

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
April 24, 2014**

The West Orange Zoning Board of Adjustment held a special meeting on April 24, 2014 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairwoman Gabry called the meeting to order at approximately 8:00 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle, and posted on the Township Bulletin Board on April 4, 2014 in accordance with the "Open Public Meetings Act."

Chairwoman Gabry asked everyone to stand for the Pledge of Allegiance.

Alice Beirne, Esq., Board Attorney, read the Opening Statement.

PRESENT: G. Bullock, D. Gabry, W. Merklinger, P. Neuer,
B. Quentzel, W. Steinhart, M. Sussman, A. Weiss

ABSENT: Bruce Buechler (excused)

ALSO PRESENT: Paul Grygiel, Consulting Planner
Eric Keller, Consulting Engineer
Board Attorney, Alice Beirne, Esq.
Board Secretary, Rose DeSena
Harvey Grossman, Esq., Public Advocate
D. Dillon, Audio-Digital Transcription Service

ANNOUNCEMENTS

Future Meetings: May 15, 2014 (Regular Meeting) – 8:00 PM
June 19, 2014 (Regular Meeting) – 8:00 PM
July 17, 2014 (Regular Meeting) – 8:00 PM

SWEARING IN

Consulting Planner for the Township, Paul Grygiel and Consulting Engineer for the Township, Eric Keller were sworn under oath.

OLD BUSINESS

William Sullivan, Esq. approached the podium. He stated that at the April 17th meeting, the Board granted a special hearing date of June 5th for his client, Yury Patin, who has an application pending before this Board. Mr. Sullivan said that, due to an administrative matter, he is not able to make the June 5th meeting and requested to have the special meeting re-scheduled to May 29th.

Chairwoman Gabry asked the Board members if they would be available to attend a special meeting May 29th; Mr. Merklinger said that he cannot attend and Mr. Neuer stated that he has a semi-conflict but can be at the meeting by 8:15pm. Ms. Weiss stated that she is not sure yet but will confirm with the Board Secretary.

Chairwoman Gabry advised Mr. Sullivan that there may be six (6) Board members available for a special meeting on May 29th or possibly seven (7); Mr. Sullivan said that is fine and said he will notice for a special Zoning Board hearing for May 29, 2014. The request was granted and a special meeting is now scheduled for May 29, 2014.

APPLICATION(S)

1. ZB-13-15/Quick Chek Corp.

Carried from 3/20/14

Block: 168; Lot: 26, 28; Zone: B-2

555 Northfield Avenue

Seeking multiple "D" and several "C" variances for site plan and subdivision

Approvals for developing a Quick Chek food store with fuel sales.

EXHIBITS

A-1 – Proposed Floor Plan Sheet 1 of 3 dated 10/19/13

A-2 – Photo simulation prepared by Michael Berardesco Studio

A-3 - Aerial exhibit, prepared by Bohler Engineering, dated 1/14/14

A-4 – Overall Site Plan rendering, prepared by Bohler Engineering, dated 4/18/14

A-5 – Site Plan rendering, prepared by Bohler Engineering, dated 4/18/14

A-6 – Existing condition photo taken by Michael Berardesco Studio on 9/10/13

A-7 – Existing condition photo taken by Michael Berardesco Studio on 9/10/13

A-8 – Photo simulation prepared by Michael Berardesco Studio

A-9 – Canopy elevation, prepared by Bohler Engineering, dated 1/16/14

A-10 – Rendered elevations, prepared by GK+a Architects, dated 11/19/13

A-11 – WB50 Truck turning exhibit, prepared by Bohler Engineering, revision date 4/5/14

A-12 – SU Truck turning exhibit, prepared by Bohler Engineering, revision date of 4/5/14

A-13 – Reduced version of the photo simulation

Jennifer M. Porter, Esq., attorney for the applicant, approached the podium and began detailing the application. Ms. Porter stated that her client is proposing to demolish the former Joy Luck Chinese Pavilion restaurant and construct a Quick Chek convenience store, with fuel sales, at 555 Northfield Avenue. She stated that the property is in a B-2 zone and that there are six (6) components to this application. Ms. Porter said that the applicant is seeking Board approval to

subdivide the property into two (2) parcels by redrawing the lot lines between lots 26 and 28. She said the applicant is also seeking preliminary and final major site plan approval to construct the convenience store, with fuel sales, on lot 28.

Mr. Neuer asked Ms. Porter if they are seeking variance relief for both lots 26 and 28; she replied yes.

Ms. Porter said that the proposed food store is a permitted use in the B-2 zone; however the fuel sales as well as the hotel are conditional uses. She said that the applicant is seeking conditional use variance relief from some of the conditional use criteria for the proposed Quick Chek fuel sales.

Ms. Porter said that they are not proposing to change the hotel use, but since the former Joy Luck Chinese Pavilion restaurant is attached to the hotel, they must re-face the façade of the hotel. She then detailed all of the bulk variances for the hotel and the Quick Chek design features.

Ms. Porter stated that the last component of this application requires the applicant to seek a modification of a condition set forth in a prior resolution from 1986. She said that the Township Engineer, Leonard Lepore, required that all three lots comprising this property were to have been consolidated by deed. This was not done and the present proposal would not allow for such a consolidation.

Ms. Porter provided a list of witnesses that will be testifying on behalf of the applicant. She noted that the application was submitted in December, 2013 and deemed complete in January, 2014. Ms. Porter also noted that they were scheduled to be heard in March, 2014 but, due to a busy agenda, asked to be carried over to this special meeting date.

Mr. Neuer said that he had some questions regarding one aspect of the application and asked Ms. Porter if her client will be selling ready to eat food and beverages, at retail, for on and off premises consumption; she replied yes.

Mr. Neuer asked Ms. Porter if the food will be available upon a short waiting time; she replied yes.

Mr. Neuer asked Ms. Porter if customers can place an order at a counter; she replied yes.

Mr. Neuer asked Ms. Porter if the food will be served in disposable wrappers, containers or plates; she replied yes.

Mr. Neuer asked Mr. Grygiel if this would be considered a fast food restaurant if tables are being provided for more than fifteen (15) customers. Mr. Grygiel said that this was not determined to be a fast food restaurant by the Township's Zoning Official or himself. He said that his opinion is that this will be a convenience store because all convenience stores include this now. Mr. Grygiel said that the Board can make that determination.

Ms. Porter called her first witness.

Jeffrey Albanese approached the podium and was sworn under oath. Mr. Albanese stated that he has been in the convenience store business for thirty three (33) years and came to work for Quick Chek nineteen (19) years ago. He said that he is responsible for finding all of the new Quick Chek sites as the operations person and as the real estate person for Quick Chek; he stated his testimony would be in both capacities.

Mr. Albanese stated that Quick Chek was founded by a dairy farmer and his family still owns them. He said it started with milk delivery service and in 1967 they opened their first store. Mr. Albanese said that there are 137 plus stores and forty (40) of them are with fuel sales. He said that every Quick Check is privately owned and they do not franchise the stores. Mr. Albanese said that the first convenience stores were called milk and jug stores and the Quick Chek business is based around convenience. He extolled the virtues of the soup sold by the company.

Mr. Albanese presented the internal floor plan of the building that was submitted with the application. Chairwoman Gabry stated that floor plan, dated 10/19/13, was pre-marked as Exhibit A-1 for identification.

Mr. Albanese presented a three-dimensional rendering of what is being proposed on the site. He also passed out 11x17 copies of the same three-dimensional rendering to the Board members. Chairwoman Gabry stated that the three-dimensional rendering of the proposed site was pre-marked as Exhibit A-2 and the 11x17 renderings of the proposed site was pre-marked as Exhibit A-13, both for identification.

Mr. Albanese referred to the floor plan and detailed it. He said that no cooking is done on premises and that they only use a toaster oven and microwave oven. Mr. Albanese detailed the location of the various products being sold in the store and noted where two (2) ADA compliant bathrooms will be located.

Mr. Neuer asked Mr. Albanese to refer to the floor plans and point out the location of the soup counter; he complied.

Mr. Albanese said that the store carries a line of groceries, for convenience, and noted on the plans where they are located in the store.

Mr. Albanese said that they chose this site because they think it is a good location because it is on a thoroughfare road with retail and has easy access to public transportation.

Mr. Albanese said that Quick Chek has been voted as the best place to work in the State of New Jersey for the fifth year in a row and for the second year in a row in the State of New York. He said that every new hire is mandated to attend a meeting for training and that the owner of the company, Dean Durling, meets every new hire. Mr. Albanese said that they are very community minded and that they will be hiring between 35-50 people from West Orange for this site. He also said that they usually promote from within the company.

Mr. Albanese said that Quick Chek is a big contributor to the Junior Diabetes Foundation and said that during super storm Sandy they reserved fuel for emergency vehicles. He said that they

co-sponsor the balloon festival in Readington, New Jersey and that they raise hundreds of thousands of dollars for the Children's Miracle Network.

Mr. Albanese said that the reason they started providing seating inside and outside of the stores is because they asked their customers what they could do better. The customers responded that they wanted a place to be able to sit down. He said that they provide seating as a convenience.

Mr. Albanese said that there will be sixteen (16) cameras inside and outside of the store and that they work very closely with the local police departments in case of criminal activity.

Mr. Albanese stated that there will be approximately six (6) tractor trailer fuel deliveries per week and said that the Engineer will speak more about this.

Ms. Porter asked Mr. Albanese what other types of deliveries there will be on the site; he said that small box trucks will deliver bread, soda and other snack items once or twice a day. Mr. Albanese said that if it is a quick delivery they will sometimes utilize a regular parking space but they prefer all the delivery trucks use the loading zone. He said that the garbage is picked up approximately two (2) to four (4) times a week and that the Engineer will explain the area for the dumpster pick up.

Ms. Porter asked Mr. Albanese what other products are sold in the store; he said they also sell cigarettes and lottery tickets.

Ms. Porter asked Mr. Albanese to speak about the gas operation. He said that they have standard operating procedures in place and that the underground tanks are double walled and corrosion resistant. Mr. Albanese said that they provide training for the operators of the fuel pumps. He said that fuel attendants are hired just to work the pumps and that they do not work in the store. Mr. Albanese said that there are two employees working on the inside and one on the outside during the midnight shift.

Mr. Steinhart asked Mr. Albanese to explain the range of requirements for this Quick Chek prototype; he said that the prototype for this Quick Chek is a one to two acre piece of property with eight fuel dispensers and sixteen fueling stations.

Mr. Steinhart asked Mr. Albanese to describe the largest Quick Chek prototype in the State of New Jersey; the witness said that this is the largest.

Mr. Steinhart asked Mr. Albanese what it is about this site that is attractive for a Quick Chek; he said it is on Northfield Avenue, which is a major road; the visibility, the retail and it was very attractive when he passed the site.

Mr. Bullock asked Mr. Albanese what is the optimum lot size for this type of operation; he said 1.8 to 2 acres.

Mr. Bullock asked Mr. Albanese if this lot size is smaller than the optimum size that it should be; he said that they have stores on smaller sites than this one. Mr. Bullock stated that the optimum size lot would not require so many variances.

Mr. Bullock asked Mr. Albanese how the soup is prepared; he said that the soup is pre-cooked and it is heated in either crock pots or in a steam table.

Chairwoman Gabry asked Mr. Albanese if the design of this Quick Chek could be put on a one acre site; he replied no.

Ms. Weiss asked Mr. Albanese if they have Quick Cheks without the gas stations; he said they do have some but they have not opened one without a gas station since 2004.

Ms. Weiss asked Mr. Albanese if all of the Quick Cheks with gas stations have eight (8) gas pumps; he said yes.

Ms. Weiss asked Mr. Albanese if the fuel is part of the Quick Chek company; he said no that they buy "off the rack".

Ms. Weiss asked Mr. Albanese what the gas is called; he said it's called Quick Chek gas.

Ms. Weiss asked Mr. Albanese if the Quick Chek gas is cheaper; he said that they have one price for the gas and the customers are satisfied.

Mr. Neuer asked Mr. Albanese if he arrives at a Quick Chek and asks the attendant to fill his car up with gas, can he leave his car there and go into the store while the car is being fueled; he replied yes.

Mr. Neuer asked Mr. Albanese if his car will be unattended if he goes into the store; he said no because the attendant will attend to the car. Mr. Albanese said that there are cameras on the outside that are continually taping.

Mr. Neuer stated that he expects the Traffic Engineer to address the concerns about the tractor trailers making the deliveries.

Mr. Neuer asked Mr. Albanese if they will sell electronic cigarettes; he replied yes. Mr. Neuer said he has a concern about that because there is no minimum age for someone to purchase electronic cigarettes.

Chairwoman Gabry asked if the gas attendants handle cash; he replied yes. He said they make frequent "cash drops" in the timed-safe.

Chairwoman Gabry asked if the gas attendants are able to make change; he replied yes.

Mr. Neuer asked if both the convenience store and the gas pumps will be open 24 hours a day/seven days a week; he replied yes.

Mr. Grygiel said that there is a Township Police ordinance in regards to a business operating 24 hours a day seven days a week and the applicant must comply with that ordinance.

Mr. Neuer stated that the applicant must obtain permission from the Township Police Department for a 24 hour operation as a condition of approval.

Mr. Neuer asked Mr. Albanese how many of the Quick Chek stores are open 24 hours a day/seven days a week; he replied all but one.

Ms. Porter requested to amend the application to include a variance for the lot area for two proposed uses for the Quick Chek lot.

There were no further questions for Mr. Albanese from the Board or the Professionals.

Chairwoman Gabry asked if any members of the public had any questions for Mr. Albanese.

Adam Goldman approached the podium and stated that he lived at 40 Ferris Drive. He said that he had a question regarding the variance required for the site being within 500 feet from a school and a playground. Chairwoman Gabry said that Mr. Albanese did not testify to that; she said that this variance was mentioned in the attorney's opening statement. Mr. Goldman was requested to hold his question until there was a witness who testifies as to this variance.

A. Brett Steig, Esq. approached the podium and stated that he is representing Valmar Realty, LLC and Robert Murro.

Mr. Steig asked Mr. Albanese what age someone has to be to purchase e-cigarettes; he said that he does not know.

Mr. Steig asked Mr. Albanese if he knows that the site is adjacent to a school and a playground; he replied yes.

Mr. Steig asked Mr. Albanese if he will sell e-cigarettes anyway even though the site is in proximity of a school and a playground; he said that he will come back with that answer.

Mr. Steig asked Mr. Albanese if Quick Chek could commit to not selling cigarettes; he said no. He said that they sell the same products in all of their stores.

Mr. Steig asked Mr. Albanese what other businesses on Northfield Avenue are open 24 hours each day; he said that the McDonald's has a 24 hour drive-thru window.

Mr. Steig asked Mr. Albanese who delivers the fuel; he said a major hauler.

Mr. Steig asked Mr. Albanese if there have been any instances of fuel spills when delivering the fuel; he replied no.

Mr. Steig asked Mr. Albanese to give him an example of a smaller Quick Chek store built recently; he said none of them that have been built recently are smaller. Mr. Albanese said that their Sparta, New Jersey store is 4500 square feet and this store is 5496 square feet.

Mr. Steig asked Mr. Albanese if they were to build a smaller store on this site would it require less variances; he said he is not sure but their Planner will answer that question.

Mr. Neuer asked Mr. Albanese if they deliver the fuel at night; he said he could arrange the times of delivery for the fuel.

Mr. Neuer asked Mr. Albanese if the tractor trailer food deliveries could be delivered at night also; he said they could arrange that also.

Mr. Neuer asked Mr. Albanese if they would accept that as a condition of approval; he replied yes.

Troy Dorch approached the podium and stated that he lived at 228 St. Cloud Avenue. He asked Mr. Albanese how many gas pumps they are proposing; he said eight (8) gas pumps and sixteen (16) fueling positions.

Mr. Dorch asked Mr. Albanese if the fuel pumps will be in the front of the store; he replied yes.

Mr. Dorch asked Mr. Albanese if they have done a study of the traffic impact; he said that their Traffic Engineer will address that question.

Mr. Dorch asked Mr. Albanese if they have done a study of the crime levels; he replied no. Mr. Albanese said they have a great camera system and there are always people watching the cameras.

Mr. Dorch asked Mr. Albanese if he have any crime studies for any of the twenty seven (27) Quick Chek stores; he said he does not have any crime studies and he has never heard about them. He said that if anything does happen they have a great security system.

Mr. Neuer asked Mr. Albanese if he has a statistical analysis of crime for the stores; he said no but he can get back to the Board with that answer.

Mr. Neuer advised Ms. Porter that Mr. Albanese must provide the Board with statistics of crimes at the New Jersey stores for the past three years.

Chairwoman Gabry asked Mr. Albanese if there is someone who watches the cameras; he said no one specifically watches the cameras non-stop.

Mr. Sussman suggested that Mr. Albanese provide the Board with statistics of crimes at the New Jersey stores for the past five years; not three years. He agreed.

Mr. Keller asked Mr. Albanese to describe the difference between the Sparta Quick Chek which is smaller, and the store being proposed; he said the Sparta store has the same products and the same set up as this one. Mr. Albanese said the only difference is possibly the indoor seating.

Rosary Morelli approached the podium and stated that she lived at 22 Ralph Road. She asked Mr. Albanese if the gas station will be located on the west side; he replied yes.

Ms. Morelli asked Mr. Albanese where a car would make a left hand turn to go into the site if they were traveling on the east side of Northfield Avenue; he said that the Traffic Engineer will answer those questions.

Mr. Bullock stated, for the record, that just today he heard that there were plans to regulate the sale of e-cigarettes and make it the same as the sale of regular cigarettes.

Chairwoman Gabry called for a recess at 9:23 pm.

Chairwoman Gabry resumed the meeting at 9:35 pm.

Christopher Harewood approached the podium and said that he is a reporter for the Alternative Press. Mr. Harewood requested permission to record the meeting; Chairwoman Gabry granted him permission to record the meeting.

Mr. Albanese approached the podium and said that he was informed that Quick Chek's policy on selling e-cigarettes is the same as their policy for selling regular cigarettes.

Mr. Neuer stated, for the record, that the weakest statement someone can make is that "it is their policy" and he is not satisfied with that statement. He said he would like to hear more.

Mr. Albanese said that they also have an outside company that shops in their stores, as a test, to see if they are in violation.

Mr. Merklinger asked Mr. Albanese if they will be selling any alcoholic beverages; he replied no.

Ms. Porter called her next witness.

Grayson Murray approached the podium and was sworn under oath. Mr. Murray detailed his educational and professional background as a licensed Professional Engineer in the State of New Jersey. He stated that he is a principal of Bohler Engineering the Engineering firm for this project.

Mr. Neuer asked Mr. Murray if he has worked on projects of similar size and scope; he replied yes.

Mr. Neuer stated that the plans that were submitted to this Board are signed by a different person. Mr. Murray stated that he worked with Mr. Cahill on the plans.

Chairwoman Gabry accepted Mr. Murray as an expert in Professional Engineering.

Mr. Murray presented an aerial view of the site. Chairwoman Gabry noted for the record that the aerial view of the site was pre-marked as Exhibit A-3 for identification.

Mr. Murray referred to Exhibit A-3 and detailed the proposed site and the surrounding uses. He said that the applicant is proposing the sub-division of lots 26 and 28, located in a B-2 zone, and the sub-division of a boundary line where the prior Joy Luck restaurant meets the Best Western hotel. Mr. Murray continued to describe the property noting that there is 456 feet of frontage on Northfield Avenue and that there are no storm water management controls currently on site.

Mr. Murray presented the overall site plan rendering; Chairwoman Gabry noted for the record that the overall site plan rendering, dated 4/18/14, was pre-marked as Exhibit A-4 for identification.

Mr. Murray referred to the overall site plan rendering and detailed the surrounding properties. He said that the Best Western hotel will remain along with the fifty eight (58) parking stalls on their site.

Mr. Murray presented the site plan; Chairwoman Gabry noted for the record that the site plan dated 4/18/14 was pre-marked at Exhibit A-5 for identification.

Mr. Murray referred to the site plan stating that the applicant is proposing a 5490 sq. foot convenience store and fueling station. He detailed where the convenience store will be located at the north part of the site and the fuel sales will be located at the south part of the site. He said that the fuel dispensers will be under a canopy approximately sixty (60) feet from the Quick Chek facility. Mr. Murray stated that this is the perfect location for the convenience store because there is a park and ride and public transportation on Northfield Avenue.

Mr. Murray presented a rendering of the exterior elevations; Chairwoman Gabry noted for the record that the exterior elevations rendering was pre-marked as Exhibit A-10 for identification. Mr. Murray referred to the Exhibit and detailed the facade stating that it will be full brick with a green awning.

Chairwoman Gabry asked Mr. Murray if there is an architect for this project. She said that he is testifying as an expert in Engineering for this site. Mr. Murray said that he is testifying to the general characteristics of the building. He said that they will bring the architect to the next meeting.

Mr. Neuer asked Mr. Murray if there is a trash receptacle; he said that he is getting to that.

Mr. Murray referred to the site plan noting where the trash receptacle is at the northwest corner of the property. He said that they also have trash receptacles at the south end of the property. Mr. Murray said that they use a "Billy Goat" to vacuum the parking lot and drive aisles once a week. He also noted on the plan where the fully gated enclosure for the recycling and trash dumpster is located.

Mr. Murray noted on the site plan where the gas pumps and the diesel fuel dispensers are located. He said that the two (2) diesel dispensers and the eight (8) gas pumps share an island.

Mr. Murray referred to the site plan and detailed the parking layout and said that they exceed the Township ordinance standards. He said that they have wide parking spaces that are 10' x 18' and are providing a total of thirty eight (38) spaces.

Mr. Murray referred to the site plan and detailed the access to the site. He said that if you are traveling east on Northfield Avenue, there is a traffic signal across from the center of the lot where you can make a left turn to access the site. Mr. Murray said that they are proposing to install sidewalks along the entire southerly property line and also along the east side. He said that they will also be providing a pedestrian crossing signal at the traffic signal.

Mr. Murray detailed the design of the fueling positions stating that there is enough room that will allow vehicles to pass each other in the aisle.

Mr. Murray presented the WB50 truck turning plan; Chairwoman Gabry noted for the record that the WB50 truck turning plan was pre-marked as Exhibit A-11 for identification.

Mr. Murray referred to the plan stating that it depicts the fuel delivery truck path. He said that the fuel delivery truck travels west on Northfield Avenue and enters in a clock wise pattern. Mr. Murray said that it takes approximately 25 to 30 minutes to fill the underground tanks.

Chairwoman Gabry asked Mr. Murray if there will be a left turn signal at the light; he said no, there will just be a green signal.

Chairwoman Gabry asked Mr. Murray how often the fuel is delivered; he said fuel deliveries are six (6) times a week.

Chairwoman Gabry asked Mr. Murray if the recycling is picked up by a private hauler; he replied yes.

Mr. Steinhart asked Mr. Murray if vehicles traveling east bound will be able to make a left turn into the site; he said yes.

Mr. Steinhart asked Mr. Murray if pedestrians will be able to cross at that traffic signal; he said yes and detailed how the timing for the traffic and the pedestrian crossing will work.

Mr. Steinhart asked Mr. Murray if there is a no U-turn sign at that location; he said no.

Ms. Porter said that their traffic engineer will go into further detail regarding the traffic.

Mr. Neuer stated that he want to hear this witness testify to the engineering aspects of this application and not the traffic.

Mr. Murray presented the SU truck turning plan; Chairwoman Gabry noted for the record that the SU truck turning plan was pre-marked as Exhibit A-12 for identification.

Mr. Murray referred to the plan and detailed how the trash hauler will enter the site, pick up the trash and then exit the site.

Mr. Murray stated that all fuel systems are state of the art and that they meet all the Federal and State guidelines. He detailed the regulations of the underground storage tanks. He said that there is never an over-fill of the tanks and he detailed all of the safety factors of the pumps.

Mr. Murray stated that the site is in a flood hazard area and they are in compliance with storm water management. He said they will be adding green space and, based on this design, the storm water management will be improved.

Mr. Murray stated that they will be using LED light fixtures and detailed the light levels. He said that there will be lights under the canopy and soffit lights under the building.

Mr. Murray detailed the signage saying that there will be a series of canopy signs and each sign is 22.6 sq. Feet.

Mr. Murray detailed the landscape improvements they are proposing.

Ms. Porter said that they submitted a complete response to Omland Engineering's report dated 2/14/14 and they will address the comments point by point. She said that the majority of the comments are acceptable to them.

Mr. Neuer asked Mr. Murray if they have or have not addressed the issues in the Omland report regarding re-orienting the pumps; he said that they will need to investigate this further.

Mr. Neuer stated that they had the Omland report since February and asked Mr. Murray how much more time they will need to address this.

~~Mr. Keller stated that his concern regarding the fuel pumps location is that if more than two cars want to come into the site off of Northfield Avenue, then you will have a conflict.~~

Mr. Neuer asked Mr. Murray to engage in a conversation with Mr. Keller regarding why Mr. Keller believes the design is not an acceptable.

Chairwoman Gabry asked Mr. Murray if they would consider reducing the number of pumps or redesign as Mr. Keller suggested. Mr. Keller stated, for the record, that he made a suggestion only and that he is not here to design the site. He said that it is only an option.

Mr. Neuer stated that he was confused about the tankers which deliver the fuel. He asked if both the high, low and diesel fuel are in the tanker at the same time. Mr. Albanese said that the gas grade fuels, high and low grade, are in separate tanks in the same tanker and are delivered at the same time. He said that the diesel fuel is delivered in a separate tanker.

Mr. Neuer asked Mr. Albanese how many gallons of fuel the tanker truck holds; he replied 9000 gallons of fuel.

Mr. Merklinger asked Mr. Murray if the site can be accessed from the Best Western driveway; he replied yes.

Mr. Grygiel stated that he had some questions regarding the signage as stated in his report; Ms. Porter said that testimony will be provided by the Planner about the signage and the variances.

Mr. Grygiel asked Mr. Murray if there will be Exhibits for the signage; he replied yes.

Chairwoman Gabry asked Mr. Murray if there are access points to the site from St. Cloud Avenue; he replied no.

Mr. Bullock asked Mr. Murray how they would access the rear of the site; he said from the front entrance.

Ms. Weiss asked Mr. Murray where the cars are from that currently park on that site; he said they are patrons of the zoo.

Ms. Weiss asked Mr. Murray where the cars will park once Quick Chek takes ownership; he said he doesn't know but will find out.

Mr. Grossman asked Mr. Murray if the plan could be scaled back slightly by reducing the number of gas pumps; he said yes. Mr. Grossman asked if the building size could be reduced; he replied no.

There were no further questions for Mr. Murray from the Board or its Professionals.

Chairwoman Gabry asked if any members of the public had any questions for Mr. Murray.

Adam Goldman approached the podium stating that he lives on 40 Ferris Drive. He asked Mr. Murray if the County of Essex approved this plan yet; he replied no.

Mr. Goldman stated that there is not a crosswalk immediately in front of the site and said that the crosswalk is further west. He asked Mr. Murray how they would prevent vehicles from using the U-turn in the zoo; he said that he will defer that question to their traffic expert.

Sam Furci approached the podium and stated that he lives at 60 Rock Spring Avenue and asked Mr. Murray how two vehicles can be fueled at one bay at the same time; he said that there is one nozzle on each side of the fuel pump.

Mr. Furci asked Mr. Murray if a noise study has been done; he replied no. He said that the noise levels meet State regulations and the residents will not be impacted.

Troy Dorch approached the podium and stated he lives at 228 St. Cloud Avenue. He asked Mr. Murray if the employees are trained for fuel spillage; he said they meet the Federal and State regulations regarding spill prevention.

Chairwoman Gabry asked Mr. Murray if they have emergency drills regarding fuel spillage; he said that he will answer that question at a later date.

Mr. Neuer asked Mr. Murray if the sole pedestrian access to this site is on the western and southern side of the site; he replied yes.

Mr. Neuer expressed a safety concern and suggested that they have alternative pedestrian access.

There were no further questions for Mr. Murray.

Chairwoman Gabry noted for the record that it was 11:04 pm and that the Board adjourns at 11:00 pm.

Chairwoman Gabry asked Ms. Porter if her client would like to schedule another special meeting; she replied yes.

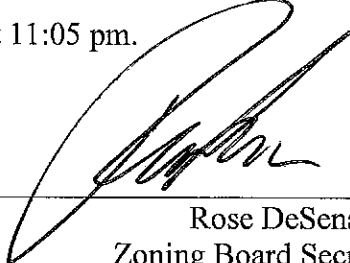
Chairwoman Gabry asked the members of the Board to check their schedules to see when they would be available for a special meeting in June. The majority of the Board members were available for a special meeting on June 12, 2014.

Chairwoman Gabry announced that this application will be carried over to a special Zoning Board of Adjustment meeting on June 12, 2014 and that no further notice will be necessary.

Chairwoman Gabry asked Ms. Porter if her client would like to order the transcripts for this meeting for Mr. Buechler who was not present at this meeting; she replied yes.

The meeting was adjourned by Chairwoman Gabry at 11:05 pm.

Adopted: May 15, 2014


5/20/14

Rose DeSena
Zoning Board Secretary