

**Mantua Township Planning Board
January 16, 2007**

Call to Order

Mr. Kenneth Green, chair, called the regular meeting of the Mantua Township Planning Board to order on Tuesday, January 16, 2007 in the Municipal Building, Main Street, Mantua, New Jersey. Mr. Green made statement that the notice of the meeting was published in accordance with the Open Public Meetings Act.

Roll Call

Present: Mr. Richard Emery, Mr. Joseph Giumarello, Mr. Robert Harris, Mrs. Sharon Lawrence, Mr. Walter Lenkowski Mr. John Legge, Mr. Michael Datz, Mr. Kevin Howarth, Mr. Graham Land and Mr. Kenneth Green. **Also present:** Mr. Tim Kernan, planner; Mr. Jon Bryson, engineer; Mr. P.J. Anderson, environmental engineer; Samuel Ragonese, Esquire; Mrs. Shirley Veacock, coordinator and Ms. Peggy Veacock, secretary. **Absent:** Ms. Michelle Epifani.

Approval of Minutes

On motion by Mr. Emery, seconded by Mrs. Lawrence, the Board approved the December minutes. Because they were not present at the December meeting, Mr. Legge, Mr. Howarth and Mr. Land abstained from the motion. All members were in favor of the motion.

New Business

Before the first application was presented, Mr. Green summarized the Board's responsibilities in reviewing applications. He noted the Board volunteers and professionals. He indicated that the Planning Board has no authority over State Highways or County Roads. The Board cannot deny an application due to traffic. Since the application involves one State highway (Route 45) and two County roads (Jackson Road and Mount Royal Road), Mr. Green suggested traffic concerns be made to County and State officials. The site proposed for development has been zoned commercial for about 50 years. The Board has no say over who buys and develops the site. The Township Master Plan was updated last year. In that process, the Township has attempted to keep housing down and is now in litigation because a developer is suing. The Board can address variances, buffers, parking and traffic on site for the application. Mr. Green noted that due to a conflict of interest, he was removing himself from the application. Vice Chair, Mr. Harris, assumed the role of chair for the application.

06-011 MANTUA TOWN CENTER, ACME, PREL. MAJOR SITE PLAN, BLOCK 146, LOTS 1 & 1.01

Doug Long, Esquire, Long, Marmero & Mayer, was present for the application. Other individuals representing the application who were sworn in for testimony included the following:

Mr. Kevin Kammerer, PE, Schoor DePalma	Mr. Karl Penhky, Schoor DePalma, traffic engineer
Mr. Tom Boyer, Acme Markets	Mr. Bob Oelenschlager
Ms. Diane Palandino	
Mr. Dan McSweeney, Principal & Executive VP, Schoor DePalma, Planner	
Mr. Vince Casiero, Capital Realty Development and Agent for BVS Mantua, LLC.	

Each individual stated his or her affiliation with the application and background experience as expert witnesses. Mr. Casiero provided a brief summary of how they got to this point in the process. He stated that six months ago, the applicant attended its first conceptual meeting with the subcommittee. At that meeting they gathered information and implemented some changes based on the Board professionals' recommendations. They also met with the community in October and made additional changes. The revised plan was then presented to the subcommittee in early January. All the information and concerns

the applicant received were used to prepare and present the plan before the Board tonight. He noted the changes made to address the community's concerns.

The applicant was going to maintain the existing buffer. After hear some of the resident's concerns, the applicant is willing to add another row or two of double row stacked evergreens to enhance the buffer between the site and surrounding residential area. Originally, a six-foot board-on-board wood fence was proposed as a screen at the rear of shopping center. The applicant is willing to provide an eight-foot solid wood picket fence. To address noise concerns the applicant has added a ten-foot masonry brick wall along the loading dock to screen noise. Acme has also agreed to restrict deliveries to no later than 10 p.m.

In response to sewer line concerns, Mr. Casiero noted that initially, the line was proposed to run along Jackson Road. However, six or seven residents along Mt. Royal Road have septic systems. Those individuals would like tie into sewer system. The MUA does not feel it would be a problem to switch the line to Mt. Royal Road since it would be a change that would benefit the community.

Mr. Kammerer provided a description of site and proposal. He noted the locations of both buildings. There will be one entrance off Route 45, which will be a right in and right out entrance/exit. There will be another entrance off Jackson Road and two entrances off Mt. Royal Road that have changed over the last six months as a result of discussions with Board. The rear entrance has been moved to line up with the paper street. The entrance close to Route 45 has been moved to better align with the house across the street.

Regulations require the applicant to calculate existing drainage leaving the site in its existing condition, which presently drains through a drainage easement onto the townhouse property. The Township and State regulations require the applicant to evaluate the two-year, the ten-year and the 100-year storm. The two and ten year storms are the normal and more frequent storms. The 100-year storm is frequency based on statistics of every 100 years. The existing drainage at the site is very sandy. The applicant is required to use the proposed runoff of a two-year storm by 50 percent, the ten-year storm by another 25 percent and the 100-year storm by an additional 20 percent. They designed it the way they have to incorporate the three basins. The design reduces the two-year storm by 100 percent, the ten-year storm by 100 percent and the 100-year storm by 31 percent. For the two and ten-year storms, all drainage will be captured and retained on site. There will be no drainage onto the townhouse site.

Mr. Long asked Mr. Kammerer to clarify that there is currently runoff from the proposed Acme site onto the townhouse site and that with the improvements on site due to the proposed development; the run off would no longer exist. Mr. Kammerer stated Mr. Long's statement was correct. Mr. Long asked if Mr. Kammerer was testifying that the 100-year storm only takes place 100 years. Mr. Kammerer replied that statistically that was correct. Mr. Long asked if in its present state a 100-year storm could place a tremendous amount of water into that drainage area and that with improvements the calculation would be reduced. Mr. Kammerer indicated that was correct.

Mr. Kammerer indicated that Basin 1 is a more conventional-type basin with 3 to 1 slopes. There will be a chain link fence around the basin that will be hidden by the landscaping. When designing Basin's 2 and 3 along Mt. Royal Road the applicant intended for them to look like depressions in a lawn. These basins have 6 to 1 slopes. The deepest parts of the basins are four feet deep. The intention is to try to make them look like a landscaping component to enhance the appearance along Mt. Royal Road. There will be water in the basins for a period of time. However, they are designed to have the water drain out and percolate into the ground.

Planner's Comments: January 9, 2007 Review Letter

Mr. Kernan stated that his January 9, 2007 letter supersedes his review letter dated December 18, 2006. Between the December letter and last week, there was no new submission by the applicant to the Planner. However, in mid-December the Township Committee adopted an ordinance changing some buffer

standards increasing the required buffer in the rear as it applies to this site to a residential district. Because of that, he updated his review letter and addressed changes made as a result of the applicant's discussions with the subcommittee and residents. He wanted to address that comment from his December 18 letter.

Mr. Long stated that it is the applicant's opinion and interpretation of the new ordinance that it would not apply to them because it has not been filed with the County Planning Board. The applicant does conform to the previous ordinance. Mr. Kernan noted that the ordinance was adopted in December. Mr. Ragonese asked Mr. Long under what authority that the adoption by the Township of an ordinance did he contend that the applicant does not have to comply with. Mr. Long noted the Municipal Land Use Law (MLUL) states that an ordinance is not adopted as an ordinance unless it is filed with the County Planning Board. Mr. Long stated that as of today, the ordinance has not been filed with the County. Mr. Ragonese indicated that the MLUL may speak in terms of the process of the ordinance being approved and filed on record with the County. However, he does not believe, unless Mr. Long shows him wording that regulates it to no effect, that his client does not have to comply. Mr. Long replied that he is not saying his client does not have to comply with existing ordinances. For the record he would like to enter case law. Mr. Ragonese noted that the ordinance passed in December is an existing ordinance. Mr. Long does not believe it is since it has not been filed with County. Mr. Ragonese stated it is a passed ordinance and it is the law of Mantua Township. Mr. Ragonese asked Mr. Long to state his legal argument. Mr. Long said that basically the municipality must comply with the section that makes site plan ordinance ineffective until a copy is filed with the County Planning Board. Mr. Ragonese asked for a citation. Mr. Long replied *Burcam Corporation vs. Planning Board of Medford Township New Jersey Super 16 258 389, 1978 Case, Statute Municipal Land Use Law 40:55B-62*. Mr. Long reiterated that it is the applicant's contention and opinion as well as the Court of New Jersey and the MLUL that until an ordinance is filed with the County Planning Board it is not affected at this time. The applicant's professionals have been working with the Board professionals on a 50-foot buffer and at no time was it ever mentioned that there was going to be a change to 100-foot buffer. Mr. Long further stated that the applicant took steps to follow the 50-foot buffer requirements and recommendations of professionals as well as other members of the review committee.

Referring to the bulk standards section of his December letter, Mr. Kernan read number 3.2.3 noting the following:

3.2.3 Lot Width: The minimum required lot width, as measured at the required building setback line is 500 feet. The plan conforms to this requirement for the proposed anchor and retail unit. The plan does not conform to this requirement for the proposed CVS pad site. The applicant acknowledges that a variance is required and has requested same.

Mr. Kernan indicated that the definition of lot width as noted in the ordinance is "...horizontal distance between side lines of a lot measured at right angles to its depth along the straight line parallel to the front lot line at the minimum building required building setback line."

Moving back to his January 9 letter Mr. Kernan addressed his comments:

1.0 Project Description

1.1 Proposal: The applicant proposes to construct two commercial buildings, with a total floor area of approximately 77,197 square feet, on a 12.18± acre parcel, located on the southeasterly side of Bridgeton Pike (Route 45), between Mount Royal Road (C.R. #678) and Jackson Road (C.R. #627). The proposed buildings will house an Acme supermarket, a retail establishment and a CVS/Pharmacy. The proposed commercial center will have ingress and egress from Bridgeton Pike (Route 45) as well as from both County roads.

1.2 Existing Conditions: Existing Block 146, Lot 1 consists of an existing house and four other structures. It is heavily wooded and contains a drive with access from Route 45 and Mt. Royal

Road. Existing Block 146, Lot 1.01 consists of an existing home and garage and two other structures. This lot is heavily wooded along the roadway and has access from Mt. Royal Road.

- 1.3 Adjacent Land Use:** To the north of the site is an existing WaWa across Route 45. Across Mt. Royal Road to the northeast of the site are several existing residences. Directly adjacent to the site on the northwest is an existing Heritage convenience store. Across Jackson Road, to the southeast of the site are wooded lots. Along the southeast property line is an existing townhouse community and single-family residence.

3.0 Zoning Requirements

3.1 Use

3.1.1 Section 101-23B(1)(a)[1] lists retail trade as a principal permitted use in the PC zoning district. With more than one principal building, the proposed development is a planned commercial development, as defined in Section 101-8.

3.2 Buffers and Landscaping: Landscape buffers shall be provided as follows:

3.2.1 Adjacent To Any Street Line: The minimum required landscaped buffer width adjacent to any street line is 50 feet in accordance with Section 101-23D(1)(a). The plan does not conform to this requirement. 25 feet is proposed adjacent to Jackson Road and 10 feet is proposed adjacent to Mt. Royal Road. The applicant is requesting a variance.

3.2.2 Adjacent To A Lot In A Residential Zoning District: The rear portion of the subject property abuts residential properties located within a residential zoning district. The minimum required landscaped buffer width adjacent to a residential use or residential zoning district is 100 feet in accordance with Ordinance No. 0-20-2006. The plan does not conform to this requirement. A variance is required.

3.2.3 Adjacent To A Lot In A Nonresidential Zoning District: The subject property abuts property that is located in a nonresidential zoning district. The minimum required landscaped buffer width adjacent to a lot in a nonresidential zoning district is 25 feet in accordance with Section 101-23D(1)(c). The plan does not conform to this requirement. The applicant is requesting a variance.

3.3 General Design Requirements, as required by Section 101-38: General Design Requirements for all nonresidential districts are as follows:

3.3.1 No merchandise, products, waste equipment or similar material or objects shall be displayed or stored outside. The applicant has testified to sidewalk sales and is therefore requesting relief from this requirement.

3.3.2 Trash enclosures must be enclosed behind an opaque fence or wall at least five feet in height, with an opaque self-closing gate. The exterior finish material of the trash enclosure and gate must be compatible with that of the exterior of the principal structure. The plan does not conform to this requirement. Although a trash enclosure detail has been provided, the height of the enclosure has not been noted.

4.0 Design Standards

4.1 Off-street Parking/Loading

4.1.1 In accordance with Section 101-28D(7), the off-street parking requirement for retail stores is five spaces for every 1,000 square feet of floor area. Total number of spaces to be provided is 395. The plan does not conform to this requirement as only 367 spaces are provided. The applicant is requesting a variance.

4.2 Signage

4.2.1 Section 101-30G(1)(a) requires no freestanding sign exceed 10 feet in height. The plan does not conform to this requirement as the proposed Acme sign is proposed at 14 feet in height. The applicant is seeking a variance from this requirement.

4.2.2 Section 101-30G(2)(b)(1) requires that the maximum permitted sign area for a freestanding sign not exceed 75 square feet. The plan does not conform to this

requirement, as the Acme sign is 99 square feet in area. The applicant is seeking a variance from this requirement.

- 4.2.3** Section 101-39G(2)(b)(3) requires wall (façade) signage to be limited to 50% of the signable façade area or 40 square feet, whichever is less. The plan does not conform to this requirement as the applicant is proposing 405 square feet of signage for CVS and 503 square feet of signage for Acme. The applicant is requesting variances.

4.3 Landscape and Buffer

- 4.3.1** Section 101-31A(7) requires an underground irrigation system be provided where applicable. The applicant should be prepared to discuss this item with the Board.

- 4.3.2** Section 101-31B(1) requires screening of parking lots. Based on the PC bulk standards, a 50-foot wide buffer is required. This buffer shall be sufficient in quantity and size to screen parked automobiles from the view of those at grade or first floor level in adjacent buildings, to prevent the shining of automobile headlights into the yards of adjacent properties and to screen parked automobiles from view of those traveling on public rights-of-way. In general this buffer shall provide a visual screen at an elevation no less than six feet above the finished grade of the parking area. The plan does not conform to this requirement and the applicant is seeking a variance.

- 4.3.3** Section 101-31D(1)b requires street trees be spaced at intervals of no more than 50 feet on center. The plan does not conform to this requirement along Jackson Road. No street trees are proposed between the entrance drive and the existing Heritage property.

4.4 Tree Protection

- 4.4.1** We defer comment on the Tree Management Plan to the Environmental Engineer.

5.0 Fees, Contributions & Obligations

- 5.1** **COAH:** The applicant shall satisfy its affordable housing production obligation in accordance with Mantua's adopted Housing Element and Fair Share Plan and Round Three Growth Share Ordinance.

- 5.2** **Other:** The applicant must contact the Township's Finance Office to settle any outstanding review escrow accounts prior to the plans being signed.

6.0 General Recommendations

- 6.1** We recommend the applicant provide cross sections/elevations from the back of the townhouses and the proposed Acme as discussed at the concept review for this project.

- 6.2** Although the applicant has acknowledged compensatory trees on the Landscape Plan, the proposed locations are in an existing wooded area. We question the survival rate of trees planted in an existing woods. We recommend the compensatory trees be located in open areas such as along the parking area and the existing Heritage parcel to the extent that space is available. We recommend a fee in lieu be paid to Mantua Township for the remainder of compensatory trees required but unable to be placed on site.

- 6.3** Although the applicant is requesting a variance for landscape buffers along Mt. Royal Road, it was discussed with the applicant to provide low shrubs, mature height no greater than four feet, along Mt. Royal Road incorporated among the proposed street trees.

- 6.4** We recommend the proposed board on board fence be located to the adjacent existing townhouse development's property line.

The applicant will conform to all comments noted in 5.0 *Fees, Contributions & Obligations* and 6.0 *General Recommendations*.

Mr. McSweeny addressed the bulk variances noted in 3.2.1. and 3.2.3. He provided a brief description of the property and noted that there will be three buildings constructed; a 54,297 square foot state-of-the-art Acme, a 10,000 square foot retail building adjacent to the Acme and a 14,593 square foot CVS located in the front along Route 45. A total of 78,890 square feet of building construction is proposed. All uses

proposed are permitted in the zoning district and they comply with all area and bulk requirements except lot width. Access is provided from Route 45, Mt. Royal Road and Jackson Road. The property is unique in that it has frontage on three streets.

Mr. McSweeney continued noting that the property as it exists has an existing non-conforming lot width as defined by ordinance of 468 feet where 500 feet is provided. Therefore, no matter what is built on the property a variance would be required due to configuration, shape and frontage on three streets. The ordinance has a maximum building coverage of 25 percent. The application has a maximum coverage of 14.5 percent bringing them in 10 percent under the ordinance requirements. The application presented has a maximum impervious coverage of 63 percent where 70 percent is required.

In regards to the variances, for lot width 101-23D where 500 foot lot width is required, they have 468 feet. Mr. McSweeney reiterated that the non-conforming condition exists. The applicant is also requesting variances for landscaping and buffer requirements of the ordinance specifically Section 101-23-D1(a) requiring a 50-foot buffer adjacent to the street line. As indicated earlier by Mr. Kammerer the applicant is providing a 25-foot buffer to Jackson Road. The landscape basins are being constructed within the buffer area. In addition there are approximately 17 spaces (13 full and 4 other) within the 50 foot buffer area. That is where they are asking for a variance. They feel the variance is reasonable and will not adversely impact the Jackson Road right-of-way.

A ten-foot buffer is being provided along Mt. Royal Road. The reason being that the shallow basins is being constructed within the buffer area to eliminate any adverse effect to the adjoining residential property along the northerly side of Mt. Royal Road. The applicant has provided heavy landscaping and supplemental plantings in the buffer area along the frontage of Mt. Royal Road to address the variance request.

In response to the requested design waiver noted as 4.1.1 of the review letter, Mr. McSweeney noted that there is a 28-space deficiency. He respectfully submits to the Board that the seven percent reduction will have a de minimus impact on the property based on the size and nature of the application.

Mr. McSweeney addressed the sign waivers by stating that the provisions in the ordinance are uniform and not determined by the size of development, which he does not feel, is the intent of the ordinance or certainly does not make good planning sense.

Addressing comment 4.2.1 Mr. McSweeney stated that any existing signs along Route 45 are in excess of ten feet in height. Two other signs being provided as part of this application, one on Jackson and one on Mt. Royal Road are both monument signs and have a height of five feet and total square area of 20 square feet each. He feels the request to go from ten feet to 14 feet is a reasonable request especially as the two signs on County roads are only five feet where ten feet is permitted.

In response to comment 4.2.2, Mr. McSweeney feels that 99 square feet is a reasonable sign for the total building area. He pointed out to Board that each of the monumental signs, which are permitted to be 75 square feet are only 20 square feet in sign area. He feels the sign package is a reasonable planning request and variances will not adversely affect the adjoining property owners.

Referring to comment 4.2.3 Mr. McSweeney stated that he does not feel that a 40 square foot sign is reasonable based upon the 78,000 square foot of building area being constructed on the site. It is his opinion that what the applicant is requesting is reasonable.

The Municipal Land Use Law permits the Planning Board to grant design waivers for bulk variances in conjunction with site plan applications. Mr. McSweeney noted that a hardship variance is permitted for a peculiar and exceptional difficulty or undo hardship. He feels the variance for lot width can be considered as a C1 hardship variance. The Board can grant a variance by reason of exceptional narrowness,

shallowness or shape. He stated that this property is unique in that it is bounded on three sides in excess of 15,000 feet of frontage by three existing streets. The variance for lot width would be required no matter who builds on the property. There is no vacant property on either side of proposed development.

The Flexible C Variance for buffers and landscape variance and waivers can be granted. The Board must find that the variances would further the purpose of the MLUL. There must be a showing that the benefits of granting the variance will substantially outweigh any detriments. It is Mr. McSweeney’s opinion that the variances for buffers and landscaping and the driveway can be granted under the Flexible C Variance due to meeting criteria, A, B, C, D, G, H, I and J which he outlined for the board.

In summary it is Mr. McSweeney’s opinion from a planning standpoint that this proposal and development of it would be a significant upgrade of existing conditions on the site. The site currently contains two non-conforming uses. Mr. Long asked Mr. McSweeney to clarify for the record if he feels the applicant’s proposed signage is consistent with the surrounding area. Mr. McSweeney replied that he feels the signage is consistent and compatible with WAWA and The Bank and would not have any adverse impact. Mr. Kammerer responded to a question from Mr. Long regarding the size of the parking stalls noting that the stalls directly in front of the Acme will be ten feet wide because of the large carts. The stalls in front of the CVS will be nine feet wide. The requirement is nine feet.

Mr. Kernan asked Mr. McSweeney for the actual signable façade area for the Acme and CVS signs. He understands the architect will have to calculate the information and will get back to him later in the meeting. He also asked for testimony regarding the proposed outside displays. Mr. McSweeney stated that he expects the applicant to have seasonal outside sales as most supermarkets do. He asked Mr. Tom Boyer, Acme Markets, to address this issue. Mr. Boyer hopes to have outside sidewalk sales as they do at most retail business for seasonal items. The outside displays are a standard and integral part of their business. They will be at a disadvantage if they cannot provide this service.

Engineer’s Comments: December 22, 2006 Review Letter

Introduction: The applicant has provided a Major Site Plan that proposes two buildings and the associated parking areas on Block 146, Lots 1 and 1.01. The buildings consist of a 54,297 SF Acme Supermarket with an attached 10,000 SF retail use and a 12,900 SF CVS Pharmacy with two drive thru lanes. Access to the site will be provided via four proposed curb cuts. One access is proposed from NJSH No. 45. Two accesses are proposed from Mt. Royal Road. One access is also proposed from Jackson Road. The site is located in the (PC) Planned Commercial zoning district.

Variances and Waivers

1. (Section 101-28.D) The off-street parking breakdown is as follows:

Use	Required	Provided
a. Acme Supermarket (54,279 SF Total)	272	257
b. Retail (10,000 SF)	50	45
c. CVS Pharmacy (12,900 SF)	73	65
	395	367

395 parking stalls are required and 367 parking stall are proposed. Thus, a variance for the absence of providing the minimum required number of onsite parking stalls is required.

2. (Section 101-29.C.1) Every commercial facility providing drive thru customer service areas shall provide a stacking lane, ten feet wide by 120 feet long for each window, door, canopy or similar drive thru facility. Dimensions for each proposed stacking lane have been provided on the plan as requested. The stacking lane provided for the Acme is proposed at a length of 105 feet, thus a waiver is required from this requirement.
3. (Section 101-33.B.5) The maximum permitted mounting height of a freestanding pole-mounted luminaire is 16 feet. A waiver is required for the use of 25-foot high light standards.
4. (Section 101-37.F) A waiver is required for the use of 15-inch diameter storm piping (18-inch minimum diameter required). A waiver is also required for the use of HDPE piping (RCP required).

5. (Section 101-70.B.11.) The locations and dimensions of existing and proposed bridges, and the location of natural features such as wooded areas and any extensive rock formations, both within the tract and within 200 feet of its boundaries are to be shown on the plans, or a waiver is to be requested. It should be noted that the required items are shown to an approximate distance of 80 feet along the northern property line. A waiver has been requested from this requirement.
6. (Section 101-70.B.16) The locations of all existing structures showing existing and proposed front, rear and side-yard setback distances both within the tract and within 200 feet of its boundary are to be shown on the plans, or a waiver is to be requested. It should be noted that the required items are shown to an approximate distance of 80 feet along the northern property line. A waiver has been requested from this requirement.
7. (Section 101-70.B.24.) The locations and size of existing utilities, such as water and sewer mains, gas transmission lines and high-tension power lines on the tract and within 200 feet of its boundaries are to be shown on the plan, or a waiver is to be requested. It should be noted that the required items are shown to an approximate distance of 80 feet along the northern property line. A waiver has been requested from this requirement.
8. We defer review of this project's conformance with the Bulk Standards to the Board Planner.
9. A listing of any required variances and waivers is to be included on the plans. The applicant is to provide testimony describing the need to deviate from the Township Ordinance for all variances and waivers requested.

General Requirements

1. (Section 101-70.B.4) The owner's certification, as provided on the Cover Sheet, is to be endorsed and dated.
2. A bond estimate for the proposed improvements is required and shall be submitted to the Township Engineer for review. A performance guarantee shall be posted with the Township Clerk in the amount approved by the Board

Technical Review of Site Plans

1. (Section 101-70.B.13) The location of all individual trees or groups of trees having a caliper of eight inches or greater measured three feet above the ground level are to be shown on the plan, or a waiver is to be requested. The applicant's engineer has provided a Tree Protection & Management Plan for review. We defer review of this issue to the Board's Environmental Engineer.
2. A consolidation of Lots 1 and 1.01 is recommended in conjunction with any site plan application for development of the parcels.
3. The setback distance from the proposed trash enclosure to the CVS building is to be dimensioned on the plan. A minimum setback of 15 feet from the building is recommended.
4. A detail of the trash enclosure provided on the CVS site has been provided on the plans as requested. The enclosure must specify "self closing" gates in accordance with Ordinance requirements. In addition, the detail references both 6-inch and 8-inch diameter bollards. Clarification is required with respect to the intended size.
5. The trash compactor shown on the site plan behind the proposed CVS Pharmacy should be labeled on the plans. A detail for the compactor should also be provided on the plans.
6. The limits of the canopy over the CVS drive thru area are now shown and dimensioned on the plans as requested. The height of the canopy should also be indicated on the plans.
7. All proposed building mounted lights for the CVS Pharmacy are now shown on the Lighting Plan as requested. The islux patterns for the building mounted lights should be shown on the Lighting Plan.
8. The limits of the canopy over the Acme drive thru area are now shown and dimensioned on the plans as requested. The height of the canopy should also be indicated on the plans.
9. Given the absence of trash enclosures for the Acme store, testimony with respect to the storage and collection of trash by Acme is to be provided.
10. Design calculations prepared by a NJ licensed engineer are also to be provided for the proposed block retaining wall.

11. Additional spot elevations have been provided along the top of each proposed retaining wall as requested. With the additional text, there are now some minor text conflicts (within the vicinity of the wall) that should be corrected.
12. A six-foot high board-on-board fence is now proposed along the top of the block retaining wall. The proposed fence material should be discussed with the Board. *Mr. Bryson noted that any fencing over six-foot in height would require a waiver. Mr. Long stated that the applicant is not proposing an eight-foot fence. The applicant is willing to put a six-foot fence if the Board wanted to propose it to the applicant as a way to address public concern.*
13. The building mounted lights are now shown on the Acme building as requested. The isloux patterns for the building mounted lights should be shown on the Lighting Plan.
14. Testimony from the applicant's Traffic Engineer with respect to the impact of the project is to be provided.
15. The applicant's Traffic Engineer should also provide testimony with respect to the proposed traffic patterns on-site. In particular, we have concerns with the movements proposed within the vicinity of the CVS drive thru area. We question the need for the additional 25-foot wide curb cut.
16. The required clear sight triangle along New Jersey State Highway Route 45 has been added to the Landscape Plan as requested. The sight triangle along Jackson Road was now found missing on the most recent plan submitted. The plan is to be revised accordingly.
17. There are several conflicts between proposed plantings and proposed utility lines. We recommend a minimum separation of ten feet between any proposed trees and any utility lines. The applicant's engineer should also verify that there is separation between the proposed underground infiltration systems and the proposed plantings.
18. The following construction details are to be included or revised:
 - a. Trash Compactor (CVS)
 - b. Crosswalk Detail is to be revised to indicate the diagonal painted lines.
 - c. Underground Basin Detail requires revisions to the text labeling.
 - d. Excavated Basin (each basin) is to detail the water level for each respective design storm.
 - e. Emergency Spillway
19. We defer review of the submitted Environmental Impact Statement to the Board's Environmental Engineer.
20. Our review will continue upon receipt of the items listed above. Thus, we reserve the right for future comments as they may arise.

Mr. Long indicated the applicant will conform to all points on Page 4 and will provide testimony for numbers four and nine.

Review of Stormwater Management

1. A Boring Location has been provided as requested. The locations of the new soil borings taken on-site should be shown on the Drainage Plan, or the basin limits should be shown on the Boring Location Plan for location reference purposes.
2. Given that the basins will also be utilized for infiltration purposes, two percolation or permeability tests are required for each retention basin in accordance with Section 101-37.L.14 of the Ordinance. Additional borings were performed as recommended. The percolation/permeability data for the new borings should be provided for review. Drain time calculations are also to be provided for each sample for the intended design storm.
3. A cross section of each proposed basin has been added to the plans as requested. The water surface elevations for each storm event and the depth to the seasonal high water table are to be labeled on each section.
4. Additional spot elevations should be provided at each PC, proposed high point and low point as to clarify the proposed drainage patterns on-site.
5. The applicant's engineer should be prepared to discuss with the Board the need for fencing around the perimeter of Basin 2 and Basin 3.
6. The applicant's engineer is to clarify how access to each basin as to perform maintenance is provided.

7. Given that the all of the proposed stormwater management basins will discharge into an existing system along Woodstream Court, we recommend that a video inspection of the downstream piping be conducted prior to Final Approval as to ensure that the downstream pipes are clear of debris and in satisfactory condition.
8. Our office has a few other minor concerns/questions regarding the proposed stormwater management design. We recommend that the applicant's engineer contact this office to review the proposed design.
9. Our review will continue upon receipt of the items listed above. Thus, we reserve the right for future comments as they may arise

Mr. Long stated that the applicant will conform to all items under the Review of Stormwater Management and will provide testimony for numbers five and six.

Easements

1. (Section 101-70.B.27) A copy of any proposed or existing deed restrictions, protective covenants, or easement is to be submitted to this office and the Solicitor's office for review.

Outside Agencies

1. Documentation of approval from the following agencies is to be provided and shall be a condition of any approvals:
 - a. Gloucester County Planning Board
 - b. Gloucester County Soil Conservation District
 - c. Mantua Township Fire Official's Office
 - d. Mantua Township Municipal Utilities Authority
 - e. NJDOT Access Permit

The applicant is responsible to obtain any local, state, or federal permits that may be required. All conditions of site plan approval must be satisfied prior to our office endorsing the final plans.

Approval Process

1. The applicant's engineer must make appropriate revisions to the plan pursuant to the Planning Board action.
2. Copies of the plan are to be submitted for review, approval, and/or signature. The number of copies and submission procedures shall be in accordance with Township requirements. No work is to proceed prior to the signing of the plans.
3. A performance bond will be required prior to the start of construction.
4. The applicant must contact the Planning Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.
5. A pre-construction conference shall be scheduled with the Township Engineer's office a minimum of three working days prior to the start of work

Mr. Bryson clarified that the ten foot parking stalls are an ordinance requirement for any use with a shopping cart.

In addressing the proposed drive-thru lane for Acme, Mr. Boyer noted that this item is being requested as an additional amenity to customers. It will add to Acme's competitiveness. The lane is seldom used. He is aware that it is proposed at 105 feet where 120 is required. Acme does not feel the added 15 feet is needed as they only estimate four to six cars a day.

Mr. Boyer noted that the trash and recyclable items are handled within the facility. Recyclable items such as cardboard are loaded onto empty delivery trailers and hauled off the property. Acme considers themselves a neighborhood market and in order to provide the best service, they take into consideration, noise, trash and anything that would negatively impact the community. Therefore, they have started to tailor operations to be less of an impact on the neighborhood.

Mr. Kammerer addressed the waiver on Page 3, number three. He noted that the applicant worked with the Board engineer on this item. What the applicant is proposing is consistent with other waivers granted for site plans in Mantua. The applicant meets all other aspects of the light ordinance.

Regarding waivers number five, six and seven; Mr. Kammerer noted that the 80-foot overlap is typographic features that are west of Route 45. None of the features would have a negative effect on the property or drainage. This is a common waiver.

Mr. Kammerer noted that the applicant is proposing a 15-inch storm piping. He noted that some areas would have a relatively small amount of flow that goes through the pipe. The applicant recognizes that the ordinance requires 18-inch, however, 15 inch is a commonly used size pipe.

Mr. Karl Penhky presented the findings from the traffic study report dated September 8, 2006. He also noted he would indicate what the applicant is proposing to do regarding the traffic issues. He outlined the access drives and noted that levels of service range from A (good) to F (bad).

The intersection of Route 45 and Mt. Royal Road is currently operating in what he would term an F level. The applicant has applied to the Department of Transportation to reconstruct Route 45 and Mt. Royal Road to put in left turn lanes. The traffic signal would also be upgraded to maximize efficiency and safety. When completed, with the additional traffic of the project, they expect to go from level F to a level C or better.

Along the Route 45 frontage the highway will be re-stripped to create a separate left turn lane onto the WAWA and onto the commercial complex across the street. The left turn lane onto their site will improve the flow of traffic on Route 45. Also along Mt. Royal Road, the County is requiring widening to allow left turn lanes to help maintain the flow along Mt. Royal Road. All driveways will be at a C level or better under this proposal. Sidewalks are proposed along Route 45. Mr. Penhky reviewed the internal layout design, noting the circulation routes. The dominant parking spaces are 9 x 18 in width with a 25-foot isle. The spaces at the supermarket are larger at ten foot wide. He noted the truck loading traffic be screened by the proposed wall. The Township ordinance requires that the drive thru lane be 120 feet in length—approximately five car lengths. That amount is appropriate for fast food establishments or banks. However, he has studied the pharmacy traffic at other locations. He estimates that there will be a maximum of two vehicles at any one time. The applicant is requesting waivers for the drive-thru amenities. In his opinion, Mr. Penhky believes the offsite improvements will provide some relief to the current operating conditions at Mt. Royal Road and Route 45.

Mr. Kammerer stated that in response to number 6 of the letter the applicant needs to better detail the access points to each basin from on site not from Mt. Royal Road or Jackson Road. Basins 2 and 3 along Mt. Royal Road have a gentle slope with a grass type basin that has to be mowed. He feels that fencing would catch trash and be a detriment to the site and the proposed landscaping.

Environmental Engineer Comments: December 28, 2006 Review Letter

Mr. Long indicated that the applicant would conform to all the items noted in Mr. Anderson's review letter. Mr. Anderson informed Mr. Long that the Board needs clarification on tree compensation issues such as the amount required and where it will go. The applicant needs to submit a proposal that conforms to the ordinance. Mr. Long reiterated that the applicant would confirm. They are only seeking preliminary approval at this time. He noted that there are other issues that will need to be addressed in further detail before a final approval is sought.

Project Description: The project site ("site") consists of two lots located at the intersection of Bridgeton Pike (aka NJSH Route 45) and Mount Royal Road (aka CR 678) with additional frontage along Jackson Road (aka CR 627). The site is located in the Planned Commercial (PC) Zoning District. The existing

conditions include two single-family residential developments with homes, sheds and various other improvements. The remainder of the two lots is mostly wooded.

The proposed project includes two proposed commercial buildings, parking, circulation and utilities situated on two lots totaling 12.18 acres.

Environmental Impact Statement (§ 101-70C)

1. An Environmental Impact Statement (EIS) in accordance with the Mantua Township Land Development Ordinance has been reviewed as part of this application and meets the Ordinance Requirements.
2. The application does not lie within a Critical Environmental Resource area per the Environmental Resource Inventory of the Township of Mantua.
3. If the NJDEP determines that wetlands do exist on the site, the US Fish and Wildlife Service has recommended that a Swamp Pink survey is conducted within the wetland area. This issue will only arise if wetlands are found on the site. 12/28/2006 This item is still outstanding with NJDEP.

Mantua Township Tree Protection Ordinance (Chapter 140)

4. Satisfied. A Tree Protection Management Plan is to be submitted in accordance with § 140-7 of the Mantua Township Tree Protection Ordinance.
5. Satisfied. The Tree Protection Management Plan is to be incorporated into the site plan drawing set and shall contain all information required pursuant to § 140-7.
6. Additional comments may follow after review of the Tree Protection Plan. 12/28/2006 The Tree Protection Plan and compensation calculations have been added to the site plan drawing set. However, we have the following additional clarification comments:
 - a. The applicant surveyed all of the Specimen and Landmark Trees existing on the site. The Sample Area was not used for calculations, and a note should be added to the plan stating such.
 - b. All of the Specimen and Landmark Trees are located on the plan; however there is no legend or tabulation stating which are to be removed and which are to remain. The existing caliper inches are difficult to read on the plan.
 - c. Any trees used for compensation must be in addition to the trees required per landscape and buffer ordinances. There must be a designation on either the Landscape Plan or Tree Protection Plan regarding which trees are actually compensation trees in addition to the required trees under the various other ordinances.
 - d. The applicant wishes to transplant existing evergreens within the disturbance area to other areas of the site and have these trees considered toward compensation credit. We support this approach, however, additional information and approximate locations of these transplanted trees must be shown to support this approach.

Soil Removal/Import (§ 101-55, Chapter 88)

7. A report of soil cut and fill quantities is recommended to determine the need for conditional use approval and to determine compliance with the Mantua Township Soil Removal Ordinance. The report should distinguish between topsoil and subsoil. 12/28/06 The applicant is requesting a waiver until Final for this information. However, the applicant is also requesting the application be considered for Preliminary and Final. We recommend the applicant provide this information prior to the Planning Board Hearing.
8. The removal of soil is considered a conditional accessory use within all zoning districts. If soil will be removed from the site as part of the proposed development, the applicant must satisfy the conditions for soil removal pursuant to § 101-55C (9). 12/28/06 See Comment No. 7.
9. Any soil brought on to the site, including topsoil, must be certified clean soil. Written certification is to be provided. A note in this regard is to be added to the project drawings.

Wetlands

10. A copy of the NJDEP Response Letter regarding Presence/Absence of wetlands shall be forwarded to the Township and our office when received. 12/28/06 This item is still outstanding with NJDEP.

Demolition of Existing Structures

11. Satisfied. Asbestos surveys are to be conducted on all existing structures to be demolished. Any asbestos containing materials identified are to be removed prior to demolition. There are no notes or plans specifically showing demolition of the existing structures. A general note is to be added to the drawings where appropriate.

General Comments

12. Satisfied. The emergency spillway of Basin 1 is near what appears to be a natural swale that runs near the rear of the existing town home development to the east. This area should be reviewed by the applicant and discussed further with the Board Engineer.
13. The installation of the 15-inch RCP from Manhole 400 to the adjacent town home site existing inlet will require the removal of additional existing trees and disturbance in this area.
 - a. Additional erosion control fence shall be placed in this area to prevent erosion from going onto the adjacent property. 12/28/06 The erosion control fence does not cover the extent of disturbance and should also include the disturbance on the adjacent property.
 - b. This disturbance will most likely create a "hole" in the existing vegetation right at the rear of the proposed ACME and associated loading area. The applicant should discuss additional screen planting in that area with the Board Planner.

Applicant Comments: Mr. Long noted that the Acme façade sign is 250 x 27 (1/2 of that is 33,000 feet). Therefore, they are well below that number. They will have actual numbers submitted for final. The CVS façade sign is 2,000 (1/2 of that is 1,000).

In regards to irrigation, the applicant is not proposing any underground irrigation system. The applicant would like to provide yard hydrants surrounding the site to allow the ability to water the landscaping as required. This system has worked well at other sites. The applicant will work with the Board professionals to determine locations.

Board Comments: Mr. Lenkowski questioned why the applicant is requesting 14 parking spaces in the back of the Acme building. Mr. Kammerer replied that the spaces were included at the request of Acme for employee parking. Mr. Lenkowski also asked why the applicant is requesting a wood fence. Mr. Long stated that the wood fence is typical and that the applicant is not opposed to discussing alternatives with the Board. Mr. Lenkowski asked for clarification on loading hours. Mr. Long noted that the hours of operation would be 7 a.m. until 10 p.m. There will be no deliveries after those hours. Mr. Harris questioned if trucks would be sitting on site before 7 a.m. Mr. Boyle stated that there would not be any trucks on the site except between the hours of operation. Mr. Lenkowski asked the applicant what changes were made to the plans since the applicant's meeting with the community. Mr. Casiero stated that the changes included the height of the rear fence, rear landscaping on the residential side (he added that in addition to the double row noted earlier in the meeting, the applicant could transplant 15 – 20 larger evergreen trees rather than the double row of trees), the sewer extension along Mt. Royal Road and the screening wall along the loading dock area.

Mr. Kernan asked for clarification on the location of the proposed rear fence. Originally the fence was in the 50-foot buffer. Since the first meeting with the residents, the fence was moved as close to the parking lot as possible. The fence was also extended. Mr. Casiero stated that the applicant moved the fence as close to the roadway as possible to offer the residents an open space area and view of woods. It was the applicant's thought that the change would enhance the look. Mr. Kernan asked if the concrete wall was appropriate material for sound reflection. Mr. Boyle stated that the material is standard, but they would look into the sound issue.

Mr. Ragonese asked Mr. Boyer when was the earliest deliveries would start. Mr. Boyer responded that deliveries would only occur between 7 a.m. and 10 p.m. Mr. Land questioned if the applicant was proposing signage to direct traffic to the appropriate lanes to exit the site (specifically south on Route 45).

The applicant is not proposing any, but can look into including this signage. No left turn is being proposed on Jackson Road. The applicant is still working on their application to the State.

Mr. Howarth noted the hydrants located at Jackson Road closer to Route 45 and one in the entranceway between the CVS and Acme. The applicant has completed flow and pressure testing of other hydrants in area and the proposed two is sufficient. Mr. Kammerer stated that the applicant originally had three hydrants proposed but the MUA is only requiring two. Mr. Howarth stated that as a fireman he would like to see three. Mr. Kammerer stated that they are still working on MUA approval. Mr. Harris asked if there was any concern of the MUA for additional pumping stations and grade changes. Mr. Kammerer stated that when the applicant originally appeared before the MUA, they had sewer at Jackson Road and a sewer manhole at the intersection at Woodstream Court. This location goes through the pumping station in the Royal Oaks subdivision. It is the policy of the MUA Board that if sewer flow from a proposed development into a County septic by gravity that is the preferred method. Mr. Subers informed the applicant that there are no problems that he is aware of with the pumping station at Royal Oaks. The applicant spoke with Mr. Subers a few weeks ago, after the meeting with the residents, with the idea to bring a main up Mt. Royal Road so residents could tie into the system. Mr. Subers indicated that the proposal is a good opportunity for residents and feels the MUA Board would be in favor of the proposal.

Mr. Datz asked if there were any changes in the pipe material. Mr. Kammerer replied there were no changes. He noted that the material is the standard permitted for the pipe and that the owner would maintain the site. It will not be a burden to the Township. It is an adequate piping system that is commonly used. Mr. Datz asked for the reason for the change. Mr. Kammerer noted there are some cost differences and it is easily replaced. All the piping will be HDPE.

Mr. Emery noted that the applicant stated several times that no use of the site could be done without a variance for lot width. He questioned if the CVS site caused the need for a variance. Mr. Kernan noted that the definition for the width requirement is *as measured at the minimum frontage building setback line*, which is 100 feet off Route 45. The CVS from Route 45 exceeds 100 feet. Mr. Emery noted that if the CVS was not included in the proposal the applicant would not need the variance. Mr. Kammerer interpreted the definition so that a variance would be needed regardless of any project proposed. Mr. Kernan clarified that it would have less meaning because the idea is to have a certain width at the building line for the CVS. The applicant does not have the width at that building line. Further back at the Acme site, the applicant has the building width. Mr. Ragonese asked if the applicant could acquire the lot at the corner of Route 45 and Jackson Road. Mr. Emery noted that the variance is not created by the County Roads; the CVS building creates it. Mr. Casiero stated that the applicant did have a conversation and discussion with the Heritage Store owner regarding purchase of the land, but the number was astronomical. Mr. Ragonese asked for names or correspondence. Mr. Casiero noted that information was not available at this time. Mr. Kernan stated that the measurement is at the required building setback line of 100 feet. The intent of the ordinance is that most buildings are placed at the minimum setback line or thereabout. The intention is to have a 500-foot width where the structure is proposed. The applicant does not have that for the CVS.

Mr. Datz questioned the need for the drive thru lanes if the applicant is only proposing four to six cars a day. Mr. Long noted that every advantage the applicant can provide is important.

Public Hearing:

Mrs. Michelene Pineiro, 9 Westwood Drive, expressed concern for pedestrian/children safety. She does not believe the applicant will fix the traffic flow. She feels the development will make traffic worse. She works at Walgreens and it takes two hours to unload a truck. She has done enough community service in the Township to build a mansion, so she is familiar with some of the Board members. She asked where the Board members lived. Mr. Ragonese replied that her request was an unfair question. The Board members come from throughout the Township, they know the town, they are her neighbors and they are

not against her. She knows some of individuals from working with them. She was just curious as to where they live. Mr. Ragonese indicated that it was not a relevant question. The hearing will stay within the bounds of relevance because that is how the Board will serve the interest of the town and the applicant. Mr. Kernan noted that if any of the Board members lived within 200 feet of the site they would be excluded from acting on the application. Also, if any members have a relationship with applicant or tenant they would have to step down. Mrs. Pineiro asked how many employees would be hired for the development. She works at Walgreens and of the 35 employees only two live in Mantua. She expressed concern for the caliber of employees and whether they will be coming and going in her neighborhood by walking to work or by being bused in. When she moved here ten years ago she felt safe walking around in the neighborhood, with this new development she will not be comfortable.

Mrs. Pineiro asked if the applicant conformed to all the requirements would it matter what the residents think or would it just matter how many trees go up. Mr. Lenkowski stated that it does matter what the residents say, especially if an applicant is asking for variances. Mrs. Pineiro asked if the applicant had to be heard. Mr. Lenkowski stated that by law the Board has to hear the application. The applicant has the right to be heard. He understands that she is upset but this has to be a civil meeting. The Board has to hear testimony from all experts. The Board cannot deny the application because the residents do not want or he does not want the development. The Board cannot render a judgment on prejudice. Mrs. Pineiro asked if the residents did not want the project developed it would not matter. Mr. Ragonese stated that in this Country there are property rights. If someone is not allowed to make any use of their property that is considered an *unjust taking*. When a property is properly zoned and the applicant does not need any variances that is called an *as right*. The public might not like the proposal, but should understand that the applicant is allowed to build. In this case, the applicant is asking for variances. The applicant has to show how they meet the standards of the law. That is the purpose of the meeting. The Board's best service to the town is by focusing on those areas of the law. Mrs. Pineiro again asked that it did not matter what the residents have to say, does it just matter how many trees are put there. Mr. Ragonese responded that if the applicant requests variances, the Board can say no. At that point, the applicant has to conform or they cannot develop. That is the ultimate groundwork, not an emotional "we don't want it, go away" because then the town would buy the site with tax dollars and everyone in the town would be hurt. Therefore, the Board is going to work hard and diligently to apply the law in the interest of everyone in the town.

Mrs. Pineiro questioned if she could ask if any of the people representing the application lived in Mantua. Mr. Harris replied that is not the issue. Mrs. Pineiro said she was referring to the people building the project and making it sound so wonderful for the 100-year rain—the great Acme and CVS that is going to save them from the 100-year rain. She asked when was the last 100-year rain. Mr. Ragonese indicated that the testimony regarding the 100-year rain was important because if the applicant did not meet those standards it would be reason to deny the application. Mrs. Pineiro stated the applicant should just talk like that and say here is a variance. Mr. Ragonese noted that if the proposed development were going to flood her area the applicant would be denied so they have to answer those questions.

Mr. Kernan stated that in order to be fair to the applicant and clear to all the residents, when it comes to variances and as their planner stated, they have to prove that there will not be a substantial detriment to the public good or a substantial impairment. Mrs. Pineiro stated that the Board has to understand where the residents are coming from. She has children and planned on retiring here and does not want to do it knowing that 12 to 14 trucks will be taking two hours to unload from Acme. Mr. Kernan stated that he did understand and that the Board has a lot to weigh when making decision. He asked that she keep in mind that it is not as black and white as appears. Mrs. Pineiro stated that from where she stands it is. She feels like she was not heard or respected. She is hurt that she does community service here and is not even given a right by a letter or told about the project. She apologized for being emotional and stated she is concerned for her children.

Mr. Kernan stated that the notice requirement is a State law. The applicant was not deemed complete until after the subcommittee meeting two weeks ago. Therefore, they did not have standing with the Board

until less than two weeks ago. That caused the confusion. Yes, the plans were on file, but it was not a completed application. Mrs. Pineiro stated she heard there was an application in June. Mr. Kernan replied that until two weeks ago the filing was not been deemed complete. Mrs. Pineiro stated that she came to the meeting as a resident concerned about her community and felt like she was disrespected. Mr. Harris noted that there was a miscommunication at that meeting and he is sorry for that. However, as Mr. Kernan stated the application was not considered a formal application until two weeks ago. The application was before the subcommittee. There are only two members of the Board and professionals on that Committee. Mrs. Pineiro asked if the remaining Board members did not know what was going on and if they had not heard talk of Acme. Mr. Harris replied that they all heard talk, but that is not the same as an application before the Board. Mr. Lenkowski stated that there are times when proposed applications are heard by the subcommittee and do not make it to the full Board. Mrs. Pineiro asked Mr. Lenkowski if she saw him on the street and asked him about the application would he say there was no "formal application." Mr. Lenkowski responded that he would say there has been talk of it, but he cannot tell her anything is going to be anywhere until it comes to the full Board. Mr. Kernan stated that he participates on the subcommittee and was at the meeting two weeks ago. After that meeting he was not even sure if the applicant would be notifying the public for this meeting. Mrs. Pineiro is upset that she had to sit for two hours, which was time away from her family. She is also upset that when she came to another meeting she was motion that there was no Acme on the agenda.

Mr. Guy Prasalowicz, 2 Brookview Drive, found out about in the application in December and organized group that will be meeting next week. He runs a business in Mantua that is one block from the development called Professional Pediatric Diagnostics and Home Care. He was before this committee a year and half ago to get a variance on his property and also needed Gloucester County approval. The County denied him for a nine-person business that served the community. He moved here anyway because people from the Mantua Economic Development Committee encouraged him to come here—it is one of his all time regrets. He recently pulled a head injury victim from a car in front of the Walgreens. He asked how the applicant could talk to traffic control. He understands the chairman's comments about the applicants right to develop the property, just like he had the right to develop his own business. He feels the applicant is leaving a lot of information out. He asked what would go in the former Acme space because that will add traffic. The children along Jackson Road are constantly dodging cars. As a respiratory therapist he is taking care of patients in this community He stated that it is one of the dirtiest air communities in the history of mankind. Gloucester County has record high ozone caused by cars not moving. It is great for his business. He treats about 2,000 kids a year for asthma and other air quality ailments. He is sick of seeing patients from Mantua in the Underwood Hospital emergency room. He noted that Underwood Hospital statistics for 2004 show a rapid increase of asthma in children in this area as a direct result of the traffic and trucks. He questioned the four developments in the Mt. Royal community that are being build noting that those developments will dump thousands of cars into this neighborhood.

In response to the applicant's request for the variances he asked why they would buy the property if they knew there was not enough footage. They should know the regulations when they made the purchase and that they would need variances. He did not buy land that does not conform to his use. Mr. Prasalowicz asked the Board to consider denying the application based on the grounds that it does not conform to the 500-foot buffer. He is respectful to the Board and respectful to the property owner to put on there what they want. However, this project does not serve the community. It adds air pollution and puts kids in the hospital. He predicts a child will be run over within next two years after this project is built. He further stated that Royal Oaks is not a small town; it is part of Mantua Township. His street has become a freeway. Kids figure out they can cut through Royal Oaks to get from Mt. Royal Road to Jackson Road. He asked if anyone did not think that people from Mullica Hill were going to figure out they could cut through. He asked the Board to drive to Wenonah where they put in a four-lane highway with a medial strip in the middle so no one drives through. He questioned why would they want to stating you can not get anywhere because they have speed bumps, the speed limit is 25 mph and the police pull you over left and right. The community is preserved from development. It will not affect their community. They would

not tolerate people cutting through. He does not care about the County and State, they live here. He told the Board to find a reason to deny the application even if it is for the variance request for 500 feet. He told the Board to make it harder for the applicant to develop—make them get rid of the CVS. Mr. Lenkowski indicated that all the Board members are volunteers. He would appreciate if everyone testifying speaks in a civil manner. As a community leader it is not good to come up to the microphone and yell at the Board.

Mr. Prasalowicz stated that he went to a meeting last Friday night and the gentleman tried to allude to the fact that putting trees in reduces the ozone. He stated that you have to be a crackpot scientist to think a tree removes ozone. He said trees make things look pretty and do nothing for environment. He stated he was an expert and that we are choking from the smog. He does not know how that fits in and questioned who is thinking about the health and welfare of the people. He asked that the Board allow his group to meet and urged the Board to address the variance concerns. He reiterated his question about what will go in the old Acme store. He asked how the citizens will be protected from traffic. How air pollution will be reduced. How it will be guaranteed that when the applicant redoes the intersection, for the second time in last two years, that it will not have to be done again after the 600 homes are built in Mt. Royal. He also asked how it would be guaranteed that the five lights within a half a mile would be synchronized. He stated that his sons and wife live two minutes from work, but drive backstreets to get home because of traffic. They do not feel like sitting in front of the Home Depot for an hour. He called the vice president at Acme and told him he was doing a marketing campaign. The vice president proudly told him that the super Acme in Woodbury could generate 8,000 cars on a weekend. He stated that the applicant does not know what is happening with the traffic and asked if his taxes will go down as a result of the development.

Mr. Boyer, Acme Markets, stated the current Acme is not in good condition and the store cannot continue to operate in those conditions. Acme is currently leasing the building so he cannot testify to what goes in the building next. Mr. Boyer indicated that Acme has looked at numerous sites in the past ten years, but nothing came to fruition. The proposed new store will employ 150 union employees. On average only 60-70 employees will be on location at one time. Acme will also be leasing the new site.

Mr. George Pineiro stated that it seems like the applicant has gone through a lot of trouble to sell the Board on the application. He understands it's all about business. He wants to know what the people right around the corner get out of it. When the Home Depot came in, he was told taxes would go down, but they went up. He wants to know what the residents get out of it besides trash and trucks. Those are his concerns and he asks that the Board to look out for them. He has no problem with them making profits, but make sure residents get something more than trash and traffic problems.

Mr. Tom Doughten, 46 Woodstream Court, indicated he reviewed the Stormwater Management Plan dated September 1. He noted that it was a very complex design and he reviewed several of the plans with friends who are professional engineers. His first concern is with the location of the borings and calculations for how fast the water drains. The locations around the perimeter all have good quality soil for permeation. He stated that the survey is not accurate. Borings 7, 8 and 9 do not show clay from between 30 and 40 inches below the grade. All other ones show no clay, Number 10 may have some. There was no percolation done where the major Basin, number 1, is proposed. He is assuming that Mantua did not adopt the new Departmental of Environmental Protection (DEP) rules that require a minimum test pit for every BMP. For the overall sight the new standards require a new test pit wherever there is a BMP.

Mr. Doughten stated that there are also three other underground test pits with 24 inches of perforated pipe that are actually basins and are going to percolate underground. Mantua has not adopted the new rulings so it cannot hold applicant to them. This adds to his concern on the overall design of the system.

The underground system was designed for a 15-hour infiltration rate. The addition of leaves, debris, rocks, etc will decrease the infiltration rate. This all was based on no run off for two or ten years. The last

100-year storm was in 1991/1992. He feels that with two in a row, we are good for a while. The infiltration rate was used to decrease the size of the underground sewerage system and if the rate decreases the entire system is in peril. Everything the applicant did was to minimize the size of the detention basin.

The design of the infiltrations system also uses a 48 percent void ratio. The typical rate is normally in the 30-40 percent range. This is a lower safety factor and possible water run off in any storm but a 100-year. The analysis the applicant performed assumes the basins are empty. He feels the testing should have been performed when the basins were full. If the system fails the design will redirect water away from the existing run off and will be directed to the back of Royal Oaks 1 and 2 buildings. The design was based on the entire system working but the failure analysis was conducted for each individual basin and not the entire system. The impact study of the Royal Oaks VII section 100-year storm was not included in the study. The neighbors were told that the applicant's engineer's studied their basins and that it was severely undersized because it was designed for a 25-year storm, not a 100-year storm. The residents would like a copy of the study.

The present drainage area drawing shows the run off from the site, but now the drainage system includes the run off from Mt. Royal Road. He does not see that in the equation. Everyone has copies of the drawing he is referring to because they are copies of the applicant's submission. Mr. Ragonese requested that the exhibits be marked for the record. He asked Mr. Doughten to retain exhibits in the event of court action. The first drawing is the Test Point & Boil Location Plan dated 12/1/06. It was marked RO1. The Soil Survey of Gloucester County, New Jersey by the USDA dated 1/14/07 was labeled RO2. Schoor Depalma prepared all the drawings. Mr. Doughten noted his exhibits were actually pictures of the applicant's drawings. He stated that he has no problem leaving the documents with the Township. The exhibit marked RO4 is a bigger version of exhibit RO3. Exhibit RO5 was the same drawing, but enlarged to show the back of the building. Mr. Doughten noted that in the back of the building the applicant proposes a 24-inch underground-perforated line. The runoff from Acme is tied into Base 2.

Test point number 7 shows clay at a level of 30-40 inches. It is in close proximity to Royal Oaks property. If the infiltration is not at the designed rate of 15" an hour or if there is a failure in the underground storage basin, the ground water level could become saturated in that area and could spill over the undisturbed clay level leading to the back of the Royal Oaks development. Drawing RO6 is the UG1A Storage Basin and Pipe. The bottom of the pipe is 24 inches. The bottom height is above clay level. The test point that the applicant is showing is about 20 feet away. That infiltration will go to the back of the building. In the back of his property if he digs down he gets clay. Other neighbors have the same clay level. If something were to happen with the infiltration rate of this pipe, it will go in all directions and if it goes toward the clay level, it could cause an increase in the moisture levels in the existing basements leading to mold, mildew or even flooding. Under the applicant's design, if there is failure in UG1A the back of the property could flood or cause moisture or mildew in the Royal Oaks development.

In conclusion, Mr. Doughten stated for the record that the entire system appears to be on the borderline of being undersized and that it appears as though the safety factors have been reduce the size of the system. Any miscalculations or changes from the design conditions can lead to water being discharged in the Royal Oaks VII detention piping and/or to see the safety factor and assumptions for the entire system increased to protect our development and the residents would like to get the original and upgraded calculations from the developers engineering company for review by an independent engineering firm for the following:

- Mounding calculation on the groundwater level within the vicinity of the infiltration basins and the underground storage basins.
- Royal Oaks VII detention basin.
- Full set of the stormwater study calculations.

- An analysis of the impact on the 100-year Royal Oaks VII drainage basin and system. Mr. Doughten noted that if it happened twice in the 1990s, who knows when it could happen again.

The Royal Oaks VII Board would also request that the Planning Board have the developer either remove or relocate the UG1A storage basin further away from the Royal Oaks VII property boundary. They would like the applicant to engineer at the RO7 tie in. In making this statement, Mr. Doughten is referring to the conceptual overlay. Their detention basin in the back of the applicant's development has all their storage drains goes into a detention pond behind their buildings. runs out, overflows into Mt. Royal Road and into the creek behind it. Mr. Doughten questioned why the applicant could not tie their drain into that system. His documented concerns were labeled RO7 and submitted for the record.

Mr. Ragonese stated that the Township is not proposing the Acme, the applicant is. Therefore, the applicant bears the burden of proof, which the Board will decide if the applicant carries it or not. He asked that the public not attack Board with questions. The applicant will address the questions. Mr. Doughten stated he wants to make sure that the Planning Board and engineer ensure that the stormwater management plan was correctly designed.

Since the developer brought up the traffic study Mr. Doughten would like to address some things he feels are at fault with the traffic study. The entire study was done on a computer program based on population, distribution, etc. There is currently an existing Acme one half a mile way. He shops there. Nowhere in the study does it state that the applicant used an existing customer base to see where Acme customers are coming from. He asked about the development on Berkley Road. On Page 7 of the traffic study, it notes that the Planning Board was asked about potential developments in the study area. He added that there are other municipalities within a quarter mile of this site down Berkley Road. He questioned if the proposed development in other municipalities was used in determining the population in the area. At the October 26 meeting, he asked Mr. Tom Boyer, Acme, where he expected the increase in customer base to come from. Mr. Boyer's response was that there would be a draw from Woolwich Township. Mr. Doughten noted that information was not in the report. The report stated Harrison Township as a draw. The traffic study shows the level of service at Route 45 and Mt. Royal Road will improve and all levels of service of unsignalized sections to be reduced. That is the only traffic light they are fixing per the study.

On page 10, the study shows the level of service from leaving the Acme and Mt. Royal Road. He asked why people leaving Woodstream Court were not included since it is only 100 feet down the road. Mr. Doughten questioned the level of service for the houses around Mt. Royal Road and across the street. The location is unique because three major arteries surround it. He also expressed concern of the timing of the study in June when school is not in session. Mr. Doughten handed exhibit RO8 to the applicant's engineer outlining his stormwater management concerns.

Mr. Doughten continued that at the January 13, 2007 meeting between the developer and residents, the applicant mentioned that it was difficult to meet the buffer requirements because of the site layout. His answer to that is, "so what." They also mentioned that they subdivided into five-acre lots. They are requesting relief for buffers and parking. The buffer request still would be necessary even after the ordinance change. He strongly believes that this proposed development is grossly oversized for the lot and he urges the Planning Board not to approve any waivers or variance. He also noted that Mr. Boyer from Acme mentioned several times in that meeting that the people were lining up at the door to move into the current Acme building. He is sure that everyone is aware that the Delaware Valley Regional Commission has indicated that redesigning shopping center and filling stores like the Acme is difficult.

Ms. Pamela Schurgot, 24 Woodstream Court, stated that after listening to all the testimony she counted that the applicant is asking for ten variances, mostly for landscape buffers. They are also asking for a number of waivers. While most residents might not have had opportunity to collectively get together to try to find out what is going on in the Township, they have been working on it. They understand that there are economical benefits for the applicant and the Township. However, three major arteries surround the

location, as they were well aware of when they purchased the land. The applicant is asking for variances on all the buffers. Ms. Schurgot is concerned as to whether the applicant will have to comply with new buffer requirements. As someone who will have the loading dock in her backyard she has more concern with Acmes loading and unloading times. Royal Oaks homes have back bedrooms. Children have to school. People who live in Villages of Berkley complain regularly about Kohls and Home Depot and the beep beep they hear at 1 a.m. and 2 a.m. not for deliveries but for the off loading of the trucks. Although the applicant has addressed this concern with a masonry with wall, no one has noted the off loading. She knows the unloading will not be done by hand a forklift will be used. Therefore, anyone who lives close to the store will hear that kind of noise pollution especially in the spring, summer and fall when air conditioning units at not running. The developer has met with the residents and tried to address concerns. She knows there are noise ordinances and wants to know who will be monitoring that to make sure the applicant complies. Ms. Schurgot noted that she had obtained a copy of the traffic study. She feels it is important to know the dates in the record. The study began the last day of school and lasted nine days after that. She pointed out that June is a typical vacation month. People traveling to Gloucester County College travel Mt. Royal Road and there is an Elementary School off Jackson Road. She noted that it is important to account for teacher and aid traffic in the study.

Mr. Ragonese stated that the majority of statements made were questions and people were not placed under oath so he is suggesting the applicant address the questions.

In addressing Mr. Doughten's concerns, Mr. Long noted that it is important to note that the professional engineers have worked together. Mr. Bryson has requested the applicant provide more borings, more infiltration and more percolation tests. The applicant has provided Mr. Bryson with boring locations and lots. Mr. Bryson is waiting for the percolation tests. Mr. Bryson stated for the record that there is an ordinance provision that requires the applicant to meet the required calculations.

Mr. Penhky addressed concerns noted with the traffic study. He stated that the initial study had information gathered in February 2005. That report was supplemented with more details from the June 10 through June 19 numbers and in addition to manual counts on Saturday, June 10 through Tuesday, June 13. The applicant was aware school was not in session. The February information was submitted to the State. He feels that with the proposed improvements the intersection will end up in better condition than its currently condition.

Mr. Long responded to the gentleman who wanted to know what was in the application for him. The applicant does not have the ability to reduce taxes. The project will bring ratables to the town. Whether that reduces taxes is not for applicant to say. The applicant has taken into account a lot of conversation and issues noted by the community groups and they feel they have addressed as many as possible to alleviate concerns.

Mr. Harris noted he was impressed with some of the quality of questions and details brought forth to the Board. Since it is 11 p.m. and there are many more questions for the applicant, the Board and the professionals he suggested that the hearing be continued until the next meeting.

Mrs. Pineiro wanted to inform the Board that it was not her intention, as she is sure it was not anyone's intention, to hurt anyone's feelings or take anything personal. She apologized to the Board.

Mr. Ragonese stated that it is the obligation of the Board to render a fair decision taking into account what would reasonable be necessary to fairly address concerns for both sides. He believes that it is incumbent that the Board give more time to individuals and that action would serve the judge in this case that there was fair hearing. He agrees that the hearing be reconvened at the next regular meeting. Since there will be other business to be decided at that meeting, the Board might want to advise now that this matter will probably continue at 9 p.m. so the other business can be addressed. He continued that it is not to say that 200-300 individuals will be permitted to speak. He does not feel a court will view this as favorable

because it would be considered an unfair process against the application. He feels that what would be heard from that many people would be repetitious. He noted that some issues brought up tonight would take time and preparation to respond. He recommended that the application be tabled until the next regularly scheduled meeting at 9 p.m.

Mr. Long stated that the applicant is not opposed to that recommendation. Mr. Harris stated since there are many issues to deal with a continuance is in the best interest of all concerned.

A member of the public asked why the chair stepped down. Mr. Ragonese replied that it is his own decision but it would fall into either a money or familiar relationship. Mr. Ragonese recommended members of the public make a list of priority witnesses. Mr. Harris recommended that the Board would like to hear five or six quality presentations. He understands everyone is concerned and emotional but the Board needs to deal with the issues.

Board Action: On motion by Mr. Lenkowski, seconded by Mr. Emery, the Board tabled the application to reconvene at the February 20 meeting at 9 p.m. Roll Call Vote: Yes – Mr. Emery, Mr. Giumarello, Mr. Harris, Mrs. Lawrence, Mr. Lenkowski, Mr. Legge, Mr. Datz, Mr. Howarth and Mr. Land. NO: None. ABSTENTIONS: None.

Resolutions

Mr. Ragonese presented Resolution 13 for application 04-001, Berkley Crossing, Amended Final Site Plan Approval, Block 56, Lot 16. **On motion by Mr. Emery, seconded by Mr. Harris, the Board approved the resolution. Roll Call Vote: YES – Mr. Emery, Mr. Giumarello, Mr. Harris, Mr. Lenkowski and Mr. Green. NO – None. ABSTENTIONS – None.**

Resolution 14 for application 06-008, Metro Acquisition (Target & Lowe's), Final Major Site/Subdivision, Block 242, Lot 7, 7.01,7.02 was presented to the Board. **On motion by Mr. Emery, seconded by Mr. Harris, the Board approved the resolution. Roll Call Vote: YES – Mr. Emery, Mr. Giumarello, Mr. Harris, Mrs. Lawrence, Mr. Lenkowski, Mr. Datz and Mr. Green. NO – None. ABSTENTIONS – None.**

Public Portion

There were no comments forthcoming from the public.

Adjournment

There being no further business, the meeting was adjourned.

Respectfully submitted,

Peggy Veacock
Corresponding/Recording Secretary