

MINUTES

APRIL 3, 2012

BOARD OF ADJUSTMENT

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Dr. Behr, called the meeting to order at 8: 05 P.M.

He then read the following statement:

Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Courier News and Echoes Sentinel and by filing a copy with the Municipal Clerk, all in January, 2012.

PLEDGE OF ALLEGIANCE

ROLL CALL

On a call of the roll the following were present:

E. Thomas Behr, Chairman
John Fagnoli, Member
Edwin F. Gerecht, Jr., Member
Felix Ruiz, Member

Michael Pesce, 1st Alternate
Richard Keegan, 2nd Alternate

Barry Hoffman, Bd. Attorney
Thomas Lemanowicz, Bd. Engineer
Kevin O'Brien, Twp. Planner
Dawn Wolfe, Planning & Zoning Administrator

Excused: Sandi Raimer, Vice Chairman
Christopher Collins, Member
Maureen Malloy, Member

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EXECUTIVE SESSION

It was determined that there was no need to hold an executive session.

APPROVAL OF MINUTES

The minutes of January 3, 2012 were approved as written on motion by Mr. Gerecht and seconded by Mr. Ruiz. Dr. Behr and Mr. Keegan abstained as they were not present at that meeting.

The minutes of February 12, 2012 were approved as written on motion by Mr. Gerecht and seconded by Mr. Pesce.

RESOLUTION OF MEMORIALIZATION

MARTIN SKRIVANICH

103 Lackawanna Blvd.
Block 11106, Lot 2

#11-06Z

Bulk Variances

The Board of Adjustment memorialized the annexed Resolution of approval, as amended, on motion by Mr. Pesce and seconded by Mr. Keegan.

A roll call vote was taken. Those in favor: Mr. Fagnoli, Mr. Pesce, Mr. Keegan and Dr. Behr. Those opposed: None.

PARTHENON REALTY, LLC

Valley Road
Block 11301, Lot 4

#11-08Z

**Prelim./Final Major Site Plan
Use Variance (D-1)**

Conditional Use (D-3)

Bulk Variance for Wood Sign

Relief from Sec. 155.8a

Design Waivers

Present: Gordon Gemma, attorney for the applicant
Brian McMorrow, licensed professional engineer
John Harter, traffic expert
Albert Taus, licensed professional architect
Edward Kolling, licensed professional planner

R. J. O'Connell, certified shorthand reporter

This is a continued hearing.

Dr. Behr said that Mr. O'Brien had quite properly pointed out that there is lot at stake with this application in some very positive ways. He said that it could potentially be a landmark property that really defines the gateway to Long Hill Township and has the opportunity to be the kind of property that defines all future development in a way of saying that this is what "good" is supposed to look like. He said that, if approved, it obviously has the great benefit to the applicant of being a very attractive commercial use on the site. However, he said that the process has been somewhat frustrating and has taken more time and money than people would have wanted and that some of this was, unfortunately, applicant generated. He noted Comment #2 in Mr. Lemanowicz's report dated 3/28/12 and said that there are issues that an applicant can take care of that makes it easier for this Board to do its job in a very efficient way. That said, he said that our commitment is to try to move this application through as expeditiously as we can and then make a ruling that is both fair to the applicant and meets our responsibilities under the law. It struck him that as we take a look at what we are doing here, there are some issues such as signage and lighting that have come to the surface as new issues that could legitimately be resolved tonight one way or the other. He said that the applicant has chosen to date to propose something that is in some ways clearly not in line with the ordinances of the Township and so there is a burden of proof on the applicant to demonstrate to this Board why such relief should be granted. He also said that a resolution of the whole stormwater issue is a major item that we have ahead of us and asked Mr. Lemanowicz if he felt that he had enough information to allow him to advise the Board dealing with that matter tonight.

Mr. Lemanowicz replied that he had received a drainage submission *yesterday* consisting of a new drainage report and new maps and he has not been able to prepare a report for tonight's meeting.

Dr. Behr replied that that was unfortunate. He felt that by now the applicant and Mr. Gemma are well aware that this Board has been asking them something very simple and that we need to have the information in hand in sufficient lead time for our consultants and the Board to be able to review it. He said that this Board's policy, commitment, and responsibility with applications is to try to be as efficient as we can with applicants to minimize the time and costs that the applicants are forced to put in to go through this process. If our consultants do not have the information they need properly to be able to assess something as critically important as stormwater is to Long Hill Township, he said that it is hard for the Board to discuss that subject.

Mr. Gemma said that the applicant's engineer is here, however he wished to set the record straight. He said that their engineer properly sent out additional information just the other day, but the revised stormwater calculations and report were submitted in February. He said that the revisions sent to Mr. Lemanowicz were only in response to did he have a chance to review what was submitted in February and if he had any comments to that. As to his comments which were

submitted in February, he said that additional information was sent. But rather than to have him testify as to what was sent and why and what the comments were, he said that Mr. McMorrow is here and can do that. He said that he certainly appreciated the burden of the Board and its professionals in doing a thorough and efficient review of all submittals, but he did not want the Board to have the impression that they just decided a day before the meeting to make their first submission which he said is inappropriate, unfair, and not accurate.

Mr. Lemanowicz said that the first drainage report that was submitted was basically a copy of the one that was submitted for the prior bank application.

Mr. Gemma agreed.

Mr. Lemanowicz said that that report had references to the bank and so it was not even reviewed. The second report that was received had an issue where there were pieces that were not properly connected and that was the comment he made with the last report saying that it doesn't look like the pieces were put together in the model to make it all work together. He said that the submission that came for his report in February was one sheet of paper that gave the *total* discharge. It did not reflect any assistance with respect to understanding the methodology. He said that we hadn't even gotten to the conclusions yet and he was still trying to make sure that the methodology used was right. He said that the submission of one sheet of paper for the last major submission was pointless. He said that once he made that, he had a conversation with Mr. McMorrow and that generated the submission of the full drainage report of yesterday and some amended maps.

Mr. Gemma said that he would rather Mr. McMorrow address *what* he submitted, *why* he submitted it, and *when* he submitted rather than attempt to himself.

Dr. Behr felt that that was fair. He said that we will hear his testimony, but ultimately we will rely upon the Board's consultants, i.e. do we have enough information that would allow us to be comfortable making any kind of a judgment on this or must the matter be deferred to another evening.

Mr. Gemma replied that he understood and said that he just wanted to be sure that the Board understood *what* was submitted and *when* it was submitted. He said that his first witness this evening was Mr. McMorrow and he wished to bring him on as soon as possible since he is under time constraints to go elsewhere.

Mr. Hoffman felt that it should also be clearly understood on the record that by submitting the documents to the Board's consultants for their review, comments and reports at a time that doesn't permit them to issue their reply, response or comments, it puts the Board at the disadvantage of being able to have heard from both the applicant's professional and the Board's consultants so that there should be at a minimum additional time afforded to the Board members should they wish to direct questions to the submitter of these materials.

Dr. Behr agreed. It felt to him like he keeps saying the same thing at every meeting, however he repeated it again. He said that we know exactly what a smooth process looks like and that a smooth process is one where we know the information is on hand for all parties in sufficient time so that where there are concerns that Mr. Lemanowicz or Mr. O'Brien raises, the applicant has had time to reflect those and during the Board's discussions can say that they have agreed to change and here is what they are going to do, or we have changed and here is what we have agreed to, or we are going to continue to insist on what we are proposing and here are our reasons. He said that it makes it much easier for us to a job that is both responsive to our duty under the law and fair to the applicants. He regretted that we are not able to do that with this particular issue. With that as a backdrop, he said that we could proceed. He noted that there are a number of issues that Mr. O'Brien raised in his lengthy report and some may well be issues that the Board will take a look at and say that they really have heard enough testimony on this. The ones that jumped to his mind immediately are the signage and lighting issues and are ones that the Board needs to hear more testimony about in order to make any kind of decision.

Mr. Gemma replied that they understood that. He said that his intent was to first call Mr. McMorrow so that he could address the concerns and some of the revisions that were made in response to the issues raised by the Board. After that, he said he would like Mr. Harter to come back to briefly discuss the submission of 2/28/12 that he made to the Board and its professionals where he was asked specifically to look at a change in the circulation as well as make a comparison to the Berkeley Heights ingress, egress, and circulation plan. He said that then he would like Mr. Taus to address the concerns that the Board raised as to signage, orientation, and the use of a glass block with Walgreen's. He wanted him to testify as to what they will and won't do and why (their rationale). He said that Mr. McMorrow will address the revisions that he made as to lighting. He said that questions were also raised about how much water is used and the water calculation and also a lighting comparison of the proposed lighting and the lighting of other sites in the area which he will address. He said that Mr. Edward Kolling, licensed professional planner, is also present to testify.

In response to Mr. Gemma, Mrs. Wolfe confirmed that all 6 Board members present this evening are eligible to vote on this application.

Mr. Brian McMorrow, licensed professional engineer, was previously sworn. As a result of the last meeting, he presented a colored rendering of Sht. 4 of 15 of the Preliminary and Final Major Site Plan by Bohler Engineering last revised March 12, 2012 which was marked into evidence as **EXHIBIT A-18**. He also submitted a chart summarizing the contents of the revised drainage report that was submitted in January. As he understood the timetable, he said that Mr. Lemanowicz is correct in that the initial Bohler Engineering report made reference in large part to the drainage calculations that were prepared for the *prior* approval. There were some questions over the use of runoff coefficients and times of concentration, therefore, he said that they went back and revised and reissued the full report right after the first of the year. He said that he wasn't back here in February and he thought that there was going to be no change in plans or calculations, however with the submission that they made on March 13th, he wanted to resubmit virtually everything that the Board has seen together with the new information. With respect to the drainage, the information that was submitted was to help understand how the hydrographs all summed together so that the conclusions that he drew that the site works could be verified by Mr. Lemanowicz. The review letter which he got on March 29th or so continued the concern over understanding how the hydrographs were put together, so his firm did a couple of schematics and sent them by PDF to Mr. Lemanowicz on Monday morning. He was not surprised that he hasn't had time to review them in any great detail.

Mr. Gemma requested that Mr. McMorrow's letter dated 2/21/12 regarding water usage be marked into evidence as **EXHIBIT A-19** and his letter dated 2/21/12 comparing the lighting of similar existing properties be marked into evidence as **EXHIBIT A-20**.

Referring to **EXHIBIT A-18**, Mr. McMorrow described the revisions made to the plan. Since being here last, he met with the Shade Tree Commission once or twice and responded to review memos that they issued. He said that the plans that were submitted on 3/13/12 incorporate all of the suggestions, recommendations, and agreements that were reached with the Shade Tree Commission. In particular, the amount of foundation plantings that has been added in front of the pharmacy which were requested. They also revised the plantings along Valley Rd. to be consistent with their recommendations. He said that he received a follow-up memo from Shade Tree Commission member Don Farnell dated 3/30/12 that leaves only 3 items of concern. One was a recommendation that, of the proposed street trees on Valley Rd., maybe we could save 2 existing trees instead of planting 2 new ones. He reviewed that suggestion with his landscape architect and there is one location where they are proposing the water service off the street into the building in the location where there is an existing tree and, similarly, for the gas service. He said that that is an easy change that could be made. He said that the other two comments suggested a switch in species which their landscape architect is agreeable with. He said that the plans which were presented will be modified with some minor tweaks and should fully satisfy the Shade Tree Commission. The second change that was made was driven in part by comments from the Shade Tree Commission and in part from dialogue with the Board. They bumped out the landscaped area in the southwest corner of the pharmacy to serve two purposes: to provide

better opportunity for landscaping between the street and the pharmacy and also to serve to channelize vehicles which would be exiting the drive-thru window before coming out to a stop bar and have to observe other vehicles that might be exiting.

In response to Mr. Pesce, Mr. McMorrow said that the curb, which used to run just a foot or so off the edge of the westerly side of the pharmacy, has been bumped out almost a lane width so that vehicles that come out of the drive-thru are required then to come into a single lane before they come to the stop bar. The driveway width there was reduced from 24' to 18'.

In response to Mr. Hoffman, he agreed that by the time vehicles get down to the southwesterly corner exit from the property, they would all be channeled into a single drive lane. In that same area, they added a directional sign that simply advises motorists that if they are looking to go to Valley Rd. eastbound or to Plainfield Rd., they'd better make a left across the front of the pharmacy because that driveway is a right turn only.

Mr. McMorrow said that changes were made to the proposed lighting and, even with the changes, there are a couple of what they feel are de minimis waivers that are required. He said that the height of the poles are intended to meet the Ordinance. There is a driveway standard that allows a maximum .6 fc at a driveway and they satisfy that requirement at the driveway that intersects with the Plainfield Rd. extension. Where they are still a little over, he said that they have an average 1.2 fc at the right turn only exiting driveway which they feel is appropriate because at that driveway they also have pedestrian activity. Per the Board's recommendations, he said that they have extended the sidewalk. He said that the last time he was before the Board he talked about a standard called the Illuminating Engineering Society of North America (IESNA) and they recommend an average of .8 fc wherever pedestrians interact with motor vehicles. He said that they typically provide intersections at .2 fc to .3 fc and so they are satisfied that the 1.15 fc average that they have at that particular location will provide a safe environment for pedestrians to cross the driveway there.

Mr. Gemma referred to **EXHIBIT A-20** and asked Mr. McMorrow what it indicates.

Mr. McMorrow replied that he had looked at a number of bank and pharmacy sites that they had been involved in that weren't too far from here. He said that the TD Bank and the CVS Pharmacy which is on Rt. 22 in Green Brook was built just a couple of years ago and has an average footcandle that is 3.5 times the footcandle average that is proposed on this particular site. The TC Bank in Warren at Liberty Corner Rd. and Mountainview Rd. has an average footcandle that is 6 times the value that is proposed at this site. He said that the TD Bank, also in Warren, on Mountain Blvd. extension and Town Center Drive is twice the average footcandle value that is proposed on the site. The sites were chosen because they are nearby and are banks and/or pharmacies that are very similar to the type of use for this particular property and he felt they were appropriate. He noted that the proposed lighting is less in every one of the cases he had cited by a fairly significant amount. In his opinion, the proposed lighting plan is safe, adequate, and appropriate for the intended use.

He said that another point of comparison is that a full moon on a clear night yields about .2 fc. He said that the average requirement under the Ordinance to provide an average of .4 fc in a retail parking lot is pretty dim – twice that of a full moon. If you have only .4 fc average, you're going to have spots which are more or less than that by virtue of the mounting heights that they must provide and that you get differences around a parking lot. He repeated an observation he had made the last time he appeared before the Board and referred to the site of the Shop-Rite and existing Walgreen's and said that he was led to believe that that conformed, but the pole heights were 30' and not the 15' that we have here. He said that there were spots where it was virtually dark with a .1 fc value measured and the driveway footcandle values were similar to what is being provided here. For all of the reasons he had stated before, he felt that they have proposed an appropriate lighting scheme for the site.

In response to Mr. Gemma, Mr. McMorrow said that there will not be any light spillage that would have any impact on the residential, retail, or other properties adjacent or proximate to the site.

Mr. Pesce said that he was struggling because what he thought Mr. McMorrow was saying, in essence, is that our Ordinance has it wrong.

Mr. McMorrow replied that it is a standard that they haven't seen very often in New Jersey. He said that most ordinances go beyond a simple average. They provide minimum and uniformity ratios as ways to measure lighting and that a simple average is unusual.

Dr. Behr replied that, unless your point is that our standards are in some way or another either inadequate or unsafe, we know a couple of things – that lighting serves two purposes. It serves a purpose of safety and a purpose of advertising. He said that a strong light source has a way of calling people to something and, while he felt that this Board will be absolutely unswerving in its protection in issues of safety, he said that he was not quite so committed to the principle of advertising as a necessary public good. He said that, if you have an excess of what is permitted, you know that you will always be safe, but that doesn't necessarily mean that the town standards could not be complied with and yet meet all reasonable expectations for safety. He asked Mr. McMorrow to suppose he was to comply with a couple of exceptions as noted for the reasons he pointed out. If, overall, he was to comply with the Township's lighting standard, he asked what would be the harm of doing so. He understood that this is not commonplace but said that this particular site on Valley Rd. is not a highway use and so lighting standards that would be appropriate for a highway use are simply not applicable to this particular location.

Mr. McMorrow replied that he felt you would be compromising safety in that regard. He said that IESNA recommends a minimum of .5 fc in sites like this where you have a high level of pedestrian activity. He said that this is not an office building where people make that one trip at the end of the day when it is dark. You have people frequently moving about and he felt that, as a minimum, that at .5 fc you are at an average of .4. He said that there is a public standard that a minimum of .5 is appropriate. He said that, if he were to redesign the site to meet .4 fc throughout, it would be very difficult to do at the pole heights they have because you have light and dark spots. He felt that they were maybe able to get closer at the Shop-Rite because the poles are much higher, so there is a little bit more uniform distribution. He did not think it is appropriate here to have light poles that are 30' high because it is a small site, close to the road, and downtown. He liked the pedestrian scale of 15' and felt that it is appropriate, but to achieve an average of .4 at that height, he said is very difficult to do.

Mr. Gerecht asked Mr. McMorrow if he was saying that people entering or exiting the building would be less safe by being potentially not seen by the motor vehicle traffic.

Mr. McMorrow replied that the standards that are published are really for the pedestrian in a motor vehicle environment. He said that there are more frequent occasions for that to occur on a site like this than an office building, school, or this municipal building.

Mr. Gemma asked Mr. McMorrow if there is a different lighting standard for a retail use versus an office use in Long Hill Township.

Mr. McMorrow was not aware of any. He thought that that is the standard in the town and he said that he was trying to make a distinction between the use that they have and everything else.

Mr. O'Brien said that there is no difference.

In response to Mr. Ruiz, Mr. McMorrow said that the lighting calculations do not consider the lighting coming out of the building.

In response to Mr. Gerecht, Mr. McMorrow said that he had not taken into consideration how much light will be emanating from the building itself.

In response to Dr. Behr, Mr. McMorrow agreed that that light would have some illuminating value, but only in the areas at the front door. He said that from the back side and drive-thru side there is no light emanating from the building. Upon further questioning, he acknowledged that will be some light emanating from the windows which would impact the sidewalk and the first

couple of feet near the parked cars, but he said that it does not do anything for pedestrians crossing the aisles from the spots that are on the far side or the entrance or exits from the site.

In response to Mr. Gemma, Mr. McMorrow said that they could provide an average of .4 fc but it is not a level that he would necessarily be comfortable with. He said that it is more achievable if the pole heights were to go up.

Mr. Keegan said that this site sits approximately 5' above the street grade. He asked if that will have an impact on people who may be sitting at the intersection heading east.

Mr. McMorrow replied, at the light levels we have, "No". He felt that the people at that intersection would be drawn more to the lights that are under the canopy at a gas station than they would to the lights on the site. He said that footcandle values are just another means of comparison and that you can have 80 fc – 100 fc under a gas station canopy.

Mr. Pesce said that Mr. McMorrow had indicated that the Township's standard may be low for this particular use, but the proposed lighting (even with the decreasing of it) is still multiples of it. He asked if there is something less than what he proposed but more than what our Ordinance calls for that would be consistent with safety.

Mr. McMorrow replied again that moonlight is .2 fc.

Mr. Gemma assumed that it is the preference of the Board to keep the height of the poles at 15' instead of 30'.

(All Board members agreed).

With that as a caveat, Mr. Gemma asked Mr. McMorrow how much less he could provide that would be safe and adequate pursuant to the standards he articulated but might be more than what the Ordinance requires.

Mr. McMorrow referred to the Lighting Plan on Sheet 8.

Mr. Hoffman understood the pending question to be how much less in the way of illumination to be provided without compromising safety.

Mr. McMorrow said that if you look at the left hand side (the east side of the pharmacy) and look down the middle of the drive aisle there, he was at footcandle values of .7 fc and .8 fc for the most part. He said that he was looking at the parking lot that is most likely to be utilized (on the east side of the driveway). He said that that the footcandle values in the middle of the aisle there are generally .7 fc and .8 fc. He said that he has got .4 fc minimum in the most remote parking spots – the one opposite the door towards the top. He did not want to compromise much on what he was providing down the middle of the aisle. He said that IESNA suggests that that be a minimum of .5 fc and he would like to get down maybe .1 or .2 off of what he had now, but it is not a significant difference. He felt that he has to maintain more than the .4 fc average because what is going to happen is that those remote spaces that are at .4 fc now are going to be virtually dark and he has got somebody that is coming out of their vehicle/car door in darkness which is a situation he would rather avoid. He said that if he flipped it to the other side of the building, you will see that the footcandle values are much higher there. He said that we have talked before how, because of the real parking needs of Walgreen's, they do not think those spaces are ever going to be used, certainly not at night, so to lessen the impact on night glare, they could get down to a security lighting level there using wall mounted fixtures. He said that they could get the average down and then in the overnight hours when the store is closed in a way that could be a compromise. He said that he was referring to the west side and said that it could be circuited in such a way that those lights would be off – or maybe leave one on by the drive-thru for safety reasons. But then the average goes down from what he had now to probably at your .4 fc average. He could meet it when the store is closed but not when it is open. When the store is open, he felt that they could still maintain the lights on the east side and front the way they have them, but on the west side he would turn them off. He thought that the store will close by 11:00

PM and, therefore, the lights would go off at midnight or something like that. This would allow anyone who is working to exit the store.

In response to Mr. Fagnoli, Mr. McMorrow replied that he had not encountered such a low standard of footcandles, especially in a commercial zone for a retail use.

Mr. O'Brien said that there are others in New Jersey and noted that this is part of the International Dark Sky Association back in the mid-1980's in trying to ratch down the overlighting of, particularly, suburban shopping areas. He said that this Township has adopted that standard as did a number of others, not only in Morris County, but as a model ordinance that was used throughout the State of New Jersey. He said that he was aware of the buildings built since 2,000 and a half a dozen have all met this standard.

In response to Mr. Gerecht, Mr. O'Brien replied that the uses of those sites include the Stewart's (which is a retail), the office building in Gillette (near Mountain Ave. & Hillcrest Rd.), and the PNC Bank (directly across the street from this location. The Sovereign Bank (across the street) also meets the standards.

Mr. Gerecht said that there are other places that have similar or like types of pedestrian foot traffic going across motor vehicle traveled lanes.

Mr. O'Brien agreed.

Mr. Pesce asked, in doing the calculation, if it is right to be done when the store is open rather than closed.

Mr. O'Brien replied that it is a maximum calculation. When it is on, the maximum can't exceed .4 fc and .6 fc. He said that the IESNA standards which Mr. McMorrow referred to are only slightly above this at .5 f.c. and .8 f.c..

Mr. Hoffman asked Mr. O'Brien if it was fair to say that a summary of the testimony he had just given was that the Township standards were not unique or an abjuration of what is commonly or often used in the industry.

Mr. O'Brien replied, "Correct".

In response to Mr. Fagnoli, Mr. O'Brien said that he did not know if the IESNA changed their standards recently or if they were longstanding.

Mr. McMorrow said that it has been around a while and is not a new standard. He said that there is a difference in comfort and he thought that it was a little less that what he was hoping for and the Board would accept. He did not think that they were far apart.

Mr. Gemma asked Mr. McMorrow if he was testifying to keep the lighting levels to what he testified because of concerns for advertising or safety.

Mr. Morrow replied, "Safety".

Dr. Behr said that where we have landed is an interesting place. He said that Mr. McMorrow has offered some compromise but we have also heard testimony that say that the standards in Long Hill Township are, in fact, reasonable in terms of meeting the goals for safety.

Mr. McMorrow said that his comment to the examples of the two banks is that they close early (at least most banks do), certainly earlier than pharmacies. He said that Stewart's seemed to be the only one that is a true comparable because he suspected that it has hours that go until 10:00 PM or 11:00 PM in the summertime.

Another Board member mentioned The Oceana Grill.

Mr. McMorrow said that he would consider that a comparable also.

Mr. O'Brien noted that the banks both have ATM's that are open, he believed, 24 hours.

Mr. McMorrow replied that there are special lighting standards for ATM's and those are well lit in the immediate vicinity of the ATM machine itself. He said that, if there was an ATM window on the side here, it would be like this room when you walk up and that is appropriate.

Mr. O'Brien replied that it is a Federal standard.

Mr. McMorrow said that, for the record, there is no ATM at the Walgreen's.

The meeting was opened to the public for questions regarding lighting.

Mr. Keegan said that he wanted to make an observation. He said that he was recently at the Shop-Rite, which he believed conforms to the lighting standard. He asked if that is correct.

Mr. O'Brien replied that Mr. McMorrow disagreed with him. He said that our site plan shows that it *does* conform, although he agreed that there are some hot spots there. He said that unfortunately when it was built some 25 years ago, we did not have the kind of control that we do now.

Mr. Keegan said that this past Sunday he was at the Shop-Rite complex and it was a cloudy night with no external lighting from the moon or stars. He did *not* find the lighting at that site to be adequate. Although he did not feel personally threatened, he said that he would hesitate in having his wife go there at 9:30 PM at night when there are 6 cars in the parking lot. He did not feel that there was enough light. Another site that he was very familiar with is the Sovereign Bank which may meet the standard as well, however, he said that he does not go to their ATM at night because there are dark spots there where someone could just walk right out. He said that it is not the ATM itself, but the lot is very long and some of the side yard extends beyond the building and it is not well illuminated at all. He understood the concerns of wanting to meet the standards, but at the same time, in his opinion as a resident of the community, he questioned their adequacy.

Mr. Pesce felt that a compromise might be appropriate here.

Mr. McMorrow said that maybe the hours of operation is the best compromise to make under the circumstances. He felt strong that the .8 fc that he was providing in the aisle closest to the door and the .4 fc on the far parking space is appropriate for this use. He said that he forgot what the campaign was for the night glare, but that is for that overnight, all night, upward lighting that maybe the timing on that back side is a fair compromise.

In response to Mr. Gemma, Mr. McMorrow said that it is unfortunate that they have been unable to have schematics that will allow Mr. Lemanowicz to easily go through the hydrographs. However, he said that he can say that his report still is a modeling of full build-out of the site and also hydrology is as much of an art as a science, so you are going to get two engineers to maybe have a little difference of opinion from time to time. He said that the basin, as designed, hasn't changed from 5 years ago – the size and outlet control are the same as it's always been. He agreed that they have had to change runoff coefficients to mimic high runoff during the existing condition, but he was absolutely certain that this basin works for the pharmacy. So, if the Board was inclined to take action this evening, he said that maybe it is appropriate to limit the basin design to the pharmacy and require him, or anybody else, to come back and prove the adequacy of the basin for full build-out.

Mr. Gemma asked what "full build-out" meant.

Mr. McMorrow replied that it was where there was another use behind what was a bank at the time. He agreed that it was designed for something substantially larger than what is proposed now. He also agreed that it was appropriate for this Board, or any Board, if the property was

built out to determine the adequacy of the drainage and runoff as to the basin at that time and when they determine the amount of impervious coverage that will be prepared. Other than the size of the basin, he agreed that water quality issues must be addressed and that they are obligated to meet them. It was his opinion that they meet the water quality standards. He said that the basin is located to the rear of the pharmacy on the north side. For the most part, there is discharge to the wetlands on the adjacent property from the basin. He said that the NJDEP is reviewing stormwater as well. Although they haven't issued their permits yet, he said that they will be reviewing the same report and set of calculations that the Township is. He acknowledged that there is some runoff under present conditions that comes to Valley Rd. today and said they are reducing the amount of that by virtue of the fact that they are installing curb and storm sewers and pipes that reroute the water to the basin. He said that generally that is the scheme for all of the runoff from the developed portion of the pharmacy as we know it - it is collected in catch basins and pipes and directed to the basin behind it.

In response to Mr. Gemma, Mr. McMorrow said that no underground systems are proposed and that it will be a traditional detention basin. He said that there is nothing else that is unique about the proposed design for the proposed detention, grading and runoff.

In response to Dr. Behr, Mr. Lemanowicz said that he had not looked the drainage that was submitted. He said that Mr. McMorrow brought up a sheet just prior to the meeting which is a schematic of sorts which is what was an issue prior and it looked like he still found an issue with the schematic. Briefly, he said that there are a number of areas that drain to the basin and there is one area off of the southwest corner of the building that does *not* drain to the detention basin and that area doesn't seem to be included in the numbers and it needs to be because it is the runoff from the site that leads to an issue with the removal of total suspended solids because you are supposed to remove 80% from the site. If you remove 80% of the solids going to the detention basin, and that portion only, now you are over because you are not removing any suspended solids from stuff coming off the front corner. He said that that is okay, but you have to increase your solid removal to the basin to maybe 85% so you can afford to lose those extras and it all comes together. Without having that flow chart or schematic working, he said that it is tough to draw conclusions.

Mr. Hoffman asked Mr. Lemanowicz if a determination would have to be reached by the NJDEP that this plan of where the water is ultimately going to discharge is acceptable to them because it is going into regulated freshwater wetlands.

Mr. Lemanowicz replied, "Correct".

While that may be somewhat of a reach, perhaps unlikely, Mr. Hoffman asked if it wouldn't appear, from an engineering/drainage study standpoint, to be an essential piece to this whole plan, and without that fundamental agreement of allowing additional flow onto NJDEP regulated lands, we don't know where this is going.

Mr. Lemanowicz agreed and said that the NJDEP is going to do a review and he said that he was curious because a lot of the water currently goes to Valley Rd. and now it is being moved to a different discharge point which could overwhelm the wetland that is back there and cause a problem. He was interested in how they are going to do that, noting that the NJDEP may indeed be okay with it. He was trying to show that the local Ordinance, which is an adoption of the NJDEP, is still being met.

Dr. Behr said that this is a critical issue, particularly in this Township. Without the opportunity for our consultants to feel comfortable that they understand everything that has been submitted, he did not know that we could move any further with this.

Mr. Gemma replied that he understood and heard what Dr. Behr had said. He said that he would just like the opportunity to complete the rest of his testimony as far as he could get tonight. He said that there is a good chance that they might not get done anyway. He understood that this project requires NJDEP and County approvals and others. He said that they certainly agree and understand that it is subject to those other approvals and that would be appropriate and they

understand that those other approvals require a change either to be handled administratively or back in front of this Board, but he did not want there to be any indication that this Board cannot act until another agency acts. He said that that is inappropriate and that would be something that he would have a problem with.

Mr. Hoffman replied that he was sure that they could agree that all agencies of government that have any degree or level of jurisdiction over some facet of the plan would have to agree or concur with a given set of drawings, and not have Agency A approving one set and Agency B approving a somewhat different set. He said that they all have to ultimately end up accepting or ratifying the identical set of plans.

Mr. Gemma said that he had indicated that any approval is subject to receipt of other approvals as to the plans that are approved. He said that they are not separate plans and he agreed heartily with that.

Mr. Lemanowicz said that his interest in what the NJDEP is going to do was not to infer that he was going to wait until they make their decision.

Mr. Gemma replied that his comment was not addressed to Mr. Lemanowicz.

Mr. Pesce said that it was indicated that the basin was designed with full build-out in mind which he felt assumes that they had something in mind for the rest of the site in the way of coverage, etc. He asked Mr. McMorrow if he could share what that was.

Mr. McMorrow replied that he did not have the numbers at hand, but it is essentially the plan that was approved by this Board 5 years ago.

Mr. Gemma said that, to be clear, there is nothing that they have now, it is simply the old plan which included more property and more impervious coverage. They are simply building to that not knowing what the other property will be built to.

Mr. McMorrow said that it is safe to say that it is at least double what is shown here.

Mr. Hoffman said that the plan that was approved 5 years ago was one from the Planning Board, not that that matters.

Dr. Behr said that the testimony provided is that the basin significantly exceeds what is required for this project and asked if he was correct.

Mr. McMorrow replied, "For a pharmacy alone, yes".

Dr. Behr said that the rest of it is that the testimony was that it is sufficient to include what would be a reasonable expansion of the other lot at some future time.

Mr. McMorrow agreed.

Mr. Gemma said that they would stipulate and agree that, at such time it is ever built, they would have to come back in front of this (or any other) Board to show compliance with standards.

Mr. Ruiz asked if there were any potential environmental issues that we have to know about now that all of the water is going into the basin and into the wetlands as far as oils or salts coming from the cars in the parking lot, or is the NJDEP going to address those questions.

Mr. Lemanowicz replied that the impact on the wetland is under the jurisdiction of the NJDEP.

Mr. Hoffman asked Mr. McMorrow what the maximum depth of the proposed basin will be during a 100 Year Design Storm.

Mr. McMorrow replied that the maximum depth would be about 4'.

Mr. Hoffman asked if the basin will be enclosed within a fence or some type of structure so that it will not be accessible to members of the public, children, or others who might have occasion to get there.

Mr. McMorrow replied, “Absolutely”. He said that they are proposing a 4’ high split rail fence all the way around the basin and a similar fence along the top of the retaining wall that is proposed along the westerly side of the property as well.

Mr. Hoffman asked if a 4’ high split rail fence will provide non-access to the basin area.

Mr. McMorrow replied, “Right”.

Mr. O’Brien replied that that does *not* comply with the Ordinance.

Mr. McMorrow replied that the Ordinance requires that it be 4’ high.

Mr. O’Brien replied that it also requires maximum openings, so a split rail would not be appropriate.

Mr. McMorrow asked if they put a mesh within the split rail, would that satisfy the Ordinance? He said that chain link is the easy solution, but he did not know if it is the most attractive. He said that he has used split rail with a mesh that is almost invisible.

Mr. Lemanowicz suggested a black vinyl coating on the chain link, which he said would pretty much disappear, especially at that distance.

Mr. Gemma said that it is the intent of the applicant to make it look nicer.

Mr. Hoffman asked if it would be a problem making that modification.

In response to Mr. Gemma, Mr. McMorrow said that they would still like to keep a split rail fence rather than a chain link fence.

Mr. Gemma said that having the mesh would stop the openings.

To be clear, Dr. Behr asked if the proposal was for a split rail fence, but the barrier would be black mesh attached to the split rail fence.

Mr. Gemma and Mr. McMorrow replied, “Yes”.

Mr. Lemanowicz said that he did not have a detail but would not have an issue with that. He felt that it would look better as long as the mesh is attached to the split rail in such a way that it doesn’t flop around a lot. He said that it must be set up right and he was sure that they could work a detail for it.

Mr. Gemma replied that they would stipulate to that.

Mr. O’Brien said that he would be concerned about the sturdiness of the fence itself and its longevity. He said that a standard split rail can be very easily taken apart, so we would want to see a detail on it.

Mr. Gemma agreed to provide a detail.

Mr. Hoffman asked Mr. O’Brien if it would be appropriate for there to be, incidental to any potential approval of this application, some type of stipulation or agreement that the applicant or its successors would be required to adhere to in perpetuity to maintain the fence in decent condition?

Mr. Lemanowicz replied that, as part of the drainage design for a major development, the applicant has to provide a maintenance manual for all the stormwater facilities, so that could be included. He said that the manual actually gets filed with the deed of the property.

Mr. Gemma agreed to do so.

Mr. Hoffman asked if we have a draft of such a document at this time.

Mr. Gemma replied that he believed that it is usually done as a compliance item.

Mr. McMorrow believed that it was with the initial filing last fall.

Mr. Hoffman said that, at some point, incidental to any approval it would have to be reviewed and approved principally, and in this case, by Mr. Lemanowicz.

Mr. Gemma agreed that it is an appropriate compliance item. He asked Mr. McMorrow if there was anything other than what he had testified to this evening in Mr. Lemanowicz's report of 3/28/12 that he wished to address.

Mr. McMorrow replied that the one remaining concern has to do with the sewer and water calculations that he tried to summarize in his 2/21/12 letter. He said that his letter was submitted again with the Board packet on 3/13/12. He said that historically there was a 4 bedroom home on the subject property and that the NJDEP states that dwellings equal to 3 bedrooms generate 300 gallons per day (gpd). He said that the applicant in this case was able to secure copies of water bills from the existing Walgreen's located at 1153 Valley Rd. He said that 9 months of data was provided to him and a total of 35,000 gallons was measured which equates to 128 gpd. He said that that store is 16,000 S.F. in gross floor area which addresses a question that Mr. Lemanowicz had. The current proposal is only for 12,600 S.F., although he did not know if the square footage necessarily makes a difference when it is really just a bathroom for a pharmacy. But nevertheless, if they were to apply the ratio, this site would only generate 101 gpd, which is far less than even a 4 bedroom home would.

Mr. Gerecht asked if he was correct in assuming that there would be the same amount of employees at either site.

Mr. McMorrow replied that he didn't testify to that but he would have to believe it is comparable.

Mr. Gerecht said that the only reason he was saying that is that he thought that the square footage is less important than the amount of people in the building. So, if you are having the same amount of employees and roughly the same amount of customers or more, that would equate more with the water usage.

Mr. Hoffman said that Mr. McMorrow wouldn't be the one to testify as to the number of employees and customers.

Just to be clear, Mr. Gemma said that, even with the larger number with more or less employees, it is still less than half of that of a single family house.

Mr. McMorrow agreed.

With regard to his statement and summary of the gallonage of sewer flow per day for this type of retail operation as compared with the former residential use, Mr. Hoffman asked Mr. McMorrow if that gets reviewed and requires approval or action of any type, to his knowledge, by any other governmental agencies or officials, such as the local sewer plant?

Mr. McMorrow replied that the local sewerage authority would certainly review it. He thought that they were actually below the threshold of requiring an NJDEP Treatment Works approval.

Mr. Gemma believed that they are below that. He asked if Mr. McMorrow if a new lateral or main was being installed.

Mr. McMorrow confirmed that a new lateral will be installed, but not a new main. He confirmed that local Township sewerage authority approval is needed.

Mr. Lemanowicz said that the NJDEP approval threshold is 18,000.

Mr. McMorrow added, "Or length or main" and they don't need either.

Mr. Gemma stipulated that, if they need local sewerage authority approval, they will obtain the same.

Mr. O'Brien asked if that the lateral is currently being used in the building.

Mr. McMorrow replied that that was his understanding.

Mr. O'Brien replied that it may be "one for one", although he was not sure.

Mr. Hoffman asked which building they were referring to?

Mr. O'Brien replied that there is a building on site.

Mr. McMorrow agreed and said that it is being utilized by a landscaper.

Mr. Gemma said that, regardless, they will get all of the appropriate permits and approvals in connection with the sanitary sewer. He asked Mr. McMorrow if he knew of any issues in terms of hookups, moratoriums, issues of I & I's in the lines, etc. that would prohibit the ability to hook up.

Mr. McMorrow replied that he knew of none.

The meeting was opened to the public for questions of Mr. McMorrow. There being none, the meeting was closed to the public.

Referring to Comment #1 under "Site Plan" on Pg. 4 of 8 of his report of 3/28/12, Mr. Lemanowicz said that the northerly aisle, which goes across what is being called the rear of the building, was originally dimensioned at 22'. He noticed on the latest plans that it has now been dimensioned at 24', but nothing changed. The dimension is now, instead of the width of the aisle from the loading zone striping across to the parking space striping, 22' and the 24' goes to the bollard.

Mr. McMorrow replied that there is some overlap in the loading area and the aisle that Mr. Lemanowicz pointed out. He gave Mr. Hoffman credit regarding his statement about making sure that agencies are reviewing the same set of plans and, as he had stated before, he said that these plans and the drainage calculations are down in Trenton right now before the NJDEP. He said that his reluctance to change that overall dimension has been due in large part to the fact that he didn't want to change his NJDEP approval. He said that, inasmuch as we need to take a closer look at drainage anyway, he said that he can add another 3' in overall width from the back of the pharmacy to the most northern curb and make sure that he has the appropriate parking stall size aisle width and loading area width and eliminate all those variances and still have lot coverage that is well below that which is allowed. He said that he will supplement what the State has with another revised plan, but he felt that was a way of eliminating a couple of design waivers or variances that are needed.

Mr. Hoffman said that what he was hearing was that, however they are going to get there, the applicant would be amenable to adjusting the parking areas and drive access points or means to remove any variances or waivers...

Mr. Gemma asked Mr. McMorrow to identify where he was going to change it and what he was going to change it to.

Mr. McMorrow said that the dimension from the back of the pharmacy (north side) to the most northerly curb will be increased by 3.1'. The result of that is that he had the appropriate stall length, a drive aisle of 24', and loading area 12' wide. He confirmed that he will be submitting new plans.

In response to Mr. O'Brien, Mr. McMorrow confirmed that they will have a 12' wide loading area that is unimpeded by any other obstructions.

To be clear, Mr. Hoffman said that he thought he was hearing that the applicant is going to not only remove, by virtue of adjustment to the plan, the relief previously noticed for aisle widths being insufficient in one or more locations, but also that relief which had been sought as far as the dimensions of the loading area.

Mr. Lemanowicz replied, "Correct". He said that right now the loading area is dimensioned as 10.9' x 55', which is close to 12' wide, so what Mr. McMorrow seems to be saying is that they are going to find 3.1' somewhere and fix the drive aisle and the width of the loading space.

Mr. McMorrow agreed.

Dr. Behr said that it is obvious to the applicant's benefit to remove the need for variances and is encouraged to do that.

Mr. Lemanowicz referred to his Comment #3, talking about the necking down of the westerly drive aisle past the drive-thru. He said that it is now shown at 18' which is still on the wide side. He asked if there was anything that would prohibit them from reducing it to the 15' that they have for the parking aisle next to the drive-thru structure itself?

Mr. McMorrow replied that the Ordinance requires 18'.

Mr. Lemanowicz agreed and said that it can be left there and confirmed that that does not require relief. He said that the loading dock shows that the 55' loading space encroaches on the crosswalk. He said that people walking from the main entrance of the building to the north (rear) part of the property have to walk through the loading space to get to that crosswalk. He said that it is one or the other – a crosswalk or a loading space.

Mr. McMorrow replied that the crosswalk there probably could be eliminated. It was one suggested location for motorists or patrons to cross to get to the sidewalk on that side and, if we are going to have a crosswalk, he guessed that it could be on the "bull-nosed" end of that aisle and that would also allow them to designate as much as another 18' for loading if needed.

Dr. Behr asked if he was saying that, basically, he would be discouraging pedestrians to walk around the rear of the building where the loading platform is?

Mr. McMorrow replied, "Right".

Dr. Behr noted that that has a number of other implications.

Mr. McMorrow replied that he would be moving the crosswalk over to the right (east), which would provide additional area for loading as well as to stop the conflict. He agreed that it will be shown on the revised plans to be submitted to the Board.

Mr. Lemanowicz said that the other issue he had was that the way that loading space is sitting there, it doesn't appear that they will be able to open up the storage area to the totes because the truck will be in the way.

Mr. McMorrow replied that the best person to testify on that was the operations gentleman from Walgreen's. He admitted that there is a conflict there, but said that he was led to believe that this is a pretty common orientation of loading and tote area.

Mr. O'Brien said that tote area doors typically open out because he has seen them at other Walgreen's. He said that they will need 2 1/2' – 3' to open it up.

Mr. Gemma said that that will only be if the truck is front of that area at that time. If a truck was somewhat smaller, he said that it will fit in the loading area and unload the totes.

Mr. McMorrow agreed.

Mr. O'Brien said that the testimony was that a 53' tractor trailer would make a delivery once a week.

Mr. Gemma agreed that that is one of the deliveries and said that there are other deliveries as well.

In response to Mr. O'Brien, Mr. Gemma said that he had no idea who delivers the totes.

Mr. Lemanowicz said that there was a comment he had been making about the piping in the berm and that it was laid at 0%. He said that, when he and Mr. McMorrow discuss the drainage calculations that he got, he will get into that because he thought there was a way to do it which will not incur a lot of expense, if any, in addition to what they've got, just to help keep the pipes clean.

Dr. Behr asked Mr. O'Brien if we had resolved the issue that he raised.

Mr. Lemanowicz said that it sounded like it should be deferred to the operations person. In response to Mr. Hoffman, Mr. Lemanowicz said that the issue was that you can't open the doors to the tote enclosure with a truck there.

Mr. Hoffman thought that there was a broader issue that Mr. O'Brien raised that the dumpsters/recycling containers, whatever types of structures, tote doors, etc. all could be, in his view, removed from being abutting up against the building.

Dr. Behr asked what thought had been given to another location for the dumpsters and that part of the operation.

Mr. Hoffman interjected and said, apart from the fact that the Walgreen's Manager testified and said that is not where we want it and where we traditionally keep it and we want it where we show it on the plans. He asked Mr. McMorrow if he had any independent view on the appropriateness of one location versus another on this issue.

Mr. McMorrow said that Mr. Hoffman's representation is fair and that he relied in large part on what Walgreen's dictates to us as their standard. However, he said that he had thought about it himself and he thought of the employees at a Walgreen's dragging trash across a parking lot to get to a dumpster in a remote location and the chances of some of the trash spewing about on the parking lot. He said that he like the idea of having it right behind the store and not having it dragged across the parking lot, so long as it is attractively screened and protected. From what he had seen on the architect's drawings, it seemed to him that they certainly are.

Mr. Gemma said that he will have Mr. Taus address the concerns about moving the trash enclosure.

Mr. Hoffman asked if there will be testimony that there is something special or unique about the pharmaceutical trade and this type of a store operation that warrants keeping it snuggly up against the building and not separated from the building by some distance. He asked if there is something especially particular to this usage that warrants that conclusion.

Mr. Gemma suggested that, rather than he or Mr. Hoffman prejudicing Mr. Taus' testimony, they let him speak.

Mr. O'Brien noted that Mr. O'Malley, who is the Walgreen's Operation Manager, was here and he did testify that there was no operational reason that the garbage enclosures *had* to be next to the building, but that it was a practice.

In response to Dr. Behr, Mr. O'Brien said that the primary negative for having them next to the building is that it gives the back of the building a very industrial look and you are directing traffic around the building to get to the drive-thru, therefore making this a public side rather than a private side. He said that it is not hidden away somewhere like a garbage enclosure behind the parking area *would* be hidden away and would not be seen by most passersby. But instead, by being directly adjacent to and attached to the building, he felt that it does rise to an aesthetic question for the Board to consider.

Mr. Gemma asked the Board to consider that this is the back of the building and is not adjacent to the public street. He said that the adverse impact, if there is any at all, would be upon the users that Walgreen's is seeking to attract. He said that he would hope that an applicant is cognizant enough of its users and its public that it wants to attract not to make anything unattractive and do so.

Dr. Behr replied that your point is that, while this might impact people who are using the site, for the passersby on Valley Rd. it would still be invisible.

Mr. Gemma agreed.

Mr. Pesce said that he actually thought that a location *not* adjacent to the building would potentially be a greater eyesore because it is going to be apparent to anybody. It will be 4 sides and you are going to see 3 of them as you drive into that lot. He said that if you look at one of Mr. O'Brien's pictures of the Berkeley Heights site, it shows what happens to garbage locations – it isn't all inside. To him, tucked away as best as possible, is a preference.

Mr. Gemma said that had had this discussion with his client and he said that anyplace you put it – if you put it on the other side of the parking lot, it is closer to the environmentally sensitive property and it would be closer and not further away from the wetlands.

Mr. O'Brien said that that is why he included the pictures from the other stores – to show that while Walgreen's, as any retailer, would like to keep things as attractive as they should, you can see from the evidence, that is not the case in the other stores.

Mr. Hoffman was glad that Mr. O'Brien pointed that out because, as a matter of procedure, he did not believe that his latest photos have been marked as part of the record.

Mr. O'Brien replied that it is not our practice to enter into evidence as specifically mark pictures when they are part of the file.

Mr. Hoffman replied that he did not believe that a statement to the effect that they are a part of the file has yet been made and yet there has been comment on them.

In response to Dr. Behr, Mr. O'Brien agreed that the photos he had provided will be a part of the file.

Mr. Hoffman said that he assumed Mr. Gemma had no objection.

Mr. Gemma replied that they just got the photos today and would like an opportunity to look at them.

Mr. O'Brien said that the pictures consist of a set of 4 pages of 14 photographs which he had taken on or about 2/17/12 and they are on an exhibit that is marked with today's date. He

confirmed that they accurately depict the conditions that existed on or about the designated locations as of that date.

Mr. Gemma again requested an opportunity to look at them.

Mr. Keegan said that we had talked about eliminating the need for certain aisle width variances. He asked if the applicant will still need the variance on the western side of the building.

Mr. McMorrow replied that he believed so, if the interpretation that Mr. O'Brien and Mr. Lemanowicz have made hold true.

In response to Mr. Gemma, Mr. McMorrow confirmed that they will keep them as is.

In response to Mr. Hoffman, Mr. Gemma said that they will be eliminated on the northerly side.

Mr. O'Brien said that Mr. McMorrow had mentioned banking the western side parking. He asked if that is still the proposal.

Mr. McMorrow replied that that was an offer he had made once or twice before and it still stands. He said that they have much more parking proposed simply to satisfy the Ordinance than what Walgreen's truly needs.

Mr. Gemma said that that will be up to the Board.

Mr. O'Brien said that the question then goes to the Board. He asked if they wish to see that in a revised set of plans. He said that the advantage of banking is that it keeps it green. He noted there was some talk of moving the loading zone over there, which may not be necessary with the expanded loading zone behind the building.

On a poll of the Board, most Board members were in favor of banked parking.

Mr. Keegan's concern was that, in the Atlantic Traffic Engineer's document which contains the Plainfield Walgreen's, he said there are *approximately* the number of spaces that we would have with the western spots banked and you can see that it is getting kind of full.

Dr. Behr said that the real issue here is if you are satisfied that you did bank them, you would not be coming back and saying that you have to change that.

Mr. Gemma said that he had consulted with his client and he indicated that his preference would be *not* to bank anything and instead install the parking spaces as proposed on the plan.

Mr. McMorrow had no objection to the installation of the parking spaces.

Mr. Hoffman felt that we now have an interesting legal perspective on it. Until a moment ago, he was under the impression that based upon the input that had been given and the recommendations of the Board's consultants, the applicant would be "going along with", if not actively, requesting that there be reservation or banking of spaces, particularly along the westerly side. He said that the question is does the Board concur?

Dr. Behr said that that decision was made when it appeared that it was an "either/or" issue and the applicant didn't care. What we have now heard are two things: 1) That the applicant prefers *not* to bank parking, and 2) Mr. Keegan has raised the point that it might be prudent *not* to bank parking.

Mr. Gemma agreed.

Mr. Hoffman's point was that he still believed that the Board has within its power on its own, if it feels it is better traffic circulation vantage point or perspective, to *impose* a requirement of not building out all of the parking spaces initially, but banking some of them.

After further discussion, the Board was polled and decided *not* to require banked parking.

Mr. O'Brien said that another open issue with Mr. McMorrow concerns the lighting. He said that it seems to be that he is offering to put the parking areas at .5 fc average and the drive aisles at .8 fc, which is more in keeping with the IENSA standards, staying with the 15' light poles. He asked if that was the offer on the table.

Mr. McMorrow replied affirmatively.

Mr. O'Brien asked the Board if it was in a position to accept that, leave it open, or if they would rather discuss it, or is it something Mr. McMorrow can put in his plans and move forward.

In response to Mr. Keegan, Mr. O'Brien said that that is during operating hours and that there will be security lighting at night, which is ½ hour after closing.

Mr. McMorrow said that that was one of a number of suggestions he had made to try to compromise.

Mr. Gerecht said that you wouldn't leave that lighting on all night long if they are not open.

Mr. McMorrow recalled testimony from the Walgreen's representative that they are all for saving some money to conserve power.

Dr. Behr said that the proposal we are considering is .5 fc and .8 fc., with dimmed lighting during non-operating hours.

Mr. McMorrow agreed.

On a poll of the Board, all members were in agreement.

Mr. Gemma said that he had no further questions of Mr. McMorrow.

Mr. Lemanowicz said that he had a couple of other questions but since he will be going over the drainage, maybe they can take care of them in those conversations.

Mr. O'Brien reminded that the fence detail was requested.

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Mr. John Harter, traffic expert, was previously sworn.

Mr. Gemma said that, as a result of the questions raised at the 2/28/12 meeting, Mr. Harter submitted a revised traffic report dated 2/28/12 which examined modifications of the plans, as well as compared this site to the Berkeley Heights Walgreen's. He asked that his 2/28/12 supplemental traffic report be marked into evidence as **EXHIBIT A-21**.

Mr. Gemma asked Mr. Harter to describe what **EXHIBIT A-21** indicates in terms of his looking at modifying the site plan.

Mr. Harter said that at the last hearing there were some suggestions that he consider alternative circulation on the site, so he went through that exercise in his supplemental report. He referred to "Sketch A" and said that he took the Bohler Site Plan in autocad and changed the access in two major ways. He said that he removed the right-out only driveway that was directly on Valley Rd. and limited the depth of the Plainfield Rd. extension near the signalized driveway so that it did not travel as far north into the property. He said that they created a driveway into the building area that is essentially midway along the eastern face of the Walgreen's building. He said that what they found when they looked at this is that the optimal designs, from a traffic engineer's perspective, has really been met with the plan that is proposed since they filed. He

said that the reason that it is easy to come to that conclusion, if you look back at the original plan that was approved in 2006 by the Planning Board.....

Mr. Gemma interrupted and asked Mr. Harter if he had a copy of that plan.

Mr. Harter replied that he did and it is the same exhibit within his letter report, however it is a full sized version of the Bohler Engineering Plan. At Mr. Gemma's request, it was marked into evidence as **EXHIBIT A-22**. It is a copy of a Sheet 4 of 13 of the Site Plan entitled "Preliminary/Final Major Site Plans for Parthenon Realty, LLC – Proposed Bank". He said that it does not indicate "office" but there was also an office on the second floor. It was revised 4/6/08. He said that he highlighted the two access points in yellow so that the two access points can be seen from a distance. He said that there is very similar site access with a right out only driveway at the western end of the property and a full movement signalized driveway at the eastern end, with the same lane configuration coming out as well – a left only lane and a thru right at the southbound approach to the signal. He also indicated that this same plan that was previously approved achieved the same things that traffic engineers look for – separation of the access from a signalized intersection and maximizing that, which they have done with the right out only driveway. He said that this access scheme was also approved by Morris County previously and they anticipate that the same access would again be approved by the County again. Another reason that he did not expect anything different from the County is, as he demonstrated in past testimony, the current application is a less intensive trip generator than the former bank and office.

Mr. Gemma assumed that the conclusion of Mr. Harter's 2/28/12 letter is what is shown now as **EXHIBIT A-22** and as "Sketch B" in his report and is superior to the turning template shown as "Sketch A".

Mr. Harter agreed. He said that the tractor trailer is a larger wheel base truck, even though it is coming once a week, and they really need the western right out only driveway for that truck. He said that it would cause many problems if they were to eliminate that driveway and attempt to send the truck around the building to come out the signalized driveway. He said that they would end up with very wide pavement that would be over-designed for passenger vehicles and uncontrolled and very difficult to control for a passenger vehicle. He said that they would also lose prime parking because they would need a wider exit for the truck on the east side of the building.

In response to Mr. Gemma, Mr. Harter agreed that, in his professional opinion, in putting on the turning templates and looking at the proposal, as suggested at the last meeting, what the applicant proposes now is safe, adequate, and appropriate for the intended use.

Also in response to Mr. Gemma, Mr. Harter agreed that he indicated that there would be some modifications to the striping to the rear of the building (basically the loading area). He said that Mr. McMorro had described that they would widen the pavement by 3' and that way they would achieve the 24' two-way aisle and the 15' width for the loading area.

Mr. Gemma said that a question was raised to complete the revisions to the plans for circulation about what would happen if a tractor trailer parked back there – how would you get to the tote area. He asked if you expand the width of the loading area, how do you get into the tote area?

Mr. Harter replied that any truck, regardless if it is a single unit WB-50 or WB-62, they do not exceed 8.5' in width and that is an American Association of State Highway and Transportation Officials (AASHTO) standard because of highway design. He said that, if the loading area is widened to 15' and the truck is 8.5', there would be 6.5' between the truck and the tote area assuming that the truck is at the northerly side of the loading area. With the typical door swing, he said that you would have about 2.5' and so there would be plenty of room to open the doors, swing them, and he assumed that they would swing to a position where they would be flush with the building, so then there would be roughly 6.5' of distance between the truck and the loading (or open) doors into the building.

Mr. Gemma said that he had spoken to the applicant's architect who is present this evening and can testify about how the totes actually work. In the context of both Mr. Harter's testimony and his testimony, he said that maybe that will address some of the concerns that the Board had.

He said that Mr. Harter also asked (and did undertake) a comparison of the Berkeley Heights Walgreen's. He asked him to explain what he did and the comparison which he undertook.

Mr. Harter said that there have been a number of comparisons in the past at other hearings to the Walgreen's in Berkeley Heights. He felt that that Walgreen's is a good comparison for a number of reasons and helps with his testimony and argument that this is a good design. He said that the Berkeley Heights plan is a very similar layout and referred to Table 1 on Pg. 3 of his supplemental report. One main point is that the access is very similar. On the eastern side of the building there is a full movement driveway, similar to the proposal, and there is a secondary driveway on the east/west road which, in both cases, is County Rt. 512. He said that one main difference in Berkeley Heights is that there are more turning movements. He said that they are only proposing a right out on the County road, whereas in Berkeley Heights there are two additional movements – there is a right in and a left in movement that are also permitted. He said that the second difference between the two plans is that the two-way east/west aisle in front of the building in Berkeley Heights also provides parking, where we do not. He said that there is no parking between their building and the County road. He said that if you look at Table 1, he demonstrated that the Long Hill Walgreen's would provide a greater distance of separation from the signalized intersection to the County Rt. 512 site driveway. Also, the driveway off of the signal to the north in the Long Hill case is greater (170' vs. 130' in the Berkeley Heights situation). Also, the separation between the western right out only driveway in their case is 20' to the medical office to the west of us and the Berkeley Heights case is slightly closer (about 17' to the next use). He said that the use in Berkeley Heights adjacent to the Walgreen's appears to be more intensive than the medical office. He said that the medical office next to us only has about 22 spaces, so that demonstrated to him that it is a fairly low trip generator. Traffic-wise, he said that in most cases he was seeing that the Berkeley Heights Walgreen's is a more intensive either trip generator or also traffic volumes on the roadway. In summary, he said that the Berkeley Heights site, as far as he understood, works well and does not have parking or circulation issues. He said that it is laid out very similar to what is proposed but, in general, they are providing better separation with their access to the signal and they have less intensive trip generation in traffic relative to the County road driveway.

Mr. Gemma asked Mr. Harter if he had looked at some of the trip generation for Berkeley Heights in his comparison.

Mr. Harter replied that he did and that is also represented in Table 1. He said that the one question was to compare the trip generation at the County road driveway between the Berkeley Heights site and our site. Because the Berkeley Heights site allows two more movements (the two ingress movements), he said that his trip generation there was estimated to be 82 peak hour trips at a maximum and it is only 26 for the Long Hill site, so it will be less intensive on the County frontage.

Mr. Gemma said that he intended to go through the review letters of the professionals. He said that this would be the time if the Board has any questions of this witness.

Mr. Pesce said that the Berkeley Heights comparison is as of 2004. He asked Mr. Harter if he had worked on it then or if he had extrapolated information that someone else did in connection with that application. He asked why it was 8 years ago.

Mr. Harter replied that his office worked on it when it was proposed, so the report was from 2003. He believed that it did some of the analysis at that time, noting that he was not a senior at that time, so they were working with a build year of 2004.

Mr. Pesce replied that, presumably if the population has grown, the disparity would be even greater today, not less.

Mr. Harter replied that that was fair to say. He said that if you use roughly a 2% growth rate annually, it would be quite a bit of growth over those years compared to, so the numbers would be greater in the Berkeley Heights case than was represented here.

Mr. Gerecht said that he understood the impracticality of having big trucks do those turns. He then used a laser pointer and suggested an alternative circulation plan on the site.

Mr. Hoffman asked Mr. Harter if he would like to take that idea back and study it.

Dr. Behr asked Mr. Harter if he would like to address it now.

Mr. Harter replied that he was 99% sure that they would *not* accept that plan and they would *not* develop the site. He said that we are talking about a counter-clockwise one-way circulation around the building and it would force all of their customers to do that. Because the convenience element is such a big driving factor for these uses wanting to develop – to move out of an in-line shopping plaza and to gain the convenience and better access, that is why they are investing in this site. He said that, not only is the way the circulation is laid out at this point, but also the access, those two factors are *huge* for Walgreen's to be competitive.

Mr. Gerecht replied that he could understand the convenience factor but asked if that wouldn't encourage people to want to use the drive-in because they would come around, see it, and intentionally use it. He said that he was only thinking about safety, because when you restrict and you have one-way on the westbound side, you restrict the amount of flow and the potential for any fender-benders or pedestrians only having to look one way when they cross,. He said that it seemed to him, even though vehicles would be forced to go around the building, it would flow nicely and still providing the option of exiting (here) if they use the back area. He said that he understood that it would be a little more driving for someone, but it would basically be less back and forth on the west and south sides. He did not see that it would be that big of an inconvenience for someone to do and said that he was just looking at it in the sense that it would limit the amount of people coming out of the controlled exit and it would be a safety issue for pedestrians and would be a lot safer since they would only have to look one way when crossing the aisle way.

Mr. Hoffman asked Mr. Gerecht if he would object to a clarifying supplement to the question he had just posed to Mr. Harter, namely if you were to assume that Walgreen's had no specific input objection, but just from a professional traffic engineering vantage point, do you have a view as to the acceptability or unacceptability of Mr. Gerecht's suggestion.

Regardless of Walgreen's likes or dislikes, Mr. Gerecht asked for Mr. Harter's opinion.

Mr. Harter replied that he felt to enforce that would be very difficult. He said that customers would come in and want to go to the east side of the building where the prime parking is located and he felt that they would violate the one-way circulation which would really create a less safe condition. He said that if he did a one-way circulation, he would look to angle the stalls and create a narrow aisle and now you have people attempting to almost make it a two-way aisle which he said he would see as a real enforcement problem.

Dr. Behr said that his concern also was that somebody is going to drive in and see the parking spots to their left and will want to come in and pull in there if they can and make a left hand turn in.

Mr. Harter agreed. He said that they will have a good visibility to their left of what is available as they drive into the main (and only) entrance. Generally, he said that they will not have any capacity issues with parking and he felt that this has been blown out of proportion and concern because he felt it will be *very* unusual that it will be fully parked to the east of the building. Based on his office's research and the research that ITE has done, based on the parking rate, he said that their studies have shown that this site will generate up to 31 peak parking demands. Referring to the Plainfield site, he said that that is quite a larger building, so if you use that parking rate and use a larger building, you are going to get a larger demand of vehicles,

theoretically. He said that if he took away the parking directly to the west and north of the building, they would be left with approximately 33 spaces in that prime area. He said that he was estimating a 31 peak demand, so that accommodates it. He looked at Berkeley Heights and a similar comparison to the north and west of the building and they are left with 35 spaces. He said that he was not aware of any real problems with parking or operational issues in Berkeley Heights. He said the he offered that turn around space at a previous hearing but it wasn't desired.

Mr. Gemma asked Mr. Harter, if that were to take place, would it be necessarily encouraging more cars not to park in the prime spaces because they couldn't make that left movement, to be parking to the rear and to the west as those spaces become available and they would be more inclined to park there when they see the first open space. He asked if that wasn't further away from the entrance so that you would actually be encouraging *more* pedestrians walking through the parking lot than less.

Mr. Harter replied that he thought there is a potential for customers to end up parking further away because they may be concerned that they may not be able to find a space.

Mr. Gemma said that he could see the issue about vehicular circulation, but asked Mr. Harter if you are then putting more pedestrian circulation at risk?

Mr. Harter replied that, with that scenario, "Yes", it does sound like you are creating a longer path for pedestrians.

Mr. Fagnoli asked Mr. Harter if Walgreen's has ever employed this modified rotary concept that was suggesting a one-way circulation.

Mr. Harter replied that he was not aware of a one-way circulation.

Mr. Fagnoli said that it sounded to him like more of an inconvenience. He felt that Mr. Harter was right in that once you see a parking space you are going to want to pull into it. He noted that there is no law because it is private property and you can't stop someone.

Mr. Harter said that, for the last several decades, they have certainly gotten away from one-way circulation and angled spaces. He said that there are a lot of old shopping centers that have a number of one-way aisles and the problem is enforcement.

Mr. Fagnoli noted the circulation pattern at the Shop-Rite and said that people are going all over the place there.

Mr. Harter said that sometimes it is appropriate, for instance with the drive-thru, where you need to establish the one way there, but otherwise perpendicular 90 degree parking is really the desired layout.

Mr. Ruiz asked if, when a truck makes a delivery and exits the property, the only way for him to leave is going west.

Mr. Harter replied, "Correct".

Mr. Ruiz said that, if a large truck makes a delivery here and has to go back out onto Rt. 78 east, he has got to go all the way through Stirling, Millington, and into Basking Ridge to go out onto Rt. 78 that way (down King George Rd.), or he has to make a u-turn into the Shop-Rite to go around.

Mr. Harter felt that the truck drive would take the path which Mr. Ruiz first described. He said that he would assume that they would go to Berkeley Heights first before servicing the Long Hill site.

Mr. Ruiz said that, if it is the end of the day and the truck driver has to go back to New York, he still would have to go through Stirling, Millington, and Basking Ridge because there is no way he could make a left hand turn out of the site.

Mr. Harter agreed and said that that is what has to be, given the site layout.

Mr. O'Brien said that we are not sure that the truck driver has got to go to Rt. 78 east.

Dr. Behr said that this is not a problem that this Board has to resolve.

Mr. O'Brien said that one of the tenants of transportation engineering is to try to make people do things that are intuitive and not make them think too much because, for every foot you travel, you have less time, which is why having the entrance where it is and having two-way is what Mr. Harter has suggested is the preferred alternative to get people in because as people enter that driveway from the street stub and see the entrance on the left, they are going to go left to the entrance whether it is one-way or not. But to upend Mr. Gerecht's question, he asked Mr. Harter what if the one-way was the *other* way? He asked how that would operationally affect the site and, if it was clockwise instead of counter-clockwise.

Mr. Harter replied that the drive-thru would be a problem.

Mr. O'Brien said that it could remain in the same place with a pier. He asked if the whole thing would circulate clockwise, what would happen then?

Mr. Harter asked how they could have the drive-thru work? He said that they would never have the driver on the building's side then.

Mr. O'Brien replied that you would have to do a delivery pier.

Mr. Harter replied that he has never worked on a pharmacy that has done a remote drive-thru. He said that he has seen banks, but not pharmacies.

Mr. Gemma said that it is a function of passing more bulky and/or heavier products.

Mr. Harter replied that that was his assumption.

Mr. O'Brien said that they *do* exist in pharmacies. He said that he has seen them in CVS's, but did not recall seeing them in Walgreen's.

Mr. Harter replied that they would then have a truck issue because the truck would be going against the circulation pattern that was described.

Mr. O'Brien replied, "Unless there was a right-in, in addition to the right-out at the western end of the property".

Dr. Behr replied that then we are increasing the curb cut.

Mr. O'Brien agreed, but said that you are also lengthening the width of the pavement.

Mr. Gemma said that the concern that he had could not use the signalized intersection.

Mr. Hoffman said that Mr. Gemma was leading the witness.

Mr. Gemma said that he understood, but was trying to help the witness.

Mr. Hoffman replied, "I know you are trying to help, that is why I am objecting".

Mr. Gemma thanked Mr. Hoffman.

Mr. Harter said that the western curb cut would become quite wide to accommodate the truck and he did not feel that that is ideal. He said that the nice thing about if you want to leave to the west, you have an immediate exit without having to circulate the building and now we would be forcing everyone on.....

Mr. O'Brien interrupted and said that you would still have a western exit out.

Mr. Harter felt that it becomes very problematic for a truck.

Mr. Lemanowicz asked if you wouldn't essentially need 3 lanes on the west side then, because a truck can't go through the drive-thru.

Mr. Harter said that the width would be an issue with the by-pass lane and would have to be wider. He also felt that getting around the northwest corner of the building would be a challenge, as well.

Mr. O'Brien said that Mr. Harter is indicating that *either* way, the system would not work at this site.

Mr. Harter replied, "Correct".

Mr. Gerecht said that that was fine. He wanted it fully explored because he just wanted to hear if that would work or not. He said that his main concern is how many cars are coming out of that uncontrolled intersection area and the impact that it will have on certain hours of the day when there is a lot of traffic on Valley Rd.

Mr. Keegan believed that the plans indicate that there are now two signs on the south side that indicate an exit to Valley Rd. only. He asked Mr. Harter if he believed that that signage is adequate to convey that once someone goes down, they have to exit the property.

Mr. Harter replied, "Yes". He said that on the aisle east of the building as you are heading south, there are signs on either side of the aisle that notify you if you continue past them, you are forced to exit. He said that this came up at a previous hearing and he felt that it was a good treatment given the circumstances.

Mr. Keegan asked Mr. Harter if he had any sense of how frequently the handicapped spaces will be utilized, and could they be used as a point of turnaround if need be?

Mr. Harter replied that they are going to be open much of the time, so they could potentially be used for a turnaround, but he wouldn't want to specifically sign it for that purpose.

Mr. Fargnoli felt that it would be illegal and one may get a ticket if they do that.

Mr. Keegan referred to the "Exit Only" that the tractor trailer will be using and said that the plan indicates a 6% grade. He said that you are going from 226' to 222' in a very short span and questioned if a tractor trailer is going to be able to stop adequately during inclement weather at such a grade.

Mr. Harter replied that Bohler Engineering has to address the County and satisfy their standards and receive approval from them. He said that, if that becomes an issue, they may have to do some regarding.

Mr. Keegan asked, at a grade that steep, would a tractor trailer have to use their air brakes.

Mr. Harter did not know the answer the question.

Mr. O'Brien said that tractor trailers use their air brakes every time they apply their brakes.

Mr. Keegan said that, in certain instances, a tractor trailer will break and you will also hear when a tractor trailer *really* brakes.

Mr. O'Brien felt that Mr. Keegan might be referring to the down shifting that drivers do.

Mr. Lemanowicz said that they use the compression of the engine to stop.

Mr. O'Brien said that it is the equivalent of down shifting a vehicle and it is fairly loud.

Dr. Behr asked how likely that would be on this particular site given the rate of speed that a truck will be traveling.

Mr. O'Brien replied that a driver will do anything that they have to do to stop coming out into that intersection, given the circumstances.

Mr. Harter did not feel that the on-site travel speeds will create a problem.

Mr. Keegan wanted to know if every time the truck driver is exiting the premises it is going to create a very audible disturbance.

Mr. O'Brien said that the odds of getting that kind of ahead of steam from the back of the building....you would have to be very foolish to go that fast because you aren't going anywhere.

In response to Mr. Gemma, Mr. Harter agreed that there is a standard that the County would apply for any access point onto a County road and the standard would look at the use and the use would take into account that it may be tractor trailers and so they would have to meet that standard, whatever it is. He said that he had stated at the last hearing that the geometry of the driveway is really dictated and governed by that tractor trailer.

Mr. Lemanowicz said that the overlay Mr. Harter did use a WB-62 trailer which he believed to be the largest standard trailer allowed on the road.

Mr. Harter replied that he believed that there is a WB-67, but it is one of the largest. He said that the overall length is 68.5' per AASHTO.

Mr. O'Brien replied that that is the 53' trailer.

Mr. Harter replied that, once you add the cab, you are going to gain some length and it is 68.5'.

Mr. O'Brien replied that there are 2 standard cab lengths at this point.

Mr. Lemanowicz said that you have heard the issues that we have on the site and he wondered if WB-62's are what Walgreen's typically uses.

Mr. Harter replied, "It is, yes".

Mr. Lemanowicz said that that would make the issue of loading space size more critical.

Mr. Harter agreed and said that he suggested at the last hearing, and Mr. McMorrow echoed tonight, that we could gain some distance to the east of the concrete pad which would get us another 18' and so we are up to around 73' with the loading area and the truck is 68.5'.

Mr. Lemanowicz said that we will see it on the revised plans. He said that Mr. Harter mentioned that the loading space width was going to be increased to 15'.

Mr. Harter replied that Mr. McMorrow said that he would revise the plan tonight to do so.

Mr. Lemanowicz said that Mr. McMorrow said he was going to widen it to 12'. He said that it is 10.9' now with a 22' aisle. He said that he was going to find just over 3' and give 2' to the aisle

and 1.1' to the loading dock, so you have got a 12' loading space and a 24' aisle. He asked if it was different?

Mr. Harter replied that he guessed he heard it differently tonight. He asked if the Township standard is 12'?

Mr. Lemanowicz replied, "Yes".

Mr. Harter said that if it is an 8.5' wide truck and we have 3.5' between the truck and the tote....

Mr. Lemanowicz said that the doors on the tote enclosure scale to 4' and they don't open flush.

Mr. Harter said that there have got to be some changes then to accommodate what you are describing. He said that the doors would have to be modified to accommodate the design.

Since the Board had heard a number of different issues, Dr. Behr asked Mr. Lemanowicz to summarize what the optimum desired set of measurements would be. He asked what we are trying to look for here in terms of a goal.

Mr. Lemanowicz said that the space is required to be 12' x 50' and right now it is 10.9' x 55'. He said that the WB-62 truck that is being discussed means that it is 62' from the axles of the trailer (not the back bumper) – it is from the front axle of the truck (not the front bumper), which is why we come up to 68' or so once you add all of those other dimensions (the overhangs in the front and back) in. So, now we've got a lot more length to deal with. He said that the issue of the width is that we were concerned about the tote doors being blocked by the truck which, as currently designed, appears that that will be an issue but he was sure that they will figure some way to design around it.

Dr. Behr asked Mr. Harter if he had a clear understanding of the size, dimensions, and safety issues we are looking at here. He said that Mr. Lemanowicz has explained what the issues are that have to be solved.

Mr. Harter replied, "Yes".

Dr. Behr asked Mr. Harter if we can expect that the next plans that we see will address those issues satisfactorily.

Mr. Harter replied, "Yes", and said that something will have to be done between the site engineer, himself, and the architect.

Mr. Hoffman added, "With the common goal or objective, among other things, of making the area of the loading space conform to the Ordinance".

Mr. Gemma replied that the Ordinance only requires 12' x 50' and we are exceeding that by a substantial amount (lengthwise) and we are meeting the width requirements. He reminded that Board that they are doing all of this for a tractor trailer that will come to the site once a week.

Dr. Behr replied, but if the loading doors can't be opened, that is a problem that must be resolved.

Mr. Gemma replied that they understand that part.

Mr. Hoffman said that it is not fully put to rest until the engineers consult and, hopefully, agree on exact adjustments to be made.

Mr. Gemma agreed.

As far as the other circulation issues, Mr. Lemanowicz said that he has said from the beginning that the circulation on the site is not optimum and obviously the amount of time that has been

spent talking about it shows that. He noted that the issues of the pedestrians in the area, loading dock, trash containers, lack of a walkway from the west side parking to the main entrance and felt that there are quite a few things that we need to look at to make sure that we are satisfied that the circulation plan on the property is safe.

Dr. Behr said that we have heard three options. One is what has been presented in terms of just the movement and the other two have been two different versions of one-way traffic. He said that the testimony has been that for a whole variety of reasons they continue to believe that what they have proposed is preferable to either counterclockwise or clockwise. He asked Mr. Harter if that was correct?

Mr. Harter replied, "Yes".

Dr. Behr said that the issues that Mr. Lemanowicz raised still remain on the table. Talking simply about the traffic circulation on the site as a whole, he asked for Board member preferences for accepting the proposal of the applicant in deference to *either* one way.

Mr. Fagnoli said that he was in favor of the applicant's proposal and did not see any benefit to the modified rotary.

Mr. Ruiz said that he was not too thrilled with it, but felt that it is probably the best thing we could ask of him.

Mr. Gerecht agreed with Mr. Ruiz, but based on the discussions held tonight and the explanations given, he said that he hoped it works.

Mr. Pesce and Mr. Keegan said that they supported the current plan.

Dr. Behr said that the same issues which Mr. Lemanowicz raised still need to be resolved. He said that our hope is that these will be carefully through out and the concerns of the Board are acknowledged in the next set of plans.

Mr. Gemma replied that they understood and appreciated it. He had no further questions of Mr. Harter.

The meeting was opened to the public. There being no public present, the meeting was closed to the public.

Mr. Gemma said that his next witness was Mr. Albert Taus, architect, who remains under oath from the last hearing. As a result of the last meeting, Mr. Gemma said that one of the items Mr. Taus was asked to do was to provide a determination as to how he figured out the area of the signage and, in that context, he believed that he provided something to the Board that showed how he figured out the signage and what the actual signage dimensions were.

Mr. Taus replied that that was correct. He said that at the last meeting when he presented the signage and in particular the wall signage on the building, he said that he was determining the square footage of the Walgreen's script sign by tracing the outline of the sign itself. He said that he was confused that that was the way you would determine the square footage of the sign. In fact, he said that it is squared off with the highest point of the sign and the lowest point of the sign as part of the square footage of the sign calculation. He said that the square footage of the Walgreen's sign is 149 S.F.

Dr. Behr asked if we are talking about the red signs on the building itself.

Mr. Taus replied, "That is correct". He said that the pharmacy sign is 19.13 S.F. He said that the script Walgreen's sign is 149.8 S.F. He said that the script "W" is just under 25 SF. He said that the plans were revised (Revision #6) dated 3/19/12.

In addition to the issue of the signage and the size of the signage, Mr. Gemma said that there were other issues raised at the last meeting and Mr. Taus was asked to have a discussion with representatives of Walgreen's as to issues of the signs that are being proposed, the orientation of the store, location of the trash and tote compactors and the use of the spandrel glass at the ground level of the tower. Starting with the signage, he asked Mr. Taus to indicate how Walgreen's wishes to proceed and how they addressed some of the concerns raised by the Board.

Mr. Hoffman said that he objected strenuously. He said that this could very well be a critical issue in the minds of the Board members to determine exactly how this site is going to be developed and utilized and, to the extent that the Board members when they hear this witness's testimony are going to be "hampered", if not rendered totally useless and ineffective in terms of questioning and cross-examination of the witness, because he can only tell us what someone else from Walgreen's *supposedly* told him – it is clearly flagrant hearsay of the type that deprives the Board of its basic right to question and probe as to the (indiscernible).

Dr. Behr agreed with Mr. Hoffman. He said that, if there is going to be testimony from Walgreen's of a Walgreen's position, the only people that would have the ability to modify that, if they were to do that, would be Walgreen's and they are not here.

Mr. Gemma said that he respectfully understood....

Mr. Hoffman interrupted and said, "But you don't represent them". He said that he was merely pointing out that Mr. Gemma cannot make representation on behalf of Walgreen's in this matter.

Mr. Gemma replied that he was *not* making a representation on behalf of Walgreen's. He said that he was trying to indicate: 1) As Mr. Hoffman is aware, the rules of evidence are relaxed in this type of setting and: 2) More importantly, Mr. Taus is speaking as an expert and is giving expert opinion based on conversation with his client and with a potential user as to the concerns that were raised by the Board. He said that he would ask Mr. Taus to testify as to his knowledge of the concerns raised by a client and how they tried to address those concerns. If that walks into hearsay, that is palatable hearsay, and the Board wants to them question a member of Walgreen's as to how they came to that decision, he said that then the Board can ask that and they would be obligated to bring a member a Walgreen's. When it comes to signage, he said that the Board may be desirous of hearing what Mr. Taus' understanding of his client's desires are because they may be consistent with the desires of this Board. He asked for latitude to continue with his testimony by questioning of the witness.

Dr. Behr replied that he would allow it and that Mr. Hoffman's comments are noted. He cautioned Mr. Gemma, however, that there was a risk that he was running.

Mr. Gemma acknowledged that he was taking the risk and said that if the Board feels the need to question a representative of Walgreen's as to why they are making certain decisions, that's fine and I understood that. However, he felt that the Board would be done a disservice if they did not allow Mr. Taus to continue.

Mr. Hoffman said that, for the record and as Dr. Behr had noted, the Board's rights are preserved regarding this issue and he simply added that the testimony that counsel was seeking to elicit from the witness is *not* in the nature of *expert* testimony, but rather in the nature of purely factual testimony. What, as a matter of fact or policy, Walgreen's has perhaps done elsewhere and what would they do here – that is not an expert's subject.

Mr. Gemma replied that Mr. Taus was testifying as an expert in the field of architecture – architecture as design and architecture as he testified before without any objection.

Dr. Behr replied that, in all fairness to Mr. Hoffman, your point is again fair and he felt that the Board is well within its right to question him as an expert in architecture. He said that he certainly is not speaking for Walgreen's.

As to the issue of signage, Mr. Gemma said that there was a discussion that Mr. Taus had with his client about the concerns raised by the Board and about the desire to try to address those concerns. He asked Mr. Taus what was indicated and how the applicant was trying to address the concerns raised by the Board, specifically as to the signage and specifically as to the issue of backlit signage versus signage as required under the Ordinance.

Mr. Taus replied that he had had numerous conversations with the head architect from Walgreen's, especially within the last several days. He said that he spoke about how this Board and the ordinances are conveyed and that their wishes are to decrease the size of the signage and the elimination of the monument sign and the reader boards. After many discussions with the head architect from Walgreen's, he said that they came to some compromises which he wished to present to the Board.

Dr. Behr asked Mr. Taus to continue.

Mr. Taus presented and described the following plans which were marked into evidence as follows:

- **EXHIBIT A-23** - Sheet A-210 titled "Exterior Elevations" dated 9/21/11, last revised 4/2/12.
- **EXHIBIT A-24** - Sheet A-310 titled "Monument & Building Sign Area Calculations" dated 9/29/11, last revised 4/2/12.
- **EXHIBIT A-25** - Sheet A-111b titled "Floor Plan" dated 9/29/11, last revised 4/2/12.

Referring to **EXHIBIT A-23**, Mr. Taus said that he reduced the size of the Walgreen's script sign. Previously it was 25' 11.5" by 5'9.25" and it has been reduced to 18'4.5" x 4'1" tall. The square footage has been reduced to 75.03 S.F., whereas the typical script sign contains 149 S.F.

In response to Mr. O'Brien, the "W" sign is remaining at just under 25 S.F.

He said that the previous pharmacy sign was 12' 9" by 18" high, for a square footage of 19.13 S.F. The new sign is 8.5 S.F. and the measurements are 8.5' x 12" high.

In response to Mr. Gemma, he said that, for the building signage, this was an attempt by the applicant to try to come further into conformance with the Ordinance requirements. He said that the Ordinance requires 5% of the one sign for the building and 5% of the square footage for the wall sign. He did not know how many square feet that was in total.

Mr. O'Brien said that the east side elevation was *about* 2,946 S.F. which would allow one sign of 147 S.F. on one side.

Mr. Taus said that he did work the allowable signage out on the first column of the Sign Area Summary and the allowable signage on the south elevation was 135.4 S.F. and they are providing 108.19 S.F. He agreed with Mr. Gemma that the applicant is not seeking a variance for the *area* of the signs, they are seeking it for the *number* of signs, and that holds true for both sides of the building. As to the building signage, he said that those were all of the revisions except for couple of revisions where they framed the signage with a couple of pilasters on either side of the signage and they added another pilaster at the end of the middle hip roof in order to balance the building. He said that it is not a part of the signage area, it is just an architectural element to break up the sides. He said that he did the same thing on the east side of the building also. He said that he also had a discussion with Walgreen's about the need to address the Ordinance as to the monument sign. He said that he did not revise the drawings because that happened this afternoon, but they are comfortable eliminating the reader board and the backlit monument sign to a wood carved sign.

In response to Dr. Behr, Mr. Taus confirmed that his client is amenable to eliminating the reader board and the backlit Walgreen's script sign, however the signage stays and it will be a wood

carved sign (the same size) which will be exteriorly illuminated, similar in style to the one at the Berkeley Heights location.

Mr. O'Brien asked if it included the mount. He noted that the Berkeley Heights mount is *significantly* different.

Mr. Taus replied that this is different, but it also matches the building.

Mr. Gemma replied that they are keeping the same mounts, but are not using back lit – they are using wood carved. It will be exteriorly illuminated from the ground up. He said that a detail will be provided.

Mr. Taus agreed.

Mr. O'Brien replied that the preference is for goose neck lighting downward rather than illumination from the ground up.

Mr. Gemma replied, "Gooseneck down it is".

In response to Mr. Gemma, Mr. Taus agreed that this addresses the need for the variances for the back lighting and for the reader board.

Mr. Gemma asked Mr. Taus if that addressed the signage package.

Mr. Taus replied, "Yes".

Mr. Hoffman replied, "Not totally". He said that we need the area.

Dr. Behr agreed that the area of the ground sign is needed.

Mr. Gemma replied that the area will stay the same.

Mr. Hoffman replied that, in that case, it still needs a variance.

Mr. O'Brien replied that the sign has got to be a different size because the reader board was part of the 50 S.F.

Mr. Taus replied that the two sided wood carved Walgreen's script monument sign will now be 25 S.F. (2.5' x 10"). He agreed that it has been halved of what was previously proposed.

Mr. O'Brien said that, since you are redesigning, you may want to look at your mounting because now that sign is going to be disproportionate to that very large mounting. He suggested looking at the Berkeley Heights plans which support it from underneath.

Mr. Taus said that they will make it proportional, but they were trying to match the building with the monument brick and materials.

To be clear, apart from changes in lighting and the elimination of the reader board and reduction in size of the sign, Mr. Hoffman asked what the only wording or lettering thereon will be.

Mr. Taus replied, "Walgreen's".

Dr. Behr said that large signs are typically for a highway use and meant to be read by cars going at higher rates of speed. He said that, typically, you need to advertise to attract visual attention from other competing locations and those conditions don't exist here. He said that often the assumption is that there is going to be a high percentage of transit versus local travel, so that he felt that the changes the applicant has made are appropriate to this particular location.

Mr. Gemma replied that he believed that the applicant understands that and that was the intent – to try to meet the intent of the Ordinance, even if there are still some variances required. He said that the applicant believes that it has made the signage appropriate for the use and for the surrounding area.

Mr. Hoffman asked if the colors will be the standard or typical Walgreen's red.

Mr. Taus replied, "Yes" and said that the background will be an aluminum bronze color. He agreed to provide a detail sheet showing all of the signage and, in particular, the monument sign.

Mr. Gemma said that there were issues about the location of the dumpsters and loading areas and asked Mr. Taus to address them.

Mr. Taus said that he did not like to use the word "dumpster" because it is really a compactor area. He said that both of those areas have compactors and there is a door that opens through the exterior rear wall. One side contains trash and the other side contains cardboard. It gets put into a chute and falls into the compactor which is on the ground in that area and it reduces the cardboard or trash, so it needs to be next to the building so they don't come out of the building, but throw the trash and cardboard through those holes. It also needs to be next to the back of the building for power requirements.

In response to Mr. Gemma, Mr. Taus said that all of the products which are delivered come in tote boxes. The totes are put inside and unloaded and, after the truck is gone, the totes are put in the brick tote enclosure for pickup.

Mr. Gemma said that there was an issue about the spandrel glass at the tower. He asked Mr. Gemma to describe spandrel glass and the concerns.

Mr. Taus replied that spandrel glass is opaque and you can't see through it. He said that, although a white film can be used, typically they use a black film so that it is not as noticeable that you can't see through it. He said that, where they have used spandrel glass is typically where the shelving occurs behind the areas designated as the glass area. He said that there are 3 windows on the south side that are full glass windows. The one to the left is 50% spandrel and the upper section, because there are shelves below it, is just regular glass. He said that Walgreen's had agreed to allow the 4th full window facing Valley Rd. to be glass also (and not to be spandrel), which is a change he received earlier today through representatives from Walgreen's. He said that along the east side they have the same situation where the shelving abuts the glass in the area just above the half way point (about 7' above finished grade) and the remaining area is just glass. He said that there are 6 windows that from about 7' up and 4' in height is all glass. He agreed that the reason for the spandrel glass is that there is some type of obstruction in front of it or behind it.

Mr. O'Brien said that the revised plans will show a delineator so that we can see what is clear and what is spandrel.

Mr. Taus replied, "Certainly".

Dr. Behr asked, if he was looking at the building from the street, what differences would I notice between the spandrel and the clear glass?

Mr. Taus replied that on the spandrel glass you will see maybe a reflection, where with the glass there will be some reflection and you will see inside the store. He said that patrons in the store will definitely be able to look out onto Valley Rd. through the clear glass. He agreed that on the other side of the spandrel glass is a shelf. He said that the west window on the south elevation will be 50% spandrel.

Mr. Gemma said that one last question of Mr. Taus is one of orientation. He said that there was a comment raised in Mr. O'Brien's review letters as well as in some of the photos that he provided looking at the orientation of the building and why the building couldn't seem to be oriented

towards both the parking lot and the access road, as well as to Valley Rd. He asked Mr. Taus if he had any comments as to that.

Mr. Taus replied that he had a lengthy discussion and was told that things are changing over a period of time and, through their history and their experiences, they are finding that the side of the building having the entrance is the way they are moving towards and their prototypes now have the door on the side of the building rather than at the corner or the diagonal entrance or the two entrances. They have one entrance on one side of the building probably located where a street occurs and where the parking occurs also.

Mr. Gemma said that there were some photos provided which showed the doorway at the corner of the building. He asked Mr. Tau if he had had a chance to look at them and how it is, if at all, different than what is proposed here. He asked how the buildings are different, if at all, from what is proposed in terms of their location on the site.

Mr. Taus replied that they are older.

Dr. Behr said that, as a matter of procedure, it was past 11:00 PM. He asked Mr. Gemma if he could finish in the next 5 minutes. He did not believe that Mr. Taus had answered his question.

Mr. Taus replied that they've moved away from that corner diagonal entrance.

Dr. Behr asked Mr. Taus if there was a reason they did that.

Mr. Hoffman added, "If he knows" and asked if he would be speculating. He asked if anybody from Walgreen's who he considered to be an authorized representative told him specifically of their policy of this point.

Mr. Taus replied that they have designed over 7,000 stores and, after designing them and seeing how it works, their Real Estate Committee and the design professionals at Walgreen's have come to the conclusion that the side one entry door works best for them.

Mr. Hoffman objected. He said that, once again, we don't know who these representatives or design committees are, much less have the ability to question them as to their policies.

Dr. Behr said that the Board had heard Mr. Taus' answer and also what Mr. Hoffman had said. He said that, if we are going to continue, the Board must vote to continue.

Mr. Keegan requested that the meeting continue for about 10 more minutes because he had some questions that he wished to address tonight.

A motion was made and seconded to continue the meeting until 11:15 PM. All were in favor.

Mr. O'Brien asked Mr. Taus if there was any reason that he could think of as an architect that he could not accommodate the diagonal entrance here.

Mr. Taus replied that, with their fixture plan the way they've laid it out and how the flow is arranged, if you look at the floor plan you would see the POS is closer to the door on the side of the building. He said that there arrangements/layout would have to change drastically and that is where he felt that a culmination of over 7,000 stores – that's the direction where Walgreen's is going now. He said that he brought a (colored) copy of a photo of their new prototype, just for interest. The colored photograph prototype was marked into evidence as **EXHIBIT A-26**.

Mr. Hoffman asked Mr. Taus to explain why he stated that this is their new prototype. He also asked how we know it is this rather some other drawing.

In response to Mr. Gemma, Mr. Taus said that he thought the photograph is of the Walgreen's located in Haldeon, although he acknowledged that Haledon had come a couple of years before,

or a year and a half before. He said that this is what he was sent and was to be used as a guideline.

Dr. Behr said that he was willing to accept that.

Mr. Keegan asked if there is a reason why that Walgreen's cannot have a sign similar to Mr. O'Brien's Photograph #9 in the Hillsborough store which has gooseneck lighting which is also replicated at both Panera and Starbucks which are located within ¼ mile.

Mr. Gemma replied that he thought that they had agreed to provide gooseneck lighting.

Mr. Keegan disagreed and said that he was talking about the main side (wall sign). He asked Mr. Taus to provide a justification at the next meeting as to why they can't do it at this site.

Dr. Behr asked Mr. Taus if he understood Mr. Keegan's request.

Mr. Taus replied, "Yes".

Mr. Keegan noted that the Walgreen's in Hillsborough has gooseneck lighting, which we also have at Panera and Starbucks. He said that he wanted to know why we can't have it on the proposed site as well.

Dr. Behr said that revised drawings for that would not be required.

Mr. Taus said that he felt that this particular sign for this particular building works well, but he felt that for buildings with brick finishes and finishes of this type, instead of the wood finishes, this building was probably designed to replicate a barn. He felt that the Walgreen's justification may have been because the major elements were wood and here they are not wood and they are solid materials. He said that that is how he would view it from his professional point of view.

To be clear from his point of view, Mr. Pesce asked if the compactor is located in the outside of the store in the enclosure (and not that they are compacting inside and dumping it outside).

Mr. Taus replied that the exterior wall has a door which he thought is 4' x 4'. He said that he may be "a little bit incorrect" and that they open the door and they throw their cardboard into that chute and gravity takes it down into the dumpster. He said that he brought a picture of the compactor but he would probably have to make this an exhibit again.

Dr. Behr asked if it was necessary to do so.

Mr. Pesce said that he just wanted to know where it was.

Mr. Taus said that gravity takes it down to the compactor in that enclosure area and there is two of them – one for cardboard and one for trash.

Mr. Pesce said that his only other point would be to encourage Mr. Taus and Walgreen's to look seriously at the concept of a diagonal entrance. He said that they hadn't convinced him and that it may be good for them, but he was not sure it would be good for the Township that they enter from the left side. If it takes some reconfiguration inside, he said that he would ask that they look at that. He said that he did not think that it provides a streetscape and it seemed odd to him to have the entrance to the store that doesn't face the street on the front side.

Mr. Hoffman said that he would like to reserve the right to ask a few questions.

Dr. Behr replied that he believed that the witness is coming back.

Mr. Fagnoli suggested asking him the next time because he felt that it is "getting too much in the weeds right now".

Mr. O'Brien said that he had made the suggestion that Mr. Taus continue the windows along the south and east side elevation.

Mr. Taus replied that he felt that the building right now is balanced. He said that he knew that there were some comments about the door on the east side which is a means of egress and that it lays out well with the restrooms and the break room in the back of the store. He said that he could try to add some windows back there, but because he has lowered the mansard roof in the back, it is somewhat balanced.

Mr. O'Brien replied that he did not mean for it to be a discussion item and that he understood. However, he said that the Ordinance does want to fill the blank expanses, so it may be something to consider for next time.

Dr. Behr said that he knew that this was raised at an earlier meeting. He asked if any thought had been given to landscaping buffering in front of the large expanses of brick.

Mr. Taus replied that he would reserve that to the site engineer.

Dr. Behr replied that he thought that the issue that Mr. O'Brien raised then still sits before us and is just to make us satisfied that the design of this warrants a variance from an ordinance that looks not to have quite so much mass wall without any fenestration or break in it.

Mr. O'Brien clarified that it is a design waiver. He said that the south side is now another question because if parking is going to be on the west side of the building, we may need to consider having some type of access (from the entrance to the building) to those parking spaces.

Mr. Gemma replied, "Okay, a pathway". He said that he just wanted to be sure Mr. O'Brien didn't mean a door.

Mr. Gerecht added that it would be so people aren't walking in the street.

Mr. Hoffman believed that the point had been made several times previously that, if those spaces were to be banked, there would no longer be the need for a walkway there. If they are not to be banked, which is apparently the way it has turned out, there would be a need for such pedestrian walkway.

Mr. Gemma replied, "Okay".

Talking about the landscaping on the south side where the wall is blank, just beyond the westerly window, Mr. Taus suggested that a tree be planted there.

Dr. Behr said that the interesting thing is that a tree would have the same visual effect of blocking up that expanse, or of mitigating the expanse, as a window would. He did not know if that's possible or not.

Mr. Taus replied that he thought that would even give the building more balance – having a tree or some shrubbery on that westerly side of the south elevation.

Mr. O'Brien said that it is a discussion item that we would have to balance with whatever pathway is given. He said that the very last thing he threw out was trying to orient a building to Valley Rd., not by moving the building, but rather straightening the building out, creating an odd angle in the front. He asked Mr. Taus if any thought was given to that in his discussions with Walgreen's.

Mr. Taus replied that their buildings are basically on the square, adding that it's difficult to have shelving on a skew or an angle.

Dr. Behr said that, in all fairness Mr. O'Brien, I would have been much more comfortable with a major decision such as shifting the building to have taken place earlier in our conversations. He said that, unfortunately, it felt late to him for this.

Mr. O'Brien replied that it has been in his report and is still an open item and is in his current report, so he thought he would throw it out for discussion. He said that it is not shifting the building, it is actually adding almost like a false wall in the front to make it appear as though it's even with Valley rd., pushing out the front of the building but not changing the building. He said that it's not changing the building's orientation or its location but rather just leveling out that front so it's even with Valley Rd.

Dr. Behr thought there were other factors to keep in mind here in terms of applicability of that parallel to Valley Rd. in this particular site that would apply in some sites and might not apply here, but he thought it should be discussed further.

Mr. Fagnoli asked Mr. Taus to ask why Walgreen's likes to have an angled entrance. He said that there has to be some reason somewhere. He asked if everybody else is doing it and if it is a new kind of architectural trend. He said that it is taking on a life of its own and he'd like to know the reasons for it.

Mr. Taus replied, "Certainly".

Mr. Gemma again confirmed that Mr. Taus will return. He noted that there were concerns raised by the Board and its professionals as to breaking up the brick wall with possibly landscaping. He reminded the Board that there is a landscaping plan which he had just referenced. In fact, he said that the plan does have a tree where that one window wouldn't be, but they are certainly amenable to supplanting the plan and said he would ask the Board and its professionals for guidance.

Dr. Behr said that that should all be resolved at (or before) the next meeting. He said that he will communicate with Mr. O'Brien and then have Mr. O'Brien communicate back to them.

Mr. O'Brien said that there is a lot there and part of that is a pathway to the west side and whether or not a window can or cannot be put there.

Dr. Behr replied that he believed we have heard testimony that a window cannot be put there given the location.

Mr. O'Brien replied that the spandrel window could, but they prefer to put in a tree. However, he questioned if a tree will fit if we have a walkway there.

Dr. Behr said that what is clear is that the Board is looking for help from the applicant in getting closer to the intent of the Ordinance and there are a number of different ways this could be done. He said that he did not know at this point whether, if a walkway goes in, that's going to push us in the direction of one solution as opposed to another.

Mr. Gemma replied that it very well might, but he said they were asking for guidance as well because he thought that they had provided some plans that met some of the intent.

Dr. Behr replied that the Board is just looking for the applicant to wherever, and as much as possible, break up the expanse of brick.

Mr. Gemma replied that they understood.

Discussion followed as to a continued meeting date.

Mr. Gemma asked to notice on the record for May 1, 2012.

Dr. Behr said that the Board is pleading to do this in such a way that everything is in ahead of time so that it will get a chance to look at it, think about it, and it is in front of them.

Mr. O'Brien asked if there was any testimony that Mr. Gemma has to offer that does not require plan revisions that might be done at the next meeting to move it along?

Mr. Gemma replied that he had their planner who has not testified yet. He said that the plan revisions will be from Mr. Taus and Mr. McMorrow. He said that they were done with Mr. Harter and he believed that he is no longer needed to return, so that he could excuse him on a permanent basis.

Dr. Behr said that the Board has communicated and that there are a lot of issues that we have managed to get clear.

Mr. Gemma replied that they understood that, but he wanted to be clear for the record that Mr. Harter no longer has to submit any other items, has addressed all of the Board's concerns, he is a traffic expert and such that it is not necessary for him to come back and that the Board has admitted, or taken a straw vote, as to those issues.

Dr. Behr believed that there is no more need for the traffic engineer.

Mr. Gemma thanked him. He said that he recognized that Mr. McMorrow has to come back with the revisions, as well as Mr. Taus and Mr. Koling, the applicant's planner.

Mr. Lemanowicz said that, before Mr. McMorrow left this evening, he discussed a possible meeting a week from today in his office to go over the proposed drainage.

Dr. Behr replied that that would be immensely helpful.

Mr. O'Brien confirmed that all revisions will be delivered to this building on the 17th of April before the close of business and then the Board's consultants will have their reports out a week after that, which will be a week before the May 1st meeting.

The meeting adjourned at 11:25 P.M.

DAWN V. WOLFE
Planning & Zoning Administrator

