

CINNAMINSON TOWNSHIP  
PLANNING BOARD  
MEETING  
February 26, 2019

MR. BEDNAREK: In accordance with Section V of the Open Public Meetings Act, Chapter 231, Public Law 1975, notice of this meeting was posted on the Township bulletin board and by advertising this Regular Meeting in the Burlington County Times on January 15, 2019, and in the Courier Post on Saturday, January 15, 2019. In addition, notice was filed with the Municipal Clerk.

Members Present: – Mr. Bednarek, Mr. Jones, Ms. Lamon, Mr. Marshall, Mr. Rau, Mr. Segrest, Mr. Sztenderwicz, Mr. Gorgone and Mr. McGill.

Also Present: Mrs. Rucci, Secretary, Douglas Heinold, Board Attorney and Paul LaPierre, Board Engineer.

MR. BEDNAREK: This meeting is a quasi-judicial proceeding. Any questions or comments should be limited to issues that are relevant to what the Board may legally consider in reaching a decision, and decorum appropriate to such a proceeding must be maintained at all times.

MR. BEDNAREK: It is the policy that no applications will be opened after 9:30 p.m. and no new testimony will be taken after 10:30 p.m.

MR. HEINOLD: Oath of Allegiance for Kevin McGill.

MR. CHRISTOPHER DOCHNEY: He is the Planner from CME Associates. Mr. Dochney introduced himself to the Board and provided the Board with information regarding his experience.

MR. BEDNAREK: At the Applicant's request, Case #1901 – Richard Greco – Minor Subdivision, Hilton Road, Block 1713, Lots 1 and 1.01 has been rescheduled to the March 26, 2019 Planning Board Meeting at 6:30 PM with no further notice required.

MR. BEDNAREK: Case #1902 – 1001 Taylor's Lane, LLC – Minor Subdivision and Bulk Variance, 1001 Taylors Lane, Block 610, Lot 3.

MR. Jones: He recused himself from the 1001 Taylor's Lane, LLC Application.

MS. SZULEWSKI: The application is for a Minor Subdivision with Bulk Variances for the property located at 1001 Taylors Lane, Block 610, Lot 3. The overall site is just over 95 acres. This is formerly the site of Hoeganaes Manufacturing Plant which closed its manufacturing operations in early 2009. The Company does maintain their headquarters and research and development operations to the rear of the site. The site is located in Industrial District. We are proposing to subdivide the overall 95 acres into two new lots. The first lot which would be retained by Hoeganaes is approximately a 13 acre lot. There is a remainder portion that compromises of approximately 82 acres mainly along the frontage of Taylors Lane. There are

various access and utility easements that are proposed for the benefit of the lot to the rear which we are calling the proposed lot 3.02

MR. HEINOLD: He swears in Mark Malinowski from Stout and Caldwell. Mr. Malinowski is the Applicant's Engineer.

MR. MALINOWSKI:

Exhibit A-1 – Colored Aerial of the Site. We outlined the site in red. To the south we have the landfill. Whitesell's Industrial Development up to the East. The Riverline and River Road to the north. We outlined the overall property which is the 95.15 acres. We also outlined the 13 acre site that is being subdivided out of the overall property.

There are four buildings to rear of property near the Seabox facility. There is an access road in the middle of the site and goes back to the existing Hoeganaes facility. There is also a drive along the Riverline/River Road. Those current facilities are all going to remain at the current time with the subdivision. We are subdividing this 13 acres out in the rear that encompasses what Hoeganaes currently uses. The 13 acres is to the rear and has no frontage, it is an isolated site, landlocked, and has no frontage along the roadways. As a result, we need a variance from the Board to allow that because there is a minimum of 35 foot frontage. We mitigated that by providing access easements to the rear of site. Those access easements are highlighted in yellow on this plan. The whole purpose of this subdivision is so that Hoeganaes can retain what they currently use and the applicant can utilize this area and start planning for future development. These easements provide flexibility for future development. It doesn't have any negative impact on public health or welfare. There are also utilities that service the Hoeganaes site. He identified drainage and utility easements being provided to keep current services to the Hoeganaes facility active. ??

The intent is this is all one development.

MS. SZULEWSKI: Attorney for the applicant.

MR. LAPIERRE: I did receive Stout and Caldwell's letter dated February 8<sup>th</sup>. Mr. Lapierre referred to his letter dated January 22, 2019 for completeness.

Item # 8 – A signature line for the Board Engineer has been provided.

Item #12 - Certification/Signature Blocks by Map Filing Law has been provided.

Item #13 – Surveyor certification – That is covered also.

Item #17 – Concrete Pads – There are still concrete pads that remain from the old buildings. I look at those structures. There are encroachments.

MR. BEDNAREK: Are there any plans to move the concrete pads?

MR. MALINOWSKI: There are slight encroachments with regard to some building foundations. We believe that is something that can be worked out between the Owner and the Applicant.

MR. MARSHALL: As the Zoning Officer, I don't consider those structures. Everything within 95 acres is coming back for site plan.

MR. BARONOWSKI: Attorney for Hoeganaes. He stated that Hoeganaes is the current owner of the property. The owner and the applicant have been collaborating on this and will certainly provide any necessary cross easements that will be required in connection with the pending application. To be further modified as needed on any subsequent site plan application.

MR. LAPIERRE: Item #24 – A waiver should be requested for providing topographic information within 500' of the site. I don't have a problem with this.

Item #29 – Locations of existing utilities and stormwater management systems servicing the proposed lot must be indicated. The applicant should demonstrate that all utilities are contained within the proposed easement. I believe it has been addressed.

Item #35 – A waiver for the provision of a Landscape Plan should be requested. A waiver has been requested.

Item #39 – Vehicular and pedestrian patterns must be clarified. The lot as it is created should be self-supported when you approve it. They cut a lot of the parking away from the existing structure as well as a restricted line around the backside of the parcel. I have a concern that parking that is there is not becoming part of the lot. My opinion would be the parking should be included in there as it is now rather any offering of any (inaudible) lot at a later date. The proposed subdivision line removes parking spaces from Lot 3.02 required for use by buildings within Lot 3.02. Required parking for Lot 3.02 facilities should be contained within Lot 3.02. The applicant has to address as far as my comments.

MR. MALINOWSKI: This is a starting point for future development to establish these two properties. There is a row of parking that does encroach.

MR. HEINOLD: Was the existing testimony that the existing parking is adequate for the existing use?

MR. MALINOWSKI: It is adequate as far as Hoeganaes using it at this point. It doesn't comply with the Township requirements as far as the square footage with the office. I know they have 32 delineated spaces that are within the boundary. I think there is about another 20 along that division line.

MR. HEINOLD: Is the proposal that they would be covered by an easement and would still be able to use those parking spots?

MR. MALINOWSKI: I think prior to any development that might be a possibility.

MR. MARSHALL: It is just additional language within your existing access easement.

MS. SZULEWSKI: That is correct.

MR. MARSHALL: Ingress, Egress and Parking.

MS SZULEWSKI: The parking would be temporary contingent upon future site plan approvals or portions of that access are permanent.

MR. MALINOWSKI: Any access improvements would eliminate those spaces.

MR. MARSHALL: I know there is going to be a road built there.

MR. MALINOWSKI: Correct. So those spaces would have to be relocated on the 13 acre tract.

MR. MARSHALL: He referred to a condition of approval. That no further development or site changes without site plan approval would be permitted on that. This is just to make some lot lines.

MR MALINOWSKI: Yes.

MR. MARSHALL: If you are agreeable to that condition, that should be part of it. Right?

MS. SZULEWSKI: Yes. That is both the applicant's and property owner's expectations.

MR. HEINOLD: You are talking about Site Plan Approval with respect to both lots?

MR. HEINOLD: We agree that 52 spots is sufficient for what is happening out there now even though the code calls for a lot more.

MR. MARSHALL: I think 52 is way more than enough. I know we have a representative from Hoeganaes here who may be able to testify as to what their parking needs are. I know they mentioned that they may want to come in with additional buildings in the future. There is definitely going to be a site plan for this property in the future.

MR. HEINOLD: I guess then the condition should specify that if they lose the parking out there, they have to come back and address that and address that to our satisfaction. If the testimony is that they can live with 32 for some reason, that we here that at that point, but otherwise we require site plan if need to put in more parking.

MR. MARSHALL: Yes. That would be my suggestion.

MR. LAPIERRE: Would the boundary line change in the future?

MR. LAPIERRE: Final Subdivision Checklist.

Item # 12 – Signature line for Board Engineer – this is okay.

Item # 13 – The certification/signature blocks of Map Filing Law has been provided.

Item #14 – Monumentation as required by Map Filing Law – If it remains a landlocked parcel, I don't believe there is any monumentation required for Map Filing Law.

MR. MARSHALL: I don't want to waive the requirements for monumentation completely.

MR. LAPIERRE: If you want to make it a condition as far as some better markings.

MR. MARSHALL: We are creating a lot in the middle of nowhere we really should monument it.

MR. MALINOWSKI: We are preparing markers and pins identifying the corners of the proposed lot. The 13 acre lot we are proposing is lot 13.02. On our survey, we are proposing pins to be established to identify the property.

MR. LAPIERRE: Item #20 – The issue with the encroachments on the concrete pad/foundations – We discussed and resolved.

Item #27 - Waiver for topography within 500 feet – We discussed and resolved.

Item #32 – Existing utility and stormwater management systems and services to Lot 3.02 must be identified and referenced to location in proposed easement. I'm requesting an Operations Maintenance Manual be provided for the basin and storm drainage. . That manual would indicate the parties responsible for the basin and how they can override if something isn't working. That has to be filed as a Deed restriction

MR. MALINOWSKI: We would like to delay until development of site.

MR. LAPIERRE: If you create the lot, you have to create the responsibility.

MR. MALINOWSKI: We are creating the drainage easement and utility easement to incorporate those facilities for the Hoeganaes site.

MR. LAPIERRE: The DEP is looking for the responsible party of the basin.

MR. MALINOWSKI: That is something we typically do during development of the site. We can identify who would be responsible.

MR. MARSHALL: It is an identification of who is responsible for that basin.

MS. SZULEWSKI: We can address them through the easement agreements that are already being worked out with Hoeganaes.

MR. LAPIERRE: They can identify the responsibilities with the easement, the individuals names and contacts.

MS. SZULEWSKI: We can do that.

MR. LAPIERRE: Item #37 - Confirmation on proposed lot number will be required.

Waivers Requested 1. Providing plan topography outward to 500' and providing landscape plan.

MR. BEDNAREK: Any comments or questions from the Board regarding testimony provided for completeness? Do I have a motion to deem the application complete based on the testimony provided and the applicant's willingness to comply, concrete pads, easement documentation for utilities?

A MOTION IS MADE BY MR. MARSHALL, seconded by Ms. Lamon to deem this application complete based on granting waivers for not providing a topography outline within 500 feet, not providing a landscape plan at this point in time, not providing topography information within 500 feet of the site, with the stipulation they will provide easement documentation that shows that their easements they have in place now for ingress and egress will also cover parking and monumentation for all of the corners for proposed lot 3.02. Reserve the right to revisit all of the

things we are waiving during the course hearing should it be necessary to revisit these. ROLL CALL VOTE: AYE, Ms. Lamon, Mr. Marshall, Mr. Rau, Mr. Segrest, Mr. Sztenderwicz, Mr. Gorgone, Mr. McGill and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: The application is complete.

MR. LAPIERRE: General Comments – Item #1 – They will have to give testimony for the variances.

Item #2 – The utilities have been identified.

Item #3 Stormwater Management Systems must be identified for proposed Lot 3.02 – They will provide.

Item #4 – The Board is acceptable to the parking analysis.

Item #5 – For now that is acceptable.

Item #6 - For now that is acceptable.

Item #7 – The corners will be appropriately marked on the new lot. They do propose to file by plat because of the easements.

Item #8 - Setbacks – To my knowledge they are in compliance.

Item #9 - The new lot should touch the outer boundary of parcel.

Item #10 - I am okay with temporary access easements.

Item #11 - Metes and bounds descriptions – They have not provided actual legal descriptions.

MR. HEINOLD They are filing by plat. Any easements they will have to have sufficient description.

MR. LAPIERRE: Item #12 – They have to come back for Site Plan approval.

MR. MALINOWSKI: He agreed.

MR. BEDNAREK: He referred to the Fire Marshal's letter.- Item #1 – How will the existing fire hydrant service be affected by this subdivision?

MR. MALINOWSKI: There won't be any change to the current fire service.

He presented the Utility markup of subdivision plan. He explained where the fire hydrants are located.

MR. BEDNAREK: Item #2 of the Fire Marshal Letter – The plan needs to show the existing fire hydrants outside the property line, distance to the fire hydrants from the buildings, and how they will be accessed with the new configuration.

MR. MALINOWSKI: We will highlight that.

Mr. BEDNAREK: Item #3 - The existing address is 1001 Taylors Lane. What will the new proposed lot be addressed as and will there be addresses left for future development?

MR. MALINOWSKI: I think at this point they will all be currently the same. The only operating facility is going to be the Hoeganaes Site.

MR. MARSHALL: We need a separate address and separate lot number because of 911 Emergency Services. Do you want the Hoeganaes site to remain as 1001 because that is how they get their mail now and they don't have to change anything and then the bulk of this site 1003? If you want to suggest that the Hoeganaes Research and Development Building retain their existing address and make the big piece 103. I will talk to the Tax assessor about it. We will get separate addresses because we have to for 911.

MR. BEDNAREK: Item #4 - The applicant needs to show the exact location of fire/water services to the existing buildings used as R&D for Hoeganaes.

MR. MALINOWSKI: They are shown.

MR. MARSHALL: They are all within established easement. Is that Correct?

MR. MALINOWSKI: That is correct.

MR. BEDNAREK: He opened the public portion of the meeting.

MR. BARONOWSKI: He represents Hoeganaes.

MR. MITCHELL: He is the Project Manager for Hoeganaes. We have been working closely with Seabox over the past few months to develop this plan. We are going to lose a significant amount of our parking and we realize that we are coming right back in here with a Site Plan. He spoke about We are all in agreement that we can make it work.

MR. YOUNG: He has been involved off and on with this project for the past ten years. This is a great deal for Cinnaminson.

MR. BEDNAREK: He closed the public portion of the meeting.

MR. HEINOLD: On the lack of frontage to a street the standard is that Emergency Services still can get back to the site in the same fashion. Is your testimony that your not essentially changing anything and therefore, you propose that existing conditions are satisfied and if there is an emergency now, they can get there and if there is an emergency tomorrow nothing changes.

MR. MALINOWSKI: That is correct. That would be our testimony.

A MOTION IS MADE BYN MR. MARSHALL, second by Mr. Rau to grant the subdivision with the following conditions: No future development with site changes on either lot shall take place in the future without prior site plan approval, monumentation for all corners of lot 3.02, the applicant will supply documentation as to what was testified to this evening with the easements and the storm water basin and who was going to be responsible for the storm water basin maintenance Also, grant variances for a lot absent road frontage Ordinance 125-106 – Ordinance 525-218,

ROLL CALL VOTE: AYE, Ms. Lamon, Mr. Marshall, Mr. Rau, Mr. Segrest, Mr. Sztenderwicz, Mr. Gorgone, Mr. McGill and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MR. GORGONE, seconded by Ms. Lamon to approve the Regular Meeting Minutes of January 22, 2019. VOICE VOTE: ALL AYE, no opposed, motion passes.

MR. HEINOLD: He inquired about the redevelopment properties.

MR. MARSHALL: The subcommittee went and looked at the properties. We have not written a report yet.

MR. BEDNAREK: He opened the public portion of the meeting. No one came forward.

MR. BEDNAREK: He closed the public portion of the meeting.

A MOTION IS MADE BY MS. LAMON, seconded by Mr. Brennan to adjourn the meeting. The meeting is adjourned. VOICE VOTE: ALL AYE, no opposed, motion passes.

Duly passed and Adopted

Respectfully submitted

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Patricia Rucci