

PLANNING BOARD
REGULAR MEETING
MAY 24, 2022

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 16, 2022 and in the Courier Post on January 25, 2022. In addition, notice was filed with the Municipal Clerk.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision, and decorum appropriate to a judicial hearing must be maintained at all times.

Members Present: Mr. Jones, Ms. Kenny, Ms. Lamon, Mr. McGill, Mr. Minton, Mr. O'Connor, Mr. Snyder and Ms. Woodington.

Also Present: Mrs. Rucci, Board Secretary, Douglas Heinold, Board Attorney and 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 #2206 – CFA Cinnaminson, LLC – Minor Subdivision and Preliminary and Final Site Plan – 299-307 Route 130 South, Block 1403, Lots 25, 26, 27 and 28.

MR. RICHARD HOFF: Attorney for CFA Cinnaminson, LLC. We are here for a Minor Subdivision Application and Preliminary and Final Major Site Plan for a proposed Chick-Fil-A Restaurant and associated retail building. CFA Cinnaminson, LLC is an affiliate of Delco Development, LLC. The designated Redeveloper for all four of these properties. They are Block 1403, Lots 25, 26, 27 and 28. Those four properties are held in ownership by two separate individuals. Block 1403, Lots 25 and 26 are owned by Cove House LLC and Seabreeze, LLC. Those properties have recently been the subject of condemnation proceedings. He explained the condemnation process. Block 27 and 28 are owned by CRH Property Management, LLC. We are under Contract for those parcels. They expect to close on this property in August. All properties are controlled by the applicant either as their designation as the Redeveloper or enforceable agreements of sale.

MR. O'CONNOR: We are approving something that consists of four parcels.

MR. HEINOLD: Correct.

MR. O'CONNOR: Construction would not be able to start until those four parcels are assembled by the Developer.

MR. HEINOLD: Correct.

MR. HOFF: We can't build anything without acquiring title to all of the properties.

MR. HEINOLD: He wanted to clarify the last statement from the Applicant's Attorney. They couldn't do anything unless they came back to us. The expectation is that you will have all four properties and this plan would proceed. If something should change, (inaudible).

MR. HOFF: If it were to change, we would have to come back.

MR. ANGELASTRO: The submission package was complete with the Preliminary and Final Site Plan Submission Checklist and the Minor Subdivision Checklist except for the Affidavit of Ownership which the Applicant will provide at some point in time. We can deem the Application complete.

A MOTION IS MADE BY MR. MINTON seconded by Mr. McGill to deem the Application complete. Pursuant to Mr. Angelastro's representation and his letter of May 13, 2022 and May 20, 2022. ROLL CALL VOTE: AYE, Mr. Jones, Ms. Kenny, Ms. Lamon, Mr. McGill, Mr. Minton, Mr. Snyder, Ms. Woodington and Mr. O'Connor, no opposed, motion passes.

MR. HOFF: He presented Exhibits A-1 through A-4.
Exhibit A-1 – Aerial Map
Exhibit A-2 – Site Plan Rendering
Exhibit A-3 – Exterior Elevations Plan
Exhibit A-4 – Exterior Elevations Plan

MR. HEINOLD: He swears in Joshua Sewald Engineer and Planner.

MR. SEWALD: Exhibit A-1 - Aerial Map dated May 24, 2022. They colored the zone lines that are across Route 130. He described the plan and the surrounding properties.
Exhibit A-2 – Site Plan Rendering. He identified the proposed buildings. They are here for Preliminary and Final Major Site Plan approval and a Minor Subdivision. There are four lots. We are consolidating the four lots and then splitting them into two. Lot (inaudible) on the east side is our speculative 6,800 square foot retail building. On the west side is the proposed Chick-Fil-A Restaurant. We do have a variance. We are here for two separate pads. Lot A - the proposed Chick-Fil-A 2,656 square feet. This will be a no interior seat facility. We have 55 parking spaces, 3 drive-through lanes, the third lane for 75 percent or more of the time, will be used for a by-pass lane. He described the circulation. We will be demolishing all four structures. Brand new utilities will be brought into the site. Every item in the Planning Board review letter relating to storm water will be addressed. The property does have one above ground basin. In addition to that, there are three forced pavement systems throughout the property. He described the landscaping and lighting. We do have a few variances. We do comply with the parking Ordinance.

MR. HOFF: The uses are permitted by the Redevelopment Plan. Is that correct?

MR. SEWALD: That is correct. Both uses are permitted uses within the Redevelopment Plan of these four parcels.

MR. HOFF: The layout of this is governed by both the Redevelopment Plan and the Business District that fills in what the Redevelopment Plan doesn't address. Is that correct?

MR. SEWALD: That is correct.

MR. HOFF: All of the standards for the bulk and area requirements comply with the applicable standards.

MR. SEWALD: That is correct.

MR. HOFF: In terms of bigger ticket area and bulk standards, this does comply with the (inaudible) zoning standards.

MR. SEWALD: That is correct.

MR. O'CONNOR: He asked if any Board Members had any questions.

MR. HEINOLD: He asked how the parking calculation worked if there is no seating.

MR. ANGELASTRO: They are proposing 24 outdoor seats. That is what they based their parking count on.

MR. SEWALD: He referred to Exhibit A-2. He identified the patio area.

MR. O'CONNOR: Will they have bollards?

MR. SEWALD: That was a comment in your Board Engineer's letter. We will comply with that.

MR. JONES: Who maintains the drainage basin?

MR. SEWALD: The Owner of the overall property.

MR. MINTON: Is it the testimony, that we have two lots with common ownership?

MR. SEWALD: That is correct.

MR. MINTON: If those two lots no longer had common ownership, would the Applicant be providing a Site Operation Plan amongst those property owners, as a condition of this approval?

MR. SEWALD: Anyone who assumes ownership will be on notice that they are responsible for their respective stormwater requirement.

MR. MINTON: All we are asking for is a condition of approval in the event there is a sale, that the current common ownership would present a plan to the Township for ongoing maintenance.

MR. HOFF: That is agreeable.

The Board and the Applicant's Engineer discussed the bypass lane.

MR. HOFF: Whenever the third lane is open, they always have team members that are out there to be able to facilitate circulation.

MR. SEWALD: He referred to Exhibit A-2 – Site Plan Rendering. The Ordinance talks about a 40' buffer between residential and your first commercial use. The Board Engineer recommended an 8 foot fence.

The Board, the Board Professionals and the Applicant's Professionals discussed the Board's Engineer's review letter. Some of the items discussed are noted below.

MR. HOFF: The Board Engineer recommended installing an 8 foot high fence.

MR. MINTON: He asked if the 8 foot fencing will be the same like material that is at the Shoppes at Cinnaminson.

MR. HOFF: It would be to the satisfaction of the Board Professional.

MR. SEWALD: Item #2 – they can comply with. They have been working with the Fire Marshal. We will provide the Fire Truck template for satisfaction to the Fire Marshal. I believe we comply to Item #2 and will not have to request variance relief for that.

Item #3 – Bypass Lane - 75 percent of the time that will be open because it will be controlled by the multiple associates that are out there controlling the drive-through.

Loading and Unloading Spaces. We don't have a formal loading zone. The loading comes during off business hours. We are open 6:30 AM to 10:00 PM. We are asking for variance relief. Deliveries will be four or five times a week.

MR. O'CONNOR: He suggested having two parking spaces for loading and unloading.

MR. SEWALD: We can drop from 55 to 53 parking spaces. We can take the two spaces and stripe them out as a loading area.

MR. HEINOLD: You are calculating 24 outside seats and a shift change to generate the need for that number of parking spaces.

MR. SEWALD: We wanted to ensure that there wasn't insufficient parking for those uses. They will comply with Items #5, 6 and 7.

MR. O'CONNOR: You said you are working with the Fire Marshall on the by-pass lane. He is in agreement with your plan you presented tonight, but you still need the variance.

MR. SEWALD: We still need the variance because we may use the by-pass lane. He referred to Item # 2. I don't believe we need a variance for that. We will work with the Fire Marshal.

Item #8 – The Applicant’s Professionals spoke about not installing a sidewalk.

MR. SEWALD: They will address all comments on page #7 and page #8.

MR. SEWALD: Page #9 - 20 foot landscape buffer. They will comply with Item #2 and 3 on page #9. They will provide a Tree Management Program. They will comply with all aspects of lighting and construction details.

MR. SEWALD: He presented and explained - Exhibit A-3 - Elevations shows two elevations Exhibit A-4 - Elevations show the other two.

The Board, the Board Professionals and the Applicant’s Professionals discussed the signage.

MR. HEINOLD: Does sign stay illuminated overnight?

MR. HOFF: No.

MR. O’CONNOR: The signage facing the residential is removed.

Inaudible

MR. O’CONNOR: Thank you.

MR. SEWALD: Lot B – They are not proposing signs yet.

MR. SEWALD: The variance we need is for setback.

MR. HOFF: The setback requirement is 15 feet from the right-of-way line. The relief we are requesting is what feet of the right of way the line?

Inaudible 6 feet

MR. HEINOLD: 6 feet proposed.

MR. HOFF/INAUDIBLE: Correct.

MR. O’CONNOR: Where 15 is required.

MR. HOFF/INAUDIBLE: Correct.

MR. SEWALD: He referred to Exhibit A-2 and identified the signage. Exhibit A-5 – Rendering of Pylon Sign

The Board, the Board Professionals and the Applicant’s Professionals continued to discuss the signage.

MR. SEWALD: J – They have people in the area constantly picking up trash so they don't see a need for a trash receptacles. The gates on the trash enclosures are monitored regularly. Mr. Angelastro had no objection withdrawing the comments.

Item K Miscellaneous – They will comply with.

MR. O'CONNOR: He referred to Exhibit A-2.

Mr. Sewald spoke about the deceleration lane.

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

MR. SCHLACHTER: He expressed his concerns to the Board.

The Board, the Board Professionals and the Applicant's Professionals listened to and discussed Mr. Schlacter's concerns and thanked him.

MR. ANGELASTRO: The Applicant indicated that they would revise their lighting plan. He advised that the Applicant will submit plans and they will review them.

MR. NAPPELY: He represents his friends who live behind the project.

Mr. Nappely spoke to Mr. Heinold in advance of the meeting. If we need to have interaction with his friends, they are on the phone.

MR. NAPPELY: He expressed his friend's concerns.

The Board and Professionals listened to and discussed Mr. Nappely's concerns (on behalf of his friends) and thanked him.

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

The Board, the Board's Professionals and the Applicant's Professionals discussed the trash pickup hours. No trash pickup between 12:00 AM and 6:00 AM.

MR. JONES: He recommended that the earliest to pick up is 7:00 AM.

MR. HEINOLD: He gave a re-cap of the testimony provided this evening.

A MOTION IS MADE BY MR. MINTON seconded by Ms. Lamon to grant approval for Case #2206 Minor Subdivision Plan and Preliminary and Final Site Plan approval for 299-307 Route 130 South, Block 1403, Lots 25, 26, 27 and 28 pursuant to the Planning Board Engineer, Michael Angelastro's review letter of May 13, 2022 as modified on May 20, 2022. Pursuant to the re-cap by Mr. Heinold for all of the testimony given here tonight, identifying the variances and other caveats that were requested and agreed to by the applicant. ROLL CALL VOTE: AYE, Mr. Jones, Ms. Kenny, Ms. Lamon, Mr. McGill, Mr. Minton, Mr. Snyder, Ms. Woodington and Mr. O'Connor, no opposed motion passes.

A MOTION IS MADE BY MR. MINTON SECONDED BY Ms. Woodington to approve the Resolution for Case #2201 - Resolution of the Planning Board of the Township of Cinnaminson granting

Preliminary and Final Site Plan – 2605 Route 130 LLC, 2605 Route 130, Block 702, Lot 22. ROLL CALL VOTE: AYE, Mr. Minton, Ms. Woodington and Mr. O’Connor, Abstained, Mr. Jones, Ms. Kenny, Ms. Lamon, Mr. McGill and Mr. Snyder, no opposed, motion passes.

MR. MINTON: He advised that Mr. Petrone represented Mr. Heinold at the Hearing for Case #2110. He appreciates Mr. Petrone’s efforts in preparing the Resolution.

A MOTION IS MADE BY MR. MINTON SECONDED BY Ms. Woodington to approve the Resolution for Case #2110 - Resolution of the Planning Board of the Township of Cinnaminson granting Amended Preliminary and Final Site Plan Approval with Bulk Variance Approval to 1 Sea Box Drive, LLC, 1 Sea Box Drive, Block 610, Lots 2.02 and 2.03. ROLL CALL VOTE: AYE, Mr. Minton, Ms. Woodington and Mr. O’Connor, Abstained, Mr. Jones, Ms. Kenny, Ms. Lamon, Mr. McGill and Mr. Snyder, no opposed, motion passes.

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.

MR. MINTON: He gave an overview of upcoming Applications to the Planning Board.

A MOTION IS MADE BY MR. SNYDER, seconded by Ms. Woodington to adjourn the meeting. VOICE VOTE: ALL AYE, no opposed, motion passes. The meeting is adjourned.

Duly passed and Adopted

October 11, 2022

Respectfully submitted

Patricia Rucci
Patricia Rucci