

Minutes of the Regular Schedule Meeting of the Morris Plains Planning Board held on May 13, 2013 at 7:30 P.M. in the Council Chambers, 531 Speedwell Avenue. The following members were present:

Present: Mr. Andre Jensen
Mrs. Sydney Leach, Vice Chair
Mr. Ralph Lopez, Chair
Mrs. Suzanne McCluskey
Mr. Leo Nichols
Mr. Vincent Novak
Mr. Hank Sawoski
Mr. Donald Underhill
Mayor Frank Druetzler

Leon Hall, Borough Engineer
William Denzler, Borough Planner
Christopher Falcon, Board Attorney

PLEDGE OF ALLEGIANCE

The meeting was called to order by Mr. Lopez. Mr. Lopez made the statement that adequate notice of this meeting has been published and posted in accordance with Chapter 231 of the Public Law of 1975, "Open Public Meetings Act."

COMMENTS FROM THE PUBLIC

Mr. Lopez opened the meeting to the public to speak on matters other than those on the agenda. Hearing none, he closed this portion of the meeting to the public.

APPROVAL OF MINUTES

Mr. Lopez requested a motion for the approval of the meeting minutes of the Board's Regular Meeting held on April 15, 2013.

Mr. Underhill moved that the minutes be approved, seconded by Mrs. McCluskey.

Roll Call

Yeas: Mrs. Leach, Mr. Lopez, Mrs. McCluskey, Mr. Sawoski,
Mr. Underhill
Abstain: Mr. Jensen, Mr. Nichols, Mr. Novak, Mayor Druetzler
Absent: None
Nays: None

Motion carried.

CORRESPONDENCE AND BILLS

Mr. Nichols read the vouchers for payment.

Maraziti, Falcon & Healey

For Professional Services rendered to the Planning Board, March 2013

PO #92121

\$875.00

For Professional Services rendered to the Planning Board, April 2013 **\$875.00**

Mr. Nichols moved that the vouchers be approved for payment, seconded by Mrs. Leach.

Roll Call

Yeas: Mr. Jensen, Mrs. Leach, Mr. Lopez, Mrs. McCluskey, Mr. Nichols, Mr. Novak, Mr. Sawoski, Mr. Underhill, Mayor Druetzler

Absent: None

Nays: None

Motion carried.

PB-3-13 Honeywell International Inc., 201 Tabor Rd.- Block: 151 Lot: 2

Mr. Lopez advised this matter is on tonight's agenda for memorialization of the Resolution.

Mr. Falcon explained the situation created by several members having recused themselves. Therefore, only those members who did not recuse themselves from the approval process and voted in favor of this application will be voting on this Resolution. Mr. Falcon stated the Resolution has been slightly modified and new copies were distributed. He then proceeded to read the Resolution.

Mr. Underhill moved that this memorializing Resolution be approved as read, seconded by Mr. Sawoski.

Roll Call

Yeas: Mrs. McCluskey, Mr. Sawoski, Mr. Underhill

Abstain: Mr. Jensen, Mrs. Leach, Mr. Lopez, Mr. Nichols, Mr. Novak, Mayor Druetzler

Absent: None

Nays: None

Motion carried.

A copy of this Resolution is attached and on file in the Board Secretary's office in the Planning Board's Resolution Book.

PB-2-13 Quick Chek - 6 Stiles Ave./93 W. Hanover Ave.

Block: 34 Lots: 12 & 13

Mr. Lopez advised this application is on tonight's agenda for public hearing.

John Wyciskala, Esq., of the law firm of Inglesino, Pearlman, Wyciskala & Taylor, LLC, introduced himself to the Board and to all other present. He is representing the applicant, Quick Chek Corporation. He stated the existing store is approximately 3,000 SF with 16 parking spaces on site. This application is for preliminary and final site plan approval with variance relief being sought to permit an expansion of the existing parking lot onto the adjacent lot (Lot 12, 6 Stiles Avenue). The existing structure on Lot 13 is in the B-1 Zone; however, 6 Stiles Avenue (Lot 12) is in a residential zone. The Borough's

ordinance allows for expansion of a parking lot into a residential zone when it is adjacent to a commercial zone where there is a commercial use. While it is a permitted use, there is some associated variance relief. This current application is similar to one this Applicant presented before this Board seven years ago. While the previous application requested permission to expand the parking lot, it also requested permission to expand the store itself. This current application does not request permission to expand the store, just the existing parking lot. Mr. Wyciskala stated the acquisition of the adjacent property is strictly to expand the existing parking lot. The plans propose increasing the number of parking spaces by six spaces, for a total of 22 parking spaces. However, based on preliminary comments from one or both Borough Professionals, it appears that the number of new parking spaces can be increased by eight spaces for a total of 24 parking spaces instead of 22 parking spaces. All necessary buffering will be increased. He referenced comments that resulted from the earlier hearing in 2006. He provided information on the witnesses he will present. He advised that a Morris County Planning Board review report was received in March for this application, and the County Planning Board gave its approval in April.

Mr. Falcon swore in all Witnesses and Borough Professionals..

The first witness called was Keith Cahill, a principal of Bohler Engineering. He stated he is a professional engineer, licensed in the State of New Jersey. He provided additional details on his professional background and his witness experience.

Mr. Cahill referenced the earlier application in 2006. There only intent with the current application is to increase the parking spaces and to provide a larger buffer to the surrounding residential area. He presented his Exhibit A-1, "Aerial Exhibit, Sheet 1 of 1" prepared by Bohler Engineering. Lot 13 is approximately .4 acres. He described the existing site as well as commented on nearby roadways and intersections. His second Exhibit, A-2, "Site Plan Sheet 3 of 10", the exact same sheet that is in the packages provided except the exhibit has some color enhancement to identify the different elements on the site. Lot 12 is approximately .17 acres with variable width, but roughly 50' on average in width. Acquiring Lot 12 will increase the Applicant's total lot space from .4 acres to .57 acres. He continued to review Exhibit A-2 and make comments as appropriate. The existing building is approximately 26' from the neighboring property. The existing parking area along the north side of their property line is roughly 10' off their property line; the proposed modification will push this to 25' and the Applicant will provide a 27' landscape buffer between their parking area and the adjacent residential property. The 6' high stockade fence will be maintained, a brand new one will be installed along the property line. Fencing will be enhanced with an Evergreen buffer. They are proposing more than 450 plantings over the entire site. A 10' planting height at the initial start has been recommended by Mr. Denzler, and the Applicant is willing to do this. A berm may also be installed on the site. The plantings should be 12' to 13' on Day 1. He stated that the proposed plan pulls the Stiles Avenue driveway back further, now there is a 100' space into the intersection. He commented on additional enhancements.

Mayor Druetzler asked what the width is of the current driveway.

Mr. Cahill replied it is approximately 23' and will increase to 28.5'. However, the Applicant has been asked to add four more feet in width which means the final width will be 32.5'. The County Planning Board has indicated they have no problem with the additional four feet being added.

Mr. Lopez requested that a member of the public wait until the proper point in the meeting to ask questions or make comments.

Mr. Cahill continued describing planned enhancements. He spoke about on-site traffic/pedestrian circulation, sidewalks, and handicapped access. He advised they are reconstructing handicapped access ramp(s) along Stiles Avenue for the driveway. A sidewalk will be installed along the northern side of the property line. There will also be a crosswalk into the site.

Mr. Cahill next provided information about the three variance requests: (1) front parking front yard; there currently is a non-conforming situation. The improvements will drastically improve the overall on-site flow; (2) the setback of the driveway along Stiles Avenue; (3) monument sign along West Hanover Avenue, just to the east of their existing driveway. The sign would have a 3' high brick base, be 5.5' high and 9' wide. The Applicant desires this monument sign to assist drivers in knowing exactly where the store is and alerting them where to turn in the driveway. He also spoke about several design waivers for additional modifications. Sidewalk will be replaced along the front of the store. He also commented on eliminating curbing to create a flush area in certain places; they believe this creates a safer environment. Curbing will be maintained everywhere else across the site and on the perimeters.

Mr. Cahill next spoke about on-site lighting with outside shields on all lights on their site. The only slight overspill areas are at the driveways. The lights would be 15' in height. Essentially all light is maintained on site. The store is not changing its operation and will continue to operate in a similar fashion.

Mr. Wyciskala stated there are other lights on the property. The existing Enter and Exit signs will remain.

Mr. Cahill stated they will remain. They are focused at the driveway(s) and are 3 SF and 3' in height. He checked a distance issue to what would be the nearest residential property. That property would be approximately 45' from the driveway cut; this takes into account the length of a parking space and the 27' buffer area. He included additional commentary about this situation.

Mr. Wyciskala asked about the Borough's parking ordinance.

Mr. Cahill stated the Borough's ordinance requires 20 spaces for the facility. The plan currently calls for 22 spaces and additionally the Borough Professional(s) are

suggesting having a total of 24 parking spaces. The Applicant is willing to do all it can to agree to the Professional(s)' request for a total of 24 parking spaces.

Mr. Lopez asked about a loading zone and tractor trailers coming to the site.

Mr. Cahill responded that that space is not used by the tractor trailers. The goal is to keep them as far away as possible from the residents. While the original intent was that tractor trailers would use the loading zone, they are larger than what can move through there based on the original design. He believes tractor trailer deliveries are taken from the front of the store or along West Hanover Avenue early in the morning.

Mr. Hall referred to their April 10, 2013 report and reviewed certain portions of it with Mr. Cahill. He asked about parking spaces. He asked about soil suitability and issues relating to stormwater, storm sewer trench, and re-charging. He asked if some construction phasing and scheduling could be provided.

Mr. Cahill stated that typically Quick Chek standards are to have a 10' x 20' parking stall. As to the soil and water issues, he replied they have some technical information and the water does not really "perk" into the ground due to soil types. He does not believe there would be a benefit from that, but it is a valid point involving the existing impervious coverage on the two lots. He is not the contractor, but they use the same contractors from job to job and they are very familiar with the Quick Chek operation. Due to the fact that the existing site's operation will stay the same; that is, 24/7, they will have to phase the construction in stages. Information must be submitted when encroaching on a roadway, a County road. Police supervision may be necessary for safety purposes. He said the Applicant will do everything to minimize any conflicts between construction equipment and pedestrians and vehicles using the site.

Mr. Wyciskala asked if the Applicant will comply with all the Borough's code requirements in connection with all construction activities.

Mr. Cahill replied that the Applicant will certainly comply with all such Borough requirements. He provided additional information about what he believes the plan will be to install the new parking lot and all other on-site improvements. He provided information on what he believes is the timeline of the work that needs to be done; it will be staggered since the business will remain open for business; if the business shut down, everything could be done much more quickly.

Mr. Hall commented on information he has received concerning problems with this site – deliveries, maintenance of the site, cleaning up the parking lot and related types of concerns, particularly in the late evening and early morning hours. The Applicant is subject to the NJDEP night-time noise standards -- no more than 50 decibels at the residential property line. He asked if deliveries occur between 10:00 p.m. and 6:00 a.m.

Mr. Cahill stated he has heard recently of complaints, and he believes some of the complaints come from using leaf blowers to clean the parking lot. His understanding is

that this practice has been stopped by Quick Chek management. Normal maintenance and landscaping work will be done in daylight hours. Some deliveries like milk are delivered before 6:00 a.m. and the future deliveries will be the same as the current practices.

Several members of the Board asked where the deliveries are received.

Mr. Cahill replied that to his knowledge deliveries come to the front of the store or along West Hanover Avenue. He does not believe a tractor trailer can back into the existing loading zone without running over curbs and other problems.

Cross discussion about deliveries and issues related to them, including that Mr. Hall commented that on all circumstances deliveries should be received as far as possible from the residential area.

Mr. Lopez again reminded the public to wait until the proper time for their comments and/or questions.

Mr. Nichols suggested no tractor trailer deliveries if the loading zone cannot accept them. Box trucks could be used and will fit properly in the loading zone.

Mr. Cahill stated that six tractor trailer deliveries are made per week.

Cross discussion concerning the issue of what kind of trucks should be making deliveries to this site.

Mr. Cahill explained that the tractor trailer trucks are bringing deliveries to several sites, not just this site in Morris Plains. From a logistics standpoint, this is the most efficient way for many of the deliveries to be made.

Continued cross discussion about the matter of tractor trailer deliveries, including that the site cannot accommodate a tractor trailer, the tractor trailers present a potential traffic hazard and other safety issues; and could the situation be resolved by using two box trucks instead of one tractor trailer.

Mr. Lopez expressed his concerns for the residents of the area and the need to identify resolutions to these issues; mutual agreement will be required.

Mr. Hall presented his comments about the current situation at this site during the rush hour traffic timeframe. The tractor trailer does not fit on the site.

Mr. Cahill commented on early morning deliveries such as milk, but also on the other items that are delivered early in the morning that allow for fully-stocked shelves in the store from the early morning on through the rest of the day.

Mr. Denzler stated most of his questions are already answered, but he wanted to address the situation of the trash enclosure. Should this be expanded? He also asked about sound levels in connection with nearby residences.

Mr. Cahill replied that they do not believe there needs to be any expansion. They believe the additional buffering and berm to be installed will protect against increased noise levels. A larger separation is being gained relative to the operations of the site versus the closest residents to the north. He also asked about the enter and exit signs' heights

Mr. Hall raised the subject of driveway sight distance, he requested the Applicant plot the driveway real lines of sight at the proposed driveway/Stiles Avenue intersection. He expressed some concern about the proposed landscaping.

Mr. Cahill advised the enter and exit signs are 3' high; basically 1' x 3', and the top height is 3' on a post(s).

Mr. Hall stated he would like to see sight lines plotted based on the posted speed limit and wants to be sure there is no landscaping or the berm interfering with the sight lines. He asked that the landscaping within the sight lines have a maximum mature height of 30" or less. He also asked that certain piping (4" PVC inspection port) be cut flush to the ground to eliminate a tripping hazard. He reminded that the West Hanover Avenue driveway is to be widened by 2' on each side and 2' of dropped curb. He will need to discuss several other issues with Mr. Cahill offline that are of a minor nature. He also reminded about replacing two existing gates with wooden gates; they should have self-closing hinges. He explained his position regarding no need for granite block since the concrete sidewalk adjacent to the store will be flush with the pavement. He has no problem with this and mentioned several other examples of this type of approach.

Mayor Druetzler asked about the West Hanover Avenue radius to check to be sure it is large enough to eliminate anyone cutting the curb and driving into the grassy area.

Mr. Cahill stated he does not know, but will double check on it. He also stated he believes that the 4' of width to be added should address this issue.

Mr. Hall commented on how it is easy to see car tire tracks now where cars turn into the site. Perhaps there should be a larger radius yet and make the dropped curb even wider for better turning ability.

Cross discussion about radii and how large this area should be.

Mrs. Leach asked about the lights on the Stiles Avenue, asking whether they will be shielded on the back side. She also asked about the tractor trailers.

Mr. Cahill responded all the lights will have a house side shield. They will LED box-style fixtures at a 15' height. The focus of the lighting will be into the interior of their parking

lot and shielded lighting along the driveway for enhanced safety. Was any agreement reached on this matter? She stated she will find it difficult to approve these trucks being on site early in the morning.

Mr. Cahill replied he is not the person who can change these tractor trailer deliveries. He stated the Applicant will take the suggestions regarding the tractor trailer versus box truck deliveries under consideration.

Mr. Wyciskala agreed the Applicant will consider the tractor trailer versus box trucks deliveries.

Mr. Lopez opened this portion of the meeting to the public for questions of this witness.

Mr. Tom Smith, 33 Stiles Avenue, Morris Plains, stated his various concerns, such as additional parking being requested; the possibility of the Applicant adding an additional 600 SF of store because of the 24 parking spaces; and whether a condition would be accepted if the application is approved that there would be no further expansion of store space. A future expansion could be done without coming before the Board.

Mr. Hall advised the Applicant can always come back to make an application for a store expansion. Because of the layout, however, too many parking spaces would likely be lost, thereby creating the need for a parking variance. He provided a variety of statements of what would need to occur or be done, circumstances that would allow one thing, but not another.

Cross discussion about the issues related to a possible future store expansion.

Ms. Meredith Zweimueller, 8 Stiles Avenue, Morris Plains, stated she had attended an earlier meeting to raise her concerns about the possibility of the Applicant presenting an application before the Board. She mentioned problems with existing improper lighting and noise. She also commented on the fact that the Applicant operates 24/7. This creates such problems as patrons leaving cars running, lights on and music blaring, especially at night. She also mentioned the cleaning of the parking lot at 3:00 a.m. with a leaf blower and a drug dealer loitering on their property. Other problems related to trucks backing up and beeping, early morning deliveries, careless disposal of cigarettes, a hole in the fence, on-street and other parking issues, general negative issues of living next to a convenience store, and debris.

Ms. Kerrin Summa, 48 Maple Avenue, Morris Plains, expressed concerns about the driveway being moved closer to her house; she has two young children. She also commented on property values and debris in the area.

Mr. Cahill stated the proposed driveway will be 17' closer to Ms. Summa's residence.

Ms. Kathleen Taggart, 52 Maple Avenue, Morris Plains, stated that she believes this application will turn her back yard into a parking lot. She voiced complaints about noise,

lighting, garbage, and truck deliveries. She also expressed worry to do with property values. She also referred to cement block garage that sits in her yard.

Mr. Cahill stated the garage will be removed and the area will have landscaping done and a fence will be installed. According to a survey, the garage is entirely on the property of Lot 12, Block 35.

Ms. Taggart stated the garage is inside her back yard, the result of a zoning variance of some sort. She was pleased it would be removed, but was worried about it ultimately being used as a quasi parking lot versus a residential site. Lot 12 borders her property.

Mr. Cahill stated nothing will be touched outside their property. If the purchase is successful for Lot 12, they will be installing 10' high Evergreen shrubs in the area under discussion.

Ms. Taggart continued to list several complaint issues.

Nicholas Summa, 48 Maple Avenue, Morris Plains, asked about some language contained in the application paperwork, relating to waivers, approvals, variances, and exceptions. He stated he reads this as giving the Applicant the green light to do virtually anything it wants,

Mr. Wyciskala provided an explanation of why the specific language contained in the documentation and as read by Mr. Summa is part of the documentation. Under the Municipal Land Use Law the Applicant must provide certain notice. The only information they are required to identify is the property address, the date of the hearing, and the general nature of the matter before the Board. They listed the variances/waivers they were aware of. What was read by Mr. Summa is a catch-all statement provision to address unanticipated issues that may occur as well as requests/recommendations of the Board.

Mr. Lopez provided additional commentary stating that the Applicant needs the Board's approval. It covers changes recommended by the Board.

Mr. Summa continued stating that the proposed change will encroach more and more on their lives. Further, he said they are trying to nip any future issues in the bud, and not wait until the Applicant comes before the Board with another application. He does not think the store needs this; the community does not want it. He does not believe the Applicant will ever agree to box trucks.

Mr. Lopez stated the switch to box trucks will occur if the Board's approval contains such a condition.

Continuing, Mr. Summa pointed out that from what he has seen and observed, the fear is that once the Applicant's "wrong behavior" continues for long enough, it then gradually becomes accepted as "OK." This is his continuing concern – that other

prohibited behaviors will, over time, be accepted as OK. "Doing something for a long time does not make it right."

Mr. Lopez stated the Board is limited by law as to how far the Board can go. The Board is trying to ensure that the existing situations for complaint do not get worse. The Board is looking out for the residents' interests as well.

Mr. Summa spoke on the matter of the existing deliveries and where the trucks should be parking. Why is this happening and being allowed to continue to happen? "They are not doing what they originally were supposed to be doing." Increased parking ability will result in increased traffic in the area.

Mr. Lopez stated the Board can control the growth of the business to a degree. The Board is looking out for the interests of the residents.

Mr. Eric Strassman 6 Stiles Avenue, Morris Plains, asked about the delivery trucks – are they all Quick Chek? Would it be feasible to change to box trucks? Would the existing dumpster need to be moved if the box trucks were used and using the loading dock? He asked if the enter/exit signs were lit. He asked about any plans to control cars from going up on the curbing when turns in/out are being made. Could a certain existing utility pole be moved? What are light shields made of? He asked how high the proposed new fencing will be commenting that it appears the existing fencing is about 7' or 8' high.

Mr. Cahill stated there are various vendors. He stated he would think the dumpster would remain where it is. The enter/exit signs are internally illuminated on both sides. These signs will not be shielded; these lit signs are for identifying the driveway, not to illuminate any portion of the driveway. There are no plans for strict control of cars going over curbing; the driveway will be wider, there will be additional landscaping and they may install a landscape boulder. He offered to explore two additional ways of possibly addressing this matter. He provided information concerning the utility pole, stating it was very unlikely it could be moved. He further explained the phased procedure that will be used during the re-paving of the parking lot. Everything will be done with safety as the highest goal. He provided information about the anticipated light shields saying it will probably be some type of metal-coated material. They are proposing solid landscaping to their sidewalk. There will be 23' of plantings before reaching the fence. There will be a significant Evergreen buffer that over time will continue to grow and mature over time and will provide significant year-round buffer. The Applicant is proposing White Fir, Norway Spruce, Douglas Fir, Persian Spruces, and White Pines. These trees will not drop leaves; they are year-round Evergreens. The proposed solid stockade fence will be 6' high. He does not know exactly how high the existing fencing is. He believes the Applicant has heard the need for improved, greater and better maintenance of the property has been heard "loud and clear." He also provided detailed information of how he believes the fence installation will be done as well as the creation of the berm which will be of a mulch.

Mr. Wyciskala stated Quick Chek will explore the feasibility of changing from tractor trailer trucks to box trucks. He also commented on having a Maintenance Bond in connection with the plantings.

Mr. Hall advised a two-year Maintenance Guaranty is required by ordinance.

Cross discussion concerning lighting and landscaping/buffering.

Mrs. Jessica Terreri, 54 Maple Avenue, Morris Plains, stated it is her recollection that when the Applicant was last before the Board in 2006, there was a promise to never come back in order to do anything else at Quick Chek. She asked about the need for six additional parking spaces – she believes it will cause more trouble and more problems. She feels Quick Chek has been an annoyance and a bother to the community since first arriving at this site.

Mr. Gil Zweig, 24 Stiles Avenue, Morris Plains, stated the morning traffic on Stiles Avenue has already resulted in a number of injuries and one fatality over the years. Will increasing the parking area increase the probability of additional injuries?

Mr. Cahill replied that he does not believe that – adding parking spaces does not generate traffic. Adding building square footage would more likely do this. Traffic generation and trips are based on square footage of buildings. The Applicant is addressing on-site concerns; they are trying to add parking to accommodate the on-site vehicles. Some cars will now park at Lovey's or other locations. The Applicant wants to accommodate all customers coming to Quick Chek on its site.

A question was asked about the analysis made of the site by Mr. Cahill, particularly with reference to the tractor trailer trucks and all other deliveries.

Mr. Cahill responded the Applicant cannot have parking in the front yard. Under the existing condition there is a variance relating to an existing non conformance. He does not know if there was a variance when this was brought forward; he did not do the design or the testimony many years ago. There is no variance associated with the deliveries at the site. He provided additional information relating to the history of variances at this site.

Mr. Wyciskala referred to this opening statement and the various information he provided at that time.

Cross discussion relating to the variance history and any resolutions applicable to this matter, including the problem of the tractor trailer deliveries, any existing violations in relation to the site, previous site plan approvals, variances, conditions of the site plan, enforcement of conditions of approval, and 2006 testimony.

Mr. Nicholas Summa, 48 Maple Avenue, Morris Plains, asked about a large bush proposed at the site (A-2, next to the number 7). He thinks this may be a visual impairment for someone exiting the site.

Mr. Cahill stated he believes Mr. Summa is referring to A-2 and a proposed shade tree up along the driveway. The tree will be limbed up higher than a bush. The Borough Engineer asked that all lines of sight for the driveways be safe in connection with any proposed plantings. He added they are not increasing the impervious coverage.

Cross discussion concerning possibly changes to the grade of the parking lot and the impact of changing the site to having no curb when walking into the store.

Mr. Cahill commented that they must still maintain their same drainage patterns. In general it becomes about 4" higher due to the cross slope on the sidewalk.

Mr. Hall commented on the Applicant's grading plan stating there will be swale right along the building property line and it will bring all the water to the northwest corner of the tract where there is a line. None of the water will be leaving the site, and he will ensure this happens.

Ms. Meredith Zweimuller, 8 Stiles Avenue, Morris Plains, asked about the first parking spot that would be facing the house to the north and the car's entering and exiting the premises.

Mr. Cahill advised of the general standard practice. He referred to 90-degree drive aisles, turns into the premises, radii, and 180-degree turns. He said he does not believe there is anything to be concerned about this.

Mr. Howard Treton, 53 Maple Avenue, Morris Plains, expressed a concern of cars backing out of parking spaces into traffic (from north-facing spaces).

Mr. Cahill responded it is not much different than cars backing out into traffic coming into the site. He will re-look at the situation.

Ms. Kathleen Taggert, 52 Maple Avenue, Morris Plains, raised the subject of school buses and school bus stops. Perhaps one or more stops should be re-located. She also raised her concern about water from the site going to the northwest portion of the site – is this water going to wind up in her backyard?

Mr. Cahill said water will not be draining into her backyard.

Mr. Hall also commented on why and how this will not happen referring to the swale and berm. He reminded he will ensure this is indeed what happens.

Hearing no further comments from the public, Mr. Lopez closed this portion of the meeting to the public.

Mrs. Leach asked whether the original approvals on this site might be available. She would like to know if a loading dock was required along with the original approval. Do trucks other than the tractor trailers use the loading zone and are they sized to be able to do so? She asked for some information about the demolition of the house, specifically control of dust.

Mr. Cahill provided information on the variety of trucks making deliveries to this site such as Frito-Lay and Jack & Jill. These trucks can usually use a normal parking space because of their size. Other Quick Chek stores get five to six deliveries per day from a box truck. Some may use a loading zone, but at others they may use a normal parking space. Some box trucks arrive at the site prior to 8:00 a.m. Box trucks coming to the site can all use the loading zone if they want to. In demolishing the house, they must follow demolition standards from the Borough's Building Department and Soil Erosion. They will ensure they follow OSHA standards, soil erosion standards, and the general Building Department standards. Dust is usually controlled by having water on site, which would be their plan. The demolition would be done during regular ordinance-regulated timeframes. A safe site – for all issues of safety -- will be maintained.

Mr. Novak asked whether the Applicant will be getting the full value from their parking spaces – some parkers are very careless when they park by parking over one of the lines.

Mr. Cahill stated the recommendation was to have parking spaces that are 9' wide stalls (versus the 10'x20') size since there is a such a concern about having sufficient on-site parking and to create as many parking stalls as possible. He personally prefers 10' wide stalls and this is actually a Quick Chek standard. They could modify their plan and add only six new stalls which would allow for wider stalls, but less stalls.

Cross discussion about perhaps going back to the 10' x 20' spaces versus 9' x 18'. Most Board members appeared to support this.

Mr. Cahill stated the northern-most stalls (A-2) were modified. He then commented on A-3, stating the northern-most stalls went to 9'x 18', allowing 2' more of landscape area. He provided information as to what results would occur if these parking stalls were modified to 9'x18', 10'x18', 10'x19' or 10'x20'. He also provided information for the State standards for providing handicapped parking; there will be one such parking space.

The consensus of the Board members was to support these particular parking spaces to be 10'x18' in size (northern-most parking stalls).

A Board decision was made to investigate the existence of the documentation supporting the original application approvals for this Applicant.

Mr. Wyciskala listed the items he will be following up on, including documentation relating to the original application approvals, switching to box truck deliveries only and all other items discussed tonight. He stated they will be back at the June meeting which is on June 17, 2013.

Mr. Hall asked Mr. Wyciskala to also discuss prior to the next meeting the recommendation that there be no deliveries before 6:00 a.m.

The Board Secretary stated there will be no new notice of the continuance of this public hearing.

Mr. Lopez stated the next meeting will be on June 17, 2013.

Mrs. Claire Zweig, 24 Stiles Avenue, Morris Plains, asked why the additional parking spaces are needed. Can the site be made more delivery and pedestrian friendly?

Mr. Cahill replied he is open to suggestions from anyone to support this line of thinking. Perhaps even a bicycle rack could be installed.

Mayor Druetzler stated there is a need for improvement to be made at this site, particularly for driving into the site. Quick Chek has a good business and providing six additional parking spaces should make the situation better as far as parking needs are concerned. There will be significant "green" on site. He commented on the neighborhood factor of being able to walk to Quick Chek to buy a quart of milk or buy a lottery ticket – instead of getting into a car, you can walk down to the neighborhood store. This is the way communities were built many years ago and this is the way it is coming back. Nobody really likes change, but the intent is to make this a change for the better.

Ms. Meredith Zweimueller asked what Quick Chek's recycling program is. She never sees any indication that they have put recycling out for collection. She also commented on other neighborhood businesses (a family-owned sandwich and local store, gas station, and Acme). She does not believe the convenience store looks appealing; it is not a Mom & Pop type store. She also mentioned that several area property owners are moving because of this proposed application and the possible negative fallout going forward.

Mr. Cahill replied their recycling is privately hauled.

Cross discussion about a variety of issues, including whether Quick Chek is the reasons some property owners are moving, whether the store has always been open 24/7, and property value issues.

Mr. Eric Strassman, 6 Stiles Avenue, Morris Plains, stated it is the house he lives in that will be demolished. He is a renter, not the property owner. He has lived here since 2000. He raised the matter of issues of enforcement that he believes exacerbates

many of the problems; for example, clearly-marked No Parking signs on the streets that are not enforced and ignored by police; sanitation trucks and school buses that park and idle in the Lovey's parking lot in the morning to go to Quick Chek; and poor property maintenance, particularly trash of the premises.

Mayor Druetzler advised that the No Parking signage was part of the earlier Quick Chek application.

Mrs. Kerrin Summa, 48 Maple Avenue, Morris Plains, expressed concern regarding the school buses and school bus stops and possible future re-routing of school buses.

Mayor Druetzler stated the police chief usually talks with the school district about such matters. Councilwoman McCluskey is the liaison to the police department and she will discuss this matter with the chief.

Mrs. Jessica Terreri, 54 Maple Avenue, Morris Plains, said she does not appreciate Quick Chek's parking customers who park on Maple Avenue with the large landscaping trucks, often blocking her ingress/egress, and staying there to eat lunch or drink their coffee, sometimes throwing their garbage in her gutter area. This can happen at various times of day.

Mayor Druetzler asked how the residents would expect him to stop this kind of behavior and engaged in cross discussion with several of the residents seeking possible recommendations.

Mr. Thomas Smith, 33 Stiles Avenue, Morris Plains, asked whether a weight limit could assist in controlling the parking along Maple Avenue and other areas that are experiencing problems.

Mayor Druetzler replied that while this is a good idea, he does not believe the landscape trailers would be at a weight limit that they could be excluded.

Mr. Smith thought perhaps limiting the weight to 7,000 pounds and it would keep any pick-up truck from parking on this street.

Mr. Nicholas Summa, 48 Maple Avenue, Morris Plains, asked about the area being zoned residential; this is what it is zoned for. To allow the Applicant to expand its parking lot and to do it by moving further into a residential area pushes the residents further and further back. He commented on the fact that variances were needed earlier and are again now needed for this application is saying something. It has to stop somewhere. The residents want it to stop where it is now and no further. He also asked what controls the Master Plan exerts in matters such as this.

Mayor Druetzler stated the ordinance does allow them to come here without variance.

Mr. Lopez stated this hearing will continue at the Board's June 17, 2013 meeting.

Cross discussion about issues raised in the hearing such as traffic flow concerns, the parking problem on Maple Avenue, and how much on-street parking is related to other area businesses.

COMMITTEE REPORTS

Minor Site Plan Committee

No report was presented.

Master Plan Review Committee

No report was presented.

NEW BUSINESS

Mrs. Leach asked about RVA. It relates to a portion of Greystone and seeking RFPs. She would like to know which building this is.

Mayor Druetzler provided information as to the plans for projects and demolition of buildings at Greystone. Most buildings will be demolished, however, the “big, big building” (main building) has been pulled out to give people six weeks to show interest as to whether this building should be preserved and used. If there is no interest, the demolition contract will go out with demolishing all the buildings. They do not want to have to go out twice. A and B will be awarded at the same time. If there is legitimate interest shown, then only A will go out. The cost will be \$6M to abate the asbestos and \$5M to have it in a state where it does not deteriorate further (the big, big building). To preserve this building historically, the cost is estimated at \$110M. The State owns the property and this property is supposed to be deeded to the Park Commission to be put back in a natural state.

OLD BUSINESS

None

Escrow Report

No report was presented.

There being no further business, Mr. Nichols moved the meeting be adjourned, seconded by Mrs. Leach. Voice vote. All in favor. Motion carried.

Karen M. Coffey
Commission Secretary

Maureen Sullivan
Recording Secretary

