

Date: June 19, 2016
 1st: Vignola
 2nd: Solomeno

Minutes of June 2, 2016

The Regular Meeting of the Hazlet Township **Land Use Board** scheduled for June 2, 2016 was called to order at 7:30 PM with a Salute to the Flag followed by a Moment of Silent Prayer and a Reading of the Letter of Compliance.

ROLL CALL:

Present: Mr. Tyler, Mr. Vignola, Mr. Glackin, Mr. Sanfilippo, Mr. Rooke, Mr. Lavan, Mr. Solomeno, Mr. Grossman

Absent: Mayor Aagre, Mr. Mann, Deputy Mayor Kiley, Mr. Byrne, Mr. Moore

Professionals: Mr. Kalwinsky, Esq. for Mr. Vella, Esq., Mr. Otto- CME, Mr. Rodriguez- CME, Mrs. Keegan

Motion: To approve the minutes of regular meeting May 19, 2016

Offered By: Vignola **Seconded By:** Tyler

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>	<u>AB</u>
Mr. Byrne	_____	_____	_____
Mr. Glackin	X	_____	_____
Mr. Lavan	_____	_____	X
Mr. Tyler	X	_____	_____
Mr. Solomeno	_____	_____	X
Mr. Vignola	X	_____	_____
Mr. Rooke	_____	_____	X
Deputy Mayor Kiley	_____	_____	_____
Mayor Aagre	_____	_____	_____
Alt #1 Mr. Mann	_____	_____	_____
Alt #2 Mr. Moore	_____	_____	_____
Alt #3 Mr. Grossman	_____	_____	X
Alt #4 Mr. Sanfilippo	X	_____	_____

Carry Over Case #15-11L: First Hartford Realty Corp/CVS; Highway 36 and Laurel Avenue; Block 134 Lot(s) 1, 15, 15.01 & 16, BH Zone and R-70 Zone. Applicant is seeking Preliminary and Final Site Plan & Subdivision approval, Use variance approval and several bulk variances to construct a new CVS store.

Mr. Kalwinsky: Addressed Mr. Gianetti's request to be able to cross examine the witnesses being presented by objector's counsel tonight. He will be given the opportunity to cross examine at next meeting.

Mr. Tyler: Invited objector's counsel, Kerry Higgins to begin.

Ms. Higgins: Representing McKenna, Higgins & Stone on behalf of Hazlet Rental LLC, owners of Lot 17. She called Mr. Lee Klein, professional engineer and traffic operations engineer.

Attorney Kalwinsky swearing in Mr. Klein.

Ms. Higgins: Asked Mr. Klein to state his qualifications.

Mr. Klein: Stated he is a professional engineer in New Jersey, New York, Pennsylvania and Delaware. Also is a certified traffic operations engineer. He has done extensive work before boards in the state of New Jersey.

Ms. Higgins: Asked Mr. Klein to explain what he reviewed on behalf of objectors.

Mr. Klein: Reviewed site plan by Dynamic Engineering and traffic report by Dynamic Traffic. Addressed the parking variance requested, which is deficient by 36 parking spaces and calls for 9x18 spaces rather than 10x20. He visited other sites and pointed out that what is being proposed is less than other local pharmacies. He suggested that the Route 36 off ramp and the proposed CVS driveway should have been studied as one intersection because they are only 90 feet apart. He observed that the queues on Laurel Ave northbound consistently backed up past the driveway during the evening peak hours blocking access in and out of driveway. He addressed the crash analysis at those intersections and questioned creating another conflict because of the driveway. He looked at the turning templates for tractor trailers on site and entering and exiting the property and suggested there are some areas that could cause conflict with other vehicles. He pointed out that with congestion at the intersection, more cars would be likely to cut through the local neighborhoods.

Ms. Higgins: Questioned whether having a drive through would have any impact on traffic circulation and whether a CVS is considered a destination type of use.

Mr. Klein: Explained that there are more movements because of the drive through. Delivery vehicles mixed with customer vehicles could create some conflicts. He noted that pharmacies are more of a destination use than a gas station which gets a lot of pass by traffic.

Mr. Solomeno: Asked Mr. Klein to clarify the difference in the type of traffic created by a gas station and a pharmacy and whether he looked at what additional traffic might be created on Liberty Place because of this site plan.

Mr. Klein: Noted that people usually get gas on their way to or from someplace else whereas most people would make a special trip to CVS to pick up prescriptions etc. He noted that the traffic queues were consistently long so that during the peak seasons, there would be more traffic generated on the surrounding streets.

Mr. Solomeno: Asked whether Mr. Klein agreed with Dynamic Traffic's study that stated that 60% of the traffic generated by CVS would be existing pass by traffic and with the seasonally adjusted traffic counts.

Mr. Klein: Explained that is an industry number used for statistics and maybe that was a little high but it is still 40% new traffic generated. He noted that the volumes would be 33% higher during the peak summer season.

Mr. Tyler: Asked whether Mr. Klein would look at the analysis of traffic based on the traffic generated during the summer on roads like Route 36.

Mr. Klein: Stated that he would analyze both seasons separately to compare the differences between traffic generated in summer compared to the rest of the year.

Ms. Higgins: Called next witness- Michael Simpson, architect and planner.

Attorney Kalwinsky swearing in Mr. Simpson.

Attorney Vella came to meeting at 8:00 pm.

Mr. Simpson: Licensed as an architect in New Jersey and four other states and as a professional planner in New Jersey. He has given testimony throughout NJ and served multiple municipalities in Monmouth County.

Ms. Higgins: Asked what documents, plans or testimony were reviewed by him.

Mr. Simpson: Stated that he focused on architectural elevations, site plan and landscape plan. He was also at the last meeting to hear the testimony given.

Mr. Gianetti: Questioned what Mr. Simpson's role was to be tonight given that the objector had a planner scheduled to testify at the next meeting.

Ms. Higgins: Explained that Mr. Simpson will address the size and mass of building and its impact on the neighborhood.

Mr. Simpson: Described the size and shape of the proposed building and roof. He addressed the fact that there are only windows at the entryway of the building. The commercial portion of the site makes up about 37% of the area in the BH zone, the rest of the site is made up of residential lots in the R-50 zone.

Mr. Vella: Identified exhibit #O-3 as experts marked up copy of landscape plan.

Mr. Simpson: Explained the exhibit is a colored version of landscape plan originally presented by applicant. Indicated the building volume, which is 70% in the residential area and 30% in the commercial zone. Also pointed out that the scale of the building is five times larger than the typical house in this area and will cause the adjacent backyards to be in shade most of the day. The dense plantings along the residential side of the site will also block the sun as they grow.

Mr. Vella: Identified exhibit #O-4 as mounted six pictures of surrounding properties.

Mr. Simpson: Explained the street views looking down South Laurel Avenue and Liberty Place showing simple one family, single story homes with pitched roofs. The proposed CVS is one large block mass and does not meet the expectation of buildings in an R-50 zone.

Mr. Vella: Identified exhibit #O-5 as mounted three pictures of architectural renderings of proposed CVS.

Mr. Simpson: Explained the exhibit shows the views from the neighboring properties looking at the proposed site.

Mr. Vella: Identified exhibit #O-6 as mounted site plan showing views of #O-5.

Mr. Simpson: Explained that the exhibit shows the views from lot 15 and lot 17 showing the scale of the building in phases with the growth of the proposed trees. Pointed out that tractor trailers will pass directly by the backyards of these homes and could possibly be idling there while making deliveries. It is the equivalent of putting a road in a residential backyard. Once the trees mature, they will block out any sun from the yards and will become a maintenance issue for neighboring properties.

Mr. Vella: Identified as exhibit #O-7 mounted three architectural rendering views with landscaping and #O-8 as mounted three architectural rendering views with mature landscaping.

Ms. Higgins: Questioned whether this particular use already existed in the surrounding areas.

Mr.Simpson: Answered that there is an existing CVS less than a half mile away from the proposed site in the BH zone.

Ms.Higgins: Asked whether there were other existing commercial properties in Hazlet that could be developed without including any residential portion.

Mr.Simpson: Answered yes that he sees no particular suitability for this use better than its current intended residential use. There are ways to develop the commercial portion of this site without disturbing the residential neighborhood.

Mr.Solomeno: Questioned where Mr. Simpson got the data regarding height of the trees and maturation times.

Mr.Simpson: Answered that he researched the specific types of trees called for and noted the expected shape and height of them as well as length of time to mature. The data comes from the US Department of Agriculture. He has not heard anything about a maintenance plan for the trees and plantings.

Mr.Solomeno: Noted that delivery times for the CVS would be set by the board so that is not an unknown. Questioned whether Mr. Simpson was aware of a better way to deal with the sun and shade issue from the trees or to eliminate the negative impact on the surrounding neighborhoods.

Mr.Simpson: Discussed the pros and cons of deciduous tree plantings. Suggested moving the building closer to the highway and away from the houses. Discussed the back wall of the building being too close to the residential neighborhood.

Mr.Solomeno: Questioned the possibility of building a smaller store.

Mr.Simpson: Agreed that scaling the building down to make it look less institutional and more in line with the neighborhood would be better.

Mr.Tyler: Asked Mr. Simpson about utilizing the site in compliance with the existing zoning.

Mr.Simpson: Discussed developing the site as a commercial use without the need for setback variances and within the ordinance.

Mr.Vella: Identified exhibit # O-9 as mounted residential and commercial compliant zone.

Mr.Simpson: Explained the size of the zones and suggested a 6 lot subdivision could be built in the residential area that would be fully compliant and a small office building in the commercial zone meeting all parking requirements.

Ms. Higgins: Asked about further mitigation efforts to eliminate the negative impact on the surrounding area including scaling the building down.

Mr.Simpson: The size of the building needs to be scaled down to meet the scale of the neighborhood. All architectural elements of the building are geared towards Route 36 while the back is like an industrial building.

Mr.Tyler opened the floor up to public questions for the two witnesses. No one spoke.

Mr.Gianetti: Questioned the dates the shadow pictures were representing.

Mr.Simpson: Clarified that the shadow in question was not showing June as previously stated.

Attorney Vella carried case to Thursday June 16, 2016 at 7:30 pm.

Citizen Hearing:

No one spoke.

Offered By: Vignola

Seconded By: Tyler

VOICE VOTE: Yes

Motion to Adjourn:

Offered By: Lavan

Seconded By: Tyler

VOICE VOTE: Yes

Next Meeting: June 16, 2016

Respectfully submitted: Laura McPeek