

**DELRAN TOWNSHIP  
ZONING BOARD  
REGULAR MEETING MINUTES  
MUNICIPAL BUILDING  
JUNE 16, 2016 – 7:15 PM**

**OPEN PUBLIC MEETINGS ACT**

Delran Township Zoning Board regular meeting of Thursday, June 16, 2016 was called to order by Mrs. Wuebker at 7:15 pm, in the Delran Township Municipal Building.

The Open Public Meeting Act Announcement was read by Mrs. Wuebker. She stated the Chair and Vice Chair were absent for tonight's meeting and she was the acting Chairperson. The pledge of allegiance was performed.

**ROLL CALL**

**Present:** Mrs. Parento, Mr. Jeney, Mr. Jesuele, Mrs. Wuebker & Mr. Lyon

**Absent:** Mr. Schultz, Mr. Gonzaga, Mr. Smith & Mr. Hewko

**Professionals:** Eileen Fahey, Esq. Board Solicitor; Terry Combs, PP, Board's Planner; Joe Raday, PE, Board Engineer & Jim Winckowski, PE, Board Traffic Engineer.

**PUBLIC HEARING**

Lidl US Operations, LLC  
Route 130 South & Fairview St.  
Block 65, Lot 13, 14, 15 & 16  
Preliminary and Final Site Plan with any required Bulk "C" Variance  
ZZ2015-06

Mr. Tim Prime, Attorney for Lidl. He gave a brief overview of the application which was before the Board for a Use Variance. The site is located on Rt. 130 S and Fairview St. Lots 14, 15, 16 & 13. The Board granted the Use Variance to allow the use of the residential lot for the access drive to keep it as far as possible from the intersection. The Board also gave the Use Variance to allow the back corner of the lot which falls into the residential zone to use as part of the development although there are no improvements on it, all the improvements are on the commercial lot. They are here for Preliminary Site Plan approval. There are a number of open issues that they are trying to resolve with the NJ Department of Transportation. They do have County Planning Board approval. The County did prohibit left hand turns out of the Fairview St. driveway. They said to use the highway exit, go to the jug handle and proceed Rt. 130 N. The applicant agreed with that. The review letter said to put no left turn signs out there which is fine. Absent all the traffic issues which they can't do tonight because they are waiting on information from DOT. Once obtained they will have to come back for final site plan approval. They are certified complete though by DOT and are expecting comments by the end of July. It will be awhile before they come back, so meanwhile they can address all the open issues in their review letters. They did file a written response addressing each item so the Board and the Professionals would be aware of applicant's position. There are some open issues relative to the traffic and DOT.

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Ms. Fahey, Board Attorney swore in Scott Logan, Lidl, Philadelphia, PA, Kevin Van Hise, Kimley Horn, NY, NY and Dan Ormand, Traffic Engineer for Kimley Horn, Philadelphia, PA. Mr. Van Hise was sworn and qualified at the Use Variance application as an expert to testify to the general site plan. One of the first issues addressed is the additional buffering that was required from the last meeting. The plan now depicts 153, 10 to 12' tall Arborvitae continuous along the edge of the parking lot on the western edge. In addition to a 6' tall solid vinyl fence. On the ends of that will be a double row of Arborvitae, a single row adjacent to the parking lot to control head lights from the parking facility into the adjacent properties. Also addressed the concern about additional street trees along the jug handle and Rt. 130. They have a BMP facility that is located right along the edge at the entrance of the jug handle which limited their ability to put street trees across the front of that. But everywhere else they have provided them along 130 and up the jug handle as well as Fairview St. There was also a request for additional evergreen shrub material along the edge of the parking lot at the jug handle. They have also been provided.

There was also discussion about the sidewalk along Rt. 130 and its connection. That sidewalk is continuous along the frontage along Rt. 130 and connects to an adjacent parcel and connects to a crosswalk which then provides access to the existing sidewalk on the Walgreen's property. There is an internal sidewalk which is also connected to that so pedestrians will be able to make their way thru the site to the sidewalk on Fairview and that sidewalk is proposed to extend all the way to Harper Dr. The drawing will show the cross section of the proposed Arborvitae hedge and the proposed fence. In the top section, you will have the full effect of the height of that Arborvitae plant material as well as the fence. As you move back, there is more grade along the back of the parking lot but what they have done is extended that so it's a softer grade. It's 5 to 1 where it was originally 3 to 1.

Mr. Combs mentioned his recommendations would be to take the evergreen plantings to the edge of the building and put along the rear of lots 8 and 9 which are across from the building. Put a double row along the rear property lines instead of hedge row along the building. It would be a more effective screening in an area that is more likely to thrive. He also would like to see the fence be extended an additional 60' to 65' down the driveway, right past where the residential corner comes into the driveway so it can block more of the lights from the cars. He would like to see some more shade trees, maybe some more evergreens behind lots 8 and 9. What is there now isn't the greatest with the diameters and would like to take some of them out and replace with something larger that will fill out and buffer the lots more. A little more landscaping out by jug handle and Fairview St. A total if added, 30 shade trees will do it in addition to the landscape provided to date. If the Board grants preliminary approval, Mr. Prime stated he will get a revised plan to Mr. Combs and get the landscaping issue resolved so when they come back for final it will all be done.

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Mr. Prime said they deferred the drainage storm water comment. Their Engineer has not had a chance to address that issue and they want to be able to submit it to Mr. Raday's office. They would like to have a full drainage analysis done for final.

The traffic report as he indicated from Mr. Winckowski's report, addressed everything that they could address realizing that the final approval is going to be with the DOT. They are now looking for the preliminary site approval.

Mrs. Wuebker asked for anyone from the public if they had any questions regarding the landscape issue they just discussed.

Mr. Lou Marino, 6 Pancoast Blvd was sworn in by Ms. Fahey. His question was about another issue so he will have to refrain till a little further into the meeting. This was solely questions directed to the Professional who just presented a testimony about the landscaping.

Mr. Nuno Tome, 6 Harper Blvd., was sworn in By Ms. Fahey. He asked about the fencing that they are planning on installing. He wants to know if it is vinyl and how far it will cover. Mr. Van Hise explained where they were putting the fence which was the discussion they just had prior. He explained the loading dock wall which will be a 43" tall wall along the edge of the loading dock area will be a buffer for that noise.

Mr. Van Hise described the loading area. The drive in the loading area is sloped down so when the trucks back in, the elevation is lowered and there is an additional wall along the edge of the loading dock area to provide additional screening to the areas that will be exposed to the actual opening of the doors. So at the lowest point, you are approximately 3' deep from grade plus the 43" of the wall. Question asked from Board Member. How far from Mr. Tome's property line? The closet point from that loading area, from the dumpster loading area is 145'. A portion of the top of truck will be seen when they are there in the loading dock. Mr. Van Hise stated that they can't change the architectural of the building but are willing to limit the timeframe for deliveries to be more specific then the hours of which they already discussed between 12am and 6am. LIDL would like to see the deliveries to be between the hours of 6am till 8 or 9ipm. LIDL would like to have the trucks deliver the earliest they can cause of fresh produce daily to be unloaded and the store stocked before the store gets busy.

Dave Reissman, 700 5<sup>th</sup> Street, was sworn in by Ms. Fahey. He wanted to ask why they wouldn't put a row of Arborvitae next to the loading dock wall. Mr. Van Hise stated they already have that depicted on the plans. They have a sidewalk around the boundary of the building including the loading dock area so they can't plant anything closer than originally planned. They feel what they have discussed so far will be sufficient enough for helping with the sound for the neighbors beside them on Harper Blvd.

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Mr. Raday reviewed the second letter he has dated 5/17/16. The Traffic Study states that they will need NJDOT approval. According to Mr. Van Hise, they are certified complete. They have county approval as Mr. Prime has stated. The amount of deliveries was 1 from the beginning But they can't commit to one delivery. It will depend on how busy it is and whether a second delivery will be needed. Should be no more than two a day. The hours of operating discussed are 6am to 12am. Under parking and loading, the revised geotechnical report will be provided prior to final approval. The applicant is seeking a waiver for the (approximately 50) 10 x 18 parking spots on the perimeter curb to reduce the amount of imperious cover on the site where the ordinance requires a 10 x 20. The 10 x 20 will remain in the center of the site where the store is. There will be security cameras internal in the building and in the parking lot. They have bids out but no one has been chosen yet. They just don't have details yet.

In regards to the Environmental Impact Report, there was a Phase I for the residential property indicating that Phase 2 was not required. But a Phase 1 & Phase 2 were done on the larger tract. In the case of the Phase 1, it was a pedestrian review of the potential environmental hazards that exist on the site. In the case of the larger tract phase 1 & 2, there was some indication that there may be some opportunity for underground contamination and so that was investigated with borings. The analysis must comply with the NJDEP guidelines.

Mr. Van Hise said that they sent a copy of the survey signed and sealed with what was requested of it thru email. Mr. Combs was satisfied with that.

**Mr. Jesuele made a motion to deem the application complete. Mrs. Parento seconded it. The results are as follows:**

**Aye:** Mrs. Parento, Mr. Jeney, Mr. Jesuele, Mrs. Wuebker and Mr. Lyon  
**Absent:** Mr. Schultz, Mr. Gonzaga, Mr. Smith & Mr. Hewko

Mr. Combs stated that in his letter he said it would be ok to eliminate a row of plantings along the edge of the building which includes the loading dock. If the Board doesn't like that, he would recommend leaving a single row of trees along the loading dock and eliminate the double row. The Board is ok with that. The fence wasn't on this site plan but will be on the final site plan. Mr. Combs recommended a commercial grade solid beige vinyl so it will hold up over the years. He asked Mr. Van Hise to show the length of that fencing to make sure it continues along the back down to the end of lot 11 where the buffer becomes the narrowest.

Mr. Winckowski went over some things from his letter dated May 25, 2016. The applicant was granted a Use Variance approval for the grocery store. That will have a right in and right out only on Rt. 130. The driveway on Fairview is proposed to restrict left turning vehicles from exiting the site at that location. They asked that the County look at possibly widening it. One thing you can do to improve levels of service to reduce stacking, is increase the amount of lanes you have at the intersection and the length of those lanes.

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Fairview Street is a County Road and Rt. 130 is a DOT road. DOT's responsibility is right to the ramp. Waiting on DOT for the traffic study. County provided its requirements for Fairview Street. With regard to the signalized intersection, the applicant is proposing to mitigate the impact of traffic that it will have with the level of service. They are taking 7 seconds of green time from Fairview Street and giving it to Fairview Blvd. There is much more of a problem of stacking on that side coming from Shoprite. It will reduce the delay overall at the intersection but it will not affect the time on Rt. 130. NJDOT will have to approve it or recommend alternatives. It will increase delay on the Walgreen side and reduce it on the Shoprite side and the overall delay at the intersection should be reduced.

A sidewalk is proposed along the front of Route 130 and will connect with the existing sidewalk in front of Walgreens. They will discuss whether the sidewalk should proceed along the jug handle. The DOT might request that to be done. Will wait to see what they request. Mr. Van Hise agreed to make the sidewalk along the front of the building 6 feet instead of 5 feet due to the potential for vehicle overhang with the adjacent parking spaces.

Mr. Van Hise stated that they will not, nor will they have a need for cart corrals thru out the parking lot. They will have a large one in the front of the store for all carts. They will use employees to round up empty carts laying around the lot. Lidl doesn't have corrals in any of their sites in Europe. If it becomes an issues they will consider hiring more employees to take care of it.

Mrs. Wuebker asked any audience members if they would like to come up for questions on this subject of the 7 seconds of green time from Fairview St. to Fairview Blvd.

Lou Marino, neighbor in the area, asked why they are having to have an access driveway out on Fairview Street. His child is blind along with many other kids in the area. He is currently working with the County and the State for special crosswalks on Bridgeboro, Fairview and Rt. 130 for his son who is blind. Mr. Prime stated that it is a permitted use on an 8 acre site zoned commercial and it will generate some traffic but they are trying to do the best they can to mitigate it. It is a right out only on Fairview Street and in order to accommodate their customers, they have to have both entrances available. Mr. Lyons stated that they want to limit their delivery trucks from going out that way. They would come in on Rt. 130 and exit the same way and you were ok with that. Correct? They revised it immediately after that meeting to verify that the truck does work that way. Mr. Winckowski stated that the shopping center itself, if they took away the driveway is a permitted use. If they take out the driveway onto Fairview, now all traffic will enter and exit onto Rt. 130 and then they will use the jug handle to go East on Fairview, which will now add trips to that intersection. There was no ability to make a left turn safely out of the driveway without getting stuck. If they didn't have that access, that's all traffic that would be hitting the intersection to make a left, u turn at the next light up o or take the jug handle come back down 130 to come back in. This takes customers from the neighbor so they don't have to go on Rt. 130.

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Mrs. Wuebker mentioned she saw some conflicting comments in the reports. She believes it was the County was telling you to limit the crosswalks at the accesses and the Engineer was telling you to put in the crosswalks. The County's policy is that they don't crosswalks at residential/commercial driveways because they would have to maintain the ROW. The DOT is taking the same position. When they did the sidewalks on Fairview, the County told them to remove them. LIDL had similar comments about stop signs at that access as well. Safety is paramount to them as it is to the Township and they said that if the stop sign gets knocked over by a plow then the County gets a call to fix it. The County tells them it isn't in their ROW so then they get dinged for all the costs that aren't theirs. The DOT will probably tell them to remove the ramp on Rt. 130. Lidl will like to put their best foot forward and see what the comments are. Mr. Hewko stated as long as they conform to the ADA requirements, then they should be fine to remove the crosswalks. Mrs. Wuebker stated it is not a requirement anymore only at a street intersection.

Dave Riessman, member of the public, asked where is the traffic that is planning on going Northbound on Rt. 130 intended to go? They will go out Rt. 130 and take the jug handle back up north. He stated it will cause a backup at that jug handle then. The traffic engineer stated that the County has review over the Fairview Street and DOT has review over Rt. 130 access. They purchased that residential property on Fairview St. per the County's recommendation in order to get full movement. So they are under contract, they bought a property they didn't want initially and the County then said they goofed, you're not going to get a left turn out onto Fairview St. Their location is a little unique with the jug handle but they feel that it is going to be the best access for everyone.

Bert Hermansky, 84 Springcross Drive was sworn in by Ms. Fahey. Has anyone talked about the parking lot configuration? He was on Town Council and Planning Board when Shoprite and the center went in. He said they screwed up with the parking over there. He would like to see less parking spaces to make sure the same thing doesn't happen. He feels that even though there will be no left turn signs, people will still do it. Just a little thought for your consideration.

Mrs. Wuebker stated that most of the parking spaces proposed are 10 x 20 and some are 10 x 18 along the perimeter, but those will be able to hang over the curb and grass at the front of the spot.

Lou Marino stated he is working with the County to get a crosswalk at the driveway entrance on Fairview Street. Working on possibly getting a light to stop traffic with audio for the blind. LIDL would much rather have the stop signs, stop bar and walk ways for the safety of the customers but the County said to remove it from the plans. He really wants LIDL to speak to the County about what was discussed.

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Mr. Nuno Tome, 6 Harper Blvd. voiced his concern about making the decision of not making a left onto Fairview. His concern is that they might use for cut thru the 2 streets behind the store to get back on Rt. 130 if the traffic is really bad during rush hour at the jug handle.

His Being one and the other is Pancoast Blvd. Can the Township do anything to possibly help the residence that live there avoid the people from using their road as a cut thru?

Dan Ormand, Traffic Engineer for Kimley Horn. He stated that they did a queuing analysis for the jug handle with the modified traffic with no left turn onto Fairview.

It's approximately 450' from Fairview Street along the jug handle to Mainline Rt. 130 South bound and the anticipated 95<sup>th</sup> percent queuing design distance is expected during the PM peak to be 320' so the queuing is not expected to back up onto the mainline. That includes the added traffic from the site during the PM peak hour and the Saturday midday peak hour.

Mrs. Wuebker closed the portion to the public.

The Board discussed the hours of delivery to be 6am to 8pm. It's the jurisdiction of the County and DOT as to whether they would want to change anything. Waiting on them.

**Mr. Jesuele made a motion for approval of the Preliminary Site Plan subject to the waivers and the Bulk Variance where 50' is required but it will be a little less than 20' plus a restriction on the time of deliveries thru-out the day. Mrs. Parento seconded it. The results are as follows:**

**Aye:** Mrs. Parento, Mr. Jesuele, Mrs. Wuebker and Mr. Lyon

**Nay:** Mr. Jeney

**Absent:** Mr. Schultz, Mr. Gonzaga, Mr. Smith & Mr. Hewko

## MINUTES

**Mrs. Parento made a motion to approve the Special meeting minutes from May 4, 2016. Mr. Jesuele seconded it. The results are as follows:**

**Aye:** Mrs. Parento, Mr. Jesuele and Mr. Lyon

**Abstain:** Mr. Jeney, Mrs. Wuebker

**Absent:** Mr. Schultz, Mr. Gonzaga, Mr. Smith & Mr. Hewko

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Mrs. Parento made a motion to approve the minutes from the regular meeting from May 19, 2016. Mr. Jeney seconded it. The results are as follows:

**Aye:** Mrs. Parento, Mr. Jeney and Mrs. Wuebker

**Abstain:** Mr. Jesuele, Mr. Lyon

**Absent:** Mr. Schultz, Mr. Gonzaga, Mr. Smith & Mr. Hewko

**RESOLUTION**

Resolution # ZZ2016-06  
Mark & Rochelle Samara  
127 Pine Valley Road  
Block 173, Lot 14  
ZZ2016-02  
Bulk Variance

Mr. Jeney made a motion to approve the Resolution as amended per the comments of Mrs. Wuebker. Mrs. Parento seconded it. The results are as follows:

**Aye:** Mrs. Parento, Mr. Jeney and Mrs. Wuebker

**Abstain:** Mr. Jesuele and Mr. Lyon

**Absent:** Mr. Schultz, Mr. Gonzaga, Mr. Smith & Mr. Hewko

**ADJOURNMENT**

Mrs. Parento made a motion to adjourn the meeting at 9:05pm. Mr. Jesuele second it.

Motion was carried with a unanimous voice vote.



