

**Elk Township Combined Planning and Zoning Board**

**Regular Business Meeting**

**May 21, 2025**

**Minutes**

**Call to Order:**

Regular Business Meeting was called to order at 7:01 pm.

**Roll Call:**

**Present:** Mr. Afflerbach, Mr. Goetsch, Mr. Hughes, Mr. Lucas, Mr. Smith,

Mr. Wolf, Mr. Richardson, Mr. Swanson (alt 2),

**Absent:** Mr. McKeever, Mrs. Nicholson, Mr. Peterson (alt 1)

**Open Public Meeting Act:** was read by the Board Secretary

**Flag Salute:** Chairman Afflerbach led the flag salute.

**Concept Plan Review:** None

**Approval of Minutes:** February 19, 2025

*Mr. Lucas moved to approve the minutes of February 19, 2025,*

*Seconded by Mr. Goetsch.*

With all other members in favor, *the motion was carried.*

**General Business:** None

**Old Business:** None

**New Business:**

**1. James Conner Bulk Variance Accessory Structure 4400 sq ft Garage**

**775 Clems Run Glassboro, NJ 08028, Block 29 Lot 5**

**Completeness followed by Public Hearing, Application No. ZB-25-01**

Board Engineer, Chloe Bach of Bach Associates, referred to her letter dated May 15, 2025 and stated that no waivers are required.

*Mr. Hughes moved to deem the application complete.*

*Seconded by Mr. Lucas*

Roll Call Vote									
Committee	Aye	Nay	Abstain	Absent	Committee	Aye	Nay	Abstain	Absent
Goetsch	Y				Smith	Y			
Hughes	Y				Wolf	Y			
Lucas	Y				Peterson (Alt. 1)				A
McKeever				A	Swanson (Alt. 2)	Y			
Nicholson				A	Afflerbach (Chair)	Y			
Richardson	Y								

***For: 8***

***Against: 0***

***Abstain: 0***

***8-0-0***

Mr. DeJesus, Board Solicitor, swore in James Conner Jr.

Mr. Conner stated that he would like to build a 4400 square foot detached garage on a 2 acre exception area in a 34 acre parcel. Elk Twp’s Ordinance allows for a 2400 square foot detached garage.

Ms. Bach, Township Engineer, asked if the exception area is existing exception area or is it in the process of becoming an exception area.

Mr. Conner stated that he is in the process of settling on this exception area and has plans to settle at the end of June.

Ms. Bach asked if the rest of the property is to remain preserved farmland.

Mr. Conner stated that yes, it will remain farmland.

Ms. Bach stated that due to the fact that the proposed disturbance will be in excess of 600 square feet that a Grading Plan will need to be reviewed and approved before a Bill of Increment is issued.

Mr. Conner stated that he agrees to this condition.

Mr. Conner stated that he has 16 copies of the corrected plan with the correct Block & Lot.

Mr. Bach stated that Mr. Conner can submit those corrected plans as a condition of approval.

Ms. Bach stated that no Tree Removal Permit will be required.

Ms. Bach asked if the applicant can provide testimony to the condition of the farm lane and if there are any improvements.

Mr. Conner stated that he did improve the farm lane with 30 loads of State Certified DGA and will remain a gravel drive.

Mr. Hughes asked if Agricultural Buffers will be in place around the preserved farmland.

Mr. Conners stated that he has already put a buffer in place made up of 75 trees, 2 ½ weeks ago.

Mr. Bach stated that this is a farmland exception area that requires no buffers according to this Board.

Mr. Afflerbach asked if this garage is for personal use and not business use.

Mr. Conner stated that this garage is for personal use for storage.

***Mr. Lucas moved to open the public, seconded by Mr. Goetsch.***

With all members in favor, ***the motion was carried.***

With no comment from the public, ***Mr. Swanson moved to close to the public, seconded by Mr. Lucas.***

With all members in favor, ***the motion was carried.***

***Mr. Goetsch moved to grant a Bulk Variance to conner (adhering to all the conditions from the 5/15/2025 Bach Review Letter and testimony given, seconded by Mr. Wolf.***

Vote	Roll Call Vote				Roll Call					
	Committee	Aye	Nay	Abstain	Absent	Committee	Aye	Nay	Abstain	Absent
Goetsch	Y					Smith	Y			
Hughes	Y					Wolf	Y			
Lucas	Y					Peterson (Alt. 1)				A
McKeever					A	Swanson (Alt. 2)	Y			
Nicholson					A	Afflerbach (Chair)	Y			
Richardson	Y									

***For: 8***

***Against: 0***

***Abstain: 0***

***8-0-0***

## 2. ARCR Home Builders, Minor Subdivision & Use Variance

Block 168 Lots 2, 3.01, 3.02, 3.03

Application No. SD- 25-01

Completeness Only Hearing

Board Engineer, Chloe Bach of Bach Associates, referred to her letter dated May 15, 2025 and regarding the following requested waivers:

- **#47** requires a landscape plan in accordance with section 96-31 C(20) and 96-32B(7) and buffering plan in accordance with section 96-47 showing what vegetation will remain and what will be planted (common and botanical name), indicating names of plants and trees and dimensions, approximate time of planting, method of planting, and corner sight distance triangles in accordance with 96-50.  
**Our office has no objection to a waiver being granted for this item.**
- **#50** requires a tree Protection Plan, limits of clearing in accordance with Township Ordinances.  
**Waiver recommended for completeness only.**
- **#57** requires a grading plan showing existing and proposed spot elevations, based upon the datum, at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners, gutters and other pertinent locations sufficient to assure that the project will not have an adverse effect on the existing drainage pattern (96-66M).  
**Waiver recommended for completeness only. Grading plan application per Township ordinance will be required as a condition of approval.**
- **#58** requires Soil Erosion and Sediment Control Plan consistent with the requirements of the soil conservation district.  
**Our office has no objection to a waiver being granted for this item.**
- **#59** requires the location of Soil Borings to determine soil suitability and indication of whether topsoil will be transported to the site and/or removed and transported outside the municipal boundary.  
**Waiver recommended for completeness only.**
- **#67** requires if on-site sewerage disposal is required (septic system), the results and location of all percolation tests and test borings.  
**Waiver recommended for completeness only.**
- The applicant shall confirm that the project will not cause a disturbance of more than one acre of land or an increase in impervious coverage of more than one quarter of an acre, and is therefore not considered a “Major Development” as defined by the New Jersey Stormwater Management Rules (NM.J.A.C 7:8) and is not required to comply with the NJDEP Stormwater Regulations for stormwater quantity and quality reductions.  
**Waiver recommended for completeness only.**

*Mr. Richardson moved to deem the application complete.*

*Seconded by Mr. Wolf*

Roll Call Vote									
Committee	Aye	Nay	Abstain	Absent	Committee	Aye	Nay	Abstain	Absent
Goetsch	Y				Smith	Y			
Hughes	Y				Wolf	Y			
Lucas	Y				Peterson (Alt. 1)				A
McKeever				A	Swanson (Alt. 2)	Y			
Nicholson				A	Afflerbach (Chair)	Y			
Richardson	Y								

*For: 8*

*Against: 0*

*Abstain: 0*

*8-0-0*

**3. Jai & Jas Real Estate, LLC Preliminary Major Site Plan – Phase 1**

**1092 Elk Rd Block 44 Lot 6**

**Application No. SP- 24- 01**

**Preliminary Approval**

Mr. DeJesus, Board Solicitor, swore in:

- **James Bash – Engineer with Van Cleef Engineering Associates LLC**  
755 Memorial Pkwy Suite 110, Phillipsburg, NJ 08865
- **Sam Agresta – Engineer/Planner with Agresta Engineering & Planning**  
2020 Fairfax Avenue Suite 107 Cherry Hill, NJ 08003
- **Jasi Balkar – Managing Member Jai & Jas Real Estate LLC**  
14 Ponty Ct Monmouth Junction, New Jersey 08852
- **Michael Textores – Engineer with Van Cleef Engineering Associates LLC**  
755 Memorial Pkwy Suite 110, Phillipsburg, NJ 08865
- **Andrew Feranda – Traffic Consultant/Engineer with Shropshire Associates, LLC**  
277 White Horse Pike, Suite 203 Atco, NJ 08004

Attorney, David DeClement stated that this application is for Preliminary Site Plan Approval for a Fueling Facility.

Engineer, James Bash stated:

The applicant is here for Preliminary Site Plan Approval for a 4180 square foot Convenience Store with Gas Station and the property is located at 1092 Elk Rd.

Exhibit A1, an Aerial Map was referred to showing the property is located in the C2 Commercial Zone and is currently being used as a Farm with several accessory structures and a house.

Exhibit A2 which is Sheet 7 of 30 of the plan set that was submitted showing the Convenience Store, gas pumps for cars and 10 fueling stations.

The current plan has the Convenience Store and parking for cars isolated from the section in the back which is where the Truck Fueling Stations would be located.

Ingress would be from Elk Rd & Buck Rd.

There would be 3 Fueling Stations for trucks as per Phase 1 of the Application.

A future expansion of 2 additional Fueling Stations is shown on the plans if the need arises.

Parking for trucks is limited to 2 hrs. and will not be a truck rest stop. It will be for the trucks to park after they fuel and for the drivers to walk to the Convenience store to grab lunch or dinner and then head back to their truck to be on their way.

Elk Rd and Buck Rd will have full movement driveways to access the truck area. There will be no mingling of car and truck traffic.

The farmland to the West will remain farmland.

Steve Bach, Board Engineer, asked if Exhibit B shows the updates that the County had asked regarding a driveway.

Mr. Bash stated that they are working together with the County regarding this and asked if as a Condition of Approval that the Board may grant, that compliance with the county and their recommendations would be a condition.

Mr. Bach stated that it would be appropriate as the County has jurisdiction over the driveways off of the 2 County roads.

Exhibit A3 which is Sheet 8 of 30 of the plan set that was submitted shows that the Convenience Store is set back 192 feet from Buck Rd, and the Fuel Canopy is set back 100.8 feet from Elk Road and 112.1 feet from Buck Rd.

The County is going to have the applicant add an additional right of way on both frontages and as a result of that, the existing dwelling which currently has a 17 foot setback would now be a 0 foot setback and be an existing nonconformity.

Michael Textores, Engineer, stated that the applicant will remove the existing dwelling as a condition of approval.

Mr. Bach stated that under Phase 1 the residential use and the outbuildings will be removed.

Mr. Bash stated that when designing the site, they took care to maintain the existing drainage patterns so that everything will be flowing to where it is now which is the Southern property line where there are wetlands and a pond.

The applicant is proposing 9 small scale bioretention basins and there will be 2 manufactured treatment devices to treat those basins before infiltration.

Mr. Bach asked if the applicant will comply with all NJDEP & Twp Stormwater requirements.

Mr. Bash stated that yes, the applicant will comply with all of the NJDEP & Twp Stormwater requirements.

Mr. Bash stated that the site will be mostly curbed and the water will be collected by Stormwater Inlets via pipes.

Exhibit A4 which is Sheet 9 of 30 of the plan set that was submitted shows the Southern portion of the site plan in more detail. The plan shows a depressed curb along the driveway section which will allow flow along the gutter line to go via swale into the basin.

There are no curbs along where the truck parking is, it will be edge of pavement.

Mr. Bach asked if there was any reason that that area could not be curbed.

Mr. Bash stated that if the Board asks it to be curbed, they will curb it.

Mr. Bach asked if they could speak to how the Fueling Station affects/is a concern for Stormwater Management regarding spills, etc.

Mr. DeClement stated that in the area of truck fueling there will be master-slave fuel pump system. This would allow for dispensing on both sides to allow each side of the saddle tank to be filled each with their own dispenser. This discontinues the practice of people throwing the nozzle under the truck to fill the other tank on the other side. This will reduce the discharge from the nozzle onto paved surfaces.

Mr. Bach asked if they would have to comply with all retail gasoline dispensing safety acts and regulations as prescribed by the State for any fuel dispensing whether it be for diesel or automobile.

Mr. DeClement stated that yes they are highly regulated by the State regarding this.

Mr. Bach just wanted this on the record that they will comply with all the rules and regulations set forth by the State.

Mr. Bash stated that they are proposing a sanitary septic and the location is shown on the plan. Those plans will be submitted to the County for approval and the Twp will be given the approval paperwork from the County.

Mr. Bash stated that the well location is also shown on the plans and the approval from the State will be given to the Twp.

Mr. Bash stated that he reviewed the Landscape & Lighting comments on the review letter and agrees to comply with the comments listed including adding additional lighting to the truck parking area.

Mr. Bash stated that they have no objection to complying with every comment in the review letter.

Traffic Engineer, Mr. Feranda stated:

The engineering firm of Stropshire Associates looked at Buck Rd County Route 553(North/South) and Elk Rd County Route 538(East/West). The intersection of Buck Rd and Elk Rd is signalized. In addition to these 2 roads there is a triangular area where Willow Grove Rd becomes Aura Rd and intersects both Buck Rd and Elk Rd, both of these intersections are unsignalized.

Counts are done at the intersections to observe Left turn movements, Right turn movements and through movements.

Those counts were done during the week at the AM Commuter Peak, 7am – 9am, the PM Commuter Peak, 4pm – 6pm and a Saturday mid-day, 11am – 2pm.

These counts were done to do Engineering Traffic Modeling at those intersections. Some things that were modeled were: conflicting movements, delay, movements that were stopped at a stop sign to find a gap in the roadway, a traffic signal that distributes right of way (gives green time to different approaches so they can get through the intersection).

The traffic signal was analyzed and found to have an overall delay at the intersection comes in at a grade of B or better with B in the AM & PM peak periods and A in the Saturday peak period.

The grade shows the level of service with level A being less than 10 seconds that you have to wait and level B is 10-20 seconds of wait at the traffic signal. If you are waiting from 20 – 35 seconds that would be a level C.

The overall level of service at the signalized intersection is level B in the AM, level B in the PM and A in the Saturday peak period.

Left turn movements can impact these levels. The worst level of service was a level C from a Left Turning Movement from Elk Rd which is a very acceptable level of service.

Unsignalized intersections are also graded. These overall levels of service for the unsignalized intersections were B or better. There was a level of service of C at Aura Rd and Buck Rd in the Southbound direction which equates to less than 30 seconds of delay.

Studies are also done with data from the State for the year that the site will be built out with the growth in traffic added to the existing traffic. This study has shown no changes in the level of service.

Site traffic is now added to the roadway network and intersections, and a study is done at the peak periods. The Site Plan includes a convenience store, which typically has higher traffic, but a lot of that traffic is already in the roadway network which means people who are driving past a gas station or convenience store will typically go into the driveway and then leave the

driveway on their way home, to work, etc. and use the site as a pass by facility. New trips will be put into the roadway of people going out of their way to get gas or a sandwich. Trips on the roadway will still be counted at the signalized intersections, but they do not add trips to the roadway network because they are already on the roadway network.

The Site Plan also includes truck parking with 3 diesel positions. Data from the Institute of Transportation Engineers is used to get the trips generated by the diesel fueling for the trucks as well as the convenience store to project traffic for these facilities. Truck trips do not have pass by trips; they are considered destination trips or trips coming to the site.

The intersections are now evaluated with this data and the overall level of service at Buck Rd & Elk Rd does not change, it remains level of service B or better, with some of the movements at service level C and some cross a threshold of going from B to C.

Mr. Afflerbach asked if Mr. Feranda could quantify the levels of trucks going past this intersection on a peak Saturday hr.

Mr. Feranda stated that there will be 21 trucks in and 21 trucks out on a Saturday during a peak hour which means a truck every 3 minutes.

Mr. Afflerbach asked if the Traffic Engineers took into account any of the new construction that has already been approved on Aura Rd.

Mr. Feranda stated that they contact the County Planning Board for any new developments that have been approved or on the books. This report was submitted in November so anything that has come in since then will not be shown on their report and the report will need to be updated.

Mr. Afflerbach stated that there will be 1000 new residents possibly coming in on Aura Rd and that should be taken into account.

Mr. Feranda stated that the County will have to review the same report that was submitted to Elk Twp and they will see the new developments and take that into account.

Mr. Bach stated that Nate Mosley of the same Engineering firm did the Traffic Study for the Aura Development and would assume that your firm is aware of the traffic impacts of the Aura development and took that into account for your traffic impact report.

Mr. Feranda stated that they were aware of the Aura Development but will have to confirm that nothing has changed after this report was submitted. He stated that this does not change the number of trucks that will be going in and out during the peak hours.

Mr. Goetsch asked what the growth rate that was given by the State that was factored into their study.

Mr. Feranda stated that the State prescribes for different areas, different counties, and different types of roads. In this case these are considered Urban Major Collector Roads and the growth rate is 1.25% per year. This growth rate is a growth in volume on the roadway, nothing to do with the census. The growth rate is based on it being Gloucester County and Major Collector Roads not Principal Arterial Roads.

Mr. Afflerbach asked if Rt. 55 is a Principal Arterial Road.

Mr. Feranda stated that yes, Rt. 55 is considered a Principal Arterial Road as it is a State Highway. It is also considered a limited access roadway with an interchange just up Buck Rd.

Mr. Goetsch stated that the Traffic Study was done in November and Route 538 is oftentimes used as a route for shore traffic. He asked if there was any comment on the effect of Memorial Day to Labor Day regarding traffic.

Mr. Feranda stated that if there are seasonal increases that could affect the traffic on roadways on particular directions as a plus or a minus. The shore traffic may hit on a Friday PM but would lessen the Saturday peak. There is a variation that comes in with seasonal traffic.

Mr. Goetsch asked if during the months with additional traffic due to people going to the shore, that the business that will be coming into the Fueling Station/Convenience Store will be the same as the other days during the non-shore traffic months.

Mr. Feranda stated that yes, the traffic into and out of the Fueling Station/Convenience Store will be the same.

Mr. Afflerbach stated that the traffic coming from Pennsylvania is significant with 20-30 cars backed up at an intersection and takes a car 4-5 cycles to get through the intersection.

Mr. Goetsch added that it doesn't account for coin drop fundraisers.

Mr. Hughes asked if there will be signage to direct the trucks as to how to enter the property and how will a tractor trailer fit into the parking spots allotted for them.

Mr. Feranda stated that they have to provide turning analysis using templates to show that trucks can make the movements. The templates that they use will show that the trucks can fit into those parking spaces, if not they will have to be modified. The trucks that park in those 28 parking spaces may be landscape vehicles that cannot park in the regular parking spaces or the large Ford 350's that need the diesel fuel instead of the 53' Tractor Trailers.

Mr. Afflerbach asked if in the Bach Review Letter if there was a spot in which trucks were to enter the roadway and go into a second lane of traffic,

Mr. Bach stated that they have not provide that template to show the movement that Mr. Hughes has indicated coming from the North and entering the property, but it does appear that it can be accomplished as they have the land to expand that drive aisle.

Mr. Feranda stated that a comment from the Bach Review Letter was that the truck percent used in the analysis was a default truck percent to 25% of the volume of the roadway and there was no change to the levels of service.

Mr. Bach stated that the comment was regarding Buck Rd and encroaching on the center line with the truck turning templates. He asked that they make sure that any curved radius on those axis's that a truck going in or out of the property will not be in encroachment on the center line of that road.

Mr. DeClement agreed to this.

Mr. Feranda stated that convenience stores typically provide more parking spaces due to the turnover, with traffic coming and going. Convenience stores are typically higher in traffic volume as well as parking spaces. Convenience stores typically go 1.5 – 2 times the requirement for parking spaces. They meet the Ordinance requirement and are exceeding it because it is a convenience store.

Mr. DeClement added that they try hard to keep diesel traffic away from gasoline traffic for many reasons. One of the reasons being that they do not want to mix automobiles with trucks and trailers. If someone comes in and needs diesel on a trailer, we never want them to interact with gasoline customers.

Mr. Bach stated that 15 total spaces are required by the Township Ordinance. The applicant is proposing 24 spaces for automobile parking and 28 spaces for truck parking for a total of 52 spaces.

Mr. Feranda stated that the need for 24 spaces at the convenience store is the 1.5 times 15 brings you right into the 24 parking space range and the 28 truck parking spaces are for the convenience of the diesel fuelers. The trucks have to park a little longer as it takes longer to fuel a diesel truck so they will be parked out back and walking up to the convenience store for a sandwich or a meal.

Mr. Bach asked if the 52 spaces would be consistent with other convenience stores with gas and diesel.

Mr. Feranda stated that yes this amount of parking spaces would be consistent with other like it.

Mr. Afflerbach asked if there are any local gas/diesel stations with a convenience store that has as many spaces.

Mr. Feranda stated that Operations might be better to answer that question.

Mr. Feranda stated that it is always better to have more spaces than less for a convenience store so you are not looking for a space. The same is true for the trucks, no one wants to pass by the spaces, see none available and then go back around. It is always better for the convenience of the truck drivers to have more than less so they will not have to go back out to the road to wait for the next truck to pull out to get a space.

Mr. Swanson asked if there were going to be any changes on Buck Rd or Elk Rd regarding Left turns.

Mr. Feranda stated that their traffic analysis showed that a Left turn lane is not required but the County is asking for Left turn lanes on Buck Rd for the Northbound lanes turning into the sight. They are working to add that to the plans.

Mr. Hughes asked if those discussions with the County regarding the Left turn lanes will take place and be complete before the applicant comes back for final approval.

Mr. Feranda stated that the applicant will have more information from the County when they come back for final approval and it will be a condition of approval. The County would like to know that this Board has accepted the driveways where they are shown so they can make their recommendations.

Mr. Bach asked as a condition for Preliminary Approval they will get County approval before they come in for Final Approval.

Mr. DeClement stated yes.

Engineer Sam Agresta stated:

The site is located on 2 County Roads, Buck Rd and Elk Rd and is about 60 acres and they are only proposing to develop around 6 of those acres for a gas and diesel fueling facility with a convenience store which is an approved use in the C2 Zone.

Relief is being asked for regarding parking and can this approval be granted and still provide light, air and open space. There will be in excess of 50 acres of open space after developing additional land for the additional parking stalls that were proposed. This site is uniquely qualified to serve our purpose as it is located on 2 County roads with proximity to Rt. 55 as well as the vast area to develop to provide these additional spaces and additional turning radiuses to accommodate these larger vehicles and volumes they are proposing. Mr. Agresta states that these approvals can be granted without substantial detriment to the public and without significantly impairing the purpose or the intent of the Zoning Ordinance or Master Plan. The excess parking does advance the purposes of the Municipal Land Use Law by providing a more safe and efficient site.

Mr. Bach asked if the applicant will comply with all of the requirements of the Farmland Buffers.

Mr. DeClement stated that yes, they will comply.

Mr. Bach asked if there will be no cross circulation between the Agricultural Use and the Fueling Station with Convenience, and will they have different access points?

Mr. Agresta stated that there will be no sharing of driveways.

Mr. Swanson asked for clarification regarding the statement that the trucks will be parked for an extended amount of time.

Mr. DeClement stated that the amount of time is longer than a typical person going into a convenience store and the time limit will be 2 hours.

Mr. Bach asked how will that 2 hour time frame be facilitated, will it be signed, will you create a Title 39 on the property, are you going to have covenants and restrictions that allow for enforcement of that 2-hour parking provision?

Mr. DeClement stated that there will be signage.

Mr. Balkar stated that there will be cameras and staff on site for anyone who is there in excess of 2 hours.

Board Solicitor Brandon DeJesus asked if an ordinance will be created and what would it be and any ordinance that would be approved would be broad in that aspect and we would be limiting everything to 2 hours, he is not sure if an ordinance can be specific to this one place.

Mr. DeClement stated that the Township Committee are the only entity to provide an ordinance. If this is done as part of the approval process it is defacto the same.

Mr. Bach asked in terms of enforcement, as part of this approval, if the applicant is not complying with their stipulated condition of 2 hour parking the Township Zoning Officer can write Zoning Violations.

Mr. DeClement referred to Exhibit A2 and asked the owner, Jasi Balkar if the application before the board is for gasoline to be serviced at one location and diesel to be serviced at another location shown on the exhibit.

Mr. Balkar stated yes, 2 separate locations for gas and diesel so as not to have commingling of cars and trucks and the 2 hr. time frame for truck parking.

Mr. Bach asked if signage will be posted for both automobile and truck parking will be provided evidence of that when they will return for final.

Mr. DeClement stated that they will provide this information when they return for final.

Mr. Bach asked what the hours of operation will be.

Mr. Balkar stated that they will be open 24 hours a day, 7 days a week.

Mr. Bach asked if there will be onsite lighting 7 days a week.

Mr. Balkar stated that there will be onsite lighting 7 days a week.

Mr. Bach asked about security.

Mr. Balkar stated that they will have cameras in place and will be able to be viewed by the operational staff.

Mr. Bach asked how many employees will be on staff.

Mr. Balkar stated that there will be a maximum of 5 employees at any one time and a minimum of 3 employees at any one time.

Mr. Bach asked if the cameras will cover all aspects of operation, parking stalls, fueling as well as the convenience store.

Mr. Balkar stated yes.

Mr. Afflerbach asked Mr. Bach if there is a Township Ordinance regarding 24-hour businesses.

Mr. Bach stated that there is no prohibition in our Township Ordinance against 24/7 businesses operations.

Mr. Afflerbach asked what plan/provisions does the applicant have other than Elk Township Police coming by to cite people who are over the 2 hour time limit and/or spending the night and willing to pay the ticket in order to spend the night so they don't have to be on the road or they don't have the hours to continue driving.

Mr. DeClement stated that they would have signage stating that if you are parked for longer than 2 hours they have the right to tow their vehicle, utilizing a towing service.

Mr. Bach asked if the applicant would agree to Title 39 because there is a provision in the Township Ordinance that you can't sleep in any vehicle overnight.

Mr. DeClement stated that they would agree to Title 39 which would allow our Police Department to enter the site to enforce any traffic regulations or Township Ordinances.

Mr. Afflerbach stated that this would put the pressure on the Township Police to police this site instead of policing our streets. If the owner is not going to enforce the 2-hour time limit, it will be up to the Township Police to do so.

Mr. DeClement stated that it has been his experience that people will find a place to allow it or they do not go there.

Mr. Bach asked if the applicant would agree to exploring under Title 39 and with signage if there is something that could be put into effect of enforceable signage that would allow the police to enter the site and ticket for offenses.

Mr. DeClement stated that yes, they would look into this.

Mr. Afflerbach stated that there is no way of knowing how long people have been parked unless the police ride by and mark tires and check periodically unless the applicant is monitoring this and moving people out as stated by the signs.

Mr. Afflerbach asked how many police officers are on at night, how far do they travel and how often do you think they can get around to a gas station to see if people are parking more than 2 hours.

The police answered that they have 2 officers on at night, they travel 20 square miles and not that often.

Mr. Bach stated that the enforcing agency would be the applicant not the Township Police. Complaints would be addressed by the Township Zoning Officer and the Township Police.

Mr. DeClement stated that they would provide a security plan for final approval.

Mr. Goetsch asked where did the 2-hour time period for parking come from. Is that an average truck stop time frame?

Mr. Balkar stated that they feel that the 2-hour time frame is more than sufficient for someone to stretch out their legs, relax for a bit, get something to eat and then leave.

Mr. Goetsch asked if the time frame will be enforced at the 2-hour one minute mark.

Mr. DeClement stated that it is unusual for someone to stay longer than those 2 hours.

Mr. Bach asked if there were any bathing, shower, and sleeping facilities in the convenience store.

Mr. Balkar stated that there will not be.

Mr. DeClement stated that there will be 2 unisex restrooms that will only be accessible from the inside of the convenience store.

Mr. Bach asked if there were any provisions for plug in's, ventilation or anything else in the parking spaces for the large vehicles.

Mr. Balkar stated there are no such provisions.

Mr. Goetsch asked if there was going to be seating to eat in the convenience store, or just pick up and take out.

Mr. DeClement stated that there will be no table service.

Mr. Goetsch asked how long approximately does it take to fill up a truck that is completely empty, a 100 gallons.

Mr. Balkar stated that it would take approximately 15 minutes to do so, 3 trucks could fill up at one time.

Mr. Afflerbach stated that truck drivers need to stop during the day as well at night due to the regulations of how long a driver can drive. These truck drivers are not going to a truck stop solely because they need to sleep, they are going to a truck stop because they can't drive anymore. 28 truck parking spots seem like a truck stop to the lay person.

Mr. Hughes asked if the applicant owns the current gas station in the township.

Mr. Balkar stated that they own the business but not the property.

Mr. Hughes asked if there will be propane at the new business.

Mr. DeClement stated that the propane is regulated by the DCA not this board that is why it is not on the plans.

Mr. Bach stated that they will have to come to the Planning Board for the Site Plan of the Propane Station.

Mr. DeClement stated that at this point there are no plans for a Propane Station.

Mr. Hughes asked if there will be any food preparation at the convenience store.

Mr. Balkar stated that there will be some kind of food preparation at the convenience store.

Mr. Hughes asked if they would continue to keeping and retaining the operation of the existing gas station in addition to the new fueling station.

Mr. Balkar stated that the lease will expire at some time but if they are able to renew their lease they will continue with the existing gas station. If they are not able to renew with the landlord, they will have to move on.

Mr. Wolf asked how 3-5 employees can handle all of the business that will go on at the Fueling Station and Convenience store.

Mr. Balkar stated that there will be 1 guy at the gasoline pumps, 2 guys in the store and the diesel is self-serve. They will not have anyone monitor the 28 parking spots for the trucks.

Mr. Bach asked what a MPD is.

Mr. Balkar stated that a MPD is a Multi-Product Dispenser.

Mr. Bach asked for clarification as to why 28 truck parking spots are appropriate.

Mr. Feranda stated that they want to provide more than enough spaces for the trucks so they are not parking along the aisles, where they shouldn't be or having to recirculate, leaving the site to reenter and look for parking. During the peak periods they can anticipate 21 trucks coming into the site and it is consistent to have more spaces than required.

Mr. Goetsch stated that if the 21 trucks are coming in during a peak hour and if the spaces were occupied by people utilizing the 2 hr time frame and another peak hour comes with 21 additional trucks, does that not mean that 42 trucks on site. This site is off of Rt 55 which is an hour to the shore and a little way to a "real" truck stop where they can sleep, why do we need to allow for the 2 hour time period.

Mr. Afflerbach asked when the clock starts for the trucks, when they pull into the site or when they back into their space.

***Mr. Lucas moved to pause the meeting, seconded by Mr. Wolf.***

***With all members in favor, the motion was carried.***

***Mr. Lucas moved to reenter the meeting, seconded by Mr. Goetsch.***

***With all members in favor, the motion was carried.***

Mr. Bach stated that all of the members of the Planning & Zoning Board are present from the roll call.

Mr. DeJesus stated that all of the applicants' professionals are already sworn in and continue to be sworn in.

Mr. DeClement stated that the operator is going to continue the rest of his testimony.

Mr. DeClement stated that the applicant is willing to change the 2 hour parking time frame to a 1-hour parking time frame and this would be a condition of approval.

Mr. Bach stated that Title 39 would still stand where the onus is on the applicant for enforcement with the Township Zoning Officer responding to any complaints and if there is the ability to extend complaints to the Township Police Officers via Title 39 and the applicant's attorney has agreed to that.

Mr. Richardson asked how they are going to handle spills at the self-service diesel pumps with no one there to monitor for leaks or clean up. He stated that some trucks are carrying hazardous materials and/or hazardous waste. What if there is a fuel leak at midnight or 2am in the morning and you have no one out there.

Mr. DeClement stated that there is always an emergency shut off as well as an emergency plan that is required to get your license to operate a fuel station. Hazardous waste is regulated by their 8901 license, and they have never in their time seen a discharge from a carrier. They went to a 2-dispenser system to try to avoid that, the automatic shutoff should click in. The employees inside review as well.

Mr. Balkar stated that the new nozzles are pressure nozzles that will not dispense any product unless pressed against the gas tank.

Mr. Richardson asked what happens if a truck is parked in the parking area and blows a hydraulic line. Will the employees know this and be able to clean this up? What is the contingency plan for spills?

Mr. DeClement stated that they have a spill contingency plan as part of their license through the NJDEP.

Mr. Bach asked if the applicant will provide this as a condition of any approval so that it is on file with the Township?

Mr. DeClement stated that yes, they will provide that.

Mr. Afflerbach stated that he believes Mr. Richardson's question as well as his own asks that if there are 3 employees, and one is making food, the other 2 employees are working on the gas pumps, how would the employees know if there are any spills.

Mr. DeClement stated that they will have a closed circuit tv system.

Mr. Balkar stated that they will have someone off site monitoring that closed circuit tv system.

Mr. Bach stated that the applicant has already offered as a condition of approval to provide a Security Plan, could that be augmented to include a plan of monitoring.

Mr. DeClement stated that they will do that and call it an Operational Monitoring Plan.

Mr. Bach asked if the Emergency Plan, which is a condition of the licensure by the State, will provide the 2 Automatic Shutoffs on the plan as condition of approval.

Mr. DeClement stated that yes, the plan will show those 2 Automatic Shutoffs.

Mr. Richardson asked how they are going to monitor spills that are not seen on the closed circuit tv system, and no one reports the spill.

Mr. Wolf stated that the applicant wants the gas and diesel separated and far enough from the convenience store with no one there to monitor the security there at any time.

Mr. DeClement stated that it will be lit at all times and there will be cameras to see a discharge if it happens.

Mr. Balkar stated that there will be a worker that walks the property every 20 – 30 minutes to look for leaks on the ground.

Mr. Afflerbach stated that the plan sounds good but at times there are only going to be 3 people working. It sounds like they are offering things that may not be doable. If there are those 3 people working and one is making food, the second is checking someone out at the register and the third fueling cars, where is that other person to walk around and look for leaks?

Mr. DeClement stated that if it requires more than 3 people, it will be a part of their security plan.

Mr. Bach stated that the applicant has indicated in their testimony earlier that they have to provide staffing as appropriate per their NJDEP State Licensing and as well as any conditions of approval that they have put on the record.

Board Solicitor, Mr. DeJesus stated that the applicant is testifying to their application and if it not up to your standards then that is for your deliberation as a board member.

Mr. DeClement stated that if in the Operation and Security Plan it can set forth the employees and how it happens as a condition of approval. These will be provided for Final Approval to be reviewed by the professionals and Board.

Mr. Hughes stated that the NJDEP have rules and regulations that are required to be a part of this Site Plan, safeguards and redundancies are in place.

Mr. Goetsch stated that with the 3 dispensers there can be 3 trucks fueling at the same time with 2 places where they can wait in line behind each pump for a total of 9 trucks in the queue and at the peak hours of operation there will be a max of 20 trips and 75% of them will be customers which works out to be 16 or 17. So if 9 trucks waiting in line subtracted from 20 that is 11 potential trucks that need parking. There will be 28 potential spots with only needing 17 potential spots during those peak hours. Would this invite multiple trucks to stack up potentially waiting for 45 minutes to fuel up and then 2 hours to wait in the parking spot? Reducing parking to 1 hour gives the appearance that you cannot wait here long after you fuel up but the 17 spots at peak hours gives the appearance that you can park there. Mr. Goetsch asks if we can take a look at that 28-parking spot number to analyze if that is necessary even at peak hours.

Mr. DeClement stated that they really do not want to redesign the site as that would require redesigning the Stormwater, etc. He states that he has done something in other places, that being, bollards that sink into the ground, and can be raised or lowered for places that need fire access. The bollards could be up for the parking spots that are not being used and can be lowered when the need arises.

Mr. Bach stated that may be a complicated mechanism to put in place.

Mr. Bach asked if the 28 truck parking spaces are appropriate or can that number be reduced if that would be more appropriate?

Mr. DeClement would need to speak with his client off the record regarding this reduced number of truck parking spaces.

Mr. Afflerbach asked if the applicant owns the business at 600 Buck Rd.

Mr. Balkar stated that they own the business but not the property at 600 Buck Rd.

Mr. Afflerbach asked if they maintain the property.

Mr. Balkar stated that yes, they maintain the property.

Mr. Afflerbach stated that it does not look like the trash has been maintained and there are previous gas pumps that they have never gotten rid of. He asked if this is how the new facility will be maintained.

Mr. Balkar stated that those pumps are replacement pumps, and they are taking parts out of them, but they can surely get rid of them.

Mr. Afflerbach wants to make sure that the new property is maintained and kept clean.

Mr. Balkar stated that the property has been upgraded with new pumps, new façade, new imaging.

Mr. Afflerbach stated that there is a pallet of trash that is lying on the driveway.

Mr. Balkar did not know about this.

Mr. Lucas asked how they deal with spills and are they tested annually for tank spillage.

Mr. DeClement stated that the tanks as well as the lines and the sumps get tested. They are tested as well as the octane levels. Testing is required by the NJDEP as well as other items in order to receive an annual license.

Mr. Bach stated that the applicant has agreed to all of the conditions listed in the May 14, 2025 Review Letter, the applicant has also provided amendments to the application that has been put on the record.

Mr. Hughes asked about the timeline of the application.

Mr. Bach stated that the application is for Preliminary Approval only and if they are successful with Preliminary Approval they have several conditions that they need to meet. All of these conditions will be submitted prior to making their application for Final Approval.

Mr. Hughes asked how many months down the road that will be.

Mr. DeClement stated that he would not expect an application to go before this board until at least September or October.

***Mr. Goetsch moved to pause for a sidebar for the applicant, seconded by Mr. Wolf.***

***With all members in favor, the motion was carried.***

***Mr. Hughes moved to reenter the meeting, seconded by Mr. Lucas.***

***With all members in favor, the motion was carried.***

***Mr. Lucas moved to open the public, seconded by Mr. Hughes.***

With all members in favor, ***the motion was carried.***

Mr. Bach stated that the time limit for the Open Public Portion should be waived, and Chairman Afflerbach agreed.

John McMichaels, 24<sup>th</sup> Street stated that the noise factor (decibel sound) should be taken into account of the trucks coming off of Rt. 55 are going into the new gas station. The reefer sounds from the trucks will be a big deal, he is suggesting a retaining wall be put in for the noise factor. He can already hear this when they come off or Rt. 55 to the existing gas station as he lives close by. At the existing gas station there is trash all over the place and perhaps a dumpster should be put in and have it well maintained. He thinks the fire company should be called in (paid by the applicant) every other month to check the parking spots for anything bad and if found call hazmat to come in and check it out. He feels this will bring prostitution and drugs and the police cannot monitor it so the applicant should pay the township for the services of the Police and the Fire Department.

Mr. DeClement stated that sound is line of sight and asked to be shown where the speaker lives.

Mr. Bach stated that the State Statute is prescribed at 65 decibels during the day and 50 decibels at night. The applicant will maintain on site activities and not exceed those rules.

Mr. DeClement stated that the Township already has a noise ordinance that is monitored by the Zoning Official and the County.

Jeff Forman, 123 Stockton Ct. stated that he has 4 young kids and moved here from Camden County 5 years ago. Have the owners faced any past code violations or environmental enforcement at any of their other locations? Have the experts or counsel been suspended for unethical conduct or false statements.

Mr. Bach stated that we have no knowledge of any code violations on the record as part of the application.

Board Solicitor, Mr. DeJesus stated that we are here for the application itself as it is being presented before the board.

Mr. Forman asked if there have been any code violations with the existing gas station and if any of the counsel have previously been suspended. He also asked if any groundwater and air quality testing/monitoring have been done, human trafficking training for employees, preventing turning onto residential streets, impact on school buses, light pollution, not using the property as a junkyard, how much the ticket would be for an overnight stay.

Mr. Bach stated that the ticket prices have not been established yet.

Mr. Forman asked how this application falls under the vision of Elk Twp if the Elk Twp website states that through good planning, we are maintaining the country feel of Elk Twp?

Mr. DeClement stated that the Elk Twp Land Use Law would govern this application.

Mr. Afflerbach stated that the testing would come with the later part of the application.

Mr. Bach stated that all monitoring of the gas station will fall under the DEP, the sound comes under a State Statute, light falls under our Twp Ordinance.

Mr. Afflerbach stated that the comment on keeping Elk Twp rural would be to the Twp Committee.

Linda Bond, 46 Thornwood Drive stated that this is a Truck Stop no matter how you look at it. Trucks are parked overnight at the existing gas station and the police have been called, the truck moves and then comes back. Trucks are also parking in the gas station by the dumpster. Noise will be heard 24/7 and disturbing the residents. The last time that they called for a truck parked in the street, they were told that there is nothing that can be done as it is a County Road and they can stop there. If it is happening there, it will be happening at the new site.

Megan Clancy, 112 Witherspoon Ct. stated that this is a Truck Stop she believes that Phase 2 will ask for 24/7 overnight parking and extend the hours. This gives the appearance of people who are going to be able to sleep there and rest there for extended periods of time. Main concern is prostitution with a ton of children on her street. This will push out the residents and bring in a lot of negatives.

Frank Goss, 131 Railroad Ave, stated that this facility is a pollutant and will stink up the air and we are not allowed to deprive them of what they want to build. It is in your hands, and I hope you do the right thing.

Rod Wall, 131 Stockton Ct, stated that his impression was that a lot of Board Members were surprised that there is no Township Ordinance for 24/7 activity. He does not know anyone who is for this application. The traffic study was done on January 11 when no one was out, no sports activities and the traffic is at an all-time low in the middle of the winter. The traffic will ramp up in the spring and the traffic pattern is skewed. Landscape trucks will use one for parking and one for gas and he can't see how you can get any kind of truck with a trailer to go from the front to the back of the site with any kind of ease. Light and Noise Pollution is a big thing, he can hear the jake breaks from the trucks coming down off Rt. 55. Why is there a Phase 2 if there are no plans yet.

Mr. Feranda stated that they have the ability to adjust the rates by the seasonal factors of the traffic study.

Mr. Goetsch stated that 3 questions have been asked regarding the 24/7 hours of operation and do we want to give the applicant the opportunity to respond.

Mr. Bach stated that the applicant has the ability to answer at any time.

Mr. DeClement stated that he would not want to interrupt the public comment, and they will respond at a later time.

Mr. DeJesus stated at the end of the application that there will be time for summations before any vote.

Liz Allen, 210 Hollywood Ave, stated that it is not a truck stop but a fueling place if the parking were closed during the evening hours when they were short staffed. Gas would still be available but there is no place to stay at night. If anyone stayed overnight, why not ticket the people who run the facility instead of the truck owners.

Mary Nicoletto, 945 Elk Rd asked if the convenience store in the existing gas station is really a convenience store? It has pictures that shouldn't be displayed outside for our town, with pot pictures. Is the new facility going to have the same thing but with a bigger convenience store, a bigger smoking area and bigger pictures? Elk Rd has enough trucks going up and down with the shore traffic and we don't need any more traffic in our town. Crime does happen at all hours of the day and night.

Pete Muller, 164 Railroad Ave asked if DEF is being sold? How is it being sold/dispensed? Is it in the plans to be sold? When you are coming South on Rt. 55 and you make a right headed towards this proposed area, what is the distance from the light to Aura Rd? That is not a large area, how many trucks can fit between Aura Rd and the light before that intersection will be blocked? Every afternoon this intersection will be affected.

Mr. Balkar stated that DEF will dispense from the dispensers.

Mr. DeClement stated that the tanks are baffled and the multi-product dispenser will dispense both the DEF and Diesel.

Mr. Wolf stated that the last comment was incorrect, and it is illegal to dispense both of these products.

Mr. DeClement stated that he misspoke that there are different nozzles dispense the 2 items, and you will not have to move to fill up with those items.

Mr. Feranda stated that the traffic software shows modeling for different levels of service and there will be no issue with the stacking up of trucks at one time in that one area is very statistically improbable, but it could happen. They do not see that as an occurrence of happening at a peak period and even less during off-peak periods.

Tom Huntsinger, 1066 Elk Rd stated that he doesn't like the 24/7-hour time frame, and the current gas station originally came before the Board as a 24/7-hour time frame but was changed to closing at 11pm. This seems like a big issue to a lot of people. As far as line of site, he can see right through the field, the farm comes right behind his house and can still hear the trucks on Rt. 55. He spoke about the traffic study being done in the winter without the additional traffic during the summer. He also states that the summer shore traffic is so bad he can't get out of his driveway to make a left-hand turn. The area where they are going to have the trucks is heavily wooded and they will have to take down a lot of trees infringing on the wetlands area to do this. Filling tanks are on the corner as supposed to be set back 100' and it looks like it is encroaching on the setback.

Mr. Bach asked if he was referring to the underground storage tanks.

Mr. Huntsinger stated yes.

Mr. Bach stated that the applicant has already agreed to comply with the Township's Tree Removal Ordinance to replace trees based on how many they remove.

Mr. Bach stated that the applicant has agreed to replace the trees on site. And the applicant has agreed to comply with the agricultural buffers which separates the commercial use and the remaining agricultural use.

Mr. Bach stated that the applicant will comply with any buffers or any approvals and permits and evidence of the approved plans from the DEP.

Mr. Bach stated that the tanks are a subsurface tanks and the setbacks do not apply to those tanks.

Mr. Hughes brought up Point of Order with view of the that are still here and wanting to speak, he made a motion to extend the time limit to accommodate the public.

Mr. Bach stated that the rules of the Planning & Zoning rule is to stop at 11pm, the hearing will continue with much more public comment and suspend this application, which will be continued until the next public hearing.

Mr. DeJesus stated that this meeting needs to be protected and follow the rules, so his suggestion is to suspend until the next hearing opening for public comment.

Mr. Hughes withdrew his motion to extend the time limit.

Mr. Bach stated that this will be a continuation of this meeting until the June 18, 2025 at 7pm and no notice will be required or provided.

Mr. DeJesus stated that the public comment will continue until the next meeting. And he will look into if the Public Comment will be able to provide a written statement as opposed to a vocal statement.

***Mr. Hughes moved to adjourn the meeting until June 18, 2025, seconded by Mr. Richardson.***

***With all members in favor, the motion was carried.***

***Mr. Afflerbach moved to enter the General Public Portion of the meeting, seconded by Mr. Lucas.***

***With all members in favor, the motion was carried.***

John McMichael's stated that this was one of the largest meetings of the Planning & Zoning Board and it was not run not very kosher. The attorneys should have given more time to the public.

Mr. Bach stated that there are many case laws of boards that have gone over their time frame and the whole proceeding has been thrown out and that is what they are trying to avoid here.

***Mr. Lucas moved to close the General Public Portion of the meeting, seconded by Mr. Goetsch.***

***With all members in favor, the motion was carried.***

Correspondence:

- 1. Township Directive to the Planning & Zoning Board concerning the 4<sup>th</sup> Round of Affordable Housing Obligations**

Mr. Bach stated that this will take place during the first ½ hour of the June 18, 2025, meeting.

*Adjournment:*

*Mr. Goetsch moved to adjourn, seconded by Mr. Hughes.*

*With all members in favor, the motion was carried.*

Adjournment time: *11:12 pm*

Respectfully submitted,

Ann Marie Weitzel, Board Secretary