

**BOROUGH OF WOODLAND PARK
PLANNING BOARD MINUTES**

February 6, 2012

Meeting called to order at 7:30 P.M. by Chairman Lepore.

OPEN PUBLIC MEETING LAW: THIS MEETING IS CALLED TO ORDER PURSUANT TO THE NEW JERSEY PUBLIC MEETING LAW, AND AS STATED IN NOTICES OF THE TIME, PLACE AND DATE PUBLICIZED IN ACCORDANCE WITH THE STATUTE. IT WAS INCLUDED IN A LIST OF MEETINGS FORWARDED TO THE HERALD NEWS AND THE RECORD AS REQUIRED NOTICES. IN ADDITION, THIS LIST HAS BEEN POSTED IN A PUBLIC PLACE BY THE BOROUGH CLERK, AND A COPY OF THIS HAS BEEN FILED IN HIS OFFICE FOR PUBLIC INSPECTION. PROPER NOTICE HAVING BEEN GIVEN, THIS MEETING IS CALLED TO ORDER AND THE CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THE MEETING.

MEMBERS PRESENT: TOM WEBB, COUNCILMAN HOLLOWAY, BILL KARP, KEITH TANSKI, JAMES PACELLI, MAYOR KAZMARK (Arrived at 8:30 p.m.), ROBERT BRIGATI, THOMAS ADAMO, ARTHUR MINSKY, RICHARD BERNSTEIN, AND PAT LEPORE.

ALSO PRESENT – JOSEPH WENZEL, BOARD ATTORNEY
KATHRYN GREGORY, BOARD PLANNER
DON NORBUT & WOODNEY CHRISTOPHE, BOARD ENGINEERS

FLAG SALUTE

RESOLUTION

DOCKET # 12-01 - GARRET POINTE ASSOICIATES – WEASELDRIFT RD. – BLOCK 85 LOT 14 – EXTENSION OF TIME OF PRELIMINARY SITE PLAN APPROVAL -
Application is hereby approved by a vote of 9 -0.

BOROUGH OF WOODLAND PARK MASTER PLAN – Master plan is hereby approved by a vote 9 – 0.

ORDER OF BUSINESS

DOCKET # 12-02 – FAIRWAY WOODLAND PARK, LLC – 1710 ROUTE 46 – BLOCK 122 LOTS 11 & 12 – CERTIFICATE OF OCCUPANCY OVER 5,000 SQ. FT./FINAL SITE PLAN/BULK VARIANCES

James Delia, attorney for applicant, stated Fairway Markets is a family run operation that started in Manhattan and is now branching out into the suburbs. It will be the 10th Fairway Market, one of which is in Paramus. The products you find there are second to none.

They are proposing taking over the old Pathmark store along with the liquor store next door. They are requesting approval of a certificate of occupancy over 5,000 sq. ft. and a variance for signs. They make the percentages but are over on height for the signs.

Edward Weinstein, project architect, was sworn in. He stated his qualifications and was accepted as an expert. Copies of the plans 11 X 17 were handed out to the Board.

Mr. Weinstein stated Fairway is a family owned business. The CEO's grandfather started the business as a fruit stand. Fairway is a foodie's delight. They specialize in fresh produce, meat and fish. Each department at Fairway is somewhat autonomous and somewhat unique. Every community where there is a Fairway is very happy with them. They are very generous to the community's they are in.

Mr. Weinstein said this store is about 63,000 sq. ft. It is not being expanded but they will be including the existing liquor store space. The existing liquor store space will be the produce department and the liquor area will be part of the store.

Mr. Weinstein said they are proposing a 10' high sign and would need a variance. The proposed sign is similar to the Fairway signs that have been put up on the most recent projects. If you look at the size of the frontage you can see that the sign does not look out of place. Fairway will be one of the anchors of the shopping center and they are quite a distance from the highway. The size of the sign will help it be visible from the highway. They are putting a liquor sign up that would be placed just to the right of the Fairway sign where the liquor store is. The liquor store will be part of the market but will have a separate entrance. It will be connected but somewhat separate. He did a comparison of signs within the shopping center. The Joyce Leslie sign is over 10' and the Chinese restaurant sign is much higher in percentage. They are at 4.4% of the frontage. They think the sign they are presenting is in proportion with the building and not out of character with the other signs in the shopping center. Page 3 of 5 of the plan was marked A-1, Page 4 of 5 was marked A-2, Page 2 of 5 was marked A-3, the sign board Page 1 of 1 was marked A-4 and Page 1 of 5 was marked A-5.

Mr. Weinstein said the brick is a common theme in all of the Fairway designs. He did not think it looked out of place with the other stores in the mall. They do have extra room for the signage but they would have to go horizontally which would not make it visible from the highway. In the plan that is now the liquor store would become a produce cooler and the liquor store would be centrally located in the market. The market has more prep areas than most markets and is somewhat unique.

Mr. Weinstein referred to the Board Engineer's report. They will comply with all ADA requirements on the revised plans. He confirmed they are not modifying any of the site drainage and he doesn't know of any drainage issues. They will be utilizing the existing

sewer and water connections. They will be expanding and upgrading the domestic water service because there is only a 2" line. They are not changing any landscaping or lighting but will be replacing curbs and sidewalks.

Mr. Weinstein said the hours of operation will generally be 8:00 a.m. to 10:00 p.m. The typical Fairway has about 450 employees with 100 to 125 employees working at any given time. They are a company that rewards loyalty and it is a union operation. Many of the jobs are highly skilled jobs in food preparation. They are not changing the area of the market so traffic should not increase. The actual square footage dedicated to sales space may be even less than Pathmark because there is more back of the house area dedicated to preparation. All deliveries will be handled at the rear loading docks. The trash will be compacted and there will be 3 pick ups a week unless required more frequently. There will be no dumpster. No changes are being made to vehicular access. They will get all approvals from all agencies. Fairway will post all bonds and escrow fees that are requested.

Mr. Weinstein said they will comply with all fire recommendations. There were comments that there were a couple of fire hydrants out of service and he has been informed by the owner of the shopping center that on or before 2/15 the hydrants will be replaced. The exterior canopy will be made of fire retardant material. The fruit stand is a part of every Fairway that permits it and the stand and awning will have the proper certifications.

Mr. Weinstein said there is an outside 20' X 50' refrigeration pent house that will be in the rear of the store that provides coolant refrigeration which is shown on the plan page 2 of 5.

Chairman Lepore asked if they would be having an outside fruit display. Mr. Weinstein said they do have it wherever it is permitted. Chairman Lepore asked if the color scheme is as pictured on the plan. Mr. Weinstein said yes. Mr. Weinstein said they are asking to put a canopy over the loading area where all deliveries will be made.

Chairman Lepore asked if the sign was 10' where 3' is permitted. He asked the actual square footage. Mr. Weinstein said it is 300 sq. ft. and only 4.4 % of the front. Mr. Karp said it shows 495 s.f. on the plan. Mr. Weinstein said that is a typo, the sign is 10' X 30'.

Chairman Lepore said the proposal is very unique and he likes the way it is set up. He asked if it was a brick façade. Mr. Weinstein said it is a stucco finish that looks like brick. Chairman Lepore asked about the maintenance of the canopy. Mr. Weinstein said that Fairway spends a lot of money on maintenance and none of the awnings are tattered at any of their locations. If the awnings weather they will be replaced and they are not retractable.

Chairman Lepore asked about security cameras.

Matt Cozza, Director of Real Estate for Fairway, was sworn in. He stated they have a national contract with NAFO. They come in and do all the cameras for them inside and outside. There will be security team on site and they have a security room with cameras everywhere. Most all of the Fairway boundaries can be picked up by camera. They make

people aware there are cameras and they are very visible. They will be keeping the exact same parking configuration and places for the shopping carts.

Chairman Lepore asked about the outside fruit stand. Mr. Cozza said there are security guards outside the market also. They have larger stores than this proposed store.

Mr. Bernstein asked if the workers are there 24 hours. Mr. Cozza said there will be people earlier and later than the operating hours. They do not do 24 hour deliveries and for the most part its 6:00 a.m. to 3:00 p.m.

Mr. Bernstein asked about the sign on the highway. Mr. Cozza said they will not be making it any bigger. Chairman Lepore noted that the sign on the highway is in Little Falls. Mr. Bernstein asked if it would be Fairway's liquor store. Mr. Cozza said Fairway will be purchasing the liquor store. Chairman Lepore asked if they are closed on holidays. Mr. Cozza said they are open 365 days a year. Chairman Lepore asked if there would be 450 employees and asked if they encourage hiring from the neighborhood. Mr. Cozza said they would be pulling from the neighborhood.

Mr. Bernstein asked if the liquor store sign needed to be so large. Mr. Weinstein said although it is part of the market it will be integrated for security and the sign is necessary. Although it is not an independent store it functions like a store within a store. They will have a separate entrance and cash register for the liquor store. They will be coming in to a common vestibule and you would go left for Fairway and right for the liquor store.

Chairman Lepore said he doesn't share the concern about the liquor store sign. He thought closing up the liquor store which currently has a sign would be about the same. He asked if the signs should be so close to each other. Mr. Cozza said it was because of the common vestibule. Chairman Lepore asked if the other stores have this set up. Mr. Weinstein said two other New Jersey stores have liquor stores with separate entrances. New York liquor stores must be separate stores.

Councilman Holloway asked when they close in what is now the liquor store and change the façade if the existing sign will come down. Mr. Cozza said it would. Mr. Tanski asked if the end of the façade to the left is the liquor store. Mr. Weinstein said the liquor store is on a different plain and there will be a blank wall.

Chairman Lepore said in this day and age the Borough has experienced having an empty store front in one of the largest commercial properties and he is happy that Fairway has decided to invest in Woodland Park. He has a concern about the size of the sign but understands competition with big box stores and the internet that the town has to encourage investments into the town. He said it is very attractive in the plans and hopes it comes out that way and draws a lot of business to town. He is willing to go along with the larger sign.

Councilman Holloway said he also had a concern about the size of the sign. He felt the point is well taken is that you must take into account the size of the façade. Mr. Karp agreed.

Mr. Adamo asked what the anticipated opening date would be. Mr. Cozza said they hope to open by August or September.

Chairman Lepore asked if they agreed to all the recommendations from the Borough's professionals, including the engineer, fire and police. Mr. Weinstein said they feel they can comply with all of the comments.

Mr. Norbut asked about the increase in the water service line. Mr. Cozza said they will be going to 3" service. Mr. Norbut said the ADA requirements are very strict with the slopes. He said they would need more detail on the slopes. Mr. Weinstein said they would supply more information to both the construction official and Mr. Norbut.

Chairman Lepore asked if security would work with the Chief and the police department. Mr. Cozza said definitely.

PUBLIC OPEN – CLOSED

Mr. Norbut asked if security cameras would be on the building. Mr. Cozza said yes.

A motion to approve with conditions discussed was made by Mr. Bernstein, second by Mr. Karp and approved by a vote of 9 – 0.

BREAK

Mayor Kazmark arrived at 8:30 p.m.

Call to order 8:30 p.m. Roll call. All present.

DOCKET # 12-03 – DIAMOND HOLDING, LLC (WALGREENS) – BROWERTOWN RD. – BLOCK 124 LOT 31, BLOCK 129 LOTS 5.03 & 5.04 – PRELIMINARY/FINAL SITE PLAN

Mr. Jerome Vogel, attorney for applicant, stated this is an opportunity for Woodland Park to provide additional services for its residents to have a very benign use of a Walgreens Pharmacy on a parcel which is actually located in Little Falls. It is fronting on Browertown Rd. as the Board will see on the plans. When the state completed the intersection of Rte 46 and Browertown it provided for some extra parcels that became available. It is a unique opportunity because both the state and the county have a program and the county has adopted a resolution to have as few curb cuts as possible on county roads and to the extent that it is feasible for properties to use joint access. This is exactly what the Board has the opportunity to review this evening. The site has some constraints as a result of a 100 year aqueduct for Passaic Valley Water and one for Newark Water. There are some changes in elevation also. The property suits the proposed Walgreens quite well but the driveway happens to lie entirely within Woodland Park. It will serve both the Capitol One Bank which is a very low utilizer of traffic and the Walgreens. They do have an approval from the

County of Passaic in reference to Browertown Rd. and access into Browertown Rd. They also have a letter of no interest from the State of New Jersey who has jurisdiction over the intersection. What has occurred here is a four way intersection so that this driveway that is serving just these two uses has a signal that will regulate the flow both in and out of the driveway to both the drug store and the bank.

Mr. Vogel asked the resolution of site plan approval from Little Falls Planning Board be marked A-1, the county approval letter be marked A-2, the letter of no interest from the NJDOT be marked A-3 and declaration of access easement which is the agreement by the property owners including Capital One Bank and Walgreens to utilize the joint access be marked A-4.

Chairman Lepore said for full disclosure that he does sit on the Passaic County Planning Board but at the time the application took place he recused himself from voting on the matter.

Mr. Wenzel asked Mr. Vogel if he has seen copies of the prior resolutions approving the Capitol One site. Mr. Vogel said he has seen them. Mr. Wenzel said in both resolutions there is conditions placed and among them being a traffic pattern study and traffic statistic study reviewed over a one year period. He asked if they were planning on presenting anything tonight in regard to that. Mr. Vogel said no he intends to present a traffic witness who is familiar with both sites and the prior approval who will testify to what they propose for the joint access. Mr. Wenzel asked what his position was in regard to this requirement in the resolution. Mr. Vogel said they have the absolute right to use the joint access which has been approved by the state and the county. The conditions for the Capitol One bank are between the Borough of Woodland Park and Capitol One Bank. It has no affect or basis with respect to the Board's consideration of this joint access for the use in Little Falls. Mr. Wenzel asked if he agreed that the joint access he is seeking is over the property that's located where the Capitol One Bank is currently located. Mr. Vogel said the joint access is on the parcel which is in Woodland Park, a portion of which is occupied by the Capitol One Bank. Mr. Wenzel asked if it is through that same egress and ingress they are seeking the current application to come in and out of. Mr. Vogel said they will share the same access approved by the County of Passaic and the State of New Jersey. Mr. Wenzel asked from a legal point of view where they may differ it is his opinion that the condition placed upon the property and to his knowledge it has not been met and that the application they are seeking does go to the issue of traffic patterns and statistics as indicated in prior resolutions. The one year study of traffic patterns and statistics is necessary to be completed under those resolutions and is necessary for the Board to have that in order to review the current application. Mr. Vogel felt they did not need it and if they did they needed it from someone other than them. He has a witness here who is prepared to testify who is a licensed professional engineer who is devoted to traffic and he has done counts which include the information mentioned in the bank's resolution. He felt the Board would have before them the information whether or not the study was done by the bank or not the information will be available through their witness.

Mr. Norbut said he was involved in the bank application and felt the study that was required as a condition of the bank's approval is critical to really understanding the traffic flow through the site. Because the sites are linked via access, ingress and egress, he felt it was critical for the Board to understand the traffic issues at the bank site. Mr. Vogel asked to make it clear that all of the information that the attorney and engineer spoke about is going to be in the testimony. If this is a pre-conceived attempt to preclude them from pursuing their application they should go ahead and do what they want, but if they want to be fair about it and really be interested in the facts about traffic on the site they must hear the testimony. It is up to the Board how they would like to proceed.

Chairman Lepore said the last thing he wants is for an applicant to feel they are not getting a fair shake. He considers himself to be a fair minded individual whether you agree or disagree. The Board will hear the testimony. He asked if Mr. Vogel had any information regarding whether the Board had any knowledge at the time of the bank application that the bank was giving an easement to the adjoining property. Mr. Vogel said to his knowledge no mention was made about the joint use of this driveway at the time that Capitol One came before this Board. Chairman Lepore thanked him. He said the reason he brought it up is because most of the members of the Board were on the Board at the time of the bank application as were the Board's professionals. He wanted the Board to understand they did not have what he considers critical information when making a decision on the bank application. He knows it has no bearing on this application but wanted it to be stated for the record that this Board did not know that Capitol One had given an easement. Mr. Vogel said the real question is a basic one and that is if it works. Chairman Lepore said they would leave that for the application process and asked Mr. Vogel to proceed.

Brian McMorrow, Engineer, was sworn in, he stated his qualifications and was accepted as an expert witness. Mr. McMorrow said he testified before the Little Falls Board in reference to this application.

Mr. McMorrow referred to the existing condition map dated 10/27/10 which were marked A-5. He stated the property is 1.2 acres and undeveloped with some scrubby vegetation. The site was used as a staging area by the DOT when they reconstructed the jug handle for Route 46. The Lexus car dealership has recently made some improvements on the dealer's parking lot. There is a fence along the border of their property and the car dealership property. Browertown Rd. is jointly maintained by the county and the DOT. They are proposing to make certain improvements to drainage in Browertown Rd. There are restrictions to direct access to Route 46 and Browertown Rd. Another challenge they have is a 41' grade change and what they are proposing is more or less what is there today. There are 3 water mains, two of which are 100 years old, and they are very large. In talking with Passaic Valley Water it was apparent to them that they wanted to minimize any loss of service to the hundreds of thousands of customers that utilize the water that runs in those mains. That was again a challenge for them.

Mr. McMorrow referred to the site plan Sheet 3 of 15 dated 10/5/10 rev. 12/21/11 which he has added color to see the improvements proposed. He said all the work that is proposed is in Little Falls. They are proposing a pharmacy that is a single story with 8,625 s.f. The

typical Walgreens you see are generally between 10,000 and 12,000 sq. ft. There is a drive thru proposed on the southerly side of the Walgreens. They are proposing to maintain some valving equipment the water company has on the property. They are also providing an ADA compliant sidewalk which was a challenge because of the grades there. They are proposing a pedestrian crosswalk across the driveway from the sidewalk on Browertown Rd. and providing a sidewalk connection to the bank. They will make the pedestrian walk ADA compliant.

Mr. McMorrow said Mr. Norbut indicated there is very little runoff from the property because it goes into pipes that go underground at Browertown Rd.

Mr. McMorrow said as indicated in the resolution from Little Falls the hours of operation are scheduled to be 8:00 a.m. to 10:00 p.m. which is similar to the store at the base of Browertown Rd. in Little Falls and the Fairway Market. Deliveries are going to be for the most part from tractor trailers that are controlled by Walgreens. They have agreed in conditions of the resolution from the County and Little Falls that deliveries will occur after hours and the truck routes will utilize only Route 46 and the off ramp to Browertown Rd. They have agreed to turning restrictions so that the trucks are not traveling along Browertown Rd. to the other store where there is a weight limit restriction and also trucks will not be proceeding north into Woodland Park. Other trucks that come to the site are your typical bread trucks that will come during normal business hours.

Mr. McMorrow described the driveway that accesses into the Walgreens site and is providing access to the bank. The driveway to the bank is directly across from the highway ramp and is signalized at that point to form a 4 corner intersection.

Chairman Lepore asked about the width of the southerly driveway. Mr. McMorrow said it is 12' wide. Chairman Lepore asked if a fire truck can negotiate that. Mr. McMorrow said yes, a 12' area is comparable to a lane on a highway. He said they did run analysis on truck turning type templates for delivery trucks and emergency vehicles for Little Falls.

Mr. Karp asked about the limitations on trucks and deliveries. Mr. McMorrow said there will be bread and milk in this store he would suspect there would be a delivery just before the store opens. The restriction on the deliveries was by the tractor trailer which provides the bulk of deliveries to this store.

Chairman Lepore asked how they deal with the fact that people may use the driveway to the bank on Briarwood Ct. as a means to avoid the light. He asked how they made that area safe and prevent someone from entering into the bank lot to avoid the light and continue into the Walgreens entrance. Mr. McMorrow deferred to the traffic expert. Chairman Lepore said the DOT will not permit access to the site from the highway or Browertown Rd. He asked if the reason the DOT is not permitting that is for safety reasons. Mr. McMorrow said yes. Chairman Lepore asked if there was any reason why the Borough of Woodland Park would want to restrict access to the site citing the same safety reasons. Mr. McMorrow said he can't speak for Woodland Park.

Mr. Wenzel asked if he could give more testimony about when they anticipate the bread or milk truck deliveries and how they plan for it in the flow of the area. Mr. McMorrow said deliveries are made at the most northeasterly corner of the building so the smaller trucks can navigate completely all the way around. A tractor trailer would have to come across the front and back to that location and then out again. Mr. Wenzel said the tractor trailers were restricted in Little Falls.

Mr. Vogel said he has put into evidence as A-2, the county approval dated 11/15/11.

Mayor Kazmark excused himself to go to another meeting and Mr. Pacelli will vote on this application.

Mr. Vogel read from the county letter. A developer's agreement must be made to set restrictions on the tractor trailer trucks. The applicant has agreed there will only be 2 such deliveries each week and be made by Walgreens trucks only. These deliveries will only take place when the pharmacy is closed and use only the route outlined in the circulation plan. Drivers will be instructed they must only access the site from the Route 46 ramp directly across Browertown Rd. from the site and all egress from the site must be directly to the Route 46 ramps. Tractor trailers will not be permitted on Browertown Rd. in either Little Falls or Woodland Park except to access the eastbound ramp. Drivers exiting the site must not block the common driveway and will be instructed to stop at the stop bar in the Walgreens driveway and wait for the light at the common driveway to turn green, using the pedestrian call button if necessary. The applicant will seek Title 39 coverage to make these restrictions enforceable and agree to maintain all signage.

Chairman Lepore said he was present when the testimony was taking place at the county he mentioned in the report that the trucks will not be permitted to cross the stop bar and if they had to they would jump out of the truck to push the pedestrian button and jump back in the truck and hopefully the light will change. Mr. Vogel said it will be late at night when both the bank and the Walgreens are closed so they would go out to the stop bar and just wait. It does not require using the pedestrian button and most likely would never be necessary.

Mr. Tanski asked where the truck would be stopped. Mr. McMorrow pointed out the stop bar. Mr. Tanski asked if he would stop there, wait for the light to turn and then in affect make a left hand turn to scoot across Browertown Rd. and up the ramp. Mr. McMorrow said yes. The distance from the stop bar to the intersection is about 80' or 90'. Mr. Tanski said the truck will actually be making a turn. Mr. Vogel said yes. The concern the county had was the tractor trailers are long and could prohibit a car from passing. It will be late at night but someone may come in to use the ATM.

Chairman Lepore asked if a vehicle is waiting because the light is red and there are cars during the daytime in the turning lane to the bank if the left lane is the turning lane. Mr. McMorrow said there are two lanes marked one is right turn only and the other is straight or left. Chairman Lepore said if there are two cars there and the vehicle on the bank property waiting to exit the property and a truck comes in and enters the one lane entry to the bank property if an average size tractor trailer could make the turn. Mr. McMorrow said he

thought the radii showed it would not but the trucks only would be coming in when the store is closed. Chairman Lepore said they do not know that. Mr. Vogel said the testimony is the only tractor trailers coming to the site would be Walgreens and they would regulate them to come only when the store is closed. He said you will not see a Walgreens tractor trailer in Woodland Park except on that driveway. Chairman Lepore said he did not know how that was going to be enforced but his question was if there are 2 cars in the left lane on the bank property, one car on the Walgreens property waiting to exit and a tractor trailer comes in if he can make the turn onto the Walgreens property. Mr. McMorrow said no.

Mr. Vogel said he would like to address the comment on how it is enforced. What he read from the letter from the county is they will submit a developer's agreement and provide Title 39. He is prepared to enter into a developer's agreement with the Borough of Woodland Park by providing Title 39 and putting in a condition their certificate of occupancy to operate this pharmacy upon the adherence of those traffic conditions. They would have an agreement that the county and the municipality would both have. He felt they had 3 ways to enforce it and have more control they would have normally for another site. They are trying to address the fact that the Board did not know about the Walgreens when they presented the plan for the bank. He cannot stand before them and say this is a ratable for Woodland Park but it is a joint access that is consistent with what the state and county has always had.

Mr. Bernstein asked when Walgreens entered into the agreement with the bank for the easement. Mr. Vogel said he was not the attorney for the Capitol One bank. It is his understanding that at the time the bank signed the lease they understood the access may be shared with the site next door. When he became involved in Little Falls and indicated that this might be a joint access the first issue he had to confront was a reciprocal easement agreement to both sides. It was negotiated and signed by the bank. He did not know if the bank knew about it at the time of the Woodland Park application. Mr. Bernstein asked the date of the bank's approval. Mr. Wenzel said the first resolution was dated 7/2008. Mr. Vogel said he would endeavor to find out when the bank knew about the joint access.

Mr. Tanski asked the time of the after hour deliveries. Mr. Vogel said there was no discussion of the exact hours. They only said after 10:00 p.m. No trucks can go into Little Falls or Woodland Park.

Mr. Norbut said that traffic signals controlling egress doesn't make all issues go away. He said cars are not prohibited from going into the site after the store is closed. He said it seemed unique that the 4 way intersection on site should be so close to the major roadway. He does not see it often. Mr. McMorrow agreed you do not see it often but it is not unique to urban areas. The case he made for Little Falls and the county was that due to the topography and existence of the water main, even if they had a blank slate and could design the sites together the appropriate place for the driveway is where they show it. It can't be in the back because it would require lowering the water main and the water company would simply not allow the loss of service for hundreds of thousands of customers. Mr. Norbut asked if he had a choice if he wouldn't put it as close. Mr. McMorrow said if he was back in Indiana where it is flatter he wouldn't put it so close. Mr. Norbut said it is normally not desirable to put conflicting traffic movements that close to the ingress point. Mr. Vogel said

he did not say desirable. Mr. McMorrow said it is not desirable but it is necessary given all of the other site restraints. They are guarding against potential for conflict through striping, signing and signalization.

Mr. Karp asked about other deliveries other than Walgreens that would be done during the day. Mr. McMorrow said there is sufficient space for them not to impede other cars.

Mr. Wenzel asked about the length of the area before you get into the parking area. Mr. McMorrow said it is about 75'.

John Harter, traffic engineer, was sworn in. He stated his qualifications and was accepted. He did the traffic study for the bank site also. As part of it around 2005 the state did the improvements and signalized the intersection. When the bank came in they redesigned the signal and upgraded the pedestrian crossings. They studied p.m. and Saturday mid-day for both the bank and Walgreens. They have done more than 100 studies for banks and 50+ for Walgreens stores. They do not study a.m. hours because they don't open early. They used ITE (Institute of Traffic Engineers) for trip generation and estimating peak hour in and out of both banks and pharmacies. In 2010 after the bank opened they did counts in Dec. 2010 on Saturday and Tuesday and from that data they create p.m. and Saturday peak hours. The bank is at about 1/3 of what the ITE projected for the site. Route 46 is very busy but Browertown is quite less busy. It seems the bank is drawing more from the local area and he felt Walgreens would do the same. Mr. McMorrow mentioned the Walgreens is very small and in fact he has never worked on a Walgreens so small. He has worked on buildings as large as 14,000 sq. ft. so it is a very low generator. If they had the room they would surely not lay out the site this way and pull the internal intersection away from the road and the signal. What you have to look at is the actual volume they are dealing with. The estimates for Walgreens using ITE are quite low because it is a small building. The peak hour for this is about 45 trips p.m. and Saturday about 35 trips coming into the site to do business. The two uses are fairly low generators given the size and location of the site.

Mr. Harter said he looked back at the time of his counts during the p.m. where the bank had more trips coming out at the signal. Over a 2 hour period in the evening they studied 72 cycles and queuing. The only time they saw queuing was 17 of the 72 cycles during evening peak hour which is only 23% of the time and 70% of the time there was no one at the driveway. It is important to give the history with the county and the DOT. The county was more difficult than Little Falls. There were a number of changes made. The DOT was also involved because of the access permit. They demonstrated to the DOT the trips were not a significant increase and they are not making any changes the letter of no interest was granted and include in the appendix. The letter of no interest is saying the permit issued in 2008 is still valid and DOT has reviewed the plan and accepted it. DOT clearly reviews the traffic safety issues. They widened the ingress area off the driveway into the Walgreens and 24' of width that helps single unit trucks and passenger cars come in without an issue. The only truck that has an issue is the one that would come once a week at night when the site is closed.

Mr. Harter said the various improvements were considered at the county which included image detection. The one sticking point with the county was the tractor trailers which was the focus of the last two meetings. The scenario of concern was the tractor trailer would be waiting on the Walgreens site at the stop bar onto the shared signalized driveway and would not have a call to the signal. The detection for the signal is right at the shared driveway. Its image detection which is essentially a camera mounted on the signal pole across the street which detects the traffic during normal operation and puts in a call when traffic is on the shared driveway. The concern is the truck on the Walgreen's site is not detected so the county wanted another image detector put on the second private property parcel and the state was adamantly against it. The state would not make an exception and felt it was not a concern or an issue. In the end the design received the conditional approval from the county. There are 3 signs that will restrict tractor trailers to make certain turns in Woodland Park and Little Falls. Woodland Park would have to pass ordinances for the turn restrictions at the driveway.

Mr. Harter said the level of service was C for the ramp and driveway and no level of service below that. They watched the existing queuing with 5 hours of data. There was a time there were no vehicles. In the study they looked at an analysis of the intersection. The results indicate based on the low volume of traffic from Walgreens exiting the site they have a car exiting the Walgreens site every cycle of the traffic signal at the peak time. The volumes are low and given these factors and approvals in place he sees the design as appropriate and will be affective. The traffic report he submitted was marked A-7.

Chairman Lepore asked if he did a traffic analysis after the bank was opened. Mr. Harter said it was done Sept. 2010. He was a part of the Capitol One application at the time and at the time his company provided the traffic study. Chairman Lepore asked if he was aware of the Walgreens proposal at that time. Mr. Harter said it was never directly mentioned by the project team. He said DOT was aware of it during their review. Chairman Lepore asked what that date was. Mr. Harter said he did not know. Chairman Lepore asked if he recalled the bank asking for the 2nd access to and from Briarwood Ct. Mr. Harter said he does remember and felt full movement would have been a good idea but ingress only was permitted. Chairman Lepore said the police chief in his remarks felt it was safer for it all coming out at the traffic light. The Board agreed with the chief's recommendation. He asked Mr. Harter if he felt the parking lot could be used as a thorough fare to enter the Walgreens site. He asked if he would be in favor for the Briarwood Ct. access to be closed. Mr. Harter said he would prefer the two way driveway. The police felt people would come out of Briarwood and make the left. They do have the ability to cut through the bank lot but it would people who really know the site. Customers will find it is easy to get to the bank that way but harder to get to the Walgreens. He felt they would be more apt to use the left turn at the signal. Chairman Lepore asked as a traffic expert he did not see any safety issue arising from the fact people can use the bank parking lot as an entrance to the Walgreens site. Mr. Harter said they are shared uses and one good point the police did make was some control should be provided for that traffic and a stop bar would be helpful for traffic heading southbound that would stop at the driveway before it crosses. Chairman Lepore asked if they would be violating laws if they used the Briarwood entrance to access Walgreens. Mr.

Harter said it would be better for the police to answer rather than him. The fact they have a shared access agreement he did not know if it would nullify the law.

Mr. Bernstein said he made it sound like there would be almost no one entering the store. Mr. Harter said there are so many banks and pharmacies they have really diluted the area. There is another Walgreens right up the street that they believe will remain open and they might be competing for the same customers. Mr. Bernstein felt it did not make sense commercially to have so few people coming into the store.

Mr. Vogel said it is interesting in society the proliferation of pharmacies. You see them all over the place. He felt the aging of the population and the need for Medicare & Medicaid to have readily available pharmacies to provide medication. What has occurred is that in order to keep a market presence the pharmacies are available to finance and proliferate themselves. Thus far he is not aware of any Walgreens closing down because they did not do enough business. Mr. Bernstein asked what takes precedent, a commercial venture or a safety situation that might occur. The commercial venture is in another town and this town is facing a possible safety problem. Mr. Vogel said he is standing in Woodland Park for a building in Little Falls and he can see that someone would say from Woodland Park that this is a building where we get nothing but the traffic and there is no benefit. The fact of the matter is he invites everyone here to stand on the property and look at the intersection as it is now. If it didn't work and people can't get in and out it is not going to work. He suggested that this would have no affect on Woodland Park whatsoever because it is right on the ramp, it is at a signalized intersection and the tractor trailers cannot go through Woodland Park or Little Falls. The only question is if cars can get in and out. The state regulates signalization and you have an opportunity better than a driveway that you would have coming out of a driveway that has no signalization. The Board engineer raises the uniqueness of this and the two driveways that are fairly close to the roadway. He said it either works or it doesn't work and their professionals have confirmed that it does work. Walgreens obviously thinks it works and the bank signed an agreement so they have no concerns that it does not work. He stated the proposal does not have any adverse affect on Woodland Park or its citizens. It is simply going to be operated on a parcel of property that has all the regulations you can expect and more than a driveway with a signal.

Chairman Lepore said he would like to address a couple of those points. The fact of the matter is he believes that they are not objecting to Walgreens being on that site. He would like to see people invest in the area because at the end of the day it benefits everyone. But for him to stand there and say it has no affect when he just brought up at least two what he believes to be reasonable concerns about how it does affect them. He said they had a conversation after the presentation to the county and he said his concern was they are entering and exiting in the same area and that's creating in his view a dangerous situation. He said at the time he told Mr. Vogel that if could find an alternative site he would accept the traffic coming in but he should just find another way for it to go out he would support the application. He asked if that was a comment from someone who was against the application, no. Is that a comment of a person who doesn't want to see investment in the community, no. Is that the comment of someone who is concerned and has valid and serious concerns about the welfare of not only the resident of Woodland Park but anyone who

accesses the site. Mr. Vogel said he did not agree with him at the time and he felt there were not the problems that he saw. He said they stood out there together and they both saw different things. He sees no adverse affect on Woodland Park. It's at the end of Woodland Park and the piece is in Little Falls and does not believe there is any affect on the resident's safety. The intersection has a signal that has been vetted and controlled by the county and state which is better than any shopping center driveway without a light.

Chairman Lepore said Mr. Vogel keeps saying the state and county have approved this entrance. As he stated earlier the DOT would not let them access or exit from Route 46 or Browertown Rd. because they had safety concerns and asked why the Borough of Woodland Park should have any less safety concerns. As far as the county is concerned the Board's operation and mission is not to worry where the parking lot is and where the building is, it has to do with drainage and impact on the county roads and once you meet the criteria for that the county will more often than not give approval. He felt having the county's approval, which he did not agree with, is not the be all and end all. The state approved it only because they want everyone at the light. He thought it was not the state's concern it was the town's concern. Mr. Vogel said he and the Chairman have had many discussions and he has come to know he is not going to convince him but he has an abiding conviction of his own that there is no affect on Woodland Park. The only way Woodland Park can be affected is the traffic at the road and everyone at the county and the DOT said that is not going to happen but Pat Lepore says it is going to have an adverse affect on Woodland Park. Chairman Lepore said they are creating a 4 corner intersection within a parking lot and the concern there is the traffic accidents that will inevitably take place there and not just vehicular but pedestrians are also at risk.

Mr. Vogel suggested that a traffic accident is less likely to happen given the short throw between the 2 access points between the bank, Walgreens and the traffic light. You are not going to have cars able to accelerate to a great speed, cars that are making movements onto the access road with a light just in front of them and they are circumstances that are not going to cause accidents but create drivers that a heeding to the atmosphere that exists on that driveway. Councilman Holloway asked if this property ever had a way onto Route 46 before the DOT enhanced the ramp. Mr. Vogel said he thought the parcel did not exist as it exists now until the ramp came in. When the state decided to do the ramp they decided also to restrict access to Route 46. Chairman Lepore said he is not blaming Mr. Vogel because he came into it late in the game but he felt that when the Board approved the bank application 3 years ago they did not have an important piece of information at its disposal in making its determination of its approval of the bank. He did not want to speak for everyone but when he was sitting there, had he known that the access to that piece of property was going to have an easement to a parking lot he would have voted differently. They may have been able to work this out but the Board was denied a very, very serious piece of information. Mr. Vogel said that is an unfortunate situation that occurred that someone didn't confront it and say they were going to have two parcels and two uses with the same access so the Board is either going to come to the conclusion that it works or it doesn't work and if the Board concludes it is a danger to the citizens of Woodland Park they should vote against it.

Mr. Karp said everyone can go and look at it but the residents of Woodland Park live with it everyday and see a different picture than other folks do. They see the conditions of that road everyday. Mr. Vogel said you get the feeling it's the ramp to 46 and the ultimate end of Browertown Rd. in Woodland Park and ask if this proposal would have an adverse affect. He suggests he is not looking at a snapshot he is looking at the intersection as it exists and he does not see how the bank and a pharmacy would have an adverse affect.

Chairman Lepore asked Mr. Harter if the only tractor trailers would be Walgreens and they would come in the middle of the night. He asked if tractor trailers can negotiate that driveway with a car waiting to exit and two cars waiting at the light. He believed Mr. McMorrow said no. Mr. Harter agreed they could not negotiate the driveway. Bohler ran the truck turning exhibits and they agree. Chairman Lepore said the Walgreen believes that the only tractor trailers on site would be the ones they control. Mr. Harter said that was correct. Chairman Lepore asked if Walgreens would sell soda. Mr. Harter said he believes they would. Chairman Lepore said it would be a natural assumption and asked what type of truck would deliver soda. Mr. Harter said they have been told the only tractor trailers is the Walgreens nighttime tractor trailer so the soda truck would be some type of single unit truck. Chairman Lepore asked if he was familiar with the delivery trucks for Coca-Cola. Mr. Vogel said he worked his way through college driving a Coca-Cola truck. Chairman Lepore said those were old trucks. He asked Mr. Harter if he was aware the major soda suppliers do use smaller versions but they are tandem trucks. Mr. Harter said he had not thought of it. Chairman Lepore asked if a 35' straight job can negotiate the turn. Mr. Harter said the truck used in the templates is a single unit 30' truck. Chairman Lepore said 35' bumper to bumper.

Mr. Tanski referred to the county letter where they restricted tractor trailers to non-business hours. He asked how difficult it was to get Walgreens to agree to it. Mr. Tanski said there is traffic in the bank lot between 10:00 p.m. and 2:00 a.m. He asked how difficult it would be to get Walgreens not to deliver at that time.

Mr. Harter said the overall length of the truck in the template was a 30' truck. Chairman Lepore felt the soft drink trucks are much longer than that.

Chairman Lepore said it was 10:25 p.m. and asked how many more questions there were.

Mr. Wenzel said he reviewed the resolution for the bank and it did not indicate who from Mr. Harter's firm testified. He asked Mr. Harter about the one-year study that was part of the bank resolution and felt he may have some knowledge as to why it was or wasn't done. Mr. Harter said he believes he attended a meeting but he did not know if he testified because they have 4 P.E.'s in the office. He does not remember testifying to it directly. They were finished with the traffic testimony at a meeting before the meeting where it was approved. He was not aware of the condition. Mr. Wenzel said after the meeting he will speak to Mr. Harter or Mr. Vogel can provide him with a copy of the resolution. It is his opinion that the one year traffic study was a condition placed on that resolution even though they are talking about a site in Little Falls it nonetheless has to cross over into Woodland Park. It is his opinion that the condition has to be met in order to take further action with regard to this site

because you are coming on to that site. He knows why they are coming onto the site but there is a condition that has to be met and he thought the applicant in this case needs to address that by the next meeting. Mr. Vogel said they have most of the information already. Mr. Harter said it depends on how the condition is written. Mr. Wenzel asked if he was saying the reviews he did may meet the requirement of the one year study. Mr. Harter said it is about a year. Mr. Wenzel felt Mr. Harter should review the resolution in order to understand it. Mr. Harter agreed.

Councilman Holloway asked to see the easement agreement. Mr. Vogel said it was submitted and marked A-4.

Chairman Lepore read the resolution for Docket 08-03 and the conditions of approval they discussed. He thought Mr. Wenzel read the first part on another resolution which they would also provide to him. Mr. Vogel said the bank did not live up to their obligation but he offered as a part of their approval they will generously provide the Board with the study the bank did not do. Chairman Lepore said it's an offer he has to refuse. He felt it raises other issues the attorney's should discuss.

The application will be carried until April 9, 2012 meeting. Applicant agrees to waiver all time restrictions.

A motion to adjourn was made by Mr. Adamo, second by Mr. Karp. All in favor. Meeting adjourned.