

Call to Order:

The special meeting of the Monroe Township Planning Board of was called to order at 6:30 p.m. by Chairman O'Brien who read the following statement; 'Be advised, no new item of business will be started after 10:30 p.m. and the meeting shall terminate no later than 11:00p.m". Notice of this meeting was given as required by the Open Public Meetings Act on January 11, 2022. A copy is posted on the second floor bulletin board in Town Hall a copy was given to the Township Clerk, and a copy was posted on the Township website.

The Board saluted the flag.

Roll call:

Present –Mr. Caspar, Mayor DiLucia, Mr. Garbowski, Mr. Helsel, Ms. Kennedy, Mr. Kozak, Mr. O'Brien, Mr. O'Reilly, Mr. Verratti **Absent-** Also present – Ms. Gaglione, Solicitor, Mr. Wisner, Planner, Mr. Snowden, Engineer, Mr. Kernan, Planner, Mrs. Orbaczewski, Secretary, Mrs. Tomasello, Clerk Transcriber

Resolution for Board Action:

1. R:238-2021- Referring Orchard Drive Area as a proposed Rehabilitation Area Designation.

Mr. Kernan was sworn in by Ms. Gaglione. Mr. Kernan stated that this is an extension of the Townships commercial rehabilitation areas. This area is in the northwestern area of the town Orchard drive, York Ave, Glassboro Cross Keys Road, Pitman Downer Rd around that area there are 65 parcels that contain approximately 163 acres in area. The criteria for declaring an area in need of rehabilitation. Mr. Kernan stated what the criteria is that would allow the governing body to qualify or demonstrate an area in need of rehabilitation. There are six criteria and only one has to be met. First one is a significant portion of structures therein or in a deteriorated or substandard condition. Secondly, more than half of the housing stock in the delineated area is a least 50 years old. Third, there is a pattern of vacancy, abandonment or undo-utilization of properties in the area. Fourth, there is a persistent property tax payments or on properties in the area. Fifth, environmental contamination is discouraging improvements and properties in the area. Lastly, a majority of the water and sewer infrastructure in the delineated area is at least 50 years old as and is in need of repair or substantial maintenance. There is no public infrastructure and water. There were 65 parcels evaluated and through the evaluation of property tax records, publicly available data from the NJDEP and their geo, it was determined that the study area may qualify under the age of housing criterion as well as the presence of environmental contamination. Mr. Kernan stated in regards to the age of the housing there are 35 residential properties and of those 35 residential properties that are in the study area, 19 were constructed of 50 years ago, that's a little over 54%. For the presence of contamination, it was found that the area Rex Ave and Orchard Drive block 15302 and adjacent to this site there is an environmental contamination area it seems to cover about 11 lots. If you recommend to the governing body adopt this area in need of rehabilitation. Mr. Kozak asked Mr. Kernan if there was no condemnation. Mr. Kernan replied that will never be allowed. Motion by Mr. Kozak, seconded by Mr. Garbowski to recommend to council. Roll Call Vote; ayes Mr. DiLucia, Mr. Caspar, Mr. Garbowski, Mr. Helsel, Mr. Kozak, Mr. O'Brien, Mr. O'Reilly, Mr. Verratti, Ms. Kennedy; Nays, 0; Abstaining 0; motion passed.

Public Hearing:

1. #1857 & #505-SP – Lidl US Operations, LLC – Minor Sub./Prelim. & Final Major Site Plan

Present – Damien DelDuca, applicant’s attorney, Adam Hendricks, Real-estate Manger for Lidl, Anthony Caponigro, applicant’s engineer, Adam Gibson, applicant’s traffic engineer, John McDonough, applicant’s planner.

The applicant is seeking a minor subdivision to divide Lot 11.01 into a 6.2-acre lot, proposed Lot 1, with the remainder lot, proposed Lot 2, to contain 0.966 acre on which there is an existing bank. In addition, the applicant is seeking major site plan approval to construct a 28,179 square foot grocery store on property located at Route 42 and Lake Avenue, also known as Block 1101, Lot 11.01, on proposed Lot 1, in the Commercial Zoning District.

Mr. Hendricks, Mr. Caponigro, Mr. Gibson, Mr. McDonough, Mr. Wisser and Mr. Snowden were sworn in by Ms. Gaglione. Mr. DelDuca introduced himself as the applicant’s attorney. He stated Lidl is an international company with over 10,000 stores in over two dozen countries. Mr. DelDuca stated this application by Lidl was heard in front of the Board at a remote public hearing on March 25, 2021. This application which seeks preliminary and final site plan approval and minor sub-division approval for a 28,179 square foot grocery store at the subject property which is on Block 1101, Lot 11.01. Mr. DelDuca stated that the applicant is in front of the Board for a rehearing because at the hearing of March 25, 2021 there was an attorney by the name of Jeffery Brennan who is at the rehearing this evening represented a party named Roseann Romanelli, there was other members of the public that testified. After the Board granted the approvals, Mr. Brennan’s office filed an appeal on behalf of a property owner.

Mr. DelDuca stated it raised several issues on the lawsuit, one of which were because it was a remote public hearing and the Board had certain obligations to consider written comments submitted by members of the public, in advance of the hearing and the allegation was that the Board failed to properly consider all those written comments submitted in accordance with the applicable law guidelines specifically handed down by the Department of Community Affairs. He stated while he doesn’t agree with the objector’s position on that, the law is that a Board can on its own upon request conduct a rehearing to take corrected or remedial action, by acting the novel on a public meeting held in conformity Open Public Meetings Act and other applicable law regarding any action which might otherwise be voidable. Mr. DelDuca displayed Exhibit A-2 for the Board. The exhibit was an aerial photograph of the subject property outlined in red as well surrounding properties. The property fronts on three streets, the Black Horse Pike, Lake Avenue, and Herbert Boulevard. The site plan is outlined in red on the aerial photograph and at the bottom of the exhibit is the existing bank.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

Mr. DelDuca pointed out the existing access driveway from the Black Horse Pike which comes out to a “t” and also has access to Lake Avenue. He also pointed out the two existing stormwater management basins, the first at the corner of Lake Avenue and the Black Horse Pike and the second just behind that one along Lake Avenue at the corner of Herbert Boulevard. The lot is the subject of prior approvals and due to the infrastructure already in place, it was always intended that the rest of the property would be developed. The property does front on three roadways and originally the applicant proposed an access driveway along Herbert Boulevard, however, as a result of comments and discussions with the town, they have decided to eliminate that access driveway along Herbert Boulevard. There will be a planted buffer where the driveway was proposed and the applicant is proposing to install sidewalk from that previously proposed driveway to the corner along Herbert Boulevard. There is a connection from that proposed sidewalk to sidewalk along the side of the building for any pedestrians walking down Herbert Boulevard who would like to access the store.

They are also seeking minor subdivision approval; Mr. DelDuca displayed the minor subdivision plan for the Board which was marked as Exhibit A-5. The plan showed the subdivision line which will divide the bank lot from the rest of the lot. The bank lot, once divided will comply with the ordinance. The remainder lot, proposed Lot 1, will contain just over 6.2 acres. Mr. DelDuca stated the proposed use of the site is a permitted use in the Commercial Zoning District. Retail sales are a permitted use in the zone and the Master Plan states the Community Commercial category is intended to provide goods and services to the community at large as well as parts of neighboring communities. The location of land designated as Community Commercial are planned to be along major roadways and heavily traveled roadway intersections. This provides easy access to the community at key locations. Mr. DelDuca stated this lot is zoned for commercial use and is the type of use the Master Plan envisioned for this area.

There is also an interior sidewalk provided for safe pedestrian access within the site. Mr. DelDuca stated the elimination of the access drive to Herbert Boulevard is a significant change they thought was for the better due to the concerns about that access. Also as a result of discussion with the town and the Board professionals, they have been asked to improve Lake Avenue. They have agreed to install a heavy duty pavement from the Black Horse Pike to Herbert Boulevard so that the road can endure heavier vehicles. Mr. DelDuca stated they are not doing that because Lidl is going to have heavy truck traffic access Lake Avenue. Lidl receives one truck delivery a day from their own Lidl truck, which will access and depart the site from the driveways on the Black Horse Pike. They have also agreed to provide illuminated stop signs on Herbert Boulevard where it intersects with Lake Avenue and two other intersections off-site.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

Mr. DelDuca stated they have received four review letters from the Board professionals; two from Mr. Snowden and two from Mr. Wisner, one of which relates to the minor subdivision. The applicant is in agreement with the comments in the review letters with a few limited exceptions which they will identify during the testimony. Mr. DelDuca stated the one thing that changed since March 25, 2021 when the Board heard the original application, there has been a change to the stormwater ordinance. The application was filed on January 4, 2021 and on February 25, 2021 the Board was scheduled to hear this application but the application was adjourned to March 25, 2021. On February 26, 2021 the Monroe Township governing body adopted a new storm water ordinance 03-2021 to implement statewide storm water regulation changes that went into effect on March 2, 2021. That ordinance became effective 20 days later on March 18, 2021 the applicant appeared before the Board on March 25, 2021 to present the original application at the hearing Mr. Brennan put the position that the applicant was obligated to comply with the revised stormwater ordinance in which would have required changes to the plans to comply with the new stormwater regulation and ordinance. The applicant disagrees with that position, Ms. Gaglione overruled Mr. Brennan's objection and the Board in addition to deeming the application complete agreed that the prior ordinance that was in effect as of January 4, 2021 when the application was filed would be applied and the applicant will comply with the ordinance. Since that time there has been a lawsuit filed to object to the appeal of the Boards March 25, 2021 approvals. Mr. DelDuca stated that Monroe Township governing body adopted an ordinance on November 24, 2021 ordinance O-24-2021 which repealed the prior ordinance adopted on February 2021 specifically ordinance 03-2021 that ordinance was repealed because the Gloucester County Planning Board advised the town that it had to repeal the ordinance because the ordinance did not comply with all applicable requirements. There was a letter from the Gloucester County Planning Board, the ordinance that the Township adopted was based upon a model stormwater ordinance for Pinelands area municipalities. This ordinance has not been updated by the Pinelands Committee there for the Monroe Ordinance is unacceptable.

The ordinance that Monroe adopted is for areas not within the Pinelands. The model stormwater control ordinance for municipalities and re-submitted to the county for review. The letter was dated April 29, 2021 Monroe Township revoked the ordinance on November 24, 2021 pursuant to that ordinance O-24-21 it states that it will take effect 20 days later which was December 14, 2021.

Mr. O'Brien stated he would like to address the minor subdivision first. Mr. Wisner reviewed his completeness letter for the minor subdivision. He stated that there were a few items listed in his report for completeness but several of those items don't apply and he felt the application can be deemed complete by the Board. Motion by Mr. Kozak, seconded by Mr. Caspar to deem application #1857 complete. Roll call vote: Ayes – Mr. Caspar, Mayor DiLucia, Mr. Garbowski, Mr. Helsel, Mr. Kozak, Mr. O'Reilly, Mr. Verratti, Ms. Kennedy, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

Ms. Gaglione stated she wanted a motion to deem the site plan complete. Motion by Mr. Kozak, seconded by Mr. Caspar to deem application #1857 complete. Roll call vote: Ayes – Mr. Caspar, Mayor DiLucia, Mr. Garbowski, Mr. Hesel, Mr. Kozak, Mr. O’Reilly, Mr. Verratti, Ms. Kennedy, Mr. O’Brien. Nays – Zero. Abstentions – Zero.

Mr. Caponigro placed his qualifications on the record as a licensed professional engineer in the State of New Jersey. The Board accepted Mr. Caponigro as an expert in his field. Exhibit A-3 was displayed for the Board and Mr. Caponigro gave an overview of the proposed project. He pointed out the orientation of the building and the parking on the site. The main access points which already exist; the right in right out only on the Black Horse Pike and the full access drive on Lake Avenue. There is a signalized intersection at the Black Horse Pike and Lake Avenue that allows for a full left hand turn maneuver onto Lake Avenue. Delivery trucks will enter and exit from the Black Horse Pike; a truck turning template was prepared to show how a delivery truck will enter the site, make its way to the loading dock, and then exit the site. The loading dock is located on the north corner of the building which will be screened and buffered and will not be visible to any residential zone. With regard to the stormwater management, there are two existing basins located along the Lake Avenue side of the property. There are modifications proposed with the front basin at the corner of Lake Avenue and Black Horse Pike being expanded and there will be slight modifications to the smaller basin with the ultimate discharge being at the southeast corner near Lake Avenue and the Black Horse Pike intersection. Mr. DeDuca asked does the plan as purposed comply with all stormwater ordinance requirements with the ordinance that took effect on January 4, 2021. Mr. Caponigro replied yes we have comments for the Township engineer that Lidl will comply in response to the review, but in accordance with the standards associated with the stormwater regulation at that time the plan is in compliance with the stormwater regulations.

The lot coverage for the property after the subdivision is approximately 48.2% where 75% is permitted. The building is setback 389 feet from the Black Horse Pike, 274 feet from Lake Avenue, and 45 feet from Herbert Boulevard. They are proposing buffering and landscaping along the perimeter of the site along Herbert Boulevard. The Board planner’s review asked for some enhancements to that planted buffer and they are willing to comply. Mr. Caponigro reiterated that all delivery trucks for Lidl will use the Black Horse Pikes driveways, however, they cannot control how a landscape truck might access the site. The setback of the building, the buffers, the buffer width and type, and the lighting, along Herbert Boulevard and the residential neighborhood, meet the ordinance requirements. Mr. Caponigro stated the building is oriented so the back or the quiet side is facing Herbert Boulevard and the residential uses across that street. Closing the proposed access off on Herbert Boulevard enhances the buffering as well. Facing the building with the front to the Black Horse Pike along with the parking and given the location of the existing access road, it is the best way for the site to be developed. Pushing the building further away from Herbert Boulevard would involve moving the parking closer to the residential neighborhood and therefore more exposure to the activity on the site. The rear of the building has one door for emergency access only and that is by code. That emergency access door will not be utilized by customers or for deliveries to the store.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

The loading dock located at the north corner on the west side of the building is screened by a mix of evergreen trees and shade trees as well the adjacent wooded lot. They will work with the Board planner with regard to the enhancements to the buffer he noted in his report. The loading dock will be used minimally and they are requesting a variance from providing two loading docks. That condition is very unique to Lidl as Lidl has full control over their product deliveries. Lidl manages all deliveries to their grocery stores from its own distribution center. All vendors and brands who supply goods for sale at the Lidl grocery store, deliver those products to the distribution center, and then Lidl delivers them to their stores, usually once a day. The trash dumpster will be located in that area as well and it will also be screened. The operations concerning trash will be discussed by the representative from Lidl.

With regard to parking, Mr. DelDuca stated that by closing the Herbert Boulevard access drive, they can add three additional parking spaces. Mr. Caponigro agreed and confirmed that they will now have 141 parking spaces instead of 138. The Township ordinance requires 188 parking spaces and they are requesting a variance for the number of parking spaces. The plan proposes sidewalk along Herbert Boulevard from where the access drive was proposed to the corner of Lake Avenue; however, they are willing to install sidewalk the entire length of their property along their frontage on Herbert Boulevard if the Board prefers. Sidewalk is not being proposed on Lake Avenue to the Black Horse Pike or across the Black Horse Pike frontage because there is no connectivity or established sidewalk along the Black Horse Pike or extending along Lake Avenue.

Their main focus is to provide pedestrian access for the residents closest to the store along Herbert Boulevard where they have provided a sidewalk connection to the interior of the site including continuing the sidewalk to the bank property. There are challenges to bringing sidewalk to the corner of the intersection mainly due to drainage structures on the corner of the property as well as a culvert that goes under the Black Horse Pike that discharges on the other side of that road. It would also require signal upgrades and other significant upgrades at the intersection which aren't warranted due to the fact that the sidewalk does not continue to anywhere on the Black Horse Pike or even further down Lake Avenue. Mr. DelDuca pointed out the additional NJDOT requirements if they had to extend the sidewalk down Lake Avenue and across the frontage of the Black Horse Pike. The cost of those requirements would be cost prohibitive to Lidl and really has no purpose since the sidewalk on Lake Avenue and the Black Horse Pike does not have connectivity. The lighting proposed for the site as it pertains to the lighting levels complies with the ordinance. There will not be any light spillover onto adjacent properties. The ordinance allows for the light poles at a maximum height of sixteen feet; however, they are proposing the light poles to be twenty-five feet high which will allow more light coverage over the parking lot. All light fixtures will be LED facing downward and shielded. If they were to use sixteen foot poles they would have to almost double the amount of poles in order to achieve the coverage and safety they need. The increase in the amount of poles will impede the parking area and circulation on the site. The twenty-five-foot light poles will not affect the neighbors; however, a waiver is required.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

They meet all of the minimum front, side, and rear yard setbacks. The ordinance has a maximum setback for a building in the front yard of sixty foot; however, the ordinance does not specify what the front yard should be when there is frontage on three streets or on a corner lot; it basically gives you the option to choose what is the front yard. They chose the Black Horse Pike as the front yard with a setback of 389.3 feet thus requiring a variance. The side yard would be considered the Lake Avenue side and the rear yard is considered to be Herbert Boulevard; there are no maximum setbacks for the rear or side yards. With regard to the loading dock, the ordinance states one loading dock is required for a building 10,000 square feet or less; if it's over 15,000 square feet, then the Planning Board can require a second loading dock. Mr. DeDuca stated he read the ordinance as not having to provide a second loading dock unless the Planning Board requires it but they have noted it as a variance. Mr. Caponigro stated that Lidl controls all of the deliveries to the site. There are no third party vendors making deliveries to the store and Lidl will usually have only one delivery truck a day. Variances are required for the minimum side yard buffer along the south and east access drives. Mr. Caponigro explained those variances relate to the subdivision and where the curb line is located behind the bank along the access drive and the east side of bank along that access drive.

The ordinance requires a 25-foot buffer and they are proposing 15.1 feet. The minimum side yard buffer requirement is five feet and they are not proposing any side yard buffer. Mr. Caponigro pointed out where that condition exists on the plan and explained they are not proposing any buffer between the property line to the bank and the existing access drive. The ordinance also requires a driveway to be setback ten feet from the property line. Mr. Caponigro pointed to the access driveway off of the Black Horse Pike next to the bank property line. This is also a result of the minor subdivision and the proposed subdivision line as there is no separation between the driveway and that property line. There is no driveway proposed from the bank lot; access will be shared on the existing driveway so a separation is not warranted. With regard to signage, the applicant is requesting variances to allow the freestanding sign a sign area of 94.7 square feet and the monument sign 110 square feet where 50 square feet is the maximum; the maximum height of the monument sign of 15 feet where 8 feet is permitted, the number of façade signs proposed is three where one is permitted for every frontage on a public right-of-way, this condition is for the bank building, and for the maximum façade sign projection where twelve inches is the maximum and sixteen inches is proposed for both signs. Mr. Caponigro displayed the sign plans which was marked as Exhibits A-7 and A-8. Mr. Caponigro explained the freestanding sign is proposed to be located on the Black Horse Pike and signs along the Black Horse Pike are consistent with the size of the freestanding sign they are proposing. In addition, the building does sit back well off of the road, so the larger identification sign will alert drivers of the location for safe notification and the location of the driveway. The monument sign is proposed to be located along Lake Avenue at the access driveway.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

Mr. Caponigro stated the 110 square feet of sign area also includes the bottom base of the sign; he outlined the top portion showing where the actual lettering will be on the sign. The façade signs were displayed for the Board. The first sign is shown on the front of the building facing the Black Horse Pike over the entrance doors to the store and the second façade sign was shown on the corner of the building near the entrance on the Lake Avenue side. The façade signs meet the ordinance requirements with regard to size; however, they do require a variance because the façade signs project more than twelve inches from the building. The façade signs proposed project sixteen inches due to the architectural components and also due to the racking and bracing required as well as for the electrical components needed, as the signs are internally illuminated. The monument sign height is proposed at 15 feet where 8 feet is the maximum height permitted. The reason for the 15-foot height of the sign is for safe visibility at the driveway on Lake Avenue so that the vehicular traffic wishing to access the site won't miss the driveway and end up in the residential neighborhood. In addition, the bank has three façade signs that as a result of the subdivision don't have frontage on a public right-of-way for two of the signs and as such a variance is required.

Mr. Caponigro displayed the minor subdivision plan again for the Board which gives a representation of the trees located on the site that are larger than five inches in size. There are stipulations in the ordinance that speaks to the health and condition of the trees, the clearing of trees, and the determination by the Board planner on compensatory plantings required for tree clearing. The ordinance also speaks to trees twenty-five inches or larger which are considered specimen trees. They are proposing to clear the trees internal to the lot which are shown that are larger than five inches and they will work with the Board planner to determine the trees for which they may have to provide compensatory plantings. Mr. Verratti asked where the delivery trucks would be coming from to access the site. He stated he is trying to put his mind where the truck would be coming from and how it would get to the site and asked if the truck would be able to make the left hand turn movement at the intersection, basically the U-turn, to access the site from the Black Horse Pike entrance. Mr. Kozak stated they could use Route 322 and come out to the Black Horse Pike. Mr. Verratti asked would there be signs on Lake Ave stating no trucks. Mr. DelDuca replied we would have signs if that is what the Board prefers. Mr. Helsel asked what will be the hours of operation for the delivery trucks. Mr. DelDuca replied Mr. Hendricks will answer that. Mr. Caponigro also commented that the driveway is an existing full access driveway and they are not proposing to change that. Mr. Caponigro stated that they will be buffering the lighting from the neighbors so there will not be any spillover.

Mr. Adam Hendricks commented on his role as the Real-estate Manager for Lidl. Lidl US is a part of Lidl International which operates in over 30 countries. They have been operating in the US for the last five years and are a grocery store chain that wants to offer the best products at the least possible prices.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

Lidl does not have a traditional footprint like many US grocery stores as it is smaller and being able to fit a smaller size building within a small footprint allows them to get closer to the neighborhoods for consumer convenience. The architectural plans were displayed for the Board and this is a new prototype for the Lidl stores moving forward. The proposed hours of this store will be determined later but most of their stores operate from 8:00 a.m. to 9:00 p.m. seven days a week.

Mr. Hendricks testified as to the 141 parking spaces proposed for the site which is approximately five spaces for every one thousand square feet. He stated the number of parking spaces being proposed meets Lidl's standards for parking as they are traditionally about four spaces per one thousand square feet. The ordinance actually requires approximately six, almost seven spaces per one thousand square feet. Mr. Hendricks stated there are very few, if any, Lidl stores that operate with that capacity of parking spaces and all of the stores in the east coast area fall within the four or five spaces per one thousand square feet of gross floor area. Lidl is very comfortable that this site proposes adequate parking for its operation. The store is not a typical grocery store with twenty-five to thirty-five isles; their stores only have five to six isles.

With regard to the number of employees, Mr. Hendricks stated on average there are usually ten to twelve employees working at one time but it does depend on the volume of the store. Lidl is proposing to hire anywhere from twenty-five to fifty new employees. Mr. DelDuca asked if the store is proposing curbside pickup. Mr. Hendricks replied that at this point, Lidl does not operate with curbside pickup.

Lidl is only proposing one loading dock as was previously mentioned and Mr. Hendricks confirmed that Lidl has a very unique operational standard which is why they are able to pass on the prices and quality of goods to the consumer. The one delivery per day allows for a fresher product on the store shelves for the customer. The other reason they are able to provide quality products at low prices is because they have purchasing power throughout the entire world and all of their deliveries are operated through their own distribution centers. Most of their line is private label but they will have name brand products in the store; however, if those brands wish to sell their product in the Lidl stores, they must deliver them to Lidl's regional distribution centers because they have a unique packing and delivery method on their own trucks that deliver once a day. If it is an extremely busy store, then they might have two deliveries a day but the average is one per day. The deliveries are typically done in the morning at the beginning of the shift. If the delivery is not done in the morning, then it is done towards the end of the operational day. With regard to trash, Lidl is at the forefront of a recycling vision, although in the US they are not quite there because the US has different regulations, but in Europe, Lidl is known as the green grocer.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

For the current US operations, most of the recyclables and trash leave on the truck that the deliveries come on. This is taken to the regional distribution center where they maximize their recycling and waste capabilities. They are providing a trash enclosure on the site but pickups for that will be maybe once a week. Mr. Hendricks stated that the signs depicted on the plans and displayed before the Board are Lidl's typical sign package; the signs do not scroll any type of messages.

Mr. Adam Gibson, the applicant's traffic engineer, placed his qualifications on the record as a licensed professional traffic engineer in the State of New Jersey. The Board accepted Mr. Gibson as an expert in his field. Mr. Gibson stated he prepared the traffic impact study for this project which was submitted in November 2020 and it was prepared in accordance with NJDOT requirements. The traffic study evaluated the construction of the proposed grocery store at the intersection of the Black Horse Pike and Lake Avenue. As testified to this evening, there are only two means of ingress and egress from the site; the full turn access on Lake Avenue and the right in, right out access on the Black Horse Pike. Delivery trucks to the site will enter and exit the site via the Black Horses Pike driveways only. The study had to estimate the number of trips that would be generated by this site.

To do that they utilized the NJDOT's Highway Access Permit System which is based upon the Institute of Transportation Engineers current trip generation manual. Based upon the retail nature of the development, trips for the site are categorized as two different types of trips; net new trips and pass by trips. Pass by trips represent patrons who may be going that way anyway on their way home or somewhere else and stop in the store. The study area included the two intersections, the signalized intersection at the Black Horse Pike and the two way stop controlled intersection at Lake Avenue and Herbert Boulevard. It also included the sites access driveways. The highway capacity manual methodologies were used which outlines the level of service and the delay values for both the signalized and unsignalized intersections. As part of the analysis they looked at three different scenarios; the existing conditions, no build conditions which are the future year conditions without the project traffic, and the built out conditions. The results of the analysis are that each of the intersections operate at a level of service "D" or better for all of the movements on all of the approaches with the exception of the northbound and southbound left turn movements at the Black Horse Pike. These movements are operating at a level of service "E" but based on the ratios, the volume is less than the capacity but the reason why they have a lower level of service is because those movements are only protected left turn movements. That means the left turn movements cannot go if the green arrow is not present which limits the amount of traffic that can turn even when there is gaps in traffic on the Black Horse Pike.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

The second item they evaluate are queue lengths and as they build the volumes up from the existing conditions to the build conditions, they found the future operating conditions are similar to the existing operating conditions. The increases in the delays at the intersection does not exceed the NJDOT's requirements. They do recommend as with most traffic studies, whenever there is a traffic volume increase at an intersection, that the signal timing is adjusted to allow it to operate more efficiently. They are also recommending that the left turn lane on the southbound side at the intersection be extended from 90 feet to 125 feet. Mr. Gibson stated the proposed project will not have a negative impact on the surrounding roadway network based on their evaluations and analysis and comparing those operating conditions against the NJDOT's traffic study requirements. The application before the Board is subject to NJDOT approval and is currently under review by them and Mr. Gibson stated they expect to have their comments back by the middle of April. He also stated this project will generate additional traffic but it is not expected to be significant in nature. The closing of the Herbert Boulevard driveway and shifting the trips to the Lake Avenue or Black Horse Pike driveways will not cause an undue burden to those two driveways and in his opinion they will operate safely and efficiently.

Mr. DelDuca commented on Mr. Veratti's question regarding limiting turning movements on the Lake Avenue driveway and asked Mr. Gibson to address his question. Mr. Gibson stated the purpose of allowing the full access movement on Lake Avenue is to minimize U-turn movements from people traveling southbound on the Black Horse Pike, although allowed, they are not as safe a movement as a regular left turn onto Lake Avenue. It also allows the residents who live north and east of the site to exit and go back in the same direction instead of having to go to the intersection at the Black Horse Pike and finding another way to get back and possibly reentering the intersection at the Black Horse Pike. By not having the left turn out it will add more traffic to the intersection at the Black Horse Pike and onto the Black Horse Pike. Mr. Gibson also commented on the number of proposed parking spaces and based on Lidl operations, the proposed parking spaces will serve their needs. They did use the ITE parking generation manual and it showed that a supermarket has an average parking rate between 3.64 parking spaces per thousand square feet up to the eighty-five percentile peak parking rate of 4.82 parking spaces per thousand square feet. Based on the size of the project they would only need between 103 and 136 parking spaces. The truck turning plan was displayed for the Board. Mr. Gibson stated a program called auto turn is used to take specific vehicles and their operating characteristics and it allows you to traverse the site and roadways in order to identify if there are any conflict points within the site. Mr. Kozak asked if traveling south on Route 42, will the left turning lane going to be lengthen. Mr. Gibson replied about 90 ft. to 125 ft.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

Mr. McDonough placed his qualifications as a licensed professional planner in the State of New Jersey on the record. The Board accepted Mr. McDonough as an expert in his field. Mr. McDonough stated they conducted a planning analysis and displayed a photograph of the site. He stated that all of the infrastructure is in place already to accommodate the proposed development. The site meets all of the site suitability criteria of this national brand. There is buffering proposed to the residential area and the building will also be a buffer by providing a nice mass which will shield the activity at the front of the site. The site has excellent accessibility and connectivity having frontage on multiple streets and on a signalized intersection. He stated this is a typical Lidl layout and one of its smaller prototypes which fits nicely on the site.

Mr. McDonough stated that the site is located in the Commercial Zoning District where this use, being retail sales, is a permitted use. He stated some of the other permitted uses for the Community Commercial Zone that could be located on the site. He reviewed the “c” variances being requested by the applicant some of which are created by the existing site conditions. Creating a lot line around the bank, which already has established setbacks and the need for the variances for the buffer and setbacks to the driveway and interior roadway is much less impactful then if it were around the perimeter of the site and impacted the residential neighborhood. Testimony was already given regarding the relief being requested for the number of parking spaces. He stated this is a well-tested model and the amount of parking being provided will meet its needs. Likewise, for the relief being requested to have only one loading dock as a second is just not necessary. The front yard setback variance due to the building being setback more than sixty feet is a better zoning alternative because the placement of the building is a better location on the site to act as a buffer to the residential neighborhood and keep all the activity at the front towards the Black Horse Pike. The variances required for the signage were also addressed by Mr. Caponigro and the justification for clear and safe identification for the site essentially outweighs any detriment. The signage is tastefully done and is compatible with the type of signs you would see on a highway and it gives good, clear, advance notice of the location of the store.

Mr. McDonough reviewed the positive criteria in terms of the advancement of the purposes of the land use law. Purpose “a” is the promotion of the general welfare with convenient access to food and basic goods; purpose “c” is the provision to provide for adequate light, air, and open space; purpose “g” to advance the planning goal for a variety of commercial uses in appropriate locations; and purpose “I” to promote a desirable, visual environment with a fresh image. This development completes this site as it currently looks unfinished and everything has already been set up for it to be developed. That also goes towards purpose “m” which is to provide for efficient use of land with infill development of a site that is already set up to accommodate the proposed use. The positive criteria substantially outweigh the negative aspects of this application.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

No impacts of a substantial adverse nature have been identified, unmitigated, or unresolved so there is no substantial detriment to the public at large as the site will function safely and efficiently. This is a permitted use and is exactly what the Master Plan envisions for this property and states this zone is to provide goods and services to the community; the locations of land with this zoning designation are planned to be along major roadways and heavily travelled roadway intersections to provide easy access to the community at key locations. The goods and services provided in concentrated locations in commercial areas should be sufficiently broad to meet the demand of the community.

The Board took a brief recess.

Ms. Gaglione stated that it was brought to her attention that someone in the audience is recording the meeting and broadcasting it either zoom or social media, while that is permitted use she just wanted to clarify that this is not Township approved or the Township organized the virtual meeting. Tonight's meeting is in person only, so there is no option to make virtual comments via some outlet that is not approved or sanctioned by the municipality.

Mr. Snowden continued with his technical review from his report dated February 9, 2021. The report listed the variances and waivers being requested. He stated he would go over some of the comments in his report as the applicant has agreed to address any outstanding items or has asked for relief. The sight triangles at the driveways should be shown on the plans. No trucks allowed signs should be provided where truck traffic is restricted; however, he stated this was more for the driveway that was going to be at Herbert Boulevard but that driveway has been eliminated. If truck traffic is going to be restricted at Lake Avenue, then the sign should be provided. With regard to the Environmental Assessment, there are items that need to be submitted. Emergency spillways should be installed for both basins that should and they should be added to the plans. The storm sewer should be cleaned to make sure it's in working condition. A mounding analysis and additional calculations also have to be submitted.

There are Contech manholes at the end of the basins which may have filters and they should be inspected to see if they need to be replaced. The municipal road restoration detail should be provided. Mr. Snowden asked if truck traffic will be permitted to enter and exit Lake Avenue. Mr. DelDuca restated that the Lidl delivery trucks will enter and exit the site from the Black Horse Pike driveways and that will be a condition of approval.

Mr. Wisner reviewed his minor subdivision report for the Board. He stated the report is a relatively clean report as they have three comments that are generally housekeeping items listed in the report under section six, items one through three. The applicant has agreed to comply with the request to include these items on the revised plans. Mr. Wisner reviewed his site plan report for the Board.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

He stated the applicant did an excellent job in reviewing all the variances and waivers with the justification for each. His office is willing to work with the applicant regarding the buffers and landscaping along the perimeter of the site. Mr. Wisner asked if the lights will have shields. Mr. Caponigro replied that the light fixtures have downward lighting and shields to prevent any spillover beyond the light fixture. With regard to the buffering to the neighborhood on Herbert Boulevard, they will enhance the plantings so there will not be any car glare. Mr. Wisner asked the peak hours of use for the store. Mr. Hendricks responded it is usually from 4:00 p.m. to 6:00 p.m. and weekends are generally pretty steady all day. Mr. Wisner commented on the possibility to have shared parking with the bank if necessary. Mr. Hendricks stated there is no agreement for parking with the bank as it is not needed from an operational standpoint at this time. Mr. Wisner also asked if the monument sign was at the proper height of 8 feet, would it more prone to damage and vandalism than if it is sitting on the higher pedestal. Mr. Caponigro stated yes that would be the case. Mr. Wisner stated the applicant has addressed the comments in his letter and the relief being requested and the Board has enough information to consider the application. He stressed the proposed development is in the Commercial Zone off the Black Horse Pike and the relief being requested is both reasonable and justified.

Motion passed to open the hearing to the public.

1. Jeff Brennan, stated he is an attorney in the State of New Jersey and is representing Anthony DiMauro, who resides at 1010 Herbert Boulevard. He stated that he is in front of the Board asking respectfully to deny the application, he doesn't believe that the applicant has met their requirements with respect to the variances requested, but more significantly. The applicant has not met the new stormwater regulations he stated that Mr. DeLuca correctly reviewed the history of the stormwater ordinance in the town and the history of this application, because of the nature of their proceeding a rehearing the first time that this Board has deemed the application complete as such, it is subject to the stormwater regulation in affect as of this date. However, even assuming for argument sake that was not the case. Those stormwater regulations apply nevertheless and that is because the time of the application rule. There is a specific cut out for regulations that have to do with public health and safety just to put that on the record, speaking about the stormwater ordinance it's an ordinance that's intended to prevent floods. It's an ordinance to prevent pollution into the ground, those are health and safety matters. Mr. Brennan asked Mr. Gibson you examined two intersections. Mr. Gibson replied yes, route 42 and Lake Ave as well as Lake Ave and Herbert Blvd along with the site action driveways. Mr. Brennan asked Mr. Gibson the study stated that three driveways were examined. Mr. Gibson replied yes. Mr. Brennan asked Mr. Gibson the study shows a build date of 2023. Mr. Gibson replied yes. Mr. Brennan asked Mr. Gibson did you analyze any of the peak study. Mr. Gibson replied no, it was not required by the NJDOT. Mr. Brennan asked Mr. Gibson when did you do your traffic counts.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

Mr. Gibson replied on October 24 & 28, 2020 using a data source street light which was required by the NJDOT, also supplemented the counts on Lake Ave & Herbert Blvd. Mr. Brennan asked Mr. Caponigro can you tell the Board what is water mounding analysis. Mr. Caponigro replied it is the effect of infrastructure that has on the mounding of a water station of the water mounding analysis. Mr. Brennan asked Mr. Caponigro did you do a water mounding analysis. Mr. Caponigro replied no he has not performed one yet but will be doing one as part of compliance. Mr. Brennan asked MR. Caponigro what is the land use planning and source control plan. Mr. Caponigro replied a plan that identifies the varies point that control's where the drainage areas are directed towards. Mr. Brennan asked Mr. Caponigro what is a storm water management facility map. Mr. Caponigro replied a map showing where the stormwater facilities for your project. Mr. Brennan asked Mr. Caponigro to the best of your knowledge what are the drainage areas that the basins are intended to serve. Mr. Caponigro replied the top basin on east Lake Ave manages about approximately 3 acres and the basin on the south side will handle around 5 to 6 acres.

Mr. Brennan asked Mr. Caponigro what size store would be in compliance with 141 parking spaces. Mr. Caponigro replied it would be 21,000 square feet if he calculated correctly. Mr. Brennan asked Mr. Caponigro if any consideration was given to building a 21,000 square foot store. Mr. Caponigro replied he did not know. Mr. Brennan asked there was questioning concerning the proposed subdivision in relation to the variance requests with Mr. Brennan insisting the line could be moved so the plan would comply; however, Mr. Caponigro replied that it makes more sense to have the subdivision line where it is proposed.

Mark Hermann, the objector's engineer, was sworn in by Ms. Gaglione. He placed his qualifications on the record as a licensed professional engineer in the State of New Jersey. The Board accepted Mr. Hermann's qualifications. He reviewed the submitted site plans and storm water report as well as the testing information for soils. He reviewed the storm water regulation and the adopted storm water ordinance. As a review of the documentation in comparison to the stormwater regulation that were adopted in March of 2021 as well as the ordinance. The project as designed does not meet the current stormwater regulation. Mr. Hermann stated that on site is to large basins are going to be connected and one of the basins is a large infrastructure area. The basin is to provide water quantity control, quality benefits, and ground water. He stated the new rules stormwater practices need to be designed with a green infrastructure component, no need to have big basins anymore, a common feature in many parking lots is to incorporate infrastructure practice retention for example the grass in the middle of parking lots. He stated that infrastructure that were found in the field are very slow and based on the soil that means the water can't get through, mounding the drain can drain vertical and horizontal but the water needs to find a way out. Also, with the soil testing infrastructure basin there were four soil test done two of them hit water and the other two infrastructures were slow in which were above the minimum.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

2. Anthony DiMauro, 1010 Herbert Boulevard, was sworn in by Ms. Gaglione. He stated he submitted a letter with his concerns and appreciates that some of the concerns have been addressed. He is still opposed to this application and does not feel this location is suited for this use and if it is approved, substantial relief should be given to the surrounding community. He felt that the applicant could reduce the size of the store to comply with the parking. He also expressed his concern with the easement between Lot 11.02 and this property as well as the increased traffic this site will create in addition to the traffic issues they currently have on Herbert Boulevard with all the cut through traffic. He thought the applicant should continue the sidewalk all the way down Herbert Boulevard past their property line so it can tie into the existing sidewalk at Brookdale. He stated Lake Avenue should be redone to have three lanes with a left hand turn lane for people making a left into the site and that entrance should be right in and right out only so all traffic is directed to the intersection and the traffic light. He also asked for a substantial buffer along Herbert Boulevard. He asked that the Board consider if this location is suitable for a project of this size.

3. Alan Dodd, 1619 Herbert Boulevard, was sworn in by Ms. Gaglione. He stated he is a committee person in Williamstown representing District 20 in Ward 1 and a lifelong resident. Mr. Dodd stated there are many vacant commercial properties in Williamstown and asked if any other commercial properties were considered for this use. He commented on another building being built in the town and then possibly failing. He also commented on the “cut through” from Johnson Road to Herbert Boulevard. He gave testimony on the number of crashes and the increase in them over the years on Herbert Boulevard. This proposal will increase traffic and decrease driver and pedestrian safety. He commented on the proposed sidewalk and stated it does not benefit anyone on Herbert Boulevard or Lake Avenue. The residents are not opposed to the property being developed commercially but not for something with this impact that affects the neighbors directly across the street. The repaving of Lake Avenue does not help the residents and the increased traffic. Mr. Dodd stated that within fifteen minutes of the proposed Lidl, there are eighteen grocery stores so this one is unnecessary to the resident’s needs. He stated he would love for Lidl and/or the Planning Board to go out and meet the residents in the surrounding area.

4. Anthony DiMauro Sr., 1946 Herbert Boulevard, was sworn in by Ms. Gaglione. He stated he owns two lots on the corner of Lake Avenue and Herbert Boulevard. He stated he agrees with the comments of the other residents. He commented on the RV site that has not completed their requirements and the traffic from that use on Lake Avenue and Herbert Boulevard. He reiterated the comments that this site is not suitable for the proposed store because of the traffic. Mr. DiMauro stated he hopes the Board will consider the application and not jump into a decision as there are many other sites for this business that are more suitable.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

5. Michael Mellace, 1035 N. Black Horse Pike, was sworn in by Ms. Gaglione. He stated his business is across the street from where Lidl will be. He stated he has a couple of things one being Lake Ave, will the applicant be expanding the street on both sides. He stated that with Lidl the traffic flow will increase because there is only one stop sign on Lake Ave to Main Street, when that gets busy that backs up. Mr. Mellace stated can't put Lidl there and not address Lake Ave and the traffic it will cause, not saying not to build Lidl there but there has to be accommodations. Secondly, how many employees are expected to work at Lidl, how many consumers does it anticipate, what will be the average shopping time. These are things that Lidl should think about with parking. He stated that in his business he has 88 parking spaces, Lidl will have 132 for customers because the rest are taken by employees. The masterplan speaks about how sidewalks are very important, sidewalks build a sense of community for people and increases your home value, sidewalks are important when going to a shopping center they increase public safety. What is the average store life space of Lidl not everything survives. Lidl has incredible logistics, the town will benefit having Lidl and help offset the tax base. He stated it's just not the right spot. Lidl should look for another location in Monroe Township so we don't lose Lidl.

6. Heidi Garnet, 1918 Herbert Blvd, was sworn in by Ms. Gaglione. She stated that her and her mom were the ones that walked around and got the petitions signature. She stated drivers coming south on the Black Horse Pike will not go to the light at the intersection but will make the left hand turn into Brookdale and then make the right onto Herbert Boulevard. She was in favor of Lidl but not in that location. She also commented on the "cut through" traffic on Virgin Island Drive and said she couldn't imagine having more traffic than what is there already.

Motion passed to close the hearing to the public.

Mr. DelDuca stated that resolution PB 86-08 in which was heard in front of the Board in 2008 stated that the applicant was constructing a bank approximately 3,700 sq. ft. and approved room for future buildings onsite. Mr. DelDuca addressed some of the public comments. He stated in regards to the storm water ordinance the Board must apply the storm water that was in place on January 4, 2021. The applicant does not agree with Mr. Brennan that the public health and safety conception set forth at the time of the application, the rule applies in this case. The testimony from Mr. Hermann talked about large basins vs. the new storm water design. There is no legal evidence that this basin will not comply in effect with the January 4, 2021 in fact there is only evidence stating that it will comply and there is no evidence that this basin will fail if its built as designed or expanded. There is just general statement that the new storm water regs will be greener and provide better water quality. He stated the Master Plan states this is exactly the type of use desired in this location and it is a permitted use. He stated the issue is not whether this is a proper site for a super market but if they are entitled to the relief requested for the site plan.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

He stated the Board has heard a lot of testimony and they have to evaluate credibility between experts and make a determination as to which testimony they will accept. The variances being requested are limited in nature and impact. They know they are not going to make everyone happy and while he understands the traffic concerns, off-site traffic is not a basis to deny the application. The applicant has agreed to make off-site improvements even though they are not required to do so or only to provide their pro rata share, but they are incurring the entire cost. The benefits of this project, on a site that has been vacant, is bringing in an international retailer, one of the world's largest retailers, that wants to invest in the community and build a super market on a site where it's permitted. He thanked the Board for their consideration and hoped Lidl will be a part of the Monroe Township community.

Mr. Kozak asked Mr. DeDuca in regards to easements from the north. Mr. DeDuca replied a declaration of the restricted easement agreement and to his understanding it is a proposed easement that will exist with the current owner and Lidl, if the subdivision is granted Mrs. Orbaczewski stated that Great Railings just came before the Board for a use variance and a site plan approval, there attorney testified that they will not be going through that road out to Lake Ave and that was part of the condition on their approval.

Ms. Gaglione reviewed the site plan application with the bulk variance requests and directed the Board to the professional's reports where they are listed. There are a total of nine variances being requested and the Board should consider if granting the variances would advance the purposes of the MLUL and if the benefits of the deviation would substantially outweigh any detriments, which is known as the positive criteria. Regarding the negative criteria, the Board has to determine there is no substantial detriment to the public good. Both positive and negative criteria must be satisfied in order for the Board to grant the variances. In addition, there are a couple of waivers; the first for the height of the light poles and the second for the sidewalk. She asked the Board to decide if they only wanted the sidewalk on the one side of what was going to be the driveway on Herbert Boulevard to the corner at Lake Avenue or if they want it across the entire frontage on Herbert Boulevard. The minor subdivision does have pre-existing conditions that will require variances as well. She stated the use is a permitted use and a community commercial project; it is not a use variance and the Board is only considering "c" variances which are typically bulk variances.

Motion by Mr. Kozak, seconded by Mr. Caspar to grant the minor subdivision with the comments and conditions in the review letters. Roll call vote: Ayes – Mr. Caspar, Mayor DiLucia, Mr. Garbowski, Mr. Kozak, Mr. Helsel, Mr. O'Reilly, Mr. Verratti, Ms. Kennedy, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Public Hearing: (continued)

1. #1857 & #505-SP – Lidl (continued)

Motion by Mr. Kozak, seconded by Mr. Caspar to grant preliminary and final major site plan along with the variances and waivers testified to and listed in the review letters. Roll call vote: Ayes – Mr. Caspar, Mayor DiLucia, Mr. Garbowski, Mr. Kozak, Ms. Kennedy, Mr. O’Brien. Nays – Mr. O’Reilly, Mr. Verratti, Mr. Helsel. Abstentions – Zero. 6 ayes, 3 nays, motion passed.

Public Portion:

Motion passed to open meeting to the public. There being none, motion passed to close the meeting to the public.

Adjournment:

The meeting was adjourned at 11:10 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings.

Respectfully submitted by: Iris Tomasello, Clerk Transcriber.