



Montgomery Township Zoning Hearing Board

Meeting Date: September 11, 2019

The agenda for the scheduled hearing is as follows:

1. Application #19030001 OSJ of Montgomeryville LLC / 988 Bethlehem Pike –

CONTINUED TO OCTOBER 2ND - The applicant purchased the 5.47 acre property located at 988 Bethlehem Pike. The property is currently improved with a 37,576 square foot building, parking lot, and associated improvements and follows the HLI II Overlay District (Highway Limited Industrial II) regulations. The building was formerly occupied by the Babies R Us specialty retail store. The applicant proposes to operate an Ocean State Job Lot discount retail store. Per Section 230-227B(1) of the Code of Montgomery Township, a “specialty retail use” is a retail use that does not sell general merchandise. A specialty retail use is characterized by an inventory materially limited to one specific market and generates less traffic volume than a retail store that carries general merchandise including large volume discount merchandise stores. The applicant requests relief from the following provisions of the Code of Montgomery Township in order to allow the proposed discount retail store:

1. Variance from Section 230-227 – *Use Regulations*
2. Interpretation of Section 230-230 – *Conditional Use Standards and criteria* – If the variance is granted, a Conditional Use is not required or in the alternative, a variance from the Conditional Use requirement.
3. Variance from Section 230-134 – *Required Parking* – to allow 163 parking spaces rather than the required 188 parking spaces. (455 parking spaces exist for entire development)

2. Application #19080004 – KIMCO Operating partnership and KIR Montgomery 049 LLC / 165

Witchwood Drive - The applicant is the owner of property located at 165 Witchwood Drive. The site is part of a unified development improved with a retail shopping center, internal access driveways, and surface parking and developed under the ECPOD, Expressway Corridor Preservation Overlay District Regulations. The applicant, proposes to lease approximately 3,017 square foot space formerly occupied by the Payless Shoe Store to “I Love Kickboxing (ILKB)”. The proposed use is a franchised studio fitness outlet.

The applicant Appeals the Determination of the Zoning Officer that the proposed use is not permitted within the ECPOD district. The Zoning Determination was based on the conclusion that 230-199A(4) of the Code permits “large scale private recreation facilities” and the proposed use (although satisfying the referenced criteria in 230-103C(2)) does not qualify as a “large scale” private recreation facility.

In the alternative, the applicant requests a variance from the provisions of Section 230-199A to permit the proposed tenant.

3. Application #19080001 309 Nissan Inc. / 991 Bethlehem Pike - The applicant is the tenant on the property located at the corner of Stump Road and Bethlehem Pike operating the Montgomeryville Nissan auto dealership. A redevelopment of the property is currently underway. An expanded and reconfigured 24,658 square foot service building in the rear of the property has been completed. The existing two showrooms are being prepared for demolition, to be replaced by a single 17,765 square foot showroom and sales building. The applicant proposes new signage throughout the property; 5 wall signs, 3 freestanding signs, and 3 directional signs. All of the existing signage will be removed and replaced with new signage.

The applicant seeks the following relief in the form of variances:

1. The total square footage of the proposed wall signage (270.48 square feet) exceeds the total wall signage allowed of 140 square feet. Per Section 230-127A(2)(a) of the Code of Montgomery Township.
2. Two freestanding signs are proposed along Stump Road (Totems K & L); 9.14 square feet in size with an overall height of 6 feet 11 5/8 inches. One freestanding sign per street frontage is allowed. Per Section 230-127A(4) of the Code of Montgomery Township.
3. Three directional signs are proposed at 6.07 square feet each in size with an overall height of 3 feet 4 15/16 inches. Directional signs cannot exceed 6 square feet in size with an overall height of 3 feet. Per Section 230-123A and 230-127A(4)(b)[3] of the Code of Montgomery Township.

The applicant also Appeals the Determination of the Zoning Officer in regards to the calculation of the total square footage of wall signage proposed.

4. Application #19080002 Montgomeryville Realty Associates / 744 Bethlehem Pike & 1227 Vilsmeier Road -

The applicant is the owner of the 1.8 acre vacant lot located at 744 Bethlehem Pike and the 26,400 square foot adjacent lot. The Bethlehem Pike lot sits within the Commercial District and the Vilsmeier Road parcel sits partially within the Commercial District and partially within the R-2 Residential District and is currently improved with a single family residence. The applicant proposes to consolidate the two lots and construct a 12,240 square foot building; 8,471 retail and 3,769 square foot restaurant plus 358 square foot outdoor dining area. The applicant seeks relief from the following Sections of the Code of Montgomery Township for this proposed project:

1. Variance from Section 230-31 to permit stormwater management facilities and improvements supporting a commercial use within the R-2 Residential Zoning District.
2. Variance from Section 230-155 to permit non-compliant landscaping including buffering and street tree requirements.
3. Variance from Section 230-134C(1) and (7) to permit 94 parking spaces of the complying size rather than the required 100 spaces.
4. Variance from Section 230-33H to permit the portion of the property located in the R-2 Residential Zoning District to meet the impervious coverage and green area coverage requirements of the C-Commercial District.
5. Variance from Section 230-78A to permit a landscape buffer of less than 25 feet along the Vilsmeier Road frontage.
6. Variance from Section 230-48B(2)&(3) to permit a 6 foot opaque fence along a portion of the front yard of Vilsmeier Rd.

5. Application #19080003 Giorno Properties III / 111 Domorah Drive – Continuance Requested to October 2nd meeting.

The applicant is the owner of the 2.24 acre property located at 111 Domorah Drive within the LI – Limited Industrial District. The property is currently improved with an 8,520 square foot single story building, outdoor fenced storage yard, and associated parking. The owner/applicant operates a fencing company, The Fence Guys, at this location. The applicant submitted an application requesting the following relief from the Code of Montgomery Township:

1. Variances by Estoppel from the provisions of Sections 230-111 and 230-112 of the Code of Montgomery Township in order to continue the outdoor sales and storage of fences and fencing material and supplies.
2. In the alternative, variances from the provisions of Sections 230-111 and 230-112 of the Code of Montgomery Township in order to allow the continued use of the property for the outdoor sales and storage of fences and fencing materials and supplies.
3. In the alternative, applicant respectfully submits that the use of the property for the outdoor sales and storage of fences and fencing materials and supplies is a natural expansion of its permitted use.

An email was received August 20, 2019 by the attorney amending the application withdrawing any reference to “outdoor sales” and the use of the term “storage” is meant to reference outdoor displays.

****Copies of the Application(s) and accompanying documents are on file in the Township’s Planning and Zoning Department and may be seen upon request.**