

**Mount Laurel Township Zoning Board of Adjustment
Special Meeting Minutes
December 30, 2020**

Opening

The second Special Meeting of the Mount Laurel Zoning Board of Adjustment December 30, 2020 was called to order by Chairman Bailey at 7:00 p.m. This meeting was held via Zoom

Pledge of Allegiance and Moment of Silence were observed

The Open Public notice was read by Suzanna O'Hagan, Board Secretary

Board Members in Attendance

Chairman Bailey, Mr. Francescone, Mr. Green, Mr. Killen, Mrs. Liciaga, Mr. List, Mr. Kramer.

Absent

Mrs. Jones and Mr. Kiernan

Board Professionals in Attendance

Joseph Petrongolo, Planner – William Long, Engineer – Michael Angelastro, Traffic Engineer – Brian McVey, Fire Marshal and Evan Crook, Board Solicitor

Announcements and Review of Board Procedures

Chairman Bailey informs the meeting participants that the 1½ hour time limit for an applicant will be waived however the meeting will conclude at 10:00pm.

Board Solicitor, Evan Crook explained the duties, responsibilities, authority and limitations of the Board of Adjustment as well as an overview of the rules of testimony, evidence and protocol.

Board Planner Jay Petrongolo described what a D3, conditional use, is and what the board may consider. He explained that the board need not consider whether the use is compatible with the area or site as it is a permitted use, but if it is appropriate and compatible when considering the deviation from the conditions under which the use is allowed.

Swearing in of the Board Professionals

Petition before the Board Continued from December 16, 2020

1. **Laurel 38 Developers**, ZB20-D-09, 3230 Rt.38/205 Hartford, Block 301.09 Lots 5-7 & 12-14, B-zone. This applicant seeks Preliminary and Final Site Plan approval and D(3) Use variance from section 154-43.B with associated bulk variances to allow a Wawa convenience store with fueling station.

concerned about additional exposure. Mrs. Wilson stated concerns that the drainage area will be full of trash. She presented S-9 stating concerns of drainage, flooding and stormwater runoff. Mrs. Wilson believes the Amazon warehouse being built in Lumberton should be considered. She stated that the plan should not be approved with the current plan.

Mr. Verderese responded that the driveways meet the spacing requirement for the Department of Transportation. And described the loading zone process. The applicant will add additional sign providing east to west movement only in the rear of the building.

Mr. Sharo responded. He shared Exhibit A-3, and reiterated the sidewalk plan as previously testified to.

Mr. McDonough responded. He reiterated that the proposed Wawa parcel and all adjoining and adjacent parcels are zoned for non-residential uses.

Joyce Scheyhing, 2617 Auburn court was sworn in. Ms. Scheyhing stated she does not believe the Wawa is necessary, she listed nearby businesses that offer similar services and asked why this is necessary.

Mr. Prime responded that Wawa has decided this is appropriate and this is not a Use variance.

Mr. McDonough responded that saturation of services is not a consideration

Frank Ieradi, 107 Holiday Court was sworn in. He referenced traffic reports dated June 2020 and December 2020. He believes there are deficiencies in the reports that should be remedied before a decision can be made. He listed those deficiencies by section. Mr. Ieradi stated that Route 38 and Walnut Avenue was not studied and listed sections of the report he believes to be deficient.

Mr. Angelastro responded that Mr. Ieradi is referring to his June 2020 report inaccuracies were corrected in his December 2020 report. The applicants traffic study was prepared in accordance with the DOT Access code, was submitted to the DOT and is in the process of being approved.

Steven Stern, 8701 Normandy Drive was sworn in. Mr. Stern expressed concerns regarding safety conditions and traffic. Mr. Stern shared his screen showing a street map with green and red arrows depicting what he believes will be an unsafe traffic pattern entering and exiting the Wawa and Sunoco. This was not submitted as an exhibit.

Mr. Crook reiterated that the impact of traffic and accesses of surrounding roads are under the jurisdiction of the DOT and not evidence the board may consider.

At this point, marker 1:38 approximately 8:40pm, the Zoom audio and video is lost and comes back at approximately 9:21 the following message is displayed during playback "a network error caused the media download to fail part-way". A recording of the meeting was pulled from Youtube which retained the video but lost audio from approximately 8:40 to approximately 8:47 until after Mr. Sterns testimony was complete. The remainder of Mr. Sterns testimony was recorded by the Board Secretary via handwritten notes.

Mr. Stern continued that he believes this is project is not for public good.

Janice Gruber, 333 Cedar Lane was sworn. Ms. Gruber expressed concerns about lights flooding into windows and yard in nearby homes and believes artificial light has negative health impacts on residents.

Jay Petrongolo responded that the lighting waiver requested is to allow LED lights vs the allowed metal halide lights. LED lights have less spillage onto neighboring properties than metal halide lights.

Mr. Prime responded that the light levels are as permitted.

Mr. Sharo clarified that the waiver requested is for the maximum minimum light area.

Jay Petrongolo clarified the maximum minimum ratio refers to the radiant between the brightest and darkest area. The foot candles will comply however there will be more bright than dark areas.

Michael Pascuzzo, 1 Sheffield Court was sworn in. Mr. Pascuzzo expressed concern regarding parking, lot depth, height, propane exchange, ice chest, façade sign, sidewalks, water runoff and fence. He accused the Wawa professionals of disinformation and filibustering at the previous meeting. He asked if 2018 and 2019 traffic studies were submitted to the township.

Mr. Verderese responded Appendix C of the traffic study includes all the traffic counts and backup information and the study was submitted to the township.

Mr. Pascuzzo continued that the applicant testified that parking issues at the Wawa on Route 38 and Marter Avenue were alleviated by the shared parking and requested the applicant expand on that.

Mr. Verderese responded that that is a misrepresentation of his testimony and his testimony was that they did not do a parking study at that site because it was a shared use.

Mr. Pascuzzo stated that the community would lose a valuable resource if Styles Sunoco were to leave. He believes that the professionals involved with the project are not familiar with the project. He questioned why no EV charging sites are being installed.

Mr. Crook asked that Mr. Pascuzzo confine his questions and comments to this application. Mr. Pascuzzo asked for the difference between the end of the pump island to the rear of the parking space in front of the store.

Mr. Sharo responded 38 feet.

Mr. Pascuzzo said his brother in law was an Exxon executive and he believes standard is 60 feet.

Mr. Crook noted for the record that this is third party testimony with little to no credibility or value.

Chairman Bailey calls for a break. The meeting resumed at 9:21.

Nikki Samson, 1323 Hainesport Mount Laurel Road, was sworn in. Ms. Samson reference the Site Plan dated 2/9/2020 truck diagrams pages 21 through 24. She believes the Site Plan is inaccurate as the circulation plan is based on a WB50 42 foot trailer but Wawa uses a WB67 53 foot trailer.

Mr. Prime responded that this Wawa will be using only WB50 trailers.

Mr. Sharo also stated this Wawa will use only WB50 trailers.

Ms. Samson continued sharing her screen and expressed concerns with truck circulation describing perceived circulation deficiencies. This image was not submitted as an exhibit. She believes this is not a suitable space for a Wawa.

Mr. Prime responded that Ms. Samson is not an expert and truck circulation was addressed during direct testimony.

Karen Brager, 102 Apple Lane, was sworn in. She expressed concerns regarding the setback of the building to the street. She asked why such a large variance.

Mr. McDonough explained the variance.

Barbara Blonsky, 12 Kenton Place, was sworn in. Ms. Blonsky has concerns regarding the ability of fire trucks to enter and maneuver around the building.

Brian McVey replied, he has reviewed the fire truck circulation plan and has satisfied all of the requirements

John King, 53 Chapel Hill Road, was sworn in. Mr. King stated that the reason for rules is safety and he believes Wawa is disregarding safety with no wheelchair accessibility on sidewalks.

Mr. Petrongolo clarified that handicap access is provided on this plan.

Mr. Francescone reiterated that no ADA requirements are being waived

Jason Spivey, 2503 Saxon Drive, was sworn in. and expressed concerns regarding parking spaces and lot depth. He asked why this Wawa only has 6 pumps and 12 bays and the impact of that on queuing.

Mr. Verderese responded that they have not seen problems in other locations with this pump count.

Mr. Spivey continued stating concerns about the circulation, parking lot layout, number of spaces, perimeter layout and landscaping. He believes the development of the Taco Bell and location of other Wawa stores should be considered as he believes they will increase the onsite traffic of the proposed Wawa. Mr. Spivey stated that the variances in aggregate should be considered.

John Christy, 3081 Fostertown Road, was sworn in. Mr. Christy expressed concerns with onsite traffic and navigation from Sixth Avenue stating that the lot seems congested.

Nick Verderese responded that the minimum drive isle proposed is 28 feet and the required is 25 feet. The Canopy is designed for cars to be able to pass by each other while at the pumps. This is a common layout.

Timothy Lee, 131 Yorktown Drive was sworn in. Mr. Lee stated that this Wawa would employ 40-50 people in the area with good benefits and good pay. He believes that people from Wawa would go to Styles Sunoco for service.

Dennis Flemini, 408 Saxony Drive was sworn in. Mr. Flemini expressed concerns about parking and gasoline attendant's monitoring trucks coming and going. He believes variances are significant and asked the Board to vote on what is best for the Township.

Pat Halbe, 121 Dunhem Court was sworn in. Ms. Halbe expressed concerns that the traffic study was done in 2018 and 2019 and that they do not include the proposed Taco Bell. She questioned if the Board traffic engineer is confirming what is being submitted to the NJDOT is accurate.

Mr. Verderese responded that Taco Bell received a Letter of No Interest stating that it does not create a significant amount of traffic.

Ms. Halbe continued with concern about the propane kiosk.

Mr. McVey responded that the Kiosk will be installed in accordance with UCC and Uniform Fire Codes.

Ms. Halbe continued with concern that the Wawa will not be successful because the lot is too small and she does not believe the gas attendants will be able to police the trucks.

Robert Stanlewicz, 9 Ardly Court was sworn in. Mr. Stanlewicz drove up and down Hartford Rd. and Route 38 and watched the traffic. He is concerned about traffic and how fuel trucks will enter the Wawa.

Nick Verderese responded that the plan shows trucks will enter from Route 38

Mr. Stanlewicz continued. He is concerned that truckers will have lunch in the Wawa parking lot and said any traffic study should take Taco Bell into consideration. He questioned what is stopping people from exiting onto Route 38.

Nick Verderese responded signage and stripping

Mr. Stanlewicz continued. He is concerned about accidents on Route 295 backing up Route 38. He asked how does a car get passed a truck in the rear.

Nick Verderese responded a car can get around the truck there is a 10 foot driving lane around the loading zone.

Mr. Angelastro confirmed a 10 feet is adequate for a vehicle to maneuver past a truck in the loading zone.

Jeffrey Baron Esq., F-600, 1300 White Horse Road, Voorhees NJ, is an attorney representing Norman Shabel, owner of the property. Mr. Baron reference the Coventry Square case. He stated that the board is required to follow the Supreme Court's decision in the Coventry Square case. Mr. Baron read a portion of the Coventry Square decision. He stated that the board must look at the variations from

the conditions only and that the use has already been deemed appropriate in this zone. He read from the MLUL regarding the conditional use. He stated that this stretch of Route 38 is almost all commercial. Regarding trailers, he stated the board should require signage prohibiting trailers in any parking area. If Wawa gains approval the nonconforming billboard will be removed. He believed this is a major consideration and would be a big win for the township. Mr. Baron urged the board to approve this application because the law required the board do so.

Shawn Wilson, previously sworn, stated that in 1988 the NJDOT widened the road and that is why the Stiles Sunoco driveway is noncompliant. He asked if a fire truck would be able to get behind the delivery truck

Brian McVey, Fire Marsha responded that the driver is required to stay in proximity to his truck so he can move it if there is a fire.

Michael Pascuzzo, previously sworn, counted 46 parking spots

Mr. Angelastro confirmed there are 50 parking spots.

Chairman Bailey, seeing no more public who wished to comment, closed the public portion at 10:50pm.

Mr. Francescone asked the applicant if they had looked at any other sites and how this site compares to other Wawa sites

Mr. Redel responded that this was the only site they found appealing and this site is approximately the same size as the Lumberton and Marter Avenue stores and comparable in employee count.

Mr. Francescone asked Mr. Petrongolo, Board Planner to enumerate the requested variances.

Mr. Petrongolo did so.

Mr. Francescone asked the applicant to justify the larger signage

Mr. Sharo responded that the sign size is standard for a commercial corridor and visibility is key, he façade sign size is due to the proportion of the tower element of the building.

Mr. Kramer stated that the truck turning radius looks like the truck has to push out to the travel lane and the egress onto Sixth Avenue seems confusing. He asked if the fuel truck will hit a car getting gas.

Mr. Angelastro said there is a slight encroachment and if the track is adjusted the encroachment could be eliminated

Mr. Sharo concurred.

Mr. Sharo stated that the attendants will cone off the spots for fuel delivery.

Mr. Angelastro stated that the expected que onto Sixth Avenue is one car and will not pose a significant problem.

Mr. Kramer asked if the impervious coverage could increase flooding

Mr. Long, Board Engineer responded that the flood plan does not effect this property and the impervious coverage was taken into account when sizing the basins.

Mr. Petrongolo recommended a trailer prohibition sign be a condition on this approval.

Mr. Prime responded that both the tractor trailer prohibition sign and the WB50 maximum trailer size are acceptable conditions.

Mr. Angelastro stated that the applicant will need a variance for the size of the rear drive isle and from section 154-69D for short term parking. He stated that he has no objection to those variances.

Mr. Francescone asked if the Sunoco sign size is comparable to the proposed Wawa sign.

Mr. McDonough responded that it is.

Mr. Prime made a closing statement.

Mr. Petrongolo enumerated the conditions stated in Ordinance 154-43B that the applicant does not meet as 154-43B 3,6,7,8 and 11

Mr. Crook summarized the applicants burden of positive and negative criteria for approval of a d(3) conditional use variance.

Chairman Bailey asked for a motion to approve the conditional use variance with deviations as noted for ZB#20-D-09. Mr. Francescone moved the motion, Mr. Killen seconded. Mr. Francescone agreed, Mr. Killen agreed, Mr. Kramer agreed, Mr. List disagreed stating concerns of site suitability and numerous variances, Mrs. Liciaga disagreed stating concerns for the size of the project and size of the lot, lack of positive criteria, parking and safety, Mr. Green agreed, Chairman Bailey agreed. 5 agree 2 disagree, the motion is carried and approved.

Mr. Crook summarized the criteria for approving the site plan with the following requested variances for ZB20-D-09.

Mr. Petrongolo, Mr. Angelastro and Mr. Long listed the requested variances as:

1. Accessory structure in the front yard
2. Number of parking spaces
3. Impervious coverage
4. number of façade signs
5. height of the façade sign
6. size of the façade sign
7. number of freestanding signs
8. size of one freestanding sign
9. height of one freestanding sign
10. fence height
11. fence in front yard
12. short term parking stall
13. drive isle width

Waivers requested for the following:

1. Screening of loading area
2. Type of light to be used
3. Parking lot landscaping
4. Lighting ratio
5. Submission of contours extending 250 feet

Mr. Crook noted the conditions of approval as:

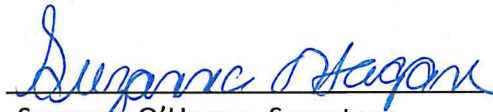
1. removal of the existing billboard
2. trucks larger than WB50 will not be allowed on the property
3. sign prohibiting tractor trailers other than fuel delivery

Chairman Bailey asked for a motion to approve the preliminary and final Site Plan for ZB#20-D-09 with the variances and conditions stated. Mr. Killen moved the motion, Mr. Francescone seconded. Mr. Killen agreed, Mr. Francescone agreed, Mr. Kramer disagreed stating concerns for size and fit of the project, Mrs. Liciaga, disagreed stating concerns of too many variances required, Mr. List disagreed stating concerns of too many variances required, Mr. Green agreed, Chairman Bailey agreed. 4 agree 3 disagree, the motion is carried and approved.

Adjournment:

Chairman Bailey called for a motion to adjourn at 11:37, Mr. Killen moved the motion, all present voted in favor of adjournment.

Adopted on: February 3, 2021


Suzanna O'Hagan, Secretary
Zoning Board of Adjustment