

PLANNING BOARD
MEETING
November 23, 2021

MR. O'CONNOR: 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 Website and by advertising this Regular Meeting in the Burlington County Times on January 15, 2021 and in the Courier Post on January 16, 2021. In addition, notice was filed with the Municipal Clerk.

Zoom Meeting ID: 923 868 6246

Password: 203375

For members of the public who wish to attend using a telephone, call one of the following numbers: +1 929 205 6099 US, +1 312 626 6799 US, +1 253 215 8782 US, +1 301 715 8592 US, +1 346 248 7799 US, +1 669 900 6833 US, and enter the above listed Meeting ID and Password.

Members Present: Mr. Jones, Mr. McGill, Mr. Minton, Mr. O'Connor, Mr. Segrest and Mr. Snyder.

Also Present: Mrs. Rucci, Board Secretary, Douglas Heinold, Board Attorney and Michael Angelastro, Board Engineer.

MR. O'CONNOR: It is the policy of the Board that no application will be opened after 10:00 p.m. It is the policy of the Board that no new testimony will be taken after 10:30 p.m.

MR. O'Connor may need to take a phone call during the meeting. Since the Vice Chairperson couldn't attend the meeting this evening, Kevin McGill will be the Vice Chairperson this evening.

MR. O'CONNOR: Extension of Time to file Deed of Subdivision to December 30, 2021 – MJ Real Estate Investments II, LLC - 314A & 314B O'Donnell Lane, Block 3504, Lot 6.03 and 318 O'Donnell Lane, Block 3504, Lot 7.

A MOTION IS MADE BY MR. MINTON seconded by Mr. Snyder to grant the Extension of Time to file Deed of Subdivision of the aforementioned referenced properties until December 30, 2021. ROLL CALL VOTE: AYE, Mr. McGill, Mr. Minton, Mr. Segrest, Mr. Snyder and Mr. O'Connor, no opposed, motion passes.

Mr. Michael Merkle thanked the Board.

MR. O'CONNOR: Case #2109 – Global Cinnaminson I, LLC - Preliminary and Final Major Subdivision with Bulk Variances – 1105 Route 130, Block 1004, Lot 13.03.

MR. ANGELASTRO: The Applicant is requesting a number of waivers from those check lists. This site was before the Board in August, 2019. Global Cinnaminson I, LLC received Preliminary and Final Major Site plan approval for the improvements that are currently under construction on that site. At that time, a vast majority of those items were supplied and reviewed by our office. We have no objection to the Board considering waiving those items. He recommended that the application be deemed complete.

A MOTION IS MADE BY MR. MINTON seconded by Mr. Snyder to deem the application complete based on Mr. Angelastro's representations. ROLL CALL VOTE: AYE, Mr. McGill, Mr. Minton, Mr. Segrest, Mr. Snyder and Mr. O'Connor, no opposed, motion passes.

MR. DUNCAN PRIME: Attorney for the Applicant. This is the old Acme property. 1101 Highway Route 130, Block 1004, Lot 13.03. This Application was subject to a Redevelopment Plan and Redevelopment Agreement with the Township back in 2018. We appeared before this Board in 2019 for Preliminary and Final Major Site Plan Approval. The old Acme site was approved to be converted to self storage. Three pad sites were approved out front. One was for a Child Care Center which is open and operating. The second pad was for a I-Hop Restaurant and the third was for general restaurant or commercial to be determined pad site.

We are here for subdivision of the property. No additional use, no intensification of the use, no additional uses and no change to the parking. We are simply drawing lot lines on a plan that was contemplated as part of your Redevelopment Plan and Redevelopment Agreement that we signed with the Township. On page 6 of the Redevelopment Agreement and Page 9 of the Redevelopment Plan, the subdivision is expressly contemplated in writing in both. He read 9C of the Plan. We are here to subdivide the property and put each use on its own lot. No change to the Redevelopment Plan. It is simply lot lines and subdivision.

MR. HEINOLD: He swears in Greg DiBona, Engineer -Bohler Engineering, James Miller, Planner, Joseph Zummo, President of Global Building, LLC.

MR. ZUMMO: There are several different uses for the overall project. For financing purposes, we need to have four separate land parcels. One for each use.

MR. PRIME: I made a representation earlier that this was contemplated all along. Is that your understanding as well? You were involved in the negotiation of the Redevelopment Agreement which did call out the potential for subdivision. Is that correct?

MR. ZUMMO: Yes. That is correct.

MR. PRIME: We are not looking to intensify the site. Is that correct?

MR. ZUMMO: That is correct.

MR. O'CONNOR: Is financial consideration one of the reasons you can subdivide? Is that the sole reason for the subdivision, financial considerations? Is that allowed under State Law?

MR. PRIME: Under State Law, it is allowed. It is for financial reasons.

MR. MINTON: This request was originated to the Redevelopment Authority prior to construction. Mr. Zummo may recall, that The Redevelopment Authority requested to defer any action until the project started coming out of the ground where we were at a point, we were at fifty percent. That is what brings us here today. This request is an old request that we held at arm's length until we knew that the project advanced to a sufficient degree to entertain such a consideration

MR. PRIME: I will certify on the record. That is the case. We were told by the Redevelopment Authority that we should wait. We should have construction done. If possible, the learning center up and open which it is now. More to showing good faith and good will that we are moving forward with this project which we are absolutely doing. He asked Mr. Zummo if this is correct.

MR. ZUMMO: That is correct.

MR. DIBONA – Engineer for the Applicant. He described the following Exhibits:

Exhibit A-1 - Previously approved in 2019 – Preliminary and Final Site Plan dated November 10, 2020.
Exhibit A-2 – Major Subdivision Plan. Prepared by Control Point Associates dated November 16, 2020.
Exhibit A-3 – Subdivision Lot Analysis Plan. Prepared by Bohler Engineering dated October 22, 2020.
He identified the underground storm water containers.
The REA will spell out the appropriate contribution of the responsible owners.

MR. PRIME: He referred to the review letter from Remington and Vernick. In the letter, there was a comment that there was a need for this type of agreement and the fact that the applicant should submit this draft of agreement to the Board Engineer and Solicitor for review and approval which we agree to do as a post approval item.

MR. DIBONA: We did receive the letter from Remington and Vernick. We agree to address all the comments and recommendations in the letter. We can resubmit the plan as a condition of approval.

MR. PRIME: We received Burlington County Planning Board comments. We can make those corrections and revisions as well.

MR. DIBONA: That is correct.

MR. O’CONNOR: Are you waiting on the State comments too?

MR. DIBONA: Yes. We follow up with the State DOT as soon as we know we have a Township and County authorization to proceed forward.

MR. PRIME: The DOT will want to see our Municipal Subdivision approval first.

MR. ANGELASTRO: Is the I-Hop going to be responsible for the actual maintenance and the adjacent property owners will reimburse them or does each person have to physically clean what is on their property?

MR. DIBONA: It has to be one of the parties has to be responsible for the actual maintenance and the other parties have to contribute.

MR. O’CONNOR: The details will be in the REA.

MR. PRIME: It can be revised as seen fit by Mr. Angelastro and Mr. Heinold. We will finalize it to their satisfaction.

MR. O'CONNOR: Do you want to address the adjacent property owner and any agreements that you may have to enter into with them?

MR. PRIME: We have existing REA with that property. It has to be revised and amended. We acknowledge and understand we have to do that.

MR. MINTON: The property owners were notified within 200 feet.

MR. PRIME: Yes.

MR. MINTON: He referred to the Engineer's point where there is a need for a series of side yard rear yard variances. The bulk standards of the Redevelopment Plan were created in the aggregate as the overall site was being planned and therefore, there is not adverse effect because we are individualized the individual parcels within. Is that your testimony?

MR. DIBONA: That is correct.

MR. O'CONNOR: He referred to the variances. With our approval, we will make them conforming lots. There will be no issue going forward if individual lots wanted to sell moving forward.

MR. PRIME: That is correct. That is the purpose of doing this.

MR. MILLER: Planner for the Applicant. He gave a summary of his Planning review. He is familiar with the area. This application requires some bulk variances. They were listed by the Board Engineer and the Applicant's Engineer. We also need to get relief from Section 35 of the Municipal Land Use Law. I believe this Application meets all of these standards. He spoke about the circulation at the site. There is a Fire Marshal letter. Other than some modifications to the fire hydrants that the application was compliant. Relief from Section 35 would be warranted. The plan meets all of the applicable standards for that relief. He spoke about the variances for bulk relief. He spoke about the benefits. I don't believe any substantial detriment to this relief.

There is are minor parking variances associated with individual parcels. The overall parking has a surplus of 20 spaces. The building coverage is consistent with the Redevelopment Plan. The impervious surfaces are consistent with the Redevelopment Plan. The plan is completely consistent and compliant with the Redevelopment Plan.

There is no substantial detriment from the relief that is being requested. The relief does satisfy the positive criteria.

He believes the public welfare is being advanced by this application. All of the uses are fully permitted. The site plan and layout are fully consistent with the site plan and layout contemplated by the Redevelopment Plan.

It is not only consistent, but the relief satisfies the negative criteria and overall it would merit the Board's approval.

MR. MINTON: What we are doing today in 2021 may not have been contemplated when the Ordinance was adopted in 1960. More common today as opposed in 1960.

MR. MILLER: I would agree with your comments.

MR. O'CONNOR: He opened the public portion of the meeting. No one came forward.

MR. O'CONNOR: He closed the public portion of the meeting.

A MOTION IS MADE BY MR. MINTON seconded by Mr. Jones to grant Preliminary and Final Major Subdivision Approval for the bulk variances set forth on application # 2109. In accordance with Michael Angelastro's letter of November 5, 2021. The Applicant concurs that this will no way obviate, minimize or be de minimis to the existing Redevelopment Plan in place. The Applicant agrees that the actions of this Board creating this subdivision will necessitate new property owners. They will be successors in kind to the Redeveloper's Agreement. In no way will the Redeveloper's Agreement be de-minimized, obviated or materially changed as a result of this Application. The parties will enter into a reciprocal easement agreement amongst the principals of the subdivision as well as the adjacent properties to address circulation, parking, storm water management and that should be a condition of this approval. The Applicant will comply to the Fire Marshal's letter of November 22, 2021, subsequent approvals from the New Jersey Department of Transportation Burlington County Planning Board and the Section 35 relief. ROLL CALL VOTE: AYE, Mr. McGill, Mr. Minton, Mr. Segrest, Mr. Snyder and Mr. O'Connor, no opposed, motion passes.

A MOTION IS MADE BY MR. MCGILL seconded by Mr. Jones to approve the Regular Meeting Minutes for September 14, 2021. VOICE VOTE: ALL AYE, Abstain Mr. Minton, no opposed, motion passes.

MR. O'CONNOR: He opened the public portion of the meeting.

Civic Association Cinnaminson Township. (Ms. Gerry Hines and Rene (inaudible) Davis spoke). They wanted to know how they can get on the Agenda to be heard about issues they are concerned about regarding the Sea Box Redevelopment Project and other concerns in their neighborhood.

Mr. Minton and Mr. Segrest will discuss the Civic Associations concerns with Mr. Schubiger.

MR. O'CONNOR: He closed the public portion of the meeting.

The January 11, 2022 will be a Zoom Meeting.

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

Duly passed and Adopted

Respectfully submitted

Patricia Rucci

