

**TOWNSHIP OF HOPEWELL
ZONING BOARD OF ADJUSTMENT**

THURSDAY, August 18, 2016

The August 18, 2016 Special Meeting of the Hopewell Township Zoning Board of Adjustment (ZBOA) was held in the Municipal Building on the above date.

SPECIAL MEETING

The Special Meeting of the ZBOA was called to order by Chairman Klapinski at 7:07 p.m. in accordance with the Open Public Meetings Act, noting that proper notice of said meeting was forwarded to the Hopewell Valley News, The Times, The Trentonian, and the Hopewell Express and posted on the Municipal Bulletin Board. This meeting was audio recorded.

ROLL CALL

PRESENT: Cane, Hatke, Moser, Purandare (arrived at 7:12 p.m.), Schoelwer, van Raalte, Chairman Klapinski

EXCUSED: Ferrara

ABSENT: Lockwood

ALSO PRESENT: Attorney Victoria Britton, Zoning Officer Robert Miller, Planner Frank Banisch, Acoustics Professional Ed Clark - Ostergaard Acoustical Associates, Traffic Professional Jim Kochenour - Arora and Associates, PC

CASE 2016-8 - FIRST HARTFORD REALTY CORPORATION d/b/a CVS PHARMACY - 105 Route 31 South, Hopewell, New Jersey, Block 68, Lot 8 (on the Township Tax Map). The portion of the property in Pennington is identified as Block 908, Lot 8 (on the Pennington Tax Map). Applicant is applying for Use, Bulk, and Preliminary and Final Major Site Plan approval to permit the construction of a 14,600 square foot CVS Pharmacy and drive-through window, with 60 off-street parking spaces, signage, and proposed landscaping; located in the R-100 Zoning District.

Mr. Henry Kent-Smith of Fox Rothschild, LLP, representing the applicant on this application (continued from the March 30, 2016 Special Meeting), explained that the Applicant was proposing to reduce it's size from 15,000+ s.f. to 12,000+ s.f., orienting the pharmacy toward Rte. 31, improving the buffer and limiting the hours of operation. It was noted that the Pennington portion of the property will remain under the ownership of the Applicant and any improvements will be made to the satisfaction of the Board. All references to the property were made referring to Block 68, Lot 8, in the Township, only.

Following is the proposed order of Professionals for the Applicant:

Mr. Doug Grysko - Site Plan (Engineer)

Gary Dean - Dolan & Dean Consulting Engineers, Inc. (Traffic Engineer)

Bob Gehr - Project Architect

Jim Hella - Operations Witness

John McDonough - Professional Planner

Mr. Doug Grysko, of Dynamic Engineering Consultants, PC, gave testimony with regard to:

- A-3 - Site Plan Rendering (color version of the revised Site Plan), dated August 18, 2016
- A-4 - Site Plan Comparison, dated August 18, 2016
- Revised building size will now be 12,114 square feet

- Reorientation of the building, setbacks, and revised parking spaces down to 50 spaces
- Drive thru window, trash/recycling enclosures, loading area, and main entrance of the store
- Driveway access points remain the same
- Vegetation/berm, fence, tree management and replacement ordinance requirements
- Comparison of location of this building with the existing Sunoco station
- Driveway movement and site circulation, parking, delivery trucks, emergency vehicles, Ingleside Ave. sidewalk, and lot coverage/impervious area calculations.
- Revised Stormwater Management Plan, water flow on the site, and the proposed underground system. This will be a detention basin system, wherein groundwater will not infiltrate groundwater into the subsurface soils. Release is to an existing inlet within Ingleside Avenue. This system provides water quality aspects through Jellyfish Unit (treatment devices). Also discussed were curb cuts and swales for additional runoff.
- Groundwater Recharge - Stormwater from proposed gas station uses shall not be recharged due to the potential of spills or toxic materials. The redevelopment of an existing gas station use, that already has soil contamination, should not recharge stormwater into the groundwater. Therefore this project is not subject to groundwater recharge aspects of the stormwater management rules, and therefore is not applicable.
- Maintenance information regarding the Jellyfish Unit
- Lighting Plan, stating that there will be no light spillage at the resident property lines to the east and south.
- Driving circulation as it related to design and engineering of the site
- Exhibit A-5 - Color Rendered CVS Signage Exhibit, dated August 18, 2016
- Exhibit A-6 - Full Set of Site Plans Submitted with the Revised Application, Preliminary and Final Site Plan for First Hartford Realty Corp., original dated October 9, 2015, last revised July 25, 2016 - Revision 1
- Signage - Monument and free standing Drive-Thru and ancillary signs. Sign facing Route 31 will be 86 sq. ft.

Discussion with Board Members and professionals included:

- Runoff control from the berm towards Lots 11 and 31
- Tree removal versus relocation of present, mature trees
- Berm height and how it affects replacement tree replanting
- Current gas station location setback versus proposed CVS
- Underground detention basin system, where the outflow goes, and description of the detention basin, itself
- Lighting situated on the northeast and southeast portions of the building. Lighting intensity at property lines are at "0" (no light spillage)
- Signage on property and description of which signs are internally illuminated and which are not
- It was pointed out that present tree height, on property, has been reached after 26 years
- Our Noise Professional, Mr. Ed Clark, asked to discuss noise issues. The Project Architect will discuss those issues when he speaks before the Board.
- Mr. Grysko discussed Site Plan related issues with our Traffic Professional, Mr. Jim Kochenour
- Mr. Grysko, walked through Mr. Porgorzelski's memo and described, to the Board, their compliance with his concerns.

There were no further questions from the Board. Chairman Klapinski asked for any questions from the public.

- Mr. Jeffrey Baron, an attorney representing a number of the neighbors from Pennington and Hopewell who object to the proposed CVS development, asked questions of Mr. Grysko regarding:

- Differences in the driveway and drive-thru being located further away from residential uses than the original application
- Buffer areas, the fence, and parking area
- Exhibit O-1 - 2009 Aerial Photo, dated August 18, 2016 was submitted
- Condition of Approval in prior Resolution stating that the buffering area of trees on the property must remain. Mr. Baron will provide a copy of that resolution and it's condition to Mr. Kent-Smith
- Berm and replanting of trees
- Light spillage
- Sidewalk area in Pennington
- Underground system maintenance
- Environmental concerns and test wells
- Commercial zoning requirements versus R-100 Zone requirements.

Short break from 8:52 to 9:03 p.m.

- Ms. Catherine Fulmer-Hagan, 101 Ingleside Avenue, Hopewell Twp., asked Mr. Grysko to reiterate revised locations of signage, loading, and lighting. She then submitted pictures of the Applicant's property as seen from her home at 11:00 p.m., at present - marked Exhibit O-2; and from various windows in her home during the day - marked Exhibit O-3.

The audience was reminded that this was the portion of the meeting to ask questions of Mr. Grysko's testimony.

- Mr. Daniel Casselberry, 223 Bird Street, Pennington, brought up the difficulty to see the exhibits while Mr. Grysko was presenting his testimony and asked that any future testimony be given with a powerpoint presentation that everyone can see. Mr. Kent-Smith agreed that his professionals will do this in the future.
- Mr. Jim Fedchin, 421 Reading Street, Pennington Boro asked questions about curb stops versus full sized curbs, curb cuts, recharge in the soil, sampling wells. He also asked about the location of the Pennington water inlet, whether there is a monitoring well between the proposed driveway and the inlet, and where water flowing down the driveway toward Ingleside Road goes. There were further questions regarding recycling and trash, medical waste and cleanup drainage. Questions that will be addressed by the traffic engineer include signage location and whether the State has plans to widen Route 31 and improvements to the Route 31 circle and bridge. Signage illumination, at the property line. Signage at the property line, as well as signage on the building and window illumination will be described by the Architect. The Site Triangle on the corner will be looked at further, and may affect the location of that sign.

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- Patrick Brannigan, 3 Vannoy Avenue, Pennington asked a question about dedication of 10 feet of land, along Ingleside Avenue, to the County - and how it would affect CVS's property taxes, if at all. There is no impact tax-wise.

Mr. Gary Dean, of Dolan & Dean Consulting Engineers, LLC was sworn in, gave the Board his work and licensing background (which was accepted), and gave testimony with regard to:

- Findings from their Traffic Impact Assessment for CVS Pharmacy, dated January 28, 2016, prepared by Dolan & Dean Consulting Engineers
- Traffic conditions along Route 31 at Ingleside Avenue were assessed to find peak traffic hours, number of vehicles passing along the site frontage at those times, traffic coming in and out of the present service station
- The current Level of Service at the corner of Ingleside Avenue and Route 31 is operating at an "F" condition
- They recently made a resubmission response to Mr. Kochenour's review memorandum, dated July 28, 2016. In those amended traffic projections, for CVS, they expect the site to generate 21 vehicles in (21 vehicles out, for a total of 42 peak hour trips) in the morning. For the amended building size they predict 60 vehicles in (60 vehicles out, for a total of 120 peak hour trips) in the evening.
- An analysis was performed and presented to NJDOT in anticipation of the hopeful positive outcome and submission of a highway access permit. This determined the feasibility and desirability of a traffic signal at Route 31 and Ingleside Avenue. The conclusion of the study was that a traffic signal was warranted. NJDOT gave them a favorable concurrence on February 11, 2016. It was noted that it would be a condition of the redevelopment of the southeast corner, by the construction of the proposed CVS Pharmacy. Funding of the improvement cost would be 100%, the applicant's obligation.
- Forecast of future traffic activity, with the traffic signal, would allow that intersection to operate at Level of Service condition "C" or better.
- The signal would contain provisions for emergency vehicle pre-emption
- Improvements to the Route 31 and Ingleside Avenue Driveways
- Stages of design for the traffic signal
- Exhibit A-7 - Letter to Mr. Dean from John Fam, Project Engineer or Major Access Permits from NJDOT, dated February 11, 2016 was submitted
- Interior Site Improvements
- Exhibit A-8 - Trip Generation Comparison, Block 68 Lot 8 - presenting a comparison of the traffic associated with 3 different uses:
 - a. A typical service station
 - b. A childcare center
 - c. Projected trip generation associated with CVS
- Site Traffic - driveway and internal circulation, parking stalls (CVS is asking for relief with regard to the number of parking spaces), ITE findings of CVS and other drug stores, drive-thru needs, and truck access
- Mr. Grysko will provide truck turning templates, as requested
- Improvements made to the circle (approximately 1/2 mile away) and the metering signal that has been installed and activated. There was then discussion regarding the interplay between the circle improvements; and this site and the signal at Ingleside.
- Items from Mr. Kochenour's report were addressed:
 - a. ITE generation projections vs. CVS specific data
 - b. Implications associated with actualizing a full signal at this intersection, relative to the overall traffic pattern

Discussion with Board Members and professionals included:

- It was concluded that doing traffic analysis once is the norm, and the day of the week (aside from Mondays or Fridays) does not make much of a difference
- The possibility of left turn lanes
- Present traffic pattern of Route 31 and whether the proposed traffic light would be a help or a hindrance
- Sound Level questions will be addressed by CVS's acoustic expert

- Timing of the CVS light and how it will work along with the metering light at the circle
- The timing of the circle signal will be the master. Whatever occurs at Ingleside will be dictated by the circle timing.
- Accident/Incident Reports - defining incidents used in preparing the analysis was prepared using 5 or more reportable motor vehicle accidents (right angle accidents) that are subject to being corrected by the installation of the traffic signal
- DOT Letter discussion
- CVS entrance only services northbound traffic, and what may be done to service southbound vehicles
- Additional synchronization questions
- Mr. Kochenour discussed further questions and concerns, from his latest report, dated August 15, 2016; and from Mr. Dean's testimony

It was decided that the next scheduled meeting will start with public questions.

The next meeting for this applicant was determined to be Tuesday, September 27, 2016 at 7:00 p.m. No noticing will be necessary. Mr. Henry Kent-Smith's Planner and Mr. Baron's Planner are both unable to attend this newly scheduled meeting. A future meeting date, to include both planners, will be discussed on September 27th.

Chairman Klapinski will be stepping down in September so choices for a new Chairman and Vice-Chairman were discussed. He plans to attend only remaining First Hartford Realty Corporation d/b/a CVS Pharmacy meetings as a sitting Board Member because he wants to finalize any open cases that remain from during his term.

There was a nomination, by Mr. Schoelwer, to elect Mr. Cane as the new Chairman. Mr. Cane made a Motion and asked that Ms. Moser be elected as the new Chairman, and that he would like to continue as Vice-Chairman.

**MOTION UNANIMOUSLY CARRIED
ABSTAINED BY CHAIRMAN KLAPINSKI**

At 11:02 p.m. the meeting was adjourned by Chairman Klapinski

Respectfully submitted,



Susan Potocki
Zoning Board Recording Secretary