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October 15, 2020

Willingboro Township Zoning Board of Adjustment  
Municipal Complex  
One Salem Road  
Willingboro, New Jersey 08046

ATTN: Reyhan Frank, Zoning Board Secretary

**Re: NE Willingboro, LLC**  
**Conditional Use and Minor Site Plan – Review #2**  
**Block 2 Lot 7.01**  
**Location: 4340 US Highway Route 130**  
**Zone: B-1 (Primary Business)**  
**Our File: HWLZ0002.01**

Dear Board Members:

Our office has reviewed the following information in support of the above-referenced application for Conditional Use and Minor Site Plan approval:

- Minor Site and Conditional Use Plan (6 sheets) prepared by SR3 Engineers, dated September 1, 2020, unrevised. An updated Landscaping Plan and Site Details sheet were also submitted, unsigned and unrevised.
- ALTA/NSPS Land Title Survey (2 sheets) prepared by Control Point Associates, Inc., dated December 20, 2017, last revised October 29, 2019;
- Traffic Analysis Letter prepared by Shropshire Associates, LLC, dated September 3, 2020, unrevised;
- Seventeen (17) page letter from Clint B. Allen, Esq, of Archer & Greiner, P.C., dated October 6, 2020, outlining responses to previous professional review letter comments;
- A Development Application and Application Addendum.

Based upon our review of the above information and the Township of Willingboro Ordinance, please find our comments below for your consideration:

1. Project Description:

The subject property is indicated to contain 28.8 acres within a B-1 Zone District and provides road frontages along NJ State Highway Route 130 to the northwest as well as Sidney Lane and Sunset Road to the south. The property contains an apparent currently vacant 1-story multi-tenant commercial building (approximately 228,000 s.f.) Grand Marketplace, with associated



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parking areas. Access is provided by two (2) right-in/right-out only drives along the Route 130 site frontage and 3 access drives along the Sunset Road frontage. The site also appears to have shared access from adjoining Lot 7.04 south of the site.

The Applicant is seeking approval to utilize the existing parking area of the site as a short-term commercial vehicle parking facility for 218 trailer vehicles, apparently associated with an off-site Amazon distribution center. Access is to remain as is along Route 130 and Sunset Road and while the shared access with Lot 7.04 is to be eliminated onto the subject site, said adjoining lot is to continue shared access of the westerly most access drive along Sunset Road. The perimeter of the site is to be fenced with a 6 foot high aluminum fence having gated access, including a guard house building along the southerly drive at Route 130. Additional site improvements include providing 10 employee parking spaces, lighting of the overall parking area, traffic/access signage and tree plantings along Route 130 and Sunset Road.

***The applicant has submitted revised landscaping and detail drawings showing additional landscaping along the street frontages of Route 130, and Sunset Road. The applicant also now proposes an aluminum ornamental fence instead of the chain link fence that was previously proposed around the parking lot.***

***All new comments and information are provided in this report in bold and italic type.***

2. Surrounding Uses

Properties east and west of the subject site along the Route 130 corridor are similarly zoned B-1 and contain a mix of commercial uses. Properties south of the site opposite Sunset Road and adjoining the site to the northeast are zoned R-1 containing residential parcels and the J.C. Stuart Elementary School to the southwest, ***as well as a senior residential complex.*** Properties opposite Route 130 are located within Edgewater Park Township containing a mix of commercial uses.

3. Zoning Compliance

The subject property is situated within a B-1 Zone District with a Route 130 Redevelopment Zone Overlay. A commercial parking facility is listed as a conditionally permitted use in the B-1 district.

The table below summarizes the bulk measures and zone requirements for the subject property:

Description	Required	Provided
Minimum Lot Area	1 Acre	28.8 acres
Minimum Lot Frontage	150 Feet	352 feet (Sidney Lane)
Minimum Front Yard Setback	50 Feet	59.7 feet (Sunset Road)
Minimum Rear Yard Setback	20 Feet	87.8 feet



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Description	Required	Provided
Minimum Side Yard Setback	20 Feet	61.1 feet
Minimum Side Yard Setback(Combined)	45 Feet	N/A (through Lot)
Maximum Building Height	35 Feet/2-1/2 Story	Less than 35 feet
Maximum Lot Coverage	50%	76% ± (ENC)
Minimum Floor Area	1,000 s.f.	228,029 s.f.

*(ENC) – Existing Non-Conforming Condition*

In addition to the above B-1 zone requirements, as a commercial parking and/or storage area use, the project is also required to comply with the following Conditional Use requirements per Ordinance Section 370-82B, which must be reviewed with the Board:

- a) **Section 370-82.B(1)** – The proposed use in a specific location is necessary and convenient for the efficient parking and storage of vehicles, boats and non-motorized trailers and will in no way detract from the character of the neighborhood or area in which the use is to be located.
- b) **Section 370-82.B(2)** – Adequate and attractive fences and other safety devises are provided in accordance with Chapter 155.
- c) **Section 370-82.B(3)** – Sufficient landscaping, including trees and shrubs, will be provided and periodically maintained.
- d) **Section 370-82.B(4)** – The parking and storage area or areas will be provided with either a gravel, crushed-stone or all-weather pavement and suitable night lighting facilities shielded from view from adjoining streets and residential areas.
- e) **Section 370-82.B(5)** – Parking and storage of all vehicles, trucks, boats and non-motorized trailers will be limited to those licensed or registered and in good repair.
- f) **Section 370-82.B(6)** – The minimum lot area for a commercial parking or storage area shall be 2 acres.
- g) **Section 370-82.B(7)** – No driveway shall open onto a public street or road within 150 feet of an intersection of such street or road with another public street or road. In determining the suitability of proposed or existing driveways upon the site, the Board shall consider such factors as: grade and site clearance; number and pattern of driveways; number, location and design of ingress/egress points; the volume of traffic which may be anticipated on the site; and the condition and width of pavement of adjoining roads.



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4. Variations Required:

The Applicant has requested variances and/or design waivers for the following with this application:

- a) **Section 370-82.B(2) / 155-3.B** – Fences shall be erected/constructed in the rear and/or side yard only; 6 feet chain link fence is proposed within the front yard areas along Route 130 and Sunset Road. ***This is a d-3 conditional use variance.***
- b) **Section 370-82.B(2) / 155-3.H** – No fence shall have more than 3 gates; 5 gate locations are depicted. ***This is a d-3 conditional use variance.***
- c) **Section 370-72.C(2)(a)** – ***The buffer area should be a solid and continuous screen obscuring 75% of the glare of automobile headlights through the full course of the year. It is unclear if this is being achieved. A cross section or applicant testimony of the landscaping buffer should be provided to verify.***

The Applicant also indicates the following existing condition nonconformity would remain in place:

- d) **Section 370-52 (Schedule)** – The maximum permitted lot coverage is 50%; approximately 76% is provided.

In addition to the above, variances and/or design waivers would also appear necessary for the following:

- e) **Section 370-13.N(6)** – Detached accessory buildings shall be located to the rear of the building line of the principal building; an accessory guard house structure is proposed in front of the building.
- f) **Section 370-75.D** – Parking areas shall not be closer than 25 feet to any street line in a B-1 Zone; parking is proposed within 25 feet of the Route 130 and Sunset Road right-of-way lines, apparently matching existing site conditions.
- g) **Section 370-74.A** – ***10' wide buffer planting shall consist of massed evergreens; the applicant has proposed a buffer planting area consisting of a mixture of deciduous and evergreen trees, bushes, and flowering plants.***
- h) **Section 370-74.B** – ***In addition to the buffer planting, a fence of at least 6 feet and no more than 8 feet shall be installed with no more than 15% open space; the proposed ornamental fence provides approximately 75% open space.***

5. Master Plan Considerations



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The Township's Master Plan Reexamination Report, which was adopted in 2018, notes the following issues which may be relevant to this application:

- Vacant properties on the Route 130 corridor
- Commercial design standards are outdated

Objectives for commercial development stated in Master Plan:

- Promote the rehabilitation and redevelopment of commercial land uses made obsolete by changing economic and social factors
  - Maintain an appropriate amount of commercial/retail to adequately service the Township
  - Redevelop underutilized commercial facilities to provide services more marketable to Township residents
  - Develop vacant commercial property, if necessary, to augment the commercial/retail stock of the Township
  - Encourage better development and redevelopment of shopping centers through increased landscaping standards, controlled parking areas, and design guidelines.
  - Analyze the retail market to determine the need for different commercial/retail services and offices

Objectives for landscaping stated in Master Plan:

- Decrease visibility and extent of impervious surfaces, by landscaping and screening existing paved surfaces, large impervious surfaces and parking lots

#### Redevelopment Plan

The entirety of the frontage of Route 130 in Willingboro has been designated as an area in need of redevelopment, and is subject to a redevelopment plan. This redevelopment plan is what created the B-1 district standards.

#### Planning Comments

1. What is to become of the existing shopping center building? Will it be used as a retail building in any way? If the building is to be used for any purpose other than as a part of the short term parking and storage operation, a d-1 use variance may be required to permit two principal uses on the same lot. The Township's current ordinance does not expressly permit multiple principal uses on the same lot.



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- a) ***The applicant has indicated that most of the building will remain vacant, however some portions may be used as offices and a conference room by the applicant. This comment still applies. The applicant should address the proposed use of the building with the Board.***
2. ***The applicant should clarify the nature of a “short term” truck parking facility. Is the proposed use short term in the sense that it will only be a truck parking facility for a short period of time, or is it short term in the sense that the trucks parking there will only be there for a short period of time, but the site will be a truck parking facility for the foreseeable future?***
3. ***The applicant should discuss how other portions of the property that are not going to be truck parking will be used. In particular, the space behind the building may become a problem area if there is no use of or regular observation of that area of the property.***
4. The Applicant should provide testimony addressing each of the conditional use requirements listed above. If any one of the conditions noted above are not satisfied, a d-3 conditional use variance is required.
  - a) ***The applicant does not satisfy condition #2, as Chapter 155 of the Township Code does not permit fences in the front yard, and a front yard fence is proposed. Fences are permitted to have a maximum of 3 gates, and 5 gates are proposed.***
  - b) ***It is not clear whether or not the applicant satisfies conditions #1 and #3. It will be up to the Board’s discretion to determine if these conditions are satisfied by the applicant – that the location is necessary and convenient for the efficient parking and storage of trucks; that it will not detract from the character of the neighborhood; and that sufficient landscaping is provided.***
5. For a ‘d’ variance, the applicant is required to meet an enhanced burden of proof, meaning that they must satisfy both the positive and negative criteria required for the granting of a variance.
6. Positive Criteria:
  - a) There must be a special reason to grant the variance, and it must be shown that the proposed use of truck parking and storage on this site will advance the purposes of zoning.
  - b) The site must be particularly suitable for truck parking and storage.
7. Negative criteria:
  - a) It should be shown that there will be no substantial detriment to public good, that the truck parking and storage use will not substantially harm the character of the community or the quality of life of nearby residents and businesses.
  - b) It must also be demonstrated that there will be no substantial detriment to the intent and purpose of zone plan. This means that the proposed use of a truck parking facility, even



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though it will have a fence in the front yard, does not contradict the intent of the master plan and zoning ordinance.

8. ***As a d-3 conditional use variance however, the enhanced burden of proof on this application is not as high as for a typical use variance, such as a request for a use that is specifically prohibited in the zone.***
9. ***The legal standard for granting a d-3 conditional use variance was established by the case of Coventry Square v. Westwood Zoning Board of Adjustment (1994). As a conditional use, the use at the property is considered a permitted principal use, so long as it meets certain conditions. The intent of the zoning ordinance is that this site is considered generally suitable for such a use. The fact that the use does not meet all of those conditions does not automatically make it a prohibited use. This means that the review of this application is limited to those conditions which are not satisfied. The nature of this application is that it is closer to a permitted use than it is to a prohibited use. The Board's role in this application is to determine whether the site remains suitable for a truck parking facility even though some of the conditions required by ordinance are not satisfied. The Board must determine whether the site can still accommodate any problems associated with the use even though the proposal does not comply with the conditions that the ordinance established to address those problems.***
10. ***The Coventry case established two steps to help determine whether or not a conditional use should be granted:***
  - a) ***Are there any particular features of this site that would ameliorate or offset the deviations?***
  - b) ***Is there anything that the Board can require of the applicant that would offset or ameliorate any of the problems with the use on this site, as they relate to the deviations from the conditions?***
11. ***As per the standards of the Coventry case, the focus of the Board in reviewing this application should be on the deviations from the conditional use standards, and not necessarily on the use itself. Any vote for or against this application should be based on whether or not the Board feels that the applicant has met the positive and negative proofs required as they relate to the conditions that are not satisfied, and not a vote simply on the general use of the property as a truck parking facility. As such, if the Board wishes to impose any requirements of their own or limitations on the use of the property, such requirements or limitations must relate to reducing any impacts related to the deviations from the ordinance.***
12. ***As also noted in the Master Plan Reexamination Report, a clear goal of the Township is the revitalization of the Route 130 commercial corridor. The Board should consider how this proposed use will contribute to that revitalization effort.***





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### Engineering Comments

1. Reasons supporting the granting of required variances and/or design waivers and continuance of existing condition nonconformities, especially regarding buffer requirements. Compliance with the Conditional Use requirements for a commercial parking and storage area must also be reviewed with the Board.
2. Overall operations of the proposed use and site, including but not limited to: hours of operation and number of employees in total and per shift.
3. The number of trailer units onsite at any given time and in total also trips per day as well as site access, including signage, and overall site circulation should be reviewed with the Board. We note that the Site Plan depicts fencing prohibiting access to the site at the existing northerly drive along Route 130 which should be discussed, especially regarding emergency access to the site as well as at all site access points. The need to provide any vehicle turning templates should also be discussed.
4. A vehicle turnaround area should be indicated for vehicles that enter the site off Route 130 that cannot access the parking lot through the gate.
5. The applicant should explain the site circulation. It appears the site circulation is confusing and requires additional directional signage.
6. Existing and proposed buffering/screening and overall site aesthetics should be reviewed with the Board. We note that the Applicant has requested a design waiver regarding buffering requirements and has proposed minimal tree plantings along the Route 130 and Sunset Road site frontages. This represents one of the conditions of the conditional use.
  - a) ***The applicant has provided a landscape buffer along with decorative fencing along the road frontages. The decorative fence also surrounds the entire site. The applicant should discuss compliance with the applicable landscape buffer sections of the ordinance, Section 370-74 and Section 370-72(C)2.***
7. Adequacy of existing site lighting, whereby no additional appears proposed, must be reviewed with the Board. The applicant should discuss the height of the light poles and if the height needs to be increased due to tractor trailers parking onsite.
8. Adequacy of existing site pavement, curb, etc. must be reviewed with the Board. It appears that demolition of existing onsite curb is required and should be noted near the northeast corner of adjoining Lot 7.04, including the need to provide striping, curb, etc. at same, including the opposite end, and the onsite pavement area along the rear of Lot 7.04 to deter any access to said “open” areas. The use of the “open” areas between the existing drive aisle curbs to remain should also be discussed with the Board.



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9. The stormwater management of the site must be reviewed with the Board, whereby no drainage improvements and/or onsite grading appear proposed. We note various onsite inlets as full of debris or water and/or invert not accessible, as well as an area indicated as inundated with standing water along the rear of adjoining Lot 7.04. These failing inlets and stormwater pipes should be cleaned and/or repaired.
10. The proposed use would appear to be a leased use of the site and the terms of any lease agreement, including length of lease and especially site maintenance, should be reviewed with the Board as well as the effect of any future building occupancy upon the subject use.
11. The need to provide any refuse fixtures with the proposed use should be discussed.
12. Whether any identification signage is proposed for the subject use should be clarified.
13. Any permits/approvals required by outside agencies, including Burlington County Planning Board. The status of all outside agency approvals should be discussed with the Board and copies of all such approvals shall be forwarded to this office.
14. The applicant should discuss the condition of the existing pavement in the parking lot, including the existing pavement cross section, and any possible resurfacing or pavement enhancements required to accommodate larger tractor trailer vehicles.

Based upon our review, the Plans should be revised as follows:

- a) Dimension all parking stall types: perpendicular, angled, and parallel and provide radius of all pavement striping curves.
- b) Verify total number of parking spaces between the application package, traffic report and Site Plan also verify parking count indicated as 11 spaces along/opposite the existing building and verify total number of trailer spaces indicated on the Site Plan.
- c) A truck turning plan should be provided.
- d) The bank of 14 head-on parking spaces along Route 130 should be reviewed. It appears these spaces should be angled parking.
- e) Provide parking stall striping detail(s), including ADA spaces, aisle and signage, and island striping detail. Existing signage along the roadway frontages should be indicated different than any proposed signage and the need for any detail of proposed identification and/or directional signage should be discussed with the Board.
- f) Provide curb and pavement repair details. Drainage details should be provided as required to address failing inlets/pipes.



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Based upon the minor nature of the information requested, we recommend that this application be deemed complete subject to the Board approving the various waiver requests regarding Site Plan Application Submission Items.

The right is reserved to present additional comments pending the receipt of revised plans and/or the testimony of the Applicant before the Board.


If you have any questions with regard to the above matter, please do not hesitate to call.

Very truly yours,

**CME Associates**



Bennett Matlack, PE, CME, CFM  
*Zoning Board of Adjustment Engineer*



Christopher Dochney, PP, AICP  
*Zoning Board of Adjustment Planner*

BM:GC:pg

cc: Zeller & Weiliczko, LLP – Zoning Board Solicitor  
NE Willingboro, LLC – Applicant  
SR3 Engineers – Applicant’s Engineer  
Shropshire Associates, Inc. – Applicant’s Traffic Engineer  
Control Point Associates, Inc. – Applicant’s Surveyor  
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