

**AMENDED FINAL SITE PLAN
WAWA, INC.
Block: 470.01 Lot: 16
Property Address: 595 Brick Boulevard (CR 549)**

**Resolution: R-19-16
Application No.: PB-2772-MSP-10/15**

**RESOLUTION OF MEMORIALIZATION OF THE
BRICK TOWNSHIP PLANNING BOARD
AMENDED FINAL SITE PLAN APPROVAL WITH VARIANCES**

WHEREAS, Wawa, Inc., of 260 West Baltimore Pike, Wawa, Pennsylvania, 19063 has made application to the Brick Township Planning Board for Amended Final Site Plan Approval with Variances for Block 470.01 Lot 16 on the Township Tax Map pursuant to N.J.S.A. 40:55D-46, -50, and -60, to modify the existing parking lot layout to include a trash compactor and dumpster enclosure along with a concrete pad, PVC fencing, and bollards; and

WHEREAS, the following variances are requested in conjunction with said amended final site plan approval:

A) A variance from Ordinance 245-374B whereby a minimum 16 feet by 16 feet total area (256 sq. ft.) is required for a recyclable storage area, with a minimum of 8 feet by 8 feet area (64 sq. ft.) required to store recyclables with an additional 8 feet by 8 feet, (64 feet), area to store refuse, but the new proposed trash compactor/dumpster area is 13.5 feet by 18.4 feet (248 sq. ft.);

B) A variance from the prohibition of locating a refuse area within the front setback of a parcel, and/or a front yard setback of 50 feet, but only a 7 foot "front yard" setback is proposed from Jackson Street/Jackson Avenue;

S/c
Appl.
Time
Dynamic
Encl
RRH
Assessor
Zoning
Eng.
Building

C) A variance from the requirement that a minimum 5 foot wide landscape area be provided along three sides of a trash enclosure;

D) A variance from the requirement of a 25 foot drive aisle whereas the proposal only provides a 24 foot drive aisle; and

WHEREAS, a design waiver is requested to permit utilization of 4 inches of hot mix asphalt as a base course instead of the requirement of a 5 inch base course; and

WHEREAS, proof of service as required by law upon appropriate property owners and governmental bodies has been furnished and determined to be in proper order; and

WHEREAS, a public hearing was held on May 11, 2016 in the Brick Township Municipal Building at which time testimony was given and certain exhibits hereinafter described were presented on behalf of the applicant and all interested parties having had an opportunity to be heard; and

WHEREAS, the Board makes the following factual findings and findings of law:

1. This property is designated as Lot 16 in Block 470.01 on the Municipal Tax Map of the Township of Brick and is located on the southeast corner of Brick Boulevard and Cedar Bridge Avenue and further surrounded by Jackson Street and Jackson Avenue, commonly known as Wawa Store #923, 595 Brick Boulevard, Brick, New Jersey.

2. The property in question is located in the B-2 general business zone where the proposed use is a permitted use. The Wawa store has previously received site plan approval and has continued in operation.

3. Duncan Prime, Esq. represented Wawa as its attorney and called upon Daniel Doherty, PE, PP, to offer expert testimony regarding this application.

4. Marked and moved into evidence by the applicant were the following exhibits:

A-1 site plan rendering;

A-2 photo looking South on Jackson Avenue at shrubbery;

A-3 a template of truck circulation exhibit dated May 11, 2016

5. Mr. Doherty testified, and the Board accepts as fact, that the Wawa store has been storing refuse indoors, but now wishes to locate its trash in an outdoor area. Wawa stores throughout the region have been seeking to improve the various stores and this is one of the proposed methods.

6. Mr. Doherty testified that the outdoor trash area would be a 13.3 foot by 18.4 foot area, with a PVC fence enclosing it on three sides with swing gates in the front. He indicated that while the proposal is for PVC walls on three sides the front gate would have PVC covering AZEK solid walls. Because of aesthetics the applicant proposed the white PVC and not masonry for the enclosure area. The applicant seeks variances from the requirement of providing a 5 foot wide landscape area along three sides of the enclosure. The justification proffered is that there is sufficient landscaping already in existence along Jackson Avenue and if masonry walls were required additional encroachment into that area would occur increasing the need for a variance and detrimentally impacting the currently existing, albeit inadequate, landscaped buffer area. Mr. Doherty proffered that there were aesthetic benefits to providing the PVC fencing as opposed to masonry walls. To eliminate the aisle width variance that was originally sought, however, the applicant has flipped the location of a mandoor on the enclosure area, thus allowing the enclosed area to be located in such a fashion that the aisle width variance has been eliminated.

7. Due to the fact that this parcel technically contains four front yards, there is no location on the property where an outdoor trash area could be located without the granting of a

variance. The Board finds and concludes that the location proffered by this application is the most appropriate area, and finds sufficient hardship to permit the granting of the variance for its location and the variances for the landscaped buffer area.

8. Through discussions with Board members and the applicant's professionals, the applicant has further modified this requested Amended Site Plan Approval to propose that in addition to the front swing gates the three side walls would be AZEK walls.

9. The applicant has further agreed that there would be no trash pickup from 10:00 p.m. until 7:00 a.m., that a loading area would be designated on the plans, and a video surveillance camera would be installed at the trash enclosure area so that the area will be monitored in addition to the cameras located on the back of the Wawa store. The applicant further agreed to supplement plantings in the field as part of its request for the waiver from the 5 foot wide evergreen screen area. Testimony was proffered, however, that the compactor's decibel level was low and thus the applicant requested that notwithstanding no trash pickup between 10:00 p.m. and 7:00 a.m., it be permitted to utilize the trash compactor at any time. The board accepts the testimony regarding the low noise level of the compactor.

10. As to the technical review set forth in the Board Engineer's March 28, 2016 report, the applicant, in addition to agreeing with the AZEK walls, has addressed paragraph E(2) by the flipping of the enclosure area so that the mandoor is located in the area adjacent to parking; paragraph E(3) will be complied with by the applicant via its showing positive drainage on the plan; and paragraph E(4) shall be complied with by the applicant providing a detail of the transition with proposed grades on both sides of the curb.

11. As for the comments in the Board Planner's May 2, 2016 report, the applicant has demonstrated by provision of the template that satisfactory tractor trailer circulation will be

achieved on the property; that the height of the lighting proposed to illuminate the trash enclosures will be indicated, and a bike rack will be installed. The Board heard opinions from its professional staff through the course of the hearing and questions from professionals at the conclusion of the hearing concerning the variances and design waivers requests.

12. The Board received and shall maintain in its file additionally the following reports:

- A) December 29, 2015 report from Adams, Rehmann & Heggan, the Planning Board's engineer, authored by Theodore Wilkinson, as well as a March 28, 2016 report supplementing same;
- B) January 8, 2016 report from Brick Township Planning Board's Planner, Michael P. Fowler, as well as a May 2, 2016 supplement report;
- C) November 23, 2015 report from Township Engineer, Elissa C. Commins, PE, Land Development Application Review;
- D) November 20, 2015 report from Brick Township Bureau of Fire Safety authored by Bureau Chief, Kevin C. Batzel.

13. No members of the public attended the hearing nor voiced any opposition to this application.

14. Having heard the testimony of the applicant and its professionals as well as the Board's own professional staff, the Board does in fact find and determine and accept the testimony of the applicant's engineer in support of the request for the variances and design waivers as set forth in the Amended Final Site Plan and further testified to at the hearing.

15. Accordingly, for the reasons referenced above and as set forth on the record, the applicant's engineer and the board's professional staff, the Board finds that the Amended Final Site Plan Approval with variances and design waivers should be granted based upon both (c)(1) hardship due to the configuration of the property having four street frontages, and upon (c)(2)

inasmuch as the granting of the variances would advance the purpose of zoning by creating a desirable visual environment, and same can be granted without substantial detriment to the public good and will not substantially impair the intent and purposes of the zone plan, zoning ordinance or the master plan of the Township of Brick.

NOW, THEREFORE, BE IT RESOLVED by the Brick Township Planning Board on this ____ day of _____, 2016 that the application for Amended Final Site Plan approval with variances and design waivers is hereby granted subject to the following conditions:

1. The applicant shall not permit any trash pickup from 10:00 p.m. until 7:00 a.m. daily, with a proviso that the applicant may utilize its trash compactor on a 24 hour basis due to the low decibel level of that equipment as testified to by the applicant's professionals.
2. The applicant shall install a bicycle rack on the property.
3. The loading area shall be labeled on the plan as such.
4. The applicant shall install cameras in the trash enclosure area to be monitored in addition to the cameras located in the back of the store with signage outside noting that the area is under a video surveillance.
5. The applicant shall supplement plantings in the field in the evergreen screening area, to the satisfaction of the municipal officials.
6. The applicant shall utilize AZEK walls for the three sides of the trash enclosure as well as AZEK material in the swing gate in the front.
7. The applicant must submit proof of payment of all currently due taxes to the Brick Township Planning Board.
8. The applicant must post all bonds and guarantees as required and recommended

by this Board and the Township Board Engineer. Moreover, the applicant must post all required engineering and inspection fees.

9. All representations and statements made by the applicant, as well as the applicant's representatives and witnesses, shall be considered and deemed to be relied upon by the Board in rendering this decision and to be an express condition of this Board's actions in approving the subject application. Any misstatement or misrepresentation, whether by mistake or change in circumstance, shall be deemed a breach of this condition of approval and shall subject this application to further review on this Board's own motion.

10. In the event the Planning Board determines that it reasonably relied upon any misstatement or misrepresentation, then and in that event any approvals previously given may be rescinded and any improvements at the time in place on the premises in question shall not be in compliance with the ordinances of the Township of Brick.

11. The applicant must comply with all conditions contained in the Board Engineer's report by Theodore Wilkinson, PE of Adams, Rehmann & Heggan dated December 29, 2015 March 28, 2016, as a March 28, 2016 report supplementing same, and the Township Planner, Michael Fowler's report dated January 8, 2016, as well as a May 2, 2016 supplement report as noted herein and revised in accordance with the testimony elicited, and the understandings reached, as set forth above.

12. No building permit shall be issued until the Board Secretary confirms that the Planning Board professional fees have been paid in full. In the event a building permit is issued and there are outstanding Planning Board professional fees, a stop work order will be filed against the applicant/contractor until all professional fees have been paid.

13. In the event there is an existing violation, the applicant shall have thirty (30) days

from the date the Notice of Decision was published to correct the violation. Failure to correct the existing violation within the time prescribed will result in the issuance of a summons.

14. The applicant must comply with all conditions outlined in Schedule A attached hereto.

15. The applicant shall apply for and receive approvals from all other municipal, county, state and federal agencies having regulatory jurisdiction over this development as may be required.

BE IT FURTHER RESOLVED that the Planning Board Secretary shall cause notification of this favorable Resolution to be published in an official newspaper of the Brick Township within ten (10) days of the adoption of this Resolution.

Certified copies of this Resolution shall be forwarded to the applicant, the Township Construction Official, Zoning Officer and all other parties in interest.

This Resolution memorializes an action taken at the regular meeting of the Brick Township Planning Board held on the ____ day of _____, 2016 on a roll call vote that evening.

2772-MSP-10/15
Wawa, Inc.

June 22, 2016

VOTE ON MEMORIALIZATION

MOVED BY: R. Gross

SECONDED BY: C. Occhiogrosso

VOTING IN THE AFFIRMATIVE: B. Clayton, J. Catalano, J. Marra,
Councilman Halloran, C. Occhiogrosso, R. Gross, J. Lambusta, K. Aiello, B. Cooke

VOTING IN THE NEGATIVE:

INELIGIBLE: M. McMahon

IN-CONFLICT:

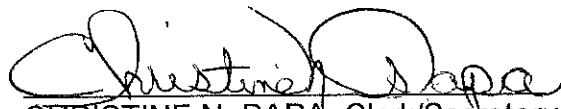
Absent:

ABSTAINING:

PRESENT BUT NOT VOTING : G. Osipovitch

CERTIFICATION

I, CHRISTINE N. PAPA, Clerk/Secretary to the Planning Board of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify that I am duly authorized to certify Resolutions. I certify that the foregoing Resolution was adopted by the Planning Board of the Township of Brick at a regular meeting held on the 22nd day of June, 2016.


CHRISTINE N. PAPA, Clerk/Secretary
Planning Board/Board of Adjustment