

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
March 1, 2018

The Red Bank Zoning Board held its regularly scheduled meeting on Thursday, March 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, Sean Murphy, Anne Torre, Richard Angowski, Sharon Lee, Stephanie Albanese and Kate Triggiano. Also present were Glenn Carter, PP, Director of Planning/Zoning, Kevin Kennedy, Esq., Board Attorney, Ed Herrman, PE from T & M Engineers and Dina Anastasio, Board Secretary. At the workshop meeting the Board discussed the evening's agenda.

Vice 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, except Glenn Carter.

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 February 15, 2018 meeting; seconded by Eileen Hogan. Ayes: Ray Mass, Richard Angowski, Sean Murphy and Sharon Lee. Nays: none.

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

Anne Torre motioned to approve the Resolution for Firehouse 93, seconded by Richard Angowski. Ayes: Ray Mass, Eileen Hogan and Sean Murphy. Nays: none.

The Resolution for YellowBrook Properties was carried until the next meeting, at the request of the applicant.

Public Hearings:

A & B Property Holdings, LLC., (Wawa); 6 Newman Springs Road, Block 97.01, Lots 46.01/46.02. Z12528 (continued from February 1, 2018)

The applicant was represented by Jennifer Krimko, Esq. Ed Herrman was sworn.

The following Exhibits were entered: B-1; Certification of Stephanie Albanese listening to the required remaining portion of the February 1, 2018 meeting: B-2; Certification of Sharon Lee listening to the minutes of the February 1, 2018 meeting: A-22; Updated T &M Review Letter dated 2/23/18: A-23; Engineer Response Letter dated 1/18/18: A-24; Freehold Soil Letter dated 1/9/18: A-25; NJDOT Letter dated 2/12/18: A-26; Preliminary Site Plan revised through 2/15/18 from Dynamic Engineers: A-27; Revised Colored Rendering of the Site Plan dated 3/1/18: P-1 (Shrewsbury): Letter issued from the Borough of Shrewsbury dated 2/20/18.

Kevin Kennedy asked if there was any additional legal representation for objectors, other than Ed McKenna, Esq.

David Convery, Esq. represents Chris Cole, a managing member for the entity that owns the Grove, the Grove West, Metrovation Anderson and the property at 89 Newman Springs Road, where the retail entity Platypus is.

Corey Klein, Esq. represents Outfront Media, LLC., the owner of the billboard located near the property.

There were no conflicts.

Jennifer Krimko, Esq. recalled Mark Whitaker, who was still under oath. He explained the revised changes since the last meeting, which includes relocating the entrance. Mr. Whitaker was questioned about the site of Mr. Chaabra, the objector's property, a competitor located on Newman Springs Road and Shrewsbury Avenue. He indicated the non-compliance with certain items. Mr. McKenna objected on the basis that Mr. Whitaker was unaware of the circumstances and what conditions existed when Mr. Chaabra purchased his property.

Ed McKenna questioned Mr. Whitaker regarding fuel truck deliveries, where cars will cue and the possibility of a driver making an illegal left turn out of the property. Jennifer Krimko gave an example of a driver traveling down the parkway and if they missed their exit, they could drive the wrong way to get to get back to the exit.

Sharon Lee requested if Mr. Whitaker had any video of the trucks refueling the pumps, he does not.

Mike Convery, Esq. clarified the size of the revised ingress/egress and Corey Klein clarified the mountable curb to be 6".

Mr. Whitaker stated the size of a refueling truck to be 8 ft. wide X 55 ft. long. An 18 wheeler is the same size, but they would not be permitted to fuel at the location, as they would be turned away.

Ben Forrest, 16 Locust Avenue, still under oath, stated his disapproval of attacking another Red Bank business. He was reminded this was the time for questions. There were no further questions and the public portion was closed.

John Rea, Traffic Engineer was still under oath. Since his previous testimony regarding the calculations issued from the ITE study, the numbers for the pass by trips was increased from 63% to 76% and the primary trip was updated to 24%. These amounts are accepted from the DOT. The calculations involved 5 stores in NJ, including other Wawa facilities.

Exhibit O-1 (Chaabra); Trip Generation Handbook 3rd Edition dated 9/2017 (2 pages), was entered.

Ed McKenna had Mr. Rea read item 10.2, the definition of a pass by trip and he conceded that for the situation in which a driver to continue heading east on Newman Springs Road, after stopping at the Wawa, it would not be considered a pass by trip, as the driver would have route diversion to get back onto an easterly direction.

Ed McKenna questioned if Mr. Rea was familiar with Monmouth Day Care Center located at Maple Avenue and Drs. James Parker Blvd. He was not. Jennifer Krimko objected, as there has been no testimony regarding this. Ed McKenna said he would provide a witness. He stated during peak hours, there would be 50-60 cars at the location dropping off/picking up children. Mr. Rea felt there was an insignificant impact on this area, as this road is a collective roadway.

Exhibit O-2 (Chaabra); North Jersey Coastline Train Schedule was entered. The issue of the all red period, in which all red signals remain on for safety was discussed.

Sean Murphy clarified the traffic study completed during non-peak hours. Peak hours were clarified to be 7-9am and 4-6pm. The results of a study conducted between 10am – 2pm indicated there were between 250-290 visits.

Richard Angowski clarified Mr. Rea had performed the studies at least 12 times, during different hours.

Ed McKenna read from the T&M review letter indicating visits to the location would be influenced by several items, including the ease of access, franchise recognition, availability and price of fuel. There was discussion regarding a trip generation study. As this information has not been entered into evidence yet, Jennifer Krimko objected and wants Mr. McKenna under oath, so she can cross examine him. Her request was noted. Ed McKenna questioned Mr. Rea about the area at Park Street, which provides parking to the ball fields. He was not familiar with this area. Jennifer Krimko objected to the characterization of the area. Mr. Rea discussed the impact of cars on Henry Street. There are 174 cars, traveling in both directions, in the morning hours and 254 in the afternoon hours. Of the approximately 250 cars exiting the site, 25% (about 60 cars) will go in 4 or more different directions, so about 15 cars may travel onto Henry Street. This amount added to the 174 already traveling on that road will not have a significant impact. The afternoon trip will be less.

Exhibit A-28; Red Bank Accident Report for 2015, 2016 and 2017, issued by Matt Ehrenreich, undated, was entered. Mr. Rea explained the number of accidents on the Red Bank side of the location was as follows: 2015 (7 accidents), 2016 (9 accidents) and 2017 (9 accidents). These include rear ending and sideswipes. Mr. Rea feels the striping they will be providing can help alleviate some of these. Sean Murphy requested for the report from Shrewsbury to be obtained also.

Ed McKenna had discussion with Mr. Rea regarding the cars in the cue lane and the ability of the drivers to utilize the yellow lined area. Heading east on Newman Springs Road the area dwindles to 2 lanes. As previously discussed, drivers are using the far right shoulder lane. The back-up can be to Laurel Street, sometime to Henry, although not frequently. During peak hours and certain signal cycles, cars will occupy the left turn lane. During non-peak hours, driver will use the left turn lane how it was intended to be used. Sean Murphy questioned if crossing over the yellow line is permissible. Mr. Rea believes it is. Mr. Rea said they can address the striping and possibly modify the yellow hatched area to extend the left turn lane.

A break was taken at 8:20pm. The meeting resumed at 8:29pm and a roll call showed the same members in attendance.

Mike Convery, Esq, discussed the impact on the intersection of the proposed application and his clients' properties. Mr. Rea feels it will be a positive impact, as it will provide reasonably priced fuel to drivers already traveling the road. He also stated there is a Quick Check recently approved in Shrewsbury, not far from this location. They offer similar pricing. Mike Convery questioned Mr. Rea if he is over relying on the ITE study. Mr. Rea does not feel he is and actually feels he is underestimating the figures. The striped lines being provided will also benefit Mr. Cole's property.

Site circulation was discussed. It was confirmed there is diesel fuel in all 12 pumps. It was questioned why they would have diesel fuel at all locations, if they do not serve fuel to tractor trailers. Mr. Rea is not an operations expert, so could not answer this question for certain, but to provide the fuel to the locations may be something easily done.

Mike Convery questioned if the location would be better if it were located further down the road. Mr. Rea stated no. He also questioned if the site would be better if the proposed application were a 3 story office building measuring 75,000 square feet. Mr. Rea explained it would not, as if the use were a medical building, the calculation is done using 3 ½ trips per 1,000 square feet. This would generate 60 new trips for this use. A use with less intensity might be a self-storage facility.

Mike Convery is having trouble with the pass by calculations. They discussed different route directions and Mr. Rea reiterated he conceded to Ed McKenna earlier. He also questioned whose idea it was for the directional sign placement by the Shrewsbury First Aid building. Mr. Rea stated it was the applicants' suggestion and Shrewsbury Borough agreed with them.

He questioned if the Wawa's included in the ITE study were in desolate areas, to which Mr. Rea responded certainly not.

Ray Mass questioned the pedestrian traffic, as the fields are located nearby. There are sidewalks on Newman Springs Road and Mr. Rea did not feel this to be an issue. Anne Torre clarified there were not many pedestrians sited during the site visits. There was discussion about the defacto shoulder lane currently being utilized by drivers to make a right turn. This is illegal. Mr. Rea stated they would be creating two formal lanes for drivers.

Kate Triggiano wanted clarification of the diverted trip and the pass by trip. Mr. Rea stated the ITE study does not break apart the figures, but he estimates roughly ½ of the primary trips would be reduced (10-15%) of the 24%.

Sean Murphy stated his concern with the cars waiting in cue, discussing a similar, not identical situation, located on Broad Street by the Foodtown. The cars do not line up properly. He would like this issue addressed.

The application will continue on April 5, 2018, with no further notice required. The applicant consents.

On a motion made by Eileen Hogan, seconded by Sean Murphy, the meeting was adjourned at 9:32 pm.

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