are providing enhancement to provide buffering.

Mr. Riso inquired if the applicant agrees with the professionals and Fire official's letter. Mr. Burns stated they agree with 95% of the conditions. There are a few they want to discuss with the board. Mr. Burns stated they are in agreement as well as Preit to work with the board's professionals to provide the enhancements they discussed. Mr. Burns stated the apartments will have electric heat, so there will be no gas meters outside the building. He stated PSE&G could not commit to the location of transformers until the plan was completed. Once they have a final design, they will work with the Board Professionals to screen them.

Adam Alexander Director of Landscape Architecture from Bohler Engineering was accepted as an expert witness. He developed the Courtyard and Landscaping plans. He worked with the Board's Professionals. He provided testimony on the changes they made on the courtyards and landscaping. He stated the plans are very similar; they have been enhanced and provide additional amenities.

He went over each courtyard.

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1. Courtyard A will provide garden space, for gathering relaxation and reflection. It will have sitting areas and fire pit locations.
2. Courtyard B will provide an enclosed dog run, lawn space and outdoor grilling station. It will provide seating and an overhead structure.
3. Courtyard C will be used as multi-use space. This space will include a bocce ball court, synthetic lawn area, space for gathering, TV, fireplace lounge area and outdoor grilling stations. There will also be a walk that goes around the outside.
4. Courtyard D will have a pool with a lap lane and lounge seating areas. When the pool is not open outside the fenced area there will be a fireplace and TV.

They have not finalized the hardscape and landscape. They are proposing low-level lighting. They plan to work with board professionals regarding TDG's letter dated 2.11.2022. As a condition of approval, they agree to work with Board Professionals to satisfy the requirements.

Ted Sobieski, Vice President of Tri State Environmental, LSRP (licensed site remediation professional) in NJ and Professional Geologist licensed in PA. He was accepted as an expert witness. They conducted soil testing and a ground water investigation at the Mr. Tire site. They found 2 out of 6 former hydraulic lifts released fluid into the soil, they are in the process of remediating area. The ground water results will be available next week. The other portion of the area was previously used as an orchard. They found slight exceedances of arsenic, they are in the process of collecting additional sampling. They plan to remove the soil and dispose of the soil offsite for the unrestricted use of the site.

Mr. Burns stated the goal tonight was to provide an overall of the changes they have made and to put on the record the changes to the courtyards and the results of the environmental testing.

Professional Review Letters

The applicant and representatives met with them on Tuesday and went through the letters and discussed some areas. They have done their best to meet all the conditions from the last meeting. Ahmad Tamous made comments from the TDG letter. He stated regarding the lease condition, they provided several documents to the township that addressed that concern. Mr. Burns wanted to clarify for the board a separate addendum will be provided to the residents. He stated they will not be providing the lease; each tenant must sign an addendum, which incorporates the community policies. Jennifer Nevitt agreed they could amend the document if necessary.

Mr. Tamous stated item number 2 on page 4 regarding adjusting site lighting during the night for security concerns. They are meeting the minimum lighting requirements on the sidewalks and wall mounted units. Whatever the mall is currently doing is on a different level than the apartments would have. Jennifer Nevitt stated they love soft ambient lighting

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while being safe, if an incident should occur, it will be documented with a police report and at that point, they will bring it to the professionals for review.

He reiterated that they would modify the plan with the professionals regarding the Boscov loading area. The applicant agrees with the review letter from TDG dated 2.11.22.

Mr. Tamous stated in regards to the school bus stop they did meet with the Board of Education and a location was selected, however as time moves on that location may change. They will work with Mrs. Taylor's office to find a location in the future, they are not relocating the NJ Transit bus stop.

Regarding the Boscov's lease area, they have provided additional landscaping at the bus stop, loading area and will provide fencing. They cannot do anything in their leasehold area.

Mr. Burns agreed the applicant would provide a sign for the south side of the building. Ms. Nevitt stated the sign would be added and it will comply with any ordinances. Mr. Tamous stated they would comply with Mr. Noll's letter.

Mrs. Taylor complemented Mr. Tamous for the task he accomplished. Mr. Pascale stated they would work with professionals regarding the driveway being cut into that space by the NJ transit bus stop.

Mr. Steve Lennon confirmed actual landscape plans would be provided.

Mr. Noll had numerous discussions with the applicant; he stated the applicant would meet the design waivers so they are not necessary.

Tri state environmental is waiting for all test results and reports.

Board Questions:

Mrs. Petriello is concerned about the bus stop entrance and wanted to reiterate Mrs. Taylor's comments and how important it is. She wanted to know if the bus stop could be replaced. Mr. Riso stated they could request them to. The Board was generally concerned about the traffic sight line coming out of the ring road looking right towards PC Richards as well as the entrance into the bus intersection of Nixon and Harper. Mr. Tamous had discussions with Mr. Noll and they have added stop signs and enhancements.

The board had questions regarding bicycles, quiet time, bbq grills and fire pits. The residents would be allowed to bring their bicycles into their apartments. Mrs. Nevitt stated quiet time is 10pm, which is conservative considering; the industry standard is 11:00 pm. Ms. Nevitt said it is against fire code to have bbq grills and fire pits on the balconies.

The board inquired about the application process. Mrs. Nevitt stated upon closing they will create an inquiry list about 65 days before opening. It will be first come first serve.

Mr. Musnug thanked the applicant for working with the professionals

Mr. Maguire is concerned with traffic, and if the entrance at Harper Dr. should be a right turn only.

Mr. Shropshire, Professional Engineer specializing in Traffic Engineering was accepted as expert witness. He shares the concerns, the problem is the curvature in the roadway to see

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the traffic approaching. He stated there are gaps created by the traffic lights. He feels people will make the left turn anyway. Mr. Maguire feels putting a no left hand turn sign would deter them. Mr. Shropshire feels it's more an issue of comfortability. Mr. Burns agrees, he said they would cut some trees back for better visibility. Mrs. Jamanow stated it is on the neighbor's property and she reached out to them and they cut them back. Mrs. Petriello inquired if they could reconfigure the street to curve to the right so they cannot make a left hand turn. Mr. Noll stated that would further deter people making a left. Mr. Tamous stated the driveway would be on the adjacent property and also eliminating the left hand turn you will have more cars backing up. Mr. Chesner inquired if everything in the fire official's letter was ok. The applicant agreed with everything.

Henry Balikov inquired about the remediation timeline. Mr. Sobieski stated the timeline is being fast tracked. He stated as far as the arsenic area and residential portion they are going to do that as construction commences because there are two layers of asphalt needing to be removed. Mr. Balikov inquired about the catch basins. Mr. Tamous stated they are located within their property and documented on the plan. He stated the area in question is where the Mr. Tire was located.

Mr. Ken Linehan was accepted as an expert witness in Architecture, he designed all plans. Mr. Aberant stated an article in Burlington County Times discussed this application and referred to the building being a 7 building project. Mr. Linehan stated the article is correct, however the buildings are separated by firewalls. As a whole, it looks like one massive building. Mr. Aberant inquired if it will all go up at one time. Mr. Linehan stated construction is sequential, the garage will be first, then the foundations and then the building will start wrapping around the garage. Mr. Aberant expressed his appreciation to Mr. Tamous.

Mr. Barker expressed his appreciation to the applicant and the professionals.

Public Comments: None

Mr. Burns summarized the application and expressed appreciation to the township and board professionals. Ms. Nevitt also expressed her appreciation to the township and their professionals.

The Board's attorney Mr. Riso stated the conditions:

1. Comply with all comments in the TDG and ERI review letters dated 2.11.2022 with the explanations provided during testimony tonight as well as the comments from the Construction Official's comments dated 2.10.22. They applicant will do so with the help of the Board Professionals. This does not include the Boscov's leased area, since they are not giving that up.

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2. Working with board professionals in connection with additional signage, lighting, landscaping and existing storm water drainage system.

Mr. Aberant made a motion to approve the application with conditions, seconded by Mr. Musnug. The roll call vote of the Board was unanimous in favor, with all eligible to vote.

Public Comments: None

Closed Session- Resolution #2022-12, Authorizing Closed Session

Kevin Aberant made a motion to go into closed session, seconded by Chris Chesner. The roll call of the vote was unanimous.

ADJOURNMENT

Mr. Barker stated the next meeting would be 3/3/2021.

A motion to adjourn was made by Mr. Aberant and seconded by Ms. Petriello. The meeting was adjourned at 9:20 PM.

Next Meeting: 03/3/2022 at 7:00 pm