

RESOLUTION 2018- 15

**A RESOLUTION OF THE WASHINGTON TOWNSHIP PLANNING BOARD
GRANTING MINOR SITE PLAN APPROVAL TO THE APPLICANT,
MLG REALTY, LLC
BLOCK 115.04, LOTS 10 AND 10.03
4501 ROUTE 42
APPLICATION #2011**

WHEREAS, the Applicant/Owner, MLG Realty, LLC, whose mailing address is 4501 Route 42, Suite 2, Turnersville, New Jersey 08012, is requesting minor site plan approval to utilize an existing building for the purpose of running a preschool; and

WHEREAS, the Applicant proposes some minor site modifications, a 3,000 square foot outdoor playground and the construction of two pylon signs on the property designated as Block 115.04, Lots 10 and 10.03 and located at 4501 Route 42; and

WHEREAS, the Applicant's proposed use is not in compliance with the Washington Square Redevelopment Zone, but N.J.S.A. 40:55D, permits child care centers to be located in non-residential zoning districts; and

WHEREAS, the property is located in the Area 1 of the Washington Square Redevelopment Zone (underlying zone INS = Institutional Zone) of the Township of Washington; and

WHEREAS, based upon the Application submitted, the Applicant requires the following variance(s); and

1. Redevelopment – Belgian block curb
2. Redevelopment – Textured crosswalks
3. Redevelopment – Sidewalk along frontages
4. Redevelopment – Sidewalk connections
5. Redevelopment – Landscape buffer

6. Redevelopment – Redevelopment lighting
7. Section 285-188D – Accessory structure setback
8. Section 285-196.A – 105% parking
9. Section 285-196.G – Parking stall size
10. Section 285-197.A – Size of loading zone
11. Section 285-215.B – Fence height
12. Section 285-226.N – Roof-mounted sign
13. Section 285-228.C – No. & Size of freestanding signs
14. Section 285-228.C – No. & Size of façade signs
15. Section 285-228.E – Height of freestanding signs; and

WHEREAS, based upon the Application submitted, the Applicant requires the following waiver(s):

1. Checklist – Submission information
2. Section 220.19.M(1) – Trash enclosure screening
3. Section 220-21 – Parking in a front yard
4. Section 220-27.B(15) – Irrigation system
5. Section 220-31.B(3) – Highway buffering
6. Section 220-31.C(1) – Parking perimeter landscaping
7. Section 220-31.C(2) – Parking island landscaping
8. Section 220-36.C – Parking lot landscaping
9. Section 220-36.F – Parking stall size
10. Section 220-36.F – Access aisles
11. Section 220-36.F - 90° parking
12. Section 220-36.G – Entrance access aisle length
13. Section 220-40.D – Street trees

14. Section 220-45 – Lighting plan

15. Section 254.30.A – Tree removal; 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, in support of the application, the Applicant submitted a Minor Site Plan submission received March 19, 2018, consisting of the following:

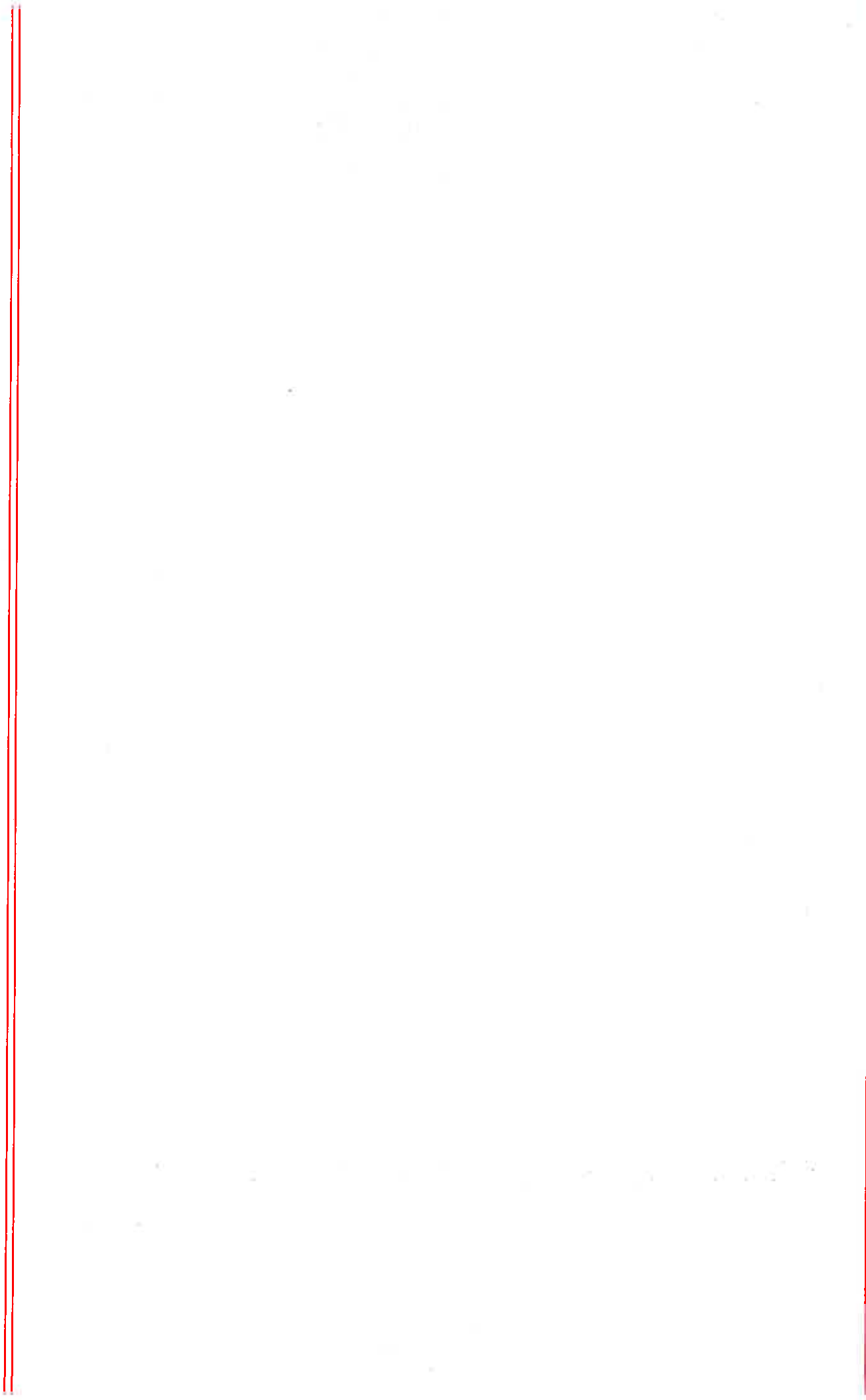
Sheet	Title	Date	Latest Revision Date
1 of 7	Cover	03-16-18	---
2 of 7	Minor Site Plan	03-12-18	---
3 of 7	Grading Plan	03-12-18	---
4 of 7	Landscaping and Lighting Plan	03-12-18	---
5 of 7	Construction Details	03-06-18	---
6 of 7	Soil Erosion and Control	03-06-18	---
7 of 7	Soil Erosion and Control	03-06-18	---
A1.1A	Cellar Floor Plan	02-22-18	---
A1.1B	First Floor Plan	02-22-18	---
A5.1	Playground Equipment Plan	03-09-18	---

Sheets 1 of 7 through 7 of 7 were prepared, signed and sealed by Theodore Wilkinson, P.E., Adams, Rehmann and Heggan Associates, 215 Bellevue Avenue, P.O. Box 579, Hammonton, New Jersey (609) 561-0482.

Sheets A1.1A, A1.1B and A5.1 were prepared by Grayling L. Johnson, R.A., 3090 Carman Street, Camden, New Jersey 08037 (856) 207-8557.

Preliminary Assessment Report, MLG Realty, LLC, 4501 Rt. 42, Suite 2, Block 115.04, Lot 10, Washington Township, Gloucester County, New Jersey, prepared by Taylor GeoServices, dated 9/8/17.

NJDEP Cover/Certification Form, including Response Action Outcome, MLG Realty, LLC, 4501 Rt. 42, Suite 2, Block 115.04, Lot 10, PI#761620, signed by Frederick Shoyer III, LSRP, dated 9/11/17.



NJDEP Authorization to Submit a Remedial Phase Report, MLG Realty, LLC, 4501 Rt. 42, Suite 2, Block 115.04, Lot 10, PI#761620, signed by Frederick Shoyer, III, LSRP, dated 9/1/17.

Advanced GeoServices Letter to: MLG Realty, LLC, re: 4501 Rt. 42, Suite 2, Block 115.04, Lot 10, PI#761620, Response Action Outcome, signed by Frederick J. Shoyer, LSRP, dated 9/11/17; 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 hearings 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 April 3, 2018.
2. Ricard Fini, PE, PP, CME, Board Environmental Engineer, submitted a report dated March 27, 2018.
3. Michael Angelastro, Ph.D., PE, PTOE, Board Engineer, submitted a report dated April 3, 2018; and

WHEREAS, the Applicant was represented by Patrick McAndrew, Esquire, at the April 3, 2018 hearing on this matter; and

WHEREAS, based upon the above, the Board, at the April 3, 2018 hearing date finds as follows:

1. Patrick McAndrew, Esquire stated he is representing the Applicant for a minor site plan approval to utilize an existing building for the purpose of running a pre-school.
2. Joseph M. Petrongolo, L.L.A., R.L.A., P.P., Board Planner, first addressed completeness of the application. Mr. Petrongolo stated there are outstanding

submission items identified in his letter. The Applicant has agreed to provide responses to submission items in his report but he had no objection to a waiver of submission items numbered 35, 50, 67, 68, 69 and 71. Applicant has agreed to provide responses to all other items. Otherwise, Mr. Petrongolo had no objection to the application being deemed complete.

3. Mr. McAndrew stated the Applicant is here tonight for a minor site plan approval. The Applicant/Owner has a new tenant for this 50 year or older site. The property is located on the Black Horse Pike and Fries Mill Road and has a reverse frontage. The site has had different tenants over the many years. Now, the Applicant has a daycare provider (i.e., Children of America) who is interested in using three-quarters of an existing building.
4. Ted Wilkinson, P.E., Applicant's Professional Engineer, testified regarding the application. First, he addressed Mr. Petrongolo's comment regarding waivers. The Applicant had also requested a waiver of submission item #20 and he was of the understanding that Mr. Petrongolo had no objection with waiving same due to the Applicant not increasing the footprint on the subject property.
5. Mr. Petrongolo stated he did not have an objection to waiver of submission item no. 20.
6. Mr. Wilkinson stated the Applicant is proposing to utilize 6,400 square feet of the longer building on this site. The adjacent building is currently occupied. There is 6,400 square feet on the first floor and the tenant also proposes to use the basement for the daycare for a total square footage of 9,600 square feet. The site does have 47 parking spaces.
7. Mr. Wilkinson discussed the preliminary circulation plan for the site with access coming in clockwise to the daycare with ten (10) dedicated drop-off spots in the

front. The Applicant proposes a new door near the vestibule area with final approval to be submitted to the Board. The Applicant does intend to modify the new door.

8. Mr. Wilkinson stated the Applicant does propose a new outside playground area where two (2) employees will oversee the children in a fenced in area, which would be the playground. The Applicant would install speed tables with dyed red brick.
9. Mr. Wilkinson stated the fenced in playground will be approximately 3,000 square feet with an astro turf type surface with an underdrain system and screened with plant material.
10. Mr. Wilkinson stated as to other improvements for this project, the Applicant proposes a signage upgrade. Township Ordinance permits a 30 square foot sign and the Applicant is proposing a 50 square foot sign. Currently, there are two (2) 40 square foot signs at the site. The Applicant proposes to move one sign to the middle of the site. Each monument sign is to be properly landscaped. In regards to the façade signage, the Applicant proposes a 13 square foot sign, which does not require a variance.
11. Mr. Wilkinson stated as to lighting, Atlantic City Electric has a number of poles already existing at the site. The Applicant will complete a quick light survey to determine if there are any dark spots at the site. As to the site plan, the Applicant has to address the state highway (i.e., Black Horse Pike) where currently no sidewalk exists. As to Fries Mill Road, the Applicant proposes to change the plans to show a concrete sidewalk but is requesting a variance from having to provide the belgian block curbing.
12. Joseph M. Petrongolo, L.L.A., R.L.A., P.P., Board Planner, submitted a report dated April 3, 2018. Mr. Petrongolo testified he has gone over most of his items

with the Applicant. Mr. Petrongolo stated since the site is in the Redevelopment Zone, belgian blocks are required; however, the Applicant is asking for a variance to provide curbing similar to the existing curbing.

13. Mr. Petrongolo stated as to loading, this is an existing site and therefore, no relief is needed with regard to the loading. As to parking spaces, Applicant will need to provide children drop off spaces. The Applicant is requesting a variance for size of parking spaces from a 10 x 18 feet to a 9 x 18 feet. Mr. Petrongolo stated there is no change to the existing parking in the front yard, therefore, conditions to remain the same. As to the entrance drive throat, there is no proposed changes. The Applicant is requesting a variance for the drive aisle widths. Township Ordinance requires 18 feet for one way and 25 feet for two way but the conditions are pre-existing and vary but he is okay with existing conditions..
14. Mr. Petrongolo stated the Applicant requires angle parking spaces which exist. The site is somewhat tight, but he is okay granting a waiver.
15. Mr. Petrongolo addressed the Redevelopment Plan for the site, which shows sidewalks on both sides with brick copping. The Applicant to provide sidewalks on Fries Mill Road.
16. Mr. Petrongolo stated access to the playground has been addressed by the Applicant and he is okay. He recommends a waiver with regard to the landscaping. Applicant to install shade trees on Fries Mill Road and Black Horse Pike to be planted 50 feet on center, which Applicant has agreed to do. Mr. Petrongolo stated some trees are to be removed for this project.
17. Mr. Wilkinson stated there are three (3) small pines to be removed.
18. Mr. Petrongolo stated the Applicant is requesting a waiver from installing ornamental lighting on Fries Mill Road. Mr. Petrongolo has no objection since this

is an existing building and no new construction to the site. The benefits reduce the impact on the adjacent residential use. The Applicant is to show existing lighting for the site. Applicant to install lanterns on Black Horse Pike side.

19. Mr. Petrongolo stated the Applicant requested a variance for the trash enclosure. Currently, the enclosure is located seven feet from property line. Mr. Petrongolo was okay with such a variance.
20. Mr. Petrongolo addressed the request for signage. A 24 square foot sign is permitted in the zone. The property is located in the Institutional Zone on the Black Horse Pike. The building is a commercial building and a 24 foot square foot sign is too small. The Applicant had proposed a 63 square foot free standing sign but has reduced the proposed sign to 50 square feet for the face of the sign. The Applicant has now agreed to reduce the face of the sign to 40 square foot. That is, the face of sign to be 40 square feet which is exclusive of the brick.
21. Mr. Petrongolo stated the Applicant requires a height variance for the sign. Five feet is permitted but the Applicant is proposing a height of 9.5 feet. He suggests the sign be no taller than 9 feet and the Applicant to work with his office. Applicant stated he was agreeable to same.
22. Mr. Petrongolo asked for verification that the daycare facility must be licensed by the State of New Jersey. The Applicant stated that is correct.
23. Mr. Petrongolo stated the project could be subject to an Affordable Housing obligation and if so, the Applicant will be required to meet same. The Applicant stated they understood and agreed.
24. Mr. Petrongolo stated the Applicant has otherwise agreed to all of the items contained in his report.

25. Board Member Dennis asked to review Sheet 4 of 7 regarding lights. Mr. Petrongolo stated the Applicant will provide three (3) lights on the Black Horse Pike and none on Fries Mill Road.
26. Board Member Perry asked about school buses.
27. Cory Garrison, representative for Children of America, stated there will be school buses.
28. Mr. Wilkinson stated the Applicant will be providing a truck turning template to the Board Professionals for review and approval.
29. Board Member D'Orazio asked the Applicant's engineer what is the current lighting conditions in the middle of the shopping center and what are the requirements.
30. Mr. Petrongolo stated he has asked the Applicant to show existing lighting and to do a night test and provide these results to the Board Professionals. Township Ordinance standards are no more than 0.25 footcandle at the property line and a one footcandle in the lot. Mr. Petrongolo stated we need to make sure as least one foot candle light in the lot.
31. Board Member D'Orazio asked about the play area and the distance from Fries Mill Road.
32. Mr. Wilkinson stated 50 feet.
33. Board Member Perry asked is this an elevated area.
34. Mr. Wilkinson stated "yes with berms", small 1%.
35. Board Member Sparacio asked if there will be bollards.
36. Mr. Wilkinson stated yes, 4 feet to the center.
37. Mr. Wilkinsn stated there will be a consolidation of the lots.

38. Ricard Fini, PE, PP, CME, Board Environmental Engineer, submitted a report dated March 27, 2018. Mr. Fini stated this project does not require an Environmental Impact Statement or Environmental Worksheet Statement. The Applicant did a preliminary environmental assessment for a daycare license and whether Madden Legislation applies to this project, the site and for such a use. There were no findings on the exterior. Historic photos show no prior agricultural use. The Applicant's LSRP did recommend an unrestricted use for the site. The LSRP stated a survey should be done of the inside of the building to address hazardous materials and air quality concerns that may exist.
39. Mark Grecco, Owner of the property stated we first need approval for the daycare, and, then do pretesting, then do renovation testing and then do final testing as part of the State requirements and he will provide said results to the Board Professionals.
40. Mr. Fini asked will there be any soil removal.
41. Mr. Wilkinson stated approximately 30-40 yards of soil but the soil will be used to build the berm and the plan is to keep the soil on site and therefore, no soil removal from the site.
42. Board Member D'Ariano stated he had concern about the shrubbery around the playground.
43. Mr. Wilkinson stated there will be a solid fence around the playground but the playground will be landscaped.
44. Mr. Petrongolo stated all proposed plant material is non-poisonous.
45. Michael Angelastro, Ph.D., PE, PTOE, Board Engineer, submitted a report dated April 3, 2018. He stated the Applicant has agreed to all of the items contained in his report; however, he is requesting the Applicant submit a Letter of No Interest to

the NJDOT for their review and approval and provide a copy of all correspondence to the Township. He stated he will work with the Applicant on the vehicles. The speed table per NJDOT provides for a 4 inch maximum rise with appropriate markings; and

WHEREAS, the meeting was opened to the public and no one from the public commented on the application; and

NOW, THEREFORE, BE IT RESOLVED, on the ____ day of _____, by the Washington Township Planning Board that the application by the Applicant, MLG Realty, LLC for Minor Site Plan approval on property known as Block 115.04, Lots 10 and 10.03 on the Washington Township Tax Maps, be and is hereby **GRANTED**, pursuant to the plan submitted and subject to the following terms and conditions:

1. All of the Agreements and/or representations made by the Applicant as set forth at the hearing 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 unless otherwise noted on the record.
4. The Applicant is granted the variances and waivers as identified on the record and/or agreed to by the Applicant and/or as contained in this Resolution.

5. This approval is granted upon the following:
- a. Waiver of submission items numbered 20, 35, 50, 67, 68, 69 and 71 as contained in the Planners report dated April 3, 2018.
 - b. Applicant to provide forty-seven (47) parking spaces. Parking space size of 9 x 18 feet permitted.
 - c. Applicant to provide ten (10) dedicated children drop-off spots in the front of the day care facility.
 - d. Two (2) free standing pylon signs with a sign face of 40 square feet.
 - e. A 3,000 square foot outdoor playground to be fenced and landscaped.
 - f. Applicant to install speed tables with dyed red brick.
 - g. Applicant to meet Township requirement for façade signage. If not, a variance would be required.
 - h. Applicant to complete a light survey and submit to Board Professionals for review and approval.
 - i. Applicant to install concrete sidewalk along Fries Mill Road with concrete curbing rather than belgian block curbing.
 - j. Applicant is not required to provide designated loading zones based upon existing site conditions.
 - k. Applicant is permitted drive aisle widths less than 18 feet for one way drive aisles and less than 25 feet for two way drive aisles based upon existing site conditions.
 - l. Applicant is permitted to maintain existing angle parking spaces.
 - m. Applicant to install shade trees on Fries Mill Road and Black Horse Pike and to be planted 50 feet on center.
 - n. Applicant is not required to install any street lighting on Fries Mill Road.
 - o. Applicant to install three (3) street lantern lights on Black Horse Pike.

- p. Applicant is granted a variance for the location of the trash enclosure.
- q. Applicant is granted a height variance for two (2) free standing pylon signs not to exceed nine (9) feet.
- r. Applicant is not required to submit an Environmental Impact Statement or an Environmental Impact Worksheet to the Board.
- s. Applicant to provide copies of any and all LSRP reports and/or studies submitted to NJDEP and to also provide any responses from NJDEP to the Board.
- t. Applicant is granted a waiver from the Township Tree Ordinance.
- u. Applicant to meet any Affordable Housing obligations, if any, generated by this project.
- v. Applicant is granted a variance for parking in the front yard.

6. This approval is conditioned upon the following:

- a. Applicant to submit the lot consolidation deed to the Board Professionals for review and approval prior to filing with the County Clerk's Office.
- b. Applicant to provide verification to the Board that the day care facility has been approved and licensed by the State of New Jersey.
- c. Applicant to provide a truck turning template to the Board Professionals for review and approval.
- d. Applicant to submit a Letter of No Interest to the NJDOT regarding the Black Horse Pike and to provide a copy to the Board Professionals and to provide any response from NJDOT to Board Professionals.

7. The Plan is subject to review and approval of the following authorized review agencies, if required, and 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. Washington Township Municipal Utilities Authority
 - d. Washington Township Fire Marshall
 - e. New Jersey Department of Community Affairs approving location to be operated as a licensed day care facility.
 - f. Any other outside agency approvals that may be deemed necessary.
8. 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.
 9. The Applicant shall contact the Planning Board Office to settle any outstanding review and escrow accounts prior to the issuance of any building permits.
 10. 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's decision to be published in the South Jersey Times at the Applicant's expense and 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 April 3, 2018 and is hereby adopted at the meeting held on May 3, 2018.

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 checked="" 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 checked="" type="checkbox"/>	NO	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>
M. D'Ariano, IV	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	ABSENT	<input checked="" type="checkbox"/>	ABSTAIN	<input type="checkbox"/>
E. Metz, Jr., IV	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	ABSENT	<input 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 type="checkbox"/>	NO	<input type="checkbox"/>	ABSENT	<input checked="" 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 May 3, 2018 memorializing the action taken by the Board on April 3, 2018.