

PLUMSTED TOWNSHIP LAND USE BOARD  
January 5, 2016

The reorganization meeting of the Plumsted Township Land Use Board was held on Tuesday, January 5, 2016 at 7:30 p.m. in the Municipal Building with the following members present:

<u>  X  </u> Walter Bronson, Chairman	<u>  X  </u> Eric Sorchik
<u> AB </u> Michael McGuire	<u>  X  </u> Jack Trotta, Mayor
<u>  X  </u> Wendy Galloway	<u> Late </u> Dominick Cuzzo, Alt #1
<u>  X  </u> Ronald Dancer	<u>  X  </u> , David Leutwyler, Alt #2
<u>  X  </u> Douglas Hallock, Vice Chairman	<u>  X  </u> , Robert Bowen, Alt #3
<u>  X  </u> Robert Hardy	<u>  X  </u> , John Neyenhouse, Alt #4
<u> AB </u> Vincent Lotito (Designee)	<u>  X  </u> John Mallon, Engineer
<u>  X  </u> Glenn Riccardi	<u>  X  </u> Gregory McGuckin, Attorney

Attorney McGuckin read the Open Public Meetings Act and swore in reappointed members of the Board per the Township Resolution 2016-84. Control of the meeting was turned over to Mr. McGuckin, Esq. for purposes of reorganization. Walter Bronson was nominated for Chairman on motion by Mr. Leutwyler and seconded by Ms. Galloway. Nominations were closed. Carried by roll call vote with Mr. Bronson abstaining. Douglas Hallock was nominated for Vice-Chairman on motion by Mr. Hardy and seconded by Mr. Neyenhouse. Nominations were closed. Carried by roll call vote with Mr. Hallock abstaining. Joan Gruca was nominated for Secretary to the Board on motion by Mr. Riccardi and seconded by Mr. Sorchik. Nominations were closed. Carried by roll call vote.

Chairman Bronson reviewed the proposal for Board Attorney Gregory McGuckin stating he was satisfied with his service to the Board and wished to make a motion of nomination to return as solicitor. Mr. Hallock seconded the motion. A roll call vote of all ayes were recorded. Chairman Bronson made a recommendation to reappoint John Mallon of T&M Associates for Board Engineer, seconded by Mr. Sorchik. Nominations were closed. Carried by roll call vote.

A motion designating the Asbury Park Press, Trenton Times, Tri-Town News as the official newspapers of the Land Use Board was made by Mr. Hallock and seconded by Ms. Galloway. Carried by roll call vote. A nomination to adopt the notice of annual scheduled meetings, June being the only date out of order because of elections, was made by Mr. Hallock and seconded by Mr. Sorchik. Carried by roll call vote.

Meeting Minutes of 11/17/15, vote of approval as amended was made by Mr. Hallock and seconded by Mr. Leutwyler. Carried by a roll call vote of all ayes.

**RESOLUTIONS:**

The following Resolutions were read and adopted.

**2015-08**

**EME:**

Recommendation to renew annual mining license permit for 2016.

**2015-09****BROWNELL: Block 47/Lot 10.02**

Time extension for 2012 approvals with conditions.

**AGENDA: Old Business****WaWa: Block 77, Lot 77.01**

Carried from December meeting. Adding Diesel

Mr. Mallon spoke about the original approval of the existing WaWa, how there was 14 months of meetings that led to the Resolution 2002-21. In the notes from those meetings the applicant offered they would not sell diesel. It is also noted in the Resolution the same, not to sell diesel. The approval requirement also stated any underground tank would be encapsulated to protect the ground water and adjacent wells. Chairman Bronson said that at our last meeting we have had initial testimony, and we've had public comments. The main comment that has stopped the discussion for this application is the diesel issue being part of the condition in the Resolution 2002-21, that the applicant does not intend to sell diesel fuel, nor does the applicant intend to encourage tractor trailers parking on the site other than for delivery purposes. Continuing on page 24 of Resolution 2002-21, the objector's expert further recommended that diesel fuel not be sold on site so as to limit potential large trucks and vehicles from coming onto the site since it is not properly designated as a truck stop. Lastly under the conditions, #11 No diesel fuel shall be delivered, dispensed or sold from this site. Chairman then turned over to Mr. Prime for further testimony of this new application.

Mr. Prime said mainly at the time of the original approval, WaWa didn't offer this product. The product they are proposing to add to this store wasn't available. The light duty diesel is different as opposed to truck stop diesel. We are not looking to service tractor trailers or turn the site into a truck stop. The capacity for trucks at this location is not there. The market of cars and small suvs that use clean diesel has grown and weren't available when we made the original application. The cars that would be fueling here will not fuel at the same rate as a tractor trailer. We are not looking to service any large vehicles like a tractor trailer. The tractor trailers that come on site now are for delivery purposes, or those just stopping in for coffee or to use the facilities. The trucks will not be encouraged to buy the diesel product because the attendants will turn them away. The proposed pumps are not equipped to service these types of vehicles. Chairman Bronson mentioned that it was his understanding that this site isn't supposed to have tractor trailers on it at all. Other than for delivery purposes. You don't have the parking for it. From what I've read in the Resolution, you weren't going to permit tractor trailers there. The biggest issue that I have with this is the maneuvering in and out of that site. The largest parking space you have is 40'. Mr. Prime said the way he understood it was they are not going to be encouraging it. We are proposing to prohibit diesel fuel sales to tractor trailers, so we aren't looking to add any new traffic. Mr. Riccardi asked how you propose to turn them away once they are on site. Mr. Prime said that diesel fuel on this site will be available at all pumps by attendants. Diesel fuel is allowed to be self-service in New Jersey, at WaWa nothing is self-service. Mr. Riccardi said if you are a large vehicle on site and the attendant tells them to turn around in the parking lot it will create chaos. The parking lot is so crowded now. Mr. McGuckin said if the applicant would agree that

any approval would be conditioned upon the fact that no tractor trailers will be permitted on site or permitted to obtain diesel fuel with the exception of making deliveries.

Would the applicant agree to that condition? Mr. Prime said WaWa would not be in a position to prohibiting tractor trailers from entering or using the facilities, but would prohibit diesel fuel sales to them. WaWa is not willing to agree to a general blanket prohibition of trucks coming onto the site. Mr. McGuckin said that when WaWa originally obtained the approval of the store to be built they had agreed to this condition. The impression the Board had after 14 months of hearing was that there weren't going to be tractor trailers allowed. Which is why the language is in the resolution. And you agreed that you weren't going to be selling diesel, so the Board was satisfied that large trucks weren't going to be a problem. Mr. Leutwyler said there is a sign that says "NO Tractor Trailer Parking" on the back of the stop sign on Route 539. As well as Route 528. Mr. Riccardi said the intersection and access on the side entrance is a terrible design and has seen many accidents. To get a large truck coming across the intersection and stopping to turn in creates a hazard.

Mr. Dancer asked what the Ocean County Planning Board has determined. No answer has been given, nor has the WaWa returned to that Board. Mr. Mallon said that the intersection itself has not been finished yet because they cannot get thru Green Acres. Mr. Mallon said perhaps they can allow deliveries only by entering and exiting from Route 539. Mr. Riccardi has multiple concerns with entering and exiting the site, parking, and maneuvering a large vehicle around a crowded parking lot. Mr. Mallon said you can place signs all you want, but to enforce it will be another thing. Mr. Prime stated that installing the 3+1 nozzles at all six of the pumps will give the customers that added option. Mr. Riccardi doesn't believe this site was large enough to accommodate the diesel pumps in the beginning. It's much smaller than the Millstone site that Mayor Trotta mentioned. Mr. Prime said this site has the oversized isles around the pump as in other sites.

Chairman Bronson asked the applicant if they are standing by their statement that they will NOT prohibit tractor trailers. They will not be willing to do that since they did not agree to this originally. Chairman asked if they would consider it now. The applicant stated, "NO, we can't consider it now." Are there modification to the site that you could suggest that would more strongly discourage tractor trailer traffic onto the site? Both access points are on County Roads and the County will have to be consulted on this issue. The applicant proposes doing a traffic count to see the amount of trucks using the site now. They would like to provide that count to the Board to be more accurate before they move forward with the County. Mr. Riccardi said that the study will not show an accurate account of trucks, being the site does not offer diesel at this time. Mr. Hallock said the little signs for no tractor trailers are not visible and suggested to make them larger. Also to put a sign down the roadways about a mile stating WaWa- No tractor trailer access. Mr. Hardy said not to forget the large tandem dump trucks. Hundreds of them go by each day. Mr. Hardy suggests a big sign, No Large diesel vehicles serviced at this site. To include dump trucks, buses and large RVs. This is a smaller than standard property for a WaWa gas service. The applicant states they would have to get approval for a larger sign.

Mr. Sorchik reiterated the applicant offered to do a traffic survey and to talk to the County about making a left into and out of the 528 side and to see if the County was going to make any improvements. Chairman Bronson suggested the technical review committee sit down with WaWa to work out a solution prior to them coming back in front of the Board. Mr. Leutwyler



asked about the original Resolution and condition not to sell, deliver or dispense diesel fuel at this site. Chairman said the Board would be overturning that decision. Mr. Dancer recognizes the

need as the demand for clean diesel is being offered in growing numbers of passenger cars, light trucks and the like. We need to be able to adapt to changing economic and demographic conditions. It is the traffic and safety concerns that have been and still need to be worked through.

Chairman Bronson requested a motion to carry the WaWa application to appear at the April 5<sup>th</sup> meeting. Mr. Mallon suggested extension thru April 30. No noticing required. The applicant will consult with the Technical Review Committee, provide the results of a traffic study and consult the Ocean County Planning Board. Motion was made by Mr. Sorchik and seconded by Mayor Trotta. Followed by a roll call vote of all ayes.

**New Business:**

The Board is receipt of a letter from MVN Homes Inc. requesting a one year extension for a subdivision at Block 47, Lot 19 at Hawkin Road. Chairman asked if the applicant needs to do a formal application for this. Mr. Mallon said they had done that with Mr. Brownell. However this applicant has been on this list of incompletes for a few years. The Ordinance says that if you don't do anything within 3 years, the preliminary approval expires and the applicant would have to start all over again. Mr. Dancer has serious reservations about this request without anyone here to represent. Mr. McGuckin brought up the point that the Statue is clear for what an applicant has to show for an extension. If the letters of credit are old, is that an appropriate condition for an extension that he should have to post a new letter of credit with current bonding, costs and fees. Mr. Dancer says that the Land Use Ordinance prevails for no activity. I would rather have Mr. Kahn here and for a corporation to be represented by council. Mr. McGuckin will draft a letter to Mr. Kahn requesting his appearance on this matter. Mr. Mallon said that he had only preliminary approval, which was subject to a woodlands plan and he had to do pesticide testing. No further action on this tonight.

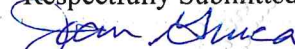
Open to the Public: None.

Mr. Hallock asked if Mr. Mallon had heard anything from the County about the Brindletown Road bridge. Mallon said that Clerk Hendrickson send him notification just today. Mr. Mallon said he will find out what they are planning to do. The second page says they are doing a stream cleaning. Mr. Dancer said each year they raise the issue of a drainage problem there.

No further discussion

Chairman Bronson asked if there was any further business to be brought before the board. Being none, a motion to adjourn was made and seconded. Carried by all ayes.

Respectfully Submitted,

  
Joan Gruca