

STRATFORD JOINT LAND USE BOARD
MINUTES
December 12, 2019

The meeting was called to order by Chairman Santora at 7:00 pm and the public statement was read that the meeting was advertised in the Courier Post, the Collingswood Retrospect and a notice was posted on the bulletin board at the Borough Hall stating the time and place.

The Chairman led the board in the pledge of allegiance and a prayer.

ROLL CALL:

Present

A. Santora, Chairman Class IV
J. Keenan, Mayor Class I
J. Keenan Class IV
T. Kozeniewski Class IV
M. Mancini, Vice Chairman Class IV
R. Morello Class II
P. McGovern Class IV
R. St. Maur, Class IV
T. Hall, Alternate 1
L. Mount, Alternate 2
M. Wieliczko, Solicitor
S. Bach, Engineer
A. DiRosa, Engineer
S. McCart, Secretary

Absent

F. Hartman, Councilman Class III

APPROVAL OF MINUTES: Motion was made by Mr. McGovern and seconded by Mr. Keenan to approve minutes of October 24, 2019. All member

APPROVAL OF RESOLUTIONS:

Resolution 2019:07 Dr. Balling

Mr. Wieliczko stated there is an amendment to the Resolution on page 10, paragraph 5 references Dr. Ballings dental practice in that office for 50 years. Dr. Balling's practice has been there since 2002. Mr. Keenan questioned the agenda because it says it is a commercial lot. Mr. Wieliczko stated it is office and residential.

Motion by Mr. McGovern and seconded by Mr. Keenan to approve Resolution 2019:07 Roll call vote:
Mr. Keenan, yes, Mr. Morello, yes, Mr. McGovern, yes, Mr. St. Maur, yes, Mr. Hall, yes, Mr. Mount, yes, Mr. Santora, yes

Resolution 2019:08 Recommendation on Ordinance 2019:20 and the adoption of "Berlin Road Redevelopment Plan. Block 53, Lots 1, 2, 3, 4, 5, and 6.

Mr. Wieliczko stated we have the benefit of the Redevelopment planner, Pam Pellegrini, who is going to offer testimony with regards to the redevelopment plan.

Pam Pellegrini was sworn in. Ms. Pellegrino is with Maser Consultants, the redevelopment planner for the borough. Ms. Pellegrini is a licensed engineer and planner in the state of New Jersey with over thirty years of experience.

Mr. Wieliczko asked Mr. Keenan, because of his prior work as borough clerk and his possible involvement with Berlin Road, if he would step down from the dais. Mr. Keenan step down and Mr. Mount took his place.

Ms. Pellegrini gave an overall review of the redevelopment plan of Block 53, Lots 1, 2, 3, 4, 5, and 6. They were designated as a non-condemnation area in need of redevelopment in September of 2018. It is presently zoned commercial and it encompasses the entire Block 53. It is located along Berlin Road between Arlington and Bryant Avenue. The land use requirement that were set for in the redevelopment plan will apply as an overlay. Potential redevelopers are encouraged to use the overlay zoning. The

redevelopment plan encourages complete demolition and redevelopment of any project site. At the same time the plan permits the continued use of any legally existing structures or any used permitted in the existing commercial zone. The zoning map is to be amended to incorporate the designated redevelopment area overlay. The permitted used would be for sale townhomes. The minimum tract area for redevelopment plan is four acres which is some but not all of the area in the redevelopment area. This plan is consistent with the Master Plan and other plans of surrounding towns. We look at land use element of 2006 Master Plan and the subsequent reexam in 2016. The plan discourages blight, vacancies and further deterioration. It encourages redevelopment along the Rt 30 corridor and its surrounding area which include Berlin Road.

Ms. Pellegrini stated when you look at the 2014 comprehensive plan and land use master plan for Camden County the policy promotes growth where there is existing or planned infrastructure, existing population and employment clusters, and dense settlement patterns. Berlin Road redevelopment area is located within a Camden County priority growth investment area. It is an ideal location for meeting the County's future growth such as in transit centers. It encourages active transit corridors by clustering growth, development and a vibrant mix of uses within a walkable distance to transit. Goal #6 is to evolve suburban center to become not just hubs of commerce but also walkable mixed-use focal points. Goal #8 is to improve multi-module conditions and land-use quality along aging strip aerial corridors.

Stratford is also bordered by several municipalities, particularly Lindenwold and their heavily used Patco station which is directly across the road from the Berlin Road redevelopment area. Our plan is consistent with the regional desire to create supportive living and working environments around this tract.

The Delaware Valley Regional Planning Commission created a long-range plan for future growth known as Connections 2040. This was revised in 2017 as Connections 2045 and includes land use, environmental, economic competitiveness, and transportation strategies. There are five core plan principles: sustain the environment, develop livable communities, expand the economy, advance equity and foster diversity, and create an integrated, multimodal transportation network. The most relevant is to develop livable communities.

The intent of the redevelopment plan is to expand housing options in the region to meet current growth demands and create a walkable and supportive living community adjacent to an active transit and commercial center. The state planning commission recognizes the importance of the idea of sustainable development. The redevelopment area is located in Planning Area 1, Metropolitan Planning Area. The states redevelopment is directed in order to revitalize cities and towns, promote growth n compact forms, stabilize older suburbs, redesign areas of sprawl and protect the character of existing stable communities. Mr. Wieliczko asked if it was Ms. Pellegrini if it were her recommendation to the Land Use Board that they recommend the adoption of this ordinance that was referred to us to recommend to council that they adopt the ordinance and the redevelopment for the reasons that you stated. Ms. Pellegrini stated she did.

Mr. Morello clarified that Ms. Pellegrini stated for sale townhomes and commercial uses. Ms. Pellegrini stated for redevelopment purposes the permitted uses are for sale townhomes. The zone is an overlay. Anyone could come in under existing zoning and do commercial. The commercial zoning stays in place. The redevelopment is an overlay which allows in addition to commercial under existing zoning, you can do for sale town homes.

Mr. Santora asked about other projects that Ms. Pellegrini knew of in other towns along rail lines, is this an addition to a community? Can a developer come in and purchase the property and do that work? Ms. Pellegrini stated yes, the kind of townhomes that would come here would be young professionals, people that would be using the transit, and also purchasing and working in the community.

Mr. Mancini asked where would someone put commercial? Ms. Pellegrini stated the fact that is was an overlay was for the primary purpose of allowing this type of development but also allowing the existing commercial on the corner and the existing home to remain, any legally existing uses. So, someone could come in and redo the commercial corner or could purchase the house and do commercial because it is in a commercial zone.

Mr. Wieliczko stated there is no formal requirement for public comment on the redevelopment recommendation; however, if there any comments from the public we will hear them.

Motion was made by Mr. Mancini and seconded by Mr. McGovern to open to the public.

Mr. Wieliczko stated Resolution 19:05 Rules of Procedures would be followed for the public session.

Mr. Gentless, 111 Union Avenue, was sworn in. He asked if it was going to be 48 townhouses? He also questioned fair share housing number. Mr. Wieliczko stated this is a recommendation for the redevelopment plan that has been sent to us. The board will take your comment into consideration. Mr.

Gentless's other question was how did the planner find out that Mr. Weisburg wanted to develop the property? Mr. Wieliczko recommended that is not a question that should be answered. Mr. Gentless questioned the number of affordable houses. Mr. Santora stated he would allow Ms. Pellegrini to answer the question on the number of units. He stated it says no less than 8. Could it be 10? Ms. Pellegrini stated the way the requirements are set up is based on allowables, minimum tract area, maximum tract density. So, it is yet to be determined how many. Any plans that come in, whoever comes in as the redeveloper, the plan that they present must meet the standards that are set forth. The specifics will come forth once a developer is established as the redeveloper and then they present a formal plan for processing under redevelopment. Mr. Santora asked to clarify, if the guy comes in and ten units are required, then ten units will have to be built on that. Ms. Pellegrini stated council of fair share housing would have a say as well. That would get negotiated and determined through the redevelopment approval process. Mr. Santora stated we don't decide that.

Mr. Mancini stated we have always been told that we agreed to 20% for affordable housing. He asked if that were etched in stone. Ms. Pellegrini stated that is a negotiable thing with fair share housing. Ms. Pellegrini stated the borough has a compliant plan and you have a vacant land adjustment currently. So, it is compelled upon, when you do redevelopment planning, that you do your best to add affordable units. Which is definitely part of this plan, but the exact number was yet to be determined.

Motion to close the public portion was made by Mr. St. Maur and seconded by Mr. McGovern.

Mr. Wieliczko stated everyone has before them the proposed resolution 2019:08 it the recommendation on ordinance 2019:20 that adopted the Berlin Redevelopment Plan.

Motion by Mr. Mancini and seconded by Mayor Keenan to recommend the ordinance and adoption of the Berlin Road Redevelopment Plan. Roll call vote: Mr. Mancini, yes, Mayor Keenan, yes, Mr. Kozeniewski, yes, Mr. Morello, yes, Mr. McGovern, yes, Mr. St. Maur, yes, Mr. Hall, yes, Mr. Mount, yes, Mr. Santora, yes.

BOARD ACTION: none

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS: Steven & Barbara Linn, 108 Harvard Ave., Block 37, Lot 10. Installation of a two-car garage, side yard variance. Mr. Linn was sworn in. Mr. Wieliczko stated he spoke with the applicant prior. We had received proof of publication. The notice to property owners was done but Mr. Linn could not find the receipts. Mr. Linn stated that is correct. Mr. Wieliczko stated because you do not have them, we will not have jurisdiction over your application. You have noticed for this evening in the paper. Mr. Wieliczko asked if he would be available for the first meeting in January which is January 23, 2020. Mr. Linn stated he could. Mr. Wieliczko asked if there was anyone in the public for the Linn application. There were none. This is notice to anyone that has an interest in the Linn application that the application will be carried until Thursday, January 23, 2020.

Tim Horton's Café & Bake Shop, 57 S. White Horse Pike, Block 52, Lot 10.01, Major Site Plan, Minor Subdivision

Mr. Duncan Prime, from the law firm of Prime & Tuvel, introduced himself. He is representing the applicant, Stratford Empire, LLC. He stated he has submitted proof of mailing and proof of publication. For the record this property is located at 57 S. White Horse Pike, also known as Block 52, Lots 10 and 10.01 on the tax map. It is the site of the existing TD Bank which is located on Lot 10. The property is already subdivided. As part of the application tonight we are proposing a minor subdivision that will be adjusting the lot line, Lot 10.01 a little bigger and Lot 10 a little smaller. The reason for that is to facilitate the proper development of a 3500 sq foot restaurant, Tim Horton's, to be proposed on Lot 10.01. It fits and work better with additional property. We are here for a preliminary and final site plan. The restaurant will have a dual drive through operation with it. It will have new lighting, new parking and landscaping. It is located in a Commercial zone and that is a permitted use.

Mr. Wieliczko noted that John Keenan had returned to the dais and Mr. Hall and Mr. Mount will hear testimony but will not be polled on voting.

David Shropshire, Samuel Ranauro, Brian Atkins, Satyen Rawal, architect, Kerrim Jivani, Kais Jivani, Steve Bach, Anthony DiRosa were sworn in.

Mr. Brian Atkins, Civil Engineer, SR3 engineers, sited his qualifications. He assisted or prepared the site plans. Mr. Santora accepted his qualifications as an expert witness. Mr. Wieliczko stated that our professionals have been working with the applicant for many months and Mr. Atkins has been part of that.

Mr. Atkins stated we have a rendered site plan for the Tim Horton's. The lot has been vacant for 15 years. The application proposes to resubdivide the line between the two sites, to move the rear lot line approximately 18 feet north, almost to the curb line of the existing TD Bank in order to get more parking and accommodate the dumpster in the rear. The site plan is to create a one way in and one way out on the White Horse Pike, approximately where curb cuts are but redone to give some directionality to the one way in and one way out. The one way in will circle around and split into a dual drive through at rear and proceed to single lane at pick up and out the exit. There will be 20 parking spaces based on ordinance requirement for 1 space for every 3 seats and 1 for every 2 employees in the maximum shift. In this case it is 54 seats total and four employees at max shift.

Mr. Wieliczko asked is there a variance request for parking. Mr. Atkins stated there is no variance for parking and no bulk variances related to the subdivision or the site itself.

There is landscape and lighting around the perimeter per township standard. Storm water management with two rain guards in the front and one underground basin in the rear with an easement with the TD bank property to connect to their system.

Mr. Prime stated he passed around a document labeled Use and Operations Statement. It will be marked exhibit A1. During the introduction, the aerial will be referred to as A-2, Rendering of Site Plans would be A-3 dated November 21, 2019.

Regarding loading operation for the site, there is a lack of loading zone and we can speak about that variance later. The purpose is Tim Horton does not receive tractor trailer deliveries. They use box trucks at off peak hours. The box trucks would either use the parking lot or area adjacent to back door of building. Mr. Wieliczko asked on the subdivision application, how many sq. ft are you adding to lot 10.01? Mr. Atkins stated 2542 sq feet.

Mr. Atkins stated the overall circulation for the site is the in/out on the White Horse Pike. Additionally, there is an access on New Road on side of site and TD Bank has an access to Berlin Road in the rear of the site. At the access locations the two noted pylon signs will be installed along with a monument sign on White Horse Pike in front of the site.

Mr. Wieliczko questioned the drainage and the access on TD Bank site. There are certain conditions of approvals and they are identified that you are in negotiation with TD Bank in regard to the ingress and egress and you are also in negotiations in regards to the underground storm access easement. Mr. Dunkin stated we are wrapping that up. Mr. Wieliczko stated the applicant is in agreement as condition of approval to the successful negotiation with TD Bank for an underground storm water access easement to connect to the existing storm water connection on lot 10 in a manner agreeable with our engineer. And also, with regard to ingress and egress, the applicant agrees as a condition of approval to the successful negotiation with TD Bank with regard to lot 10 for traveling over that property for egress and ingress. Mr. Wieliczko stated you also need consent of the Delaware River Port Authority in as far as the existing egress and ingress is to New Road.

Mr. Atkins stated we also proposed, as noted on the site plan, an outdoor seating area as well as indoor seating.

Mr. Santora asked that the entrances on New Road be pointed out. Mr. Atkins stated it was just north of the site. Mr. Santora stated it is not right onto the site. Mr. Atkins stated no.

Exhibit A4 Architectural Rendering of corner view of Tim Horton's undated.

Mr. Atkins stated one item in question in Bach Associates review, dated September 19, 2019, Page 9, Item 4, there is a notation about monitoring wells. Those are existing monitoring wells for a former use in 2004 located around site. Currently monitored by TD Bank. It is not our intention to remove. We are getting coordination with TD Bank to avoid those monitoring wells and the intent would be to leave them in place.

Mr. Wieliczko stated the wells are active and will not be capped. Mr. Atkins stated they are active and some may need to be reset to adjust to grade. Mr. Wieliczko asked if there were going to be an additional condition of approval that relates to the TD Bank and those wells? Who is monitoring them and maintaining them? Mr. Prime stated we will provide the documentation that TD Bank is going to be responsible. Mr. Wieliczko asked with an acceptable formal agreement? Mr. Prime stated yes.

Mr. Prime asked Mr. Atkins aside from clarification from above comment, generally is there anything we cannot comply with from Bach Associates review letters from both September 19, 2019 and December 5, 2019. Mr. Atkins stated no. Mr. Wieliczko stated so that the board is clear. Bach Associates issued two review letters and applicant agrees to comply with both review letters.

Mr. Prime stated on letter dated December 5, 2019 from Bach Associates, can we make changes as recommended? Mr. Atkins stated yes.

Mr. Prime stated there is a variance required for loading area. Mr. Prime asked does the shape of the lot generally make it difficult not to provide the loading zone. Mr. Atkins stated primarily the difficult thing providing the direct loading zone is twofold. One the site is narrow, there is not a lot of ground on side to provide a loading zone and rear loading is more suitable. The site is on the smaller end and we are right at parking requirements.

Mr. Mancini asked how close to new property lot line? Mr. Wieliczko stated if subdivision approval is granted, both lots will be compliant with their sizes and with regards to their setbacks.

Mr. Mancini asked for the entrance and exit that is allowed through TD Bank, do you have to get special permission and do you have that? Mr. Wieliczko stated that will be one of the conditions of approval. The applicant would have to come back if they cannot come up with agreement.

Mr. Santora asked if the applicant had contacted both TD Bank and the Delaware River Port Authority?

Mr. Prime stated we are at the finishing line.

Mr. Keenan stated the past history of New Road. It is privately owned and for 30 years no one was allowed access. Commerce Bank and the property owner across the street negotiated one entrance on each side of the road.

Mr. Wieliczko stated Mr. Santora has google earth image of the property. He asked if there was any objection to that? Mr. Prime stated no objection. Mr. Santora stated we permitted another property here to not have a loading zone. They park in the middle of Warwick Road to unload. He asked how applicant will control when deliveries are made? Mr. Prime asked Mr. Jivani to state his name. Mr. Jivani stated Kerrim Jivani. Mr. Santora asked what his roll in Tim Horton's was. Mr. Jivani stated he was the Franchisee. Mr. Prime asked Mr. Jivani if that together they have prepared the use and operations statement, exhibit A1. Mr. Jivani stated yes. Mr. Prime stated the items pertaining to deliveries, waste recycling, employees, and hours of operations were answered by you. Mr. Jivani stated that is correct. Mr. Wieliczko stated in regard to deliveries it states times can be controlled by operator. Do you agree as a condition of approval that the times for delivery will be set for non-peak hours? Mr. Jivani stated time of deliveries will be set for non-peak hours, typically after 10 pm, two days a week, one truck. Mr. Santora asked if there were vendor trucks. Mr. Jivani stated everything comes in one delivery.

Mr. Santora questioned how they proposed the safety of the seating out front? Mr. Atkins stated the site plan only shows the curbing but we are proposing and we are looking into design that is why it is not on the site plan, but it is one of the conditions in Bach Associates letter, dated September 19, 2019, page 7, number 4. They recommend decorative fence or pedestrian bollards be installed around the perimeter of outdoor seating patio. Mr. Wieliczko stated they have agreed to all of the conditions and recommendations contained in the Bach Associates review. They will work with our engineers and come to an acceptable agreement to address that safety concern. Mr. Bach and Mr. DiRosa stated that was correct.

Mr. Dave Shropshire, engineer specializing in traffic engineering and transportation planning, was introduced. He sited his qualification and was accepted as an expert witness. Mr. Prime asked Mr. Shropshire if he and his office prepared the traffic Engineer Assessment for Tim Horton's, dated July 30, 2019. Mr. Shropshire stated that was correct. Mr. Shropshire stated we had a meeting with the NJ DOT because that was going to drive how we were going to look at access and what we were going to be permitted to do along the White Horse Pike. What we were permitted to do was a right turn in and a right turn out and keep as close to the existing access. They liked the fact that we had potential alternative access on New Road and Berlin Road. NJ DOT also classifies it as a fast food with drive through. So, when we look at the trip generation, we are looking about 90 in and 90 out during peak hours. Half the traffic is already on the roadway system and just driving by. It is the left-hand turn in that have to use the

jug handle ramp and use the New Road access. That is the more complicated maneuver and will be accounted for in our traffic study. We found it will be an insignificant impact because there is already a lot of traffic out at this intersection. About a 2% increase during the morning peak hour and less that in the evening. We also took a look at the internal circulation, the drive through lane. This is more than sufficient with regards to having an area for approximately 11 vehicles. We are finding more often that the two menu ordering boards is coming more common. The other component to his testimony related to a general comment related to variances. We are finding more often that loading zones are not required for these types of uses for the reasons you have already heard. The other variance Mr. Shropshire discussed were the signs that are proposed, not only monument but pylon on New Road and Berlin Road. It is better to give advance notice so they can make a decision in order drive into a site in a safe way. It is a pretty comprehensive sign package. From an overall traffic standpoint, it is a solid sign package. Mr. Prime stated the code only allows one façade sign. we propose three. Mr. Prime asked if that makes more sense from a traffic standpoint? Mr. Shropshire stated the better, bigger and more signage package from a traffic stand point, the better it is.

Mr. Mancini asked given the proximity to the speed line, did you consider that and hopefully there will be a lot of rerouting of certain people's traffic habits. Mr. Shropshire stated we did a lot for alternate access, but from a practical standpoint if I was interested in Tim Horton's, I would probably use the Berlin Road access instead of making my way around to the White Horse Pike. So, having the alternative access to capture that traffic makes for a much better plan overall.

Mr. Morello asked how they were going to control left hand turn onto the White Horse Pike? Mr. Shropshire stated there will be signs and NJ DOT typically requires town ordinance, sub title 39; therefore, it is enforceable. NJ DOT is going to tell us exactly what they are going to permit. Mr. Morello stated the problem is it usually gets plowed over and the sign is gone. The NJ DOT will be very specific. It is up to the operator to maintain signage. Mr. Wieliczko stated it will be one the conditions of approval for outside agency and NJ DOT is one of them.

Mr. Prime introduced Samuel Ranauro, professional planner from SR3 Engineers. Mr. Ranauro stated his qualifications. He was accepted as an expert witness. Mr. Ranauro stated the applicant is seeking seven variances. The applicant is seeking three façade signs, front, back and New Road side of the building. The free-standing signs, we have a monument sign at the intersection of the White Horse Pike and New Road. We have two pylons signs. The first one is just south of New Road and Rt. 30. And the third is on Berlin Road, near the entrance that is shared with TD Bank. The sign detail plan is Exhibit A-5, identical to sheet 9. Plans shows the detail. The back sign is a little smaller than the façade signs on Route 30 and New Road. The façade sign is 59.5 sq ft and mounted to the building. The rear façade sign is 49 sq feet. The monument sign is new. It is 8' high and 104.7 sq ft and includes the supports. The pylon signs are located on New Road and Berlin Road. The total sq footage of those signs on one side is 170 sq ft. The pylon sign is composed of three signs, the logo, 73.66 sq ft, the hours, 23.55 sq ft. And Welcome to the Borough of Stratford, 72.79 sq ft. The height of the sign is 40' high. There are also internal directional signs.

- 1.) There are 3 façade signs where only one is permitted, so a variance is being requested. Variance number two the max size is 137.5 is allowed.
- 2.) The applicant is proposing 168 sq feet total for the three façade signs so that is a variance request.
- 3.) The free-standing sign, the applicant is proposing three free standing signs where one is permitted. Note that two signs are technically off the property.
- 4.) The free-standing signs are 40' high where 17' is permitted., so a variance is being sought.
- 5.) The maximum free-standing area is 23.5 sq feet. If you add all three signs, the monument and the two pylon signs, it is a total of 444.67 sq ft
- 6.) The applicant is proposing a free-standing pylon sign on an adjacent lot, lot 11 which is not the lot Tim Horton's will be located; therefore, a variance will be required.

There is one more variance but it is for loading so Mr. Ranauro wanted to stay with signs.

The applicant is very happy to be here because this is the first Tim Horton's in South Jersey and it is in Stratford. The applicant would like the brand of Tim Horton's to be out there, visible to the traveling public. That is one of the reasons why this sign package is proposed. In addition, Mr. Shropshire mentioned safety reasons. There are many different ways to enter which is another reason for so many signs. The applicant is very proud of the architecture of the plans and Tim Horton's logo is a big part of that. That is the reason for the shape and the size and location of Tim Horton's that is part of the façade. Other uses in the area that have frontage on Berlin Road and White Horse Pike and they have sign on the

front and back of building. Mr. Ranauro stated it was his testimony that these signs advance the purpose of municipal land use law. If you look at free flow of traffic and the efficient use of the land. In addition, my testimony is that the benefit of the proposed deviation will substantially outweigh any detriment. There are comparable signs in Stratford for example Ford dealer, Stratford Center, Indian Bazaar and Bill board near 30 Stake Bowling Alley.

The final variance is the loading zone. Mr. Atkins testified to the narrowness of the site. This creates a hardship. If we took out a few parking spaces and put in a loading zone that exactly matched your ordinance, first of all it isn't necessary. In addition, if we stripe that out, it would require a different variance for parking. Mr. Ranauro stated the parking was more important.

Mr. Santora stated he has some serious issues with two 40' signs. It is well over double the allowable 17'. That is way too tall. He asked which way is the sign on New Road facing? Mr. Atkins stated it will be parallel to White Horse Pike. Mr. Atkins stated Berlin Road would be perpendicular to White Horse Pike.

Mr. Wieliczko stated we will finish hearing through their testimony. Then you will have the benefit of hearing from your professionals on these variances.

Mr. Morello asked what is the theory on having the Welcome to Stratford on Berlin Road vs the White Horse Pike. Mr. Prime stated he believed it was the height. It would be visible from any direction on the pylon sign.

Mr. Bach asked what the height of the TD Bank sign was? Mr. Atkins did not know the height of sign. Mr. Bach also asked what was the height of the building? Mr. Atkins stated 19 ½ feet. Mr. Bach asked the height of pylon sign from bottom of arrows to top. Mr. Atkins stated 11'3". Mr. Bach asked what is the width. Mr. Atkins stated 15'4". The Borough of Stratford sign is 5'9".

Mr. Santora stated even the monument sign is 8' tall.

Mr. Keenan asked if dark area was a base? Mr. Atkins stated that is was a dark base.

Mr. Keenan asked where the Tim Horton's sign was in regards to TD Bank sign. Mr. Atkins stated closer to driveway separated by about 10 feet.

Mr. Mancini asked if they received permission from TD Bank? Mr. Prime stated yes.

Mr. Bach stated 40' height well exceeds our 17' standard. A lot of the existing signage are shopping center signs, and not a single use type of sign, and predated our sign ordinance. It will be very tall and generally inconsistent with more recent pad sites. The other consideration is the direct conflict with the TD Bank sign. The only way to put a sign in that location would be a pylon sign above or below the TD Bank sign. Mr. Bach suggested a monument in the area of the TD Bank and a pylon sign on New Road but at a more reasonable height. Mr. Bach stated there is no objection to the number of signs and extra locations, but he thought a more reasonable scale in terms of height would be in order.

Mr. Wieliczko asked Mr. Prime if he would like to confer with his client.

Mr. Prime stated that concludes our testimony. Mr. Wieliczko stated he wanted to turn meeting over to professionals for their review letter. The applicant has already agreed to all conditions and the recommendations contained in those review letters.

Mr. Bach summarized that the applicant has agreed to all the conditions from both of our review letters. The only thing that we offer is testimony specifically to the height of the pylon sign and the possibility of changing one pylon sign to a monument sign.

Mr. Wieliczko stated with regards to the requested variances including the loading zone and also the agreement that deliveries would be off peak hours, do you, as our professionals, have no objections to the requested variances with the exception of proposed pylon sign in the area of the TD Bank and also with regards to height of the pylon sign on New Road. Mr. Bach stated we have no other objections.

Mr. Mancini asked have we ever denied any other signage along the White Horse Pike? Mr. Bach stated we have recommended against various sign packages but have made specific recommendations in terms of sign packages and modifications so they would be more in compliance to your ordinance. Mr. Mancini

stated he was concerned with percentage of differences between what our ordinance says and what we have allowed in the past. Mr. Bach stated this is a unique property. You do have three frontages and because of traffic on the White Horse Pike, I believe the signage on the façade is appropriate. He also stated he believed the monument sign, that would assist in the identification sooner than later to avoid people putting on their brakes at that last minute. He stated he did not believe a 40' pylon sign is warranted. Mr. Bach suggested something more moderate. His recommendation is two monument signs and one pylon sign at a much more reasonable height.

Mr. Mancini asked what is a more reasonable height? Mr. Bach stated he would like the applicant to confer first.

Mr. Keenan stated in the past history, the code related to frontage and signs, when you had a corner property, they had more signs. IN past the JLUB used Echelon Ford sign as the pie in the sky. It was too high and not to make that mistake again.

Mr. DiRosa stated in our letter, dated September 19, 2019, about the free-standing sign being on lot 11, it should say lot 10. The other comment that he had was about a truck circulation. I do not think there was any testimony about fire trucks circulating the site. Mr. Wieliczko stated the applicant has agreed to give us a circulation plan that is acceptable to our engineers and our planner and our emergency safety personnel.

Mr. Kozeniewski asked about the safety poles that were discussed, can you talk a little bit about that? Mr. Bach stated they would be decorative bollards. Instead of have a 6" bollard painted yellow, it could be a little nicer than what you would see at the Wawa's. This would still be a concrete bollard to resist the impact of traffic but they have a decorative cover on them that is esthetically pleasing. It would only be for the exterior outdoor seating.

Mr. Wieliczko stated we are going to take a five-minute break. Do not discuss the applicant outside of this meeting.

Mr. Wieliczko asked everyone to confirm that they did not discuss the merits of the application on the break. All stated aye.

Mr. Wieliczko asked Mr. Prime if he had a chance to confer with his client on the sign issues? Mr. Prime stated he did. He conferred with client and engineer. We are willing to amend the application. Our planner will go through what we propose to do, but want to be clear with the board. We heard the suggestion for conversion of a pylon sign to a monument sign. I conferred with my client; we are at the finish line with that easement. As part of that agreement, TD Bank is requiring it to be a pylon sign that is higher than their sign. That is a contractual obligation. It has to remain a pylon. With that being said, he was going to let planner testify. We can come down significantly in height on that one and the New Road sign. Mr. Wieliczko clarified that it has to be a pylon with the easement agreement with TD Bank. Mr. Prime stated yes.

Mr. Ranauro stated referring to Exhibit A-5 sign detail. The applicant will lower the height of the two pylon signs to 25' under the condition that the Borough of Stratford be removed from the two pylon signs and moved to the monument sign on Route 30. We would have to provide plans for the design of that sign. The reason for the removal of the Borough of Stratford from the pylon is to make sure the sign is still visible above the TD Bank sign. Three significant changes 1. Remove the Borough of Stratford signs from the pylon signs, 2. Add Welcome to Stratford to the bottom of the monument sign both sides, 3. Change the height of pylon signs from 40' to 25' at the top of the sign.

Mr. McGovern asked if that were a more reasonable standard. Mr. Bach stated that is a reasonable standard and very consistent with a single ad signage along a highway.

Mr. Santora stated he was ok with Berlin Road, not ok with New Road especially the way it is facing. He would like to see it as a monument sign.

Mr. Jivani stated he would need corporate approvals too. Mr. Ranauro stated it would be our preference to stick with the 25' high sign.

Mr. Morello asked if the applicant would be looking for some input from the Borough of Stratford for the Monument sign? Mr. Ranauro stated they would be amendable to anything the Borough sees fit. Mr. Bach stated he would bring that before the board during the compliance period, before final sign off.

Mr. Santora asked if that would be lit up. Mr. Ranauro stated yes that could be lit up as well.

Mr. Wieliczko needed a motion to open up to the public.
Motion by Mr. Mancini and seconded by Mr. Keenan to open to public.

Mark Asulta, attorney from the Brown and O'Connery Law Firm representing the Delaware River Port Authority. Mr. Asulta introduce Jerry Favor, assistant council with the Delaware River Port Authority. DRPA's interest in this application all relates to New Road. It is a privately controlled road under the jurisdiction of the DRPA. We became interested in application when we knew they would be using New Road. We agree with the idea that the approval should be conditional and that it would require the consent of the DRPA. Mr. Asulta asked what traffic would be coming off of New Road? Will it be customers, deliveries, construction vehicles and how that might interplay into the circulation of the site? Mr. Shropshire stated the anticipation would be that the New Road driveway would be a mixture of employees and customers. Delivery traffic would keep to the White Horse Pike. Mr. Asulta asked how would customers integrate around to get into the que? Mr. Shropshire stated one-way que, counterclockwise. Mr. Asulta asked about construction traffic. Mr. Atkins stated off of the White Horse Pike. Mr. Asulta questioned the wear and tear on New Road. Mr. Shropshire stated the real impact would be at the signal intersection where we have the highest volume. It was about a 2% increase. Mr. Shropshire stated we made projections. New Road during the morning peak hour has about 800 vehicles and we would be adding a total of 35 vehicles to that. He referred to an NJDOT principal which is significant increase. They look at 100 peak hour trips or 10% increase in overall daily traffic. They would term significant. I don't believe we have a 10% impact on a daily basis. Mr. Asulta asked if there would be any egress and ingress and directional signage on New Road. Mr. Atkins stated one direction on south corner of New Road. It would be an enter sign.

Mr. Santora stated he would like to see traffic forced to go around the site to get into the line. Mr. Wieliczko asked if there is any testimony with regards to coming in back entrance and jumping into the line. Mr. Shropshire stated striping and one way only along with a title 39 enforcement. Mr. Santora asked if it becomes a problem, you would add plastic bollards. Mr. Wieliczko stated applicant agrees as a condition of approval that the plans would be modified to indicate the right turn only along with striping and right arrow. We have the enforcement of title 39. And if the applicant is advised that it has become a problem that plastic bollards will be installed. Mr. Prime stated the applicant was acceptable to that condition

John Gentless, 111 Union Avenue, was sworn in. He stated there was a park and ride sign that was removed about five years ago. He wanted to know if that sign had been abandoned or if it is going to be replaced, it may cause a problem. In Exhibit A-5, the sign detail, Mr. Gentless asked what materials were going to be used. Were any studies done with the height of the sign bringing in more people? What is the time frame before they break ground? Mr. Prime stated when we get all outside approvals, we are ready to move.

Carl Botterbrodt, 22 Vassar Avenue, was sworn in. Mr. Botterbrodt stated his comment was regarding signs. He asked if it were possible to combine the two signs into one. Mr. Wieliczko stated the TD Bank may not allow that. Mr. Prime stated we are contractual obligated to bring our own pylon sign to this Land Use Board.

Motion was maid by Mr. Mancini and seconded by Mayor Keenan to close the public portion.

Mr. Prime stated we are excited to bring Tim Horton's to Stratford. It's 20 new jobs. It's good for the Tim Horton's brand but also for the Borough of Stratford.

Mr. Keenan questioned the 24/7 operation. Is that just for the drive through. Mr. Prime stated both drive through and café. Mr. Morello asked how many employees would work overnight. Mr. Prime stated two to three. Mayor Keenan stated when application was presented to us, the store hours were until 11 and then the drive through would be 24/7. Is that a safety issue? Mr. Jivani stated it depends on the location. Mr. Santora asked if that could change if it became a safety issue. Mr. Jivani stated yes, safely is important to our employees.

Mr. Wieliczko stated the applicant is here for preliminary and final site plan and minor subdivision to construct a Tim Horton's Café and Bake Shop. The applicant sought bulk variances for signage and loading zone. The applicant is seeking to modify the property line on lot 10 and 10.01. Applicant has agreed to the conditions and recommendations and comments of your professionals. The applicant also agreed to conditions of approval that was detailed concerning the underground storm water access easement, the ingress and egress with TD Bank, the consent of the DRPA easement. The applicant also agrees to provide an agreement with TD Bank that TD Bank will be responsible for well in junction with site. The variance being sought are called out in the review letter from Bach Associates, dated September 19, 2019, page 4. The construction traffic will come off the White Horse Pike. Fencing is to be around entire property during construction.

Motion to approve was made by Mr. St. Maur and seconded by Mr. Keenan. Roll call: Mr. Mancini, yes, Mayor Keenan, yes, Mr. Keenan, yes, Mr. Kozeniewski, no, Mr. Morello, yes, Mr. McGovern, yes, Mr. St. Maur, yes, Mr. Hall, yes, Mr. Santora, yes.

PUBLIC PORTION: none

ADJOURNMENT: Motion was made by Mr. Keenan and seconded by Mr. McGovern to adjourn the meeting at 10:00 pm. All members voting aye.