

**MINUTES  
TOWNSHIP OF WEST ORANGE  
ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
December 11, 2014**

The West Orange Zoning Board of Adjustment held a special meeting on December 11, 2014 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Vice Chairman Neuer 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 December 1, 2014 in accordance with the "Open Public Meetings Act."

Vice Chairman Neuer asked everyone to stand for the Pledge of Allegiance.

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

**PRESENT:** G. Bullock, P. Neuer, B. Quentzel, M. Sussman, W. Steinhart

**ABSENT:** B. Buechler (excused)  
D. Gabry (excused)  
W. Merklinger (excused)  
A. Weiss (excused)

**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:** January 15, 2015 (Regular Meeting) – 8:00 pm  
February 19, 2015 (Regular Meeting) – 8:00 pm  
March 19, 2015 (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 10/30/14**

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-31 – Quick Chek Crime Data for Convenience Stores dated 12/1/14.

A-32 – Proposed Floor Plan, Sheet A1, with a revision date of 7/23/14.

A-33 – Side Wall Elevation – colored rendering dated 7/23/14

Vice Chairman Neuer noted for the record that Mr. Steinhart was not at the last hearing on October 30, 2014 and has certified that he has read the transcripts from that meeting.

Vice Chairman Neuer asked the attorney for the applicant to approach.

Jennifer M. Porter, Esq. approached the podium.

Vice Chairman Neuer stated that there are five Board Members present and asked Ms. Porter if they wish to proceed; she replied yes.

Vice Chairman Neuer stated for the record that this application requires the approval of a conditional use variance. He said that in order to be approved, the applicant would need five (5) affirmative votes no matter how many Board Members are present on the night the vote is taken. Vice Chairman Neuer stated that the applicant has the right to adjourn the vote until full complement of Board Members are present to vote and that the applicant will not conclude its presentations at this meeting tonight.

Vice Chairman Neuer asked if there was an attorney for any parties in opposition to this application in the audience.

Ms. Beirne said that Mr. Christiano, an attorney for the West Orange Board of Education, is not present at this meeting but will be present at a future meeting.

Ms. Porter stated that the applicant last appeared before this Board on October 30, 2014 at a special Zoning Board meeting. She detailed the main components of the application stating that the applicant is seeking permission to operate a 24 hour business in accordance with Chapter IV of the Ordinances of the Township of West Orange regarding Police regulations.

Ms. Porter stated that their security expert, Mr. Linares, testified at the last meeting. She said that the Board required additional materials to be provided to them from Mr. Linares and he will continue with his testimony at this meeting.

Lou Linares approached the podium. Vice Chairman Neuer stated that Mr. Linares was sworn under oath at the last meeting and will continue his testimony under oath.

Ms. Porter asked Mr. Linares if he compiled the information that the Board requested at the last meeting; he replied yes.

Ms. Porter presented a copy of the Quick Chek Crime Data for Convenience Stores dated 12/1/14 that Mr. Linares submitted to the Board Members.

Vice Chairman Neuer asked to have the Crime Data for the Quick Chek convenience stores, dated 12/1/14, that was prepared by Mr. Linares marked as Exhibit A-31 for identification.

Mr. Linares detailed the contents of Exhibit A-31 and noted that there is an error in the report. He said that the incident that happened on March 9, 2014 was in Maplewood and not in Newark.

Ms. Porter asked Mr. Linares if this report is consistent with his prior testimony that Quick Chek stores are safe; he replied yes.

Vice Chairman Neuer asked if there were any questions for Mr. Linares.

Mr. Grossman asked Mr. Linares if a perpetrator was apprehended in each of the incidents listed in Exhibit A-31; Mr. Linares replied that he did not know that answer.

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

Vice Chairman Neuer asked if any members of the public had any questions for Mr. Linares; seeing none Vice Chairman Neuer asked Ms. Porter to call her next witness.

Ms. Porter called their air quality expert to testify.

Roger Greenway approached the podium and was sworn under oath. Mr. Greenway detailed his professional background in Environmental and Meteorology and stated that he will be testifying as an air quality expert.

Vice Chairman Neuer accepted Mr. Greenway as an expert in the field of air quality.

Mr. Greenway stated that he is familiar with the site because he worked at an office building in town on Main Street and commuted past the site for many years.

Ms. Porter asked Mr. Greenway if he did any analysis for the site; he replied yes. Mr. Greenway said that he did an air pollution analysis.

Mr. Greenway stated that he performed his analysis using computer dispersion models. He said that he looked at the emissions from the underground storage tanks and said that the fuel trucks are equipped with a vapor recovery system which allows the vapors to condense and reduce emissions into the air as the gas unloads into the storage tanks. Mr. Greenway said that most vehicles and the pumps are also equipped with a vapor recovery system so when gas is fueling

into your tank the vapors condense and reduces emissions into the air. He said that with emission control systems, carbon dioxide levels were de minimus and benzene levels were also minimal. Mr. Greenway said that risks are well within the New Jersey State guidelines and there would be no impact on air quality to residents, schools or anywhere off site.

Vice Chairman Neuer asked Mr. Greenway, in regards to the ambient air concentrations, were his readings based on vehicles being turned off during filling; he replied yes. Mr. Greenway said that a car is required to be turned off during filling.

Vice Chairman Neuer asked Mr. Greenway will vehicles be required to be turned off during filling; he replied yes.

Vice Chairman Neuer asked Mr. Greenway if there will be a sign posted that says to turn off the car while being filled; he replied yes.

Mr. Sussman asked Mr. Greenway if the analysis was done by computer model only; he replied yes.

Mr. Sussman asked what time of day was used for his analysis for the vehicles entering the site; he said that he used the traffic study provided with this application and it was based on eighty eight (88) vehicles per hour.

Mr. Steinhart asked Mr. Greenway how many studies he did on existing gas stations of this type in the State of New Jersey within the last year; he replied four (4).

Mr. Steinhart asked Mr. Greenway if any of the gas stations, in any of those studies, exceeded acceptable levels of emissions; he replied no. Mr. Greenway stated that the State of New Jersey has very strict standards and that all of the vehicles have on-board features that capture the vapors. He said that Quick Chek is also putting in a permeator on this site which is not required by the State.

Mr. Bullock stated that the Township has an ordinance that stipulates that a gas station must be at least 500' from a school. He asked Mr. Greenway, based on his analysis, was that something that is obsolete because of the current safety standards and the feature that captures the vapors; he stated that based on the standards of today and from a health standpoint, a gas station does not have to be 500' away from a school.

Mr. Grygiel asked Mr. Greenway why he used the air mode data from 1990 in his analysis; he said that the State of New Jersey uses the data from 1990 because of its consistency.

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

Vice Chairman Neuer asked if any members of the public had any questions for Mr. Greenway.

Charlotte Wescott approached the podium and stated that she lives at 346 St. Cloud Avenue. Ms. Wescott stated that Stagg Field is 75' from the proposed site and asked Mr. Greenway how the vapor will effect children 75' from the gas station; he said that there will be no effect on them.

Ms. Wescott asked Mr. Greenway if any studies were done pertaining to the runoff that would find its way into the reservation.

Vice Chairman Neuer asked Ms. Wescott what type of runoff; she said gasoline on the asphalt.

Vice Chairman Neuer stated that Mr. Greenway is an expert in air quality.

Adam Goldman approached the podium and stated that he lives at 40 Ferris Drive. Mr. Goldman asked Mr. Greenway where the vent stacks will be located on the site; he referred to Exhibit A-28 and pointed out where the vent stacks will be located on the site.

Mr. Goldman asked Mr. Greenway to identify the direction of the prevailing winds; the witness replied west.

Mr. Goldman asked Mr. Greenway if temperature affects the air quality; he replied yes. Mr. Greenway said that this is why they use the air mode data from 1990 because 1990 was representative of the climate in this area.

Mr. Goldman asked Mr. Greenway why Stage II systems are not needed; he said because cars are equipped with a vapor recovery system.

Vice Chairman Neuer stated for the record that Mr. Greenway testified that a vapor recovery system will be installed in the pumps.

Mario Romo approached the podium and stated that he lives at 346 St. Cloud Avenue. Mr. Romo asked Mr. Greenway if he included the cars idling at the pumps in his analysis; he said that the cars will not idle at the pumps. Mr. Greenway said they will turn the vehicle off and comply with the State regulations.

Mr. Romo asked Mr. Greenway why they use 1990 standards; he said they do not use the 1990 "standards". Mr. Greenway said that they use the meteorological data from 1990.

Robert Rashkes approached the podium and stated that he lives at 35 Oak Crest Road. Mr. Rashkes asked Mr. Greenway if he considered smog in his studies; he replied no. Mr. Greenway said that there was no impact to the ozone.

Mr. Rashkes asked Mr. Greenway if he measured the smog from cars traveling on Northfield Avenue; he replied no.

There were no further questions for Mr. Greenway from the members of the public.

Ms. Porter called her next witness.

Oliver Young approached the podium and was sworn under oath. Mr. Young detailed his background experience as an architect, that he is currently licensed as an architect in the State of New Jersey and stated that he has appeared before many Planning and Zoning Boards before.

Vice Chairman Neuer accepted Mr. Young as an expert in architecture.

Mr. Young presented Sheet A1 of the proposed floor plan with a revision date of 7/23/14.

Vice Chairman Neuer stated for the record that Sheet A1 of the proposed floor plan with a revision date of 7/23/14 was pre-marked as Exhibit A-32 for identification.

Mr. Young referred to Exhibit A-32 and detailed the floor plan. He stated that they are proposing 4,988 sq. ft. which is less than the original proposal. Mr. Young said that the proposed building will be wider but will be shallower by 18'. He said that there will be the same products sold in this store as all of the other Quick Chek stores. Mr. Young detailed where all of the products will be located in the store, the seating area and where the rest rooms will be located.

Vice Chairman Neuer asked Mr. Young if the rest rooms will be ADA compliant; he replied yes.

Vice Chairman Neuer asked Mr. Young how many seats there will be inside of the store; he replied ten (10).

Mr. Keller stated that the revised architectural plans from 7/23/14 were never submitted to the Board or to the Board Secretary; he said that they only have the plans dated 6/20/14.

Vice Chairman Neuer stated that Mr. Young is testifying from Exhibit A-32 and that he will have to come back if the experts require him to do so after they review the revised plans.

Mr. Young stated that the only change made on the revised architectural plans dated 7/23/14 was the reduction of the seating inside of the store. He said the seating was reduced from twelve (12) seats to ten (10) seats.

Vice Chairman Neuer stated that four (4) sets of the revised architectural plans dated 7/23/14 must be submitted to the Board Secretary so that Mr. Keller and Mr. Grygiel can review them, all not less than ten (10) days prior to the next hearing date to be established..

Mr. Young presented Sheet 1 of a revised colored rendering of the elevations dated 6/20/14.

Vice Chairman Neuer stated that the colored rendering of the elevations dated 6/20/14 was pre-marked on 7/24/14 as Exhibit A-23 for identification.

Mr. Young presented a colored rendering of the side wall elevations with a revision date of 7/23/14.

Vice Chairman Neuer stated that the colored rendering of the side wall elevations with a revision date of 7/23/14 was pre-marked as Exhibit A-33 for identification.

Mr. Young referred to Exhibits A-23 and Exhibit A-33 and detailed all of the materials that will be used on the exterior of the building and the awning. He said that a large portion of the east elevation will be glass for the purpose of having more visibility. Mr. Young stated that the building is designed to hide all of the equipment such as the air conditioning units.

Mr. Young detailed all of the signage being proposed and explained why the locations of the signs are significant.

Vice Chairman Neuer asked Mr. Young about the monument sign; he said he is not testifying to the monument sign.

Vice Chairman Neuer stated that they require a variance for three signs; one sign on the building and two signs on the canopy. Ms. Porter stated that in the B2 zone, two uses are permitted and they are proposing one sign for each use.

Vice Chairman Neuer said that one of the signs on the façade and one of the signs on the canopy signs are permitted; he said they only need a variance for one of each.

Vice Chairman Neuer stated that the West Orange Police ordinance for a 24 hour operation requires visibility from the street. He said that the façade facing the street does not have a window.

Mr. Linares approached the podium and stated that when he met with Police Chief Abbott, the Chief said that he did not have a problem with the façade facing the street not having a window.

Vice Chairman Neuer stated that Police Chief Abbott is not here to testify to that.

Mr. Keller asked Mr. Young why they are proposing a sign on the east façade; he said the main purpose for that is to highlight where the main entrance is for the customers.

Mr. Keller asked Mr. Young how high the façade sign is above the parking lot; he said approximately 17.5' to 18'.

Mr. Keller asked Mr. Young how high the canopy is over the fuel pumps; he said a minimum of 14.6'.

Mr. Keller asked Mr. Young if the façade sign will be visible over the canopy; he said not all of the time.

Mr. Keller asked Mr. Young if that is the standard size for that; he replied yes.

Mr. Young presented the canopy elevation exhibit dated 1/15/14.

Vice Chairman Neuer stated that the canopy elevation exhibit prepared by Bohler Engineering dated 1/15/14 was pre-marked as Exhibit A-9 on 4/24/14 for identification.

Mr. Young referred to Exhibit A-9 and detailed the elevations of the canopy along with the height of the lettering on the canopy signage. He stated that the height of the letter "Q" on the sign is 2'1 ½" high.

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

Vice Chairman Neuer asked if any members of the public had any questions for Mr. Young; there were none.

Vice Chairman Neuer asked Ms. Porter if she had any further witnesses this evening; she replied no.


Ms. Porter requested to be carried over to a special Zoning Board meeting.

Vice Chairman Neuer stated that because there are only five (5) Board Members present, a meeting date cannot be determined tonight and advised Ms. Porter to attend the next regular Zoning Board meeting scheduled on 12/18/14 to discuss an available special meeting date. He said that they will also have to provide notice to the public again, by certified mail and publication, after a meeting date is determined. Ms. Porter agreed.

Vice Chairman Neuer stated that this application will be carried over to the next Zoning Board meeting held on 12/18/14. He said that no business will be conducted; they will just agree on a special meeting date.

The meeting was adjourned by Vice Chairman Neuer at 9:10 pm.

Adopted: January 15, 2015

  
Rose DeSena  
Zoning Board Secretary