

**RESOLUTION 2018 -16.**

**A RESOLUTION OF THE WASHINGTON TOWNSHIP PLANNING BOARD  
GRANTING FINAL SITE PLAN APPROVAL TO THE APPLICANT, FISH POND  
EQUITIES, LLC  
BLOCK 82.15, LOT 17  
354 HURFFVILLE-CROSS KEYS ROAD  
APPLICATION #1965**

**WHEREAS**, the Applicant, Fish Pond Equities, LLC, whose mailing address is 14000 Horizon Way, Suite 100, Mount Laurel, New Jersey 08054 has made an application to the Washington Township Planning Board for property located at 354 Hurffville-Cross Keys Road requesting Final Site Plan Approval for the construction of three (3) buildings, a 10,000 square foot office/medical building, a 10,000 square foot office building and a 15,000 square foot office/medical building; and

**WHEREAS**, the subject property is located at 354 Hurffville-Cross Keys Road also known as Block 2.15, Lot 17 in the Neighborhood Commercial (NC) Zone; and

**WHEREAS**, the Applicant had previously received Preliminary Site Plan approval under Resolution 2016-22 and now seeks final site plan approval for the construction of three buildings, a 10,000 square foot office/medical building, a 10,000 square foot office building and a 15,000 square foot office/medical building; 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. Section 285-201.A.1 – Landscape buffers; and

**WHEREAS**, the Applicant is requesting the following waivers(s), which waivers were 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. Section 220-19.E(5) – 30% first floor windows
3. Section 220-19.I – Screening mechanical equipment
4. Section 220-19.M.1 – Trash Enclosure screening
5. Section 220-21.B – Loading zone screening
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 220-40.D Street trees
10. Section 285-200.C – Buffer screening; and

**WHEREAS**, in support of the application, the Applicant submitted a Preliminary and Final Site Plan submission received January 25, 2018, consisting of the following:

Sheet	Title	Date	Latest Revision Date
1 of 15	Cover Sheet	06-09-16	12-08-17
2 of 15	Existing Conditions and Demolition Plan	06-09-16	12-08-17
3 of 15	Surrounding Site Features Plan	06-09-16	12-08-17
4 of 15	Site Plan	06-09-16	12-08-17
5 of 15	Grading and Drainage Plan	06-09-16	12-08-17
6 of 15	Utility Plan	06-09-16	12-08-17
7 of 15	Landscaping and Lighting Plan	06-09-16	12-08-17
8 of 15	Profiles	06-09-16	12-08-17
9 of 15	Construction Details	06-09-16	12-08-17
10 of 15	Storm Sewer Details	06-09-16	12-08-17
11 of 15	Sanitary Sewer and Water Details	06-09-16	12-08-17
12 of 15	Soil Erosion and Sediment Control Plan	06-09-16	12-08-17
13 of 15	Soil Erosion and Sediment Control Notes and Details	06-09-16	12-08-17
14 of 15	Traffic Circulation Plan	06-09-16	12-08-17
15 of 15	Tree Protection Plan	06-09-16	12-08-17
1 of 1	Plan of Survey and Topography	02-02-15	04-29-16
---	Stormwater Management Report	06-2016	12-2017
---	Traffic Impact Study	04-2016	08-2017
---	Phase I Environmental Site Assessment	06-2016	---
---	Environmental Impact Statement	11-30-2017	---

The plans, stormwater management report and environmental impact statement were prepared, signed and sealed by Jay F. Sims, P.E., Consulting Engineer Services, 645 Berlin-Cross Keys Road, Suite 1, Sicklerville, New Jersey 08081, (856) 228-2200; and

The plan of survey and topography was prepared, signed and sealed by Adam R. Grant, P.L.S., Consulting Engineer Services; and

The traffic impact report was prepared, signed and sealed by Michael R. Brown, P.E., Consulting Engineer Services; and

The environmental impact statement was prepared, signed and sealed by Michael C. Dupras, M.S., Consulting Engineer Services; 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 February 13, 2018.
2. Richard Fini, P.E., Board Environmental Engineer, submitted a report dated February 19, 2018.
3. Michael Angelastro, P.E., Board Engineer, submitted a report dated February 16, 2018; and

**WHEREAS**, the Applicant was represented by Damien Del Duca, Esquire, at the March 6, 2018 hearing on this matter; and

**WHEREAS**, based upon the above, the Board, at the March 6, 2018 hearing date, finds as follows:

1. Damien Del Duca, Esquire, stated he represents the Applicant regarding property located at 354 Hurffville Cross Keys Road and Fish Pond Road.
2. Mr. Del Duca provided the Board with an overview of the project. He stated the Board had granted preliminary site plan approval back in 2016. Tonight, the Applicant is requesting Final Site Plan approval.
3. Mr. Del Duca marked as Exhibit A-1 the Site Plan, which was submitted with the Applicant's submission to the Board.
4. Mr. Del Duca stated the plans show two (2) buildings off of Hurffville Cross Keys Road and one (1) building to the rear of the site.
5. Mr. Del Duca stated the prior approval was subject to conditions which included outside approvals, in particular, the County of Gloucester.
6. Mr. Del Duca stated the Applicant is requesting Final Approval and to the extent necessary, Conditional Final Site Plan Approval.
7. Mr. Del Duca stated the plans call for Buildings #1 and #2 to be 10,000 square feet and Building #3 to be 15,000 square feet. Two of the three buildings will be office/medical and one building will be office. However, in all likelihood, all buildings will be used as medical offices. He stated the Applicant does have a signed lease with Kennedy Health Alliance for the building closest to the corner for a specialist/primary care giver use. He stated other tenants are in negotiations with the owner and some with signed LOIs.
8. Mr. Del Duca stated the Applicant is not requesting any new variances tonight and none are required. He did state that while Mr. Petrongolo's report did mention a landscape buffer variance, Mr. Del Duca stated the need for any landscape buffer

variance has been eliminated and the Applicant will submit a revised plan to show same.

9. Mr. Del Duca stated the Applicant does require waivers from architectural requirements regarding window coverage and certain landscaping. He stated while the Applicant is requesting waivers, the Applicant still wants to work out those items with Mr. Petrongolo. That is, Applicant wants to work out acceptable terms with Mr. Petrongolo regarding the solutions and, if not successful, then the Applicant will have to come back to the Board for approval.
10. Mr. Del Duca stated he is in receipt of the Board's three (3) professional review letters and will comply with same, excluding the landscaping and with one (1) exception to an item contained in Mr. Fini's report regarding pesticide contamination on the site.
11. Tom Brady, Applicant's LSRP, testified the Applicant completed blending of soils back in 2015. He stated the testing was largely successful but didn't finish the job. Since then, the State has changed the rules for dealing with soil contamination.
12. Mr. Brady testified he will issue a RAO stating the work has been done to standards. The Applicant has completed a full investigation of the site; however, the property does not meet the standards today for any residential, day care or education uses and the RAO will be written to acknowledge same.
13. Richard Fini, PE, Board's Environmental Engineer, testified the Applicant should issue a Deed Notice to be filed at the County Clerk's office to note those conditions in the event someone decided later to change the current commercial use to a residential, educational, day care and/or recreational use, at which point the owner/applicant would then have to comply with all standards at that time.
14. Mr. Fini stated he has discussed this with the Applicant and the Applicant is agreeable to including said information on a Deed Notice although this item was not raised in Mr. Fini's recent report. Mr. Fini stated he spoke to Mr. Del Duca before the hearing and Mr. Del Duca said he was okay with a Deed Notice which includes those uses. Mr. Fini stated his concern with the proposed RAO was that present and/or future owners might not be aware that remediation may be required if those uses are pursued but with a recorded Deed Notice, there will be a recorded acknowledgment of same.
15. Mr. Fini stated, other than the RAO, the Applicant has agreed or complied with all terms contained in his report.
16. Joseph M. Petrongolo, L.L.A., R.L.A., P.P., Board Planner, submitted a report dated February 13, 2018. Mr. Petrongolo stated he went through his letter with the Applicant, and the Applicant has agreed to comply with same or to work with him.
17. Mr. Petrongolo stated he was okay with the Applicant's submissions in a technical respect, as long as the Applicant works with the Board and his office to resolve the outstanding items.

18. Mr. Petrongolo stated the project is consistent with the preliminary site plan approval. The Applicant has made some minor changes to the plans due to County requirements but, otherwise, Mr. Petrongolo has no objection to a final approval on this application.
19. Board Member Centrone asked about a tree buffer versus a fence buffer for this project.
20. Mr. Petrongolo stated the Applicant has a tree buffer on the project.
21. Board Member Centrone stated he recalled at the prior meeting discussion about a fence buffer instead of a tree buffer based on resident concerns raised at the meeting.
22. Mr. Petrongolo stated he had advised the Applicant to increase the buffer density.
23. Board Member Centrone stated he thought the residents were concerned about patients cutting through the property.
24. Board Chairman Frattalli questioned about adding a fence for this project.
25. Mr. Del Duca asked the Applicant's Engineer about the fence on the southerly property line.
26. Jay Sims, P.E., Applicant's Professional Engineer, testified there is no new fence proposed on this project; but instead, a double row of evergreens.
27. Mr. Petrongolo stated he will need to check the prior Resolution about any fence, and if a condition of approval, then Applicant would have to install a fence.
28. Mr. Del Duca stated he did not recall a fence being a condition of prior approval; but whatever was in the preliminary approval, then the Applicant is bound to comply with it and if so required, the Applicant will do it.
29. Richard Fini, P.E., Board's Environmental Engineer, submitted a report dated February 19, 2018. Mr. Fini stated, we have already discussed tonight the historical pesticide use on the property and the Applicant has agreed to file a Deed Notice to address future changes of use.
30. Mr. Fini stated the Applicant still needs to pay the tree fund fee of \$5,600.00. Applicant needs to submit a soil cut report and fill report and a Deed Notice for the landscape buffer. Otherwise, Applicant has agreed to comply with other items in his report.
31. Michael Angelestro, P.E., Board's Professional Engineer, submitted a report dated February 16, 2018. He testified there are some minor plan issues to be addressed and the Applicant has agreed to make those revisions to the plan.

32. Mr. Petrongolo stated he has had a chance to review the prior Resolution granting preliminary site plan approval regarding the buffer/fence question and the Board did not require a fence; and

**WHEREAS**, the March 6, 2018 meeting was open to the public and the following individuals from the public commented on the application:

1. Tom Bodman, who lives at 8 Fairfield Circle, testified that he was the one who spoke about a fence and trees at the last meeting and also spoke with Mr. Petrongolo. He stated the agreement was a double row of trees. He did indicate there is a double chain link fence out there and would like to leave it on the property.
2. Mr. Petrongolo stated if the fence is on the adjacent owner's property, then the Applicant cannot touch the fence. If it is on the Applicant's property, then the Applicant would have control over the fence.
3. Mr. Del Duca stated the fence is close to the property line but appears to be on the Applicant's property. If so, then the applicant will leave the fence on the property.
4. Mr. Bodman had two additional concerns involving the traffic flow on the County roadway both for traffic into and out of the property, including left turns and also drainage from the basin and where does the water go from the basin.
5. Jay Sims, P.E., stated the County did require adjustments to the front entrance and everything is proper with regard to drainage.
6. Mr. Del Duca stated the County has approved a right out but no left out.
7. Mr. Bodman asked if the drainage flows under Fish Pond Road.
8. Mr. Sims stated the County approved the drainage and is okay with same.
9. Glenn Shockley, who lives at 110 Fish Pond Road, testified this is the first time he has appeared before the Board. He is concerned about traffic on Fish Pond Road. He stated "I am sure that a traffic study was completed" and if there are any access lanes for this project?"
10. Mike Angelastro stated the County of Gloucester controls Fish Pond Road and not the Township. He stated the County is not requiring any specific turns.
11. Mr. Shockley stated he still has issues with traffic. He stated he has been hit while parked at his own driveway.
12. Mr. Angelastro stated the traffic report did address the a.m./p.m. peak times for a typical day.
13. Mr. Shockley stated he was questioning the results.
14. Mr. Angelastro stated the County has approved this project and the traffic plan.

15. Mr. Shockey stated he is concerned about traffic, including the fact that he had been hit at the end of his driveway. He stated that years ago the speed limit was 25 mph on Fish Pond Road but now it is 45 mph.
16. Board Chairman Frattali stated unfortunately the Township has no control over Fish Pond Road but rather the County has control over the speed limit.
17. Mr. Angelastro stated the report analyzed the roadway based on a typical day of traffic.
18. Mr. Shockley stated that's not what he sees on a typical day.
19. Board Member D'Orazio stated "I think the Township can ask the County to look into Mr. Shockley's concerns as well as the speed limit".
20. Mr. Shockley asked about traffic on Fish Pond Road.
21. Mr. Sims stated there is access to Fish Pond Road.
22. Mr. Shockley stated people will have accidents trying to turn into it.
23. Mr. Angelastro stated the County approved the traffic plan.
24. Board Member D'Orazio stated maybe we can check with the County on some of these issues.
25. Board Chairman Frattali stated the Board is handcuffed since it is a County road but we can certainly check into it.
26. Mr. Del Duca stated that the Applicant has addressed concerns raised by Mr. D'Orazio and the Applicant did provide requested information to the County as part of their approval; and

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

1. The subject property is located in the Neighborhood Commercial Zone (NC).
2. The Applicant is requesting Final Site Plan Approval for the construction of three buildings, a 10,000 square foot office/medical building, a 10,000 square foot office building and a 15,000 square foot office/medical building.
3. It was the finding of the Planning Board and Planning Board Professionals that the Applicant had demonstrated the 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, would be consistent with the intent and purposes of the zone plan and zoning ordinances and that said 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 Approval for the construction of three buildings, a 10,000 square foot office/medical building, a 10,000 square foot office/medical building and a 15,000 square foot office/medical building for the Applicant, Fish Pond Equities, 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 does not require any variance(s) as part of the Final Site Plan approval.
5. The Applicant has agreed to work with the Board's Planner to address the requested waivers listed below and any other waivers identified in the review letters and if unable to reach an agreement, then Applicant to return to the Board for any outstanding approvals.
  - a. Land Development Checklist – Submission information
  - b. Section 220-19.E(5) – 30% first floor windows
  - c. Section 220-19.I – Screening mechanical equipment
  - d. Section 220-19.M.1 – Trash Enclosure screening
  - e. Section 220-21.B – Loading zone screening
  - f. Section 220-31.(C)(1) – Parking perimeter landscaping
  - g. Section 220-31.C(2) – Parking island landscaping
  - h. Section 220-36.C – Parking lot landscaping
6. This approval is conditioned upon the following:
  - a. Applicant to file a Deed Notice at the County Clerk's office to memorialize the fact that additional remediation may be required before the subject Property is used for residential, day care, educational or recreational uses, and said remediation will be in accordance with prevailing application standards. Applicant to submit to Board Professionals for review and final approval.



- b. Applicant to make a \$5,600.00 cash contribution to the Township Tree Fund.
7. This approval is granted upon the following:
- a. Applicant to comply with all prior conditions of approval contained in Resolution #2016-22 granting Preliminary Site Plan approval for this project.
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. New Jersey Department of Environmental Protection;
  - f. 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 March 6, 2018 and is hereby adopted at the meeting held on April 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 checked="" type="checkbox"/>	NO	<input type="checkbox"/>	ABSENT	<input 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 checked="" type="checkbox"/>	NO	<input type="checkbox"/>	ABSENT	<input 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 April 3, 2018 memorializing the action taken by the Board on March 6, 2018.

Date: April 3, 2018

  
Christine Ciallella, Secretary