

A meeting of the Township of Hamilton Planning Board was held on the above date with Chairman David Wigglesworth presiding. Other members present were Harry Bilicki, Charles Cain, Richard Cheek, William Christman, Wayne Choyce, John Kurtz, John Percy and Heather Tomasello. Alternate member present was David Adams. Also present were Christopher Carey, Landscape Architect Consultant; Steven Filippone, Engineer Consultant; Arnold Garonzik, substituting for Alexander Litwornia, Traffic Engineer Consultant; Vincent Polistina, Planner Consultant; and John Rosenberger, Solicitor.

Compliance with the Open Public Meetings Law Was acknowledged.

Approval of Minutes – Mr. Cain moved, seconded by Mr. Christman, to approve the minutes of the meeting of November 17, 2011, as published. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Township of Hamilton – Mr. Percy moved, seconded by Mr. Kurtz, to approve the resolution prepared by the solicitor with a correction made reflect the correct title of the Historic Preservation Commission.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Bilicki – Aye	Mr. Kurtz - Aye
Mr. Cain – Recused	Mr. Percy - Aye
Mr. Cheek – Aye	Ms. Tomasello - Aye
Mr. Christman – Aye	Mr. Wigglesworth - Aye
Mr. Choyce – Aye	

SAID MOTION CARRIED.

Hamilton Mall, LLC (Site Plan Hearing) – Stephen Nehmad, Attorney; Hope Dunlap, KRAVCO Consultant; Joseph Fleming, P.E. P.P.; David Horner, P.E.; David Mcinerny, P.P.; Chris Isenberg, Landscape Architect; Thomas Sykes, Architect; Mark Petrella, Architect; Mr. Mcloskey, Landscape Architect; Thomas Louis, Geo-technical Consultant; Troy Hornung, Lighting Consultant, and Timothy Edmonds, P.E., were present

Mr. Nehmad briefly reviewed the approval history of the Hamilton Mall, a regional shopping center, and described Phases I and II of the proposal. He informed those present that the Applicant had determined there was a need to update the property in order to enhance its appearance and to be competitive.

Mr. Nehmad pointed out that the Mall infrastructure and major traffic improvements had been constructed in anticipation of total build-out of the originally approved 1,340,000 square feet, but only 1,035,000 square feet had been constructed to date.

Mr. Nehmad stated that the Applicant would be remediating the storm water management system and upgrading the architectural design, and was committed to expending considerable funds with regard to the proposal.

Mr. Nehmad advised that there was substantial commitment for space in Phase I, and that it was imperative that there be no delay in the process, as retailers were controlling terms, due to the present extreme economic conditions, and have imposed deadlines involving the site.

Mr. Nehmad stated that the Applicant was seeking preliminary site plan approval for both Phases I and II, and final approval for Phase I only, at this point in time. He noted there were numerous variances associated with the application, most of which involved signs, and it was his opinion that the sign controls of the Ordinance were outdated and had not been significantly updated since originally adopted.

Pointing to various exhibits, Mr. Fleming described the proposal, and stated that the Applicant intended to remedy the failed storm water basins. He advised that it would not be

known precisely what needed to be done until the basins were emptied and testing was done, but he expressed confidence that there would be a design solution that would deal with the problem so they would operate properly.

Mr. Fleming expressed the opinion that the proposal was truly an “infill project”, as the infrastructure had already been constructed for the full build-out.

Pointing to a plan of the project, Mr. Fleming indicated where the Applicant was proposing to place 5,190 linear feet of sidewalk in an effort to make it safe for people to walk. It was pointed out that the Applicant appeared before the Board in 2008 to discuss where sidewalk should be placed.

A lengthy discussion ensued, during which Board members asked questions and made suggestions with regard to safe pedestrian access to bus stop; safe pedestrian access to outparcels; sidewalk connection between outparcels; sidewalk connection to Wrangleboro Road; sidewalk on Mall connector road; crosswalks; and sidewalk on the Black Horse Pike;

Mr. Nehmad advised of the intended pedestrian connection when the Atlantic City Race Course property is redeveloped.

Pointing to a plan, Mr. Fleming and Mr. Edmonds indicated where existing sidewalk was located, and Mr. Edmonds indicated where sidewalk was proposed to be connected.

In response to a question as to why the Applicant was resistant to placing sidewalk across the full extent of the Black Horse Pike property frontage, Mr. Fleming stated that they did not want to put pedestrians near high velocity traffic, and that placing the sidewalk as proposed would result in pedestrians being exposed to slower traffic, with much better control.

Mr. Percy expressed the opinion that persons whose destination is not the Mall would not follow the proposed pedestrian route, as walking along the Black Horse Pike would be a more direct and closer route. He suggested placing the sidewalk behind the guard rail and around the jughandle.

Mr. Nehmad stated that the Applicant’s Traffic Engineer would address the issue, but the Mall Ownership has indicated placing the sidewalk as suggested by Mr. Percy is not a risk it would be willing to take.

Mr. Cain stated that he shared Mr. Percy’s concern and had struggled with the issue over the past few days, but he expressed the opinion that it would be better to direct pedestrians safely through the Mall area, as it was unlikely pedestrians would follow the route around the jughandle, because it would be a shorter walk to stay on the Black Horse Pike and cross at the access points, posing a real danger.

Mr. Christman concurred that it would be safer to direct persons through the Mall, and Mr. Percy reiterated his belief that pedestrians would still walk on the Black Horse Pike.

Ms. Tomasello pointed out that the State had installed sidewalk and placed a fence in the middle of the highway in an attempt to prevent pedestrians from crossing at locations other than the signalized intersection, but people were climbing the fence and crossing illegally anyway. She expressed the opinion that you could not control what people do, and that placing the bus shelter as proposed and directing pedestrian traffic through the Mall would be a welcome change.

In response to Mr. Choyce’s question, Mr. Garonzik advised that the Master Plan provided for sidewalk to be constructed along both sides of the Black Horse Pike up to a certain point that included the Hamilton Mall frontage.

Mr. Nehmad commented that the Master Plan “paints with a broad brush”, and does not address site specific.

Mr. Cain suggested that sidewalk be installed from Leipzig Avenue to the bus station instead of placing it as proposed on a portion of the Black Horse Pike frontage, as there was no sidewalk connection at that location.

Ms. Dunlap explained the difficulty involved with constructing sidewalk as suggested by Mr. Cain due to the layout of the parking lot.

Mr. Percy pointed out that that people other than those visiting the Mall would use the bus stop, and Mr. Christman concurred, expressing the opinion that more consideration should be given to its location, as everyone should have safe an easy access to it.

Ms. Dunlap agreed to discuss the issue with the Bus Company, but noted that they had liked the proposed, central location. She stated that adding a stop would take time and she did not know whether they would be able to do it.

Mr. Cain suggested that sidewalk be extended along Leipzig Avenue to a certain point.

It was pointed out that the State had placed sidewalk along the Black Horse Pike, ending at Wrangleboro Road, and Mr. Cain explained how that had evolved. He suggested that the State be contacted to see if it would continue the sidewalk from the Wrangleboro Road intersection to the Mall property line, where the Applicant had proposed to place the sidewalk that would connect to the sidewalk that continues through the Mall. He further suggested that the sidewalk proposed for that portion of the Black Horse Pike be eliminated, if the State would not agree to the connection. Mr. Nehmad indicated that he would accept that as a condition of the approval.

Mr. Fleming testified that the Hamilton Mall was a permitted use; that the front yard setback being requested for the outparcel restaurant was made necessary due to the location of the existing jughandle; that the location of the proposed outparcel restaurant would be consistent with the existing Red Lobster and Oliver Garden restaurants; that a variance was being requested from the requirement for maximum impermeable coverage, but there had been no limitation at the time the Mall was originally approved; that 81.2% coverage was originally approved and 72% had been constructed to date; that the total proposed expansion would result in a reduction of impermeable coverage from that which was originally approved to 77.4%; that there would be an increase to 22.6 % of open landscaped area on site from 18.8%, which had exceeded the requirement of 15% when originally approved; that the proposal to have less open space landscape area than permitted for Outparcel restaurants No. 1 and No. 2 would not have a negative impact, as a minimum perimeter landscape open space area would be established along the property line and the development would not impact existing areas where 100 foot open space exists; that the proposed lighting would be consistent with that which had been upgraded ten years ago; that the height of the lighting fixtures was originally approved at 37.5 and the Applicant was proposing to add one fixture at 37.5; and that the Applicant would proposing to match existing lighting uniformity.

Mr. Fleming expressed the opinion that the plan for Phase 1 met the Ordinance requirement for preliminary and final approval.

Mr. Christman questioned whether there would be some modification to the intersection of Wrangleboro Road, the Expressway Connector Road and the Mall Connector Road to address the problem of additional traffic generated by the two new restaurants and cars exiting the Expressway and going through the Mall in order to avoid the wait in line to make a left turn. Mr. Nehmad asked that the question be deferred to when the Applicant's traffic consultant presents testimony.

In response to Mr. Cain's question as to when the storm water basin work would be completed, Mr. Fleming stated that the investigative process would commence if the Board grants preliminary and final approval for Phase 1. He further stated that, once the results are known, they would work with the Board's consultants on a design to correct the problem, which would be implemented as part of Phase I. Mr. Nehmad added that the Applicant would first need for the Pinelands Commission to issue a "No Call-up" letter before they would proceed.

Mr. Cain asked how the Board could be assured that the basin work would not be delayed because of the need for some other agency approval.

Mr. Nehmad stated that the Applicant is proposing to have the remedial work done, and the investigative plan of what has to be done to each basin, in place before obtaining the first building permit; and to have all of the work done before obtaining the first certificate of occupancy. He further stated that he would not object to the Board making that a condition of approval.

Mr. Filippone advised that the basins would need to be drained before the investigative work could be done, and Mr. Nehmad concurred.

Mr. Nehmad stated that they would proceed similar to the process at the Walmart site, and advised as to what had been found at that site and what had been done. He noted that the basin had been functioning well since the work had been done.

Mr. Nehmad pointed out that the Walmart basin was two acres and the Mall's basins totaled eight acres, and he requested that the Board permit issuance of a building permit to allow construction to take place at the same time the basins are being remediated, due to the amount of time it would take to do the work, so the Mall doesn't lose its tenants. Mr. Nehmad stated that the Applicant and its Engineer were aware that the basins have to function as designed, and he commented that they had every reason to believe that they would work, as the Mall was at a higher elevation than the Walmart site.

In response to a question as to whether the basins drain into Adams Branch, Mr. Nehmad stated that, years ago, under the auspices of the Township Engineer, the gates were opened to drain the basins, but the Mall has not been permitted to open the gates in recent times.

Mr. Sykes described what was being proposed and the architecture.

Pointing to various exhibits, Mr. Sykes described the proposed signs for the main building and outparcels and the free-standing signs, advised of the variances that would be necessary for those signs and testified as to why the variances should be granted. Mr. Nehmad provided additional information related to the variance requests and explained why the Applicant felt it was necessary to increase the size of the existing two, free standing signs and to add a third free-standing sign at Wrangleboro Road.

Board members asked questions, offered comments and expressed concern with regard to neon lighting, illuminated window signs, size of free-standing signs, size and timing of reader board message on free-standing sign, potential danger due to size and location of reader board sign, effect on utility lines and sign location.

Mr. Sykes advised that there would be no use of neon lighting and that LED lighting would be used.

Ms. Dunlap described the proposed lighting, and stated that the LED lighting would be done in an attractive manner, which would be less costly to operate and more aesthetically pleasing. Mr. Cain asked that something be presented so the Board could view what Ms. Dunlap had described, and Mr. Polistina commented that submitting renderings would help clarify exactly what was being proposed, so the Board could determine whether the variances should be granted. Mr. Nehmad agreed to provide additional information.

Mr. Hornung advised of the difference between LED lighting and neon lighting and stated they would produce photographs of other locations that had LED lighting.

Mr. Nehmad stated that the Mall was two stories high, and the need for the variance involving window signs was necessary for the two 15,000 to 20,000 square foot anchors at the rear of the Mall because they would be totally glass and the signs would be on the second story. He further explained that the area of the window signs would be included in the total three hundred square feet of signage permitted for that particular façade.

Mr. Sykes testified that the message board on the main, free-standing sign would only display messages with regard to activity on the premise, with an occasional public message.

Mr. Nehmad asked that discussion of the issue involving the size and location of the main Mall identification sign be deferred until the Applicant's traffic engineer provides testimony.

Board members asked questions with regard to how certain stores would be serviced, color scheme, Phase II expansion, access to junior anchor stores and other site related issues.

Mr. Rosenberger announced that the hearing would be continued on February 2, 2012, and that no further public notice would be required.

Public Comment – Mr. Wigglesworth opened the meeting to public comment and there was no response.

Mr. Cain moved, seconded by Mr. Christman, to close the public portion of the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Adjournment – Mr. Christman moved, seconded by Mr. Cain, to adjourn the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Respectfully submitted,

Nancy Rainbow,  
Planning Board Administrator