

**TOWNSHIP OF WALL  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF THE REGULAR MEETING  
HELD IN THE MUNICIPAL MEETING ROOM  
DECEMBER 15, 2010**

The Regular Meeting of the Wall Township Board of Adjustment was called to order by Chairwoman Mary DeSarno at 7:35 P.M. Members present were Chairwoman DeSarno, Vice Chairwoman Wilma Morrissey, Jim Gray, Ray Slocum, Kevin Orender, Robert Morris, Nance-ellen Draper, first alternate Mary L. Burne, Attorney Cramer, Planning Secretary Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Gerken, Planner Bergailo and Reporter Arnone. Mr. Margadonna was not in attendance.

**SALUTE TO THE FLAG**

Attorney Cramer announced that all requirements under the Open Public Meetings Act had been complied with for this meeting and read the purposes of the Board of Adjustment.

Chairwoman DeSarno announced the Sims application is being carried to January 19, 2011 and the Thompson application is also being carried to January 19, 2011.

**CARRIED APPLICATION**

**#BOA 14-2010** – Date application complete: June 16, 2010. Carried from October 20, 2010

**APPLICANT:** SEMA FOOD MART

**PROPERTY:** 1939 Highway 35, Block 271, Lot 12, HB-80 zone

**RELIEF REQUESTED:** Use

Philip E. San Filippo, Esq. appeared for the applicant.

Mark Aikins, Esq. has been retained by the Danskin Agency. He said he had the opportunity to speak with Attorney San Filippo and we were not able to come to any agreement.

Entered into evidence:

- A-10 NJDEP no action letter
- A-11 San Filippo letter with easement from early 1970
- A-12 Monmouth County Planning Board final approval dated November 17, 2010

Sworn by Reporter Arnone: Elizabeth Dolan, Traffic Engineer

Elizabeth Dolan gave her credentials which were accepted by the Board.

Ms. Dolan explained there are about 100 sites like this with gas and with markets or Quik Chek, etc. People usually stop at the pumps and go in for a cup of coffee. I was asked to evaluate the increase in traffic and how it impacts NJDOT permitting. I did look at NJDOT data and their requirements for permitting. The type of traffic associated with this use is moderate. There is

existing gas customers who will use the 7-Eleven. We are looking at an additional 51 trips during peak hours. We are well below the 100 limit. 60% of the trips would be pass-by. Any increase in traffic will be below the standard. There will be no increase in driveway volume with the introduction of a 7-Eleven we would not be looking at changing the operation of the intersection, no increase of volume in the area. These uses work very well together. We are not required to get NJDOT permits. We will close the Allaire Driveway that is closest to 35. There will be 15 parking spaces along the perimeter, eight at the pumps and two large vehicle spaces. Fueling will remain the same. There will be two gas islands.

Attorney San Filippo asked about the closure of the egress on Allaire Road. Ms. Dolan said she did some driveway counts. That driveway accommodates a right turn into the site. There is no detriment but there is a benefit by closing it. There is good on-site circulation.

Attorney San Filippo said this has been approved by Monmouth County Planning Board. Ms. Dolan said yes.

Attorney San Filippo asked about left turns. Ms. Dolan explained there is a low volume of left turn movement in and out of the site. People will look for a site that is convenient. A left turn is difficult and that is an inconvenience. There are three to thirteen lefts being made onto Allaire Road in a one hour period. It is low volume. During peak hours queuing develops and it is hard to make a left so people don't do it because it is inconvenient.

Attorney San Filippo asked what peak hours are. Ms. Dolan said 7:45 A.M. – 8:45 A.M. and 4:00 P.M. – 5:00 P.M.

Attorney San Filippo said this is a shore community. Ms. Dolan said there will be 100 – 150 vehicles higher in the summer for this location. Attorney San Filippo said did you take that into account. Ms. Dolan said it may be busier in the summer months but it is based on the average activity. We look at the averages.

Attorney San Filippo said in the summer months you would never get to the 100 trips. Ms. Dolan said no.

Attorney San Filippo asked to discuss the parking for the gas and convenience store facility. Ms. Dolan said gas only there is very little need for parking. When entering the convenience store there is the need to look at the ordinance requirements. There are concerns of the Board in terms of providing sufficient parking. Many of the gas customers will be convenience store customers. There are 15 designated spaces, eight spaces at the pumps and two larger vehicle spaces. The ordinance requires 22 and we are providing 23 standard and two larger spaces. Attorney San Filippo asked Ms. Dolan if she felt the parking was adequate. Ms. Dolan said yes.

Attorney San Filippo asked her to describe the typical delivery vehicles. Ms. Dolan said they will have deliveries once or twice a week. The onsite circulation is being maintained to accommodate that.

Attorney San Filippo said those same vehicles they would be able to use the loading spaces. Ms. Dolan said correct.

Attorney San Filippo asked tractor trailers would they be able to use the loading area. Ms. Dolan said yes but they would be over-hanging. Attorney San Filippo asked if over hanging the spaces would impair the site circulation. Ms. Dolan said no because it is away from the fuel area.

Attorney San Filippo said compare this to other gas and convenient stores in the area. Ms. Dolan said we did look at a few. We looked at the Exxon at the circle, Getty on 34/33, etc. Attorney San Filippo asked in your opinion the parking proposed is adequate. Ms. Dolan said yes based on local stores and other gas and markets.

Chairwoman DeSarno asked while getting fuel, during peak hours, and going inside and getting something could there be a stacking problem. Ms. Dolan said that goes to the success of the site.

Mrs. Draper said she is concerned about the larger vehicles. What happens when they have to turn around? Ms. Dolan said they are doing it now because the gas station is there. They are coming in off 35 and exiting Allaire Road.

Mrs. Draper said if you have the tanker filling up and you have a tractor trailer loading then you have the small trucks doesn't that limit the ingress and egress. Ms. Dolan said yes if they all show up at the same time. Gas deliveries are usually twice a week. They come sporadically.

Mrs. Draper said it is winter time if expecting a lot of snow where are they putting it. Ms. Dolan said to the back of the site or off site and when there is a lot of snow there is less traffic.

Mr. Gray said they are going to haul it off site. I never heard of that. He said lets talk about deliveries. They happen now but they don't have all those parking spaces. Ms. Dolan said we will make sure there is circulation available for all those vehicles.

Mr. Gray said deliveries to the store, gas deliveries what happens to the parking and ingress and egress when gas is being delivered. Ms. Dolan said ingress and egress will be maintained.

Mr. Gray asked how many spaces would be blocked when fuel is being delivered. Ms. Dolan said four or five. Mr. Gray said that is a lot of parking spaces being blocked when they are delivering gas.

Mr. Gray said you said 51 additional trips per hour. How did you come up with 51? Ms. Dolan said it was based on data from the highway manual code.

Mr. Gray said he thinks a WaWa and 7-Eleven would create more traffic than the Exxon on 34. Ms. Dolan said WaWa, 7-Eleven, Quik Check are larger. Mr. Gray asked how big the BP is across the street. Mr. Gerken said 1,030 s.f. Mr. Gray said that is 1/2 the size of this. Mr. Gray said 7-Eleven is a much bigger draw than the BP.

Mrs. Morrissey said if there is a lot of activity and no parking what is to prevent them from parking in the mall and going over. Ms. Davis said it is a convenience factor.

Mr. Orender said it is not the office parks responsibility to police their lot. It will be inconvenient to Danskin. Ms. Dolan said those spaces are prime spaces. Mr. Orender asked if

the people running the 7-Eleven and the gas company are the same company. Attorney San Filippo explained they are two separate companies.

Mrs. Burne asked how a convenience store is going to improve the site. Attorney San Filippo said that is a planning question.

Ms. Dolan said she has done over 200 applications like this. There are times when the fuel area gets busy and there comes a time when people bypass the site.

Mr. Slocum said you said you will instruct the gas companies to deliver gas at night, you can't do that. When they deliver it is going to block all eight spots when the tanker is there. Can Gulf insure that they are only going to deliver late at night? Ms. Dolan said delivery is generally off peak. Mr. Slocum said they will block some of those spots. Ms. Dolan said they will not obstruct the circulation just the parking spaces.

Mr. Gerken asked if they can block off two of the pumping stations. Ms. Dolan, using A-2, said the truck has to stay over that to fill.

Mr. Slocum said the Board just received legal notice of the ingress, egress notice that cuts across to Danskin. Attorney San Filippo said we do have deeded easement rights. That driveway apron is split. That easement was given for a piece of property. Ms. Dolan explained we have cross activity. There are people coming through Danskin and going to the gas station. There is cross activity and I don't think it will increase significantly. That is an existing situation that is going to continue. Mr. Slocum said it is going to increase the traffic with a 7-Eleven. It can create a problem.

Attorney San Filippo explained we have deed easement rights that have been in existence for over forty years. We can agree to install signage and Title 39 rights. Short of putting up a wall we can't stop them. We looked at putting a curb line but we would not be willing to do that. It would create a safety problem.

Attorney Aikins went over the N.J. Access Codes. He said there is an access permit required when changing or modifying ingress and egress. He read the statute. You are eliminating an access on Allaire Road. Ms. Dolan said we still have full access on Allaire Road. Attorney Aikins said it is your opinion by eliminating the access along Allaire Road you do not need the permit. Ms. Dolan said we still make all those movements on the west driveway. There is no need for a permit.

Attorney Aikins asked if they had that in writing from NJDOT. Ms. Dolan said she is basing it on her experience. Attorney Aikins said wouldn't it make sense to obtain the permit given the fact that there are four curb cuts. Ms. Dolan said we do not require the need for an access permit. NJDOT did issue a letter of no interest. If they have an issue they will contact us.

Attorney Aikins said he did not see any pavement markings or site circulation plans, is there such a thing. Ms. Dolan said no the driveway has two way flow. I don't think they are necessary. They are sometimes confusing.

8:55 P.M. the Board recessed.

9:10 P.M. the meeting resumed.

Attorney San Filippo said he will bring Mr. Freud back. We will deal with the planner at the next meeting.

Mr. Freud, previously sworn, said he has a no further action letter from NJDEP.

Mr. Freud said there has been the removal of several underground storage tanks. There was no indication of ground water contamination. Attorney San Filippo said there were no NJDEP conditions on-going being dealt with. Mr. Freud said correct.

Mr. Freud, using A-9, explained there is a 40' concrete island. The tanker would sit over the concrete island facing the canopy. When the tankers are there it will only be for a limited time. As far as parking the third & fourth spaces close to the back would be blocked and they would be employee spaces. The fuel company would know they are coming and they can cone off a few spots. They can work with the fuel company. Generally they can restrict hours. They would be willing to restrict it to over-night hours. The benefit of this site between the canopy and the store you have a tremendous radius. They can do a K-turn.

Mr. Gray asked if they would be blocking the loading area. Mr. Freud said they are 15' X 30', smaller vehicles would fit in there with no problem.

Mr. Slocum asked what the capacity of fuel in those tankers is. Mr. Freud said around 10,000 gallons. Mr. Slocum asked if he could please find out. Mr. Freud said he would find out.

Chairwoman DeSarno asked why there are no arrows to show people where to go when coming in off the highway. Mr. Freud said we can introduce them.

Mr. Orender said people going into the gas station can pull in on the wrong side. Mr. Freud said that is a consideration. We do have good circulation.

Chairwoman DeSarno said this application will be carried to February 16, 2011 and March 2, 2011.

Attorney San Filippo waived the time limits.

**RESOLUTION TO BE MEMORIALIZED:**

**THEODORE LYGAS - #BOA 15-2010**

Block 880, Lot 4

Gray/Morrissey

**MINUTES TO BE ADOPTED:** Mrs. Morrissey moved to approve the minutes of the study session and regular minutes of October 6, 2010. Mr. Orender seconded the motion, which was unanimously approved.

December 15, 2010

Page 6

There being no further business to come before the Board, a motion was made, seconded, and unanimously approved to adjourn the meeting at 9:25 P.M.

Respectfully submitted,

Betty Schinestuhl  
Recording Secretary