

**RIDER TO APPLICATION
ER/UDC WEST WINDSOR, LLC
TOWNSHIP OF WEST WINDSOR PLANNING BOARD
BLOCK 47, LOTS 2-6
PRELIMINARY & FINAL SITE PLAN AND PRELIMINARY & FINAL SUBDIVISION
PLAN APPLICATION**

BACKGROUND

ER/UDC West Windsor, LLC (the “**Applicant**”) submits this Preliminary & Final Site Plan and Preliminary & Final Major Subdivision Plan for a proposed QuickChek retail convenience store, including ancillary gasoline station as well as a proposed restaurant building with drive-thru (collectively, the “**Project**”). The Project will be located on the corner of Southfield Road, County Road 571 a/k/a Princeton-Hightstown Road, and McGetrick Lane on property known and identified as Block 47, Lots 2-6 on the West Windsor Township tax map (the “**Property**”). The Property is approximately 3.9 +/- acres in area and is currently developed with vacant and dilapidated residences. The Applicant also seeks to consolidate the existing lots and subdivide into two separate lots with QuickChek being developed on Proposed Lot 1 (Preliminary & Final Major Site Plan and the restaurant building being developed on Proposed Lot 2 (Preliminary Major Site Plan).

The Property is located within the B-2A District pursuant to West Windsor Ordinance 2021-12 “An Ordinance Amending and Supplementing Chapter 200 of the Code of the Township of West Windsor (1999) By Establishing A B-2A District”. This Property was rezoned and is now governed by the standards of the B-2A zone.

The Project will consist of a 5,852 s.f. QuickChek food/convenience store with ten (10) indoor seats and sixteen (16) outdoor seats; a canopy to host eight (8) multi-product fuel dispensers. The Project will also consist of a 4,541 s.f. proposed restaurant with drive-thru, associated parking/circulation aisles. The parking areas will be linked and subject to a cross-access easement. The proposed lots will share stormwater management facilities, to be governed by a Project wide stormwater management easement.

VARIANCES AND WAIVERS

The following variances from Section 200-202.2 of the West Windsor Township Code are requested as part of the underlying application (pertaining the Proposed Lot 1):

- Three (3) proposed wall signs where one (1) is wall sign is permitted.
- Wall signs of 69.1 s.f. from the ground where 50 s.f. is permitted.
- Letter height is thirty-three (33) inches, where eighteen (18) inches is permitted.
- Three (3) monument signs where one (1) monument sign is permitted.
- Monument sign height of 13.8 feet where 4 feet is permitted.
- Monument sign area of one hundred (100) sq. ft. is proposed where forty-eight (48) sq. ft. is permitted.
- Two (2) canopy signs where one (1) canopy sign is permitted.

- Letter and logo height of 25.5 inches where 8 inches is permitted.
- Directional sign of three (3) sq. ft. proposed, where two (2) sq. ft. is permitted.

The following variance from Section 200-202.2 of the West Windsor Township Code is requested as part of the underlying application (pertaining the Proposed Lot 2):

- No loading space provided, where one (1) space is required.

The following highlighted waivers are requested as part of the underlying application:

- Where two or more driveways connect a single site to any one road, a minimum clear distance of two hundred (200) feet measured along the right-of-way line shall separate the closest edges of any two such driveways. Where such development fronts on an arterial street, access to parking and service areas, where practicable, shall be provided by a single access to the arterial road.
- Where a development fronts on a principal, major or minor arterial or a major collector, a combined one point of access and egress to parking service areas shall be provided.
- Commercial driveways shall be fifteen (15) to thirty (30) feet wide for one-way and twenty-four (24) feet wide for two-way. Driveways shall be five (5) feet wider at the curb line and this additional width shall be maintained for a distance of twenty (20) feet into the site.
- Parking lots, loading, and unloading areas shall be prohibited in the area between the front building line and street line.
- For Proposed Lot 1, 52 parking spaces proposed where 42 spaces maximum required.
- With a minimum width of four feet of passable area and be raised six inches or more above the parking area, except when crossing streets or driveways. At points of intersection between pedestrian and motorized lines of travel and at other points where necessary to avoid abrupt changes in grade, a sidewalk shall slope gradually so as to provide an uninterrupted line of travel. Guide rails and wheel stops permanently anchored to the ground shall be provided at appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas unless an additional sidewalk width of 2 ½ feet is provided to accommodate such overhang. (Section 200-29.D.1)
- No parking or loading spaces shall be permitted in the front yard area of any business district. (Section 200-230)
- Impervious surfaces shall be used for all drives, and parking areas except as otherwise required by Section 200-27B91, and pervious surfaces shall be used for all other paved areas, including sidewalks, trails, courtyards, and other site amenities. The Board of Jurisdiction may exclude site amenities from the minimum requirement when necessary to secure the site amenities that will not otherwise be provided. (Section 200-36.1)

LEGAL ANALYSIS

Regarding the sign variances, N.J.S.A. 40:55D-70(c)(2) states that variances may be granted “where in an application or appeal relating to a specific piece of property the purposes of [the MLUL] would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment...” The purposes of the MLUL will be advanced by allowing the deviations requested. N.J.S.A 40:55D-2(a) and (h) of the MLUL states that the purposes of the MLUL include the following:

- To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare; and
- To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.

Here, the Applicant’s proposed signs are necessary to provide identification of the convenience store and gasoline station. The additional identification signs will assist drivers driving to and from Princeton-Hightstown Road and Southfield Road in identifying the Property from a safe distance and allowing these drivers to make appropriate maneuvers to enter into the Property. The signs are particularly critical for drivers that are unfamiliar with the location of the Property as it prevents them from turning their attention away from the road. Therefore, given the significant need for adequate identification, Applicant submits that the variances requested are appropriate.

The size of the freestanding sign is also necessary as the majority of the sign area is devoted to the display of fuel prices. The display of fuel pricing is absolutely vital to the operation of QuickChek’s proposed fuel service. Additionally, the pricing display must be of sufficient in size, height, and illumination to be visible from drivers, so that they may determine whether to obtain their fuel from this location.

The granting of the variance for the proposed signs will not be detrimental to the intent and purpose of the West Windsor Township Code. As noted above, the signs will serve public benefits and will not be intrusive or visually unpleasing. For these reasons, the Applicant submits that the benefits will substantially outweigh any detriments associated with the signage variances requested.

The requested loading zone variance arises from the limited nature of anticipated deliveries to the proposed restaurant. Deliveries may be accommodated by either closing drive thru service or “dual purpose” parking adjacent to the proposed patio for deliveries during off peak hours. Not providing a separate loading area is more efficient and reduces impervious coverage.

Regarding the waivers, the unique, triangular shape of the property necessitates driveways to be closer together. The additional access driveways are in place to support proper, safe, and efficient traffic circulation for the two (2) separate uses and to provide adequate connection to Princeton-Hightstown Road, Southfield Road, and McGetrick Lane.

In support of this application for preliminary & final site plan and preliminary & final subdivision and bulk variances, the Applicant will submit the expert testimony of Tung-To Lam, P.E. from Bohler Engineering who will provide civil engineering testimony, Oliver Young, A.I.A. from Gk+a Architects who will provide architecture testimony, Gary Dean, P.E. of Dolan and Dean Consulting Engineers who will provide traffic testimony and Christine Nazzaro-Cofone, P.P. of Cofone Consulting who will provide planning testimony.

The Applicant respectfully requests that the Board grant any additional variance, waiver, exception, or other relief as may be necessary or required by the Planning Board and the Board professionals in its review and action on this Application.