

**BOROUGH OF WATCHUNG
BOARD OF ADJUSTMENT
DANIEL CRONHEIM, CHAIRMAN**

Regular Meeting
May 11, 2023

**OFFICIAL MINUTES
Adopted 6/8/2023**

Chairman Cronheim called the Regular Meeting to order at 7:30 p.m.

ROLL CALL

Mr. DJ Hunsinger (absent)	Mr. George Sopko
Mr. Richard Brown	Mr. Alex Xie Alt #2
Ms. Sondra Fechtner (absent)	Mr. Daniel Cronheim, Chairman
Mr. PJ Panzarella	David A. Stires, PE
Mr. Mitchell Taraschi (absent)	Chris Sobieski, Esq.
	Tammy Vetusch, Board Clerk

Chairman Cronheim called the regular meeting to order. He read the statement indicating the meeting was being conducted according to Open Public Meetings Act, the Municipal Land Use Law requirements, and the recording of the Minutes as required by law.

He then led the flag salute to the American flag, and the Board members identified themselves for the record.

MINUTES

On motion by Mr. Brown, seconded by Mr. Panzarella, the Reorganizational regular meeting minutes of January 12, 2023, were adopted on voice vote.

RESOLUTIONS

Resolution BA 23-R6
Appointment of Board Clerk

On motion by Mr. Brown, seconded by Chairman Cronheim, the Board memorialized the resolution based on the following roll call vote:

Roll Call:

Ayes:	Mr. Brown, Mr. Panzarella, Chairman Cronheim, Mr. Sopko, and Mr. Xie
Nays:	

Not Eligible:

Abstain:

Absent: Mr. Hunsinger, Ms. Fetchner, Mr. Taraschi

Resolution BA 23-R7

CASE NO.: BA 22-05; MAHA At Watchung

20 Stirling Road BLOCK: 44.01 LOT: 6 & 7

Represented By: Erwin C. Schnitzer, Esq.

BB ZONE

On motion by Mr. Brown, seconded by Mr. Mr. Panzarella, the Board memorialized the resolution based on the following roll call vote:

Roll Call:

Ayes: Mr. Brown, Mr. Panzarella, Chairman Cronheim

Nays:

Not Eligible: Mr. Sopko, Mr. Xie

Abstain:

Absent: Mr. Hunsinger, Ms. Fetchner, Mr. Taraschi

APPLICATIONS

Case No.: BA 22-02; Thakur

990 Somerset Street

BLOCK: 4401 LOT: 3

Represented By: Allen J. Barkin, Esq.

BB ZONE

Expiration: 5/31/23

This case has been carried to the next Board of Adjustment meeting date of June 8, 2023.

CASE NO.: BA 23-03; Quiceno

109 Wildwood Terrace

BLOCK: 202 LOT: 1

Represented By: Kevin J. O'Connor, Esq.

RR ZONE

Expiration: 7/7/23

This case has been carried to the next Board of Adjustment meeting date of June 8, 2023.

CASE NO.: BA 23-02; BJ's Wholesale Club, Inc.
1601 US Highway Rt. 22
BLOCK: 5801 LOT: 3; BLOCK: 5901 LOT: 3
BLOCK: 6001 LOT: 1, 2 and 3; BLOCK: 6401 LOT: 1.02 and
BLOCK: 6402 LOT: 2.01, 2.03, 2.04 and 2.05
Represented By: Stephen F. Hehl, Esq.
HD ZONE

Mr. Sobieski stated that the content of the applicant's notice was sufficient, timely served, and timely published giving the Board jurisdiction to act Mr. Hehl, Esq. entered his appearance on behalf of the applicant BJ's Wholesale Club. This is an application for Fuel Dispensing at the BJ's in Watchung. Mr. Hehl stated that the applicant is seeking a Conditional Use variance due to the proximity condition; the proximity is 1,000 feet from residence and 500 feet from schools & childcare facilities that they do not meet but Mr. Hehl's witnesses will provide testimony and evidence that they are actually well beyond that due to where the actual fueling is. They are in receipt of comments from Mr. Stires and the Fire Official and they have no problem in complying with them. In attendance with Mr. Hehl are four expert witnesses:

Mr. Martin O'Boyle - BJ's Wholesale Club, Inc.

Mr. Todd M. Hay, PE, CME Pennoni Engineering

Mr. John R. Corak, PE Stonefield Engineering

Mr. Paul N. Ricci, AICP, PP – Ricci Planning

Mr. Sobieski commenced a mass swearing in of the named expert witnesses.

Mr. O'Boyle, BJ's wholesale Club is testifying as a fact witness; in 1998 BJ's Wholesale gas was introduced as part of the BJ's prototype, they have since been working on bringing them all into alignment with services and consistent products that they offer. BJ's gas will be open to the general public and Club members; the hours of operation will be 6:30 – 9:30; proposed total of additional employees would be 3; deliveries from the tank are sensor, when they are getting low a signal is sent out. Mr. O'Boyle sees no problem in complying with the terms and conditions.

Mr. Sobieski asked again if open for the public and then opened to the public questions of the witness.

Mr. Todd Hay, PE, CME, Pennoni Engineering; Reviewed his credentials. Mr. Brown then asked him if when the station is shut down for the night are the lights turned off or are they on a timer? Mr. Hay responded that he believes they are, he will have to clarify on the plans, but most of the gas stations that he has testified for they are typically photocell. Mr. Hay was accepted as an expert witness with no objections.

Mr. Hehl would like to begin by stating a list of the existing conditions. Mr. Sobieski asks if these are brand new plans or if they are existing; Mr. Hay stated they already have them in their packets, there will be several exhibits and a rendered version that is not in the packet. Location is about 43 acres, principle building is about 115,000 square feet. Station being proposed, is in a lay down area that holds seasonal equipment. Location is approximately 822 feet from the rear of the property, this being mentioned because there is a residential area that is where the existing non-conforming condition is that they are seeking variance on. Major variances on site; canopy height where 15 foot is required 17 foot is necessary, 13 foot canopy wired to meet requirements of 15 foot. Appropriate location; will be visible from 2 lanes of 22 West, and the location will take up approximately 79 parking spaces which are part of the surplus; parking will not be an issue and will not take away from the primary store. Looking at other existing conditions, notice the limits of disturbance really contain not just parking stalls but also where they will need to consider piping for sanitary water and interstitial piping for the tank as well. No improvements will be done outside of the footprint except the sign; will be seeking several sign variances that are appropriate for this application, but this is the only thing outside of the footprint. They also have some handicap spaces that they will be taking away but also have some handicap spaces that they are providing. They will be able to meet the parking requirement and update the plans to show that the ADA issue which was a concern will be able to be updated. **Exhibit A-1; Colored Site Plan Rendering by Pennoni dated 5/10/23;** partial site plan rendering it to show what the canopy would look like above as well as the associated improvements around the area that was in the limits of disturbance. Canopy will have 6 fueling stations and those will have 12 fueling positions. Asphalt under the canopy, circulation has been looked at by himself and also by Pennoni Traffic Engineer, is appropriate for the site. Will clarify lighting plan as part of Resolution and Compliance. **Exhibit A-2; Fire Truck Circulation Exhibit by Pennoni dated 5/10/23;** Truck turning template. For Board edification question asked whether end isle or parking areas could be amended to fit a fire truck; an E-1 fire truck can circle around; E-1 firetrucks are found in most municipals.

Opened to the public; there is no discussion.

Mr. John R. Corak, PE, Stonefield Engineering; accepted as an expert witness. Full comprehensive Traffic Impact Study was submitted to the Board on 1/6/23, included comprehensive turning movement count during peak periods, captured total volume in and out of site, interactions of trip coming on and off property. Gas stations at discount clubs do have substantial customers that are already coming from the store. Gas stations tend to pull their traffic from cars that are already on the road; these 2 factors help reduce the amount of extra traffic from cars that are already on the road, these 2 factors help reduce the amount of extra traffic added to the roadway. So, when adding in the traffic there is no substantial change to the levels of service or the capacity of the intersections. The second piece of traffic Study Site Circulation; here we are located in a visible location but one that does not impede the traffic flow of the rest of the site. There is plenty of stacking room within the site to accommodate traffic volume that we have seen at BJ's locations; creating a safe and efficient operation on site and will not have any negative traffic impact to the site itself or the surrounding roadway. This

afternoon, 5/11/23 we received from the New Jersey Department of Transportation a Letter of No Interest, **Exhibit A-3; Letter of No Interest**. The Bureau of Major Access stated there is no new access permit needed that the development will not generate adverse traffic impact to the roadways.

Open to the public; there is no discussion

Mr. Paul N. Ricci, AICP, PP Ricci Planning; accepted as an expert witness. We are in a HD Zone; Conditional Use Zone, there are 18 conditional use requirements, BJ's currently meets 17 of those requirements. Mr. Ricci entered **Exhibit A-4**; prepared in Geographic Information system. The only standards that we do not meet relates to the distance to a residential zone as well as a childcare center and a school. The distance should be 1,000 feet from a residence, childcare center, or school. There are wetlands/woodlands that separate these properties, we believe that this site can accommodate the problems associated with the diminished distance. Service stations are in the Conditional permitted use, applicant is only proposing gasoline sales.

Mr. Sobieski sums up 2 variances; Conditional Use Variance for the distance of the Service Station to a residential and school zone and a Height Variance if the Board deems it necessary for the Canopy Structure, also stipulative conditions of the Fire Official's memo. Mr. Brown would like to make sure the Fire Official stipulation is complied with and this Post Approval Compliance will address Mr. Brown's concern. Mr. Sobieski discussed a potential stipulation related to the crosswalk which was previously agreed to by Mr. Hehl and Mr. Hehl agreed that this was acceptable. Mr. Panzarella asked if it is a stipulation with a prior approval that if BJ's closes at 9 pm and fueling station stays open to 9:30 pm the lighting would shut down at 10:00 pm, does this contradict a prior approval? Mr. Hehl advised that there are prior resolutions that will relate to the building.

OPEN TO THE PUBLIC

There were no other comments from the public.

On motion by Mr. Brown and seconded by Mr. Panzarella, application for BJ's Fueling Station Approved.

	Date: May 11, 2023					
	Motion	2nd	Aye	Nay	Abstain	Absent
Cronheim			X			
Hunsinger						X
Sopko			X			

Brown	X						
Fetchner						X	
Taraschi						X	
Panzarella		X					
Xie Alt. #2			X				

Voice vote was taken for the temporary placement of signs for Wagner Farms for their annual plant sale.

Chairman Cronheim Motioned, Mr. Brown 2nd the motion, all in favor.

The next regular scheduled Board of Adjustment meeting is 6.8.23 at 7:30 pm.

ADJOURN

The Board unanimously voted to adjourn the meeting.

Respectively Submitted,



Tammy Vetusch
Board Clerk