

MINUTES
MT. EPHRAIM LAND USE BOARD MEETING

Borough Hall Court Office
121 S Black Horse Pike, Mt. Ephraim, NJ 08031
Monday, July 12, 2021, 7:30pm

The meeting was called to order. The meeting opened with the Pledge of Allegiance to the flag and stated the meeting was advertised and notices posted in accordance with the "Open Public Records Act."

Roll Call – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Michael Marrone, Gary Prinski, Douglas Morgan, present. Carmine Rampolla, absent. Charles Alexander arrived at 7:45pm.

Swearing in of New Appointees: Michael Marrone (Alternate #1) fulling the unexpired term of Michael Popelak.

New Business – Hearing on Taco Bell for preliminary and final site plane approval, use variance and variances – property located at 710 N Black Horse Pike, Mt Ephraim, NJ.

Laura D'Allesandro – attorney for the applicant Mt. Ephraim Associates, LLC, property located at 710 N Black Horse Pike, which is a Taco Bell Restaurant and Pizza Hut in the rear for take out and delivery only. They are seeking approval for preliminary and final major site plan to add a second drive-thru lane as well as a covered patio for outdoor eating space at the Taco Bell as well as new signage to be upgraded to digital signs, which we will need a variance for this as well. Another aspect to this application, we are seeking the second drive thru lane, and this will require a use variance. We came before this board back in 2013 for our site plan approval at that time we received a use variance for the original drive thru lane. This is in the commercial zone and in the c zoning district restaurant uses are permitted but drive thru' s isn't permitted. So, because of the nature that we are adding another drive thru lane we are seeking a use variance approval for that. There are some additional site improvements as well, with adding the second drive thru lane, which our witness that we have tonight, Professional Engineer - Terrance Combs, he will be addressing everything on the plan during his testimony. We also will be seeking variances for our digital signs, our two new menu boards will be digital along with the directional signs, and because your ordinance does not even reference anything about digital signs, we need approvals. We also require variances for the number of signs that we are requesting, under the ordinance we are only permitted one free standing sign, we have a total of 4 freestanding signs, one being the main sign in the front of the building, which is already there, then we have the original menu board and now we are adding an additional menu board and then the directional sign.

Professional Engineer – Terrance Combs gets sworn in.

Ms. D'Allesandro asks Mr. Combs if he is familiar with the sight plan prepared by his office. He states he is and was involved with the plan. He addresses that where the

expansion of the purposed site work will be in the rear of the building and explains how it is a well buffered area. He shows the board members the drawing of what the site looks like now with having the one drive thru lane, also having a single access from the Black Horse coming in and going back out onto the Pike. We have existing 41 parking spots to the north and south side of the building, so this is all existing conditions. The outdoor seating area is in the front of the building its about 300 sq. ft., it will be covered with about 13 seats.

Ms. D'Allesandro states that they will not need a variance for the outdoor seating. Mr. Combs states that is correct. With regards to the 13 additional seats, this will not affect the amount of parking spots that we have even with us removing some of the spots to accommodate the second drive thru lane. Mr. Combs that is correct with the additional seating and removing some of the spots we will still have efficient parking for the property, we had 41 spots and we will be going down to 38 spots.

Mr. Combs reviews the exhibits regarding the drawings of the property and discusses everything with the members of the board. With what we are taking out and what we are removing it will be a total of 1800 sq. ft. of impervious coverage. Mr. Combs goes into discussion how they relocated the trash enclosure to accommodate the new lane. We have a middle island to separate the lanes, the new sign will provide instructional directions to follow, depending on times we may only have one lane open as well. Since covid drive thru lanes have become more important.

Ms. D'Allesandro with the new lane being implemented that will not increase the number of employees that Taco Bell already has. Mr. Combs stated no that will not change. Also, the existing hours that they are open will remain the same, is that correct. Mr. Combs, yes that is correct. Just to put it on record with received the Engineers review letter and that was what made us at the bypass lane, is that correct. Mr. Combs, yes that is correct. Ms. D'Allesandro, for example like an emergency vehicle or fire truck could circulate the property in the rear safely. Mr. Combs, yes that is correct we looked at the templates for trash and emergency vehicles and this provides adequate turning radius for everything. Ms. D'Allesandro with regards to the sign variances that we are requesting are since they are digital both being the fact that the directional sign and the two menu boards, as well as for the number of signs we are asking for. With regards to the digital menu boards, they will not be visible from the front of the street, correct. Mr. Combs, that is correct, the menu boards along with the directional sign are all in the back of the building. Ms. D'Allesandro would you say these types of digital signs are normal for this use. Mr. Combs, yes that is correct.

Ms. D'Allesandro, before we get into the use variance testimony lets talk touch base on a few of the design waivers we are requesting. So, we are seeking waivers from providing environmental impact statement, and providing some details on the plans such as extended contour lines 200 ft of the property line and providing features 500ft beyond the property line of existing road profiles and providing stormwater measures and to permit additional digital sign illumination to exceed half a foot candle which we just talked about previous, can you please touch on all those waivers.

Mr. Combs well the submission waiver is basically because there is very little change on the site overall, it's just in the back portion. With all the changes we are staying in the prior footprint of disturbance of the site, so that is why we would not need the environmental impact statement. There is also no drainage evaluation needed. Regarding the foot candle, the ordinance just states 4–5-foot candles but doesn't really say where that is measured from, and I'm sure the signs would exceed the half of foot candle, but they are just standard.

Ms. D'Allesandro lets get into the use variance part of the application regarding adding the second drive thru lane, can you begin to touch on the positive criteria for drive thru lanes in this case a second drive thru lane. Mr. Combs sure, as we stated back in 2013 this was approved as a restaurant with a drive thru lane, I believe there was reference in the resolution that it was designed for the master plan to accommodate this type of use, so it's not a change of use, technically its an expansion of the use.

Ms. D'Allesandro, did you get a chance to review Mr. Fusco's review letter date June 14, 2021. Mr. Combs, yes, I did. Ms. D'Allesandro, aside from any comments that we didn't address with our July 1st, 2021, resubmission that we would agree to comply with any conditions or comments in that regard. Mr. Combs, yes that is correct. Ms. D'Allesandro that is all the direct testimony that I have for Mr. Combs, we will be happy to address and questions or comments from the board members and the professionals at this time.

Robert Carter opens questions currently to the board members for the applicant.

Anthony Stagliano, you addressed the free flow of traffic with the double lane drive thru, what has been the issue with Taco Bell when they go to this double lane, what has been the increase in the number of vehicles and the only reason that I ask this is because we kind of experienced what you touched on with traffic on the Black Horse Pike with the Dunkin Donuts in Haddon Heights, that is an accident waiting to happen, my concern would be is how many more cars are you anticipating that will be coming through this double drive thru and then having to come back out on the Black Horse Pike which then would create another issue because that increase in traffic can be very congested around there especially during the evening hours. It looks like based on this that the potential for those vehicles to make a left hand turn out of the exit can go south bound on the Black Horse Pike if we are increasing the traffic in then we are potentially increasing the traffic out, has NJDOT raised any concerns about that left turn? Mr. Combs, I had discussed this issue with the applicant earlier today and they really don't anticipate that adding this additional lane that it will increase the customer traffic, we are just accommodating the customer traffic that they have now, so this is standard with the double drive thru's at Taco Bell since covid has happened. Again, they don't anticipate any increase of traffic at all, it's just accommodating.

Douglas Morgan has traffic increased since covid then? Mr. Combs, yes drive thru traffic has, where the people who would come in and sit and eat now are going through the drive thru instead.

Steve Eggert, where does all the water go now, does it shed onto the Black Horse Pike, there is no basin. Mr. Combs, most of the water goes to the back of the building some main drain to the front but nothing more will drain to the Black Horse Pike.

Anthony Stagliano, with that being a curbed addition to the drive thru would anything need to be redirected, so water will not accumulate in that lane. Mr. Combs, no, we would not have designed this to trap water there in the drive thru lane.

Robert Carter, do we have any other questions from the board members? Tom Maxwell, how do you plan to identify the first and second lane of the drive thru with all the parking, it seems that some parking spots are in the second drive thru lane. Mr. Combs, the new plan we submitted we slid the dumpster closure down so there is no parking in front of the dumpster so that allows the stacking in the drive thru lane.

Anthony Stagliano, with the relocation of the dumpster will there be a set time that, that will get picked up. Mr. Combs, yes, they schedule the dumpster pick up for off hours.

Robert Carter, can you please touch on the hours for loading and unloading, when that will occur. Mr. Combs, deliveries are also done on off hours.

Douglas Morgan, if less people are dining in why make more seating outside? Mr. Combs, again because of covid, people may decide to sit outside. Douglas Morgan, ok.

Robert Carter, any other questions. At this time, I will open questions to the public, with no public being present we can make a motion. For the record I would like to state that Chuck Alexander a board member arrived right before Taco Bell started their presentation of the application.

Motion to approve the use variance for Taco Bell, Anthony Stagliano made the motion to approve, the motion was seconded by Michael Schiavo.

Roll Call: Kim Beebe, Michael Schiavo, Steve Eggert, Charles Alexander, Thomas Maxwell, Robert Carter, Anthony Stagliano, all voted yes.

Motion to approve the site plan and variances for Taco Bell, Anthony Stagliano made the motion to approve, the motion was seconded by George Gies.

Roll Call: Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Charles Alexander, Thomas Maxwell, Robert Carter, Anthony Stagliano, all voted yes.

Old Business

Motion to approve the Resolution for Chain (6ft fence), Steven Eggert made the motion to approve, the motion was seconded by George Gies.

Roll Call: Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Anthony Stagliano, Douglas Morgan, all voted yes.

Motion to approve the Resolution adopting the 2020-2021 Annual Report, Anthony Stagliano made the motion to approve, the motion was seconded by George Gies.

Roll Call: Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Anthony Stagliano, Douglas Morgan, all voted yes.

Motion to approve the Resolution appointing Key Engineer as the Land Use Board Engineer & Brown and Connery Land Use Board Solicitor, George Gies made a motion to approve, the motion was seconded by Anthony Stagliano.

Motion to adjourn.
All voting in favor.