

CINNAMINSON TOWNSHIP
PLANNING BOARD
MEETING
May 11, 2021

MR. O'CONNOR: In accordance with Section V of the Open Public Meetings Act, Chapter 231, Public Law 1975, notice of this meeting was posted on the Township Website and by advertising this Regular Meeting in the Burlington County Times on January 15, 2021 and in the Courier Post on January 16, 2021. In addition, notice was filed with the Municipal Clerk.

Zoom Meeting ID: 923 868 6246

Password: 203375

For members of the public who wish to attend using a telephone, call one of the following numbers: +1 929 205 6099 US, +1 312 626 6799 US, +1 253 215 8782 US, +1 301 715 8592 US, +1 346 248 7799 US, +1 669 900 6833 US, and enter the above listed Meeting ID and Password.

Members Present: Mr. Jones, Mrs. Kravil, Mr. McGill, Mr. Minton, Mr. O'Connor, Mr. Segrest, and Mr. Snyder.

Also Present: Mrs. Rucci, Board Secretary, Douglas Heinold, Board Attorney, Michael Angelastro, Board Engineer.

MR. O'CONNOR: It is the policy of the Board that no application will be opened after 10:00 p.m. It is the policy of the Board that no new testimony will be taken after 10:30 p.m.

MR. O'CONNOR: Case #2104 – 2701 Cinnaminson Empire, LLC – Preliminary and Final Site Plan and Bulk Variances - 2701 Route 130, Block 703, Lots 28.01 and 29.

MR. ANGELASTRO: The Applicant's Professionals supplied items.

MR. PRIME: Attorney for the Applicant. 2701 Cinnaminson Empire, LLC – The Application is for property located at 2701 Route 130, Block 703, Lot 28.01 and 29. The Application is in the BD Zone. We are permitted to bring a Planned Business Development Application. The Application is for Preliminary and Final Site Plan for the construction of a Tim Hortons, Popeye's and future Medical Office use.

MR. HEINOLD: He swears in Brian Atkins - Engineer, Nathan Mosely – Traffic Engineer and Sam Renauro - Engineer.

MR. ATKINS: He presented Exhibit A-1 – Existing Conditions Plan dated May 11, 2021. The parcel has two lots – Lot 28.01 and 29. The site was formerly a Car Dealership. The buildings on the site have been demolished. The existing paving which covers a reasonable portion of this site currently has over 65 percent impervious coverage. The existing paving does remain along with some of debris from construction and the foundations of the pads. There was formerly a driveway out to Route 130 and one out to Taylors Lane. We are not reusing either one of those driveway locations. We are proosing new accesses in both of those cases. The total for Lots 28.01 and 29 is 5.15 acres.

MR. O'CONNOR: He asked if there was an Environmental Impact Statement from when it was cleaned up by Tri-Boro.

MR. ATKINS: There were underground storage tanks removed. The Applicant forwarded us a letter from the DEP confirming that those UST's were closed with DEP.

MR. PRIME: We can submit that with our future Resolution compliance.

MR. ATKINS: Exhibit A-2 - Color Rendering of Site Plan – This is the proposed layout of the Site. A proposed 3, 100 square foot Popeye's building, containing 61 seats, a 2,820 square foot Tim Hortons building containing 54 seats and a 13,000 square foot shell space for future medical office. The site is proposing a new access onto Route 130, right in and right out pushed as far over to the lot line as possible. To get some distance away from the Jug Handle at Taylors Lane. We are proposing new full access onto Taylor Lane. Also pushed towards the Site Plan to get some (inaudible) for stacking at the intersection.

The total parking for the site is 143 spaces where 113 is required between the restaurant uses and the future medical offices uses. Circulation around the building is mainly a parking bay in the front with one-way circulation around both of the drive-thru locations.

In Mr. Angelastro's letter, he asked us to confirm that there is stacking at least five cars can park before the order window. There is for both the Tim Horton's and Popeye's use. Stormwater Management – The overall site is reducing impervious coverage. The existing impervious coverage is 65.3 percent. We are reducing impervious coverage to 57.8 percent. We have landscaping/lighting features on site and pedestrian access to sidewalk on Route 130 as well as continuing the existing sidewalk which now ends at an existing crossing of the Jug Handle here to the south, extending sidewalk along the frontage up to the end of the parcel on Taylors Lane.

He provided the Board with a general layout of the entire site.

MR. O'CONNOR: He referred to the front yard variance. If the Applicant received Preliminary and Final Site plan approval, would DOT have any override with anything we would do in regards to the front variance up against their property?

MR. HEINOLD: To my knowledge we are nowhere near where we would have an issue with DOT on that.

MR. PRIME: It is conditioned upon a DOT approval.

MR. MOSELY: Traffic Engineer.

MR. PRIME: You either authored or assisted with the Traffic Engineering Assessment dated February 18, 2021.

MR. MOSLEY: Yes. That is correct. He gave the Board an overview of the Project. We have one right in right out access on Southbound Route 130 and (inaudible) access to Taylors Lane. There are

some existing driveways from the previous Tri-Boro Site. There were two curb cuts along the Route 130 frontage.

We have done what we can to improve the access to this property compared to what it was previously. There was a third point of access out on to Taylors Lane. We done what we can to improve the access to this property compared to what it was previously.

We are under jurisdiction to NJDOT for the driveway out to Route 130. We did have a pre-application meeting with NJDOT. That meeting was held in December, 2020.

We submitted the Application for this project to the DOT. We included Traffic Analysis.

We had a lot of conversations with DOT. I believe the driveway especially the driveway on Route 130 is in a good location based upon the access code requirements as well as general traffic engineering standards. I believe it will provide for safe and efficient access.

We did a Traffic Engineering Assessment Report for the proposed project dated February 18, 2021.

We did counts in this area in October and December 2020. Those counts were done during the weekday AM and PM peak periods. 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM and on a Saturday from 11:00 AM to 2:00 PM.

Due to Pandemic, traffic volumes have been reduced. With the fast food restaurant, well over half of the traffic during peak hour conditions are pass by trips. There are two types of trips. There are pass by trips and new trips. The Medical Office use compared to the commercial use is a relatively low traffic generator. He spoke about the level of service Analysis.

The overall impact of our site with the increase in traffic is about 3 to 5 percent during the peak hour conditions. We do add volume to that intersection compared to the volume that is there today. It is not a significant increase in traffic.

We did supply an Analysis of this intersection to the NJDOT a part of our driveway permit application. They will be reviewing this. We will provide a copy of the final NJDOT approval for this site, once it is obtained.

He spoke about the site driveways. I believe our driveway will operate with an acceptable level of service. Taylors Lane Driveway - We have good levels of service at that location. He concurs with Mr. Atkins opinion regarding the stacking.

We do have a variance for the signage being proposed along a State Highway. We want motorists to be able to see those signs as soon as possible.

MR. ANGELASTRO: He referred to the Pedestrian Crosswalk along the off ramp along Route 130. He asked for testimony regarding the appropriateness of the cross walk at that location. Will the DOT review and approve that?

MR. MOSLEY: We talked about that with the DOT. That is an existing crossing there. There is just no striped cross walk. There is sidewalk and ramps there currently. The DOT asked us to provide updated ADA Ramps and striped crosswalks. We did propose that on our plan to the DOT.

MR. SNYDER: Has this been approved by the Fire Department?

MR. MOSLEY: We have done a truck turning Analysis on the site. As for internal circulation for emergency vehicles and refuge trucks and delivery trucks, they can safely circulate through the site.

MR. ANGELASTRO: The Fire Marshall is an outside agency approval. So they will have an opportunity to review and comment.

MR. MINTON: The Fire Marshal will get a set of plans tomorrow.

MRS. RUCCI: She advised that she gave the Fire Marshal the Application and Plans to review.

MR. SEGREST: He referred to the in and out on Route 130. Is there a slow down lane?

MR. MOSLEY: There is not a dedicated deceleration lane.

There is a shoulder there in that location. There is no dedicated right turn lane. That was a comment made by DOT. If they have a concern about that, they may raise that further during their review, but I believe with the Site Plan and the Application we presented to them which is less intense than what they originally saw, the shoulder should be sufficient for movement into the site

MR. SEGREST: Is there a schedule for when we will have their study results?

MR. MOSLEY: They will turn around their first review comments within 3 and four months we should receive the first comments. It varies.

MR. SEGREST: He referred to the back entrance on Taylors Lane. What is the distance between that verses across the street for Wawa?

MR. MOSLEY: It is approximately about 75 feet center to center.

MR. O'CONNOR: As it relates to a dedicated turn lane as needed, is there enough room to accomplish that?

MR. MOSLEY: There are existing shoulders. I don't think we have the volume to warrant a dedicated left turn lane into the driveway at this location.

MR. O'CONNOR: He referred to Route 130 South Bound into the site.

MR. MOSLEY: He stated that for the Route 130 there is right away available. We do have a decent size shoulder. We will say what the DOT says.

MR. SEGREST: He referred to the Traffic Study relating to this site and Box Park. Is one aware of the other?

MR. MOSLEY: We are aware of Box Park.

MR. ATKINS: He presented Exhibits A-4 through A-6

A-4 - Building Elevations - Front Elevations along with colored rendering of both sites

A-5 - Building Elevations - Side and Rear Elevations of Popeye's

A-6 - Building Elevations - Side and Rear Elevations of Tim Horton's

MR. HEINOLD: He swears in Satyen Rawal – Applicant’s Architect.

MR. RAWAL: Exhibit A-4 – We tried to make the building more harmonious. The design and materials are what is required by the Corporate designers. Popeye’s material is stucco and brick. Tim Horton’s is made up of more wood paneling and stucco. We tried to make the buildings in the same direction of the street.

MR. O’CONNOR: –He referred to the outdoor seating and bollards.

MR. RENAURO: We are going to have decorative bollards and safety lighting.

MR. HEINOLD: Is there only outdoor dining proposed for Tim Horton’s and not Popeye’s?

MR. ATKINS: The Site plans does not have outside dining for Popeye’s just an outdoor seating area for Tim Horton’s in the front.

MR. MINTON: Does the Site Plan show the bollards?

MR. ATKINS: We do show bollards locations around outside. He wasn’t sure if they had the decorative bollards shown or the standard bollards. We can add that on compliance.

MR. PRIME: We will add that.

MR. HEINOLD: He swears in Sam Renauro – Professional Engineer and Professional Planner

MR. RENAURO: He referred to Exhibit A-2 – Color Rendering of Site Plan

The first setback is for the front yard – There is a lot of green in the front. We are extending the sidewalk from where it exists all the way to the driveway.

The Popeye’s is less than 65 feet from the right of way. On the front left corner of the Popeye’s, that is where we are asking for a front yard variance. A related variance that we are asking for is the front yard buffer. The rear yard buffer – the trash enclosure and some of the parking spaces are pushing into the required buffer. The use in the back is Industrial Zone and is a water tower. We want the driveway on Taylors lane to be as far from the intersection as we can.

The final variance is related to the drive thru buffer. The Ordinance requires a 20-foot buffer around the side of the building that has the drive thru window. On the Taylors Lane side of the Popeye’s, you can see there are some parking spaces that will be violating the 20-foot buffer. The wording of the Ordinance Section is a little unusual. It doesn’t say you can’t have the parking in the buffer. It talks about the bypass lane and lane for the drive thru which do comply with the 20-foot buffer. It is my opinion as a Planner, looking at the purpose of this Section is to buffer the drive thru window from noise and the view from other residents or commercial properties that would have a view of this property. In this case, Taylors Lane and the parking area, provide part of that buffer. We will be adding landscaping there to provide the buffer that is requested in the Ordinance Section. I think we meet the intent of the Ordinance although not specifically meeting the 20-foot setback from those 8 parking spaces along Taylors Lane. That is the final bulk variance. In looking at these variances, I don’t think it is a

detriment to the public good. I don't think it is an impairment to the Zone Plan. I think these variances can be granted without that detriment.

The Board Members didn't have any questions.

MR. RENAURO: Signs – Drive-thrus are exploding. This was happening before the Pandemic. This Application is partially a result of much more drive-thrus. Drive-thrus need more signage. A lot of these signs are for people making their second or third trip.

Freestanding Sign – It is a multi-tenant sign. It will have a panel for the Popeye's, Tim Horton's and possibly two tenants in the future (Medical Office).

Second Sign Pylon sign on Taylors Lane.

We are showing some directional signs.

We have clearance signs that you pass under.

Exhibit A-3 – Sign Detail Plan. This is sheet 12 of our plan set.

Wall Signs – Tim Horton's 52 square foot sign facing and Popeye's. The Popeye's has a 39 square foot sign that faces Route 130.

Popeye's has a medallion sign. It is on both sides of their front entrance. They are small, 3 square feet. With the exception of one sign, all of these signs are internally illuminated. Love that Chicken that is not internally illuminated. That is an architectural element on the side of building.

Tim Horton's has the Canadian Red Leaf – that is only 12 square feet. That sign appears on the front and above the drive thru window.

He referred to Exhibit A-3. The First sign is proposed at 71 square feet. It is Intended for view rom high speed traffic

MR. RAWAL: He referred to the base of the free standing sign. We will try to match the brick.

MR. PRIME: As part of the Resolution compliance, would we agree to show the base as a brick to match the building?

MR. RAWAL: Yes.

MR. PRIME: He referred to the future Tenants 3 and 4. Will you match the colors or try to match the color scheme or the overall look for those tenants?

MR. RAWAL: Yes. We want to make it harmonious

MR. O'CONNOR: You identified the sign as 71 square foot. What does our Ordinance call for?

MR. RENAURO: The maximum in the Ordinance is 50 square feet.

MR. MINTON: What is the overall height dimension?

MR. RENAURO: The height dimension is 20 feet which complies with the Ordinance

MR. MINTON: Would it be your testimony that you exceed the Ordinance because you are anticipating four distinct tenants?

MR. RENAURO: I think that is true. Due to the other tenants we want to make sure we have appropriately sized signs for all of those tenants.

MR. RENAURO: The next sign is also 20 feet high and it is on Taylors Lane. The Ordinance allows a maximum of 43.5 square feet and this sign is 60 square feet. There are 4 panels on this sign. The purpose of this sign is for the Taylors Lane entrance. We are requesting a variance for that. We are requesting a setback variance for both of these signs. We are showing 10 feet where 20 feet is required from the right of way line. There is a grass strip between the right of way line and the actual curb line. These signs are actually 21 and 22 feet from the actual curb line of Taylors Lane and Route 130. We want to make sure we are out of any site triangles of the driveway and the (inaudible). We try to keep these signs in the cone of vision as much as we can. We want these signs to be inside the cone of vision as soon as we can. By moving them 10 feet closer, we are keeping it safe because it is out of the site triangle, but we are also trying to get these signs visible as soon as we can.

MR. MINTON: Is a Pylon sign permitted on the Taylors Lane side?

MR. ANGELASTRO: I don't have it listed as a variance.

Mr. PRIME: It doesn't seem to be prohibited.

MR. MINTON: We asked developers to make a faux base. Would your client consider working with our Engineer?

MR. PRIME: We can design something. I don't see a problem with that.

MR. RENAURO: The final sign variance is the number of signs on the façade. We actually meet all of the requirements when it comes to square footage. The reason we have a variance is for the number of signs. Tim Horton's does have two signs that say Tim Horton's Café and Bake Shop. On the front façade is also the Red Leaf.

The Red leaf is just a branding items. It is really part of the architectural elements of the building. That leaf is an extra sign. As part of what we are asking for in our variances. Tim Horton's has the words Café and Bake Shop in it. The total square footage is 62 square feet. The sign is 62 square so the size of the sign complies with the Ordinance.

There are two red leafs on Tim Horton's. Side elevation entry – Tim Horton's sign without the words Café and Bakeshop

Popeye's – one sign facing Route 130. It says Popeye's Louisiana Chicken. The sign is 39 square feet. No other signs on front of building. Two additional signs that count as the sign count they are the medallions, he referred to the Architectural Color Elevations –

The final sign is Love That Chicken on the side of the building. It is a fourth sign.

The four signs we are showing are partially related to directing traffic once they are in the site and are part of the branding for Popeye's and Tim Horton's.

MR. HEINOLD: Are you saying the size of the four signs would meet the requirements?

MR. RENAURO: If these signs were lumped together they are less ten percent.

MR. O'CONNOR: What is the standard for our Building Code in Cinnaminson as it relates to the number signs?

MR. PRIME: It is one per building.

MR. RENAURO: It is one per building in the count and ten percent in the area.

MR. PRIME: While we are requesting more than one, if you push them all together, in one big sign it is still less than ten percent.

MR. JONES: Have we talked to the Cinnaminson Sewer Authority about the volume of potential water that will be coming out of the three units into Taylors Lane and as it goes towards River Road. Do they have any concerns?

MR. ATKINS: We haven't made formal Application for the sewer connection yet, but we did have initial conversations with the Sewer Authority.

MR. O'CONNOR: It is a Sewer Authority issue but needs to be resolved at a Professional level.

MR. MINTON: He asked about the jobs that will be created because of this development.

MR. HEINOLD: He swears in Mr. Kerim Jivani.

MR. JIVANI: He is a representative of the Applicant – Between these two brands it will create jobs for 40 or 50 people. For the past nine years, he has been marketing this property. It took a long time to get these two brands approved for this location.

MR. O'CONNOR: He referred to the Stormwater Runoff.

MR. ATKINS: The existing coverage is sixty-five percent. The proposed site reduces coverage to 57 percent. He referred to Exhibit A-1. He described the stormwater runoff.

MR. ANGELASTRO: Our Stormwater Professional reviewed. They are in full compliance with the applicable regulations.

MR. O'CONNOR: He opened the public portion of the meeting.

MR. GOINS: He referred to Page #2 – Middle Township in Section #2 – In Section 5 of Page #2 it talks about Atlantic County and not Burlington County.

Parking Spaces Professional Building 1 per 2,000 foot – In the Code it says, if it is a medical building, you have to go by medical for parking spaces.

MR. ATKINS: Since this is an essentially a shell building, we used the square footage. It is unclear of what that fit out would look like. We are 30 spaces over (inaudible) so I believe we would be okay in the future. If it was an issue, we would have to appear before the Board again.

MR. O'CONNOR: He closed the public portion of the meeting.

MR. O'CONNOR: Do you have any land on your other parcel?

MR. ATKINS: That is an option.

MR. PRIME: We understand that once we get tenants, they will have to meet the use that is proposed. Once it is fit out, the parking is going to have to work. The Architectural standards will have to be met. The signage will all have to conform. If any of those things change or if we need any relief, we would have to come back for an Amended Final approval.

MR. ANGELASTRO: Based on what the Applicant is providing I think we are in good shape as far as parking for the medical use.

MR. HEINOLD: Are you going to submit an architectural review?

MR. PRIME: They will submit drawings for review with the understanding that we are going to comply with every single Ordinance requirement. They will submit the plans to the Construction Department.

MR. HEINOLD: I think they should be submitted to Mike Angelastro as well.

MR. PRIME: We would be happy to take that extra step.

MR. MINTON: The Economic Development Committee has been working with Mr. Jivani. They discussed adding a "Welcome to Cinnaminson" Sign since it is on a boundary of the Town. Would the applicant agree to work with the Economic Development Committee? Also, it would be subject to the Planning Board Engineer's approval.

MR. PRIME: Provided that it doesn't provide us to come back to this Board for variance relief.

MR. ANGELASTRO: He referred to his review letters of May 4, 2021 and revised letter of May 11, 2021. He spoke to the Applicant's Professionals and they agreed to comply with items in his Report. We worked with the Applicant to eliminate some variances and through our conversations we were able to eliminate them. The Applicant's Professional indicated that he will work with us to resolve all comments. They are asking for a waiver of Environmental Impact Statement. He has no objection to that. As they testified, the NJDEP issued a letter regarding the removal of the underground storage tanks they provided that to us as part of the Resolution compliance. I have no issues with that waiver. Section 330-230B – Tree Compensation – I think that due to the number of trees taken down and the type of trees being taken down, I would be in support of that waiver as well. I believe the Applicant provided testimony that was required in my report.

MR. O'CONNOR: He asked about the lighting fixtures. – There was a change as it relates foot candles. Are you in Agreement?

MR. ANGELASTRO: They are going to work with our office to make sure it meets the requirements of the Ordinance.

MR. O'CONNOR: He asked for the hours of operation.

MR. JIVANI: Popeye's 10:00 AM to 12:00 AM – 7 days a week
Tim Hortons 4:00 AM to 12:00 AM – 7 days a week

A MOTION IS MADE BY MR. MINTON seconded by Mr. Jones to grant Preliminary and Final Site Plan approval for the Application consistent with the testimony given tonight as well as Mr. Angelastro's Report of May 4, 2021 revised on May 11, 2021. The Applicants agreement for the variances requested and the waivers granted as well as all of the conditional approvals associated with the signs (the monument sign, the sign on Taylors Lane as well as the Welcome to Cinnaminson sign), consistent with the testimony given and outside agency approvals. ROLL CALL VOTE: AYE, Mr. Jones, Mrs. Kravil, Mr. McGill, Mr. Minton, Mr. Segrest Mr. Snyder and Mr. O'Connor, no opposed, motion passes.

MOTION IS MADE BY MR. SNYDER seconded by Mr. McGill to approve the Resolution of the Planning Board of the Township of Cinnaminson granting Capital Review Approval to Cinnaminson Board of Education for New Modular Trailer Classroom Construction at New Albany Elementary and Eleanor Rush Intermediate Schools. VOICE VOTE: ALL AYE, Abstain, Mr. Minton, no opposed, motion passes.

A MOTION IS MADE BY MR. MCGILL, seconded by Mr. Snyder to approve the March 23, 2021 Regular Meeting Minutes. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MR. SEGREST, seconded by Mrs. Kravil to approve the April 13, 2021 Regular Meeting Minutes. VOICE VOTE: ALL AYE, Abstain, Mr. Minton, no opposed, motion passes.

MR. MINTON: He gave the Board an update on future Applications.

MR. O'CONNOR: He asked the Planning Board Secretary to send plans to the Planning Board Members ten days in advance.

MR. MCGILL: He referred to the Application that was approved tonight. He said that this property has been vacant and he is happy to see that the Tri-Boro site will be occupied by businesses

MR. O'CONNOR: He opened the public portion of the meeting. No one came forward.

MR. O'CONNOR: He closed the public portion of the meeting.

A MOTION IS MADE BY MS. LAMON, seconded by Mr. Snyder to adjourn the meeting. VOICE VOTE: ALL AYE, no opposed, motion passes. The meeting is adjourned.

Duly passed and Adopted

Respectfully submitted

