

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
September 4, 2014**

The West Orange Zoning Board of Adjustment held a special meeting on September 4, 2014 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Buechler 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 August 20, 2014 in accordance with the "Open Public Meetings Act."

Chairman Buechler asked everyone to stand for the Pledge of Allegiance.

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

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

ABSENT: None

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

ANNOUNCEMENTS

Future Meetings: September 18, 2014 (Regular Meeting) – 8:00 pm
October 23, 2014 (Regular Meeting) – 8:00 pm
November 20, 2014 (Regular Meeting) – 8:00 pm

SWEARING IN

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

APPLICATION(S)

1. ZB-13-15/Quick Chek

Carried from 7/24/14

Block: 168; Lot: 26; 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-25 - List of 24 hour Quick Chek Convenience/Fuel Stores in New Jersey.

A-26 – Crime and Incident Data for 24 hour Quick Chek Convenience Stores in New Jersey.

A-27 – Air Quality Analysis Report prepared by RTP Environmental Assoc. dated 8/21/14.

A-28 – Air Quality Analysis Photo Board.

A-29 - "One in a Million" Statistical Data Handout adapted from DOE Radiation Worker Training – three (3) pages.

A-30 – ATR Recorder Traffic Exhibit – Weekday Average Hourly Volume (description on record).

Chairman Buechler stated that the request that was made to audio record this meeting is being denied. He cited section 5.11 of the Zoning Board of Adjustment's Rules of Procedure regarding the policy on the use of all recording devices that stipulates the use of a recording device requires approval by the Chairperson and shall be made no less than seven (7) calendar days before the scheduled meeting date.

Jennifer M. Porter, Esq., attorney for the applicant, approached the podium and stated that the application was last heard at a special meeting held on July 24, 2014.

Ms. Porter stated that the application before this Board is in six parts and detailed them. She said that the first aspect of this application is the preliminary and final subdivision approval. Ms. Porter said that the applicant is proposing to move the existing lot line in order to create a new lot. She said that the lot line adjustment is classified as a major subdivision.

Ms. Porter stated that the second aspect of this application is the preliminary and final site plan approval for the development of a convenience store and gas filling station that would include six gas pump islands.

Ms. Porter stated that the third aspect of this application is the conditional variance relief for the gas filling station. She said that a convenience store is allowed in the B-2 zone but the gas station requires conditional use approval.

Ms. Porter stated that the fourth aspect of this application is the conditional use variance regarding the existing adjacent hotel. She said that certain existing non-conforming conditions will be increased but no further improvements are proposed for the lot that the hotel is on.

Ms. Porter stated that the fifth aspect of this application is for the bulk variances and signage relief and the final aspect is for the merger of Lot 28 with a portion of existing Lot 26 with the remainder of Lot 26 as a separate lot.

Ms. Porter stated that they have recently submitted to the Board Secretary the soil removal permit that is required by code even though the applicant is not removing any soil.

Ms. Porter detailed who testified before the Board at previous meetings and noted for the record that significant changes were made to the plan in response to comments made by the Board Members and their Professionals.

Ms. Porter stated that at the last meeting, testimony was presented by the applicant's site engineer, Grayson Murray, P.E. and their traffic engineer Charles Olivio and that Mr. Olivio will continue this evening.

Ms. Porter stated that at the last meeting Mr. Neuer raised a question regarding a situation which have required him to be disqualified or to recuse himself from hearing the application because of a potential conflict of interest. Although the Chairman had ruled that neither disqualification nor recusal was required under the circumstances, Ms. Porter stated that this has become a moot point.

Chairman Buechler stated for the record that Mr. Quentzel arrived at the meeting at 8:06 pm before Ms. Porter started her presentation.

Charles D. Olivio approached the podium and was sworn under oath.

Chairman Buechler stated for the record that Mr. Olivio was recognized at the last meeting as an expert in traffic engineering.

Mr. Olivio said that he would like to address a question that Mr. Bullock had at the last meeting regarding his testimony stating that the Quick Chek will only increase traffic in the area by 2%.

Mr. Olivio presented a traffic chart that he described as an ATR recorder that shows the weekday average hourly volume.

Chairman Buechler asked to have the ATR Recorder traffic chart marked as Exhibit A-30 for identification.

Mr. Olivio referred to Exhibit A-30 and said that they have collected data over a period of time from midnight to midnight on a typical day. He said that the stronger peak of traffic is in the morning from 7:45 am to 8:45 am, then there is a lull in traffic during the mid-day, then a softer peak of traffic from 3pm to 4pm, then another peak in traffic from 5pm to 7pm.

Mr. Olivio said that there are approximately 25,000 vehicle trips on a typical week day with traffic going both directions on Northfield Avenue and he detailed the number of vehicle trips per hour and per day.

Mr. Neuer asked Mr. Olivio if they have a traffic chart for the weekend; he replied no. He said that there is less traffic on the weekend.

Mr. Olivio explained how the 2% increase of traffic was determined. He said that there is a large amount of traffic already on the road today and that a new traffic trip is typically someone that would stop at a Quick Chek for a cup of coffee or to buy milk in the morning. Mr. Olivio said that this averages out to be fifty (50) new vehicle trips in the morning and in the evening. He said that the traffic that is already on the road today will use the Quick Chek because it is a "one stop shop".

Ms. Weiss asked Mr. Olivio if Quick Chek did the study for themselves; he said no. He said that an outside traffic study is done and that the data is impartial.

Mr. Neuer asked Mr. Olivio to explain what he meant when he said that Quick Chek is a "one stop shop"; he said that someone has the ability to enter the site and purchase gas and utilize the convenience store on the same property. Mr. Olivio said that any other site only allows you to purchase gas and then you would have to stop at another place to get a cup of coffee. He said that this adds traffic to the road.

Mr. Neuer asked Mr. Olivio if someone who stops at Quick Chek to purchase gas can leave their car at the pump and go into the store; he said yes.

Mr. Neuer asked Mr. Olivio if the car sits at the filling station while the person is shopping; he said yes.

Mr. Neuer asked Mr. Olivio if leaving a car unattended at the filling station while shopping is safe; he replied yes. He said that most of the Quick Chek's have this convenience and he has never seen a problem.

Mr. Neuer asked Mr. Olivio why is a customer not required to remain with their car during the filling process; he said that the site is able to function effectively with this not being a requirement.

Mr. Neuer stated that a customer is not allowed to fill their own gas tank in the State of New Jersey because it is not safe and asked Mr. Olivio if it is safe for them to leave their car to go into the store; he replied yes. He said it may appear to be unsafe but the design of the site can accommodate a customer to do that. Mr. Olivio said that their staff is also trained to operate and manage something like this and they are instructed to notify someone in the store if a car has to be moved.

Mr. Neuer asked Mr. Olivio if it would be easier to put signs up stating that a customer cannot leave their car; he said that leaving their car is not a problem.

Mr. Neuer asked Mr. Olivio how many traffic signals in the immediate vicinity of the Quick Chek site; he referred to Exhibit A-3 of the aerial view of the area and pointed out all of the

locations of the existing and proposed traffic signals. Mr. Olivio stated that there is an existing signal at the Arena, an existing signal for the entrance to the complex, a signal is being proposed for the exiting movements of the proposed parking garage and there is an existing signal on the intersection of Sheridan Avenue and Northfield Avenue. He said that the Quick Chek is proposing a pedestrian crossing signal, at an existing traffic signal, which will have a countdown timer for pedestrian crossing. Mr. Olivio said that they are proposing to have the traffic signals on a 110 second cycle.

Mr. Neuer asked Mr. Olivio what the green time will be for a pedestrian to cross Northfield Avenue; he said they will have twenty two to twenty three (22-23) seconds of walking time to cross and that is subject to Essex County approval. Mr. Olivio said that he personally recommends twenty seven (27) seconds of walking time to cross Northfield Avenue.

Mr. Bullock stated that the current pedestrian crossing time on Northfield Avenue is thirty (30) seconds. Mr. Olivio said that he will work with the County to allow more pedestrian walking time.

Mr. Sussman asked Mr. Olivio if the cycle starts when the pedestrian presses the button; he replied yes.

Mr. Neuer asked Mr. Olivio if all the traffic signals are red when the pedestrian walking phase starts on Northfield Avenue; he said yes.

Mr. Bullock asked Mr. Olivio how many trips were calculated in and out of Quick Chek during peak traffic times; he said 102 trips on a weekday morning, 127 trips during the evening and 117 trips during the Saturday peak time. He said that these numbers were calculated according to the independent study done.

Mr. Sussman asked Mr. Olivio to explain how the traffic signals will operate; he said that they will all work in tandem with one another.

Mr. Steinhart asked Mr. Olivio if the trip generation on to the site is based on the studies; he replied yes.

Mr. Steinhart asked Mr. Olivio if Quick Chek provided him with their own trip projections in comparison to the independent study; he said no.

Mr. Keller asked Mr. Olivio if there is an ability to shift the crosswalk to the west in case the pedestrian could not make it across the street in time so the person could stand on the median; he said that they prefer to have the crosswalk where it is being proposed.

Mr. Keller asked Mr. Olivio in what direction are the pedestrians mostly crossing from; he said basically from the McDonalds restaurant. He said that there is a lot of activity on the south side of Northfield Avenue.

Mr. Keller asked Mr. Olivio if the new traffic signal that the County is proposing for the parking garage will be coordinated with the other traffic signals; he said it is his understanding that it will be.

Mr. Keller referred to item #43 on his memo dated July 14, 2014 and asked Mr. Olivio if the queuing calculations were provided; he said yes. He said that the technical appendix of the traffic study had the calculations. Mr. Olivio said that they can also provide a specific queuing calculation sheet if the Board requests it.

Mr. Keller asked Mr. Olivio if he provided the traffic data in 2013 and in 2014 as required; he said that the seven (7) day period numbers for both years were comparable with some increases and those calculations were provided to the Board. He said that he will provide the Board with the traffic data in 2013 and in 2014.

Mr. Grygiel asked Mr. Olivio why there is no shared parking with the hotel site and the Quick Chek site; he said that the owner of the hotel is comfortable with the parking on their site and the Quick Chek is comfortable with the parking on their site.

Mr. Grygiel asked Mr. Olivio if all of the activity in the area was taken in the trip counts; he replied yes.

Mr. Grossman asked Mr. Olivio if the proposed parking garage was taken in the trip counts; he replied yes. Mr. Olivio also detailed how they got their figures for the proposed parking garage because a traffic study was never done for that proposal. He said that the trip generations were strictly for the Quick Chek.

Mr. Grossman asked Mr. Olivio how many additional trip generations were calculated for the proposed parking garage; he said that they calculated sixty six (66) exiting in the morning, under one hundred (100) in the evening and one hundred and thirty three (133) trip generations during Saturday.

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

Chairman Buechler asked if any members of the public had any questions for Mr. Olivio.

Adam Goldman approached the podium and stated that he lives at 40 Ferris Drive.

Chairman Buechler asked Mr. Goldman if he is the owner of the Dunkin Donuts on Northfield Avenue; he replied yes.

Mr. Goldman asked Mr. Olivio what the total percentage of traffic will be increased in the area per week; he replied there will be approximately a 2% increase of traffic. He said that there will be approximately fifty (50) more vehicles during the peak hours during a sixty (60) minute period. Mr. Goldman said that he thought Mr. Olivio said that there would be an increase of 2% more traffic per day. Mr. Olivio said that the 2% was based on peak hours for sixty (60) minutes.

Chairman Buechler said that there is probably a lower percentage of traffic during different times of the day. Mr. Olivio said that there is also a higher percentage of traffic during different times of the day.

Mr. Goldman asked Mr. Olivio where the traffic comes from; he said that the traffic is what is on the road today. He said that the Quick Check draws from the traffic that is already on the road today.

Mr. Goldman asked Mr. Olivio to explain how they choose the days that they do the traffic studies on; he said that Tuesday and Wednesday is a typical day that they use. He said that they do not choose a Saturday typically but they did for this study.

Mr. Goldman asked Mr. Olivio if he knew that one of the days the first traffic study was done was September 25, 2013 which was the last day of the Jewish holiday Sukkot and that could have affected the number of cars on the road; he said that the second traffic study was done in May which provided a more accurate count.

Anthony Juliano approached the podium and stated that he lives at 115 Fairview Avenue. He asked Mr. Olivio to explain when there is the most traffic according to his study; he said that the traffic volume on Northfield Avenue is a little higher in the morning.

Mr. Juliano asked Mr. Olivio if there is a difference in the direction that the traffic is going from the morning and the afternoon; he said that the traffic is stronger going in the westerly direction in the morning and stronger going in the easterly direction in the evening.

Mr. Juliano asked Mr. Olivio if any of the traffic lanes will be narrowed in any way; he replied no.

Chairman Buechler called for a recess at 9:32 pm.

Chairman Buechler resumed the meeting at 9:45 pm.

Mary-Lauri Bartola approached the podium and stated that she lives at 117 Fairview Avenue. She asked Mr. Olivio if he has observed traffic recently on a Saturday; he said that the last time he observed traffic on a Saturday was in May. Mr. Olivio said that he has also visited the Turtle Back Zoo during the summer on a weekday and on a Saturday.

Ms. Bartola asked Mr. Olivio if he was aware that traffic has increased; he said that he has been monitoring the traffic from September of last year to May of this year.

Ms. Bartola asked Mr. Olivio if he knew that the Turtle Back Zoo's major events are after the month of May and held on a Saturday; he said yes that he generally looks to see when the zoo's events are scheduled.

Ms. Bartola asked Mr. Olivio if he has observed traffic on a day of a major event at the Turtle Back Zoo; he replied no.

Ms. Bartola asked Mr. Olivio if he observed traffic on a day after the Environmental Center opened; he said yes that he observed traffic today on Northfield Avenue.

Ms. Bartola said that she wants to know why she sits in traffic on a Saturday when she is trying to get on to Northfield Avenue from St. Cloud Avenue; he said because there is not a traffic signal there.

Mario Romo approached the podium and stated that he lives at 346 St. Cloud Avenue. He asked Mr. Olivio how he calculated the volume of traffic generated from the Turtle Back Zoo and the commuter lot; he said the volume of traffic was calculated as they come in and out of the site during the morning and evening peak hours.

Mr. Roma asked Mr. Olivio if he did a count of the number of pedestrians who jay walk across Northfield Avenue; he replied no.

Mr. Roma asked Mr. Olivio if he has the data on the number of accidents there have been on Northfield Avenue from Sheridan Avenue to Pleasant Valley Way; he said there have been twenty (20) accidents.

Mr. Roma asked if there is data on increased congestion causing more accidents; he said no.

Mr. Roma asked Mr. Olivio if a pedestrian can increase the frequency of the traffic signal countdown cycle; he replied yes.

Ms. Gabry asked Mr. Olivio if there is a manual over ride for the traffic signals; he replied yes.

Dr. Akil Khalfani approached the podium and stated that he lives at 39 Birch Street. He asked Mr. Olivio if they met with the citizens, in focus groups, asking them if they felt that there a need for a gas station. Chairman Buechler stated that Mr. Olivio is the traffic expert and is not the person to respond to this question.

Dr. Khalfani asked Mr. Olivio if he included the impact of the new facilities that are opening up in the area in the data in his traffic study; he said that his analysis is inclusive of everything new in the area.

Janis Hoffman approached the podium and stated that she lives at 168 Watchung Avenue. She asked Mr. Olivio what the traffic volume was during the non-peak hours; he said that there has never been a Board in any Town that he has testified before that has required a traffic study done for overnight hours.

Ellen Blake approached the podium and stated that she lives at 45 Lenox Terrace. She asked Mr. Olivio if there are any other Quick Chek's similar to this one in size; he said yes.

Ms. Blake asked where the Quick Chek's similar to this one in size are; he said that he can put a list together if the Board requests such a list.

Ms. Blake asked Mr. Olivio how much more traffic there will be in the off hours; he said there will not be any significant change in traffic.

Ms. Blake asked how many additional traffic signals there will be on Northfield Avenue; he said that the intersection that they are putting the pedestrian crossing signal already has a traffic signal there. Mr. Olivio said that there are five (5) traffic signals from Sheridan Avenue to Pleasant Valley Way.

Ms. Blake asked Mr. Olivio if there are any studies done about cars cutting through the neighborhood to bypass Northfield Avenue; he said no because he is not concerned about that.

Ms. Blake asked Mr. Olivio if the traffic signals will be coordinated on Northfield Avenue because the existing traffic lights are not coordinated; he said that he will make the County aware of that.

Charlotte Wescott approached the podium and stated that she lives at 346 St. Cloud Avenue. She asked Mr. Olivio to explain how the pedestrian phase of the traffic signal operates; he explained how it operates.

Ms. Wescott asked Mr. Olivio where the closest 24 hour gas station and convenience store is to this site; he said that he would have to find that out.

Ms. Wescott asked Mr. Olivio who generally goes to a Quick Chek at 2:00 am; he said that is generally someone who is already on the road.

Rosary Morelli approached the podium and stated that she lives at 22 Ralph Road. She asked Mr. Olivio if the Institute of Traffic Engineers reviewed this traffic study; he replied no.

Mr. Neuer stated that the Township has an Engineer who reviews the traffic study.

Ms. Morelli asked Mr. Olivio if there was an independent traffic study done; he replied no.

Mr. Neuer stated that the reports are available to be viewed at Town Hall in the Zoning Board Secretary's office and said that the Township's professionals are independent.

Will Paul approached the podium and stated that he lives at 24 Rutgers Street. He asked Mr. Olivio if he would consider doing a traffic study during the winter; he said if the Board requires him to do that he will.

Mr. Paul asked Mr. Olivio how the Quick Chek will make a profit if there will only be a 2% increase of traffic; he said that the existing traffic will utilize the Quick Chek.

Joe Krakoviak approached the podium and stated that he lives at 20 Grand View Avenue. He asked Mr. Olivio if the traffic study took into account the attendance growth of the Turtle Back Zoo; he said that they took into account the attendance volumes of the zoo in 2014.

Mr. Krakoviak asked Mr. Olivio if they knew that the Essex House has dropped the development plans and will remain open as a full service restaurant; he said that the Essex House was considered as it is today in the study.

Mr. Krakoviak asked Mr. Olivio if he knew that the old Ekko restaurant property on Northfield Avenue has been renovated for child care which will contribute to traffic in the morning; he said he was not told of that but he will add that in that traffic volume if the Board requires him to do so.

Mr. Krakoviak asked Mr. Olivio if the seasonal changes were accounted for traffic; he said yes.

Mr. Krakoviak asked Mr. Olivio how many Quick Cheks are there without gas service; he said there are under 100 Quick Cheks that do not have gas service.

Mr. Krakoviak asked Mr. Olivio what size the largest Quick Chek is that does not have gas service; he said he does not know.

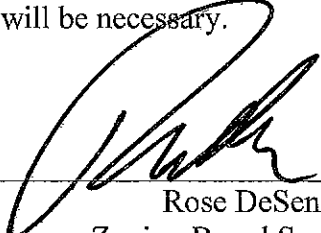
Chairman Buechler noted for the record that it was 11:00 pm and that Zoning Board meetings end promptly at this time. He said that they are not going to finish with the questions for the traffic expert and there are at least four (4) more individuals from the public who indicated they wish to ask questions.

Ms. Porter approached the podium and requested to be carried over to a special Zoning Board meeting.

Chairman Buechler asked the members of the Board to check their schedules to see when they would be available for a special meeting in October. The majority of the Board members were available for a special meeting on October 30, 2014.

Chairman Buechler announced for the record that this meeting will be carried over to a special meeting on October 30, 2014 and that no further notice will be necessary.

Adopted: September 18, 2014

 9/19/14
Rose DeSena
Zoning Board Secretary