

UNION BOARD OF ADJUSTMENTMEETINGAUGUST 24, 2016

The Board of Adjustment of the Township of Union convened its regular meeting on August 24, 2016, pursuant to the Sunshine Law of the State of New Jersey, at 7:35 p.m., and the following members were present: Galante, Petkov, Ciampi, Demovic, Howe, DiGiovanni, Wiley, Alexander and Saraiva. Also present were Robert J. Pansulla, Esq., Board Attorney; Anthony Monguso, Building Inspector; and Tiffany Abrantes, Meeting Clerk.

Mr. Galante then asked for the approval of the minutes of the August 17, 2016 meeting and the minutes of that meeting were then moved by Mr. DiGiovanni which was seconded by Mr. Ciampi. All members were in favor of the motion.

The first and only matter to come to the attention of the Board was Calendar No. 3281, Costco Wholesale Corp to erect a gas station. Stephen F. Hehl, Esq. came forward on behalf of the applicant. Mr. Hehl gave a brief overview of the application and that he would be calling four witnesses. He advised that he would be starting the application this evening but would continue the matter to another date to present another witness from the company and to submit amended plans. Mr. Hehl then called John Paul Andrews. Mr. Pansulla then marked the application, site plan, the architectural rendering and a survey into evidence. Mr. Andrews was being called as a representative of Costco who gave his qualifications and was accepted to testify. He advised that 14 per cent of Costco stores do not have gas facilities, and they are trying to add gas stations to those sites. He advised that the applicant is proposing to demolish a portion of the existing parking lot and construct a Costco Wholesale fuel station on the site. He advised that the parking layout and circulation will be revised to accommodate the construction of the fuel station along the Hudson Street frontage. He advised that 575 parking spaces will be required .

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He felt the new use would not interfere with the day to day operations as they exist today. He advised there will be one traffic flow only. He also presented several exhibits from which he testified. He advised there will be one point of entrance and one point of exit. He advised that the only structures to be built will be a canopy and a control space to store equipment. There will be no cash transactions. A debit car will be accepted only. They will only sell gas and not even windshield fluid. There will be 3-30 thousand gallon tanks. There will be a full-time crew to do the servicing. He advised there will be no price signs on West Chestnut Street or on Route 22. The only signage will be on the canopy. Pricing will only be advertised on the inside of the warehouse and on the dispensers. He advised two of the tanks will be for unleaded fuel and one tank for premium. No diesel will be sold. He advised the new gas facility will be accommodating the members who shop in the store and not commercial vehicles. But he advised other non-members will be welcome. He advised the hours of operation will be 6 a.m. to 9:30 p.m., Monday through Friday, and on Saturday, they will close at 7 p.m. and on Sundays, they will close at 6 p.m. He advised there will be four full-time trained employees. He advised the fueling station will have the state of the art equipment, and will be in compliance with the NJDEP. The tanks will be double walled and have sensors and the pumps will be monitored for leaks. If a leak occurs, the entire facility will shut down. He advised that the applicant will have no problem complying with the comments of the Township Engineer. After several clarifying questions by the Board, Mr. Galante opened the witness on the testimony given to the public and Joseph Jaseur came forward to question the witness on the testimony given. He advised the questioner that the price will be the same for members and non-members.

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Mr. Hehl then called Keith Cahill, an engineer, to testify. The witness gave his qualifications and was accepted to testify. He also presented several exhibits from which he testified. He described the property in question and where the location of the fueling would be located. He advised Costco is leasing three properties. He advised nothing will change on the property except putting in the fueling facility. He advised they now have some bays to change tires. He advised the proposed location will have zero impact on the existing operations, circulation and parking. He advised the canopy will be 60 by 92. There will be three islands with three dispensers on each and will have 18 fueling locations. He advised the canopy will be high enough so vehicles do not hit it. He advised the driveway will be moved 60 feet to the north. No driveway widths will be changed and there will be sufficient parking on site. He advised besides the three tanks, there will be a 1500 gallon additive tank underground which is an additive to maximize the cleanliness of the fuel. The tanks will be double walled. If there is a leak, it will not go into the environment. It will be contained within the tank. He advised the tanks will be put in a spot so as not to interfere with the warehouse and will have no impact on West Chestnut Street. He advised that the fuel will be delivered by WB-50 trucks and that fire trucks would be able to maneuver the site with no problem. He advised that the dimensions in and around the canopy will provide safe and efficient movements for vehicles. He advised that the landscaping will be enhanced and they will be improving the water quality, and improving the water quality of the storm water management. He advised that 29 foot poles will be installed for lighting. He advised the Board that the impervious coverage will be reduced. He advised there was no harm putting the tanks in a flood zone.

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Deliveries will be made during the hours that the fueling facility is open. They will not be coming after the store hours. The sign will not be internally illuminated on the canopy. It will be externally illuminated and the light will be shut off when the facility closes. He advised there would be 18 canopy lights and six would remain on for the security lighting. He advised the applicant will comply with the comments of the Township Engineer. He advised there will not be a restroom, but if required, it would be for the employees, and not for the public. He went over with the Board the comments of the Township Engineer and said they would be adhered to. He advised that all employees are directed to park as far away from the main entrance and utilize the spaces behind the building. He advised that the building of the facility will take six to nine months. After several clarifying questions by the Board, Mr. Galante opened the witness to the public for cross-examination and no one came forward to question the witness on the testimony given. Mr. Hehl then called John R. Harter, a traffic expert, to testify. Mr. Harter gave his qualifications and was accepted to testify. He submitted a parking analysis and a site traffic analysis which were marked for evidence. He described to the Board existing traffic conditions, trip generation, future traffic conditions and that he did traffic counts on certain days. He advised that the proposed Costco fuel facility would not significantly impact traffic conditions in the vicinity of the site. He advised that due to the location of the proposed fuel facility, it is likely traffic would be redirected to the Brighton Street access and help to provide a greater dispersion of site traffic away from West Chestnut Street compared to existing conditions. He advised this is favorable as site traffic is expected to draw away from the well-traveled West Chestnut Street frontage to Hudson Street and Gelb Avenue where there is ample roadway capacity. He further advised that the fuel facility is proposed in the northwest portion of the

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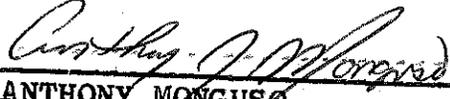
site. He advised this would be an ideal location for the fuel facility. He again advised that the proposed facility will provide 18 fueling positions and ample stacking area consistent with Costco standards. After several clarifying questions by the Board, Mr. Galante opened the witness to the public for cross-examination on the testimony given and no one came forward the witness on the testimony given. Mr. Heil then called John McDonough, a professional planner, to testify. He gave his qualifications and was accepted to testify. He, too, submitted an exhibit consisting of three pages of photographs which was marked into evidence. He advised that the condition of the property is well-suited to accept the use. He advised that 87 per cent of the Costco facilities in the United States have fueling associated with the wholesale use. He felt that a fueling facility will attract to the site. He felt this was an open area and that would accommodate the use that is proposed. He advised there was no evidence of any residential structures near the proposed facility. He felt there was adequate parking on site to accommodate and meet the ordinance requirement with the inclusion of this facility. He felt that granting the variance would not create a substantial detriment to the public good. He advised this is a site that will conform from a fire safety standpoint. He felt a fuel station will provide an amenity without providing an over-burden on the service stations in the community. He felt that granting the application would promote the economic elements of the Master Plan. He again stated that in his opinion that there is nothing substantially detrimental to the character of the residential neighborhood. He advised that the service station will not be offering auto repairs and will not sell windshield wipers or blades. He advised that substantial plantings will be provided. He advised that the negative and positive criteria had been met and would not create any substantial detriment to the public good or substantially impair the zone plan.

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He felt granting the variance would be justifiable under the C2 balance testing by the benefits of the application outweighing the detriments. He went through with the Board the comments of the Township Engineer. In conclusion he stated the application has met the statutory tests--Medici, Coventry and the C2 standard--and that the application warrants approval from a planning standpoint. After several clarifying questions by the Board, Mr. Galante opened the witness to the public for cross-examination on the testimony given and no one came forward to question the witness on the testimony given. Mr. Hehl then advised he had no further witnesses this evening. Mr. Hehl advised that the applicant would like to revise the plans and bring back the revisions at the next meeting and would like also to bring in a store representative to testify. Mr. Hehl then asked that September 28, 2016 be the next hearing date and that no further notice be required. Mr. DiGiovanni then made a motion that the matter be carried to September 28, 2016 which was seconded by Mr. Ciampi. All members were in favor. Mr. Hehl also agreed to extend the 120 day period, if necessary.

There being no further business to come to the attention of the Board, Mr. DiGiovanni moved that the meeting be adjourned which was seconded by Mr. Demovic. The meeting was adjourned at 10:15 p.m.

Respectfully submitted,



ANTHONY MONGUSO,
BOARD OF ADJUSTMWT SECRETARY