

**DELRAN TOWNSHIP
ZONING BOARD
REGULAR MEETING MINUTES
MUNICIPAL BUILDING
APRIL 20, 2017 – 7:00 PM**

OPEN PUBLIC MEETINGS ACT

Delran Township Zoning Board regular meeting of Thursday, April 20, 2017 was called to order by Mr. Jeney at 7:00pm, in the Delran Township Municipal Building.

The Open Public Meeting Act Announcement was read by Mr. Jeney and the pledge of allegiance was performed.

ROLL CALL

Present: Mr. Jeney, Mr. Smith, Mrs. Parento, Mr. Gonzaga, Mr. Hewko, Mr. Lyon & Mr. Anderson

Resigned: Mr. McFadden

Professionals: Brian Lozuke, Esq. Board Solicitor, Mr. James Maddonni, PE Pennoni standing in for Joe Raday, Mr. James Clarkin, PP for CME & Jim Winckowski, Traffic Engineer for CME

DISCUSSION

**LIDL US Operations, LLC (Kimley Horn, TLBT)
Route 130 S & Fairview Street
Block 65, Lot 13, 14, 15, 16 & 16.02
ZZ2015-06
Final Major Site Plan**

Mr. Gonzaga made a motion to have Jim Maddonni, PE sit in for Joe Raday from Pennoni who is sitting in for CES due to conflict & Jim Winckowski is the Traffic Engineer. Mr. Hewko seconded it. The results are as follows:

Aye: Mr. Jeney, Mr. Smith, Mrs. Parento, Mr. Gonzaga, Mr. Hewko, Mr. Lyon & Mr. Anderson

Mr. Duncan Prime, from the firm of Prime Law on behalf of the applicant LIDL US Operations, LLC. Mr. Lozuke swore all of the applicants in. Adam Gibson, Traffic Engineer for Kimley Horn, Kevin Van Hise, Professional Landscape Architect in state of NJ for Kimley Horn, Patrick Lyon, Development Manager for LIDL US, Anthony Capanigro, PE, Civil Engineer in state of NJ for Kimley Horn & Kathryn Gregory, Professional Planner for Gregory & Associates.

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Mr. Prime stated that this property is located at the corner of Rt. 130 & South Fairview Street. As the Board will recall, they were here before the Board back in January 2016 for a Use Variance Approval and Preliminary Major Site Plan in June 2016 for approval to construct a 36,170 square foot building to be used as a LIDL grocery store. At the time of the Preliminary Site Plan approval they had discussion with the Board regarding feedback that they received from the NJDOT & the Burlington County Planning Board. They advised the Board that there was a chance that the site plan would change slightly from the time of Preliminary to Final therefore they asked for and received preliminary only.

When they received their comments from NJDOT & the County Planning Board, the plan was revised slightly from what was last saw & approved. Therefore they are back with what they hope & feel is a final plan & are here before the Board for Final Major Site Plan approval.

This application will require a few design standard waivers, a sign variance as well as a variance regarding the cart corrals. Aside from that the plan is not that much different overall from what you saw back in January & June of 2016. It's just a minor shift in the driveway on Route 130.

Exhibit A1 is a Pylon & Wall Sign.

Mr. Kevin Van Hise, PP stated that there are a few minor changes from the Site Plan from the last time. Exhibit A2 is the original Preliminary Plan & exhibit A3 is the revised Plan. As part of the preliminary plan, they were providing additional evergreen landscape material along the far side buffer to address the neighboring concerns about visibility of the parking lot & the building itself. They proposed a construction of a 6' vinyl fence as well as Arborvitae & Evergreen Tree species. The driveway shown on the original site plan shows the driveway close to the building. It was a concern of NJDOT and as a result, they have modified that by moving in further down towards back of building, further away from the jug handle which shows on the revised site plan.

Based on what they heard of the neighbors last time, they made a minor modification based on their request. They took the double row of Arborvitae back closer to the rear properties to shield them as along with the loading dock area & the front corner area. Additionally they added more material along the entrance to address concern about exiting vehicles headlights.

They received two comments from the NJDOT that required them to modify their plan. One of them was the position of the entrance into the site.

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You can see the difference between the 2 plans. They moved that entrance back to within 25' from the corner of their property to increase the distance between the jug handle entrance and their site entrance. When they did that that triggered a minor modification to the onsite configuration of the parking lot. Where they have double loaded bays they were able to single load on other side. That enabled them to provide a deeper screen between Rt. 130 & the parking lot and also an opportunity to provide more Storm Water Management.

The other comment that they addressed thru NJDOT was the need for a two lane jug handle. While the current jug handle may operate as a two lane, it's not currently marked that way. What they are proposing now is some minor widening of the existing jug handle with restriping to allow 2 lanes thru that jug handle all the way to the intersection with South Fairview.

They now have a permit from NJDOT conditioned on final approval of the plans which are under review. They have conditional approval from Burlington County for the portion under their jurisdiction.

During the NJDOT review, the island showing a restricted movement did not change. One of the things discussed at last hearing was the crosswalk at the exit area onto Fairview. A county comment suggested that they do not have a crosswalk in that area. They got some feedback from some residences about safety. They actually moved the crosswalk & the handicap ramp back out of the right of way onto the site. That way they can provide that outside of County maintenance & it becomes LIDL maintaining.

They were asked to do some additional testing for the BME's & that has been completed. They have very good infiltration rates & in fact they have higher than is allowed so they have to slow it down. They believe they will be able to do that.

They have reviewed all comments from all the Professionals & have no issue addressing them.

The location of the signs are shown on the plan. A pylon sign at the entrance of Route 130 that is 19' tall. There is also a pylon sign, same style on Fairview which is 14' tall. The area of the sign itself conforms to the ordinance requirement but the ordinance states that they need to consider the structure as well. With that, they do exceed the 75 square feet. Exhibit A4 shows the architectural rendering depicting the entrance of the grocery store showing the 2 building mounted signs over the entrance doors. Those signs are within the limits. All of their signs are proposed to be illuminated internally.

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Our paperwork shows 192 parking spaces but Mr. Van Hise stated it is 190 spaces for the revised plan.

Exhibit A5 is an architectural rendering of the loading area & the screen wall that is proposed to shield the equipment on the roof. Mr. Jeney asked about the discussion at last meeting of adding something higher to shield the noise from escaping out and to reduce it if possible. Mr. Van Hise stated that they are not currently proposing any change to the plan with that additional screening. The hours of operation from the Use Variance stated between 6am to 12am. The deliveries will be restricted to the hours between 6am to 8pm from Route 130 entrance only.

Mr. Adam Gibson is the Traffic Engineer and has been previously recognized as an expert in the field of Traffic Engineering and they have asked that he continue to be recognized as such. No objection from Mr. Jeney.

Mr. Prime asked if there have been any major changes to the traffic testimony he gave at either the Use Variance or the Preliminary Site Plan approval meeting. Mr. Gibson said that it was just the changes from the DOT comments they received. They have addressed all of those and their mitigation was to provide the two lane jug handle and the associated improvements tied to that.

He reviewed the Boards Traffic Engineer's report and had no issues or comments with that. It was proposed for them to widen Fairview on the Barlow frontage to the maximum extent possible from the right of way to provide addition queue storage for those vehicles approaching Rt. 130. It is currently under review from DOT. There is no reason to believe that they are not going to do it. It was there recommendation as well. The permit states that it is part of the improvements. They will no longer shift the green time from one side of Fairview to the other as previously stated. It will stay the same as it is today due to the increase of queue storage that will be available.

Mr. Lyon asked if there was enough room for the fire & delivery trucks that they will have enough space to turn since the driveway was moved down towards rear of property on Route 130. They have laid back the curve turn and made it larger turning in & out of site. The Fire Department is in agreeance with the change.

A question was asked about the parking stalls. The design waiver is for them to reduce the parking spaces from 10 x 20 to 10 x 18 now. It will only affect the ones on the Rt. 130 side of the building due to the shifting of the driveway.

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Kathryn Gregory, Planner is a licensed Professional Planner in NJ since 2000. Master of Architecture & Master of Urban Planning. Principle at Gregory & Associates since 2007. Represents many northern NJ Boards. She has never testified at this Board before but is an expert in the field.

They are seeking sign variances for the size of the monument signs. They are proposing 2 of them. One along Fairview and one along Rt. 130. They are permitted to have 75sf. Along Rt. 130 they are proposing 242sf but that is inclusive of the actual base of the sign. Along Fairview they are proposing 140sf. The actual size of the sign on Rt. 130 is 67.37sf which shows on exhibit A1. The actual sign on Fairview is 43.06sf. Both those signs are actually smaller than the 75sf permitted.

The issue they have is that LIDL wants to have a more comprehensive sign instead of just sticking it on a pole located at the entries. She stated that actually it is sort of becoming an Industry standard & not just with supermarkets. The wider base makes it look much more attractive.

The minimum lot size in the zone is 40,000.00. They are 9 ½ times that. They have over 400 linear ft. along Rt. 130 and over 200 linear ft. on Fairview Street. If you take a look at that, the size of their lot is more of a size of a shopping center then it would be for just a stand-alone use. The shopping centers are permitted up to 200sf. They are asking for a little more than that. They do have a lot of frontage. She listed all the standards of the signs that the township would agree too in the C2 zone and does believe they meet the intent of the sign ordinance. One of the purposes does talk about the relationship of the size of the building lot to the sign. If they didn't have such a big lot, she wouldn't be telling them that the sign should be bigger. It is a unique condition cause of how big it is compared to the lot. She feels that they meet the intent of sign ordinance. As far as the public good is concerned she feels there are no violations to the public good by permitting a sign larger than what's permitted by our ordinance.

Mr. Winckowski stated his concern for such a large sign on Fairview. It is residential with a 25 mile per hour speed limit. A 14' high free standing sign sitting perpendicular to the road is way more then he believes we need along with some of the members on the Board.

Mr. Patrick Lyon, Development Manager for LIDL has taken over for Scott Logan. He explained why LIDL choose that size sign for the site on the side street. They are brand new to the area and most people are unfamiliar with them.

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The well-known Walgreens sits in front of the LIDL & will obstruct the view of the building so having a sign large enough for people to see will help with recognizing where it is located when looking down the street. That's why they feel they need it.

They have a signage vendor that has pre designed ones so they are not really custom. The standard details of the signs are 19' & 14'.

Mr. Winckowski feels that the sign at Fairview should be a little smaller than the 14' height. Mr. Prime stated that because they have never built in the United States & this is a brand new store, they are wanting to keep everything uniform just for the familiarity of the product at its different locations.

Mr. Prime stated that they are proposing a cart corral against the building and not in the parking area. They are going to have some type of incentivized program to bring it back. It's still being developed & finalized. They have proposed this elsewhere. They don't have any approved LIDL's in NJ with cart corrals in the parking lots.

Mr. Lyon, Real Estate Manager Development to LIDL stated that they can only speculate that it will be the same program for the cart corrals that they use overseas. Either it will be a credit card or a rewards card with a financial incentive to return it. They don't expect everyone is going to return them but they feel confident that the majority will. They will not have a specific position of a cart corral person but they will rely on all the employees to do that if needed. They don't want carts floating around the parking lot. They are trying to make a first impression with the roll out of a new store in the US so if they didn't have the confidence in the program, they wouldn't be doing it.

It isn't the money of putting corrals thru out the parking lot. The parking depth isn't significant from the front of the building so to return a cart would be more acceptable then if you were at a "Shop rite" with probably 25 to 30 parking spots deep.

Mr. Winckowski asked if they would consider the option to cut the sign down from 14' to 10'. A 2' base and an 8' sign. Mr. Jeney said that the signs they are proposing are attractive and it would be a good idea to reduce just the one sign down.

Mr. Prime said that his client said that because the cart corral is so important to keep it the way they discussed, that they would agree to put a sign up to 10' on the Fairview Street side.

Mr. Prime stated that they requested one addition design standard waiver from our code, which is to prevent a pavement specification less than the required 13" for commercial lots.

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The plan proposes 9 ½” total for standard duty pavement thru out the standard parking lot area where customers are parking. The heavy duty spec will be 12½” along the truck path from Rt. 130 along the front of the building and entering the pathway to the loading zone. The minimum of the base should be 3” per the Professionals recommendation. The applicant agreed to those recommendations.

Our Engineer just clarified the asphalt issue. The applicant, Mr. Winckowski & the Board conferred that the heavy duty paving section that’s on the detail is 8” of stone, 4” base & 2” of top. The light duty paving detail will be 6” of stone, 3” of base & 1 ½” of top. Mr. Prime stated that the applicant has accepted that.

Per the professionals, based on the discussion tonight the applicant has satisfied all of their concerns. One thing Mr. Lozuke mentioned. Before the resolution is memorialized, the applicant will provide a better time frame on what the incentive will be regarding the cart return policy by the entrance of the store.

Mr. Jeney asked for a motion for final site plan approval subject to compliance with the professional review letters and comments from the professionals including sign variances to permit approximately 10’ on Fairview & 19’ on Route 130. The design waiver with respect to the parking stalls. The pavement course of heavy duty to be 8” of stone, 4” of base & 2” of top. The light duty will be 6” stone, 3” base & 1/12” top. It is a slight deviation from waiver point of view. Submission of the incentive program details that will be incorporated into the resolution. Mrs. Parento made that motion & Mr. Gonzaga seconded it. The results are as follows:

Aye: Mr. Jeney, Mr. Smith, Mrs. Parento, Mr. Gonzaga, Mr. Hewko, Mr. Lyon & Mr. Anderson

ACKNOWLEDGE THAT THERE WAS NO ONE FROM THE PUBLIC THERE TO OPEN IT UP.

ADJOURNMENT

Mrs. Parento made a motion to adjourn meeting at 8:30. Mr. Gonzaga seconded it. The results are as follows:

Motion carried with a unanimous voice vote.

Respectfully Submitted

Kathy Phillips, Secretary, Planning & Zoning