

A meeting of the Township of Hamilton Planning Board was held on the above date with Chairman David Wigglesworth presiding. Other members present were Harry Bilicki, Charles Cain, Richard Cheek, William Christman, Wayne Choyce, John Kurtz, John Percy and Heather Tomasello. Alternate member present was David Adams. Also present were Christopher Carey, Landscape Architect Consultant; Steven Filippone, Engineer Consultant; Alexander Litwornia, Traffic Engineer Consultant, Vincent Polistina, Planner Consultant; John Rosenberger, Solicitor; and Philip Sartorio, Community Development Director.

Compliance with the Open Public Meetings Law was acknowledged.

Approval of Minutes – Mr. Christman moved, seconded by Mr. Kurtz, to approve the minutes of the meeting of December 1, 2011, as published. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Charlor, LLC, River’s Edge (Continued Public Hearing) – Jack Plackter, Attorney; Charles Endicott, P.E., and George Phy were present.

Mr. Christman recused himself.

Mr. Plackter referred to Mr. Rosenberger’s letter, dated January 9, 2012, within which Mr. Rosenberger opined that the Applicant would need to seek variances for lots being created that were less than an acre. Mr. Plackter stated that the Applicant would present testimony with regard to the variances, with reservation of rights, as they still believed their position was correct; but even if a variance were required, he believed it would be justified based upon testimony that would be presented.

Mr. Plackter referred to the testimony previously presented, and noted that there had been one outstanding issue involving dedication of additional right-of-way on Sunny Avenue for future roadway widening. He stated that the Applicant would agree to the dedication, as it had been determined that it is an Ordinance requirement.

Mr. Endicott stated that, assuming variances would be required for lot area for some of the lots, he believed the proposal was meeting the intent of the Ordinance, as the lots would meet all of the other standards, thereby providing adequate light, air and open space, and the density requirement of one unit per acre was being met.

Mr. Endicott testified that the site had some unusual issues, as it was very flat and there were expansive wetlands that affected the layout.

Mr. Endicott expressed the opinion that the granting of the variances would outweigh any detriment, and that the variances could be granted without substantially impairing the intent of the zoning ordinance or the zoning plan.

Mr. Endicott stated that he had reviewed the Board’s consultants’ reports, and took no issue with any of the comments contained therein. With regard to Mr. Litwornia’s recommendation to locate guide rail on the street side of the basins, he asked that he be given an opportunity to evaluate whether it would be warranted.

Board members asked questions with regard to fill, lot size of previous design and access to outparcels, to which Mr. Endicott responded.

Mr. Carey referred to his report, dated January 19, 2012, and noted that a certain recommendation had been removed from his previous report, as it was not a requirement for conventional subdivisions. He advised that Mr. Endicott had agreed to comply with his remaining comments.

In response to a question of Mr. Filippone, Mr. Endicott stated that the owner of Lots in 54, 55, 57, 57 and 58.02 in Block 1107, on which there was a dwelling, had indicated she did

not wish to take possession of proposed Lot 1; therefore, Lot 1 would be eliminated from the subdivision and incorporated into three lots, across which an access easement to Mays Landing/Somers Point Road would be created in favor of that property. He further stated that the unsightly, masonry wall would be removed. In response to Mr. Filippone's question with regard to responsibility for maintenance of the easement, Mr. Plackter advised that it would be established within the language of the easement.

Mr. Plackter stated that a Homeowners Association would be established for maintenance of the storm water management system.

Mr. Endicott testified that, with regard to Lot 51 in Block 1110, the lot upon which a trailer was located, the Applicant would create an easement that recognizes the gravel access road that presently serves as access to the lot from Ocean Avenue, and that that the Applicant would be requesting that Helios Avenue be vacated only to the point where Lot 51 would retain frontage on that right-of-way.

In response to a question of Mr. Filippone with regard to providing a utility easement in a certain location, Mr. Endicott stated that he had received an email from a representative of Atlantic City Electric, and the Applicant would provide an easement if it is found to be necessary.

Mr. Filippone expressed the opinion that the proposed subdivision design was better than that which had originally been submitted for approval.

Mr. Polistina reviewed his report, and Mr. Endicott stated that he had no issue with Mr. Polistina's comments.

Mr. Litwornia referred to his report and stated that he had recommended that guide rail be placed along the streets, at the basins, in the interest of public safety, but it wouldn't be a problem if there was a certain distance from the edge of pavement.

Mr. Cheek questioned whether landscaping could be used in place of the guide rail. Mr. Endicott expressed the opinion that it could work, and a fence could be included; and Mr. Litwornia agreed, due to the low traffic volume and low speed on the road

Mr. Litwornia noted that the RSIS did not require sidewalk and curb due to the width of the proposed cartway, but he advised that curb and sidewalk would still be required along Mays Landing Somers Point Road unless the Board grants a variance.

Mr. Litwornia stated that the RSIS required a graded area on both sides for cartways of the width proposed by the Applicant, and the Applicant had provided that area, but the Applicant had also provided for catch basins and would be using that area to gather water. He stated that the Applicant would need to maintain a four-foot graded area for walking.

Mr. Endicott stated that the road met the RSIS standards, but the shoulder would be constructed in anticipation of cars being parked along the roadway, even though parking would be prohibited. He described the proposed improvement.

Mr. Choyce expressed concern with regard to adequate access for emergency vehicles, due to the proposed cartway width, and Mr. Litwornia advised that there was an opportunity for the Township to require a wider cartway if the Fire Company requests it. Mr. Endicott stated that the subdivision proposal was reviewed by the Fire Officials and there was no comment in that regard.

Mr. Endicott stated that the Applicant was willing to increase the cartway width to twenty-four feet.

In response to Mr. Choyce's concern as to whether the lots would be able to meet the standards for a septic system due to their sizes, Mr. Filippone stated they would be able to meet the County's requirements.

In response to Mr. Percy's concern with regard to storm water runoff, due to known problems in the area, Mr. Endicott advised that the basins were actually larger than they needed to be, and the Applicant wasn't asking for variances for impervious coverage. He described what had been done with regard to testing the site, and stated that they knew exactly what soils were on site and would be dealing with it.

Mr. Filippone advised that he was comfortable with the proposed storm water management plan, after he had made a few recommendations, and he was satisfied with the calculations, but he wanted to look at the borings one more time to be sure there was no trace of clay. Mr. Endicott agreed.

Mr. Endicott stated that the basins would be able to accommodate the additional width of the cartway, but he would make them a little bigger if a determination were made that it would be necessary.

Mr. Wigglesworth opened the hearing to public comment and there was no response.

Mr. Cain moved, seconded by Mr. Percy, to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Mr. Cheek moved, seconded by Ms. Tomasello, to grant preliminary major subdivision approval to Charlor, LLC, Block 1103, Lots 4-87, Block 1105, Lots 1-57, Block 1106, Lots 1-84, Block 1107, Lots 1-53 and 58.01, Block 1108, Lots 1-72, Block 1109, Lots 1-65, Block 1110, Lots 2-50 and 52-58, Block 1111, Lots 1-62, Application No. 2011-006, with variances granted for lot area for proposed Lots 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24 and 25, conditioned upon the elimination of proposed Lot 1, with the area being incorporated into proposed Lots 2, 3 and 4; an access easement being provided to provide access to Mays Landing/Somers Point Road through the rear of proposed Lots 2, 3 and 4 to benefit Lots 54, 55, 56, 57 and 58.02 in Block 1107, to the satisfaction of the Board's consultants; Township Committee vacating certain streets to accommodate the subdivision; the portion of Helios Avenue fronting existing Lot 51 in Block 1101 extending to the proposed street, not be vacated; providing an access easement through proposed Lot 11 to provide access to Ocean Avenue benefiting existing Lot 51 in Block 1101, to the satisfaction of the Board's consultants; dedicating a ten-foot wide portion of proposed Lot 17 to Sunny Avenue, an existing right-of way that is less than fifty feet wide; recording a Declaration of Covenants and Restrictions for Drainage Structures, acceptable to the Board's consultants, in the County Clerk's Office; legally establishing a homeowners association to own and maintain the storm water management facility; creating an emergency access easement from a proposed street to Sunny Avenue through proposed Lot 17; widening the proposed cartway widths from twenty feet to twenty-four feet, and increasing the size of the basins if found to be necessary to accommodate the increase; constructing shoulders along the cartway to a width of five feet in a manner that would accommodate pedestrian traffic, as well as vehicular parking, to the satisfaction of the Board's consultants; providing a fence and landscaping treatment along the cartway where the drainage basins are located to provide for public safety, to the satisfaction of the Board's consultants and compliance with the recommendations contained within the reports of Steve Filippone and Christopher Carey, dated as revised, January 19, 2012, Vincent Polistina, dated January 18, 2012, and Alexander Litwornia, dated 31, 2011, that are not in conflict with the conditions set forth.

#### ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Adams – Aye.

Mr. Bilicki – Aye. He stated he was glad that the Applicant was increasing the cartway width, was dedicating additional right-of-way to Sunny Avenue and providing landscaping at the basins instead of guide rail. He commended the professionals for working together to resolve the issues.

Mr. Cain – Aye. He concurred with Mr. Bilicki's comments.

Mr. Cheek – Aye. He concurred with Mr. Bilicki's comments.

Mr. Christman – Recused

Mr. Choyce – Aye. He thanked the Applicant for increasing the cartway width, as he felt it was critical for the safety of the residents within the subdivision. He stated that his concerns with

regard to the undersized lots had been addressed because the other Ordinance standards were being met, in addition to being able to accommodate the standards for septic and well; and he was satisfied with the testimony provided addressing the positive and negative criteria with regard to the variance.

Mr. Kurtz – Aye. He thanked the Applicant for working with the Board and its professionals to make the necessary changes to accommodate the concerns.

Mr. Percy – Aye. He stated that he was uncertain as to whether he agreed with the negative criteria presented with regard to the lot area variance and he mentioned the problem with the Ordinance related to lot area and the desire to see it addressed by the Governing Body. He thanked the professionals for working together to make a better design than that which had originally been presented.

Ms. Tomasello – Aye. She stated she was glad that the road was being widened and that the shoulder was being constructed to accommodate pedestrian and vehicles in the interest of public safety, and she was also glad that a homeowners association was being formed to own and maintain the storm water management facility,

Mr. Wigglesworth – Aye. He expressed the opinion that it was an attractive development, and he felt the open space would enhance the community.

SAID MOTION CARRIED.

Mr. Christman resumed his place with the Board

Hamilton Mall, LLC (Continued public hearing) – Stephen Nehmad, Attorney, Hope Dunlap, KRAVCO Consultant, Chris Isenberg, Landscape Architect; David Horner, Traffic Engineer; Timothy Edmonds, P.E., and Dave McInerney, Planner, were present.

Mr. Adams recused himself.

Mr. Nehmad informed those present that he had requested that the hearing be continued on this date, as the Applicant was under a time constraint imposed by potential tenants; but the hearing would be continued on February 2, 2012, as originally scheduled, if not concluded at this meeting. He advised that proper, public notice had been provided.

Mr. Nehmad referred to his written correspondence within which he had requested that consideration of the variances for the three free-standing signs be deferred to a later date, and he requested that the Board consider the remainder of the application at this time.

Mr. Rosenberger distributed to Board members two exhibits prepared by Mr. Nehmad, one of which detailed all of the sign variances being requested and the other of which detailed the other variances being requested. He advised the Board to disregard the variances associated with the three free-standing signs.

Mr. Rosenberger referred to two letters related to the application that had been written by individuals, one in favor of the application and one opposed, and he advised the Board to disregard them, as the individuals were not under oath, and not available to be questioned by either the Applicant or the Board.

Pointing to an exhibit, Mr. Isenberg described the landscape plan and advised that they had conformed to Ordinance requirements as best as could be done. He advised of the design waivers that would be necessary and explained why plants could not be placed in a certain area. Mr. Isenberg noted that the Applicant would be conforming to the number of replacement plants required for removal of certain trees, and advised that the proposed landscape plan provided for a total of 8,973 additional plants on site.

Mr. Isenberg expressed the opinion that the granting of the waivers and variances being requested by the Applicant would not result in a detriment to the site or surrounding properties, and that the proposed landscaping would result in an aesthetic enhancement of the site.

Pointing to the sidewalk plan that had been submitted as part of the application and a modified sidewalk plan, Mr. Isenberg described the changes that had been made in response to comments made by Board members when the Applicant last appeared before the Board.

A rendering of the free-standing monument sign that was proposed to be located at the Longhorn Steakhouse Restaurant site was displayed, and Mr. Isenberg advised of its location and explained its purpose. Also displayed, as an example of architecture and color scheme, were photographs of a Longhorn Steakhouse Restaurant and a Buffalo Wild Wings restaurant that were located elsewhere.

Mr. Horner advised that the project did not need a new NJDOT highway access permit, as it did not meet certain conditions that would trigger the requirement for a new permit.

Mr. Horner expressed the opinion that, in terms of traffic circulation, the basic premise, with the ring road, the access aisles, the parking lot and the way the accesses are to State highways, was still viable and still an appropriate layout for a retail center. He pointed out that there were several million dollars' worth of traffic improvements directly attributed to development of the Mall, in conjunction with the original approvals, and the infrastructure was in place to accommodate the 1,340,000 square feet that was originally approved.

Mr. Horner advised that the Ordinance requirement for five parking spaces per thousand square feet would be met for Phase One, but a variance would be necessary for Phase Two, as there would be only 5,879 spaces remaining when spaces are removed to accommodate that phase.

Mr. Horner stated that the Urban Land Institute (ULI), which the traffic engineering profession considers to be the premier source of information on parking requirements for shopping centers, published a book on shared parking and shopping center parking guidelines, within which there is a recommendation for 4.5 parking spaces per thousand square feet for a shopping center in the range of the Mall's square footage. Mr. Horner testified that the Mall's ratio would be 4.3 per thousand when Phase Two is constructed, and he expressed the opinion that the parking supply would be adequate, when shared parking is applied, as permitted within the Ordinance. He explained shared parking and how it would affect parking requirements, and testified that, when shared parking is accounted for, the Mall's ratio would be 4.39.

Mr. Horner further testified that he had personally observed, and had been advised by Mall Management, that parking has been adequate during the typical peak period.

With regard to the proposed sidewalk plan and the pedestrian crossing at Driveway B on Leipzig Avenue, Mr. Horner advised as to what had been considered and why a determination had been made to provide for the type of crossing shown on the plan. His recommendation had been not to have a pedestrian actuated traffic signal, as it would have to act as a traffic signal for the intersection itself, and the intersection would not meet the warrants. He described what was proposed for that crossing, and it was his opinion that the design was the most appropriate, considering the traffic volumes at that location.

Board members asked questions related to traffic volumes, to which Mr. Horner responded.

In response to Mr. Percy's question as to why there wouldn't be provision for a pedestrian crossing at the existing signalized intersection at Leipzig Avenue and the Black Horse Pike and for sidewalk to be provided on the east side of Leipzig Avenue from that point, Mr. Horner replied that it was his understanding that installation of sidewalk along the drainage basin would be difficult, if not impossible, due to the guiderail. Mr. Percy questioned whether the guiderail was necessary, and Mr. Nehmad stated that it had been placed there because of the basin.

Mr. Bilicki asked whether the guide rail along the ring road would be removed to install the sidewalk, and Mr. Edmonds advised that the guide rail would be relocated. He testified that there was considerably more of a slope at the basin on the Leipzig Avenue side than on the ring road side.

Mr. McNerney expressed the opinion that the purposes of the Municipal Land Use Law would be advanced by a deviation from Ordinance requirements and that the benefits derived would substantially outweigh any detriment.

Mr. McInerney stated he would not be addressing each individual variance being requested for the signs, and he expressed the opinion that granting those variance would benefit the entire proposal before the Board, He testified at length as to the benefits of the proposed expansion and how the purposes of the Master Plan and zoning would be advanced.

Board members asked questions and made comments to which responses were provided.

Mr. Cheek questioned the lack of trees in a certain area, particularly with regard to mitigating the effect of the proposed lighting,

Mr. Carey described what was being proposed in that area, pointing out there were a lot of trees that would provide a buffer. He commented that Mr. Isenberg has been working with him to enhance the basins and the site, while not impacting the signage, and he expressed the opinion that all would be pleased with the outcome.

Ms. Dunlap explained the tenants' concerns as they related to visibility, noting that they had been working with them for approximately four years. She stated that the Applicant was providing the required number of plants, but would like the opportunity to place them where they would not be in conflict with the terms of their tenants' leases. .

Mr. Cheek explained where he felt trees should be placed to enhance the aesthetics of the site, and Mr. Nehmad replied that the Applicant would be willing to comply, as there would no additional cost, but the problem was with the tenants. Mr. Nehmad further stated that the Applicant was trying to appease the tenants under the lease agreements, as they would need to approve any of the improvements.

Ms. Dunlap pointed out that tenants had always been concerned with regard to visibility, particularly Macy's, and there would be a problem with visibility if the trees were placed as suggested by Mr. Cheek. She advised as to where there were existing, mature trees that enhanced the site and created somewhat of a visual buffer. Ms. Dunlap stated that the area being discussed was the "critical view window", as that was from where most of the traffic was generated. She pointed out that much had been done to create a streetscape on the Mall to make it more exciting, visually, and it would need to be seen.

Ms. Dunlap stated that they had committed to Mr. Carey to add approximately fourteen hundred additional shrubs and bushes, some of which would be substantial in size, but they wanted to keep them low enough so they would obscure the basin, but allow visibility.

Mr. Carey stated that he felt confident, working with Mr. Isenberg, that plantings could be provided that would enhance the basin, but not obscure the view.

Mr. Polistina provided clarification when he pointed out that the impact of planting trees along the Black Horse Pike, as suggested by Mr. Cheek, would affect the pylon sign and not the Macy's building itself.

Mr. Polistina referred to his report, and advised of the variances associated with the site that would be necessary. He stated that he had met with the Applicant's architect to get a better understanding of what signage was being proposed, and had attempted to provide the information in a format within his report that would provide clarification

Mr. Polistina advised that the Applicant had proposed sign controls in an attempt to provide guidance for the tenants, as the Ordinance did not address signage standards for shopping centers, specifically. He reviewed them.

Mr. Polistina pointed out that the proposed free-standing, monument sign for the Longhorn Steak House Restaurant would need a variance for number of signs, as the restaurant would be located on the same lot as the Mall. Mr. Choyce questioned the location and the need for the sign, and pointed out that the other pad site restaurants in the Mall did not have free-standing signs. Mr. Nehmad requested that consideration of the variance request be deferred until the future hearing when the variances for the other free-standing signs would be considered.

Mr. Filippone read the six comments within his report that related to the storm water basins at the Mall, which included his opinion that the storm water management system, as designed, with modifications, would meet the State's and the Pinelands Commission's requirements, provided the basins are remediated to infiltrate storm water. He stated that the Applicant had used the same consultant as Walmart had used; that the elevation at the Mall was slightly higher than the elevation at Walmart; and that, if the Applicant proceeds as proposed, he was satisfied with the approach.

Mr. Filippone reviewed the remaining comments within his report.

Mr. Carey summarized his landscaping comments, and discussed replacement trees, in particular. With regard to the replacement ratio for removal of the larger trees, he suggested that it be two trees of two and one half inch caliper for every large tree that is removed. Mr. Nehmad stated that they would work with Mr. Carey to resolve any issues that may arise.

Mr. Litwornia pointed out that Leipzig Avenue was not a public right-of-way, and he questioned whether the Applicant had permission to remove the trees in that area, as they provided a buffer to the adjacent residential use.

Mr. Nehmad replied that the private right-of-way was owned by the Atlantic City Racing Association and the Applicant had an access easement. He further stated that the plan had been shown to representatives of the Race Track; that Race Track representatives were well aware of what was being proposed; and that Race Track representatives and Mall representatives were working together with their plans of redevelopment.

Mr. Rosenberger pointed out that, if an objection to the sidewalk improvement along Leipzig Avenue were presented from someone with paramount rights to Leipzig Avenue, the Applicant would need to return to the Board to discuss the issue.

Mr. Litwornia referred to his report, and pointed out that, pursuant to the Ordinance requirement, there would be a deficit of eight hundred twenty one parking spaces when Phase Two is developed. He noted that, if the standard of the Urban Land Institute were applied, there would be a deficit of one hundred fifty one parking spaces. Mr. Litwornia stated that he would feel comfortable if the Board were to grant the variance for parking, and he noted the need would be reduced even more if shared parking were taken into account.

Mr. Nehmad stated that the Applicant would agree to certain items, as set forth within a letter written by David Horner, dated January 13, 2012, in response to Mr. Litwornia's comments.

Mr. Litwornia suggested that the Applicant's engineer consultant provide certain documentation to address his comment related to the placement of additional stop signs within the parking lot.

Mr. Litwornia recommended that concrete islands be placed in certain areas, in lieu of striped islands, and made other recommendations related to traffic issues.

In response to a question with regard to traffic calming measures, Mr. Horner agreed to Mr. Litwornia's recommendation to provide specially treated paving on either side of the cross walks that cross the ring road. Mr. Horner, also, agreed to provide cross walks across the ring road, in the area of the restaurants, provided it could be placed in a straight section and not on a curve.

Mr. Nehmad stated that the Applicant did not want to install concrete islands in the entire parking field along the loop road. Mr. Horner testified that the safety record was reviewed for the last two years, and there was no pattern of accidents that would identify a distinct issue with operation of the ring road. It was Mr. Horner's position that installing concrete islands, instead of painting, would not be necessary, and would not provide no additional benefit. Mr. Litwornia advised as to where he would like to see the concrete islands placed to prevent people from cutting through the parking lot.

Ms. Dunlap advised that, for malls of a certain size, placing a landscaped island every other island and striping the intermediary island had proven to be sufficient to direct vehicles. Mr. Litwornia agreed that it would be acceptable as it applies to the ring road.

Ms. Dunlap stated that a request had been made of the Township's Police Department for three years of accident data for the Mall, and they would make the information available to the Board's consultants as soon as all of the data has been received. She stated that the Applicant was prepared to consider improvements that would fully address any pattern of accidents that is identified after review of the data.

Ms. Dunlap stated that the Applicant would not like to place the two new lighting standards in concrete islands, as suggested by Mr. Litwornia, as there would be a loss of six parking spaces, which would result in more people crossing the ring road to visit the restaurants. She proposed an alternative.

Mr. Litwornia expressed concern with the aesthetics of utility meters and expressed the desire for them to be placed underground or screened from view. Mr. Dunlap stated that she had been discussing the issue with representatives of the two outparcel restaurants, and it would be addressed in some manner, satisfactory to the Board's consultants.

Mr. Horner addressed a comment in Mr. Litwornia's related to trash pickup, and stated that Applicant would agree that trash pickup would occur between 5:00 AM and one hour before opening. Mr. Litwornia agreed that would be acceptable.

Mr. Wigglesworth opened the hearing to public comment and there was no response.

Mr. Percy moved, seconded by Mr. Kurtz, to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Sidewalk placement was again discussed, and it was decided to extend the sidewalk to just short of Wrangleboro Road along the south side of the road that connects the Mall ring road to Wrangleboro Road, and to eliminate the proposed sidewalk on a certain section of the Mall frontage on the Black Horse Pike. Mr. Choyce commented that someone could then work with the County and the State to construct sidewalk from where it exists now at the intersection of the Black Horse Pike and Wrangleboro Road to where it would end just short of Wrangleboro Road.

Ms. Dunlap stated that she had spoken with the planner from New Jersey Transit, and was advised that it was their policy to provide only one bus stop per mall. Ms. Dunlap stated that they had looked at the Mall again, and determined that where it was proposed was the most appropriate location, and she pointed out that there were existing bus stops in close proximity to the Mall.

Mr. Cain moved, seconded by Mr. Christman, to grant preliminary and final site plan approval for Phase One and preliminary approval for Phase Two to Hamilton Mall, LLC, Block 1134.01, Lots 10.02, 10.03, 10.10 and 10.11, Application No. 2011-017, with exceptions and variances granted as outlined within the decision and resolution attached hereto and made a part of these minutes, conditioned upon compliance with the recommendations contained within the reports of Vincent Polistina, dated December 9, 2011, and January 18, 2012, Alexander Litwornia, dated December 13, 2011, and Steven Filippone and Christopher Carey, dated December 9, 2011, that are not inconsistent with the agreements made between the Board and the Applicant; remediation of the storm water management system so it functions as designed; recordation of a Declaration of Covenants and Restrictions for Drainage Structures in the County Clerk's Office, the contents of the document containing language acceptable to the Board's Solicitor and Engineer; completing the remedial work and submitting an investigative plan for the storm water basins prior to issuance of a building permit for the first structure within Phase One; certification by the Township Engineer that the storm water management system is functioning as designed before issuance of the first certificate of occupancy; implementing the sidewalk plan as depicted on Exhibit A-28, and amending the sidewalk plan to provide sidewalk along the south side of the private right-of-way that connects the Mall ring road with Wrangleboro Road to a point just short of the Wrangleboro Road right-of-way;

providing crosswalk between the main parking lot of the Mall and the pad site restaurants in a location other than a curve, to the satisfaction of the Board's Traffic Consultant; providing pavement treatment on either side of the crosswalks, to the satisfaction of the Board's Traffic Consultant; providing landscaped islands alternating with striped pavement at the termination of the aisles within the parking lots at the ring road; limiting trash pickup at the pad site restaurants to between the hours of 5:00 AM and one hour before opening; providing screening of the utility meters at the restaurant pad sites, to the satisfaction of the Board's consultants; and providing a landscape plan acceptable to the Board's Landscape Consultant.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Adams - Recused

Mr. Bilicki – Aye. He stated he was glad that the sidewalk plan was worked out; that he understood and agreed with the lighting variances; that he liked the design for the new store frontage; and he was glad that the Applicant worked with Mr. Litwornia to provide landscaped islands and crosswalks as discussed.

Mr. Cain – Aye. He thanked the Applicant for cooperating with the Board and its consultants.

Mr. Cheek – Aye. He stated that his desire was to see Mr. Carey and the Applicant develop a satisfactory landscape treatment in the area of concern he had identified.

Mr. Christman – Aye. He stated he was agreeable to the application, particularly because the basins would be remediated and there would be additional plant material installed.

Mr. Choyce – Aye. He thanked the Applicant for working so well with the Board's consultants; for agreeing to provide an acceptable sidewalk plan; and for providing detailed information that addressed the sign variances,

Mr. Kurtz – Aye. He felt a lot had been accomplished at this hearing.

Mr. Percy – Aye. He stated that the sidewalk plan was acceptable, but the Applicant and the Board were presupposing that people would use the proposed sidewalk route instead of walking along the Black Horse Pike, which would be the shorter route. He commended the Applicant for undertaking the proposed improvements in an effort to refresh an existing site.

Ms. Tomasello – Aye. She stated she was pleased with the location of the sidewalk, and the location of the bus stop, in the interest of safety, and commented that you couldn't prevent people from doing stupid things.

Mr. Wigglesworth – Aye. He stated that he was looking forward to seeing the improvements implemented and commented that the Mall would be a "gem" in the middle of Atlantic County.

SAID MOTION CARRIED.

Mr. Rosenberger announced that the hearing would be continued on February 16, 2012, at 7:00 PM, to consider the variances associated with the free-standing signs, and that there would be no need for additional public notice.

Adjournment – Mr. Percy moved, seconded by Mr. Christman, to adjourn the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Respectfully submitted,

Nancy Rainbow,  
Planning Board Administrator