

**TOWNSHIP OF QUINTON
COUNTY OF SALEM
RESOLUTION NO. 2014-10
RESOLUTION OF THE PLANNING BOARD OF QUINTON TOWNSHIP APPROVING
THE PRELIMINARY AND FINAL MAJOR SITE PLAN OF THE APPLICANT
SUBJECT TO CONDITIONS AND GRANTING VARIANCES**

WHEREAS, Salem-Quinton, LLC applied to the Quinton Township Planning Board for completeness as well as for preliminary and final major site plan approval to renovate and expand the existing building on property located at 500 Salem-Quinton Road, also being known as Block 5, Lot 10 on the Quinton Township Municipal Tax map; and

WHEREAS, the applicant appeared before the Quinton Township Planning Board on May 13, 2014, and was represented by Jason R. Tuvel, Esquire with the applicant seeking to be deemed complete at said hearing; and

WHEREAS, the property consists of 1.74 acres and is located in an LIO (Light Industrial/Office); and

WHEREAS, Land Dimensions Engineering, the Engineering firm for the board issued a letter report dated May 7, 2014, which report is incorporated herein by reference thereto; and

WHEREAS, prior to the completeness hearing, the applicant submitted the following information:

1. Quinton Township Planning Board Application Cover Sheet.
2. Planning Board Application.
3. Schedule "A", (General Requirements).
4. Schedule "B", (Site Plan Application- Plan Information Requirements).
5. Schedule "D", (Environmental Impact Statement).
6. Description of Operation, Project Description, List of Relief Requested and Justification.
7. Affidavit of Ownership.
8. Corporate Disclosure Statement
9. 200- ft Property Owner List.
10. Tax Certification
11. Deed of Property
12. Draft Public notice
13. Site Photographs
14. Application Request for Letter of Interpretation from the NJDEP.
15. Drainage Report, prepared by Tuvel Civil Engineering, dated April 16, 2014.
16. 11 x 17 Color Elevations of Proposed Building.
17. Plan of Survey and Topography prepared by Land Engineering, LLC, dated April 2, 2014.
18. Architectural Plans prepared by Aquarian Design, dated April 2, 2014.
19. Site Plans prepared by Tuvel Engineering Services, dated April 14, 2014.
20. Application Fee in the amount of \$700.
21. Escrow Fee in the amount of \$3,000.

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22. Preliminary Environmental Impact Statement, prepared by Kyle Planning and Design, dated April 20, 2014.
23. Site Plan Approval Application to Salem County.
24. "Letter of No Interest" from NJDOT, dated May 5, 2014; and

WHEREAS, the proposed use as a Dollar General Store (retail store) is a permitted use in the LIO Zone; and

WHEREAS, after a review of the application and Land Dimensions Engineering Report, the Board deemed the application complete subject to the following conditions:

1. The name and address of the landowner and applicant shall be included on the site plan.
2. The proposed contours shall be included on the grading and utility plan.
3. The detail for the bike rack shall be provided.
4. A truck-turning plan for all anticipated types of delivery vehicles shall be provided.
5. The location of the size of the existing water and sewer laterals shall be identified on the plan.
6. The applicant shall provide a landscape plan.
7. All existing proposed and traffic control signage and striping shall be added to the plan; and

WHEREAS, the applicant revised the plans and appeared before the Board on June 10, 2014 seeking preliminary and final major site plan approval and approval of bulk or "c" variances pursuant to N.J.S.A. 40:55D-70(c) after giving proper notice of said application in accordance with all applicable laws; and

WHEREAS, Andrew Hogg, PE of Land Dimensions Engineering issued a letter report dated June 2, 2014, which is incorporated herein by reference hereto; and

WHEREAS, the applicant submitted additional documents in advance of the June 10, 2014, public hearing consisting of:

- A. Site plans prepared by Tuvel Civil Engineering Services, dated April 14, 2014, revised May 22, 2014.
- B. Letter of no- interest from Salem County Planning Board dated May 20, 2014.
- C. Parking demand study, prepared by Kyle Planning and design, dated May 15, 2014.

WHEREAS, Jason T. Tuvel, Esquire appeared at said hearing representing the applicant and the applicant produced witnesses those being Harry N. Tuvel, PE, PP, Jonathan Vogel and James Kyle, PP, AICP, who were duly sworn; and

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WHEREAS, Harry N. Tuvel, PE, PP, was accepted by the Planning Board as an expert in civil engineering and James Kyle, PP, AICP, was accepted by the Planning Board as an expert in professional planning.

WHEREAS, there were two issues outstanding from the completeness approval, those being contours to be shown on the grading and utility plan and the location and the size of the existing water and sewer laterals to be identified on the plan which items the applicant agreed to provide; and

WHEREAS, the Application was deemed complete by the Planning Board;

WHEREAS, the approval would require several variances for pre-existing conditions consisting of:

A. A Bulk Variance for minimum lot area in that 5 acres is required and the property consists of 1.74 acres.

B. A Bulk Variance for minimum lot width, with 300 feet being required and the existing width being 223.61 feet.

C. A Bulk Variance for minimum front yard in that 125 feet is required and the property has a front yard of 51.49 feet.

D. A Variance for not providing 75 feet of landscaped buffer at the street right-of-way where parking areas and the building are less than 75 feet from the street right-of-way.

E. A Variance for locating a driveway within 10 feet of a property line where this condition is non-conforming and will remain as it presently exists; and

WHEREAS, the applicant is also seeking variances for conditions that are not pre-existing consisting of the following:

A. Variance for the number of parking spaces in that 49 are required and 32 are proposed.

B. Variance for locating a parking lot in front of the building.

C. Variance for not screening the parking spaces in front of the building.

D. Variance to permit two business signs where only one is permitted.

E. Variance to permit a wall sign of 97.5 square feet when only 12 square feet is permitted.

F. Variance to permit a freestanding sign of 98.5 square feet where only 60 square feet is permitted.

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E. Variance from the requirement to provide adequate and unobstructed access from the street, service driveway or alley without blocking or otherwise interfering with the use of automobile access ways, parking facilities, fire lanes or sidewalks; and

WHEREAS, the Planning Board heard the testimony and representations from the applicant and the comments of the Board's Professionals and Members and made the following findings of fact and reached the following conclusions of law based upon said evidence:

1. The last use for the property was that of a motorcycle shop and the property has been vacant for several years.

2. The applicant intends to expand the size of the building and upgrade and remodel the inside and outside of the building and landscape.

3. The proposed hours are intended at this time to be from 8:00 a.m. to 10:00 p.m., 7 days per week.

4. The applicant anticipates that a tractor-trailer truck will deliver inventory to the store approximately once a week with the deliveries to be made during the hours the store is closed.

5. The applicant intends to have two to three employees at the store at all times with total employment of part time and full time employees estimated to be 15 to 20.

6. There will be minimum waste produced and the waste will be removed once per week including the removal of cardboard.

7. The lighting will be turned off one hour after the closing of the store (with the exception of required security lighting).

8. There are wetlands to the rear of the property and a letter of interpretation from the department of NJDEP is pending. If the NJDEP requires substantial changes, the applicant will be required to appear before the Planning Board as to those changes.

9. The County Soil Erosion application is pending.

10. The applicant agreed to record and report the amount of cardboard removed from the site to Quinton Township.

11. The applicant will provide a revised landscape plan which plan will be subject to the approval of the Board's Engineer and Professional Planner as discussed at the public hearing.

12. The Board agreed to waive the requirement of having the landscape plan done by a certified landscape architect.

13. The applicant is required to provide a proposed building floor plan prior to final approval.

14. The applicant provided testimony in regard to the off-street parking spaces. The

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average store typically has 10- 12 cars at the store at any one time based on the parking study prepared by the applicant's professional planner in which 2 different Dollar General stores of similar size and on roadways with similar or more traffic volume were analyzed. The typical time spent by a customer at the store shopping is 15 minutes. The reduced parking area will provide more open space and create less run-off.

15. The loading dock is being constructed at an angle to the road so that the delivery truck does not have to park perpendicular to the building but can park at an angle to unload.

16. The applicant will provide curb and sidewalk in front of the store with a handicap ramp up to the entrance.

17. The floor of the building will be raised due to the new flood area regulations.

18. The landscaping shall be extended through the entire frontage of the parking lot. The existing bituminous paving located within the Route 49 Right-of- Way will be removed and the area top-soiled and seeded.

19. The landscaping will extend to the easement on the westerly side.

20. The site and landscaping plan and truck turning plan will be revised to remove any inconsistency.

21. The landscaping shall be revised to provide a buffer which will provide some screening of the parking areas from Route 49.

22. The Plan will be revised to demonstrate a minimum of 3-foot candles of light at the driveway intersection with Quinton- Salem Road.

23. The site plan shall be revised to demonstrate that the site can accommodate all anticipated delivery vehicles including trash pickup.

24. The plans will be revised to provide a sight triangle at the intersection of the driveway and Salem- Quinton Road.

25. The dimensions and material of the bike rack area shall be provided.

26. The location of the required 12 foot wide, 35-foot long loading berths shall be identified on the plan.

27. As to the issues that the site plan shall be revised to demonstrate that the site can accommodate all anticipated delivery vehicles without blocking or interfering with the use of the automobile access ways, parking facilities, fire lanes or sidewalks, Applicant testified that all deliveries will occur when the store is closed to avoid the on-site conflicts noted above.

28. All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to 150 degrees with the applicant testifying that wall packs will be used to the extent possible although they may need a couple of light poles.

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29. The applicant is seeking a variance for having two signs and the applicant's professional testified that the signs were necessary to be able to identify the property from the highway and that they were consistent with the other signs of businesses in the area.

30. The applicant had originally proposed the free standing sign to be 21 feet where only 20 feet is permitted but has agreed to limit the free standing sign to 20 feet in height.

31. The plans shall be revised to show that the signage does not interfere with the sight distances at street intersections or ingress or egress points to the lot.

32. The applicant is proposing low impact infiltration strips for storm water run-off and shall provide the storm water calculations to Andrew Hogg, PE. for his approval.

33. A storm water management plan has been provided to the State and will be provided to the Board Professionals.

34. The drainage report shall be revised to demonstrate compliance with the storm water run-off quality standards and compliance with the ground water recharge standards.

35. Soil boring information shall be provided for all proposed storm water management control measures.

Additional Site Plan Issues:

A. Additional dimensions shall be provided on the Site Plan to assist in the construction of the project.

B. All cross-hatching on the Site Plan shall be identified.

C. The width, color and type of all line striping shall be identified.

D. The directional arrows shall be relocated away from the proposed stop bar.

E. All existing improvements on the site which are to be removed shall be identified.

F. Additional spot elevations shall be provided on the Grading plan.

G. The typical cross slopes across the parking area shall be provided.

H. The location of the concrete sidewalk shall be identified.

I. Additional spot elevations shall be provided at the accessible parking spaces to ensure compliance with ADA design criteria.

J. The locations of the "detectable warning" devices shall be identified in the plans.

K. Additional site-specific information shall be provided for the design of the bio-

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retention swale, this shall include but not limited to; finite location, dimensions, proposed grades, side slopes and vegetation.

- L. Additional information shall be provided in the Drainage Report to demonstrate that the bio-retention swales as designed can capture all the storm water runoff from the site.

36. The following additional construction details shall be provided on the site plans:

- a. Sewer lateral detail;
- b. Water service detail;
- c. Stop bar, stop sign and mounting post;
- d. Bituminous sidewalk details;
- e. Accessible ramp detail;
- f. Concrete ramp detail;
- g. Concrete step detail;
- h. Railing detail.

37. The applicant is notified that an inspection escrow and performance bond is required for this application and an estimate for all on-site improvements (excluding structures) must be reviewed and approved. The inspections escrow must be posted prior to the issuance of any building permit.

38. The applicant must contact the Planning Board Office to settle out any outstanding review escrow accounts prior to the issuance of building permits.

WHEREAS, the public hearing was opened to the general public for comment. No members of the public spoke or appeared in connection with the application.

NOW THEREFORE BE IT RESOLVED BY the Quinton Township Planning Board that the application for preliminary and final site plan approval as well as approval for the pre-existing conditions requiring variances and the variances necessary for the proposed use of the premises by the applicant shall be granted. The applicant testified that some of the variances can be justified under both the c (1) and c (2) criteria under the statute, but that all meet the c (2) criteria. Applicant satisfied both the positive and negative criteria by demonstrating that several purposes of the New Jersey Municipal Land Use Law will be advanced by the granting of the variance and that no substantial detriment to the public good will occur nor will there be a substantial impairment to the intent and purpose of the zone plan or ordinance. Thus, the benefits of the deviations from the land use ordinance of Quinton Township substantially outweigh any detriment to the land use ordinance of Quinton Township. In addition, Applicant demonstrated that several of the variances also meet the hardship criteria under section (c) 1. Thus the application is granted subject to the following conditions:

1. Compliance with all of the foregoing conditions set forth hereinabove at length. Evidence of approval from the following outside agencies, if applicable, if not already received:

- a. Quinton Township Environmental Commission.
- b. Quinton Township Fire Marshall

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- c. Salem County Soil Conservation District
- d. City of Salem Utility/ Quinton Township (water and sewer)
- e. Salem County Planning Board- Received
- f. New Jersey Department of Environmental Protection
- g. New Jersey Department of Transportation- Received
- h. Any other as may be necessary

2. Compliance with all testimony and representations made by the applicant's professionals and applicant's attorney.

3. Replenishment of the escrow account for the applicant for the payment of the Board's Professionals.

Dated: July 8th, 2014

ATTEST: Bonita K. Bell
Bonita Bell, Secretary

Marjorie S. Sperry
Marjorie Sperry, Vice Chairperson

Certification

I hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Committee of Quinton Township at a regular meeting held on July 8th, 2014 in the Quinton Township Municipal Building.

Bonita K. Bell
Bonita Bell, Secretary