

OBJECTORS' MEMORANDUM #2

From: William L. Horner, Esq. *WLH*
To: Monroe Township Zoning Board Chair and Members c/o Dawn Farrell, Secretary
Cc: Richard P. Coe, Jr., Esq.
Pamela J. Pellegrini, P.E., P.P.
Martin S. Sander, P.E.
Edward J. Hovatter, Esq.
Date: March 1, 2021
Re: **Driveway Proposal for Peach Country Expansion**
Wood Management LLC Use Variance/Site Plan/Minor Subdivision Application
(Monroe Township Block 14301, Lots 4, 4.01, 7, 8, 9 and 10)

Request for MZBA Professional Review of this Memorandum:

The Monroe Township Zoning Board of Adjustment's site plan hearing for the above application is scheduled for March 23, 2021. I have issued this memorandum well in advance of that date to give the Board and its professionals, and the applicants and their professionals, ample time to review and consider the proposals it contains. Accordingly, my clients request the Board to authorize its professionals to review these proposals in advance of the March 23, 2021 site plan hearing and provide whatever comments, opinions, or recommendations they deem appropriate. My client's traffic engineer, Gordon E. Meth, P.E., who has provided the letter that is attached as **Exhibit A**, will attend the site plan hearing to explain and answer questions about his opinions as expressed in the letter.

Background:

The Monroe Township Zoning Board has granted the Wood Management, LLC use variance application for expansion of landscaper/contractor yard facilities, including new vehicle parking areas and equipment storage units on Lots 7, 8 and 9, and expansion of recycling and composting activities on Lots 4 and 10. The use variance application included a proposal for vehicle access to and from North Tuckahoe Road via a private easement on Lot 4.01 known as Airport Drive, in addition to the existing Peach Country retail store entrance. It was made clear

during the use variance hearings that the intention of the applicants and the Board is to cause all non-retail store traffic to use Airport Drive for access to North Tuckahoe Road rather than the retail store entrance.

My clients Glenn Groves and Jerry Lodge, who objected to the use variance application, believe that this intention should be accomplished with as much certainty as possible so that the retail store driveway is not burdened with traffic relating to the landscaper/contractor, recycling, and other rear-property activities, and so that all of the rear property activities will function together like a business park, with internal circulation routes and the benefit of Airport Drive's long, straight, paved roadway surface that can safely accommodate outbound vehicle queuing and prevent inbound traffic backups. To achieve these objectives, my clients believe compliance with the Airport Drive access requirement should be ensured by actual site improvements, such as driveways and fencing that will effectively control traffic flow, rather than relying solely on directional signage and storage area lease provisions.

Driveway Proposal – Non-Retail Access via Airport Drive Only:

My clients ask the Board to consider requiring the following site design changes and improvements that would cause all Peach Country traffic other than retail store customer vehicles to access the Peach County properties via Airport Drive instead of through the Garden Center driveway:

1. Create a driveway loop within the Peach Country properties as depicted on attached **Exhibit B** having a turnaround behind the retail store and two separate entrances onto Airport Drive (rather than just one Airport Drive entrance proposed by the applicants).
2. Install a fence behind the retail store building as shown on attached **Exhibit B** to serve as a physical barrier that will prevent vehicles from entering and exiting the rear areas of the Peach Country properties via the retail store driveway. There could be a vehicle-sized chain link (non-automated) gate in the fence, with a "KnoxBox" for emergency access, but this gate would be kept closed at all times. There could also be a "person-sized" gate, narrower than a car or truck, through which retail store customers and employees, and maybe small forklifts and ATVs, could pass between the rear property areas and the retail store parking lot. Retail customers who are purchasing bulk items such as loads of mulch would enter the property via Airport Drive for pickup or loading,

and perhaps there could be an additional rear-store parking area behind the fence to accommodate these customers. Large deliveries to the retail store, and retail store dumpster service, would also be accomplished behind the fence.

3. Remove the automated vehicle gate at the retail store driveway entrance, as it would no longer be necessary to regulate rear property traffic, nor would it be necessary to protect the equipment and materials that are currently being stored adjacent to the retail store parking area because such items could be securely stored in the areas behind the fence.

These proposed site design changes and improvements would make it easy for the Peach Country property owners to comply with the Airport Drive access requirement because they would not have to instruct, monitor and enforce against the many independent drivers who will travel on, off and within the Peach Country properties. Similarly, these proposed site design changes and improvements would make the Airport Drive access requirement easy for the Monroe Township Zoning Officer to enforce, as enforcement would require simply observing whether the gate is open or closed, rather than ascertaining the specific identities and business purposes of numerous and various unaffiliated non-property-owner vehicle operators over the course of hours, days or weeks.

These site design changes and improvements would also cause the applicants' business operations to function more like a business park from a traffic-flow perspective, consistent with Monroe Township's Business Park zoning district purposes.

Finally, by eliminating the movements of loaded trucks turning in and out of the retail store entrance, these site design changes and improvements might reduce the amount of mulch, soil, woodchips, stones, trash, and other debris that are routinely deposited along my clients' North Tuckahoe Road frontage.

Traffic Engineer Letter (Gordon E. Meth, P.E.):

As noted above, my client's traffic engineer has provided a letter dated February 28, 2021, which is attached as **Exhibit A**. Mr. Meth has considered the above proposal and has expressed opinions that are consistent with it.

EXHIBIT A

THE EXPERTS **Robson Forensic**

February 28, 2021

William L. Horner, Esq.
Horner & Horner, LLC
67 Market Street/P.O. Box 66
Salem, NJ 08079

Re: Driveway Proposal for Peach Country Expansion
Wood Management LLC Use Variance/Site Plan/Minor Subdivision Application
(Monroe Township Block 14301, Lots 4, 4.01, 7, 8, 9 and 10)
RFI # 21JN0029

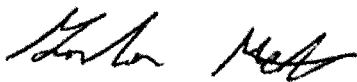
Dear Attorney Horner:

As a follow-up to the 2/23/2021 hearing and use variance approval for the above captioned matter, I have the following recommendations to offer, which are consistent with the testimony of David Horner, P.E. from Horner & Canter, and the use variance approval granted by the Zoning Board of Adjustment:

- Restrict traffic from the proposed vehicle and self-storage uses from using the driveway at 1463 North Tuckahoe Road (County Route 555), as this will minimize the turning movement of large vehicles at a location where there is inadequate storage for said vehicles. This will minimize the potential for interference of traffic on North Tuckahoe Road (County Route 555). This restriction could be accomplished by installing a gate that generally remains closed, but provides access for emergency vehicles when necessary.
- Utilize a second driveway on Airport Drive to facilitate the looping of traffic.
- Review traffic operations at the intersection of North Tuckahoe Road (County Route 555) and Airport Drive at some point after the facility is opened and operating, and re-evaluate the need for a left turn lane on North Tuckahoe Road (County Route 555) and/or separate left and right turn lanes from Airport Drive onto North Tuckahoe Road (County Route 555).

The opinions presented herein are offered to a reasonable degree of engineering certainty and are subject to change if additional information becomes available.

Sincerely,

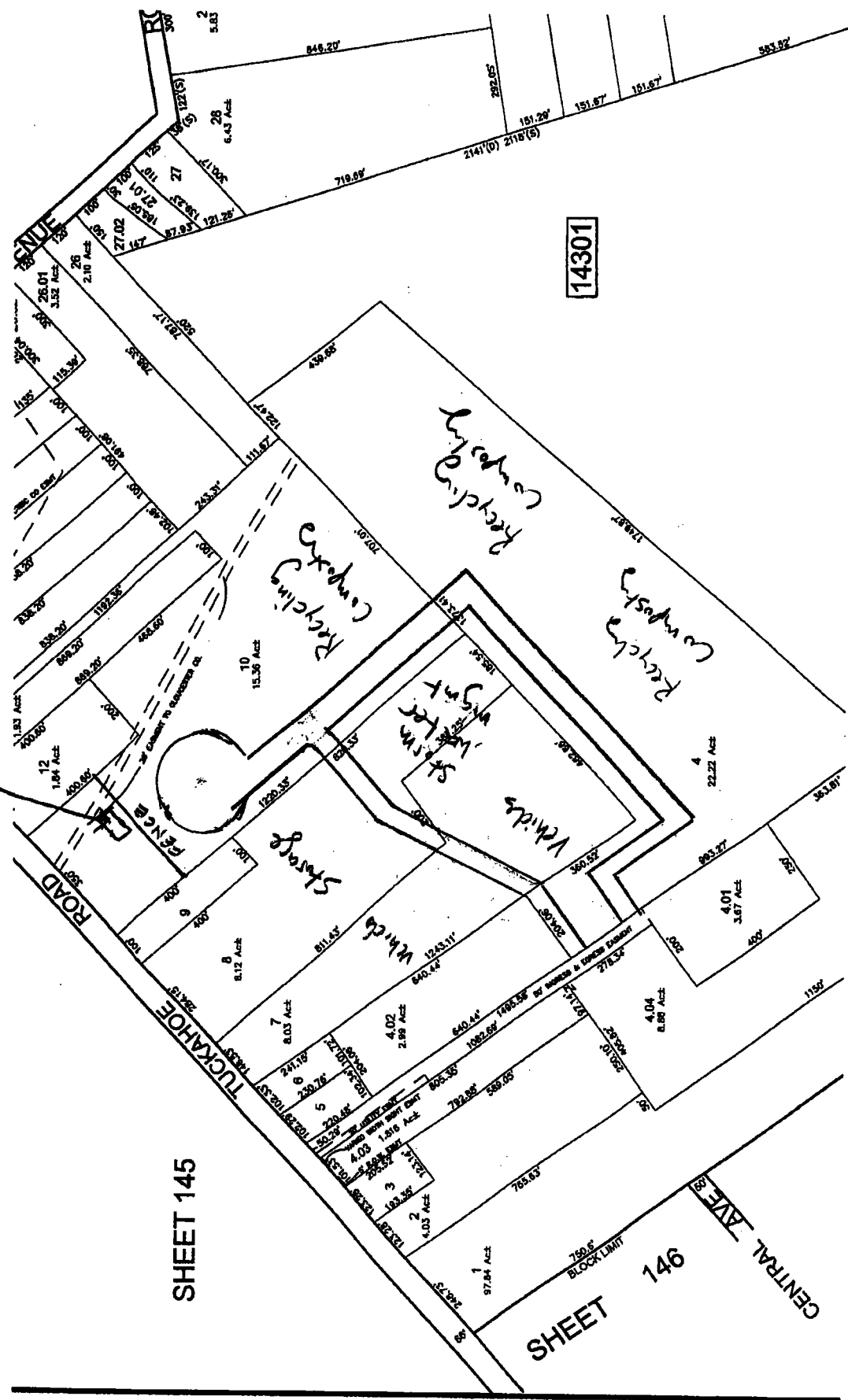


Gordon Meth, PE, PP, PTOE, PTP, RSP₂₁

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EXHIBIT A

Refill store



SHEET 145

SHEET 146

EXHIBIT B