Minutes of the Planning Board Public Meeting of April 20, 2011

Present are Mr. Brady, Mr. Cusumano, Mrs. Kelley, Mr. Mirabal, Councilwoman Montone, Mr. Swindle, Mr. Awofolaju, Mr. Shentom

Also present are Tim Gillen, CME Associates, Michael Leckstein, Esq., Leckstein & Leckstein, and Cindy Coppola, Coppola & Coppola Associates.

Absent for personal reasons is Mayor Tagliarini.

Mr. Awofolaju moves to accept the minutes of the February 16, 2011 public meeting, seconded by Councilwoman Montone, and on voice vote all members agree.

Memorialization of Resolution **SP 10-539 (rev)/C&M County Road, LLC, 376 County Road and Moore Place, Block 196.04, Lot 27, Block 228, Lots 1 and 2, Preliminary and Final Site Plan** to construct a 115 condominium townhome development in the "IH" [Inclusionary Housing Overlay Zone] within the "LI" [Light Industrial Zone], on the northwest side of County Road. The development will include 37 COAH affordable family units for rent, 18 of which are to be moderate income units, and 19 to be low income units; the remaining units will be market rate units. Recreation areas will be provided as well as on site parking, is summarized into the record by Mr. Leckstein, who states it has been approved by the Board engineer and planner.

Craig Gianette, Esq., attorney for the applicant, states he is not happy with the resolution and has comments concerning the conditions. The first comment regards submission of the homeowners association documents and approval by the Board attorney and professionals and the Township attorney, he does not believe all have to review it, but will leave it up to the Board.

Condition "U" on Page 8, concerning payment of connection fees for sewer and water, the last phrase referring 115 units; the issue referenced is the same as the issue on the Route 34 project, that there is a question that the affordable units, which are to stacked in the townhouse structure, should have one connection fee, not two. They have submitted a request to the Township Council to address the issue. It was not addressed at the Planning Board hearing, so there was no opportunity to object to it nor was it raised. He feels it is something that has to be dealt with with the Township Council as part of the developer's agreement as to the number of sewer connections, so his client requests this be removed until the issue is resolved or request a waiver.

Mr. Shenton says there are other multistory buildings, with units above each other, and we have collected connection fees for each unit.

Mr. Brady says the Sewer Connection Ordinance specifically states that each single family unit that has a kitchen, and is a single family dwelling unit, fees for each unit that contains a kitchen shall be charged. It has nothing to do with stacking. Mr. Gianetti says there is enough for him to make the argument; which it wasn't raised at the Planning Board hearing so he could not make his argument, but with the Council, and they will abide by the Council's decision if it is all 115 units. He doesn't think it is appropriate to be in the resolution when it was not raised or discussed. .

Mr. Leckstein says the Board should not have to interpret that. We can simply say it will be included in the developer's agreement, which is the contract between the developer and the town. He does not have a problem with it going into the developer's agreement, even though we normally say connection fees for sewer and water.

Mr. Gianetti says on the Route 34 project it indicated 62 units are subject to connection fees.

Mr. Leckstein says the Ordinance is the Ordinance, we can't put everything in a resolution, that's why we have catch all phrases about doing everything you are suppose to do.

Mr. Brady says normally a resolution does not specify the number of units. Mr. Leckstein says he is ok with just putting in sewer and water required and ending it there, and taking out the remainder of the wording. If they want to make an argument with the developer's agreement, that is up to them. He will inform the Township attorney there is an issue. If the Board wants to take the last part out of the resolution, Mr. Leckstein does not have a problem, but we will not waive it. Mr. Gianetti says he is not asking it to be waived. Mr. Leckstein as if he prefers connection fees for sewer and water.

Mr. Mirabal asks if we can put in all units; Mr. Shenton says, "no," that is what they are objecting to, we are not defining all units. They are questioning whether the stacked units are separate units.

Mr. Brady says it makes no difference; the Ordinance specifies units with kitchens require connection fees.

Mrs. Coppola says there is an argument whether the COAH units count as one or two units; this Board reviewed each of the COAH units as one unit. That is the position this Board took, and that is the position of the Township attorney, based on the homeowner association documents. The issue has not been resolved in the mind of the developer. This Board approved 115 units. Leaving it in or taking it out does not matter.

Mr. Leckstein says this is all standard; Mrs. Coppola says she has never seen a homeowners' association document not reviewed by the Township attorney. Mr. Leckstein says his review is quick and not expensive.

The Board is polled and both issues are to remain as is, in both "M" and "U," as amended.

Mr. Cusumano moves to memorialize the resolution, seconded by Councilwoman Montone.

Yes: Mr. Cusumano, Mrs. Kelley, Mr. Mirabal, Councilwoman Montone, Mr. Swindle, Mr. Awofolaju, Mr. Shenton

No: None Abstain: None

New Business, **SP 11-500/PNC Realty Services, Applicant: PNC Realty Services, Property Owner: Nawatam Associates, 1163 Route 34, Block 86, Lot 5.01, 6.0, Preliminary and final site plan** approval to construct a PNC Bank at the intersection of Route 34 and Lloyd Road in the "RC" (Regional Commercial) zone. The proposed bank will be 4,020 sq. ft. with drive thru lanes and parking. The existing two structures on the property are to be demolished. Access to and from the site will be from Route 34 via the existing driveway access on Lot 5.01 that services Shop Rite Supermarket. A one way access into the site from Route 34 is proposed. Variances for Lot Area 120,000 sq. ft. required, 40, 079 sq. ft. provided, Lot Frontage 250 ft. required, 179 ft. provided on Route 34 and 138.73 ft. provided on Lloyd Road [existing], Lot Width 250 ft. required, 204 ft. provided [existing], Minimum Side yard 50 ft. required, 38.59 ft. to canopy and 39.5 ft. to building; Rear Yard 50 ft. required, 11.39 ft. to canopy and 37.13 ft. to building, Accessory Building Side Yard [dumpster enclosure] 50 ft. required, 10.5 ft. provided; Minimum Gross Floor Area 5,000 sq. ft. required, 4,020 sq. ft. proposed; Parking Buffer 50 ft. required, 44.74 ft. proposed; Exterior variations in design; Impervious Surface 35% permitted maximum coverage on site for parking lots, 59.5% proposed; Signage, 3 building mounted signs proposed, 36.50 sq. ft. each for a total of 109.50 sq. ft. where only one [1] sign is permitted at a maximum of 75 sq. ft. for sites with street frontage of 250 ft., one [1] monument site identification sign along Route 34 to be 24.67 sq. ft in area and set back 10 ft. from the right of way, where freestanding signs are permitted with a maximum height of 35 ft., maximum area of 100 sq. ft. and set back of 50 ft., three [3] directional signs 3 sq. ft. in area where directional signs must be 2 sq. ft. in area, one [1] canopy clearance sign at 1.04 sq. ft., which type of sign not addressed in Ordinance. **This property was previously approved for an office building under** SP 06-520/Nawatam Associates).

Mr. Shenton tells the Board this property originally had a bank application, which the Board denied, and subsequently approved an office building for the site. Now we have another bank application.

James Lott, Jr., Esq., Attorney for the applicant, of the firm Riker Danzig, Morristown, NJ, states the applicant is seeking preliminary and final site plan approval for a 4,000 sq. ft. PNC Bank on the corner of Route 34 and Lloyd Road. Mr. Lott says he has five witnesses, John R. Harter, P.E. from Atlantic Traffic and Design Engineers, Inc., Steve Bitterman, AIA, NCARB, from Gensler, Rob Streker, PE, from Bohler Engineering, and Paul Grygiel, AICP, PP, principal in Phillips Preiss Grygiel LLC, and Thomas Danielson, Project Manager, PCC Financial Services Group.

Thomas Danielson, Construction Project Manager, is sworn in by Mr. Leckstein, and states if this project is approved he will be the project manager, even though he is located in Pittsburgh, PA.

Mr. Danielson, under questioning by Mr. Lott, says he is familiar with the project to construct a 4,020 sq. ft. bank. The hours of operation will be Monday thru Friday 8 a.m. to 6 p.m. Saturday 9 a.m. to 4:30 p.m. and Sunday 11 a.m. to 3 p.m. There will be nine employees at this branch.

As to handling solid waste, there is a trash receptacle on the site to be used for trash defined as refuse, kitchenette trash and trash around the building. The confidential customer information is collected and put into a locked storage vault, handled by a third party, will be picked up once a day and destroyed. Recyclable materials will be picked up by a service and disposes of it properly.

Mr. Brady asks about the paper being shipped out, can a report be provided each year on what is being shipped out in weight. Mr. Danielson says they will provide that information to the Township. Mr. Gillen says this is considered a recyclable to the Municipality in this County.

Under questioning by Mr. Gillen, Mr. Danielson says there will be nine employees on all shifts maximum; people will be full time and/or part time, coming in at different times. There will be a mix of two officers and six tellers, for a total of nine employees.

Mrs. Kelley asks about the PNC Bank inside Stop & Shop and whether or not that will close. Mr. Danielson replies that that branch caters to a different clientele, catering to the shopper, with entirely different lines of business, and they don't share employees. There are no plans to close that bank.

Mr. Danielson, responding to Councilwoman Montone, says the proposed bank will be a full service bank seven days a week.

Robert Streker is sworn in by Mr. Leckstein, and states he is employed by Bohler Engineering, Warren, NJ, and is a licensed professional engineer in the State of New Jersey and the State of New York.

Under questioning by Mr. Lott, Mr. Streker states he is familiar with the site, the PNC proposal and the Township Zoning Ordinance. He prepared a site plan in connection with the application. He marks as Exhibit A-1, with today's date, an aerial photograph of the property and surrounding roadway. The aerial photo was taken in 2007, which Mr. Gillen says is prior to the Route 34 and Lloyd Road road widening project.

Mr. Streker marks as Exhibit A-2 Sheet 3 of the site plan submitted to the Board, over layed with the proposed landscaping and colorized for presentation purposes. This was dated March 31, 2011.

Mr. Streker says the property is located on the southeast corner of Route 34 and Lloyd Road, a wooded lot in front of Shop Rite. The property is located in the "RC" zone, and consists of 40,079 sq. ft. where 120,000 sq. ft. is required in the zone. They are approximately 1/3 of the required lot size. The required set backs will cause difficulties for this project. Banks are permitted in the zone. To the north of the site is Delta Gas, to the west is Columbia Bank, and Exxon Gas is across Route 34.

Route 34 is the dividing line between the "HC," Highway Commercial and "RC," Regional Commercial zones. There are no residential properties around the site.

The property is wooded with two frame dwellings fronting on Route 34. The lot is undersized by about 1/3 and it sits so low from the surrounding roadways, about 8 to 10 ft. lower than Route 34.

The Board approved an office building for the site, 5,877 sq. ft., with 28 parking spaces, with lobby on the ground floor and offices above. Retaining walls were approved in the project, and there were accesses to both roadways in the previously approved project.

What is being proposed, as shown on A-2, is the PNC Bank application, a 4,020 sq. ft. bank with three driveways, and certified green building, with 23 parking stalls where 21 required. There are two ATM's on the bank, the first one existing in the walk up vestibule, which front door faces Lloyd Road. The second ATM is located in the first driveway with a stop bar.

They have located the bank building in the southeast corner of the property to respect the front yard set backs to Route 34 and Lloyd Road, and pushed any needed variances to the interior lot lines facing Shop Rite, lessening impact to the public and particularly because the adjacent property is a shopping center.

Access to the property is via a right in driveway from Route 34; other than that, the only access is by utilizing the interior Shop Rite driveway as a means of ingress and egress. There is no other access to or from a public street. They have received the DOT access permit for their new driveway. The County, during road widening, actually constructed the office driveway as it was approved, so there is a driveway on Route 34 and Lloyd Road, which will be closed as part of the approval of this project and replaced with curbing, sidewalk and landscaping.

As per CME's letter of February 25, 2011, sight triangles have been added to the plans, so there is clear sight distance. The driveway from Route 34 is only an egress driveway and those trying to come will be prevented from doing so.

They have provided circulation around the building and will be installing a concrete sidewalk from Lloyd Road to Shop Rite to facilitate pedestrian traffic.

The grading of the site is much lower than Route 34; they will fill the property to bring up the bank to make it more visible and better the grade of the parking lot.

From the storm water standpoint, they are proposing infiltrator storm water with the exception of the grass area. There will be a grass swale on their property on Lloyd, draining off the property and running to Shop Rite. Their plans meet the DEP requirements for water quality.

Utilities are all available within the NJDOT right of away; they were put in and they will be using existing stubs rather than trenching out to the road.

Lighting will be provided with 175 watt area light in the parking space, 24 ft. tall. There are seven poles on the property. There will be no visible lamps underneath the light. They are subject to ATM lighting regulations; a comment from CME was why do they need all these lights on. That is the ATM requirement to be satisfied. Coming off the property will be very little light; on the Shop Rite side will be lighting.

Regarding landscaping, they are providing shade trees along roadway frontages; in addition to the landscape plan originally submitted, at the request of the Board's professionals, they are providing additional plantings. They are short three shade trees on the property; the bank already has to pay into the tree fund, and they are hoping to include these three trees as well. The reason being the size of the property and respecting the front yard set backs, they cannot put the trees around the parking lot and building but in the front, where the bank prefers the signage. They prefer not to place trees there for security purposes because it is a bank and they need the visibility for police officers driving by and for security of the site.

They do have a spot on the southeast corner of the drive thru, adjacent to the stop bar, where they could provide an ornamental tree, but they hope the Board agrees to waive the requirements and allow the applicant to make a contribution to the tree fund.

Mr. Lott, to Mr. Streker, says they are requesting a waiver from the number of required plantings; Mr. Streker says they are four deficient but are willing to provide one of the four. The specifications for the waiver relate to the size and shape and location of the planting areas. Mr. Streker says that is a comment received from the Environmental Board. Along Lloyd Road there will be a row of 11 maples that will provide a planting screen. They are proposing 3 ft. high shrubs where the code requires 4; 4 ft. high shrubs are difficult to obtain because nurseries stock 3 ft. high shrubs. There is a grade difference from 6 ft. down at the northwest corner of the parking lot from Lloyd Road that transition downs to zero by the time it gets to the northeast corner. Mr. Streker says they are evergreen shrubs proposed for Lloyd Road.

Mrs. Coppola asks if the plans show the most recent landscape plans; she can't discern the planting beds on the Lloyd Road side from what was previously shown on landscape plans last revised March 31. Mr. Streker says there is a double row of additional shrubs; it is not apparent on the color rendering.

The plantings along Lloyd Road will screen headlights according to Mr. Streker. That will be accomplished by the topography of the property.

Mr. Streker says a comment from the fire department that certain areas be stripped out and signed; their comments are not reflected but will be included in the final plans. He spoke to the fire official to clarify the location of the front door of the bank which the fire official thought to be on the westerly elevation. The door actually faces Lloyd Road on the north side, and a 20 ft. wide walk way for fire access and clear of any vehicles met with the fire official's approval.

Mr. Lott says there is a drainage access approval, signage easements from Shop Rite, and the access to the bank thru Shop Rite.

Mr. Streker said there is no room for an additional shade tree because of the need for visibility of the bank for security purposes on Route 34. Signs will be placed on Route 34 and there are building mounted signs as well. There is no entrance sign; the free standing sign is located in the southwest corner. There are no directional signs proposed, according to Mr. Streker. They will add them if the Board conditions it. Mrs. Coppola says three directional signs are show but they are not clear on the plans; they are 3 sq. ft., 2-1/2 ft. high. Maybe one would be appropriate at the entrance. Mr. Gillen says there is an issue associated with the ability to see and react according to speed. Mr. Lott will present a traffic expert later on to support the entrance sign.

Mr. Gillen says there is also a question on the ATM lighting, that all of the lights must be on during nighttime hours. The northeast lights and the extreme corner, is that required for the ATM lighting? Mr. Streker says that light does contribute to a 50-60 ft. radius more out to the side. Mr. Gillen says that's not what the plan is showing. Mr. Streker says the plan is showing illumination, not point by point analysis. Mr. Gillen asks Mr. Streker to confirm that the 60 ft. light circle takes into consideration the foot candles associated with that light in that corner, necessary to achieve that dimension around the ATM; Mr. Streker says that is correct.

Mrs. Coppola asks Mr. Streker about the free standing sign, the building mounted sign facing Route 34. Sheet 3 has a signage table that dictates there are three façade signs, but she cannot find them on the architectural elevations nor where the directional signs are. Mr. Streker replies the free standing sign is clear; there are three building mounted signs; one on the westerly elevation at the southwest corner of the building; the other at the southerly elevation at the southwest corner of the building, and the northerly elevation, adjacent to the notched out area facing Lloyd Road, where it should be seen from Lloyd Road. Mr. Streker points to the exhibit to show the elevations and signage. They will be on the revise plans.

Mr. Streker refers to the three directional signs, including the one that will be added at the Route 34 entrance, and states one is located at each driveway of the shopping center, one on Route 34 driveway identifying this way to the ATM, this way to the drive up. None of the signs are shown on the plans. They will be on the revised plans.

Mr. Gillen asks if he needs four; entrance off of Route 34, entrance off interior driveway, another for exit only off the interior driveway, and something within the sight itself. Mr. Streker says the signs are necessary; they are 3 sq. ft. where the Ordinance requires 2 sq. ft. Mr. Gillen says the one off Route 34 should be larger for the appropriate driver reaction time.

Mr. Gillen asks the height of the free standing sign; Mr. Streker says it will be 15 ft. tall, where 35 ft. is permitted. It will be from the base of the sign to its top. The roadway to the top of the sign will be approximately 12 ft. Mr. Streker says the sign will be lower than the building; Mr. Gillen says it should be higher, similar to the situation with Shop Rite and the landscaping placed at the base of the sign, and now you can hardly see the sign because the height of the trees. Mr. Gillen quotes from the ***Land Development Ordinance…Height… that no freestanding sign shall be higher than any point than the roofline of the building.*** They may wish to make it the height of the building to make it as visual as they can. Mrs. Coppola says the base of the sign is shown to contour 95 and the cart way in the area is 92, a difference of 3 ft., so it is not sunk down that far, and she prefers a lower sign. Mr. Gillen says there is a correlation between the architectural and the engineering, and they defer to the applicant. Mr. Lott says the approximate height of the building is 24.9 ft. Mrs. Coppola says the first floor elevation of the bank is 92.67, so it is roughly another 2-1/2 ft. lower than the base of the sign. Mr. Gillen says we want to make sure (a) it is visible for people to see and react and (b) we don't want last minute changes of traffic patterns proximate to the light, so there are no accidents. The applicant has to figure out what they want. Mr. Streker says the difference would be 22.4 ft., putting the sign level with the top of the building. Mrs. Coppola says it may be a little too high. Mr. Gillen says 20 ft. still puts it below the top of the building. Mr. Streker is asking for 20 ft. for the free standing sign.

Mr. Streker says the entrance to the bank will be right turn in only from Highway 34 and no access off Lloyd Road for vehicles; they will enter thru the Shop Rite parking lot.

Michelle DeVanny, 11 Warren Drive, Aberdeen, NJ, is sworn in by Mr. Leckstein, says the entrance to Shop Rite is a heavily traveled area and there is commuter parking at Shop Rite, and things have changed since the Route 34 improvements, there is congestion and it is harder to get out. She asks if the applicant has approval from Shop Rite to place signs on their property; Mr. Lott says there are directional regulatory signs at the driveways. Since they are not shown on the drawings and she sees no approval from Shop Rite, Mrs. DeVanny is questioning why the signs are going on someone else's property. Mr. Streker says there is approval from Shop Rite and there is access approval as part of their application and agreement with Shop Rite.

Mr. Gillen says one of his review comments was to make sure the entrances and exits off the Shop Rite driveway are covered by an access easement; they will have to obtain that, if they haven't already, as a condition of approval. Otherwise they can't use the driveway.

The signs will also be shown on the plans, and Mr. Lott says they have made arrangements with the owner of Shop Rite for the easement and they have consented to their application. Mr. Leckstein says they will review the easement documents.

Ms. DeVanny has questions regarding the landscaping on behalf of the Shade Tree and Environmental Advisory Board of the Township, of which she is a member. They reviewed the plans, and there are a lot more cars stopped at the intersection since the improvements, and the air quality around Shop Rite will be affected. The Board asked for more shade trees, and it is required, and now the applicant is saying they just want to give money for three trees, maybe four. She says some of the trees they want to put on their property will not survive very well; the roots will be affected by the construction and will be well packed down The soil will stunt the tree, making it an unhealthy tree because the roots can't grow.

Mrs. DeVanny points to the plan and shows where her Board suggested she plant trees. She suggests they get approval from Shop Rite to plant trees in Shop Rite's area. She talks about the elevation of the property, which she says is 2 ft.

Mr. Gillen confirms the location of the tree Mrs. DeVanny is talking about. Mr. Gillen says the applicant could plant a tree in that location she points out, but it would be after construction, so compaction of the roots would not be applicable. He is concerned over the large tree.

Mrs. DeVanny says compaction of roots by large machinery, the roots can't go anywhere. Right now there are tall trees, some old ones, some good ones, but they are spread out and these will be affected by construction. The proposed trees and shrubs are small. There will be a problem with air pollution and a problem with light issues.

Mr. Streker says along the easterly property line are a variety of shrubs proposed, 30 to 36 inches, all mature, nothing less than 2 ft. While they do not necessarily need to provide a buffer between two commercial properties, they are providing landscaping.

Concerning height on Route 34, there is a grade difference of more than 6 ft., which provides a physical barrier.

Regarding trees in the southeast corner blocking air space, the width within their property is 8 ft., Mr. Streker believes more than enough to plant a tree.

Mrs. DeVanny says there is a difference between shade trees and small ornamental trees. Mr. Streker says there certified landscape architect will review the plans.

Mr. Shenton asks if there is the possibility of planting another shade tree in the area Shop Rite owns that wouldn't affect security; Mr. Streker says they would have to ask Shop Rite, and it could obscure the sight visibility of the bank.

Mr. Gillen says Shop Rite has landscaping in that area that is not depicted on the plan, and you do not want to mess with it. If you plant shade trees the canopy would have the tendency to adversely affect the other plantings. If Shop Rite permits them, they could plant additional trees, but he is most concerned about a large tree, which Mr. Streker says is a 24 inch oak. Mr. Gillen says there is a real possibility it will not be saved as the result of construction. After a period of time, maybe five years, that tree will be dead. We can make an attempt to save it with tree wells and the like, but in the long run, when you are doing construction and grading of an entire site to be able to save trees. The issue then becomes whatever Shop Rite has already planted in their area, and we had them add a bunch of stuff in that area, as a result of that shade trees would have to be compatible with the evergreens. They can ask permission; whether they get it or not is a question, but you can be sure if their evergreens die they don't want to have to replace them.

Mrs. Devanny says it is the recommendation of her Board that the landscaping be reconfigured to put in additional shade trees in areas**….(note: the rest of Mrs. Devanny's comments cannot be heard because of talking and noise coming from the dais)**.

Mr. Streker replies they have placed trees to the best advantage of visibility for the bank, considering the bank is lower than the road. They can't have the trees growing over top of the bank. They have located street trees into the property so there is full visibility of the bank and its signage as necessary as well as for police visibility for security purposes.

Mr. Streker says again there is no room around the back of the property for additional plantings because of the set backs of the Ordinance.

Mrs. Devanny says to say they are limited…there are certain shade trees in front that are not met. There is an Ordinance for trees based on the size of the property. She says if you are concerned about There is a full service bank cube inside Stop & Shop and there is visibility for that. **(Note: the rest of Mrs. Devanny's comments cannot be heard because of talking and rattling of papers on the dais).**

Mr. Streker says they are seeking variances but the amount of parking spaces is almost in line with what is required for the use. Mrs. Devanny continues to discuss the issue of trees with Mr. Streker (**note: the conversations can't be determined because Mrs. Devanny is talking over Mr. Streker and there is talking on the dais).**

Mr. Shenton tells Mrs. Devanny the Board understands her comments and states there are a number of necessary things that have to be done to make the plan work for them. If you cut down one thing it could cause a domino effect on other things. There will be consideration for trees Shop Rite might grant in the area, as long as it doesn't affect visibility, security and Shop Rite. Mr. Gillen says whatever they can't match, the ordinance requires them to make a contribution so landscaping can be put in some other area.

Barbara Heinrichs, 169 Edinburgh Court, is sworn in by Mr. Leckstein, and states she is representing 210 owners of Wyndham Place. She says there is a safety issue; ;coming down there will be the new complex next to Wellington, a couple of hundred new homes going up, the new lumber yard across the way on Route 34, new improved Lloyd Road and Route 34, not improved, but you have two lanes making turns, school children being picked up, Exxon, which is now opening up again, and the first time a bank was proposed for that site. The traffic is horrendous, we don't need another bank.

Mr. Leckstein interrupts to say the Board does not have a choice whether we need another bank or lot. If every piece of property in that zone wanted to build a bank the Board would have to be approved.

Mrs. Heinrichs says the traffic pattern at the intersection is taking your life in your hands trying to get in and out. It is just impossible. She is opposed to the bank.

Mrs. Coppola, referring to Sheet 13 of the revised plan, shows a building mounted sign detail, No. 7, that is 46.35 sq. ft., which does not conform with the façade signs shown in the signage table, and she is not sure where the sign will be.

Mr. Streker responds that plans have been revised by the manufacturer; they are proposing a 46.35 sq. ft. in area, each one. Mrs. Coppola says there could be a variance involved. Mr. Streker says they are less than what is permitted for each individual sign, but signs are tied in to frontage. Mrs. Coppola says they are not permitted three separate signs for building mounted signs. Mr. Gillen says they are allowed signs of 75 ft. per 250 ft. of frontage. Mrs. Coppola says technically they are not allowed any attached signs. They are requesting a variance because they don't meet the frontage requirements. If they met the frontage requirements, the Ordinance would permit two attached signs; the applicant is proposing three. Mr. Gillen says they need a variance because they propose more signs than permitted and because of the size. Mr. Streker says 139 sq. ft. is the total of all three signs together. You could look at it as two frontages, and if they had the square footage they would be less than what the Ordinance permits. Mrs. Coppola says that would be true if we look at the cumulative size of the three signs. But the applicant still needs variances. The architectural renderings should depict the size and location of the signs so the Board has some idea. Mr. Shenton says the Board needs this to continue, since signs are an issue.

Mr. Lott calls John Harter, who is sworn in by Mr. Leckstein, and states he is a licensed professional engineer and principal in Atlantic Traffic & Design Engineers. Mr. Harter, in response to a question from Mr. Leckstein, states he has never opposed a bank application as a traffic expert.

Under questioning by Mr. Lott, Mr. Harter states he is familiar with the size and development proposal and Ordinance in terms of parking. He prepared a traffic report march 31, 2011 revision date.

He states the use is permitted, the proposed bank is located at the southeast corner of the signalized intersection, considered an on site intersection because of the signalization. The adjacent roads have been improved recently. Their counts were conducted last November when Route 34 had only one lane in each direction. The county has finished their upgraded improvements and there are thru lanes and turn lanes. The Lloyd Road access is thru Shop Rite, unlike the previously approved office application for bank ingress. There are two access points, in from the right only on Highway 34 northbound, and then ingress and egress thru Shop Rite, making a much better access plan than previously approved. There will be slightly more traffic with the bank use than the previously approved office use. Based on information provided the ITE (Institute of Transportation Engineers), the bank will generate roughly during peak hours of concern, usually a p.m. peak weekdays, Thursdays and Fridays are popular times, and Saturday mid day.

Mr. Leckstein asks Mr. Harter if when giving these counts from the ITE, is he calculating them based on the size of the building or by the number of drive thru facilities. Mr. Harter responds he uses the building size, which Mr. Leckstein says is a much lower number than the number using the drive thru facilities. Mr. Leckstein says in this case there is a substantial difference. Mr. Harter says he has worked on other banks with traffic; a number of years ago when there was a different version of ITE, trips were very high. He states the State Highway Authority uses the number of windows, not the size of the building. In this case he does not think there is a difference. In the latest edition of the ITE Trip Generation Manual, they dropped all the data prior to 2000, because there are many more banks out there and there is now banking on line. Volumes have significantly dropped. The peak hour changes for trip generation went down about 50%. The volumes are low in terms of traffic engineering concerns. Fifty vehicles would be generated during Saturday peak hours; the office generates about 35 trips p.m. and 40 on Saturday, but the access to the site is better, even though they are a little bit higher than the office approved.

Mr. Harter states they received their DOT access approval permit, narrowing the driveway to 15 ft.

Trip generation for banks is like other retail; 50% of the traffic during peak p.m. hours is coming in, using the bank, and going back on the road. This is not like a housing development; this traffic comes in and leaves. The traffic is not intense as one may think because most of the traffic is already on the road.

In their traffic study they looked at the access points; the driveway on Route 34 is right hand in turn only, so there is no difficulty with traffic movement. There are two access points along the Shop Rite aisle obtain level of service "A." the main issue with the shopping center, the eastern most driveway along Lloyd has an "F" level of service during peak times now. The two way volume along Lloyd is not that heavy, but the left turn in only and left turn out creates that back up. He believes he over estimated how much traffic uses that access; he assumed 33% right hand traffic in and a quarter of that on Saturday. Alternatively the bank will use the 34 driveway to make a right with the same movement as if they made a left out of Lloyd Road. There is no left out directly on to Route 34. He believes a third of the traffic in will go to that driveway to make the left.

He actually studied the driveway via video in more detail; they count the vehicles queing in the driveway and look at the gaps in the road based on the available time for free flow or free gaps on Lloyd Road. They found numerous opportunities to make a left turn, more than the actual demand even with the bank traffic. The reality because New Jersey drivers take gaps to make left turns, so the level of service is not as poor. The left turn queing they saw was five vehicles in the p.m. period. They did not observe the traffic when the buses come in, which would only add a limited amount of traffic, but not making it better. The on site parking standard is well designed, 23 spaces provided, 21 required. Aisle widths are all curbed and to standards. Signage is sufficient, taking into consideration the Board's point for directional signs. The ingress driveway on 34 should be on the north side of the driveway.

Mr. Gillen says the video was done on March 29, so it reflects the traffic signal improvements, which Mr. Harte confirms, saying the counts were done prior to the improvements.

Mr. Gillen asks that the ques are such so as to not adversely impact the Shop Rite driveways and vice versa? Mr. Harte responds there is a 20 car queing, and they will not adversely impact that queing, maybe adding five cars.

(Note: This person is not speaking into the mic, I cannot make out her name or address) , is sworn in by Mr. Leckstein and asks if the entrance off Route 34 is going to be curved in or open. Mr. Harte responds it will be geometrically curved at a 40 ft. radius. Mrs. asks if someone can exit that driveway. Mr. Harte says it is not designed for that, it meets design standards and has been narrowed to 15 ft.. Mrs. says there is a Bank of America on the highway where there is no left turns sign, but people make the left hand turn all the time. Mr. Harte says once you get into the driveway there will be two "do not enter" signs interior to the site. Mrs. says she has come out of Shop Rite and seen them make left turns in front of the sign that says "no left turn." She wants the entrance way designed in such a way to prevent making left turns. Mr. Harte says there are "do not enter" traffic signs included in the plan; they are not directional signs. Mr. Harte says the geometry is such as to prohibit people from making the turn. Mr. Gillen says on the plan is proposed an arrow in only.

Mrs. Kelley says at Shop Rite you can make a right turn in; she asks if you won't be allowed to use that entrance at all. She asks if someone would come in that driveway and then make right turn on to Route 34. Mr. Harte says right turn in only off of Route 34. There will be no exit on to Route 34. There will be stop bars and stop signs according to Mr. Harte.

Stephen Bidderman is sworn in by Mr. Leckstein, and states he is a licensed architect in the State of New Jersey. Under questioning by Mr. Lott, states he designed the prototype for PNC, which is lead certified, and they are anticipating a solar reading for certification. Lead is leadership in environmental and energy design, a government organization that is trending in design for environmental and sustainable.

Mr. Bidderman refers to Exhibit A-3, the exterior elevation. The building will be 24ft. 9 inches maximum height from zero elevation. The exterior of the building will be a brick veneer, red and beige colors, metal roof, blue color at the entry and gray.

Marked as Exhibit A-4 is the southeast elevation; materials to be used are circulated among Board members.

Mr. Bidderman testifies about signage, however ….it cannot be made out as papers are being rattled………

Mrs. Coppola asks about a PNC window logo inside but visible. Mr. Bidderman says it is no longer proposed. Mr. Bidderman says the standard logo is at the entry door, but he knows nothing about a logo on the west elevation.

Mr. Gillen says if the bank is going to request hours of operation and/or a logo on the door, ask for it now. Mr. Bidderman says "yes." There will be a tiny logo above the hours of operation on the door.

Mrs. Coppola says a logo was shown in the window when the application was submitted; it is testified to by the applicant from the audience that large logo is no longer proposed.

Mr. Lott recalls Mr. Jamison, previously sworn, states the logo is no longer proposed…..again papers are being rattled and his testimony cannot be made out. He confirms details will be on the door with a logo and hours of operation.

Mr. Gillen asks about ATM signs on the exterior and drive thru signs. Mr. Shenton says we would like to see everything spelled out on the plan before the Board considers this application. There are details that are important to the Board necessary to see and talk about before taking action. Mr. Gillen says there are the normal drive thru sign, ATM sign above the canopy. Mr. Jamison says there is a generic sign over the first lane, ATM only, and night depository and the sign will be illuminated and say "ATM" and the open and close light will be for the second and third lanes. Mr. Gillen says we understand the operation of the bank, but all the signage required by the bank is included in the application so the Board knows what you are asking for and what they are approving.

Mr. Bidderman says the roof mounted mechanicals are screened by the parapet of the roof . There is no second story to the building.

Mrs. Coppola says the roof appears to have a silver metal roof that is somewhat reflective; we don't want to create glare. Mr. Bidderman replies it is not reflective; he can provide the material specs. He points to the material on the material board to show the roofing material. Mrs. Coppola asks if there is something that can be done to soften the color so it is not so bright; Mr. Bidderman will look into that. She believes some of the roof line is angled as well as flat; depending on the time of day, the sun could hit the roof to cause glare. This item will be left open as Mr. Bidderman investigates materials.

Mr. Gillen asks where the air conditioning unit it; Mr. Bidderman points to the exhibit, showing the location along the parapet. The parapet height is at 13.24. To the peak of the roof of the structure is 24.9.

Regarding the interior floor plan, marked as Exhibit A-5, Mr. Bidderman says there is an entry vestibule with an ATM machine. There will be a swipe card to come in to the vestibule at night and when the bank is closed. The interior of the bank has six customer rooms, two on the interior and four on the exterior, one conference room, six teller booths and one greeter station. There is a second drive up ATM in the back with night depository and package room. The interior, with the lead certification, will use sustainable materials in the construction. There is also waste materials and recyclables, all lending to the sustainability of the construction of the building and construction itself.

Mr. Bidderman states there will be no vaults in the building. He states the entrance to the bank faces Lloyd Road, and the exit faces the Shop Rite secondary exit driveway. There is no exit facing Route 34.

Paul Grygiel is sworn in by Mr. Leckstein, and states he is a principal in Phillips, Price, Grygiel, LLP, 33 Miller Street, Hoboken, NJ. Under questioning by Mr. Lott, Mr. Grygiel states he is a licensed professional planner in the State of New Jersey. He is familiar with the Township Zoning Ordinance and Master Plan as well as the site and proposed development and surrounding neighborhood. The property is located in the "RC" Regional Commercial zone.

Mr. Grygiel refers to the Coppola & Coppola review letter of March 27 accurately listed all the variances. The minimum lot area is 120,000 sq. ft. required, 40,079 sq. ft. existing and proposed. Lot frontage and lot width, a minimum of 250 ft. is required, 138.73 ft. existing on Lloyd Road with a width of 204.62 ft., and the lot frontage on Route 34 is 170 ft. These are existing conditions; they cannot add additional property because they are surrounded by Shop Rite property, and Shop Rite has indicated they have no interest in providing additional property. The variance sought is a C-1hardship variance because of the size, shape and topography of the property which does not allow it to comply with the Ordinance.

There are two other variances related to the hardship; the minimum building size required is 5,000 sq. ft. of gross floor area; 4,020 sq. ft. is proposed. The ratio would be .04 of the minimum 5,000 sq. ft. required to the 120,000 sq. ft. lot area required. They are at .10, more than twice the minimum. They are trying to provide parking access; coverage is not excessive in context.

Another variance relating to hardship is the minimum parking set back. There is little room on site once you provide building set backs to Lloyd Road and Route 34 from the adjacent Shop Rite property, but it is commercial use to commercial use, so there is no real detriment to have a shopping center adjacent to a bank property.

He believes these variances also should be granted for the C-1 hardship criteria.

Under the C-2 criteria, where certain purposes of zoning would be advanced and the benefits of granting the variances outweigh the detriments. He believes all the variances fall into this category.

You are dealing with an adjacent commercial property in Shop Rite. A passing motorist or resident, unless attending this meeting, would have no idea there is a lot line separating the two properties. With regard to minimum side yard set back, 50 ft. required, and 38 ft. proposed to the building, and 11.39 ft. proposed to the canopy; this is commercial to commercial properties.

The same goes for coverage. An issue has been raised with regard to excessive coverage. This property is hemmed in by adjacent commercial properties with extra driveway have been added for access between the two properties, and adequate parking. Even though the coverage permitted is 35% permitted, they are at 44.74%. On a larger site not as restricted as this property, it would be more reasonable to require the standard of 35% be met. The fact there are existing improvements that prohibit the site to be enlarged, the coverage proposed is acceptable.

With regard to the variances, there are benefits to improve the property. Currently you have two buildings totally out of context with that section of Aberdeen. You have banks, gas stations, retail stores, restaurants, all types of commercial uses, attractive and many are new, in this area. This property today is an eyesore, although it does have trees and vegetation, much of it overgrown and out of context with this section of the Township and Route 34.

The applicant is looking to bring it into compliance with zoning by removing the nonconforming residential uses, and providing a commercial use that is permitted.

For the above reasons be believes that certain purposes of zone has been advanced including health, safety and welfare, providing commercial uses, providing sufficient space, providing a desirable visual environment.

Regarding sign variances requested, they also pertain in some ways to the constrained nature of the site in that there are very little locations to put free standing signs. The façade signs are decent size for a highway location, including low frontages and dual access from Shop Rite property. The signage proposed would still be less than two 75 sq. ft. signs on the façade of the buildings; it is not out of context with what is permitted in the "RC" zone. The signs make sense to ensure adequate identification of the building.

The directional signage is slightly larger than permitted. It relates to traffic and circulation. A 2 sq. ft. sign might make sense on a single user building and a simple in and out. This property has multiple entrances and exits, secondary roadway and a highway. The applicant is asking for interior signage to be 6 sq. ft. at the Shop Rite driveway and at the highway. This signage size goes to the public good and to the "RC" zone and the set backs, with no detriment to the public good.

With regard to the zone plan and zone ordinance, the Master Plan speaks about integrated commercial uses, and the Master Plan speaks about integrating commercial uses on regional shopping center properties. The applicant is doing that to some extent without combining the two properties but are combining access to the two sites. He does not believe it is a substantial detriment to the Township or its Master Plan.

Mr. Lott mentions a variance for an accessory structure in a front yard; Mrs. Coppola says there is no variance because the trash enclosure is not a building, and the set backs refer to buildings.

Mr. Gillen says there is a variance for the free standing sign proximate to the right of way, and Mr. Grygiel agrees to address that.

Mr. Shenton mentions the planner's memo, Item 3.g.2, a bypass lane partially on Shop Rite's site. Mrs. Coppola says the bypass lane encroaches onto Shop Rite, and it should be encompassed as part of the cross easement agreement. Mrs. Coppola points to the exhibit showing the encroachment for the exit lane but also for the bypass lane. Mr. Lott says that they have an access easement; he will check the language to be sure it includes the exit lane as well in the easement.

Regarding the engineer's letter, there is a freestanding site identification sign proposed along Route 34, 24.67 sq. ft. in area, 20 ft. in height and set back 10 ft. from the right of way. The Ordinance requires freestanding signs at a height of 35 ft. with a maximum area of 100 sq. ft. and a set back of 50 ft. A variance is required. Mr. Grygiel believes it is better to have the sign closer to Route 34 so it is visible.

Mr. Grygiel says side yard set back is 50 ft. required, 38 ft. proposed at the closest point of the building on the east elevation, and 50 ft. required in the rear yard, where 11.3 ft. proposed to the canopy and 37.13 ft. to the proposed building. He refers to exhibit A2; the impacts would be less than required and are only on the Shop Rite property is to the east and to the south. While 50 ft. may make sense on a free standing site, this is an integrated use between Shop Rite and the bank. The set backs are being met on Route 34 and Lloyd Road.

In regard to a question asked by Mr. Cusumano, which cannot be determined, Mr. Grygiel says he did not investigate the sight distance of the signage; that should be referred to the traffic expert.

Mr. Gillen replies that is why he raised the issue of the height of the sign to allow other individuals coming down the highway to be able to see the sign, see it, and react to it and get in the right location to enter the bank site.

Mr. Shenton says we do not have a description of the site distance because the size of the sign was not given to us previously.

Mr. Gillen says his understanding is nothing will be able to block the sign until the trees grow Drivers should have a clear shot to see the sign and react. We limit the ability to cross multiple lanes for turning maneuvers; that's why driveways are restricted to minimize multiple cuts. He is familiar with what happened to the Shop Rite sign on Route 34, that is why he recommended the sign be raised. It is a sight distance; Mr. Lott will address the issue at the next meeting.

Michelle Devany, previously sworn, referring to the drive thru area, says any time she goes to any bank there is never more than two people in line. The trees are now going to be gone in that area and the corner area. The exhaust conditions in that area are terrible…….(papers are rattling on the dais, cannot make out what witness is saying)…..and it will now become a health hazard for people walking, especially with children, in the area as the air quality will be poorer with the removal of trees.

Mr. Grygiel responds that from a planning and zoning perspective for the Township, the Regional Commercial zone accommodates large commercial uses, not sites that are overgrown with vegetation with dilapidated houses. It is probably a nuisance to people walking by. It does not fit in with the character of Aberdeen in that section, and it would be better in the alternative to have a new structure on the property. Removing vegetation happens in almost every new project to create a new development or structure not only in Aberdeen but elsewhere. Since this is a commercially zoned property, the applicant has a right to develop it, remove trees within certain requirements. The applicant has already indicated if they do not replace all the trees on the property they will contribute to the Township's Tree Fund. Removal of the proposed trees is not going to negatively impact the air quality to an extent it is negligible to a person walking by. Aberdeen has many open spaces that can be enjoyed. There is a wide range of uses in commercial zones that have cars idling; PNC is not unique in cars idling. The property will be pretty well built up an that is adequate justification for this application.

Mr. Lott says his open items are a revised sign plan with details, sign locations, size and height, revised archiecturals as part of the sign detail, revise site plan pursuant to testimony given tonight, and look at the metal roof for purposes of glare control, and look at additional trees.

Mr. Leckstein says the issue of visibility is important, but whether or not there are areas you can add trees and still maintain visibility.

Mr. Lott says there is concern about adding trees to the Shop Rite side of the property; Mr. Leckstein says that is a possibility, recognizing visibility, although they did not have a landscape expert testify as to the proposed landscaping plan.

Mr. Gillen says to address the Board and their concern about adding trees as a possibility on the Shop Rite property, they would have to show what existing vegetation is there and the proposed would be compatible and not adversely impact what has been planted by that applicant.

Mr. Cusumano moves to carry the application to the June 15 public meeting, with no further notice and time waived thru July 31, 2011, seconded by Councilwoman Montone, and on voice vote all eligible members agree (Mr. Brady, Mr. Cusumano, Mrs. Kelley, Mr. Mirabal, Councilwoman Montone, Mr. Swindle, Mr. Awofolaju, Mr. Shenton).

Mr. Gillen says as a condition of approval they have to have the cross easement in hand, among other issues, including signage, driveways, pavement. They indicate they have the approval but do not have it in writing; Mr. Lott needs to determine where they stand. Mr. Leckstein says if they don't have the easements the approvals go away.

Mrs. Coppola says the issue of dumpster enclosure was not discussed; a board on board fence was proposed, she suggested a solid block wall to compliment the building since it is along the Lloyd Road frontage. The applicant should look into whether you can see the top of the dumpsters from Lloyd Road.

Meeting adjourned.