

AMENDED PRELIMINARY & FINAL SITE PLAN
WALMART REAL ESTATE TRUST
WALMART SUPERCENTER
Block 278, Lots 13 and 13.01
Route 9
Zone – General Business & R-200 (Residential)

Application No. 2007-13B

Related Resolution No. 2009-10

Related Resolution No. 2010-15

**RESOLUTION OF APPROVAL 2016-11
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, an application has been made by Walmart Real Estate Trust, for an amended preliminary and final site plan for Block 278, Lots 13 and 13.01, as set forth on the Tax Maps of the Township of Little Egg Harbor; and

WHEREAS, the Planning Board, after carefully considering the evidence presented by the applicant, and the report(s) from its professional staff, hereby makes the following findings of fact:

1. The applicant has a proprietary interest in the subject property.
2. The applicant has requested approval in accordance with the Ordinances of the Township of Little Egg Harbor.
3. The public hearing on the application was held on February 4, 2016, at which time the applicant was represented by Jennifer Mazaway Esq.
4. Over 90 percent of the site in question is located in the General Business zone; the remainder of the site is in the R-200 Residential Zone. In accordance with Ordinance 2005-002 and Section 15-4.3E of the Ordinance, the zoning requirements of the General Business Zone apply to the entire lot. No development is proposed on the portion of the site located with the R-200 Zone. The site is located on the northern side of Route 9, approximately 700 feet east of Otis Bog Road.
5. The applicant was granted preliminary and final site plan approval to construct a 161,143 square foot Walmart, including a 6,300 square foot garden center. The applicant was also granted major subdivision approval for the creation of two lots from the existing tract and to relocate a lot line. Preliminary site plan approval for the construction of a 3,576 square foot bank on a separate pad was also granted. The applicant also modified portions of the recharge/drainage system for the site plan in a prior approval.

6. The applicants are seeking approval of an amended Preliminary and Final Site Plan for the following purposes:

- Change the non-impact bollards in the front of the building to impact bollards;
- Change the color of the benches & trash cans on site from blue to black;
- Modify the signage to provide a change in the entrance sign language, and to provide a sign for the drive-thru pharmacy (net increase of approximately 40 sq. ft.);
- Remove the drop-off area in the front of the building;
- Remove the bump-out area at the vestibules in the front of the building;
- Provide outdoor display/storage for water bottle returns and propane gas tanks (each less than 30 sq. ft.);
- Expand the bale & pallet storage area in the rear of the building, to provide for dedicated organic dumpsters.

7. The applicant had previously been granted several variances related to wall mounted signage.

8. T&M Associates, the Board engineers, prepared a report to the Board dated January 25, 2016. Taylor Design Group, the Board landscape architects, prepared a report to the Board dated January 27, 2016. The Board hereby adopts the findings in the reports and incorporates them in this Resolution by reference.

9. The applicant presented the testimony of Perry Petrillo, A.I.A, regarding the architectural testimony on the proposed building changes. The applicant also presented the testimony of Cliff Quay, P.E., P.P., regarding the engineering and planning requirements of the site. The testimony elicited supported the applicant's contention that the proposed amended preliminary and final site plan is in keeping with the area and neighborhood and that the granting of the application would in no way be detrimental to the public good.

The Little Egg Harbor Township Planning Board concurs with these representations and so finds.

WHEREAS, the Planning Board has determined that the applicant should be granted the requested relief for the following reasons:

1. The proposed amended plan will pose no danger to the surrounding area.
2. The granting of the application will not have a substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan, Master Plan, and/or Zoning Ordinances of the Township of Little Egg Harbor.

3. The positive criteria outweigh the negative, if any.
4. There was no public comment at the hearing.
5. The safety and well being of the immediate area will not be adversely affected by the proposed amended plan.
6. The proposed changes to the site would serve the public interest.
7. The application is in substantial compliance with the Zone Plan or Master Plan, and will not unduly impact upon the neighborhood scheme.

NOW, THEREFORE, BE IT RESOLVED by the Little Egg Harbor Township Planning Board that the application is hereby approved subject to the following conditions:

1. **There are presently a total of 44 bollards proposed across the front of the store. Thirty of these bollards will be equally distributed along the building frontage, with the 14 bollards in front of the 2 vestibule areas to remain at 4ft intervals.**
2. **The approval for outside vending is limited to two areas, one for propane tanks and one for large water bottles. Each area is limited to a maximum of 30 square feet, and must be clearly delineated on the plans. Sales for each of these area will take place within the store. No other outside sales or displays will be permitted.**

In addition, the following general conditions shall apply:

1. The applicant must submit proof of payment of all currently due taxes to the Little Egg Harbor Township Planning Board.
2. The applicant must post all bonds and guaranties as required and recommended by this Board and said Planning Board engineer. Moreover, the Applicant must post all required engineering inspection fees.
3. All representations and statements made by the Applicant, as well as 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 expressed 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 of this Board's own motion.

4. In the event the Planning Board determines that it reasonably relied upon any misstatement or misrepresentation, then and in that case any approvals previously given may be rescinded and any improvements in place on the premises in question shall not be considered as being in compliance with the ordinances of the Township of Little Egg Harbor.

5. The applicant must comply with all conditions as contained in the Board Engineer's Report, and the conditions in the Board Landscape Architect's report.

6. The applicant must obtain reports with signed certifications from the Township of Little Egg Harbor Planning Board Engineer, Zoning Officer, and Building Department certifying compliance with all conditions of the Resolution.

7. No building permit will be issued until all escrow accounts have sufficient monies to pay all outstanding Planning Board professional fees. In the event a building permit is issued and there are outstanding escrow monies due for Planning Board professional fees, a stop-work order will be filed against the applicant/contractor until such escrow fees have been confirmed by the Board Secretary as paid in full.

8. In the event there is an *existing* violation, the applicant shall have thirty (30) days from the date of the Notice of Decision was published to correct the violation. Failure to correct the existing violation within the time proscribed will result in the issuance of a summons.

9. The applicant shall comply with all regulations and obtain all necessary permits required by outside agencies, including local, state and federal.

10. The applicant has agreed to participate in the State recycling program. The program provides credits to the Township of Little Egg Harbor when trees and tree parts are cleared from properties and processed into wood chips (at the site) and then recycled for use as product on-site or off-site. The applicant agrees to file the appropriate forms with Little Egg Harbor Township so that the Township will receive recycling credits pursuant to *N.J.A.C. 7:26A-1.4*.

11. The applicant has agreed and is required to provide additional information, including soil borings and permeability test results, to the Board Engineer to confirm the underground infiltration systems will function as designed.

12. The applicant shall comply with any and all conditions of Resolution 2009-15 & Resolution 2010-15, unless specifically superseded by this approval.

BE IT FURTHER RESOLVED the applicant's request for board approval of an amended site plan, pursuant to the terms and conditions as set forth more fully in the preamble of this Resolution, be and hereby are approved.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the applicant, the Building Department, and the Township Clerk by the Planning Board secretary.

BE IT FURTHER RESOLVED that a notification of this favorable Resolution shall be published in an official newspaper of the Little Egg Harbor Township within ten (10) days of the adoption of this resolution.



KENNETH LANEY, Chair

CERTIFICATION

I, **Robin Schilling**, Secretary of the Little Egg Harbor Township Planning Board, certify that the foregoing Resolution was duly adopted at a meeting held on March 3, 2016, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on February 4, 2016, a quorum being present and voting in the majority.



Robin Schilling, Board Secretary