

1st: Grossman  
 2nd: Vignola  
 Approved: 10/6/16

**Minutes of September 15, 2016**

The Regular Meeting of the Hazlet Township **Land Use Board** scheduled for September 15, 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. Lavan, Mr. Vignola, Mr. Solomeno, Mr. Sanfilippo, Mr. Grossman, Mr. Moore, Mr. Glackin, Mr. Rooke, Deputy Mayor Kiley

**Absent:** Mayor Aagre, Mr. Byrne, Mr. Mann

**Professionals:** Mr. Vella, Esq., Mr. Otto- CME, Mr. Clerkin-CME, Mrs. Keegan

**Motion:** To approve the minutes of regular meeting August 18, 2016

**Offered By:** Vignola                      **Seconded By:** Lavan

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

**New Case #16-04L:** Lidl Grocery Store; 2973 Highway 35, Block 183, Lot 1.01, BH zone. Applicant is seeking preliminary and final site plan approval to construct a new 36,170 sq. ft. Lidl grocery store with several bulk variances and waivers requested.

**Mr. Vella:** Confirmed the board's jurisdiction. Marked as Exhibit A-1 plans entitled Preliminary and Final Site Plan for Lidl US Operations and LUB-1 as CME report dated 7/25/16.

**Mr. Prime:** Introduced himself as attorney for Lidl US Operations. Explained that the site is where the Red Oak Diner is currently operating. The application is to demolish the existing diner and build an approximately 36,000 square foot building to be used as a Lidl Supermarket with 180 parking spaces and access from Route 35 and Poole Avenue. Lidl has operated very successfully in Europe for over 40 years. He introduced Scott Logan, the Development Manager for Lidl.

**Attorney Vella swearing in Mr. Scott Logan, Lidl US Operations.**

**Mr. Logan:** Explained that Lidl is a German grocer that opened their first store in the 1970's. They have stores in 27 countries. The site in Hazlet is appropriate for them because it is an existing commercial property with excellent site access. The product line is premium private label which means about 80% would be Lidl brands. The others would be national branded products. They are buying, not leasing as they hope to be a part of the community for a long time. They have some approved sites in the U.S. but no open stores yet. The hours will be approximately 6 am to 10 pm.

**Mr. Glackin came to meeting at 7:40 pm.**

**Attorney Vella swearing in Ben Crowder, Bohler Engineering.**

**Mr. Crowder:** Presented Exhibit A-2, Mounted Aerial of subject property. He described the property, existing conditions and businesses that surround it. He explained that there is a shared storm water basin between this site and the old Frank's nursery site that they will continue to utilize. He addressed the existing non-conformity of front setback parking requirements which will be improved by this application. The oversized Red Oak Diner sign will come down.

**Mr. Glackin:** Questioned the buffer in the back between the site and the residential area.

**Mr. Crowder:** Explained that there is a heavily wooded area and the 20 ft. buffer will be maintained. There is a board on board fence along the rear also. They will be adding trees to the berm in order to enhance the buffer. Introduced exhibit A-3, mounted colored rendering of site plan. The rendering shows the building with a corner entry vestibule and a parking setback along the highway of 26.7 ft. The sidewalk along Route 35 will be maintained. They will provide 14 bicycle spaces adjacent to cart storage. There will be a two bay loading area which is 13.5 x 85' which adequately holds the largest truck anticipated to be making deliveries. Delivery frequency will be once a day. The LED lighting will be 14' high which complies with township criteria. They are proposing 2,809 new plantings on the site. The lot coverage was increased in order to put a 15' emergency access drive around the building for emergency vehicles.

**Mr. Tyler:** Asked about the elevation of the residential properties compared to the top of the berm.

**Mr. Crowder:** Stated that the property elevations are approximately 38' and the top of the berm is 46.5'. There is a 4' chain link fence on top of the berm. The plantings are proposed on the toe of the berm in order to ensure good stability.

**Mr. Glackin:** Questioned whether the trees would be shorter than what is currently there.

**Mr. Crowder:** Stated that the 20' buffer will remain the same and additional plantings added to the toe of the berm to create a denser buffer. Introduced Exhibit A-4, mounted colored construction detail sheet. He described the proposed 19' high free standing sign and two square façade signs on the building. Introduced Exhibit A-5, mounted colored elevation plan. He explained the roof elevation which starts at 29' and slopes down as it goes towards the back of the building.

**Mr. Otto:** Asked about design waivers listed, such as the 4' buffer strip.

**Mr. Crowder:** Explained that most of the residential properties have existing 6' fences and with the 20' buffer maintained, additional screening and landscape berm, they felt the 4' fence was sufficient.

**Mr. Otto:** Asked if they would be willing to walk the site and agree to fill in any gaps after construction.

**Mr. Crowder:** Agreed.

**Mr. Otto:** Asked about lack of foundation plantings proposed and the 5' or 6' sidewalk widths instead of 10'.

**Mr. Crowder:** Stated the sidewalk widths are 6' and are protected by safety bollards. The access drive to Poole Avenue is not wide enough to provide sidewalks.

**Mr. Otto:** Advised that the storm water system meets township and state management rules. An operation and maintenance plan is necessary for the onsite basin and the shared basin.

**Mr. Crowder:** Agreed. Explained that they will have the proposed retaining walls professionally designed and will submit to the township for review. They agree to the remaining technical comments in CME's letter.

**Mr. Otto:** Asked whether fire approval had been received.

**Mrs. Keegan:** Indicated that the design had been approved.

**Mr. Moore:** Asked for clarification of the sign placement.

**Mr. Crowder:** Introduced Exhibit A-6, mounted architectural rendering. He explained that there is one sign on the southern façade facing Route 35 and one facing east.

**Mr. Otto:** Asked whether a variance was requested for the size of the signs as well as the number of signs.

**Mr. Crowder:** Answered yes, for the vertical height dimension since they are square rather than the typical rectangular sign.

**Mr. Clerkin:** Asked if there was mechanical equipment proposed on the roof.

**Mr. Crowder:** Explained that mechanical equipment will be housed on the roof over the loading dock with screening.

**Attorney Vella swearing in Richard Luke, architect.**

**Mr. Luke:** Stated he is a licensed architect in New Jersey, Florida, Pennsylvania, Delaware and Washington DC. Introduced Exhibit A-7, mounted architectural elevation and floor plan. He explained that the mechanical equipment that needs to be outside is housed in the flat roof area above the loading dock. The bulk of it is housed in an interior mezzanine. The area is screened from all sides that also buffers sound.

**Attorney Vella swearing in Cory Chase, traffic engineer.**

**Mr. Chase:** Stated he is a senior project manager for Atlantic Traffic. He is a licensed professional engineer in New Jersey and six other states. Explained the traffic conditions around the site. The access to the site was reviewed with NJDOT and was found to be acceptable. They prepared a traffic impact analysis associated with the proposed construction. It showed a maximum of 180 trip increase during the peak hours which is comparable to 3 additional cars per hour entering the site. The intersection of Poole Avenue and Route 35 will continue to operate at the same level of service. They feel that the 180 parking spaces is adequate to meet the parking demand.

**Mr. Tyler:** Asked about the summer traffic increase of 6% and where that number was derived from.

**Mr. Chase:** Explained that he used the DOT counts for Route 35 and Laurel Avenue in July and applied those increases to the volumes at Route 35 and Poole Avenue.

**Mr. Vella:** Asked about banked parking spaces.

**Mr. Chase:** Stated that was on the old plans and there are no banked parking stalls proposed.

**Mr. Glackin:** Expressed his concern about traffic attempting to turn left out of the Poole Avenue driveway and whether exiting could be restricted to Route 35.

**Mr. Chase:** Explained that the traffic study showed the left turns could be accommodated coming out of there and they were confident it would be adequate even with additional traffic generated.

**Mr. Vella:** Explained that it had been a concern even when Chase Bank was built and DOT approved it.

**Attorney Vella swearing in Christine Nazzaro-Cofone, professional planner.**

**Ms. Cofone:** Explained that this is a permitted use in the BH zone but a variance is requested because of the excess building height. They feel the site can easily handle the 6% portion that is in excess of the code requirement. The variance for the lot coverage is due to the revisions to allow emergency vehicle access around the building. The building coverage is very low compared to what is allowed in the BH zone. The rear elevation has three different materials on it: stone, stucco and aluminum with pilasters every 24'. This adds architectural interest and variety thereby reducing the massing of the building. Introduced Exhibit A-8, Architectural rendering of rear elevation. The two signs on the building accommodate both pedestrian traffic and northbound traffic on 35 to make the building identifiable. The signage package is appropriately scaled to the building and accomplishes the stated purpose of the BH zone. This site is an appropriate location for this use and the rear and front yard setback requirements are exceeded. It is an efficient use of the land and repurposes an existing commercial property. There is no substantial detriment to the area by this application and is consistent with the master plan.

**Mr. Solomeno:** Asked about delivery hours and limitations.

**Mr. Logan:** Explained that they do not have a distribution center yet but they are willing to work with the township to choose acceptable times. It will not be during the peak hours.

**Mr. Solomeno:** Asked Mrs. Keegan what hours Costco is restricted to.

**Mrs. Keegan:** They are restricted to 6 am to 10 pm.

**Mr. Logan:** Indicated they would be consistent with other retailers and they would agree to no overnight idling on the site.

**Mr. Tyler:** Expressed his concern about an increase in noise to the residential properties and asked for clarification on the location of the building and how much land will be cleared.

**Mr. Crowder:** Explained that the Red Oak Diner is approximately 560' from the rear property line and the Lidl Store will be 186'. The 20' residential buffer will be maintained and enhanced with evergreens and plantings on the berm. There is a 20' section of large trees that will remain untouched.

**Mr. Logan:** Advised that they could do a solid vinyl fence instead of the chain link if that helps enhance the screen.

**Mr. Glackin:** Asked if there was anything more that could be done.

**Mr. Crowder:** Reiterated they could do a more solid fence around the side near the residential area.

**Mr. Vella:** Asked how much area was between the 20' buffer and the basin.

**Mr. Crowder:** Explained that it is 35' to the top of the berm from the 20' buffer so the total buffer will be 55'.

**Mr. Vella:** Suggested supplementing the 35' so it will be denser to make up for the clearing necessary for site plan.

**Mr. Solomano:** Asked if there was any testimony regarding sound levels of machinery or a report from a noise expert.

**Mr. Crowder:** Stated that the applicant will meet all state and town noise requirements.

**Mr. Logan:** Explained that the loading area is low to minimize sound and there is louvered screening around rooftop units so the sound is directed upward. They did not have a sound engineer prepare a report.

**Mr. Solomano:** Questioned where the trucks pull in and maneuver on site and if headlights would be shining towards the residential area.

**Mr. Crowder:** Explained that there are additional shade trees on the lower portion of the site and an 8' trash enclosure that would help to shield headlights. There will also be tall columnar shrubs along the length opposite the loading area and enclosure.

**Mr. Tyler:** Questioned where the nearest lights to the residential area are.

**Mr. Crowder:** Stated they are along the perimeter drive and will be 0 foot candles from the basin back. They are 14' high with backlight control, shielded LED lights.

**Mr. Otto:** Explained that the plans would be adjusted based on our comments and he will work with the engineer's office to meet the conditions put on the application.

**Chairman Tyler asked for public comments. No one spoke.**

**Mr. Vella:** Stated conditions of application would be: walk through with LUB engineer to add trees to any vacant areas, meeting all technical comments in CME's report, loading and deliveries restricted to between 6am and 10pm and no overnight idling of trucks onsite.

**Mr. Tyler:** Asked whether there would be any outside merchandising and whether this store design had been used before.

**Mr. Logan:** Stated that this design is unique to the U.S. There are no other stores open yet, only one test store built in Fredericksburg, Va. There is no plan for outdoor merchandising.

**Mrs. Keegan:** Recommended restricting all outdoor merchandise sales.

**Mr. Vella:** Stated we will add the condition restricting outdoor merchandising and in the future, they can come back to the board to ask for any changes needed.

**Offered By:**           Vignola                                **Seconded By:**           Moore          

<b><u>ROLL CALL</u></b>	<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>AB</u></b>
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	_____X_____	_____	_____
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. Gianetti:** Explained that they had submitted revised plans showing changes to location and size of the building as well as right of way improvements on South Laurel Ave. The engineer, architect, traffic engineer and planner will testify.

**Mr. Vella:** Marked as exhibit A-19 the revised plans entitled "Preliminary & Final Site Plans/First Hartford Realty" revised August 30, 2016 and LUB-2 as CME's report of September 14, 2016.

**Attorney Vella swearing in Douglas Grysko, engineer.**

**Mr. Gianetti:** Asked Mr. Grysko to walk through the proposed changes to the site plan.

**Mr. Vella:** Marked exhibit A-20; mounted colored rendering of revised site plan.

**Mr. Grysko:** Explained that the size of the building has been reduced to 12,900 square feet and has been rotated on the site to be more parallel with Laurel Avenue. This allows for increased building and drive through setbacks from the residential properties. Landscaping has been increased in the front of the building and the residential buffer to the east has also been increased. Approximately 20 additional trees will be preserved. There are now 58 parking spaces and there is a 7' dedicated right of way lane on South Laurel Avenue.

**Mr. Vella:** Marked Exhibit A-21 as mounted site plan comparison.

**Mr. Grysko:** Compared the two site plans and showed the differences illustrated on the renderings. Explained that the new side yard setback to the residential area is 64' where it previously was 40'.

**Mr. Gianetti:** Asked Mr. Grysko to explain the RAO that was submitted to the town.

**Mr. Grysko:** Explained that the RAO is a Remedial Action Outcome letter that was dated July 31, 2016. It was submitted by a site remediation specialist retained by the owner of the property. He explained that the lot coverage variance that had been required in the R-50 zone was eliminated by the revisions.

**Mr. Gianetti:** Asked Mr. Grysko to confirm that an as built survey of the Route 35 location had been submitted (Exhibit A-18) and how many parking spaces were shown.

**Mr. Grysko:** Confirmed that an as built survey had been submitted and there were 64 parking spaces shown for the Route 35 location.

**Mr. Tyler:** Clarified where the additional trees and landscaping will be.

**Attorney Vella swearing in Robert Gehr, architect.**

**Mr. Gianetti:** Asked Mr. Gehr to explain the architectural changes proposed under the revised plan.

**Mr. Vella:** Marked Exhibit A-22 as Mounted Revised Architectural elevations.

**Mr. Gehr:** Explained that the footprint of the building has been shortened. The depth of the building was reduced by adding a mezzanine at the rear of the building which will be for storage only. Plank siding has been added to the building and a mansard roof on the east side. False windows have also been added along that side to reduce the building massing and make it more compatible with the residential area.

**Mr. Vella:** Marked Exhibit A-23 as Colored Architectural Rendering of Route 36 frontage.

**Mr. Gehr:** Explained the side by side comparisons showing the reduction of the building massing. The height of the building is in compliance except for the front decorative parapet.

**Mr. Vella:** Marked Exhibit A-24 as Architectural Rendering from Eastern Properties.

**Mr. Gehr:** Explained that the view is looking from the back of the third house towards the CVS. There is a chain link fence that will be replaced with 6' board on board fencing.

**Mr. Vella:** Marked Exhibit A-25 as Architectural Rendering from Liberty Place.

**Mr. Gehr:** Explained the view is looking towards the CVS from the corner of Liberty. There will be a detention basin in the grassy area shown.

**Mr. Vella:** Marked Exhibit A-26 as Architectural Rendering View from front drive through.

**Mr. Gehr:** Explained the rendering illustrates the architectural features on the rear side of the building and the amount of space between the drive through lane and neighboring properties.

**Mr. Tyler:** Questioned how wide the drive through lane was and what the distance was to the fence.

**Mr. Gehr:** Explained that the drive through lane is 15' wide and there is approximately 40' from the side of the building to the fence.

**Mr. Solomeno:** Questioned whether the basin will be fenced off and how large it will be.

**Mr. Gehr:** Stated there would be a split rail fence surrounding the basin area. It will be 80' in length by 50' wide.

**Attorney Vella swearing in Nicholas Verderese, traffic engineer.**

**Mr. Gianetti:** Asked Mr. Verderese to explain the method he used to estimate the summer traffic counts.

**Mr. Verderese:** Explained that they had overestimated the volume of traffic passing by the site in the summertime.

**Mr. Vella:** Marked Exhibit A-27 as Summer Count Tables.

**Mr. Verderese:** Stated that they did traffic counts in July on a weekday and a Saturday. They had previously done factoring where they added 44% to the counts done at other times of the year in order to estimate summer counts. The actual counts were significantly less than what had been calculated previously using industry data. He explained the changes in the timing signals at Route 36 and Laurel Avenue based on seasonal traffic patterns. Indicated the applicant would seek a signal timing adjustment and submit a problem statement to DOT regarding the intersection. They are also proposing the dedicated right of way for a right turn only lane onto Route 36. This will increase capacity on South Laurel and should limit traffic cutting through neighborhoods because it will be easier to turn right onto the highway. The current signal lights will be replaced with new ones, turning arrows will be added and new crosswalks along South Laurel and Route 36 with countdown indicators.

**Mr. Gianetti:** Reiterated that because CVS is assembling these lots into one parcel, it makes the dedicated right turn lane possible. It would not be able to be provided otherwise.

**Mr. Verderese:** Stated that they are comfortable with 58 parking spaces. The CVS on Route 35 has 64 spaces and they feel 58 will be adequate.

**Mr. Otto:** Asked whether a plan of the intersection improvements had been submitted with the revisions.

**Mr. Verderese:** Stated they had a meeting with DOT and will submit the finalized plan.

**Mr. Vella:** Questioned what would happen if a car that was going straight across Route 36 was in the right turn lane.

**Mr. Verderese:** Explained that the median would be in the way, they would have to get over to the left.

**Mr. Tyler:** Questioned whether there was a sidewalk connection along Route 36.

**Mr. Verderese:** Explained there is a crossing on Route 36 and two crossings on South Laurel.

**Mr. Glackin:** Questioned whether the intersection would continue to have failing movements when the intersection improvements are done.

**Mr. Verderese:** Explained that the failing movements had only been in the summer. There would be significant improvements based on the signal changes and increased capacity.

**Attorney Vella swearing in John McDonough, planner.**

**Mr. McDonough:** Stated that the applicant had removed one variance-the lot coverage in the R-50 zone with the revised plans. A total of eight variances have been eliminated since the application started. The parking variance request is supported by national standards. He explained that the improvements to the architectural features support the promotion of a desirable visual environment. The increased setback due the rotating of the building and the reduction in size supports the promotion of light, air and open space. There will be substantial intersection improvements which promotes the free flow of traffic. He stated that the CVS is not substantially inconsistent with the master plan and is not a substantial departure from the intent and purpose of the zoning plan. This location is a special node located at the intersection of two major roadways that is intended for increased activity.

**Mr. Solomano:** Questioned whether the percentage of the development in the residential zone had decreased.

**Mr. McDonough:** Stated the amount in the residential zone had decreased by approximately 1,000'.

**Mr. Vella:** Stated we will carry the case to October 20 without further notice and advised witnesses to be present for cross examination by Mr. McKenna.

**Mr. Gianetti:** Stated they will submit a signal plan showing the proposed changes to the intersection.

**Citizen Hearing:**

**Offered By:** Vignola

**Seconded By:** Glackin

**No one spoke.**

**Motion to Adjourn:**

**Offered By:** Vignola

**Seconded By:** Glackin

**VOICE VOTE:** Yes

**Next Meeting: October 6, 2016**

**Respectfully submitted: Laura McPeck**