

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
February 27, 2013**

The meeting was called to order by Chairman Lawrence Barrar at 7:50 PM. The public statement was read by the Chairman, followed by the flag salute.

ROLL CALL - CH-Chairman, VC-Vice Chairwoman, C-Council, MD-Mayors Designee, A-Alternate

Lawrence Barrar	CH	Present	Mary Martz	C	Present
Joyce Albrecht	VC	Present	Michael Moore	MD	Present
Robert Brown		Present	Robert Mastalski	A1	Present
Brian Carson		Present	William Kennedy	A2	Present
John DiBartolomeo		Present	William Couse	A3	Present
Joseph Dymond		Present	VACANT	A4	
Richard Krause		Present			

ALSO

David Kreck	Engineer	Present	Michael Ward	Solicitor	Present
Dan Wassenar	Zoning Off.	Absent	John Keenan	Acting Secretary	Present

REORGANIZATION OF THE BOARD

Chairman Lawrence Barrar swore in the following:

Class II	Richard Krause, Jr.	Term Expires: December 2013
Alternate 1	Robert Mastalski	Term Expires: December 2014
Alternate 2	William Kennedy	Term Expires: December 2013

APPROVAL OF MINUTES

Motions were made to approve the January 23, 2013 minutes with corrections. AIF-motion approved.

NEW BUSINESS

Resolution

Motions were made to approve Resolution #2013-04 to 06. AIF-motion approved.

Completeness Review/Preliminary & Final Major Site Plan

SPL2013-01/Winterstar Corporation

The applicant and the engineer were sworn in by the board solicitor.

Jim Fulla, COO Summerwood, which is the operating entity for Taco Bell, 14 Balligomigio Avenue, Conshohocken, PA, 19428.

Sally Inmon, VP Summerwood Corp., and VP Winterstar Corp., at 14 Balligomigio Avenue, Conshohocken, PA, 19428.

Their attorney Damien DelDucca stated NJ Restaurant L.P. will operate the business, and one of the Limited Partners is Summerwood. Winterstar is the contract purchaser of the site.

John Petit is the Project Engineer and he prepared the site plan.

Mr. Kreck spoke of the points of concern and items to be provided and if the items are provided he recommends the application be deemed complete.

Mr. DelDucca confirmed the items would be provided. He confirmed he has a title commitment and confirmation Mr. Landsman owns the parcel and has the subdivision plat which was recorded. All of which he will provide.

The Chairman inquired confirmation that Winterstar is the applicant per disclosure.

Mr. DelDucca confirmed.

Mr. Ward recommended that Mr. DelDucca use the same template that was supplied to him on the prior McDonalds application for the site triangle. Mr. DelDucca agreed.

Mr. DiBartolomeo made a motion to deem the application complete, with Mr. Brown making a second, with all members voting aye by roll call vote.

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
FEBRUARY 27, 2013
PAGE 2**

Preliminary & Final Major Site Plan
SPL2013/01/Winterstar Corporation

Mr. Ward provided the numbering of the documents of the application:

A-1 is the application

A-2 is the floor plan and elevation

A-3 is the survey by Mr. Sapio

A-4 is the site plan

A-5 is the aerial plan

A-6 is the traffic/planning document

A-7 is the presentation plan dated February 25, 2013

Mr. DeDuca gave a brief overview of the Taco Bell application. Part of the site is in Magnolia known as Block 3.10, Lot 7, and the rear portion is in Somerdale known as Block 1.01, Lot 1.02.

Presently there are two buildings on the site which will be removed and a new Taco Bell will be built. The site is located in zone "C" of the Magnolia Code Book and a restaurant like this is a conditional use; there are no stated conditions noted so it complies. There are bulk setback variances for the front yard. The required setback is 40 feet and the proposed setback is 37.3 feet. The code prohibits parking in the front setback area and a loading area is required, where none is proposed since deliveries are done at night when the operation is closed. There are several sign variances; one for off-site parking due to the fact that the rear portion of the parking lot is in Somerdale.

Mr. Fullan stated he will have oversight on this site. He confirmed he has been with Taco Bell since 1996, but has been in the industry since 1970 when he worked at Gino's. The new restaurant will have about 40 people relocated from their Somerdale site. The maximum number of employees at any one time would be 20-25 to help with the opening, but typically 10-12 maximum after the new opening. The hours would conform to the Magnolia Code and the drive-thru represents 60-65% of the customers.

It was confirmed that the tractor trailer deliveries would not occur during business operating hours. They would occur around 5:30-7:00 am about two times a week. They would park to the rear of the building and products would be brought in through the rear of the building.

Food safety is done about once a week. The parent company does surprise food safety inspections 4 times a year to audit. They have a top 10% rating results. All managers take food safety courses to be certified.

Trash is picked up 5 days a week in the beginning and then 3 times a week after the grand opening. Cardboard is separated. The pick-up is about 10:00-10:30 am.

The front portion of the business would close at 11pm, with the drive-thru operating to about 2-3am.

Mr. Petit provided his professional experience as an Engineer and Planner. He stated the NJ DOT application for the White Horse Pike access was applied for and waiting for feedback and approval. The entrance would be a right-in/right-out restricted opening. He explained about the various variances and he provided the following: a color rendering of the building which was labeled A-8; a new elevation was supplied and labeled A-9; new Architects plan pages numbered CP1 and CP2, both dated January 8, 2013. Mr. Ward noted that the previous CP1 document labeled A-2 will now be replaced with the new CP1 and page CP2 will be labeled A-9.

Mr. Petit went over the sign details and the area of each sign. He also gave testimony on the variances. He agreed to all of Mr. Kreck's comments on the letter dated February 25, 2013. He stated that the Somerdale Planning Board application would be made in the next few days anticipating Magnolia's approval.

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
FEBRUARY 27, 2013
PAGE 3**

Mr. Krause stated his concern with the new trash enclosure location directly behind the building, rather than the prior location near the rear driveway. Testimony from the applicant was given regarding the trash location. Mr. Ward stated that the dumpster being closer allowed for better monitoring and better control over vermin.

Motion was made by Mr. DiBartolomeo, seconded by Mr. Brown to open the meeting to the public, with all members voting aye.

Mr. Howard Landsman, son of the property owner stated the family has been in business at the site for 40 years and it has been very good to be here in Magnolia.

Motion was made by Mr. Brown, seconded by Mr. DiBartolomeo to close the public portion with all members voting aye.

Mr. Kreck went over the review letter, confirmed the testimony for the signage variances was heard, and he confirmed the applicant agreed to remove the front parking stall in the front setback area, which the board recommended. Also it was confirmed that light spillage shields would be installed to control lighting. The water service would be coming from the rear from Somerdale.

Mr. Kreck commended the plan on being well laid out and having two means of egress and the drive thru having the escape lane.

The Chairman confirmed with the applicant that there would be no outside seating in the landscaped areas.

A motion was made by Mr. DiBartolomeo, seconded by Mr. Carson to approve 30 parking spaces with the one less in the front setback area, which now requires a variance for number of parking places. All members voted aye.

Motion was made by Mr. DiBartolomeo, seconded by Mr. Brown to approve the preliminary and final site plan, with all variances requested and applied for including the variance for number of parking stalls, which was now 30 and subject to the engineer's letter and outside agencies. All members voted aye by roll call vote.

OPEN PUBLIC

No need for a motion to open to the public being no public present.

ADJOURNMENT

Being no further discussion, motions were made to adjourn the meeting. AIF-motion approved.

*AIF – All in Favor

NJ DOT – New Jersey Department of Transportation