

**THE BOROUGH OF WATCHUNG**  
**Planning Board**  
**Regular Meeting**  
**September 20, 2022**

**OFFICIAL MINUTES**  
**Adopted 10/18/22**

Chairwoman Tracee Schaefer called the Regular Meeting to order at 7:30 pm

**ROLL CALL**

Ms. Tracee Schaefer, Chairwoman	Mr. Paul Fiorilla
Mr. Donald Speeney, Vice Chairman	Mr. Troy Sims
Mr. Keith Balla, Mayor	Ms. Yvette Nora
Mr. Pietro Martino, Councilman	Mr. Francis P. Linnus, Esq.
Ms. Ellen Spingler, Secretary	Mr. Mark Healey, Board Planner
Mr. Al Ellis	Mr. John Jahr, Traffic Engineer
Ms. Karen Pennett	Mr. Richard Calbi, Jr., PE, PP
Mr. Steve Pote	

Chairwoman Schaefer read the statement indicating the meeting was being held in compliance with N.J.S.A. 10:4-6 of the Open Public Meetings Act, the Municipal Land Use Law requirements, and the recording of the Minutes as required by law. She also stated that in order to comply with the executive orders signed by the governor, and in an effort to follow best practices recommended by the CDC, the meeting was being held virtually for all board members, board professionals, the applicant, the applicant's professionals, interested parties and members of the public. The Board members identified themselves for the record. She then led the flag salute to the American flag.

**MINUTES**

On motion by Mr. Pote, seconded by Ms. Spingler, the regular meeting minutes from August 16, 2022, were accepted and carried on voice vote with Mr. Sims and Mr. Ellis not eligible to vote.

**APPLICATION**

Case No.: PB 22-01; Shoprite  
1701 Rt. 22  
Block: 6404 Lots: 2.01, 2.02, 2.03, 2.04  
Represented by: Michael P. O'Grodnick, Esq.  
HD Zone

Michael P. O'Grodnick, Esq. entered his appearance on behalf of the Applicant. The notice was sufficient and served in a timely manner, giving the Board jurisdiction to act.

Out of an abundance of caution to not give the appearance of conflicts, Mayor Balla and Councilman Martino recused themselves from the application due to ongoing negotiations with

Applicant as to matters discussed in closed session during Borough Council meetings. There were no direct/indirect conflicts.

The following material was submitted to the Board prior to the hearing:

- Preliminary & Final Major Site Plans (31 sheets), prepared by Bohler Engineering NJ LLC, dated July 8, 2022, and last revised August 26, 2022.
- Boundary & Topographic Survey (3 sheets), prepared by Control Point Associates, Inc., dated May 3, 2022.
- Architectural Plans (6 sheets), prepared by CASCO, dated July 8, 2022.
- Truck Turning Exhibits (2 sheets), prepared by Bohler Engineering NJ LLC, dated July 8, 2022, and last revised August 26, 2022.
- Phasing Exhibits (5 sheets), prepared by Bohler Engineering NJ LLC, dated July 8, 2022, and last revised August 26, 2022.
- Stormwater Management Report (76 pages), prepared by Bohler Engineering NJ LLC, dated July 2022.
- Traffic Impact Statement (17 pages), prepared by Atlantic Traffic & Design, dated July 8, 2022.
- Operation and Maintenance for Precast Concrete Grease Interceptors (13 pages), prepared by the National Precast Concrete Association (NPCA), no date.

Mr. Speeney, author of the Site Plan Committee Report, dated 9/18/22, read same into the record.

Mr. O'Grodnick described the subject property as a 420,000 sq. ft. retail space located on Route 22 in the HD zone. The Site had operated as retail space for decades. The uses currently on the Site were all permitted uses. The application was triggered by negotiations between the Shoprite and the property owners to construct a new Shoprite on the Site which would also include rehabilitation across the majority of the Site to the facades of the buildings, parking areas, improvements to traffic circulation, as well as a renovated loading area in the rear. Mr. O'Grodnick explained that the construction would be completed in phases. While the new Shoprite was under construction, the old Shoprite would remain open and fully operational. Once the new Shoprite was operating, the old Shoprite space would be converted into two new tenant spaces. The Applicant would be seeking several variances relating to proposed signage on the updated façades, along with variance for maximum lighting for safety at the entrance and exit of the Site. The Applicant had four professionals to present testimony.

Mr. Linnus recommended the Board decide whether they would grant the waivers the Applicant was requesting. Mr. Calbi read through the waivers, and the Board granted the waivers requested for the following:

- A. Checklist Item #12- Tree Removal/Tree Replacement Application and fee submitted to the Department of Engineering.
- B. Checklist Item #31- Location of all watercourses, ponds, lakes, rivers, streams, brooks, wetlands, wetland transition areas and buffers, flood hazard areas, steep slopes over 30%, wooded areas and other environmentally sensitive areas on and within 200' of the project

site. A Letter of Interpretation (LOI) from the New Jersey State Department of Environmental Protection shall be submitted for all delineated wetlands. If there are no delineated wetlands, the Applicant shall provide a wetlands site evaluation prepared by a qualified individual or firm.

- C. Checklist Item #32- The location and species of all existing individual trees or groups of trees having a caliper of four inches (4") or more measured for and one-half feet (4'-6') above the ground level shall be shown within the portion(s) of the tract to be disturbed as a result of the proposed development, indicating which trees are to remain and which are to be removed.
- D. Checklist Item #52- Plans typical cross sections and construction details, horizontal and vertical alignments of the centerline of all proposed streets and of all existing streets abutting the tract including street names as required by Ordinance. Road plans and profiles shall be submitted. The horizontal scale for plan and profile shall be 1"=20'. The vertical scale of the profile shall be 1"=5'. The profile shall be shown directly under the plan and if the space on the sheet permits it, two sections of plan and profile may be shown on the same sheet. Drawings are to be on 24" by 36" or 30" by 42" sheets. The plans of the road shall show the center line, right-of-way lines, stations of beginning and ends of curves curve data, 50 foot station points, equations of stationing, streams, culverts, roads and driveways or near the right-of-way, utility poles, trees, buildings and other obstructions within the right-of-way, houses, and buildings within 50 feet of the right-of-way property division lines and names of adjoining property owners. All construction under streets such as water lines, gas, electric and cable lines, sanitary sewers, and storm sewers, shall be shown on both plan and profile.
- E. Checklist Item #53- The names, location and width of all existing and proposed easements and rights-of-way, the use(s) for which they are intended to be limited, the manner in which the easements will be controlled, and to whom they are granted on and within 200' of the tract.
- F. Checklist Item #55- Environmental Impact Statement (when required by Board).

Mr. James Thaon, PE, having a business address of 125 Path Mile Road, Warren, NJ, was duly sworn, gave his credentials, and was accepted by the Board as an expert in civil engineering. Using Exhibit A-1, dated 9/14/22, Mr. Thaon oriented the Board to the Site. The Property had frontage on both Rt. 22 and New Providence Road. The existing conditions on the Site provided three access points which would not change as part of the changes proposed by the Applicant. The existing parking was 1,654 parking spaces. Mr. Thaon entered into evidence Exhibit A-2, dated 9/14/22, a colorized overall Site Plan. He testified as to the proposed location of the new Shoprite which would include a mezzanine area. Also proposed as part of the improvements would be Retail C along with a plaza in front. The majority of the renovations would be within the existing footprint of the existing structure. The changes would increase the building footprint by 263 sq. ft, and the inclusion of landscape islands throughout the parking surface would reduce the overall lot coverage. The Applicant proposed closing some of the drive aisles to generate a

safer traffic flow throughout the Site. The grading in some areas would be modified. As to the sidewalks, Mr. Thaon testified the Applicant proposed 8.7 ft. sidewalks, whereas, 10 ft. is required. Further, he testified that Shoprite will use the outdoor space along the sidewalks for outdoor storage of seasonal sale items. Mr. Thaon testified the parking spaces were 9 ft. by 18 ft. and with the inclusion of the Shoprite mezzanine, the total number of spaces required would be 1,911 parking spaces. The Applicant would provide 1,649 parking spaces with 32 banked spaces. There was a total of 8 cart corrals being proposed. The Applicant stipulated to the 2021 requirement of including EV charging stations throughout the Site. Mr. Thaon explained that the EV charging stations count as double-parking spaces bringing the total parking space requirement down to 1,748 from 1,911 parking spaces. Mr. Thaon continued his testimony discussing the rear loading area. The area would be re-graded to better accommodate the Site, and the total number of loading spaces were up to code. He opined that it was important for Shoprite to remain operational throughout the construction process. The utilities would remain. The reduction in impervious coverage does not necessitate a need for stormwater management. The proposed landscape complies with the code. The lighting would be upgraded to LED. The current height of the light poles was 32 ft. Mr. Thaon opined that the placement of the light poles made sense for security. The Applicant requested variance for the maximum lighting allowed along the edge of the Property to provide adequate light for travel onto the Property. The Applicant proposed 6.1-foot candle lighting along the edge of the Property, whereas, 0.5 foot candles is the maximum allowed.

Mr. Thaon entered into evidence Exhibit A-3, dated 8/2/22, Concept Elevations. He described where tenant spaces A and B would go after the new Shoprite was operational. The signage on the new Shoprite space would include a "Shoprite from Home" measuring 39 ft. and a circular Shoprite sign measuring 10' by 10'. Mr. Thaon entered into evidence Exhibit A-4, dated 8/2/22, Concept Elevations. He testified that the main entrance sign would be 167 sq. ft. Further, he testified the signage for Retail C would be compliant with code. Mr. Thaon testified the signs would be setback 630 ft. from Route 22 with over a 30-36 foot slope from the frontage on Route 22 to the stores. The Applicant was seeking relief from the size of the signs, but Mr. Thaon opined the size was appropriately scaled to the size of the building and in consideration of the significant setback from Route 22.

Mr. Thaon continued his testimony describing the proposed plaza area next to Retail C which would host an outdoor seating area and green wall.

The Applicant stipulated to compliance with the items outlined on the BVE engineering report prepared by the Board Engineer, Mr. Richard Calbi, Jr., dated 9/16/22. As to General Conditions- Item #2 relating to the proximity of the residential properties adjacent to the Site on Johnston Drive, Mr. Thaon testified that the location of the loading area would remain consistent to the existing condition on the Site and reminded the Board that there were significant grade changes between the loading area and the property line. Mr. Thaon testified that compliance with Item #3 under "General Comments" to extend the sidewalk along Route 22 to become ADA compliant was not possible. The Applicant stipulated to repair the asphalt curbing along the center's collector roadway. The Applicant stipulated to compliance with Site Layout Plan-Item #2 to provide detail of the proposed generator and compliance with sound attenuation, should the project be approved. The Applicant stipulated to providing 67 (EV) make ready parking spaces throughout the Site. The Applicant stipulated to providing curb ramps at all locations throughout

the Site. The Applicant stipulated to provide details of the proposed green wall which was an architectural feature. The Applicant stipulated to provide trash and recycling receptacles throughout the Site. The Applicant further stipulated to the Site Committee Report.

Mr. Thaon testified that the plaza was proposed to provide enhancement to the Property. There would be adequate lighting, and he opined that the plaza would benefit the retail site. On questioning of the Board concerning the impact of Retail C, Mr. Thaon testified that the tenant of Retail C was not known, and further, the plaza was for shoppers not for the use of the future Retail C tenant. Upon further questioning of Board members, Mr. Thaon testified that there would be adequate lighting and security on the Site to address any concerns of potential loitering issues. He opined that retail spaces, in general, were struggling, and the Applicant needed to provide other amenities like hardscaping and landscaping to draw shoppers to the Site.

On questioning of Board Member Speeney concerning a condition to the original approval to install a bus stop on the Site, Mr. Thaon responded that a bus stop was not part of the present application.

As to the clothing bins on Site, Mr. O'Grodnick responded the Applicant would stipulated to working with the Board Engineer for the location of the bins.

In response to Mark Healey's planning memo, dated 9/18/22, Mr. Thaon testified in response to comment #5 that the wall mounted lights would be downward facing. As to comment #6 relating to (EV) make ready spaces, the Applicant stipulated to the review and approval of the Board engineer for placement of same. The Applicant stipulated to include more landscaping in the proposed island on Sheet C-303. The Applicant stipulated to planting a tree in the island fronting the single parking row to provide vertical definition to the island. The Applicant stipulated to the review and approval of the Board Planner as to alternate plants on the Site.

As to the lighting, Mr. Thaon testified that increased lighting levels would be in compliance with standard levels. Further, he testified the lighting levels at the back of the Site did not exceed what was required.

On questioning of Chairwomen Schaefer as to whether the lights are dimmable and further to Mr. Healey's question as to whether the Applicant would consider lighting that could be adjusted, Mr. O'Grodnick replied that the Applicant would stipulate to the review and approval of the Board Planner and Board Engineer as to what would make the most logical sense.

The meeting was opened to the public.

Terrence O'Connor, Prospect Ave. expressed concern that the increase of foot candles at the edge of the property would affect his home which was towards the easterly end of the Site opposite the Friday's restaurant.

On questioning of Board Member Pennett, Mr. Thaon responded that the Applicant did not propose any solar use as part of the application, nor did the Applicant propose any additional stormwater management as the impervious coverage was decreasing. As to the inclusion of

more native plants, the Applicant stipulated to working with the Board professionals concerning planting choices.

On Board member questioning as to placing recycling bins along the sidewalks for pedestrians, the Applicant stipulate to same.

Paul Going, having a business address of 30 Independence Way, Warren, NJ, was duly sworn, gave his credentials, and was accepted by the Board as an expert in traffic engineering. Mr. Going testified that his report was delayed due to waiting to hear comments from the Board professionals at the last TRC meeting along with doing traffic counts once school was in session. The traffic counts needed to be updated as a result of the proposed mezzanine the new Shoprite. Mr. Going gave an overview of site access from Route 22 and New Providence Road. He entered into evidence Exhibit A-5, Google Search for Blue Star in Watchung, dated, 2022. Mr. Going showed the two driveways with ingress onto the Site and left hand turns only leaving the Site traversing onto Route 22. The Applicant was proposing to close some of the aisles and add additional landscaping in an attempt to eliminate some points of conflict. He opined that there was no quantitative analysis of how it will improve. Mr. Going testified that the 77,000 sq. ft. of retail space included the mezzanine which was a total increase of 5,529 sq. ft. The Applicant was proposing 67 EV charging stations. Each EV charging stations counted as two parking spaces. The land banked spaces would be for employees only and would only be constructed if needed. There would be no changes to the Site's access. The number of deliveries to the Site would remain the same. Emergency vehicles could access the Site. There would be a fire lane. Mr. Going used the ITE to calculate trip generation. The increase in square footage triggered a 1.3% increase to traffic flow on the Site. Using the (HAP) Highway Access Permit software, Mr. Going calculated that the increase in the square footage would result in 5 additional weekday trips. If there are fewer than 100 trips generated, there is not significant increase to impact traffic. The NJDOT submitted a letter of no intent due to the limited increase in traffic flow. The Borough required 4.5 parking spaces for every 1,000 sq. ft. of retail. There was a 232 parking space deficiency. There were 3.9 stalls per 1,000 sq. ft. The Applicant was proposing 8 cart corrals, and the Site will loose 9 parking spaces. The inclusion of the mezzanine increased the parking spaces to 25 stalls.

Mr. Going concluded that the parking differences will not result in any detriment. Mr. Going addressed the minimal accidents at New Providence Road which resulted in property damage only and did not occur at high speeds.

Mr. Going went through the BVE letter, dated 9/16/22. Mr. Jahr informed the Board that he requested traffic data in September which caused a delay in Mr. Going's report being drafted. Mr. Jahr spoke in favor of the changes to the reorganizing the center. On question of Mr. Jahr as to what would trigger the banked parking to be activated, Mr. Going stipulated to working with the Board Engineer and Board Traffic Engineer to develop language for activating banked parking spaces.

Mr. Going testified that there was no history of problems with tractor trailers on Site. The Applicant stipulated to making 4 of the EV parking spaces ADA compliant.

The application was carried without further notice to the October 18, 2022 meeting.

The meeting was opened to the public. There were no comments from the public.

ADJOURN

The Board unanimously voted to adjourn the meeting.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Theresa Snyder', is written over the printed name.

Theresa Snyder  
Board Clerk