

**MONTGOMERY TOWNSHIP ZONING BOARD  
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY  
REGULAR MEETING  
JUNE 19, 2012**

**MINUTES**

Chairman Walker called the meeting to order at 7:40 p.m. and read the opening statement which affirmed that adequate notice of the meeting had been posted and sent to the officially designated newspapers.

**BOARD MEMBERS PRESENT:** Chairman Walker; Vice Chairman Gamache; Mr. Drift; Mr. Sugden; Mr. Wilson; Mr. Francolini, Alternate #2, Mr. Thompson, Alternate #3

**ALSO PRESENT:** Jonathan Drill, Esq., Board Attorney; Richard Coppola, Board Planner; Richard Bartolone, Township Landscape Architect; Jason Cline, Board Engineer; Patricia Graham, Township Committee Liaison; Joseph Palmer, Zoning Officer

**I. APPLICATION CONTINUATION**

**Case BA-12-01/BA-03-08**                      **Applicant: Nassau Racquet and Tennis Club, Inc.**  
Block 20001 Lot 6  
Modification to Previously Approved Site Plan and Use Variance  
Expiration Date – 9/12/2012  
Affidavit of Notification and Publication Required and Previously Found to Be In Order

The above application was continued to the August 21, 2012 Zoning Board meeting. No further notice will be provided.

**II. RESOLUTION**

**Resolution 2012-02**  
**Case BA-01-12**                                      **Applicant: Ralph Raymond**  
Block 27001 Lot 28  
Bulk Variance

A motion to memorialize the resolution was made by Chairman Walker, which was seconded by Mr. Wilson. This was carried on the following roll call vote:  
Ayes: Drift, Francolini, Sugden, Wilson, Woitach and Walker  
Nays: None

**Resolution 2012-03**  
**Case BA-04-12**                                      **Applicant: Mountaintop Properties, LLC**  
Block 15013 Lot 20  
Bulk Variance

Mr. Cline explained that at the hearing the applicant agreed to move the utility lines to get the required separation between the lines and the septic field. The applicant's engineer found out after the hearing that the connections in the street already existed and if the lines were moved the applicant would have to trench across both lanes. Adequate separation can be achieved without moving them so Mr. Cline does not have an objection.

A motion to memorialize the resolution was made by Chairman Walker, which was seconded by Vice Chairman Gamache. This was carried on the following roll call vote:  
Ayes: Francolini, Gamache, Sugden and Walker  
Nays: None

**III. APPLICATIONS**

**Case BA-03-12**                                      **Applicant: Sunoco, Inc.**  
Block 35004 Lot 1  
Submission Waivers and Conditional Use Variance and Minor Site Plan  
Conditional Use Variance and Minor Site Plan  
Expiration Date – 120 Days from Submission Waiver Approval  
Affidavit of Notification and Publication Required

Timothy Prime, Esquire represented the applicant. Notice was found to be in order.

Paul Ricci the applicant's planner, Joseph Jaworski the applicant's engineer, Laurie Pettengill Senior Construction Engineer for Sunoco, Richard Bartolone, Richard Coppola and Jason Cline were sworn in.

Mr. Prime summarized the application. The site is an existing Sunoco Service Station at the northeast corner of Route 206 and Princeton Avenue. The site is approximately 1.22 acres in area. The station has four fueling positions and a building that currently services motor vehicles. A CD with exhibits was marked as Exhibit A-1. Sunoco proposes to convert the existing building to an approximately 1,987 square foot A+ convenience store. Mr. Prime referenced the Use and Operation statement revised June 19, 2012. Dairy deliveries will be two times a week, grocery and deli supplies will be delivered once a week, vendor, soda and newspaper deliveries will be daily and gasoline deliveries are as needed approximately three times a week. The store will sell standard convenience store items including prepackaged sandwiches, coffee, fountain soda, oatmeal, chips, cigarettes, grocery items and cooler and freezer items. There will be a hot dog grill and microwave for warming. There is no cooking or frying proposed. The floor plan has been revised to have separate men's and ladies rooms as required by the Ordinance. The application is for conditional use variance and minor site plan. The applicant can't meet the ordinance requirement that a service station with a convenience store have 1.5 acres in area. There is an exception in the ordinance that if the property owner voluntarily dedicates right-of-way to the Township the owner is not penalized for not meeting the minimum lot area. This parcel was originally a 1.8 acres lot and would have met the lot area requirement but there was a taking for Dunn Way, the Master Plan Loop Road, which was not voluntary so this is not a self-created hardship. A variance has already been granted to allow the pumps to be 43.4' from the right-of-way. As part of this application the pumps are being refurbished and fixed and the setback will be 44.1'. Although it won't meet the setback requirement it will be slightly better than it was before. A variance for the canopy setback has previously been granted and there is no change. The existing building is 28' from Princeton Avenue and does not meet the required 50'. There is no outside storage proposed. Ten parking spaces are required and seventeen are proposed in the paved portion of the site. A variance was previously granted to allow up to ten gravel parking spaces in the rear. Sunoco would like to utilize this area for employee parking. The existing free standing sign that is 76.9 square feet and 21' high is proposed to remain. The face of the sign will be changed to add a new A+ Convenience Store logo and the gas prices will be advertised with LED bulbs. The setback of the free standing sign is 6.4'. Sunoco is permitted either one sign attached flat against the building not exceeding 30 square feet or one sign attached on each of two sides of a canopy with each sign not exceeding 15 square feet in area. Sunoco has existing canopy signs that are not changing. There are currently two building attached signs. One will be changed to an A+ Sunoco sign that will be about 25 square feet and the other will be a seasonal advertising sign. The message on the seasonal sign can be changed once every week or two to advertise specials being offered in the convenience store. The existing three signs on the building total 21.3 square feet and the two proposed signs will be 49.1 square feet. The signage on the pumps will consist of the Sunoco logo and prices. There is no change proposed. The disabled vehicles that have been observed on the site will be removed. The existing parking is located 9' from Princeton Avenue and there is no change to the existing condition proposed. Sidewalk will be installed along Route 206 and not along Princeton Avenue as recommended by the Open Space Coordinator. A crosswalk will be painted across Princeton Avenue from Dunn Way subject to DOT approval. If NJDOT approval is not granted the applicant will come back to the Board for relief from the condition.

Mr. Drill noted that there was no public in attendance.

Mr. Jaworski gave the Board his qualifications and was accepted an expert in site plan engineering. Mr. Jaworski referenced the survey of existing conditions and a colored rendering of the site plan. The existing gas service station has a three bay facility. The building is 1,987 square feet. There is an overhead canopy and four pump islands located in the center portion of the site. The site is 1.22 acres and located in the HC zone. There are two existing access driveways off of Route 206. There is one access driveway off of Princeton Avenue. The proposal is to convert the bay building into a convenience store. The canopy will remain in the same location. There will be new upgraded dispensers and new islands put in but they will also be in the same locations. A kiosk will be located between the rear two islands under the canopy. The underground storage tanks will remain but there will be a tank top upgrade. The existing concrete mat will be removed, the submersible pumps and the spill containment will be redone and the concrete mat will be re-poured in the same location. There will be a new sidewalk around three sides of the building. The parking spaces located along the northern and southern curb line will be striped. A new handicapped spot will be striped with the appropriate ramp. The access points and circulation on the site will remain the same. There is a frame shed that will be removed. The trash enclosure will be rebuilt with a new chain link fence and new gates. The grading of the site and the existing pavement stays the same. The only modification to the grading will be in the area of the handicapped parking space to comply with the current ADA requirements. The lighting currently includes four yard lights, four poles with five lights. Those poles and foundations will stay and the fixtures will be replaced with energy efficient LED lighting of a lower wattage. The canopy lights will also be replaced with LED lights under the canopy. The building lighting includes gooseneck type fixtures that will be in the front and side of

the building. They will have 50 watt bulbs to shine onto the face of the building. All the existing utilities will remain and be re-used. There will be a slight increase in the sanitary sewer calculation of approximately 48 gpd. The wall advertising sign is 24 square feet. The square footage of the building mounted signage represents about 6% of the total square footage of the front façade.

Chairman Walker asked about the hours of operation and when the lights turn off. Mr. Prime explained that the hours of operation will be 24/7. The current hours of operation are 5:30 a.m. to 11:00 p.m. There are three people on each shift Monday through Friday. There are two shifts on Saturday; one shift one person, one shift two people. Two shifts on Sunday, one person each shift. The total number of employees would be 10 for the whole week. Currently the lights shut off at 11:00 p.m.

Mr. Jaworski testified that the lights are on a sensor. Certain lights will come on as it gets dark until they are all on and then as it gets lighter they will shut off in sequence. The intensity of the lighting will be equivalent or a little less than what is there now. There is one light on the gravel parking lot in the rear.

Mr. Coppola asked questions about the sheds on the property, the area in the rear and eliminating the light intensity outside of under the canopy. Mr. Jaworski confirmed the sheds will all be removed. The 1,000 gallon tanks in the rear will also be removed. If the Board allows the area to be used for employee parking the broken asphalt area can be re-paved. The intent was to keep the parking area gravel but Sunoco will consider formalizing the area. The proposed average illumination is 2.8 footcandles which Sunoco feels is adequate. Mr. Jaworski would not feel comfortable going lower than that for safety reasons. When out by the landscaping and curbing lighting is down to 0.2 or 0.3 footcandles. Mr. Coppola put on the record that under the canopy is 35 footcandles.

Mr. Prime said that the light for the employee parking in the rear could be removed. The employees could park in the front at night. The Board would like the light to be on a motion sensor. Mr. Prime agreed but said they would still limit the employee parking in the rear to daylight hours.

Mr. Jaworski said the lighting without the canopy is 2.8 footcandle average and with the canopy it is 4.0.

Mr. Cline commented that the gravel area in the rear is large for three employees. Mr. Coppola asked if the operator of the vehicle service intends to service vehicles at some other location. Mr. Prime said he is not sure. Mr. Coppola said if the ten spaces in the rear are not really needed it may be used as a holding zone for vehicles that may be serviced later someplace else. He does not see the need for the parking in the rear, there is more than enough in the front. He suggested the rear be cleaned up, reverted to landscape and lawn area and the light eliminated. Mr. Prime asked if the Board would be willing to allow four delineated spaces in the rear in case there is not enough parking in the front for customers. The area will be made smaller and would be defined. A chain could be placed across the driveway access to limit it to employees only, who would have a key.

Mr. Wilson said his preference is to eliminate the parking in the rear. Mr. Drift said he is concerned that there could be the same situation as there is at Wawa where the parking lot is always full and the delivery trucks can't get in. He thinks three or four parking spaces should be permitted.

Vice Chairman Gamache asked if there will be an ATM on site. Mr. Jaworski said there would be.

Ms. Pettengill said the seventeen spaces give customers more of an advantage on where they want to park. The goal is to provide more of a selection and less congestion. The store area is about 900 square feet when the storage, restrooms, etc. is taken out. She is not aware of whether the parking needs have been sourced against another store with similar traffic demographics.

The Board took an informal poll on the compromise offered by the applicant for the rear parking area and the majority of the Board was satisfied with the compromise.

Mr. Prime said Sunoco plans to completely close for the 56 days while the renovations are taking place so a phasing plan is not needed. The handicapped parking, sidewalks and ramps are ADA compliant. Sunoco will work with the Board Engineer regarding ADA compliance and additional loading zone signage. The deliveries will be coordinated so there are not conflicts between the delivery trucks, avoiding peak traffic hours or causing excessive noise early in the morning. A circulation plan will be supplied to the Board Engineer showing the gasoline deliveries as a condition of approval. The compressor will be housed within the existing 4' high brick wall area. The wall can be expanded or the area screened if the Board is concerned about seeing them. The three 1,000 gallon underground tanks in the rear will be removed. The three 8,000 gallon tanks in the front are to remain.

Mr. Bartolone asked the applicant to fill in the 100' gap of vegetation along Bunn Drive. Sunoco will work with Mr. Bartolone on the type of plantings to be used.

Mr. Cline asked the applicant to look at improving the pedestrian access on the site for pedestrians walking to the site. Mr. Jaworski said Sunoco would prefer not to put additional striping in the parking in the area. Mr. Cline suggested a small strip of sidewalk be installed from next to the bus shelter back into the property.

The Board took a straw poll to see who wants some form of striping to direct foot traffic. The majority of the Board was not in favor of striping for pedestrians. Vice Chairman Gamache said he would like Mr. Cline to work with the applicant after the site has been completed to see if there is a feasible spot.

Mr. Drift asked if the current operator of the station will still be the operator. Ms. Pettengill said that Mr. LaRue is presently the dealer and will be the dealer when they reopen as a store. Mr. Drift asked if it was detrimental to the town removing a service station since it is the only one in town and having a convenience store when there are others. Mr. Prime replied that it is an economically driven decision by the dealer and by Sunoco.

Mr. Wilson said he is surprised there is nothing in the ordinance regarding hours of operation. Mr. Drill said if it was a negative criterion issue hours of operation could be made a condition.

Mr. Coppola asked questions about the lighting. Mr. Jaworski said the lighting under just the canopy alone averages about 26 footcandles. Mr. Coppola asked why it can't be reduced down into the teens. Mr. Prime replied that it is a safety issue since that is where all the activity takes place. Mr. Coppola suggested that the Board require less lighting under the canopy. Mr. Jaworski said the applicant will look at the canopy to see if they can get it less intense. He opined that a one footcandle average over a gasoline service station and convenience store site is unsafe. The industry standard is two to five footcandles. The configuration of the site, the number of lights and the height of the lights all come into play when designing a site. The lights under the canopy are 128 watts. Mr. Coppola asked if the lens under the canopy is recessed. Ms. Pettengill replied that the bulb is recessed into the canopy and the lens is flush with the canopy or sticks down ½" or so.

The Board took a five minute recess to allow the applicant to discuss the lighting.

Mr. Jaworski will meet with Mr. Coppola and Mr. Cline to discuss lighting and trash enclosure issues.

The Board discussed the submission waivers from providing an Environmental Impact Statement and stormwater and drainage calculations. The professionals recommended approval of the waivers.

A motion to approve the submission waivers was made by Chairman Walker, which was seconded by Vice Chairman Gamache. This was carried on the following roll call vote:

Ayes: Drift, Francolini, Gamache, Sugden, Thompson, Wilson and Walker

Nays: None

Mr. Wilson commented that left turns from southbound Route 206 is dangerous and wondered if there was anything the Board could do to prevent these turning movements. Mr. Prime responded that DOT issued a letter of no interest which means the driveways can remain full access. Mr. Wilson asked if the applicant would consider any kinds of restrictions on operating hours and if not if they would consider security cameras.

Mr. Sugden asked if there would ever be less than two people working at the store. Mr. Prime responded that there will be two or three but not less than two.

The application was continued to July 17, 2012. No further notice will be sent.

## **MINUTES**

### **March 27, 2012 – Regular Meeting**

A motion to approve the minutes was made by Chairman Walker, which was seconded by Mr. Sugden. This was carried on the following roll call vote:

Ayes: Walker, Drift, Sugden, Francolini and Thompson

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 10:10 p.m.