

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

The monthly meeting of the Hope Township Zoning Board of Adjustment convened at 7:33 p.m. at the Hope Township School with the following Board Members present: Tom Gabel, Brian Kathenes, Jan Wargo, Gary Green, Alt#2 Anthony Lytle, Gil Hankins, Carol Kernoschak, and Steve Larena. Board Member Absent: Alt #1 Cathie LaBar. Also present were Board Engineer Ted Rodman, Board Attorney Roger Thomas, Board Planner Fred Heyer, and Board Secretary Alfia Schemm.

The meeting was called to order by Chairman Gabel and he led the Board in the Pledge of Allegiance. He 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. He announced that next month's meeting will not be held at the school, but it will be held at the Community Center.

**Approval of Minutes:**

Mr. Kathenes made the motion to approve the minutes of June 2, 2016. Motion seconded by Mr. Larena. Discussion on the motion: Mr. Kathenes noted a minor correction. Roll call vote in favor: Wargo, Green, Larena, Gabel, Kathenes, Hankins, and Lytle. Abstaining: Kernoschak.

**Memorializing Resolution:**

**#ZB -16-002 Jay and Fern Hill, Block 700, Lot 1104**

Mr. Larena made the motion to adopt the Resolution. Motion seconded by Mr. Green. Roll call vote in favor: Wargo, Green, Larena, Gabel, Kathenes, and Hankins. Abstaining: Kernoschak who was absent and Alternate #2-Mr. Lytle. .

**New Business:**

**#ZB16-003 Richard W. Coates, Block 2600, Lot 300**

Richard W. Coates was sworn in and he testified to his request to construct an addition and to also reconstruct an existing shed, which the Board discussed. Chairman Gabel read the Environmental Commission's report, which states that they do not have any concerns.

The hearing was opened to the public for questions of Mr. Coates. With there being no public questions, the hearing was closed to the public.

Mr. Green made the motion to approve the application. Motion seconded by Mr. Larena. Roll call vote in favor: Wargo, Green, Larena, Gabel, Kathenes, Kernoschak, and Hankins. Abstaining: Alternate #2-Lytle

**Old Business:**

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

Chairman Gabel recused himself and sat in the audience. Mr. Kathenes will chair this portion of the meeting and he thanked the School Board and Custodial Staff. He reviewed the procedure for the evening and for future meetings. He also announced that the August meeting will be held at the Hope Township Community Center.

Richard Keiling, Esq. was present on behalf of the Applicant. He asked that they get the address of the Hope Community Center, so that it can be forwarded to their professionals.

Jessica Caldwell acknowledged that she was still under oath and the following was submitted and marked as an Exhibit:

- A-25 Property Record Cards, received 10 days ago from Rich Motyka, Tax Assessor
  - Block 4000, Lot 1000-484 Hope-Blairstown Road
  - Block 5200, Lot 300-501 Hope-Blairstown Road
  - Block 3600, Lot 100-480 Hope Blairstown Road

Planner Caldwell reviewed Exhibit A-25 and she stated that the subject proposal fits in with the character of the neighborhood. She reviewed the lot coverage variance being requested. Mr. Larena asked if Planner Caldwell was aware of the lot coverage amount of the other properties that were just referenced on the Property Record Cards. She stated that she does not.

The hearing was opened to the public.

David Wray asked if the Board can get the lot coverage information for the other properties. Attorney Keiling stated that they can.

Lucas Kropywnyckyj questioned the combined use of the gas station and convenience store.

Glen Burke asked about the impact of the lighting. Planner Caldwell reviewed the proposed downward lighting that she stated should not impact the surrounding properties nor the night sky. Mr. Burke also questioned the traffic. Planner Caldwell stated that most traffic for a gas station is considered pass by traffic.

Gil Jeffer stated that there are thousands of visitors that visit the Observatory in Jenny Jump State Forest and he also questioned light pollution.

John Mongrella asked if any study has been done in regards to groundwater pollution. Planner Caldwell stated that other experts have testified to that topic. Board Attorney Thomas stated that all of the studies/materials submitted to the Board are available for public inspection via the Board Secretary.

Jim McLain questioned the residences in the area.

Gladys Bellott also questioned the residences in the area and she questioned the safety of the access to the site. Planner Caldwell stated that other experts have testified to that topic and the access can be addressed by the Engineer.

David Stashluk questioned the prior approved proposal vs. the proposed use. Planner Caldwell reviewed the Township Ordinance and Master Plan. She stated that the use is a use that we all use and the site is an appropriate location for the proposed use. She stated that she is not sure if there will be a generator on site.

Don Russ questioned the other existing uses in the area vs. the proposed use. Planner Caldwell reviewed the benefits of the proposal.

Larry Commisso questioned the benefit of the proposal to Hope and what the detriments are. Planner Caldwell stated that she does not see any risk to the Township as gas stations are built every day. She stated that she feels that it is a safe use and the traffic is normally pass by traffic.

Kelly Thompson asked if Planner Caldwell has been involved with the application from the very beginning when the proposal included tractor trailer fueling stations and the impact on 911 response from the NJ State Police. Board Attorney Thomas stated that he does not feel that the question is relevant.

Nancy Billow questioned the prior approvals granted and the impact of the Highlands Act. She asked if Planner Caldwell was aware of when the latest environmental study was done. Planner Caldwell stated that she does not know when the last study was done.

Ravi Romano questioned the drive by traffic and the amount of traffic off of Route 80. Planner Caldwell stated that there was traffic testimony provided already.

Donna Rottengen questioned the number of variances being requested and the scarcity of the water in the Township. Planner Caldwell stated that she believes they are requesting 9 variances and she has no expertise in regards to the water in the Township.

Pete Peterson questioned the comparisons given in regards to the neighboring uses and he asked about the comparisons in regards to the amount of impervious coverage. He asked if the proposal provides for the health, safety, benefit, and well being to the residents. Planner Caldwell stated that she does not think there will be an impact to the aquifer as gas stations are built next to oceans, lakes, creeks and streams, and neighborhoods. She stated that gas stations are not seen as a use that will be a negative impact.

Lucas Kropywnyckyj asked if Planner Caldwell knew that there were several times the water at the School was not fit to be consumed and he asked if there is a general formula for the acceptable amount of impervious coverage. Planner Caldwell stated that coverage depends on the area and there is no general formula, each municipality adopts their own Ordinances.

William Boynton questioned the maximum percentage of impervious coverage allowed. Planner Caldwell reviewed the Township Ordinance and she stated each township adopts their own standards.

Jodi Keggan questioned the intensity of the gas station/convenience store, whether the convenience store is a pass by use, and the POP regulations and standards. Planner Caldwell stated that the gas station use meets the conditional standards of the POP zone. She stated that she feels that the scale of the proposed development is less than the prior approved development and the subject site is on a County Road and adjacent to Route 80. Ms. Keggan questioned the testimony provided by the public in regards to the safety of the gas station. Board Attorney Thomas stated that there has been no testimony provided by the public as of yet, there have only been concerns raised in the questions asked by the public. Ms. Keggan asked if comparisons were done in regards to the two properties located next door. Planner Caldwell stated that they have not.

Stephen Flynn questioned the Townships that Planner Caldwell has represented and the types of work or projects adjacent to Route 80, which Planner Caldwell addressed.

Donna Rottengen questioned the standards in the Highlands. Planner Caldwell reviewed the two Highland categories: the Preservation Area and the Planning Area.

Lucas Kropywnyckyj questioned the amount of traffic that will be generated by the proposal. Planner Caldwell stated that she does not have that information.

Jodi Keggan questioned other uses that may be permitted in the zone.

With there being no further public questions, the hearing was closed to the public.

Fred Heyer was sworn in and he provided his qualifications and background. Attorney Keiling and the public had no questions regarding Mr. Heyer's qualifications. Board Planner Heyer stated that: he reviewed most of the submissions and expert reports; he has attended or has had staff attendance at the hearings; he has read the staff notes and minutes; he has read most of the documents submitted; he has heard most of the testimony; and he has heard Planner Caldwell's testimony. He reviewed the Township's definition of an automobile service station. He stated that the convenience store is not included in the Ordinance and the Township has not opted to include it in the Ordinance. He stated that the proposed use does not meet the definition and the proposal does not meet the conditional use standard, which means that the proposal is a non-permitted use. He stated that from a planning perspective the Applicant has an enhanced burden of proof. He reviewed the 2004 Master Plan Reexamination Report goal to preserve the rural character outside of the Center. He continued to review the Master Plan and the proposal. He stated that the proposal is not consistent with the Master Plan, and probably does represent a substantial detriment to the planning effort of the Township as it is a significant deviation. He stated that the proposal flies in the face of some of the Master Plan goals. He commented on the traffic volumes necessary to support the use. He concluded by stating that the proposed use is a fairly significant departure from the zoning ordinance and the proposal is not a permitted use.

Attorney Keiling had questions for Board Planner Heyer in regards to his testimony pertaining to the character of the area, the uses permitted in the zone, the zones that permit gas stations, whether the installation of tires and batteries would be permitted in the zone, the size of the proposed convenience store, the standards for the conditional use, the existing "trailblazing" signage on Route 80, the property and the appropriateness of the gas station at the proposed location. Board Planner Heyer stated that the general character of the community is rural and there are ways of developing properties, which are consistent with the character of the community, while still allowing development. He reviewed the permitted uses in the zone. He stated that the POP zone is the only zone in the Township, which permits a gas station and that the installation of tires and batteries would be permitted. He stated that the building is not large in terms of industry standards; however, he stated that the combination of the two uses is what is problematic and the variance for the impervious coverage is a measure of the suitability of the site for the use. He reviewed the standards for the zone and the reduced standards for the conditional use, if they met the conditions. He stated that the proposal is a compromised design.

At 9:17 p.m. the meeting took a brief recess. The meeting resumed at 9:24 p.m.

Attorney Keiling stated that he has no further questions for Board Planner Heyer.

Ms. Wargo questioned the topography and elevations of the site, the circulation, and she stated her safety concerns. Board Planner Heyer stated that a level piece of property would work best.

The hearing was then opened to the public for questions of Board Planner Heyer.

Steven Flynn questioned the proposed drainage and infrastructure. Board Planner Heyer stated that in a perfect situation all of the infrastructure would be on site.

Jodi Keggan questioned the appropriateness of a one cut access and the status of the road. Board Planner Heyer stated that having a single curb cut is unusual for the use and he stated that he does not know the status of the road.

Larry Commisso asked what are the benefits of the proposal and what the negatives would be. Board Planner Heyer stated that the site would be developed; however, he does not feel that the use is well suited or appropriate for the site.

Lucas Kropywnyckyj asked about the minimum requirements for a Wawa type of development. Both Board Planner Heyer and Planner Caldwell stated that they did not know the minimum requirements.

David Stashluk asked the about the type of research done in looking for an appropriate site and he reviewed the number of variances being requested, which Board Planner Heyer addressed.

Donna Rottengen asked about prior approvals that may have been granted in the past that required a large number of variances. Board Planner Heyer stated that there has not been a lot of development in Hope.

Jodi Keggan questioned the traffic volume off of Route 80 and whether the site could get over run with traffic. Board Planner Heyer stated that he feels that a service station would normally target road volume off of Route 80.

Christine Rusin questioned the proposal and its significant departure from the Township Maser Plan. Board Planner Heyer stated that the Applicant has been working to make the site fit; however, they are still not where they need to be.

With there being no further questions, the hearing was closed to the public.

Board Attorney Thomas announced that this matter is being carried to the Board's August 4th meeting at the Hope Community Center located at 5 Walnut Street, with no further notice being provided. Board Attorney Thomas stated that they expect to know, prior to the meeting, which experts will be in attendance at the next hearing.

Chairman Gabel resumed his position on the Board.

**Vouchers:**

	<b>Rodman Associates</b>	
Re: Singh		\$617.50
Re: General		\$ 65.00
Re: Coates		\$292.50
Re: Hill		\$ 97.50
	<b>Dolan &amp; Dolan</b>	
Re: Singh		\$670.00
Re: Coates		\$ 50.88
Re: Hill		\$ 50.88
	<b>Heyer, Gruel &amp; Associates</b>	
Re: Singh		\$1940.00

Ms. Kernoschak made the motion to pay the vouchers. Motion seconded by Mr. Larena. Roll call vote in favor: Kernoschak, Wargo, Green, Larena, Kathenes, Gabel and Hankins. Not eligible: Alternate #2-Lytel.

**Report from Planning Board**

None

**Adjournment:**

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

Respectfully Submitted:

Alfia Schemm  
Board Secretary  
8/11/16