

RESOLUTION 2018 - 17

**A RESOLUTION OF THE WASHINGTON TOWNSHIP PLANNING BOARD
GRANTING PRELIMINARY SITE PLAN AND CONDITIONAL USE APPROVAL
TO THE APPLICANT, PROVCO SICKLERVILLE, LLC FOR
3421 ROUTE 42, BLOCK 108.02, LOT 1.02
3421 ROUTE 42
APPLICATION #2004**

WHEREAS, the Applicant/Owner, Provco Sicklerville, LLC whose mailing address is 795 E. Lancaster Avenue, Suite 200, Villanova, PA 19085 has made an application to the Washington Township Planning Board for property located at 3421 Route 42 and also known as Block 108.02, Lot 1.02 requesting Preliminary and Final Site Plan and Conditional Use Approval to demolish a former furniture retail store and construct a new 6,637 square foot strip store center, including a retail space and two restaurants (one with drive-thru); and

WHEREAS, the subject property is located at 3421 Route 42 also known as Block 108.02, Lot 1.02 in the HC Highway-Commercial Zone; and

WHEREAS, the subject property is located within Wellhead Protection Area Tier 2 for Wells 10, 11 and 28; and

WHERE-AS, 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 285-103 – Front yard setback
2. Section 285-188.B – Accessory structure in front yard
3. Section 285-188.D – Trash enclosure in side yard
4. Section 285-196.C – Access aisle length
5. Section 285-196.A – Exceed 105% of parking
6. Section 285-197D – Loading zone
7. Section 285-215 – Trash enclosure height
8. Section 285-231.B – Freestanding sign setback
9. Section 285-231.B – Freestanding sign height
10. Section 285-231.C – Façade signs number
11. Section 285-231.C – Façade signs size; and

WHEREAS, the Applicant is requesting the following wavier(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. Section 220-19.E(5) – 30% façade windows
2. Section 220-19.M(1) – Trash enclosure material
3. Section 220-21.B(6) – Parking in front yard
4. Section 220-31.B(3) – Parking lot buffering
5. Section 220-31.C(1) – Parking lot buffering
6. Section 220-36.C – Parking area shade tree
7. Section 220-36.G – Entrance access aisle length
8. Section 220-40.D – Shade trees; and

WHEREAS, in support of the application, the Applicant submitted a Preliminary and Final Site Plan submission received on November 8, 2017 and updated on January 12, 2018, consisting of the following:

Sheet	Title	Date	Latest Revision Date
1 of 18	Cover Sheet	11-07-17	01-11-18
2 of 18	General Notes Plan	11-07-17	01-11-18
3 of 18	Site Plan	11-07-17	01-11-18
4 of 18	Existing Conditions/Demolition Plan	11-07-17	01-11-18
5 of 18	Grading & Utility Plan	11-07-17	01-11-18
6 of 18	Profiles	11-07-17	01-11-18
7 of 18	Lighting Plan	11-07-17	01-11-18
8 of 18	Landscape Plan	11-07-17	01-11-18
9 of 18	Landscape Plan	11-07-17	01-11-18
10 of 18	Soil Erosion & Sediment Pollution Control Plan	11-07-17	01-11-18
11 of 18	Soil Erosion & Sediment Pollution Control Plan	11-07-17	01-11-18
12 of 18	Soil Erosion & Sediment Control Details	11-07-17	01-11-18
13 of 18	Details	11-07-17	01-11-18
14 of 18	Details	11-07-17	01-11-18
15 of 18	Details	11-07-17	01-11-18
16 of 18	Details	11-07-17	01-11-18
17 of 18	Aerial Plan	11-07-17	01-11-18
18 of 18	Vehicle Circulation Plan	11-07-17	01-11-18
---	Stormwater Management Calculations	11-07-17	01-10-18
1 of 1	ATLA/NSPS Land Title Survey	07-31-14	01-10-18
A1.0	Floor Plan and Elevations	11-07-17	01-10-18
---	Traffic Engineering Assessment	11-09-17	---
---	WTMUA Letter		12-13-201

The plans and drainage calculations were prepared, signed and sealed by Ronald E. Klos, Jr., P.E., Bohler Engineering, 1600 Manor Drive, Suite 200, Chalfont, Pennsylvania 18914 (215) 996-9100; and

The survey was prepared, signed and sealed by James A. Conway, Jr., P.L.S., Control Point Associates, Inc., 1600 Manor Drive, Suite 210, Chalfont, Pennsylvania 18914 (215) 712-9800; and

The architectural plan was prepared, signed and sealed by Mr. Guttilla C. Guttilla, R.A., GHC Studio Architecture, LLC, 189 W. Lancaster Avenue, Paoli, Pennsylvania 19301 (610) 543-7881; and

The Traffic Report was prepared by Nathan B. Mosley, P.E., C.M.E., Shropshire Associates, LLC, 277 White Horse Pike, Suite 203, Atco, New Jersey 08004 (609) 714-0400; and

General Project Description and Stormwater Management Calculations, Proposed Retail/Restaurant, 3421 Black Horse Pike (Route 42), Washington Township, Gloucester County, NJ, by Ronald E. Klos, PE, dated 11/7/17, latest revision dated 1/10/18; and

Phase 1 Environmental Site Assessment, Former DiEva Furniture Store, 3421 Black Horse Pike (Route 42), Washington Twp., NJ 08081, signed by William F. Schmidt, PE, Pennoni Assoc., dated 8/13/14; and

Limited Hazardous Material Survey, Vacant Furniture Store, 3421 Black Horse Pike, Washington Twp., NJ 08081, signed by R. Alan Lloyd, CIH, CSP, dated 8/18/14; and

Phase II Environmental Investigation, Vacant Furniture Store, 3421 Black Horse Pike, Washington Twp., NJ 08081, signed by William F. Schmidt, PE, Pennoni Assoc., dated 9/23/14; 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 16, 2018; and
2. Michael Angelastro, Ph.D., P.E., PTOE, Board Engineer, submitted a report dated February 16, 2018; and
3. Richard E. Fini, PE, PP, CME, Planning Board Environmental Engineer, submitted a report dated January 30, 2018; and
4. Washington Township Environmental Commission submitted a review letter dated February 14, 2018; and

WHEREAS, the Applicant was represented by Robert Mintz, Esquire, at the February 20, 2018 hearing on this matter; and

WHEREAS, based upon the above, the Board, at the February 20, 2018 hearing date, finds as follows:

1. Robert Mintz, Esquire stated he is representing the Applicant, Provco Sicklerville, LLC.
2. Joseph M. Petrongolo, L.L.A., R.L.A., P.P., Board Planner, first addressed completeness of the application. Mr. Petrongolo testified there are items outstanding from his report and various waivers have been requested by the Applicant. Mr. Petrongolo stated he spoke to the Applicant and Applicant's professionals who will supply all submission items. The Applicant is requesting a waiver for the Environmental Assessment and Environmental Impact Worksheet.
3. Clifford Bock, P.E., Applicant's Professional Engineer, testified the Applicant will submit an Environmental Impact Worksheet.
4. Richard E. Fini, PE, PP, CME, Board Environmental Engineer, stated there is a 2014 Phase 1 Environmental Assessment report completed on this site which needs to be updated. The Applicant stated they will update the report. Mr. Fini stated the Phase 1 update is needed to compare with current standards.
5. Robert Mintz, Esquire, Applicant's attorney, stated he has made contact with Penoni and Associates who advised him there are no changes in the standards used to prepare the 2014 Phase 1 report.
6. Mr. Fini stated he wants the Applicant to submit a letter confirming same. Otherwise, he had no objection to a waiver of the Environmental Impact Statement. As to the Environmental Impact Worksheet, he requests the Applicant to address any ground water impact including a discussion regarding protection of the groundwater.
7. Mr. Petrongolo stated the application can be deemed complete.
8. Robert Mintz, Esquire marked as Exhibit A-1 an aerial of the subject property which is also Sheet 17 of the actual plans submitted to the Board.
9. Mr. Mintz stated Exhibit A-1 identifies the existing structure, which was previously a furniture store. The property is a triangular lot. The Applicant proposes to demolish the existing structure. Mr. Mintz stated the Applicant has provided appropriate notice of this application and taxes are current on the property. The Applicant is requesting preliminary and final site plan approval, conditional use approval and waivers and variances. The property is known as Block 108, Lot 1.02. There are 3 frontages to the property which create an enormous problem as to the required 50 foot setbacks from each of those frontages. One road frontage is state owned, which is known as Black Horse Pike. In the back of the property, the road frontage is owned by the County and is known as Tuckahoe Road and on the side of the property, is a municipally owned street known as Ardmore Avenue. The property is located within a commercial zone and is also located within Tier 2 of the Township's Wellhead Protection Area, which location will require a conditional use approval.

10. Mr. Mintz stated the three (3) frontages squeeze the site significantly and therefore, require a variance. The Applicant is not proposing any loading zone. The Applicant will be demolishing the existing structure and building a new 6,700 square foot retail building with restaurant use. The prior use of the property was the DiEva's Furniture store. The Applicant is not specifically aware of any furniture striping done in the past nor can the Applicant state there was furniture striping but only raised the comment due to wellhead protection.
11. Carl C. Guttilla, R.A, Applicant's Professional Architect, testified about the work he has completed for the new proposed building, which has been submitted as part of the Applicant's package to the Board. He stated the diagram marked as Exhibit A-2 is a rendering of the proposed building. The Applicant did not have additional copies of this Exhibit for the Board.
12. Mr. Mintz provided a description of the building as a modern structure and as identified on the plan.
13. Mr. Guttilla stated the materials to be used on the trash enclosure would be the same as the building block.
14. Mr. Mintz stated the facade portion of the building facing the Black Horse Pike is at least 30% window but the building facade frontage is not compliant on the other two (2) streets, which are Ardmore Avenue and Tuckahoe Road. Mr. Mintz asked the Applicant's architect about the parking design and number of parking spaces.
15. Mr. Guttilla stated he would defer to Applicant's Engineer as to the parking for this project. As to signage, the Applicant is proposing a monument sign.
16. Mr. Mintz questioned if the signs were compliant with respect to square footage.
17. Mr. Petrongolo stated the signs are not compliant as to height but are as to size. At least not based on what the site plans show for height of signs.
18. Mr. Mintz stated the Applicant proposes a monument sign at a height of 7.2 feet. The panels and address on the sign require a variance for height and number of panels.
19. Mr. Guttilla stated the Applicant proposes fifty (50) square feet of signage where a maximum of 50 square feet of signage is permitted.
20. Mr. Mintz stated the Applicant has removed the larger signs originally proposed. The front facade signage is six (6) feet between each facade sign.
21. Mr. Guttilla stated the facade signs do equal or exceed three feet in height.
22. Mr. Petrongolo stated the letters range from three feet to six feet in height on the plans.

23. Mr. Mintz stated the façade signs in front of the building along the Black Horse Pike will not exceed three feet in height.
24. Mr. Petrongolo stated if the Applicant complies with the three (3) foot height, then no variance is needed. If not, then a variance is needed. Also, since Applicant is proposing three (3) façade signs for Panda Express, a variance is needed. On Ardmore Avenue, the sign is six (6) feet in diameter and three (3) feet in diameter at the rear facing Tuckahoe Road.
25. Mr. Mintz stated the Applicant is okay with the three (3) foot height in the front. The rear of the building will have a three (3) foot circle sign and on the southern portion of the building, a three (3) foot Panda circle. The Applicant is requesting a variance.
26. Mr. Mintz stated the Applicant is proposing to have two (2) additional stores at the site besides the Panda Express but does not have a specific design at this time for those two (2) stores, however, the Applicant will conform or come back to the Board.
27. Board Chairman Frattali asked if Panda Express was the Applicant's only tenant at this time.
28. C. J. Bock, P.E., Applicant's Engineer, testified about the plans he prepared as to the layout and design of the project. He stated the background on this project has already been covered by the Applicant's professionals. Marked as Exhibit A-3 was a colored plan previously provided to the Board. The subject location was used previously as a furniture store and operated by DiEva. The building was 21,900 square feet. The Applicant now proposes a new 6,700 square foot retail building with multiple tenants. The proposed Panda Express would hold approximately 46 seats and be located at the end of the building by Ardmore Avenue. The Applicant is looking for a store in the middle and a restaurant to occupy the other end of the building.
29. Mr. Bock stated the Applicant is reducing building coverage from the required 41% to 11%. Also, the Applicant is increasing impervious coverage from 73% to 80%. As to setbacks on Tuckahoe Road, Applicant is proposing from the existing 4 feet to 36 feet where 50 feet is required. On Ardmore Avenue, Applicant is proposing from the existing 9.38 feet to 71.3 feet which is okay. On Black Horse Pike, Applicant is proposing from the existing 35 feet to 53.7 feet to the street.
30. Mr. Bock stated there would be three (3) trash enclosures. One 10 x 20 foot trash and recycling enclosure and two (2) 10 x 10 trash and recycling enclosures. The property will have a full access drive from the Black Horse Pike and Ardmore Avenue. Applicant is proposing new sidewalks on all sides of the building.
31. Mr. Bock stated as to stormwater, the site drains to the North of the site and also splits in the middle. One option for the property is to build an underground basin to minimize discharge to Tuckahoe Road but there is no real out fall on Tuckahoe Road, therefore, not feasible.

32. Mr. Bock also stated there is an off-site connection in the median of the Black Horse Pike. He stated this site has urban land soils is not over a quarter acre in size which makes it difficult to address the rate of reduction.
33. Mr. Bock stated the property is located within the Tier 2 Wellhead Protection Area.
34. Mr. Mintz asked Mr. Bock about any proposed loading zone.
35. Mr. Bock stated there are no loading zones proposed since the geometry of the site is limited. The Applicant proposes delivery during morning hours and during off hours with loading to be done from the back of the building which will need to be coordinated with future tenants.
36. Mr. Mintz asked Mr. Bock about parking on site.
37. Mr. Bock stated the parking calculations do conform. However, the plans do not articulate two spaces for employees but the Applicant is proposing a total of 45 parking spaces.
38. Mr. Mintz asked Mr. Bock about landscaping.
39. Mr. Bock stated the Applicant will plant what the Applicant can given the limitations on site. As we know, the site along the Black Horse Pike has diminimus frontage but the Applicant will work with NJDOT. He stated based upon the comments made at the Development Review Committee, he recognized more landscaping was needed and he added additional landscaping to the aisles. The Applicant is planting as much in the aisles as can be done without conflicting with other site issues. He stated he believes the Applicant is compliant with the island requirements but not as to the total number of trees.
40. Mr. Mintz asked about lighting on site.
41. Mr. Bock stated the application is compliant as to lighting.
42. Mr. Mintz asked about entrance throats.
43. Mr. Bock stated you can see by the shape of the property, two of the three driveways are closer to the middle of the site. The northern property line is 92 feet. Township Ordinance mandates a 60 foot throat. It is impossible to accomplish that distance. The Ardmore Avenue throat is proposed at 21 feet. The Black Horse Pike throat is proposed at 18 feet. The Tuckahoe Road throat is proposed at 5 feet, but when owned by DiEva, there was no throat.
44. Mr. Mintz asked about public water and sewer.
45. Mr. Bock stated there is public water and sewer. Also, there is a well on site but Applicant proposes to cap the well and to provide documentation to the Board of same.

46. Mr. Mintz asked about tree removal on site.
47. Mr. Bock stated the Applicant will be removing a handful of trees, which will require replacement. However, the Applicant will be at a loss to meet the tree remediation requirements given site conditions and would need to pay a fee in lieu of planting. The Applicant will work on their tree application with Mr. Fini.
48. Mr. Bock stated the Applicant proposes to submit an updated Phase 1 Environmental Assessment. As to soil removal, the Applicant does not propose any fill be brought onto the site since the grade is balanced. With regard to stormwater, the Applicant proposes a pre-treatment storm water system. As to recycling, provision is being made for same. With regard to site triangles, Applicant is not aware of any issues at this point but is looking into any possible concerns at this time.
49. Mr. Bock stated the Applicant will provide a site irrigation plan and the site will be irrigated.
50. Board Member Centrone asked if there is a drive thru for the Panda Express.
51. Mr. Bock responded by saying yes.
52. Board Member Centrone asked if the vehicles were coming in from Tuckahoe Road.
53. Mr. Bock stated yes but also from other directions on site.
54. Board Member D'Orazio had a question regarding the throats of the driveways and concerns over the depth of them.
55. Mr. Bock stated he saw no radius issues.
56. Mr. Mintz stated the Applicant has filed paperwork with the County and the Applicant's traffic engineer is working with the County at this time.
57. Board Member D'Orazio stated the NJDOT is not crazy about having landscaping on state highway frontage.
58. Mr. Bock stated the Applicant will try to put in some shrubs.
59. Board Member D'Orazio again stated the NJDOT is not good with approving landscaping.
60. Mr. Bock stated the Applicant will pursue those issues with NJDOT.
61. Mr. Petrongolo stated the Township Ordinance does require landscaping along roadways and asked the Applicant to see if this is possible.
62. Joseph Petrongolo, L.L.A., R.L.A., P.P., Board Planner, submitted a report dated February 16, 2018. Mr. Petrongolo stated he has gone through his report with the

Applicant and the Applicant has agreed to address as much as possible. The property is unique with three frontages. The Applicant does require a number of variances. One variance is from Section 285-103(E) for a front yard setback on Tuckahoe Road where 50 feet is required and 36 feet is proposed, which is an improvement to existing conditions. However, the other two (2) frontages are okay.

63. Mr. Petrongolo stated the Applicant needs a variance from Section 285-188(B) for an accessory structure in the front yard. The Applicant is proposing an 11 foot front yard setback for the trash enclosure along Tuckahoe Road and a 13.3 foot setback along Ardmore Avenue. The Applicant proposes three trash enclosures in the front yards, since there is no other place to locate the trash enclosures.
64. Mr. Petrongolo stated the Applicant needs a variance from Section 285-188(D) for side and rear yard setbacks. On the north side of the site, there will be a 4.5 foot side yard setback where 20 feet is required but again the variance is caused by the constraints to the site.
65. Mr. Petrongolo stated the Applicant needs a variance from Section 220-21 for parking in front yard.
66. Mr. Petrongolo stated the Applicant will need a variance from Section 285-197, for providing a loading zone, where normally a 12 foot x 60 foot loading zone is required. The Applicant proposes no loading zone. This issue is a result of conditions for the entire site. Any loading during normal business hours would not be recommended.
67. Mr. Petrongolo addressed the entrance throats. He stated anyone driving into this site will come into conflicts. His biggest concern is the Black Horse Pike throat entrance even though the Applicant has established as much of a throat as possible. There is five (5) feet on Tuckahoe Road and twenty-one (21) feet on Ardmore Avenue. Again, this is a result of a unique situation due to a tight site and therefore, he believes it would be appropriate for Board to consider granting a variance from Section 220-36(G).
68. Mr. Petrongolo stated the Applicant will require a variance for the drive-thru lane. The Applicant is proposing two (2) spaces for stacking. Mr. Petrongolo suggests a one way drive bypass lane to the left and a right drive-thru lane. However, there will be times when cars will stack up and create site issues.
69. Mr. Petrongolo stated the Applicant is willing to work with his office regarding plantings.
70. Mr. Petrongolo stated the Applicant requires certain waivers regarding buffering around perimeters of site, number of shade trees on frontages and within the parking lot. He stated he had no objection due to the difficulties on this site. As to the shade tree waiver, Applicant will have to make a compensatory tree payment. Applicant is to coordinate the amount of the tree compensation with Mr. Fini.
71. Mr. Petrongolo stated the Applicant proposes a decorative light base for the project.

72. Mr. Petrongolo stated as to trash enclosures, the Applicant's architect said the enclosure will be comparable to the building's block with solid doors and 6 foot high walls.
73. Mr. Petrongolo stated the Applicant would require a height variance for fences in front yard; however, he had no objection to a 6 foot high fence since the benefits outweigh the detriment.
74. Mr. Petrongolo addressed the signage by stating the Applicant has changed their proposed signage since his report. Per Section 285-31(B)(4), the height of a free standing sign should not exceed 6 foot. The Applicant now proposes a 7.2 foot high sign. The fifty (50) square feet of signage is consistent with Ordinance where the maximum is 50 square feet.
75. Mr. Petrongolo stated the Applicant needs a right-of-way setback variance of 0 feet where ten (10) feet is required on Tuckahoe Road. Five (5) feet where ten (10) feet is required on Ardmore Avenue and five (5) feet where ten (10) feet is required on the Black Horse Pike. The Applicant is allowed three (3) free standing signs since one (1) free standing sign is permitted per road frontage. Mr. Petrongolo had no objection to the 7.2 foot sign height, which is a revised sign height from what was originally proposed and the benefits do outweigh any detriment.
76. Mr. Petrongolo addressed façade signs stating the plans have been revised since his report. The only variance required now is for number of façade signs for Panda Express. The three (3) façade signs proposed do meet the height of 3 feet. Again, this is a unique site. He stated he had no objection to the three (3) Panda facade signs. The benefit of the three (3) Panda signs at this location outweigh any detriment on this unique lot.
77. Mr. Petrongolo addressed the possible Affordable Housing obligations which could be generated by this project and if applicable, the Applicant would be required to make an affordable housing contribution to the Township.
78. Mr. Petrongolo addressed architectural issues regarding a waiver needed for the first floor façade windows having less than 30%. Applicant meets percentage on Black Horse Pike at 42% but not the percentage on Ardmore Avenue or Tuckahoe Road.
79. Mr. Petrongolo stated the mechanicals proposed on the rooftop shall be screened on all four (4) sides and are not to be visible from the streets.
80. Board Member Centrone asked about the Panda Express facade signs size being reduced.
81. Richard E. Fini, PE, PP, CME, Board Environmental Engineer, submitted a report dated January 30, 2018. Mr. Fini stated he has no objection to a waiver of the Environmental Impact Statement but Applicant should submit an Environmental Impact Worksheet. Mr. Fini stated the Phase 1 Environmental Assessment should

be updated and the Applicant has agreed to do same. Applicant should also review some of the ground water standards for compliance with NJDEP regulations. A Phase 2 Environmental report was also done due to an adjacent gasoline station located to the northern boundary of the site.

82. Mr. Fini stated the potable well on site must be sealed and proof of closure submitted to the Township.
83. Mr. Bock stated the potable well was strictly an irrigation well. Also, he stated Penoni Associates did a hazard study of the building and certain items were found. These items need to be removed prior to demolition of the building.
84. Mr. Fini stated the Applicant needs to provide the Township with an indemnification statement and insurance certificate per Township Ordinance. The Applicant should look into whether there is any ISRA obligation based on a check of what the building was used for in the past.
85. Mr. Fini stated the property is located within a Tier 2 Well Head Protection Area for Township Wells 10, 11 & 28 and thereby requires a conditional use approval. The Applicant is proposing underground basins with stormwater conveyances and sanitary sewer pipes. Furthermore, dry cleaning establishments and coin operated and commercial laundry mats are not allowed in a Tier 1 or 2 Well Head Protection Area. Mr. Fini requested a conservation deed restriction be filed on this property regarding restrictions and conditions within a Well Head Protection Area.
86. Mr. Mintz stated he will provide a form of deed notice for recording which meets ordinance applicability.
87. Mr. Fini stated Mr. Bock has addressed the stormwater treatment to be used on site.
88. Mr. Fini stated the Applicant is to provide a cash contribution in lieu of planting trees per Township Ordinance.
89. Mr. Fini stated he is requesting Best Management Practices for groundwater protection and groundwater monitoring and should have testing done prior to site work starting and then testing upon completion.
90. Mr. Mintz stated the Applicant would request consideration of a waiver of any groundwater monitoring especially as to a review for salt content. This is a very small lot with a large amount of impervious coverage that is impacted by road salt. He met with and discussed the road salt exposure. His concern is over the road salt content which his client doesn't control and doesn't want that salt impact to affect his client and then have to deal with salt from the roads.
91. Mr. Mintz stated the Applicant's engineer has developed the site to the north and away from the Well Head Protection Area. Applicant will provide Best Management Practices. However, the Applicant is asking the Board's consideration of a waiver of the groundwater monitoring testing.

92. Mr. Guttilla stated the typography on the site drains to the north.
93. Mr. Mintz stated water flows across the street into some stream.
94. Mr. Fini stated there is normally a well between the site and a recharge site, which draws the water to be checked. The Plan would be to sample water prior to construction and sample water after the site is put into operation.
95. Mr. Fini stated the process has been followed by other applicants and the Board has required it.
96. Board Chairman Frattali asked about the road salt.
97. Mr. Fini stated we can take that information into consideration and the consultants will tell us what is the impact on this site.
98. Board Chairman Frattali stated we need the monitoring well and a groundwater monitoring plan since we are talking about drinking water in addition to the Best Management Practices.
99. Mr. Mintz stated if there is to be groundwater monitoring, then the Applicant is requesting the testing not be in perpetuity.
100. Mr. Fini stated Mr. Mintz is correct about not being in perpetuity but the Board would like to create a base line and compare past conditions on site to see if any trends and if so, for the Applicant to then improve upon their Best Management Practices for the site.
101. Mr. Mintz asked if you see an increase, is there a cutoff date.
102. Mr. Fini stated generally you extend the testing for another year and then testing every two (2) years to allow the Applicant to make appropriate adjustments.
103. Mr. Fini stated as to soil removal, he would like to see a cut and fill report. The existing top soil on site is not to be removed. As to recycling, the Applicant is to comply with Washington Township Ordinance and report quantities to the Township.
104. Michael Angelastro, Phd., P.E., PTOE, Board Engineer, submitted a report dated February 16, 2018. Mr. Angelastro stated he is concerned about queuing in the drive thru aisle. As to the queuing, his concerns are about the Black Horse Pike driveway during peak hours and the drive thru lane at Ardmore Avenue. As to other items in his report, he stated the Applicant has indicated they will comply with same.
105. Mr. Petrongolo stated as to the variances requested, the Board must look at this project as part of a global issue rather than as separate site issues.
106. David R. Shropshire, PP, PE, Applicant's Professional Traffic Engineer, testified regarding the project and the impact of the project on the site. In a nut shell, he

stated the Applicant is adding about 70 to 100 peak hour trips. There are three (3) driveways. The Applicant is not changing the level of service but will increase traffic.

107. Mr. Shropshire stated as to Ardmore Avenue, drivers will make a left turn onto Tuckahoe Road. This will create a que of 8 to 10 cars which will back up beyond the driveway and is created by the traffic light. However, the issue will be balanced once site is operational, however, the big issue is the stacking. The Applicant is compiling statistics for a Panda Express. If this was a Dunkin Donuts or Starbucks, this site would not work.
108. Mr. Shropshire stated as to Tuckahoe Road, there would be twenty-four (24) peak hour trips, creating potential conflicts while making right turns. However, between those trips and the Panda Express trips, the site should still be okay.
109. Mr. Mintz asked if this is a typical result for a situation where you are parking a car and then have a walk-in customer.
110. Mr. Shropshire stated this is a unique drive thru operation but will work on this site.
111. Mr. Petrongolo stated there are a couple of problems. First, there is no loading in this area but vehicles are traversing the site including oncoming traffic. Mr. Petrongolo stated a suggested fix for this problem is to create two (2) lanes of traffic in one direction. That is, the circulation would be around the site in one direction. This is a problem with a lot of drive thrus, but unlike a Dunkin Donut business, a Panda Express is a lunch/dinner business.
112. Mr. Petrongolo stated he is concerned about the traffic but believes there is a potential fix while serving two purposes and still having circulation. Again, he is speaking about the back lane behind the building along Tuckahoe Road having two lanes of one-way traffic.
113. Board Chairman Frattali asked how wide is the area in the rear.
114. Mr. Petrongolo stated twenty-five (25) feet and thirty-five (35) feet from the building.
115. Jerry Hotlz, Applicant, testified he appreciates the concerns expressed tonight but believes the Board really doesn't want one way circulation. If there was no drive-thru lane, then you would be okay. Panda Express wants to get orders in and out as quick as possible. Maybe, you can have two (2) reader boards, which will then have one (1) car backed up in traffic.
116. Mr. Angelastro stated the best option would be a one way drive aisle. However, if that alternative is opposed, then Applicant should go to Panda Express and do a survey and provide information to Board and come up with an answer. The Board needs real data.

117. Mr. Mintz asked if the reader board was to be moved forward, does it work?
118. Mr. Angelastro stated he does not have enough information before him to make a decision if the reader board is moved ten (10) feet.
119. Mr. Petrongolo stated one car is ten (10) feet. You need stacking for six (6) cars before impact.
120. Board Member D'Orazio stated loading is a big issue and what if Panda Express doesn't work out as a tenant.
121. Mr. Hotlz stated with just one tenant he is not sure. He doesn't disagree but if we have a break point, then we go to another stacking location. However, if this is the only location, it doesn't work so then put one down further.
122. Board Chairman Frattali asked in what direction.
123. Mr. Petrongolo stated in both directions since there is a limited throat off of Tuckahoe Road. Even if no loading zone, you can still occupy a lane while having loading during off hours. The easy fix is to use back lane and make it one lane. He did a similar design for the Dunkin Donut on Route 42.
124. Board Member D'Orazio asked about the other two (2) stores. Since you are an expert, what would you do?
125. Mr. Petrongolo stated an option is to provide calculations, review them and then look at them. This is a significant issue for Board to see and decide.
126. Board Member Perry asked about the Ardmore Avenue exit. Is it a right or left out?
127. Mr. Shropshire stated "yes, it is left and right out" with an estimated eight (8) to ten (10) left turn movements and you will have to wait.
128. Mr. Petrongolo stated a right turn out is okay but there is a problem with a left turn out. The Walmart traffic is already bad and making a left turn would make traffic even worse.
129. Mr. Shropshire stated if you look at his projections, a driver will need to wait to make a left turn. Left turn movements are better into southbound Rt. 42 traffic. When we did our analysis, a driver will have to wait for a gap to make a turn.
130. Board Member Perry stated he is not comfortable with it. He lives in the area and already sees how bad traffic is at this location.
131. Mr. Mintz asked if Ardmore Avenue did not have a left turn out, where would traffic go.
132. Mr. Shropshire stated it would result in less traffic and would be better received by NJDOT.

133. Mr. Angelastro asked if there are any concerns with NJDOT.
134. Mr. Shropshire stated none have been brought up to him by NJDOT.
135. Lance Landgraft, PP, Applicant's Professional Planner, testified about the layout of the project. He stated one needs to look at the shape and size of the property. There are currently three (3) driveways into the site and three (3) front yards and all are tied to a C-1 hardship. The free standing signs, and loading are C-2 flexible variances. As to proofs, you need to look at the particular shape of the lot and the three (3) road frontages. If you meet the setbacks, you can't fit a building on this lot. The accessory structures have to be put somewhere on the site. The relief requested is appropriate given the size and uniqueness of the lot.
136. Mr. Landgraft stated as to the C-2 variances, how is the public purpose promoted? The surrounding area has a lot of signage and a lot of commercial uses. The lot has a small footprint so you need signs to make site visible. There is a loss of lot size due to the county right-of-way taking. But, you want people to visualize the site and mature to it.
137. Mr. Landgraft stated you want people to see the site. The variances can be granted. The three (3) signs on each road frontage is okay and the Panda Express logos are appropriate for this use. The proposed use is a safe and efficient use of the site; and

WHEREAS, the February 20, 2018 meeting was open to the public and the following individuals from the public commented on the application:

1. Vicki Binetti, Chairperson, Washington Township Environmental Commission, testified the Commission received the documents and sent a letter dated February 14, 2018. Commission had no objection to a waiver of the Environmental Impact Worksheet. Commission requested an updated Phase 1 and 2 and did not receive the data attached to Phase 2. Phase 1 referred to hazardous materials. Commission would like to get a copy. Applicant did address stormwater management with a pretreatment device. She stated it would be useful to have confirmation that what is to be used on this site be certified by NJDEP. Finally, since the Commission did not receive documents, Commission is not willing to make a recommendation of approval. Also, the ground water monitoring is not solely for salt monitoring but for other purposes to help determine any other types of contamination. The purpose is not just for salt concentration in the groundwater.
2. Mr. Mintz stated he appreciates the Board's consideration of this application this evening and the Applicant is requesting preliminary and conditional use approval.

3. Mr. Petronglo stated the request for preliminary seems appropriate since he cannot recommend final at this point; and

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

1. The subject property is located in the HC-Highway-Commercial Zone and within Wellhead Protection Area Tier 2 for Wells 10, 11 and 28.
2. The Applicant is requesting Preliminary and Final Site Plan Approval and Conditional Use approval to demolish a former furniture retail store and construct a 6,637 square foot strip store center, including a retail space and two restaurants (one with drive-thru).
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 as a commercial use and the use is consistent with the Township's Master Plan.

NOW, THEREFORE, BE IT RESOLVED on the 19th day of June, 2018 by the Washington Township Planning Board that the application by the Applicant, Provco Sicklerville, LLC for Preliminary Site Plan and Conditional Use approval on property known as Block 108.02, Lot 1.02 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. Applicant to provide any remaining submission items to the Township Planner.
2. 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.
3. 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.
4. 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.
5. The Applicant is hereby granted the following variance(s):

- a. Section 285-103 – Front yard setback
- b. Section 285-188.B – Accessory structure in front yard
- c. Section 285-188.D – Trash enclosure in side yard
- d. Section 285-196.C – Access aisle length
- e. Section 285-196.A – Exceed 105% of parking
- f. Section 285-197D – Loading zone
- g. Section 285-215 – Trash enclosure height
- h. Section 285-231.B – Freestanding sign setback
- i. Section 285-231.B – Freestanding sign height
- j. Section 285-231.C – Façade signs number
- k. Section 285-231.C – Façade signs size

6. The Applicant is hereby granted the following waiver(s):

- a. Section 220-19.E(5) – 30% façade windows
- b. Section 220-19.M(1) – Trash enclosure material
- c. Section 220-21.B(6) – Parking in front yard
- d. Section 220-31.B(3) – Parking lot buffering
- e. Section 220-31.C(1) – Parking lot buffering
- f. Section 220-36.C – Parking area shade tree
- g. Section 220-36.G – Entrance access aisle length
- h. Section 220-40.D – Shade trees

7. This approval is granted upon the following:

- a. Applicant is granted a waiver from submitting an Environmental Impact Statement.
- b. Applicant is not required to provide a loading zone.
- c. Applicant to cap the existing well and to provide documentation of the closure to the Board.
- d. Applicant to pay a tree compensation fee to the Township in lieu of planting trees.
- e. No loading to be done during normal business hours for the entire site.
- f. Applicant is to meet and/or contribute to the Township for any Affordable Housing obligation, if any, generated by this project.
- g. Applicant is to use same building materials for the trash enclosures and is granted a variance for the six (6) foot high walls.
- h. Applicant is granted a waiver for façade windows of at least 30% on Ardmore Avenue and Tuckahoe Road.
- i. Applicant is granted a monument sign at a height of 7.2 feet and for number of panels.
- j. Applicant's front façade signs are not to exceed three (3) feet in height.
- k. Applicant is granted a variance for the three (3) façade signs for Panda Express.

- l. Applicant is to install new sidewalks on all sides of the building.
 - m. Applicant is to work with Board Planner regarding plantings for the site.
 - n. Applicant is to screen all mechanicals on all four (4) sides of the rooftop so not to be visible from the street.
 - o. Applicant is to properly remove any hazardous items/materials contained in the building prior to demolition.
 - p. Applicant is to install monitoring well to test groundwater prior to construction on the site and to test groundwater after construction is completed on the site.
8. This approval is conditioned upon the following:
- a. Applicant to submit a completed Environmental Impact Worksheet.
 - b. Applicant to provide letter from its Environmental Consultant stating that there are no changes to the 2014 Phase 1 Environmental Assessment completed on this site and the findings in the 2014 report are consistent with current standards.
 - c. Applicant to provide a conservation deed restriction notice to be filed at County Clerk's office regarding the Well Head Protection Area and Ordinance applicability to same.
 - d. Applicant to look into whether there is an ISRA reporting obligation based on the building's past use.
 - e. Applicant to provide Board and Board Professionals with updated information on the operation of Panda Express drive-thru and the impact on traffic at this site.
9. 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. Washington Township Fire Marshall
 - f. Any other outside agency approvals that may be deemed necessary approval of and/or required for this project
10. 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.

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

12. The Applicant must submit a certification that all real estate taxes on the property that isn't exempt 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 February 20, 2018 and is hereby adopted at the meeting held on June 19, 2018.

WASHINGTON TOWNSHIP
PLANNING BOARD


ALBERT FRATTALI, Chairperson

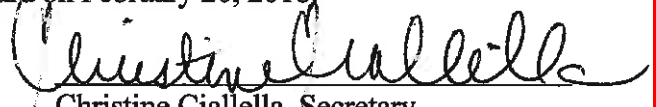
ATTEST:


CHRISTINE CIALLELLA, Secretary

ROLL CALL VOTE FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL

J. Gattinelli, Mayor	YES	<input 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 checked="" type="checkbox"/>	NO	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>
E Metz, IV	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>	ABSTAIN	<input checked="" 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 June 19, 2018 memorializing the action taken by the Board on February 20, 2018.


Christine Ciallella, Secretary

Date: