

Unified Planning/Zoning Board of Adjustments Meeting
January 5, 2009

The meeting was called to order by Bob Montfort, vice chairman, and the pledge of allegiance was recited.

Roll call was taken with the following members present: Mr. Buccellato, Mr. Dolan, Ms. Clifton, Mr. Montfort, Mr. Saporito who arrived late, and Mr. Shea. Absent were: Ms. Rinear, Mr. Cassidy, and Ms. DeYoung. The alternates that were present were: Mr. Gallego, Mr. McKenna and Ms. Malanga.

Appointment of Officers and Professionals:

Chairman: This appointment will be held until the next meeting due to the fact that the present chairman is absent tonight.

Vice Chairman: Mr. Buccellato nominated Mr. Montfort and Mr. McKenna second. The board voted with all members in favor.

Board Secretary: Mr. Buccellato nominated Mr. Dolan and Ms. Malanga second. The board voted with all members in favor.

Recording Secretary: Mr. Buccellato nominated Ms. Cannon and Mr. Shea second. The board voted with all members in favor.

Board Attorney: Mr. Buccellato nominated Mr. Irene and Mr. McKenna second. The board voted with all members in favor.

Board Engineer: Mr. Buccellato nominated T & M Associates and Mr. Gallego second. The board voted with all members in favor.

Board Planner: Mr. Buccellato amended the previous motion to include the board planner with the board engineer and Mr. Gallego second. The board voted with all members in favor.

Dates of 2009 Meetings:

Mr. Buccellato made a motion to approve the dates with the change in September from the 9th to the 2nd and Mr. McKenna second. The board voted with all members in favor.

Mr. McKenna made a motion to approve the minutes of the December 1, 2008 meeting and Ms. Malanga second. The board voted with all members in favor, except Mr. Dolan and Mr. Gallego who were absent at that meeting.

The board took a 5 minute recess.

Roll call was taken and all members returned when the break was ended.

Resolutions:

Nadipuram Resolution:

Mr. Buccellato made a motion to approve and Mr. Montfort second. The following roll call vote was taken: Mr. Buccellato-yes, Mr. Montfort-yes, Mr. Shea-yes, Mr. Saporito-yes, Ms. Malanga-yes, and Mr. McKenna-yes. Mr. Gallego and Mr. Dolan were absent.

ESK Builders Resolution: Mr. Shea made a motion to approve and Mr. McKenna second. The following roll call vote was taken: Mr. Buccellato-yes, Mr. Montfort-yes, Mr. Shea-yes, Mr. Saporito-yes, Ms. Malanga-yes, and Mr. McKenna-yes. Mr. Gallego and Mr. Dolan were absent.

The first application was JP Morgan Chase Block 120.01, Lot 41

Mr. Carton is the applicant's attorney. He is the special bond counsel for the Borough but there is no conflict of interest with regards to this applicant. Mr. Irene suggested that the Class 1 & 3 members, who are also on the Borough council, step down so there is no question of any impropriety. The notices were reviewed and were good. The board engineer was sworn in. Mr. Junghans of Edison, the applicant's engineer, was sworn in. The site plan was marked for exhibit. The engineer reviewed the current site plan as well as the proposed site plan. He went over the parking, traffic light, drainage, traffic lanes that will be approved by the DOT shortly, landscaping, and the lighting. He then reviewed the board engineer's letter. In regards to the lighting, he stated there would be a security light on at all times. In regards to the trees, he said they would remove a few of them. In regards to irrigation and drainage, he said it would be limited to the areas where it was needed. He also stated that the maintenance bond on the plants is requested for 2 years and they would like to guarantee it for only 1 year. In regards to the directional signs, he said they should have 1 and they have 3. In regards to the lot coverage, he said it is now 78.7 and the proposed is 71.9 so it is a 7% reduction. In regards to the landscaping and fence, he said there is a fence there now and they plan to enhance the landscaping. In regards to the walls and height, he said it would really only be walled around the trash and electrical. In regards to the sidewalks, he said they were not doing anything because they do not want to be responsible for property that is not theirs. In regards to parking, he said they need 14 spaces and they have 54 spaces so they could bank some and provide some greenery. In regards to the traffic signal, he said it should also help to alleviate any parking issues.

Board questions:

Mr. Montfort asked to change the holly trees to something else and the engineer said they would try to replace them with another kind of tree.

Public questions:

Ms. Margeotes of 5 MacArthur Drive requested a fence due to the lights reflecting into her yard. The engineer stated that the cars are entering counter clockwise so the lights should not be a problem but he will work on the fence in that area and the trees to also help with this issue. Mr. Montfort stated that the board would probably want a solid vinyl fence there and the applicant's attorney said that would not be a problem.

Ms. DeVico of 22 Eisenhower Court asked how close the drive thru would be to her property line and the engineer stated 60 feet.

Mr. Crocilla of 11 Eisenhower Court asked if this was a 1-story structure and the engineer stated yes.

Ms. Clifton of 25 Crescent Place asked if the fence not be white but perhaps beige and the engineer agreed.

Mr. Barr of 20 Eisenhower Court asked to clarify where the fence will be put up and replaced, will the shrubbery be as dense as the picture looks and the engineer stated yes it would after a few years growth.

Mr. Lalli of Princeton, the applicant's architect, was sworn in. He marked the plans for exhibit of the interior and then reviewed them.

Board questions:

Mr. Gallego questioned why there was no security door on the first floor and the architect said this was a very typical floor plan in the industry and he did not feel a door was necessary there.

Mr. Montfort asked why the ATM is in the back of the building and the architect said this is typical because the drive thru is usually in the back.

He then reviewed the outside of the building and the structure. The structure and the floor plan are a new design and marketing surveys have led them to believe this is the best structure. He went on to review the signage on the building. Mr. Montfort said he felt there were too many signs. The architect said he went by the ordinance and is allowed 1 sign per façade. The sign is 2.6" letters and the logo is 3.3" and is white and blue in color. Mr. Gallego asked about how bright the sign is and if it radiates out but the architect said it does not, it is just illuminated. Mr. Shea asked if the sign is lit all the time and the architect said yes. He then went on to say there would be about 8-10 employees and the hours would be 8:30-6 Monday through Friday, 9-1 on Saturday and closed on Sunday. He said they shred all documents and there is a cleaning crew that comes at night and trash pick up is done privately.

Public questions:

Mr. Crocilla of 11 Eisenhower Court asked when the construction would begin and how long it would take. The architect said 18-24 weeks and they hope to open this year in about 4-6 months.

Mr. Buccellato of 5 Essie Drive asked if the signs could have down lighting or soffets. The architect said this is their standard sign and branding is very important to the applicant. He also stated that the ordinance seems to support the sign they are using.

Mr. Nelson of Edison, is the applicant's traffic engineer, and was sworn in. He reviewed the traffic report, the traffic signal and the parking spaces near the entrance. He discussed the traffic lane, safety issues and the analysis he had done.

Board questions:

Mr. Montfort asked about the timing of the traffic light and the engineer said the lights are queued to know if traffic is there or not.

Mr. Montfort and Mr. Gallego questioned the parking spaces near the front and the engineer said he would look into it. The attorney stated that they were going to bank 3 spaces up front and 3 spaces are becoming a grassy island and there will be 1 handicap space. He also stated they would like to remove some small plants and put up a better fence.

Ms. Malanga asked about the sidewalks and the engineer stated they are taking what's already there and extending it to the property line. The attorney then reviewed the variances and waivers needed.

Mr. Gallego asked about the signs shining too brightly and the attorney said they could have the northeast sign turned off from 12-6am.

There was a discussion on taking the application to a vote.

Mr. Saporito made a motion to approve the application with the stated changes and Mr. Dolan second. The board voted with all in favor except Mr. Gallego who voted no.

Other business:

Horvath letter – They are requesting an extension of time from an application in 2007. It is Block 119, Lot 12. The board agreed that Mr. Irene should send a letter extending the application. Mr. McKenna made a motion to do this and Mr. Shea second. The board voted with all members in favor.

Walters' approval- Mr. Irene stated this should be revoked because it has been carried a long time with no action. He would like to see it on the February agenda. Mr. Gallego made a motion to put it on the February agenda and Mr. McKenna second. The board voted with all members in favor.

Mr. Gallego made a motion to adjourn the meeting and Mr. McKenna second. The board voted with all members in favor.

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Diane Cannon
Recording Secretary