

**FRANKFORD TOWNSHIP LAND USE BOARD
MARCH 28, 2018 – 7:00 P.M.
MINUTES OF THE REGULAR MEETING**

CALL TO ORDER:

The meeting was called to order by Board Chairman, Jay Romania, by announcing that notice appeared in the New Jersey Herald and the New Jersey Sunday Herald in accordance with the requirements of The Open Public Meetings Act.

Flag Salute

ATTENDANCE:

Those Present were: Mr. Gstattenbauer, Dr. Castimore, Mrs. Albanese, Mrs. Tufaro, Mr. Risdon, Mr. Hahn, Mrs. French, Mr. Dolan, Mr. Romania, Mr. Pierson and Mr. Kobis. Also present were Mr. Collins, the board attorney, and Mr. Pellow, the Board Engineer.

Those absent: Mr. Wingle and Mr. Delima

MINUTES

The Minutes of the February 28, 2018 Land Use Board Regular Meeting were reviewed. A Motion was made by Dr. Castimore and seconded by Mr. Gstattenbauer to approve the Regular Meeting Minutes of the Land Use Board for February 28, 2018. All were in favor. The Motion was carried.

BOARD BUSINESS

Subcommittee Appointments by the Board Chairman

Green Ordinance Committee: Mr. Risdon indicated that there was someone who came before the Township Committee from Culver's Lake looking to change some of the rules and regulations with regard to driveways and impervious coverage. It was agreed to look at this matter at the next Land Use Board meeting. A Motion was made by Dr. Castimore and seconded by Mr. Gstattenbauer to have Mr. Pellow, the Township Engineer, look at the request given to the Township Committee, and report back to the board at the next meeting with a recommendation. All were in favor. The Motion was carried.

COAH Committee: Nothing to Report

Open Space Committee for Updates to LUB: Nothing to Report

Master Plan Committee: Nothing to Report

Accessory Building & Structure Ordinance:

It was agreed to carry this matter to the next regular Land Use Board Meeting.

Correspondence:

The correspondence was reviewed. No formal action was taken.

PUBLIC:

A Motion was made by Mr. Hahn and seconded by Dr. Castimore to open this meeting to the public. All were in favor. The Motion was carried.

There being no public participation, a Motion was made by Mr. Gstattenbauer and seconded by Dr. Castimore to close this matter to the public. All were in favor. The Motion was carried.

RESOLUTIONS

SCUMA – LUB 18-02 – Block 26, Lot 13 – 178 US Highway Route 206 – Minor Subdivision:

The Resolution was reviewed. A Motion was made by Mr. Dolan and seconded by Mr. Gstattenbauer to approve the Resolution for SCUMA for a Minor Subdivision. Roll Call:

YES: 9 Gstattenbauer, Castimore, Tufaro, Hahn, Dolan, Romania, Pierson, Risdon, Kobis

NO: 0

ABSTAIN: 0

The Motion was carried.

NEW APPLICATIONS

Richard Johnston – LUB 18-07 – Block 87, Lot 8 – 68 East Shore Culver Road – “C” & “D” Variances:

Appearing before the board was the applicant’s attorney, William Haggerty. Mr. Haggerty indicated that notice was mistakenly given for this evening’s meeting and he would request that this matter be carried to the next regular meeting of the Frankford Township Land Use Board without further notice.

A Motion was made by Mr. Risdon and seconded by Mr. Gstattenbauer to carry this application without further notice to the April 25, 2018 Land Use Board meeting. All were in favor. The Motion was carried.

NEW APPLICATIONS & RESOLUTION

Spagnolo & Berg – LUB 14-04 – Block 88, Lot 7.01 and Lot 7 and Block 89, Lots 14 & 14.01 – 90 East Shore Culver Road – Minor Subdivision & “C” Variance – Re-approval of original approval Memorialized on 4/9/14:

Appearing before the board was the applicant’s attorney, William Haggerty. Mr. Haggerty indicated that he was before the board in 2014 for a Minor Subdivision and “C” Variance on the above property. An error was made in the deeds at the time of filing. The applicants are now trying to sell this property and need to correct the deeds. Therefore, the Minor Subdivision and “C” Variance needs to be re-approved.

A Motion was made by Mrs. Albanese and seconded by Mr. Gstattenbauer to open this matter to the public. All were in favor. The Motion was carried.

There being no public participation, a Motion was made by Dr. Castimore and seconded by Mr. Gstattenbauer to close this matter to the public. All were in favor. The Motion was carried.

A Motion was made by Mr. Risdon and seconded by Dr. Castimore to re-approve the Minor Subdivision and “C” Variance for the applicants, Spagnolo and Berg, and to approve the Resolution of the Minor Subdivision and “C” Variance. Roll Call:

YES: 11 Gstattenbauer, Castimore, Albanese, Tufaro, Risdon, Hahn, French, Dolan, Romania, Pierson, Kobis

NO: 0

ABSTAIN: 0

The Motion was carried.

NEW APPLICATIONS CONT.

One Route 15 Holdings, LLC (Wawa) – LUB 18-04 – Block 14, Lot 2 – 1 US Highway Route 15 – “C” & “D” Variances & Pre. & Final Site Plan:

Dr. Castimore and Mr. Risdon stepped down from this application. Mr. Risdon left the meeting.

Appearing before the board was the applicant’s attorney, Debra Nicholson, the applicant’s Engineer and Planner, Jeffrey Martell, the applicant’s Traffic Engineer, Matthew Seckler, the proposed owner, Gershon Alexander and the current property owner, Donald Hall. Mr. Martell, Mr. Seckler, Mr. Alexander and Mr. Hall were all sworn in by the board attorney. Mr. Martell and Mr. Seckler gave their qualifications to the board and were accepted as expert witnesses.

Mr. Pellow reviewed his report dated February 9, 2018, last revised March 22, 2018 as to completeness:

Item 3: Certification of taxes, liens, assessments paid. Taxes have been paid through the fourth quarter of 2017. To be paid through the first quarter of 2018 so the application can be heard. The board secretary indicated that the taxes have been paid.

Item 7: Compliance with Legal Notice Requirements. Mr. Collins indicated that the notice was sufficient.

Item 27: Proposed developer’s agreement. The applicant has requested a waiver from this item and should submit a developer’s agreement as a condition of any approval.

Item 31: North arrow giving reference meridian. A reference meridian should be added to the north arrow. Mr. Pellow indicated that this has been added to the revised maps.

Item 44: Natural features including existing vegetation, wet areas, watercourse, flood plain limit. Rock outcrop. Much of the existing vegetation onsite and the flood hazard area limit have not been shown on the plan. Due to the stream corridor running through the site, existing vegetation and flood hazard limit should be included. Mr. Pellow indicated that the Flood Hazard Area (FHA) riparian buffer, Paulins Kill top of bank, and floodway have been shown on Sheets C-2 and C-3.

Item 46: Plan and profiles of road locations, type, size, width of right-of-way, paving materials, edge of pavement, curbs, sidewalks, catch basins, drainage structures, all utilities, right-of-way easements, existing buildings or other structures. Mr. Pellow indicated a waiver has been requested from providing road profiles because there is no proposed road as part of this project and that is acceptable.

Item 47: Road cross sections every fifty feet (50’) along centerline at a scale of 1-inch equals 5 feet horizontal and vertical. Mr. Pellow indicated that a Waiver is acceptable.

Item 53: Existing/proposed driveway locations with sight distance profiles. Sight distance profiles have not been included and should be provided. Mr. Pellow indicated that sight distance profiles have been submitted on Sheets C-19 through C-22 and are acceptable.

Item 57: Letter of itemizing all elements covered under performance bond. The applicant has requested a waiver from this item and should submit a performance bond as a condition of approval. Mr. Pellow indicated that this is acceptable.

NEW APPLICATIONS CONT.

One Route 15 Holdings, LLC (Wawa) – LUB 18-04 – Block 14, Lot 2 – 1 US Highway Route 15 – “C” & “D” Variances & Pre. & Final Site Plan cont.:

Item 58: Letter of approval and certification from the Township Engineer. The applicant has requested a waiver from this item, it should be a condition of any approval. Mr. Pellow indicated that this is acceptable to the applicant.

Item 59: Letter certifying conformance to preliminary plat by Applicant's Engineer. The applicant has requested a waiver from this item, it should be a condition of any approval. Mr. Pellow indicate that this is acceptable to the applicant.

Item 62: Fire protection details include number of proposed units, available water supply, water main size, flow hydrant location. Fire suppression information and details must be submitted with this application for review. A letter has been submitted to the applicant's architect and should go the Frankford fire Department for review and comments.

Item 70: NJDEP Letter of Interpretation. The applicant is requesting a waiver from this item. An application for a line verification has been submitted to the NJDEP and is currently pending. Since the most stringent wetlands buffers have been shown on the plan I have no objection to waiving this item for the application to be heard before the Board. Mr. Pellow indicated that the waiver is satisfactory, so the application can be heard.

Item 73: Four (4) soil logs and four (4) permeability tests per proposed lot. The applicant has requested a waiver from this item and states a geotechnical report is pending. This report must be submitted prior to the application being heard before the board. Mr. Pellow indicated that a report prepared by Johnson Soils Company has been submitted and is very informative. If this application is approved, a condition that this report be used to comply with all of the recommendations during construction and to be followed by the general contractor.

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Kobis to deem this application complete. All were in favor. The Motion was carried.

Ms. Nicholson handed out to the board Exhibit “A-2” which was an Elevation of the front of the Wawa Convenience Store, which is an alternate design that has been prepared based on feedback that they have received from the board engineer. Mr. Martell indicated that this is a custom building that has been designed since their submission of the application. Also attached and labeled Exhibit “A-2a” which is a colorized version Sheet C2 of the Overall Site Plan.

Ms. Nicholson asked that the property owner, Donald Hall, speak to the board as to how this project came about. The reason for this testimony is that Mr. Hall has received the equivalent of hate mail and e-mails, as has Wawa, herself and the engineers due to a misunderstanding about the circumstances. Everyone loves Chatterbox. Everyone would like to see it remain. Appearing before the board was Mr. Hall indicated that he has run this restaurant for the past 15 years, which is the hardest thing he has ever done, at the same time it is the most rewarding thing he has ever done, but it does not help his bank account. He does not feel he can survive another winter with this restaurant. In the summer months it looks like a gold mine, however, the money is usually gone by February. There have been a number of years when his partner and he have put their personal money into it. This was an economic decision; he did not “sell out” to Wawa. He further indicated that this was a real estate transaction for him from the day he bought it. He has had several offers, which he turned down. None of them were to operate the restaurant.

NEW APPLICATIONS CONT.

One Route 15 Holdings, LLC (Wawa) – LUB 18-04 – Block 14, Lot 2 – 1 US Highway Route 15 – “C” & “D” Variances & Pre. & Final Site Plan cont.:

A Motion was made by Mr. Hahn and seconded by Mr. Pierson to open this matter to the public. All were in favor. The Motion was carried.

There being no public participation, a Motion was made by Mr. Pierson and seconded by Mr. Kobis to close this matter to the public. All were in favor. The Motion was carried.

Ms. Nicholson indicated that Wawa is prepared to invest significantly in Sussex County. They currently have 3 active applications simultaneously going in Frankford, Sparta and Hampton. The company is privately owned. They have 750 locations in Florida, Virginia, Maryland, Delaware, Pennsylvania and 250 stores in New Jersey. Forty-two percent of the company is owed by the employees thru stock they offer to each employee along with all kinds of other benefits to those who work more than 34 hours per week. Wawa was established in 1890 which began as a Wawa dairy farm. He worked with the pasteurization process and delivering milk to everyone's home. The home delivery lasted until the 1960's. In the 1960's the grandson of Wawa opened up the first food market. A Wawa now, is a state of the art convenience store with fuel. Customer service is what they pride themselves on. The food is all fresh and made to order with all fresh ingredients. They locally source when possible. They have over 25,000 employees, 9800 of them are in New Jersey. They are ranked in the top of employers in New Jersey. At this particular location, it will create 45 to 55 new jobs; most of those will be local hires. They will, of course, bring in some experienced people to get it up and running. The Wawa culture is for the store manager to become actively involved in the community and in community activities. Wawa gives back to the communities of which they are an active member of. They do food donations, they support local schools, they support sports teams, they do blood drives, fundraisers, all types of events that a good corporate citizen should do within a community.

Ms. Nicholson indicated that they have re-designed the architectural design of the building to meet the requirements of Frankford Township's Ordinance. Mr. Martell indicated that they are before the board this evening for a Preliminary and Final Major Site Plan approval as well as Variance and Waiver relief. The property fronts on two state highways, Route 15 and Route 206. The parcel is 10.75 acres which is located in the LI Zone. The applicants have performed a Title Search, Survey, Site Plans, Architectural Plans, Traffic Impact Statement, Environmental Impact Statement, Stormwater Management Report, Operations and Maintenance Manual, wetlands delineation and they performed a client evaluation as well. They have submitted a complete package to the board for consideration. He presented to the Board Exhibit "A-1" which is an Aerial Image of the property dated March 22, 2018. The lot does share a driveway with the park and ride facility on Route 206. It does have its own driveway on Route 15. The Chatterbox building and the pavement constitutes approximately 13.7% of the lot. What drove the ultimate site design is the water course that somewhat bi-sects the property. It is called the Paulins Kill, a category 1 waterway under the NJDEP standards as a 300' riparian buffer. There is also wetlands on the bank of the stream which require 150' transition area, commonly referred to as a buffer as well. It is serviced by a private well as well as a septic system.

Mr. Martell referred to Exhibit "A-2", the colored version of the overall site plan. The convenience store is a proposed 5,585 square feet. This is a dual entrance building. It will have an entrance that faces the fuel pump area and then an entrance facing the parking lot. This type of building has been developed over the years by Wawa which they found it to be suitable for corner lots. There is a total of 5 fuel pumps for this site, which is a total of 10 fueling positions. They do provide 3 different grades of gasoline products for motor vehicles. There is also a low flow diesel pump which is targeted at

NEW APPLICATIONS CONT.

One Route 15 Holdings, LLC (Wawa) – LUB 18-04 – Block 14, Lot 2 – 1 US Highway Route 15 – “C” & “D” Variances & Pre. & Final Site Plan cont.:

passenger type vehicles. The Wawa does not fuel tractor trailers and they do not provide a facility accommodating to larger vehicles. There are 3 underground storage tanks that service the fueling operation, 2 of those tanks are 22,000 gallons and one is 20,000 gallons. There is all state of the art equipment which meets and exceeds all NJDEP and Federal Regulations. This station is monitored both locally and at their headquarters in Pennsylvania. Years ago there were types of facilities that sold convenience goods and there were gas stations that had a service component. Over the last 2 decades the 2 have essentially fused. A lot of organizations such as federal and state has accepted them as one use. They have a total of 50 parking spaces to service the site, which includes 2 ADA spaces. Both drive isles around the property and the fuel pump areas are 25' to 35'. There are generous drive isles to promote safe and effective circulation around the site. In between the pumps themselves, the isle is 26'. Parking for fueling stations goes by the number of employees which they expect to have 3 fueling employees per shift. The retail component is based on square footage size of the building. They do comply with the number of parking spaces. There is a loading zone for the site. This is essentially meant to keep the loading vehicles out of the drive isles. This way the site is totally operational when the site is receiving goods from delivery vehicles. There is also a trash and recycle enclosure on the site which is the southwest corner of the building. This is a separate structure remote from the building. It has components for both trash and recycling. The layout complies with all the traditional bulk standards, i.e. the setbacks, the coverage, the floor area ratio. The minimum lot size in the zone is 3 acres and this parcel is 10.75 acres. In terms of additional improvements on the site, the existing septic system on the site for the Chatterbox will be removed and closed up in accordance with all health department and state requirements. A new system will be proposed. This system will have a pre-treatment system. This is above and beyond what a traditional septic system has. It has a pre-treatment component to it and then traditional septic fields. It is meant to be a more eco-friendly and a longer lasting system. There is a stormwater management system on the property. It is composed of 2 main components. One is an infiltration basin which handles runoff and recharges a portion of that into the ground. That portion of the site that is not associated with high pollutant loading, which is the fuel portion of the site, all goes to this infiltration basin. The area in and around the canopy goes to an underground pipe for detention purposes as well as an oil/water separator so it handles the area of the site that is more environmentally sensitive without promoting the infiltration into the ground. They are going to re-utilize the existing well if it is deemed adequate. If not, a new well would be drilled. It appears that the existing well is adequate. The site has been designed to be well lite and safe. There is higher light levels typically under the canopy for safe use of the pumps and exchange of money at times. The rest of the parking lot is generally designed in a traditional fashion. The area lights are 15' mounting height, which is what the ordinance requires. They are asking to go above that 15' height for the purpose of the canopy lights, which are mounted at 16.21' and 18.21' which exceeds the requirement. This is the function of the canopy. With regard to the landscaping, they have 21 deciduous trees, 121 evergreen trees, 57 evergreen shrubs and 84 deciduous shrubs. All the landscape areas will be irrigated. They have significant buffering to the neighboring properties. They submitted an environmental impact statement. NJDEP does have jurisdiction on this project for the septic design and the wetlands. There are no development proposed in the wetland area or buffer. With regard to the Riparian buffer, there is a small encroachment into that area. They have a plan which is called Restoration and Enhancement of buffer areas. Essentially they are allowed to redevelop some areas that are currently developed. In exchange for that NJDEP will be looking for Wawa to provide some additional mitigation plantings above and beyond likely what they show on this plan in and around the buffer area. Because of the Riparian buffer, it has driven the development of this site.

NEW APPLICATIONS CONT.

One Route 15 Holdings, LLC (Wawa) – LUB 18-04 – Block 14, Lot 2 – 1 US Highway Route 15 – “C” & “D” Variances & Pre. & Final Site Plan cont.:

They are asking relief to have parking in the front yard, which is the proposed 11 parking spaces along Route 15.

Because of where this buffers falls, they cannot realistically extend the development, the parking lot or any other components closer to the watercourse than what is shown. This is considered a hardship condition which is a C1 Variance. Essentially on a 10.75 acre property with the buffers that are there, they can only develop a sliver of the site.

Mr. Martell further indicated that Wawa is open 24 hours a day, 7 days a week. There will be approximately 45 to 55 employees. Each shift will have 9 to 12 employees, 3 employees for the fuel associates and 9 employees for the store. The site is designed to accommodate a WD50 truck, which is the largest vehicle expected on the site. That vehicle represents a vehicle that would deliver to the stores, as well as vehicle that will deliver for fuel. They expect 4 to 5 store deliveries by tractor trailer per week. The fuel deliveries are on an as needed basis. In addition to the 4 to 5 tractor trailers per week, there will be multiple box trucks or smaller vehicles per day. Most of these are by companies that have their own distribution, as well as fresh goods that come daily. Wawa distributes their own dairy, 3 days per week. The trash is expected to be picked up 3 times per week. In terms of security on the site, there are cameras both inside and out of the facility. Management has courses every 6 months on security. At night they have a policy in place in terms of cash in the register. They do not accept cash in the fuel area after 10 p.m.

Mr. Martell referred to the truck movement on the site. There was a comment in Mr. Pellow's report with regard to the movement in and out of the driveway. He presented to the board Exhibit "A-3" which is a Truck Turning Plan dated March 28, 2018. They reviewed the site and made sure that tractor trailers can get in and out of the site without crossing into the wrong lane at the driveways.

Mr. Martell referred again to Exhibit "A-2" which is the revised Architectural plans for the front of the building. This is a design that was designed for Sussex County; it is not the typical design for Wawa. Mr. Romania questioned if this meets the design standards for the Frankford Township Town Center. Mr. Martell indicated he feels that this building does meet those standards. Mr. Romania indicated that he has seen other Wawa designs that are more rural than what was presented. He does feel the second design is much better than the original design submitted. Mr. Martell indicated that they have only submitted to the board the front elevation of the building. The building will be earth tone colors, natural materials such as stone, siding, gable roof lines, steeper roof structures, columns at the entrance which will be duplicated to the other entrance as well. Ms. Nicholson indicated that the reason they do not have the 3 other façade's with them this evening is because they were only able to get approval of the one façade. In a large company they need to have everyone's approval before presenting the entire plan.

Mr. Martell reviewed the signage on the site. There are two freestanding signs on the site to identify the site and the fuel prices at both driveways. There are 2 wall signs at each entrance. There are 2 signs on the canopy. There are spanner signs on underside of the canopy structure itself. On the outside of the canopy is the Wawa logo. There are 2 directional signs. On each pump, itself has the Wawa logo as well. They would like to make the Route 206 Driveway sign a monument style sign based on the character of the roadway. This type of sign would bring the height down and having a stone base as well instead of a traditional freestanding signs.

NEW APPLICATIONS CONT.

One Route 15 Holdings, LLC (Wawa) – LUB 18-04 – Block 14, Lot 2 – 1 US Highway Route 15 – “C” & “D” Variances & Pre. & Final Site Plan cont.:

Mr. Martell referred to the lighting and landscaping waivers that they are proposing. They do have lighting waivers that are for the most part a function of having the fueling component, one is the height of the light fixtures under the canopy is a waiver. They also have a higher average of 2.38 versus .5 which is largely driven by the lighting levels in and around which keep bringing their average up. They are a little bit over the ratios at the entrance and the parking lot 5.8 and 4.4 where 4 to 1 is required. In terms of lighting ratios, those waivers are almost negligible. A part of the reason it is over is for safety reasons to light up the exits and entrances. He feels a lot of this boils down to the use, a convenience store with fuel sales has a certain amount of activity on it which exceeds other retail and commercial spaces. Therefore, having safe lighting in the evening hours is important to Wawa. The lighting will be on dusk to dawn and this is a 24 hour station. In terms of the landscaping. The Riparian buffer pushes the development and parking of this sight towards Route 15. The number of plantings and intent of the plantings will comply. In the parking lot there is a requirement to have 5 percent of the parking lot planted and foundation planting. He indicated that foundation plantings represent more of a nuisance, then a benefit. They become a trash can; they are hard to keep the plants alive because they are under a canopy. They are difficult on this type of building where pedestrian safety is paramount. They have flush sidewalks, bollards, they have removed all the tripping hazards around, eliminated all the ADA ramps, everything from the parking lot to the front entrance is flush. They use bollards to protect the pedestrians from the vehicle. He feels the plantings around the building is detrimental to overall intent to keep it nice, clean and neat. In terms of the parking lot landscaping, obviously this is difficult in a space that has a fueling area because you need a certain amount of pavement in and around gas areas. The landscaping also presents complications for plowing.

Mr. Collins questioned as to the ownership of the site. Mr. Martell indicated that the site will be owned by the applicant, but leased and operated by Wawa on a long term lease. Mr. Dolan questioned as to the location of the generator. Mr. Martell indicated that they have a service with a provider for an on demand generator in case of a power outage. The generator would be brought in and put in the loading zone during that time. Mrs. French questioned as to where the AC units are. Mr. Martell indicated that they will be on the roof.

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Dolan at 8:40 p.m. to take a 5 minute break. All were in favor. The Motion was carried.

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Dolan to reconvene the meeting at 8:45 p.m. All were in favor. The Motion was carried.

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Hahn to open this meeting to the public. All were in favor. The Motion was carried.

Appearing before the board was Dr. Castimore questioning the applicant as to how big the proposed convenience store is compared to a typical Wawa. Mr. Martell indicated that this is the size of the building that they typically build with 2 entrances.

There being no further public, a Motion was made by Mr. Dolan and seconded by Mr. Gstattenbauer to close this matter to the public. All were in favor. The Motion was carried.

Appearing before the board was the applicant's engineer, Matthew Seckler, to testify with regard to the Variances requested and traffic testimony. He indicated that there are two

NEW APPLICATIONS CONT.

One Route 15 Holdings, LLC (Wawa) – LUB 18-04 – Block 14, Lot 2 – 1 US Highway Route 15 – “C” & “D” Variances & Pre. & Final Site Plan cont.:

D1 Variances that they are requesting. The property is in the LI Zone, which is the Light Industrial Zone, which does not permit convenience stores. The gas station portion of the site is permitted in the zone. He indicated that he has worked on approximately 50 applications over the past 10 years and all of the gas stations have convenience stores on the site. This is now the modern gas station. In addition, there are a number of sign variances being requested. There are 2 free standing signs, one on each frontage, where only 1 is permitted. There are also 2 building signs because there are multiple doors to get into the building. In addition they have the directional signs which they will no longer have any Wawa insignia or store name. There are the spanner signs, the ones that are basically in place of the canopy signs which are under the canopy because of the angle and type of architecture does not allow for canopy signs. He indicated that each pump has basically the Wawa logo and name on the top and bottom. Mr. Martell previously mentioned the variance regarding the parking which is a C1 Variance with a hardship because of the wetlands. They have landscaped that area and put trees.

Mr. Pellow indicated that he sent an e-mail to them today with regard to an additional variance for parking from a structure in the L-I zone has to be 20 feet. Mr. Seckler indicated that a lot of convenience stores now use the bollards to protect the pedestrians and the convenience stores. He feels this is a typical model design of this type of site.

Mr. Seckler gave the proofs of the D1 Testimony to the board. He will look at the site suitability and the unique site suitability as it relates to this use. Ross' corner is a highly traveled intersection throughout the Township and the County. There are approximately 30,000 cars per day that travel through this intersection. This type of use typically draws in most of the traffic from the existing roadways that it is located on. They believe this site is uniquely suitable for this use. The driveway locations are located as far from the intersection as feasibly possible and still fit on this lot and they can support traffic that will be generated from this use. The fact that the applicant is using such a small amount of this property, the building coverage that is permitted on this lot is 30%, they are at 2.4%. They are not creating anything that would impact open space or open air when evaluating this property. When he looks at trying to balance the positive and negative criteria, he looks at some of the goals within the Master Plan. There is economical, which the board heard from the current property owner that although that everyone enjoys his business in the summer, that in terms of the economic viability of that use on his property really isn't a long term feasible application. He feels this proposal provides for more support to the economic issue. In addition they look at purposes in the Municipal Land Use Law. He believes that this meets purpose A, which is health, safety and welfare. The design promotes efficient circulation throughout; Purpose C, which is adequate light, air and open space, there are no bulk variances on this application; Purpose H, free flow of traffic, again this becomes a one stop shop; Purpose I, Environment, the over plan that they re-designed the architecture of the building and added the trees. In terms of negative criteria, there are number of agencies beyond this board that is looking out for the interest of the public. With regard to the sign variances he reviewed the signage again with the board and indicated that they are looking to reduce the signage on Route 206. He feels this site is uniquely suited that is right next to the park and ride. Ms. Nicholson indicated that there is an additional sign for an ATM on the inside of the building hanging in the window which she feels they need approval for. Mr. Collins questioned if the Route 15 sign will also me a monument sign. Mr. Seckler indicated that the Route 15 signage will remain a freestanding sign. Mrs. Tufaro questioned if they are changing the driveways that currently exist. Mr. Seckler indicated that the Route 15 driveway is changing slightly to 80'. The Route 206 driveway is not on their property, so they are not making any modification to that. This driveway will be maintained by whoever operates and owns the park and ride. A lengthy discussion was

NEW APPLICATIONS CONT.

One Route 15 Holdings, LLC (Wawa) – LUB 18-04 – Block 14, Lot 2 – 1 US Highway Route 15 – “C” & “D” Variances & Pre. & Final Site Plan cont.:

held with regard to the pathway from the park and ride. They will speak to the owner of the property and determine where the pathway will be for landscaping purposes.

Mr. Dolan was concerned about the size of the signage on the site. He asked what the actual size of the signage was. Mr. Seckler indicated it was 47.5 square footage is the actual correct square footage of the sign, the map is incorrect. All the signs are 2 sided signs. He questioned as to why they have requesting more signage then the application across the street. Mr. Seckler indicated that he was not familiar with that application, but it seems that they are on a hard corner where you can actually see the entire site from all directions. This application basically has a piece of property in the front of them blocking their site.

Mr. Collins questioned the applicant about the requirement of having a gas station 200 feet away from a residence and the 1000 foot standard from another gas station. Ms. Nicholson indicated that those standards are not included in the zone that they are in. She indicated that these standards cannot be necessarily imposed on this because of the zone situation, however, they did take them into consideration and there has been case law that has said the separation standard is an archaic standard and it no longer is applicable in modern age and planning because we want to concentrate commercial uses together, not have them take too much sprawl out and affect the rural character. Mr. Seckler indicated that those regulations are not included in the regulations for this zone. In terms of any justification that they need to those standards would be in the C1 Zone, not the LI Zone. Ms. Nicholson questioned Mr. Seckler if this application was in the C1 Zone is having 2 fuel stations with modern technology a safety issue. Mr. Seckler indicated that years ago with the technology they had with fuel stations; it was a safety component with the tanks that were used. The technology and requirements are safer now than they were in the past. He does not feel that at this location having 2 gas stations next to each other is a detriment due to the size of both of the lots, the modern technology and the monitoring of these tanks.

Mr. Gstattenbauer was concerned about the backup of traffic coming out of the 206 side of the property making a left hand turn. Mr. Seckler indicated that the benefit of this site is that you do have multiple driveways. So if it becomes an issue and you know the area you can use the other entrance area. He further stated that they have an extremely long cue on there site, so it would not present a problem on the site. A discussion was held with regard to a left turn bay on Route 15 into the site. The applicants are waiting for DOT's report with regard to this issue.

A Motion was made by Mr. Hahn and seconded by Mr. Gstattenbauer to open this matter to the public. All were in favor. The Motion was carried.

There being no public participation, a Motion was made by Mr. Hahn and seconded by Mr. Gstattenbauer to close this matter to the public. All were in favor. The Motion was carried.

Mr. Pellow reviewed some of the items in his report that were not reviewed:

ITEM 27 of checklist: Proposed developer's agreement. Mr. Pellow indicated that this should be a condition of approval. Ms. Nicholson indicated that there is nothing being constructed that would require a developer's agreement, there are no roads being built. Mr. Pellow agreed.

NEW APPLICATIONS CONT.

One Route 15 Holdings, LLC (Wawa) – LUB 18-04 – Block 14, Lot 2 – 1 US Highway Route 15 – “C” & “D” Variances & Pre. & Final Site Plan cont.:

ITEM 57 of checklist: Performance Bond. Mr. Pellow indicated that they will have to get a Performance Bond if they want to get a CO before everything is done. The applicant's agreed.

ITEM 58 of checklist: Letter of approval and certification from the Township Engineer. This should be a condition of approval. The applicant agreed.

ITEM 62 of checklist: Fire protection details included number of proposed units, available water supply, water main size, flow, hydrant location. Mr. Pellow thought that the fire department should review this. It was requested that this application be sent to the Fire Department and ask if they have any comments on the site.

Mr. Pellow indicated that all the Variances and Parking have been taken care in the testimony previously testimony.

Mr. Pellow indicated that the monument sign detail needs to be submitted to Mr. Pellow for review. The applicant agreed. He confirmed with the applicant that there will be landscaping at bottom of both the monument sign and the freestanding sign.

Mr. Pellow indicated that they will have to submit a final as-built before the applicant's get their final CO.

Mr. Collins indicated that if there was an approval this evening, the board would need to see all 4 sides of the architectural drawings at the next public hearing or a date certain. Ms. Nicholson indicated that they would like to see a vote this evening on the project and before the board adopts the Resolution the full architectural drawings would be submitted and reviewed and approved by the board.

A Motion was made by Mr. Hahn and seconded by Mr. Gstattenbauer to open this matter to the public. All were in favor. The Motion was carried.

There being no public participation, a Motion was made by Mr. Hahn and seconded by Mr. Gstattenbauer to close this matter to the public. All were in favor. The Motion was carried.

Ms. Nicholson summarized that because of the uniqueness of this site, the frontage of the park and ride, the 2 State Highway locations complicated factors on the signage. They have come a long way to meet all of the design criteria that is published in the township ordinance. They have gone through the testimony that the proximity that even thou it does not apply in this zone, doesn't pose the risk that were attached to when you had proximity standards on safety point of view, either traffic or fuel tanks. It is sad to see the Chatterbox go, but there was testimony from the owner that he cannot financially afford to carry this business anymore. They presented the positive and negative criteria. The evolution of service stations are no longer the gas stations of our youth. They all have the fuel/convenience store component now and Ordinances have not quite caught up with a definition of changes that the new uses now set forth.

A Motion was made by Mr. Gstattenbauer and seconded by Mr. Kobis to approve the Preliminary and Final Site Plan and Variances requested, together with the conditions discussed this evening in Mr. Pellow's report and the applicant will submit a Final As Built drawing before the C/O is issued, there is no Developer's Agreement required, because there is no public improvements proposed, the applicant will provide full architectural elevations for all 4 sides of the building to submitted to the board prior to

NEW APPLICATIONS CONT.

One Route 15 Holdings, LLC (Wawa) – LUB 18-04 – Block 14, Lot 2 – 1 US Highway Route 15 – “C” & “D” Variances & Pre. & Final Site Plan cont.:

the April 25, 2018 public meeting of the Land Use Board. The board retains jurisdiction to review and approve the architectural designs and requirements before the Resolution is memorialized, the spanner sign will not be internally illuminated. They are authorized to install a walkway on their property to the park and ride property with the location and design approved by the Township Engineer. The bollards will be black in color and the applicant will contain and comply with all other governmental approvals. The applicants will have a pre-construction meeting before the construction commences. The applicants are authorized to have an illuminated ATM sign to be approved by the Township Engineer which is visible outside the building. Roll Call:

YES: 9 Gstattenbauer, Albanese, Tufaro, Hahn, French, Dolan, Romania, Pierson, Kobis

NO: 0

ABSTAIN: 0

The Motion was carried.

Dr. Castimore returned to the meeting.

ZONING OFFICER’S AGENDA

The Zoning Report dated March, 2018 was reviewed. No formal action was taken.

BOARD BUSINESS CONT.

Invoices:

A Motion was made by Mr. Dolan and seconded by Dr. Castimore to approve the March, 2018 Invoices on the Bill list attached hereto and made a part hereof. Roll Call:

YES: 10 Gstattenbauer, Castimore, Albanese, Tufaro, Hahn, French, Dolan, Romania, Pierson, Kobis

NO: 0

ABSTAIN: 0

The Motion was carried.

ADJOURN:

A Motion was made by Mr. Dolan and seconded by Mr. Gstattenbauer, to adjourn the meeting. All were in favor. The Motion was carried.

Respectfully submitted,

SHARON M. YAROSZ
Land Use Administrator