

West Windsor Township Zoning Board of Adjustment

Minutes – Regular Meeting

September 5, 2019

The regular meeting of the Zoning Board of Adjustment was called to order at 7:05 p.m. on Thursday, September 5, 2019 by Chair Abbey in Meeting Room A of the Municipal Building.

STATEMENT OF ADEQUATE NOTICE

Pursuant to the Sunshine Law, a notice of this meeting's date, time, location and agenda was mailed to the news media, posted on the Township bulletin board and filed with the Municipal Clerk as required by law.

ROLL CALL AND DECLARATION OF QUORUM

Present: Susan Abbey
John Church
Michael Garzio
Curtis Hoberman
Henry Jacobsohn
Daniel Marks
John Roeder

CHAIR'S COMMENTS & CORRESPONDENCE

Chair Abbey stated that she had no comments. Mr. Surtees advised that the Zoning Board has a very busy schedule in the next few months.

PUBLIC COMMENT

No comments were provided.

APPLICATION

ZB 12-02 TRI-STATE PETRO
Request for one (1) year extension of variance approval
Block 22, Lots 3.01 and 3.02
353 Princeton-Hightstown Road
Property Zoned: R-1C District
MLUL: N/A

Edwin Schmierer, Esq., legal counsel for the Board, stated that proof of notice is in order and the Board has jurisdiction.

Kevin Moore, Esq., legal counsel for the applicant, advised that the request is for approval of a one year extension for the variances associated with the site plan approval for a gas station/convenience store and car wash in 2013. Extension requests have been granted in 2016, 2017 and 2018. He advised that the subdivision has been perfected but this request is due to the economics to develop the property. The applicant is currently in discussions to convert the convenience store from a 7-11 to a Wawa.

Chair Abbey asked if the subdivision has been completed and Mr. Moore responded that it has. J. Church asked why it took so long to perfect the subdivision. Mr. Moore responded that it was because of the cost to do this. Overall the economy has been thriving but small operators like Tri-State have not been thriving, it has been difficult to get the necessary financing.

Manpreet Gill, owner/applicant, was sworn in. He stated that he is discussing design ideas with Wawa. During the past 10 years the economy for them has changed because of large chains such as Wawa. Chair Abbey questioned if this is a good location for a Wawa. Mr. Gill stated that he believes so, negotiations are ongoing.

Sam Surtees, Zoning Officer/Land Use Manager, was sworn in.

C. Hoberman asked if a Wawa comes to this site, would the applicant have to return to the board with a site plan since the building will be different. Mr. Surtees stated that the applicant would have to amend the site plan with the new configuration. The Planning Board is considering a list of properties for rezoning, this parcel would become a B2 zone and that use would be permitted.

Mr. Gill explained that if a 7-11 is on the site, the gasoline is purchased through a wholesaler. If it is a Wawa then Wawa operates the gas station.

C. Hoberman asked if this is the only location permitting operations 24/7 and Mr. Surtees responded that there is a pending application for a Wawa on Route 1 and he assumes that that operation will be open 24/7.

Chair Abbey asked what the plans will be if Wawa does not want the property for their business. Mr. Gill responded that the business will be a 7-11 and the building will be constructed as it was approved. He stated that this will be the last extension request.

The meeting was opened to the public. No one addressed the board, motion was made by Chair Abbey and seconded by J. Roeder to close the public portion. The vote was 7-0 in favor. Motion carried.

Mr. Schmierer stated that in his research about extension requests, most of the time Boards will approve this unless there is a zone change. In this case the zone change has not occurred, the Board may be reluctant to approve the extension because this is considered a valid concern.

Motion was made by J. Roeder to approve the one (1) year extension request, seconded by M. Garzio. The vote was 7-0 in favor.

For: Church, Garzio, Hoberman, Jacobsohn, Marks, Roeder, Abbey
Against: No one
Abstain: No one

J. Roeder stated that he would like to see the development of this site to begin soon. Chair Abbey stated that she hopes there is a plan for a store with a car wash in the next year.

With no further business before the Board, the meeting was adjourned at 7:25 pm.

Respectfully submitted,

Kerry A. Philip
Recording Secretary