

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
March 23rd, 2016**

The meeting was called to order by Chairman Lawrence Barrar at 7:30 PM. The public statement was read by the Chairman, followed by the flag salute.

ROLL CALL - CH-Chairman, VC-Vice Chairwoman, C-Council, MD-Mayors Designee, A-Alternate

Lawrence Barrar	CH	Present	Mary Martz	C	Present
Joyce Albrecht	VC	Present	Michael Moore	MD	Present
Robert Brown		Present	Robert Mastalski	A1	Absent
Brian Carson		Present	William Kennedy	A2	Present
Dan Radcliff		Present	VACANT	A3	
Joseph Dymond		Present	VACANT	A4	
Robert Brandt		Present			

ALSO

Jeff Hanson	Engineer	Present	Michael Ward	Solicitor	Present
Debbie Simone	Zoning Off.	Present	Debbie Simone	Secretary	Present

APPROVAL OF MINUTES

Motions were made to approve the February 24th minutes with minor changes. AIF-motion approved.

OLD BUSINESS

None

NEW BUSINESS

SP-16-1

Royal Farms

Block: 301 Lots: 1 & 2

340 E. Evesham Road

Major Site Plan/Subdivision



At this time Chairman Barrar recused himself from action on this application. Vice Chair Joyce Albrecht chaired the meeting. Before the board is Damien Del Duca Esq. of Del Duca Lewis representing Magnolia Equities. Mr. Lewis summarized the application being the former St. Gregory site, purchased last year, and Magnolia Equities is proposing to lease to Royal Farms. Mr. Del Duca pointed out exhibit A1, aerial photo of existing site conditions, exhibit A2, aerial photo of the layout that has been superimposed, and exhibit A3 which is the Site Plan, colored rendering. Royal Farms is out of Maryland, gasoline and convenience stores. At this time Mr. Ward Board solicitor swore in Mr. Del Duca.

Mr. Del Duca added that the lot would be subdivided, Lot A (corner lot) for Royal Farms, and Lot B will remain undeveloped, the applicant is not seeking any approvals for Lot B. The applicant is seeking preliminary and final approvals this evening. The applicant is proposing 8 gas pumps, and to close the existing driveways, and create 3 new driveways (2) on Evesham Avenue, and (1) on White Horse Pike, knowing we need State and County approvals. The applicant proposes reducing the current drainage problems by installing a new basin, with the new design standards it will be an improvement to the existing conditions. The only variances for this application relate to signage. The number of façade signs, 1 per frontage, we are permitted 2, but are proposing 4. The maximum size is 40 square ft., we are proposing 49 square ft., and the rear sign 42.2 sq. ft. The applicant proposes a free standing sign on Evesham Ave, (Lot B) these will be directional signs, no messages, with Royal Farms logos. The Canopy signs are at 18.58ft. where 18ft. are permitted.

Those providing testimony were sworn in. Clifton Quay, 10,000 Midlantic Drive, Mt. Laurel, NJ., he prepared the traffic study from Stantec Consultants. Ryan McMahon of 1306 Wilmington Pike, West Chester from Zommic and McMahon, he is the representative from Royal Farms Commercial Real estate. Barbara Allen Wolley-Dillon, Professional Planner at 497 Center Street, Sewell, NJ, from the Pettit Group, also John Pettit at 497 Center Street, Sewell, NJ., from the Pettit Group. Mr. Pettit stated he prepared the plans for this project.

Mr. Pettit addressed Mr. Hansen's ERI letter dated March 18th. Royal Farms is requesting 4 islands with 8 pumps, 2 at each island. These pumps are set up to deliver fuel at a lesser rate, so diesel pick-up trucks or cars are acceptable. The existing driveways are proposed to be eliminated, and new driveways installed on Evesham Avenue, and on White Horse Pike. The applicant proposed a right turn in and right turn out at the driveway across from Walgreens. 33 parking spaces are required, 70 are provided. The swale will be graded towards Gloucester Ave., and the applicant proposes to reduce the existing impervious coverage. Lot B, is potential retail, with the basin it has a ground water recharge, the run off would be collected to the basin and reduced. The proposed utilities will connect to the existing, Mr. Pettit agreed to add locations to the plan. There are several light standards proposed, and a proposed trash enclosure consisting of split face block to match the building. There are financing purposes for the subdivision, and no variances due to the proposed subdivision. The site plan has variances, there is no loading zone proposed, no loading facility. Deliveries will be by box truck, and gasoline deliveries will be on the Northern end where the gas pumps are. There is a meeting with NJDOT regarding the left turn onto the White Horse Pike. Landscaping will be added to the basin on lot B, there will be a buffer on the residential side. Trees will be added to the islands in front that are concrete, the applicant requests that no shade trees be required. Mr. Pettit discussed the test pit and soil borings, the water table conditions are no concern. The applicant agrees to do a test pit at the time of construction. Mr. Hanson mentioned the ground water table being deeper, he has a concern on the design of the basin, DEP requires a 2 ft. separation from the bottom of the basin above the seasonal high water table. The basin is 4 to 5 ft. deep. The impervious coverage will be reduced, there will be more grass. Mr. Pettit stated the parking lot will collect through inlets and pipe into the basin. The water will fill, then exit the basin.

Testimony was given by Ryan McMahon, representative of Royal Farms. He assists with real estate selections, and the permit process. Royal Farms originated in the Baltimore area, about 170 locations, and are similar to WaWa. The building is a standard prototype building, there will be gasoline, and they are known for their fried chicken, western cut fries, and sandwiches. The food is prepared onsite, served fresh, and there are a handful of tables. The stores are open 7 days a week, 24 hours a day, with 7 to 8 employees at a time. The gasoline pump hours are the same as the store hours. All store deliveries are by box truck through the front of the store, there is no separate loading area. The deliveries are off peak hours, and there is a trash enclosure proposed. Trash and recycles would be picked up 3 to 4 times per week. There are cameras at the pumps for security, diesel will be sold but for regular vehicles, not tractor trailers, there are 2 designated pumps for diesel. Mr. Brown asked where the nearest Royal Farms is located? Mr. McMahon stated Radleigh, PA. Mr. Ward asked if the applicant is seeking a waiver from the requirement of a loading zone, Mr. Del Duca stated it is not applicable as there is none proposed, the applicant will seek a variance for that, and deliveries will be exclusively box truck. Mr. Del Duca explained that Royal Farms instruct their vendors not to come during peak hours. Mr. Ward explained that if more than the occasional tractor trailer visits, the applicant will need to come back to the board for an amendment. Mr. Moore asked about the trucks replacing the gas, is NJDOT reviewing the plan? Mr. Moore suggests a right turn only. The left turn into the site seems to be about 50 ft. from the intersection. Mr. Del Duca commented that NJDOT dictates the rules for that, and the applicant is currently proposing a no left turn during AM peak hours. The plan shows a truck turning left and there are no issues. Mr. Carson commented on the basin going to the existing swale, Royal Farms will need to maintain that, there will need to be a maintenance bond posted for 2 years. Mr. Hanson said that the bond has to have the name and phone number for a contact person, and the manual will need to be filed with the Clerk, in a recorded deed. Mr. Carson added that the swale leads to Gloucester Avenue, and St. Gregory's Church had to maintain it. Mr. Pettit discussed the parking lot, and that it will drain to the inlet, to the underground pipe, to the basin to control the rate of run off to the manhole over the existing pipe. Mr. Hansen added that the lot will be significantly improved, 2/3 acre is less impervious, 1500 sq. ft. less water collected, and distributed. If lot B were to be developed, they would need to come to the board. There are small puddles in the swale, lot 3.01 has small puddles, and the grass area to the swale will be like a berm. There is a concern of water collecting in the grass area to the swale area to the inlet instead of the residential properties. Mr. Ward stated the applicant has indicated this is a detention basin not a retention basin. Mr. Radcliff questioned the vendor activities, are they all Royal Farms products, and do deliveries get scheduled through Royal Farms?

Mr. Quay was accepted and an expert and placed his qualifications on the record. Mr. Quay prepared the traffic study, there is a simulation of existing and future conditions. This is subject to improvements by mid year 2017. This application is proposing adding turn lanes to the White Horse Pike and Evesham. There is a tremendous amount of volume, and impact on movements, how driveways will function. Based on the

improvements, all operates at a level of service D, which is an acceptable level. All function the same. Mr Quay met with NJDOT and County, and proposed right turn in, and right turn out with a full movement driveway on White Horse Pike at the South end, no left turn during AM peak hours, the traffic light will provide courtesy gaps, and NJDOT will scrutinize that. Mr. Moore asked what the peak hours are, Mr. Quay stated AM is 7:15-8:15, PM is 4:45-5:45, and Saturday is 1pm.-2pm. Mr. Moore added his concern for the timing of the traffic light being 3 seconds, will timings be changed as a result of improvements. Mr. Moore commented on the cars that make the left turn from White Horse Pike to Monroe.

Ms. Wolley-Dillon placed her qualifications on the record, and was accepted as an expert. Ms. Wolley-Dillon commented on the signage variance requests, as they promote safety, they are adequately readable, express identity, and express creative distinct sign. There is a variance for a maximum number of façade signs, double frontage provides for better esthetics, as there are 2 true fronts, it is the branding of the site. There are no proposed building signs facing Evesham Road side. The freestanding signs meet the height requirement. The entire site will appear to be one use when lot B is developed. There are directional signs displaying commercial messaging. The height of the canopy is 18.7ft. where 18ft. is permitted. The set back of the canopy is more than what is required. Exhibit A-5 is the sign exhibit showing details of the sign package. The applicant is seeking relief from the loading zone requirement. The food is fresh and is brought in on a box truck, the loading zone is not needed. Ms. Wolley-Dillon testified that there is no detriment to the design plan, as they are securing safety, they have provided sufficient space, and have promoted a desirable space. Mr. Hanson asked about the buffers along the property lines, there is no buffer indicated between the 2 commercial uses. Ms. Wolley-Dillon testified to the negative criteria. The site meets the intent of the zoning ordinances. The positive criteria substantially outweighs the negative impact. Ms. Albrecht asked if there will be a sign at the second drive, Ms. Wolley-Dillon stated yes, a directional sign. Mr. Del Duca added there will be cross easements in the future. Mr. Ward indicated the concept of fresh food deliveries, does not preclude the usage of tractor trailers. Exhibit A-2.1, is a rear elevation rendering, a deed of minor subdivision will need to be filed, reflecting easements for signs, and access. Mr. Ward will review those. At this time, the board took a 5 minute break.

Upon return from the break, Jeff Hanson stated the parcel is a 4 acre lot, subdivided into (2) 2 acre lots. This is a permitted use. Mr. Del Duca added the variances relate to signage. Mr. Moore asked about perimeter lighting, and the impact it may have on the residential properties, 0.5 foot candles is the limit. Mr. Pettit stated they will comply, the lights are directed to the interior of the lot. The hours of operation are 24/7. Royal Farms cannot control the vendor's schedules. With nothing further from the Board, Mr. Dymond made a motion to open this portion of the meeting up to the public, Mr. Brandt seconded the motion.

Appearing before the board is Keith Dallmer of 203 Monroe Ave. Mr. Dallmer asked how many stores have closed in the last 5 years. What is the plan from Royal Farms if they close? Mr Del Duca stated closure is not the intent. They intend to be successful. They have been in business for 60 plus years, although there are no guarantees, this is a prime location. Mr. Dallmer added that it is within walking distance of 3 other gas stations, why do we need another convenience store? Mr. Del Duca responded, competition, the use is permitted. Mr. Dallmer stated he has a concern with the site lighting, and water run-off. His basement water pumps do not shut off. Will there be shields on the site lights? Mr. Del Duca stated there will be shields, and minimal spillage, Mr. Pettit added that we could add back shields as the lights face down, there is no halo of light. There is an absence of a traffic study for Monroe, his fear is that people will make a right out onto the White Horse Pike, a right down Monroe to Evesham.

Next to appear is Thomas J. Hannigan of 211 Monroe Avenue. Mr. Hannigan voiced his concern for water run off, there is a serious problem on this lot. Does the basin get pumped? Mr. Hanson explained the water gets collected in the basin, then gravity releases, to corrugated plastic pipe. There will be curbing around parking areas only. Mr. Hanson added there is a swale on the south side, with underground pipes, then to the basin, water is then released by way of gravity, and the release is at a controlled rate. The basin has to drain within 72 hours, there are no pumps. Mr. Hannigan stated it is downhill from Evesham to Monroe and White Horse Pike to Gloucester. Mr. Hannigan also addressed that 2 months ago contractors were removing asbestos, and just throwing it on the ground. It was not removed properly. He also asked if they are proposing a fence, and Mr. Del Duca stated there is none proposed. He asked about the type of lights, if they will be white. Mr. Pettit commented they will be LED, natural not amber or yellow. Mr. Hannigan asked who the Royal Farms Owner is, as it is listed as an LLC. Mr. Del Duca responded it is a private corporation, owned by shareholders, and he does not know their names. Mr. Hannigan asked what the proposed start date is, Mr. Del Duca stated as soon as final approval is given and permits are in place, maybe late 2016, maybe 6

months to finish, open in 2017. Mr. Hannigan also asked during demolition that the contractor ensure proper watering down the site if needed. Mr. Pettit stated they will comply with the rules.

Next to appear is Deanna Ballinger of 236 E. Washington Avenue. Ms. Ballinger mentioned the “Fellowship Hall” is the Methodist Church. She feels that the detention basin is a great idea, will help fix the drainage problems. She questioned when the landscaping would start, and is there landscaping in the basin area. Also basins draw geese, and how will lot B impact traffic if we don’t know what is proposed there? Mr. Pettit stated there is landscaping between the existing swale and the basin. It is a detention basin and all water will release in 72 hours. Ms. Ballinger asked if there will be crosswalks or sidewalks on Evesham? Mr. Pettit stated the existing sidewalks will remain, there is a rear fence that will remain, Royal Farms will maintain lot A, and Magnolia Equities will maintain lot B.

Next to appear is Rick Kraus of 332 W. Monroe Avenue. Mr. Kraus asked for trash enclosure details. Mr. Pettit stated it is block with an enclosure to match. There will be a fence in the front with a gate. Mr. Kraus asked what will be on lot B? Mr. Del Duca stated probably retail, but the lot will remain grass until the tenant comes in for site plan approval. Mr. Kraus stated he has a concern for empty stores. He is also concerned for the buffer along Monroe, the lighting and landscaping. Mr. Del Duca responded that the applicant will work with Mr. Hanson at ERI to buffer the commercial and residential with landscape screening. Also, residents would like some mementos from the church, the church has sentimental value to our town. Mr. Del Duca stated the applicant will work something out. How long is the lease for Royal Farms? Mr. Del Duca stated 20 years. Mr. Kraus added for the Grand Opening will the community be invited, and what about Charities. Mr. Del Duca responded that Royal Farms makes ongoing charitable contributions to several organizations.

Next to appear is M. D. Pinkston of 115 Gloucester Avenue. He is concerned with the traffic. 2 cars ran into a fence, they run red lights all the time. Cars don’t stop, they go through the development, and will add to traffic on Monroe. Mr. Pinkston stated there is a serious water problem, he has black mold. All the homes basements have sump pumps. Mr. Ward stated Mr. Pinkston should speak with the Mayor and Governing Body regarding traffic concerns, ask for help with slowing people down. Mr. Pinkston added this is a bad intersection. Mr. Quay responded this plan proposes an extended turn lane between 2 driveways, tapering from 1 lane to 2 lanes, with a dedicated left hand turn. Mr. Brandt commented that people take a short cut to avoid the light both ways.

Next to appear is Curt Strack of 202 E. Monroe Avenue. He is also concerned with water to Gloucester Avenue. Mr. Pettit explained the water will go to an existing storm sewer 18 inches then it gets bigger. Traffic has been an issue for 49 years that he has lived here, he can’t back out of his driveway. He is concerned with the black mold he gets, his yard becomes a lake. With this facility open 24 hours, with Walmart and WaWa, the streets are bombarded with cars. Mr. Ward commented that NJDOT will redesign that intersection.

Next to appear is Debby Fesi of 208 Monroe. Ms. Fesi asked what the trash pick up hours would be. There has been an issue with Walgreens and trash being picked up before 7am. There is a drainage issue and when the building is demolished, the run off will be worse, and go right to the residences. Mr. Pettit commented the sheet flow will continue until improvements are done. Mr. Del Duca commented this project will make the conditions better. The Borough will oversee the demo work, we will need to provide a demo plan narrative. She asked if there was asbestos in the building. The applicant seemed unsure. There was discussion of asbestos removal, and permits were not acquired. The applicant agreed to comply.

Next to appear is Joe Ferro of 616 W. Madison. Mr Ferro added the Historical Society and Magnolia Equities together are they willing to make arrangements to get items from the Church, be receptive. Mr. Del Duca stated they will comply with that request.

Next to appear is Lawrence Barrar of 227 Phillips Avenue. Mr. Barrar questioned the time, and isn’t it the boards rules to not continue an application after 11pm. Mr. Ward stated we are almost complete and will continue. Mr. Barrar asked about the mechanics of the basin, if it is 5 to 6 ft. deep or less, the existing swale is 1 ft, the pipe is 18 inches, how is the water getting from the basin? Mr. Pettit explained there is a positive outfall to the existing pipe. Mr. Barrar asked if there is a tanker truck delivering gasoline is there adequate room for maneuvering? Mr. Hanson commented they would be able to. Mr. Pettit added there are 2 way lanes on a paved area, a box truck parked in front of the front door the 2 way is still available. Mr. Barrar

questioned the number of variances requested for signage, and Mr. Del Duca explained that the sign variances are based on Royal Farms standard package for signage. Mr. Barrar also asked if there is a reason that the applicant cannot agree to not restrict deliveries from the rear, and Mr. Del Duca responded it is further from the residences. Mr. Barrar reminded the board that everyone's concerns are good, to obtain all the facts, and ensure a safe demo of the church buildings. We encourage new business, please consider the esthetics of the community and based on Chapter 170-26 of the Borough Code, to promote a desirable visual community. Mr. Barrar is concerned with the destruction of a beautiful small church at the center of town, it has been a fixture in our community, and he questions the need for yet another convenience store and gas station. Mr. Carson commented that the Borough of Magnolia did not close the church, the Diocese did, and it's not Royal Farms fault. Mr. Barrar also questioned that Royal Farms has applied as an entity, but the names are unknown. Mr. Moore commented that at one time there were 3 gas stations on 3 corners, and there were woods where St. Gregory's is now. We did not ask for the Diocese to close the church. Councilwoman Martz made a motion to close the public portion, Mr. Moore seconded the motion, public portion was closed. At this time Mr. Carson made a motion to approve the Royal Farms application, and Mr. Dymond seconded the motion. Mr. Del Duca summarized the relief sought, this is a minor subdivision, and preliminary and final major site plan, and variances are related to signage, with no loading area. Mr. Hanson commented that he has no concerns with approving the preliminary and final site plan, there are specific conditions to be met that will be listed in the resolution, and revised plans will need to be submitted for review and approval. On roll call vote: Mr. Kennedy as Alt. #2 will be voting. AIF- application was approved.

At this time Chairman Barrar resumed his position as Chairman.

OPEN PUBLIC

No one from the public wishing to speak, the public portion was closed.

CORRESPONDENCE

ORDINANCE ISSUES

COMMENTS/DISCUSSION

None

ADJOURNMENT

Being no further discussion, motion was made by Mr. Dymond to adjourn and seconded by Mr. Brandt. AIF-motion approved.

*AIF – All in Favor

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