

**BOROUGH OF PALMYRA
LAND USE BOARD
SEPTEMBER 21, 2016
MINUTES**

CALL TO ORDER.

OPEN PUBLIC MEETINGS ACT.

Public Notice of this meeting pursuant to the Open Public Meetings Act, has been given by the Board Secretary in the following matter:

- A. Posting written notice on the Official Bulletin Board at the Palmyra Borough Hall on March 13, 2016.
- B. Mailing written notice to the Burlington County Times and Courier Post on March 13, 2016.
- C. Notice to all Board members.

ROLL CALL.

PRESENT: Mr. Gural, Mr. O’Kane, Mr. Yetter, Mayor Arnold, Vice Chairman Beck,

ABSENT: Mr. Blaisdell, Mr. King, Chairwoman Locke, Mr. Stokes,

PLEDGE OF ALLEGIANCE.

MINUTES. Approval of the minutes from July 20, 2016, Mr. Gural made a motion to approve the minutes, Mayor Arnold second the motion. The roll call vote was as follows:

AYES: Mr. Gural, Mr. O’Kane, Mayor Arnold, Vice Chairman Beck

NAYES: None

ABSTAIN: Mr. Yetter

RESOLUTION: None

BOROUGH COUNCIL UPDATES: None

OLD BUSINESS: None

NEW BUSINESS: Application 2016-1 WAWA INCORPORATED STORE #460 PROPOSED TRASH ENCLOSURE 600 CINNAMINSON AVENUE, BLOCK 26, LOTS 10, 11, and 11.02 PROJECT ID: 2016-1 MINOR SITE PLAN & VARIANCE.

Duncan Prime, Esquire appearing on behalf of applicant Wawa, Incorporated. Mr. Prime stated Wawa uses an internal trash room for the collection of waste in their stores and Wawa has decided to move away from this and change to external enclosures for the waste management which contains a compactor for trash and a dumpster. Mr. Prime further stated Wawa is requesting approval of a 14X20 external

enclosure which will be located directly adjacent to the rear wall of the building. Mr. Prime described the benefits of an outside versus an inside trash enclosure and the disadvantages: cuts trash pickup from one or two times a day to one or two times a week, helps the site circulation, cuts down noise and is more efficient. Mr. Prime stated the sound the compactor emits is less than a fax machine from three feet away, there is no odor emitted whatsoever and it's completely watertight. Mr. Prime stated there is no change in site parking circulation it will be taking the internal trash and making it an external.

Mr. Prime introduces Mr. Daniel Dougherty, the applicant's engineer. Vice Chairman Beck asks that Mr. Dougherty be sworn in. Mr. Reale swears in and qualifies Daniel Dougherty, Engineer in the firm of Dynamic Engineering for the applicant, Wawa. Mr. Winckowski is also sworn in by Mr. Reale. Mr. Dougherty has never appeared before this Board. Mr. Winckowski offers Mr. Dougherty as his expert witness and asks Mr. Dougherty to describe his credentials. Mr. Dougherty testifies he is a graduate of Villanova University with a bachelors in Civil Engineering, is licensed Engineer in the State of New Jersey since 1999, has been working in the land development business with Dynamic Engineering since 2005 and has been accepted as an expert witness for over to 100 boards throughout the State of New Jersey specifically for the Wawa trash enclosures. After confirming that Mr. Dougherty's license is current and in good standing, Mr. Winckowski offers Mr. Dougherty as an expert in Civil Engineering. Mr. Reale asks Mr. Dougherty when was the last time he testified in front of a land use board and Mr. Dougherty responded last Tuesday before Bayonne New Jersey. He was accepted as an expert witness as a Civil Engineer. Mr. Dougherty has not had an opportunity to appear before a Superior Court Judge or jury in the area of your expertise. Mr. Reale offers Mr. Dougherty as an expert in Civil Engineering with a cautionary note.

Mr. Dougherty is asked by Mr. Prime to share his overview of the purpose of application necessary to move the trash storage site outdoors and modernizing this site. Mr. Dougherty testifies this area is a unique site and is in the area of Cinnaminson Avenue and East Broad Street. The trash enclosure is proposed along the rear of the building opposite from the front door on the east end. Mr. Dougherty presents Exhibit A-1 site plan rendering September 21, 2016 by Dynamic Engineering which is the same as sheet 4 submitted to the Board. The trash enclosure is twenty feet by fourteen feet deep. It extends in width away from the rear building and away from the current trash room. The fourteen foot depth is measured from the front of the existing bump out of the building back. There is ten foot concrete pad that extends to the front of the trash enclosure for load bearing trucks. Inside the trash enclosure there are two elements: closest to the building is a compactor that handles all of our regular day to day trash not recyclables and a 6 cubic yard compactor that is hydraulically operated with a very quiet hydraulic pump with an electric motor. It activated by a key switch and can only be activated by the employee. The dumpster is water tight; there is no weather or rain that can get into it. It is also sealed on the bottom to prevent leaks and is also affixed with an ozone odor control unit that electrically converts oxygen from the air to ozone and injects it into the trash dumpster to cut down the build-up any odor that might be created. The sound operation of the odor control is silent. It is approximately 62 decibels which is about conversational tone. The enclosure has typical dumpster for recyclables. It handles typical recycling such as cardboard, plastic, metals etc. The eastern wall of the trash enclosure is a masonry make-up; a block wall with a veneer. With Wawa's enclosure this one is unique, the masonry wall extends all along the rear property line and to the extending fence. This wall is the only portion of the trash enclosure except for the front gates that is visible to the public. The back of the property is fenced in with solid fencing and what is propose along the rear of the trash enclosure proper is a white vinyl PVC fence. For the Wawa work the material usually used is a masonry enclosure or a white PVC fencing enclosure depending on the application, the fence is the high grade industrial fencing. Very secure. In this case, Wawa uses a mixed use of material. The applicant is not using only masonry in the rear because it does not have a public view. Along the front we have two nine foot doors that swing open for access for the trash compactor and dumpster. They are metal frame doors that are finished with matching PVC panels so they match the other PVC elements. The Engineer mentioned that the swing of the gate goes out in

front of the nearest of the parking stall. Typically that gate is closed and only opened when access for trash removal is needed and Wawa would be happy to mark that stall as an employee only stall; so there is no conflict with the gate and the customer. The only other improvements that are proposed are along the property line. Although the neighbor has a stockade fence on its location, Wawa would like to propose their own fence along this area to maintain the boundary of the site. It would be Wawa's fence up against the neighbor's fence along his property line and to the rear of the building. There will be a gate, so in existing conditions there is nothing impeding access from the back of the building with the construction of the trash enclosure where there is going to be an alcove that Wawa would like to gate off so that it is secure since it is out public view. Wawa would like to place a gate break at the building corner about four feet from the building corner of the property line and the fence. For lighting, one wall mounted sconce is proposed that is a down cast fixture similar to the fixture found in the parking lot. This will be mounted at eight feet high. The height of the trash enclosure is going to be eight feet. The height of the masonry wall and the fencing is eight feet, the light will also be at eight feet providing no opportunity for down cast light to spread to the neighbors. The light is operated on a motion detector so it is only operated at night or in the dark when someone enters the enclosure to empty receptacles or empty trash into the compactor. The light will turn on and off automatically. Mr. Prime states that there is a fencing ordinance provision that prohibits fences being more than six feet above ground level, if this was done the dumpster and various equipment would be seen. The six foot height would not be sufficient for Wawa purposes of sealing the trash area for operations. The compactor itself is seventy-seven inches high making the trash compactor would actually be 5 inches above the fence height so it is proposed to put the standard at 8 feet and it also provides a nice height for the light fixture mount without having the light too high so that light would spread below the fence and low enough to provide adequate lighting.

Mr. O'Kane asked if the eight foot fence is a custom or standard fence. Mr. Dougherty testified the eight foot fence is standard.

Vice Chairman Beck had questions regarding the fence height and possible bleed through light pollution. Mr. Dougherty testified he wants to make sure there is clearance to make sure that it is in a location and height that it may be a problem with head clearance for a tall person and also for to add space to make sure there is space over the equipment. Eight feet should be sufficient otherwise it will be casting shadows. Mr. Reale asked the level of illumination and was told it was two feet candles right below the fixture and is a flat LED lense. Mr. Dougherty's testimony is concluded. And Mr. Prime concludes presentation.

Mr. Winckowski reviews the variances. The existing required impervious coverage is 80%. The existing site is at 84.4%, so it is 4.4% higher. The proposed work requires an increase of two hundred and one square feet so it is a modest increase from 84.4% to an increase 85.2%. He feels that the benefits of the operations of the site and the impact of the public that use this site greatly outweigh any detriment of additional two hundred and one square feet of additional proposed impervious coverage. The ordinance also has that additional accessory buildings be located at the back from the primary structure and in this case the assessor building is immediately adjacent to the main building so therefore it does not meet the additional ten foot setback requirement and again, Mr. Winckowski feels that this is a minimal variation especially in this case were the operation for the trash enclosure is necessary to be immediately next to the building and not removed. Regarding the site variance the additional two feet of fence height is certainly warranted.

Mr. Reale asked if the variances were for fence, impervious coverage and accessory setbacks? Mr. Winckowski confirmed that they are.

Mr. Winckowski had questions regarding fire officials concerns of the location of the trash enclosure next to the building and had a chance to review with the fire official. Mr. Dougherty testified there is a code

requirement with the location with trash enclosures close to the building. It has to do with whether the building has a combustible wall. In this case, the building meets that requirement that allows for the proximity within ten feet so there is no code issues. Relative to the interior improvements, Wawa did some changes regarding some door locations that the fire official requested and that is subject to the renovation plans proposed. Mr. Winckowski asked about the concern for the vents in the building. Mr. Dougherty testified that it will be relocated and if it is approved Wawa would have to comply with all the conditions required and feel there will be no problem complying. Mr. Reale states that any approval by the Board any Resolution that is memorialized it is subject to satisfying and all code requirements. Mr. Dougherty agreed.

Mr. O'Kane had questions regarding the rear fence. He proposed that the solid fence along the trash enclosure be chain link fencing to allow the light to be seen through it and along the property line it be a solid vinyl fence. Mr. Yetter asked if the proposed change of the vinyl fence along the property line would remain eight feet. Mr. Dougherty confirmed saying it would allow the light to flood the area but are actually trying to protect the adjacent homeowner providing that opaque barrier. Mr. Dougherty agreed to put an eight foot vinyl fence along the trash enclosure.

Mr. Winckowski asked for the circulation plan. Mr. Dougherty presented Exhibit A-2 as the circulation plan dated September 21, 2016. Mr. Dougherty testified that trucks coming westbound on Broad Street making a left turn into the parking lot. They are front end loading and back out onto East Broad. It is requested that this exhibit be made a part of the application. Mr. Winckowski asked for the manufacturer materials for the trash enclosures and asked if the overhead wires and the guidewires are not going to be affected. Mr. Dougherty testified there is no problem with clearance and how the process of the trash enclosure operation works. Mr. Winckowski questioned is there any other bollards suggested or recommended. Mr. Dougherty testified there are bollards located at the corners to protect the gate from swinging and bollards on the inside is to keep the dumpster placed in the correct location.

Mr. O'Kane addressed a comment on the report regarding the grass area in the rear corner of the property whether or not there was forethought for landscaping. He asks does the applicant and Board think that additional landscaping would help buffer the rear of the building enclosure. Mayor Arnold suggested that maybe to offset the impervious surface we could plant a tree. Mr. Dougherty testified the applicant was willing to add landscaping.

Mr. Winckowski stated that regarding the other variances, he accepts that the height of the enclosure of the fence, as far as the setback he believes that is for a residential application w shed and also side setback for a principle building zone is 0 feet and the enclosure is attached to the building so that variance is justified and confirmed the applicant received the County review letter and address their concerns. The County had concerns about the drainage making sure the increase of the impervious is not going to be an issue and there is no concern and is satisfied.

Vice Chairman Beck opens discussion to Board Members.

Mr. O'Kane asked about the stockade fence behind the adjacent property. Mr. Dougherty testified that the neighbor can also choose to remove their fence and share the eight foot fence as a common fence.

Mr. Gural asked if the gate on the south side of the building will remain locked or unlocked as there is a security issue. Mr. Prime testified that they are aware of the issue and it will be locked. The trash enclosure itself, both the front gates and the gates on the main door are both locked with a code. Mr. Prime added that there is also another emergency exit being added to the outside of the building. The emergency egress is currently on the east side of the building and is being relocated to the south side.

Vice Chairman Beck asked if Mr. Yetter had any questions. Mr. Yetter inquired about the dumpsters and the loading, asked how tall the gate is going to be. Mr. Dougherty testified eight feet out front and they are nine feet wide. The trash enclosure is twenty feet wide and that includes the wall and the posts. There is no loss of a parking spot but it is partially obstructed one that is designated as employee parking space.

Mayor Arnold asked how many times a day would the employee have to access the enclosure and was advised at multiple times in the day, four or five times. She also asked if the first stall was actually going to be able to be used. Mr. Dougherty testified that it will not be blocked. The corner is about three feet passed the bollard and there will be no problem backing out.

Mayor Arnold questioned the lighting in the area by the locked gate by the building. Mr. Prime states there is an existing light fixture. Mayor Arnold commented the current lighting isn't working. Mayor Arnold questioned whether there are any electrical changes that are going to be required? Mr. Prime stated that just to operate the compactor. She also asked if they performed this application in other locations. Mr. Prime advised that variances like this, each site is different and this one is unique. They have done about one hundred.

Vice Chairman Beck questioned how long will this project will take and if there will be any change to the trash pick up. Mr. Dougherty stated that the construction of the trash enclosure itself is one to two weeks and that trash pickup will change from one to two a day to two to three times a week.

Mayor Arnold questioned how long the Wawa will be closed? Mr. Dougherty stated they do not plan on Wawa being closed.

Mr. Reale confirms with the secretary that they received the notice cards.

OPEN TO PUBLIC: Vice Chairman Beck asks for a motion to open to public. Mayor Arnold makes the motion. It is seconded by Mr. Gural. At the call of roll, the vote was:

AYES: Mr. Gural, Mr. O'Kane, Mr. Yetter, Mayor Arnold, Vice Chairman Beck
NAYES: None

There being no public comment noted, Vice Chairman Beck asks for a motion to close. Mr. O'Kane makes the motion to close the public portion. Mr. Gural seconded the motion.

AYES: Mr. Gural, Mr. O'Kane, Mr. Yetter, Mayor Arnold, Vice Chairman Beck
NAYES: None

Vice Chairman Beck asked for a motion to approve application 2016-1.

Mr. Reale states the proposal would be to grant the proposed minor site plan as presented by the applicant along with the three bulk variances necessary by way of fence height, the increase in the impervious coverage, a variance by way of the position of the accessory structure less than 10 feet from principle structure with certain special conditions by way of relocation the PVC boundary fence, adding a landscaping components as agreed upon between the engineers with the understanding that is it reducing the amount of trash trips. Other than the fact that the resolution will contain the boiler plate language by way of applicants meeting to satisfy any and all regulatory approvals or condition established.

Mr. Gural made a motion for approval. Mr. O'Kane seconded. At the call of the roll, the vote was:

AYES: Mr. Gural, Mr. O'Kane, Mr. Yetter, Mayor Arnold, Vice Chairman Beck
NAYES: None

OPEN TO PUBLIC: Vice Chairman Beck asks for motion to open to the public. Mr. Gural make the motion and Mayor Arnold seconded the motion. At the call of the roll, the vote was:

AYES: Mr. Gural, Mr. O'Kane, Mr. Yetter, Mayor Arnold, Vice Chairman Beck
NAYES: None

There being no public comment. Mr. Yetter makes a motion to close the public motion. Mr. O'Kane seconded. At the call of the roll, the vote was:

AYES: Mr. Gural, Mr. O'Kane, Mr. Yetter, Mayor Arnold, Vice Chairman Beck
NAYES: None

Vice Chairman Beck asks that all financial disclosure statements need to be done immediately.

Vice Chairman Beck asks for motion to adjourn

ADJOURNMENT. Mayor Arnold made a motion to close the meeting, Vice-Chairman Beck second the motion. All members present voted in favor of the motion. The meeting was adjourned at 7:44pm.

Respectfully submitted,


MARIE L. NAGLE
LAND USE BOARD SECRETARY