

**A RESOLUTION OF THE WASHINGTON TOWNSHIP PLANNING BOARD  
GRANTING APPROVAL FOR SITE PLAN WAIVER TO CREATE A 4,632 SQUARE  
FOOT UNIT AND A 555 SQUARE FOOT LANDLORD ROOM AT CROSS KEYS  
PLAZA TO THE APPLICANT, BRE RC CROSS KEYS, LLC**

**BLOCK 87, LOT 3  
141 TUCKAHOE ROAD  
APPLICATION #2001**

**WHEREAS**, the Applicant/Owner, BRE RC Cross Keys, LLC whose mailing address is 307 Fellowship Road, Suite 116 is seeking approval for site plan waiver to create a 4,632 square foot unit and a 555 square foot Landlord room from the existing Edge Fitness Gym unit space on property located at 141 Tuckahoe Road, Washington Township; and

**WHEREAS**, the subject property is located at 141 Tuckahoe Road also known as Cross Keys Plaza on Block 87, Lot 3 in the Highway Commercial (HC) Zone; and

**WHEREAS**, the property had previously received approval to convert a former Sports Authority tenant unit space to an Edge Fitness Gym; and

**WHEREAS**, the Edge Fitness Gym occupies approximately 36,882 square feet of the previous Sports Authority unit space of 42,069 square feet; and

**WHEREAS**, the Applicant seeks a site plan waiver to create a new separate unit of the remaining 4,632 square feet from the previous Sports Authority unit space for future leasing purposes and an approximately 555 square foot area to be under Landlord's control as a common area, sprinkler room with roof hatch; and

**WHEREAS**, no changes are proposed to the overall site, but the proposed improvements include exterior access to the new unit to be created; and

**WHEREAS**, public notice of the hearing was provided in accordance with the requirements of Municipal Land Use Law, N.J.S.A. 40:55D-12; and

**WHEREAS**, the Applicant is requesting the following waiver, which waiver was properly noticed in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-12:

1. Land Development Checklist – Submission Information
2. Site Plan Waiver; and

**WHEREAS**, in support of the application, the Applicant submitted a Minor Site Plan submission received August 4, 2017, consisting of the following:

Sheet	Title	Date	Latest Revision Date
LOD-02	Floor Plan and Elevation	07-05-17	---

The plan was prepared, signed and sealed by David Polatnick, R.A., PZS Architects, LLC, 5312 Ridge Avenue, Philadelphia, Pennsylvania 19128, (215) 483-1915; and

**WHEREAS**, the Planning Board made its decision in this matter based on the documentation set forth above, the testimony of the Applicant and the Applicant's Professionals and the Board's Professionals made at the time of the hearing on the application and on each of the following:

1. Joseph M. Petrongolo, L.L.A., R.L.A., P.P., Board Planner, submitted a report dated August 25, 2017; and

**WHEREAS**, the Applicant was represented by Richard J. Goldstein, Esquire, at the October 17, 2017 hearing on this matter; and

**WHEREAS**, based upon the above, the Board, at the October 17, 2017 hearing date, finds as follows:

1. Richard J. Goldstein, Esquire stated he is here tonight representing the Applicant for property located at 141 Tuckahoe Road and also known as Cross Keys Plaza, which is a plaza/shopping center. The application is for a site plan waiver. Specifically, at the shopping center, the Sports Authority, a previous tenant of a unit, has moved out of the unit. At present, there is a new tenant in that unit called Edge Fitness Gym that took most of the Sports Authority unit space but not all of the unit space.
2. Joseph M. Petrongolo, L.L.A., R.L.A., P.P., Board Planner, testified about the required submission items for the application. Mr. Petrongolo stated the Applicant has submitted to his office additional submission items. Mr. Petrongolo stated the remainder of the submission items are not necessary for this application. Basically, the application is a waiver of site plan. Otherwise, he has no objection and the application can be deemed complete.
3. Mr. Goldstein stated his client is looking to separate out 555 square feet of the previous Sports Authority unit space for a Landlord room, for a sprinkler system and roof hatch and also the remaining 4,632 square feet of the vacant space into a separate unit with an exterior front doorway access to the new unit.
4. Mr. Goldstein stated the Applicant is requesting tonight to seal off an existing interior door to the new unit space and to put a new door on the exterior of the new unit and to install heat and electricity to the new unit space.
5. Mr. Goldstein stated the Applicant has submitted plans for the proposed work prepared by the Maser Group. The Applicant, again, is asking for site plan waiver to install a new exterior door, to eliminate one door and to appear at a future date when the owner has plans for a new tenant to occupy the newly created unit space.
6. Board Member Dennis asked if the Applicant is proposing any windows in the new unit space.
7. Mr. Goldstein responded that there are no windows presently planned and that any windows would be reviewed at a future date, depending on tenant needs but not at this point.
8. Joseph M. Petrongolo, L.L.A., R.L.A., P.P., Board Planner, submitted a report dated August 25, 2017. Mr. Petrongolo stated the Applicant is site plan waiver. This project had received approval years ago. The unit in question tonight had been

occupied by Sports Authority, however, there has been a change in tenant, and, therefore, the landlord has to come back to the Board.

9. Mr. Petrongolo stated the Applicant can request a waiver of site plan and Township Ordinance does permit such a waiver under Section 199-4(B). Such a waiver is based upon an evaluation of the existing building, drainage, non-agricultural use and no off site improvements. Also, the Board needs to determine whether there are any new utility connections.

10. Mr. Goldstein stated the Applicant is not proposing any new utility connections.

11. Mr. Petrongolo stated the Board must also look at parking requirements and in this instance, the parking is appropriate and meets Township Code standards.

12. Mr. Petrongolo asked if there would be any new signage.

13. Mr. Goldstein responded no new signage is proposed at this time.

14. Mr. Petrongolo asked if there is a proposed use for the new unit space.

15. Mr. Goldstein responded the new unit space would be a vacant space at this time but the Applicant would provide for utilities (i.e., heating and air conditioning) until the Applicant finds a tenant.

16. Mr. Petrongolo further stated that the Applicant is not proposing any additional lighting. There is no landscaping. Mr. Petrongolo stated the request is a straight forward application for such a site plan waiver; and

**WHEREAS**, the October 17, 2017 meeting was open to the public and the following individuals commented on the application:

1. Donna Jones stated that she lives directly behind Edge Fitness Gym. She asked if they had a tenant proposed for this new unit space.
2. Mr. Goldstein stated the landlord does not have any new tenant for the 4,632 square foot new unit space. He further stated the diagram currently shows the location of Edge Fitness and the proposed location of the new vacant unit is identified on the plan. All entrances to the new unit space would be from the front exterior with no entrance from the rear of the building.
3. Ms. Jones further asked about the lighting in the rear of the building. She stated there are two lights to the rear, which are beaming directly into her yard and the lights are not covered.
4. Mr. Petrongolo asked if they were new lights.
5. Ms. Jones responded yes they were new lights from the original lights when the project was built and are brighter lights.
6. Mr. Petrongolo stated the lights would require covers so there be no direct lighting off site.

7. Mr. Goldstein responded by stating he is guessing the rear lights have directory covers on them and if not properly shielded, they should be so shielded.
8. Mr. Petrongolo stated the original approval did require shields.
9. Mr. Goldstein stated the Applicant will look at the current situation with the lights in the rear of the building,
10. Mr. Petrongolo stated the lights need to be shielded.
11. Ms. Jones also commented about the current trash collection at the site, which generally occurs between 5:30 a.m. to 6:30 a.m.
12. Mr. Petrongolo stated the normal pick up time for trash in the Township is between 7:00 a.m. and 10:00 p.m. for commercial use.
13. Mr. Goldstein stated if trash collection is not permitted at the time, then the trash collection should not be picked up at that time.
14. Mr. Petrongolo stated there are residents living right across the street from the building.
15. Ms. Jones further commented about the condition of existing trees and the landscaping at the site.
16. Mr. Petrongolo stated the landlord, per prior approval, is required to maintain the landscaping and trees and/or replace as necessary.
17. Robert Sweeten testified that he lives on Laurel Avenue. He stated he had attended all of the previous meetings for this location's original approval and that part of the approval was that there was to be no work or activity to the rear of the property before 8:00 a.m. He stated the Bed, Bath & Beyond loading docks are currently operating at 5:30 a.m. He stated he had a document with him which he handed to the Board Planner. He mentioned shoe box lights. He asked whether Bed, Bath & Beyond had them. Also, he mentioned the shopping center has a street sweeper that generally operates as early as 3:00 a.m.
18. Mr. Petrongolo stated that the document he was handed indicates that the exterior lighting required downward lighting. Landscaping is required. There are loading facilities to the rear. As to the sweeper, it certainly would fall under local or county noise ordinances.
19. Mr. Goldstein stated his client would have no objection to complying with any local and/or county noise ordinance. He further stated his client would certainly agree to meet any conditions that were part of any prior approval. Furthermore, if lights are not in compliance, then they would need to be bought back into compliance.
20. Mr. Goldstein requested the Board to permit his client to execute a Hold Harmless Agreement to allow for pulling of permits to complete the construction work in a timely fashion to get heat for the vacant space and to avoid any future utility problems. The request is made in light of the need for the Resolution to be subsequently adopted and publication of same; and

**WHEREAS**, the Planning Board of the Township of Washington has made the following findings:

1. The subject property is located in the Highway Commercial Zone (HC).
2. The Applicant is requesting site plan waiver to create a new unit space of 4,632 square feet and a 555 square foot Landlord room from the original Sports Authority unit space.
3. It was the finding of the Planning Board and Planning Board Professionals that the Applicant had demonstrated both the positive and

negative criteria necessary for granting the requested waivers. It was the finding of the Planning Board that the waivers could be granted without substantial detriment to the public good and the intent and purposes of the zone plan and zoning ordinances and that said waivers were required given the existing site conditions.

**NOW, THEREFORE, BE IT RESOLVED** by the Washington Township Planning Board that the application for site plan waiver to create a new unit space of 4,632 square feet and a Landlord room of 555 square feet from the prior Sports Authority unit space for the Applicant, BRE RC Cross Keys, LLC, is hereby **GRANTED** subject to the following terms and conditions:

1. All of the Agreements and/or representations made by the Applicant as set forth at the hearings in this matter or as contained in this Resolution must be fully satisfied by the Applicant.
2. All of the initial findings of fact, conclusions and conditions as set forth in the "Whereas" recital paragraphs of this Resolution as set forth above are hereby incorporated by reference herein as further findings of fact and conditions as applicable.
3. The Applicant has agreed to comply with all the terms and conditions of the Planning Board Professional review letters except as noted on the record.
4. The Applicant is granted the following waiver(s):
  - a. Land Development Checklist – Submission information.
  - b. Site Plan
5. This approval is conditioned upon the Applicant verifying the rear exterior building lights have the proper covers for down lighting and, if not, to install proper light covers.
6. This approval is conditioned upon the Applicant having the commercial trash pickup collected for the facility between the hours of 7:00 a.m. and 10:00 p.m.
7. This approval is conditioned upon the Applicant addressing any exiting landscaping needs and/or trees that are dead or missing and to properly replace same with new plantings/trees.
8. This approval is conditioned upon the loading activities to the rear of the building to be done at times per the prior approval.
9. This approval is conditioned upon the street sweeper complying with all appropriate noise restrictions and/or noise levels and/or times to complete said work.
10. The approval is conditioned upon no rear entrance to the new 4,632 square foot unit space.
11. This approval is conditioned upon the Board not having granted any approval for a tenant to occupy the new unit space at this time.
12. This approval is conditioned upon the Board not having granted any approval for any signage for the new unit space.
13. The Applicant is granted the right to pull construction permits to complete the needed HVAC work for the new unit prior to adoption of this Resolution with the understanding that the Applicant shall hold the Township harmless from permitting same.
14. The Plan is subject to review and approval of the following authorized review agencies, if applicable and if not already received, evidence of these

approvals must be submitted to the Planning Board office prior to final signature:

- a. Gloucester County Planning Board;
- b. Gloucester County Soil Conservation District
- c. Gloucester County Utility Authority
- d. Washington Township Municipal Utilities Authority
- e. Any other outside agency approvals that may be deemed necessary approval of and/or required for this project

15. If an inspection escrow, performance bond and/or maintenance bond are required with this application, an estimate of all on/off site improvements (excluding structures) must be reviewed and approved by the Washington Township Engineer. Any required performance Bond and/or inspection escrow and/or maintenance bond must be posted prior to the signing of any plans or deeds. Performance bonds and/or inspection escrows will be posted only for that portion of the Project where construction is about to commence.


16. The Applicant shall contact the Planning Board Office to settle any outstanding review and escrow accounts prior to the issuance of any building permits.

17. The Applicant must submit a certification that all taxes on the property have been paid to date.

**BE IT FINALLY RESOLVED** that the Applicant shall cause a brief notice of this Resolution to be published in the South Jersey Times at the Applicant's expense and to forward a copy thereto to the Board within ten (10) days of the date hereof.

This is a Resolution memorializing the vote taken by the Washington Township Planning Board at the aforesaid meeting held on October 17, 2017 and is hereby adopted at the meeting held on November 9, 2017.

WASHINGTON TOWNSHIP  
PLANNING BOARD

  
TERRY McPOYLE, Vice Chairperson

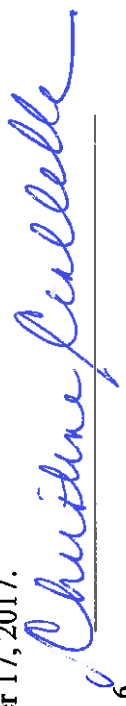
ATTEST:

  
CHRISTINE CIALLELLA, Secretary

ROLL CALL VOTE FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL

J. Gattinelli, Mayor	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	ABSENT <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>
A. Frattali, Chair	YES <input type="checkbox"/>	NO <input type="checkbox"/>	ABSENT <input checked="" type="checkbox"/>	ABSTAIN <input type="checkbox"/>
T. McPoyle, V. Chair	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	ABSENT <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>
E. D'Orazio, II	YES <input type="checkbox"/>	NO <input type="checkbox"/>	ABSENT <input checked="" type="checkbox"/>	ABSTAIN <input type="checkbox"/>
Joseph J. Perry, III	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	ABSENT <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>
M. D'Ariano, IV	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	ABSENT <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>
M. Martin, IV	YES <input type="checkbox"/>	NO <input type="checkbox"/>	ABSENT <input checked="" type="checkbox"/>	ABSTAIN <input type="checkbox"/>
T. Sparacio, IV	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	ABSENT <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>
J. Bidinger, IV	YES <input type="checkbox"/>	NO <input type="checkbox"/>	ABSENT <input checked="" type="checkbox"/>	ABSTAIN <input type="checkbox"/>
B. Dennis (Alt #1)	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	ABSENT <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>
R. Centrone (Alt #2)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	ABSENT <input type="checkbox"/>	ABSTAIN <input checked="" type="checkbox"/>

I certify the above to be a true copy of a resolution adopted by the Washington Township Planning Board at a regular meeting held on November 9, 2017 memorializing the action taken by the Board on October 17, 2017.

  
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Date: *November 9, 2017*

Christine Ciallella, Secretary

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