

**TOWNSHIP OF BURLINGTON PLANNING BOARD
BURLINGTON COUNTY, NEW JERSEY
MINUTES OF APRIL 11, 2013**

The regular meeting of the Township of Burlington Planning Board was held on Thursday, April 11, 2013, at 7:30 P.M. at the Township Municipal Complex.

PRESENT: William Diamond, Robert Davis, Mayor Brian Carlin, Delbert Rife, Councilman Michael Cantwell, Joseph Sabatino, Israel Rivera, Alan Warner, Denis Germano, Esq., Board Solicitor, Scott Hatfield, PE, Board Engineer; Matt Witkowski, PE, Board Traffic Engineer; and Kevin Rijs, PP, Board Planner

ABSENT: Lacy Walker, Celeste Niles, Charleen George,

Meeting was called to order by Vice-Chairperson Davis. He opened the meeting by reading the "Statement of Minutes" as follows:

PUBLIC NOTICE of this meeting pursuant to the Open Public Meetings Act has been given by Planning Board in the following manner:

- (a) Posting written notice on the official bulletin board at the Township Municipal Complex on December 19, 2012;
- (b) Mailing written notice to the Courier Post on December 20, 2012, by certified mail, return receipt requested; hand delivered to the Burlington County Times on December 19, 2012, hand receipt obtained; and Legal Ad in the Burlington County Times on December 21, 2012;
- (c) Filing written notice with the Clerk of the Township of Burlington on December 29, 2012.

Approval of Minutes

Vice-Chairperson Davis requested a Motion to approve the minutes of the March 14, 2013 Regular meeting.

MOTION made by Mr. Sabatino and seconded by Mayor Carlin to approve the minutes from the March 14, 2013 Regular meeting. On roll call the following vote was recorded:

AYES: Chief Diamond, Mayor Carlin, Mr. Rife, Councilman Cantwell, Mr. Sabatino, Mr. Rivera, Mr. Warner, Vice-Chairperson Davis

NAES: None

ABST: None

Vice-Chairperson Davis declared the motion carried.

Correspondence

Items of Correspondence are listed in Addendum I.

All items were received and filed.

2013-2018 Capital Improvements Program

Mr. Hatfield reviewed the Capitol Improvement Project report.

Foods Galore, Inc. – Block 149, Lot 1 403 Dulty's Lane.

Vice-Chairperson Davis stated that this application has been withdrawn.

ACP Burlington, LLC c/o American Shop Rite – Block 116, Lot 2. 1817 Burlington-Mount Holly Road.

Application submitted for Preliminary and Final Major Site Plan Approval.

William Highland, Esq. was present for the application. He introduced Jay Sims, PE, Project Manager; Michael Brown, PE, Traffic Engineer; Giancarlo Boccato, VP of ACP; and Karl Eikhoff, President of Eikhoff Super Markets.

This application proposes the construction of an approximate 91,300 SF Shop Rite supermarket in the existing Wishing Well Shopping Center.

Mr. Highland gave an overview of the application. He explained that even though Chick-Fil-A is a separate application they are in fact a tenant of ACP.

Mr. Sims gave an overview of the Existing Conditions Site Plan, marked as Exhibit A-1, and then the Proposed Site Plan, marked as Exhibit A-2. He stated that there are 642 parking spaces proposed as well as 38 future proposed spaces. The rear access has to be approved by the County Board of Freeholders. He reviewed the proposed truck circulation on the site.

Mr. Highland stated that he is in the process of obtaining all signatures for the cross easement with Wawa and it will be recorded.

Mr. Witkowski questioned if the 40,000 square feet was taken into consideration as retail with respect to the Traffic Impact Report.

Mr. Brown stated yes, it was taken into consideration.

Mr. Sims gave an overview of the proposed signage. He explained that the existing basin was designed in the 1970's and does not meet current standards. He reviewed the lighting proposed and offered testimony on the requested design exception for the 30' mounting poles that are proposed.

An extensive discussion occurred at this time regarding the site ingress and egress.

Mr. Hatfield reviewed his report of March 6, 2013.

Mr. Hatfield recommends approval of the 3 requested waivers; the detailed cost estimates for the proposed construction of improvements for bond calculation purposes; Environmental Impact Statement; and groundwater mounding analysis.

Mr. Brown offered testimony on widening of the drive aisle and parking in front of the retail stores.

Chief Diamond stated that he has no concerns with the parking proposed.

Mr. Sims offered testimony on the proposed parking space sizes. Applicant will comply with Mr. Hatfield's recommendation for hairpin striping of all parking spaces.

Mr. Witkowski stated he has no concerns with the parking.

Mr. Eikhoff offered testimony on the loading space width. He stated that it is a Wakefern Food Corporate standard at all locations.

Mr. Sims offered testimony on the proposed signage. The total square feet of all proposed signs is 148 SF.

Mr. Brown reviewed the Traffic Impact Report. He offered the findings from the trip generation analysis.

Mr. Witkowski reviewed his report of March 5, 2013. He stated that some of the Wawa traffic was included in their trip distribution.

Mr. Brown stated that is correct.

Mr. Witkowski requested than any County comments be forwarded to him. Applicant agreed.

Mr. Brown stated that he is predicting 4-6 tractor trailers a day.

Mr. Eikhoff stated that most deliveries are made between early morning hours and noon. Peak times for customers are 4:30pm-7:30pm during the week and all times on Saturday and Sunday. He added that there are between 120-130 deliveries a week.

Jeffrey Appell, Esquire, was present before the Board. Mr. Appell stated that he represents the owners of Burlington Holdings. He questioned the proposed traffic volumes for K-mart Drive.

Mr. Brown offered the traffic counts.

Mr. Appell questioned the comments made by the County.

Mr. Brown referred to the Sketch Review letter from the County and read all the comments.

Mr. Appell questioned the trip generation for the evening and Saturday peak hours.

Mr. Brown stated that the evening count was 493 in and 501 out. The Saturday count was 725 in and 626 out.

Mr. Germano referred to the original approval of this site and the requirement of providing traffic signal access to the northerly neighbor. He questioned if one-way traffic from the neighbor to the North was taken into consideration.

Mr. Brown stated that it was not. He cannot calculate the impact without a proposed plan for that site.

Mr. Appell stated that the Lowes application still exists. He questioned if the impact of the application was included in his calculations.

Mr. Brown stated no, it is not in the Traffic Impact Report.

Mr. Eikhoff gave an overview of the changes proposed to the building. He reviewed the Proposed Elevation Plan, marked as Exhibit A-3. He stated that there will be 350 employees and the hours will be 7am-12am 7 days a week.

Mr. Eikhoff stated that he is looking to be a contender of the liquor license currently available in Burlington Township so a section of the building will be designated to liquor sales if that license is acquired.

At this time Chairperson George opened the meeting to the public. There being no response that portion of the meeting was closed.

Mr. Appell introduced Maurice Rached, PE, Traffic Engineer for Burlington Holdings. (sworn in)

Mr. Appell questioned Mr. Rached on the cross access.

Mr. Germano stated that there is no current cross access or in the 1973 resolution.

Mr. Appell stated that he will move forward using just the word access.

Mr. Hyland objected and stated that no easements have been filed.

Mr. Appell questioned Mr. Rached on the benefits of access between properties.

Mr. Rached offered testimony on the benefits of a cross access agreement.

Mr. Germano stated that there is no cross access. The resolution from 1973 states access only one way.

Mr. Rached stated that his testimony is applied to any access.

Mr. Appell objected and offered his interpretation of the intent of the agreement.

Mayor Carlin stated that the approval given was never executed or memorialized.

At this time an extensive discussion occurred regarding the 1973 Resolution and its intent to be in affect now.

Mayor Carlin stated that ACP has a property right that this Board cannot take from them.

Mr. Rached offered his recommendation with respect to the need for a deceleration lane on Route 541.

Mr. Witkowski stated that there are differences with Mr. Rached's testimony and the traffic circulation that was actually proposed for Lowes. There was traffic directed to K-Mart Drive including truck traffic.

Mr. Germano stated that County Route 541 is a County issue and this Board cannot take action on it.

Mr. Rijs reviewed his report of March 5, 2013. He questioned the demolition and construction schedule and if phases are proposed.

Mr. Sims stated that there is a phasing plan. He reviewed the stages of construction.

Mr. Rijs' recommended minor additions to the plan be provided along the southern property parking area adjacent to Wawa property line and possibly along the By-pass.

Mr. Rijs questioned if any trailers will be left on the site.

Mr. Eikhoff stated that they have a trailer every year for the month of November that stores turkeys. The trailers that deliver good are emptied and left in the loading area until another one comes to take its place.

Mr. Germano questioned if he believes there would be a negative impact if Burlington Holdings does not have cross-access.

Mr. Rijs stated no, it would not because both properties would still have the ability to be developed in accordance with the Zoning regulations.

Mr. Germano questioned Mr. Witkowski on the traffic and level of service if the K-Mart light were to stay.

Mr. Witkowski stated that they would require widening K-Mart Drive and widening CR 541 for dual turning lanes but that still does not address the issue of the off set of Garnet Drive. The current standards would put the light where you have the most traffic, not the least. He further stated that the decision in 1973 would have worked then but not now with the amount of development including all commercial and residential, increasing traffic by double of what it was back then.

Mr. Germano questioned Mr. Witkowski on several situations of development of the 2 sites and different traffic light locations with respect to the impact they have.

Mr. Witkowski state that his recommendation is that the condition made in 1973 needs to be modified based on the significant change of conditions presently.

Mr. Hyland offered his closing statement justifying approval of his client's application.

Mr. Appell offered his closing statement in favor of Burlington Holdings.

Mr. Hyland offered another closing statement in favor of his client.

At this time an extensive discussion occurred regarding the resolution made in 1973 and it's bearing on present conditions.

MOTION made by Mr. Sabatino and seconded by Mr. Rife to grant Preliminary and Final Major Site Plan approval and to remove the condition from the 1973 Resolution regarding access. On roll call the following vote was recorded:

AYES: Chief Diamond, Mayor Carlin, Mr. Rife, Councilman Cantwell, Mr. Sabatino, Mr. Rivera, Mr. Warner, Vice-Chairperson Davis

NAES: None

ABST: None

Vice-Chairperson Davis declared the motion carried.

Reports

Solicitor's Report

Mr. Germano requested that the following resolutions be approved:

Center for Orthopedic & Spine PT – Block 132, Lot 26.02, 11 Cadillac Road.

MOTION made by Mayor Carlin and seconded by Mr. Sabatino to approve the above resolution and that it be made part of March 14, 2013 minutes. On roll call the following vote was recorded:

AYES: Chief Diamond, Mayor Carlin, Mr. Rife, Councilman Cantwell, Mr. Sabatino, Mr. Rivera, Mr. Warner, Vice-Chairperson Davis

NAES: None

ABST: None

Vice-Chairperson Davis declared the motion carried.

Engineer's Report

Mr. Hatfield stated that he has no report.

Planner's Report

Mr. Rijs stated that he has no report.

Traffic Engineer's Report

Mr. Witkowski stated that he has no report.

Adjournment

MOTION made by Mayor Carlin and seconded by Councilman Cantwell to adjourn the meeting. On roll call the following vote was recorded:

AYES: All NAES: None

Vice-chairperson Davis declared the motion carried.

RESPECTFULLY SUBMITTED,

EILEEN LISS, SECRETARY

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APPROVED: _____