

MONTGOMERY TOWNSHIP ZONING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
JULY 17, 2012

MINUTES

Chairman Walker called the meeting to order at 7:37 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. Petraske; Mr. Sugden; Mr. Voitach; Mr. Cheskis, Alternate #1; Mr. Francolini, Alternate #2, Mr. Thompson, Alternate #3; Ms. Covello, Alternate #4

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

I. APPLICATION

Case BA-03-12

Applicant: Sunoco, Inc.

Block 35004 Lot 1

Conditional Use Variance and Minor Site Plan

Expiration Date – 10/17/12

Affidavit of Notification and Publication Required and Previously Found to Be In Order

Timothy Prime, Esquire represented the applicant. The application was continued from last month to allow the applicant and Board's professionals to meet regarding the lighting. The Shade Tree Committee memo dated July 13, 2012 suggested additional plantings and substitution of species. Sunoco does not completely agree with all the recommendations and would like to work with Mr. Bartolone. As requested by the Open Space Coordinator sidewalks have been included on the plans. The offsite crosswalk will be provided but it was not shown on the revised plans.

Mr. Jaworski remains under oath. Mr. Jaworski referenced a plan entitled "Site Plan Rendering" and is based on the latest site plan dated 7/3/12. This exhibit was added to the CD that was marked A-1 at the last meeting. Mr. Jaworski described the changes that have been made. The sidewalk was added along Route 206 along with striped crosswalks across the driveway. NJDOT approval is required for the sidewalk since it is within their right-of-way. The striped crosswalk across Princeton Avenue is not shown on the plan but will be provided. The lighting poles will remain but the fixtures will be upgraded to new LED fixtures. The canopy lights will also be upgraded to LED fixtures. The canopy lighting has been modified to reduce the average footcandle under the canopy to 17.4 which is consistent with other stations in the area. The previous average under the canopy was 26 footcandles. A flush fixture will be used and will not extend below the canopy. Once the canopy lighting was reduced, the overall lighting average went down to 3.2 footcandles. The bulb of the gooseneck fixtures on the building will be recessed into the fixture. The rear parking area was reduced. It will be paved and will provide three employee parking spaces. Landscaping has been added along the gap of Dunn Way to help buffer the area. After discussion with the Board's professionals it was decided not to provide a gate to the employee parking area. There will be a security camera on the back of the building and the area will be signed for employees only. The trash enclosure was proposed to have a chain link fence with slats. The applicant will make a masonry structure consistent with the building material. The gates will be a solid wood or trex type material. The air pump will be relocated to the striped area to the east of its current location. The applicant will provide a sight triangle easement for the small section in the southwest corner. The band on the building and around the canopy is to be counted as signage in accordance with the ordinance. When the band and the actual wording are added together the existing building signage is approximately 234 square feet. The proposed building eliminates the entire band and will have two signs installed. Mr. Jaworski referenced building elevation plan SK-2 revised May 24, 2012. The proposed total square footage is 49.1 square feet. The ordinance permits one building mounted sign not to exceed 30 square feet. The building mounted signs are internally lit. The band on the canopy is also considered signage under the ordinance and is not changing.

Ms. Coppola opined that a variance is needed for the two building mounted signs since the ordinance permits either one building mounted sign or one canopy sign.

Mr. Cline asked Mr. Jaworski how the proposed lighting compares to the existing lighting under the canopy. Mr. Jaworski said the existing light levels are 19.5 footcandles. Mr. Cline said they have addressed his concerns regarding the lighting.

Mr. Bartolone asked if the shrub that is located in the proposed sight triangle easement is to be removed. Mr. Jaworski confirmed it would be. It could be replaced with something that is lower in height.

Mr. Cline said what is proposed complies with ADA standards. The architectural plans will have to be revised for ADA compliance.

Paul Ricci, 10 Georgian Drive, remains under oath. Mr. Ricci gave the Board his qualifications and was accepted as an expert planner. Mr. Ricci referenced planning exhibits for Sunoco Convenience Store 919 State Highway Route 206 Montgomery New Jersey consisting of 3 sheets. The exhibits were marked as Exhibit A-1. The aerial photograph shows the context of the site and the surrounding environment in the HC zone. The site is surrounded by commercial land uses well removed from residential properties. Mr. Ricci described photos he took of the site and the building.

Mr. Ricci described the required variances. A variance is needed for lot size. The lot is 1.22 acres in area where 1.5 acres is required. Variance for signage is required. The ordinance allows either one thirty square foot building sign or two fifteen square feet canopy signs. Since there are already canopy signs relief is needed for all the building signage. The existing gas pump setback is 43.4' and will be moved to 44.1' where 50' is required. The existing building is setback 28' from Princeton Avenue at its closest point where 50' is required for a second principal building. A variance for lighting is requested to permit an average footcandle level of 3.2 where a maximum of 1 is permitted. The variances that are more associated with changing conditions than static conditions that are currently on the property include the setback of the canopy, the distance of the off-street parking, amount of canopy signage, setback, size and height of the existing free standing sign, the distance of the driveway openings from intersecting streets and the width of the driveway associated with the employee parking. Existing variance conditions that are being eliminated include the removal of the shed located to the north of the existing auto repair building, removal of the structure behind the building and paving of the rear gravel parking area. Most of the required variances are existing conditions that are being continued. This application is about taking an older existing gas station with an auto repair garage and vastly improving the building.

Mr. Ricci discussed the benefits of the application. The industry trend of the small auto repair facilities has changed and the small shops are closing. The site will be cleaned up, there will be less noise from repair equipment and less solvents and other chemicals on site. This application offers the Board an opportunity to better integrate the use with surroundings by creating a more visually appealing use. The inclusion of additional landscaping better screens the property to the adjacent use opposite Dunn Way. The application promotes one stop shopping and possible trip reduction on the corridor. Five existing nonconforming conditions will be eliminated and several will be reduced.

Mr. Prime showed the Board a picture of an existing store in Gulph Mills PA to show the Board the scope and scale of the proposed sign for temporary advertising. The picture was marked as Exhibit A-2. Mr. Drill circled the changeable message sign on Exhibit A-2.

Ms. Pettengill answered questions from the Board about the temporary sign. The signs are on all A plus facilities and as part of the overall marketing of the convenience store, the same advertisement will be placed on the sign.

There was discussion about temporary signs and window signage. The applicant must meet the ordinance.

Mr. Ricci said the site as landscaped will further reduce the potential for negative impacts associated with the site. The negatives associated with the application are alleviated or eliminated by proper site design and existing conditions. No new negative impacts will be created. There will be little or no impact on the Township as a whole. The proposal before the Board represents a better alternative for this property. The requested variances will not substantially impair the intent and purpose of the Master Plan.

Chairman Walker noted that there was no one from the public in attendance. A motion to close the public hearing was made by Chairman Walker, which was seconded by Mr. Petraske. This was carried on the following voice call vote: Ayes (9) Nays (0) Abstentions (0)

Chairman Walker opined that the use continues to be appropriate for the site and it meets the fundamental threshold for the D3 variances. It was his opinion that they have met the test.

Mr. Petraske agreed that it would be a drastic improvement in what it is going to look like and it is in the right location.

A motion to approve the application subject to the conditions was made by Mr. Petraske, which was seconded by Mr. Cheskis. This was carried on the following roll call vote:
Ayes: Drift, Gamache, Petraske, Sugden, Woitach, Walker and Cheskis

Nays: None

II. MINUTES

May 15, 2012 – Regular Meeting

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

Ayes: Walker, Gamache, Cheskis, Drift, Petraske, Sugden and Woitach

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:10 p.m.