The Chairman called the meeting to order and stated it was being held in compliance with the “Open Public Meeting Act” and had been duly noticed and published as required by law.

**ROLL CALL**

Present: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Cupersmith, Mr. Senges.

Absent: Mr. Pannu

Also, present: Chris Norman, Board Solicitor, Benneth Matlack, Board Engineer and Christopher Dochney, Planner, CME Associates, Stella R. Sytnik, Zoning Board Secretary, Corrine Tarcelli.

**MINUTES FOR APPROVAL**

Mr. Willard motioned to approve the Minutes from the January 23 Zoning Board meeting; seconded by Mr. Cohen; none (0) against; Mr. Cupersmith abstained.

**RESOLUTIONS FOR APPROVAL**

Mr. Cohen motioned to approve **RESOLUTON NO. 20-08** Donovan and Candise Miles seconded the by Mr. Willard; none (0) against.

Ayes: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Senges.

Nays: None

Abstention: Mr. Cupersmith

Mr. Weil motioned to approve **RESOLUTON NO. 20-09** Unger/Fine seconded by Mr. Willard; none (0) against.

Ayes: Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Senges.

Nays: None

Abstention: Mr. Cupersmith, Mr. Cohen.

**NEW BUSINESS**

**Voorhees WHR Partners, LLC (Wawa Burnt Mill Road)**

1702 S Burnt Mill Rd

Block 178, Lot 2

Mr. Norman summarized the case stating Voorhees WHR Partners, LLC has applied for a “Conditional Use” Variance, pursuant to the New Jersey Land Use Law“ N.J.S. 40:55D-70(d((3), together with “Bulk” Variances pursuant to N.J.S. 40:55D-70(C), and preliminary and final major site plan approval, to construct a new Wawa food market/convenience store with a fueling station under a lighted, covered canopy, together with landscaping, lighting, parking, storm water management and related site improvements. Applicant is also seeking any and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Senges stated there have been many conversations as to why this application is heard today when it was already heard 14 years ago. The answer is simple - some of the ordinances have changed from 14 years ago, and it is a different application. Therefore, Applicant is legally entitled to apply, and the Board is legally bound to review the application.

Mr. Prime, Prime & Tuvel Attorney at Law, Mt. Laurel, NJ, Attorney on the behalf of the Applicant delivered the opening statement describing the application in detail and pointing out that there are 4 (four) surrounding lots on the map. If approved, it will be 1 (one) lot under new Wawa (Exhibit 1). The existing Wawa will be demolished and replaced with a newer, larger, lighter, and modern Wawa with fuel stations including a small fuel station for diesel vehicles. The site is currently located in the B zoning district which by the ordinance allows convenience stores. The ordinance also allows gasoline stations as a conditional use. However, the ordinance was designed before the modern trend of having super Wawa with fuel stations. Mr. Prime further pointed out that 20-30 years ago, the demand was not there. The governing body decided it was an appropriate location to have a convenience store and fuel stations. Therefore, all the Applicant needs to do is to satisfy the Board that the store can operate on the site with fuel stations and that by doing so it meets both negative and positive criteria. Mr. Prime indicated that tonight there will be testimonies by the Applicant’s engineer, planner, and traffic engineer. He had already provided the Board with the operational statement. It is standard operations with 4-5 deliveries a week. Main deliveries will be dairy/meats on the dock. Fuel will be delivered on as needed basis. Solid waste recycling will be picked up 3 (three) times a week. Fueling store prompts more employees, so the business will employ 40-50 employees, 3 (three) shifts. Hours of operations 24 hours/week, 7 days/week. It makes sense to allow fuel stations to operate during the same hours. No distinction any more between convenience store and fuel stations, both will be supervised by the same store manager.

Mr. Norman swore in the following professionals:

Matt Sharo, PE, PP, Dynamic Engineering Principal, Lake Como, NJ.

Elizabeth Dolan, PE, Traffic Engineer, Dolan & Dean Consulting Engineers, LLC, Somerville, NJ.

Paul Phillips, AICP, PP, Planner and Real Estate Consultant, Principal at Phillips Preiss.

Mr. Prime pointed out that since the application has been submitted, the Applicant met with the Environmental Commission. The 50 feet buffer off Chestnut has been addressed; the buffer on the front is still on the variance list.

Mr. Sharo presented his credentials and using Aerial Exhibit A-2, provided a detailed description of the site plan. Total area 2.7 acres. Existing condition for today: East side – existing Wawa, legacy store, no fueling. Main entrance to existing store is on Burnt Mill Road which is a full access entrance. Two (2) other entrances on White Horse Road full and further West ingress; that one is vacant side of the property, North – White Horse Road, East – Burnt Mill Road. To the side on Chestnut Ave and behind there are residential homes. Mr. Sharo referred to Exhibit A-3 to make the Board aware of the modified site plan and the changes after meeting with residents and the Environmental Commission. The biggest changes made were the building size and location. Previously designed plan had front/back that encroached into residential buffer. After they met with the Township Environmental Commission, they made all the appropriate changes leaving only one main access to the building. This eliminated rear access to the store and eliminated any parking needs on that side of the property. Other changes based on neighbors’ feedback and County requirements included the following: 1. County requested the first full drive change from full access to “right in- right out”, 2. Improvements to right-turn lane in that it will be extended longer, 3. Expanded the concrete all the way down, 4. Proposing dedicated left, dedicated, thru, and dedicated right lane on the North side. This will help the Burnt Mill Road intersection traffic. It also helps with setbacks, not just the buffer. Mr. Sharo delved into details of the drive in/outs and parking. Parking is mostly around the building where most action happens. They are proposing 55 parking stalls. Referencing Exhibit A–1, 30 feet pedestrian access with sidewalks leading from White Horse Road and Burnt Mill Road. Pedestrian access - there is existing 4 feet sidewalk from White Horse Road to Burnt Mill Road which they plan to increase to 5 feet; that sidewalk will be from 2nd Street frontage all the way to Burnt Mill Road; and from Burnt Mill Road frontage to Chestnut Ave. They are not proposing a sidewalk along Chestnut or 2nd Street. The Mayor’s concern was not to have sidewalk from Chestnut Avenue so they are not proposing it. They did not feel it was necessary.

Mr. Matlack, PE, CME, CFM, Engineer, CME Associates, inquired if there is a

sidewalk for residents and if the Applicant complied with the Township ordinance as it pertains to the sidewalks. Mr. Sharo responded positively and proceeded to describe bulk regulations. The Applicant meets all bulk regulations except the following that are not met and for which they are seeking variance: White Horse Road proposed setback 70 feet from the property line to the canopy – existing 51feet; Burnt Mill Road proposed 65.8 feet – existing 72 feet; Along Chestnut Ave is 83.6 feet; 2nd street to the building is 160 feet; 50 foot to residential buffer; proposing 17 feet front buffer to the parking stalls along White Horse Road; along Chestnut and South Street they do meet that 50 feet buffer requirement. Mr. Sharo then moved on to the proposed building referencing Exhibits A-3, A-4, and A-5. He described elevations of the store, elevations in canopy, trash enclosure, shed, compactor, recycling dumpster. Main doors self-closing made of steel, Wawa logo on Canopy; 2 spanner signs. Per Mr. Prime’s request, Mr. Sharo went back to operations and reiterated the fact that deliveries will be similar to current. Additional deliveries will be due to the fuel pumps - once a day, maybe a couple of times a week depending on demand. Diesel sold at every dispenser mostly for utility truck and some cars that use diesel. There will be four types of gas - regular, plus, premium, and diesel. All the state regulations will be met. They are using state of the art gas tanks and tan color free air stalls. For lighting, they are proposing LED high efficiency lighting area light along the perimeter of the site; lights on the building and sidewalks and recessed light under awning recessed lighting. For landscaping, they will comply with buffer requirements as well as spacing. They would like to maintain as much vegetation as possible. They are removing 45 trees and replacing with 150 trees; installing fence along 2nd street and Chestnut Avenue thus adding another element to the buffer for the residents. Regarding the stormwater, everything is currently flowing into Burnt Mill and Chestnut underground and they are following all the Township requirements.

Mr. Senges asked Mr. Matlack, the Engineer to confirm. Mr. Matlack confirmed.

Mr. Sharo proceeded to describe proposed building signage; 67.7 sq. feet meets the ordinance requirement. Pointing to Exhibit A-3, he showed 2 (two) ID signs and referencing Exhibit A-6 to the 2 (two) directional with Wawa logos signs where a variance is required. ID signs will be better visible if variance 40 feet where 50 feet required is granted. Driveways were demonstrated using Exhibit A-8. Main concern which was using the entrance close to intersection will be eliminated by not using it but rather using 2 other entrances instead. A generator will be brought to the site.

Mr. Senges asked Mr. Sharo and his firm to work with our engineers. Mr. Matlack

confirmed that he will review the turning templates and will work with the Applicant.

Ms. Dolan, Traffic Engineer, Dolan & Dean Consulting Engineers, LLC

presented her credentials to the Board. Referencing Exhibit A-3, Ms. Dolan advised the Board about huge overview of the improvements to the site. Ms. Dolan noted that they went to the County because County has jurisdiction over the intersection. The Applicant will be re-striping Burnt Mill Lane from 2 (two) to 3 (three) lanes. Those improvements plus White Horse Road “ride in - ride out” will add more capacity. Ms. Dolan advised the Board they performed traffic study. The findings demonstrate that the site is currently busy - 150 vehicles during business morning hours and 80 vehicles in the evening. Building size will be reduced from originally proposed. They are looking at additional 60-80 more vehicles in the morning hours and 100 more vehicles in the evening hours. Most of the traffic is a pass-by and already travelling. They performed level of service calculations including background traffic growth. Formal calculations indicate that there is really no change in travel with this addition. Ms. Dolan reiterated that the Wawa is already there and now it will be replaced by a newer, brighter, and better facility. They are adding more capacity by making improvements to the roads requested by the County.

Anticipated increase in traffic is not enough of an increase to create a negative impact at the adjacent intersection. They will work with the County to make sure the intersection operates as efficient as possible. There is ample capacity for the additional Wawa traffic. They are pushing the ingress driveway over 100 feet further way from the Burnt Mill signalized intersection section. It will be less in and out traffic and under proposed plan, they will be moving it even further from the signal. They will be updating their report based on today’s hearing comments and the engineer’s comments.

Mr. Senges asked to clarify if there will be a measurable increase in traffic.

Ms. Dolan advised that they found that majority of people who go to convenience store are already driving so the addition of fuel stations will not have a big effect. Traffic volume from White Horse Road is predominantly movement right in and right out. Wawa is a super convenience facility. Those are estimates and we rely on data by the Institute of Transportation Engineers so yes, we do expect an increase.

Mr. Senges restated his question by asking whether it will be better?

Ms. Dolan confirmed that it will not be worse, it will be better because of a better capacity.

Mr. Matlack confirmed that he agrees with the fact that increase in traffic happens regardless of whether the site is built.

Mr. Phillips, AICP, PP, Planner at Phillips Preiss, presented his credentials and

testified the property is located in B district. He reiterated that the retail use is principal use and gas station is conditional use. As Mr. Prime indicated because they proposed a combined use, they need a D3 variance. D3 variance is not as heavy of a burden as a D variance. Mr. Phillips provided his supporting rationale:

1. Can the site accommodate? Most importantly it is almost 3 acres (2.7 acres) of size which is entirely adequate to locate a convenience store, gas service operations, parking and buffers.
2. Gas station requires 20,000 sq. feet – this site is 6 times that size.
3. B zone allows to accommodate a store and a gas station on adjacent sites.
4. Bottom line, Mr. Phillips is of the opinion that this is a clear and sufficient site.

From a negative criteria impact standpoint, no impact on residential properties. From a positive criteria standpoint, it is a better design. Mr. Phillips pointed out that traditional older gas stations are transitioning to a contemporary use at signalized intersections, and a new planning policy foundation is being proposed. He noted that a 50 feet buffer to Chestnut Avenue is very important. It will reduce the building envelope and envelope of parking circulation. Signage requests are not egregious. It does not have massive amount of signage.

Hearing no further comments or questions from the Applicant or the Board, the meeting was opened to the public.

Mr. Brian Thomas at 1309 Walnut Avenue was sworn in to testify. Mr. Thomas thanked the Board for taking the time to help our community. He advised he will focus on the fact the it is probably an old ordinance. Also, the company who bought the land existed for years and should know the zone requirements…and know that it doesn’t allow for the potential expansion to this type of format. They knew the limitation and they knew about the other 2 (two) zones and could have purchased land there without applying for amendments, but they chose to buy the land and apply for variances. To him, it suggests they either knew about the zoning and disregarded community or they didn’t do their due diligence which makes him wonder if they are doing their due diligence now, such as safety. Ease of access increase maybe good for Wawa but it does not help with improving neighborhood. He noted that he heard the word “action” and that is what they do not want. They don’t want “action” in residential area. Another concern is gas deliveries on a needed basis. The actual storage tanks may be safe but how about delivering the fuel and potential physical injury because of the oil tankers. It creates safety issue

Mr. Bandas, Senior Pastor from the Church across the Wawa was sworn in to testify.

Mr. Bandas came with his Deacon who acted as a translator. Mr. Bandas advised the Board about several problems from his point of view:

1. Issue with trash; people from PATCO already wandering onto his Church and leaving trash
2. Wawa and gas station will get more money.
3. Big trucks, SUV’s and sedans use the Church facility to park.
4. Safety concern. The Church has a basketball court and kids play there during the day. It won’t be safe for them due to increased traffic.
5. There are homeless people who travel from PATCO station and use Wawa. They use the Church as a shelter.

Mr. Mark Wilson, former police officer, residing at 12 Chestnut Avenue was sworn in to testify.

Mr. Wilson asked for clarification with lighting issues. He expressed concern about flashing light from the canopy into the neighborhood.

Mr. Matlack clarified that based on their calculations, the way the lighting is situated it is

LED and is pointed straight down.

Mr. Senges asked if there is any flexibility with the canopy and if it could be 180 feet

away from the residential area.

Mr. Wilson also requested clarification on included fuel deliveries on demand. He expressed concern about traffic increase and stated he has information about the Burnt Mill Road intersection being the worst intersection for crashes in 2006 when he was the Township police officer. He pointed out that if you are investigating an intersection and you look at the relevancy of the increase in traffic, and you don’t look at the number of crashes by the traffic generators going through that intersection, then that is at fault to your impact on the community.

Ms. Dolan pointed out this was a very specific question and that they did not look into.

Mr. Wilson also addressed the issue of the application being “old”.

Mr. Norman reiterated that it was a different application.

Mr. Wilson further noted that he represented a group of people on Chestnut Avenue.

Mr. Senges advised the witness that his concerns have to be relevant to what is considered legal. Traffic Engineer responded to Mr. Wilson’s concern in that in her review of the intersection it is not graded as dangerous. Mr. Senges further explained the Board cannot consider data from 15 years ago. The testimony has to be meaningful and relevant to today and Mr. Wilson is not an expert.

Mr. Wilson responded he had everyday knowledge; in 2006 there were several crashes; 45% increase in traffic would suggest more accidents. He advised he had consulted with Rutgers Traffic safety specialists. What was true then is true now. He is making an observation and bringing to the Board his opinion. Mr. Wilson further inquired about improvements to the property, such as fence and curbing. He stated patrons are currently parking in the back on the grass, it would be a benefit to have curbing.

Mr. Prime agreed to conditional curbing.

Mr. Wilson mentioned dumpsters made of metal and the clinging sound they make at 5AM when employees start the cleaning process.

Mr. Sharo confirmed that they will provide plastic tops for dumpsters to reduce noise.

Mr. Wilson further inquired about the ordinance for the hours of operation for gas stations.

Mr. Norman confirmed that the ordinance allows 24 hours of operation for gas stations so it is not one of the variances requested by the Applicant.

Mr. Wilson advised the Board that residents went to the Mayor concerning the problem. They talked about what they wanted to see in the zone. They look to see that this promise will continue through to benefit the residents and that Township and Board would make sure they are heard.

Mr. Michael Ferretti residing at 2nd and Chestnut Street was sworn in to testify. Mr. Ferretti pointed out that along with traffic issue his major concern was lighting. People are constantly avoiding the light and the traffic and coming right through Second Street and Chestnut Avenue. It presents danger to their kids and pets and people walking. He mentioned that he does not see the need in our community for a proposed Wawa. There are Royal Farms less than a mile and half away and a Wawa next to Masso’s. There is Wawa on White Horse Pike and he believes they do have enough of gas stations. Mr. Ferretti noted that his taxes went up and asked if because they live across from Wawa, their taxed will be reduced. He believes his property will go down in value if the construction has been approved.

Ms. Patricia Cohler residing at 1401 Burnt Mill Road was sworn in to testify. Ms. Cohler expressed the concern about pedestrian traffic. She indicated that she sees PATCO users who come over that bridge to Wawa and are subject to danger from the traffic. Her son was hit some time ago but luckily was not injured.

Ms. Ashley Gotl residing at 12 Walnut Street was sworn in to testify. Ms. Gotl shared with the Board she grew up in this neighborhood. She expressed her concern about people cutting through the bridge all the way and through Gibbsboro Road right into Walnut Street where she resides. There are kids riding bikes. She has two young kids. Drivers try to avoid intersection and cut through the Wawa right into her yard. Ms. Gotl suggested a sign stating “No Cuts Through” or set up certain hours.

Mr. Senges concluded that there seems to be a legitimate problem that needs to be addressed regardless of this application. The Chairman added that he was glad that residents brought this up. When there is a legitimate problem and it sounds like it is, we as a Board need to ask proper Township officials or Public Safety personnel or whoever has jurisdiction over such matter to address it. Clearly, this is an existing problem.

Ms. Gotl added that there is no truck parking, all trash trucks park along Burnt Mill Road or along Chestnut Avenue. All PATCO employees park on Burnt Mill. There is no signage. She believes that there will be more back-ups along Burnt Mill Road.

Mr. Senges responded that Township does not want to encourage trucks and trailers parking.

The Chairman further noted that the Board will ask Public Safety people or any other appropriate Township officials to look into the existing problem regardless of whether the application will be approved or not.

Mr. Birmingham residing at 1313 Walnut Avenue was sworn in to testify. Mr. Birmingham has a creek in the back of his property. Asked if the operations will affect water quality and his basement flooding conditions.

Mr. Matlack responded that the stormwater goes right into township pipes.

Mr. Sharo added that they are replacing existing system to improve flows and installing water quality measurement system.

There being no other comments from the public, the Chairman closed public portion.

Mr. Prime stated that they will address increased traffic issue.

Ms. Dolan added that they investigated and conducted traffic report and adjusted it to the County standards. Both intersection roads are County road. She noted that they can also address the comments from the Board.

Mr. Matlock agreed with testimony that majority of Wawa patrons are already on the road and the impact on the traffic will not be significant.

Mr. Senges asked if that was the case, is there any reason to be concerned.

Mr. Matlack responded that he has not completed the study.

Mr. Prime closed his testimony by expressing his appreciation to the neighbors for their comments. He further noted that the Applicant is trying to improve the existing facility. The store already exists and so is the traffic. Combining convenience store and gas stations is a necessity dictated by the demand.

Mr. Daddario asked if there is a way to address speed bumps.

Mr. Senges responded positively. The Board will speak to the Township Committee. At this time, he is not sure with whom but they will encourage the governing body to address the issue as the problem is not going to go away.

Mr. Norman read the motion as follows: the motion would be to grant a “Conditional Use” Variance, pursuant to the New Jersey Land Use Law“ N.J.S. 40:55D-70(d((3), together with “Bulk” Variances pursuant to N.J.S. 40:55D-70(C), and preliminary and final major site plan approval, to construct a new Wawa food market/convenience store with a fueling station under a lighted, covered canopy, together with landscaping, lighting, parking, storm water management and related site improvements.

Mr. Cupersmith motioned to grant all the requested relief; seconded by Mr. Cohen.

Ayes: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Senges, Mr. Cupersmith, Mr. Senges.

Nays: None

Seeing no further business Mr. Senges made a motion to adjourn, seconded by Mr. Weil.

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 Stella R. Sytnik

 Zoning Board Secretary