

Mr. Kutosh offered the following Resolution and moved on its adoption:

8/2/12

**RESOLUTION CONFIRMING SATISFACTION OF CONDITION #6
IN 7/14/11 RESOLUTION OF APPROVAL AND APPROVING
LOCATION OF REMEDIATION EQUIPMENT
FOR QUICK CHEK CORPORATION**

WHEREAS, use variance and site plan approval were granted to the applicant, QUICK CHEK CORPORATION, by formal resolution of the Zoning Board dated July 7, 2011; and

WHEREAS, condition #6 of that resolution required that the applicant return to the Board when it knew where the planned location of the remediation equipment was to be, so that the Board could review and approve such location, and confirm satisfaction of that condition; and

WHEREAS, QUICK CHEK made application to return to the Board for the purposes set forth above, and had previously noticed the property owners for a hearing on June 7, 2012, which notice was found to be in proper order by the Board; however, the notice published in the *Asbury Park Press* was published one day late, as a result of which the Board carried the matter to its July meeting, and required the applicant to re-publish, but not re-notice, for that hearing; and

WHEREAS, all jurisdictional requirements have been met, and proper notice has now been given pursuant to the Municipal Land Use Law and borough ordinances, and the Board has jurisdiction to hear this application; and

WHEREAS, the Board considered the application at a public hearing on July 5, 2012; and

WHEREAS, the Board heard the testimony of DEREK JORDAN, of Bohler Engineering; JOSEPH LUTY, a Chemical Engineer with Ground Water & Environmental Services; and RON ROSENBERG, the temporary licensed site professional; and

WHEREAS, no objectors appeared; and

WHEREAS, the applicant submitted the following document in evidence:

A-22 Remediation Equipment Plan by KEITH CAHILL, of Bohler Engineering (3 pages), last revised 5/23/12; and

WHEREAS, the Board also entered into evidence its engineer's revised review letter dated June 20, 2012, as Exhibit B-2; and

WHEREAS, the Board, after considering the evidence and testimony, has made the following factual findings and conclusions:

1. The proposed remediation equipment will be located on the southwest corner of the property, on the two parking places closest to State Highway 36.

2. The remediation equipment shall be comprised of a shed and a pad for the equipment, and will be fenced off with bollards in front of the fencing.

3. The fence will be a chain link fence with black slats. It will screen the trailer and the equipment.

4. With the reduction of these two parking spaces, there will now be 37 parking spaces on site, which is still sufficient under the ordinance.

5. There will be no interference with the circulation on site as a result of the installation of the remediation equipment.

6. All piping and servicing will be below ground.

7. Sampling wells will be flush with the pavement and will meet setback requirements.

8. There will be minimal noise, and no light, glare or dust. The minimal noise created by the equipment will not be audible outside 100 feet; and minimally at shorter distances.

9. There will be no smells or odors from the exhaust.

10. MR. LUTY explained how the vacuum blowers pull air in, with another blower injecting air below the water table; then there is an oxidizer outside the enclosure, which burns the vapors. The oxidizer, however, does not make any noise.

11. Safety measures will be put in place, as described in the applicant's testimony. These measures include an automatic shutoff, which shuts the system off within a matter of seconds if any problems arise.

12. Once constructed, this remediation equipment area will look very much like a trash enclosure.

13. There is a stack above the equipment, which is approximately 20 feet in height. There are guide wires, which secure the stack to the equipment.

WHEREAS, the application was heard by the Board at its meetings on July 5, 2012, and this resolution shall memorialize the Board's action taken at that meeting;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Highlands that the application of QUICK CHEK CORPORATION to locate the remediation equipment in the southwest corner of the lot, near State Highway 36, as shown on Exhibit A-22, is hereby approved, and the Board finds that the applicant has now met condition #6 in the original approval resolution dated July 7, 2011.

Seconded by Ms. Ryan and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Braswell
NAYES: None
ABSTAIN: None

DATE: August 2, 2012

Carolyn Cummins, Board Secretary

I hereby certify this to be a true copy of a Resolution adopted by the Borough of Highlands Zoning Board of Adjustment at a meeting held on August 2, 2012.

Board Secretary