

**RESOLUTION
BARNEGAT TOWNSHIP PLANNING BOARD**



**RESOLUTION P-2019-30
DOCKET NO. PB 18-14**

RESOLUTION MEMORIALIZING THE BARNEGAT TOWNSHIP PLANNING BOARD'S APPROVAL OF AN APPLICATION FOR FINAL MAJOR SITE PLAN APPROVAL (PHASE 1) 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 October 22, 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

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 thereafter sought 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 proposed 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, which was held on May 28, 2019, the applicant modified its application by withdrawing its request for Final Major Site Plan approval for Phase 1. The revised application was for Preliminary Major Site Plan approval for all three phases.

D. The applicant's prior application for Preliminary Major Site Plan approval for all three phases was approved on May 28, 2019, and the approval was thereafter memorialized on June 25, 2019, by the adoption of Resolution P-2019-15. All of the provisions of Resolution P-2019-15 are carried forth and incorporated herein.

E. The applicant now seeks Final Major Site Plan approval for Phase 1.

F. Phase 1 of the project will consist of the Dollar General store and the AutoZone, as well as an access drive from Sandpiper Road to West Bay Avenue. The proposed retail

building will be constructed as part of Phase 2 of the project and the proposed bank will be constructed as part of Phase 3.

G. The applicant is also seeking Minor Subdivision approval to create proposed Lots 1.02 (AutoZone) and 1.03 (Dollar General). The remainder of Lot 1.01 will be occupied by the proposed retail building and the proposed bank, with associated site improvements.

H. The applicant proposed to construct 81 parking spaces as part of Phase 1, including 8 handicap accessible parking spaces.

I. Access to the site is proposed to be provided via a right-in/right-out driveway on West Bay Avenue and a full movement driveway on Sandpiper Road. (See, Conditions 23 and 24 of Resolution P-2019-15). The proposed buildings will be serviced by extensions of the existing municipal sanitary sewer and water systems. Two (2) infiltration basins are proposed to mitigate the increase in stormwater runoff from the site.

J. Although the applicant was granted a series of variances and waivers in connection with the prior application for Preliminary Major Site Plan approval (see Resolution P-2019-15), the applicant has not requested any new variances as part of the present application.

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

1. A set of plans entitled "Proposed Exit 67 Town Center, Phase 1, Final Site Plan," prepared by Samuel Renauro III, P.E., SR3 Engineers, Bellmawr, N.J., dated March 1, 2019, with a latest revision date of July 17, 2019.
2. Minor Subdivision Plan prepared by Samuel Renauro III, P.E., SR3 Engineers, Bellmawr, N.J., dated July 17, 2019 (no revisions).
3. A drawing (1 sheet) showing color elevations of the proposed AutoZone building dated May 3, 2019, unsigned.
4. A set of drawings (6 sheets) showing color elevations of the Dollar General building, prepared by Larson Design Group, unsigned, with an issuance date of July 9, 2019.

5. Copies of all of the other documents referred to in the October 10, 2019 review letter issued by the Planning Board Engineer, Kurt J. Otto, P.E., P.P., C.M.E., pp. 1-3.

L. During the public hearing held on October 22, 2019, the applicant was represented by Keith A. Davis, Esq., of Nehmad Perillo Davis & Goldstein, 4030 Ocean Heights Avenue, Egg Harbor Township, N.J. During the hearing, Mr. Davis also responded to questions and/or comments made by members of the Board and, where appropriate, members of the public. Mr. Davis also provided the Board with a detailed overview of the project and of the general nature of the revisions made to the architectural plans for the buildings in Phase 1 since the time of preliminary approval.

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

- A-1 Color rendering of the Site Plan (Sheet 4 of 15) dated March 1, 2019 with a latest revision date of July 17, 2019.
- A-2 Phasing Plan prepared by Samuel Renauro III, P.E., SR3 Engineers, dated March 1, 2019, submitted as Sheet 3. Note: The Phasing Plan presented during the hearing as Exhibit A-2 was slightly different from the Phasing Plan initially submitted to the Board as Sheet 3 of 15: Exhibit A-2 includes an additional 10 parking spaces located immediately adjacent to (and on the west side of) the proposed retail building in Phase 2. The 10 parking spaces are to be constructed in the exact same location as initially proposed, but due to a shift in the Phasing line, the 10 parking spaces will now be located in Phase 1.
- A-8 Architectural rendering of the proposed AutoZone building (revised).
- A-9 Architectural rendering of the proposed AutoZone building (original).
- A-10 Architectural rendering of the proposed Dollar General building (revised).
- A-11 Architectural rendering of the proposed Dollar General building (original).¹

N. During the public hearing, the Planning Board heard the testimony of Brian

¹ The exhibits were pre-marked by the applicant. During the hearing, the applicant did not seek to enter Exhibits A-3 through A-7 in evidence.

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 regarding prior development proposal for the site, including the applicant's prior application for Preliminary Major Site Plan approval.
3. Testimony identifying and describing Exhibits A-1, A-2, A-8, A-9, A-10, and A-11.
4. Testimony identifying the location and current uses (vacant and mostly wooded) of the property.
5. Testimony noting the prior approvals for the adjoining Heritage Bay residential development.
6. Detailed testimony describing the current proposal, *i.e.*, the construction of Phase 1 of a shopping center containing (in Phase 1) two commercial buildings.
7. The expression of his professional opinion that the proposed layout of the buildings in Phase 1 (as well as the buildings in Phases 2 and 3) is consistent with that of other commercial sites located in this area of the township.
8. Testimony explaining that the Phasing Plan presented during the hearing as Exhibit A-2 was slightly different from the Phasing Plan submitted as Sheet 3 in that Exhibit A-2 includes an additional 10 parking spaces located immediately adjacent to (and on the west side of) the proposed retail building in Phase 2. The 10 parking spaces are now to be constructed in the exact same location as initially proposed, but the 10 parking spaces will now be located in Phase 1.
9. The fact that after the applicant obtained preliminary approval for Phases 1-3, the applicant met with the Board's Landscape Architect to discuss the manner in which the architectural plans could be revised so as to maximize compliance with the Township's architectural design standards.
10. Testimony describing the revisions made to the architectural plans for the buildings in Phase 1 since the time of preliminary approval.
11. Testimony confirming that with the exceptions referred to in Paragraphs N-12, N-13, and N-14 of this Resolution, the applicant will comply with all of the terms and provisions of the review letter issued by the Planning Board's Landscape Architect, Scott D. Taylor, AICP, PP, LLA, LEED, AP, Taylor Design Group, dated October 11, 2019.

12. With regard to Section B of the Taylor Design Group's review letter, Comments 3(a) (Dollar General) and 4(a) (AutoZone), the applicant proposes to use EIFS for the central raised façade section.
13. With regard to Section B of the Taylor Design Group's review letter, Comment 4(a) (AutoZone), the applicant proposes to use tinted split-faced block material.
14. With regard to Comment D-10 of the Taylor Design Group's review letter, the color of the bollards in front of the AutoZone will be red.
15. Testimony confirming that the applicant will meet and/or confer with the Board's Landscape Architect to discuss and finalize the design of (a) the species and spacing of the street trees at the site and (b) to discuss the manner in which the preservation of the existing vegetation along Sandpiper Road may be maximized.
16. Testimony confirming that no changes are proposed to the previously approved points of access to and from the site.
17. Testimony confirming that the design for the overall drainage and grading now proposed has been improved over the design previously approved the time of preliminary approval..
18. Testimony expressing his professional opinion that as proposed, Phase 1 of the project (the AutoZone and the Dollar General) could stand alone from a design standpoint even if Phases 2 and 3 are not constructed.
19. Testimony confirming that the proposed stormwater management system complies with all applicable sections and provisions of the Ordinances, rules, and regulations governing stormwater management at the site.
20. Testimony confirming that the applicant has requested a waiver from the requirement of installing curb for the 10 parking spaces which are being shifted from Phase 2 to Phase 1. Instead, the applicant will install temporary curb stops/bumper blocks for the 10 parking spaces.
21. Testimony confirming that the applicant will revise the plan to more clearly designate the pedestrian walkway linking Sandpiper Road and the Dollar General store.
22. Testimony confirming that the applicant will meet and/or confer with the Board's professionals to finalize the design of the pedestrian walkway linking West Bay Avenue and the AutoZone store.
23. The proposed hours of operation for the Dollar General store are 8:00 a.m. to 10:00 p.m. daily.

24. 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.
25. 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, as set forth in this Resolution of Approval.
26. 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 applicant has confirmed that public water will be used for the irrigation system. The final design must be approved in writing by the Board's professionals.
27. 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 F2.)
28. Testimony describing the proposed phasing plan for the project.
29. Testimony identifying the proposed points of access to and from the site.
30. Testimony describing the landscaping proposed for Phase I of the site.
31. Testimony describing the proposed parking for Phase I of the site.
32. Testimony confirming that except as otherwise stated in this Resolution, the proposed improvements for Phases 2 and 3 will be the subject of future applications and public hearings.
33. Testimony confirming that the applicant will install a 4-foot high horse-board split-rail fence along the Sandpiper Road side of Basin #1. The final design and exact location of the fence must be approved by the Board's professionals.
34. Testimony confirming that there will be no exterior lighting in the area behind (to the south of) the Dollar General store.
35. Testimony confirming that for purposes of developing Phase 1, the limits of clearing on those sections of the site located in Phases 2 and 3 will be strictly limited to those areas which are necessary for the construction of the improvements in Phase 1, such as utilities, etc.
36. 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 October 10, 2019, issued by the Planning Board Engineer, the contents of which are incorporated herein and a copy of

which is attached as Exhibit A.

37. 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 October 11, 2019, issued by the Planning Board's Landscape Architect, the contents of which are incorporated herein and a copy of which is attached as Exhibit B.

O. During the public hearing, the applicant made William Roundtree, a representative of WP Barnegat, LLC, available to testify and to answer questions from the members of the Board and/or members of the public.

P. 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:

Thomas Jastrzewski, Barnegat, N.J., who advised the Board that he is the President of the Heritage Bay Homeowners Association, addressed the Board with concerns relating to the effectiveness of the proposed stormwater drainage system.

Terry Colvert, Barnegat N.J., addressed the Board with concerns relating to the effectiveness of the proposed stormwater drainage system.

Al Koelsch, 19 Sparrow Lane, Barnegat, N.J., addressed the Board with concerns relating to the effectiveness of the proposed stormwater drainage system.

Norma Marzan, Barnegat, N.J., addressed the Board with general comments regarding the application.

Carol Jennings, Barnegat, N.J., addressed the Board with general comments regarding the application.

Q. 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 Final Major Site Plan (Phase 1) approval should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Barnegat Township Planning Board that the applicant's request for Final Major Site Plan (Phase 1) approval 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. Unless specifically stated otherwise in this Resolution, all conditions of approval contained in Resolution P-2019-15 shall remain in full force and effect and are incorporated herein.
3. The applicant shall meet and/or confer with the Board's Landscape Architect to discuss and finalize the design of (a) the species and spacing of the street trees at the site and (b) to discuss the manner in which the preservation of the existing vegetation along Sandpiper Road may be maximized.
4. The applicant shall revise the plans to more clearly designate the pedestrian walkway linking Sandpiper Road and the Dollar General store.

5. The applicant shall meet and/or confer with the Board's professionals to finalize the design of the pedestrian walkway linking West Bay Avenue and the AutoZone store.

6. The proposed hours of operation for the Dollar General store are 8:00 a.m. to 10:00 p.m. daily.

7. 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.

8. The applicant shall 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.

9. 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 applicant has confirmed that public water will be used for the irrigation system. The final design must be approved in writing by the Board's professionals.

10. The final and approved Stormwater Maintenance Plan and any future revisions shall be recorded upon the deed of record. Prior to being recorded in the Ocean County Clerk's Office, the applicant shall submit copies of the proposed deed (together with the approved Stormwater Maintenance Plan) to the Planning Board Attorney and the Planning Board Engineer for review and approval.

11. Except as otherwise stated in this Resolution, the proposed improvements for Phases 2 and 3 shall be the subject of future applications and public hearings.

12. The applicant shall install a 4-foot high horse-board split-rail fence along the Sandpiper Road side of Basin #1. The final design and exact location of the fence must be approved by the Board's professionals.

13. There shall be no exterior lighting in the area behind (to the south of) the Dollar General store.

14. The limits of Phase 1 clearing on those sections of the site located in Phases 2 and 3 shall be strictly limited to those areas which are necessary for the construction of the improvements in Phase 1. The limits of clearing must be approved by the Board's professionals prior to any clearing.

15. 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 October 10, 2019, issued by the Planning Board Engineer, the contents of which are incorporated herein [Exhibit A].

16. 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 October 11, 2019, issued by the Planning Board's Landscape Architect, the contents of which are incorporated herein [Exhibit B].

17. 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.

18. 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.

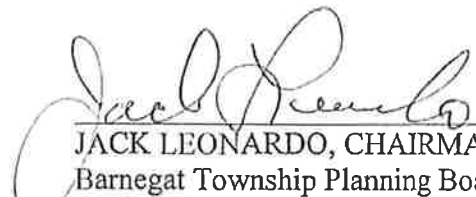
19. This approval is made subject to all other applicable rules, regulations, ordinances, and statutes of the Township of Barnegat, the County of Ocean, and the State of New Jersey. The applicant shall obtain all approvals required by any federal, state, county, or

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.

20. 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.

21. 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 October 22, 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 November 26, 2019, a quorum being present and voting in the majority.


STACEY M. COLE, SECRETARY
Barnegat Township Planning Board

EXHIBIT A

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



TIM W. GILLEN, PE, PP, CME (1991-2019)
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

October 10, 2019

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

Re: **Application No. PB 18-14**
Final Major Site Plan – Phase 1 and New Minor Subdivision
Review #1
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)

Dear Planning Board Members:

Our office has received for review the following information which was submitted in support of the above referenced application for Final Major Site Plan (Phase 1) and Minor Subdivision approval:

- Plans Entitled "Proposed Exit 67 Town Center; Phase 1 Final Site Plan; Prepared for WP Barnegat, LLC situated in Barnegat Township, Ocean County, New Jersey" (Fifteen (15 sheets) prepared by Samuel Renauro III, PE of SR3 Engineers, dated March 1, 2019 latest revised July 17, 2019;
- A drawing (1 sheet) showing color elevations of the proposed AutoZone building dated May 3, 2019, unsigned;
- A set of drawings (6 sheets) showing color elevations of the Dollar General building, prepared by Larson Design Group, unsigned and issuance date of July 9, 2019;
- Copy of Resolution P-2019-15; granting Preliminary Major Site Plan approval;
- A Stormwater Management Report prepared by Samuel Renauro III, PE of SR3 Engineers, dated March 1, 2019 latest revised July 17, 2019;
- A copy of an August 2, 2019 letter from Brian J. Atkins, PE to the Barnegat Township Planning Board which addresses the comments in our May 21, 2019 review letter;
- A completed Land Use and Development Application for Minor Subdivision Approval and Final Site Plan Approval, no filing date;
- A completed Completeness Check List for Minor Subdivision Application prepared by Vincent Dicastelnuovo dated August 5, 2019.



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

- 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.
- A copy of a May 16, 2019 letter from *Brian J. Atkins, PE* to the Barnegat 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 Barnegat 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.
- 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.



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- 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.
- 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.



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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 previously applied for 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 now proposes to construct the project in three (3) phases with Phase 1 consisting of the Dollar General and the AutoZone (with access drive from Sandpiper Road to West Bay Avenue), Phase 2 consisting of the retail building and Phase 3 consisting of the bank. On June 25, 2019, the Planning Board memorialized Resolution P-2019-15 which granted the Applicant Preliminary Major Site Plan approval for all three (3) phases. The Applicant now seeking approval for Final Major Site Plan approval for Phase 1 only. While this application and review is for Phase 1 only, we note changes in the retail building from 6,600 SF and two users to 8,000 SF and three (3) users, as well as bank now shown as 4,500 SF.

Total buildout onsite parking is now proposed for 157 vehicles (81 spaces in proposed Phase 1) 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.

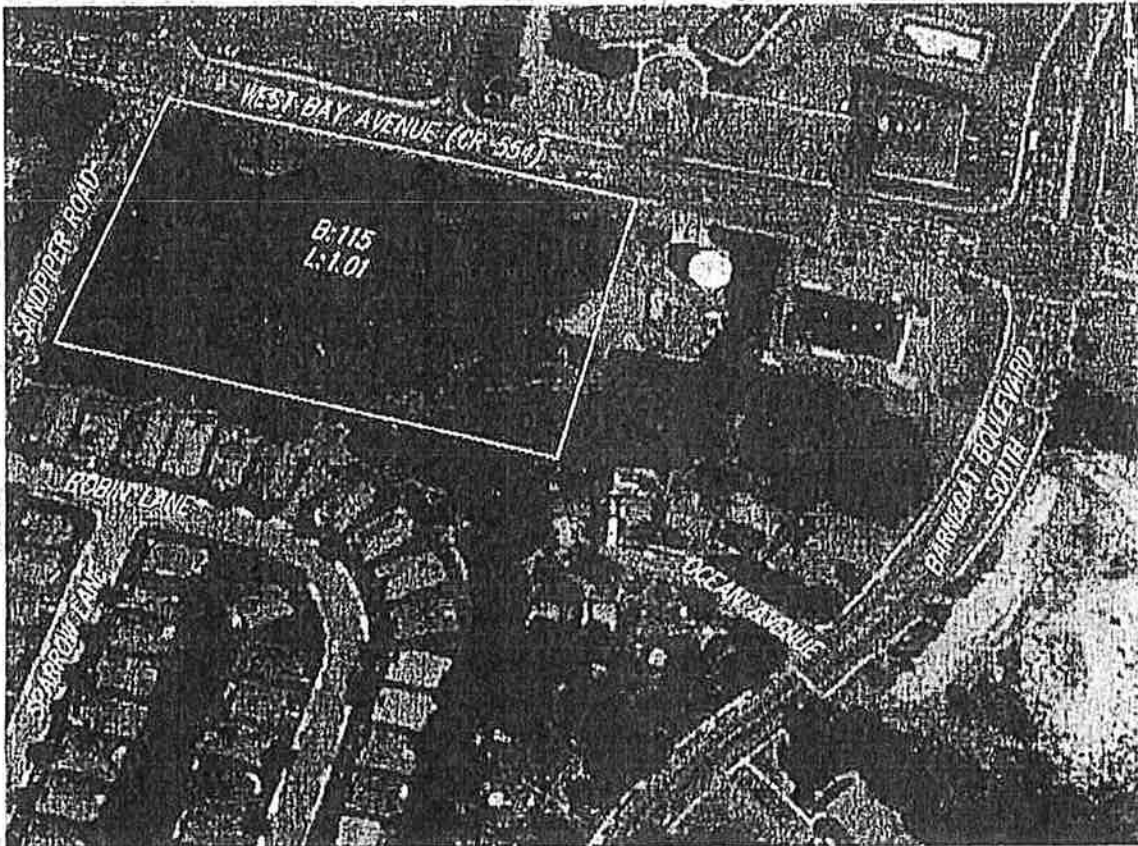
The Applicant is also seeking Minor Subdivision approval to create proposed Lots 1.02, where the AutoZone is proposed and Lot 1.03 where the Dollar General is proposed. The remainder of Lot 1.01 is proposed to be occupied by the retail building and the bank, with applicable site improvements for those phases.

The Applicant has not requested any new variances or waivers from the previous Preliminary Major Site Plan Approval. A location map is provided below:



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B. VARIANCES AND/OR WAIVERS FROM LOCAL ORDINANCES

1. The Applicant was granted the following Variances in the Preliminary Site Plan Approval.
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.



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- e. 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.
- f. 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.
- g. 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.

C. SUBMISSION REQUIREMENTS

The Applicant has addressed all of the submission requirements for this Final Site Plan application and Minor Subdivision Application.

D. MINOR SUBDIVISION PLAT AND DETAILS

1. Applicant has revised the proposed curbing around AutoZone to traditional 6" reveal, however, the monolithic detail still remains on sheet 11, revise accordingly.
2. The applicant has revised plat details in conformance with the Preliminary approval, however, we reserve the right to future comments based upon testimony presented to the Board.
3. Notes on the submitted Minor Subdivision Plat regarding Blanket Stormwater Easement and Blanket Cross Access Easement shall include grantor and grantee language. It is recommended a blanket Utility easement also be provided. The stormwater and utility easement should include language as to responsibility for maintenance. All easements legal description shall be reviewed by Board Attorney and Engineer prior to filing.
4. Indicate on Plat whether subdivision to be filed by deed or plat. If by deed, a reduced plat must be filed with the deed.
5. Provide all certifications in accordance with the "Map Filing Law".
6. Provide Closure Reports for existing lots and proposed lots.
7. Verify Lot numbers with Municipal Tax Assessor.
8. Provide horizontal datum note and show on north arrow.
9. Provide a signed and sealed survey of property by a Licensed Land Surveyor.
10. Provide three (3) coordinate pairs in accordance with "Map Filing Law".



Barnegat Township Planning Board
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11. Remove topography and existing conditions from plan. Only show pertinent information in accordance with "Map Filing Law".
12. Provide monumentation in accordance with "Map Filing Law". Required corner markers to be set prior to filing, and to be noted on Plat.
13. Provide closure reports for Existing lot, proposed lots, proposed easements and site triangles.

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 proposes 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. A phasing plan has been incorporated into the plans. The phasing boundary lines must be carried through to all the plan sheets, meaning, the plans must clearly show all improvements proposed in Phase 1, limits of clearing in other phases, grading/landscaping improvements at completion of phase 1, etc... As a result, all applicable sheets, including Site, Grading, Landscaping, Lighting, Utility, details must be revised. These plans shall be provided to the Board, with testimony provided at public hearing. We reserve the right to future comments pending review of revised plans.
4. The proposed phasing and Minor Subdivision line for Phase 1 does not provide adequate parking for the AutoZone. AutoZone requires 38 parking spaces whereas only 29 spaces are provided. Revise all plans accordingly. Revise Site Plan to note required and proposed parking in each phase to show compliance.
5. 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.
6. As a condition of Preliminary approval, the Applicant should address the Board regarding the need to provide a trash enclosure near the Bank.
7. It shows on the plans that two (2) drive thru lanes are proposed for the Bank. As a condition of Preliminary Approval, 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.



Barneгат Township Planning Board
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8. 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.
9. Proposed Lot Numbers must be approved by Township Tax Assessor.
10. We recommend a fence be provided along the new sidewalk access to Dollar General, along the basin side.
11. We reserve the right to future comments pending receipt of revised plans.

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 existing Heritage Bay stormwater management basin. The proposed infiltration basins are used to satisfy groundwater recharge, water quantity and water quality requirements.

The applicant's professionals shall provide testimony as to the proposed stormwater improvements, what is proposed for each phase, and how stormwater improvements will be installed to insure compliance in all phases. In addition, the applicant's professionals shall provide testimony as to the stormwater discharge leaving the site and impact upon downstream facilities, such as the Heritage Bay basin to the south.

2. 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.



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3. It is noted that the grading plans have been revised versus the approved Preliminary plans. Provide testimony as to current grading, need for changes, changes in FF elevations, etc...
4. A sidewalk access is proposed from Sandpiper Road to the Dollar Store, however, a new flush curb is proposed just above the new ADA access crossing. The flush curbing shall be relocated further from the ADA access, and provided with stabilization along the proposed basin slope.
5. Due to the revised grading plan versus the preliminary approval, which now includes new fill proposed in Phase 1, and the need to provide the 10 bay parking to the east of AutoZone entry aisle, the plans must be revised to show extent of clearing necessary to insure site safety for parking and pedestrian movements near the easterly limits of Phase 1. Plans shall be revised to provide adequate slope protection. These plans shall be provided to the Board, with testimony provided at public hearing. We reserve the right to future comments pending review of revised plans.
6. We note substantial changes to the proposed finished grading in phases 2 and 3, as well as a new alternate building pad, with a proposed 4,000 SF retail, and two (2) 2,000 SF retail. The new building size has resulted in the elimination of a bank of parking to the east of the proposed retail building. This will necessitate an Amended Preliminary Site Plan for phases 2 and 3.

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.



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2. Ocean County Soil Conservation District.
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 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


Kurt J. Otto, PE, CME
Planning Board Engineer

KO/MG

cc: Martin Lisella, Administrator
Barnegat Township Zoning Official
Michael J. McKenna, Esq. – Planning Board Attorney
Scott D. Taylor, LLA, PP, LEED AP – Planning Board Landscape Architect
WP Barnegat, LLC – Applicant
Keith Davis, 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

EXHIBIT B



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

October 11, 2019

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

Re: WP Barnegat
Phase 1 Final Major Site Plan
Block 115, Lot 1.01
Barnegat Township, NJ
Final Review Letter #1
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 15 sheets, dated March 1, 2019, last revised May 1, 2019.
- *Color Elevation: AutoZone*, prepared by unknown, consisting of 1 sheet, undated.
- *Color Rendering: Dollar General*, prepared by unknown, consisting of 2 sheets, undated.
- *Dollar General Prototype*, prepared by LDG, consisting of 6 sheets, dated July 9, 2019.

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 received Preliminary Site Plan Approval for all 3 phases of the site consisting of the following: (Resolution 2019-15)

- 6,816 SF Auto Zone,
- 9,100 SF Dollar General,
- 4,000 SF Bank with Drive Through,
- 6,600 SF Retail Building
- 157 parking spaces, lighting, landscaping, stormwater basins and associated improvements.

WBE • SBE
Woman Business
Enterprise
Small Business
Enterprise



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The applicant now seeks Final Site Plan Approval for Phase 1 only, consisting of the following:

- 6,816 SF Auto Zone,
 - 9,100 SF Dollar General,
 - 81 parking spaces, lighting, landscaping, stormwater basins and associated improvements.
2. The applicant should confirm via testimony that all provisions of Resolution 2019-15 will be complied with in conjunction with this final site plan approval application.
 3. The plans do not provide the required parking for Phase 1. 88 spaces are required, whereas only 81 spaces are proposed. The applicant must modify the phase line to provide the additional spaces, or request amended approval with the necessary parking relief.
 4. Additional detailing and information should be provided on all of the plans to clearly depict all improvements for Phase 1, confirming that it can function as a standalone project, in the event that future phases do not come to fruition.
 5. A sidewalk connection has been provided to access Dollar General from Sandpiper Road, but no connection has been provided connecting into the site from West Bay Avenue, per Resolution 2019-15.
 6. The dumpster detail provided for Dollar General should be labeled as such. The enclosure detail should specify the exterior color to complement the adjacent portion of the building.
 7. The parking space and planting island layout have not been revised per Resolution 2019-15 to eliminate the potential for overhanging vehicles to impact each other, and to provide adequate room for pedestrians to pass.
 8. The monument sign details should specify all materials for the base and trim, which should match the masonry base on the buildings.
 9. The retaining wall detail should be modified to specify the color of the block, which should be a warm, muted earth tone to deemphasize its presence. In addition, the wall capstone should be noted to be epoxied in place for safety.
 10. A note should be added to the plans stating that all trash pickup and deliveries are limited to 7:30am-7:30pm, per Resolution 2019-15.

B. Building Design

1. The Applicant should provide detailed testimony and exhibits presenting 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 make every effort to provide buildings with traditional architectural forms, siding and roofing materials and colors that complement the architectural vernacular of Barnegat, consistent with the Township's design standards.

2. Testimony should be provided regarding the building HVAC locations, noise, etc. for the buildings. They should be screened whether at ground level or roof mounted.



3. Dollar General

- a) We suggest that the central raised façade section be modified to eliminate the flat EIFS, in favor of textured clapboard or similar material.
- b) The front façade facing Sandpiper Road should be treated with the same decorative cornice as the West Bay Avenue façade.
- c) The Applicant should confirm that there are no building mounted lights on the rear of this building.
- d) All HVAC equipment should be fully screened.

4. Auto Zone

- a) A significant portion of this building remains as painted concrete block. As discussed during the Preliminary Approval hearing, we recommend that this be modified to be brick or clapboard siding.
- b) We suggest that the central raised façade section be modified to eliminate the flat EIFS, in favor of textured clapboard or similar material.

C. Lighting

1. A note should be added to the plans regarding lights will be on no later than 11pm, per Resolution 2019-15.
2. Light fixtures should be shown on the Landscape Plan, there are several locations that conflict with proposed trees.

D. Buffers & Planting

1. Street trees are required at 30'-50' on center, based upon canopy size. The proposed Bowhall Maples have a narrow canopy, and should be planted at 30' on center.
2. It appears that there is existing, mature vegetation that exists along Sandpiper Road that can be preserved. This should be addressed.
3. The nuisance buffer planting between this commercial use and the adjacent residential uses as gaps in the evergreens and does not comply with the requirements of the ordinance. 12 evergreen trees are required per 100 linear feet of buffer .
4. 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.
5. The evergreen hedge should be provided surrounding the entire parking area, and should be planted at 2' on center, not 3' as shown, to create an effective headlight screen as required by ordinance.
6. We suggest an alternative for the Japanese Black Pine, in order to create a more effective buffer.
7. 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.

8. Testimony should be provided regarding irrigation and a note should be added to the Plans, per the Resolution.
9. The Applicant should consider sodding the site, particularly the frontage, to ensure immediate stabilization of the area and for improved aesthetics.
10. The bollards in front of the Auto Zone are currently red. We suggest that they be a neutral color to complement the building.
11. A detail of the proposed fence should be provided.

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

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