

- Approved
- General Conditions/Additional Conditions
- Denied

**RESOLUTION NO. ZB-2021-6**  
**WILLINGBORO TOWNSHIP ZONING BOARD OF ADJUSTMENT**  
**MEMORIALIZING THE ACTION OF THE BOARD**

- Appeal from  
Administrative Officer  
Decision
- Interpretation
- "C" Bulk Variance
- "D" Use Variance
- "d(6)" Height Variance
- Minor Subdivision
- Major Subdivision,  
Preliminary
- Major Subdivision, Final
- Minor Site Plan
- Major Site Plan, Preliminary
- Major Site Plan, Final

Application # 2021-1  
 Applicant: Willi Realty, LLC  
 Owner: Ali Elgabroni  
 Address: 603 Beverly Rancocas Road  
Block 727, Lot 6;  
 Action: September 1, 2021  
 Memorialized: November 9, 2021  
 Zone: B-3

WHEREAS, the Applicant has applied to the Willingboro Township Zoning Board of Adjustment (WTZBA) for the following approval(s): Preliminary Major Site Plan approval, with use and bulk variance relief and requested waivers to modify an existing two story building (vacant fire house) into a fast food restaurant with a dual lane drive-thru.

WHEREAS, the Application was considered by the WTZBA on September 1, 2021; and

WHEREAS, a public hearing  was not required; or

WHEREAS, a public hearing  was required and the WTZBA has considered that public comments

- were not made by the public
- were made in favor of all or some aspect of the Application
- were made by the public objecting to certain aspects of the proposal

WHEREAS, it appears that all jurisdictional and procedural requirements of the applicable Township Ordinances have been met; and

WHEREAS, the WTZBA has considered the Application and the evidence and arguments submitted by the Applicant in support thereof; and

WHEREAS, the WTZBA has considered the recommendations and comments of its professional staff and written reports as follows:

(X) Report dated July 12, 2021 from CME Associates signed by both Bennett Matlack, PE, CME, CFM and Christopher Dochney, PP, AICP, attached as Exhibit A and incorporated herein by reference.

WHEREAS, the WTZBA has made the following findings of fact and conclusions of law (see attached); and

BE IT FURTHER RESOLVED that the approval(s) hereby granted are made subject to the following Additional Conditions (see attached) and General Conditions applicable to this type of application (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the Application for Preliminary Site Plan approval, Use Variance, Bulk Variance and Submission Waiver is hereby granted, on a bifurcated vote on the requested use variance first, and then a second vote for the balance of the relief sought, with the Applicant deferring on any request for Final Site Plan approval at this time. Motion to approve the use variance made by Stephenson, seconded by Stinson, with the vote on the motion being as follows:

AYE: Johnson, McCurry, Stephenson, Stinson, and Finney

NAY:

ABSTAIN:

ABSENT: Sandra Coleman and Darold Coleman

There was then a second motion for Preliminary Site Plan approval with the identified variances and waivers, and all conditions noted herein, moved by Stephenson and seconded by Stinson, and approved by the same vote of 5-0.

The foregoing action was memorialized by the WTZBA on November 9, 2021 upon the motion of \_\_\_\_\_, seconded by \_\_\_\_\_ with the vote on the motion being as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

The undersigned Secretary of the WITZBA hereby certifies that the above is a true copy of Resolution #ZB-2021-6 adopted by the WTZBA on November 9, 2021.

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Reyan Frank,  
Zoning Board Secretary

### FINDINGS OF FACTS AND CONCLUSIONS

1. The Applicant has applied for a Preliminary Major Site Plan approval, with a D(1) use variance and associated bulk variances and requested submission waivers to modify an existing two story building (vacant fire house) into a fast food restaurant with a dual lane drive-thru, on the property located at Block 727, Lot 6, on the Willingboro Township Tax Map and more commonly known as 603 Beverly Rancocas Road, Willingboro, New Jersey (hereinafter referred to as the "P.I.Q.").

2. 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. Over the P.I.Q. there is also a twenty-two (22) foot wide access from Garfield Drive to the adjacent Lot 6.01 along the northern portion of the P.I.Q. The access does not appear to be documented by an easement on the property survey.

3. The Applicant proposes that the private access for adjacent Lot 6.01 to Garfield Drive over the P.I.Q. will be eliminated and the 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.

4. Property 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).

5. With regard to the use variance requested, restaurants are permitted in the B-3 Zone District per Section 370-61, but drive-thrus are not expressly permitted. Accordingly, a D(1) use variance is required to permit the project as proposed.

6. With regard to the requested bulk variances, the proposed developments 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)**

<b>Standard</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
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
<b>Principal Building Setbacks</b>			
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
<b>Accessory Building Setbacks</b>			
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

7. Accordingly, the Applicant seeks a bulk variance from Section 370 Article VIII: maximum lot impervious coverage which is 30%. However, an existing non-conforming condition of impervious coverage exists at 84.7% and the Applicant is seeking to improve that non-conforming condition, with a proposed impervious coverage at 77.7%. Alterations are proposed for the existing paved area that decreases the total impervious coverage. Nevertheless, a bulk variance in this regard is required. Applicant also seeks a bulk variance to allow fencing in front of the building line.

8. The Applicant also seeks a submission waiver of item #3 on the site plan checklist (locations of existing structures and site features within 200 feet of the property). The Applicant's board professionals in their review letter attached as Exhibit A, take no exception to this requested submission waiver and confirmed their position at the time of the hearing, with the agreed upon condition of approval to the necessary submission of a full site plan at the time of application for Final Site Plan approval.

9. The Township's Master Plan Reexamination Report, which was adopted in 2018 notes the following issues 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 include:

- 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.

10. It is also noted that objectives for landscaping include decrease visibility and extent of impervious surfaces, by landscaping and screening existing paved surfaces, large impervious surfaces and parking lots and improve the streetscapes by requiring street trees on all collector and arterial roads.

11. It is also noted that the Applicant requires the following variances and/or design waivers:

- a) 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.
- b) 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. Applicant agreed as a condition of approval to comply.
- c) Section 248-11C. – Design each space to be twelve (12) feet wide to allow room for persons in wheelchairs or on braces or crutches 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. Applicant agreed as a condition of approval to comply.
- d) 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. This count and issue to be addressed and satisfied at the time of application for Final Major Site Plan approval.

12. While initially called out in the CME Review letter of July 12, 2021, page 5, as necessary, the Applicant confirmed compliance at the time of the Board Hearing and

withdrew its Application for bulk variances from Section 370-13.(H) (no development or construction within Beverly Rancocas Road Right-of-Way), Section 370-75.(D) and Section 370-92 (proposed trash enclosure was moved to be compliant).

13. As detailed in the July 12, 2021 CME letter attached as Exhibit A, for a D(1) use variance the Applicant is required to meet an enhanced burden of proof, meaning that they must satisfy both the positive and negative criteria for the granting of a variance.

14. The Applicant must prove to the satisfaction of the Board that there are "special reasons" to exercise its jurisdiction to grant the requested relief, demonstrating that the site is particularly suited to the proposed use and that the proposal will advance the purposes of the Municipal Land Use Law and the Township's Master Plan and Zoning ordinances. Additionally, the Applicant must show that the variance can be granted without substantial detriment to the public good and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. For the requested bulk variance, the Applicant must provide evidence, proofs and testimony to justify the requested variance by using either the C(1) or C(2) proofs. For C(1) variances, the Applicant must demonstrate that strict compliance of the zoning requirement would have peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the Applicant arising out of:

- a. The exceptional narrowness, shallowness or shape of a specific piece of property; or
- b. By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- c. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

For c(2) variances the Applicant must demonstrate:

- a. That the purposes of the Municipal Land Use Law (MLUL) would be advanced by a deviation from strict application of the zoning requirements;
- b. That the variance can be granted without substantial detriment to the public good;
- c. That the benefits of the deviation would substantially outweigh the detriment; and
- d. That the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

15. At the time of the hearing, attorney for the Applicant, Mitchell Grayson appeared and confirmed for the WTZBA the nature of the Application and the relief being sought. Appearing on behalf of the Applicant was the owner of the property, Ali Elgabroni, Eric Liepins, the architect, Marc S. Leber, the Applicant's engineer, James

Miller, the Applicant's Planner, and Andrew Ferranda, the Applicant's traffic engineer and expert. On behalf of the Board, Michael Roberts, engineer and Maryann Bucci – Carter, Planner, also appeared. All witnesses were sworn and all experts were subsequently qualified and accepted as such.

16. The Applicant marked the following exhibits:

A-1 – Exterior rendering of the building

A-2 – Exterior schematic rendering, side view

A-3 – Aerial map

A-4 – A set of six (6) photographs of the site, estimated date September 2020

A-5 – Site layout plan dated October 9, 2020

A-6 – Color renderings with layout revisions

A-7 – Shropshire Associates June 8, 2021 traffic assessment

17. The Applicant acknowledged as conditions of approval necessary outside agency approvals including, but not limited to the Burlington County Planning Board, the Burlington County Soil Conservation District (land disturbance permit), local water and sewer utilities (approval for change in use), local Township Health Department and the local police and fire, and necessary approval of a final site plan and approval of an acceptable circulation plan for all emergency vehicles and deliveries and trash pickup.

18. The Applicant's first witness was Mr. Ali Elgabroni. He confirmed his ownership and also confirmed that no one is going to use this property as a fire house. He noted that its present use is an abandoned building and that his intent is to make this a fast food restaurant with a drive-thru. He testified with regard to the importance of a drive-thru, especially in this time of Covid-19 and individuals being reluctant to go into restaurants and fast food service establishments. He detailed that by his research that more than 80% of the customers use the drive-thru option rather than coming into the fast food restaurant to order. He indicated that currently there are no proposed tenants for the property, his efforts to secure a tenant and lease the property are ongoing, however, it is very important for any potential tenant that there be an approved use for a drive-thru. He relayed that he believes that once an approval is secured for a drive-thru that he will have more success in securing and finalizing agreements with a lessee for this property.

19. The Applicant's next witness was its architect, Eric Liepins. He discussed some of the select exhibits and what the proposed building may look like, understanding that a final tenant has not been determined, and that Applicant is only seeking Preliminary Site Plan approval. Initially, he addressed Exhibit A-1, an exterior rendering of the building, and testified as to the concept of the building, with no formal branding related to a particular tenant. He testified about new finishes, garage doors, the store front opening and the generic exemplar signage, indicating that this is a prototype for fast

food restaurants. He next identified Exhibit A-2, a rendering of the exterior of the building and testified with regard to its contents.

20. The Applicant's next witness was his engineer, Mark Leber. He also discussed the nature of the Application and the relief being sought, including the variances, and made specific reference to exhibits, including but not limited to Exhibit A-3, an aerial map of the property. He discussed access to the site and also the full motion movement around the site and also the currently existing large and wide curb openings for the previous use of emergency vehicles. He discussed how the site would be made better by reducing these curb openings. He also discussed other properties in the general area. He also testified with regard to exhibit A-4, the front of the building and described the six (6) photographs as marked. He testified with regard to exhibit A-5, the site layout plan and discussed how the site would be improved from an access standpoint. He confirmed that the access drive from Garfield to the convenience store on an adjoining lot is going to be eliminated. The convenience store will still have access to the County Road. There is no easement on the P.I.Q. for that existing access drive and with the elimination of that access drive, that area will be used as a buffer. He also discussed proposed seating and proposed parking and detailed the plan's off street parking spaces. He discussed the Ordinance requirements and indicated that with regard to the proposed 44 seats, they are in compliance with the parking requirements and do not need a parking variance. Again, this is for a generic fast food tenant and no specific tenant has yet been identified. There will be new sidewalks installed at both frontages. He identified turning movements. He identified a proposed loading zone and trash enclosure. He also identified a submitted landscaping plan and lighting details. He confirmed the relief being sought.

21. There was a discussion with regard to signage and currently there are no variances being requested with regard to any particular signs given that no tenant has been identified. He identified Exhibit A-6. He also testified about submission to the County Planning Board and necessary revisions to parking stalls. He identified four (4) employee only parking spaces, with 24 onsite parking spaces if the trash enclosure is moved to the back of the site. Applicant's counsel then confirmed that the Applicant is not seeking Final Site Plan approval, but rather just Preliminary Site Plan approval, along with the associated use variance and bulk variance, and agreed to return to the Board for Final Site Plan approval once a tenant has been secured. At that time the owner and Applicant's professionals will have a better idea of exactly what would be necessary, including any potential variances for a particular tenant's signs or other requirements specific to that tenant. Both Mr. Leber and the architect, Mr. Liepins addressed the callouts and requests for testimony contained in the attached CME Review letter. The Applicant agreed to all of the proposed recommendations and conditions contained in that CME Review letter, including the installation of a grease trap in a manner acceptable to the Department of Public Works and the Board professionals. No sign variances are requested or granted. Applicant agrees to the submission of a proposed Final Site Plan upon the identification of a tenant/end user and specific site plan details being finalized. Applicant referenced the Applicant's lighting plan and agrees to provide a plan acceptable to the Board engineer.



22. The Applicant's next witness was its traffic engineering expert, Andrew Ferranda. He testified consistent with the contents of his June 8, 2021 report marked as an exhibit during the hearing, and incorporated herein by reference for purposes of brevity. He discussed the proposed traffic circulation, trip analysis, stacking at the drive-thru. He discussed the proposed revisions to the site and also the movement of the trash enclosure to eliminate the previously requested variance, and also discussed seating in the front of the building and additional vehicles available for stacking given the movement of the proposed trash enclosure. He confirmed and discussed the bypass lanes for the drive-thru and also the proposed menu boards. He also discussed means of access and egress to the parcel in question. He also addressed the comments in the CME Review letter and the Applicant again agreed to comply with all recommendations and conditions contained in the CME Review letter.

23. Mr. Ferranda concluded that given that they do not know at this time the actual end user of the site, that the plans presented are conceptual. Again, the Applicant confirmed that the current Application is for Preliminary Site Plan approval only, not Final and the Applicant, if they were to receive approvals, would return to the Board for Final Site Plan approval upon a proposed final tenant or end user being identified. Again,

24. Mr. Ferranda discussed the trip generations during the peak hours, midday peak and off hours. He testified with regard to the analysis contained in his report and review and discussed the levels of service and confirmed that in his professional opinion, the proposed relief being sought for the drive-thru and variances would not have a negative impact on traffic or safety at the site.

25. The Applicant's next witness was its planner, Mr. James Miller. Mr. Miller addressed the necessary proofs for the requested preliminary site plan approval, use variance, bulk variance and waivers. He identified all of the requested variances and relief sought. He identified positive criteria special reasons to justify the use variance and all relief sought, and opined that the proposed development and relief requested would advance several purposes of the Municipal Land Use Law. He also opined that the P.I.Q. was particularly suited for the proposed use, and identified supporting factors. He also addressed the negative criteria and opined that the proposed use will not result in a substantial detriment to the public good, and will not impair the intent of the Township's Zone Plan and Zoning Ordinance. He identified numerous factors supporting that expert opinion. He concluded that the preliminary site plan, waivers and variances could be granted consistent with the proofs provided and he addressed the positive and negative criteria for all of the requested relief, with citation to appropriate case law and legal authority in the State of New Jersey.

26. The matter was then open to the Board Planner, Maryann Bucci-Carter. She inquired as to utilities and installations on the roof and the Applicant agreed as a condition of approval that any and all utilities would be appropriately screened in a manner acceptable to the Board professionals. She also agreed with the relocating of the trash enclosure to the rear of the property, indicating that it was a far superior placement for the enclosure, given traffic and circulation concerns identified. She also made a request with regard to the identified additional landscaping and the Applicant agreed to

the submission of a landscaping plan, with proposed fencing, in a manner acceptable to the Board Planner. She recommended and the Applicant agreed as a condition of approval to the replacement of the existing fence. She supported moving the trash enclosure to the rear of the P.I.Q. She confirmed details of the site plan can be addressed at the Final Site Plan application.

27. The matter was then open to the Board's engineer, Mr. Michael Roberts. He noted that the Applicant through its professionals had addressed the comments contained in the CME Review letter, incorporated herein by reference and had already agreed to all recommendations and proposed conditions. He made a request with regard to the fencing along the north part of the property and the Applicant agreed that it would be replaced and relocated on the property line in a manner acceptable to the Board professionals, with details to be provided. He identified trees in that area and proposed narrowing by bypass lane width to eliminate the need to remove the trees. Applicant agreed to address this call out and concern at the time of application for Final Site Plan and with a submission of a landscaping plan.

28. The matter was then opened up to Board comment and questions and there were questions initially from Mrs. Stephenson. She inquired as to the potential end user for this site and expressed concerns with the number of fast food restaurants in the Township. She also inquired with regard to employment at this site and how this will improve the town. She also inquired with regard to hours of operation and if breakfast was to be served or not be served. Given that no end user has been identified, a response could not be provided.

29. There was then questions and comments from the Board Chair, Mr. Finney, with regard to traffic in that area. He identifies it as a high traffic area. He also expressed concerns with regard to accidents. He also discussed the McDonalds across the street and traffic circulation in and out of McDonalds. He also discussed the miniature mall or other stores that also has a lot of traffic in that area.

30. The Applicant then recalled its traffic engineer, Mr. Ferranda to attempt to address some of the concerns and questions of Mr. Finney.

31. Board member Devon McCurry then asked questions concerning and confirming that no final tenant had been secured and confirmed that this was a Preliminary approval and that once an end user or final tenant was identified that the Applicant would have to come back before the Board for Final Site Plan approval, and at that point it could be determined the hours of operation and any additional variances that may be necessary to identify specific requirements of an end user or a proposed franchise, including deliveries, the types of deliveries. There was then a discussion with regard to deliveries on site by box trucks and there was a comment by the Applicant's professionals that a tractor trailer would not be recommended for delivery to this P.I.Q. during peak periods, but may be okay during off peak times.

32. The matter was then opened to the public. There were comments by the following: Mr. Jay Patel, 601 Beverly Rancocas Road. He indicated concern with regard

to the access to their adjoining property and convenience store, which access drive currently goes over the P.I.Q. It was confirmed that there is no confirmed easement but he did confirm that customers do use that road over the P.I.Q. to get to his property and he is concerned that it will affect traffic of their customers to his store. The access drive elimination was confirmed by Applicant's counsel. Mr. Patel discussed options to purchase the access. He supported the necessity for a drive thru.

33. Kiran Walker, 18 Guild Court, indicated that she lives behind the properties and is concerned about noise. She indicated that the P.I.Q. backs up to her yard and that she is concerned with noise of a drive-thru in that area. She is also concerned with the trash being generated and also the trash pickup, which would be abutting her property. She discussed the McDonalds across the street and their hours of operation. She indicated that while she welcomes the business and the redevelopment of the property, she is concerned with the noise and traffic of a drive-thru. She is also concerned with the high rate of traffic during the peak hours of 7:00 am to 8:30 am. Mr. Ferranda was then again recalled by the Applicant to attempt to address some of the concerns and questions raised by Ms. Walker. He discussed the nature and the location of the drive-thru lanes, along with visibility and site distance.

34. There was then a comment by Gary Johnson, 54 Gramercy Lane. He also had traffic concerns. He also indicated that traffic is a hazard in that area, especially at certain times of day, especially given other businesses in that area. He indicated that there will be risks of accidents. He indicated that this is a high traffic area and there will be more risk. He also was concerned with the left turn out and queuing problems on site and off site. Mr. Ferranda was again recalled to testify and respond to concerns raised.

35. There was also a comment by Thomas Floyd, 8 Buckingham Drive. He indicated that he too has a concern with traffic in that area. He indicated that as the site is now, trucks sit in that parking lot and drivers eat their lunch and when they leave the site, it is dangerous to others and he has seen examples of it over the last few years. He says there are a lot of cars there and a fast food aisle exiting out onto the roadways is going to be a problem and cause more traffic.

36. Counsel for the Applicant then concluded his presentation and proofs and made a brief closing statement. He confirmed again that restaurants are permitted uses and the use variance being sought is solely for the drive-thru. He indicated that this is not going to ever be used as a fire house again, that it has been a vacant property for years and that the Township's Master Plan encourages the development of blighted properties. He discussed the necessary proofs on the use and bulk variances requested and the proposed improvement to the site, and how the Applicant would make the property a safer location. He then referenced the proofs and testimony of all the Applicant's professional experts.

37. Based upon all of the forgoing testimony, the application and other documents and the WTZBA's familiarity with the P.I.Q., the ETZBA finds that in regard to the P.I.Q., the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-2, would be advanced by the requested use variance, bulk variance, submission waiver, and a

Preliminary Site Plan approval and that the benefits would substantially outweigh any detriment. The WTZBA determines that the Applicant did in fact meet its burdens of proof on all of these issues, as previously identified herein, on the requested relief and variances. Therefore, the application is granted, with all the noted conditions, including but not limited to the Applicant having to come back before the Zoning Board for Final Site Plan approval.

### GENERAL CONDITIONS OF APPROVAL

1. Any variance granted permitting the erection or alteration of any structure(s) or a specified use shall expire unless such construction, alteration or use shall have been actually commenced on each and every structure permitted by said variance within six (6) months from the date of the WTZBA's action and is diligently pursued to completion; except, however, the running of this period shall be tolled from the date of filing an appeal from the WTZBA's decision to Township Council, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding (Section 60-20). This Condition shall not apply if preliminary approval has been granted, extended and is still in effect pursuant to N.J.S.A. 40:55D-49 or if final approval has been granted, extended and is still in effect pursuant to N.J.S.A. 40:55D-52.

2. A brief notice of this decision shall be published in the official newspaper of the Township, at the Applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date of this decision is memorialized (Code Section 60-32). A proof of publication shall be filed with the Administrative Officer of the WTZBA within thirty (30) days of the date the decision is memorialized.

3. The Applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or appeal in accordance with Code Section 150-5A(5).

4. These General Conditions of Approval shall be binding upon the Applicant, the owner and any successors and/or assigns of either.

5. The Additional Conditions of Approval, if any, shall be binding upon the Applicant, the owner and any successors and/or assigns of either.

6. The approval(s) granted is/are conditioned upon the Applicant obtaining the following governmental approval(s), if needed:

- ( ) Burlington County Planning Board
- ( ) Pinelands Commission
- (X) Any other agency having jurisdiction.

7. Prior to the commencement of any construction, the Applicant shall obtain the following governmental approvals and/or permits, if needed:

- (X) Willingboro Township Construction Code Official
- ( ) Burlington County Soil Conservation District

- New Jersey Department of Transportation – if necessary
- Burlington County Engineer Highway Access Permit
- Burlington County Engineer Utility Connection Permit
- Burlington County Board of Health Approvals
- New Jersey Department of Environmental Protection
- New Jersey Department of Environmental Protection-wetlands delineation, wetlands transition area and/or general permit(s) approval

8. The Applicant shall be responsible for and shall satisfy, in accordance with the Willingboro Township Land Use Ordinance, the following fees and charges:

- Mandatory Development Fees;
- Floor area Ratio Fees in the amount of \$(**to be calculated**).

9. Any improvement(s) to be constructed as a result of the WTZBA approving this application shall be constructed and operated in full compliance with the Code of Willingboro Township, the Revised Statutes of the State of New Jersey and any other applicable county and/or Federal law.

10. Unless specifically waived in whole or in part and noted in the Additional Conditions of this approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the Applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53, et seq., and the Willingboro Township Code. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of two (2) years after the final acceptance of the improvements.

11. If the above application involves the granting of a final subdivision or final site plan approval, the Chairperson and Secretary of the WTZBA shall not sign the Final Subdivision Plat or Final Site Plan nor shall any zoning permit issue until the Applicant has posted the required performance guarantee and the Applicant has demonstrated that all conditions of the final approval have been satisfied.

12. Applicants seeking site plan or preliminary and/or final subdivision approval shall:

A. Submit five (5) copies of a complete survey of the property (except for streets) to be dedicated, which survey shall be performed and certified by a licensed surveyor.

B. Submit a topographic survey showing contour intervals of two (2) feet at a scale no larger than one (1) inch equaling one hundred (100) feet.

C. Submit five (5) copies of complete (as-built) plan of any improvements, except for streets, on the dedicated property.

D. Submit a deed of conveyance, approved as to form, content and description by the Township Attorney. The said deed shall contain provision for the signature of the Mayor and attestation by the Township Clerk. Where streets are offered for acceptance, a legal description by metes and bounds describing the centerline shall be included.

E. Obtain title insurance naming the Township of Willingboro as the insured party in an amount equal to the fair market value of the dedicated property; this requirement shall not pertain to streets. In the case of drainage easements not shown on or generated after the final plan is filed in the County Clerk's office and property having a fair market value on one thousand dollars (\$1,000.00) or less, a title search indicating marketable title shall be sufficient, provided that said search is certified by a title insurance company authorized to do business in the State of New Jersey.

13. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date of approval has been granted the Applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-9.9, et seq.) or records a deed with the County Clerk which clearly describe the approved minor subdivision and files a copy of the deed with the Township's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the WTZBA.

14. If a final approval has been granted, the Applicant shall submit to the WTZBA Engineer for his review a minimum of 8 complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

15. As part of this first application for final approval, the Applicant shall provide a construction schedule as required by the Willingboro Township Ordinances which must be satisfactory to the WTZBA Engineering Consultant.

16. The Applicant shall comply with Title 39 of the New Jersey Statutes.

**EXHIBIT "A"**



JOHN H. ALLGAJR, PE, PP, LS (1983-2001)  
DAVID J. SAMUEL, PE, PP, CME  
JOHN J. STEFANI, PE, LS, PP, CME  
JAY B. CORNELL, PE, PP, CME  
MICHAEL J. McCLELLAND, PE, PP, CME  
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME

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, 2021; (*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:





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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:

<b>Table 1: Bulk Standards, B-3 (Tertiary Business District) Zone (§370 Art. XIII)</b>			
<b>Standard</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
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
<b>Principal Building Setbacks</b>			
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
<b>Accessory Building Setbacks</b>			
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 10<sup>th</sup> Edition the amount of additional trips that a fast food with drive-thru with the removal of pass-by trips is depicted below:

Land Use Code (LUC)	Trip Generation								
	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
<b>Difference in Trips</b>	<b>11</b>	<b>9</b>	<b>20</b>	<b>13</b>	<b>16</b>	<b>29</b>	<b>-1</b>	<b>1</b>	<b>0</b>

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 95<sup>th</sup> 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 95<sup>th</sup> 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