

October 20, 2011

Mr. Ford called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Mr. Walchuk, Mr. Nace, Mr. Badenhausen, Mr. Taibi, Mr. Kastrud, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mr. Bischoff, Ms. McBride, Mrs. Corcoran, Mr. Ryland

Others Present: Atty. Mark Anderson, Robert Clerico, Carl Hintz, Atty. Joseph Paparo, Stephen Schwartz, Atty. Donald Morrow, Lisa Frantz, Robert Zederbaum, Tylman Moon, Robert Hoffman, James Higgins, Stephen Hurford, Lucille Grozinski

**Wells Fargo: Block 22, Lot 19, Pittstown Road:** Atty. Joseph Paparo, representing Wells Fargo, said his client is seeking approval to install a flagpole as well as widening the drive-thru lane. Mr. Paparo asked Engineer Stephen Schwartz to explain. **Mr. Ford announced that Mr. Kirkpatrick had arrived.** Mr. Schwartz said there would be a small increase in the impervious coverage with the drive-thru widening. The proposed flagpole would have the American Flag and a Wells Fargo Flag beneath it. Mr. Kirkpatrick asked if any of the proposed improvements were part of the original site plan because it could result in additional storm water management calculations. Mr. Schwartz indicated that the proposal would meet Ordinance requirements. Mr. Kirkpatrick advised Mr. Schwartz to review the Ordinance regarding flagpoles and signage prior to the Board giving consideration to the proposal.

**Lehigh Gas, 169 Perryville Road, Jutland Convenience Store, Block 13, Lot 11.01:** Atty. Donald Morrow, representing applicant, had submitted Notice Documents to Atty. Mark Anderson. The Documents were marked Exhibit A-1. Mr. Morrow asked that applicant's Professionals be sworn. Engineer Robert Zederbaum was sworn by Court Reporter Lucille Grozinski. Mr. Zederbaum stated his credentials. He had prepared the Site Plan and would be providing testimony as a Civil Engineer. Mr. Zederbaum's credentials were accepted.

Planner James Higgins, Architect Tylman Moon and Robert Higgins were sworn by Lucille Grozinski. They stated their credentials, which were accepted by the Board. Atty. Morrow asked Mr. Zederbaum to give an overview of the project and also respond to letters from Robert Clerico and the Union Township Environmental Commission. Mr. Kirkpatrick said Professionals would give their testimony followed by questions from Board members. Members of the Public would then be given an opportunity to ask questions.

Mr. Zederbaum provided a Plan for the site that was marked Exhibit A-2. The Exhibit was Sheet 4 of 13, Revision Date, September 12, 2011. Mr. Zederbaum said applicant proposed converting the automotive service portion of the building to a convenience store. He said the driveway closest to Frontage Road and County Road 635 would be closed. The County Engineer and Staff had reviewed and endorsed closing that driveway. Circulation has been improved cars and trucks delivering fuel to the storage tanks. The majority of parking would be along the easterly border of the property.

Handicapped parking is located on the westerly side of the building for easy access to the ramp. The fenced in area that had been reserved for propane sales may be eliminated. Packaged tanks that can be exchanged may be available instead. Site improvements include removal of a substantial amount of pavement. Mr. Zederbaum addressed water quality issues. He said the proposed Plan would provide for a 60% reduction in Total Suspended Solids (TSS). Calculations regarding the reduction had been provided to Township Engineer Clerico. A new septic disposal will be located in the northeasterly corner of the property. It has been approved by the Hunterdon County Health Department (HCHD) and a GP25 Permit to construct the facility has been approved by the State.

Mr. Kirkpatrick asked Mr. Zederbaum to address nitrate removal. Mr. Kirkpatrick had mentioned a tertiary treatment. Mr. Zederbaum said Bob Vaccarella from the HCHD recommended an ultra-violet system. The apparatus had not been added to the Plan. Information had been sent to Mr. Clerico. Mr. Kirkpatrick said it was a very simple device.

Mr. Zederbaum said there are a number of minor changes. The lot would be overlaid after final construction. There will be some new blacktop as well as disturbance of the site. A new sidewalk, with curbing, is proposed in front of the building. Designated employee parking is proposed in the rear of the building. Mr. Kirkpatrick said the Board had concerns about cars moving around the site when fuel was delivered. Mr. Zederbaum said moving the curb toward Frontage Road allows for a passing lane. He also said there is twenty-four feet available at all times for vehicular movement. Mr. Ford said fuel delivery would require that a couple of employee spaces be vacated. Mr. Zederbaum said the design allows for flexibility. Mr. Ford had a question about two employees covering the convenience store and gas pumps. Mr. Zederbaum said Lisa Frantz could respond to operational issues.

Mr. Nace asked about a sixty-foot delivery truck parking in the hashed area on the side of the building. Mr. Zederbaum responded. He said the cab of the truck would be in front of employee parking facing east. The truck would have pulled onto Perryville Road and backed up to the storage tank to delivery the fuel. The hose would have to be drug underneath employee parking spaces. Truck maneuvering details had been provided to Mr. Clerico. Details are shown on Sheet 12 of 13. Mr. Ford asked about the tank-filling top. Mr. Zederbaum said Sheet 2 of 13 shows access to each tank. Employees may have to move their cars. Customers would not be allowed to park in the storage tank area. Mr. Walchuk asked where employees would move their cars. Mr. Zederbaum said, as proposed, two employee parking spaces would be available. He also said most customers would be gassing up and not be utilizing any of the proposed ten spaces along the easterly boundary. Therefore, employees could move their cars to that area.

In response to a question as to the time a delivery truck would take to deliver the load and leave, Lisa Franz said about twenty minutes. Mr. Kirkpatrick asked that Ms. Frantz be sworn. After being sworn, Ms. Frantz stated she is the real-estate manager at Lehigh Gas and would testify to some operational issues. Ms. Franz repeated that the drop takes about twenty minutes and they expect about five deliveries per week. Mr. Nace asked the time of drops.

Ms. Frantz said possibly the middle of the day or around four in the morning. She indicated they could be scheduled, if delivery was a problem.

Ms. Frantz said signage would be placed on the site stating that no trucks would be allowed. She also said operators would be told to tell people they cannot park at the site and walk across the street. Ms. Frantz said applicant will be asking the Committee to adopt an ordinance prohibiting along the curb line. The ordinance would give applicant the legal ability to call the Police to help. Atty. Morrow thought the Board would make that recommendation because that would fulfill one of their requests. Mr. Kirkpatrick said since that road is a County Road that might not be feasible. Ms. Frantz said she had been through that in Bernards Township and after that Municipality adopted an ordinance, the County duplicated it. She emphasized the importance of controlling traffic. Mr. Kirkpatrick asked Ms. Frantz if employees could call the Police if they observed illegal parking. Ms. Frantz said that could be a written policy. Mr. Ford asked about placing signage at the site and maintenance of those signs. Ms. Frantz said if the ordinance is adopted they would have enforcement power. She indicated that replacement of damaged signs would be at applicant's expense and it was in their best interest.

Mr. Kirkpatrick asked Mr. Zederbaum to give an overview of proposed security measures. Mr. Zederbaum said Ms. Frantz would need to address that issue. Ms. Frantz said that was not her area of expertise. She said Bob Bach, Vice President of Lehigh Gas Stores, had given testimony at a previous meeting. Atty. Anderson said earlier testimony is not a part of the record. Ms. Frantz said she could not speak exactly to the measures; however, other sites have cameras at the pumps and in the store. Mr. Ford asked about additional cameras around the building noting that the School was nearby. Ms. Frantz indicated that would be a point to consider. Mr. Hintz had a concern about lighting, as shown on Sheet 7 of 13. Mr. Zederbaum said the issue would be addressed and clarified.

Mr. Kirkpatrick asked Mr. Clerico if he had questions. Mr. Clerico did not know if the Board finished asking their questions. Mr. Kirkpatrick asked if there were changes in signage. Mr. Zederbaum said signage was on Sheet 10 of 13. He said there would be a new façade sign over the entrance door. The signs by the service center and over the garage doors would be removed. The canopy will remain. The freestanding sign would have minimal changes. Most signage changes are cosmetic. The price signage lighting would be internal. Mr. Kastrud asked about lighting underneath the canopy. Mr. Zederbaum said it would be slightly up. Mr. Zederbaum emphasized that impervious coverage is down. Mr. Nace said a Board member had asked the age of the existing fuel tanks and the useful life. Mr. Zederbaum said the tanks are approximately twenty years old and the manufacturer warranted them for thirty years. The tanks are double-walled and there are monitors to detect any kind of leak. The installation had been approved by the State of New Jersey. Mr. Zederbaum said Ms. Frantz could provide details.

A voice from the public wanted to read a statement. Mr. Kirkpatrick said that would be done at the end. Mr. Zederbaum asked if he should respond to Mr. Clerico's letter. Atty. Morrow had a question on the same matter. Mr. Clerico gave an overview of previous documents submitted to the Board. Atty. Anderson and Morrow agreed that they did not need to be marked.

Mr. Clerico asked Mr. Zederbaum to address site layout. Road improvements were stated. Hunterdon County and NJDOT are involved in that matter. Regarding the sidewalk in front of the building, Mr. Zederbaum said it will be wider than what exists and provide handicapped access. The widening narrows the space between the current curb and the pump island. Mr. Clerico asked Mr. Zederbaum to explain how narrowing would impact vehicular movement. Mr. Zederbaum said Sheet 12 of 13 provides those details. Mr. Kirkpatrick asked about striping being provided in front of the sidewalk to preclude parking in that area. Mr. Zederbaum said that would be added to the Plan. Mr. Nace asked why cars should go through that area and as proposed, applicant is saying it's okay. Mr. Kirkpatrick said it was a balance. Mr. Zederbaum said it was better to allow the ability for movement through the area. Mr. Nace emphasized the safety aspect. Mr. Zederbaum re-emphasized his viewpoint. Mr. Clerico said it could be a Board discussion item.

Mr. Clerico said applicant proposes milling and resurfacing pavement and considered that to be a minor technical issue. Mr. Clerico had a question for Architect Moon regarding doors accessing facility and if they met ADA Standards. Mr. Moon felt the space was adequate. Mr. Zederbaum addressed the dumpster enclosure area. He said applicant proposes a solid board fence with a double gate. Mr. Zederbaum said UTEC had raised questions about recycling. He said the area would be large enough for recycling dumpsters. Mr. Clerico questioned the placement of the gates to the dumpster area and also why the area was so large. Mr. Zederbaum said it was essentially the same as what is presently used and would limit disturbance at the site. He said, however, the gates could be moved. Mr. Clerico said there would be an encroachment on a parking space. The Board could discuss the issue. Mr. Kirkpatrick said Mr. Clerico had made a statement about the tight site and circulation being a problem. Mr. Zederbaum said applicant is retrofitting the site. Mr. Clerico asked Mr. Zederbaum about the bottled gas area that has a chain link enclosure. Mr. Clerico wanted to know about access. He asked if the cross-hatching striping was to prohibit parking in the area. Mr. Zederbaum said that was correct.

Mr. Clerico asked if there was a statutory requirement prohibiting parking within a certain distance from a propane filling station. Mr. Zederbaum said he did not know. However, the Board could have that as a condition of approval. The fuel tank to the south was discussed. The tank is shown on the current Plan and is under a concrete slab with existing curbing (shown on Sheet 2). Mr. Zederbaum said that would be more clearly delineated. Mr. Clerico asked about the loading area for gasoline and food deliveries. Mr. Moon said the intent is for box trucks to deliver most supplies, other than gasoline and petroleum products. Exterior access is not proposed to the refrigeration box. Mr. Kirkpatrick recalled that the Board had a concern about egress to the building. Mr. Moon said an additional door has been provided on the western side of the building. Mr. Ford noted the door on the western side is in the loading area. Mr. Kirkpatrick asked if deliveries would come through the front door. Mr. Moon indicated that would normally be happening.

Mr. Clerico addressed utilities, including documentation of water calculations and usages. Board Hydrogeologist Uhl indicated he had not had responses. Mr. Clerico said correspondence from Mr. Uhl regarding the well and its conformance with standards should go on the record. Atty. Morrow asked Mr. Zederbaum about addressing the well issue. Mr. Zederbaum deferred the issue to Ms. Frantz. She said Mr. Uhl's letter dated January 12, 2011 asked for well construction details, well yield information, laboratory reports for water quality, projected water use and environmental quality of the site. Mr. Uhl indicated that laboratory reports for water quality and projected water use had been supplied and were satisfactory. Mr. Uhl is waiting for construction details, a well record, yield information and an overview of the site with respect to environmental investigation. Ms. Frantz understood that the previous Counsel forwarded that information to Mr. Uhl. She had copies with her. Atty. Morrow asked Ms. Frantz to fax well information to Mr. Uhl.

Mr. Clerico referenced the septic system. He was concerned about the volume of effluent. Mr. Zederbaum testified that the system which was designed for 265 gallons per day (gpd) had been approved by the HCHD. Mr. Clerico thought the volume was low. He said there is pending State regulations for fueling facilities that would alter that estimate. Mr. Clerico understood the Standards would be close to 1,200 gallons per day. Mr. Kirkpatrick said that multiple-use facilities have difficulty meeting anticipated wastewater disposal and ground water withdrawal projections. He told Mr. Clerico that a condition would be to monitor groundwater consumption and report monthly. If exceeded, toilets might have to be shut down, fixtures changed and hours of operation reduced. Mr. Kirkpatrick strongly suggested that applicant be comfortable with the amount of wastewater generated. He said it would be easier to build it right the first time.

Mr. Clerico mentioned fire codes. Testimony pertaining to uses had not been provided by Mr. Moon. Mr. Kirkpatrick had questions regarding lighting and landscaping and asked Mr. Hintz if they would mesh with the architect's testimony. Mr. Hintz noted that the landscaping plans had been prepared by Dave Chewey who was not present. Mr. Kirkpatrick asked Atty. Morrow who would be testifying about landscaping. Mr. Morrow thought it would be Mr. Zederbaum. He did not think landscaping would be that involved. Mr. Kirkpatrick said anything at this intersection which is a gateway to the community would be closely reviewed. Atty. Morrow said noticeable improvements are proposed. He understood the Chairman's concerns. It was decided to defer additional discussion until Mr. Moon testified.

Stormwater management was discussed. Mr. Clerico said applicant plans to utilize a vegetated filter strip to create an unconcentrated flow to the County Road gutter. A new inlet would be installed in that area. Most water to the east of the building drains across the pump islands and out to the area to the west of the existing driveway. Drainage near the fuel tanks would be directed southeasterly to a lawn area and will be depicted on the Plan. Mr. Kirkpatrick asked about the calculations for TSS removal. Mr. Clerico said he agreed with the calculations, more or less. Mr. Clerico said nothing on the Plan shows where roof leaders go. Mr. Moon would provide testimony in that regard. Mr. Kirkpatrick asked if applicant would achieve 60% TSS removal, as testified to. Mr. Zederbaum asked Mr. Clerico if he had looked at the chart submitted. Mr. Clerico said the calculations provided indicated the standards would be met.

He said it was probably the best they could do. It would be different if applicant was starting from scratch. Mr. Kastrud noted that some areas showing vegetated filter strips are not on the property. Would the Board impose easements around those areas or is it adequate to be shown on the Plan? Mr. Kirkpatrick said if there were changes in site characteristics an alternative design would be required. As of right now, a condition would be that facilities remain in good working order. Mr. Kastrud said Mr. Clerico indicated the area in the northeast corner works reasonably well even though some of the water flows offsite. Mr. Clerico said probably 80% goes that way. He emphasized applicant is dealing with existing conditions. Mr. Kastrud asked if the water flowing towards the Perryville Inn would have a negative impact on the Inn. Mr. Zederbaum said nothing had changed. Mr. Clerico said the grade is not being changed.

Mr. Clerico addressed the area of wetlands. Applicant stated they have an LOI and permits from the State relating to disturbance for the septic system. Disturbance within the buffer area pertains to removal of pavement in the Frontage Road area. Mr. Clerico had other comments relating to traffic.

Mr. Kirkpatrick asked Mr. Hintz to provide information. Mr. Hintz said his last report, dated July 19, 2011, relates to variances. He said applicant's Planner, Mr. Higgins, would provide testimony. Mr. Hintz said landscape plans did not address kinds of vegetation. He said wet tolerant plants, ground cover and low growing plants would be required because of their location on the site. A tree is needed between the two trees to the north of the site in the front island area. Mr. Chewey had proposed red maples and Mr. Hintz suggested that the additional tree be a red maple. Mr. Hintz said the Spirea proposed around the Shell Sign should be replaced with an evergreen-type shrub that would provide a shield year round. The Spirea proposed for Frontage Road has been changed to a taller growing evergreen shrub. Mr. Hintz said that had not been done. Mr. Zederbaum said he would make sure that was done. Mr. Kirkpatrick suggested that Mr. Hintz and applicant's Landscape Architect meet and come up with a Plan that applicant's Architect stipulates to implement. Mr. Hintz said plants are needed in the southeast corner by the parking spaces. Mr. Clerico said the vegetated strip in that area would have to be worked around. Mr. Hintz said the Plans need to be sealed. In addition, the Plan does not show the location of the trash and recycling receptacles. Mr. Hintz said the location of the freestanding signs need to be shown on the Plan to insure they do not interfere with plantings.

Mr. Kirkpatrick said a concern about people parking in the street and walking on the site from the Bagelsmith should be considered when developing the Landscaping Plan. Perhaps some taller grasses could be incorporated. Mr. Clerico followed up on the existing sidewalk along Frontage Road between the two driveways and along the County Road between the two driveways. They were to be removed. Mr. Hintz said that was the direction of the Board. Mr. Clerico commented about a flagpole being added. It the Board wants that it should be shown on the Plan. Mr. Zederbaum said more information was needed about lighting. Applicant would design a Landscaping Plan that was acceptable to Mr. Hintz. Mr. Nace asked Mr. Hintz why Viburnum was proposed at the end of the southeast parking lot since they grow eight-to-ten feet high and eight-feet wide. Mr. Hintz said he would propose a change to a lower shrub.

Mr. Kirkpatrick asked Mr. Zederbaum to review the status of agency approvals. Mr. Zederbaum said applicant has conditional Hunterdon County Planning Board approval and unconditional HCHD approval. Applicant has not applied to the NJDOT for a letter of approval. Soil certification is not required, other than that required for the septic system. Mr. Zederbaum said Ms. Frantz would provide documentation from the HCHD regarding the well. Mr. Kirkpatrick asked Mr. Zederbaum if he wanted to review materials submitted by Mr. Clerico. Mr. Zederbaum said Mr. Clerico did a good job. Atty. Morrow said he had no further questions for Mr. Zederbaum but someone in the audience might. Mr. Kirkpatrick asked for questions from the Public. There was no response. Mr. Kastrud had a question about stop bars or signs. Was that an oversight or deliberately left off the Plan. Mr. Zederbaum said it was not deliberately left off. Mr. Nace said the County did not say they wanted one and he was not sure it would be enforceable without a Title 39. Mr. Kirkpatrick said applicant would be giving the Township a Title 39. Mr. Zederbaum indicated it would be provided if that was what the Board wanted. Atty. Morrow said he did not think he had seen one in New Jersey or otherwise. Mr. Kirkpatrick thought there were signs at Pilot and was unsure if the ones at Exxon are still standing. Mr. Nace said the Church has them. Atty. Morrow said it might serve as a reminder and that is all it would be worth without the Title 39 approval. Mr. Kirkpatrick suggested that stop signs and bars be included at the exits. Mr. Kastrud said his thought was more for safety than for enforceability.

Mr. Kirkpatrick suggested a five-minute break.

The Hearing resumed with Mr. Kirkpatrick giving the Public a chance to make statements or observations or questions of the witnesses who have testified. A member of the Public asked if he could talk. Mr. Kirkpatrick asked if he was planning on making a statement or giving testimony. The response was a "Statement, I think". Mr. Kirkpatrick said anyone making a statement must be sworn. Atty. Anderson said the Board could not consider testimony or statements unless the person was sworn. The man said he wanted to be sworn. He stated his name was Wayne Schmied and was sworn. Mr. Kirkpatrick asked Mr. Schmied if he was giving his own observations or testifying as an expert. Mr. Schmied said it would be his own observations. Mr. Schmied said he owns the BagelSmith across from the Shell Station and has been in business for 28 years. He said the application must be voted down. His major concern is traffic. Mr. Schmied said the gentleman who lives behind the site took pictures. He could not be here tonight. Atty. Morrow objected. The person was not present and that would be hearsay. Mr. Schmied said approval of the project would increase cars navigating the already overloaded intersection. He thanked the Board for listening to his concerns.

Mr. Kirkpatrick asked Atty. Morrow to proceed. Mr. Morrow asked Tylman Moon to come forward. Mr. Moon said he did not have some Exhibits presented at earlier Hearings since the Board secretary was not present. He said those Exhibits depicted the building and showed colors and materials that Mr. Hintz requested. Mr. Moon provided a Plan showing the existing building and what is proposed for the new appearance of the building. The Plan, entitled Proposed New Convenience Store, 169 Perryville Road, Hampton, NJ consists of six drawings, with a revision date of June 29, 2011. It was marked Exhibit A-3.

Mr. Moon said the first drawing shows existing conditions, including the service bays, sales area, toilet rooms for men and women, an office, storage space and the mechanical and shop area. The second drawing represents proposed conditions for the first floor. A new door was added on the western side of the building. There are two new toilet spaces and two new toilet rooms for men and women on the eastern side of the building. There is a proposed office and sales area, a grocery or dry goods area and a reach-in refrigerator at the south part of the building that has access from the front. Mr. Moon said there are doors in the front that would provide access to the public as well as servicing of the store. Mr. Kirkpatrick asked why the doors opened in since in an emergency it would be better for them to open out. Mr. Moon indicated it would be better for the doors to open out. Mr. Kirkpatrick also asked about access to the storage area of the walk-in refrigerator. Mr. Moon said it is through the front. Mr. Kirkpatrick noted there were shelves stacked in front of the doors. Mr. Moon said there was a door to reach the rear of the refrigerator. Mr. Kirkpatrick asked that changes be clarified on the Plan. Mr. Moon said that would be done.

Mr. Walchuk asked if the concrete pad that supports the refrigerator extended the whole rear of the building. Mr. Moon indicated the area of the new pad. The pad had been included in the impervious surface calculations.

Mr. Moon continued his testimony. He said the third drawing shows the existing glazed overhead doors and window area. Also shown are the existing pumps, canopy and doors that would be removed when alterations are completed. Drawing four shows the rear elevation and white brick veneer wall finish. Drawing five shows the proposed north elevation with doors at the main entrance to the convenience store. A bay window and three double-hung windows are proposed. A bracketed overhead canopy would provide protection over the doors and windows. An eight-by-eight-and-a-half by two-foot sign with the name Unimart is proposed. Gooseneck lamps would provide lighting of the sign. Mr. Kirkpatrick asked the size of the sign. Mr. Moon said he did not believe it was any larger than the existing sign and might be smaller.

In response to a comment regarding the eastern side of the building and its appearance being given a residential feel, three-blind recessed windows are proposed. The Exhibit showing that information was marked Exhibit A-4. Mr. Moon said drawing six shows the rear elevation of the refrigeration unit facing west, as well as the location of the new door. Mr. Kastrud asked if the door opening on the west was an emergency access. He was assured it would not be accessed by someone parking on the side. Mr. Kastrud asked about employees using the dumpster. Mr. Zederbaum said the use was ancillary and provided access to the fenced-in area by employees. He also said the door would be fire-locked.

Mr. Kastrud asked if the color of the building would remain brick white. Mr. Moon said it would remain white. Mr. Kirkpatrick asked about the roof, trim, fascia, etc. Mr. Moon said there would be a new gray roof and the trim and fascia would be white. Mr. Walchuk had a question about the reach-in refrigeration. Mr. Moon said the unit is a completely enclosed box with its own roof. Mr. Walchuk asked about additional electric utilities for other refrigerated

displays. Mr. Moon thought they would be minimal. The electrical equipment has not been engineered. Mr. Nace asked if power was supplied overhead or underground. Mr. Zederbaum thought there was a line coming across from the Perryville Inn. Mr. Nace said there could be trenching involved. Mr. Kastrud said it comes off of Perryville. Atty. Morrow said applicant would clarify the issue. Mr. Walchuk revisited the refrigeration unit. He had a concern about the structural aspect of the existing wall. Mr. Moon said he would check into the matter. Mr. Moon addressed a concern of Mr. Clerico about fire codes. He said changing the use from an auto-service repair shop to a mercantile class should not change fire-code requirements. No sprinklers would be required.

Mr. Clerico asked about the heat source. Mr. Moon said it would be an oil-fired warm-air furnace. The fuel tank would probably be outside. Mr. Clerico said that should be reflected on the Plan. Mr. Clerico also said a/c units, condenser units and roof leaders need to be shown on the Plan. Mr. Kirkpatrick noted that since the non-structural water-quality management design is less than if applicant was starting from scratch, he thought that runoff from the roof and canopy should be discharged to a grassed area beyond the pavement. Mr. Clerico said the drainage system from the canopy over the pump needs to be depicted. Mr. Kirkpatrick thought the Board would want the clean runoff to be separated from dirty runoff.

Mr. Hintz asked about lighting for the entranceway and other points around the building. Mr. Moon said that would be coordinated with Mr. Zederbaum. White gooseneck lighting is proposed over the signs and the door. Soffit lighting would be recessed in the canopy. Wattage needs to be provided.

Mr. Kirkpatrick said the curb that provides wheelchair access looks very tight. Mr. Moon said that concern would be taken into account. Mr. Kirkpatrick said a different type of door or a wider sidewalk could be considered. Mr. Ford referenced the passage lane near the building. Mr. Kirkpatrick reminded Mr. Moon of those two considerations. Mr. Kastrud had a question about the proposed use changing fire-code requirements. Mr. Moon indicated the proposal was below the threshold for another classification. Mr. Clerico observed the concrete slab that runs across the front of the building. The Plan notes that part of the slab would be removed in order to install the new curb and that two or three feet of the slab would be left. Mr. Clerico said it might be better to remove curb and replace it with paving. Mr. Moon made a note of that issue. Mr. Kastrud asked about a strip of asphalt that would be left in between the concrete padding for the pump islands and extending to the concrete sidewalk. Mr. Clerico said he thought applicant should look into removal of the small portion of slab.

Mr. Kirkpatrick asked if soda fountains, coffee dispensers, hot food locations or hot dog cookers were proposed. Mr. Moon understood that applicant had no plans for cooking facilities. Ms. Frantz said there would be coffee pots and probably electrically heated warmers for soup and hot dog rolls. There would be no deli items or sandwich making and stove or dishwashing facilities are not proposed. Mr. Kirkpatrick said the east profile of the building is mundane. Mr. Ford agreed.

He said the nicest improvements proposed were hidden by the canopy and the public would view the east elevation. Mr. Hintz said Mr. Moon had mentioned placing vines and lattices along the wall. Ms. Frantz voiced a concern about maintenance. Different types of plantings were discussed. Atty. Morrow mentioned shutters on the windows. Mr. Ford suggested windows against the solid wall. Atty. Morrow thought shutters would be more attractive. Mr. Ford said the shutters would be in addition to the window. Mr. Moon was concerned about windows because of the potential for breakage. Mr. Moon said applicant would look into a solution. Mr. Ford said there could be shatter-resistant material. He also said ivy covering the wall looks like a prison. Mr. Kirkpatrick said the majority of residents would see that side of the building.

Mr. Clerico asked if applicant is currently operating a facility that is similar to that which is proposed. Ms. Frantz replied in the affirmative. Mr. Clerico asked the number of vendors and their frequency at the site. Ms. Frantz said there could be a half-dozen deliveries and vendors would be at the site for about fifteen to twenty minutes. Mr. Kastrud asked if there would be a sign on the east side. Mr. Moon said a sign would publicize the convenience store. Mr. Kastrud had a question about signage in the Ordinance. Atty. Anderson emphasized this was a D variance situation and the Board could impose restrictions they think are appropriate.

Mr. Kirkpatrick asked for questions from the Public regarding the Architect's testimony. Stephen Hurford, 225 Main Street, Jutland, had a suggestion about the east side of the building. Mr. Hurford thought a roof similar to the one proposed over the front door would give a better appearance. Mr. Kastrud agreed. Mr. Nace said a sixty-five-foot tanker truck has to park up against the building three times a week. Mr. Kastrud said for twenty minutes. Mr. Nace said the roof could be taken off three times a week.

Mr. Kirkpatrick asked Atty. Morrow if he wanted another Professional to provide testimony. Atty. Morrow said that traffic expert Robert Hoffman was present. Mr. Hoffman apprised the Board of the updated Traffic Study. He had met with Mr. Taibi on September 6, 2011 to take new traffic counts. Counts were done from 7:00 a.m. to 9:00 a.m. and the evening counts began at 3:00 p.m. It was determined that the peak hours were from 7:30 a.m. to 8:30 a.m. and 5:00 p.m. to 6:00 p.m. in the evening. He said the closing of the initial driveway on Perryville Road would enhance the safety and flow of traffic. Mr. Hoffman said that based on the analysis it was his opinion that there would be no detrimental impacts with additional traffic from the proposal. Mr. Kirkpatrick asked if counts had been done at the Bagelsmith, Exxon or Pilot. Mr. Hoffman said a count was done at the Bagelsmith. Exxon was done previously and was utilized to develop trip generation. That count was compared with the book-calculated traffic. Mr. Hoffman explained adjustments made to the count. The level of services was discussed at length. Mr. Kirkpatrick asked that testimony be given about competitive-pricing by fuel dealers. A cheaper price per gallon could have an impact on the volume of traffic.

Mr. Kastrud had a question about internal circulation. Mr. Hoffman said his office had prepared a truck turning movement. Mr. Kastrud asked about stop signs on the site. He thought stop signs should be installed.

Mr. Kirkpatrick asked for questions from Professionals. Mr. Clerico said the testimony was consistent with the format of the report and the documentation. Mr. Kirkpatrick asked for questions from the Public. Steven Hurford asked if there would be a comment period later. He was told there would be. Atty. Morrow thought it would be a good time to break. He said additional information that was requested would be provided. Mr. Ford said the next meeting was scheduled for November 10, 2011. Atty. Morrow said Planner James Higgins would not be available that night. Mr. Kirkpatrick said the Planner could proceed. Mr. Higgins said he had testified on over one hundred gasoline station/convenience store sites in New Jersey. Therefore, he is familiar with the nature of the use. Mr. Higgins said the site is in the Village Commercial Zone and the use of the site as it currently exists is not permitted. The convenience store is a permitted use. Mr. Higgins said substantial visual and functional improvements are proposed. The building footprint would not be changed. The freezer in the back would result in a minor configuration of the building. There is no significant expansion of the asphalt area and impervious surface is being reduced. Mr. Higgins believes the improvements bring the site more into harmony with the surrounding area. He said the site would continue to operate as a gasoline station with automotive repair facilities if it is not converted to the convenience store. He felt it met the positive criteria. Mr. Higgins did not see any negative impact. He felt the application was more consistent with the Master Plan and the Zoning Ordinance.

The site, as it exists, does not have adequate ADA accessibility or restrooms. Substantial improvements are proposed regarding accessibility. Atty. Morrow asked about the three bulk variances proposed. Mr. Higgins said they are for impervious coverage, parking in the front yard along Perryville Road and a setback of the canopy at 21.3 feet where 50 feet is required along Frontage Road. He believes those variances are minimal. Mr. Kirkpatrick asked Mr. Higgins to discuss eliminating all of the non-conforming uses. Mr. Higgins asked, "In terms of eliminating the gas station"? Mr. Higgins said that was not going to happen.

Mr. Kirkpatrick asked for questions from the Board. Mr. Badenhausen asked about the handicapped parking spot. Mr. Higgins said that is located on the west side of the building. Atty. Anderson said a variance is required for two principal uses on the same lot. Mr. Higgins said, in his opinion, this is one principal use. He considers it to be a hybrid use. Mr. Walchuk had a concern about the two complimentary uses increasing traffic. Mr. Higgins said that, based upon experience, traffic would increase about twenty-five percent. He felt that pressure could be taken off the intersection because of the availability of both gasoline and convenience store items.

Mr. Kirkpatrick asked for more testimony about compatibility with the historic Perryville Inn. He said the façade is very different. Mr. Higgins did not see any negative impact on the Inn. Mr. Kastrud asked if the cooler had a separate compressor. He said it would be close to the grass near the Perryville Inn and there could be noise. Mr. Moon responded. He said the compressor would sit on the concrete pad. It is not particularly visible. Mr. Moon thought the sounds would be muffled. Mr. Kastrud asked if the new condenser would be quieter than the existing air conditioner units. Mr. Moon assumed they would be.

Mr. Kastrud asked Mr. Higgins if he thought there was a need to have a sign on the east side of the building. Mr. Higgins did not see a need for a sign. However, he thought that, esthetically, it might be a good idea.

Mr. Kirkpatrick asked for comments/questions from Professionals or from the audience. Stephen Hurford said he would like to see improvements to the site that would enhance the community. He was concerned that the repair shop might be reopened. Mr. Kirkpatrick asked Mr. Hurford if he did not like what is existing and liked the proposal. Mr. Hurford felt the proposal would be an improvement.

Mr. Kirkpatrick asked for clarification about the percentage increase in total trips coming to the site daily. Mr. Hoffman said he would calculate the increase. Mr. Kirkpatrick also asked Mr. Hoffman if the Ordinance required utilities to be underground from the pole. It is believed that existing utilities are not required to be underground. Mr. Kastrud said it would be appropriate to consider the location of utilities and determine if there are easements. Mr. Kirkpatrick said it should be considered. Atty. Anderson said applicant should address the matter of easements. The Board could consider planning issues. Mr. Hoffman apprised Mr. Kirkpatrick about the increase in traffic. He said the increase is probably fifty to sixty percent. Mr. Kirkpatrick said that would be consistent in eliminating the negative impacts from storm water because applicant is providing an additional sixty percent removal of TSS that would hopefully cover any additional vehicle pollutants that are dropped from the additional traffic. Mr. Kirkpatrick was wondering if applicant had done any water consumption or wastewater disposal flow calculations. Mr. Kirkpatrick said if there are forty people coming to the site now and generating two hundred gallons a day, one-hundred people would certainly affect wastewater discharge. He asked for testimony at the next hearing regarding the impact on wastewater generation. Mr. Kirkpatrick emphasized that the site is adjacent to a Category I Trout Production Stream for Federally Endangered Species that are dependent on water quality. He emphasized that issue is very important to the Board.

Atty. Morrow thanked the Board. Applicant had granted an Extension of Time to Act until November 11, 2011. Mr. Kastrud asked that applicant provide a list of similar type stations and convenience stores in the area. Mr. Kirkpatrick asked that Ms. Franz prepare a list and mail it to the Board secretary.

Mr. Kirkpatrick said Comments from the Public and Other Discussion had been covered.

**Motion to Adjourn:** Mr. Kirkpatrick made a motion to adjourn. Mr. Kastrud seconded the motion. (11:00 p.m.)

Vote: All Ayes:

Grace A. Kocher, Secretary

