

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
January 2, 2013

The meeting was called to order at 7:26 PM by presiding Chairwoman, Mrs. Liz Bonis, who then led the assembly in the flag salute.

Mrs. Bonis read the Statement of Compliance pursuant to the "Open Public Meetings Act, Chapter 231, PL 1975."

ROLL CALL OF MEMBERS PRESENT: Mr. Correal, Mrs. Bonis, Mr. Gardell
Mr. Kopcso, Mr. Swiss, Mr. Martinez,
Mr. Lermond
ABSENT: Mrs. Murphy, Mr. Kell, Mrs. Alexander

ALSO PRESENT: Mr. Thomas G. Knutelsky, P.E.
Mr. Ken Nelson, Planner
Mr. David Brady, Esq.

APPROVAL OF MINUTES:

Mr. Correal made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Executive Minutes for December 5, 2012**. Seconded by Mr. Swiss.

Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcso, Swiss, Martinez

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

There were no resolutions to approve.

APPLICATIONS FOR COMPLETENESS:

There are no applications for completeness

ADJOURNED CASES:

There are no adjourned cases

APPLICATIONS TO BE HEARD:

ZB-09-12-1 Eden Franklin LLC, Preliminary and Final Site Plan (Variances Conditional Use) Block 1401, Lots 12, 13 & 14

Ms. Nicholson Esq. said the requested revised plans set including Auché Drive concept plans, sidewalk, neighborhood impact rendering, and Walgreen site locations were submitted. She presented (A-9) Walgreen's Store requirement hand out; a guide used prior to consideration. She said Walgreens' vast experience enables them to surmise necessary requirements. This model is definitive and will help (the Board) understand the site is well suited for its intended use.

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Ms. Nicholson asked Mr. Dougherty to explain the plan revisions (the Board) requested of him. Mr. Dougherty presented Exhibit A-8 a Site Plan Rendering dated December 26, 2012 a colorized version of site improvements with images for proposed landscaping. Mr. Brady asked if it's the same as what's in the package. Mr. Dougherty said it's a combination and explained it. Mr. Brady confirmed Mr. Dougherty is under oath.

Exhibit A-8 was distributed to the Board. Mr. Dougherty explained the revisions made, to comply with Mr. Knutelsky's requests. He discussed dimension changes made to the parking lot, sidewalk, frontages, building relocation, driveway associated with the drive-thru resulting in landscape area, screening and buffering increase, and fence extension.

Mr. Dougherty said they increased the landscape island number locations within the parking area as suggested by Mr. Knutelsky to minimize impervious coverage. Mr. Lermond asked about the landscaping for the residence and questioned the fence height. Mr. Dougherty said the shrub plantings along the fence cut off glare. He said the fence is a 6' white solid vinyl panel.

Mr. Dougherty discussed the addition of landscape islands in the parking and the addition of banked stalls bolster the landscape. He talked about the proposed banked stalls and said 53 stalls are plenty for their demand.

Mr. Dougherty explained the truck turning plan change with no site design revision. He explained the revised plan depicting the truck exiting the driveway on Route 23 to turn southbound on 23, showing it does not have to go into the ingress lane and can stay completely on the egress side.

Mr. Dougherty discussed the revised proposed lighting to conform to the pole height requirement and still maintain acceptable Walgreen lighting usage. He said lighting spillage was pulled back and modified. They maintain .1 foot candle lighting and .2 in a couple of places. Their three property lines are roadway frontage, and their western property to a residence. The (residence) candle lighting is zero. Mr. Dougherty said they are restricted on their Route 23 lighting. The DOT requires no more than .2; thereby meeting requirements from two different bodies.

Mr. Dougherty said they submitted updated versions of the Alternate Driveway Exhibit with their Site Plan set which is not part of the proposed Site Plan. It's in response to DOT's recommendation for the Borough's consideration. He reiterated it's not the applicant's or Walgreen's interest. The exhibits are for the Board's review and consideration of DOT's consultant suggestion.

Mr. Dougherty described the updated Alternate Driveway Exhibit Ingress/Egress with plan modifications. He said he was asked about different options and prepared

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them. Ms. Nicholson said they were submitted to the Board but they're not in the Site Plan set and will label them. Mr. Brady said since they've been submitted to the Board and if it's the same as one in the Board package, there's no reason to mark it.

Mr. Dougherty described the Ingress Driveway and Egress Driveway Exhibits. Ms. Nicholson asked if at this point a Board opinion poll regarding driveway preference could be had as it would be helpful to have professionals address the Board's interest when they do their traffic, lighting and engineering testimonies. Mr. Dougherty was in agreement.

Mr. Dougherty said rather than creating separate sidewalk exhibits, they showed it in the driveway exhibits. He explained the connectivity on Auchte Drive and Washington Avenue. He said it's just an exhibit and if the Board were interested in it being included in the application, they'd include it in the Site Plan documents.

Mr. Dougherty provided the requested tractor/trailer delivery schedule. He said Walgreens and store management have full control and are typically scheduled during non-peak hours. Other individual small delivery vendors will use the same loading area, coming about once a week between 8 and 5.

Mr. Knutelsky asked about truck loading operation, idling and signs in the loading area. Mr. Dougherty said Walgreen's does not allow truck idling and loading duration can be 30 – 90 minutes. Mr. Dougherty said signage is not proposed by Walgreen's, but can propose it if the Board deems it necessary for enforcement.

Mr. Gardell asked about sidewalks and front yards. Mr. Dougherty said they're shown on the Site Plan. At this point, a discussion on sidewalks, connectivity, snow removal responsibility and pedestrian safety were had. Mr. Knutelsky said they recommended a Developer's Agreement be entertained and to specify maintenance of future sidewalks.

Mr. Dougherty presented Exhibit (A-9) Walgreen's corporate handout stating Walgreen's pharmacy requisites customarily provided for interested parties in site development. He wanted the Board to understanding of both, his testimony and anything represented by the applicant is in line with Walgreen's criteria which the site meets.

Mr. Knutelsky asked if the traffic engineer will discuss Auchte Drive's access points. Mr. Dougherty said yes he (traffic engineer) would be prepared to answer questions about anticipated Auchte Drive trips with each of the options if the Board still is interested in pursuing (this concept).

Mr. Correal asked if he (traffic engineer) would be able to answer questions regarding demolition and safety should the project go through.

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Mr. Dougherty said Walgreen's requires developers go through an environmental hazard assessment process ensuring code/safety demolition follow through. He said there will be no safety impacts to surrounding neighbors, properties or school from demolition on the proposed property, and existing gas station fuel tanks were removed; it's a structural demolition. Mr. Correal reiterated children's' safety concern. Mr. Dougherty said the site's closed off with security fencing by the contractor.

Mr. Correal asked about demolition, blasting and fencing notes; and of traffic or safety presence during school hours at Walgreen's expense. Mr. Dougherty said they're boiler plate demotion and blasting notes which he explained. Regarding fencing notes, there will be no traffic on Washington Avenue for construction or site demolition. Mr. Dougherty said when construction permits are pursued, it will be arranged with the construction department and whatever's required of the applicant for any construction phase including traffic safety and police officers to ensure required traffic management.

Mrs. Bonis thanked Mr. Dougherty for providing additional Auchte Drive information, response to Board requests and if a traffic professional is interested in pursuing that. Mr. Correal commented it seems the public doesn't want it. Mrs. Bonis commented if it's something we've been doing in town, perhaps the planner or engineer would like to respond about what we've been doing, where we've been going with this and why.

Mr. Nelson said the municipality encourages connectivity. The only way to keep traffic flowing is to minimize the traffic amount, connect businesses with driveways and other roadway usage. Mr. Nelson spoke of a concept sketch of the circulation plan in the Master Plan for this site having connection to Auchte Drive. Mr. Nelson suggested the Board hear from the traffic engineer before ruling out the connection.

Mrs. Bonis asked Mr. Nelson what type of Route 23 traffic he was referring to. Mr. Nelson said the assumption is it would be local, but the traffic engineer might have more information in that regard.

Ms. Nicholson asked if there are further questions for Mr. Dougherty on plan revisions. Mr. Brady said, Madame Chair, perhaps because we've follow protocol of letting the public ask questions after each expert and this is new testimony in addition to what was given last time, we should open it up the public to ask questions on the new testimony presented tonight. Mrs. Bonis requested a motion to Open to the Public for questions to the engineer based on the new testimony provided this evening.

Mr. Swiss made a motion to **Open to the Public ZB-09-12-1 Eden Franklin LLC, Preliminary and Final Site Plan (Variances Conditional Use) Block 1401, Lots 12, 13 & 14.** Seconded by Mr. Kopcsó

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Dan Dougherty, 26 Auché Drive addressed his concerns regarding the tractor trailer circulation route and it's affect on vehicle passing, parking lot, spaces and loading area lane blockage. Engineer Dougherty referred to Page 17 and explained the tractor/trailer circulation plan change. During his review Engineer Dougherty addressed the loading area, vehicle passage allowance, Auto Turn Software and the parking lot design.

Dick Durina, 23 Lozar Road, said Auché Drive has no catch basin, curb nor sidewalks, Taylor Road has poor sight distance, and site improvements open traffic to Auché Drive. Mr. Dougherty said they're not proposing to open Auché Drive to more traffic. Mr. Durina asked him if they're going to make off-site improvements. Mr. Dougherty said they don't propose any off-site improvements nor have any been requested. He explained drainage water run-off through the property. They propose an inlet for the site and the community, and the requested sidewalk improvements. Mr. Durina commented on taxpayers picking up the development improvements.

Karen Stecher, 60 Washington Avenue, asked questions about sidewalk local connections, emergency access, children and pedestrian safety, and the turn signal. Mr. Dougherty explained and discussed current and proposed sidewalk usages, walking pathways, and will also improve emergency access. He explained the turn lane and the concrete island's removal for vehicle turn safety. Mr. Dougherty said there's very little change to maneuvering as far as the DOT aspect and their traffic engineer can provide specific testimony.

Mr. Knutelsky asked if there was submission to DOT for access from Route 23 and the modification at the signal. Mr. Dougherty said their traffic engineer can provide detailed information. They had a pre-application meeting with DOT reviewing all proposed improvements. Their applications have been with the DOT for 2-3 months, received preliminary comments, but not on traffic and are awaiting comments. Mr. Knutelsky said the left turn lane would be under their (DOT) review. Mr. Dougherty said the left turn lane, Washington Avenue intersection and Route 23, and their driveway up to 23 are in their access application.

Mr. Lermond asked about receiving DOT feedback. Mr. Knutelsky said he's been actively involved with the DOT application regarding our comments being submitted. We can follow up with a letter to them to have our comments on record. Mr. Lermond requested it be on record. Mr. Knutelsky advised the Board be aware, from our original view of the DOT aspect, it's not our jurisdiction. He said the DOT has added things typically looked for in terms of different access points for easy turn access. Mr. Lermond said we know what it is, whatever contingencies are about the final plan and in case there's major changes. Mr. Dougherty said any major changes would go through Mr. Knutelsky to sign off for construction.

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Ernest Skjeveland, 10 Ginter Street addressed his concerns of opening up Auché Drive, the potential traffic and sidewalks. Mr. Dougherty explained they didn't propose a driveway to Auché Drive and provided a summary from concept through comment received. They then provided exhibits for the purpose of demonstration reference, and are not part of their plans. In response to the sidewalk issue, Mr. Dougherty said they're proposing sidewalks exactly how the Board asked. Mr. Lermond said the sidewalks are for pedestrian safety.

Steve Simm, 19 Ginter Street, expressed his opinion on sidewalks and kid safety.

Joan Gava, 29 Auché Drive, stated her opposition and questioned the building height, lighting hours, fence height and vandalism responsibility. Mr. Dougherty said the architect will provide the height in his testimony. He said lighting hours are from dusk till dawn, increased buffer height and meet ordinance requirements. The applicant is responsible for fence maintenance.

Mr. Dougherty asked about the comparison of existing and proposed building elevation. Engineer Dougherty said the house elevation is about 640 and the building finished floor is proposed at 641.86. Mr. Dougherty questioned building/fence ratio and Engineer Dougherty explained grading.

Mr. Dougherty asked if according to the elevations does 2 or 4% grade pose a problem on the entrance/exit to Auché Drive. Engineer Dougherty said no and explained it. At this point front yard and side yard setbacks were discussed. Engineer Dougherty said there the architect will testify on a canopy. Mr. Dougherty said there is nothing set in stone right now from the right of way to the building on this particular lot; it's supposed to be 105'. Engineer Dougherty said they're proposing 49' and are asking for a variance for front yard setback; actually the side yard setback to Auché Drive.

Mr. Nelson asked about light timing being shut off or reduced. Engineer Dougherty expressed safety and security concerns and being it's open to the public, they can't shut off any portion without precluding public access.

Mr. Nelson commented to leave on the table to further discuss it. Engineer Dougherty said he can't imagine shutting down and lower lighting from the designed levels to maintain security and safety. Mr. Nelson inquired about other areas and Engineer Dougherty maintained his security concern.

Mr. Lermond asked even if it wasn't 24 hours would he want them on 24 hours. Mr. Dougherty said for security concerns he'd want some lights on throughout the site and at night so it's within view of public & police patrols. It was asked if the 24 hour drive-thru will also be lit. Mr. Dougherty said yes and it will be just as much a public area during late hours as mid day as far as accessibility in use. There's always a public benefit and if he could accommodate their requests, they'll have dark spots.

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Mr. Durina inquired about the Site handout. Mr. Dougherty said it was provided for Board visitation. Mr. Brady requested Mr. Durina be put on record. Ms. Nicholson objected to questions for her witness. Mr. Brady asked her who should Mr. Durina direct questions to. Ms. Nicholson said the Walgreen's site list was Board requested providing features and similar lot size for Board visualization. Mr. Brady told Mr. Durina if he wanted to ask about the similar sites list, he can ask later as Mr. Dougherty didn't testify to it yet and if Mr. Durina wants to bring up some issue with A-9 (Walgreen's handout) he could. Mr. Durina said he'll wait.

Mr. Lermond made a motion to **Close to the Public ZB-09-12-1 Eden Franklin LLC, Preliminary and Final Site Plan (Variances Conditional Use) Block 1401, Lots 12, 13 & 14**. Seconded by Mr. Martinez. All were in favor.

Mr. Lermond said Walgreens is not represented and have people from Eden who communicate with Walgreens. He asked when resolution time comes, what's the order. Ms. Nicholson introduced Michael Commorata, Eden representative to explain Walgreens' inter-phase.

Michael Commorata, Principal, Eden Property Company was sworn in at this time. Ms. Nicholson requested he explain Eden's role with Walgreen's, inter-phase and Eden's role. He said Eden is Walgreen's preferred builder and are a liaison. Mr. Commorata explained their inter-phase process and Eden's involvement. Mr. Gardell asked what the lease term is. Mr. Commorata said it's a 20 year base and additional options that could go out 99 years.

Mr. Brady spoke of his concern regarding conditions that might wind their way to a Resolution and not having an actual company representative verify representations made by Mr. Dougherty. He brought up two points: 1) There may be concern by Board members if it's accurate and is not doubting Mr. Dougherty's integrity; 2) Can they bind the applicant, and suggests the Board do so. The bigger concern would be if they have someone from Walgreen's to verify the veracity and can ask if there's an agreement which makes it easier to put in a Resolution.

Ms. Nicholson said every question has been documented through the Walgreen's food chain for a midway change, exhibits, testimony and representations. She said it's going to be the landowner making those representations to be held accountable.

Mr. Brady said it sounds like we could have a condition that says "you will include in your lease with Walgreen the following specifications"; Mr. Gardell said or anybody else. Mr. Brady said or anybody else.

Mr. Commorata said their obligation as landlord is to give the Resolution to Walgreens who are privy to it. Ms. Nicholson said this is the way they do business

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and follow through with Walgreen's protocol which maintains a preferred developer relationship.

Mr. Brady said he's been on both sides of the table and provided a brief example. Ms. Nicholson said enforceability is not an issue.

At this time a discussion regarding a future operator or operations and enforceability was had, leading to deed and transfer titles. (Mr. Brady will research how to document everything)

Mrs. Bonis requested a motion to Open to the Public for questions on Mr. Commorata's testimony.

Mr. Lermond made motion to **Open to the Public ZB-09-12-1 Eden Franklin LLC, Preliminary and Final Site Plan (Variances Conditional Use) Block 1401, Lots 12, 13 & 14** on Mr. Commorata's testimony. Seconded by Mr. Correal. All were in favor.

Lisa Dougherty, 26 Auché Drive, asked if Eden owns Mrs. Elekes's property. Mr. Commorata said they're a contract purchaser and explained it.

Steve Zimm, 19 Ginter Street asked if an amount of hours of operation can be documented in a lease. Mr. Commorata said it's a tough goal to accomplish and explained Walgreen's market review method. He rephrased his lease statement saying leases recently changed and their lease is a 20 year base term with 55 one year options; 75 years total.

Betty Allen, 24 Jenkins Road, asked if Mr. Commorata was aware of five other drugstores in town and if he's been to the center of town. He said yes to both. She asked if he's aware of three senior housing projects on Main Street. Mr. Commorata said he's only aware of two. Ms. Allen provided her opinion to make it accessible to seniors in downtown who would welcome it. She also questioned site space. Mr. Commorata said they bypass downtown as a Route 23 traffic count is needed and site space is for their engineer.

Mr. Lermond made a motion to **Close to the Public ZB-09-12-1 Eden Franklin LLC, Preliminary and Final Site Plan (Variances Conditional Use) Block 1401, Lots 12, 13 & 14**. Seconded by Mr. Martinez. All were in favor.

Mr. Nicholas Verderese was sworn in, provided his professional credentials and is founder and principal of Dynamic Traffic, LLC. Is intimately familiar with this project and works on various active pharmacy projects.

Mr. Verderese said in May they went to DOT to obtain feedback regarding access and how to access the highway and said a number of things evolved from those

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conversations. He explained his discussions with DOT regarding handicap ramps, left turn lane, traffic study and light timing. He also spoke of preliminary information prior to submitting the application. Mr. Verderese and Mr. Lermond discussed light timing, the left turn lane and peak hours.

Mr. Correal asked about his morning peak hour report and their trip calculation method. Mr. Verderese explained the methodology used. Mr. Lermond asked what PSH is. Mr. Verderese said Peak Street Hour and explained it.

Mr. Correal asked about the traffic survey. Mr. Verderese said it was done by a Wal-Mart engineer which DOT wanted them to use. Mr. Correal asked if it includes school and pedestrian traffic. Mr. Verderese said any volume passing the site is. He explained "No Build" and "Build". He said future numbers are based on numerous studies of these facility types and explained further. A trip count discussion was had.

Mr. Lermond commented they're a key requirement why Walgreen's wants the site at the intersection. Mr. Verderese said one of the first things he's asked to do is get volumes. Mr. Lermond asked the basis for that. Mr. Verderese said 50% in the evening peak hour, the only hour actually studied; there haven't been enough Saturday or AM studies for a real number. Mr. Lermond said the testimony is that the basis of the development that makes it feasible is 50% of traffic using the site is pass-by. Mr. Verderese said he wouldn't say it's what makes it feasible, but is a characteristic of the traffic and is explaining for the Board's "trip" understanding.

Mr. Verderese said there was a question at the last meeting about drive-thru and its use. He spoke of an early 200's study and hasn't seen, read anything new, nor been given information. Mr. Lermond asked if it was a NJ study. Mr. Verderese said it was done in Mercer County of 4 different sites. They were working on one and at the time drive thru's weren't as prominent, and elaborated further.

Mr. Brady referred to page 3; Table 2 of his pass-by trips and said you're saying pass-by's at PM PSH are about 75; that's about 50% of the total of 153 and Mr. Verderese agreed. Mr. Brady said in the morning and Saturday you have pass-bys of zero. Mr. Verderese said there haven't been any morning and Saturday studies and won't take credit for it when they do an analysis. Mr. Brady said basically no study has been done but your argument is there must be some. Mr. Verderese said there's some; we haven't included it but wanted to mention it to the Board.

There was a brief sidebar with some Board members. Mr. Correal inquired about the sight line exiting the south parking lot for pedestrians and traffic. Mr. Verderese said they made sure they provided the Line of Sight from their driveway, the same as the service station is today and explained maneuvering through the intersection and thru lane queuing.

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Mr. Correal asked about proposed sidewalk visibility and if Mr. Verderese has any issues with it. Mr. Verderese said no, it's a clear Sight Line and explained sidewalk crossing.

Mr. Knutelsky asked for the shoulder width at the southerly drive entrance and of vehicle and pedestrian crossing safety. Mr. Verderese said there's a 10' shoulder and explained a hypothetical situation of pedestrian crossing and an approaching vehicle and said are not touching the shoulder. He said shoulders operate exactly the way they're supposed to for their multiple purposes, gave examples and said they don't propose to change it.

Mr. Knutelsky commented on deceleration lanes and Mr. Verderese said for the small volume they have, there's no reason for that.

Mr. Verderese said they submitted a traffic study showing a small impact at the intersection and provided a brief explanation. He said they purposely pushed their driveway away from the intersection, provided an island and designed the driveway exactly to DOT's preference; provided crosswalks across the driveway, handicap ramps at the driveway and said they've provided safe and efficient access to the property.

Mr. Verderese reviewed the Auché Drive driveway anticipated traffic projection taking into account pass-by traffic, peak hour traffic, the number of homes and the method used in his calculation for 25% traffic. A discussion was had regarding traffic hours, vehicle counts and home numbers generating traffic.

Mr. Nelson asked if Mr. Verderese has numbers for non-peak hours. Mr. Verderese said they generally don't do a lot of non-peak analysis. As far as Walgreen's traffic, in the middle of the afternoon, traffic is slightly less than evening. He wanted the Board to have the numbers for their decision.

Mr. Lermond asked if Mr. Verderese analyzed Urban Engineering's report specifically about the connectivity theory. Mr. Verderese said he didn't read through the specifics and knows every traffic engineer wants connectivity. He gave a brief overview of the "Washington" connectivity.

Mr. Lermond said there's a proposal about connection for child safety and drop-off from both sides of Washington which doesn't give connectivity but gives more access. Mr. Correal said he thinks the safety issues might over-ride the benefits you get from that. A discussion regarding usage of Walgreen's parking lot for school pick-up was had.

Mr. Verderese said at this time they're building 53 (parking spaces). He said based on a number of studies, 45 are needed; pharmacies generally fall within the 50 & 60 (range). One's he's counted fall within the 30's and 40's and is comfortable with

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what they have. They can build 74 according to ordinance but feels (the Borough) is better off with green space and they've added islands. Mr. Verderese there's no specific term in the ordinance for pharmacy parking with a drive-thru which is why they fall under the general retail category. He discussed the potential use of parking spaces by school children's parents and the likelihood of designating them for employees as it's furthest away from the (storefront). He said spaces near the drive-thru are not going to get used. They are 20 under from the ordinance and still have 10 empty parking spaces at peak hour.

Mr. Lermond asked Mr. Verderese what's their obligation. Mr. Verderese said their obligation is to not have a significant increase in delay. At this point a discussion regarding levels of service, its affects and percentages was had. Additionally, a discussion regarding DOT's findings, degradation and jurisdiction followed. Commentary regarding legislation was had.

Mr. Correal asked if there will be a pre-construction meeting entailing traffic patterns which will be different than emergency situations. Mr. Verderese said they assume they'll have one with the town but also have one with DOT and from a traffic standpoint, show what traffic control they'll be doing while we're building. They have a pre-construction meeting with DOT prior to construction. Mr. Correal asked about the police department. Mr. Verderese was unsure.

Mr. Knutelsky said they push for a Developer's Agreement whether it's a pre-construction notice and requirement in that Developer's Agreement. They push for the Fire Department and recommended the plan be sent for their review and at the same time the applicant could submit it to the police department for a courtesy review, if the applicant agrees.

Mr. Lermond said the circulation plan seemed to include a stop bar across Route 23 in the northbound lane into the shoulder implying the shoulder is now a turning lane. Mr. Verderese said that's from the survey; what you're referring to is existing. Mr. Knutelsky said that's not a dedicated lane. This issue was further discussed.

Mr. Knutelsky said it's an existing condition that probably shouldn't be touched. He asked if there are going to be new pedestrian crossing signals for the cross walk. He doesn't think there's a sidewalk on that side and thinks new pedestrian signals would be needed. Mr. Verderese said he doesn't recall if they are providing it; he knows they're providing handicap ramps but will wait to receive DOT's review if any count on timers is required.

Mr. Knutelsky said that would be a recommendation. He asked if there's a benefit to having phantom dash lines showing movements so people don't cut the corner due to the length. Mr. Verderese said we don't show it but could add on the plan. He said they haven't gotten any of the comments from the traffic signal but could be one

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of their comments. Mr. Knutelsky said that's something that will be put in the report. Mr. Verderese said he has no problem with adding that on the plan.

Mr. Nelson questioned it being called a pharmacy as they've evolved and asked for ITE's pharmacy definition. Mr. Verderese said he doesn't have the definition but knows the data is current. He spoke of visits to pharmacies with empty spaces and peak hour usage and said it's steady traffic with no real heavy peaks and flows. Mr. Nelson said your answer of ITE's definition is it takes into consideration a state of the art pharmacy. Mr. Verderese agreed.

Mr. Lermond and Mr. Verderese discussed the 700 customer count. Mr. Lermond suggested the 700 be correlated to the trip counts at some point in the testimony. Mr. Verderese there's 1300 trips; they're saying 700 customers – it's pretty close.

Mr. Lermond talked about his Walgreens' site visits regarding truck traffic, truck idling and circulation. With circulation he asked why would that kind of circulation be proposed as it makes more sense for a tractor/trailer come in the other way. We already have conflicting circulation with traffic and a WB50 crossing lanes to get around and who's going to do the least damage. Mr. Brady said maybe the question is how do we keep that from happening? Mr. Verderese said they design the site so a truck can circulate to the rear like all the other pharmacy jobs or jobs he works on; it's all based on operation. They design it from an engineering standpoint and can't enforce people who drive the wrong way.

Mr. Lermond commented about Coke & Pepsi delivery routes via tractor/trailer to stores and said there will be more than a Walgreens tractor/trailer. Mr. Verderese said they know a tractor trailer can circulate, park in the rear and pick up their pallets in about 15 minutes and are gone.

At this time a discussion regarding circulation at the proposed site and comparisons with other Walgreen sites was had including circulation design and potential situations. Mr. Brady asked if there was some way to physically design it different. Mr. Verderese said no. Ms. Nicholson said they will look into that by the next meeting. Mr. Verderese said we'll look into it but it's generally 90° around the building and you can circulate it.

Mr. Lermond referred to a site off of 46 in Rockaway. Mr. Knutelsky offered a design suggestion and said it's something their designers could look at. A brief discussion regarding the island was had.

Mr. Lermond made a motion to **Open to the Public**. Mrs. Bonis said due to the late hour she wants to ensure if anyone from the public having questions specifically for Mr. Verderese, there's time at the end of our whole set of meetings for your statements. This is the time to ask specific questions for Mr. Verderese based on the testimony provided. Mrs. Bonis requested a motion to **Open to the Public**. Mr.

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Correal requested a stipulation be made to bring (Mr. Verderese) back because it's a broad subject. Mrs. Bonis said Ms. Nicholson provided the previous person; she can also do that. Mr. Brady said for the record, Ms. Nicholson agrees by her nodding. Ms. Nicholson said she'd be happy to.

Mr. Lermond made a motion to **Open to the Public ZB-09-12-1 Eden Franklin LLC, Preliminary and Final Site Plan (Variances Conditional Use) Block 1401, Lots 12, 13 & 14.** Seconded by Mr. Swiss. All were in favor.

Steve Zimm, 19 Ginter Street asked Mr. Verderese if he's suggesting not opening Auché Drive with his testimony. Mr. Verderese said he gave the Board his opinion and advised he's not proposing one. Mr. Zimm asked about the trip traffic for the 200/250 homes. Mr. Verderese explained how he factored the numbers. Mr. Zimm addressed his concern of the traffic light and its impact along with the timing delay. He said it's none of their traffic nor the thru-lane traffic. He went on to explain the left turn traffic.

Mr. Durina, 23 Lozar Road, Franklin presented his sketches of the intersection and addressed his concern of traffic flow of the Wal-Mart light. Mr. Verderese said no changes are proposed other than there's going to be a left turn lane northbound. Mr. Durina questioned the safety of the island's removal. Mr. Verderese said it will be safer and explained.

Betty Allen, Jenkins Road commented being there is controversy regarding turning lanes and the light, she suggested the use of a future vacant building as an alternative which has better access and parking.

Karen Stecher, Washington Avenue, asked if there's a turn only or arrow signal. Mr. Verderese said no arrow as volumes are very low and explained further. Ms. Stecher questioned zero traffic onto Washington Avenue and Mr. Verderese said it was in the existing condition. She also questioned zero traffic into the gas station at the light. Mr. Verderese said only one car went across during peak hour and further explained. She talked about previous use of left turn into the gas station and asked if it was considered in using the zero count and if there's going to be additional traffic. Mr. Verderese said there may be additional traffic to go straight across and further explained. Ms. Stecher asked about the possibility of a change. Mr. Verderese said there's a possibility of a change but thinks there's not a lot of draw with their small retail use.

Mr. Lermond made a motion to **Close to the Public Open to the Public ZB-09-12-1 Eden Franklin LLC, Preliminary and Final Site Plan (Variances Conditional Use) Block 1401, Lots 12, 13 & 14.** Seconded by Mr. Swiss. All were in favor.

Mr. Nicholson requested to be carried to the next meeting without further notice and will produce the traffic expert again. She asked if the engineer's services are further

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needed. Mr. Knutelsky said the engineer needs to come back. Ms. Nicholson said additional questions on traffic will be answered and will put forth their architect and planner at the next hearing.

Mr. Brady requested announcement of the next meeting so as to not re-notice. Mrs. Bonis said the next meeting is February 6th at 7:30 and will not re-notice. Ms. Nicholson asked if the Board has other issues to address in the interim period. Mrs. Bonis said they (applicant) were going to look into talking more to DOT about striping the right shoulder. Mr. Brady said there was the issue about tractor/trailers. Ms. Nicholson said she'll speak with Walgreens operations and get something on it.

Mr. Lermond said with the list of properties supplied, he wants to hear in testimony how their residential sites relate to this site, problems encountered and work-around's addressed. Mrs. Bonis asked if any of them are Eden properties. Ms. Nicholson said no. Mrs. Bonis said than we couldn't get a Site Plan or Resolution. Ms. Nicholson said no, their team doesn't have experience with the design or the approval process on those.

Mr. Lermond said if it comes down to it, we could employ a plan or someone to research it if we need that information. It was said our planner may want to go look at those sites. Mr. Lermond said he wanted to look at how things were impacted and referred to sites in Waldwick and Maplewood.

Mr. Brady said so the applicant understands Kevin, are you looking for some testimony that goes through at this site we had houses 100' to the left and what we did is; walls, trees. Mr. Lermond said yes, how it mitigated things, what kind of issues were brought up, how we can improve buffering and that kind of stuff.

PAYMENT OF BILLS:

Mr. Gardell made a motion to approve the **Franklin Borough Zoning Board Escrow Report for January 2, 2013**. Seconded by Mr. Swiss.

Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcsó, Swiss, Martinez

NAYS: None ABSTENTIONS: None

OTHER BUSINESS:

DISCUSSION:

CORRESPONDENCE:

The correspondence was acknowledged.

OPEN PUBLIC SESSION:

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Mr. Lermond made a motion to **Open to the Public**. Seconded by Mr. Swiss. All were in favor.

No-one from the public came forward.

Mr. Lermond made a motion to **Close to the Public**. Seconded by Mr. Swiss. All were in favor.

ADJOURNMENT: There being no further business Mr. Lermond made a motion to adjourn the meeting of the Franklin Borough Zoning Board of Adjustment. Seconded by Mr. Martinez. All were in favor. Meeting was adjourned at 10:59 PM.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Ruth Nunez".

Ruth Nunez
Secretary