

**A RESOLUTION OF THE BOROUGH OF WOODBURY HEIGHTS  
PLANNING/ZONING BOARD GRANTING SITE PLAN APPROVAL  
TO MCDONALD'S USA, LLC**

WHEREAS, McDonald's USA, LLC has applied to the Woodbury Heights Planning/Zoning Board for Preliminary and Final Major Site Plan approval to renovate the existing McDonald's restaurant, including building upgrades to the exterior elevations, the addition of a second drive-thru area, the removal of a freezer/cooler building and other related improvements, together with several bulk or "C" variances related thereto, for the property located at 201 South Evergreen Avenue, at the intersection with Mantua Pike (Route 45), which property is designated as Lots 1, 2.01, 2.02 & 2.03 of Block 28; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant in support of its site plan and variances application at the regular meeting held on July 1, 2013, and after the Board had opened the meeting to the public, has made the following findings of fact:

1. The applicant has submitted an application for both Preliminary and Final Major Site Plan approval, with "C" variances, providing the Board with supporting documents.
2. The property is located in the Highway Commercial (HC) Zone.
3. The applicant has paid and/or posted all required fees.

4. Proper notice of this application for both the site plan approval and variances has been given, based upon the certified lists obtained from the Borough Tax Office and from Woodbury.

5. The applicant is applying for Preliminary and Final Major Site Plan approval to renovate the existing McDonald's restaurant; specifically, they are proposing to upgrade the exterior elevations, to provide a second drive-thru area, to remove the existing freezer/cooler outbuilding, to update the handicapped access, to replace the trash enclosure, and related site improvements, including additional and replacement signage.

6. The site, as presently configured, has 73 parking spaces. The proposed plan is only providing 60 parking spaces, a reduction of 13. However, no variance is required for this, as the Borough Code only requires that 55 spaces be provided.

7. As part of its application for site plan approval, the applicant is also applying for variances pursuant to N.J.S.A. 40:55D-70(C) to allow deviations from the Borough Code, as follows (as set out in the report of the Board Planner):

A. A variance from §70-14D to permit an accessory building to be 1.5 feet from the railroad right-of way when a 10 foot setback is required;

B. A variance from §70-14E(2) to permit a parking setback of 2.6 feet to the eastern property line when a 5 foot setback is required;

C. A variance from §70-14E(2) to permit a parking setback of 1.9 feet to the northern property line (railroad right-of-way) when a 9.5 foot setback is required;

D. A variance from §70-14E(2) to permit a parking setback of 4.6 feet to Evergreen Avenue when a 10 foot setback is required.

E. A variance from §70-14H(1) to permit eight proposed signs (6 wall signs and 2 freestanding signs) when only 2 are permitted;

F. A variance from §70-14H(1) to permit a total sign area of 165.1 square feet when a maximum sign area of either 5% of the first floor portion of the front facade or 75 square feet, whichever is less, is permitted;

G. A variance from §70-28F to permit proposed directional signs (including menu boards) ranging in size from 2.1 square feet to 41 square feet when a maximum sign area of 2 square feet is permitted.

8. In addition, this application requires various waivers, as follows (as set out in the report of the Board Engineer):

A. Waiver from §70-46B which requires that the scale for the plans be 1" = 50';

B. Waiver from §70-46B(1)(c) which requires that the property owners list be included on the plans;

C. Waiver from §70-46B(18) which requires that stormwater calculations be submitted;

D. Waiver from §70-46B(19) which requires the depiction of all utility structures within two hundred (200') feet;

E. Waiver from §§70-46B(21) and 70-47B(b) which requires sections and profiles for centerlines for streets and sight triangles for driveways;

F. Waiver from §70-46B(25) which requires a traffic study.

G. Waiver from §70-46B which requires a fiscal impact statement.

H. Waiver from §70-47B(c) which requires plans and profiles for storm and sanitary sewers and for water mains.

9. McDonald's USA, LLC, as the applicant, presented its evidence to the Board in satisfaction of its site plan and variance applications through the testimony of Michael Jaitner, P.E. of Bohler Engineering and John Durant, a principal of the owner.

10. In accordance with the review report of Tiffany A. Cuvieles, P.P., the Board's Planner, dated June 21, 2013, the applicant has agreed to comply with all comments set forth therein as may be applicable, as so agreed to at the time of the July 1, 2013 meeting.

11. In accordance with the review report of Mark R. Brunermer, P.E. of Sickels & Associates, the Board Engineer, dated June 17, 2013, the applicant has agreed to comply with all comments set forth therein as may be applicable, as agreed to at the time of the July 1, 2013 meeting.

12. Per the Board's professionals' discussions and review during the meetings, including comments by Board Members as well, these items were reviewed, discussed and agreed to as follows.

A. The proposed parking, at 60 spaces, complies with the Borough requirements.

B. Although several variances are required for the proposed new signage, they mainly are required due to the new drive-thru (directional signage and menu boards).

C. Overall, the proposed signage is consistent with the existing wall signage and freestanding signs.

D. New landscaping will be provided around the drive-thru area, building frontage and along the eastern parking area, with the existing landscaping for the remainder of the site remaining as now exists.

E. For the several variances required, the applicant is generally improving the existing conditions by increasing the setback distances or otherwise providing a better design of the site through the proposed upgrade.

F. The applicant will consider wheel stops (bumpers) to modify the new angled parking spaces along the northern property line to lessen traffic safety concerns there.

G. The applicant shall clarify the lighting for the new drive-thru areas; as may be needed, per the determination of the Board Engineer, the applicant will either relocate an existing light pole or add a new one.

H. Per the recommendations of the Board Engineer, the various design and/or completeness waivers listed above are deemed waived, except: (1) the property owner's list, and owner's address and signature, are to be added; and (2) sight triangles are to be shown.

I. The drive aisle width at the western end of the drive-thru area will remain "as is".

J. The applicant will widen the curb to resolve the issue of the narrow area between the trash enclosure and the extended curb.

K. The applicant will add the details for the trash and recycling enclosure.

L. The applicant will provide additional grade shots along the drive-thru, trash enclosure and new parking spaces to help clarify the grading during construction.

M. The "wash down" water is proposed to stay on site.

N. The deliveries will continue to be coordinated to occur at non-peak times.

O. The sidewalks and expansion joints are to be as directed by the Board Engineer's June 17, 2013 report.

P. All striping is to be long life epoxy resin.

Q. The proposed handicapped ramp will be aligned with the handicapped spaces.

R. The applicant shall consolidate the lots with common ownership (3 out of the 4 site lots) into one lot, with the deed of consolidation to be approved by the Board Solicitor and the legal description (metes and bounds) to be approved by the Board Engineer. Thereafter a copy of this recorded deed of consolidation shall be filed with the Board Secretary.

S. The applicant will provide a pedestrian crosswalk from the entrance on the southern side of the building that is closest to Route 45 extending to approximately the middle of the parking spaces situated between the two entranceways on South Evergreen Avenue.

T. The "Stop" sign will be as recommended by the Borough Engineer in his June 17, 2013 report.

11. The applicant shall provide a performance bond to assure that the proposed improvements are completed.

13. The Board, during its review of the report of the Board Engineer, deemed the application complete, based upon the recommendation of the Board Engineer, and based upon the waiver of those completeness items so recommended, as same are set out above, and conditioned upon adding or revising the plans as so noted in Mr. Brunermer's June 17, 2013 report, which is incorporated herein by reference.

14. No individuals addressed the Board or the applicant with questions or concerns during the public portion of the July 1, 2013 regular meeting; therefore nothing was stated that formed a reasonable basis for the Board to deny the applicant approval as applied for or to otherwise require any revisions to the proposed site plans.

WHEREAS, based upon the above factual findings, the Planning/Zoning Board of the Borough of Woodbury Heights has concluded that the applicant has satisfied all requirements imposed upon it by the Planning/Zoning Board or as may be required in accordance with all applicable ordinances of the Borough of Woodbury Heights, except for any conditions as may be set forth within this Resolution or by any requirements of all other applicable laws, for the grant of Preliminary and Final Major Site Plan approval, and for the variances and waivers related thereto, all as applied for in this matter.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Woodbury Heights that this Board hereby grants to McDonald's USA, LLC Preliminary and Final Major Site Plan approval, together with all variances and waivers set forth in the paragraphs above pursuant to N.J.S.A. 40:55D-70(c), for the property

located at 201 S. Evergreen Avenue, at the intersection with Mantua Pike (Route 45), and designated as Lots 1, 2.01, 2.02 and 2.03 of Block 28.

The Planning/Zoning Board hereby grants the variances as set forth in Paragraph 7 above, having determined that the benefits of this project as proposed with the needed variances outweighs any possible detriments from so granting these variances. The Board has also determined that these variances can be granted without substantial detriment to the public good and that they will not substantially impair the intent and purpose of the zoning plan and zoning ordinances of the Borough of Woodbury Heights, and further, that the granting of these variances promotes the zoning ordinances of the Borough of Woodbury Heights and the laws of the State of New Jersey, and because it is reasonable and within the general purposes and intent of the provisions of the law to grant such variances.

This site plan approval is expressly subject to, as a condition of this approval, all of the representations and/or agreements made by the applicant or its principals, professionals and/or agents, as same are set forth above in the findings of facts by the Board or as stated at the July 1, 2013 regular meeting of the Board.

This approval is subject to the following express conditions:

A. Subject to the minor plan revisions that have been required being made and submitted by the applicant, and thereafter approved or accepted by the Board's professionals.

B. Subject to any and all outside governmental agency approvals that may also be necessary, including but not limited to Borough Council, New Jersey DEP, New

Jersey DOE, Gloucester County Planning Department, Gloucester County Soil Conservation District, etc.

C. Subject to the applicant complying with all of the comments made by the applicant or the applicant's professionals at the July 1, 2013 regular meeting of the Board.

D. Subject to the applicant satisfying all of the outstanding items in all of the Board professionals' review reports, including the June 17, 2013 Review Report of Mark R. Brunermer, P.E. of Sietels and Associates, the Board Engineer, and the June 21, 2013 Review Report of Tiffany A. Cuvicello, P.P., the Board Planner, which reports are incorporated herein by reference as if set forth at length.

E. Subject to all other applicable ordinances or laws of the Borough of Woodbury Heights.

F. Subject to the applicant properly posting all performance and maintenance bonds and/or performance guarantees, as well as inspection escrows, pursuant to N.J.S.A. 40:55D-53, with the Borough, as a specific condition of approval.

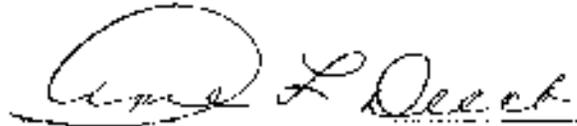
G. Subject to the applicant having first satisfied all conditions of approval as set forth in this Resolution, and as otherwise required by law, including the Borough Code, prior to the issuance of any construction or building permit for the site.

H. Subject to the applicant remitting funds to satisfy all outstanding escrow deficiencies and/or otherwise resolving any possible escrow deficiency with the Borough in connection with this project.



CERTIFICATION

The foregoing resolution was duly adopted by the Planning/Zoning Board of the Borough of Woodbury Heights at the regular meeting of said Board held on August 5, 2013.

A handwritten signature in cursive script, reading "Anne L DeFock", written over a horizontal line.

ANNE DEFOCK, SECRETARY  
PLANNING/ZONING BOARD