

PLANNING BOARD SPECIAL MEETING

Meeting Minutes

February 25, 2021

MEMBERS PRESENT:

William Barker, Chairman
Robert Musgnug
Christopher Chesner
Dave Zipin
Ryan Vander Wielen
Dianne Walker
Melissa Arcaro Burns
Henry Balikov
Jeffrey Dey
Steve Pazienza

STAFF PRESENT:

Nancy Jamanow, PP, Planning Board Secretary
Matthew Wieliczko, Board Attorney
Mackenzi Kelly, Recording Secretary

ABSENT: Thomas Merchel

Mr. Barker called the meeting to order at 7:04 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.

New Business

PB#2020-13 CAJ Capital Investors, 1249 Glen Avenue, Block 800 Lot 7, Preliminary and Final Site Plan with Bulk Variances.

Mrs. Ferris stated the proposed application is for the construction of a new office warehouse and site improvements consisting of a drive aisle around the proposed building, handicap parking, loading docks, landscaping, and lighting.

There will be two suites:

1. Italian food distributor
2. Warehouse will include: office space, cigar room, gym kitchen and a wine storage area

The proposed site is in the BT1 zoning district; the proposed use is permitted.

Witnesses sworn in:

- Sam Agresta from Stout and Caldwell Engineers
- Barry Brommer (Brommer Architects, LLC)
- Nathan Mosley, PE (Shropshire Associates)
- Tiffany Cuvello Morrissey, PP
- William Burris, Applicant's representative

Professionals sworn in:

- Christopher J. Noll, PE, CME, PP

PLANNING BOARD SPECIAL MEETING

Meeting Minutes

February 25, 2021

- Michelle Taylor, P.P., AICP
- Scott D. Taylor, PP, AICP, LLA, LEED-AP

Applicant's Exhibits:

A-1: Existing Conditions Aerial

A-2: Colored Site Plan Rendering

A-3: First Floor Rendering

A-4: Second Floor Rendering

A-5: Elevation Rendering

Sam Agresta stated his qualifications and professional experience and was accepted as an expert witness. He gave an overview of A-1. He explained the existing conditions and the surrounding properties and the proposed new building. He identified natural trees that provided buffering for the adjacent sites. Mr. Agresta also gave an overview of A-2. He stated this of the proposed new structure and shows additional parking to the Northside. The applicant is proposing one building with two units, approximately 7,300 sq ft each, with each unit possessing a loading dock on the front of the structure. The applicant is also proposing a ring road providing a 360 degree access around the proposed new building for emergency vehicles and better circulation. He described the lighting plan for the building, which included eight wall packs and a proposed additional light post on the landscape island to ensure light cover. Mr. Agresta stated that the total area of disturbance is 0.96 acres. The new impervious area is 0.1 acres. These numbers are well below what is necessary for stormwater management for the site. They want to use the site as it exists today and to use the existing topography of the land to address any stormwater concerns. Mr. Agresta stated they want to maintain the existing natural buffer as much as possible. They will be installing 135 new trees and shrubs. He stated the project will have minimal impact to the previously developed area.

Barry Brommer of Brommer Architects, LLC, stated his qualifications and professional experience and was accepted as an expert witness. He referred to Exhibits: A-3, A-4, and A-5 to describe the proposed interior and exterior plans for the new structure. He went over the two individual units. The ground floor of the first unit consists of a reception area, two offices, and warehouse space. The ground floor of the second unit consists of warehouse space, wine storage area, kitchen, cigar bar, offices, a gym, a reception area and a conference room.

He stated the warehouse portion of the building will be 26'11", with the North elevation being 28'11" in height. They will be using a wall aluminum frame for the glass area with additional windows in aluminum frames. The metal panel would be a corrugated metal panel with grey tones. The stucco surface would be more "terra cotta" in color. The combination of the two siding options works well aesthetically. He also stated there will be two additional entrances to the warehouse, which would be drive-in, roll-up type doors for access to the facility.

PLANNING BOARD SPECIAL MEETING

Meeting Minutes

February 25, 2021

Mrs. Taylor commented on the south elevation facing Glen Avenue. Mrs. Sophia Furriss stated it does however, it faces the existing building.

Nathan Mosley Traffic Consultant Shapshire stated his qualifications and professional experience; he was accepted as an expert witness. Mr. Mosley testified that he spoke with the Board Professionals regarding their concerns stated in their review letters. His testimony was consistent with the contents of his February 19, 2021 report. He stated most of the traffic activity would be from employees going to and from the warehouse building. The existing building has 16 employees. The proposed building will have an additional nine to eleven employees. Upon full occupation of the site, there will be 27 employees.

1. Mr. Mosley used information collected from historical manual counters in May of 2019 before the COVID pandemic. He found there is minimal peak hour volume along Glen Avenue and around the site during the weekday AM and PM peak hours. Currently the total trips are approximately 2-3 vehicles per minute during peak hour conditions. He testified based upon the ITE trip generation rates there will be a minimal increase when compared with the existing roadway volumes near the site. He stated regarding parking they are proposing 44 onsite parking spaces for both the existing and proposed. Moorestown's Ordinance requires 92 of street parking for the future site. A variance is needed. Mr. Mosley stated based on ITE average peak parking demand rates, the anticipated peak parking demand for the overall development during weekday conditions will be approximately fifteen (15) spaces. Mr. Mosley feels they will have sufficient parking spaces and it will not impair the parking ordinance as it stands today. Mr. Mosley supports circulation plan. He stated it would influence safe parking, access to, and circulation around the site. Chairperson Barker wanted clarification on the number of parking spaces, since the plan says 48. Mr. Mosley testified the actual proposed number is 44 spaces. Chairperson Barker inquired if the required parking would change if the uses on the site changed. Mr. Mosely based his study on the existing site, however he feels the ITE data would indicate that the parking and circulation plan would be safe.

Mrs. Tiffany Morrissey, Licensed Professional Planner stated her qualifications and professional experience; she was accepted as an expert witness. Mrs. Morrissey identified the variances needed in her testimony.

Requested Variances:

- a. A parking variance is required (Ch. 180-73.H). The applicant is proposing 44 spaces, the existing building requires 52 spaces. The proposed building requires an additional 40 spaces.
- b. A variance is required from providing planted areas within parking lots (Ch.180-73J(5)). A minimum of 100 square feet of planted area is required for every 30 parking spaces, plus 100 feet for every 15 additional spaces.
- c. A variance is required (Ch.180-73.J.(1)), which requires that 90 degree parking spaces have a minimum stall to curb length of 19 feet. The Applicant

PLANNING BOARD SPECIAL MEETING

Meeting Minutes

February 25, 2021

is proposing parking stalls with a stall to curb length of 18 feet along the northeast face of the building. A minimum of a two (2) foot overhang exists at the proposed parking spaces.

- d. A variance is required (Ch.180-73J(5)) to permit a continuous row of parking to exceed 15 spaces without an intervening 100 sq.ft. planted island, where 16 spaces are provided in a row.

Ms. Morrissey explained the current uses in the BP-1 Zoning District. She stated the proposed additional use would be offices as well as Milano Foods wholesale specialty food distributor. The second aspect of the suite would include the Burris Management Group management operations. Mr. Burris operates various restaurant companies, oversees the construction of nursing homes, and engages in non-profit activities. She gave testimony regarding the proposed wine storage, cigar room, kitchen, gym and other uses for the proposed new structure. She stated the second Burris unit, is for employees and non-retail use. She stated that the proposed uses conform to the BP-1 Zoning District. Ms. Morrissey feels that the variances and waiver are appropriate under the Municipal Land Use Law. She stated the benefits of the decreased number of parking spaces, which she relied on Mr. Mosley's testimony. The 92 spaces required is more than doubled for what the operations of the proposed facility needs for operation. She feels the variance should be granted. She stated the proposed development provides open space, and the proposed use promotes overall improvement of the property in accordance with the BP-1 Zone and the Master plan. She stated the parking space length variance is appropriate because the current stalls have a parking space length of 18'. They also are not high turnover spaces. Also, there is a 2' overhang for the spaces. Ms. Morrissey stated the variances needed for landscaping affect the rear of the property in an industrial type area. The proposed plan is designed to include an additional 135 shrubs and trees along areas where the landscaping would be visible. She stated that the Applicant did not want to lose parking spaces to increase landscaping in the parking areas.

Ms. Morrissey stated the proposed site would benefit the public since it is an appropriate use of land, promotes air and open space, and continues to promote an overall improvement consistent with the BP-1 and Master Plan. She also stated there are no substantial detriments to the public good, zoning ordinances or the Master Plan. She addressed the Professionals concerns regarding the wine storage operations and it's use. She stated as a condition they will conform to all applicable NJ Statutes and Regulations. Mr. Burris stated he purchased the site in June of 2020. The one building is currently leased until 12/15/2021. When the new proposed structure is complete, they will seek a tenant for the current building. They will conform to the approval with conditions and requirements from the Board. As condition of approval the Applicant will comply with the Professionals' comments and recommendations in their review letters. Mr. Burris stated his wine activities were done in a garage in the back of a previous building. He stated his winemaking is so large now; he has a desire to keep it in storage.

Board Professionals

PLANNING BOARD SPECIAL MEETING

Meeting Minutes

February 25, 2021

Mrs. Taylor inquired what ITE standards were used as part of the study. Mr. Mosley stated the site is a warehouse facility with office space. There are no parking data for a business park, so he felt using the ITE standards for warehouses was the best land use category. Mrs. Taylor's testimony was consistent with her review letters. She confirmed that the comments and conditions noted in her review letters have been agreed to by the Applicant with the exception of any modifications by the Board. Mrs. Taylor questioned the amount lighting needed on the eastside of the driveway because there is no parking there. Mrs. Taylor also asked the board to look at the long-term view of functionality of the proposed buildings. If parking is not sufficient there will be no space to add additional spaces if uses change at the existing or proposed buildings. The applicant withdrew their request for waiver Ch158-26A(1). The applicant will provide additional landscaping, trees, shrubs and ground cover in a manner acceptable to the Board's Professionals.

Mr. Wieliczko inquired if the applicant would provide a lighting plan to the Board's Professionals. Mr. Burris stated the issue with lighting is in the fall it starts getting darker earlier. The technology today does not have spillage. They would be comfortable with their parking areas being lite from dusk to dawn for their employees and also a deterrent to stealing vehicles.

Mr. Taylor's testimony was consistent with her review letters. He has had dialogue over the past few weeks with the Applicant's professionals leading to a number of revisions. Mr. Taylor recommended modifying 5 street trees along the site frontage in favor of sycamore trees. He also recommended eliminating the 1 Chinese Elm in favor of a native tree. The applicant agrees to these changes as a condition of approval.

The applicant stated that the wine process would comply with all NJ statutes and requirements. As a condition of approval the applicant agrees, it will not be used as a social club.

Mr. Barker inquired about storm water run off. Mr. Noll's testimony was consistent with his review letters. He confirmed that the comments and conditions noted in his review letter have been agreed to by the Applicant except as modified by the Board.

Mr. Noll discussed the waiver for compliance for soil testing requested by the applicant. It is justified because the site has previously been developed and existing improvements are on the site.

Mr. Noll discussed the parking waiver and stated that Moorestown requires 1 space per 1,000 feet of warehouse which is "very conservative". He believes the parking will be acceptable for this situation, however if the uses change more parking may be needed. Mr. Noll also discussed tractor trailers queuing at the loading dock and circulation on site. Tractor trailer getting around with circulation. Mr. Agresta stated that he did perform a turning analysis for the site and stated that that was on the plans. This would also ensure

PLANNING BOARD SPECIAL MEETING

Meeting Minutes

February 25, 2021

any emergency vehicles can access the site smoothly. Mr. Burris stated right tractor trailer deliveries are very seldom.

Mr. Noll also suggested the applicant produce a municipal utilities statement containing information on the proposed water and sewer usage so that appropriate fees can be determined. This was made as a condition of approval.

Mr. Noll suggested the applicant perform a Night light function test performed by the Board Engineer prior to the issuance of certificate of occupancy. This was made as a condition of approval.

Mr. Noll stated the applicant is not subject to the requirements of water quality and recharge; however, he noted that there will be an increase in water quantity due to the proposed structure. As a condition of approval the Applicant agrees to provide calculations and design details on the roof drains and drainage.

Mr. Noll stated a portion of the parking lot has no curb and there was no grading shown. The applicant as a condition of approval will provide a revised grading plan.

The applicant agrees as a condition of approval that any additional drainage caused by improvements will not adversely affect site, adjoining properties, or adjoining roadways.

Board Questions:

Mr. Barker inquired if the Board Professionals were satisfied with the ITE analysis for parking. Mr. Noll stated he feels it is adequate for the site proposed today, if some facilities turn to office space it will require additional parking. Mrs. Taylor agreed.

Mr. Wieliczko inquired if the Applicant would agree as a condition of approval to keep the proposed percentage of warehouse space and office space the same. If it is changed, the applicant will have to come back to the board. Mr. Burris agreed.

Mr. Musnug stated his concerns for the parking variance. Mrs. Walker stated her concerns that the parking area space is underused for the building proposed. She questioned if the size of the new proposed building. She inquired if the building could be reduced to allow for further parking. Mr. Burris stated he likes a bigger space, so he designed it this way to allow functions for his management and wine groups.

Mr. Chesner inquired about the attendance when demonstrations are held. Mr. Burris stated, he does not do them Milano Foods does which may up to 8 people. They do wine events on the weekends when nothing is happening on the site maybe 4 to 5 times a year.

Mr. Chesner was also concerned about proposed uses changing in the future. Mr. Noll stated there is potential for parking on the east part of the existing building. Mr. Chesner inquired about lighting. Mrs. Taylor stated Applicant agreed to reduce the light levels from the initially proposed 7,000k to 3,000k.

Nancy Jamanow asked for the applicant to address the fire and utility comments.

Mr. Aresta stated that everything has been addressed and they have addressed all aspects of the Fire prevention letter. They agree to comply.

Conditions:

- Applicant agrees to install a fire sprinkler system compliant with NFPA standards.

PLANNING BOARD SPECIAL MEETING

Meeting Minutes

February 25, 2021

- Applicant agrees to provide water supply documentation to show there is an adequate and reliable water supply for the required fire flow of the building to the satisfaction of the Board Professionals.
- Applicant agrees to annual testing of private fire service mains and fire hydrants.
- Applicant agrees to schedule flow tests with the fire official.
- Applicant agrees to obtain any required municipal permit for a designated fire lane to the satisfaction of the Board Professionals.
- Applicant agrees to the conditions of approvals contained in the Review letter of February 19, 2021 by Moorestown Department of Public Works, attached hereto as Exhibit E and incorporated herein by reference.

Public Questions:

None

Board Deliberations:

Mr. Barker agrees with applicant with the current uses the parking is adequate. He is struggling with the future. He stated that it is the responsibility of the Board to look not only at the current use, but also the potential future. Mr. Zipin inquired about a deed restriction. Mrs. Ferris stated this could be done concerning uses. The applicant agreed to this as a condition of approval.

The board had a lengthy discussion about the parking. Mr. Balikov inquired about how storm water and parking and if the storm water runoff and management will change. Mr. Noll stated some sort of storm water control mechanisms could be installed along the edge of pavement in the existing parking lot. As a condition of approval, the applicant agrees to work with the professionals to install storm water mitigation improvements

Public Comment:

None

Conditions:

- Applicant agrees to finish the visible southwest corner of the building consistent with the details provided at the entry façade and doors.
- Applicant agrees to furnish a revised demolition plan to indicate saw cut lines at the nearest contraction joint where new curb will meet existing curb to be shown in areas of pavement to be excavated for purposes of installing new utility lines to delineate areas of pavement restoration.
- Applicant agrees to restripe the existing parking spaces.

PLANNING BOARD SPECIAL MEETING

Meeting Minutes

February 25, 2021

- Applicant agrees to obtain a Moorestown Township Road Opening permit for work performed in the township roadway.

Mr. Wieliczko gave a brief summary:

He stated the applicant is seeking a number of variances and waivers for this application. He stated the parking variance given the nature of exchanges has taken up a majority of time. The applicant has agreed to all review letters and to come back to the board for any changes are needed.

Mr. Chesner asked how a deed restriction can be made without a transaction. Ms. Ferris stated that, as the current owner, the applicant can and will agree to the identified deed restrictions as conditions of approval. The Applicant has agreed to come back to the board for any changes in parking, change of use in any of the buildings, or changes in percentage to warehouse or office space.

Mr. Barker asked for a motion to approve or deny the parking variance.

Mr. Barker made a motion to approve the parking variance with conditions to seconded by Mr. Dye. The Roll call vote AYE: Mr. Balikov, Mr. Barker, Mr. Chesner, Mrs. Walker, Mr. Dey, NAY: Mrs. Acaro Burns, Mr. Musgnug, Mr. VanderWeilen, Mr. Zipin The Motion passes 5 to 4.

Mr. Barker made a Motion to approve the application with bulk variances and waivers, seconded by Mr. Musgnug. The roll call vote was unanimous in favor.

Public Comment: None

ADJOURNMENT

Mr. Barker stated the next meeting would be 03/4/2021. A motion to adjourn was made by Mr. Zipin and seconded by Mr. Chesner. The meeting was adjourned at 10:15 PM.

Next Meeting: 3/4/2021 at 7:00 pm