

**A RESOLUTION OF THE BOROUGH OF WOODBURY HEIGHTS  
PLANNING/ZONING BOARD GRANTING SITE PLAN APPROVAL  
TO WAWA, INC.**

WHEREAS, WaWa, Inc. has applied to the Woodbury Heights Planning/Zoning Board for Minor Site Plan approval to convert two of the existing fuel pumps from regular gasoline to diesel fuel, with related site plan modifications, including the addition of a new underground fuel storage tank for diesel fuel and minor revisions to the existing sign to add diesel fuel pricing, for the property located at 856 Mantua Pike (Route 45), at the intersection with Holly Avenue, which property is designated as Lot 1 of Block 4; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant in support of its site plan application at the regular meeting held on August 5, 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 Minor Site Plan approval, 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 Minor Site Plan approval has been given, based upon the certified lists obtained from the Borough Tax Office and from West Deptford.

5. The applicant is applying for Minor Site Plan approval to convert two of the existing fuel pumps from regular gasoline to diesel fuel, with related site plan modifications, including the addition of a new underground fuel storage tank for diesel fuel and minor revisions to the existing sign to add diesel fuel pricing, for the property located at 856 Mantua Pike (Route 45), at the intersection with Holly Avenue, which property is designated as Lot 1 of Block 4; and

6. The site, as presently configured, received approval for a convenience store/gas station on February 8, 2001 as memorialized by Resolution 2001:07.

7. WaWa, Inc., as the applicant, presented its evidence to the Board in satisfaction of its site plan application through the testimony of Ronald E. Kloss, Jr., P.E. of Bohler Engineering and Kristen Ritz, a representative of the owner.

8. In accordance with the review report of Tiffany A. CuvIELLO, P.P., the Board's Planner, dated July 29, 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 August 5, 2013 meeting.

9. In accordance with the review report of Mark R. Brunermer, P.E. of Sickels & Associates, the Board Engineer, dated July 25, 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 August 5, 2013 meeting.

10. 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 diesel fuel will only be dispensed to passenger vehicles or small trucks; no tractor trailers will be receiving diesel fuel at this site.

B. No changes to the grading, landscaping, lighting, utilities or buffers is being proposed.

C. The on-site signage for fuel pricing will be modified to now include pricing for diesel fuel with the overall size of the sign remaining the same.

D. A new 15,000 gallon underground fuel tank will be installed to store the diesel fuel in a previously disturbed area of the site, with no additional site disturbance.

E. Per New Jersey law, the diesel pumps will be self-service.

F. The applicant will provide adequate fencing, barriers, etc. to protect the public during the changeover of the pumps.

G. The applicant need not provide a performance bond to assure that the proposed improvements are completed.

11. 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, and conditioned upon adding or revising the plans as so noted in Mr. Brunermer's July 25, 2013 report, which is incorporated herein by reference.

12. Although nearby neighbors addressed the Board or the applicant with questions or concerns during the public portion of the August 5, 2013 regular meeting, nothing was stated that formed a reasonable basis for the Board to deny the applicant the 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 Minor Site Plan approval, 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 WaWa, Inc. Minor Site Plan approval for the property located at 856 Mantua Pike (Route 45), at the intersection with Holly Avenue, which property is designated as Lot 1 of Block 4.

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 August 5, 2013 regular meeting of the Board.

This approval is subject to the following express conditions:

A. Subject to any plan revisions that may 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 DOT, Gloucester County Planning Department, Gloucester County Soil Conversation District, etc.

C. Subject to the applicant complying with all of the comments made by the applicant or the applicant's professionals at the August 5, 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 July 25, 2013 Review Report of Mark R. Brunermer, P.E. of Sickels and Associates, the Board Engineer, and the July 29, 2013 Review Report of Tiffany A. CuvIELLO, 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 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.

G. 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.

BE IT FURTHER RESOLVED that the appropriate Board officials are hereby authorized and directed to take all appropriate actions to effectuate the intent and purpose of this resolution.

**ROLL CALL VOTE**

**THOSE IN FAVOR:** 9 Conley, Deeck, Elton, V. Holmstrom,  
W. Holmstrom, Hart, Flynn, Truhan and  
Phalines

**THOSE OPPOSED:** 0

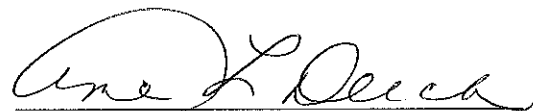
**THOSE ABSTAINING:** 0

Dated: September 16, 2013

BOROUGH OF WOODBURY HEIGHTS  
PLANNING/ZONING BOARD

By:   
RICHARD PHALINES, CHAIRMAN

ATTEST:

  
ANNE DEECK, SECRETARY  
PLANNING/ZONING BOARD

**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 September 16, 2013.

  
ANNE DEECK, SECRETARY  
PLANNING/ZONING BOARD