

**TOWNSHIP OF BORDENTOWN
MINUTES -- PLANNING BOARD ZOOM MEETING
December 10, 2020**

A Virtual Zoom Meeting of the Bordentown Township Planning Board was called to order at approximately 7:02 PM.

PRESENT: Stephen Benowitz, Mayor, Class I (left meeting at approx. 7:13 pm)
Bill Grayson, Class II
Eric Holliday, Deputy Mayor, Class III (left meeting at approx. 7:13 pm)
George Chidley, Chairman, Class IV
Kevin Hirschfeld, Vice-Chairman, Class IV
Erica Bowyer, Class IV
Timothy Fairlie, Class IV
MaryAnn Holston, Class IV
Linda Schiano, Alt. #1
Brian Carlin, Attorney
Fred Turek, II PE, PP, CME, CPWM, Engineer
Jack Carman, RLA, FASLA, PP, Planner / Landscape Arch.
Elena Gable, PP, AICP, CFM, Heyer-Gruel & Associates
Mike Theokas, Interim Dir. of Comm. Dev./ Board Secretary
Cindy Dziura, Alt. Bd. Secretary/Recording Secretary

ABSENT: Danielle Esser, Class IV
Nicholas D'Angelo, Alt. #2
James L. Kochenour, PE, Traffic Engineer

The meeting was opened by Chairman Chidley. The open public meetings announcement was read by Chairman Chidley. Roll call was taken by Alt. Board Secretary Dziura.

MINUTES:

The minutes from the November 12, 2020 Zoom meeting were presented. Vice-Chairman Hirschfeld made a motion to approve the minutes; Mr. Fairlie seconded the motion.

Roll call: AYE: Fairlie, Grayson, Holston, Bowyer, Schiano, Hirschfeld, Chidley
NAY: None
ABSENT: Esser, D'Angelo
ABSTAIN: Holliday, Benowitz
NOT VOTING: None

Chairman Chidley announced he will be rearranging the agenda because certain Board Members will need to leave the meeting.

ADMINISTRATIVE ACTION:

Referral of Township Committee Ordinance #2020-24 entitled **AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE AGWAY (GROWMARK)/YATES REDEVELOPMENT PLAN.**

Planning Board Secretary Theokas stated that the Planning Board members were provided a copy of the Amended Redevelopment Plan prepared by the Township's Special Planner, Heyer-Gruel, and gave a description of the purpose of this ordinance and plan.

Vice-Chairman Hirschfeld made a motion to open to the public; seconded by Mr. Grayson.

Roll call: AYE: Fairlie, Grayson, Holston, Bowyer, Schiano, Holliday, Benowitz, Hirschfeld, Chidley
NAY: None
ABSENT: Esser, D'Angelo
ABSTAIN: None
NOT VOTING: None

Planning Board Secretary Theokas confirmed he received no public comment from the Zoom host screen.

Vice-Chairman Hirschfeld made a motion to close to the public; seconded by Mr. Grayson.

Roll call: AYE: Fairlie, Grayson, Holston, Bowyer, Schiano, Holliday, Benowitz, Hirschfeld, Chidley
NAY: None
ABSENT: Esser, D'Angelo
ABSTAIN: None
NOT VOTING: None

The Planning Board members then considered the following resolution:

Resolution No. P-2020-28 – A RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF BORDENTOWN RECOMMENDING THE ADOPTION OF A SECOND REDEVELOPMENT PLAN AMENDMENT FOR THE AGWAY (GROWMARK)/YATES REDEVELOPMENT AREA.

Mr. Fairlie made a motion to approve Resolution P-2020-28; seconded by Vice-Chairman Hirschfeld.

Roll call: AYE: Fairlie, Grayson, Holston, Bowyer, Schiano, Holliday, Benowitz, Hirschfeld, Chidley
NAY: None
ABSENT: Esser, D'Angelo
ABSTAIN: None
NOT VOTING: None

At this time, Attorney Carlin swore-in the Township's Special Planner, Elena Gable from Heyer-Gruel & Associates. Mayor Benowitz announced that because this application requires a use variance and according to the MLUL, given their positions on the Township Committee, Deputy Mayor Holliday and he may not hear the case and must recuse themselves and leave the remainder of the meeting.

RESOLUTION(S):

Resolution No. P-2020-27 – A RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF BORDENTOWN DEEMING COMPLETE THE APPLICATION OF TEAM CAMPUS PHASE II, LLC. FOR A USE VARIANCE FOR BLOCK 58, LOT 36.01.

Mr. Fairlie made a motion to approve Resolution P-2020-27; seconded by Vice-Chairman Hirschfeld.

Roll call: AYE: Fairlie, Grayson, Holston, Bowyer, Schiano, Hirschfeld, Chidley
NAY: None
ABSENT: Esser, D'Angelo
ABSTAIN: None
NOT PARTICIPATING: Holliday, Benowitz

NEW BUSINESS:

<i>COMPLETENESS ONLY</i>		
PB-2020-08	<u>AMAZON.COM SERVICES, LLC</u>	ESCROW # 994000
Received: 10/28/2020	Applicant is seeking amended preliminary and final site plan approval to add a sewer pump station.	Block 137.02, Lot 1
Escrow fees: PAID	<u>REPORTS BY BOARD PROFESSIONALS:</u>	2471 Old York Rd.
Taxes: PAID	Fred Turek, Engineer: 12/2/20-Completeness Only Jack Carman, Planner/Landscape Architect: 12/2/20-Completeness Only	Zoned: REO

Attorney Jonathan King of Porzio, Bromberg & Newman, P.C., was present to represent the applicant.

Present giving testimony was:
 Mark Janiszewski, Maser Consulting

Attorney Carlin swore-in Mr. Janiszewski, and stated that he had come before the Board on several occasions, and has been accepted as an expert. Mr. Janiszewski addressed Engineer Turek's and Planner Carman's completeness letters.

Vice-Chairman Hirschfeld made a motion to open to the public; seconded by Mr. Fairlie.

Roll call: AYE: Fairlie, Grayson, Holston, Bowyer, Schiano, Hirschfeld, Chidley
 NAY: None
 ABSENT: Esser, D'Angelo
 ABSTAIN: None
 NOT PARTICIPATING: Holliday, Benowitz

Planning Board Secretary Theokas confirmed he received no public comment from the Zoom host screen. Mr. Fairlie made a motion to close to the public; seconded by Vice-Chairman Hirschfeld.

Roll call: AYE: Fairlie, Grayson, Holston, Bowyer, Schiano, Hirschfeld, Chidley
 NAY: None
 ABSENT: Esser, D'Angelo
 ABSTAIN: None
 NOT PARTICIPATING: Holliday, Benowitz

Vice-Chairman Hirschfeld made a motion to deem the application complete; seconded by Mr. Fairlie.

Roll call: AYE: Fairlie, Grayson, Holston, Bowyer, Schiano, Hirschfeld, Chidley
 NAY: None
 ABSENT: Esser, D'Angelo
 ABSTAIN: None
 NOT PARTICIPATING: Holliday, Benowitz

Chairman Chidley announced that the application will be heard at the next meeting on January 14, 2021 at 7:00 pm, or the next regular scheduled meeting in case January 14, 2021 is cancelled, without further noticing by the applicant. Attorney King will notice the January 14, 2021 hearing.

OLD BUSINESS:

<p>PB-2020-07</p> <p>Received: 10/21/2020</p> <p>Escrow fees: PAID</p> <p>Taxes: PAID</p>	<p style="text-align: center;"><i>HEARING OF APPLICATION</i> <i>(Approved for Completeness on 11/12/20)</i></p> <p><u>TEAM CAMPUS PHASE II, LLC</u></p> <p>Applicant is seeking a bifurcated use variance for inclusionary housing.</p> <p><u>REPORTS BY BOARD PROFESSIONALS:</u> Elena Gable, Heyer-Gruel, Special Planner: 12/3/20 Fred Turek, Engineer: None Jack Carman, Planner/Landscape Architect: 12/3/20 Jim Kochenour, Traffic Engineer: None Steve Scholey, Fire Marshall: None</p>	<p>ESCROW # 996000</p> <p>Block 58, Lot 36.01</p> <p>115 Route 130</p> <p>Zoned: HC</p>
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Attorney Mark Roselli of Roselli, Griegel, Lozier, and Lazzaro was present to represent the applicant. He gave a description of the application and background on previous approvals of the property.

Present giving testimony were:

- Attorney David Silber, In-House Counsel for the applicant
- Tim Lurie, Civil Engineer, Timothy P. Lurie, PE, PP, CME, DW Smith Associates
- Scott Kennel, Traffic Engineer, McDonough & Rea Associates
- Kevin Johnson, Property Owner
- Christine Cofone, Planner, Cofone Consulting Group

Attorney Carlin summarized what is being proposed and what is required of the Planning Board.

The representatives were sworn-in and the hearing commenced. The Planning Board Engineer and Planning Board Planner reviewed their reports.

Mr. Chidley made a motion to open to the public; seconded by Mr. Hirschfeld.

Roll call: AYE: Fairlie, Grayson, Holston, Bowyer, Schiano, Hirschfeld, Chidley
 NAY: None
 ABSENT: Esser, D'Angelo
 ABSTAIN: None
 NOT PARTICIPATING: Holliday, Benowitz

Attorney Carlin and Attorney Roselli agreed that members of the public could comment via audio (without video). All residents were sworn-in by Attorney Carlin prior to their comments.

KEITH OWES, 338 Crescent Drive: Mr. Owes thanked the Township for connecting the walking/bikeway trail from the high school to Borden's Crossing. He stated that he cannot support storage, warehouses, a marijuana distribution center, or a strip club in front of their community that pays the highest property taxes in the county. Mr. Johnson, Owner of Team Campus Phase II, has had discussions with their community multiple times, and at no time has township representatives asked, "what is in the best interest of Borden's Crossing?" He thinks a Town Center with multiple uses, which includes retail on the bottom, fits in very well.

E.J. GRYBOWSKI, 345 Crescent Drive: Mr. Grybowski reiterated that Mr. Johnson is working with them, and given the other options available, he believes that Mr. Johnson's plan would be a must better use. Mr. Johnson stated that as part of the application, there is a payment in lieu of affordable

housing fee condition available instead of putting in affordable housing. This would have to be decided by the Township Committee.

CALMAN GREENE, 210 Eclipse Drive: Mr. Greene said Mr. Johnson has held a few virtual meetings. He is happy with reduction from four stories to three stories, said it will be a beautiful site, and supports the plan.

LIZ REARDON, Branch Manager, Fulton Bank in Team 85 Complex: Ms. Reardon says she approves the proposal by Mr. Johnson. It will create business for Fulton Bank, and Fulton Bank will provide services to the community.

RACHEL THALHAUSER, 207 Eclipse Drive: Ms. Thalhauser says they support Mr. Johnson's proposal. She'd like to see people walking around, not a strip club or warehouse. A variety of retail is not available in Bordentown Township where our tax dollars could be going.

ASIF BANDUKDA, 356 Crescent Drive: Mr. Bandukda stated how great Bordentown Township is, but the warehouses, flea markets, many gas stations, and police cars at the hotels is heartbreaking, especially with the high taxes that he pays. He wants a nice walking area and wants the vision for Bordentown Township to improve. They are in favor of the plan Kevin Johnson presented at their many (virtual) meetings. Want to support local Bordentown, instead of going to Hamilton Township.

Planning Board Secretary Theokas confirmed there is no more public comment from the Zoom host screen.

Mr. Fairlie made a motion to close to the public; seconded by Vice-Chairman Hirschfeld.

Roll call: AYE: Fairlie, Grayson, Holston, Bowyer, Schiano, Hirschfeld, Chidley
NAY: None
ABSENT: Esser, D'Angelo
ABSTAIN: None
NOT PARTICIPATING: Holliday, Benowitz

Chairman Chidley stated for clarity in the record, that some of the uses that were discussed, i.e. the warehouse, an adult mixed bar, etc. unless Mr. Johnson was proposing to do them, these are not coming before the Planning Board. These uses would be subject to all sorts of public scrutiny through Open Public Hearings and Board Meetings.

Mr. Roselli gave his summary on the application.

Mr. Fairlie made a motion to approve the application for the use variance; seconded by Ms. Schiano.

Roll call: AYE: Fairlie, Bowyer, Schiano
NAY: Grayson, Holston, Hirschfeld, Chidley
ABSENT: Esser, D'Angelo
ABSTAIN: None
NOT PARTICIPATING: Holliday, Benowitz

Vice-Chairman Hirschfeld made a motion to deny the application; seconded by Ms. Holston.

Roll call: AYE: Grayson, Holston, Hirschfeld, Chidley
NAY: Fairlie, Bowyer, Schiano
ABSENT: Esser, D'Angelo
ABSTAIN: None
NOT PARTICIPATING: Holliday, Benowitz

ADMINISTRATIVE ITEMS FROM THE COMMUNITY DEVELOPMENT OFFICE:

Planning Board Secretary Theokas stated this is the last meeting for 2020. He thanked everyone for their service on the Board and wished everyone a safe and happy new year. The Reorganization Meeting is scheduled for January 14, 2021.

PUBLIC COMMENT:

Mr. Fairlie made a motion to open the meeting to the public; seconded by Mr. Grayson.

Roll call: AYE: Fairlie, Grayson, Holston, Bowyer, Schiano, Hirschfeld, Chidley
NAY: None
ABSENT: Esser, D'Angelo
ABSTAIN: None
NOT PARTICIPATING: Holliday, Benowitz

KEITH OWES, 338 Crescent Drive: Mr. Owes said he has nothing further to say except his disappointment.

Planning Board Secretary Theokas confirmed he received no further public comment from the Zoom host screen.

Mr. Fairlie made a motion to close to the public; seconded by Vice-Chairman Hirschfeld.

Roll call: AYE: Fairlie, Grayson, Holston, Bowyer, Schiano, Hirschfeld, Chidley
NAY: None
ABSENT: Esser, D'Angelo
ABSTAIN: None
NOT PARTICIPATING: Holliday, Benowitz

ADJOURNMENT:

Mr. Grayson made a motion to adjourn the meeting at approximately 10:22 pm; seconded by Mr. Fairlie.

Roll call: AYE: Fairlie, Grayson, Holston, Bowyer, Schiano, Hirschfeld, Chidley
NAY: None
ABSENT: Esser, D'Angelo
ABSTAIN: None
NOT PARTICIPATING: Holliday, Benowitz