

BOROUGH OF ROCKAWAY
LAND USE BOARD
MINUTES
December 1, 2020

The regular meeting of the Land Use Board of the Borough of Rockaway, County of Morris, and State of New Jersey was held at the Community Center, 21 Union Street, Rockaway, New Jersey with Kenneth Blair presiding. Notice of this meeting was given in the annual resolution and posted on the municipal bulletin board. This meeting was held virtually via Zoom.

Chairman Blair called the meeting to order at 7:30pm. All present saluted the flag and Chairman Blair read the Open Public Meeting Act Statement.

Both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 virus that prohibits all gathers of more than 10 people and requires social distancing. In an effort to continue the Land Use Board's business, this meeting is being conducted via Zoom, a video conferencing service, that allows the Board, it's professionals, applicants and members of the public to participate. Participation can take place via video or telephone conference. Access information was posted on the Borough's website.

ROLL CALL Present: Chairman Kenneth Blair, Ken Banbor, Joyce Freiermuth, Ron Hamman, William Hopler, Mark Howarth, Barbara Koch, Janet Leonard, Joseph Maulbeck and Kim Rose.

Absent: Mayor Tom Mulligan, Councilman Russell Greuter and Joseph Maulbeck.

Professionals Present: John Mills, Esq.
Golda Speyer, PP
C. Richard Quamme, PE

APPLICATION LUB #069
LIDL U.S. OPERATIONS, LLC
353 US 46 WEST
BLOCK 83 LOT 7

Chairman Blair asked Mr. Mills if proof of service was in order and he stated it was in order. Chairman Blair asked the Applicant if they were ready to proceed.

Attorney for the applicant is John P. Wyciskala, Esq, Inglesino , Webster, Wyciskala, Taylor, LLC.

Mr. Wyciskala gave a brief background of Lidl. He said that the Zone was HC which is Highway commercial. It is 3.6 Acres in size and is now home to Rockaway Farmers Market. He explained that the use is permitted and this is a planning board. He stated that this Lidl Store will be the first in Morris county. This application is for a C dimension variance relief and preliminary and final site plan to allow the redevelopment and use of the premises as a 28,122 square foot grocery store.

Mr. Wyciskala said he would introduce 5 witnesses. Mr. Matt Sandelands, an officer of the company, Mr. Ben Crowder, Professional engineer, Mr. Jerrid M. Dinnen, Traffic engineer, Ms. Chelsa Rawson, Architect and John McDonough, Planner.

Mr. Matthew Sandelands - (20 Goldsboro Dr. Bayonne) He was sworn in but not as an expert witness. He is a real estate manager who does site identification for new site locations for Lidl. He said that Lidl opened up in 1973 in Germany. He stated that there are over 11,000 locations and that Lidl came to the United States about 7 years ago. There are 120 Stores on the east coast and about 7 in New Jersey. Lidl uses about 85% private labels which is highest products for lowest cost. He said that have very large organic section. He spoke of the day to day operations. They open at 8:00 am and close at 10 pm. And operate 7 days a week. He anticipates about 50 to 100 jobs between full time and part time employees. He also said they like to hire local people. One shift usually consists of 8 to 10 employees. One floor manager, 4 to 5 stock employees and 2 to 3 cashiers.

Mr. Sandelands said that Lidl is very consistent in their cleaning. They have a very high sanitation procedure due to COVID.

He said they do not have a lot of prepared foods its usually just bread that is prepared. He also said that there is usually only on tractor trailer making a delivery each day. It is usually in between 6:00am and 7:00am so it is off peak hours.

Open to Board Members

Mark Howarth asked about the close proximity to Aldis and will that be a problem. Mr. Sandelands said that Aldi's is a competitor.

Open to Board Professionals

John Mills asked how many stores were located in NJ and Mr. Sandelands said 12 in NJ and 7 in Northern NJ.

Chairman Blair opened the meeting to the public
There was no public so he closed the meeting.

Next Witness

Mr. Ben Crowder (Bohler Engineering Warren, NJ) Mr. Crowder has 10 years experience in Site civil engineering. He is a graduate of University of Pittsburg. He is the engineer on record for the last 5 years for Lidl. Mr. Crowder was accepted as an expert by Chairman Blair. He showed exhibit A1-12-1 which was an aerial view of the site. He went in great detail over the aerial view and what was on the site. He spoke of access to Rt 46 and that they were working with adjacent properties for assistance with access. He said there is a steam that runs down this site and it is piped to Rockaway Lanes pipes.

Open to Board Professionals

Golda Speyer asked if they spoke to DEP and Mr. Crowder said yes their focal point is if they stay within the threshold without further disturbance they will be ok. Ms. Speyer asked about cross access easements?

Open to Board Members

Kim Rose asked if the egress that is currently on site now will it be sealed up?

Mr. Crowder introduced his next exhibit A2-1201 which was a colorized site layout. He spoke about the size of the proposed building mostly on the west side. He explained that Lidl likes to have the entrance door on the corner not in the middle so he went over the front yard setback that they are proposing. He showed with the exhibit where the impervious coverage will have a significant reduction. Mr. Crowder explained about the parking spots 141 are required but they only have 137 spots he said that they are getting a shared parking agreement with Rockaway Lanes. He went in depth regarding the delivery trucks, the size of the trucks and the turn radius. There is a single bay loading dock. Mr. Crowder said that Lidl is very big on recyclables. They even have an inhouse bailer. He showed landscaping and lighting plans that will increase 321 new planting on the site. He showed LED parking lights. Lights are fitted to go downward so there is no direct light into a neighbors. He explained about the variance relief and the signs. He showed the signs and the Lidl logo. He stated that a design waiver is needed with regard to the driveway grating it is 3.3 to 3.5 where the ordinance only allows 2%. This is to improve traffic approach land for the traffic signal

Open to Board Members

Ken Banbor wanted to know how does the size in square footage compare to the Farmers Market sign. Mr. Crowder said it is very comparable to the existing sign that is there now.

Mark Howarth said that everything is looking good but the façade signs the location of the sign might be a problem. Mr. Wyciskala said they would use an alternative sign to reduce the size. Mr. Howarth said ok.

Ken Banbor said that there should be a curb where the asphalt is but Mr. Crowder said there is stormwater run off and they want to allow the normal run off.

Mark Howarth said that maybe there should be a car stop but Mr. Crowder said that car stops are a tripping hazard.

Open to Board Professionals

Golda Speyer went through her report with Mr. Crowder. She went over a bigger walkway, retaining wall, cart returns and she asked about trees.

C Richard Quamme asked about some sort of stabilization would be required to go towards the wall. There was a discussion about the overhead wires. They went over Ferriero engineering letter.

Chairman Blair opened the meeting to the public.

There was no public.
Chairman Blair closed the meeting to the public

Next Witness

Mr. Jerrid M. Dinnen (Atlantic Traffic & Design, Warren, NJ) Mr. Dinnen said he is a licensed civil engineer and a graduate of Kansas State University.

Chairman Blair accepted his credentials as an expert witness.

Mr. Dineen went over his traffic impact analysis. He stated that the proposed parking spaces of 137 will be enough to meet the needs of the store. He spoke about the number of vehicles that would be generated by this new development and said it falls below the DOT of significant increase of trips. He said that the DOT application was sent. Mr. Dineen spoke of the loading docks and Lidl trucks.

Mr. Dineen said that there will not be a noticeable increase in traffic flow.

Open to the Board Members

There were no questions from the board

Open to Board Professionals

Richard Quamme asked to go over the engineering report. He wanted to know about loading and unloading of the trucks. Mr. Dineen said this was managed well because all the trucks and products are Lidl's. Mr. Quamme asked about the traffic signal and Mr. Dineen said it is an image detector.

John Mills asked if the tractor trailers enter the loading area. The answer was yes they can the width is 8 or 10 ft and the loading dock is 14ft wide.

Golda Speyer asked about the shared parking plan she said they still do not have one. Mr. Dineen said it is still being worked on.

Chairman Blair opened the meeting to the public.

There was no public.

Chairman Blair closed the meeting to the public.

Next Witness

Ms. Chelsea Rawson (Larson Design Group) Project Architect. She received her Masters from Texas Technology and is licensed in Pa, Oh, NY, NJ and Virginia. Chairman Blair accepted her credentials as an expert witness. She introduced exhibit A3-1201 which was a colorized picture of the elevations. She explained about the materials that would be used and the colors for the building. She showed the front elevation and the vestibule entering the building. She explained that Lidl likes to have the entrance to the building on a corner. Ms. Rawson continued her testimony explaining about the roof plan and that there will install on the roof 4 roof top units (RTU). She showed a cut sheet for roof top screens.

Open to Board Members

Barbara Koch asked about roof water.

Open to Board Professionals

John Wyciskala asked Golda Speyer to go through her comments. Ms. Speyer asked if there could be more glazing.

Chairman Blair opened the meeting to the public.

There was no Public.

Chairman Blair closed the meeting to the public.

Next witness

Mr. John McDonough(101 Gibraltar Dr. Parsippany)

Mr. McDonough has testified before this board many times. Chairman Blair accepted his credentials and welcomed him back.

Mr. McDonough began his testimony by saying that this is a very good application he introduced exhibit A6-1201 it was a 10 slide exhibit showing: tax parcel map, aerial map, color coding land use map, zoning map, physical characteristics of the site, freestanding sign, egress driveway and the last 3 maps were of the property.

He explained about the upgrading of the property and how the new building will improve the area, it was create jobs and improve economic development. He stated how efficient this plan was to reuse land and how it is consistent with the master plan.

Open to Board Members

Mark Howarth asked about the grading at the entranceway. Mr. Crowder said it was an existing condition.

Ron Hamman asked about the windows on the Southside.

Mark Howarth said Lidl should mimic the other side where they had all the different colors.

Ken Banbor asked about the sign and asked about a screening system to collect oil.

Mark Howarth asked about a catch basin.

Open to Board Professionals

Golda Speyer asked about an ordinance for the façade.

Chairman Blair opened the meeting to the public

There was no public

Chairman Blair closed the meeting to the public

Chairman Blair asked Mr. Wyciskala if he had any further testimony.

Mr. Wyciskala said that Lidl is very excited to redevelop this site with significant improvements to the property. Please grant this approval.

Chairman Blair asked for a motion. Mark Howarth motioned to approve this application and it was seconded by Ron Hamman.

Chairman Blair opened the board to discuss the motion.

The board wanted a reduced sign size and height, Wheel stops (car stops), and the sidewalk widen from 5 ft. to 6 ft. on the Rt 46 side. Ms. Speyer asked for a design change on the west side façade and filters with a maintenance plan in the deed. Mr. Quamme asked to include waivers for completeness, utilities profiles and stormwater pipe.

Vote 9 ayes this application was approved.

Chairman Blair asked for a motion to approve the minutes from September 1, 15 and 21, 2020.

Motion to accept the minutes was made by Mark Howarth and seconded by Ron Hamman.

Vote 9 Ayes Minutes were approved.

Meeting adjourned at 10:43 pm

A handwritten signature in cursive script, reading "Colleen Keach". The signature is written in black ink and is located in the lower right quadrant of the page.