

MINUTES OF THE  
REGULAR MEETING  
OF THE JOINT LAND USE BOARD  
March 6, 2018

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THE REGULAR MEETING OF THE LAND USE BOARD OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON MARCH 6, 2018, IN THE MANVILLE MUNICIPAL COURTROOM, 325 NORTH MAIN STREET, MANVILLE, NEW JERSEY AT 6:30 P.M.

**CHAIRMAN GEORGE KELMAN PRESIDED**

Chairman Kelman called the Regular Meeting to order at 6:30 p.m., and the Secretary announced that proper notice had been given by the posting of the Regular Meeting notice and by transmitting the notice of the meeting to the Courier News and the Star Ledger.

**SALUTE TO THE FLAG**

Everyone present participated in the Salute to the Flag.

**ROLL CALL:**

Present	George Kelman, Chairman
Absent	Ted Camacho
Present	Richard Onderko, Mayor
Present	Ted Petrock, Councilman
Present	Rudy Nowak,
Present	Andrea Bierwirth
Present	Brandon Agans
Absent	Jim Powers
Present	Donald Quick
Present	Suzanne Maeder, Alternate #1
Present	Time Kenyon, Alternate #2
Present	Christopher Corsini Esq., Board Attorney
Present	Stan Schrek, P.E., Borough Engineer

**V. APPROVAL OF MINUTES**

Mr. Kelman requested approval of the minutes of the Regular Meeting of January 9, 2018, noting one change under New Business. He noted "Donald Quick" be amended to "Jim Powers". Mr. Petrock, seconded by Mayor Onderko, motioned to approve the minutes with the correction. All present were in favor.

Mr. Petrock, seconded by Mr. Quick, motioned to approve the minutes of February 6, 2018. All present were in favor.

## **VI. RESOLUTION**

There were no resolutions for approval.

## **VII. APPLICATION**

A/ Application #PB-18-02  
Valdes Realty, LLC  
Block 102, Lot 39, 40, 1116 W. Camplain Road  
Preliminary Major Site Plan, Bulk Variances

Applicant's attorney, Alberto Ulloa, introduced himself and Mr. Ernest Valdes.

Ernest Valdes, property owner of 1116 W. Camplain, stated the foreclosed property, built in 1923 was purchased in October of 2017 with the intent of renovation and to resell at a later date. He further advised he was appearing before the board for approval from the board for encroachment of the porch.

Mr. Corsini advised he reviewed the notice and finds the Board has jurisdiction. He advised the Board to consider this application an expansion of pre-existing dimensional non-conforming variances.

Mr. Lauterwald, Surveying Architect, stated the applicant is proposing to enclose the rear porch. He further testified the house requires non-conforming variances. Mr. Lauterwald advised the applicant could not purchase the houses around the property to be in conformance. Mr. Alberto Ulloa questioned if the outer perimeter will be changed. Mr. Lauterwald advised the outer perimeter will be the same and the existing porch will become a wall barrier.

Mr. Lauterwald, addressrf the Engineer's comments on whether there will be a second floor expansion, confirmed there will be an expansion over the existing structure. Mr. Lauterwald's drawing, depicting the street side of the property with stucco finish, small room in the front, and a raised room in the rear, was marked as A1. Mr. Lauterwald further addressed the Engineer's comments on drainage and stated the property's drainage will be directed towards the street and away from the neighbors.

Mr. Ulloa questioned if Mr. Lauterwald inspected the surrounding houses for substantial detriment to the public good or impairment of the intent of the purpose of the zoning plan. Mr. Lauterwald stated no due to no changes and the use will continue as it is; the granting of a variance will not cause detrimental effect.

Mr. Nowak questioned if this house could become a two family house in the future. Mr. Lauterwald addressed his question.

Marie Janucik, 720 East Frank Avenue, requested clarification on the rear porch extension and whether the property is currently a grand fathered non-conforming use.

Councilman Petrock questioned if the property is structurally sound to carry the extra weight. Mr. Lauterwald addressed Mr. Petrock's question.

Mr. Corsini advised the Board on the perimeters on which the Board has jurisdiction to vote.

Mr. Kelman called for a motion. Mr. Petrock, seconded by Mr. Agans , made a motion to approve the application.

Roll Call: Ayes: Kelman, Nowak, Bierwirth, Petrock, Agans, Onderko, Quick, Maeder

Absent: Powers, Camacho

Mr. Corsini advised the Board has discretion to apply res judica and must do so at the beginning of consideration of the matter. Mr. Corsini read in the record with regards to the existence of a “motor vehicle service station” within 1,500 feet of the current application, Section 711.2(d) of the Borough of Manvill’s Land Use Ordinance: “No such conditional use shall be permitted unless it is determined that...[n]o motor vehicle service station for public garage shall be located within 1,500 feet of another motor vehicle service station and said distance shall be measured in a straight line from the nearest boundary of the lot of one such use to the nearest boundary of the other.” Mr. Corsini advised the rules of interpreting the ordinance are the same as the rules for interpreting a statute or regulation which require looking at the plain language of the provision.

Mr. Kelman requested clarification on Mr. Corsini’s interpretation on the ordinance.

Mr. Nowak questioned if the adjacent property is currently not being used as a gas station will a d-variance be required. He further commented on observing gas pumps at the location. Mr. Corsini addressed his question and comment.

Mr. Petrock questioned if there are gas pumps on the property can the Board authorize the use of the location.

Mr. Bierwirth clarified that the Board is to review the current state of the property.

Mr. Nowak questioned if moving forward with the application will prohibit adjacent property from reopening.

Mr. Petrock questioned if an application was presented for adjacent application.

Mr. Nowak questioned if another gas station can reopen for business. Mr. Corsini advised a gas station opening within 1,500 feet would have to seek relief.

Mr. Wyciskala, applicant’s attorney, stated in his opinion the application doesn’t preclude the other business. He further stated that at the present time, there isn’t an operating gas station. He doesn’t believe a conditional use variance should be required.

Mayor Onderko questioned if the inoperable station was running in six months would a variance be required? Mr. Corsini addressed his question.

Mr. Kenyon requested clarification on retail lubricants and whether Walmart or other auto body store is included. Mr. Corsini provided clarification.

Mr. Petrock, seconded by Mr. Agans, made a motion for the Planning Board to accept jurisdiction on the application.

Roll Call: Ayes: Kelman, Bierwirth, Petrock, Quick, Kenyon

Nayes: Nowak, Agans

Abstain: Onderko, Maeder

Absent: Powers, Camacho

John Wyciskala, Esq., advised the application has been modified to eliminate the d-variance. He provided a brief history of the company and commented on their involvement in the community. He stated the proposed development is a 4,200 square foot convenient store with fuel sales to will include 6 dispensers and 12 fueling stations under a canopy. Exhibit A1, a colored sit plan, and Exhibit A2, a detailed photo rendering, were marked for the record.

John Wyciskala, Esq., introduced Jeffrey Bainbridge, Director of Real Estate for Royal Farms to testify on operation and general business.

Mr. Schrek noted for the record the Traffic Report was not listed on his items reviewed but testimony will be heard.

Mr. Bainbridge stated forty (40) to fifty (50) local employees will be hired contingent on the demand. Seventy (70) percent will be part time and thirty (30) percent full time. The 24 hour location will have. He stated ten (10) employees will be on site with two (2) dedicated to the gas pumps. Mr. Bainbridge noted the main kitchen area, heat up equipment, and safety systems. With respect to the retail store, Mr. Bainbridge stated there will be three (3) to four (4) box truck deliveries daily. He further noted a private company will be used for garbage and recycling collection. Mr. Bainbridge provided an overview of fuel operations of one (1) canopy, six (6) dispensers and twelve (12) fueling positions with three (3) grades of gas as well as with diesel all stored in two thirty thousand underground tanks. He stated, dependent upon demand, on average, there will be three (3) to four (4) fuel drops a week. He further advised this site is not designed for high flow diesel and would provide proper signage where necessary. Mr. Bainbridge stated the fuel requirements are used for all stores in accordance with the most stringent standards of Maryland (1:01:10) and uses electronic monitoring in store and at headquarters. He further stated the fuel sale employees are trained in the event of surface spills and emergency circumstances. He emphasized Royal Farms is not franchised and the employees are charged to growing the brand and store.

Mr. Kenyon questioned why Royal Farms chose this particular site. Mr. Bainbridge stated he felt the site was good for the demand in the market, there's a good traffic count. Mr. Kenyon further questioned if the company has a similar site. Mr. Bainbridge stated each site is unique.

Ms. Bierwirth questioned if there are similar locations in New Jersey. Mr. Bainbridge advised there are three stores currently open in Magnolia, Bellmawr, and Glouchester, New Jersey.

Maria Janucik, 720 East Frank Avenue, questioned what the forty job positions will be. Mr. Bainbridge advised the positions would range from fuel pumps, cooking, cleaning, sales, and administrative staff. Ms. Janucik asked if there is a separate use for gas and convenient store, if the use is permitted in the flood zone, will the property be elevated, and the size of trucks accommodating the location. Mr. Bainbridge addressed her questions.

John Glutch, 710 South Main Street, questioned the capacity of the underground storage tank. Mr. Bainbridge addressed his question.

Wess Taylor, 260 North 6<sup>th</sup> Avenue, questioned the percentage of part time and full time employees, their benefits, the potential for more than two gas attendants, and whether or not it is excessive to have similar businesses in close proximity to the site. Mr. Bainbridge addressed his questions.

Michael Jeitner, project engineer, provided testimony on the existing conditions of the site. Aerial exhibit dated January 5, 2017 was marked as A3. He stated the site currently has a chester house with a rear dwelling on the west side of the property and undefined parking along Main Street and Brooks Boulevard. Mr. Jeitner stated the site drains towards Brooks Boulevard or to the south closer to the rail line and it is not storm water controlled. He gave an overview of the uses surrounding the property.

Mr. Jeitner referred to a colored version of the site plans, to show the convenient store, adjusted canopy, the separation of ingress and egress. He noted truck turning plans had been submitted for review. Mr. Jeitner stated there are 49 parking spaces, the rear yard of the building is at ten (10) feet and the rear of the building will not have windows. Mr. Jeitner showed the stormwater management underground, utility water and sewer will have an exterior grease trap. He further pointed out the landscaping proposed within and adjacent to the property specifically on Main Street by providing pavers along Main Street and wrapping along Brooks Boulevard. Sidewalk connections from Brooks Boulevard and at Main Street on the south end and south east of the site. Mr. Jeitner spoke to the two (2) underground tanks that would be required to comply with NJDEP to be double wall, fiber glass monitoring, spill prevention, and over flow protection.

Mr. Jeitner addressed the variance list on the Engineer's Report, pages four (4) through six (6). The first variance of trash enclosed setback will have a board on board fence to shield the dumpsters with locked gates on the front. The rear yard setback requested is ten (10) feet in lieu of fifty (50) feet required. The proposed parking stall sizes are nine by nine (9x9) feet wide and twenty (20) feet deep and nine by nine (9x9) feet wide and eighteen (18) feet deep in lieu of ten by twenty (10x20) and not marking reduced stalls.

Mr. Kelman requested clarification on parking based on reduced parking spaces. Mr. Jeitner stated in accordance with the ordinance, the spaces would be reduced to forty two (42) and to forty three (43).

Mr. Jeitner further stated, in lieu of shade trees near the corner or intersection the trees will be limbed up to have an under clearance of six (6) to seven (7) feet. Mr. Schrek questioned if limb elevation was noted on the plans. Mr. Jeitner addressed his question.

Mr. Jeitner further reviewed the request of parking in the front yard to provide a proficient parking configuration. He stated the proposed set back requirements for parking along Main Street and Brooks Boulevard are within the fifty (50) foot requirement. In addition, he requested seven (7) feet along the south portion of the property, line adjacent to the rail line, and ten (10) feet along the west property line for a turnaround area.

Mr. Jeitner continued with the overview of the variance list. The proposed driveway width requirement is eighty (80) feet along Brook Boulevard for safe maneuvering of trucks. There will be parking within ten (10) feet of the front of the building along with a front loading area. He referring to exhibit A4 identifying

four (4) proposed wall signs; Royal Farms sign at 37.05 square feet, Famous Chick 11.75 square feet, Royal Farms sign on the gas canopy, facing Brooks Boulevard, and another facing Main street, both at 35.6 square feet, totaling one hundred twenty (120) square feet. Additional signs will include three (3) free standing signs at the corner totaling one hundred seventy (170) square feet, ten (10) square feet over the allotment. The proposal meets the maximum height of twenty (25) feet for free standing signs. The main free standing sign does not meet the maximum ten (10) foot under clearance but the three (3) free standing directional signs meet the under clearance. Finally, the set back of the free standing sign from the North Main Street right of way is six and one half (6 ½) feet from the right of way but eighteen (18) feet from the edge of the curb line. The directional sign on North Main Street is three (3) feet from the right of way.

Mr. Jeitner provided an overview of building materials, referring to exhibits A2 and A3, for the front of the building, siding and the canopy. Other features of the building included no curbs around the store entrance and seasonal outdoor seating.

Mr. Petrock requested clarification on the location of the ingress and egress, height of landscaping on Brooks Boulevard. Mr. Jeitner addressed his question. Mr. Petrock questioned whether testing of site contamination has been done. Mr. Wyciskala addressed his question.

Mr. Nowak questioned the distance between the exit and entrance of the building and Main Street. Mr. Jeitner advised the difference is 75 feet. Mr. Jeitner further clarified the entrance is 30 feet wide, entrance and exit on and off of Main Street is 20 feet wide. Mr. Nowak expressed concerns of trucks exiting the property, their effect on incoming traffic. He questioned if the exit can be expanded. Mr. Jeitner addressed his concerns.

The Board called a recess at 8:35 p.m. and resumed at 8:45 p.m.

John Glutch, 710 South Main Street, questioned the amount of water tanks. Mr. Jeitner briefly explained the stormwater management plan. Mr. Glutch further questioned if the building design could provide for rear delivery. Mr. Jeitner advised front end loading is a part of Royal Farm's operation due to the use of smaller delivery trucks. Mr. Glutch questioned the operational classification of Royal Farms. Mr. Corsini advised the question is operational and not for this witness.

Maria Janucik, 720 East Frank Avenue, requested clarification on the wording of "use variance" on the agenda. Mr. Wyciskala advised there was an error on the agenda, not on the application. Ms. Janucik requested clarification on the size of the delivery trucks and the entrance and exit of the property. Mr. Jeitner addressed her request. Ms. Janucik question the amount of impervious coverage and property elevation. Mr. Jeitner addressed her questions.

West Taylor, 260 North 6<sup>th</sup> Avenue, questioned if the stormwater management plan includes a limit on the stormwater back surge, raised curbing, and proposed reduced light output overnight. Mr. Jeitner addressed his question.

Ms. Bierwirth, referring to the flood hazard map, stated more of the property is within the X zone.

Mr. Petrock questioned the height of the light posts. Mr. Jeitner advised the light posts are nineteen (19) feet.

Mr. Kelman advised the hearing will continue April 3, 2018.

### **VIII. PUBLIC PORTION**

No public comments were entertained due to an early adjournment of the meeting caused by inclement weather and the declaration of a State of Emergency.

### **IX. DISCUSSION**

#### **A. AINR – Wawa Corporation**

The Board acknowledged receipt of Borough Council Resolution 2018-43, authorizing the preliminary investigation for WaWa Corporation.

#### **B. By- Laws**

No discussion by the Board due to an early adjournment of the meeting caused by inclement weather and the declaration of a State of Emergency.

Mr. Petrock motioned for adjournment, Mr. Nowak seconded. The Board adjourned at 9:13 p.m.

Respectfully submitted by,

Jasmine D. Mathis,  
Joint Land Use Board Secretary.