

**SPARTA TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MEETING OF JUNE 13, 2018**

The Zoning Board of Adjustment Meeting of the Township of Sparta was held in the Sparta Township Municipal Building and was called to order by Chairman Wilbur Goldschmidt at 7:30 PM, with announcement that adequate notice of this meeting had been given to the public and the press under provision of the "Open Public Meetings Act".

Members Present: William Makowitz, Randy Burke, Kenneth Laury, Thomas Molski, Michael Jozefczyk, Richard LaRuffa and Wilbur Goldschmidt

Members Absent: Tim Parker

Others Present: Christopher Quinn, Esq.
David Simmons, P.E.
David Manhardt, P.P.
Maureen R. Donnelly, Zoning Officer

**SCHEDULED APPLICATIONS:
GERALD ANDREWS # 9-18
WAWA # 3-18**

MINUTES APPROVED:

Mr. LaRuffa made a motion to approve the minutes of May 23, 2018. Mr. Molski seconded the motion and the roll was as follows:

Mr. Molski	Yes	Mr. Jozefczyk	Yes
Mr. LaRuffa	Yes		

RESOLUTION MEMORIALIZED:

Mr. Makowitz made a motion to memorialize the resolution granting a side yard setback variance for a retaining wall to Eileen Hickey # 1-18 relating to Block 3024 Lot 26 decided on April 11, 2018. Mr. Molski seconded the motion and the roll was as follows:

Mr. Makowitz	Yes	Mr. LaRuffa	Yes
Mr. Molski	Yes	Mr. Burke	Yes
Mr. Laury	Yes	Ch. Goldschmidt	Yes

PUBLIC HEARING:

Ch. Goldschmidt announced that the application for Gerald Andrews has been adjourned to June 27, 2018 without further notice.

**WAWA INC. # 3-18
ROUTE 517 AND ROUTE 181**

Debra Nicholson appeared for the Applicant. She requested a brief conference with the Board Attorney regarding a potential objection.

Pasquale Agresti, representing 85 Sparta LLC voiced objections over the legal notice for the application regarding the secondary access through the residential driveway and the language in the notice regarding the twelve parking spaces.

Mr. Quinn stated that the legal notice has been done in accordance with the 200 foot property owners list which is what is required by the MLUL. All the property owners were noticed and there are no residential units built on the adjacent property. He also confirmed the language was sufficient.

Ms. Nicholson explained that the secondary access through the adjacent property is the subject of a Cross easement with the Burger King and Launderette properties. The access drive currently exists under a filed Easement and all notices were done from the outside perimeter of the other lot as required. The twelve parking spaces are existing spaces and will be re-located as the easement permits.

The following witnesses were sworn in to testify;

Kenneth Dykstra P.E. of Dykstra Walker Design Group in Jefferson, NY who was previously qualified by the Board.

Michael Tobia, P.P. of Morristown, NJ who has also been previously qualified,

Matthew Seckler, Structural Engineer of Rutherford, NJ. He reviewed his qualifications stating that he has a BA in Civil Engineering and a Masters from Rutgers for Traffic Operations and has appeared before 85 Boards in N.J. and prepared the Traffic Study.

Luciano Bruni, one of the owners of the property and the Development Representative who is also a licensed Architect. He has received two prior approvals for this property and the adjacent site including a Senior Housing project from this Board in 2004 and a Supermarket project from the Planning Board in 2008, neither of which was ever built.

Michael Redel, Real Estate Engineer for Wawa, with a BS from Citadel in Civil Engineering and 20 years of experience as Project Engineer for Wawa. He has testified before numerous Boards before.

Ch. Goldschmidt recommended they address the Use variance testimony first.

Ms. Nicholson explained that they will start with testimony on the Wawa operations, the Project Engineer, the Traffic Engineer and then the Planner. The application is for a Use variance for fuel only since the retail store is permitted in the zone. Prior to filing the application, the Applicant met with Municipal Officials and Board Professionals for review and to address what "Sparta wants" in the design, architecture and colors to blend in with Sparta's Town Center and with the Master Plan. They have also responded to the reports in writing and will address Mr. Manhardt's report regarding the ordinance areas he referred to. The following Exhibits were marked into evidence; Ex A-1, a colorized combined site plan for the two properties entitled "Site Layout Exhibit" and Ex. A-2 the Wawa Sign package, A-3 is the corrected Zone Chart which indicates that the impervious coverage has been reduced, A-4 is the Wawa "color finishes sample board" and A-5 (A) shows the pictorial progressions of the store from the first design to after several meetings with the Township Officials. Ex. A-5 (B) if the same pictorial progressions for the canopy.

Ch. Goldschmidt asked if they have an Exhibit showing what the signs would look like if they conformed to the ordinance?

Ms. Nicholson described the sign bank which will be broken down with the pylon being smaller than allowed and the façade sign larger than permitted. They also need two freestanding signs due to the second access.

Mr. Redel described the history of Wawa which is a private company founded in 1802. It was a foundry/textile use and then sold Dairy products in South Jersey and Pennsylvania. In 1964 the first convenience store was opened with 450 stores in the mid 1990's and the first fuel store in 1996. The company is private and offers employee owned stock of 40% which is a great benefit. There are now over 500 stores in six states including; Florida, Delaware, Maryland, Virginia and New Jersey. There are about 240 locations in Southern Jersey and they are now focusing on expanding into Northern New Jersey and Sussex County. They have found several locations in the County including the Sparta location which is very desirable. They are excited to come to Sparta and have met with Township Officials. Wawa is an active supporter of the Community and sponsors sports and other activities. They will be open 24 hours/7 days a week and will include 6 pumps and 12 fueling stations although they usually have 8 stations, they feel 6 are more appropriate. The convenience store will offer sandwiches, salads, beverages and other convenience items.

Mr. Jozefczyk asked what is the percentage of locations that do not have fuel?

Mr. Redel replied of the 820 stores, 520 have fuel and this design is their model. They have closed over 150 non-fuel stores. He explained the 50 proposed parking spaces are ample for the use and their peak times vary with theirs being AM, lunch and evening. The staff will have 10-12 employees in the AM, 8 employees mid-day and 3-4 in the evening. They receive five types of deliveries including the Dairy which is their own brand and that is off-peak at night 2 to 3 times a week for 45 minutes. Provisional deliveries are done 3 times a week which includes packaging, bags etc and vendor deliveries for soda/chips are done in small vans during off-peak hours. A daily fresh delivery of rolls and baked goods come in overnight and there are fuel deliveries 1 to 2 times a day on demand. They will employ 50 total employees with 40-45 new employees and experienced Managers. They use a state of the art fuel system with double walled tanks and piping which is monitored for leaks and has alarms if there is a spill. Any spills would be addressed at the canopy and cleaned up immediately. He referred to Exhibit A-5 (A) and (B) and explained that the designs have been revised to address the comments and recommendations from the Township Officials specifically the "A" frame peaked canopy and residential feel for the building. They removed all the canopy signage and the store design was changed to resemble a design recently done in Bucks County, PA with additional features requested by the Township with stone finishes. This is a unique design for Wawa and they have also submitted plans in other towns but want the "Sparta" design to lead the way.

Ms. Nicholson asked if he could address parking, impervious coverage and machines.

Mr. Redel explained that there will be 50 spaces with 8 parking spaces in the rear of the store for employees and 2 spaces for the air pump use. The coverage is higher due to the larger aisle width of 30 feet for on-site circulation and for the 10 x 20 spaces, where the ordinance requires 9 x 20. The store will have a lotto machine and ATM but no other vending machines.

Ch. Goldschmidt asked what internal controls are in place to monitor compliance with Board conditions such as “no outdoor sales”.

Mr. Redel explained the data match system they have that has the conditions logged into a database with a manual in the store. They don't sell products outside except for washer fluid in the winter time and they don't have window signs. They do have promotions but will adhere to any conditions imposed by the Board.

Mr. Molski asked what the typical store size is?

Mr. Redel stated the standard is 5,500 square feet with this one being 5,100 square feet and the smallest one is 4,700 square feet.

Mr. LaRuffa asked how garbage is handled and if he could explain the difference between the Community versus transient public customers regarding the need for the second ID sign?

Mr. Redel described the trash enclosure which will match the building finish and will be picked up three times a week. He stated that the site is a destination for lunch and during the AM and PM hours it is more of a “drive by” use than a destination.

The Board took a five minute recess at this time and reconvened at 9:25 PM.

The hearing was opened to the public for questions of Mr. Redel.

Mr. Agresti representing 85 Sparta LLC asked if the double walled tanks and piping are the standard for this industry and not just for Wawa? He also asked questions regarding the fuel deliveries and an estimate of how many Sparta residents versus transients that will use Wawa?

Mr. Redel agreed that most tanks now meet those standards. He explained the fuel deliveries which are done on two sides and can be up to 22,000 gallons. They offer three types of fuel; regular, premium and diesel. As far as the users of the facility, it will depend on the time of day for the number of cars that are passing the site.

Mr. Dykstra reviewed the site plans for the 3 acre property located on Route 517 across from the Mohawk House. The property is overgrown and had an old house and driveway on it years ago. It abuts the former Valley View Nursing Home and old motel, which is the proposed Captiva site. There is an access through the Burger King driveway but the main access is from County Route 517 with a County approved access and left turn lane. The exit driveway will allow right or left turns.

Mr. LaRuffa asked why the other site plan indicates a different configuration of the access drive between the properties?

Ms. Nicholson explained that they have met with the Captiva to address several issues and since the cross easement allows access between the properties, the driveway was relocated

and Captiva will be filing an amended plan to show the change and the relocated gate locations. The Board had requested a combined project plan to review and the mutual professionals have been working with both parties to work out the issues.

Mr. Molski asked what happens to the driveway easement if the other application is not approved?

Ms. Nicholson explained the access remains regardless of what is developed on the site.

Mr. Dykstra confirmed that the easement is recorded on the survey and Wawa can proceed with their construction independently. He explained the relocation was due to the grades which will be much flatter at the new location with a change from 12% to 8%. He described the drainage which will be good for both sites and they will make the changes recommended by Mr. Simmons. The Circulation will allow for cars to drive completely around the site and they will add more landscaping to the buffer. The Utilities will be connected through a second easement between the Sparta Pharmacy property and the Streetscape Improvements will be extended from the corner of Sparta Avenue across the site. In regards to the comment on shade trees, due to the overhead wires, planting shade trees is problematic. The ordinance also requires a 20 foot buffer along the frontage and they only have 5 foot buffer due to circulation requirements, but they can expand it another 6 feet for a total of 11 feet with a low hedge.

Mr. Manhardt asked if the rear of the building will be screened from the apartments and if it will be visible from Route 181?

Mr. Dykstra replied some of the building will be visible but the slope will block most of the buildings due to the elevation.

Mr. Makowitz asked if a gas delivery truck can access through the Burger King driveway?

Mr. Dykstra stated they will exit directly onto Route 517.

Ch. Goldschmidt asked if vehicles will be able to cut through the site?

Mr. Dykstra explained that since most of the traffic makes left turns at Sparta Avenue and the bypass, it wouldn't make sense to cut through and then try to make a left out of the site. In addition Town Center Drive helps alleviate some of the traffic. He reviewed the variances stating that the impervious coverage has been reduced down 2% to 60% with the relocation of the driveway but it needs to be higher for the 50 parking spaces and the canopy area. The soils are pure sand and gravel and all the stormwater will be infiltrated and treated. In addition there is a large Open Space lot adjacent to it that will never be developed.

Mr. LaRuffa asked why there is a driveway completely around the site and what is its function if not needed for truck turning?

Mr. Dykstra explained it was designed for the truck deliveries, but he will review it further for any adjustments that can be made. The spaces are 10 x 20 feet and there is a high turnover for this type of active lot so the wider aisles are easier for maneuvering. The

easement for the ten 9x18 spaces with the Launderette property adds to coverage as well as the paved easement from the Sparta Pharmacy lot. He reviewed the lighting for the canopy which will have 24 recessed LED fixtures directed down and won't be visible from the road.

Mr. Simmons reviewed his June 6th report and the response comments from Mr. Dykstra and they have agreed to comply with his report. The site plan issues have all been addressed and the access from Route 517 as well as the Traffic are under the County jurisdiction. There are two water mains for Newton that run along the bypass and the Applicant has done test holes to locate them. One of the mains will need to be relocated and Newton will handle the review of those plans. He agrees with the Drainage subject to minor revisions and concurs that the soils are sand. The lighting plan for the canopy is better with the recessed fixtures since there is less "glare" and the canopy height is standard. He recommends a joint maintenance agreement for the two properties for the storm water discharge to the State system on Route 181. He also suggests the buffer on Route 517 be limited due to the overhead wires and the water mains underground. Lighting will be required for the identification sign on Route 181 and there will be two signs at that location with the Captiva sign. The soil removal and grading of the property will be under the County jurisdiction.

The hearing was opened for questions of Mr. Dykstra.

Mr. Agresti asked if there is any groundwater monitoring for fuel oil? He also if he could elaborate on potential stacking of cars at the pumps and the impacts?

Mr. Dykstra replied no monitoring is necessary. It is common at this type of use to get gas and run into the store for something but not to leave the car for longer than a few minutes and the site is designed to accommodate this.

Mr. Manhardt reviewed his report and stated that he used the Conditional Use criteria in his report as a guideline of standards for the Board to consider for a use not permitted in the zone. He stated that the Ordinance contemplated "gasoline service stations" which included "repair garages" and not convenience stores so a lot of the conditions do not apply to this use.

Ms. Nicholson stated the Applicant has provided written responses to the comments in the report addressing the Conditional use standards and the only one not met is the distance from a church. Their Planner will address that in his testimony.

Ch. Goldschmidt asked Mr. Manhardt if he reviewed the sign calculations for consistency with prior practice since traditionally the Board included the entire sign area and background and not just the lettering?

Mr. Manhardt explained he has reviewed them and the directional signs count in the calculation if they are over 3 square feet only. In addition, the ordinance section that refers to the off premise monument sign was to discourage billboards advertising for a use on a different property. The Applicant will need to provide testimony and rationale for the deviations. He will review the sign calculations further and can provide an updated report if necessary.

At this time the application was adjourned to the July 11, 2018 meeting without further notice.

With no further business, the meeting was adjourned at 10:45 PM.

Respectfully submitted,

Maureen R. Donnelly