

**Borough of Watchung
Planning Board Meeting
September 21st, 2010
Minutes**

Chairman Speeney called the meeting to order at 7:36 pm. Salute to the flag. The Chair called for a roll call. Present at the call of the roll were:

Speeney (X) Boyd (X) Havas (X) Haveson (X) Addario (X) Pennett (X)
Schaefer (X) Beck-Clemens (A) Panzarella (X) Ellis (A) Pote (X)

Chairman Speeney indicated there was a quorum to conduct business and indicated that Mr. Panzarella would be voting at this meeting in place of Mayor Ellis. The Chair stated that this meeting was being held in compliance with N.J.S.A. 10:4-6 of the open public meetings law and proper notification of this meeting has been made. Chairman Speeney sought a motion to approve the minutes of the meeting of July 20th, 2010 as published and waive the reading. That motion was made by Mr. Haveson, seconded by Mr. Havas and was approved by voice vote by those eligible to vote. The minutes were approved. Chairman Speeney asked if any applications would like to be carried to the next meeting. Mr. Robert Berlant of Old Chester Associates said that he would like his application carried until the October 19th meeting, and granted an extension to the Planning Board through the 31st of October. The Chair accepted this request and stated that no further notice would be needed.

Havas read: PB10-02 Bank of America
Block 5703 Lot 2.01 & 3.01
Amended Site Plan w/variances

Mr. Arthur R. Sypek, Jr., Esquire, attorney for the applicant came to the microphone. He works for Riker Danzig Scherer Hyland and Perretti at 50 West State Street, Suite 1010 in Trenton NJ 08608. Mr. Sypek called his first witness. Mr. Charles Carley, P.E., P.P. Of Delaware-Raritan Engineering, Inc. 200 Daniels Way, Suite 230 Freehold Township, NJ 07728 came to the microphone. He was recognized as an expert in the field of professional engineering and sworn in.

Mr. Carley said that he was familiar with the site and has visited it. He said this is an 80 acre parcel. He said that the mall is served by 3,745 parking spaces at present. Bank of America is proposing to construct a drive through ATM kiosk. Mr. Carley submitted an exhibit marked A-1, dated 09/21/10 which was an overall site plan of the Watchung Square Mall which indicates the location of the ATM kiosk centrally located in the mall. Mr. Carley indicated that the Bank of America drive through would utilize 4 parking spaces. Mr. Carley said that these four parking spaces lost would not require any relief from the Borough. Mr. Carley introduced an exhibit marked A-2 dated 09/21/10, a colorized rendering of the site plan, showing the parking spaces required. Mr. Carley discussed the average permitted illumination which was 3.0 foot candles. He said that the relief that they are seeking is from the Borough ordinance stating that no lighting should exceed 3.0 foot candles in a parking lot. He said that because of federal and state regulations, they are obliged to exceed that standard. He said that the lighting they are proposing would radiate out 60 feet from the kiosk. He explained that the illumination radiating out would not go more than 5 parking spaces out and is relatively minor. He said that they would require relief from this radiating light and a Borough ordinance stating that drive-thru banks should allow for a stacking of 8 vehicles for a bank teller window. He said that they propose two slots. Mr. Carley explained that in all other regards, the site plan conforms to the Borough's ordinances. Mr. Carley went over the report by Mr. Tom Herits, Borough Engineer dated 12/13/10, point by point. The first comment relates to the relief they are seeking and Mr. Carley said he has already discussed that. Comment 2 is a general comment deferring planning and zoning issues to the Borough's planner. He said that comments 3,4, & 5 were regarding circulation and stacking. He said Mr. Herits expresses concern relative to the availability of vehicle stacking. He submitted that the expected volume of traffic at the drive through kiosk is relatively minor. He said that the average number of trips through a drive up bank on a Sunday is approximately 7 trips per hour.

Mr. Carley submitted an exhibit marked A-3 dated 09/21/10 showing a turning radius plan. This showed the access and exit can be done in an orderly manner. Comment 6 pertained to A.A.S.H.T.O. 2004 vehicle length. Mr. Herits said that this is 19 feet, and that the applicant provides for 18'. He said that they have generous drive isles, and if Mr. Herits has concerns about marking the drive isles, they can commit to working with him so that his concerns are met. Mr. Carley said that comments 7 & 8 are general in nature and speak to the minor land disturbance. Comment 8 asks that they call the call before you dig phone before work begins. The Chair asked Mr. Carley to review number 6. Mr. Carley said that they provide for 18'. He said that Mr. Herits concern is the

potential for a car to get stuck, but he said that because of the generous drive isles, he does not see that as a problem, but that he would work with Mr. Herits. Board Attorney Frank Linnus discussed Federal and State regulations, and asked if the applicant was claiming preemption. Mr. Sypek said yes. Mr. Sypek said he had nothing further and Chairman Speeney opened up discussion from the Board. Mr. Herits said that in his report, he brought up the worst case scenarios. He mentioned that the police department asked about security cameras. Mr. Sypek said he would address that with another witness. Mrs. Pennett asked if the light near the kiosk would radiate upward. Mr. Carley said that no, the lights would be shielded by shoebox fittings that would be shielded. Councilman Pote asked regarding the flow of traffic, if the applicant had seen the traffic at the Mall on Friday night or Saturday mornings or holidays. He said that the traffic coming eastward on the main thoroughfare is often backed up. Mr. Carley said that there would be pavement markings, and that they would work with Mr. Herits. He said that they could have directional signage as well. He said that customers will come in from every direction. Councilman Pote asked what the normal number of trips per hour were and have they considered other ATM's proximity. Mr. Carley said that yes, they have considered the other ATM's in proximity of this one. Mr. Haveson asked if they have considered other areas to put this ATM due to the fact that he thought drivers would pull out onto the main thoroughfare after exiting the ATM and being distracted. Mr. Carley said they could either put a stop sign or a rumble strip at the exit. Mrs. Pennett said that she was concerned about pedestrian traffic. Chairman Speeney asked if a clearance bar was necessary. Mr. Carley said that the clearance bar would limit the size of the vehicles going through it. Chairman Speeney said that this board has already granted the clothing bins be put into place in this Mall, and he was concerned about the proximity of the bins to this. Mr. Haveson said that the bins have been moved from the original location and that they could have the bins moved back as a condition of approval. Mr. Sypek said he would accept the moving back of the bins as a condition of approval. Chairman Speeney asked if anyone from the public wished to speak. No one came forward.

Mr. Sypek called Architect William Ryan to the microphone. Mr. Ryan AIA of the Longo Partnership Architects, 36 South Street, New Providence NJ 07974 was recognized as expert in the field of Architecture and was sworn in. Mr. Ryan said he was familiar with the application and has been to the site. He submitted two photographs. The first was marked A-4 dated 09/21/10 depicting a prototypical kiosk. The second photo is marked A-5 dated 09/21/10 is the existing island that the kiosk will be incorporated into. He said the kiosk is prefabricated and is approximately 21 square feet footprint with a canopy of

approximately 60 feet. The kiosk has a beige finish with a sign light band going around all four sides. He said it is on a two foot deep concrete pad, secured to an island. It is surrounded by bollards to prevent the unit from being hit. He said that the intent of the clearance bar is to protect the canopy. He said there is also security lighting. He said there is electric and telephone connected to the nearest pole. The signage is 83 sq. feet all around the unit. The Bank of America logo is on two sides, and the ATM will be facing the Modells store. The Chair asked how deep the canopy is. Mr. Ryan said about 8 feet. The Chair asked Mr. Ryan if the canopy was needed. Mr. Ryan said yes, for inclement weather. The Chair asked if the canopy supplied lighting. Mr. Ryan said that there are three down lights recessed in the canopy. Mr. Sypek asked Mr. Ryan if the kiosk colors were architecturally compatible with the mall. Mr. Ryan said yes. Mr. Havas asked when the lights in the canopy would go on and off and how. Mr. Ryan said that they are generally photo cells that come on as needed. Chairman Speeney opened up to the public. Hearing no one come forward, Mr. Sypek called Alicia L. Johnson, Vice President Bank of America to the microphone. Mrs. Johnson of 211 Old Tappan Road, Old Tappan NJ 07675 was sworn in. Mrs. Johnson was familiar with the application and the site. She said she has done about 6 of these kiosks in NJ. Mrs. Johnson said that relative to the stacking issue, the experience generally has been if there are more than two cars waiting, they move on to the next location. She said there is another ATM in the Supermarket in the mall. She said that the ATM itself is alarmed, and there is a camera embedded in the machine itself that records customers transactions. It is serviced once per week. The Chair asked if it could be re-located. Mrs. Johnson said that the location selected is twofold. One reason is that it is visible to the public. The other reason is that is the middle point from the entrances to the retailers. Mr. Havas asked if the photo presented was of an ATM within a parking lot. Mr. Ryan said that this was a photo of a kiosk in a drive up bank. Mrs. Johnson said that typically these kiosks take up between 4 and 6 parking spaces depending how the site is laid out. She said that in this case, it is 4 spaces. Mr. Havas asked what the width of the concrete pad is. Mr. Ryan said it is 7.3'. Mr. Havas asked if they could make the drive isle wider than 9'. Mr. Carley said he could work with the Engineer, and that he thought that could be done. Councilman Pote asked Mrs. Johnson what the typical transaction time is. Mrs. Johnson said typically one minute. Councilman Pote asked where the other six kiosks in NJ are. Mrs. Johnston said that they are mostly in parking lots with retailers. Chairman Speeney asked if there was anyone from the public who wished to speak. Hearing no one, Mr. Sypek asked Mr. Sal Davino of Watchung Square Mall, 641 Shunpike Road, Chatham NJ 07928 to come to the microphone. Mr. Davino was sworn in. Mr. Davino said he

is the owner of Watchung Square Mall and was familiar with this application. Mr. Davino said that there is full security surveillance for the entire premises. He said there is license plate recognition at the entrances and exits to the mall. He said this is in operation 24/7. He said that there is an arrangement with the Watchung Police Department where they do patrol 20-30 hours per week. He said they hire off-duty police. Mr. Sypek asked if there was any time during the retail year where every parking space was taken. Mr. Davino said that other than Black Friday, he has never seen all spaces taken. Mr. Sypek asked why Mr. Davino would want the ATM at the mall. Mr. Davino said there is a strong need for this ATM at the mall. He said that many of the retailers have asked that ATM's be put on their sidewalks. He said he doesn't want to do that. He said that he didn't think the ATM was compatible with the mall, but that it doesn't matter. Councilman Pote asked why Mr. Davino wouldn't want the ATM on the sidewalk. Mr. Davino said that for security issues he wouldn't want them on sidewalks. Mr. Haveson said that if the board was to approve this, he would request that there was a different traffic flow rather than coming in off the main thoroughfare. He said he wanted to see traffic directed in from Modells. Chairman Speeney said his main concern is the addition of the ad hoc business. He asked Mr. Davino what would be next. Mr. Davino said there has been basically no expansion other than the clothing bins in the last ten years. Mr. Davino said he couldn't imagine anything else near that corridor. Chairman Speeney asked if there was anyone from the public who wished to speak. No one came forward from the public. Mr. Carly said that Bank of America does have some standard directional signage to provide the flow of traffic that Mr. Haveson was talking about. Mr. Herits said that as he understands it, the Board is looking for a 11' isle and a traffic flow coming north. Mr. Linnus said that he wasn't clear on the signage, and Mr. Davino said that as far as the signage at the mall, they have hundreds of feet left in the signage agreement for the mall's site plan. Chairman Speeney asked if anyone from the public wished to speak. Hearing no one come forward, closed the public portion of this application by voice vote. Mr. Sypek had nothing further. Chairman Speeney called for a motion to direct the Attorney to draft a resolution in the affirmative. Mr. Addario made that motion, seconded by Mr. Haveson. The Chair called for a roll call vote. The vote was as follows:

Speeney (yes) Boyd (yes) Havas (yes) Haveson (yes) Addario (yes)

Pennett (yes) Schaefer (yes) Panzarella (yes) Pote (yes)

The motion carried. The Chair carried this application until the meeting of October 19th, and Mr. Sypek granted an extension through the 31st of October, 2010.

Havas read: PB10-03 Elite Properties

142 Washington Drive

Block 1702 Lot 7

Minor Subdivision

Mr. Addario recused himself due to the fact that he was within 200 feet of the property. Michael Checchio attorney for the Applicant was present. Mr. Checchio's office is located at 10 Shawnee Drive, Watchung, NJ 07069. Applicant is also the owner of the property. The applicant is requesting a minor subdivision with no variances. Mr. Checchio said that the only witness is W. Leeland Titus of 618 Somerset Street in North Plainfield, NJ. Mr. Leeland was sworn in and accepted as a licensed professional engineer. Mr. Titus said that the proposal is to cut this property into two lots. The proposed lot 7.01 adjacent to Washington Drive would be 20,712 square feet and the other lot proposed 7.02 would be 20,367 sq. ft., adjacent north of that on Rock Avenue and both lots would be totally conforming for the R-B zone. Mr. Checchio asked Mr. Titus if he was familiar with the report Mr. Herits did on this application dated September 12th, 2010 and Mr. Titus said yes. Mr. Checchio asked Mr. Titus to respond to the points in Mr. Herits letter. Mr. Titus said that comment one was regarding whether this subdivision would be filed by map or deed. Mr. Titus said the intention was to file by deed. Comment two asked about the date of the map. Mr. Titus said he made a mistake on the date of the map, and it should read July 16th, 2010. Comment three was regarding lot numbers and they would be obtained from the Tax Assessor and the approved street numbers from the Town Engineer. Mr. Titus said the driveways would comply between 12 and 24 feet wide with the exception of the turn around area which is generally about 35 feet. Regarding the site triangle, there is one proposed with Washington Drive being the major street and Rock Avenue being the minor street. Mr. Titus said there is a stop sign from Rock Avenue onto Washington Drive. He said that the site easement will be described in the deed for Lot 7.01. Mr. Titus said that they recognize that a land disturbance permit will be required. Mr. Titus explained that they are proposing to use all the public utilities that exist such as water, sewer, electric, cable, telephone. He said they recognize that a road opening permit will be required. A contribution will be made to the sidewalk fund and the call before you dig number will be called. The Chair asked if sidewalks would be installed, and Mr. Titus said no. Mr. Titus said that they will dedicate the right of way on Washington Drive to widen it out to 50 feet. He said that the other half has already been dedicated. Mr. Linnus

said that he assumes that Mr. Checchio will provide the meets and bounds description for Mr. Herits review, and provide Mr. Linnus the deed for his review and the right of way dedication. Mr. Checchio said he would do those things. Mrs. Schaefer said that the site committee subdivision went out to see the site, and there was a group of plantings on the corner of Washington Drive and wanted to know if those trees would be cut down. Mr. Titus said they had no plans to cut those trees down. Mrs. Schaefer asked about other trees on the property. Mr. Titus said that the present plan was a schematic plan and that at the time of the actual drawings, then the tree preservation committee would approve the tree removal plan. Mr. Herits said that when the applicant goes for a tree removal permit, the assistant engineer and a member of the environmental committee goes out to the site. There is also a tree replacement program in the Borough. The Chair said that this is a minor subdivision which did not even be noticed to the public, but as a courtesy the applicant has noticed. The Chair said that the board needs to either approve or deny the subdivision, but that other committees govern the removal of trees. The Chair asked if there was anyone from the public who had any questions. Mr. Pat Quinn, of 135 Washington Drive came to the microphone. Mr. Quinn asked if both houses would front on Rock Avenue. Mr. Titus said yes. Mr. Titus said that in the schematic presently, it shows the driveway of proposed lot 7.01 exiting onto Rock Avenue, and the driveway of lot 7.01 exiting onto Washington Drive. He said that might be changed. Mrs. Marjorie Kugleman of 112 Washington Drive came to the microphone. Mrs. Kugleman was concerned about sidewalks. The Chair said that the proposal was not to put sidewalks in. Mrs. Kugleman said that was her only concern. Mr. Quinn asked when the construction will start. Mike Checchio of Elite Properties said approximately two months. Mrs. Kathy Neumann of 74 Rock road came to the microphone. Mrs. Neumann said that her main concern is for the second lot where all the trees still stand. She asked who checks on the trees and makes sure that not all trees are cut down. Mrs. Pennett explained that a member of the environmental commission monitor this. Hearing no one else from the public, Chairman Speeney closed the public portion of the application. Mr. Haveson read his site committee report into the record. He asked if a McMansion would be built. Mr. Titus said that the houses that would be built couldn't be that large due to the zone. Chairman Speeney asked Mr. Checchio if he would agree to a condition of no further subdivision of these lots. Mr. Checchio said yes. The Chair asked for a motion to approve PB10-03. Mr. Havas made a motion to approve, seconded by Mr. Boyd. Hearing no more discussion, the Chair asked for a roll call vote.

The vote was as follows.

Speeney (yes) Boyd (yes) Havas (yes) Haveson (yes) Pennett (yes) Schaefer (yes) Panzarella (yes) Pote (yes)

The motion carried and the application was approved. The Chair thanked the applicant.

Mrs. Schaefer said that the committee for the re-examination for the Master Plan sent out three RFP's one to Maser Consulting, one to Heyer and Gruel, and one to Mark Healy. All three came back. Maser came in at \$8,500.00, Heyer and Gruel came in at \$11,000.00 and Mark Healy came in at \$6,200.00. Mrs. Schaefer said that the committee recommends that the board goes with Mark Healy. Mrs. Schaefer asked the board for their support to that this can go to the Mayor and Council for their approval. The Chair asked the board to re-read the 2005 re-exam. Based on this recommendation the Chair asked for a motion to accept the bid for professional services from Mark Healy PP/AICP for the re-exam of the master plan. approve hiring Mark Healy. This motion was made by Alan Haveson, seconded by Mrs. Pennett. Jim Boyd asked about whether or not Mark Healy has the proper insurance. The Chair said he has spoken to the Administrator regarding this. Chairman Speeney said he was very enthusiastic about hiring Mark Healy and that he was sure he would do another superb job. Mrs. Schaefer said that she wanted to correct the fee for Mark Healy which was \$5,200. Mr. Linnus said he was not aware that any professional planner carry professional liability insurance. The Chair asked for a roll call vote. The vote was as follows.

Speeney (yes) Boyd (yes) Havas (yes) Haveson (yes) Addario (yes)

Pennett (yes) Schaefer (yes) Panzarella (yes) Pote (yes)

The motion carried. The Chair directed Mrs. Schaefer to take this information back to the Administrator who can arrange all the details.

No one was present from the public to speak, and hearing no other issues, the Chair adjourned the meeting at 10:15PM until the next meeting of October 19th, 2010.

Respectfully Submitted,

Carolyn Taylor, Planning Board Clerk