

**TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT
October 16, 2012 Minutes
Meeting Time: 8:00PM**

Call to Order

Open Public Meetings Act Statement – In compliance with the Open Public Meetings Act of the State of New Jersey, notification of this meeting has been published in the Ridgewood News, our official newspaper in the Township of Washington, notice has been advertised on the official Township of Washington website, and posted on the bulletin board at Town Hall.

First Order of Business Salutation to the Flag

Roll Call Taken

Messrs. Asfar (Absent), Gerhard, Ms. Merkle, Messrs. Miras, O’Connell (Absent), Sonntag, Ullman, Werfel, Chairman Johnson

Ongoing Business

First Hartford Realty Corp., 660-680 Pascack Road, Block 2110, Lots 6, 7, 8, 9, 10- Applicant seeks site plan approval, use variances, sign approval and major soil movement permit for the construction of a CVS Pharmacy.

Mr. Carmine Alampi, Applicant Attorney: identified himself for the Board.
Mr. Tendai Richards, Objectors Attorney: identified himself for the Board.

Mr. Alampi: spoke regarding the testimony of the applicant’s architect and the few small points he wanted to bring to the Board’s attention based on some revisions; acoustical reports.

Please note: Mr. Thomas Asfar has joined the meeting at this time.

Mr. Alampi: stated the acoustical report was generated by Noise and Vibration Control, Inc. and he believed it was submitted to the Board after the September meeting but at the September meeting it was marked for identification and it was dated August 17, 2012.

Exhibit A-21: BRD Noise and Vibration Control by Larson Design Group, marked October 16, 2012.

Mr. Gary Dean, Dolan & Dean Consulting Engineers: introduced himself to the Board and gave his credentials.

Mr. Alampi and Mr. Dean discussed: supplemental reports prepared principally because the application itself had been modified, principally

through the elimination of what was formally proposed as a small retail building; Mr. Dean being the successor traffic engineer and his preparing studies to re-evaluate the traffic, even though there would be less, but also then prepared a response to the Board's traffic consultant's review.

Exhibit A-23: Applicant's Traffic Experts review of traffic conditions and traffic counts at peak hours by Dolan and Dean marked October 16, 2012.

Exhibit A-24: Letter in response to T&M review by Dolan and Dean dated October 16, 2012.

Mr. Alampi and Mr. Dean: discussed his review of the prior work that was completed, not only by VHB for the application, but for the concurrently processed application for renovations to the service station located across from the site; performed his own traffic counts at the intersection; personally observed evening peak hour to monitor how far the traffic stacks and where; spent time at the location trouble shooting; made personal observations as to what creates some of the traffic constraints and conditions at the location; supplemental traffic count information that was not included in the original study; referred to Exhibit A-8; traffic study for McKinley Avenue and Jefferson Avenue not just on the primary streets; amended application wherein the previously proposed development in a separate building to the north of CVS had been eliminated; external and internal traffic movements; drive-thru window; sufficiency of parking; Township ordinance for parking spots is a high standard in his opinion; provide more green space with less parking spots and an aesthetically nice looking site as possible; stated if the traffic conditions are so problematic and acute, it suggests it's a fairly inhospitable place to put a single family house directly at such a busy corner; the application providing a very significant opportunity to address traffic problems; parking and circulation; proposed future widening and right-of-way allocation to Bergen County that would allow improvements to be made; review of County's intersection improvement plan which includes adding turning lanes and improve signal operations; leaving the properties in their present condition, there is an insignificant right-of-way which isn't wide enough to put in extra lanes so private property needs to be acquired from abutting property owners to make the roads wider; referred to Exhibit A-2 marked 1/24/12; the Bergen County Planning Department's process with regards to creating an extra lane and the shoulder; the Bergen County Planning Department exercises their jurisdiction in a very influential way and essentially asks for the right-of-way dedication to facilitate their public works project; various studies of traffic counts; collection of supplemental counts at McKinley and Jefferson Avenues, during the evening peak hour; Washington Avenue carries approximately 2,000 vehicles in one hour and 1,000 vehicles coming east towards Pascack and westbound there are almost 900 vehicles during the evening peak hours, roughly between 5PM and 6PM; defined "peak hour"; traffic in Bergen County

over the past two years has essentially flat lined; reviewed reports generated by the developer's consultant; nothing was a surprise in his report.

Exhibit A-25: Traffic Impact Study by Bertin Engineering dated June 10, 2011 pertaining to the Sky Trading application marked on October 16, 2012.

Mr. Alampi and Mr. Dean: further discussed the Institute of Traffic Engineers, international organization, which has a database which is essentially traffic studies that have been conducted in identical uses; is the industry standard practice in terms of projecting trip generation; Mr. Dean has reviewed the latest edition issued; information reviewed was specifically for pharmacies with drive-thrus; data is fairly consistent given information is collected from various regions; Pascack Road has roughly 1,250 vehicles per hour; in the evening/peak hour there were 750 vehicles northbound and 525 or so southbound; the GSP having an exit onto Washington Avenue has an influence on traffic; concentrated on the evening traffic because CVS in the morning generates very little traffic; level of service which is a rating system based on time, on average, someone waits to turn; discussed the different levels; referred to exhibit A-22 VHB Report; queue lined up past McKinley, Jefferson and up to Lee Terrace, and to the Northgate entrance; the County improvements propose widening the various approaches to use the flow and lessen the back up; pass by traffic.

Chairman Johnson: asked what CVS estimated to be the average number of customers that will come into the store every day.

Mr. Dean: stated that he did not have the answer to this question, but could answer what the trip generation traffic movements would be during the peak hour and a CVS store during a peak hour would attract 76 vehicles.

Chairman Johnson: asked if half of those 76 vehicles would be pass-bys.

Mr. Dean: stated Chairman Johnson was correct.

Chairman Johnson: stated he would be curious to know how many customers CVS would expect to get on any given day notwithstanding some traffic calculation formula. Assuming, half of their customers are pass-bys, if CVS thought on average they would have 200 people per day that means that one hundred of them are coming there special every day, which to Chairman Johnson, is more traffic.

Mr. Dean: stated that he is in no way suggesting that if a CVS is built, a difference in traffic would not be noted. Mr. Dean further stated that operationally and from a traffic perspective you wouldn't know the difference, but building a store would generate customers.

Mr. Michael Ullman: stated there is a house at this time with two cycles. Someone pulls in, pulls out in the morning and pulls in in the evening; two trips. Mr. Ullman stated that at the peak it is going to be 76, which do not exist at this time.

Mr. Dean: stated Mr. Ullman was correct.

Mr. Michael Werfel: asked if that was 76 in and 76 out, 152 total.

Mr. Dean: stated Mr. Werfel was correct. In addition, Mr. Dean referred to his printout that shows 1,287 trips per day for CVS.

Chairman Johnson: asked for clarification of this information.

Mr. Dean: stated that means 600, approximately 44 in and 644 out over a twenty-four hour business day.

Chairman Johnson: asked if Mr. Dean was expecting that this number will increase on any given day 300 or more cars going through the intersection.

Mr. Dean: stated Chairman Johnson was correct.

Chairman Johnson: asked if this meant a 15% increase in traffic as a result of the proposed CVS.

Mr. Alampi: asked for clarification of the numbers from Mr. Dean.

Mr. Dean: stated there are 2,000 on Washington and 1,257 on Pascack, and they are not added up because some people turn right, so then it would be double counting. There will probably be 3,000 vehicles per hour. In a peak hour 76 vehicles would be expected, half of which are pass-bys. Therefore, 38 vehicles are new out of 3,000 at the intersection which is 1%. When Mr. Dean states it is a de minimis impact, it's because 38 cars in an hour, new cars, it is just a little bit over one car for every two minutes. In addition, this is a busy intersection, that's why this is a good location for this project. Putting a CVS in an isolated area brings traffic in where it's not already there.

Mr. Ullman: asked if Mr. Dean ever goes back and does post-implementation studies.

Mr. Dean: stated "yes."

Mr. Ullman: asked how relevant the statistics that Mr. Dean is providing after the implementation.

Mr. Dean: stated that he has always been curious as to how close his numbers were to the actual numbers. In addition, he stated that he wanted to be conservative in these types of analysis to make sure the system works.

Mr. Ullman: asked if there is a double lane in the flow of traffic at the northern most entrance on Pascack.

Mr. Dean: stated “no.”

Mr. Ullman: asked if there was a backup at the intersection that extends to that driveway, and people are trying to make a left into that driveway, will they block the street.

Mr. Dean: stated “yes.” Mr. Dean further stated there is a wider shoulder in that section and the double yellow line is shifting to the west, closer to the site, and in the process allows the northbound lane to be wider. In addition, Mr. Dean stated that there will be enough room if a car is standing, to turn left into the site, to not impede through traffic.

Mr. Christopher Statile, Board Engineer for the CVS application: stated that is if the driver is in the left side of the lane. In addition, Mr. Statile stated that it would be hopeful the intersection would operate that way during rush hour.

Mr. Dean: stated that Mr. Statile could convey to Bergen County as part of the consideration of this plan, that the shoulder be clearly delineated.

Mr. Ullman: asked if the improvement plan will improve the level of service.

Mr. Dean: stated it will and that the overall intersection is currently at an F level and after the improvements it will be at a D level which is a significant improvement.

Mr. Ullman: asked why going from a level F to a level D was considered a significant improvement.

Mr. Dean: responded that the intersection at a level F at this time has a delay of 95.8 seconds and with an improvement to a level D the delay will be 38 seconds which is a significant improvement.

Mr. Werfel: asked if it was difficult to model the improvements with the existing structures. Mr. Werfel clarified his question by stating if the area remained residential, and CVS was not built, and the road improvements were made, what would the grade improvements be.

Mr. Dean: responded that was a fair question and he did not have an answer.

Mr. Werfel: stated he didn't think it was fair to do an analysis without it.

Mr. Dean: stated that it was considered. Mr. Dean then referred to Exhibit A-7 which is a survey dated 12/13/11.

Mr. Alampi: stated that in his meetings with the County, they have insisted that in 40 years the County has never initiated a condemnation and that they

would prefer the municipality be the condemning authority. Mr. Alampi further stated that the road improvement will never happen without an agreed development of the tract and that Mr. Werfel has a valid question regarding analyzing if there was an improvement constructed and the houses remained.

Mr. Rick Sonntag: asked for clarification regarding 76 cars being a negligible impact on the intersection, and if CVS is there or not, there would still be a negligible impact on an improved intersection.

Mr. Alampi: asked who is going to improve the intersection and who is going to pay for the land.

Mr. Sonntag: stated that wasn't what was being asked. Mr. Sonntag further stated what the hypothetical impact would be if a CVS was not built but the roadway was improved.

Mr. Dean: stated the levels of service have a range, and at all the approaches he has a level D which ranges from 35-55 seconds, but in his report the delay is 36.6 seconds. If he were to take away four or five cars, the level of service might change to C whereas CVS is a level D. Furthermore, the delay is irrelevant.

Mr. Werfel: asked if a percentage can be given to illustrate.

Mr. Dean: stated he would show the table used for DOT studies to explain.

Mr. Ullman: asked for an explanation of the standard deviation.

Mr. Dean: referred to his report of September 18, 2011, page 287, of an excerpt from parking generation by the Institute of Transportation Engineers. Mr. Dean further stated that traffic data is plotted the same way as parking data, and that he would need to look at the plots for the traffic data to better answer the question.

Mr. Richard Miras: asked where the strip of land being given over to the improvement of the intersection for free was located.

Mr. Alampi: stated the applicant's first witness, Mr. Caruso, engineer, had that outlined on his site plan, but they were still in preliminary talks with the County as to the exact numbers.

Mr. Statile: asked Mr. Klein regarding the amount of vehicles going through the intersection twice and if that was considered.

Mr. Klein: stated these are diverted trips and instead of going eastbound in the through lane, they're going to be in the left lane. In addition, Mr. Klein stated they're taking out of the through, and put into the left, and then when they come out, supposedly the same hour, they come back out and now they're part of the left of Pasack to go back.

Mr. Statile: asked if this was really only half a by-pass because there is a number of vehicles that are going to be generated from crossing through the intersection again.

Mr. Klein: stated that was correct but what Mr. Dean was trying to convey was that half of the vehicles that are going to go to CVS in the peak hour are already on the road, whether they're making two lefts to get in and out.

Mr. Statile: stated he is not concerned about the vehicles that come from a quarter of a mile away, but the vehicles in the intersection.

Mr. Klein: referred to Figure C in the Dolan and Dean April 2nd letter which shows the intersection and the site generated traffic.

Mr. Dean: discussed pass-by movements; vehicle addition and subtraction due to restrictions; subtracted delay because of traffic taken away in the through way.

Mr. Statile: stated that he believes the left-turn volume will be causing delays. In addition, Mr. Statile stated that the 76 trip generation isn't quite that accurate. It is not in the purest sense, but that additional delay would be introduced because of the fact there are restrictions on the turning movements in and out of the site.

Mr. Dean: stated that delay was being added if nothing was improved. With the improvement, it's the combination of more CVS traffic but they are doubling the capacity of the pipe and making the traffic flow better through the intersection.

Mr. Ullman: asked if Mr. Dean had studied McKinley or the street above it in terms of additional traffic.

Mr. Dean: stated yes that in the spring of 2012 Mr. Dean's office had conducted traffic counts at Jefferson and McKinley.

Mr. Ullman: asked if Mr. Dean foresaw this development pushing traffic onto McKinley or Jefferson.

Mr. Dean: responded the caveat being that the improvement is made to the intersection, then no.

Chairman Johnson: stated he didn't understand why the focus was on the peak hour and was that the logical time people would be visiting the CVS. Chairman Johnson further stated that he was afraid there was an overemphasis on an extremely minute part of the overall traffic, or, is it safe to assume that all those passersby come during the week peak hours when logic tells him that actually the amount of passerby traffic will not be half, it will be much less because people don't want to go out during rush hour, nor do they want to stop on their way home. Chairman Johnson wanted to know if CVS

had an idea of what their actual flow of customers was going to be through the store throughout operating hours. In addition, Chairman Johnson asked if better data could be submitted that could actually give the Board an idea of how many people they think are going to come into the store Monday through Sunday.

Mr. Alampi: stated that he believed selecting the peak hour is taking into consideration the worst case scenario. In addition, Mr. Alampi stated that the number of customers may be broken down by sales receipts as opposed to per capita. Furthermore, Mr. Alampi asked the Board Attorney to put a request in writing if the Board wanted Mr. Alampi to produce a management person who is in the marketing area for CVS to come before the Board.

Chairman Johnson: asked Mr. Klein and Mr. Statile if this type of information was customarily considered.

Mr. Stanley Slachetka: stated that what was really trying to be determined was the impact of the CVS and the character of the neighborhood outside the peak hours. In addition, the focus of the traffic engineering and the traffic planning testimony as was heard by the Board is focused on the peak hours because that's where you're analyzing the impact on intersections, and on the nexus between roads, and how they function.

Mr. Lee Klein: stated he was in agreement with Mr. Slachetka's statement.

Mr. Slachetka: stated that, what he believed Chairman Johnson was asking was, the use of the intersection at 8PM for consumers using the CVS would generate significantly more traffic than five residential units would at the same time, and what would be the impact and what would be the effects on the neighborhood because of the traffic that's coming there at those hours that, otherwise, if there were five residential units there, would not be there.

Chairman Johnson: responded that was correct and that he was thinking of the negative impact.

Ms. Donna Baboulis, Board Attorney: commented that people might avoid that intersection at busy times because they don't want to get snagged in traffic and they might come from a different route.

Mr. Alampi: stated that Mr. Dean would respond to the comments made, but during the day when there's much lighter traffic, and there's less congestion and queuing, what difference would it make anyway.

Chairman Johnson: stated he would like to have an idea of the impact on the community since it is a residential section and what the store is going to do to the traffic patterns and not just from 5PM-6PM Monday through Friday.

Mr. Slachetka: stated that the Board was receiving this information from a land use planning perspective which he believes is a valid concern in terms of characteristics of the neighboring character of the area. In addition, Mr. Slachetka stated that he believes the real question Chairman Johnson is trying to find the answer to is what is the activity that is being generated and how is that activity having an impact on the surrounding neighborhoods.

Mr. Alampi: stated that the Board's planning consultant was discussing planning issues that are generated by traffic, but the applicant is dealing right now with traffic volume and traffic impact. While Mr. Alampi understands the quality of life overall and the general planning, right now he is dealing with the testimony of a traffic consultant to give the Board empirical information and filter it in. Furthermore, Mr. Alampi asked for Mr. Dean to be allowed to respond to the comments to see if he is qualified to do the types of analysis being asked for and if he is, then they would be happy to perform the study for the next meeting.

Mr. Klein: asked Mr. Dean to review and explain the peak hours of a CVS in the AM and the PM.

Mr. Dean: stated he would do his best to explain and that his role is to look at the worst case scenario. In regards to Mr. Klein's request, Mr. Dean stated that this topic is more social engineering which goes well beyond his expertise. Mr. Dean referred to Exhibit A-23 which showed five different time periods, weekday AM peak, weekday PM peak and the peak hour which is not rush hour. Traffic engineers want to make sure the system works which is why peak hours are studied. Mr. Dean further stated that he would work with CVS to look at hour-by-hour transactions and calibrate that to his peak hour traffic.

Chairman Johnson: thanked Mr. Dean for his help in retrieving the information requested.

Mr. Ullman: asked if the store was going to be open on Sundays and why no information was available for Sunday in particular.

Mr. Dean: stated that the numbers would probably be equivalent to Saturday or a little less.

Mr. Werfel: asked if Mr. Dean was going to look at peak transaction time frames that CVS generates at the cash register so that it correlates with his traffic studies.

Mr. Dean: stated he is going to look at their percentage hour by hour, for a comparable store in the market, and using the 76 as his hundred percent, give the hour by hours as best he can.

Mr. Ullman: asked if it was possible to find out how many newspapers CVS would order because that would give an idea of how many people they expect in the morning.

Mr. Dean: stated he wasn't sure if CVS would know that number until the store was actually opened.

Mr. Alampi: stated that a lot of the information discussed is in the data and Mr. Dean did not necessarily articulate that in his testimony because typically he will go to the heart of the matter and discuss worst case scenario, highest impact and negativity.

Chairman Johnson: stated CVS is a commercial site that is proposed in a residential area and he would like to understand what it is going to do to the community, to the neighbors around it and the general nature of the town.

Mr. Alampi: stated the he will do his best to bring the information together and Mr. Dean will contact the operatives at CVS to corroborate the information. In addition, Mr. Alampi stated that there was more information to cover such as the parking variance and the circulation on the site.

Ms. Baboulis: asked what testimony Mr. Alampi was planning to introduce at the November meeting.

Mr. Alampi: stated it may be Mr. Dean, but he has to make sure all the information requested is put together and delivered to the Board with ample time for them to review. In addition, the architect will be available for the November meeting.

Mr. Statile: asked Mr. Dean out of 34 vehicles that leave the driveway in peak hour, how many of those vehicles will cross over to make the left turn.

Mr. Dean: responded "16." He further stated that he shows 34 vehicles using the southern driveway and 27 vehicles turning right from the northern driveway.

Mr. Asfar: stated that Mr. Dean showed more cars exiting right from the northern drive than he does from the southern driveway.

Mr. Dean: clarified that he showed 27 and 34, and 34 at the southern driveway. In addition, Mr. Dean spoke to Mr. Statile stating that he would have to defer to Mr. Caruso in the amount of effort spent with the County given that it is their road and their jurisdiction.

Mr. Statile: stated that it is his feeling to disallow the movement to the south driveway because it's within those three lanes and it is going to be chaos when someone is going to try to cross over the two lanes to get to the left turn lane and stop immediately because they can't get through perhaps to make a left. Mr. Statile asked Mr. Dean to explain how that diagonal movement can be

made. In addition, Mr. Statile spoke regarding the 9 second average delay at the left turn lane by Jefferson and that it would be more like a 14 second delay and the signal is trying to process vehicles up that one lane northbound and that will be another problem with chaos.

Mr. Dean: stated that he will review the idea of a dedicated left turn lane.

Mr. Klein: stated that he believes there are warrants for a left turn lane and Mr. Dean could see if the un-signaled intersection could be opposing volume and the volume coming up.

Mr. Statile: stated there may be enough width to jockey around the center line.

Mr. Dean: stated the projection is 34 vehicles turning left, but 800 vehicles following right behind them, not all at once, it's metered by the light, but that it is certainly something he can review.

Mr. Alampi: asked when the next meeting was scheduled for and if the testimony should be concluded for the evening.

Chairman Johnson: stated that this part of the meeting was concluded unless there were any questions.

Mr. Ullman: asked Mr. Statile if the reevaluation of the C-1 waterway by the State could curtail or prohibit the improvements to the roadway.

Mr. Statile: stated no, there are certain permits the County can get for the road improvements.

Mr. Ullman: asked if the redevelopment could still be done.

Mr. Statile: stated it is no different than a bridge project, and there will be provisions for those types of crossovers.

Motion to Adjourn: Ullman, Asfar

All members present approve motion to adjourn.

Respectfully submitted by:
JoAnn Carroll
Zoning Board Secretary
July 10, 2013