

**Mantua Township Planning Board
February 20, 2007**

Call to Order

Mr. Kenneth Green, chair, called the regular meeting of the Mantua Township Planning Board to order on Tuesday, February 20, 2007 in the Court Room, Mantua Township Police Station, 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 Mr. Harris, the Board approved the January reorganization meeting minutes. On motion by Mr. Emery, seconded by Mrs. Lawrence, the January regular meeting minutes were approved. All members were in favor of both motions.

Swearing in of Professionals

Board Professionals, Mr. Bryson, Mr. Anderson, Mr. Kernan and Mr. Ragonese, were sworn in for testimony.

New Business

06-017 KIMBERLY & DOUGLAS SHARP, MAJOR SUBDIVISION, BLOCK 272, LOT 2

Mr. Gary Civalier, engineer, and Mr. Douglas Sharp, 342 Heritage Road, were sworn in for testimony on the application. Mr. Civalier provided a brief overview of the proposal. The applicant is seeking the subdivision so they can build a house off Nashville Road. Mr. Sharp noted that they would use the existing roadway as the driveway. The roadway was previously used for tractor entrance when the land was farmed.

Planner's Comments: Review Letter February 1, 2007

1.0 Proposal: The applicant is proposing to subdivide existing parcel, Block 272, Lot 2 containing 40.6540 acres into two lots. The newly created Lot 2.04 will contain 12.7850 acres and the remainder of existing Lot 2 will contain 27.869 acres. One single-family dwelling is proposed on the newly created Lot 2.04 with access to the parcel via an existing 50-foot wide ingress/egress and utility easement off of Nashville Road. This proposal would be considered a major subdivision as Lot 2 had been previously subdivided in 2005.

2.0 Materials Reviewed: We have reviewed the submission, received on January 26, 2007.

3.0 Zoning Requirements

3.1 Use: In the AR, Agricultural Residential District, Section 101-14B1(a), single-family detached dwellings are a permitted use. The intent of the AR zone is to promote the development of single-family dwellings at a very low density.

3.2 Bulk Requirements

- 3.2.1 Lot Size:** Section 101-14C1(a) requires a minimum lot size of three acres for single-family detached dwellings. The plan conforms to this requirement, as both the proposed and remaining lot exceed three acres.
- 3.2.2 Street Frontage:** Section 101-14C1(b) requires a minimum street frontage of 225 feet. The plan does not conform to this requirement, as the newly created Lot 2.04 has no frontage. The applicant is requesting a variance and should be prepared to discuss with the Planning Board.
- 3.2.3 Lot Width:** Section 101-14C1(c) requires a minimum lot width of 250 feet. The plan conforms to this requirement.
- 3.2.4 Lot Depth:** Section 101-14C1(d) requires a minimum lot depth of 300 feet. The plan conforms to this requirement. We recommend revising the zoning requirements table for Proposed Lot 2, to reflect conformance.
- 3.2.5 Front Yard Setback:** Section 101-14C1(e) requires a minimum front-yard setback of 75 feet. The plan conforms to this requirement.
- 3.2.6 Side Yard Setback:** Section 101-14C1(f) requires a minimum side-yard setback of 50 feet. The plan conforms to this requirement.
- 3.2.7 Rear Yard Setback:** Section 101-14C1(g) requires a minimum rear-yard setback of 50 feet. The plan conforms to this requirement.
- 3.2.8 Building Coverage:** Section 101-14C1(h) allows a maximum building coverage of 15 percent. The plan conforms to this requirement.
- 3.2.9 Impervious Coverage:** Section 101-14C1(i) allows a maximum impervious coverage of 25 percent. The plan conforms to this requirement.
- 3.2.10 Building Height:** Section 101-14C1(j) allows a maximum building height of 35 feet.
- 3.2.11 Accessory Structures:** Section 101-14C1(k) states that accessory structures shall not be located in a front yard, nor within six feet of another building, nor within 20 feet of any property line; however, accessory structures, which are 100 square feet or less in gross floor area, may be located within ten feet of a side or rear property line. The plan does not conform to this requirement. Lot 2 has an existing non-conformance, as the existing wood shed is partially located in the front yard. A variance is required.

4.0 Design Standards

- 4.1** Section 101-31A(2) requires all existing tree masses, specimen trees and landmark trees be preserved pursuant to the Township Tree Protection Ordinance (Chapter 140 of the Mantua Township Code).
- 4.2** Section 101-31D1(b) requires street trees to be spaced at intervals of no more than 50 feet on center. The plan does not conform to this requirement. We recommend street trees along the frontage of Lot 2 between Lot(s) 2.01 and 11.
- 4.3** Section 101-31D1(c) states that where existing masses of trees are preserved along the street, the Planning Board may waive the requirement for the addition of street trees in those sections. We recommend an inspection of the existing plant material along the street frontage of Lot 2 between Lot(s) 2.01 and 12.01 to determine if the existing plant material is appropriate and in good health to potentially waive the street tree requirement.
- 4.4** Section 101-34B requires curbing, either concrete or combination concrete curbs and gutter, to be installed along both sides of all streets. The applicant is requesting a waiver and should be prepared to discuss with the Planning Board.
- 4.5** Section 101-34C requires sidewalk and aprons on both sides of all existing and proposed streets serving an arterial on primary collector function. The plan does not conform to this requirement. The applicant is requesting a waiver and should be prepared to discuss with the Planning Board.
- 4.6** Section 140-5B(2) requires at the time of preliminary major subdivision application submitted pursuant to Chapter 101 if there are five or more total non-specimen trees within a critical

area or one or more total specimen trees cut or removed or to be cut or removed from a property, then a tree protection management plan must be submitted.

- 4.7** Section 140-9A(1) requires that where the Planning Board determines that it is impossible to retain trees in the tree protection zone or any specimen tree due to cutting, filling or other construction activity, the applicant shall replant one inch of new tree caliper for every four inches of existing tree caliper removed. New replacement trees should have the minimum caliper of 2.5 inches measured six inches above the ground.

5.0 General Comments

- 5.1** The applicant should be prepared to discuss the ramifications of the proposed access to Lot 2.04 through the existing ingress/egress and utility easement through existing Lot 2.03 and benefiting only existing Lot 2.02 at present.
- 5.2** The applicant should be prepared to discuss its COAH obligation.

Engineer's Comments: Review Letter February 2, 2007

Introduction: The applicant has provided a Plan of Subdivision that proposes the creation of one new lot from Block 272, Lot 2. Proposed Lot 2.04 will be 12.78 acres with a 50' wide ingress/egress easement that will provide access to the site via Nashville Road. The balance of Lot 2 is proposed to be 27.86 acres. The site is located within the AR- Agricultural Residential Zoning District.

Variances & Waivers

1. (Section 101-70.B.12) Existing contours with intervals of one foot where slopes are less than ten percent and five feet when ten percent or more are to be indicated with a dashed line. Where any changes to contours are proposed, finished grades shall be shown as a solid line. A waiver has been requested from this requirement.
2. (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 plans. A waiver has been requested from this requirement.
3. (Section 101-70.B.14) All existing and proposed watercourses (including lakes and ponds) shall be shown and accompanied by the following information:
 - a. When a stream is proposed for alteration, improvement or relocation or where a drainage structure or fill is proposed over, under in or along a running stream, a report on the status of review by the New Jersey Department of Environmental Protection, Division of Water Resources shall accompany the submission.
 - b. Cross sections of water courses and/or drainage swales at an approximate scale showing the extent of the floodplain, top of bank, normal water levels and bottom elevations at the following locations, where appropriate:
 - i. At any point where a watercourse crosses a boundary of the tract.
 - ii. At 100 foot intervals up to 500 feet upstream and downstream of any point of juncture of two or more watercourses within the tract.
 - iii. At 100-foot intervals for a distance of 500 feet upstream and downstream of any proposed culvert or bridge within the tract.
 - iv. At a maximum of 100 foot intervals, but not less than two locations, along each watercourse which runs through or within 500 feet of the tract.
 - v. When ditches, streams or watercourses are to be altered, and measures to control erosion and situation as well as typical ditch sections and profiles shall be shown.
 - vi. The delineation of the floodways and flood fringe areas of all watercourses within or adjacent to the tract.
 - c. The total acreage basin of any watercourses running through or adjacent to the tract.
 - d. The location of all drainage structures upstream and downstream of the tract, to which the tract is a tributary, between the tract and municipal boundary.

- e. The location and extent of drainage and conservation easements and stream encroachment lines.
- f. The location, extent and water level evaluation of all existing or proposed lakes or ponds within the tract and within 200 feet of the tract.
4. (Section 101-70.B.19) The proposed location, direction of illumination, power and type of proposed outdoor lighting, including details of lighting poles and luminaires are to be shown on the plans. A waiver has been requested from this requirement.
5. (Section 101-70.B.20) The proposed screening, buffering and landscaping, including a landscape plan are to be indicated. A waiver has been requested from this requirement.
6. (Section 101-70.B.23.) A waiver has been requested from having to provide plans and computations for storm drainage systems.
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. A waiver has been requested from this requirement.
8. (Section 101-70.B.26) Plans, typical cross sections and details, centerline profiles and tentative grades of all proposed streets and of existing streets abutting the tract based on USGS vertical datum or a more specified datum specified by the Township Engineer including curbing sidewalks, storm drains and drainage structures shall be indicated on the plans. A waiver has been requested from this requirement.
9. (Section 101-70.B.29) A waiver has been requested for the absence of submitting a traffic analysis, drainage calculations and environmental impact statement.
10. (Section 101-71.B.4) A waiver has been requested from having to include detailed architectural and engineering data.
11. We defer review of this project's conformance with the bulk requirements to the Board Planner.
12. An updated listing of the required variances and waivers is to be included on the plan. The applicant is to provide testimony describing the need to deviate from the Township Ordinances for the waivers and variances required.

Review of Major Subdivision Plan

1. (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.
2. (Section 101-70.B.16.) Locations of all existing structures showing existing and proposed front, rear and side-yard setback distances and an indication of whether the existing structures and uses will be retained or removed, both within the tract and 200 feet of its boundary are to be included on the plans, or a waiver is to be requested.
3. Proposals for soil erosion and sediment control are to be included on the plans in accordance with Section 101-70.B.15 of the Ordinance.
4. A plot plan will be required prior to the development of each individual lot in accordance with Section 101-37.1 of the Ordinance.
5. (Section 101-37.1.13) The applicant's engineer has indicated on the plan that a basement will be provided for the proposed dwelling. As such, a certified soil boring showing soil types and the depth to the seasonal high water table is to be provided for each proposed basement.
6. The Final Plan of Lots will be subject to the review and approval of the Township Engineer.
7. The notation within the 50-foot wide drainage easement is to be revised to a more legible font size.
8. A detail of the proposed driveway is to be included on the plans. The construction of the drive must consist of a stable material and be of sufficient width as to allow for access to the site by emergency vehicles. Approval from the Fire Official will be required.
9. The proposed grading along the access driveway is to be provided on the plans.

10. The proposed site utilities are to be indicated on the plans.
11. The proposed driveway shown on the plans is shown to directly connect proposed Lot 2.04 with Nashville Road. Clarification is required with respect to the party responsible for the maintenance of the driveway given that it passes across Lot 2.03 via an access easement. In addition, the applicant's engineer is to clarify how access to Lot 2.03 and 2.02 will be provided or incorporated into the driveway access proposed for Lot 2.04.

Review of Stormwater Management

1. The applicant's engineer is to provide testimony with respect to whether the proposed improvements will have any adverse impacts to the on-site drainage.

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.
2. A 20' wide utility easement across Lot 2.04 to benefit Lot 2 is shown on the plans. Clarification is required with respect to the intent of this easement. The applicant is advised that should utilities be extended across the adjacent stream, approval from the NJDEP will be required.

Outside Agencies

1. Documentation of approval from the following agencies is to be provided and shall be a condition of any approvals:

Gloucester County Planning Board	Gloucester County Soil Conservation District
Mantua Township Fire Official's Office	NJDEP

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 and deeds are to be submitted for review, approval, and/or signature. The number of copies and submission procedures shall be in accordance with Township requirements.
3. The applicant must contact the Planning Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.
4. Following the completion of all grading and drainage work, the applicant must submit a minimum of two copies of an as-built survey prepared by a New Jersey licensed surveyor or professional engineer with final grades to the Township Engineer.
5. Following the completion of all work, the applicant must request a final inspection by the Township Engineer.

Board Discussion: Mr. Lenkowski asked if the applicant would object to a restriction of no further subdivisions. Mr. Sharp noted that they might want to subdivision for one additional lot. They have a young son who may wish to have a house on the family property. However, that would be 10 to 12 years in the future. The applicant would have to return to the Board for approvals on future subdivisions.

Public Comments: There were no comments forthcoming from the public.

Board Action: On motion by Mr. Harris, seconded by Mr. Giumarello, the Board approved the application with conditions noted in the professional review letters and the

three shade trees. Roll Call Vote: YES – Mr. Emery, Mr. Giumarello, Mr. Harris, Mrs. Lawrence, Mr. Lenkowski, Mr. Legge, Mr. Datz, Mr. Howarth and Mr. Green. NO – None. ABSTENTIONS – None.

06-006 ATLANTIC FIVE DEVELOPMENT, MAJOR SUBDIVISION, BLOCK 54, LOT 4

Jerome Ponitillo, Esquire, and Mr. Andrew Ott were sworn in for testimony. The applicant is proposing an 18-lot subdivision on a 33-acre parcel. Three bulk variances are needed. Approximately 23.11 acres are being developed while the rest of the property will remain as open space. The applicant is proposing to utilize the existing basins for the stormwater management. Mr. Ott noted that they intend to tie into Township water and sewer along Schaub Road. The applicant could have designed the plan with an easement and then no variances would be requested. However, in order to own the road leading to the basin, the applicant felt the variance request was justified. Shade trees are being proposed. Mr. Harris questioned the landscaping along the back of the property. Mr. Ott replied that there would be trees, shrubs, evergreens and deciduous trees ranging 3 to 8 feet in height. The evergreens would be approximately 5 to 6 feet and the shrubs 2 to 4 feet. Mr. Emery asked who would maintain the open space. Mr. Ott indicated it would be turned over to the homeowners association. Mr. Land asked if the applicant is being required to make any improvements at the intersection of Harris and Berkley Roads. Mr. Ott stated that the County made no recommendations in the conceptual plans that had been submitted. The applicant will submit formal plans to the County in May. Mr. Emery questioned the location of basins. One will be located off to the side of the cul-da-sac, while the other will be where the road turns off Berkley. The applicant will need approval from the Department of Environmental Protection (DEP). They have received LOI approval. Mrs. Lawrence questioned who would be responsible for the 30-foot roadway to the basin. She was informed the homeowner's association would maintain the property.

Planner's Comments: Review Letter January 12, 2007

1.0 Project Description

1.1 Proposal: The applicant is proposing to subdivide an existing 33.40 acre farm located on the northerly side of Berkley Road and on the easterly side of Harrison Avenue, known as Block 54, Lot 4 into 19 lots. One of the 19 proposed lots, consisting of 10.29 acres, will be for stormwater management and open space. The remaining 18 lots will be for single-family detached dwellings, ranging from 1.0 to 1.4 acres in size.

1.2 Existing Conditions: The property in question currently has a single-family dwelling fronting on Berkley Road. There are accessory structures onsite, one of which is in poor condition. The remaining upland area is farm fields. Forested wetlands are present along the northern property line.

1.3 Adjacent Land Use: There are existing single-family detached dwellings adjacent to the applicant's property along the northwest, northeast and eastern boundaries. Along the southern boundary of the property, there are two existing lots with single-family dwellings. The applicant's property surrounds these properties on three sides. There are single-family dwellings across Berkley Road, to the south of the applicant's property. To the westerly side, across Harrison Avenue south of Schaub Road is an existing farm field. To the westerly side, across Harrison Avenue, north of Schaub Road is an existing single-family subdivision.

2.0 Materials Reviewed: We have reviewed the referenced submission, received on February 16, 2006 and subsequent submissions on April 18, 2006 and December 21, 2006.

3.0 Zoning Requirements

3.1 Use: In the R-40, Low-Density Residential district (Section 101-15), single-family detached dwellings are a permitted use.

3.2 Bulk Requirements

3.2.1 Street Frontage: Section 101-15C1(b), requires a minimum street frontage of 150 feet.

The plan does not conform to this requirement. Proposed Lot 4.08 (as shown on Final Plan of Lots, Sheet 1 of 1) is proposing 30 feet and 20.505 feet of street frontage on proposed Court B. Proposed Lot 4.08 also has over 400 L.F. of frontage along proposed Road A. Variances for the nonconforming frontages on Court B are required. The applicant is requesting said variances.

3.2.2 Lot Width: Section 101-15C1(c), requires a minimum lot width of 175 feet. The plan does not conform to this requirement. Proposed Lot 4.08 (as shown on Final Plan of Lots, Sheet 1 of 1) is proposing 30 feet width. A variance is required. The applicant is requesting said variance.

3.3 Street Trees: Section 101-15D requires street trees to be provided in accordance with Section 101-31D. Street trees are proposed along new roads at 50' intervals as required, however street trees are not proposed along the existing road frontage. A variance is required.

4.0 Master Plan Consistency: The proposed major subdivision is in compliance with Mantua's Master Plan. The R-40 zone is intended to permit single-family detached dwellings at low density.

5.0 Design Standards

5.1 Landscaping and Buffers

5.3.1 Replacement trees shall be planted in accordance with Section 140-9. We recommend compensatory trees be planted on site.

5.3.2 Section 101-31H(2), requires that landscape plans be prepared by a landscape architect, certified by the State of New Jersey. The plan conforms to this requirement; however, the Landscape Plan and Landscape Details sheet must be signed and sealed.

5.3.3 We recommend the proposed treeline accurately reflect the grading changes. We recommend adding the proposed treeline to the grading plans to better assess the trees removed. The proposed treeline on the landscape plan should be revised to reflect the tree removal necessary for the proposed riprap for Basin No. 2. Additionally, the trees proposed to be cleared in these areas should be shown in the tree survey and added to total trees removed.

5.4 Open Space and Recreation

5.4.1 Section 101-76G(2), requires that in all single-family developments in zones permitting one-acre lots, five percent of the gross area of the development shall be set aside for recreation and play areas. The land set aside for recreation shall not include easements or right-of-way areas, wetlands or slope areas with a grade of 20 percent or more. Since the total area of the project site is 33.4 acres, a minimum of 1.67 acres must be set aside for recreation and play areas. The plan does not conform to this requirement. Applicant is seeking a waiver.

6.0 Fees, Contributions & Obligations

6.1 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.

6.2 Recreation: If the Planning Board determines that the Township would be better served by a contribution to the Township's Park and Recreation Capital Improvement Fund in lieu of active on-site recreation facilities, the minimum acceptable contribution would be \$18,000

(18 residential lots x \$1,000). Per Section 101-76G(7) payment of the contribution shall be made not later than the time of issuance of each building permit.

6.3 Other: The applicant must contact the Township Finance Office to settle any outstanding review escrow accounts prior to the plans being signed.

7.0 General Recommendations

7.1 The applicant shall confirm that existing Lot 4 improvements will be removed and will not remain on proposed Lot 5.

7.2 We recommend the applicant supply proof of Transition Area Waiver permit and approval by NJDEP, prior to approval.

7.3 We recommend the applicant provide more detail as to the enhancement of the proposed wetland buffer area to be returned. Proposed revegetation must be provided.

7.4 We recommend the tree survey areas be revised to reflect total caliper inches to be removed, not total trees to be removed. Total caliper inches are necessary to calculate number of required replacement trees.

8.0 Outside Agency Approval: This major subdivision is subject to the review and approval of all outside agencies with jurisdiction, if not already received, including but not limited to the following. Evidence of these approvals must be submitted to the Planning Board.

Gloucester County Soil Conservation District;

Gloucester County Planning Board;

Mantua Township Fire Officials Office;

Mantua Township Municipal Utilities Authority;

NJDEP (TWA, BSDW, Wetlands LOI/General Permits); and

Any others as may be required.

Engineer's Comments: February 7, 2007 Review Letter

Introduction: The applicant has provided a Plan of Subdivision that proposes the creation of 18 residential lots from Block 54 Lot 4. Access to the site will be provided via Berkley Road and Harrison Avenue (CR No. 678). The site is located in the (R-40) Low Density Residential Zoning District.

Variations and Waivers

1. We defer review of this project's conformance with the Bulk Standards to the Board Planner.
2. A listing of any required variations 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 variations and waivers requested.

General Requirements

1. (Section 101-70.C.) An Environmental Impact Statement (E.I.S) has been submitted for review as required. We defer review of the E.I.S. to the Board's Environmental Engineer.
2. Architectural elevations of the proposed dwellings are to be presented to the Board for review.
3. 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 Subdivision Plans

1. (Section 101-70.B.5) 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. It should be noted that two tree survey areas are shown on the plans. We defer review of the tree surveys to the Board's Environmental Engineer.
2. (Section 101-70.B.26) Centerline profiles of all proposed streets have been added to the plans as required. Additional vertical curve data as well as existing and proposed elevations shown at each of the 50-foot stations are to be added to the profiles.
 3. (Section 101-34.C.1) All existing light standards within 100 feet of the site are to be shown on the plan, or a waiver is to be requested. *The applicant will comply.*
 4. Details of any proposed signage are to be added to the plans in accordance with Section 101-70.B.17 of the Ordinance. Clarification is required as to whether a development i.d. sign will be proposed. *The applicant agreed that prior to final approval the applicant would provide details for a monument sign.*
 5. A Demolition Plan has been added to the plan set as requested. The limits of on-site clearing and the proposed woods line should be indicated on the plan.
 6. The Final Plan of Lots is subject to the review and approval of the Township Engineer.
 7. The proposed woods line should be indicated on all of the plan sheets.
 8. Additional spot elevations at each proposed building corner, at each property corner and as to clarify each proposed high point and low point are to be provided on the plans. The applicant's engineer has added additional spot elevations as requested. We recommend that the applicant's engineer contact this office to discuss our concerns with the proposed on-site grading.
 9. The applicant's engineer is to clarify whether basements are proposed. Should basements be proposed, the basement elevation(s) must be added to the plans. The applicant's engineer has provided basement elevations on the plans as requested. A certified soil boring will also be necessary showing soil types and the depth to the seasonal high water table. *The applicant is proposing basements and will do soil testing for each site that will have a basement.*
 10. The elevations indicated for the walk out basements are to be revised or the exterior elevations are to be corrected. As shown, the elevations are approximately one foot lower than the exterior grade.
 11. All lots shall be graded to direct surface water runoff away from structures and towards the frontage road or other defined drainage paths. Revisions to the proposed grading have been provided as requested, however, minor corrections to the contours are required for Lot 1 & Lot 16.
 12. Driveway grades shall not exceed 12 percent. The proposed driveway slope for Lot 1 is to be labeled on the plans. In addition, the applicants engineer should consider providing a minimum driveway slope of 2 percent for Lots 4, 5, 8, 9, 13, 15, 17, & 18.
 13. The rim elevations, shown on Sheet SP-02B, have been corrected as requested. The existing contours should also be shown on this plan.
 14. The details of the proposed light fixtures are to be clarified on the plans (i.e. fixture type, wattage, pole height, etc.) The detail of the light fixture, shown on Sheet – Details 1, requires revision. The detail has been clarified as requested. The proposed wattage of the light fixture, however, still needs to be labeled on the detail.
 15. The following details are to be revised on the plans:
 - a. The applicant's engineer is to clarify the intended RSIS Street Hierarchy. The typical Roadway Cross Section should be revised accordingly. *The applicant will comply.*
 16. A response letter by the applicant's engineer, which details the proposed plan revisions, should be provided with any revised plan set as to assist with our review.
 17. Our review will continue upon receipt of the items listed above. Thus, we reserve the right for future comments as they may arise.

Review of Stormwater Management

1. (Section 101-37.L.12) Two soil borings are to be taken within each basin area drilled to at least three feet below the bottom elevation of detention basins and five feet below retention

- basins. The applicant's engineer has provided soil borings as requested. The boring logs should be added to the plans.
2. Given that the bottom of the basin will 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. The permeability tests have been performed as required. The locations of borings 5 and 6, as referenced within the test results, should be added to the plans. In addition, drain time calculations are also to be provided for the intended design storm.
 3. The Hydrological Report should be revised to include the following:
 - a. The applicant's engineer should provide a narrative with supporting calculations describing how the new stormwater management measures for "major development" have been implemented into the stormwater management design. In particular, the requirements for erosion control, groundwater recharge, stormwater runoff quantity and runoff quality are to be specifically addressed as required by the New Jersey Residential Site Improvement Standards.
 - b. The applicant's engineer is to clarify how non-structural stormwater management strategies have been incorporated into the site design. A Low Impact Development Checklist is also to be submitted for review.
 - c. Clarification is required with respect to how the requirements for groundwater recharge are being addressed. Groundwater recharge of stormwater shall be in accordance with N.J.A.C. 7:8-5 and 6. Calculations are to be included that demonstrate that the stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or that the increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated.
 - d. The quality of stormwater shall comply with N.J.A.C 7:8-5 and 6. It should be noted that if there is more than one on-site drainage area, the 80 percent Total Suspended Solids (TSS) removal rate shall apply to each drainage area (N.J.A.C. 7:8-5.5d). It appears that the discharge from Basin #2 does not meet this requirement.
 - e. A Maintenance Plan is to be provided for the stormwater management measures. The plan is to be in accordance with N.J.A.C. 7:8-5.8 and address Items listed from A - I.
 - f. Calculations and design for the emergency spillway of each basin are to be included.
 - g. The report indicates that six borings were performed, however, only borings 1-4 are sited on the plans. The plans are to be revised to included the locations of borings 5 and 6.
 - h. The soil logs for all of the test pits performed should be included within the report and also provided on the plans.
 - i. The Storm Sewer Calculations are to be revised to reflect a Tc minimum of 10 minutes (in lieu of 6 minutes) in accordance with the RSIS standards.
 - j. The Rip Rap Calculations do not coincide with the riprap aprons drawn on the Grading Plan. Revisions to the calculations or plan are required.
 - k. A cross section for each basin with the ESHWT identified and the separation from the basin bottom clearly noted is to be provided.

The applicant does have to get a DEP permit. The DEP will have ultimate say on detention basin details. All requirements for DEP mentioned in letter will be met. Mr. Bryson is requesting additional borings.

4. The curb inlet grates are to be revised to the new water quality grates. The clear space in the curb opening shall have an area of no more than seven square inches, or be no greater than two inches across the smallest dimension.
5. Each basin is to be revised as to provide a minimum top of basin width of six feet in accordance with RSIS standards. Dimensions are to be included on the plan to demonstrate conformance with this requirement.
6. Our review of the stormwater management calculations will continue upon receipt of the information listed above. Thus, we reserve the right for future comments as they may arise

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:

Gloucester County Planning Board	Gloucester County Soil Conservation District
Mantua Township Fire Official’s Office	Mantua Township MUA
NJDEP - TWA	NJDEP - Watermain Extension
NJDEP – Wetlands L.O.I., General Permits	

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

The applicant testified that the site would not generate more than 250 trips a day. The applicant is proposing 28 feet wide cart ways and sidewalks on both sides.

Environmental Engineer’s Comments: February 9, 2007 Review Letter

Project Description: The proposed project is a residential subdivision within the R-40 Low Density Residential District. Currently the property consists of an agricultural/residential property, which encompasses approximately 33 acres. Areas of upland and wetland deciduous forest; encompassing approximately 25 percent of the site, exist along the northern portion of the property. The applicant proposes to subdivide the tract into 18 residential lots and one stormwater management lot. Proposed site improvements include 18 single-family dwellings, stormwater management facilities, municipal sanitary sewer, municipal water, other utilities, and access roads off Harrison Avenue and Berkley Road.

Environmental Impact Statement (§ 101-70C)

1. 02.09.2007 An Environmental Impact Statement (EIS) was received and reviewed. The EIS is in compliance with the Ordinance and states that no significant environmental impacts will occur as part of this proposed project. No endangered or threatened animal or plant species were encountered on the site.

Mantua Township Tree Protection Ordinance (Chapter 140)

2. 05.01.2006 A Tree Protection Management Plan is to be submitted in accordance with § 140-7 of the Mantua Township Tree Protection Ordinance.

- a. 02.09.2007 Utilizing the Applicants Tree Survey information found on the Plan of Survey and Topography, we have calculated an approximate compensation requirement for this Application shown in the table below.
- b. 02.09.2007 The Applicant needs to verify the actual trees to be removed as part of this project and discuss how they intent to meet the Ordinance Requirements. We would recommend showing the Disturbance Zone against the actual location of trees within the tree survey areas.
- c. The Landscape Plan does not indicate if any of the proposed trees are to be considered for Compensation.

Specimen Tree Compensation Chart (Trees 15 to 29 Cal inch)

Average sizes surveyed from Plans	Number of Trees Per Area		TOTAL CAL
	Area 1	Area 2	INCH
15 Inch	5	14	285
17 Inch	4	5	153
19 Inch	4	1	95
21 Inch	1	0	21
23 Inch	4	6	230
27 Inch	2	0	54
		20	26
		838	
Total Cal Inches	838		
Required Compensation Factor	Div 4		
Subtotal	209.5		
<input type="checkbox"/> Min Size per tree	2.5 Inches		
<input type="checkbox"/> TOTAL TREES REQUIRED	84		

Landmark Tree Compensation Chart (Trees >= 30" Cal Inch)

Ave sizes surveyed from Plans	Number of Trees Per Area		TOTAL CAL
	Area 1	Area 2	INCH
33 Inch	0	6	198
35 Inch	7	0	245
		7	6
		443	
Total Cal Inches	443		
<input type="checkbox"/> Min Size per tree	8 Inches		
<input type="checkbox"/> TOTAL TREES REQUIRED	56		

- 3. 05.01.2006 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.

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

- 4. 05.01.2006 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.
- 5. 05.01.2006 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).
- 6. Satisfied 05.01.2006 Considering that the site has a history of agricultural use and is now proposed for residential development, we recommend soil sampling in accordance with the guidelines provided in the New Jersey Department of Environmental Protection's *Findings*

and Recommendations for the Remediation of Historic Pesticide Contamination, March 1999. 05.01.2006 The Phase I ESA is more than 90 days old (dated January 2004). We recommend a Phase I ESA Update as outlined by ASTM.

7. Satisfied. 05.01.2006. 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

8. Satisfied 05.01.2006. A copy of a valid Line Verification Letter of Interpretation is to be provided.
9. 05.01.2006 The plans indicate a modified wetland transition area, which must be approved by NJDEP under a Transition Area Waiver Averaging Plan. A copy of this permit is to be provided.
10. 05.01.2006 The NJDEP requires that a conservation restriction be recorded prior to beginning activities authorized by a permit. A copy of the recorded conservation restriction is to be provided for verification.
11. Satisfied 05.01.2006. The applicant should clarify the wetland transition area boundary in the areas of wetland flags E-15 and A-4 through A-14 (Sheet 3, Final Plan of Lots).
12. Satisfied. 05.01.2006 The modified wetland transition area should be shown on the grading and storm drainage plan.

Demolition of Existing Structures

13. Satisfied 05.01.2006. Asbestos surveys are to be conducted on all structures. Any asbestos containing materials identified are to be removed prior to demolition. A general note is to be added to the drawings.
14. Satisfied 05.01.2006. All potable and irrigation wells on the site are to be properly abandoned. The locations of these wells are to be shown on the drawings. Notes should be added to indicate that the wells are to be sealed by a licensed well driller prior to demolition. Copies of the well abandonment forms are to be submitted to the NJDEP and our office.
15. Satisfied 05.01.2006. During the site inspection, what appeared to be a cesspool was observed beneath a concrete lid in front of the existing farm equipment shed. This cesspool is to be shown on the project drawings and properly abandoned in accordance with prevailing state, county and local regulations. A note is to be added to the project drawings in this regard.

General Comments

16. Satisfied 05.01.2006. It appears that a drainage easement would be required to locate the proposed scour hole from Basin #1. This easement should be shown on the Final Plan of Lots (Sheet 3).
17. Removed 05.01.2006. The silt fence on the Soil Erosion and Sediment Control Plan should be revised to be contiguous with entire limits of disturbance.
18. Satisfied 05.01.2006. No solid waste, construction/demolition debris or cut vegetation is to be buried on the site. Contractors are to follow applicable disposal regulations during all stages of the project. A note is to be added to the project drawings in this regard.

Mr. Ott stated that there are some fairly large 33 to 36 inch trees in those areas noted. It is the applicant's intention to save as many trees as possible. They will take a harder look and tag the larger trees to determine which ones they can save. He noted that there are also quite a few eight and 10-inch caliber trees. The applicant proposes to replant eight and 10-inch trees noting that there are not many nurseries around that carry that size tree. Mr. Anderson felt the plan was acceptable, but needed the tabulation on the plans along with the final tally. Mr. Ponitillo reiterated that the applicant intends to preserve as many trees as possible. He asked if they were able to find eight-inch trees on sight that could be transplanted would it count toward their

contribution. Mr. Anderson replied they would. However, they would need to be identified and put on plan.

Mr. Kernan noted that the cart way is 28 feet on this subdivision. The R.S.I.S street classification definition of a 30-foot cart way would be more appropriate allowing an additional foot on either side and parking on both sides of the street. The Township Committee has adopted new stormwater control process that was mandated by the DEP and supersedes the local ordinance so approval would be in line. The financial plan for stormwater maintenance would have to ensure enough start up and future funding for routine maintenance and replacement of the system, if necessary at any time. Any approval granted is subject to that condition.

Mr. Kernan read the definition of resident access street in R.S.I.S. NJAC5:21-4.3, Table 4.2 Resident Street Hierarchy definition. Mr. Ott noted that the applicant is proposing concrete curbing 6 x 8 x 18. Mr. Green asked if the applicant could use Belgium block rather than concrete curbing. The applicant agreed to the Belgium block. There was a question regarding curbing along the County road. Mr. Kernan noted that the sketch plot prepared by the applicant last year showed curbing on both county roads. If required the applicant will honor curbing along the County roads. On the original set of plans SP1 it does show sidewalks along the entire length of Berkley Road and on Harrison Road. The County will determine if curbing is required along the County right-of-way.

Public Comment: All members were sworn in for testimony.

Mr. Al Teodoro, 112 Avondale Court, was concerned about the impact of this development on his house. Mr. Ott outlined the access to the basin noting that it would not be through Mr. Teodoro's property. Mr. Ott also indicated that the tree lines would not be affected and reviewed the drainage flow.

Mr. Charles Frederick Sharp, Jr., 449 Berkley Road, has lived there for 35 years. He hopes the applicant saves as many trees as possible. He would like to see wildlife preserved. He noted between 3 p.m. and 5 p.m. airplanes fly regularly over that area and the trees cut down on the sound of the planes. He encouraged the Board to require sidewalks for pedestrian traffic. He currently has problems getting into his driveway because of the speed of vehicular traffic. He noted that his uncle was killed at that intersection and a traffic light is needed or the turn should be opened up. He stated that with the increased development in the area a recreation area is needed. He suggested redesigning the easement to allow for a playground. He does feel that Chestnut Branch Park and the new proposed park on Jackson and Heritage Roads are too far for kids from this area to go. The kids need a local place to play. He stated that it has been a nice farm and he is sorry to see go. He feels the development will cause a problem with wildlife because the deer may destroy landscaping. He restated his concern for wildlife, geese, deer, hawks and owls. He would like to have a good buffer because the resident's in that area have had a serene view for a long time.

Mr. William Frio, 54 Springhill Road, has lived in Mantua for 30 plus years. He asked if the development would be a gated 55 and over community, how the development will affect property taxes and how it will affect the pattern of people and cars in the area of Route 45, Berkley Road and Harrison Road. He feels the traffic is especially a concern given the next application for a proposed Acme. He also asked if residents can explore a sewer and water tie in. Mr. Ott noted the flow process down Schaub Road. He also stated that the homeowner's association will maintain

the open space. The development proposes single-family homes on one acre plus lots with no age restriction.

Ms. Joan Evans, 35 Bear Creek Drive, questioned if a traffic light was planned at Berkley and Harrison Roads. Mr. Otto replied that there was no light proposed. The County needs warrant to put light at that intersection. The surrounding community would dictate the need for a light. Mr. Kernan added that the Township cannot request a traffic light. There is a specific criterion that has to be met in order for a light to be installed. Ms. Evans was under the understanding that there may be a traffic signal and it would be partially funded by the developer and the County. She noted the heavy traffic in the area. She spoke to someone in the Police Department several weeks ago and is waiting for a copy of a letter from DOT regarding a possible traffic light. Mr. Kernan took Ms. Evans aside to clarify what was in the County's report regarding the requirements of the application.

Mr. James Cromley, 1401 Tristram Circle, stated that he is chair of Environmental Commission. He did not have any comments regarding this application, but had some procedural comments regarding the Commission receiving applicant information and how the tree management requirements of the application are being handled. He stated that under the land use ordinance a copy of preliminary and final site plans and plots are suppose to be sent to the Environmental Commission. Other than the Target/Lowes application, he has not seen any plans since he has been chair. He asked if the Environmental Commission comes into play regarding the Tree Protection Ordinance and the applications hear this evening. So far he has heard two applications and nothing has been before the Commission for review. He also wants to know if the Board is operating under the old Tree Protection Ordinance or the newly amended one. Mr. Anderson noted that this application was being based on the old ordinance. New applications submitted will fall under the new ordinance. Mr. Anderson apologized to Mr. Cromley stating that it is not his responsibility to forward applications to the Commission. Mr. Ragonese noted that which ordinance to follow would depend on the adoption date. Mr. Cromley added that he is concerned with one particular section. It does call for the Environmental Commission to review the application. However, later in the same section it notes that the Planning Board and Zoning Board shall have the authority to waive and in part any portion of the site plan and subdivision process. He is curious as to if that is also a waiver for review by the Environmental Commission. He would like to see a copy of all applications and have some input regarding trees, wetlands and stormwater, if necessary. He thanked the Board for their time. Mr. Green noted that there was a representative from the Commission serving on the Planning Board. Mr. Cromley indicated that he was aware of that, but that the individual had indicated she would not be able to make the meetings for a while and that is why he came to get information this evening. The representative is the liaison and is getting a copy as a Planning Board member. He would like a copy of preliminary and final plans sent to the Environmental Commission.

Mr. Steven Kilpatrick, 40 Springhill Road, stated his biggest concern was grading. From one side of the lot to the tree line you are looking at a 20-foot drop. He heard there would be grading down to the detention pond. He does not know how much of a grade difference there will be with an intense rain. He is not sure if you can control amount of water that comes across the field. It is part of the watershed now. Mr. Ott reviewed the stormwater process and flow for Mr. Kilpatrick. Mr. Kernan noted that the homeowner's association has the responsibility to maintain the stormwater management. Mr. Kilpatrick questioned who will ensure that the appropriate steps are taken over the long period and who would be responsible for mosquito control. Mr. Kernan replied that the association would have to ensure a financial plan into perpetuity. The association will also have to submit copies of inspections after storm events and measurement of drainage for appropriate periods of time.. That information will be presented to the Township and Mr. Datz as the stormwater coordinator will have to annually certified with the DEP that everything is being

maintained. Mr. Kernan confirmed that the applicant is still waiting for DEP approval on wetlands in that area.

There being no further comments the hearing was closed.

Board Comments: Mr. Datz asked Mr. Bryson if the railing for the basin entrance to the right off Berkley Road at the curve, was address. Mr. Bryson noted a guide rail would be installed.

Board Action. On motion by Green, seconded by Mr. Giumarello, the application granted preliminary approval of the application with conditions noted in the professional review letters. Roll Call Vote: YES – Mr. Emery, Mr. Giumarello, Mr. Harris, Mrs. Lawrence, Mr. Lenkowski, Mr. Legge, Mr. Datz, Mr. Howarth and Mr. Green. NO – None. ABSTENTIONS: None.

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

Mr. Bryson, Mr. Kernan, Mr. Anderson and Mr. Ragonese were sworn in for testimony on the application. They also affirmed that their previous testimony in this matter was the truth. Mr. Green stepped down from the application due to a conflict of interest. The Board opened the application for public comment. Those individuals who signed up from the previous meeting were asked to speak first.

Mr. Doug Long, attorney representing the applicant, asked for a clarification on the time limit of those individuals speaking. He also requested that those individuals who spoke last meeting be barred from speaking again. He asked that redundant testimony not be allowed and that individuals only have five minutes to speak. Mr. Ragonese advised the chair that there should be no shouting from the audience and it may be appropriate not to have repeated testimony. If at any point that occurs the chair may ask the individual to sit down. He noted that it is acceptable for individuals speaking to say the support someone else's point, but the testimony should not be redundant.

Public Comment: All individuals speaking were sworn in for testimony.

Mrs. Bonnie Riccioli, 155 Mt. Royal Road, noted her property is directly affected by this proposed development. She realized when they moved there that the area was zoned commercial. They are not opposed to an Acme or CVS. They are opposed to this huge shopping center trying to be fit on a property that is not large enough. She urged the Planning Board to deny the application based on the negative impact it will have on the town of Mantua and its residents.

The applicant is asking for 11 variances. It is her understanding that a variance is relief from a zoning ordinance because there is some special circumstance that makes it difficult for the project to comply with the code. The Planning Board must determine if the applicant meets certain requirements in exchange for granting these variances. In her opinion, the applicant has to prove, and they have not done this yet, that the special circumstance that they are asking relief from cause some unnecessary hardship on them. She questioned what the hardship was noting that she felt it was self imposed and a direct result from the applicant's own actions.

She stated that the plan for this property is grossly oversized and it just does not fit. There is no reason that something of a more suitable size could not be built there and meet the Township code and also not infringe on the residents. The applicant is asking for buffer relief on three sides and the property is also bordered on three sides by residents. If this plan was smaller, a proper landscape buffer could be put in place and the applicant would not need to put detention basins and parking in the buffer zones. If the project was smaller then a variance for the minimum lot

width requirement may not be needed. If the project was smaller then maybe they could meet the requirements for the parking.

Mrs. Riccioli indicated that at one of the town meetings Mr. Casiero stated that if the CVS portion was eliminated the whole plan would not be viable. Then she would like to say, Mr. Casiero take you plan somewhere else where it will fit. The hardship the applicant is asking relief from is basically self-imposed. The applicant must also prove that the variance will not harm the neighborhood and the community. She does not think the applicant has proved this. A buffer from the definition that she found on line states that, "a buffer is a landscaped strip of land planted with trees, shrubs and grass which is designed to separate one use from another or from the street. Buffers also serve to shield or block noise lights and other nuisances."

Mrs. Riccioli submitted a picture of the buffer along the Home Depot property. She wanted to show what a small buffer looks like and questioned how that type of buffer would block noise, lights or pollution. She also presented another picture of the property across the street from the Home Depot displaying litter along the property line. She feels that the picture is how her yard is going to look like if the project is approved. The applicant is asking for a 10-foot buffer across from Mt. Royal Road. A section of the buffer is the detention pond. She questioned whether the detention pond will block any kind of lights or trash from her property. The project is going to harm the community and the neighbors' quality of life. Mr. Ragonese identified the pictures for the record. The first two pictures were identified as Riccioli 1, A and B. Mrs. Riccioli stated that the trees that the applicant is showing behind the detention basin are deciduous trees that will lose their leaves in the winter and will not shield anything. The neighbors will see the side of the building, the back of the CVS and the dumpsters. The homes that back up in the Royal Oaks neighborhood will have the same problem because the applicant is not meeting the buffer requirements in the back.

The plans show detention ponds on Mt. Royal Road. Mrs. Riccioli does not believe that a detention pond should be considered a part of the landscape buffer. She presented her second display showing the Home Depot detention pond in the back of the building. The second display was labeled Riccioli 1, C and D. She feels that she will be looking at a similar view for this development. She noted that it looks beautiful on the plan with lush green landscaping. She does not believe there is going to be any irrigation system close to the detention ponds and noted the way the Home Depot ended up after landscaping was planted. She questioned how she would be assured that the landscaping for the proposed Acme will not end up the same way.

Mrs. Riccioli stated that the applicant proposes to install a driveway across from her driveway and her neighbor's driveway along Mt. Royal Road. She feels this is another way this project is harmful to the community. They will have headlights shining into their homes because of the positioning of that driveway. Their children board the bus at that driveway. With an entrance and exit to a shopping center on Mt. Royal Road there will be 20 to 30 trucks making deliveries down this road—creating another safety hazard for children getting on buses. It will also be an unsafe condition for residents who walk along that road to get their mail and cut their grass. It is already an unsafe road and the developer is not proposing to put curbing on their side of the road. However, they are putting sidewalks and curbing on the other side of Mt. Royal Road where no one lives.

Mrs. Riccioli believes that the applicant should prove that the variance is in harmony with the objectives of Mantua's planning code. One of the objectives of the town's code states that, "Mantua encourages the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion." She does not feel this plan will do that and she thinks the project will increase the traffic.

Another of Mantua's objectives is to promote a desirable and visible environment through creative development techniques and good civic design. She believes the plan does not do that and she feels that the plan is it is just another oversized, commercialized super center.

Another objective of Mantua is to provide adequate, light, air and open space. Mrs. Riccioli does not feel the plan meets this objective.

Lastly, another objective that she found listed in Mantua's code is to promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of the land. We certainly are not promoting open space here.

At the last meeting she noted that it was stated that no discussion would be heard about the traffic issues pertaining to the site because the Township has no control over the traffic. She thinks that the Township should be disturbed at the affect that this plan will have on traffic and the Township also has every right to go to the County and to the State levels just like residents do and voice concerns. The traffic study was conducted last June. The counter in front of her house and the traffic expert testified that the data was coupled with data that they took from 2005. She stated that everyone knows that the traffic is lower in the summer months and she thinks that the numbers from 2005 are garbage because they do not take into account all the new developments on Harrison Avenue and in East Greenwich. In addition, the new development tonight was not taken into consideration in the study. Therefore, she does not think the traffic study takes into consideration the true growth of the area and it also does not include any future plans for commercial development on Route 45. She has gone through the traffic study and it states that, "all surrounding intersections will see a decrease in service." She asked if the Township could afford to have even slower traffic. Mrs. Riccioli noted that there are other intersections that are failing besides the Mt. Royal Road intersection and this project will make that worse too. With these things in mind, she thinks that if the Board wants to improve the plan they should call for a more intensive traffic study. The changes to the road that this developer is proposing are only a band-aid to problems that we are having.

Mrs. Riccioli would like to close by saying that she does not feel this is a viable solution to the property. There are many other things that would be a better for the community at this location. The developer does not meet the requirements. She asked why there are ordinances if they are not enforced. She urged the Board to not set a precedence by allowing them relief from the 100-foot buffer ordinance. She also asked that the Board not grant relief for the proposed variances and deny this application.

Mr. Lance Riccioli, 155 Mt. Royal Road, stated that if this project goes through he feels he will be the one most affected. He and his wife live directly across the street from the proposed entrance. He is very concerned with the buffer situation. It is a required 50-foot buffer on his side and the applicant is asking for 10 feet. He read the definition that states it is 50 feet from the street. He asked if it is from the street or is it from the right-of-way? He also questioned if the detention basin constitutes a buffer because it is within their buffer space? Mr. Kernan replied that the zone line goes down Mt. Royal Road so from the center of the road the existing right-of-way of Mt. Royal Road where it is 49.5 feet wide. From the center line to their property line is half of that or 24.75 feet. With the dedicating of 19.25 feet to the County for a road widening easement that adds up to a total of 44 feet from the center line.

Mr. Kernan's interpretation of the landscape buffer, detention and retention basin as noted on page 101—22 of the code is that the basin cannot be part of the buffer. Mr. Riccioli does not feel a 10-foot buffer is adequate. He has no problem with Acme noting that it is not a personal issue. His problem is that the plan does not meet the requirements by a long shot.

Mr. Tom Doughten, 46 Woodstream Court, indicated that as many of his neighbors, he understands the positive need for development and is supportive of development. However, he cannot support development that is not well thought out and may significantly negatively impact the residents of the surrounding community. That is why there is government and a Planning Board. The developer's design ties into the Royal Oaks detention basin. At the last meeting, as noted in the minutes, Mr. Kammerer stated that no drainage will flow onto the townhouse site. Quoting from Page 2 of the January 15, 2007 minutes he stated, "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." At a meeting with the applicant in January, Mr. Doughten told Mr. Kammerer that he would go out and take pictures during every storm and the first time he sees water coming out he will go see a lawyer. Mr. Kammerer informed Mr. Doughten that there will be water coming out. When the residents requested calculations for the stormwater management plans, the applicant refused to share the calculations with the association based on the fact that the plans submitted were prepared by Mr. Kammerer, a licensed engineer, and that the plan was reviewed by the Planning Board, and that the Planning Board engineer and agreed with the plan. He is concerned with what a multi-million dollar commercial development is imposing on the community. They are tying into the association's basin. The association is liable for that basin. His question for the applicant and the Board is why cannot they engineer out a solution. There are other basins on Mt. Royal Road. Why don't they go through one of those basins and by pass the Royal Oaks basin? He noted that Acme's busiest day is Sunday and the second busiest is Saturday. The Acme representatives have stated that they will control their drivers/deliveries the best they can. Mr. Doughten is concerned with the truck traffic and noise. The resident's behind the proposed development are very uncomfortable and are concerned with being flooding out. They feel it is unfair, it is oversized and there is too much going on there. He would like the Board to not grant the relief for the variances.

Mr. Ron Brittin, 620 Surrey Road, indicated that Mr. Jim Moore was unable to attend the meeting. He asked Mr. Brittin to present his concerns. He asked, should this plan be given approval what happens as the project moves forward and they decide to make changes? How does the public become aware of what discussions take place. As an example he noted there were problems with Home Depot after their approval was granted and the building was relocated on the site. Another concern was that once approval is given and there are refrigerator trucks idling on the site, what forms of enforcement would be in place. Mr. Kernan replied that the reversal of the Home Depot building was not done post approval. It was done during the approval process at an advertised public hearing. If a major change was made to any plan after approval, an amended application would have to be submitted. It is an open process. Mr. Brittin noted that the are decisions made at subcommittee meetings. Mr. Kernan stated that there are no decisions made at subcommittee. He referred to the previous application noting that during subcommittee meetings sidewalks were discussed, but his notes indicated that any action on the item would be referred to the full Board when the application was formally reviewed by the full Board. The subcommittee may make recommendations, but they do not approve items.

Mr. Brittin asked about the enforcement issue. His concern is for the appearance of the Acme becoming an eyesore if they do not abide by ordinances of the Township. Mr. Kernan indicated that enforcement of this issue is not the Board's jurisdiction. It is a policing and management issue and also the relationship between the Township and the property owners. Mr. Brittin noted that enforcement does not always happened. Mr. Ragonese stated that if any applicant does not abide by approvals the issue can be referred to the zoning officer who can assign a summons for violation and will then be heard in municipal court jurisdiction to hand out fine.

Ms. Linda Torestsky, 7 Westwood Drive, lives close to the driveway along Jackson Road. She has lived there for 18 years and has seen community grow. She also shops at the Acme and her concern is not personal. Her concern is that if there is a problem, the residents will have to take legal action because the Board has indicated it is not its responsibility. She feels the variance requests are ridiculous and incomprehensible. The tractor-trailers will be a big problem. Acme's distribution center is in Allentown. Part time workers cannot unload the trucks, they have to ensure appropriate staff is there to unload. Therefore the trucks will have to wait. She is also concerned for safety along Jackson Road as there are no sidewalks. She resents the plan. She feels used and uninformed. She stated it is very sad and upsetting.

Mr. Steve Croce, 34 Woodstream Court, noted that on an earlier project a capital fund was discussed for maintenance of basins, retaining walls and things of that nature by the homeowner's association. The Royal Oaks Association had their own fund to pay for maintenance items. A certain amount of funds is set aside for repairs to items such as retaining walls. As a small community they feel they are being used. As Mr. Doughnten mentioned earlier, the developer is proposing to use something the Royal Oaks Association is paying taxes and dues on. It is very important that the development should not have the ability to use their basin.

He is also concerned with the retaining walls. Mr. Croce applauds the Board for having a 100-foot buffer behind their property. He went back there and took a look and 50 feet is nothing. Although 100 feet is a little more than nothing, it is better than 50 feet. He is concerned about the type of construction equipment the developer will use on a site of this magnitude. The equipment can cause problems to the Royal Oaks retaining walls or anything else that they are forced to pay for. All the residents are asking is that the Board take the community to heart and hopefully their foresight will help the residents not be penalized for this project.

Mrs. Michelene Pineiro, 9 Westwood Drive, stated that since the last meeting they have had the opportunity to get together with other concerned residents in the area. They formed a group called the Citizens for the Preservation of Mantua. They are 300 plus strong and tonight came in a small group. She would like to make two quick brief statements and noted that they have their emotions in tack. She would like to remind everyone that this is the same Planning Board that prevented 700 homes from being built due to the smart growth policy. If this was a housing development everyone knows that we would not be having this discussion because of all these variances. She knows that this is the same administration that has preserved land. This application is too busy for the Township and we do not want to become another Deptford Township. We want to keep our rural heritage and ask that the Board stick to the policies and not approve this project. She would now like to turn it over to Mr. Guy Prasalowicz who is going to read a statement from the 300 members of the Citizens for the Preservation of Mantua.

Mr. Guy Prasalowicz, 2 Brookview Drive, apologized for comments he made at the last meeting. He came to the meeting very tired, he works in health care, things have happened in neighborhood, there have been a couple of car accidents and this development hit him and he did not come in to the meeting in the best emotional tone. He was very upset and apologizes to the Board. He did not wish to reprimand anyone and appreciates everyone's public service. It is a very emotional issue for him being a health care worker in this town.

The groups asks the Planning Board to reject this site plan application for a retail center due to all the variances requested and the detriments it will create throughout the community. Quoting from the variance ordinance he noted that, variances are granted only where the applicant shows that it will be granted without substantial detriment to the public good and it will not substantially impair the purpose of the zoning ordinance. The group is strongly opposed to the 468 feet variances that is requested where 500 feet is required. The smaller lot size and the shrinking of this development into a small space really makes it difficult to navigate from the CVS to the

Acme. The guy did a great job of describing the need to walk from building to building to reduce car traffic. No doubt this development is one where people will drive and not walk.

He noted that many people have already address the buffer this evening. What he was trying to say at the last meeting was that The Delaware Valley Regional Planning Commission has been active in reducing air pollution and one of the things they are looking at is buffers. The less site traffic, the less cars idling and starting up, the better the air quality. Mr. Prasalowicz submitted an article from The Philadelphia Inquirer, dated January 27, 2007 describing research showing that children living near busy roads suffer irreversible lung damage and increasing asthma from pollution generated by cars. The 10-foot buffer on that side of the road with children living in those homes will bring in fumes on a daily basis. A scientific study prepared by the University of California that is indisputable and has been replicated in another study that was published in the Courier Post describes the negative affect of pollution from cars and dust on all the roads to cut the life expectancy from 2.5 years. He thinks this information is relevant in denying this application. An inadequate buffer will cause residents living on the surrounding the property to breath in the air pollution from cars on the site.

Mr. Prasalowicz stated that in regards to the waiver for parking spaces, he is submitting pictures from two other Acme sites. One thing to keep in mind is that Acme rarely ever maintains space. A picture of the Woodbury Acme showed storage bins for goodwill that take up several parking spaces. Acme rarely ever maintains the number of parking spaces required. Behind the Acme were trashcans and a trailer that has been parked there for five months. There was also trash along the fence. In addition to the bin and other obstructions that naturally occur in running a retail business, Mr. Prasalowicz stated that Acme does not remove shopping carts like they are suppose to. He went to the Washington Township Acme yesterday and presented a picture that clearly shows that parking spaces are missing due to carts blocking spaces. He asks the Board to please enforce the minimum number of parking spaces.

He noted that the project is a large development, there are not enough parking spaces, there is not enough buffer space and the residents are going to have to suffer through tremendous traffic problems. The proposed improvements will not work. In the Mantua plan it mentions development proposed on Route 45 and Heritage Road, which could contain up to 600 dwellings and 400 square feet of commercial space. He stated that he liked the development, however, the problem is before you complete improvements at Mt. Royal Road and Route 45 intersection future development needs to be considered.

Lastly, he stated that he had a statement that was his and not the groups. His father was an A&P union worker and he was a union worker from 1980 – 1989 in the health care field. This is not about union bashing or refusing jobs or having single mothers not have a place to work. It is about residents and their neighborhood being protected from encroachment of an oversized development. He wants the Acme to say in Mantua. He shopped at the Acme up until three weeks ago when he walked in and they asked him to sign a petition telling him that if he did not sign it a bar or restaurant was going to be built on the site. He then submitted a copy of the flyer Acme was distributing. He thinks it is very unfair that the applicant feels it is a personal matter. If it was a Pathmark or Shop Rite they would feel the same way. The names do not matter. It is about the community and they are objecting to the size of the development and the danger it is going to cause for their families, the lower property values and the unsightliness of signs larger than they need to be. He has a petition with over 300 signatures on it and asked to submit it to the Board. Mr. Ragonese indicated the Board cannot accept the petition when the applicant does not have an opportunity to question those individuals. It would be considered unfair, but it was duly noted for the record. Mr. Ragonese noted for the record that Mr. Prasalowicz submitted a serious of five large photographs, two articles, nine small photographs and the Acme flyer.

Ms. Carol Miller, 208 Summit Avenue, has been a homeowner in Mantua for 13 years and an Acme employee for 24 years. The reasons noted for not wanting the Acme have been pollution and congestion on the road. No matter what is developed those two concerns will still be there. She has never known the noise level in a supermarket to be very high even though she works in one. Crime—she does not think supermarkets breed crime. There may be an occasionally shoplifting incident but that is true of any retail establishment. She noted a few new products that will be available from an improved Acme in Mantua. There will be a full range of products such as fresh seafood, hot foods and deli items currently not available. There will be increased employment opportunities especially for students and senior citizens who need practical part time hours. These jobs are union jobs with full benefits such as health care, dental, vision and prescription, paid vacation and holidays. A new store will help in tax rates by increasing a new ratable. Ms. Miller questioned if not Acme what will go into this parcel—more homes to increase demand on our school system resulting in higher taxes? How about a restaurant with a sports bar? She thinks not. She feels that with Acme we know what we are getting—a good neighbor in our a6ownship that she believes a majority of our residents would welcome. She stated that we not only need a bigger store but Mantua Township deserves it.

Mr. Bryant Humble, 4 Kettlewood Court, moved here three years ago from Philadelphia where he practiced law. He moved here because of the residential nature of the community. He moved here because his children would be safe. He does not think anyone here is saying that Acme is going to breed crime except for the occasional shoplifter, but they are saying is his children are not going to be safe. It will not be the same residential environment that he moved here for and that many of the members here helped create. These people are the same people that are going to be proposed consumers of the Acme and these are the same people and the reason Acme wants to be here to begin with. Acme wants to be here because of this residential neighborhood that these people created because that is money. He admits he was not involved in this since the beginning and after practicing law for so many years he has become quite jaded as to what members of the community can accomplish. So he sat there and watched and the Board truly is listening to the people. That does not happen all that often in Philadelphia, but it does happen in New Jersey. That is another reason he moved here. He got involved for that reason and he was going to come down and say his piece of mind.

The second reason he got involved is because the community members were involved in the organization called The Citizens for the Preservation of Mantua. They developed web interaction so people could communicate and he happened to pick up a couple of the e-mails and he read them. One of the e-mails was from someone that was a proponent of the Acme. The e-mail referred to the community that he moved to as trashy townhomes. He was offended because they are the people that are going to be Acme consumers. He thinks the most interesting thing about the zoning is the number of variances. The applicant is not coming in and saying they need one variance because this almost fits. They are asking for buffers on every side and the one lady that left here upset was wrong about one thing—they did not ask for one variance, they did not ask to violate air space, that is the only thing they did not ask for. Every side of the project is a variance. His kids walk along Jackson Road, which is a little busy right now. They could certainly use to have the Board approve some kind of crossing guard along the road. But what they do not need is 15 wheelers driving down the street where his kids are walking.

Someone said something about when they moved in this property was zoned this way. Some may have checked that. When he moved in, he said someday someone is going to develop that. He did not need to look wherever these people look when they looked for these sorts of things. He was not here when all the experts testified, so he does not know what they said. He is sure they had a lot to say about how it will not have a lot of impact on our community and all those sorts of things that they get people to say, but he lives there and he is a lawyer too and he is telling the Board that its going to negatively effect he community.

Ms. Heather McGregor, 291 Lansing Drive, noted she had several concerns she wanted to address. She applauds Acme for some things they have said they want to change for the people in the surrounding area. It is too big of a project. She understands their present landlord will not cooperate with their attempts to enlarge or repair the store. It would be nice if something could be done to get the landlord to get them to address improvements to the store. She understands Acme is paying for half of the improvements at the intersection. She imagines the project will not fly without the CVS because they are picking up the other half of the cost. That is just information she heard from people that work for Acme.

The other issue she is concerned about is the woods. Someone has to speak up for the woods. She has heard all about the traffic and, yes, it will back up on Jackson Road and will increase traffic throughout Centre City. That is the last group of woods in the area and there is a lot of wildlife. She was told that no one considered what would be done with the wildlife in the woods. There was a statement in the January minutes that trees do not do anything but look pretty. That is wrong and was probably someone speaking in the heat of the moment. Trees do take pollution out of the air and they do add oxygen back. They serve a purpose; they assist wildlife. You will see a reduction of wildlife if that development goes in there. You will not see the fox, wild turkey and hawks. She is a tree hugger. There are not enough trees in this area everything is getting ripped out for development. If someone does not start taking a stand there will not be any fields or wildlife—it will all be traffic and people. Traffic on Route 45 is bad. Once those trees are gone, you cannot get them back. Look at the Caldor lot. Blacktop is forever.

Ms. Peg Michalowski, 480 Mantua Boulevard, is a representative for the United Food and Commercial Workers Union Local 1360. They have over 250 workers living in Mantua Township. She noted that the first thing Acme did when they came in 1974 was to go to the high school and get local kids to work there. She was one of those kids. Acme has proven to be a good neighbor to the community over the years. It has been the first job for thousands of our kids. She believes it would be a huge mistake to turn this project down based on the variances that are similar to many other projects in the Township.

To address the comment about part time workers not being allowed to unload trucks, Ms. Michalowski stated that is simply not the case. Part time workers are capable to unload the trucks. The tractor-trailers do not idly wait while waiting for someone to unload them. They are paid by the hour. She hopes this project is voting on based on the benefits it has to the residents and is not politically motivated. As a 46-year resident she was very unhappy to see the rally that took place on Saturday because people were telling others not to shop at Acme. She is aware of the petition opposing the plan because it would impact the quality of life for residents of Mt. Royal Road and Jackson Roads as well as those on Woodstream Court. It is the Board's obligation to consider the common good of the entire Township and not just residents of three streets. She does not feel that all residents signed the petition in favor of this project. With all the residential growth we have seen in this Township and the cost to expand schools we now need additional tables. After reading concerns of residents some are understandable and some are just ridiculous. She believes as a resident of this Township that the positive impacts of this project far outweigh the negative.

Mr. Bob Bonin, 231 Cumberland Avenue, has been a Mantua resident for 48 years. He thanks the Board for hearing all opinions expressed tonight. He admires people voicing their opinions because it shows a lot of unity in the community. Many opinions heard tonight are not in favor of the applicant. He is speaking as one who is in favor of the project. He feels Mantua Township residents deserve a new store. They deserve an up-to-date store to serve the community. The present store is out of date. He is a proud worker of 30 years for Acme and is a Union member. He is also proud to be a Mantua Township resident. This project gives Acme new growth. He would like to see it approved and made to work. He would not like to see it moved someplace

else. Many residents travel to the Woodbury store where he works because they do not find what they need at the Mantua Acme. Therefore, people are traveling further distances and bringing more pollution through the town. They also have people come from Mullica Hill and South Mullica Hill traveling through the community adding more pollution. He asked that the Board please understand his position and approve the application.

Mrs. Jesse McGregor, 291 Lansing Drive, stated she would like to be a little different slant on things. She likes Acme, shops there and feels it is a nice store. However, she does not like the giant stores and she has a lot of friends that feel the same. Why does every Acme have to be a giant? Mr. Thomas Boyer, director of real estate – Acme, replied that in the past Acme has built larger stores. The plans before the Board are actually for a smaller store than at other locations, i.e. Woodbury. It is about 15 square feet less than the Woodbury Store. This is a new prototype going forward. Other competitors are going larger. The trend for Acme is to have significant less square footage than many current Acme stores.

Mrs. McGregor asked why the CVS has to be included. She feels that the problem could be solved by eliminating the CVS and moving the Acme to the center of the property. Mr. Boyer stated that the developer indicated they need CVS as part of the project. He cannot speak for CVS. Mrs. McGregor stated she saw no need for another drug store and thinks it would be great if there was a meeting of the minds to solve the issues somehow. She does feel the Acme needs to be improved. She is for making peace.

Ms. Linda Lloyd, 29 Skyline Circle, questioned if the facility was going to be a 24-hour store. Mr. Boyer responded that right now it is their intention to operate 6 a.m. until 12 midnight. They need to be competitive with competitors. Ms. Lloyd would like the Board to ensure the applicant adheres to the buffer zoning. She is concerned for noise and lights that will be disrupting to homeowners. She pays a lot of taxes and feels this project will have an additional drain on our police and will increase traffic. She would also like to suggest a traffic study for the area on a Friday and Saturday for Route 45 and Mt. Royal Road. She questioned how long the applicant will be there and wondered if the lot would result in a lot such as the former Caldor location. She thinks as everyone else that this facility is too large for this location. Children and residents will be too close to location. She hopes the applicant looks at another location. She is concerned with the traffic issues around Mt. Royal Road and Route 45. She asked the Board that when they make their recommendation it is ensured that Acme has to apply with ordinances just like she has to when building a deck or putting a shed in her back yard.

Mr. Kernan asked for a clarification on the hours. He noted that last month Mr. Long stated the hours of operation would be 7 a.m. until 10 p.m. In reaction to a question regarding loading, Mr. Long again stated that no loading would occur outside of 7 a.m. through 10 p.m.. He was stated that the hours of operation were 7 a.m. until 10 p.m. Mr. Kernan noted that it was repeated twice in testimony by Mr. Long and Mr. Boyle that the hours of operation and loading would not exceed 7 a.m. through 10 p.m. so he wanted to clarify the hours of operation are 6 a.m. until midnight and hours of operation for loading will be between 7 a.m. until 10 p.m.

Mr. Brian Dolan, 32 Brookview Drive, stated that he is a union elevator constructor and goes to Philly every day for work. If there is no work in Philly he drives to where there is work. Acme is going to build something and if they do not do it in this location it will be within 20 miles. You hop in your vehicle and drive to work. That is just what you do. He does not want to hear that hardship.

Ms. Jere McLaughlin, 11 Woodstream Court, indicated that she has worked for Acme for almost 34 years. Acme does a lot for the kids giving them their first job and making them responsible. She thinks it is a good project. Acme supports community activities such as softball and little

league teams. Acme allows youth organizations to set up in front of stores with bake sales. There will be growing pains with anything new. All Acme is doing is taking the customer base they presently have and moving it a half mile down the road. She thinks it is something the Township needs.

There being no further comments, the public hearing was closed.

Board Professional Comments: Mr. Harris asked for comments from the Board’s professionals.

Engineer’s Comments: Mr. Bryson reiterated the waivers being requesting:

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.

Environmental Engineer’s Comments: Mr. Anderson stated that the applicant has noted that they will comply with everything in his review letter. His letter primarily surrounds the tree compensation He needs additional information in order to quantify the compensation required and the measurements the applicant is proposing.

Planner’s Comments: Mr. Kernan noted the following from his review of the application.

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.**

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 percent 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.**

- 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.

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.**

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 he does not feel the lot is an odd shaped lot in the way of hardship because the applicant still has a bigger area in the rear for Acme. However, they do not have the lot width for CVS.

Applicant's Comments: Mr. Long thanked everyone for their testimony. He would like to clarify that the applicant only needs four variances—three buffer variances and one lot width variance. He feels there is a hardship because the lot is not changing. It is not a self-imposed hardship. That is the way it is zoned. They did not subdivide it that way. It is a pre-existing condition and they can not get the 500 feet so it does not matter if they just have the Acme on the plan. They will never meet the lot width per the ordinance.

Mr. Kernan stated that he only wanted to point out to the Board, the applicant and the public that if there were no proposed structure in that 475 feet width area and if the structure was back further it would be less of an issue. Mr. Long noted that per the ordinance it would still be short 468 feet. Mr. Kernan indicated that the Board, in conjunction with the developer, could work to create a more acceptable project. Mr. Long understands that it is easier to swallow but clarified that the applicant would still be seeking a variance whether they just have Acme there or not. Further, if the Board turns the project down, the applicant can not put the Acme there because it is such an irregular parcel that the Acme by itself will not fit without a buffer variance.

There are three other variances that they are looking for. It is not uncommon for an irregular lot to need buffer variances because of the way it is shaped. It is not uncommon in Mantua to ask for this kind of relief. They have researched the last 10 major subdivisions that Mantua passed. Eight of the ten asked for the exact same relief buffers that this application is seeking and all eight were granted that relief. They are only asking for something that everyone else has asked for previously. They want to be treated consistently.

As to the waivers, the parking lot does not provide for the parking, but what it does provide for is more than the industry standards. They have people in the business that say although Mantua is calling for five per 1,000, the industry standard is 4.5 per 1,000. The applicant is at 4.7 per 1,000. They can not get more because it is an irregular shaped lot. The other misnomer is that this project is too big for this lot. Mr. Long does not feel it is too big. He noted that you determine if it is too big by the impervious coverage. The Township allows for 70 percent impervious coverage in their zoned commercial area. The applicant is only at 63 percent. Mantua allows for building coverage of 25 percent on this particular zoned parcel. They only hit 11 percent. In that 25 percent they are allowed 100,090 square feet—not the 83,000 square feet they are proposing. They are looking for variances and relief because it is an irregular lot. If it was a square shape it would meet the requirements and the buffers and parking would be adequate. However, because of the irregular shape it is a hardship for them.

In addressing the sign and parking waivers, Mr. Long stated that they in researching those 10 applications that were granted, five of the ten needed parking variances. Those applications were granted relief for more than they are asking for. Five of the ten signs asked for sign waivers. Mr. Long said that if you go down Route 45 Acme is not asking for anything other than what has already been approved by Mantua. For Acme not to be afforded what applications before them were afforded is very arbitrary and if they are not able to put those signs up, they lose their competitive edge. Denying the variances and waivers does not allow for things they need to do and does not allow for fairness. He appreciates the time given to the application. Mr. Long stated

that it is their strong belief that they have a solid argument for a hardship and that through testimony they have proven so they can be granted relief. He does not feel it is not any different than applicants before them. For the applicant not to be approved tonight would be an arbitrary moment.

Board Solicitor Comments: Mr. Ragonese stated that it is the responsibility of the Board to consider the applicant's request for essentially bulk variances. There are two theories to advance the possibly to create these bulk variances. The theory advanced by the applicant is that there is exceptional narrowness, shallowness or shape of the specific piece of property or there is exceptional topographical conditions or physical features that uniquely effect this specific piece of property. Alternatively, the applicant could argue that where this application relating to the purpose of the local zoning act and the Municipal Land Use Law would be advanced by a deviation from the Mantua zoning ordinance.

Now, if the Board members listened to those arguments and feel favorable that is still not sufficient. The Board must decide whether the variances, if granted, would create a substantial detriment to the public good or would substantially impair the intent and purpose of the zone plan and zone ordinance. In other words, there is a positive test and a negative test. If the applicant meets the positive test in that the person who is arguing the hardship must show that there is no substantial detriment to the public good and the intent and purposes of the zone plan. That is how the Board should weight their decision. Mr. Ragonese also noted that when the members make a vote on this motion, as this matter will probably be reviewed by a court, each should indicate his/her reasons for their vote. Each member should note the facts as they find them by stating for the record what they believe has been submitted in their reasoning for their decision. He noted that in this case there are numerous variances and he disagrees with the applicant's summation. There are parking, signage and general design buffers and variances that are being sought. Those variances have been spelled out by the Board professionals and that is why he asked each individual to review the conditions to the Board this evening so that the Board would have the benefit of their letters before a motion is made. He stated that the Board has listened to the testimony and now must make a decision. Mr. Ragonese stated that the motion could be put forth as in favor of all of the variances that have been requested by the applicant prior to proceeding with the request for preliminary site plan approval. He suggested considering a motion for the bulk variances first and then at that point if variances have been granted the Board can address the preliminary site plan. Mr. Long agreed. He continued that he understands the disagreement as to whether some items are variances. He said that it is all wrapped up in one and he completely understands. The applicant has provided their testimony and their interpretation and the Board professionals have indicated their testimony and opinions. He appreciates that, but wanted it noted for the record that there are differences in position.

Mr. Ragonese believes legally the applicant is entitled to a vote in one shot as the application has been submitted. Mr. Long would be satisfied with the vote in its entirety. Mr. Ragonese indicated to the Board that the applicant is stating that he wants the motion to include bulk variances and preliminary site plan motion as he as submitted the application. The motion should be made in those terms.

Board Comments: Mr. Lenkowski stated that it is a shame that this application came to this effect. He assured the public that the Board looks at the site plan itself when considering approval. He noted that one member of the public stated he was sorry he was a burden to the Planning Board. Mr. Lenkowski indicated that anyone who comes to the Board and makes a public statement is never a burden. The Board always wants to hear from the residents in the community.

Mrs. Lawrence stated that she lives in Mantua, she is a school teacher in Mantua, she is a union member and she worked for a supermarket and can appreciate everything the Board has heard. The Board is looking at a project that it thinks is good for Mantua or the Township would not have a Master Plan to zone that area commercial. On the other hand, the Township has established ordinances to say this is what standard needs to be met. She asked that the public understand what the Board is wrestling with at this particular moment. It is not for one side and it is not for another. It is looking at what does the Master Plan outline for the Township. The Township Committee spends a lot of time passing ordinances because they care about what Mantua is—not only for business, but also for the residents. That is what this Board is facing.

Board Action: Mr. Giumarello made a motion to deny the application based on the bulk variances and waivers being requested. Mr. Emery seconded the motion.

Roll Call Vote: YES TO THE DENIAL:

Mr. Emery. He stated his vote was based on the fact that he feels the buffer variances are in excess and he does not feel it is the size of the lot—he feels it is the size of the project. If the project were smaller there would not be as many variances required. If the applicant came back with a smaller project he feels the Board would entertain such a plan.

Mr. Giumarello. His vote was based on reasons noted in his motion.

Mr. Harris. He agreed with reasons stated adding that he does not feel the applicant is not carrying the burden of proof permitting the Board to grant them variances and waivers.

Mrs. Lawrence. She believes that while the Township certainly wants business in the community, it also passes ordinances that need to be complied with.

Mr. Lenkowski. His vote was without prejudice.

Mr. Legge. He stated that his vote was based on the detriment that the buffer variances bring forth.

Mr. Datz. He understands the need for a new Acme for the employees and for the residents. He thinks they all deserve it and feels that it is needed in this township. However, he believes that they can get a lot closer to confirming with a project like this without the excessive variances.

Mr. Howarth. He agrees with Mr. Datz that the Acme is well deserved and is needed in Mantua. However, with the amount of ordinances that they do not comply with along with all the work put into the Master Plan to make the Township better he believes the project needs to conform to more of those for him to be in favor of it.

Mr. Land. He noted that he agrees with the same reasons as stated, but mainly the arguments put forth regarding the variance on Mt. Royal Road by the residents. He also has a problem with the applicant proposing to utilize the basin for the town homes. He feels that is something the applicant needs to guarantee that the town homes are not going to get saddled with. He understands it is not one of the variances, but feels it is something that needs to be further addressed.

NO TO THE DENIAL: None.

ABSTENTIONS: None.

Resolutions

Mr. Ragonese presented Resolution 07-11 appointed Maser Consulting, P.A. as conflict engineer. **On motion by Mr. Lenkowski, seconded by Mr. Emery, the resolution was approved. Roll Call Vote: YES – Mr. Emery, Mr. Giumarello, Mr. Harris, Mrs. Lawrence, Mr. Lenkowski, Mr. Legge, Mr. Datz, Mr. Howarth 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