

Date: 3/3/2016
Officer: Vignola
2nd: Tyler

Minutes of February 18, 2016

The Regular Meeting of the Hazlet Township Land Use Board scheduled for February 18, 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. Byrne, Mr. Bace, Mr. Tyler, Mr. Solomeno, Mr. Vignola, Mr. Rooke, Mr. Mann, Mr. Moore

Absent: Mr. Lavan, Mayor Aagre, Deputy Mayor Kiley, Mr. Grossman, Mr. Sanfilippo

Professionals: Mr. Kittner PE, Mr. Vella Esq, Mr. Rodriguez, Mrs. Keegan

MOTION: To approve the Minutes of the Regular Meeting of January 21, 2016

Offered by: Mr. Vignola

Second: Mr. Tyler

ROLL CALL

	<u>PRESENT</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Mr. Byrne	_____	_____	<u> X </u>
Mr. Bace	<u> X </u>	_____	_____
Mr. Lavan	_____	<u> X </u>	_____
Mr. Tyler	<u> X </u>	_____	_____
Mr. Solomeno	<u> X </u>	_____	_____
Mr. Vignola	<u> X </u>	_____	_____
Mr. David Rooke	<u> X </u>	_____	_____
Deputy Mayor Kiley	_____	<u> X </u>	_____
Mayor Aagre	_____	<u> X </u>	_____
Alt #1 Mr. Mann	<u> X </u>	_____	_____
Alt #2 Mr. Moore	<u> X </u>	_____	_____
Alt #3 Mr. Grossman	_____	<u> X </u>	_____
Alt #4 Mr. Sanfilippo	_____	<u> X </u>	_____

Memorial Resolution #15-20L Macco, 17 Johnson Terrace: Block 64.01, Lot 4; R70 zone.
 Applicant obtained permission to retain 14 foot x 15 foot wooden deck/porch and a 26.5 foot x 15.5 foot concrete pad.

Motion to approve:

Offered by: Mr. Solomeno

Second: Mr. Moore

<u>ROLL CALL</u>	<u>YES</u>	<u>ABSENT</u>
Mr. Byrne	<u>X</u>	<u>_____</u>
Mr. Bace	<u>X</u>	<u>_____</u>
Mr. Lavan	<u>_____</u>	<u>X</u>
Mr. Tyler	<u>X</u>	<u>_____</u>
Mr. Solomeno	<u>X</u>	<u>_____</u>
Mr. Vignola	<u>X</u>	<u>_____</u>
Mr. David Rooke	<u>X</u>	<u>_____</u>
Deputy Mayor Kiley	<u>_____</u>	<u>X</u>
Mayor Aagre	<u>_____</u>	<u>X</u>
Alt #1 Mr. Mann	<u>X</u>	<u>_____</u>
Alt #2 Mr. Moore	<u>X</u>	<u>_____</u>
Alt #3 Mr. Grossman	<u>_____</u>	<u>X</u>
Alt #4 Mr. Sanfilippo	<u>_____</u>	<u>X</u>

Carry-Over : 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.

Attorney Vella: This case was last heard in November 2015, it was carried to this date without further notice however, notice was provided. It is my understanding that you have two witnesses today.

Attorney Gianetti: I have three witnesses here with us tonight. We plan to present a revised plan that closes off Liberty Place showing no access in or out. No other changes to site plan. Architect will present changes to architectural plans based on comments received at last meeting. The Planner is available to testify as to the variances requested. Traffic engineer will be available next meeting for questions regarding the updated traffic impact study.

Attorney Vella: Court reporter is present to take transcript of hearing for residents who are represented by attorney that could not attend tonight's meeting. We will not conclude any cross examination in order to give them an opportunity to question witnesses.

Attorney Gianetti: Members of the public who are not represented by an attorney will be able to ask questions of the witnesses.

Mr. Tyler: We will not be hearing from the traffic engineer tonight. We will try to get through all three witnesses and open up to public comments. We will have another meeting so if time doesn't allow tonight, there will be ample time for a full public hearing.

Attorney Gianetti: Representing First Hartford Realty on continued CVS application. Introducing exhibit A-9 colored rendering of revised site plan showing Liberty Place closure.

Attorney Vella: We will introduce exhibit A-9 and address it next meeting when the traffic engineer is present.

Mr. Tyler: Unless, Mr. Kittner, there are aspects that are not traffic related to that plan?

Mr. Kittner: The only points I wanted to bring up were a few minor details. Revised plan shows fence around basin, parking lot shifted slightly farther away from South Laurel, reduced sidewalk width and change in sign size. Buffer along east property line has been increased from 10' to 20'.

Mr. Tyler: Thank you

Attorney Gianetti: I would like to call the architect to present the revised plan that addresses board requests from last meeting.

Attorney Vella: Mr. Gehr, you were previously sworn in, please be advised you are still under oath. We will mark your exhibit as A-10 revised elevation plan. What is the date of revision?

Mr. Gehr: Exhibit A-10 introduced as revised November 18, 2015 showing added arches on side of property that faces Liberty Place. We added some decorative joints on wall to create visual interest. There is a 6 ft vinyl fence along that side of the property that screens the lower portion of the building from view. Elevation updated to show matching 8 ft. brick enclosure around the compactor.

Mr. Gianetti: Those are the only changes. At the prior meeting there were some questions about noise levels regarding speaker and HVAC units on roof. Can you provide any perspective into that?

Mr. Gehr: Yes we looked into the decibel ratings of each. There are six units on roof with 81-89 decibel rating measured at the unit while running. Decibel ratings to closest property line (Liberty Place) will be 50 or below.

Mr. Tyler: So that's 50 what?

Mr. Gehr: 50 decibels at the property line.

Mr. Tyler: And that would be for each unit?

Mr. Gehr: No that would be if all units were operating at the same time. If they are not on at the same time then the decibel level would be even less.

Mr. Tyler: Ok just for laymen's terms what is 50 decibels equal to? What would be a comparative sound?

Mr. Gehr: I brought a chart with me. 50 decibels is equivalent to what they call moderate rain fall so as you go up the chart, it would go up exponentially. 60 decibels is normal conversation, lower volume than what we are at now.

Mr. Tyler: So 50 decibels might be the air that we hear right now?

Mr. Gehr: Probably, yes. I'm not an expert but 50 decibels is relatively quiet.

Mr. Gianetti: And that is in compliance with the municipal and state standard?

Mr. Gehr: That is compliant with municipal and state standards for evening hour operation 10 pm-7am, code requires no louder than 50 decibels measured at the property line. From 7 am to 10 pm that level is allowed to go to 65 decibels.

Mr. Gianetti: Closing of the store if 11 pm, do the units remain running at that time?

Mr. Gehr: No, CVS energy management system shuts all rooftop units off at store closing.

Mr. Gianetti: Were there any other comments you wanted to address?

Mr. Gehr: There was a question about the compactor. The compactor operates at 72 decibels and the timing of the cycle is 57 seconds. We were asked to determine how often that runs. I wasn't able to get a definitive answer- it depends on the volume of cardboard generated. The loading area is 2 cubic yards that would have to be filled with cardboard before the unit cycled. At the property line we are below 40 decibels when the compactor is cycling.

Mr. Byrne: Can you forward copies of your calculations to our office?

Mr. Gehr: Yes we can.

Mr. Byrne: Okay and can the applicant agree that in the event that his calculations don't accurately represent the site and the board approves this application, would you agree to attenuate the sound with additional measures?

Mr. Gianetti: Yes if there is any violation of state or local standards as to noise made at the property line they will do what's necessary to bring it within compliance.

Mr. Byrne: Thank you.

Mr. Kittner: I also believe your plan was revised to show a building height of 27 feet, is that correct?

Mr. Gehr: Correct.

Mr. Tyler: How was that done? To reduce the building height?

Mr. Garrett: We reduced the structure slightly, the building is normally 28 feet so we reduced the overall structure by about 1 foot to get it down to 27 feet.

Mr Tyler: And that includes the parapet?

Mr. Gehr: Yes it does.

Mr. Tyler: Thank you.

Mr. Gehr: The highest point is 27 feet measured at the parapet at the front entrance.

Mr. Gianetti: That's all I have on direct for this witness.

Mr. Tyler: I have a question about the east side. So with the additional detailing, the wall mass is broken up somewhat. What about changing the color? The paint color on the wall.

Mr. Gehr: On just that side or all the way around the building?

Mr. Tyler: No, well particularly that side. Something not as bright maybe?

Mr. Gehr: Is there a suggestion? Something that would be complementary?

Mr. Tyler: I would just say is that something that you're open to since it's the back side of the building? Something more muted and tonally not quite as dark as it shows on the rendering, something a little less than that bright yellow?

Mr. Gehr: We could certainly entertain some samples. I don't think we would want to change it significantly so we can maintain that continuity but we can work with you in the brightness of that color.

Mr. Tyler: I know it's on a rendering, how would you describe that color?

Mr. Gehr: I have a sample with me, would you like to see it?

Mr. Tyler: Sure

Mr. Gehr: This would be the color.

Mr. Vella: Mark it as exhibit A-11.

Mr. Gehr: That is the same color of the stucco on the building that is on 35.

Mr. Tyler: And it's pretty accurately reflected in the rendering.

Mr. Gehr: We try. It's medium yellow.

Mr. Vella: Okay it is marked as A-11 color sample of yellow wall.

Mr. Gehr: I could certainly prepare some color samples that we think would complement that for review.

Mr. Tyler: Alright. Members of the board, any other questions?

Mr. Byrne: Not at this time.

Mr. Tyler: Great, thank you Mr. Gehr.

Mr. Gianetti: At this time, I would like to call our planner.

(Attorney Vella swearing in planner John McDonough)

Mr. Gianetti: Can you please present to the board your qualifications and certifications?

Mr. McDonough: Sure I am a licensed professional planner here in NJ, I also a member of American Institute of Certified Planners. I do also hold a landscape architecture license in the state. I am here primarily as a planner testifying to the legal proofs for the variances. To the extent that we do get into a conversation about landscaping as part of the justification, I do hold that license as well.

Mr. Gianetti: Can you outline for the board the scope of the work and what you've done in preparation of this application?

Mr. McDonough: Sure. We start with what's on the ground now. I'll share with the board some photographs to document what I've found with respect to the condition of the property. We then overlay what the applicant is proposing, we look at the application that is before you. We've been here for all the hearings, listened to the reports of the professionals, comments from the public. We tie that to your zoning ordinance, vision and master plan and statutory requirements under Land Use law in terms of the justification for that relief.

Mr. Gianetti: So maybe now walk the board through conditions of the property, existing conditions and what's being proposed with respect to it.

Mr. McDonough: I know we had given a flash drive to the secretary with these photos I am about to show. If we don't that's okay because I have some boards and I have some handouts.

Mrs. Keegan: We don't have a flash drive.

Mr. McDonough: We will go with the boards. And Counsel I don't know if you want to mark this as one packet, it's going to be three photographs? I have them on separate sheets.

Mr. Vella: Are they attached to each other?

Mr. McDonough: Yes they are.

Mr. Vella: Then we'll mark it as one packet. We'll mark this as A-12 photograph planners exhibit.

Mr. McDonough: I also have them on a board for the public to see.

Mr. Tyler: We have extra copies up here if anyone wants one.

Mr. Gianetti: Mr. McDonough, using exhibit A-12 just describe the photos involved and the perspective.

Mr. McDonough: Ok this is going to be an aerial photograph that's downloaded from Bing website. It's of fairly recent vintage, within the last 2-3 years. It represents a fair and accurate depiction of the property to represent the overall condition of the property and the surrounding context. Outline of property has nice accessibility, triple frontage on two arterial roadways South Laurel Ave. and Route 36, as well as Liberty Place. Site has good visibility making it an ideal location with nice connectivity with both sides of 36 via jughandle and traffic signals. We have labeled the surrounding land uses in yellow, which are residential to the south and commercial towards the east. There is significant buffering proposed between this land use and the adjacent residential complex. Photo #2 shows the condition of the property as it presently exists. On page 2 these are 4 photographs that I took back in October when application was starting. Frames 1&2 are a panoramic view from the corner of 36 and South Laurel looking into the subject property and you can see that some earth work has begun at this time as part of our decommissioning of the service station use. This has been a service station use for a long period of time, as far back as the 60's. Frames #3&4 give us a sense of other features of the property including on frame #3 which is a view of an onsite dwelling to the right hand side if I'm looking north on Laurel Ave. towards 36. Frame #4 gives us a

closer view of this dwelling being located head on with the Route 36 off ramp which is not an optimum location for a residential use notwithstanding the zoning, it is a difficult location for a home to coexist.

Mr. Vella: Mr. McDonough looking at your first picture, is the onsite building the one that is closest to the residential neighborhood but within your site plan on South Laurel? Is that the property you're talking about?

Mr. McDonough: No, that would be the one immediately opposite the Route 36 off ramp. There is a dark colored building in the aerial photograph. It is midway along the South Laurel frontage.

Mr. Tyler: Mr. McDonough, are you aware if that house is vacant currently?

Mr. McDonough: It certainly appears that way. It appears to be vacant, I can't tell. I have said in the past that a house is vacant and have found out that it was occupied. I don't know for a fact but it certainly appears to be vacant.

Mr. Byrne: Mr. Chairman, I don't believe it's vacant.

Mr. Tyler: Okay

Mr. McDonough: That's why I said I'm not guaranteeing that it's vacant. Frames 5, 6, 7&8 give a sense of the non-residential influences on this particular piece of property. Frame #5 looks at the land use to the north which is a highway commercial use on the opposite side of 36. Frame #6 also on the northbound side we have additional highway commercial uses. Coming over to the west side, we have what was formerly the Untouchables bar that is on the opposite side of South Laurel Ave. Finally, we get a sense of what the board has been talking about for several hearings and that's that traffic that's coming off of Route 36 off ramp to South Laurel Ave. So with that foundation, we look to what the applicant is proposing to do on this property.

Mr. Gianetti: Is this exhibit A-9 you are referring to, the colored rendering?

Mr. McDonough: I am referring to exhibit A-9 that's correct. Just to recap, the applicant is proposing 14,798 sf CVS pharmacy building with parking fronting on both sides of the building as it faces South Laurel and Route 36. I believe we are now at 68 parking spaces with access both off of South Laurel and 36 and now closing off the access on Liberty Place based on interaction with the board, professionals and the public. The applicant has been responsive in terms of dialogue with the board and responding to the public. We can see in this rendering that there is a significant green belt proposed around the property. There are going to be dozens, if not hundreds of plants proposed along the perimeter. It does in effect, along the back portion of the property create what is essentially a park like setting with no activity that will benefit approximately 10 homes with no development around the perimeter of their backyards. Certainly an

improvement over the existing condition and certainly an improvement over what is contemplated under your zoning scheme which does allow this to be an active site for development. This is going to be a park adjacent to those properties.

Mr. Byrne: What is the size of that piece of property?

Mr. McDonough: The back piece?

Mr. Byrne: Yes

Mr. McDonough: Just less than an acre, 40,000 sf. Which is also an oversized lot with respect to residential, it could be subdivided a number of ways. Now to look at the zoning criteria and we know that the front linear portion of the property along Route 36 is zoned for commercial use and the back portion beyond is zoned for residential use. The applicant does need use variance relief to extend a portion of this development into that residential zone.

Mr. Gianetti: And on exhibit A-9 that dotted line going across the building and through the rest of the plan is the zone boundary?

Mr. McDonough: That's correct and for ease of reference, there's a notch in the property as we work our way back parallel from 36 that actually forms that zone line. So the linear portion toward highway 36 is zoned commercial, the portion to the rear is zoned residential R-50.

Mr. Solomeno: Rough estimate, what percentage of the site plan currently is zoned as highway commercial?

Mr. McDonough: By eye, it's about a third, a little more than a third is commercial.

Mr. Solomeno: So you are looking to rezone about two thirds of the site?

Mr. McDonough: Well I have to be careful with that word rezone, this is not a rezoning. It is a textbook use variance. We are not looking to change the zone line but we are looking to effect a use variance related to a specific piece of property.

Mr. Solomeno: But you are looking to change its use from residential to commercial?

Mr. McDonough: We are looking to occupy a portion of that property with commercial land use that's correct.

Mr. Solomeno: To be clear with that number, you are referring to just property area or actual development? I see that you are including a buffer of vegetation.

Mr. McDonough: The total tract is 2.3 acres and the portion that is zoned residential is actually 40,000 sf.

Mr. Vella: No, you said 40,000 sf?

Mr. McDonough: I have to correct that, I'm sorry.

Mr. Solomeno: I think that's the highway.

Mr. McDonough: According to the table, it's showing that the total property is 2.3 acres I don't know the breakdown of what portion is in the BH and what portion is in the R50. We can get that. We will correct those numbers for you. So back to the zoning, it's a split zone piece of property and importantly the business district is the BH business highway district, highway commercial. It is your most intense business zone. It is not the neighborhood commercial zones. It is not the office commercial zone. It is the zone for highway commercial uses and it is essentially restricted to both Routes 35 & 36. It allows for larger retail and associated uses that are distinctly not neighborhood or local business type of uses. Hotels, health clubs, restaurants, offices, child care centers etc. are all permitted uses in this zone. Propane gas storage is also allowed as a conditional use as well as outdoor dining. The BH zone is an active zone, one of your higher intensity business districts. The relief is related purely to the residential component. That is the primary variance that we are going to be dealing with this evening, the relief related to the use component extending into the residential portion of the property. Hand in hand with that are some subsidiary relief related to bulk, related to parking, signage and basic design elements.

Mr. Vella: Mr. McDonough before we proceed, you said the property was a split zone. I can't really tell from the stuff I have in front of me. So you have a bunch of properties here and I can't tell where the lot lines are as compared to the zone line. Split zone generally means that you have a piece of property and the zone runs through it and there's different law that applies to that because it's zoned two different ways. Rather than an application where you have commercial lots as well as residential lots and you are purchasing the residential lots and using them for a commercial zoning use. That's not really a split zone property, could you tell us which one is because I can't really tell from what I have in front of me.

Mr. McDonough: I will clarify that, I was using that in the vernacular sense than the legal sense as a split zone piece of property. We are dealing with four lots here that in aggregate are forming one parcel that has two zones. But to the extent that we are dealing with an element of law related to split zoning, I'm not going down that path.

Mr. Vella: That's fair, I just wanted to make sure because I couldn't tell.

Mr. Byrne: If I could interrupt for one second, just to answer the board's question regarding the percentage of residential and commercial based on the survey that was provided by the applicant it appears that 1.4318 acres would be residential and 0.8654 acres would be commercial. Using those amounts, that equates to 62.33% residential and 37.66% commercial and that's based on land area from the survey.

Mr. McDonough: So I was close with my one third, two thirds analogy. So back to the legal proofs that are associated with the use variances, I look at the relief that's before you now. I find the justification under subsection 70D1 of the statute in the well-established case law known as Medici standard. On the positive side, I find that the justifications are there by a number of reasons. First and foremost is that this site is particularly suited for this use and we are talking about the portion that extends into the residential. By virtue of its context and the fact that we are dealing with a transportation influence on this area, unlike anywhere else we see in the general area, certainly commercial influences looking at this particular piece of property and by virtue of the condition of the property. This is a piece of property that has been developed and is not pure in terms of raw land. This is something that is easily adaptable for the use that is before you now-generally clear and flat, ideally suited to accommodate the use. There is a distinct lack of environmental constraints related to wetlands, steep slopes or rock outcrops, waters or the like. This landform is ideally suited to accept and accommodate the land use that is before you now. That goes toward the special reasons, the fact that the site is well suited for the use thereby promoting planning purpose A-the promotion of the public welfare or the public good. Additionally, we see the advancement of several purposes of the municipal land use law including Purpose G-the planning goal to provide for a variety of uses in an appropriate location. The location is certainly appropriate here and we recognize that pharmacies are a necessary land use. The statistics are pretty clear-250 million Americans visit one of these each week. Seventy percent of Americans take at least one prescription drug and as we see that age cohort growing annually, the demand for this land use certainly increases. We know we have this brand elsewhere in town, this is an end user and a land use that wants to be here. That is responsive to demand and goes towards Purpose G in appropriate locations and highway commercial is an appropriate location for a commercial land use. Additionally, we see a planning goal for Purpose I-the promotion of a desirable visual environment. Aesthetically and visually here this is going to be a significant improvement in terms of the architecture, landscape and the green buffering around the perimeter of the property. With new development comes new imaging of the community, it's certainly going to bring up the image of the community as a positive place for a national brand to invest along a corridor that your master plan talks about wanting to incentivize development and repurposing some of the commercial uses in this area. Also, talking to more of a regional level and what the county talks about along this 36 corridor as it stretches across several municipalities. This is a key location that's highlighted in the Regional Master plan put forth by the county in terms of its overall strategy for the Route 36 corridor. We are also looking at the planning goal of Purpose M the promotion of efficient use of land. Taking what is there and making it

better- redevelopment is as efficient as it gets from a planning standpoint. Your master plan points out that there is a scarcity of available land here in the community and encourages redevelopment as opposed to new development on the perimeter and finally, the advancement of Purpose H which is to promote free flow of traffic. You've heard our traffic engineer talk about a number of improvements associated with this plan most notably, the driveways near the intersection that are going to be eliminated. On the flip side, we look at the impact to the surrounding public and to the impairment on your zone plan and ordinance. From a planning standpoint, it is my conclusion that the relief can be granted without substantial detriment to the public good. From a public safety standpoint, public health standpoint, traffic, security, fire, refuse, air pollution, water pollution have all been dealt with. The nuisance criteria related to the public welfare, impacts related to noise, glare and the like have also been well vetted. You also have performance standards in your ordinance that will guide this development related to odors and vibrations and things like that under 181-402 and this application will be in full conformance with those standards. You've heard about the limitations about the hours of operation. This is not going to be an around the clock land use. I believe that relief can be granted with respect to the use variance without substantial detriment to the surrounding area particularly those residents along the back which will enjoy a nice park like setting with the additional landscaping and also the buffering that's been provided on the drive thru side adjacent to that one residence where we are proposing a 20 ft buffer that now meets the requirements of the ordinance for a commercial land use. Looking at the zone plan and ordinance, it's my planning conclusion that relief can be granted without substantial impairment to the intent and purpose of the zone plan. This is a small portion of the overall BH zone which extends the length of 35 and 36 with a few exceptions. This one encroachment of commercial into residential is not going to upset the balance of the overall zone plan. In terms of the Medici reconciliation, the fact that the use continues to be omitted from the residential zone, there's no discrepancy between the overall master plan goal to encourage opportunities to improve the commercial stock. The 2008 Master plan reexamination puts emphasis on the Bayshore Region Strategic Plan which calls for improvements along the Route 36 corridor. This is one of the five nodes along Laurel Ave. which is an area that they consider to be a gateway where there should be an emphasis on design quality. I think we have achieved a visually pleasing design here and also to create a node, an activity center at a key intersection in the community lifting up the area with an attractive land use. This is right on point with what the plan talks about. I see significant weight on the positive side with respect to the use variance. Yes it's an intrusion into the residential zone but it is not a substantial intrusion. With any change, there's impact but the question is whether the impact rises to the level of being substantial whereby the negatives outweigh the benefits. My conclusion is that the weight is on the positive side and in that regard, the Medici part of the test is met.

Mr. Gianetti: The applicant is also seeking other standard C variances as part of this application as well?

Mr. McDonogh: Yes there are a number of C variances, they are all subsidiary to the use relief. The use is really the paramount thing that the board will deal with here. Hand in hand with that comes some subsidiary bulk relief and some design relief as well. The first is related to setbacks and the overall scale of the project. The first relief sought is related to building height. On exhibit A-10, the height of the building including the parapet is at 27' where 25' is the ordinance cap so it's a 2' variance that is a C variance since it is less than 10% over the ordinance. The 2' increase in height only relates to the entry feature so it gives the building proportionality and balance. It helps direct visitors to the front door of the facility .It will not create any detrimental glare effect or obstruct any scenic views.

Mr. Tyler: Mr. McDonough what's the height of the section of the building that has the CVS sign and what's the height of the other two sections?

Mr. McDonough: The lower portion is 23' high, the higher portion is 25' high.

Mr. Tyler: Okay, thank you.

Mr. McDonough: The other two forms of bulk relief relate to the overall lot coverage. In the R50 portion of the site the maximum allowable lot coverage is 45%, the applicant is at 47%. In the BH portion, the maximum allowable is 55% and the application now stands at 67.7%. The justification for both forms of relief go to subsection 70-C2 of the statute, that's the balancing provision where we look at the benefits of the application as a whole and weigh them against the detriments associated with that additional coverage. From a planning standpoint, we are dealing with a layout that is very common, well tested design. I believe the benefit of the relief is necessary to effectuate this otherwise positive land use. I think the relief overall represents a better zoning alternative for the neighbors. We see a benefit of facilitating good and safe circulation and eliminating the non-conforming use of a gas station compared to a much more managed system that's being proposed here. The additional impervious coverage is not going to create any excessive or unmanageable runoff or flooding onto neighboring properties. Additionally, the planning goal to provide for adequate light, air and open space is met by the substantial greenery around the perimeter of the property.

Mr. Gianetti: We heard some testimony from the civil engineer and traffic engineer that related to the parking. From a planning perspective, can you provide some justification for those variances?

Mr. McDonough: Sure. Doug & Nick both gave the technical justifications for the relief related to parking. I have five forms of parking related relief. All five are justifiable under subsection C-2 of the statute. The first parking related relief is the stall size, 9' wide by 18' deep where the ordinance requires 10' wide by 20' deep. This is a time tested model, there is significant proof that this model works.

Mr. Vignola: I have a question. Where else do you have a building with the parking smaller and everything else?

Mr. McDonough: With the 9 by 18 standards?

Mr. Vignola: Yeah I'd like to see it.

Mr. McDonough: Well I do know that with this particular land use where we are not dealing with shopping carts the wider spaces are typically not considered necessary. 9 by 18 is adequate, it is a very common standard that we see. I am going back on the technical expertise of the experts before me that said the site will function safely and efficiently.

Mr. Vella: I think the question was are you familiar with any other CVS in the area that have 9 by 18 parking spaces rather than 10 by 20?

Mr. Gianetti: I am going to check on other stores and provide that information. I know the typical is 9 by 18. I can't say for sure whether the other CVS recently approved has the 9x18 stalls.

Mr. Vella: Are you familiar with any of those that are 9x18 or 10x20 in other places?

Mr. McDonough: I don't have specific sites for the board but we can get that information for the board next time. I know that 9x18 is not out of the ordinary for this end user.

Mr. Vella: Well do you know what the parking is at the existing CVS?

Mr. McDonough: I don't.

Mr. Gianetti: The existing one on 35 or other?

Mr. Vella: Either

Mr. Gianetti: We'll get that information.

Mr. Byrne: The normal business hours are from 7am-11pm is that correct?

Mr. Gianetti: I believe the testimony was until 10pm but then there is an extra hour for the employees to close the store so it shuts down at 11.

Mr. Byrne: Do you foresee any circumstance where the building while not open, would be open for deliveries by tractor trailers or the like from 11pm until they open?

Mr. Gianetti: I don't foresee that, no.

Mr. Byrne: will there be any tractor trailers, either the trailer itself or the truck left on the property at any time?

Mr. Gianetti: I would have to confirm that but, no they are shaking their heads no that is not going to be the case.

Mr. Byrne: Okay thank you

Mr. Vella: So you would have no problem with a condition that would prohibit deliveries prior to the opening at 7am and after 10pm?

Mr. Gianetti: I'm sorry I missed that.

Mr. Tyler: No deliveries after hours.

Mr. Gianetti: Yes

Mr. Tyler: Okay

Mr. Gianetti: For the record, we have a review letter from the prior CVS store that was approved around 2010 and we were granted relief for having 9x18 parking spaces as part of that application as well.

Mr. Vella: Is that a review letter or is that the final approval resolution compliance?

Mr. Gianetti: This is a review letter dated 8/30/2010 from T&M Associates which was reviewing the application. Comment 1.7 states that in regard to 9x18 parking spaces, the dimensions are in accordance with the standard engineering practice, there is no objection to the board granting that variance.

Mr. Vella: Which one was that? Route 36?

Mr. Gianetti: Route 36

Mr. Vella: So maybe the one on Route 36 has 9x18 parking spaces.

Mr. Tyler: Excuse me, Route 36?

Mr. Gianetti: I'm sorry that's Route 35, not the existing one the one that was recently approved.

Mr. Tyler: My recollection was that there were some smaller spaces at that site.

Mr. Gianetti: We'll confirm that.

Mr. Tyler: I think we ask that you keep the larger spaces in the most heavily used parking. In that particular site, I think we made that accommodation but only on a few.

Mr. Byrne: Is it also your intention that the green acre will always remain as green acreage and never be developed?

Mr. Gianetti: We don't have a problem making that representation.

Mr. Vella: They couldn't develop it without coming before the board anyway.

Mr. Byrne: Okay

Mr. Tyler: It's part of their lot coverage that helps them almost to being 45%.

Mr. Byrne: Mr. McDonough I just want to verify for the record an issue with the impervious coverage. I know our letter stated 57.5% overall but I believe the revised site plan that was submitted indicates 55.2% I guess it decreased slightly by pulling the building away. The residential impervious coverage is at 47% where 45% is permitted by ordinance. The business zone is 67.7% where 45% is permitted as well. Can you offer some testimony on that? Would you consider that the business at 67.7% is consistent with other commercial properties in the area?

Mr. McDonough: Going back to Exhibit A-3, the aerial photograph that was provided. If we look at the surrounding properties along the highway commercial zone, they are predominantly paved over. This is an older commercial highway and many of the adjacent land uses are close to being 100% paved over. The 55.2% is more green than many of the land uses we see surrounding the property.

Mr. Byrne: Looking at the 67.7%, is that equal to or less than many of the surrounding commercial properties?

Mr. McDonough: Yes it is.

Mr. Byrne: Okay, thank you.

Mr. Gianetti: By having more of the impervious in the business zone, that allows for less in the rear residential zone.

Mr. McDonough: Correct. The end goal here is to emphasize the perimeter with the green space.

Mr. Gianetti: The next variance relates to number of parking spaces which the traffic and civil engineer provided the typical practice of a CVS store. If you can opine on the justification for the variance.

Mr. McDonough: We have a good foundation of evidence for the C-2, a balancing justification - the benefits outweighing the detriments. The benefit is that good planning discourages excessive pavement and that helps us keep our impervious coverage down. The supply will meet the demand. This is a well-tested model that works well. Numbers in the 60's are generally what the prototype calls for, the applicant is providing 68 here.

Mr. Gianetti: And then there's a variance also for the location of the parking.

Mr. McDonough: Parking is located in the front yard which is inherent to the nature of the land use. It provides a defensible space that naturally goes with a highway setting. It provides a benefit to the neighboring residential area. The active area is the parking lot so the building becomes a barrier. So we look to C-2 and an element of C-1 as well, the hardship or practical difficulty of meeting a 50 foot front yard setback.

Mr. Gianetti: In addition, the variance for the driveway location, in particular the South Laurel Avenue in the residential zone.

Mr. McDonough: Yes again this relates to the use variance and the fact that the access is coming in off of South Laurel. You have an ordinance that says retail access can't be through a residential zone. This driveway will provide a planning benefit from a traffic circulation standpoint as well as an auxiliary ingress and egress besides Route 36.

Mr. Gianetti: And also that access is directly across the street from the nightclub which is also located in a residential zone.

Mr. McDonough: That is correct.

Mr. Gianetti: The applicant is also requesting relief for the driveway size and the curb radii which is rather technical. Can you talk about that?

Mr. McDonough: The answer to that relates to the trucking activity on the property and those radii are adequate to accommodate the larger vehicles that go with this land use. There's a safety element to that.

Mr. Gianetti: I'll note that as part of the plan revisions, we eliminated a prior variance requested for the driveway offset by closing off Liberty Place.

Mr. McDonough: The applicant has actually eliminated a number of variances along the way. They have knocked off about 8 or 9 variances since we started.

Mr. Gianetti: With respect to signage, there are some variances the applicant is seeking.

Mr. McDonough: Back to exhibit A-10, the first relief needed is the fact that on two facades, the applicant is proposing two signs. The second sign relates to the word "pharmacy" which is required by law. The area of the signage is required to be 100 square feet, the applicant is proposing 160.2 square feet. This is also a C-2 balancing and the benefit of clear and safe identification of the building. The visuals speak for themselves, the signs are not overbearing. They fit nicely within the architectural framework. The sign indicating the drive-thru also provides a traffic safety element that adds to the C-2 balancing.

Mr. Kittner: Are these signs consistent with other CVS pharmacies?

Mr. McDonough: Yes, they are on scale with the one that we see over on 35. There is less signage here than at that location. They have an additional clinic sign. The next three variances all relate to the pylon sign. A-5 shows the electronic message board which has been eliminated. The relief related to the sign is the area-overall is 151.5 sf where 100 sf is allowed under ordinance. The reason is the decorative frame the actual panel is 50 sf. We feel this is a textbook C-2 variance. The setback is proposed at 10 feet from the right of way whereas 25 is required. The sign location fits within the context of the site, if it was situated further back it would be in the parking lot. Its not going to obscure any lines of sight and gives advance notice of entrance to the property. Finally, the fact that the drive thru is located in the residential portion. This is for the benefit of finding the way to the drive thru and it will be adequately screened from the dwellings to the rear.

Mr. Byrne: Is the size of that sign consistent with what is present at Route 35?

Mr. McDonough: That is correct, yes.

(Mr. Tyler calls for five minute break)

Mr. Tyler: I have a couple of questions. You talked about the residential driveways that were eliminated but you didn't really talk about the new driveways and their impact. That's got to be an increase for that intersection especially in the location that its in.

Mr. McDonough: The test is not whether it makes the traffic worse or not, it's if the roadway can accommodate the traffic as its proposed. The testimony is that this design will function safely and efficiently.

Mr. Solomeno: When was that survey taken?

Mr. McDonough: I don't have the report in front of me.

Mr. Solomeno; My concern is that during the summer months, the traffic at the jughandle becomes congested going into Keansburg area. It backs up and now with an entrance and an exit into that area, my personal opinion is that it won't support it.

Mr. Vella: I think your question is directly related to the traffic engineer and he's not here tonight. Following up on the chairman's question regarding the access and the closing off of the residential streets. It's not whether they function properly, there's a use variance associated with that entrance. How does the positive outweigh the negatives? What's the justification for creating that driveway in the residential zone rather than the commercial area?

Mr. Gianetti: Well any use variance is gonna require access

Mr.Vella: It does require access but you have a lot that has commercial access and this access is secondary. It's not the only access you have.

Mr.McDonough: The planning response would be having that secondary ingress & egress facilitates safer and more efficient traffic flow.

Mr.Tyler: You talked about the buffer, that there was an improvement to the amount or size of buffer. Essentially, the buffer is already there so the net effect of the building is reducing the actual buffering now.

Mr.McDonough: I'm not sure how effective the buffer that's there now is, they are mostly deciduous plantings that lose their leaves in winter months. The applicant is proposing a solid living wall between the land use and the residential area. That would be a better buffer that what exists now because it's year round.

Mr.Kittner: At last meeting, we spoke about contamination at the site. I'm not sure if you're prepared to discuss what the status is. We also talked about the groundwater and stormwater management design.

Mr.Gianetti: Prior to the next meeting, we will be submitting fully engineered plans based on the exhibits we entered here tonight. As part of that they will be addressing those comments raised at the last meeting. The property owner is conducting the remediation, the applicant has been monitoring it. I have been advised that all the underground storage tanks have been removed. David Jones is the LSRP of Enviro-Trak. Fuel and tanks have been removed and contaminated soil has been excavated from the site. They have sampled the remaining soil and it has come back clean. Groundwater analysis results are pending. I will ask him to provide an update to the board.

Mr.Kittner: We would like to get some sort of RAO or letter from him indicating that this application can proceed and actually be constructed with the status of the contamination.

Mr.Gianetti: In our call, he did indicate that there would be an RAO issued whether its restricted or unrestricted depended on the sampling results. They would need access to the monitoring wells.

Mr.Kittner: Thank you

Mr.Gianetti: There was some design waiver relief and landscaping relief sought as well. Can you walk us through and what the justifications are for that?

Mr.McDonough: They're predominantly related to the landscaping and the fencing. We are looking at section 500 of your ordinance, the design requirements. Section 51 of the statute says that a standard of reasonable must be met. Going back to exhibit A-9, the relief related to the fence is with respect to the eastern boundary line behind the properties off of Liberty Place. We are proposing a new fence system right on the property line that will be 6 ft solid vinyl privacy fence. The ordinance only allows 4 ft. This will provide additional privacy for the properties and provides continuity with the rest of the property fencing which is 6 ft high. The location on the common property line instead of 5 ft back according to the ordinance provides for enhanced privacy. The rest of the relief relates to the landscaping. They are providing landscaping only on the east side which is adjacent to the drive-thru component. The rest of the building is either utility in nature or the sidewalk system immediately adjacent to the building. The applicant is seeking to maximize the parking and maintaining green space around the perimeter by eliminating the bull nose islands with trees required between every 8 parking stalls. The landscaping requires one shade tree for every 5 parking spaces, the applicant is looking for relief to have those trees associated with the perimeter which goes toward the intent of the ordinance. Finally, the fact that there is no buffer around the compactor area or the refuse area. The buffering is provided at the perimeter where it's most effective rather than the interior where it could become an obstruction to the flow of vehicles. The driveway is supposed to be offset 10 feet from the building which is met in all locations except the drive-thru. It's only natural that at one point it would be immediately adjacent to the building.

Mr.Tyler: Thank you Mr.McDonough.

Mr.Byrne: You testified that the site plan does not substantially intrude into the R-50 zones. How do you define substantial intrusion?

Mr.McDonough: The word substantial is not defined in the municipal land use law. Typically this is a balancing, the positive criteria would be outweighed by the negative of that intrusion. We think there is a nice balance here for the benefit of green space in

an area that could be developed with an active land use adjacent to the properties at the back. It is well buffered and does not rise to the level of substantially detrimental to the residential character of the area.

Mr.Tyler: Let's talk about the building height, the relative mass of the building in proximity to the houses to the east.

Mr.McDonough: The 25' height of the building complies with the requirement and the building is no closer to the property line than a residential building could be.

Mr.Tyler: The area in the back is a substantial open area. I have some concerns about the accessibility of it. At closing time, the lights go darker and I have some concerns about the possibility of vagrants hanging out there pitching a tent, who knows?

Mr.Gianetti: In the landscaped area?

Mr.Tyler: Yeah. It's not accessible, there's a fence all the way around it. Is it possible to consider some way of keeping everyone out of it.

Mr.McDonough: I don't know if I would condone completely enclosing that area with a fence. I'd like to think about that. We could certainly put certain plantings back there that would make it a deterrent like spikes and thorns. We can make it an uncomfortable environment.

Mr.Tyler: Thank you sir.

Mr.Gianetti: So again, that's all we have for direct presentation tonight. Our traffic engineer will be back at next meeting. He did submit an updated traffic study and will testify to that. If the board wanted to open to the public cross examination of the planner, architect or civil engineer, at least those that are not represented by counsel.

Mr.Vella: We'll open the matter to the public for questions of the three professionals. Every person will be sworn in. The people that have hired counsel can't ask any questions. We are not closing off, your lawyer can ask all the questions he wants of these experts.

Mr.Tyler: If you just want to make statement, that's fine but the idea is to cover the testimony that we've heard tonight or make a statement about this application. We will be having at least one more meeting so you will have an opportunity. Please come forward if you would like to be heard.

Attorney Vella swears in Charles Giblin, 40 South Holly Ave. West Keansburg.

Mr.Giblin: The comments about the site remediation concern me. This site has not been cleared and no definitive answer to what the site contains. From photos we've taken I'm concerned why we would approve a building on this location until we have a clean bill of health for that environmental impact. It does not seem prudent to proceed. We're still considering monitoring wells and remediation plan, why is the board still considering this application?

Mr.Vella: This board can't say we will not hear your case because you're doing underground soil tank work or because you don't have your LOI yet, or DOT approval. Our board is subject to make determinations on applications subject to outside agency approvals so we have to hear it and decide on it. No building permit would ever be granted on this property until our engineer is satisfied with the environmental resolution. We have to be provided with proofs that this site is clean and able to be built upon before one shovel of dirt is removed subject to approval by our engineer.

Mr.Giblin: With regard to the green area in the back of the property, I express extreme concern about the abuse of that area. The club across the street will now have an additional area to carry on what I believe are inappropriate behaviors and actions of people who don't belong in the residential area. There was testimony about the air conditioning being shut off, my question is in regards to the storage of medications-keeping them cold?

Mr.Vella: I think we can ask the architect. What do the a/c units that are shut down at closing service?

Mr.Gehr: There are separate refrigerators in the pharmacy for any of the prescription drugs that require it. That is just the general heating and air conditioning of the space.

Mr.Tyler: I assure you CVS will be the first ones to walk away if there are any problems regarding environmental. No one is going to touch a property where everything isn't done according to the state requirements.

Mr.Vella: Someone is buying this property and they have the bigger stake.

Mr.Tyler: Would anyone else like to step forward?

(Mr.Vella swearing in Joseph Hulik, 44 Liberty Place)

Mr.Hulik: I have a question for the engineer regarding noise. What is the decibels of the compactor not only when it cycles but when they are emptying it out? I know from working in Walmart, you need a forklift to lift this cardboard. Those are usually diesel, what are the decibels that we will hear when they come to pick up?

Mr.Gehr: The day to day loading is done from inside the building through a chute. When the container is full, estimating once a month maybe. A roll off will come to load it and take it away and an empty one is dropped off.

Mr.Hulik: My second question was about rats being attracted to garbage sitting around.

Mr.Tyler: That's why we require dumpsters and correct me if I'm wrong but there is a solid wall around that enclosure?

Mr.Kittner: There is and the dumpsters need to be enclosed.

(Mr.Vella swears in Elizabeth Roessner, 55 Liberty Place)

Ms.Roessner: I've lived here for 39 years. I have traffic issues that I will bring up at the next meeting since that is my major concern. This particular property is taking 2/3 of the residential area. I'm concerned that with so many variances needed, is this really a suitable project for this area? You have brought up many good points. I just feel that this is not an appropriate use for this property. The green space property has been in question for as long as I can remember and this seems to be the least desirable of them all. They are proposing taking a township block and converting it from 20% commercial to 50% commercial. How much of the 35 store is in residential area? Is this a precedent we really want to set? Thank you for your time and attention.

Mr. Gianetti: Mr.McDonough could you speak to that? As far as commercial uses intruding into residential zones along the 35 and 36 corridors? Have you seen any other instances like this?

Mr.McDonough: Sure the commercial district along 36 is very shallow so it's only natural that there will be some intrusion of non-residential uses. It is not unusual to see along an older highway such as this.

Mr.Tyler: The use variance that you're referring to, mentioning that the master plan looked to develop the corridor, what's an example of something that could be done by the township if not something like this case by case basis you look at a use variance?

Mr.McDonough: The geometry of the BH zone being so shallow is challenged in terms of effectuating positive redevelopment that the master plan noted. This is a particular area that not only on the town level but also on the county level, additional activity is encouraged. This is an area that invites activity. We have run through the impact analysis and it is not going to be substantially detrimental.

Mr.Solomeno: You're basing that on the traffic expert's report?

Mr.McDonough: I've run through all the negatives and issues, including traffic.

Mr.Solomeno: My point is that the traffic studies were not done at a time that took into account the level that occurs in that area in the peak summer months. I understand from Mr.Kittner's report that they did some adjustments based on a standard but based on his verbal testimony, he seemed to lack an understanding of the impact that site would have to traffic flow.

Mr.McDonough: I will let the traffic engineer testify as to that. From where I stand I believe his report is reasonable and meets acceptable standards but he will be back.

Mr.Tyler: We did make that point earlier and I am also expecting the traffic engineer to address the peak times of the year.

Mr.Gianetti: He is from Monmouth County and is familiar with the factoring in that they can put into their analysis. He'll be able to testify at the next hearing as to how that was done.

Mr.Kittner: I think we should table the traffic comments until the next meeting.

Mr.Tyler: Anyone else who would like to speak?

(Mr.Vella swearing in Joanne Santasieri 39 Liberty Place)

Ms.Santasieri: They talked about the traffic during the summer months. From 3:00 in the afternoon to 7:00 at night between the buses and cars, that jughandle is packed Monday through Friday. The buses go around there into Keansburg plus the Helfrich Bus Company being right there, you can be backed up onto the street. I think the better question is why doesn't CVS go to the old Branch Brook? There's not a problem there.

(Mr.Vella swearing in Carol Miller, 444 South Laurel Ave.)

Ms.Miller: I have a couple of questions and comments. If this was in your backyard, would you want this massive building? We have a nice residential area, quiet neighborhood and we don't want a business there. They're asking for this huge building while there's vacant buildings in town, take one of those over. We don't want you there. One of the gentlemen said there were 6-8 roof units with 80 decibels when they're running then he said 50 decibels at the property line. I think that's kind of loud for a residential area.

Mr.Vella: To clarify, the 80 decibels was if you were standing next to the unit, the 50 is the sound at the nearest residential property line.

Ms.Miller: Okay plus they're asking for a large portion of the residential area. Why can't they make the building smaller and keep it in the commercial area? We are all families

there with children that play outside, it's impacting traffic and our safety. Pharmacies get robbed, they come in to take the drugs and the money. It's impacting all of our lives and I feel that they really need to think about this because it's not just a building, it's lives.

(Mr.Vella swearing in Cindy Rodriguez, 414 South Laurel Ave.)

Mr.Vella: You own one of the properties CVS is buying?

Ms.Rodriguez: Yes. I have been living here for 9 years and I've still yet to see all the traffic that everyone is complaining about. I get home at 3:30 and I have no trouble getting in or out of my driveway. My daughter is a new driver and I've yet to have any problems with her getting in or out of that area. The white house was not vacant until a few days ago, the people just moved out. All the trees behind there are completely dead and need to be removed. I personally feel that a beautiful CVS on that corner would do the community justice. Thank you.

(Mr.Vella swearing in Ruben Rodriguez, 414 South Laurel Ave.)

Mr.Rodriguez: When we moved there, the gas station was there and the trees weren't dead like they are now. Now, that house is vacant and we have about 100 cats on that property that is bringing my property value down. It's only right that if somebody came to offer me something for my property, that I would accept it. I will never get to sell my property with that corner looking like that. If CVS is gonna put trees and a vinyl fence, you'll never get that. With the gentlemen's club across the street, that's not a nice, peaceful area with kids playing...on South Laurel Avenue? There's no traffic when I get home at 6:00. Ye,s in the summer months there is traffic but there is traffic all down the shore. That's not the only corner that has traffic, Middle Road and Laurel Ave. is worse and if I can sell the property to CVS, I'm selling it.

(Mr.Vella swearing in Michael Garvy, 19 Liberty Place)

Mr.Garvy: I am two houses off the highway. This is right behind my house.

Mr.Vella: Looking at the site and what's proposed, what's the biggest effect you're gonna see as a result of this?

Mr.Garvy: One of the biggest things is the devaluation of my house which I don't know if anyone can answer. Is anyone gonna want to buy my house if it's that close to a CVS?

Mr.Vella: I don't think anyone can answer that question.

Mr.Byrne: No one here is in a position to answer that but you can certainly reach out to a realtor.

(Mr.Vella swearing in James McGrath, daughter's house 13 Sydney Terrace)

Mr.McGrath: With the 25 or 27 foot building and I believe 18 foot lights that will be on until 10 or 11 at night, that will light up my daughter's backyard. Would that devalue your backyard with it being lit up 7 days a week. I requested a traffic study in 2009 and it will surprise a lot of people. It will be totally contrary to some of the statements you just heard.WE'll talk about that next time when we meet and the traffic engineer is here. I know the design is for a retention basin. How is it maintained, how is it taken care of?

Mr.Grysko: The stormwater management system there will be an operations manual that will be prepared and submitted to the town engineer. This will indicate how it will be maintained and the schedule of when it will be reviewed. There will be logs that will be kept. Any accumulated debris etc. must be removed and that is part of that maintenance schedule. As far as the lighting goes, these lights are going to get down to 0 footcandles at the property line. When it reaches the property line it will not have any light spillage onto the adjacent properties.

Mr.Tyler: Can you put that into laymen's terms? Does that mean that it will shed no light?

Mr.Grysko: There is no glare or illumination that can be measured at that property line.

Mr.Vignola: Who's going to take care of the stormwater management, the town or CVS?

Mr.Grysko: CVS is required as a private entity to do that.

Mr.McGrath: If I look out my window at a 25 ft building and 18 ft lights, I am going to see light in my backyard.

Mr.Byrne: I believe the pole mounted heights are approximately 14 ft and you may get some relief from the shadowing of the building. They have submitted a lighting plan that has point by point distribution and we check that to make sure there isn't light spillage onto adjacent properties. If there is, they have to use shields to reduce it.

Mr.Giblin: My follow up question was what's constitutes this node that the planner has described that makes that intersection attractive?

Mr.Tyler: I have a little familiarity with the Bayshore Plan. The age of highway 36 and the aging of the structures and zoning of the property are from long ago. You have busy intersections and important crossings. The node is a planning word for where cars, buses and people connect.

Mr.Giblin: But it recognizes the fact that this is an access point to a recreational area? That is a seasonal location that impacts that entire community?

Mr.Vella: Do you have anything to add to that?

Mr.McDonough:The Bayshore Strategic plan talks about 9 or so activity centers, this being one of them. The areas in between are supposed to be lower traffic generators. These are the areas where the traffic generators are supposed to be higher.

Mr.Giblin: So the Strategic plan recognizes that this is a busier traffic center?

Mr.McDonough: That this is an important location along the corridor.

Mr.Tyler: I believe you can access that plan online.

Mr.Byrne: For clarification, did this board adopt that plan or the Monmouth County planning board?

Mr.Vella: It's not our plan.

Mr.Gianetti: I can elaborate. Your master plan does reference this plan, it encourages adopting the standards of that regional plan.

Mr.Vella: That's fair.

Mr.Bace: Mr.McDonogh are you making the argument that this is a highly beneficial use?

Mr.McDonough: No, this is not an inherently beneficial use, but it is a beneficial use and I gave you the reasons why.

Mr.Bace: And it's your testimony that this plan doesn't impair the residential zoning as it's laid out right now?

Mr.McDonough: Just because you have a commercial use in a residential zone, that's a use variance.

Mr.Bace: My question is does it impair the intent of having that residential zone around it?

Mr.McDonough: I'm not questioning the zone lines, it's a perfect case for a use variance. The characteristics of the property lend itself for this land use as opposed to looking at the zone as a whole.

Mr.Tyler: That is the argument of the applicant presented very well. I think we've gotten to everyone who wished to speak so I will close the citizen's hearing and Mr.Vella, were you discussing the next date?

(Board discussing next meeting date and replacing March 17 meeting with another date.)

Citizen Hearing:

No one spoke.

Offered By: Mr. Mann

Seconded By: Mr. Bace

VOICE VOTE: Yes

Motion to Adjourn:

Offered By: Mr. Vignola

Seconded By: Mr.Solomeno

VOICE VOTE: Yes

Next Meeting: March 3, 2016

Respectfully submitted: Laura McPeek