

TOWNSHIP OF EVESHAM

Zoning Board

Minutes

7:00 pm

June 17, 2019

Municipal Building

Call to Order

Chairman Parikh made the call to order at 7:06 pm

Flag Salute

Statement of Conformance with Open Public Meetings Act

Chairman Parikh made the statement of conformance with the Open Public Meeting Act and the Municipal Land Use Legislation

Roll Call

Present: Lutner, Student, Rodgers, Osno, Shah, Wilson, Parikh

Also Present: Diamantis, Furey, Arcari, Loughlin, Tadas, Boulton

Absent: Alperin, Davé, Wessner, Thompson

Continuation of Scheduled Matters

Meeting Minutes:

May 13, 2019

Motion: Osno

Second: Rodgers

Ayes: Lutner, Rodgers, Osno, Wilson, Parikh

Unfinished/New Business

1. Donna Kubiak Spagnolia

ZB 19-14

27 Lancaster Drive, Block 13.21, Lot 33 (MD Zone District)

Applicant is requesting variances for improvements that existed on the property at the time lot was purchased. A variance is required for location of the pool, the shed and impervious coverage

Donna Kubiak Spagnolia, Homeowner:

- Applicant was sworn in
- Permit issued in 1986 however, in-ground pool was not in location that was issued on permit
- Purchased house in 2004 and not aware until applying for building permit to put addition on house
- Zoning Official advised that issue has to be rectified before approving permit for addition
- The pool and shed attached to it on the concrete were existing with the house when purchased
- Chairman Parikh asked if variances were being sought for the existing location of the pool and the shed
- Applicant advised yes, the pool and the shed which is too close to the property line in the rear of the property

- Back up to Evesboro-Medford Road and only thing there is a water retention area
- Put in a pump around the outside of the pool to take the water off of property to run out to the retention area when we moved in
- Mr. Parikh asked what other improvements were being made to the house
- Applicant responded they are applying for a permit to put a 12x16 and 19x13 addition on the back of the property
- There is already an existing deck that didn't have a permit either and we were trying to get a permit but couldn't because of the pool
- The pool and shed will come down
- The existing deck will come down
- Area we are proposing to build on is already covered by the deck

Leah Furey Bruder, Township Planner:

- Just to clarify, the proposed improvements do not require variances
- Variances are only required for the pool and shed that were pre-existing
- Applicant is trying to rectify or memorialize those variances so they can move forward with permitted improvements which do not require variances

Board Comment:

- Mr. Student asked if Applicant was friendly with neighbors and if any were in attendance at the meeting; don't see anyone here to object
- Applicant advised that they were very friendly with neighbors
- Neighbors offered to come but we weren't sure what to tell them
- Applicant went door to door for every single signature on the list for the notice
- Mr. Parikh asked Applicant if this was an application to memorialize the existing variances that are on the property
- Applicant agreed

Public Comment:

- None

Board Solicitor Summary:

- Two questions for Applicant before summarize
- Solicitor asked if Applicant received Township letter from Nancy Jamanow dated June 7, 2019
- Applicant said yes and information in the letter was accurate
- All were preexisting from when the property was purchased
- Applicant said yes
- Applicant seeks to rectify and bring up to date certain variances on property that were preexisting prior to purchase
- Variances are for location of pool, location of shed, setback for stone parking area and impervious coverage
- Applicant purchased the home and did not make any of the improvements requiring variances
- Applicant wishes to obtain variances in order to move forward with improvements
- Mr. Student apologized to the Applicant for this happening and inquired if Township is taking steps to ensure it doesn't happen to future residents

- Mr. Parikh advised that Community Development Department is trying to and every time a permit is issued an As-Built follow up takes place

Motion to Approve ZB19-14

Motion: Student

Second: Shah

Ayes: Lutner, Student, Rodgers, Osno, Shah, Wilson, Parikh

2. United Growth Holdings, LLC

ZB19-01

751 Route 73 South, Block 36, Lot 4.06 (C-1 Zone District)

Applicant is seeking Minor Subdivision approval for the subdivision of two (2) lots for the Target Retail Stores parcel for the purpose of constructing a 2800 sf fast food restaurant with a drive thru on one of the subdivided lots and a 3800 sf standard restaurant on the other parcel

Lawrence A. Calli, Attorney

Exhibits:

- A1 – Color render Aerial of Existing Center, dated June 17, 2019
- A2 – Aerial luster landscaping Plan dated June 17, 2019
- A3 – Enlarged site plan dated June 17, 2019
- A4 – Drive Through Stacking, dated June 17, 2019
- A5 – Rear and Side Color Elevations PDQ, June 17, 2019
- A6 – Front and Entry Color Elevations PDQ, June 17, 2019
- A7 – First Watch Elevation, June 17, 2019

Larry Calli, Applicant Attorney:

- Representing United Growth Holdings, LLC
- Thanked Board for hearing them tonight
- Tremendous Board Staff that took Applicant through several tech reviews and vetted application for good completeness
- For that, hope to expedite this evening and thank the Board Staff and Board Administrator
- Application involves property every Board member knows; Target Parcel on 151 Route 73; 28 acres
- C-1 commercial zone
- Parking field is quite large; part unused
- What is being proposed is adaptive reuse of a portion of the parking field
- Take underutilized parking areas and turn into something that has more life and opportunity for the community and the property and business
- 2 lot parcels are proposed here; 2 pads / 2 buildings
- Creating a total of 3 lot lines
- Partly seeking minor subdivision; financial subdivision created so Target can sell a portion of land and now subdivide portion into 2 to lease space
- Will function as it does today; access to and from all areas
- 2 new buildings near 73 frontage at northeast corner of property
- If approved, 2 restaurants
- A morning place called First Watch open in mornings and closed by 2pm; table service, nice food, nice place, sit down restaurant for breakfast, lunch, brunch

- The other is PDQ – People Deserve Quality
- More of a quick serve business; drive thru component; more conventional quick serve hours
- Come to PDQ for lunch, quick dinner, come off hours when hungry
- In and out in a few minute if driving thru, or 15-20 minutes to come in, sit down
- 2 pad sites will have own parking fields; away from Target
- All will function in a way as one
- 3 lots total proposed
- Seeking minor subdivision with amended site plan component as well
- Technically amending the Target site plan with conditional use variance relief
- The C-1 Zone contemplates these uses but it creates the parameters
- D3 conditional use variance relief; uses are allowed here but come up short meeting the constraints and limitations of compliance
- Bulk standard relief
- Quantitatively there are a lot of variances
- Many are design and technical in nature
- Believe that this portion of the out parcels work for our proposed adaptive reuse to put prototypical PDQ and First Watch restaurants here
- Nice synergy here with 2 restaurants, they don't overlap with their demand
- Went thru several site meetings to get this plan to where it is

Kevin Kawashita, Director of Development United Growth:

- Witness was sworn in
- In 30+ years of development, developed great program across U.S. to find underutilized parking fields and bring business to them
- Familiar with this application
- Developed PDQ operation building before and also have a lot of information about operations
- PDQ is trying to develop a 2800sf building
- It is People Dedicated to Quality
- Fast, casual restaurant
- Bringing 60-70 full time/part time jobs; local hire
- Hours of operation are 10:30am to 10:00pm
- Typical shifts, 12-15 employees on-site; shift changes staggered throughout day
- Peak times for operation are between 11:30am – 1:30pm and 4:30pm - 6:30pm
- Throughout the day, 55% of all patrons come through as “walk-in” who order, eat and leave
- 45% are drive thru patrons; typically from time order is placed until time they leave is a 2 minute window
- Everything is freshly made and made to order; however, very fast operations
- Drive thru ordering until food in hand is 2 minutes
- If parking and eating inside or picking up inside; process is 15-20 minutes until time they leave
- Generally in operation coordinated so don't impact other businesses or operations
- Delivery will be twice a week, at 3am in the morning; so doesn't effect traffic or other businesses
- Much faster operation

- Refuse is in two (2) 8 yard dumpsters that are picked up every other day; one (1) for refuse and one (1) for recycling
- Applicant's Attorney asked when PDQ was exploring locations and you and PDQ collectively sighted this location, were there any concerns that you could not develop the prototypical and customary PDQ type facility because of any constraints perceived here
- Kevin responded they thought it was a fantastic site because it does meet all of their requirements

Board Comment:

- Mr. Parikh asked how many full time employees in one shift
- Mr. Kawashita responded he doesn't know the exact split because they haven't come up with the work shift yet; but 60-70 is a variation of full time and part time employees
- Mr. Parikh said that is a total number but how many per shift
- Mr. Kawashita responded 12-15 per shift
- Mr. Student inquired about the time in the drive thru, being from the time they pull in to the time they leave is 2 minutes
- Mr. Kawashita answered that it is from the time that they order
- Mr. Student said so menu board where they place order and window where you pay and/or pick up
- Mr. Kawashita replied that was correct
- Mr. Student asked if the 45% of the business (drive-thru) skews higher for lunch or dinner or does it stay consistent throughout the day
- Mr. Kawashita advised that they have not done that calculation so not 100% sure during busy hours which one is more emphasized
- Mr. Student stated that traditional fast food lunch is busier than dinner; ex. Chick fil A, McDonalds
- Mr. Kawashita said it varies
- Mr. Student stated that after 6-6:30pm traffic drops off considerably
- Mr. Student said although you (Kevin) are not a representative of the company and do not work for them but you work for developer; any idea if lunch is 45% or 50%; because First Watch, proposed next store, will be busy at that point in time also
- Mr. Kawashita said he can't give a specific number on that and apologized
- Mr. Student stated that this information is important for the Board to hear
- Applicant's Attorney advised they will try to get the information

Stan Ryback, First Watch Operator:

- Witness was sworn in
- Breakfast, lunch and brunch
- Open at 7:00am and close at 2:30pm
- Company very successful, around for 35 years
- Not well known in Northeast
- This is 4th location in New Jersey
- Great company to work for
- Approximately 33 employees
- Building is very prototypical and very standard in size; pretty textbook

- Stagger in employees in morning
- Do a decent breakfast; brunch pick-up and a little bit of business at lunch time but servers and cooks usually gone by 3:30pm; maybe manager in building until 5pm
- Pretty much done and gone
- Don't see any issues with the site
- Run all operations from Norfolk up through Richmond, DC, Maryland up into Morris Plains just opened
- Operation is almost exactly the same as this one
- Take 2 main deliveries a week
- Typically comes late at night or early in morning before any traffic on Route 73
- 50 foot truck
- Take usually 4 produce deliveries a week / Mon Wed Fri and Sat morning
- A small box truck hopefully there by 8am and gone; don't spend much time maybe 15 minutes
- Simple operation; no grease or fryers to worry about; in terms of trash 2 pickups a week; works fine everywhere
- Don't anticipate any issues
- Very lean and mean building in terms of space; no huge deliveries because everything is fresh
- Fresh food concept; it comes in, make it and goes out
- Applicant's Attorney asked if he was familiar with proposed PDQ operation going in next door
- Mr. Ryback replied yes, don't anticipate any issues with it
- Thinks there is more than enough parking
- Just opened recently in Cherry Hill February 4th and parking is fine
- There is more parking here than there
- Expect to do the same volume; brisk business
- Applicant's Attorney asked if it was fair to say that no issues have been identified for these operations
- Mr. Ryback replied that he has 30 of these and the company has 375 of these company wide
- Very standard operation
- Another 12 being built from Norfolk up
- Anticipate PDQ being a great neighbor; we get along with everybody

Board Comment:

- Mr. Student stated he was familiar with location in Florida and asked about location in Pittsburgh and if that was his territory
- Mr. Ryback advised no, he goes as far as Hershey
- Mr. Student stated that it was a great place and he's a fan of the one in Florida
- Mr. Student said it was very similar to Turning Point in our area; same concept limited hours; for breakfast and lunch, where is the bulk breakout, which is heaviest; is it 50-50
- Mr. Ryback advised that it is really breakfast brunch and lunch; so people stagger in thru breakfast
- Very steady morning; maybe 20-25% of business at lunch, clean up and go home
- Weekends it is busier
- Mr. Student asked if weekend was busier for lunch or breakfast

- Mr. Ryback replied breakfast
- Mr. Student asked for a breakout
- Mr. Ryback said at lunch it is a very different business Mon-Fri then on weekend
- Mon-Fri lunch business might only be 22.5% of overall business Mon-Fri
- Less than that on weekends; Sat/Sun very busy right at 8am
- Mr. Student said as soon as you open
- Mr. Ryback stated that they open at 7am
- Mr. Student asked how the shifts are broken out
- Mr. Ryback said they only have one shift
- At busiest time on Sat or Sun might have 2 dozen people in the building
- Whole staff total employees 30-33 max
- Rely on a skeleton crew of people that work 40 hours/week
- Have 8 cooks, 14 servers, 3-4 bus boys, 3-4 dishwashers
- Very lean and mean operation that works well
- Mr. Wilson asked about the site plan showing a grease trap but no fryers or grease
- Mr. Ryback said there are no fryers, microwaves or heat lamps
- All restaurants code has grease trap; we generate a bit of bacon grease; that is a standard thing
- Mr. Parikh asked Applicant's Attorney to confirm that there are about 36 employees between PDQ and the First Watch from morning until 2pm hour; 12-15 for PDQ and 24; so anywhere from 35-40 employees require parking
- Applicant's Attorney responded during peaks, yes
- Mr. Parikh responded morning hours from 7am-2pm; first shift for PDQ is morning until 2pm and then 2pm-10pm, so first shift is 12-15 employees there
- Applicant's Attorney said you might see that number overlapping onsite on these two lots at any given time

Anthony Caponigro, Civil Engineer:

- Witness sworn in
- Accepted as an expert witness
- Referencing Exhibit A, retail Target center is 126,492sf
- Right in only drive, traveling south on Route 73
- Auxiliary parking field; 234 spaces, spillover for Target
- Main signalized driveway; has full access
- Majority of traffic enters and exits Target
- Main parking field has approximately 382 spaces
- Right in, right out only driveway at rear of Target
- Large wetland buffer between center and Voorhees Township residential neighborhood
- 300ft of buffer between Target and closest residential property line
- North into main parking field buffer extends up to 450ft
- C1 commercial; all sides on corridor are commercial
- Across street is another shopping center
- Not part of center, enter right in only; north side of main driveway is existing bank; approximately 5000sf; own property not part of center
- Exhibit A2 is similar rendition of aerial view of plan; area to develop

- Looking to subdivide 2 out lots; lot 4.09 which is PDQ and lot 4.10 which is First Watch more to north
- Existing Target lot is 28.76 acres
- Remainder of lot 27.16 acres
- Reduction in overall Target with creation of .71 acre lot 4.09 and .89 acre lot 4.10
- Lot 4.09 fast food PDQ; 2800sf; 123.3 lineal ft of property frontage; lot depth of 250.8ft
- Exhibit A3 enlarged view; different gray shade; saw cutting area to do development
- Not reconstructing or ripping up parking lot
- Topography and drainage remains same; utility trench going out
- Very efficient plan
- Existing 2 lane drive aisle in back of buildings; existing cross access easement
- Mainly for come in traffic only to south of Ocean First Bank
- Plan is to maintain
- Will remain unchanged
- Mr. Parikh asked why Target has an existing cross access easement
- Right in only driveway is not on their property; right in only is on the banks property
- Easement dictated the placement of the buildings
- 2 way drive aisle at rear of building but not defined by easement
- Lot 4.09; front of building Route 73; prominent feature utilize main driveway to get into PDQ drive-thru; one way circulation
- From north traveling southbound; right in only; go around and get into counter clockwise circulation; ideal for drive-thru
- Angle 60 degree parking spaces along Route 73 frontage
- In front of First Watch; 2 way drive aisles with 90 degree parking
- Parking line along the front is existing curb line; modify slightly in front of PDQ
- Approximately 29ft today from ROW of Route 73
- Proposing to maintain location; curb line is consistent with curb line in front of Target
- Parking for lot 4.09; 42 spaces required, 32 spaces are provided; shortfall for PDQ
- Will be cross parking agreement for both users; not existing yet as not subdivided lots
- Mr. Parikh asked for clarification on parking spaces 42 required and 32 provided
- Yes, within the subdivided 4.09 lot for PDQ
- Mr. Parikh asked if out of that, 12 would be reserved for employees at any given time; so 20 parking spots for the patrons
- Yes, that is what is provided within the lot line
- First Watch lot 4.10, 3800sf; north portion of development
- Total parking spaces 68 proposed; 57 are required; surplus of 11 spaces provided
- In total; for both out lots, shared parking agreement; 99 required spaces and providing 100 spaces within subdivided lot line
- First Watch frontage; 163.8 lineal ft frontage; required is 200ft lot frontage
- Lot 4.09 is 123ft and lot 4.10 is 163.8ft
- Target parking lot; today 616 spaces exist
- Main parking field is 382 parking spaces; to south of main access driveway

- To north is auxiliary parking field of 234 parking spaces
- In total 616 spaces
- Out lot is proposed on auxiliary parking field; did parking study to provide testimony
- Proposed for Target overall will be 432 spaces; deficient total parking count of 138 spaces
- Applicant's Attorney asked for clarification; 2 lots as proposed PDQ and First Watch will be able to park on each other's property as necessary
- Correct
- Parking standards apply to these uses
- As proposed do we comply with parking standards
- Not for 4.09; deficient but in totality we comply
- Loading and trash pickup
- Focus was loading location; PDQ pull off area; for truck to get in
- Adequate space separated from 2 way drive aisle
- Off peak hours; providing off tract loading
- First Watch will also have loading zone not impacting drive aisle
- Next to drive aisle and not impeding width of drive aisle
- Emergency vehicle templates satisfy Fire Marshal
- Trash enclosures toward back of the building; limited to no view; properly screened
- Impervious coverage reduced
- Target impervious coverage is approximately 33%; large wetland area in back
- Carving out and adding internal landscape will reduce overall impervious coverage by 2700sf
- Impervious coverage will be reduced for contiguous lot of Target
- Lot 4.09 impervious coverage is 74%; maximum permitted is 55%
- Lot 4.10 impervious coverage is 55% and proposing 81%
- Overall lot (28 acre) will be at 33%
- Mr. Parikh asked what the impervious coverage is without the buildings
- Mr. Caponigro only has the proposed
- Only pervious coverage on lots is landscape strip in the middle
- Number is probably in 90% range
- View shed of outparcel from Route 73; overgrown evergreen screen
- Sight lines; needs to be improved; safety in and out of site
- Proposing tree removal along frontage; visually impacted trees that exist
- Proposing to remove 14 trees
- Maintaining buffer requirements
- Proposing better mix of variety of tree shrubs and ground covers to soften edge without prohibiting views to development
- Introducing a mixture of deciduous, evergreens; mulch beds and more decorative and consistent with center across the street
- Site lighting; existing quad fixtures along landscape island
- 4 quad fixtures and 2 additional; spillover into outparcel along frontage
- Providing decorative street lights along front
- Internal LED (4) standard fixtures along front for proper site lighting; safety and nighttime

- Building placement vs proposed lot lines; lot 4.09 front yard setback from Route 73 is 108ft where 100ft is required
- Rear yard line 50ft is required and proposing 101.5ft to new property line
- Side yard, asking for majority of relief related to parking and building
- Building set back line on side yard setback on south side proposed to be 18.4ft where 30ft is required; on north side is 27ft for PDQ
- First Watch lot 4.10 has jog in it; Target approval this was a DOT area; property line is consistent along Target; jogs west into site along existing curb line
- Hardship for variance for front yard setback for First Watch to be 74.8ft as opposed to 100ft set back;
- Not looking to move building forward
- Rear yard setback is 95.7ft; where 50ft is required
- Side yard to south is adequate distance; 74ft to south
- North adjacent to 2 way drive aisle; south side of bank; set back is only 1.7ft
- Lot line on north side is consistent with lot line for overall shopping center
- Not proposing a new lot line
- Parking is 0ft setback between side lot lines and property lines created with this lot; technicality to note relief requested

Board Comment:

- Mr. Student inquired about deliveries at night or during the day
- Mr. Caponigro responded that he mentioned where the deliveries would occur but defers timing to other testimony
- Mr. Student stated that we don't have to worry about deliveries during regular hours then
- Mr. Caponigro stated that they are in areas that do not impact the drive aisles
- Mr. Student said he heard that there are 99 required and 100 proposed parking spaces; with 45 spaces taken by staff
- Applicant's Attorney said you did not hear that; the totality count of employee shifts if at peak match each other
- Mr. Parikh stated that they do, 24 people at one time at First Watch and 12-15 at PDQ; 36-39 people at the same time
- Applicant's Attorney advised that you do not exclude staff from the parking demand
- Mr. Student advised that he understood but talking about free available parking because we know Target is short of parking
- Applicant's Attorney agreed that it is; but wanted to make sure it's apples to apples
- Mr. Caponigro's testimony was that parking conforms and it does
- Mr. Student said it conforms and that is why we ask number of staff; for free flow and such
- Applicant's Attorney advised that Township Code contemplates staff in the buildings and arrives at the number 99
- Mr. Student said when he looked at the lot on Saturday, it appears there is parking from bank on out parcel; did you envision bank would park here as well
- Response was it definitely would not continue if approved
- Mr. Student asked about the movement; entrance from bank property no entrance back to Route 73; traffic off Ardsley across the street; making turn and entering

property come in; directional signs; don't want people from First Watch to come thru

- Directional signs from PDQ to direct traffic to drive-thru
- Intent is for First Watch folks to continue using thru lane
- Mr. Wilson inquired about sharing parking spaces meeting proposed requirement; PDQ is sequestered so people work thru to drive thru counter clockwise; how do people move from First Watch to PDQ
- Lot line between 2 uses; south side of First Watch; going over to PDQ – Do Not Enter; have to go right, stop 2 way drive aisle in front
- Mr. Wilson asked about pedestrians going between the 2 restaurants; pedestrian walkways
- Mr. Caponigro advised that the review letters recommended that we provide a stamped concrete or something more prevalent to comply
- Applicant's Attorney recalled Mr. Kawashita to answer Mr. Student's question regarding PDQ bulk of business
- Mr. Kawashita advised that dinner time is bulk of business; there isn't an exact number but approximately 60% and 40% during lunch
- Mr. Student said that defies the fast food norm where its skewed towards lunchtime
- Mr. Kawashita said he could only speak to PDQ business

Adam Gibson, Traffic Engineer:

- Sworn in
- Accepted as an expert witness
- Fully aware of plans prepared
- Analysis of demands, use and impacts here on site as proposed
- Current NJDOT permit for the overall Target property site
- In communication with NJDOT
- Submitted minor subdivision permit to them in March and received completeness letter on application in April
- Still under review process; no comments received yet
- No major issues have come up during conversations
- 2 out parcel restaurants located; 2800sf fast food restaurant and a 3800sf sit down restaurant
- PDQ will be open 10:30am-10pm and First Watch open from 7:00am to 2:30pm
- 4 hour overlap of when uses are open simultaneously
- April 2019 prepared trip generation study and parking study for site
- Results of trip generation study included both restaurants being open at same time for am peak period and pm peak period
- Results of analysis concluded that it will generate a minimal number of additional net new trips to the site compared to what is being generated today
- AM peak hour was less than 60 new trips; 1 per minute
- PM peak hour was less than 10 vehicles net new trips coming into the site
- Saturday peak hour; Target generating at highest trip levels; trips are less than 10 new trips during the Saturday peak hour as well
- Trip generation; not expecting site to generate that many new trips into the development

- Along Route 73, traffic may stop in on way to-from work, eat and head back out as “Pass By Trips” not new trips to site
- Don’t expect to be a negative significant impact to the adjacent roadway system
- Parking perspective; conducted a parking occupancy study in late March/early April
- Looked at Target shopping center on Friday from 11am -7pm and Saturday from 11am – 7pm; did hourly occupancy counts to see how many vehicles were parked during each hour
- Maximum utilization in main parking field was approximately 46%; less than ½ parking field was occupied at any one time throughout the course of the 8 hours evaluated
- In the auxiliary parking field where 2 out parcels are proposed; less than 1% of parking spaces were occupied during any 1 hour during of the 8 hour period
- Most of the vehicles in auxiliary parking field were learning how to parallel park as part of drivers ed test
- Not heavily utilized
- Mr. Parikh asked the test was performed on Good Friday or something like that
- Mr. Gibson responded that it was a typical Friday and not a holiday weekend
- Based on parking occupancy study conducted, do not anticipate Target to have an issue with the reduced parking capacity based on demand
- Even if scale up by double; assuming Black Friday or major holiday shopping experience, even if double it, still not at 100% of what they are currently parked at
- Providing 100 combined spaces between both of out parcels
- Expect based upon demand and Township Code for parking; there will not be an issue with parking for either of the 2 out parcels
- North side of Ardsley drive aisle; additional 50 parking spaces located around 2 out parcels; part of Target but nobody was parked there during study; so additional 50 spaces for Target as well
- Applicant’s Attorney asked about PDQ; does having a drive-thru help mitigate the on-site off street parking shortfall
- Mr. Gibson said yes a drive thru operation does minimize the need for parking
- With fast food restaurants; parking rates are evaluated and includes fact that there is drive thru lane at those restaurants
- Not case here, but 2 drive thru lanes are being requested and asking for even further reduced parking because customers aren’t going inside anymore; getting food as quickly as possible
- Applicant’s Attorney referenced Mr. Wilson’s question about what does a driver do if trying to access other lot if can’t find a space, regarding the loop that the traffic will take, is that suitable, adequate, safe
- It is suitable, adequate, safe and appropriate; there are 9 additional parking spots along shared lot line between PDQ and First Watch
- Exhibit A3 shows 9 parking spots
- Pedestrian cross walk between 2 out parcels is easy trek for pedestrian movement from 1 to the other
- 4 hour period of day sharing
- Fortuitous that it is these 2 users looking for compatible spaces; based on these operations do you agree with assessment that this is the case
- From Traffic Engineering perspective, agree

Board Comment:

- Mr. Student referenced C101 from packet showing 9 additional spots shared parking very easily; but nowhere in study was any seasonality factored into it
- Mr. Gibson responded that he did not add any seasonality into the study
- Mr. Student asked if it would surprise him to know that there is not parking at Target in December
- Mr. Gibson said it would not surprise him
- Applicant's Attorney asked Mr. Gibson if it would have been appropriate to have done counts based on seasonal peaks; in your industry what is the standard for timing of counts
- Mr. Gibson responded in terms of analysis it can be any time period; in general we don't design parking field for holiday shopping season; the other 360 days a year
- Mr. Student asked about the drive thru queuing, how many vehicles can be expected if 45% of PDQ's business
- Exhibit A4 shows stacking for up to 11 vehicles
- Mr. Student asked if that was from the proposed menu board or from point of entry
- 11 vehicles would be from where you pick up to point of entry without blocking any parking spaces
- Mr. Parikh asked how much does this impact the queuing at the main traffic entrance going in and out right now to Target; but will increase
- Mr. Gibson stated from trip generation perspective, it is assumed that PDQ and First Watch would be open both at am and pm peak periods; highest net new trips seen were about 60 / 2 way trips coming inbound and outbound
- One every other minute exiting the site; so don't expect significant impact to the operations of the intersection
- Mr. Parikh asked if there was a drop in level of service at intersection
- Mr. Gibson advised that he didn't conduct turning movement counts at intersection or perform an intersection analysis based upon low levels of additional traffic
- Mr. Student asked about level of service at intersection
- Mr. Gibson said they didn't conduct traffic counts
- Mr. Student asked about traffic plan and queuing; making left turn to get into the lane for the light to go back to Route 73; right now only make a right turn exclusively; now have cross traffic coming from rear of property
- Mr. Gibson clarified; left turn out of auxiliary parking area
- Mr. Student said that was correct, right now everybody makes a right turn out of Target
- Mr. Gibson stated with the exception of bank
- Mr. Parikh said 1% of the traffic is actually parked in auxiliary parking lot
- Mr. Gibson said only 1% of the parking spaces were occupied during that time
- Mr. Student said so now we will have cars making a left time
- Mr. Gibson said this was anticipated when site was developed; originally 14500sf of additional retail space on left side of auxiliary; now in parking field itself only 6600sf
- Mr. Wilson asked what is the average % of parking spaces at a PDQ now

- Mr. Gibson advised that he didn't have that information

Paul Ricci, Professional Planner:

- Sworn in
- Accepted as expert witness
- From planning standpoint; need a number of variances
- Planner did a nice job articulating that some are technical in nature
- A lot of variances stem from financial subdivision occurring
- D variances; section 161-1C13A – to allow a restaurant without a drive thru to be developed as an out parcel and not physically attached to a shopping center structure
- To allow a drive thru restaurant to be developed on a subdivided lot less than 2.5 acres
- To allow a drive thru restaurant to be developed on a subdivided lot with a lot frontage less than 300ft; bulk provision that requires 200ft as well
- To allow a menu board to exceed 24sf on lot 4.09, 34.9 is proposed
- To allow signs to exceed requirements within the C1 Zoning District
- To allow signs to exceed requirements in 2 specific spots of code
- Proofs for a Conditional Use Variance; burden of proof is less than traditional D-1 use variance
- Courts recognize that the use itself is not the issue as the legislature governing body has already anticipated this type of use
- Permitted use of restaurants and taverns; fast food nature of this use that creates the conditional use requirements
- Rationale Board reviewing a conditional use variance; is site still appropriate for a fast food restaurant and does the site have the ability to accommodate the problems
- Economic development area; good site for repurpose
- Not a preservation area
- Sufficient areas on this tract are being preserved; Exhibit A1 shows rear of the site buffering neighbors in Voorhees Township
- Overall impervious coverage around this tract; 33% - ½ what collectively what is anticipated for zone plan
- Growth area; classify on the low side
- 2 acre minimum zone; at 28+ acres; large oversized lot
- Collectively, entire lot; adhere to building coverage; impervious coverage, FAR, building height and setbacks with exception of the jog in the parcel in Exhibit A1
- Application meets all core requirements for the zone
- Always anticipated more development to occur on this property
- Part of previous approval; site anticipated 21000sf approved
- Does the failure to meet the standards of the conditional use material effect the appropriateness of the site for the conditional use; no
- Part of requirement to extend restaurant as part of a building, site does not easily lend itself for purpose
- Exhibit A1 to rear of Target adjoins wetlands to front; meets front yard setback
- Township Planner interjected in letter didn't call out variance being addressed; don't think variance its necessary as First Watch is not a fast food restaurant; sit down restaurant therefore no variance necessary which is the one that is attached

- Agreed by all
- Seeking menu board of 35sf vs 24
- PDQ has entire menu on board
- Located approximately 150ft from front property line
- Board used nationally; don't want to create a new board
- Entire menu helps expedite drive thru process
- Landscape warrants additional size; patrons are clear where building is located
- Distance from roadway; no negative impacts
- Lot size and frontage variances all stem from subdivision
- Collectively lot is 28 acres in 2 acre zone
- Creating 3 lots under zoning; could have 14 or so on this property
- Will site continue to operate in cohesive plan manner; yes
- All variances stem from that; can't provide landscaping in there, but around perimeter of the site
- Internal landscaping; shade trees, etc. will be provided
- Site can accommodate and operate; is planned in a cohesive manner
- Larger lot size is not needed; circulation and parking will be shared
- Substantial impact on surrounding properties; no
- Curb lines remaining same; no impact to buffer to rear; everything contained in same area
- Use that was anticipated; restaurants anticipated
- Application advances several purposes of municipal land use law
- G – provides sufficient space for commercial uses to meet needs of NJ citizens
- I – desirable visual environment; landscaping, attractive building design
- M – encourage public procedures with view of lessening the cost into a more efficient use of land; repurposing underutilized property
- Bulk variances; pictures of existing condition of frontage; seeking balance of attractive landscaping and sight lines into the site
- Cross access occurring; not planting evergreens across the site but shrubs and deciduous trees
- Seeking variance relief from landscaping
- Not looking to hide or completely screen buildings
- Want attractively landscaped; individuals can identify from Route 73
- Despite parking variance; adequate parking is being provided
- Not planning for few day Christmas rush; however, objective is to provide enough and not too much parking
- Too much would result in increased underutilized site, increased impervious surfaces, surface run off, does not look nice, etc.
- Objective is to create green space
- Seek individual lot impervious coverage variances; collectively overall tract is well under 33%
- Front yard setback variance also technical in nature
- Jog in property line; DOT; building does not meet 100ft setback for entire frontage
- Improved zoning to maintain consistent setback of buildings along property
- 6 façade signs on PDQ building where maximum area of 80sf is proposed

- Proposed signs are 69.21sf; a 39.9sf sign, two (2) 14.4sf signs and one (1) 13.2sf menu board
- Exhibit A6; entry elevation facing Route 73; front elevation is facing north towards back
- Rear elevation facing south; drive thru facing buffer in back
- Proposed 69.21sf sign and 14.4sf sign People Dedicated to Quality
- Front elevation 14.4sf People Dedicated to Quality sign
- Exhibit A5 rear elevation shows 69.2sf sign and on drive thru elevation sign reduces to 39.9sf
- Building is able to be circumnavigated; designed with 4 sided architecture
- Applicant is seeking signage on all exposures to orient customers to building
- Number in total amount of square footage does exceed sign requirements
- East façade, entry, total signs represent 5.3% of façade area
- South is 1.8
- West drive thru is 4.5% and north is area of 6.6%
- Signs are fully integrated to the building and in scale to the building not out of character
- Scale represents small portion of façade
- Exhibit A7; First Watch 50sf sign; and 5sf Breakfast Brunch Lunch
- Facing southerly direction exterior elevation has 50sf First Watch sign and again 5sf Breakfast Brunch Lunch
- Elevation 4 has no signage facing toward north and rear also has 50sf elevation
- Elevations represent 4.9%, 5.9% and on smaller façade increases to 8.5% of the signs
- Signs are proportional to the building
- PDQ building consisting of combination brick
- PDQ green incorporated; yellow and red in sign; neutral color palette
- First Watch; brick; neutral color pallets of tans, greens, red brick
- Attractive, modern
- Negative criteria variances can be granted without substantial detriment to public good, surrounding property owners or zone plan
- Improvements do not alter or disturb the area
- No lighting or nuisance impact
- No reason from a Planner's perspective to anticipate any new substantial detriments as a result of application

Board Solicitor swore all Township Professionals in prior to testimony

Leah Furey Bruder, Township Planner

- Review Letter dated June 14, 2019 and supplemental letter outlining the sign variance as was eliminated previously
- Applicant has given extensive testimony
- Township has been supportive of making efficient use of underutilized spaces such as these vast parking lots vacant most of the time
- Some additional development was anticipated; designed for it
- Supposed to be further toward west; variation from what was anticipated
- Proposal will make use of an area that is underused

- Applicant had to demonstrate that proposed use could be accommodated here without undermining the viability of what is around it; Target and bank
- Number of bulk variance deviations; due to creation of lots that are smaller than those permitted in the zone and all parking is interconnected; there are many setback variances required
- Lot line will be meaningless to anyone except the owner of the property and those that maintain it
- Average person will not know where lot line is
- Bulk variances are minimal as long as site is operated and maintained in a coordinated and harmonious way
- Worked with applicant thru technical reviews to ensure site is going to function and circulation is going to flow
- There will be shared access; aiming for shared parking, which there is some
- Need to address how maintenance will work to make sure entirety of the area is maintained in a coordinated way
- If parking lot striping is messed up, whole area must be maintained not just one .8 acre, etc.
- All variances are acceptable as long as basic planned development standards are met
- Confirm if Applicant is in agreement with all recommendations in letter or go through each of them
- Applicant's Attorney responded that they went through all the reports and have no issues with recommendations and have no issues if implemented as conditions of approval
- Some relate to adding trash cans to outdoor seating areas; minimize amount of trash blown around parking lot
- Architecture of First Watch is pretty basic; PDQ design on all 4 sides looks good; they agreed to switch stone to brick; will be coordinated; 2 buildings will have same brick on them
- First Watch brick is minimal; painted few different colors; can be improved upon
- Back blank wall will be facing access drive (Sun Bank); can be worked out if agreeable
- All different building designs across US
- Applicant agreed to extend brick up and will work with Township Planner as a Condition of Approval
- Applicant also agreed to switch decorative lights to recommended standard
- Applicant again agreed to all recommendations
- Sign variances; normally want to limit number of signs due to clutter
- This is a building that can be seen from all 4 sides
- How do you keep people driving in the direction you want them to go
- Signage works; back of buildings facing woods behind Target
- Otherwise unnecessary, if help drivers, won't negatively impact anyone else
- Proportionate to the building so signs are acceptable
- Mr. Student asked if original submitted drawing will now match
- Township Planner advised that new rendering was submitted but bricks are the same and identified as same brick
- Painted surface will not match; generally neutral

- Mr. Student agrees with the signs; however, does not agree that the “tchotchke” sign People Dedicated to Quality adds anything for direction or anything else and feels that this is an abuse of a variance
- Mr. Student said the sign detracts from the uniqueness of the property
- Applicant’s Attorney advised that the Applicant has already considered potentially removing signs that they think has little brand identification
- Applicant’s Attorney stated the Applicant will concede to eliminate those signs which reduces the total sign count and sign area relief
- People Dedicated to Quality on top of entry and front elevations
- Mr. Student stated that it was similar to visual pollution
- Mr. Student inquired about the back of the First Watch, does it still say The Daytime Café; couldn’t tell
- Applicant’s Attorney said it does
- Mr. Student also asked if there is signage saying Breakfast Brunch Lunch all around too
- Applicant’s Attorney responded that it does in 2 locations; represented by 5sf in each instance
- Mr. Student asked if calling it The Daytime Café it makes no sense; why is it needed
- Township Planner defended that they are communicating what they are to the public and the sign does create a variance situation but they’re new to the area and a basic identification of who they are
- Mr. Student said I don’t know that the public can see those because lettering is so small
- Applicant’s Attorney stated that he didn’t disagree; however, it’s what PDQ acronym stands for
- Applicant’s Attorney stated he wasn’t an expert, but First Watch is blank façade with not much signage overall; proposed is relatively minimal and appropriate
- General marketing of the product they do sell
- Trying to promote themselves as a Breakfast Brunch and Lunch entity and part of their marketing
- Board Solicitor asked how to identify the signs being removed
- Applicant’s Attorney responded it’s the front elevation People Dedicated to Quality on Exhibit A6 and entry elevation
- Characterized in Planners memo at a size of 14.4sf

Bill Loughney, Township Engineer:

- Review Letter updated June 3, 2019
- Clerical clean up issues
- In front of quick serve restaurant number 2, parking perpendicular to sidewalks, has to be a minimum of 6ft wide per Evesham Code
- 2 different types of pavements; regular surface duty and the heavy duty pavements; need to know where on plan the heavy duty pavement is going to go
- Pavement details don’t match the requirements of the Townships thicknesses and need to be updated or provide analysis to show why they should deviate from Township standard

- Grading and drainage; they have very little added for stormwater collection, would like to see some calculations that state that the provided proposed stormwater pipes are adequately sized to move water out to existing basin
- Applicant's Attorney agreed with all conditions proposed
- Board Solicitor asked Applicant's Attorney if they reviewed all review letters
- Applicant's Attorney said yes
- Board Solicitor asked if there were any disagreements with any of the conditions proposed in any of the review letters
- Applicant's Attorney said no and would accept any conditions proposed in letters
- Would like to specifically list the conditions
- Most recommendations are minor design details and they have no issue with them
- Mr. Parikh asked if they wished to list all of the conditions
- Applicant's Attorney said no unless it is going to change the aspect of what otherwise was sought for approval tonight; a lot of light recommendations that we are glad to make
- One caution is that memorialized resolution and one area that we just didn't see and we realize it's an issue and we have to come back to the Board to amend after the fact; team has review reports we have no issues with items recommended
- Mr. Parikh stated that you definitely have to come back before this Board for approval if it's something you didn't see
- Mr. Parikh reiterated that applicant generally agrees with everything; if not stated they will come back to the Board

Stacey Arcari, Traffic Engineer:

- Review Letter dated June 10, 2019
- Clarification under site plan drive thru; 11 queuing/stacking location; great for drive thru situation; however, in event that more than 11 vehicles, you will encroach on where parking is located; does PDQ have any plan on how to move vehicles around in quicker fashion
- Applicant's Attorney said he doesn't believe they have any knowledge of any protocols; limited with order to pick up times being 2 minutes being standard
- Mr. Kawashita stated they do not have any type but is something they would consider
- At Cherry Hill location, Township Traffic Engineer said employees are out with tablets taking orders; is that the case at this location at any time
- Mr. Kawashita said that in that situation it was because a need arose they were able to accommodate and address issue
- Township Traffic Engineer stated that was their testimony to the Planning Board for approval; is it something that can be done in the event it can happen; don't want to see queuing backing up; some sort of assurance if it becomes an issue
- Applicant's Attorney said this is a different operator with different sort of problem; less of a problem on this end
- If not working for applicant or town; interests are sort of aligned
- Could be some policing if not working in the field
- Would be amenable to condition of approval which requires the applicant to establish a protocol should they reach the capacity that could be implemented
- We could provide a copy of what the protocol is to quell concerns of the board

- Traffic Engineer said she would love them to be successful on major state highway and happy they are cognizant of issues and amenable to working with Township if it becomes an issue; beneficial to the community
- Applicant's Attorney said to word it into the resolution and would work with us
- Recommend Title 39 compliance be sought since it is a Target
- Applicant agreed
- First Watch; starting to see breakfast lunch starting to open; opening later, maybe condition be implemented that in event that hours are extended or new user comes in that they come back to Board to reassess the parking situation
- For example, if you get TGI Fridays in there it works on a different hourly schedule and peak
- Hope you stay for a long time but something to consider
- Applicant's Attorney said they did assess it and that it did occur to them and is worth discussing; if First Watch leaves or extends hours we owe it to the Board to evidence that it remains compatible with the expanded operation; an amended review before this Board is absolutely appropriate
- Traffic Engineer stated appreciation to the Applicant for providing what was requested throughout the review process
- DOT Permit; not sure if a new permit is necessary
- Mr. Gibson advised initially submitted for a letter of no interest due to minimal amount of traffic but with lot subdivision had to get minor subdivision permit; submitted and provided a completeness letter from them
- Was original DOT permit just for Target store or did it include other retail
- Mr. Gibson responded there were 2 permits for the Target site and the bank site
- Original retail included in back of lot; was that included
- Mr. Gibson advised he does not know
- Township Planner asked if they had a timeline
- Mr. Gibson stated that they have had it almost 90 days
- Mr. Parikh asked Township Planner if the site originally proposed was to build on 14000sf; does it still apply that someone can come back and build another 14000sf building
- Township Planner stated that zoning has changed since they have gotten their approval so no
- Approval is valid for preliminary and final; has a certain time period it is valid for and could remain valid if zoning hasn't changed; but zoning has changed
- Applicant's Attorney advised that the case law on this issue is relatively recent and states that to the extent current approval contravenes in any way, prior approval granted doesn't supplement it, it completely supplants it
- Essentially void even if it was still valid
- If anyone wanted to build on this based on prior approval, have to come back to the Board for amended site plan approval
- Layout would conflict

Board Comment:

- Mr. Lutner stated that looking at elevation for PDQ and signage People Dedicated to Quality, and told Mr. Student that he is sorry to take an opposing position of a colleague, but this is part of the branding and defines what PDQ is about and we should allow the Applicant to include the signage

- Mr. Parikh advised that originally the Applicant was seeking a variance but they decided to take it back so not Boards recommendation based on Applicants view
- Applicant's Attorney stated if the majority of this board were in favor of leaving it they would be glad to leave it because Mr. Lutner's point is exactly spot on
- If give and take here and given the relief to be sought they had to give up something they certainly would think it best to be this one; however if all things being equal came to the board with well evolved plan working with Township over a year; we think we designed it right with the sign that is proposed
- If Board were adamant that appropriate condition to mitigate the negative criteria was to trim the signage we think that is where it happens
- Mr. Parikh advised it was up to the Applicant what they wanted to do as they have already applied for all of the variances
- Preference is an approval as proposed with all conditions but Board can in deliberations find that it is more appropriate without and that is what justifies part of the variance granted so amenable to it
- Preference is the signage
- Mr. Parikh stated that marketing is very real; Board doesn't care; it is up to the Applicant because that is your branding
- Applicant's Attorney stated that if Board were going to vote NO tonight simply because of that we will get rid of it
- If it not going to swing a Board members vote, we'll keep it
- Mr. Parikh advised he doesn't want to take 2 votes; there will be 1 vote so decide which one
- Mr. Parikh advised he was going to poll the Board now
- Applicant's Attorney advised he just wanted an approval
- Board Solicitor advised if Board would like can bifurcate vote and vote on issue separately
- Applicant's Attorney stated that this issue is not paramount to the application; and advised that Mr. Lutner's point is important this is branding
- Mr. Kawashita added that PDQ would love to keep the wording People Dedicated to Quality; it states their mission and also states their name
- Mr. Kawashita said they understand the variances and if there was something that had to be given up, it is what they would do to get an approval tonight but would love to keep it

Public Comment:

- None

Board Solicitor Summary:

- Applicant is asking Board for approval for minor subdivision as well as several bulk C and D use variances
- Applicant has agreed to all of the Conditions in all of the Professionals review letter
- If a missed Condition, Applicant would come back and seek relief
- Additional Conditions stated on the record, Applicant has agreed to work with the Township on the design of the First Watch building to make it more consistent with standards
- There will be cross access parking between 2 new proposed lots, 4.09 and 4.10

- Applicant is proposing application with all signs included
- There is a Condition that in event the drive thru for the PDQ site becomes extended into the parking area, Applicant will establish a protocol that will expedite the drive thru traffic and provide it to the Township Professionals for review
- Applicant agrees to Title 39 compliance
- In the event First Watch site extends hours of operation or changes to a new operation beyond the hours approved, Applicant agrees to come back to the Board to get appropriate relief

Motion to Approve ZB19-01

Motion: Lutner

Second: Osno

Ayes: Lutner, Osno, Rodgers, Shah, Wilson, Parikh

Nays: Student

Resolutions

ZB 98-07A3 Care One

Motion: Rodgers

Second: Lutner

Ayes: Rodgers, Lutner, Osno, Wilson, Parikh

Communications/Organization

Next Meeting: July 15, 2019 (Reorganization)

Motion to Adjourn

Ayes: All in favor

Meeting adjourned at 9:25 pm