

**TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT
December 18, 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, Gerhard, Ms. Merkle, Messrs. Miras, O’Connell, Sonntag, Ullman (Absent), 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: stated at the last meeting, which was in October, he had requested an adjournment because the Board asked for more detailed information from the traffic consultant and he was unable to compile that information because of the hurricane and the Board graciously granted the extension until this evening’s meeting. In addition, Mr. Alampi stated the he would like the applicant’s architect Mr. Robert Gehr to conclude his testimony.

Mr. Robert Gehr, previously sworn in and still under oath and Mr. Alampi discussed: the plan dated October 10, 2012; review of elevations and exterior plan and adding some features to it.

Exhibit A-25: Architectural plans by Mr. Gehr, Larson Design Group, marked 12/18/12

Exhibit A-26: Exterior Elevations by Larson Design Group, marked 12/18/12

Exhibit A-27: Exterior Elevations by Larson Design Group, marked 12/18/12

Mr. Gehr and Mr. Alampi discussed: adding of some additional visual interest; gables; cupola, adding of an additional gable and a decorative vent; raising of the parapet roof, still under the height limit; at the top elevation three additional decorative gables over each bay window going down the side of the building have been added; the third elevation which faces the rear of the property, two additional gables have been added, the fourth elevation labeled rear elevation, is essentially unchanged with the exception that the parapet had to be raised 10 inches so it could be kept continuous around the building; no enlargement of the footprint of the building or any relocation of the building; showed the red brick that is proposed to be used for the building.

Mr. Michael Werfel: asked if what were presented were design options, or was there one in particular that they would like to proceed with.

Mr. Gehr: responded yes, these were options, and they had originally presented stone and stucco and the Board requested a brick version.

Mr. Joseph Bruno, Board Architect: stated that brick would make the building look more massive and referred to the CVS in Westwood which is all brick and believes the brick is a more appropriate choice in that area in Westwood than it would be in the Township.

Mr. Richards and Mr. Gehr discussed: Mr. Gehr visiting the site four/five times without the engineer but by himself; his working relationship with the engineer, Mr. Caruso; location of the drive-thru and loading area; palletized loading area; the drive thru lanes cross right by the loading area; Twp. of Washington Ordinance 147-2 read aloud by Mr. Richards; Mr. Gehr designed the building to have a loading dock and drive thru where they are currently located on the plan but he functionality is for the engineer to determine.

Mr. Alampi: stated the questions being asked by Mr. Richards are for the engineer to answer, not Mr. Gehr.

Ms. Donna Baboulis, Board Attorney: stated the witness can determine for himself if he is capable of answering the questions posed by Mr. Richards.

Chairman Johnson: agreed.

Mr. Richards: stated his question was simply if Mr. Gehr took into account the location of the drive thru and the loading area and that people would be crossing the drive thru lanes to make deliveries.

Mr. Gehr: stated he worked off of the engineer's drawings so his answer would be no.

Mr. Richards and Mr. Gehr discussed: Noise and Vibration Control, Inc. report dated August 17, 2012; information provided for the Noise and Vibration Control report by Mr. Henri who works for Mr. Gehr; Mr. Henri provided the sound engineer with the roof plan of the building and the elevations so they could review the parapet heights, and the rooftop locations, as well as the rooftop unit cut sheets; providing of the information regarding the specific units that are planned to be used on the roof; plan to have an internal baler to deal with cardboard not marked on plans; not knowing how loud the baler would be when in use; not knowing the size of the baler; when the cardboard would be picked up; the dumpster being located at the rear of the building; access to the dumpster; issues with turning radiuses on the property in terms of allowing emergency response vehicles to make proper turns because of the size of the vehicles themselves; signs on the outside of the building are renderings and a sign expert will testify; internal illumination of the sign; originally a sloped roof sloping towards the back; last time Mr. Gehr appeared, he stated the slope had been changed to slope toward the center of the roof; how will water that will puddle in the center of the roof be removed or transported into the downspouts; downspouts on plan are shown in error; the water will be pushed to an internal roof drain; internal drain will take the water and bring it through large pipes above the ceiling and into the stormwater system; overflow roof drains located at a slightly higher elevation; the roof is designed to support the additional water weight until it gets to the overflow drain; engineer is aware of the square footage of the roof and they will do their calculations for stormwater management based off of the roof footage that has been provided; Mr. Gehr did not have an opportunity to read Mr. Caruso's previous testimony.

Please Note: Michael Ullman has joined the meeting at this time.

Mr. Richards and Mr. Gehr discussed: Mr. Gehr viewing the buildings that are on the site at this time; Mr. Gehr has entered the property and looked at the buildings from the periphery and his focus was to look at the other buildings around the area such as the gas station, Seasons and some of the residences in the area; Mr. Gehr does not have an opinion regarding the rehabilitation of the residences already on the property; Mr. Gehr has reviewed the 2006 Master Plan for the Township; agrees that the property in question is located in a classic residential zone.

Mr. Alampi: objected to this line of questioning because Mr. Gehr is not offered as a planner.

Mr. Richards and Mr. Gehr discussed: Mr. Gehr looked at the Master Plan of the Township as an architect looking for architectural requirements, not from an engineering standpoint; Mr. Gehr agreed that he would try to maintain the current look and feel of a neighborhood as per the Master Plan; Mr. Gehr reviewed the Township's noise ordinance when he designed the roof and placed the mechanicals where they are; believes it will comply with the ordinance

when constructed; soffit lighting along the back of the building with 70 watt bulbs that will be shielded with 4200 lumens; at night you will be able to see that there are lights on but you will not be able to see the fixture itself; darker blue shading on some of the windows on the right side elevation and front elevation for advertisements; Mr. Richards saved his questions regarding signage for the sign expert; drive thru window and a 100 watt bulb underneath it; there will be direct communication between the pharmacist and the customer and there will be a roll out drawer as well; it is understood at this time that there will not be an intercom/phone system but face-to-face conversations will take place.

Ms. Linda Murphy, 675 McKinley Avenue: spoke regarding the height of the houses on the property at this time; asked what the height of the proposed building would be from the ground to the top.

Mr. Gehr: stated the highest point would be 28 feet, ten and one half.

Ms. Murphy: stated at either the April or May meeting Mr. Statile discussed with Mr. Caruso the fact the ground was sloped incorrectly and that something had to be done and the building would flood if the plans stayed the way they were. To her knowledge, no new plans have been submitted.

Mr. Alampi: stated he did not have any recollection of that testimony.

Ms. Baboulis: asked if Ms. Murphy remembered if the testimony she was referring to was from the first application or the current application.

Ms. Murphy: stated it was definitely from the current application.

Mr. Werfel: stated that it sounds like an engineering question.

Ms. Murphy: stated that if the ground is built up the building will look even bigger than it already will in a residential area.

Chairman Johnson: asked if the witness was aware of the discussion Ms. Murphy was referring to.

Mr. Gehr: stated he was not.

Ms. Murphy: asked about the lighting on the building and how severe will it be.

Mr. Gehr: stated he has significantly reduced the lighting on this proposed CVS compared to other CVSs. In addition, the lighting cannot be compared to a porch light. Also, he cannot speak regarding lights on the lot itself but only to the lights on the building.

Ms. Rosa D'Ambra, 423 Colonial Boulevard: asked if provisions were made for the dumpster to be inside a shed or some type of enclosure.

Mr. Gehr: stated he had not designed anything for the dumpster and he didn't believe there was a separate building for it.

Ms. Grace Hogan, 898 Washington Avenue: asked for information regarding the blue shading in the windows and what type of advertisements would be placed there.

Mr. Gehr: stated CVS works with the town to see what type of image would be placed on the blue shading; it would not be a sign stating what was on sale, but it could be a historical image of the community. In addition, other services and items for sale would not be illustrated in the graphics.

Ms. Hogan: asked for information regarding the signs and if the community had an input regarding them.

Mr. Gehr: stated there is a sign ordinance and the sign vendor would work with the town to comply with the ordinance and any other issues that may arise.

Mr. Michael Ullman: asked for clarification regarding the graphics and if they were considered signs from an ordinance perspective or are they just blocking the view so the racks inside would not be seen.

Mr. Gehr: stated the graphics are blocking and are not meant to be signs.

Mr. Ullman: asked if it is an image that historically is looking to draw in customers or is it a neutral image.

Mr. Gehr: stated it is a neutral image and it is not something that entices the customer with some sort of a bargain or a deal.

Please Note: a short recess is taken at this time.

Mr. Alampi: at the request of the Board, Mr. Dean has done further studies and is present at this meeting to testify. The information requested is embodied in a December 5, 2012 report which was distributed to the Board on December 7, 2012.

Chairman Johnson: asked if Mr. Klein and Mr. Richards had received a copy of this report.

Mr. Richards: stated he did have a copy of the report.

Mr. Alampi: stated that a copy of the report was provided directly to counsel and the Board's experts.

Exhibit A-28: Applicant's traffic engineer providing further analysis per request of the Board (Dolan and Dean)

Mr. Gary Dean, previously sworn in and still under oath and Mr. Alampi discussed: the information the Board had requested at the last meeting which included the traffic findings and how they related to the nature of the improvements that have been proposed by Bergen County at the Pascack/Washington intersection, and some other statistical information including the volume from CVS at times other than peak hours, most notably, after the rush hour on a weekday. Additional field work was done to acquire this information. In addition, the following was discussed: traffic back up at the intersection; the County recognizing, by the virtue of this application, the ability to acquire, at essentially no charge and without exercising their powers of eminent domain to condemn property, they have realized the value in acquiring a dedication from this applicant that would in turn facilitate the improvements; Mr. Gehr discussed the how the intersection would operate with the improvements, but without a CVS.

Ms. Baboulis: asked if the numbers on the chart reflected the evening peak hours, and not hours after rush hour.

Mr. Dean: stated the chart showed rush hour, or the worst of the worst, which is the most store traffic and the highest street traffic.

Mr. Ullman: asked for an explanation as to why not building has a negative impact.

Mr. Dean: stated that he did not have a side by side comparison.

Mr. Werfel: referred to Exhibit A-23, and posed a question regarding the buildup of traffic coming eastbound and the difference in the numbers in the new report.

Mr. Dean: stated that the two tables could not be compared and the Transportation Research Board who publishes the software and the methodology make minor adjustments in their formula and factors.

Mr. Werfel: stated that it seemed out that that the numbers are better with the CVS being built than without.

Mr. Dean: explained why this is so and referred to Exhibit A-8 from January 24, 2012 and also spoke regarding the approach delay which is not listed as a percent increase but as a time increase.

Mr. Dean: further discussed the statistical summary of the trip generation data that was provided which is known as standard deviation. The deviation is a measure of how close the projections are to some of the other stores. The question asked was what is the range between the high and the low points. First Hartford was asked to find a comparable CVS to the store that is proposed for the Township. The store CVS provided was located at 80 Piermont Road in Cresskill, NJ.

Ms. Baboulis: asked if the Cresskill CVS was located in an area that had a big shopping downtown area.

Mr. Dean: stated he did not know and had just asked CVS to provide the data for comparison in Bergen County.

Ms. Baboulis: stated the CVS in Cresskill has a lot of shopping in it and wouldn't that affect the numbers.

Mr. Dean: stated no because the study looked at transactions, not traffic. The assumption was each customer was a traffic trip. In addition, Cresskill shows less traffic than what is projected for this proposed site and it serves as a general barometer for comparison.

Ms. Laura Merkle: asked what the projections look like around Christmas time.

Mr. Dean: stated he did not know.

Mr. Werfel: asked how Mr. Dean looks at standard deviation and that statistically, it leads him to believe there is an error since there can't be a negative flow.

Mr. Alampi: stated Mr. Dean had notes and work sheets that he was going to identify for the record and pass around.

Exhibit A-29: Pharmacy/Drugstore w/ Drive -thru window (ITE Manual) dated December 18, 2012

Mr. Dean: stated Exhibit A-29 is a summary of the data collected for pharmacies and drug stores with drive-thrus. It is a graph that shows the volume of traffic as a function of building size.

Chairman Johnson: asked if that means the volume of traffic.

Mr. Dean: stated it means trips in and out, total traffic.

Chairman Johnson: asked for an example. Stated if there were a 10,000 square foot building, what would that tell him about how many cars are coming in and out.

Mr. Dean: stated the number would roughly be 104.

Chairman Johnson: stated that Mr. Dean had previously testified that some of those trips will be by people passing by, but many people where there as their principle destination.

Mr. Dean: stated that half are pass by and half are principle destination.

Chairman Johnson: asked if it was safe to say that by building the CVS there will be more cars going into the lot if we have not done anything.

Mr. Dean: stated that was correct.

Chairman Johnson: asked if it could be quantified for all periods of all time, holidays, etc.

Mr. Dean: stated he's quantified it in the report so far for the critical peak hours, morning peak hour, rush hour on a weekday, evening peak hour on a weekday and Saturday midday. As an traffic engineer, Mr. Dean stated he generally looks at the periods when the system is most constrained, meaning the intersection, operations, which are usually weekday rush hours.

Chairman Johnson: stated he is thinking of the surrounding environment where there are now going to be more cars coming in than ever before and that to him that potentially has a material impact on the neighborhood. Chairman Johnson further stated that he would need some further convincing that the CVS isn't going to have a material impact on the quality of the homes that surround the lot.

Mr. Dean: stated that his field of expertise is to look at the numbers from an engineering perspective as to whether the system can handle the traffic. In addition, Mr. Dean stated that upon looking at the different calculations and analyses, and levels of service, unquestionably the system can handle the traffic. Furthermore, Mr. Dean stated that the intersection at this time suffers from some fairly significant and chronic traffic problems. The do-nothing option does nothing to benefit the community and he understands that anything developed will bring traffic to the area. Mr. Dean cannot tell socially what the tolerance level is. There are at least 2,000 vehicles per hour in the evening peak on Washington Avenue alone. The project is insignificant in terms of that. There are already thousands of vehicles traveling by these homes and the CVS does not change that. Mr. Dean has no opinion on the social element.

Mr. Ullman: asked if Mr. Dean had an opinion on spillover traffic. In addition, Mr. Ullman asked if Mr. Dean had a model that says there is going to be additional traffic going down McKinley because CVS is there.

Mr. Dean: his assumption would be that some of the residents in that neighborhood, depending on the time of day, for instance would go to CVS if they needed Motrin for a sick child and they will add traffic to McKinley, but they will need to go out anyway if the CVS is not there and go to another store.

Mr. Ullman: asked if Mr. Dean could quantify the secondary streets, if there is a perceived or real impact in terms of traffic volume on those streets.

Mr. Dean: stated that has been considered. He expects some neighbors will decide to become a CVS customer and instead of turning left they will come straight across.

Mr. Ullman: asked if someone from Hillsdale who wants to avoid Pascack Road, but still wants to get to the CVS, cut through Colonial and then go up to McKinley.

Mr. Dean: stated if it is a peak hour that person isn't already going out and he doesn't know who is not out at rush hour, but if they are saying it is 5:30PM and they need to go to CVS he can't say that won't ever happen.

Mr. Ullman: asked if there was data that could answer if there would be five more random trips on McKinley because the CVS is there versus the CVS not being there.

Mr. Dean: stated it would be a low number like five. If he lived on that street, he would not be able to tell that four more cars passed in an hour.

Ms. Baboulis: asked what he based his opinion on that there wouldn't be a dozen cars extra traveling down McKinley.

Mr. Dean: stated it is based on the number of homes located on the street.

Ms. Baboulis: stated that Mr. Ullman's question was regarding vehicles coming from Hillsdale.

Mr. Dean: stated that part of the avoidance is because of the problems at the intersection and if the intersection is fixed, people won't avoid it.

Ms. Baboulis: stated that people avoid lights because it is just part of human nature.

Mr. Dean: respectfully disagreed stating that lights create traffic. If someone wants to make a left hand turn it will be easier for them to do so at a traffic light than at an intersection which does not have a light.

Ms. Baboulis: stated that Mr. Dean has no data to support the answer to the question.

Mr. Dean: stated that he has looked at the directions of NE, SW and the approaches that individuals take to the site and, for example, coming from the north, he has estimated there would be eleven vehicles and let's say half of them cut through the side streets. There is his half dozen.

Ms. Baboulis: asked if that would be on the southbound.

Chairman Johnson: stated that since it was getting close to 10PM, and the witness would need to come back before the Board, this time might be a good

time to break because Mr. Klein will have some questions and Mr. Richards wasn't ready for his cross yet.

Mr. Richards: stated his expert would be called after he closes on the application and his expert was here just to hear the testimony.

Mr. Werfel: asked for a re-clarification as to what the average rate number means.

Mr. Dean: indicates that per thousand square feet the store will generate 10.35 trips at one peak hour.

Mr. Werfel: wanted to know the worst case scenario of all times. How bad can it affect traffic. Standard deviation understanding

Mr. Dean: stated they do not apply it. It is just a statistical reduction to show the high and the low points.

Ms. Merkle: asked if the building of the CVS contingent on the improvements of the intersection because the data shows the CVS with improvements everything looks good, what if the improvements don't happen right away and the town is living with the way the intersection is now.

Ms. Alampi: stated the application is dependent upon the intersection improvement; he has had a direct discussion with the County and there will be no road improvement if the County has to condemn property. In addition, Mr. Alampi has studied the situation, knows there is an impasse right now in the Township and the Township has not initiated the road widening. The County will not force it upon the Town. They will ask the Town to be receptive to it.

Chairman Johnson: asked if Mr. Alampi was implying is that the Board cannot have a condition of the granting of the variance that the road improvements be made.

Mr. Alampi: stated the Board may exceed their authority at that point, but the condition can be made. In addition, Mr. Alampi stated that the Chairman's issue is the CVS is proposed in a residential zone and Mr. Dean's issue is the volume of traffic. The social impact and the quality of life will be discussed with his planning consultant. Furthermore, Mr. Alampi stated the road improvement would not happen if the CVS was not built, but would happen if the CVS was built.

Chairman Johnson: stated that if the Board did grant the variance, Mr. Alampi should be prepared that there will be members of the Board who will want the granting of the variance conditional to the intersection improvements.

Chairman Johnson: summarized that at the next meeting Mr. Dean would return, there will be questions from the Board, there will be a cross from Mr.

Richards, questions from the public and another witness depending on the time.

Motion to Adjourn: Werfel, Gerhard

All members present approve Motion to Adjourn.

Respectfully Submitted by:
JoAnn Carroll
Zoning Board Secretary
July 25, 2013