

**RESOLUTION 2017 - 13**

**A RESOLUTION OF THE WASHINGTON TOWNSHIP PLANNING BOARD  
GRANTING FINAL SITE PLAN – PHASE 2 APPROVAL ONLY FOR THE  
ENTRANCE ACCESS AND SIGNAGE TO THE APPLICANT, UNITED  
DEVELOPMENT COMPANY, LLC  
BLOCK 87.01, LOT 2.13  
121 TUCKAHOE ROAD  
APPLICATION #1976**

**WHEREAS**, the Applicant, United Development Company, LLC whose mailing address is c/o UDC Global, LLC, 250 Miron Drive, Southlake, Texas 76092 for property owned by UDC Global, LLC and located at 121 Tuckahoe Road is only requesting Final Site Plan-Phase 2 Approval only for the entrance access and the entrance multi-tenant signage; and

**WHEREAS**, the subject property is located at 121 Tuckahoe Road also known as Block 87.01, Lot 2.13 in the Highway Commercial (HC) Zone; and

**WHEREAS**, the Applicant had previously received Preliminary Site Plan and Minor Subdivision approval under Resolution 2016-20, 2016-21 and 2016-23 for two (2) pad sites associated with an existing movie theater; 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 variance(s), which variances were properly noticed in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-12:

1. Per Section 285-231, a sign variance to allow a sign of 228 square feet at a height of 19 feet; and

**WHEREAS**, in support of the application, the Applicant submitted a Preliminary and Final Site Plan submission received April 26, 2017, consisting of the following:

| <b>Sheet</b> | <b>Title</b>                           | <b>Date</b> | <b>Latest Revision Date</b> |
|--------------|--|-------------|-----------------------------|
| 1 of 10      | Cover Sheet                            | 12-04-15    | 04-11-17                    |
| 2 of 10      | Minor Subdivision Plan                 | 12-04-15    | 04-11-17                    |
| 3 of 10      | Overall and Demolition Plan            | 12-04-15    | 03-02-17                    |
| 4 of 10      | Site Plan                              | 12-04-15    | 04-11-17                    |
| 5 of 10      | Grading, Drainage and Utility Plan     | 12-04-15    | 04-11-17                    |
| 6 of 10      | Landscape and Lighting Plan            | 12-04-15    | 04-11-17                    |
| 7 of 10      | Construction Details                   | 12-04-15    | 04-11-17                    |
| 8 of 10      | Utility Details                        | 12-04-15    | 03-02-17                    |
| 9 of 10      | Soil Erosion and Sediment Control Plan | 12-04-15    | 04-11-17                    |

|          |                                   |          |          |
|----------|-----------------------------------|----------|----------|
| 10 of 10 | Soil Erosion Control Detail Sheet | 12-4-15  | 03-02-17 |
| 1 of 1   | Truck Turning Radius Plan         | 12-04-15 | 03-02-17 |
| 1 of 1   | Tree Planting & Removal Plan      | 04-01-16 | 04-11-17 |
| 1 of 2   | Parking Alignment Plan            | 09-21-16 | 03-02-17 |
| 2 of 2   | Amended Phasing Plan              | 09-16-16 | 04-11-17 |
| ---      | Sign Detail                       | ---      | ---      |
| ---      | Traffic Engineering Assessment    | 01-27-17 | ---      |

Sheets 1 of 10 through 10 of 10 and sheets 1 of 2 through 2 of 2 were prepared, signed and sealed by Brian S. Peterman, P.E., Peterman Maxcy Associates, LLC, 189 S. Lakeview Drive, Suite 101, Gibbsboro, New Jersey, 08026 (856) 282-7444; and

The survey was prepared, signed and sealed by Adam R. Grant, P.L.S., Consulting Engineer Services, 645 Berlin-Cross Keys Road, Suite 1, Sicklerville, New Jersey 08081, (856) 228-2200; and

Sheets 1 of 10 through 10 of 10 and sheets 1 of 2 through 2 of 2 were also prepared, signed and sealed by John E. Tesoriero, P.E., P.P., Tesco Engineering, 29 Ashton Drive, Voorhees, New Jersey 08043, (856) 888-1707; and

The Traffic Engineering Assessment was prepared by Shropshire Associates, LLC, 277 White Horse Pike, Suite 203, Atco, New Jersey 08004, (609) 714-0400; 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 May 9, 2017.
2. Thomas E. Cundey, P.E., C.M.E. Board Engineer, submitted a report dated May 9, 2017.
3. Richard Fini, P.E., Board Environmental Engineer, submitted a report dated February 10, 2017; and

**WHEREAS**, the Applicant was represented by Robert Mintz, Esquire, at the May 17, 2017 hearing on this matter; and

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

1. Robert Mintz, Esquire stated he is here tonight representing the Applicant for Final Site Plan – Phase 2 approval only for the project entrance access and entrance multi-tenant signage.

2. Joseph M. Petrongolo, L.L.A., R.L.A., P.P., Board Planner, stated prior to the Board proceeding on this application tonight, there are still some outstanding submission items, which have not been provided by the Applicant. Those items are as follows:
  - a. Preliminary Architectural Plans.
  - b. Colored Preliminary Architectural Building Elevations at reduced size (11" x 17").
  - c. Environmental Impact Statement.
  - d. Deeds and legal descriptions (right-of-way dedication; sight triangles; lot consolidation; easements).
  - e. Written description for each proposed non-residential building (including number of employees; number of shifts to be worked; maximum employees per shift expected truck and trailer; hours of operation)
  - f. Per Section 220-36.C, off-street parking areas of 20 or more vehicles shall be provided with shade trees spaces not less than 30 feet apart in islands and perimeter areas. The applicant requests a waiver. Final landscaping for Phases 2 through 4 shall be added at the time of site plan approval.
  - g. Per Section 220-27.B(15), an irrigation system should be provided. Plans should be revised or a waiver requested. Applicant is requesting not to provide irrigation within individual islands. This is an existing condition for Phase 1. However, a waiver will be necessary for Phases 2 through 4 and shall be addressed at the time of final approval.
3. Mr. Mintz stated Mr. Petrongolo is accurate in his statement about the outstanding submission items.
4. Mr. Mintz then proceeded to review the history of the application with the Board. Previously, the Board granted Minor Subdivision approval to create two (2) pad sites. Unfortunately, the Applicant has not yet located any tenants for either pad site. However, the Applicant is now looking for approval for the entrance access to the site and for the multi-tenant entrance signage for the site with the understanding that any approval tonight would be subject to final approval of the remaining Phases 3 & 4.
5. Mr. Mintz stated the Applicant is requesting approval for the multi-tenant signage and the entrance access to the County Road, as to Phase 2 only. Since there are no current tenants, the Applicant is not looking for any approvals for the actual pad sites.
6. Richard E. Fini, P.E., P.P., C.M.E., Board Environmental Engineer, stated the Environmental Phase 1 is now done and available. The Environmental Impact Statement (EIS) is done and will be available within the week. Since the Board has already granted preliminary approval and the Applicant is now asking for Final for Phase 2 only, the Board should make receipt of the reports by the Board as a condition of any approval and before any sign off on the final plans by Mr. Fini.
7. Mr. Petrongolo stated he had no objection to the Board continuing with the application tonight with those conditions as part of any Resolution of approval.
8. Mr. Fini stated the Environmental Impact Statement and Worksheet are still pending submittals and can be deferred until final as well as the conservation deed restriction

and Best Management Practices. Tonight, the Board is only looking at County Access and signage. No new buildings are proposed at the two (2) pad sites.

9. Mr. Mintz stated he had no objection to these items as a condition of any approval tonight.
10. Mr. Petrongolo stated those conditional items are to be provided by the Applicant as part of Phase 3 and 4 approval.
11. Mr. Mintz stated the Applicant had previously received preliminary approval. Applicant is now requesting a free standing elevated sign. Applicant had appeared at the DRC and had received comments on the size of the sign. Applicant had shown a 20' high sign but the Applicant will now reduce the height of the sign to 19'.
12. Brian Peterman, PE, Applicant's Engineer, testified that the Applicant is looking for Phase 2 Final approval only for the entrance from the County by pass and for signage. Applicant has amended the Phasing Plan, drive isle to Movie Theater and the island along by-pass for the proposed sign in Phase 2. Sheet 4 of 16 has the dimensions listed. Sign is located 15' off County right-of-way. Sign would have the Movie Theater, LED, tenants and street address. Two (2) separate signs. One sign for theater and one (1) for pad sites centrally located. The aerial shows the location which is suitable for the area in question.
13. Mr. Peterman stated the Applicant has reviewed the Board professional's review comments and has no objection to meeting their review letters and to continue to work with them through this Phase.
14. Mr. Peterman marked as Exhibit "A" dated 5-17-2017 the sign exhibit with the base landscaped.
15. Mr. Petrongolo submitted a report to the Board dated May 17, 2017. Mr. Petrongolo testified the Applicant had originally submitted a plan with a larger sign. However, based upon suggestions at the DRC, the size of the sign's height has been reduced to nineteen (19) feet and thereby the size of the sign being reduced proportionately. The original plans had shown a multi-tenant sign at a height of 20' and 242 square feet. Now, the applicant is proposing a 19' high sign (i.e, variance requested) for a total of 228 square feet. The bottom portion of the sign with the street address is not part of the 228 square feet.
16. Mr. Mintz acknowledged his client's agreement as to the new size of the sign.
17. Mr. Petrongolo stated with those new sign adjustments, the size of the site (i.e., similar to the Home Depot sign) he had no objection to the requested variance. The sign and size would be appropriate for this site subject to the plans being revised to the new dimensions.
18. Mr. Petrongolo stated the sign is set back at 15' from the County roadway per Township Ordinance. The LED sign will comply with Township Ordinance.

19. Mr. Mintz stated a LED is permitted and would be consistent with the preliminary approval and entrance to the site.
20. Board Member D'Ariano asked about the changing text and not the scrolling. That is, new text, then new text, etc. Is there any time limit?
21. Mr. Petrongolo stated there is none. Usually the signs follow the NJDOT standard of eight (8) seconds.
22. Board Member D'Orazio asked about the identification sign and the 10 foot right-of-way setback per Township Ordinance yet the Applicant is putting the sign at 15' from the County right-of-way.
23. Mr. Petrongolo stated the sign is not in the County right-of-way.
24. Board Member D'Orazio asked about restrictions.
25. Mr. Petrongolo responded by stating County restrictions.
26. Board Chairman Frattali stated there is going to be a meeting to review existing Planning Board Ordinances to try and make the Township a business friendly place. That is, trying to meet business' needs.
27. Board Member D'Orazio asked whether there is a problem with the sign.
28. Mr. Petrongolo responded by stating a 10' setback is common subject to site visibility. That is, vehicles can see pass the signage.
29. Board Member D'Orazio stated that the sign is not impeding site visibility in this case but maybe we need to look to change the requirement in the future.
30. Mr. Mintz stated that the Applicant is okay at the 15' or, if the Ordinance does change, to a different location, if no site impact. Mr. Mintz stated the Ordinance, oddly, allows a sign on any road frontage. Here, no sign on County by-pass but a sign is permitted on the County by-pass. And, each pad site has its own right to a sign.
31. Mr. Petrongolo stated one (1) sign per street per project. That is, one (1) identification sign.
32. Mr. Mintz stated he advertised for signs per pad site.
33. Mr. Petrongolo stated pad sites are allowed a façade sign.
34. Mr. Mintz stated that is correct. Two (2) façade signs in this instance, front and side façade are permitted.
35. Mr. Petrongolo stated a variance was requested for a sign at 228 square feet at a height of 19' and, in his opinion, such a sign is justified for this site.

36. Mr. Fini had submitted a report dated February 10, 2017 but has not issued any updated report at this time and will refer to the prior report. He stated there are open conditions as discussed previously and are due at time of Phase 3 and 4 approval. However, he would consider any submittals prior to such time for review. A cash contribution to the tree fund will also be required.

37. Mr. Mintz stated the Applicant understood.

38. Thomas Cundey, P.E., Planning Board Engineer, prepared a report dated May 9, 2017. Mr. Cundey stated that he had a few comments regarding the plans. The Plan Sheets should be revised to reflect Phase 2 only. The plans should be revised to show the striping correctly on the Cross-Keys by-pass road. County Planning Board approval must be obtained.

39. Mr. Mintz had a comment regarding the deceleration/acceleration lane on the plans; and

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

1. Gary McCloskey of 61 Berlin-Cross Keys Road testified that while he has no objection to the sign location, he did have an objection to the pad site. He stated he has read the notes on the plans. He is the closest resident to the theater. He is adjacent to the side entrance on Berlin-Cross Keys Road. Basically, he is not happy with the trash recyclable location. He stated he already has a trash receptacle located near him. He is the person who polices the site. While he doesn't have too many problems with trash pickup, the theater employees usually put the trash out around 3:00 a.m. thereby creating a noise disturbance and the parking lot sweeper company usually comes in the early morning hours.
2. Mr. McCloskey stated these new improvements will only create more commotion. There will be three (3) residents left. He asked if it was possible to move the trash receptacle away from his house?
3. Board Chairman Frattali asked is there anything the Board can do.
4. Mr. Petrongolo stated we are only at the preliminary stage for this site and for the individual pad sites.
5. Mr. Peterman stated he will reach out to the Board Professionals about this issue and he will reach out to his client about the parking lot sweeper and trash situation.
6. Mr. Petrongolo asked about any noise standards.
7. Mr. McCloskey stated the local police don't enforce noise issues since not many residents in this area.
8. Mr. Mintz asked if his property was in the H/C zone.



9. Mr. McCloskey responded by stating “yes but by trick”. That is, the H/C was changed overnight. He had been offered a buy out of his property prior to the H/C. However, once the Board granted H/C, no one needed his property.
10. Mr. McCloskey stated some of the tree buffering has been missing near the back lot, west side and/or there is no buffering at this point.
11. Mr. Mintz stated the Board certainly has taken note of your comments and will look to do infill where appropriate.
12. Mr. McCloskey stated his comments sum up his concerns for now.
13. Board Member D’Ariano asked if it was cost prohibited to buffer the trash enclosures.
14. Mr. Mintz stated the matter is not part of Phase 2 but we can look at the location and mitigation at the appropriate time.
15. Board Member D’Ariano also stated we should try to address the noise issue; 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 Final Site Plan Phase 2 Approval only for the entrance access and multi-tenant signage for this project.
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 variances and waivers. It was the finding of the Planning Board that the variances and 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 variances and waivers were required given existing site conditions.

**NOW, THEREFORE, BE IT RESOLVED** by the Washington Township Planning Board that the application for Final Site Plan Phase 2 Approval only for the entrance access and multi-tenant signage for the Applicant, United Development Company, 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 testified that it will comply with all the terms and conditions of the Planning Board Professional review letters except as noted on the record.
4. The Applicant is hereby granted the following variance(s):
  - a. Per Section 285-231, a sign variance to allow a sign of 228 square feet at a height of 19'. The bottom portion of the sign with the street address is not part of the 228 square feet.
5. This approval is conditioned upon the following:
  - a. Applicant to provide all required submittals as part of Phase 3 and 4 approvals.
6. This approval is granted upon the following:
  - a. Per Section 285-231.1, a LED sign is permitted but shall not have any scrolling messages.
7. Twelve (12) copies of the final site plan for Phase 2 only should be submitted for review, approval and signature.
8. 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
9. 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.



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

11. 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 May 16, 2017 and is hereby adopted at the meeting held on August 1, 2017.

WASHINGTON TOWNSHIP  
PLANNING BOARD

  
ALBERT FRATTALI, 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 checked="" type="checkbox"/> | NO | <input type="checkbox"/> | ABSENT | <input 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 type="checkbox"/>            | NO | <input type="checkbox"/> | ABSENT | <input checked="" type="checkbox"/> | ABSTAIN | <input type="checkbox"/>            |
| M. D'Ariano, IV      | YES | <input type="checkbox"/>            | NO | <input type="checkbox"/> | ABSENT | <input type="checkbox"/>            | ABSTAIN | <input checked="" 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 checked="" type="checkbox"/> | NO | <input type="checkbox"/> | ABSENT | <input type="checkbox"/>            | ABSTAIN | <input 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 August 1, 2017 memorializing the action taken by the Board on May 16, 2017.

  
Christine Ciallella, Secretary

Date: August 2, 2017