

**WASHINGTON TOWNSHIP PLANNING BOARD  
APRIL 5, 2011 MINUTES**

Mr. Fratalli called a regular/work session meeting of the Washington Township Planning Board to order at 7:10 pm. The Open Public Meetings Act Statement was read, followed by the salute to the Flag.

Roll call was taken as follows:

**PRESENT:** Mr. Campbell, Mr. Morley, Mr. D'Ariano, Mr. Frattali, Mr. McPoyle, Mr. Davidson, Mr. Sparacio and Mr. Reed

**ABSENT:** Mayor Lyons, Mr. Boyer and Mr. Christy

**STAFF PRESENT:** Diana Tutolo, Secretary; Jeff Daniels; Solicitor, Rich Fini, Environmental Engineer; Jon Bryson, Engineer and Jay Petrongolo, Planner

Mr. Daniels swore in the Professionals.

**APPLICATIONS:**

- 1. Chick Fil A  
5651 Route 42  
111.09/2.02  
Preliminary & Final Major Site Plan**

Timothy Prime, Esq. represented the applicant. Mr. Daniels's swore in the applicant's professionals John Martinez, P.E., PP and Nicholas Verderese, P.E., PTOE. Mr. Prime marked an aerial photo of the site and surrounding areas as Exhibit A1. He noted that the site fronts the Black Horse Pike and Greentree Rd. A vacant bank building is currently on the property. Mr. Prime stated that the proposed Chick Fil A restaurant will be 4804 sq. ft. in area. The applicant is proposing 136 seats and 60 parking spaces. Mr. Prime added that Chick Fil A is a national corporation with 1500 restaurants. Chick Fil A serves breakfast, lunch and dinner. Mr. Prime commented that the Chick Fil A restaurants are closed on Sundays. The hours of operation for most Chick Fil A's are 6:30 a.m. to 10:30 p.m. Monday thru Saturday. Mr. Prime added there is discussion of a possible of 5:30 a.m. opening. Mr. Prime stated that there would be one to two deliveries per week, during off peak hours. Mr. Prime further noted that as a result of the last meeting, the site plan has been modified, the emergency bypass lane has been added and

10' x 18' parking spaces are now provided. Mr. Prime explained that the site is in the Highway Commercial zone and that restaurants are a permitted use within the zone. He reviewed the bulk variances requested and the variances requested for impervious coverage, the loading zone length and the number of parking spaces. Mr. Prime also reviewed the variances requested for signage, adding that this is Chick Fil A's standard sign package. The applicant has eliminated the sign on the Burger King side. They are asking for two freestanding signs where one is permitted. The height of the pylon sign on Route 42 is 17.2' where 6' is permitted. Mr. Prime noted that they did measure the height of the Arby's pylon sign at 20' high.

John Martinez marked a color landscape plan Exhibit A2. He explained that some of the changes made relate to the configuration of the drive thru. Mr. Martinez stated that previously a bypass lane was not proposed. He noted that they have added a bypass, which will allow vehicles to go into the bypass lane out to the exit and back into the parking lot. They have also added a bypass along the ordering station. Chick Fil A is willing to depress the curbing at the rear of the facility right after the two ordering station so that if there is an issue a vehicle would be able to come up over a mountable curb. Mr. Martinez stated that they have continued the pedestrian access all of the way to the Chick Fil A from Greentree Rd. and out onto Route 42. Sidewalks are proposed on both streets. Mr. Martinez noted that Chick Fil A has received a Letter of No Interest from the Dept. of Transportation to continue to use the driveways as they exist. Mr. Martinez commented that the applicant has added 30 % more landscaping to this plan. He added that the applicant will be making a contribution of approximately \$10, 500.00 to the Tree Fund. Mr. Martinez marked a rendering of the building elevations as Exhibit A3. He also marked a color elevation of the trash enclosure as Exhibit A4 and the signage package rendering as Exhibit A5. Mr. Martinez reviewed the proposed signage, variances and waivers requested. Mr. Martinez noted that the site is surrounded by commercial uses and not residential, but they are still providing a significant buffer on all four sides of the property. Mr. Martinez marked Exhibit A6 as an elevation depicting the fenestration provided. They are providing 19% along the Greentree Rd. side where 30% is required.

Mr. Verderese, the project Traffic Engineer testified that his report dated 12/21/10, contained existing conditions, project traffic counts, analysis, project traffic volumes. He noted that they looked at the operation of the driveways from a capacity standpoint, site distance standpoint and general design criteria. Mr. Verderese that they have met all of those criteria. He noted that are waiting for County approval and are confident that they will

gain that approval. Mr. Campbell asked if there will be an entrance and exit on Greentree Rd. Mr. Verderese replied that previously when it was a bank, there were two separate access points. There was an egress driveway closer to the intersection and an ingress only driveway in the location where Chick Fil A has a full movement driveway. Mr. Verderese commented that they have moved that operation further from the intersection. Mr. Prime added that one of the items the County Engineer was waiting for was the Letter of No Interest that allocated the traffic between the two. Mr. Prime stated that the County would probably make it a condition of approval on studying that after the restaurant is open to make sure left hand turns in can be made safely.

Mr. Petrongolo addressed his 3/22/11 review letter. Mr. Petrongolo complimented the applicant on the quality of the plans submitted and the changes and revisions made. Mr. Petrongolo added that the applicant has taken into consideration the Board's professional's comments and revised the plans accordingly. Mr. Petrongolo stated that most of his comments have been satisfied. Mr. Petrongolo reviewed the outstanding submission items. The applicant has indicated that they will provide those items. Mr. Petrongolo reviewed the submission requirement waivers that the applicant is requesting. They included providing cross sections and profiles of all existing streets abutting the property, to provide profiles of all existing and proposed storm sewer, sanitary sewer and water mains and to provide the locations of driveways, streets and right a ways within 200 ft. of the site. Mr. Petrongolo had no objection to the waivers. Mr. Petrongolo reviewed the variances requested. The applicant is requesting a variance as they are exceeding parking spaces by greater than 105%. The proposed loading area is 12' x 37' where 12' x 60' is required. A waiver is necessary for shade trees, which are to be spaced no more than 30 ft. around the perimeter of a parking lot. Mr. Petrongolo noted that the applicant has allowed for extensive landscaping therefore, he had no objection to the waiver. Mr. Petrongolo stated that at the property line the applicant is dropping the light intensity so that the impact for the adjacent property owners is minimal. Mr. Petrongolo reviewed signage. The applicant is proposing five freestanding signs with the largest being 68 sq. ft. The remaining signs will all conform to the size requirements. The applicant is proposing two freestanding signs, one at each street and three ordering signs. Mr. Petrongolo had no objection for the number of signs considering the use and multiple frontages. He explained that the ordinance states that the height of a freestanding sign is not to exceed 6' in height. The applicant is proposing 17'2" on Route 42.

The remaining sign conforms. Mr. Petrongolo stated that the ordinance prohibits façade signs in the Highway Commercial zone. Three façade signs are proposed, a variance is required. Two of the façade signs will be 39 sq. ft. and one will be 28 sq. ft. Mr. Petrongolo noted that 30% fenestration is required of the first floor elevation to be windows or window treatment. The applicant is proposing 22% for the overall façade. A waiver is necessary. Mr. Petrongolo stated a variance is requested for a copy board with changeable text. It will not be electronic; it will have changeable letters. The applicant originally proposed two of these signs, one on each frontage. Based on work committee meetings and discussions with the applicant, the one on Greentree Rd. has been eliminated. Mr. Petrongolo commented that looking at the application and the revisions made to the site, he had no objection to any of the variances or waivers. Mr. D'Ariano asked if it would be a necessity to have a no thru traffic sign on the Greentree Rd. driveway. The applicant agreed to work with Mr. Petrongolo and Mr. Bryson with the no thru traffic sign. Mr. Petrongolo asked Mr. Prime if the applicant is willing to reduce light levels at 11:00 p.m. Mr. Prime agreed.

Mr. Fini addressed his 3/30/11 review letter. He has received the Environmental Impact Worksheet and the Environmental Impact Statement. Mr. Fini had no comments or questions regarding these. He has received the Environmental Site Assessment. The NJ DEP records research is under way. Mr. Prime noted that it has been requested and will supply it as soon as they receive it. Mr. Fini stated that there are four monitoring wells on site. He asked if they will remain or will they be sealed. Mr. Prime stated that they will remain and be protected during construction. Mr. Fini requested copies of the permits for the wells. Mr. Fini stated that the applicant is not going to submit the Indemnification Statement. Mr. Fini noted that the alternative would be a hold harmless agreement. Mr. Fratalli asked if this would protect the Township. Mr. Fini replied that it would. Mr. Prime explained to the Board that there is some off site contamination from the Gulf Station. It was pollution not caused by Chick Fil A or the owner of the property. Mr. Prime added that if Chick Fil A does or does not proceed based on the existing environmental conditions of the property and based on their consultants reports; they will not hold the Township responsible. Mr. Prime stated that the applicant did request a waiver but, in lieu of a waiver, the applicant has offered that the resolution of approval contain that protection for the Township. Mr. Daniels agreed. Mr. Daniels commented that the Board has never had an application where the adjacent property owner had a reported discharge. Mr. Daniels added that the DEP has been notified and is

monitoring. He added that there is a remediation plan in place that is going to be required by the adjacent property owner.

Mr. Fini noted that concerning the Indemnification Statement, a waiver would be required. Mr. Fini stated that he would have no objection to the waiver. Mr. Fini commented that with respect to the findings of the soil, they did not find anything that exceeds the NJDEP standards for soil contamination. The consultant has recommended that if found during the course of construction, it should be remediated. Mr. Fini noted that under the Tree Protection Ordinance, there are fourteen trees to be removed. The compensation amounts to thirty trees. The applicant has proposed cash contribution to the Tree Fund, which is \$10,500.00. Mr. Fini requested a Soil Cut and Fill report submitted. Mr. Prime stated that they will comply. Mr. Fini asked for testimony regarding their plan to recycle. Mr. Martinez referred to exhibit A4, which is the trash enclosure. One door is for trash and the second door contains the recycling area. He pointed out that one portion of the trash enclosure is the storage area for snow blowers, shovels, etc. Mr. Martinez explained that Chick Fil A recycles cooking oils, which they store indoors and is then taken off site periodically. Mr. Martinez stated that he will submit a recycling plan.

Mr. Bryson addressed his 3/23/11 review letter. Mr. Bryson reviewed the waivers requested. He had no objection to the waivers requested. Mr. Bryson added that the applicant is requesting a waiver for the minimum pipe size on site to be 15 inches in diameter, whereas 18 inches is the minimum requirement per the ordinance. The applicant has provided calculations demonstrating that the 15-inch pipe is adequate to carry the storm water to be carried on site. Mr. Bryson stated that with respect to the technical review comments, the applicant's engineer has gone through substantial effort to address most of the comments. There are substantial environmental issues and concerns associated with the adjacent property, recharge is not recommended for this site. Mr. Bryson recommended a waiver from the NJDEP Storm Water Management rules and the Best Management Practices. He added that the Board does have the ability to waive those rules.

Mr. Fratalli asked how many employees will be employed. Mr. Martinez stated that they would have a total of 65 employees. Mr. Fratalli asked if local people will be hired. Mr. Martinez replied, yes. Mr. Fratalli asked if local contractors would be used. Mr. Martinez replied, a local general contractor will be hired and he will use local contractors. Mr. Fratalli asked the Board if they had any other questions. No one did.

Mr. Fratalli entertained a motion to open to the public.

A motion was made by Mr. Sparacio and 2<sup>nd</sup> by Mr. Campbell to open to the public. All in favor.

Mr. Daniels swore in Kathleen Jaskowak of 12 Barclay Drive, Turnersville, NJ. Ms. Jaskowak stated that traffic is terrible and she cannot get out of Barclay Drive. She is concerned that the Board is going to add something that will draw more traffic. Ms. Jaskowak stated that her neighbor, Bobby Pope, 8 Barclay Drive was unable to attend the meeting. Ms. Jaskowak commented that Mr. Pope will be affected by the lighting. Mr. Fratalli replied that the Planner addressed the lighting issues. Ms. Jaskowak stated that Barclay Drive has drainage issues. Mr. Bryson explained that the drainage from Chick Fil A's property will tie into the state system on the Black Horse Pike and will go out toward the front. Mr. Prime noted that the New Jersey Department of Transportation gave the applicant a Letter of No Interest.

Mr. Fratalli entertained a motion to close to the public.

A motion was made by Mr. Sparacio and 2<sup>nd</sup> by Mr. D'Ariano to close to the public.

Mr. Fratalli entertained a motion to approve preliminary and final site plan with waivers and variances for the applicant, Chick Fil-A

A motion was made by Mr. D'Ariano and 2<sup>nd</sup> by Mr. Sparacio.

**Roll call was taken as follows:**

**In favor:** Mr. Campbell, Mr. Morley, Mr. D'Ariano, Mr. Fratalli, Mr. McPoyle, Mr. Davidson, Mr. Sparacio and Mr. Reed

**Abstained:** none

**Opposed:** none

**Application Approved: (8-0)**

## **RESOLUTIONS:**

### **RES. #11-12 RESOLUTION OF THE WASHINGTON TOWNSHIP PLANNING BOARD GRANTING A SITE PLAN WAIVER AND CONDITIONAL USE APPROVAL FOR THE APPLICANT, PREMIER REAL ESTATE INVESTMENTS, LLC**

A motion was made by Mr. Sparacio and 2<sup>nd</sup> by Mr. D'Ariano to approve Res. #11-12.

Roll call was taken as follows:

**In favor:** Mr. Campbell, Mr. Morley, Mr. D'Ariano, Mr. Fratalli, Mr. McPoyle, Mr. Davidson, Mr. Sparacio and Mr. Reed

**Abstained:** none

**Opposed:** none

**Res. #11-12 Approved (8-0)**

**RES. #11-13 RESOLUTION OF THE WASHINGTON TOWNSHIP PLANNING BOARD GRANTING SIGN VARIANCES AND CONDITIONS FOR THE APPLICANT, SUMMIT HEALTH-VIRTUA, INC.**

A motion was made by Mr. D'Ariano and 2<sup>nd</sup> by Mr. Sparacio to approve Res. #11-13.

**Roll call was taken as follows:**

**In favor:** Mr. Morley, Mr. D'Ariano, Mr. Fratalli, Mr. McPoyle, Mr. Davidson, Mr. Sparacio and Mr. Reed

**Abstained:** Mr. Campbell

**Opposed:** none

**Res. #11-13 Approved: (7-0)**

**MINUTES:**

A motion was made by Mr. D'Ariano and 2<sup>nd</sup> by Mr. Sparacio to approve the minutes of February 1, 2011. All eligible members voted in favor of the February 1, 2011 minutes.

A motion was made by Mr. Davidson and 2<sup>nd</sup> by Mr. McPoyle to approve the minutes of February 15, 2011. All eligible members vote in favor of the February 15, 2011 minutes.

**OPEN TO THE PUBIC:**

A motion was made by Mr. McPoyle and 2<sup>nd</sup> by Mr. D'Ariano to open to the public. All in favor. No one in public wished to comment.

**CLOSE TO THE PUBLIC:**

A motion was made by Mr. Morley and 2<sup>nd</sup> by Mr. Fratalli to close to the public. All in favor.

**ADJOURNMENT:**

A motion was made by Mr. Sparacio and 2<sup>nd</sup> by Mr. Fratalli to adjourn the meeting. All in favor. Meeting adjourned at 8:45 p.m.

These minutes are a brief summary of the proceedings that took place during the Washington Township Planning Board meeting held on April 5, 2011 and should not be taken as verbatim testimony.

Respectfully submitted,

Diana Tutolo  
Planning Board Secretary

Cc: Business Administrator  
Council  
Director of Community Development  
Township Clerk  
Tax Assessor  
File