

**CITY OF EGG HARBOR
MUNICIPAL LAND USE BOARD
April 19, 2016
7:00 P.M.**

A regular meeting of the Egg Harbor City Municipal Land Use Board was held on April 19, 2016. Those in attendance were Mayor Jiampetti, City Council President Edward Dennis, Chairman Gerhard Mueller, Vice Chairman Richard Colby, Egg Harbor City Fire Department Representative John Garth, Regular Members; Todd Warker, Dennis McKenna, Jack Peterson and Alternate Member #2 Donald Milne, Solicitor Jim Schroeder, City Planner Tim Michel, Engineer Ryan McGowan and Secretary Donna Heffley (Not Present were Regular Member Michael McKenna and Alternate #1 Gladys Torres.

The Chairman called the meeting to order and made the following announcement.

This meeting was advertised pursuant to the NJ Open Public Meetings Act N.J.S.A. 1:4-6 Seq. Notices were sent to official publications for the Egg Harbor City Municipal Land Use Board; the Press of Atlantic City, the Egg Harbor News, the Atlantic Current and the Hammonton Gazette. A copy of the notice was posted on the bulletin board of the Egg Harbor City Municipal Building.

The Chairman directed the Secretary to enter this public announcement into the minutes.

Roll Call: Mayor Jiampetti yes, Mr. Dennis yes, Mr. Garth yes, Mr. Colby yes, Mr. Peterson yes, Mr. Dennis McKenna yes, Mr. Warker yes, Mr. Milne yes, Mr. Mueller yes, Mrs. Johns yes, Mr. Schroeder yes, Mr. Michel yes, Mr. McGowan yes and Secretary Donna Heffley yes.

Approval of Minutes: March 15, 2016

Upon motion made by Mr. Peterson, seconded by Mr. Warker and carried the March 15, 2016 meeting minutes were approved.

Resolution: #3 of 2016

Amending Resolution #14 of 2008
Rastelli's Seafood, LLC
1301 Bremen Avenue
Egg Harbor City, NJ 08215
Block 1003, Lots 14 and 15
Final Site Plan Extension Request

Upon motion made by Mr. Colby, seconded by Mr. Peterson and carried Resolution #3 of 2016 was approved.

Informal Review – Chuck Maatje

332 Philadelphia Avenue
Egg Harbor City, NJ 08215

Mr. Maatje was present with his attorney Tom Darcy to discuss his plans for a proposed Day Spa located at 332 Philadelphia Avenue, Egg Harbor City, NJ 08215. Mr. Darcy gave a review of the property location and the proposed use. Mr. Darcy reviewed parking, handicap parking, improvements that will be made to the site including fixing up the back porch, building a handicap ramp and landscaping

upgrades. Mr. Maatje described the proposed Day Spa which will consist of a hair stylist, a masseuse and tanning beds. The hours will be 9:00a.m. To 9:00 p.m. There will be about three to four employees. All business employees will be licensed by the state. Employee parking will be in the back of the building.

Mr. Michel noted this is a retail commercial zone and has researched the past uses of this site. Mr. Maatje met with the Redevelopment Committee to discuss this proposed business. This is a permitted use and clearly permitted by ordinance. Mr. Michel noted Mr. Darcy and Mr. Maatje have provided sufficient information that describes the site and proposed business. A site plan would not provide any more information than what has been already provided. Mr. Maatje will be required to fill out a zoning permit and obtain any building permits that may be needed. Mr. Dennis commended Mr. Maatje for coming before the Board and taking the time to inform Land Use Board Members of his intentions. He went well beyond what was required when this is a permitted use.

In the future if Mr. Maatje ever wants a residential property above this business he will have to come back before the Land Use Board in order to get approval.

The Land Use Board authorized Mr. Michel to sign the zoning permit for Mr. Maatje to move forward with his proposed business.

Informal Review: Leatherhead Restaurant
105 Philadelphia Avenue
Egg Harbor City, NJ 08215

Mr. Schroeder stated Leatherhead is a Corporation however this is an informal review so an attorney is not required at this time. Lisa Savage, owner was present and explained her intentions to create an outside patio dining area alongside the building. Mr. Dennis explained that Ms. Savage met with the Redevelopment Committee concerning the City owned lot next to the Leatherhead Restaurant. The City and Ms. Savage will enter into a lease agreement if this idea is approved. Once approved for the lease Ms. Savage will have to come back before the Land Use Board with a site plan for approval of the outside dining area.

Board Members and Professionals discussed this idea.

The City will retain ownership of the property; it will only be leased to Ms. Savage. Ms. Savage will be responsible for maintenance, landscaping, cutting of the grass and insurance for the property. Mr. Michel gave a brief review of this informal. Mr. Michel discussed outside dining is a permitted use. Mr. Michel thought this is a nice addition to this property. Board Members were in favor of this idea.

Mrs. Savage will be returning before the Board with a site plan concerning this matter.

Land Use Board Application: Highway Petroleum Inc.
#16-01 LUB
1451 White Horse Pike
Egg Harbor City, NJ 08215
Block 715, Lot 28
Preliminary Site Plan Approval
Final Site Plan Approval

Mr. Schroeder swore in Brian Peterman Professional Engineer with Peterman Maxcy Associates, LLC, representing Parminder Singh and Surinder Hundal of Highway Petroleum, Inc. Mr. Peterman explained the Applicant is proposing to demolish the existing service station and the car wash located at 1451 White Horse Pike, Egg Harbor City and replace them with 5 gasoline service islands and a convenience store. The two lots will be combined into a modern service station and convenience store.

Mr. Peterman reviewed the variances which are being requested. He discussed vehicle circulation, deliveries, landscaping, parking, loading, driveways and the architectural design.

Mr. Peterman stated that Highway Petroleum, Inc. is requesting a design waiver to eliminate the street trees and parking area trees. The applicant will make a monetary contribution for development of landscaping at another site found acceptable to the City.

Mr. Peterman discussed signage and the waivers being requested. Hours of operation were discussed and noted as open 24 – 7. The number of hours can be reduced if needed at a later time.

The Mr. Dennis asked if propane and kerosene will be sold on the site.

Mr. Sing replied there will be no kerosene or propane pumping stations only a propane exchanges area.

Mr. Dennis discussed the clay layer table in Egg Harbor City and the proposed drainage system. Ryan McGowan discussed the drainage system at Dollar General to help the Board understand drainage issues with the clay layer table. Board Members and Professionals continued discussion on this issue.

Mr. Dennis inquired if the Applicant is going to be opened 24 hours, what will be done to insure the neighbors will not be affected by the lighting at night.

Mr. Peterman explained that the Light is being thrown into the site to prevent back wash of lighting onto neighbors.

Mr. Mueller commented the light fixtures and light distribution spread is well designed.

Mr. Warker questioned the employee parking and if backing out into the street is a good idea. Board Members and Professionals discussed this issue.

Mr. Mueller noted on the landscaping plan they are showing 7 Virginia Pines in a 12 ft. strip. Mr. Mueller commented these trees get very large and suggested a smaller evergreen trees that will not end up growing out into the street and will look more attractive. The proposed trees will serve as a screen to the neighbors.

Board Members asked how many employees will be on site.

Mr. Peterman responded one employee inside and two employees outside per shift.

Mr. Michel inquired about the propane exchange cage location on the site.

Mr. Peterman responded that the propane cage will be located by the trash enclosure area on the site. Mr. Michel noted when the plan certification is submitted show the location of the cage on the plan so it does not become part of the parking or necessary sidewalk area.

Mr. Peterman mentioned by the trash enclosure on the north side there will be a small seating area.

Mr. Michel reviewed his report dated April 16, 2016. Highway Petroleum, Incorporated, intends to demolish the existing service station and car wash located at 1451 White Horse pike and replace them with 5 gasoline service islands on lot 28 and a 2,860 square foot convenience store on lot 26. The lots would be combined into one lot and the operations would be integrated into a modern service station and convenience store. As a result of the two lots being consolidated into one, the zoning map must be changed in the future. The lot in the back of the site has been relieved of the R-11 standards and highway commercial standards have been applied.

On page two Mr. Michel's report addresses conditional use requirements and indicates where variances have already been granted. On Page three the Bulk Criteria reveals the only nonconformance is a rear yard setback that was not considered during the use variance review. The Applicant has requested a variance from that setback and the matter has been addressed.

On page 4 under parking and loading, Mr. Michel wanted to add that the Applicant did not ask for a credit to be given for parking when patrons are fueling their vehicles and going into the store at the same time. Each of the fueling stations is a supplement to their parking.

On Page 5 there is a list of items that the Applicant is requesting a waiver for.

On Page 6, Refuse and Recycling enclosures are reviewed. The entire criteria is included and the Applicant has complied except for the landscaping on the one side of the enclosure which Mr. Peterman has provided testimony as to why this cannot be done and Mr. Michel finds the reason to be acceptable.

Under Street Trees and Landscaping it is important to know the ordinance does require criteria for street trees and landscaping. The Applicant is asking for relief from this requirement and would provide a contribution for development of landscaping at another site found acceptable to the City. The Applicant is proposing a monetary contribution consistent with the Ordinance provision.

Mr. Michel explained to the Board that the Applicant is not asking for any relief from the Architectural Design standards found on page seven of his report.

Mr. Michel reviewed Signs on page eight and the variance that is required by the Applicant for the signage that is being proposed.

On page nine and ten Mr. Michel listed the variances and site plan waivers required. Attached here to made part of Mr. Michel's report dated April 14, 2016.

On Page 10 Mr. Michel noted if the Board plans to approve this application there are conditions of approval: (1) Exterior lighting shall be arranged so that it is deflected away from adjacent land uses and should be arranged so as not to obstruct or deter the visibility of drivers or pedestrians. No blinking or flashing lighting system shall be permitted. (2) Signs, pennants, flags and all advertising displays visible or audible from any public rights-of-way are prohibited, except as allowed under the sign provisions of Egg Harbor City Developmental Ordinance. (3) No signs or advertising shall be displayed from the building windows.

Mr. Schroeder asked if there will be any outside storage.

Mr. Peterman responded only the propane cage and fuel pumps.
 Mr. Schroeder stated no auto repair bays will be on the property.
 Mr. Peterman agreed.

Employee parking on the site was discussed between Board members and Professionals.

Ryan McGowan noted there will be an Architectural final plan submitted.

Mr. McGowan had a conversation with the Applicant recommending eliminating the southerly driveway on 14th Terrace. This would be required for site circulation to get tanker trucks out of the site.

All lighting was address with the Applicant.

Stormwater shall completely infiltrate from the underground system in 72 hours. An Inspection, Maintenance and repair plan for the storm water management system is required and needs to be submitted.

General Comments were discussed updating the items that have been addressed by the Applicant.

Mr. Dennis discussed the improvements by the State that will be made on the White Horse Pike. Mr. McGowan noted these improvements will not have any negative effects on the site.

Mr. Colby asked about storm water going out onto Route 30.

Mr. McGowan addressed this concern. No additional water will be directed out to Route 30.

Chairman Mueller opened the meeting to the Public.

No comment

The Public Portion of the meeting was closed.

Mr. Schroeder asked for a motion for the completeness of the application

Upon motion made by Mayor Jiampetti, seconded by Mr. Peterson

Roll Call: Mayor Jiampetti yes, Mr. Dennis yes, Mr. Garth yes, Mr. Colby yes, Mr. Peterson yes, Mr. McKenna yes, Mr. Warker yes, Mr. Milne yes, and Mr. Mueller yes.

Mr. Schroder stated section F, pages 9 and page 10 of Mr. Michel's report lists all of the waivers and variances being requested and in the Engineers report under Technical Review the following; 170-38.B. (1) (b) pertaining to entrances and exits; Entrances and exits shall be located not less than 50 feet from the driveway edge nearest the right of way of an intersecting public street and 30 feet from the tangent of the closest curb radius. The existing driveways on White Horse Pike and the southerly driveway on 14th Terrace do not meet this requirement. We recommend the southerly driveway on 14th Terrace be eliminated. In addition, no vehicle shall be permitted to back onto a public street. The employee spaces require vehicles to back out onto Antwerp Avenue; 170-114.D pertaining to Landscaping plans, shall be prepared by a certified professional in the field of Landscape Architecture and 170-114.M pertaining to a landscaped planting strip a minimum of three feet wide shall be located on three sides of the trash enclosure. None is provided on the back side of the enclosure.

Mr. Schroeder asked for a motion for preliminary and final approval with associated variances and waivers.

Upon motion made by Mr. Peterson, seconded by Mayor Jiampetti

Roll Call: Mayor Jiampetti yes, Mr. Dennis yes, Mr. Garth yes, Mr. Colby yes, Mr. Peterson yes, Mr. McKenna yes, Mr. Warker yes, Mr. Milne yes, and Mr. Mueller yes.

Mr. Michel discussed the proposed fence Ordinance Amendment. If the Board agrees with this amendment they will refer this to City Council for approval.

Upon motion made by Mr. Peterson, seconded by Mr. Warker and carried.

Mr. Michel discussed the Tower Site Redevelopment Plan. Members received Mr. Michel's report dated April 1, 2016. This report listed the proposed uses and the rejected proposals.

Mr. Michel and Board Members discussed signs and banners throughout the City.

Mr. Dennis and Mayor Jiampetti left the meeting they cannot be present for the next application.

Land Use Board Application: #16-02 LUB
 Stephen Murphy
 239 New York Avenue
 Egg Harbor City, NJ 08215
 Block 2.07, Lot 19
 Variance Relief

Stephen Murphy and his Attorney George Emmer were present for this application before the Board.

Mr. Emmer gave a brief review of the application. Mr. Murphy is before the Board requesting a variance to permit the use of his property as both a residential property and a home based business. This will be primarily an internet based business. As a federal Firearms License Holder (FFLO, the owner will process federal and state forms necessary to purchase firearms and facilitate their transfer. Additionally the owner would be able to act as a broker for those wishing to sell their firearms to other individuals both inside and outside of New Jersey. Mr. Emmer gave the details of the home business site.

Mr. Schroeder noted the taxes were paid and the notices were complete.

Mr. Murphy was sworn in by Mr. Schroeder

Mr. Michel gave his report dated April 14, 2016. Stephen Murphy submitted an application for a use variance for property located at 239 New York Avenue. No exterior changes would be made to the property and no signage would be erected. A use variance is required to allow retail sales to take place on the property which is zoned R-22 single family residential. The use of the property is to remain a single family dwelling and is proposed to have an owner occupied retail firearms business to be operated with very specific restrictions.

The Conditions of Approval are as follows:

1. site/use: The site is occupied by a single family detached dwelling inhabited by one family with no neighbors attached to the dwelling. There is considerable separation between the dwellings in the neighborhood. The primary use will remain single family detached residential and the firearms sale will be conducted by the occupants of the dwelling as an accessory and incidental use. No outside employees.
2. The applicant must provide us with Maximum customers at one time.
3. Employees: only occupants of the dwelling
4. Exterior appearance- no outside signs and the outside of the building will not change.
5. Mr. Murphy should provide the Board with Maximum amount of square footage for the home

occupation.

6. Parking – reserved for the residents and customer.
7. Deliveries limited to by USPS, UPS and or FedEx only.
8. Hours of Operation to be specified.
9. Security
10. Police/Fire Review: Mark Emmer Esquire submitted a letter dated March 10, 2016 stating police and fire officials have no problem with the proposal.

Mr. Murphy explained the process that is involved in this home based business.

Mr. Murphy described his security system which is in place.

Mr. Warker asked about deliveries.

Mr. Murphy explained this process.

Mr. Michel asked about the square footage for the business

The Area is about 300 square foot.

The hours of operation will be Monday thru Friday 6:00 p.m. to 8:00 p.m. and Saturdays 10:00 am. to 4:00p.m.

This is a by appointment only business.

This is the first step with ATF to get the approval of the Land Use Board. Multiple home inspections will also be conducted.

Mr. Mueller expressed his concerns about this application being located in a residential zone.

Mr. Schroeder gave a more in depth definition of how this type of business works.

Mr. Schroeder asked for any more questions.

Mr. Murphy described the parking conditions at his house.

Public Comment: Nannette Galloway from Egg Harbor City asked Mr. Murphy a series of questions pertaining to his proposed home business and expressed her concerns.
Ms. Galloway asked if all neighbors were notified of his proposed business.
Mr. Schroeder replied all notices were in order and everyone was notified within 200 feet.

Mr. Mueller closed the public portion of this meeting.

Mr. Schroeder announced the motion: A Use Variance for Murph's Munitions a retail use in a residential R-22 area, five votes are needed in the affirmative and if voting in the negative for clarity of the record please give a reason for your vote.

Upon motion made by Mr. Peterson, seconded by Mr. McKenna

Roll Call: Mr. Garth yes, Mr. Colby yes, Mr. Peterson yes and stated: I was on the fence with this application and was waiting to hear the neighbors concerns however none of the neighbors are present except for Nannette who does not live in the neighborhood. So I feel they don't have a problem so I will vote in the affirmative. Mr. McKenna yes, Mr. Warker yes, Mr. Milne yes, Mr. Mueller no and stated He does not feel this type of business should be in a residential zone.

Mr. Schroeder announced 6 to one motion carries.

Old Business: none

Public Comments: none

Questions and Comments from the Board: Financial Disclosure Statement was discussed.

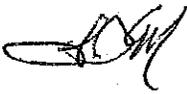
Adjournment: Upon motion made by Mr. Mueller, seconded by Mr. Colby and carried the meeting was adjourned.

Respectfully Submitted,
Donna Heffley, Egg Harbor City Municipal Land use Board Secretary

TIMOTHY D. MICHEL, INC.
NJ PROFESSIONAL PLANNER
2168 River Road
Egg Harbor City, NJ 08215

Telephone: (609) 965-2213
Facsimile: (609) 965-1598
Cell: (609) 576-3098
Email: timmichel@comcast.net

To: Egg Harbor City Land Use Board

From: Timothy D. Michel, P.P. 

Date: April 14, 2016

Subject: Proposed Gas Station and Convenience Store
Highway Petroleum, Inc.
Block 715, Lot 26 & 28
1451 White Horse Pike
Egg Harbor City, Atlantic County, NJ
Application for Use and Conditional Use Variances
Highway Commercial and R-11
Application #8-2015 LUB

Highway Petroleum, Inc received a use variance and conditional use variances for property located at 1451 White Horse Pike which is on the north side of US Route 30. The public hearing on the matter was held on March 17, 2015. The corner property extends 200' in depth along Antwerp Avenue and has a depth of 150 feet to 14th Terrace. Lot 28 is zoned H-C and the existing Sunoco station is located on the lot. The H-C zone allows automobile service stations as a conditional use. The service station was built in 1969. Lot 26 is zoned R-11 and the car wash is located on that parcel. The car wash was built in 1967. It is the applicant's intent to demolish the existing service station and car wash and replace them with 5 gasoline service islands on lot 28 and a 2,860 square foot convenience store on lot 26. The lots would be combined into one lot and the operations would be integrated into a modern service station and convenience store.

Pinelands issued a Certificate of Filing dated October 18, 2011 for Block 715, Lots 28-30. Pinelands issued a deficiency letter dated January 4, 2016 for Block 715, Lots 26-30. An Inconsistent Certificate of Filing was issued March 14, 2016 for Block 715, Lots 26-30. The Inconsistent issue is related to stormwater management issues.

A. Land Use Consideration

A.1 Use Variance Granted

The Highway Commercial zone allows automotive service stations as a conditional use; see Schedule of District Regulations and Section 170-56 of the Egg Harbor City Developmental Ordinance. The H-C District does not specifically provide for a combination of a gasoline station and a convenience store, and a use variance was granted pursuant to NJSA 40:55D-70d(1). The use variance was also granted to replace the car wash with a convenience store in the R-11 zone.

A.2 Minimum Requirements Automobile service station and repair garage are a conditional use in the H-C zone subject to the standards contained in Section 170-56 which are summarized in the table below. The use variance and conditional use variance relief was granted relief on March 17, 2015 which relieved any deviations from the conditional use standards.

**Automobile Service Stations and Garages
In the H-C Highway Commercial Zone
Section 170-56, Conditional Use Requirements**

Sunoco Gas Service and Convenience Store Proposal

Control	H-C Requirement	Proposed	Status
Minimum Site Size	40,000 SF	30,000 SF	Variance Granted
Height	1 story, 25'	1 story, 18'-10"	Conforms
Front Yard Setback, White Horse Pike	50'	51' from White Horse Pike	Conforms
Front Yard Setback, Antwerp Avenue	50'	27.24'	Variance Granted
Side Yard Setback	25' Each	27.25'	Variance Granted
Rear Yard Setback	50'	5'	Variance Granted
Access	Clearly defined	Sheet 3 of 9	Conforms
Lighting	Arranged Away from Neighbors	Sheet 5 of 9	Conforms
Parking	Required in the rear or side yard 1 per Employee 2 per Service Bay 1 SF Parking/ 1 SF GFA (270 SF/ Space) 11 Required	Front & side yard 16 Provided	Variance Granted

Repair Location	None proposed	N/A	N/A
Outdoor Storage	Not permitted	None Proposed	Conforms
Advertising	Only Permissible Signs	No Pennants, Flags or Displays	Conforms
Gasoline Pumps	See 170-56B(10) 20' from Property Line	35'	Conforms
Landscaping	10' Along Front Property Line	8' Along Antwerp	Variance Granted

C Denotes Conforms

DNC Denotes Does Not Conform

Each item marked DNC represents a deviation from a conditional use standard which requires relief from NJSA 40:55D-70d(3).

B. Bulk Criteria

Automotive service stations is a permitted use in the H-C zone, therefore the H-C criteria will apply in this review (in contrast to a use in the H-C zone which is also permitted in the R-C zone subject to the R-C zone criteria). The Land Use Board has granted a use variance and conditional use variance for the convenience store in the R-11 zone; accordingly the consolidated lot created in this application will be evaluated as one lot using the H-C criteria. The Zoning Map should be amended in the future to reflect the Land Use Board approval of the use. The definitions of lot line, front and lot line, rear establish the White Horse Pike and Antwerp Avenue as front yards, the lot line parallel to the shortest street frontage as rear and the Terrace as the side yard.

The following table analyzes the consolidated lot compared to the respective zoning district to determine where bulk variances are required.

Control	H-C Zone	Consolidated Lots 26 & 28	Status
Maximum Floor Area Ratio	2.0	0.095	C
Minimum Lot Area	15,000 SF	30,000 SF	C
Minimum Lot Width	100'	150'	C
Minimum Lot Depth	N/A	N/A	N/A
Minimum Front Yard White Horse Pike	50'	50'	C
Minimum Front Yard Antwerp Avenue	50'	27.24'	C
Minimum Side Yard	15'	27.25'	C
Minimum Rear Yard	30'	5'	DNC
Maximum Height	4 stories, 60'	1 story, 18'-10"	C
Maximum Coverage of Lot By Buildings	30%	25.4% Building and canopy	C

C = Conforms

DNC = Does Not Conform

It is clear from review of the comprehensive plan that when the lots are consolidated into one and the site plan approach is to comprehensively design a modern convenience store with gas pumps; the new plan is superior to the old antiquated plan. The support for bulk variances are not hardship variances, but rather broad "c" where the purposes of the act may be advanced by a deviation from the zoning ordinance requirements and the benefits of the variance must substantially outweigh any detriments.

C. Parking and Loading Section 170-56B(6) and 170-62 of the Egg Harbor City Developmental Ordinance provides requirements for parking. According to the requirements, automobile service station and repair garages require 1 parking space for each employee plus 2 for each service bay. There are no service bays; therefore parking is not required for them. The applicant has indicated there will be 4 employees; 2 for gasoline service, and 2 for the retail use.

The retail use will require 1 square foot of parking for each 1 square foot of gross floor area. The retail use would require 11 parking spaces. (A parking space is considered 270 SF which is the space plus ½ of the aisle.) There should be discussion regarding parking needs for employees, patrons and deliveries to make sure the business does not disrupt parking in the surrounding neighborhood. The proximity to the NJ Transit Station, the NJ Transit bus stop and the available on street parking will not be much benefit to this type of business operation.

There are 16 parking spaces proposed and a total of 15 spaces required. Parking credit has not been applied for patrons who may be fuelling a vehicle while patronizing the convenience store.

A loading area measuring 10' x 45' is required and a space measuring 18' x 35' is provided, Section 170-62C(c). Relief will be required.

D. Site Plan Completeness Review

A meeting was held with the applicant and Land Use Board professionals on March 23, 2016 to review draft reports. A supplemental submission was made that substantially eliminated many planning comments.

E. Site Plan Review

E.1 Driveway Intersection, Section 170-38B(6)(e)

The applicant intends to use the existing access arrangement along White Horse Pike (an arterial road) which does not conform to the Ordinance requirement of 90 degree

orientation. The applicant must address status of review with NJDOT and provide correspondence. A waiver is requested.

E.2 Number of Driveways, Section 170-38B(6)(a)

The number of driveways permitted from 150' width or less is one, and two are existing and are proposed to remain. A waiver is requested.

E.3 Entrance/Exit Distance, Section 170-38B(1)(b)

The required distance for the driveway entering from the White Horse Pike is 50' from the driveway edge nearest the right-of-way line of an intersecting public street which does not comply, however it is an existing condition which they wish to not change. A waiver is requested.

E.4 Sidewalks, Section 170-40C

New 5' wide sidewalks are proposed along the White Horse Pike and along Antwerp Avenue.

E.5 Street Lighting, Section 170-45

Lighting is present in the parking lot. Additional description regarding building lighting is required. Comment regarding the site and street lighting is deferred to the Planning Board engineer.

E.6 Storm Water Management, Section 170-48

Pinelands Inconsistent Certificate of Filing contains required changes to the stormwater design. Comments on the plan are deferred to the Planning Board Engineer. A maintenance plan for the stormwater system has been provided.

E.7 Waste Management, Section 170-52

A note #11 appears on sheet 1 of 9 addressing the requirement that: "No hazardous or toxic substances, including hazardous wastes, shall be stored, transferred, processed, discharged, disposed or otherwise used in the city."

E.8 Streets, Section 170-105

Existing streets are improved and to the extent that drainage corrections are deemed necessary, that applicant will be expected to perform upgrades.

E.9 Refuse and Recycling Enclosures

A fire-resistant enclosure of a minimum 5 feet high and surrounded on 3 sides by landscaping is required, Section 170-114M. The applicant must address the standards for refuse and recycling enclosure:

Garbage collection, recycling areas, and other utility areas shall be screened around their perimeter by fire resistant enclosures with a roof or by masonry walls, with a minimum height of five feet. Such a wall shall be capped on the top. A landscaped planting strip a minimum of three feet wide shall be located on three sides of such a facility. Planting material shall be separated from the parking lots by Belgian block curbing, but shall have ramp access to such facility for vehicles and carts. A mixture of hardy flowering and/or decorative evergreen and deciduous trees may be planted; the area between trees shall be planted with shrubs, ground cover, or covered with mulch. Garbage and recycling shall not be placed in the front yard. See Section 170-111B and Section 170-114M. A 6' high masonry enclosure is proposed. The exterior of the trash enclosure is to be brown and beige to match the building and a steel gate is proposed. A waiver is requested from landscaping requirements where stormwater facilities are proposed.

E.10 Street Trees and Landscaping

No street trees are shown along the White Horse Pike or Antwerp Avenue, Section 170-44.

Parking lots are required to have one tree for each 8 parking spaces, Section 170-62D(1). The 16 spaces would require 2 trees.

Refer to Section 170-111, 114 and 115 for guidelines. At a minimum, the following should be addressed:

1. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and landscaping shall also prevent spill-over glare, noise, or exhaust fumes. Screening and buffering shall be achieved through fire resistant walls, fences, and landscaping, shall be a minimum of five feet tall, and shall be visually impervious. Recesses in the building, or depressed access ramps may be used. (Section 170-111.B)
2. Planting specifications. Deciduous trees shall have at least a three-inch caliper at the time of planting. (Section 170-114.I)
3. Shade trees shall have a minimum caliper of three-to three-and-a-half inches and/or a minimum height of twelve feet at time of planting, and a maximum spacing of 30 feet on center, with exact spacing to be evaluated on a site-specific basis. (Section 117-115.B)

The 200 feet frontage along Antwerp Avenue and 150 feet frontage along the White Horse Pike would require 12 trees.

4. In lieu of providing required landscaping the applicant may provide a request for a waiver and provide a contribution for development of landscaping at another site found acceptable to the City, Section 170-30D(17). The applicant is proposing a monetary contribution consistent with the Ordinance provision.

E.11 Architectural Design Standards

The applicant shall review the architectural design standards and describe the design techniques that will be employed to demonstrate compliance with Section 170-117. At a minimum, the following needs to be addressed:

1. Buildings on corner lots shall be considered significant structures, since they have at least two front facades visibly exposed to the street. If deemed appropriate by the planning board, such buildings may be designed with additional height and architectural embellishments, such as corner towers, to emphasize their location. (Section 170-117.B) The proposed building has a gable roof with reverse gable extending over the main building entry. Three sides have a canopy and the building has a prominent cupola with weathervane.
2. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to add architectural interest and variety, and to relieve visual effect of a simple, long wall. Similarly, roof-line offsets shall be provided, in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. (Section 170-117C) The building is approximately 32' x 60' with prominent offsets.
3. Buildings with more than one façade facing a public street or internal open space shall be required to provide several front façade treatments. (Section 170-117.D) The building has 3 finished sides.
4. The architectural treatment of the front façade shall be continued, in its major features, around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details. Blank wall or service area treatment of side and/or rear elevations visible from the public view shed is discouraged. (Section 170-117.E) The building has 3 finished sides.
5. Gable roofs with minimum pitch of 9/12 should be used to the greatest extent possible. Flat roofs should be avoided on one-story buildings. Other roof types should be appropriate to the building's architecture. (Section 170-117.G) The buildings roof pitch appears to be 9/12.

6. Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned wherever possible. (Section 170-117.H) The arrangement of windows and doors on the elevations of the building appears appropriate.

7. Blank, windowless walls are discouraged. Where the construction of blank wall is necessitated by local building codes, the wall should be articulated by the provision of blank window openings trimmed with frames, sills and lintels, or if the building is occupied by a commercial use, by using recessed or projecting display window cases. Intensive landscaping may also be appropriate in certain cases. (Section 170-117.I) Side walls of the building feature articulation with synthetic stone and canopies.

8. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades, and others, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors, and details of the building as a whole, as shall the doors. (Section 170-117.J) The building entry is covered with a reverse gable roof supported by columns.

9. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, penthouse-type screening devices, or landscaping. (Section 170-117.O) Mechanical equipment is supported by a raised platform on the rear roof surrounded by an enclosure. The applicant shall describe the material for the screening. Also, describe the noise level of the mechanical equipment.

E.12 Signs, Section 170-71

Signs in the H-C zone are regulated by R-C standards except that projecting signs are not permitted pursuant to Section 170-71B. Wall signs may not exceed 2 square feet for each foot of building frontage or a total of 40 square feet. The wall sign must not exceed 2 feet in height and may not project more than 14" from the wall. Signs may not be made of paper, cardboard or canvas or any similar material.

The existing free standing sign is not permissible type of sign. The sign is 25' tall and has 104.31 square feet of sign area. The sign encroaches into the Antwerp Avenue right-of-way. The proposed free standing sign is smaller and will be 21'-1" tall and it will have 101.74 square feet. The proposed sign is centered on the property 5' from the property line. A variance is required.

The building is proposed to have a flat mounted wall sign 9' wide by 4.5' high totaling 40.5 square feet mounted on each of 3 building elevations. The building also shows a flat mounted sign measuring 3'-10" x 5'-1" totaling approximately 15 square feet. Signs E-2

and E-3 need to be explained. As shown, they are referred to as existing, however they are not permissible signs. A variance is required.

F. Variances and Site Plan Waivers

Variances are:

1. Minimum rear yard setback required 30', proposed is 5'.
2. Parking in front yard setback, Section 170-110.B, parking is prohibited in a front yard setback and it is shown within the Antwerp Avenue front yard.
3. Free standing sign, Section 170-71B, Signs in an H-C zone must comply with R-C sign regulations, except that projecting signs are not allowed. A free standing sign is not allowed. The existing free standing sign is in the public right-of-way and must be removed.
4. Building mounted signs, Section 170-71A(2). The store is permitted one sign with an aggregate area not to exceed one square foot for each linear foot of building frontage not to exceed 40 square feet, not to exceed 2' in height and not to project more than 14". The applicant proposes 3 wall signs. Sign area and dimensions are excessive 9' wide by 4.5' high totaling 40.5 square feet.
5. Canopy signs are proposed however dimensions are not provided. They are not specifically permitted.
6. Loading area dimensions. A loading area measuring 10' x 45' is required and a space measuring 18' x 35' is provided, Section 170-62C(c).

Waivers are:

1. Driveway intersections. Section 170-38 (6)(e), Driveways are required at 90 degrees along arterial roads and the existing angled driveways will remain.
2. Parking along Antwerp will require 4 spaces to back into the street which is not permissible, Section 170-38B(1)(b). The applicant is proposing employee parking at that location and with appropriate signage.
3. Location of loading area to entrance exits. Section 170-38B(1)(b), a waiver for a entrance and exit for all required parking and loading facilities located within 50' of a driveway edge.
4. Distance of driveway to intersection. Section 179-38B(6)(b), a waiver for an entrance of a driveway within 50' of an intersection.

5. Location of driveway to tangent of existing curb radius. Section 170-38B(6)(b), the applicant requires a waiver for a driveway edge within 30 feet of the curb radius of an intersection.

6. A waiver is requested from landscaping requirements where stormwater facilities are proposed, Section 170-114M.

G. Site Plan Considerations

(1) A trash/recycling location must be constructed of fire resistant walls pursuant to 170-111 if located outdoors. The access gate will be constructed of solid, nonflammable material.

(2) New signage is shown and it requires variance relief from Section 170-71.

(3) The applicant shall describe where loading will occur on the site for the store compared to the fuel delivery location.

(4) Landscape islands are required to be 10' wide along the White Horse Pike and Antwerp Avenue. Relief has been requested.

(5) Hours of operation are to be determined.

(6) There should be discussion regarding parking needs for employees, patrons and deliveries to make sure the business does not disrupt the surrounding neighborhood.

(7) Handicapped parking is shown to be improved.

(8) Architectural plans must be submitted and should contain description of building materials, color and dimensions. The design professional should describe compliance with architectural standards in Section 170-117 of the Egg Harbor City Developmental Ordinance.

(9) If prepared foods will be sold, they will increase the amount of traffic and duration of visits.

(10) It is suggested the applicant coordinate security with Egg Harbor City Police Department.

11) There may be additional comments as additional information is submitted.

If the Planning Board approves the application, there are appropriate conditions of approval:

(1) Exterior lighting shall be arranged so that it is deflected away from adjacent land uses and should be arranged so as not to obstruct or deter the visibility of drivers or pedestrians. No blinking or flashing lighting system shall be permitted. Note 12 on sheet I of 9 indicates agreement with the requirement.

(2) Signs, pennants, flags and all advertising displays visible or audible from any public rights-of-way are prohibited, except as allowed under the sign provisions of Egg Harbor City Developmental Ordinance. Note 13 on sheet 1 of 9 indicates agreement with the requirement.

(3) No signs or advertising shall be displayed from the building windows.

cc. James Schroeder, Esq.
Ryan McGowan, P.E.
Donna Heffley
David M. DeClement, Esq.
P.O. Box 217
Pitman, NJ 08071
(Fax: 856-582-6544)
Brian S. Peterman, P.E.
189 South Lakeview Drive, Suite 101
Gibbsboro, NJ 08026
(Fax (856-282-7443)

File: EHC Sunoco 041416

Documents Submitted

- 1) Land Use Board Application Form, 8-2015 LUB.
- 2) Civil Engineering plans by Peterman Maxey dated last dated 7/25/15, 9/25/15 and 4/8/16, 9 sheets.
- 3) Plan of Survey and Topography by Peterman Maxey dated 4/1/15.
4. Architectural Plans by John Teets, Sheets A-3, A-4 and A-6 issued August 4, 2014 with revisions.
- 4) Stormwater Management Report by Peterman Maxey dated September 30, 2015.
- 5) Stormwater Maintenance Plan by Peterman Maxey dated September 30, 2015.

6) Correspondence from Peterman Maxey dated December 1, 2015, January 7, 2016, January 15, 2016, and March 15, 2016.

7) Pinelands Inconsistent Certificate of Filing dated March 14, 2016.

8) Letter from Peterman Maxey dated April 11, 2016.