

**TOWNSHIP OF WALL  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF THE REGULAR MEETING  
HELD IN THE MUNICIPAL MEETING ROOM  
JANUARY 14, 2004**

The Regular Meeting of the Wall Township Board of Adjustment was called to order by Chairman Clayton at 7:35 P.M. Members present were Chairman Clayton, Vice Chairperson Mary DeSarno, Dominick Cinelli, Wilma Morrissey, Anthony Rembiszewski, Jim Gray, Wayne Palmer, first alternate Bob Kerr, second alternate Ray Slocum, Attorney Hirsch, Planning Coordinator Roberta Lang, Recording Secretary Betty Schinestuhl, Engineer Gerken and Reporter Arnone.

**SALUTE TO THE FLAG**

Attorney Hirsch 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.

Chairman Clayton said the Board will hold its election of officers and appointments tonight.

Mr. Cinelli nominated Michael Clayton as Chairman. Mr. Rembiszewski seconded the motion. The Board Secretary casts one vote for Michael Clayton.

Mrs. Morrissey nominated Mary DeSarno as Vice Chairman. Mr. Palmer seconded the motion. The Board Secretary casts one vote for Mary DeSarno.

Attorney Hirsch read the resolution appointing Roberta Lang as Board of Adjustment Secretary for the year. Mrs. DeSarno moved to adopt the resolution. Mr. Rembiszewski seconded the motion which was unanimously approved.

Attorney Hirsch read the resolution appointing Betty Schinestuhl as Board of Adjustment Recording Secretary for the year. Mr. Gray moved to adopt the resolution. Mrs. DeSarno seconded the motion which was unanimously approved.

Attorney Hirsch read the resolution appointing Thomas J. Hirsch, Esq. as the Board Attorney for the year. Mr. Cinelli moved to adopt the resolution. Mrs. Morrissey seconded the motion which was unanimously approved.

Attorney Hirsch read the resolution appointing Glenn Gerken of Schoor DePalma as Board Engineer. Mrs. DeSarno moved to adopt the resolution. Mr. Rembiszewski seconded the motion which was unanimously approved.

Attorney Hirsch read the resolution appointing John Hoffmann as Board Planner. Mr. Gray moved to adopt the resolution. Mr. Rembiszewski seconded the motion which was unanimously approved.

Attorney Hirsch read the resolution appointing John Maczuga as Board Special Planner. Mr. Rembiszewski moved to adopt the resolution. Mr. Cinelli seconded the motion which was unanimously approved.

Attorney Hirsch read the resolution appointing Deborah Arnone as Board Reporter. Mr. Gray moved to adopt the resolution. Mrs. DeSarno seconded the motion which was unanimously approved.

Attorney Hirsch read the resolution for the Open Public Meetings Act with the dates for the 2004 hearings. Mr. Cinelli moved to adopt the resolution. Mrs. Morrissey seconded the motion which was unanimously approved.

Chairman Clayton welcomed new member Ray Slocum. He thanked the Board for appointing him Chairman for 2004.

### **NEW APPLICATION**

**CASE #BA37-2003** – Date application complete: November 21, 2003

**APPLICANT:** OMNIPOINT

**PROPERTY:** 5019 Belmar Boulevard, Block 917.01, Lot 27, GI-2 zone

**RELIEF REQUESTED:** Use

Attorney Hirsch reviewed the file and stated the Board had jurisdiction to proceed.

Chairman Clayton said Omnipoint will be carried to February 4, 2004.

### **CARRIED APPLICATION**

**CASE #BA31-2003** – Date application complete: September 6, 2003. Carried from September 17, 2003, October 15, 2003 and December 17, 2003

**APPLICANT:** SPEEDWAY PROPERTIES, LLC

**PROPERTY:** 1803 Route 34, Block 922, Lot 3, OR-10 zone

**RELIEF REQUESTED:** Use/Site

Attorney Hirsch stated this is a continued application. The last meeting was cancelled so we could not announce this meeting. The applicant had to renote. Attorney Hirsch reviewed the file and stated the Board had jurisdiction to proceed.

Attorney Aikins said he would like to continue with testimony from Mark Kataryniak. Mr. Kataryniak is still under oath.

Attorney Aikins asked Mr. Kataryniak to take a minute to review the report from Wall Township Police Department dated September 11, 2003.

Mr. Kataryniak said he will take the context of the comments from the Police Department review letter with respect to the drive-in not the Speedway. Regarding Subtitle 1 of Title 39 and signage we will comply. Regarding Item 3, we do not expect a large number of trucks. Since the writing of this report our planner has showed no parking and fire designations on the plan. We will submit that to the Police Department. The buildings will be clearly marked. We also will comply with Items 6 regarding "No Stopping/Standing" sign and Item 7 regarding that the perimeter road be wide enough to accommodate two lanes of travel. Item 8 will be referred to the engineer. Item 9 we agree.

Attorney Hirsch asked Mr. Gerken if Item 9 would be something he would want to see. Item 9 refers to the establishment of a traffic pattern throughout the complex through arrow pavement markings and/or signage. Mr. Gerken said they are going to have to incorporate that into the plan. Mr. Kataryniak agreed. Attorney Hirsch said Mr. Kataryniak should discuss this with Mr. Gerken and the Police Department. Mr. Kataryniak agreed. Mr. Kataryniak, using A-6, said we revised the plan to show pad access aisles.

Regarding Item 10, Mr. Kataryniak said the proposal by the applicant is to maintain the same parking in a conventional way.

Mr. Kataryniak said regarding Item 11, adequately illuminating the area with crime prevention/Homeland Security issues. He said he will defer that to operations.

Mr. Kataryniak said regarding Item 12 a security/operations walk through by Police, Fire and EMS be conducted, we will comply.

Regarding Item 13 Mr. Kataryniak said the existing ticket booth is located centrally in order to assure there will be no backing up. Ticket sales will occur along the west roadway. There will be two ticket attendants. Cars will go around the perimeter.

Mrs. Morrissey asked if the site plan was consistent with the traffic report. Mr. Kataryniak said yes.

Attorney Aikins, regarding Item 14 FAA regulations, said the engineer has received a waiver from the FAA.

Mr. Kataryniak said Item 15 will be deferred to operations. He said the applicant will be cooperating with Wall Police Department regarding necessary security. Items 17 and 19 will be deferred to operations.

Mr. Kataryniak said the applicant will clear all junk/wreck vehicles, unnecessary property and stored construction equipment from the site.

Mr. Kataryniak went over the portion of the Police Department review letter under S.H. 34 DRIVEWAY. Mr. Kataryniak said they cannot provide any signage within the State Highway

Right-of-Way. All signs will be kept on the property. The applicant will agree to Items 3 and 4. Regarding Item 2 recommending a short length of barrier or guide rail adjacent to the egresses. We cannot encroach the State Highway. Mr. Kataryniak said there is an island in the driveway. It is set up in a curved fashion.

Regarding Item 5 Mr. Kataryniak said they will cut back the brush that lines the driveway's access road. The applicant will also maintain the existing lighting that is on site. There will be no additional lighting. Mr. Gray asked if the existing lighting is ok. Mr. Gerken said it is not shown on the map. Attorney Aikins said we will provide some testimony. The applicant will use temporary lighting on site.

Regarding Item 7 Mr. Kataryniak said they cannot do that. DOT policy is not to provide deceleration lanes. The shoulder is used as a deceleration lane. Attorney Hirsch asked if the plans have been given to DOT. Mr. Kataryniak said no. Mr. Kataryniak explained you only have to notify DOT when you are changing the use on site. He explained the drive-in does not meet the 10% increase. He said he will submit a letter of no interest.

Mr. Kataryniak went over the items under Hurley Pond Road Driveway. Regarding Item 1 the revised plan shows the stripping. Item 2 will be done subject to review and approval by the Board Professionals. There is not enough room for a center driveway. We will install the recommended signage.

Mrs. DeSarno asked why the center island couldn't be done. Mr. Kataryniak said there is very little space to the left. We are right up against the property line. Mr. Gerken said the width is 100'. Mr. Kataryniak said to put in a center island we would need to widen it another 10' – 15'. Mr. Gerken said that egress is for exit only. Mr. Kataryniak said that is correct. Mr. Gray said he thought he heard testimony stating no one will be entering from Hurley Pond Road. Mr. Kataryniak said that is correct. Mr. Gerken said he thinks that negates the comment about the island because there is not going to be any incoming traffic. Mr. Kataryniak said he would submit the plans to Mr. Gerken's office.

Mr. Kataryniak said they agree to Item 2 recommending that an oversize "Stop" sign be posted at the egress along with a "Stop Ahead" sign.

Regarding Item 3 Mr. Kataryniak said we will agree to cut back the brush adjacent to the ingress/egress.

Mr. Kataryniak said they will agree to Items 4 and 5.

Regarding Hurley Pond Road/State Highway 34 intersections Mr. Kataryniak said he doesn't think the drive-in would have any impact at that intersection.

Mr. Gray said there will be two lanes coming in, how many cars can you stack. Mr. Kataryniak said from the point of ticket sales we will stack approximately 180 vehicles.

Mr. Gray said he had a problem with using the Garden State Parkway toll booth as a comparison of how long it would take to purchase tickets. Mr. Kataryniak said they used the Garden State

Parkway and the New Jersey Turnpike. He said they estimate four per minute for the purchase of tickets. Mr. Gray said he thinks it is going to take a lot longer to process those cars. Mr. Kataryniak said we discussed having additional attendants going down the aisle to take money. Attorney Aikins said this was based on the conservative.

Attorney Hirsch asked if 160 vehicles could stack. Mr. Kataryniak said 180 and a capacity for 215.

Mr. Kerr asked what happens when you reach maximum and how would they get out of the site. Mr. Kataryniak said we discussed this. Operations will handle that. Signs will be put up. Attendants will monitor the situation. Mr. Kerr asked what happens when you are already in line. Mr. Kataryniak said once we get to a certain point we cut it off.

Mr. Slocum asked what would prevent cars from parking along the back and not paying for the movie. Mr. Kataryniak said we will have security.

The application was open to the public.

William Collis, 2587 Landern Light Way. Mr. Collis said when exiting onto Route 34 there is 15 yards to get into the right lane of traffic. Mr. Kataryniak said it will stay the same. Two lanes will exit onto Route 34. Mr. Collis said at the same time there will be southbound traffic going 55 mph. Mr. Kataryniak said that is correct. Mr. Collis asked if the applicant would provide police officers to control traffic. Mr. Kataryniak said if it is necessary. Mr. Collis said this will not be a burden on the township. Mr. Kataryniak said no it will not.

Jim Stigliano, Sharpe Road. Mr. Stigliano asked about special events. Mr. Kataryniak said they may have a special event the first night. The Police Department is referring to the Speedway in their review letter. Mr. Stigliano said special events are not included in this application. Mr. Kataryniak said no that is for the Speedway.

Mr. Stigliano asked for the number of staff that will be present on a daily basis. Mr. Kataryniak said operations will answer that.

Mr. Stigliano asked how the Board challenges the 10% increase of traffic for DOT submittal. Mr. Kataryniak said there is a procedure from the state. The Township gets notified and they can respond.

Mr. Stigliano asked what happens between the first and the second show. Mr. Kataryniak said there will not be two shows.

Mr. Stigliano asked if the screen was temporary. Mr. Kataryniak said the engineer will answer that.

Mr. Stigliano said there are no site improvements on this application. Mr. Kataryniak said that is correct.

Mr. Stigliano asked if the screen would be owned by Wall Raceway or by another company. Mr. Kataryniak said the screen will be owned by Wall Speedway.

Ernest Bongiovanni, Plymouth Court. Mr. Bongiovanni asked if Mr. Kataryniak was a traffic engineer. Mr. Kataryniak said yes.

Mr. Bongiovanni asked Mr. Kataryniak if he has ever done traffic reports for drive-in theaters. Mr. Kataryniak said no.

Mr. Bongiovanni asked if Mr. Kataryniak studied any of the drive-ins outside New Jersey. Mr. Kataryniak said he did some research in New York. Mr. Bongiovanni asked if Mr. Kataryniak took any pictures. Mr. Kataryniak said no.

Mr. Bongiovanni said you compared the purchasing of tickets to paying tolls on the Garden State Parkway and the New Jersey Turnpike. Mr. Kataryniak said yes. Mr. Bongiovanni said wouldn't it be better to compare it to an existing drive-in. Mr. Kataryniak said some did not have any attendants. Those in New York have a different set-up.

Mr. Bongiovanni asked if Mr. Kataryniak reviewed Wall Township's designation of the zone. Attorney Aikins objected as to relevance. Attorney Hirsch said a clear answer cannot be given if a clear question is not asked.

Mr. Bongiovanni asked when you did this particular study did you concern yourself with the particular elements that relate to your job as an engineer. Mr. Kataryniak said the ordinance is not relevant to the operation. I took into consideration the parking.

Mr. Bongiovanni asked if Mr. Kataryniak thought any consideration was given to flow of traffic or entrance and exits into the site from other residential areas. Do you think any of that goes into developing? Attorney Aikins objected. This witness cannot answer that.

Ralph Addonizio, Shoreline Drive. Mr. Addonizio asked how many trips in and out of the site will be generated. Mr. Kataryniak said he doesn't know. The site can hold 600 vehicles. There may be 600 vehicles accessing the site.

Mr. Addonizio asked how many nights a week will the drive-in be open. Mr. Kataryniak said we are looking at six days a week. When racing is not going on.

Mr. Addonizio said that is 3600 cars a week. How many cars are there on race night? Mr. Kataryniak said operations will answer that.

Mr. Addonizio said 3600 cars will enter the site a week and you said you don't have to submit application to DOT. Why don't you submit the application to DOT and let them decide if it is needed or not.

Mr. Addonizio said the applicant will not accept credit cards. Mr. Kataryniak said that is correct. Mr. Addonizio said what if he changes his mind. How long would it take to get in? Attorney Aikins objected. Mr. Kataryniak said transactions are going to take a certain amount of time.

Mr. Addonizio said what if this Board was to restrict the applicant not to use credit cards. There has to be some sort of study done so the Board can have that information. Attorney Aikins objected on hypothetical. Attorney Hirsch said they are providing testimony using no credit cards. We can't argue. This is an expert. He testifies on facts that are put into evidence only.

Mr. Addonizio said from an engineer's standpoint how much water runs off that site. Mr. Kataryniak said he is a traffic engineer.

Mr. Addonizio asked where the restrooms are located. Mr. Kataryniak said near the concession stands. There will be aisles that will allow for anybody to walk between the cars. Mr. Addonizio said you will utilize the existing restrooms. Mr. Kataryniak said that is correct.

Mr. Addonizio asked if there would be any traffic going in or out from Hurley Pond Road. Mr. Kataryniak said the cars will enter from Route 34 and exit onto Hurley Pond Road.

Mr. Addonizio asked if there will be days when there will be races during the day and movies at night. Mr. Kataryniak said operations will answer that.

Mr. Addonizio asked if when the attendants are collecting the money will they be checking for alcohol. Mr. Kataryniak said operations will answer that.

Mr. Addonizio asked about fire hydrants. Mr. Kataryniak said there are some along the perimeter. He said he does not know where they are.

Robin Cervates, 2009 Tally Ho Drive. Ms. Cervates asked about stacking at the jug handle at Hurley Pond Road and Route 34. Mr. Kataryniak said he did not do a study on that jug handle. It is out of the jurisdiction of this application.

Mr. Collis asked if, when existing, you considered the queuing cycle at Hurley Pond Road and Route 34. Did you consider the number of vehicles that can be stacked there? Mr. Kataryniak said for exiting the movie there was no problem. The light would help allow more vehicles to exit.

Mr. Collis asked what authority does the drive-in have to regulate the out going traffic. Mr. Kataryniak said they have full authority. Chairman Clayton said the applicant also stated the Police Department will be on site.

Mr. Collis said the traffic light is only 11 seconds. Mr. Kataryniak said that does not come into play. Attorney Hirsch said they are stacking on site. It is not an issue.

Chairman Clayton said there are more cars on race night than they are expecting at drive-in nights. Mr. Gray said the 600 cars at the drive-in are a different event. He thinks DOT should get involved. It is a totally different situation. Mr. Kataryniak said we are going to follow state statute requirements. It will be done as a condition of approval.

Mr. Addonizio asked for the level of service for the Hurley Pond Road/Route 34 intersection. Mr. Kataryniak said he did not know.

Mr. Addonizio asked if the acceleration lane would be used the same for people exiting and entering the site. Mr. Kataryniak said yes.

Mr. Addonizio said as a condition of approval you would submit application to DOT. You want to get approval and then submit. Mr. Kataryniak said yes, anything on the state highway is state jurisdiction. There are no requirements.

Mr. Stigliano asked if they took into consideration when looking at the traffic potential that there are a limited number of people going to a race track. You are using 600 for the traffic for this site. The number of people coming to that site may far exceed 600 cars.

Mr. Stigliano said he anticipates that the jug handle is not going to be able to handle 600 cars. You have no control as to who comes to the site. Mr. Kataryniak said we were working with a site capacity. 600 cars is the capacity.

Mr. Stigliano asked how many cars attend the races on Saturday night. Mr. Kataryniak said more than 600.

Mrs. Morrissey asked where Mr. Kataryniak did his research. Mr. Kataryniak said Warrick, New York.

The Board recessed at 9:30 P.M.

The meeting resumed at 9:45 P.M.

Fred J. Archer, Jr. was sworn. Mr. Archer is a member of Wall Speedway.

Attorney Aikins asked Mr. Archer to describe his relationship to Wall Speedway. Mr. Archer said he is one of the partners.

Attorney Aikins asked if Mr. Archer could give testimony and give answers to questions regarding the operation of the drive-in. Mr. Archer said yes.

Mr. Archer said the anticipated car count is in the 600 range. On race nights there are over 700 cars. It has the capability to park over 1,000.

Attorney Aikins asked Mr. Archer to go over employees, how many attendants and how cars are going to line up. Mr. Archer, using A-6, said all traffic will be coming from Route 34S. They will go to the ticket booth. We will have two attendants collecting the money and handing out tickets. If stacking gets backed up too far a second group of ticket attendants will take care of another group of cars. They will not stack up on Route 34. At the permanent ticket booth there will be two attendants. If there is an overflow there will be two additional attendants collecting money and handing out tickets. There will be seven parking attendants. They will park the cars as they arrive. Large vehicles will be required to park on the outside lanes and in the back. They will not be allowed to park in the middle. There is a designated pathway to the concession stand. There will be a security fence around that area. It will prevent people from going into the raceway at night.

Attorney Aikins asked how many total personnel on site in addition to the attendants. Mr. Archer explained where the employees would be. There will be a total of ten.

Attorney Hirsch asked where the employees will be on Route 34 so they can cut it off when it gets to 600 vehicles. Mr. Archer said all employees will have walkie talkies. When we get to 40 or so left we will put a sign out "All Full." Attorney Hirsch asked how you are going to count. Mr. Archer said by the tickets.

Attorney Aikins said if one attendant has 1 – 300 and the other one has 301 – 600 how far apart will they be. Mr. Archer said about 400 yards. Everyone will have walkie talkies.

Attorney Aikins asked if there will be a need for Wall Township Police. Mr. Archer said during race time we hire two police officers. Anytime there is a special event we have additional police officers which we pay for. They are paid for by the Speedway. Attorney Aikins said you will pay for any additional officers that are needed. Mr. Archer said anytime they are needed they will be paid for by the Speedway.

Attorney Hirsch asked, is the plan right now to wait and see how it goes or are you going to hire Wall police officers. Mr. Archer said on opening night we will hire them, maybe the first week or so.

Attorney Aikins said there will be a pre opening meeting with the Police Department. If they feel that Police officers are needed we will provide them.

Attorney Aikins asked Mr. Archer to explain what happens during the course of the movie. Mr. Archer said during the course of the movie if they want to leave they will exit to the west and exit onto Hurley Pond Road. At no time would they be allowed to exit during the movie to Route 34. When they enter the site they will be issued rules and regulations. We have never had the jug handle back up on race nights. There has never even been a fender bender.

Attorney Aikins asked about operation during warm weather and cold weather. Mr. Archer said engines will not be allowed to run. We will do spot checks to make sure there is no alcohol. If alcohol is found they will be asked to leave.

Attorney Aikins asked about sitting inside and outside the vehicles. Mr. Archer said space will allow people to have lawn chairs in front of their vehicle if they want to sit outside.

Mr. Archer said if alcohol is found they would be asked to leave immediately. Alcohol will be prohibited.

Mr. Rembiszewski asked if, when entering, they can be given some sort of notice that alcohol will not be tolerated. Mr. Archer said when they come in they will be given rules. That will be on the rules.

Mr. Archer said included in the rules it will be stated no tailgating, the site will open 1½ - 2 hours before the movie starts, no alcohol permitted, etc.

Attorney Aikins asked about lighting. Mr. Archer said there will be no flicking of lights. That will also be listed on the rules.

Attorney Hirsch asked if those rules could also be put on the screen. Mr. Archer said that is possible.

Attorney Hirsch asked if people are sitting outside their car on lawn chairs how can they hear. Mr. Archer said they can use portable radios or walkmans.

Attorney Hirsch asked what happens if they want to leave early. Will those lawn chairs be in the way? Mr. Archer said there is enough room for cars to pass. Mr. Archer said there is 30' bumper to bumper.

Attorney Aikins asked about site lighting. Mr. Archer said there is no lighting on race nights. We plan to have temporary lighting to the west of the movie screen and to the east of the screen at the second row. They will be portable lights. Attorney Hirsch asked what they will illuminate. What about lighting the ingress and egress? Mr. Archer said on race nights the ingress and egress has not been lit and we have never had an accident. Attorney Aikins said we will work with the engineer regarding lighting. Mr. Archer said if necessary we will get more portable lights.

Attorney Aikins asked about fencing out a portion of the speedway so there would not be any area where the public should not be. Mr. Archer said there will be a temporary fence put up. Attorney Hirsch said to show the temporary fence on the plan. Mr. Archer said there will be two check points on Hurley Pond Road so no one can enter.

Attorney Aikins asked Mr. Archer to describe what happens after the show is over. Mr. Archer said directions will be on the screen. Signs will show the exit to Route 34N and also how to get to 34S. The signs will show a traffic pattern.

Attorney Aikins asked if there will be any attendants on site at the end of the night. Mr. Archer said yes. They will help direct traffic. It will provide for an orderly exit.

Attorney Aikins asked if they will use Police officers if needed. Mr. Archer said yes. Attorney Aikins said an ingress and egress plan will be provided to the Police Department.

Attorney Hirsch asked about FAA regulations. Attorney Aikins said the engineer will testify regarding that.

Mr. Cinelli asked if they have done any studies at other theaters showing that you are going to max out at 600 vehicles. Mr. Archer said they will have someone testify at the next meeting.

Chairman Clayton asked if they can have a copy of the brochure showing the rules for the next meeting. Also find out if you are talking about one security guard or if more than one will be needed. Mr. Archer said his intention is to go over this with the Police Department. Chairman Clayton also wants to know if the Police Department would have a problem staffing the drive-in six nights a week.

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Mrs. Morrissey asked if a Stormwater management report was done. Mr. Archer said no.

Chairman Clayton said this application will be carried to January 21, 2004.

Attorney Aikins waived the time limits.

Chairman Clayton said we will also have a back-up date for March 3, 2004 if needed.

There being no further business to come before the Board, a motion was made, seconded, and unanimously approved to adjourn the meeting at 10:25 P.M.

Respectfully submitted,

Betty Schinestuhl  
Recording Secretary