

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. Daddario, Mr. Leoncio, Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Cupersmith, Mr. Senges, Mr. Pannu, Ms. Tulman

Absent: Ms. Tulman

Also, present: Chris Norman, Board Solicitor; Ms. Stacey Arcari, Board Engineer ERI; Stella Sytnik, a pro tem Board Secretary.

### **RESOLUTIONS FOR APPROVAL**

Mr. Cohen motioned to approve the following **RESOLUTION ZC2021-004** with regard to Matthew Kilrain, 4 Regan Lane, Block 213.02, Lot 24; bulk variance relief to install an inground pool; seconded by Mr. Willard; none (0) against:

**Ayes:** Mr. Leoncio, Mr. Weil, Mr. Willard, Mr. Cohen, Mr. Pannu

**Abstentions:** Mr. Cupersmith, Mr. Daddario

**Nays:** None

Mr. Willard motioned to approve the following **RESOLUTION ZC2021-012** with regard to Clifton Richie, 5 Windsor Dr. Block 199.11, Lot 4: Bulk variance relief to install an inground pool, seconded by Mr. Pannu; none (0) against:

**Ayes:** Mr. Leoncio, Mr. Weil, Mr. Willard, Mr. Cohen, Mr. Pannu

**Abstentions:** Mr. Cupersmith, Mr. Daddario

**Nays:** None

Mr. Leoncio motioned to approve the following **RESOLUTION ZC2021-014** with regard to Anthony Bunero, 898 Centennial Blvd, Block 213.01, Lot 102; Bulk variance relief for height of proposed detached garage, seconded by Mr. Willard; none (0) against:

**Ayes:** Mr. Leoncio, Mr. Weil, Mr. Willard, Mr. Cohen, Mr. Pannu

**Abstentions:** Mr. Cupersmith, Mr. Daddario

**Nays:** None

Mr. Leoncio motioned to approve the following **RESOLUTION ZC2021-020** with regard to Joan Sarnese, 3 Dutchtown Road, Block 227.01, Lot 47; Bulk variance relief for rear deck installation; seconded by Mr. Willard; none (0) against:

**Ayes:** Mr. Leoncio, Mr. Weil, Mr. Willard, Mr. Cohen, Mr. Pannu

**Abstentions:** Mr. Cupersmith, Mr. Daddario

**Nays:** None

Mr. Willard motioned to approve the following **RESOLUTION ZC2021-015** with regard to Leslie and Michael Carrasquillo, 400 Lennox Ave, Block 109, Lot 3; Bulk variance relief for the installation of 6' high fencing, seconded by Mr. Willard; none (0) against:

**Ayes:** Mr. Leoncio, Mr. Weil, Mr. Willard, Mr. Cohen, Mr. Pannu

**Abstentions:** Mr. Cupersmith, Mr. Daddario

**Nays:** None

## MINUTES FOR APPROVAL

Mr. Weil motioned to approve the Minutes from the May 6th meeting; seconded by Mr. Leoncio no abstentions; none (0) against.

**Ayes:** Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Cupersmith

**Abstentions:** Mr. Pannu

**Nays:** None

Mr. Weil motioned to approve the Minutes from the June 10<sup>th</sup> meeting; seconded by Mr. Leoncio; no abstentions; none (0) against.

**Ayes:** Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Cupersmith, Mr. Pannu

**Abstentions:** None

**Nays:** None

## OLD BUSINESS

### Voorhees Rt 73 Development Group LLC (Wawa)

O1/RR Zone

Case #ZC2020-002 Route 73 & Kresson Road CR 671

Block 220, Lot 9 & 16

Mr. Norman summarized the Application stating this is the continuation of the hearing from May 6<sup>th</sup> for the proposed Wawa store. The Applicant has submitted an application for Preliminary and Final Site Plan approval to construct a Wawa convenience store and fueling station on the above referenced site. The overall tract straddles the border between Voorhees and Evesham Townships. It comprises 4.16 acres with 3.48 acres contained within Voorhees Township and the remaining 0.68 acres in Evesham. Proposed improvements include construction of a 5,051 square foot Wawa retail building and a separate fueling station consisting of eight (8) fuel dispensers located under a 7,150 square foot overhead canopy. Its primary frontage and access are located in Evesham Township, along NJSH Rt. 73. Ingress and egress to the site from Rt. 73 will be provided via a right-in/right-out only driveway. Secondary ingress and egress to the Wawa site will be provided via a driveway accessing Kresson Road in the Voorhees portion of the tract that will restrict left turn egress. Roadway widening is proposed for both Rt. 73 and Kresson Road at the driveway intersections. There is an existing 1-story dwelling located adjacent to its Kresson Road frontage that will be demolished to facilitate construction of a driveway servicing the facility.

Variances.

1. From Section 152.002 to construct an access driveway to the Wawa Convenience Store and Fueling Station on lot 16, which is located in the RR (Rural Residential) district. The RR district does not permit driveways or commercial development as a principal use. Consequently, a d(1) use variance is required.
2. From Section 150.15(G)(3)(e) to permit the fuel pricing portion of a monument sign on the Kresson Road frontage to have an area of 17.69 square feet where the gasoline price portion of a freestanding sign is prohibited from exceeding 12 square feet.

3. From Section 150.15(H)(2)(a) to permit two (2) façade signs where one is permitted on each public street frontage. One (1) 9.03 square foot facade sign on the fueling canopy and a second 67.7 square foot facade sign on the convenience store.
4. From Section 150.15(H)(2) to install two (2) "spanner" signs, each with an area of 39.3 square feet on the canopy supports, where the Ordinance does not specifically permit spanner signs.
5. From Section 150.15(H)(2)(b) to construct a 49.87 square foot freestanding sign on the 73' frontage on Kresson Road (CR 671) where a freestanding sign is only permitted on a county road or municipal street frontage of at least 100 feet.
6. From Section 150.15(H)(2)(b) to construct a 49.87 square foot freestanding sign on the Kresson Road (CR 671) frontage where a maximum freestanding sign area of 0.5 square feet per linear foot of building frontage is permitted, and no building frontage is proposed on Kresson Road.
7. From Section 152.102(A) to permit the access drive from Kresson Road to encroach into the required 100' rear yard landscape buffer required by Ordinance Section 154.006.
8. From Section 152.102(A) requires a minimum frontage of 300' for convenience stores with gasoline fueling stations whereas the Voorhees portion of the subject tract has 73' of frontage on Kresson Road. It is noted that the Evesham Township portion has 323' of frontage on NJSH 73.

#### Waivers.

9. Ordinance Section 154.006(A)(3) prohibits drive aisles within required buffers. Ordinance Section 154.006(A)(8) requires a minimum buffer of 50' from a residential use or zone whereas the access drive from Kresson Road encroaches to within approximately 28' of Block 220, lot 17 and the sidewalk on the opposite side of the drive encroaches to within 4.4' of Lot 15. Both lots are located within the RR zone and currently support a religious use and office use, respectively.
10. Ordinance Section 154.006(D)(3) requires that landscaping consisting of six-foot-high evergreen trees be installed to screen the perimeter of trash enclosure walls, however, none are proposed. And any other variances or waivers as may be required.

Mr. Norman stated the Applicant made some changes between last hearing and current one related to the secondary access road.

Mr. Timothy Prime, Applicant's Attorney stated they were heard on May 6<sup>th</sup>, initially scheduled back in May of 2020, 16 months ago but due to pandemics had to reschedule. They provided testimony on the signed 6 (six) variances from the engineer, they are guided by the Wawa package. All bulk variances zoning requirements have been met and MB zone permits all of them. The application was adjourned last time to provide a planning testimony. The use variance is required solely because they are utilizing residential property next to the development, with right out only entrance and no left turn out of that driveway. They met with the county officials. The county advised they will not act until the board makes a final decision. The county will approve if the board does. They discussed the county requirements about left turn and widening of Kresson Road. The Applicant relocated it slightly more from the office leaving more room for sidewalk all the way to residential street. Their traffic engineer provided all traffic testimony. At this hearing, Mr. Prime's partner, Mr. Taylor is scheduled to provide testimony on the revised plan.

Mr. Justin Taylor was sworn in by Mr. Norman, presented summary of his education and professional experience; his credentials were accepted by the board.

Mr. Taylor shared revised rendering of the driveway (Exhibit A7) representing a concept prepared by the Dynamic Traffic Engineers. They met with county subsequent to the last meeting, on June 11<sup>th</sup>. Discussed the driveway relocation 200 feet of where it was approved, benefits of putting it even further, elimination of the left turn out. They currently propose left in, right in, right out, no left out. They also propose 20 feet widening along northern side of Kresson Road to another vehicle to be able to bypass the turning vehicle. Mr. Taylor listed improvements, colored roadways, noted the board would not be able to see the amount of new pavement because there already is a lot of pavements in that area, not a lot of widening but enough. They increased the size of the island to accommodate county requirements, referenced it as a "pork chop" island. Introduced sidewalk, TD bank driveway to their east through the driveway and continue all the

way to Birch per county suggestion. Created good improvement for pedestrian connectivity. Reduced speed limit, from 45 to 35 miles per hour, to increase safety of public and transportation. They took hard look at side distances and landscaping so it would not impede, they meet all the design manual requirements. County conceptually approved it. The benefit of providing the driveway is that without it, there will be a sole access from Rt. 73 and any vehicle would need to utilize intersection and Rt. 73. The driveway allows the vehicle traveling from west to avoid Rt. 73. Furthermore, if they eliminated it, the vehicles would travel on Kresson Road pushing more traffic throughout intersection. So, providing this connection point will alleviate some issues. The provision of this driveway adds benefit of the circulation of the site.

Mr. Taylor asked the board members if they had any questions.

Mr. Prime asked to clarify that in the prior application the driveway was much closer to intersection. Mr. Taylor's testimony suggests it would eliminate traffic from Kresson and Gibbsboro. Mr. Taylor confirmed this is correct.

Mr. Cupersmith asked for questions from the board. Seeing none, Mr. Prime introduced his other witness Mr. Paul Phillips, professional planner.

Mr. Phillips was sworn in by Mr. Norman, presented his credentials which were accepted by the board. He stated he did several things as part of his due diligence: inspected the property and adjacent properties, reviewed the plans for development, reviewed the township zoning ordinance and master plan, and the board professionals' reports. The proposal before the board gives a complete overview. Wawa convenience store, the tract primarily in Voorhees, a portion of it is in Evesham Township. Majority is in MB district. Applicant complies with the use in the MB portion of the tract, meanwhile the Kresson Road is located in RR zone, so the location of the secondary driveway triggers a use (d) variance and a number of bulk variances related to signages. It is a commercial driveway within residential zone. From planning point, starting from (d) variance, it is about establishing reasons why this lot should be used for commercial driveway and why the property is suitable for commercial driveway. It is important that the secondary access is critical as it is being readily accessible to the public. Any Wawa and its competitors when located at highway have 2 (two) means of access. Like in this case. In this case, the limit of MB district does not extend as in the case of larger lots, the logical point to provide commercial access along Kresson Road is so distance it from limits of MB zone. On Kresson Road, only the TD bank and directly adjoining property fall within the limits of MB zone. The law office, the property in questions, the house of worship is within RR zone. So, the MB zone usage is clearly encouraged. Also, in current challenging environment this is an economic driver and needs secondary driveway. Mr. Phillips pointed out that the Township master plan specifically cites signalized intersection is being appropriate along Rt. 73 with convenience stores. The commercial driveway will not cut thru or otherwise directly impact property, those that are used as residential will be used as residential. He says that because of Rt. 73 proximity. This site from Rt. 73 to Birch Street is transitional in nature. It is a practical matter; he does not see this section of Kresson Road having much longer-term viability for single family residential use notwithstanding zoning. From that standpoint, the subject lot is well suited for commercial driveway. In conclusion, from positive criteria, there are benefits for providing second access. From planning standpoint, NJOT encourages alternative access where it is visible. Kresson provides direct access to Wawa to avoid traffic. The driveway provides a direct means of access for residents to the west to enter Wawa without highway to conveniently purchase goods and fuel. The (d) variance will promote 3 (three) purposes of the statute: 1. Guide development to promote welfare; 2. Sufficient space for commercial location; 3. Free flowing traffic to reduce congestion.

With regard to the negative criteria, no substantial - key word "substantial" - detriment for any development. There will be impacts, they do not rise to the level of substantial. Given the fact the driveway will be surround by non-residential uses, such as church, law office.

Kresson Road will be accepting traffic from Wawa regardless of the second driveway. It would not compromise the integrity of the zoning plan. Any use variance is inconsistent with the ordinance. He added that the Township is due to reexamine the master plan next year, it has been 10 years since 2010. This area presumably would be a logical area for study in terms of zoning

recommendations. Regarding signs, minimum 300 feet from the road is a technical variance as all of the front signs along Rt. 73. At the very least the applicant is meeting the spirit of the ordinance. There is a tiny triangular portion of the access drive that unhinges on buffer requirements. Lastly, sign variance relief. None of it is excessive or egregious, it is prototypical. The applicant has 73 feet, but driveway would require a sign to identify so one definitely needs a sign. There is variance for canopy, only one façade sign is permitted, but all Wawa stores include canopy. Gasoline pricing portions variance is relatively minor. Sign itself is less than 15 square feet in area. All these variances can be granted. Regarding design waivers, the ordinance requires evergreen planting along the perimeter of enclosure, which is behind the building, but the Applicant is providing buffer which will screen the trash enclosure. Office and church require relief, it goes hand in hand with (d) variance. The applicant proposes landscaping and screening on either side of the driveway.

Mr. Cupersmith addressed the board for any questions for this witness. Seeing none from the attorney or the board, Mr. Prime stated this concludes his professionals' presentations.

Mr. Cupersmith opened floor to the public. He stated the board will grant 10 (ten) minutes as opposed to a typical 5 (five) to each person due to the length of this application.

Ms. Sharon Sackstein at 8 Fairway Drive was advised by Mr. Norman that she did not have to be sworn again as the board has her testimony as part of this record. He stated the comments she makes should not be repetitive as they are trying to run an efficient meeting. Ms. Sackstein mentioned the petition. Mr. Norman noted the board cannot consider petitions because some of the signatories are not there tonight. She is free to present the nature of the petition, but the board have no ability to cross examine everyone who signed the petition.

Ms. Sackstein stated intersection is horrible as is, and incurred many accidents including her daughter, a lot of people cut through around the bank. What will theoretically stop people to cut through and to avoid lights potentially causing traffic? She knows a lot of people will make that illegal left turn. It will compound the situation.

Mr. Cupersmith stated this would be up to police. Residents should be more vocal; it is not in this board's purview to direct people not to break traffic rules and regulations.

Per Chairman's suggestion and for running a most efficient meeting, Mr. Prime agreed to take notes and to address all questions from the public at the end of the hearing.

Mr. George Zugaib at 407 Kresson Road was sworn in by Mr. Norman. He did not testify in the previous hearing.

Mr. Zugaib spoke in opposition to the application. He expressed concern for safety. He lives on opposite side of Birch Street. His property is already being used as jug handle. His fear is right out exit will only make things worse. His kids play basketball on Birch Street. They will make a U- turn on his property to get on Rt. 73. He asked what could be done to resolve the situation.

Mr. Norman advised everyone in the public that the board presumes that people will follow traffic laws and that otherwise, it would be difficult to approve anything. This is one of the principles the board will work with.

Mr. Lewis Horvitz at 6 Birch Street came forward. He testified last time but at this time, he focused on other items. He had a question for Mr. Taylor about benefits for the additional driveway and what data is there to support this. In terms of effects on Virtua hospital, will the new access increase traffic and decrease emergency response to the hospital. Lastly, traffic plan from June 27<sup>th</sup> does not show any counts taken during summer season or on Friday. Mr. Horvitz had questions for Mr. Phillips, whether the 2<sup>nd</sup> access is essential for the profitability of Wawa. He suggested that perhaps it is not a great place if it jeopardizes safety. It is mostly residential area and having this entrance he believes should be used for emergencies only. Left turn out of the driveway based on his review of the traffic impact study, on the last page it acknowledges that this turn maneuver is most dangerous. On site plan, per direction of Camden County the speed limit is

reduced but they acknowledge negative impact of the second driveway. He restated that safety is his primary concern.

Ms. Linda Greenwood at 11 Covington Lane was sworn in by Mr. Norman. She stated her most important concern is for children to walk or bike to Wawa. They will have an exit and entrance on Kresson Road. She has 3 children, 7 grandchildren. There are 4 (four) traffic lights between Cooper and Kresson. She takes Brick Road to avoid traffic on Rt. 73 to get to shopping on Rt 73. She sees a lot of cars zoom through Brick Road sometimes at 50 miles per hour. She can guarantee people will cut through Beagle Club, there is already a problem with cars zooming through her development. No need for more Wawas, there is Super Wawa in less than a mile, they can just turn around and go to 561 Wawa. She has no issue with putting Wawa on Rt. 73 but does have an issue with this additional exit and entrance on Kresson Road. Ms. Greenwood restated children will be injured, she can guarantee it.

Mr. Weil had a few questions for Ms. Greenwood. First, she clarified what are the four lights on Cooper/Kresson intersection: Kresson, Dutchtown, William Feather, Signal Hill. Mr. Weil further commented the super Wawa in Gibbsboro is closer to 3 miles away. Mr. Greenwood objected, no, it is 0.9 miles from her house, she checked the map. Mr. Weil clarified it is from her house, not from the site. She noted it is very close, she has nothing against Wawa, just in this case it will be detrimental to children in this community.

Mr. Satyen Prabhu at 10 Birch Street was sworn in by Mr. Norman. He attended but did not testify in last hearing. He stated 230 people wrote a petition. He wanted to share the petition via screen.

Mr. Norman advised they cannot introduce the petition as evidence but stated Mr. Prabhu should feel free to provide his own personal observations.

Mr. Prabhu stated there are 5 (five) major sections in the signed petition, and each has editorial with a reason as to why this Zoning Board has to reject this application. He noted if any members of the board lived on Birch Street, they would be concerned about safety of bikers and bike-a-thons, sometimes one mile long. He and his neighbors oftentimes cannot get out of the development because of them. With additional drive through traffic, it will be worse. He asked the board to consider that. Second item in the petition was traffic conditions, with Virtua and then Samaritan it got worse, they pay hefty taxes, and they live with it. Traffic will be a nightmare. Thirdly, it is a bad location for Wawa. He has lived for 30 years in this township. They moved here because it was a serene place. Now the neighbors will be devastated because of the noise and the pollution, 5-6 backyards will be affected. There is an empty property between Wendy's and Kohl's for sale, why not consider that for Wawa development. This location will be a huge mistake.

Mr. Norman explained they cannot advise the Applicant to use another site. The board must review the application as presented.

Ms. Nita Prabhu at 10 Birch was sworn in by Mr. Norman.

Ms. Prabhu shared a video clip from June 15<sup>th</sup> showing a biker on Rt. 73 who stopped at red light. She stated her point is there are bikers, kids, school lane, this is residential neighborhood. One of the homes is not residential and the board is adding another drive-in. Kresson Road cannot take any more roads. She is scared to hit anyone because there are too many roads, her everyday roads. She sees accidents and ambulances speeding by. From Rt.73 to Kresson Road the two lanes become one, people are impatient, when she slows down to get into her development, drivers honk. All the homes have children playing in the backyards, it is their right to play. She adamantly asked the board to please not add another road stating this is not the right place for a huge Wawa.

Mr. Antony Smeglin came forward. He testified in the last hearing about safety issues but had a few additional points to make.

Mr. Smeglin pointed out that Mr. Prime asked everyone to consider a standard Wawa package. He drove by many Wawa stores, and they all have different signs. He stated they have not heard about topography of this location. He is aware of the blind spot hill from TD to Birch Street, he

timed it and discovered when one is on Birch Street coming out, one has 3 seconds before another car is on you. He would like to hear from the traffic expert. He also heard 12 feet to 17 feet sign is trivial, but the purpose of the sign is for people to look at it. When one has only 3 seconds to look right, left, with kids and bikers, and now they are proposing a larger sign for people to look at in the span of 3 seconds. He would like to hear a testimony on that. Mr. Smeglin asked the Zoning Board to consider this as not a trivial issue. He noted that most of the Wawas around are on corner lots, in this location Wawa does not have a corner location, TD Bank does. Wawa is trying to achieve a corner lot with this driveway. Dumping a major business into a residential area has a major impact on residents. It is offensive that the Applicant's professionals trivialize the impact. Peoples' lives will be affected. It is impossible ethically and morally to not have a substantial impact. He stated that 230 local people signed the petition. He asked the Zoning Board how many times in the past have they had that many people signing a petition in front of them, it is unique situation. He pointed out that a statement that this is not primarily residential area is false and a lot of other misleading statements made. There are 5 personal residences between the proposed site and Birch Street that have driveways in to Kresson Road. There are more residences than businesses. He asked Zoning Board to consider this. They have yet to hear about the impact on the 2 schools in this area and the ball field. There are many activities in the field. There are hundreds of kids, they are going to be injured. He has 3 children, many sporting events, it attracts families. He does not see any compelling reasons for this development other than for financial gain for Wawa. Wawa chain has 1000 stores and over \$13 billion in revenue. They should not profit at the expense of children. He restated that he asks the board to seriously consider that.

Ms. Rhea Prabhu at 10 Birch was sworn in by Mr. Norman. She spoke in opposition to the application. She stated she has lived there all her life, 15 years, is a true Voorheesian, was using Kresson all her driving life. This will be a disaster.

Ms. Colleen Brown at 4 Birch Street came forward. She testified in the last hearing. Ms. Brown advocated for the children in her neighborhood. She stated their families will be negatively affected, as well as bikers, joggers, small businesses like Mr. Zugaib's salon and Mr. Sobel's law firm. She advised she spoke to many families in the community. Kresson Elementary school has 400 students, there are 40 children in the neighborhood, they are adding classes so there will be more school buses. She asked the board for the reason why they would want to approve the business that will hurt their community, there are plenty of Wawas, every neighbor is concerned about safety of children.

Mr. Nikinj Shah at 8 Birch Street was sworn in by Mr. Norman. He has a wife, two boys and senior mom. He stated the neighbors are like one family, they play volleyball, basketball, host family parties. In January 2020, they had 2 robberies on their street, one on Oak, another on Birch, police still did not catch the thief. If they have new cars visiting their cul de sac, it makes families even more insecure. There will be random people coming for gas, thousands of cars making a U-turn. They have a stop sign and a big tree. It is already hard to make out. Imagine having all these cars flooding Kresson Road. Mr. Nikinj asked for the reason why they are investing so much time if this application has been denied once.

Mr. John Dzivak at 12 White Drive was sworn in by Mr. Norman. He lives in Beagle Club. Recently moved from LA. They are familiarizing with neighborhood. They have a one-year-old baby. They were very surprised with Wawa application. This is already an extremely disorienting intersection. He pointed out being from LA where traffic is notoriously horrible, he nevertheless believes this intersection is already dangerous. They avoid it as much as possible. He is excited their son starts kindergarten next year, they want to make sure the board members think about not those who lived here many years, but about people who have never been here, people making a left turn to get gas. It feels unsafe, he cannot imagine adding the gas to the fire and traffic it will generate. They love New Jersey, there is lots of open space unlike in Los Angeles, there is lots of room. He asked if the Applicant would consider another location. He stated that from a newcomers' perspective it is a bad decision.

Seeing no more witnesses from public, Mr. Cupersmith suggested that the board should take a 10-minute break.

Mr. Norman agreed the break would be appropriate after 2.5 hours of hearing. He stated that Mr. Prime could address residents' questions and concerns after the break. Then Ms. Arcari would provide guidance to the board regarding traffic.

The board members returned from a 10-minute break.

Ms. Sytnik took a roll call.

Mr. Prime addressed the residents' questions and concerns. He stated he and his team took notes about objections. He pointed out that the board had 12 members of the public speak tonight, out of them 3 (three) from 10 Birch Street, 2 (two) from 4 Birch Street, 1(one) from 6 Birch Street, and 1(one) from 8 Birch Street. They are adamantly opposed to this application, and he respects that. However, they believe the safety issue is well overblown. The site has been zoned for convenience stores with fuel for over 10 years. They were already before the planning board although it was Tractor Supply retail store. One of the objectors was the exit out from Kresson Road. It was permitted but the board was concerned the left-hand turn would be a problem. This Applicant moved the driveway from where it was permitted to this location which is much further down from the intersection. This is pass by traffic, they are not generating more. They went back to the county. This is not indication the road is too busy for Wawa. Wawa is not the reason for the existing traffic. They have a sidewalk and a bike path. They believe the application is in response to the public and township concern. Mr. Prime addressed a couple of specific previously asked questions. Wawa does not have a cut through traffic. They do not believe the application has any impact on Beagle Club. The Gibbsboro Wawa is under construction, and it is completely different market. They do not believe this is a safety issue. The Birch Street residents do not want it to be developed, but the township allows this zone to be developed. They moved the driveway purposely to avoid the issue. They believe this is a sound and much better application at this point.

Mr. Norman asked if any witnesses wanted to respond to Mr. Prime's comments.

Seeing none, Mr. Prime addressed Mr. Zugaib's concerns and then asked Mr. Taylor to address the topography issue brought up by Mr. Smeglin.

Mr. Taylor stated he agrees there is a curve. However, to get out of the driveway, drivers will need only to look left to get on Rt. 73, because there is no turn to right. That vertical curve does not impact the operation of the vehicles. His concern is also diminished by the imposed by the county speed limit. He does not feel there as safety issue.

Mr. Prime asked Mr. Taylor to address hospital response brought up earlier by Mr. Horvitz.

Mr. Taylor stated most of the traffic generated by Wawa are pass-by trips,  $\frac{3}{4}$  of the traffic associated with Wawa is already on the roadways. The impact during the busiest hours will not be noticeable, it is less than a car a minute.

Mr. Prime asked Mr. Taylor to address the safety issue brought up by Mr. Prahbu.

Mr. Taylor addressed safety concerns stating as a traffic engineers they measure to see if there is sufficient capacity. This site will operate at level "B". They measure safe side distances, as he testified, the new driveway meets the criteria set forth by state officials. The vehicles can accurately identify time and exist safely. As far as walking, installation of the sidewalk is for the benefits of this project and to improve the pedestrians safety.

Mr. Prime addressed the video clip shared by Ms. Prabhu stating he is not sure what was the purpose of sharing it.

Mr. Taylor added realistically to continue to provide bikers they will continue to provide bike lanes.

Mr. Prime asked Mr. Taylor to address signs variances brought up by Mr. Smeglin.

Mr. Taylor confirmed that sign package for Wawa has a standard, 2 (two) pylon signs, canopy sign and the rest of the entire package. He pointed out that the variance is not for the size of the



sign but for the size of the text - price of gas - as it is important for people to see gas prices.

Drivers need to make a decision, so the size of the letters is appropriate for Kresson Road. That is why visibility is important.

Mr. Prime asked Mr. Taylor to address the corner lot point raised by Mr. Smeglin.

Mr. Taylor confirmed it is a corner lot and it wraps TD bank.

Mr. Prime added they disagree about misleading statements. Also, for the record, Wawa does not intend to profit at the expense of children. He asked Mr. Taylor to address the impact on the two schools and ball field.

Mr. Taylor confirmed he is aware of the field and believes the new traffic impact associated with this project will be relatively minimal, less than one car per minute and only during busiest hours, it is even less during most days.

Mr. Cupersmith asked Mr. Prime a couple of questions regarding earlier raised issues from the public. First, traffic professionals did not discuss traffic in summertime or on Fridays.

Mr. Taylor responded that in developing a base line model for this project, they looked at different sources of information. In prior application there were two studies included, counts were done in January 2017, and October 2019. Then they looked at transportation resource, Street Light, a national company. Coming out of Covid where we all are right now, they think it is not an acceptable time to collect the data. They looked to the Street Light information and gathered data throughout the entire year 2019. Then they annualized it and compared to previous studies. They took the highest volume of each study and utilized it in their final analysis. Mr. Taylor added it is an accurate and conservative analysis.

Mr. Cupersmith inquired about the new development's impact on Birch Street.

Mr. Taylor confirmed the volume out of Birch Street will be similar. Some additional traffic will occur, but it will be not because of the additional driveway but rather associated with Wawa. They do not feel the impact of the primary traffic will present any detriment. The reduction of speed limit will help to minimize the issue.

Mr. Cupersmith brought up the question about suitability of the Wawa location and possibly more suited location, between Kohl's and Wendy's on Rt. 73.

Mr. Prime responded he had already discussed the possibility with another client. It is too small and would not fit.

Mr. Norman asked for clarification of level service "B" for the exit and what it means in layman's terms.

Mr. Taylor clarified the level is based on average delay you would be waiting to come out of the site. The average delay during peak hours will be between 11 and 12 seconds.

Mr. Cupersmith addressed the board for any questions.

Mr. Leoncio inquired if there was really a need for Wawa to have the driveway out of Kresson Road.

Mr. Prime confirmed there is. As Mr. Phillips testified, Wawa always has two driveways.

Mr. Taylor added the driveway will improve the operation of Rt. 73 and Kresson Road. If they eliminate the driveway, it would not change the traffic. In fact, the driveway helps to eliminate additional traffic. DOT wants the secondary driveway. They encourage secondary access, and it is not required by the state.

Mr. Cohen asked what if any use of currently approved property would not require a driveway.

Mr. Prime responded they are not aware of one, it is a practical issue.

Mr. Cohen inquired if any currently approved use of that property would require or desire that access on Kresson Road.

Mr. Phillips confirmed most uses would desire the second access point.

Mr. Willard asked if Rt. 73 has both in and out exits.

Mr. Phillips confirmed the drivers will have that choice.

Mr. Leoncio asked if it is doable to do away without the driveway.

Mr. Prime responded Wawa does not believe it will be safe. They have a lot of experience. He added there is currently law office, church, and that stretches the non-residential uses.

Mr. Daddario asked about the 22 single homes construction near Kresson Golf course and if/how it will be impacted.

Mr. Taylor stated it will not impact this site traffic given the location. New homes residents will have other opportunities when driving out of that development, they can come down to Cooper as opposed to Rt. 73 intersection.

Mr. Willard inquired about additional signs for schools.

Mr. Prime confirmed they will be considered if the township wants it.

Mr. Sobel joined the meeting.

Mr. Norman asked Mr. Sobel if he is participating as an attorney or as a property owner.

Mr. Sobel introduced Mark Levinsky, his IT individual, Steve Chepurny, licensed landscape architect, Barbara Woolley, professional planner. He stated he will be representing Voorhees Law Center, LLC Office but also reserving the right to represent himself as a property owner.

Mr. Weil pointed out to the vagueness of Mr. Sobel's representation. Mr. Sobel clarified by saying he represents the Law Center, LLC.

Mr. Prime requested that if Mr. Sobel testified as an objecting property owner, he wants him to be sworn in.

Mr. Norman swore Mr. Sobel in.

Mr. Cupersmith agreed with Mr. Norman's suggestion to hear out witnesses' testimony first.

Mr. Sobel stated he has a continuing objection from last hearing about the plans for Wawa.

Mr. Norman noted they had it on the record and published on the township website.

Mr. Sobel stated he has an objection as tonight's plans are different as opposed to what was presented on the same night. He added he could not see a signed plan or impervious coverage.

Mr. Prime noted they had sent Mr. Sobel revised plans and filed it with the township. The rendering was prepared tonight, it was dated and presented tonight for board's approval. Mr. Sobel had 10 days to review.

Mr. Norman asked Mr. Sobel to proceed with cross examination of his witnesses. Mr. Sobel concurred.

Mr. Chepurny was sworn in by Mr. Norman, presented his credentials as a landscape architect; his credentials were accepted by the board.

Mr. Prime noted for the record that Mr. Chepurny is not a professional engineer.

Mr. Chepurny noted the color rendering presented tonight is fantastic, but it does not pay entire picture of the sidewalk expansion. The curving and the sidewalk will dramatically change the landscape. In front of Mr. Sobel's property there is a large tree, extensive landscaping. Mr. Sobel

put a tremendous amount of landscaping for the sake of his business, because it is his passion but also, to create a buffer to Kresson Road. The elimination of the tree will dramatically increase sun exposure. There is also a fishpond which has been there for 15-20 years, he is passionate about it. Solar exposure will put it in harm's way. He does not see how it is remotely possible to remove it. Encroachment from the foundation of Mr. Sobel's house edge will be fifteen feet from his corner, all the landscaping will be eliminated. No dimensions on this current plan of front entrance walkway are shown, the county reserves easement, but they do not take into consideration the impact it will have on the property. It will negatively change the dynamic of the property. The walkway will be better on the other side. The photos of the property were shared as well as entrance sign to the law office. They measured the foundation of the house, took a string line to give the board a visual presence (Exhibit O-1). The sign will have to be relocated marked by pink flags on the visual. Essentially every tree from Mr. Sobel's property needs to be removed and expose the building to sun. After Wawa project is done, this law office will be on top of the roadway. The house is circa 100 years so the foundation concerns should be factored in. Entrance drive is quite narrow, Mr. Sobel will have issues coming out. His clientele and personnel need to drive out of the parking lot as well, which is a concern. Without dimensions it is hard for him to assess right of way. Eliminating the shade will be detrimental to the pond. In summary, as a landscape architect, he cannot condone the proposed changes. It will have a massive impact on the property.

Mr. Prime confirmed with Mr. Norman he has the right to cross examine this witness in future hearings.

Ms. Woolley was sworn in by Mr. Norman, her credentials were accepted by the board. She stated residents are not concerned with Wawa. The problem is the second driveway necessitating the (d) use variance. It is predominantly residential area, despite the law office, and two religious uses. She drives by every day. She believes the Applicant has failed to provide the burden of proof for use variance. There are three things the Applicant has to prove to be granted the use variance: 1. Purposes of zoning; 2. No detriment to the public wealth; 3. Site is particularly suited for the proposed use. Ms. Woolley believes it contradicts all eight purposes stated by the Ordinance. She struggles with this application as it introduces major commercial business in residential area. She believes it to be Wawa's business decision. She added they clearly stated for the record it is "encouraged" and not "mandated" to have a second access driveway. They will be open 24/7, seven days a week. Too much relief is being required. Signage package is not typical, every signage package is different for each Wawa. The location will result in increased vehicles trips. Pattern of the development is not consistent with the master plan. Ms. Woolley quoted the master plan and opined how the location contradicts all eight points of purpose and intent outlined in the master plan, such as a concern about traffic, safety, desirable visual environment, promotion of any esthetic values. She advised the board that she reviewed the master plans back to 1998. They were done on a regular basis. There was no mention of changing. This development contradicts master plan and accepted master plan's objectives. Ms. Woolley listed all with housing, transportation, arterial roads, elimination of mix use developments, increase green areas around Rt, 73, energy conservation. She noted that from 2002 master plan, the township made changes, specifically eliminate mix use development and revisions to promote as well as mitigate impact of commercial developments in residential use areas. She pointed out the key phrase here is "mitigate impact of commercial developments in residential use areas". She added, it was adopted by the municipality, and this development goes against it. She noted to grant the variance, the site must be particularly suited. Removing the dwelling and putting major commercial structure will blur the zoning boundaries of the zoning district. There are no benefits to be gained by public, the only gain is for business. The site is particularly unsuited. The applicant fails to address negative criteria. The use is simply too intense for the site. Proposed development requires a lot of relief. It is just an inappropriate location for a commercial use. Ms. Woolley concluded the Applicant has failed to present burden of proof. There are alternatives. They did not meet purposes of zoning.

Mr. Cupersmith recommended that the board professionals should speak at this time and afterwards, for the board to pick a next date for the meeting to continue.

Mr. Norman invited Ms. Arcari, ERI Engineer to testify on behalf of the board.

Ms. Arcari pro tem Mr. Darji, Board Engineer, came forward.

Mr. Cupersmith asked Ms. Arcari to point out anything she wants to refute or make any other comments about items previously discussed.

Ms. Arcari provided synopsis of the ERI report. She stated they talked to the Applicant's professionals. They asked them to work on signage, so people know this is the right turn and discussed traffic. In terms of driveway and pass-by traffic, the DOT puts a 76% pass-by rate. That is a standard and conservative view. The people who are generally on the road already are going to use Wawa, they are either go to or from work, it is for convenience, if they are on Rt. 73, they will stay on Rt. 73. Eliminating the driveway will put additional burden on the drivers. If they want to come back on Kresson Road, they will have to come back on Rt. 73. The second driveway is basically taking the burden off taking the right turn lane. In terms of traffic, she opined it was done in a professional manner and in accordance with studies. As far as application, they need to work diligently with DOT. It is a positive planning benefit to provide a second driveway, and it allows people to come to and from side roads. She added that Kresson Road is under jurisdiction of the county, and Rt. 73 is under DOT. Neither has jurisdiction over another. It is up to the board to make the decision. Wawa is a permitted use on that property, so the use Ovariance is based on that driveway.

Mr. Prime stated they agree with all the comments of the board professionals, they will respond accordingly. He added they want to update the concept plan to address some issues raised by Mr. Sobel in regard to the easement.

Mr. Prime asked for the application to be continued on September 23<sup>rd</sup> as based on his earlier discussion with the Zoning Officer, the date is available.

Mr. Norman stated they heard a lot of testimony expressing concern about second driveway. He inquired if it in fact creates more traffic and if there is a material difference to take place by adding the second driveway.

Ms. Arcari explained that theoretically if one wants to come and go off Kresson Road, if one lives or works there, or goes to doctor's appointment, and one cannot take that driveway, one will have to go to Rt 73. If it is one's destination, they will be on that road anyway. Ms. Arcari asked if the township police department had any conversations with Birch Street residents about potential changes.

Mr. Pannu suggested to invite police to the next Zoning Board meeting.

Mr. Cupersmith pointed out it is not the right venue for police, it would be inappropriate to subject police officers to questioning.

Mr. Cupersmith suggested to carry the matter over to September 23<sup>rd</sup> hearing. Mr. Norman confirmed there will be no further legal notice required.

Motioned by Mr. Weil; seconded by Mr. Willard:

**Ayes:** Mr. Leoncio, Mr. Weil, Mr. Willard, Mr. Cohen, Mr. Daddario, Mr. Pannu, Mr. Cupersmith

**Abstentions:** None

**Nays:** None

Mr. Cupersmith opened floor to the public for any other unrelated matters. Seeing no one wishing to speak on any issue and with no new and/or further business to discuss, Mr. Willard motioned to adjourn the meeting seconded by Mr. Pannu.

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