

**BOROUGH OF WOODLAND PARK
BOARD OF ADJUSTMENT MINUTES
May 23, 2011**

MEETING CALLED TO ORDER AT 7:30 P.M. by Chairwoman Kallert.

OPEN PUBLIC MEETING LAW: THIS MEETING IS CALLED TO ORDER PURSUANT TO THE NEW JERSEY OPEN PUBLIC MEETING LAW, AND AS STATED IN NOTICES OF THE TIME, PLACE AND DATE PUBLICIZED IN ACCORDANCE WITH THE STATUTE. IT WAS INCLUDED IN A LIST OF MEETINGS FORWARDED TO THE HERALD NEWS AND THE RECORD AS REQUIRED NOTICES. IN ADDITION, THIS LIST HAS BEEN POSTED IN A PUBLIC PLACE BY THE BOROUGH CLERK, AND A COPY OF THIS HAS BEEN FILED IN HIS OFFICE FOR PUBLIC INSPECTION. PROPER 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 IN ATTENDANCE: RUSSEL JUZDAN, PHILIP DICRISTINA, GIANNI INTILI, TRACY KALLERT, RUTH PATTERSON, JOSEPH PASCRELL, JIM IANNIELLO, AND VINNIE DECESARE

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

FLAG SALUTE

A motion to approve the minutes of the April 25, 2011 meeting was made by Ms. Patterson, second by Mr. Decesare and approved.

RESOLUTION

DOCKET # 11-04 – D. & J. PATEL – 24 WINDING WAY – BLOCK 110.12 LOT 2 – BULK VARIANCE – Application is hereby denied by a vote of 7 – 0.

ORDER OF BUSINESS

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

Mr. Fiorello stated he gave a copy of the exhibit lists to each of the attorneys to review. Mr. Corradino said he did not have his exhibit list with him but he would call the secretary in the morning. Mr. Azrak said he looked at it quickly and the 30 exhibits are there. He did not look at each of the names of each exhibit but he assumes it is correct.

Chairwoman Kallert thanked the members of the Board and Mr. Corradino and Mr. Azrak for all the time everyone has put into this case. She said the Board will start with some discussion at this time.

Mr. Dicristina said he has listened to all the testimony and this is a very important decision because it is not something the Board can take lightly in changing the zoning to accommodate a business. The negative things were the traffic, congestion, the turning radius and the right turn only. After listening to all the testimony he thought the congestion would be mainly at the rush hour and might be self policing. He thought the turning radius problem exists at most every retail building that has big trucks. He thought the applicant tried their best to accommodate this in the most safe manner. As far as the right turn only that has a detriment to the retailer more than the town. The town can put a camera up and easily restrict the turn by issuing tickets through the mail. As far as the flooding he thought it was concluded that it was relatively insignificant and the remediation that is being taken is more than what exists right now because the soil is mainly rock. He has been on the site at least six times and there is a large piece of pavement almost half the size of this room that is already impervious. He thought the flooding situation is not that significant. On the positive side he thinks this is a very peculiar piece of land, particularly ugly and difficult to develop. He thought the proposal is state of the art, elegant and attractive. He thought it is a plus, plus but it is in the wrong place so to speak. Or is it he is not really sure? He thought the positive value is that it would particularly serve the night community. He felt it was a safer environment. The last positive thing he sees is that this would create 30 new jobs. The developer is not entering this lightly and they are not spending millions of dollars to fail. He would find it hard to say no to something that is going to create 30 jobs. He is prepared to make a motion but would like to hear what the others have to say.

Mr. Intili said the Board's job here is not to create jobs but to look at the application and its merits along with the condition of the site and the testimony given. He agrees that it's a plus plus to have a convenience store and also have gas pumps although he questions why they should have anymore gas stations when there are plenty. He may take off some of the plus plus. The minuses are that this convenience store is more of an inconvenience store at least as far as approach. Coming from Woodland Park accessing this place and having to not come back into Woodland Park but navigate either going on the highway or going into Little Falls and making an illegal U-turn somewhere else it provides a point of inconvenience. He is not here for the jobs and perhaps the town may benefit as far as ratables but the Board is not there to support either the ratables or the jobs in this situation. The Board is to look at the presentation that was provided by both parties and he felt the objector has provided them with enough evidence that this particular site will not work for this type of development, in terms of traffic as evident by our police dept. with their reports and also in terms of the ecology and water collection. There is a shopping center there for 50 years and they were there before the DEP was in place so they don't have to abide by the regulations that have been put on to this applicant which makes it very difficult to develop this particular site. One of the difficulties is also in terms of circulation; they have to use an easement to come into the site as well. He is in the negative as far as approving this particular project.

Ms. Patterson thanked the Chairwoman for her leadership through out this application. She stated this zoning ordinance was put in for a reason. She supported it when it was put in and she looked at both sides of the issue here. She felt if this Quick Chek had an all night pharmacy in it, maybe it would be beneficial to the Borough. The gas station with the Quick Chek on a small undersized piece of property that is also undersized by Quick Chek standards is too much. She is not here to get ratables for the town but she is here to serve the community to get the best application and what fits in the town and what is good for the Borough and its residents. She thanked all the professionals for their reports and information but she is going to support the ordinance that is in place.

Mr. Juzdan thanked everyone and thought this was the longest application he has sat here for. It is very difficult because both sides presented a good argument. He knows they are not here to create jobs and ratables but they are two very attractive things in the economic situation they are in these days. He did visit a Quick Chek that has the gas and convenience component and it is a very well run, very pleasant looking establishment. This is a very tough decision but he thought he was in favor of this proposal.

Mr. Ianniello stated that most of his concerns have been expressed by the other commissioners. He thanked both attorneys for their presentations. He said his major concern would be traffic. He quite often visits the Quick Chek store in Little Falls and almost every time he goes there he sees large tractor trailer trucks either delivering milk or food products and his major concern would be that he can't visualize these large trucks on this tract of property. He thought he read they would be giving up all rights to make a left turn from the site which means everything going into the site goes in from a right turn and everything leaving the site makes a right turn. He felt that meant the delivery trucks, whether they are on Route 46 going east or west have to go to McBride Ave., get off at McBride Ave. to Lackawanna Ave., make a right on Lackawanna Ave. and go up to make another right which is the only way they can access the site. He did not feel it made a lot of sense to do something like that. The major concern though is traffic.

Mr. Pascrell stated he has only been on the Board for 3 meetings but thought the biggest thing is traffic. He thought just the size of the property and the traffic patterns do not make sense for the company.

Mr. Decesare thanked both sides and said most of what he was going to say has been said by the other members of the Board. He said his main concern is also the traffic and going over the island. He felt the town had plenty of gas stations right in the vicinity. Most of the Board members said what he had to say and he is not in favor of this application.

Chairwoman Kallert thanked everyone for their time and patience throughout this application. She thought Quick Chek was a great store and thought Woodland Park could use one but thought this property is not the right place for it. She thought their community outreach and what they do for Juvenile Diabetes and the communities is great but just thought this property was not the area for it. When this area was originally zoned for gasoline stations the town came back and looked at and just didn't leave it off they specifically said no gasoline stations here. They looked at that property and said this is not

the place for it. She felt just the zoning ordinance prohibiting it is enough and then you add in the factor of flooding and some of the commissioners have said it was not a great impact but anyone who lives along the river the flooding to them is a hardship. They just can't take anymore flooding and if building on this site is going to increase that she felt they have to look at the homeowners in Woodland Park and see what they have dealt with in the past with the flooding issues. The traffic and mountable curb are not convenient and thought they have many gas stations and food stores in this area that give the same opportunities this would deliver at this site. Based on these concerns she has to say this does not meet the criteria of not only Woodland Park's Board but Quick Chek's own criteria.

A motion to deny was made by Mr. Decesare, second by Ms. Patterson and denied by a vote of 5 – 2.

Mr. Azrak thanked the Board on behalf of Quick Chek for their time.

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

