

**TOWNSHIP OF FRANKLIN
ZONING BOARD OF ADJUSTMENT
COUNTY OF SOMERSET, NEW JERSEY**

**REGULAR MEETING
JULY 11, 2019**

This Regular Meeting of the Township of Franklin Zoning Board of Adjustment was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Chairman Robert Thomas, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

PRESENT: Laura Graumann, Bruce McCracken, Alan Rich, Robert Shepherd, Gary Rosenthal, Cheryl Bethea, Cheryl Bergailo and Robert Thomas

ABSENT: Anthony Caldwell, Donald Johnson and Joel Reiss

ALSO PRESENT: Mr. Peter Vignuolo, sitting in for Mr. James Kinneally, Zoning Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

MINUTES:

- **Regular Meeting – May 16, 2019**

Mr. McCracken made a motion to approve the Minutes as submitted. Mr. Rich seconded the motion and the roll was called as follows:

FOR: Mr. McCracken, Mr. Rich, Ms. Bethea, Ms. Bergailo and Chairman Thomas

AGAINST: None

RESOLUTIONS:

- **Green Care Farms, LLC / ZBA-19-00003**

Vice Chair Graumann made a motion to approve the Minutes as submitted. Mr. McCracken seconded the motion and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. McCracken, Mr. Rich, Mr. Rosenthal and Chairman Thomas

AGAINST: None

HEARINGS:

- **ENGEL BURMAN QC at SOMERSET, LLC / ZBA-18-00006**

Mr. Peter U. Lanfrit, Esq., Attorney, appeared before the Board on behalf of the Applicant, Engel Burman QC at Somerset, LLC. Application for D(1) Use Variance, Site Plan and associated 'C' variances for construction of a 5,694 sq. ft. QuickChek convenience store with an 8-pump gasoline filling station. Variances associated with the proposed QuickChek consist of variances from requirements pertaining to impervious coverage, rear yard, rear yard (accessory building) and parking in required front yard. Signage variances consist of variances from requirements pertaining to size of freestanding signs (monument and pylon signs), height of freestanding sign (monument and pylon signs), setback of freestanding signs (monument and pylon signs), number and size of building-mounted Signs (QuickChek), and placement of corporate logos on directional signage for property at 1860 Easton Avenue & 4 Worlds Fair Drive, Somerset; Block 468.01/468.10, Lots 26.02/4.01, in both the C-B & M-2 Zones - **CARRIED FROM JUNE 20, 2019 – with no further notification required.**

Mr. Lanfrit stated that the subject site was the remaining site on the property that consisted of a 9-acre parcel that they received subdivision approval for in 2017 to create three (3) lots. At the same time the three (3) lots were created, Mr. Lanfrit added that they also received Site Plan approval for a hotel and an assisted living facility as well as a site pad that had no user at that time. He then noted that the assisted living facility was currently under construction. Mr. Lanfrit then went on to state that in early 2019, they submitted an application for a minor subdivision approval to subdivide a strip of land from a parcel on Worlds Fair Drive to create a new access to the entire facility as well as submitting an application for Site Plan approval for the Quick Chek. He then went on to state that they had a hearing in June for the subdivision for the access drive, which was approved, but also told the Board at that time that they were not ready to move forward since they still had some meetings planned with the Delaware & Raritan Canal Commission, the Franklin Township Historic Commission, outside agencies and staff meetings. Mr. Lanfrit told the Board that they had subsequently updated their plans and eliminated many of the issues that were raised by Township staff.

Mr. Robert Vallario, Quick Chek Corporation, 3 Old Highway 28, Whitehouse Station, NJ, came forward and was sworn in. Mr. Vallario then stated that he was Quick Check's Site Selector and that they presently have 159 stores in New Jersey. Mr. Vallario briefly described the internal and external workings of the operation and noted that they would be employing between 35 and 50 people. Mr. Vallario then explained that the only things sold outside of the confines of the store was gasoline, with things like de-icer that the travelling motorist might need. He noted that there was no repair work or servicing of vehicles on the site. Mr. Vallario then discussed how deliveries would be made to the site, including twice a week for grocery items (5 tractor trailers per week). He indicated that refuse would be picked up at least two (2) times per week, but that it would depend upon the volume of the store. Mr. Vallario stated that fuel deliveries would be on demand, but they would not be fueling tractor trailers as the site design was not set up to accommodate those vehicles. Mr. Vallario then discussed the new prototype building that they were proposing for the Franklin Township site. He then spoke about the number of employees in the store at one time, stating that they would never have less than three (3) people in the store at the same time, with two (2) inside and one (1) outside. He then wanted the Board to know that everything they do was always designed with

safety in mind, with drive aisles wider than most, their parking spaces were designed for convenience and sized at 10' x 20'.

Chairman Thomas then asked about the deliveries and if they were going to be confined to certain times of the day. Mr. Vallario spoke about having deliveries made to the site during off-peak hours and would have about 5-7 box truck deliveries per day

Mr. Rich then opened a discussion regarding high flow diesel being available on site. Mr. Vallario stated that they would only be selling low-flow diesel fuel for those vehicles that use diesel, but not for tractor trailers. A discussion ensued among the Board regarding the fact that the site circulation was not set up to accommodate the larger vehicles on-site. Mr. Healey suggested that if the Board was inclined to approve the Application, an appropriate condition would be to not allow high flow diesel sales and, therefore, not allow tractor trailers on site.

Mr. McCracken then opened a discussion regarding what attracted the Applicant to the subject site. Mr. Vallario stated that the traffic on Easton Avenue as well as the traffic coming off Rte. 287 and the ability to get back onto Rte. 287 made the site very attractive to Quick Chek.

Mr. Vallario then discussed how Quick Chek gives back to the community and described some of the organizations they have supported, both local and national.

Vice Chair Graumann inquired as to how the employees would be hired and would there be local management involved in the selection process. Mr. Vallario indicated that there was an online application process, but that the local management would be responsible for selections of employees.

Mr. Shepherd asked whether the delivery trucks would have a back entrance to make deliveries to. Mr. Vallario indicated that they did have a loading zone in the rear of the store and would be separated from the entrance in the front of the store.

Mr. F. Mitchell Ardman, Engineer employed by the Reynolds Group, 575 Route 28, Raritan Borough, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Ardman stated that he had been the engineer of record on the project during all the hearings, going back to 2009. Mr. Ardman then handed out copies of the digital files he would be showing the Board. He then showed the Board the digital exhibit of the site, entered into the record as Exhibit A-1, which was a colorized rendered of what was included in the site plan set, noting its access from the Rte. 287 ramp. He then noted that the site was approximately 9.3 acres in size and that the project included the Bristol, the assisted living facility which was currently under construction and the hotel right next to it. Furthermore, he described how the two detention basins on the site would be providing the necessary storm water management and that the current roadway nearest to Easton Avenue would be staying on the site (right turn in, right turn out). Mr. Ardman then spoke about the roadway that went out to World's Fair Drive in front of the neighboring site that had been there since the original hotel was in operation going back over 40 years. He explained that the road cut through the subject property and continued in front of the orthopedic offices, with parking on either side of it. Mr. Ardman then showed the Board the new roadway that meandered through the site to provide the exit from the site onto Worlds Fair Drive. .He then spoke about the pad site that they

would be developing (Lot 26.03) for the Quick Chek and was approximately 3.134 acres. Mr. Ardman then showed the Board the way the interior roadway cut through the site and through the detention basin property out onto Worlds Fair Drive, a location that was much further away from Easton Avenue (approximately 640 ft. away from the intersection). Mr. Ardman then testified that the existing driveway extending in front of the orthopedic building would be closed off as part of the previous approvals and would be gated so that it would not be able to be used by motorists to gain access to Worlds Fair Drive. He then showed the Board a blown up, colorized digital version of the Quick Chek plan (Sheet 4 of the plan set) which was entered into the record as Exhibit A-2. He noted that it was a 5,670 sq. ft. building that included 54 parking spaces associated. Mr. Ardman then showed where on the site they would be locating the 8-pump fueling area on the site, with a canopy cover in the front of the site. He showed the access from Rte. 287 and the two ways into the Quick Chek site, also pointing out the loading area at the rear of the store. He then directed the Board's attention to the chained off road that lead in front of the orthopedic building. Mr. Ardman explained that there would be no through access, but that there would be a swing arm gate with a Knox box that would provide emergency access for emergency vehicles. He then discussed the circulation within the site for both vehicles and pedestrians, noting that they included cross walks, handicap ramps and sidewalks between the three (3) buildings. Mr. Ardman then showed the Board some outside amenities, which would include tables and seating both inside and out.

Mr. Ardman then testified that they did update the plans due to some earlier staff comments and made some adjustments to signing and striping. He then stated that they were going to add signage when vehicles came out of each of the driveways in order to direct them back to Rte. 287 if they wish to go that way. He then spoke about adding landscaping to buffer the rear of Quick Chek from their neighbors and were also proposing a 6 ft. high vinyl fence there to put more of a permanent screen

Mr. Ardman then discussed developing the property under the CB Zone requirements and noted that the undersize lot in the zone was taken care of by variance in the subdivision approvals for the site. He spoke about the required variance for a small shed that was only 5.2 ft. off the property line where 50 ft. was required for an accessory structure. Mr. Ardman indicated that it would be screened well. He went on to discuss the variances required, as enumerated in Mr. Healey's Planning report as well as below:

The Application requests approval for the following freestanding signs:

- A 25' tall, 163 sq. ft. pylon sign near the Easton Avenue entrance for the Bristol and the hotel.
- A second 21'-9", 145.6 sq. ft. pylon sign near the Easton Avenue entrance for Quick Chek.
- A 14' tall, 152 q. ft. monument sign near the Worlds Fair Drive entrance, which would contain signage for all three uses on the site.
- Four (4) "Quick Chek" enter and exit signs.

The Applicant requests approval for the following building-mounted signage associated with the Quick Chek:

- A total of four (4) building-mounted signs on the convenience store building consisting of the following on both the east and north facades: “Quick Chek” on exterior wall and “Q: logo on tower feature.
- One (1) sign on the filling station canopy.

The Application requires the following approvals:

- D(1) Use Variance – Convenient store with gasoline filling station is not a permitted use in the Corporate Business (CB) Zone.
- Site Plan Approval
- The Site Plan require the following “C” variances:
 - Impervious Coverage: 55% maximum permitted – 56.9% proposed
 - Rear Yard: 100 ft. required – 61.5 ft. proposed.
 - Side Yard – 50 ft. required – 47.5 ft. proposed.
 - Rear Yard (accessory building): 50 ft. required – 5.2 ft. proposed (maintenance shed)
 - Parking in Required Front Yard: 75 ft. front yard parking setback required – 36.5 ft. proposed.
- The following signage variances are required:
 - Size of Freestanding Sign (monument sign): 100 sq. ft. permitted – 152 sq. ft. proposed.
 - Size of Freestanding Sign (pylon sign – Bristol/Hotel): 100 sq. ft. permitted – 163 sq. ft. proposed.
 - Size of Freestanding Sign (pylon sign – Quick Chek): 100 sq. ft. permitted – 145.6 sq. ft. proposed.
 - Height of Freestanding Sign (pylon sign – Bristol/Hotel): 20 ft. permitted – 25 ft. proposed.
 - Height of Freestanding Sign (pylon sign – Quick Chek): 20 ft. permitted – 21’-9¹/₂” proposed.
 - Setback of Freestanding Sign (monument sign): 20 ft. required – 10 ft. proposed.
 - Setback of Freestanding Sign (pylon sign) – Bristol/Hotel): 20 ft. required – 15.3 ft. proposed.
 - Setback of Freestanding Sign (pylon sign – Quick Chek): 20 ft. required – 12.8 ft. proposed.
 - Number of Building-Mounted Signs (Quick Chek): one (1) sign permitted – five (5) proposed (four (4) on convenience store building; one (1) filling station canopy.
 - Area of Building-Mounted Sign (Quick Chek): 30 sq. ft. permitted – 48.81 sq. ft. each of the two (2) “Quick Chek” signs.
 - Directional Signs: Not permitted to include corporate logos or corporate identification – each of the four (4) directional signs include Quick Chek corporate identity and logo.

Mr. Ardman then brought the Board's attention to the utilities on the site, stating that there was always a pad site planned for the Quick Chek location and had planned the water lines for water, fire sprinkler service and sanitary sewer service throughout the property. When speaking of the detention basins on the property, he noted that they had included them as part of the original plans and were approved by the Township staff as well as the Delaware & Raritan Canal Commission (DRCC). Mr. Ardman stated that he was confident that they could either address or have already addressed any comments in CME's Engineering report.

Mr. Ardman then stated that the materials used on the dumpster enclosure would be comparable to that used on the Quick Chek building. He then drew the Board's attention to the lighting proposed for that portion of the site. He stated that there would be light standards around the property similar to what was being placed at the hotel and the Bristol, both for the parking areas and the circulating areas within the site. Mr. Ardman then testified that under the canopy, there would be all LED lights that would be brighter than the other lights on-site because that is where most of the activity would be. He noted that they worked with Quick Check to bring the illuminations down from what was originally proposed. Mr. Ardman then brought up the topic of landscaping, noting that they did have meetings with the DRCC and the Township Historic Commission and had some input regarding the landscaping on the site. He stated that they would be including shade trees around the exterior of the property and at the ends of the aisles for the parking, there would be shrubs or hedges to block the headlights with a mix of other plantings. He then pointed out the areas of landscaping that was approved with the master Site Plan. Mr. Ardman then detailed the wall that was proposed for the front of the property facing Easton Avenue as well as supplementing the plantings there as much as possible to shield the view of the gas pumps. He noted that they worked with the Township Water Dept. to relocate the central water line to the edge of the property, but that the area was restricted from planting anything there. They did, however, plan to follow Mr. Healey's suggestion to put some plantings/vines in to grow over the walls. He then discussed the new entrance driveway from Worlds Fair Drive, stating that they had added pine trees, shade trees and shrubs along the driveway along the side of the driveway that abuts the orthopedic office parking lot. Mr. Ardman added that they would put in as many trees along the side of the detention basin as possible.

Mr. Ardman then drew the Board's attention to signage on the site. He displayed a photograph of what the site looked like prior to construction, which showed the 40+ year old Quality Inn pylon sign, marking it into evidence as Exhibit A-3. He noted that the original sign was 36 ft. 7 inches high with a sign face of 143.7 sq. ft., well above anything that was being approved now in the Township. He then told the Board that there were many other signs on that frontage that were on the property for over 20 years. Mr. Ardman then showed the Board the signage calculations for the sign in the prior approval for a shopping center on the site in 2009, which utilized the existing pylon sign, and included an area to display events that were taking place there. He entered the line drawing of the previous pylon sign into the record as Exhibit A-4.

Mr. Healey then opened a discussion with Mr. Ardman regarding the setback of the prior sign on the site. Mr. Ardman stated that the setback was approximately 30 ft. He then displayed the location of the existing sign on the overall site plan as well as showing the proposed signs for the Bristol and the Quick Chek. Mr. Ardman then noted that the Quick Chek sign would have a 12.8 ft. setback with a height of 21 ft. 9 inches and the Bristol sign would have a 15.3

ft. setback and would be 25 ft. high. Vice Chair Graumann asked whether either sign would be visible from the highway, and Mr. Ardman answered in the negative.

Mr. Ardman then indicated that they staggered the signs on the site for good visibility. He then showed a colorized rendering of the Bristol freestanding sign, with the gold and blue colors, that also had space for a hotel user that was unknown at that time and entered it into the record as Exhibit A-5. Mr. Ardman then told the Board that the sign would be a painted sign with an arch at the top that would include gooseneck lighting. He added that they would be putting a stone base at the bottom of the sign with landscaping at the base. Mr. Ardman testified that the face of the sign was below the Township's standard at 95 ft., and the total including the posts, the frame and the bottom was 163 sq. ft. The next exhibit that Mr. Ardman was referring to and displaying on the screen was a colorized version of the Quick Chek sign, which was entered into the record as Exhibit A-6. He noted that there were some elements that were in common with the Bristol sign, including the arched top, framed signage, posts and stone base. He noted that the type of gas sold and space for the price per gallon (which would be a digital display) were also included on the sign. He again told the Board that the sign face was also under the 100 ft. maximum at 89.7 sq. ft., with a height of 20 ft. without the curbed cap which met the ordinance requirements. He then indicated that it was 21 ft. 9 inches when the cap was included and that the total of all the components of the sign was 145.6 sq. ft. Mr. Ardman then made it clear that all the items discussed were included in the variances that they were seeking. It was then stated by Mr. Ardman that they had reviewed both the placement of the signs, their location, height and size, with both the DRCC and the Township's Historic Commission. He noted that because of the placement of the signs and the height variation on the property as compared to the canal, only the side of the signs would be visible from the towpath.

Mr. Ardman then referred the Board to the overall site plan (Sheet 2) showing the monument sign on the Worlds Fair Drive side of the property. He stated that it would also include wood posts, the arched cap and a stone base at the bottom. He then noted that the sign would have a face of 76 sq. ft, well under the 100 ft. maximum, with a gross area that included all the components of 152 sq. ft. Mr. Ardman then drew the Board's attention to Exhibit A-1, Sheet 2 of the overall site plan, to view what the monument sign would look like. He then added that it would include gooseneck lighting. He stated that the sign would include the Bristol, the hotel name and the Quick Chek, noting that the Quick Chek would have a digital portion on the sign displaying the one price for gas. Mr. Ardman then told the Board that the details on the sign were designed to match the other signs on the site. He then referred to the variances that were necessary for the monument sign, as noted in Mr. Healey's Planning report. He added that they would also be requesting a variance for a third sign on the site since there were three (3) users.

Mr. Healey then summarized the variances that were being requested to gain clarity on what the Applicant needed. He told the Board that the sign area of the proposed pylon signs was consistent with the ordinance and was under 100 sq. ft., but only requested variances due to the addition of ornamental features. He then asked Mr. Ardman to explain why the signs needed to be taller than permitted and set back closer to the property line than permitted. Mr. Ardman explained that it really related to the sight lines to the ramp coming from Rte. 287 to Easton Avenue. He noted that once signs were set back too far onto the site, because of the slope, it would be much harder to see the signs. He stated that the height variance for the Quick Chek sign needed a variance once they added the ornamental top to the sign. Mr.

Ardman then stated that the Bristol/hotel sign needed a height variance in order to give the sign some distinction/space between the two user signs. A discussion ensued as to why the Bristol/hotel sign needed to be so tall, and Mr. Ardman spoke to the sight visibility again. He also stated that they wanted to stagger the heights of the signs and that they would then have to shorten the Quick Chek sign as well down to around 15 ft. high, which they felt would be too low.

Mr. Healey opened a discussion regarding the signs being on the slope and how lowering them might make it easier for motorists to see the sign as they come off the ramp onto Easton Avenue from Rte. 287. Mr. Lanfrit stated that if the variance that they were seeking were granted, to move the project along, they could place temporary signs as proposed, but would be amenable to lowering them before placing the permanent signs. He added that they also wanted to make them aesthetically pleasing and visible. Mr. Healey then discussed why that would not be possible and Mr. Lanfrit indicated that they would proceed with the hearing and ask for the variance approval.

Ms. Bergailo then opened a discussion about the proposed signage, using the photo of the original sign on the property as a guide as a visual aide. Mr. Ardman stated that the decision to have two (2) pylon signs was made so as to separate the Quick Chek signage because it would be utilizing digital illumination and because having three (3) users on one sign would require the sign to be very tall. The decisions regarding the signs were from the feedback from both the DRCC and the Historic Commission. Ms. Bergailo indicated that a condition should be placed upon the Applicant that should either sign be damaged that they would be required to replace the sign to be consistent with the other pylon sign on the property.

Mr. Ardman then opened a discussion regarding the building mounted signs, utilizing the Architect's exhibit from Quick Chek showing the building facades, which was entered into the record as Exhibit A-7. He then stated that there would be one sign on the canopy over the gas pumps at 22.6 sq. ft. Mr. Ardman then drew the Board's attention to the four (4) requested signs on the Quick Check building, noting that there was the word "Quick Chek" and a "Q" that happened in two (2) locations. He explained to the Board that since they were separated from one another, and in two (2) locations, there technically were now four (4) signs on the façade. He then noted that the "Quick Chek" signs were 48.8 sq. ft, where 30 sq. ft. was permitted and the "Q" signs on the tower element were 22.6 sq. ft.

Mr. Ardman then drew the Board's attention back to Exhibit A-1, the overall site plan, where he pointed out the enter and exit signs that included the integrated company logo that included both "Quick Chek" and the "Q" and, therefore, required a variance at 3 sq. ft. each. He then told the Board that they would be placed at the entrance drives.

Mr. Ardman then addressed Mr. Healey's June 26, 2019 Planning report with some of the comments that deal with the site plan. He then discussed item #2 related to commercial design standards. He spoke about item #2a that related to pedestrian/bicycle access and circulation. Mr. Ardman added that there would be a bicycle rack on premises since there was an opportunity for such activity coming into the site from Worlds Fair Drive. He then addressed item #2b regarding site amenities and indicated that they would be providing two outside tables on the site and could provide calculations for those, if desired. Mr. Ardman then discussed item #2c regarding landscape design along the entrance drives. He indicated that they did have a plan to include that and would discuss with Mr. Healey if and where they

could fit in additional landscaping. Mr. Healey then asked for clarification as to what the Historic Commission and DRCC were asking for. Mr. Ardman stated that they were asking for as much landscaping and screening as possible be placed on the slope facing Easton Avenue. He added that some areas were tight up against the parking area, but that there was some suggestion to plant vines or something that would grow over the wall, which he agreed they could provide in that area. He also added that they could put some additional plantings at the base of the slope just before the water line easement as well as some additional plantings just north of the five (5) parking stalls and along the eastern corner of the parking lot.

Mr. Healey asked what the purpose of the five (5) additional parking spaces since they seemed inconvenient for customers. He then stated that they did require a variance and that if removed, the space could be utilized for additional screening instead to satisfy the comments not only of our ordinance and design standards, but also those of the DRCC and Historic Commission. Mr. Shepherd interjected that he also thought that by removing the five (5) parking spaces, it would reduce the impervious coverage to 55% and eliminate that variance as well. Mr. Ardman agreed that it would reduce the impervious coverage on-site even though they might not get it down to 55%. Mr. Ardman stated that the five (5) parking spaces were not convenient, but that they could provide an area for employee parking. In speaking to the client, Quick Chek, he stated that the 54 parking spaces provided was their preferred number for overall parking. Mr. Healey then indicated that they were over the Township requirement for parking by 18 spaces.

Mr. Rosenthal then inquired about handicapped parking, and Mr. Ardman stated that they did make accommodation for the required handicapped parking right near the front door.

Mr. Ardman then addressed item #2d that spoke to the screening of the loading area of the Quick Chek to the hotel and assisted living facility. Mr. Ardman then indicated that they proposed a 6 ft. vinyl fence. He then drew the Board's attention to item #2f related to lighting on the site. He then noted the reductions that were made in the foot candles being provided on-site. Mr. Healey then asked for clarifications regarding the industry standards for lighting for such a use. Mr. Ardman indicated that the Township standards for parking areas was fairly consistent with the industry standards, but that they were following Quick Chek's standards for lighting under the canopy. Mr. Healey explained that under the "enhanced security" lighting standards of 2.5 foot candles, the Applicant was requesting to almost double that. Mr. Ardman agreed to work with Mr. Healey by bringing in documentation regarding what "industry standard" as a condition of approval. A discussion ensued. After consulting with the Applicant, Mr. Ardman indicated that they would agree to bring down the canopy lighting some but could not give a comparable standard right now. He did agree that they could show documentation for industry standards as a condition of any approval. A discussion ensued among the Board and Mr. Vignuolo, acting Board Attorney. Mr. Vignuolo indicated that the Board would need to grant the variance they were seeking with an understanding that they would work with the Township professionals to reduce the lighting to the extent possible or indicate to the Applicant that the lighting that they were proposing needed to be consistent with industry standards and that they needed to provide examples of similar uses. The Applicant was in agreement with providing information to the Board regarding industry standard and agreed to reduce the lighting that was currently proposed. Mr. Ardman then stated that they would comply with any striping or directional things that had come up.

Mr. Ardman then addressed Mr. Hauss' Fire Prevention report, stating that they could comply. He then spoke about the CME Engineering report, dated June 26, 2019, indicating that they have complied or will comply with all the comments, adding that doing so would not substantially alter what was being presented that evening. He did want to state that they were requesting a waiver for 26 ft. aisle widths by providing 25 ft. aisle widths. Mr. Ardman added that the parking stalls were 10 ft. x 20 ft., however, which would provide an equivalent if not better turning radius for cars getting in and out for that aisle.

Mr. Oliver Young, Architect employed with gk+a Architects, PC, 36 Ames Avenue, Rutherford, NJ came forward and was sworn in. The Board accepted his qualifications. Mr. Young testified that he had worked on the architectural designs for Quick Chek since 2001. He then told the Board that he appeared before the Franklin Township Historic Commission to discuss the plans that were before the Board that evening. Mr. Young then told the Board that the plans for the proposed building being presented that evening were not for the same building that was proposed a year ago, as they were now utilizing the new prototype building that Quick Chek was currently using. Mr. Young was utilizing Exhibit A-7 for his discussion regarding the architectural design for the proposed building and handed out a smaller paper version to the Board members for their edification. Mr. Young then described the materials being used to construct the proposed building, including colors. He indicated that the Quick Chek in South Bound Brook was 23 ft. 6 inches. tall on all sides and the proposed building was the same on three (3) sides, with the front elevation where the entrance to the store was located was at 27 ft..6 inches tall to accommodate vestibules at the customer entrances. Because the building was wider than the one in South Bound Brook, they felt that it was just a situation of proper proportions. He then added that the top of the green tower element was 32 ft. tall. Mr. Young testified that they were not seeking any variances for the height of the building or tower as they comply with the ordinances. He then detailed the materials that were going to be used on the building, including a red brick veneer and a light gray EIFS (exterior insulation finish system) with a white marble tile on the front bump-out section that would be topped off with a white metal coping 10 inches high. He then noted a flat canopy element on the building covering the entrance and extended over to the front bump-out area that only protrudes out 1 ft. 4 inches and terminated at the green tower on the right side of the building. When discussing the height of the building, he wanted the Board to know that the height he described was for the parapet of the building, with the actual roof at 4 inches lower. Mr. Young then noted that the additional height at the parapet was to conceal the rooftop mechanicals because it was essentially a food service store.

Mr. Young then drew the Board's attention to the gas pump canopy. He then detailed the size and dimensions of the support posts of the canopy made from the same brick that was being used on the building to tie the two together. He then noted that the gas pump canopy would be made of the same material and color as the flat canopy on the building. Mr. Young then stated that the only illumination on the fascia of the canopy was on the side that faced the ramp from Rte. 287 and was internally illuminated.

Mr. Young then spoke about the signage on the building, explaining the reasoning for pulling the "Q" apart from the Quick Chek sign in order to place it on the green tower that they consider their signature element to the new building design. He then discussed the reasons for the size of the signs by bringing up the topic of proportions of the building signage compared to the size of the building, which was why they were requesting variances for the

building signs, as they exceeded what was allowed on the building in the zone. He then also spoke about distance of the front of the building to the roadway, which was 250 ft. away.

Mr. Shepherd then asked Mr. Young about the canopy lighting and whether he could address that issue with providing some industry standards they could include in the Resolution. Mr. Young referenced information gleaned from the IESNA (the Illuminating Engineering Society of North America). He said that he considered the gas pump area as a work surface where transactions were occurring, and credit cards and cash was being exchanged. Mr. Young stated that they could lower the lighting from 36 foot candles but indicated that he would argue about not lowering them below 30 foot candles which was the standard for an office use. Vice Chair Graumann asked if the IESNA had a standard for gas pump lighting, and Mr. Young stated that he doesn't believe that they have a standard for that use but testified that he would gladly doublecheck and provide that information if they do.

Mr. Healey then asked what the flat canopy was going to be made from, and Mr. Young stated that it was going to be a green metal panel material. He then asked how the building mounted signs were illuminated, and Mr. Young indicated that they would be internally illuminated. Mr. Healey then stated that the commercial design standards and the Board's prior approvals require that for sites with multiple buildings that there be an effort made to have the architecture be compatible between the different buildings. Mr. Healey added that the same requirement applied to site signage and wanted to know how the Application was compliant with those standards, and to the degree that it was not, why? Mr. Young explained that the assisted living building was now under construction and was made in a residential style design with a pitched roof with shingles at the top and was unique to that type of use. He further stated that they did not feel that that design was unique to what Quick Chek wants to be. He then noted that when travelling down Easton Avenue, the Quick Chek was adjacent to a modern healthcare building and was visually similar to that building in terms of design and the flat roofline. Mr. Young also stated that the hotel had not yet been built, but that they could look at compatible materials between those two buildings. Mr. Lanfrit then interjected by saying that when they went before the Historic Commission, the architect who testified before them from the Applicant had indicated that they would adjust the color of the base of the hotel to give some compatibility between the proposed building and the hotel building. He noted that a sketch was provided to the Historic Commission and they were satisfied that the Applicant would try to tie the building to the hotel building.

Ms. Elizabeth Dolan, Traffic Engineer and Principal of Dolan & Dean Consulting, 181 West High Street, Somerville, NJ. The Board accepted her qualifications. Ms. Dolan explained that she prepared a Traffic Study, dated March 19, 2018, and reviewed all the counts, traffic volume projections, making new projections specifically associated with the Application that was before the Board that evening. She stated that the report included the existing traffic counts along the Easton Avenue existing site driveway, the adjacent medical office driveway on Worlds Fair Drive as well as the Easton Avenue and Worlds Fair Drive intersection. She then added that they included more area growth for future new development as well as traffic from the two (2) buildings on the site that had already been approved and then generated traffic volumes for the Quick Chek. She then discussed the traffic volumes coming from the Rte. 287 ramp that prompted the Applicant to want to have their facility in that location, which was now considered a super convenience store by the ITE (Institute of Traffic Engineers). Ms. Dolan then discussed the specific traffic counts that were projected to enter/exit the site during the morning (230 vehicles) and evening (200) peak travel hours. She stated that the

type of use proposed gets its business (90%) from passing motorists who are already on the roadways. She did explain that there might be a draw from the local area from the Worlds Fair Drive side, but that they were expecting most of the customers to come from the Rte. 287 ramp with pass by traffic. Ms. Dolan then testified that the net impact to the area using NJDOT's percentage was about 50-60 cars in an hour and was comparable to the original approval that was granted and that they used for the NJDOT approval that they currently have. She then told the Board that they would not have to change the levels of service at the Worlds Fair Drive and Easton Avenue intersection, primarily, would not change as a result of the proposed Application. She then told the Board that they had a "D" level of service coming off the Rte. 287 ramp under the condition of just the hotel and assisted living facilities. Ms. Dolan then told the Board that when they add the traffic coming out of the Quick Chek, they did have to drop the level of service to an "E", which was acceptable from NJDOT's perspective. She did note, however, that the biggest benefit of the development was the additional entrance/exit out to Worlds Fair Drive that was over 600 ft. from the intersection, a big improvement over the current driveway onto the roadway. Ms. Dolan then stated that the Worlds Fair Drive entrance/exit would work at a level of service "B" and that they had full circulation around the building to accommodate the delivery trucks in the rear of the building. She added that there was also an area outside of the circulation system at the pump islands to accommodate the tanker trucks delivering fuel. Overall, she stated that the impact of the development was within reasonable parameters with acceptable driveway levels of operation and no changes in levels of service at the Worlds Fair intersection with Easton Avenue, with the bonus of getting the access out of the way of the intersection where there was queuing on a routine basis.

Ms. Dolan then discussed the location of the signs on the ramp from Rte. 287 and her opinion regarding their proportion and scale related to their size and their visibility to the travelling public. She then discussed the signage proposed on the site to direct the travelling public back to Rte. 287 from the site and felt it would be beneficial, especially to those motorists who were not familiar to the area. She indicated that she would work with Mr. Ardman as to the appropriate location for those signs on the site. Ms. Dolan then testified that the signs on the Worlds Fair Drive entrance/exit directing motorists back to Rte. 287 were already there, but there may need to be some signage at Pierce Street directing them to the right. Mr. Lanfrut stated that they could speak with the Township regarding that signage to get that back in place.

Mr. McCracken then opened a discussion regarding sidewalks on the site. Ms. Dolan indicated that there were sidewalk connections off Worlds Fair Drive for the more local area and didn't feel they wanted to encourage pedestrian activity out on Easton Avenue. She did add that there was connectivity within the site that brings pedestrians to and from the three (3) uses on site.

Mr. John McDonough, Planner, 101 Gibraltar Drive, Parsippany, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. McDonough stated that the primary relief that they were seeking from the Board was for a Use Variance from the Corporate Business (CB) Zone. He reminded the Board that it was the same district that the greater parcel was granted the use variance relief for the assisted living facility for the D(4) floor area relief related to the buildings that were on the premises as well for a betterment of the condition of the property. Mr. McDonough then entered into the record as Exhibit A-8, page 1, a tax parcel map showing the property as one tax lot prior to the subdivision. Because the

property sits at a major transportation node, he felt that the property was particularly suited to the use and caters very well to the passerby public. Mr. McDonough then entered into the record as Exhibit A-8, page 2, that showed the pre-existing condition of the property as a vacant hotel. He then entered into the record as Exhibit A-8, page 3, was a color-coded GIS system rendering showing a lack of residential component in the adjacent area, that “enhanced the commercial viability of sites that were located within proximity to Rte. 287” as noted in the Township’s Master Plan and fits into the goal of economic development; to repurpose, revitalize and add viability to the particular site. Mr. McDonough then entered into the record as Exhibit A-8, page 4, which was showed the non-conformity to the zone, and the reason the Applicant was seeking a D(1) Use Variance. He then entered into the record as Exhibit A-8, page 5, which was a photo, taken in August of 2018, of the old hotel and pre-construction of the assisted living facility. He noted that the photo gives the sense of the scale of the building and the sign there, indicating that the roadside signs proposed would be shorter in height than what was existing on the site. Mr. McDonough then discussed the statutory test for a D(1) Use Variance and noted that all four (2) parts pass, including the site suitability standard, advancement of the Municipal Land Use Law and purposes of zoning, positive vs. negative criteria and no substantial detriment to the public good, and the impact on the zone plan and ordinance. Mr. McDonough testified that he felt the primary use relief was justifiable based upon all the testimony given that evening. He then spoke about the subsidiary relief listed in Mr. Healey’s Planning report and had been covered well that evening by previous testimony on the technical aspects by the Applicant’s engineer. He first addressed impervious coverage, noting that there would be a substantial “greening” of the site over the previous development, was de minimus and easily taken care of by storm water management measures. He then discussed the rear yard setback requirement that he felt was mitigated by the vertical separation from the road and minimizing the impact of that proximity to the property line. He moved on to the variance for rear yard to an accessory building which only pertained to the maintenance shed and was interior to the subject property and would not encroach into the light, air and space of an outside use. Lastly, he addressed the relief requested for parking in the front yard, and Mr. McDonough indicated that it was more a matter of striking a balance and basing their parking numbers on the demonstrated needs of 40 other facilities that Quick Chek has in the area.

Mr. McDonough then addressed the sign variances that were being sought, noting that the key point was clear and safe identification of the site that promoted public safety. He added that he felt the sign package was tasteful, that it takes into consideration the safety aspect that the signs themselves were intended to promote, that they were mitigated by the surrounding landscaping and the fact that the Quick Chek site was on the inside of an “S” curve and that the height of the signs promoted safer and clearer visibility while travelling off of the highway ramp. He then entered into the record as Exhibit A-9, which was a photograph of the property as a motorist see when travelling off the Rte. 287 ramp which had no visibility to the site. Mr. McDonough then entered into the record as Exhibit A-10, which was an additional photograph that was taken of what a motorist might see moving closer to the site. He stated that the construction sign, which was approximately 12 ft. high and was difficult to read. Mr. McDonough then entered into the record as Exhibit A-11, an additional photograph to demonstrate where the proposed sign would be situated. He then explained that the roadside signs were going to be lower than that which was on the property. He then told the Board that the building signs blend nicely with the overall architectural package and were not overbearing. Finally, Mr. McDonough spoke about the Applicant wanted the Quick Chek logo on the directional signs which helped promote navigation on the site, particularly when there

were multiple uses on the property. Mr. Lanfrit then stated that the signs were all internal to the site and not visible from any of the roadways.

Mr. Healey then asked Mr. McDonough if Taco Bell and McDonalds couldn't have their logo on their directional signs, why should Quick Chek be allowed to have them. Mr. McDonough then went back to the argument that they were going to be located on a site that had multiple uses and would provide not only a directional purpose but an informational purpose as well. A discussion ensued among the Board.

Mr. Vallario came forward again and reiterated Mr. McDonough's testimony regarding the directional signs having an enhanced aide by including the logos. To work with the Board, however, Mr. Vallario indicated that they would comply and take the "Q" off the directional signs an allow them to print the words "food" and "fuel" or just directional arrows, they would accept that.

Chairman Thomas then opened the meeting to the public for questions or comments. Seeing no pubic in the chambers, the meeting was closed to the public.

Mr. Lanfrit then gave his closing summation comments.

Chairman Thomas then spoke about how important he felt the secondary access from Worlds Fair Drive will be to the use of the proposed site.

M. Shepherd then expressed his approval of the D(1) variance, but indicated that he had a problem with the testimony in support of the five (5) parking spaces being necessary when there were 18 additional parking spaces included on the site over and above what was required. He then stated that he was not in agreement with what he called "excessive" height of the two freestanding signs. Mr. Shepherd was also felt that the lighting under the canopy should be held to a maximum of 30 candles and should be able to come up with some kind of industry standard for gas pump lighting. A discussion ensued among the Board.

Vice Chair Graumann made a motion to approve the Application, with variances, with the following conditions: that the signs would need to remain consistent in their appearance over time, elimination of the five (5) spaces along with the variances for the front yard for those spaces, the canopy would not be illuminated with the exception of the sign that was on it, no sales of high flow diesel fuel, the trash enclosure would match the building, the Applicant would work with staff to provide additional landscaping along the frontage consistent with the input from the historic commission, staff and DRCC, including more plantings and cascading plantings over the wall, review the lighting under the canopy and demonstrate the applicable requirements per the Illumination Engineers Society and agree to lower the foot candles to the industry standard, a waiver for the need to provide 26 ft. aisle width and the logo to be eliminated from the directional signs. Additionally, the Applicant agreed to agree to coordinate the color of the brick between the Quick Chek building and the hotel. Mr. Shepherd seconded the motion and the roll was called as follows:

FOR: Vice Chair Graumann, Mr. McCracken, Mr. Rich, Mr. Shepherd, Mr. Rosenthal, Ms. Bethea and Chairman Thomas

AGAINST: None

WORK SESSION/NEW BUSINESS:

There was no work session or new business discussed.

MEETING ADJOURNED:

Vice Chair Graumann made a motion to adjourn the meeting at 10:15 p.m. and was seconded. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
August 23, 2019