

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 25, 2015**

Meeting called to Order by Chairman Novellino at 7:30 p.m.

Reading of Adequate Notice by Vice-Chairman Barthelmes. Salute to the Flag and observance of a moment of silence for the troops.

Roll Call: Present - Novellino, Barthelmes, Frost, Lambros, Bailey, and Ferro. Late: Lambros 7:36 p.m. Absent Conoscenti, Mostyn

MEETING MINUTES: Approval of Minutes: January 28, 2015.

The eligible members having reviewed the minutes, and requested changes having been made, Mr. Ferro made a Motion to approve and Mr. Barthelmes offered a Second. Roll Call Vote: Ferro, Barthelmes, Bailey, Morelli, Frost and Novellino voted yes to approve.

RESOLUTIONS:

Z14-09 DATELLO, LEONARD AND MICHELLE - Block 35, Lot 8.12. Property located at 6 Pharo Lane consisting of 1.84 acres in the R-130 Zoning District. Applicants sought variance relief construct a 1,290 s.f., 28 ft. high detached garage. Approval granted 1-28-15.

The Board having reviewed the Resolution, Mr. Novellino asked if there was a Motion to memorialize. Mr. Bailey made the Motion to Memorialize and Mr. Barthelmes offered a Second. Roll Call Vote: Bailey, Barthelmes, Frost, Lambros, , Ferro and Novellino voted yes to the memorialization.

Z14-07- PARRINO, STEVE - Block 45, Lot 11.10. Property located at 3 Doctors Creek consisting of 3 acres in the RU-P Zoning District. Property located on a corner lot. Applicant sought variance relief to construct a 750 s.f. pergola in front yard setback where 75 feet is permitted, 36.3 feet is provided. Approval granted 1-28-15..

The Board having reviewed the Resolution, Mr. Novellino asked if there was a Motion to memorialize. Mr. Lambros made the Motion to Memorialize and Mr. Frost offered a Second. Roll Call Vote: Lambros, Frost, Bailey, Barthelmes, , Ferro and Novellino voted yes to the memorialization.

EXTENSION OF TIME:

Z15-02 – 352 MONMOUTH ROAD LLC – Block 62, Lot 20.05 located at 352 Monmouth Road consisting of 97,750 sf (2.24 acres) in the R-130 Rural Residential Zoning District. Pre-existing one-story office building with basement consists of 2,382 first floor and basement for a total building square footage of 4,764 s.f. Applicant sought and received Use Variance and Minor Site Plan Approval required for pre-existing office building in a residential zone. Variance granted for deficient lot size for zone. Variances granted for disturbance of steep slopes. Resolution memorialized on 2-27-13. Applicant returns for a one year extension of time. No Zone Change. No noticing required.

Frank Accisano, Esq. representing the applicant is seeking a one year extension of time to perfect the application. The property fronts County Route 537 and Mr. Accisano explained the delay was due

to the project engineer trying to work out the driveway and landscaping with Monmouth County Engineers. Board Engineer Matt Shafai confirmed that nothing has changed in the zone. Engineer Shafai stated that the County Engineers' office has made many revisions but there is nothing for the Board to be concerned about.

The Board understood that it does take time to work with the County Engineers. The applicant is seeking an extension to 2-26-16. The applicant advised the building located on the property is vacant.

Chairman Novellino asked for a Motion. Mr. Frost made a Motion to approve the one-year extension and Mr. Morelli offered a Second. Roll Call Vote: Frost, Morelli, Barthelmes, Lambros, Bailey, Ferro and Novellino voted yes to granting the extension.

NEW APPLICATION:

Z14-08 WAWA - Block 58, Lot 4. Located at 548 Monmouth Road consisting of 5.42 acres in the Highway Commercial 1(HC-1) Zoning District. Applicant seeks Use Variance and Minor Site Plan approval to construct a 360 s.f. addition to expand the restroom facilities. Deemed Complete 11-17-14. Date of Action: 3-17-15. Noticing is required.

Attorney Timothy Prime representing the applicant Wawa. Mr. Prime advised that the store had been operating for almost 20 years off of Monmouth Road and State Highway 195. He stated that the property is located in the Highway Commercial (HC) Zone.

Mr. Prime provided that the Wawa application is for the expansion of a non-conforming use. Wawa sought and received a Use Variance initially to build the facility. Wawa wants to expand the facility to add a bathroom. Mr. Prime advised that Wawa is upgrading and remodeling their stores with a total interior renovation and also dressing up the exterior of the store. Mr. Prime explained that a small addition is for a men's restroom.

Board Attorney Vella advised that he had reviewed the jurisdictional packet and finds same to be in order in order to accept jurisdiction of the application.

Attorney Vella reads the evidence into the record as follows:

- A-1 Jurisdictional packet
- A-2 Application dated 11-6-14
- A-3 Web Notice
- A-4 Aerial prepared by Dynamic Engineering dated 11-03-14
- A-5 Minor Site Plan prepared by Dynamic Engineering dated 11-03-14
- A-6 Architecturals prepared by Richard W. Luke dated 11-4-14
- A-7 Approval Letter from NJDEP dated 6-13-13 increasing NJPDES permit flow design capacity from 3,500 gal/day to 7,000 gal/day
- A-8 Millstone Township Resolution No. 14-193 endorsing treatment works

application for Wawa dated 11-05-14

- A-9 Letter from Houser Engineering, LLC dated 11-10-14 advising they have applied to NJDEP for a treatment works approval
- A-10 Dynamic Engineering Letter dated 2-25-15 responding to professionals' reports
- A-11 Mounted colored rendering of site plan
- A-12 Mounted Floor Plan
- A-13 Mounted rendering of Exhibit A-6
- A-14 Mounted colored canopy elevation
- BOA-1 Engineer Matt Shafai's Report dated 12-1-14
- BOA-2 Planner Fred Heyer's Report dated 2-18-15
- BOA-3 Monmouth County Planning Board Final Approval dated 12-08-14
- BOA-4- Millstone Township Fire District#1 Bureau of Fire Prevention Report dated 2-18-15

All professionals were sworn in.

Jeffrey Spalt of Dynamic Engineering graduated from Rutgers and is a licensed professional engineer with over 20 years experience and has testified before many Boards over his career. He advised that he worked on this Wawa project when it was first built 20 years ago.

Entering into Evidence, Exhibit A-11 Mounted colored site plan. Mr. Spalt, using Exhibit A-11 explained the location of the property and surrounding areas. He stated that the 5.42 acre property contains a Wawa food market and filling station.

Mr. Spalt testified that the site was built in the mid-nineties. Their proposal is to add to the south side of the building, a 9' x 40', 360 s.f. building. He stated that there will not be any increase to sales floor or deli area. The addition is solely to increase the size of the restrooms. Mr. Spalt explained that the existing men's and ladies' room will become the ladies' room and the addition will become the men's room. The addition bumps the building out nine (9) feet. A sidewalk will be added. The addition will cause the elimination of three (3) parking spaces but one (1) space will be added in another location. They will have 57 parking spaces. Presently, they have a surplus of 16 parking spaces.

Mr. Spalt explained that site improvements include the replacement of the air pump. They will mill and overlay the paved surfaces which have been worn down over the twenty years.

The interior floor plans reflect the 9' x 40' addition. The ladies room will contain 4 bathroom stalls and 3 sinks. The men's restroom will have 2 stalls 4 urinals and 3 sinks. Mr. Spalt stated that this will help especially during summer months due to bus traffic.

Entered into Evidence, Exhibit A-12 mounted floor plan.

Mr. Spalt advised that the waste water treatment is being revamped. Nothing will occur until all permits are in place. The exterior will be power cleaned. The new area will match the existing building. The paint will match the new addition.

Entered into Evidence, Exhibit A-13 mounted Exhibit A-6

Mr. Spalt explained that the signage on the building will be replaced by a 52.38 sign that will stay under the ordinance allowable size.

Entered into Evidence, Exhibit A-14 mounted color canopy.

Mr. Spalt explained the elements to be updated. They will remove the existing storage units. The items in the storage units will be relocated to the trash enclosure area such as rock salt, shovels and the like.

Mr. Prime reported that there will be no change in the building that takes care of the wastewater treatment.

Chairman Novellino asked about the colors of the building. Mr. Spalt advised that they will be neutral earth tones. Engineer Shafai advised that the applicant has incorporated some of our architectural ordinance requirements to meet the ordinances.

Chairman Novellino stated that is in alignment with our architectural standards.

Mr. Spalt stated that the windows will not change and there will not be any windows in the new addition.

In discussing energy efficient features in the proposed addition,. Mr. Spalt advised that there is not a lot of room for that but stated that the plumbing low flow and building insulated.

To address these questions, Mr. Joseph Standen, the Environmental Manager for Wawa, was sworn in. Mr. Standen stated that the upgrades include LED lighting throughout their building . He stated that they cannot have low flow toilets because they will play havoc in the treatment system and he explained why.

Mr. Standen explained that they will completely replace the septic bed. When get the receive the NJDEP TWA permit they will replace bed before they construction the addition. Mr. Standen explained to the Board how the system works and the benefits of the system. Two underground storage tanks will be installed. He reiterated that this would all be done before the remodel.

Engineer Shafai asked if the current TWA they are waiting for takes into consideration the new addition. Mr. Standen advised it does. He explained that the TWA will allow 7000 gal/day maximum. They are expecting closer to use 6000 gal/day advised Mr. Standen. The NJDEP has a meter and Wawa is required to provide monthly reports.

Mr. Standen stated that the increase in bathroom size reduces a customer's wait time. If Wawa is not issued the permit they would have to pump and haul. They are doing that now because they use 6000 gal/day with a system only allowing 3,500 gal/day. They have a third party firm to monitor the

system. Wawa's upgrade of the blowers will make them more efficient but not louder. Mr. Stranden advised that 6 or 7 Wawa stores use this system.

Chairman Novellino asked how often trucks must come during the busy season. Mr. Stranden advised that they probably have to pump once or twice per weekend during peak season.

Mr. Prime goes through the Board reports utilizing Exhibit A-10, Dynamic Engineering Letter dated 2-25-15 responding to professionals' reports.

All lights have been changed to LED.

An updated lighting plan must be reviewed by the Board Engineer and Planner. professionals.

Engineer Shafai asked about the sheds on the property. Mr. Spalt advised that they will be coming down.

The existing utilities to the building remain and tie into existing plumbing.

Engineer Shafai asked that the mop sink be separated from the septic.

Planner Heyer asked about the replacement banner sign. Mr. Spalt stated that the banners are informational and will be replaced with the "Wawa" name.

Board Planner Heyer asked if there would be any signage to designate the separate pumps. Mr. Spalt advised that all will be met at the driver's approach. Mr. Heyer's concern is that the banner signage is more promotional rather than informational. Mr. Spalt stated that these are the new prototype. They are eliminating two out of four signs on each isle. The canopy ends say "Wawa". Board Engineer Shafai asked what the size of sign on the canopy end caps.

Mr. Frost made a suggestion that the sidewalks should be power washed especially during high traffic such as the summer months. Mr. Frost offered that Wawa use directional signage to make traversing the site safer and less complicated.

Chairman Novellino offered that directional signs might help the public traverse the property safely. Mr. Spalt stated that pavement markings are more visible on asphalt as opposed to light color concrete. Asphalt takes the marking better. He will work on this to help traffic flow and aid a driver. Mr. Spalt stated that asphalt is a better solution to concrete in the parking lot. Concrete under all canopies handles gas better than asphalt.

Mr. Lambros asked if the store would remain open during the renovation. Mr. Spalt stated that the store will be closed a minimal amount of time. The target is 21 days.

Continuing on the report, the applicant will comply with the Fire Bureau's report except for the sprinkler system. Mr. Accisano advised that there are no sprinkler systems in the Wawa stores in the State of New Jersey because the code does not require them. If the code required them, then they would install them.

Attorney Vella swore in Elizabeth Leheny. She is a professional planner. She received her Masters at MIT. She advised that she has testified before many Boards throughout the State. Chairman Novellino advised that the Board accepts Ms. Leheny as a professional planner.

She explained that this application is for the expansion of non conforming use. Ms. Leheny explained that a D2 use variance must satisfy positive and negative criteria. The positive criteria promotes the Municipal Land Use Law.

This site has been in place for 20 years. The Board found this site suited for this use. She advised that nothing has changed for past 20 years. The site is surrounded by restaurants and Great Adventure. She advised that this expansion focuses on aesthetic improvements and she offered that this can be a special reason to expand a non conforming use. Ms. Leheny stated that the applicant is creating improvements to the aesthetics and removing the sheds.

Ms. Leheny addressed the negative criteria stating that the applicant is not creating any additional impervious coverage. The site is large for the zone containing almost 5 1/3 acres where 3 acres is the minimum. The store is located away from Pine Drive and is significantly buffered by vegetation. Ms. Leheny stated that there are no changes to the existing intensity of use with any magnitude or noise.

Ms. Leheny stated that this site is generally consistent with the HC-1 zone. Wawa serves the need of tourists from Great Adventure. She explained how the application keeps with the Master Plan and has no adverse impact on public good or the zone plan.

Board Planner Heyer did not have any additional comments on Ms. Leheny's presentation.

The applicant's presentation concluded at 8:45 p.m.

The Board discussed the application. Mr. Frost offered that the site would benefit by additional decorative plantings. Engineer Shafai stated that over the years, the site has lost some trees and advised the applicant should replace and replant those trees. The applicant agreed to upgrade the landscaping plan.

Mr. Lambros appreciates what Wawa is doing to update the site. He suggested additional screening to the homes adjacent to the site. Engineer Shafai will meet the applicants at the site to review. Engineer Shafai will go back to the original landscape plan and see what was approved and have the applicants replace dead plants.

Chairman Novellino opened the application to the public at 8:50 p.m.

Attorney Vella swore in Robert Van Erem, 22 Pine Drive, adjacent property owner. Mr. Van Erem stated that many trees were lost during Storm Sandy and they were never replaced. He stated that he is happy to hear that the parking lot is not to be expanded. He is concerned about the wastewater management and the addition of a bathroom. The Board advised that they do not have jurisdiction over the wastewater, the NJDEP has jurisdiction and the Board felt it should not have taken 2 years to approve the permit. Mr. Prime explained that the restroom is to alleviate any lines.

Chairman Novellino seeing no other public comment on the application closed same at 8:52 p.m.

Engineer Shafai asked the applicant that after they mill the concrete, treat the joint before they pave. They will provide him the specs.

Chairman Novellino stated that based on what he has seen they are some concerns such as Mr. Van Erem's concern that the addition of the bathroom will increase wastewater on the site. The applicant feels that the improved bathrooms will not make them a more highly traversed area.

The Board offered their concern over pumper trucks there all of the time. Chairman Novellino likes the aesthetics of the plan and feels that it will conform to the Township's architectural ordinance. The benefit of the public not having to wait for restroom is a benefit.

The Board commented on Wawa seeing a problem and presenting a solution. It was discussed that the of water usage will not change perhaps minimally hinged on Great Adventure traffic. Having people queued up in the store is not attractive. They will clean up the facade and the trade off to allow Wawa have a few extra stalls is a win-win.

Mr. Frost gave Wawa kudos on how they train their staff and run the store. He commented on the quality of food as being very fresh.

Mr. Ferro wanted to clarify Mr. Van Erem's concern and discussed same.

Attorney Vella read the conditions of approval including, but not limited to: Updating lighting plan and screening of plants, revise the plans to note removal of three sheds, additional directional signs to be placed on the asphalt pavement with the Board Engineer's approval, revision of the landscaping plans to replace trees, Mr. Spalt to walk the site with Mr. Shafai to discuss supplementing the landscaping, new lighting plan for purposes of new light installation, applicant, if possible, shall separate water softener from septic system, revision of the plans to reflect the drainage, label all doors of service equipment areas, comply with the Fire Bureau comments – except for sprinkler system, treat cracks after milling prior to paving, etc.

Mr. Lambros made a Motion to approve as conditioned and Mr. Ferro offered a Second. Roll Call Vote: Lambros, Ferro, Frost, Morelli, Barthelmes, Bailey and Novellino voted yes to approve the application.

At 9:10 p.m., seeing no New or Old Business, Chairman Novellino asked for a Motion to Adjourn. Mr. Bailey made the Motion and Mr. Morelli offered a Second and by unanimous vote, the meeting adjourned.

Respectfully submitted,

Pamela D'Andrea