

**PLANNING BOARD AGENDA
OCTOBER 19, 2020 at 6:00 p.m.**

6:00 P.M. – Teleconference

1. **Call to Order –**
2. **Flag Salute -**
3. **Statement required by Open Public Meetings Act –**

4. Roll Call:	<u>Present</u>	<u>Absent</u>
Ron Dash	_____	_____
Deputy Manager Walter Howard	_____	_____
Deputy Mayor Kaya McIntosh	_____	_____
Marie Turner	_____	_____
Councilwoman Samantha Whitfield	_____	_____
Vice-Chair James Hall	_____	_____
Chairwoman Lavonne Johnson	_____	_____

Alternates:

Sarah Holley (Alt. #1)	_____	_____
Donya Jean-Baptiste (Alt. #2)	_____	_____

Professionals:

Planning Bd. Attorney	_____	_____
-Yolanda Melville, Esq		
Planning Bd Engineer	_____	_____
-Carl Turner		
Willingboro Inspection Representative(s)	_____	_____
-Ted Evans		
Bd. Secretary – Bernadette Green	_____	_____

1. **New Business:** -

Resolution 2020-13 Memorialize 48 Ironside Court

Resolution 2020-14 application approval for 19 & 27 Ironside Court

2. **Old Business:** -

Resolution 2020-12 - Resolution to increase the not to exceed amount for Solicitor

Discussion of the progress of the Master Plan Sub-Committees

- Goals & Objectives – Councilwoman Whitfield, Chair
- Land Use Plan, Economic Plan, Historic Preservation Plan – Deputy Mayor McIntosh, Chair
- Green Bldgs & Environmental Sustainability Plan, Infrastructure Plan, & Recycling Plan, Donya Jean-Baptiste, Chair

3. **Public Comment -**

4. **Board Comment -**

5. **Adjournment:**

RESOLUTION 2020-14

**TOWNSHIP OF WILLINGBORO PLANNING BOARD RESOLUTION
MEMORIALIZING APPROVAL OF MINOR SUBDIVISION AND AMENDED FINAL
MAJOR SITE PLAN WITH BULK VARIANCE AND DESIGN WAIVERS FOR
PROPERTY KNOWN AS 19 AND 27 IRONSIDE COURT, BLOCK 13, LOTS 8.10 AND
8.11**

WHEREAS, 19IC, LLC (hereinafter, the “Applicant”), submitted an application to the Township of Willingboro Planning Board (hereinafter, the “Board”), for a minor subdivision, and amended final major site plan approval with “c” variance for front yard parking setback, and design waivers for landscaping, driveway width and parking space dimensions, for the property known as Block 13, Lot 8.10 and 8.11 on the Official Tax Map of the Township of Willingboro, being commonly known as 19 and 27 Ironside Court (hereinafter, the “Site”), and

WHEREAS, the Board held a public hearing on the application at its regular meeting on Monday, September 14, 2020, for which the Applicant provided adequate notice in compliance with N.J.S.A. 40:55D-12; and

WHEREAS, the Applicant was represented by Counsel, David C. Frank, Esquire; and

WHEREAS, the Board heard the testimony of Applicant’s witnesses, Project Engineer Thomas P. Bechard, Jr., P.E. of Mohawk Land Development Consultants LLC, and Applicant’s representatives Gino DiBatista and Harry Muhlschlegel, and considered Applicant’s hearing exhibits A-1 (aerial of the Site), A-2 (subdivision plan), and A-3 (site plan Sheet 5); and

WHEREAS, the Board reviewed and considered the materials submitted by the Applicant, including the application form, the project plan set prepared by Mohawk Land Development Consultants consisting of fourteen (14) sheets with a last revision date of August 13, 2020, Mohawk’s August 13, 2020 Stormwater Management Report and Stormwater Facilities Maintenance Manual, and the May 11, 2020 Plan of Minor Subdivision prepared by Vargo Associates; and

WHEREAS, the Board also read and considered the September 9, 2020 Review Letter from the Board’s Conflict Engineer Rakesh R. Darji, of Environmental Resolutions, Inc., and heard Mr. Darji’s testimony at the hearing; along with additional testimony and colloquy with the Board and Applicant by Ms. Harvey, a representative of the WMUA; and

WHEREAS, the Board after due consideration of the testimony and documentary materials described above, makes the following findings of fact:

1. The Site is located in the I-1 Restricted Industrial District, and is used for the warehousing of goods and a truck terminal which are permitted uses in the zone.

2. Applicant proposes to subdivide existing Lot 8.11, and take approximately .50 acres from Lot 8.11 and add it to Lot 8.10, in order to facilitate development of a new stormwater infiltration basin on Lot 8.10.
3. Applicant also proposes improvements to Lot 8.10, including construction of a new access driveway onto Ironside Court, creation of a new vehicle parking area at the front of the existing building and widening of the existing parking and driveway areas. The new parking area will be 1.7 feet from the Ironside Court right of way, requiring a “c” variance from the 50’ front yard setback.
4. The Applicant also requests a design waiver to allow slightly more infiltration of stormwater than allowed under ordinance standards, a waiver from strict compliance with Ordinance Section 370-72C(3), for site landscaping, and waivers for driveway width and the size of the parking spaces, along with amended major final site plan approval.
5. The Applicant’s Engineer Mr. Bechard testified that the rationale for the subdivision is to allow for the creation of an on-site stormwater management basin. The basin is designed to handle the runoff from a 100 year storm, and to divert stormwater which would otherwise flow from 19 Ironside Court to the public detention basin at the end of the street.
6. Applicant’s Engineer and the Board’s Engineer concurred that the soil in the basin location is exceptionally permeable, and will drain to the water table much faster than the DEP requires. The Board’s Engineer supported the basin design. The Engineers also concurred that the amount of stormwater runoff which will be retained at 19 Ironside Court exceeds the amount of additional runoff from the proposed new impervious coverage at 48 Ironside Court.
7. Mr. Bechard testified that the proposed new and widened driveways would facilitate easier and safer site access. The proposed relocation of employee vehicle parking to the front of the building will enhance the safety of on-site truck circulation and decrease truck – car interactions. He also noted that the variance for front yard parking setback is appropriate for those reasons and will be consistent with other sites in the neighborhood. The Board’s Engineer supported the overall design, the “c” variance, and the design waivers.
8. Mr. Bechard also testified that the proposed site improvements will result in some tree removal. At the Board’s request, Applicant agreed to address Site landscaping with the Board’s Engineer as a condition of approval, to arrive at a full-site landscaping plan acceptable to the Board’s Engineer.
9. Mr. Muhlschlegel testified regarding the current use of the Site and its hours of operation. He also reiterated Mr. Bechard’s testimony about the benefits of relocating the on-site vehicle parking and providing an additional access drive.

10. The Applicant agreed to comply with the conditions set forth in Mr. Darji's September 9, 2020 Review Letter.

NOW THEREFORE, BE IT RESOLVED, upon consideration of the evidence presented, the Board finds that the requested relief is appropriate and will promote the general welfare of the community by facilitating a safer and more efficient use of the Site, including improved stormwater management and that the requested "c" variance can be granted under N.J.S.A. 40:55D-70(c)(2), and will not cause substantial detriment to the public good or substantially impair the intent and purpose of the Township's zone plan or ordinance, and that the benefits of the site redesign will substantially outweigh any detriment, and that the design waivers present no detriment to the public good and enhance the efficient operation of the Site, and upon a motion duly made and seconded, the Planning Board of the Township of Willingboro hereby APPROVES the application of 19 IC, LLC, subject to these Conditions:

- a. Compliance with all conditions and requirements contained in the September 9, 2020 Review Letter of the Board's Engineer;
- b. Applicant shall obtain all other required approvals;
- c. Applicant shall be bound by all representations made on its behalf at the hearing;
- d. Applicant will provide the Board's Experts with the metes and bounds description of the area to be subdivided;
- e. Applicant will work with the Board Engineer on an overall plan of landscaping for the Site;
- f. Applicant will prepare and provide a post-development lighting study for review and approval by the Board Engineer;
- g. Applicant shall provide a form of Deed Restriction or Notice, satisfactory to the Board's experts, addressing the linkage between the stormwater management improvements at 19 Ironside Court and the stormwater discharge demands for 48 Ironside Court; and
- h. Applicant shall maintain the stormwater basin at 19 Ironside Court as long as it exists, and will not alter or relocate the on-site stormwater management facilities without the Township's review and approval.

VOTE NO. 1: SUBDIVISION

Board Member	YES	NO	N.V.	A.B.	MOT	SEC
J. HALL	x					x
R. DASH				x		
M. TURNER	x					
S. WHITFIELD	x					
K. MCINTOSH	x					
S. ROGERS	x					
L. JOHNSON, Chairwoman	x					
S. HOLLEY,	x				X	

Alternate						
JEAN-BAPTISTE, Alternate			x			
X – Indicates Vote N.V. – Not Voting A.B. – Absent MOT – Motion SEC - Second						

VOTE NO. 2: SITE PLAN, VARIANCE AND DESIGN WAIVERS

Board Member	YES	NO	N.V.	A.B.	MOT	SEC
J. HALL	x				x	
R. DASH				x		
M. TURNER	x					
S. WHITFIELD	x					
K. MCINTOSH						
S. ROGERS	x					
L. JOHNSON, Chairwoman	x					
S. HOLLEY, Alternate	x					x
D. JEAN-BAPTISTE, Alternate			x			
X – Indicates Vote N.V. – Not Voting A.B. – Absent MOT – Motion SEC - Second						

CERTIFICATION BY SECRETARY

I, Bernadette Davis-Green, Secretary of the Township of Willingboro Planning Board, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Board at its meeting held on _____, 2020.

 Bernadette Davis-Green, Secretary
 CLAC 5964397.1

RESOLUTION 2020-13

**TOWNSHIP OF WILLINGBORO PLANNING BOARD RESOLUTION
MEMORIALIZING APPROVAL OF AMENDED FINAL MAJOR SITE PLAN FOR
PROPERTY KNOWN AS 48 IRONSIDE COURT, BLOCK 13, LOTS 8.15, 8.16 and 8.17**

WHEREAS, NMJT, LLC (hereinafter, the “Applicant”), submitted an application to the Township of Willingboro Planning Board (hereinafter, the “Board”), for amended final major site plan approval, for the property known as Block 13, Lots 8.15, 8.16 and 8.17 on the Official Tax Map of the Township of Willingboro, being commonly known as 48 Ironside Court (hereinafter, the “Site”), and

WHEREAS, the Board held a public hearing on the application at its regular meeting on Monday, September 14, 2020, for which the Applicant provided adequate notice in compliance with N.J.S.A. 40:55D-12; and

WHEREAS, the Applicant was represented by Counsel, David C. Frank, Esquire; and

WHEREAS, the Board heard the testimony of Applicant’s witnesses, Project Engineer Thomas P. Bechard, Jr., P.E. of Mohawk Land Development Consultants LLC, and Applicant’s representative Harry Muhlschlegel, and considered Applicant’s hearing exhibits A-1 (aerial view of the Site) and A-2 (overall site plan); and

WHEREAS, the Board reviewed and considered the materials submitted by the Applicant, including the application form, the project plan set prepared by Mohawk Land Development consisting of twelve (12) sheets with a last revision date of May 26, 2020, and the Board’s Resolution memorializing prior approvals of August 12, 2019; and

WHEREAS, the Board also read and considered the September 9, 2020 Review Letter from the Board’s Conflict Engineer Rakesh R. Darji, P.E. of Environmental Resolutions Inc., and heard Mr. Darji’s testimony at the hearing; along with additional testimony and colloquy with the Board and Applicant by Ms. Harvey, a representative of the WMUA; and

WHEREAS, the Board after due consideration of the testimony and documentary materials described above, makes the following findings of fact:

1. The Site is located in the I-1 Restricted Industrial District, and is developed with a truck terminal, with parking for employees and trucks, loading zones and storage parking. Access is via paved driveways from Ironside Court.
2. Applicant received preliminary site plan approval, with variances for parking and impervious coverage, in August 2019.
3. An entity related to the Applicant subsequently obtained the adjoining property at 38 Ironside Court. In June 2020, the Board approved certain changes to the site plan of 38 Ironside Court, including the removal of a small landscaped island and widening of

the driveway on 38 Ironside along the common property line between 38 and 48 Ironside Court.

4. The current application proposes in part to remove the remaining portion of the landscaped island on the Site, and create an expanded driveway spanning the property line between 38 and 48 Ironside Court.
5. Applicant explained that the widened driveway will allow large trucks to access the Site without having to swing out into the lane of oncoming traffic on Ironside Court, thus improving traffic flow and safety.
6. Shared use of the driveway will be memorialized in a cross-easement agreement to be prepared by Applicant for review and approval by the Board's experts.
7. The previously-approved additional impervious coverage at the site will generate additional stormwater runoff. The Applicant presented extensive testimony about the current drainage system on the Site and the interplay between that drainage and the improvements planned for the property at 19 Ironside Court, opposite the site.
8. Specifically, Applicant's engineer explained that the planned new infiltration basin at 19 Ironside Court is designed to hold on-site, a greater amount of stormwater than will be generated by the new impervious coverage at 48 Ironside Court. In effect, the total amount of stormwater which will be directed from those properties to the common detention basin at the end of Ironside Court, will be reduced.
9. The Board's engineer explained that Applicant's stormwater management approach, while not common, is done under similar circumstances and is allowed by the DEP.
10. Applicant agreed with the recommendation by the Board's engineer that the Board should impose a condition requiring the Applicant to record a deed restriction or notice for the Site. That document will memorialize that the additional drainage demand attributable to the new impervious coverage at the Site is intended to be offset by the improved drainage on 19 Ironside Court; and that any future changes to the use of that property or the capacity of its new drainage facilities must be presented to the Board for a determination of its impact on the drainage assumptions applicable to this Site. The deed restriction or notice will be prepared by the Applicant, and is subject of review and approval by the Board's experts.
11. The Applicant agreed to comply with the conditions set forth in Mr. Darji's September 9, 2020 Review Letter.
12. During the public comment portion, Ms. Pat Lindsay-Harvey inquired about the overall Ironside Court drainage system, and about DEP's approval of the drainage system proposed by the Applicant.

NOW THEREFORE, BE IT RESOLVED, upon consideration of the evidence presented, the Board finds that the requested relief is appropriate and will promote the general welfare of the community by facilitating safer and more efficient access to the Site, and will improve stormwater management generally on Ironside Court and lessen the amount of flow to the common detention basin at the end of the street. The Board further finds that the proposed redesign of the driveway and on-site parking will not cause substantial detriment to the public good or substantially impair the intent and purpose of the Township’s zone plan or ordinance, and that the benefits of the site redesign will substantially outweigh any detriment. Upon a motion duly made and seconded, the Planning Board of the Township of Willingboro hereby APPROVES the application of NMJT, LLC for amended final major site plan, subject to these Conditions:

- a. Compliance with all conditions and requirements contained in the September 9, 2020 Review Letter of the Board’s Engineer;
- b. Applicant shall obtain all other required approvals;
- c. Applicant shall be bound by all representations made on its behalf at the hearing;
- d. Applicant shall provide an updated property survey; and
- e. Applicant shall provide a form of Deed Restriction or Notice, satisfactory to the Board’s experts, addressing the linkage between the stormwater management improvements at 19 Ironside Court and the stormwater discharge demands for 48 Ironside Court, and shall record the approved form with the County Clerk.

Board Member	YES	NO	N.V.	A.B.	MOT	SEC
J. HALL	x					x
R. DASH				x		
M. TURNER	x					
S. WHITFIELD	x					
K. MCINTOSH						
S. ROGERS	x					
L. JOHNSON, Chairwoman	x					
S. HOLLEY, Alternate	x				x	
D. JEAN-BAPTISTE, Alternate			x			
X – Indicates Vote NV – Not Voting AB – Absent MOT – Motion SEC - Second						

CERTIFICATION BY SECRETARY

I, Bernadette Davis-Green, Secretary of the Township of Willingboro Planning Board, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Board at its meeting held on _____, 2020.

Bernadette Davis-Green, Secretary
CLAC 5964372.1