

**Minutes Open Session
White Township Zoning Board of Adjustment
September 16, 2010**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, September 16, 2010. Present were Board Members: Joseph Magnini, Elaine Reichart, Donald Weidlick, Michael Grossmann, Myron Rasley, Kyle Shoemaker, James Cooper, and Paul Mourry. Also Present: Board Attorney William Gold, Board Engineer Joseph Modzelewski, Board Planner Joseph Layton, and Board Secretary Alfia Schemm. Chairman Magnini led the Board in the pledge to the flag and he called the meeting to order at 7:15 p.m. He then announced that notice of this meeting was given in compliance with the "Open Public Meetings Act."

NEW BUSINESS:

#446 Quick Check Corporation, Block 62, Lots 4 & 5-Completenes

Debra Nicholson, Esq. was present on behalf of the Applicant and she summarized their presentation for this evening. The following individuals were sworn in: Jeff Albanese of Quick Check, Engineer Jeffery Martel, Planner John McDonough, and Traffic Engineer Charles Olivo.

Jeff Albanese, Quick Check Real Estate Manger, reviewed the history of Quick Check and their operation. The following were submitted and marked as Exhibits:

- A-1 Computer Rendering looking North West
- A-2 Computer Rendering looking South West
- A-3 Computer Rendering looking North East

Mr. Albanese stated that this proposal is for a Convenience Store and a Fueling Station that would employ 30 to 40 people. He went on to describe the type of items that will be sold in the store. He stated that they will have 8 to 10 large tractor trailer deliveries a week and also several box truck deliveries. He stated that they have been very successful with their floor plan. He reviewed the hiring process and the company's involvement in their communities. He also commented on their outdoor seating and their competitive gas prices. He stated that they did meet with the Board of Education; however, they have not heard back from them. He stated that he knows that they were concerned about the scheduling of gas deliveries during school hours. He reviewed the safety and state of the art facilities and the training given to their employees. He stated that they will have attendants monitoring the site and they do not serve tractor trailers.

Jeffery Martell, Bohler Engineering, submitted the following document which was submitted and marked as an Exhibit:

- A-4 Title Survey, 8-20-10, with Existing Elevations

Engineer Martell reviewed the existing conditions and topography of the two subject properties. The following were submitted and marked as Exhibits:

- A-5 Aerial Exhibit, dated 9-15-10
- A-6 Site Plan Exhibit, dated 7-23-10

Engineer Martell described the site and the proposal at great length. He described the onsite and offsite traffic circulation. He reviewed the elevations, storm water management, proposed septic, landscaping, lighting, trash and recycling, and signage. He displayed the computer rendered drawings and he went on to briefly describe the architectural design of the building and canopy and the location of the air station and the vacuum station. He also reviewed the roof recharge, the retention basin, and the discharge and drainage pattern. He stated that the site is not designed to accommodate over sized vehicles and he addressed the proposed bollards.

He stated that they met with the White Township Board of Education and he stated that they have agreed that there will be no fuel deliveries during school hours. He also addressed pedestrian connectivity to the school via sidewalks and advanced warning signs if they are approved by the DOT. The following was submitted and marked as an Exhibit:

A-7 Drawing, dated 7-14-10

Engineer Martel reviewed the Exhibit that was shown to the Board of Education and it addresses the location of the warning signs. He also addressed the size of the proposed building. He then went on to review Board Engineer Modzelewski's September 14th report and Board Planner Layton's September 15th report, the variances and waivers, the site plan comments, and the storm water management at great length. Attorney Nicholson stated that the Storm Water Operations and Maintenance Manual would be recorded, which was again discussed at great length.

Chairman Magnini called for a brief recess. After 10 minutes the regular meeting resumed.

The Board and the Applicant continued to discuss the drainage maintenance and easements. Board Planner Layton questioned the design of the proposed building, which was addressed by the Applicants. Mr. Grossmann asked if any additional land is available for a buffer. .

John McDonough acknowledged that he was sworn in and he distributed three sheets of photos, which were marked as an Exhibit:

A-8 (3) 11x17 sheets of photographs

He went on to review the Exhibit and he stated that additional land is not available and he reviewed the uses that are permitted in the zones. He then addressed, at great length, the variances being requested. He concluded by stating that the application is consistent with good planning, that it warrants approval, and that the statutory criteria for each variance is justifiable. He stated that the pros outweigh the cons. Board Planner Layton reviewed some additional variances.

Charles Olivo, acknowledged that he was under oath and he displayed Exhibit A-7 and he reviewed the potential warning signs. He reviewed the roadway system, the access management plan of the site, the ingress and egress into the property, and the site generated traffic. He described the traffic patterns offsite and onsite. Mr. Grossman stated his concern over traffic backing up. Attorney Nicholson asked if the Board could write a letter of support to the DOT in regards to the access management.

Chairman Magnini opened the hearing to the public.

David Pryslak was sworn in and he questioned the location of the fencing, which was addressed by Engineer Martell.

Frank Panetta was sworn in and he was present on behalf of the White Township Board of Education and he stated that the Board has not made a decision either way. He stated that the Applicants were before the Board to present their proposal and the proposed signage. He stated that the Board is looking for solar powered illuminated warning signs. He stated the concern for safety and security for the school buses and line of sight. Attorney Nicholson stated that they could include a BOE letter in their submission to the DOT. Ms. Reichart asked how the BOE normally communicates their concerns and suggestions to the Zoning Board of Adjustment, which was discussed.

The Board went on to discuss the pros and cons of sidewalks vs. bollards. They also discussed the size of the building and the lot coverage.

Chairman Magnini asked if there is anyone else from public wishing to speak. With there being no further public comment, the hearing was closed to the public.

Attorney Nicholson stated that she will defer to the testimony and exhibits provided. She stated that they have noted all of the Board’s input and the Public comments. She stated that they will continue to work with the Board Professionals regarding all of the open issues, such as landscaping and lighting. She stated that they have provided testimony demonstrating the legal rational for the grant of the variances and she asked that the Board act favorably on the application, as they need five affirmative votes.

Mr. Cooper made the motion to act favorably on the application, subject to a final site plan approval by the Board Professionals and that the bollards are installed instead of a raised sidewalk. Motion seconded by Mr. Grossman. Discussion on the motion: Mr. Mourry asked if there are any restrictions with 24/7 operation and have the State Police been contacted. Attorney Nicholson stated that she has dealt with the State Police in the past and the Quick Check Model has not been a problem. In a roll call vote, all were in favor, except for Mr. Shoemaker who voted in opposition.

Chairman Magnini thanked the Applicant for giving an excellent presentation.

MINUTES APPROVED:

The minutes of the August 19, 2010 meeting were distributed to all Board Members prior to this evening’s meeting.

Ms. Reichart made the motion to adopt the minutes. Motion seconded by Mr. Grossmann. In a voice vote, all were in favor.

PAYMENT OF BILLS: The following vouchers were submitted:

William Gold- Clean Jersey Solar	1474.50
William Gold-Quick Check	300.00
Maser Consulting-Quick Check	32.50
Hatch Mott MacDonald-Clean Jersey	472.60
Hatch Mott MacDonald-Quick Check	646.80
Hatch Mott MacDonald-Rodata	107.80

Mr. Rasley made the motion to approve the vouchers. Motion seconded by Mr. Mourry. In a voice vote, all were in favor.

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary