

**RESOLUTION MEMORIALIZING
THE BOARD DECISION
GRANTING FINAL MAJOR SITE PLAN APPROVAL
WITH VARIANCES AND DESIGN WAIVERS FOR SIGNAGE AND NEW
FAÇADE/PARAPET
FOR AN ADVANCE AUTO PARTS STORE
AT
1752 SPRINGFIELD AVENUE
BLOCK 30.02- LOT 118**

**LOCATED WITHIN THE
HIGHWAY BUSINESS ZONE**

**APPLICANT:
Advance Auto Parts, Inc.**

***Maplewood Planning Board
Case #PB-14-05***



***Board Decision September 4, 2014 Special Meeting
Memorialization of Resolution – October 15, 2014 Special Meeting***

VOTE:

***IN FAVOR OF APPROVAL:
Victor DeLuca, Jerry Ryan, James Nathenson,
Nancy Adams, Craig Miller, Chair Tom Carlson***

NOT IN FAVOR OF APPROVAL: None

ABSTAIN: None

TOWNSHIP OF MAPLEWOOD PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

WHEREAS, application was made to the Planning Board of the Township of Maplewood by Advance Auto Parts, Inc. (hereinafter the "Applicant"), for final major site plan approval, together with 5 variances and 19 design waivers, most of which are currently existing conditions for a new façade/parapet and signage for an Advance Auto Parts store on property located at 1752 Springfield Avenue, Maplewood, New Jersey, being Lot 118 in Block 30.02 as shown on the Tax Maps of the Township of Maplewood (the "Property"); and

WHEREAS, notice of publication and proof of service on the neighboring property owners were duly made and filed; and

WHEREAS, Applicant prior to the first public hearing on the application, submitted a Property Survey (one sheet) Site prepared by Robert J. Weissman, P.E., P.L.S. (Weissman Engineering Co., PC, Midland Park, New Jersey) dated November 5, 2013, revised June 25, 2014; a Site Plan (consisting of five sheets) prepared by Jeffrey A. Martell, P.E. (Stonefield Engineering & Design LLC, Rutherford, New

Jersey dated May 28, 2014, revised July 3, 2014;
Architectural Drawing A-6 prepared by SBLM Architects, New
York, New York, dated April 24, 2014, revised July 3, 2014;
Additional Architectural Drawings prepared by SBLM
Architects, New York, New York; Color Sign Rendering; and
Color Photographs (2) of all-mounted signs on an Advance
Auto Parts store at an undisclosed location; and

WHEREAS, prior to the first hearing date on the
application, the Planning Board had received the written
reports dated May 14, 2014 and July 8, 2014 from Robert E.
Bratt, P.E, P.P. of Keller & Kirkpatrick, Inc. the Planning
Board's consulting engineers; a review letter from the
Springfield Avenue Partnership dated July 21, 2014; and a
Memorandum from Tom Malavasi, Township Engineer, dated July
15, 2014; and revised July 22, 2014; and

WHEREAS, a public hearing on the application commenced
at the Planning Board's regularly scheduled meeting of
August 12, 2014; and

WHEREAS, Marsha M. Moore, Esq. of Pitman Mindas
Grossman Lee and Moore represented Applicant at the public
hearing; and

WHEREAS, testimony on behalf of the Applicant was offered at the public hearing on August 12, 2014 by Jorge Benavides, a real estate manager for Application; and

WHEREAS, Exhibit A-1, a Merchandising Plan was submitted by Applicant during the hearing of August 12, 2014; and

WHEREAS, the public hearing on the application was continued from the August 12, 2014 meeting to a special hearing scheduled August 25, 2014 and

WHEREAS, at the hearing on August 25, 2014 Jeffrey Martell, Applicant's Professional Engineer; John Pingatore, District Operations Manager for Applicant; and David Nicholson, Applicant's Professional Architect testified in favor of the application; and

WHEREAS, Exhibit A-2 an aerial photograph was submitted by Applicant during the August 25, 2014 meeting; and

WHEREAS, at the end of the August 25, 2014 special meeting, the hearing on the application was continued to a specially scheduled September 4, 2014 meeting; and

WHEREAS, at the September 4, 2014 meeting, David Nicholson, Applicant's Professional Architect; John Pingatore, Applicant's District Operations Manager; Patrick Huyge, Applicant's Sign Designer; and Jeffrey Martell, Applicant's Engineer testified in favor of the application; and

WHEREAS, Exhibits A-3, Revised Exterior Elevations; A-4, Revised Merchandising Plan; A-5, Survey dated June 25, 2014; were submitted by Applicant; and

WHEREAS, during the September 4, 2014 meeting neighboring property owners and other members of the public, Rebecca Fisher, Jeffrey Shubart, Stephanie Scott, Anthony Spinelli, Erin Scherzer, Marc Dennison, Kurt Kiley appeared in opposition to the application, and some expressed concerns and made a number of suggestions for possible improvements to the plan; and

WHEREAS, a photo board prepared by Erin Scherzer showing work being done on automobiles at other Advance Auto Parts stores in the area was admitted as an exhibit during Ms. Scherzer's testimony; and

WHEREAS, the Planning Board made the following findings of fact and conclusions of law:

1. The Property is situated in the HB Highway Business zone.

2. The Property is also located in the Springfield Avenue Partnership Special Improvement District.

3. The Applicant proposed the conversion of a vacant building previously an existing "World Tire" Automobile Service Center into an Advanced Auto Parts store.

4. The proposed use (retail) is a permitted use in the district.

5. When the Property was used as a tire automobile service center it contained three service bays. The application contemplates closing up the existing garage

doors to the old car service bays, minor exterior renovations and the conversion of the existing easterly side driveway into an additional customer parking lot as well as the use of an existing driveway from Wellesley Road as an employee parking lot with six "tandem" parking stalls.

6. In regard to signage, the application proposes the removal of an existing pole sign situated on Springfield Avenue near the west end of the site and refacing the existing pole sign at the east end of the site with a new box sign double the size of the existing sign. In addition a wall mounted sign is proposed for the front of the building.

7. The two lots immediately north of the subject Property, namely Lots 63 and 65 in Block 30.02 are zoned R-1-5 Residential and meet the definition of "transitional lots" under Maplewood Development and Zoning Regulations Section 271-3. Therefore, the Property is subject to special front yard and side yard setback restrictions in accordance with Section 271-70D(4)(a)[2] and Section 271-70D(4)(a)[3] respectively of the Maplewood Zoning and Development Ordinance.

8. The application as filed required 5 variances, each of which is an existing condition. Those 5 variances are as follows:

- 1) A variance from the provisions of §271-70D(4)(a)[3] regarding the required side yard when adjacent to a transitional lot. The northerly side of the subject Property is adjacent to the transitional lots. A 15-foot side yard is required; the existing side yard is 2.8 feet.
- 2) A variance from the provisions of §271-70D(4)(b)[1] regarding the curb cut width along Colgate Road. A maximum curb cut of 24% of the lot width along Colgate Road, which in this case equals 24 feet, is permitted; the existing curb cut occupies 25 feet which equals 25.0% of the Colgate Road width.
- 3) A variance from the provisions of §271-70D(4)(b)[1] regarding the curb cut width along Springfield Avenue. A maximum curb cut of 24%

of the lot width along Springfield Avenue, which in this case equals 55.2 feet, is permitted; the existing curb cuts occupy 70 feet which equals 30.4% of the Springfield Avenue width.

4) A variance from the provisions of §271-70D(4)(b)[1] regarding the curb cut width along Wellesley Road. A maximum curb cut of 24% of the lot width along Wellesley Road, which in this case equals 24 feet, is permitted; the existing curb cut occupies 30 feet which equals 30.0% of the Wellesley Road width.

5) A variance from the provisions of §271-70D(4)(b)[1] regarding the improved lot coverage. A maximum of 90% improved lot coverage is permitted; the existing improved lot coverage is 92.5%.

9. The application as filed requires 19 design waivers; 6 are existing conditions and 13 are new conditions created by the application.

10. The 6 waivers required for existing conditions are as follows:

- 1) A waiver from the provisions of §271-50A regarding the location of the driveway on the Colgate Road frontage. A minimum distance of 30 feet from the centerline of the driveway to the property line is required; the centerline of the existing driveway is approximately 16 feet from the lot line.
- 2) A waiver from the provisions of §271-50A regarding the location of the driveway on the Wellesley Road frontage. A minimum distance of 30 feet from the centerline of the driveway to the property line is required; the centerline of the existing driveway is approximately 20 feet from the lot line.
- 3) A waiver from the provisions of §271-50K(5) regarding the location of the on-site parking stalls near Colgate Road. A minimum

distance of 5 feet from the stall to the property line is required; the existing stalls are approximately 2 feet (scaled) from the line of Colgate Road.

4) A waiver from the provisions of §271-50K(5) regarding the location of the on-site parking stall in the westerly parking lot adjacent to Springfield Avenue. A minimum distance of 5 feet from the stall to the property line is required; the existing stall is approximately 1 foot from the line of Springfield Avenue.

5) A waiver from the requirements of §271-37A regarding buffers between residential and non-residential development. A four (4)-foot wide densely-planted evergreen screen is required; no such screen is shown on the plans. In addition, the width currently depicted on the plans between the commercial use and the residential use varies between 1 foot (scaled, west end), 2.8 feet (behind the building) and 4 feet (scaled, east end).

6) A waiver from the provisions of §271-56C(1) regarding the use of ground signs. Ground signs are permitted when the building is set back a minimum of 35 feet from the street; the existing building is set back a distance of 27.2 feet from Springfield Avenue.

11. The 13 waivers necessitated by the application which are new conditions are as follows:

1) A waiver from the provisions of §271-50J(16) regarding the number of parking stalls. One stall per 200 square feet of gross floor area is required, which in this case amounts to 43 stalls; a total of 24 stalls are proposed.

2) A waiver from the provisions of §271-50K(5) regarding the location of the on-site parking stalls in the proposed easterly parking lot adjacent to Springfield Avenue. A minimum distance of 5 feet from the stall to the property line

is required; the proposed stalls are approximately 2 feet from the line of Springfield Avenue.

3) A waiver from the provisions of §271-50K(5) regarding the location of the on-site parking stalls in the proposed easterly parking lot adjacent to Wellesley Road. A minimum distance of 5 feet from the stall to the property line is required; the proposed stalls are approximately 2 feet from the line of Wellesley Road.

4) A waiver from the provisions of §271-50B regarding dead-end parking aisles. Dead-end aisles shall be avoided wherever possible; the proposed easterly parking lot contains a dead-end aisle. The northeasterly (employee) parking lot will require the same waiver as well as a waiver to allow backing out onto Wellesley Road.

5) A waiver from the provisions of §271-50K(1) regarding the location of the loading area. Loading areas may not be located in the front yard; the proposed loading area is situated in the Colgate Road front yard.

6) A waiver from the provisions of §271-50K(3) regarding the location of the loading area. Loading areas may not be located in any required buffer area; the proposed loading area is situated in the required buffer between the subject Property and the adjacent residential area.

7) A waiver from the provisions of §271-50E(2) regarding the length of the required loading area. A length of 60 feet is required; 18 feet is proposed.

8) A waiver from the provisions of §271-50C requiring loading areas to be buffered from adjoining streets and existing

residential uses in accordance with §271-37; no such buffering is shown.

9) A waiver from the provisions of §271-56A(Table) regarding the size of the ground signs. A maximum sign area of 20 square feet is permitted; 48 square feet is requested.

10) A waiver from the provisions of §271-56C(4) regarding the setback of the ground sign. The sign must be set back a minimum of 1.5 times its height, which in this case is $1.5 \times 11.8 \text{ feet} = 17.7 \text{ feet}$; a setback of zero (observed) is proposed.

11) A waiver from the provisions of Springfield Avenue Special Improvement District Design Standards §237-18.1B(9)(b)[1] regarding the height of wall graphics. A maximum height of 1.5 feet is permitted; a height of 2.5 feet is proposed.

12) A waiver from the provisions of the Springfield Avenue Special Improvement District Design Standards §271-18.1B(9)(b)[1] regarding the length of wall graphics. A maximum length of 75% of the sign fascia is permitted; a length of approximately 78% (scaled from sign renderings) is proposed.

13) A waiver from the provisions of §271-32C(8) regarding the requirement to provide a topographic survey of the subject Property, including contours, with an "overlap" of 100 feet from the subject Property. Both the site plan and the survey depict only the subject Property with no contours or elevations shown.

12. During the course of the three hearings on the application numerous requests and suggestions were made by the Board as well as the public for revisions to the plans and for conditions to any approval which might be granted in order to mitigate any potential negative impact on the neighboring residential areas from the operation of the

business to be conducted on the Property as well as resulting from the existing conditions which require variances and waivers and any new waivers which may be required as a result of the application as modified during the course of the hearings.

13. In addition, the Springfield Avenue Partnership made a number of requests and suggestions in regard to signage, lighting of the signage, glazing and architectural treatment.

14. During the course of the hearings the Applicant agreed to numerous conditions and plan modifications to meet and ameliorate the concerns and recommendations of the public and the Planning Board as well as to satisfy the requests of the Springfield Avenue Partnership. The conditions and revisions agreed to by the Applicant are as follows:

a) The width of the easterly driveway along Springfield Avenue will be reduced from 40 feet to 24 feet.

b) Applicant will work with members of the community to determine whether any of the lights on the outside of the building should be left on beyond 30 minutes after closing time.

c) Applicant will comply with the drainage requirement by providing a trench drain along the entire width of the 30 foot driveway opening on Springfield Avenue.

d) Deliveries to the store will be made only during hours of operation as testified to at the hearing.

e) Delivery trucks must enter from Springfield Avenue and not from Colgate Road.

f) Delivery trucks leaving the store and exiting on Colgate Road must make a left turn out of the Property towards Springfield Avenue.

g) The small vans making deliveries from the store to the customers exiting the Property onto Wellesley Road must turn right toward Springfield Avenue.

h) No tractor trailers will be used for deliveries to the store. SU30 or smaller trucks will be used for deliveries (30 foot box truck).

i) The existing fence along the north property line will be replaced with a six foot tall board on board fence to provide visual screening and Applicant will make repairs to the existing cement retaining wall upon which the fence will be placed.

j) Landscaping will be introduced in the open area between the employee parking and the easterly front

parking area to provide green space and also to prevent any vehicular movement between the two parking areas on the east side of the building.

k) Formal curbing as approved by Mr. Bratt shall be provided to separate the parking areas from the sidewalks.

l) Applicant shall work with Mr. Bratt to agree upon a plan to provide landscape buffering on the Property and shall provide such landscape buffering in accordance with the plan to be approved by Mr. Bratt.

m) The pole sign shall not exceed a size of 25 square feet. The red field area of the sign shall be covered so that only the yellow lettering is illuminated (internally).

n) The wall sign shall be a 30 inch channel letter sign with reverse halo illuminated letters as requested by the Springfield Avenue Partnership. The letter height shall not exceed 1-1/2 feet.

o) All curbing along Springfield Avenue must be constructed prior to the moratorium on street openings which will result upon the repaving of Springfield Avenue.

p) The film will be removed from the windows facing Springfield Avenue and the racking behind the windows will have a maximum height of the 5 feet with

nothing stacked on top of the shelving. The racking in the store shall be as shown on Exhibit A-4 introduced at the September 4, 2014 hearing.

q) Signs will be placed inside of the store (in addition to the signs outside) to inform customers that they are not permitted to make repairs to their vehicles in the parking lot and further advising customers that they are not permitted to work on their vehicles on Colgate Road, Wellesley Road or Springfield Avenue. Applicant will "strenuously enforce" the prohibition against customers doing any work on their vehicles on the Property or adjacent roadways and Applicant shall further place signs at the register defining what is prohibited.

r) The front façade of the building shall be as shown on Exhibit A-6 submitted by Applicant at the September 14, 2014 hearing which includes adding windows to the brick infill of the existing garage doors and the elimination of the film on the windows.

s) Air conditioning shall be provided by five small units placed as shown on Exhibit A-6. The air conditioning units shall operate only during business hours and must be turned on only after opening in the morning and off one half hour before closing. They will be not more than 43 inches high and they will not be seen from the

street. Prior to the installation of the air-conditioning system, the Applicant shall arrange for, and supply to Mr. Bratt, a report from an acoustical engineer presenting calculations verifying that the predicted noise level from the operating system will conform to the applicable noise regulations.

t) Prior to issuance of a certificate of occupancy, Applicant shall arrange for an acoustical engineer to test the air conditioning system and to certify to the Township Engineer that the air conditioning system complies, while operating, with all state and local regulations in regard to decibel levels at the property line contiguous to the residential properties to the north.

15. The Planning Board was satisfied from the testimony provided as to the average length of time a customer is in the store, the number of customers in the store at any one time including their busiest hours, and the number of parking spaces available at other Advance Auto Parts stores which function well with an average of 25 parking stalls.

16. The need for the variance from the maximum driveway width of 24 feet for the eastern driveway along

Springfield Avenue has been eliminated by the Applicant agreeing to reduce the width of that driveway from 40 feet to 24 feet.

17. Based upon the fact that all required variances are existing conditions, that a large number of the waivers are also existing conditions, and that Applicant has agreed to significant conditions designed to ameliorate any negative impacts from a granting of the waivers and variances requested, the Board determined that all variances and waivers still required and not otherwise satisfied by Applicant can be granted.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Maplewood, County of Essex, State of New Jersey on this 15th day of October, 2014 that this Resolution of Memorialization be and hereby is adopted and the application for final site plan approval together with the required variances and design waivers be and hereby is granted subject to the following conditions:

1. Applicant shall comply with the plans as submitted as revised during the hearings and approved by the Planning Board and with all testimony given at the

hearings on the application by Applicant and Applicant's experts as well as all representations made to the Planning Board by Applicant, its attorney and experts.

2. Applicant shall comply with all conditions set forth in paragraph 14 subsections a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s and t.

3. Applicant shall post a performance guarantee insuring installation of all site improvements pursuant to Section 271-14 of the Maplewood Zoning and Development Regulations.

4. Applicant shall submit an as-built survey following construction.

I, Adele Lewis, Secretary of the Maplewood Township Planning Board in the County of Essex and State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Planning Board of the Township of Maplewood on October 15, 2014.

October 15, 2014


ADELE C. LEWIS, SECRETARY