



Community Planning  
 Landscape Architecture  
 Municipal Consulting  
 Streetscape Design  
 Economic Development  
 Parks and Recreation



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September 3, 2021

Zoning Board of Adjustment  
 Township of Medford  
 17 North Main Street  
 Medford, NJ 08055

**Re: Applicant/Owner: DePetris Family Associates 2, LLC  
 ZVE-1044  
 Block 2702.01, Lot 12.03  
 207 Tuckerton Road  
 Use Variance with Bulk Variance  
 Medford, Burlington County, New Jersey  
 TDG Project No. 2012-105.240Z.01**

Dear Madame Chair and Board Members,

Our office has reviewed the following submission items:

- **Correspondence Re: Use Variance with Bulk Variances**, submitted by Langan Engineering and Environmental Services, Inc, dated August 13, 2021.
- **Traffic and Parking Assessment**, by Shropshire Associates, dated August 12, 2021.
- **Taunton Corner Place Concept Plan & Vehicle Circulation Plan**, prepared by Langan Engineering and Environmental Services, Inc, consisting of 2 sheets, dated May 30, 2019, with revisions dated August 9, 2021.
- **207 Tuckerton Road, Architectural concept Design**, consisting of 5 sheets, dated May 30, 2019.
- **DePetris Family Associates 2, LLC. v Medford Township Zoning Board of Adjustment**, Superior Court of New Jersey Appellate Division, Docket No. A-1287-20, argued April 26, 2021; and decided May 17, 2021.
- **Redevelopment Plan – Taunton and Tuckerton Rehabilitation Area**, introduced September 15, 2020, adopted October 6, 2020, and revised per the Pinelands Commission November 23, 2020

Currently, we offer the following comments:

**A. Site, Surrounding Land Use, and Proposal**

1. The subject property is a 0.912-acre (39,726.72 SF) parcel located at the northwest corner of the intersection of Taunton and Tuckerton Roads. The parcel contains a vacant, single-story, masonry, former bank building. The site is located within the CC Community Commercial District and the Taunton & Tuckerton Rehabilitation Area Zoning District, consistent with the Redevelopment Plan – Taunton and Tuckerton Rehabilitation Area.

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2. Surrounding uses include vacant and wooded lands to the north, commercial uses to the west, east across Taunton Road, and south across Tuckerton Road within the CC District. Residential development is located east and southeast across Taunton Road and Taunton Boulevard behind the CC District.
3. The submittal is the result of a remand from the Superior Court and the applicable use, area, and yard requirements are located at Development Regulations §411, entitled RC Restricted Commercial, CC Community Commercial, consistent with the “time of decision” rule.
4. Due to road dedication to Burlington County, at the corner of the Taunton and Tuckerton Roads, the lot area will be reduced to 0.898-acre (39,116.88 SF)
5. The Applicant proposes to construct a 4,900 SF building with two (2) to three (3) tenant spaces. A total area of 1,804 SF is proposed to house a Dunkin Donuts with drive-through circulating around the east and north faces and terminating at the west side of the building. The remaining 3,096 SF is proposed to comprise up to two additional tenant spaces. The concept plans illustrate 25 parking spaces, vehicular and pedestrian access from Tuckerton and Taunton Roads, sidewalk, crosswalks, circulation drives, drive-through, drive-through by-pass lane, stormwater management, trash enclosure, and 10 feet by 10 feet plaza with benches at the corner.
6. The site and surrounding area are illustrated below, courtesy of Google Earth © 2019.



## **B. Master Plan and Redevelopment Plan**

1. The Master Plan does not specifically address the conditionally permitted use of fast-food restaurant or the conditional use standards which accompany the use.
2. The Route 70 Corridor Plan Re-examination Report informs why conditional use standards are placed on fast food uses. Fast food uses are often controlled with conditions due to perceived nuisances including litter, noise, traffic, air pollution, and odors. The intention of the conditions is usually to reduce perceived negative visual and noise impacts, pedestrian safety, congestion, and air and environmental quality emanating from the drive through service lanes.
3. The 2020 Taunton and Tuckerton Rehabilitation Area Redevelopment Plan, a document prepared by the Township Council and found consistent with the Master Plan by the Planning Board, characterizes 28 lots on approximately 123 acres around the intersection. The stated vision is to facilitate an attractive, walkable, vibrant community amenity, providing service and retail commercial and economic growth opportunities through revitalization of vacant and underutilized lands. Further, the stated goals include the following:
  - Strengthen the economic vitality of the district to serve the community.
  - Create a visually cohesive built environment, embracing the rural character of the southern portion of the Township.
  - Foster investment through potential tax abatement through the New Jersey Five-year Exemption and Abatement Law, N.J.S.A. 40A:21:1 et. seq.
  - Advance the Township’s “Complete Streets” policy, accommodating travel by pedestrians, bicyclists, public transit, and motorized vehicles.
  - Promote development that recognizes and minimizes impact to the surrounding residential communities.

Reinvestment and improvement decrease infrastructure costs enhance community character, minimize traffic burdens, and strengthen vibrancy. The permitted principal uses are expanded and modernized slightly from the permitted uses in the CC District, but specifically exclude drive-through windows for food ordering or pick-up.

## **C. Zoning, Variances, and Waivers**

1. Consistent with the prior application and the remand, the Applicant seeks a “d(1)” use variance to permit the Dunkin Donuts, a “Fast Food Restaurant”, as defined, which did not exist as of June 1, 1992, and therefore not is not a permitted principal or conditional use in the CC District. (see §411.A.20 and §203)
2. The Concept Plan illustrates the area and yard requirements pertaining to the CC District and bulk variances and waivers are required from the following standards:
  - a. A variance from 1-acre minimum lot area required, 0.912 acres exist, and 0.898-acre is provided.
  - b. A variance from 40 feet minimum required front yard buffers, none to approximately 40 feet exist, and
    - i. 21.1 feet is provided from Taunton Road,
    - ii. 19.9 feet is provided from Tuckerton Road,
    - iii. 20 feet is provided from the corner of Taunton and Tuckerton Roads.



- c. Further, a waiver is necessary from §520.E.4 where parking spaces are located within the *required* buffer area.
  - d. A variance from 15-foot minimum required rear yard buffer, 25 feet exists, and 11.2 feet is provided.
  - e. A variance from the 15-foot minimum required side yard buffer, 30 feet exists, and partially 15 feet is provided (see following).
  - f. A waiver is necessary from §506.A.2 where a minimum of ½ the width of the *required* buffer designed, planted, graded, landscaped, and developed to obscure the site activities; and no drainage basin is permitted to be located within the landscaped portion of the buffer area. Both the rear and the side buffer show stormwater management in over ½ of the provided buffer width.
  - g. A variance from 60% maximum permitted lot coverage, 63% exists, and 62.9% is provided.
  - h. A variance, where more than one use is provided within a building, the total floor area, and *lot coverage are not permitted to exceed the maximums* and each use must occupy at least 500 SF.
3. The concept plans indicate that numerous variances from the sign ordinance will be sought in the future, however no building or sign details are provided, so no variances can be granted.
  4. Revised architecture concepts, based upon the reduced floor area, have not been provided. Based upon the previously submitted architectural concept elevations, a variance is required from the 27 feet building height limit due to noncompliance with the roof design requirements including roof height, as related to overall building height, and roof pitch.

Specifically, at §411.C.1 the maximum permitted building height for a principal structure with less than two full stories is not permitted to exceed 27 feet/ 1 ½ stories; and is required to be covered with a true and complete gable, hip, gambrel, or mansard roof, provided that where roof mounted equipment is necessary, a façade roof treatment may be permitted. ***The elevation of the building is required to have a roof height extending above the building wall equivalent to at least 1/3 of the total height of the building*** [not including the eave projecting below the building wall]. The ***minimum pitch*** of all roofs is required to be at ***least 5 feet vertical for every 12 feet horizontal (5:12)***.

5. Further a cupola is provided atop a roof which exceeds the 27 feet building height limit by an unspecified height.

#### **D. General Comments:**

1. For the use variance, the Applicant must prove, and the Board must specifically find the following:
  - a. Whether the *use* promotes the general welfare because the proposed site is particularly suitable for the proposed use. Testimony should be provided regarding the unique attributes of the site making it “particularly suitable” for the proposed use, and how locating the proposed use on this particular site in this particular zone specifically promotes the purposes of planning.
  - b. Whether the proposed use will cause a substantial detriment to the public good. Any perceived detriments must be shown to be mitigated to the greatest extent possible.



- c. Whether the use will not substantially impair the intent and purpose of the Master Plan or Zoning Ordinance. Such findings must satisfactorily reconcile the grant of a use variance with the Township's continued omission of new fast food with drive-through uses in the zone.
2. Although fast food with drive-through is a non-permitted use, and the conditional use requirements do not technically apply, the Board may wish to look to those requirements to inform their review of the use variance application.
  - a. Per §602D.2 which regulates fast food restaurants as a conditional use in the CC zone, "The Planning Board shall be satisfied that the proposed development will be in harmony with the adjacent activities and land uses. The proposed development shall also be compatible with the Master Plan of Medford Township and specific studies contained therein relating to site design both on and off the tract."
  - b. Per §602D.3, the Planning (Zoning) Board shall be satisfied that the off-tract circulation is adequate for the movement of people and goods, whether in vehicles, pedestrian, by bicycle or other means. A combined traffic and parking study has been provided.
  - c. Per §602D.5, the Planning (Zoning) Board shall be satisfied that on-tract circulation is adequate, safe, and efficient for all users and vehicles, including pedestrian, bicycle, automobile, delivery vehicles, emergency vehicles and service vehicles.
  - d. The zone chart notes the areas where the application does not comply with §602D.6 specifically the board should note the following:
    - i. The minimum lot size with drive through window is 2 ½ acres; but 0.898-acres is provided.
    - ii. The minimum frontage is 300 feet, but 153.9' is provided.
    - iii. One parking space shall be provided for every 30 SF of gross floor area, plus employee parking (71 spaces), and 25 spaces are provided for the center.
    - iv. The maximum lot coverage is 60%, but 62.9% is provided.
3. Testimony was previously provided regarding building use, hours of operation, number of employees, anticipated site traffic, frequency, and timing of deliveries, refuse and recycling pick-up frequency and timing, food preparation and venting. Testimony was previously provided regarding trash pick-up and deliveries with special attention to hours, loading areas, and site circulation. Testimony should be provided that the proposed operations are consistent with the previous testimony.
4. Retail and service activities are required to provide parking at a rate of 1 space per 200 SF of gross floor area (3,096 SF), where 16 parking spaces are required. Restaurants and taverns are required to provide parking at 1 space per 3 seats, where 20 seats are provided, and 7 spaces are required. Drive through restaurants are required to provide 1 space per 30 SF of gross floor area plus employee parking for 10 employees, and 71 spaces are required. The applicant proposes 25 parking spaces for overall site development. Testimony should be provided regarding the adequacy of the parking proposed.
5. Testimony should be provided regarding implementation of bike lanes along the frontage of Taunton Boulevard and Tuckerton Road, consistent with the Township's Complete Streets policy.



6. Architecture concept plans were previously provided, however, the reduction in building area will impact the architectural design. Based upon the prior submission, a height variance is required because of deviations from the standards at §411.C.1. Buildings are required to be covered by a true and complete gable, hip, gambrel, or mansard roof. Township Ordinance §411.C.1 prohibits flat roofs and requires all roofs to be 1/3 of the total building height. The sloped roof must have a minimum pitch of 5:12. The building does not comply. Limited flat sections are permitted as necessary for building mechanicals.

The applicant should provide a more traditional architectural form that includes the required pitched roof. The Community Design Guidelines and Standards at §508 H require building design to employ traditional architectural materials, colors, textures, and forms including full sloped roofs. Modifications in the form could achieve compliance with the intent of the ordinance, as well as the Redevelopment Plan.

- a. Introduce a true gable roof, with traditional eaves, rakes, and soffits. At a building height of 27 feet the roof is required to be over 9 feet high, and where nontraditional roofs without eaves are provided, they are approximately 5 feet and 10 feet high, respectively. Most of the façade elevation and the pick-up/payment window are not roofed, which is not permitted.
  - b. The sign band hovering above the applied shed roofs at between 14 to approximately 20 feet in height is not a traditional form and should be eliminated or reduced in height below any applied or true roof elements, as required by ordinance.
  - c. The introduction of interior grills in the doors and windows would provide a more traditional fenestration consistent with the ordinance intent.
  - d. All building materials, colors, and details should be provided, particularly for the proposed fast food with drive-through tenant.
7. The maximum lot coverage exceeds the permitted impervious coverage by 2.9%. The ordinance at §441D footnote 5 permits the maximum lot coverage to be increased an additional 3% for amenity areas, plazas, and other similar design features, which have been provided. Details will be required.
  8. We offer concern that the provided front yard buffers range from a minimum of 19.9 feet to a maximum of 21 feet. A 40 feet buffer is required. The possible stormwater management locations are illustrated in the required 15 feet rear and side yard buffers, which are 11 feet and 15 feet, respectively.

Per §506-A.2, a minimum of half the width of a buffer shall be designed, planted, graded, landscaped, and developed. *No drainage basin is permitted to be located within the required landscaped portion of the buffer area.* It appears a design waiver will be required. Per §508-H.1(n), stormwater management basins along road frontage should be discouraged and the basins should be concealed from view to the greatest extent possible.

Any approval should be conditioned upon compliance with the buffer provision. If surface stormwater management must be provided within any required landscape buffer, at least half of the required buffer should be landscaped particularly to provide separation along the western property line.



9. The proposed height, colors, and materials of the trash enclosure should be presented consistent with the prior testimony. The trash enclosure is located in-a straight sight line from both entrances and will be plainly visible. Efforts should be made relative to creating an attractive feature with decorative masonry that complements the building with a significant landscape planting. The concept plans do not indicate any such effort. Sufficient space may not be available on the site to accommodate the required screening of the enclosure.
10. The site and façade sign quantities, locations, dimensions, lighting, or materials have not been reviewed to be in either compliance or noncompliance with the Ordinance. Building size reductions in length, façade area, and height will reduce the permitted sign area.
11. Any use variance approval should be conditioned upon providing a site plan consistent with §802.

It appears that the myriad of variances and design waivers required in conjunction with this application appear to represent the type of development that the Master Plan and Ordinances specifically seek to avoid.

If you have any questions or require additional information regarding this application, please contact our office.

Respectfully submitted,  
**Taylor Design Group, Inc.**



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