

June 20, 2013

Minutes of June 20, 2013

The Regular Meeting of the Hazlet Township Planning Board of Adjustment scheduled for June 20, 2013 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. Glackin, Mr. Vignola, Mr. DeMatteo, Mr. Bace, Chairman Mr. Tyler, Deputy Mayor DiNardo, Mayor Belasco

Absent: Mr. Pobega, Mr. Mann, Mr. Solomeno

Professionals: Mr. Kittner Jr. P.E., Mr. Vella, Esq., Mrs. Keegan, Zoning Officer

MOTION: To approve the Minutes of the Regular Meeting of May 16, 2013

Offered By: Frank Vignola

Seconded By: Mike Glackin

ROLL CALL

	<u>YES</u>	<u>ABSENT</u>
Mr. Glackin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Pobega	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. DeMatteo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Mann	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Mr. Tyler (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor DiNardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Belasco	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Lavan (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Solomeno	<input type="checkbox"/>	<input checked="" type="checkbox"/>

MOTION: To approve the minutes of the Regular Meeting of June 6, 2013

Offered By: Kevin Lavan

Seconded By: Mike Glackin

ROLL CALL

	<u>YES</u>	<u>ABSENT</u>
Mr. Glackin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Pobega	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>



being 1-bedroom, 3-unites being 2-bedroom and 1-unit being 3-bedroom. The remaining 38 units are to be market rate with 19-units being 2-bedroom, 19-units being 3-bedroom.

Mr. Vella- Members of the board for the record I recently noticed joining property publications they are to order the board under jurisdiction to hear this matter. As the board recalls as a preliminary matter this applicant was before the board for several meetings to the beginning of the year during the end of that process we are all aware that the statue committee met with the court master and the new ordinance was written for this property after consultation with meetings with the co attorney with the township planner for the township the applicants attorney and eventually sending an order to the judge. As a result of that ordinance that was dually adopted by the township of Hazlet the applicant withdrew the previous application because it was inconsistent with the present ordinance.

As we recall the last meeting we adopted a resolution accepting the withdrawal of that application. With no findings of fact. The applicant has now submitted the revised application for this board consistent with the newly enacted ordinance for the boards perspective this is a new application while we've heard a lot of testimony and the testimony is going to be very duplicate because some of the changes, prior planning and this planning are almost identical to some extent. So we will hear duplicate testimony but you can't really rely on the previous testimony that you've heard on the other application because it's withdrawn. I just want to make that clear applicant testified about that a while ago so we won't bring that back up again. That's just a clarification of the application that got withdrawn on file.

Hearing that I have marked two exhibits that we normally mark at the beginning of the application. One is going to be A-1 which is Madison Park Preliminary Final Major Site Plan consisting of 18 sheets prepared by Menlo Engineering Assoc. Inc. dated January 6, 2012 last revised May 21, 2013. We're going to mark as A-2 partial architectural plans and elevations consisting of 2 sheets, sheets 1, 7, & 9 prepared by Roger C. Winkle architect January 23, 2012 unrevised, and obviously council you can mark any other exhibits as you want as we proceed with the applications.

Mr. Shewan -Stepped up to the witness stand and was informed that this was a new application and any questions of comments on the previous application may still pertain to this application or his comments may have been resolved by the testimony. Mr. Shawna was asked to hold any questions.

Mr. Tyler- Thank you Mr. Shewan.

Mr. Wiley- John Wiley on appearing on behalf of the applicant, I would like to note two things however we will certainly be offering new testimony however the circulation studies that was submitted with the original application would be the same study that we will be relying on for this application the environmental impact statement which was submitted with the original application will continue to be the environmental impact statement for this application. The soil and ground water testing that was submitted for the prior application would be the same for this application. The other item with that is the condition of being able to reduce the amount of

overall units is that there will be a requirement of rental as opposed to ownership. I would like to call my first witness Mr. Lane to the witness stand.

Mr. Vella- Sir please raise your right hand. Do you swear that the following testimony you're about to give is the whole truth nothing but the truth?

Mr. Lane- Yes

Mr. Vella- Please state your name for the record and spell your last name.

Mr. Lane- David Lane, L.A.N.E

Mr. Wiley- Mr. Lane what licenses you possess with the State of New Jersey

Mr. Lane- I'm a licensed engineer in the state of New Jersey

Mr. Wiley- And you've offer testimony to this board as well as other boards in the state of New Jersey

Mr. Tyler- Excuse me we accept that he's already been qualified

Mr. Wiley- I guess we should start out Mr. Lane with the current project

Mr. Lane- What we have proposed is four buildings on the Madison Park rendering that we have here.

Mr. Vella- Mark that as A-3 mounted color sight plan of subject property

Mr. Lane- Indiscernable.

The big difference is we lost two units on the each one of the front buildings so we were able to spread out a little bit in between each building going from 48 units to 44 and that's pretty much the gist of what's been previously done.

Mr. Wiley- We're going to have to pretend our previous testimony never happened. How is this property graded?

Mr. Lane- Right along the midpoint of the sight, back of the front building on the right there's a ridge 2 acres goes towards Poole Ave and 2 and a half acres to the trailer park.

Mr. Wiley- As a result of this project, how will this grade change?

Mr. Lane- We are now looking to raise the back of Emily court take drainage consistent down with Emily Ct. and bring it down to retention base on Poole Ave. and put it in a pipe system that will eventually run down towards Route 35.

Mr. Wiley- How is sewer being handled for this sight?

Mr. Lane- Sewer is coming off of Franciscan Way up through Emily Court.

Mr. Wiley- And how is traffic circulation operating?

Mr. Lane- It comes in on Poole Ave lined up with Franciscan Way. In the front are 21 spaces for parking.

Mr. Wiley- And the rest of parking is provided by garages and driveways.

What improvements are being made on Poole Ave?

Mr. Lane- We are widening Poole Ave and re-curbing it.

Mr. Wiley- Are there any other improvements off track

Mr. Lane- Just a sidewalk along the front and sanitary lines coming down to Franciscan Way.

Mr. Wiley- What recreational facilities are being provided in the development?

Mr. Lane- Along just outside the walkways leads to a couple of benches and picnic tables. Off between the two buildings off to the right that's the back we have a playground area fenced in with benches and play equipment

Mr. Wiley- What about landscaping?

Mr. Lane- We have over two hundred trees along the sight probably close to eight hundred shrubs and then some ground cover around the buildings themselves.

Mr. Wiley- What's the proposed frontage on the track

Mr. Lane- Just under 450

Mr. Wiley- We have been previously indicated that we may need variance for the spacing of trees

Mr. Lane- Yes we took a look at that, we did some adjustments to get the trees to conform from where we were, spacing between 35 and 40.

Mr. Wiley- But that's not reflected in the draft they have for May 21<sup>st</sup> is that right?

Mr. Lane- Correct. Originally when we were doing the plans we didn't lay it out as officially as we did now and we had deviations in the distance but now we've corrected it

Mr. Vella- Mr. Wiley, is the testimony that the additional variance noted in????? On paragraph 11 page 4 is your position that you're going to revise the plans to comply with that requirement?

Mr. Wiley- We will probably be able to comply with the 35-55 spacing requirement

Mr. Lane- The color rendering shows it

Mr. Wiley- The color rendering shows it but not the May 21<sup>st</sup> plans

Mr. Vella- Ok

Mr. Wiley- In terms of exterior lighting there was an issues about the ratio of minimum illumination. Can you address that?

Mr. Lane- We took a look at that also. We were able to meet the 10 to 1. (Showing exhibit A- 4)

Mr. Vela- Why don't we mark that as an exhibit? Marked as A-4 lighting plan dated 6/20/2013

Mr. Lane- In our revised calculations one of the items came up as being 10-1 on the maximum to minimum and over in the chart we were able to able to get everything at 10-1 or less. So we will be able to conform to that design standard.

Mr. Vela- So the first design in waiver A you're going to revise the plans to comply with that?

Mr. Lane- Yes

Mr. Wiley- Question of maximum illumination which is parking of 4-1 ratio

Mr. Lane- When we look at the ordinance it talks about the average to minimum of being 4-1 and again as we ran through the calculations we were able to get everything down around an average of 3-1 or less so we were able to comply with the 4-1 also.

Mr. Vela- So the B design waiver you also---

Mr. Lane- Part of it there's several components to the B design. The next section goes on to talk about pedestrian safety will allow the maximum of two foot candles, five foot candles for pedestrians security and five foot candles for vehicle traffic. Under the pedestrian security and the vehicular traffic we can meet the maximum of five foot candles. I think the hottest spot we have is 4.8. The one we can't meet is two foot candles for pedestrian safety. The way we have it designed we have 15 foot high poles, we have bollards right next to sidewalks, and we only have 100 watt bulbs in the regular fixtures and 50 watt bulbs in the bollards. When that hit's that spot right adjacent to the lamp it's over 2 foot candles. In order to meet the decorative fixtures unless we put up taller lights that are more spread out that's going to be a tough one to avoid we will have to ask for a design waiver.

Mr. Vela- You can comply with everything in B except your exceeding the maximum allowed lighting for pedestrian safety.

Mr. Lane- Yes

Mr. Vela- That's the only one in that criteria?

Mr. DeMatteo- Don't we consider that a safety issue?

Mr. Vela- We will have the engineer explain

Mr. Kittner- It's more of a nuisance issue it's not a function of safety because your exceeding the minimum lighting standard but you don't want it too bright at the same time

Mr. Vela- It's like a light pollution thing. Could you show us where you're exceeding whether it's going to affect the neighbors or the interior to the site?

Mr. Lane- Yes its interior to the site. It's along where we have some bollards in here that's kind of close because the light is very close to the ground and the bollards are about three feet high. It's along the side walk where we have light bulbs in between the buildings sort of like an alley way we have in here so it's just along the side walks

Mr. Tyler- Mr. Lane based on your professional judgment do you feel that the lighting plan is suitable and adequate for this design?

Mr. Lane- We made a submission and went back and forth on it and I think we finally came up with something pretty reasonable to what the ordinance is and again that we feel comfortable being safe and adequate for this kind of site.

Mr. Kittner- And your design employs house shields so there's no light spillage. Looking at this there doesn't appear to be any light spillage

Mr. Lane- No. We did all point by point calculations everything on the exterior is at 0 except for what is along the Poole Ave end of it, which exists with the existing poll heads.

Mr. Kittner- And there is suitable lighting to maintain minimum levels for pedestrian and vehicular safety?

Mr. Lane- Yes

Mr. Vignola- Mr. Kittner, do you agree with him?

Mr. Kittner- I actually do agree with him. I think in terms of light pollution if it was in issue we could look at reducing the lamp wattage but they are maintaining the minimum but from my prospective that is my first concern is making sure the minimum standards are met for safety and pedestrian access safety. It appears they have done that.

Mr. Lane- In the last design waiver in the lighting sections is that spacing between the polls is 50-60 feet the revised light that we did was probably about 50-100 typically in lighting you design it to meet minimums and maximums and it's where the foot candles fall out, it's defeating the purpose of what you're trying to do with putting these fixtures 40-60 feet, with these decorative fixtures it's just going to be so bright.

Mr. Vela- The original application before you modified it has lighting between 67 feet to 108 feet what are your revised plans?

Mr. Lane- About 50-100

Mr. Tyler- So you obtained the amount of lighting within the tolerances but the spacing is the issue?

Mr. Lane- Correct

Mr. Tyler- But the spacing is the issue?

Mr. Lane- Correct. I believe if you go to the spacing it throws all the numbers out the window.

Mr. Tyler- OK

Mr. Kittner- Mr. Chairman if I could add with them meeting the light pollution if this is what it takes with the light fixture each light fixture has its own finger print so with this particular light fixture and that particular light this is the spacing that is required to achieve that distribution so I personally don't object to the spacing the way it is on the revised plan.

Mr. Tyler- I'd rather have the proper lighting without the proper spacing than the other way around.

Mr. Wiley- I think that takes care of all the waiver issues. In terms of solid waste you propose that be handled by each individual unit owner?

Mr. Lane- Yes

Mr. Wiley- And you will be utilizing collection at the street?

Mr. Lane- Yes

Mr. Wiley- There's a recommendation from the board's engineer that we reflect the fire lanes and put in a 3ft wide no parking fire lane stripping and we have no objection to that. We will make that as a condition of approval. Issues have been raised the prior application have now been resolved by a site visit that there is no extreme set back requirements, floodplain requirements, wetland requirements, that would impact this development is that correct?

Mr. Lane- Correct

Mr. Vela- And just for the record you still need (inaudible) right?

Mr. Wiley- Yes. And in the case of the improvements in Franciscan Way as well as Pool Ave we are doing a half of width on Pool Ave could there be any ponding, water, or drainage conditions that could not be rectified by doing this milling operation house (inaudible) surface?

Mr. Lane- Yes everything will be fine creating an inlet down at the low spot and everything slopes towards 35.

Mr. Wiley- As a consequence of this application there's going to be a deed of dedication to the Monmouth County for widening of the road.

Mr. Vela- That's the township right?

Mr. Wiley- It is the township you're correct. Part of the developments agreement the right of the police department under title 39 to enter the proposed cul-de-sac to ensure that people are complying with the parking and traffic regulations. There have been issues raised in report to retention basin so maybe if you could address that Mr. Lane.

Mr. Lane- Yes the tension basin is a wet pond and what we propose to do is put in a clay liner to help keep the water in the basin of leaking out and affecting the ground water system or the neighbors next door. We will also propose is a well system so when the water levels are low the system will kick on and refill the water basin. Also we are looking to put clay cut off wall if anything decides to gravitate from the site to the neighbor it's another fail safety to prevent water from traveling underground to the neighbor's property. When we designed the basin we had monitoring wells and test bits out there. When we went to the DEP to get a permit it was decided that elevation 18 was the most conservative and that's where we set our water elevation and that's where we ran our design with. Speaking with our expert, we decided to line it with a clay core barrier we think this will be an adequate system and won't affect the neighbor next door.

Mr. Bace - Who will be responsible for maintaining that pond after the development is done?

Mr. Lane- The Homeowners Association

Mr. Bace - So if anything goes wrong with that those folks are liable for maintaining that?

Mr.? – They would have to maintain it, it would have to be insured by the association and it would be considered as a common element.

Mr. Vela- The association that is part of your condo fees which is owned by the unit owners and with respect to the rest of the units they're going to be owned by a separate corporation that will own them and operate them. With respect to the liner I know that hasn't been worked out but you'd be agreeable to install synthetic or other barrier that's approved by the planning board engineer?

Mr. Lane- Yes

Mr. Glackin- Speaking of insurance are they able to add the neighboring homeowners on as additional insurance to the homeowner's policy or something like that? So that they have a stake in the policy so to speak.

Mr. Wiley- Condo Associations are regulated by the DCA I've never seen a unit owner-

Mr. Glackin- (indiscernible) Banks and stuff like that they can initially insure-

Mr. Wiley- Well because they don't have interest in this specific property so yes a lender would be named as an additional insured but you can't name an addition adjacent property owner for liability because they are unconnected with the condo.

Mr. Glackin- If they are additionally insured they can skip that process and say 'I'm making a claim your thing blew up and my house is flooded'

Mr. Wiley- They would make a claim against the condo's insurance policy because they've been injured so it would be a liability policy on this so in that sense anyone in the public aside the association would have the right to say a (inaudible) and the insurance company for the condo's association would have to get involved defending and paying off the client.

Mr. Vela- What we can do as kind of a middle ground as part of the developers agreement or the Master Deed instead of them being additionally insured that they be noticed that there is a policy.

Mr. Glackin- Let them know if it is lapsed.

Mr. Vela- They would give a noticed so they are aware of it they would require to provide a copy certificate of insurance to the property owner with the appropriate thirty day notification if it gets cancelled.

Mr. Tyler- Mr. Lane what is the life expectancy of the improvements for the basin?

Mr. Lane- The liners?

Mr. Tyler- Yes

Mr. Lane- I've never asked about what the expectancy is. I've got to imagine they're like 30, 40, 50 years. They are clay they don't break down, if they are punctured they seal themselves so clay really don't really break down so clay could really last forever. I could go back to the manufacturer but this is something that hasn't been around a long time probably like 10, 20, 30 years or so and any wet basins I've ever designed are holding up fine.

Mr. DeMatteo -You say 30, 40, 50 years and then you say forever so which one?

Mr. Lane- Clay doesn't break down so there's no reason to think it couldn't last forever

Mr. Vela- As the engineer was talking it's probably not going to be just a clay liner it has to be some synthetic weather material. Clay liners represent other entities. Even the DEP now is requiring testing of your clay liner because DEP doesn't always think they will last forever. If they do synthetic or some other one it will have to be approved by an engineer it's going to be 20+ years assuming there's no major happenings. I have one of my clients the basin got destroyed by Sandy so things happen but you're usually talking 20 years on the synthetic or other materials.

Mr. DeMatteo- So let's talk about Sandy for a minute, now we have a full basin hurricane comes in your basin fails or over flows where is that water going?

Mr. Lane- Out to Poole Avenue

Mr. DeMatteo- There's no risk of run off towards the house to the side?

Mr. Lane- The emergency spillway goes out to Poole Avenue and it would run out to route 35

Mr. DeMatteo- An emergency spillway can handle all that water?

Mr. Kittner- Yes it's designed to handle that inflow so it will safely enter Poole Ave working in conjunction with the other structures that connects to the drainage system that's on Poole Avenue.

Mr. Tyler- My question related to that type of improvement is how do we ensure that there are proper funds for up keep.

Mr. Wiley- Well normally in a condo association have sinking funds so they take a look at all their elements like roofs which have to be replaced far more frequently and they come up with a sinking fund, if they are short on the sinking fund the unit owners have to pay the assessment.

Mr. Tyler - Mr. Vela is there a way that we can (inaudible) the homeowners association to maintain a minimum that's based upon the useful items?

Mr. Vela- That's part of our review of the Master Deed of the condo association. Those have to be the bylaws which are subject to approval has language in there about funds and everything else like security deposits and for amount of money you can hold in extra. So that's going to be part of the Master Deed and the bylaws of the association that really controls how they have the right to collect money from the individual owners. That gets modified over time with the bylaws and everything else but that's how-You have to remember we have 44 units here there is 30 plus of market rate units so it's just like any other association.

Mr. Tyler- OK

Mr. Wiley- And again as a condition brought up your engineer your entitled to review the association documents. They had the question raised of the ration of the detention pond. What are we proposing as part of this application?

Mr. Lane-We are looking to do because noise is a concern with the neighbor next door we are going to look to have an aerator that is underwater. I looked at one called Oximax and it seemed to provide a good air ration for the basin and it is below water and it is pretty quiet. We will make sure we have that detail provided to the engineer.

Mr. Kittner- Mr. Lane they actually have sound proof boxes too that a lot of the manufacturers offer to that reduce the noise as well. Even the equipment control can be in a sound proof box you want to incorporate that as well.

Attorney Vela- I will note applicant will submit specs for an underground air ration system with sound proof boxes and that will be subject to approval by the planning board engineer.

Attorney Wiley- Questions were raised by the planning board engineer about drainage between the walls of units 3 & 4 allowing the 15 inch perforated (indiscernible) pipe to conform without causing hydrostatic pressure.

Mr. Lane- We are providing modular block walls, they have stone behind them where you see a lot of pressure behind these walls. Water can seep out there is not a buildup where it is a solid wall.

Mr. Kittner- You don't think hydrostatic pressure is going to be a problem then?

Mr. Lane- No.

Attorney Wiley – We do have a 20 ft. wide sewer easement but I believe the question is about the water main and whether or not that needs an easement.

Mr. Lane – When we go to Shore Land Water Company we will work out what easements are required and needed along the water line.

Mr. Kittner- You agree to provide any required easement as well as the meets and bounds description to our office for review?

Mr. Lane- Yes.

Attorney Wiley – There is an issue of a hydrant or blow off hydrant but again that is going to be dependent on what Shore Lands agree to do. We will notify the engineer's office on what Shore Lands agrees to.

Mr. DeMatteo- When Shore Lands comes in and decides where to place the hydrants in the development how does that impact your placement of your lightening poles and trees given the fact that we packed so much in here?

Attorney Wiley- We will of course submit the required tree removal permit in advance of any clearing.

Attorney Vela- Has the fire department indicated where they want hydrants on the site?

Mr. Lane- We have it shown in the middle of Emily Court. We originally had it at the end they asked us to put it in the middle. Having an additional one at the end is probably not a bad idea. Once we work it out with Shore Lands we will figure it out.

Attorney Wiley- We will itemize the tree replacements on the schedule we will agree to that as a condition. As far as irrigation system I believe the township engineer wants a chance to review that and we do not have any objection to that. Irrigation limits should not extend beyond the site boundary.

Attorney Vela- Paragraph W will be complied with.

Mr. Wiley-We will be willing to comply with the conditions of item 15. You had a question about G?

Mr. Lane- There was an issue about meeting the crowns of the pipes. Typically that is the preferred method on how you run storm sewer. I have done it both ways and it seems to work well. The pipes on this site will run pretty flat. We have about 15 pipes and 13 are more than double the capacity they can handle.

Attorney Wiley- Site triangle whether to put them on the plans or not?

Mr. Kittner- We just want to see the site triangle we are not asking for an easement.

Attorney Wiley -Certificate of concurrence of owners we can certainly put it on the plans. It is a recommendation with respect to the four inch diameter utility (discernible) that it crosses the gas and water main diagonally at the cul-de-sac?

Mr. Lane- We can modify that.

Attorney Wiley- Retaining wall exceeds 3 feet in height and they want to have calculations I guess as to its structural integrity?

Mr. Lane- We can comply.

Attorney Wiley- I have no further questions of this particular witness. Does the board have any questions?

Mr. Glackin- You are familiar how the garbage is done in this town with the big bins?

Mr. Lane-Yes.

Mr. Glackin- When they put out their big bins will it affect parking?

Mr. Lane- There is not parking along the roadway. They will have to put them either along the sidewalk or the curb yes.

Mr. Glackin- Will there be enough area to put them on the curb?

Mr. Lane- There will be barely enough but there will be room.

Mr. Glackin- Is there any way you can put the wet public pond on the other side away from residents?

Mr. Lane- You are talking about Walgreens?

Mr. Glackin- Yes.

Mr. Lane- I don't remember why we put it there probably something to do with the water elevation I am just trying to remember that far back as to why we put it in that location. Based on the layout we have we do not have the room to fit it in over there.

Mr. Glackin- You have one recreation for Tot Lots preschool age. Again, you are going to have a significant amount of school age children. Is there any way you can put a lot in for them?

Mr. Lane- These plans are based on what we were required to do.

Mr. Glackin- I know it was written a certain way but we need to create a plan that makes sense. What are your plans for school age children for recreation?

Mr. Lane- We don't have any plans.

Mr. DeMatteo- The interior plans for the garage area is there enough room to get those large cans, recycled cans out of the garage?

Mr. Lane- That is more of an architectural question.

Mr. Kittner- I would like to address board's questions in flipping the basin. Looking at the plan Emily Court is aligned with Franciscan Way that is so you don't have conflicting left turning movements. You do not want to alter that alignment. In looking at this if you were to flip it you would be constrained to a smaller area to place the basin. Given the size of the basin the size that exists now you would essentially be illuminating an entire building unit. It makes sense to leave the basin where it is now.

Mr. Tyler- Mr. Kittner which way would the water flow down Poole Avenue?

Mr. Kittner- I believe down towards Highway 35.

Mr. Tyler- Any other questions for this witness?

Attorney Wiley – I would like to call my next witness Mr. Winkle.

Attorney Vela swearing in the Witness -- Roger Charles Winkle

Attorney Wiley- Mr. Winkle you are a licensed architect with the State of New Jersey?

Mr. Winkle- Yes I am.

Mr. Tyler- We have accepted him before so we will again.

Attorney Vela- Mr. Winkle please go right to the questions regarding the garbage situation.

Mr. Winkle- We basically have shown what the code had asked us to show. It only asks for a requirement of six square feet for trash. I am sure we can adjust the plan to make for a larger space. As far as getting the trash out with the car inside the garage I believe there is ample room to do that and I believe most people would do it when they are going to work, take the car out first. The garages are 19 feet six inches in depth. A typical car is probably 16-17 feet.

Mr. DeMatteo- Are you taking into account SUV's or is it a typical Sedan?

Mr. Winkle- Except for a big suburban or the largest SUV. They might be up to 18 feet long.

Attorney Wiley- I put up on the easel what I believe to be the elevations of the building.

Mr. Winkle- That is the elevation of the proposed six unit building. We are only presenting this one but there is a four unit and a five unit building.

Attorney Wiley- What is the height of the entire structure?

Mr. Winkle- The height to the ridge is 40 feet but the required height is the median of the roof and that is basically 35 feet.

Attorney Wiley – That fits within the ordinance?

Mr. Winkle- That meets the ordinance yes.

Attorney Wiley –What are the widths of the buildings?

Mr. Winkle- There are four buildings and the longest which is the six units is 157 feet 8 inches. That met the previous code what did not meet the previous code was the offset of the buildings which are 52 feet 8 inches and now it meets the code.

Attorney Wiley- In terms of the COAH Units in order to comply with the COAH Regulations we are going to have 2 three bedroom units, is that correct?

Mr. Winkle- Correct.

Attorney Wiley- We are going to have 3 two bedroom units and one, one bedroom unit.

Mr. Winkle- Correct.

Attorney Vela- For the boards knowledge those numbers we cannot adjust. It is a formula that COAH requires.

Mr. Winkle- That would be the requirement by the Court.

Attorney Wiley- With respect to floor layouts of the market rate units.

Mr. Winkle- Turn to page A4 and we will look at the base plan and then go to the individual units.

Attorney Wiley – The elevation we should mark as A5.

Attorney Vela- Before we mark anything you testified two 3 bedrooms, three 2 bedrooms, one 1 bedroom. Isn't it two (1) bedrooms?

Attorney Wiley- No only one it is a maximum of 20%.

Attorney Vela- Mark as A5 mounted architectural elevations.

Attorney Wiley- Why don't we mark this page that you are looking at as A6?

Attorney Vela- A6 mounted architectural first floor plans.

Mr. Winkle- It is better to look at the overall floor plan of the entire six units. The units themselves are basically 26 feet wide each unit and 58 feet deep. They are put together in two's. You have two together then they break. The end units have their entries on the side and the interior units enter by going through an archway and back about 20 feet to the doorways to the units on either side. That is the basic layout.

Mr. Glackin- Are these considered stack units or townhouse units. How would you clarify these?

Mr. Winkle-I guess we would call them townhouses.

Mr. Kittner- I think the definition under the township ordinance these would be stacked units because multiple tenants are living above each other.

Mr. Winkle- Correct. Please turn to sheet A2.

Attorney Vela- We will mark A7 mounted architectures of typical unit.

Mr. Winkle- Again, these are the typical interior units. If we look at the lower level you have the two car garage and the one on the left has entry into rear unit which is the two bedroom unit.

Mr. Tyler- Every unit does not have a garage correct?

Mr. Winkle- All the units have a garage except for the COAH units.

Mr. Tyler- No unit has more than one garage, correct?

Mr. Winkle- Correct.

Mr. Tyler- Since everyone on the board has reviewed the plans perhaps we just open for questions since we heard some testimony on the units and have good idea of general layout.

Attorney Wiley- If we go back to A5 to discuss the materials on the outside of the building.

Mr. Tyler- That was going to be my question. Architectural questions for the witness?

Mr. Glackin- They built a 3 stack on top of 2 so basically it is an even amount. Did you come up with the bedroom count?

Mr. Winkle- When we designed the units we designed the typical unit one to be a 2 bedroom and one to be a 3 bedroom.

Mr. Glackin- Did you pick out the numbers?

Mr. Winkle- No.

Mr. Bace- Each unit has its own garage and if I am reading this right it shows one garage has a trash can inside and the other sheet shows a trash can inside the unit. It does not show it inside the garage.

Mr. DeMatteo- To follow up with that the COAH unit has no garage so where is the trash can going?

Attorney Vela- Let's take one question at a time.

Mr. Bace- So is the other one inside the unit?

Mr. Winkle- In that particular unit we are showing it inside the house. It can also fit inside the mechanical room.

Mr. Bace- Is that mechanical unit going to serve two units.

Mr. Winkle- The mechanical unit will serve to units and we will have an additional furnace in the attic space.

Mr. Bace- The trash can inside the house is that considered sanitary?

Attorney Vela- Is that part of the house or garage because it is not labeled as a room.

Mr. Winkle- It is basically a hall way.

Mr. Bace- To me it is not sanitary.

Mr. Winkle- In this case we can move it into the garage.

Mr. Bace -Where would the designated spot be in the garage? If the one on the right has 6 sq. ft. where would it be on the left side garage?

Mr. Winkle- It would probably be on the opposite side of the one on the right.

Attorney Vela-I am not an architect but I think it resolves everything. If you look at the plans where it says garage A you have the car and then there is a doorway into the foyer then there is the trash area. Why can't you revise the plans to move that doorway back to right before it says trash kind of extends the garage and then you have a big area for garbage?

Mr. Winkle- I believe we have enough space to do that.

Mr. DeMatteo- So where is the COAH unit storage going since they don't have a garage?

Mr. Winkle- Unfortunately, it is probably inside the unit.

Mr. Bace- Where inside the house.

Attorney Vela- A8-Architecturals of sheet 1 of A1.

Mr. Winkle- This is the unit without the garage and it is showing the garbage can being in the entry area. However, what we can do is close it off at the entry way and put the doorway on the access point of the exterior.

Mr. Bace- As the chairman brought up there are going to be two containers, one for recycling and one for garbage. I think we have addressed the garbage situation now where I the second container going to go.

Mr. Tyler- Again, it is quality of life and as a developer you would think about making it a high quality experience as possible. I think there is a way to figure it out.

Attorney Wiley- We can make it a condition of approval that we show an area of 8-10 square feet.

Mr. Winkle- What is your big can on wheels about 30x30?

Deputy Mayor DiNardo- 90 gallons.

Attorney Vela- It is clear that our ordinance requires 6 feet for garbage area really is old. It does not really apply to sites like this from a practical stand point. As counsel has indicated that as a condition of approval that they will revise the interior architectures to provide what 8-9 sq. foot space for solid waste and recycling and we will make them modify the plans.

Deputy Mayor DiNardo- Why don't we measure it up and we can send it over to them if we really don't know the numbers.

Attorney Vela- Revise the plans to provide space for 2 township 90 gallon refuges.

Mr. Wiley- The other issue was materials on the outside of the building. Going back to A-5 could you provide the materials that are being utilized?

Mr. Winkle- A-5 shows the elevations for the building and street side elevation for Pool Avenue. These have been changed from original to modify it to be more interesting. In addition the roof pitch was modified to meet code which brought the roof down to meet the requirements of the height. We have finished the front and side bottom halves with stone. We added balconies to the rear. The materials are a cultured stone along the base and vinyl siding along the sides.

Mr. Tyler- What about the back of the building? You have no embellishment.

Mr. Winkle- The only thing that's been added is the balconies.

Mr. Tyler- What is the reason for the stone base not going around the back?

Mr. Winkle- It wasn't requested.

Mr. Tyler- I'm looking at the front that looks as good as it can be. The back is a big monolith. The stone would enhance that.

Mr. Wiley- It would be invisible to the neighbors and passer byers. They have fairly high berms.

Mr. Tyler- I thought that was just a retaining wall, the berm is on the rear. To me you have a play yard between the buildings are Walgreen; plenty of people are going to see that. The back side

which face the neighbors and the seating area around the retention basin. There is a very good reason to maintain that architectural integrity around the entire building.

Mr. Wiley- I'll have to talk to my client about that.

Mr. Lane-If there's a motion—

Mr. Vela- If there is a motion an esthetic enhancement to the building is reasonable condition of approval if the applicant deemed that condition unreasonable to appeal their approval and say they don't want to do that. It's not a condition that reduces the number of units or bedrooms, is provides the fine architectural around the whole building. We could discuss who makes the motion at the end of the application of who is deemed favorable.

Mr. Wiley- Would it have to be all the way up?

Mr. Vela- It should be matching the front.

Mr. Tyler- Why should the back look like we don't care?

Mr. Winkle- I don't know if we can add one across, what I suggest is a water tape that's stone up to the bottom of the windows 3ft high with a stone cap.

Mr. DiNardo- My question to you Mr. Winkle is what are the balconies going to made out of?

Mr. Winkle- The railing will be rod iron.

Mr. Bace- How far will the stick out?

Mr. Winkle- The balconies only go out 3ft.

Mr. Bace- The mechanical room in the garage, if something should go bad in there is there any way the alarm would sound throughout the house?

Mr. Winkle- It would be smoke and carbon monoxide detection and the building will require sprinklers.

(INAUDIBLE)

Mr. DiNardo- (INAUDIBLE) A heavy sheet rock wall?

Mr. Winkle- It's like a heavy two hour shaft wall similar to what they put between townhouse units. It has wood studs on each side one inch thick shaft wall.

Mr. Vela- I suggest we take a 6 second break to deal with CVS and Brookdale?

Mrs. Keegan- Brookdale isn't coming

Mr. Vela- Council its 915 the applicant has finished its witnesses, there are members of the public that will give questions and testimony, I don't know how long it will last. Mr. Chairman how long so you think we will run our meeting tonight?

Mr. Tyler- We try to wrap up 10ish, if we have something running along we'll try to get it done but since it's the first time you're coming before us we do not want to short change you, were giving you the opportunity now of coming back again or getting cut off.

Attorney Gianetti- I prefer to stay only because I understand there is an application on the next hearing that may be long and at least if we get started.

Mr. Tyler- We could put your application before theirs we want to give you time so if we start something late you might be coming back anyway.

Mr. Vela- How long do you think your application will take?

Attorney Gianetti I only have two witnesses

Mr. Vela- You more than have the right to wait.

Mr. Tyler- We have no more witnesses.

Mr. Wiley- I think Paul had a chance to review the 2008 study as well as the subsequent study was submitted in the prior application

Mr. Kittner- We did have a chance to talk to Mr. Telli and provided we can work out the liner issues which they've agreed to we take no exception to it.

Mr. Glackin- How much are they raising it? What's the new grade going to be verses the existing?

Mr. Kittner- They are adding 4ft. of fill through the site.

Mr. Tyler- I'd like to open the floor to the public any questions or comments please step forward.

Mr. Vela- Mr. SanFlippo please raise your right hand. Do you swear from the following testimony you're about to give is the whole truth nothing but the truth?

Mr. SanFlippo- Yes sir

Mr. Vela- Please state your name for the record and spell your last name.

Mr. SanFlippo- SANFLIPPO. Regarding the tension pond is the water going to discharge back into the ground or is it sitting there and going off?

Mr. Lane- It's a permanent pool of water that have a liner so it's doesn't seep back into the ground. It will go out through a pipe onto Poole Avenue and get discharged onto Route 35.

Mr. SanFlippo- So all the draining from the site will lead to that pond?

Mr. Lane- Yes we will collect it then come to the pond and then out to the (inaudible)

Mr. SanFlippo- The retention wall in the back you mentioned there were leap hole to allow water to go through, how much water is going to go through leap holes verses what's going to be brought up front to the retention pond?

Mr. Lane- (inaudible)

Mr. SanFlippo- So where exactly are the drainage pipes?

Mr. Lane- The storm sewer let's import into solid pipe and that gets all brought into the tension pond on Poole Avenue. What we are also required is to infiltrate the amount of ground water that is going into the ground today also tomorrow. We had to do it in back of some of these homes where we could we put stone beds with infiltration pipes, the (inaudible) will lead into those. If they fill up there's a pipe that overflows and will eventually go into the storm sewer system.

Mr. SanFlippo- Where are the mechanicals for the retention pond located?

Mr. Lane- Right now we show the meter will be on the fence were the gate is, just at the end of the parking lot and then the (inaudible) the center of the pond.

Mr. SanFlippo- And the pump will be located next to the meter so it would be on this side of the pond. How high is that retention pond going to be built up from ground level where we're at now.

Mr. Lane- (Inaudible) Probably about 2-3 maybe 4 feet.

Mr. SanFlippo- So it will be about a 4 foot berm going up. Is there going to be planting around there?

Mr. Lane- Yes, trees and evergreens to screen the basin.

Mr. SanFlippo- Any chance I can get a fence around there?

Mr. Lane- There is a fence that pretty much goes around the entire retention basin.

Mr. SanFlippo- I mean more of a privacy fence.

Mr. Lane- It's all wooded in that section and there might be some (inaudible) in that section right there. Again we don't have anything to propose right now.

Mr. Vela- On your plans says proposed 6ft high board on board fence. I'm seeing that the arrow going to the property line.

Mr. Lane-We were proposing a fence I'm sorry.

Mr. SanFlippo- So there will be some trees around the berm wall and a 6ft fence is basically what I would be looking at?

Mr. Lane- Yes

Mr. Vela- Do you still require an aerator on a timer so it doesn't turn on before 8am and shuts off by 8pm?

Mr. SanFlippo- That would be good except when the water stagnates is it going to become an issue for mosquitoes.

Mr. Wiley- Not for that short amount of time.

Mr. Vela- It's only 12 hours.

Mr. SanFlippo- The entrance, what's the grade on that?

Mr. Lane- From the road it's about 19, at the front entrance at the driveway it's about 21 and then at the center of the site is about 24.

Mr. SanFlippo- Ok so it just continues to go up. What kind of degree angle are you talking about going into the complex?

Mr. Lane- About 5%.

Mr. SanFlippo- Is that going to cause an issue in the winter time if it gets wet with people getting on and off, is there going to be an ice issue.

Mr. Lane- No

Mr. SanFlippo- I would request on my side of the neighborhood that there be a no parking sign because if they do start parking on Poole Avenue we are going to have a very hard time getting out.

Mr. Tyler- Is parking allowed on Poole Avenue?

Mr. SanFlippo- There are currently no signs on Poole Avenue that say no parking.

Mr. DiNardo- If I'm not mistaken I don't think you can park on Poole Ave.

Mr. SanFlippo- I'm looking at the mechanical room on the plan on sheet A-3. Now you said that the mechanical room is going to be for the two units so it would be for unit A & B?

Mr. Winkle- Yes but we are going to be redesigning the trash area so at that same time we would be redesigning the mechanical spaces.

Mr. SanFlippo- My concern is if you live in unit B and something goes wrong with your furnace or hot water heater your neighbor has to give you the key to his garage.

Mr. Winkle- There will be separate mechanical spaces.

Mr. Vela- We will put a condition in for revised plans to provide mechanicals for each unit to be in each unit.

Mr. SanFlippo- Just for clarification, the plans do provide a 6x6 board on board fence around the property.

Mr. Vela- I think as Sharon has indicated it doesn't start for the first twenty feet from Poole Avenue, correct?

Mrs. Keegan- Correct.

Mr. SanFlippo- With all of the trash cans on the street is that going to cause a problem with line of sight for cars pulling in and out the their driveways?

Mr. Tyler- You've got units across the street from each other, it's not a long road.

Phil Caton- I have succeeded Betsy Mackenzie as the Special Master appointed by the Court for your Affordable Housing matters. I applaud the board for the cooperative manner it is taking in terms of the applications and proceedings that I have seen this evening. I would like to remind the board that as an Affordable Housing inclusionary development the quick decisions in these matters have laid down principals of cost generative features in buildings. For that reason, the compromise that was suggested, the water table for the cultured stone is reasonable as to going all the way around the buildings with full height stone facing. I am not considered about the fact that there are going to be two affordable units that do not have garaged spaces. Across New Jersey most Affordable Housing Units do not have garaged spaces in fact it is not legal for towns to require garage spaces for affordable units. That does not concern me. When the architect as a condition of the approval goes back to accommodate the mechanical spaces each to their own unit and the two ninety gallon trash receptacles for each unit. I would like to suggest that if need be, as the bedroom distribution of the affordable units changes.

Attorney Vela- I don't that the changing of the garbage area is going to change the bedroom counts?

Mr. Caton- My understanding was that the applicant originally proposed two (1) bedrooms, two (2) bedrooms and two (3) bedroom units. Now as you indicated the COAH rules require a different bedroom distribution so it will have to be some adjust to the affordable units to accommodate the COAH Rules. I think there is plenty of room in the floor areas. There will be a redesign and there will also be a redesign to accommodate the trash and recycling containers and perhaps the mechanical space. My suggestion is that if needed I would rather see the redesign allow for the removal of a parking space for the affordable unit since the parking lot is adjacent to the affordable units in the two buildings, I would rather have that be living space then garage space, if need be.

Attorney Vela- I think the best way to deal with it is that we leave the powers to the architect to see what he can do. For something like this if it can't be done and things have to be changed a little it can be brought back as an administrative change so you don't need a whole planning board hearing on it. It would be an administrative change sent to our zoning officer.

Mr. Caton- That is my point. Thank you.

Mr. Tyler- Thank you. Seeing no one else come forward I would like to close the public portion of this application.

**Mr. Bace made the motion and Mr. Vignola seconded. Voice Vote, Yes. Public portion is closed.**

Attorney Vela- Mr. Chairman if the board does not have any further discussion on this application with respect to this matter while it is part of a settlement in court litigation and the planning board is not party to that lawsuit and we do not have any requirements against us. However, the law does have requirements on us as a planning board. The planning board is not a board that can do whatever they want. We are required by certain rules. The certain rules are that we have to abide by the ordinances that are in place whether we like it or not. The board does have the right to impose reasonable conditions. While the board may not like to approve it because they don't like the idea of being forced to litigation that is life. The board has the power and the obligation to apply the law. There are no variances you have to grant the approval. As you heard from the Special Master especially with COAH matters we can't impose conditions that will affect the incredible cost of the site. From my records and I normally do this on all applications the conditions I have in my records. First with respect to CME's letter June 14 the applicant will revise the plans to remove the one variance and the two waivers A & B which is previously noted. The only design waiver is the exceeding 5 foot candles for pedestrian safety and the spacing of decorative lamps. The applicant will provide the no parking fire lane as required by the fire official. The applicant will enter into a Developers Agreement and part of the Developers Agreement will provide appropriate police enforcement titled 39. The applicant will provide master deed and By-Law for the Condo Association subject to review and approval by the planning board engineer and attorney. They are going to provide any easements necessary as part of this application and it will be reviewed and approved by the planning board engineer and planning board attorney. The applicant is going to comply with the recommendation for providing either a hydrant or blow off at the end. The applicant is going to comply with the tree escrow fund, the tree replacement which they have to. The applicant is going to comply with

providing the irrigation system to review by the planning board engineer. The applicant will also agree to provide a footing design of the (indiscernible) sign to be provided. The fire lane stripping, ground cover plans, storm pipe designs, drainage plans all the other conditions contained in the resolution including outside A/C approvals include CAFRA and other municipal agencies. As just confirmed all the COAH units will be rentals. Applicant will provide a synthetic or other barrier material for the retention basin that it will be subject to review and approval by the planning board engineer. Applicant will provide in the Master Deed which will be subject to review and approval by the planning board attorney and the planning board engineer the that the master deed provide notice to the adjoining property owner. We will identify the block and lot of the insurance and the appropriate notice of cancellation if any. The applicant will provide specs and redesign the plans and provide an underwater air rator with a sound proof box subject to approval of the planning board engineer. They will also provide a timer that only runs from 8am-8pm. Applicant will provide in the By-Laws and master deed that no garbage cans in street or outside after pick up on the same day. Fines will be subject to the Homeowners Association. Applicant as part of his redesign of the architectural will move the wall in units with garage with garbage areas and foyer back to provide to extend garage area so that the garage is outside the living space. Revised architects to provide the one unit COAH units. The garbage area inside the area but inside a living space area. Revise the plans to provide sufficient space for two township 90 gallon refugee containers in those units. Applicant will add culture stone up to windows with plate on the rear of all buildings. Also, one of the things that we should add in the By-Laws that there should be no barbequing or any cooking units on the balconies or no clothes lines on the balcony or open flame on the balcony. I know the Deputy Mayor said he would look into to it but I don't it would be inappropriate to at least put a sign near the parking lot area "No Parking on Poole Avenue". Applicant will revise the plans to provide mechanicals for each unit to be in each unit. Those are the conditions I have in my records.

Mr. Bace- The town is going to supply two containers or one container and then one would be for garbage?

Mr. Tyler- They are going to allow for enough room for two containers. Hearing those conditions I would like a motion for the application. Do I hear a motion?

**Motion to approve with conditions noted by council.**

Offered By: James DiNardo

Seconded By: Andrew Bace

ROLL CALL

YES

NO

Mr. Glackin  
 Mr. Pobega Absent  
 Mr. Vignola  
 Mr. DeMatteo  
 Mr. Mann Absent  
 Mr. Bace  
 Chairman Mr. Tyler

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<input checked="" type="checkbox"/>	<input type="checkbox"/>

Deputy Mayor DiNardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Belasco	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Lavan (Not present)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Solomeno Absent	<input type="checkbox"/>	<input type="checkbox"/>

Attorney Vela The application has been approved I will attempt to have a resolution by the July 11, 2013 meeting. I will send you a draft copy.

New Case – 13-05P CVS Pharmacy/Mini Clinic, 3391 Highway 35 Block 165 lot(s) 1, 2, 3, & 4; BH Zone. Applicant is requesting permission to add a Mini Clinic to the existing CVS structure.

Attorney Vela- The board has Jurisdiction to hear this matter. As a preliminary matter I am marking A1 the preliminary and final site plan for First Hartford Realty Corporation proposed mini clinic for CVS Pharmacy consisting of 4 Sheets prepared by Dynamic Engineering dated March 14, 2013 unrevised. A2 the partial architectural plans and elevation consisting of two sheets prepared by Larsen Design Group dated April 3, 2013 unrevised.

Craig Gianetti, Esq. Law Firm of Day Pitney, LLP on behalf of the applicant First Hartford Realty Corp. an authorized agent/representative of CVS Care Mark. This is an application for a preliminary final site plan seeking variance relief. By way of background the applicant went before the board back in October 2010 received preliminary final site plan approval for the approximately 12000 square foot CVS store that was just recently finished and opened on Route 35. Came back in August 2011 for minor changes regard to drainage improvements and are now back before you to include as part of the CVS Store a Mini Clinic we will provide testimony but essentially it is for minor burns, sore throat non-emergent medical needs. There were variances granted as part of the original application, a number of variances and in connection with those variances none of them are changing except for two. One is parking we were granted a variance to have 64 parking spaces originally when 91 was required as a result of this proposed Mini Clinic the parking requirement is now 95 parking spaces. Though we are not changing the number provided the requirement has gone up. As well as a change in signage to reflect the Mini Clinic and there were eight signs approved originally we are taking away two signs and putting up one for the Minute Clinic. I have with me here tonight Doug Grysko project engineer with Dynamic Engineering. As well as Anna Federico from the Mini Clinic to testify as to the operations. At this point I would like to call the engineer Doug Grysko.

Attorney Vela- Swearing in Douglas Grysko.

Douglas Grysko- Principal and Senior Project Manager Engineer with Dynamic Engineer and Consultants, 1904 Main Street in Lake Como NJ. I have a BS in Civil Engineer from NJ Institute of Technology, BS in Physics from Seton Hall University and I am a Licensed Professional Engineer in the State of NJ for 8 years.

Mr. Tyler- We accept your qualifications. Thank you.

Attorney Gianetti – Mr. Grysko in connection with tonight’s hearing did you or someone under your direction prepare any exhibit for this hearing.

Mr. Grysko- Yes we did.

Attorney Gianetti- Can you just identify what those exhibits are and have them marked.

Attorney Vella- Mark as A3 mounted color rendering of site plan. A4 mounted colored sign plan. A5 mounted floor plan.

Attorney Gianetti- Mr. Grysko quickly using exhibit A3 of the color site plan just discuss what is showing there and what was originally approved as part of the application and what is there now.

Mr. Grysko- June 9 the store opened for business parking around the perimeter of the building it has the drive thru pharmacy component off the rear corner as entrances from Route 35, Keyport Holmdel Road and one driveway off the front of Bedle road and two egress only driveways at the rear of Bedle Road.

Attorney Gianetti- As part of this application there were a number of variances originally granted with that.

Mr. Grysko- There were several variances that were originally granted under the original applications due to the shape of the lot and the surrounding roads. In this case we virtually have four frontages. We have Route 35, the Jug handle and/or ramp, Keyport/Holmdel and Bedle Road so you have all front yards.

Attorney Gianetti- Can you please explain to the board what is being proposed as part of this application?

Mr. Grysko- The store itself is opened for operation what we are proposing is an area within the store which is 200 square feet that is going to be converted into two rooms for the Mini Clinic. It is simply internal to the building there are no external improvements and all the site work is completed. It is 200 square feet of the original 12,900 square foot building. 12,700 is still the CVS Retail Component. The 200 will be the Mini Clinic.

Attorney Gianetti- The sign is being changed as part of the application which was originally approved.

Mr. Grysko- Yes the original application was approved with 8 total signs (main building signs). The front side elevation or the side that faces Route 35 was approved with 3 signs. The main CVS Pharmacy , Drive Thru Pharmacy and the Photo sign. The Keyport/Holmdel Road side frontage was approved with four signs the Main CVS Pharmacy sign, Photo/Beauty Ancillary Sign and the Drive Thru Pharmacy Sign. The rear of the building was actually was approved with another CVS Pharmacy Sign but there are no changes to the rear of the building. What is being proposed for the Mini Clinic operation is on the front side elevation facing Route 35 we will be removing the Photo sign and replacing it with the Mini Clinic sign. On the

Keyport/Holmdel façade actually two signs are being removed the Photo/Beauty to be replaced with one Mini Clinic Sign.

Attorney Gianetti- Are there any variances in connection with the signage?

Mr. Grysko- Yes based upon the new township ordinance changing the sign requirements it is you are allowed 2 square feet per building frontage where a maximum of 100. When the application was originally approved the ordinance was allowed up to 200 square feet per frontage in which we were compliant with. In this case based upon the total of all signs added up we would require the variance for the total area being over 100 square feet.

Attorney Gianetti- How much of an increase in the signage area is this?

Mr. Grysko- The total increase from what was originally approved is 22.28 square feet from the original application that was approved. The façade facing Route 35 would get the increase of 18.95 sq. feet and the east façade is only 3.33 square feet. Adding to the total of 22.28 square feet.

Attorney Gianetti- We are also requesting a parking variance and Ms. Federico will testify as to the operations of the Mini Clinic. Could you please give a brief discussion for the board based upon your discussions with Ann Federico what this Mini Clinic is proposed prior to talking about parking.

Mr. Grysko- The Mini Clinic is an ancillary component of the existing CVS Pharmacy that provides non emergent medical services which Ms. Federico will go into further detail on. It is not creating additional traffic. These are patrons and customers who are already on Route 35 and the surrounding highways.

Attorney Gianetti- Based upon the change of adding a Mini Clinic can you describe or outline for the board how that changes the parking requirement?

Mr. Grysko- By adding the Mini Clinic component that is the medical type use again, it is 200 square feet which is what the exam rooms are. The original CVS floor area which was 12,900 square feet we take 200 off and get 12,700 sq. feet and then we add in the 200 square feet for the Mini Clinic which requires five spaces per professional and one employee which would be a total of six. The CVS retail component will require 89 spaces and the Mini Clinic an additional six for a total of 95 total spaces. The application was previously granted a variance for a total of 64 spaces that are on site where ninety-one were previously required.

Mr. Glackin- How would you describe the use of parking right now? Has it been full?

Mr. Grysko- We observed it since it has been opened during peak hours during the evening hours of last Friday from 3-6 and Saturday 12-3 there were at any point between 15-16 cars shown in the parking lot. It would very difficult to supply additional parking in this area, we would see it as a hardship.

Attorney Gianetti- Did you review the board engineer letter of June 7, 2013?

Mr. Grysko- Yes.

Mr. Bace- You mentioned the 200 square feet for the examine rooms what is designated for patient waiting?

Mr. Grysko- There are chairs that are set on either side of the doorway.

Mr. Bace- That is incorporated in the 200 feet?

Mr. Grysko- They are just outside the 200 feet.

Mr. Bace- You are going to need more than 200 feet?

Mr. Grysko- 200 square feet is the actual exam rooms if you will.

Mr. Bace- I am talking about the waiting room.

Mr. Grysko- There is no actual waiting room it is against the wall part of the walking isle and they just have a couple of chairs set up. Very similar to a pharmacy waiting area.

Mr. Bace- Your disposal of medical waste how is that going to be handled?

Attorney Gianetti- Ms. Federico would be handling that question.

Mr. Vignola- Where in the store would you have this Mini Clinic?

Mr. Grysko- The exam rooms are towards the rear of the store near the pharmacy area.

Mr. Glackin- You are taking down signs for photo/beauty but you are still going to offer those services and products?

Mr. Grysko- Yes they are typical retail components of the CVS.

Mr. Tyler- Those signs are not actually up.

Mr. Grysko- Those signs are not mounted at this point.

Mr. Vignola- What makes you think there is going to be no need for more parking?

Mr. Grysko- As Ms. Federico will say there are services that the Mini Clinic will provide that a typical CVS does provide as far as Flu Shots, etc.

Mr. Vignola- Where in the vicinity is there one like that?

Mr. Grysco- Ms. Federico can go into it there are 29 of them in NJ right now. The nearest to here is the Old Bridge store, one in East Brunswick, Marlboro has one and Manalapan and a host of others.

Mayor Belasco- It is a brand new store all these other places have one why wasn't this in the original plans?

Attorney Gianetti- Ms. Federico can testify to that because I asked kind of the same question and there is kind of a complicated process that the CVS stores go through to determine which sites based upon location proximity to a hospital or other stores that have a Mini Clinic. This is also kind of a new thing that they have been pushing.

Mr. DeMatteo- During flu season when people are trying to get their shots, that is the time of year you will get a big influx of people. How many people usually come for a flu shot?

Attorney Vela- Swearing in Anna Federico.

Anna Federico- Family Nurse Practitioner since 1998 and an RN for 15 years before that and I have been with the Mini Clinic since 2006 when it first opened in NJ.

Mr. Tyler- We will accept you as a witness thank you.

Attorney Gianetti- You have heard some questions from the board can you give a quick description of the type of services that are provided at the Mini Clinic?

Ms. Federico- We provide convenient affordable access to care for minor everyday medical issues. We are not an ER, Urgent Care and we don't do X-Rays. It is ear infections, sore throats, bronchitis, Conjunctivitis's. We also provide a list of immunizations and we also do weight counseling and counseling for smoking.

Mr. Bace- Can you diagnosis and prescribe?

Ms. Federico- Yes we do. Family Nurse Practitioners are licensed by a majority of states to diagnosis and prescribe.

Mr. Bace- How is the medical waste going to be disposed of?

Ms. Federico- We are a registered medical waste site. Each site has its own registration number and it is essentially just needles from the sharps containers.

Mr. Bace-That is not thrown into the regular garbage is it?

Ms. Federico- No there is a whole process through the state and through a company that deals with this. The company is called Sharps and you see them in your doctor's office. It is usually a heavy red plastic bucket.

Mr. Bace- You draw blood?

Ms. Federico- We don't draw blood in the clinic we do finger sticks. Very small amounts of blood.

Mr. DeMatteo- The queuing process how busy does it get?

Mr. Federico- It is a walk in and it can get busy during flu season but now everyone is giving the flu shots.

Mr. DeMatteo- We are not going to see 70 cars deep waiting for a flu shot?

Ms. Federico- No. It is a walk in clinic and they sign in. The practitioners are asked every time they open the door and if they see two or three people waiting to remind them that it can take 15-20 minutes per visit they can shop. If they leave their number we can call them and tell them no one is here if you wish to return.

Attorney Gianetti- What are the hours of the Mini Clinic?

Ms. Federico- 8:30 AM-7:30PM Monday thru Friday, Saturdays 9-5:30 PM Sundays 9AM -4:30 PM.

Attorney Gianetti- Which is less than CVS store hours.

Ms. Federicio- Yes.

Mr. Tyler- Do you provide checkups?

Ms. Federico- We provide camp physicals and other certain physicals we do but we still recommend you go for your full yearly physical.

Mr. Glackin- Do you handle pain management?

Ms. Federico-No.

Mr. DeMatteo- Why was this not on the original application?

Ms. Federico- When they are looking for sites they want to spread them out they don't want them together. We look at demographics of area where people don't have to travel too far.

Mr. DeMatteo- That would not be part of your normal retail siting plan?

Ms. Federico- We do functions separately.

Mr. DeMatteo- The problem I have is you were here you came back are you going to come back again?

Attorney Gianetti- Keep in mind the last time was October 2010 and came back in 2011 for a minor amendment because of DEP drainage approval. I don't have an answer as to why it was not decided in 2010.

Mr. Tyler- My concern is do you have enough parking since you have 60 + parking spaces and according to our ordinance you need 90+ spaces. There is no place to park anywhere near that CVS other than the church across the street.

Mayor Belasco- Are you the only Nurse Practitioner that is going to be there?

Ms. Federico- I am the State Practice Manager but there will be one nurse practitioner there is no medical assistant and no receptionist.

Mayor Belasco-Is that the same as a doctor that there has to be so many spaces per doctor on duty besides handicapped and everything else. Is the practitioner considered the same as the doctor?

Mr. Tyler- Yes and I believe there was testimony as to that.

Mr. Vignola- How many patients to do you see in an hour?

Ms. Federico- It varies 1-2.

Mr. Bace- What do your statistics tell you based on your past performance what is the average hourly patient rate?

Ms. Federico- It is a new clinic so it would take longer to get there but maybe 1-1.5 and a busy day would be 2 an hour. Immunizations take 5 minutes or less most visits take 15-20 minutes.

Mr. Bace- Is there paperwork prior to seeing you?

Ms. Federico- There is a Kiosk they fill out no paperwork it is all electronically.

Mr. Kittner- If he can address item G of our report regarding the front yard setback.

Attorney Gianetti- A -talks about the application being handled as an amended application. We are treating this as an amended preliminary final site plan unless the board has any other feelings towards it. B – Surrounding uses.

Mr. Grysko- We had reviewed the town ordinance and the medical use is a permitted use medical use within the BH Zone. The existing use on site is the CVS Pharmacy and the proposed use is the Mini Clinic portion that is ancillary to the main component of the building. Surrounding properties I think everyone who is familiar with the area knows where everything is.

Attorney Gianetti- Line F.

Mr. Grysko- We agreed with the board engineer there was simply on the plans within our sign table there was a typo. The original application was approved with a 75.18 square foot CVS sign which actually if you will would face the Borough of Keyport. It was a typo. We can easily clarify that on the final site plans.

Attorney Gianetti- G which Mr. Kittner just mentioned can you discuss the set back and how it was identified in the plan. What it technically is now based upon a dedication to the county and the township if that changes anything?

Mr. Grysko- Under the original application the project was approved for variances along Bedle Road and Keyport/Holmdel Road. Again the site is surrounded with frontages so it is all front yard. They were approved with a 30.5 feet and 37.3 foot setback along those roads respectively. After the process of the board and the resolution compliance there was a dedication that was given to the town along Bedle Road which widened the right of way given it the full 50 foot right of way or 25 foot half width. That reduced that actual setback to the building down to 22 feet to the new right of way line. In similar fashion along Keyport/Holmdel Road that is a county road also known as County Route 4 as part of their final process there was a dedication along their road to provide a full right of way width that they wanted on their side. It just happened to also come down to 22 feet. Those were part of roadway dedications. You don't see them in plain view they are still grass and green space along the perimeters so it looks like it would in any other point.

Attorney Gianetti- Mr. Grysko with your experience with CVS and looking at other sites that have a Mini Clinic can you identify for the board the amount of parking and why it is sufficient at those other sites.

Mr. Grysko- We took a sampling of stores that have a Mini Clinic already in it that were basically the same sized stores that are all 12,000 square foot buildings or larger they had the same similar number of parking spaces. Based upon our review analysis of the other stores the parking that is currently going on at this store location is 15-16 vehicles at any one time. It is leaving 48-49 parking spaces still available more than ample for additional customers or Mini Clinic Customers.

Attorney Gianetti- That is all I have for Mr. Grysko and Ms. Federico.

Mr. Tyler- Any other questions from the board?

Mr. DeMatteo- There is no additional flammable type material that we need to be concerned about like Oxygen tanks from a fire perspective?

Ms. Federcio- No.

Mr. Tyler- Mr. Vella is there a way for us to address what can and cannot be included in terms of their services?

Attorney Vella- They are a medical use they are licensed to give prescriptions it is going to be impossible to regulate. They are more responsible to keep their practice within the law.

Mr. Tyler- Open to the citizens anyone wishing to speak, seeing no one. Do I have a motion to close the hearing.

Offered By: Mr. Vignola

2<sup>nd</sup> Mayor Belasco

Voice Vote: Yes

Attorney Vella – There are no conditions on this application.

Motion to Approve:

Offered By: Jeff Tyler

Seconded By: Mike DeMatteo

<u>ROLL CALL</u>	<u>PRESENT</u>	<u>No</u>
Mr. Glackin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Pobega Absent	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. DeMatteo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Mann Absent	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Mr. Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor DiNardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Belasco	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Alt #1 Mr. Lavan Absent	<input type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Solomeno Absent	<input type="checkbox"/>	<input type="checkbox"/>

Motion carried for CVS Mini Clinic

**Brookdale Community College, Crown Plaza, Block 194.01 Lot 76.01; Carried**  
N.J.S.A. 40:55D-31 Review and Recommendation

Offered By: \_\_\_\_\_

Seconded By \_\_\_\_\_

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Glackin	_____	_____
Mr. Pobega	_____	_____
Mr. Vignola	_____	_____
Mr. DeMatteo	_____	_____
Mr. Mann	_____	_____
Mr. Bace	_____	_____
Chairman Mr. Tyler	_____	_____
Deputy Mayor DiNardo	_____	_____
Mayor Belasco	_____	_____

Alt #1 Mr. Lavan  
Alt #2 Mr. Solomeno

\_\_\_\_\_  
\_\_\_\_\_

**Other Items for Discussion:**

**Citizen Hearing:**

Offered: Andrew Bace

2<sup>nd</sup>: James DiNardo

Voice Vote: Yes

**Motion to Adjourn:**

Offered: James DiNardo

2<sup>nd</sup>: Mike Glackin

Voice Vote: Yes

Next Meeting: July 11, 2013

Respectfully submitted,

Patricia Cullen  
Board Secretary