

TOWNSHIP OF MAPLEWOOD
PLANNING BOARD
574 Valley Street
Maplewood, New Jersey
August 12, 2014
9:58 p.m.

IN THE MATTER OF:)
Case # PB 14-05)
1752 Springfield Avenue)
Block 30.02, Lot 118)
Advance Auto Parts)

B E F O R E:

Thomas Carlson, Chairman
James Nathenson
Mayor Victor DeLuca
Nancy Adams
Gerard W. Ryan
Craig Miller
John Larrier

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

Michael Edelson, Esq., Board Attorney
Robert Bratt, Board Consultant
Adele Lewis, Board Secretary

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CHAIRMAN CARLSON: Item number six on the published agenda, Case PB 14-05, street address 1752 Springfield Avenue. Applicant is Advance Auto Parts and I'll turn this over to their attorney.

MS. MOORE: Good evening, my name is Marsha Moore from the law firm of Pitman, Mindas, Grossman, Lee & Moore, 150 Morris Avenue, Springfield, New Jersey on behalf of the applicant, Advance Auto Parts.

This is an application for preliminary and final site plan with variances and waivers for property located at 1752-68 Springfield Avenue. The property is located in the HB, highway business zone and what we're here tonight is for the proposed conversion of what was currently known as World Height Automobile Service Center, into an Advance Auto Parts retail store.

First I just have to say that this is a significant financial investment for Advance Auto Parts. What we're proposing tonight entails over a half million dollars investment into this property that's currently vacant. My clients are under significant time constraints in order to meet their deadline to bring a proposed national known retail tenant to this proposed property.

You're going to hear testimony tonight that we're proposing interior alterations for the existing

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building. We're closing up the existing garage doors for the old car service bays, minor interior renovations and convert an existing driveway into customer parking lot, as well as converting an existing driveway into an employee parking lot.

You will also hear tonight, testimony tonight that this is a retail store. We are not proposing any service activities. This is not a mechanic shop. This is a retail store.

You'll also hear testimony from my esteemed list of experts that one of the proposals includes removal of an existing pylon sign. We're replacing the existing sign with a new sign box and proposing a new mounted sign on the front of the building.

As indicated, this is a request also for certain variances and waivers. We have five variances which we'll discuss in detail, however all five variances are currently existing condition. As a result of this application, the applicant is not creating any variances, however we are seeking certain waivers which we will be discussing and some of those waivers, admittedly, are new conditions.

As indicated, you'll hear testimony tonight that this application is on Springfield Avenue and it's a county road. We have submitted documentation that

1 Essex County feels that there is no interest and has
2 waived any requirement for us to submit this application
3 to the Essex County Planning Board. We also received
4 comments from Julie Duran from the Springfield Avenue
5 Partnership. My client submitted application in May of
6 this year and resubmitted revised drawings. We are in
7 receipt of those comments from Ms. Duran and we will be
8 addressing those comments.

9 Tonight I have four witnesses. My first
10 witness will be Jorge Benavides from Advance Auto Parts.
11 I also have the engineer, the architect and last but not
12 least, we have a gentleman who will be testifying
13 regarding the proposed signage.

14 And at this point I'd like to bring forth
15 Mr. George Benavides.

16 CHAIRMAN CARLSON: If I may, just did you
17 want to make a comment?

18 MAYOR DeLUCA: I just wanted to clarify,
19 that part of Springfield Avenue is not a county road.
20 It's a state road. It's under the local jurisdiction.
21 So you did that work, that's fine, but just for the
22 future, so the county road starts, I think, Irvington
23 line.

24 MS. MOORE: Okay.

25 MAYOR DeLUCA: And from the Irvington line

1 to Morristown is a state highway.

2 MS. MOORE: And so we're not requiring any
3 Essex County planning.

4 CHAIRMAN CARLSON: The other thing I wanted
5 to say, I should have said earlier, this Board's rules
6 of operation are that we don't go past 11 p.m. If we
7 approach that hour, we'll consider it. If we're five
8 minutes from finishing, we'll stick around, but we will
9 have a little bit meeting of the minds and decide what
10 to do if we get to that point.

11 MS. MOORE: So noted, thank you.

12 CHAIRMAN CARLSON: It's your witness.

13 MR. BENAVIDES: Good evening.

14 CHAIRMAN CARLSON: State your name and
15 address.

16 MR. BENAVIDES: Jorge Benavides, 95 South
17 10th Street, Brooklyn, New York.

18 J O R G E B E N A V I D E S, was duly sworn by the
19 Notary, and testified as follows:

20 DIRECT EXAMINATION BY MS. MOORE:

21 Q. And Mr. Benavides, what's your position with
22 Advance Auto Parts?

23 A. I'm a real estate manager.

24 Q. And as real estate manager, what type of
25 responsibilities do you have?

1 A. My responsibilities are basically site selection
2 and taking a project all the way from its inception,
3 until it gets finished.

4 Q. And you're familiar with this current site?

5 A. Yes, I am.

6 Q. Can you just give us a brief background for
7 Advance Auto Parts? This is a retail store?

8 A. Yes, this is a retail store. It's company-owned.

9 Advance Auto Parts was founded in 1932. It's
10 headquartered in Roanoke, Virginia. We have about 5,200
11 stores, company stores. We're in 49 states.

12 Q. Do you have any current locations in Essex
13 County?

14 A. We have six locations in Essex County.

15 Q. And what is the closest proximity to this?

16 A. Irvington.

17 Q. Irvington site, okay. Will there be any
18 servicing to vehicles proposed regarding this proposal?

19 A. We're a dry goods retail store, auto parts. No
20 servicing is provided. The only one that we do provide
21 is we have a program where we do help clients with
22 batteries. If they need batteries changed, we will
23 install it for them and part of that is also the
24 environment problem we have.

25 Q. So if you can just start, you're referring to

1 what's called free, complimentary services that Advance
2 Auto Parts offers to their employees?

3 A. Yes.

4 Q. Are they also offered to the customers as well?

5 A. That's correct.

6 Q. And the first one you talked about is a battery
7 change. What's that?

8 A. If somebody needs a battery change, we will
9 change the battery for them and we'll take that battery
10 and store it for recycling.

11 Q. An where is it being stored?

12 A. It's stored in the back of the receiving area.

13 Q. Okay. You mentioned that there's going to be
14 recycling. Is the recycling on-site or is it somewhere
15 in New Jersey?

16 A. No, the recycling is a program that we have where
17 we collect batteries. We also collect oils, so oil
18 doesn't get spilled into the sewerage system and so
19 customers collect their oil and bring it back to our
20 store and we collect them in a tank which is picked up
21 every week by a recycling company.

22 Q. Are the customers allowed to pour their own oil?

23 A. No, they're not.

24 Q. And how is it typically that customers are
25 escorted by employees? Where is the oil being dumped?

1 **A. The oil is collected in a tank, that it's**
 2 **collected by a collection, a collection company that**
 3 **recycles and disposes it.**

4 **Q.** So is it sort of like a certified oil recycling
 5 program?

6 **A. Yes.**

7 **Q.** And where is the oil recycling program located?

8 **A. I'm not sure.**

9 **Q.** But it's fair to say that it's not going to be
 10 dumped or stored in the property or in the parking lot?

11 **A. No, it's not.**

12 CHAIRMAN CARLSON: Excuse me, can you be a
 13 little closer to the microphone?

14 **Q.** Now, what type of oil is this, is this
 15 residential oil? Is this commercial oil?

16 **A. It's just oil for cars.**

17 **Q.** It's only for cars, okay. And are there any
 18 other recycling programs that Advance Auto Parts offers
 19 to its customers?

20 **A. No others, but the other program we have is we**
 21 **collect all the cardboards that come with the deliveries**
 22 **of the products and we recycle them.**

23 **Q.** Are prospective customers, are they changing
 24 tires in the parking lot?

25 **A. There is no work allowed in the parking lot.**

1 **Q.** And that --

2 **A. Oh, and by the way, we don't sell tires. We**
 3 **don't carry tires.**

4 **Q.** What type of retail are you selling, can you just
 5 give us a background? Exactly what are you proposing?
 6 What type of retail are you specifically selling, just
 7 limited to auto parts?

8 **A. It's limited to auto parts and some accessories,**
 9 **like the sprays to make the car smell good, that goes on**
 10 **the products to enhance your oil.**

11 **Q.** Why Maplewood?

12 **A. Maplewood is a market that when we sell a**
 13 **product, we collect the zip codes of the products and**
 14 **based on the zip codes we notice that Irvington, there**
 15 **were a lot of customers from Maplewood coming to**
 16 **Irvington. So it was a good fit for us to come and**
 17 **serve the clients that come from this area.**

18 **Q.** Can you just give us an idea of what are the
 19 proposed hours of the operation?

20 **A. Yes, proposed hours of the operation are Monday**
 21 **to Saturdays, from 7:30 a.m. to 9 p.m. and on Sundays**
 22 **from 9 p.m. to 6 p.m. I mean, 9 a.m. to 6 p.m.**

23 **Q.** And do you have a number of proposed employees?

24 **A. A total there will be five employees, but it's**
 25 **really six full-time employees and they rotate shifts.**

1 **Q.** And do you have an understanding or do you have a
 2 proposed shift? How will that schedule work?

3 **A. Well, since we're open from 7:30 a.m. to 9 p.m.,**
 4 **it's going to be some part-time employees.**

5 **Q.** Now, part of this application you'll hear further
 6 testimony from the engineer is that there's going to be
 7 a proposed employee parking lot?

8 **A. Yes, it's going to be -- if I may, it's going to**
 9 **be in the back portion of here.**

10 **Q.** And can you -- if you could just tell us what
 11 you're referring to?

12 **A. Let me bring it up here.**

13 MR. NATHENSON: You have to stay close to
 14 the mic.

15 **A. It's going to be in the rear of Wellesley Road.**
 16 **It's going to be in this rear portion of Wellesley Road**
 17 **in the back of this, where the building, existing**
 18 **building now is.**

19 **Q.** And for purposes of the Board, referring to
 20 what's known as C2, it's the site improvement plan.

21 CHAIRMAN CARLSON: Is that plan the same as
 22 what we've got, except for the color?

23 MR. BENAVIDES: Yes.

24 CHAIRMAN CARLSON: If the color is the only
 25 difference, then that's okay.

1 MS. MOORE: That is correct.

2 **Q.** Now, what kind of deliveries are you expecting or
 3 what the proposed retail store would expect, how often
 4 would deliveries occur?

5 **A. Deliveries will occur once a week and normally we**
 6 **try to deliver after hours.**

7 MR. NATHENSON: What was it? I didn't hear
 8 what you said.

9 **A. After hours.**

10 CHAIRMAN CARLSON: Meaning after 9 p.m. on
 11 weeknights?

12 MR. BENAVIDES: Yeah.

13 **Q.** And what would you say your typical type of
 14 deliveries are? Like describe the size of the delivery
 15 trucks.

16 **A. The trucks that we are proposing for the site is**
 17 **called a hub truck. We cannot use the bigger trucks due**
 18 **to the constraints of the site and it's about a 28-foot**
 19 **long truck.**

20 **Q.** And are any hazardous materials being unleashed
 21 on the trucks or being stored?

22 **A. No. And just for clarification, let me show you**
 23 **where the truck is going to make the deliveries. The**
 24 **truck will come -- the truck is going to come on this**
 25 **side and the deliveries quarter is going to be back here**

1 off Colgate Road. So they will come into the curb cut,
2 get into the delivery quarters and come out to the curb
3 cut again.

4 Q. Are you familiar with the comments that Ms. Julie
5 Duran from the Springfield Avenue Partnership gave in
6 July 21, 2014?

7 A. Yes.

8 Q. And can you just give us what type of
9 merchandise? What is the proposed plan as far as
10 merchandise displays are concerned?

11 A. Yes, if we can refer to the merchandising plan.

12 Q. And I don't believe the Board is in possession of
13 this, but I can have it marked as A-1 which would be the
14 merchandising plan.

15 (Exhibit A-1 was received and marked for
16 identification.)

17 A. So basically the front door is going to be right
18 off Springfield Avenue. There's going to be a vestibule
19 and this left side towards Colgate Road is where the
20 sales area is. This whole area is going to be the sales
21 area. Back here is the delivery or where I can show you
22 before. Here is the recycling tank where we keep the
23 oil, bathrooms. This is all storage of supplies when
24 they run out on the shelf.

25 Q. One of the comments from Ms. Duran was using

1 date is estimated, you start hiring people from the
2 local areas to service the store. So our opening date
3 for this store is December 18th.

4 CHAIRMAN CARLSON: Is what?

5 MR. BENAVIDES: December 18th.

6 CHAIRMAN CARLSON: December 18th of 2014?

7 MR. BENAVIDES: Correct.

8 MR. RYAN: Wow.

9 MS. MOORE: I have no further questions at
10 this time.

11 CHAIRMAN CARLSON: Members of the Board,
12 questions for the witness?

13 MS. ADAMS: I don't have the SAP comments,
14 does anybody have them? I don't have a copy of that.

15 MAYOR DeLUCA: Yeah.

16 MR. RYAN: Which one?

17 MS. ADAMS: Springfield Avenue Partnership
18 comments. I don't have that. Can I have that?

19 MR. NATHENSON: I have a question for --
20 what's your name again?

21 MR. BENAVIDES: Jorge Benavides.

22 MR. NATHENSON: Jorge, what percentage of
23 your business is wholesale? In other words, for auto
24 repair shops or auto body shops?

25 MR. BENAVIDES: Right. Yeah, we carry two

1 racks not exceeding 4 feet in height and pull back to 3
2 feet from the windows. Can you just explain if we're
3 able to comply with that requirement?

4 A. That's a tough one for us because our standard
5 merchandise plan, half of this does have the racks right
6 in the windows. And by doing what was requested by the
7 Springfield Avenue Partnership, that would eliminate all
8 these racks which affects our sales floor. And our
9 sales floor is the most important part of our business,
10 because that's where the clients see what kind of
11 products we have and all the assorted products that we
12 carry. They're also proposing on this side which would
13 not be detrimental if we didn't put this up reducing the
14 height of these shelves. The shelves on this side are
15 96 inches and on this side they're 132 inches. Normally
16 our buildings do not have as much window space as this
17 building has. One of the reasons we kept all this
18 window space was to meet one of the requirements of the
19 Springfield Avenue Partnership.

20 Q. And can you just give the Board a time frame if
21 the Board was so willing to approve this application,
22 what's the estimated time to get this floor fitted up
23 and provided?

24 A. Right, when Advance Auto Parts starts a project,
25 they estimate an opening date. And once that opening

1 types of business. One we call a DIY which is do it
2 yourself. That's the retail and the DIFM which is do it
3 for me, that's the commercial we call it.

4 MR. NATHENSON: And how much --

5 MR. BENAVIDES: It's, you know, it's about
6 40/60, 40 being the commercial.

7 MR. NATHENSON: 40. And do the auto shops
8 and repair shops or the auto body shops, do they
9 typically pick up the items or do you deliver them?

10 MR. BENAVIDES: It's both. We have delivery
11 trucks and then some are picked up.

12 MR. NATHENSON: And those deliveries are
13 made numerous times per day?

14 MR. BENAVIDES: As required.

15 MR. NATHENSON: As required sort of real
16 time?

17 MR. BENAVIDES: Yes, they're done several
18 times a day.

19 MR. NATHENSON: And do you do that in -- I
20 assume you have small panel trucks or something like
21 that?

22 MR. BENAVIDES: They're small cars or pickup
23 trucks.

24 MR. NATHENSON: And are those deliveries
25 typically made during the daytime business hours?

1 MR. BENAVIDES: Yes, they are.
 2 MR. NATHENSON: In other words, you wouldn't
 3 expect there to be a lot of in and out in the early
 4 evening?
 5 MR. BENAVIDES: No, it's when repair shops
 6 are operating and when most of the work is done before 3
 7 p.m.
 8 MR. NATHENSON: Okay. And we'll probably
 9 get to this when we talk about parking, but obviously
 10 you need to have a place for those trucks to park?
 11 MR. BENAVIDES: Yes, we will.
 12 MR. NATHENSON: You'll talk about that?
 13 MR. BENAVIDES: Yes.
 14 MR. NATHENSON: Thank you.
 15 MS. ADAMS: When you were talking about the
 16 Partnership requested about the merchandising in the
 17 windows, I was unclear as to whether or not are you
 18 saying that you cannot comply with that request or are
 19 you complying?
 20 MR. BENAVIDES: We cannot comply with all of
 21 the requests.
 22 MS. ADAMS: Right, well are you going to
 23 comply with that one? Are you going to have merchandise
 24 racks in the windows?
 25 MR. BENAVIDES: Yes, in the sales floor area

1 we would like to have them, yes.
 2 MS. ADAMS: Right up against the window
 3 which is what they're saying is not --
 4 MR. BENAVIDES: In this area there's also
 5 windows and we can do away with that, going against the
 6 windows.
 7 MS. ADAMS: So the layout can be changed in
 8 such a way that you could --
 9 MR. BENAVIDES: The layouts are standard
 10 layouts that are done throughout the company.
 11 MS. ADAMS: Yeah, I know.
 12 MR. BENAVIDES: And --
 13 MS. ADAMS: That doesn't phase me.
 14 MR. BENAVIDES: And by changing the layout,
 15 I'm going to give you a figure here. That would reduce
 16 our merchandise there by 12 percent in the sales floor
 17 area.
 18 MS. ADAMS: Okay, I'm having -- I understand
 19 what you're saying, but I have difficulty believing that
 20 you can't maintain the amount of retail merchandise area
 21 that you have by amending --
 22 MR. BENAVIDES: You're reducing the height
 23 of the shelf there, so you're reducing the product.
 24 MS. ADAMS: Sure, but there's probably other
 25 shelves that could be increased in size in other parts

1 of the store.
 2 MR. BENAVIDES: No, the shelves are going
 3 all the way as high as they can on this side and in the
 4 middle they're 60 inches high. And the middle you don't
 5 want them to be that high, because then you block the
 6 line of sight.
 7 MS. ADAMS: But if you have -- and how high
 8 are the ones at the window?
 9 MR. BENAVIDES: They're 96 inches.
 10 MS. ADAMS: And 96 inches is what?
 11 MAYOR DeLUCA: 8 feet.
 12 MS. ADAMS: So 8 feet in the windows. It
 13 doesn't bother you that that disturbed the sight line
 14 from the street looking into the store? And what are
 15 they, are they shelves with products?
 16 MR. BENAVIDES: Shelves with products,
 17 different kinds of product.
 18 MS. ADAMS: Yeah, I agree with the
 19 Partnership. I have a problem with that, so I'd like to
 20 see some give and take a little bit.
 21 MR. BENAVIDES: We're going to remove these
 22 on this side. That's also windows. We're putting
 23 windows throughout the whole building and we are --
 24 MS. MOORE: If I can just go through the
 25 comments and see what we're going to agree.

1 BY MS. MOORE:
 2 **Q.** There are two concerns. One is basically using
 3 racks not exceeding 4 feet in height and then pull back
 4 2 to 3 feet from the windows. Are we able to comply
 5 with that height requirement or height restriction?
 6 **A.** **Here we can lower them to 4 feet in this side,**
 7 **but by pulling back then you're losing the whole two**
 8 **rows of shelving here.**
 9 **Q.** So we can comply with the height requirement for
 10 the 4 feet in height?
 11 **A.** **On this side.**
 12 **Q.** Without pulling back 3 feet from the windows?
 13 MAYOR DeLUCA: Well, what about the other
 14 side?
 15 MR. BENAVIDES: That's the most important
 16 side. That's the sales area.
 17 MR. LARRIER: How far back? Because you
 18 have these steps here in the front of the landscaping.
 19 How far back from the street is that?
 20 MR. BENAVIDES: Well, right now in between
 21 the shelf it's 46 inches.
 22 MR. LARRIER: No, what I'm saying is I
 23 understand that I guess a normal Advance Auto Store does
 24 not have windows.
 25 MR. BENAVIDES: As many windows.

1 MR. LARRIER: You have windows there, right?
 2 Okay, but you would also be closer to the street in this
 3 kind of a location.
 4 MR. BENAVIDES: Would we be closer -- in
 5 this location, it is closer to the street. Normally our
 6 store is in the back and the parking is in the front.
 7 MS. ADAMS: What's your normal compared to
 8 the other stores, what is -- how does the size of this
 9 store compare? Is it larger, about the same, bigger?
 10 MR. BENAVIDES: It's about average. They
 11 vary. We do as big as 12, 13,000.
 12 MS. ADAMS: And this is how much?
 13 MR. BENAVIDES: This one is 8,200, I
 14 believe.
 15 MR. LARRIER: So we're seeing here with the
 16 landscaping, the landscaping is going to stay?
 17 MR. BENAVIDES: We're keeping all the
 18 landscaping there.
 19 MR. LARRIER: All in the front. So from the
 20 street are we seeing the shelves as much as --
 21 MR. BENAVIDES: You're not going to see too
 22 much.
 23 MR. LARRIER: No, I understand the concern,
 24 but I certainly don't want to belabor it.
 25 MR. BENAVIDES: Actually, there's a

1 rendering with the elevations. And we are maintaining
 2 all the existing landscaping which consists of these
 3 trees, shrubbery, so the area that's in question that
 4 we're talking about here is on the left-hand side.
 5 CHAIRMAN CARLSON: Okay, I think we
 6 understand.
 7 MAYOR DeLUCA: So using that, what you gave
 8 us from SBLM Architects dated June 12, 2014, on the
 9 left-hand side where it says you have to have the 8-foot
 10 racks, it looks like you have advertising in the window;
 11 is that correct?
 12 MR. BENAVIDES: There is some advertising
 13 that we put, like, monthly specials.
 14 MAYOR DeLUCA: So are the racks higher than
 15 the advertising?
 16 MR. BENAVIDES: They're about as high as
 17 that, I'd say.
 18 MAYOR DeLUCA: This is the thing, we can't
 19 have people looking into the window and seeing the backs
 20 of an 8-foot rack.
 21 MR. BENAVIDES: So we have the advertising,
 22 would that be okay?
 23 MAYOR DeLUCA: Well, I don't know. We'd
 24 have to figure out what that means. You're in charge of
 25 real estate. Are you familiar with the Clifton store?

1 MR. BENAVIDES: Yes.
 2 MAYOR DeLUCA: The one on Lexington Avenue,
 3 Clifton Avenue? I don't even know if this is allowed,
 4 but I took a look at it, I can testify to that.
 5 CHAIRMAN CARLSON: Tell us what you saw.
 6 MAYOR DeLUCA: I didn't see any racks in the
 7 windows. I saw three rows of windows.
 8 MR. BENAVIDES: You saw three rows of
 9 windows, okay.
 10 MAYOR DeLUCA: And so I'm wondering why here
 11 I can see through those windows on my little phone and
 12 here you want to put an 8-foot rack in front of the
 13 window.
 14 MR. BENAVIDES: It all depends on the
 15 configuration of the floor plan that we have. These are
 16 not prototype buildings. The one in Clifton is not a
 17 prototype. That's in a shopping center.
 18 MAYOR DeLUCA: It's in a shopping center.
 19 This is in a special improvement district with very
 20 specific design standards. And I guess the question
 21 we're asking you is can you meet that requirement or
 22 meet that recommendation of the Partnership to get that
 23 done?
 24 MS. MOORE: Can I just ask my client?
 25 MAYOR DeLUCA: Sure.

1 MR. BENAVIDES: I conferred with my other
 2 colleague. So if we were to reduce it down to 4 feet,
 3 that would satisfy you?
 4 MAYOR DeLUCA: Yeah. That's what the
 5 Partnership asked.
 6 MR. RYAN: It's got to satisfy the
 7 Partnership.
 8 MR. BENAVIDES: We would be willing to lower
 9 these from 96 to 48.
 10 CHAIRMAN CARLSON: Okay, understood.
 11 MR. NATHENSON: And just to be clear, the
 12 commercial, the inventory that is more likely to be used
 13 by the commercial, it's not going to be visible, the
 14 height of the bays as really -- it's the height of the
 15 bays are now --
 16 MR. BENAVIDES: Yes, that's correct. That's
 17 correct.
 18 CHAIRMAN CARLSON: Ms. Moore, we got you a
 19 little off track, but thank you. Are you still working
 20 off of --
 21 MS. MOORE: No, I have no additional
 22 questions for Mr. Benavides. If the Board does not have
 23 any questions, I do have another witness.
 24 CHAIRMAN CARLSON: I wanted to see if
 25 there's anymore questions for the witness.

1 MR. NATHENSON: Do I understand you're not
2 doing oil changes, but you will allow people to bring
3 recyclable oil?

4 MR. BENAVIDES: That's correct.

5 MR. NATHENSON: Okay, are you doing any
6 other small -- allowing people to do small things? In
7 other words, we want to replace windshield wipers or
8 something like that?

9 MR. BENAVIDES: No, we don't allow any work
10 on the parking lot. We police the parking lots. We
11 clean the parking lots every day. Like I said, the only
12 complimentary services that we do have is the batteries
13 and I don't know if I mentioned always wiper blades,
14 we'll change wiper blades for them.

15 MR. LARRIER: When you say you "police the
16 parking lot," what do you do? Because your competitor
17 in Irvington and I'm going to assume actually I think
18 I've seen them at Advance as well, is I see people doing
19 things to their cars in the driveway, in the parking
20 lot.

21 MR. BENAVIDES: Well, we will advise them
22 not to do it and if we have to, we would call the police
23 department.

24 CHAIRMAN CARLSON: Members of the public, is
25 there anyone that has any questions for the witness?

1 And this would be a time to ask questions about the
2 testimony you just heard. It's not the time to offer
3 opinion, but to ask questions. If so, please come
4 forward, identify yourself and stick to questions about
5 the testimony we just heard.

6 MR. TOBIN: I'm Dennis Tobin. I live
7 approximately 250 feet from the property.

8 MR. NATHENSON: And your address? What's
9 your address?

10 MR. TOBIN: 21 Colgate. Been there 36
11 years, 38 years. I've heard testimony from a lot of
12 people that this is, quote, a retail establishment --

13 CHAIRMAN CARLSON: We're only questioning
14 the testimony we just heard from this witness.

15 MR. TOBIN: Yes, it was said that this is a
16 retail store, but yet he said that it would be
17 approximately 40 percent commercial and 60 percent DIY.

18 MR. NATHENSON: Do it yourself.

19 MR. TOBIN: How can you have retail versus
20 commercial?

21 MR. LARRIER: I think what he's saying is
22 that the customers, 40 percent of them are commercial
23 establishments that purchase material from them and the
24 other percent, it's like me, when I go in to get some
25 wiper blades.

1 CHAIRMAN CARLSON: This is a term of our
2 zoning and commercial customers are conducting retail
3 business in the store like this.

4 MR. TOBIN: Okay, but he also stated that
5 they're going to be delivering products to people
6 through their business. So that's going to be
7 additional traffic coming in and out --

8 CHAIRMAN CARLSON: I would think that --

9 MR. TOBIN: -- from what they said, off
10 Colgate.

11 CHAIRMAN CARLSON: The Board would take
12 interest in that, yes.

13 MR. TOBIN: I can't see that the physical
14 structure of the premises that they're working on is
15 going to allow that.

16 CHAIRMAN CARLSON: Well, what we'll do when
17 we get to that point is we're going to ask them for
18 numbers, typical number of deliveries, and of vehicles.

19 MR. TOBIN: I've also seen their properties
20 locally around and there's quite a large amount of --

21 CHAIRMAN CARLSON: Mr. Tobin, this is the
22 time to have questions of the witness.

23 MR. TOBIN: He said that they police the
24 property and they would ask them to stop doing what
25 they're doing. I've seen that in the other properties.

1 CHAIRMAN CARLSON: I haven't heard a
2 question.

3 MR. TOBIN: How is this really going to be
4 done? Are they definitely going to call the authorities
5 that there are people there working on cars?

6 CHAIRMAN CARLSON: Can you address that
7 again, Mr. Benavides?

8 MR. BENAVIDES: Yes, we will call them.

9 CHAIRMAN CARLSON: Okay.

10 MR. TOBIN: Okay, we'll have to check that.
11 Thank you.

12 MR. SCHERZER: I'm Erin Scherzer. I live at
13 49 Overlink Street. I actually first have a question
14 regarding jurisdiction to the Board attorney, a question
15 regarding jurisdiction. It was indicated in counselor's
16 opening remarks that no notice was given to the state of
17 New Jersey. Since it's a state highway, I believe state
18 law does require even though the town has jurisdiction
19 over the land, that notice be served upon them. I'm not
20 an expert in the area, but it would be something that
21 before we proceed forward at such a late hour, that it
22 be looked into the cross section between the state law
23 and our local control over this particular road.

24 But I do have questions for --

25 CHAIRMAN CARLSON: No, we'll ask counsel to

1 comment on that.

2 MR. EDELSON: I don't believe that notice to
3 the state is required and I think you have roadway
4 anyway, it just happens to be a state highway. So no
5 notice is required.

6 MS. SCHERZER: Okay, well thank you for
7 clarifying. With respect to the business hours, you had
8 indicated that the hours would start at 7:30 and run
9 until 9 and then stop at 6 on the weekends, but the
10 document that was submitted to the township on June 2nd
11 actually states different hours. Has there been a
12 change to that particular plan? The hours stated
13 actually start as early at 7 a.m. during the weekday
14 including on Saturday and as early at 9 a.m. to as late
15 as 7 p.m. on Sundays. I have a document here if you
16 want to take a look.

17 MR. BENAVIDES: You know, the hours I got
18 were generic hours that the operation does in New
19 Jersey. Specifically to the site it might be different.

20 MS. SCHERZER: And some other questions, you
21 had indicated that in looking at the reason for
22 selecting this site you looked specifically at the
23 amount of business that has come from this particular
24 area. Specifically what dollar amount has come from the
25 Maplewood jurisdiction and what's the breakdown between

1 homeowner versus let's say the already existing
2 mechanics that exist on our street?

3 MR. BENAVIDES: I do not have that figure.

4 MS. SCHERZER: All right, thank you. Those
5 are all my questions, so far.

6 MS. SCOTT: Stephanie Scott and I live at 24
7 Amherst Court and my property is adjacent to the site,
8 across the street. My question for the applicant is the
9 letter that was sent out did address that there would be
10 some minor alterations that would be required to bring
11 the actual building into use. But there's no
12 information about whether or not there will be an HVAC
13 system required, some type of air conditioning unit and
14 what kind of noise that may emit.

15 MS. MOORE: If I may, we do have witnesses
16 that will be discussing proposed alterations. This
17 witness is limited to the scope of the operation of the
18 business, and not to the architecture.

19 CHAIRMAN CARLSON: You've got an engineer
20 and architect that can speak to that.

21 MS. SCOTT: Okay, that would be good to hear
22 that. Also, in the letter there was a request for
23 variance on the drainage on the easterly part of the
24 property. A question as to why there's a request for
25 that particular variance when drainage on the easterly

1 part --

2 CHAIRMAN CARLSON: Excuse me, the witness
3 made no testimony about drainage. And there is another
4 witness that will be coming along to address the
5 engineering questions.

6 MS. ADAMS: He's just for the operation.

7 MS. SCOTT: Okay, so I think all of my
8 questions are about the site and the variances and the
9 buffers and the traffic, so --

10 MS. MOORE: And the applicant will be
11 addressing those comments.

12 MS. SCOTT: Okay, thank you.

13 CHAIRMAN CARLSON: Anybody else at this
14 time?

15 MR. SHUBART: Hi, my name is Jeffrey
16 Shubart, 12 Wellesley Road. The battery -- my question
17 is about the battery replacements. Is that all done in
18 the parking lot or is it done on a side street? Where
19 is that done? Just worried about that stuff being done
20 on the street.

21 MR. BENAVIDES: It's all done in the parking
22 lot in the back, designated area where they do that.
23 It's normally towards the back, not towards the front.

24 MR. SHUBART: Normally or all of the time?

25 MR. BENAVIDES: If someone's battery breaks

1 down if it's an emergency, it might be somewhere else,
2 but normally it's in the back.

3 MR. SHUBART: Okay.

4 MR. MILLER: When you say "in the back," is
5 that the area where the employees would be parking?

6 MR. BENAVIDES: It would be -- where's the
7 site plan? In this case, we would try to move it back
8 here.

9 MR. MILLER: That's where the loading dock
10 is?

11 MR. BENAVIDES: Right, but the loading dock,
12 that happens only once. There's parking back here.

13 MR. MILLER: Where would the employees -- is
14 there a drawing where the door, where they'll be coming
15 in and out of there?

16 MR. BENAVIDES: This is the door here. It
17 is here. Battery is for purpose of --

18 MR. MILLER: Okay, so how many parking spots
19 would that -- how many parking spots would battery
20 replacement take up?

21 MR. BENAVIDES: You know, it happens say
22 two, four times a day, so it's not a constant thing
23 that's happening. So it would just probably be one
24 parking spot.

25 MR. MILLER: Okay.

1 MAYOR DeLUCA: What's the average time for a
2 battery replacement?

3 MR. BENAVIDES: I would say it's like ten
4 minutes.

5 MS. FISHER: Hi, I'm Rebecca Fisher, 23
6 Wellesley Road, right next to the shop. Actually, I met
7 you this weekend. I wanted to ask about the receiving
8 hours. You said it was after hours, but I didn't know
9 what that means exactly because my kids' window is about
10 20 feet from that action and knowing if it's going to be
11 at 2 in the morning, 3 in the morning or what
12 Springfield allows, just those rules and what that
13 intends to mean.

14 CHAIRMAN CARLSON: Can we get a little
15 elaboration on the deliveries and your control over your
16 deliveries?

17 MR. BENAVIDES: They're done before the
18 store opens. So the store, say, is opening at 7 in the
19 morning.

20 CHAIRMAN CARLSON: Before, not after, not
21 after hours?

22 MR. BENAVIDES: Or it could be, it might be
23 at 6 in the morning if it opens at 7 or it could be
24 after 9 p.m. when it closes at 9 p.m.

25 CHAIRMAN CARLSON: How long will that take?

1 MR. BENAVIDES: The delivery is about 45
2 minutes.

3 MS. ADAMS: Why don't they deliver during
4 operating hours?

5 MR. BENAVIDES: Because that would be in
6 conflict with the cars there and the parking. It's
7 easier to do it while the store is closed.

8 CHAIRMAN CARLSON: Is this what you do at
9 your other stores typically?

10 MR. BENAVIDES: Typically.

11 CHAIRMAN CARLSON: Does that answer your
12 question?

13 MS. FISHER: Yeah, I just don't know if it's
14 the right time to ask the question does Springfield
15 Avenue have rules between, you can't do it between
16 midnight and 4?

17 CHAIRMAN CARLSON: It doesn't have any
18 rules, but we have control. We could ask the Mayor.

19 MAYOR DeLUCA: There's a noise ordinance
20 that 11:00, 11 p.m.

21 MS. FISHER: And then in the morning it
22 starts at --

23 MAYOR DeLUCA: I'm not exactly sure if it's
24 6:30 or 7.

25 MS. ADAMS: 7, 8?

1 MAYOR DeLUCA: No, it's earlier than that.

2 MR. BENAVIDES: Just one clarification. We
3 can designate the delivery hours.

4 MAYOR DeLUCA: Let me just get clarification
5 on this. We're talking about deliveries, you're talking
6 about a delivery that you control, it's your company
7 vehicle?

8 MR. BENAVIDES: The trucks, delivery, yes.

9 MAYOR DeLUCA: It's not like you don't get a
10 soda truck that comes and fills up anything?

11 MR. BENAVIDES: No, no.

12 MAYOR DeLUCA: Any other truck, UPS truck?

13 MR. BENAVIDES: The only deliveries are done
14 by our trucks and there might be an occasional UPS truck
15 once in awhile.

16 MAYOR DeLUCA: Occasional UPS truck. So if
17 this Board had put a restriction on the delivery time,
18 that would be something under your control?

19 MR. BENAVIDES: We can, yes.

20 MR. NATHENSON: And did you say that the
21 deliveries because of the incoming deliveries are once a
22 week?

23 MR. BENAVIDES: Yes.

24 MR. STRUTHERS: Good evening, Richard
25 Struthers, 26 Colgate Road, four houses from all this

1 noise. He said that it's 45 minutes to make the
2 delivery, he said it's 10 to 20 minutes to change the
3 battery. There's no reason that couldn't take place --
4 you open from 7:30 to 9:00. There's no reason that
5 can't take place during that time period. It's not
6 going to hamper your business that much. We're talking
7 about only 45 minutes, once a week whereas what you're
8 saying after hours, that's from 9 p.m. until 7:30 a.m.,
9 that that could be a noise factor for us who live there.
10 45. Okay, my question is please, please make the
11 adjustment -- okay, it has to be a question. Can you
12 make the adjustment in order to make the delivery during
13 your hours?

14 CHAIRMAN CARLSON: Fair to say we will
15 request that and we've already asked the question as to
16 whether they have control over it after we finish the
17 entire hearing.

18 MAYOR DeLUCA: Let me get some clarity on
19 that, though. Let me ask the gentleman from Advance.
20 Are there any stores that you have in which the delivery
21 is done during operating time?

22 MR. BENAVIDES: Yes.

23 MAYOR DeLUCA: So it is conceivable here
24 that this Board could put a stipulation on the approval
25 here that the delivery has to be during operating hours?

1 MR. BENAVIDES: We can do it, yes.
 2 MAYOR DeLUCA: I mean, you understand the
 3 challenge on this, as opposed to what we were talking
 4 about earlier with the Clifton store which is in a strip
 5 mall which is bounded by supermarkets and gas station,
 6 these, this is right up against residential property and
 7 this is a challenge we have on Springfield Avenue with
 8 100-foot depth properties. So I think, you know, I
 9 think being a good neighbor is important to us.
 10 MR. BENAVIDES: If you do want us to deliver
 11 during work hours, we can do that, but you have to give
 12 us a big -- the total day of operating hours to do that.
 13 Because you understand --
 14 MAYOR DeLUCA: Let's start with a big
 15 window. I don't know about total day.
 16 MR. BENAVIDES: You know how traffic is, so
 17 it's much more difficult.
 18 MAYOR DeLUCA: We could say we also have
 19 school kids that travel, so we might want to do that
 20 between 10 and 4, 10 and 2, 9 and 2.
 21 MR. BENAVIDES: It's workable.
 22 CHAIRMAN CARLSON: John, do you have a
 23 question for the witness?
 24 MR. LARRIER: Is one of the reasons you want
 25 to do this outside of the normal opening hours the fact

1 that you only have four employees at any given time?
 2 MR. BENAVIDES: We have about five employees
 3 during, give or take.
 4 MR. LARRIER: But if you have five employees
 5 and you've got a bunch of customers in there --
 6 MR. BENAVIDES: Week work around there. We
 7 would have to bring whatever is needed to do that.
 8 MR. LARRIER: I mean, reality --
 9 MS. MOORE: So the applicant is willing to
 10 be good neighbors. You'll be good neighbors?
 11 MR. BENAVIDES: We will be good neighbors.
 12 We can work with that.
 13 MR. HIRSH: My name is Michael Hirsh. I
 14 live at 10 Colgate Road. I'm just a little, little bit
 15 puzzled if your primary reason for collecting -- going
 16 back to the previous questions -- was based on
 17 identifiable transactions in Maplewood zip codes, how
 18 could you come to this meeting without any relevant
 19 scale in terms of why there is a business opportunity
 20 here with specificity?
 21 MR. BENAVIDES: I can give you a rough
 22 number. I don't have an exact.
 23 MR. HIRSH: What is it?
 24 MR. BENAVIDES: How much?
 25 MR. HIRSH: What percentage of your sales in

1 your Irvington store are generated from Maplewood
 2 residents?
 3 MR. BENAVIDES: We are getting about 20 to
 4 30 percent of our business in Irvington from Maplewood.
 5 We're getting enough that justifies us doing this
 6 investment in Maplewood.
 7 MR. HIRSH: Over what period of time, last
 8 week?
 9 MR. BENAVIDES: No, we measured --
 10 MR. HIRSH: Yesterday?
 11 MR. BENAVIDES: We measured over yearly.
 12 MR. HIRSH: Which years?
 13 MS. MOORE: I think if the witness has a
 14 question, yelling from the audience would not be
 15 beneficial to this hearing.
 16 CHAIRMAN CARLSON: Okay. Kurt?
 17 MR. KILEY: Kurt Kiley, 506 Summit Avenue.
 18 For the 40 percent of sales that are coming from
 19 commercial, how would you break that down roughly, gas
 20 station, auto repair?
 21 MR. BENAVIDES: It's mainly auto repair.
 22 Very little gas station.
 23 MR. KILEY: Okay, this is a question for the
 24 Planning Board. If there wasn't that 60 percent retail,
 25 if it was only this 40 percent which was a warehouse

1 distribution center, would that be allowed in the
 2 highway business zone?
 3 CHAIRMAN CARLSON: I think this would be
 4 considered retail by zoning definition.
 5 MR. KILEY: But without the retail, because
 6 I think what we're looking at is a commercial warehouse
 7 distribution that's fronted by a little retail, put a
 8 little window dressing on it and there's going to be a
 9 lot of traffic from --
 10 MAYOR DeLUCA: Where's the question? I'm
 11 hearing a speech.
 12 CHAIRMAN CARLSON: No, I think the
 13 question -- I hear a question. He's curious about the
 14 definition of retail for zoning purposes and does the
 15 fact that we have commercial customers create a
 16 different zoning usage. Well, zoning usage --
 17 MR. NATHENSON: Well, actually but the
 18 economic model for commercial distribution is different
 19 than retail because retail assumes the customers are
 20 coming in. The commercial business depends on
 21 deliveries that Advance Auto Parts markets realtime to
 22 the auto shops or auto body shops or whatever it happens
 23 to have. And I don't know whether a distribution
 24 business of that sort fits within the definition. We'd
 25 have to study that.

1 MR. BENAVIDES: Can I say something? Also
2 if you think about it, if we were just doing what the
3 gentleman has suggested, we would rent warehouse space
4 which is what, \$5 or \$4 a square foot as opposed to what
5 we're paying in rent here for retail.

6 CHAIRMAN CARLSON: Any further questions for
7 the witness from the public or from the Board? Sir?

8 MR. MURPHY: Good evening, Ronald Murphy. I
9 have a little experience in the auto parts industry. I
10 own a store in Union, a Car Quest store which is Advance
11 also, the same thing. My direct question to this
12 gentleman is that I heard you say twice that the trucks
13 would deliver once a week. I find that hard to believe,
14 sir. I get a delivery every night and it can be from
15 10, 1:00, 2 o'clock, midnight, whatever the load is.
16 They can't schedule it -- and you know that's true,
17 direct delivery because that store may be heavier, maybe
18 that store has nothing, that store has a lot, and this
19 store will come later. And that's what happens. Can
20 you answer that question? Delivery every single night?

21 MR. BENAVIDES: It's not every single night.

22 MR. MURPHY: It's not once a week. If we
23 lived in Kentucky --

24 MS. MOORE: My client has answered the
25 question. There's no going back and forth, the

1 argument. That is the testimony that's being presented.
2 If the witness has any other contradictory evidence, but
3 my client has answered the question and he should be
4 allowed the opportunity to further clarify the question.

5 CHAIRMAN CARLSON: He can clarify the
6 question and we do need to hold it to a question at this
7 point and you've asked a question that's been asked
8 before and we'll hold the expression of opinions to
9 later in the hearings.

10 MR. BENAVIDES: The number of trucks that
11 come to the store for deliveries is based on the demand
12 of the store, how much sales it's doing. Initially when
13 we start up a store, the sales are not as high and they
14 rack up. So at the beginning we will have one truck
15 delivery a week. If the sales do demand that it goes
16 up, then we might build up to two trucks.

17 MS. ADAMS: How many in the Irvington store,
18 do you know how many deliveries there are?

19 MR. BENAVIDES: I think there are three
20 deliveries a week there.

21 CHAIRMAN CARLSON: All right, do you have
22 any other questions?

23 MR. MURPHY: No, I find that hard to
24 believe. I know, I know.

25 CHAIRMAN CARLSON: Well --

1 Mr. MURPHY: I gave him a direct question.
2 You heard the answer three times. It's not true.

3 CHAIRMAN CARLSON: Anybody else care to
4 question the witness? Okay, Ms. Moore, it's almost 10
5 to 11. I think it's time to consider that we'd be
6 better served by reconvening.

7 MS. MOORE: Yes, I do have three more
8 witnesses. If I may, as this Board heard, there are
9 times, there are time constraints. If the Board is
10 willing to maybe entertain a special meeting, I know the
11 next available meeting is September 9th. We know the
12 previous applicant is scheduled for that day. We know
13 there may be a lot of concerns or questions the Board
14 may hear. The applicant respectfully requests
15 availability for a special meeting prior to the
16 September 9th meeting.

17 CHAIRMAN CARLSON: Let's talk about that
18 right now.

19 MAYOR DeLUCA: I would be in favor of that.

20 CHAIRMAN CARLSON: We don't have a problem
21 with that.

22 MR. RYAN: Unless it's the Friday before
23 Labor Day weekend, I'm fine with that.

24 MAYOR DeLUCA: We tried to get a special
25 meeting a couple weeks ago and it was a notice problem

1 and I think there are some challenges here. We've been
2 trying to entertain this to see if there can be some
3 meeting of the minds.

4 MR. RYAN: Frankly, Mayor, we usually have a
5 township committee meeting scheduled a week from
6 tonight, but that's been cancelled so we almost always
7 cancel the second township committee meeting. I'm
8 suggesting, can we do it a week from tonight?

9 MAYOR DeLUCA: I'm on vacation that week.
10 The next week would be better than the last week.

11 MR. RYAN: Well, pick a date now. I'm
12 available every day except for the Friday before Labor
13 Day.

14 MAYOR DeLUCA: If it was next week I'd have
15 to be here, but I'm probably get divorced, that's all.

16 MS. ADAMS: No need for that. We don't need
17 ripping apart any marriages.

18 MR. NATHENSON: Doesn't have to be a Tuesday
19 either.

20 CHAIRMAN CARLSON: It doesn't have to be a
21 Tuesday. Do you want to take a moment and instead of
22 shouting back and forth --

23 MAYOR DeLUCA: Just pick a date, pick a
24 date.

25 MR. RYAN: I don't have any constraints, so

1 pick a date, I'm fine. Who's got the most constraints?
 2 MR. NATHENSON: I can do next Monday, maybe
 3 Tuesday.
 4 CHAIRMAN CARLSON: What about the following
 5 week?
 6 MR. NATHENSON: I can do it Monday, but not
 7 the Tuesday.
 8 MS. ADAMS: Monday the 25th.
 9 CHAIRMAN CARLSON: How does that sound to
 10 you, Monday the 25th?
 11 MS. MOORE: The applicants agree with the
 12 25th.
 13 MR. RYAN: Monday the 25th. We still got a
 14 few more members.
 15 MAYOR DeLUCA: I think we can --
 16 CHAIRMAN CARLSON: Can we say that that's a
 17 request from you for us to carry this hearing?
 18 MS. MOORE: That is correct. The applicant
 19 consents to an extension of time and no notices will be
 20 required. No additional notices will be required.
 21 CHAIRMAN CARLSON: No additional notices
 22 will be required because we're making that announcement
 23 from the podium to the record as we speak and we will
 24 resume that hearing on that date. Members of the
 25 public, Monday, August 25th. We'll hear from the

1 CERTIFICATE
 2
 3 I, NADINE M. GAZIC, a Notary Public and Certified
 4 Court Reporter of the State of New Jersey, License No.
 5 XI01883, do hereby certify that the foregoing is a true
 6 and accurate transcript of the testimony as taken
 7 stenographically by and before me at the time, place and
 8 on the date hereinbefore set forth.
 9 I DO FURTHER CERTIFY that I am neither a relative nor
 10 employee nor attorney nor counsel of any of the parties
 11 to this action, and that I am neither a relative nor
 12 employee of such attorney or counsel, and that I am not
 13 financially interested in the action.
 14
 15
 16
 17
 18
 19
 20
 21
 22 -----
 23 Notary Public of the State of New Jersey
 24 Dated: August 21, 2014
 25

1 architect, the engineer -- who are your witnesses again?
 2 8 p.m.
 3 MS. MOORE: My three witnesses, the
 4 architect, the engineer and the individual discussing
 5 the signage proposal.
 6 CHAIRMAN CARLSON: Signage, yes.
 7 MS. MOORE: Okay, thank you so much for your
 8 time.
 9 MR. NATHENSON: Engineer will be prepared to
 10 talk about traffic, parking, all of that?
 11 MS. MOORE: Parking, yes. Thank you so much
 12 for your courtesy.
 13 (Whereupon the proceeding was concluded at
 14 10:52 p.m.)
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|--|---|---|---|--|
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