

MINUTES

JULY 8, 2014

PLANNING BOARD

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Chairman Pfeil called the meeting to order at 7:33 P.M. He 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, 2014.

MEETING CUT-OFF

Chairman Pfeil read the following statement: Announcement was made that as a matter of procedure, it was the intention of the Planning Board not to continue any matter past 10:30 P.M. at any Regular or Special Meeting of the Board unless a motion was passed by the members present to extend the meeting to a later specified cut-off time.

CELL PHONES AND PAGERS

Chairman Pfeil read the following statement: All in attendance are requested to turn off cell phones and pagers as they interfere with the court room taping mechanism.

PLEDGE OF ALLEGIANCE

ROLL CALL

On a call of the roll, the following were present:

J. Alan Pfeil, Chairman
Suzanne Dapkins, Vice-Chairman
Brendan Rae, Mayor’s Designee
Ashish Moholkar, Member
Guy Roshto, Member
Gregory Aroneo, Member

Kevin O’Brien, Bd. Planner
Thomas Lemanowicz, Bd. Engineer
Dan Bernstein, Bd. Attorney
Cynthia Kiefer, Bd. Secretary

Excused:

Guy Piserchia, Mayor
Timothy Wallisch, Member
David Hands, 1st Alternate

Ms. Kiefer advised Chairman Pfeil that he had a quorum and could proceed.

X X X X X X X X X X X

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

PUBLIC QUESTIONS OR COMMENT

Chairman Pfeil opened the meeting to the public for questions or comments on those items *not* on this evening’s agenda. Hearing none, he closed the meeting.

ANNOUNCEMENT

Chairman Pfeil stated that the first application on the agenda, 1221 Valley Road LLC, Application #14-02P, had been carried ***with notice*** to the September 23, 2014 meeting at 7:30 p.m. in the Municipal Court.

PUBLIC HEARING

VILLAGE SUPER MARKET, INC.
1153 Valley Road
Block 10501, Lot 1

#14-07P
Minor Site Plan, Dev. Permit
Waiver, Bulk Variances

PROOF OF SERVICE PROVIDED

Present:

Jeffrey Lehrer, Esq., attorney for the Applicant
Enzo Pavese, R.A., P.P., planner/architect for the Applicant
David Wisotsky, P.E., engineer for the Applicant

Village Super Market, Inc. t/a ShopRite had applied to the Planning Board for completeness or submission waivers, minor site plan and amended final site plan approval, sign variances under N.J.S.A. 40:55D-70c, a parking variance, if required, under N.J.S.A. 40:55D-70c, a light performance waiver or exception under N.J.S.A. 40:55D-51b, and a Development Permit Waiver for the expansion, renovation, and modernization of the ShopRite Supermarket which is located at 1153 Valley Road within the Lord Stirling Plaza on property designated as Block 10501, Lot 1 on the Long Hill Township Tax Map, which premises is located in the B-3 Zone.

The Board, after considering the evidence presented by the applicant and the Board’s consultants made the following factual findings:

A. The Subject Property.

1. A survey which was submitted with the application shows Block 10501, Lot 1 (which was the subject property of the current application) to contain 333,849.59 square feet or 7.80 acres. The lot has frontage on Valley Road, Poplar Drive, and Morris Place.
2. Stirling Center Associates owns Block 10501, Lot 1 and adjacent landlocked, vacant Block 10502, Lot 6 which contains 12,500 square feet, or 0.29 acres.
3. Located on the subject property is a shopping center with a 79,112 square feet footprint. The ShopRite Supermarket occupied 50,803 square feet.
4. The Survey shows 381 parking stalls on the site. Two (2) parking spaces were eliminated by the owner of the shopping center for delivery purposes, thereby bringing the total parking stall count to 379.

B. Prior Approval.

5. Village Super Market, Inc. sought permission from the Passaic Township Planning Board in Application #90-30P to expand its supermarket from 39,438 square feet to 50,803 square feet. The application was approved and a memorialization resolution was adopted on August 6, 1991.
6. The resolution noted in factual finding #3 the relief which was sought.
7. Factual finding 3(i) noted:
 - “(i) Section 95-35(C) sets forth a schedule for the number of parking spaces required given a particular use. Based on the square footage of the stores in the shopping center, 462 spaces are required. The applicant’s proposal shows 389 stalls for the site. 297 parking spaces currently exist on the property.”
8. The Long Hill Township Zoning Ordinance has been subsequently amended. The Ordinance presently requires 415 parking stalls at the shopping center.
9. Condition #3 in the resolution provided:
 - “3. The applicant shall provide a noise impact study certifying that all areas of the site, inclusive of all loading areas and areas occupied by roof-mounted refrigeration devices, meet the applicable noise standards established by the New Jersey Department of Environmental Protection, or any other governmental agency or authority having jurisdiction. ...”
10. An acoustical study prepared by Knorr Associates and signed by Norman R. Dotti, P.E., P.P. dated January 1, 1998 was submitted to the Township Engineer D. Gregg Williamson, P.E., L.S., C.M.E. In a cover letter to the Planning and Zoning Administrator, Mr. Williamson observed:

“On reviewing the report you will see that the consultant has determined that the sound levels measured from the HVAC and refrigeration equipment, truck deliveries and other operations in progress at the site, on Thursday morning, June 11, 1998 were found to be within the nighttime limits as established by the NJDEP. The nighttime limits (50dBA) are lower than those permitted during daytime hours (65dBA).

We would also point out that we, at least, are not aware of any complaints from the surrounding neighbors, relative to noise problems since the addition and the new equipment have been in operation, which was by now well over at least a year.”

C. Proposed Exterior Construction.

11. The applicant proposed to increase the ShopRite Supermarket from 50,803 square feet to 68,070 square feet by incorporating space previously used by Walgreen’s and a hair salon. A 492 square foot front entrance vestibule would also be constructed over the area of the Walgreen’s entrance which would not increase impervious lot coverage.
12. The exterior elevations of the expanded facility would have brick veneer and storefront glass to match the existing elevations.
13. The proposed vestibule and an entrance and exit would be located on the north elevation facing Valley Road. An entrance/exit would be installed in the western elevation facing Morris Place to take advantage of the largely unused parking spaces on the west side of the shopping center.
14. Existing Mezzanine A totaling 1,124 square feet would remain. Mezzanine B containing 230 square feet, 533 square feet Mezzanine C, and Mezzanine D with 868 square feet will be removed and replaced with a 1,631 square foot Mezzanine.
15. Exterior lights were proposed with an average of 2.2 foot-candles.
16. The applicant proposed eight (8) signs where (7) seven signs are or were located:

| EXISTING SIGN & LOCATION | SIZE | PROPOSED |
|---|-------------------------------|--|
| "Entrance" at North Elevation | 1' X 7' | Remain |
| "Shop Rite" at North Elevation | 4' X 24' | Remain |
| "Pharmacy Dept" at North Elevation | 1' X 13'-4" | Remain |
| "Entrance" at North Elevation | 1' X 7' | Relocate to North Elevation |
| "Entrance" at North Elevation | 1' X 7" | "Exit" 1' X 3'-6" |
| "Walgreens" at North Elevation "Pharmacy" at North Elevation | 18'-1" X 4' 12'-3" X 1'-6" | "Shop Rite" Logo 8' Dia. |
| "Signature Salon" at North Elevation | 2'-7" X 8'-1" | "Shop Rite from HOME" 3' X 5' |
| N/A | N/A | "Shop Rite" at West Elevation 2'-6" X 11' |

D. Proposed Interior Improvements.

17. Architect and Professional Planner Enzo Pavese specializes in the design of supermarkets. He has worked for Village Super Market, Inc. for decades including work on the subject supermarket.
18. Mr. Pavese testified and the Board found the expansion, renovations, and modernization of the ShopRite would make it a “brand new state of the art supermarket.”
19. Physical improvements to the interior would include wider aisles, more convenient shelves, and new lighting.
20. New selections would include sushi and a sub shop, and a small dining area. Expanded sections would include organic and gluten-free foods, produce, fish, deli, meat, frozen foods, and prepared foods.
21. With the “*Shop At Home*” option, customers could order their products on-line and either pick up the order at the store or have it delivered to their home.
22. The customers using “*Shop At Home*” internet shopping--with quick pick-ups or home delivery--would minimize the need for additional parking spaces. A modest increase in customers would be anticipated but the “*Shop At Home*” customers would spend no more than 15 minutes at the store when picking up their orders compared to much longer shopping visits by other customers.

E. The Requested Relief.

23. Since the subject property was developed, and no increase in coverage was sought, the applicant requested a number of completeness or submission waivers. At the suggestion of the Board’s consultants, the applicant withdrew the request for a waiver from Checklist Item #43 dealing with outdoor lighting. The Planning Board Planner and Engineer had no objection to the approval of the other completeness or submission items. The Board found that this withdrawal of request for waiver was appropriate.
24. A Development Permit was required as a developed portion of the site was within the 100 year flood hazard area. The applicant sought a Development Permit Waiver as no new coverage was proposed. The Board found that this waiver was warranted.
25. A performance waiver or exception under N.J.S.A. 40:55D-51b was sought for proposed exterior lighting producing an average of 2.2 foot-candles of light, while the ordinance limited lights in driveways to 0.6 foot-candles and in parking areas to .4 foot-candles. Architect and Professional Planner Enzo Pavese testified that exterior lights at shopping centers are designed with an average foot-candle of between 5 and 6. Mr. Lemanowicz said that the requested 2.2 foot-candle was not unreasonable. Mr. O’Brien did not believe the proposed exterior lighting would be inimical to residential areas at higher elevations. The Board found that this waiver was appropriate.
26. The applicants sought a minor site plan, as the size of the vestibule was less than 500 square feet. Mr. O’Brien determined that an amended final site plan was also required. The Board found that site plan approval may be granted subject to the conditions in the within resolution.
27. The approval in application #90-30P found 389 parking stalls proposed with 297 extant. The survey which was submitted with the application showed 381 stalls while the testimony disclosed that 379 parking stalls were on site. The existing parking was presumably grandfathered, albeit with a slight deviation in what was proposed and what exists at the present time. The question arose as to whether three (3) additional parking stalls were required for the 492 square feet vestibule. The applicant’s engineer, David Wisotsky, testified that he would reconfigure existing parking in order to create three (3) new parking stalls.
28. Variances were required for the four (4) wall signs where a single wall sign was permitted. A wall sign may not exceed a height of four (4) feet while the proposed ShopRite logo will have a radius of eight (8) feet.
29. ShopRite was replacing seven (7) signs with eight (8) signs. The logo would properly identify the store from the street. There are three (3) “entrance” and “exit” signs which necessarily identify ingress and egress. The “ShopRite at Home” sign would locate the area of this service.

The requested sign variances were justified under N.J.S.A.40:55D-70c (2) by advancing the following purposes of the Municipal Land Use Law under N.J.S.A.40:55D-2:

- “a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a matter which will promote the public health, safety, morals, and general welfare;” *by properly identifying the ShopRite store, the entrances, the exits, and pick up area.*
- “g. To promote sufficient space in appropriate locations for a variety of ... commercial ... uses ... in order to meet the needs of all New Jersey citizens;” *by permitting appropriate and necessary signage for the ShopRite store.*
- “h. To encourage the location and design of transportation routes which will promote the free flow of traffic ...” *by properly identifying the ShopRite store.*
30. The benefits from the deviation substantially outweigh any detriments.
31. The requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Long Hill.

F. Noise.

32. Architect and Professional Planner Enzo Pavese was questioned about the noise from the ShopRite store. He commented that the Knorr Associates 1998 study found ShopRite in compliance with State standards which have not changed. He noted that exterior equipment has become more energy efficient and quieter. Mr. O’Brien said that subsequent State regulations prohibited trucks from idling which may have previously increased the noise level at the site.

33. Regardless of the action which this Board takes, the applicant must comply with State noise regulations.

There was some discussion about the viability of removing pavement and installing an infiltration system however Mr. Wisotsky noted that due to the proximity to the wet areas, there would be little if any benefit. Chairman Pfeil felt that it would not be practical for this site. Instead, improvement of the streetscape on Valley Road would be an appropriate tradeoff. Several board members agreed with that compromise.

Mr. Aroneo questioned the noise issue. Mr. Lehrer responded that reports in 1991 had come back with favorable results. Since that time, there have been no noise complaints. With this project, all the condensers would be replaced with even more efficient condensers that would be even quieter than the existing ones. Mr. O'Brien agreed that the results of that study still stood and in fact would be improved upon. Also, since there was more freezer space inside the store, delivery trucks did not have to run all night to keep food cold.

After deliberations, the application was approved on motion by Mrs. Dapkins and seconded by Committeeman Roshto, subject to the following conditions:

1. Revise the Zoning Schedule to list the correct parking space counts to the approval of the Planning Board Engineer.
2. Restripe the parking lot to provide the three (3) additional parking spaces. If the Planning Board Engineer determines that this cannot be accomplished, the Board grants a parking variance for the three (3) additional parking spaces needed by virtue of the new vestibule.
3. Adjust/restripe the handicapped spaces to meet current ADA requirements and to cluster the spaces in a more efficient manner to the approval of the Planning Board Engineer.
4. Fill gaps in landscaping with similar plantings. Dead, diseased, or missing landscaping is to be replaced to the approval of the Planning Board Planner. Landscaping shall be permanently maintained.
5. Allow low lying shrubbery to grow to a higher level that would be even with existing planting to the approval of the Planning Board Planner.
6. Place more recycling bins on the property to the approval of the Planning Board Engineer.
7. Add a bicycle rack to the approval of the Planning Board Engineer.
8. Add a new pedestrian crosswalk in front of the new entrance to the approval of the Planning Board Engineer.
9. Enhance the pedestrian crosswalk striping to increase visibility subject to the approval of the Planning Board Engineer.
10. Consider additional pedestrian crossing signage to the approval of the Planning Board Engineer.
11. Shield proposed lighting to prevent light spillover except at ingress and egress points. Appropriate lighting levels to be provided at driveways subject to the approval of the Planning Board Planner. No shield on fixture at southeast corner of driveway.
12. Provide revised lighting plan to the approval of the Planning Board Planner.
13. Provide proposed light fixture details to the approval of the Planning Board Planner.
14. Reduce round ShopRite sign from ten (10) foot diameter to eight (8) foot diameter.
15. Clean up debris and outside storage at the rear of the store and provide buffer for dumpsters to the approval of the Planning Board Planner. If parties cannot agree, applicant can come back to the Planning Board for a determination on this issue within 45 days of the adoption of the within resolution.
16. Resolution would grant all waivers requested.
17. The Board had no objection to the applicant requesting approval from the Township Construction Official for the issuance of permits for interior work. None of the above conditions would affect the interior of the store and the Board would rely upon the Construction Official's discretion.
18. Applicant shall submit proof of payment of real estate taxes through the third quarter of 2014 to the satisfaction of the Board Administrator.
19. Applicant shall deposit sufficient funds so as to satisfy the escrow charges and fees relating to the application to the satisfaction of the Board Administrator.
20. The regular store hours will be 7am-10pm, Monday-Saturday and 7am-9pm on Sunday. In any case, the lights shall be turned off one hour after the closing times. Security lights which are approved by the Planning Board Planner may be kept on all night.

A Roll Call Vote was taken. Those in Favor: Mr. Aroneo, Mrs. Dapkins, Mr. Moholkar, Dr. Rae, Committeeman Roshto, and Chairman Pfeil. Those Opposed: None. Motion to approve the application was passed unanimously.

Mr. Lehrer asked that the applicant be allowed to commence interior work immediately without the adoption of the resolution of memorialization. He asked that the Board contact the Construction Official for approval however, it would be up to him to grant that request.

Ms. Kiefer verified that she would send a letter to the Construction Official stating that the Planning Board had no objection to the request by the applicant.

HISTORIC PRESERVATION

Committeeman Roshto advised the Board that the Historic Preservation Advisory Committee had met and there was a presentation by the person charged with reviewing the document. There will be a formal review and vote at the next meeting. The element would be forwarded to Mr. O'Brien and then to the Planning Board by September.

Chairman Pfeil entertained a motion to adjourn. Mrs. Dapkins motioned and Mr. Moholkar seconded the motion. A Voice Vote was taken and the meeting was adjourned at 9:40 p.m.

CYNTHIA KIEFER
Planning and Zoning Secretary

Date