

**TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
Zoning Board of Adjustment
Minutes
Special Meeting for CVS: March 27, 2012**

Call to Order: 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:

Asfar, Gerhard, Merkle, Miras, O'Connell (absent), Sonntag, Ullman, Werfel, Johnson

Ongoing:

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

Mr. Carmine Alampi: stated that this meeting is a continuation of his expert testimony and that he is concluding the direct testimony of the civil engineer, and that he is concluding the discussion on landscaping and lighting. Mr. Alampi further stated that he had copies made and distributed Exhibit A11 to the Board. Mr. Alampi then introduced Exhibit A13 which is the LoPaca survey dated 3/7/05, revised 4/16/09.

Mr. David Caruso: spoke regarding the underground stormwater storage tank, the amount of rainfall it would take to fill the tank and the zoning and acreage of each CVS site that was in the handout produced at the last meeting. This particular information is marked as Exhibit A10. In addition, Exhibit A14 is the same as Exhibit A10, with the zoning information wherein each of the subject properties is located.

Mr. David Caruso: spoke regarding the lighting and its illumination.

Mr. Ullman: posed questions regarding the type of lighting and exactly where the lighting would be placed.

Mr. Werfel: spoke regarding lumen output.

Mr. Joel Minch: spoke regarding the number of wall packs that are listed on the plan.

Mr. Caruso: stated there is a light under the soft canopy for the drive thru.

Mr. Joel Minch is sworn in by **Ms. Donna Baboulis, Board Attorney.**

Mr. Alampi, Mr. Minch and Mr. Caruso: discussed the perimeter lighting, seven ballard light fixtures at the drive thru exit, limit of light thrown onto the surrounding homes and wall packs.

Mr. Rick Sonntag: questioned what the distance from the street to the front of the building would be.

Mr. Caruso: stated that the distance from the right-of-way on Pascack Road to the front of the store is 80.8 feet.

Mr. Sonntag: discussed the lighting of the surrounding houses to the lighting in the store itself.

Ms. Linda Murphy, 675 McKinley Avenue: spoke regarding the lighting coming from the homes versus the lighting of the store itself.

Mr. Caruso: stated that he did not have a number that quantifies the differential in lighting.

Ms. Murphy: asked if the level of light would increase with the number of cars on the property.

Mr. Caruso: stated that he is proposing an evergreen screen along the eastern side and will do anything to block the headlights from spilling out of the site onto the roadways.

Ms. Murphy: asked if any of the other stores shown in the exhibit comparable to the proposed Town store as it relates to lighting.

Mr. Caruso: stated that the lighting for the proposed store in the Town is generally the same as all the other CVS stores and Mr. Caruso further stated that he would recommend a CVS site that Ms. Murphy could visit at night so she could have a comparison to what the proposed site in Town would be like in terms of lighting.

Ms. Rosa D'Ambra, 423 Colonial Boulevard: questioned the amount of light from the proposed CVS that would be shone onto Meisten Street.

Mr. Caruso: stated that there would be no light spillage onto the Meisten Street area.

Ms. D'Ambra: asked about the light coming from the cars exiting onto Washington Avenue.

Mr. Caruso: stated that no cars will be exiting onto Washington Avenue.

Ms. Grace Hogan, 898 Washington Avenue: asked if the lighting plan discussed would include the lights that would announce that CVS is now located at the proposed site.

Mr. Caruso: stated that these lights do throw some illumination down on the exterior which is enough light to identify the building.

Ms. Hogan: asked if there would be a sign on the corner of Pascack and Washington.

Mr. Caruso: stated that there are two site signs that are proposed.

Ms. Hogan: asked if these signs would be on all night.

Mr. Caruso: stated that the signage consultant can speak to this issue, but if the store is closed, the signs would not have to be on.

At this point in the meeting there is no more public comment.

Mr. Stan Slachetka, Zoning Board Planning Expert: had questions regarding the lighting compared to other CVS sites, level of lighting seen in residential districts and lumen levels.

Mr. Caruso and Mr. Alampi: discussed landscaping, plants, deciduous trees, location of plantings and the retaining wall.

Mr. Sonntag: asked what the plus minus on the deciduous trees was, not including arborvitaes.

Mr. Caruso: responded that he did not have a specific number but that it was well over one hundred.

Ms. Baboulis: asked where the retaining wall would be reconstructed.

Mr. Caruso: responded on the east side of the western property line.

Ms. Baboulis: asked if this was within the property border.

Mr. Caruso: stated that was correct.

Mr. Thomas Asfar: asked if the existing trees would be moved toward the property.

Mr. Caruso: stated no, that at this time there is an existing tree line, and that the trees along the western side will be taken out for construction and when the wall is reconstructed and replaced, those trees will go basically back in the same location, except they will be built up a little bit.

Mr. Asfar: asked if they will be the same exact trees.

Mr. Caruso: responded “yes”.

Ms. Baboulis: spoke regarding permission for the construction crew to encroach on the resident’s property to remove the wall.

Mr. Alampi: stated that they had secured approval and authorization for this application and this is a small section they are discussing.

Mr. Sonntag: spoke regarding the trees on the property and their preservation.

Mr. Caruso: stated that there are many trees on the site that are no longer alive and the ones that are still alive will try to be retained, but not all of the trees will be able to be saved.

Mr. Sonntag: stated that it would be a good idea to go to the site and survey it and tag the trees so, if the Board members chose, they could walk the site and see for themselves which trees are being saved.

Mr. Ullman: asked the reasoning behind deciduous trees versus evergreen trees.

Mr. Caruso: stated that deciduous trees are in keeping with the ordinance to minimize the gap between what they are removing and what they are replacing.

Mr. Ullman: asked if Mr. Caruso could correlate the caliper size to the height.

Mr. Caruso: gave an example using a Northwood red maple.

Mr. Minch: asked if a legend could be added to the landscaping plans.

Mr. Caruso: agreed to do so.

Mr. Minch: asked if trees could be replaced if they did not survive the replanting process.

Mr. Caruso and Mr. Alampi: this would not be a problem.

Mr. Minch: spoke regarding the symbols along the western line, a staggered planting pattern and the straight linear line.

Mr. Joseph Bruno, Architect Expert for the Zoning Board: sworn in by Ms. Donna Baboulis, Board Attorney.

Mr. Bruno: spoke regarding the maintenance of the fence by the CVS property people, saving the trees along the southern end of the property and the installation of a ventilation system for the roots.

Ms. Rosa D'Ambra: spoke the replacement of the big trees on the property and the look of the property now in relation to how it looked in 2009.

Chairman Johnson: stated that this was not relevant to what they were discussing.

Mr. Alampi: objected to relevancy as it relates to the prior condition of the property.

Mr. Ullman: asked why the questions weren't relevant.

Chairman Johnson and Mr. Ullman: had differing opinions as to whether the previous look of the site was relevant to discussing the proposed landscaping.

Mr. Asfar: asked if the trees that are left on the site going to be part of the development if approved.

Mr. Caruso: stated that what they are intending to do is save, to the extent they can during construction, the western property line arborvitaes screen or the evergreen screen.

Mr. Asfar: stated that he walked the property a few weeks earlier and there are wells around the trees by the retaining wall that are filled with water.

Mr. Caruso: stated that he was not involved in the project and that he did not know the exact trees Mr. Asfar was referring to, but if they were proposing to place tree wells in order to save trees along the southern end and the southeastern corner, those walls are just basically digging a depression around the fill into the root system.

Ms. Laura Merkle: stated that she finds it hard to believe that it is still unclear which trees will be removed and which will be saved.

Mr. Caruso: stated that the intent of design is to have a balance of the site, which means they do not know yet where the final grade will be around the existing trees that they are hoping to save.

Chairman Johnson: spoke regarding the sensitive issue of trees, and asked if it was the intention of the applicant to have the trees as part of the final site plan or were they just going to leave it to chance after the application was approved (if approved.)

Mr. Caruso: stated that once the site plan was conditionally approved, there would be no further changes made and that they will have a much clearer understanding of what trees can be saved and then they can identify those on the final resolution compliance plans if the project is approved.

Chairman Johnson: stated that he would like to know the exact trees that would be removed before he would vote on the application.

Mr. Alampi: stated that what is normally done is a resolution of compliance plan, where certain elements are conditions of the approval in the resolution, and then the plan is resubmitted, the approval's in place, but the plan has to be drawn to comply with the form of resolution.

Mr. Michael Werfel: asked what trees could be saved if parking spaces were eliminated.

Mr. Alampi: stated that some parking has already been adjusted from the original plan last summer, but if further changes are made they would look into saving more trees.

Mr. Slachetka: stated the he believes the Board needs to evaluate the use variance application and have that information as part of the evaluation of the use.

Chairman Johnson: agreed.

Mr. Asfar: asked if there was an ordinance protecting trees on private residential lots.

Chairman Johnson: stated there is such an ordinance.

Mr. Alampi: stated that the tree ordinance is phased into the ownership of the property.

Ms. Hogan: asked if it were possible to plant a variety of trees including firs and evergreens to prevent the monocultural environment being susceptible to disease.

Mr. Caruso: stated that they can certainly mix in a variety of vegetation.

Ms. Murphy: spoke regarding Mr. Statile proposing to decrease the parking lot size to provide additional trees to shade the area and make it look more in tune with the residential setting and a new stormwater management plan.

Mr. Caruso: stated that he had not reviewed either and that he was not done with his testimony regarding the lighting plan and the landscaping plan.

Ms. Baboulis: asked if Mr. Caruso was coming back to testify and a later date.

Mr. Caruso: stated that he will appear in front of the Board again when the final plans are submitted, but not with the interim revision set.

Mr. Alampi: stated that when the submission is in, Mr. Caruso will have to come before the Board to authenticate his plan.

Ms. Murphy: posed a question regarding the fire truck and the turning ratio.

Mr. Caruso: responded that he has asked the Township for their specifications for their fire truck and once those dimensions are provided, the curb radii and any impacts that will have can be adjusted.

Ms. Murphy: stated that she was in possession of a copy of the Town's Fire Department letter stating the vehicle is approximately 50 ft. long.

Mr. Alampi: stated that the letter referred to was in conjunction with the old application.

Board Secretary: stated that she would contact the Town's Fire Department and get the dimensions of the fire truck.

Chairman Johnson: stated that a new letter was needed from the Town's Fire Department.

Ms. Murphy: spoke regarding the height of the wall, the board on board and the height of the slope as the land is raised and a possible issue with runoff.

Mr. Alampi and Mr. Caruso: discussed Mr. Statile's letter dated December 5, 2011 (Exhibit ZBA-2). In particular, they discussed, both side yard set-backs, the rear yard, identification plan of the trees, design waivers, parking

circulation and layout, the sidewalk, emergency truck movements and screening of exterior trash collection.

Ms. Merkle: asked if the sidewalk would end at Lot 11.

Mr. Caruso: responded that it would.

Mr. Sonntag: stated that the sidewalk was never finished by Northgate.

Mr. Caruso: stated that one tentative issue is if the ditch has the structural integrity to handle the discharge pipe from the proposed site.

Please Note: a 15 minute recess was taken at this point in the meeting.

Cross Examination by Mr. Richards of Mr. Caruso:

Mr. Richards: asked if Mr. Kourgelis was the owner of First Hartford Realty and the owner of Lots 6-11.

Mr. Caruso: stated that he does not know.

Mr. Richards: stated that if Mr. Kourgelis is the owner of Lot 11, he can be approached regarding the sidewalk on this property.

Mr. Alampi: stated that he is certain they could go to Mr. Kourgelis regarding the sidewalk as it relates to Lot 11.

Mr. Richards and Mr. Caruso: discussed the pre-existing historical map, the erection of the retaining wall, type of fill placed on the property, borings to check the type of fill, ground water level, adding fill throughout the property, soil movement permits, tree wells, identification of trees to be saved, retaining wall footings erosion and replacement, evergreen screen, tree root systems, tree replacement, reason for a four foot retaining wall, grading at base of wall, site work done at rear of property, pool originally on property, houses on Lots 7-10, variance and existing and proposed impervious coverage.

Chairman Johnson: stated that Mr. Alampi objected on notice and re-noticed and then we re-started the clock in January.

Cross Examination concluded for this meeting at this point.

Chairman Johnson: discussed a special meeting date for CVS.

Ms. Merkle: stated she was opposed to special meetings for applicants.

Ms. Baboulis: stated that the Board had agreed to have special meetings along with other matters.

Mr. Ullman: asked if one applicant will be on “stand-by”.

Ms. Baboulis: stated that this is what she was going to suggest.

Ms. Merkle: stated that she does not think a special meeting should be held every month unless there is a huge agenda.

Mr. Ullman: disagrees with Ms. Merkle and will have no difficulty in attending special meetings.

Chairman Johnson: stated that he would rather have special meetings than longer meetings from 7:00PM to 11:00PM.

Mr. Miras: stated he would rather have a longer meeting than more meetings.

Chairman Johnson and Mr. Alampi: spoke and decided that April is off the table and that the date of May 22nd is available. In respect to Ms. Merkle’s opinion, Chairman Johnson stated he wanted to take a vote and if the majority of the Board can attend the special meeting it will be held, if not, then the Board will meet on its regularly scheduled date.

Mr. Alampi: stated, that due to conferences, his experts would not be available on the 22nd of May.

Chairman Johnson: stated he would find another date for the CVS application and is putting off the decision regarding the May meeting until the April meeting.

Motion to Adjourn: Werfel, Ullman

All Board members present approve Motion to Adjourn.

Respectfully Submitted by:

JoAnn Carroll

Zoning Board of Adj. Secretary

April 23, 2013