

**Minutes of the
Unified Planning/Zoning Board of Adjustment
February 27, 2013: Special Meeting
7:00 PM**

A special meeting of the Unified Planning/Zoning Board of Adjustment of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on February 27, 2013. The meeting was called to order at 7:03 PM by Chairman Kenneth Cassidy presiding. Chairman Cassidy called the meeting to order, pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was published in the *Asbury Park Press* on January 17, 2013, by sending notice to *The Independent*, and by posting.

Chairman Cassidy requested everyone to stand for the Salute to the Flag.

Chairman Cassidy requested a roll call.

On roll call the following members responded present:

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
No: Thomas Fitzsimmons
Yes: Angelo Gallego, Jr.
Yes: John McKenna
Yes: Robert Montfort
No: Joseph Saporito
Yes: Joseph Urciuoli
No: Rochelle Malanga
Yes: Andrew Lopez
Yes: Daniel Acquafredda

Also present were Michael A. Irene, Jr., Esq., Planning Zoning Board Attorney, Philip A. Haderer, Planning Zoning Board Engineer and Richard S. Cramer, P.P., A.I.C.P., Planner for T & M Associates.

Mr. Buccellato recused himself and left the meeting.

Mr. Irene asked the Board to make a motion to accept Mr. Richard Kramer, Planner for T&M Associates as The Planner for the Quick Chek application.

Mr. McKenna made the motion, Mr. Montfort seconded it.

The following roll call vote was taken:

Yes: Paul Buccellato
Yes: Rickey Butler

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Yes: Kenneth Cassidy
Thomas Fitzsimmons
Yes: Angelo Gallego, Jr.
Yes: John McKenna
Yes: Robert Montfort
Joseph Saporito
Yes: Joseph Urciuoli
Rochelle Malanga
Yes: Andrew Lopez
Yes: Daniel Acquafredda

Motion approved.

Applicants:

1. Quick Chek – 947-955 Highway 34 – Block 40, Lots 6 & 7

Mr. Irene swore in Mr. Haderer and Mr. Cramer.

Mr. John Marmora Attorney from K & L Gates introduced himself as the Attorney for Quick Chek. He explained he was requesting a variance to build a *Quick Chek Gas Station/Convenience Store* on Block 40, Lots 6 & 7, an existing parking lot at the corner of Main and High Streets.

He presented the first witness Mr. Frank Marciano, Real Estate manager for Quick Chek, Whitehouse Station, NJ. He was sworn in and his credentials were accepted.

Mr. Marciano explained that the company currently has a Convenience store at 58 Main Street where they are tenant on a multi-tenant lot. This is a rental site and the lease will terminate in November 2015. The company, he said, is unable to make the desired improvements as a tenant. As an owner they would have control of the entire site.

He said: "The evolution of the convenience store business basically requires the implementation of the gas fueling facility. We have, I believe, a very unique and good opportunity with this application today."

Mr. Marciano explained that the company wants to open a Gas Station/Convenience Store about 600 feet down Main Street toward the train station in the parking lot at the intersection of High Street, directly across from the old 7-11 building. On this property they would like to open a new 4,543 square foot convenience store as well as a gas station with four gas pumps, or eight fueling stations. The current location is about 3,500 square feet and has no gas station. This larger space would require additional employees. Marciano estimated that there are currently about six and that at least 12

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would be necessary. He also estimated that during a peak shift, about seven to nine employees would be working at one time.

Mr. Keith Cahill, a professional engineer with Bohler Engineering was sworn in. He explained that the property is 0.85 acres. It is bordered by Main Street, High Street, Bank Street and a barber shop. Bank Street is a very thin roadway that intersects High Street where two homes and Fitness City are located. The proposed location is a parking lot covered 100% by asphalt in close proximity to the Aberdeen-Matawan Train Station.

1. The plans include 27 parking stalls were 26 are required by local ordinance, new sidewalks along Main Street and High Street, and 5,000 square feet of landscaping mostly bordering the property. "The new green space would account for 11.7% of lot area of the property, which means that lot coverage would be 88.3%, where the maximum lot coverage permitted by ordinance is 35%."
2. Cahill also noted that the entire property, including the sidewalks, would be ADA compliant.

Between the convenience store and Bank Street there would be a location for trash. There is also an eight foot solid board fence proposed between the property and Bank Street to provide privacy for residents, Cahill explained.

Quick Chek plans to make the property capable of running on a diesel generator in case of an emergency like Hurricane Sandy. Cahill said the company would rent generators as needed from a contracted company. If they were rented, they would likely be kept behind the convenience store in the vicinity of the dumpster. Cahill noted that there would still be enough room for a garbage removal service to access the dumpster if the generator was present.

Four underground double wall fiber glass gas tanks would be located at the back of the property, near the corner of Bank Street and High Street. Each of the four tanks would be capable of holding 20,000 gallons of fuel. Two would hold regular, one premium and one diesel.

The location of the gas tanks provides easy access by fuel delivery trucks, Cahill explained. Fuel is delivered on an as-needed basis but generally does not happen between 12 a.m. and 5 a.m. as the trucking company typically does not operate between those hours, he said. The company also intends to install a drainage system with an oil/water separator in order to reduce any runoff from the property, which sits close to Matawan Creek.

The security system would be capable of 32 digital cameras, Cahill explained. Typically, about 16 are stationed inside and 16 outside. Since the property is smaller than other Quick Cheks, the actual number of cameras may be slightly lower, he said.

The lighting on the property would provide some additional security, he said. All of the lights are LED and positioned in a way to reduce light pollution. Lights are affixed to the building, 18.5 foot tall light posts are in the parking area and lights are in the gas pump canopies.

Mr. Irene asked if there were any questions from the audience.

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Mike Vaccarella, a resident of High Street, was sworn in. His concern was that loitering issues would persist at the new location.

"Obviously the 7-11 is closed for a reason. It's very obvious to the people living in that community down there that the area has been blighted because of some of these issues," he said. "What is Quick Chek's policy against the day laborers who loiter in the area? I heard you said the managers will do that, there will be signs, there will be training for the staff but what is going to be the overall policy?"

Mr. Marciano replied that having ownership of their property allows the company to respond more strongly to issues of loitering in general. He also stated that employees are trained to instruct anyone who is loitering that they have their image recorded on a camera and will call the police.

He said: "We have an invested interest. We will control this property from an ownership standpoint and we will be happy to work with law enforcement officials for any issues that may occur."

Mr. Vaccarella also questioned whether or not there would be a built in generator. Mr. Marciano said there is a switch which will be hard wired for any generator brought on to the property.

Mr. Gary Kamil, owner of Fitness City was sworn in. He stated that he had received no notice of this proposal and requested that he be notified of all future meetings. He questioned whether the Quick Chek monument signs and proposed tree would block his sign He was assured that it would not.

Mr. Lee, owner of Sultan's Palace restaurant was sworn in, he stated that the street number of the now vacant lot was the same as his restaurant and wanted to know if that would change. He was told that would be a Postal issue.

Mr. Irene asked if there were any other questions for this witness, no one came forward.

At this time Mr. Irene requested a 10 minute recess.

At 9:10 pm, after the recess, on roll call the following members responded present:

	Paul Buccellato
Yes:	Rickey Butler
Yes:	Kenneth Cassidy
	Thomas Fitzsimmons
Yes:	Angelo Gallego, Jr.
Yes:	John McKenna
Yes:	Robert Montfort
	Joseph Saporito
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Yes: Daniel Acquafredda

Mr. Charles Olivo, a Transportation Engineer with Stonefield Engineering and Design was sworn in.

He explained that two entrances are proposed for the property, one on Main Street and one on High Street. The entrance on Main Street would allow drivers to make a left or right into the lot, but would only allow drivers to make a right out of the parking lot. The entrance on High Street would allow drivers to make a left or right into or out of the parking lot. Main Street is a county road and according to Mr. Olivo, Quick Chek has obtained conditional approval for the entrance from the county and state departments of transportation.

Mr. Olivo estimated that 90% of the traffic using Quick Chek will be traffic already traveling on Main Street, especially since a Quick Chek is already located in the direct area. He addressed the LED signs that would be in close proximity to the traffic light and said that he had been in contact with the DOT and they did not seem to think it would be a problem. There is a brand new traffic light at the intersection and there is a signal head for each lane of traffic.

The following questions were asked and answered.

Mr. Cassidy: Has quick Check ever had an issue with motorists confusing traffic signals with their signs?

Mr. Olivo: No and we have checked this out with the County.

Mr. Montfort: Are there other colors that can be substituted for Quick Chek's red, yellow and green colors?

Mr. Olivo: We haven't seen a need to change them and with the updated site plans there would be no problem in distinguishing between the traffic light and signage lights.

Mr. Haderer: Service tables show that in 2014 there would be no change in traffic patterns with or without Quick Chek.

Mr. Gallego: If the new Transit Village was constructed would this change the 2014 Study?

Mr. Olivo: We would restudy it then.

Mr. Montfort: Nothing has been approved on that issue so your study would change when and if it was.

Mr. Gallego: How does your study track seasonal traffic?

Mr. Olivo: The study was done in February and August. We make sure we analyze all factors.

Mr. Urciuoli: How many car lengths can fit on High Street from the entrance/exit to the light and would this cause a problem?

Mr. Olivo: Five to Six cars and I believe more people will use the Main Street entrance/exit.

Mr. Urciuoli: Would the delivery trucks entering and exiting on High Street cause a problem?

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Mr. Olivo: I don't believe this is a mitigating factor, Quick Chek managers are trained to schedule deliveries during non peak hours.

Mr. Butler: Did you study the impact of the crossing gates?

Mr. Olivo: The new traffic light should alleviate any problems.

Mr. Irene: Would the testimony be different if this wasn't a privately owned company and another company at some point purchased the property?

Mr. Olivo: It depends, the Zoning Officer could specify delivery times but most gas station/convenience stores have the same scheduling patterns.

Mr. Marmora: If there were a change of occupancy in the future, that company would have to come before the Board and make an agreement.

Mr. Irene referenced the letter from Lieutenant Gallo and asked if there any other question from the Board. There were not. He then asked if there were any questions from the public.

Mr. Mike Vaccarella asked if they studied storm related issues and stated that High Street could flood as much as five to seven times a month. Mr. Olivo said no and that the Police Department would be responsible for closing the road.

Mr. Irene asked if there were any more questions from the audience, there were none.

At this time Mr. Irene announced that it was after 10 pm and the meeting would have to come to an end. Local ordinance prohibits municipal meetings from going past 10 p.m. in the borough. He asked Mr. Marmora if they could reconvene Monday March 4, 2013. Mr. Cahill said he would not be available, but if he could resolve the signage issue with Mr. Haderer he would not need to be present if that was agreeable to Mr. Haderer. Mr. Haderer had no objections.

Mr. Irene asked the Board to make a motion to continue the application to the next meeting. Mr. Montfort made a motion to carry the application to Monday March 4, 2013. Mr. Urciuoli seconded it.

The following roll call vote was taken:

	Paul Buccellato
Yes:	Rickey Butler
Yes:	Kenneth Cassidy
	Thomas Fitzsimmons
Yes:	Angelo Gallego, Jr.
Yes:	John McKenna
Yes:	Robert Montfort
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Yes: Daniel Acquafredda

Adjournment

Chairman Cassidy requested a motion to adjourn. Mr. Montfort made the motion, seconded by Mr. Butler.

The board voted with all members in favor and the meeting was adjourned at 10:07 PM.

Respectfully submitted

Nancy Jo Palermo

Recording Secretary