

Present: Hartmann, Peterson, Connors, Canonico, Walsh, DeNofa, Stambaugh,  
Betesh, Dodge  
Forrester (Attorney)  
Cranmer (Planner)

Absent: none

The Chairman, Mr. Hartmann, called the meeting to order at, 7:30 p.m.  
All saluted the flag, and the presiding officer's statement was read.

**Minutes:**

A motion was made by, Mr. DeNofa, seconded by, Mr. Walsh to adopt the minutes of the May 7, 2008 meeting. All approved.

**Planning Board Representative:**

Mr. DeNofa reported that there was a special meeting on 5/29/08 for the review of some proposed Ordinances for COAH requirements

**Correspondence:**

- Fidelity Investments letter requesting to be carried to 7/2/08 meeting without further notice. Request was granted.

**Unfinished Business:**

**M/M Michael Fitzgerald:**

**Adoption of Resolution**

Bl: 70.03, Lot: 2

A motion was made by Mr. DeNofa, seconded by Mrs. Peterson to adopt & memorialize the resolution of approval to M/M Michael Fitzgerald as submitted.

Roll Call:

Affirmative: Hartmann, Peterson, Connors, DeNofa, Stambaugh, Dodge

Negative: None

**New Business:**

**Anthony's Auto Body:**

2<sup>nd</sup> façade sign

195 Newman Springs Road

Bl: 2, Lot: 20

Mr. Forrester announced that he has reviewed service and finds it to be adequate and the board has jurisdiction to hear this matter.

Mr. Philip San Filippo, Esq. represented the applicant.

Mr. San Filippo described the variance which the applicant is seeking, a 2<sup>nd</sup> façade sign on the western side of the building. The applicant would take the existing sign on the

northern façade (facing Newman Spring Road) and move it to the westerly portion of the building (east bound portion of Newman Spring Road).

Mr. Nicholas Hindy, partner of Kane Collision Associates d/b/a Anthony's Auto Body, was sworn. He testified that he and his partner have run Anthony's Auto for 2 ½ years at this location. There are two other tenant spaces in this building, an automotive and an open space. He explained that they are not considering moving into the open space, and will remain on the western side of the building.

Mr. Hindy testified that they currently have an illuminated façade sign on the northern portion of the building and are proposing to move that sign to the western side, and put up a new front façade sign only if they receive approvals for the 2<sup>nd</sup> façade sign tonight. Mr. Hindy testified that they received approval for a new front façade sign from the Zoning Officer on 5/18/08.

Mr. Forrester marked the following into evidence:

- **A-1:** computer generated photo of what currently exists on the front of the building, with a 2<sup>nd</sup> façade sign superimposed on the western side.
- **A-2:** Series of 8 photos, taken by Mr. Hindy on 5/5/08:
  - #1: sign that exists on the front currently, and would be moved to the western side of the building
  - #2 & 3: view of east bound traffic viewing Anthony's Auto Body
  - #4: western side of the building where 2<sup>nd</sup> façade would be moved to onto the "beige" area of the façade
  - #5, 6, 7, 8: view of west bound traffic & the limited visibility

Mr. Hindy feels that the location of the sign to the western side of the building will help his customers to locate his business, and to be able to get into the site. He explained the wall area is approximately 110' long x 18' high @ 10% = 198 sq. ft., where the sign they are using is only 48 sq. ft., where 198 sq. ft. would be allowed. The sign would help to make his business more visible. There was a brief discussion on the tenant directory sign.

Mr. Forrester asked how big will the front façade be? Mr. Hindy said 33' in length. The west side will be 2' x 18' or approximately 36 sq. ft.

Mr. Forrester read the approval, "1 façade sign on the north front wall of the building, per conditions..... Zoning denied for 2<sup>nd</sup> façade sign on the west side of the wall. The front (north) sign footage is 90' x 18' = 1,620 sq. ft. @ 10% = 162 sq. ft. the sign is to be individual letters, molded plastic.

Mr. San Filippo explained that the purpose of tonight's hearing is find out if the applicant to move the existing sign to the western façade, which will also be less than the allowed square footage. They are requesting a 2<sup>nd</sup> façade sign.

Mr. Forrester stated that if the board is inclined to grant the 2<sup>nd</sup> façade sign, they would agree to the total façade restriction which would not exceed the total façade restriction or the 162 sq. ft for the combination of the 2 signs, 113.5 sq ft for the north and 48 sq ft for the western sign.

Mr. San Filippo stated that his client would not have any difficulty with the board stating that they could relocate the 48 sq. ft. sign to the west and that would count against the front façades 162 sq. ft. leaving 114 sq. ft.

Mr. Forrester stated that the board could add a condition to read that the sign could be moved to the west of the building and that the combination of the two signs does not exceed 162 sq. ft. Mr. San Filippo agreed to the condition.

Mr. Connors asked if the signs would be illuminated? Mr. Hindy said the north façade will not be illuminated, but the west side sign will be illuminated, the timer will be set from dusk to dawn.

Mr. Forrester asked if the landlord is aware of this application, and that this application will be taking up all of the façade sign space. Mr. Hindy said that there is only 1 tenant space open. Mr. San Filippo said only if this application maxes out the front façade area.

Mr. Walsh asked if the western sign is approved, then the new front sign can only be 113 sq. ft.? Mr. San Filippo said only if he uses the whole building.

A motion was made by Mrs. Peterson, seconded by Ms. Canonico to open the meeting to the public. All approved.

Mrs. Eleanor Johnson asked if there was a 3<sup>rd</sup> tenant they would not have a sign? Mr. Forrester said that the tenant would have to get a variance. If the board is inclined to approve the western sign then the front sign could not exceed the 10% requirement, leaving enough for another tenant sign. Mr. Betesh explained that they moving some of the allocation from the front to the west.

Mr. San Filippo explained that the landlord would not allow Anthony's to use all of the square footage, leaving nothing available for the 3<sup>rd</sup> tenant space.

A motion was made by Mrs. Peterson, seconded by Mr. DeNofa to close the meeting to the public. All approved.

Mrs. Peterson stated that she has concerns with the other 2 tenants also requesting signs on the side of the building for their visibility. Mr. San Filippo said that the landlord knows about this application. Mr. Betesh explained that if those issues come before the board they will have to be dealt with at that time. Mr. San Filippo said each application stands on its own.

Mr. Forrester said that the board has to explain that the façade, how ever they are configured do not exceed a certain amount of square footage.

Mr. Hindy stated that they did occupy the east side of the building, he explained, that there is a clear visibility going west, but there are safety issues with the merging lane in front of the building, and there has been numerous accidents in front of his building. Motorists do not have enough time to signal into his site. The building is located close to the road.

**Straw Vote:**

Mr. Dodge stated he could vote yes

Mr. Betesh said that he doesn't have any concerns if the allocation of the square footage is moved to the west side of the building, and he could approve the application.

Mr. Connors said as long as the applicant meets the size of the sign

Mr. DeNofa referred to photos #2 & #8, and he feels that the 2<sup>nd</sup> façade sign is not going to accomplish what the applicant needs, and he would have to vote no.

Ms. Canonico understands the need for the sign on the west side of the building, but there is too much signage between the free standing sign and the façade sign.

Mr. Walsh feels that there would be too much signage on the west side, especially for another sign for another tenant. Mr. Forrester explained that the board could limit the square footage to front & side façade do not exceed a certain amount of square footage.

Mr. Walsh asked if the west sign could be limited to 48 sq. ft., Mr. Forrester said yes, but that doesn't give anybody the ability to come in and put up another sign on the west side, unless they come in for a variance. He would like to see the free standing sign removed.

Mr. Forrester said that he is not sure if that can be controlled by this board, only by the landlord.

Mr. Betesh asked if the approval could be conditioned upon the removal of the sign that would not bind the applicant in doing that if they choose not to do it. Mr. Forrester said that is an issue that has to be discussed with the landlord, and if he doesn't get the cooperation of the landlord then he would have to return to the board, and reopen the application. The applicant cannot get a permit unless it is satisfied by either waiving it or by getting the cooperation of the landlord.

Ms. Stambaugh agrees that with the free standing sign there is too much signage, but she feels that they do need a sign on the west side of the building, and would agree that if the free standing sign is taken down, and limit the square footage on the building.

Mr. Hartman is opposed to the sign, if we approve the west side, someone will want a sign on the east side and we will have everyone in town wanting signs, he would not support the application.

A motion was made by Mr. Betesh, seconded by Mr. Walsh to approve the application of Anthony's Auto Body, for a 2<sup>nd</sup> façade sign on the west side of the building subject to the following conditions:

- The total signage on the entire building be limited to the allowable signage area on the front façade
- The maximum signage on the west side not to exceed 48 sq. ft.
- The entire approval is conditioned upon removal of the existing pylon sign, which is a condition for the approval if the applicant is not able to secure the removal of the sign, then the application would not be approved, and would require the applicant to return to the board
- No other free standing sign would be approved without further approval of the board.

Roll Call:

Affirmative: Connors, Canonico, Walsh, Stambaugh, Betesh

Negative: Hartmann, DeNofa

Abstained: Peterson

**Resolution 7/2/08.....**

Break 8:32 pm All present at roll call

**Walgreens:**

**Continuation of Use Variance Hearing**

Bl: 2 Lot: 10

Mr. Peter Falvo, Esq. represented the applicant.

Mr. Henry Ney, Traffic Consultant, was sworn, and gave his educational & profession background and was accepted as an expert witness.

Mr. Falvo submitted the Traffic Impact Report, marked as **A-5** into evidence.

Mr. Ney testified that he performed a traffic analysis of the site and of the surrounding areas. Mr. Ney described the existing area and the substandard development. They included the information prior to the proposed development and with the proposed development.

Mr. Ney stated that there is not a significant difference with the proposed use from a traffic perspective than what is permitted in the zone and described the uses and conditions of the site:

- Parking is currently perpendicular parking with a loading zone
- Proposed use has all of its parking separated from the surrounding streets, with pedestrian sidewalks
- Truck access will not use public streets, loading area located on the northern end of the building and trucks would enter left off of Shrewsbury Ave and exit to Shrewsbury Ave

Mr. Ney stated that there are a series of industrial uses permitted in the zone, which with truck activity; the site would be too small. Two uses for the site would be a bank and office building. Mr. Ney gave the number of trips proposed for a 14,000 sq. ft for the proposed Walgreens: 39 trips (peak morning 7:45 am - 8:45 am), 127 trips (peak 5:00 pm to 6:00 pm evening). A bank on the site would generate 78 trips during the morning peak hour, and 204 during the evening peak hour, and office building would generate 127 during the morning peak; and 91 trips during the evening peak hour, adding 5% for a drive through pharmacy. Mr. Ney testified that this use would have any different impact from those uses that are permitted within the zoning ordinances.

Mr. Ney testified that they recorded 1,900 vehicles during the morning peak hour going through the intersection, and 2,247 vehicles going through the 5:00 pm to 6:00pm peak hour. The study was done on June 14, 2007, by a traffic enumerator. He explained how the cars are incorporated into the traffic counts and all of the cars if they go through the intersection are included in the count, if they turn off prior to the intersection they are not included in the count.

Mr. Ney explained that drug stores have a "pass by" traffic credit, and explained the how it affects off site traffic, he explained that 49% of the traffic is pass by or traffic going to another destination. Mr. Ney explained that they have added 2.25% for projection of the growth of traffic to the figures presented, and 15% on the east side of Patterson Ave.

Mr. Ney gave the levels of service at the intersection referred to pages 18 & 19 of the Traffic Report, and reviewed page 20 of the levels of service at the intersection for both morning & evening peak hours.

Mr. Ney explained that after looking at the levels of service, there will be no change in the evening peak hour for east/west, the right turn movement will have 1/10<sup>th</sup> of a second delay during the morning peak hour and a 3/10<sup>th</sup> of increase, but the level of service remains the same. There will not be an impact on the south bound left turn, with the level of service remaining the same. The through right will increase by 5 seconds and maintains the "D" level of service.

Mr. Betesh asked for clarification on the number of cars going into the site, Mr. Ney testified that the morning peak will bring in 39 cars, with 1900 cars on the street.

Mr. Ney explained that there will be a restriction on a left turn in from Shrewsbury Ave and left turn out, but they will be able to turn left out of the service driveway out.

Ms. Canonico asked how many customers will enter the store during the morning peak hour? Mr. Ney explained how the study is done, the counts are sent into the Institute of Transportation Engineers and they use the Trip Generation Manual, which are the numbers that have been recorded. For a pharmacy or office building the square footage is the basis of the trip generation, for a bank it's the combination of square footage and the driveway through window. This information is taken from all over the country.

Mr. Ney testified that the other permitted uses would have similar traffic impact, and from a land use perspective and zoning issue he feels that the land use would not have a detrimental impact to the traffic aspects of the zone ordinance & master plan.

Mr. Ney testified that they would need a parking variance, referred to page 26. They feel that if they use the I.T.E. numbers they would need 36 parking and 54 maximum week day and on Saturday 39 spaces need and 53 maximum. They have done many studies and they feel that the 53 spaces are being provided are adequate to meet the demand. Mr. DeNofa said that is ½ of what the Ordinance requires or 96 spaces required.

Mr. Cranmer asked Mr. Ney if the traffic counts at other Walgreens are consistent with the I.T.E. Manual. Mr. Ney said yes, they did many studies in the 1990's for Rite Aid's and the numbers are similar.

Mr. Cranmer asked if the parking of 53 spaces would be adequate for a retail space if Walgreens were to move to a larger store? Mr. Ney said that it would depend on the use, he said that 4 spaces/1000 would need 60 spaces for the site.

Mr. Walsh asked if the trucks could go left onto Shrewsbury Ave? Mr. Ney said yes since there will not be too much traffic. Mr. Forrester asked how we control a "no left turn". Mr. Ney said Title 39 would have to be put in place for no left in/no left out.

Mr. Cranmer asked what modifications will have to be done to the driveway out to Shrewsbury Ave to enforce that? Mr. Ney explained that there will be a triangular island in the area, similar to CJ Montana's in order to channelize the traffic.

Mr. Cranmer asked what is the percentage of customers that use the drive through? Mr. Ney stated that in peak hours it is about 5%, with a maximum of 10 vehicles per hour.

Mr. Cranmer asked Mr. Ney asked if the any adjacent development would be affected in order to operate safety? Mr. Ney said that it depends on what is developed next door; he doesn't feel that there will be a significant impact from the drive through and if someone wants to turn around, he really doesn't know it depends on the use. He would like to reserve the right to look at that. The only left turn would be out of the service exit and in order to prevent people from turning left, he could review a right channel exit with the County.

Mrs. Peterson asked how much more traffic will be on Patterson going west due to this site? Mr. Ney said approximately 14% of the traffic.

Mr. Betesh asked if the south bound traffic on Shrewsbury Ave will not be able to enter the site from Shrewsbury Ave? Mr. Ney said that is correct, and to prevent that there will be an island which will not allow entering traffic. Mr. Forrester said that he has viewed this in West Long Branch and they try and "hook" around the entrance.

Mr. Walsh asked if there was enough room going north on Shrewsbury Ave, with only 68' feet to the turn into the site especially with the handicapped parking right at the entrance. Mr. Ney said that its really up to the vehicle with the blinker on to go slower, in addition the handicapped spaces are the least used on the site.

Mr. Cranmer asked what will be the main entrance to the site? Mr. Ney said Patterson Ave, even though most of the traffic will come from Shrewsbury Ave. The same restrictions will be placed on this site.

Mr. Cranmer asked the peak hour on Shrewsbury Ave? Mr. Ney said 5:00 pm - 6:00 pm, 1,000 north bound, and 900 south bound, and he feels that Shrewsbury Ave is below capacity at this time, you could really get a 45% - 50% increase before you reach capacity at the intersection.

Mr. Walsh asked how many additional cars will be on Patterson Ave and what should the community as result of the facility? Mr. Ney said that he did not do the off peak hours. Mr. Walsh asked how many more cars will be traveling Patterson Ave during the off peak when kids will be in school? Mr. Ney said approximately +20 vehicles per hour.

Mr. Cranmer said that the I.T.E. Standards used are for a pharmacy? Mr. Ney said yes, pharmacy with drive through. Mr. Cranmer asked if Walgreens is more than a pharmacy, it's a convenience store? Mr. Falvo said that it has all the products that a typical drug store has, over the counter drugs, beauty aid, film developing, greeting cards, and packaged foods. Mr. Ney said that by the definition of drug store it fits the definition of what the I.T.E. studies, pharmacy with drive through.

Mr. Cranmer asked questions with regard to pedestrian volume, and Mr. Ney stated that they did not do any calculations, but he would assume that the residential areas would walk. Mr. Cranmer asked if Tinton Falls was taken into consideration with pedestrian traffic, is this intersection suitably equipped? Mr. Ney said that as far as he knows it has pedestrian phase.

Mrs. Peterson said that this area has a lot of people walking to work and it will increase the amount of kids going in to buy candy and gum. Mr. Ney stated that on the Shrewsbury side it would be an insignificant amount of walkers on Patterson & Shrewsbury Ave. Mrs. Peterson said that it may be limited but there, and we will see a significant increase of pedestrians.

Mr. Cranmer stated that the Borough was anticipating traffic calming devices, we have established a trust fund, by Ordinance, and pro rata contributions will be placed into the trust fund so there is no cost to the tax payers, plus they are pursuing grants as well.

Mr. Forrester asked Mr. Ney asked if he knows where the majority of the western or the northern traffic comes from? Mr. Ney said he did not know.

Mrs. Peterson asked what is exactly permitted in the LI Zone? Mr. Ney said light industry, office, and a bank, currently there are light industry uses in the area.

Mr. Connors pointed out that currently to go right on Shrewsbury Ave is very difficult and he feels that once this use goes in no one will be able to go out that way. Mr. Ney said that this use will not have a significant impact on traffic, and traffic is not an issue.

A motion was made by Mrs. Peterson, seconded by Mr. DeNofa to open the meeting to the public. All approved.

Mr. Sal Izzo, Patterson Ave, stated that he owns the business next to the proposed Walgreens site. He gave his concerns on the traffic problem and the difficulties of exiting his driveway. He asked if the proposed use will cause more traffic? Mr. Ney said yes. Mr. Izzo presented photos of the area; Mr. Forrester marked the series of photos as **Q-1** into evidence. Mr. Ney stated that he has been in the area a number of times and has not observed any traffic back ups, the longest queue was 6 vehicles, and the queue never went past his property when he was on site. He feels that if one of the permitted uses did go into the building it would also be a traffic generator. He feels that Mr. Izzo's statement that he "cannot get out of his driveway is untrue". Mr. Ney stated that the Walgreens driveway is approximately 140' to Shrewsbury Ave, and approximately 20-25' to Mr. Izzo's driveway.

Mr. Walsh asked if the traffic light is currently at a 90 second delay, is there a possibility that the County would change it to a more automated, with sensors? Mr. Ney said that he thinks that it is already on a sensor, this issue is the green time to clear traffic, and he feels that there is.

A motion was made by Mrs. Peterson, seconded by Ms. Canonico to close the meeting to the public. All approved.

Mr. Falvo asked to have this matter carried to the next meeting for another witness and any questions/comments.

Mr. Forrester announced that this matter will be carried to the **July 2, 2008 meeting, without further notice.**

A motion was made by Ms. Canonico, seconded by Mr. Walsh to adjourn at 10:22pm. All approved.