

**Borough of Highlands
Planning Board
Regular Meeting
March 14, 2013**

Meeting Location: Highlands Elementary School, 360 Navesink Ave, Highlands, NJ 07732.

Note: This meeting was not electronically recorded.

Mr. Stockton called the meeting to order at 7:34 P.M.

Mr. Stockton asked all to stand for the Pledge of Allegiance.

Mrs. Cummins read the following statement: As per requirement of P.L. 1971, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Planning Board and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Mr. Schoellner, Ms. Peterson, Mr. Gallagher, Mr. Hill, Mr. Redmond,
Mr. Colby, Mr. Stockton

Absent: Mayor Nolan, Mr. Britton

Also Present: Carolyn Cummins, Board Secretary
Jack Serpico, Esq., Board Attorney
Robert Keady, P.E., Board Engineer
Debby Masterton, Court Reporter

**PB#2013-1 First Hartford Realty Corp.
Block 108 Lots 2.02 & 2.03, Route 36 & Orchard Ave
Hearing on New Business**

Dan Madrid, Esq., stated that this property is located on Block 108 Lots 2.02 & 2.03. Currently there are two separate lots consisting of a vacant car wash and the existing shopping center. The property is located on the H-O Zone and the proposed is a permitted use.

Mr. Serpico stated that he has reviewed the public notice and the receipts and finds the notice to be proper.

The following exhibits were marked into evidence during the hearing:

- A-1: Color Aerial photo of subject site;
- A-2: Colored rendering site plan drawing;
- A-3: Architectural of exterior of buildings;
- A-4: Truck turning template – vehicle circulation;
- A-5: Delivery Truck Vehicle Circulation;
- A-6: Signage plan

Jeffrey Spalt, P.E. & P.P. from Dynamic Engineering was sworn in and stated the following during his testimony and response to questions from the board:

1. He described his professional and education background and board accepted him.
2. He described Exhibit A-1, a colored aerial photo of the subject site. He explained existing structures on site structure, 52 parking spaces and that its 85% of impervious coverage.
3. The site has access on curb cut off Highway 36 and Orchard Ave.
4. Their plans are to remove both free standing signs that exist at the car wash and at the plaza 20 feet in height.
5. A-2: colored rendering site plan drawings on board – he described the site plan. He described the greenery and the proposed building. The main entrance would be at south east corner and parking would be on both frontages. There will be a drive thru pharmacy. East side of building trash area.
6. They are fully compliant with parking requirements. 49 spaces required and they have 67 spaces proposed.

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7. They are proposing to enclose existing driveway and create new. Exiting the site will be on both highway and orchard ave. Entrance to site will be off of Route 36.
8. The proposed site plan reduces the impervious coverage from 87% to 85%.
9. They will comply with engineering requirements.
10. Landscaping – 11 trees 11 shrubs and 120 ground plantings. He stated that they are in compliance with landscape ordinance.
11. Lighting – will comply they have 8 site lights on site which he further described.
12. A-3: Architectural of buildings - 28 foot proposed building height, beige color building with brick wall.
13. Signage – 3 signs sized 133.66 square feet, 78.6 square feet and 25.2 square feet. All signs would be facing Route 36 further described. Ocean Avenue Sign, 93.04 square feet, drive thru sign 7.38 square feet and rear sided sign drive thru sign 7.38 square feet.
14. A variance is required for the drive thru canopy dimensions.
15. The site is unique and has three frontages.
16. Reasons for variance, the front yard and rear of site is where variances come in. The applicant proposes a setback of 23.9 feet from Ocean Avenue to the proposed drive through canopy and 42 feet from Ocean.
17. 26.3 feet existing 42 feet is proposed building canopy and 23.9 feet from Ocean Avenue to the proposed drive through canopy and 42 feet from Ocean Ave to the proposed building corner.
18. He explained why he felt the best location to place the front entrance as proposed.
19. He explained reasoning for driveway lanes, one for pick up and one for drop off.
20. Width of entrance off Route 36 is 35 feet wide and the width off of Orchard is 25 feet wide.
21. A-4 – delivery truck vehicle circulation exhibit was shown to board and he described the site circulation.
22. With regard to if the island on Route 36 could be made wider, he explained that NJDOT controls that .
23. Store hours of operation will be 8am – 10pm.
24. There would be about 25 to 30 f/t employees at 6 to 8 at one time.
25. Deliveries will be made to site once a week for 45 minutes to unload.
26. He described differences between peak hours for CVS verses Quick Chek.
27. A-3 – Signage, only need variance for free standing sign. The sign is 44 square feet verses 15 feet in height and is located 10 feet from Route 36 & Orchard. The proposed is about the same as existing condition.
28. A-6 signage plan he described to the board and explained the electronic message board operations.
29. Variance for sign is for one free standing sign at the corner of Route 36 & Orchard. Maximum sign area of 24 feet, whereas 44 feet is proposed and for sign height of 15 feet, whereas 10 feet is permitted.
30. The proposed sign is to provide better visibility which he further explained.
31. Parking – 67 proposed spaces, whereas 49 are required. If they eliminate two parking spaces they could meet the sign ordinance.
32. There would be 8 to 10 employee's maximum per shift.

The board called for a five minute recess at 8:10 p.m.

Mr. Stockton called the meeting back to order at 8:16 p.m.

ROLL CALL:

Present: Mr. Schoellner, Ms. Peterson, Mr. Gallagher, Mr. Hill, Mr. Redmond, Mr. Colby, Mr. Stockton

Absent: Mayor Nolan, Mr. Britton

Mr. Madrid stated that he will recall Mr. Spalt for cross examination.

Mr. Madrid calls up Nicholas Verderese up to testify.

Nicholas Verderese, P.E., Traffic Engineer of Dynamic Engineering was sworn in and stated the following during his testimony and response to questions from the board:

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1. He described his educational and professional background to the board and the board accepted him as an expert witness.
2. He spoke about Exhibit A-2 which is a traffic study. He looked at Route 36 and Orchard Avenue. The site has frontage on three roads. The car wash operates as a right in and right out. All three frontages are under NJDOT jurisdiction.
3. They took advantage of all frontages to distribute traffic.
4. The proposed has good exits and allows for better situation.
5. This enables us to capture traffic without going on Orchard which he further explained.
6. He did traffic counts in October of last year and in April and May.
7. Peak traffic hours are from 5pm to 6pm.
8. Traffic impact would generate less existing car wash and strip mall.
9. He explained the impact at intersection and that there is no conflicting movements.
10. He did show some increase in delay in going southbound.
11. He then described the traffic striping on the proposed plan.
12. He described the traffic circulation.
13. Parking, they have 67 spaces proposed whereas only 49 spaces are required.
14. Yes, they can lose a parking space if needed to move sign.
15. Sign location, they can't move it back all the way to 25 feet because slope blocks view of sign so 15 feet is needed. He then explained how this warrants a variance.
16. He wants sign to remain as proposed on the plan.
17. If you move sign back then need to go higher in height.
18. The Route 36 driveway entrance flairs out to make bigger and he doesn't want it to go too far because of the adjacent Quick Chek store.
19. The driveway on Orchard is an exit only.
20. Delivery truck traffic circulation plan discussion with the board.
21. Sidewalks – Quick Chek is agreeable to provide sidewalks to connect with Quick Check.

Mr. Stockton asked if there were any questions from the public for Mr. Verderse but there were none.

Jeffrey Spalt was recalled and stated the following:

1. Sidewalks will connect to Quick Chek on both sides on Ocean and Route 36 but they will lose one parking space for sidewalk on Route 36.
2. Discussion about providing cross walks as discussed.
3. The site slopes from west to east and the existing retaining wall separates lots.
4. They have grade differentials and will grade up from Ocean. The retaining wall along Quick Chek side ranges from zero to 3.4 feet to 6 feet. They will have guardrail and 4 foot fence.
5. Drainage – goes down to Route 36. It will collect on site and bring to Route 36 which he further explained.. They will comply with Board Engineer's report.
6. Variance required for free standing sign.
7. The proposed increases compliance with impervious coverage. It's safer for vehicles and pedestrians.
8. There is no negative impact and no detriment to the zone plan.
9. Positive impacts, the variance can be granted without public detriment. No detriment to neighborhood.
10. Sign, visibility of sign relate to safety of vehicle travelers.
11. The grading relates to sign variance and creates a unique situation.
12. Lighting hours would be one hour prior to opening and one hour after closing.
13. He agrees with board engineer comments in report on lighting.
14. Security lights will remain on.
15. First Hartford is the broker for CVS, they then sign contract over to CVS. So CVS will be the property owner.
16. During transitioning period there will be a time when both the existing CVS and the proposed will be open at the same time.

Mr. Stockton asked if there were any questions from the public for Mr. Spalt but there were none.

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Mr. Stockton asked the public if anyone wanted to make any comments on the application but none responded.

Mr. Madrid gave his summation and stated that this application requires both preliminary and final site plan approval and variances for sign and canopy. He stated that all four variances are justified.

The board deliberated on the application.

Mr. Gallagher offered a motion to approve the application subject to the following:

1. Need NJDOT approval.
2. Compliance with Board Engineers letter dated 3/8/2013.
3. Submit amended site plan.
4. Restriping of loading area, increase lane width.
5. Installation of sidewalks and cross walks.
6. Provide fencing plan.
7. Drainage plan requires board engineer approval.
8. Lighting be restricted to 1 hour prior to opening and 1 hour after closing.
9. MCPB approval.
10. Freehold Soil approval.
11. Fire Official opinion.
12. Compliance with Title 39

Seconded by Mr. Colby and approved on the following roll call vote:

Roll Call:

**Ayes: Mr. Schoellner, Ms. Peterson, Mr. Gallagher, Mr. Hill, Mr. Redmond,
Mr. Colby, Mr. Stockton**

NAYES: None

ABSTAIN: None

Approval of Minutes:

Mr. Gallagher offered a motion to approve the January 10, 2013 Planning Board Minutes.

Seconded by Mr. Redmond and approved on the following roll call vote:

ROLL CALL:

**AYES: Ms. Peterson, Mr. Gallagher, Mr. Redmond, Mr. Colby,
Mr. Stockton**

NAYES: None

ABSTAIN: None

Mr. Gallagher offered a motion to approve the February 14, 2013 Planning Board Minutes.

Seconded by Mr. Redmond and approved on the following roll call vote:

ROLLCALL:

**AYES: Ms. Peterson, Mr. Gallagher, Mr. Hill, Mr. Redmond, Mr. Colby,
Mr. Stockton**

NAYES: None

ABSTAIN: None

Mr. Gallagher offered a motion to adjourn the meeting, seconded by Ms. Peterson and all were in favor.

The meeting adjourned at 9:22 P.M.

Carolyn Cummins, Board Secretary

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