The meeting was called to order by Chairman Robert Nash and the opening statement was read by the Administrative Officer.

ROLL CALL: Showed the following members were present: Nicholas Huszar, Chief Andrew Kudrick, Paul Schneider, Robert Seaman, Deputy Mayor O’Donnell and Chairman Robert Nash. Thomas Boyle, Paul Dorato, Brian Tannenhaus and David Everett were excused. Robert Nicastro arrived at 7:05 p.m.

Also in attendance were: Ron Cucchiaro, Board Attorney, Greg Valesi, Board Engineer, Peter Van den Kooy, Board Planner, Shari Spero, Certified Tree Expert and Eileen Rubano, Administrative Assistant.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: None

VOUCHERS: None

CORRESPONDENCE: The Board Secretary mentioned that the Board needed to comment on the ordinances and Board Attorney Cucchiaro explained each ordinance prior to any discussion.

a. Ordinance O-19-28 Land Use, Chapter 188, Article X, Zone Map

Mr. Schneider made a motion that this ordinance was substantially consistent with the Master Plan. Motion was seconded by Mr. Nicastro and carried with Mr. Huszar, Chief Kudrick, Mr. Nicastro, Mr. Schneider, Mr. Seaman, Deputy Mayor O’Donnell and Chairman Nash voting for the motion.

b. Ordinance O-19-29 Land Use, Chapter 188, Article XIV, Residential Design Standards

After some discussion on the proposed ordinance, Deputy Mayor O’Donnell explained that where the Board deems that sidewalks are not appropriate the applicant would make a contribution to the sidewalk trust fund and then we would be in a position to address where we need sidewalks. Chairman Nash would like to see item “c” amended to read “set amount to be determined by the Township Engineer using NJDOT bid price as a basis for cost”.

Mr. Nicastro made a motion that the ordinance was substantially consistent with the Master Plan. Motion was seconded by Mr. Huszar and carried with Mr. Huszar, Chief Kudrick, Mr. Nicastro, Mr. Schneider, Mr. Seaman, Deputy Mayor O’Donnell and Chairman Nash voting for the motion.

c. Ordinance O-19-30 Land Use, Chapter 188, Article XXV, Nonresidential Community Design Standards

Chairman Nash said he had the same comments on this ordinance as the prior one with regard to the cost.

Mr. Nicastro made a motion that the ordinance was substantially consistent with the Master Plan. Motion was seconded by Mr. Schneider and carried with Mr. Huszar, Chief Kudrick, Mr. Nicastro, Mr. Schneider, Mr. Seaman, Deputy Mayor O’Donnell and Chairman Nash voting for the motion.

RESOLUTIONS:

a. Case No. SP-1013 / SL Homes Inc.

Mr. Nicastro made a motion to memorialize the resolution granting Preliminary and Final Site Plan Approval with Ancillary Variance Relief and Woodlands Management Plan Approval to SL Homes, Inc. Motion was
seconded by Chief Kudrick and carried with Mr. Huszar, Chief Kudrick, Mr. Nicastro, Mr. Seaman, Deputy Mayor O’Donnell and Chairman Nash voting for the motion.

SUBMISSION WAIVERS BEFORE THE BOARD:

a. **Case No. SP-1061 / New Jersey American Water Company**

Niall O’Brien, Attorney for the Applicant, appeared and requested submission waivers for the items outlined in the Board Engineer’s review letter. Mr. Valesi, Board Engineer, said that based on the nature of the operation he takes no exception to the granting of the waivers for the purposes of deeming the application complete.

Mr. Nicastro made a motion to grant the submission waivers for New Jersey American Water Company. Motion was seconded by Mr. Schneider and carried with Mr. Huszar, Chief Kudrick, Mr. Nicastro, Mr. Schneider, Mr. Seaman, Deputy Mayor O’Donnell and Chairman Nash voting for the motion.

APPLICATIONS BEFORE THE BOARD:

a. **Case No. SD-2930A2 / SP-924A2 / Boulder Ridge at Howell, LLC**

John Giunco, Attorney for the Applicant, appeared and said he was requesting an extension of time on the approvals for Boulder Ridge. He said they have gone through the review process and they are in the final stage for the changes in the sewer design requested by the Township and review by MRRSA. The Treatment Works Application has been done but they only have a few months until the time expires. They expect to be done within the next twelve months.

Mr. Giunco said they were also looking for relief of condition 6 of the 2017 resolution concerning the Angle Inn Mobile Home Park and encroachments in the buffer. Someone on the board suggested giving Angle Inn the 10 feet required to get the 11 or twelve homes out of the encroachment area so they wouldn’t have to move anything. The resolution and plans approved have no record of a variance being granted for the buffer which was noticed when the deeds were sent in for review. They would like to correct the record.

Mr. Cucchiaro, Board Attorney, said the issue is whether there was a subdivision or an easement for the 10 feet. To correct it with a subdivision, that lot would have had to be part of this application and the notice should have included that property. For an easement that wouldn’t be required. He said the board could act on the extension but they would need to come back for the easement/subdivision issue.

Mr. Giunco said they could do it all at once.

Mr. Cucchiaro made an announcement for members of the public that this application would be carried to June 20, 2019 with a new notice to the public.

b. **Case No. SD-2946X / Perry and Janice Willett (Hawke Pointe)**

Prior to any testimony on this application, Robert Nicastro and Chief Andrew Kudrick both recused themselves and left the dais.

Salvatore Alfieri, Attorney for the Applicant, appeared and said their DEP approval has expired; they met with the Engineer and Jim Herrman, Director of Community Development, twice for resolution compliance issues concerning improvements along the township right-of-way. Mr. Herrman was going to give him the specs and they are trying to finish everything before the end of the year. Mr. Alfieri said the MLUL permits 3
one year extensions as long as you are actively pursuing the outside agency approvals and there have been no zone changes. This would be their second extension of time.

Mr. Schneider made a motion to grant the extension of time. Motion was seconded by Mr. Huszar and carried with Mr. Huszar, Mr. Schneider, Mr. Seaman, Deputy Mayor O'Donnell and Chairman Nash voting to approve.

c. Case No. SP-1006 / Gill Petroleum Inc.

Chief Kudrick returned to the meeting but Mr. Nicastro recused himself from this application and did not return.

Salvatore Alfieri, Attorney for the applicant, appeared along with Ron Gasiorowski, Objecting Attorney, representing SAP American Choice, LLC, a gas station on Route 9 in Howell. Mr. Gasiorowski had no objection to the board’s jurisdiction in this matter.

Bikram Gill, Applicant and Principal of Gill Petroleum Inc., was duly sworn and testified that the property is triangular in shape and he has other stations that are similar in size and shape, even though this property is smaller. He would have a 24 hour operation with three shifts and during the peak hours of 6 a.m. to 7 p.m. he would have four employees on site. Two employees would be gas attendants and two would be inside the convenience store as cashiers. He said the convenience store may have 25 customers at the busiest times otherwise they would have about 10 to 15 an hour. He said he thinks they would have about 300 customers per day as opposed to a WAWA that would have 300 per hour. He also said there would be diesel fuel sold here but it would be for cars and vans, not tractor trailers as it would be low flow diesel.

Mr. Gill also testified that he would agree to prohibit large wheel based vehicles from using the pumps but the truck circulation plan did show a WB 50 could enter and traverse the site to fill the tanks. He further testified that no mechanical work such as oil changes would be done, they wouldn’t sell products outside and there would be a non-permanent generator for backup power unless the board requires something else.

There was a short discussion on the state code and requirements for the generator.

Mr. Gill testified that the employee parking would be in the area furthest from the building and he would restrict it with signage. He also said they would have a customer counter approximately 10’ long, a cooler with 8 to 12 doors, a counter for coffee, and they would sell lottery tickets. Mr. Gill said that a typical WAWA has double the space and probably sells about 3000 cups of coffee a day. He is hoping to sell 50 cups per day and although he would have no fresh food preparation, he would offer food and coffee.

Chairman Nash opened the hearing up for Mr. Gasiorowski and members of the public to question Mr. Gill.

Mr. Gasiorowski questioned Mr. Gill on the items already on the record and also asked if he would agree to a restriction in the resolution that he would not install hi-speed diesel pumps in the future and Mr. Gill said yes. Mr. Gasiorowski also asked if he had any other facilities in Monmouth County and Mr. Gill said he had one in Aberdeen and one in Neptune City. Mr. Gasiorowski spent a lot of time on the number of cups of coffee he expected to sell each day. Mr. Gasiorowski said he was concerned with the number of variances required for this application, the number of people walking past the pumps and the parking.

Mr. Alfieri responded that they have reduced the size of the building, 18 parking stalls are required, 18 are proposed and they do not require relief for the parking.

Mr. Gasiorowski asked Mr. Gill who selected the site and if he did his due diligence with regards to the size of the property, the zoning and whether the use was permitted. Mr. Gill said BP offered the site to them as it was
previously a gas station. There were still islands on the site, but no pumps and they did not have a convenience store there. Mr. Alfieri objected to this line of questioning, saying it is a permitted use and he could also put something else there. He said the hardship is with the property not the buyer’s intent.

Mr. Cucchiaro said the size and shape is a hardship for a permitted use, but some permitted uses may not require as many variances.

In response to one of Mr. Gasiorowski’s questions, Mr. Gill said that after he purchased this property they spent additional money and purchased the property next door. They reduced the canopy size and the number of islands from what was there previously but the size of the property has increased.

Mr. Cucchiaro stated that they started at the zoning board and after purchasing additional property if brought the application into conformance with the conditional use standards so they are now before the planning board.

Mr. Alfieri stated that the town changed the ordinance and the circulation has changed since the zoning board application was filed and Mr. Gill said they reduced the size of the convenience store to 2,700 sq. ft.

After Mr. Gasiorowski completed his questioning of Mr. Gill, Barbara Dixel, 62A Piazza Vittoria came forward to ask some questions. She asked about items sold previously, the size of the canopy, lottery tickets and whether he was aware that there are seniors who may come in for coffee. Mr. Gill said that the prior station sold cigarettes and soda, the canopy is still in the same state that it was in when he purchased the property, they would be selling lottery tickets and he would be very happy if the seniors come in for coffee. Ms. Dixel was also concerned about the amount of people buying lottery tickets when the prize is very large and Mr. Gill said he could handle a large amount of customers.

Seeing no other members of the public wishing to come forward and question Mr. Gill, Chairman Nanson closed the public portion of the hearing.

The Board took a recess from 8:40 p.m. to 8:55 p.m.

After the recess, Brian Shortino, PE, appeared and was reminded that he remains under oath. Mr. Shortino testified that since the last hearing he has revised the plans and he summarized those changes for the board. He said they reduced the size of the convenience store from 3,000 sq. ft. to 2,700 sq. ft., the diesel has been relocated, they added a sign at the entrance from Route 9 that reads “No Trucks”, the dumpster and loading area have been relocated for maneuverability and they added a sign at the trash enclosure for no parking between the hours of 5 to 7 a.m. Mr. Shortino also testified that they reduced the number of parking spaces, they no longer need a variance for the parking, they added an additional handicap space and the parking complies with the dimensional requirement of 19’. He further testified that they added wood guard rails on both Route 9 and Wyckoff Mills Road, the freestanding sign was moved further south on Route 9 and the area and height of the sign were reduced. They also changed the signage on the canopy and only the southerly and westerly sides will be illuminated and they removed three signs from the building so only one 55 sq. ft. sign remains facing south. Mr. Shortino said the lighting intensity has been reduced and bollards will be placed in front of the convenience store. He further testified that he agrees to comply with items A through J in the CME report if approved and then he addressed the design waivers requested. Mr. Alfieri said he will come back with a recommendation on the sidewalks for the next meeting.

Chairman Nash said he would like to see a good buffer on the Wyckoff Mills Road side and asked the applicant to work with Ms. Spero for a full four season buffer. Chief Kudrick added that there is a lot of screening on the Villages side so he asked that the keep all screening to shrubs and Ms. Spero said they need a variance for the buffer.
Chairman Nash opened the hearing up for members of the public wishing to ask questions of the engineer. Since Mr. Gasiorowski left, only Ms. Dixel came forward. She asked about where the runoff would go and whether the stormwater design complies with all regulations. Mr. Shortino said that the stormwater complies with all regulations and he would make an attempt to find out where the storm sewers go. Board Engineer Valesi said they could look at the USGS Quad Maps and Ms. Dixel said it is very important to know where it drains and that is their drinking water.

Seeing no other members of the public wishing to ask questions of the engineer, Chairman Nash closed the public portion of the hearing.

Board Attorney Cucchiaro announced that the application of Gill Petroleum, Inc. would be carried to July 18, 2019 with no further notice and Mr. Alfieri granted the board an extension of time to act on the application through July 31, 2019.

MASTER PLAN STATUS REPORT: There will be a presentation by Mr. Van den Kooy at the June 20th hearing on the upcoming ordinances.

Mr. Chief Kudrick made a motion to adjourn. Motion was seconded by Mr. Seaman and the meeting adjourned at 10:26 p.m.

Respectfully submitted,

Eileen Rubano
Recording Secretary