

COPY

BOROUGH OF MONTVALE  
PLANNING BOARD  
Tuesday, August 20, 2013  
Commencing at 7:30 p.m.  
Regular Meeting

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RE: Block 702 - Lots 1 and 39  
Ali Enterprises, LLC.  
Kinderkamack and Magnolia Avenue  
Amended Site Plan Application  
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TRANSCRIPT  
OF THE  
PROCEEDINGS

M E M B E R S P R E S E N T:

JOHN DiPINTO, Chairman  
JOHN CULHANE, Member  
DANTE TEAGNO, Member  
WILLIAM LINTNER, Member  
WOLFGANG VOGT, Member  
FRANK STEFANELLI, Member

A L S O P R E S E N T:

ANDREW HIPOLIT, Borough Engineer  
JEFFREY FETTE, Construction Code Official  
RICHARD PREISS, Borough Planner  
LORRAINE HUTTER, Board Secretary

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BY: JOHN M. MARMORA, ESQ.  
Attorney for the Applicant

CHAIRMAN DiPINTO: Okay, the meeting will come to order. The next item on the agenda is a new public hearing on Block 702, Lots 1 and 39, Ali Enterprises, LLC, on Kinderkamack and Magnolia. It's an application for amended site plan approval. Good evening, everyone.

MR. MARMORA: Good evening, Mr. Chairman, Members of the Board. John Marmora, K&L Gates for the Applicant, Ali Enterprises, LLC.

As you may recall, we were here three years ago, if you can believe it. We began in 2010. We withdrew that application. At that time it was clear to us that the Board was not enamored with the application we were presenting at that time. A number of suggestions were made to us, which we then followed up on. We've since been back at technical reviews here in town on several occasions over the ensuing three years to bring us to where we are today.

As you know us, the Shell Station on the corner of Magnolia and Kinderkamack, presently an open-air station with a small kiosk, no canopy. What we have accomplished since we last appeared before you is, I think, a number of items that should address the concerns of the Board.

First of all, we will show you a new

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canopy, a newly designed canopy, which I believe Mr. Preiss in his report identified as a retro design going back to the earlier part of the twentieth century, Spanish mission style, much more in keeping with the residential neighborhood immediately behind this facility. And with that is also a retro sign. The freestanding sign that is out there will be replaced with a retro vintage Shell sign. We would like to think it's somewhat Norman Rockwell looking.

In addition, we had a long-term lease hold interest in the adjacent CVS property. We were asked to expand our right over there which we have done so we can extend the driveway all the way to the far end of that property, and which we believe will remove the queuing that currently takes place on Kinderkamack.

In addition, we were asked to get the ability to remove the existing remediation shed, which was considered unaesthetic, and we would rebuild it in a manner that would be architecturally harmonious with the canopy that we will show you.

That includes a residential-looking gabled roof, and they will be of the same color, so it will match the canopy.

We were asked also to look into the

1 problem of New Jersey Transit buses on Kinderkamack  
 2 discharging and picking up passengers in front of the  
 3 store. There is a shelter there, bus shelter, and  
 4 that also causes backup on Kinderkamack. So you  
 5 have, at times, cars going in to get gas that are  
 6 causing backups there, and that's compounded by the  
 7 fact that New Jersey Transit buses are stopping  
 8 traffic there.

9 So what we've also done is with the  
 10 expanded rights, is pull the bus shelter on to the  
 11 property, move it closer down toward Magnolia so the  
 12 bus can come completely off Kinderkamack, be out of  
 13 the travel way, so that traffic can continue,  
 14 uninterrupted, on Kinderkamack while New Jersey  
 15 Transit is discharging and picking up passengers. I  
 16 hope you get a sense of why it took us so long to get  
 17 here. It took a lot of approvals, especially from  
 18 the County. Kinderkamack is a county road. We had  
 19 to get approval from New Jersey Transit to be able to  
 20 do that.

21 Our proposal dramatically reduces the  
 22 lighting that is currently there. That should be  
 23 immediately noticeable to the neighbors how far it is  
 24 reduced, and we have an exhibit to attempt to depict  
 25 that.

1 have no problem limiting fuel deliveries to those  
 2 hours so they would not be there in the middle of the  
 3 night. Now, we recognize the Fire Department  
 4 indicated the preference to have those deliveries in  
 5 the middle of the night due to possible traffic  
 6 backups on Magnolia. Our traffic engineer, Betsy  
 7 Dolan will demonstrate for you how that will not be a  
 8 problem. I believe they were looking at it under the  
 9 current condition rather than the proposed condition  
 10 where there will be ample room. We are redesigning  
 11 the entire access, so there will be ample room for  
 12 cars to circulate the site even while the tanker is  
 13 delivering. So we certainly can live within a  
 14 restriction of 10 a.m. to 2 p.m.

15 The benefits of the shelter and all of  
 16 that, the canopy, rather, I'll leave to my experts.  
 17 I just wanted to go through those changes to what  
 18 currently exists on the site, and unless there is  
 19 questions for me, then I will proceed with my  
 20 witnesses tonight. Joe Jaworski is our civil  
 21 engineer.

22 CHAIRMAN DiPINTO: Before we do that,  
 23 Mr. Marmora, let me interrupt you. Mr. Regan, first  
 24 I'm going to ask if you can swear in the Borough  
 25 professionals, please.

1 We are also replacing the sidewalk  
 2 along Kinderkamack Road, and adding crosswalks on  
 3 Magnolia and Kinderkamack. And again, we had to get  
 4 County approval for that, which we have done.

5 A couple of stipulations that were  
 6 suggested to us that we will agree to, in fact one we  
 7 believe we put in the Notice, was that the fuel  
 8 service would be limited to passenger vehicles only.  
 9 We would give notice of that stipulation by  
 10 appropriate signage. In the reports that were  
 11 offered, the question is, well, what happens when a  
 12 truck comes? The truck will be told they can't fuel  
 13 there and they will have to move on. Hopefully in a  
 14 matter of time that becomes apparent that maybe  
 15 trucks who currently are fueling there will no longer  
 16 be able to do so. This is particularly important,  
 17 because we do intend to offer diesel, but that would  
 18 be, again, passenger vehicles only. It's actually a  
 19 very small part of the business. It's about three to  
 20 four cars a day. But here, at the headquarters of  
 21 Mercedes, we think that it's an important addition.

22 Lastly, fuel deliveries, it was  
 23 suggested to us that the quiet time of day, so to  
 24 speak, for deliveries was between 10 a.m. in the  
 25 morning and 4 p.m. in the afternoon, and we would

1 MR. REGAN: Before I do that, I would  
 2 just like to note for the record the Notice has been  
 3 reviewed. They are deemed to be in order.  
 4 Accordingly, the Board has jurisdiction and can  
 5 proceed with the Application. I'll swear in  
 6 Mr. Preiss, our planner, and Mr. Hipolit, the Borough  
 7 Engineer.

8 RICHARD PREISS,  
 9 Having been duly sworn, testified under oath as  
 10 follows:

11 ANDREW HIPOLIT,  
 12 Having been duly sworn, testified under oath as  
 13 follows:

14 CHAIRMAN DiPINTO: Mr. Marmora, I  
 15 understand at the request of the Borough you did a  
 16 notification of greater than 200-foot radius, which  
 17 is required by statute; is that correct?

18 MR. MARMORA: That's correct. We were  
 19 asked to do a notice radius of double that, 400 feet.  
 20 We noticed everyone within 400 feet, rather than 200  
 21 feet, which is the statutory requirement.

22 CHAIRMAN DiPINTO: And that Notice,

1 that list of property owners within that 400 foot  
 2 radius was provided to you by the Borough?  
 3 MR. MARMORA: It was provided to us by  
 4 Ms. Hutter.  
 5 CHAIRMAN DiPINTO: Very good. Thank  
 6 you. Why don't you proceed with your first witness?  
 7 MR. MARMORA: Thank you. I ask that  
 8 Mr. Jaworski be identified and sworn.

9  
 10 JOSEPH JAWORSKI,  
 11 Having been duly sworn, testified under oath as  
 12 follows:

13  
 14 DIRECT EXAMINATION BY MARMORA:

15 MR. REGAN: For the record, will you  
 16 state your full name, please, and spell your last  
 17 name?

18 MR. JAWORSKI: Joseph Jaworski,  
 19 J-A-W-O-R-S-K-I, Dynamic Engineering.

20 MR. REGAN: Mr. Chairman, Mr. Jaworski  
 21 has previously been qualified before this Board in  
 22 the field of civil engineering. I recommend that he  
 23 be deemed qualified for this Application.

24 CHAIRMAN DiPINTO: The Chair accepts  
 25 the recommendation of Counsel. Please continue.

1 CHAIRMAN DiPINTO: Okay, please.  
 2 MR. MARMORA: May I address the Board  
 3 seated?

4 CHAIRMAN DiPINTO: Yes.  
 5 MR. MARMORA: Thank you. Okay,  
 6 Mr. Jaworski, would you explain to the Board what  
 7 role your firm has played in this Application.

8 MR. JAWORSKI: Yes. Basically, it's  
 9 the civil engineers on the project, land development  
 10 consultants. We've worked with the Applicant and  
 11 traffic engineer and planner to develop the plans for  
 12 this site and all of the technical aspects of it.  
 13 Mr. Chairman and Members of the Board, all of the  
 14 exhibits I have on the board will match what's on the  
 15 screen. So we'll identify them just so -- as you can  
 16 look at either one, but out first exhibit, which  
 17 Eileen will mark as --

18 MR. MARMORA: A-2.

19  
 20 (Exhibit A-2, Existing Conditions A, is  
 21 received and marked for identification.)

22 MR. JAWORSKI: -- A-2, is entitled  
 23 Existing Conditions A, and it is a photograph of the  
 24 site looking from Kinderkamack Road across at the  
 25 station. And basically, I just wanted to show this

1 MR. REGAN: Do you want to mark any  
 2 exhibits up front so we don't keep interrupting him?  
 3 It's your call.

4 MR. MARMORA: Yes. What we are going  
 5 to do is, we have a disk. We have a power point  
 6 presentation, which we'll mark as A-1, the disk  
 7 itself. And then as the different plates of the  
 8 power point are flashed, my paralegal will mark them,  
 9 so there won't have to be any disruption.

10 MR. REGAN: As long as you keep a  
 11 running tally of the exhibits.

12 MR. MARMORA: We'll keep a running  
 13 tally. We'll keep Heather guessing over here, but we  
 14 will try to give her some time to note the exhibits.

15 CHAIRMAN DiPINTO: Mr. Jaworski, I  
 16 think if you set that easel back a little bit so that  
 17 the Board Members -- I think you have the right  
 18 angle. I think you have to put it back a little bit.

19 MR. PREISS: Put it in front of the  
 20 pillar.

21 CHAIRMAN DiPINTO: Forward of the  
 22 column. Yes, right there. We need a twist. Okay,  
 23 thank you.

24 MR. MARMORA: All right. And then  
 25 we'll mark them as we proceed without interruption.

1 exhibit and go through the existing station, which  
 2 I'm sure you are all familiar with. The station  
 3 currently has four fuel dispensers. As John pointed  
 4 out, there is no canopy at the station. There is a  
 5 small kiosk in the rear of the rear two dispensers.  
 6 There is also a remediation shed, which is off to  
 7 the right of the photo. You can't really see it.  
 8 It's off to the right of the driveway. There are  
 9 two driveways to the station. One off Kinderkamack  
 10 Road, and one off Magnolia Road, and both of those  
 11 are full access, in-and-out driveways. There is an  
 12 existing sidewalk, as you can see, along  
 13 Kinderkamack. And there is an existing -- I don't  
 14 know if it shows the bus shelter on that photograph.  
 15 I don't think so. But there is an existing bus stop  
 16 right in front of the station.

17 Kinderkamack Road, as you know, is a  
 18 County road. Magnolia is a local road. The  
 19 topography on the site, as you can see, is fairly  
 20 flat. The main part of the pavement basically slopes  
 21 from the rear of the site towards Kinderkamack at  
 22 about three or four percent. From the photo you can  
 23 see -- you can't really tell the slope, but it does  
 24 slope towards Kinderkamack. As you go off to the  
 25 right of this photo, the grade does increase and go

1 up a hill behind the remediation shed. That area,  
2 when we show the site plan, will remain undisturbed  
3 and all of the vegetation will remain in place.

4 The adjacent uses right behind the  
5 site on Magnolia is the nail salon, which I  
6 understand now is vacant. So to the right or west is  
7 residential. To the left across Magnolia is  
8 residential, and across Kinderkamack is a mixture of  
9 commercial and residential uses. And our planner  
10 will go into a little bit more detail on the layout  
11 of the surrounding uses.

12 The zoning of the site is the B-1  
13 business zone. A gasoline service station is a  
14 conditional permitted use. The proposal will  
15 basically be to upgrade the facility and continue  
16 that conditional use. And really the main point of  
17 the project is to redesign the station, upgrade it to  
18 fit better into the community, improve the  
19 circulation, improve the aesthetics of the site, and  
20 basically overhaul the entire site to improve the  
21 overall operation of the service station.

22 The next exhibit I would like to show  
23 would be the site plan rendering, which is basically  
24 the site plan that was submitted into your package  
25 with the landscaping overlaid on it. And I think

1 it about 80 feet, and provide a new, full-access  
2 driveway to the east off of Kinderkamack, which would  
3 provide that stacking to the pump area. The Magnolia  
4 drive will basically be in the location it is today.

5 That will be off to the west as you -- which is  
6 right in that area (indicating). And that will  
7 basically be a full access driveway, as well. So  
8 that the two access points, one on Kinderkamack and  
9 one on Magnolia, will service the site as it does  
10 today, but again the Kinderkamack Road will be  
11 shifted. That's the main improvement of this plan,  
12 was getting that additional property to shift that  
13 driveway.

14 The building -- the only buildings on  
15 the site really would be the kiosk, which is under  
16 the canopy. The kiosk is about 12 -- about 13 by 30  
17 feet. That would be underneath the canopy between  
18 the pumps. And then the remediation shed, which John  
19 pointed out is off to the side, right in this area  
20 (indicating). That will remain and will basically be  
21 rebuilt, resided and the roof will be reconstructed  
22 to match the new roof on the canopy, which I'll show  
23 you a picture of that in a little while.

24 The underground storage tanks which  
25 service this site will remain. There are two tanks.

1 that is marked already, and that will be A-3.

2 (Exhibit A-3, Site Plan Rendering, is  
3 received and marked for identification.)

4 MR. JAWORSKI: All right. This  
5 exhibit, as I said, is a site plan that was  
6 submitted, just colored with the landscaping over  
7 top. Okay. The large rectangular, yellow rectangle  
8 over to the left, or the west side, would be the new  
9 canopy over the pumps. There are existing -- four  
10 existing pumps. We will be adding two dispensers.  
11 So there will be a total of six pumps, and the new  
12 concrete island. So they will be lined up exactly as  
13 they are today, but just one additional pump in each  
14 row. The kiosk will also be rebuilt. That will be  
15 between two of the dispensers to the north.

16 The driveways will basically be  
17 relocated, as well. The eastern driveway will be  
18 shifted about 80 feet to the east, right there  
19 (indicating). And this driveway provides for  
20 additional stacking, which is one of the main  
21 problems with the site. The driveway is right near  
22 the pumps. So there is not much stacking for cars  
23 coming in. So by acquisition of the property to the  
24 east, we were able to elongate that property, shift

1 They are located up in the southwest corner. Those  
2 two tanks will remain. There is a 20,000 gallon  
3 tank, and also a 15,000 gallon tank, which is  
4 compartmentalized. It is a split tank that will hold  
5 two products. One will be the premium grade. One  
6 side will be the premium grade and the other side  
7 will be the diesel, and then the 20,000 gallon tank  
8 will hold the regular gasoline product. So those two  
9 tanks will service all of the pumps. Basically, you  
10 will have, as many typical gas stations have, three  
11 products; regular, a mid-grade and premium. This one  
12 will have those as well as the diesel. And as John  
13 pointed out, there will only be one diesel pump for  
14 passenger vehicles only. And just to note for the  
15 Board, the diesel pump will be a low-flow pump, just  
16 like the typical gasoline dispensers. Those pumps  
17 typically discharge about seven to eight gallons per  
18 minute. The larger trucks on the highways that you  
19 see on the Parkway or whatnot, have high flow diesel,  
20 which are about 35 gallons per minute. This is a low  
21 flow. It's made for passenger cars. And as John  
22 pointed out, the stipulation would be, it would only  
23 be for fueling of passenger cars. It is not meant --  
24 the hoses are not rigged up, the flow rate is not  
25 adequate to fill the larger tanker trucks. If a

1 truck did come in it would be asked to leave, and not  
2 filled up with fuel at this pump.

3 Okay. I'll just run through some of  
4 the other improvements to this site, then we'll show  
5 you some exhibits of the canopy. As stated, the  
6 driveway will be two-way. It will be two-way  
7 circulation throughout the site. The whole pump  
8 area, the pumps are spaced, and islands are spaced so  
9 that a car entering from either way will be able to  
10 access either side of the pumps. So there will be 12  
11 fueling positions, six pumps, and you can fuel from  
12 either side depending on which side your gas tank is  
13 on your car.

14 The other improvement John had  
15 mentioned would be the bus turn-off, which is a  
16 little bit hard to see. It's right in there  
17 (indicating), off Kinderkamack. Basically, it will  
18 be a depressed area off the roadway where the bus  
19 will be able to pull in, load and unload passengers,  
20 that will keep clear the full aisle, full lane on  
21 Kinderkamack for passing cars. So that will be a  
22 significant improvement to the existing operation in  
23 which the bus stops and really backs up traffic in  
24 the roadway.

25 We did look at the bus shelter itself,

1 canopy to the right -- to the east of the canopy, and  
2 one will be handicapped, and the other one will be a  
3 regular space. That does meet your ordinance  
4 requirements, which is basically square footage of  
5 the building, which is the kiosk, so the site really  
6 requires one space, but we do have the two spaces as  
7 one is handicapped.

8 Right behind the two spaces will be a  
9 masonry trash enclosure. That will be completely  
10 enclosed with masonry decorative block wall that will  
11 match the canopy columns. And that will have a gate  
12 in front, as well. There is very little trash  
13 generated for the site. There is no convenience  
14 store or anything like that on the site. There will  
15 not be any outdoor storage or products, so the trash  
16 is really minimal, but there will be a trash  
17 enclosure to house whatever trash there is so that it  
18 will be out of sight.

19 Okay. The grading and drainage for  
20 the site basically will remain as it is today. The  
21 site basically flows as I said before, towards  
22 Kinderkamack, north to the south. The entire site  
23 right now flows -- overland flow, flows to the road  
24 and then down the road. What we are proposing to do  
25 is to capture the roof of the canopy, with roof

1 and we were able to shift that up to the west to  
2 better align the bus shelter with the bus door, so as  
3 the bus pulls up, he won't be tempted to stop short  
4 and have the end of the bus sticking out into the  
5 lane. He will pull up and the bus shelter will be  
6 aligned very close to the front door so the  
7 passengers can get in and out, so then he can pull  
8 out. So that would be another significant  
9 improvement along with the stacking on the site for  
10 cars pulling into the site off Kinderkamack.

11 The rear of the site, basically behind  
12 the remediation shed, all of that green vegetation  
13 and woods, that will remain. We are not pushing any  
14 further back into that, into the northeast of the  
15 site. So that vegetation will remain. Along the  
16 northern property line, there is an existing fence  
17 which is in disrepair. That will be replaced with a  
18 new fence, six-foot high a Trex product. It's  
19 basically composite wood with a texture on it that  
20 will be along the entire back property line. And  
21 that will be a gray, which will match the canopy  
22 colors, which we will show you in the photos in just  
23 a little bit.

24 The parking spaces, there will be two  
25 parking spaces on the property right before the

1 drains to an underground pipe system. And that  
2 system will act as a detention, a small detention  
3 basin underground, and then will discharge to  
4 Magnolia, to the underground system there. So by  
5 doing that, we are taking that extra water from the  
6 impervious surface, we are putting it into a  
7 detention system, and it will be regulated through an  
8 outlet structure, then the rate will be let out into  
9 the existing system.

10 Mr. Hipolit brought up a point in his  
11 letter about the fact that all of the drainage now  
12 flows towards Kinderkamack and down. Now, we are  
13 going to take some of that water from the canopy and  
14 discharge it to the system in Magnolia. And he  
15 suggested that we verify that that system is adequate  
16 to handle. We will certainly do that. Based on our  
17 preliminary review of that, the Magnolia system is a  
18 15-inch pipe, which drains down to the west. That  
19 pipe is at about four or five percent slope. The  
20 capacity of that pipe is around 17 or 18 CFS, which  
21 is the volume of water it can handle for the 25-year  
22 storm. The amount of water for the canopy for that  
23 same storm is on the order of .5 CFS. So the amount  
24 of water from the canopy is about two and a half  
25 percent of the overall capacity. So we feel pretty

1 comfortable that that will be able to handle it. But  
2 as Mr. Hipolit pointed out, we will do an analysis of  
3 that down through the system to make sure that that  
4 pipe is not overtaxed.

5 As I stated, this will have an  
6 underground detention system. There will be an  
7 oversized pipe under the ground for the larger storms  
8 that will capture that water from the canopy, hold  
9 it, and then discharge it very slowly into the  
10 underground system. The rest of the site, to the  
11 east, continues to slope to the road. That will  
12 drain as it does today.

13 The grading, obviously, will be  
14 improved. We will repave that whole area. Again,  
15 it's a three to four percent slope, which is very  
16 nice to have for drainage, because it flows right  
17 out, and that basically is the drainage pattern which  
18 will remain as they are today.

19 The landscaping of the site, as you  
20 can see from the exhibit, all landscaping in the  
21 rear, the existing vegetation will remain. We will  
22 redo all of the landscaping in the front, along  
23 islands in the front, and certainly around the  
24 remediation shed to dress up the site. This will  
25 include 24 evergreen trees, a variety of Boxwood

1 the order of 20 to 30 foot candles. That's a typical  
2 foot candle. For instance, the Exxon on Kinderkamack  
3 Road and the Exxon on Chestnut Ridge, those are both  
4 around 20 and 21 foot candle in the canopy area, just  
5 to give you an idea of the lighting. This, for this  
6 site, we are going to get rid of those. The canopy  
7 area will be lit by fixtures on the underside of the  
8 canopy. That canopy area will have an average foot  
9 candle of about ten. So it's about one-third of --  
10 or almost a quarter of what exists today, and about  
11 half of what is at the two Exxons that we measured.

12 So it's a significant less illumination pattern  
13 throughout the canopy area, but it is -- it does  
14 provide enough light to keep it safe, so that you can  
15 see the receipts at night, and people will feel safe  
16 within the canopy itself.

17 And again, the other lights on the  
18 site will be a decorative fixture, very low, 150 watt  
19 bulbs. So they will provide a nice accent to the  
20 canopy and the surrounding area.

21 The utilities for the site will all  
22 basically remain the same. The existing water, sewer  
23 and electric, all coming from the Kinderkamack or  
24 Magnolia will just be reconnected for the new  
25 project. Again, when we do a project like this, we

1 Holly and Juniper, and a variety of low plants in the  
2 front that won't prevent any site triangle distance  
3 problems, but certainly dress up the front of the  
4 site. We do have some renderings of the canopy and  
5 building which will better depict that, and I'll show  
6 that in a bit.

7 The lighting for the site, we went  
8 through various iterations working with Mr. Hipolit's  
9 office. The canopy will be lit with fixtures  
10 underneath the canopy, and it will be three  
11 decorative fixtures, eight feet high, basically near  
12 the remediation shed on the driveway coming in.  
13 Those will light up the driveway. The canopy itself  
14 will light up the area underneath the canopy. Just  
15 to give the Board some reference, the existing area  
16 of the canopy now -- yes, you can go back there,  
17 Josh. It shows the existing picture. Right. There  
18 is no canopy, and you can see there is four,  
19 double-headed lights which are over the pumps. Those  
20 are 12-foot high and they are not shielded. That  
21 area, when we took our light readings, is on the  
22 order of 38 foot candles. I'm not sure if the Board  
23 understands the illumination. 38 foot candles is  
24 pretty bright. A typical canopy, and we did take  
25 some readings of some other canopies in town, are on

1 do check all of those connections and make sure they  
2 are adequate. That will hold true for this one, as  
3 well.

4 Now, if we could, Josh, show the  
5 canopy. We did, basically, took the existing  
6 picture, which we showed before, we added an artist  
7 rendering of the proposed canopy on that same exact  
8 picture. This is the existing condition, you can  
9 see, and then that will be the proposed canopy. The  
10 canopy itself, as you can see, is very aesthetic.  
11 The bottom portion of the columns will be a stone, a  
12 gray stone. The columns themselves as you go up  
13 right in here, will be a brick, various colors of  
14 gray brick. The top will be a spandrel, and that  
15 will be a stucco.

16 MR. MARMORA: I'm sorry, just to  
17 interrupt you for a second. We are marking as A-4 a  
18 photo rendering of the site.

19 MR. JAWORSKI: Actually, it's titled  
20 3D rendering B.

21 MR. MARMORA: That's looking from  
22 Kinderkamack?

23 MR. JAWORSKI: Looking from  
24 Kinderkamack, right. So that's the same view of the  
25 existing.

1 CHAIRMAN DiPINTO: Is that exhibit the  
2 same as you have on the Board as the slide? They  
3 seem to be different.

4  
5 (Exhibit A-4, 3D Canopy Rendering A, is  
6 received and marked for identification.)

7 MR. MARMORA: There you go. So that's  
8 the same view looking from the other side of  
9 Kinderkamack.

10 CHAIRMAN DiPINTO: What is the correct  
11 exhibit number on that?

12 MR. JAWORSKI: 3D rendering A.

13 MR. MARMORA: And marked as A-4.

14 CHAIRMAN DiPINTO: Thank you. Please  
15 continue.

16 MR. JAWORSKI: As I stated, the bottom  
17 is common stone, then brick. The spandrels will be a  
18 gray stucco, then the roof, synthetic slate shingle  
19 with a reddish color. So it's a peaked, basically a  
20 hip roof, with synthetic slate shingles on it. As  
21 John pointed out, the remediation sheds will have  
22 that same synthetic slate shingle, so that will match  
23 aesthetically. And the shed itself will have a gray,  
24 wood-type finish around it, which will match the  
25 grays that are in the canopy itself.

1 on there. It will be illuminated, back lit in an  
2 illuminated box, but the letters or the prices, the  
3 numbers themselves will not be individually lit, and  
4 they will be changed by hand. So it will kind of fit  
5 in with the retro look of the canopy and the sign,  
6 which I know is important to the Town. And that  
7 signing, again, will just be refurbished. It will be  
8 the same height, same place that it is now. The size  
9 of the pricing does increase a little bit. I think  
10 the total is about five square feet overall larger.  
11 The existing total sign is 42.85 square feet. The  
12 proposed will be 47.71. And that, again, is just a  
13 configuration of the pricing. The logo box is the  
14 same size that exists today.

15 All right. As far as the operations,  
16 the current service station operates 24/7. That will  
17 remain the same. The trash pick up, as I stated,  
18 there is very little trash. Typically that's picked  
19 up once a week. That will be stored in the trash  
20 enclosure on the site. The gas deliveries will be  
21 made, depending on the volume that the station does,  
22 typically once a day. It turns out to be five or six  
23 times a week. Based on that, the configuration of  
24 the -- of the tanker coming into the site will be  
25 different than it is today. Right now, I understand,

1 The nice part about this canopy which  
2 makes our job a little bit easier on lighting  
3 testimony, is that this canopy has these spandrels  
4 which kind of extend down from the underside of the  
5 canopy, so the light is really contained in that  
6 canopy area, which is very nice. Most of the  
7 canopies, as you know from stations you've been at,  
8 have just a flat bottom, and sometimes they have  
9 lights where you can see them. So the advantage of  
10 this one with the decorative spandrels will also help  
11 contain that light to a downward illumination in the  
12 pump area, and not really spread beyond that.

13 Okay. The other improvement will be  
14 the freestanding sign which you can see in this  
15 photo, which is at the corner, and basically that  
16 consists of the Shell logo, and then the pricing  
17 units right below it, typical service station sign.  
18 And what's proposed will be keep the same exact size  
19 of that Shell box on top, but it will be replaced  
20 with an old-time logo, I guess would be -- the kind  
21 of the old look of the Shell. That will be the same  
22 size and fit in there. And then the price pods will  
23 be redone. They will not be LED, not be individually  
24 lit. They will be the old style where it's -- you  
25 have to actually get the stick and put the price up

1 the tank comes in off Magnolia, pulls up, and  
2 basically blocks a lot of the area to unload the  
3 fuel. With this re-configuration, I will show that  
4 on -- you have this one, Josh?

5  
6 (Exhibit A-5, Vehicle Circulation Exhibit,  
7 is received and marked for identification.)

8 MR. JAWORSKI: This is labeled A-5,  
9 Vehicle Circulation Exhibit. Basically, it just  
10 shows the site itself with the tanker. So the tanker  
11 will come in off of Kinderkamack, and pull in right  
12 in between island. And again, the underground tanks  
13 are located right in this area (indicating). So the  
14 tanker will pull in right between the two islands and  
15 be able to fuel the underground tanks. So if you are  
16 pulling in off Kinderkamack, you can either go to the  
17 right or to the left and be able to circulate around  
18 that tanker. So the middle parts of those islands  
19 will be blocked while the tanker is there. However,  
20 there still will be six fueling positions open in  
21 which you will be able to pull in, fill up your tank  
22 and exit while the tanker is there. So that is  
23 really the best we could have done with the size of  
24 the site, and the configuration of the site, and try  
25 to limit the obstruction that the tanker causes to

1 fill up the tanks. It's just the nature of the  
 2 service station to need to fill the tanks up. So we  
 3 are able to configure it to let him pull in right in  
 4 the middle and let the outside lanes and those six  
 5 fueling positions be open and be able to pull around.  
 6 Our traffic engineer, Ms. Dolan, can go into that  
 7 further. We worked certainly closely with her to  
 8 come up with the configuration, and she can go into  
 9 more detail on that if needed.

10 Okay. The only other comment is  
 11 regarding the bus shelter. If you go back to the  
 12 site plan, we did discuss that and worked with the  
 13 County very closely, and Transit. We moved that bus  
 14 shelter, shifted it up. We talked to Eric Tinsac at  
 15 the County, and talked about shifting it up. He had  
 16 no problem with it. That application is still  
 17 pending. We still have to go through the proces, as  
 18 we are going through the board process here. But our  
 19 conversations with the County have been very  
 20 positive, and they are supportive of that, the bus  
 21 turn-off and the shifting of the shelter. We are  
 22 confident that will be the ultimate configuration if  
 23 the project is approved.

24 Mr. Chairman, that's basically it. If  
 25 I can, I would just like to summarize the changes,

1 complimentary to the canopy, including the roof with  
 2 the synthetic slate shingles. So that will all  
 3 match. The bus turn-off lane on Kinderkamack will be  
 4 implemented, along with the bus shelter shifted up  
 5 closer to the front where the bus door is. So the  
 6 bus will be able to pull off the road and the lane  
 7 will be clear on Kinderkamack while it's loading and  
 8 unloading. There will be a new six-foot high Trex  
 9 fence along the rear property line to replace the  
 10 existing. The lighting will be completely redone  
 11 with canopy lights under the canopy, and then three  
 12 decorative fixtures, 150 watt, eight-feet high to  
 13 light the driveway area. The landscaping will be  
 14 redone all along the front and the side. Existing  
 15 vegetation to the northeast will remain in place.  
 16 The storm water will be improved with the underground  
 17 detention, and the capturing of the canopy itself to  
 18 an underground system before discharging on to  
 19 Magnolia, and the freestanding sign will be  
 20 refurbished to the old-style retro look. Again,  
 21 there will be a slight increase, about five square  
 22 feet, because of the price, but the logo itself will  
 23 be the same size.

24 CHAIRMAN DiPINTO: Okay, very good.  
 25 And before we introduce into evidence Mr. Hipolit's

1 and then if you would like, we can run through the  
 2 review letters.

3 CHAIRMAN DiPINTO: Okay. You can  
 4 summarize the changes, and then I will introduce as  
 5 Board Exhibit One, the report of Mazer(ph), and I  
 6 rather that Mr. Hipolit go over his comments and  
 7 concerns in that report, and you respond to it if  
 8 necessary.

9 MR. JAWORSKI: Certainly.

10 CHAIRMAN DiPINTO: Please summarize  
 11 the changes before we open it up to Mr. Hipolit.

12 MR. JAWORSKI: Okay. Again, the  
 13 primary changes to the site: The driveway is  
 14 shifting, the Kinderkamack driveway, about 80 feet to  
 15 the east to provide the further stacking, with the  
 16 acquisition of the property to the east. The pumps,  
 17 we will be adding two pumps. There are four  
 18 existing. We are adding two, for a total of six.  
 19 That will provide 12 fueling positions on the site.  
 20 The site will contain a new canopy, which will be  
 21 placed over the pump area. We showed you the  
 22 pictures of a very aesthetic, decorative canopy,  
 23 which will provide weather protection while the  
 24 passengers are fueling. The remediation shed will be  
 25 redone with finishes and materials consistent and

1 letter, just Members of the public that are here that  
 2 have an interest in this Application, I failed to  
 3 explain to you the procedures that the Board will  
 4 follow with respect to this Application. We have  
 5 heard the direct testimony of the designer for this  
 6 project, Mr. Jaworski. As typical is the practice of  
 7 this Board, the next item for discussion will be that  
 8 of the review of the Borough Engineer. He will  
 9 review his comments as set forth in his  
 10 correspondence to the Board, dated August 19. A copy  
 11 of that correspondence should be available for your  
 12 inspection on the table in the rear of the room.

13 Following his comments and your  
 14 questions, the Chair will then open it to Board  
 15 Members for questions of either Mr. Jaworski or  
 16 Mr. Hipolit. When they have concluded their  
 17 questions, the Chair will ask for a motion to open  
 18 the meeting to the public, and anyone from the public  
 19 who has an interest in this Application, who has  
 20 questions of either Mr. Hipolit or Mr. Jaworski, can  
 21 present those questions through the Chair. It's your  
 22 opportunity to act just as a Board Member would in  
 23 asking questions. It is not an opportunity to give  
 24 comments. That only happens at the end of the  
 25 hearing.

1 So after the Applicant's Counsel has  
 2 introduced the witness, and the witness has  
 3 testified, we will repeat that role; first opening up  
 4 to the representative Borough professional, then the  
 5 Board Members, and then the public, all for the  
 6 purpose of questions. At the very end of the hearing  
 7 you can make your comments and say whatever you would  
 8 like based upon all that you've heard from the  
 9 evening.

10 With that said, I'm going to ask  
 11 Mr. Hipolit, and let's enter into evidence as Board  
 12 Exhibit One, Board-1, his letter addressed to  
 13 Lorraine Hutter, Planning Board Secretary, and I'm  
 14 going to ask Mr. Marmora, do you have a copy of this  
 15 correspondence?

16 MR. MARMORA: Yes, we were provided  
 17 with a copy of the review letter yesterday.

18 CHAIRMAN DiPINTO: Okay. Thank you  
 19 very much.

20  
 21 (Exhibit B-1, Mr. Hipolit's Letter,  
 22 dated August 19, 2013, is received and marked for  
 23 identification.)

24 CHAIRMAN DiPINTO: Mr. Hipolit, could  
 25 you kindly summarize and raise what you believe are

1 issue was the same as mine, which was the potential  
 2 conflicts and traffic accidents in that intersection.  
 3 To compound that, or make the situation better, the  
 4 Applicant has gone one step further and will install  
 5 the bus pull-off lane where the bus shelter is. The  
 6 pull-off lane provides in removal of the conflict on  
 7 Kinderkamack Road with cars traveling northbound or  
 8 southbound don't have to face this backup traffic at  
 9 certain peak times at the station.

10 Other benefits are the lighting, with  
 11 the lighting on site coming significantly down. The  
 12 Applicant originally proposed LED lighting, and  
 13 brighter lighting that we were not in favor of. They  
 14 have now lowered their lighting to at least half in  
 15 foot candles of what's currently on the site.

16 The storm water drainage on site, I  
 17 think Mr. Jaworski needs to do more investigation.  
 18 They are now providing on-site detention, and are  
 19 going to be discharging the existing off-site through  
 20 Magnolia, but holding the increase on site, which is  
 21 a benefit. So they will be improving their drainage,  
 22 and the general site layout with the flow of the  
 23 pumps, mixing it out, and how the site looks as far  
 24 as the stacking and landscaping is a significant  
 25 improvement. I mean, this has taken a long time to

1 points in your report.

2 MR. HIPOLIT: Thank you, Mr. Chairman.  
 3 The letter that we prepared is dated August 19.

4 Comments one to five, which includes our lifting of  
 5 variances, is just one to four is general comments.  
 6 Five is a listing of variance. I will defer to

7 Richard Preiss. He did a detailed review of that.  
 8 We can skip by that. I'll start with comments six,

9 but before I go to comment six, just as a summary,  
 10 because I know this site is, one, that has been here  
 11 a long time, and, two, it's had some history in front  
 12 of the Board. There are a number of things on this  
 13 site which I would like to highlight. Some are  
 14 positive. I think the engineer covered some of them.

15 This site has been issued for a very  
 16 long time with respect to stacking and backing up  
 17 traffic on Kinderkamack Road, as I think most people  
 18 know. The layout of this property and the way the  
 19 Applicant has worked towards that layout to providing  
 20 stacking on the site is a significant benefit. This  
 21 driveway, moving in the easterly direction and  
 22 allowing cars to come either way on Kinderkamack and  
 23 pull on site and stacking on site gets the conflict  
 24 off the road. I had discussed that a number of  
 25 months ago with the Police Department, and their

1 get there, and I thought that it was worth  
 2 highlighting.

3 If I go to my specific comments,  
 4 starting on six, more of a comment for the Applicant  
 5 or the Applicant's engineer. There is a price topper  
 6 sign on the fueling dispenser. Do we have a size for  
 7 that?

8 MR. JAWORSKI: Yes. They are 2.7  
 9 square feet, same as the existing. That is what is  
 10 proposed.

11 MR. HIPOLIT: Okay, that's fine.  
 12 Vehicle queuing I think you covered a little bit of  
 13 that in your presentation with the circulation plan.  
 14 What I would like to see your traffic engineer cover  
 15 is a little more detail about that; how it's going to  
 16 work, direction of truck traffic, a little more of  
 17 the traffic side of that.

18 MR. JAWORSKI: Sure. We did look at  
 19 the stacking from the canopy back through the  
 20 driveway off Kinderkamack. Basically, I have enough  
 21 room for six additional vehicles before you hit the  
 22 first pump at the canopy. So Betsy can go into that  
 23 further, but you have a stack of six.

24 MR. HIPOLIT: What I would like to  
 25 hear from Betsy is what she thinks the peak would be,

1 based on the review of the station, what that peak  
2 should be, so we know if it's on site. I don't think  
3 it will be, but I would like to hear her say if it's  
4 on site, not off-site.

5 MR. MARMORA: She will address that.

6 MR. JAWORSKI: Yes, okay.

7 MR. HIPOLIT: Item eight, the bus  
8 shelter, as I said, is something I'm very much in  
9 favor of to remove that conflict on the road. As you  
10 said, it does need County approval. I believe  
11 Transit approval, also.

12 MR. JAWORSKI: Yes.

13 MR. HIPOLIT: The one thing I think we  
14 missed so far is what the shelter is going to look  
15 like. If I had to make a suggestion, it would be to  
16 match the canopy, maybe a suggestion. I don't know.

17 CHAIRMAN DiPINTO: Do you have that  
18 sketch? I asked the Board Secretary to do a little  
19 bit of research on that, and she did, and she has  
20 printed out something, which I think is quite  
21 attractive, just as by way of example. You know  
22 what, let's mark this. And Mr. Marmora, it's a  
23 photo. We'll give you a copy of it.

24 MR. MARMORA: B-2.

25 CHAIRMAN DiPINTO: Yes, let's mark it

1 one.

2 And number two, what I like about it,  
3 is there are no panels on it for the display of  
4 outrageous billboard ads that frequently appear on  
5 bus shelters.

6 MR. MARMORA: Yes.

7 CHAIRMAN DiPINTO: I'm not a big fan  
8 of signage of that nature. So I would be a big  
9 proponent of matching the canopy, but obviously  
10 scaled to size. I'm sorry. Please continue,  
11 Mr. Hipolit.

12 MR. HIPOLIT: I just want to make sure  
13 for Mr. Regan's purposes of a resolution, if there is  
14 approval on this, it needs to be contingent upon both  
15 Transit's and the County's approval of the pull-off  
16 and the shelter, not just the pull-off.

17 CHAIRMAN DiPINTO: I think we should  
18 have Mr. Marmora state that. Mr. Marmora, with  
19 respect to that application that is pending before  
20 the County, if, in fact, the County were not to  
21 approve the plan as submitted, and a change was made,  
22 what is your client's obligation in terms of  
23 reappearance before this Board?

24 MR. MARMORA: We would obviously have  
25 to come back. That's parts of this approval. We

1 B-2. It's a concept of what a bus shelter might look  
2 like if we were trying to match the canopy.

3 (Exhibit B-2, Photograph of Conceptual Bus  
4 Shelter, is received and marked for identification.)

5 CHAIRMAN DiPINTO: And I apologize for  
6 not getting it to you beforehand, but these were just  
7 printed off, I believe, from the prior application.  
8 Mr. Marmora, I believe you had indicated on behalf of  
9 your client that with respect to that shelter, your  
10 client was pretty much willing to do anything that  
11 the Borough might request, subject to meeting with  
12 Transportation approval and County approval; is that  
13 correct?

14 MR. MARMORA: That's correct.

15 CHAIRMAN DiPINTO: Okay.

16 MR. MARMORA: New Jersey Transit has  
17 the ultimate say. We can certainly present this to  
18 New Jersey Transit and ask them to allow this.

19 CHAIRMAN DiPINTO: I think it's  
20 interesting. I think if we could replicate -- I have  
21 two reasons why I like it. I think it would  
22 replicate the design on the canopy, and the canopy  
23 supports. I think visually it will give a nice  
24 impression as you approach the station area, number  
25

1 would obviously, assuming it is approved, we would  
2 have to come back and seek amended approval.

3 CHAIRMAN DiPINTO: Is it normal  
4 practice for an Applicant to make simultaneous  
5 applications before both the County and local?

6 MR. MARMORA: Yes. Obviously, you  
7 submit to get feedback before you present to this  
8 Board, but you need approval from the local Board  
9 before you perfect with your ancillary approvals.

10 CHAIRMAN DiPINTO: Ultimately, there  
11 must be agreement among both parties involved?

12 MR. MARMORA: That is correct.

13 CHAIRMAN DiPINTO: Please continue.

14 MR. HIPOLIT: Item nine, Mr. Jaworski  
15 covered it, a little bit about fueling of passenger  
16 cars only versus trucks with the low-flow nozzles. I  
17 think for resolution purposes, if it's approved,  
18 there should be a condition that the site can only  
19 have the low dispenser nozzles.

20 MR. JAWORSKI: Low-flow nozzles.

21 MR. HIPOLIT: It will eliminate trucks  
22 coming there to fill up. They would never fill up.  
23 It would take too long.

24 CHAIRMAN DiPINTO: Mr. Marmora, if  
25 that were placed in a condition in both the

1 resolution and agreement of approval, you would take  
2 no exception to that; is that correct?

3 MR. MARMORA: That is correct. We  
4 have no problem with that.

5 CHAIRMAN DiPINTO: Okay, thank you.  
6 Please continue.

7 MR. HIPOLIT: Item ten, Mr. Jaworski,  
8 please tell me the breakdown in the 15,000 gallon  
9 tank. What's in there?

10 MR. JAWORSKI: Right. There is one  
11 15,000 gallon tank. It is a compartmentalized tank;  
12 7,500 would be premium, 7,500 diesel. And then the  
13 second tank is a 20,000 gallon tank, which would be  
14 regular.

15 MR. HIPOLIT: Regular --

16 MR. JAWORSKI: Regular grade, and then  
17 the premium. And then the mid-grade would mixed.  
18 Right, the piping. So you have your regular,  
19 mid-grade and premium. The mid-grade is a mixture of  
20 regular and premium, and the diesel is by itself.

21 MR. HIPOLIT: Okay, I have that. Item  
22 11 we covered, is the bus shelter. Item 12, you have  
23 testified, which I'm okay with, the lights.

24 MR. JAWORSKI: 150 watts.

25 MR. HIPOLIT: Yes. I'm okay with

1 Superintendent of Public Works to make sure there is  
2 no issues with it. If there is an issue with a  
3 manhole or the like, we would just repair it and call  
4 it a day. I mean, the volume is so minimal, it  
5 shouldn't be an issue. Just let's make sure there is  
6 no issues. That covers item 15.

7 Item 16 is an engineering issue that  
8 we can discuss. That's not -- the Board doesn't need  
9 to bother themselves with that. Same with item 17,  
10 just some issues they can provide in the budget for  
11 it.

12 And item 18, there is a stop driveway  
13 adjacent to Kinderkamack Road. It's too close to the  
14 side, maybe or maybe not. I don't know if you want  
15 to --

16 MR. JAWORSKI: We can adjust that as  
17 needed.

18 MR. HIPOLIT: Okay, you will adjust  
19 it. And the next three items, or really the next  
20 four items, really have to do more with the Borough  
21 than the Applicant, but since the Applicant is  
22 working at this intersection, we -- we are under  
23 jurisdiction of Bergen County in this area. And  
24 Bergen County, when you repave their roads, makes the  
25 ramps adjacent to the site our responsibility. It's

1 that. Item 13 I think you clarified as far as peak  
2 roof versus flat roof?

3 MR. JAWORSKI: Yes. I note, that's an  
4 internal gutter system which will discharge  
5 underground.

6 MR. HIPOLIT: Internal, okay.

7 Item 14, I would just make it a  
8 condition that prior to connection, if it's approved,  
9 prior to connection to Magnolia that we verify, via  
10 through my office and the Superintendent of Public  
11 Works, that there is adequate capacity to handle the  
12 flow. I believe there is. I just think we need to  
13 verify it.

14 MR. JAWORSKI: Yes, absolutely.

15 CHAIRMAN DiPINTO: Mr. Jaworski, I  
16 believe you testified that that's a 15-inch line?

17 MR. JAWORSKI: It's a 15-inch line.

18 The full flow capacity from our preliminary counts is  
19 about 18 CFS. We are adding a half a CFS, so it's  
20 about two, two and a half percent of that total  
21 capacity. So we feel pretty comfortable, but as Andy  
22 said, we can certainly do the analysis to make sure.

23 MR. HIPOLIT: I don't want them to  
24 spend any money if you don't have to. I think a  
25 conversation between yourself, myself and the

1 our responsibility to design, install and eventually  
2 they become ours again, because they don't take  
3 jurisdiction on site. So we are going to want some  
4 details and have you look at that intersection to  
5 make sure that the intersection is conforming with  
6 County standards for ADA accessibility. Really what  
7 I would look for as a condition, is that the  
8 Applicant will agree to look at the intersection of  
9 Magnolia and Kinderkamack and their site driveways,  
10 submit the designs to the County, because that's what  
11 the Borough would have to do. Let County, through  
12 Eric Timsac's office, or Jason, approve them. Once  
13 they approve them, we are good. We know they are  
14 good.

15 CHAIRMAN DiPINTO: Mr. Marmora, is  
16 your client willing to comply with that request?

17 MR. MARMORA: Yes.

18 MR. HIPOLIT: Okay. That's it. That  
19 would take care of 19, 20, 21 and 22, and the only --  
20 it really takes care of 23. It's just the sidewalk  
21 system, which ties together. We can talk to the  
22 County.

23 MR. MARMORA: Correct.

24 MR. HIPOLIT: That's all I have.

25 CHAIRMAN DiPINTO: There is no

1 additional questions based on the testimony of Mr.  
2 Jaworski?

3 MR. HIPOLIT: No. I wrote down notes  
4 and his testimony is in line with everything we  
5 talked about. That's why I summarized it ahead of  
6 time.

7 CHAIRMAN DiPINTO: Okay. Very good.  
8 Now questions from the Board Members -- I'm sorry,  
9 Mr. Regan.

10 MR. REGAN: Yes, I neglected to inform  
11 Mr. Marmora and indicate at the outset of the hearing  
12 that since it's a D variance, Mr. Webber, as a class  
13 one Mayor representative, and Councilman Ghassali as  
14 a class three representative, may not participate in  
15 the hearing. I've advised Councilman Ghassali, and I  
16 am so advising Mr. Webber, if they wish to ask  
17 questions as resident citizens, they would need to  
18 leave the dais and go to the audience. They cannot  
19 participate in the hearing.

20 As you are aware, this is a combined  
21 board, and the Planning Board (inaudible) only seven  
22 members may participate in the hearing process, and  
23 of course five affirmative votes would be necessary  
24 for the Application.

25 MR. MARMORA: Yes, I understand.

1 long. It's a long time to do. So the truckers are  
2 automatically discouraged from coming.

3 If a truck does come in, they will be  
4 turned away by the operations. But logistically, for  
5 a truck, a tanker to pull into a station, it would  
6 take an inordinate amount of time to fill up, so they  
7 will go somewhere else.

8 MR. VOGT: I understand what you are  
9 saying. I have a diesel truck myself, but I heard  
10 you say 9 gallons per minute before, now you are  
11 saying 7 to 8.

12 MR. JAWORSKI: I think I said 7 to 8.  
13 7 to 8, that's a normal --

14 MR. VOGT: Okay. Will the water which  
15 is being discharged or recharged into the ground,  
16 will that effect the remediation efforts which are  
17 going on right now? Will that effect those  
18 remediation efforts?

19 MR. JAWORSKI: No, and I hope I didn't  
20 misspeak on that. The detention will be a closed  
21 detention system. It will not infiltrate storm water  
22 into the ground, basically because of that  
23 remediation. The State really likes to discourage  
24 that on any sites that have ongoing remediation from  
25 putting additional water into the ground. Our

1 CHAIRMAN DiPINTO: Okay, very good.  
2 Thank you. Okay, now, questions starting with  
3 Mr. Vogt.

4 QUESTIONING OF MR. JAWORSKI BY THE BOARD:

5 MR. VOGT: Thank you, Mr. Chairman.  
6 Mr. Jaworski, you talk about -- I just want to  
7 follow up with the slow nozzles. And I understand --

8 MR. HIPOLIT: Low flow, not slow flow.

9 MR. VOGT: Who?

10 MR. HIPOLIT: Low flow.

11 MR. VOGT: No flow, slow flow.

12 MR. JAWORSKI: Same idea.

13 MR. VOGT: It's all the same to me.

14 Okay, call it low flow. You said those nozzles don't  
15 fit the larger trucks?

16 MR. JAWORSKI: It's not that they  
17 don't fit them. The low flow nozzles are seven to  
18 eight gallons per minute nozzles. The maximum flow  
19 out of that, which is a typical station that services  
20 passenger cars, is seven to eight. If you compare  
21 that to the typical diesel at a truck stop or a truck  
22 fill-up station, those are on the order of 35 gallons  
23 per minute. So the time it would take to fill up a  
24 large truck with a 7 gallon per minute versus 35 is

1 detention system will be a closed pipe. It will be a  
2 larger pipe, which will provide the storage won't  
3 infiltrate into the ground. It will store it, and  
4 then through an outlet structure, regulate the  
5 outflow into the underground system, but it will be a  
6 contained detention system.

7 MR. VOGT: You are not proposing a  
8 recharge pipe or whatever you call it --

9 MR. JAWORSKI: Right.

10 MR. VOGT: -- basin, it's because of  
11 the remediation?

12 MR. JAWORSKI: Yes. The State  
13 discourages that for that very reason, not to  
14 introduce water that might permeate.

15 MR. VOGT: That's why my question.

16 Thank you very much. That's all I got, Mr. Chairman.

17 CHAIRMAN DiPINTO: Mr. Lintner?

18 MR. LINTNER: Thank you, Mr. Chairman.

19 A couple of questions, one for Mr. Marmora. Will  
20 there be a representative from Ali Enterprises?

21 MR. MARMORA: Mr. Chaudhary is here.

22 MR. LINTNER: Will you present him as  
23 a witness at some point in time.

24 MR. MARMORA: I didn't intend to. If  
25 there are questions not answered by our witnesses, we

1 will certainly be willing to call him to answer any  
 2 questions.  
 3 MR. LINTNER: Okay, thank you.  
 4 Getting back to the  
 5 passenger-vehicle-only filling, what about, does that  
 6 mean commercial pickup trucks will not be filled  
 7 there?  
 8 MR. JAWORSKI: I think a regular  
 9 pickup truck, if it happens to be commercial, will be  
 10 allowed to be filled. I think what we are  
 11 discouraging is the larger commercial vehicles that  
 12 take diesel. Certainly a diesel car or diesel pickup  
 13 would be permitted, I believe.  
 14 MR. MARMORA: Yes.  
 15 MR. LINTNER: I want to know how we  
 16 differentiate. If the sign says, "passenger cars  
 17 only" or the enforcement is for passenger cars only,  
 18 and you get an 18-foot step van that needs gas, does  
 19 that get filled there or does the operator make the  
 20 decision or how -- I think that the statement or the  
 21 signage or whatever the policy is going to be for  
 22 passenger vehicles only, I think that certainly needs  
 23 to be clarified so, you know, when a landscape pickup  
 24 truck shows up and needs his lawn mowers filled and  
 25 all of his containers, does he get gas or not? By

1 defines height as the -- for a peaked roof as the  
 2 average.  
 3 MR. LINTNER: Correct.  
 4 MR. JAWORSKI: When you average the  
 5 bottom of the roof and the top, it does come out to  
 6 be under 24 feet, which complies. So it does comply.  
 7 Again, it's the architectural. To get the canopy for  
 8 that look and the slope of the roof, it needed to be  
 9 that high.  
 10 MR. LINTNER: My initial impression  
 11 was that it was high when you showed us A-2 and  
 12 indicated that the lights, the existing lights are 12  
 13 feet. You know, that's -- so you are saying the  
 14 underside of the ceiling is 14 feet, and that from  
 15 the, saying from the ceiling to the peak is another  
 16 14 feet?  
 17 MR. JAWORSKI: It's a little bit --  
 18 MR. LINTNER: You are saying that's 14  
 19 feet off the ground?  
 20 MR. JAWORSKI: See this spandrel?  
 21 That's about 14 feet. So, you know, the underside of  
 22 the canopy is a little higher than the 14, but the  
 23 truck has to be able to get underneath that spandrel.  
 24 That has to be 14. The underside is probably 16  
 25 feet, maybe 15 and a half feet, like, underneath,

1 your signage, no, but I don't think legitimately or  
 2 logistically, I think we would not get -- I think we  
 3 need to clarify that a little further.  
 4 CHAIRMAN DiPINTO: Mr. Lintner, I  
 5 think Mr. Marmora indicated that the operator is here  
 6 and if needs be, we'll have him testify. I think  
 7 that's an operations question. I would like to hear  
 8 operations relative to that when we reach that point.  
 9 MR. LINTNER: I mean, it's very easy  
 10 to make a statement, but it's very difficult to  
 11 enforce. You know, it's like the no-left-turn out of  
 12 the driveway sign. That's tough, too. It's not in  
 13 this application.  
 14 Canopy height, why so high, over 28  
 15 and a half high to the peak of the canopy? Why is  
 16 all of that headroom necessary from the top of the  
 17 pump to the bottom of the ceiling, let's say?  
 18 MR. JAWORSKI: The actual under  
 19 clearance for this canopy is 14 feet, which it needs  
 20 to be for the tanker. Because of the architectural  
 21 element and the slope of the roof, that peak does get  
 22 up to 28 feet, which is the top. So the under  
 23 clearance is really consistent with most of the  
 24 canopies we see. It's 14 feet. You have that  
 25 architectural structure, the -- your ordinance

1 because the spandrel is there, then it goes up. And  
 2 that's where the lights are. Then from there, up to  
 3 the peak, that very peak is the 28, so.  
 4 MR. LINTNER: Okay. My initial  
 5 impression, or initial reaction was it was a little  
 6 too tall, because it's my initial feeling.  
 7 MR. MARMORA: If I could just, by way  
 8 of brief background, Mr. Lintner, our charge, at  
 9 least TRC is not binding, we were tasked to make it  
 10 look as residential as possible. So I deferred to  
 11 Mr. Preiss and others on the TRC. That's really what  
 12 drove that design.  
 13 MR. LINTNER: In my opinion, and it's  
 14 just a single opinion, I'm not speaking for the  
 15 Board, I'm speaking for myself.  
 16 One other question then, and you  
 17 probably are not the correct person. I guess it's  
 18 going to be the traffic, but the unloading between  
 19 islands, the traffic expert is going to talk about  
 20 that?  
 21 MR. JAWORSKI: Yes. I mean, basically  
 22 the exhibit I showed is the tanker will pull right  
 23 between islands, but the way we designed it is by  
 24 doing that, you let -- the outside is clear. So if  
 25 cars come in, they will be able to use the six

1 positions outside and bypass the tanker while it's  
2 filling, which is much better than it is today, where  
3 it pulls off Magnolia and blocks it. So we looked at  
4 a couple of different configurations to do that, and  
5 that seems to be the best one that worked for  
6 operations.

7 MR. LINTNER: It seems strange to me  
8 to put the tanker in the middle of the action, each  
9 day a tanker in the middle of the action. It seems  
10 to me to be a strange way of solving it.

11 MR. JAWORSKI: We looked at putting it  
12 on the outside, and just operationally this seemed to  
13 work better.

14 MR. HIPOLIT: Can you put up the slide  
15 for the tanker?

16 MR. JAWORSKI: Sure.

17 MR. HIPOLIT: We had looked at, when  
18 they had come to us, it doesn't work on the inside.  
19 It doesn't work closer to Kinderkamack Road. We  
20 looked at the outside, and we felt it pushes the  
21 tanker and the noise issue to the residential side,  
22 which was the bad news. The closest we can get to  
23 Kinderkamack Road was the middle.

24 MR. JAWORSKI: And the tanks are right  
25 there. So out here, then you are looking at remote

1 fuel deliveries then you have now, because the  
2 gasoline truck is going to be delivering 27,500  
3 gallons instead of 35,000. So I have a concern with  
4 that. And the second, is there going to be a  
5 separate truck for diesel?

6 MR. JAWORSKI: I really am not sure.  
7 I think I'll defer to the owner on that.

8 MR. TEAGNO: I don't think the tanker  
9 trucks are compartmentalized. That would mean extra  
10 deliveries.

11 MR. JAWORSKI: I'll defer and check on  
12 that.

13 MR. TEAGNO: Those things concern me a  
14 little bit about deliveries, along with Mr. Lintner's  
15 questions about the existing lights are 12 feet high.

16 MR. JAWORSKI: Yes.

17 MR. TEAGNO: And to the mid point of  
18 the roof is twice that distance, and to the top is  
19 another four feet? I mean, if you go back to the  
20 original picture of the existing conditions --

21 MR. JAWORSKI: The canopy, yes.

22 MR. TEAGNO: -- if you look at the  
23 lights, they look pretty high. That's only 12 feet.

24 MR. JAWORSKI: That's 12 feet,  
25 correct.

1 fills, and more piping and it just -- we did look at  
2 it, and this collectively seemed to be the best way.

3 MR. LINTNER: Okay. Thank you,  
4 Mr. Chairman. No other questions.

5 CHAIRMAN DiPINTO: Mr. Teagno?

6 MR. TEAGNO: I have a few questions.  
7 I hope I don't repeat, and if my questions are better  
8 answered by someone who hasn't testified yet. Just  
9 let me know.

10 MR. JAWORSKI: Okay.

11 MR. TEAGNO: Field deliveries, if you  
12 are taking the 15,000 gallon tanks that used to have  
13 15,000 gallons of premium, or was it regular and  
14 premium, the one that's going to be half diesel?

15 MR. JAWORSKI: Right, it's a 15,000  
16 gallon tank. Half will be diesel and half will be  
17 premium.

18 MR. TEAGNO: Right. What's in it now?  
19 Half premium and half regular or all premium?

20 MR. JAWORSKI: I don't know. It's a  
21 compartmentalized tank. I'm not sure which product  
22 is which.

23 MR. TEAGNO: The reason for the  
24 question is: If you are going to take away half of  
25 the gasoline, then I think you may end up with more

1 MR. TEAGNO: If we go another 12 feet,  
2 plus 4 feet above that, that's a pretty massive  
3 canopy.

4 MR. MARMORA: I'm sorry, I didn't hear  
5 that.

6 MR. TEAGNO: That's a massive canopy.

7 Also, if you go to that slide that's on the board  
8 there, the existing gas station is pretty much all  
9 contained on lot 1, not lot 39, for the pumps and  
10 everything.

11 MR. JAWORSKI: Yes.

12 MR. TEAGNO: This covers most of lot

13 1. Again, coverage-wise, it's -- you can see it  
14 there, it's almost all of lot 1. I think that's  
15 really big. I understand what you are trying to do.

16 Architecturally, I think it looks nice, but for that  
17 particular location, I think it's really big. I echo  
18 Mr. Lintner's comments. I wonder if there is  
19 something that can be done to minimize that, both for  
20 coverage and for height.

21 Let's see. Traffic flow, the slide  
22 that shows the way the tanker that's going to come  
23 in.

24 MR. JAWORSKI: Yes.

25 MR. TEAGNO: Is there any thought

1 about all traffic coming in, go out that way? So  
2 that you only have once entrance off Kinderkamack and  
3 one entrance off Magnolia?

4 MR. JAWORSKI: We did look at that.  
5 I'll defer to Ms. Dolan our traffic engineer. Our  
6 reasoning and design is whenever you can provide  
7 two-way access, in different areas of the site, it  
8 just gives the customer more on options. Someone  
9 coming down Magnolia, instead of circling around, the  
10 aisles are wide enough to handle two-way traffic  
11 through the pump area, and as well as the driveway to  
12 Kinderkamack. So with that area and allowing that  
13 convenience for movement, we felt is good. But Betsy  
14 can go on little bit further with that.

15 MR. TEAGNO: The reason I ask that,  
16 anybody from the local area knows 95 percent of the  
17 license plates in that gas station are from New York,  
18 which means they come down 304 on to Kinderkamack  
19 Road and make a right hand turn. If both of those  
20 lanes were in-only, you would have twice as much --  
21 twice as many stacking positions, and you have a much  
22 cleaner exit, and that's what most of the New York  
23 people do right now. They would in come off Magnolia  
24 and go on to Kinderkamack. Right now, the situation  
25 you have right now, you have two possible entrances

1 on passenger vehicles only.  
2 MR. JAWORSKI: Sorry.  
3 MR. TEAGNO: That's okay. Passenger  
4 vehicles only is probably going to be hard to  
5 enforce, and as Mr. Lintner said, I don't want to  
6 beat it, if you have a landscaping truck runs on  
7 diesel fuel and it has a trailer with law mowers and  
8 gas cans on the back, that is a lot of business to  
9 turn away, and it's not a passenger vehicle. I don't  
10 know how you will enforce that. That's just a  
11 concern.

12 CHAIRMAN DiPINTO: I think that's a  
13 question that should be asked of the operator.

14 MR. TEAGNO: Okay. The last question  
15 I have is: Through the analysis of our engineer and  
16 our planner, apparently you are going to sell  
17 gasoline here, no retail items; is that correct?

18 MR. JAWORSKI: Correct.  
19 MR. TEAGNO: Gasoline only. Would  
20 that include no oil?

21 MR. MARMORA: That's correct.  
22 MR. TEAGNO: Do you sell motor oil  
23 today or no?

24 MR. MARMORA: The only sundry item  
25 would be, I think is limited to cigarettes. No

1 from Magnolia and two possible entrances from  
2 Kinderkamack. And I think what you are going to have  
3 is a lot of opposing people waiting to make a left  
4 out, and other people making a left in from  
5 Kinderkamack; same on Magnolia. I just think the  
6 traffic would flow a lot better if it was in one way  
7 and out the other.

8 MR. JAWORSKI: In off Kinderkamack?  
9 MR. TEAGNO: And out of Magnolia, and  
10 you have twice as many lanes.

11 MR. JAWORSKI: For the stacking.  
12 CHAIRMAN DiPINTO: I think we'll wait  
13 to hear testimony from the traffic expert on that,  
14 but I think it's a point well noted.

15 MR. TEAGNO: The pumps, you will have  
16 two extra pumps, one on each island. Are they both  
17 diesel or a combination?

18 MR. JAWORSKI: No, one of them --  
19 there will be one diesel pump out of the six.

20 MR. TEAGNO: Do you know which one it  
21 is or is it to be determined?

22 MR. JAWORSKI: Probably one of the  
23 rear ones to the north, but I'm not sure which.

24 MR. TEAGNO: Okay. I think you  
25 answered some of the others. I also share a concern

1 coffee or motor oil or anything like that.

2 MR. TEAGNO: Then I question why you  
3 are changing signs that says motor oil now that says,  
4 Shell. The new one says, Shell in the middle and on  
5 the bottom it says, motor oil.

6 MR. MARMORA: It's the old-time sign.

7 MR. TEAGNO: I'm a motorist. If I see  
8 a motor oil sign on there, I think I can buy a quart  
9 of oil.

10 MR. MARMORA: I don't know how many  
11 people would come in and ask, but if they do, we  
12 would tell them we don't sell oil. Because as part  
13 of the throw-back look, we found a vintage Shell  
14 sign, and it was -- the name was Shell Motor Oil back  
15 in the day.

16 MR. TEAGNO: I understand. I'm old  
17 enough to know we used to check our motor oil at gas  
18 stations. That's it. Thank you.

19 CHAIRMAN DiPINTO: Thank you.  
20 Mr. Culhane?

21 MR. CULHANE: Yes, I have a couple of  
22 questions, Mr. Chairman. Let me focus first on the  
23 bus shelter. Number one, I've heard on several  
24 occasions, I believe, that New Jersey Transit buses  
25 are operating here. And I don't believe that's

1 correct. I believe it's Rapid Coach. New Jersey  
 2 Transit, to my knowledge, does not operate in this  
 3 area. I don't know what role they play in the  
 4 design. Maybe it's purely Bergen County as far as  
 5 the bus shelter. Again, in other locations as I  
 6 understand it, New Jersey Transit provides the bus  
 7 shelter, but it's maintained by the local community.  
 8 Unfortunately, on this particular design that's  
 9 proposed, I can appreciate the reason why, but a  
 10 couple of concerns I would think would have to be  
 11 addressed. Generally the enclosures that New Jersey  
 12 Transit provides are open. So from a security point  
 13 of view, I don't see an issue. This particular  
 14 suggested layout, the columns in and of themselves  
 15 may not measure up to a -- from a security point of  
 16 view, but I defer to Bergen County, and whoever  
 17 else's job it is to comment.

18 The other concern I have of the  
 19 particular design is the openness of, I would say, of  
 20 all four sides, and I question if this is going to  
 21 provide the kind of protection that New Jersey  
 22 Transit typical shelter does when basically three or  
 23 four sides are protected. So I'll leave it, those  
 24 comments with the shelter.

25 With regards to the bus pull-in area,

1 basically are providing 12 feet from the -- maybe I'm  
 2 wrong, but I've got the impression you are providing  
 3 approximately 12 feet from the -- up to the edge of  
 4 the canopy. I'm not sure if that's correct or not.  
 5 If so, why does it have to be 12 feet? What  
 6 dictates the dimension to the perimeter of the canopy  
 7 with respect to where the car is?

8 MR. JAWORSKI: Basically, it's a  
 9 typical travel lane, which is 12 feet. So usually  
 10 for weather protection on canopies from pump to the  
 11 edge to provide the overhead cover for the cars. It  
 12 is 12 feet. That's really where it comes from.

13 MR. CULHANE: My question would be,  
 14 can that be reduced to reduce the footprint?

15 Again, as far as the length, this is  
 16 basically on the north/south direction, do you need  
 17 the length you are identifying for the canopy, again,  
 18 with the objective being can we reduce the overall  
 19 footprint of the canopy?

20 I like the suggestion of all of the  
 21 traffic coming in from Kinderkamack and exiting on  
 22 Magnolia. And again, I concur with the Chairman,  
 23 that's something for your traffic expert to address,  
 24 I would suggest, when he testifies.

25 For now, I would say I have no

1 I'm concerned that the bulb on the east end, is that  
 2 going to basically let some of drivers, I'll say,  
 3 rather end up being parallel to the curb, are they  
 4 going to be angled in with their rear end, basically  
 5 defeating the purpose of the pull-in, that it's, they  
 6 end up blocking the lane, and the southbound traffic  
 7 are going to continue -- they have to cross the  
 8 yellow line? So I just -- again, I defer to others,  
 9 including our own municipal engineer as to the bulb,  
 10 is that going to create a problem with ensuring  
 11 drivers pull in parallel to the curb? So that's  
 12 enough on the bus shelter.

13 I think the big issue on the  
 14 Application is really the canopy, and I also am  
 15 concerned about the overall height, and I believe you  
 16 should be looking at some other options on how that  
 17 roof could be lowered to reduce the mass, and perhaps  
 18 by restricting the architect to coming basically, I  
 19 will say, to a point at the perimeter of the canopy,  
 20 you may want to investigate a different structural  
 21 frame where the underside of the frame is controlling  
 22 the 14 feet. So I would suggest you come up with  
 23 some options on the canopy.

24 With regards to the overall footprint  
 25 of the canopy, as I understand the plans, you

1 additional comments at this time, Mr. Chairman.

2 CHAIRMAN DiPINTO: Thank you.  
 3 Mr. Fette, questions?

4 MR. FETTE: I couple of questions. I  
 5 share your concern about a little more definition of  
 6 the trucks and pickups and things like that. And the  
 7 first thing that popped into my mind was  
 8 landscape-type trailers and things like that. I'm  
 9 anxious to hear about things like that. A couple of  
 10 years we were out there and you installed new tanks  
 11 in the ground. I think they were double or  
 12 triple-walled tanks, or something like that?

13 MR. MARMORA: Yes.

14 MR. FETTE: Was there any thought  
 15 given to an increase in volume such that it would  
 16 require the installation of additional tanks other  
 17 than what's there now?

18 MR. JAWORSKI: I'll defer that to the  
 19 operations. I wasn't --

20 MR. FETTE: All right. The plans show  
 21 the remediation shed. Give us a little history of  
 22 the remediation shed; why it's there for, what it's  
 23 doing, how long it's going to be there.

24 MR. JAWORSKI: I don't know all of the  
 25 details. It's an active remediation with the DEP.

1 My understanding is it's getting near to the end of  
2 its need, but that -- until we get an NFA from DEP we  
3 can't say it's going to go away. But basically it's  
4 remediation equipment for the groundwater. I don't  
5 know all of the details of it. It's under the  
6 jurisdiction of the DEP.

7 MR. FETTE: Would that be encompassing  
8 the monitoring wells that we have down on some of the  
9 streets? We have monitoring wells on some of the  
10 streets, you know that?

11 MR. JAWORSKI: Yes, yes. What would  
12 be encompassing, the shed?

13 MR. FETTE: Is information fed into  
14 that shed in some way?

15 MR. JAWORSKI: I don't know the  
16 details.

17 MR. FETTE: Okay. All right. I  
18 didn't either. I'm just trying to find out.

19 MR. JAWORSKI: Yes.

20 MR. FETTE: Do you anticipate the  
21 station being closed during renovations?

22 MR. JAWORSKI: Yes, it probably will  
23 be.

24 MR. FETTE: Okay. In your testimony,  
25 Mr. Jaworski, you were talking about stone-encased

1 all of the other different kinds of things stacked in  
2 between, in between the pumps.

3 MR. JAWORSKI: Right.

4 MR. FETTE: And then my concern is, is  
5 the related signage that's going to go up to  
6 advertise that stuff. Okay? So --

7 MR. MARMORA: We will stipulate if --

8 MR. FETTE: Again, the ancillary  
9 products is an important concern, and Mr. Teagno  
10 mentioned that also.

11 MR. MARMORA: No, the only thing we  
12 would sell would be cigarettes. That's all we sell  
13 now, and there will be none of that, none of those  
14 sundry items.

15 MR. FETTE: Okay. Our sign ordinance  
16 does address cigarette signs in gas stations, so you  
17 are aware of that?

18 MR. MARMORA: Yes.

19 MR. FETTE: Okay. No further  
20 questions.

21 CHAIRMAN DiPINTO: Okay, thank you.  
22 Mr. Stefanelli?

23 MR. STEFANELLI: Thank you,  
24 Mr. Chairman. I know a lot of questions have been  
25 asked already, but I still have a few. Deliveries,

1 pylons that are going to hold up the canopy?

2 MR. JAWORSKI: The columns of the  
3 canopy, the bottom portion will be stone, and then  
4 the upper portion will be brick. So basically it's a  
5 structural column with a stone face on it, and then a  
6 brick face, and then the spandrels on top.

7 MR. FETTE: What we have been kind  
8 ever getting involved with now, and starting to see  
9 it with the DePieros Application here, there is so  
10 much decorative color stuff that's important to the  
11 Application, that the Board is taking the position  
12 that what colors we approve, we expect to be  
13 installed. And the easiest way to handle that is, if  
14 the Application received approval, was you would have  
15 to provide the Building Department with boards of the  
16 approved colors so that we can do an inspection and  
17 be able to report back to the Board that, in fact,  
18 the correct approved colors are, in fact, installed.

19 MR. JAWORSKI: Understood.

20 MR. FETTE: Okay. Again, paying  
21 attention to the sign detail, I think Mr. Hipolit  
22 touched on it with the price topper signs. My other  
23 concern is, and it goes to other ancillary products,  
24 you pull into some of these filling stations and they  
25 have piles of firewood and wiper fluid and oil and

1 clearly was mentioned that one delivery a day, or one  
2 delivery every 10 hours or 15 hours, but I find it  
3 hard to believe that we get one delivery there a  
4 day with the volume. So I would like to hear from  
5 somebody form operations to discuss that.

6 The other thing was the pump  
7 configuration. That question was answered. The  
8 hours of operations, I guess is still 24/7?

9 MR. JAWORSKI: Yes.

10 MR. STEFANELLI: I'm still concerned  
11 about the delivery of the tanker to the center,  
12 because I see it now on a daily basis when a tanker  
13 comes in, his hoses are going on the outward side to  
14 fill. So we are going to be moving the fill spouts,  
15 manholes for those or --

16 MR. JAWORSKI: No. Basically, I'll  
17 show on this, the tanker come right in the center and  
18 the fills -- the map with the underground tanks are  
19 right on --

20 MR. STEFANELLI: The two outer ones  
21 still have traffic. Clearly the outer one there is  
22 going to have to be closed to bring the hoses there.

23 MR. JAWORSKI: Where those fills are,  
24 yes, I'm sorry.

25 MR. STEFANELLI: You might want to

1 make that clear. Really you will only have three  
 2 pumps available.  
 3 MR. JAWORSKI: That one area will be  
 4 closed, and this area open. I'm sorry, yes.  
 5 MR. STEFANELLI: Make that clear.  
 6 MR. JAWORSKI: Yes. The hoses will be  
 7 in that one space.  
 8 MR. STEFANELLI: Yes, okay. I have  
 9 the same concern as everybody else as the enforcement  
 10 with the diesel policy, or having diesel there. And  
 11 the canopy peak was already mentioned. I like the  
 12 idea of the canopy. I like the style. I do believe  
 13 that it can come down a few feet, you know. You  
 14 know, I can see where the 14 feet needs to be, but if  
 15 you could reduce that down to the 14, maybe those  
 16 spandrel beams could be leveled off instead of curved  
 17 to bring it down. That would be my comment there.  
 18 Traffic, putting diesel there, how  
 19 would that, and I -- I'm going to refer that to the  
 20 questions not to you, but how is that going to  
 21 increase traffic there? That is an impact that I  
 22 would like to hear about.  
 23 MR. JAWORSKI: Operations and our  
 24 traffic will address that.  
 25 MR. STEFANELLI: And the other thing

1 (Exhibit B-3, Mr. Preiss' letter, dated  
 2 August 16, 2013, is received and marked for  
 3 identification.)  
 4 CHAIRMAN DiPINTO: Mr. Marmora, do you  
 5 have a copy of that letter?  
 6 MR. MARMORA: Yes, we did receive a  
 7 copy. Thank you.  
 8 CHAIRMAN DiPINTO: Thank you. Okay,  
 9 please continue.  
 10 MR. PREISS: I'll go through it as  
 11 quickly as possible. On page four, item number one,  
 12 the driveways, we've had some testimony with regard  
 13 to the housing and refueling of the operation. I  
 14 would also like some testimony relating to the sight  
 15 distances, particularly the Kinderkamack driveway  
 16 from your traffic engineer.  
 17 With regard to the pumps, like  
 18 everybody else, we need additional details regarding  
 19 what exactly is going to be restricted. I share the  
 20 concern of the Board Members, particularly with the  
 21 landscaped maintenance vehicles which have trailers.  
 22 So how that's going to be managed should be  
 23 addressed.  
 24 The two parking spaces does meet the  
 25 ordinance requirements. I also noted that unlike a

1 -- I'll wait for my other comments then and  
 2 questions. Thank you.  
 3 CHAIRMAN DiPINTO: Thank you.  
 4 Mr. Preiss, before I open the meeting to the public,  
 5 do you have any questions or comments with respect to  
 6 the engineering testimony or --  
 7 MR. PREISS: Yes, because I don't  
 8 believe there is an architect, and I had some  
 9 questions that are a request for additional  
 10 testimony, so I'll go over my review letter.  
 11 CHAIRMAN DiPINTO: If you will go over  
 12 your review letter, I would like to wait until we  
 13 hear from the testimony of the Applicant's planner.  
 14 I'm looking for questions from you of any testimony  
 15 that you've heard.  
 16 MR. PREISS: Half of my review letter  
 17 has to do with the engineering and architectural and  
 18 the other half has to do with the variances, so --  
 19 CHAIRMAN DiPINTO: Let's deal with the  
 20 engineering aspects.  
 21 MR. PREISS: That's what I was going  
 22 to do.  
 23 CHAIRMAN DiPINTO: Okay. Let's mark  
 24 your letter, dated August 16, B-3.  
 25

1 lot of gas stations, there is no repair and selling  
 2 of retail items. So two spaces should be sufficient,  
 3 but I would just like to hear testimony as to the  
 4 adequacy. How many attendants are you going to have  
 5 there at one particular time, and are the two spaces  
 6 sufficient?  
 7 With regard to the trash enclosure,  
 8 you had indicated on your site plan submission that  
 9 the brick would be red sunset blend, and my  
 10 recommendation is that that brick match the same gray  
 11 brick that's on the columns of the canopy. And then  
 12 likewise the color of the steel gate should be gray  
 13 to kind of match the brick, because everything is of  
 14 that type.  
 15 MR. MARMORA: We would have no problem  
 16 with that.  
 17 MR. PREISS: Okay, that's great. In  
 18 terms of the lighting, you provided the testimony  
 19 under H, lighting. With regard to -- I agree with  
 20 one of the Board Members that asked the question  
 21 where -- whether the bus could pull fully out of the  
 22 lane. So I would like your traffic engineer to  
 23 address that, whether there is sufficient room to  
 24 pull out of the lane completely so that the traffic  
 25 can continue on Kinderkamack.

1 And if you could go to the compliance  
 2 review table one on the --  
 3 MR. REGAN: We need to mark that as an  
 4 additional exhibit, or is it attached?  
 5 MR. PREISS: It's an attachment, and  
 6 it's referred to in the review letter itself, so it's  
 7 essentially part of B-3.  
 8 MR. REGAN: Okay.  
 9 MR. PREISS: If you could go to page  
 10 number two, under item six? Just, again, a note,  
 11 service and repair of vehicles will take place, if  
 12 you could confirm that on the record.  
 13 Then with regard to the height, we  
 14 don't have a drawing which indicates the building  
 15 height as required under the ordinance, which is the  
 16 average grade, you know, to the midpoint of the roof.  
 17 So if you could do that measurement and provide that  
 18 to the Board. I believe it will comply, but I would  
 19 like to just have that confirmed. That's item --  
 20 that's on the top of page three of six, under the  
 21 maximum height of the structure. So we need some --  
 22 that.  
 23 And then with regard to the width of  
 24 the lot, I think there is some confusion about what  
 25 the actual width is. Is the testimony of the

1 MR. JAWORSKI: Yes, okay.  
 2 MR. PREISS: Then with regard, page  
 3 four of six, there is a requirement that the parking  
 4 area be screened to a height of four feet, and you  
 5 would need a variance, I believe for that. So I hope  
 6 your planner will address that issue. One of the  
 7 things I noted is that you have the old version of  
 8 our ordinance, which requires 10 by 20 foot spaces.  
 9 MR. JAWORSKI: Yes.  
 10 MR. PREISS: Compliant spaces can  
 11 actually be 9 feet by 18 feet, so there may be an  
 12 opportunity to pick up two feet. I don't know  
 13 whether that would be sufficient to provide some  
 14 screening, but that is just a comment that I have, is  
 15 that there is a requirement in the ordinance. Either  
 16 you should apply for a variance or some kind of  
 17 screening should be provided along that side of the  
 18 parking.  
 19 And then finally, with regard to page  
 20 five of six, under item C, with regard to the signs,  
 21 that price topper sign, the ordinance requirement is  
 22 0.75 square feet per sign. You've indicated it's  
 23 2.97.  
 24 MR. JAWORSKI: 2.7.  
 25 MR. PREISS: 2.7. That's an existing

1 Applicant that the width of the lot is measured from  
 2 the Magnolia side, that that's the front of the lot  
 3 and the width is essentially what would be the depth  
 4 from Kinderkamack, and that is 71.6, or is that 84  
 5 feet? Is that 71.6? I know there has been some  
 6 confusion about that.  
 7 MR. JAWORSKI: The full depth or width  
 8 is 84 feet, if you measure along Kinderkamack -- I'm  
 9 sorry, along Magnolia, right here (indicating). That  
 10 depth is 84 feet.  
 11 MR. PREISS: It is 84 feet, okay. So  
 12 that's existing in that, an existing nonconformity  
 13 that's not going to be changed?  
 14 MR. JAWORSKI: Correct. And  
 15 Mr. Preiss, just to clarify, the 71 feet from the  
 16 back corner to the point tangent of the curve, but  
 17 then when you come around the curve and you measure  
 18 that full distance, that's where you get the 84. So,  
 19 you know, property line to property line it's 84, but  
 20 if you measure to the tangent, that's the 71.  
 21 MR. PREISS: Okay. So on the final  
 22 plans, if that could be indicated as 84. I think the  
 23 key for the Board, that's an existing condition.  
 24 That's not going to be changed. So I don't believe  
 25 that a variance would be required for that.

1 condition? It's not going to be changed?  
 2 MR. JAWORSKI: Correct.  
 3 MR. PREISS: So that is a  
 4 nonconformity, and there is no variance required for  
 5 that. Okay.  
 6 Those were my comments and questions  
 7 with regard to the site plan issues.  
 8 CHAIRMAN DiPINTO: Very good. Thank  
 9 you. The Chair will entertain a motion to open the  
 10 meeting to the public.  
 11 MR. FETTE: So moved.  
 12 MR. VOGT: Second.  
 13 CHAIRMAN DiPINTO: Moved by Mr. Fette  
 14 and seconded by Mr. Vogt. All in favor?  
 15 (All Members present vote in favor of  
 16 opening the meeting to the public.)  
 17 CHAIRMAN DiPINTO: Members of the  
 18 public that have questions, raise your hand. The  
 19 Chair will identify you. Step forward please, give  
 20 your name and address, and also please be reminded of  
 21 the fact that this is your opportunity to ask  
 22 questions, through the Chair, that would be  
 23 redirected to either Mr. Jaworski, who testified, or  
 24 Mr. Hipolit on behalf of the Borough. This gentleman  
 25 here, first row. Yes, sir?

1 QUESTIONING OF MR. JAWORSKI BY THE PUBLIC:

2 MR. KRASS: Amir Krass, 10 Plymouth  
3 Place. I'm also the president of the Luk Oil North  
4 America Dealer Advisory Board, overseeing 293 sites.  
5 I own and operate, personally, several gas stations,  
6 and within the family we own and operate several  
7 others.

8 My questions are as follows: It is  
9 mentioned in the proposal, and in the Mr. Preiss'  
10 comments, that the location currently does not sell  
11 convenience store items. Being the closest resident  
12 to the location, I have the opportunity of looking at  
13 it pretty often. My last recollection is that there  
14 is a cooler there and that they sell cigarettes.

15 Doesn't that represent 70 percent of convenience  
16 store sale items?

17 My second question is: It mentions  
18 that there hasn't been any configuration change in  
19 the tanks. I wonder if that is the case.

20 CHAIRMAN DiPINTO: I'm sorry?

21 MR. KRASS: That there hasn't been any  
22 change in the tank configuration. I wonder if this  
23 still holds, understanding that two or three years  
24 ago when the tank changes were made, they were pretty  
25 different than the original tanks, both in size and

1 the question of this gentleman with regard to a  
2 cooler dispensing. I presume you are talking about  
3 sodas?

4 MR. KRASS: Yes.

5 CHAIRMAN DiPINTO: And the sale of  
6 cigarettes. Is that happening on the property now?

7 MR. CHAUDHARY: Today, yes, but the  
8 cooler will be moved. There is a vending machine  
9 that will be moved.

10 MR. VOGT: There are two there, aren't  
11 they?

12 MR. CHAUDHARY: Yes.

13 MR. VOGT: Not just one.

14 MR. CHAUDHARY: Yes, two. They will  
15 be moved if we get approval.

16 CHAIRMAN DiPINTO: So the coolers will  
17 be removed, and I believe it was stated that you will  
18 continue the sale of cigarettes in the kiosk that you  
19 propose to construct on the property. Is that  
20 correct?

21 MR. CHAUDHARY: Yes, I will continue  
22 to sell cigarettes in the kiosk, plus since it's a  
23 gas station, it's the nature of the business that we  
24 have to have the quart of oil. It's an -- any gas  
25 station can. You got to have that. So those are,

1 in specifications.

2 CHAIRMAN DiPINTO: Okay. Let's first  
3 deal with your question with regards to the current  
4 use and operation of the subject premise. Is there a  
5 cooler for the purpose of vending? And we'll have to  
6 swear in --

7 MR. MARMORA: You want to hold that  
8 for the operations?

9 CHAIRMAN DiPINTO: Why don't we do it  
10 now and safe some time. Just identify him and we'll  
11 swear him in.

12  
13 WASEEM CHAUDHARY,  
14 Having been duly sworn, testified under oath as  
15 follows:

16 MR. REGAN: For the record will you  
17 please state your full name and address?

18 MR. CHAUDHARY: Waseem, W-A-S-E-E-M,  
19 last name is C-H-A-U-D-H-A-R-Y, Chaudhary, 11 Dean  
20 Street, Madison, New Jersey.

21 CHAIRMAN DiPINTO: Thank you.

22 MR. MARMORA: You are the owner and  
23 operator of the facility?

24 MR. CHAUDHARY: Yes.

25 CHAIRMAN DiPINTO: I'm sure you heard

1 you know, quart of oil that if any customer come.

2 CHAIRMAN DiPINTO: I think the concern  
3 dealt with about outdoor display of materials,  
4 products, the oil, cases of oil, cases of water,  
5 cases of soda. We've all seen them at gas stations.  
6 It's not your intension to do that?

7 MR. CHAUDHARY: If this Application is  
8 approved, absolutely not, and we will store even the  
9 motor oil inside the kiosk.

10 CHAIRMAN DiPINTO: Okay. Let's go to  
11 the next question from this gentleman that dealt with  
12 change in tank configuration. Do you anticipate that  
13 occurring on the property --

14 MR. CHAUDHARY: No.

15 CHAIRMAN DiPINTO: -- in line with the  
16 products that you propose to dispense, within the  
17 facility?

18 MR. CHAUDHARY: No.

19 CHAIRMAN DiPINTO: Okay. Sir, do you  
20 have additional questions.

21 MR. KRASS: Yes, I do, sir. The  
22 second thing, the concern that a few gentlemen -- I'm  
23 sorry. The question that a few gentlemen asked in  
24 regard to the bus pulling in and basically not being  
25 in parallel to the side, we've seen it over and over

1 again. I mean, I wonder how this will be resolved.  
2 In the list of current zoning of properties --

3 CHAIRMAN DiPINTO: Before you get into  
4 that, Mr. Hipolit, and again, we have to keep it to  
5 questions, Mr. Hipolit, with respect to the adequacy  
6 of the bus pulling off, will there be sufficient room  
7 for the bus to get out of that travel way and get out  
8 of that position of obstructing the southbound  
9 traffic?

10 MR. HIPOLIT: Yes, but the ultimate  
11 review of that is the County's review. The County  
12 has standards and/or a guide to follow for bus  
13 pull-off for buses on County roads. So the County  
14 will review that. The idea is that the bus will not  
15 be in the street. And also the idea, if the bus  
16 driver is a bad driver you can't prevent that. The  
17 bus pull-off will be designed so the bus pulls off  
18 parallel to the County road.

19 CHAIRMAN DiPINTO: Very good. Thank  
20 you. Please continue, sir.

21 MR. KRASS: Under current zoning, it  
22 mentions the B-1. That it is currently a B-1 zone,  
23 and to the west side of the property are R15 zones,  
24 and the townhouse development of B-1 zones. I wonder  
25 if there is mention of the single-family homes that

1 the tanker pulls out. It's to my understanding that  
2 the tanker currently pulls against the right-of-way  
3 into Magnolia into the location, and then backs out.  
4 So aren't we solving the secondary issue here, but  
5 not the primary issue of how the tank or tanker pulls  
6 in when it pulls in against traffic?

7 CHAIRMAN DiPINTO: I think we should  
8 wait to hear testimony from the operator as to first  
9 how the tanks are refueled currently, and then  
10 secondly, how he is proposing to change that method  
11 of refueling. And we haven't heard that testimony  
12 yet. So if you could please hold that question until  
13 we hear from the operator.

14 MR. KRASS: Thank you. Under a -- a  
15 number of times the tanker comes in for fueling, you  
16 know, we can base it on what we see, but the  
17 engineer's testimony was around five times a week.  
18 Isn't it true that the gas station currently does a  
19 volume that would range between 400,000 gallons  
20 and --

21 CHAIRMAN DiPINTO: Again Mr. Krass --  
22 MR. KRASS: I'm posing this as a  
23 question.

24 CHAIRMAN DiPINTO: We'll wait to hear  
25 the testimony of the operator, and we can ask him

1 are to the west of the property.

2 CHAIRMAN DiPINTO: You wonder if there  
3 is what, sir?

4 MR. KRASS: If there is mention of the  
5 single family homes that are to the west of the  
6 property. I do not see it included in the -- under  
7 the current zoning section.

8 CHAIRMAN DiPINTO: Mr. Preiss, can you  
9 answer that question?

10 MR. PREISS: Yes, it's in the  
11 description of the surrounding uses. I did  
12 mention -- let me just see. Surrounding uses on page  
13 three that says, "Directly across the street a number  
14 of small single family homes." I did not mention to  
15 the west side. You are correct. So --

16 CHAIRMAN DiPINTO: Mr. Preiss, are you  
17 aware of what the zoning is of the properties  
18 immediately to the west of the subject?

19 MR. PREISS: Yes, it is in the review  
20 letter. It says R15.

21 CHAIRMAN DiPINTO: Okay. Mr. Krass,  
22 that is R15.

23 MR. KRASS: Okay, thank you. Under  
24 site plan improvements, it was portrayed that the  
25 primary challenge that this will resolve would be how

1 that question at that time. Until we hear that, I  
2 think it's inappropriate to ask that either of the  
3 engineers or the planner.

4 MR. KRASS: Okay. It is mentioned  
5 that the number of fueling positions increase to two  
6 fueling positions. It's actually -- isn't it four?  
7 Isn't it two multi-point dispensers with four fueling  
8 positions?

9 CHAIRMAN DiPINTO: The testimony of  
10 Mr. Jaworski was that, I believe, there would be, was  
11 it two pumps?

12 MR. JAWORSKI: Two pumps.

13 CHAIRMAN DiPINTO: With two positions  
14 on each side of the pumps; is that correct?

15 MR. JAWORSKI: Correct.

16 CHAIRMAN DiPINTO: So you are correct,  
17 sir.

18 MR. KRASS: Yes, so it is four pumps,  
19 not two pumps.

20 CHAIRMAN DiPINTO: No, two pumps. I'm  
21 sorry, Mr. Jaworski, could you please repeat that?

22 MR. JAWORSKI: Sure, it's two  
23 additional pumps, which is four positions, one side  
24 of each pump.

25 MR. KRASS: So two multi-point

1 dispensers, with four positions total, not two pumps.  
 2 MR. JAWORSKI: No.  
 3 CHAIRMAN DiPINTO: Mr. Jaworski,  
 4 please.  
 5 MR. JAWORSKI: Two pumps, and each  
 6 pump can fuel on each side. So there is two  
 7 positions on one pump and two positions on the second  
 8 pump, two pumps, four positions.  
 9 CHAIRMAN DiPINTO: Two pumps, four  
 10 positions.  
 11 MR. KRASS: I have a question  
 12 concerning parking. Would you like to defer that to  
 13 operations, sir?  
 14 CHAIRMAN DiPINTO: No, no, let's --  
 15 why don't you start it, and we'll see if it's for the  
 16 engineer.  
 17 MR. KRASS: My question concerning  
 18 parking, the reduction from four spots to two spots,  
 19 aren't these four spots currently used for both  
 20 employee use? And I understand that there are times  
 21 when there is as much as three or four gas attendants  
 22 working there, plus customers that come and buy oil  
 23 or cigarettes or drinks. And when they buy oil, they  
 24 add that oil to their car not at the fueling point,  
 25 but back -- but they back into the parking spot. So

1 and then the model of the lights from the computer  
 2 model gives you a foot candle reading, as well. So  
 3 it does take into account the lumens from the light  
 4 coming down, the height of the light, the size of the  
 5 light, the configuration, the shielding, and that's  
 6 what we have to model with and that's how we designed  
 7 it.  
 8 CHAIRMAN DiPINTO: Mr. Jaworski, I  
 9 presume that you have designed other canopy  
 10 structures for gas stations; correct?  
 11 MR. JAWORSKI: Yes.  
 12 CHAIRMAN DiPINTO: And have any of  
 13 them been designed by you and later built with light  
 14 intensities similar to what you are proposing in this  
 15 new plan?  
 16 MR. JAWORSKI: Not really. Most, if  
 17 not all, have been a higher intensity, 18 to 20 foot  
 18 candles in the canopy area. The lowest one is  
 19 probably around ten. I haven't designed or seen any  
 20 that are that level, but most canopies, and as we  
 21 confirmed with our measurements, and we've taken  
 22 measurements of others for other applications, they  
 23 are usually in the 20 to 30 foot candle average.  
 24 CHAIRMAN DiPINTO: Okay. I'm sorry.  
 25 MR. KRASS: Mr. Chairman, through you

1 my question is: Will these.  
 2 CHAIRMAN DiPINTO: The adequacy of the  
 3 proposed parking. You are correct, we will defer  
 4 that to operations.  
 5 MR. KRASS: Thank you. Under  
 6 lighting, it is mentioned that there will be a  
 7 reduction in lumens, and I would like to ask this in  
 8 a very nontechnical sense: In terms of the total  
 9 brightness, understanding that canopy lights reflect  
 10 off of the inside of the roof of the canopy,  
 11 dispersing the light further out to the area, so  
 12 wouldn't that increase the total brightness of the  
 13 location?  
 14 CHAIRMAN DiPINTO: Mr. Jaworski, can  
 15 you answer that question, please?  
 16 MR. JAWORSKI: Yes. The lighting  
 17 testimony, the existing light readings we take, we  
 18 actually take a light meter out in the field and read  
 19 the foot candles. That's an actual light reading.  
 20 The proposal is done with a computer model that  
 21 models the lights, which is like taking a meter out  
 22 in the field. Basically, we are comparing apples to  
 23 apples from a light meter riding in the field, like  
 24 the two canopies we checked on the two Exxons on  
 25 Kinderkamack and Chestnut. That's an actual reading,

1 I recall three years ago when we were sitting here  
 2 you made a statement that there are several  
 3 violations on the property. One of them specifically  
 4 was the cooler that was there. I'm hearing the  
 5 testimony today that speaks to this being removed if  
 6 the Application is approved. I wonder how we could  
 7 maintain this understanding that after you made that  
 8 statement, sir, these violations were removed and  
 9 they were put back right in again after a few weeks  
 10 or a couple of months.  
 11 CHAIRMAN DiPINTO: Yes, that's  
 12 unfortunate and that does happen. However, we are  
 13 very fortunate that sitting on this Board is a  
 14 gentleman by the name of Jeff Fette, and Jeff Fette  
 15 I'm sure will be at that gas station tomorrow  
 16 checking on that cooler. If there is a violation,  
 17 he's the master at curing those violations. So I  
 18 apologize if there is a violation on that property.  
 19 Sometimes things like that happen.  
 20 MR. KRASS: Thank you. The rest of my  
 21 questions are related to operations.  
 22 CHAIRMAN DiPINTO: Operations, okay.  
 23 And with respect to -- with respect to future  
 24 operations of the station, though we do have codes  
 25 and ordinances that prohibit certain things like

1 coolers, if, in fact, this Board were to grant site  
 2 plan approval to this Applicant, in that site plan  
 3 approval a condition of that approval would be  
 4 statements as to the effect that there will be no  
 5 outdoor sale or display of products, soda products,  
 6 water products, things of that nature, so it will  
 7 give greater strength to the zoning officers and  
 8 construction code officials to stop operators from  
 9 violating those codes.  
 10 MR. KRASS: Thank you.  
 11 CHAIRMAN DiPINTO: Thank you.  
 12 MR. PREISS: Excuse me, Mr. Chairman.  
 13 I want to correct the record. There was a statement  
 14 in my review letter with regard to the presence of  
 15 single family homes. I'll read it into the record,  
 16 on page three on surrounding uses. The second  
 17 sentence is, "North of this building on the east side  
 18 of Magnolia Drive, as well as on the west side of  
 19 Magnolia Drive, continuing southwards along  
 20 Kinderkamack Road are single-family houses." Thank  
 21 you.  
 22 CHAIRMAN DiPINTO: Okay, thank you.  
 23 Yes, ma'am, on the right.  
 24 MS. RITZMANN: My name is Mary Alice  
 25 Ritzmann, R-I-T-Z-M-A-N-N. I live on Kinderkamack

1 a problem already when you are crossing that  
 2 driveway, and then it seems as though the space is  
 3 going to be diminished between the street and the  
 4 curve on to Magnolia. So where is the sidewalk all  
 5 going to.  
 6 CHAIRMAN DiPINTO: Mr. Hipolit, could  
 7 you respond to that question, please?  
 8 MR. HIPOLIT: The sidewalk that  
 9 currently exists coming down Kinderkamack and on to  
 10 Magnolia will remain. There is some ambiguity of how  
 11 it will remain. They have to do a little more work  
 12 on that. It will remain. Our concern is that it is  
 13 ADA accessible. You are correct that the distance  
 14 across that driveway will not be greater. It has to  
 15 be greater to allow for that driveway to move and  
 16 turn and allow the access to come more easterly so  
 17 that there is a longer stacking. It's not an unsafe  
 18 distance, but it's going to be longer, you are  
 19 correct.  
 20 MR. RITZMANN: Does anybody deal with  
 21 that or is it just, well, that's the way it is?  
 22 MR. HIPOLIT: It falls within  
 23 standards for a sidewalk across the driveway, so it's  
 24 not out of standards. It's not abnormally large that  
 25 it would be, you know -- it's a driveway, and it has

1 Road, 138 Kinderkamack Road. Most of my questions  
 2 come under operations. When are we going to hear the  
 3 operations person testify?  
 4 CHAIRMAN DiPINTO: Well, I believe we  
 5 are probably going to hear testimony next from the  
 6 Applicant's traffic expert. Is that correct,  
 7 Mr. Marmora?  
 8 MR. MARMORA: Yes.  
 9 CHAIRMAN DiPINTO: Then I would  
 10 imagine following traffic we would hear from the  
 11 Applicant's planner. Is that correct, Mr. Marmora?  
 12 MR. MARMORA: That is correct.  
 13 CHAIRMAN DiPINTO: Then I think in  
 14 summation we will hear from the operator. It just  
 15 depends on how these hearings go, and how much they  
 16 have to say, and how much we have to say. It will  
 17 not be concluded this evening.  
 18 MR. RITZMANN: But I have one  
 19 question.  
 20 CHAIRMAN DiPINTO: Sure.  
 21 MR. RITZMANN: It's about the  
 22 sidewalk. I didn't hear what happened to the  
 23 sidewalk on Kinderkamack, on the station side of  
 24 Kinderkamack. I mean, if the driveway is going to be  
 25 enlarged and widened, this could be a problem. It's

1 a sidewalk across it. It meets our standards.  
 2 MR. RITZMANN: Okay. And one more  
 3 question; it's probably operations, but currently the  
 4 truck comes north on Kinderkamack and goes into  
 5 Magnolia. When it comes north and goes, we'll have  
 6 to go around on Kinderkamack. Can it swing into that  
 7 station, into that driveway, or is it going to have  
 8 to start backing across Kinderkamack.  
 9 CHAIRMAN DiPINTO: I think, Ms.  
 10 Ritzmann, I think we should wait to hear from the  
 11 traffic expert with regards to that, and I would  
 12 imagine that they are going to produce exhibits to  
 13 show the adequacy of the design for the truck to make  
 14 those maneuvers. So if you would hold that question  
 15 until we hear that?  
 16 MR. RITZMANN: Okay. Thank you.  
 17 CHAIRMAN DiPINTO: Okay, thank you  
 18 very much. Okay, yes, sir?  
 19 MR. VICEDOMINI: Rick Vicedomini,  
 20 V-I-C-E-D-O-M-I-N-I, 33 Sunny Side. We've had a  
 21 pretty bad leak problem there over the years, and  
 22 nobody said anything about how the construction might  
 23 effect the current tanks and what's going to be done  
 24 to make sure we don't have anymore problems with  
 25 damaged or leaking tanks.

1 CHAIRMAN DiPINTO: Mr. Artwork, can  
2 you answer that question?

3 MR. JA WORSKI: I'm sorry,  
4 Mr. Chairman, could you repeat?

5 CHAIRMAN DiPINTO: Could you repeat  
6 the question, sir?

7 MR. VICEDOMINI: We've had a big  
8 problem with gasoline tanks leaking. They have  
9 leaked all the way down Magnolia, all over the place.  
10 It was a big mess. You are going to be doing  
11 construction there, and digging holes in the ground.  
12 I'm worried someone will make a mistake. It tends to  
13 happen. What will you be doing to prevent any damage  
14 to those tanks and any further leaks?

15 MR. JA WORSKI: The tanks themselves  
16 are in place. They will remain and will not be  
17 touched. The only work will be running the piping to  
18 the two new dispensers. So there will just be a  
19 trench from the top of the tank to the dispenser.

20 MR. VICEDOMINI: You wouldn't be  
21 digging any holes anywhere near the tanks to puncture  
22 them? There is no way the tanks will leak? I  
23 shouldn't be paranoid?

24 MR. CHAUDHARY: Those tanks were  
25 installed in 2010, I believe. They are

1 description. Is that going to be addressed, the  
2 issue of greater vehicles coming in?

3 CHAIRMAN DiPINTO: The Applicant will  
4 be presenting a traffic witness, or expert, who will  
5 testify as to how the site currently functions, which  
6 will include both ingress and egress to the site by  
7 customers, as well as service vehicles. And then  
8 will further testify as to post improvements, how the  
9 site will function. I think once we hear that direct  
10 testimony, we can better address our questions to  
11 that expert.

12 MR. VICEDOMINI: Okay, thank you.

13 CHAIRMAN DiPINTO: Thank you. Doctor?

14 DR. CHAPMAN: My name is Thomas  
15 Chapman, and I'm at 101 Kinderkamack Road, and I  
16 believe that's block 708, lot 3. I am right across  
17 the street from the Shell gas station. As you are  
18 aware, for those who don't, I'm the one with the  
19 tooth on the sign. My concern basically is also  
20 operations. It kind of piggy-backs exactly to the  
21 last statements that were made with regards to the  
22 traffic. And I understand they will have to come up,  
23 but I also note from what Mr. Hipolit had said in  
24 regards to the driveway being moved 80 feet towards  
25 my driveway, basically, almost making us dead on with

1 double-walled, fiberglass, what are requirements for  
2 today, state and federal. We are not going to touch  
3 any part of the tanks. Even the piping is going to  
4 be extend from the two existing dispensers. So there  
5 will be no disturbance at all on the tank area.

6 MR. VICEDOMINI: Okay. And if this  
7 the right, proper time to ask the question, about how  
8 much more volume will you expect if you are at 7,500  
9 gallons of diesel fuel, which will all be new  
10 business, and greater congestion and traffic. How  
11 will that effect --

12 CHAIRMAN DiPINTO: That is a good  
13 question, but until we hear the direct testimony of  
14 the operator, it's premature to ask that question.  
15 Please hold that question until we hear from him.

16 MR. VICEDOMINI: We did hear about  
17 traffic turning off of Kinderkamack into the new  
18 driveway and of space for vehicles. Nobody said  
19 anything about Magnolia. Magnolia is a problem. Our  
20 friends from New York come zooming up Magnolia, come  
21 for the gas station and leave there zooming down.

22 CHAIRMAN DiPINTO: That's a comment,  
23 not a question. But with respect to that, we will  
24 hear --

25 MR. VICEDOMINI: It starts as a

1 each other, if not just offset by just inches, maybe  
2 even just a foot or two. The concern that I have is  
3 the traffic that's coming in and out of my practice  
4 per hour, and the relationship of that traffic in  
5 regards to -- most of the discussion has been about  
6 the traffic backing up along Kinderkamack, and having  
7 that easement being able to control that traffic.

8 But if you are adding the diesel, you are adding, and  
9 what I've seen in five years of being there, I know  
10 what the traffic is, and I know the deliveries. I  
11 see it daily. So there is no hidden thing there.

12 But my interest is, how is that going to effect my  
13 patients coming into my practice in regards to  
14 safety? I would like to say the no left turn is  
15 something you always wish could happen, but in  
16 reality, in life, patients are turning left into my  
17 driveway. People are turning left into the gas  
18 station, so on and so forth.

19 So basically you have an intersection  
20 that you created in front of where my practice  
21 resides. Their volume, of course, is a lot higher  
22 than mine. So I just wanted to know if that was  
23 something that was considered in the traffic reports.  
24 I know that they are focused on the traffic going to  
25 the gas station, but not necessarily the traffic that

1 might be coming out of my practice.  
2 CHAIRMAN DiPINTO: Tom, I think as I  
3 had indicated to other people, we have to wait to  
4 hear the testimony of the traffic expert.

5 DR. CHAPMAN: I understand that. I  
6 wanted to make sure that that was brought up as a  
7 question.

8 CHAIRMAN DiPINTO: It's a valid point  
9 and it will be addressed, and I think the advantage  
10 of you bringing it right now is when we do hear from  
11 that expert, that expert will be better prepared.

12 DR. CHAPMAN: That's exactly why I did  
13 it.

14 CHAIRMAN DiPINTO: So we appreciate  
15 your comment.

16 DR. CHAPMAN: Okay. Thank you very  
17 much.

18 CHAIRMAN DiPINTO: Okay. Anyone else?  
19 Yes, ma'am?

20 MS. STEFANELLI: Hi. Debbie  
21 Stefanelli, 4 Shadow Lane. Let's talk about the  
22 landscaping. I think we all know that being a good  
23 neighbor means keeping our property nice. I have a  
24 question. You are talking about shrubs and all of  
25 this stiff. Are they real or are they brought at AC

1 MR. JAWORSKI: The sidewalk will be  
2 maintained and cleared, yes.

3 MR. STEFANELLI: Okay.

4 CHAIRMAN DiPINTO: Thank you. Anyone  
5 else wish to be heard? Yes, sir.

6  
7 MR. NICOLINI: Well hello, Gary  
8 Nicolini, N-I-C-O-L-I-N-I, 5 Magnolia. I am directly  
9 behind the nail salon. I look right at this thing  
10 everyday. Repetitive question: Where are you going  
11 to put your fence?

12 CHAIRMAN DiPINTO: I'm sorry, sir, we  
13 can't hear you.

14 MR. NICOLINI: Where are you going to  
15 put your fence?

16 MR. JAWORSKI: The new fence will go  
17 basically in the same location as the old fence that  
18 is in disrepair.

19 MR. NICOLINI: Between you and the  
20 nail salon?

21 MR. JAWORSKI: Yes, that's correct.

22 MR. NICOLINI: I would ask that you  
23 consider putting a fence up on my property that  
24 overlooks your gas station.

25 CHAIRMAN DiPINTO: Okay. You have to

1 Moore like the plastic fantastic glow in the dark  
2 stuff we have there now? And sidewalks are great,  
3 but are we going to rely on solar energy to clear  
4 them in the winter? So I think the place is really  
5 not kept up. What's going to stop it from looking  
6 like this with -- with this dome and all of this  
7 other extra traffic?

8 CHAIRMAN DiPINTO: Okay. And once  
9 again, Mrs. Stefanelli, we'll have to wait until we  
10 hear testimony from the --

11 MR. STEFANELLI: We heard about  
12 Boxwoods already. That's why I'm bringing it up. We  
13 heard about the Boxwoods and all of the beautiful  
14 greenery. I want to make sure it's green and not  
15 purple and orange and plastic.

16 CHAIRMAN DiPINTO: Mr. Jaworski, with  
17 respect to landscaping, are you prepared to give  
18 details on the landscaped plan?

19 MR. JAWORSKI: Yes. It will be real.

20 MS. STEFANELLI: Thank God.

21 MR. JAWORSKI: And green, not purple.  
22 There is a landscaped schedule on the plan we worked  
23 on and we'll be happy to go over that with you.

24 MS. STEFANELLI: Is the sidewalk going  
25 to be cleared?

1 identify your property. There is the nail salon.

2 MR. NICOLINI: I'm right behind the  
3 nail salon.

4 CHAIRMAN DiPINTO: When you say  
5 behind, the north of that?

6 MR. JAWORSKI: Right there?

7 MR. NICOLINI: Yes.

8 MR. JAWORSKI: That white box is the  
9 nail salon. This gentleman, I think, is right here  
10 (indicating).

11 MR. NICOLINI: Right.

12 CHAIRMAN DiPINTO: Where are you  
13 suggesting that a fence might be installed?

14 MR. NICOLINI: Between myself -- can  
15 you put your pointer there? I think you know. Right  
16 there (indicating).

17 MR. JAWORSKI: Along the nail salon  
18 property.

19 MR. NICOLINI: It's actually my  
20 property.

21 MR. JAWORSKI: You want a fence along  
22 that line?

23 MR. NICOLINI: Yes.

24 MR. HIPOLIT: Can I ask? That line is  
25 currently -- it's landscaped. I'm looking at the

1 aerial picture. There is significant --  
 2 MR. NICOLINI: I think your picture is  
 3 probably old, and that doesn't stand true when winter  
 4 comes or fall comes.  
 5 CHAIRMAN DiPINTO: Okay. Mr. Nicolini  
 6 --  
 7 MR. NICOLINI: For me to look at a 28  
 8 foot --  
 9 CHAIRMAN DiPINTO: You are trying to  
 10 determine if the Applicant could put a fence on your  
 11 property?  
 12 MR. NICOLINI: It's a question.  
 13 CHAIRMAN DiPINTO: Yes, I understand,  
 14 on property that's not under his control?  
 15 MR. NICOLINI: It's under my control.  
 16 CHAIRMAN DiPINTO: Okay, so --  
 17 MR. REGAN: Mr. Chairman, I don't know  
 18 if we can make that a condition of an approval. I  
 19 think the Applicant and you can enter into an  
 20 agreement.  
 21 MR. NICOLINI: I want it to be on  
 22 record.  
 23 MR. PREISS: Can I correct something?  
 24 There is an existing fence only behind lot one.  
 25 That's a four foot stockade wood fence, which is in

1 So that's the remediation shed there. That will be  
 2 completely refaced and the roof will be reconstructed  
 3 to match the canopy with the synthetic slate  
 4 shingles.  
 5 MR. NICOLINI: I see it. Do you think  
 6 we can have it --  
 7 MR. JAWORSKI: There is an actual  
 8 blown up detail.  
 9 MR. MARMORA: It's in the file.  
 10 MR. PREISS: On sheet 12 there is a  
 11 rendering showing the south and east view of the  
 12 remediation shed. It should be in the set of plans  
 13 that's in the back.  
 14 MR. NICOLINI: Okay. One final  
 15 question: Are you planning on still selling rock  
 16 salt during the winter, stacked high?  
 17 CHAIRMAN DiPINTO: I think, once  
 18 again, let's hear the testimony of the operator and I  
 19 think he's heard the questions relative to sale of  
 20 products other than gasoline, motor oil and  
 21 cigarettes. But we'll here on direct what he has to  
 22 say.  
 23 MR. NICOLINI: Thank you.  
 24 CHAIRMAN DiPINTO: Thank you. Yes,  
 25 sir, in the back.

1 disrepair, but the Applicant is doing -- not only  
 2 replacing that fence with a six-foot high Trex fence,  
 3 but that fence will continue behind the trash  
 4 enclosure, behind the parking spaces, all the way  
 5 behind along the property, also behind all of the  
 6 improvements on lot 39. So right now, that whole  
 7 area is open. The fence will be behind that entire  
 8 portion of the property from end to end.  
 9 MR. NICOLINI: I understand that. If  
 10 I'm 15 to 20 foot above that fence, it doesn't make  
 11 any difference.  
 12 MR. PREISS: I'm just trying to  
 13 correct the record in terms of what's proposed. I  
 14 understand your question.  
 15 MR. NICOLINI: We've seen a rendering  
 16 of the canopy. Have you put together a rendering of  
 17 the gas stripper, that outbuilding of what it's going  
 18 to look like?  
 19 MR. MARMORA: The remediation shed?  
 20 MR. NICOLINI: Yes.  
 21 MR. JAWORSKI: There is a detail on  
 22 the plan that shows the shed, and I think one of  
 23 these -- yes, there it is, basically that's the shed  
 24 right there. So that -- the walls would be redone,  
 25 and the roof will be redone to match the canopy roof.

1 MR. WOLFREY: Charles Wolfrey,  
 2 W-O-L-F-R-E-Y, 7 Pearl Street. So first question,  
 3 the remediation shed belongs to whom?  
 4 CHAIRMAN DiPINTO: Mr. Marmora, can  
 5 you answer that question?  
 6 MR. MARMORA: I believe Shell has an  
 7 ongoing remediation obligation there.  
 8 MR. WOLFREY: Okay. Will that  
 9 encompass, or is there consideration on the property  
 10 that there is going to be new remediation based on  
 11 the current Department of Environmental Protection  
 12 remediation that's happening now that we've just  
 13 gotten?  
 14 CHAIRMAN DiPINTO: Mr. Hipolit, do you  
 15 have any information relative to the remediation  
 16 that's occurring there or will it be occurring?  
 17 MR. HIPOLIT: I don't. Everything  
 18 that happens on that property with respect to  
 19 contamination or previous contamination is under the  
 20 DEP's jurisdiction, whether the shed is on the site  
 21 or off-site monitoring wells. They control that.  
 22 It's their issue. You can look it up online.  
 23 MR. WOLFREY: I have it. It's my  
 24 concern, is the potential they will add something in  
 25 addition now that they have a new one as of June

1 2013.  
 2 MR. HIPOLIT: It's only -- it's  
 3 between the DEP and the environmental consultant  
 4 handling this site. They decide what they add or  
 5 take away or don't add or take away. It's not, you  
 6 know, not that if I lived there I wouldn't have the  
 7 same concern, but as far as this Applicant is  
 8 concerned, it's outside of that. The DEP is --  
 9 purely will tell them what they can and can't do.  
 10 The Applicant doesn't have a choice.  
 11 MR. WOLFREY: Understood. Regarding  
 12 the style of the canopy, why Spanish revival? It  
 13 doesn't seem to fit with any of the other homes in  
 14 the area.  
 15 CHAIRMAN DiPINTO: Well, I believe,  
 16 sir, when the Applicant originally came in, he came  
 17 in with a design that was rather pedestrian. It was  
 18 a flat roof structure, as I may recall, and it was  
 19 architecturally, I think, very uninteresting. And I  
 20 believe we had suggested to him that something with  
 21 character more similar to the residential  
 22 neighborhood that it abuts may be found more  
 23 acceptable than that typical flat roof structure that  
 24 usually you see on the highways.  
 25 MR. WOLFREY: Understood.

1 stacking problem which we already have? So I would  
 2 like to know if there is --  
 3 CHAIRMAN DiPINTO: I think that  
 4 question kind of crosses over between operations and  
 5 traffic.  
 6 MR. WOLFREY: Correct.  
 7 CHAIRMAN DiPINTO: With respect to --  
 8 I think with respect to both of those answers, we'll  
 9 wait to hear direct testimony from those two experts.  
 10 MR. WOLFREY: Certainly. The last  
 11 question that I have is with the foot candle rating  
 12 with the lighting. Is that foot candle, is that  
 13 based on pearlite or is that a square footage rating?  
 14 How is that --  
 15 CHAIRMAN DiPINTO: Mr. Jaworski, could  
 16 you answer that question?  
 17 MR. JAWORSKI: That's a composite of  
 18 all of the lighting on the site under the canopy.  
 19 It's a model of all of the lights.  
 20 MR. WOLFREY: Okay, very good. Thank  
 21 you.  
 22 CHAIRMAN DiPINTO: Thank you. Okay,  
 23 anyone else who wishes to be heard? Yes, sir?  
 24 MR. HOPPE: Hi, Ralph Hoppe,  
 25 H-O-P-P-E, 10 Magnolia Avenue. Okay, first question:

1 CHAIRMAN DiPINTO: Albeit we do have a  
 2 few of them in town. I believe what we they  
 3 attempted to do was come up with something more  
 4 interesting, whether it's a Spanish revival or some  
 5 other type of architecture. I don't think the  
 6 Applicant, it's my understanding, was that they were  
 7 particularly bent on one form of architecture versus  
 8 another. Their attempt was to comply with our  
 9 request to make it more compatible with the  
 10 neighborhood.  
 11 MR. WOLFREY: Understood. Was that  
 12 the only iteration that was proposed.  
 13 CHAIRMAN DiPINTO: That's the only  
 14 thing that I've seen.  
 15 MR. WOLFREY: Okay. Just -- and this  
 16 would have to be answered, but I'll propose it now.  
 17 It has to be answered by the traffic expert. I'm  
 18 following up with the concerns with the landscape  
 19 vehicles. I would like to know, is there a study  
 20 that's been done that says how many passenger cars  
 21 run on diesel and fill up versus trucks, work trucks  
 22 in particular? And with the position of the pump and  
 23 where it is when diesel will be activated on this  
 24 pump, if I pull in with a landscaped truck with a  
 25 trailer on the back, how does that impact the traffic

1 Does the Board consider the introduction of diesel an  
 2 expansion of nonconforming use? It's kind of where  
 3 we left off three years ago.  
 4 CHAIRMAN DiPINTO: I'll defer that  
 5 question to Mr. Regan.  
 6 MR. REGAN: I believe that it could be  
 7 considered an expansion of a nonconforming use. That  
 8 would be a D-2 variance.  
 9 MR. HOPPE: Okay. Second question:  
 10 Why was there a Stop Work Order issued in 2010 on  
 11 this site?  
 12 CHAIRMAN DiPINTO: Mr. Fette, do you  
 13 have any knowledge of that?  
 14 MR. FETTE: Yes, I do. I don't  
 15 remember why. 2010 is when they installed the new  
 16 tanks. I would have to, for the benefit of the  
 17 Board, go back to my files and see. I don't remember  
 18 off of the top of my head why it was issued.  
 19 MR. HOPPE: If I might, I think I do,  
 20 if the Board will allow me to explain it? I believe  
 21 it was because the owner was, in fact, putting diesel  
 22 tanks in without the Board's permission, diesel fuel  
 23 storage tanks.  
 24 CHAIRMAN DiPINTO: Right. Mr. Hoppe,  
 25 in my understanding, Mr. Fette correct me if I'm

1 wrong with this, an application was submitted to the  
 2 Building Department. The Application that the  
 3 Applicant had submitted included the diesel tanks,  
 4 and, in fact, a permit was, in fact, issued to the  
 5 Applicant to install those tanks. However, with an  
 6 understanding that the Applicant had with the  
 7 Borough, he has not, to the best of my knowledge,  
 8 sold or stored any diesel fuel in those tanks, nor  
 9 has it been dispensed. And the reason why that had  
 10 not been done, and I believe -- or there is some  
 11 pending litigation on the matter which Mr. Marmora  
 12 can speak to, it was based upon the Applicant's  
 13 intent to come before this Board to seek site plan  
 14 approval to make certain changes.

15 Mr. Marmora, can you speak to the  
 16 litigation?

17 MR. MARMORA: Yes, that's correct.  
 18 The Applicant had applied for -- submitted a Building  
 19 Permit Application for the new tanks, the new tanks,  
 20 including a diesel component. And a permit was  
 21 issued. It was then looked at and decided by the  
 22 Town it should not have been issued. So I filed an  
 23 appeal, and based upon an agreement between the  
 24 Applicant at the Board, the Applicant -- the tank is  
 25 installed, but it has never dispensed diesel. And

1 what does that do to my property value, etcetera?

2 CHAIRMAN DiPINTO: Mr. Marmora, do you  
 3 intend to present a witness qualified to testify as  
 4 to the impact on property values that the proposed  
 5 improvement may have.

6 MR. MARMORA: No, we don't intend to  
 7 call an evaluation expert. Our planner will address  
 8 the impacts in the surrounding neighborhood.

9 CHAIRMAN DiPINTO: Mr. Hoppe, I think  
 10 that's probably what's going to be of greatest value  
 11 to you, is the testimony that you will hear from the  
 12 planner that the Applicant has employed. He is  
 13 qualified to give opinions as to that impact. Our  
 14 planner, Mr. Preiss, is also qualified to hear the  
 15 testimony of the Applicant's planner. And if, in  
 16 fact, he disagrees or disputes it, he will let that  
 17 fact be known, and you, too, will have an opportunity  
 18 to ask questions of the Applicant's planner.

19 MR. HOPPE: Very well.

20 CHAIRMAN DiPINTO: But he's not  
 21 bringing in someone who is qualified to testify as to  
 22 values.

23 MR. HOPPE: Very well. Thank you.  
 24 Lastly, I would just like to mention, while I didn't  
 25 see any, I know you are going to talk about this

1 pending review by this Board, which has taken a  
 2 little longer than we thought, although the tank is  
 3 in, it has never dispensed diesel, and the Stop Work  
 4 Order was withdrawn.

5 MR. HOPPE: Okay. So for the record,  
 6 the public was not involved in this decision. We had  
 7 no say in it? It was an agreement between the Board  
 8 and the Applicant?

9 MR. REGAN: There was an appeal filed.

10 MR. MARMORA: Yes.

11 MR. REGAN: Under section A or  
 12 paragraph A of section 70 of the MLUL, and that  
 13 appeal has not been heard yet by this Board, because  
 14 this Application is being heard first.

15 MR. HOPPE: Okay.

16 MR. MARMORA: That is correct.

17 MR. HOPPE: Very well. Okay.

18 Another -- I've -- since this has happened, I've  
 19 been looking and watching from the sidelines. I've  
 20 noticed in the DelBen(ph) Application, a real estate  
 21 expert was granted to the, basically to the Town,  
 22 surrounding owners of properties in the neighborhood.  
 23 Will we be granted that option, as well? Will  
 24 somebody -- will a real estate expert give testimony  
 25 as to if diesel is allowed, if the canopy is allowed,

1 later on, but in this traffic study, the expert who  
 2 will come forward, there is no -- there has not been  
 3 a traffic study, per se, that is on a sheet of paper  
 4 that can be handed out to the general public, has  
 5 there been?

6 CHAIRMAN DiPINTO: Mr. Marmora?

7 MR. MARMORA: I don't know. Yes,  
 8 there is one on file.

9 MR. HOPPE: I did not see one up  
 10 front.

11 CHAIRMAN DiPINTO: I don't think I've  
 12 seen it.

13 MR. MARMORA: I mean, it's the  
 14 original. It's the original traffic report. We did  
 15 not submit a revised one.

16 MR. DiPINTO: The report from 2010?

17 MR. MARMORA: Yes.

18 MR. REGAN: You plan on putting that  
 19 into evidence?

20 MR. MARMORA: Yes, we intended to  
 21 testify on the basis of that, plus recent -- brought  
 22 to date through testimony by recent observations from  
 23 Ms. Dolan.

24 CHAIRMAN DiPINTO: Okay.

25 MR. REGAN: If it's marked into

1 evidence, you will have an opportunity to review it.  
 2 The Board has not seen it yet.  
 3 CHAIRMAN DiPINTO: I think Mr. Marmor  
 4 said it had been submitted back in 2010.  
 5 MR. MARMORA: Yes.  
 6 CHAIRMAN DiPINTO: And you are relying  
 7 upon that document; is that correct?  
 8 MR. MARMORA: February 2012, excuse  
 9 me.  
 10 CHAIRMAN DiPINTO: In 2012?  
 11 MR. MARMORA: 2012. So it was filed  
 12 in -- so there was one back in 2010, and one in 2012.  
 13 CHAIRMAN DiPINTO: Okay. Well, I  
 14 apologize for the fact that it's not available right  
 15 now, but it will be available prior to the next  
 16 meeting.  
 17 MR. HOPPE: Very good. Lastly, I  
 18 would like to mention that I had requested, and  
 19 received, a separate traffic study from Chief Abrams  
 20 on Magnolia Avenue itself, and I have a copy of that  
 21 here. I don't know if I should state what that  
 22 traffic study said, but certainly I would assume that  
 23 one can assume that a certain amount of that traffic  
 24 is caused by the Shell gas station. Okay?  
 25 CHAIRMAN DiPINTO: Mr. Regan, how can

1 MR. HOPPE: Fine, as long as you had  
 2 that information.  
 3 CHAIRMAN DiPINTO: Okay.  
 4 MR. HOPPE: That's it. Thank you very  
 5 much.  
 6 CHAIRMAN DiPINTO: Thank you. Yes,  
 7 ma'am?  
 8 MS. CLOHESSY: I just have a couple of  
 9 questions.  
 10 CHAIRMAN DiPINTO: I'm sorry.  
 11 MS. CLOHESSY: Noreen, N-O-R-E-E-N,  
 12 Clohessy, C-L-O-H-E-S-S-Y, 10 Magnolia Avenue. I  
 13 have a couple of questions. Why are you adding two  
 14 additional pumps?  
 15 CHAIRMAN DiPINTO: I'm sorry. What  
 16 was that question?  
 17 MS. CLOHESSY: Why are two additional  
 18 pumps being added to the site?  
 19 CHAIRMAN DiPINTO: Well, I'm not quite  
 20 certain if the engineer can answer that question, or  
 21 if it's a question better suited for operations, but  
 22 I'm going to defer Mr. Marmor. Who do you prefer?  
 23 MR. MARMORA: I would rather defer the  
 24 why questions. That, I don't think -- it's more the  
 25 operator.

1 we deal with that?  
 2 MR. REGAN: At such time that the  
 3 hearing is open to the public to put in any documents  
 4 or exhibits they wish, this gentleman can, if he so  
 5 chooses, attempt to call the Chief as a witness to  
 6 testify. I don't think you can put in his report  
 7 without him being here, because obviously the Chief  
 8 would be subject to cross examination by Mr. Marmor.  
 9 CHAIRMAN DiPINTO: This is -- let's  
 10 see if we can help you with this, Mr. Hoppe. This is  
 11 a report in the form of a letter?  
 12 MR. HOPPE: E-mail.  
 13 CHAIRMAN DiPINTO: An e-mail sent from  
 14 Montvale Chief of Police to you.  
 15 MR. HOPPE: Correct, correct.  
 16 CHAIRMAN DiPINTO: Well, communicate  
 17 with the Chief between now and the date of the  
 18 continuation of this hearing, and if the Chief wishes  
 19 to share that document with the Board, I will arrange  
 20 to have it distributed and made part of the public  
 21 record, and a copy of same will be provided to the  
 22 Applicant, so that when we do hear traffic testimony,  
 23 we can reference that document. But it would only be  
 24 appropriate if, in fact, the Board were to receive it  
 25 directly from the Chief.

1 CHAIRMAN DiPINTO: I tend to think it  
 2 has to go to operations with that.  
 3 MS. CLOHESSY: Okay. I guess it's  
 4 fair to assume that there will be a higher volume of  
 5 vehicles that can be serviced on the site. You could  
 6 have more than you can currently do. Is that more on  
 7 operations? Because I'll defer that.  
 8 CHAIRMAN DiPINTO: I tend to think  
 9 more operations, but I think it does kind of cross  
 10 over into the design where Mr. Jaworski can -- has  
 11 testified and can answer that question.  
 12 Mr. Jaworski, with regard to the design of the site  
 13 and the location of the pumps, is the positioning of  
 14 those pumps on the site of such that you can  
 15 accommodate better stacking on site to avoid overflow  
 16 on to the road? Is that part of the design logic  
 17 when you put it together?  
 18 MR. JAWORSKI: Yes, exactly. The  
 19 pumps are aligned presently, or will be aligned  
 20 presently with two additional pumps, and really it's  
 21 a convenience, and it adds four more positions. As  
 22 we all know, gas tanks are on either side of the car.  
 23 So when you pull in, having those extra positions, if  
 24 two cars pull in with both on the right side, they  
 25 have another option. So it doesn't necessarily

1 corollate to that much more additional traffic, or  
2 our traffic engineer will get into the numbers. But  
3 more so it's for the convenience in just having more  
4 positions available to lessen that stacking. That  
5 was the big problem, so elongating the driveway,  
6 having more positions to help get the cars off of the  
7 road so it doesn't create a problem on the road. So  
8 it's not a direct correlation to that much more  
9 volume or traffic as much as it is a convenience in  
10 having more positions for fueling.

11 MS. CLOHESSY: I mean, you can  
12 certainly -- I mean, obviously a lot of cars, when  
13 it's stacked up a little too much, they drive further  
14 down the street to the competitor, which is usually a  
15 little bit cheaper, so.

16 MR. JAWORSKI: That's always an  
17 option.

18 MS. CLOHESSY: Also, with the bus  
19 lane, it seems like that almost shrinks the site a  
20 little bit, so you have so much concentration of  
21 activity, especially with diesel, you know. You will  
22 have school buses, which I've seen at other diesel  
23 gas stations, a lot of vehicles there, and, you know,  
24 it takes away from the site. I don't know if you've  
25 spoken with -- you know, I'm not sure who the person

1 make sure it can get in there. But as far as moving  
2 it, I mean, we can certainly look into it, but it's  
3 there now, and the design of it does work.

4 MS. CLOHESSY: I never see anybody  
5 using it, so I don't know why it's essential. I'm  
6 trying to get the best design you can. I hope this  
7 is a starting point, and hope we are not voting on it  
8 tonight. I just got the letter Saturday. I got the  
9 notice on Saturday. It wasn't delivered until after  
10 the post office closed. We only had a day and a half  
11 notice of this. I know a lot of my neighbors can't  
12 be here tonight that wanted to be.

13 CHAIRMAN DiPINTO: The meeting will  
14 not be concluded this evening. We are expecting to  
15 hear from another three experts, or possibly more,  
16 which is the decision of Counsel for the Applicant.  
17 The meeting will be carried to our next regularly  
18 scheduled, returning to September 17.

19 MS. CLOHESSY: Okay.

20 CHAIRMAN DiPINTO: Please advise your  
21 neighbors that there will be no other notice other  
22 than this announcement. I will -- I believe the  
23 secretary may put something on the Borough website  
24 with regard to that carry date, but there is no  
25 obligation under the law to send out another round of

1 is. I've spoken with Eric Timsac and myself, and  
2 he's really reasonable. What about moving that away,  
3 you know, maybe further down Kinderkamack Road over  
4 by where the Portal House is, where you don't have  
5 the line of sight problem. There is a little bit  
6 more space for it. There is also two other bus  
7 stops. They are at Brook and across the street. I  
8 don't know if it's so essential to have it here. I  
9 mean certainly with the safety and congestion. Those  
10 would be certainly valid points to make.

11 I think one gentleman here said it's  
12 not New Jersey Transit buses that operate here, you  
13 know, it's a private company. I don't even know why  
14 you even have to have it.

15 MR. JAWORSKI: Well, it's there now.  
16 It's a bus stop. We've worked very hard and closely  
17 with Eric and the County to provide the adequate  
18 space. It doesn't encroach too much on the site,  
19 itself. The sidewalk shifts back just a little.  
20 It's really just using that area which is in the  
21 right-of-way of the County, and just making it a  
22 turn-off and a paved area for the bus. So the  
23 overall design, we received a lot of positive support  
24 from the County. It does work. We'll take another  
25 look at the turning with Mr. Hipolit and Eric just to

1 certifications to property owners within the 200 foot  
2 radius. So it will be carried. There will not be a  
3 vote tonight for certain.

4 MS. CLOHESSY: Okay. All right.  
5 Thank you.

6 CHAIRMAN DiPINTO: Thank you.  
7 Mr. Hoppe, did you have another question?

8 MR. HOPPE: Just to follow-up on that,  
9 if it doesn't happen on the 17th, if that gets pushed  
10 back further, how would we know that then?

11 CHAIRMAN DiPINTO: An announcement  
12 will be made at the meeting, but now with the aid of  
13 Internet and communicating through websites, I'm sure  
14 Ms. Hutter will have it posted on the website.

15 MR. HOPPE: Fair enough.

16 MS. CLOHESSY: You know, you get a day  
17 or two before the meeting when it's posted. I would  
18 imagine you know in advance when the meetings are.

19 CHAIRMAN DiPINTO: Mr. Marmora, the  
20 notice requirements of the law, could you explain  
21 them to these people?

22 MR. MARMORA: We are required to send  
23 out certified mail notice to everyone within 200  
24 feet. As I indicated at the beginning, at the  
25 request of the Board, we doubled it. It was

1 everybody within 400 feet, which doesn't just double  
2 the number of people. It expanded it exponentially.  
3 I think the notice was about 125. But once that  
4 initial notice goes out, then it's carried from here,  
5 so.

6 MS. CLOHESSY: I understand that.  
7 That's fine. I'm saying on the Borough, you put the  
8 notice on your website, okay? Try to do that in a  
9 more timely fashion. I'm sure it was -- this meeting  
10 was scheduled. Somebody told me. I didn't know  
11 about the meeting. I assume the notice was for  
12 the -- I wasn't rushing out Monday to pick it up, and  
13 somebody said, oh, there is a meeting on Shell. So  
14 that's what I meant.

15 CHAIRMAN DiPINTO: We'll make sure  
16 that we keep it posted on the website to keep you  
17 apprised of what's going on. Okay? Anyone else?  
18 Yes, sir?

19 MR. WEBBER: Chet Webber, 107 Upper  
20 Saddle River. Just a couple of quick questions that  
21 I had. Let's see, where is it? The kiosk that's to  
22 be rebuilt, is it going to be bigger or is it going  
23 to remain the same size? I think somebody had  
24 mentioned it's going to be 13 by 30?

25 CHAIRMAN DiPINTO: Can you answer that

1 MR. WEBBER: Where is the -- where is  
2 all of the oil and rock salt or anything that is  
3 ancillary to the gas station going to be stored if  
4 not outside by the pumps, that we don't want?

5 CHAIRMAN DiPINTO: I think, and again,  
6 we have to wait to hear the testimony of the  
7 operator, but I think what's been indicated thus far  
8 is that everything will be sold or stored within that  
9 kiosk. Going outside of the kiosk would violate any  
10 site plan approval that this Board may grant, and  
11 will sick Mr. Fette on them, and I wouldn't want to  
12 be him.

13 MR. WEBBER: I want to make sure there  
14 is not an overflow. While we are taking it in 6 by  
15 15, is not a very large space.

16 CHAIRMAN DiPINTO: Mr. Fette will be  
17 camping in that parking lot. We'll set him up a  
18 satellite office in that parking lot.

19 MR. WEBBER: The trash enclosure that  
20 is proposed, how is the garbage going to be picked up  
21 for off-site? Is it a garbage container that has a  
22 garbage truck coming in?

23 MR. JAWORSKI: Yes, I believe so.

24 MR. WEBBER: How does that impact your  
25 traffic flows with cars coming in and getting it, to

1 question?

2 MR. JAWORSKI: I can. Yes, it's  
3 actually noted on the plan. Mr. Chairman, it's 6  
4 feet wide by 14 foot long, which is basically the  
5 same size that's existing.

6 MR. WEBBER: Same size, it's not going  
7 to be larger. Okay. And is that where the oil will  
8 be stored that's for sale or where will that be?

9 MR. MARMORA: Yes, the Applicant --  
10 Mr. Chaudhary indicated --

11 MR. WEBBER: He said it was going to  
12 be stored, but didn't say where.

13 MR. MARMORA: Everything sold on site  
14 will be stored inside the kiosk.

15 MR. WEBBER: Is that an adequate size?  
16 There are multi grades of oil. If you had gone past  
17 any of the gas stations, there is quite a few boxes,  
18 along with three people that are going to be working  
19 there and cigarettes.

20 MR. MARMORA: You don't -- I'm just --

21 MR. WEBBER: Well, I --

22 MR. MARMORA: He can certainly testify  
23 to that. The operator will address that.

24 CHAIRMAN DiPINTO: I'm sorry. I  
25 missed the question. What's the question, Chet?

1 it?

2 MR. JAWORSKI: It really won't. It's  
3 once a week, and probably about a ten-minute  
4 operation to empty the dumpster and leave.

5 MR. WEBBER: The price signs, I  
6 believe it shows three levels of prices, like your  
7 low, mid and high grade. This is on the freestanding  
8 sign. Is it cash or credit same low price, where you  
9 will need more signage on that?

10 MR. JAWORSKI: No, the detail for the  
11 proposed sign is on sheet 13, which will have three  
12 lines for prices.

13 MR. WEBBER: Okay. So will it be --  
14 you know, a lot of the gas stations now are charging  
15 an extra ten cents per gallon if you use credit.  
16 They put that up on the board.

17 CHAIRMAN DiPINTO: It's the sign area  
18 that we are concerned about. The message on the sign  
19 is in the control of the operator. That is what the  
20 sign is going to look like, and if he chooses to put  
21 on the first band a cash price, and on the second  
22 band a credit price, and on the third band something  
23 else, that's in his option. He is not going to be  
24 allowed more band than what is shown.

25 MR. WEBBER: Right. I want to make

1 sure they are doing.  
 2 CHAIRMAN DiPINTO: We are limiting  
 3 the --  
 4 MR. PREISS: What's shown on the  
 5 detail is three bands. One says regular cash. The  
 6 second is regular credit, and the third is diesel.  
 7 When we approved this, if they change that, they have  
 8 to come back and get approved.  
 9 MR. WEBBER: Okay. And lastly, who  
 10 owns the billboard? Is that part of --  
 11 MR. MARMORA: CVS.  
 12 MR. WEBBER: That wasn't you guys? I  
 13 was hoping it was on this site and we could get rid  
 14 of those.  
 15 CHAIRMAN DiPINTO: We tried that in  
 16 2010.  
 17 MR. WEBBER: All right. Thank you.  
 18 That's all.  
 19 CHAIRMAN DiPINTO: Okay. Anyone else  
 20 from the public? No? I'm sorry, Councilman.  
 21 COUNCILMAN GHASSALI: Mike Ghassali,  
 22 20 Serrell Drive, S-E-R-R-E-L-L. Mr. Chairman, at  
 23 the beginning of the meeting the Councilman mentioned  
 24 the diesel, again, issue, and he said four to five  
 25 cars expected per day and cars only. I just want to

1 plan, in his plan for amended site plan approval.  
 2 MR. REGAN: I think there may have  
 3 been a discussion in Trenton legislation to permit or  
 4 require new gas stations to have a generator, but I  
 5 don't -- to the best of my knowledge it hasn't become  
 6 law.  
 7 MR. HIPOLIT: It's not.  
 8 COUNCILMAN GHASSALI: All right.  
 9 Thank you.  
 10 CHAIRMAN DiPINTO: Okay. Anyone else?  
 11 The Chair will entertain a motion to close the  
 12 meeting to the public.  
 13 MR. LINTNER: So move.  
 14 MR. VOGT: Second.  
 15 CHAIRMAN DiPINTO: Motion made by Mr.  
 16 Lintner and seconded by Mr. Vogt. Normally, we would  
 17 go to like three in the morning, but the Stenographer  
 18 doesn't appear to be capable of doing that, so having  
 19 mercy for her, I believe what we should do is carry  
 20 this to September 17. Members of the public that are  
 21 here that have an interest in this Application,  
 22 please be so advised that no further notice will be  
 23 provided to you. However, you are invited to check  
 24 the Borough website to get any updates that may be  
 25 published on there. Thank you for attending the

1 confirm a few things. A question to you, or a  
 2 question to him -- a question to you. Four to five  
 3 cars per day, that's about 100 gallons per day.  
 4 Their tank holds 7,500 gallons. That's a 90 days'  
 5 supply. Can we confirm that's what you intend?  
 6 MR. MARMORA: We have actual data on  
 7 that, and our traffic engineer will go through that.  
 8 COUNCILMAN GHASSALI: The box trucks  
 9 coming in, and they may pull in to get the diesel  
 10 fuel also is the concern. The second to last  
 11 question is: Don't we have a law on the books if a  
 12 modification is made to a commercial property that we  
 13 require them to get a backup generator?  
 14 CHAIRMAN DiPINTO: No.  
 15 COUNCILMAN GHASSALI: No?  
 16 CHAIRMAN DiPINTO: No, we have nothing  
 17 in our code right now that requires that.  
 18 COUNCILMAN GHASSALI: Okay.  
 19 CHAIRMAN DiPINTO: Are you suggesting  
 20 that there be a generator?  
 21 COUNCILMAN GHASSALI: No. If there  
 22 would be, I think we have to show that now.  
 23 CHAIRMAN DiPINTO: Right. There is  
 24 nothing that requires it. If the Applicant so  
 25 desired to do one, he would be showing it now on this

1 meeting this evening.  
 2 Mr. Marmora, thank you for your time  
 3 and presentation.  
 4 MR. MARMORA: Thank you very much. We  
 5 appreciate your time.  
 6  
 7 (The Application is adjourned and will  
 8 be continued at a future date.)  
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CERTIFICATE

I, HEATHER M. HOLMES, a Notary Public and Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

\_\_\_\_\_  
HEATHER M. HOLMES  
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