

**MINUTES  
TOWNSHIP OF WEST ORANGE  
ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
January 10, 2013**

The West Orange Zoning Board of Adjustment held a special meeting on January 10, 2013 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Neuer called the meeting to order at approximately 8:00 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle, and posted on the Township Bulletin Board on December 28, 2012 in accordance with the "Open Public Meetings Act."

Chairman Neuer asked everyone to stand for the Pledge of Allegiance

Alice Beirne, Esq., Board Attorney, read the Opening Statement.

**PRESENT:** B. Buechler, G. Bullock, D. Gabry, W. Merklinger, P. Neuer,  
B. Quentzel, W. Steinhart, M. Sussman

**ABSENT:** A. Weiss (excused absence)  
L. Zaolino (excused absence)

**ALSO PRESENT:** P. Grygiel, Consulting Planner/Acting Planning Director  
E. Keller, Consulting Engineer  
Board Attorney, Alice Beirne, Esq.  
Board Secretary, Rose DeSena  
Harvey Grossman, Public Advocate

**ANNOUNCEMENTS**

**Future Meetings:** January 17, 2013 (Regular Meeting) – 8:00 PM  
February 7, 2013 (Special Meeting) – 8:00 PM  
February 21, 2013 (Regular Meeting) - 8:00 PM  
March 21, 2013 (Regular Meeting) - 8:00 PM  
April 18, 2013 (Regular Meeting) – 8:00 PM

**MINUTES**

**Adopt Minutes:** December 20, 2012 (Regular Meeting)

Mr. Buechler made a motion to approve the minutes; Vice Chairwoman Gabry seconded the motion. All were in favor to approve the minutes of the December 20, 2012 meeting.

## SWEARING IN

Consulting Engineer, Eric Keller and Consulting Planner for the Township, Paul Grygiel were sworn under oath.

## APPLICATION

- 1. ZB-11-14/Longo** **Carried from 12/20/12**  
Block: 88; Lot: 21; Zone: OB-2  
Seeking "D" and "C" variances for converting a two family house into a three family house.

## DISCUSSION

Carmine Campanile, Esq., attorney for the applicant, approached the podium. He stated that his client came before this Board on 11/15/12 requesting approval to re-convert his property, located at 15 Mt. Pleasant Avenue, into a three family house. Mr. Campanile summarized what happened at that meeting.

Mr. Campanile cited reasons that he felt met the positive and negative criteria. He also cited New Jersey legislation stating that there is a shortage of affordable dwellings in the State of New Jersey. Mr. Campanile said that after Hurricane Sandy the need for more affordable dwellings is even greater. He said that, by approving this application, his client will be providing an additional affordable unit.

Mr. Campanile stated that this was previously a three family house and was converted into a two family house. He said that his client purchased it as a two family house. Mr. Campanile stated that the Zoning Board does not enforce the law; this Board just enforces the Zoning ordinance. He said that the house will be brought up to code and become much safer for the residents. Mr. Campanile stated that the location is ideal for this type of housing because it is near the Downtown. He also said that it will have a minimal impact on the community.

Chairman Neuer asked if any member of the Board had any questions for Mr. Campanile.

Mr. Buechler stated that Mr. Longo the applicant, Mr. Salerno the Architect and Mr. Marucci the Engineer testified at the last meeting and asked Mr. Campanile if that was correct; Mr. Campanile said that was correct.

Chairman Neuer asked if any members of the public were present for this application; seeing none the Chairman closed that portion of the hearing.

Chairman Neuer opened the meeting for discussion by the Board members.

Mr. Buechler stated that he is recommending that the Board deny this application. He said that he does not believe that the applicant met the criteria for the "D" variance and that most of the

houses in the area are two family homes and not three family homes. Mr. Buechler stated that a parking variance is needed and the stacked parking that they are proposing is not recognized by our ordinance and is difficult to enforce.

Ms. Gabry stated that she agrees with Mr. Buechler. She said that this is not a positive benefit for the general welfare of the public.

Mr. Bullock stated that he also agrees with Mr. Buechler and that he is not in favor.

Chairman Neuer stated that he has respect for Mr. Campanile as a credible and experienced practitioner. He stated that the house was a two family when the applicant purchased it and that he never should have spent \$200,000 without taking some steps to verify that he could use it as a three family house. Chairman Neuer stated that, in terms of the Use variance, there is a high burden of proof on the applicant. He said that having tenants on all three floors is an illegal use and that while it is not the place of this Board to punish (that is up to the Municipal Court) this Board is required to render its decisions based on the applicant making his case. He said that Mr. Marucci did not prove anything and he personally had some issues of the credibility of Mr. Longo. Chairman Neuer said that Mr. Longo admitted that he never went to the town to verify if it was a two family or a three family and that he will vote no and urge the other Board members to vote no.

Chairman Neuer moved to deny this application supplemented by Mr. Buechler's comments. Mr. Bullock seconded the motion to deny this application.

The vote was as follows:

Buechler:	Yes to deny	Steinhart:	Yes to deny
Bullock:	Yes to deny	Sussman:	Yes to deny
Gabry:	Yes to deny	Weiss:	-
Merklinger:	Yes to deny	Zaolino:	-
Quentzel:	Abstained	Chairman Neuer	Yes to deny

- 2. ZB-12-20/First Hartford Realty Corp., Carried from 11/8/12**  
**Designated Agent for CVS**  
 Block: 153.16; Lot: 1-6 & 24-27  
 265 Prospect Avenue  
 "D" Use variance & "C" variances for building a CVS Pharmacy

**EXHIBITS**

- A-2a - Layout and Materials plan - sheet 3CR dated 12/20/12 (remarked A-16)
- A-17- Grading & Drainage Plan -- sheet C-4 dated 12/20/12
- A-18 -- Utility Plan -- sheet C-5 dated 12/20/12
- A-19 -- WB-62 Delivery Vehicle Maneuvering Plan -- sheet VM-1 dated 12/20/12
- A-20 -- Compactor Roll-Off Maneuvering Plan -- sheet VM-2 dated 12/20/12

A-21 – Ladder Truck Emergency Maneuvering Plan – sheet VM-3 dated 12/20/12  
A-22 – Lighting Plan – sheet LT-1 – sheet 12/20/12  
A-9R – Landscape Plan – sheet R-01 dated 1/10/13 (remarked A-23)  
A-24 – Pylon sign calculations – dated 1/10/13  
A-25 – Signage Color Exhibit – page 2/Façade signs dated 12/18/12  
A-26 – Signage Color Exhibit – Page 3 (Pylon, Directional & Temporary Sign) dated 12/18/12  
A-27 – Exterior Elevation – sheet A-4.1c dated 12/19/12 revised to 1/9/13  
A-28 - Drawing C-3

## **DISCUSSION**

Robert Williams, Esq., attorney for the applicant approached the podium and entered his appearance as attorney for the applicant. He summarized what happened at the last meeting on 11/8/12, listed all of his witnesses and summarized their prior testimony.

Mr. Williams stated that, since the last meeting, they met with the Essex County Planning Officials, had additional meetings with Eric Keller and submitted revised plans to the Township Planning Department. He said that at this meeting, they will address the concerns of the Essex County Planning Board and Mr. Keller.

Chairman Neuer stated that he had a problem with the dates on the Engineers plans. There was some discussion regarding the conflicting revision dates on the plans; the applicant's Engineer, Ms. Burke, apologized and stated that she did not see the December dates on the cover page of the plans.

Mr. Williams called his first witness.

Sharon Burke approached the podium. Chairman Neuer stated that Ms. Burke was sworn under oath at the meeting on 11/8/12 and will continue her testimony as a recognized expert in Engineering.

Mr. Williams asked Ms. Burke to explain the changes that were made after the last meeting with the Essex County Planner and Mr. Keller and what additional modifications the applicant is willing to undertake. Ms. Burke referred to sheet C-3R of the Layout and Materials Plan and said that in the new set of plans the building will be shifted closer to Prospect Avenue. She noted that at the last meeting this was sheet C-3 of the Layout and Materials Plan and was marked as Exhibit A-2. Ms. Burke said that it is the same drawing with a revision date of 12/20/12. Chairman Neuer asked to have the revision plan marked as Exhibit A-2A and said that it will replace Exhibit A-2.

Ms. Burke stated that they will be eliminating the center bay and will slide the entire building towards Prospect Avenue. Chairman Neuer asked Ms. Burke how many feet closer to Prospect Avenue will the building be moved. Ms. Burke said 27.1 feet closer.

Ms. Burke stated that by sliding the building closer to Prospect Avenue this doubled the setback from Woodhull Avenue. She said they also added six (6) employee and six (6) regular parking spaces on the Woodhull Avenue side which now gives a total of 80 parking spaces.

Ms. Burke stated that they have eliminated the driveway on Prospect Avenue that was closest to Eagle Rock Avenue. She said that the impervious coverage was reduced from 66% to 64%.

Ms. Burke stated that the driveway on Woodhull Avenue will now be a full access driveway. She said that previously there was no left turn in and now it will allow a left turn in.

Ms. Burke said that the single driveway on Prospect Avenue is a full access driveway. She said that the County Planner is not in favor of allowing a left turn out and they will comply with what the County wants. Chairman Neuer reminded Mr. Williams that any approval that this Board approves is subject to County approval.

Ms. Burke stated that the retaining wall on Woodhull Avenue was pulled back and will now be 7' from the right-of-way line so that there is room for landscaping. Mr. Buechler asked Ms. Burke if the wall will be the same height; Ms. Burke replied no and said that she will testify as to that a bit later.

Ms. Burke stated that they also eliminated the wall on Prospect Avenue.

Chairman Neuer advised Mr. Williams that the applicant will have to let the Board know if they are still seeking a left turn out of the driveway on Prospect Avenue.

Ms. Burke said that the wall on Woodhull Avenue was reduced from 12' to 6.5' and that there will be a 4' fence on the top of that wall.

Mr. Keller stated that he recommended that they pull the retaining wall away from an existing tree in order to save the tree. Ms. Burke said, in doing that, they would lose two parking spaces. Chairman Neuer asked Ms. Burke to note on the plans where the tree was that they are talking about.

Chairman Neuer stated that at some point the Board needs to see the final plans. He said that he thought that after meeting with Mr. Keller that they would be submitting the final plans.

Ms. Burke presented sheet C-4 of the Grading and Drainage Plan dated 12/20/12. Chairman Neuer stated that sheet C-4 of the Grading and Drainage Plan dated 12/20/12 was pre-marked as Exhibit A-17 for identification. Ms. Burke stated that they reduced the parking slope from 7% to 5.7%. She said that she is working with Mr. Keller to revise the storm water system. Chairman Neuer asked Mr. Keller if he wanted the storm water system to go down Woodhull Avenue; Mr. Keller said yes. Mr. Keller said that it would be fully piped to existing inlets that can accept this storm water and this would be a significant improvement.

Ms. Burke stated that there is no change to the Utility Plan.

Ms. Burke referred to sheet VM-1 of the Delivery Vehicle Maneuvering Plan dated 12/20/12. Chairman Neuer stated that sheet VM-1 of the Delivery Vehicle Maneuvering Plan dated 12/20/12 was pre-marked as Exhibit A-19 for identification. Ms. Burke noted how vehicles

would enter and exit now. She said that there were originally some concerns about a tractor trailer backing in. She said that they opened the aisle two feet to address this concern.

Mr. Buechler asked Ms. Burke if there would be one delivery per day; Ms. Burke said there would be one delivery per week. Mr. Buechler asked Ms. Burke what time of day the deliveries would be made; Ms. Burke said that deliveries would be made during off peak hours and that the applicant can answer that question.

Chairman Neuer said that, with this change, he does not see any conflict with the tractor trailer entering and hitting any vehicles like the first plan they presented.

Mr. Buechler asked Ms. Burke if the tractor trailers could enter from the Woodhull Avenue driveway; Ms. Burke replied no. Mr. Buechler asked Ms. Burke if the Fire Department's ladder truck is smaller than a tractor trailer; Ms. Burke replied yes. Ms. Burke said that Captain Dsurney of the West Orange Fire Department said that they would never bring a ladder truck around the building. Ms. Burke detailed where the trucks would come in and how they would maneuver.

Chairman Neuer stated that he would like them to do a study of the traffic at the Exxon gas station on Prospect Avenue for a couple of days. He said that there needs to be some kind of effective control of traffic there. Mr. Keller stated that signage and pavement markers are ineffective to the driver that wants to make an illegal move. He said that, even with an island there, a driver can still make an illegal turn if they wanted to so so.

Ms. Burke continued and stated that the line of cars, on the original plan, was removed where the tractor trailer will be backing in.

Ms. Burke presented sheet VM-2 of the Compactor Roll-Off Maneuvering Plan dated 12/20/12. Chairman Neuer stated that sheet VM-2 of the Compactor Roll-Off Maneuvering Plan dated 12/20/12 was pre-marked as Exhibit A-20 for identification. Ms. Burke detailed the entrance and exit diagram where the service truck will enter to the compactor, load the compactor and take it away. Chairman Neuer asked Ms. Burke if the County will not allow a left hand turn out of that driveway on Prospect Avenue, will this still be doable. Ms. Burke said that the truck will be making a right hand turn out of the driveway towards Route 280.

Mr. Buechler asked Ms. Burke if the compactor's service truck could exit from the Woodhull Avenue driveway; Ms. Burke said no because it would be too sharp of a turn from that driveway. Mr. Buechler asked Ms. Burke how many times a week the cardboard truck comes; Ms. Burke said that she is not sure.

Chairman Neuer suggested making the driveway on Woodhull Avenue wider so that the truck could exit from that driveway. Mr. Steinhart said that when the shopping center for the Team Capital bank is completed there is going to be a mess on Woodhull Avenue. He said that even though the exit from that shopping center is further south on Woodhull Avenue the cars will stack at the intersection. Chairman Neuer asked Mr. Williams to look into that.

Ms. Gabry stated that the compactor truck will be going out through the wrong way in the 24 hour drive-thru lane. Mr. Keller said that the applicant may need to think out of the box and not have the truck come out the wrong way of the drive-thru.

Mr. Quentzel suggested removing a couple of the parking spaces so that the truck can maneuver to go back out on Prospect Avenue.

Ms. Burke presented sheet VM-3 of the Ladder Truck Emergency Maneuvering Plan dated 12/20/12. Chairman Neuer stated that sheet VM-3 of the Ladder Truck Emergency Maneuvering Plan dated 12/20/12 was pre-marked as Exhibit A-21 for identification. Ms. Burke detailed on the plans where the ladder truck will enter from Prospect Avenue and said that it can exit on Woodhull Avenue.

Chairman Neuer called for a recess at 9:26 pm.

Chairman Neuer resumed the meeting at 9:36 pm.

Ms. Burke referred to sheet LT-1 of the Lighting Plan dated 12/20/12. Chairman Neuer stated that sheet LT-1 of the Lighting Plan dated 12/20/12 was pre-marked as Exhibit A-21 for identification. Ms. Burke noted that the light poles on Woodhull Avenue were reduced to 12' from 25' high. She said that the remaining light poles along Prospect Avenue are 14' high. Mr. Williams stated that these changes resulted from the comments made at the last meeting regarding the height of the light poles.

Ms. Burke stated that the cornice lighting on Woodhull Avenue was removed and they are replacing it with 12' wall mounted lights. She said that these lights were reduced to 12' from 18'. Ms. Burke said that there are still some "hot spots" and they are going to take another look at that. Mr. Williams said that they have reduced the poles but have not yet figured out some of the wattage and bright spots. He said that they will work on that with Mr. Keller.

Chairman Neuer asked if any members of the Board had any questions for Ms. Burke.

Ms. Gabry asked Ms. Burke why they put a handicap walkway on the south side of the building and she questioned its safety. Ms. Burke said that it is ADA compliant and CVS requires it to be there. She said that they have one handicap walkway at each door.

There were no further questions for Ms. Burke from the Board.

Chairman Neuer asked if any members of the public have any questions for Ms. Burke based on her testimony tonight.

Marlon Lewis approached the podium and stated that he lived at 10 Woodhull Avenue. Mr. Lewis said that the loading zone is closer to the residents and asked Ms. Burke about the noise level. He said that his house is next door and the loading zone is close to his bedroom.

Chairman Neuer stated that there was no testimony regarding the noise level presented to the Board yet. Mr. Williams stated that they will provide testimony regarding the noise levels at the

next meeting. Chairman Neuer advised Mr. Williams to mail a notice to Mr. Lewis as to when they will be bringing someone to the meeting to testify to the noise levels.

Mr. Lewis asked Ms. Burke if they could move the loading area further away from the residential area; Ms. Burke said that this is the layout the applicant is presenting.

Mr. Williams stated that he will have testimony at this meeting regarding the frequency of the use of the compactor.

There were no further questions for Ms. Burke.

Chairman Neuer advised Ms. Burke not to submit any revised plans that have not been approved by Mr. Keller. Mr. Williams replied that Chairman Neuer's point was well taken.

Mr. Williams called the regional manager of CVS Pharmacy as his next witness.

Gary Lorio approached the podium and was sworn under oath. Mr. Lorio stated that he is the Director of Real Estate for CVS Pharmacy and that his job is to find sites for their stores. He said that he has worked for CVS for 25 years and has found locations for the stores from Virginia to New York.

Mr. Williams asked Mr. Lorio why the store needs two drive-thru lanes. Mr. Lorio said that the double lane is very important. He said that when a person picks up a prescription sometimes they have a consultation and it could take time. Mr. Lorio said that they do not want their customers to be inconvenienced. He said it is also convenient for the elderly and on rainy days when customers do not want to get out of their cars.

Mr. Quentzel asked Mr. Lorio if only prescriptions can be purchased from the drive thru windows; Mr. Lorio said yes.

Chairman Neuer asked Mr. Lorio if an employee ever suggests to the customer that they go inside if they need a consultation; Mr. Lorio said no because that is the customer's choice.

Mr. Buechler asked Mr. Lorio how many CVS stores within 30 miles of this location have two drive-thru lanes; Mr. Lorio stated that all of the new CVS stores have two drive-thru lanes. Mr. Buechler stated that he questions the need for the two drive-thru lanes and repeated his request for a list of such existing stores within the 30-mile radius.

Chairman Neuer asked Mr. Lorio to provide a list of all of the CVS stores that have two drive-thru lanes from Monmouth County to this location.

Ms. Gabry asked Mr. Lorio if the drive-thru lanes are just for dropping off and picking up a prescription or can the customer wait for the prescription; Mr. Lorio said they cannot wait for the prescription in the drive-thru lane; they can only have a consultation.



Mr. Quentzel asked Mr. Lorio if they could have one drive-thru lane with two windows; Mr. Lorio said no because the pharmacist only has access to one part of the store. He said that there could not be two windows at the pharmacy wall.

Mr. Williams asked Mr. Lorio to explain how and when deliveries are made to the store. Mr. Lorio said that the tractor trailer makes a delivery once a week and it is there approximately twenty (20) minutes. He said that they have other smaller deliveries and they are made through the front door. Mr. Lorio said that the compactor gets picked-up once every ten days as needed and the pickup is less than five (5) minutes. He said that with all of the deliveries their main goal is that the customer is safe.

Mr. Buechler asked Mr. Lorio how often the other delivery trucks come; Mr. Lorio said it is on an as needed basis. Mr. Buechler asked Mr. Lorio where these delivery trucks park; Mr. Lorio said if it is a van truck then they can park in a parking spot. He said the larger trucks go to the loading zone in the back of the store.

Mr. Buechler asked Mr. Lorio about the status of the other CVS store on Eagle Rock Avenue. Mr. Lorio stated that they have obligations under the lease for that store and it is to be determined.

Chairman Neuer said that this Board is concerned with two CVS stores within one mile of each other. Mr. Lorio said that the lease for that store runs out in 2017 or 2018. Chairman Neuer asked if there was any covenant regarding operating another CVS store within a certain mileage of each other; Mr. Lorio said no.

Mr. Buechler asked Mr. Lorio if CVS will agree to the condition to restrict the hours of their deliveries and the locations where delivery trucks can park and only use the loading zone. Mr. Lorio said that would be difficult to control but he said the store manager can enforce that. Mr. Buechler said that he will recommend that all deliveries must come in through the back as a condition.

Chairman Neuer asked Mr. Lorio how the stores control bringing the shopping carts back into the store from the parking lot; Mr. Lorio said that their shopping carts have long poles on them so they cannot be taken out of the store. Chairman Neuer said that the CVS store on Eagle Rock Avenue does not have the long poles on the shopping carts. He said that he passes by that store almost every day, visits that store regularly and there are shopping carts in the parking lot and he has not seen any shopping carts at that location with long poles affixed.

Mr. Bullock stated that CVS is going to have to justify the dual drive-thru lane so they can see where the numbers are going. He asked Mr. Lorio to provide the Board with the demographic projections.

Mr. Sussman said that he would like Mr. Lorio to provide this Board with the number of CVS stores that operate 24 hours a day/ 7 days a week.

Mr. Grossman asked Mr. Lorio what the lot size is for the proposed site; Mr. Lorio said that he did not quite know the size of that lot. Mr. Grossman asked Mr. Lorio what the lot size of the CVS store on Eagle Rock Avenue is; Mr. Lorio said approximately 10,000 sq. feet. Mr. Grossman asked if CVS considered putting a 24 hour drive-thru at any of the other CVS locations in town; Mr. Lorio said no they did not.

Mr. Grossman asked Mr. Lorio if he was aware of the traffic problems at the intersection of Eagle Rock Avenue and Prospect Avenue; Mr. Lorio replied yes. Mr. Grossman asked Mr. Lorio if he was aware that it is the worst intersection in Town; Mr. Lorio said that he was not aware of that. Mr. Grossman asked Mr. Lorio if he thought that putting this CVS store at this location will increase the traffic conditions; Mr. Lorio said that he thinks that it will decrease the traffic conditions but stated that he is not a traffic expert.

Mr. Grossman asked Mr. Lorio if he thought that bringing the traffic up to this section of the town would be a service to the community; Mr. Lorio said that he thinks that it offers conveniences to the community. Mr. Lorio stated that the retail square footage will be 2,000 to 3,000 sq. ft. larger in the new store. Chairman Neuer said that the size of the new store is at least ten times larger than the store on Eagle Rock Avenue; Mr. Lorio said that he was talking about the retail square footage. Chairman Neuer issued a directive that he is subpoenaing the lease for the CVS store on Eagle Rock Avenue and the lease on the new site. He said that the lease will tell you the exact square footage of both stores. Chairman Neuer said they will also need the demographics for the CVS on Eagle Rock Avenue and the CVS on this site.

Mr. Buechler stated that he has not heard anything at this meeting tonight that justifies two 24 hr. drive-thru lanes.

Chairman Neuer asked if any member of the public had any questions for Mr. Lorio.

Marlon Lewis approached the podium and stated that he lived at 10 Woodhull Avenue. He asked Mr. Lorio how they determined that this site would better service the neighborhood as a 24 hour store rather than the CVS on Eagle Rock Avenue. Mr. Lorio stated that they determined that this site is a better location and has better visibility than the CVS store on Eagle Rock Avenue.

Mr. Lewis asked Mr. Lorio if any crime studies have been done; Mr. Lorio stated that he is not here to testify to that.

Mr. Lewis asked Mr. Lorio if there will be cameras; Mr. Lorio said yes.

Ms. Gabry asked Mr. Lorio if they will have security guards; Mr. Lorio said that he does not know.

Mr. Williams stated that the Town has an ordinance regarding 24 hour operations and they must comply.

Chairman Neuer requested that they supply the Board with the leases for both stores and the demographics and then they will determine if Mr. Lorio will be required to come back to testify. The Applicant agreed to comply.

Mr. Williams recalled Robert Gehr the applicant's Architect.

Chairman Neuer stated that Mr. Gehr was sworn under oath at the meeting on 11/8/12 and will continue his testimony as a recognized expert in Architecture.

Mr. Gehr referred to sheet A-4.1c of the Exterior Elevations with a revision date of 1/9/13.

Chairman Neuer stated that sheet A-4.1 of the Exterior elevations with a revision date of 1/9/12 was pre-marked as Exhibit A-27 for identification.

Mr. Gehr began detailing the changes stating that they forgot to remove the sign that is shown on the plans on the rear elevation. He said that they also added a knox box. Chairman Neuer asked Mr. Gehr to explain what a knox box is. Mr. Gehr said that it is a box that is purchased from the fire department where a key to the store is kept inside of it. He said the fire department has a key to this box so that they can access the store in case of an emergency.

Mr. Gehr said that they are adding additional signage along the Prospect Avenue side of the building that will identify the fire equipment. He said that they dropped the two wall packs to 12' and changed all of the lighting on the building to 70 watt. Mr. Gehr said that they removed the cornices on the Woodhull Avenue side of the building and the lower portion will be one fluorescent tube. He also said that there will not be any cornice lighting above the sign on the Prospect Avenue side of the building.

Mr. Gehr stated that the fence around the compactor will be 8' high and it will be PVC fencing. Mr. Buechler asked if the applicant requested a variance for the height of the fence; Mr. Williams replied yes.

Mr. Gehr detailed the building materials and stated that they updated the signs on the building that show the 24 hour operation on them.

Mr. Bullock asked Mr. Gehr if reducing the lighting in some areas will affect the clarity of the security cameras. He asked if there will be sufficient lighting to get quality pictures. Mr. Gehr said that the camera company will make sure that the cameras can see in those light levels. He said that the photometric plan will be the key to determining that. Mr. Williams stated that the photometric plan will be resubmitted to the Board.

Mr. Keller asked Mr. Gehr to refer to the signage package and point out where the non-illuminated store plaque will be. Mr. Gehr stated that there will be a non-illuminated vinyl decal across the window in the drive-thru and pointed to it on the sign plan.

The Board had no further questions for Mr. Gehr.

Chairman Neuer asked if any members of the public had any questions for Mr. Gehr; seeing none Mr. Gehr was excused.

Mr. Williams called his next witness.

Robert Oelenschlager approached the podium and was sworn under oath. Mr. Oelenschlager stated that he prepared the sign exhibits and has been preparing signs for CVS for fifteen years. He said that he has also been involved in hundreds of applications for CVS. Chairman Neuer stated that the Pylon Sign Calculations Plan dated 1/10/13 has been pre-marked as Exhibit A-24, page 2 of the Signage Color Exhibit dated 12/18/12 has been pre-marked as Exhibit A-25 and page 3 of the Signage Color Exhibit dated 12/18/12 has been pre-marked as Exhibit A-26 all for identification.

Chairman Neuer asked Mr. Oelenschlager if he supervised or prepared the sign plans for National Sign Services; Mr. Oelenschlager that he both supervised and prepared the sign plans.

Mr. Oelenschlager detailed the sign plans giving all of the measurements of all of the signs and where they will be located. He detailed which signs will be illuminated and which signs will not be illuminated. Mr. Oelenschlager also detailed what was originally proposed and what changes were made.

There were no questions for Mr. Oelenschlager from the Board.

Chairman Neuer asked if any members of the public had any questions for Mr. Oelenschlager; seeing none, Mr. Oelenschlager was excused.

Chairman Neuer noted the time was 11:00 pm and asked Mr. Williams when he wanted to schedule the next special meeting. Mr. Williams asked if they could schedule a meeting sometime in March.


Chairman Neuer stated that this application will be carried over to a special Zoning Board meeting to be held on March 7, 2013 and that no further notice will be necessary.

Chairman Neuer told Mr. Williams that the applicant must submit the revised plans no later than February 11, 2013

### **ADJOURNMENT**

The meeting was adjourned by Chairman Neuer at 11:02 pm

Approved: February 7, 2013

  
Rose DeSena  
Zoning Board Secretary