

Borough of Pine Hill  
Meeting  
Planning and Zoning Board of Adjustments  
September 12<sup>th</sup>, 2019

- Call to order:** **Call to Order by Mr. James 7:30 pm**
- Pledge of the Flag:** **Led by Mr. James**
- Sunshine Law:** This is a regularly scheduled meeting of the Pine Hill Planning and Zoning Board. This meeting has been duly advertised and is in full compliance with the Sunshine Law.
- Roll Call:** **Present:** Mr. James, Mr. Waddington, Mr. Ford, Mr. Hagy, Mayor Green, Councilman Robb, Mr. Hagarty, Mrs. Ciotto and Mrs. Jones  
**Absent:** Mr. Castor, Mrs. Gilson  
**Professionals:** Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty:  
Planner: Mr. Luste and Zoning Officer: Mrs. Keyek  
**Mrs. Ciotto (left early 7:31)**
- Approval of Minutes:** **Mr. James:** If everyone has had a chance to read the minutes from August 8<sup>th</sup> I will entertain a motion to accept  
  
**Motion made by Mr. Hagarty; seconded by Mr. Hagy**  
  
**Roll call: Mr. James and Mrs. Jones abstained; all others  
“aye”: Motion Carried**
- Correspondence:** **Mr. James:** No correspondence

**Resolution: 2019-13**

**Mr. James:** Next we have:  
**Resolution 2019-13 AB Woodcrest Fields**  
**Block 131.01 Lots 37.04, 37.06-37 & 51**  
**Block 131.02 Lots 1-6**  
**Amended Final Major Subdivision**  
**Extension of all Approvals until May 6, 2022**

**Mr. James:** If everyone has had a chance to look at the resolution; I will entertain a motion

**Mr. Ford:** Make a motion; seconded by Mr. Hagarty

**Mr. James:** Roll Call Please

**Mr. James and Mrs. Jones Abstained; all others “aye” motion on Resolution 2019-13 passed**

**Resolution: 2019-14**

**Mr. James:** Next we have:  
**Resolution 2019-14 MUNA CENTER OF SOUTH JERSEY; INC**  
**400 ERIAL ROAD**  
**BLOCK 74 LOTS 1,13,26,57**  
**MINOR SITE PLAN**

**Mr. James:** I will entertain a motion to approve

**Mr. Hagarty:** Motion to approve: Seconded by Mr. Waddington

**Mr. James:** Roll Call

**Mr. James and Mrs. Jones Abstained; all others “aye” motion on Resolution 2019-14 passed**

**Application 2019-5:**

**Mr. James:** Next we have:  
**Application 2019-5 PHCW, LLC**  
**506 Blackwood-Clementon Road**  
**Block 6 Lots 1 & 13**  
**Use Variance; Bulk Variance**

**7:40 PM Mayor Green:** Mr. Chairman since this is a Use Variance I need to excuse myself; let me know when the next application starts.

**7:41 PM Councilman Robb:** For the record I also need to excuse myself for this

**Mr. Aimino:** Mr. Chairman of the Board my name is Mike Aimnio an Attorney out of an office in Woodbury representing the Applicant PHCW, LLC commonly known here as Squeaky Clean Car Wash. I have with me the Owner; Chris Sgouros as well as my Engineer and Surveyor Mr. Clancy if I can get them sworn in.

**Mr. Sitzler swore in Mr. Sgouros and Mr. Clancy.**

**Mr. Aimino:** Mr. Chairman if I can just ask how many members we have here tonight to vote?

**Mr. James:** Six (6)

**Mr. Sitzler:** You need five (5)

**Mr. Aimino:** If you would just give me one second

**Mr. Sitzler:** Yes; it has always been the practice of this Board to give the applicant the choice when we don't have a full membership the choice of going forward or coming back hoping to come before a full board.

**Mr. Aimino:** Mr. Chairman and members of the Board; I have spoken with my client and we are going to go forward.

**Mr. Aimino:** We are here today primarily because Mr. Sgouros would like to operate a single bay oil change lift at his current car wash. The Board Members are probably aware that this is a common service that is being offered in car washes these days. His primary business is the car wash services that he provides the oil change will be an additional service that he provides to his costumers that visit the site and to the community in general. We are here tonight for a use variance for the oil change as it is not a permitted use in this particular zoning because it is a Limited Business District; even though the car wash itself has been operating there for years. We would ask for a minor site plan waiver as the site itself is not going to change, the oil change bay directly fits into the existing flow of traffic there is no change to the outside flow of traffic or any change to the outside of the building as it currently sits today. There is also some bulk variances; we are looking for a bulk variance for a current existing shed that requires a 50 feet setback and this is actually at 7 foot from the property line and you will hear during testimony there is actually a fence that comes along that road that shields the shed and in the front Mr. Sgouros has planted some shrubbery as additional screening for that shed. There is some preexisting non-conforming conditions that exist from the building itself and I have set them forth in my application; there is a front yard setback along Signal Hill Road that exist at 22 feet where 50 feet is required and the minimum lot with is 75 feet and where it is existing 51.5 feet. These are existing conditions that have been there for years so if the Board requires it we would ask for those variances as well. Quoted by your professionals is the need for parking variances; your professionals indicate that the parking requirements could be as much as 16 to 41 spaces; however they do make a recommendation that we provide one space per car wash one space for oil change and one space for each employee. What was presenting to the Board is a sketch from our engineer showing that we are going to provide an additional 6 spaces designated for employees and you will see that throughout the site that there is parking available for anybody that is going to be there for an oil change or a car wash. Also called out was a variance for the signage; essentially there is a number of signs already out there at the site as the Boards probably aware for the most part this is an automated site and the need for signage is needed because it is the only way that people get to maneuver the site and decide what kind of service they want to use. So we are asking for two additional signs and we will go through that with the sign package with all the signs that are out there. Lastly there was a call out from one of your professional reports that the signage on the side of the building may exceed 10% and we think that may be slightly true and that it may be around 12% so we would need a small variance with respect to that.

**Mr. Aimino:** So if I could I would like to with Mr. Sgouros. You have been sworn please state your name and address for the record.

**Mr. Sgouros:** Chris Sgouros; address is 506 Blackwood-Clementon Road that is the car wash called Squeaky Clean.

**Mr. Sgouros continued to give testimony of ownership and the operation of the car wash business as to how long it has been there and how long he has owned it. He also gave testimony of the daily use by customers and traffic flow as currently used as self service bays, automated car wash and vacuum cleaner stations. He covered the parking spaces that are currently there and that they are sufficient for the current operation of the car wash. He covered the proposed oil change bay and the parking for that use and the path the customer would take to get to the oil change going thru the kiosk that the current automated car wash uses and then pull on the side of the building and wait for service where he as the owner would then drive the car into the bay for the oil change. He continued his testimony with the services that would be provided with the oil change service and maximum number of employees on site at one time. He covered where the customer would wait while their car was being serviced for the oil change. He covered the use of the shed for lawn equipment and salt for parking lot in the winter months; he stated there was a fence on the Signal Hill Street side of the shed and three Arborvitae's about 7 feet tall in front of the shed.**

**Exhibit A-1 (photos of current signs and proposed signs) were handed out to the Board Members to review and testimony was given on what of the current banner signs that were to be removed and what signs were to be added and the need for the signs**

**Mr. Aimino then had Mr. Sgouros testify to the storm water basin existence on the property and that he would maintain that basin. Mr. Sgouros also testified that planting trees in front of the property would hinder the view of the business since it was set back from the street and that would cause prospective customers from missing the property. Mr. Aimino also stated he has missed the property when driving by for the first time. He would be willing to work with the Planning Board Planner on the side landscaping on the property.**

**Mr. Dougherty:** Mr. Chairman I just wanted to touch on a few issues. On the application they are requesting a site plan waiver; you can't really have an application without a site plan a request for a site plan waiver has been done and they explained it and there are no site changes so I have no objection deeming the application being declared complete tonight with approval of the site plan waiver. In all practical purposes the survey plan would suffice as the site plan.

**Mr. James:** I will entertain a motion

**Mr. Hagy:** Motion for completeness; seconded by Mr. Ford

**Roll call all present "aye" application deemed complete**

**Mr. Aimino:** Do you have any questions of Mr. Sgouros?

**Mr. Dougherty:** On the banner signs you were talking about do you have a picture of that?

**Mr. Aimino:** Pages 9 and 10

**Mr. Hagy:** With the oil change you are going to have some container to hold the old oil correct?

**Mr. Sgouros:** Correct

**Mr. Hagy:** Is that container big enough to hold 2 cycles?

**Mr. Sgouros:** Yes the containers are 50 gallon drums and we just call and they come and pick it up we have the capacity to hold like 200 gallons

**Mr. Hagy:** What is a typical week of oil changes?

**Mr. Sgouros:** Maybe 30 gallons

**Mr. James:** You were just saying that you have to call so it not scheduled pickup; it is when it is full you call

**Mr. Sgouros:** Correct; I typically call when I have about 100 gallons

**Mr. James:** So where will the drums be stored

**Mr. Sgouros:** In that same bay

**Mr. James:** And what do you do with leakage and run off? Cleanup for oil spills

**Mr. Sgouros:** There is a drain in the floor and that drain goes into the tunnel pit and there is an oil separator in the reclaim system so there is no ware else to go except in to the floor drain then into the pit the separator and then the reclaim

**Mr. James:** Okay. You also had mentioned that planting the trees would prohibitive from the stand point of blocking the visibility of the business. Is that correct?

**Mr. Sgouros:** Yes

**Mr. James:** You couldn't put up hedges of shrubs something that is low lying?

**Mr. Aimino:** Yes we could do something along those lines

**Mr. Hagarty:** Will there be any circumstance that the oil drums will be stored outside?

**Mr. Sgouros:** Absolutely not

**Mr. Waddington:** What is the size of that bay?

**Mr. Sgouros:** I don't know the exact dimensions

**Mr. Waddington:** I'm asking the question because throughout the testimony there was a lot of stuff that is stored in that bay and I'm wondering how you will get a lift, a car, all the oil storage all the supplies stored. That is why I asked how big the bay is.

**Mr. Clancy:** It is more or less 30X40

**Mr. Waddington:** 30X40?

**Mr. Clancy:** That is approximate I don't have a scale with me

**Mr. Waddington:** So it is wider than that door on each side. What's that a 12 foot door?

**Mr. Sgouros:** The door is about 10 feet and there is about 2 feet on each side so it is about 14 feet wide. The length is the length of a car plus 10 feet after the car. All the oil filters and air filters are all stored against the wall on shelves and there are 4 barrels of new oil and we have 2 barrels of old oil; so 6 barrels and there is plenty of room for that.

**Mr. Hagy:** The oil filters how are they stored for pickup?

**Mr. Sgouros:** We have another barrel for that

**Mr. Aimino:** Any more questions? If not I will call Mr. Clancy

**Mr. Aimino:** Mr. Chairman I believe Mr. Clancy has been before this Board if you want to accept him as an expert. I want to have him approved as an Engineer, Planner and as a surveyor I can go thru his resume if you like.

**Mr. James:** Yes go on

**Mr. Clancy gave testimony of his qualifications and educational background then proceeded with his testimony on the application. He testified to the location of the property lines and the physical surroundings as well as the current structure on the property known as the Car Wash. He testified on the current and proposed parking on the property.**

**Exhibit A-2 (Copy of the plans) was then submitted to the board and Mr. Clancy continued to testify on the application.**

**Mr. Sitzler:** That is parking survey 1

**Mr. Aimino:** Parking straight

**Mr. Clancy continued with his testimony on the current and proposed parking on the site for the combined car wash and oil changing service.**

**Mr. James:** Is there parking going into the bay? Where do people park going into the bay?

**Mr. Clancy:** Well if they are coming into the self-service bay they will either clean their car or circle around and pick another bay. If one is full they can either wait or park in the rear or front and vacuum out their car while waiting.

**Mr. James:** So there is enough room behind the bays?

**Mr. Clancy:** Yes

**Mr. James:** Can you go over again if you are coming in and want to have an oil change

**Mr. Clancy:** You come around and go through the automated then curl around the side of the building till they are guided to the oil change

**Mr. Aimino:** Mr. Chairman here at the kiosk a selection and pay for a car wash or oil change

**Mr. James:** I understand; that is not what I'm concerned about. My Concern is that you are entering the bay from the front side how do you get out? Do you back out?

**Mr. Sgouros:** Yes

**Mr. Aimino:** Mr. Clancy one of the reasons we are here today is for the use variance. Can you start by going through the criteria for the positive criteria for the use variance?

**Mr. Clancy then gave testimony of all the positive criteria for the use variance also covering that the property was in two zones (Residential and Limited Business). He then stated that the positive criteria drastically outweighed the negative criteria for these application waivers that were being applied for. He then testified to the pre-existing conditions of the property and the waivers they were also requesting for those and the size of the proposed parking spaces along with the signage calculations for the percentage of coverage for application and existing property to include the number of signs and why they are needed. He ended his testimony covering the bulk variances requested.**

**Mr. James:** You say you don't see any impact, you're asking for a bulk variance that is already an impact and to state they are necessary for the operation of the business is secondary to the fact that if you didn't have the oil change you wouldn't need all of the signs. My other concerns is that you are asking a customer to drive around the side in front of where the exit of the car wash is to be removed at which to me creates a hazard.

**Mr. Clancy:** We also have someone to direct them when backing out.

**Mr. James:** I'm not talking about backing out; I'm talking about getting around to the bay to begin with

**Mr. Clancy:** It is a one way circle around

**Mr. James:** Yes but you have to circle around the exit of the car wash to get to the lube

**Mr. Clancy:** Exactly

**Mr. James:** So the cars coming through the car wash and a customer is driving around that to go to the lube bay

**Mr. Sgouros:** Let me address that. The car that is coming out of the car wash is being dried off at the exit the car is stopped; I myself get into the customers car and I drive the car in. The car stops the customer is not driving the car; the customer is not driving in front of another car that car is stopped while they are driving the car.

**Mr. James:** Who is driving the car that is going to get moved?

**Mr. Sgouros:** I am

**Mr. Aimino:** Mr. Chairman it is my understanding that the car is stopped here and You (Mr. Sgouros) are going to drive it from here

**Mr. Sgouros:** Correct

**Mr. James:** Someone is driving the car through the car wash was as well?

**Mr. Sgouros:** Someone is driving the car

**Mr. James:** Who

**Mr. Sgouros:** The Customer they come out of the tunnel they are stopped for us to dry the car

**Mr. Aimino:** There is always supervision

**Mr. James:** Supervision doesn't prevent accidents; I understand what you are saying but if someone is not paying attention. I have a problem with that okay.

**Mr. Aimino:** You can have an accident on the road pulling in as well

**Mr. James:** But you are not asking for a variance for the road you are asking a site here that operates fine as it is and you want to add additional things and multiple variances

**Mr. Clancy:** We are asking for a use variance for the oil change and bulk variances to reduce the landscaping and such. You are getting net vested by approving it because right now there is no end table. We are asking for pre-existing bulk variances because they are existing! They haven't changed weather you deny it or approve it they are still there; so it is part of the application just, I call it house cleaning. So if you count the number of bulk variances that we are really asking for it is only a couple.

**Mr. Aimino:** The signage that is out there is only primarily the car wash

**Mr. Waddington:** You are asking for bulk variances for all the different signage and you are going to add two and this is Mr. James point if you didn't have the oil change you wouldn't need all those variances for the signs.

**Mr. Aimino:** We are going to redo signs again the small sign at the top of the

**Mr. Waddington:** You are relocating one adding another one and you want to change the freestanding one right. What about the small one you that you mentioned you had to have so when people came in they knew what your services were?

**Mr. Aimino:** That's there; it is pre-existing

**Mr. Waddington:** That's there because you started the oil changing business before coming before the board first. When it was a car wash it was not there

**Mr. Aimino:** It was

**Mr. Sgouros:** What sign are you talking about?

**Mr. Waddington:** The one that is on here that talks about the lube

**Mr. Sgouros:** The one with the arrow on it?

**Mr. Sitzler:** So the record is clear there are a number of pages with pictures of signs if we can just count the pages and say what page

**Mr. Waddington:** Page 4

**Mr. Clancy:** That is one we are seeking in addition

**Mr. Waddington:** Exactly and without this oil lube that sign would not be there

**Mr. Clancy:** If the Board wants that bulk variance go away we can make it go away; we are only asking for 2% above what the Board's requirement is

**Mr. Waddington:** You also mentioned you dry the car is that something new?

**Mr. Sgouros:** We added that service in April

**Mr. Hagy:** Just so I understand; how many automated car washes and how many bays

**Mr. Sgouros:** There are six (6) self-serve bays and there is only one automated

**Mr. Hagy:** And there are all together

**Mr. Sgouros:** You have the tunnel you drive through then the oil bay then 6 self-serve bays

**Mr. Hagy:** What I'm getting at because the cars have to come around the automatic bay stops the car because it is drying what about the other bays that the cars are coming from

**Mr. Clancy:** The self-services has a curbed island that separates that from the automated and the oil change

**Mr. Hagy:** So there is a space before the actual exit

**Mr. Clancy:** Yes

**Mr. James:** I understand your concern about but if the lube was on the end and the automated bay was in that second one towards the end it wouldn't be a hazard and I wouldn't be as concerned about it. You wouldn't have to pass behind anyone do you understand what I'm saying? Right know the automated is on the end and the lube is on the inside and all the traffic is coming in and going out the same way

**Mr. Aimino:** I understand what you are saying

**Mr. Sitzler:** Just for a point of clarification. It would appear that from a design of the building as it pre-existed where it is proposed to be the lube express bay what was that originally

**Mr. Sgouros:** Storage

**Mr. Aimino:** You wouldn't be able to move the automated; correct be if I'm wrong but behind the lube area is where all the mechanics are. So there was no other place to put the oil change the only other alternative would be to put another building the outside of the lot

**Mr. James:** No the alternative would be to use one of the bays on the end for the oil service; one of the self service bays because you would have direct access into and out of them

**Mr. Aimino:** May we have a minute?

**Mr. James:** Sure

**Mr. Aimino:** Mr. Chairman we have talked to our client and we are willing to take a look at and redesign in such that this first bay here will be the oil change bay that will give them the opportunity to use that as additional storage. People would pull through and we would have to reconfigure some

**Mr. Clancy:** Basically we would put a garage door on the front and back so it would still be enclosed. They would drive around come in through the back way come in through the garage door get their oil changed and then pull out. We would put a doorway in through the storage and we can put chairs, vending machines

**Mr. Sitzler:** More or less a reception area

**Mr. Clancy:** Yes

**Mr. Sitzler:** And the closest self-serve bay would be converted to the oil change on the other side of the automated would be the oil change

**Mr. Waddington:** So you would have to reconfigure the driveway then

**Mr. Clancy:** they would go around and come back in as if they were going to do a self-serve car wash

**A-3 was submitted with the change showing the new oil bay and arrows for direction of flow**

**Mr. Hagy:** Moving that bay over do you still have to create a pit to perform your services?

**Mr. Sgouros:** We have a lift and change the drain

**Mr. Dougherty:** Is there already a lift in that bay

**Mr. Sgouros:** No

**Mr. Dougherty:** The Lift you have in the bay you are using for the oil change now is it removable or is that embedded in the floor?

**Mr. Sgouros:** It is not embedded it is bolted down

**Mr. James:** Is the drainage system the same drainage system?

**Mr. Sgouros:** I would have to cap that drain off and install the oil separator and I would have more room now and can get a lube cube. It is a double walled oil container and that would be safer than barrels

**Mr. Sitzler:** so you want to mark A-3 as proposed change

**Mr. Aimino:** That is fine

**Mr. James:** How would you describe that oil cube?

**Mr. Sgouros:** It is a square cube

**Mr. Sitzler:** Does it also collect filters is there a section for that?

**Mr. Sgouros:** No it is a big tank; just like if you had number two oil in your house

**Mr. Sitzler:** Do you still use the same oil collection system?

**Mr. Sgouros:** Yes

**Mr. James:** How do you dispose the cabin air filters and the air filters?

**Mr. Sgouros:** They would just go in the garbage there is no recycling for that

**Mr. Aimino:** Mr. Chairman I think we have addressed many of the comments from the professionals I would like to move on with the application

**Mr. Dougherty:** Joe on the use issues is there any additional to be added to that

**Mr. Luste:** No; I think under the current circumstances that the language of the plan is quite respective which makes a concern. With an accessory use having the car wash currently on the premises I think the accessory is satisfied as to the criteria.

**Mr. Dougherty:** Another thing on page 4 they are adding 3 additional attached signs with a total of 6 signs on the site and I think that is correct

**Mr. Aimino:** It is actually 4 to 6; what I did was identify every sign that is out there. The last two again those are the banner signs that are going to be removed. The only additions are the lube express and the one sign that is on page number 4

**Mr. Sitzler:** So what page was the ones on that were being removed?

**Mr. Gallagher:** Pages 9 and 10

**Mr. Sitzler:** Pages 9 and 10 they are to be removed

**Mr. Dougherty:** Page 5 is an ordainment sign, page 6 is the sign at the kiosk, then page 7 is showing the sign on the fence; but that is something to show people so it is more of a directional sign

**Mr. Aimino:** 7 and 8 are really in the same area

**Mr. Dougherty:** They are not really visible from the street. Now one of the things on he signs out front, I know there was testimony they were for the service area but the sign and I'll reference page 3 if we go with the top that would be one sign and we really don't have a standard for the size of the signs and weather that is 12% or 10% that is really just matter of semantics and how that is separated now. So I would have no objection to that

**Mr. Sitzler:** That new storage area that has that sign that says lube express on page 3 will that sign

**Mr. Aimino:** That would mover over

**Mr. Sitzler:** So there would be no sign over the storage area

**Mr. Aimino:** Correct the Car Wash will stay the same

**Mr. Dougherty:** Another thing on page 5 of our letter as far as 16-41 spaces in our ordinance we go through a standard so it is saying for off street parking for a car wash and it does really define car wash as self-serve or automated and it says at least 5 times the number of cars that would be on the lot. There was testimony that this is not really an auto body shop to say. Since it is just oil change I think the applicant has demonstrated that he can fit 6 spaces on that site that there is not cars being stacked all over the place. I have driven on the site and by the site and you never see a whole bunch of cars on the property. Each one of the bays has a little island with a vacuum they are parking stalls so when somebody is in there that is what they are there for so that space is occupied by the vacuum space. The other thing is the 6 spaces they showed they are really just for employees because it is too tight back there to meet the standard; they are just sketched in there probably at 9

**Mr. Clancy:** Actually I sketched them 10X20

**Mr. Dougherty:** Okay so they are normal spacing; 4 of them are diagonal and 2 are behind a blank wall basically. I think with the employees parking back there and no other real activity going on back there so that would be 6 spaces but not striped. So not really 6 spaces but they could accommodate at least 6 spaces on the property and accentually there is only 4 employees. Then there is the landscaping and really the landscaping we are talking about is along the Signal Hill Road and we can talk about that and see what is more appropriate; I think that looking at the front façade from the street you don't really have any shrubbery or trees at all I think it is a very nice maintained lawn though so I think that would be okay so just along the side of Signal Hill. I think that is where we will concentrate on the vegetation. That is all I have  
Mr. Chairman

**Mr. Sitzler:** You did not address the shed

**Mr. Dougherty:** Right; as far as the bulk variance for the shed. What I was concerned about the shed was; what was stored there but it is just lawn equipment and salt for the driveways and things like that. I think the shed is there

**Mr. Sgouros:** Correct

**Mr. Dougherty:** So that is where we would have the landscaping done along Signal Hill Road where the shed is

**Mr. Clancy:** We don't have a problem with planting trees along Signal Hill Road or Woodrow we just didn't want them in the front

**Mr. Dougherty:** So I think we could handle the shed. With any rate the bulk variance as far as the shed we would have some shrubbery going up to hide the shed from the road

**Mr. Aimino:** Again what you are asking for there we would work with you to make sure it is sufficient

**Mr. Sitzler:** So the testimony previously was that the shed will be used for two lawn maintenance equipment and salt; and there is six employees that will be alternating times and 4 max.

**Mr. Sgouros:** Most of the time it is 2

**Mr. Sitzler:** So at any one given time there is only 2 employees there so you have

**Mr. Sgouros:** plus me

**Mr. Aimino:** Maximum we would have 4

**Mr. Sitzler:** So including you as the owner you have 4

**Mr. Aimino:** Again it is not the type of business that would expand and would need extra people

**Mr. Sitzler:** Based on the approval do you anticipate on hiring more employees

**Mr. Aimino:** No it would be the same amount

**Mr. James:** Are you willing to delineate that you are only going to do oil changes and filters changes

**Mr. Aimino:** you are going to do whippers too

**Mr. Sgouros:** Whippers, Filters and Cabin Filters; I'm only doing minor service; I'm not doing brakes, I'm not doing tires, not taking the car off the grounds.

**Mr. James:** I know people say that and then we drive by and they are

**Mr. Sgouros:** I did it for 35 years; I never want to do it again

**Mr. Waddington:** The sign on page 4 will that be moved to the back since the oil change entrance will be from the rear?

**Mr. Aimino:** Yes

**Mr. Waddington:** On the print or drawing which is I think A-3 parking spot 4 it appears there is a gas meter against the building. Do you have any bollards there?

**Mr. Sgouros:** Yes

**Mr. Waddington:** They are there now

**Mr. Sgouros:** Correct

**Mr. Waddington:** Okay; they are just not on the plan

**Mr. Sitzler:** I just want to conform for the Resolution. Wipers, Oil Filters, Oil change, air cabin (all filters) Cabin filters, Air Filters, Oil Filters. Any other services in the lube express?

**Mr. Hagy:** Belts, Hoses?

**Mr. Sgouros:** No that falls into a mechanic and I don't want to be a mechanic again

**Mr. Sitzler:** I think the Board in consideration doesn't want a further expansion than what you are asking for

**Mr. Sgouros:** I don't want that either, I just want to do minor service

**Mr. Dougherty:** It is important when we memorialize this resolution that we put that we are providing a site plan waiver because normally a site plan is going to show all this stuff. Again just like the bollards and parking spacing there is no delineation of those spaces it is just where the employees or the owner knows where to park. I think the idea was to demonstrate that there is room back there to store some cars.

**Mr. James:** You said that customers can also park back there as need be

**Mr. Aimino:** Yes

**Mr. Clancy:** There is also room for 4 to 5 cars to pull into the vacuum back there

**Mr. James:** Oh there are vacuums back there

**Mr. Clancy:** Yes

**Mr. Sitzler:** Especially as the Board Engineer points out as far as not having a site plan to put notes on for some of these things I always like put in a paragraph that the applicant for approval would agree to work with Board Professionals on any issues as far as interpretation of terms and conditions of any approval and if there is a disagreement would agree to come before the Board and have the Board resolve whatever the terms would be. Is that acceptable?

**Mr. Aimino:** Yes

**Mr. Clancy:** Will the site plan waiver still show the proposed landscaping is on the plan

**Mr. Sitzler:** Will you be able to show the location of the signs? Is that possible?

**Mr. Clancy:** It's a little tough because you're looking down

**Mr. Clancy:** So we wouldn't show these parking spaces unless you have a need for them

**Mr. Dougherty:** No you're just demonstrating that the site could accommodate six (6) vehicles. Again how close they are to that vacuum and if you put a stripe there

**Mr. Clancy:** Then they may park somewhere else

**Mr. Dougherty:** Right

**Mr. James:** Any other questions?

**Mr. Ford:** No storing cars on the site at all?

**Mr. Sgouros:** I do have a plow truck on there now

**Mr. Aimino:** That is part of the business

**Mr. Sgouros:** Yes

**Mr. Ford:** Like customer cars and such

**Mr. Sgouros:** No

**Mr. Sitzler:** You store the plow there

**Mr. Sgouros:** No the whole truck

**Mr. Sitzler:** And the plow stays attached to the truck at all times

**Mr. Sgouros:** Yes

**Mr. Dougherty:** And where is that stored?

**Mr. Sgouros:** Right by 1, 2, 3

**Mr. James:** On the back

**Mr. Sgouros:** Yes the back side

**Mr. James:** If there are no other questions I will entertain a motion to open the floor to the public

**Open Floor to Public:**                   **Mr. Hagy:** Motion to open floor to the public; seconded by Mr. Waddington

All "aye" that were present; floor open to the public

**Mr. James:** The floor is now open to the public

**Mr. Como:** My name is Christopher Como; 100 Bittle Avenue and my question is if you are going to do oil changes. So they are going to run through the lube cube and that is the primary containment so in the event of a catastrophic primary containment they are going to use the drain for the car wash and the oil separator as secondary containment? What guarantee that oil separator can operate under flooded conditions and not discharge anything off site?

**Mr. Clancy:** That will be handled all through the Construction Office during their review to make sure the bay meets all DOT and DEP requirements before they allow them to open

**Mr. Aimino:** before they issue a CO

**Mr. Clancy:** Absolutely

**Mr. James:** Any other? Seeing non entertain a motion to close the floor

**Close Floor to Public:**   **Mr. Hagy:** Motion to close: seconded by Mr. Ford

All "aye" that were present; floor closed to the public

**Mr. Sitzler:** First we should deal with the use variance before we deal with the bulk variances. Understanding that if the Board does vote affirmatively to grant a use variance there would have to be something very; very significant to deny the insularly variances. The design waivers that you are seeking; I think the parking is more of a design waiver than a bulk variance. Waivers are variances that are bulk in nature; generally the Board is inclined to grant the use variance unless there is something significant it would go; especially those that are pre-existing should be given strong consideration also. The primary thing here is that they need since it is not an approved use is a vote on the use variance. Again the testimony by the professionals about the positive and negative criteria; which as the Board knows having done these many times. Use variances by the gold standard my require 5 affirmative votes to pass not just a simple majority and that burden is on the applicant to establish; and the applicant has presented testimony on this as to the positive criteria being this as a use variance as well as looking into the negative. Our planner has reviewed that and he did on post on record that they have established the criteria for these. Ultimately it is the Board's decision.

**Mr. Waddington:** Based on the testimony from the Applicant and the testimony from our Engineer; I make a motion that the use variance be approved; seconded by Mr. Hagy.

**Roll call: Mr. James "aye", Mr. Waddington "yes", Mr. Ford "yes", Mr. Hagy "aye", Mr. Hagarty "yes" and Mrs. Jones "yes" motion carried for use variance approval**

**Mr. James:** I will entertain a motion for the approval of the bulk variances

**Mr. Sitzler:** Let's make sure we have all of these correct. We need one for the utility shed is that correct?

**Mr. Aimino:** Correct

**Mr. Sitzler:** It is 7 feet from the property line and supposed to be 50 feet.

**Mr. Aimino:** Because it is a corner lot it has two front yards

**Mr. Sitzler:** Okay so that is a bulk variance; you have another side yard issue I believe

**Mr. Aimino:** That is another per-existing non-conforming

**Mr. Sitzler:** The building

**Mr. Aimino:** That is supposed to be 50 feet and it is actually 28.2 feet along Signal Hill Road, the front of the lot is supposed to be 75 feet and it is existing at 51 feet

**Mr. Sitzler:** Okay those are pre-existing conditions; in terms of the signs you are asking for a design waiver in terms of the number of signs

**Mr. Aimino:** Number of signs correct and also 12% as opposed to 10%

**Mr. Sitzler:** And a percentage increase. So the signs there are two (2)

**Mr. Aimino:** To make it clear for the resolution we would ask for approval for all the signs except for those listed in 9 and 10 and relocating for those we spoke about we make the change into the back

**Mr. Sitzler:** So you are going to have just one sign over each bay and page 9 and 10 will be removed

**Mr. Sitzler:** I think it is a design waiver on the number of parking bays

**Mr. Aimino:** we would work with the Planner and Engineer to that extent

**Mr. Sitzler:** You are not taking anything out right so you are subject to where you are bordered

**Mr. Aimino:** Correct

**Mr. Sitzler:** And you are contemplating lower level shrubbery rather than high trees for visibility purposes

**Mr. Aimino:** Correct

**Mr. Sitzler:** Okay I believe that is everything as far as the waivers and variances that are being requested in addition to the previously granted use variance

**Mr. James:** I will entertain a motion

**Mr. Hagarty:** Motion to accept: seconded by Mr. Ford

**Roll Call; Mr. James “aye”, Mr. Waddington “yes”, Mr. Ford “yes”, Mr. Hagarty “aye”, Mr. Hagarty “yes”, Mr. Jones “yes”**

**Mr. Aimino:** Mr. Chairman, members of the Board and Council thank you very much for your time; we look forward to proceeding with the permits

**9:17 short recess waiting for Mayor Green and Councilman Robb to return**

**9:22 Mayor Green and Councilman Robb return**

#### **APPLICATION 2019-6**

**Mr. James:** At this time we are going to hear **Application 2019-6; VMDH Enterprises LLC/Dollar General; 207 Berlin Cross Keys Road; Block 127 Lots 2 & 3; Minor Subdivision and Major Site Plan**

**Ms. D’Allesandro:** Good evening my name is Laura D’Allesandro an Attorney with Del Duca Lewis Law Firm; I’m here on behalf of the Applicant VMDH Enterprises LLC who is the who is the owner of 207 Berlin Cross Keys Road; for the record that is Block 127 Lots 2 & 3. We are here tonight for a Preliminary and Final Minor Subdivision and Major Site Plan Approval for a 9100 square foot Dollar General Store. The witnesses I have with me tonight are John Soubasis who is the applicant as well as for Dollar General Store and our Engineer Brian Cleary from the Pettit Group.

**Mr. Sitzler swore in Mr. Soubasis and Mr. Cleary**

**Ms. D’Allesandro:** By way of background with regards to location in the Municipality we are in the limited business district zone (LBD) it is currently a vacant undeveloped piece of property lots 2 & 3 are both vacant at this time. The purpose of this application we are currently only developing lot 3 the only thing on lot 2 will be the access driveway which will be a shared access between lots 2 & 3. Lot 3 is exclusively where the Dollar General is going to be developed on; lot 2 is not going to be developed on at this time and we would have to come back before the Board for any future development of that lot 2. Now the reason we are here for a Minor Subdivision approval is we are redrawing the lot line; a lot line adjustment. No new lots are being created it will still be two lots; lot 2 and lot 3 but we will be redrawing those lot lines our Engineer cover that under the minor subdivision and show exactly where we will be drawing the lot line. Even though we are redrawing the lot line it constitutes a subdivision that is why we are seeking that approval. Additionally we have several variances that we are seeking tonight along with our Preliminary and Final Major Site Plan Approval. One (1) goes to lot width; lot 2 with the redrawing of the lot line we need a variance for lot width 100 feet is required and our proposal is 62.22 feet proposed for the re-sized lot 2. For signage we are proposing some signage of course for Dollar General we seek a variance for square footage where 25 square feet is allowed and we are seeking an allowance for a 70.7 square foot sign. Additionally we are seeking a variance for the height for that sign where 8 feet tall is allowed and we are seeking 22 feet tall free standing sign. We are also seeking a variance for parking under your ordinance by the calculations we are required 46 spaces we are seeking 33 and we are seeking a variance for parking as well. We have received the latest review letter from your professionals dated September 11<sup>th</sup>, 2019 we are prepared to

address those comments whenever you would like us to proceed with testimony from Mr. Soubasis and Mr. Cleary.

**Testimony started off with Mr. Soubasis with his background and knowledge of Dollar General. He started that he and his office will be involved with the project from start to finish. He testified to the operation of the store and products that it would sell to the consumer; he also covered operating hours and number of employees. He testified to the delivery of products to the store, times of delivery, size of trucks and number of deliveries, He also testified that Dollar General controls their deliveries through their own logistics department. He covered their need for fewer parking spaces due to the average time customers spent in the store was less than a typical retail store and the average customer is only in the store between 5 to 7 minutes and average less than 60 customers per day. He stated that typically the grand opening day is the largest turnout of customers because of free giveaways and curiosity of the new store.**

**Ms. D'Allesandro:** While it is not the subject of the Application with particular lots 2.01 and 2.02 there is a comment in the letter dated 9/11 regarding the suggestions of some buffering or that buffering from headlights to that property as people turn into that driveway. Is it correct that the applicant does own those properties correct.

**Mr. Soubasis:** Yes looking at A-1 this is property we own and are looking at possible future improvements. Currently on that property there is a home that was rented and the tenants have been successfully been removed and we are planning on demolishing the home in the very near future and we are hoping to attract another commercial property once we complete this project. You Engineer requested us to put up a landscaping buffer against the home and we are requesting not to since we are just going to rip it out.

**Mr. Sitzler:** Any idea on when you are going to tear it down?

**Mr. Soubasis:** About the same time once we get approvals it will be part of the clearing process.

**Ms. D'Allesandro:** I have no more questions for Mr. Soubasis so if he Board has any questions for him as it pertains to the Dollar General

**Mr. Waddington:** Can you show me the two lots on that side? Just so I'm aware where you are moving the property line

**Mr. Soubasis pointed out the two lots on the site plan A-1 and where the property line would be drawn and that they would like to eventually consolidate the other lots in the future where the variance will not be needed**

**Ms. D'Allesandro:** We will speak to the variances and justification through Mr. Cleary

**Mr. Sitzler:** Ms. D'Allesandro just so we are clear

**Ms. D'Allesandro:** We will be going through a subdivision planner

**Mr. Soubasis continued to give his testimony on the design of the building and the property layout to include the structure, lighting and parking lot. He testified that the completion of the project would be about 6 months from the time of approvals to finish.**

**Mr. Cleary gave an overview of his professional qualifications. He then gave his testimony on the site plan and all details location of the property and access to and from the property. He covered how the delivery trucks would enter the property and then proceed to the loading dock. He gave testimony on the landscaping, drainage basins, trash enclosure.**

**Ms. D'Allesandro:** Mr. Cleary are you able to confirm that we will be keeping all the storm water on site and it will all be turned back into the ground water and there will be no issues for the adjoining properties is that correct

**Mr. Cleary:** Yes that is correct. The only thing that could happen would be what is called ground water mounding and when you filtrate water into a basin that raises up the elevation of the ground water underneath the basin it has a typical bell-shaped curve where the reverse of it is directly under the basin and it gets less sever the further you go down.

**Mr. Cleary then showed an aerial view showing the distance from the house that will be demolished which he stated was 160 feet away and that following the formula for ground water mounding the water under that building would be raised approximately 3 inches and the closes house on Bittle Ave would be raised by less than one inch so he anticipated no issues would occur due to ground water increasing to any of the residential properties in the vicinity**

**Ms. D'Allesandro:** Next let's address the variances that we seek and we will start first with the redrawing of the lot line where we will require a variance for lot width of lot 2 where 62.22 feet is proposed and 100 feet is required. Can you touch on why we are requesting that variance and the circumstances surrounding that?

**Mr. Cleary:** Because the basins have to be over sized in the storm water compartments this lot had to be much larger than we actually wanted it to be. If we were not met with this particular issue there is a very good chance we would have met the ordinance requirements by having a smaller lot for Dollar General but due to the Storm Water requirements we needed a larger lot. As stated previously I know this is a variance but we consider it more of a temporary variance because these lots (pointing at Lots 2.01 and 2.02) will be demolished and incorporated into the overall lot 2 for when the applicant wishes to come back in the near future and develop more of this property.

**Ms. D'Allesandro:** Next let's speak about the signage; we are seeking variances as it pertains to the proposed free standing sign that is going to be that is going to be on Cross Keys Road. We seek obtaining a variance for height and square footage. Can you please touch on that and issues for requiring the variance?

**Mr. Cleary handed out several documents to all the Board Members**

**Mr. Cleary:** First of all Berlin Cross Keys Road is a 50 MPH road way the County is in the process of making improvements to the road. I have seen the plans and along this stretch they are not actually widening anything they are providing pavement restoration I'm not sure how far the improvements go but it is basically along the entire frontage of the property. It is a commercial corridor, 50 MPH; cars are flying over there so the top image (Referring to one of the handouts) is taken right at where the road begins to separate as you can see on the right side there is a lot of vegetation most of that vegetation is going to stay because you are going to have about 100 to 150 feet of undeveloped land that we are not touching. You will see we are requesting the variance strictly for public safety we want a large sign so that any patron traveling South on Berlin Cross Keys can identify the store with plenty of notice and be able to slow down

and turn into the store. Another issue is just south of our property it goes into two lanes so on all of our frontage cars will be choosing whether they want to stay left or right, we want to make sure everyone wanting to access our store stays to the right hand side. We are in a tough situation on where our driveway is located and we just want to make our sign as prominent as possible and as visible as possible

**Ms. D'Allesandro:** Can you how the free standing sign is that going to be internally illuminated?

**Mr. Cleary:** Yes it will be

**Ms. D'Allesandro:** I Know Mr. Soubasis touched on the proposed 33 spaces for parking being adequate for Dollar General but speaking to it from the engineering perspective. I know the ordinance calls for 46, would you agree that additional parking would add more trouble

**Mr. Cleary:** Every square foot we can save on impervious cover makes this lot smaller, we have room to put them in here however we consulted the IT Institute for Professional Engineering and in the angle for this type of facility they have done numerous sites for facilities throughout the Country and they have come to the conclusion that they need about 1.8 spaces per 1000 square feet so that puts you at 15 spaces for this size building. We are at 33 so we are more than double that. We have also submitted a traffic assessment which indicates that during the absolute worst hour of traffic there will be at the Saturday peak hour there will be 68 trips to the site. A trip is defined as a car entering and exiting the site so one trip in and one trip out and has to do more with the roadway than accessing the site. So within 1 hour they only anticipate 34 cars accessing this site and as was stated earlier those cars are going to spend between 5 to 7 minutes in the store that will be (not sure how correct my math is) it is a lot less than what we are showing on the plans

**Ms. D'Allesandro:** Mr. Cleary I believe we are seeking a couple of waivers here. Do we have any comments?

**Mr. Cleary:** So we are requesting a waiver from providing profiles of our water and sewer services, both services will follow the Northern property line and will turn and meet up directly with the sewer main along the property front or there is an existing water meter over here. These two services don't conflict with anything on site they are completely in a grassed area. We have provided inverts for the sanitary sewer which show that we meet all the required cover requirements that we had to meet, the water can be built however deep it has to be built because it is a pressurized system and the Core Engineer has agreed that the waiver is acceptable for the submission waiver to be acceptable when providing profiles. We are requesting a design waiver to allow a pipe size of less than 15 inches we have three inlets on the site; those inlets will have 6 and 9 linear foot pipes attached to them that will connect to the bottom of the basin. Those three pipes will be 12 inches and we have provided calculations demonstrating that the pipes have more than enough capacity all the flow that is coming through them and we also have a 12 inch pipe which interconnects these two basins so that the basins work together as one. We also have calculations showing that there are no concerns with the connecting pipe of being blocked or anything and we also provided a trash guard for that pipe to ensure even more that pipe will not be blocked. The last waiver would have to do with the storm water management system; the State standards say you can only infiltrate a certain amount of water and due to certain circumstances of this site we have to infiltrate more. I believe your ordinance says you can't infiltrate more than a certain amount we have to infiltrate the entire amount if we don't infiltrate it then we don't meet numerous other sections of your ordinance so I would say it is the lesser of two evils. Even though we are trying to equal all water off the site it is infiltrating to the ground.

**Ms. D'Allesandro:** With regards to the other comments do you agree with all of them?

**Mr. Cleary:** The only outstanding comment would have to do with the tree compensation and per your ordinance it is at the discretion of the Board that would clear the demolition plan today before we started our testimony I spoke with your engineer and we agreed for now and how ever the Board requires us to work it out. I would like to add that it looks like a lot, with a lot of other ordinances you are allowed certain disturbances and these zones are where improvements are going to be located so typically you are not required to compensate for those trees I can show that on here. I just wanted to you and idea of what we are removing and I would like to work that out with the Board Engineer and Planner to show them exactly which trees that fall within where the improvements are and which trees outside of the improvements and providing compensation for the trees outside the improvements if the Board agrees.

**Ms. D'Allesandro:** That is all the testimony that I have for Mr. Cleary. Are there are any questions from the Board at this time or the professionals?

**Mr. James:** I'm just curious as to why you decided to bring out the property to Berlin Cross Keys Road before the Road Started to split

**Mr. Cleary:** So we did a concept plan for kind of a full development about a year ago or so and this just works best for the overall development so that is why we decided to put it there. We were also constrained because if these two lots (pointing to lots 2.01 and 2.02) were not part of the application we could have shifted it over but they had tenants at the time and this was the best location, especially if we would have put it here then we would have had to add a second access in the future because I'm sure Dollar General wouldn't want people coming through their property to access the remainder so we believe that this was the best option for future development of the overall parcel.

**Ms. D'Allesandro:** And of course subject to County Approval

**Mr. Cleary:** Yes

**Mr. James:** So when you said before that based upon the two properties to my left you would not have had to do anything with the drainage

**Mr. Cleary:** No the drainage is just the circumstances of how the topography on the site is. No matter if those where there or not. If those were not there in the beginning we would not need the variance for the lot width and that goes back to the basic site this lot width is really wider than we wanted it to be. We have this giant grass area here that I'm sure Dollar General does not want but they have to have it in order to get this storm water to work so this could have been shifted 40 feet or so to get us the frontage required for lot fit.

**Mr. James:** You said that would not have been the case if those properties were not there

**Mr. Cleary:** No it has nothing to do with the properties. Even if they were here the problem with the storm water has to do with the topography of just this area.

**Mr. James:** And if you were to develop that second lot what happens to the storm water? Does that remain there or do you have to do something else?

**Mr. Cleary:** It will remain there the good news is this portion of the rest of the property there is discharge off site so we would be able to discharge off site. It just so happens this low corner doesn't have discharge, so if we were developing the whole thing and ran everything over to where it currently discharges and discharge a little bit; but since we are just focusing on this corner we were stuck doing the storm water like this.

**Mr. James:** Any other questions

**Mr. Dougherty:** On My September 11<sup>th</sup> letter in the package that we have there is an August 27<sup>th</sup> letter and since that time the Applicant has submitted a revised set of plans which we have received. On the September 11<sup>th</sup> letter page 2 there is one minor maintenance issue, and Mr. Cleary had mentioned it with regard to the submission for Major Site Plan that the applicant provide plan and profile of the water and sewer services. So this is just a site plan with one utility one service for water and sewer, the information that is shown on the grading and utility plan isn't adequate to satisfy that need so I would recommend that I have no objection to a waiver to waive the requirement to have the profiles of the water and sewer and then the application could be declared complete and we could continue on. I would recommend that as the first step.

**Mayor Green:** I make the motion that if we approve the waiver we deem the application be complete; seconded by Mr. Hagy

**ROLL CALL ALL MEMBERS PRESENT "aye" MOTION PASSED**

**Mr. Cleary:** I missed one waiver and that was for storm sewer profiles so the water and sewer as stated before was the pipe runs of 6 feet, 6 feet and I believe about 9 to 11 feet they don't cross anything they are very minor in nature and we just have the interconnecting pipe. In my opinion profiles of those storm runs really wouldn't provide any additional information then what was provided in the drainage plan.

**Mr. Dougherty:** That waiver is covered so I will concede to that as sufficient, so next on page 3 of my review in the minimum lot with if they move the lot line to make it 62.22 feet and then consolidate the other two will make that lot over 160 feet which would be in excess of the requirement so no variance would be needed once they consolidate that but because of the situation that they have; they have created a sort of flag lot and really that is to create a common shared driveway. To my understanding the intent is if I understand is to service the whole site eventually.

**Mr. Cleary:** Yes

**Mr. Dougherty:** It looks like there is a hard curb there now so that would be opened up and so would the whole site and when that is consolidated it will be a conforming lot so the applicant asked about a temporary variance which we can't give. It will be a variance but eliminated once that lot's consolidated so that will be a need of a variance and through the testimony was adequate as far as the bulk variance. On the planning comments and Joe if you have anything more on the Planning comments but there was testimony with regard to the height in the area of the sign with the 50 MPH speed limit. It is a public safety and visibility issue so to have the larger and taller sign is to become visible along that road so I would agree with that testimony and there are two variances required with that sign on size and height. On the parking we have standards in our ordinance 1 space for every 200 square feet of retail area and that is just a general retail for anything the 1.8 spaces for 1000 square foot there is a book called the "ITE" International Transportation Engineering handbook and it does offer standards for other types of retail uses would yield

about 17 parking spaces they are providing 33 spaces. So even though or ordinance asks for 46; I know you heard from the Applicant and their Engineer 33 spaces are adequate and it would eventually go to less impervious coverage on the site and this would go to one of the mitigating factors in fact that they are infiltrating 100% of the storms the less impervious coverage. They are permitted to have 75% impervious coverage on the site and they are a little bit less than 50% of the impervious coverage reducing the amount of pond off there for reducing the amount of ponding off, basin size and infiltration and things like that. So that would be a waiver, the parking standard is in our requirements

**Mr. Sitzler:** That's a design waiver

**Mr. Dougherty:** The applicant did supply testimony with regard to delivery; that it comes in and then backs into the loading dock and it would not be too early in the morning and one delivery per week. So number one that is going to be limited in number and he is going to be able to make that maneuver without infringing on any of the parking spaces so. I will take a look at that but I think that if he can maneuver without moving the cars then that would be accurate. On to page 4 removal of trees of 5 inches or greater, the plan that was submitted shows the number of trees on the site and not the envelope of disturbance. It is up to the Boards discursion to give that compensation so I would recommend that the applicant has provided some landscaping along the basin in the front and has also provided some landscape along street trees in the front and along the side of the building. There won't be a one for one compensation but there will be some compensation for the trees that are lost verses the landscaping that will be put in. If the Board would be okay with that I would work with the Engineer in determining where the compensation would be placed. I was recommending an Evergreen buffer behind the property line but during the testimony that house will be demolished so it would be temporary landscaping there so would recommend we grant that design variance for that which would be number 2 on page 4 A-2. Looking down to D off-street parking with the truck turning in front of the building and then the signs; I think you said it will be illuminated internally is that correct

**Mr. Cleary:** Yes; both signs the pylon signs as well as the facade sign

**Mr. Dougherty:** Okay because our ordinance says that anything externally illuminated has to be sheltered from offsite spillage. So these won't be beacon type lights they will just be glowing from inside

**Mr. Cleary:** That is correct

**Mr. Dougherty:** The applicant did supply some testimony on storm water control. This is a part of our ordinance; this is the history of how we got to our ordinance the NJDEP put a set of regulations in place and then said to the Borough you have to adopt these regulations as is; so we did that and now we become the Enforcement Agency for those regulations. As the Enforcement Agency there are some things in there that are somewhat contradictory. For instance this one says you can only infiltrate what they call the water quality design storm anything in excess of that infiltration would be a design waiver because that was not the intent. The intent was to infiltrate a portion of the storm and the rest of it was to run off the way it naturally did; as the Engineer pointed out this site is really low so all the water does stay on site so by infiltrating 100% of the design storm they are mimicking the existing conditions. They have increased it because of the additional pervious but they are mitigating it because of the less impervious coverage that is permitted of 75% and less than 50% is being proposed and they provided what they call a mounding analyses which shows there is no impact to the ground water as it dissipates out from the site; so I would have no objection to a design waiver being granted for that infiltration excess. Then on the calculations there are some minor things that the Applicant said they would address which would be the low impact on

all of the checklist and the maintenance plan. This is that the applicant will maintain that basin in the future so that is something that the Borough can regulate. As far as the design waiver for the 15 inches verses the 12 inches the minimum size is required by our ordinance of 15 inches is to prevent blockage and to allow for flow; with the pipe lengths on this property are very small and they are visible, the one that is under the road is visible so if there is any blockage in there in fact I don't expect much flow in there it is more of an equalizer from one side of the basin to the other. So 12 inch was the normal size pipe until tree branches and things like that would clog 15 inches was a better self-cleaning pipe but because they have that accessibility I don't see any reason why we couldn't approve the 12 inch pipe verses the 15 and that would be a design waiver. The applicant would also agree to the storm water summery which again is our ordinance and again the DEP requires us to adopt an ordinance on storm water and then they monitor us and audit us on periodic bases to see how well we are enforcing our storm water ordinance. We just have to document where we deviate from the standard and give a reason for it and provide edification. So the infiltration would be a design waiver and then the storm water summery sheet is something that is required by the ordinance so he has agreed to provide that.

**Mr. Cleary:** Yes

**Mr. Dougherty:** That is all I have unless Joe you have something.

**Mr. Luste:** The Sign out front the Dollar General sign will that be internally lit?

**Mr. Cleary:** Everything is internal so there are no lights cascading

**Mr. Luste:** When you close your operation for the evening will the sign be off too

**Mr. Soubasis:** Typically they are going to be set up by timer so what will happen; some locations stay on till 11:00 and they come back on. If there is a need during a cloudy day they will be turned on manually but for the most part we like to have them on an hour before dark and an hour after close.

**Mr. Dougherty:** I can look at the ordinance to see if there is a time frame or number of hours

**Mr. Soubasis:** It is one of those things they would just like it because of the fact that some people stole on the premises by the time they leave so they just like that one hour after typically. If it is in the ordinance we will abide by the ordinance that is all.

**Mr. Dougherty:** As long as it is not 24 hours

**Mr. Soubasis:** It is not 24 Hours.

**Mr. James:** Any other questions?

**Mr. James:** I will entertain a motion to open the floor

**Mr. Hagy:** Motion to open; seconded by Mr. Ford

**All present were in favor the floor was opened**

**Mr. Szwed:** My name is Edward Szwed, I live at 57 Bittle Ave. I'm just curious I'm familiar with the property that you are talking about and behind that property right on the other side there is already a basin that has about 3 feet worth of trash in it. Is that part of the clean-up and what would happen to that basin in the mean time? The other question I had as far as the basin is that going to have standing water and if it is going to be treated because if they are wet it will bring mosquitos in that area?

**Mayor Green:** To answer your first question. Is that basin on your property?

**Mr. Soubasis:** It is not; there are two or three low spots along that area

**Mr. Szwed:** There is a basin back there.

**Mayor Green:** Yes there is a basin back there it is on the DeSorte property and that basin is owned by Camden County it is the run off from Cross Keys Road which is a County Road

**Mr. Szwed:** Okay; so the basin that will be put in is that going to be holding constant water?

**Mr. Cleary:** No the State requires that basins can't hold water for more than 72 hours after the storm does stop. If the surface is not able to infiltrate the water within two days; so it will be in there for a little bit. They have also been designed; the State has standards where you can't have infiltration depths greater than 2 feet so 2 feet will be the absolute worst that will be in there and above 2 feet we are proposing an inlet that will be at entry level and send it to the County storm sewer system.

**Mr. Szwed:** As far as where the driveway comes in; I know you are going to discuss that here today getting access to the other lot. Is that other lot once you clear that is that going back further or is that going to stop at the same distance where your basin stops?

**Mr. Cleary:** On Future Development we are not sure yet

**Mr. Soubasis:** That shared access right now you are going to come in and veer to the right into Dollar General and if I understand your question the intent that would go further back and run alongside that basin if in fact there is specific needs for that rear portion of the property will depend if someone sparks an interest in it we will be going left on the other side. We don't plan on clearing anything but the specific outline that we have now for the footprint of the Dollar General. We don't plan going out and cleaning it if we don't need it there will be no tree removal in that specific area we are just really focusing on a specific area to develop the Dollar General.

**Mr. Szwed:** There is a trail there because we get a lot of traffic from dirt bikes and quads and stuff is that part of DeSorts too?

**Mayor Green:** That I don't know, where is that property end

**Mr. Cleary:** It ends right at this yellow line

**Mayor Green:** Then it could be very well be part of what use to be DeSorte tract which is owned by National Paving and has been for many years or that may even be part of the used car lot. The back portion is definitely part of National Paving

**Mr. Szwed:** Now traffic pattern that is already a bad spot no matter what time of the day you go there. Just last week we had three different accidents right there. Since the road veers right there isn't it going to be a hazard just pulling in and pulling back out of there? If you are coming out of there and have to make a left hand turn onto Cross Keys heading towards Berlin or the same thing if you are coming from Sicklerville and have to make a left into them.

**Mr. Dougherty:** With that being a County Road the County is going to have to review so they might restrict them to a right in right out but I do think

**Mr. Szwed:** It is safety because there are a lot of accidents there at Cross Keys and Hickstown-Turnerville and with that being right there at the merge people already fly right past there and there were a couple of pretty bad accidents there this year already where the road was shut down because of a fatal accident.

**Mr. Dougherty:** It will now to be reviewed by the County so if the Board approves the application they will need County Approval to proceed. I will say that having one property access for the two lots is a preferred option from a safety stand point so you don't have multiple driveways coming out.

**Mr. Bewley:** Bill Bewley; 55 Bittle Ave; I would just like to point out that this retention pond is required but when they put in the High School they had one in back of the High School and it raised the water level and it flooded out the neighbors basements and they had to take it out and I'm afraid they are going to have the same problem on our side of Bittle Avenue with these retention ponds it will raise the water level and we will have water in our basements.

**Mr. Dougherty:** Where the School is located that is actually at a higher elevation so I'm not sure what happened there but the water tends to run down onto Bittle Avenue and in this case where that property is the water is either staying on that property or migrating away from Bittle Avenue so the new basins are basically mimicking what is there now and based on the concept they are showing with grading the ground it looks like it will be flowing to the North away from Bittle and in addition about 200 feet plus to the property line from those basins so I don't really see there being an impact to homes there on Bittle

**Mr. Bewley:** So there wasn't supposed to be a problem there either so we the residents there are going to have the problem

**Mr. Dougherty:** So based on the calculations there will not be an impact on the water level it is actually infiltrating away

**Mr. Szwed:** One more time just for the fact the dirt bikes and quads do come out from National Paving to go over to the empty Lot over in the open area where townhouses were supposed to go by the railroad tracks; is this going to be fenced in

**Mr. Cleary:** The Retention Pond

**Mr. Szwed:** Yes; because if not they will be riding there I know I have people in my backyard with vehicles; I know it is your property I just want to make sure it is safe for everybody

**Mr. Dougherty:** We do suggest fencing around the basins and you are providing fence right?

**Mr. Soubasis:** We are providing post and rail with what I'm going to call chicken wire and it is going to be wired from the inside as well

**Mr. Dougherty:** Generally the Board requires chain-link fence around there but since this is the rear of the site; I would refer to the Board but I would be okay with post and rail with the chicken wire fence

**Mr. Soubasis:** We usually use the green wire; so what we save on the impervious coverage there is a lot of open space to surround the property so we end up going with the post and rail it looks more natural and we use that green wire on the inside and you really don't see it until you are up against it

**Mr. James:** is that going to be on the front also; the front basin

**Mr. Cleary:** Whatever the Engineer requires we will comply. Just so we understand what kind of basin we have when you look at it; just like a volleyball court it is all sand like a beach. This makes the water filter through and we are obligated to maintain it so we don't want people driving through it so at the end of the day it will be fenced in.

**Mr. James:** Anyone else from the public?

**Mr. James:** Seeing none; I will entertain a motion to close the floor to the public

**Mr. Hagy:** Motion to close; seconded by Mr. Ford

**ROLL CALL ALL PRESENT "aye" FLOOR CLOSED TO PUBLIC**

**Mr. Waddington:** I don't see any type of sidewalk in front there

**Mr. Dougherty:** On the site plan the applicant will provide sidewalk for the entire frontage

**Mr. Cleary:** It actually starts off on Lot 2.01 so we have that safe landing area for any accessible persons crossing the crosswalk. **"He pointed out on the site plan where it starts and ends"**

**Mr. Sitzler:** Does the County have any control over the location of the sidewalk?

**Mr. Cleary:** Depending on any comments they might have a lot of times when I have dealt with the County they have left it to the Municipalities they don't care if they see it or don't see it. It's based on what the local Municipality wants to do. If there were comments then we would have to worry about it

**Mr. Sitzler:** Like future road widening

**Mr. Cleary:** Yes and anything like that

**Mayor Green:** Based on the Engineers testimony the County is not going to widen that section so they probably won't care one way or the other. There are some other properties that have been approved recently on Cross Keys Road and the County has got involved because that is where they are going to widen so there is where the applicants have agreed to put the sidewalk in after the project is done. That way there they did not have to pay to put it in take it out and pay to have it put back in

**Mr. Cleary:** And that could happen here we are at the mercy of the County; maybe they did not want to widen it here but they may force us to. As of right now we don't anticipate improvement

**Mr. Hagy:** Around the building do you have any lights proposed for night time for security purposes?

**Mr. Cleary:** There is some wall packs mounted; so the front really has the goose necks and on the full lot the parking size there is 3 or 4 along

**Mr. Jones:** Handicap parking

**Mr. Cleary:** Yes right here at the entrance we have two accessible parking spaces

**Mr. James:** Any other questions?

**Mr. Sitzler:** Here is the Minor Subdivision and the Major Site Plan. The first application the Board should consider is the Minor Subdivision with a bulk variance that has been requested. This is a question for the Boar Engineer; approvals when we were talking about the variance for this; we do have an ordinance that requires all approvals for construction to be done with approvals within two years so although we say there is no necessary time line for a variance. I say that because if you did not have everything done within two years you would come in with an extension

**Ms. D'Allesandro:** Understood: I'm Familiar with that in other towns so thank you for pointing that out; we will definitely make note of it

**Mr. Sitzler:** We did have this come up in another application and it does deal with construction

**Mr. Dougherty:** Because this is a Minor Subdivision would you likely file by deed?

**Ms. D'Allesandro:** I believe so we would prefer to file that way

**Mayor Green:** Make a motion we approve the Minor Subdivision: Seconded by Mr. Hagy

**Mr. James:** Roll Call

**ROLL CALL ALL PRESENT "aye" Motion Passed to include bulk variance**

**Mr. Sitzler:** The next one is the Major Site Plan; there is multiple design waivers and some variances.

**Mayor Green:** This project really complies with our Master Plan there is no Use Variance required and minimal amount of variances and waivers. The Applicant has done his best to comply with many and all regulations and this would be an asset to this corridor. So I make a motion that we approve the application with the required variances and waivers that the Engineer and Attorney have put on record; seconded by Mr. Hagy.

**Mr. James:** Roll Call

**Roll Call All present "aye" Motion carried**

**Mr. James:** At this time I will entertain a motion to open the floor to the public

**Mr. Ford:** Motion to open the floor: seconded by Mr. Hagy

**All present in favor**

**Mr. James:** Floor now open to the public: seeing none motion to close the floor to the public

**Mr. Hagy:** Motion to close: seconded by Mr. Ford

**Mr. James:** Floor is now closed to the public. Any old business

**Mr. James:** New business the next meeting is October 10<sup>th</sup> at 7:30pm

**Mr. James** Motion to open the floor to the public

**Mr. Ford:** So moved; Second by Mr. Hagarty

**All members present "aye"**

**Mr. James:** Seeing none motion to close the floor to the public

**Mr. Hagy:** Motion to close: Seconded by Mr. Ford

All members present "aye"

**Motion to Adjourn:**                      **Mr. James:** I will entertain a motion to adjourn

**Mr. Hagarty:** Motion to adjourn: seconded by Mr. Waddington

**All present in favor of adjournment**