

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
February 1, 2018

The Red Bank Zoning Board held its regularly scheduled meeting on Thursday, February 1, 2018 in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

A workshop meeting was held at 6:00 pm. The following members were in attendance: Ray Mass, Eileen Hogan, Christine Irwin, Sean Murphy, Anne Torre, Richard Angowski, Stephanie Albanese (arrived 6:20) and Kate Triggiano. Also present were Ed Herrman, PE, T & M Associates, Kevin Kennedy, Esq., Board Attorney and Dina Anastasio, Board Secretary. At the workshop meeting the Board discussed the evening's agenda.

Acting Chair Ray Mass called the meeting to order at 6:30 PM. He announced that notice of the meeting was mailed to the Asbury Park Press, Two River Times, and the Star Ledger; was filed with the Borough Clerk; and posted on the Municipal Bulletin board. A roll call showed the same members in attendance.

The Board saluted the flag and opened the meeting to the public for non-agenda items of which there were none.

Administrative Matters:

Anne Torre motioned to approve the minutes of the January 18, 2018 meeting; Eileen Hogan seconded. Ayes: Ray Mass, Richard Angowski, Sean Murphy and Kate Triggiano. Nays: none.

Sean Murphy motioned to approve the Resolution for the Tudor Village extension, Anne Torre seconded. Ayes: Ray Mass, Eileen Hogan and Richard Angowski. Nays: none.

Eileen Hogan motioned to approve the Resolution for John Jackson, seconded by Sean Murphy. Ayes: Ray Mass, Richard Angowski and Anne Torre. Nays: none.

Richard Angowski motioned to approve the Resolution for Family Resource Associates, Anne Torre seconded. Ayes: Ray Mass, Eileen Hogan and Sean Murphy. Nays: none.

Anne Torre motioned to approve the Resolution for Home & Land Development Corp., seconded by Sean Murphy. Ayes: Ray Mass, Eileen Hogan and Richard Angowski. Nays: none.

Sean Murphy motioned to approve the Resolution for 14 West Front Street, LLC., with the modifications discussed, seconded by Eileen Hogan. Ayes: Ray Mass, Richard Angowski and Anne Torre. Nays: none.

Stephanie Albanese took her oath of office.

Public Hearings:

A & B Property Holdings, LLC., (Wawa); 6 Newman Springs Road, Block 97.01, Lots 46.01/46.02. Z12528

The applicant was represented by Jennifer Krimko, Esq. Ed Herrman was sworn. Frank Sala is the property owner making the application. The notice was reviewed and determined to be proper to accept jurisdiction.

Mr. Kennedy confirmed that Ed McKenna, Esq. is officially disputing the application on behalf of his client, Mr. Chabra, who owns the Exxon Gas Station located at 220 Newman Springs Road.

The following exhibits were entered: A-1; Application for Development Permit dated 10/16/17: A-2; Denial Letter dated 10/17/17: A-3; Preliminary/Final Site Plan prepared by Mark Whitaker, dated 10/9/17 (revised 10/26/17 & 1/10/18) (20 sheets): A-4; Architectural Plans prepared by Richard Luke, dated 9/28/17 (2 sheets) A-5; Storm-water Management Report (64 sheets): A-6; ALTA Survey prepared by Craig Black dated 6/79/17: A-7; Traffic Report prepared by McDonough & Rea, dated 10/18/17 : A-8; Traffic Response Letter by McDonough & Rea dated 2/1/18: A-9; Aerial Exhibit prepared by Dynamic Engineering, dated 2/1/18; A-10; Site Plan Rendering prepared by Dynamic Engineering dated 2/1/18: A-11; Wawa Sign Exhibit prepared by John McDonough: A-12; Planner's Exhibit prepared by John McDonough: A-13; Elevation Rendering/Floor Plan prepared by Richard Luke dated 8/28/17: A-14 TV Inspection Report prepared by Master Locaters dated 10/6/17: A-15; Pipe Calculation Sheet prepared by Dynamic Engineering 10/30/17: A-16; T & M Associates Review Memo dated 11/22/17; A-17; Intent to Proceed dated 10/20/17: A-18; Disclosure of Ownership dated 10/19/17: A-19; Use Operations Statement: A-20; Architectural Review Memo prepared by Andrew Dorin dated 1/24/18: A-21; Shade Tree Memo.

Mark Whitaker, Civil Engineer, was sworn and accepted as an expert witness. He described the application, referring to exhibits A-10 and A-13. It will include a fuel station and convenience store. A 33-foot tower is proposed. They will be open 24 hours daily and contain 12 fueling positions. No tractor trailers will be permitted. There will be 40-50 employees (full/part time); 10-12 per shift. There will always be an employee on duty trained in emergency management. It was noted the applicant will comply with the recommendations of the architectural review provided by the borough architect, which includes utilizing a manufactured

vener wrap on the columns and changing the colors of the service doors from white to blend with the remainder of the building.

He discussed the deliveries to take place, which include grocery items every other afternoon/early evening; dairy three times weekly; baked goods daily in the overnight or early morning hours and vendors six times weekly during the day.

The 8 foot-high, 331 sq. ft. trash enclosure will include a recyclable dumpster and be self-closing. They are requesting a design waiver for this.

There is a Rubber-made household shed proposed, which is under 100 sq. feet.

Trash will be picked up during off-peak hours; recyclables picked up 2 times weekly.

Fuel is stored in three underground fiberglass storage containers holding 30,000, 22,000 and 15,000 gallons. The fuel is delivered on an as needed basis, based on information automatically transmitted to their facility in Delaware.

DEP requires them to meet certain requirements, including corrosion resistant, spill and overfill prevention. Double wall tanks and automatic shut-offs fulfill these guidelines.

Wawa voluntarily tests their fuel containers three times annually.

Heading west on Newman Springs Road patrons will turn right into the business. Cars heading east will be able to make a left turn in via a left turn only lane. There will be no left turn permitted out of the property and an island will be placed on Newman Springs Road to prohibit this.

They are requesting a design waiver for the 1.5 drives proposed.

There are 54 parking spaces proposed, thus exceeding the required amount of 22 spaces. A design waiver is requested for the striped island proposed.

There will be 2-way circulation around the parking lot.

Improvements made to Newman Springs Road will include a sidewalk continuing to Route 35.

Variances applied for include a front yard set-back (50 feet required, 38 feet proposed); front yard set-back required to all parking/paved areas (25 feet required, 10 feet proposed); no parking in the front (which is impractical).

Lighting will include LED's, which will be set at 15 ½ - 17 ½ feet instead of the 20-foot height. In order to provide ample lighting, 1.1 foot candles will be provided, which exceeds the .5 permitted.

Landscaping will include 520 plants of various textures and heights, sod and an irrigation system. They are required to input 83 trees at the street area. Since 54 are proposed, they will pay into the Shade Tree fund, as required.

They are not required to provide a water quality report for the storm-water, as the change in impervious coverage is minimal.

There are multiple signs proposed, which include variances for certain criteria, such as the size and illumination. There is also a variance requested for a directional sign, which is not permitted, as Wawa places signs on their location stating they own/operate the fuel and the convenience store.

Anne Torre confirmed the illuminated sign will be placed in the rear of the property facing Maple Avenue/Foodtown.

Sean Murphy discussed the delivery schedule regarding the fuel delivery, requesting if this can be done at non-peak times. Mr. Whitaker explained that this is done automatically as the fuel is needed and probably can't control that.

Ed McKenna clarified why there are 54 parking spaces proposed when only 22 are required. Mr. Whitaker explained it is the general guideline of Wawa to have about 50 spaces at their locations.

He also reviewed the circulation traffic pattern in the parking lot and questioned the safety of a pedestrian walking through the lot.

He questioned if the 2 means of ingress/egress are discouraged, to which Mr. Whitaker responded no.

The placement of the light pole requiring the variance was confirmed to Mr. McKenna to be required to sufficiently light the lot.

Since there was so much greenery being proposed, he questioned why they can't comply with the required amount of 83 trees. Mr. Whitaker explained the proper balance of pavement and landscaping.

He asked why the applicant would not address the water quality issue. Ms. Krimko explained this topic is for the storm-water management runoff, not the quality of water at the site.

Sean Murphy questioned if the applicant would consider a back-up generator to be installed, as this can be beneficial during major storms. Mr. Whitaker explained they have a generator control panel placed on the building exterior, but he would inquire about this request.

Kate Triggiano clarified compliance with the Shade Tree Committee recommendations.

Michael Hoffman Esq. represented SFC Enterprises located at 46 Newman Springs Road. He explained there is 1 entrance to his clients' property, it is quite congested in the morning and requested if the entrance to the Wawa could be relocated. Mr. Whitaker explained that isn't possible, as the proposed placement lines it up properly with the aisle. Mr. Hoffman respected that response. After some discussion regarding an existing fence on the property, it was determined the applicant would install a 6-foot-high white vinyl fence.

Ben Forrest, 16 Locust Avenue, was sworn. He questioned if there are any train vibration concerns. There are not. There are no plans to utilize solar.

He also questioned if there would be access from the Count Basie fields. There is nothing proposed.

Sean Murphy stated this can be a condition of approval.

Boris Kaufman, 28 Riverside Avenue, was sworn. He represents the Shade Tree Committee and confirmed the applicant would be modifying the revisions provided by them.

Jason Leslie, 150 Shrewsbury Avenue was sworn. He confirmed this type of application was completed at other sites with no issues.

The public portion was closed.

A short break taken at 8:12pm. The meeting resumed at 8:18pm. A roll call taken confirmed the same members in attendance.

Ed Herrman confirmed the applicant had no issues with the recommendations provided in his review letter.

John Rea, Traffic Engineer, was sworn and accepted as an expert witness.

He referred to exhibit A-12.

As the property is located on a county road, there was a meeting attended by the applicants' attorney, Mr. Rea, Ed Herrman, representatives from the county and 2 Shrewsbury police department representatives.

If heading west on Newman Springs Road, they are proposing a right into the property, about 200 feet from the intersection of Route 35. A left turn lane into the property, if heading east on Newman Springs Road is proposed. There is no left turn permitted exiting the property. An island will be placed to prohibit this. Mr. Rea explained they are doing improvements to Newman Springs Road, which will benefit the neighboring businesses. Currently drivers heading east, wanting to make a right onto route 35 South, will use the far right area near LaRosa's Bakery, which is currently used for their parking. This is dangerous. The proposed left turn lane will enable those drivers to use the right side of the road to make their turn onto Route 35 South.

Mr. Rea received information from NJ DOT, which states this is a complex intersection. They grade an intersection on a scale of A to F. An intersection with a light delay of over 80 seconds is graded an "F". This intersection has a cycle over 3 minutes, thus grading it an "F".

During peak travel times, there are an average of 200 – 250 trips. From 7 -9am, there are about 250; 4–7pm, there are about 190.

ITE uses several variables to determine traffic studies, including fuel sale positions (12 pumps), square footage of the premises and cars already on the road passing by. In using the worse-case scenario, it is determined that 2/3 of the traffic entering this property will be from those drivers already passing by. This is not a destination trip. It is estimated that any new trips entering, will only add 1 vehicle to the cycle.

Since all cars must exit out to the right, it is believed they will use Laurel and Haddon Streets to get back to Route 35 South. To return back to town, drivers might use Henry to Bergen.

Sean Murphy confirmed peak hours with Mr. Rea, stating he didn't feel there would be much difference in traffic. It was explained when conducting their studies, they use the peak times to show the worse-case. They both agreed 12-1pm would be a busy time. Ms. Krimko confirmed the impact of any other time of day won't be any worse than the peak. The representatives from Shrewsbury, that were in attendance at their traffic meeting, indicated there were no accidents at this intersection. Sean Murphy has witnessed 3 -4.

Richard Angowski confirmed there are about 10-20 cars per hour using Laurel Street to get to Route 35. Shrewsbury Borough did express some concerns regarding traffic flow and the applicant agreed to place signage. There is 2-way traffic on Henry Street. About 180 cars use this route in the morning and 240 in the evening commute. They anticipate no more than 20 vehicles added to this. There are 2 speed bumps on the street. Ms. Krimko also stated they can control the delivery routes for the trucks. Stephanie Albanese left at 9:08pm.

Tracy Kohnstm, 376 Shrewsbury Avenue, was sworn. She questioned why there were no representatives from the Red Bank Policy Department at the traffic meeting. It was noted the county planned the meeting and they did reach out to them. She also questioned remigration of cars and if any studies were done. They were not. She confirmed Title 39.

Ben Forrest confirmed there would be no noticeable traffic impact. The public portion was closed.

Ms. Krimko explained the existing business is a destination trip, as are other permitted uses for that zone. They contribute more trips to the location; whereas, this application provides for the bulk of the traffic to come from existing passersby.

The application will continue on March 1, 2018, with no further notice required.

On a motion made by Ray Mass and seconded by Eileen Hogan, the meeting was adjourned at 9:25 pm.

Respectfully Submitted,
Dina Anastasio
Secretary, Red Bank Zoning Board of Adjustment