

**DELANCO TOWNSHIP JOINT LAND USE BOARD
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 1, 2024 at 7 PM**

Mr. Lord called the meeting to order and led the flag salute.

Sunshine Statement: Please be advised that proper notice of this meeting has been given in compliance with the Sunshine Law in the following manner: written notice has been mailed to the Burlington County Times and Courier-Post newspapers and published in the **December 21, 2023** editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting, filed with the Township Clerk and mailed to those persons who requested notice and who paid the required fee.

Roll Call

Present: Ms. Ellis, Mr. Fynan, Mr. Jass, Ms. Lohr, Mr. Lord, Mr. Matulewicz, Ms. Moore, Mr. Taraschi

Absent: Ms. Mader, Ms. Suess, Ms. van Genderen

Board Professionals: M. Lou Garty, Attorney; Jacqueline Berenato, Engineer; Michelle M. Taylor, Planner; Joseph J. Raday, Traffic Engineer

Approval of Minutes - August 6, 2024 regular meeting minutes

Minutes were approved by those Board members eligible to approve them. There were no corrections.

Applications

2024-03 401 Creek Road Industrial LLC

401 Creek Road —Block 2100, Lot 11 - I-3 Rehab/Redevelopment Zone

Preliminary and Final Major Site Plan Application; Bulk “c” Variances; Design Waivers

Completeness/Public Notice

Sean McGowan, Attorney for the Applicant, gave a brief description of the purpose of the application, proposed use of the property, variance relief and design waivers being sought. M. Lou Garty reported the Applicant provided an adequate notice, in a timely fashion, prior to the August meeting. Ms. Garty further stated the matter was adjourned to the September meeting with a possibility of not being heard until the October meeting, therefore no further notice was required. A detailed notice explaining the continuation to the October meeting was posted prior to the September meeting. Ms. Garty concluded that the Board has jurisdiction to hear this application.

Ms. Jackie Berenato, Pennoni Associates, described the completeness review letter dated September 24, 2024 submitted by Mr. Hugh Dougherty. She explained the specific design waivers requested without objection and items to be considered conditions of final approval. Ms. Berenato recommended as long as waivers are granted, the application be deemed complete and hearing move forward.

Mr. Taraschi asked Ms. Berenato if the Applicant obtained the Flood Hazard Area (FHA) permit and if testing results concerning environmental, flooding and wetlands concerns had been submitted. In response, Mr. Ahmad Tamous, Bohler Engineering, Applicant’s Engineer, gave sworn testimony that the permit application submitted to the State and been approved and was provided to the Board’s Professionals. Mr. Tamous explained the Stormwater Management plan has been revised many times, and asked the Board to allow the Applicant to defer submission of final design after any changes to the

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site are determined. He testified the Applicant will comply with all State and Township regulations. Mr. Taraschi inquired as to the need to black top a large part of the site which is now gravel. Mr. Tamous explained this would be answered during testimony. Ms. Berenato concurred. Mr. Matulewicz inquired of environmental testing on the site and Mr. Tamous stated a Phase I Environmental Study was completed and submitted with the initial application three years ago.

Mr. Taraschi asked why the waiver is being sought in regards to showing physical features 200' beyond the bounds of the site, Mr. Tamous explained GIS map shows information but would need to access neighboring properties to access conditions off site. Mr. Taraschi expressed concern that development on the site could affect properties 200' offsite.

Additional questions from the Board regarding the location and viability of the septic system, differing in square footage represented on the site plan and architectural plans and percentage of property to be black topped were determined to be addressed during testimony.

Motion by Mr. Fynan, seconded by Ms. Moore to find application 2024-03 complete subject to the stated conditions of approval as summarized

Those voting in favor: Ms. Ellis, Mr. Fynan, Ms. Lohr, Ms. Moore, Mr. Lord

Those voting against: Mr. Jass, Mr. Matulewicz, Mr. Taraschi

Those recusing/abstaining: None

The motion was carried with simple majority of five votes.

For the benefit of the public present, Mr. Lord explained the process that had occurred to deem the application complete and the hearing that would allow for more intense testimony as to the proposed site development, questions of the Board and of the Board's professionals.

Hearing

Mr. McGowan shared background on the property and the Applicant's negotiations with Township Committee regarding the requirements of redevelopment, which were passed by ordinance of the Governing Body after introduction, review by this Board and public hearing. The adopted Redevelopment Plan takes over from the underlying zoning, which helps the property be redeveloped and ultimately once developed and successful, the area will no longer be in need of redevelopment.

Mr. McGowan stated this project, truck repair and storage facility, is specifically included in the Redevelopment Plan as a permitted use and as long as it is compliant with the requirements of the plan, the project should be granted by the Board. He explained the Applicant's Planner, Engineer and Traffic Engineer will present testimony to answer questions of the Board's Professionals to ensure the Board that the plan meet the requirements. Mr. McGowan further explained the Applicant is able to request variance relief, and those being sought will be supported by testimony. He stated the project is overwhelmingly compliant with the Redevelopment Plan. Mr. McGowan explained that every effort has been made to minimize impact to neighboring area and complies with the stringent requirements set by Township Committee.

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The Applicant's Professionals, Mr. Nathan Mosley, Traffic Planner, and Mr. Creigh Rahenkamp, Planner, were sworn by Ms. Garty. Ms. Garty stated that both Mr. Mosley and Mr. Rahenkamp had previously provided testimony before the Board and are accepted experts with current licenses in the State of New Jersey.

Mr. McGowan introduced Mr. Tamous, explaining his involvement in the many meetings with Township and Township Professionals and asked him to present information on measures taken to minimize impact to neighboring properties, including flooding and noise. The following exhibits were introduced and Mr. Tamous indicated electronic copies would be provided to the Board secretary:

Exhibit A-1 – Statement of proposed operations

Exhibit A-2 – Aerial view, dated 9/30/2024, of the site and surrounding area

Exhibit A-3 – Colorized site plan, dated 10/01/2024

Mr. McGowan distributed a copy of Exhibit A-1 to the Board and Professionals, stating it would answer questions of the planning review memo. He explained the intent of the Applicant to insure that future tenants adhere to all imposed restrictions. Mr. Tamous described Exhibit A-2 as an aerial photo of the site showing the present conditions and orientation to the neighboring properties. He stated the current site has 20% impervious cover. He described Exhibit A-3 as showing the bulk of the site improvements as they currently exist. He explained access to the site will be modified to allow for left and right turns in and only right turns out onto the County road and that the County engineer has no objection to this improvement. Mr. Tamous described further improvements including refurbishing the existing structure to include an office, raising the front of the building to make it a single level, plans for tree planting and relocating of overhead doors. He testified the square footage of the building discrepancy on the site and architectural plans would be corrected, adding the architectural plans are correct. Mr. Tamous testified that the existing HVAC system will be used and the only the skin of the building will be modified. Mr. Jass inquired of HVAC inside the building working area. Mr. Brian Alcorn of Criterion Group, the parent company of the owner of the property, was sworn by Ms. Garty and testified there will be heat in the work area but not air conditioning. He explained the building will have exhaust to circulate the air in the summer time when the doors will be open, and there will be heat in the winter time. The office and rest rooms will be air conditioned. Mr. Tamous testified there will be compressors to run tools, which is the reason the building location will face east, away from the residential development. The Township can issue violation if the tenant does not comply with the specifications of the noise ordinance. Mr. Tamous pointed out the 19 car parking spaces, including one EV parking station, and the 124 trailer parking spaces. He explained the installation of (2) infiltration basins facing Creek Road and (2) basins located further south at the rear of the parking area. He described the extensive berming along the site and the use of evergreen trees to provide screening throughout the year. In response to questions from the Board, Mr. Tamous testified that the State regulations allow for a maximum of 72 hours for each basin to drain and the proposed basins meet that requirement. He explained the basins are relatively shallow and designed to filter and discharge storm runoff to the flood plain. He testified that the basins are not designed to hold water and therefore will not attract insects.

Mr. Tamous testified the code allows for a maximum of 70% impervious coverage, and the existing site is 20% and proposed development will be 40% which is allowable by code. Mr. Taraschi expressed concern with the number of trees to be removed to create the infiltration basins along Creek Road. Mr.

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Tamous explained that the new regulations call for smaller Stormwater Management basins throughout sites to limit run off. He stated this site technically calls for 7 basins due to its size and explained the plan for water to infiltrate the ground through the basin design. Mr. Tamous described the total of 700 trees and shrubs to be planted and testified they will work with the Board Professionals on an irrigation system if the Board requires it. Mr. Jass expressed his concerns after the recent failure of many trees planted without irrigation throughout the Township through a Shade Tree Grant project. Mr. McGowan stated there will be a Maintenance Bond to cover the landscaping requirements and Ms. Garty stated the need for a 2-year guarantee and timing of planting to be done at the appropriate time of year. Mr. McGowan cited the work done in compliance at site across the street owned by the Applicant and reported the owners want to be good citizens and they understand the critical importance of the screen buffering separating this site from the residential neighborhood.

Mr. Tamous spoke to the trailer parking and stacked spaces for trailer storage that will comply with code requirements. He testified the hours of operation are from 7AM to 7PM, 5 days a week, with no weekends. He explained the request for a variance to allow 24-hour access in case of emergency if a trailer will need to be dropped on site at night. He described a gate will either be remotely controlled to open or the access code will be shared as needed. He testified that it is not the intention that the site be accessed 24/7 on a regular basis, but only in the case where there is an emergency need. In response to questions from the Board, Mr. Tamous explained there will be some security lighting but all lighting will have shades with the intent to have no impact on neighboring residents and all lighting at parking spaces will point inward in compliance with code.

Mr. Tamous testified the site will have 10-15 employees based upon the spec of the proposed tenant and deliveries to site will be via routine carriers such as UPS and FedEx. He explained the intent is to not have trucks there over long periods of time and any that cannot be repaired will be towed away. Ms. Garty asked for clarification that the property will not be used as a junkyard and Mr. Alcorn confirmed for the record that the perspective tenant will agree to all limitations described in Exhibit A-1. Mr. Taraschi asked why so many spaces are needed for tractor trailers awaiting repair and if the huge parking area was part of the repair process. Mr. Tamous explained the parking spaces will be used to hold trailers that are awaiting repair. Ms. Lohr asked for clarification if the site would be used for logistic transport as stated in Exhibit A-1, noting that is quite different from truck repair and storage. Mr. McGowan explained that references the type of customer serviced and that a logistics company is not intended tenant. Ms. Lohr reiterated that the section "h" on page 2 of Exhibit A-1 states, "A logistics company and transport/delivery company is likely to be the tenant," which means movement of goods and services, supply chain and warehousing. Mr. McGowan testified that the site will not be used as a third party logistics warehouse but may be used by a logistics company to service their trailers. Ms. Lohr asked if the trailers awaiting repair would have product on them or if trailers would be rented to store product. Mr. McGowan explained the potential that if a truck breaks down it may have product on it, but this will not be a warehouse or used for distribution. Mr. McGowan testified that trailers on site would not be rented for storage. Ms. Garty asked if they would agree to that limitation, and Mr. McGowan confirmed agreement. In response to additional questions regarding product on trailers, Mr. McGowan testified trucks would not idle for refrigeration purposes and drivers would be allowed to sleep on premises as required by State and local statutes. Additionally, repairs will not take place outdoors and there will not be on site compaction of trailers for demolition purposes. Mr. McGowan further

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testified that no body work would be done on site. Mr. Tamous explained the bay doors were being relocated to provide buffer from noise from work while doors are open.

Mr. Tamous spoke to existing condition of buffer and driveway at the existing office where Michelle Taylor, Taylor Design, the Board's Planner, asked for solid cover, however this is not an area for truck access, but rather for emergency circulation. Mr. Jass asked about trash responsibility. Mr. Tamous testified trash removal would be by private hauler and be the responsibility of the tenant. Mr. Jass asked what the procedure is for inspection to make sure the tenant is meeting all requirements. Mr. Alcorn testified there will be a property management company in place and Mr. McGowan stated the Township Zoning and Code Enforcement officer can issue violations for any conditions that the tenant does not comply with. Ms. Garty stated that the tenant will be required to submit annual recycling reports to the Township.

Mr. Tamous addressed questions regarding the existing septic field and stated he did not know the exact location of the septic system. He acknowledged that the applicant will work with the Board's Professionals and Delanco Sewerage Authority in an effort to utilize the Authority's sanitary sewer system. Ms. Berenato requested the site plan be revised to show either the sewer connection or septic system.

Ms. Taylor noted that testimony states that vehicles may be received overnight, and per the code, this cannot happen between 11:00PM and 7:00AM. She asked for confirmation that the Applicant understands this and also that the site will not be used as transfer station of goods. Mr. McGowan testified it would not.

Mr. Matulewicz asked about the site plan on the wooded area to be removed on the eastern portion of the property. Mr. McGowan explained that the berming is critical to this plan to meet the requirements of the Township and the Board's professionals. Ms. Taylor submitted a copy of the concept plan portion of the Redevelopment Plan which shows the berming on the east side adjacent to the basin which is sand, will be graded and is part of the Redevelopment Plan. She reported changing that would be a deviation from the Redevelopment Plan. For the Board's reference, a copy of the Concept Plan was marked Exhibit B-1 and circulated among the members.

Mr. Matulewicz stated the owner of the adjacent property is incorrectly listed on the site plan and is owned by the County. Mr. Taraschi asked why the parking lot area has to be black topped and not crushed stone to allow the water to run off into the ground. Mr. Tamous explained the use of black top limits any chemical run off from entering the ground and rather to run off into the infiltration basin. The State discourages the use of crushed stone for this reason. The infiltration basins' sand layers act as a filter to catch chemicals, and will be inspected annually and the sand replaced periodically as required based on any level of contamination as required by the State.

Mr. McGowan introduced Mr. Nathan Mosley, Traffic Planner, to provide testimony in support of the traffic engineering report provided. Mr. Mosely explained the traffic assessment submitted along with the criteria for the field study and traffic counts conducted to collect traffic data from Creek Road at Coopertown, Creek Road at Bridgeboro and at the DMV driveway across from the site during the peak hours of 7:30AM to 8:30AM and 3:30PM to 4:30PM. He described the timing of study, volume and

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type of activity observed focusing on the possible future impact on the peak hour times of this development. He explained existing roadway conditions, speed and shoulder width and applied general growth of 1.5% per year to increase the traffic rate to the 2026 conditions. He included other traffic conditions from adjacent properties in use and those not yet in use that may impact traffic volume and, using ITE (Institute of Transportation Engineers) trip generation rates for this land use category, determined additional volume and trips generated from this site. Mr. Mosely anticipates an increase of 30 trips during typical AM and PM peak hours including employees and truck drop offs.

Mr. Mosely explained the access out of the site will be limited to right turn only onto Creek Road with right and left turns allowed into the site off Creek Road. He testified there will minimal impact on traffic from the development of this site. Joseph Raday, Pennoni Associates, the Board's Traffic Engineer, asked if there were any proposed mitigation or improvements. Mr. Mosely explained the County will review the proposal as Creek Road is a County road and commented this use will be complimentary to other businesses along Creek Road who can utilize the repair services without the need for travel from farther away. He explained the levels of service analysis at the intersections studied now and in the future and does not anticipate major changes at Creek and Coopertown or Creek and Bridgeboro. Mr. Mosely concluded that this site is not a substantial traffic generator and will not have substantial impact on the area roadways.

Mr. Matulewicz asked if the trips noted were passenger vehicles or tractor trailers. Mr. Mosley stated he anticipates most of the traffic generated would be from employees coming to and leaving work. Mr. Mosely shared counts at the intersections and the percentage that were passenger vehicles and tractor trailers. Mr. Raday stated he had no recommended mitigation factors and reported the data from Mr. Mosley's study would be included in the traffic study currently being conducted for the Township.

Mr. McGowan introduced Creigh Rahenkamp, Planner for the Applicant, giving a brief description of the purpose of Mr. Rahenkamp's testimony as to the variances requested and the site use. Mr. Rahenkamp gave a history of the property previously owned by Fred Kennedy, commenting its former "rogue wildcat status" and explaining the plan of the Applicant to modernize the site and make substantial improvements which would create benefits as per the Redevelopment Plan. He explained the specific permitted use of this property, as detailed in the Redevelopment Plan, is a truck and trailer repair and service facility with accessory outdoor trailer storage. Storage of trailers on site is an accessory to the repair facility. Mr. Rahenkamp explained the reason for the large parking lot is to accommodate seasonal capacity of the logistic delivery companies, where tractors would be assessed and repaired during slack delivery periods. He further explained there will also be storage of trailers in conjunction with their repair assessment. Additionally, there will be an emergency part to this as trucks and trailers break down and require repair.

Mr. Rahenkamp outlined the requested deviations from the Redevelopment Plan to include the landscape buffer for the existing parking lot in front of the building where no landscape or buffer exists, and the proposed landscaping and fence would be a substantial improvement to what is there and would be a c-1 hardship. He explained the second deviation is to allow emergency drop off of trucks between 11PM and 7AM, outside of permitted hours, stating the business will not be open during these hours but access would only be on an emergency basis. This would alleviate the need for a broken down truck to remain on the highway or be taken to wait at another place until the facility opens at 7:00AM. He

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testified that no drivers would remain on the site overnight and explained this would be a c-2 variance as it would be a benefit that a truck be taken off the road and safely stored. This occasional use would have very limited impact. He concluded that other than those two variances, the use is thoroughly consistent with the Redevelopment Plan.

Ms. Taylor asked that the west side berm, which would be less than the required 47' and cannot be fully planted due to the swale, be addressed. Mr. Tamous explained with the drainage of the site from west to east, a swale is created to alleviate flooding and with the introduction of the berm and the topography of the site it would be a c-1 hardship to have to move the berm and the function of the buffer is being met with the landscape screening. Ms. Taylor stated there needs to be a balance between the need for the buffer from the residential properties and the need to create the swale so as not to have ponding. Mr. Taraschi asked if the basins would overflow onto the roadway. Mr. Tamous explained that water that does not infiltrate the basin, can be carried out through underground pipes down to a further basin.

Ms. Moore asked if the ordinance requires a sidewalk. Ms. Taylor explained that sidewalks and crosswalks are required and Mr. Tamous stated the plan does not currently show them. Ms. Taylor asked if there was anything from her letter, dated August 2, 2024, that the Applicant would not be able to comply with, including bike rack placement, fence detail on the west side and gate detail, colors of building to be provided in a palette. Mr. Tamous introduced Exhibit A-4 showing the building color palette and stated an electronic copy would be furnished to the Board secretary. Ms. Taylor explained the lighting fixtures are to be made dimmable, but there is no requirement to do so as the tenant may have security issues, so can be dimmed but may not be dimmed. Mr. McGowan stated the tenant and Applicant's engineer will work with the Board's Professionals to ensure there are proper shields and motion sensors where appropriate.

Ms. Lohr asked if the Applicant would match the sidewalks in front of the site to the 6' asphalt trail at the County Park and proposed for Field of Dreams (FOD) rather than a 4' concrete sidewalk. Mr. McGowan stated that the Applicant will match the materials subject to ADA compliance and Ms. Taylor stated that the Board would then need to grant a waiver from the requirements for concrete in the event they are able to put the asphalt in to a specification to tie in with the exception of handicapped ramps. The durability and lifespan of the asphalt was discussed.

Ms. Berenato asked for clarification on the (2) design waivers to be granted. She stated the double stack trailer parking configuration on the east side of site is consistent with the concept plan provided in the Redevelopment Plan and asked if the Applicant would like to offer testimony as to why that is needed. Mr. Rahenkamp explained the operator would be staging vehicles and parking would be assigned based on an appropriate level. Ms. Berenato stated there was no objection with the waiver for hairpin striping requirement for all parking spaces less than 10' wide. Ms. Berenato asked if the Applicant would comply with the requests described in the Stormwater Management section of review letter and the zoning comments. Mr. McGowan testified there is nothing in the Engineer's letter that the Applicant will not comply with.

Mr. Raday stated the traffic plan submitted was adequate and stated his agreement with their recommendations. He requested the truck turning template be provided to insure vehicles can adequately access the site and asked if they will agree to bollards at the corner of the building. Mr. McGowan agreed.

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Hearing Opened to the Public

Mr. Lord opened the hearing to the public.

All members of the public wishing to testify before the Board were sworn by Ms. Garty individually. Elizabeth Mataset, 304 Center Avenue, Delanco – expressed her concern that this is a bad spot for this development due to the extensive wetlands, proximity to the Township park, residential development, and the Rancocas Creek. She believes it will negatively impact the use and enjoyment of the Rancocas Creek Trail and would like to see this land purchased by the Township for preservation. She commented the noise and lights will affect the wildlife and the resident.

Frank Dolan, 33 Pennington Court, Delanco – stated the presentation was informative but he did not hear how it would impact on the adjacent community. He expressed concerns with the proximity to his home and how increased noise and pollution will cause changes in his lifestyle. He is also concerned with the disruption to wildlife, and the direct financial, mental and esthetic impact to his life.

Maurice James, 37 Emery Way, Delanco – stated he was impressed with the Board and Professionals, but is concerned with the increased traffic especially at Bridgeboro and Route 130.

Ken Harris, 66 East Shipp's Way, Delanco – explained his personal experience with a trucking outfit across from his home and the noise this development will create.

Jimmy (Imre) Andorko, 68 East Shipp's Way, Delanco – stated the noise will reverberate from the metal building and the berm will only cut back a little of the noise. Asked if tankers would also be stored there and suggested that not be allowed.

Elaine O'Donnell, 17 Emery Way, Delanco – asked the tenant's name be disclosed and that it be vetted for domestic or foreign ownership. Mr. McGowan explained the parent company is Criterion Group which is based in New York and complies with all laws.

Michael O'Donnell, 17 Emery Way, Delanco – stated property values will be affected by being next to an industrial center. Asked about the flood zone as FEMA has changed the flood maps. Mr. Tamous stated the application was submitted and is in compliance with the FEMA flood map. Mr. O'Donnell asked if there was an agreement from the Board to reduce taxes for this company. Ms. Garty explained that is not a function of this Board and the Governing Body would have to do that.

Scott Buek, 18 Pennington Court, Delanco – commented the property should be taken over by County, Township or State as wetlands. Stated his belief that this will be a 24-hour operation and is concerned that diesels will idle in the cold therefore adding pollution which collect on the truck bodies and be washed into the basins.

Joseph Robinson, 37 Pennington Court, Delanco – stated the Township Committee enacted an Ordinance in 2023 to reduce warehouse development and the Redevelopment Plan came out of a lawsuit by Criterion Group.

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Steve Mastalesz, 97 Shipps Way, Delanco – commented that this development does not belong on this side of Creek Road. Expressed concerns with the trucks towering over the softball field, oil storage, hazardous waste, tire storage and the number of trees to be taken down.

Scott Buek, 18 Pennington Court, Delanco – commented the parent company, located in Astoria, NY, is looking for a place to store and dump stuff out here and recommended visiting their site on Hartford Road in Delran.

Kurt Scheimreif, 5 John Maher Way, Delanco – stated the traffic, environment impact, and pollution will impact the people that live on Pennington and asked the Board not to approve the application.

Stan Suski, 70 East Shipps Way, Delanco – thanked professionals for their presentations and is in agreement with other members of the public. He believes the Board should consider the noise that will be generated and the loop holes to allow trucks to come in 24 hours a day. Expressed concern with possible volatile chemicals that may be on trucks being repaired or stored at the facility.

Elizabeth Mataset, 304 Center Avenue, Delanco – the Board cannot say no if the proposal meets the requirements of the ordinance and zoning. Commented the land should be preserved.

Hearing Closed to the Public

Since there were no further comments or questions, Mr. Lord closed the hearing to the public.

McGowan offered rebuttal for the questions and comments made by the public. Mr. Rahenkamp explained the history of the site as an active transportation and trucking site in 2002 when Newton's Landing was being built. At the time trucks and vehicles were parked as close as 210' from the common property lines with Newton's Landing and the single family home next to the site. He stated the application before the removal of the single family home and the closest space will be 240', increasing the physical buffer as compared to historically what was on the site

He explained the DEP highly regulates how to store and dispose of hazardous material and this is not a part of land use. He testified that there would be no storage of hazardous material on trucks. He explained the site in Delran is another situation where Criterion Group bought a site with a questionable history and is in the process of cleaning it up with modern facilities. He stated that litigation is a common part of the normal process of negotiation and land use and has led to the negotiation and redevelopment that led to the cleaning up of this property.

There was discussion about the Applicant's consideration to provide sidewalks on the other side of the baseball field and Mr. McGowan reported the Applicant is not opposed to the concept but legally cannot commit. It was advised that the Board cannot impose a monetary requirement or offsite improvements on the Applicant.

Mr. Matulewicz asked if tractor trailers being towed were considered in the turning radius and Mr. Tamous stated he will provide the turning radius template to Mr. Raday.

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Ms. Lohr asked if additional sound attenuation would be considered to lessen the impact of noise on the neighboring residential development. Mr. McGowan stated the tenant will be required to comply with all local and state noise ordinances. Mr. Tamous stated the building improvements are designed for sound to travel away from the residential development and that insulation could be added to muffle sound.

Ms. Lohr asked what type of barrier will be provided between FOD and the stacking of trailers citing the recent incident of a small child wandering away from FOD during an event. Mr. Tamous explained there is an existing chain link fence along the property and additional fencing could be added to create a barrier. Ms. Taylor agreed as long as the addition of fencing did not require removal of additional trees.

There was discussion concerning the door on the west side of the building and the hours of operation and if trucks would be picked up outside of normal business hours. Mr. McGowan stated that trucks would be picked up during normal business hours. Mr. Tamous testified that tires would not be stored outside and there would not be pumps for refueling of vehicles.

Mr. Taraschi asked if the property would be divided and leased to a separate business for storage. Mr. McGowan stated the property will not be divided as trailer storage is an accessory use to the repair facility use and cannot be separated.

Mr. McGowan offered summation of the testimony provided in response to the comments and questions, explaining this application is part of a long process of negotiation of many years. He stated the it would not be permitted to be heard if it were not a permitted use of the Redevelopment Plan. He explained the efforts made to minimize and negate any offsite impacts including extensive berming, the requirement to have continuous unbroken screening of deciduous and evergreen trees and shrubs as outlined in the ordinance and Ms. Taylor's letter which the Applicant agrees to fully comply with. He outlined the minor deviations and design waivers sought and commented that in comparison of the very large site, it is a small number. He reiterated the Applicant's commitment to the obligation to minimize off site impact and the Township Committee's efforts to have this property no longer be an area of redevelopment. He cited the extensive commentary provided by the Board's Planner and Engineer which the Applicant has agreed to comply with. He thanked the Board for their time and consideration in reviewing the application.

Mr. Lord asked Ms. Garty for a recap of the conditions of approval for the application. She explained this application is a by right application for a site plan approval, is subject to conditions and other aspects for deviations from requirements. She explained this use is permitted by ordinance and Redevelopment Plan.

Ms. Garty offered a brief overview of the conditions of the application as agreed upon by the Applicant and testified to by the Applicant's Professionals. She stated the design waivers and variances sought and advised the Board could decide to vote on all or part of them.

Motion by Ms. Moore, seconded by Mr. Fynan to approve application 2024-03 Preliminary and Final Major Site Plan with the design waivers as presented and summarized and the three variances and stipulations as summarized by Ms. Garty

Those voting in favor: Ms. Ellis, Mr. Fynan, Ms. Lohr, Ms. Moore, Mr. Lord

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Those voting against: Mr. Jass, Mr. Matulewicz, Mr. Taraschi
Those recusing/abstaining: None

Comments by the Board

Mr. Fynan voted yes stating it meets the Redevelopment Plan.

Ms. Lohr voted yes as it does meet the Redevelopment Plan.

Mr. Matulewicz voted no based on the Phase 1 Assessment that there are no areas of environmental concern because aerial photos show several.

Ms. Moore voted yes stating with this one our hands are tied. The Township adopted a Redevelopment Ordinance in part to protect from something worse and still had to provide an industrial use and the application has met the required conditions.

Mr. Taraschi voted no citing the opening statement Ms. Mataset put on record of the uniqueness of the property and the specifics for waivers for completeness that were not addressed and the environmental issues that have not been addressed.

Mr. Lord voted yes as this is by right with minimal variances and the Applicant has shown a willingness to work with the Professionals and believes they will work with Township in the future.

Ms. Garty reported the vote is 5 – 3 so the application with waivers and various conditions is approved.

Correspondence

Ms. Russell advised the Board that there was no correspondence.

Discussion Items

There were no discussion items

Meeting Opened to the Public

Mr. Lord opened the meeting to the Public.

Meeting Closed to the Public

Since there were no comments or questions, Mr. Lord closed the meeting to the public.

Comments from the Board

Mr. Lord thanked everyone for their thoughtfulness and appreciated the considerations for their votes.

Adjournment

A motion to adjourn the meeting was made by Ms. Moore, seconded by Mr. Fynan. The voice vote by the Board was unanimous in favor.



Beverly G. Russell, RMC

Board Secretary

Approved: 10/29/2024