

7:03:04 PM - - WasDENNIS TOWNSHIP CONSOLIDATED LAND USE BOARD - Regular Meeting - April 22, 2021 - 7:00 p.m.

Attendance: Turner, Chambers, Cowan, Penrose, Walsh, Watson, Batastini, Fralinger

Applications:

DENNIS 47 DEVELOPERS, LLC/WAWA - Block 64, Lot 30: Located on Route 47 in Dennisville in a Village Commercial District. Applicant seeking minor subdivision approval, as well as preliminary and final site plan approval and a use variance to construct a 5,585 square foot Wawa convenience store with fueling facility and related site improvements. Various bulk variances are requested.

TWO BREWS, LLC - Block 261, Lot 31.02: Located on Route 9 in the Clermont Village Center District (CVC). Applicant seeking a use variance to build a Brewery on the existing vacant 2.98 acre lot.

Other Business:

Correspondence:

Discussion:

Resolutions:

Minutes: March 25, 2021

Bills:

Adjourn.

- 7:03:04 PM - - Start Recording
- 7:04:07 PM - - Walsh - call to order
- 7:04:13 PM - - Roll Call
- 7:04:19 PM - - Walsh - first application 47 Developers, LLC/Wawa
- 7:04:46 PM - - Steven Nehmad, Esquire - attorney for applicant. Propose building new Wawa on Route 47 across from existing Wawa. If approved will sell existing Wawa. Proposal continues existing uses on proposed site. Seeking use variance. Service station is not a permitted use, but seeking fueling facility which is not the same. Also proposing improvements to existing traffic - widening of Route 47 and left turn lanes. Have obtained CAFRA permit already; traffic engineer has met with DOT. Described certain aspects of architecture for the proposed building.
- 7:11:22 PM - - Nehmad - identify all witnesses to testify this evening. List was provided.
- 7:12:14 PM - - Batastini - administer oath to all witnesses.
- 7:12:33 PM - - Nehmad - has also oro
- 7:12:48 PM - - Sharo, Matt - professional engineer - state credentials.
- 7:14:04 PM - - Nehmad - questions to Sharo
- 7:14:20 PM - - Sharo - describe site and refer to exhibit (A-3 - aerial view of site). Also shows surrounding property. Describe uses currently on the site - welding and fabrication, sign business and junk yard. The existing Wawa is across from proposed site on Route 47. Describe surrounding site. Site is just under 12 acres. Commercial (VC) zone for entire site. Plan is to

redevelop a portion of the site for the Wawa. Refer to A-4 which is an overlay showing how Wawa will fit in and how the site will look. Wawa will be located in the center of the new property. Also proposing a subdivision, Lot A will be Wawa and Lot B will be the rest of the property. Storm water and utilities are pretty straight forward (A-5 - colorized version of sheet 5 in packet) - will collect water on site and discharge to the rear; will have septic system - described where and what type. Wastewater will be discharged periodically during day (Hoot System). Will be new potable well for water service. Will have to meet CAFRA, DEP and DOT requirements. The store is to replace the existing Wawa. The existing store will be sold and deed restricted against similar use. Described fueling facility. Propose 54 parking spaces, which exceeds the requirements of the ordinance. Described landscape plan - basically Wawa likes to screen the perimeter of their sites with shrubs and landscaping, providing evergreens around trash enclosure - 265 new shrubs and evergreen trees. All landscaping will be irrigated. Also to propose to install a new driveway. Existing entrance to salvage yard will be eliminated and new driveway to salvage yard will be paved. Described driveways for Wawa and salvage yard. Described new roadway improvements - proposing widening of Route 47 and turn lanes. Proposed Wawa is slightly larger than the existing Wawa. Also proposing a double-side entrance - described how this would work. Zone does not allow building over 5000 square feet or service station, proposed building is just over 5000 square feet and proposing fueling facility, not service station. Describe proposed sign moving from existing site (after refurbishing) to new site. Propose retail use, which is a permitted use, and will increase aesthetic of existing site. Entrance to salvage yard will be pretty much screened from the roadway and will be tucked in the back and there will be a 6 foot vinyl fence. Certain bulk variances are needed - setback variance, minimum side yard setback, distance between 2 buildings, maximum length of building (for canopy, building meets the requirement), building height (due to tower element in center of building at entrance to building), maximum impervious coverage (reducing by approximately 23,500 square feet), loading zones in rear yard - proposing along side of building, screening of salvage yard with 6 foot vinyl fencing. Will have 40 to 50 new employees with 12 to 13 per shift, including store and fueling area. Proposing 24 hour operation of store and fueling. Described deliveries - fresh groceries, dairy products, vendors, baked goods, fuel delivery - and type of trucks making the deliveries. Average of 1 fuel delivery per day on average, deliveries of fuel are made as needed.

- 7:44:08 PM - - Nehmad - ask Sharo to discuss freestanding sign for fuel  
 7:44:32 PM - - Sharo - freestanding sign will be just south of entrance driveway with some landscaping, describe size, height and setbacks. Referred to page in packet and described. Sign is LED showing price of fuel and changes to sign are made from inside the store. The Wawa and fuel sign will be lighted and able to be seen at night. Explained fueling operation and tanks - tanks are underground, double-walled, monitored for leaks or intrusions, everything is monitored and sealed. If there is ever a breach in the tank, an alarm sounds in the store as well as Wawa headquarters.
- 7:48:54 PM - - Nehmad - questions of Sharo?  
 7:49:24 PM - - Walsh -  
 7:49:29 PM - - Sharo - describe trash enclosure and location - basically a state of the art trash compactor, masonry wall; 9 foot walls; gates and doors are self-closing; enclosure is completely

screened.

7:50:56 PM - - Walsh -

7:51:24 PM - - Sharo -

7:51:30 PM - - Walsh - ask Board for further questions

7:51:44 PM - - Sharo - respond to question in regard to width of driveways; also provided length of driveways proposed.

7:52:48 PM - - Nehmad - further questions to Sharo

7:52:56 PM - - Sharo - respond to Nehmad regarding to familiarity with Wawa properties and circulation on property. He also advised that there are 2 sites for free air.

7:54:21 PM - - Penrose - what is current surface on site?

7:54:46 PM - - Sharo - broken up asphalt.

7:55:00 PM - - Nehmad - the DEP considers that impervious surface.

7:55:19 PM - - Penrose - question as to where stormwater will drain

7:55:37 PM - - Sharo - small portion to 47 and rest to northwest area of site which will be location of drainage system. Will meet all triggers for stormwater runoff.

7:57:51 PM - - Penrose - running to one site instead of spreading it out?

7:58:12 PM - - Sharo - explain disbursement of runoff. Applicant has DEP/CAFRA permit in hand.

7:59:23 PM - - Nehmad - call architect Stephen Fortwangler

8:00:22 PM - - Stephen F. - state credentials; licensed and registered in NJ; has served as expert in other states.

8:00:54 PM - - Nehmad - questions to Stephen F.

8:01:03 PM - - Stephen Fortwangler - refer to Exhibit A-6 and describe all 4 sides of the proposed Wawa building, fuel canopy and trash enclosure. With respect to A-6, described proposed building - stucco like material and stone; no blank walls; front and rear entrances with canopies; described roof - flat on building with pitched roof in front; described location of windows; no securities gates; primary entrance is on Route 47 side; there is lighting all around the building and LED colored to match the building colors; reviewed colors to be used on building; the tower extends slightly above the maximum height allowed; the building meets the Ordinance requirements; there will be propane tank storage area on the right side of the building and ice storage at the back of the building; described trash enclosure - will be masonry and of same type of material as the building and same color, self-closing doors and gate.

8:09:59 PM - - Sharo - provided information as to size of signs.

8:10:17 PM - - Fortwangler - signs are appropriately sized for the size of the building; signs are lighted. Described (Exhibit A-7) proposed gas canopy - it's Wawa's iconic canopy that you see everywhere with a small (9.03 square feet) sign; canopy is open; same stone is used as on building. There are 2 banner signs (39.3 share feet each, red sign with Wawa lettering). Total of 16 fueling positions.

8:14:00 PM - - Nehmad - any questions? None. Calls Justin Taylor as next witness.

8:14:28 PM - - Justin Taylor - principal of Dynamic Traffic and licensed engineer specializing in traffic engineering - state credentials. His firm is traffic engineer for all Wawas in New Jersey. Respond to questions by Nehmad. Provided overview of what he does for a traffic impact study - collect background of traffic. Began this project in late 2018 and able to collect an accurate baseline of traffic. Explained how they used that information and what is anticipated with the Wawa property to determine a plan. Referred to aerial view of the site. Described current site and surrounding roads, driveways. Met with DOT on several occasions. DOT wanted counts for summer traffic and regular traffic during other times of the year. Came to determination that best improvement would be to construct what is called a 2 way left turn lane on Route 47

between Petersburg Road and Main Street (Exhibit A-9). Essentially would begin at intersection of Petersburg Road south to Main Street for approximately 1100 feet. It allows for a left turn lane into the various properties and allowing those making left turn to stack without interfering with through traffic. Benefits the project and every property in the section. Route 47 is a State Highway and the State exclusively regulates what happens. The DOT has a minimum of 1/2 mile between traffic lights and this stretch of roadway does not meet the minimum. Analysis of traffic was done in October and August. Discussed traffic volume for each time of year. This would improved the roadway from an F to an upgrade. Also certain improvements were discussed with DOT about the timing of the light at Petersburg Road. The fueling operation increases the traffic to the site by about 50%, but a good portion of that is "pass by" traffic which is traffic that is already on the roadway rather than traffic making a specific trip to the site. The consolidation of food and fuel at one location is a benefit and reduces the amount of traffic to and from the roadways - one stop instead of two. Discussed driveway access points - ensured that designed for the safe and efficient use by all types of vehicles. Also discussed traffic circulation on site - designed to safely and efficiently allow traffic to move around the site. Discussed parking - 28 are required, 54 are proposed plus several oversized parking spaces. Site has been designed to allow tractor trailers to make left off of site with no problem.

- 8:36:41 PM - - Cowan - where will tractor trailer coming in to get a cup of coffee park?
- 8:37:05 PM - - Taylor - it is Wawa's policy to discourage tractor trailer's, other than deliveries, from entering site. Oversized parking spaces (3 spaces) of 35 feet each are provided on site as pull-through spaces, for RV's.
- 8:39:35 PM - - Nehmad - fueling employees will police site to not allow oversized vehicles.
- 8:40:35 PM - - Kristen Ritz - Wawa employee - in response to oversized vehicle parking - employee will try to get oversized vehicles to move off the site and monitor traffic flow. Wawa discourages tractor trailers not to come to site for food; Wawa doesn't fuel tractor trailers and they have found where parking for tractor trailers has been provided, they have discovered that the drivers spend hours there and they have been found sleeping in their trucks.
- 8:43:03 PM - - Nehmad - John McDonough
- 8:43:20 PM - - McDonough - licensed professional planner; state credentials; has testified as expert throughout the State. Responded to questions from Nehmad. Has worked on many Wawa's; Wawa is an appealing land use; does not franchise. Has done a lot of work with this brand; has conducted review of existing and proposed elements; familiar with the Village Commercial zoning of the area. Discussed the purposes of the Act. The general welfare is advanced because the site is well suited for the use - refer to A-10 - substantially over-sized lot; room to grow; existing uses nicely co-mingle; better on-site enhancement. Refer to A-12 - good separation from residential uses; buffering; service use along a service corridor. Refer to A-13 - will provide efficiency and good use. Refer to A-14 and describe. A-16 - shows what exists now. Provides basic everyday living needs; provides for variety of uses; improves roadside appearance - balance of layout and plantings; promotes free flow of traffic with turning lane and separation of access; efficient use of land - no substantial land clearing needed; adapted use of land that has already been disturbed. Focusing

on site condition and context - this is on a highway, caters to pass-by traffic, brand is already there and is a name brand and meets their site criteria. The fueling area services the driver with the ability to fill-up and grab and go with food items; it is not a service station; it's the modern version of the general store of years ago. This is a singular use. Discussed negative criteria. There is always some impact with changes, but no substantially negative impacts remain - has all been well thought out. This brand is neat and clean and very concerned about appearance.

- 9:01:15 PM - - Nehmad - nothing further at this time.
- 9:01:30 PM - - Batastini - suggest going to engineer's report; then have a 5 minute break
- 9:01:55 PM - - Fralinger - present engineer's report
- 9:05:33 PM - - Walsh - call for a 5 minute recess
- 9:15:40 PM - - Batastini - back on record
- 9:16:04 PM - - Watson - would like to make a couple of comments. Applicant says it's not a service station, but the ordinance says gas stations are not permitted.
- 9:16:57 PM - - Nehmad - begs to differ,
- 9:17:19 PM - - Watson - asked Nehmad if he bought gas there and referred him to the ordinance section
- 9:18:15 PM - - Nehmad - selling convenience related food and fuel
- 9:18:53 PM - - Watson - the ordinance does not permit gas stations. As far as the junk yard is concerned he referred to a document and read from it and the requirement for environmental studies.
- 9:20:28 PM - - Nehmad - refer to Sharo
- 9:20:36 PM - - Sharo - nothing from an environmental study was flagged for this site.
- 9:21:18 PM - - Penrose -
- 9:21:28 PM - - Nehmad - the study Watson is referring to is from 1993 and there has been a far more recent study
- 9:22:17 PM - - Sharo - the study he is referring to was done recently and the soil tested
- 9:22:57 PM - - Nehmad - they have had an environmental study done and it is not contaminated.
- 9:23:32 PM - - Watson - what you will see from the roadway is the canopy and cars getting gas and not the building
- 9:24:28 PM - - Nehmad - the canopy is open and building can be seen
- 9:24:54 PM - - Watson - the building across the street had input from the Board and public
- 9:25:17 PM - - Nehmad - doesn't want to get into the building across the street, he represented Wawa in that application and feels wouldn't reflect well on this application
- 9:26:10 PM - - Watson - concern with 27 foot high sign and junk yard
- 9:26:50 PM - - Nehmad - comment on sign and access drive to junk yard
- 9:27:11 PM - - Cowan - he drives 47 a lot and doesn't even really notice it when he drives by.
- 9:27:41 PM - - Nehmad - trying to better it with a \$100,000.00 improvement.
- 9:28:07 PM - - Cowan - saying that the existing Wawa would be sold with a lesser use, what if it becomes a Starbucks.
- 9:28:51 PM - - Nehmad - thinking more along an office use
- 9:29:03 PM - - Cowan - thinks turning it into a park would be a good use, feels it will be used as a cut-through if vacant
- 9:29:31 PM - - Nehmad - can stop it from being a cut-through.
- 9:30:04 PM - - Chambers - who is handling the road improvements
- 9:30:21 PM - - Nehmad - the applicant is handling it and will hire some one
- 9:30:36 PM - - Cowan - what about timing
- 9:30:42 PM - - Nehmad - will be time with the Wawa
- 9:30:55 PM - - Mizarahi, Joseph - principle of applicant
- 9:31:13 PM - - Nehmad - roadway improvements would be put in before the Wawa
- 9:31:35 PM - - Chambers - what time of year would roadwork be done and would there be closures of road

9:32:00 PM - - Mizarahi - would be done at an appropriate time

9:32:15 PM - - Taylor - there would most likely be no road closure and would only be minimal lane closure time or different traffic time - will be reviewed by DOT

9:33:11 PM - - Caprioni - has concerns with traffic and tractor trailers - does to Wawa everyday and grew up in the neighborhood. There are trucks parked there everyday. Doesn't know how trucks will be regulated. She foresees it getting worse and there will be more traffic.

9:34:28 PM - - Nehmad - there are employees that work outside and are instructed to block trucks.

9:35:01 PM - - Ritz - will call police to handle if trucks won't leave.

9:35:31 PM - - Caprioni - doesn't seem feasible.

9:35:51 PM - - Cowan - Ms. Caprioni, he and others have trucking companies.

9:36:13 PM - - Hope - everyone has trucks associated with their businesses and won't be able to access to use store.

9:36:56 PM - - Nehmad - they can park in the fuel area and it works in other facilities.

9:37:22 PM - - Walsh - what about using the existing site as a parking area.

9:37:39 PM - - Nehmad - would have to consult with his client, that decision can't be made this evening.

9:38:03 PM - - Walsh - other questions/concerns?

9:38:10 PM - - Penrose - referring to the Environmental Impact Study - refer to wildlife who inhabit the area won't be effected by this.

9:39:06 PM - - Sharo - respond to Penrose

9:40:14 PM - - Nehmad - DEP has looked at this and has seen fit to issue a CAFRA permit

9:40:32 PM - - Penrose - understands, but looking at it from the the Township point of view

9:41:25 PM - - Sharo - many areas outside of their new lot have been deed restricted and not touching any of that area

9:42:32 PM - - Penrose - feels that information should be provided if it hasn't already; also has concern with water runoff going to that area

9:43:11 PM - - Sharo - runoff will be less than it is now

9:43:24 PM - - Batastini - any other questions from Board. Feels that Lindsay from Monzo Catanese would like to say something.

9:44:02 PM - - Lindsay - representing Two Brews - requesting matter be adjourned to May 27, 2021 meeting.

9:44:48 PM - - Batastini - Two Brews application will be moved to the May 27, 2021 meeting with no further notices being required. Back to this application, any other Board members have questions? None. Ask Scott Turner to handle the public portion via Zoom. Address the public and give them the rules - speak slowly, provide name, etc.

9:46:37 PM - - Turner - who ever wants to speak will have to unmute. Gave OK to start. No one is unmuting. There is a chat box if anyone is having problems.

9:47:53 PM - - Watson and Turner - advise where unmute buttons are located.

9:48:19 PM - - Bill Boland - take oath - thinks it's a great idea except for the pull-through, other than that thinks it's an excellent plan.

9:49:21 PM - - Turner - anyone else

9:49:26 PM - - Helena Stafford - question about adjourned application - does this mean that they have more time to submit more documentation

9:50:05 PM - - Batastini - can submit more if they like

9:50:14 PM - - Batastini - asks "Brian" if he wants to speak, feels that some of the callers may not know what to do. There is a large number of people on but wants to make sure there is no technical difficulty.

9:51:41 PM - - Turner - will call each person showing by name and ask them to respond whether or not they want to speak.

9:52:13 PM - - "Mike" - in favor, better than present thing

9:52:28 PM - - Turner - continue calling names  
 9:52:43 PM - - Lou Gallato - nothing against it  
 9:52:58 PM - - Marla - no comment  
 9:53:08 PM - - Zeth - no comment  
 9:53:19 PM - - Charles I-Phone -  
 9:53:34 PM - - Danny - per Sharo - he's with Dynamic Engineering  
 9:54:07 PM - - Turner - that appears to be everyone  
 9:54:19 PM - - Batastini - ask Nehmad if he wants to summarize  
 9:54:38 PM - - Nehmad - would like to take the comments heard tonight, discuss  
 with his client and come back at next meeting.  
 9:55:12 PM - - Batastini - thinks that is a good idea, asked Board for their  
 thoughts  
 9:55:37 PM - - Watson - would this or other application go first  
 9:55:52 PM - - Batastini - this application would be first  
 9:56:07 PM - - Nehmad - would like to speak with client  
 9:56:27 PM - - Batastini - other application has a time issue, ask Nehmad if  
 he would be willing to go second  
 9:56:56 PM - - Nehmad - is OK with that as long as given time at end of  
 meeting  
 9:57:27 PM - - Batastini - poll Board - all in favor of continuing to 5/27/21  
 meeting with this application being second on the agenda  
 9:58:08 PM - - Walsh - March 25, 2021 minutes  
 9:58:22 PM - - Penrose - motion  
 9:58:26 PM - - Turner - second  
 9:59:09 PM - - All voted in favor  
 9:59:15 PM - - Walsh - bills  
 9:59:21 PM - - Hope - motion  
 9:59:30 PM - - Chambers - second  
 9:59:57 PM - - All in favor  
 10:00:02 PM - - Walsh - meeting adjourned  
 10:00:13 PM - - Turner - remind Board that this application needs 7 members  
 present and the 7 present tonight will need to be here.  
 10:01:12 PM - - Batastini - if the alternates listen to the tape and certify  
 that they have listened to the recording, they will be  
 permitted to participate on the application. Suggest that  
 Boylan and Frie be contacted to see if they will listen to the  
 recording.  
 10:02:53 PM - - Meeting adjourned.  
 10:03:08 PM - - Stop Recording