

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
June 24, 2013**

Approved

CALL TO ORDER Meeting was called to order at 7:35

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

***Statement by Presiding Officer:** Adequate notice of this meeting was posted on January 10, 2013 on the Township bulletin board and sent to the Township Clerk, Echoes Sentinel and Courier News per the Open Public Meetings Act. All Board members are duly appointed volunteers working for the good and welfare of Warren Township. We plan to adjourn no later than 10:00 p.m.*

ROLL CALL

Mayor Sordillo (excused)	Mrs. Smith
Committeeman DiNardo (excused)	Mr. DiBianca– Alternate #1 (excused)
Mr. Toth	Mr. Freijomil – Alternate #2 (excused)
Mr. Gallic (arrived 7:50)	Mr. Villani
Mr. Kaufmann	
Mr. Lindner	
Mr. Malanga	

■ **Announcements:**
None

■ **APPROVAL OF MINUTES:**
May 13, 2013

Motion was made by Mr. Lindner to approve minutes, second by Mr. Toth

ROLL CALL: For: Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mrs. Smith, Mr. Villani

Against: None.

■ **PROFESSIONAL STAFF REPORTS:**

Alan Siegel, Esq., Planning Board Attorney (absent)
Steve Warner, Esq.
John T. Chadwick, IV, P.P., Professional Planner
Christian Kastrud, P.E., Professional Engineer
Maryellen Vautin, Clerk

No reports.

■ **CORRESPONDENCE**

None.

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■ **Adoption of Resolutions:**

Shelter Development, LLC PB 12-07

Proposed: Preliminary and final Site Plan Approval (with variance) block 74, Lots 7, 8 & 9, 53-57 Mt. Bethel Rd.

Applicant/Case was heard and considered at a public hearings on February 11, March 11, and May 13, 2013 at which time the Board rendered its decision to approve the application with conditions. This resolution is intended to memorialize same in accordance with N.J.S.A. 40:55D-10(g)(2).

Mr. Villani went over the agreements in the resolution and the substance of the Fire Marshall and Fire Chief document, Brightview Emergency Preparedness Plan, which is about 60 pages and is referred to in the resolution.

Mr. Chadwick reminded the board that Mr. Villani asked Mr. Chadwick to head up the plan and work with the Fire Marshall, and Fire Chief and Mayor Sordillo's input on fire safety concerns.

Motion made by Mr. Toth, second by Mr. Kaufmann to approve the resolution and its conditions

ROLL CALL:

For: Mr. Kaufmann, Mrs. Smith, Mr.Toth, Mr. Villani
Against: None.

■ **CITIZEN'S HEARING (Non-Agenda Items only)**

Mr. Kevin Page from Page Engineering, LLC came forward about The Hollows application. He stated they have been waiting about eight months for DEP approval and they had a verbal phone call stating that it was approved. During the interim there has been some input from the Township Professionals and the Board on the layout of the proposed development. He stated that they would like to come to the public hearing with a different plan than was submitted. Mr. Page wanted to go through it. Mr. Warner asked about the status of the case. It is a pending application and Mr. Warner felt it was not appropriate to discuss it at the non-agenda items time period. Mr. Chadwick and Mr. Page gave a quick update on the presentations previously given, and the issue of having a connection to Mt. Bethel Rd. Mr. Chadwick felt that the topic of Mt. Bethel road connection goes beyond this portion of the meeting. Mr. Warner felt it would be more appropriate at an advertised hearing.

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Mr. Page stated it was an alternate concept and he had asked if possible to get on the agenda for tonight (June 24, 2013). He was advised that the only opportunity would be for this portion of the meeting. Mr. Page wanted to present an alternative concept and asked to receive guidance on how to proceed. Mr. Page agreed to submit the plan to the board secretary.

Mr. Gallic arrived at 7:50.

CASE 1 – Case #: PB-13-02
Block: 88.04 Lot 1.03
Road: 59 Mountain Blvd.

APPLICANT: Bank of America
OWNER: Bank of America

LOCATION: 59 Mountain Blvd.

PROPOSED: minor site plan for existing bank propose drive thru ATM Kiosk with Canopy

Actionable

Mr. Scott Collins from Riker, Danzig came forward for the applicant, Bank of America. There was one witness to be sworn in, and Mr. Steve Warner swore Jeffrey Martell from Stonefield Engineering in along with the board professionals, Mr. Chadwick, and Mr. Kastrud.

Mr. Villani stated that the Professional reports had some issues to address but he felt that they could be gone through relatively quickly. Mr. Collins went through the proposal for a drive up ATM at an existing drive up teller at the rear of the property. Mr. Martell was asked to present the plan. Mr. Villani asked about his qualifications and he was accepted as qualified. Mr. Martell began with stating the property is Block 88.04/ lot 1.03, a Bank of America Branch. It is 0.86 acres and is what they call a legacy bank, it has turned over a few times. It is developed with 2500 SF bank, has 3 drive up lanes and there is one ATM in the lobby. The proposal is to construct a freestanding ATM kiosk in the outer lane. Mr. Martell continued about the freestanding structure with one ATM. It has a small canopy associated with it to prevent glare and provide lighting. There is a clearance pole with a 10 foot under-clearance. Currently there is no drive up ATM service at Bank of America and it is a trend for banks to have them. Mr. Martell stated there is a state statute for minimum lighting at an ATM. There is a requirement of minimum light level within five feet of the ATM. There is another statute for a larger radius of 50 to 60 feet. They will meet this by replacing the fixtures on four existing lightpoles, and adding one new lightpole that would match. Then they will also propose four wall packs on the rear of the building. It is all proposed at the back of the facility. There is one variance requested, for the rear yard setback. The structure is considered an accessory structure and the required setback is 25 feet while they propose 7.3 feet, the existing setback is 9.1 feet. He also noted they are adjacent to the commercial parking lot, not residential.

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The positive for the proposal is additional services to the community with the drive through ATM, helps traffic and helps to drive through especially after hours and at night. They also request signage that does not comply. They will have 50% of width, 10% of area. They are also requesting one lighting waiver, for the uniformity ratio. The ordinance requires 4 to 1, the plan has a 5.3 to 1, although it is out of the roadway and behind the building.

Mr. Toth asked if the ATM in the lobby would remain open. Mr. Martell stated that was correct, and there will be no change to that.

Mr. Gallic asked if there were similar variances around town. Mr. Martell did not know but all banks should be in compliance. Mr. Lindner asked if it was dawn to dusk, and it is, except the lights right above the ATM, although the canopy is right above them, and they are 24/7. Mr. Lindner believes there is normally a lights out at 10 or 11 p.m., although understands it is for safety.

Mr. Villani asked Mr. Collins to make his case for the C1 or C2 variance. Mr. Collins stated it could be either but would make the C2 argument--that it advances the purposes of the MLUL, as Mr. Martell said it creates an improvement to traffic issues, potentially at different hours; an after-hours use. As far as the negative, Mr. Collins sees none. The existing site does not conform with rear yard setback and this nonconformity will only be slightly greater. Mr. Villani clarified that he was saying the benefits outweigh the detriments.

Mr. Villani went to Mr. Chadwick's report. Mr. Chadwick went through his reports. He asked if they considered health, safety, and welfare. Mr. Collins responded yes, agreed using the safety for the car for after hours. Mr. Chadwick asked for a clarification on the intensity of lighting, over the fence in the back. And does it continue 24 hours. Mr. Martell answered yes it does stay on 24 hours as per state statutes. The foot candles as measured at the ground, will be 10 feet from the other side of the fence, and range across the property line approximately .5 with a peak of 3.5 foot candles.

There was discussion on how far the subject property was to residential homes. Mr. Chadwick thought probably 300 feet from residential and there are other commercial buildings between them and talked about some of the landscaping that those commercial properties have on site.

Mr. Chadwick commented on signage and questioned that there was a need for a variance for the Bank of America logo on the ATM. Mr. Gallic asked about other drive thru in town with similar variances. Mr. Chadwick spoke about the TD bank and it's a use variance, the Peapack Bank had variances, and the TD on Martinsville Rd. had setback variances. Mr. Chadwick did not recall signage variances. But he did believe this particular signage was similar to others in town.

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Mr. Kastrud presented his report from April 11, 2013. He asked if the other drive thru will be removed (the functionality as a drive thru teller). Yes, it will be answered. He asked about the canopy. Mr. Collins stated the two inner lanes are 9.2 The outer lane will be a 10 ft under-clearance. Mr. Kastrud asked about the signage currently there and if it would be adjusted. Yes, it will be changed. Mr. Kastrud believes it will help to add additional striping for the cars coming around. Mr. Martell agreed and agreed to a stipulated condition.

Mr. Kastrud discussed the light stand replacements and proposal to use the same fixture. It does not conform to town center standards but is consistent within the site. Some of the light poles are bent over. Mr. Martell did revisit the site and a number are in good shape, but two poles are in need of replacement. Mr. Kastrud wants the poles to be replaced to be called out in the plans, and the details for any new footings, etc should be shown on the plans. This was also agreed to as a condition, to be approved by the Township Engineer. Mr. Kastrud asked about the sign out front and if there were any changes proposed. The only signage is proposed on the teller/kiosk. Mr. Kastrud suggested to relocate the gate that is on the side, northeast corner of building to access the a/c units. He fears someone could step out right into the driving lane, perhaps move it to where the concrete sidewalk is located. It was discussed that there is no change for dumpster function.

Mr. Villani went over the other departments with issues. The police department reviewed the plan and the recommendations for striping to guide customers. The engineer will work on the striping, guiding. The taller vehicles issue should be addressed with the overhead clearance bar. They agreed to a condition subject to the Township Engineer and the police official.

Mr. Chadwick brought up the lighting. The wall mounted lights, with the bulb inside, you don't see the bulb now, do you see the bulb with the new lights? Mr. Martell stated the light is recessed with a sort of a hat on top. The bulbs will be recessed and similar to the town center lights. Mr. Gallic asked if the sign is backlit. Yes.

Mr. Collins summarized that this is a site plan case and they have agreed to three conditions, related to striping, replacement of light poles, and moving the gate to the a/c unit.

Mr. Villani called for discussion of the board as he saw no one from the public for the case. Seeing no discussion from the board he entertained a motion.

On motion by Mr. Kaufmann, second by Mr. Malanga to approve the application with conditions.

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ROLL CALL

For: Mr. Gallic, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mrs. Smith, Mr. Toth, Mr. Villani

Against: None.

Mr. Villani called for a 5 minute recess at 8:18. Meeting was called back to order at 8:25.

**CASE 2 - Case #: PB-12-08
Block: 53 Lots 1.06 and 2
Road: Mount Horeb and Dock Watch Hollow
Minor subdivision with variances**

**APPLICANT: Paulo J. Varino and Rafal Imiolek
OWNER: same as above**

LOCATION: 68 Mount Horeb and 98 Dock Watch Hollow

PROPOSED: Lot reconfiguration. A portion of Lot 1.06 to be added to Lot 2

Actionable

Mr. Villani told the audience he was just notified that Mr. Murray wanted to address the board. Mr. Murray came forward as the attorney for the applicant to request that this matter be carried to the next hearing date because late last week he had received the professional reports from the board staff and based upon the contents of the reports he had tried to get a conference with the applicants. They could not meet to prepare responses so Mr. Murray suggested it might be carried to prepare adequate response.

Mr. Villani asked for board member comments on the request. Mr. Toth asked why Mr. Murray waited to request to carry with the residents waiting. Mr. Gallic was favorable with opening up the case and letting the people speak, and knowing they are on the record, even not hearing the proofs yet. Mr. Murray was concerned that the people making comments may not have a decent understanding of the case. Mr. Murray received a photo copy of a letter that was circulated to the interested parties or neighbors and it was basically a claim of there is no need for another house.

Mr. Gallic stated that Mr. Murray had everyone come out. Mr. Murray called on the previous Friday to discuss carrying the case. Mr. Gallic questioned why Mr. Murray didn't come forward at the beginning of the meeting. Mr. Murray stated that the Clerk knew he was going to be here first thing. Mr. Villani felt that he should have spoken with him, that it is Mr. Villani's decision to guide the board and the order of cases. There was further discussion as to whether to have the

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board and/or residents make comments. Mr. Warner felt it was appropriate to have the applicant present a case before comments are accepted.

Mr. Villani carried the case to the next meeting, July 8 at 7:30p.m. at 46 Mountain Blvd. The public will not be notified

■ **CITIZENS HEARING (Agenda Items)**

None

■ **SCHEDULE OF NEXT MEETING:**

July 8, 2013, July 22, 2013

■ **ADJOURNMENT**

Motion by Mr. Toth, second by Mr. Gallic to adjourn the meeting at 8:40
All in favor.