

TOWNSHIP OF EVESHAM

Planning Board

Minutes

7:00 pm

3 March 2016

Municipal Building

Call to Order

Alternate Vice Chairman Parikh made the call to order at 7:05 pm.

Flag Salute

Statement of Conformance with Open Public Meetings Act

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

Roll Call

Present: Parikh, Cortland, Zeuli, Menichini, Vassallo, Student, DiEnna, Foster

Also Present: Platt, Furey, Rehmann, Arcari, Turan, Kinney, Bittner

Absent: Marrone, McGoey, Marandolo

Minutes: February 18th, 2016

Motion: Student

Second: Menichini

Ayes: Parikh, Zeuli, Menichini, Vassallo, Student, DiEnna, Foster

1. RB Marlton Investors, LLC. PB 15-15-. Major Site Plan-Preliminary.

841 & 871 Route 73 South, Block 36, Lots 4 & 4.01 (C-1 Zone District).

Applicant proposes to develop with a 5,166 sq. ft. convenience store with a gasoline filling station (Royal Farms) and a 20,850 sq. ft. retail center.

Richard J. Hoff, Jr., Attorney for Applicant

Before application begins, Mr. Platt Esq gives the public an overview to how the Planning Board process works.

Richard J. Hoff Jr, Overview:

- Scatturro's property will be demolished
- Traffic light will be installed at Route 73 and Sunbird Drive. This application is at the DOT for approval currently. This project relies on this approval from the state, which is why the applicant is only seeking preliminary approval tonight.
- Plan seeks to build a convenience store, Royal Farms, which is new to the area.

Witnesses for Applicant:

- Jack Whistead, Applicant (Royal Farms)
- Chirag Thakkar, Engineer
- Dave Horner, Traffic Engineer

Exhibits Presented:

A1: Aerial photograph of site with appropriate mark outs. Dated 10-23-15

A2: Zoomed in view of previous lot and proposed site plan. Dated 3-2-16.

A3: Drawing title and site plan. Dated 10-23-15.

A4: Lighting Plan for Marlton Plaza. Dated 10-23-15. Revised 12-28-15.

A5: Colored rendering of a prototype of Royal Farms.

Jack Whistead Testimony:

- Senior Corporate Engineer at Royal Farms. Goes over his background and experience with Royal Farms, and working with various Planning Boards. He is accepted by the board as an expert witness.
- Gives background of Royal Farms, this would be the first of its kind in New Jersey. Royal Farms is a convenience store open 24/7, and it's main products boast fresh food and fried chicken.
- This site will employ 5-7 individuals at a time working 3 different shifts.
- Deliveries of Products:
 - Food Deliveries: Based on use. Food comes in various types of trucks (small to mid-size). Delivery time is set approximately 8am to 5pm.
 - Fuel Deliveries: Based on demand (2-3 times per week at minimum). Standard fuel truck will make the deliveries. Distribution center is out of Philadelphia. No set time, however it is set for a daylight schedule.
 - No tractor trailers will bring in food deliveries.
- Mr. Rehmann asks Mr. Whistead the following questions:
 - Asks Mr. Whistead to describe the fuel tank detection facility in more detail. Mr. Whistead responds that it has a very safe record, is above the EPA recommended standards, employs multiple alarms for accidents, and has area for fuel spillage. Mr. Rehmann indicates he is a bit apprehensive about the fuel station as wet lands is nearby.
 - Asks Mr. Whistead about if the site will attract truck drivers. Mr. Whistead says that the site will not attract many trucks as it does not offer diesel fuel.
- Ms. Arcari asks Mr. Whistead the following:
 - Asks if Royal Farms have individual trucks for everyday items such as bread and milk. Mr. Whistead responds that there are two distributors that supply the farm. Everything the store needs comes from these two distributors.
 - Asks if the chicken is a different vendor? The chicken vendor does come every other day, as well as most of the food. The chicken does come from a different vendor.
- Mr. Platt states that the Board should consider a possible ban on tractor trailers at the site.

Chirag Thakkar Testimony:

- Gives qualifications, board recognizes Mr. Thakkar as a professional in his field.
- Notes that Route 73 is a lot of commercial uses, this application fits with common uses.
- Entire project is located in Evesham Township. Entire site is 7.71 acres, 1.72 acres exists in Voorhees Township. There is approximately 510 ft between end of Royal Farms store to border of Voorhees Township.

- Plan calls for 144 Parking Spaces: complies with Township Ordinance.
- Project will have an existing right in, and right out of Route 73 South.
- Site is mostly wooded, and will be kept that way except for the creation of the storm water basin. The site will be left relatively undisturbed.
- If applicant gets approval from DOT, Sunbird Drive will be realigned to Rt. 73 to make easier access. Sidewalk and curbing will be installed to Sunbird Drive.
- Applicant complies with all Bulk Standards except for one: parking within front yard setback.
- Site circulation will create a four way intersection at current site; idea is to prevent additional stacking.
- Site calls for one large parking space for larger vehicles. There is no impediments to the site that would inhibit circulation at the site.
- Plan calls for an underground gas tank at Royal Farms site. Gas station is placed under a canopy.
 - Gas tanks comply with Township Ordinance and DEP requirements.
 - Applicant will revise this plan further and work with Mr. Rehmann's office.
- Discusses the lighting proposed at the site.
 - Lighting will be dark at storm water basin. LED lights will be used. All lighting will be horizontal facing down in order to prevent light pollution.

Dave Horner Testimony:

- Gives qualifications, board recognizes Mr. Thakkar as a professional in his field.
- Cites traffic report dated 10-23-16.
- Site will have two points of access:
 - Right in, right out access point at Route 73.
 - Sunbird Drive Access.
 - Proposed plan is to re-align sunbird drive into a four way intersection.
- No improvement to traffic signals outside the site is needed.
- Site will attract a lot of "pass by" traffic. Most of demand on Route 73 is there for a purpose. This site is not a real destination for people. As a result, there is no expectation or reason that the proposed site would create more traffic in the neighborhood behind the property. There is no incentive for drivers to cut through the development.
- If traffic light is installed, there is no increased traffic.
- Discusses status of application to the DOT in installing a traffic light.
- Mr. Parikh asks Mr. Horner if there are any regulations by Voorhees Township for Sunbird Drive.
 - Mr. Horner states that no tractor trailers are allowed on Sunbird Drive.

End of Applicant Testimony

Planning Board Professional Testimony:

Leah Furey, Township Planner:

- Letter dated February 29th, 2016

- Applicant has addressed all zoning and conditional issues.
- Applicant complied to conforming use of gas station in accordance with a C-1 Zoning District.
- Applicant has met all Bulk Variance requirements.
 - 55 ft. setback from Rt. 73 is required, applicant is asking for 28 ft.
 - This variance puts commercial improvements further away from residential properties, so it is justifiable.
- Landscaping plan needs to be worked on. Applicant/Board will work together before Final Approval.
- Sunbird drive will have to become an Evesham Township Public Street. Owner of existing property (Outback) must work with the applicant. Sidewalk will need to be installed and brought up to standards.
- Asks Applicant about the retail center.
 - Applicant responds they are negotiating with potential tenants. At Final Approval will most likely have buyers.
 - Ms. Arcari asks if the retail center will have multiple tenants. Applicant responds it could be multiple tenants to just one.
- Applicant agrees to use recommended light plan established by the Township.
- Applicant will need to work with Township in regards to trash enclosure and finalize any details.
- Signage plans provided are compliant with Township Ordinance. Will defer signage to final approval.
- Landscape Plan will be worked out between now and final approval. A Tree Protection plan will be put in place. Recommends that the applicant install additional 8ft Evergreens to create a denser buffer between homes and site.
- Architecture of site meets Township Requirements.

Behram Turan, Environmental Engineer:

- Environmental Review letter dated March 1, 2016
- Environmental Impact Report dated October 23, 2016
- Asks applicant to address following items:
 - DEP Wetlands. Applicant has sent letter and waiting to hear back. Will make this a Condition of Approval.
 - Applicant will need to revise plan regarding hazardous materials on site.
 - Mr. Turan concurs that a waiver request for the Cultural Resource Survey is acceptable.
 - Air Quality Study will need to meet requirements for fuel tanks. Phase 1 report only addresses lot 4.01, needs to be revised to include lot 4.
 - Prior to any demolition, applicant must provide Township asbestos study.
 - Applicant agrees to comply with all comments made.

Stacey Arcari, Traffic Engineer:

- Letter dated February 26, 2016. Letter has not been revised to include changes applicant has made.

- Location of driveway has been agreed to be moved further west. Applicant has also moved building site closer to Route 73 which creates better circulation of parking on retail site.
- Asks that applicant consider making retail center close to Route 73 so that internal driveway will have better access. Applicant states that this would require applicant to request a more significant variance.
- Notes that truck circulation plans need to be re-issued.
- Applicant will need to provide additional striping on Route 73 access.
- Applicant should include an extra ADA parking space in front of the convenience store. This will make the applicant meet parking spot requirements.
- Asks that applicant upgrade Sunbird Drive with stronger pavement.
- Agrees with Mr. Horner that a left hand turn will prevent vehicles from cutting through the neighborhood.
- Applicant needs to install no idling signs.
- Applicant needs to ensure that vehicles will not park illegally on the site.
- Recommends that applicant applies for Title 39.

Chris Rehmann, Board Engineer:

- Letter dated February 12, 2016
- Sites concerns regarding grading and runoff. Will work with applicant to create acceptable solution to runoff and gas station.
- Asks about size of parking spaces, and if shopping carts will be used. Applicant responds that larger parking spots are not needed, since Royal Farms does not use shopping carts. Unknown however about retail space.
- Mr. Zeuli asks applicant about storm water and tanks from gas station. Applicant clarifies the system that is used.
- Ms. Vassallo asks applicant when they know when tank is full? Applicant responds that Royal Farms will have to implement a maintenance plan.
- Mr. Rehmann asks applicant how frequent trash pick-up from dumpsters would be?
 - Applicant responds it is based upon demand for both trash and grease. Typically pick up would be 1-2 times per week. Applicant contracts with haulers to come on a regular basis, which is dependent on the use of the store. Applicant notes that no grease is stored in dumpsters, it is placed in a reclamation holding tank that is used for bio-fuel.
- Mr. Student asks Mr. Whistead about spills and other environmental details. Applicant responds.

End of Board Professional Testimony

Meeting is paused at 9:05pm for brief break. Meeting resumes at 9:15pm.

Public Comment: *The following comments were made by members of the public. Their comments are summarized below.*

Phyllis Karasin, 119 Peregrine Drive

- Notes that traffic has increased dramatically since Outback/Carrabbas property was created. GPS systems send trucks down the residential road. Peregrine drive has been repaved, but has not deterred trucks from going through.

Bruce Della Vecchio, 116 Peregrine Drive

- Mentions health concerns, and should not live near a gas station so he is apprehensive about the project.
- Discusses trucks and various concerns.
- Discusses trash containers and possible compactor.
- Notes that parking does not seem adequate with the plan. This plan will only back up Route 73 even more.
- Concerned about the 24 hour operation of the Convenience Store. Thinks it will cause many issues and safety concerns.

Carol Schiavo, 122 Peregrine Drive

- Thanks board for answering questions.
- Major concern is safety and health hazards that come with gasoline fumes.
- States that their property values will go down due to the gas station.
- Would like to see LED lighting, an additional sound barrier, cut back hours of operation, and no trees should be removed.
- Asks about detention basin and if it is treated and tested for mosquitos.

Salvatore Leto, 118 Peregrine Drive

- Traffic concerns. Trucks have still gone through residential area despite signage.
- There is an empty building on Route 73, which should be used for property instead.
- Asks about possible leaking with a gas station.

Andrew Reid, 32 Kestrel Drive

- Thanks the board and applicant for testimony.
- Wants to see that the wetlands are preserved and protected.
- Question size of building footprint and parking spaces.

Public Comment has ended.

Mr. Hoffman follows up regarding public comment. A gas station is a permitted and legal use for this zoning district. The proposed traffic light at 73 will assist traffic in the area, and divert traffic from residential properties. The storm water basin will be a dry basin, with no standing water. Applicant will find a tenant for retail space prior to final approval. The applicant will have LOI in place to protect the wetlands, and the application depends on many outside agency approvals.

- Mr. Student asks about revised stacking plans. Applicant responds that plan is standard practice.
- Mr. Menichini asks about compactor for trash and recycling. Applicant responds.

Stuart Platt Esq Overview:

- Applicant is seeking preliminary major site plan approval, with minor subdivision approval (consolidation of lots).
- Applicant seeks to build a Royal Farms Convenience Store with 21,000 sq. ft. of retail space.
- Applicant approval is contingent of all outside agency approvals.
 - If DOT does not approve proposed sign, the application will not move forward.
- Township ordinance allows operation to be 24/7.
- Applicant seeks a front yard setback variance: 50 ft. setback is permitted, 28 ft. is requested.
- Applicant requests parking setback on Sunbird Drive. 50 ft. setback is permitted, 15 ft. is requested.
- Sign ordinance and landscaping will be deferred for final approval.
- Applicant needs to demark wetlands area on the ground.
- Applicant requests waiver for Cultural Resource Surveys.
- Applicant will apply for Title 39 authority.
- Applicant will need to change Sunbird Drive to a public roadway in Evesham Township.
- Applicant needs to meet all storm water management issues.

Motion to Approve: PB 15-15 with the appropriate conditions:

Motion: Student

Second: Foster

Ayes: Parikh, Zeuli, Menichini, Vassallo, Student, DiEnna, Foster

- **Ordinance 3-2-2016.** Ordinance Modifying the requirements for permitted signs to conditionally permitted service stations (160-1C(4) and 160-75M).

Leah Furey gives overview of this ordinance that is proposed for Council.

- On February 9, 2016 Township Council introduced Ordinance 3-2-2016 which has been referred to the Planning Board for review and consideration. Ordinance 3-2- 2016 will revise the requirements for permitted signs for conditionally permitted service stations in certain commercial zoning districts.

Motion to Approve Ordinance 3-2-2016

Motion: Student

Second: Zeuli

Ayes: Parikh, Zeuli, Menichini, Vassallo, Student, DiEnna, Foster

- **Ordinance 6-2-2015.** Ordinance modifying the site plan requirements for a change of use from one permitted commercial use to another (160-5B and 127-2).
 - Leah Furey gives overview of this ordinance that is proposed for Council.
 - On February 9, 2016 Township Council introduced Ordinance 6-2-2016; which has been referred to the Planning Board for review and consideration. Ordinance

6-2-2016 will modify the site plan requirements when there is a change from one permitted commercial use to another.

Motion to Approve Ordinance 3-2-2016

Motion: Student

Second: Zeuli

Ayes: Parikh, Zeuli, Menichini, Vassallo, Student, DiEnna, Foster

Resolutions:

None

Meeting Adjourned at: 10:01 pm

Next Meeting: March 17th, 2016