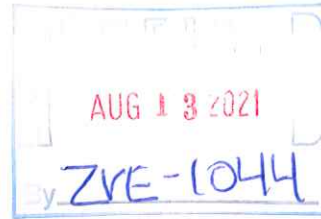


August 13, 2021

**Via Federal Express**

Beth Portocalis, Zoning Board Secretary  
Township of Medford  
17 North Main Street  
Medford, NJ 08055



**Re: Use Variance with Bulk Variances**  
**Applicant and Owner: DePetris Family Associates 2, LLC**  
**207 Tuckerton Road; Block 2702.01, Lot 12.03**  
**Township of Medford, Burlington County, New Jersey**  
**Langan Project No. 200127101**

Dear Ms. Portocalis:

Pursuant to the remand by the Appellate Division in the matter of *DePetris Family Associates 2, LLC v. Medford Township Zoning Board of Adjustment*, Appellate Docket No. A-1287-20, decided May 17, 2021 enclosed please find 12 copies of the following materials:

- Drawing CP-1, Sheet 1 of 2, titled "Taunton Corner Place - Concept Plan" last revised August 9, 2021.
- Drawing CP-2, Sheet 2 of 2, titled "Taunton Corner Place – Vehicle Circulation Plan" dated August 9, 2021.
- A report titled "Traffic and Parking Assessment " prepared by Shropshire Associates, LLC dated August 12, 2021.

As further provided by the Case Management Order entered by the Superior Court, Law Division on June 17, 2021, the applicant has revised the plans for the above referenced project for the Board's consideration on remand. The plan revisions represent various compromises the applicant is proposing to address comments raised by the Board during the previous hearings related to the project conducted on July 17, 2019.

A summary of these revisions includes the following:

Plan Revisions:

- The proposed building area was reduced from 6,379 square feet to 4,900 square feet, a reduction of 1,479 square feet, a 23% reduction, representing a significant compromise by the applicant.
- Correspondingly, due to the smaller square footage, the maximum number of tenants in the proposed building was reduced from four to three (Dunkin' plus two retail tenants).

- The plan includes the proposed daily restriction on left-hand turns out of the driveway onto Taunton Boulevard between 7 AM and 9 AM.
- The site access has been revised so that the queueing length for the drive-through has been increased from 9 spaces to 11 spaces.
- The applicant is proposing an impervious coverage at of 63% which is permitted by the ordinance when amenity areas, plazas and similar design features are included. Such design features are proposed as part of this development.

### Variances

- Section 411.A - The fast-food with drive-through tenant space remains part of the application, for which a use variance is required. Remaining uses within the proposed building will be uses permitted in the CC Community Commercial zoning district. However, the applicant proposes to limit the number of additional restaurant tenants in the remaining center to one and a size limitation would apply to that user as pointed out later herein.
- Section 411.D and 602.D - A variance is required for a lot area of 0.898 acres. The minimum required lot area is 1 acre for properties in the CC zoning district. The lot size for a conditionally permitted fast-food with drive-through use is 2.5 acres; however, this application is being reviewed under a d(1) and not a d(3) variance standard. The existing lot is 0.912 acres, which is an existing non-conformity. Under the proposed conditions, approximately 0.14 acres of the property is also proposed to be dedicated to Burlington County to accommodate the sidewalk the applicant would be required to construct for this project, which further reduces the non-conforming lot area.
- Section 602.D - A variance is required to provide a minimum lot frontage of 153.9 feet. The minimum required lot frontage is 100 feet for properties in the CC zoning district. Frontage for a conditionally permitted fast-food with a drive-through use is 300 feet; however, this application is being reviewed under a d(1) and not a d(3) variance standard. The existing lot has a lot frontage of 179.69 feet, which is an existing non-conformity. Due to the proposed sidewalk and property dedication referenced above, the lot frontage under the proposed conditions is reduced to 153.9 feet.
- Section 411.D - A variance is required to provide a front yard buffer of 19.9 feet. The minimum required front yard buffer is 40 feet. However, the front yard buffer under existing conditions is essentially zero feet. A 19.9 foot buffer will be a significant enhancement to the existing property, especially considering that there are essentially no buffers along any of the other property frontages on the remaining three corners of the Tuckerton Road / Taunton Boulevard intersection.
- Section 411.D - A variance is required to provide a rear yard buffer of 10.0 feet. The minimum required rear yard buffer is 15 feet. However, the rear yard buffer in existing conditions is 7.9 feet. The applicant is improving the rear yard buffer with the proposed

development. Furthermore, there is no development on the adjacent property from which the development is measured, and the presence of wetlands on the adjacent property will essentially preclude development near this property line. A deviation of 5 feet for the rear yard buffer is de minimis based on these conditions.

- Section 411.F, 602.D and 520.E.2 - Regarding parking, a variance is required to provide 25 parking spaces. The minimum required number of parking spaces based on ordinance calculations is 87. However, the minimum number of parking spaces based on generally accepted industry standards for the proposed development of 5 spaces per 1,000 square feet results in 25 parking spaces, which is the number proposed by the applicant. Furthermore, as presented to the Zoning Board, more than 88% of the customers visiting a fast food with drive through restaurant will use the drive-through only and not need parking spaces. Additionally, a coffee shop which is the type of tenant being proposed by the applicant for the drive-through use will experience most of its business during the morning hours, when other tenants in the remaining building space will likely be closed or not have concurrent peak parking demand. In fact, the applicant previously presented that 95% of the fast food's business traffic on weekdays is between 7:15 AM and 8:30 AM, and that the fast food tenant would account for 70% of the site's traffic on Saturdays. Finally, 87 parking spaces will greatly increase impervious coverage. For these reasons, the applicant believes that 25 parking spaces are adequate for the project. To further alleviate the parking concern, the applicant would propose a condition that any restaurant at the site cannot be greater than 2,000 square feet. This additional condition addresses a concern from the Board concerning a fast food user versus a coffee shop, which the applicant has proposed.
- Section 526S(1) - A variance is required to provide signs facing two public rights-of-way. The ordinance permits signs facing one public right-of-way. The existing property has two frontages along public rights-of-way. Signage along the public right-of-way adds to site identification for drivers travelling along the frontage roadways, and is therefore a safety feature.
- Section 526S(2) - A variance is required to provide two wall signs for each tenant with front and side exterior walls, and one wall sign for each tenant with interior front walls. The ordinance permits one wall sign for each tenant. Wall signage adds to site identification for drivers approaching the development as they travel along the frontage roadways, and as they travel along the site driveways within the property, and is therefore a safety feature.
- Section 520.F.4 – A variance is required to provide parking spaces in the required buffer area of 40 feet. See the discussion above regarding buffers.

It is our understanding that the Applicant has until August 15, 2021, to file any other supplemental plans, plan revisions and expert reports for the Board to consider in connection with the remand hearing, which will be conducted on September 15, 2021 at 7 p.m. We would anticipate receipt of any review letters in advance of that meeting so that we can respond accordingly. If there are any questions in the meantime, please contact us at (215) 491-6500.

Application for Development  
Village of Taunton Forge  
Applicant and Owner: Legend Properties, Inc.  
200 Tuckerton Road, Block 3201, Lots 32.01, 32.02 and 38  
Township of Medford, Burlington County, New Jersey

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August 13, 2021  
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Sincerely,  
**Langan Engineering and Environmental Services, Inc.**



Gregory Elko, P.E., LEED® AP  
Executive Vice President

cc: Jim Depetris, David Depetris, Stephen Depetris, Depetris Family Associates 2 LLC  
Robert Baranowski, Esq., Hyland Levin Shapiro LLP  
Nathan Mosely, P.E., Shropshire Associates, LLC  
James A Miller, AICP, PP  
Stephanie Herrmann, Langan

NJ Certificate of Authorization No. 24GA27996400  
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