

RESOLUTION
BARNEGAT TOWNSHIP PLANNING BOARD

RESOLUTION P-2019-15
DOCKET NO. PB 18-14

RESOLUTION MEMORIALIZING THE BARNEGAT TOWNSHIP PLANNING BOARD'S APPROVAL OF AN APPLICATION FOR PRELIMINARY MAJOR SITE PLAN APPROVAL BY WP BARNEGAT, LLC, FOR PROPERTY KNOWN AS BLOCK 115, LOT 1.01, AS SHOWN ON THE BARNEGAT TOWNSHIP TAX MAP.

WHEREAS, the applicant, WP Barnegat, LLC, with the consent of the owner, Barnegat Land Associates, L.P., brings an application for property known as Block 115, Lot 1.01, as shown on the Barnegat Township Tax Map; and

WHEREAS, the applicant has satisfied any applicable notice requirements of the New Jersey Municipal Land Use Law and the Township of Barnegat and has provided proof thereof to the Barnegat Township Planning Board; and

WHEREAS, the applicant has paid the appropriate filing fee in connection with application and the jurisdiction of the Planning Board has been properly invoked; and

WHEREAS, the Planning Board has reviewed the application, together with all of the documents submitted in support of the application, and the Board has received input and advice from its professional staff; and

WHEREAS, the Planning Board conducted a public hearing on May 28, 2019, at which time the Board heard and considered the presentation made by the applicant, and at which time the public had an opportunity to be heard.

NOW, THEREFORE, the Planning Board hereby makes the following findings of fact and conclusions of law with regard to the application:

- A. The property in question is an irregularly shaped tract which fronts on the southeast corner of the intersection of West Bay Avenue and Sandpiper Road. The property is

located in the Town Center Neighborhood Commercial Overlay Zone (TC-NC) and has an area of approximately 5.597 acres. The property is presently vacant and mostly wooded.

B. On December 20, 2011, the Planning Board memorialized Resolution P-2011-25, which granted Barnegat Land Associates, LP, Preliminary Major Site Plan approval to permit the construction of a shopping center with two 1-story buildings having a total floor area of 36,350 square feet along with onsite parking for 197 vehicles. (The approval was never perfected).

C. The applicant is now seeking approval to construct a shopping center containing a 9,100 square foot Dollar General building, a 6,816 square foot AutoZone building, a 6,600 square foot retail building, and a 4,000 square foot Bank with two (2) drive-thru lanes. The applicant proposes to construct the project in three (3) phases with Phase 1 consisting of the Dollar General and the AutoZone, Phase 2 consisting of the retail building and Phase 3 consisting of the bank. The applicant initially applied for Preliminary Major Site Plan approval for all three (3) phases and Final Major Site Plan approval for Phase 1. However, during the public hearing, the applicant modified its application by withdrawing its request for Final Major Site Plan approval for Phase 1.

D. Onsite parking is proposed for 169 vehicles, including 8 handicap accessible parking spaces. Access is proposed to be provided to the site via a right-in/right/out driveway on West Bay Avenue and a full movement driveway on Sandpiper Road. (See, Conditions 23 and 24.) The proposed buildings will be serviced by extensions of the existing municipal sanitary sewer and water systems. In addition, two (2) infiltration basins are proposed to mitigate the increase in stormwater runoff from the site.

E. The applicant has requested the following variances and/or waivers as part of the application:

1. A variance to permit a front yard setback of 91 feet from West Bay Avenue to the AutoZone building, whereas a minimum setback of 20 feet and a maximum setback of 30 feet are permitted.
2. A variance to permit a front yard setback of 91 feet from West Bay Avenue to the retail building, whereas a minimum setback of 20 feet and a maximum setback of 30 feet are permitted.
3. A variance to permit a front yard setback of 91 feet from West Bay Avenue to the bank, whereas a minimum setback of 20 feet and a maximum setback of 30 feet are permitted.
4. A variance to permit a front yard setback of 300 feet from West Bay Avenue to the Dollar General building, whereas a minimum setback of 20 feet and a maximum setback of 30 feet are permitted.
5. A variance to permit a front yard setback of 142 feet from Sandpiper Road to the Dollar General building, whereas a minimum setback of 20 feet and a maximum setback of 30 feet are permitted.
6. A variance to permit a front yard setback of 205 feet from Sandpiper Road to the retail building, whereas a minimum setback of 20 feet and a maximum setback of 30 feet setback are permitted.
7. A variance to permit a front yard setback of 411 feet from Sandpiper Road to the bank, whereas a minimum setback of 20 feet and a maximum setback of 30 feet are permitted.
8. The applicant has requested a waiver from the requirement to submit signed and sealed architectural plans prior to the Planning Board hearing. In his May 15, 2019 letter, Mr. Atkins states that signed and sealed architectural plans will be provided as a condition of any approval which may granted.
9. The applicant has requested a waiver from the requirement to submit contribution disclosure statements for the property owner and the architects for the Dollar General and the bank. In his May 17, 2019 letter, Mr. Davis states that they will be submitted as a condition of any approval which may be granted.
10. The applicant has requested a waiver from the requirement to submit architectural plans for the retail building. In his May 17, 2019 letter, Mr. Davis states that they will be submitted as a condition of any preliminary approval that may be granted and at the time of the filing of an application for final approval.

F. In support of the application, the applicant submitted the following documents:

1. A set of Preliminary and Final Major Site Plan drawings (14 sheets), prepared by Samuel Renauro, III, P.E., SR3 Engineers, LLC, Bellmawr, N.J., bearing a latest revision date of May 1, 2019.
2. A drawing (1 sheet) showing color elevations of the proposed AutoZone building dated May 3, 2019, unsigned.
3. A set of drawings (2 sheets) showing color elevations of the Dollar General building, unsigned and undated.
4. A Stormwater Management Report prepared by Samuel Renauro, III, P.E., SR3 Engineers, LLC, Bellmawr, N.J., bearing a latest revision date of May 1, 2019.
5. A Phase I Environmental Site Assessment prepared by James Connor, LSRP, PG, and Karl Pfizenmayer, Compliance Management International, North Wales, PA, dated September 2018.
6. A copy of a May 15, 2019 letter from Brian J. Atkins, P.E., SR3 Engineers, LLC, to the Barnegat Township Planning Board which addresses the outstanding submission requirements.
7. A copy of a May 16, 2019 letter from Brian J. Atkins, P.E., SR3 Engineers, LLC, stating that the bank and the retail space do not have firm tenants at this time and are likely going to be part of a suture phase.
8. Copies of all of the other documents referred to in the May 21, 2019 review letter issued by the Planning Board Engineer, John J. Hess, P.E., P.P., C.M.E.

G. During the public hearing held on May 28, 2019, the applicant was represented by Keith A. Davis, Esq., of Nehmad & Perillo & Davis, 4030 Ocean Heights Avenue, Egg Harbor Township, N.J.

H. During the public hearing, the following exhibits were marked in evidence:

- A-1 Copy of Site Plan prepared by Samuel Renauro III, P.E., SR3 Engineers, Bellmawr, N.J., dated March 1, 2019, with a latest revision date of May 1, 2019, Sheet 3 of 14.
- A-2 Copy of prior Site Plan prepared by WSB Engineering in connection with previous approval granted in 2011.

- A-3 Proposed Phasing Plan.
- A-4 Photographic exhibit of photographs taken in December 2018 showing the existing 6-foot high vinyl fence located along the rear property line.
- A-5 Color version of elevation submitted to the Board showing the proposed AutoZone store.
- A-6 Revised architectural drawing of the proposed AutoZone store showing the revisions designed to achieve greater compliance with the architectural standards contained in the Ordinance.
- A-7 Exhibit showing the prototype Dollar General store.
- A-8 Revised architectural drawing of the proposed Dollar General store showing the revisions designed to achieve greater compliance with the architectural standards contained in the Ordinance.

I. During the public hearing, the Planning Board heard the testimony of Brian Atkins, P.E., SR3 Engineers, Bellmawr, N.J., whose professional qualifications were accepted and who provided testimony regarding the following matters:

1. General testimony regarding the site and the application.
2. Testimony identifying and describing Exhibits A-1 through A-8.
3. Testimony identifying the location and current uses (vacant and mostly wooded) of the property.
4. Testimony noting the prior approvals for and construction of the adjoining Heritage Bay residential development.
5. Testimony describing the larger commercial project previously approved for the site (Preliminary Major Subdivision approval; Resolution P-2011-25).
6. Detailed testimony describing the current proposal, *i.e.*, the construction of a shopping center containing four commercial buildings, including the fact that the proposed project is significantly smaller in scope than that which was previously approved for the site.
7. Testimony identifying the square footage for the four proposed commercial buildings at the site (a 9,100 square foot Dollar General building, a 6,816 square foot AutoZone building, a 6,600 square foot retail building, and a 4,000 square foot bank with two drive-thru lanes).

8. Testimony in support of the seven variances requested as part of the application. Mr. Atkins testified that (a) all of the requested variances are for relief from the front yard setback requirements of the Ordinance; and (b) the proposed buildings all meet the minimum setback requirements but exceed the maximum setback requirements (*i.e.*, the buildings will be constructed further from the property lines along West Bay Avenue and/or Sandpiper Road than the Ordinance permits, but no closer to the property lines than the Ordinance permits).
9. The expression of his professional opinion that the proposed layout of the buildings at the site is consistent with that of other commercial sites located in the township.
10. Testimony confirming that the requested front yard setback variances are sought pursuant to N.J.S.A. 40:55D-70c(2).
11. The expression of his professional opinion that the positive criteria of the statute are satisfied because (a) all the proposed uses are permitted uses in the zoning district; (b) the proposed buildings all meet the minimum front yard setback requirements of the Ordinance; (c) the proposed layout is consistent with other commercial sites in the township; (d) the buildings are proposed to be constructed in appropriate locations; (e) the degree of proposed impervious coverage is less than the maximum allowed; and (f) the proposed layout advances one or more of the purposes of zoning: (i) it provides for adequate light, air, and open space; (ii) it provides sufficient space in appropriate locations for the proposed permitted uses; and (iii) it promotes a desirable visual environment through creative development techniques and good civic design and arrangement.
12. The expression of his professional opinion that the negative criteria of the statute are satisfied because (a) the proposed layout is consistent with other commercial sites in the township; (b) the impact of the deviations will be mitigated by introduction of additional landscaping and other improvements; and (c) the variances can be granted without substantial detriment to the public good and the variances will not substantially impair the intent and purpose of the zone plan and/or zoning ordinance.
13. Testimony confirming that the applicant will submit all of the required contribution disclosure statements.
14. Testimony confirming that the applicant will comply with the requirements of Section D of the Planning Board Engineer's May 21, 2019 review letter, Plat Details, Comments 1-9.
15. The proposed hours of operation for the Dollar General store are 8:00 a.m. to 10:00 p.m. daily.
16. The proposed hours of operation for the AutoZone store are 7:30 a.m. to 9:00

p.m., Monday through Saturday; 8:00 a.m. to 9:00 p.m. on Sunday.

17. Testimony confirming that the applicant will provide sidewalks connecting into the site from the sidewalks along the site frontages.
18. Testimony confirming that the applicant has submitted or will submit architectural plans for the proposed buildings and that the plans will show a design which complies with the architectural design standards contained in Ordinance 2014-04.
19. Testimony confirming that the proposed refuse enclosures for the Dollar General store, the AutoZone store, and the retail store will have adequate capacity to accommodate the trash and recyclables that will be generated at the site.
20. The need for a refuse enclosure for the bank, and the design thereof (if needed), will be addressed at the time of the application for final approval.
21. Testimony in support of the applicant's request to provide parking areas within the front setback area and related testimony expressing his professional opinion that the proposed parking areas are suitable for the site.
22. Testimony describing the proposed signage at the site.
23. The need for a bypass lane for the bank will be addressed as the time of the application for final approval.
24. Testimony confirming that the applicant will meet and/or confer with the Board's professionals to determine the final design of the irrigation system for the grass areas and the landscaped areas at the site. The final design must be approved in writing by the Board's professionals.
25. The applicant will submit revised plans showing guide rails along the easterly and westerly sides of the Dollar General store where flush curb is proposed.
26. The applicant will submit revised plans showing the proposed replanting at the site. The revised plans must be approved in writing by the Board's Landscape Architect.
27. Testimony confirming that the applicant will comply with Section E of the Planning Board Engineer's May 21, 2019 review letter, Design Comments, Comments 1-14.
28. Testimony confirming that the applicant will comply with Section F of the Planning Board Engineer's May 21, 2019 review letter, Drainage & Grading, Comments 1-2, by making the designated revisions to the Stormwater Management Report (Comment 1) and by submitting the designated information (Comments 2).

29. Testimony confirming that the final and approved Stormwater Maintenance Plan and any future revisions will be recorded upon the deed of record. (CME review letter, Comment F3.)
30. Testimony describing the proposed phasing of the project: the applicant proposes three phases and initially sought Preliminary Major Site Plan approval for all three phases and Final Major Site Plan approval for Phase 1. However, during the course of the public hearing, the applicant modified its application by withdrawing its request for Final Major Site Plan approval for Phase 1; thus, the applicant seeks Preliminary Major Site Plan for all three phases.
31. Testimony identifying the proposed points of access to and from the site.
32. Testimony describing the landscaping proposed for the site.
33. Testimony confirming that the applicant will meet and/or confer with the Board's Landscape Architect to determine the manner in which maximum compliance with the 50-foot landscape buffer requirements at the rear of the site will be achieved. The final resolution of this issue must be approved in writing by the Board's Landscape Architect.
34. Testimony describing about the proposed parking at the site (150 parking spaces required; 169 parking spaces proposed).
35. Testimony describing the proposed stormwater management system.
36. Testimony confirming that the applicant will comply with Section A of the Planning Board's Landscape Architect's May 18, 2019 review letter, Comments 1-5 and 7-8. As to Comment 6, the applicant seeks a waiver from the requirement to locate and identify all trees on site; however, the applicant agrees that limits of clearing will be staked in the field and approved by the Board's Landscape Architect prior to the installation of the tree protection fencing.
37. Testimony confirming that for purposes of preliminary approval, the applicant will comply with Section B of the Planning Board's Landscape Architect's May 18, 2019 review letter, Comments 1-5; any requested relief therefrom will be sought in connection with the application for final approval.
38. Testimony confirming that the applicant will comply with Section C of the Planning Board's Landscape Architect's May 18, 2019 review letter, Comments 1-5; as to Comment 4, the exterior lighting will operate until no later than 11:00 p.m., after which the lighting will be reduced to security levels.
39. Testimony confirming that the applicant will comply with Section D of the Board's Landscape Architect's May 18, 2019 review letter, Comments 1-16, with the exception of Comment 4 (foundation plantings), regarding which the applicant

seeks a waiver, which the Board granted. Also, as to Comment D6, see Resolution, Paragraph I33 and Condition 18.

40. Testimony confirming that unless stated otherwise in this Resolution, or as otherwise made plain in the record, the applicant will comply with all of the terms and provisions of the review letter dated May 21, 2019, issued by the Planning Board Engineer.
41. Testimony confirming that unless stated otherwise in this Resolution, or as otherwise made plain in the record, the applicant will comply with all of the terms and provisions of the review letter dated May 18, 2019, issued by the Planning Board's Landscape Architect.

J. During the public hearing, the Planning Board heard the testimony of the applicant's traffic consultant, Nathan B. Mosley, P.E., C.M.E., Shropshire Associates, LLC, Traffic Engineering, Transportation Planning & Design, Atco, N.J., whose professional qualifications were accepted and who provided testimony regarding the following matters:

1. General testimony describing the site and the application.
2. Testimony regarding Exhibits A-1 through A-8.
3. Testimony describing how the current proposal is smaller in size and scope than the commercial project previously approved for the site.
4. Testimony describing the surrounding roadway network.
5. Testimony describing the proposed access to and from the site: right-in/right-out driveway on West Bay Avenue and a full movement driveway on Sandpiper Road. (See, Conditions 23 and 24.)
6. Testimony confirming that the application has received preliminary approval from the County of Ocean.
7. Testimony summarizing the Traffic Engineering Assessment prepared by Shropshire Associates, LLC, dated March 21, 2019.
8. Testimony describing the manner in which the data from the Institute of Transportation Engineers (ITE) Handbook (10th) Edition, was utilized in conducting the Traffic Engineering Assessment for this site.
9. Testimony describing the manner in which the traffic counts were conducted at the site as part of the Traffic Engineering Assessment.

10. Testimony comparing the anticipated traffic impact of the project with that of the previously approved commercial project, including the conclusion that the current proposal will have less of an impact than the project previously approved.
11. Testimony confirming that the current proposal will result in acceptable levels of service.
12. Testimony confirming that commercial truck deliveries to the site will be made *via* West Bay Avenue.
13. Testimony confirming that commercial trucks leaving the site *via* Sandpiper Road will be restricted to right turns only (northbound) onto Sandpiper Road and that the plans will be revised to provide appropriate signage to reflect this restriction. The revised plans must be approved by the Board Engineer.
14. Testimony confirming that pick-ups from and deliveries to the site shall only take place between the hours of 7:30 a.m. and 7:30 p.m.
15. Testimony confirming that the applicant will meet and/or confer with the Board's professionals to finalize the manner in the applicant will change the orientation of some of the parking spaces at the site to remove potential conflicts. The final design must be approved in writing by the Board's professionals.
16. Testimony confirming that the issue of whether a bypass lane will be required at the bank will be addressed at the time of the application for final approval.
17. Testimony describing the anticipated on-site traffic conditions and the adequacy of the proposed layout.
18. Testimony in support of his conclusion that the traffic resulting from the construction of the project will have only a minimal impact on the adjacent roadway network.
19. Testimony confirming that unless stated otherwise in this Resolution, or as otherwise made plain in the record, the applicant will comply with all of the terms and provisions contained in the review letters issued by the Planning Board's professionals.

K. During the public hearing, when the matter was opened to the public, the following members of the public addressed the applicant and/or the Board:

Al Koelsch, 19 Sparrow Lane, Barnegat, N.J., addressed the Board regarding ingress and egress-related issues.

Frank LaPorta, 53 Quail Road, Barnegat, N.J., addressed the Board regarding the applicant's Traffic Engineering Assessment.

James Matt, 40 Sandpiper Road, Barnegat, N.J. addressed the Board regarding the adequacy of on-site access for fire trucks and other emergency vehicles.

Chuck Haegele, 88 Sandpiper Road, Barnegat, N.J., addressed the Board regarding the applicant's Traffic Engineering Assessment.

Robin Robinson, 92 Sandpiper Road, Barnegat, N.J., addressed the Board regarding access-related issues and the adequacy of the public notice provided for the public hearing.

Eleanore Grillo, 73 Quail Road, Barnegat, N.J., addressed the Board regarding general questions about the site plan.

Julia Manhart, 1 Robin Lane, Barnegat, N.J., addressed the Board with concerns regarding the proposed buffer area in the rear of the site adjacent to the adjoining residential development.

Norma Marzan, 90 Sandpiper, Barnegat, N.J., addressed the Board with concerns regarding potential water pressure-related problems and stormwater run-off from the proposed commercial development.

Vince Green, 89 Sandpiper, Barnegat, N.J., addressed the Board regarding ingress and egress-related issues.

Colleen Abel, 142 Sandpiper Road, Barnegat, N.J., addressed the Board with general questions regarding the site plan.

Mary McManimon, 82 Quail Road, Barnegat, N.J., addressed the Board with general questions regarding the site plan.

Arthur Frie, 1 Mallard Lane, Barnegat, N.J., addressed the Board with general concerns regarding off-site traffic flow and related issues.

Carol Jennings, 115 Sparrow Lane, Barnegat, N.J., addressed the Board with general concerns regarding off-site traffic flow and related issues.

Alene Harrington, 5 Cardinal Place, Barnegat, N.J., addressed the Board with general questions regarding the site plan.

L. At the conclusion of the hearing, after considering and weighing all of the evidence presented, and after considering all of the comments made during the course of the hearing, and after applying the standards contained in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Code of the Township of Barnegat, the Planning Board determined that the application for Preliminary Major Site Plan approval should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Barnegat Township Planning Board that the applicant's request for Preliminary Major Site Plan approval (including the variances/waivers identified in Paragraph E) is hereby approved and granted.

BE IT FURTHER RESOLVED that the Planning Board Secretary shall forward a copy of this Resolution to the applicant, the applicant's attorney, the applicant's engineer, Township Clerk, and the Building Department.

BE IT FURTHER RESOLVED that the applicant shall cause notice of the Planning Board's decision to be published in an official newspaper of the Barnegat Township Planning Board within ten (10) days of its passage.

BE IT FURTHER RESOLVED that the Planning Board's approval of this application is made subject to the following conditions:

1. The applicant shall comply with all representations made to the Planning Board by the applicant's witnesses and professionals.
2. The applicant shall submit all of the required contribution disclosure statements.
3. The applicant shall comply with the requirements of Section D of the Planning Board Engineer's May 21, 2019 review letter, Plat Details, Comments 1-9.
4. The hours of operation for the Dollar General store will be 8:00 a.m. to 10:00 p.m. daily.

5. The hours of operation for the AutoZone store will be 7:30 a.m. to 9:00 p.m., Monday through Saturday; 8:00 a.m. to 9:00 p.m. on Sunday.
6. The applicant shall provide sidewalks connecting into the site from the sidewalks located along the site frontages. The final location and design of the sidewalks must be approved in writing by the Board's professionals.
7. The applicant shall submit for the Board's review and approval full architectural plans for all the proposed buildings and the architectural plans shall show a design which complies with the architectural design standards contained in Ordinance 2014-04. The architectural plans must be approved in writing by the Board's Landscape Architect.
8. The refuse enclosures for the Dollar General store, the AutoZone store, and the retail store shall have adequate capacity to accommodate the trash and recyclables that will be generated at the site.
9. The need for a refuse enclosure for the bank, and the design thereof (if needed), shall be addressed at the time of the application for final approval.
10. The need for a bypass lane for the bank shall be addressed at the time of the application for final approval.
11. The applicant shall meet and/or confer with the Board's professionals to determine the final design of the irrigation system for the grass areas and the landscaped areas at the site. The final design must be approved in writing by the Board's professionals.
12. The applicant shall submit revised plans showing guide rails along the easterly and westerly sides of the Dollar General store where flush curb is proposed. The revised plans must be approved in writing by the Board's professionals.
13. The applicant shall submit revised plans showing the proposed replanting at the

site. The revised plans must be approved in writing by the Board's Landscape Architect.

14. The applicant shall comply with Section E of the Planning Board Engineer's May 21, 2019 review letter, Design Comments, Comments 1-14.

15. The applicant shall comply with Section F of the Planning Board Engineer's May 21, 2019 review letter, Drainage & Grading, Comments 1-2, by making the designated revisions to the Stormwater Management Report (Comment 1) and by submitting the designated information (Comment 2).

16. The final and approved Stormwater Maintenance Plan and any future revisions thereto shall be recorded upon the deed of record. (CME review letter, Comment F3.)

17. The applicant has modified its application to withdraw its request for Final Major Site Plan approval for Phase 1.

18. The applicant shall meet and/or confer with the Board's Landscape Architect to determine the manner in which maximum compliance with the 50-foot landscape buffer requirements at the rear of the site shall be achieved. The final resolution of this issue must be approved in writing by the Board's Landscape Architect.

19. The applicant shall comply with Section A of the Planning Board's Landscape Architect's May 18, 2019 review letter, Comments 1-5 and 7-8. As to Comment 6, the applicant seeks a waiver from the requirement to locate and identify all trees on site. That waiver request is granted. However, the limits of clearing shall be staked in the field and approved by the Board's Landscape Architect prior to the installation of the tree protection fencing.

20. The applicant shall comply with Section B of the Planning Board's Landscape Architect's May 18, 2019 review letter, Comments 1-5; any requested relief therefrom will be sought in connection with the application for final approval.

21. The applicant shall comply with Section C of the Planning Board's Landscape Architect's May 18, 2019 review letter, Comments 1-5; as to Comment 4, the exterior lighting at the site shall operate until no later than 11:00 p.m., after which the lighting shall be reduced to appropriate security levels.

22. The applicant shall comply with Section D of the Board's Landscape Architect's May 18, 2019 review letter, Comments 1-16, with the exception of Comment 4 (foundation plantings), regarding which the applicant seeks a waiver (which is granted). As to Comment D6, see Condition 18.

23. Commercial truck deliveries to the site shall only be made *via* West Bay Avenue.

24. Commercial trucks leaving the site *via* Sandpiper Road shall be restricted to right turns only (northbound) onto Sandpiper Road; the plans shall be revised to provide appropriate signage reflecting this restriction; the plans must be approved in writing by the Board's professionals.

25. Pick-ups from and deliveries to the site shall take place between the hours of 7:30 a.m. and 7:30 p.m.

26. The applicant shall meet and/or confer with the Board's professionals to finalize the manner in the applicant shall change the orientation of some of the parking spaces at the site to remove potential conflicts. The final design must be approved in writing by the Board's professionals.

27. The issue of whether a bypass lane will be required at the bank shall be addressed at the time of the application for final approval.

28. Unless stated otherwise in this Resolution, or as otherwise made plain in the record, the applicant shall comply with all of the terms and provisions of the review letter dated

May 21, 2019, issued by the Planning Board Engineer, the contents of which are incorporated herein.

29. Unless stated otherwise in this Resolution, or as otherwise made plain in the record, the applicant shall comply with all of the terms and provisions of the review letter dated May 18, 2019, issued by the Planning Board's Landscape Architect, the contents of which are incorporated herein.

30. The applicant shall submit revised plans reflecting the conditions contained in this Resolution of Approval. The revised plans must be approved in writing by the Board's professionals.


31. The applicant shall reimburse the Barnegat Township Planning Board for all professional fees associated with regard to this application within thirty (30) days of the date of this resolution.

32. This approval is made subject to all other applicable rules, regulations, ordinances, and statutes of the Township of Barnegat, the County of Ocean, and the State of New Jersey. The applicant shall obtain all approvals required by any federal, state, county, or municipal agency having regulatory jurisdiction of this development. Upon receipt of all such approvals, the applicant shall supply the Planning Board with a copy of the permit or, if applicable, other written indication of approval. In the event that any other agency requires a change in the plans approved by the Planning Board, the applicant must, and shall, reapply to the Planning Board for approval of that change.

33. The applicant shall resubmit this entire proposal for re-approval should there be any deviation from the terms and conditions of the Resolution or from the documents submitted as part of this application, all of which are made a part hereof and shall be binding on the

applicant.

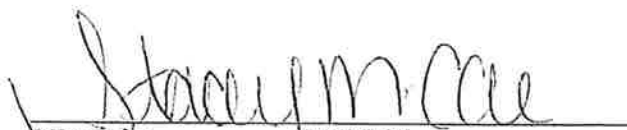
34. The applicant shall provide a statement from the Barnegat Township Tax Collector that all taxes are paid in full as of the date of this Resolution and as of the date of the fulfillment of any conditions of this Resolution.


STACEY M. COLE, SECRETARY
Barnegat Township Planning Board


JACK LEONARDO, CHAIRMAN
Barnegat Township Planning Board

CERTIFICATION

I certify that the foregoing application was duly approved by the Barnegat Township Planning Board at its regular meeting held on May 28, 2019, and that the approval of the application was thereafter memorialized in this Resolution by a vote of the Barnegat Township Planning Board at its regular meeting held on June 25, 2019, a quorum being present and voting in the majority.


STACEY M. COLE, SECRETARY
Barnegat Township Planning Board

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



May 21, 2019

TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

Barnegat Township Planning Board
900 West Bay Avenue
Barnegat, NJ 08050

Re: **Application No. PB 18-14**
Preliminary Major Site Plan – Phases 1, 2 & 3
Final Major Site Plan – Phase 1
Review #2
Exit 67 Town Center
Block 115 Lot 1.01
907 West Bay Avenue
Barnegat Township, Ocean County, New Jersey
Applicant: WP Barnegat, LLC
Our File: VBGP0115.02 (60001)

RECEIVED

MAY 21 2019

Barnegat Township
Planning & Zoning

Dear Planning Board Members:

Our office has received for review the following information which was submitted in support of the above referenced application for Preliminary & Final Major Site Plan approval:

- A set of Preliminary/Final Site Plan drawings (14 sheets) prepared by Samuel Renauro III, PE with SR3 Engineers of Bellmawr, New Jersey and bearing a latest revision date of May 1, 2019.
- A drawing (1 sheet) showing color elevations of the proposed AutoZone building dated May 3, 2019, unsigned.
- A set of drawings (2 sheets) showing color elevations of the Dollar General building, unsigned and undated.
- A Stormwater Management Report prepared by Samuel Renauro III, PE and bearing a latest revision date of May 1, 2019.
- A Phase I Environmental Site Assessment prepared by James Connor, LSRP, PG and Karl Pfizenmayer with Compliance Management International of North Wales, Pennsylvania dated September 2018.
- A copy of a completed Contribution Disclosure Statement from Stephen R. Nehmad, Esq., Attorney for Applicant, dated May 7, 2019.
- A copy of a completed Contribution Disclosure Statement from Lew Ellis, Architect dated May 9, 2019.
- A copy of a completed Contribution Disclosure Statement from Jack W. Shoemaker dated May 14, 2019.
- A copy of a May 15, 2019 letter from Brian J. Atkins, PE with SR3 Engineers, LLC to the Barnegat Township Planning Board which addresses the outstanding submission requirements.



Barneгат Township Planning Board
Re: WP Barneгат, LLC (PB 18-14)
Preliminary Major Site Plan – Phases 1, 2 & 3
Final Major Site Plan – Phase 1
Exit 67 Town Center - Review #2

May 21, 2019
Our File No. VBGP0115.02
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- A copy of a May 16, 2019 letter from Brian J. Atkins, PE to the Barneгат Township Planning Board which addresses the comments in our April 16, 2019 review letter.
- A May 16, 2019 e-mail from Brian J. Atkins, PE to our office which states that the bank and retail space do not have firm tenants at this time and are likely going to end up as a future phase.
- A copy of a May 17, 2019 letter from Keith A. Davis, Esq. with Nehmad Perillo Davis & Goldstein, PC of Egg Harbor Township, New Jersey to the Barneгат Township Planning Board which amends the application to incorporate the following changes:
 - To phase the development of the shopping center with Phase 1 consisting of the Dollar General and AutoZone, Phase 2 consisting of the retail building and Phase 3 consisting of the bank.
 - A waiver from the requirement to submit contribution disclosure statements for the property owner and the architects for the Dollar General and the bank.
 - A waiver from the requirement to submit architectural plans for the retail building.

In addition, our office previously received the following information as part of the original submission for this application:

- A print of an ALTA/NSPS Survey of Lot 1.01, Block 115 prepared by Jack W. Shoemaker, PLS with Valley Land Services, LLC of Bethlehem, Pennsylvania dated January 14, 2019.
- A set of unsigned and unsealed architectural plan and elevation drawings (2 sheets) for the AutoZone building prepared by Lew Ellis, RA of Memphis, Tennessee dated October 10, 2014.
- A set of unsigned and unsealed architectural plan and elevation drawings (2 sheets) for the Dollar General building prepared by MJM Architects dated October 10, 2014.
- An Environmental Impact Statement prepared by Samuel Renauro III, PE dated March 1, 2019.
- A Traffic Engineering Assessment prepared by Nathan B. Mosley, PE, CME with Shropshire Associates, LLC of Atco, New Jersey dated March 21, 2019.
- A completed Land Use and Development Application with a filing date of March 26, 2019.
- A completed Completeness Check List for Preliminary Major Site Plan Application prepared by Brian J. Atkins dated March 22, 2019.



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- A completed Completeness Check List for Final Major Site Plan Application prepared by Brian J. Atkins dated March 22, 2019.
- A completed Applicant/Developer Escrow Agreement dated March 22, 2019.
- A completed list of Professionals and Consultants.
- A copy of an Agreement of Sale between Barnegat Land Associates, LP and Wright Partners, LLC dated November 15, 2018.
- A copy of a Tax Release from the Tax/Utility Collector, Crystal M. Brinson, CTC, dated March 13, 2019 which states that the taxes on lot 1.01, block 115 are current.
- An Affidavit of Non-Collusion dated March 22, 2019.
- A copy of a completed Contribution Disclosure Statement from Carl Wright dated March 27, 2019.
- A copy of a completed Contribution Disclosure Statement from Samuel Renauro III dated March 27, 2019.
- A copy of a completed Contribution Disclosure Statement from David R. Shropshire, PE, PP dated March 28, 2019.
- An April 5, 2019 e-mail from Brian J. Atkins, PE which transmitted revised copies of sheets 4, 5, & 8 as well as revised copies of the Inlet Area Map and the Basin Inlet Pipe Schedule from the Stormwater Management Report.

Based on our review of the information submitted in support of this application, we offer the following comments:

A. GENERAL COMMENTS

The property in question is an irregularly shaped tract which fronts on the southeast corner of the intersection of West Bay Avenue and Sandpiper Road. It is located in the Town Center Neighborhood Commercial Overlay Zone (TC-NC) and has an area of approximately 5.597 acres. The property is presently vacant and mostly wooded.

On December 20, 2011, the Planning Board memorialized Resolution P-2001-25 which granted, Barnegat Land Associates, LP Preliminary Major Site Plan approval to permit the construction of a shopping center with two 1-story buildings having a total floor area of 36,350 sf along with onsite parking for 197 vehicles. We note that this approval was never perfected.

The Applicant is now seeking approval to construct a shopping center containing a 9,100 sf Dollar General building, a 6,816 sf AutoZone building, a 6,600 sf retail building and a 4,000 sf Bank with two (2) drive thru lanes. The Applicant proposes to construct the project in three (3)



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phases with Phase 1 consisting of the Dollar General and the AutoZone, Phase 2 consisting of the retail building and Phase 3 consisting of the bank. As a result, the Applicant has applied for Preliminary Major Site Plan approval for all three (3) phases and Final Major Site Plan approval for Phase 1 only.

Onsite parking is proposed for 169 vehicles including 8 handicap accessible parking spaces. Access will be provided to the site via a right-in/right-out driveway on West Bay Avenue and a full movement driveway on Sandpiper Road. The proposed buildings will be serviced by extensions of the existing municipal sanitary sewer and water systems. In addition, two (2) infiltration basins are proposed to mitigate the increase in stormwater runoff from the site.

B. VARIANCES AND/OR WAIVERS FROM LOCAL ORDINANCES

1. The Applicant has requested a variance to permit a front yard setback of 91 ft from West Bay Avenue to the AutoZone building whereas a minimum setback of 20 ft and a maximum setback of 30 ft is permitted.
2. The Applicant has requested a variance to permit a front yard setback of 91 ft from West Bay Avenue to the retail building whereas a minimum setback of 20 ft and a maximum setback of 30 ft is permitted.
3. The Applicant has requested a variance to permit a front yard setback of 91 ft from West Bay Avenue to the Bank whereas a minimum setback of 20 ft and a maximum setback of 30 ft is permitted.
4. The Applicant has requested a variance to permit a front yard setback 300 ft from West Bay Avenue to the Dollar General building whereas a minimum setback of 20 ft and a maximum setback of 30 ft is permitted.
5. The Applicant has requested a variance to permit a front yard setback of 142 ft from Sandpiper Road to the Dollar General building whereas a minimum setback of 20 ft and a maximum setback of 30 ft is permitted.
6. The Applicant has requested a variance to permit a front yard setback of 205 ft from Sandpiper Road to the retail building whereas a minimum setback of 20 ft and a maximum setback of 30 ft setback is permitted.
7. The Applicant has requested a variance to permit a front yard setback 411 ft from Sandpiper Road to the Bank whereas a minimum setback of 20 ft and a maximum setback of 30 ft is permitted.
8. The Applicant has requested a waiver from the requirement to submit signed and sealed architectural plans prior to the Planning Board hearing. In his May 15, 2019 letter, Mr. Atkins states that signed and sealed architectural plans will be provided for building permits and can be provided as a condition of approval.



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9. The Applicant has requested a waiver from the requirement to submit contribution disclosure statements for the property owner and the architects for the Dollar General and the bank. In his May 17, 2019 letter, Mr. Davis states that they will be submitted as a condition of any approval granted.
10. The Applicant has requested a waiver from the requirement to submit architectural plans for the retail building. In his May 17, 2019 letter, Mr. Davis states that they will be submitted prior to final major site plan approval at a later date.

C. SUBMISSION REQUIREMENTS

The Applicant has addressed all of the submission requirements for this Amended Preliminary & Final Site Plan application.

D. PLAT DETAILS

1. Sheet 3 must be revised to show the radius of the curbing at the southeast corner of the bank.
2. Sheet 3 must be revised to dimension the widths of the drive aisles in the parking lot on the easterly side of the Dollar General and in the parking areas on the northerly side of the AutoZone and retail building. In addition, the width of the bank drive thru lanes must be dimensioned.
3. Sheet 3 includes a callout which states that the dumpsters serving the Dollar General will be will be screened on the west and south sides. The callout should be revised to state that a gate will be installed on the northerly side. In addition, a detail of the Dollar general trash enclosure must be added to the plans.
4. The Median Detail on sheet 4 must be revised to show that the curbing on the northerly side of the median will be aligned with the existing curb line along West Bay Avenue. In addition, the existing Type B inlet at this location must be shown on the detail.
5. The Water Service Connection Detail on sheet 12 must be revised to agree with Plate VI-2 in the Barnegat Township Water System Rules and Regulations. We note that an exterior meter pit must be installed for each building.
6. Sheet 5 must be revised to show the pipe size, type of pipe and pipe slope for the existing sanitary sewer main along the easterly side of the property.
7. The Concrete Sidewalk Around Buildings (AutoZone Only) detail on sheet 10 shows that monolithic curb and sidewalk is proposed which does not conform to the Ordinance. In his May 16, 2019 letter, Brian Atkins, PE states that monolithic curb is only proposed around the AutoZone building in accordance with AutoZone standard details.



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8. The Applicant should review the County Road Pavement Restoration Detail on sheet 10 to verify that it conforms to the Ocean County Road Department standards.
9. Sheet 14 must be revised to show the turning movements for a trash truck and a fire truck. In his May 16, 2019 letter, Mr. Atkins states that they agree to add additional truck turns to the compliance plans.

E. DESIGN COMMENTS

1. All landscaping issues are deferred to the Planning Board Landscape Architect for review and comment.
2. All water and sewer issues are deferred to the Barnegat Township Water & Sewer Utility Engineer for review and comment.
3. The Applicant should provide testimony to the Board to demonstrate why the requested variances and waivers should be granted.
4. In his May 17, 2019 letter, Keith A. Davis, Esq. states that the Applicant is amending the application to phase construction of the shopping center with the Dollar Store and AutoZone in Phase 1, the retail building in Phase 2 and the bank in Phase 3. Therefore, a phasing plan must be submitted to the Board and the plans must be revised to reflect the proposed phasing.
5. The Applicant should address the Board regarding the proposed hours of operation at the site and the hours of operation for the site lighting.
6. This project is subject to the provisions of Ordinance 2014-04 which establishes architectural design standards for commercial zones. The Applicant should provide testimony to the Board to demonstrate that the buildings have been designed in conformance with the architectural design standards.
7. The Applicant should provide testimony to the Board to demonstrate that the proposed refuse enclosures have adequate capacity to accommodate the trash and recyclables that will be generated by the proposed uses at the site. In addition, the Applicant should address the Board regarding the proposed time for trash pickup at the site.
8. It stipulates in Section 55-173D(1) of the Ordinance that parking areas shall be located to the rear or side of the principal building. It further stipulates that parking areas shall not be located within the front setback between the front of the building and the front property line unless it can be demonstrated to the satisfaction of the Planning Board that no alternative exists. Therefore, the Applicant should address the Board regarding the suitability of the proposed parking layout at the site.



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9. The Applicant should address the Board regarding the need to provide a trash enclosure near the Bank.
10. The Applicant should address the Board regarding whether any additional signs are proposed at the site. If any additional signs are proposed, the locations must be shown on the plans and the appropriate details must be added to the plans. In addition, the Applicant must demonstrate that any proposed signs comply with the Ordinance requirements.
11. It shows on the plans that two (2) drive thru lanes are proposed for the Bank. The Applicant should address the Board regarding their plans to provide a bypass lane in case a patron decides that the wait is too long.
12. The Applicant should address the Board regarding their plans to provide an irrigation system and a private irrigation well for the proposed landscaping at the site.
13. It shows on the plans that guide rails are proposed along the easterly and westerly sides of the Dollar General where flush curb is proposed. Therefore, a guide rail detail must be added to the plans.
14. It shows on the plans that grading and utilities are proposed within the 50 ft buffer along the southerly side of the site. Sheet 5 includes a callout which states "Disturbed area to be replanted". Details of the proposed replanting must be submitted to the Planning Board Landscape Architect for review and approval.

F. DRAINAGE & GRADING COMMENTS

1. Section 55-324J(2) of the Ordinance requires that the stormwater management system be designed to store the difference between the post-development and pre-development runoff for the 100-year, 24-hour storm event. In addition, Section 55-329 requires that the post-construction peak runoff rates for the 2-year, 10-year and 100-year storms be reduced to 50%, 75% and 80% respectively of the pre-development peak runoff rates. The Applicant must demonstrate through hydrologic and hydraulic analysis that the stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site or, in the alternative, that the increase of stormwater runoff volume from pre-construction to post-construction for the 2 year storm is infiltrated. Also, the stormwater management system must be designed to reduce the post-construction load of total suspended solids (TSS) in the stormwater runoff by 80% of the anticipated load from the developed site, expressed as an annual average, based on a water quality design storm of 1.25" in two (2) hours.

The Applicant proposes the installation of two (2) infiltration basins to mitigate the increase in runoff from the site. The infiltration basins will discharge into an existing 30" drainage pipe which runs through the Heritage Bay development and discharges into the



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existing Heritage Bay stormwater management basin. We note that a portion of the lawn areas on Sandpiper Road will discharge undetained onto Sandpiper Road while the area behind the Dollar General building will discharge undetained to an existing inlet in the Heritage Bay common area. Based on our review of the Stormwater Management Report, we find that insufficient information has been provided to demonstrate that the system has been designed to meet the reductions specified in the Ordinance. Therefore, the Stormwater Management Report must be revised to clearly demonstrate that this requirement has been satisfied.

2. It states in the Stormwater Management Report that that system has been designed to *"manage the post development peak runoff rates of the 2-year, 10-year and 100-year storm events, so they do not exceed 25 cfs, which is the maximum additional capacity that the existing downstream stormwater system was designed to accept and convey to the existing Heritage Bay retention basin"*. The Applicant must submit documentation to demonstrate that they are entitled to this capacity reservation.
3. As required by Section 55-330.6B(5), the Stormwater Maintenance Plan and any future revisions to the plan must be recorded upon the deed of record. Prior to recording, the form of the deed must be reviewed and approved by the Planning Board Attorney and our office.

G. ASSESSMENTS

1. The Applicant is subject to an affordable housing assessment as set forth in Section 55-351B(2) of the Ordinance.
2. The Applicant is subject to a tax map assessment in the amount of \$800.00 for this commercial site plan.
3. Various off-site water system improvements are planned or have been constructed by Walters Development. In accordance with the developer's agreement that has been executed between the Township of Barnegat and Walters Development, all developers within the water system service area must reimburse Walters Development for their share of the costs of the water system improvements which are being constructed and paid for by Walters Development. Therefore, the Applicant will be required to pay his share of the water system costs in the amounts and at the times set forth in the developer's agreement.

H. OUTSIDE AGENCY APPROVALS

This application is subject to the following outside agency approvals:

1. Ocean County Planning Board.
2. Ocean County Soil Conservation District.



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3. New Jersey Department of Environmental Protection:
 - a) CAFRA Permit.
 - b) Stormwater Discharge General Permit Authorization (5G3 – Construction Activity Stormwater).
4. Barnegat Township Water & Sewer Utility.
5. All other outside agency approvals as required.

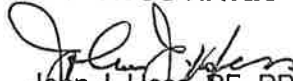
The Applicant should address the Board regarding the status of the required outside agency approvals for this project. In addition, copies of all outside agency approvals should be forwarded to the Planning Board and our office upon receipt.

Based on our review of the submitted information, we find that the Applicant has addressed all of the submission requirements set forth in the Ordinance. Therefore, we recommend that this application be deemed **complete** for consideration by the Planning Board subject to the Applicant complying with all applicable notification requirements as set forth in the Barnegat Township Land Use Ordinance and the Municipal Land Use Law.

Should you have any questions regarding this application, please feel free to call.

Very truly yours,

CME ASSOCIATES


John J. Hess, PE, PP, CME
Planning Board Engineer

JJH/lr

cc: Martin Lisella, Administrator
Barnegat Township Zoning Official
Christine Roessner, Finance Office
Michael J. McKenna, Esq. – Planning Board Attorney
Scott D. Taylor, LLA, PP, LEED AP – Planning Board Landscape Architect
WP Barnegat, LLC – Applicant
Stephen R. Nehmad, Esq. – Applicant's Attorney
Samuel Renauro III, PE – Applicant's Engineer
Lew Ellis, RA - Applicant's Architect (AutoZone)
MJM Architects - Applicant's Architect (Dollar General)
Shropshire Associates, LLC – Applicant's Traffic Engineer
Jack W. Shoemaker, PLS – Applicant's Surveyor



Michelle M. Taylor, AICP, PP, CNU A
Scott D. Taylor, AICP, PP, LLA, LEED AP

Amy B. Cieslewicz, LLA, PP
Steven Lennon, LLA, PP

Gaetano Romano, LLA

- Community Planning
- Landscape Architecture
- Municipal Consulting
- Streetscape Design
- Economic Development
- Parks and Recreation

May 18, 2019



Barnegat Township Planning Board
900 West Bay Avenue
Barnegat, NJ 08005

Re: **WP Barnegat
Preliminary & Final Major Site Plan with Bulk Variances
Block 115, Lot 1.01
Barnegat Township, NJ
Docket #PB 18-14, TDG File: 2001-118.123P.01**

Dear Board Members:

Our office has reviewed the following in support of the referenced application:

- *Preliminary Major Site Plan*, prepared by SR3 Engineers, LLC, consisting of 14 sheets, dated March 1, 2019.
- *Architecture Plans: Floor Plan, Door Schedule, Wall Details*, prepared by Lew Ellis, consisting of 2 sheets, dated October 10, 2014.
- *Architecture Plans: Floor Plan, Details, & Interior Partitions*, prepared by MJM Architects, consisting of 2 sheets, dated March 20, 2018.

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At this time, we offer the following comments:

A. General Comments/Site Design

1. The subject property is a 5.59-acre parcel located on the south side of West Bay Avenue at the intersection of Sandpiper Road, in the Town Center Neighborhood Commercial (TC-CN) Zone District. The site is bordered by the Heritage Bay development to the south, by the municipal water tower site and Ocean Ave. residences to the east, by a shopping center and the Township Municipal Building to the north, and Sandpiper Road and the Garden State Parkway to the west.

The applicant proposes to construct a shopping center with the following structures:

- 6,816 SF Auto Zone,
- 9,100 SF Dollar General,
- 4,000 SF Bank with Drive Through,
- 6,600 SF Retail Building

The proposal also includes 169 parking spaces, lighting, landscaping, stormwater basins and associated improvements.

2. We suggest that sidewalks be provided connecting into the site from the sidewalks along the site frontages.
3. No trash enclosure is proposed for Dollar General. This should be provided, consistent with the other buildings. The enclosure detail should specify the exterior materials and colors. We suggest that each enclosure complement the building it is adjacent to.
4. The parking space and planting island layout should be evaluated at the front corners of the retail building and the northeast corner of Auto Zone. As proposed, overhanging vehicles can impact each other, plus there is insufficient room for pedestrians to pass.



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Mount Laurel, NJ 08054

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W. TDGplanning.com

5. The signage details should specify the materials, colors and methods of illumination for all signs.
6. The applicant requires a waiver from locating and identifying all trees on site as required by §55-191.1. If the Board grants this relief, we suggest that the clearing limits be staked in the field and approved by our office prior to installation of the tree protection fencing.
7. Tree protection fencing should be indicated on all plans along the limits of clearing adjacent to all existing vegetation to remain, pursuant to §55.151.G.1. The plans should clearly note that the tree protection fencing shall be installed and approved by the Township Landscape Architect prior to any clearing or excavation.
8. We suggest that trash pickup and deliveries be limited to daytime hours only to minimize impacts to nearby residents.

B. Building Design

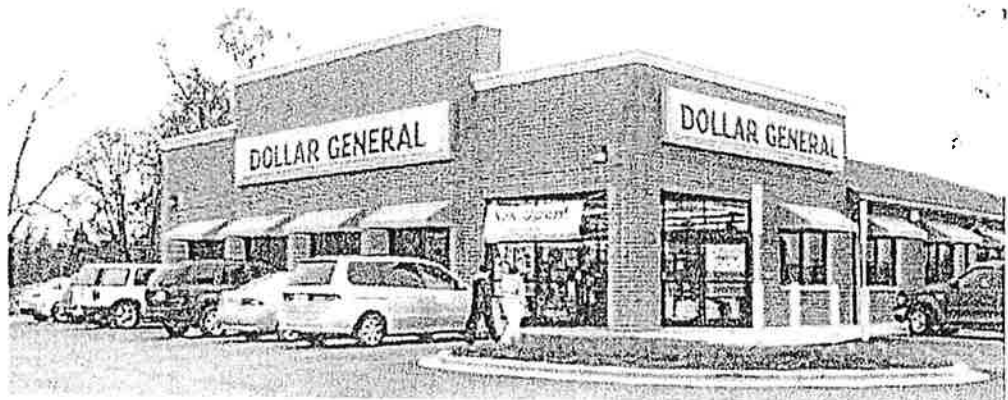
1. The applicant should provide detailed testimony and exhibits regarding the proposed architectural forms, materials, heights and colors for the buildings; as well as how this proposal is consistent with the requirements of the Architecture design standards set forth in §55-92.

Given the prominent location of this site on the Bay Avenue corridor, we recommend that the Applicant create buildings with traditional architectural forms, siding and roofing materials and colors that will complement the architectural vernacular of Barnegat, consistent with the Township's design standards.

2. Building elevations should be provided for the retail building and the bank building.
3. Testimony should be provided regarding the building HVAC locations, noise, etc. for all buildings. They should be screened whether at ground level or roof mounted.

4. Dollar General

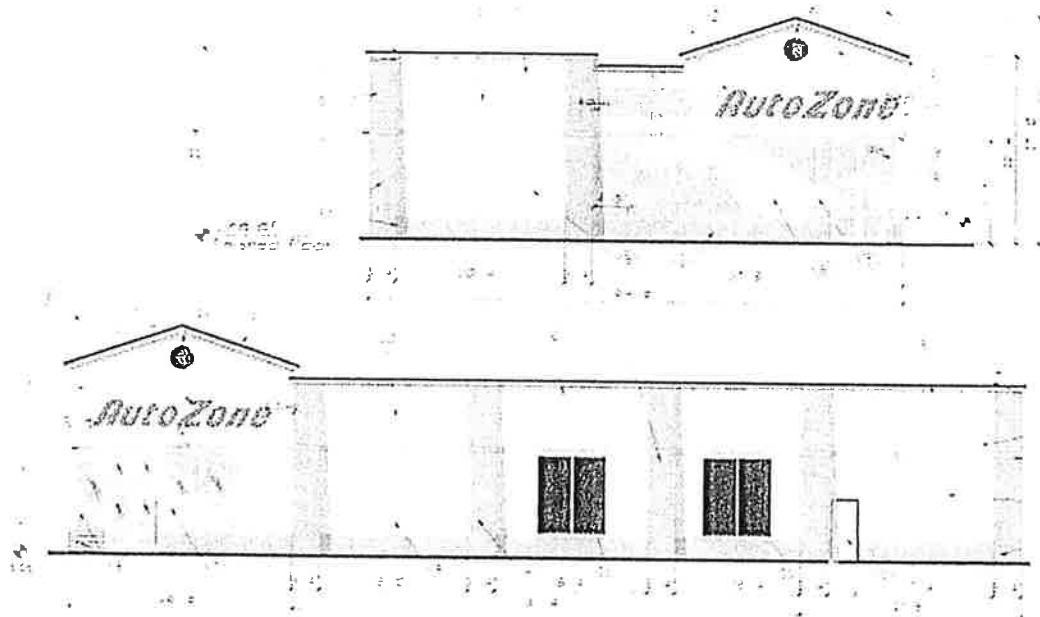
- a) This building has a flat roof, with painted concrete block and painted metal panels on the front façade, with limited windows. The sides and rear are vertical metal siding with no windows.
- b) This design is not consistent with the Township's Architecture Design standards, and we suggest the introduction of gables, or similar variations of the pediment to modulate the flat roof lines, and further recommend the applicant break up the blank façades using variations in materials and colors that could include stone, clapboard and/or brick siding. Awnings and additional windows should also be incorporated. This is of greatest importance along the front and the side facing Sandpiper Road. (See image below, courtesy Google.)



- c) The Dollar General elevations specify a wall pack light which does not match the Engineer's lighting plan detail. The Wall pack with a drop lamp should be eliminated and all fixtures should be full cutoff fixtures to avoid glare.
- d) The HVAC equipment should be screened from the residences to the rear.

5. Auto Zone

- a) This building has a flat roof, with painted concrete block walls on all 4 sides, with limited windows on the front façade. The sides and rear of the building have no windows. The building is predominantly painted gray block with a 3'4" wide orange stripe, and an 8" wide red stripe at the top of the building.
- b) This design is not consistent with the Township's Architecture design standards, and we suggest the introduction of gables, or similar variations of the pediment to modulate the flat roof lines, and further recommend the applicant break up the blank façades using variations in materials and colors that could include stone, clapboard and/or brick siding. Awnings and additional windows should also be incorporated. This is of greatest importance along the front and the side facing Sandpiper Road.
- c) We also suggest a more muted color scheme, as shown below, from a recent Auto Zone proposal in another NJ community;



C. Lighting

- 1. The applicant proposes 4,000° Kelvin LED lights, which emit a cooler, more bluish light, similar to that used for car dealerships and athletic fields. We suggest that the LED lights be between 3,000-3,500° Kelvin to reduce potential glare impacts.
- 2. The applicant proposes a modern site lighting fixture. At the 2011 approval, the applicant indicated that they would utilize the decorative light fixture that has been employed by all other retail sites developed along West Bay Avenue over the last several years including; CVS, Wawa, Barnegat Crossing, STS, Advance Auto and others. We suggest that this applicant consider the same fixture (Hadco "Pima") for continuity. This should be provided along the streetscape at a minimum.

3. The light footing extends 3' above grade. We suggest that the top of footing be flush or within 6" of grade, and setback 3-4' from the curbs where vehicles overhang to avoid damage.
4. We suggest that the Board and the applicant discuss the hours that the lights will operate, and a potential reduction overnight to security levels and/or the utilization of timers and/or motion sensors to activate the lights only when necessary after hours.
5. Several light locations conflict with proposed trees. Shifting of lights and/or trees is necessary.

D. Buffers & Planting

1. The applicant proposes a limited amount of landscape plantings for this highly visible site. As proposed, the applicant requires waivers for: *Street Trees, Residential/Nuisance Buffer Plantings, Parking Lot Shade Trees, Parking Lot Filtered Buffers (along site frontage), Foundation plantings, Basin Plantings and Reforestation.*

We recommend that the planting design be modified to comply with the intent of the ordinance in these respects.

2. Street trees are required at 50' on center. 19 street trees are required, only 5 are proposed.
3. Parking lot trees are required per §55-162.G at the rate of two trees for every ten parking spaces. 34 trees are required, only 16 are proposed.
4. Foundation plantings should be provided for the front façades at a minimum for all buildings per §55-162.I(8).
5. The applicant should provide information on the plans regarding the removal of the mature vegetation throughout the site. This should include the plantings around the Heritage Bay sign. It appears that some of this vegetation, and other mature vegetation along Sandpiper Road could be preserved.
6. The ordinance requires a 50' landscape buffer a complete visual screen in the form of a nuisance buffer between a commercial use and residential uses. We offer concern regarding the lack of buffering at the rear of the site given the close proximity to the adjacent homes. The existing vegetation will do little in the way of buffering, and no supplemental screening is proposed.

We suggest that the applicant provide a 6' high solid fence along the southern/rear property line. This fence will provide a year-round, visual screen and may help reduce sound impacts off-site. The fence should also be supplemented with evergreen and deciduous tree and shrub species to enhance the buffering and provide greater height.

7. Trees are required to be planted throughout the site at a rate of one tree per 1,000 square feet of upland green space in accordance with §55-162.H.3. The plans should provide a schedule of the reforestation requirement, and a level of planting which complies with the ordinance. If the applicant does not provide all required trees on site, an off-site municipal location may be considered, or a waiver should be requested.
8. Additional plantings should be provided in and around the basin per the ordinance requirements.
9. Groundcover such as daylilies or shore juniper should be added to the fill in the limited plantings in the parking lot islands in lieu of expansive areas of unplanted mulch.
10. A continuous, low evergreen hedge should be provided surrounding the parking areas. This is particularly important given the relief to permit parking in front of the buildings. Shrubs should be planted at 2' on center to create an effective headlight screen.

TDG

11. We suggest that a more durable evergreen tree species be utilized in lieu of arborvitae, which are particularly susceptible to damage from wind, snow and ice loading.
12. Japanese Snowbell is proposed as a parking lot tree. This tree is typically low branched, which is not appropriate in a parking lot. If used, they should be specified as single-stem and high-branched. They should also be 2" caliper as required by ordinance.
13. Planting bed lines should be shown for all planting areas, and large expanses of mulch should be reduced or filled with a low maintenance groundcover.
14. The following landscaping notes should be added to the plans:
 - *Street trees and parking lot trees shall have no branches lower than 7' above grade.*
 - *Burlap and twine should be removed from the top of the root ball.*
 - *All dead or severely declining plants shall be replanted within the next growing season for 1 year from the time of planting.*
 - *All stakes and guys shall be removed after one growing season.*
 - *6" of topsoil shall be provided in all lawn and planting areas.*
15. Testimony should be provided regarding irrigation. We suggest that a system be considered to ensure the establishment and long-term health of the plantings.
16. The applicant should consider sodding the site, particularly the frontage, to ensure immediate stabilization of the area and for improved aesthetics.

If you have any questions or require additional information regarding this application, please do not hesitate to contact our office.

Respectfully submitted,
Taylor Design Group, Inc.


Scott D. Taylor, LLA, AICP, PP, LEED AP
Vice President

Ec (only): Martin Lisella, Administrator (mlisella@barnegat.net)
Stacey Cole, Board Secretary (scole@barnegat.net)
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Samuel Renauro, PE, (srenauro@sr3engineers.com)
Shropshire Associates, LLC, (nmosley@sallc.org)
WP Barnegat, LLC