

**MINUTES**

**JANUARY 17, 2012**

**BOARD OF ADJUSTMENT**

**LONG HILL TOWNSHIP**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

The Vice-Chairman, Mrs. Raimer, called the meeting to order at 8:02 P.M.

She then read the following statement:

Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Courier News and Echoes Sentinel and by filing a copy with the Municipal Clerk, all in January, 2012.

**PLEDGE OF ALLEGIANCE**

**OATH OF OFFICE**

Mrs. Wolfe administered the Oath of Office to 2<sup>nd</sup> Alternate Richard Keegan.

**ROLL CALL**

On a call of the roll the following were present:

Sandi Raimer, Vice Chairman  
Christopher Collins, Member  
John Fagnoli, Member  
Edwin F. Gerecht, Jr., Member  
Maureen Malloy, Member

Michael Pesce, 1st Alternate  
Richard Keegan, 2<sup>nd</sup> Alternate

Barry Hoffman, Bd. Attorney  
Thomas Lemanowicz, Bd. Engineer  
Kevin O'Brien, Twp. Planner  
Dawn Wolfe, Planning & Zoning Administrator

Excused: E. Thomas Behr, Chairman  
Felix Ruiz, Member

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**EXECUTIVE SESSION**

It was determined that there was no need to hold an executive session.

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**PARTHENON REALTY, LLC**

Valley Road  
Block 11301, Lot 4

**#11-08Z  
Prelim./Final Major Site Plan  
Use Variance (D-1)  
Condition Use (D-3)  
Bulk Variance for Wood Sign  
Relief from Sec. 155.8a  
Design Waivers**

Present: Gordon Gemma, attorney for the applicant  
James O'Malley, Walgreen's District Manager

Brian McMorrow, licensed professional engineer  
John Harter, traffic engineer

R. J. O'Connell, certified shorthand reporter

This is a continued hearing.

Mr. Gordon Gemma, attorney for the applicant, said that this is a continuation of the December 6, 2011 meeting.

Mrs. Raimer said that there were some letters exchanged as recently as January 16, 2012 from Mr. Hoffman which relate to concerns regarding notice. As a threshold matter, she felt that it should be dealt with at the outset, allowing Mr. Gemma to state his response to that letter after Mr. Hoffman summarizes his position.

Mr. Hoffman said that he took it upon himself to prepare a working list of additional variance, waivers or exceptions that appeared to be needed for this project. He said that it is not at all unusual that the specifically listed items of relief set forth in the hearing notice that was served may, in the course of a hearing that goes on for a number of months, be amended or updated to pick up additional deviations from the Ordinance requirements that come to light through testimony, questioning, or other reviews. He prepared a list of 4 or 5 items of relief and some of them he considered to be quite minor in nature such as discrepancies or differences of a foot or two in aisle width; some slight exceeding of the level of permissible height of some exterior floodlights or lighting for the parking areas; and something in the Ordinance that calls for a certain shape or configuration for the loading area for the facility. A couple of other items of relief that are needed that were also not included in the notice gave him some pause in terms of whether they are currently properly before the Board for disposition in connection with the application and those items were due to the fact that the only specifically listed signage variance or waiver, as set forth in the hearing notice, was for utilization of different materials than what the Ordinance requires a sign to be made of – namely something other than a carved wooden or similar type material (composite board) that resembles carved wood in being allowed and anything other than that, such as internally lit signage, requiring a variance. He said that that was noticed for relief, but he found through the comprehensive reports of Mr. Lemanowicz and Mr. O'Brien, which reports were amended as recently as the middle part of last week, that it appeared that *additional* items of relief would be needed for the signage for the project, namely due to the fact that the Ordinance stipulates on its face that there can be only one wall sign and, according to his colleagues, there is actually a proposal for something like eight different signs on the walls of the proposed building. He did not suggest that these items of relief may not be entirely warranted but said that that is not the current issue. He said that they may well provide with the location and configuration and other factors and circumstances to be elicited and testified to that those items of relief should certainly be granted, but that is not the question for the moment. The question is not the merits of the requested deviations as far as signage, but whether these were encompassed within the scope of the hearing notice so as to place the Board with jurisdiction to address those items. Similarly, the free standing or monument sign is something like 5+ times larger in area than the 10 S.F. maximum for that type of sign that is the permissible area that the Ordinance stipulates to and, that too, he felt was not covered within the hearing notice unless one were to expand the Board's jurisdiction by virtue of utilization or reference to as the "catch-all clause" at the end of the notice which essentially says that if we haven't listed or mentioned a specific item, we nevertheless seek relief for any and all other types of variances or waivers that *may* be necessary. He said that it has been the consistent practice of this Board as far as he could recall to limit the utilization of that so called "catch-all clause" to only permit the Board to deal with existing violations that may be exacerbated or intensified to some slight extent, but not to allow that to be expanded so as to pick up entirely new structures or development proposals. He said that those we require to be noticed because a newly created situation is arguably something of greater concern to the municipality than something that merely continues what is already there. In any event, he said that we had these additional items of relief – variances for excessive size and number of signs which ancillary or accessory structures could arguably have some type of greater impact upon the community and nearby properties and traffic traveling in the area so that, while the merits are not currently the issue, the question is whether the notice, as drafted and

utilized, was sufficient to pick up the signage variances. He respectfully suggested, taking a conservative approach, that the notice did *not* encompass as it was currently prepared and submitted these additional variances for signs. He said that the report of Mr. O'Brien, which he obtained and carefully reviewed over the weekend, references as well the fact that as he had stated clearly on the record at the December meeting of the Board, his expert opinion is that the proposal does not conform in one or more respects to the architectural design standards for appearance of buildings in the Valley Rd. zoning districts which, historically, has been the subject of extreme importance to the municipality. Although they are, technically, only waivers or exceptions, nevertheless they deal subject-wise with a matter of importance and, to be assured that the Board properly has the jurisdiction to confer and address those items, that further notice be served by the applicant to pick up the Board's ability to address and deal with those important items of additional relief. He added that he had said in his letter that it was his recommendation that, for those reasons, the applicant not proceed this evening with further testimony from its architect, who presumably would be an expert who would be addressing those issues (signage and design and appearance of the building), but rather continue with other testimony that wouldn't touch upon the jurisdictional aspect of notice and leave the architectural testimony for perhaps the next meeting following the serving and publication of additional notice. Finally, he said that he would add that, if there is in the Board's mind any reasonable doubt or question as to whether the notice as drafted *has* already covered those items of relief, he felt that it is better to be on the safe side to have re-noticing so as to expressly pick up those items of important additional relief so that there is no doubt when the Board finally acts on the application that there has been a jurisdictional foundation for doing so. Apart from sending his letter, he said that he also called Mr. Gemma yesterday and told him about his concerns relative to this item and he thanked him for the "heads up", although he may not totally agree with his thoughts on the subject.

Mr. Gemma said that, to put it in context, you usually do it based upon the review letters of the Board's professionals and the Board's professionals in November never noticed or brought up issues about the signage being important. He said that that included the Zoning Official, Mrs. Wolfe, Mr. O'Brien, or Mr. Lemanowicz. But nevertheless, he said that the applicant will re-notice and move forward tonight not touching on the jurisdictional issue of signage and the applicant's architect will come back. He said that what this does is take things out of context a bit, but rather than fight he would rather do that. He noted that the applicant's architect was present this evening because there were issues last month about some of the things he had brought up. However, he said that he wanted to get it right and be conservative and defer to Mr. Hoffman's years of practice in that regard. He said that he would re-notice for the next hearing specifically as to the issue of signage and the deviations from the design standards. He said that he will use Mr. O'Brien's letter as the basis of the deviations and that might resolve any of the other issues so that they could move forward.

Mrs. Raimer stated that she appreciated Mr. Gemma's cooperation and thanked him.

Mr. Gemma noted that the applicant is seeking a use variance. He acknowledged that he would not get through the hearing tonight, but said that to keep track, he would like to know how many people are qualified tonight to vote. He noted that a majority of 5 votes in the affirmative are needed.

Mr. Hoffman said that Mrs. Wolfe normally keeps tabs and a roll of who attends which meetings.

Mrs. Raimer and Mr. Fagnoli said that they were not present at the last meeting but did listen to the recording of that meeting.

Mr. Gemma recalled that at the last meeting the applicant's professional engineer and architect spoke. He also noted that Shade Tree Commission member Donald Farnell also had some discussion about the plans themselves. He noted that no members of the public appeared in objection to the testimony, however certain issues were raised. He said that he would first like to review what was submitted as well as the responses which were received in the context of what was submitted and, thereafter, go through the experts that he had this evening, taken out of order, but that might help address some of the concerns. He said that, after the last meeting, his client

had the opportunity to speak to Mr. Farnell as well review the Valley Rd. Greenway Proposal which helped go into the revised plans and this ultimately resulted in the Shade Tree Commission's report that he obtained yesterday which Mr. McMorrow will review in the context of his testimony. He noted that, in Mr. Farnell's e-mail, Mr. O'Brien indicates that, other than in a concept plan, there is no written description of Valley Rd. Greenway Proposal, so it is hard to say that this is what we are trying to do to meet what your needs and desires are. Nevertheless, he said that the revised plans were submitted on January 5<sup>th</sup> which tried to incorporate some of the concerns raised by the Board in the Valley Rd. Greenway Proposal. He also said that he had submitted a list of Walgreen's with drive-thru windows for the Board's consideration. In response to the submittal, he said that Mr. Lemanowicz and Mr. O'Brien prepared revised review letters which Mr. McMorrow will address. In addition to the Board's professional's and Shade Tree Commission's reports, he said that there is Fire Dept. report which indicates that they have no comments, as well as a report from the Police Dept. which their traffic expert will address in the context of his testimony. He said that his first witness this evening will be Mr. McMorrow, who will discuss the revisions made to the plans and review some of the comments in the Board's expert's reports. Next, he said that Mr. James O'Malley, Walgreen's District Manager, will discuss operations. Following, Mr. John Harter, traffic expert, will testify and address the concerns of the Board. Finally, Mr. Ed Kolling, licensed professional planner, will address the planning concerns. He noted that Mr. Taus, the applicant's architect, is in the audience, and is willing to answer any questions from the Board *other than with regards to signage*.

Mr. Brian McMorrow, licensed professional engineer, was previously sworn. He agreed that, as the result of the last meeting, his office prepared revised plans in response to issues raised by the Board. He also agreed that the revised plans were submitted under his letter of January 5, 2012. He referred to **EXHIBIT A-2** (which contains a last rev. date of 11/17/11). He said that it is a colored version of Sht. 4 of 15 of the Site Plan that was in front of the Board on December 6<sup>th</sup>. He also prepared a similar colored exhibit which is new and said that he wanted to place them side by side to show the differences. He said that it is also a colored version of Sht. 4 of the site plan set and is last rev. 12/30/11, which is exactly the plan that appeared in the package submitted after the new year. It was marked into evidence as **EXHIBIT A-8**. He distributed 11" x 17" copies of **EXHIBITS A-2 & A-8**. Referring to **EXHIBIT A-8**, Mr. McMorrow identified what the changes were, why they were made, and how they impact the site plan. He said that he listened attentively to the comments of the Board's professionals and gleaned what they thought was important from questions from Board members and the Shade Tree Commission. The most significant design change that was made was that they realigned the internal driveway in front of the pharmacy. Under **EXHIBIT A-2**, he said that that driveway ran close to the pharmacy and ran parallel to the pharmacy which has been angled a bit from Valley Rd. He said that he made that driveway run parallel to Valley Rd. He also reduced the width from 24' to 22'. He felt that by making this change they have achieved a couple of objectives which was a common thread through a lot of the comments and questions raised. He said that it provided ample opportunity to plant shade trees between the sidewalk and that internal driveway in front of the pharmacy and also provided an opportunity to enhance foundation plantings up against the building in the immediate vicinity of the pharmacy itself. The driveway width was reduced to maximize to the greatest extent possible the amount of landscaped area that results from the change. He said that the landscape plan includes a much greater quantity of shrubs and other material in the front along the pharmacy and they have increased the number of shade trees closest to the R.O.W. He believed that the plan they have developed is consistent with the spirit and intent of the Greenway Plan that was shared with them graphically. He said that they have provided angled parking on the west side of the pharmacy and that was to allow for a better opportunity for cars to back out of those spaces and not be in conflict with the drive-thru lane that runs along that westerly edge. He said that that driveway width was changed also from 28' to 26' in connection with the change on the west side. He said that they added sidewalks and benches in the front along Valley Rd., taking into account some of the feedback that was given. They changed the location of the monument sign which was the egress driveway on the far west side to be up closer to the intersection of the new driveway connection with Valley Rd., which he felt was a more appropriate location for it. A bench was included on the prior proposal at the corner and now it is proposed to be placed on the sidewalk connection which runs from the public walkway to the pharmacy which is consistent with one of the comments of the Board's professionals. He said

that they have increased the number of parking spaces that are being proposed so that they now have a compliant number of 63, noting that they were 3 spaces short under the prior plan. They achieved that by adding a couple in the row that is on the west side and one to the most eastern row of parking. Although they have a compliant number of spaces, a handful of those spaces now are forward of the front line of the building extended so that was variance relief that they didn't need last time, but if the Board feels that that sort of trade-off is in the best interests of keeping consistent with the Master Plan and Zoning Ordinance, they feel it is appropriate.

In response to Mr. Gemma, Mr. McMorrow confirmed that the applicant is removing the parking variance for the need for now a parking in the front variance – a handful of spaces.

In response to Mr. Collins, Mr. McMorrow identified the new proposed location for the monument sign.

Mr. McMorrow said that they continue to offer to the Board the suggestion that some of the parking spaces be banked, meaning that they have more than enough parking spaces to satisfy the needs of Walgreen's to operate as a Walgreen's as they normally do. He said that that would allow many of the spaces to be left green for now but, in the event that Walgreen's ceases to occupy the building, then there are at least accommodations left on site that another user (keeping the same size and footprint of the building) could then build out those spaces, if needed.

Mr. Gemma reminded that Board that Mr. O'Malley, as well as a traffic expert, this evening will make a determination whether, based upon historical usage, that makes sense for this applicant.

Mr. Hoffman said that it perhaps deserves some mention of the fact that reducing the number of actually constructed parking spaces up to a certain extent in appropriate cases is actually specifically provided for in the Ordinance. So it is not a deviation, so long as you stay within the limits of the Ordinance which permits that to be done and if the Board finds that to be appropriate for this particular usage. It is a contemplated type of occurrence.

Mr. McMorrow felt that that provides a good overview of the changes that were made from the prior hearing to today, at least on layout, landscaping, circulation, etc.

Mr. Gemma asked Mr. McMorrow to go through the professional review letters starting with Mr. Lemanowicz's report dated 1/12/12.

Mr. McMorrow referred to Mr. Lemanowicz's report and said that he and a design engineer on his staff had an opportunity to speak with him concerning his comments. He said that that left him to just talk about those items that he thought were still worthy of dialogue because, in large part, he said that you will read that the comments from Mr. Lemanowicz recognize that certain changes were made and that he is satisfied and, in other cases, there is still a little more work to do which can be classified as "housekeeping". Amongst those items he felt were worthy of further dialogue, the first comes up on Pg. 4 under II. Site Plan (2) about the accessory structure. He said that there is an accessory metal building that is located on the property that for some reason was not picked up on their survey. They will have that accessory structure properly located and added to their base map and the zoning schedule updated accordingly to reflect the presence of that structure. He said that it is actually off of the part of the property which is being developed and, at some point, it will come down. He said that the principal garage that is there is certainly coming down.

In response to Mr. Gemma, Mr. McMorrow confirmed that it is not on the property to be leased to Walgreen's as shown on **EXHIBITS A-2 or A-8**. It is actually further away.

Mr. Lemanowicz said that, if you look at the Demolition Plan ( Sht. 3), you can see the existing masonry garage. The metal container is forward of the left corner of the building in the area of two 10" trees. The reason he was looking at it was, when a completeness review is done, they do not do a site inspection prior. A completeness review is done and once it is deemed complete, a site inspection is made. A completeness issue would have been showing all the existing structures on the property. Therefore, he felt that it should be shown even if it is not with great

precision because it is being demolished, just to meet that item of what would normally be a completeness issue.

Mr. Hoffman felt it important that, although Walgreen's may not otherwise be doing anything on that rear portion of the property, it be clearly noted on the plans that all those accessory structures are, in fact, going to be demolished and removed from the site so that it does not leave any technical question of there being more than one principal building on the site.

Mr. McMorrow agreed and said that is their intention.

Mr. Gemma confirmed with his client that a condition of any Resolution of approval would be that he will remove both the garage and the accessory structure.

Mr. McMorrow referred to Pg. 5 of Mr. Lemanowicz's report, Item #13, regarding a single loading space, and said that the Board will hear testimony from a Walgreen's representative familiar with the operations and he felt that he could further elaborate on some of the testimony that was provided at the last hearing. Similarly, he referred to Item #14 and said that the testimony he gave last time was that this arrangement is typical for Walgreen's and he was sure that the Board will hear from him exactly how that would work.

Referring to Pg. 6 of 9, under IV. Utilities Plan, Item #2, he said that they do understand that there is presently a sewer moratorium and that they also expect that the sewerage gallonage that would be generated from the site will be typical of any other similar retail establishment of about 1,200 – 1,260 gallons per day. He said that they will continue to work with the municipality to avail themselves of any capacity that does become available. With respect to Item #3, he said that they will have flow tests performed and, to the extent that they need to be in the presence of the Water Department, they will make those arrangements.

Mr. Hoffman asked Mr. McMorrow to clarify his statement that he will continue to work with the Township as far as sewerage capacity and availability to service the proposed building. He asked if it was his understanding that the applicant currently holds by right, grant, or however else it was acquired, the ability to tie into the municipal sewerage system and that no further action or permits are needed in that respect.

Mr. Gemma did not believe that it was appropriate for an engineer to answer the question. He said that all the engineer will testify to is as to gallonage. He said that the applicant indicates, by virtue of a prior application, that they already have a prior sewer connection approval. They understand, as the applicant, that they have got to provide that and the Board Engineer has to confirm the validity of it. He said that, if they don't have it, they will have to make application for a sewer connection based upon the flows that they will need, but that certainly is something that can be a compliance issue and not a reason not to continue to proceed with the application.

Mr. Hoffman said that he did not quarrel with that but he would note, nevertheless, that the prior approval that had been granted (he believed to Parthenon Realty) was for, size-wise, a somewhat smaller structure, although it was a 2 floor usage. He believed that it was a bank on the lower level and office space upstairs and the total square footage of those uses was less than the 12,000 S.F. of the proposed pharmacy. He did not know how the sewer authority calculates their allotted grants – whether it runs to the nature of the use or the square footage.

Mr. Gemma replied that they believe, based upon the prior approval, that even though it was smaller in square footage, it had a higher utilization for g.p.d. and that they would qualify for a retail use versus that but, obviously, he said that it is up to the Board Engineer to look at what was approved and determine whether it is adequate and meets the requirements for a retail store. He said that they understand that, if it does not, they will have to apply for additional flow.

Mr. Hoffman was comfortable with that. He felt that the answer will have to come from the sewer authority people as to what their criteria are and whether they feel something further is needed or whether the applicant is "good to go" as far as their subject jurisdiction is concerned.

Mrs. Raimer asked Mr. Gemma if this is one of the things going on his list for the next hearing.

Mr. Gemma replied that it would be subject to, like any other permits or approvals that they need. He said that they may need a water connection or County approval. They will need a lot of other permits and approvals and sanitary sewer is only one of them. He said that they would provide copies of the prior approval for the Board's Engineer to look at but, in the meantime, it is simply one of the many other approvals that they need in the context of getting a project fully approved and able to be developed.

Continuing on Pg. 6 of Mr. Lemanowicz's report, Mr. McMorrow referred to IV. Lighting Plan and said that, from his recollection at the last meeting, lighting was a concern of the Board. He said that they learned that there are other sites in town that are retail establishments that comply, so they made an effort to reduce the overall height of the proposed light poles and reduced the wattage which brings down the average footcandle value around the site. He said that they understand that, although those levels have been reduced, maybe they are not quite there yet, so they tried to get a sense of how what they are proposing now does compare to the Shop-Rite (where the Walgreen's is now). He said that their landscape architect went out with a light meter and reported back to him some of his observations. The poles at the Shop-Rite site are 30' high, where the applicant is only proposing 13+ to make sure that the overall height is 15', so at least from that portion of the Ordinance it doesn't appear to comply. He said that they must hold a maximum height of 15'. He said that they also went around with a light meter and found that in the immediate vicinity of the Shop-Rite store, the footcandle values are about 8.3. Nearer the bank, where there is an ATM, the lighting requirements are much more strict and they actually had footcandle values of 15 – 16 there. He said that they couldn't model that site, but they also found that there were dark spots much lower than what they think is appropriate and, on balance, maybe it does achieve .6 footcandle average value, but they feel it is probably not the best situation when you consider site safety, security, and the like. He said that they feel that they have a plan that does provide pretty uniform lighting and lower mounting heights than they had before, with an average footcandle value that is just a little bit higher than the Ordinance allows.

In response to Mr. Gemma, Mr. McMorrow confirmed that, for safety reasons, the applicant is seeking a waiver from the design standard. He said that he would like to hear input from the Board on where their values are. He felt that they could continue to work with the Board's professionals to probably strike a compromise that is good for the town and good for them.

Also in response to Mr. Gemma, Mr. McMorrow said that, in layman's terms, although he did not have the numbers at his disposal, they are at a certain percentage above average but he felt that they have appropriately higher values where it is important to have them and that is where you have the higher pedestrian traffic coming in and out of the store, at the driveways, and the like. He said that they have done it so that there are no dark spots in the parking lot which, unfortunately, has the result of bringing the average up.

Mr. Hoffman said that this is apart from so called security lighting which, in any case, would stay on overnight for those very reasons. This is the lighting that would go off by 10:00 PM or ½ hr. after the close of business.

Mr. McMorrow replied that he did not know that they have gotten into a discussion yet of exactly what the precise operating hours are when the lights would go on or off, but these are all lights on throughout the site at night.

Mr. Hoffman said that the question he was trying to qualify or articulate is, what is the minimal amount of lighting that would stay on at any time it is dark out because it is deemed essential for security purposes.

Mr. McMorrow did not have that information and said he would like to defer to the Walgreen's representative. One other data point that he wanted to share with the Board is that the Illuminating Engineering Society of North America (I.E.S.N.A.), which is a recognized organization for lighting and safety, recommends a minimum of .5 footcandle where you have enhanced security areas on site which, obviously, raises the average around the site as well. He

said that they are willing to work with the Board's professionals after getting input from the Board as to where the values are there, whether it is mounting height or uniformity average.

Mr. Pesce asked, when you talk about the footcandles close to the Shop-Rite or bank, is that taking into account the wash over light from the stores as well.

Mr. McMorrow replied that it would, because all they had was a light meter. He said that some of that is probably from light coming out of the store or signage that is backlit and that is not modeled on anything that they do. He said that they don't account for light that might be emanating from inside the pharmacy.

Mr. Pesce said that he was assuming that the Ordinance was not taking that into account either.

Mr. McMorrow replied that, typically, you don't. In response to Mrs. Raimer, he said that he did not have anything further he wished to speak about regarding lighting and that he had nothing further to add regarding Mr. Lemanowicz's report other than to say that they have spoken to him and that they agree that they have either addressed or *can* address the balance of his concerns satisfactorily.

Mr. Hoffman asked Mr. McMorrow, when he indicated in his written response to Mr. Lemanowicz's *initial* report that a particular item or question that the Board Engineer raised was "acknowledged", what exactly was intended by that.

Mr. McMorrow replied that often there are comments throughout Mr. Lemanowicz's letter that are statements of fact, probably for the Board's benefit or makes note of another agency permit that they need to secure, so they acknowledge or confirm the statements that are made by him.

Mr. Hoffman asked if he was agreeing, at least in principle or broadly, with the comment or question that has been raised by Mr. Lemanowicz and, obviously, it requires transmitting of that conceptual concurrence onto the plan in an appropriate manner, and that it was his intention to do so.

Mr. McMorrow replied, "Yes", and said that these are mere statements of fact. For example, that the building is a one story building. He said that they acknowledge that as fact. It doesn't necessarily trigger a change to the plan, they are simply agreeing with the statement that is made.

Mr. Hoffman said that, if Mr. Lemanowicz would like to see a certain thing done to the plans or a change made and Mr. McMorrow, in response to that, says "acknowledged", he would assume or interpret that as meaning that he intends to address it to his satisfaction.

Mr. McMorrow said that, if he has made a plan change, or *intends* to make a plan change, he typically responds exactly that way. For example, he said that he would say that Sht. 4 has been changed to address the comment or he would make a revision and resubmit.

In response to Mr. Gemma, Mr. McMorrow said that he had reviewed Mr. O'Brien's report dated 1/11/12. Noting that it is a planner's review letter, he said that for the most part, he would defer to testimony from the applicant's planner, but to the extent that there are engineering comments or items that he could address, he would do so. He referred to Pg. 11, Item #8, regarding the two dumpsters and said that the Board will hear testimony this evening from the Walgreen's representative about how trucks will maneuver and access and utilize that space.

Referring to Pg. 12 under C. Landscape Plan – Sheet 7 of 15, Item #1, he said that the comment is about the sidewalk that is in the front. Right now that sidewalk only extends across the front door and a short distance beyond. He said that the recommendation is that that sidewalk be extended all the way to the west to pick up folks that might park in those parking spaces to the west. He said that their offer is to bank those spaces to the west and, if that is the case, they would prefer to leave that area in front of the pharmacy green. However, if the Board would prefer that they *not* bank parking spaces then, obviously, they would extend the sidewalk in that direction so that motorists who park there could access the door.



Mr. Gerecht asked if they were banking *all* of the spots that are angled.

Mr. McMorrow replied, “That’s true”. He said that there are 18 spaces on that side and, even if they were to lose all 18, what remains would be adequate for Walgreen’s. He agreed that they are asking to bank the 18 so that no one would be walking from that side to the building. It would also eliminate the concern about that driveway width, especially in the immediate vicinity of the drive-up window.

In response to Mr. Gemma, Mr. McMorrow agreed that they want to bank the spaces *and* the sidewalk.

In that case, Mrs. Raimer asked if they are reducing the width of the roadway that is there, or does it remain the same.

Mr. McMorrow replied that the width of the driveway on the west side would remain the same, they just would not have the parking spaces.

In response to Mr. Gerecht, Mr. McMorrow said that they wouldn’t have asphalt there at all, it would be left as a lawn. All of the 18 spaces would be green. He said that the driveway would allow vehicles to exit and they would also have the drive-thru lane that abuts the west wall. He agreed that that would leave the obligation, should it ever be determined to be needed, that the applicant would have to install the parking spaces as well as the sidewalk.

In response to Mrs. Raimer, Mr. McMorrow replied that the width of the thru-lane would be 15’ and the width of the drive-thru would be 11’, for a total of 26’. He said that the banked area would measure approximately 16’ x 180’ which would be the amount of impervious coverage that would not be provided.

Mr. McMorrow said that there is a lot of commentary regarding the lighting plan on Pgs. 13 & 14, but the comments that he made when it came up in Mr. Lemanowicz’s report would apply here as well. He agreed that, if the Board determined that that was important, they could comply with the requirements of the Township Ordinance. He said that that was all of the response that he had on Mr. O’Brien’s report, which leaves the Shade Tree Commission’s report.

He said that he received a copy of a memo from Mr. Don Farnell of the Shade Tree Commission dated 1/16/12. He said that the landscape architect in his office had an opportunity to speak to Mr. Farnell today and he could report that, with respect to Item #1 which talks about extending the walkway adjacent to the building, he said that he would prefer to bank it together with the spaces on that side of the building. Referring to Item #2, he said that his landscape architect has agreed to revise the plan in a way that Mr. Farnell will be satisfied. With regard to Item #3, he said that what Mr. Farnell had noted there is that the crosswalks of Valley Rd. are immediately at the corner, yet his pedestrian access to the front door is from the corner of the new intersection. He said that Walgreen’s has a policy, which he believed to be planning as well, that connections like that be A.D.A. compliant and, because of some grade changes there, he simply could not run a straight shot to the front door, so they picked a location where that sidewalk does meet A.D.A. standards for width and vertical grade. Referring to Item #4, he said that within the context of the Greenway Corridor Plan, the request was made to relocate 5 trees along the Valley Road R.O.W., and they will agree to do that. The second part of that – should the west bound Valley Rd. egress be eliminated – they did not think that that is appropriate and, obviously, could not comply with that. They feel that that egress westbound is important and the testimony of the traffic engineer will underscore that. He confirmed that that is the one that is directly coming out of the drive-thru and that is all they need there. He said that Item #5 talks about a proposed planting island. He said that they have a dedicated left turn that comes in and that is consistent with what the County wants and they have no reason to believe that they would allow the elimination of that turn lane and planting that middle median, so he did not think they can comply with that.

Mr. Gemma said that it is a County road and, on the Concept Plan, there really isn’t a Greenway Corridor Plan that they can defer to.

Referring to the difference between the 30' pole at the Shop-Rite and the new 15' pole at the proposed Walgreen's, Mr. Pesce asked what that means if we are driving by and are concerned about light pollution and if, on the ground, we have the same footcandles from each. He asked if one is going to be more offensive than the other because of the height.

Mr. McMorrow replied that it is really subjective. He said that the higher lights, obviously, that light source and the light that shines down from it can be viewed from a longer/further distance than if they are tight to the ground. On the other hand, he said that the shorter poles, because they are shorter and you can't distribute the light as far, you have more of them. On a night where there is snow cover, he said that there is probably more reflection, so it just depends. He felt that, for a Walgreen's and the scale of it and its adjacency to Valley Rd., they are not at all suggesting that there should be 30' high light poles and feel that it is inappropriate here. They do think though, because they are lower to the ground and they don't want to have dark spots in the parking lot, that the result of that is that they do have a little higher average – probably a little more than the Ordinance predicts or requires.

Mr. Gemma asked Mr. McMorrow if he could drive around and say, for example, that the lighting here will be similar to "blank" on Valley Rd. and send a letter to that effect. This way the Board can visualize what that means.

Mr. Hoffman said to clarify it in any such letter similar in what respects? Lighting intensity, lighting height, lighting style of the fixture, etc.?

Mr. Gemma added that it is hard to visualize when we are talking about lumens and a lighting plan, but if you can say that it will be close to this one – that one you can see.

Mr. McMorrow agreed to do so.

Mrs. Raimer referred to her notes from the last meeting and said that there was some discussion about what they called a "massive macadam" in the front of the building. She asked, by changing the orientation of the landscape bed to a triangular landscape bed that is closest to the foundation rather than having the same triangular bed closest to the street line, does that reduce the perception of the mass of macadam?

Mr. McMorrow referred to **EXHIBIT A-2** and said that that is the orientation that they had on their initial submission. He thought that the appearance of massive macadam is probably more prevalent on the old plan because there wasn't much opportunity to do much landscaping, so especially if you are parked at the intersection, you could probably look right up the driveway where, now by setting that back, they were able to provide more landscaping so that you won't see it as much as you did on the prior plan. He felt that they have reduced the appearance of all of that macadam in the front.

In response to Mr. Gemma, he said that they put more landscaping in front of the macadam that was objectionable, which was the intent of the design change.

Mr. O'Brien replied that, nonetheless, the 22' of driveway in front of the building remains unchanged.

Mr. McMorrow replied that they had gone from 24' to 22', so there has been a modest reduction in width, but they felt that 22' for the two-way movement there is appropriate.

Mr. O'Brien said that that would be 22' of the 50' between the R.O.W. and the front of the building will be paved. He said that he and Mr. Lemanowicz had both thrown out a suggestion to go to one-way circulation around the building allowing 2-ways on the eastern side where the front door would be located which would reduce the macadam even further.

Mrs. Raimer said that she had heard that there were some concerns about k-turns and other types of difficult turns if the driveway were to be reduced. She asked Mr. McMorrow how he balanced

the need for the reduction in macadam with the safety concerns that the reduction in macadam would cause?

Mr. Lemanowicz agreed that one-way across the front was something that was discussed, but it wasn't something that he was recommending. He suggested this may be an appropriate place to discuss that westerly driveway and the discussion they had this afternoon about what's happening at that stop sign at the corner with the 3 lanes going in and we were going to narrow it. To clarify, he said that if the Board looks at the current circulation plan at the southwest corner, just before the exit on to Valley Rd., you will see that there are 3 stop markers painted on the ground. So, you'll have 1 lane of traffic coming out of the drive-thru, 1 lane of traffic bypassing the drive-thru, and 1 lane of traffic coming from the main door – all coming together at one spot. His concern was that there may be some issues there having 3 cars, for instance, the southbound left car wants to make a left, waits for the guy coming in a westerly direction but the guy coming in the westerly direction doesn't see the guy in the southbound right lane, and there are just issues. He recommended that once the traffic comes out of the drive-thru to merge then into 1 lane.

Mr. McMorrow agreed and said that they could then actually increase the green space as well, in the corner.

Mr. Lemanowicz said that the left lane of the southbound driveway, or at least a portion of it, would now be green.

Mr. McMorrow pointed to an area just off the southwest corner and said that it would be an additional extension of the landscaped area and said it would force that exiting drive-thru traffic to get into the exit lane.

Mr. Lemanowicz said that it would also shield the view of the westerly face from Valley Rd. traffic looking up the exit drive and hide the corner of the building a little.

Discussion of having two exits onto Valley Rd. followed. Mr. Gemma felt that such discussion would be better addressed to the applicant's traffic expert. To Mr. Lemanowicz's point, he said that he assumed that if you want to have the merger into 1 lane coming from the drive-thru as well as the bypass, do you want to have additional signage or striping there, so that when someone is coming around they could see that it is going to merge?

Mr. Lemanowicz replied that there would be a curb there and a landscaped island in front.

Mr. Gemma said that he was thinking the other way around. They will be at the drive-thru and know that they have got to merge over. Someone coming around who doesn't see that is going down the bypass lane.

Mr. Gerecht suggested a sign saying "Caution – Merging Traffic".

Mr. Lemanowicz said that there is a landscaped island immediately across from the drive-thru and something could be put there indicating merging traffic. He said that you could also put some pavement markings.

Regarding the old plan versus the new plan, Mr. Collins said that, if he understood correctly, Mr. McMorrow addressed Mr. Fagnoli's concern about a curb cut in saying that he wanted to adhere to A.D.A. standards. He asked if he was wrong that it is not in the first plan but it is in the second plan?

Mr. McMorrow replied that they had an A.D.A. compliant sidewalk in both instances, but he noted the pedestrian crosswalk in Valley Rd. (which is in a public R.O.W.) and said that the hope was that you could go from that point at the corner, straight into the pharmacy. On the prior plan he still had it happening off to the left on the side driveway, and so he just added a second.

He said that it was a recommendation of the Shade Tree Commission. He noted that their report was not available at the first hearing, so it was an observation they made after reviewing the revised plans.

Mrs. Raimer said that one of the concerns that came up at the last hearing was the consequence of what was perceived as a lop-sided façade in relation to Valley Rd. Now that foundation plantings are proposed in front of the building, she asked Mr. McMorrow if it was his position that it eliminates the concern of that lop-sided look? She said that the concern was that, if there is this lop-sided look, it would maybe be impossible to follow through with the Shade Tree Commission's greater vision, but if he worked cooperatively with the Shade Tree Commission, she asked if it was fair to assume then that, notwithstanding the lop-sided façade, it is still consistent with their vision?

Mr. McMorrow replied that he felt it is because there is an over-emphasis or an emphasis now on landscaping in a way that runs parallel to Valley Rd. He said that there is a lot of landscape material that is being planted now that wasn't before and that is all running parallel to Valley Rd., so he thought that that would probably "trick the eye" into maybe not noticing, or not being influenced by the angle of the store to the street.

Mrs. Raimer said that she would want to drive around to look for similar structures where the building is pivoted in some way, but the illusion of the plantings create the illusion of a forward straight facing façade that is parallel to the roadway.

Mr. McMorrow replied that you probably don't have to look far because the building just to the west has the same orientation but probably what you don't have there is the benefit of the enhanced landscaping. He said that you might be able to find others but, offhand, he could not think of any.

Mr. Farnell said that he believed that the Panera Bread Co. is parallel to Valley Rd. and Dunkin' Donuts is skewed, so when you are driving by you could look at the two to compare one that is parallel versus one that is not.

Mrs. Raimer replied that it was not so much that she was comparing a building that is perpendicular versus one that is horizontal; it is really that it is pivoted versus straight facing. It is not parallel, it is pivoted.

Mr. O'Brien said that Primavera, for instance, is at an angle to the roadway, whereas the Stirling House Diner is parallel to the roadway.

Mrs. Raimer said that she was talking about an actual pivot rather than a building that is on its side.

Mr. O'Brien replied that Primavera is at an angle to the roadway and it matches the angle of the lot lines. If you were to drive by it, the right side is closer to the roadway and the left side is a little further back. On the north side of Valley Rd., most of the lot lines are at an angle to the R.O.W.

In response to Mr. Gemma, Mr. McMorrow agreed that that is the reason why this is pivoted as well, because of the angles of the lot itself.

Mr. Lemanowicz said that the issue that he brought up in his prior review is still there and he wanted to make sure that the Board understood where he was going. He said that his Comment #6 is basically a repeat from his previous letter that explains that, when a driver enters the site and drives towards the main entrance as would be your normal tendency to park near the entrance, there is now 27 parking spaces where there used to be 24 in the eastern parking lot immediately by the entrance. Once a driver makes that commitment to go across the front of the building, he has only got 27 parking spaces to choose from. If those spaces are taken, he must leave, go down Valley Rd., turn around, and come back in to see if he can find any spaces on the other two sides of the building. He said that that has been an improvement since the last one,

because 3 spaces were added, so there are more to pick from, but that situation is still there. In the response letter or a subsequent letter, he said that we were provided with about a dozen Walgreen's locations. He looked at those using Google Earth (a free software of aerial views) and did not see any other situation like that at any of the other Walgreen's that were there. He said that some had some restrictions to parking, but you had to make a choice on which half of the parking spaces you were going to look at. If a driver goes straight to the rear of the building, he said that he will be able to go counter-clockwise around the building as many times as he needs to find a parking space, but that wouldn't be your natural reaction. Your natural reaction would be to go across the front.

Mrs. Malloy said that Berkeley Heights is like that. She found that at Christmas time, it is a bit of a commitment.

Mrs. Raimer agreed that it is exactly the same.

Mr. Lemanowicz said that there was one facility that was too new to be on Google – in fact, it was under construction, although he did not recall which one it was.

Mrs. Raimer said that there is a similar issue faced in Berkeley Heights and to compound that matter there is the loading zone in the back. So, if you have made the commitment to park further from the door, you had better not do it on a day that the trucks are unloading.

Mr. Lemanowicz replied that that was another issue, but the testimony is that the banking of the parking is a possibility for the Board to decide. He said that he talked to the applicant's engineer this afternoon and they talked about the parking on the west side and he was told that it is 60 degree parking. The Ordinance requires an 18' aisle there where 15' is currently proposed, so that is still a nonconforming situation.

Mr. Hoffman noted that he had listed that amongst the other items in the outline he had submitted.

Mr. Lemanowicz said that the other area that they talked briefly about was drainage. He said that there were some issues that he would work out with the applicant's engineer if that is acceptable to the Board. They are just how the software is manipulated and different things were added together. He felt that it was probably more than what the Board wants to deal with this evening and he knew that they were still working on straightening those issues out.

Mrs. Raimer felt that the Board should continue the conversations about the concerns with the parking and the directions taken when the traffic expert appears.

Mr. Gemma agreed that that would be an appropriate time.

Mr. Hoffman had a question regarding the reference by Mr. McMorrow to the County having jurisdiction over the intersection of Plainfield Rd. and Valley Rd., which he said he certainly agreed with. He said that Mr. McMorrow had cited that circumstance or fact as a basis for not responding affirmatively to some of the suggestions or requests of the Shade Tree Commission as set forth in their report. Given the fact that we are at an intersection of two County roadways and the reality, legally and practically, that the County will have the final say as to the entrance and egress from those County streets to the subject property, he asked Mr. McMorrow if his office, or anyone else on behalf of the applicant, had touched base with the County even informally to see if their intended traffic patterns for the site meet with their expectations and anticipated and hoped for favorable action, or is this simply playing guesswork as to what will satisfy the County?

Mr. McMorrow replied that they *did* reach out to the County before the plans were resubmitted. He said that they indicated that this is an acceptable arrangement and is consistent with prior approvals. Before resubmission was made to the Board and County, he said that they did check in just to see if there was any change and they heard that there were none. He confirmed the

County had an opportunity to review a prior approval and review what is currently proposed and it is still consistent with that.

The meeting was opened to the public.

Mr. Walter Carell, 47 Old Mill Rd., said that he was a member of the Shade Tree Commission. He said that there is a short piece of sidewalk in front of the building near the entrance on the south side and, in the event that no other sidewalk across the front is going to be contemplated at this time if it is banked, he asked if that short 24' piece of sidewalk will also be banked?

Mr. McMorrow replied that they could do that too.

Mr. O'Brien replied, "Or, perhaps that would be another spot for a bench".

Mr. McMorrow replied that there could be. He thought it was in front of the glass, although the door is on one side and noted that there happens to be glass on two corners there.

Mr. Gemma said that, if the Board so desires, that could be banked as well.

There being no further questions, the meeting was closed to the public.

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Mr. Gemma said that his next witness was Mr. James O'Malley, District Manager for Walgreen's.

Mr. James O'Malley was sworn. He reviewed his educational and professional background and was accepted. He said that he is the District Manager for New Jersey East which is 35 stores and would encompass the proposed Walgreen's. He is responsible for the day to day operations, as well as some long term planning. He said that he visited most of the stores on a monthly basis, at a minimum, and some more than others. He said that he supervises all of the employees and oversees all of the business operations.

Mr. Gemma said he had sent Mr. O'Malley a list of Walgreen's (that he had also sent to the Board) and, although he found out later on that they are not all in, or any of them are in, Walgreen's East, he asked him to make an inquiry with some of the managers to confirm that some of them were similar to what is proposed or, if they are different, how are they different. He asked Mr. O'Malley if he had done that.

Mr. O'Malley replied, "Yes". He said that every store is slightly unique, but he did not see any differences as far as drive-thru operations from this location versus others. He said that he does have drive-thru facilities in his district and noted that one of the stores on the list *is* in his district (Florham Park), although he has been to a few of the other locations. As District Manager, he agreed that he would be responsible for such items as hours of operations, number of employees, and deliveries.

In response to Mr. O'Brien, Mr. O'Malley said that New Jersey East includes Hudson County, Essex County, a little bit of North Bergen County, and a little bit of Union County, noting that it is spread out. He confirmed that the proposed location would be under his control and would be the most southwest portion of his area. He said that Berkeley Heights is not under his control, but Stirling is.

In response to Mr. Gemma, Mr. O'Malley said that the proposed hours of operation would be from 8 AM to 10 PM, Monday through Friday for both the front end and pharmacy. On the weekends they would want from 8 AM to 10 PM for the front end of the store and for the pharmacy and drive-thru they are proposing shortened hours – Saturday would be 9 AM to 6 PM and Sunday would be 10 AM to 6 PM. The drive-thru hours would match the pharmacy hours. He said that the drive-thru is a convenience to their customers and is for pharmaceutical items only. Including the pharmacy, he said that he would assume to have 6-7 employees working

during the day and the same at night. He said that he would expect that to be the maximum number of employees in the store at a given time, with the exception of the truck day when they take in warehouse and there might be a few extra employees. Warehouse deliveries are made once a week, although for very busy stores it might be twice a week. They also have vendor deliveries. Some days they would have none and other days they would have between 3 and 5, depending on the day of the week. The Walgreen's truck would be a box truck and most of the vendors usually have cargo vans or small trucks. He said that the proposed loading space is pretty standard for Walgreen's for handling deliveries into the property, although each Walgreen's is unique. The proposed loading for Walgreen's seems to be consistent with the Walgreen's throughout that he has managed over his years with Walgreen's. He estimated that there are usually about 10-12 customers in the stores at one time, although the busier stores are the foot traffic stores.

Mr. Gemma asked Mr. O'Malley, if in his mind when the applicant asked for banked parking along the westerly section to get rid of those 18 spaces and reduce the amount of parking spaces from 67 to 49 spaces, he felt that is appropriate and adequate for most Walgreen's stores that he was familiar with?

Mr. O'Malley replied that is seemed reasonable to him.

In response to Mr. Gemma, Mr. O'Malley said that Walgreen's has a vendor that would come and pick up the trash usually once a week, or sometimes more often, depending upon the frequency that it is needed and the volume of the store. He said that their standard store would probably be once a week. He said that the employees put the trash that is inside the store out to the enclosed trash receptacle area.

Also in response to Mr. Gemma, Mr. O'Malley said that after a store closes, usually within 15-30 minutes, significantly less lighting is required. From a business standpoint, he said that they have no interest in paying electric bills any more than they need to, but they would want the minimum necessary for security and safety. He said that he would work with the Board and its engineer to see that the minimum lighting is kept, but the lighting for the drive-thru and the parking would be diminished. He said that, after the landscaping is installed, Walgreen's would take care of it and they have their own schedule for doing so.

Mr. Hoffman asked if there were regular individuals on the payroll as employees of Walgreen's who attend to landscaping needs, or is it sub-contracted or contracted out to third party landscapers to do that work?

Mr. O'Malley replied that they have several vendors that they use for different stores for landscaping. With regard to parking lot maintenance, he said that there are stores that do it themselves where they have a designated person that goes outside and sweeps the parking lot, at least in the morning and multiple times per day. At other stores where there is a very busy location in inner city/high foot traffic areas, he said that they sub-contract the maintenance out to make sure that it is done properly. He agreed that Walgreen's has a policy to make sure that its sites are maintained and have a neat looking appearance. He said that he inspects them, and the store managers are responsible for it. He said that they have snow plowing contracting done for premises and go through a company called CBRE who contracts out the vendors.

In response to Mrs. Raimer, Mr. Gemma said that he believed that it is C.B. Richard Ellis.

Mr. O'Malley said that they have vendors on their staff, so even if they did have an issue where one particular vendor didn't show, they call a second or third vendor to handle the snowplowing.

In response to Mr. Gerecht, Mr. O'Malley guessed that the average stay for a customer in a store is about 10 minutes. He said that they have what they call "laser shoppers" who are very specific – they come in for 1 or 2 items and get in line right away. They also have others during normal day hours when it is less busy who tend to stay 15-20 minutes. Therefore, a car in the parking lot would turn over approximately every 10-15 minutes. He said that the proposed store seems to be very average in size – perhaps a little bit bigger and that they build stores in all sizes. He said

that a prototypical store is 10,000 S.F. and it just depends upon how much land they have an opportunity to obtain and how big they can do it. They have inner city locations where there is no grocery available, so they would want to make a larger than normal store so that they could put in a larger than average grocery.

Mr. Gemma said, however, that that is not the case here. This Walgreen's will be a typical one, similar to the Florham Park and Berkeley Heights Walgreen's.

Mrs. Raimer said that Berkeley Heights is a location which, in its appearance, resembles the designs that have been submitted to the Board. She took the liberty of looking at that space and counting its parking spaces and trying to gauge the amount of space necessary for a car to maintain a safe egress and ingress. She asked Mr. O'Malley if he could tell her the driveway widths in Berkeley Heights compared to the proposed Walgreens's. For example, she said that where you enter in the proposed space, with is on the southeast side, it has a lot more spots than what is in Berkeley Heights. She asked how that compares to the width of the parking area on the similar building side in Berkeley Heights? She said that it is nearly the same, so she felt that the back of the building and each of the sides could be compared in a similar way, except for the fact that in Berkeley Heights there is no parking on the west side of the building and there is parking facing Springfield Ave. (which is equivalent to continuation of Valley Rd.). She said that there are a lot of similarities here and she felt that it would be very helpful to know the widths there as they compare to the widths here because we are making some compromises in the widths because they are not conforming to our ordinances. For purposes of safety and visualizing what this is and for utilitarian purposes, she said that it would be good to know how that space compares to the Berkeley Heights space.

Mr. O'Malley replied that they appear very similar. As far as specific widths, he did not think he could testify to that.

Mr. Gemma said that, to the best of Mr. O'Malley's ability, he will testify.

In response to Mr. Gemma, Mr. McMorrow said that he could get the Berkeley Heights plans and give them to Mr. McMorrow so that he could compare the two, and also provide them to the Board.

In response to Mrs. Raimer, Mr. O'Malley said that he thought the Berkeley Heights store is a little smaller than the 12,000 S.F. building which is proposed, but very similar.

Mr. Collins said that, if he recalled the Berkeley Heights location correctly, we have the same flow-thru plan, however, if you enter Berkeley Heights from Springfield Ave., you can enter and exit from *both* locations. He asked if he was correct.

Mr. O'Malley replied that he believed so.

Mr. Gemma said that he would ask Mr. McMorrow to actually look at the plans to have a straight comparison.

Mr. Fagnoli asked for the current square footage of the existing location in Stirling. He also asked why they are moving and if it was too small.

Mr. O'Malley replied that the current location is probably similar in size, maybe bigger. The reason they would move is that the existing Walgreen's is off the street and in line which is something they used to do 20 years ago and now they like freestanding stores. They would also have the opportunity here to have a drive-thru pharmacy for their customers and build a new facility.

Also in response to Mr. Fagnoli, he said that locating a new facility all starts with target intersections and then delineates from there from what they call "A" sites to "B" sites, etc. They also take a look at the population in the area, how many pharmacies are in the area already, how many "scrips" could be captured, etc. He said that they already have a business there with the



Stirling location, so he felt that they probably have a pretty good foothold on the community as far as a customer base and what kind of volume they will do.

Mr. Pesce asked if, in terms of deliveries, trucks pull in front-wise, but at an angle?

Mr. O'Malley replied, "Yes".

Mr. Pesce asked if trucks would be unloaded from the back towards the cartway?

Mr. O'Malley agreed and also said that there is no loading dock that they would be backing into. He said that the trucks that would be delivering here would have a lift gate on the back and everything would be rolled off in cages or on trays, lowered, and shoved into the stockroom. He said that the tan shaded area on the plan is the area dedicated to the unloading of merchandise.

Mr. Pesce asked whether the back of the truck would interfere with the vehicular traffic coming behind it when it is unloading.

Mr. O'Malley replied that the standard truck would fit. Based on the proposed hours of operation and this site, he said that if they were opening at 8:00 AM they would request that the warehouse truck arrive at 7:00 AM. It would be their goal, operationally, to be done with the truck before they even open.

Referring to the black shaded area in the right rear corner of the building, and in response to Mr. Pesce, Mr. O'Malley believed that is the tote storage area. He said that the garbage area would be more at the other corner.

In response to Mr. Hoffman, Mr. O'Malley explained that when they get boxes off the truck they also get loose pieces off the truck and they are stored in plastic containers which are collapsible. After they are emptied and collapsed, they are stacked and stored in the corral.

In response to Mrs. Raimer, Mr. O'Malley said that examples of items that would be in the collapsible totes would include vitamins, aspirin, toothpaste, and toothbrushes. If they got in gallons of water or paper goods, those would still come in boxes.

In response to Mr. Pesce, Mr. O'Malley agreed that garbage will be picked up by traditional big garbage trucks. He said that they will radio the store, the manager will then come out and unlock the corral and the gates. The truck will then come in and pull it out and dump it via a forklift from its front end. They will not need to back in and pick it up from the rear. He noted that the garbage men like to come in very early and he said that they dictate which days and hours they are to come. He said that, obviously, they would not have garbage pickups on "truck day" or any other day that they would be too busy.

In response to Mr. Hoffman, Mr. O'Malley said that ultimately Walgreen's has the final say as far as the hours in which other vendors would be coming to the property to drop things off, within reason. He said that they provide guidelines of normal business delivery hours.

In response to Mrs. Raimer, Mr. Lemanowicz said that there appears to be enough space for trucks to make the turn going from the north to the west of the building. He said that the 15' aisle that goes down the west side is 3' less than what the Ordinance requires and that width is mainly for vehicles to be able to back out of the parking spaces. He said that, for a truck to go down a 15' wide aisle, that is not a big deal. The issue is with the cars that are parked to get out without interfering with cars that might be in the drive-thru aisle.

Mr. Gerecht said that that wouldn't be an issue if they bank those parking spots.

Mr. Lemanowicz agreed but said that, if you are going to bank something, the indication is that they are feasible spots.

Mr. Gerecht agreed and said that we could still require them to make that area wider, even if they bank parking spots.

Mr. Lemanowicz agreed.

Mr. Gemma said that the applicant will have his traffic expert discuss internal circulation and suggested that it might be appropriate to ask him that question.

Mr. O'Brien thought that they are getting into a problem on the north end of the building which is where the delivery and garbage trucks would be parked behind the building which would be adjacent to a parking area. In that case, he said that you've got a 22' drive aisle between the shaded loading area and a 15.7' loading area, in width, and the tote enclosure is around 5' which leaves around 10' in width for a truck to park adjacent to that and, presumably, there is going to have to be some room between the truck and the side of the building for them to unload – so the truck *will* be sticking out into the drive aisle by a couple of feet.

Mr. Lemanowicz agreed, as the required loading space size is 12' x 50'.

In response to Mr. Keegan, Mr. Gemma agreed that there is no curbing in the loading area that is level with the rest of the parking lot.

Mr. O'Brien added that it is striped on the plan.

Mr. Hoffman asked if the proposed store hours (at least for the general store purposes) would be extended during the pre-holiday Christmas/Thanksgiving season.

Mr. O'Malley replied, "Yes". He said that most of the stores have extended hours and are open until midnight, but only for about 7 days prior to Christmas.

Mr. Hoffman noted a depiction of a detail of a monument sign identifying Walgreen's. The plan notes a "reader board" and he asked what Walgreen's policy or intended utilization is of the lines on the sign that read "reader board".

Mr. O'Malley replied that reader boards are typically used to feature their ad specials such as paper goods, soda pop, flu shots, etc., and would be changed on a weekly basis. He agreed that those passing by would readily be able to determine if there was a 2 for 1 special or discount being extended to customers on a particular item.

In response to Mr. Gemma, Mr. O'Malley said that such monument signs are pretty standard for most Walgreen's.

Mr. Hoffman noted that the monument sign at the Berkeley Heights location has not been illuminated for several years.

In response to Mr. Gemma, Mr. O'Malley said that the Florham Park Walgreen's does not have a reader board.

In response to Mr. O'Brien, Mr. O'Malley confirmed that the store will be open at hours in which the pharmacy itself is closed and that is standard in most, if not all, Walgreen's locations.

Mr. Hoffman said that he felt that the pharmacy must be able to segregate itself through closed doors so that individuals could not access that portion of the stores during hours in which the pharmacy is not open.

Mr. O'Malley agreed.

Mr. O'Brien asked for the reason that the tote enclosures have to be at that location and accessed from the inside of the store.

Mr. O'Malley replied that the tote enclosure would not be accessed from inside the store. He said that it would be opened on the outside. He did not believe that *any* of them are accessed from the inside unless there is a chute.

Mr. O'Brien said that there are actually doors to both of the trash enclosures shown on the architectural plans.

Mr. Gemma felt that the question is more appropriate for Mr. Taus, who designed the internal architectural plan, rather than a District Manager.

Mr. O'Brien asked if there was a particular reason that they have to be attached to the store.

Mr. O'Malley replied that it is easier for the staff that way rather than to have them walk around the building or go out the receiving door. He agreed that, other than for making it easier for employees, they could be on the other side of the parking lot or around the corner.

Mr. O'Brien noted that this particular store faces Valley Rd. and the entrance to the store is on the parking lot next to Valley Rd. He said that suggestions have been made in the Township Master Plan that openings for retail establishments face Valley Rd. itself. He asked if there was any reason, from an operational standpoint, that an entrance could not be placed on the Valley Rd. façade, perhaps at the same corner that the proposed entrance is at.

Mr. O'Malley replied that, as long as it is in the same general corner, he felt that it would still substantiate the traffic flow for the customer that they are looking for.

Mr. O'Brien said that perhaps one could face the parking lot and one could face Valley Rd. in the corner that contains the "tower".

Mr. O'Malley confirmed that that would work operationally.

Mr. Gemma again asked that it be tempered by the applicant's architect, Mr. Taus, who hasn't had a chance to discuss internal circulation and internal layout. He said that certainly that is a question for Mr. O'Malley as well as for Mr. Taus. He said that, if you look at the plans internally as provided by the architect, there is some utilization of the area of the other doorway.

Mrs. Malloy recalled that the matter was touched upon at the last meeting.

Mr. Gemma agreed and recalled that there was discussion back and forth with Mr. Taus as to those issues.

Mr. O'Brien said that it has been discussed but there has been no agreement. He said that the question before Mr. O'Malley was whether there was an operational reason that that could not occur and he believed that his answer was that there is no operational reason why there cannot be a store entrance to Valley Rd.

Mrs. Raimer said, however, that it came up in the context of the expanse of brick and eliminating the sight line of the expanse of brick, so if you are coupling all of the doorways together you are not doing anything to address the expanse of brick issue.

Mr. O'Brien replied that he was staying on the operational side.

Mr. Gerecht asked Mr. O'Malley if, of the Walgreen's he directly supervises as a District Manager, and the ones he has visited, there are any Walgreen's that don't have the garbage disposal collection next to the store and, instead, have it separated further away from the store (detached).

Mr. O'Malley replied, "Probably a few – most are connected to the store". He noted that most have some kind of compacting mechanism attached to it. He was not sure if his particular store has that, but said that most are connected.

Mr. Gerecht asked if one of the reasons why they chose to have it connected is so that garbage doesn't accidentally get dropped or distributed as they are carrying it to the garbage from the store.

Mr. O'Malley replied that that could be one possible reason.

Mr. Collins said that he was reading on the plans that there is a compactor.

Mr. Gemma agreed.

In response to Mr. Gerecht, Mr. O'Malley replied that the totes are collapsed and put in the tote area and are then collected by the same truck the following week. He said that their loose piece boxes come in a cage which has a "z-bar" and are basically nested together and stored outside. The reason what is stored outside couldn't be stored inside is probably due to a space constraint. He said that most of their stock rooms are not very big. He could not think of one Walgreen's that has them stored inside. He said that it is commonplace for them to be stored outside in a locked corral. The corral is usually a fenced in area with metal posts cemented into the ground with wood fence around it with a locking mechanism on it. They are usually locked with a cable or lock of some type. Some have roofs, although it is not standard to have a roof. Roofs are put on if there is some reason to do so.

In response to Mr. Pesce, Mr. O'Malley said that there will be shopping carts available for customers. They are usually stored in a cart corral as you enter in the location. He confirmed that they are shown on the plan as 4 rectangles immediately inside the front door on the left. He said that they will *not* be stored outside.

Mr. Keegan asked if temperature controlled pharmaceutical products are offered in the pharmacy area.

Mr. O'Malley replied affirmatively.

Mr. Keegan asked at what temperature and relative humidity the store is typically kept at.

Mr. O'Malley replied that he would have to guess at about 68 -70 degrees.

There being no further questions, the meeting was closed to the public.

Mr. John Harter, traffic expert, was sworn. He reviewed his educational and professional background. He was accepted as an expert.

He said that he was familiar with the subject site and that he is generally familiar with the ordinance requirements of Long Hill Township. He said that a report was prepared under his guidance and supervision entitled "Traffic Impact Analysis for Parthenon Realty" dated 10/19/11. He felt that the easiest way to start out and give a good overview of the traffic impact issue is to look back at the last proposal for this site which he worked on in 2006 and prepared a more extensive traffic study because it was a more intensive use. He said that counts for that project were done in 2005 and A.M. and P.M. counts on weekdays and also Saturday counts. To start out, he said that that use was quite a bit more intensive. On Saturdays, it generated 100 more trips than the proposed use and about 50 more trips in the evening peak hour. He said that the proposed improvements and the site access for both applications were identical, but the applicant is now coming in with another application which actually has less intensive impacts in terms of traffic.

He said that Mr. McMorrow had testified about the site access, however he wished to clarify that they are proposing a brand new signal at the intersection which will be fully upgraded. He said that they are proposing an eastbound left turn lane that will be striped. He said that the westbound approach will continue to provide a left lane and a through right allowing access to the site. There will also be a left only lane out of the site and a through right lane. He said that this is the same design that was proposed in the previous bank/office application, including the

right out only driveway which was previously accepted by Morris County, therefore he anticipated that they would continue to accept the access.

He said that the benefits of the application include the signal improvement. He said that he was aware that, about a year ago, the County and the Township were actually looking to fix the signal because it was not operating very well and was not upgraded. Based upon conversations with Christopher Vitz, County Traffic Engineer, he said that modern signal equipment will be installed.

In response to Mrs. Raimer, he said that the current traffic signal there is very old (many decades) and is outdated. He said that new signal heads and pedestrian heads will be installed, with push buttons and full 4-way crossings. A battery backup is proposed and is listed on the electrical plan which his office prepared and was submitted to the County for its review. He said that the existing signal is simple – it is a two phase operation, whereas a three phase operation is proposed (the same as was proposed in 2006). He said that what he proposed (and the County has agreed to) is to provide a west bound advance. The left turn volume is very heavy turning from Valley Rd. on Plainfield Rd. (about 200 cars in the Saturday peak hour from their traffic counts). Therefore, he felt that it is critical to provide a left turn arrow west bound to go down Plainfield Rd. He said that that is not an advantage to their property and that they are not proposing an advance into their site – they are proposing it because of the heavy volumes. He said that he has seen near misses with that left turn and has seen people try to jump that left and, therefore, the third phase was proposed (for safety purposes) while still maintaining good levels of service for the overall intersection.

He said that he prepared a study that is consistent with typical traffic engineering standards. He said that the use is a fairly low trip generator. He said that I.T.E. is the Institute of Transportation Engineers and is the source that most traffic engineers, D.O.T., and the County would rely on. With respect to the trip generations for this site, he said that the evening peak hour is about 65 cars coming into the site and on Saturday it is a little lighter (about 50 cars coming into the site during the peak hour). He said that important point about a retail use such as this is that it is looking to capture traffic on the road network already (known as “pass by traffic”). He said that about 50% of the P.M. traffic is actually “pass by” from what I.T.E. has studied. He said that he pointed that out because it is obviously a trip at the driveways, but the impacts to bringing traffic to the area – it is *not* an impact to other intersections in the corridor because that traffic is already traveling along Valley Rd. With regard to the former use, he said that it projected 40 P.M. trips *more* than this use and on Saturday it was 104, so it would have had quite a bit more of an impact. With regard to the distribution of traffic in their study, they assumed 40% to and from the east and 40% to and from the west, and approximately 20% to the south. He said that using the D.O.T. growth rate for Morris County and this type of roadway for 2 years assumed a 2% growth rate. He said that they then looked at the no build condition in the future (2013) and compared that to the build case with and without the Walgreen’s traffic and, as pointed out in Mr. Lemanowicz’s and Mr. O’Brien’s reports, there was a concern with the level of service change. He said that there are some minor levels of service change (from an A to a B), and there is one during the Saturday peak hour north bound and so if you were heading up Plainfield Rd. and taking a left turn onto Valley Rd., that level of Saturday changes from a B level service to a (just inside) the level of a D range. He said that traffic engineers try to qualify the amount of delay that an average car experiences for turning movement at an intersection and it is categorized from A-F. He said that they want to avoid E’s and F’s as much as possible and they have, noting that they have one D level of service. He said that going from a B to a D is not really a dramatic level of change, it is from the additional phase which takes some capacity from the intersection and he felt that it is an important safety addition to the way the signal operates. He said that right now the north bound traffic on Plainfield Rd. doesn’t have any opposing traffic because it is a 3 legged intersection, but now that they are adding the driveway there are some conflicting movements. He said that it is not a surprise that the left turn is now going to have more delay because of the conflicting movements. He said that another important thing, instead of looking just at the delay, is the vehicle queuing. He said that when they do a computer analysis of the intersection and get the levels of service, it also estimates the peak queuing (referred to as the 95<sup>th</sup> percentile queuing). He said that what they found on Saturdays when it went from a B to a D for the left turn northbound, is that the queuing roughly went from 10

vehicles to 12 vehicles. He said that if they saw a dramatic change in the queuing, which can happen when you get into really bad levels of service (E and F), it would be a concern, but it is really not a concern here. He said that the 10 car queue gets you back to about the PNC driveway and the Bank of America driveway as you come into Plainfield Rd. on either side and so 2 more cars would be added to that. He said that this is a rare occurrence and is happening at 5% of the peak hour, so in 2 or 3 cycles you may see a car extend back that far, but generally it is not going to queue back to the bank driveways.

Moving on to the site access, he said that the level of service coming out of the site driveway is a C level of service which is a benefit and a good level of service. He said that concern was mentioned by one of the Board members about the driveway and the need for the driveway. He said that it is a benefit to have the secondary access because he considered the site to be a corner lot at the intersection and said that they have much better site circulation as a result and they are not forcing traffic to go around the building and back out, which he said is a cumbersome movement. He said that they are also on the departure side of the intersection and so there is no queuing west bound in the area of the driveway and so the right out is very easy once you have a gap in traffic caused by the signal. He said that it is really the right design for the site being a corner lot and is something that is very important to Walgreen's. He said that if you look at the Berkeley Heights site, as discussed earlier, it has 2 access points – one on each of the roadways, which is really key to good circulation. He said that the prime parking is clearly on the east side of the building (27 spaces). He said that the Township standard is 63 parking spaces which is very high. His office has studied 18 different pharmacies and looked at their parking demands and I.T.E. and the Parking Generation Manual has studied another 29 sites. If you look at that data and the peak rates of demand, the data from his office shows about 27 cars to be parked at peak for this site and I.T.E. indicates about 31. He said that, if you look at the parking to the east of the building (27 spaces) and if you encompass another 6 spaces at the northeast corner of the site and combine those spaces together you would get 32 and that parking supply would more than accommodate the anticipated peak demand for the site. He expected that it would be very uncommon for parking to occur to the north of the building and to the west of the building.

In response to Mrs. Malloy, he said that employee parking hasn't been indicated but it was discussed at the initial of potentially making the angled spaces for employee parking. He said that an option discussed was to make those spaces land banked.

In response to Mr. Gemma, Mr. Harter clarified that when he said that I.T.E. standards assumed 30 spaces, those were for customers *and* employees.

Mr. Gemma said that there was a discussion by Mr. McMorrow and the Board about just banking the spaces to the west of the building which would then leave a total of 45 spaces. He asked Mr. Harter if, in his professional opinion, 45 spaces is more than safe, adequate and appropriate for the type of facility proposed.

Mr. Harter replied, "Definitely". He said that the modified plan that was presented this evening meets the Township standard of 63 parking spaces. He said that another point that ties into that is the question about motorists coming down the east side of the building and they don't find parking and the fact that they would potentially be forced out onto Valley Rd. He said that that is something that we want to avoid and that it doesn't make good layout sense. He said that his suggestion would be to add another space or convert a space at the south east corner of the site and make it a turnaround space that is commonly done to avoid that dead end situation so that you would have a space that is enough for a car to pull in and back out and easily turn around, but maybe you would hatch it out with striping to make it clear that it is not a parking space. In that way, in the event you come down and find it pretty full (although that is unlikely), you could come down and turn around in that space. He said that, since we are talking about potentially giving up land banking spaces on the west side, that seemed like something that could be accommodated and not impact the impervious condition. He acknowledged that that is not reflected on the plan, but is a recommendation and option for the Board.

He felt that the drive-thru was properly characterized earlier and is a light generator and nothing like a bank, coffee shop, or uses like that. He said that typically the peak queuing is 2 vehicles at the drive-thru. He agreed that it is a benefit to those customers who specifically need it.

Mr. Hoffman asked Mr. Harter if it was an I.T.E. study that came up with the projection that you would typically not see more than 2 cars queuing at the drive-thru, or was it based on his experience.

Mr. Harter replied that it was from the studies he has done. He did not believe that I.T.E. has any specific data on drive-thru usage, however he has been out many times and studied it. He said that it is very typical to provide stacking for between 3-5 cars because it is not like a bank where you could see stacking for 20 cars.

He said that there were a couple of issues about on-site dimensions for the layout of the site. He said that 15' is proposed on this latest plan with 60 degree angled parking and he knew that the Township standard turns out to be 18'. He said that, as he understood it, it could be 15' when there is no parking along it and it is 18' when there *is* parking. To give the Board a comfort level about the 15', he said that if he looked at two reference standards, I.T.E. recommendations for 60 degree parking for a low turnover aisle (which is what he would anticipate where maybe only employees will be parking) it is 14 ½' and the Bohler plan now shows 15' at that location. He said that a second reference is the Urban Land Institute (U.L.I.) and in dimensions in parking from their 2010 reference, they actually say that they only have to be 13 ½'.

In response to Mr. O'Brien, Mr. Harter said that his first reference (I.T.E.) was from the 2009 Traffic Engineering Handbook, 6<sup>th</sup> Edition, and his second reference (U.L.I.) was from the 2010 5<sup>th</sup> Edition.

Mr. Hoffman said that that is all assuming that the parking is even to be provided there. If it is banked, or left in a green state, there would not be an issue.

Mr. Harter replied that, at that point, the Township standard would be met at 15', as he understood it.

Due to the lateness of the hour, Mr. Gemma said that Mr. Harter will need to come back and discuss two things. He said that he wanted him to spend as much time as the Board would like as to the adequacy of the loading area and the turning around the loading area which was a concern of the Board. He said that he will then go into the Board's expert's reports.

Mrs. Raimer's concern was that, if we wait to the next hearing, there is a strong possibility that we may not be as fresh on everything that was explained this evening. To avoid running the risk of making Mr. Harter repeat himself too many times, maybe instead of asking the Board members for their questions, but just areas that they wish to cover when there is a line of questioning next time so that he is fully prepared.

Mr. Collins said that Mr. Harter indicated that it is common to have the hashed out k-turn parking space. He said that he would like to know where he could find that. He asked if that e-mail could be provided prior to the next meeting so that he would be prepared to know where he could see that and how well it works. Also, currently on the east bound right turn onto Plainfield Rd. he said that there is a continuous green light (either an arrow or a green light). He asked if that will be dealt with.

Mr. Harter replied that that will be removed.

Mr. Collins said that he knew that but wanted to know how it will be dealt with in preparation for people knowing that this no longer exists. He asked if there was some sort of training that goes to treating people and how it works for traffic.

Mr. Hoffman said that he might wish to ask a question or two relative to the testified degradation in levels of service and possibly some other issues as well. In response to Mrs. Raimer, he

acknowledged that when he was talking about a degradation in levels of service he was talking about the amount of delay.

Mr. Gemma replied that that will be discussed at the next meeting. For the next meeting, he said that they will not have revised engineering plans submitted again because he felt that they went through a lot of those issues. He said that the first item on his “to do list” is to re-notice. He asked Mr. Hoffman if he could re-notice just to the issues of signage and design standards, or to the entire project?

Mr. Hoffman replied that he felt that it is probably better to add those two items of additional relief to his already well prepared notice which can have deleted from it the fact that minor subdivision is being sought. He said that he would be happy to take a final glance of the proposed re-drafted notice.

Mr. Gemma thanked Mr. Hoffman. He also said that a copy the prior sanitary sewer approval will be provided to Mr. Lemanowicz so that he could look at the issue of flow. He said that they will also provide from their engineer a letter about the light comparison and also the comparison of the site plan for the Berkeley Heights space and our space so that we can look at access width, driveway width, and number of spaces to have something to compare directly from an engineer’s point of view. As to Mr. Collin’s point, he said that he would have Mr. Harter find other places where k-turns are available nearby. He said that, hopefully, all that will be done more than 10 days prior to the next meeting.

Discussion of the Board calendar followed. It was noted that nothing has yet been scheduled for the February 21<sup>st</sup> meeting date.

Mr. Gemma conferred with the applicant’s experts and said that two of his witnesses will be available on February 21<sup>st</sup> (Mr. Harter and Mr. Taus). He also requested to continue the hearing after that to March 6<sup>th</sup>. He said that he would re-notice for February 21<sup>st</sup> and extend the Board’s ability to hear the application until March 6<sup>th</sup> on the record and will provide the same in writing.

There was further discussion of dates amongst the applicant’s experts.

Mr. Gemma said that he would prefer to keep the February 21<sup>st</sup> date even if he could only get done with one witness, as well as the March 6<sup>th</sup> meeting date. He said that he would confirm with Mrs. Wolfe tomorrow or at the latest on Thursday.

Mr. O’Brien asked if any additional architectural plans will be submitted to the Board.

Mr. Gemma replied, “Yes” and said that they will be submitted via a letter so that there will be a paper trail of the submission, at least 10 days prior to February 21<sup>st</sup>. He also confirmed that he will serve additional notice.

Mr. O’Brien said that, if possible, he would like to see the plans two weeks out so he and Mr. Lemanowicz could get their reports out and everything flows.

Mrs. Raimer announced that this application is carried to February 21, 2012 *with* further notice to be served.

The meeting adjourned at 11:06 P.M.

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DAWN V. WOLFE  
Planning & Zoning Administrator









