

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

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

Mr. Kennedy gave the oath of offices for 2016:

Anderson – reappointment  
Murphy – reappointment  
Schuster – reappointment  
Edwards – new appointment (

Mr. Anderson announced that the purpose of this meeting is for reorganization for 2016

**REORGANIZATION FOR 2016:**

**ELECTION OF CHAIR PERSON 2016:**

A motion was made by, Mr. Daly seconded by, Ms. Martinelly nominating  
Mr. Anderson as Chairman for 2016, with no other nomination;

Roll Call:

Affirmative: Martinelly, Murphy, Daly, Schuster

Negative: None

Abstained: Anderson

**ELECTION OF VICE CHAIRMAN:**

A motion was made by Mr. Schuster, seconded by Mr. Murphy nominating  
Mr. Schwartz as Vice Chairman for 2016 with no other nominations:

Roll Call:

Affirmative: Anderson, Martinelly, Murphy, Daly, Schuster

Negative: none

Abstained: none

**APPOINTMENT OF BOARD ATTORNEY:**

A motion was made by, Mr. Anderson, seconded by Mr. Daly nominating  
Mr. Kevin E. Kennedy, Esq as Board Attorney for 2016, with no other nominations:

Roll Call:

Affirmative: Anderson, Martinelly, Murphy, Daly, Schuster

Negative: None

**APPOINTMENT OF SPECIAL LEGAL COUNSEL:**

A motion was made by Mr. Anderson, seconded by Ms. Martinelly nominating Mr. Michael Steib, Esq as the board's special legal counsel for 2016 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: Anderson, Martinelly, Murphy, Daly, Schuster

Negative: None

**APPOINTMENT OF BOARD ENGINEER/PLANNER:**

A motion was made by, Mr. Anderson, seconded by, Mr. Daly to appoint Mr. David Cranmer of Cranmer Engineering as the board Engineer/Planner for 2016, without any further nomination.

Roll Call:

Affirmative: Anderson, Martinelly, Murphy, Daly, Schuster

Negative: None

Abstained: Anderson

**Resolution for Appointment of Mr. Kevin Kennedy, Attorney, Mr. Michael Steib as Special Counsel and David Cranmer of Cranmer Engineering to serve as Engineer/Planner for 2016,**

A motion was made by Mr. Anderson, seconded by Mr. Daly to adopt & memorialize the resolution to hire Mr. Kevin Kennedy Esq., Mr. Michael Steib Esq & David Cranmer of Cranmer Engineering as Engineer/Planner for 2016, as per contract rates.

Roll Call:

Affirmative: Anderson, Martinelly, Murphy, Daly, Schuster

Negative: None

**APPOINTMENT OF BOARD SECRETARY:**

A motion was made by, Mr. Anderson seconded by Ms. Martinelly, nominating Ms. Kelleher as Board Secretary for 2016, with no other nominations:

Roll Call:

Affirmative: Anderson, Martinelly, Murphy, Daly, Schwartz, Schuster

Negative: None

**FIXING TIME & PLACE & POSTING OF AGENDAS:  
FOR MEETING FOR 2016**

A motion was made by, Mr. Anderson, seconded by, Mr. Schwartz

- that the meetings be set on the 1<sup>st</sup> Wednesday of the month, @ 7:30 p.m.,
- meetings to take place in Municipal Building as listed, except for January 4, 2017 @ 7:00 pm for reorganization. All approved.

**Official Designated Newspapers 2016:**

A motion was made by Mr. Anderson, seconded by Mr. Daly to designate the Asbury Park Press and Two River Times as the office newspapers for 2016.

All approved.

**Official Posting Place of Agenda 2016:**

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

All approved.

**Model Rules & Regulation:**

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

---

Mr. Anderson announced the opening of the regular meeting of the Zoning Board of Adjustment @ 7:30pm.

Roll Call: Anderson, Martinelly, Murphy, Daly, Schwartz, Schuster, Edwards  
Cranmer – Engineer  
Kennedy – Attorney  
Absent: Canonico, Ventre

**Minutes:**

A motion was made by, Ms. Martinelly, seconded by, Mr. Murphy to adopt the minutes of the December 2, 2015 meeting as submitted. All approved.

**Planning Board Representative:**

A motion was made by Mr. Anderson, seconded by Mr. Daly appointing Ms. Martinelly as Planning Board representative for 2016. All approved.

Ms. Martinelly gave her report, which included a 2-lot subdivision (Shadowbrook Rd & Maple Rd) and a change in use @ 697 Broad St.

**Correspondence: none**

**Unfinished Business:**

**Verizon Wireless:**

**Adoption of Resolution**

Bl: 3, Lot: 7

A motion was made by Mr. Murphy, seconded by Ms. Martinelly to adopt & memorialize the resolution of approval for antennas as amended.

Roll Call:

Affirmative: Anderson, Daly, Schuster

Negative: None

**M/M J Erving**

**Adoption of Resolution**

Bl: 35, Lot: 12

A motion was made by Ms. Martinelly, seconded by Mr. Daly to adopt & memorialize the resolution of approval for an enclosed porch to M/M J Erving as submitted.

Roll Call:

Affirmative; Anderson, Martinelly, Daly, Schwartz, Schuster

Negative: None

**New Business:**

<b><u>CHS Shrewsbury LLC (Shrewsbury Manor)</u></b>	<b>Dated Received</b>
<b>Capitol Senior Living</b>	<b>Deemed Comp</b>
<b>515 Shrewsbury Ave</b>	<b>Decision Date</b>
<b>Bl; 3, Lot: 1</b>	

Mr. Cranmer referred to the Completeness Report dated 1/5/2016  
Applicant is seeking submission waivers, and if the board grants the waivers the applicant can be **deemed complete**

Mr. Robert Podvey, Esq represented the applicant.

Mr. Cranmer stated the following waivers:

A-1: applicant will comply

A-2: applicant will comply

A-4: Mr. Podvey advised that the taxes will be taken care prior to the public hearing

C-3: information was submitted Mr. Cranmer will review information recommended waiver be granted

D-9: information was submitted Mr. Cranmer will review during public hearing

A motion was made by Mr. Ms. Martinelly, seconded by Mr. Murphy to grant the submission waivers being requested and **deem the application complete** for Capitol Senior Housing as requested.

Roll Call:

Affirmative: Anderson, Martinelly, Murphy, Daly, Schwartz, Schuster

Negative: None

**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

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

Mr. Thomas Hirsh, Esq represented an objector, RRR Management Inc. (Shrewsbury Village, 555 Shrewsbury Ave), 555 Shrewsbury Ave LLC.

Mr. Robert Shea, Esq disclosed the principals of Shore Investment Realty LLC c/o Sudler with the proposed tenant being Quickchek.

No board members had any conflicts. Mr. Cranmer stated Russo Company owns the building which he is now renting, and his ability to provide guidance, testimony or information on this application will not be compromised.

Mr. Shea nor Mr. Hirsh have any issues with Mr. Cranmer's disclosure.

Mr. Shea presented a list of exhibits marked **A-1 through A-23 (See Transcripts for descriptions of each exhibit.)**

Mr. Kennedy marked the following Agency Reports: **B-1 through B-4 Boro Agency reports (see transcripts for descriptions)**

Mr. Shea gave a brief overview of the Site located on Shrewsbury Ave, on a 6.3 acres which is in the HC/PO Zone, they are seeking a "D" use variance and bulk "C" variances, with a 5,596 sq ft convenience store and 10 dispensing pumps on site, after the demolishing of the site.

Mr. Shea will present 4 witnesses:

Mr. Pollaria, Vice President of Real Estate for Quick Chek

Mr. Derek Jordon, Bohler Engineering

Mr. Mathew Secklar – Stone Field Engineering, Traffic

Mr. Justin Ociello, Cofone Consulting, Planner

Mr. Robert Pallario, Vice President Real Estate Quickchek Corp, was sworn.  
Mr. David Cranmer, Board Engineer/Planner/Zoning Officer was sworn

Mr. Pollaria gave an overview of the history of Quickchek and the other locations that they are in, history of deliveries for both grocery & fuel oil deliveries and the 24 hour request and how the baking will be done on premises. **(See transcript for full testimony)**

A motion was made by Mr. Daly, seconded by Ms. Martinelly to open the meeting to the public for questions of Mr. Pallario. All approved.

No comments

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

Mr. Derek Jordan, P.E. Boehler Engineering, Warren NJ was sworn, gave his professional/educational background and was accepted as an expert witness.

**See Transcript for full testimony:**

Mr. Derek Jordan referred to:

**A-1:** Mr. Jordon described the exhibit and gave an overview of the project

**A-2:** Mr. Jordon described the exhibit – including number of underground tanks and fueling pumps, loading zones in the rear of the store, including oversized parking spaces for landscaping truck etc., dumpster location, shed for storage.

Mr. Jordan described the landscaping on site, i.e.d. downward lights are proposed.

**A-4:** Described the freestanding sign and variances that are being requested:

- Setback – 75% of the building setback or 125' off property line, proposing 10' off property line
- Height – 10' allowed, proposing 10.7" (2' brick base included in height)
- L.E.D. pricing lights being requested not permitted by Ordinance – safety issue not to have an employee changing the sign

**A-3:** Photo of the sign that is being proposed, described the site

**A-5:** Existing site, south east view

**A-6:** Existing site with canopy, glass front of building, awning and architectural features

**A-13:** proposed façade 104' sq. ft channel letter sign, which will be the only sign on the building

**A-4:** 4 signs proposed for the canopy (non illuminated signs)

Review of Cranmer Engineering letter dated 1/4/2016:

1.3: testimony given on operations, location with no changes to access to the Verizon maintenance yard

- 1.5: testimony on proposed signs
- 1.6 a-j: described each variance being requested.
- 1.7: testimony given
- 1.8: testimony given
- 1.9: testimony given in support of “D” Variance
- 1.12: testimony given on conditions that could be imposed
- 1.13: testimony given **Mr. Cranmer pointed out 24/7 hours service must be applied for to the governing body.**

- 1.14: testimony given – no easement/restrictions Quick Chek tenant
- 1.16: testimony for Verizon warehouse use – any change will return to board

Mr. Shea asked prior to returning to board, they must go to Zoning Officer for a determination as to whether a use would be permitted in this location if it is consistent with the Verizon use. Mr. Kennedy said that he will speak with Mr. Cranmer

2.1. – 2.6: testimony will be given

- 2.7: testimony given on traffic control signage – referred to A-2
- 2.8, 2.9, 2.10: will comply

**Mr. Jordan will contact Fire Department for compliance on turning radius**

- 2.11: testimony on fuel delivery & safety precautions for spills
- 2.12: testimony on placement of fire hydrants – **will comply with Fire Marshal’s request & Fire Chief for a location of a hydrant @ southwest corner of the site**

**Review of agency reports:**

**Construction Official** – installation of an emergency generator – Mr. Jordan explained that a generator will be brought on site by a supplier, which they are under contract Mr. Jordon indicated on exhibit where the “hook up” would be by the electrical room shown on the Utility Plan, generator will be on a trailer and brought in within hours.

Mr. Bob Pollaria, Quickchek explained the generator contractor if there is an interruption for more than a couple of hours.

**Shade Tree Commission:**

Mr. Jordon stated that they will comply with most of their request except for up lighting and no planters around the building they become ash trays, but they will add any additional landscaping on the site.

**Shrewsbury Police Department:**

Mr. Jordon will comply with Title 39

- 2.13: testimony given that the vacuum systems will not generate any negative impacts
- 2.14: testimony given that the roadways will work effectively no change or interruption to their operations

- 3.1 – 3.8: will work with Mr. Cranmer to his satisfaction – Mr. Cranmer agreed
- 3.10- 3.16: will work with Mr. Cranmer to his satisfaction – Mr. Cranmer agreed

4.1 - 4.5: will comply

4.3: **design waiver** being requested - landscaping with 4' of building

5.1: Testimony given on refuse & recycling – times and location

5.2: Chief of Police to review of the use of red, yellow & green lights not permitted  
Discussion of the use of

Discussion on the need for L.E.D. which are necessary for the business and the when the lights dim at night, these lights are for pricing only, no scrolling, blinking. Mr. Cranmer asked what the alternative would be? Mr. Jordan stated the plaquards with up lights to light the prices. No L.E.D. on the building or canopy

5.3: will comply with a Soil Removal Permit

5-4: will comply with a Developers Agreement

5-5: will comply with a contribution to COAH

5.6: will comply and submit mechanical components of fueling system

5-7: will comply with the Right to Know

5-8: will comply with all outside agencies

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

Mr. Tom Hirsh, Esq represents Ms. Alice Russo, Shrewsbury Village, asked questions with regard to “shared access drive” to allow left turn. Mr. Hirsh asked what type of landscaping is proposed. Mr. Jordan referred to A-2 and described existing and new landscaping. Discussion between Mr. Hirsh & Mr. Jordan to screen the Verizon warehouse building and to prevent blocking Shrewsbury Village, which has been designed in compliance with the Landscaping Ordinance and would require a waiver or variance, and relocating the dumpster away from the Shrewsbury Village? Mr. Shea advised that the applicant will comply with any requirements that the board sets to either add more plantings or to lower the shrubbery. See **Transcript for full testimony**.

Mr. Stuart Minnis, member of Shade Tree Commission. He requested that if there are any changes to the Landscaping Plan could Mr. Gerth receive any amendments.

Mr. Jordan said yes. Discussion on why there will not be plantings around the building.

Ms. Claire Ward, 100 Birch Dr was sworn. She gave her reasons why she is against the proposal, and asked if the project could be downsized to only a restaurant and convenience store without the gas station? Mr. Jordan said no.

Mr. Louis Maschi, 1346 Bennett Lane, Manasquan NJ was sworn. He testified that he is a restaurant owner in Red Bank and has concerns with the proposal. He has knowledge of some of the new technology and wanted to know if studies have been done with regard to water tables in the area and if there is a plan in place if a spill occurs. Mr. Jordan said



yes there is a geotechnical report. Mr. Maschi asked how many gallons of fuel are delivered a day. Mr. Jordan stated approximately 9,000 gallons 6 days a week or 1/day. See Transcript for full testimony.

Mr. Gulshan Chhabi, owner of Luke Oil, 219 Newman Spring Road, appeared in opposition of this application. Stated that this area does not need another gas station, and asked how many variances are being requested. Mr. Jordan stated 10 variances, a use variance, and 4 of those are for the sign. Mr. Jordan stated that the Planner will testify on the variances. Mr. Chhabi asked if they will request 24 hours which is not allowed and L.E.D. which is also not allowed. Mr. Chhabi stated that his attorney will be present next month.

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

**Break @ 9:43 pm to 9:57 pm** All present at roll call.

Mr. Shea asked to have the application carried to the **February 3, 2016 @ 7:30 pm** without further notice, where he will start with Traffic testimony.

Mr. Cranmer asked if there will be any revised plans before the next meeting.  
Mr. Shea said no.

Mr. Shea has concerns with Mr. Maschi as an objector, he will check with Mr. Kennedy with this respect.

**Mr. Shea has granted an extension of time in which the board has to act, no date given.**

A motion was made by Mr. Murphy, seconded by Ms. Martinelly to carry the application of Shore Investments (Quick Check) to February 3, 2016 @ 7:30 pm All approved

A motion was made by Mr. Daly, seconded by Ms. Martinelly to adjourn the meeting @ 10:00 pm. All approved