

1 TOWNSHIP OF MAPLEWOOD  
2 PLANNING BOARD  
3 574 Valley Street  
Maplewood, New Jersey  
4 August 25, 2014  
8:07 p.m.

5 IN THE MATTER OF: )  
Case # PB 14-05 )  
6 1752 Springfield Avenue )  
Block 30.02, Lot 118 )  
7 Advance Auto Parts )

8 B E F O R E :

10 Thomas Carlson, Chairman  
James Nathenson  
11 Mayor Victor DeLuca  
Nancy Adams  
12 Gerard W. Ryan  
Craig Miller  
13 John Larrier  
Edward Bolden  
14 John Branigan

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

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

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

19 PITMAN, MINDAS, GROSSMAN, LEE & MOORE, P.C.  
150 Morris Avenue, Suite 301  
20 Springfield, New Jersey 07081  
(973) 467-5100  
21 mmoore@pitmanlawfirm.com  
BY: MARSHA M. MOORE, ESQ.  
22 Attorneys for the Applicant

23 NADINE BACHMANN GAZIC & ASSOCIATES, LLC  
CERTIFIED COURT REPORTERS  
24 15 Story Court  
Freehold, New Jersey 07728  
25 (732) 820-0232  
nbgccr@gmail.com

1 CHAIRMAN CARLSON: There will be ample  
2 opportunity to both question the witnesses and express  
3 opinions about this hearing at the right time when we  
4 invite you up. So with that, we will continue with our  
5 case PB 14-05, 1752 Springfield Avenue. Applicant,  
6 Advance Auto Parts. And Ms. Moore, for the applicant,  
7 is already at the podium.

8 MS. MOORE: Good evening, Mr. Chairman. And  
9 for the record, again, Marsha Moore on behalf of the  
10 applicant, Advance Auto Parts.

11 I first want to say thank you to this Board  
12 for giving the applicant the opportunity at this special  
13 meeting, for taking the time out of your busy schedules.  
14 We definitely appreciate the courtesy of providing the  
15 special hearing.

16 The last time we were here, you heard from  
17 our first witness, Jorge Benavides, who discussed the  
18 operations of Advance Auto. Tonight as my first  
19 witness, I'm bringing forth Jeffrey Martell who will be  
20 discussing the engineering, planning and the parking  
21 requirements of this application.

22 Second tonight we'll be hearing from John  
23 Pingatore who is the director of operations. Mr.  
24 Pingatore will be discussing clarification of some  
25 issues that arose in the last hearing. He'll be second.

2

4

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1 My next witness will be the architect and  
2 finally, we will have our witness who will be discussing  
3 our proposed signage. So at this time, I'd like to  
4 bring forward Mr. Jeffrey Martell.

5 CHAIRMAN CARLSON: Mr. Martell, may I swear  
6 you in?

7 J E F F R E Y M A R T E L L, was duly sworn by the  
8 Notary, and testified as follows:

9 MR. MARTELL: For the record, Jeffrey  
10 Martell, M-a-r-t-e-l-l, from the firm of Stonefield

11 Engineering and Design, 75 Orient Way in Rutherford.

12 EXAMINATION BY MS. MOORE:

13 Q. And Mr. Martell, can you just give the Board your  
14 clarifications, what licenses and educational  
15 background?

16 A. Sure. I have a civil engineering degree from  
17 University of Delaware, masters degree in engineering  
18 and management from NJIT. Licensed professional  
19 engineer, certified municipal engineer, as well as a  
20 licensed professional planner. I've been practicing  
21 engineering for approximately 12 years, predominantly in  
22 retail-oriented developments in excess of 100 projects.  
23 Responsibilities, site plan design, urban planning-type  
24 elements as well as transportation assessment and  
25 parking assessments.

<p>1 Q. And have you testified before this Board or a 2 similar Board in those capacities?</p> <p>3 A. Yeah, approximately 60 land use Boards in total, 4 approximately 40 of which in site engineering and 5 approximately 10 as a professional planner, and 10 in 6 the field of transportation and traffic engineering.</p> <p>7 Q. And are you licensed current?</p> <p>8 A. Correct.</p> <p>9 MS. MOORE: I'd ask the Board to accept him 10 in the capacity of an engineer, a planner and a 11 transportation --</p> <p>12 CHAIRMAN CARLSON: All three?</p> <p>13 MS. MOORE: Yes.</p> <p>14 CHAIRMAN CARLSON: We're pleased to accept 15 Mr. Martell in this capacity.</p> <p>16 BY MS. MOORE:</p> <p>17 Q. And Mr. Martell, you're familiar with the 18 project, correct?</p> <p>19 A. Of course. Yeah, essentially our role in the 20 project, this Board knows we're here before you for 21 preliminary and final site plan for the reoccupation of 22 the existing facility. Our purpose and our role in this 23 application was essentially to do some site planning 24 elements and guide the application. I obviously 25 prepared the site plans and did perform some other</p>	<p>5</p> <p>1 MS. MOORE: A-2 two which consists of an 2 aerial photo. 3 (Exhibit A-2 was received and marked for 4 identification.)</p> <p>5 A. So what you see in red is obviously a rectangle 6 shaped property, 230 feet wide by 100 feet deep. 7 Dimensions are relatively 2 to 1 as shown on that 8 example. What you see in the center of the site there 9 is actually the building. I'm sure everybody is aware, 10 this is essentially a larger rectangular shaped building 11 and then a small appendage which houses the service area 12 with three bays. The main parking lot under existing 13 conditions is on the west side. Essentially the east 14 side acted as three drive-thru service bays. So total 15 of four driveways on the site, two on Springfield Avenue 16 and one on each of the side streets.</p> <p>17 One of the unique aspects of the property that I 18 think is relevant as it relates to considering 19 transitional elements of this property as it relates to 20 the residential properties in the back, there are 21 properties -- our property sits approximately 3 to 5 22 feet lower than our neighbors to the rear. There's an 23 existing retaining wall that essentially spans the 24 entire rear property line. There's a board-on-board 25 fence that looks to be between about 4 to 5 feet high on</p>
<p>1 calculations that I'll present this evening.</p> <p>2 What I'd like to do in terms of presentation real 3 quick is just briefly take a step back and give the 4 Board a little bit of an understanding of existing 5 conditions. I'm sure everybody understands the 6 property, I'm just going to highlight the existing 7 conditions that will be relative to how we've chosen to 8 redevelop this property. Obviously it's a reoccupation 9 of the building, essentially going from a predominantly 10 service use, to a predominantly retail use. We've done 11 some site improvements, but we're somewhat bound by the 12 existing conditions of the property. So I do think 13 certain things are relevant.</p> <p>14 Just for the record, we have identified as Block 15 30.02, Lot 118. Essentially the property is 230 feet 16 wide by 100 foot deep. It's in total 23,000 square feet 17 and as I'm sure everybody is aware, we're in the Highway 18 Business Zone, however immediately abutting a 19 residential zone to our rear. The building is 20 approximately 8,500 square feet. What you have here and 21 I'm not sure if the Board wants me to mark it, is 22 essentially an aerial exhibit of the property. It's 23 prepared by our office dated August 12, 2014. And what 24 we've done is we've outlined the site in red. If it 25 pleases the Board, we can mark it.</p>	<p>6</p> <p>1 the eastern side of that retaining wall and then our 2 neighbor on the western side where it's a chain link 3 fence with privacy slats. Both of those fences -- 4 that's the board-on-board fence is in pretty good 5 condition. The chain link fence is probably seeing its 6 day. And essentially all parking areas sit on the low 7 side of the retaining wall. The neighboring properties 8 sit on the high side retaining wall. With that said, 9 there's no questions as it relates to what's on the 10 property today -- I'd like to move onto an additional 11 exhibit. Now, this exhibit is the same as the site plan 12 sheet that was submitted. We've simply colorized it.</p> <p>13 CHAIRMAN CARLSON: In that case, we don't 14 need to file it as a separate exhibit.</p> <p>15 A. This is C2, just for the record which is site 16 improvement plan if anybody has the desire to follow 17 along.</p> <p>18 CHAIRMAN CARLSON: Just bring that a little 19 bit more behind. Just move it over this way. I think 20 that helps.</p> <p>21 MR. RYAN: Just so I'm clear, this is a 22 colorized version of what we have marked as Sheet C2?</p> <p>23 MR. MARTELL: Correct.</p> <p>24 MR. RYAN: Great, thank you.</p> <p>25 A. Location work? Great. So as I said, we're</p>

1 converting the existing building into an Advance Auto  
 2 Parts. We are not proposing to modify the building  
 3 footprint. What I did explain to you before about the  
 4 appendage on the building with the service bays, the  
 5 proposal is to fill in those service bays with masonry  
 6 so they'll no longer act as garage doors. They would  
 7 essentially function as building walls. The main  
 8 footprint obviously of the building would be renovated  
 9 as well as the appendage area and essentially  
 10 reorganized and reconstructed for an Advance Auto Parts  
 11 facility which is predominantly a sales floor. You'll  
 12 hear more from the architect. Obviously there's been  
 13 inconsistencies of the internal design. What we are  
 14 proposing to do is obviously some site improvements. We  
 15 have a change in use here and I think we have a  
 16 significant change in the type of operations from what  
 17 was there previously to the Advance Auto Parts. As a  
 18 function of that, we're proposing to upgrade certain  
 19 elements of the site which we think are appropriate,  
 20 first of which is a restriping of the parking lot to  
 21 provide a total of 8 customer parking spaces, 12 of  
 22 which would exist on the west side of the building and 6  
 23 which would exist on the east side of the building,  
 24 between Springfield Avenue and the area of the former  
 25 garage bays. We do have a total of 6 what are commonly

1 the building. We're also going to stripe a small  
 2 loading area on the east side of the building as well.  
 3 The main purpose for locating that particular location  
 4 from loading is that that's the only location that will  
 5 function with the existing building without having a  
 6 truck back up from the road. So, typically for any type  
 7 of facility you want the truck movements whether they're  
 8 forwards or backwards in the loading areas to occur on  
 9 your property as opposed to a truck stopping on the  
 10 street, putting it in reverse and backing in. We  
 11 evaluated use of the existing service doors which are in  
 12 the northeast corner, but what that essentially required  
 13 is a back-in movement from the road which is not  
 14 desirable either from an operation standpoint, or, my  
 15 opinion, from just a general site or traffic design  
 16 element. So we've located that loading door now in the  
 17 northwest corner of the property.

18 The architect will go into more detail, but I  
 19 think it's relevant to note, in general, from the front  
 20 awning area that you see that's probably the most  
 21 visible feature from Springfield Avenue is going to be  
 22 removed. There's going to be a facelift on the front  
 23 portion of the building which I think is also an  
 24 improvement as it relates to the general upgrade of the  
 25 facility. As part of the awning removal, we're also

1 referred to as tandem parking stalls or parking stalls  
 2 that are stacked in a series.

3 Q. If I just may clarify, did you say 8 or 18 as far  
 4 as how many parking spaces for the customer parking?

5 A. 18. 12 on the west side and 6 on the east side.  
 6 additional in the northeast corner which are going to  
 7 be for employees as well as you heard Jorge's testimony  
 8 last month about delivery vehicles that essentially take  
 9 product from the store and deliver it to other service  
 10 garages or entities in the service-oriented business.  
 11 Those vehicles, not entirely sure if's going to be one  
 12 or two, but for purposes of testimony I think we'll play  
 13 it conservative and say two vehicles and both those  
 14 vehicles would be parked in that six spaces as well. We  
 15 park those in tandem and the other four employees would  
 16 utilize the other four spaces. So essentially, the six  
 17 employee service-related vehicles in the northeast  
 18 corner, the other eight spaces are for customers and any  
 19 other overflow from employee needs.

20 We are going to formalize a proposed trash  
 21 enclosure area. Currently the site appeared to operate  
 22 with an open dumpster in the back and it looked like  
 23 they had some tires stored back there. So there was no  
 24 formal enclosure for exterior trash. What we're  
 25 proposing to do is formalize an area on the east side of

1 going to construct a new ADA ramp as part of these  
 2 improvements. We're going to move the existing ADA  
 3 space into -- I think it might be -- actually, it  
 4 probably is in the same general area, but we're going to  
 5 restripe the ADA space and we're going to remove the  
 6 existing steps on the west side and provide a ramp with  
 7 handrails and general accessible route to the new  
 8 facility.

9 There are going to be lighting upgrades as well.  
 10 We've attempted to be sensitive to our neighbors. The  
 11 lights will all be mounted on the building and they're  
 12 only mounted at 11 feet high, so we're not talking about  
 13 large light poles or any type of lighting that, you  
 14 know, would really be viewed as a potential nuisance. I  
 15 think the lighting design is modest, in our opinion, and  
 16 keeping that low mounting height I think is appropriate  
 17 given the transitional nature of this commercial zone  
 18 relative to the residential zone.

19 A couple other improvements I'd just like to  
 20 address because I think Mr. Bratt made some very good  
 21 suggestions, so I'd like to bring to light a couple of  
 22 those ideas that we are agreeable to incorporating. One  
 23 is both Mr. Bratt and I believe the municipal engineer  
 24 echoed the concept of reducing the width of the  
 25 driveways. And essentially, there's a requirement to be

1 at 24 feet. What we have on Springfield Avenue is a  
 2 30-foot curbcut and a 40-foot curbcut. That's actually  
 3 the subject of a couple design waivers relative to  
 4 reusing those driveways. We also have a 30-foot curbcut  
 5 on Wellesley and a 26 or 25, 26 curbcut on Colgate.  
 6 It's labeled as 25 feet, for the record.

7 What we'd like to do is propose to the Board that  
 8 we would like to comply with the requests to reduce the  
 9 width of the driveway, the eastern driveway along  
 10 Springfield Avenue down to 24 feet. It's currently 40  
 11 feet, so it's the furthest from compliance out of the  
 12 four existing driveways and it's serving a 24-foot drive  
 13 aisle, so it most appropriately would be serviced by a  
 14 24-foot wide driveway. And we agree, in essence. We  
 15 would like to keep the other driveways the same for  
 16 each, somewhat of an individual reason. The other  
 17 driveway on Springfield Avenue is 30 feet, but what we  
 18 note is that the 30-foot is offset from the 24-foot  
 19 drive aisle. There's some beautiful streetscape  
 20 improvements along the corridor. One of the design  
 21 elements is the bulb areas of curbs at the intersections  
 22 for traffic calming, likely, I imagine the designer put  
 23 those in and they're becoming very common and, I think,  
 24 effective. But what that's essentially done is take our  
 25 driveway and offset it from our drive aisle. So in our

1 don't want to say "guidance," but we want to be flexible  
 2 on is that you heard me note the fences on the high side  
 3 of the retaining wall adjacent to our neighbors. We're  
 4 somewhat constrained with how we redevelop this property  
 5 because we're dealing with an existing building and  
 6 we're dealing with a lot of existing aspects of the site  
 7 that cannot be changed, unless there was an entire  
 8 redevelopment of the property, demolishing the building  
 9 and starting over, which is not the basis for this  
 10 proposal. As such, we're sensitive to the fact that we  
 11 do have neighbors to the rear and we think those fences  
 12 could be upgraded, potentially higher fences. You know,  
 13 taking the chain link out and replacing it with another  
 14 board-on-board fence at 6 feet I think would be a  
 15 positive improvement on the property and assist in  
 16 providing some additional screening to our neighbor.

17 There was some testimony last month, there was a  
 18 significant amount of testimony regarding operations.  
 19 I'm certainly not going to regurgitate that testimony.  
 20 You're going to hear more from operations and probably  
 21 not my place to do so, but two things that I'd like to  
 22 bring up that I think play into site design which is how  
 23 we attempted to plan this site out. You heard that part  
 24 of Advance Auto Parts business model is to provide for  
 25 -- I'm not sure if it's truly complimentary, I think it

1 opinion, the additional width there does actually  
 2 provide a little bit of a benefit because it's not a  
 3 straight line from the 24-foot drive aisle to the  
 4 driveway. We'd like to keep that driveway. The 25-foot  
 5 driveway, I think nominally 24, 25 feet, I think it's a  
 6 negligible impact and the 30-foot driveway is now going  
 7 to service the tandem parking spaces and I think it's  
 8 best served with that additional width. But we would  
 9 like to propose compliance with the eastern Springfield  
 10 Avenue driveway as part of our improvements. In a  
 11 similar fashion, Mr. Bratt notes that this wasn't  
 12 technically -- when I say "this, "the southeastern  
 13 corner of the parking between the service bays and  
 14 Springfield Avenue wasn't technically a parking lot  
 15 before. It's paved area, not striped parking. As such,  
 16 it is now a proposed parking lot and needs to meet  
 17 drainage elements. So there's a need to collect  
 18 stormwater and pipe it directly to a conveyance system  
 19 because it's now a parking lot. We're agreeable to  
 20 comply with that as well, so we propose a trench drain  
 21 along the entire width of that opening there and propose  
 22 to drain it into the catch basin which it drains to  
 23 anyway away from the site, but obviously now complying  
 24 with that portion of the ordinance.

25 And one of the items that we somewhat seek, I

1 is the battery replacement and the windshield wiper  
 2 replacement. What did come out in testimony that I  
 3 think is relevant is from an operational standpoint,  
 4 what we're proposing to do is to utilize the loading  
 5 area which is once, twice a week for 30 minutes for  
 6 formal deliveries, other than that it has no use on the  
 7 site. And customers who purchase the battery and are  
 8 going to get the complimentary change, windshield wiper  
 9 change will be directed to park in that two parking  
 10 space width area. Two things: One, it uses that area  
 11 effectively and we're attempting to reuse what's out  
 12 here in the most effective manner. So, striping that as  
 13 a loading zone, it gets used one hour a week on this  
 14 particular property, I think it's underutilized in that  
 15 area. Two, it's right next door to the garage bay, so  
 16 functionally it's in the right location as well. So I  
 17 think that's relevant as it relates to parking spaces.  
 18 It doesn't leave that person in a parking space for an  
 19 extended period of time. It takes them out of the  
 20 parking space, puts them in an area that wasn't  
 21 otherwise being utilized and there's not necessarily a  
 22 rush to turn over that parking space. You know, the  
 23 gentleman or the lady who's doing the servicing can take  
 24 a few extra minutes and get the job done correctly.

25 The other thing that I think is relevant that was

1 **testified to, but I think it relates again to site, to**  
 2 **some degree transportation elements, is that we are**  
 3 **restricting deliveries on this site to an SU30 truck so**  
 4 **it's basically a box truck, 30-foot box truck. Again,**  
 5 **that's the largest vehicle that can service the loading**  
 6 **area without backing off the street. So we're taking**  
 7 **tractor trailers which would deliver other Advance Auto**  
 8 **Parts facilities, we're taking those off the table and**  
 9 **we're happy to commit to that as, you know, any type of**  
 10 **condition of how the Board would see fit to enforce that**  
 11 **properly. But the business model here would be to just**  
 12 **use SU30 trucks.**

13 **From a traffic and parking standpoint, I looked**  
 14 **at trip generation, just to give the Board a big picture**  
 15 **feel. We have existing prior, I should say, service**  
 16 **use. We have a proposed auto parts sale and we have the**  
 17 **zone that would allow general retail. And what I can**  
 18 **state is that general retail would generate the most**  
 19 **from a trip generation so that's cars coming on and off**  
 20 **the site. The existing tire center in a peak hour**  
 21 **versus the proposed auto parts store actually going to**  
 22 **result in the a.m. peak of a negative 5 trip generation.**  
 23 **And this is based on ITE trip generation, so this isn't**  
 24 **a site specific count obviously. The facility is**  
 25 **vacant. There's no Advance Auto Parts here. This is**

1 The other thing we did was look at parking.  
 2 And this is probably a little more relevant as it  
 3 relates to land use code and the fact that we're asking  
 4 for a design waiver as to the number of parking spaces  
 5 on the property. We are required by code a total of 43  
 6 parking spaces. What that's based on is the 8,500  
 7 square foot building, also considering retail. What we  
 8 did was we looked at five years of freestanding Advance  
 9 Auto Parts facilities that are in operation and we  
 10 looked, again, at what ITE says. Real quick, on the  
 11 five year facility, specifically 758 Lyons in Irvington,  
 12 358 Route 22 in Hillside, New Jersey; 471 Main Street in  
 13 East Orange, New Jersey; 160 Clinton Avenue in Newark,  
 14 New Jersey and 619 Newark Avenue in Elizabeth, New  
 15 Jersey, all freestanding. So if there's any shopping  
 16 center, we didn't count it. It's hard to understand how  
 17 the tenant mix would work. But five years freestanding  
 18 stores, Irvington, 40; Hillside, 12; East Orange, 18;  
 19 Newark, 24; Elizabeth 32. Average is 25. Highest was  
 20 40, lowest was 12, average was 25. We're proposing 24.  
 21 So I see us right in that sweet spot so-to-speak in the  
 22 center of that chart that you would plot out, the spaces  
 23 are right around the average.

24 The other thing that I note is that ITE  
 25 generates a projection and then they generate or they

1 **just ITE projection.**

2 MR. BOLDEN: What edition?

3 MR. MARTELL: Excuse me?

4 MR. BOLDEN: What edition?

5 MR. MARTELL: Excuse me, it would be the 9th  
 6 Edition, so we're looking at a land use code of 848  
 7 which is an existing for a tire store and encompasses  
 8 the service aspects to a land use code of 843, which is  
 9 specifically an auto part sales facility. So in the  
 10 morning peak hour you're looking at negative 35 in our  
 11 favor, in the p.m. you're looking at us generating 17  
 12 more trips than the tire center would have generated. A  
 13 retail facility would increase to 10 in the morning and  
 14 actually 80 in the p.m.

15 So, my conclusion here and the reason we're  
 16 bringing it up to the Board is two-fold. I think that  
 17 there's not a huge span between the two. Actually, ITE  
 18 talks about anything under 100 trips being negligible,  
 19 so it actually almost says anything under 100 would not  
 20 have a measurable impact on level of service. If we  
 21 converted all the way to a straight retail, the auto  
 22 parts, the service, they're all within that swing, but I  
 23 don't think it really warrants any huge concern from the  
 24 Board from a traffic standpoint, you know, regardless of  
 25 the type of use that it was redeveloped to.

1 publish, I should excuse, the projection for an average  
 2 an 85th percentile. The average would be -- average  
 3 demand, peak demand would be 19, the 85th percentile is  
 4 23. So again, when you look at the two, you look at  
 5 existing freestanding facilities, you look at the 85th  
 6 percentile ITE average and existing is 25. ITE 85th  
 7 percentile says 23, we're at 24. I think we're right  
 8 there. And I think that is relevant and I hope the  
 9 Board, you know, appreciates that information relative  
 10 to our request for a design waiver.

11 In terms of the relief that we're asking  
 12 for, I would say I mentioned the parking. There's kind  
 13 of grouping the relief, it's probably easiest because I  
 14 think Mr. Bratt did a better job than I could have in  
 15 terms of enumerating the variances and waivers and Mr.  
 16 Bratt has a memo dated July 8th for those of you that  
 17 wish to follow along. He's enumerated what at first  
 18 glance, probably appears to be a long list, but when you  
 19 start to break it down --

20 CHAIRMAN CARLSON: It looks like a long list  
 21 the second time too.

22 **A. Fair enough. When you start to break it down, at**  
 23 **least from my perspective, I think it's appropriate to**  
 24 **categorize these. And what I mean by that is what's**  
 25 **truly an existing non-condition that is not impacted?**

1 **What is a condition that is being created by this change  
2 in use, let's say? So, what I would propose or what I  
3 would state for the record is that Items 1 through 7, 9  
4 and 10, 18 and 19 --**

5 CHAIRMAN CARLSON: Hold on, 1 through 7?

6 MR. MARTELL: 1 through 7, 9 and 10 --

7 CHAIRMAN CARLSON: 9 and 10?

8 MR. MARTELL: 18 and 19, and under

9 completeness review, number 8. And in my opinion, are  
10 all existing conditions that we're not impacting. So,  
11 the building location is not moving. It doesn't  
12 necessarily, you know, certain elements that are affixed  
13 that we are not moving and that are not, in my opinion,  
14 a function in the change in use are what are called  
15 existing nonconformities. And the burden of proof, a  
16 number of the variances, some are waivers, but in terms  
17 of the variances, the burden of proof in this particular  
18 aspect, in my opinion, is the benefits of a reuse of  
19 this facility and the positive elements in the  
20 application, do they outweigh the potential negative?  
21 And I think my opinion, again, by virtue of all of these  
22 being existing conditions, I don't think there is a  
23 negative aspect per se of allowing them to remain. It's  
24 more of a function that's are there positive elements  
25 gained? And again, for all of those I would look to a

1 maximum recoverable, recyclable, recyclable materials  
2 and municipal solid waste through planning practices, so  
3 on and so forth. Essentially what Advance Auto does is  
4 allows for free recycling, complimentary batteries,  
5 motor oil and what have you. So, in our opinion,  
6 promoting by virtue of their business model and what  
7 they do and essentially accepting that is promoting, you  
8 know, the proper disposal and recovery, where  
9 applicable, of those materials. And not everybody would  
10 seek out the right type of disposal for those types of  
11 elements, but when it's complimentary and it's at a  
12 facility that you frequent, I think you're more likely  
13 to do it.

14 In terms of what we are creating --

15 CHAIRMAN CARLSON: Excuse me, just a minute.

16 If I could ask a question, a couple of very specific  
17 questions about the list of waivers that you just  
18 enumerated, went through generally, existing conditions.  
19 The fence is now providing the buffer between the  
20 property side yards and the side yards to each of the  
21 neighboring residents. Are those on your property or on  
22 the resident's property?

23 MR. MARTELL: The fences themselves? The  
24 eastern fence is clearly on our property. The western  
25 fence is probably right on the property line. It

1 number of the purposes of the MLUL and say, do we  
2 achieve any of these positive aspects? And in my  
3 opinion, I believe that we do achieve purposes A, H, I  
4 and O. And what those are, A, is essentially to  
5 encourage municipal action to guide the appropriate use  
6 and development of all lands in the state. Essentially  
7 taking a vacant facility, we are occupying it with a  
8 permitted use within the zone. We're making some  
9 improvements relative to reducing a driveway width and  
10 improvements to drainage, potentially a fence  
11 improvement if the Board so sees fit. And I think those  
12 all provide positive aspects, relative to that purpose.

13 In terms of Purpose H, talks about  
14 transportation routes and discouraging location of  
15 facilities and routes that would result in congestion or  
16 blight. I think, again, reducing the driveway width  
17 does have a positive aspect along that transportation  
18 route.

19 Purpose I is visual environment through  
20 creative development techniques and good civic design  
21 and arrangement. You'll hear from the architect who is  
22 really going to explain this, but in our opinion, we're  
23 upgrading this facility and we think it will have a  
24 positive desirable impact, as well.

25 And then the last purpose is to promote

1 probably straddles.

2 CHAIRMAN CARLSON: What about the hedge on  
3 the eastern side?

4 MR. MARTELL: The eastern, again, it  
5 probably straddles, to be honest. You know, it's plus  
6 or minus 4 feet in width. So it's like a straddling. I  
7 think it's a hair more on ours, but, you know.

8 CHAIRMAN CARLSON: Second question, you  
9 described earlier in your testimony attention to or  
10 proposal to reduce one of the curbcuts on Springfield  
11 Avenue 24 feet. Are you now saying that -- and I'd like  
12 Mr. Bratt to comment on this too -- are you saying that  
13 you comply and you don't need a waiver?

14 MR. MARTELL: We will not need a waiver from  
15 --

16 CHAIRMAN CARLSON: Item three?

17 MR. MARTELL: Number three, correct. So we  
18 would come down to a total of -- let me get the right --

19 CHAIRMAN CARLSON: 54?

20 MR. MARTELL: Yeah, within 54.

21 CHAIRMAN CARLSON: Let me ask a question and  
22 this also includes Mr. Bratt. Bob, can you call out for  
23 Colgate and Wellesley, you call out separately a waiver  
24 for the length of the curbcut and the location of the  
25 sign from the property?

1 MR. BRATT: That's correct.

2 CHAIRMAN CARLSON: But I don't see any  
3 reference to the center line of the curbcuts on  
4 Springfield Avenue. Are there waivers required for  
5 those or are they conforming?

6 MR. BRATT: The distance between curbcuts  
7 conforms. It was simply the distance from the property  
8 line to the center line of the driveway in each case  
9 that did not conform.

10 CHAIRMAN CARLSON: But you didn't put that  
11 in your memo, but you did for Colgate and Wellesley.

12 MR. BRATT: I'm sorry, I'm sorry, because it  
13 does conform on Springfield Avenue.

14 CHAIRMAN CARLSON: So if they were to reduce  
15 to 24 feet, they're going to be in conformance on  
16 Springfield Avenue?

17 MR. BRATT: That is correct.

18 CHAIRMAN CARLSON: I just wanted to clarify  
19 that.

20 MR. BRATT: Of all of the ones dealing with  
21 curbcuts, the most important one to me is actually  
22 reducing the 40-foot curbcut to 24 feet so that it  
23 properly channelizes traffic into the proposed parking  
24 area, so the one that matters --

25 CHAIRMAN CARLSON: I'm just doing

1 elements of the property.

2 CHAIRMAN CARLSON: So you're saying you  
3 don't believe you need to ask for a waiver; is that  
4 correct?

5 MR. MARTELL: No, no.

6 CHAIRMAN CARLSON: I'm just doing  
7 bookkeeping.

8 MR. MARTELL: No, we're asking for a waiver.

9 CHAIRMAN CARLSON: You're going to ask for a  
10 waiver not to provide --  
11 MR. MARTELL: Not to provide that curbing.  
12 CHAIRMAN CARLSON: That's all I wanted to  
13 establish. I'm just trying to do the technical part  
14 here, the bookkeeping if we will. We'll get to the  
15 substantive questions.

16 MR. BRATT: And I saw this as being no  
17 different than what we encountered when the 7-Eleven  
18 which was pavement from wall to wall, from property line  
19 to property line was redeveloped, when the gas station  
20 was redeveloped into the 7-Eleven. The applicant pulled  
21 the curbs in, albeit not the 5 feet that was required by  
22 code, but they added curb and pulled it in.

23 CHAIRMAN CARLSON: They said that they don't  
24 need to ask for a waiver, so that's -- so -- oh, one  
25 more thing to interrupt. I would note for the record

1 bookkeeping now. I wanted to see if they stick with  
2 that proposal, that waiver no longer applies.

3 MR. BRATT: They made the big one go away.

4 MR. MARTELL: Thank you for clarifying that.

5 CHAIRMAN CARLSON: Item 8 on the  
6 completeness review, what is your statement about that?

7 MR. MARTELL: That is to provide concrete or  
8 granite curbing. What we have is I'm going to call a  
9 default curbing on this site. There's a small lip of  
10 concrete that's kind of providing grade transition on  
11 the east side and there's a leftover portion exposed of  
12 a concrete curb on the west side. There's probably a  
13 list of baby elements that have decreased the reveal on  
14 those. I think there's at least a two inch reveal on  
15 either side. What I believe and Mr. Bratt can certainly  
16 correct me if I'm misinterpreting this correctly, but  
17 again, based on the interpretation of a new parking lot,  
18 that then comes with the site plan design criteria of  
19 which curbing is part of --

20 (Board member Mr. Branigan arrives.)

21 MR. BRATT: I'm sorry, go ahead.

22 MR. MARTELL: So that, that is in my  
23 opinion, you know, I think it's more of a function of  
24 the existing paving out there and what have you. And I  
25 kind of lumped that in with the existing kind of

1 that Mr. Branigan has joined us up here at the Board.  
2 Because he's late, you're welcome to participate in the  
3 discussion, but you can't vote or make motions, okay?  
4 So I just want to make that clear to everybody.

5 MR. MARTELL: Thank you. Now, we have a  
6 series which again, I'll read out the numbers first and  
7 then we'll go through these individually because I think  
8 these are truly affected by the change in use and  
9 operation of the site. So, we have a total of 10 and  
10 they are numbers 8, 11, 12, 13, 14, 15, 16, 17 and then  
11 C4. So 8, 11 through 17 and C4. Now, these are all  
12 categorized as waivers. And when we look at waivers, we  
13 don't have the same burden in terms of justifying the  
14 variance, but there's got to be a reason to deviate. I  
15 think that reason needs to be supported by either  
16 engineering judgment or planning judgment or some other  
17 purpose that the Board and us as the applicant would  
18 need to describe that would essentially convince this  
19 Board that it's appropriate to deviate from. I think  
20 all of them are somewhat connected to the existing  
21 condition, but not as direct correlation.

22 So with that said, Number 8 is the parking  
23 spaces. We need a total of 43. I'm on Page 3 again of  
24 the same memo from Mr. Bratt. Number 8, waiver from the  
25 provision of parking spaces, we need a total of 43. Mr.

1 Bratt notes that we now have 24 stalls based on the  
 2 latest plan. Again, 18 of which are open to customers,  
 3 6 of which will be focused for employees and the one to  
 4 two service vehicles or delivery vehicles I guess I  
 5 should call them, delivery vehicles that would deliver  
 6 parts to another facility. Again, I put on some  
 7 testimony here, you know, we looked at five existing  
 8 freestanding, we looked at 85th percentile. I think for  
 9 an Advance Auto Parts, for an auto part sales store  
 10 we're right there with the existing Advance Auto Parts  
 11 and what ITE would project as their 85th percentile.

12 Number 11 is regarding the location of the  
 13 on-street parking. And I believe 12 is also located or  
 14 relative to the location of on-street parking. What we  
 15 have is an existing lot that we're restriping. So we're  
 16 restriping the west and I guess you could say we're  
 17 striping to create a new parking lot on the east. We  
 18 have a zero foot setback on the west and we have a  
 19 2-foot setback on the east. Again, we're looking to  
 20 reoccupy both the building and the site improvements  
 21 effectively. We're looking to balance the number of  
 22 parking spaces and we're looking to balance the  
 23 dimensional requirements in the ordinance and we've  
 24 decided to deviate from this requirement, in my opinion,  
 25 for the purpose of maximizing the parking, to get that

1 We have three front yards. We have minimal setback in  
 2 approximately 2.8 feet. It's called 3 feet from a  
 3 practical standpoint, 3 feet behind the building.  
 4 Obviously not suitable. The location is the only  
 5 location that we can get an SU30 truck on and off the  
 6 site without backing off the street. And I think that  
 7 based on the fact that we couldn't comply in any  
 8 location, I think the location that provides for the  
 9 safest truck movement is warranted in this particular  
 10 case.

11 Number 15 is also related to the loading,  
 12 but now it's talking about buffering. And really now  
 13 we're talking about our neighbors. And we're sensitive  
 14 to this condition. You know, we heard the testimony  
 15 last month that it's really expected to be one vehicle,  
 16 maybe two operations can do this better, but in the  
 17 beginning you're going to, you know, you're going to  
 18 stock. You're going to have -- that first week or two  
 19 is obviously an anomaly to how the store operates. From  
 20 there on it will probably level out to one vehicle per  
 21 week, it may be two vehicles per week. In other words,  
 22 a member of the public that expressed some concern to  
 23 that, but that's been reconfirmed. The two vehicles  
 24 let's call it per week, 30 to 40 minutes you're talking  
 25 about an hour out of the week that we have a service

1 24 parking spaces. And I think both of those setback  
 2 waivers are relative to an attempt to maximize the  
 3 number of parking spaces within the confines of these  
 4 existing paved areas.

5 Number 13 is the creation of a dead end  
 6 parking aisle. Not desirable for new development.  
 7 Clearly. We again, if we had a clean slate, we would  
 8 not propose this. But we have a site that had a very  
 9 unique building aspect. We're at three service bays and  
 10 it's no longer a service-oriented facility. And we  
 11 ended up with a broken parking lot so-to-speak if this  
 12 appendage didn't exist. And we're essentially looking  
 13 to make the best use of the site relative to keeping the  
 14 existing building footprint, in my opinion, creating six  
 15 parking spaces, again provides the benefit of getting to  
 16 those 24 parking spaces and it's a dead-end in nature,  
 17 not certainly ideal, but given this existing property  
 18 and how the existing building is situated on the lot, I  
 19 think we made the best, we've created the best parking  
 20 design that could be done in this particular property.

21 Number 14 is relative to loading. It's  
 22 loading areas may not be located in the front yard. We  
 23 have loading that is visible directly from Colgate Road  
 24 interpreted as a front yard. We could not provide a  
 25 loading zone that complies in this particular building.

1 vehicle on the site. So, in terms of the buffering, you  
 2 know, we'd like to take some direction in terms of if we  
 3 think it's appropriate to put a new fence there, I'm not  
 4 sure if our neighbors are with us this evening, but most  
 5 likely is, we're happy to hear how we can properly fence  
 6 that area to maximize the visual screening.

7 The other thing that I just mentioned, it's  
 8 an existing condition but I do think it's relative is  
 9 again, we're sitting 3 to 5 feet lower. If things were  
 10 the other way around, I'm not sure that I would be  
 11 describing this request for a waiver in the same way and  
 12 I'm not sure that we feel that we could even support it.  
 13 But we're sitting 3 to 5 feet lower. If we put a 6-foot  
 14 board-on-board fence on top, you know, you're  
 15 essentially now above the height of the vehicle at the  
 16 fence. Granted, second floor look down, you see over  
 17 the fence, but in terms of a level coming in and out of  
 18 your driveway, things like that, we're standing on the  
 19 ground and you're in your car. We can get the fence,  
 20 again, you know, up at 10 feet as perceived from the  
 21 neighboring property. And I think that it is important  
 22 to note.

23 Q. If I may, one of the comments that Mr. Bratt  
 24 probably recommended was basically removing that loading  
 25 area to the east end of the building. Has the applicant

1 evaluated the option of doing that?

2     A. Yes, we did. It would require a back end  
 3 maneuver of the delivery truck. Obviously an SU30, the  
 4 delivery vehicles and this is not specific to Advance  
 5 Auto, it's kind of just general, they rarely pull and  
 6 back out. They want to be able to see where they're  
 7 going. And predominantly, they chose to back in so you  
 8 got a back end maneuver, an SU30 truck, predominantly a  
 9 residential street. From an operations standpoint,  
 10 Advance didn't want to see that. From my perspective I  
 11 advised them that I didn't think that was appropriate.  
 12 So putting it on the west side, we think, is a safer  
 13 condition because we're able to use the fact that we  
 14 have two driveways and we're able to use the driveway  
 15 itself as an open area to navigate. What that does too  
 16 is that allows us to navigate the site without conflict  
 17 with any parking vehicles. And we did submit a  
 18 circulation plan that the Board can view as well in our  
 19 submission. I think it was Sheet C4, if anybody wants  
 20 to take a quick look at that.

21     Number 16 is also through loading size, it talks  
 22 about requirement 60-foot bank. Likely it was  
 23 established envisioning the tractor trailer, we have a  
 24 30-foot vehicle. We have 18 feet. We don't have a full  
 25 30 feet. Functionally they're going to park 5 feet off

1 the building. So the SU30 will extend into the drive  
 2 aisle, but again, for brief portions of time and again,  
 3 trying to work with the existing building footprint as  
 4 it is, I think it's appropriate given the fact that we  
 5 are going through the site, SU30 vehicles.

6     Number 17 is again, buffering related to the  
 7 loading. I think the Board understands why and how we  
 8 came to that decision and how it's another requirement  
 9 relative to buffering the loading zone.

10     And Number C4, technical completeness item, but  
 11 it talks about lighting. So there's a waiver to not  
 12 exceed one foot candle. What we have proposed is as I  
 13 said, wall mounted lights. We have greater than one  
 14 foot candle immediately adjacent to the building and  
 15 then we taper off. But we are asking for a waiver to  
 16 provide more than one foot candle. What I would note is  
 17 based on the 11-foot height and the modest fixtures that  
 18 we're proposing, those areas are predominantly contained  
 19 immediately adjacent to the building.

20     Now, moving on, those are what I would call new  
 21 with the exception of I skipped the signage. You're  
 22 going to hear from the architect. You're going to hear  
 23 from the signage expert this evening. So I don't need  
 24 to talk about signage. So I'll let those gentlemen  
 25 discuss it and if there's a need from a planning

1 perspective, we can readdress some items at the end of  
 2 the presentation.

3         There's four items that are in Mr. Bratt's letter  
 4 that are related to not providing information required.  
 5 Short answers are or the short version is it's number 24  
 6 and then under completeness, 5, 10 and 11. 5, 10 and 11  
 7 we agree to provide. We actually have a survey already  
 8 completed that I apologize for not submitting ahead of  
 9 time, but I do have it completed with that information  
 10 and we will submit it to Mr. Bratt's satisfaction.

11         Number 24, we agree to provide on-site topography. We'd  
 12 ask the Board to consider a waiver to not providing 100  
 13 feet off-site based on the fact that we're really not  
 14 changing any topography as a result of this site. So I  
 15 think it's appropriate to convince Mr. Bratt that our  
 16 site itself has proper drainage and what have you, but  
 17 not necessarily the 100 feet off site seems to be beyond  
 18 the scope of what we're proposing. So we'd like to show  
 19 that. I know there was concern by Mr. Bratt about  
 20 drainage in the back and the northeast corner. What you  
 21 see on the topographic survey is the pavement slope  
 22 towards the building. Engineers, you know on the Board,  
 23 their heart skips a beat every time they see that  
 24 because you typically want to shed away from the  
 25 building, but we're happy to provide the information to

1 Mr. Bratt's satisfaction. Again, there's a trench drain  
 2 along the back of the building picking up drainage and I  
 3 believe connecting to the inlet on Springfield Avenue.  
 4 But to be honest, we need to investigate where that pipe  
 5 goes. And what we propose to the Board is if they would  
 6 see fit to grant the waiver on the 100 foot off site, we  
 7 would like to do our homework a little more, figure out  
 8 where that pipe goes and satisfy Mr. Bratt. But at the  
 9 end of the day, I'm not proposing to change anything.

10         There's no drainage problems that we've observed here  
 11 and it might be the type of thing where we clean that  
 12 drain and make sure it's nice and clean from an  
 13 operation standpoint, but we're not proposing to change  
 14 anything, with the exception of the trench drain and the  
 15 piping for the new parking lot.

16         We will comply with Items 3 now, Mr. Chairman,  
 17 you pointed out I think which is the driveway and C9  
 18 which is relative to drainage and trench drain that I  
 19 described. And there are four signage items that I  
 20 essentially have not mentioned.

21         So again, just big picture, we got a number of  
 22 existing that I don't think are impacted by the change  
 23 in use. We have the group of design waivers that I've  
 24 described to you that are predominantly somehow an  
 25 extension of the existing condition, but we do think

1 **that we've achieved some sort of benefit each time that  
2 we've deviated from the ordinance.**  
3 **And with that said, that concludes my  
4 presentation. Happy, of course, to answer questions  
5 from the Board or anybody else.**

6 CHAIRMAN CARLSON: Members of the Board,  
7 questions for the witness? Yes, Ed?

8 MR. BOLDEN: I'm wondering if I heard you  
9 correctly. When you identified about three or four  
10 other Advance Auto sites and you talked about the trips  
11 that are generated, did you get actual counts at these  
12 sites?

13 MR. MARTELL: No, at the existing auto sites  
14 we counted parking spaces. So from a trip generation,  
15 we compared ITE only unconditioned as I clarified to  
16 service or tire service, auto parts and retail, ITE only  
17 trip generation. Parking we looked at five.

18 MR. BOLDEN: Okay, that was for the parking.  
19 My other question is on the ingress and egress for this  
20 truck, what is actually preventing a truck from actually  
21 missing the ingress off of Springfield Avenue and going  
22 up Colgate and backing in?

23 MR. MARTELL: I guess nothing is preventing  
24 that from happening. I can't, you know, that's too firm  
25 of a statement for me to say that there's something

1 and egress?

2 MR. MARTELL: Correct, correct. Yeah, two  
3 of them need to be by default because they're essentially  
4 dead end and the other two are as well on the west side.

5 CHAIRMAN CARLSON: Jerry?

6 MR. RYAN: Just had a clarifying point on  
7 your testimony about the parking. The upper right-hand  
8 corner, yes, that. So if I understood what you said,  
9 that's stacked parking for employees and for these  
10 delivery trucks to dealerships?

11 MR. MARTELL: Correct.

12 MR. RYAN: Do you have -- are there -- I  
13 searched in the plans and I couldn't see it. And if  
14 it's there, I apologize. Are there egress doors there  
15 for which the trucks will be loaded, pallets brought  
16 around?

17 MR. MARTELL: Yeah, there is a service door.  
18 Forgive me, but it's either on the appendage facing  
19 north or the main building facing east, but it's in this  
20 L-shaped corner.

21 MR. RYAN: It wasn't clear to me, but your  
22 testimony means if I'm right, but that those delivery  
23 trucks will back into those stacked spots?

24 MR. MARTELL: They're not pallets. These  
25 are just deliveries out to the stores. So they're maybe

1 preventing. I think operationally, this is how they're  
2 going to be directed to deliver. And that's from an  
3 operational standpoint, that's how the truck is going to  
4 be --

5 MR. BOLDEN: It looks like from this, I  
6 assume you used AutoCad on this when you did the turning  
7 movements?

8 MR. MARTELL: Yes, it's a program called  
9 Auto Turn.

10 MR. BOLDEN: Auto Turn. It looks like it  
11 almost reaches the sidewalk in order to or reaches the  
12 street in order to get into position?

13 MR. MARTELL: Correct. Yeah, why I'm not --  
14 why I think that that movement is still the best is that  
15 it's a forward movement. So although he's getting close  
16 to the sidewalk, it's not a backing up close to the  
17 sidewalk where visibility is limited. He's going  
18 forward. He's got clear vision. It's just like  
19 crossing the sidewalk in any driveway. You know, as a  
20 driver, I think everybody is aware of that. And again,  
21 he's got a clear line of vision. And if he does need to  
22 encroach on the sidewalk, but it's also a driveway. So  
23 it's going to be driven over getting in and out of the  
24 site as well.

25 MR. BOLDEN: All four driveways are ingress

1 a hand car or something like that, but the delivery into  
2 the building stock area which is the box trucks is in  
3 the northeast corner. This is essentially a delivery  
4 man loading up the van.

5 MR. RYAN: Maybe that's the question.  
6 MR. MARTELL: That's the outgoing  
7 deliveries.

8 MR. RYAN: And those are basically vans?  
9 MR. MARTELL: That's my --

10 MS. MOORE: You'll hear testimony that  
11 there's like a Ford Escort. There will be testimony,  
12 SUV, vans, stuff like that.

13 MR. RYAN: That's helpful, thank you.  
14 CHAIRMAN CARLSON: Jim?

15 MR. NATHENSON: There are 18 customer  
16 parking places provided. Now, part of the business  
17 model here is partially and majority retail, but also to  
18 a lesser extent, in essence, distribution, a  
19 distribution business to repair shops so-to-speak. So  
20 some portion of the building of I think you said 8,500  
21 square feet is actually related to a distribution  
22 business inventory and whatnot that need to be retained  
23 for that, that does not generate customer traffic. So,  
24 is there a way for you to characterize -- I mean, our  
25 ordinance basically says you got to have 43, but that's

1 based on if it was a full retail operation. Some  
 2 percentage if we reduce the square footage or tried to  
 3 allocate the amount of square footage that is really  
 4 related to pure retail, how many parking spaces would it  
 5 require and how does that relate to the 18 that you're  
 6 providing? And I don't know, can you answer that  
 7 question?

8 MR. MARTELL: Yeah, I don't have that  
 9 calculation offhand. We can attempt to provide it here,  
 10 get some help.

11 MS. MOORE: If I may, we do have someone  
 12 here from operations. He will be my next witness. Can  
 13 he testify regarding that? He can address that issue.

14 MR. MARTELL: The only thing I would add on  
 15 just to clarify, I would say it's minor, but I would  
 16 just use "delivery" instead of "distribution." There's  
 17 an element that -- I think I agree with the track that  
 18 you're on that I think the delivery may lessen maybe the  
 19 parking demand a little where we've essentially weighted  
 20 most of our thought processes looking at the five  
 21 existing facilities that all they range in square  
 22 footage truthfully too, but again, if you look at how  
 23 those sites are operating, it seems to be covering  
 24 around that 24, 25 space number. And obviously they  
 25 have the same business model. So we'll try to provide

1 MR. MARTELL: I don't know if there's  
 2 necessarily really ever a thought on this side of the  
 3 table that that was needed or warranted, so I'm not  
 4 aware of any failure back there at this moment that  
 5 caught my eye.

6 MR. MILLER: I don't know for sure, but I  
 7 think when you remove those wooden buildings, you'll  
 8 want to take a look at --

9 MR. MARTELL: Any if there's restoration I  
 10 agree with that, something localized. But I don't think  
 11 a whole sale redo, you know, repaving is warranted. But  
 12 I agree if there's anything, Mr. Bratt and his team is  
 13 going to look at this at some point as well relative to  
 14 a CO and what have you. So it will be in good shape,  
 15 drivable shape for parking.

16 MR. MILLER: Because I think -- I'm not sure  
 17 it goes to a CO, but I'll leave that to Mr. Bratt since  
 18 it's just paving on the outside, but we think and I  
 19 think --

20 MR. MARTELL: It has to be paved by  
 21 definition to be parking, or else we'd have to request a  
 22 waiver. So I think at the end of the day, we have to  
 23 have a paved parking area so we'll do what we need to to  
 24 make sure that's the case.

25 MR. MILLER: All right. On the perimeter on

1 that factual calculation for you, but just in terms of  
 2 quantifying that, even though you quantify that, I agree  
 3 with that thought process. But again, how we're just  
 4 figuring this waiver, in my opinion, is predominantly  
 5 looking at those existing sites and looking at ITE and  
 6 kind of weighing that versus your ordinance.

7 MR. NATHENSON: Okay, I had one other  
 8 question which again, may be relevant to the operations  
 9 witness, but can you describe the relevant regulations  
 10 which relate to the storage and disposal spent hours?  
 11 Is that for you?

12 MR. MARTELL: I'm going to allow somebody  
 13 who knows more about that to address that.

14 CHAIRMAN CARLSON: Craig?

15 MR. MILLER: In the employee parking area  
 16 proposed in the top east corner, currently there's some  
 17 wooden structures there. Will those wooden structures  
 18 all be removed?

19 MR. MARTELL: Yeah, I think we're clearing  
 20 out anything other than the physical building, anything  
 21 else that's in that corner is coming out.

22 MR. MILLER: Okay. And will that area be  
 23 repaved from building to sidewalk?

24 MR. MARTELL: No.

25 MR. MILLER: Why not?

1 the west side, the concrete is, I think, crumbled. Is  
 2 there going to be a reconstruction of the perimeter  
 3 concrete, as necessary?

4 MR. MARTELL: I haven't done, honestly, that  
 5 detail of inventory, but there's nothing proposed at  
 6 this moment, no.

7 MR. MILLER: Okay. I would suggest you take  
 8 an inventory to see if it is in need of repair and take  
 9 this as an opportunity to repair that. There's some  
 10 sign, there's holes going into concrete that are a  
 11 little bit crumbling, at least that's what I observed.

12 Thank you.

13 MR. MARTELL: Thank you.

14 CHAIRMAN CARLSON: Vic, do you have  
 15 anything?

16 MAYOR DeLUCA: Yeah, thank you. Do you know  
 17 how many parking spots there are on the street in front  
 18 of the building?

19 MR. MARTELL: I didn't count. I can  
 20 estimate, but no, I didn't count.

21 MAYOR DeLUCA: But there are parking, there  
 22 is parking in the front. One of the streets I believe  
 23 it's Colgate, we have restricted parking now. We had  
 24 school vans park there years ago and put some  
 25 restrictive parking there. Using your transportation

1 planning hat, do you see any problem with continuing to  
 2 restrict parking or limit parking on either of the  
 3 residential streets?

4 MR. MARTELL: No, I actually think it's very  
 5 appropriate to do so. We are looking to house our  
 6 activities within the property. So to the extent that  
 7 that would be restricted, I think would be received well  
 8 on our side. So I don't see us impacting that one way  
 9 or the other. So I would defer to the municipal  
 10 professionals as they see fit.

11 MAYOR DeLUCA: Ms. Moore, I have a couple  
 12 questions for you. I don't know if he's the right  
 13 person or the architect. He testified about the truck  
 14 coming in off Springfield Avenue, backing in. You  
 15 didn't testify the exit, so you can mention that, but I  
 16 have some questions. Who would be the best person to  
 17 tell us whether or not you would accept that as a  
 18 condition, that trucks must enter on Springfield Avenue?

19 MS. MOORE: I think we can have operations  
 20 that would be able to accept that as condition.

21 MAYOR DeLUCA: I'll raise that question when  
 22 the operations person comes, but before we answer, the  
 23 second question is I don't know if it's the engineer or  
 24 not, the Springfield Avenue Partnership's review says  
 25 that garage door infill, that piece that juts out there,

1 we should look accepting as an existing condition, but  
 2 you've also indicated that you are willing to enhance  
 3 the fencing that sits on top of the wall. So for Item  
 4 18 it seems to me that you're requesting a waiver, but  
 5 that you would be willing to accept a condition relative  
 6 to the fence; is that correct?

7 MR. MARTELL: Correct.

8 MR. NATHENSON: Okay.

9 CHAIRMAN CARLSON: Okay, members of the  
 10 Board, further questions at this time of the witness?

11 All right, Ed?

12 MR. BOLDEN: Going back to Colgate, would it  
 13 be acceptable -- you may not be the one to answer that,  
 14 but would it be acceptable to mark that curbcut as exit,  
 15 do not enter? In other words, you right now have it as  
 16 ingress and egress. So in other words, just make it the  
 17 egress, not ingress?

18 MS. ADAMS: Why?

19 MR. BOLDEN: That would probably besides  
 20 having -- you won't have people going through there,  
 21 number one, you won't have -- hopefully you wouldn't  
 22 have a truck disobeying and going into that entrance,  
 23 using it as his access.

24 MS. ADAMS: So you want ingress?

25 MR. BOLDEN: So all the --

1 it says, you know, right now the design does not allow  
 2 for a blanket serial wall not punctuated by windows,  
 3 door openings, horizontal decorative elements -- who is  
 4 going to answer that?

5 MS. MOORE: The architect.

6 MAYOR DeLUCA: Okay, thank you.

7 MR. MARTELL: And I believe we addressed the  
 8 awning issue already.

9 MAYOR DeLUCA: Can you tell us since you've  
 10 testified how the truck is going to get in, can you  
 11 testify how the truck is going to get out?

12 MR. MARTELL: Yeah, go from the loading at  
 13 the northwest corner, left on Colgate to Springfield  
 14 Avenue.

15 MAYOR DeLUCA: Okay, so operations would be  
 16 able to answer when if you make that condition, that  
 17 trucks shall not make a right turn?

18 MS. MOORE: Yes.

19 MAYOR DeLUCA: They will be able to agree to  
 20 that?

21 MS. MOORE: We will be addressing that.

22 CHAIRMAN CARLSON: Jim?

23 MR. NATHENSON: I have one question. On the  
 24 waiver section of Mr. Bratt's letter, Item 18 which  
 25 deals with buffering, would you have basically suggested

1 MAYOR DeLUCA: So all the entrances would be  
 2 on Springfield Avenue. You'd be able to exit onto  
 3 Colgate?

4 MR. BOLDEN: Exactly.

5 MR. MARTELL: That's not something that we  
 6 evaluated in detail. I mean, I see very few vehicles  
 7 using Colgate as an entrance, other than potentially  
 8 people coming from the neighborhood. So I tend to lean  
 9 the other way, that I think likely the people that would  
 10 benefit from it are the residents of the community. So  
 11 I'm going to let that digest a little bit longer, but my  
 12 initial gut kind of is leaning the other way, but it's  
 13 not something that we evaluated.

14 MR. BOLDEN: Have some water while you  
 15 digest.

16 MR. MARTELL: Fair enough.

17 CHAIRMAN CARLSON: At this time I'd like to  
 18 ask if there are any members of the public who wish to  
 19 come forward and ask questions of the witness. And this  
 20 is questions about the testimony we just heard. This is  
 21 not the time to express your opinion on the project.  
 22 That will come a little later in the evening. All you  
 23 need to do is give your name and address for the record.

24 MS. FISHER: Hi, Rebecca Fisher, 23  
 25 Wellesley Road.

1 CHAIRMAN CARLSON: Fisher?  
 2 MS. FISHER: Fisher, F-i-s-h-e-r. We live  
 3 right there. I wanted to ask about the employee parking  
 4 lot which is right adjacent to our driveway. You  
 5 mentioned that there were lights that were going around  
 6 the side of the building. But I just know for safety,  
 7 you want to have lights because the store is open until  
 8 9 or 10 at night, but just to know what kind of light  
 9 will it be? How bright it will be? If it might be  
 10 angled down as opposed to out towards our house? That  
 11 sort of thing. If you could clarify that, that would be  
 12 awesome.

13 MR. MARTELL: Yeah, sure. That's a great  
 14 question. There's two lights on the wall facing north.  
 15 They're 11 feet high. They are obviously 11 feet high  
 16 from the parking lot, so they're probably more like 6  
 17 feet high as viewed from if you're standing in the  
 18 driveway. So I think they're relatively low honestly,  
 19 and with the lighting plan that we've prepared, without  
 20 the benefit of taking into account the fence, we're  
 21 basically at, you know, pretty much negligible light  
 22 level at your property line. If we actually do model  
 23 the fence, I think we would truly shine no light onto  
 24 your property or the adjacent properties. So I think  
 25 it's really modest. I think in terms of thinking of a

1 employees close the door and it stays on an additional  
 2 half hour and then it would be off.  
 3 MS. FISHER: Okay.  
 4 MS. ADAMS: Totally dark? You don't want  
 5 that, do you?  
 6 MS. FISHER: No. My next question would be  
 7 do the little lights that go around here, do those stay  
 8 on so that there's some sort of --  
 9 MR. MARTELL: I think the applicant would be  
 10 agreeable to keeping them on, if that's considered a  
 11 desirable condition. I think the intention was to turn  
 12 them off.  
 13 MS. FISHER: Right now everything is dark at  
 14 night, so I don't know what is best from your standpoint  
 15 as far as safety with a business going on and if you  
 16 want things sort of dimly lit or not. Right now what's  
 17 there, it's close to dark as far as what we have. What  
 18 we want, I'd like whatever is the safest, but  
 19 something --  
 20 MAYOR DeLUCA: I'd like to ask the  
 21 questioner a question. Are we allowed to ask the  
 22 questioner a question?  
 23 CHAIRMAN CARLSON: Sure, but she's not  
 24 testifying.  
 25 MAYOR DeLUCA: So the condition now is there

1 commercial establishment, it's about as low a lighting  
 2 level as I think could be provided in a commercial area.  
 3 MS. ADAMS: Are they downlights?  
 4 MR. MARTELL: They're downlight, so --  
 5 MS. FISHER: Would you take into account the  
 6 fence height and where they're shining?  
 7 MR. MARTELL: Yes, so they're 11 feet from  
 8 pavement here and the parking lot up. I think your  
 9 property is 4 feet higher, plus or minus so they would  
 10 be somewhere around 6, 7, you know, 8 foot range at view  
 11 from eye level from your property. They are a down lit  
 12 fixture -- apologize for not answering that, but it's  
 13 basically a type of fixture that has a housing and it's  
 14 directed down.

15 MS. FISHER: So downlight?  
 16 MR. MARTELL: Yeah, so it's not that it can  
 17 be angled, it can't be angled. It has to be straight  
 18 down. It's not a light that you can turn and direct it  
 19 out. Literally it's 90 degrees down.

20 MS. FISHER: And do those get dimmed at all  
 21 after hours or are they on for safety purposes 24/7 or  
 22 through the night?

23 MR. MARTELL: They're on, I believe until  
 24 approximately half hour after the stores close. So they  
 25 kind of get people out of the building, you know,

1 no lights behind there?  
 2 MS. FISHER: I don't think there's any, no.  
 3 MAYOR DeLUCA: So would you prefer some  
 4 lighting or not prefer some?  
 5 MS. FISHER: Well, I mean, I guess if  
 6 there's going to be any sort of traffic, if there's an  
 7 employee car there or if they're --  
 8 MAYOR DeLUCA: Well, the van is going to  
 9 park there overnight.  
 10 MS. FISHER: So that van person is ever  
 11 going to come there overnight then some sort of safety  
 12 light is going to be on, but if it's going to be empty  
 13 and dead from 10:30 until 6:30, then I'm okay with it  
 14 being dark. That's what we have right now. I was more  
 15 concerned it being lit up like the furniture store down  
 16 the block, which is just electric.  
 17 Mr. MARTELL: Our intention is to turn them  
 18 off. That's what we think is the best. It's not really  
 19 a security concern. Nobody is going to use those  
 20 vehicles come at 10 o'clock at night or nothing like  
 21 that. All those vehicles are operating during the  
 22 business hours. They don't operate outside that window.  
 23 So I think the most appropriate thing is to turn them  
 24 off.  
 25 MS. FISHER: Maybe I can confer and share

1 opinions.

2 MR. MARTELL: But the applicant is agreeable  
3 either way. They're agreeable to both being off, one  
4 being on and split the difference.

5 MAYOR DeLUCA: You might want to experiment  
6 and see.

7 CHAIRMAN CARLSON: It sounds like you're  
8 testifying that the applicant is agreeable to working  
9 with members of the community.

10 MR. MARTELL: Leave them on, leave one on,  
11 turn the other off, turn them both off.

12 MS. ADAMS: Set back like this I think it's  
13 just going to be a place that somebody would want to  
14 hide, so --

15 MS. FISHER: That's the thing.

16 MS. ADAMS: I would love some safety  
17 lighting. If that would be there, it would be probably  
18 better.

19 MR. BOLDEN: What about motion sensitive  
20 light?

21 CHAIRMAN CARLSON: I think we've learned  
22 that the applicant is amenable to working with the  
23 neighbors.

24 MS. FISHER: That's right, thank you.

25 MAYOR DeLUCA: Ms. Fisher, do you have a

1 to this site?

2 MR. MARTELL: Freestanding, correct.

3 MR. BRATT: Freestanding, okay. Did you  
4 tell us how large those stores are?

5 MR. MARTELL: No.

6 MR. BRATT: So we don't know how many stalls  
7 per square foot each of those sites is providing at the  
8 current time, correct?

9 MR. MARTELL: Correct.

10 MR. BRATT: So I ask what the relevance of  
11 your testimony is, because we don't know whether this  
12 store is one-half the size or 8 times the size of the  
13 five stores that you sampled and struck the convenient  
14 average of 25 stalls, being the number of stalls  
15 required for a store. For all we know, the stores that  
16 you sampled are one-half the size of this proposed  
17 store.

18 MS. MOORE: And if I may, if I can answer  
19 that there will be testimony from Mr. Pingatore who is  
20 familiar with other stores within the vicinity that will  
21 be described in the square footage, relevant to the  
22 parking stalls.

23 MR. BRATT: So we can do the arithmetic  
24 after we hear that testimony as to how many stalls per  
25 square foot are being provided in the five sampled

1 question?

2 MS. FISHER: Can I ask one more? I'm not  
3 sure it's the right person. It's garbage.

4 MS. ADAMS: That's operations.

5 MAYOR DeLUCA: But I have a question for  
6 you, because you heard -- do you have any questions  
7 about the fence that abuts your property?

8 MS. FISHER: Yeah, I just have opinions. I  
9 was saving my questions to save time because he actually  
10 answered my question about the fence, but I can, yeah.  
11 I'm super happy that he's going to replace it, because  
12 it's not that great.

13 MS. ADAMS: Yeah, it's not.

14 MS. FISHER: Yeah, so I have an -- I can  
15 state an opinion about that later.

16 CHAIRMAN CARLSON: I think there will be a  
17 discussion about better fencing. Anybody else wish to  
18 ask questions of the witness about the testimony you  
19 just heard? Oh, Mr. Bratt, you have a question?

20 MR. BRATT: Yes, I do, thank you, Mr.  
21 Chairman. Mr. Martell, let's get back to the parking  
22 question for just a minute. You testified, if I heard  
23 you correctly and this room is very difficult to hear,  
24 that you counted the number of parking stalls in  
25 existence at the five closest Advance Auto Parts stores

1 stalls.

2 MS. MOORE: It's out of order, but there is  
3 relevance to the testimony that we wanted to bring the  
4 engineer first, just to go to the overall aspect. There  
5 could be further clarification after the testimony.

6 MR. MARTELL: And I certainly respect Mr.  
7 Bratt, that thought process and certainly understand it  
8 from a quantitative analysis perspective. I do think  
9 within the range that it's relevant, we'll hear  
10 approximately how large those stores are and we also do  
11 couple that analysis with the ITE 85th percentile  
12 projection which is specific to the size of the store as  
13 well. So what we've tried to do is provide information  
14 that we thought was relevant. If we fell slightly short  
15 not calculating those square footages, I understand your  
16 point, but I don't think hearing that is without some  
17 level of merit, without understanding the square footage  
18 because I think the operations and what the store is, is  
19 Advance Auto is providing a comparable service at all of  
20 those facilities. But we'll see if we can quantify the  
21 square footages and give you the calculations you asked  
22 for.

23 MR. BRATT: Thank you.

24 CHAIRMAN CARLSON: Please identify yourself  
25 and give your address.

1 MS. SCOTT: Stephanie Scott, 24 Amherst  
 2 Court. And during the previous meeting, there was  
 3 mention of a tank for oil storage. Where is that  
 4 located on the ground and what are the arrangements for  
 5 the delivery -- I mean, the removal of the oil tank?

6 MR. MARTELL: Yeah, I think the operations  
 7 can speak to it better. It's inside the building. My  
 8 scope is almost everything outside the building.

9 MS. SCOTT: So I don't know if this is you  
 10 as well. Can you speak to the HVAC units, where they  
 11 will be located and how loud they will be?

12 MR. MARTELL: That would be another  
 13 individual as well.

14 MS. SCOTT: Okay. And again, with the  
 15 parking in front, you talked about parking on this side  
 16 and parking on this side. Did you speak to what you  
 17 think the impact might be on this side of the street as  
 18 well?

19 MR. MARTELL: Yeah, I think truthfully it's  
 20 going to be very minimal. What we're looking at there  
 21 is employees we have anywhere from a 4 to 8 hour shift,  
 22 probably. So you're looking at employee so that  
 23 turnover is much less as compared to customers, where  
 24 the spaces might turn over a couple times in an hour,  
 25 whereas these spaces are turning over potentially once

1 customer count projection or the different model. We've  
 2 just looked strictly from vehicles kind of coming on and  
 3 off and being conditioned, but I don't think I have that  
 4 data and those sales in order to answer that question.

5 MS. SCOTT: All right, and one other  
 6 question. This is a tight space. Were there any other  
 7 locations in Maplewood that were evaluated that might be  
 8 more suitable and not abut right back up to a  
 9 residential area?

10 MR. MARTELL: Again, I'm not the business  
 11 itself, so it's not a question I can answer, at least  
 12 from my perspective. We're designing and planning and  
 13 that role of this project, not the selection of the  
 14 site.

15 MS. SCOTT: Who's in charge of the site  
 16 selection?

17 MS. MOORE: Operations.

18 MS. SCOTT: All right, thanks.

19 CHAIRMAN CARLSON: Anybody else from the  
 20 public want to come forward?

21 MR. FISHER: Tyler Fisher, 23 Wellesley  
 22 Road. Real if I can quick, I know you talked about  
 23 waivers, waiver 13, backing out on Wellesley Road. I  
 24 couldn't hear, was that still on the table as being a  
 25 waiver or was that one eliminated? Number 13.

1 in four hours. So, I think because of that and they are  
 2 also the delivery vans there, but they're, you know,  
 3 getting used a couple times a day. So you're looking at  
 4 if you would think of it versus the normal parking lot  
 5 versus what is there, I think the level of activity and  
 6 the number of vehicles going on is only a fraction of  
 7 what a traditional parking lot would be or some other  
 8 type of route. So to me, I think it's going to be very  
 9 minimal.

10 MS. SCOTT: And right now there's a  
 11 cut-through that comes through here. Is that going to  
 12 be blocked?

13 MR. MARTELL: Yeah, there will be no ability  
 14 to drive there. With the proposal we're essentially  
 15 separating them from each other.

16 MR. SCOTT: Okay. And this might be  
 17 operations as well, so in a previous meeting the  
 18 gentleman spoke to the fact that there was a desire to  
 19 have a business in Maplewood because of the volume of  
 20 traffic and the amount of people from Maplewood he saw  
 21 going to other stores. What's the anticipated volume,  
 22 again, for the number of people who will be here  
 23 shopping during the day versus the wholesale deliveries  
 24 that are going out?

25 MR. MARTELL: Yeah, I can't speak to the

1 MR. MARTELL: 13 is a dead-end parking.

2 MR. FISHER: Number 5 states northeasterly  
 3 employee parking lot will require the same waiver, as  
 4 well as a waiver to require back out on Wellesley Road.

5 MR. MARTELL: Correct.

6 MR. BRATT: So it's two waivers.

7 MR. MARTELL: Yeah, that --

8 MR. FISHER: There's no changes to that?

9 MR. MARTELL: No, there's no change to that.

10 MR. FISHER: Okay, so essentially we're  
 11 stating that the original delivery vehicle cannot back  
 12 out onto Colgate, but delivery vehicles leaving the  
 13 property can back out onto Wellesley Road?

14 MR. MARTELL: The delivery vehicles going to  
 15 service areas, correct. The vehicles using that pocket  
 16 there, those six spaces, correct.

17 MR. FISHER: Okay. So my question is, why  
 18 is it okay for a delivery vehicle to be able to back out  
 19 on Wellesley when you've already made a statement saying  
 20 it's not optimal for another delivery vehicle?

21 MR. MARTELL: I got you. I understand the  
 22 question now. It's the type of vehicle that's thinking,  
 23 the thought process, you have basically a passenger  
 24 vehicle. Although it's deliveries, it's a  
 25 passenger-type vehicle. You know, maybe a van, at the

1 largest, versus a large truck. Visibility is more  
 2 limited when you're driving a truck. It's a harder  
 3 vehicle to maneuver. So what we've essentially done is  
 4 somewhat prioritized that vehicle to ensure that it has  
 5 a safe route. And although the waiver there and the  
 6 point is noted that there are vehicles that back out  
 7 onto Wellesley, that, to me, is not that different than  
 8 somebody backing out of a residential driveway, you  
 9 know, pulling in and backing out. They're just  
 10 passenger-type vehicles. It's not a unique maneuver, in  
 11 my opinion, and it's far more suitable, in my opinion,  
 12 than the box truck, SU30.

13 MR. FISHER: Just to follow up, I guess I'll  
 14 ask operations as well if it will only be passenger  
 15 vehicles delivering because I understand there are times  
 16 when, you know, there may be a larger delivery going  
 17 out. Again, I guess I'll have to speak to operations  
 18 about that one as well?

19 MR. MARTELL: Yeah, my understanding is the  
 20 vehicles that are part of this operation and outgoing,  
 21 are not trucks.

22 MR. FISHER: Thank you.

23 MS. SCHERZER: Erin Scherzer, 49 Oberlin  
 24 Street. I have a question with respect to lighting.  
 25 What foot candle lighting are you proposing for this

1 building, the old garage area. About .4 to .7 on the  
 2 driveway on Wellesley and, you know, range predominantly  
 3 zero on the residential property line which, again, has  
 4 not accounted for the benefit of the fence. There are  
 5 some .1s, .2s along that common property line which if  
 6 we agree to provide a new solid fence, those will all  
 7 turn to zero at the common property line.

8 MS. SCHERZER: And so how bright is 3.5? I  
 9 don't know the lights inside my house, so how bright is  
 10 3.5? If you were to pick another business on  
 11 Springfield Avenue or another commonly known area like  
 12 the mall or something, how bright is 3.5?

13 MS. ADAMS: Maybe like a streetlight or  
 14 garage, something like that.

15 MR. MALLARD: LEDs, so we're no longer  
 16 talking wattages.

17 MS. ADAMS: No, I know, but like to give her  
 18 an idea for this bulb, this bulb.

19 MR. MARTELL: I would say it's very typical  
 20 for commercial parking lots. If you were in a Walgreens  
 21 parking lot, you would likely experience between 2 and  
 22 10 foot candles, probably on the higher side of what we  
 23 have here. If you were at a Quick Chek or Wawa or gas  
 24 station or 7-Eleven, you would probably be 7 to 10,  
 25 somewhere in that range. This room I'm going to

1 site?

2 MR. MARTELL: It ranges -- any particular  
 3 area that you would like to know?

4 MS. SCHERZER: High points and low points.  
 5 At the low and --

6 MS. ADAMS: On each side.

7 MR. RYAN: I can't hear what you're saying.

8 MS. ADAMS: I just told him like either  
 9 side. I'm usually not so quiet.

10 MR. MARTELL: So a couple of points of  
 11 interest, in the loading area adjacent to the trash  
 12 enclosure, 2.5. Somewhat in the ADA parking space, the  
 13 southwest corner, approximately 2.5. Zero as you get to  
 14 the sidewalk along Colgate Road. About .1 in front of  
 15 the building along Springfield Avenue. About 5.7 in the  
 16 -- right in front of the infill garage areas. About .1  
 17 at the driveway right in front of the infill garage  
 18 areas.

19 One footnote I'll put on that is that the  
 20 lights there, actually the Partnership asked to put  
 21 lights in between the infills to give it like an  
 22 architectural almost column-type design. That's why  
 23 that's the highest portion because that was done on  
 24 purpose from a visual standpoint. About 1.5 on the east  
 25 side of the building. About 3.5 immediately behind the

1 estimate is 40 to 50, somewhere in that range. So,  
 2 these are generalizations. I don't know how to tell you  
 3 what 3.5 --

4 MS. SCHERZER: Yeah, just a generalization  
 5 would be good. All right, well, thank you. Thank you  
 6 so much.

7 MR. TOBIN: Dennis Tobin, 21 Colgate Road.  
 8 The existing curbing that is on the Colgate Road side,  
 9 is that going to stay there?

10 MR. MARTELL: Correct.

11 MR. TOBIN: So that's going to stay there  
 12 and the curbing is in the front on Springfield Avenue,  
 13 that's also going to stay there?

14 MR. MARTELL: Correct.

15 MR. TOBIN: So that's not changing, okay.  
 16 In this parking area here, are vehicles going to be  
 17 allowed to go back through this way to go out through  
 18 Wellesley now?

19 MR. MARTELL: No.

20 MR. TOBIN: Not at all?

21 MR. MARTELL: No, the purpose of design here  
 22 is not to allow that, to remove it.

23 MS. ADAMS: Before you came in he testified  
 24 that that was blocked off.

25 MR. TOBIN: Okay, okay, fine. Just

1 clarifying that.

2 CHAIRMAN CARLSON: Any additional questions  
 3 of this witness from the public? I have a question. I  
 4 have a question about what you just pointed at. You  
 5 said there's actually going to be no -- actually the  
 6 southeasterly parking area and the northeasterly parking  
 7 area, but it's not clear to me what you intend to do in  
 8 that space. And I don't believe you directly addressed  
 9 recommendation number two in Mr. Bratt's memo, the first  
 10 paragraph. The second paragraph you actually have. The  
 11 first paragraph basically asks that same question and  
 12 why it couldn't be planned.

13 MR. MARTELL: In terms of how we block it,  
 14 you're right. We haven't detailed that. It would  
 15 likely be, you know, probably two or three bollards or  
 16 something like. We would want a physical impediment so  
 17 if it's a short run of like a guiderail or a couple of  
 18 bollards or something like that, but our intent is to  
 19 provide a physical impediment so you can't do that  
 20 movement. And the reason we're taking that away,  
 21 two-fold. We don't want it, per se. It doesn't have a  
 22 positive impact on the operation. Two, it conflicts  
 23 with how we design the parking lot. So I'm not exactly  
 24 sure how that would be perceived if we did have it, but  
 25 it's not anything that we've considered and we'd like to

1 CHAIRMAN CARLSON: Vic?

2 MAYOR DeLUCA: Just to clarify, there was a  
 3 question as did you look at other sites. This site in  
 4 particular, is this operation zoned for this or is it  
 5 zoned for this type of operation?

6 MR. MARTELL: Our opinion is this is a  
 7 retail use and yes. Yeah, I think, you know, there was  
 8 some discussion about this last week. I don't consider  
 9 this a distribution facility either. I know the  
 10 applicant gave his opinion, but from my opinion as a  
 11 professional, I think this is a retail use. A lot of  
 12 retail uses have some small ancillary service component  
 13 or restaurant they deliver. A Walmart might have a  
 14 McDonalds inside it. Sometimes there's just ancillary  
 15 things that are part of the business model, but I think  
 16 from a land use perspective, I think it's appropriate to  
 17 treat this as a retail use.

18 MAYOR DeLUCA: The retail use is permitted  
 19 within the zone.

20 MR. MARTELL: Correct.

21 CHAIRMAN CARLSON: Anymore questions of the  
 22 witness? Ms. Moore? Thank you, Mr. Martell. I think  
 23 you can call your next witness.

24 MS. MOORE: At this time I would like to  
 25 call John Pingatore.

1 block that off.

2 MR. BOLDEN: How are you going to use it? I  
 3 mean, if you block it off, it's paved, it's 12 feet plus  
 4 12 wide, so it's just not going to -- it's either going  
 5 to sit there and collect crap or it's going to be used  
 6 for something and that's what I think everybody wants to  
 7 know.

8 CHAIRMAN CARLSON: No, first question was  
 9 about restricting traffic though and the second question  
 10 is why not plant? Why not improve your impervious  
 11 surface a little bit?

12 MR. MARTELL: Yeah, but there's no defined  
 13 purpose for it in our business operations, so --

14 MS. ADAMS: We're talking neighborhood now,  
 15 so is what I just said -- and then I said --

16 MR. MARTELL: Sure, the project team has  
 17 heard her request. There's no operational purpose for  
 18 it. We just, you know, we're blocking it off. I'm sure  
 19 the team heard your comment.

20 CHAIRMAN CARLSON: Anybody else, questions?

21 MR. BOLDEN: No, my question was whether  
 22 they were going to use that piece of paved area and if  
 23 they use it for planting, I would be quite satisfied.  
 24 If they do not, then I need to know what they want to  
 25 use it for.

1 CHAIRMAN CARLSON: Spell your last name,  
 2 give your address for the record.

3 MR. PINGATORE: My address is 181 -- well,  
 4 it's 201 Littleton Road in Morris Plains, New Jersey.  
 5 My last name is P-i-n-g-a-t-o-r-e.

6 J O H N P I N G A T O R E, was duly sworn by the  
 7 Notary and testified as follows:

8 EXAMINATION BY MS. MOORE:

9 Q. Mr. Pingatore, what is your position with Advance  
 10 Auto Parts?

11 **A. I am a district operations manager for Advance  
 12 Auto Parts.**

13 Q. And in your position as district manager, what  
 14 are those responsibilities?

15 **A. I am responsible for all day-to-day operations,  
 16 from sales, service, profit and anything operational.  
 17 From front door to the back door, everything in the  
 18 middle.**

19 Q. And how long have you been serving in that  
 20 capacity?

21 **A. I have been serving in that capacity in Advance  
 22 Auto Parts for three years. I've been serving in that  
 23 capacity for over 25 years in the retail industry.**

24 Q. And how many stores would you say you're  
 25 responsible for as part of operations?

1       **A. I'm responsible for 11 Advance Auto Parts today,  
2 all in this area from Essex, Union and Hudson County.**

3       **Q. Going back to capacity, you're familiar with what  
4 we're proposing tonight?**

5       **A. Correct.**

6       **Q. You heard -- and I just bring back the testimony  
7 that Mr. Jorge Benavides, who is in charge of real  
8 estate, testified at our last hearing where he indicated  
9 a percentage from retail to what we're deeming as  
10 commercial. It's about 60 to 40 percent. Have you had  
11 that opportunity to evaluate that testimony and give the  
12 Board an explanation of that percentage?**

13      **A. Yes, I can. We are proposing that we're going to  
14 be approximately 75 percent retail, 25 percent  
15 commercial. Of that commercial, there's two different  
16 sides of that commercial. Commercial shops, you walk  
17 in, and pick up parts from us. We will do approximately  
18 -- we're averaging about 15 deliveries within a 5 mile  
19 radius daily. Those deliveries tend to end by 6 p.m.,  
20 the latest.**

21      **Q. And when you said "deliveries," you've heard  
22 basically an assessment of maybe call it a distribution.  
23 Is that what it is, a distribution?**

24      **A. What it is is local shops within a five mile  
25 radius that we all take our cars to to get repaired,**

1       **business. We have the DIY side which is our retail,  
2 that's do it yourself and then we have DIFM we call it,  
3 that's do it for me. So that would be where we take our  
4 cars. I'm not a mechanic. I take my car to a shop and  
5 the shop needs a part.**

6       **Q. And what would you say, how often are these  
7 deliveries being made?**

8       **A. They're roughly done between the hours of 8 a.m.  
9 and 6 p.m., roughly 15 deliveries a day. Six days a  
10 week, Sunday, if at all, is very, very minimum, maybe  
11 twice. Most places that would call us for that service  
12 are not open on Sundays, with the exception of the  
13 Goodyear, the Firestone type of place.**

14      **Q. And would you say the average distance that  
15 you're delivering is approximately five miles?**

16      **A. We deal with about a five mile bubble and that  
17 actually overlaps some other stores in some cases, as  
18 well.**

19      **Q. Okay. Now, going back to what you're calling the  
20 do it yourself, based on your experience not only within  
21 your three years, your 25 years of experience, what  
22 would you say is the average number of customers that's  
23 anticipated?**

24      **A. In my stores we average about 100 transactions a  
25 day. We expect this to be a moderate volume store. So**

1       **1 don't stock all the parts that they need. So they will  
2 call us if they need something they don't stock and we  
3 will bring it to them.**

4       **I'd like to clarify about the vehicles if I could  
5 while we're talking about that. We have two vehicles  
6 for this store. One is a small Toyota pickup truck and  
7 the other one is a Chevy Sonic, which is a very tiny  
8 four cylinder car. That's the only delivery vehicle  
9 that we use. Small engine, good for the environment,  
10 but still the capacity to carry something someone may  
11 need.**

12      **Q. So there will be two separate deliveries for  
13 merchandising and there will be a separate would you  
14 call them small Toyota pickup for specific deliveries?**

15      **A. Yes.**

16      **Q. When you're saying "shops," what kind of shops  
17 are you referring to?**

18      **A. Anybody that has a garage and a gas station or a  
19 Midas or a Goodyear, we deal with anybody that does any  
20 kind of auto. We service anybody that does anything  
21 from us from a very small mom and pop owned shop to a  
22 national original account.**

23      **Q. And what's the reason for this type of delivery  
24 as opposed to someone coming to the store?**

25      **A. They're doing -- so we have two sides of the**

1       **we expect it to be right around 100 transactions a day.**  
2       **Q. And now based on 100 transactions, what would you  
3 anticipate would be say the average number of customers  
4 at any particular time from average, to say maximum?**

5       **A. The maximum on a Saturday afternoon would  
6 probably be -- which is our busiest time of the day --  
7 our busiest time of the week, our Saturday afternoon  
8 would probably be a maximum, probably six, seven, eight.**

9                    MR. BRATT: Six or seven customers?

10                  MR. PINGATORE: Correct.

11      **Q. And in the store?**

12      **A. In the store at any particular time.**

13      **Q. At a given time together?**

14                  MR. BOLDEN: Six to seven?

15      **A. Customers at once, at one time. I have stores  
16 that do twice the proposed volume of this that maybe  
17 have 10 on the busiest time on a Saturday, at one time.**

18      **Q. Not the entire day?**

19      **A. Not the entire day. I hope not.**

20      **Q. Okay. Now, going back to a question that was  
21 asked earlier, you heard testimony from Mr. Martell that  
22 he's had the opportunity to evaluate about five stores  
23 in the closest proximity to this proposed location and  
24 the average number of parking stalls was 25. And the  
25 question was, what was the average number, the**

1 approximate number of square footage that we're basing  
 2 this number on? Do you have any information of what the  
 3 average square footage of each proposed store within  
 4 these five stores in the vicinity?

5       **A. I do and I'd like to address that. So out of**  
 6 **these five stores, no store is smaller than 7,000 square**  
 7 **feet and no store is larger than this one. So I want to**  
 8 **give you an example of that. So when we look at parking**  
 9 **from an operation perspective, I look at parking spots**  
 10 **more based on volume of store rather than square**  
 11 **footage. And I can understand why you're asking the**  
 12 **square footage question. So I am going to give an**  
 13 **example. Our East Orange location has 18 stalls. It is**  
 14 **the busiest store in North Jersey. It does twice the**  
 15 **proposed volume of this store. Actually, a little bit**  
 16 **better than twice the proposed volume. Carlos Furman**  
 17 **who is here tonight is the current general manager of**  
 18 **that store and he will be the general manager of the**  
 19 **store in Maplewood.**

20      **Q. All right, so it's fair to say --**

21      **A. So it's a little bit -- I wanted to give you an**  
 22 **average, nothing less than 7,000, nothing over 8,500,**  
 23 **but it's definitely more based on we look at it from a**  
 24 **volume perspective because we don't want people to not**  
 25 **have a parking spot.**

1       **A. Well, we're going to hire more than six, but**  
 2 **there should be no more than six at any time in the**  
 3 **building. We typically -- I'll give you the day. So we**  
 4 **open in the morning with two people obviously for safety**  
 5 **reasons, at minimum. And then we typically don't have**  
 6 **any more than six employees, even on a Saturday.**

7       **Q. Do you have any knowledge of where typically most**  
 8 **employees are typically parking or how they arrive?**

9       **A. So it's a little bit of a mix, especially in this**  
 10 **market. We did start to hire for this market because**  
 11 **originally it was proposed to be open earlier. We've**  
 12 **hired six employees total, two of them are from**  
 13 **Maplewood. And from what I can gather on short notice**  
 14 **was two of them were hoping to use transportation. I**  
 15 **know you have bussing service that runs on Springfield**  
 16 **Avenue and the other four will be traveling via car.**

17      **Q. Now, going back to the ten customers and maximum**  
 18 **six employees or six customers you stated earlier?**

19      **A. Six or seven.**

20      **Q. At any given time together in the store, what**  
 21 **would you say would be say the average purchase time of**  
 22 **any customer?**

23      **A. A walk-in customer, that average time in the**  
 24 **store is probably on a low end five minutes, on a high**  
 25 **end maybe ten. If we had to troubleshoot something for**

1       **Q. And this proposed store is 8,500 square feet as**  
 2 **proposed square footage for this size, correct?**

3       **A. Yes.**

4       **Q. Now, you mentioned something about during your**  
 5 **peak hours. What would you say would be the estimated**  
 6 **peak hours based on the other sites and this proposed**  
 7 **location?**

8       **A. So our peak hours, Monday through Friday are 12**  
 9 **to 2. We get that lunchtime, little bit of lunchtime**  
 10 **rush and then from 5 to 7 p.m. our store slows down**  
 11 **significantly after 7 p.m. On Saturday our peak times**  
 12 **are between 10 a.m. and 3 p.m. typically on a Saturday.**  
 13 **If you're going to do a project yourself, you're going**  
 14 **to have those parts and probably have it done by then or**  
 15 **hopefully have it done by then.**

16      **Q. So is it fair to say at 12 to 2, people are more**  
 17 **-- some are on a lunch break coming in?**

18      **A. Correct. We get that 12 to 2 for that lunchtime,**  
 19 **especially people that want to do projects at night in**  
 20 **the summer especially when you have more daylight hours.**

21      **Q. One of the concerns really is the number of**  
 22 **parking spaces that you're proposing. And there was**  
 23 **testimony at the last hearing about six employees that**  
 24 **will be utilizing six employee spaces proposed for the**  
 25 **site; is that correct?**

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1       **them, again, we don't have a shop. We're not mechanics.**  
 2 **All we do is we try to help them get the complete**  
 3 **solution to get the job done once and get out.**

4       **Q. So based on your experience, people are generally**  
 5 **in and out typically quickly?**

6       **A. Correct. And it's really because we don't have**  
 7 **one employee servicing them. If we have three employees**  
 8 **in the store, three employees will be helping three**  
 9 **different customers.**

10      **Q. Now, with respect to you indicated if there are**  
 11 **deliveries, what would you say is the average unloading**  
 12 **time? How often, how long do you expect, say, someone**  
 13 **to be unloading any type of merchandise?**

14      **A. You're talking about proposed deliveries from**  
 15 **here?**

16      **Q. Yes.**

17      **A. So this delivery is going to be brought in on a**  
 18 **28-foot public truck like you said, like a box truck.**  
 19 **It's only done during hours of operation. And it takes**  
 20 **approximately a half an hour. And I'm stretching that.**

21      **Q. Does Advance Auto have any system in place for**  
 22 **preventing people from speeding in the delivery trucks?**

23      **A. So, not only our delivery trucks, but also the**  
 24 **two vehicles that we have in store that we use, the**  
 25 **little Toyota pickup truck and the Chevy Sonic, we have**

1 live GPS units in every vehicle that are tamper proof  
 2 and they're there for a couple of reasons. They are  
 3 there to monitor live speed. The team members are held  
 4 accountable to that, almost immediately. They're done  
 5 so not only they're safe, but everybody around them is  
 6 safe. We monitor that up to the minute. We also  
 7 monitor idling in park and we do that for the  
 8 environment, obviously. We do that to try to cut down  
 9 on any kind of environmental damage that we may do. We  
 10 have the fourth largest fleet in the country. So we  
 11 want to make sure that we're doing the right thing for  
 12 the environment as well.

13 Q. So you're saying that you monitor the speed  
 14 limits of all your drivers as well?

15 A. So if I went out on a delivery right now and I  
 16 went more than five miles over the speed limit, my boss  
 17 would get an instant E-mail and I would be held  
 18 accountable for that speed. There's a couple of reasons  
 19 for that. I don't ever want to have to go to someone's  
 20 house and tell them their family member was injured, but  
 21 also we don't want to have to -- we want to monitor that  
 22 in our towns as well, for safety purposes.

23 Q. Now, there are a few questions regarding and  
 24 maybe the mayor could repeat, there was conditions,  
 25 whether or not the applicant or the operation was

1 the trucks must enter off of Springfield Avenue and not  
 2 off of Wellesley?

3 MR. PINGATORE: So, I did hear that.

4 MAYOR DeLUCA: Colgate, Colgate.

5 MR. PINGATORE: That's this right here. So,  
 6 we're asking so they don't back in?

7 MAYOR DeLUCA: Right.

8 MR. PINGATORE: I have no problem with that.

9 I believe it was you, sir, about ingress and egress. I

10 think the only thing here would be for no trucks. I

11 think if we did a "do not enter" here, it might make it

12 more difficult for the residents that live this way. I

13 think that would be minimal.

14 The other thing I was thinking to myself  
 15 doing this was if someone happens to be coming to the  
 16 store and the store is big and lit up, but they miss  
 17 this and they can't turn in here, you'd have to go down  
 18 the road and turn around somewhere. And in that mind  
 19 I'm always thinking safety. So I'd like them to turn  
 20 somewhere safe instead of trying to do something that  
 21 wouldn't be legal.

22 MAYOR DeLUCA: The other part is with the  
 23 delivery truck, with this 28-foot truck, having them  
 24 required to come in on Springfield and when they exit on  
 25 Colgate they only can make a left, they cannot go down

1 willing to agree to certain conditions.

2 MAYOR DeLUCA: Yes, thank you. The last  
 3 week we talked about a condition that deliveries would  
 4 -- conditions would only be during operating hours  
 5 because there was some testimony that it would be before  
 6 or after. You just testified that it would only be  
 7 during.

8 MR. PINGATORE: So our deliveries from our  
 9 warehouse which is based in Kutztown, Pennsylvania only  
 10 comes during hours of operation. I did reach out to the  
 11 transportation manager to get some more clarification,  
 12 just so you understand the frequency as well because a  
 13 new question came up again tonight. During the first  
 14 week of merchandising we will in a seven-day period, we  
 15 will get five trucks. During the first four weeks of  
 16 store operation after grand opening, we will get two  
 17 delivery trucks in one week. After that going forward,  
 18 we will get one delivery truck per week during hours of  
 19 operation.

20 MAYOR DeLUCA: So we can put a condition  
 21 that deliveries can only be during hours of the  
 22 operation?

23 MR. PINGATORE: Absolutely, sir.

24 MAYOR DeLUCA: And then as far as the  
 25 entrance for the truck, we can put a condition in that

1 the residential street.

2 MR. PINGATORE: I would assume that would be  
 3 the only way to do it. I wouldn't even assume it the  
 4 other way. I'm okay with that.

5 MAYOR DeLUCA: If we put a condition, that's  
 6 something you could live with?

7 MR. PINGATORE: Yes, we can absolutely put  
 8 that condition. Our vehicles, our truck, the truck GPS  
 9 probably won't even allow them to go that way from a  
 10 safety perspective, they wouldn't let them go in a  
 11 residential neighborhood, usually.

12 MR. BOLDEN: The GPS would prevent them?  
 13 MR. PINGATORE: Prevent them from showing a  
 14 path, traveling that way. They use truck GPS.

15 CHAIRMAN CARLSON: Are you prepared to have  
 16 general questions at this point?

17 BY MS. MOORE:

18 Q. I do have one clarification from the last time we  
 19 were here and it relates to the comment from the  
 20 Springfield Avenue Partnership. And the last time we  
 21 were here we referenced -- and I'm going to put this up  
 22 here -- the merchandising plan. One of the comments  
 23 from the Partnership with respect to reducing the racks,  
 24 what we're proposing from 96 inches to 4 feet and at  
 25 that time we agreed to reduce it to 4 feet. There is

1 going to be some, if Mr. Pingatore can just explain the  
 2 reason why we can comply with only on the parts side,  
 3 but not on the sales side.  
**4 A. So on the parts side at 4 feet from the windows**  
**5 is no problem. The truth of the matter is is this part**  
**6 here, so this is our basic floor plan setup. These**  
**7 sections back here are very heavy, bulky items that**  
**8 can't be moved anywhere else. They're a special kind of**  
**9 racking for safety. It's batteries, oil, that type of**  
**10 stuff. This is merchandising that happens typically and**  
**11 needs more than 4 feet to be merchandised with like**  
**12 merchandise. So if possible, we would like to leave**  
**13 this height here, and we can definitely lower this**  
**14 section here to whatever height you may require.**

15 MAYOR DeLUCA: Well, this is the problem.  
 16 You're looking in the window, you're going to see the  
 17 back of a rack.

18 MR. PINGATORE: So our windows have some  
 19 sort of tint, but also -- so we went through this with  
 20 the engineer. We sit approximately 4 feet lower at the  
 21 ground level from the sidewalk than the front of the  
 22 store. Plus, you'll be looking another 4 feet up so you  
 23 wouldn't really be looking into the building at that  
 24 point. And our front doors are open and nice and bright  
 25 and colorful, and we do have safety signs and free

1 Orange location, we have probably 10 to 12 employees on  
 2 a Saturday with 18 parking spots. So it really, you  
 3 know, the more employees the store has, the faster we  
 4 get the customers out too. And the parking spots turn  
 5 quicker.

6 CHAIRMAN CARLSON: Jim?  
 7 MR. NATHENSON: Question that I referred to  
 8 you was describe the regulations and your plan for  
 9 handling spent batteries both in terms of storage and  
 10 disposal.

11 MR. PINGATORE: Okay. So we recycle all of  
 12 our batteries. They are put on pallets with corrugated  
 13 cardboard on top of it. This is all by Hazmat law. We  
 14 follow every Hazmat law. So if the battery is not  
 15 leaking in any way, it goes on a pallet, on a level  
 16 marked with a corrugated cardboard on top of it. It  
 17 goes no more than three levels high. It is wrapped  
 18 approximately 21 times per level of battery. It is  
 19 marked on five sides as Hazmat and shipped back on this  
 20 DC delivery truck once a week. If a battery is leaking,  
 21 we have battery safety boxes with Hazmat protective bags  
 22 in them. They get put in there and they're zip tied and  
 23 the box is sealed and they're put on that pallet as well  
 24 and tied. Anybody that touches a battery in our store,  
 25 installs a battery is required to wear big safety

1 service signs in the plan which was given by the  
 2 architect that are on the windows. So it's not like  
 3 you're looking at just plain racking.

4 MAYOR DeLUCA: We'll see the windows, right?

5 MR. PINGATORE: Yes.

6 MS. MOORE: We'll see the windows.

7 CHAIRMAN CARLSON: You're done?

8 MS. MOORE: That was all my clarification as  
 9 far as this witness is concerned.

10 MR. BOLDEN: You said that you don't have  
 11 six -- that you're going to have six employees on-site  
 12 at any one time?

13 MR. PINGATORE: Yes, sir.

14 MR. BOLDEN: And I understand that I heard  
 15 you when you say that two of them were going to be  
 16 taking mass transit, but just assume that they're not  
 17 going to be taking mass transit. You have six parking  
 18 stalls labeled for employees and you have two vehicles  
 19 that you're going to be using for deliveries. Where are  
 20 you going to put those vehicles or where are you going  
 21 to have the employees park if those six spaces that are  
 22 in those dead end spaces are all utilized?

23 MR. PINGATORE: They would have to park  
 24 here. I mean, we can put them to park anywhere we want,  
 25 but we'd have to put them here. Going back to the East

1 goggles as well as rubber gloves as well.

2 MR. NATHENSON: And do I understand also  
 3 that you're going to allow customers to recycle spent  
 4 oil?

5 MR. PINGATORE: Yes, sir. So we have an oil  
 6 tank that we use and we use -- it's called Safety Clean,  
 7 number one in the industry. They bring us a tank and  
 8 it's put inside the store. It's a vented tank. And  
 9 it's picked up any time we want. And it's picked up  
 10 within 24 hours of us calling them, or every 30 days.

11 MR. BOLDEN: What's the capacity of that  
 12 tank?

13 MR. PINGATORE: It depends store to store.  
 14 I'm not sure on this one. I can see it on the  
 15 merchandising plan. I can get you the answer.

16 MR. BOLDEN: Roughly.

17 MR. PINGATORE: Roughly, 200 gallons.

18 MR. RYAN: Is this a tank they remove the  
 19 old tank and put in a new empty one?

20 MR. PINGATORE: No, they pump out, they pump  
 21 out. Safety Clean does everything from motor oil to  
 22 cooking oil, everything is 100 percent recyclable. The  
 23 way I look at it, the way the company looks at it is  
 24 it's a lot better than the alternative. We do it free  
 25 of charge. We also take oil filters, used as well as

1 antifreeze.  
 2 MR. NATHENSON: And does that recycling the  
 3 oil take place only during business ours?  
 4 MR. PINGATORE: Yes, sir. Yes, sir.  
 5 MR. NATHENSON: So it's the same issue and  
 6 it's a fairly big truck that comes and sucks --  
 7 MR. PINGATORE: No, it's actually not that  
 8 big. It's no bigger than --  
 9 MR. NATHENSON: Smaller than your incoming  
 10 delivery trucks?  
 11 MR. PINGATORE: Much smaller sir, yes.  
 12 CHAIRMAN CARLSON: Is it like the size of a  
 13 van maybe?  
 14 MR. PINGATORE: Yeah, like the size of a  
 15 Ford Transit, it's just got a hose on it and it just  
 16 pumps it out. They're in and out of our store in  
 17 approximately seven minutes. They pump that, take it  
 18 out at such a speed, it's crazy.  
 19 MR. NATHENSON: Okay, there was also a  
 20 concern raised at the last meeting regarding people that  
 21 want to do their own, do repairs in your parking lot.  
 22 MR. PINGATORE: We do not allow it. We're  
 23 not insured for it.  
 24 MR. NATHENSON: And how do you prevent it?  
 25 MR. PINGATORE: We have signs that go up

1 MR. PINGATORE: None of that equipment will  
 2 still be inside, sir.  
 3 CHAIRMAN CARLSON: Well then I have a  
 4 question about square footage. If I understand you  
 5 correctly, the stores that you were comparing this to in  
 6 the immediate area, either about the same size as this  
 7 or a little smaller, some of them were two or three  
 8 times the volume. Does that mean you have more square  
 9 footage here than you need?  
 10 MR. PINGATORE: No, what it means is we get  
 11 more deliveries than those stores and that's kind of how  
 12 we do it, parts per square, you know.  
 13 CHAIRMAN CARLSON: Members of the Board,  
 14 Jerry?  
 15 MR. RYAN: What's your role going to be if  
 16 this property is approved and constructed?  
 17 MR. PINGATORE: Did you say my role?  
 18 MR. RYAN: Yes.  
 19 MR. PINGATORE: My role is -- I'm a district  
 20 manager, so I oversee all operations. I assist the  
 21 daily manager with hiring. Anything that may come up.  
 22 My job is really to remove road blocks.  
 23 MR. RYAN: So this particular store will be  
 24 under you?  
 25 MR. PINGATORE: Yes, this will be under me.

1 from construction as well as the general manager in the  
 2 store, management team are also liable to please in a  
 3 kind way, ask them to do it on their own property. We  
 4 do not allow it in any market at all. The only thing we  
 5 do in our parking lot is free services such as wipers  
 6 and battery change in most vehicles and we're insured  
 7 for that.

8 MR. NATHENSON: Okay.

9 CHAIRMAN CARLSON: I have a question about  
 10 the usage of the building. You've got from the building  
 11 there, the existing building there are service bays on  
 12 the east. What are you going to use that space for in  
 13 the future?

14 MR. PINGATORE: It's just parts we have,  
 15 right? So let me show you here, sir. So everything  
 16 from this square right here is what you would call the  
 17 do it yourself type stuff that you can pick up off the  
 18 sales floor, maybe a filter, air fresheners, that type  
 19 of stuff. Everything from here is what we call hard  
 20 parts, maybe chassis parts, ignition parts, starters,  
 21 alternators, electrical, all that type of equipment that  
 22 is used on both the do it yourself customer and the do  
 23 it for me customer.

24 CHAIRMAN CARLSON: So you're going to remove  
 25 the lifts and all of that equipment that's in there now?

1 CHAIRMAN CARLSON: The general manager of  
 2 the store reports to you in the organizational chart?  
 3 MR. PINGATORE: Correct.  
 4 MR. RYAN: Second question, you talked about  
 5 the number of employees you had. I was just wondering  
 6 if your drivers of these trucks are included in that  
 7 employee count?  
 8 MR. PINGATORE: Of the two small vehicles?  
 9 Yes, they are. And they're also minimum age of 21 and  
 10 they also have to be MVR certified with a clean driving  
 11 record of three years or more, just so that helps.  
 12 MR. RYAN: That leaves me out.  
 13 MR. LARRIER: What are the proposed hours,  
 14 again, for operation?  
 15 CHAIRMAN CARLSON: Hours of operation.  
 16 MR. PINGATORE: Hours of operation are 7:30  
 17 to 9, Monday through Saturday and 9 to 6 in this  
 18 location on Sunday. The reason we open that early in  
 19 the morning is people do come before work to get parts.  
 20 CHAIRMAN CARLSON: Craig?  
 21 MR. MILLER: Where does the truck that  
 22 removed the oil to be recycled come to and how does it  
 23 access a tank inside the store?  
 24 MR. PINGATORE: The tank is in this -- it's  
 25 different in every location. Just give me a second.

1 It's going to be on this one. It's right here, sir, so  
 2 it would be using the same door as the delivery.  
 3 MR. MILLER: It's right next to the loading  
 4 area?  
 5 MR. PINGATORE: Correct, sir, right next --  
 6 right by the loading door. It's a pipe. It uses --  
 7 it's got a nozzle on the tank itself with a safety lock.  
 8 They can only be opened by Safety Clean and they have a  
 9 pipe, like a hose. It pumps it out.

10 MR. BOLDEN: So the vehicle doesn't have to  
 11 enter into the confines of the building?

12 MR. PINGATORE: No, sir. I want to say it's  
 13 a 50-foot hose they have, if needed.

14 CHAIRMAN CARLSON: Jim?

15 MR. NATHENSON: One more question about  
 16 incoming deliveries which you indicated that you would  
 17 be willing to restrict to hours of operation. Does that  
 18 include Sundays?

19 MR. PINGATORE: Oh, we don't get deliveries  
 20 on Sunday. Our deliveries are done Monday through  
 21 Friday 95 percent of the time. The only time a store  
 22 will see a Saturday delivery is on a holiday week such  
 23 as, like, Labor Day where deliveries are rushed back  
 24 sometimes, but that's only if you're a Monday delivery  
 25 store. Unfortunately, I tried to find out exactly what

1 we're capturing Irvington customer here at all.  
 2 MAYOR DeLUCA: What about Union, South  
 3 Orange?  
 4 MR. PINGATORE: No, I think we capture --  
 5 East Orange captures more South Orange. And Union is  
 6 more Hillside for us. I mean, I'm not saying that  
 7 someone won't cross or whatever, but for the most part  
 8 that's not what we're anticipating.

9 MAYOR DeLUCA: And keep going, a couple of  
 10 others. I watched the video today on your website about  
 11 the wiper repair and battery repair. It wasn't you, was  
 12 it?

13 MR. PINGATORE: No, it wasn't me. They put  
 14 the good looking guys on TV.

15 MAYOR DeLUCA: So you heard earlier your  
 16 testimony from the engineer that that work is going to  
 17 be done in the loading dock, but I believe you talked to  
 18 us about how that would actually happen because I come  
 19 in, let's say I parked my car in the front there on the  
 20 right, say in the east lot. So no, okay, there. So I  
 21 come in the store and I say, "I want wipers." So now  
 22 you're going to tell me I have to go back out to  
 23 Springfield Avenue and go out to the --

24 MR. PINGATORE: We're going to suggest that.  
 25 Wipers is a little bit of an anomaly. Wipers takes

1 day this was but, until everything is actually approved,  
 2 it's not put on the schedule for transportation day yet.

3 MAYOR DeLUCA: I'm not sure you're the right  
 4 person, but there was a question earlier why Maplewood?  
 5 And based on your experience working with this company  
 6 for three years and your 25 years of retail experience,  
 7 do you have an answer as to why you think the Maplewood  
 8 market makes sense for your company?

9 MR. PINGATORE: So, my opinion based on some  
 10 of the facts? So, good community, we do a lot of things  
 11 in the community when we can, so we'd like to be in  
 12 community-based communities, but also we had a need  
 13 because some of our customers, some of our customers in  
 14 Irvington and Hillside are coming from Maplewood. Be it  
 15 maybe they're coming from here before, after, during  
 16 work, whatever that may be, but approximately 20 to 30  
 17 percent of our customers in those two locations are  
 18 captured addresses in Maplewood.

19 MAYOR DeLUCA: When you do your market,  
 20 you're trying to capture customers, what other towns  
 21 besides Maplewood do you think you will capture  
 22 customers from?

23 MR. PINGATORE: We're going to pull some  
 24 from the Hillside market, I would say some from  
 25 Springfield if I had to guess, and again, I don't think

1 approximately 30 seconds. I could change a set of  
 2 wipers, I'm not kidding.

3 MAYOR DeLUCA: I saw this. You went out,  
 4 you tested the alternator, you tested the batteries. So  
 5 that would be --

6 MR. PINGATORE: That's an electrical system  
 7 test. We test that free of charge. We would ask the  
 8 customer to come over here for a couple reasons, not  
 9 only to service them, but also for safety for everyone.

10 MAYOR DeLUCA: So you think that would work?

11 MR. PINGATORE: Oh, absolutely. We're  
 12 performing a free service and being a consumer as well,  
 13 if someone is going to perform a free service for me, I  
 14 try to tend to do what they ask. There will be  
 15 situations, I'm sure, because I want to be 100 percent  
 16 honest, someone comes in, turns their car off, doesn't  
 17 start again. We'll do what we have to do to provide  
 18 customer service, but again, over here provides a more  
 19 safe haven for doing those type of things as well when  
 20 dealing with batteries.

21 MAYOR DeLUCA: So there was a pretty  
 22 significant concern about repairs being done on your  
 23 property. And when this was first approached, when I  
 24 was first approached by -- really I can't remember who  
 25 it was -- they told me about the Fair Lawn store and

1 there was some kind of law or something or town  
 2 ordinance that said you can't do repairs. Do you know  
 3 of any town ordinances or any ordinances that say you  
 4 cannot do repairs on private property?

5 MR. PINGATORE: Not in this town, but we do  
 6 have towns where that is the case. In Newark they do  
 7 not allow us to do that in the towns and as well as some  
 8 smaller towns. I can only talk about markets I had.  
 9 The Dunellon market, in Dunellon we're not allowed to  
 10 put batteries in. They have a town ordinance. I used  
 11 to have a district in Connecticut. When you get into  
 12 those smaller shore towns, they do not let us do it in  
 13 some cases either.

14 MAYOR DeLUCA: So, if we were to take  
 15 advantage of that information and municipal governing  
 16 body passed an ordinance, you would be able to live with  
 17 that?

18 MR. PINGATORE: That's -- I can't make that  
 19 decision. That would not be my decision.

20 MAYOR DeLUCA: Well, if you don't allow  
 21 repairs in your --

22 MR. PINGATORE: We don't allow repairs.  
 23 That's for insurance reasons too.

24 MR. DeLUCA: I'm talking about the do it  
 25 yourself, right? That's what you're talking about? The

1 probably would look at too, because again, if you're  
 2 pushing people off your property, we don't want them to  
 3 go across the street and start doing that work too.

4 MR. PINGATORE: So, unfortunately we have to  
 5 have that conversation more than you think. So what we  
 6 tend to do is we tend to drive it, so we talk about from  
 7 a town perspective and also from our safety. We tell  
 8 them, you know, we do not have insurance. We do  
 9 understand you have to do repairs to your car. We would  
 10 appreciate -- would you take it to a home or a friend or  
 11 garage to do that? That's kind of how we spin it so it  
 12 does come across nice as well, because it's a customer  
 13 service issue as well. We don't want to demand  
 14 something of someone and this is a town ordinance. We  
 15 lay where the laws go.

16 CHAIRMAN CARLSON: Members of the Board,  
 17 further questions? We've been going for over two hours.

18 I'd like to ask that we take a very short break and then

19 invite members of the public to question Mr. Pingatore.

20 (Brief recess was taken.)

21 CHAIRMAN CARLSON: At this time I would like  
 22 to invite members of the public to come forward who wish  
 23 to question Mr. Pingatore about the testimony he has  
 24 given.

25 MR. PINGATORE: Sir, if I may, can I address

1 thing is, the concern is somebody is going to come in  
 2 and get transmission fluid and dump it into their  
 3 transmission. It's going to end up all over the ground.  
 4 That's what you're trying to avoid too, right?

5 MR. PINGATORE: Correct, sir.

6 MAYOR DeLUCA: So, how is that going to be  
 7 enforced?

8 MR. PINGATORE: We have those conversations  
 9 with our customers. It's posted.

10 MAYOR DeLUCA: It's posted inside?

11 MR. PINGATORE: No, it is not, but it can  
 12 be. It's posted outside by the parking area.

13 MAYOR DeLUCA: Well, we have beverage  
 14 control. We have all kinds of signs that say you can't  
 15 drink outside, you drink in the back, you can't drink  
 16 with a straw. I mean --

17 MR. PINGATORE: We can absolutely do that.  
 18 We can absolutely put it inside.

19 MAYOR DeLUCA: You can't get a straw in a  
 20 liquor store.

21 MR. PINGATORE: Yeah, that's easy enough.  
 22 We have the signs for outside. We can easily put them  
 23 inside, if requested.

24 MAYOR DeLUCA: And then I saw the municipal  
 25 ordinances about repairs on municipal streets which we

1 the Mayor one more time about the question he asked  
 2 before so I can add to it? So, you asked about us  
 3 stopping people from working in the parking lot and I  
 4 talked to you about the customer service. One of the  
 5 other things we do is we also ask the shops in the area,  
 6 local area like Maplewood that maybe is within a mile or  
 7 two to give us business cards and then we can refer to  
 8 those customers to do that because sometimes they get in  
 9 over their head. I know I've done it, get over their  
 10 head in the project. We say hey, we got this really  
 11 great shop around the corner. What we're doing there is  
 12 it helps drive our business too, but it also helps  
 13 uphold the commerce as well, so --

14 CHAIRMAN CARLSON: Okay.

15 MR. PINGATORE: Thank you.

16 CHAIRMAN CARLSON: Members of the public,  
 17 questions of the witness about the testimony he's given  
 18 considering the operation of the store?

19 MR. KILEY: Kurt Kiley, K-i-l-e-y, 506  
 20 Summit Avenue. You just testified that the percentage  
 21 of retail versus commercial is 75 to 25.

22 CHAIRMAN CARLSON: Mr. Bratt, could you get  
 23 a little closer to the --

24 MR. KILEY: You testified that the  
 25 percentage of retail to commercial is 75 to 25 percent.

1 Two weeks ago we heard that it was 60 to 40 percent and  
 2 in the end, annual report, the general consensus in the  
 3 annual report is now saying it's 57 percent to 33  
 4 percent retail. How did you guys come up with your  
 5 numbers for the Maplewood store?

6 MR. PINGATORE: Good question. So, in our  
 7 annual report that's based on as you may or may not  
 8 know, we've purchased Carquest. Carquest is  
 9 approximately 80 percent commercial, 20 percent retail.  
 10 So that's overall store. We have approximately 4,000 of  
 11 the Advance stores, approximately 2,500 of the Carquest  
 12 stores. That's with that included. He did testify  
 13 60/40 in this market. He just wasn't sure of our market  
 14 exactly. Based on -- and I don't know what algorithms  
 15 they use, sir, they do it based on how many commercial  
 16 shops are in the area in a five-mile bubble versus how  
 17 many residents there are. And we also use registered  
 18 vehicles in the area based on the age. This store is  
 19 expected to do 75 percent DIY and 25 percent commercial.

20 MR. KILEY: And how did that change from his  
 21 testimony?

22 MR. PINGATORE: He just wasn't exactly sure  
 23 of the number. That was more of an operations question.

24 MR. KILEY: Okay.

25 MR. PINGATORE: And that's why I'm here

1 5-mile radius. We are here. We are not servicing from  
 2 another store. We don't move customers from one store  
 3 to another. If our Hillside location is serving a  
 4 customer service well and they have a relationship, we  
 5 don't ask them to come to a Maplewood store and ruin  
 6 that relationship.

7 MR. KILEY: Would you stop them? Say the  
 8 Irvington store was out of a part and the Maplewood  
 9 store had it, would you deliver it from the Maplewood  
 10 store?

11 MR. PINGATORE: We could, or they could come  
 12 pick it up. Or sometimes they'd go in, have the  
 13 delivery trucks. There's multiple different ways it  
 14 happens. Depends on when the customer needs it and when  
 15 the customer wants it, but it's always done in an  
 16 Advance Auto Parts vehicle.

17 MR. KILEY: But it could be from any of the  
 18 stores if the supply could be met at the particular  
 19 store?

20 MR. PINGATORE: Correct, sir.

21 MR. KILEY: Can you explain a little bit  
 22 more about the B to B operations? I read a little bit  
 23 in the annual report. They're doing a lot of E  
 24 Commerce. So can you describe that?

25 MR. PINGATORE: So, we have two sides of E

1 tonight, to clarify anything that you guys might have.

2 MR. KILEY: So you gave me a rough idea how  
 3 the sales were generally, but how are you figuring they  
 4 are going to be allocated, commercial versus retail?

5 MR. PINGATORE: Again, it's based on  
 6 residents in town, how many local shops there is within  
 7 a 5-mile radius. So we depend on how many bays are in  
 8 each one of those shops. It's way above my pay grade,  
 9 but depends how many bays are in each one of those  
 10 shops, depending on what kind of business they may do.  
 11 You probably have smaller garages in this market. Some  
 12 markets we have garages that have 25 bays. We don't  
 13 have that here. So based on the residents versus  
 14 commercial shops, they figure out what that's going to  
 15 be. It's not exact. It could lean more towards DIY, it  
 16 could lean a little more towards commercial, but we  
 17 don't have the ability with what we have existing in the  
 18 area, for commercial shops to get much larger in the  
 19 commercial side.

20 CHAIRMAN CARLSON: Excuse me, let me clarify  
 21 something. When you talk about shops and garages,  
 22 you're talking about potential demand for repair  
 23 facilities, correct?

24 MR. PINGATORE: Correct, sir. So repair  
 25 facilities, correct. So you don't have that within a

1 Commerce. We have the C, that's our retail side. And  
 2 any customer can do it on either a mobile phone or  
 3 computer, order a part and it's ready to pick up within  
 4 15 minutes. B to B is our business to business,  
 5 obviously. So our repair facilities have the ability to  
 6 look at our website, order a part and the order pops up  
 7 in the store. It's generated. They tell us if they  
 8 want to come pick it up or we deliver it for them. That  
 9 doesn't change. That's all taken into consideration on  
 10 percentage as well.

11 MR. KILEY: Do you do any kind of  
 12 micromanage inventory to help them stock their shelves?

13 MR. PINGATORE: We do it in larger shops,  
 14 where the demand for that is. And if we do that, it  
 15 actually cuts down our deliveries. We try to do it  
 16 within the day. It's typically oil filters, that type  
 17 of stuff. We do do that as well. That only helps our  
 18 bottom line because it saves us on gas, running for a  
 19 \$1.50 oil filter.

20 MR. KILEY: Yes.

21 MR. PINGATORE: So from an investor  
 22 perspective, they like when we stock the garages.

23 MR. KILEY: Now, it says that if the store  
 24 is out of stock, it's quite possible that you would do  
 25 same day or next day delivery of parts if you had them

1 available?

2 MR. PINGATORE: Yes.

3 MR. KILEY: How often does that happen?

4 MR. PINGATORE: On average, maybe a few  
5 times a day. Carlos -- I mean, can probably answer me.  
6 Three or four times a day you would order for a part to  
7 be picked up and it would be delivered on one UPS  
8 delivery or it comes straight from the vendor or from  
9 another warehouse.

10 MR. KILEY: It says you have a PDY truck and  
11 third-party carriers that deliver it?

12 MR. PINGATORE: So, PDY is product delivered  
13 quickly. They have the ability to bring you the parts  
14 any time we need them, but it's done on a schedule so it  
15 covers maybe 18, 20 stores in a radius. It's done  
16 typically once a day. It's probably about a two-minute  
17 process, per store.

18 MR. KILEY: So what you're saying there is  
19 one delivery a week supplemented by these other  
20 deliveries?

21 MR. PINGATORE: And they're done in a car,  
22 like a passenger vehicle. Like a Chevy Sonic. They're  
23 not done in any type of commercial, larger vehicle, box  
24 truck, nothing. They're done in a passenger vehicle  
25 just like you or I may drive.

1 MR. KILEY: Okay. Where is the closest  
2 public store, talking about hub stores where they come  
3 out of?

4 MR. PINGATORE: So a hub store is a store  
5 that carries approximately one-and-a-half times the  
6 amount of parts that any of the other stores have.  
7 There's usually one within a 20-mile radius. Our  
8 closest is Fairview.

9 CHAIRMAN CARLSON: Is where?

10 MR. PINGATORE: Fairview. That's our  
11 closest hub store. After that would be Manville, New  
12 Jersey.

13 MR. KILEY: Now, you also mentioned -- I'm  
14 forgetting the parent company. I know it's Carquest.

15 MR. PINGATORE: GPI.

16 MR. KILEY: GPI. With the acquisition of  
17 GPI there was talk that there was going to be roughly  
18 100 stores consolidated. Will there be any stores in  
19 this area that are being consolidated which might  
20 increase the amount of traffic in the Maplewood store?

21 MR. PINGATORE: No, I have none in my entire  
22 market. In our region of 152 stores that we were  
23 talking about before, we had approximately 30 that  
24 consolidated. None in my market, at all. We even have  
25 one Carquest in this area. I'm sorry, two. It would be

1 Nutley and Union and they're both independent owners,  
2 kind of like a franchisee. They operate on their own  
3 with our product just as a supplier. That would not be  
4 possible in this market.

5 MR. KILEY: Thank you.

6 MR. PINGATORE: Thank you.

7 CHAIRMAN CARLSON: Would anyone else like to  
8 question the witness on his testimony?

9 MS. SCOTT: Tiffany Scott, 25 Amherst Court.

10 You said you'll discourage customers from doing work in  
11 the parking lots. Is it possible for you to put a sign  
12 in the establishment also telling people they should not  
13 do work on Colgate, Wellesley or Springfield?

14 MR. PINGATORE: We could absolutely do that.  
15 So what we have is it's kind of like you were like a no  
16 parking sign, no parking any time, no parking near the  
17 corner. There's just signs like that that we mount to  
18 the buildings. We have them at our disposal. We could  
19 absolutely do that if the Board and township wanted us  
20 to do something like that.

21 MS. SCOTT: Can I ask a question? Is there  
22 an ordinance to prevent people from doing work on the  
23 street?

24 CHAIRMAN CARLSON: I'll look to the mayor.  
25 MAYOR DeLUCA: There is not. There are

1 ordinances around the country that we can use as a model  
2 and we certainly would work with the neighborhood  
3 association to figure out what's the best way. Part of  
4 the difficulty of when you institute parking changes,  
5 then the residents can't park there too. So we have to  
6 figure out what's best. There may be ways that we can  
7 do this and allow parking. There may be ways.

8 CHAIRMAN CARLSON: You were asking about  
9 service though, weren't you?

10 MS. SCOTT: Yeah.

11 MAYOR DeLUCA: Service and parking.

12 MS. SCOTT: If someone knows they can't  
13 change their oil in the parking lot, they'll just park  
14 in front of my house and do it.

15 MR. PINGATORE: Can I give you something  
16 based on experience? Obviously I can't guarantee  
17 anything, but I can tell you that typically in our  
18 markets people don't tend to do that. They tend to go  
19 in front of their own home and do that. That's why we  
20 encourage things like the oil slip and stuff like that,  
21 so you come back. Because typically people do work in  
22 their own garage or their own street and we try get them  
23 back. So they dump that oil because we try to  
24 discourage them from doing that so they don't dump it in  
25 a sewer or gutter. We do what's good for the

1 environment. We find typically people don't do that  
 2 around our stores. We just don't breed that type of  
 3 behavior. We don't allow it, but that's why I'm trying  
 4 to get them back for things like recycling to come back  
 5 and it's a free service. So I have my own store is in  
 6 Clinton Avenue in Newark. And I see none of that.  
 7 Every once in a while it happens and we step in. That's  
 8 what the general manager and his team are there for.  
 9 They're trained and comfortable with having that  
 10 conversation.

11 MS. SCOTT: And one other question the  
 12 gentleman before you, I think there was a question asked  
 13 about site improvements because there was some crumbling  
 14 on this end and then there's a question about what the  
 15 blank space is going to be. Is there a willingness to  
 16 at least fix up or improve areas of the site that might  
 17 be dilapidated?

18 MR. PINGATORE: I believe the architects,  
 19 they have the site plan, the proposed landscape  
 20 renderings or you have? I, unfortunately, don't make  
 21 that construction decision.

22 MR. BENAVIDES: Yes.

23 MS. SCOTT: Okay, all right. And I ask the  
 24 architect about HVAC, correct?

25 MR. PINGATORE: Yes, ma'am. Thank you.

1 truck that comes once a week has a lift gate to take  
 2 pallets up and down.

3 MR. TOBIN: Okay, my next question is as far  
 4 as the current use, the current usage of the building,  
 5 who is going to be the owner? Are you guys going to be  
 6 the owner or are you going to be tenants?

7 MR. PINGATORE: We are tenants.

8 MR. TOBIN: And who is responsible for the  
 9 environmental cleanup should there be something that is  
 10 needed on the existing infrastructure where the lifts  
 11 were?

12 MR. PINGATORE: We are, correct? No, okay.  
 13 So this is George. If he may, he can come forward.  
 14 He's the construction manager. Well, construction  
 15 manager, real estate.

16 CHAIRMAN CARLSON: Let's be careful. Let's  
 17 be careful. We don't want to waste any time.

18 MR. PINGATORE: I can't, unfortunately,  
 19 answer that.

20 MS. MOORE: He doesn't have that knowledge.  
 21 MR. PINGATORE: I don't write the leases.

22 CHAIRMAN CARLSON: Do you have a witness who  
 23 can address that?

24 MS. MOORE: Mr. Benavides does have the  
 25 ability to address this and he was a witness before.

1 MS. SCOTT: Thanks.

2 CHAIRMAN CARLSON: Who else would like to  
 3 come forward?

4 MR. TOBIN: I have a couple of questions.  
 5 Dennis Tobin, 21 Colgate Road. You said that the  
 6 battery changes are going to be done in this back area?

7 MR. PINGATORE: Here, sir.

8 MR. TOBIN: Over there?

9 MR. PINGATORE: Where the delivery is done.

10 MR. TOBIN: And are you putting in a loading  
 11 dock there or is it going to be an open door on the  
 12 building?

13 MR. PINGATORE: Open door.

14 MR. TOBIN: So you're going to create a new  
 15 door in that building?

16 MR. PINGATORE: Correct.

17 MR. TOBIN: And that's going to be grade  
 18 level or raised up to the floor level of the property in  
 19 the operations?

20 MR. PINGATORE: I believe it's grade level,  
 21 correct? It's grade level. Our trucks have lift gates.

22 MR. TOBIN: It's going to be grade level?

23 MR. PINGATORE: It will be ground level.

24 MR. TOBIN: Ground level, okay.

25 MR. PINGATORE: Our delivery, that delivery

1 MR. BENAVIDES: Yes, the environmental will  
 2 be taken care of before we start business there and it's  
 3 going to be by the landowner, landlord, landlord and it  
 4 can be the oil lifts or any asbestos, whatever is there  
 5 we won't take, start building that.

6 CHAIRMAN CARLSON: So you're saying you  
 7 won't move in, you won't close the deal unless that's  
 8 taken care of?

9 MR. BENAVIDES: Right.

10 MAYOR DeLUCA: Who is the landowner?

11 MR. BENAVIDES: Who is? Right there.

12 AN UNIDENTIFIED VOICE: I am.

13 MAYOR DeLUCA: What's the name?

14 MR. ROLABASCO (SIC): Rolabasco (SIC).

15 Excuse me, I am the contract purchaser of the property.

16 MS. ADAMS: Oh, contract purchaser.

17 MR. TOBIN: You had mentioned that there  
 18 were two Carquests, one in Nutley, one in Union. Where  
 19 is the one in Union?

20 MR. PINGATORE: I do not know the address.  
 21 It's not one of our stores. It's independently owned  
 22 and operated.

23 MR. TOBIN: Okay, for the record I'd like to  
 24 say that that no longer is owned by Carquest. It's  
 25 built for Carquest, because the gentleman that had the

1 store walked out about ten minutes ago and it's no  
 2 longer Carquest, so it's not a Carquest.  
 3 MR. PINGATORE: Okay, they're independently  
 4 owned. If they changed, that's well within their right,  
 5 absolutely.  
 6 MR. TOBIN: So the oil leaving the property  
 7 and the batteries leaving the property are going to be  
 8 from the loading dock?  
 9 MR. PINGATORE: Correct, sir.  
 10 MR. TOBIN: So people coming in to have  
 11 batteries worked on, they're going to be taking them  
 12 through the store to get to the loading dock, correct?  
 13 MR. PINGATORE: No, the front door of the  
 14 store is here.  
 15 MR. TOBIN: If the work is done back here --  
 16 MR. PINGATORE: There's no work done in our  
 17 store.  
 18 MR. TOBIN: If the batteries are changed by  
 19 your employees?  
 20 MR. PINGATORE: They're changed here.  
 21 MR. TOBIN: They're done on the Colgate Road  
 22 side?  
 23 MR. PINGATORE: Correct, sir. They will be  
 24 done here where the loading dock door is. They will not  
 25 be transported through the store.

111  
 1 the architect, David Nicholson.  
 2 MR. NICHOLSON: Thank you. David Nicholson,  
 3 N-i-c-h-o-l-s-o-n. Principal and partner of SBLM  
 4 Architects. Address is 545 West 45th Street, New York  
 5 City.  
 6 DAVID NICHOLSON, was duly sworn by the  
 7 Notary, and testified as follows:  
 8 EXAMINATION BY MS. MOORE:  
 9 Q. Mr. Nicholson, could you just give the Board your  
 10 background, your educational background and  
 11 qualifications?  
 12 A. I hold a bachelor of architecture from Syracuse  
 13 University, awarded in 1976. First licensed and  
 14 registered in the state of New York in 1982.  
 15 Subsequently registered in New Jersey and 10 other  
 16 states. Great deal of my 36 year career has been  
 17 devoted to retail, like the project before you tonight.  
 18 Q. And is your license still current?  
 19 A. It is.  
 20 Q. And have you testified before this Board or any  
 21 similar Board in the capacity as a licensed architect?  
 22 A. Never this Board, but frequently in the state of  
 23 New Jersey and most recently in Paramus, Bergen County  
 24 and in Jersey City.  
 25 MS. MOORE: I would ask the Board to accept

1 MR. TOBIN: Okay. Thank you very much for  
 2 your time.  
 3 MR. PINGATORE: Thank you, sir.  
 4 CHAIRMAN CARLSON: Anyone else wish to come  
 5 forward and question the witness? Members of the Board?  
 6 Final questions?  
 7 MR. NATHENSON: I do. How many batteries do  
 8 you do a month?  
 9 MR. PINGATORE: I'm sorry?  
 10 MR. NATHENSON: How many battery changes  
 11 would you do a month? How many would you expect?  
 12 MR. PINGATORE: That's a really good  
 13 question. If I estimate, I could only estimate we do  
 14 maybe 10 a week.  
 15 MR. NATHENSON: 40 a month?  
 16 MR. PINGATORE: So 40 a month. And that  
 17 also depends on seasonal, because we do a little bit  
 18 more when it's very hot and a little bit more when it's  
 19 very cold. Cold hurts the battery, heat kills it.  
 20 MR. NATHENSON: Okay.  
 21 CHAIRMAN CARLSON: Okay? I think we're  
 22 ready for your next witness.  
 23 MR. PINGATORE: Thank you very much for your  
 24 time.  
 25 MS. MOORE: At this time I'd like to call

112  
 1 him as a licensed architect.  
 2 CHAIRMAN CARLSON: We're pleased to qualify  
 3 him as an architect.  
 4 MR. NICHOLSON: Thank you.  
 5 Q. Mr. Nicholson, please give the Board an overview  
 6 of what the proposed modifications to the retail space  
 7 are.  
 8 A. I will. I'm going to use this photograph. This  
 9 is a photo montage that I believe the Board saw last  
 10 time we were before you. The top image is a photograph,  
 11 or a series of photographs rather than have been merged  
 12 together to show the entire frontage of the property in  
 13 a single drawing. As you can see, the landscaping, the  
 14 existing landscaping which will be maintained does a  
 15 very good job of concealing its detail. The image below  
 16 is an after picture of what the building will look like  
 17 after the improvements that we have as designed are  
 18 implemented. The improvements include the removal of  
 19 the existing canopy, the replacement of the storefront  
 20 system with new aluminum and glass within the existing  
 21 masonry opening with no change. It includes the infill  
 22 of the existing Springfield Avenue service stores with  
 23 brick to match the existing, the infill of the service  
 24 doors on the back side of the building with stucco. The  
 25 creation of the new service delivery entrance that

1 you've heard my fellow team members talk about. And the  
 2 addition of a man door in the northeast corner of the  
 3 building.

4 MS. ADAMS: Do we have a highest elevation  
 5 for the size of the building?

6 MR. NICHOLSON: We have the architectural  
 7 drawing, A6. This drawing was included in the package  
 8 with our application to the Board. It shows the front  
 9 elevation in the top left, the side elevations and the  
 10 other elevations as well as signage, which I'll let our  
 11 sign expert address.

12 The interior improvements include the  
 13 removal of all of the former service items. As the  
 14 chairman questioned earlier, the creation of new  
 15 bathroom and new finishes throughout. New floor, new  
 16 walls, new paint, new lighting. There would also be new  
 17 air conditioning. That's going to consist of  
 18 28-and-a-half ton units placed on the rear roof and one  
 19 4-ton unit placed on the small easterly extension.

20 If I might, I'm going to use Jeff's aerial  
 21 image to describe that. The 8-and-a-half ton units will  
 22 be here in the center of that rear roof. That's a flat  
 23 portion of the roof, the silver grooves are sloped, if  
 24 you know the site. The small appendage, the 4-ton unit  
 25 will be placed dead center in that piece of the

1 you know, post a nuisance noise to the neighbors.

2 MR. BOLDEN: 90 decibels, if you're right at  
 3 it, I mean, that's loud.

4 MR. NICHOLSON: It is, but as you --  
 5 MR. BOLDEN: It's not going to take away.

6 It's not going to soften it that much, but it looks like  
 7 your distance there from the garage is not that far.  
 8 MR. NICHOLSON: The units will be about 14  
 9 feet from the property line.

10 MR. BOLDEN: That's not that far. You can  
 11 still hear it. It's still pretty loud.

12 CHAIRMAN CARLSON: How tall is the roof at  
 13 that point above grade? Above grade would you say --  
 14 MR. NICHOLSON: I didn't go by the site  
 15 today to take a look at that issue. My recollection is  
 16 those roofs are about at the elevation of the garage  
 17 eaves.

18 CHAIRMAN CARLSON: Do you have any knowledge  
 19 of what kind of heating equipment was used in the  
 20 existing building?

21 MR. NICHOLSON: The existing building does  
 22 not have air conditioning, to the best of my knowledge.  
 23 It does have an exhaust fan in about the same location  
 24 as the 8-and-a-half ton units are proposed to be. I  
 25 presume that fan operated during business hours, but I

1 building. So the units won't be visible from the  
 2 street. The 8-and-a-half tons in the back by virtue of  
 3 the sloped roof, the 4-ton unit by virtue of the fact  
 4 that it's much smaller and the parapet walls of the  
 5 building will conceal it from an angle from the street.

6 MS. ADAMS: What about the rear? The rear  
 7 if you go for visibility?

8 MR. NICHOLSON: And that's a good question.  
 9 The air conditioning units of my estimation will be seen  
 10 from the residents, particularly their second floors  
 11 because they will be able to look down on that roof, but  
 12 you should note that the placement of those units  
 13 doesn't put them opposite the dwellings on those two  
 14 lots, but rather directly opposite the detached garages  
 15 that are in the rear yards.

16 MR. BOLDEN: How much sound? What would be  
 17 the noise impact from the operation of these units?

18 MR. NICHOLSON: Well, the units are made by  
 19 national manufacturer. They're York units. They're  
 20 high efficiency units. Generally speaking, typical in  
 21 their noise output. The 8-and-a-half ton units have 90  
 22 decibels at the unit which is typical. I would say  
 23 given the placement of the units next to the garage and  
 24 particularly, if the board-on-board fence that's been  
 25 discussed earlier is implemented, the unit should not,

1 have no data on it.

2 MR. NATHENSON: And in the summer will they  
 3 be running 24/7 or just during the hours of the  
 4 operation?

5 MR. NICHOLSON: Just during hours of the  
 6 operation.

7 CHAIRMAN CARLSON: We sort of started to  
 8 question the witness. I don't know if you still had  
 9 more questions for him.

10 BY MS. MOORE:

11 Q. I do have just some clarification regarding the  
 12 comments from the Springfield Avenue Partnership and one  
 13 of the comments regarding the garage door infills. What  
 14 is the proposal as far as the garage door infills at  
 15 this time?

16 A. Right, we responded to the Partnership's comments  
 17 relative to the openings and we're sending the infill  
 18 grid three inches back to the face of the building to  
 19 accentuate the rhythm that's created by those little  
 20 openings. And as I believe Jeff noted, we've also added  
 21 light fixtures between the openings to make an  
 22 architectural light pattern to address their comments.

23 CHAIRMAN CARLSON: I don't believe we have  
 24 that on. I think we have the original drawing without  
 25 that.

1 MAYOR DeLUCA: We have it.  
 2 MS. MOORE: It was submitted.  
 3 CHAIRMAN CARLSON: Okay, fine. That's fine.  
 4 I just didn't see it in my packet. We don't need to  
 5 mark it.

6 MS. MOORE: No problem.

7 BY MS. MOORE:

8 Q. Also one of the questions that we didn't mention  
 9 regarding adding of the awning, we have to add the  
 10 awning for the bays?

11 **A. Yes. It's my opinion that from an architectural  
 12 point of view, having awnings over blank openings is not  
 13 appropriate. I think it detracts from the main  
 14 storefront of the building which should be where the  
 15 main focus is. So at this time we're not proposing the  
 16 addition of awnings.**

17 CHAIRMAN CARLSON: Okay. I just want to  
 18 know if she has more.

19 MS. MOORE: I'm finished. That was one of  
 20 the questions, but go ahead. Those from the two?

21 MR. BOLDEN: What do you portray the closing  
 22 up of the garage, the entrance doors by brick or not and  
 23 creating a solid wall? What led you to using that type  
 24 of approach?

25 MR. NICHOLSON: Well, functionally that part

1 MR. BOLDEN: I'm not suggesting about  
 2 something to project, I'm asking for something to break  
 3 it up. Some type of a glass probably would be nice. I  
 4 understand your concern about glass because it is  
 5 something apparently used for storage and you don't want  
 6 people just looking in, but it doesn't have to be eye  
 7 level. It could be like 10 feet, 10 feet up, 11 feet  
 8 up. Not too many people are 10 feet tall.

9 MR. NICHOLSON: Understood.

10 MAYOR DeLUCA: I'm not sure we have  
 11 agreement on that.

12 CHAIRMAN CARLSON: I think we should stick  
 13 to questions at this point, Nancy?

14 MS. ADAMS: I guess I would ask the  
 15 following: I think what Ed is trying to get at and  
 16 hopefully maybe I could be wrong, but there's some sort  
 17 of other thought process to that. I mean, I don't agree  
 18 with the Partnership's recommendation either. I just  
 19 tend to -- that eye on a blank wall, I guess because  
 20 it's so large, I mean, it's four garage doors worth of  
 21 brick infill that's definitely not going to match and  
 22 may or may not contrast nicely to the existing brick.  
 23 So I think there's a desire to somehow be more creative  
 24 with the solution to this problem than to just brick it  
 25 up, the garage doors, because that looks like just

1 of the building is basic kind of storage. So creating  
 2 glass there didn't make a lot of sense. Existing  
 3 building doesn't have glass there either. The doors are  
 4 primarily solid. We wanted the focus of glass at the  
 5 main entrance.

6 MR. BOLDEN: Now I'm not suggesting that you  
 7 have full glass doors at all. I understand that this  
 8 was working bays, but I think that some type of a  
 9 softening or breaking up of that full wall being brick  
 10 could be used, whether that be the glass bricks or cubes  
 11 that are used or some type of softening on this because  
 12 what you just have is a solid, brick -- excuse me, a  
 13 solid, brick wall and I think I appreciate the fact that  
 14 you're putting the lights. I appreciate the fact that  
 15 you're putting in this flat trim, but somehow I think  
 16 something else could have been thought of in dealing  
 17 with either the doors or even the area above the doors.

18 MR. NICHOLSON: This is a small item and in  
 19 prior conversations with my client and the discussion is  
 20 if the Board feels that addressing the Partnership's  
 21 comments and your own suggest that something should be  
 22 added, then we would, in fact, probably do a very flat  
 23 type of canopy using maybe a standing seam metal panel  
 24 to simulate a canopy over those openings, but not --  
 25 just saying, that projects very far.

1 bricked up garage doors.

2 MR. NICHOLSON: I believe we could address  
 3 the Board's concerns in that regard.

4 MS. ADAMS: Okay, I would like a solution to  
 5 that.

6 CHAIRMAN CARLSON: John? Jim?

7 MR. NATHENSON: I'm a little concerned about  
 8 the air conditioning units and impact that they might  
 9 have on the two contiguous residential properties. Now  
 10 you've said that those will be sited directly behind or  
 11 in front of them, depending on your perspective of the  
 12 garages for those two homes, but I'm wondering, I don't  
 13 have a sense about what 90 decibels sounds like, but I'm  
 14 wondering what the sound level is in the back end of  
 15 those homes, if you get my drift. I'm concerned about  
 16 it, but I'm wondering if you can allay my concerns about  
 17 that.

18 MR. NICHOLSON: I'm not an acoustical  
 19 engineer. I'm basing my testimony on my experience in  
 20 similar situations. It certainly if the noise is a  
 21 concern and I think the Board has heard my client's  
 22 desire to be a good neighbor, that screens can be added  
 23 to the air conditioning units to mitigate the noise.  
 24 There are various options available.

25 MR. NATHENSON: Can your engineer speak to

1 that? I don't know if the civil engineer is the same as  
2 an acoustical engineer. Probably not.

3 MR. MARTELL: I'm not sure. I haven't  
4 performed a study either, but again, I would agree that  
5 screening can be provided to ensure compliance with  
6 state regulations. I mean, there's a ton of products  
7 now on the market for this, you know, with the sound  
8 mitigating design factors around them, so it's a pretty  
9 -- I don't want to call it easy, but it's a pretty, you  
10 know, reasonable thing to say that we can comply, I  
11 think, with the appropriate product selection. But in  
12 terms of the product, the proprietary screening product  
13 you pick and the distance, there's a study that would  
14 need to be performed. There's nothing we can do off the  
15 top of our head here, but preparing selection of a  
16 product, I'm confident we can comply.

17 MR. BOLDEN: If I may give you a reference  
18 point, 90 decibels could be equivalent to the sound of a  
19 locomotive horn.

20 MR. NATHENSON: Of a what?

21 MR. BOLDEN: A locomotive horn.

22 MR. NATHENSON: I don't know what the  
23 distance is.

24 CHAIRMAN CARLSON: Wait, at quite a  
25 distance?

1 CHAIRMAN CARLSON: We may have a desire to  
2 impose something a little stricter, but given that  
3 you're putting the use almost on the property line, I  
4 have a question for Mr. Nicholson. How difficult would  
5 it be to locate those units in the front of the building  
6 on the rear?

7 MR. NICHOLSON: Well, there are some  
8 challenges, not the least of which the roof is sloped  
9 and the way it's been framed and roofed over the years.  
10 If you were to challenge me to move them, I would move  
11 them as far away as I could from the property line, but  
12 keep them on the flat portion of the roof.

13 MAYOR DeLUCA: Can you do that?

14 MR. NICHOLSON: Yes, I will.

15 CHAIRMAN CARLSON: I have a separate, but go  
16 ahead.

17 MAYOR DeLUCA: Go ahead.

18 CHAIRMAN CARLSON: Completely separate  
19 question. Was there any thought given in planning of  
20 this project, any thought given to demolishing the  
21 section of the building where the service bays are and  
22 just getting rid of that big facade and improving the  
23 parking and circulation a little bit?

24 MR. NICHOLSON: No, the amount of -- can you  
25 help me out with that? No, the square footage was

1 MR. BOLDEN: If you're standing at that door  
2 and you have a little blowing of a horn, that's 90  
3 decibels.

4 CHAIRMAN CARLSON: We may need to introduce  
5 an acoustic screening or testing and design. I have a  
6 couple of questions for Mr. Nicholson.

7 MR. NICHOLSON: Can you say a little bit  
8 about the state ordinance?

9 MR. MARTELL: Well, I mean, the Board knows  
10 every project is bound to the same state ordinance.  
11 There's a requirement, 10 p.m. it usually drops down as  
12 it relates to residential. I think it drops to 60  
13 decibels, so we're bound by that. And it's really as a  
14 design team the acoustical engineer that selected us to  
15 do this, but we have to ensure that. We have to live by  
16 that regardless of any land use approval or anything  
17 like that. So, you know, we could commit to doing that.  
18 It's redundant because it's state law anyway, so it's  
19 just a matter of selecting the correct product and  
20 complimenting that with the correct HVAC equipment. We  
21 heard what's intended, but if for some reason we can't  
22 find the right compliance with the noise, then we have  
23 to switch the HVAC unit, but it's something we're bound  
24 to, no matter what. So we can't run away from that.  
25 It's a state law.

1 deemed to be about the right size. The demolition of  
2 all of it would make the store too small. The  
3 demolition of half of it, just picking off the top of my  
4 head, wouldn't get us anything.

5 CHAIRMAN CARLSON: I'm just curious, that  
6 might be a way to get rid of the big, ugly wall, but  
7 maybe it's not practical.

8 MAYOR DeLUCA: Are you the person? I can't  
9 remember if you're the person to talk about the window  
10 glazing and the stacking of the racks.

11 MR. NICHOLSON: I can tell you that what we  
12 have proposed as the architectural changes to the  
13 building is to replace the existing system from this  
14 brick pilaster to this brick pilaster from its existing  
15 sill at the floor to the existing head. And to  
16 eliminate, you really can't see in this photograph which  
17 is a small brick portion about in the middle. So it  
18 would be all --

19 MAYOR DeLUCA: So it's going to be glass and  
20 aluminum from floor to ceiling?

21 MR. NICHOLSON: Well, from floor to head.  
22 The head isn't quite the ceiling.

23 MAYOR DeLUCA: Okay, okay. But then you  
24 want to put this film, this -- well, there's a film on  
25 the window.

1 MR. NICHOLSON: Over a portion of it to a  
 2 certain height, yes.  
 3 MAYOR DeLUCA: And what is that?  
 4 MR. NICHOLSON: That was testified to  
 5 before. It is full height.  
 6 MR. BENAVIDES: The length of the storefront  
 7 that's proposed to be covered with the film.  
 8 MR. NICHOLSON: It's about a third.  
 9 MAYOR DeLUCA: Is going to have film and  
 10 then what's the other two-thirds going to have? What  
 11 I'm concerned --  
 12 MR. NICHOLSON: Glass. Glass.  
 13 MAYOR DeLUCA: Glass.  
 14 MR. NICHOLSON: A filmed glass open to the  
 15 store.  
 16 MAYOR DeLUCA: And why is the film  
 17 necessary?  
 18 MR. NICHOLSON: Because of the internal  
 19 function of the retail operation. You know, the goal of  
 20 the Partnership and the special district to decrease the  
 21 amount of glass and create a pedestrian friendly  
 22 commercial environment is an admirable one and I think  
 23 the ordinance that the township has is one of the best  
 24 I've seen. But in those instances along Springfield  
 25 Avenue where the buildings are, existing buildings are

1 set back like this one and this one is probably set back  
 2 as far as any of them. All of them based on my quick  
 3 analysis serve a former automotive related uses. The  
 4 most important thing about maintaining that positive  
 5 pedestrian experience, in my opinion, is not the windows  
 6 because the windows are too far off the street. And in  
 7 this case, the building is raised from the street. It's  
 8 the landscaping that exists that creates that pleasant  
 9 environment as you walk past on this part of the street.  
 10 MAYOR DeLUCA: This is an auto destination  
 11 store, so parts of the avenue that are pedestrian  
 12 oriented and parts of the avenue are auto destination.  
 13 This is an auto destination. But there is still, the  
 14 fact is, you're driving by, we want to be able to show  
 15 that there's a vibrancy of the stores and be able to see  
 16 in and see out. And not only that, but you also get  
 17 some lighting from the operation of the store. And it  
 18 really improves that area which is a very dark area now.  
 19 So you put the glass up, then you're putting film up, it  
 20 defeats the purpose. I don't get it.

21 MR. NICHOLSON: Well, two-thirds of that  
 22 storefront which is quite long is still open to glass  
 23 that you can see into the retail store and you get the  
 24 effect you're after.

25 MR. BOLDEN: How does the film impact on the

1 operations of the store? Is that what you said?  
 2 MR. NICHOLSON: The ability to merchandise  
 3 that wall is an important factor in setting up the  
 4 retail store and having a successful business.  
 5 MR. BOLDEN: So the film is used to hold up  
 6 signs? Is that it? Or just to block?  
 7 MAYOR DeLUCA: To block the racks.  
 8 MR. NICHOLSON: It's to block the back  
 9 racks.  
 10 MAYOR DeLUCA: It serves as a wall, a fake  
 11 wall, right? So you're putting the glass up because you  
 12 have to meet the requirement, but then you put the film  
 13 to make the fake wall. And someone said that you'd be  
 14 able to -- do you put advertising signs? I mean, I  
 15 think some have -- the Advance stores I've seen, they  
 16 had free battery check and all of that. Is that where  
 17 the sign is going to be or is it going to be where the  
 18 glass is?  
 19 MS. MOORE: Operations can refer to  
 20 testimony.  
 21 MAYOR DeLUCA: You got to come up here.  
 22 MR. PINGATORE: So again, John Pingatore.  
 23 So if I may, so this is an example of what our store  
 24 signage looks like. We have approximately four signs  
 25 that are 3 foot by 4 foot that go in the windows every

1 month as well as across the bottom of our signs.  
 2 They're about 3 foot wide, about a foot-and-a-half high  
 3 that show our free services. They do not block the  
 4 entire window, but it is spread out across the windows  
 5 to make it even and --  
 6 CHAIRMAN CARLSON: Is this germane right  
 7 now? This is really signage rather than glazing, isn't  
 8 it?  
 9 MS. ADAMS: What page is that?  
 10 MR. PINGATORE: 25.  
 11 MAYOR DeLUCA: This looks like interior  
 12 signage.  
 13 MS. MOORE: We're just referring to what is  
 14 the interior signage.  
 15 MR. NICHOLSON: So I'm referring to here,  
 16 these signs as well as the "Free with wiper" -- there's  
 17 approximately four of those different service signs  
 18 across. And then these, there's approximately four of  
 19 those every month that change with different ad signs.  
 20 MS. ADAMS: What percentage of the window  
 21 will this one take up?  
 22 MR. NICHOLSON: I say approximately  
 23 one-third of it. The bottom of the sign is --  
 24 CHAIRMAN CARLSON: Hold on, don't talk about  
 25 signage. We're not talking about glazing anymore. I

1 want to finish with Mr. Nicholson and see where we're  
 2 at. Questions of members of the Board? Additional  
 3 questions for the architect? Nancy?  
 4 MS. ADAMS: Since we're obviously not going  
 5 to finish this tonight, is there an opportunity to see  
 6 some better elevations of the other sides of the  
 7 building, particularly those that -- well, the other  
 8 four sides? Other than this drawing that I have in  
 9 front of me, that's just, you know, pen and penciled?

10 MR. NICHOLSON: I would say yes.

11 MS. ADAMS: Okay, good. And then so the  
 12 materials on the other three sides of the building, like  
 13 the back, I guess some samples, colored samples would be  
 14 nice. And also I see the EIFS on here, is that on the  
 15 back?

16 MR. NICHOLSON: Actually, no. The  
 17 Partnership has asked us to change that to a real  
 18 stucco, so --

19 MS. ADAMS: So would there be any materials  
 20 that we could have colors and samples?

21 MR. NICHOLSON: Well, we could bring that  
 22 with us next time, absolutely. The tint on the back was  
 23 to match the color of the existing building and not to  
 24 try to make it have a jarring contrast.

25 MS. ADAMS: Sure.

1 on the east elevation. All right, thank you.  
 2 MR. NICHOLSON: It's tucked into the corner.  
 3 MR. BRATT: Does that suggest -- if you  
 4 don't want to answer this one and flip it over to Mr.  
 5 Martell or anybody else, fine. Does that suggest which  
 6 of those six parking stalls are the most appropriate to  
 7 use for the delivery vehicles?

8 MR. NICHOLSON: I hate to do it, but yeah,  
 9 I'm going to throw it to Mr. Martell.

10 MR. PINGATORE: Actually, it would be me.  
 11 John Pingatore. Yes, the two spots closest to the  
 12 additional building will be where we park the company  
 13 vehicles.

14 MR. BRATT: And the implication, just  
 15 clarify for me, just confirm for me, the implication  
 16 would be then the delivery of the outgoing delivery  
 17 vehicles are relatively high in turnover, but you said  
 18 10 deliveries per day?

19 MR. PINGATORE: Approximately 15 I said,  
 20 but --

21 MR. BRATT: Conversely, the four other spots  
 22 that are out there, that would be the employee spots are  
 23 low turnover so the conclusion is that the low turnover  
 24 spots are closest to the neighbors and the high turnover  
 25 spots are closest to the building.

1 CHAIRMAN CARLSON: Members of the Board?  
 2 Additional questions? Mr. Bratt?

3 MR. BRATT: Just excuse me, I may be  
 4 mistaken here, but I just need you to help me out. On  
 5 A6, at least the version that I have, your elevations,  
 6 the east elevation is showing me two doors, two vehicle  
 7 doors that are being stuccoed over, correct?

8 MR. NICHOLSON: Correct.

9 MR. BRATT: Those are the doors that are  
 10 currently facing the area that will be the six tandem  
 11 parking stalls; is that correct?

12 MR. NICHOLSON: That's correct.

13 MR. BRATT: And that's where we heard  
 14 testimony a while ago that the outgoing deliveries would  
 15 be going out of; is that correct?

16 MR. NICHOLSON: That's correct.

17 MR. BRATT: Then don't we need a man door  
 18 over there?

19 MR. NICHOLSON: There is a man door proposed  
 20 there which shows up on the partial south elevation.

21 MR. BRATT: So you're going to come out the  
 22 back wall of the addition?

23 MR. NICHOLSON: Yeah, that's correct. It's  
 24 the wall immediately to the 90 degrees.

25 MR. BRATT: So you're not missing a man door

1 MR. PINGATORE: Correct, and also safety for  
 2 the team members carrying the part as well.

3 MR. BRATT: Okay, thanks.  
 4 CHAIRMAN CARLSON: We have run past 11:00,  
 5 which is our typical bewitching hour here. I would like  
 6 to invite members of the public to do this. When we  
 7 resume next time, Mr. Nicholson will be with us again.  
 8 If you have questions for him, you could wait until  
 9 then, but if there's something that's really fresh in  
 10 your mind right now and you'd really like to ask a quick  
 11 question and make sure it's clear, I invite you to come  
 12 forward at this time. Mr. Fisher?

13 MR. FISHER: Tyler Fisher, 23 Wellesley.  
 14 Sorry, when you were proposing where the air  
 15 conditioning units went, we actually were not able to  
 16 see where they were going.

17 MR. NICHOLSON: This is the aerial view.  
 18 They go right here.

19 MR. FISHER: Both?  
 20 MR. NICHOLSON: Yeah, right next to them.  
 21 MR. FISHER: And you have the specs on units  
 22 of these?  
 23 MR. NICHOLSON: We do.  
 24 MR. FISHER: Both made by the same company?  
 25 MR. NICHOLSON: Yes, York units.

1 MR. FISHER: I know a little bit about  
 2 interference when it comes to sound waves, but when  
 3 they're that close together, you're going to have  
 4 literally in my bedroom window, constructive  
 5 interference probably doubling the decibel input of  
 6 those units. Was that taken into account when you did  
 7 the proposal for any of that?

8 MR. NICHOLSON: No.

9 MR. FISHER: No? Okay.

10 MR. NICHOLSON: No. There were practical  
 11 issues relative to the air conditioning itself that  
 12 drove that decision. But as Mr. Martell pointed out,  
 13 there is a fairly stringent state code that mandates the  
 14 amount of noise that can travel over the property line  
 15 and we have to comply with that.

16 MR. FISHER: Definitely and I understand  
 17 that the amount of noise traveling over the property  
 18 line, but not equivalent to the noise found at the given  
 19 point outside of the property line. So you can make the  
 20 sound actually leaving the property, but you can't  
 21 account for the sound at a certain point away when you  
 22 have to --

23 CHAIRMAN CARLSON: Let's hold this to  
 24 questions at this point, please.

25 MR. FISHER: Okay, no more.

1 building. But I think as the chairman suggested, we'll  
 2 move them forward and devise a screen both for  
 3 acoustical and visual screen.

4 MR. NATHENSON: Just one more clarifying  
 5 question. What is the height of those units?

6 MR. NICHOLSON: Sorry, I don't have the  
 7 dimension, the dimensional information here in this  
 8 packet. I'll have to bring it with me next time.

9 CHAIRMAN CARLSON: We'll get it next time.  
 10 MR. NATHENSON: That would be a relevant  
 11 piece of information.

12 CHAIRMAN CARLSON: Ms. Moore, we need to  
 13 schedule our next soiree.

14 MS. MOORE: I'm sorry, I didn't hear you.

15 CHAIRMAN CARLSON: We need to schedule our  
 16 next meeting.

17 MS. MOORE: Yes, obviously the applicant, as  
 18 indicated, is under a time crunch in order to grant this  
 19 application. Is there a possibility of maybe having --  
 20 I know next week is a short week -- of maybe having a  
 21 special meeting?

22 CHAIRMAN CARLSON: Members of the Board?

23 MS. MOORE: Not this week.

24 CHAIRMAN CARLSON: Would you like to set up  
 25 a special meeting? Our next regularly scheduled meeting

1 MR. NICHOLSON: I will come armed at the  
 2 next meeting with some information regarding that.

3 CHAIRMAN CARLSON: Sounds good. Anybody  
 4 else? Mrs. Fisher?

5 MS. FISHER: Rebecca Fisher, 23 Wellesley  
 6 Road. I don't want to beat a dead horse, but I do want  
 7 to know, I believe what the 7-Eleven did, did they not  
 8 close those units? They are talking about screens, but  
 9 is there a way to actually build a structure over them  
 10 with appropriate venting that would --

11 CHAIRMAN CARLSON: We could give some  
 12 insight and guidance in the case of the 7-Eleven. We  
 13 required that units be on the front facing Springfield  
 14 Avenue and they would be concealed with decorative  
 15 borders.

16 MR. FISHER: Okay, great. Thanks.

17 CHAIRMAN CARLSON: Anybody else tonight for  
 18 Mr. Nicholson?

19 MAYOR DeLUCA: Actually, I do have -- why  
 20 couldn't all the units be put on the addition building  
 21 facing Springfield Avenue?

22 MR. NICHOLSON: These are units, these are  
 23 hard to use. They're duct down into the unit and  
 24 there's some structural way that keeps us from ducting  
 25 them past the break between the extension of the main

1 is two weeks from tomorrow. I know we have a small item  
 2 on the agenda. It's not going to be all night.

3 MAYOR DeLUCA: I can't make the meeting on  
 4 the 9th. For me, a special meeting would be better.

5 CHAIRMAN CARLSON: A date you'd like to  
 6 propose? Thursday the 4th? Anybody say they cannot  
 7 miss and show up on Thursday, the 4th?

8 MR. RYAN: I can do Thursday the 4th.

9 MR. BRANIGAN: I can't.

10 MAYOR DeLUCA: Well, you have to read the  
 11 transcript anyway.

12 CHAIRMAN CARLSON: That's okay, he can read  
 13 the transcript. It looks like we got Ed, Nancy?

14 MS. ADAMS: I don't know. What day?

15 CHAIRMAN CARLSON: Thursday the 4th. It  
 16 looks like we may not have more than five, but it looks  
 17 like I would have a slight preference to have a special  
 18 meeting, have our deliberations. I think we can finish  
 19 at a reasonable time.

20 MR. RYAN: I agree with that.

21 CHAIRMAN CARLSON: Does that work for you?

22 MS. MOORE: It works for me and for all our  
 23 professionals as well, yes.

24 CHAIRMAN CARLSON: So for the record, this  
 25 meeting is carried until Thursday, September 4th, 8 p.m.

1 in this room and we'll resume. There's no other public  
2 notice required by the applicants. This is where we  
3 read into the record at this time --

4 MR. RYAN: And we will plan to finish that  
5 evening.

6 CHAIRMAN CARLSON: I think it's quite  
7 realistic.

8 MS. MOORE: The applicant has one more  
9 witness.

10 (Whereupon the proceeding was concluded at  
11 11:13 p.m.)

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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.

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23 Notary Public of the State of New Jersey

24 Dated: September 2, 2014

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