

Present: Schwartz, Canonico, Murphy, Daly, Ventre, Schuster
Kennedy (attorney)
Cranmer (Engineer)
Absent : Martinelly, DeNofa, Edwards

Chairman Schwartz called the meeting to order @ 7:00 pm

Salute to the flag, roll call, open public statement read.

Oath of Office:

Mr. Lou Ventre – 4 years

Certifications:

Mr. Kennedy marked the following Certifications:

B-9: Lou Ventre – listened to CD's for the 4/6/2016 meeting

B-10: Lou Ventre – listened to CD's for the 1/6/2016 & 2/3/2016 meetings

B-11: Jim Daly – listened to CD's for the 4/6/2016 meeting

Mr. Kennedy named the names of the applicants and asked if either Mr. Ventre or Mr. Daly had any conflicts, both said no, and Mr. Shay, Mr. Convery, & Mr. Hirsh did not have any concerns. **See Transcript for disclosures.**

Mr. Shay advised that they did renotice for a D1, D2 and various bulk variances all if required, but they maintain they did not have to notice. He advised that there will not be any jurisdictional issues as a result of issues that are brought up.

A-32: Up to date – jurisdictional package, including the Affidavit of Service, Publication and green and white slip. Mr. Kennedy advised that reviewed the notice and everything is in order.

Minutes:

A motion was made by Mr. Edwards, seconded by Ms. Canonico to adopt the minutes of the February 3, 2016 meeting & closed session. All approved.

A motion was made by Mr. Edwards, seconded by Ms. Canonico to adopt the minutes of the March 3, 2016 meeting & closed session. All approved.

Correspondence: none

Unfinished Business:

Mr. Cranmer, Engineer, was sworn.

Mr. Jeff Hale, Sudler Co., VP Leasing was sworn. Mr. Hale gave a brief overview of the site:

A-33: Site Plan, dated 12/4/2001, prepared by PWH Consulting, parking lot resurfacing

A-34: Construction Plan – 1957, 3 pages, prepared by Arthur Siegles

A-35: Marketing Site Plan, prepared by Sudler Industries 4/6/2016, page 2: Floor Plan, 4/6/2016

Mr. Hale testified he secured A-33, 34 & 35 and gave an overview of the property property is 6.5 acres and leased to NJ Bell in 1958, constructed a 2 buildings in 1959, front building 25,5000 sq. ft., vacated in 2012, rear building 32,000 sq. ft. used for storage and telephone operations since 1959, which has been used in the same manner since 1959.

Mr. Hale, described A-33, A-34, A-35 to board (**See Transcript for full testimony**)

Mr. Hale testified that the existing conditions remain the same as in 1957 other than a slight modification but it does reflect the current conditions. Mr. Hale described the floor plan, and it reflects what was approve and constructed. A-33 shows the proposed parking lot resurfacing dated 2001, generated by Verizon, and reflects both the front and rear parking areas.

Mr. Hale described the current use of the rear portion of the property, where the construction and Installation group, FIOS Group and the Maintenance Group, 7:30 pm to 3:30 pm shift and Fleet 2:00 pm to 10:00 pm, 60 employees. Verizon vehicles are left on site overnight, and go out during the day, and return at 3:30 pm. No parking rights are granted to the front building. There has been no parking issues at the site.

A-36: **Sixth Lease Extension Agreement** – Shore Investment & Verizon NJ Inc. dated 12/1/2011 – 10 years 12/2021. Original dated 1956 – expiration 2021 for only the rear property – with no rights to the front portion of the property. If Verizon vacates a new site plan would be required, where there is currently storage on site and working inside the building.

See Transcript for full testimony:

Mr. Michael Convery referred to A-36 Sixth Lease Extension Agreement he asked if the Lease contained the Lease provisions? Mr. Hale said that this extension doesn't cover everything. Mr. Convery asked if there were parking restrictions on the current Verizon tenant for parking anywhere on the site? Mr. Hale said that they did have a short term right to park on the front portion for 25 parking spaces, which expired. Mr. Hale read that restriction into the record which allowed 25 space through 12/31/2012, they do not have any right to park on the front part of the site. Mr. Convery asked where is the restriction for the rest of the parking area? Mr. Convery referred to the 8/22/2011 Extension Lease which is the last principal extension agreement. Mr. Shay stated that the right to park in the front was eliminated in 2012. Mr. Convery asked where it states that there is a restriction for the Verizon tenant not being able to park on the front portion of the lot.

Mr. Convery asked how many spaces are in the back? Mr. Hale stated 90, with a total of 60 at any maximum load period during the day, he doesn't have the total shift information, the only people on site after 3:30 pm are the fleet maintenance people. Mr. Hale testified that there are vans stored on the site, as well as telephone poles. Mr. Hale testified that the front building has been gutted.

Mr. Tom Hirsh, represented RRR Realty, asked questions with regard to the Lease Extension. Mr. Hale said that they have the option of a 5 year extension, he asked how many employees were in the front building, and how many parking spaces are available for the front, Mr. Hale did not know. He asked if there were any conflicts on the ingress/egress, Mr. Hale was not aware of any. Mr. Hirsh asked how many cars are on site for the rear use, Mr. Hale said 45-50 cars.

Mr. Hirsh asked if the cross accessed has been discussed, and Mr. Hale & Mr. Shay indicated that discussions have taken place and it's outside the scope of this application. **See Transcript for full discussion.**

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

There were no comments/questions.

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

See Transcript for full testimony:

Mr. Robert Vallario, Real Estate Manager, 16 years was sworn. Explained his position with Quick Chek & the operation of Quick Chek re: employees & description of deliveries. Mr. Vallario also described the operation of the fuel dispensing portion of the site, and the times which the deliveries will be able to be made, during non-peak hours. Mr. Convery asked if he knows what the demand will be for this site? Mr. Vallario said no, it's on auto replenishment for fuel. No deliveries will be made 6 am to 9 am, 11 am to 2:00 and 5:00 – 7:00 pm

Mr. Convery asked how are they going to co-ordinate the site with Verizon?
Mr. Vallario indicated that there has been no discussions at this time.

Mr. Vallario described the 3 shifts, number of employees and shift hours, inside and the fueling. There was a discussion on the recycling/trash enclosure, and the safety features of the fueling dispensing stations, 2 – 20,000 gallon tanks & 2 – 12,000 gallon tanks.

Ms. Canonico asked Mr. Vallario to describe the “on demand” system.

Mr. Kennedy wanted clarification of the shifts. 5 am 2-3pm 5-7 employees,
3pm – 11 pm 5 employees, 11:00 pm to 5 and 1 outside employee and 2 inside the store.

Mr. Convery asked Mr. Vallario if he can estimate how many tractor trailers of fuel oil will be delivered every week? Mr. Vallario stated that it is on demand.

Mr. Tom Hirsh, represents RRR Russo Properties, he asked if he has had conversations with the joint driveway? Mr. Vallario said yes, and no determination has been discussed, he is not the property owner, and cannot take a position.

Mr. Kennedy asked for the “general times of shifts” 5 am 2-3pm 5-7 employees, 3pm – 11 pm 5 employees, 11:00 pm to 5 am, with 1 outside employee and 2 inside the store. He explained that the employees who work outside do not work inside and the inside workers do not work outside. Mr. Kennedy asked if they have an average number of customers, he said no. Mr. Kennedy asked the size of the store. He was advised 5,496 sq. ft. it is their prototype and the fueling station can be answered by the Engineer. Mr. Kennedy asked where is the procedure for the cash on site? He was advised that they have drop safe & armor car pick up, cameras.

A motion was made by Ms. Canonico, seconded by Mr. Ventre to open the meeting to the public. All approved.

No comments/questions

A motion was made by Ms. Canonico, seconded by Mr. Ventre to close the meeting to the public. All approved.

Break 8:45 to 9:00 pm. All present at roll call.

See Transcript for full testimony.

Mr. Derek Jordan, Engineer for Sudler, was accepted as an expert witness.
Mr. Jordan gave an overview of the site.

Referred to **A-2**: 1/6/16: Described the canopy (132’ x 44’) over the, 10 dispensers, 2 diesel, 3 underground tanks & site layout.

Mr. Jordan testified that the description of the interior and exterior of the Verizon building is accurate. He described the trash enclosure which will match the building. Landscaping will be planted throughout the site. The existing 3 large trees will be protected during construction. Mr. Jordan described how the Verizon will interact with the Quick Chek, no changes to the circulation of the traffic will be made. Discussed the lease line area. Mr. Jordan described the existing non-conforming uses which are now on the site and the existing 100 parking. Referred to A-11 Survey (described same). He feels that the circulation around the site will work for both uses. Landscapers will maintain the site at all times.

Mr. Jordan reviewed the **A-1** Aerial Exhibit, **A-3- A-6** – existing views of the site and described each.

Mr. Jordan described the no left turn out and right turn into the site. He has had conversations with the MCPB with respect to two designs, the norther driveway would be ingress only or to restrict left outs. They have chosen to restrict left turns out of the site, with a “pork chop” barrier to prevent the left turn. They are waiting for the required County approval.

See Transcript for full testimony:

Review of Cranmer Engineering letter 1/4/2016:

1.0: Zoning & Planning

1.3: Non-Conforming Status testimony given

1.5: Variances being requested and reviewed

Included the canopy (accessory structure height)

Façade signs reviewed 4 are proposed on building and 3 signs on canopy

Free standing sign – height (referred to A-4) & set back proposed 10’ from

Right of way.

L.E.D lighting – safer for attendants to change

1.7 – 1.11: Planning issues to be addressed by Planner

1.1: testimony on landscaping given

1.3: testimony given by Mr. Valeria, Mr. Jordan agrees with his testimony
24 hour service applicant go to Mayor & Council

1.4: Use Variance – discussed

1/5: Off street parking – sufficient parking for both uses on site

2.1 & 2.4: Traffic to be discussed

2.5: testimony given on deliveries

2.6: Traffic to be discussed

2.7: signage for interior sections – w/c will work with Mr. Cranmer

2.8 & 2.9: w/c

2.10 & 2.11: w/c

2.12: w/c

2.13: w/c with Noise Ordinance – vacuum area (24/7 use)

2.14: testimony will be given by Traffic Engineer

3.1 – 3.16 w/c

4.1, 4.2, 4.4 & 4.5: w/c

4.3: no landscaping along the building

5.1 – 5.7: w/c

5.8 a thru m: w/c

Mr. Convery cross examined Mr. Jordan with respect to how the lease line was determined and was a subdivision considered. He asked Mr. Jordan question in regard to the circulation of the Quick Chek, and the MCPB review letter 2/8/16 (B-8) requesting 1 way access or mountable island with no left turn out.

See Transcript for full testimony

Mr. Convery referred to A-9 (Fire Truck circulation plan) described. Mr. Convery asked questions with regard to circulation – Mr. Shay stated that the Traffic Engineer will testify to circulation. He asked if a variance is required for a fueling station/unloading area in the front yard area. Mr. Jordan said that he didn't think so. Mr. Convery asked if there is a cross walk between the two buildings? Mr. Jordan said no.

Mr. Convery referred to the recycling pick up times. Mr. Jordan said that they do not regulate the pick-ups, it is a private hauler. Fuel deliveries will be on demand, but the deliveries for the store can be controlled.

Mr. Hirsh asked Mr. Jordan to describe the landscaping between Russo property and QuickChek. Discussion between Mr. Hirsh and Mr. Jordan to adding landscaping to the rear of the site. Trash enclosure on north east portion of the site, any discussion on moving it to the other side of the property. Mr. Jordan indicated that the enclosure is in the best location due to the circulation of traffic. Discussion the connection request between the Russo property and QuickChek nothing has been decided. Mr. Cranmer explained that the procedure that is now being taken by traffic, and that currently there is a Day Care and other uses in the professional office complex in order to go south on Shrewsbury Ave. Ms. Canonico asked if that request was granted that would change the whole site of the QuickChek application, Mr. Cranmer said yes and a site plan would be necessary.

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

Mr. Stuart Minnis, 35 Thomas Ave, asked if they will be protecting the mature trees on the site? Mr. Jordan explained the process that they will use.

Ms. Clare Ward, 100 Birch Drive, was sworn. Ms. Ward asked question with respect to the site and air quality. Mr. Jordan explained the requirements for air quality on the site.

A motion was made by Ms. Canonico, seconded by Mr. Murphy to close the meeting to the public. All approved.

Mr. Kennedy announced that this matter will be carried to the **May 4th, 2016 meeting without further notice.**

Mr. Shay extended the time of decision.

A motion was made by Ms. Canonico, seconded by Mr. Murphy to adjourn the meeting at 10:20 pm. All approved.