Minutes of the Planning Board Public Meeting of Wednesday, July 16, 2014.

Present are Mayor Tagliarini, Mr. Brady, Mr. Hirsch, Deputy Mayor Montone, Mr. Vena, Mr. Shenton, Mrs. Williams

Also present are Michael Leckstein, Esq., Leckstein & Leckstein, Tim Gillen and Anthony Abbonizio, CME Associates, and Anthony Rodriguez, T&M Associates.

Absent are Mr. Awofolaju, Mr. Mirabal, Mrs. Sims and Mr. Vinci

New Business **SD14-300/Philogene and Philo, LLC, Applicant and Property Owner: Sam Philogene and Philo, LLC, Bayview Avenue, Block 175, Lots 11 and 12, Minor subdivision with variances** to create two lots. Variances required for Lot Area 6,000 sq. ft. required for each lot, 4,820 sq. ft. provided for each lot; Lot Frontage 60 ft. required for each lot, 50 ft. provided for each lot; Lot Width 60 ft. required for each lot, 50 ft. provided for each lot, on property located in the R60 single family residential zone. **This application was previously before the Planning Board as a concept plan. This application was carried from the June 18 Public Meeting for noticing and will be carried to the August 20 public meeting for additional noticing not previously done).**

Deputy Mayor Montone moves to carry this application to the August 20 meeting with notice only to Old Bridge list, seconded by Mrs. Williams, and on voice vote all Board members agree.

New Business, **SP 14-504 (rev)/Basser-Kaufman, LLC, Applicant and Property Owner: Basser-Kaufman, LLC, Highway 35 and Cliffwood Avenue, Block 234, Lot 1, Preliminary and Final Major Site** Plan to demolish a portion of an existing parking area (A&P Shopping Center) and construct a 3,500 sq. ft. retail pad, to include a Verizon Wireless retail store consisting of 2,000 sq. ft., and an additional retail store, to be determined, consisting of 1,500 sq. ft., with related site improvements, in the northeastern corner of the existing parking lot, nearest the intersection of Highway 35 and Cliffwood Avenue, in the "HC" (Highway Commercial) Zone. Variances required for Front Yard Setback 75 ft. Required, 75 ft. existing, 3.7 ft. and 9.3 ft. proposed; Maximum Principal Building Coverage 20% permitted, 25% existing, 26.6% proposed; Minimum Number of Loading Spaces, 1 required and 0 proposed; Minimum Number of Off Street Parking Spaces 393 spaces required, 369 spaces existing, and 345 spaces proposed; signage not included in application.

Note that Chairman Shenton steps down off the dais, recusing himself for a conflict with this application. Board Member Arthur Hirsch assumes the Chair position.

Ira Weiner, Esq., an attorney with the law firm of Beattie Padovano, states the Chair read an accurate description of what the application is about. He will call on his engineer, planner and traffic expert who will talk about parking more than traffic concerns in an existing shopping center.

Mr. Weiner introduces Keith B. Cahill, the engineer for this project, who is sworn in by Mr. Leckstein, and under questioning by Mr. Weiner states he is a licensed professional engineer in the State of New Jersey, employed as a Professional Engineer in the State of New Jersey for the firm, Bohler Engineering.

Mr. Cahill says he was retained by Basser Kaufman to do engineering plans for their proposed Verizon, 3,500 sq. ft. building, part of which will be occupied by Verizon.

Marked as Exhibit A-1 with today's date is an aerial view of the site from google earth 2012; the top of the exhibit in north. The exhibit was prepared by Bohler Engineering. Cliffwood Avenue runs in an east/west direction, and Route 35 runs north/south. The site is on the southeast corner of the intersection, commonly known as the A&P Shopping Center, Block 234, Lot 1, in the HC (Highway Commercial) zone where retail is permitted. The site is 6.88 acres. Out front they are doing a DOT improvement and have taken approximately .09 acres, dropping it down to 6.79 acres. The DOT application modifies what the front of their site looks like, but the DOT is not part of this application.

The site is outlined in yellow, with 420 ft. of frontage along both Route 35 and Cliffwood Avenue. They have a right in/right out access on Route 35, and they have two access points on Cliffwood Avenue. There will be no modifications to any of the accesses with this application.

The DOT is actually cutting into their property, approximately .09 acres. The existing parking along the frontage, currently set back 20 ft. from the right of way, will be, after the DOT improvements, will be less than 5 ft. form the right of way as part of the DOT improvements, regardless of this application. They will be losing the grass frontage between their site and the roadway.

The requirement for parking on this site, based on the square footage, requires 376 parking spaces. Currently existing are 362 parking spaces, creating an existing nonconformity for parking, a shortage of 14 spots. In their investigations, the parking lot is rarely utilized to its maximum capacity, rather it is significantly underutilized.

Looking at this application included how they could increase the utilization of the site. There is excessive impervious coverage throughout the site, in excess of 80%.

Marked as Exhibit A-2 with today's date, Mr. Cahill states this exhibit is titled "Site Plan, Sheet 3 of 11," which the Board has in their package. The difference in the exhibit and the Board's plan is they have colorized it for easy description. Route 35 will be running north/south at the bottom of the page and Cliffwood Avenue is running east/west along the right hand side of the page.

They are proposing a 3,500 sq. ft. retail building at the northeast corner of the parking lot. The access points are not proposed to be modified at all with this building in place. This corner only will be modified with the retail building. They looked at that corner and decided (a) it does not get utilized for parking right now, and (b) they were able to locate the proposed building with minimal impact to traffic on site. There will be no detriment to onsite circulation, and there will be no detriment t eliminating parking stalls.

As part of this application they need to reduce the existing parking from 362, losing 23, dropping to 338 parking stalls.

As they increase the square footage of the buildings on site, they are increasing the demand for parking. The demand went up from 376 to 393, but they are already short, and the traffic engineer will show in his testimony that 338 parking stalls are more than required to handle this facility. The site has not been utilized in excess of 90% for some time.

They are reducing the amount of impervious coverage by 1,200 sq. ft., and as a result they are reducing the volume of storm water. They are adding additional landscaping and providing ADA parking spots and accessibility in and around the building. The drive aisles are still the same size in terms of the width, 24 ft., and the parking stalls still 9 x 18, in accordance with our Ordinance, and there will be additional green space where currently there are parking spaces.

Referring to his exhibit, Mr. Cahill says they are showing the DOT improvements; a right turn lane has been added by the DOT, cutting into their property, and that improvement is pushing their existing parking stalls within a couple of feet of the new right of way line. Either way the parking is up against the right of way. In this case they are requesting a variance for the set back of the proposed front building.

When he speaks to the proposed location, rather than pick another spot, the primary reasons are on site circulation, reducing the parking areas that are minimal impact on the overall site, does not create a negative impact to the travelling public nor from a flow standpoint, and the intersection is signalized, so there is no issue about seeing a certain distance to the right. From a safety standpoint and from a DOT standpoint the proximity from an engineering and safety standpoint is not an issue with the setback. The proposed setback is 3.7 ft., located in the front corner, and although there is no safety concern, Mr. Cahill says the setback requirement is 75 ft.

In regard to the other variances associated on this project, Mr. Cahill says they have the building coverage. Currently they have a deviation of approximately 25% where 20% is required. Adding the 3,500 sq. ft. is pushing it up 1-1/2 % to 26-1/2%. Looking at utilization of the site and deviation from maximum building coverage, he is not concerned about parking, safety, safe on site circulation associated with that type of relief. This is the engineering background why they chose this location.

In regard to total number of 393 parking spaces required, they are at 338. Again utilization is no concern to them for this site.

Another variance deviation is from a loading zone; if you are familiar with the center, behind the A&P and other retail facilities is the loading spaces. The loading zone is primarily used for the A&P, who receives tractor trailer deliveries. In smaller centers, there are no loading zones but rather deliveries by box truck. Such would be for the Verizon store, box trucks are used, no tractor trailer deliveries. There is no need for large tractor trailer deliveries, and rather than lose more parking spaces, they arte requesting relief from having to provide a loading zone.

Mr. Brady asks Mr. Cahill if there is any indication what would be going in the other retail store. Mr. Cahill replies they have no idea at this time. They know that Verizon signed on for 2,000 sq. ft. of the proposed building, and 1,500 sq. ft. are the size of the spaces up along the A&P, and they envision something similar to that type use. Confirming Mr. Brady's question, Mr. Cahill does not know what type of loading zone the 1,500 sq. ft. store might require. However, if someone came to the shopping center and said they really need a loading zone, this might not be the best space for them. They would be better in one of the other stores along the A&P area.

Mr. Hirsch says this Township has found that lack of a loading zone creates more of a hazard when trucks pull up to the front to make deliveries. Most retail businesses need to accept delivery of goods. He knows form his experience on the business council there were many discussions with the fire department requiring loading zones for all commercial buildings rather than deliveries being made while trucks are parked in the fire zone.

Mr. Cahill responds this is to be considered to a path site on a shopping center, where typical users take deliveries but because of the size and scale of the proposed tenant, and although they do not know yet the second tenant, they do not expect someone taking large deliveries.

Mr. Hirsch disagrees with this comment; even if they are a small operation but have a soda machine, cases of Coke or Pepsi are delivered by 35 ft. trailers. He is concerned about this.

Mr. Hirsch asks if this facility is replacing the Hazlet facility or are they having two Verizon locations on the Route 35 corridor. Mr. Cahill says he does not have information on that.

Mr. Cahill says there is sufficient room to provide a loading zone, in an area along the frontage, but they would have to take out additional parking spaces. They are not concerned with the number of parking spaces because even if they lost another 15 parking spaces, with retail there is still adequate parking on site. The question is whether it is truly necessary for this. If a tenant required a larger sized vehicle for deliveries, maybe they should consider a loading zone, but he wants to put it as an idea and have further discussion.

Mayor Tagliarini says this is a major topic right now in our Township with fire lanes, fire zones, loading zones, unavailabililty of loading zones, loading docks. The fire department has not made any comment on this application, but Maxine will check with the fire department tomorrow. Mr. Gillen says any approval would be subject to the fire department's approvals.

Mr. Cahill provides additional information; the front of the building with doors will be the south size of the building, with two access points along that sidewalk. There will be accessibility from the sidewalk in front of the store to the existing sidewalk along Cliffwood Avenue.

Mayor Tagliarini says they (fire department) are not going to let any vendor cross what should be a fire lane, and asks that these proceedings not advance without comments from fire. There are no loading docks, no fire lanes are shown on the plan. Mr. Cahill says no loading dock would be needed in a facility of this size. The existing A&P box takes 7i0 some thousand square feet has a large demand for product in and out. It is designed for loading docks. The retail would be similar to the proposed. They have a rear door to take and receive deliveries from the back, but there is no loading dock. The type of loading that comes in and out is of short duration and small trucks. Mayor Tagliarini says the fire department has turned us down for 15 minute loading/unloading areas in a fire zone.

Mr. Gillen says one question is why would Verizon not be moved closer to the highway; if they did that the retail could have a loading zone. Mr. Cahill does not know the relevance of that. There is no guarantee in that 2,000 sq. ft. space there could be another general retail. Does it matter.

Mr. Weiner, the applicant's attorney, states loading zones have never been an issue with this type application before and asks for a recess to meet with his clients.

Mr. Brady says it is a combination of a loading zone and fire zone around the building.

Mr. Hirsch would like to hear about a 7 ft. set back from the highway not being a safety concern.

After some discussion about going into executive session or having a discussion amongst Board members, the Board calls a recess to give time for the applicant to review the Board's request for loading zones.

Upon resuming the public meeting, all Board members present at the beginning of the meeting are still present.

Mr. Weiner says he has talked to his people about a couple of the issues raised by the Board, and is willing to sit with and work thru with the Board's professionals the issues with fire, set backs; they are willing to move the building in, but don't know exactly how much. If they could move the building away from the corner and fix the loading zone, they will have their engineer work with our Board professionals for something that may work, and come back with a revised plan. If the Board is happy with them trying to make some adjustments to the general area, and not move it across the parking lot, they are willing to work on a solution and come back to the Board. They are willing to work with the Board's professionals, planner and engineer, and the fire official.

They request the application be carried to the September 17 public meeting, with no further notice, to come up with revised plans. If they need additional time they will let us know.

Deputy Mayor Montone moves to carry the application to the September 17 public meeting, with no further notice, seconded by Mrs. Williams, and on voice vote all Board members agree.

Meeting adjourned.