



**Neptune Township ~ Zoning Board of Adjustment  
Regular Meeting Minutes  
Wednesday, February 3, 2016 at 7:30 PM  
Municipal Complex, 2<sup>nd</sup> Floor, 25 Neptune Boulevard**

**ATTENDANCE:**

Present: Barbara Bascom, Dr. James Brown, William Frantz, James Gilligan, Dianna Harris, Thomas Healy, Frances Keel, Paul Dunlap, Monica Kowalski, Esq. – Board Attorney, Jennifer C. Beahm, PP, AICP – Board Planner, Matt Shafai, PE – Board Engineer, and Torro Reporting, LLC

Absent: Joe Sears

**OPENING:** Meeting called to order by Chairman Paul Dunlap at 7:31 PM. Chairman Dunlap advised the public of fire exits and how the meeting will proceed.

**CORRESPONDENCE:** The Resignation e-mail from Carol Rizzo dated Tuesday, January 26, 2016 was shared with the Board and the public.

**RESOLUTIONS MEMORIALIZED:** None.

**DISCUSSIONS:**

**ZB15/10** – Brian Hegarty – Block 5202, Lot 11 (formerly known as Block 439, Lots 28 & 29) – 5 Cliffwood Drive – Applicant has submitted an application for a retaining wall with side yard variances. Applicant is represented by George D. McGill, Esq.

**Received request from George D. McGill, Esq. to adjourn this application to March 2, 2016 with no further notice being required. Request is granted by the Board.**

**ZB15/14** – Wawa Inc. – Block 515, Lot 1 (formerly known as Block 201, Lot 24.01) – 200 Highway 35 South – Applicant is seeking Amended Site Plan approval to add the sale of diesel fuel to the existing pumps and install an underground storage tank for same.

Duncan Prime, Esq. – representing the Applicant.

Monica Kowalski, Esq. – discusses res judicata issue and reads the June 12, 2015 (2<sup>nd</sup> communication between Ms. Kowalski and Mr. Prime) into the record.

Duncan Prime, Esq. – agrees with Monica's summary; however, disagrees with the res judicata issue.

In 2012 Wawa was running a pilot program and the sale of diesel fuel was new and circumstances have changed.

There are proposed to be two (2) dispensers on each pump. The sale of diesel to tractor trailers or larger vehicles will be prohibited and Wawa will provide signage to prevent such vehicles.

The tanks are already in the ground and are compartmentalized and ready to accept diesel fuel, only the pumps would need to be modified.

Existing and new traffic discussed. Matt Shafai, PE discusses NJDOT Access Permit.

Ron Klos, Project Manager of Bohler Engineering accepted by the Board as an expert witness. Mr. Klos states the compartmentalized tank is a standard installation for Wawa to allow for alternate fuel down the road.

The existing sign is proposed to be resurfaced.

The sizes of trucks to be prohibited/permitted was discussed.

Current circulation issues on the site were discussed.

Board requests a Traffic Study.

Matt Shafai, PE requests Wawa consider an onsite generator to be able to dispense fuel in Emergency situations where there is no power for an extended period of time.

Traffic data, use and operations study, site size relative to other Wawa's, largest vehicle able to circulate the site, and what can be done to discourage larger vehicles was discussed.

Traffic Data and Use and Operations Study are to be provided prior to the next hearing.

The transcript of the prior Wawa application is to be distributed to all Board Members for review and a decision as to whether res judicata applies will be decided upon on April 6, 2016.

**The Board and the Applicant agree to carry this matter on the issue of res judicata to the April 6, 2016 meeting with no further notice being required. Any possible further hearing dates will be announced at the April 6, 2016 meeting should the Board decide res judicata is not applicable in this case.**

**ADJOURNMENT:**

A motion was made by James Gilligan and seconded by Thomas Healy to adjourn at 8:46 PM. The next meeting of the Zoning Board of Adjustment will be a Regular Meeting on Wednesday, March 2, 2016 at 7:30 PM which will be held here at the Neptune Township Municipal Building, Township Committee Meeting Room, 2<sup>nd</sup> Floor.

Minutes submitted by Kristie Armour, Administrative Officer to the Board of Adjustment.