

BOROUGH OF GARWOOD PLANNING BOARD
COUNTY OF UNION - STATE OF NEW JERSEY

REGULAR MEETING FOR:

LIDL U.S. OPERATIONS, LLC
BLOCK 501.01 LOT 8
10 SOUTH AVENUE
CASE NO. PB19-05

TRANSCRIPT OF PROCEEDINGS
PUBLIC HEARING

WEDNESDAY, MAY 22, 2019

B E F O R E:

STEPHEN GREET, Chairman
STEVE BARCAN
KEN CAPOBIANCO
RICHARD McCORMACK
STEPHEN NAPOLITANO
WILLIAM NIERSTEDT
SERGIO SIMOES
SARA TODISCO, Mayor
KATHLEEN VILLAGGIO

A L S O P R E S E N T:

DONALD B. FRASER, JR., ESQUIRE, Board Attorney
VICTOR E. VINEGRA, P.E., P.P., Board Engineer
LEIGH FLEMING, Planning Assistant
ADELE LEWIS, Board Clerk

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TRANSCRIPT of the stenographic notes of the proceedings in the above-entitled matter, as taken by and before ANGELA C. BUONANTUONO, a Certified Court Reporter, Registered Professional Reporter, Certified LiveNote Reporter and Notary Public of the State of New Jersey, held at THE BOROUGH OF GARWOOD MUNICIPAL BUILDING, 403 South Avenue, Garwood, New Jersey 07027 on Wednesday, May 22, 2019, commencing at 7:30 in the evening.

A P P E A R A N C E S:

HEHL OFFICES OF JAVERBAUM WURGAFT HICKS KAHN
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-- Counsel for the Applicant

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PUBLIC COMMENT:
 (None)

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(Exhibit not retained by reporter.)

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1 (Time noted, 10:00 p.m.)
 2 CHAIRMAN GREET: And just what I
 3 think will probably happen is do your intro tonight
 4 and then we'll carry whatever goes on beyond that
 5 but that's my...
 6 MR. HEHL: Yeah, what we always find
 7 -- again, for the record, Stephen Hehl representing
 8 the applicant, Lidl. We find that it's very
 9 beneficial, I'm going back to many of our cases, if
 10 we give an overview and get some preliminary
 11 feedback from the board. And we did obviously have
 12 the opportunity to review the Harbor report. It was
 13 very helpful. We received the report from the
 14 police department.
 15 And we also had the opportunity to
 16 meet with your fire chief and he was kind enough,
 17 Adele sent over his email, and he was kind enough to
 18 meet us at 6:30 next door and we went through his
 19 comments which were more technical in nature, where
 20 doors were going to go and confirming access and
 21 informing us about the fire hydrant. So again we
 22 appreciated Allan's time and coming in to meet with
 23 us before that.
 24 So again this is a brief overview of
 25 the application. We're here before the board for

1 improvement to this property.
 2 The general configuration of the
 3 parking lot is going to remain. So, again, we think
 4 it's an exciting proposal and a great, again, a
 5 great adaptive reuse of the property.
 6 What I thought we might be able to do
 7 is if I could have our site engineer just give the
 8 board a little overview of the site and get the
 9 board up to speed on it.
 10 CHAIRMAN GREET: Yes.
 11 MR. HEHL: Okay, great.
 12 So I would like to call upon Brad
 13 Bohler. You know what, with the short amount of
 14 time you should have had that easel up.
 15 MR. NIERSTEDT: Maybe before the easel
 16 goes up, Victor, my question that I asked earlier
 17 was for this application. And I know there's an
 18 answer and I know you well enough to know that
 19 there's an answer, but I don't know it. Going from
 20 supermarket to supermarket, why is it here?
 21 MR. VINEGRA: I think because of the
 22 disturbance, the amount of area they're disturbing.
 23 MR. HEHL: We're actually removing a
 24 portion and rebuilding too, in the front.
 25 MR. VINEGRA: Making modifications to

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1 the property at 10 South Ave. Everyone probably
 2 knows it as the Pathmark site rather than this later
 3 store but this is, as noted in the Harbor letter,
 4 great adaptive reuse of the property. It was a food
 5 store for many, many years. It's now -- the
 6 prototypical Lidl store is very small, so only a
 7 portion of the store, a larger portion of the store
 8 is going to be converted into one of their
 9 supermarkets.
 10 You will hear some interesting history
 11 on the brand but it's an up and coming use. They do
 12 a great job with their stores and their product so
 13 it's exciting to have them look to make a home here
 14 in Garwood.
 15 Limited site improvements. The
 16 variances, many of the variances associated -- and
 17 there aren't that many, but the variances associated
 18 with the site are preexisting conditions. You have
 19 the lot width which is, again, an existing
 20 condition. Setback of the existing building which
 21 backs up to the railroad tracks. There's a front
 22 yard fence. And frankly the reason for the fence is
 23 there because you've got a water feature, it's
 24 combination drainage, a brook, and it's there for
 25 safety purposes. So it's going to be a nice

1 the building, saw cutting.
 2 MR. NIERSTEDT: I'm very glad to hear
 3 that. And I don't really want to go too far down
 4 the path, but you know they can just get a demo for
 5 what they're removing and don't need a site plan for
 6 that.
 7 MS. FLEMING: Second tenant.
 8 MR. VINEGRA: It's not going in right
 9 near.
 10 MR. NIERSTEDT: I'm very happy to
 11 hear. Should I just stop?
 12 MR. HEHL: I know that there was a
 13 meeting early on with Victor.
 14 MR. VINEGRA: I'll find it.
 15 MR. HEHL: We were saying supermarket
 16 to supermarket.
 17 MR. NIERSTEDT: We're very happy
 18 you're here before the board with the presentation.
 19 CHAIRMAN GREET: You're subdividing
 20 the interior of the property?
 21 MR. HEHL: Yeah, well technically from
 22 a store not from -- not a property subdivision. It
 23 will be a demising wall inside.
 24 CHAIRMAN GREET: And that would be in
 25 turn an independent business or unit?

1 MR. HEHL: Correct.
 2 MR. VINEGRA: Well to answer Mr.
 3 Nierstedt's question, actually it's very liberal our
 4 ordinance in requiring a site plan. It's very
 5 liberal.
 6 MR. NIERSTEDT: I'm happy.
 7 MR. VINEGRA: It's Chapter 106,
 8 Section 106-70B, when the site plan is required:
 9 Any owner of land lying within the Borough of
 10 Garwood shall, except as hereinafter provided, prior
 11 to any change of use of land requiring a Certificate
 12 of Occupancy, or commencement or enlargement of any
 13 use requiring fencing or landscape screening...
 14 or...improvement of land involving excavation,
 15 removal of soil, clearing of any site, or placing of
 16 any fill... construction or alteration of any
 17 structure or parking area.
 18 It's very liberal.
 19 MR. NIERSTEDT: Who wrote that?
 20 MR. VINEGRA: Normally for just change
 21 of tenancy for a smaller business, a mom-and-pop
 22 who's changing maybe a stairwell, we normally don't
 23 require them to come before the board, but they're
 24 changing some of their loading docks that they're
 25 going to go on to, their trash area is being

1 relocated. The transformer area is going to be
 2 relocated. So some of the way they -- some of the
 3 ways they function, the lot functions are being
 4 slightly modified. If they were just moving into
 5 the building with no changes to the site they
 6 wouldn't have to come before this board. They'll go
 7 into that, but they are making some changes to the
 8 way the area does function.
 9 CHAIRMAN GREET: Okay, thank you.
 10 MR. HEHL: And that's a great
 11 introduction to our first witness, our site
 12 engineer, Mr. Brad Bohler.
 13 BRADFORD BOHLER, sworn.
 14 MR. FRASER: State and spell your name
 15 and give your address.
 16 THE WITNESS: Bradford Bohler,
 17 B-O-H-L-E-R, 35 Technology Drive, Warren, New
 18 Jersey.
 19 EXAMINATION
 20 BY MR. HEHL:
 21 Q. I don't know if you have had the
 22 pleasure of being before this board?
 23 A. I have had an application here but I
 24 have not testified before the board.
 25 Q. Great. So if you could, briefly give

1 the board the benefit of your work, educational
 2 experience, area of expertise, licenses you hold as
 3 qualifications.
 4 A. I have a bachelor and master's in
 5 science from Purdue, Purdue University. I've been
 6 working in the industry for over 14 years, licensed
 7 for over ten. I hold a license in New Jersey which
 8 is current, as well as six other states. I've
 9 testified in front of 85 or so boards in New Jersey
 10 as well as New York and Pennsylvania.
 11 MR. FRASER: Field of expertise?
 12 THE WITNESS: Civil engineering.
 13 MR. FRASER: Mr. Chairman, I recommend
 14 that Mr. Bohler be accepted as an expert engineer.
 15 CHAIRMAN GREET: So be it.
 16 MR. HEHL: Thank you, Mr. Chairman and
 17 Mr. Fraser.
 18 BY MR. HEHL:
 19 Q. Mr. Bohler, you heard obviously my
 20 opening statement and the comments so far of the
 21 board and Mr. Vinegra, if you can take the board
 22 through.
 23 And this is a mounted version of the
 24 plans, but if it's got coloring that were not
 25 submitted previously, if we could mark that as A-1.

1 MR. FRASER: I saw Mr. Bohler just
 2 writing on it.
 3 THE WITNESS: Yeah, so I did mark it
 4 as A-1.
 5 MR. HEHL: Little less confusing than
 6 our prior case.
 7 (Exhibit A-1, Colorized Site Plan, is
 8 marked for Identification.)
 9 THE WITNESS: This is a colorized
 10 version of our site plan with landscaping over it.
 11 So the tan color would be the existing/renovated
 12 building. The dark gray area would be asphalt. And
 13 the green areas would be the landscaped areas or
 14 woodland areas on the site. And for testimony
 15 purposes, north is at the top of the page.
 16 Mr. Hehl mentioned that the site is
 17 the old Pathmark site which is the larger building,
 18 the transit lines to the north of the property and
 19 you have South Avenue south of the site. The
 20 address is 10 South Avenue.
 21 The property is roughly 5.2 acres of
 22 development area and our proposal is to take a
 23 portion of the building, it's referenced in Mr.
 24 Vinegra's letter as C so it's the lower portion, the
 25 southern portion of the building. And then there's

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1 a hallway I guess I would call it, the architect
2 will probably correct me on that, to get to one of
3 the loading docks in the back on the north side of
4 the building where the current loading area is.

5 The proposal is to repair the asphalt
6 parking lot, re-stripe it. I'm sure the board is
7 aware that the current condition of the parking lot
8 is not in the greatest condition. And we're going
9 to renovate the loading area as well to provide a
10 concrete pad.

11 So the renovations on the site are
12 generally based on ADA improvements. We are adding
13 a couple of parking corrals for the Lidl portion of
14 the property. We are relocating a trash enclosure
15 to the northern portion of the property and adding a
16 generator in those areas. So the result of the
17 improvements is essentially a nine parking space
18 loss for the site, but this is a fairly over-parked
19 property. The current code requires 169 parking
20 spaces. So we are going 347 to 338 with 165
21 proposed -- I'm sorry, required.

22 Access to the site is staying the same
23 as it is currently. The brook does cross on some of
24 the south side of the property so there are two
25 bridges or culverts that cross into the site.

13

1 That's the general site layout
2 conditions. I think that's a pretty good overview.
3 I can go into more specific detail if the board
4 would like, I know it's late.

5 MR. HEHL: Do we have time to have him
6 -- great.

7 BY MR. HEHL:

8 **Q.** Continue on with more of the details.

9 **A.** So in more specific detail there was a
10 request to add a bike rack. I know Mr. Nierstedt
11 appreciates that. We would agree to have a bike
12 rack underneath the canopy as requested by Mr.
13 Vinegra.

14 The cart corrals are also amended on
15 the plans. It's hard to see but they're in orange,
16 an orange box. There's three of those. Again we
17 focussed more on the Lidl side of things so people
18 can bring their carts to that location. And there's
19 a cart storage area along the front of the building
20 as well where the ADA ramp comes to the front of the
21 door.

22 We are losing 1,000 square feet on the
23 front of the building so that is to the eastern
24 corner near the western drive aisle, the building
25 bumps out at that location. The reason why we're

14

1 losing that is because that's the internal ADA ramp
2 that goes into the building. The first floor
3 elevation is elevated above the remainder of the
4 parking lot. So we're reconfiguring the ADA ramp
5 and we're able to remove that area.

6 Loading does occur in the back of the
7 property. So there is loading area for both users
8 north of the property. It's indented in the
9 building. We would reconstruct the loading dock at
10 the northernmost portion of the rail line and allow
11 for our truck to come in and enter that location.
12 The remainder of the building would actually
13 maintain its two remaining loading docks. So there
14 will be three remaining loading docks, we would be
15 one of those two.

16 From a loading perspective we see one
17 or two trucks a day for the larger trucks, WB-67s,
18 which are the larger trucks we have on the site.
19 And we did stripe out the area in the northern
20 portion so that the truck can turn and back in.
21 There are other delivery trucks, smaller box trucks
22 that come as-needed basis and do load in this area
23 as well.

24 Trash removal is very limited for our
25 use. We do have a trash enclosure in the back with

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1 a chain link privacy fence. There was a request to
2 rotate that trash enclosure 90 degrees so that the
3 gate faced I guess it would be westbound in towards
4 the loading dock. We would agree to do that as part
5 of our application in that area.

6 Again trash is picked up once or twice
7 a week or as needed depending on how much is
8 generated. All the recycling for the site would
9 actually occur within the loading operations. What
10 happens is now when they unload the trucks
11 themselves, at the same time they actually put back
12 the recycling back into the empty trailer and take
13 it back. So that's why the trash enclosure is a
14 modest size.

15 From a stormwater perspective we are
16 slightly reducing impervious coverage on the site.
17 It's about 900 square feet of impervious cover
18 reduction mainly based on the removal of the
19 building. We do meet DEP criteria. With the river
20 there's also a floodplain associated with the site.
21 We do meet all the DEP criteria with the floodplain
22 as well. Essentially the first front -- half of the
23 property is within that floodplain, so with removing
24 we're allowed to do that with DEP's process.

25 The generator is added to provide

1 backup power for the site. It's located at the
2 north of the property line along the rail line, so
3 it's in that area. There was a request to landscape
4 that so we will try to landscape that as best as
5 possible but also allow access to maintain that
6 transformer. The transformer is located outside of
7 the floodplain so it's allowed to function even with
8 a flood situation.

9 The remainder of the utilities,
10 actually there's no other changes. There is some
11 potential sanitary sewer modifications either
12 internally or just outside the building but
13 electric, gas, water will all be maintained as
14 currently installed.

15 The lighting perspective we have no
16 change of lights but there are some damaged and I
17 guess burned out lights on the site so we would do
18 an analysis, replace those lights and maintain them
19 and then make sure we work with Mr. Vinegra on
20 acceptable lighting standard from an engineering
21 perspective on the site.

22 Landscaping-wise we do have some
23 shrubs and grasses on the site. Approximately 200
24 plants throughout the project namely to enhance that
25 front area on the site for that area. That's really

1 the gist of the landscaping that is on the site.

2 And the last thing I want to talk
3 about is the signage. So we are replacing the
4 current free-standing sign which is to the eastern
5 side of the property. Trying to see on this
6 exhibit. We're going to replace some of the faces.
7 The larger face will be a Lidl face with their
8 "Rethink Grocery" logo and the smaller face is
9 reserved for a future tenant.

10 We do have four building-mounted signs
11 as well. One is the Lidl logo, one is the "Rethink
12 Grocery", two different panels, so there are two
13 signs facing South Avenue and two signs facing the
14 parking lot as well.

15 If the board is familiar with the site
16 The Food Emporium, I believe, was in there at some
17 point or had permits pulled for signage. Their
18 approved signage for the front vestibule, which
19 there's two big ones along the corner of the
20 building, were about 290 square feet each so upwards
21 of 580 square feet total for those areas. Our
22 proposals between the two signs are 165 square feet
23 for two signs together on each side.

24 So it's about 45 percent overall
25 square footage for the area. And there are also, I

1 drove by the site again today just to verify, there
2 were other signs in addition to that on the fronts
3 of the buildings. So there actually were four signs
4 on the building at some point. I don't know if they
5 had the approvals for that but we do have the zoning
6 permit that was issued for The Food Emporium signs.
7 That's all I had for overview.

8 BY MR. HEHL:

9 Q. And you have had an opportunity from
10 an engineering standpoint to review the Harbor
11 letter dated May 16th?

12 A. Yes.

13 Q. Any problems complying with any of
14 those terms and conditions?

15 A. I think I went through most of the --
16 weaved in some of the comments of Mr. Vinegra. I'm
17 not sure if there is anything you want me to hit
18 specifically on here.

19 Q. Maybe a couple of the existing, I know
20 that there's some variances, the parking lot is
21 generally going to remain the same but there's some
22 minor variances for stall sizes, and our planner
23 will touch on it, but from an engineering standpoint
24 if you can identify where they are and justification
25 from an engineer standpoint?

1 A. We're re-stripping the parking lot so
2 they're an existing non-conformity, Mr. Vinegra
3 noted that, but there's two areas that have
4 non-compliant parking spaces.

5 The first area, the 40 parking spaces
6 that we are proposing to re-stripe, they're
7 17-by-17 feet deep where 19 feet is required --
8 sorry, 18 feet is required. So it's three
9 feet -- sorry, 23 feet differential in that area, it
10 does meet the requirements for the width.

11 And then along the front portion of
12 the property, there's 14 parking spaces near the
13 southwest corner of the parking lot that are
14 substandard in size, 8.9 feet, but they are the
15 right depth. So very, very minor deviations from
16 the code requirement but because of the way that it
17 was constructed we're maintaining those parking
18 areas to be that same size.

19 Q. And then I think there's just minor
20 deviations in the aisle widths?

21 A. That's correct. Yes, there's along
22 the northern, near the proposed generator and
23 transformer that's proposed at 22.2 feet. That's
24 the minimum aisle on the site that's currently
25 striped as shown.

1 Q. And With respect to -- you attended
 2 the meeting with the fire chief. From a perspective
 3 of the Site Plan, I believe other than just making
 4 sure the fire hydrants were operational, from a site
 5 perspective I don't believe there were any other
 6 comments?
 7 A. That's correct. Original comments he
 8 had from the site perspective were making sure that
 9 the hydrants would be maintained and operational and
 10 that we would maintain them ourselves or the
 11 landlord would.
 12 Q. And from the police department I
 13 believe there was no comment other than just
 14 confirming -- I think our traffic engineer will
 15 touch on that -- the signals, limitations on the
 16 turns?
 17 A. Yes, he re-emphasized the location of
 18 the turn. So full movement on the western driveway.
 19 On the eastern driveway, which is to the right of
 20 the plan, it's a full movement in and then a right
 21 turn out only.
 22 Q. Right.
 23 MR. HEHL: I have no further questions
 24 of Mr. Bohler at this time.
 25 CHAIRMAN GREET: Go ahead, Kathy.

1 that location. There's emergency egress there so we
 2 felt that was necessary to have that added.
 3 MS. VILLAGGIO: You have a fence on
 4 the other side too.
 5 THE WITNESS: Yes.
 6 MAYOR TODISCO: I have a question with
 7 regards to the refuse area. You mentioned that it
 8 will be surrounded by a chain link privacy fence.
 9 And then in the engineering review comments our
 10 engineer pointed out that it should also have a
 11 natural landscaping screen around it. So I was
 12 wondering if it could be a better quality fence,
 13 like a wood fence, followed by a landscaped buffer?
 14 I think that would really be more
 15 aesthetically pleasing.
 16 THE WITNESS: Give me a second.
 17 MR. VINEGRA: I want to go into that
 18 briefly, Mayor.
 19 MAYOR TODISCO: Sure.
 20 MR. VINEGRA: I have done a number of
 21 food distribution facilities like this. Rodent
 22 control does become an issue. I want to ask the
 23 engineer if he would be opposed to building a
 24 building for refuse?
 25 It's a simple building. All it is is

1 MS. VILLAGGIO: I'm not sure, you
 2 didn't really testify to it, but the fence, you
 3 know, along the brook --
 4 THE WITNESS: I forgot to mention
 5 that.
 6 MS. VILLAGGIO: -- that's, you know,
 7 that's -- that is one of the variances I think, if I
 8 read correctly.
 9 THE WITNESS: That's correct.
 10 MS. VILLAGGIO: That fence has been
 11 there for -- since whenever. Some of it is in
 12 very -- it isn't in good shape at all because of,
 13 you know, the brook and the overflow and everything
 14 else like that.
 15 THE WITNESS: Sure.
 16 MS. VILLAGGIO: Can you take a look at
 17 it and work with our engineer?
 18 THE WITNESS: Yes.
 19 MS. VILLAGGIO: Victor, okay?
 20 MR. VINEGRA: Yes.
 21 THE WITNESS: It's a good point. The
 22 fence exists along the western parking lot area but
 23 the area doesn't exist where there's a landscape
 24 area next to the building. So that's where we're
 25 proposing it, so it would provide all protection in

1 concrete block with a metal roof and they can push
 2 the roll-offs in and out.
 3 The roll-offs have a cover but what
 4 happens, the covers stay open, someone leaves it
 5 open, and then you have a rodent problem.
 6 MAYOR TODISCO: Right.
 7 MR. NIERSTEDT: There's the
 8 board-on-board fence, and they actually run a -- I
 9 don't want to say a chainlink but a metal screen
 10 down to the ground and that prevents the rodents,
 11 too.
 12 MR. VINEGRA: It's not a part of our
 13 ordinance that's why it's in the letter. But I have
 14 had it done in other municipalities and normally the
 15 applicant agrees, a block building surrounding the
 16 dumpster.
 17 THE WITNESS: So we talked about the
 18 fence itself. The wooden fence is hard to maintain
 19 because you can't clean it.
 20 MR. VINEGRA: What I'm talking about
 21 is a concrete block, six foot high, with a metal
 22 roof, a standing seam metal roof, corrugated metal.
 23 Corrugated metal roof.
 24 THE WITNESS: So I definitely can
 25 comment on the roof for sure, that's not going to be

1 functional there because it's a front loading. So
 2 they have to back out with the dumpster itself as
 3 opposed to just picking it up, so the roof will get
 4 damaged and fall apart.
 5 MR. VINEGRA: What I'm saying is that
 6 I have done it. I mean we allow the roll-off. They
 7 come on wheels, the 10 yarders. They come on
 8 wheels, you push it out and then they pick up and
 9 dump.
 10 THE WITNESS: Appreciate it. With all
 11 due respect they're not going to wheel it out. The
 12 roof will get damaged. I have had these
 13 applications before and they always end up being in
 14 horrible condition.
 15 So the seaming block itself, we can
 16 certainly look at that but we found good positive
 17 use in using the Trex material, composite material
 18 for a fencing perspective. Easy to maintain, you
 19 can power wash it if you need to. You can replace
 20 panels if they get damaged easily. They're held
 21 together with a metal frame.
 22 MR. VINEGRA: The Trex fencing is much
 23 better than the PVC. And that other PVC not the
 24 white PVC, it's Trex like the deck.
 25 MAYOR TODISCO: Like a brown?

1 THE WITNESS: So it will look like a
 2 board-on-board fence but it won't age like a
 3 board-on-board fence.
 4 MAYOR TODISCO: And that's sufficient.
 5 THE WITNESS: And then the
 6 landscaping, I don't know if we have enough room for
 7 like arborvitae per se from a space perspective, but
 8 we can put some large evergreen shrubs that will
 9 grow 5 to 6 feet high to break it up.
 10 MR. HEHL: By the way, on that I was
 11 just told, and you will hear from our client, but
 12 they don't -- food is also taken away in the truck
 13 so they are not going to be disposing food in the
 14 dumpster. And certainly that would be -- that could
 15 be a condition.
 16 MR. NIERSTEDT: Mr. Chairman, on this
 17 the applicant asked to waive, there are 16 missing
 18 trees in the parking lot and ten missing trees along
 19 the right-of-way.
 20 Is your client amenable to planting
 21 those?
 22 MR. HEHL: When you say -- they were
 23 there on the old plan and are gone now?
 24 MR. NIERSTEDT: They're gone. Either
 25 cut or died when they were replaced. So 16 on-site

1 and ten in the right-of-way.
 2 Is your client open to plant,
 3 replanting those?
 4 MR. HEHL: Sixteen on-site?
 5 MR. NIERSTEDT: And ten in the
 6 right-of-way.
 7 THE WITNESS: So yes, we can agree to
 8 that but I would ask, Bill, if we can work with Vic
 9 on the species type because I think the reason they
 10 probably died out was either lack of maintenance or
 11 a poor species choice.
 12 MR. NIERSTEDT: I know the trees that
 13 were planted out front were Amur maple or cherry and
 14 all the cherry died. They replaced it with, Vic, I
 15 can't remember what is out there right now. But,
 16 yeah, absolutely work with Vic.
 17 One thing I will say is if you are
 18 going to work in the parking area, I appreciate
 19 that. Secondly if you work in the parking area I
 20 don't even know how those trees that are out there
 21 survived. They're in a concrete curbed area six
 22 inches above the asphalt. They are so confined.
 23 That is why in 25 years of trees are only about, you
 24 know, 20 feet tall.
 25 Vic, I would really appreciate if you

1 could work with the applicant to either as they're
 2 -- before they pave, if they're working on those
 3 islands to either make them bigger or, you know,
 4 open them up so that DEP current best -- what is it
 5 Best Practices to actually, you know, lower the
 6 planting area, open some curb cuts, the board can go
 7 in, because I'm very much afraid if we plant them
 8 again they're just going to die again because I mean
 9 they're literally -- I don't know how they lived, no
 10 water gets to them.
 11 So if you can work on that in addition
 12 to your plantings, I would really appreciate that.
 13 MR. VINEGRA: We should graft some of
 14 the branches from them and you can use them for --
 15 MR. NIERSTEDT: Good idea.
 16 MR. VINEGRA: -- genetically superior
 17 trees.
 18 MR. NIERSTEDT: Good idea. That's
 19 true.
 20 CHAIRMAN GREET: Yes, Steve?
 21 MR. BARCAN: I actually did the
 22 approval for this store decades ago, I have no idea
 23 how many. I remember one condition, we had to put
 24 signs in the parking lot essentially telling
 25 people --

1 MS. VILLAGGIO: About the flood?
 2 MR. BARCAN: Yes. When they come back
 3 the flood might be...
 4 MS. VILLAGGIO: They're still there.
 5 I think the signs are still there.
 6 THE WITNESS: There are a couple of
 7 them but we can add them back, a couple of them
 8 back.
 9 MR. VINEGRA: That is a DEP
 10 requirement. If you supply parking in a flood zone
 11 you must notice. If you lived in a building that
 12 the space with the old building on South Avenue, the
 13 first floor says these are flood spaces.
 14 MR. FRASER: Yeah, that was where the
 15 commercial tenants --
 16 MR. VINEGRA: That's correct.
 17 MR. FRASER: Us residential people we
 18 didn't know.
 19 MR. CAPOBIANCO: Is that why there's
 20 that big old speed bump that goes through that
 21 property?
 22 MR. VINEGRA: No, that was not DEP.
 23 That was just -- I think that was just an
 24 applicant's request to put a speed bump in there.
 25 MR. NIERSTEDT: I always thought that

1 was DEP. Doesn't that indicate the flood line?
 2 MR. VINEGRA: You don't have to do
 3 that.
 4 MR. CAPOBIANCO: It's currently funny
 5 and it doesn't go across the lanes, it goes down the
 6 lanes.
 7 MR. VINEGRA: DEP doesn't require --
 8 MR. CAPOBIANCO: It channels the water
 9 down, is that what it's for?
 10 MR. VINEGRA: -- to delineate --
 11 MR. CAPOBIANCO: So that's --
 12 THE COURT REPORTER: I'm sorry, I'm
 13 sorry.
 14 MR. NIERSTEDT: Let's go back to the
 15 sign. I don't know what the board thinks but I'm
 16 interested in everyone's opinion.
 17 We were trying to get rid of these
 18 free-standing signs and the sign I think if I have
 19 it right, is 28 feet?
 20 THE WITNESS: Yes.
 21 MR. NIERSTEDT: You know I said it
 22 with Shop-Rite, it's not as if people go down the
 23 block and say: Oh, there's a grocery store. People
 24 know where they're going when they are going grocery
 25 shopping. I don't think we need a 28-foot high

1 free-standing sign as an entry to Garwood.
 2 Shop-Rite has, if I can make mention
 3 of a competitor, Shop-Rite has reduced their sign
 4 down. Taco Bell has reduced their sign down. As we
 5 have these other applicants come in we have gotten
 6 them to put in monument signs.
 7 Has your applicant -- has your client
 8 thought about putting in a monument sign and getting
 9 rid of that free-standing sign?
 10 MR. HEHL: That hasn't come up.
 11 Certainly this is why we start the cases and get
 12 feedback.
 13 CHAIRMAN GREET: I like that idea as
 14 well.
 15 MS. VILLAGGIO: That is, Bill, that is
 16 an excellent suggestion. That sign there is
 17 very -- it's much, much too large and out of date
 18 basically.
 19 MR. SIMOES: It's a very recognizable,
 20 I mean it's a very different type of logo. You can
 21 see it...
 22 MAYOR TODISCO: Along the signage
 23 conversation, to bring up a competitor again, I know
 24 it was this planning board, not with the same
 25 membership -- maybe with some of the same

1 membership, when that competitor came in to North
 2 Avenue on the sign, to have Garwood on the sign. It
 3 says "Garwood ShopRite". And a lot of people
 4 mention that, that it's the only ShopRite around
 5 where you see the town's name.
 6 Being that this property is located on
 7 the Cranford border I think it would be wonderful if
 8 we could have our town name displayed proudly with
 9 the store name.
 10 CHAIRMAN GREET: Especially on
 11 entering our town.
 12 MAYOR TODISCO: Yes.
 13 MR. HEHL: On the free-standing sign?
 14 Sorry.
 15 MAYOR TODISCO: Monument. And
 16 considering there are now the proposed four signs on
 17 the building, I think between consideration of that,
 18 the monument sign and hopefully the name Garwood
 19 would be amenable to the applicant.
 20 MR. NIERSTEDT: You couldn't have
 21 planned that any better.
 22 MAYOR TODISCO: That was nice.
 23 MR. BARCAN: And the ShopRite Garwood
 24 sign suggestion came from the mayor.
 25 MR. NIERSTEDT: That's right.

1 MAYOR TODISCO: That's what I have
 2 been told.
 3 MR. NIERSTEDT: I remember that
 4 specifically.
 5 MAYOR TODISCO: That's my job.
 6 MR. FRASER: A lot of things about
 7 that Garwood ShopRite sign.
 8 CHAIRMAN GREET: I have a question and
 9 I have a little comment. I know you are going to
 10 have three cart corrals located I saw on the plans.
 11 What I did -- what I found and out on 22 you have
 12 Lidl as well and they have cart corrals. They're
 13 placed out on the peripheral end of the parking lot.
 14 But I don't know if it's something that Lidl does
 15 specifically or not, or doesn't do, but the carts
 16 were all over -- they're all over the lot.
 17 Literally all over the lot. I mean I don't know if
 18 they have anybody collecting these things on a
 19 regular basis or not collecting.
 20 Is it I method or a process that they
 21 use that they don't send people out there on a
 22 regular basis? Or is it -- is it just a unique
 23 situation that I came upon? I don't know.
 24 MR. HEHL: We can have operational
 25 testimony on that.

1 THE WITNESS: Yeah, I would like to
 2 defer that to the operational testimony. I don't--
 3 MR. NAPOLITANO: Having worked there
 4 for six years, all the carts flow into the brook.
 5 Everything goes right down that way.
 6 MAYOR TODISCO: That's why they need
 7 the fence.
 8 MR. NAPOLITANO: All the carts went
 9 down that way.
 10 MR. CAPOBIANCO: Can I ask about the
 11 handicap parking spots?
 12 THE WITNESS: Sure.
 13 MR. CAPOBIANCO: How many do you have
 14 right now?
 15 THE WITNESS: Four.
 16 MR. CAPOBIANCO: Four?
 17 THE WITNESS: Currently.
 18 MR. CAPOBIANCO: I mean, I'm sorry,
 19 how many do you propose?
 20 THE WITNESS: Eight. We need six.
 21 MR. CAPOBIANCO: So there's going to
 22 be eight. Four of them are going to be van
 23 accessible, correct?
 24 THE WITNESS: Yes.
 25 MR. CAPOBIANCO: Why can't all eight

1 be van accessible?
 2 THE WITNESS: So this site actually
 3 only needs six parking spaces, we're proposing
 4 eight. And then with regard to van accessible the
 5 code only requires one per six.
 6 MR. CAPOBIANCO: Right. But why not
 7 just do it like that anyway and make everything more
 8 comfortable for people that are handicap.
 9 THE WITNESS: So what you're going to
 10 end up having is multiple cars parked in those
 11 areas. So if you remember when we used to do
 12 eight-foot striping and then eight-foot spaces on
 13 either side, what would happen is three cars would
 14 ultimately park in those areas, or a motor cycle
 15 would park in the striped area. That's just the way
 16 it worked out.
 17 The code changed to be 11 and 5 and
 18 then 8 to help prevent that so that when you have
 19 the van there you have the ability to not have a
 20 third vehicle randomly parked there.
 21 If you make it 11, 5 and 11 you're
 22 allowing that to happen again because there's more
 23 space there. I understand your comment but that's
 24 what's ultimately going to happen.
 25 MR. CAPOBIANCO: Being sensitive to

1 it, having had to use some of these spaces myself in
 2 the past, I notice that when it's not a wider space
 3 with the buffer that people that have walkers have
 4 trouble getting in and out of their cars.
 5 THE WITNESS: Okay.
 6 MR. CAPOBIANCO: You understand? I'm
 7 saying this from experience because I was on a
 8 walker for a while going in and out of stores.
 9 THE WITNESS: Sure.
 10 MR. CAPOBIANCO: So if it was a
 11 regular cut space without the buffer, you couldn't
 12 open the door wide enough half the time to get your
 13 stuff out and get your walker out of the car and
 14 stuff like that.
 15 THE WITNESS: Okay.
 16 MR. CAPOBIANCO: So I'm just saying
 17 that, just from being -- you know, like having
 18 experience with it, I think that all of the spaces
 19 being made with the buffer is not a bad idea.
 20 THE WITNESS: We do have a couple
 21 extra feet along the curb line we can build into the
 22 parking space. It won't be in exactly the exact
 23 same size as the van space, but it would still be
 24 the size of the regular space, but we can add that
 25 back in to give a little more space there. So

1 instead of being 11 feet, it will be 10.5.
 2 MR. CAPOBIANCO: I don't get what
 3 you're saying there. Why can't you just project the
 4 four spaces to the next set over where you have four
 5 spaces without the buffer?
 6 THE WITNESS: Oh, we can. I am saying
 7 we would be able to re-stripe. We have space there
 8 to do that.
 9 MR. CAPOBIANCO: Okay.
 10 MAYOR TODISCO: I have a question on
 11 the parking that may not be for this witness but
 12 perhaps somebody else. Parking, it's clearly very
 13 ample at this site, which is lovely because that's
 14 not exactly true in the rest of our community.
 15 At the competitor location we secured
 16 commuter parking spaces that the town leases out per
 17 space. I would like to see us do that on this site.
 18 I know the location might be quite a distance from
 19 the Garwood train station, but I think it's actually
 20 a great location to the Cranford train station and
 21 also the bus stop nearby.
 22 So if that would be something the
 23 applicant would build in, I think that would be
 24 greatly appreciated by the community, and maybe to
 25 the tune of 20, 25 spaces.

1 MR. HEHL: That's something we can
 2 discuss but in this location, as opposed to like the
 3 Union location, they're only tenants here, so
 4 they're leasing a portion of the building. And so
 5 that's something we would have to go back and
 6 discuss with the landlord as opposed to --
 7 MR. NIERSTEDT: We have faith in your
 8 powers of persuasion.
 9 MAYOR TODISCO: I did not expect an
 10 answer tonight but I figured I would ask.
 11 MR. HEHL: Certainly. My clients are
 12 here to hear that.
 13 MAYOR TODISCO: Thank you.
 14 CHAIRMAN GREET: Anyone else?
 15 Seeing none, I will open it up to the
 16 general public for questions specifically of this
 17 witness.
 18 Seeing none, we'll close that portion.
 19 Okay. It's kind of 10:30. If you would like to
 20 wrap it up for tonight that would be fine or...
 21 MR. NIERSTEDT: Could we perhaps ask
 22 some questions? I heard you say the word
 23 "architect" before; is there an architect?
 24 MR. HEHL: Yes.
 25 MR. NIERSTEDT: I was wondering, maybe

1 I missed it, I didn't see an entrance. I know you
 2 will have a second tenant, but I didn't see an
 3 entrance for that tenant space.
 4 MR. HEHL: For the tenant? For the
 5 other --
 6 MR. NIERSTEDT: Yeah.
 7 MR. HEHL: -- for the other space?
 8 MR. NIERSTEDT: Right. And you don't
 9 have to bring your architect up, I'm just saying,
 10 can you...
 11 MR. HEHL: Actually that came up in
 12 our meeting with your fire chief. Right now there's
 13 none proposed because what was the old entrance is
 14 now incorporated in ours.
 15 So that will be, when that's
 16 re-tenanted, that will be done but your fire chief
 17 requested that we actually install a temporary
 18 entrance for fire access.
 19 MR. NIERSTEDT: Mr. Hehl, I'll be very
 20 up front, but I happen to be with the fire chief
 21 every morning at the train and he gave me a whole
 22 spiel this morning on concerns with this. So I'm
 23 very glad you got to meet with him.
 24 MR. HEHL: Yes.
 25 MR. NIERSTEDT: He didn't mention that

1 specific tenant entrance door but I didn't see one,
 2 so I appreciate that.
 3 MR. HEHL: Yes.
 4 CHAIRMAN GREET: Good.
 5 MR. HEHL: Do you want to hear from
 6 any of our other --
 7 CHAIRMAN GREET: I don't think at this
 8 time. We're going to carry this over anyway. It's
 9 past 10:30. Typically we have a ruling that we
 10 don't hear any additional witnesses beyond 10:30.
 11 MR. HEHL: Okay.
 12 CHAIRMAN GREET: So if you would like
 13 to summarize?
 14 MR. HEHL: I think that this was very
 15 helpful at least to begin the application. We got
 16 some feedback. We were able to provide you with
 17 information on our meeting with your fire chief.
 18 And if there are any other comments, again we find
 19 it very helpful to get those. I think the board
 20 asked some of the key comments that they had.
 21 I don't know if the Harbor crew has
 22 any.
 23 MR. NIERSTEDT: Can you make the
 24 pedestrian connection between the store and the
 25 parking lot a little wider, a little more apparent?

1 Right now it's being proposed just as a standard
 2 four-foot cartway.
 3 THE WITNESS: It's six feet.
 4 MR. NIERSTEDT: It's six feet? Even
 5 if you -- because I was trying to remember when we
 6 shopped at Pathmark what were the issues, and you
 7 know, people go down the -- I think I said the wrong
 8 store. We used to shop at Pathmark. The biggest
 9 issue was coming out there and having to cross major
 10 lanes of traffic.
 11 Shop-Rite, people go down that parking
 12 lot, but at least when you come out of Shop-Rite you
 13 don't have to cross that major driveway area right
 14 away. So if you can think about perhaps making the
 15 pedestrian area when you come out from the store to
 16 the parking lot --
 17 MR. HEHL: Crossing?
 18 MR. NIERSTEDT: -- more noticeable, a
 19 little safer, that would be appreciated. That's
 20 just a very minor point and this is more for the
 21 owner.
 22 MR. HEHL: And that is a striping?
 23 MR. NIERSTEDT: That's a striping.
 24 THE WITNESS: You're talking about the
 25 white striping across?

1 MR. HEHL: Great. Well again we
 2 appreciate the board entertaining at least us
 3 beginning our application this evening. And I
 4 assume, counsel, we'll be carried to the --
 5 MR. FRASER: Yeah, this is an
 6 application that there is no variance, right; is
 7 there Steve? So there's no notice.
 8 MR. HEHL: No, we noticed.
 9 MR. FRASER: Okay. It's being carried
 10 to the next meeting which is?
 11 MS. LEWIS: June 26th.
 12 MR. FRASER: June 26th. For any
 13 members of the public that are here for this
 14 application this is your notice. There will not be
 15 a renoting, we're carried for continuation.
 16 MR. HEHL: Very good. Look forward to
 17 seeing you next month. And have a great Memorial
 18 Day weekend and you're done with me for the night.
 19
 20 (Application adjourned at 10:40 p.m.)
 21
 22
 23
 24
 25

1 MR. NIERSTEDT: Yes.
 2 THE WITNESS: It's currently at six
 3 feet.
 4 MR. NIERSTEDT: Right. Make it wider
 5 because that's the major ingress and egress from the
 6 street. If you could make it wider, more noticeable
 7 for drivers that would be appreciated.
 8 And just mention to the owner, okay,
 9 because there's a plant I noticed growing in the
 10 back on top of the wall, it's called a Japanese
 11 knotweed, which is beyond invasive. It's like
 12 impossible to kill. You have to burn the, ha-hum,
 13 plant out.
 14 MR. HEHL: Where is that growing?
 15 MR. NIERSTEDT: Yeah, if you can
 16 mention that to the owner because he needs to get
 17 rid of that. We don't want that.
 18 It's as bad as poison ivy. It's not
 19 poisonous but if you look it up, Japanese knotweed,
 20 it's impossible.
 21 MR. HEHL: Where is that?
 22 MR. NIERSTEDT: On top of the
 23 retaining wall in the back.
 24 CHAIRMAN GREET: Okay. I think that's
 25 pretty much time.

C E R T I F I C A T E

I, ANGELA C. BUONANTUONO, a Notary
 Public and Certified Court Reporter of the State of
 New Jersey and Registered Professional Reporter, do
 hereby certify that prior to the commencement, the
 witnesses were duly sworn to testify the truth, the
 whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing
 is a true and accurate transcript of the hearing as
 taken stenographically by and before me at the time,
 place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither
 a relative nor employee nor attorney nor counsel of
 any of the parties to this action, and that I am
 neither a relative nor employee of such attorney or
 counsel, and that I am not financially interested in
 the action.

Angela C. Buonantuono

Angela C. Buonantuono, CCR, RPR, CLR
 License No. 30XI00233100
 Dated: June 7, 2019

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