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October 22, 2020
70567 01

Attn: Ms. Michele Gittinger, Board Secretary
Southampton Township Planning Board
5 Retreat Road
Southampton, NJ 08088-3591

Re: PB 20-2203-14
**Completeness Review and
Minor Subdivision and Preliminary and Final Major Site Plan**
Dollar General
1823 Route 206
Block 2203, Lots 14 and 14.01

Dear Board Members,

We have reviewed an application for approval of a minor subdivision and a preliminary and final major site plan for the property referenced above. The Applicant is seeking these approvals to construct a Dollar General retail establishment and associated improvements on 3.115 acres of the northern portion of an existing 10.391-acre property. The property, which fronts on both US Route 206 and Red Lion Road (CR 641), is in the Township's non-Pinelands Highway Commercial (HC) District and the Scenic Corridor Overlay - Compromised (SCO-C) District. The proposed minor subdivision also includes removing a 35'-wide portion of Lot 14 totaling 0.143 acres and consolidating it with adjacent Lot 14.01 to locate Lot 14.01's driveway and off-street parking area on the same parcel as the dwelling. The following are our general comments on the applicant's completeness status and comments on the subdivision and site plan, as presented.

General Information

Applicant: Southampton DG, LLC
361 Summit Boulevard, Suite 110
Birmingham, AL 35243

Owner (Lot 14): Catherine Hass
1812 Route 206, PO Box 2329
Southampton, NJ 08088

Owner (Lot 14.01): Catherine Susan Hass
1 South Park Drive
Tabernacle, NJ 08088

Attorney: Duncan Prime, Esq.
Prime & Tuvel
1400 Horizon way, Suite 325
Mount Laurel, NJ 08054

Engineer: Paul D. Mutch, Jr., PE
Stonefield Engineering & Design, LLC
15 Spring Street
Princeton, NJ 08542

Submitted Documents

Documents submitted with the application include the following:

1. Planning Board & Zoning Board Application Form.
2. Application for Final Major Subdivision / Site Plan Submission Checklist.
3. Operations and Use (Cover) Memorandum prepared by Paul D. Mutch, Jr. PE of Stonefield Engineering & Design, LLC in Princeton, NJ dated 6/29/20.
4. Zoning Relief and Modification Memorandum prepared by Paul D. Mutch, Jr. PE of Stonefield Engineering & Design, LLC in Princeton, NJ dated 8/13/20.
5. Checklist Justification Memorandum prepared by Paul D. Mutch, Jr. PE of Stonefield Engineering & Design, LLC in Princeton, NJ dated 8/11/20.
6. Preliminary and Final Major Site Plan prepared by Paul D. Mutch, Jr. PE of Stonefield Engineering & Design, LLC in Princeton, NJ dated 8/14/20 comprising the following:
 - a. Cover Sheet, Sheet C-1
 - b. Existing Conditions Plan, Sheet C-2;
 - c. Demolition Plan, Sheet C-3;
 - d. Site Plan, Sheet C-4;
 - e. Grading & Drainage Plan, Sheet C-5;
 - f. Utility Plan, Sheet C-6;
 - g. Lighting Plan, Sheet C-7
 - h. Lighting Details, Sheet C-8;
 - i. Soil Erosion & sediment Control Plan, Sheets C-9 and C-10;
 - j. Landscaping Plan & Details, Sheets C-11 and C-12; and
 - k. Construction Details, Sheet C-13 through C-15.
7. Existing Drainage Area Maps, Sheets 1 of 2 and 2 of 2 prepared by Paul D. Mutch, Jr. PE of Stonefield Engineering & Design, LLC in Princeton, NJ dated 8/14/20.
8. ALTA / NSPS Land Title Survey prepared by Thomas F Miller, PLS of Stonefield Engineering & Design, LLC in Princeton, NJ dated 8/14/20.
9. Survey and Minor Subdivision – Lot 14 prepared by Thomas F Miller, PLS of Stonefield Engineering & Design, LLC in Princeton, NJ dated 8/18/20.
10. Stormwater Management Report prepared by Paul D. Mutch, Jr. PE of Stonefield Engineering & Design, LLC in Princeton, NJ dated 8/11/20.
11. Traffic & Parking Assessment Report prepared by Matthew J Seckler, PE PP PTOE and John Corak, PE of Stonefield Engineering & Design, LLC in Princeton, NJ dated 8/14/20.
12. Environmental Impact Statement prepared by Jeffrey Martell, PE PP, CME, LEED AP of Stonefield Engineering & Design, LLC in Princeton, NJ dated 8/14/20.
12. Test Hole Location & Concept Layout Plan prepared by anonymous of Houser Engineering, LLC of Ringwood, NJ dated 7/27/20.
13. ALTA Commitment for Title Insurance prepared by illegible of Old Republic National Title Ins. Co of Akron, OH undated.

Completeness Review

The major site plan application requires the approval of a minor subdivision application involving the two property owners identified above. Neither the application nor the minor subdivision plan includes the signatures of these property owners. There are also two different subdivision plans. The plans do not recognize the property as a double-fronted lot, which means that various setback provisions are in error. In addition, the Burlington County Planning Board has given its conditional approval based on the Applicant dedicating an additional 6.25' of right-of-way (ROW) for Red Lion Road, which further complicates the setback issues. There are several other completeness issues that the Board Engineer has noted.

For this reason, we recommend that the application be found INCOMPLETE and insufficient for review and consideration by the Planning Board in terms of planning-related issues.

Zoning Requirements

A. Use Requirements (Highway Commercial (HC) District: The proposed retail commercial establishment on proposed Lot 14.03 is a permitted principal use in the HC district. The application does not propose any land use changes on the other parcels involved in this application, e.g., proposed Lot 14 will remain vacant and proposed Lot 14.01 will continue as a single-family detached dwelling. The use on Lot 14.01 is a pre-existing, non-conforming use in the HC district.

B. Area and Bulk Requirements

Minor Subdivision (Highway Commercial (HC) District:

a. Lot 14 (Mother Lot, double-fronted): The minor subdivision proposes to create a new 7.275-acre parcel from the southern part of existing, 10.391-acre Lot 14. No development is proposed on this new southern parcel, which is intended to have access to US Route 206 via a proposed shared access easement on proposed Lot 14.03. The last column in the following table indicates how the proposed subdivision conforms to the area and bulk requirements in the HC district without considering the required County ROW dedication.

Section	Item	Required	Proposed	Status
§12-3.6.e.1	Min. Lot Area (acres)	2	7.275	C
§12-3.6.e.2	Min. Lot Frontage (feet)	200	444.08	C
§12-3.6.e.3	Min. Lot Width (feet)	200	444.08	C
§12-3.6.e.4	Min. Lot Depth (feet)	300	300	C

(C = Conforms)

b. Lot 14.01 (146 Red Lion Road): The minor subdivision proposes to remove a 35'-wide, 0.143-acre strip from the northwest section of 10.391-acre Lot 14 and consolidate it with adjacent Lot 14.01. Lot 14.01 is a 0.655-acre parcel that does not meet the current HC district's minimum lot area, frontage, width, and depth requirements. The proposed removal the 35'-wide strip from the Mother Lot and its consolidation with Lot 14.01 will locate all the development associated with 146 Red Lion Road on to Lot 14.01 while increasing conformity with the HC district's minimum lot area, frontage, and width requirements. The last column in the following table indicates how the proposed subdivision conforms to the area and bulk requirements in the HC district without considering the required County ROW dedication.

Section	Item	Required	Existing	Proposed	Status
§12-3.6.e.1	Min. Lot Area (acres)	2	0.512	0.655	P
§12-3.6.e.2	Min. Lot Frontage (feet)	200	125.00	160.00	P
§12-3.6.e.3	Min. Lot Width (feet)	200	125.00	160.00	P
§12-3.6.e.4	Min. Lot Depth (feet)	300	178.25	178.25	P

(P = Pre-existing, non-conforming condition.)

- c. Lot 14.03 (Dollar General Lot): The last column in the following table indicates how the proposed subdivision of this double-fronted lot conforms to the minimum area and bulk requirements in the HC district without considering the required County ROW dedication.

Section	Item	Required	Proposed	Status
§12-3.6.e.1	Min. Lot Area (acres)	2	3.115	C
§12-3.6.e.2	Min. Lot Frontage: US Route 206 (feet)	200	318.00	C
§12-3.6.e.3	Min. Lot Width: US Route 206 (feet)	200	≈ 294	C
§12-3.6.e.2	Min. Lot Frontage: Red Lion Road (feet)	200	214.27	C
§12-3.6.e.3	Min. Lot Width: Red Lion Road (feet)	200	≈ 178	V
§12-3.6.e.4	Min. Lot Depth (feet)	300	≈ 509	C

(C = Conforms; V = Variance required.)

1. §12-3.6.e.3 requires a minimum 200’ lot width measured at the required 150’ front yard setback. From its current 49.5’ - right-of-way (ROW), the lot width is about 178’ along Red Lion Road; however, the 2019 Burlington County Highway Master Plan indicates that the ROW should be 62’ wide, which would require an additional 6.25’ from this parcel thus reducing the lot width slightly further. The Applicant should provide testimony regarding the County Planning Board’s decision on the future ROW.

A c(1) bulk variance is required for the subdivision of this double-fronted lot because the lot width along Red Lion Road is less than 200’. For c(1) variances the Applicant must demonstrate that strict application of the zoning requirement would have “peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the Applicant arising out of:

- a. The exceptional narrowness, shallowness, or shape of a specific piece of property, or
- b. By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- c. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

Major Site Plan

- a. Lot 14.03 (Dollar General Lot): Highway Commercial (HC) District: The last column in the following table indicates how the proposed site plan on this double-fronted lot conforms to the bulk requirements in the HC district, without considering the required County ROW dedication and assuming that the existing shed along the northern property line is removed.

Section	Item	Required	Proposed	Status
§12-3.6.e.5	Min. Side Yard Setback One / Both (feet)	20/100	73.1/158.2	C
§12-3.6.e.10	Min. Side Buffer: North (feet)	15	15	C
§12-3.6.e.10	Min. Side Buffer: South (feet)	15	15	C
§12-3.6.e.6	Min. Front Yard Setback: US Route 206 (feet)	150	155.5	C
§12-3.6.e.8	Min. Front Buffer: US Route 206 (feet)	40	68	C
§12-3.6.e.6	Min. Front Yard Setback: Red Lion Road (feet)	150	>150	C
§12-3.6.e.8	Min. Front Buffer: Red Lion Road (feet)	40	25	BB
§12-3.6.e.11	Max. Floor Area Ratio (percent)	50	6.83	C
§12-3.6.e.12	Max. Impervious Surface (percent)	50	>50	C
§12-3.6.e.13	Max. Building Height (feet)	35	18	C
§12-3.6.e.14	Max. Building Gross Floor Area (square feet)	20,000	9,265	C
§12-3.6.e.15	Customer Parking/ Access if Side is <40’	None	n/a	n/a
§12-3.6.e.16	Min. Principal. Bldg Setback adj Dwelling (feet)	100	125	C
§12-3.6.e.17	Basin permitted in Front Yard Setback	Per §12-5.7	Yes	C
§12-3.6.e.18	Min. Buffer to Residential District (feet)	50	n/a	n/a
§12-3.6.e.19	Shared Driveway Max. FAR /IC (percent)	60 / 60	n/a	n/a

Section	Item	Required	Proposed	Status
§12-3.6.e.20	Reduced FAR for Limited Soils (percent)	5	n/a	n/a
§12-3.6.e.21	Min. Lot Area increased by NO3 Model	Model	n/a	n/a
§12-3.6.f.4	Flat roofs permitted for roof-mounted equipment	T	T	T

(C = Conforms; BB = Basin allowed in front yard buffer per §12-5.7; T = Testimony required; n/a = not applicable.)

- b. Lot 14.03 (Dollar General Lot): Scenic Corridor Overlay - Compromised (SCO-C): The last column in the following table indicates how the proposed site plan conforms to the bulk requirements in the SCO-C district, assuming that no additional ROW is required.

Section	Item	Required	Proposed	Status
§12-3.14.c.2(a)	Min. US 206 Setback: Sign, Parking, Bldg. (feet)	200	20/68/155.5	V/V/V
§12-3.14.c.2(b)(2)	Min. Landscape Buffer along US 206	Per §12-5.2	Per §12-5.2	C
§12-3.14.c.2(c)(1)	Max. Driveway Cuts per Lot	1	1	C
§12-3.14.c.2(c)(2)	Utility to be located Underground	Yes	Yes	C

(C = Conforms; V = Variance required.)

2. §12-3.6.f.4 indicates that “all buildings shall have a gable, hip, gambrel or mansard roof (or other dual pitched, single ridge roof), and no flat or lean-to roof shall be permitted; provided, however, that where roof mounted equipment is necessary for the operation of the building, a facade roof treatment exhibiting the appearance of such dual-pitched roofs may be permitted and approved by the Board during site plan review.” **The Applicant should provide testimony. A design waiver may be required.**
3. §12-3.14.c.2(a) requires a minimum 200’ setback from US Route 206 for unexempt structures, such as freestanding signs, off-street parking areas, and buildings. **Because the table above indicates that these features are setback 20’, 68’, and 155.5’, respectively, from the current ROW, c(1) bulk variances are required.** For c(1) variances the Applicant must demonstrate that strict application of the zoning requirement would have “peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the Applicant arising out of:
- The exceptional narrowness, shallowness, or shape of a specific piece of property, or
 - By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
 - By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

- C. **Off-Street Parking and Loading Requirements:** The following table indicates conformance with the off-street parking and loading in §12-5.10 for retail uses.

Section	Item	Required	Proposed	Status
§12-5.10.i	Min. Parking Space Dimensions (feet)	10 x 20	9 x 20	V
§12-5.10.j	Min. Parking Spaces: 1/200 (square feet)	47	46	V
§12-5.10.k.2	Min. Parking Setback from Building (feet)	20	5	V
§12-5.10.k.3	Parking & Loading in Buffer Area (feet)	40	68	C
§12-5.10.n	Min. Loading Space Dimensions (feet)	10-14x60	0	n/a
§12-5.10.o	Min. Loading Spaces: 1 over 10,000 SF	0	0	C
§12-5.10.p	Min. Fire Lane Width (feet)	18	0	V

4. **The table indicates that bulk variances are required for the following:**
- a. **§12-5.10.i. for undersized parking spaces;**
 - b. **§12-5.10.j for insufficient number of parking spaces because the site plan uses an incorrect building square footage number;**
 - c. **§12-5.10.k.2 for showing parking areas with less than the minimum required building setback; and**
 - d. **§12-5.10.p for lacking a dimensioned fire lane.**

The Applicant must provide testimony to justify the requested variance by using either the c(1) or c(2) proofs. For c(1) variances the Applicant must demonstrate that strict application of the zoning requirement would have “peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the Applicant arising out of:

- a. The exceptional narrowness, shallowness, or shape of a specific piece of property, or
- b. By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- c. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.”

For c(2) variances the Applicant must demonstrate:

- a. That the purposes of the Municipal Land Use Law (MLUL) would be advanced by a deviation from strict application of the zoning requirement;
- b. That the variance can be granted without substantial detriment to the public good;
- c. That the benefits of the deviation would substantially outweigh the detriment; and
- d. That the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

D. Signage

5. The proposed freestanding and wall-mounted business identification signage complies with the ordinance.

E. Landscape

6. We recommend installing mulched planting along the US Route 206 frontage to meet the intent of the Township’s Scenic Corridor requirements.
7. The planting beds cited above should include groupings of evergreen species, such as Norway Spruce (*Picea abies*), Serbian Spruce (*Picea omorika*), White Fir (*Abies concolor*), and American Holly (*Ilex opaca*) in mulched planting beds. The species should be interspersed with each other to provide diversity of form and texture, as well as to mitigate disease potential.
8. A mix of evergreen and deciduous shrubs/small trees, such as Serviceberry, Witchhazel, Leatherleaf Viburnum, and 'Forest Pansy' Redbud (*Cercis canadensis* 'Forest Pansy'), should be incorporated into the planting beds cited above to provide seasonal interest. We also recommend expanding the planting beds along the existing/modified swale fronting US Route 206 and incorporating shrubs, such as Yellow Twig Dogwood (*Cornus sericea* 'Flaviramea'), as well as female (*Ilex verticillata* 'Maryland Beauty') and male (*Ilex verticillata* 'Jim Dandy' Winterberries, into the beds.
9. Larger deciduous trees, such as Tuliptree (*Liriodendron tulipifera*), American Sycamore (*Platanus occidentalis*), Sugar Maple (*Acer saccharum* 'Green Mountain'), and Heritage' River Birch (*Betula nigra* 'Heritage') should be interspersed between the planting beds.

10. The planting bed surrounding the identification sign should be expanded and extended along the driveway to provide a more appealing entrance. Additional species, including taller shrubs, ornamental grasses, such as 'Karl Foerster' Feather Reed Grass (*Calamagrostis x acutifolia* 'Karl Foerster'), and perennials should supplement the Gro-Low Sumac groundcover. An ornamental tree, such as 'Dynamite' Crape Myrtle (*Lagerstroemia indica* 'Dynamite'), should be incorporated into the planting bed to provide additional seasonal interest.
11. The White Pines proposed along the northerly and southerly property lines should be replaced with a species less prone to limb breakage, such as Canadian hemlock (*Tsuga canadensis*) or Leyland cypress (*Cuprocyparis leylandii*).
12. The Eastern Red Cedar listed in the Plant Schedule should specify the cultivar 'Emerald Sentinel' (*Juniperus virginiana* 'Emerald Sentinel') for its superior vigor and ornamental qualities.
13. Buffer planting should be provided along the border shared with residential Lot14.01. The planting should include species, such as Serbian Spruce, 'Green Giant' Arborvitae (*Thuja standishii x plicata* 'Green Giant'), and 'Moonglow' Juniper (*Juniperus scopulorum* 'Moonglow'). Deciduous trees, such as 'Heritage' River Birch and Tuliptree, should be incorporated into the buffer as well.
14. Buffer planting required along the tract's Red Lion frontage should include Serbian Spruce, White Fir, and American Holly. Trees, such as 'Forest Pansy' Redbud, Tuliptree, and Sugar Maple, as well as shrubs, such as Serviceberry, Witchhazel, and Leatherleaf Viburnum, and should be incorporated into the planting scheme as well.
15. The area between the northerly side of the building and the front of the infiltration basin should receive supplemental planting. We recommend installing an upright evergreen, such as 'Dragon Lady' Holly (*Ilex x aquipernyi* 'Dragon Lady'), near the building corner and supplementing it with shrubs, such as "Otto Luyken' Cherry Laurel (*Prunus laurocerasus* 'Otto Luyken') and Gold Mound Spirea (*Spirea japonica* "Gold Mound"). We also recommend replacing the Hackberry tree with an ornamental, such as Goldenraintree (*Koelreuteria paniculata*).
16. The five (5) Eastern Red Cedars proposed along the northerly property line should be supplemented with three (3) Dawn Redwood (*Metasequoia glyptostroboides*) conifers planted between them and the basin.
17. An Irrigation Note on the Landscape Plan calls for the contractor to provide a design for an irrigation system separating planting beds from lawn area. The areas should be depicted on the plan.
18. Plant Material Guarantee Note 1 should be revised to provide a two (2) year plant guarantee for all required buffer areas.

F. Waste Management and Recycling

19. The site plan indicates that the property will have a trash enclosure with dumpsters. The Applicant should provide testimony regarding the adequacy of the proposed trash enclosure to accommodate solid waste and recyclables. The plan should be revised to provide dimensions for the trash enclosure.

G. General Comments

20. The Applicant should be prepared to provide testimony regarding operation of the facility, including:
- a. Days and hours of operation;
 - b. The maximum number of employees on any shift; and
 - c. Types of deliveries; delivery types, size of vehicle(s), frequency, and timing.
21. Unless otherwise specifically approved by the Board, no merchandise, products, equipment, or similar material or objects shall be displayed or stored outside, and all solid waste not stored within a building shall be stored within an enclosed container. (§12-3.6.f.5) The Applicant should provide testimony on this matter.
21. Occasional outside displays of seasonal products or merchandise for sale shall be permitted where it is impractical due to the size or nature of the seasonal product or merchandise to store or display said products or merchandise within the permanent enclosed building; however, said occasional outside displays of seasonal products or merchandise shall be conducted only by the owner or tenants of the building and the regular employees of said business or use, and the products or merchandise shall be reasonably related to the primary business or use at the site. (§12-3.6.f.6). The Applicant should provide testimony on this matter.

H. Administrative

22. All future re-submissions of the plans shall clearly indicate a revision date and be accompanied with a point-by-point response letter to the comments of the Board's professional staff.

I. Permits and Approvals

23. The following permits and approvals are required:
- a. NJDOT;
 - b. Burlington County Planning Board;
 - c. Burlington County Health Department;
 - d. Township Fire, Police, and Building Code officials, as may be required; and
 - e. Any others, as necessary.

Should you or the Applicant have any comments or questions regarding this matter, please do not hesitate to contact me.



Edward Fox, AICP, PP
Board Planner

EF

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