

**TOWNSHIP OF EVESHAM**

**Planning Board**

**Minutes**

**7:00 pm**

**2 June 2016**

**Municipal Building**

**Call to Order**

Chairwoman Marrone made the call to order at 7:05 pm.

**Flag Salute**

**Statement of Conformance with Open Public Meetings Act**

Chairwoman Marrone made the statement of conformance with the Open Public Meeting Act and the Municipal Land Use Legislation

**Roll Call**

**Present:** Marrone, McGoey (arrives during second application), Zeuli, Vassallo, Student, DiEnna, Foster

**Also Present:** Wieliczko, Rehmann, Furey, Arcari, Turan, Kinney, Bittner

**Absent:** Parikh, Cortland, Marandolo, Menichini, Brown

**Meeting Minutes**

**May 26<sup>th</sup>, 2016**

Motion: Vassallo

Second: Zeuli

Ayes: Marrone, DiEnna, Foster, Vassallo, Zeuli

**Continuation of Scheduled Matters:**

*PB 15-15 Sign, RB Marlton Investors, LLC has been continued to the July 21<sup>st</sup>. The application has not been advertised, so there is no continuation on that date.*

**Unfinished/New Business**

**1. 515 Marlton Retail, LLC. PB 15-17**

**Minor Site Plan w/Variances**

*515 Route 73 South, Block 34, Lot 1 (C-1) Zone District*

*Applicant proposes site alterations to accommodate a new grocery store tenant including new loading area, changes to front of store, landscaping, lighting, and architectural and signage improvements to the site.*

*Duncan Prime, Attorney for Applicant*

**Witnesses for Applicant:**

- Adam Goodman, Owner of Property
- James Kyle, Planner
- Matthew Baldino, Civil Engineer
- Lisa Thomas, Landscape Architect
- Carl Gutilla

### Exhibits:

- A1: Power point dated 6-2-16. Power point outlining pictures of Goodman Properties.
- A2: SP4, (Site-Plan) Dated February 3<sup>rd</sup>, 2016
- A3: SP4, (Site-Plan) Revision May 24<sup>th</sup>, 2016
- A4: “By-Right Plan”- Landscaping. Dated May 12<sup>th</sup>, 2016
- A5: Truck Circulation Plan. Dated May 26<sup>th</sup>, 2016

### Duncan Prime Overview:

- Looking to improve current site “Shoppes at Borders,” and change to “Meadows Edge.”
- 50% of existing shopping center is vacant.
  - Applicant is proposing to renovate old Borders site, and open a Fresh Grocer.
- Applicant proposes to repave parking lot, upgrade façade and upgrade lighting on site.
- Site is located in a C-1 Zone, so this use is appropriate for the designation.
- Two site plan for consideration:
  - 1 plan seeks a minor bulk variance relief.
  - 1 plan is a “By Right” plan with no variances requested.

### Adam Goodman Testimony:

- Member of the ownership group that owns the property.
- Gives background of the Goodman Property Group.
  - Highlights properties they have worked on in surrounding area.
  - Discusses architecture, signs, landscaping, etc of all these existing properties.
- Site is approximately 8,000 sq. ft and is a 2 building shopping center.
- Property is accessible to highways
- Logo is placed at the Main Entrance: drive aisle
- All existing tenants are allowed to stay and renew leases at site.
- Pylon Sign is proposed, applicant is seeking variance for this.
- Applicant proposes to remove existing trees and boundary lines along Route 73 to enhance visibility of site. Applicant will replace 27 new trees placed around site, including behind site to enhance buffer and reduce sound.
- Sidewalk plan: Applicant proposes to connect sites using sidewalk along the edge of the left side of the building into the main shopping center.
- Applicant proposes to rehab lighting to be the best standard possible.

### **Fresh Market Grocer Background:**

- Negotiations are underway for the Fresh Market Grocer to be a permanent tenant.
- European-style grocer, not a typical supermarket store.
- 90 employees are expected to work at site.
- Modified shopping corral proposed. Tenant does not generate high volume with groceries. Certain employees will be dedicated to deliver groceries to cars. Corrals will be located in front of landscaping beds.

#### Matthew Baldino, Testimony:

- Mr. Baldino gives qualifications as a Civil Engineer, Planning Board accepts witness as an expert in his field.
- Mr. Baldino discusses the loading dock area.
  - Site of old loading dock will become trash enclosures.
  - Applicant proposes to add 3 loading areas to accommodate site. This complies with Township regulations.
- No new impervious coverage is proposed by applicant.
- No new draining system proposed by applicant.
- Compares the Original Plan to the “By Right” Plan
  - “By Right” plan proposes 9 ½ ft. wide parking stalls
  - Original plan proposes 10 ft. wide stalls, but would eliminate 9 parking spaces.
  - Both plans comply with parking submission.
- 4 total loading areas. All will be striped to designate loading areas.
- Application proposes no detriment to public good, or Township plan.

#### Lisa Thomas, Landscape Architect

- Ms. Thomas gives qualifications as a Landscape Architect, Planning Board accepts witness as an expert in her field.
- Discusses the landscape plan for the site.
  - Trees will be removed around frontage. Trees will be grouped so not to create a line of trees on the street.
- Landscape will utilize floral trees, shade trees, and shrubs in parking areas.
- Evergreen trees will be added in buffering areas to assist with neighborhood. This will add on to the existing berm that helps with noise.
- Two areas entering the site will use shrubs and perennials to designate area.

#### Jim Kyle, Planner

- Mr. Kyle gives qualifications as a Professional Planner, Planning Board accepts witness as an expert in his field.
- Discusses the size of the property (area) as well as the surrounding properties: both neighborhood and commercial zones.
- Application will provide significant benefits to the Township and the area. It would improve the existing shopping center, and create it a lifestyle center.
- Building will incorporate warm earth tones to remove the idea of a bland shopping center.
- Variances Sought By Applicant:
  - Parking Stall Size: Propose 9 ½ by 18 inches, where 10 by 18 inches are required. Reason for this is to maintain maximum parking, and not require additional impervious coverage to site. Additionally, due to the nature of the tenant, large parking carts are not necessary. Applicant deems that it is more effective to shrink the parking stall size.
  - Signage

- Entrance Way Sign: Applicant proposes 147.33 sq. ft. of copy and the sign size of 370 sq. ft, where 120 sq. ft. of copy is proposed and sign size is 180 sq. ft. Applicant states that size is due to location on Rt. 73 entranceway, meets the C2 criteria and will help with traffic flow.
- Façade Signs: Applicant is proposing 2 signs where 1 size is permitted. One sign will be 64 sq. ft. larger than what is allowed. Signs will indicate the 'Fresh Market' as the anchor tenant.
- Discusses that trees along frontage have grown into the powerlines. Applicant will comply with number of street trees, but group them together.
- Discusses the "Fresh Grocer" and how people do not use store for major grocery items; more focused on specialty goods.

*Applicant Ends Formal Testimony.*

### **Planning Board Professional Testimony:**

#### Leah Furey Bruder, Planner

- Review letter dated May 23<sup>rd</sup>, 2016
- Applicant has provided testimony on the variances that they are seeking. Clarifies if applicant will receive two plans, and establish a revised plan- Applicant agrees to do so.
- No concerns with the application or the conditions that are requested. Applicant accepts on conditions from the Planning Board professionals.
- Comments on Variances:
  - Sign Variance: 126 sq. ft. is allowed. A center with more than 400 sq. ft. is permitted to have two signs. The shopping center currently has 1,061 sq. ft. of frontage. The square foot increase in size is minimal given the size of the property. Additionally, the applicant is making an effort to design the sign to complement the buildings. No concern with sign variance requested.
- Notes that Applicant has proposed a sidewalk solution to connect the area. While the sidewalk is not on Route 73, this plan is acceptable, given the difficulty to implement sidewalk on Route 73, as it is a state highway.

#### Behram Turan, Environmental Engineer

- Review letter dated April 12<sup>th</sup>, 2016. Revised letter on May 25<sup>th</sup>, 2016
- Accept applicant waivers from the environmental and cultural resource survey as the property is already existing.
- Agree with the Applicants findings. No issue with the Phase 1 requirements.

#### Chris Rehmann, Engineer

- Review letter May 26<sup>th</sup>, 2016.
- Asked Applicant to clarify updated plan with sidewalks.
- Discusses plastic pipes located at the site and pose safety concerns. Applicant will bury pipes to address issues.
- Discusses the "By-Right" plan. Applicant further discusses that the plans at the end will be merged based on what is proposed and approved. Exhibits A2 and A3 will be

combined for the compliance plan. One plan is compliant the other plan is requesting variances.

- Discusses with applicant the resurfacing and re-striping of parking lot. Applicant agrees to fix roads and sidewalks as a condition of approval.
- Discusses the trash-enclosure gates, and for the applicant to remove the front gate. Applicant agrees.
- Discusses the site-lighting. Applicant will meet all standards and use promenade lighting.
  - Mr. Rehmann asks applicant about the south-eastern quarter of the property where there is no lighting and a potential blind spot. Applicant will look into this, and will upgrade area if necessary.

#### Stacey Arcari, Traffic Engineer

- Review letter dated April 5<sup>th</sup>, 2016. Revised letter on May 23<sup>rd</sup>, 2016.
- Notes that if plan is approved, applicant should receive Title 39 for site. Applicant agrees to do this. They will refresh signage in the area.
- Discusses truck circulation plan with speed bumps at back of site.
- Asks applicant about the Fresh Market Grocer delivery operations. Applicant provides information.
  - Fresh Market Grocer receives one major delivery between 8-9am. Smaller deliveries will occur throughout the day between 8am-1pm. Deliveries can occur 2-3 times per day.
  - Applicant agrees to Condition of Approval that there will be no deliveries between 10pm and 7am. All deliveries will occur between 8am and 10pm. Trash pickup of site will be daily and conform with noise ordinances of Evesham Township.
- Asks applicant to locate site-triangles on plan.
- Asks applicant to review the DOT Right-of-Way, and adjust landscaping.
- Discusses the parking spot sizes. Recommends to the Board that if a new tenant comes in with larger shopping carts, they will need to come back to the Planning Board for approval. Applicant agrees as a Condition of Approval.
- Applicant will submit Exhibit A5 to Ms. Arcari as part of the compliance plan.
- Ms. Arcari notes that there is no issue with the applicant receiving a waiver of a traffic impact study. Asks that applicant obtain letter of no interest from D.O.T.
- Asks applicant to ensure that the gym located on the site no longer uses the back parking lot for training.

*End Planning Board Professional Testimony*

#### **Public Comment:**

##### Jeffrey Baron, Representing Marlton Shopping Centers Inc.

- States that Planning Board cannot approve application.
- Asks to cross-examine the witnesses brought forth by the applicant, Planning Board approves.

- Asks to Cross-Examine Mr. Goodman.
  - Asks Mr. Goodman who owns property in application, which plan they are seeking approval of, if plan was submitted on time, how knowledgeable he is about the Fresh Market Grocer applications, and how frequently he visits locations of the Fresh Market Grocer. Mr. Goodman answers the questions.
- Cross-Examines Mr. Baldino
  - Asks date the plans were submitted. Debates that they were not submitted on time. Discusses the size of shopping carts, vehicles, baby strollers, etc. Asks about the number of patrons per hour that will use carts at the site. Mr. Baldino answers questions.
- Mr. Baron states that the application has negative criteria and is detrimental to the public good.
- Mr. Baron asks Mr. Baldino if he looked at the original plans of the Borders Shopping Center. Mr. Baldino says that he has.
- Mr. Baron discusses about the size of parking lots, and the reduction of size of the parking spaces.
- Mr. Baron asks to continue to cross-examine Applicant Witnesses. Planning Board states that they would like to hear from other members of the public, and that Mr. Baron has made his opinions regarding this application known.

Howard W. Grant, 160 Meron Circle

- Concerned about back loading docks: the size of the trucks, amount of deliveries.
- Concerned about additional lighting in the back of the lot, and noise of the site. States that a street sweeper is on at site during the early morning hours. Also mentions concerns about traffic through the neighborhood.

*Public Comment Closed.*

Mr. Prime asks to re-direct some of his witnesses.

Mr. Goodman, Re-Direct:

- Mr. Goodman clarifies information about cart corral, hours of operation of the Fresh Grocer Market, and the conditions of approvals in regards to deliveries. States that the Fresh Market Grocer will agree to the conditions.
  - Board asks the following as Conditions of Approvals: Applicant agrees.
    - Trucks should not be idled while waiting for deliveries.
    - Applicant should curb street sweeping component, can begin at 7am, but no earlier.
    - Applicant should reduce lighting in back of property to the safety setting during nighttime hours. Applicant will work with neighbors in regards to lighting.
  - States that the Fresh Market Grocer only needs one loading dock, but property will contain three loading areas.

Mr. Kyle, Re-Direct:

- States that other tenants will also utilize the loading docks.

- Discusses the original site plan approval, the preparation of the applicant for tonight's meeting.
- Discusses parking aisle width.

Mr. Prime notes that Mr. Baron has no professional witnesses.

Mr. Baron asks for a redirect question to Mr. Kyle for clarification.

Mr. Baron Comments:

- States that no Planning Board has acted on approval that has not had witnesses to clarify hours of operation.
- Suggests that the applicant faces no hardship and prior resolutions of approval should be analyzed. Requests representative from the Fresh Market Grocer.
- States that this application is not a minor site plan approval. It does not fit the criteria of a minor site-plan approval. Applicant should resubmit as a major site plan approval.

Mr. Prime Testimony:

- States that the applicant needed site-plan approval, and fit under the criteria of a minor-site plan.
- Bringing in a representative from the Fresh Market Grocer is not necessary for the application.
- Notes that all plans were submitted on May 13<sup>th</sup>. Exhibit A3 was submitted at the request of the planning board.
- Applicant Witnesses have provided testimony in support of variances of parking spaces and signs.

**Board Comment:**

- Mr. Student asks if the Fresh Market Grocer is similar to a Trader Joe's type of store. Applicant confirms. Ask if there is an area for a semi-truck to load without blocking the lane. Applicant answers.
- Asks applicant to clarify about grocery helpers. Applicant states that employees are tasked with retrieving carts and also help with carrying out groceries.
- Asks Ms. Furey about other shopping centers and the width of their parking corrals.
- Asks about the trees in frontage of Rt. 73. Applicant states they will take down the trees and replant in front of site.

**Summary of Application:** *By Mr. Wieliczko, Attorney*

- Applicant is seeking a minor site plan approval, renovate existing site.
- Applicant has two applications, one that does not require any variances, and one that does.
- Variances from Existing Application (Borders Shopping Approval):
  - Lot depth is 576.6 ft, where 800 ft are allowed.
  - Parking set back to East side is 40 ft existing, where 50 ft. is allowed.
- Bulk Variances Requested:

- Parking Stall Size: Propose 9 ½ by 18 inches, where 10 by 18 inches is permitted.
- Free Standing Sign where 147.33 sq. ft. is proposed for copy, where 120 sq. ft. is allowed, and 370 sq. ft. sign is proposed where 180 sq. ft. is permitted.
- Applicant is requesting variance for façade signs to allow 2 signs where 1 sign is permitted.
- Applicants request for waivers has been agreeable by the Planning Board professionals.
- Testimony from the Board professionals states that the application is appropriate and variances sought are also appropriate.
- Mr. Baron has presented an argument on behalf of an objector. He is allowed to do this. The Planning Board can consider the motivation of the objector.
- Planning Board must approve based on if they believe that the application makes use of the C-2 zone and has no negative impact on the public good.
- Planning Board can accept or reject the minor site plan, and accept or reject the variances that have been proposed.

Motion to Approve Preliminary Plan with Variances:

Motion: Zeuli

Second: Foster

Ayes: Student, Vassallo, Zeuli, DiEnna, Foster, Marrone

**Planning Board takes a brief recess at 9:34 pm. Resumes meeting at 9:43 pm.**

**2. Marlton Green Development, LLC. PB 16-07**

**Amended Prior Approval**

*36 W. Route 70, Block 25, Lot 2 & 2.03 (C-1/EVCO Zone District)*

*Applicant proposes to construct a 1,082 sq. ft. addition on the south side of the existing building.*

*Patrick McAndrew, Attorney for Applicant.*

Witnesses for Applicant:

Mr. Richard Regan, Architect

Exhibits:

A1: Site plan dated 4-18-16

A2: Parking layout with acquisition. Dated 8-24-06.

A3: Rendering if area was small stores

A4: Rendering of possibilities for the site.

Mr. Regan Testimony:

- Identifies shopping center of site, former Frank's Nursery Center. Mattress Warehouse currently operates the site. New Tenant is Sun Medical located on second floor. Tenant occupies 2/3 of the floor. Tenant sells various medical supplies.
- Notes that shipping for Sun Medical is done by UPS/Fed-ex. Site has no formal delivery truck.
- Seeks to approve addition. Loading area will be adjacent to site.
- Seeks to make a number of improvements to the center.

- Shows plan for the future of the area.
- Propose to add 35 parking spaces, new landscaping from concrete wall and attractive entrance from Main Street.
- Interested tenants in this area, looking forward to hear from new tenants.
- New addition would not interfere with plans. This would interconnect the space.

*Applicant Ends formal Testimony*

Leah Furey Bruder Testimony:

- Letter dated May 25<sup>th</sup>, 2015
- Proposed addition is located on an already paved area.
- Asks applicant to clarify some architectural questions. Asks design of front facing main street, and that the side facing towards the parking lot should be a brick wall.
- Asks that the loading door for UPS/Fed Ex that it does not back up to site.

Public Comment- None

Board Comment- None

Approval to Adopt PB 16-07:

Motion: Student

Second: Zeuli

Ayes: McGoey, Student, Vassallo, DiEnna, Zeuli, Foster, Marrone

### **3. Executive Session- For the Purpose of Litigation**

*Township of Evesham and Evesham Township Planning Board v. Evesham Township Board of Education*

Motion to Adopt 16-09 E, Resolution that will allow Board to Meet in Closed Session

Motion: DiEnna

Second: Vassallo

Ayes: McGoey, Student, Vassallo, DiEnna, Zeuli, Foster, Marrone

Mr. Student is recused from application and executive session.

Planning Board meets to go into Executive Session at 10:05 pm.

Motion to Return to Regular Meeting:

Motion: McGoey

Ayes: McGoey, Student, Vassallo, DiEnna, Zeuli, Foster, Marrone

Meeting resumes at 10:56 pm.

Mr. Platt introduces resolution on a Conditional Settlement from the Board of Education to authorize, subject to final review and approval.

Motion: McGoey

Second: DiEnna

Ayes: McGoey, Vassallo, Zeuli, DiEnna, Foster, Marrone

### **Public Comment**

Rosemary Bernardi, 12 Halifax Court

- Asks what the conditional approval requirements are for the settlement.
- Asks that this type of lawsuit should be avoided moving forward. Demographer should give information to school board every time a site plan is approved, and that the study should be updated frequently.

Public Comment Ended

### **Board Comment: None**

Mr. Platt answers Ms. Bernardi's questions. He states that the BOE has proposed to make a presentation to the Planning Board. The language is not final yet. Also states that giving out demographer information is a policy issue. Everything is public record and can be accessed. Mr. Zeuli notes that copies of all agendas and resolutions can be given to the BOE. Board agrees to send BOE information about agendas/resolutions on proposed sites.

### **Communications/Organization**

#### **Resolutions**

PB 16-08: Public Works Site Redevelopment

Motion: McGoey

Second: DiEnna

Ayes: DiEnna, McGoey, Vassallo, Marrone

PB 16-02: Virtua

Motion: DiEnna

Second: Vassallo

Ayes: DiEnna, McGoey, Vassallo, Marrone

PB 16-03: Wiley Church

Motion: Student

Second: Zeuli

Ayes: DiEnna, Zeuli, McGoey, Student, Foster, Marrone

#### **Next Meeting:**

July 7, 2016- Reorganization

July 21, 2016

**Meeting Adjourned at 11:05pm.**