

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF FRANKLIN GRANTING MINOR SUBDIVISION AND PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH BULK VARIANCE AND DESIGN WAIVER/EXCEPTION RELIEF, FOR A PROPOSED 10,640 SQUARE FOOT DOLLAR GENERAL RETAIL STORE ON THE SMALLER OF THE TWO LOTS TO BE FORMED FROM PROPERTY LOCATED AT 1444 HARDING HIGHWAY, KNOWN AS BLOCK 7202, LOT 10, IN THE TOWNSHIP OF FRANKLIN, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY**

WHEREAS, the Applicant, Newfield (Harding Highway)DG, LLC, in the Township of Franklin, County of Gloucester, State of New Jersey, as to property located at 1444 Harding Highway, and designated as Block 7202, Lot 10, on the Tax Maps of the Township of Franklin, has filed an application for a minor subdivision and preliminary and final major site plan approval with associated bulk variances and design waivers/exception for approval of a Dollar General Retail Store on the smaller of the two proposed subdivision lots.

WHEREAS, after a public hearing held on July 16, 2024, the following initial findings of facts were made, to wit:

1. The Applicant has proposed to subdivide the 13.1-acre lot into two (2) properties. Proposed Lot A would be approximately 10.725 acres in size, and would occupy the western portions of the lot, while Proposed Lot B will be 1.9 acres in size, occupying the eastern portions of the lot closer to the intersection.
2. In connection with this subdivision, the Applicant is also proposing to construct a 10,640 square foot Dollar General retail store on Proposed Lot B. Lot B would have 246 feet of frontage on Main Road and 286 feet of frontage on Harding Highway.
3. Along with the retail store on Proposed Lot B there are 35 off street parking spaces proposed on the site which would be located to the south and west of the building, and accessible from a new driveway onto Harding Highway. A new sidewalk is proposed along the Harding Highway frontage, with a pedestrian walkway proposed to connect the front of the store to the sidewalk in the street ROW. Two stormwater basins are proposed for stormwater management, one to the north of the building and one to the southwest.
4. The Applicant has requested variances pursuant to N.J.S. A. 40:55D-70C (2) for the following relief:
  - a. 253-93.A(1) – 43 parking spaces are required where 35 spaces are proposed (36 when counting the proposed Make Ready EV space as 2 per applicable law).
  - b. 253-93.B(6) – The spaces necessary to make a loading area useable shall not be included in the calculation of their size. The entire loading area is located within a drive aisle in front of parking spaces.
5. The Applicant has requested relief from the following design standards of the Township Code:
  - a. 253-50. A(2) – All site developments and major subdivisions shall have sidewalks. No sidewalks are proposed along Main Road.

- b. 253-50. A(22)(g) – A minimum of 10% of the internal area within a parking lot is required to be landscaped, where no internal landscaping is proposed within the parking area.
    - c. 253-138.H(1)- Building facades in excess of 100 linear feet shall incorporate projections or recesses along at least 20 percent of the facade length. The side facades of the building will each be 141 feet in length with no such features.
6. The application was considered complete as per the CME Associates July 10, 2024, review letter which recommended granting submission waivers for certain required items not provided.
7. The Applicant represented that the taxes on the subject property are current.
8. The Applicant was represented by Sara R. Werner, Esq., of the law firm of Prime Tuvel & Miceli.
9. In support of the application, the Applicant introduced the testimony of the following people:
  - a. Olivia Kononiuk, PE of Stonefield Engineering & Design as a professional engineer.
  - b. Paul Mutch, PE of Stonefield Engineering & Design as a professional engineer specializing in traffic engineering.
  - c. Elizabeth McManus, PP, AICP, LEED, AP, as a professional planner.
10. A complete list of the plans and documents submitted by the Applicant in support of its application is specified on pages 16 and 17 of the review letter dated July 10, 2024, issued by Christopher Dochney, P.P., Planning Board Planner, and Edward F. D'Armiento, PE, CFM, of CME Associates, the Planning Board Engineer.
11. The Applicant marked the following exhibits in evidence at the public hearing in this matter:
  - A-1 Aerial Photograph of the Site
  - A-2 Colored Rendering of Site Plan Sheet
  - A-3 Architectural Elevations
  - A-4 NJDOT Roadway Improvements Exhibit
12. Christopher Dochney, P.P., AICP, of CME Associates, the Planning Board Planner, submitted three (3) comprehensive review letters with the third and most recent letter being dated July 10, 2024. Additionally, Edward F. D'Armiento, P.E., of CME Associates, the Planning Board Engineer, submitted his comments within the same review letters as indicated herewith. Said letters are on file with the Planning Board secretary and are incorporated by reference herein.
13. The Planning Board considered the testimony of Christopher Dochney, P.P, the Planning Board Planner, and Edward F. D'Armiento, P.E., CFM, CME, the Planning Board Engineer. Both testified with regard to and consistent with their respective review letters.
14. Public notice of the hearing was provided in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-12.

WHEREAS, Sara R. Werner, Esq., attorney for the Applicant, Newfield (Harding Highway) DG, LLC, introduced the application and represented to the Board that there would be three (3) main witnesses. Finally, Ms. Werner represented that the Applicant will comply with all of the comments and conditions contained in the review letters prepared by CME Associates with the most recent being dated July 10, 2024.

WHEREAS, the Applicant's first witness, Olivia Kononiuk, PE, was sworn in and testified. She was qualified and accepted as an expert in the field of engineering by the Board. Ms. Kononiuk presented an overview of the project and discussed daily operations of the Dollar General store. As a part of her testimony, Ms. Kononiuk provided that the Applicant would comply with all recommendations as presented in the CME Associates review letters. She further testified the store would operate 8 am to 10 pm with daily deliveries and an approximately once to twice weekly trailer delivery on off peak hours. The trash container would be screened by an enclosure and will be serviced and emptied one to two times per week. Ten employees are expected total with two being on a shift at a time. The area lights will have back shields and will turn off one hour after closing. Ms. Kononiuk further addressed the variances and waivers that were requested by Applicant and testified that the parking presented by Applicant would accommodate the expected store traffic and utilization. She further testified that the turn maneuver of the delivery truck will be addressed to ensure no clipping or blocking of the handicap parking and delivery would be off peak hours and would take about 50 minutes.

WHEREAS, the Applicant's second witness, Paul Mutch, P.E., traffic engineer, was sworn in and testified. He was qualified and accepted as an expert by the Board in the field of traffic engineering. Mr. Mutch testified about a traffic study performed by his office and the performance, and expectations as derived by reviewing other Dollar General retail stores. Parking utilization was reviewed by looking at other Dollar General stores and reviewing data collected during different days of the week and at various times. He further provided that Applicant will satisfy all those items addressed in CME's review letters.

WHEREAS, the Applicant's planner, Elizabeth McManus, PP, AICP, LEED, AP, was sworn in and testified. She was qualified and accepted as an expert by the Board in the field of planning. Ms. McManus addressed the positive and negative criteria as to the variances requested for parking and the loading area. She testified that each bulk variance can be granted under the c(2) flexible variance criteria, and that the granting of the variances would not have a substantial detrimental impact on the public good or the intent and purpose of the zoning plan. She further testified regarding the design waivers, specifically discussing the landscaping and the building architecture.

WHEREAS, the issue of additional sidewalks was raised, and the Board Engineer confirmed he would rather not see additional sidewalks due to the location site and not wanting to attract pedestrian traffic as there is a school nearby. The Board had further discussion regarding landscape and/or trees and Board Member James Kelly suggested the addition of trees. The Applicant agreed to additional trees to be added as per the tree schedule previously submitted and will work with professionals to add trees along Main Road.

WHEREAS, the Board Planner, Chris Dochney, P.P. AICP, testified consistent with his review letter and commended the Applicant on its presentation. Mr. Dochney indicated he took no exception to the testimony provided by the Applicant's professionals regarding the variances and waivers.

WHEREAS, the Board Engineer, Edward F. D'Armiento, PE, CFM, CME, testified consistent with his review letter. The Engineer noted that the plans have been revised by Applicant to address most, if not all, of the concerns raised in his review letter. The Engineer addressed several of the comments raised in the review letter and the issues were addressed with the Applicant further testifying that they would comply with all items raised in the review letter.

WHEREAS, the development plans have been reviewed by the Planning Board Professionals (whose findings and reports are incorporated herein and made a part hereof) and have been found to be in compliance with the Development Regulations of the Township, except as noted previously where variances or waivers were requested,

WHEREAS, several residents and members of the public appeared at the public hearing and testified in response to this application. A few members of the public expressed concern with the traffic the Dollar General retail store might bring near the school as that road is already busy enough. Further, a few comments were made as to the size of Lot B that the Dollar General retail store would be placed on and what plans the owner of the property might have for Lot A.

NOW, THEREFORE, based upon the foregoing findings of facts and conclusions of law, including all of the testimony and evidence presented at the public hearing, BE IT RESOLVED by the Planning Board of the Township of Franklin that the Application by Newfield (Harding Highway) DG, LLC, for Minor Subdivision and Preliminary and Final Major Site Plan approval with bulk variances and design waivers/exceptions as described herein is hereby GRANTED by a vote of six (6) in favor and none (0) opposed, for the reasons set forth on the record in this matter and subject to the following terms and conditions:

1. The Applicant *shall be bound by all agreements and/or representations made by or on behalf of the Applicant as set forth at the hearing in this matter* and the Applicant shall be bound by all exhibits introduced, all representations made and all testimony given on its behalf before the Planning Board, except as otherwise noted on the record.
2. The Applicant shall satisfy all outstanding fees and escrows.
3. The Applicant shall provide all Planning Board professionals with an electronic copy of the files with each submission.
4. The Applicant shall obtain any other applicable governmental approvals which the Applicant may be required to obtain from any local, county, state, or federal governmental agency or body, which shall include but not be limited to:
  - a. Gloucester County Planning Board
  - b. Gloucester County Soil Conservation District
  - c. Gloucester County Health Department
  - d. Township of Franklin Fire Chief
  - e. Township of Franklin Police Department

**f. Gloucester County Utilities Authority**

Evidence of these approvals must be submitted to the Planning Board Secretary, Planning Board Planner, Planning Board Engineer, and Planning Board Attorney prior to the issuance of any permits.

5. The Applicant shall address all issues and comments raised in the review letters as prepared by the Board's professional planner and engineer.
6. The Applicant shall work with the Board's professionals to add greenery and shrubs on site in lieu of providing the required landscaping within the parking area. Further, Applicant will ensure that the plantings do not interfere with utilities and will add trees to the perimeter of the property as discussed at the Planning Board Hearing.
7. The Applicant will address any issues caused by lighting and will provide a contact for the developer to allow any lighting complaints and comments to be addressed quickly. Shields will be added to the lights and the details will be provided to the plans.
8. The Applicant shall increase the basin maintenance access width to 10 feet and explore options for the maintenance of the basins to the satisfaction of the Planning Board Engineer.
9. All conditions of approval must be satisfied by the Applicant prior to the beginning of site construction and prior to any permits.
10. The Applicant shall be subject to the non-residential development fee as described in Chapter 138 Affordable Housing of the Township Code, and any other applicable affordable housing requirements as stated in the Fair Housing Act.
11. The within approvals are subject to the Applicant's compliance with the Planning Board's Final Condition Checklist.
12. The failure of the Applicant to comply with any of the conditions contained in this Resolution will permit the Planning Board, at its sole option, to rescind the approvals being granted by this Resolution and/or to advise the Townships to revoke any permits which have been issued to the Applicant.

**BE IT FURTHER RESOLVED** that Notice of Decision of this Resolution will be published by the Planning Board Secretary within ten (10) days of the date of the adoption of this Resolution in the South Jersey Times or the Sentinel of Gloucester County, which are designated as the official newspapers of publication of the Township of Franklin Planning Board.

**ROLL CALL VOTE**

**THOSE IN FAVOR: 5**

**THOSE OPPOSED: 0**

**THOSE ABSTAINING: 0**

Adopted at a regular meeting of the Planning Board of the Township of Franklin held on July 16, 2024.

TOWNSHIP OF FRANKLIN PLANNING BOARD

Ralph Travaglione  
RALPH TRAVAGLIONE, VICE CHAIRMAN

ATTEST:

Christina Mulford  
Christina Mulford, Secretary

**CERTIFICATION**

I hereby certify that this foregoing Resolution is a true memorialization resolution, as adopted by the Planning Board of the Township of Franklin in accordance with its decision at a regular meeting held on August 20, 2024.

DATED: August 20, 2024

Christina Mulford  
Christina Mulford, Secretary  
TOWNSHIP OF FRANKLIN PLANNING BOARD