

**BOARD OF ADJUSTMENT MINUTES
SPECIAL MEETING
SEPTEMBER 23, 2010**

Meeting is called to order by Chairman Holloway at 7:09 p.m.

OPEN PUBLIC MEETING LAW: THIS MEETING IS CALLED TO ORDER PURSUANT TO THE NEW JERSEY PUBLIC MEETING LAW: ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED IN THE FOLLOWING MANNER: AT LEAST 48 HOURS NOTICE OF THE TIME, DATE, LOCATION AND TO THE EXTENT KNOWN, THE AGENDA OF THE MEETING, AND WHETHER ACTION WILL BE TAKEN, HAS BEEN PROMINENTLY POSTED IN A PUBLIC PLACE WITHIN MUNICIPAL BUILDING, FAXED TO TWO NEWSPAPERS, INCLUDING THE RECORD AND THE HERALD, AND PUBLISHED IN THE HERALD, THE OFFICIALLY DESIGNATED NEWSPAPER OF THE MUNICIPALITY, AND FILED WITH THE CLERK OF THE BOROUGH OF WOODLAND PARK.

PROPER AND ADEQUATE NOTICE HAVING BEEN GIVEN, THIS MEETING IS CALLED TO ORDER AND THE CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THE MEETING.

MEMBERS PRESENT: RUSSEL JUZDAN, GIANNI INTILI, PHILIP DICRISTINA, TONY ORLANDO, GARY HOLLOWAY, VINNIE DECESARE & RUTH PATTERSON

ALSO PRESENT: JOHN FIORELLO, BOARD ATTORNEY
WILLIAM STIMMEL FOR TOM SOLFARO, BOARD ENGINEER
BOB PERRY, BOARD PLANNER

FLAG SALUTE

ORDER OF BUSINESS

DOCKET # 10-03 – QUICK CHEK CORP. – BROWERTOWN RD. – BLOCK 122
LOT 10 & 10.02 – PRELIMINARY & FINAL SITE PLAN – USE VARIANCE –
BULK VARIANCES

Frederick Azrak, attorney for applicant, stated they were amenable to special meetings and willing to pay for them. He asked to discuss dates for special meetings. Chairman Holloway noted that the regular meeting for October was pretty open but the secretary has supplied him with open dates for special meetings.

Mr. Azrak stated he would like the objector to file professional reports prior to the next meeting in order for them to review them beforehand. He felt this would save some time and effort.

Mr. Corradino, attorney for objector, stated he has no problem with 10/25/10 but his expert cannot be here. He also cannot appear on Tuesday or Wednesday. Mr. Azrak said his professionals also have conflicts with the 25th. Chairman Holloway said October 14, 21 and 28 are all available. Mr. Fiorello will cancel his appointment in order to be present on October 14th. It was agreed there will be a special meeting on October 14th at 7:00 p.m.

Mr. Corradino said he has work product memos but does not have written reports from his professionals. If the Board is demanding reports he will need some time. Mr. Fiorello said if there is no report he cannot submit it. They have never had a request for objectors to submit reports. Mr. Azrak felt it made sense to have something even if it was a summary report. They would know what direction they are taking and he could sit with his experts and address it. Mr. Corradino said he would let the Board know if could get a synopsis from his experts to submit to the Board and the applicant.

Jeffrey Martell, engineer, was previously sworn and qualified. He referred to the Board Planner's letter of 5/13/10. Mr. Corradino stated he has an application concerning Mr. Martell's previous testimony. Most of the issues were engineering but he has received a copy of the transcript and Mr. Martell was qualified only as a civil engineer. In a review of the transcript it shows a multitude of opinions regarding traffic. He is not qualified as a traffic expert and the applicant does have a traffic expert so he is moving to strike all of Mr. Martell's testimony regarding traffic opinions given on August 23rd. Mr. Azrak said there was no objection at the time and the testimony is already in before the Board. Mr. Martell is a licensed site engineer and testified to all aspects of the site. He is not testifying as a traffic expert but as a licensed, registered engineer who has accomplished many sites. Anything related to the site that may overlap from a testimony point of view of the traffic expert still can be testified to and he is capable of it. He did not know what Mr. Corradino means by traffic he testified to but felt it was too late to entertain the objection and they are wasting time.

Mr. Corradino said he knows no reason that would nullify a motion to strike because it wasn't given immediately. He received the transcript and it is obvious, Mr. McArthur asks him if he has been accepted as a civil engineer many times and Mr. Martell says yes. He was offered as an expert in civil engineering. Any opinions on traffic should not be considered by the Board as expert testimony. He was not qualified in that field.

Mr. Fiorello said the Board does not have copies of the transcript because they were not provided to them. He said without knowing exactly what they are talking about he could withhold the ruling on it after he sees the transcript. He felt you can make a ruling on a motion to strike at any time. He did not know what specifically Mr. Corradino was

referring to because he did not have a transcript. If he is provided with a copy of the transcript he will review it and make a ruling on it. Mr. Corradino said he was unaware that the Board did not have a copy of the transcript. He does have a copy and can make a copy of it. If the Board would rather he would submit it with the portions he felt violated his expertise. Mr. Fiorello said that would be fine. Mr. Corradino will submit the same to Mr. Azrak. Mr. Azrak still felt it was too late. He felt not objecting to testimony at the time was unfair. They may have taken him in a different direction based on the objection. He felt he should say the question was improper at the time and why would he need a transcript to determine it was improper. Mr. Corradino said he does not know of anything that prohibits a motion to strike at any time. He felt he could go through it right now if they wanted him to. Mr. Fiorello said if he would like to receive the transcript with the portions he noted pointed out and then he will rule on it. Mr. Azrak asked when they would receive the submission. Mr. Fiorello said the next meeting is October 14th. As soon as he receives it he will look at it. Mr. Azrak asked if they could have it in a week. Mr. Corradino is going away on a trip and he will send it within 10 days.

Mr. Martell referred to the Board Planner's report dated 5/13/ 10. He said most items have been covered. Item 4 refers to the number of parking stalls provided and exceeding the requirement. The planner supports the engineer's recommendation to reduce the number of spaces. They covered it last month where they are proposing 33 spaces where 31 are required. Quick Chek feels the 33 spaces are needed with the 6 -8 employees they will have. He said what happens with a shortage of parking in terms of a single tenant space it would lead to excessive movements on site. There is no off street parking or outlet to handle a surplus in the parking demand so meeting the peak parking demand here is critical for it to operate efficiently.

Mr. Martell said they previously stated they would modify the 6' high fence to a 4' high fence. He has testified to the signage and it will be supplemented by the planner for the application. The space size of 18' X 100' is in compliance as per an amended ordinance and they are withdrawing the variance noted on the plan.

Mr. Martell said they have agreed to revise the compliance chart as directed. They have agreed to the minimum height of shrubs and adding additional trees at the landscape islands. They do not want a landscaped area near the door but will add trees to the proposed islands as shown. They have agreed to provide supplemental landscaping on the low side of the wall for purposes of viewing the wall from the shopping center or Route 46. At one point the wall is only 5' from the property line so with the exception of that 60' they are agreeable to additional landscaping. They are agreeable to showing sight triangles on Browertown Rd.

Mr. Martell addressed the Fire Official's letter dated 4/19/10. He said they were agreeable to all 4 comments in the letter. They will install a knox box which would be made a condition of approval. Review of the curb line at entrance on Browertown Rd. in order for a specific truck to make the turn. He marked the fire truck turning exhibit A-6

prepared by Bohler Engineering and dated 6/18/10. They did an analysis of the fire truck. Mr. Intili asked if the traffic expert will be addressing this plan and patterns. Mr. Martel said he will be addressing it in terms of the analysis he performed and the traffic expert will provide supplemental testimony. In terms of the turning movements through the site as the site engineer they have run the analysis based on the specifications provided by the fire department. They have submitted this to the fire department for further review and they hope to get another review back from them. He described the plan for the Board so they understand what they have provided to the fire department. They hope to get a favorable review of the plan. They have presented two minor changes to the dumpster area to the fire dept. The concern was the dumpster may be a fire hazard. They have modified the type of material on the exterior of the building so it is no longer an ignitable building material. They placed bollards so the dumpster can not be within 5' of the building. Mr. Martell said with these changes they will be in compliance. They agree to add striping and signage to the plan for purposes of fire lanes. They have submitted that plan for the Fire Official's review.

Mr. Martell said an application was filed with Hudson – Essex – Passaic Soil Conservation District and the plan was certified. Mr. Azrak submitted the certification dated 8/21/10 and it was marked A-7. Mr. Corradino had no objection.

Mr. Martell felt the driveway would operate safely and effectively. It is designed to be safe for everyone. Mr. Corradino objected he felt Mr. Martell was not qualified to testify to this. Mr. Azrak said he is a licensed engineer and designed the site. Mr. Fiorello asked if the objection was to the testimony about safety in and out of the driveway. He felt Mr. Martell said it was safe for the traffic to enter and exit. Mr. Azrak said he had every right to testify to that because he designed the site and is an engineer. Mr. Fiorello said he understands his testimony that the site is safe from an engineering point of view but then he heard him say it is also safe from a traffic point of view in entering and exiting. Mr. Martell said he did not feel he used the word traffic. It was his intention to identify the types of vehicles he analyzed for purpose of determining the driveway design for ingress and egress. So he analyzed passenger vehicles, loading vehicles and the emergency fire truck specified by the fire department. As the site engineer he designed the driveway and analyzed those vehicles so they enter and exit safely. He did not analyze anything related to traffic safety on Browertown Rd. He is saying the design will allow the vehicles to enter the site and move around the site. Mr. Fiorello felt Mr. Martell clarified his testimony and what he meant.

Mr. Azrak asked if he sees any substantial impact that would be detrimental from an engineering standpoint. Mr. Fiorello felt the question was too broad. He asked Mr. Azrak to clarify the question. Mr. Azrak asked if as an engineer he had an opinion whether or not there is any substantial impact against the community. He felt he could answer regarding the design of the canopy, walls or fence and whether they would have a substantial impact on the surrounding area. Mr. Fiorello asked how he would know that. He said the answer would be meaningless. He asked if Mr. Martell if he could say how

the design of the building, the walls or the fence would affect the surrounding area. Mr. Martell said lighting, storm water management and things of that nature mitigated any concerns of any impact on the surrounding area. Mr. Fiorello said that was entirely different. Mr. Azrak said it was what he was trying to say. Mr. Martell said in terms of storm water management it will have a positive impact downstream by meeting state regulations for quantity reduction. They are also proposing a water quality device which is not there now. The flow rate is being reduced as well which is also an improvement. They have proposed lighting that will not have any substantial impact on the area. They discussed some of the lighting spillage on the ramp and they will be providing shields that will reduce the spillage. Mr. Martell said it is his opinion that the site can accommodate the proposed use and meet all state regulations in terms of gas. Mr. Martell said they are proposing double wall steel tanks for the gas. They could install a single wall and still be in compliance so the double wall is an upgrade from the minimum requirement. The double wall tank is a far superior product. He explained how the double wall tank works. They allow the ability to monitor any breach in the walls. There are monitoring and alarm systems and are the best products on the market. The last main component is a dispenser pan at the pumps with a leak detection as well. This is a state of the art product that is being proposed.

Mr. Corradino asked if he was part of Bohler for 7 years and if he was a partner. Mr. Martell said he has been there for 7 years but he is not a partner. During the 7 years he has been very much involved in Quick Chek installations. Mr. Corradino asked if Quick Chek was one of the firm's biggest clients. Mr. Azrak objected. Mr. Corradino asked if they were a substantial client. Mr. Martell said yes, every client is substantial. Mr. Corradino asked if he would be concerned if the application was denied and the affect it would have on his client and firm. Mr. Azrak objected. Mr. Fiorello said he could answer the question. Mr. Martell said he is a consultant to Quick Chek for the purposes of site engineering. Mr. Corradino asked him if he knew that Quick Chek would not be pleased if this application was not granted. Mr. Azrak objected. Mr. Fiorello asked Mr. Corradino to go on. Mr. Corradino asked if he was concerned with the fact that this application be approved. Mr. Martell said it is his desire, professionally, for this application to be approved. Mr. Corradino asked if he admitted Quick Chek was a substantial client. Mr. Azrak said it was asked and answered. Mr. Corradino asked if he was concerned with the outcome of this application. Mr. Martell said as a professional engineer first and foremost his duty regardless of anything or anyone is to adhere to the principles of his profession. He believes he has designed the site in accordance with that and his professional motivation is to represent the plan and his client appropriately. Mr. Corradino asked if he was concerned with the outcome. Mr. Martell said yes. Mr. Martell said he is concerned with the application whether it would be an approval or a denial. Mr. Azrak objected. He asked what type of concern he was talking about but felt the question was asked and answered. Mr. Corradino asked if he would have the same concern either way. Mr. Martell said that was correct. Mr. Corradino asked if it was granted he would be pleased. Mr. Martell said his concern was to represent himself professionally. He would be pleased if it was granted and if it was denied and he

represented himself and the firm professionally he would not be displeased. Mr. Corradino asked to his knowledge if Bohler had an interest in Quick Chek. Mr. Martell said they have no direct interest to his knowledge. Mr. Corradino read a statement made by Mr. Albanese who said Bohler has been a partner with Quick Chek for the past ten plus years. Mr. Corradino noted the page of the transcript he was quoting. Mr. Azrak objected and said it was not Mr. Martel's testimony. Mr. Fiorello said he has not heard the question yet. He did not know if it was an entire quote. Mr. Fiorello asked them to ask questions and get the answers and to stop going back and forth. Mr. Corradino asked if he was aware of the fact that Bohler has an interest in Quick Chek. Mr. Martell said they do not have an interest in Quick Chek. Mr. Corradino read Mr. Albanese's testimony from the Quick Chek. He asked Mr. Martell if he was in the room when Mr. Albanese testified. Mr. Martell said he was present. He recalls the statement being made by Mr. Albanese. Mr. Martell said it does not say that Bohler has an interest in Quick Chek and just says partner. There is no financial partnership between them. Mr. Martell said he would have to ask Mr. Albanese what he meant by that. There are no financial or corporate interests between Bohler and Quick Chek. Mr. Martell said Bohler has no interest in Quick Chek.

Mr. Corradino asked if his design has not increased the runoff volume to Browertown. Mr. Martell said he knows they have not increased the runoff rate but he would have to check the report to verify the volume. Mr. Azrak objected he said the witness should not be asked to answer something that was not accurate. Mr. Corradino said he is simply asking questions and his testimony was regarding drainage. Mr. Azrak felt the question was improper. Mr. Corradino said his entire direct involved drainage and at the end of his testimony he gave opinions as to the impact on the drainage. Mr. Fiorello asked them not to argue or he would not address any objections. Mr. Azrak said Browertown Rd. was never addressed in direct. Mr. Fiorello asked Mr. Martell if he could say whether or not there is an affect of drainage on Browertown Rd. from this site. Mr. Martell said the rate and volume was reduced to Browertown Rd. Mr. Corradino asked if the run off volumes have been increased to the shopping center. Mr. Martell said the volume has been increased and the rate has been decreased. Mr. Corradino asked if it was a fact the volume has increased 4 times what they presently are. Mr. Martell said he did not know and would have to verify that. Mr. Corradino called his attention to page 20 and page 44 of the drainage report. They indicate the volume of runoff to the west portion of the property has increased almost 4 times. The Storm Water Management Report was revised 4/14/10. The two pages Mr. Corradino submitted were from the report and were marked O-2. Mr. Corradino asked if he was correct when he indicated that the design has not caused an increase to the runoff volume toward Browertown Rd. but there is an increase in the direction of the shopping center. Mr. Martell said it has decreased the volume to Browertown Rd. but has increased in volume and decreased in rate toward the shopping center. He asked if it has increased it 4 times the present rate. Mr. Martell said that is accurate for the purposes of the analysis of the water quality storm which is approximately 4 times.

Mr. Corradino asked if the grading of the site does not provide for any containment of the fueling area in the event of a spill. Mr. Martell asked what type of spill, at the surface or at the subsurface. Mr. Corradino said a spill on top of the surface. Mr. Martell said it would be collected via the on site storm system. There is no other way to collect it. Mr. Corradino asked if a large spill would flow into the storm sewer system and ultimately be discharged downstream. Mr. Martell said it would follow the path of runoff. There is approximately 100 gallons of oil/water separator in the water quality unit. Mr. Corradino asked if the grading would cause the runoff to pass through the fueling area and if there are pollutants they would be sent downstream. Mr. Martell said they would be collected and routed into the storm system. It would be to the on site collection system and then discharged downstream but in the case of a 25 gallon spill it would go through the water quality unit which has the 100 gallon capacity prior to discharging down stream so the 25 gallon spill would be contained on site.

Mr. Corradino asked if he was familiar with the area west of his site has flooding conditions. Mr. Martell said he was. Mr. Corradino said they are telling them the runoff volumes have increased 4 times to the west of their property. Mr. Martell said that was correct.

Mr. Corradino asked as the engineer of this project if he was aware of the site criteria that are on Quick Chek's website. Mr. Martell said yes. Mr. Corradino asked if he was aware that this site is contrary to that criteria. Mr. Martell said yes.

Mr. Decesare asked if he said at the last meeting there would be light diesel and what that meant. Mr. Martell said it is a diesel product put is dispensed at the same rate as other gas products. It is not a high flow which is what you see for tractor trailers. It is Quick Chek's policy not to fuel tractor trailers. Mr. Decesare asked what the largest vehicle it would fill. Mr. Martell said practically speaking it may be a box truck or large pickup. Mr. Decesare asked what size box truck. Mr. Martell said approximately a 30' vehicle.

Mr. Juzdan asked what type of tanks they would have. Mr. Martell said they would be steel tanks. The piping to the tanks is fiberglass.

Mr. Intili asked about the fire truck study, Exhibit A-6. He asked if this exhibit was presented to the county planning board. Mr. Martell said no. An exhibit was presented to the county was for a WB50 truck which is a 50' tractor trailer. The emergency vehicle exhibit was prepared after the county approval.

Ms. Patterson asked if the Board would have a report on the revised plan. The Board Secretary has been in touch with the Fire Official and the report should be submitted by the October 14th meeting. Mr. Dicristina said he was concerned with the site being tight. Mr. Martel said he is not concerned because there is an overhang beyond the wheels and the curb will not stop the fire truck. Mr. Martell explained the monitoring systems for a spill.

Chairman Holloway asked if in the event of a surface spill the water would go in to the purification system storm runoff which holds 100 gallons of runoff water. Mr. Martell said no, it has a containment of approximately 100 gallons of oil or gas. What it does is has an oil separation ability to trap 100 gallons and would be contained within the water quality unit. The site has been graded to direct it to on site inlets. Mr. Fiorello asked if after 100 gallons it could go out. Mr. Martell said that was correct. Based on the current design its 100 gallons but there is more containment that could be provided. If the Board felt it was a significant concern there are containment tanks that can provide oil/water separation as large as you want. You could put in a 1000 or 2000 gallon separator if you wanted. It is similar to a grease trap for a store which traps the grease so it would not enter the sewer and the water could continue on. After 100 gallons there would be a discharge or spill under. Ms. Patterson asked at what point in time the alarm would go off when there was a spill. Mr. Martell said if there is a surface spill the gas attendants need to sound an alarm because there is no surface monitor. There is a training program the employees have to go through. There is a dry chemical by the pumps that they put on a spill. The way they are trained is to know the operating procedure and what they have available to them. They are required to report all spills beyond 2 gallons. There is an alarm that goes off on site and also an alarm in Quick Chek headquarters and then the fire department is called. Quick Chek and their team of professionals train the employees. They follow state standards and Quick Chek's in house standards.

Mr. Decesare asked how many gallons have to spill before Hazmat is called. Mr. Martell said he believed it was 2 gallons. If you find gas in the pan and don't know how long it has been there you have to call no matter how much is there. Mr. Decesare asked if there is a way an alarm could be sent to the police department. Mr. Martell said once the alarm is sounded it can be programmed to alert the fire department.

Mr. Juzdan asked if they had a 60,000 gallon capacity and how often deliveries come. There are about 5 or 6 gas deliveries a week there would be a total of 8 – 10 for gas and the store.

Mr. Dicristina asked about the sign variances. Mr. Martell said exhibit A-4 & A-5 were presented previously. He referred to A-4 which was a view from the bank driveway looking back at the Quick Chek. They are proposing one free standing sign, 3 wall signs and total of 2 canopy signs. Mr. Dicristina asked if the size was different from the code. Mr. Martell said that was correct.

William Stimmel for Tom Solfaro, Board Engineer, said they recommended an easement be created for the traffic light pole that would be situated on the property. Mr. Martell said they would provide the easement. The pole is at the southeast corner and encroaches approximately 3'. Mr. Stimmel asked about widening the driveway entrance if it was a concern for the fire department. Mr. Martell said the access restriction prohibits any point of access where the existing inlet or driveway intersects the right of way line along Browertown Rd. There is not much flexibility in terms of modifying that but they may

be able to squeeze out a foot or two without violating the restriction. Mr. Stimmel said the NJDOT limited or no access pertains to the property line and not the curb line so the driveway more or less intersects at the property line but extends slightly past if you go out to the curb line. Mr. Martell said that is a deed restriction within their property because when the ramp was constructed the DOT was concerned and still is with the driveway being far enough away from the intersection of the DOT ramp. What they did at that time as part of a taking with the private property owner they essentially took away access from the majority of the site frontage which essentially mandated that when this site was to be developed the driveway be placed within the furthest location from the intersection and within the access easement. The deed restriction exists within their properties and they have kept their private improvements outside of that deed restriction. In terms of the curb radius and the improvements which encroach within the county right of way, they did get a conditional approval from the county and one of the conditions is for them to consult with the DOT to make sure they have no objection to this design. Mr. Stimmel asked if that has been completed. Mr. Martell said no, it was a pending condition of the county approval. They have not met as of this date. Mr. Stimmel said there are a number of easements that impact on the subject property. He asked they provide copies of the easements. Since they have not had an opportunity to review these documents he asked based on his evaluation could it be understood that in no way this development interferes with those easements. Mr. Martell said based on his review of those easements which include a sanitary sewer easement on the neighbor's property as well as a 30' reciprocal access easement where 15' is on their property and 15' on the adjacent property and they have not violated any of the requirements of those easements. He will provide it to Mr. Stimmel.

Mr. Stimmel asked if there would be any cooking on site and if there would be a grease trap provided. Mr. Martell said there is a grease trap but there will be very limited cooking on site. They will meet all design standards for the grease trap.

Mr. Martell said they will provide the engineer with the cut and fill calculations if the application is approved. They will obtain any required permits. They will notify Neglia Engineering 48 hours before the perc test is done so they could have a representative present.

Mr. Intili asked if the percolation test was done for the report. Mr. Martell said it was done and what happened was within the last year the DEP has issued additional testing requirements. The test was done approximately 1 ½ to 2 years ago but they will be redoing the test according to the new requirements. They expect to get similar results.

Mr. Intili asked about the gas tanks and why they were steel and not fiberglass. Mr. Martell said steel is a heavier product and has gravity on your side. The two products are equally acceptable. The steel tank is more expensive but is heavier and what they have found over 30 sites is it gives them more security during construction. There is a requirement for corrosion protection for the steel tanks and is equal to the fiberglass tank.

Mr. Intili asked about the building on the north side of the property where a ramp is being called out. Mr. Martell said there is a side door for the building on the neighboring property and they felt it was suitable to make a connection so they have made a connection with a concrete pad. They would build it if Public Storage agreed and if they do not then the concrete pad would end in the grass area.

Mr. Intili said if he lived across the street and went to Quick Chek he could not make a left out of the site so he would have to go through Little Falls to get back home. Mr. Martell said the left turn restriction is part of the application so you can't make a left and head north. It is a condition of the county approval to have that restriction. Mr. Intili asked if they got county approval. They have obtained a conditional county approval. The letter from the county was dated March 9, 2010 giving conditional approval. There has been no other correspondence with the county.

BREAK – Call to order 9:30 p.m. Roll call, all present.

Mr. Azrak asked Mr. Martell if there are any state regulations regarding volume of runoff. Mr. Martell said no but there are requirements for the rate and Quick Chek meets those requirements. The state requires them to look at 3 different types of storms, a two year storm, 10 year storm and 100 year storm. Each storm comes with a certain number of inches and they study them over a period of 24 hours. The state requirements are they look at the existing conditions and the proposed conditions and for a two year storm they have to reduce the rate of runoff 50% of the rate discharging from their property, on a 10 year storm they are required to have a 25% reduction and on a 100 year storm they are required to have a 20% reduction. They have met that requirement. In terms of the volume which is not a requirement for anyone, there are times when it is appropriate to look at volume. In this case, in his opinion, volume is not a significant factor as it relates to their property or the property owner to the west. The reason why he does not see increasing the volume to the downstream property as a concern is it is conveyed all in storm pipes directly to the Peckman River. He submitted an exhibit titled regional drain exhibit prepared by Bohler dated 6/18/10 which was marked A-8. He pointed out the property in question and the shopping center property to the west. He described the drainage flow through the site. There is no detention or any storm water control facilities on the shopping center property. When they look at an increase in volume the reason he does not see it as a detriment is they are essentially slowing down the water, discharging at a later time and at a lesser rate. The only impact on the adjacent property is via the conveyance within the storm pipes on that property. When you design the storm pipes the only design criteria is rate of flow and volume is not a design criteria. They are going to contribute to the storm pipe collection system and to an unnamed tributary that runs on the adjacent property lines. They have lessened the burdened on the storm pipes on the existing site. He felt it was important for the Board to understand the difference between rate and volume. They are in full compliance with state regulations.

Mr. Azrak asked about the underground tanks and state regulations. Mr. Martell said the Bureau of Underground Storage Tanks defines the regulations regarding the tanks and there are regulations under the National Fire Protection Agency in terms of operating a gas station and they are in compliance with both. If the Board requires a larger unit for containment purposes they would be agreeable to do that. He felt the appropriate size to handle it would be 3,000 gallons. They will introduce it into the plan if the Board requires it.

Mr. Corradino asked if it was his testimony that although the volume has increase 4 times and the flooding conditions that exist to the west of the site it is his opinion that he is not concerned and the Board should not be concerned with the affect the rate of volume and rate of flow would have on the flooding conditions downstream. Mr. Martell said that was correct.

PUBLIC OPEN – Questions for engineer. – PUBLIC CLOSED

Charles Olivo, Stonefield Engineering & Design, traffic engineer, was sworn in. He stated his qualifications and was accepted as an expert. He was formerly employed by Atlantic Traffic & Design Engineers.

Mr. Olivo stated they have been involved in a detailed study of the traffic associated with the proposal as well as the existing traffic patterns surrounding the site. As part of that they have prepared a traffic impact study that was originally submitted to the Board with a revision date of 10/21/09 by Atlantic Traffic and in addition to that Stonefield Engineering & Design has submitted a supplemental report dated 4/15/10. It is a letter report which was in the Board's packet.

Mr. Olivo said site is located at the intersection of Browertown Rd. and the Route 46 ramp. The DOT undertook a significant project to improve the flow of traffic from the ramp system to Browertown Rd. Most recently a Capitol One Bank was built that opened in March 2010. Now there is a four light signalized intersection. He referred to A-3 which is a colorized version of the site plan. He pointed out the signaled area. They went before the county to discuss the access which is their jurisdiction. The county has given them a conditional approval.

Mr. Olivo said as far as the traffic impact study they start with existing conditions and what they look at is the vehicles traveling through the intersection during peak hours. They have also studied the volume coming out of Briarwood Ct. as it is located directly opposite from where the proposed driveway would be. So from the existing conditions they look at the morning peak period from 7 to 9 a.m. and the evening peak period from 4 to 6 p.m. They take a look at any plans for growth in the area or any plans for major development in the area. At the time of the original analysis the bank was not built so that was added as a future development project but when they went back to look at it when it was operating they found that the volume that was projected for the bank was

overly conservative. The bank has underperformed the trip generation manual. They look at the future condition which assumes some background growth and then look at the proposed project and what it would potentially develop in terms of site generated traffic. What proposed is just over 4500 s.f. convenience store with gas service which is known as a convenience destination and to call it a gas station would be a misnomer. This is recognized as an integrated use and you do not project the volume based on a gas station and then add a convenience store element. This would essentially create a one-stop shopping type of experience. After generating the trip generation associated with the site where they utilize the square footage of the store to do in accordance with the trip generation manual they then add that to the no-build traffic volume. So at this future time of 2012 potential build time they would add that traffic on to that future condition and then assess the roadway network as part of the scope of this traffic impact analysis.

Mr. Azrak asked who picked the date of 2012 as the build date. Mr. Olivo said they picked that date as a conservative time in which the site could potentially be built and operating.

Mr. Olivo said after adding the traffic to that no build condition they then prepare an analysis utilizing the highway capacity manual standards and using the highway capacity software. They look at each movement or lane group of the various approaches including the signalized and non-signalized intersections. Based on the findings and conclusions of the impact analysis they found that both intersections would operate at a Level of Service D or better which is a generally accepted condition in level of service. In addition to assessing the off site conditions in traffic they have also looked closely at the on site circulation aisles and conditions. The site engineer designing the site is looking to design something safe and effective and as the traffic engineer they are looking at mobility, progression and processing through the site. They found the circulation aisles, the room between the fueling aisles are acceptable and would promote the safe and effective circulation of vehicles throughout the site. They have worked with the County Planning Board and have discussed the access point and the restrictions. The Board has questioned why there is a left hand turn restriction out of the driveway. Given the operation of the road and the county's concerns about how the site would behave during the peak hours it was the county's prerogative and they felt it important to restrict the left turn movement out of the site. It is the county's requirement that the restriction be placed on the driveway so they have proposed the mountable curb island and no left turn signage across the street. The county has a number of comments that are outstanding for conditional approval. There is one particular condition that has to do with the limit of access on the roadway. They have asked for a written determination with regard to the driveway which is condition of their approval and he would anticipate the Borough would make the condition that they would get county approval. It would be an imbedded condition that it be fully vetted to the county satisfaction. If the Board approves the application one of the conditions would be for an ordinance for no left turn. They cannot meet that condition until when and if it is approved. They have worked with the county and other than the

comment about written determination for the DOT as just discussed the county is agreeable to the access proposed.

Mr. Olivo said an important element is the pass-by element of convenience store and gas. An example of pass by traffic is if someone leaves their home in the morning and travels to Route 46 they are doing that today and with the proposed store or gas service they may stop to fill up the tank which would not be a new trip or vehicle to the roadway. The pass by percentage of trips generated to the site could be as high as 87%. That means that 87% of the traffic to this site is already on the roadway system. These are part of studies that have been published. They have averaged 66% of the traffic in the morning peak hours and 63% of the evening peak hours would be this type of pass by traffic. Because of the nature of the use if it is not convenient the drivers will simply continue on their way. The intent of this design is to allow for convenient circulation. These are two very important points that have to do with the trip generation of the site.

Mr. Olivo referred to page 4 of the amended traffic report. The level of service with regard to the intersection at the ramp and bank shows C or better. The traffic associated with the bank has been shown to underperform so there were some changes. The numbers have gone down as a result of the bank being built. It's been determined the bank industry has changed significantly and they have taken a look at the new system with banks being open on Saturday and Sunday and open later. So rather than constraining traffic during certain hours what it has allowed for is for traffic to flow into the site at its own pace and has lessened the spikes in traffic you would expect with an older bank.

Mr. Olivo referred to page 5 of the supplemental report the table shows the A.M. peak at level of service B, C, A & A. In addition to turning movement counts they also looked at the queuing at the traffic signal. When the signal goes red the vehicle stack begins to approach the proposed driveway. In the evening the queue and stack would be expected to be longer and in the morning it is actually very low and would not be expected to impact where the driveway location is. The average queue looking at the signal cycle is approximately 5 vehicles that would not block the driveway. There are times during that period of the ebbs and flow of the cycle and traffic volume where vehicles would back up past the driveway. To safeguard against that and allow for the positive progression of vehicles in and out of the site they are proposing to install do not block intersection and do not block driveway signage and striping which the police department has recommended. If there was a queue that extended past the driveway the do not block the driveway striping and signage would essentially leave the driveway open which would allow a vehicle waiting to make a left into the site to do so without any conflict. A vehicle attempting to come out of the site would be able to do so because there would be that gap in space. If there is going to be stopped vehicles the idea of the driveway design is to have them on site rather to impede the flow of traffic on the roadway. That is why they designed the left turn bay to allow a vehicle to pull out of the travel way and pull in while allowing a vehicle traveling on Browertown to continue unimpeded. It may require

a little more patience during the peak hours but the intent of the design is to create that safe and effective travel in and out of the site driveway.

Mr. Olivo referred to the Board Engineer's report dated 2/3/10 and revised 6/2/10. They will discuss the circulation and turning movement of vehicles in and out of the site driveway. He referred to the vehicle turning exhibit that is part of the site plan set and is page 16 of 16, it was marked A-9. The engineer's comment was the ability of a vehicle turning into Briarwood Ct. to do so safely while a vehicle is making a left turn into the Quick Chek site. He referred to sheet 16 at the bottom right hand side that shows two 20' long vans which shows they are able to make a left turn with 10' between them. They have attempted to address the stacking concerns with the left turn out of the site being restricted. They are also proposing do not block intersection signage which an effective means as agreed by the police department that vehicles will not block the driveway when the queue extends past the driveway. They have contacted the Borough and the Township to understand if there are any planned developments in the area and incorporated that as part of the study. The Board engineer has requested they take another look at the proposed pork chop island. He noted that it has been designed in accordance with NJDOT guidelines and it has been approved by Passaic County as being an acceptable means of an attempt to restrict the left turn movement. As a result of that they can move forward with the discussion of this being an effective means of trying to prohibit the left turn movement out. They often say there are 3 E's of traffic safety, education, engineering and enforcement, you can sign it a certain way, build it a certain way and ultimately if people are breaking the rules there has to be some level of enforcement. That is why they talked about creating an ordinance that would essentially make the movement out of the site enforceable by the police department as necessary. They have taken every measure possible to attempt to mitigate this concern.

Mr. Olivo referred to the April 19, 2010 letter from the Fire Official and agreed that Mr. Martell has addressed those comments.

Mr. Olivo referred to the Board Planner's letter and said there was discussion of sight triangles that Mr. Martell said would be addressed which would be the only item he would consider to be traffic related.

Mr. Olivo felt the parking was sufficient. It is his opinion to keep the number of stalls that have been proposed. They found the average parking demand for a use of this type and size generally fall into the parameter of 33 spaces and gives the ability to better control traffic coming in and out of the site. It is important to provide the amount of stalls that would be sufficient during peak conditions.

Mr. Olivo stated his opinion on the side yard variance. What they look at is the circulation in that portion of the site where it is important to maintain circulation aisles that are in accordance with industry standards and would promote good travel patterns

around the site. He has worked with Bohler and the design here is intended to promote safe travel through the site and would be appropriate.

Mr. Olivo stated his opinion on signage. He felt signage is an important characteristic of the site as the way finding ability especially on the first time of arrival or more infrequent travel to the site. It is certainly an identification sign that allows motorists from some distance to recognize the sign and make the proper movement in advance of the site to turn in. He felt the signage package was appropriate.

Mr. Olivo stated his opinion on the safety aspect of the drive aisles. They have proposed at no point less than 25' as you travel the site. Generally there is a 24' minimum for drive aisles. It is his opinion in regard to the drive aisles and circulation aisles they would be acceptable for safe travel through the site. The driveway has been approved by Passaic County and is conditionally approved in accordance with their standards and requirements as part of this project. He believes the driveway is acceptable. He felt lighting would be better left to the site engineer but based on his general experience with site lighting progression throughout the site would be adequate.

Mr. Olivo stated generally the attempt within the site is to provide open lines of sight as the motorist exits the vehicle and enters. There are a number of bollards provided which are essentially a barrier for vehicles if someone accidentally steps on the gas or goes forward rather than reverse. There are crosswalks at the signalized intersection if someone would walk to the site. The signals are very up to date in terms of detection and pedestrian facilities.

Mr. Olivo agreed that the proposed site will be safe and effective relating to the driveway and configuration of the parking design.

Mr. Corradino stated he would have an extensive cross examination and felt he should continue at the next meeting. Chairman Holloway agreed.

Mr. Intili thanked Mr. Olivo for his presentation. He asked about the pass-by notion and felt it would only work going north to south. Mr. Olivo said motorists going south to north would not be able to complete that pass by movement because you do not have the ability to make a left turn out of the site. If there are motorists who see the site traveling south to north they could make a left in but not a left coming out. They will lose that south to north pass by movement. They have not considered signalizing the driveway because of its proximity to an existing signal. It becomes difficult and inefficient to have two signals so closely spaced. The county did not even humor the idea or thought it be needed for what is proposed here. Based on the traffic volumes associated with this site it is not expected that a signal will be needed here.

Mr. Dicristina asked if the traffic level is a D now and the construction will not change it. He asked if they felt the majority of the people would be passersby. Mr. Olivo said that

was it exactly and this type of use better fosters and encourages movements that are pass bys. There is no significant difference with or without this use there.

Mr. Intili asked about signs functioning as an ID. He asked about signs facing the shopping center. Mr. Olivo said there is also an identification element there. The idea of the recognition of that building is the Quick Chek building as you are traveling by. Mr. Intili thought the sign facing the shopping center may be confusing to drivers and might think there is a roadway up. Mr. Olivo said it could be discussed and he saw Mr. Intili's point.

Mr. Juzdan asked when traveling southwest on Browertown at peak hours when the light turns red have the studies indicated the traffic would go up to the driveway. Mr. Olivo said yes, as the light goes red the vehicle stack begins and during the morning it is not expected the queue would significantly alter the operations here but during the evening peak there is more volume and the average queue does not extend past the driveway. However, in certain situations and certain cycles it would. That would mean the motorist trying to get out would wait on site until that queue cleared so they would have a little bit more delay.

A motion to adjourn was made by Ms. Patterson, second by Mr. Dicristina. All in favor. Meeting adjourned.