

Frances A. Schafani, Esq.
Post Office Box 5950
Washington, D.C. 20016

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February 16, 2007

Jose Alvarez
President and CEO
Stop & Shop/Giant-Landover
8301 Professional Place
Landover, MD 20785

PERSONAL ATTENTION

Re: Giant Store Operations – Newark/Wisconsin Ave., NW
Washington, D.C. 20016

Dear Mr. Alvarez,

This letter is to advise you of a matter that needs your immediate attention.

Over the last few months, during the absence of the manager of the Newark Street/Wisconsin Avenue Giant store, the noise level from the unloading of groceries from the metal trailers in the Giant parking lot and loading dock, from midnight to 6:00 AM, has reached intolerable levels. The constant metal clanging and banging from this unloading activity, sounds like military troops landing in our backyards throughout the night. In addition, the heavy vibration from the motorized trailers left running throughout the night is rattling our windows as well as our homes, preventing sleep. The current situation is unconscionable and needs immediate remedy.

As your neighbor for over twenty (20) years, the foundation of my detached single family home on Macomb Street is less than 100 feet from the Giant parking lot. Some of the windows of other residents living in the Macomb Street apartment building adjacent to the Giant are less than ten (10) feet from your parking lot. One of the apartment building residents has advised me that he is suffering from a nervous condition due to the constant nightly noise and vibration. Many of the apartment building residents are minority, Hispanic, foreign-born, do not speak English, cannot speak for themselves and/or are afraid to do so. The situation is inhumane.

Having served as a Commissioner on the President's Commission on Organized Crime, as a Deputy Chief of the Rackets Bureau of the Suffolk County District Attorney's Office in New York, and currently on the Board of Directors of the Federal Bar Association District of Columbia Chapter, I am concerned about the peace, safety, and security of my family, my immediate neighbors and neighborhood.

In addition, I have been alerted by many concerned neighbors on Idaho Avenue, Macomb Street, and 38th Street, that Giant representatives recently held a "community meeting" dealing with proposed plans for a major expansion of the Newark Street store and for a change in the current zoning to permit said expansion.

ZONING COMMISSION
District of Columbia

CASE NO. 06-31
EXHIBIT NO. 67
ZONING COMMISSION
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CASE NO.06-31
EXHIBIT NO.67

It is important to note that as an immediate neighbor to the Giant property, I was never notified of said meeting beforehand.

As an immediate neighbor of the Giant, and an American citizen whose property, health, environmental, and quality of life rights are effected by the current operations of the Newark Street store and the proposed expansion, it is a violation of U.S. Constitutional due process rights not to personally advise me, and my other neighbors on Macomb Street and Idaho Avenue, of any meetings concerning attempts to change zoning laws that are in place to protect individual residents in a residential neighborhood.

To sponsor a “community meeting” to garner support for major expansion from individuals who live blocks away from the Giant store is bogus.

To be clear, this letter is not “anti-Giant” or against a modernized/improved Newark Street store. On the contrary, I have been a steady Giant customer for over 20 years, and have spent tens of thousands of dollars buying groceries at my neighborhood Giant store just 100 feet away from my property.

To alert you, there are private single family homes surrounding two sides of the Giant parking lot, with the Macomb Street apartment building just several feet away from the back of the Giant building. Over the years, Giant has acknowledged that it operates the Newark Street store in a “quiet zone” – i.e. the store cannot cause external noise from 10:00PM to 7:00AM. When we reported incidents of similar noise in previous years, the Giant has immediately remedied the situation.

The current situation can be easily remedied with the following action by Giant, which has been employed successfully in the past:

- **District management to schedule grocery trailer deliveries no later than 7:00PM, to permit unloading into the store by 10:00PM. Arrivals must not occur before 7:00AM.**
- **Internal store management to advise the grocery work crew that they are not permitted to walk onto and unload food/contents from the metal trailers from 10:00PM to 7:00AM.**
- **To maintain quiet on the loading dock from 10:00PM to 7:00AM.**
- **All motorized trailers must be turned off from 10:00PM to 7:00AM.**
- **Refrigerated motorized trailers must have “silent motors” in good repair, to prevent the current vibration and rattling of our house windows during the day, caused by noisy trailer motors in disrepair.**

My grandfather was in the construction industry in New York. I am familiar with the industry, as well, as a result of my work in the legal profession. Our residential homes within feet of the Giant property cannot sustain the major excavation entailed in the proposed expansion. We currently experience ground and underground vibrations due to the current store operations. The impact of probable structural damage to our homes located several feet from your property, along with the attendant deleterious health and environmental effects of an expansion involving doubling the size of the building and excavating for underground parking, is not sustainable. Zoning laws are in place to protect against such occurrences. We live in a residential neighborhood.

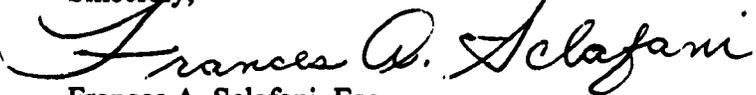
The Giant website states that the proposed plans for our neighborhood Giant store are “conceptual and subject to change.”

As an excellent alternative plan, construction of a beautiful, modern, updated Giant store at Newark Street can be achieved within the current building “footprint” that encompasses the old Murphy’s and adjoining stores, and maintaining the current customer-friendly ground surface parking lot. This would provide a more expedited plan where you would not lose your customer base, you would be operating a profitable store, and you would generate good customer relations by maintaining peace with your neighbors. Your new store can employ the remedies stated above, to maintain quiet during nighttime hours. And, no change in zoning would be required.

As President and CEO of the Giant, your leadership action is needed to achieve modernization of the store as suggested herein, as well as to remedy the current operational noise and vibration problems stated above, which are seriously effecting my family and immediate neighbors.

Mr. Alvarez, your intervention and leadership in this matter will promote harmony and good relations with your neighbors, and achieve benefit and profitability for your company.

I look forward to hearing from you soon.

Sincerely,

Frances A. Sclafani, Esq.

**CC: Mayor Adrian M. Fenty
Richard van Rijssen, Deputy Chief of Mission,
The Royal Netherlands Embassy
Mary M. Cheh, D.C. Councilmember, Ward 3
Clifford Moy, D.C. Zoning Adjustment Board
Sharon Schellin, D.C. Zoning Commission**