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July 12, 2021

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

Attn: Reyan Frank, Zoning Board Secretary

Re: *Willi Realty LLC*
Use Variance and Preliminary & Final Site Plan Application - Review #1
Location: 603 Beverly Rancocas Road
Block: 727, Lot: 6, Zone: B-3 (Tertiary Business District)
Willingboro Township, Monmouth County, NJ
Our File: HWLZ0727.01

Dear Land Use Board Members:

In accordance with your authorization, our office has performed a review of the above-referenced application including, but not limited to, the following:

- Plan entitled "Preliminary & Final Major Site Plan, 603 Beverly Rancocas Road, Block 727, Lot 6, Tax Map Sheet No. 57, Township of Willingboro, Burlington County, New Jersey", prepared by Marc S. Leber, PE, PP, of East Point Engineering, LLC, consisting of ten (10) sheets, dated October 9, 2020, unrevised;
- Survey entitled "Survey of Premises, #603 Beverly – Rancocas Road, Lot: 6, Block: 727, Plate: 57, Situate: Township of Willingboro, County of Burlington, New Jersey", prepared by Philip J. Schaeffer, PLS, of JTS Engineers and Land Surveyors, Inc., consisting of one (1) sheet, dated January 19, 2015, last revised February 28, 2020;
- Traffic Engineering Assessment, prepared by Shropshire Associates, LLC, dated June 8, 2021;
- Letter of Intent, prepared by East Point Engineering, LLC, dated February 8, 2021;
- Submittal Letter prepared by Gerstein Grayson & Cohen, LLP, dated February 9, 202; *(date on submittal letter is incorrect)*
- A copy of property taxes; *(the tax list provided appears to be from adjacent lot)*
- A copy of 200 Foot Certified Property List and Public Utilities, dated November 5, 2020; and
- Willingboro Township Planning Board & Zoning Board Application.

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

S:\Willingboro\ZONING BOARD REVIEWS\727.01 - Use Variance & P&F Site Plan Rvw #1 - 21-02-24.doc

CONSULTING AND MUNICIPAL ENGINEERS

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1. Project Description:

The subject property is indicated to contain 33,805 square feet (including the portion of vacated Beverly Road Right-of-Way by County Resolution #379 adopted October 28, 1970) within a B-3 Zone District and provides road frontages along Beverly Rancocas Road to the south as well as Garfield Drive to the east. The property contains a currently vacant +/-3,228 square foot 2-story stucco and frame dwelling (previously a fire house) with associated parking area. Access is provided via two (2) large parking lot entrances, one (1) along the Beverly Rancocas Road site frontage and one (1) along the Garfield Drive frontage. The property also appears to provide a twenty-two (22) foot wide private access from Garfield Drive to the adjacent Lot 6.01 along the northerly portion of the property. The access does not appear to be documented by an easement on the property survey.

The Applicant is seeking Use Variance and Preliminary & Final Site Plan approval to convert existing vacant fire house into a fast-food restaurant, with a dual lane drive-thru, containing a total of forty-four (44) seats. The private access for adjacent lot 6.01 to Garfield Drive will be and existing parking lot entrances will be reduced. The Applicant proposes a total of twenty-two (22) parking spaces as well as a loading zone. Minor landscaping improvements as well as lighting improvements are also proposed.

2. Surrounding Uses

Properties to the north of the subject site are zoned R-1 (Residential 1). Adjacent property to the west is similarly zoned B-3 and properties beyond are zoned R-1. Properties to the south, across Beverly Rancocas Road, are zoned A-1 (Administrative & Professional). Properties to the west are zoned (B-2 Planned Neighborhood Business).

3. Zoning Compliance

Use:

The property is located in the B-3 zoning district. The B-3 (Tertiary Business District) permits all uses permitted in the B-2 district, as well as retail sales and services that are designed to serve the immediate community.

The applicant is proposing to modify existing two-story building into a fast food restaurant with a dual lane drive-thru. Restaurants are permitted in the B-3 Zone District per Section 370-61, but drive-thrus are not expressly permitted.

A d-1 use variance will be required to permit the project as proposed.

Bulk Requirements:



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The proposed development's conformity with the Bulk Regulations of the B-3 Zone District is outlined in the following table:

Table 1: Bulk Standards, B-3 (Tertiary Business District) Zone (§370 Art. XIII)			
Standard	Required	Existing	Proposed
Minimum Lot Area (s.f.)	20,000	33,805	33,805
Maximum Lot Area (s.f.)	43,560		
Minimum Lot Frontage (ft.)	100	150 / 225	150 / 225
Principal Building Setbacks			
Front Yard (ft.)(Beverly Rancocas Rd.)	30	53.09	53.09
Front Yard (ft.) (Garfield Dr.)	30	53.94	53.94
One Side Yard (ft.)	10	24.7	24.7
Rear Yard (ft.)	20	96.0	96.0
Accessory Building Setbacks			
Side Yard (ft.)	10	N/A	N/A
Rear Yard (ft.)	10	N/A	N/A
Lot (Impervious Surface) Coverage	30%	84.7%	77.7% (ENC)
Maximum Number of Stories	2 ½	1	1
Maximum Building Height (ft.)	35	≤35	≤35
Minimum Floor Area (s.f.)	800	±3,000	±3,000

(ENC): Existing Nonconformity

4. Master Plan Considerations

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

- Corner lots which are too small in size for modern business and unsuitable for housing have become vacant.
- Commercial design standards are outdated

Objectives for commercial development:

- 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



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- 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:

- Decrease visibility and extent of impervious surfaces, by landscaping and screening existing paved surfaces, large impervious surfaces and parking lots
- Improve the streetscape in redeveloping and vacant areas by requiring street trees on all collector and arterial roads

5. Completeness:

The Applicant has requested a partial waiver from Item #13 of the Site Plan checklist requirements in conjunction with this application. Item #13 requires locations of existing structures and site features within 200 feet of the property. Our office has reviewed this request and we take no exception granting this waiver. The Applicant has provided sufficient information in support of the application.

Based upon the above, our office recommends that the application be deemed **COMPLETE**, subject to the Board approving the partial waiver request regarding Site Plan Application Submission Items. Based upon our review of the subject application, we estimate the following fees are required in accordance with Ordinance Section 150-5:

6. Variances and Waivers Required:

The Applicant has requested the following variances from the requirements of the Township Code:

- a) **Section 370-62** – A drive thru is not a permitted accessory use in the B-3 district.
- b) **Section 370 Article XIII** – Maximum lot impervious coverage permitted is 30%; approximately 77.7% is provided. The existing conditions are currently non-conforming, however alterations are proposed for the existing paved areas.

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



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- c) **Section 155-3D.(2)** – No side yard fence shall be erected in front of an imaginary extension of the front building line; proposed side yard fence appears to cross the imaginary extension of the front building line.
- d) **Section 248-11A.** – Provide a minimum of 1% of the total number of parking spaces, but not less than two (2) parking spaces, for the physically handicapped; one (1) handicap parking space provided.
- e) **Section 248-11C.** – Design each space to be twelve (12) feet wide to allow room for persons in wheelchairs or on braces or crutches are to get in and out of either side of an automobile onto a level, paved surface suitable for wheeling and walking; proposed handicap parking space is eleven (11) feet wide.
- f) **Section 370-13.H.** – All yards, open spaces, off-street parking and landscaping as required by this chapter and the schedule must be contained within the zone in which the primary use to which they are requirements is permitted; Parking and one (1) 'Armstrong Red Maple' are proposed within the Beverly Rancocas Road Right-of-Way.
- g) **Section 370-75.D.** – Parking areas shall be located in any yard space for nonresidential or administrative offices but shall be located closer than 25 feet to any street line in a B-1 or B-2 Zone or 15 feet in any B-3 or A-1 Zone; Parking is proposed within the Beverly Rancocas Road Right-of-Way
- h) **Section 370-76.B.(2)** – In B-3 Zones: One parking space for every 125 square feet of gross floor area or major fraction thereof; It appears that the required parking spaces were calculated per Section 370-76(B)(9), which indicates parking requirements for restaurants with indoor service only, but proposed development will contain a drive-thru.
- i) **Section 370-92** – There shall be constructed and located in the rear of all nonresidential structures a fully screened trash storage area five feet in height and of such other dimensions as will be adequate under the particular circumstances to properly store the trash and waste resulting from the respective use; Trash enclosure is proposed within the front yard of the property.

7. Planning Comments

- a) The applicant will require a d-1 use variance for the drive-thru aspect of the project. A drive thru lane and window are not expressly permitted as accessory to a restaurant in this zoning district. The proposed restaurant is permitted. It is only the drive thru as an accessory to the restaurant that should be the focus of the variance considerations.



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- b) As 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.
- c) Positive Criteria:
 - o The applicant must show that there is a special reason to grant the variance. Special reasons for a commercial use would have to be that the proposed use will advance the purposes of zoning, and generally provide a benefit to the community.
 - o The site must also be shown to be particularly suitable for a restaurant with a drive thru.
- d) Negative criteria:
 - o It should be shown that there will be no substantial detriment to public good, that the drive thru use will not substantially harm the character of the community or the quality of life of nearby residents and businesses.
 - o 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 drive thru is not opposed to the goals of the master plan.
- e) The applicant should provide testimony addressing the anticipated volume of traffic at the drive-thru, and the capacity of the lanes to allow for adequate queuing or stacking of vehicles.
- f) Aside from markings on the pavement for the drive-thru lanes, no signage details have been provided for the building, site, or the drive thru specifically. The applicant should discuss whether any signs are proposed for the building or elsewhere on the site to identify the drive-thru facility.
- g) The application materials only indicate that the existing building will be retro-fitted for a restaurant. The applicant should indicate if there has been a specific tenant identified for the space.
- h) Additional screening should be provided for both the loading area and the dumpster areas. We recommend a row of shrubs or bushes along the frontage of Garfield Drive to help screen the trash enclosure.
- i) Some of the improvements proposed appear to be off of the subject property, and within what is the ROW of Beverly Rancocas Road. The applicant would need to demonstrate that Burlington County will approve of this construction within their ROW.



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8. Engineering Comments

- a) Reasons supporting the granting of required variances and/or design waivers and continuance of existing condition nonconformities. Compliance with the Use requirements for a restaurant must also be reviewed with the Board.
- b) 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.
- c) The proposed trash enclosure does not comply with Ordinance Section 370-92. The Applicant should discuss the possible relocation of the trash enclosure and/or site constraints that prohibit relocating same. Trash enclosure also appears to be located near an inlet, which may cause issues with trash entering the storm sewer.
- d) It appears that an existing concrete wall encroaches on to the subject property near the northwest corner. The Applicant has not provided any details regarding the use of this existing wall.
- e) The Applicant should discuss reasons for proposing parking and landscaping within the Beverly Rancocas Right-of-way.
- f) Existing and proposed buffering/screening and overall site aesthetics should be reviewed with the Board.
- g) Adequacy of proposed site lighting must be reviewed with the Board. It appears that one of the SL4s lighting proposed near the southwest corner generates significant illumination beyond the property limits and may need to be revised.
- h) The applicant should discuss the condition of the existing pavement in the parking lot and any possible resurfacing or pavement enhancements required with the Board. It appears that some sections of existing depressed curb will be removed and replaced with full face curbing as depicted on the Site Layout Plan.
- i) The stormwater management of the site must be reviewed with the Board. The existing Type 'B' inlet near the northeast corner of the property is proposed to be converted to a Type 'E' inlet.
- j) Whether any identification signage is proposed for the subject use should be clarified. All proposed signage shall be subject to requirements outlined in Section 297 of the Township of Willingboro Ordinance.



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- k) 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.

9. Traffic Comments

- a) Per the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition the amount of additional trips that a fast food with drive-thru with the removal of pass-by trips is depicted below:

Trip Generation									
Land Use Code (LUC)	AM Peak Hour			PM Peak Hour			Saturday Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
Fast Food w/ Drive-thru (LUC 934)	86	79	165	85	81	166	91	87	178
Pass-by trips	42	39	81	43	40	83	46	43	89
Total New Trips	44	40	84	42	41	83	45	44	89
Applicant's Trips	33	31	64	29	25	54	46	43	89
Difference in Trips	11	9	20	13	16	29	-1	1	0

The Applicant is utilizing average rate for the "Peak Hour of Adjacent Street Traffic) while the Total Trips depicted above is from the "Peak Hour of Generator." It is unclear what fast food restaurant is planned, therefore our office believes that a conservative approach should be taken and the Total New Trips be used for the analysis.

- b) The Applicant's Traffic Engineer should compare existing counts to the counts that were completed in March. Our office has concern about the effects of the Covid-19 pandemic that was still affecting business and traveling in March.
- c) For the intersection of Garfield Drive at Beverly-Rancocas Road (CR 626) the AM Peak Hour appears to have a 65 second cycle length for the Analysis while the Traffic Signal Timing & Operation sheet depicts the same 100 second cycle for AM and PM peak hours. The Applicant's Traffic Engineer should ensure all splits and phases match with the Traffic Signal Timing & Operation sheet and provide updated LOS and delays for No-Build and Build conditions.
- d) The current analysis for all study intersections depict minimal increases in delay between No-Build and Build conditions. It should be noted that the southbound left approach for Beverly-Rancocas (CR 626) at Garfield Drive intersection increases from LOS E (73.9 seconds) to LOS F (80.2 seconds). The Applicant should provide the office with any discussions with the County about the increase in LOS and impacts on the County road.



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- e) The Applicant's Traffic Engineer should provide 95th percentile queuing at the intersections to ensure that vehicles do not block the ingress/egress into the site, specifically the ingress/egress on Garfield Drive.
- f) The Applicant's Traffic Engineer should provide an assessment that determines the adequacy of the drive-thru lanes available storage for vehicles in queue which utilizes ordering time, preparation time, and pay/pickup time. The analysis should ensure that the 95th percentile queue can fit within the proposed drive-thru lanes without extending into the parking lot area or blocking the by-pass lane.

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

- a) Height of proposed trash enclosure should be included on plans and construction detail. The trash enclosure must be a minimum of five (5) feet high.
- b) The proposed grading near the southwest corner of the property indicates that runoff will be directed towards adjacent Lot 6.01 to the west. No runoff should be directed towards an adjacent lot, grading should be revised to indicate same.
- c) Existing contour 62 along the westerly side property line does not appear to be consistent with the proposed topography in the surrounding area. Grading should be revised accordingly.
- d) Existing and proposed top of grate and invert elevation for the existing inlet to the northeast should be provided.
- e) It appears that the proposed six (6) foot high solid fence to the north will be placed on top of a portion of the existing chain link fence. Plans should be revised to address this inconsistency.
- f) Verify total number of parking spaces between the application package, traffic report and Site Plan, also verify parking count indicated as twenty-two (22) spaces along/opposite the existing building and verify total number of loading spaces indicated on the Site Plan. We note that two (2) proposed spaces are partially within the County right-of-way. We also note that fifteen (15) parking spaces are required per the off-street parking requirements.
- g) An additional R5-1 (DO NOT ENTER) sign should be added to the westerly side of the drive thru exit.
- h) An R1-1 (STOP) should be provided on both sides of the exit for the drive-thru area.
- i) Site distance triangles should be included on the site plan.



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- j) Our office has some concern about the bottleneck area for the by-pass and drive-thru lanes just south of the pay/pickup window. Side swipe crashes could be a problem with the angle that vehicles leave the drive-thru lane compared to the angle that vehicles in the by-pass lane would be driving.
- k) Additional striping should be proposed at the drive-thru/by-pass exit to provide only one exit lane.
- l) A circulation plan should be provided for a garbage truck and the proposed loading vehicle.
- m) The Applicant's Engineer should consider flattening the curb that bumps out into the site near the Garfield Drive ingress/egress to increase the drive aisle width for the southern spaces along the eastern side of the building.
- n) The concrete shaded area for the drive-thru should be more clearly defined on the plans.
- o) A merge sign should be considered at the west of the northern ordering board to alert vehicles to zipper.
- p) It appears that the cross slope in areas of the ordering menu are greater than 2%. Same should be revised and additional spot grades included at the pay/pick-up window to ensure same.
- q) An inset should be provided with additional spot grades to ensure that the ADA parking space area has no slopes over 2%.
- r) Additional spot grades should be provided around the entrances to the building to ensure proper landing areas.
- s) Bollards should be considered at the ADA access area to ensure vehicles cannot reach the building. Additionally, bollards north of the building should be no more than 5' apart.
- t) The Accessible Parking Striping Layout depicts the Accessible Parking Signs in a different area than the site plan. Same should be revised.
- u) The Concrete Drive-Thru Surface & 6" Thick, Reinforced Detail should include a note for a maximum of 2% cross slope.
- v) A parking space detail should be provided.
- w) Curb ramp details should be provided.
- x) A depressed curb detail should be provided.



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- y) A concrete driveway apron detail should be provided.
- z) A roadway pavement restoration detail should be provided for Municipal and County roads.
- aa) A curb stop detail should be provided.
- bb) A bollard detail should be provided. Any damaged bollards should be replaced.

All applicable details for work within the Burling County right-of-way should be provided.


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

Should you have any questions or require additional information, please do not hesitate to contact this office.

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/CD/RS/dol

cc: Zeller & Weiliczko, LLP – Zoning Board Solicitor
Willi Realty, LLC – Applicant
Marc S. Leber, PE, PP – Applicant's Engineer
Mitchell T. Grayson, Esq. – Applicant's Attorney