

**MINUTES-MEETING  
HOPE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
APRIL 7, 2016**

The monthly meeting of the Hope Township Zoning Board of Adjustment convened at 7:36 p.m. at the Hope Township School with the following Board Members present: Carol Kernoschak, Jan Wargo, Gary Green, and Alt #1 Cathie LaBar, Alt#2 Anthony Lytle, Gil Hankins, and Steve Larena. Board Members Absent: Tom Gabel and Brian Kathenes. Also present were Board Engineer Ted Rodman, Board Attorney Roger Thomas, Hydrogeologist Frank Getchell, Associate Planner Helen Zincavage, and Board Secretary Alfia Schemm.

The meeting was called to order by Board Attorney Thomas and he led the Board in the Pledge of Allegiance. Board Secretary Schemm announced that the meeting is being held under the provisions of the "Open Public Meetings Act"; adequate notice of the meeting has been provided to the Township's Official Newspaper and on the Township Bulletin Board. Board Attorney Thomas stated that Board will need to elect a Chairman Pro-Tem as both the Chair and Vice Chair are not present this evening.

Mr. Larena made the motion to appoint Carol Kernoschak as Chairman Pro-Tem. Motion seconded by Mr. Lytle. In a roll call vote, all were in favor.

Ms. Kernoschak announced that the adoption of the minutes and resolutions are being deferred until the end of the meeting.

A member of the public stated that they cannot hear what is being said. Board Attorney Thomas asked that people move up and that the everyone speak into the microphone.

**New Business:**

**#ZB16-001 Robert Zuker, Block 2600, Lot 100**

Richard Keiling, Esq. was present on behalf of the Applicant. He stated that the Township Zoning Officer suggested that the Applicant apply for certificate of pre-existing non-conforming use. The following were submitted and marked as Exhibits:

- A-1 Survey Map dated October 1946
- A-2 Plot Plan, prepared by R. Berry, dated 2-5-16
- A-3 Warren County Certificate of Trade Name Filing, dated 3-19-09
- A-4 Series of 3 Photographs
- A-5 Series of 3 Photographs

Robert Berry was sworn in and he provided his qualifications and experience as a Land Surveyor. Mr. Berry provided the history of the property and its use as a Service Garage/Auto Repair dating back to the 1930's. He went on to describe the photographs

The hearing was opened to the public:

Jane Ozga was sworn in and she questioned whether the building is going to be upgraded and brought up to code. She also stated her concerns over the number of parked cars, the number of cars that could be serviced, possible noise and fumes.

Harry Mount was sworn in and he asked how many vehicles were served in the past and might be serviced. Mr. Berry stated that the service all and will depend on the work being performed and he stated that the building is not being expanded.

Board Attorney Thomas reviewed and clarified for the public the application being heard at this time.

Lauren Mount was sworn in and she stated her concern over the removal of the tanks and contaminated soils.

Board Attorney Thomas asked if there was anyone else from the public wishing to speak or comment. With there being no further public, the meeting was closed to the public.

Board Attorney Thomas reviewed the Board's jurisdiction on this matter and the testimony provided this evening.

Robert Zuker was sworn in and he reviewed that he wishes to run a nice repair shop at the location. He stated that his hours would be from 8-5 Monday through Friday, 8-12 Saturday. He stated that there would be no sale of gasoline. He stated that he plans to be the only mechanic and he will comply with all of the regulations regarding the disposal of product/materials.

Jodi Keggan was sworn in and she asked what would happen if another tenant wanted to dispense gas. Board Attorney Thomas stated this application pertains to auto repair only and does not include gas dispensing. He stated that anything beyond what is being asked for this evening would require additional review and action by either this Board or the Planning Board, depending on the proposal.

Board Attorney Thomas reviewed the possible motion if the Board were to be in agreement to find that the testified use is a pre-existing non-confirming use.

Mr. Larena made the motion that the use is a pre-existing non-confirming auto repair shop. Motion seconded Ms. LaBar. Roll call vote in favor: Kernoschak, Wargo, Hankins, Lytle, LaBar, Larena, and Green.

#### **Old Business:**

##### **#ZB15-001 Sarabjit Singh, Block 3700, Lot 400; Block 3701, Lot 100**

Board Attorney Thomas reviewed that this evening's hearing is a continuation of the application. He went on to state that tonight's meeting was moved to the school to accommodate the people who are interested in this matter. He asked that everyone speak into the microphone and he asked that everyone cooperate by limiting side conversations. He then went on review tonight's procedure and the process.

Richard Keiling Esq. was present on behalf of the Applicant. He stated the Applicants have heard the Public and Board's concerns and have submitted revised the plans. The following were submitted and marked as Exhibits:

A-11 Plans, revised 2-10-16

A-12 Bertin Engineering Cover Letter, dated 2-12-16

A-13 Colored Landscaping Rendering, dated 4-7-16

Engineer Keiling reviewed all of the material that was submitted in the February submission.

Calisto Bertin acknowledged that he was still under oath and he went on to give an overview of the vacant property. He stated that the site had received prior approvals for a retail center. He reviewed the proposed project and then gave an overview of the modifications that were recently made to the plans that reduce the scope of the proposed project. He stated that the size of the convenience store was reduced, parking spaces were reduced, both canopies were reduced, setbacks were increased, the fuelling positions were reduced, the width of the driveway was widened, the impervious coverage was reduced, improvements were moved out of the flood plain, illumination levels were reduced, the septic system was relocated, and additional soil bores and tests were taken. The following was submitted and marked as an Exhibit:

A-14 Warren County Health Department, dated 2-7-05

Attorney Keiling reviewed the approved septic design. He stated that they have not submitted the design for this project; however, the WC approval proves that the site can support/accommodate a septic system.

The Applicants went on to address Board Engineer's report of March 25, 2016. He reviewed the lighting, the delivery of product at non-peak hours 8 p.m. to 6 a.m., the compartmentalized of the fuels in the tank, monitoring wells and groundwater testing, the grooved concrete pad under the canopies to capture accidental spill of product, the sale off road diesel, and a secondary doorway for the convenience store. Attorney Keiling stated that they have provided a Traffic Study; however, in speaking to the County, it was stated that the County has jurisdiction over the County roads. The following was submitted and marked as an Exhibit:

A-15 Warren County Planning Department letter, dated March 29, 2016

Board Engineer Rodman stated that he does have some concerns that he will relay to the Warren County Engineer's office in regards to the truck traffic trip generations and traffic off of Route 80. Ms. Wargo stated her concern over the traffic study being done in the Winter and the seasonal fluctuations. Ms. LaBar clarified that County Roads are the jurisdiction of the County. Mr. Lytle questioned the ingress and egress.

The hearing was then opened to the public:

Kelly Thompson questioned the flood plain line and if it changes with the use. Engineer Bertin stated that the activity does not affect the flood plain line. He stated that they have prepared an application for a renewal of that determination.

Lauren Mount asked about the water source. Attorney Keiling stated that a onsite well was drilled in the past.

Larry Commisso questioned whether an Environmental Study has been done. Board Attorney Thomas stated that a report was submitted and addressed at prior meetings.

Linda Kiernan questioned the soil logs that were done. Engineer Bertin addressed the borings done throughout the site and he stated they will have to apply for a new septic system.

Tom Bodolsky questioned the number of fueling stations and the volume of tractor trailer traffic. Engineer Bertin reviewed the peak hours that were studied and he stated that they could make a new estimate based on another similar station layout at another location. Mr. Bodolsky questioned the truck turning radius. The following was submitted and marked as an Exhibit:

A-16 Alternate Truck Pattern, dated 4/7/16

Engineer Bertin described Exhibit A-16 and he stated that they are going to widen the stub road. Mr. Bodolsky questioned the lighting and Engineer Bertin stated that they are proposing recessed flush lights.

Pete Peterson questioning the fueling of two trucks and whether there is a bypass lane. Engineer Bertin addressed the fueling of two truck and he stated that there is no bypass lane. Mr. Peterson asked about the traffic circulation and whether there is good flow. Engineer Bertin stated that there are existing service stations that have one entrance/exit and he thinks that there is good flow. Mr. Peterson continued to state his concerns with the traffic circulation.

Jodi Keegan questioned who owns the stub road. Board Engineer Rodman stated that he does not feel that that issue has been determined. Board Attorney Thomas stated that it should be clarified. Board Engineer Rodman stated that the road is to be widened. Ms. Keegan stated her concern with the site being tight. She questioned the traffic circulation for deliveries and how much business is to be expected. Engineer Bertin addressed the traffic circulation and he stated that they anticipate 3 to 4 fuel deliveries a week. Ms. Keegan questioned the need for a 2nd door for the convenience store. Engineer Bertin stated that they can add another door. Ms. Keegan asked where additional tanks would be placed in the future. Engineer Bertin stated that they can go anywhere; however, they do not foresee a need for them for a long time.

Carl Stechert questioned and stated his concern over the traffic circulation, which was addressed by Engineer Bertin.

Ed Danckwerth questioned the traffic circulation, the impact to the neighboring residents, traffic on the County Road, and the detention basin in the flood zone, which the Applicants addressed.

Kelly Thompson questioned the parking of trucks. Engineer Bertin stated that there will be no truck parking allowed.

Tom Bodolsky questioned the traffic circulation and stacking of tractor trailers on the County Road. Engineer Bertin stated that most likely the trucks will move onto the next service station. Mr. Bodolsky continued to question where the trucks will go to fuel, if the fuel pumps are busy.

Kelly Thompson questioned whether the traffic study was done before or after Dunkin Donuts opened. Engineer Bertin stated that the study was done after Dunkin Donuts was opened. Board Engineer Rodman also noted that they were not aware of the new configuration depicted on Exhibit A-16.

Diana Yokaitis made a comment regarding the amount of existing traffic.

Christopher Smith questioned the truck traffic. Engineer Bertin stated that the County will review their submission.

Larry Commissio questioned the distance from Route 80 to the site and the sight distances. Engineer Bertin stated that they meet the standards.

Harry Mount asked if anyone has contacted the NJ State Police barracks. Engineer Bertin stated that they have not contacted them that they are dealing with the County.

Jodi Keegan asked if the Park and Ride will still be in effect. Engineer Bertin stated that it is up to the County and he believes that it will be. Ms. Keegan questioned the truck circulation and the setback requirements for the tank. She also questioned the jelly fish. Board Attorney Thomas stated that jellyfish topic was not part of tonight's discussion.

Linda Kiernan questioned the off road diesel being sold and the other gas station facility being constructed in the area. Engineer Bertin stated that a travel center is being constructed in Knowlton.

Kelly Thompson asked about responding to an emergency. Attorney Keiling stated that notice was served on adjacent properties within 200 feet and if the State Police has a concern they could always send someone to the hearings to voice concerns.

Sally McCrea asked where tractor trailers will turn around if the station is full. Engineer Bertin stated that the truckers normally use CB radios to communicate about traffic conditions. .

Darren Koeppen stated that his concern over the traffic.

The hearing was then closed to the public.

Mr. Larena questioned the high rise free standing sign. The Applicant's stated that the sign has been removed. Attorney Keiling clarified that it takes approximately 20 minutes to unload the tanker and fill the tanks and it will normally happen every 3 to 4 days.

Board Attorney Thomas announced that this matter is being carried to the Board's May 5th meeting at 7:30 p.m. without further public notice. He stated that the meeting will most likely be held at this same location as there is public interest in the ongoing testimony. Attorney Keiling granted an extension until the end of May.

**Memorializing Resolutions:**

**#ZB15-002 John Davidowitch, Block 4900, Lot 201**

Mr. Green made the motion to adopt the Resolution. Motion seconded by Ms. LaBar. Roll call vote in favor: Kernoschak, Wargo, LaBar, and Green. Abstaining: Larena, Hankins, and Lytle.

**ZB#14-002 Peter Jonsson, Block 100, Lot 1700**

Mr. Green made the motion to adopt the Resolution. Motion seconded by Ms. Wargo. Roll call vote in favor: Kernoschak, Wargo, LaBar, and Green. Abstaining: Larena, Hankins and Lytle.

**Vouchers:**

	<b>Dolan &amp; Dolan</b>	
Re: Singh		\$624.20
Re: Singh		\$ 93.09
Re: Jonsson		\$628.59
Re: Davidowitch		\$450.09
	<b>Leggette, Brashears &amp; Graham</b>	
Re: Singh		\$879.21
Re: Singh		\$874.93
	<b>Heyer, Gruel &amp; Associates</b>	
Re: Singh		\$297.50
	<b>Rodman Associates</b>	
Re: General		\$ 65.00
Re: Davidowitch		\$292.50
Re: Singh		\$162.50
Re: General		\$ 32.50
Re: Jonsson		\$292.50
Re: Davidowitch		\$195.99

Ms. Wargo made the motion to pay the vouchers. Motion seconded by Mr. Green. Roll call vote in favor: Kernoschak, Wargo, Larena, LaBar, Green, Hankins and Lytle.

**Report from Planning Board**

Board Attorney Thomas stated that the Planning Board adopted the St. John the Baptist Church resolution.

**Annual Report:**

Board Engineer Rodman's suggested recommendations to the 2014 Annual Report were distributed. After a brief discussion, it was agreed to defer the matter at this time.

**Adjournment:**

With there being no further business a motion was made and seconded to adjourn the meeting at 10:10 p.m. In a voice vote, all were in favor.

Respectfully Submitted:

Alfia Schemm  
Board Secretary  
7/7/16