

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

SEPTEMBER 20, 2017

The combined public/work session meeting of the Board of Adjustment held at the Municipal Building, 475 Corporate Drive, Mahwah, NJ, beginning at 7:35 pm was called to order by Mr. Rabolli, Chairman, with the reading of the opening statement followed by the flag salute.

These minutes are a synopsis of the meeting. A verbatim audio tape recording is on file with the Board Secretary at the Board of Adjustment Office, 475 Corporate Drive, Mahwah, NJ. Copies of the tapes may be purchased for a fee.

PRESENT: Mr. Almeda Mr. Montroy
Mr. Dator Mr. Rabolli
Mr. DeSilva Mr. Straffin
Mr. Kearney Mr. Whiteman
Mr. Larson (in at 7:37 pm)

Ms. E. Banyra, PP
Mr. M. Kelly, PE

ABSENT: None

ATTORNEY: Mr. Ben R. Cascio, Esq.

I. APPROVAL OF BILLS:

None to present.

II. APPROVAL OF MINUTES:

A. MINUTES OF AUGUST 2, 2017

A motion to approve was made by Mr. Whiteman, seconded by Mr. Straffin. All eligible members voted in favor.

III. MEMORIALIZING RESOLUTIONS:

**A. DKT.#1428-17 – RICHARD MARCHESI
0 STAG HILL ROAD, BLOCK 9, LOT 2**

Resolution granting variances to build on an undersized lot that does not have frontage on an improved and approved street and related bulk variances.

A motion to approve was made by Mr. Whiteman, seconded by Mr. Montroy. A roll call vote revealed 6 aye votes by Mr. DeSilva, Mr. Kearney, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

IV. OPEN TO THE PUBLIC:

Mr. Rabolli opened the meeting to the Public for general questions or statements. None were received.

V. PUBLIC HEARINGS:

A. DKT.#1411-16 – QUICKCHEK CORPORATION 280-290 STATE HIGHWAY 17 SOUTH, BLOCK 136, LOTS 5.01 & 5.02

Application requesting Preliminary and Final Site Plan approval as well as conditional use, bulk and sign variance relief. Application carried from August 16, 2017.

At this time, Mr. DeSilva recused himself.

Mr. Rabolli announced that the following signed certifications were received for this application:

Mr. J. Larson	May 17, 2017 Meeting Certification
	June 7, 2017 Meeting Certification
Mr. G. Montroy	June 7, 2017 Meeting Certification
Mr. W. Whiteman	June 7, 2017 Meeting Certification

Mr. Fredric F. Azrak, Esq., of Azrak & Associates, LLC approached on behalf of the Applicant. As a housekeeping item, Mr. Azrak confirmed the last exhibit marked was Exhibit A-32. Mr. Azrak introduced the DOT access permit along with additional correspondence, which was sent on August 14, 2017 and marked as Exhibit A-33. Mr. Azrak indicated the Applicant is more than willing to meet with the Township, the Township's professionals and the DOT to address concerns raised at prior meetings. Further information regarding the DOT permit will be presented by the Applicant's traffic expert.

Mr. Azrak called Mr. Charles Olivo of Stonefield Engineering & Design, 92 Park Avenue, Rutherford, NJ. Mr. Olivo has testified previously before the Board and remains under Oath. Mr. Olivo is fully familiar with the application, the site and the traffic information submitted by his office. Upon questioning by Mr. Azrak, Mr. Olivo explained the access permit and associated correspondence dated August 14, 2017, which

included a list of bonds and fees. It was noted that once those payments are made, the permit would be signed and issued.

Mr. Rabolli addressed Mr. Azrak and the Board Members. He requested that Mr. Azrak make comments on what has been presented instead of making a closing statement and moving into Work Session for discussion. There will then be an opportunity for all to have an open discussion on where there may be issues and concerns and what can be done to address them. Experts will be available for questions.

Mr. Azrak mentioned the Applicant is before the Board for Preliminary and Final Site Plan approval with variances and waivers. He highlighted the Applicant's key points including obtaining all agency approvals, receiving the DOT Permit with a caveat, noting the property complies with all of the State standards for water quality and water retention, the proposed use will be consistent with the surrounding properties and uses, the D-3 Variance request, adhering to Highlands recommendations, providing more than required parking and providing generous landscaping. Mr. Azrak also highlighted the testimony of the Applicant's experts mentioning Mr. Vallario, the engineer, the traffic engineer and the planner. Presented site renderings were referred to. The design of the property and building is nice, modern and something QuickChek hopes the Township will be proud of. QuickChek is a good neighbor.

Mr. Cascio requested Mr. Azrak provide a list of variances being requested. Mr. Azrak will meet with the Applicant's planner to ensure the list is complete.

An open discussion ensued beginning with traffic questions by Mr. Kelly. He asked why the Applicant did not provide a copy of the August 14, 2017 DOT correspondence prior to the hearing. Mr. Olivo approached indicating he did not submit the correspondence beforehand as the plan was to present it at the hearing as an Exhibit. Dialog continued regarding the DOT correspondence and a few changes being requested such as detail with regard to curbing, a note with regard to topsoil, fertilizing and mulching, the signing and striping plan and a "Do Not Enter" sign on the ingress side of the driveway.

Traffic, ingress, egress, the driveway location, acceleration lanes, deceleration lanes, Corporate Drive, points of conflicts with the driveway and intersection, vehicles coming from the Pilot Travel Center, tractor trailers using the shoulder, vehicle accidents in the area, hotel through traffic and safety were all discussed in detail. Mr. Kearney and Mr. Kelly referred to Boswell Engineering's correspondence dated August 11, 2017 sent to Mr. Richard Dube, at the New Jersey Department of Transportation, regarding QuickChek's NJDOT Major Access Permit Application. Concerns with respect to traffic and ingress and egress from the site were reiterated.

Mr. Kelly has several major issues despite the DOT correspondence but is unsure what can be done to resolve his concerns. As a traffic engineer testifying before many boards, Mr. Olivo commented safety is paramount. He believes the plan presented to the Township and the DOT is safe. QuickChek is willing to work with the DOT and the municipalities to ensure issues are resolved. Mr. Olivo indicated the traveling public needs to be able to safely enter and exit a site.

A discussion followed regarding the potential for a less intensive use, access between the hotel and QuickChek and reconfiguring the back part of the parking lot between the two properties, traffic expectations, comparable sites and signage. The Applicant is willing to contact and meet with the DOT along with the Township Engineer to address the concerns discussed.

Mr. Rabolli called a recess at 8:58 pm.

The meeting reconvened at 9:09 pm.

Mr. Rabolli opened the hearing to the Public.

Mr. Richard DeSilva, of 525 Campgaw Road, Mahwah, approached. Mr. DeSilva owns the Hyundai dealership across the highway from the Applicant's property. Mr. DeSilva commented he does not believe that there are any spots along the Route 17 corridor that do not have some point of conflict with ingress and egress. He cited several existing service stations that have ingress and egress issues.

There were no further questions from the Board or the Public. Mr. Rabolli asked the Applicant's planner, Mr. John McDonough of John McDonough Associates, to cite the overall application requests. Mr. McDonough gave an overview of the following and will provide a schedule to Mr. Cascio:

- Deviation from the Conditional Use Standard
- Wall Height
- Parking Size
- Parking Area Edging
- Parking Setback in the Rear of the Property
- Acceleration Lane
- Driveway Width
- Curb Radius
- Depressed Curb Length
- Loading Zone
- Grading and Slopes
- Sidewalks
- Lighting
- Landscaping
- Tree Replacement
- Signage (the wall sign, the canopy sign, letter height and length)

A motion was made by Mr. Whiteman seconded by Mr. Montroy to close the Public Hearing of the meeting and move into Work Session. All voted in favor.

VI. WORK SESSION:

**A. DKT.#1411-16 – QUICKCHEK CORPORATION
280-290 STATE HIGHWAY 17 SOUTH, BLOCK 136, LOTS 5.01 & 5.02**

Application requesting Preliminary and Final Site Plan approval as well as conditional use, bulk and sign variance relief. Application carried from August 16, 2017.

Mr. Rabolli summarized the testimony before the Board. There was a short discussion on better signage for Corporate Drive and requesting the Township and the Applicant's Engineers meet with the DOT to discuss any additional ideas to improve the site.

A motion to approve the application, with conditions, along with the Soil Movement Permit Application, was made by Mr. Montroy, seconded by Mr. Straffin. A roll call vote revealed 7 aye votes by Mr. Dator, Mr. Kearney, Mr. Larson, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

VII. ADJOURNMENT:

The meeting adjourned at 9:27 pm on a motion by Mr. Whiteman, seconded by Mr. Montroy.