

Neighbors decry big-box retailer

By Jennifer McLain Staff Writer
San Gabriel Valley Tribune
May 27, 2007

ROSEMEAD - Residents continue to complain about the ongoing noise, runaway carts and even the smell of cooking chicken that are all connected to the Wal-Mart Supercenter in their neighborhood.

On Monday, a petition with nearly 20 addresses were presented to the Rosemead Planning Commission, demanding answers to the problems that residents say have been created by the store at 1827 Walnut Grove Blvd.



"There is continuing noise from the Wal-Mart Supercenter affecting Delta Avenue residents and other neighbors," the letter, dated May 17, states.

"My whole plea is just follow the rules," said Yuki Fukumoto, a Rosemead resident who lives on Delta Street. "If you follow the rules, I have nothing to say."

South San Gabriel resident Marlene Shinen, who signed the petition, said residents are complaining about bad smells coming from the store. And others are still upset at Wal-Mart's soundwall at the back of the building.

Residents attribute the noise to trucks and an air conditioning unit on the store's rooftop, which emits so much noise that some residents keep their windows closed, some said.

"We are prevented from the peaceful use and enjoyment of our porches and our homes," the letter states.

City Manager Andrew Lazaretto said he is not sure yet how the city will respond to the petition.

"I know our staff is going out there periodically, and I haven't heard of any problem with the site," Lazaretto said.

He added there have been other minor complaints.

"Some folks were disturbed about the above-ground transmitters," Lazaretto said. "I've gone out there a number of times, and I haven't really found them to making noise. But they do hum."

Since it was proposed, the Wal-Mart has been debated and has been a divisive factor among residents and city council members.

Even now, residents don't trust the operations at the store. Some question whether the store will eventually operate 24 hours, as suggested at earlier planning commission and council meetings.

But Lazzaretto said this could not happen without going through a formal permit process.

"My understanding is there is a prohibition against them operating 24 hours," Lazzaretto said.

Mike Lewis, a Wal-Mart consultant, said that the debate over whether it will become a 24-hour store has since been dropped.

Jim Flournoy, a resident and activist, requested that the item be placed on the planning commission's agenda on June 4.

Wal-Mart traffic generates noise, trash

Friday, July 20, 2007

By GIOVANNA FABIANO
STAFF WRITER

SADDLE BROOK -- Living 100 yards from a big-box store is bad enough, but residents in this winding neighborhood north of Route 46 say Wal-Mart customers are practically in their back yards.



TARIQ ZEHAWI / THE RECORD

Saddle Brook officials say they are working with Wal-Mart to keep cars from illegally parking too close to homes.

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and

Despite clearly marked signs that say parking," customers of a shopping complex containing Wal-Mart, Modell's a small furniture store continue to park behind the building—an area that abuts several back yards on Adriana Street.

Township officials say they are addressing the problem, but some residents argue that not enough has been done to alleviate the traffic and noise behind their homes.

A small creek separates William Bradley's back yard from the rear of the shopping complex, but he is close enough to hear the steady roar of cars pulling in and out on weekends and holidays. Though the problem is worst in winter -- when the trees blocking his view of the parking lot are bare -- he often has Wal-Mart bags flying into his pool.

"This is a major privacy issue that's going on two years and disrupting our back yards, pools and family barbecues," said Bradley, one of the most vocal neighbors, who has spent nearly two years complaining to the building's property manager, the corporate headquarters, the mayor and the police chief.

"My back yard is a parking lot when it's not supposed to be," he said.

Police Chief Robert Kugler said he and Mayor Lou D'Arminio are in negotiations with the property owner, Englewood Cliffs-based Oster Realty, to find a solution that benefits the businesses and nearby residents. So far, they've put up signs prohibiting customers from parking behind the store, and have asked the property owner to patrol the area looking for offenders.

"This parking issue didn't start happening until a few years ago, when Wal-Mart got more popular," Kugler said.

"Suddenly, we have a mall that hasn't been too busy in the past and now has a big anchor store that draws in hundreds of vehicles each day and the number of parking spots is limited," he said.

Kugler said that after complaints from residents, the property owner came up with his own solution: He planned to hire a towing company to patrol the lot. But the township stepped in, arguing the move was too drastic.

"We certainly didn't want any predatory towing going on in there," Kugler said.

"If there was a tow truck operator on standby, waiting for customers to park and taking their cars, it could turn into a similar situation as the McDonald's in Fair Lawn," he said.

Last year, police in neighboring Fair Lawn were called to a McDonald's parking lot nearly three dozen times because of altercations between a tow truck company and vehicle owners who were apparently towed after parking their cars at the IHOP restaurant next door. A number of North Jersey towns have since passed laws against "predatory towing," or tow drivers who charge excessive fees or lie in wait to pounce on cars in a matter of minutes. The Assembly and Senate have recently passed guidelines to crack down on the practice.

But Wal-Mart's neighbors say towing would have been a deterrent.

"When customers get to Wal-Mart and the lot is full, even if they go back there and see a sign that says 'No parking,' they do it anyway because they know no one's coming around to enforce it," Bradley said.

Avi Oster, the property owner, did not return a call seeking comment, but township officials say a quick-fix solution is unlikely.

While they want to avoid a predatory towing situation at all costs, ticketing customers is tricky, Kugler said.

Police officers can ticket and tow vehicles on private property only if they are in a fire zone. Other than that, the burden falls on the property owner.

"We realize it's a quality of life issue, but we're doing our best to accommodate all parties involved," D'Arminio said.

"I don't think it's being addressed quickly enough for some people, but we're in negotiations and everyone seems to be cooperative at this point," he said.

D'Arminio added that officials have discussed placing a high fence or large shrubbery to block the view.

Neighbors say trees and a fence won't block out the noise. What's more, the creek is polluted with shopping carts and plastic bags.

Lucia Camporeale, a 21-year resident of South Boulevard, up the block from Adriana Street, said the noise and trash behind the shopping complex have grown worse over the last few years.

"There is excessive noise, you hear radios blasting until 9 or 10 o'clock at night, alarms going off, cars honking and there's trash all over the place," Camporeale said. "It's getting really annoying to deal with," she said.

A call to Wal-Mart corporate headquarters was not returned.

Council rebukes Home Depot

The store must clean up its property and faces losing its retail license

By Derek P. Jensen
The Salt Lake Tribune
Sep. 15, 2006

A store that caters to fixer-uppers may need some fixing up itself.

Salt Lake County inspectors say the Home Depot outlet in Millcreek Township is such a mess they are threatening to shut it down.

County planners have sent the company a damning eight-page letter detailing a litany of violations at the outlet ranging from illegal storage to light pollution to dead shrubs and pine trees.

The county Planning Commission has scheduled a Thursday hearing to consider revoking the conditional-use permit of the Home Depot, 3398 S. Highland Drive.

Jeff Daugherty, planning director for the county, says Home Depot managers and their attorneys have been "dismissive and cavalier," while planners have made 17 site visits to try to bring the big-box store into compliance.

The bureaucratic battle has raged for nearly three years.

"Given the complexity and controversy associated with the opening of this store and given the good faith shown by this community, Salt Lake County is left with no other option," Daugherty said. "This is obviously an extreme measure, but it's the only measure that appears to be getting their attention."

Home Depot spokeswoman Kathryn Gallagher said in a statement the company is committed to being a good neighbor.

"We have satisfied many of these conditions and continue to work with the county on resolution of this matter," Gallagher wrote.

The store's principal attorney could not be reached for comment. But, according to Daugherty, legal counsel for Home Depot has pledged to cooperate and suggested the retailer may even hire an arborist to spruce up the vegetation.

County Councilwoman Jenny Wilson stresses that as one of the largest retailers in the unincorporated county, Home Depot needs to be responsible.

"We are not going to play games," she said. "Just because they have a large amount of revenue coming in doesn't mean they can skirt the rules."

Building the big box amid a string of homes was contentious from the beginning. Neighbors argued that shoehorning the store into the community - even if recessed and smaller than most of the home-furnishing centers - was a bad fit.

Not long after Home Depot opened in late 2003, two residents sued the county, arguing that by granting a rezone the government had violated its own ordinances. Though most of the points were dismissed, a judge forced the county to modify the store's design and parking.

Still, the lawyer in that 2004 case insists Home Depot hasn't been in compliance since the day it opened.

"This is exactly what we predicted," attorney Bruce Baird said about the revocation letter. "I'm glad the mayor's office is following through."

Violations outlined in the letter include failure to shield bright lights on the west end, improper storage of inventory, junking up the parking lot with wood pallets and allowing concrete clumps to kill landscaping. The letter also accuses the retailer of allowing several mature trees that ring the store to deteriorate or die.

Daugherty says the county considered civil penalties, but that levying a \$200-per-day penalty would be "meaningless" to the large retailer.

Despite Home Depot's promises to comply, Daugherty says officials still could decide to lower the boom on the big box.

"It depends on how satisfied the planning commissioners are."

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The Orange County Register (California)

Plaza Pacifica seeking security; Complaints from neighbors have included noise, petty crime.

By ANDREW GOOD; Sun Post News
July 19, 2007

Soon, residents of Villa Pacifica will be able to rest easier at night -- literally.

For years, residents in the 67-home community have complained about late-night activity in the Plaza Pacifica, a shopping center just below them on Avenida Pico that includes Lowe's and Wal-Mart. A plan to bring security service to the 450,000 square foot center is expected to begin in late August, which many residents hope will eliminate many of the disturbances.

Those include a variety of annoyances occurring late at night or early in the morning:

- Employees moving stock, gathering carts, or talking loudly
- Teens skating or drag racing
- Trucks making deliveries or drivers leaving their engines idling
- Vagrants camping overnight or loitering
- People racing remote control cars in the parking lot

"I've woken up at 2 a.m., 4 a.m., hearing forklifts, containers moving around," said resident Laura Stewart. "It's really disruptive if you're trying to sleep." She said she's called stores before to complain, but the noise doesn't always stop after the call. "We moved here understanding (noise) would happen, but didn't realize it would happen at nighttime."

The trouble, said Rich Atkinson, the city's code enforcement officer, is there are currently no guidelines on when retailers can do things like accept deliveries. Last year, the city and the retail association's board proposed to include security service in the center's site plan. Last month, the Planning Commission voted to approve the plan, which goes before City Council for a final vote July 24.

According to a city staff report on the issue, Sheriff's Department deputies responded to more than 220 noise-related calls originating from the Plaza between June 2000 and March 2007. Atkinson said having private security there will allow the retail association to manage disturbances itself rather than relying on city resources.

Security will be present between 10 p.m. and 6 a.m. at a cost to be split between retailers, said board member and Villa Pacific resident Jordan Wohl. Also, a staging area will be set up for delivery trucks; if truckers, who are often working for independent contractors, arrive too early or

late, the security guard will be in charge of turning them away. The Retail Association will provide training to tenant managers and their employees to let them know what's permitted regarding deliveries, parking lot sweeping, trash collecting and other noisy activities.

The issue of security has been brought before the board before, Wohl said, but was ultimately deemed unnecessary.

"(Board members) felt there were not enough breaches of security to justify having a service," Wohl said. "They felt the hundreds of calls to the Sheriff's were for the most part petty in nature.

"This summer, activity has been the same: Nuisances, after-hours outdoor construction, racing, semis parking below the homes and running their engines all night. Basically no one understands what the rules are, or what they can or can't do. So they do whatever they want."

Todd Ziplow, another board member who owns a number of buildings between Baja Fresh and Albertson's said he still has doubts about whether the center needs security at all. While he understands the position of residents, he's also considering his tenants, who will shoulder the costs for security, he said.

"I just didn't think 200 complaints in six years is a lot," Ziplow said. "I'm still against it, but I was willing to work with the town, to see if it corrects the situation."

Evansville Courier & Press (Indiana)

Target's neighbors up in arms

By Byron Rohrig, staff writer
February 7, 2005 Monday

East Side homeowners who spent more than \$60,000 in legal fees in their battle against the Greatland Target-anchored shopping center at Lloyd Expressway and Burkhardt Road are up in arms again.

Residents who, in 2000, lost their challenge to the rezoning of nearly 40 acres now developed as The Pavilion charge that center owner Premier Properties USA Inc. has failed to honor covenants that set standards for an earthen berm designed as a barrier between homes along Wilson Square and the commercial property.

They also charge that Target and other businesses violate the agreements by not prohibiting trash disposal and pickup before 7 a.m. and after 10 p.m.

"I'm more concerned about the noise," said Phil Offerman of 231 Wilson Square, who spearheaded the fight waged five years ago against the development.

Brian and Ann Maze of 217 Wilson Square are among residents also displeased with the state of the berm, which the covenant required to be about 13 feet high with a seven-foot fence atop it, "covered in sod and/or ground cover in a tasteful manner designed to provide ease of upkeep."

City Councilman Jeff Kniese, R-1st Ward, wrote to Premier and local Target manager Frank Feton late last month after a meeting with residents and Pavilion property manager Terry Poag. In the letter, Kniese recommended Premier and Target "contract with one local landscaping company to maintain the berm and allow the selected company to choose the appropriate ground cover and maintenance schedule."

He also noted noise that Ann Maze said is "almost like a sonic boom... it's a jolting noise. It'll shake your house."

Offerman agreed. "When it was sold to me by the developer, he said, 'It'll be so nice and quiet back there you won't believe it.'... Sometimes your windows shake."

Most residents believe the concussive noise results when large commercial trash bins are dropped to the ground by refuse haulers.

Kniese suggested in his letter that the inconsistency of the berm's maintenance has rankled homeowners. He requested "the berm be maintained on the outside portion of the fencing (the neighbors' side) as nicely as it is being maintained on the inside."

The Mazes said the berm is too steep to mow safely. "It doesn't look that bad now, but come back in the spring, it'll be grown up in weeds," Ann Maze said.

Bitterness remains among residents over the rezoning fight, which became highly politicized. In June 2000, the Democratic-controlled City Council overrode Republican Mayor Russ Lloyd Jr.'s veto of the rezoning.

"You saw the Iraqis dancing in the streets when Saddam Hussein was overthrown. When (David) Mosby lost, that could have been me, dancing in the street," Brian Maze said. Mosby was one of the Council Democrats who voted for the rezoning. Later in 2000, he was elected to the Vanderburgh County Commissioners, but lost his bid for re-election last fall.

Maze said he hopes other neighborhood residents, if faced with rezoning, will learn from his experience "to get an agreement with some teeth in it." Besides another expensive legal battle, Maze believes he and his neighbors have no recourse.

A call Friday to Mike Diamantides of Premier Properties was not returned. Feton, manager of the Target store, was unreachable Friday.

Newsday

Newsday (New York)

December 15, 2005 Thursday

East Setauket condo residents campaign to make Wal-Mart clean up its act

By Lauren Weber, Staff writer

One night in June this year, Richard Bergius decided he'd had enough. After months of being awakened in the middle of the night by trucks unloading goods at the Wal-Mart behind his house, the East Setauket resident started keeping a log, tracking each incident he said violated a town code that says trucks cannot unload between 10 p.m. and 6 a.m.

The noise problem, as well as a list of alleged safety and fire code violations, have spurred Bergius and a group of his neighbors to lodge a series of complaints with Wal-Mart's local and corporate executives, as well as with Brookhaven town agencies.

Wal-Mart officials say they are working with the residents and are addressing their concerns.

"Wal-Mart in good faith has met with these people and tried to make their situation better," said Philip Serghini, who handles Wal-Mart's community affairs in the New York area.

But for more than two years, the residents say, their most serious complaints have been largely ignored. Now, as Wal-Mart faces increasing pressure from critics - over everything from its wage and benefit policies to its impact on the fabric of America's small towns - residents see the situation at the Nesconset Highway Wal-Mart as a test case of the company's insistence that it is, in fact, a good neighbor in the communities where it does business.

Bergius and other residents at Willow Wood, a gated community of 44 condominiums right behind Wal-Mart, are hoping Wal-Mart sees it that way, too.

They received a phone call Dec. 6 from Tim Carr, a Wal-Mart realty manager, and they were left with the feeling that things might be changing. But they haven't yet seen any substantive proposals and are wary because meetings and phone calls with store manager Ted Wicks and officials at Wal-Mart's headquarters in Bentonville, Ark., have failed to address the most pressing issues.

Those concerns relate to the town's fire code. According to John Huber, the secretary of Willow Wood's board of managers, trucks frequently park and idle in the fire zone behind the store, blocking fire-truck access to the development.

And residents used cameras to document cases in which cardboard and wooden pallets were discarded next to outdoor propane tanks, in apparent violation of a rule that combustible materials be kept at least 5 feet from the tanks. The residents worry that if a fire began near the tanks, it would quickly rip through the narrow band of trees separating their homes from the back of the store.

Wicks and Carr declined to comment, instead referring calls to Serghini. "I believe what they want is a fence to be built, and we're talking about it," he said. He added that Wal-Mart has already spent about \$10,000 to plant trees near the Willow Wood entrance and to fix some lighting problems, and noted that the property was zoned for commercial use long before Willow Wood was built.

But residents want to see consistent adherence to the fire and noise codes.

"We don't want to tell them how to run their business. If they just comply with the code, we'll be very satisfied," said Huber, 61, a steamfitter.

Huber and other Willow Wood homeowners say they are frustrated that town officials have not done enough to enforce the codes. They have registered complaints with the fire marshal and the office that handles noise problems, yet have seen no consistent improvement.

Joe Sauerwein, Brookhaven's commissioner of building and fire prevention, said his records indicate two fire code complaints this year. One, in April, claimed a trash bin blocked Wal-Mart's fire lane; that was investigated and no violation was found. The second, in late November, found cardboard close to the propane tanks; an order was issued giving Wal-Mart seven days to fix the problem. Sauerwein said a fire marshal would follow up to check on compliance this week.

"We don't have the resources to deal with every truck in a fire zone," Sauerwein said. But for more severe complaints, "we do get there."

George Hoffman, chief of staff to Brookhaven Supervisor John LaValle, said the town has received about a dozen noise complaints over the past three years and plans to send an investigator to follow up. "Code enforcement is a quality-of-life issue, and it's something the town board takes very seriously," he said.

Bergius' wife, Karen McKenna, contrasts her community's Wal-Mart experience with the response residents got from BJ's, the warehouse club next to Wal-Mart. When the residents presented BJ's management with a list of similar problems in 2004, most were cleared up quickly, she said.

Among other measures, BJ's put up a sign telling trucks when they could unload, and it built barriers to block noise from fans and chutes.

"We just want these stores to be good neighbors," she said.

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