

Present: Canonico, Murphy, Daly, Schuster, Edwards, Carnes, Roache, Pietricola
Kennedy (Attorney)
Cranmer (Engineer)
Absent: Martinelly

All saluted the flag, and the presiding officer's statement was read.

Mr. Kennedy gave the oath of offices for 2017

Jim Daly – arrived @ 7:50 pm given oath at that time.

Phil Carnes

Peter Roache

Robert Pietrocola

Ms. Canonico announced that the purpose of this meeting is for reorganization for 2017

REORGANIZATION FOR 2017:

ELECTION OF CHAIR PERSON 2017:

A motion was made by, Mr. Schuster seconded by, Mr. Carnes nominating
Ms. Martinelly as Chairman for 2017, with no other nomination;

Roll Call:

Affirmative: Canonico, Murphy, Schuster, Edwards, Carnes, Roache, Pietricola

Negative: none

Abstained: none

ELECTION OF VICE CHAIRMAN:

A motion was made by Mr. Murphy, seconded by Mr. Carnes nominating
Ms. Canonico as Vice Chairman for 2017 with no other nominations:

Roll Call:

Affirmative: Murphy, Schuster, Edwards, Carnes, Roache, Pietricola

Negative: none

Abstained: none

APPOINTMENT OF BOARD ATTORNEY & Adoption of Resolution:

A motion was made by, Mr. Murphy, seconded by Mr. Carnes nominating
Mr. Kevin E. Kennedy, Esq as Board Attorney for 2017, with no other nominations:

Roll Call:

Affirmative: Canonico, Murphy, Schuster, Edwards, Carnes, Roache, Pietricola

Negative: None

APPOINTMENT OF SPECIAL LEGAL COUNSEL & Adoption of Resolution

A motion was made by Mr. Murphy, seconded by Mr. Carnes nominating Mr. Michael Steib, Esq as the board's special legal counsel for 2017 if there is some reason why Mr. Kennedy has to step down from an application and/or cannot attend a meeting when necessary and any other matters designated by the board, with no other nominations:

Roll Call:

Affirmative: Canonico, Murphy, Schuster, Edwards, Carnes, Roache, Pietricola

Negative: None

APPOINTMENT OF BOARD ENGINEER/PLANNER & Adoption of Resolution

A motion was made by, Mr. Murphy, seconded by, Mr. Schuster to appoint Mr. David Cranmer of Cranmer Engineering as the board Engineer/Planner for 2017, without any further nomination.

Roll Call:

Affirmative: Canonico, Murphy, Schuster, Edwards, Carnes, Roache, Pietricola

Negative: None

Abstained: None

APPOINTMENT OF BOARD SECRETARY:

A motion was made by, Mr. Murphy seconded by Mr. Pietricola, nominating Ms. Kelleher as Board Secretary for 2017, with no other nominations:

Roll Call:

Affirmative: Canonico, Murphy, Schuster, Edwards, Carnes, Roache, Pietricola

Negative: None

**FIXING TIME & PLACE & POSTING OF AGENDAS:
FOR MEETING FOR 2017 & reorganization for 2018.**

A motion was made by, Mr. Schuster, seconded by, Mr. Carnes that the meetings be set on the 1st Wednesday of the month, @ 7:30 p.m., in the Municipal Building, 419 Sycamore Ave on the following dates:

January 4, 2017

February 1, 2017

March 1, 2017

April 5, 2017

May 3, 2017

June 7, 2017

July 5, 2017

August 2, 2017

September 6, 2017

October 4, 2017

November 1, 2017

December 6, 2017

January 3, 2018 – reorganization starting @ 7:00 pm

Roll Call:

Affirmative: Canonico, Murphy, Schuster, Edwards, Carnes, Roache, Pietricola

Negative: None

Official Designated Newspapers 2017 & Adoption of Resolution:

A motion was made by Mr. Schuster, seconded by Mr. Carnes to designate the Asbury Park Press and Two River Times as the official newspapers for 2017.

Roll Call:

Affirmative: Canonico, Murphy, Schuster, Edwards, Carnes, Roache, Pietricola

Negative: None

Official Posting Place of Agenda 2017:

A motion was made by Mr. Murphy, seconded by Mr. Roache that the designated posting of agendas will be the bulletin board in Boro Hall, the Borough Web Site, and submission to Borough Clerk.

Roll Call:

Affirmative: Canonico, Murphy, Schuster, Edwards, Carnes, Roache, Pietricola

Negative: None

Model Rules & Regulation:

A motion was made by Mr. Murphy, seconded by Mr. Carnes to adopt & approve the Rules & Regulations with no changes.

Roll Call:

Affirmative: Canonico, Murphy, Schuster, Edwards, Carnes, Roache, Pietricola

Negative: None.

Mr. Daly arrived @ 7:25 pm.

Closed Session: (7:25 pm – 7:50 pm)

A motion was made by Mr. Edwards, seconded by Mr. Carnes to go into Executive Session for the purpose of discussing Shadowbrook vs Shrewsbury Board Litigation and other legal matters affecting the alleged procedural deficiencies associated with last year's annual meeting notice, minutes will be available after the need for confidentiality no exists. No official action will be taken. All approved.

Meeting room was cleared.

Ms. Canonico announced the opening of the regular meeting of the Zoning Board of Adjustment @ 7:50 pm.

Roll Call: Canonico, Murphy, Daly, Schuster, Edwards, Carnes, Roache, Pietricola
Cranmer – Engineer
Kennedy – Attorney
Absent: Martinelly

Minutes:

A motion was made by, Mr. Carnes, seconded by, Mr. Schuster to adopt the minutes of the November 30, 2016 meeting as submitted. All approved.

A motion was made by, Mr. Schuster, seconded by Mr. Roache to adopt the minutes of the December 7, 2016 meeting minutes as submitted. All approved.

Abstained:

Planning Board Representative: Ms. Martinelly was verbally appointed by the board, no motion was made.

Correspondence:

Brookdale Seminar for new members or members who did not attend:
Mr. Pietricola, Mr. Carnes, Mr. Roache, date and time to be announced.

Unfinished Business:

M/M M Woolston

Bl: 7, Lot: 5

Adoption of Resolution

A motion was made by Mr. Schuster, seconded by Mr. Carnes to adopt & memorialize the resolution of approval to M/M Woolston for the construction of a new garage.

Roll Call:

Affirmative: Murphy, Schuster, Carnes Roache

Negative: None

KGSC Realty Holdings, Inc.:

d/b/a: Shadowbrook Rest

Bl: 21, Lot: 7.01

Adoption of Resolution

A motion was made by Mr. Schuster, seconded by Mr. Roache to adopt & memorialize the resolution of approval to KGSC d/b/a Shadowbrook for a new free standing sign with variances as submitted.

Roll Call:

Affirmative; Canonico, Schuster, Roache

Negative: None

SBC Holdings:

Request for special meeting

Shrewsbury Plaza: Shop Rite:

Bl: 31 Lots: 1 & 3

Bl: 29, Lot: 18

Mr. Marc Policastro, Esq, represented the applicant

Mr. Policastro requested a special meeting for **January 30, 2017 @ 7:00 pm**

A motion was made by Mr. Murphy, seconded by Mr. Carnes to grant the request for a special meeting for SBC Holdings on January 30, 2017 @ 7:00 pm for the purpose of SBC Holdings – Shop Rite application, with no further notice. All approved

Board Secretary will notice for the special meeting.

Mr. Policastro verbally consented to extend the time of decision.

**Shore Investments Realty LLC c/o Sudler
d/b/a Quickchek**

515 Shrewsbury Ave

Bl: 3, Lot: 5

Use Variance/Site Plan Approval

Date Received: 9/30/15

Deemed Comp: 10/4/15

Decision Date: 2/1/16

Verbal extension of time

See Transcript for full testimony.

Mr. Kennedy gave a statement and reviewed the decision of the board to start the Quick Check application over from the beginning.

Mr. Kennedy the attorney's to enter their appearances and state for the record who they represent and who the principals are.

Mr. Robert C Shay, Esq Shay & Associates, Toms River, NJ represents the applicant of Shore Investments – Peter Sudler andSudler Black inaudible. Mr. Jeff Hale is present tonight who will represents Sudler Industries.

Mr. Michael Convery, Esq, Keefe Law Firm, represents Luke Oil North American, through general counsel Johnathan Socolow, and he doesn't know who the principals are as of this date.

Mr. Bernie Reilly, Esq, Red Bank appearing for Mr. Gasiorowski who is on vacation, and he represent Mr. Gulshan Chopbra, leasee & owner of Luke Oil Station at Newman Spring & Shrewsbury Ave.

Mr. Kennedy stated that Mr. Gasiorowski stated to him that he is not representing Mrs. Clare Ward any long, Mr. Reilly agreed.

No Conflicts indicated from Board Members.

Mr. Kennedy announced that service is adequate and the board has jurisdiction to hear this matter.

Mr. Kennedy and Mr. Shay have agreed to mark any exhibits with "green stickers"
And the Green stickers mean "Phase II"

A – Applicant

B - Board

O - Objector – Luke Oil Convery exhibits

O - 1 Chhabra, O-2 Chhabra etc. – Gasiorowski exhibits

Mr. David Cranmer, Engineer/Zoning Officer was sworn

Mr. Robert Shay, Esq represented the applicant.

Mr. Bernie Reilly, Esq, represented the objectors, he asked if the board will be adopting a resolution for the previous proceedings? Mr. Kennedy said that he hasn't made a decision yet. Mr. Reilly asked if that would be done at a later time. Mr. Kennedy again stated again, not tonight.

Mr. Derek Jordon, Site Civil Engineer for Quick Chek, Bohler Engineering, gave his professional & educational background and was accepted as an expert witness, and was sworn.

Mr. Reilly asked questions of Mr. Jordon, on his experience with his 40+ applications work with Quick Chek in New Jersey and New York.

Mr. Convery did not have any concerns with Mr. Jordon.

Mr. Jordon advised that he prepared the site plan and reviewed the Zoning Ordinance, and he Master Plan.. He gave an overview of the site, current uses on the site and uses on the surrounding uses in the HCPO Zone, where retail is permitted and gas stations are not.

A-1 – Green – Aerial Exhibit prepared by Bohler Engineering, 1/4/2017
Mr. Jordon reviewed the exhibit.

A-2 – Green – Illustrated rendering of site plan, previously submitted site plan, Bohler Engineering, 1/04/2017, revision #1 12/18/2015, now with the landscaping included. Described exhibit with the indoor and outdoor seating with proposed dispensers (8 regular dispensers (16 stations & 2 low flow dispensers), 2 – 20,000 gallons & 2 – 12,000 gallons tanks, which the refueling is on an on demand system. Mr. Jordon described the Quick Chek site, loading zone, and Lease Line area, driveways will remain as they are today. Mr. Jordon described the uses of the Verizon Building as it exist today as well as the existing parking and the required parking for the existing office space us 1 space per 200 sq. ft. = 15 spaces, remaining square footage of the building is warehouse or 1 space per 1,500 sq. ft. = or a net need of 35 total space where there is an excess of parking or approximately 100 parking spaces. Mr. Jordon explained that the use will continue to be used as it does today, and his opinion would be that the parking is adequate and there has not been any complaints with the lack of parking. The storage of utility poles, wires and cables.

A-2A – Green –Easement Exhibit – prepared by Mr. Jordon office, dated 6/29/2016
Mr. Jordon described the Easement between the Quick Chek & Verizon & Shrewsbury Village – for a future Cross Access (marked in red)

Mr. Jordon testified that they made a change in the northerly driveway which gave them two options: **a:** one way driveway only not a two-way or **b:** restrict left turn movement out onto Shrewsbury Ave. The applicant has agreed to eliminate the left turn egress movement, as they have the signalized intersection with a left turn, they do not need the most northerly left turn out of the driveway. The exhibit shows the “pork chop” island which will help restrict the left turn out. They are still waiting for the approval from the County.

A-2B –Green –Overall Easement Exhibit – prepared by Boehler Engineering, 6/29/2016 which shows the entire property, including the Verizon, back to the property line and the Railroad tracks.

Mr. Jordon stated the hours of operation, would be 24/7. Mr. Cranmer explained that the applicant would have to appear before Mayor & Council for a waiver of the Hours of Operations.

Brief discussion of the proposed size of the Quick Check, and how does it compare to the Quick Chek in Eatontown or other surrounding gas stations. Mr. Jordon said that it could be compared to the Eatontown location, the proposed is 5,500 sq. ft. and Eatontown is just under 5,000 sq. ft., but the pumping stations are the same.

A-3 Green – Board photo of existing site, looking into the site from the signalized southern most driveway prepared, Michael Bradesco Studio, 1/14/2017

A-4 Green - Board photo of photo of A-3 with the proposed plan, prepared by Michael Bradesco, 1/14/2016 with plantings & shrubbery to remain, free standing Sign, which will need a height variance from 10’ to 10.7”, I.e.d. price signs, Setback variance, proposing 10’ where 125’ required, 3 canopy signs.

A-5 Green - Board photo, 1/4/2017 by M Bradesco, from northern most driveway on Shrewsbury Ave – shows existing office building, Verizon building and area Behind it

A-6 Green - Board photo, 1/4/2016 by M Bradesco, same as A-5 Green with proposed Quick Chek without the sign detail 1/4/2017 – this is what is being proposed to be built

A-7 Green - Preliminary & Final Major Site Plan – dated 8, 21/2015 revised 12/18/2015 Bohler Engineering, 18 sheets, submitted to the board.

B-1 Green: Zoning Application Package, 9/15/2015

See Transcript for full testimony:

Brief discussion on the entry to the pumping stations, Mr. Jordon explained how cars will enter the site and pull into the pumping stations, he explained that most cars will face Shrewsbury Ave or the Quick Chek store.

A-8 Green: Cranmer Engineering Review Letter, January 4, 2016
Mr. Jordon reviewed the report and variances.
See Transcript for full testimony and review and comments

B-2 Green: Freehold Soil dated 1/27/2016

Mr. Jordon testified that they have made a submission to the Monmouth County Planning Board for a review, they will also address some of their landscaping issues, as soon as they approve the geometry of the northern “pork chop”.

See Transcript for full testimony of Mr. Convery and Mr. Jordon.

Mr. Convery stated that he accepts Mr. Jordon’s qualifications and he will try and be concise and brief. His comments will focus in on the back portion of the lot and the separation between the two properties. Mr. Jordon testified that he has worked with Mr. Shay on several (4-5) Quick Chek applications. Mr. Jordon testified that it was never the intent of the applicant/owner to remove the warehousing portion on the site. Mr. Jordon said that he has designed other site with two driveways and 2 uses on the site, and he would not change anything on the site.

Mr. Convery reviewed the impervious coverage variance with Mr. Jordon, and asked if the Verizon warehouse was removed would the impervious coverage be required? Mr. Jordon feels that it would be, the entire site is 6.3 acres and Quick Chek doesn’t need 6.3 acres, they only need 2.8 acres. Mr. Convery reviewed the variances that are being requested: Mr. Shay stated that the Planner will give testimony on the variances that are being requested. **See Transcript for full testimony...**

A-9 Green: Preliminary/Final - Shrewsbury Work Center, prepared by
(Identification only) Edwin C Berry Jr. 3/12/1990, revision #4 7/31/1990, Elevation
Plans, Construction Plan, 32,604 sq. ft., 25,000 sq. ft. Office Building,
Floor Plan, consistent with the 1957 Plan.

Mr. Convery asked for a recess. Mr. Shay stated that he did not need a recess.

Break 9:46 pm to 9:57 pm.

Roll Call:

Present: Canonico, Murphy, Daly, Edwards, Carnes, Roache, Pietricola

Absent: Schuster (left 10:00 pm)

Engineer: Cranmer

Attorney: Kennedy

See Transcript for full testimony:

Ms. Canonico stated to Mr. Convery that he made a statement that he would try and be “quick”, she stated that Mr. Convery doesn’t need to be “quick”, he should take the time, and Mr. Reilly and Mr. Shay should take whatever time they need to present their cases, defend it object to it. The board made conscientious decision to rehear this case. There are 2 new members, and whatever time they need, she wants them to feel free to take that time. Mr. Convery said thank you.

Mr. Kennedy said that there was reluctancy on board members to have to listen to all of the testimony again, he would like to remind the board members is that diplomatically and politically and legally etc that ship has sailed. We are going to listen to the testimony again due to the alleged procedural defect and they have been corrected. There is a concern that the board might be apprehensive about having to listen to it again. He needs Mr. Convery & Mr. Reilly on behalf of Mr. Gasiorowski, and Mr. Shay to know is that there is no reluctance, we are going to hear it, obviously we didn’t have to hear it again, but that is not anyone’s fault. We are going to listen to it again. You have our undivided attention and at the end of the day if Mr. Say satisfactorily proves his case to the board, the application may be approved, if he doesn’t then the application may be denied. Everyone will have an opportunity to say what they want within the parameters of the Municipal Land Use Law. Mr. Convery did not have anything to add, Mr. Reilly did not have anything to add.

Mr. Shay said that this is a result of a conversation of Mr. Kennedy, Mr. Convery & Mr. Reilly where Mr. Convery indicated that he had a concern with the “body language”, which he did not see. He feels that the board members conducted them in a professional fashion as well as the participants of this application. He doesn’t feel that the instructions that Mr. Kennedy gave the board was necessary. He wants to go on record that he didn’t see any kind of “body language” or distain against the objectors.

Mr. Kennedy agreed, and he appreciates Mr. Convery relaying the perception. It is an appropriate method which was raised, and he appreciates it being made known.

Mr. Convery explained that he was not in attendance at the first hearing and he did cross examine him at the 2nd hearing and he has not asked Mr. Jordon the questions that he started asked him tonight, within the first minutes of his testimony. Tonight’s testimony is the first the board is hearing. Mr. Kennedy said that is not any issue.

Continuation of review of – **See Transcript for full testimony**
A-9 Green – as described by Mr. Shay.

Mr. Convery asked if A-9 represents what exists at the current location?

Mr. Jordon said yes, 3,000 sq. ft. and described the floor plan.

Mr. Convery asked questions with regards to parking on the site, Mr. Jordon stated that there will not be any changes to the parking (referred to A-2 Green). Mr. Jordon stated that any parking questions should be referred to Mr. Seckler. Mr. Convery asked questions with regard to employees, hours of operation, drainage.

See Transcript for testimony.

A-10 Green: Boundary Topographic Survey, dated 8/7/2015, prepared by Control Point Associates – 2 sheets 1 of 2 – Office Building 2 of 2 – Verizon Described same, all drainage runs to the east.

Mr. Convery referred to the storage on site. Mr. Jordon described what is stored on site. Mr. Convery asked questions to other non-permitted uses. Mr. Jordon feels that is a Planning questions. Mr. Convery asked if there were any restrictions coming off or going into the site. Questions with regard to the proposed cross easement and impacts to either site. Mr. Jordon explained they only show the location, the studies will be conducted by Shrewsbury Village. Mr. Convery asked questions with regard to parking on the Quick Chek proposed site. Mr. Jordon indicated that the employees of Verizon are restricted from parking on the proposed Quick Chek site. Mr. Jordon referred to A-2A Green with respect to questions on making left turns out of the site, there will be no restrictions.

See Transcript for full testimony.

Mr. Reilly referred to A-2B-Green questions with regard to paving the area to Shrewsbury Village? Mr. Jordon said no, they are granting the easement only, Shrewsbury Village will apply for any approvals. Mr. Reilly asked if a Planner will be testifying, with the storage of the telephone poles & non permitted uses?

Mr. Shay said yes. **See Transcript for full testimony.**

A motion was made by Mr. Murphy, seconded by Mr. Daly to open the meeting to the public. All approved.

Mr. Ken Hullings, McDonalds, business - 588 Shrewsbury Ave., home -26 Lauralie Drive, Howell, NJ office - 1 Sheila Drive, Tinton Falls, was sworn. Mr. Hullings asked questions with regard to the “non permitted restaurant” and what time A-4 Green was taken since it did not show any traffic on Shrewsbury Ave. Mr. Jordon said he did not know. Mr. Hullings stated that he will return when comments can be made –

See Transcript.

A motion was made by Mr. Daly, seconded by Mr. Carnes to close the meeting to the public. All approved.

Mr. Kennedy advised that this application will be carried to:

February 1, 2017 without further notice @ 7:30 pm

Mr. Kennedy asked that Mr. Shay, Mr. Convery & Mr. Gasiorowski come up with 3-4 dates in February and March for a possible special meeting....

A motion was made by Mr. Carnes, seconded by Mr. Murphy to adjourn the meeting at 10:45 pm All approved.