

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

September 10, 2012

Solicitor: Christopher Brown, Esq., (Stanely Bergman, Esq., in attendance)

Engineer: James A. Mott, P.E., of Mott Associates (Robert Watkins, P.E. in attendance)

Planner: Vincent Polistina, P.P., of Polistina and Associates, in attendance

A re-scheduled regular meeting of the Planning Board of Egg Harbor Township was held on the above date, 5:30 p.m., prevailing time, Egg Harbor Township Hall, Egg Harbor Township, New Jersey. The Chairperson opened the meeting by reading the statement in compliance with the Open Public Meetings Act.

Roll Call was taken as follows:

Manuel E. Aponte, present
Committeeman John Carman, present
Milas Cook, Alt #1, another engage.
Charles Eykyn, present
James Garth, Sr., Chairman, present
Frank Kearns, present

Robert Levy, another engage.
Mayor James J. McCullough, Jr., * **See Below**
Peter Miller, Township Administrator, another engage.
Paul Rosenberg, present @ 5:39 p.m.
MD Shamsuddin, Alt. #II, present

May the record reflect: Mayor McCullough had another engagement and has sent Township Committeeman Joseph Cafero in his place.

OTHER MATTER(S):

1. **Motion** Carman/Kearns **to reschedule the regular Planning Board Meeting of Monday, October 15, 2012 to Monday, October 22, 2012, 5:30 p.m., prevailing time. Vote 7 Yes:** Aponte, Carman, Eykyn, Kearns, Garth, Kearns, Shamsuddin

MINOR SUBDIVISION(S):

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| 1. SD 01-02
Dzianis Makareika & Alina Vorobeva
Zone: RG-4, 15,952 sq. ft., sewer/water,
Applicant proposing a three (3) lot subdivision, of which
one (1) lot will contain an existing single family dwelling, shed, and an existing stormwater
easement. The other two (2) parcels being created will each contain a new single family
dwelling. Pinelands: c/f: 2004-0107.003 dated May 2, 2012. | Minor Subdivision
1429/1
12 Madison Avenue
Waiver of Time – Granted |
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Checklist Waiver(s):

1. **Item #3:** Key Map showing land uses within 200' ft.
2. **Item #5:** Topography at one-foot intervals extending 100' ft.
3. **Item #17:** Soil Boring information
4. **Item #19:** Proposed connections to existing water and sewer systems

William McManus, PLS and P.P. , New Jersey Licensed Surveyor and Planner, Duffy, Dolcy, McManus, and Roesch, Galloway Township, New Jersey, introduced himself. He advised that Mr. Makareika, hired his firm to prepare the planning and surveying of this project. Surveyor McManus advised Mr. Makareika is present this evening should the Board have any questions. He advised this is a very simple; minor two (2) lot subdivision. Surveyor McManus advised the applicant has met with the Technical Review Committee and they have the reports from the Board Engineer and Planner. He advised the applicant is

agreeable to all the comments and suggestions within the reports and the applicant will submit compliance plans for the review of the Board Professionals. Surveyor McManus indicated there are no variances sought with this minor subdivision. He advised the applicant either meets or exceeds the bulk requirements for this zone. Committeeman Carman advised the application is straight forward. He indicated as long as the applicant agrees to the conditions within the reports and the professionals have no others he has no issue and would make a motion to grant.

Motion Carman/Eykyn to grant requested checklist waiver(s). Vote 7 Yes: Aponte, Carman, Eykyn, Kearns, Cafero, Shamsuddin, Garth

Motion Eykyn/Carman to grant conditional minor subdivision approval. Vote 7 Yes: Aponte, Carman, Eykyn, Kearns, Cafero, Shamsuddin, Garth

OTHER MATTER(S):

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| 2. | <u>SP 13-12</u>
South Jersey Transportation Authority | Atlantic City Expressway R-O-W
Milepost 9.69 |
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Discussion/Presentation: Pursuant to N.J.S.A. 40:55D-31 the South Jersey Transportation Authority is presenting discussion to the Planning Board of Egg Harbor Township as a courtesy for their review and recommendation to establish and maintain a 34' foot high pole-mounted static billboard sign at Milepost 9.69 (Westbound) within the right-of-way for the Atlantic City Expressway. The proposed sign will be a single-face sign with a total of 672 sq. ft. When erected this billboard will be a static sign, however, it will be converted to a digital billboard sign when South Jersey Transportation Authority deems necessary.

May the record reflect: Chairman Garth advised this application will not be going forward. No new date for scheduling was announced.

SITE PLAN(S):

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| 1. | <u>SD 04-12 & SPPF 12-12</u>
Metro Development of South Jersey, LLC
“WaWa”
Zone: RCD, 3.69 acre site, sewer/water, applicant is proposing a minor subdivision which will include the consolidation of existing lots 1-3, p/o 5, & 6-9 in order to create one (1) parcel, known as proposed lot 1. Proposed lot 1 will also include a 25' ft. wide cross access easement and a 15' ft. wide road widening easement in order to seeking preliminary and final major site plan approval to construct a 24-hour mixed retail sales store with a gasoline filling station . The site will be accessed by drive ways on each of its road frontages (Fire Road, Old Egg Harbor Road and the Black Horse Pike). Other improvements will include parking for 59 vehicles, signage, lighting, landscaping and stormwater management. CAFRA. | Minor Subdivision
Preliminary & Final Major Site Plan
2120/1-3, p/o 4, 6-9
6745 Black Horse Pike
Waiver of Time – Not Granted |
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Checklist Waiver(s) – Minor Subdivision:

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| 1. | Item #1c: | Copy of plan submitted in digital format |
| 2. | Item #13: | Sight triangles, radii of curb line and street sign locations |
| 3. | Item #16: | Copy of any existing and/or proposed protective covenants or deed restrictions |
| 4. | Item #21: | Location of temporary stakes |

Checklist Waiver(s) – Major Site Plans:

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| 1. | Item #1c: | Copy of site plan submitted digital format |
| 2. | Item #17: | Copy of any existing and/or proposed protective covenants or deed restrictions |
| 3. | Item #32: | Sight triangles, the radii of curb line and street sign locations |

Variance Relief:

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| 1. | §225-7: Lot Area (Block 2120/Lot 4): | 3 acres required; 0.655 acres proposed |
| 2. | §225-7: Front Yard Setback: | Black Horse Pike (Canopy): 80' ft. required; 70' ft. proposed
Old Egg Harbor Road (Canopy): 80' ft. required; 33' ft. proposed |

3. **§225-7: Parking Setback Buffer:** Old Egg Harbor Road to drive aisle: 20 ft. required; 7.2' ft. proposed
4. **§225-55M(7): Parking from Building:** Minimum separation distance from a parking stall and building shall be ten (10') feet, with four (4') feet of landscaping minimum between one another. Applicant is proposing eight (8') feet and no landscaping.
5. **§225-63A(3): Building Mounted Sign:** Building-mounted signs shall not have a vertical dimension greater than five (5') feet. Applicant is proposing a vertical dimension of 5.5' ft.

Stephen Nehmad, Esq., introduced himself as attorney for the applicant Metro Development of South Jersey, LLC. Attorney Nehmad advised this application is for site plan and minor subdivision approval. He indicated this application contemplates the development of a new WaWa food market and gas fueling facility along the Black Horse Pike, Fire Road, and Old Egg Harbor Road. Attorney Nehmad indicated currently along Fire Road and the Black Horse Pike there is a Cape Bank. He advised the applicant is proposing to utilize the unimproved area next to Cape Bank, which is about 3.7 acres to develop a new WaWa facility which is a little over 5,000 sq. ft., with a fueling facility containing eight (8) multi-product dispensers and sixteen (16) fueling positions.

Attorney Nehmad advised this project is being proposed by Metro Development who is WaWa's authorized developer for purposes of this application. Attorney Nehmad stated in 1996 WaWa went into the fuel dispensing business, as well as, it's formally core business of operating convenience stores/food markets. He indicated that from 1996 on WaWa filed a number of applications in this State including a few in this community contemplating these new facilities.

Attorney Nehmad advised all of these approvals were done by WaWa directly. Over the last couple years WaWa has authorized some responsible developers to file in their name and on their behalf for applications such as this for WaWa facilities because the developer ultimately winds-up doing certain portions of the work and leasing certain lands to WaWa. He indicated however, that the net effect is the same as previous WaWa's approved in Egg Harbor Township. He indicated WaWa will own and operate the facilities. Attorney Nehmad indicated they propose to utilize the same standards of management and care with this facility as the others located within the Township.

Attorney Nehmad advised in April, 2012 the Egg Harbor Township Committee amended the RCD zoning controls in order to specifically combine fuel dispensing and food market facilities as a permitted use. The proposed almost complies with all the zoning controls in the RCD zone. Attorney Nehmad advised the variance(s) being requested are mostly due to the triangular shape of the parcel. He indicated this parcel has three (3) road frontages and the applicant is incapable of expanding on any of the road frontages because the parcel extends from the Black Horse Pike, to Fire Road, to Old Egg Harbor Road.

Attorney Nehmad explained the redevelopment of this site will provide a nice entry into the Township and WaWa is proposing its newest architectural style for this facility.

Solicitor Bergman duly swore the following individuals:

Richard V. Kandarian, P.E., Civil Engineer for project
Nathan Mosely, P.E., Traffic Engineer (Shropshire Associates) for project
Pat Cerrone, Real Estate representative with Wawa
Nick Aspras, representative with Metro Development of South Jersey, LLC, the applicant of project

Richard V. Kanderian, PE., P.P., New Jersey Licensed Engineer and Planner, president and founder of KZA Engineer whom merge just this year with Maser Consulting. He indicated he now holds the position of Senior Principal with Maser Consulting. He advised he has been practicing site plan and engineering since the late 70's. Engineer Kanderian advised he has been engaged in the private sector and estimate he has worked on over 100 WaWa's, and many quick service restaurants, shopping centers, office complexes and industrial centers within the Tri-State area.

Engineer Kanderian advised his firm are the planner's for the site layout, as well as, the site engineers and surveyors, therefore, he indicated he is familiar with this site. He also advised he is familiar with the Township Ordinance(s). Engineer Kanderian advised the plan was recently amended to include the existing bank (Cape Bank) located on existing lot(s) 4 & 5 and Wawa is 1-3 and 6-9. He indicated the total area of the combined site is 4.3 acres.

Engineer Kanderian referred to **Exhibit A1**: rendered site plan advising the property in question is an irregular shape. He advised the lot will be triangular and will have a notched out area for the bank. Engineer Kanderian advised the site has frontages on all three (3) sides. He stated the Black Horse Pike is to the north, Old Egg Harbor Road is to the south and Fire Road to the east.

Engineer Kanderian advised the site was previously developed. He indicated it has an existing two (2) story structure on it, some remnants of an old foundation, and an old pool. He indicated it is currently vacated and not in use. The site is relatively flat and has been overgrown with grasses and it does have a few trees in a portion of the site. He indicated it is located within the RCD zone.

Engineer Kanderian advised the applicant is proposing three (3) major access ways to the Wawa and an easement to the bank for an additional access way for them. He indicated Fire Road and Old Egg Harbor Road will be full turning accesses, however, the Black Horse Pike is a right in and right out.

Engineer Kanderian advised within the WaWa there will be 59 parking stalls, four (4) will be oversized parking spaces, and there will be handicap parking spaces. Engineer Kanderian advised the applicant is proposing eight (8) multi-dispensers and a new style canopy that will protect from weather conditions. He indicated pedestrian access will be from all areas of the site. He indicated the applicant will have sidewalks on all sides and will have cross walks within the development.

Engineer Kanderian advised the applicant is proposing landscaping within site and will have a pleasing look. He indicated a mixture of different textures have been proposed to soften the lines. He indicated the applicant will have 61 trees, 239 shrubs and a variety of perennials. He indicated the applicant will have a total of 404 different types of plantings. Engineer Kanderian advised the landscaping be maintained and enhances the clean reputation that WaWa has.

Engineer Kanderian indicated the applicant has used best management practices and will comply with the New Jersey Department of Environmental Protection water quality standards and soil conservation. He indicated there will be a 57% reduction in run-off from the site during a two (2) year storm, during a ten (10) year there will be 81% and in a 100 year storm there will be a 93% reduction.

Engineer Kanderian advised the applicant does propose LED lighting. He indicated the average is 2.5 foot candles throughout the site, however, lighting under the canopy will be a little brighter, however, toward the trailer park, off the back of the applicant's parcel, it will drop off to zero -0- .

Attorney Nehmad asked if this use is permitted? Engineer Kanderian stated yes, it is. Attorney Nehmad asked if the Department of Environmental Protection criteria for storm water controls concerning commercial development stringent. Engineer Kanderian stated yes it is. Attorney Nehmad asked if one of the main ways to determine land use intensity of a development is through the measurement of impervious coverage. Engineer Kanderian stated yes. He advised the proposed applicant is allowed by the Township Ordinance to have 70% impervious coverage, however, the applicant is only proposing 50%. He indicated the applicant is not devoting available land for impervious. He advised the applicant is proposing landscaping and detention basins instead. Engineer Kanderian advised all landscaped areas will have irrigation and the site maintenance will be overseen by WaWa.

Attorney Nehmad advised a portion of the Cape Bank property will be subdivided off and a means of ingress and egress to the bank will be proposed. Engineer Kanderian stated the applicant is seeking a two (2) lot subdivision. He indicated through a series of consolidations and then the subdivision of the

property the bank will have a larger parcel than what exists today. He indicated the applicant is actually bettering an existing non-conformity.

Engineer Kanderian advised the architecture for this site is a new concept through WaWa. He indicated the applicant has added a stone wainscoting, a single tower element, canopy over pedestrian areas and a parapet protecting roof top mechanical systems from vision and they also work as a sound barrier. Engineer Kanderian advised his explanation of design was based upon a 3-D architectural perspective known as **Exhibit A3**: Engineer Kanderian then referred to architectural elevations **Exhibit A4**: which shows all fronts, side, and rear of the proposed WaWa. He indicated that based upon the elevations the parapet wall is carried around the whole building. He also indicated all the finishes are also carried along all four (4) sides of the building.

Engineer Kanderian referred to again to **Exhibit(s) A3, A4**, and introduced **Exhibit A6**: Sign Exhibit. The building mounted sign is proposed channel letters and the "Goose", which is WaWa's image is sculptured into the building and the entire sign from bottom to top is 5' 6" and the ordinance requires 5' ft. He indicated only the wings at the top of the "Goose" exceeds the limit.

Engineer Kanderian advised the WaWa pylon sign will be located at the main entrance along the Black Horse Pike will have ground plantings around it. It will display the dollar figures for the product that is required by State statute, and it will have a small WaWa identification sign. He indicated WaWa is an impulse business and the applicant wants to identify the site from both a business and a safety perspective. There are multi lanes along the Black Horse Pike and you want a person to identify in advance where the access is to safely decelerate off the Black Horse Pike.

Attorney Nehmad asked if the free standing sign meets the ordinance requirements for size, setback, and area. Engineer Kanderian stated yes. Attorney Nehmad asked that by law in New Jersey when one sells motor vehicle fuels is required to show from the public right-of-way the unit price of the fuels? Engineer Kanderian stated this is correct. Attorney Nehmad stated the only other signs are the directional signs at the driveways. Engineer Kanderian stated the directional signs say entrance and exit and will be located at all three (3) access points so they are clearly marked.

Attorney Nehmad stated just to go over the access points. He stated the Black Horse Pike will be a right in and a right out. Engineer Kanderian stated yes. Attorney Nehmad stated Fire Road will be a free access. Engineer Kanderian stated yes. He indicated it will allow all turns. Attorney Nehmad stated Old Egg Harbor Road is presently a one way from the Black Horse Pike, which is south easterly direction. Engineer Kanderian stated this is correct. Attorney Nehmad asked if it will remain in this fashion? Engineer Kanderian stated yes.

Attorney Nehmad asked Engineer Kanderian if he is aware of the proposed shopping center directly across the street known as "Oak Tree Plaza" to be anchored by a Walmart Super Center. Engineer Kanderian stated yes. Attorney Nehmad asked if he and the traffic engineer for WaWa coordinated this site plan and access plan with the site plan and access plan with "Oak Tree Plaza". Engineer Kanderian stated yes.

Attorney Nehmad indicated the applicant is seeking variance relief due to the shape of the lot and the required parking setbacks. Engineer Kanderian advised there are two (2) existing setback variance(s) for the bank. He indicated they are existing non-conformities and the applicant is not moving the bank. Engineer Kanderian stated the WaWa is proposing a 33' ft. from Old Egg Harbor Road and 70' ft. from the Black Horse Pike. He indicated this is for the placement of the canopy in order to protect the gas pumps. He indicated 80' ft. is the required setback for this zoning area.

Engineer Kanderian advised the reason for setbacks is to create light and air through the buildings or around the buildings. He indicated the setback relief is for the canopy which light and air pass under. He indicated it is not a building with four (4) walls the canopy is protecting the gas pumps.

Attorney Nehmad stated the setback for this area is 80' ft. and the bank has a front yard setback of 54.9' ft. Engineer Kanderian stated yes, from Fire Road, which is an existing condition.

Engineer Kanderian stated the proposed parking area along Old Egg Harbor Road does conform to the setback requirements. However, there is a small area of driveway that accesses the gas dispensing units is within the 20' ft. setback requirement and will be 7.2 ft. from the right-of-way. He indicated it is only in one area.

Engineer Kanderian advised the relief sought is a classic C1 variance because the property is irregularly shaped and is very shallow in the westerly portion of the site. He advised this is also exacerbated by the fact that the applicant has frontages on all fronts. Attorney Nehmad stated there is one (1) more variance requested. He indicated this deals with the parking stalls. He advised the ordinance requires 10' ft. from the building and the applicant is 8' ft. Engineer Kanderian stated the ordinance requires 10' ft and a 4' ft. landscaped strip. He stated if this site were an office it would be appropriate, but for this it is not appropriate. He indicated landscaped strips adjacent to quick service restaurant or convenience store normally get trampled.

Attorney Nehmad advised the variance for area concerning the bank makes the non-conformity better. He indicated the applicant will be increasing the bank area from 25,520 sq. ft. to 28,520 sq. ft. Engineer Kanderian stated the applicant is making it a little bit better. Attorney Nehmad stated there is a variance for a few inches for the "Goose" embellishment on the building. Engineer Kanderian advised WaWa has identification and want to continue such. He indicated just the variance is just for the tip of the proposed wings and is small in nature and do not see any detrimental aspects such as sign clutter.

Attorney Nehmad asked if he has reviewed the Board Professional reports. He asked if any issues. Engineer Kanderian indicated there is no issue and the applicant will meet the terms and conditions of the reports.

Attorney Nehmad stated he has nothing further. He advised the applicant has the traffic engineer present, WaWa has representation to discuss operations and he indicated Metro Development also has representatives present the Board has questions.

Chairman Garth asked if the applicant will have any signage along Old Egg Harbor Road for the limited access. Engineer Kanderian advised yes. He indicated there will be signs from the facility that indicated no right turns area permitted. Chairman Garth also asked about the trucks delivering to site. He asked what entrance will they use? Engineer Kanderian advised an R-65 truck can negotiate the turns within the site. He indicated delivery will only be from the Black Horse Pike and Fire Road.

Board Member Aponte asked if the applicant could bring the "Goose" down to 5' ft. Engineer Kanderian advised it would be a clipped winged goose. Attorney Nehmad advised the applicant spoke with the Technical Review Committee concerning this variance. He indicated the "Goose" is an architectural embellishment. He advised the Technical Review Committee did not have an issue. He advised the applicant would like to keep the size proposed because it is the only sign on the building.

Board Member Eykyn asked if a sign be placed up for the large parking so there will be no idling. Engineer Kanderian stated yes. Township Committeeman Carman asked if the applicant believes four (4) over sized spaces is enough? Engineer Kanderian stated based on studies it is enough. Township Committeeman Cafero asked if there has been a study indicating how many pedestrian will come to facility versus vehicles. Attorney Nehmad advised no. He indicated there is a large amount of residential in the area. He advised there are condo's, trailer park, and a bus stop is nearby. He advised the applicant has provided paths for pedestrian traffic along all the frontages. He indicated he has done a number of WaWa's and never studied the number of pedestrians versus vehicles. Attorney Nehmad stated this site has been set up to be pedestrian friendly.

Board Member Rosenberg asked if the applicant believes function of site will be high or low volume. Attorney Nehmad stated this is a prototype store for WaWa and they have been looking for a site on the

south side of the Black Horse Pike from the Shore Mall to the boundary with Atlantic City for over ten (10) years.

Board Member Rosenberg asked if this site will compliment or replace the WaWa currently operating in along Tilton Road? Patrick Cerrone, real estate representative, WaWa, sworn in: advised he has been with WaWa for 24 years. Advised he started in construction and worked for 10 years and then moved to the real estate division where he has been for the last 14 years. Mr. Cerrone stated this facility will not be considered a relocation site. The WaWa on Tilton Road will be kept.

Board Member Aponte asked what will occur with the trash coming from site and what about the deliveries? Engineer Kanderian indicated as part of WaWa they propose an interior trash room. He advised the trash is compacted inside. He further noted dairy deliveries will occur three (3) times a week, candy and tobacco will be four (4) times a week and gas deliveries will be as needed, however, they could be one time per day.

Board Member Aponte asked if deliveries will be 24 hours day. Engineer Kanderian stated WaWa will slow deliveries down especially when it is near residential. Township Committeeman Cafero asked if they will run trees along Old Egg Harbor Road. Engineer Kanderian stated no. He advised there will be landscaping and it will be lush and will hide the facility once mature. He indicated WaWa has won awards on their landscaping and they are fussy.

Board Planner Polistina advised there could be additional plantings along the back of the facility. Engineer Kanderian advised the applicant did not propose a buffer from view. They proposed a park like view for the facility. He indicated the applicant's approach was pleasing landscaping in the rear and a single line of shade trees. Board Planner Polistina stated the buffer is equal to the parking setback. There is one area that has been supplemented. Engineer Kanderian stated the applicant is creating visual landscaping and will ask for a waiver. Attorney Nehmad indicated the buffer complies along Old Egg Harbor Road, but because of the narrow lot it becomes 7.2 ft. in area and this is the lonely portion of the triangle that we are seeking a waiver from. Attorney Nehmad stated if any fencing or landscaping is necessary then will work with the planner.

Board Planner Polistina asked if the applicant will be giving easement to the Municipal Utilities Authority to place in pump station and keep out of the right-of-way. Attorney Nehmad advised the applicant will provide an easement which will allow them to maintain the pump station. Attorney Nehmad also indicated he would like to verify that the Municipal Utilities Authority requires WaWa to connect to the sewer not present an extension. Board Planner Polistina advised the applicant has submitted to the Municipal Utilities Authority.

Board Planner Polistina asked if there will be a left turn allowed coming out of the facility onto Fire Road. Attorney Nehmad stated yes, and there was a long discussion with the County concerning this turn. Nathan Mosely, P.E., Traffic Engineer (Shropshire Associates), advised he has been a traffic engineer for 18 years. He stated he prepared the traffic impact for this WaWa. He also advised he has done over 700 sites for WaWa over the last 15 years.

Engineer Mosely indicated the applicant is proposing a full movement access on Fire Road. He indicated the applicant has had meetings with the County Planning Department. He advised the County wanted to see two phase development of the road way. He advised the first phase will have allow the left turn out of the applicant's facility. However, phase II, when all of the construction and improvements are done to Old Egg Harbor Road and the intersection has the light installed, as part of the Walmart improvements. The left hand turn from this facility will be prohibited because you will be able to make the left turn at the light on Old Egg Harbor Road.

Township Committeeman Carman suggested two (2) exit lanes off Fire Road so there is no back up. Attorney Nehmad indicated the County will not allow double left turns. Committeeman Carman stated it would be one left turn and one right turn so that it does not get backed up. Attorney Nehmad stated the if

the Board would like to make this comment known to the County the applicant will follow-up with their directive.

Board Engineer Watkins asked where do people go when they are coming from Pleasantville and they go past the intersection, but they still want to go to your facility. Will they use the cut through? Engineer Mosley stated there is a cut through and the State is looking at. He indicated, however, he does not see a lot of these movements happening.

Board Planner Polistina stated the applicant is seeking a waiver of 60 street trees. He stated this is fine, as long as, the applicant, which they agreed to supplements the landscaping along Old Egg Harbor Road to buffer and screen the residential uses that are adjacent. He indicated he believes the Board can grant waiver as long as the supplemental is achieved along Old Egg Harbor Road. Attorney Nehmad advised this is agreeable to the applicant and WaWa.

Motion Aponte/Rosenberg to open public portion. Vote 7 Yes.

Jill Alexander, sworn in: Ms. Alexander asked if Old Egg Harbor Road going to be widen or changed in anyway. Attorney Nehmad stated no, not at this time. Ms. Alexander stated for clarification it was noted the resident's live in trailers, however, this is not correct we live in mobile homes. Attorney Nehmad apologized. Ms. Alexander stated the residents along Old Egg Harbor Road want to know how this development will affect them? Engineer Kanderian stated the applicant is trying to make sure there is little impact to the resident's. Ms. Alexander stated she is happy about the proposal just wanted to know how it will affect the residents.

Margret Carmelli, Esq., an attorney with Tyler and Carmelli, stated she is here to representing, Dolan Pleasantville Associates, who is the owner of the manufactured housing community and Mr. Robert Dolan, managing member of Dolan Pleasantville Associates present with her. Attorney Carmelli asked that both she and Mr. Dolan both be sworn.

Fill-in Solicitor Bergman duly swore both Margret Carmelli, Esq., and Mr. Robert Dolan.

Attorney Carmelli advised they are from the manufacturing housing community located on Old Egg Harbor Road. She stated they have a few questions concerning the impact from this facility on the residents of this community.

Attorney Carmelli advised there are a number of resident's here tonight, but not sure if they will speak. She asked what will the residents who live within the community see. What side of the building? Attorney Nehmad advised they will have a diagonal view depending where they are. He indicated the building will have the same finish on all four (4) sides. Engineer Kanderian stated it will depend upon where in the community the resident lives. Predominant view will be the rear, however, will not be that viewable. He indicated the applicant has provided a considerable amount of landscaping proposed and the applicant will be supplementing this landscaping based upon the Planner's comments and recommendations.

Attorney Carmelli asked if there will be any deliveries for the WaWa coming in from Old Egg Harbor Road. Attorney Nehmad stated no. Attorney Carmelli asked where the fuel tanks are proposed within the development? Engineer Kanderian advised they are in between the canopy and the Black Horse Pike so they are in the front of the facility. Attorney Carmelli asked where will the fuel trucks be when unloading? Engineer Kanderian advised they will be in aisle area parallel to the Black Horse Pike.

Attorney Carmelli advised there was discussion concerning lighting. She asked what the impact will be, if evaluated from Old Egg Harbor Road, and what was the conclusion? Engineer Kanderian stated the lighting will be bright enough on the site. He indicated all lights on the south westerly portion of the site will be shielded both internal and externally so there is no spillage over the rear or south westerly portion of the property line. He indicated there should be no glare or lighting visible beyond the property line of Wawa. He indicated this does not take into consideration the various plantings.

Attorney Carmelli we did get word out to our tenants, but in simple language, when one of the property owner's is in their home along Old Egg Harbor Road will they see additional light when they look out their window? Engineer Kanderian stated what he believes they will see will be more please then what exist. He indicated currently they see a highway and commercial uses. They will see a lot of green. Cannot say they will not see any light, but can say the design of the lighting is sensitive to the neighborhood, but there will not be any glare.

Attorney Carmelli advised they are concerned with the area where a waiver is being requested. She asked what type of plantings will be placed there? Engineer Kanderian stated the plantings will be shade trees and shrubs. He indicated the applicant is creating a dense planting scheme and will work with municipal consultants to buffer and screen. Attorney Carmelli asked if Mr. Dolan can be present during discussion. Attorney Nehmad advised the applicant has no objections of Mr. Dolan advisements. He indicated it will, however, be up to Board Planner Polistina to look at the landscaping to determine if it is acceptable.

Attorney Carmelli asked if all storm water is captured in basin and discharged. Engineer Kanderian stated the storm water will stay on site. He indicated it does not discharge. Attorney Nehmad advised the applicant will be reducing the amount of discharge coming from the site pre-development. It will be retained.

Attorney Carmelli asked if there were any evaluations concerning the notice coming from the facility. Attorney Nehmad indicated the Municipal Land Use Law says what is appropriate and noise control is not part of site plan. He indicated there is a performance standard for noise under the regulations of the Township Code. He indicated the applicant will meet the day time and night time requirements. He indicated the applicant has designed enough of these facilities to know they can meet the requirements in the operation of this site.

Attorney Carmelli asked if there is curb and sidewalk proposed? Engineer Kanderian advised the applicant will be installing have curb and sidewalk on development side of this project along Old Egg Harbor Road. He indicated the applicant is not proposing any on the other side of Old Egg Harbor Road.

Rocky Drumond, Egg Harbor Township, New Jersey, sworn in: Mr Drumond advised there is a school bus stop on his side of Old Egg Harbor Road but opposite the exit of WaWa. He asked what is going to happen. Board Member Aponte asked if this situation could be discussed with the School Board? Board Engineer Watkins stated the stop would more than likely remain the same. He indicated a letter could be sent to the school board advising them of the proposed development. Attorney Nehmad stated the applicant can place a sign advising this area is a school bus stop.

Mr. Merk, Old Egg Harbor Road, Egg Harbor Township, New Jersey, sworn in: Mr. Merk advised he originally had a home in Candle Wood Park, but had moved when WaWa moved in adjacent to his site. He stated now he has moved and they are constructing again. He asked how many WaWa's does the Township need? Attorney Nehmad advised the property is zoned to allow for it and the ratable base is being developed to its potential. He indicated this community has a right to commercial ground being developed appropriately.

Mr. Merck advised there is already a super WaWa. He asked if anyone wants this in their back yard. He indicated there is gas station after gas station. Mr. Merck advised he is concerned about the crime rate. He stated kids will hang out here. He stated he moved because of the last WaWa.

Mr. Merck stated as members, fathers, and husband they should be concerned. He stated he has drank the water from Price's Pit and NAFAC. Kids have had illness for years. What is the benefit of another WaWa in this community. What type of jobs do they create? Think about the people. Mr. Merck stated he was born and raised in Egg Harbor Township. Will have traffic in this area from the WaWa and Walmart. He stated he is concerned.

Bill Kasner, one of the owners of Chapman Auto, sworn in: Mr. Kasner stated he understands the neighbors and he has been at his facility for 20 years. He indicated he understands the residents and concerns for their home. He stated his business is his home. Partners have a lot of money invested. Would rather have a WaWa who is a responsible corporate business then look at another business coming in and wondering whether how responsible they will be with their property.

Mr. Kasner stated it is amazing how English Creek has really grown. He stated when he pays his taxes to invest where he is at really for the last 20 years nothing has happen. Mr. Kasner stated he is excited about the Walmart coming in and this site because it does enhance the community. He stated he understands the resident's concerns but if another business were to come in that is not responsible like WaWa then what are we left with. WaWa feels it is worth their while.

Mr. Kasner stated the cut-through should be addressed. Township Committeeman Carman stated there have been discussions with the State. Board Planner Polistina stated the Department of Transportation is looking into removing these cut-through's from Spruce Avenue out. He indicated they are a dangerous situation and the State knows this.

Motion Aponte/Rosenberg to close public portion. Vote 8 Yes

Attorney Nehmad advised WaWa will create 40 to 60 full and part time jobs to create this WaWa. Excluding construction related jobs. He indicated about 1/3 of the WaWa stock is owned by WaWa employees.

Motion Rosenberg/Eykyn to grant requested checklist waiver(s). Vote 8 Yes: Aponte, Carman, Eykyn, Kearns, Cafero, Rosenberg, Shamsuddin, Garth

Motion Aponte/Eykyn to grant requested variance relief: Items #1-4 as listed on agenda. Vote 8 Yes: Aponte, Carman, Eykyn, Kearns, Cafero, Rosenberg, Shamsuddin, Garth

Motion Carman/Rosenberg to grant requested variance relief: Item #5 as listed on agenda. Vote 7 Yes: Carman, Eykyn, Kearns, Cafero, Rosenberg, Shamsuddin, Garth. 1 No: Aponte

Motion Aponte/Rosenberg to grant conditional minor subdivision approval. Vote 8 Yes: Aponte, Carman, Eykyn, Kearns, Cafero, Rosenberg, Shamsuddin, Garth

Motion Carman/Rosenberg to grant conditional preliminary & final major site plan approval. Vote 8 Yes: Aponte, Carman, Eykyn, Kearns, Cafero, Rosenberg, Shamsuddin, Garth

2. <u>SPPF 18-05 (Amended)</u> New Vista, LP Zone: HB, 1.46 acres, sewer/water, 2005, the Planning Board granted conditional preliminary and final major site plan approval for the construction of two (2) professional office buildings on the subject parcel for a total of 10,382 sq. ft. of office space. Other improvements included storm water management parking and landscaping. Current applicant and property owner is seeking to amend this approval in order to develop a 9,398 sq. ft. retail building with an additional 1,008 sq. ft. mezzanine area for office space. Other improvements include 40 parking spaces, landscaping and storm water management. Pinelands: c/f: #2005-0059.001, dated July 5, 2012.	Amended Preliminary/Final Major Site Plan 1430/1 6124 Black Horse Pike Waiver of time – Not Granted
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Checklist Waiver(s):

1. **Item 15(E):** EHT MUA

Design Waiver(s):

1. **§94-44E(1)(i)[1][b]:** Basin landscaping

Variance Relief:

1. **§225-7: Lot Area:** 80,000 sq. ft. required; 67,010 sq. ft. proposed
2. **§225-7: Front Yard Setback:** 50' ft. required; 30' ft. proposed (Trash Enclosure – Lehigh Avenue)
3. **§225-56A(33): Parking Requirement:** 50 spaces required; 40 spaces proposed
4. **§225-63A(3): Building Mounted Sign:** One (1) building mounted sign permitted for each tenant in building. Applicant is proposing three (3) building mounted signs along Black Horse Pike Frontage with one (1) tenant.

Charles Gemmel, Esq., introduced himself as attorney for the applicant. He indicated this site was previously approved in 2005 for two (2) offices buildings. He indicated the applicant purchased the property in 2008 but never developed the site.

Attorney Gemmel advised the applicant has entered into an agreement of sale with the Ji's, who will be using this site for a beauty supply store. He indicated based upon the proposing there will be reduction to the variance relief previously granted and instead of having two (2) buildings there will be one (1) building with a mezzanine.

Attorney Gemmel advised the first floor of the facility will be 9,400 sq. ft. and the mezzanine area will be 1,008 sq. ft. Board Member Aponte asked what the square footage was for the original proposal? Attorney Gemmel advised each building was proposed to be 5,100 sq. ft.

Andrew Schaeffer, P.E., Schaeffer, Nassar, Scheidegg, Mays Landing, New Jersey, New Jersey Licensed Engineer, sworn in: Engineer Schaeffer advised this site is directly across the Black Horse Pike from the Basset Furniture Store. He indicated this parcel is hemmed in by three (3) street frontages and a zone line. Engineer Schaeffer referred to **Exhibit A1:** plan showing uses in the area from "Google Map" dated 2007 and **Exhibit A2:** plan showing proposed site.

Engineer Schaeffer stated the applicant was originally approved for two (2) office buildings. He indicated that based on that approval variance relief was sought for rear yard, however, with this approval the applicant has eliminated the rear yard variance originally granted. Engineer Schaeffer advised the applicant is proposing a trash enclosure to be placed at 30' ft. from the front yard setback on Lehigh Avenue. He indicated variance relief is required since the front yard setback is 50' ft. He indicated the applicant proposes the parking space at this location to stay away from any of the existing residential uses in the area. He advised by placing on Lehigh it keeps it near an existing commercial use.

Engineer Schaeffer advised the site, as proposed, requires 50 parking spaces. He indicated the applicant is showing only 43 spaces. He indicated the applicant did not propose the additional spaces along the Black Horse Pike frontage so that it could create a better visual view of the site. He indicated the Ji's have had a beauty supply business for over 30 years. He indicated the Ji's have noted their other site has really only had ten (10) cars at the most at one time. Engineer Schaeffer advised ingress and egress from the site will be via Lehigh and Ivin's Avenue. None is proposed for the Black Horse Pike.

Engineer Schaeffer also noted storm water management will be from bio retention swales, which will have less than 2' of water and will be mostly grassed. He indicated there is a small recharge system along Ivins Avenue and it will meet the requirements of the Township Ordinance and the Pinelands Commission.

Engineer Schaeffer advised the applicant has focused the bulk of the tree plantings along the rear portion of the property and have kept low material shrubs in the front of the building.

Engineer Schaeffer stated the applicant is proposing a free standing sign which will be placed within the swale. He indicated the applicant is in compliance with standards for the lighting. He indicated the proposed lighting will be by the typical parking lot lights and there will be lights at the ingress and egress areas. He stated they will be on from dusk to dawn.

Engineer Schaeffer explained the site is 67,010 sq. ft. with three (3) frontages and the justification for lot area still exist. He indicated the trash enclosure is proposed in one (1) of the three (3) front yards. He indicated the relief currently sought for the enclosure does not deviate as much as the relief originally granted. He advised the variance of the parking is so that there is a better visual appearance and to allow the applicant to provide more green space. He indicated the applicant is proposing a fence along lot 5 and there be vegetation planted along this area. Board Planner Polistina stated his office will work with the applicant concerning the planting of trees and shrubs. He may suggest more be planted if needed.

Daniel Masione, Architect, New Jersey Licensed, Northfield, New Jersey, sworn in: Architect Masione stated the building is proposed for 9,400 sq. ft. with a 1,000 sq. ft. mezzanine. He indicated the building will be stucco, as most buildings in the area are. He indicated the applicant will use earth tones and will be proposing awnings and free standing sign. He indicated the applicant does not meet the requirements for building mounted signs. He indicated the sign area meets the Township requirements, however, the applicant is proposing three (3) individual signs not one (1) large one.

Architect Masione referred to **Exhibit SK1**: Architectural rendering of site. He advised given the scale of the building the three (3) individual signs is more appealing than one (1) large sign in the middle of the front façade.

Motion Eykyn/Aponte to open public portion. Vote 8 yes.

Gordon Collins, Egg Harbor Township, New Jersey, sworn in: Mr. Collins advised he owns the property adjacent to this site. He indicated no body offered to purchase his property. He stated this building is going to be 22' ft. from my house. He stated that currently the existing fence is on his property. He stated when he looks out his dining room window it will be at a dumpster. He also advised there will be a mosquito colony behind him.

Chairman Garth advised the applicant will be replacing the fence. Engineer Schaeffer advised the building setback is 35' ft. from the property line. Board Engineer Watkins advised the applicant will be installing new fencing along the property line. Mr. Collin's indicated he is fine with his fence being removed and a new one placed in.

Board Member Aponte stated the trash enclosure will be enclosed and there will have a vinyl fence around it. Board Member Aponte stated the trash will be picked-up between 7:00 a.m. and 7:00 p.m.

Mrs. Collin's, Egg Harbor Township, New Jersey, sworn in: Mrs. Collins stated she has concern about basin. She does not want issues with mosquito's and West Nile Virus. She wants to make sure when it rains the basins will be taken care of. Board Engineer Watkins stated the basin is 4' ft. deep but will be sloping so they will only retain 2' ft. of water in a storm.

Engineer Schaeffer stated the basins are designed to hold the water and make sure it does not go down street but they discharge quickly. She stated if the basins hold water she will be in contact with people and advise them.

Mrs. Collins asked how high is the building? Architect Masione stated it will be 31' ft. Mrs. Collins stated she will be looking at the rear of the building. Architect Masione stated from the back of the building based on the elevation of site it will be about 28' ft. in height. He stated he is not sure if they will be able to see across the Black Horse Pike. Architect Masione stated there will be a motion sensor light in the rear of the building, however, it will be shielded down.

Board Member Rosenberg asked why the applicant does not propose a parapet to keep mechanics hidden and noise down. Architect Masione stated there is one, but not in the rear because of storm water runoff. Board Engineer Watkins stated he suspects Mr. and Mrs. Collings will not hear the air conditioning and the Black Horse Pike noise will be blocked because of the building.

Close Aponte/Eykyn to close public portion. Vote 8 Yes

Engineer Schaeffer stated the applicant cannot place 81 trees on site. He indicated the computation for the planting of 81 trees are based on a basin not a shallow swale. Board Engineer Watkins advised the calculation for landscaping in the rear will be fitted on site for the buffering of a basin.

Solicitor Bergman advised the conditions placed on this applicant include trash pick-up must occur between the hours of 7:00 a.m. and 7:00 p.m., additional landscaping will be provided, and the fence along the adjacent property will be at a height of 4' ft. to the setback and then continue to 6' ft.

Motion Aponte/Rosenberg to grant requested checklist waiver(s). Vote 8 Yes: Aponte, Carman, Eykyn, Kearns, Cafero, Rosenberg, Shamsuddin, Garth

Motion Rosenberg/Aponte to grant requested design waiver(s). Vote 8 Yes: Aponte, Carman, Eykyn, Kearns, Cafero, Rosenberg, Shamsuddin, Garth

Motion Rosenberg/Eykyn to grant requested variance relief: 225-7: Lot Area (Block 1430/Lot 1), §225-7: Front Yard Setback, §225-56A(33): Parking Requirement, §225-63A(3): Building Mounted Sign: Vote 8 Yes: Aponte, Carman, Eykyn, Kearns, Cafero, Rosenberg, Shamsuddin, Garth

Motion Rosenberg/Cafero to grant conditional preliminary & final major site plan approval. Vote 8 Yes: Aponte, Carman, Eykyn, Kearns, Cafero, Rosenberg, Shamsuddin, Garth

**3. SP 10-11 (Amended)
Jersey Outdoor Media**

Zone: MC, 5.85 acres, applicant received minor site plan approval in September, 2011 to construct a double sided billboard to be setback at a distance of 25' ft. from the R-O-W of Margate Boulevard. The existing billboard is 60' ft. in height and has one (1) 20' X 30' digital sign facing west and two (2) 10' X 30' non-digital signs facing east.

**Amended Minor Site Plan
9801/13**

114 Margate Boulevard
Waiver of Time – Not Granted

Applicant is now seeking to amend the minor site plan approval in order to relocate the billboard to an area outside of the wetlands. The billboard will be mounted on a single pipe column and will be cantilevered over the wetlands area. No other improvements are proposed on site.
CAFRA

Checklist Waiver(s):

1. **Item #12:** Vehicular access
2. **Item #15:** Location of all wetlands area, transition area, or buffers
3. **Item #18:** Stormwater Management Plan
4. **Item #19:** Water and sewer connection
5. **Item #20:** Method of solid waste
6. **Item #21:** Location of existing wells and septic systems
7. **Item #23:** Landscaping plan
8. **Item #24:** Lighting and signage plan

Motion Aponte/Eykyn to continue application until October 22, 2012 meeting, 5:30 p.m., prevailing time. Vote 8 Yes: Aponte, Carman, Eykyn, Kearns, Cafero, Rosenberg, Shamsuddin, Garth

SUMMARY MATTER(S):

Discussions of matters pertaining to the Board:

SECTION I:

- a. **Egg Harbor Township Ordinance No. 40 of 2012: an ordinance to amend the code of the Township of Egg Harbor, Chapter 225 zoning and create Section 225-5, Zoning Map (M – 1 Zone).**

Board Planner Polistina stated Ordinance No. 40-2012 is an ordinance that will be changing the zoning along the Atlantic City Expressway. He indicated the light industrial zoning will continue all the way down to the end. He indicated this change is in conformance with the Master Plan.

Motion Aponte/Kearns to recommend Ordinance No. 40 of 2012 to Township Committee for review and approval finding it meets the requirements of the Master Plan. Vote 8 Yes: Aponte, Carman, Eykyn, Kearns, Cafero, Rosenberg, Shamsuddin, Garth

MEMORIALIZATION OF RESOLUTION(S):

- | | |
|---|---|
| 1. <u>SD 02-12</u>
D. Mincer Properties, LLC | Minor Subdivision
4004/3
5056 Tremont Avenue |
| 2. <u>SP 11-12</u>
Morning Star Church | Minor Site Plan
2102/20, 20.01, & 21
2816 Fire Road |

Motion Rosenberg/Eykyn to memorialize resolutions for the application(s) referenced above: Vote 6 Yes: Carman, Eykyn, Kearns, Rosenberg, Shamsuddin, Garth **1 Abstention:** Aponte

SECTION II:

- a. **General public discussion -** May the record reflect no one came forward.

Motion Aponte/Carman to adjourn at 8:20 P.M. Vote 8 Yes: Aponte, Carman, Eykyn, Kearns, Cafero, Rosenberg, Shamsuddin, Garth

Respectfully submitted by,

Theresa Wilbert, Secretary

