



DEPARTMENT OF PLANNING, ZONING & CODE ENFORCEMENT

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MEDFORD TOWNSHIP PLANNING BOARD

AUGUST 26, 2020

7:00 P.M.

Via Zoom Conference

Meeting ID: 848 849 0899 // Password: 213971

ALL SUPPORTING APPLICATION DOCUMENTS ARE AVAILABLE ON THE MEDFORD MUNICIPAL WEBSITE AT:

<http://www.medfordtownship.com/planningboard>

1. Flag Salute
2. Open public meeting statement
3. Roll call
4. Executive Session
5. Minutes: July 22, 2020 Regular Planning Board Minutes
6. Correspondence: none
7. Reports: Insufficient escrow balances over 6 months
 - a. Devel L.C., Easttown Phase 1-2, PBC-1320AF1, \$8734.31
 - b. Albert Case, Shirley's Country Cottage, 5358PR, \$308.33
 - c. Pagliuso Custom Builders, SPR-5587, \$2300.04
 - d. Justin Barbera, ZVE-855, \$40.50
 - e. Krista Donegan, ZVE-882, \$103.25
8. Public Hearing: updated and revised Housing Element and Fair Share Plan, August, 2020.
9. Memorialization:
 - a. Evesboro Place, LLC, Autumn Park at Medford 401/9.02, PBC-1355PF
Memorialization of resolution to approve 3 one year extensions of the August 22, 2018 planning board approval, resolution #16-2018.
 - b. Memorialization of resolution amending Resolution 20-2017 and adopting the updated and revised Housing Element and Fair Share Plan to the Township master plan.
10. Applications/Official Actions: none
11. General Public
12. Workshop- none
13. Adjournment
Kimberly Gerber
Planning Board Secretary

Please be advised that this public meeting of the Medford Township Planning Board will be videotaped by the municipality (for recording purposes) as authorized by the Open Public Meetings Act and the New Jersey Supreme Court Opinion in Taurus v. Borough of Pine Hill, 189 N.J. 497 (2007). The recorded videotape of the meeting will be available for public viewing on the Medford Township website, as soon as practicable after the public meeting has concluded.

MEDFORD TOWNSHIP PLANNING BOARD MEETING

July 22, 2020 -- 7:00 p.m.

Public Safety Building and via "Zoom" on-line platform

**This Meeting was conducted during a National Emergency with remote participation in accordance with guidance provided by the NJ Division of Local Government Services, Department of Community Affairs, as set forth in the Public Notice of this Meeting.*

Chairman Hartwig called the Planning Board Meeting to order at 7:10 p.m. and read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:	Bielec, Braatz, Czekay, Herman, Kornick, Ross, Watson, Devlin, Perks, Hartwig
Absent:	Juliano
Professional Staff:	Attorney Anthony Drollas, Planner Scott Taylor, Engineer Christopher Noll, Secretary Kimberly Gerber, Recording Secretary Beth Portocalis

MINUTES:

February 26, 2020 Regular Meeting Minutes – Mayor Watson made a motion to adopt the minutes. Ms. Bielec seconded the motion. A voice vote of all Board members in favor of adoption was unanimous.

CORRESPONDENCE: NONE

REPORTS: Chairman Hartwig reported that insufficient escrow balances over 6 months will continue to be listed on the monthly agenda. He acknowledged that the remaining five escrow balances may never be collected, which is unfair to the professionals who are not compensated for services rendered, but thanked Ms. Gerber for her continued efforts to collect the arrears.

MEMORIALIZATIONS: NONE

APPLICATIONS/OFFICIAL ACTIONS:

Evesboro Place, LLC, Autumn Park at Medford 401/9.02, PBC-1355PF

Applicant is requesting three (3) one-year extensions of the August 22, 2018 Planning Board approval granted per Resolution #16-2018.

SWORN: Patrick McAndrew, Esq., Attorney for Applicant

Mr. McAndrew opened his testimony by providing a brief review of this development project, including 300 units of townhouses and apartments; which was designated as a redevelopment project included in the Township's most recent affordable housing settlement agreement. This project includes 90 total affordable units. As per NJ Municipal Land Use Law (MLUL), approvals expire two years after approvals have been granted, which would be August 22, 2020. Given the current state of emergency the past six months with no end in sight, and the size and scale of the project, including negotiating to bring water and sewer utilities to this site and two

Medford Township Planning Board Minutes

22 July 2020

Page | 2

others, the applicant is asking for three (3) one year extensions, which is the maximum permitted by NJ MLUL.

Mr. Drollas stated that the Governor's Executive Orders during this COVID19 state of emergency does grant an automatic extension of time; however in this instance the Applicant is seeking Board approval for the maximum timeframe as allowed per the MLUL.

PUBLIC: None

Ms. Herman made a motion to close the public portion. Mr. Ross seconded. The voice vote was unanimous.

Ms. Herman made a motion to approve the three (3) one-year extensions of approvals as requested. Mr. Ross seconded the motion.

Recorded Vote:

Ayes:	Bielec, Braatz, Czekay, Herman, Kornick, Ross, Watson, Perks, Hartwig
Nays:	None
Abstentions:	None
Motion carried:	9 - 0 - 0

Redevelopment/Rehabilitation Investigation – area of Taunton & Tuckerton intersection

Medford Township Council has requested the Planning Board conduct a preliminary investigation of certain properties within the general area of the intersection of Taunton Road and Tuckerton Road for the potential designation of an area in need of rehabilitation/redevelopment consistent with N.J.S.A. 40A:12 et seq.

Mr. Taylor opened the testimony by providing a thorough summary of the processes required under NJ MLUL in order to determine if an area is to be designated as an area in need of rehabilitation or redevelopment. This process was outlined in a one-page timeline provided by Mr. Taylor dated July 2020. The first step was the Township Council's approval of a Resolution earlier this year authorizing the Planning Board to undertake a preliminary investigation.

Taylor Design Group completed its study as contained in a report dated July 10, 2020. The focus was on rehabilitation; however, the Council can ask for another study on redevelopment. If this area is designated as an area in need of rehabilitation, the Council can offer tax benefits over a five-year period. There are six statutory requirements in order to designate an area in need of rehabilitation, as outlined on page 7 of the study report.

Mr. Taylor then went through a detailed lot by lot analysis of the 28 properties included in the study. These properties were outlined on a display board map of the properties dated June 29, 2020. Fifteen of the twenty-eight parcels are located in wetlands. On page 44 of the study, (Property AA) there is one correction—the property is located in the GD Zone, not the CC Zone as listed.

Medford Township Planning Board Minutes

22 July 2020

Page | 3

As included as Appendix C, Mr. Noll's letter dated July 9, 2020 confirms a portion of the water main and all of the sanitary sewer main in the entire study area is greater than 50 years old, which meets criteria #6.

As per criteria #3, nine (9) of the 28 parcels are vacant, and the Village of Taunton Forge Shopping Center, which is also included in the study, has a pattern of vacancies and underutilization, including the still vacant anchor store and bank pad site building, plus a couple of the in-line stores and one restaurant.

Another statutory requirement (#2) is more than 50% of the housing stock in the delineated area is at least 50 years old. Five of the six single family dwellings in the study area are more than 50 years old, thus meeting this criterion.

To be designated as an area of rehabilitation, an area needs to meet only one of these conditions; and this study shows that three of the criteria exist.

Councilman Czekay asked why the storage warehouse building parcel (former Premiums & Specialties business) was not included in the study area. Mr. Taylor acknowledged that the Township Attorney advises that the Council can amend its Resolution to include this parcel in the study, even though it is zoned GD, a residential zoning area, and not CC/Community Commercial.

Mr. Taylor concluded his remarks by stating that if the plan is adopted, it will the process of rezoning and then redevelopment easier, especially the residential properties located in the Community Commercial (CC) zone.

Mr. Drollas and Mr. Noll had no comments.

PUBLIC:

Amy McGuigan – 36 Holly Drive. Her neighbor at #38 Holly Drive is in the study area. The wedge in the back of this parcel is in the Community Commercial (CC) Zone, and should revert back to the residential Growth District (GD) Zone.

Bruce Goldman – 9 Baydon Way. Objected to study as a policy, as he sees no need for tax incentives for more retail and the accompanying increase in traffic. The owners of the Taunton Forge Center are not local and should not be rewarded for neglecting the Center for so many years. He also objected the study findings and the proofs that three criteria have been met, including prevention of further deterioration and overall development of the community. There has been development in this area without incentives, and stated 27 of the properties were found to be in good condition. There has not been any study of how approval will affect other community commercial areas in the Township, and would rather see empty spaces reverted back to open spaces. Any current vacancies are due to market conditions, and lack of efforts by the one owner of several of the vacant businesses.

Mr. Taylor refuted several of Mr. Goldman's comments, specifically the age of the water and

Medford Township Planning Board Minutes

22 July 2020

Page | 4

sewer systems as attested to by Mr. Noll, and the vacancies delineated in the study did not include the Taunton Forge Center, so in actuality there are 9+ vacancies in the study area. Mr. Taylor also reiterated that this is one of the first step in the process and not a final approval of the study findings.

Megan Liedtka – 40 Holly Drive. Asked what would happen if the study does not move forward. Mr. Taylor responded that everything existing today would remain in place and development and improvements by owners would be subject to zoning or planning approvals based on existing zoning.

Mary Ann Brookes – 38 Red Oak Trail. Stated that it is a great use of tax dollars to incentivize development. Council would still retain discretion to offer tax incentives; which is not a reduction in taxes but a deferral of tax increases based on assessed values.

Helen Badzi & Theodore Vakrinos – owners of the service station on the northeast corner of Taunton & Tuckerton. Tenant Mulligan's Auto Repairs is doing well, but the owner of the gasoline pumps (Amera) abandoned the property. They purchased the pumps from Shell, and the sale included the requirement to undertake remediation, so now they are responsible. They recommended more flexible zoning and permitting mixed uses on commercial properties. The size of lots should not be regulated either. These actions have proved successful in attracting development and investment in other suburban communities similar to Medford. Permitting more drive-thru's should also be a priority, especially now due to COVID19 restrictions and health concerns. Mr. Vakrinos added that he supports the plan, including recommendations for beautification. More tech amenities such as plug-in stations for electric cars should be considered—commercial is not just retail and there are other ways to serve community needs.

Alan Budde – 38 Holly Drive. His property is included in the study and he would approve the proposed zoning change on the currently zoned commercial part of his lot to all residential.

Jim Shiffer – 209 Taunton Boulevard. Questioned if this was a “back door” method to get the Dunkin Donuts approved? Mr. Taylor emphatically denied this as not true or factual. Chairman Hartwig reiterated Mr. Taylor's response and stated the both the Council's and the Planning Board's intentions were to help this area to redevelop or rehabilitate due to the number of vacancies. Mr. Shiffer concluded his remarks by stating that additional development will increase traffic and change the dynamic of the neighborhoods abutting the intersection.

Kevin Sparkman – 128 Bracken Road. Mr. Sparkman is supportive of a comprehensive plan for the Taunton & Tuckerton intersection area. Any such plan should include a requirement for “complete streets,” as the many neighborhoods surrounding this intersection are cut off from access by walking or biking, which exasperates the existing traffic issues. One of the benefits of COVID is more people are out walking and biking and neighborhoods such as Tamarac, Oakwood, and Lake Pine would walk or bike to the businesses.

Kathryn McLaughlin – 31 East Lake Boulevard. She expressed her concerns about traffic and the inability for her to walk to the Taunton Forge Center and other businesses. She also stated owners need to be held more accountable to upkeep facades, especially if they will be granted

Medford Township Planning Board Minutes

22 July 2020

Page | 5

tax incentives. Smaller businesses (ice cream, restaurants, coffee shops) close to neighborhoods need to be connected to the neighborhoods via sidewalks and bikeways.

David Volpe – 6 Pine Trail. As an Oakwood Lakes resident, he also agrees that owners need to step up. He does concur with Mr. Taylor that traffic has increased due to more residents traveling to Marlton and other areas west of Medford.

David DePetrìs – representing the DePetrìs family, owners of the Taunton Forge Center, the former PNC Bank site and the former Medford Hardware site. He explained his family's presence in the area dating back decades. In 2014 the family came before the Planning Board with plans to rehabilitate the Village of Taunton Forge Center (VTF). At that time there was a 60% occupancy rate. To date, the family has invested \$7 million in the study area including the Center. But development is a process—it took the family 18 months to secure Pinelands Commission approval of their plans for the VTF Center. So it has not been a lack of effort by the family. They have contacted every known grocery chain trying to secure a tenant. In regards to the coffee shop, the coffee shop owners were aware of their plans to build a Dunkin Donuts, however the coffee shop owners had been on-line only; and this was their first “bricks & mortar” café. They wanted a short term lease to see if this type of business model would work for them, so the arrangement was mutually beneficial. The family hopes to continue to work together with the Township officials and the Planning Board to further rehabilitate this area.

Ms. Herman made a motion to close the public portion. Mr. Ross seconded. The voice vote was unanimous.

Mayor Watson made a motion to approve the Preliminary Investigation (with correction on page 44) and concur with the recommendation to designate the area as in need of rehabilitation to prevent further deterioration and encourage rehabilitation. Ms. Herman seconded the motion.

Recorded Vote:

Ayes:	Bielec, Braatz, Czekay, Herman, Kornick, Ross, Watson, Perks, Hartwig
Nays:	None
Abstentions:	None
Motion carried:	9 - 0 - 0

A second vote was taken to Memorialize Resolution 11-2020; Recommending Designation of the Properties in the Area of the Taunton and Tuckerton Roads Intersection as Areas in Need of Rehabilitation.

Mayor Watson made a motion to Memorialization the Resolution. Mr. Ross seconded the motion.

Recorded Vote:

Ayes:	Bielec, Braatz, Czekay, Herman, Kornick, Ross, Watson, Perks, Hartwig
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Medford Township Planning Board Minutes
22 July 2020

Page | 6

Nays:	None
Abstentions:	None
Motion carried:	9 - 0 - 0

GENERAL PUBLIC: NONE

Ms. Herman made a motion to close the Public Portion. Mr. Ross seconded. The voice vote was unanimous.

ADJOURNMENT:

Mayor Watson made a motion to adjourn the July 22, 2020 Planning Board Meeting at 9:48 pm. Ms. Herman seconded. A voice vote carried the motion.

Beth Portocalis, Recording Secretary

Kimberly Gerber, Planning Board Secretary

Medford Township Planning Board

August 26, 2020

RESOLUTION 12 - 2020

RESOLUTION AMENDING RESOLUTON 20-2017 AND ADOPTING THE UPDATED AND REVISED HOUSING ELEMENT AND FAIR SHARE PLAN TO THE TOWNSHIP MASTER PLAN

WHEREAS, the New Jersey Municipal Land Use Law, N.J.S. 40:55D-1 et. seq. (MLUL) provides that a Municipal Planning Board has jurisdiction to adopt a Master Plan consisting of a report or statement of land use and development proposal with maps, diagrams and text which must contain a statement of the objections, principals, assumptions, policies and standards for the physical, economic and social development of the municipality; and

WHEREAS, the MLUL provides that the Master Plan must contain a “land use element” and may contain, as optional elements, a Housing Plan Element; and

WHEREAS, Medford Township entered into a Settlement Agreement with Fair Share Housing Center, which said Settlement Agreement was approved by the Superior Court of New Jersey, Burlington County, Docket Number BUR-L-2596-15, on May 3, 2017, which included the obligation of the Township to adopt a Housing Element and Fair Share Plan as an Amendment to the Master Plan incorporating the terms and conditions of the Settlement Agreement; and

WHEREAS, the Township’s Affordable Housing Planner, Art Bernard and Associates, LLC, prepared a Housing Element and Fair Share Plan as an Amendment to the Medford Township Master Plan; and

WHEREAS, the MLUL requires the Planning Board to conduct a public hearing prior to adoption of the Housing Element and Fair Share Plan as an amendment to the Medford Township Master Plan; and

WHEREAS, the Medford Planning Board conducted a public hearing on Wednesday, June 28, 2017, whereby the Planning Board reviewed the proposed Housing Element and Fair Share Plan and any comments concerning same, and adopted the Housing Element and Fair Share Plan by adoption of Resolution 20-2017; and

WHEREAS, based on review and comments by the Court Master for the Township’s Declaratory Judgment Action for approval of the Township’s affordable housing plan, the Township’s Affordable Housing Planner, Art Bernard and Associates, LLC, prepared an updated and revised Housing Element and Fair Share Plan as an Amendment to the Medford Township Master Plan, said updated and revised Housing Element and Fair Share Plan, August, 2020, being attached hereto and made a part hereto as Exhibit A; and

WHEREAS, the Medford Planning Board conducted a public hearing on Wednesday, August 26, 2020, whereby the Planning Board reviewed the updated and revised Housing Element and Fair Share Plan and any comments concerning same, for purposes of amending Resolution 20-201 and approving same.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Medford, County of Burlington, State of New Jersey, that, pursuant to the authority of the MLUL, Medford Planning Board Resolution 20-2017 is hereby amended to provide that the revised and updated Housing Element and Fair Share Plan, dated August 2020, attached hereto and made a part hereof as Exhibit A, is hereby adopted as an amendment to the Medford Township Master Plan and its endorsement and adoption by the Medford Township Council Resolution 127-2020 is ratified and confirmed.

The foregoing resolution was duly adopted by the Planning Board of the Township of Medford at a public meeting held on August 26, 2020.

John E. Hartwig

Chairman

Kimberly Gerber

Secretary

Medford Township Planning Board

June 28, 2017

RESOLUTION 20 - 2017

**RESOLUTION ADOPTING HOUSING ELEMENT AS AMENDMENT TO TOWNSHIP
MASTER PLAN**

WHEREAS, the New Jersey Municipal Land Use Law, N.J.S. 40:55D-1 et. seq. (MLUL) provides that a Municipal Planning Board has jurisdiction to adopt a Master Plan consisting of a report or statement of land use and development proposal with maps, diagrams and text which must contain a statement of the objections, principals, assumptions, policies and standards for the physical, economic and social development of the municipality; and

WHEREAS, the MLUL provides that the Master Plan must contain a "land use element" and may contain, as optional elements, a Housing Plan Element; and

WHEREAS, Medford Township has entered into a Settlement Agreement with Fair Share Housing Center, which said Settlement Agreement was approved by the Superior Court of New Jersey, Burlington County, Docket Number BUR-L-2596-15, on May 3, 2017, which includes the obligation of the Township to adopt a Housing Element and Fair Share Plan as an Amendment to the Master Plan incorporating the terms and conditions of the Settlement Agreement; and

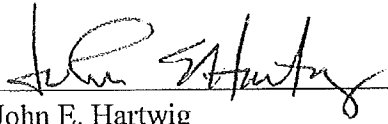
WHEREAS, the Township's Affordable Housing Planner, Art Bernard and Associates, LLC, with input from the Township Planner, Taylor Design Group, has prepared a Housing Element and Fair Share Plan as an Amendment to the Medford Township Master Plan; said Housing Element attached hereto and made a part of this Resolution as Exhibit A; and

WHEREAS, the MLUL requires the Planning Board to conduct a public hearing prior to adoption of the Housing Element and Fair Share Plan as an amendment to the Medford Township Master Plan; and

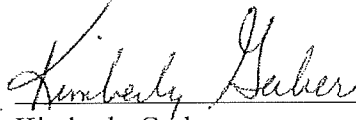
WHEREAS, the public hearing has been held on Wednesday, June 28, 2017, and the Planning Board having reviewed the proposed Housing Element and Fair Share Plan and any comments concerning same.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Medford, County of Burlington, State of New Jersey, that, pursuant to the authority of the MLUL, that the Housing Element and Fair Share Plan, attached hereto and made a part hereof as Exhibit A, is hereby adopted as an amendment to the Medford Township Master Plan and referred to the Medford Township governing body for inclusion in the Township's affordable housing ordinance.

The foregoing resolution was duly adopted by the Planning Board of the Township of Medford at a public meeting held on June 28, 2017.

A handwritten signature in dark ink, appearing to read "John E. Hartwig", written over a horizontal line.

John E. Hartwig
Chairman

A handwritten signature in dark ink, appearing to read "Kimberly Gerber", written over a horizontal line.

Kimberly Gerber
Secretary

DRAFT

PLANNING BOARD

TOWNSHIP OF MEDFORD

Resolution No. 13 -2020

Application No. PBC-1355PF

A Resolution of the Planning Board of the Township of Medford memorializing the action of the Planning Board on the application of Evesboro Place, LLC for a three-year extension of the effective date of the Board's approval of a Preliminary and Final Major Subdivision and Site Plan to build residential townhouses and apartments on land which is identified as Block 401, Lot 9.02, on the Tax Map of the Township of Medford and located in the AWRA ARC Wheeler Redevelopment Area.

WHEREAS, the Planning Board has received an application from Evesboro Place, LLC for a three-year extension of the effective date of the Board's approval of a Preliminary and Final Major Subdivision and Site Plan to build residential townhouses and apartments on land which is identified as Block 401, Lot 9.02, (22 Evesboro Medford Road), and located in the AWRA ARC Wheeler Redevelopment Area.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Medford, assembled in public session on August 26, 2020, that the following Findings of Fact, Conclusions and Determinations are hereby confirmed and memorialized:

Findings of Fact

1. The Planning Board has the jurisdiction to act upon the application, with a majority vote required for approval of the requested extension.

2. The application was considered at a duly noticed public meeting of the Planning Board held on July 22, 2020, at which time the application was declared to be complete, and a public hearing was held at which testimony was received on behalf of the applicant and there was an opportunity for the public to be heard on the application.

Public Hearing

3. Patrick McAndrew, Esq., appeared at the public hearing for the Applicant and explained the basis for the request.
4. By letter to the Board dated July 8, 2020, submitted with the application, Mr. McAndrew explained that approval of the Preliminary and Final Major Subdivision and Site Plan was issued by the Board on August 22, 2018, and that, pursuant to the Municipal Land Use Law, the approval remained valid through August, 2020. In order to complete actions required by the approval in anticipation of an expected sale of the subject property, the applicant requests a three-year extension of the effective date of the approval, which is the maximum permitted by the New Jersey Municipal Land Use Law. In that regard, the applicant requested the time extension because of delays related to the current state of emergency and the pandemic, and because of the size and scale of the project, including the additional time required to bring water and sewer utilities to the site.
5. There was no public commentary on the application.
6. The Board finds that the requested time extension is subject to approval, with the Board hereby extending the effective date of the approval, until August 2023. All other conditions of the Board's 2018 final approval of this project remain in effect, and the applicant shall update all outside agency approvals which may have since expired.

The foregoing resolution was duly adopted by the Planning Board of the Township of Medford at a public meeting held on August 26, 2020.

John E. Hartwig
Chairman

Kimberly Gerber
Secretary