

**BOROUGH OF FOLSOM  
PLANNING/ZONING  
BOARD OF ADJUSTMENTS  
MINUTES**

September 21, 2016

The meeting was called to order at 7:07 PM.

**SALUTE TO THE FLAG**

**CERTIFICATION:** Adequate notice of this meeting has been given in accordance with the Open Public Meeting Act pursuant to Public Law 1975, Chapter 231. Said notice has been advertised in The Gazette and Atlantic City Press and is posted on the bulletin board showing the time and place for the meeting.

**Members Present:** Charles Pitale, Glen Smith, Joel Spiegel, John LaPollo, Lou DeStefano, Ben Pagano, and Michael Veneziano, Claude Jones

**Members Absent:** Joe Pino, Ron Esposito, Dave Cappuccio

Others Present:           Solicitor:                   Jorge F. Coombs, Esq.  
                                  Board Engineer:        Vince Polistina, PE, PP  
                                  Board Secretary:       Susan Carroll

**APPROVAL OF MINUTES:**

A motion was made by Mr. Smith and seconded by Mr. Pagano to approve the minutes of July 20, 2016. There was a roll call vote with ayes all and 3 abstentions by Mr. LaPollo, Mayor DeStefano, and Mr. Jones.

**APPLICATION:**

**05-PZB-2016 - FOLSOM DEVELOPMENT ASSOCIATES LLC / GEORGE SMITH** is seeking Preliminary and Final Major Site Plan, Minor Subdivision, Variances, and a Waiver approval at Block 502 – Lot 17 and Block 503 Lots 1, 2, 3, & 4 on the Official Tax Map of the Borough of Folsom – more commonly known as 1402 – 1404 Mays Landing Road to construct a 9100 square foot retail store (Dollar General) and a 1,952 square food drive-thru café (Dunkin’ Donuts).

Mr. Jones and Mr. Smith recused themselves.

Mr. Malinsky of Fox Rothschild LLC on behalf of Folsom Development Associates, LLC seeking Completeness of Preliminary and Final Major Site Plan, Minor Subdivision, Variance, Waiver Approval to construct a 9100 Sq. Ft. Dollar General and 1,952 sq. ft. Dunkin’ Donuts located in the VI Village Industrial Zone.

Two Submission Waivers were requested:

Section 170-4 C. (1) (c)

Section 170-25 A. – Submission of Environmental Impact Statement

Section 170-4 C. (1) (d) [2]

Checklist Item 8 – Site Plan show existing Block & Lots

Ten Variances were associated with the Application. Three Variances resulted from the non-conforming lot which was being created. There was a need to subdivide a small portion off (of Block 503 – Lot 4) because a part of the driveway on the neighboring property on Lot 18 encroached onto the property. N. J. D. O. T. considered it an access point as part of the property to Route 54. The property did not meet the standard for two access points. N. J. D. O. T. would not grant an access permit and the Applicant was required to subdivide the property. The Applicant attempted to reach out to Mr. Perry (owner of Block 502-Lot 18) through phone calls and a visit to Mr. Perry's house. He left his card with Mr. Perry's mother and asked her to have Mr. Perry call, but there was no response. To expeditiously move forward with the Application and in order to get an Access Permit from D. O. T. the Applicant had to subdivide the property (Block 503-Lot 4). It is the reason a non-conforming lot was created. In accordance with Pinelands, it was a Condition of Pinelands to Deed Restrict the non-conforming lot for no further development.

Three of the Variances were expressly for the newly created non-conforming lot. Those Variances were:

- 1.) Section 200-19.A., (Table I) (vi): To allow a lot width of zero (0) feet for proposed Lot 2 where 200 feet is required.
- 2.) Section 200-19.A., (Table I) (vi): To allow a lot depth of 58.35 feet for proposed Lot 2 where 200 feet is required.
- 3.) Section 200-19.A., (Table I) (vi); To allow a lot area of 0.036 acres for proposed Lot 2 where 2 acres are required.

Seven Variances all dealt with the signage being proposed at the site.

- 1.) Section 200-24.H (1): To allow six (6) business/advertising signs for a business establishment (Dunkin' Donuts) consisting of five (5) wall mounted signs and one (1) freestanding pylon sign where two (2) are permitted.
- 2.) Section 200-24.H (2): To allow a business establishment (Dunkin' Donuts) to have a total business/advertising sign area of 376.17 sq. ft. The 376.17 sq. ft. will consist of 320.17 sq. ft. for wall mounted signs, 56 sq. ft. for pylon sign where sixty (60) sq. ft. are permitted. The Ordinance allows twenty (20) sq. ft. per sign.
- 3.) Section 200-24.H (2): To allow a business establishment freestanding pylon sign (Dunkin' Donuts) to have a height of 20 ft. where the maximum height of 15 ft. is permitted.
- 4.) Section 200-24.H (2): To allow a business establishment (Dunkin' Donuts) to have wall mounted sign(s) at a height of 18 ft. where 15 ft. is the maximum height permitted.

- 5.) Section 200-24.H (2): To allow a business establishment (Dollar General) to have total advertising sign area of 148.13 sq. ft. which is 97.5 sq. ft. for the wall mounted sign and 50.63 sq. ft. for the pylon sign where 40 sq. ft. is permitted.
- 6.) Section 200-24.H (2): To allow a business establishment a freestanding pylon sign (Dollar General) to have a height of 20 ft. where 15 ft. is the maximum height permitted.
- 7.) Section 200-24.H (2): To allow a business establishment (Dollar General) to have a wall mounted sign at a height of 18 ft. where 15 ft. is the maximum height permitted.

Mr. Coombs swore in Engineer, Cornelius Brown who has been with Bohler Engineering for 15 years and is licensed in the state of New Jersey; Professional Planning Consultant, Tiffany CuvIELLO, who is a licensed professional Planner in New Jersey; Mr. Richard Soloff, licensed real estate broker in Pennsylvania, New Jersey, and Delaware; Traffic Engineer, David Shropshire of Shropshire Associates, Professional Engineer, Professional Planner / Traffic Engineer and Transportation Planning.

Witness Mr. Brown testified numerous times before Planning/Zoning Boards in the State of New Jersey. He is an expert in the field of Engineering and was qualified to give testimony before the Board. Exhibit A-1 was introduced. It was an aerial of the site. He explained the current conditions at the site. The property is currently developed. The aerial depicts the overall view of the properties surrounding the area. Twelfth Street and Mays Landing Road and the properties located at the southeast intersection of the two roadways. Exhibit A-2 was presented. It was Sheet No. C-2 of the Site Plan. He gave an overview of the plan. Twelfth Street was located at the top of the page and Mays Landing Rd. was located on the side of the page. The plan was to erect two buildings. A 9,100 sq. ft. retail building / Dollar General and 1,952 drive thru café (Dunkin' Donuts) facility. Access was planned from both Twelfth Street and Mays Landing Rd. with driveways. There will be a driveway around the perimeter of the property. There will be parking on the northwest side of the property. The retail building will have parking on the east side. The drive thru café will have parking on the west side and also have ample parking at the drive thru facility. The drive thru lane will begin on the east side of the building and wraps around the side.

There will be trash enclosures located southeast of the drive thru café and southeast of the retail store. Sheet C-7 Landscaping Plan was introduced. There will be a combination of trees and shrubs along the regular parking areas. They are located on the northern parking perimeter the western parking perimeter and along the southern access drive at the rear. Screening was proposed along the northeasterly property corner/intersection.

Sheet C-14 Truck Turning Plan was marked as Exhibit A-4. Trucks will access the property from the Mays Landing driveway and turn along the rear access, turn between the two buildings. The loading area for the retail store was located on the southeast corner. The truck(s) will pull through between the two buildings and make a right hand turn then a quick left hand turn and exit along Twelfth St. The turning template was for a WB67 tractor trailer. There will not be tractor trailer deliveries for both establishment. The tractor trailer traffic plan was specific for the retail store. It was anticipated the drive thru café for deliveries to be made by smaller box trucks. It would not be typical for Dunkin' Donuts to have a loading area.

The Bohler Engineering Amended Signage Report was distributed to the Board Members. It was a summary of all the signage plans for the property and the various signs for the buildings:

#### DUNKIN' DONUTS SIGNS

- 1.) Dunkin' Donuts Freestanding sign will be located along Twelfth Street, off of Twelfth Street frontage.
- 2.) Building/Wall Sign: Fresh Brew DD LED S/F Cloud Sign will be located on the front of the building.
- 3 Building/Wall Sign: DD Stacked Logo Blade Sign w/Contour Top (BS-4) will be located at the corner on the front of the building.
- 4.) Building/Wall Sign: DD LED Cloud Logo/Letters (BS-1) will be located on the opposite the drive thru side of the building.
- 5.) Building/Wall Sign: DD Sintra Cup Wall Graphic (SG-1) will be located on the drive thru side of the building.
- 6.) Building/Wall Sign: Fresh Brewed Multi Panel Graphic (DD-907) will be located opposite the drive thru side of the building.
- 7.) A Menu Board will be located along the drive thru lane.
- 8.) A Clearance Bar: Vehicle Height Detector will be located at the entrance to the drive thru facility.
- 9.) Order Canopy: Drive Thru Canopy will be located in the general area of the Menu Board.
- 10.) Directional Signs will be placed strategically throughout the property to direct traffic to the drive thru and various exit and entry points.

#### DOLLAR GENERAL SIGNS

- 1.) Freestanding/Pylon Sign in the same general area closer toward the intersection along the Twelfth St. frontage.
- 2.) Building/Wall Sign located along the front of the building.

#### TRAFFIC

There will be a driving lane located towards the southeast side of the building. The customers will drive in either direction along the drive isle. They will make a turn where there will be a clearance bar and access the drive thru lane on the south side of the building and from the south along the east side of the building.

The entrance for Dollar General will be located along the front side. It will be the only entrance.

The First Order, LLC Minor Subdivision Plan was revised per Borough Engineers request in his report. The corrected minor subdivision plan was displayed. It was modified for the correct lot area. It was marked as Exhibit A-6. A copy was submitted to the Board Engineer.

#### STORMWATER MANAGEMENT CALCULATIONS

Bohler Engineering will be complying with all of the Engineer's comments for Storm water Management Facilities located toward the southeast. Especially the Bio retention Facility. The angles, location, of flared end sections of #1 and #2 of the Engineer's report and will be relocated to be more in line with swale A.

A copy of the Geotechnical Investigation Report was marked as Exhibit A-7 and handed out. A copy of an inspection maintenance plan was marked Exhibit A-8 and handed out to the Board Engineer and Sheet No. C-12 Stormwater Management Plan was presented as part of the plan.

It was Mr. Brown's opinion, the site was appropriate for the two establishments, 9100 sq. ft. Dollar General and 1,952 sq. ft. Dunkin' Donuts, the size of the property, the zoning of the property, and other uses along the corridor.

The Board addressed the Applicant's Engineer and asked if there was parking for tractor trailers to access the Dunkin' Donuts. If tractor trailers pull off Route 54 on to the side of the road to patronize the Dunkin' Donuts, they could potentially obstruct traffic and cause a traffic hazard and possibly block patrons from entering and entering the site. The Board was concerned about safety and did not want any one parking on Route 54.

There was no parking for tractor trailers, but the configuration of the site allowed for tractor trailers pulling in to be able to maneuver through the site and also exit the site. The Ordinance did not require parking for tractor trailers. There was a similar concern regarding a Wawa. Tractor trailers normally won't stop in an area where there is no parking for them. Tractor trailers will find a spot either along the street or could potentially find somewhere not blocking access. The applicant was not encouraging tractor trailer traffic, but it is hard to prevent. The site provided for 81 parking spots where 74 were required. There was ample parking. If the tractor trailers were to park on the street, they could be sited. It would be something for the State Police to enforce. The Applicant understood the concern for safety, and had no problem posting signs for no tractor trailer parking on the property, and will try to address it as best as could. It was a difficult situation because the Applicant could not enforce it, but perhaps the State Police could.

The screening will be landscaping. Trees and shrubs will be used for screening. It will not be a physical screen. The majority of the landscaping will be located along the property line with Lot 18. Landscaping was proposed in the non-conforming lot.

The Applicant was in the process of obtaining NJDOT Access Permits. There was a concern regarding the left hand turn crossing the crosshatch. Which the traffic engineer will address.

Ms. CuvIELLO Perpetual Planner addressed the Board with reference to the drive thru speaker(s). Only one speaker was proposed on the canopy post (sheet SS-6 of Bohler Engineering packet).

She also explained the positive and negative criteria for three Variances pertaining to the non-conforming lot and seven variances for signage and how each was satisfied. Mr. Coombs stipulated Ms. CuvIELLO's qualifications. She is a well-respected planner and has appeared before many Boards before. Chairman Pitale considered her qualified to proceed.

Variances were requested for the triangular lot created due to the NJDOT issue. Variances were requested related to the signage. The Site Plan conformed to all aspects of the Folsom Ordinance in terms of bulk design requirements. Ms. CuvIELLO demonstrated the positive and negative criteria for the approval of the requested Variances. The benefits and purposes of Zoning would

be advanced and the benefits outweigh the detriments of the C-2 flexible C Variance. There was not a hardship, but believed the purpose of the Municipal Land Use Act and purpose of Zoning were advanced by a virtue of the Application before the Board and the variances requested and the benefits outweigh the detriments.

The Applicant was asking for a lot of signage which required ten variances for two different developments on the property, different wall signs, and locations of the free standing signs. Each and every sign required a variance. Folsom's Ordinance permits two signs per business at 20 sq. ft. per side. The Applicant exceeded it. The way the Site was laid out at the corner of Route 54 and Mays Landing Rd., all of the signage was focused on Route 54 frontage side. The way the road was configured, it was set back almost 54 feet before reaching the property line, then the freestanding sign, and then another 100 feet before reaching the building. There will be a substantial separation between the paved area of the road where the motorist will be, the actual property beginning, and the buildings on the property. The Ordinance for a 20 sq. ft. sign did not provide enough room for motorist to safely identify the property, identify the use, make a driving decision to go to the property, and have time to safely enter the property. On Mays Landing Rd. there is a speed limit of 40 mph. On Route 54 it increases up to 55 mph. It is a higher speed road. The Applicant wanted to make sure the signs will be visible and for people have time to identify where they are going and safely enter and access the property.

The proposed freestanding sign for the Dollar General was in excess of 20 sq. ft. It was proposed at 50 sq. ft. The actual component of the sign was the letter height of the Dollar General. The height of each letter will be just over 15 inches. The height of the letter was chosen to be able to read the words on the sign. The 15 inch letter height was relevant. In comparison, the number height of the 55 mph speed limit sign along Route 54 is 14 inches. The speed limit is right on the roadway where the speed limit could be seen and read while driving at 55 mph. The letter height on both the Dunkin' Donuts and the Dollar General will be a little over 15 inches. It will be located about 50 ft. further off of the roadway. The letter height is not much more than the 55 on the speed limit sign. It was a comparison as to what is appropriate to be able to see, identify, and read at that speed limit, if not stopped at the light, to safely enter the site. It reflected on why the letter height for the sign was chosen. If a 20 sq. ft. sign were to be used, the letters would have to be compressed together. It was not practical to put the name of the business in a 20 sq. ft. sign, with a letter height that will be visible from the road, and safe to identify, and get into the site. A Variance from the Ordinance is requested for the size of the sign.

The same applied to the building mounted signs. The building mounted sign for the Dollar General will be 22 inches on the building. It will be 150 ft. back. The building size sign needed to be in scale and proportional to the size of the building. The Dunkin' Donuts exhibits were all scaled in a way to fit on the buildings. In the Exhibit, a single sign on the side of the building will be visible mostly to the motorist in the parking lot. The individual components on the front wall sign will be 15 to 20 sq. ft. The word Dunkin will be about 15 sq. ft. The word Donut will be about 15 or 20 sq. ft. When added up and boxed out, it will be a much larger sign at about 80 sq. ft. for each individual sign. The Variances requested relate to the size, the number, and the mounting height of the signs. The two commercial properties were appropriately located in the Village Industrial (VI) Zone. There were limited opportunities for commercial development in

Folsom. This intersection provided a key opportunity for a proposed development and the Dunkin' Donuts was aptly placed.

In conclusion Ms. CuvIELLO explained, the Variances requested were part of Comprehensive Development Plan. The benefits were important when considering the purpose of the acts which would be advanced. It will promote safe access to the property. It will provide an opportunity for the community to encourage commercial development in an appropriate location which was also a purpose of Zoning. It will create a desired visual environment because the signs will be scaled in proportion to the building. Although there were a lot of signs, they were not overabundant when looked at individually. For those reasons, the positive criteria under the act were advanced under the C-2 standard. The benefits substantially outweigh the detriments. In terms of the detriments it was not believed there was a substantial impairment to Folsom's Zoning Ordinance or Zoning Plan. Although the Applicant exceeded the requirement, the two uses on the property were scaled appropriately and did not believe it substantially impaired the intent of commercial development in this area of the Borough. It did not create a substantial detriment to the public good. It will be 150 ft. back from the paved cart way width and wanted to make sure there will be the appropriate visibility, the signs are scaled in a proportion which are readable to the motoring public, and when looked at under the standards the benefits for the appropriate commercial development with signage which is functional and works substantially outweigh the detriments. It will be a better zoning alternative and the entirety of the package was advanced through the proposal presented. The criteria for the signage variances and small variances for the non-conforming lot all work together. The undersize lot was a unique situation special to the property because of the existing encroachment of the driveway. They were trying to remedy it to make the site developable. It will be deed restricted from development and there will not be someone coming in requesting to build on the little lot.

The Board questioned how many building signs would be illuminated. All signs except the coffee cup on the building will be illuminated. The coffee cup will have lights shining down on it.

The Board also asked why Dunkin' Donuts was on the inside (of the lot) and not on the corner. It seemed the Dollar General lacked signage in comparison to Dunkin' Donuts. Dunkin' Donuts would have visibility on both Mays Landing Rd. and Route 54 in both directions. The Dollar General was placed on the corner because of the function of the geometry of the lot. The applicant needed to maximize the parking and around the side of the building. It separated the drive thru keeping it on the opposite side as opposed to having it in the middle of the property. It would interfere with traffic associated with the retail build.

Mr. Richard Soloff, licensed real estate broker in Pennsylvania, New Jersey, and Delaware; and member of Folsom Associates Development, LLC gave testimony. The signage package for Dunkin' Donuts is the standard signage package and the standard package for Dollar General. The applicant was not asking for any different signage than anywhere else there is a Dunkin' Donuts or Dollar General. They did a Dollar General about two months ago with the exact same signage package. It was an identical sign package.

He addressed the Board with delivery times, hours of operations, number of employees, and employee shifts. The Dollar General will be at 8:00 am to 10:00 pm seven days a week. A typical shift of Dollar General would be two employees except during a peak period. During a peak period it would be three employees. It would have one delivery per week by tractor trailer. On the delivery day they might have four employees. The smaller trucks such as Frito Lay and Coke-a-Cola deliveries are random. Trash and re-cycling will be handled in the rear dumpster. Typical trash pick-up will be twice per week for trash and once per week for re-cycle.

The Dunkin' Donuts is open from 5:00 am to 10:00 pm seven days per week. During peak shift there will be five employees. Peak shifts are typically in the morning from 5:00 am to 10:00 am. Thereafter two employees per shift unless there is a special event. Deliveries for Dunkin' Donuts are daily by box truck for doughnuts and baked goods. The truck usually meets at 5:00 am when the store opens. Trash and re-cycling will be an enclosure in the rear. Typical trash pick-up by waste management will be two times and once per week for re-cycling.

Deliveries for the Dollar General occur typically in the middle of the day. They do not want deliveries during peak periods and do not do deliveries after hours.

The trash enclosures will be gated. They are screened and enclosed with gates. They will not be covered on the top.

Mr. David Shropshire of Shropshire Associates, Professional Engineer, Professional Planner / Traffic Engineer and Transportation Planning gave testimony. The Board Solicitor noted Mr. Shropshire is a well-respected expert in the field of traffic engineering. The Board recognized his qualifications.

There was a concern regarding the left hand turn crossing the crosshatch. There was no restriction with regard to turning left. The cross the restriction by crosshatch area it gets insipid there. People violate it all the time. The application was up at NJDOT (New Jersey Department of Transportation). They will be reviewing the striping. One of the questions they had at the pre-application meeting concerned the length of the left turn lane and how it was going to work. They will be evaluating it. If for some reason re-striping needs to be done there, it can be done. Will cooperate with the sufficient to restripe it if it is so required.

The status of the NJDOT access permit application was deemed complete on August 18 and there is a 90 day review period. The review period will run until November 18<sup>th</sup>. The applicant has been inclining NJDOT has been sticking a little bit a closer to their time frames with these types of reviews. It was anticipated to be heard sometime on or before November 18<sup>th</sup> with the first review. It was submitted as a major application based on the line it was trip generated on the State Highway. The alternative access will be trips that are assigned in both locations. It distributes the traffic and make it a little bit more flexible in terms where the intensity of the traffic will be particularly with the left turns going out of the site. During the peak hour there is an option to go to Mays Landing Rd. and go out to the signal. They tried to account for it (the alternative exit onto Mays Landing Rd.) when they did the evaluation.



The requirement for the need to subdivide the property to create the non-conforming lot was because NJDOT considered an encroachment as an access point for the applicant. It was on the Applicants property. NJDOT would not grant another access per the Applicants property because of it. The Applicant subdivided the lot and is able to obtain an Access Permit for proposed Lot 1. There is a little bit of inflexibility with regard to NJDOT and the number of driveways and encroachment of driveways on properties. The simplest path was to subdivide so the single family home driveway would be on a lot which could be controlled by the single family.

The Board asked if the left turn on (onto/off of) Route 54 could be done away with. Mr. Shropshire responded, the DOT would not restrict it normally based on the access level of Route 54. He believed with these type of facilities there are a lot of repeat customers and there will be some general idea of when a signal should be used and when it shouldn't. There would be a little bit of a ham string for the property if the turns were restricted. Basically there will be gaps in traffic throughout most of the day. You don't see the gaps in traffic during some of the peak hours, but not have them circulate around and have to wait at a signal when for a good portion of the day they would be able to make the left turn and be able to do it reasonably.

The Board was concerned about travelers who are not familiar with the area. For the vehicles traveling northbound on Route 54 it could be deceiving. The first thing NJDOT would consider is safety when they look at the numbers on the traffic study submitted with the Application. One of the mitigated factors is having the traffic signal. It created a reduction to the speeds coming through in the northbound direction, but DOT will make the decision on it. They would permit left turns there so the Applicant applied to have one.

The Board's concern was due to several fatalities at the Wawa on Route 322 (at Cains Mill Rd.) where people made left hand turns. The DOT traffic engineer was contacted and was looking at it. The Applicant's Traffic Engineer thought the difference between the Route 54 site and the 322 Wawa site as he recalled it was in an intersection where there were four (4) lanes. There was a little bit more drivers have turn thru. His office researched one of the fatalities which happened at the Wawa. A lot of it had to do with driver behavior, judgment, and the width of the roadway in relationship to where the driveways were. It was a little bit of a different situation and understood the Board's concern with regard to the actual speed of the roadway.

The Applicant's Traffic Engineer could not speculate if DOT would leave the crosshatching or open it up because there wasn't a high enough volume of left turns into the site during the critical peak hours. It would create an issue for how the stripping is today, but there is sufficient width there to convert the left turn lane to extend it and create a directional lane which will have two components to it instead of a center left turn lane. It could be done within the existing parkway.

There were no other witnesses.

### **ENGINEERS REPORT**

The Engineers Report was dated September 20<sup>th</sup> 2016. It gave a description of the proposal as indicated by the applicant. The property is Lot 17 – Block 502 and Lots 1, 2, 3, & 4 – Block 503. The site is currently vacant and has some existing asphalt and a farm field. The Applicant

is proposing a minor subdivision to clear up the issue with the encroachment of the drive way from the single family dwelling and the development of the Dollar General and the Dunkin' Donuts. The Applicant needs for Preliminary and Final Major Site Plan Approval, a Minor Subdivision Approval, Variances and one Waiver for the Environmental Impact Statement.

### **COMPLETENESS REVIEW**

Two items were needed for the Completeness Review, but the Applicant will provide them both as a Condition of the Approval. No Waivers were needed for the Checklist.

Item 8: The Block and Lot numbers

Item 28: Dealt with the septic system.

Both must be addressed as Conditions of the Approval and Checklist Waivers were not needed for either one.

### **ZONING REQUIREMENTS**

The Lot area requirement is 2 acres. The Lot width requirement is 200 feet. The Lot depth requirement is 200 feet. The Variances for the small triangular lot created were needed because it was a very small parcel created to address the issue with the encroachment of the driveway. DOT would not give access to Route 54 unless the driveway was on a separate property. There was a purpose for the newly created small triangular lot.

The three Variances for Lot area, Lot width, Lot depth were required.

The sign package was the standard for the industry both for Dunkin' Donuts and Dollar General. A description was given for each one of the Variances required. The Borough Code was somewhat antiquated. It didn't give a lot of guidance. It only allowed for two signs which cannot be bigger than 20 sq. ft. on one side and no higher for 15 ft. The current sign package exceeded all of the requirements and Variances were needed. Variances were needed for the freestanding area and height. Variances were needed for the wall mounted signs area, height, and in some cases numbers.

### **REVIEW COMMENTS**

The Applicant was seeking a Design Waiver from the strict requirement of the Environmental Impact Statement.

The Certificate of Filing from the Pinelands Commission is Inconsistent because the Applicant was still working on Nitrate Dilution issues. This addressed the environmental issues with a Waiver from Strict Requirements for the Environmental Impact Statement. It will be a Design Waiver. The Applicant agreed to all of the other Review Comments in the Report.

The Applicant provided for some of the Review Comments, but they needed to be looked at. The Board Engineer did not have time to look at it and will look at the Items submitted during the Compliance stage and review what was submitted in response to the Review Comments.

Mr. Malinsky gave an update on Review Comment #1. It dealt with the Inconsistent Certificate of Filing from the Pinelands and the Alternative Septic System. Pinelands has a protocol, but before approving the alternative septic system they wanted seasonal samples done. The Summer sampling was done, but now needed to wait to do the Fall sampling. Then will have to wait again to do the winter sampling. Once the samplings are submitted to Pinelands, Pinelands will review the results. The Applicant didn't see an issue with the system proposed currently because it was more than enough based on the Nitrate Dilution Standard and Equations run. It will meet the two parts per million Nitrate Dilution Standard for the CMP. Quality standards at the property line. Not many Alternative Septic Systems have gone thru Pineland's and the Applicant will need to comply with their protocol. Pineland's issued an Inconsistent Certificate of Filing for the Applicant to be able to appear before Board. The inconsistency was the Approval for the Septic System was not received prior to the Planning/Zoning Board meeting. It would be a Condition in the Decision and Resolution to have Pinelands Approval before the site could be developed and any other Agency Approval who has jurisdiction.

The Applicant was waiting to appear before the Atlantic County Planning Board for their Approval. The Application was submitted to them and hoped to be before them in October. Mr. Malinsky thanked the Board for hearing the Application.

Chairman Pitale asked if there were any questions for the Engineer. Mr. Coombs commented. The Engineers Report lists 12 Variances. The Applicant enumerated 10 (Variances). It was a higher level of detail from the Engineers office. He broke down the area between the freestanding and wall mounted signs, but it all adds up to the same. The Applicant's attorney explained he used the total of the wall mount and the pylon and combined them together, but the two additional variances listed in the Engineer's Report was for the breakdown.

Mayor DeStefano asked if there was a time frame. Mr. Malinsky responded. The protocol sampling for the Pinelands should be completed December 22 or 23. Pinelands will review them and hoped it will be through Pinelands by the end of December. If all goes well and the applicant is approved, it will be March 1, 2017 to break ground and begin construction.

There was no other questions on the Engineers Report.

A Motion was made by Mayor DeStefano and seconded by Mr. Pagano to deem the Engineer's Report complete. A roll call vote was taken with ayes all and two recusals by Glen Smith and Clyde Jones.

The meeting was opened to the public.

Mr. Coombs swore in Dave Monzo of 1412 Mays Landing Rd. He was concerned about the traffic on Mays Landing Rd. There is a lot of traffic on Mays Landing Rd. in the summertime. It will be hard to make a left turn out of the road and for the gas company when the employees leave work.

Mayor DeStefano asked Mr. Malinsky if Paul Perry was notified correctly. Mr. Malinsky confirmed Mr. Perry was notified by certified mail with return receipt requested and public

notice. Mr. Malinsky's client wanted to convey the portion of the property to Mr. Perry in an effort to resolve the issue with NJDOT and to avoid a subdivision. Mr. Malinsky's client called Mr. Perry, Mr. Malinsky called Mr. Perry, and Mr. Malinsky physically stopped by his house and spoke to Mr. Perry's mother. He explained to her what they were going to do and gave her his calling card and asked for her son to contact him. There was no response from Mr. Perry. Mr. Malinsky will check if he received the signed return receipt request back from Mr. Perry, but by statute was only required to notice by certified mail and did not require the return receipt request. Mr. Perry was notified at that address, but chose not to respond to the interest of his client willing to give him a piece of property. They would much rather given Mr. Perry the portion of property than have to re-submit the plan to Pinelands and DOT to include the subdivision.

There were no other questions from the public. The public portion was closed.

There were no other question from the Board for the Engineer or Mr. Malinsky.

A Motion was made by Mr. Pagano and seconded by Joel Spiegel to grant Preliminary and Final Site Plan. A roll call vote was taken with ayes all and two recusals by Glen Smith and Claude Jones.

A Motion was made by Mr. Veneziano and seconded by Mr. Pagano to grant a Minor Subdivision for Lot 2 from the larger lot. There was a roll call vote with ayes all and two recusals by Glen Smith and Claude Jones.

A Motion was made by Mayor DeStefano and seconded by Chairman Pitale to grant Variances #1 thru #12 and Conditions of Approval, and Review Comments in regard to Pineland's Commission Filing Item 8 and 28 and Review Comment #1. There was a roll call vote with ayes all and two recusals by Glen Smith and Claude Jones.

### **OTHER BUSINESS**

Mr. Polistina had the Ferris Associates application pending, but there was a discrepancy on the plans which were provided to the Board. The plans submitted to the Board were not the same plans submitted to the Pinelands Commission. Until we receive a Certificate of Filing from Pinelands, it then give us jurisdiction to hear the application. The Board was prevented from even hearing it. When Ferris initially submitted to Pinelands, the plans were done by Marathon Engineering. The Certificate of Filing referenced the Marathon Engineering Plans.

Mr. Polistina was not sure what happened to the Marathon Plans, but Monarch Engineering Plans were submitted back to the Board. The Certificate of Filing did not reference the Monarch Plans specifically. The Board did not have jurisdiction to hear the case. Until the Pinelands issue is resolved the Planning Board didn't have jurisdiction to begin talking about Ferris. The plans were submitted again, but until the Pineland's issue is resolved will not be reviewed. Mayor DeStefano commented. They still haven't addressed the vacated road yet either. Mr. Polistina responded. It will be another item which will come up during the course of hearing. Whether they have jurisdiction to even submit an application for what is Borough right-of-way.

There were no other questions for the Board.

The next scheduled meeting will be October 19, 2016

The meeting was adjourned at 8:22 pm with ayes all.

Respectfully submitted,

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Susan Carroll  
Board Secretary