

**MINUTES OF THE
MENDHAM BOROUGH PLANNING BOARD
November 14, 2016**

Garabrant Center, 4 Wilson Street, Mendham, NJ

CALL TO ORDER

The regular meeting of the Mendham Borough Planning Board was called to order by Mr. Kraft at 7:30PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

OPENING STATEMENT

Notice of this meeting was published in the *Observer Tribune* and in the *Daily Record* on January 14, 2016 and was posted on the bulletin board in the Phoenix House in accordance with the Open Public Meetings Act, and furnished to all those who have requested individual notice and have paid the required fee.

ATTENDANCE

Mayor Henry – Present
Councilman Badal – Absent
Mr. Cascais – Absent
Ms. Lichtenberger – Absent
Mr. Sprandel – Present

Mr. Kraft – Present
Mr. Bradley – Present
Mr. Kay – Present
Administrator Merkt – Present

Also Present:

Mr. Henry, Esquire
Mr. Quarmley, Engineer

#####

MINUTES

Mr. Sprandel made a motion to approve the minutes of the regular meeting of October 11, 2016 and Mr. Bradley seconded. On a voice vote the minutes were approved.

#####

PUBLIC COMMENT

Mr. Kraft opened the meeting to questions and comments on items not included in the agenda. There being none, the public comment session was closed.

#####

APPLICATIONS

PB # 9-16 Wells Fargo Bank, N.A. 86 East Main St
BL 801, Lot 20 SPW – Lighting Replacement

Present: Ray Went, Attorney
Neil Sander, Project Engineer

Mr. Went explained that the lights at the Wells Fargo Bank location need to be upgraded to LED lighting for safety reasons and to comply with NJ state regulations. The Board granted the requested waivers by the TRC and Mr. Sander was sworn and qualified. Mr. Sander testified that they were reducing the 13 canopy fixtures to 10 canopy fixtures as well as maintaining the 1 wall light fixture, and that the lenses would be flush and flat as recommended by TRC. The applicant was happy to comply with a post construction night light inspection by the Board Engineer’s office.

Mayor Henry made a motion to approve the application as presented, and Mr. Kay seconded.

ROLL CALL: The result of the roll call was 6 to 0 as follows:
In favor: Bradley, Henry, Kay, Merkt, Sprandel, Kraft
Opposed: None
Abstentions: None

The motion carried.

RESOLUTIONS

PB #5-16 JP Morgan Chase Bank 98 East Main St
BL 801, Lot 17 Minor Site Plan with Variance

Mr. Kraft asked for comments on the draft resolution and Mr. Henry clarified a grammatical error on page 2, number 4 (f). With no other comments, Mr. Bradley motioned to approve the resolution and Mr. Sprandel seconded.

ROLL CALL: The result of the roll call was 6 to 0 as follows:
In favor: Bradley, Henry, Kay, Merkt, Sprandel, Kraft
Opposed: None
Abstentions: None

The motion carried. The resolution follows.

MENDHAM BOROUGH PLANNING BOARD

RESOLUTION

**GRANTING MINOR SITE PLAN APPROVAL
AND VARIANCES TO JP MORGAN CHASE BANK
APPLICATION PB#5-16
98 EAST MAIN STREET, BLOCK 801, LOT 17**

WHEREAS, JP Morgan Chase Bank (“Applicant”) has applied to the Planning Board of the Borough of Mendham (the “Board”) for minor site plan approval with variances for lot coverage, parking stall size, lighting and signage on property located at 98 East Main Street and designated Block 801, Lot 17 on the Mendham Borough Tax Map (the “Subject Property”); and

WHEREAS, a public hearing was held by the Board on October 11, 2016, at which time the Board reviewed the Application materials filed, heard testimony from witnesses on behalf of Applicant, heard legal argument from counsel for the Applicant, reviewed reports from and heard recommendations from their consultants, and gave the public an opportunity to be heard; and

WHEREAS, the Board, having heard and considered all of the foregoing, and there being no comments from members of the public;

NOW THEREFORE BE IT RESOLVED that, based upon the foregoing, the Board makes the following findings of fact and conclusions of law:

1. Applicant is a lessee of the Subject Property located at 98 East Main Street and designated Block 801, Lot 17 on the Mendham Borough Tax Map. The Subject Property is a parcel of approximately 0.79 acres, fronting on East Main Street, located in the East Business Zone District and within the Main Street Corridor.
2. The Subject Property is presently improved with a building which had been occupied by Lakeland Bank, together with driveways, parking lot, drive-thru lanes, landscaping, and signage relating to the use.

3. Applicant seeks to “re-brand” and occupy the Subject Property as a Chase branch offering banking services to the public.

4. In addition to changes in signage, lighting, architectural finishes, and similar elements identifying the building as a Chase bank in the “re-branding” process. Applicant proposes certain minor Site Plan changes and upgrades, as follows:

(a) The addition of a front pedestrian entrance door facing Main Street and a front entrance walk to that door from the sidewalk;

(b) The addition of an ADA compliant ramp for access to the main bank entrance in the rear of the building;

(c) The addition of a canopy at the rear of the bank;

(d) The conversion of the teller windows and vacuum tube system serving the two drive-thru lanes to drive-thru ATM facilities;

(e) The addition of lighting as required by state law to satisfy ATM security and safety requirements;

(f) The addition of landscape islands to break up the parking area (reducing the parking stall count slightly; and

(g) The installation of additional landscaping on the site.

5. Though minor in nature, the addition and/or change of site elements requires a minor site plan review and approval. Some of the proposed changes on site require variance relief, as well.

6. Applicant submitted a Plan set entitled “Minor Site Plan Approval for Chase”, prepared by Core States Group (4 sheets) dated 7/21/16 and revised

through 9/16/16 [“Cover Sheet”, “Site Plan”, “Lighting & Signage Plan” and “Construction Details”] hereinafter referred to as the “Plans”.

7. Applicant also submitted architectural depictions entitled “Proposed Exterior Elevations”, prepared by Core State Group (1 sheet) dated 9/1/16, hereinafter referred to as the “Architectural Plans”.

8. Applicant also submitted landscape and planting plans and details entitled “Chase Bank, Planting Plan” prepared by Bosenberg Landscape Architecture (2 sheets) dated July 18, 2016, hereinafter referred to as the “Planting Plans”.

9. The Board first considered and granted waivers from checklist requirements for “completeness” with respect to checklist items 3, 10, 17 (key map deficiencies), 31, 32, 33, 46 & 52. The Board further noted that the tax and sewer certification (item number 3) had to be updated and that Applicant was to submit proof that applications had been sent to the Morris County Planning Board (item number 10) and fees paid.

10. Applicant indicated on the Plans and through testimony that two existing conditions which were to continue required technical variances. These were lot coverage (73% relative to 65% maximum permitted by ordinance) and parking stall size (9 foot by 18 foot spaces relative to the 10 foot by 20 foot required minimum size). In addition, four new variances were requested to reflect changes being made on site in connection with the “re-branding” of the bank facility and the installation of ATMs.

11. The new variances sought by Applicant are as follows:

- (a) Light levels of up to 5.1 foot candles at the property line, exceeding the ordinance maximum of one foot candle;
- (b) Installation of signage on the rear building wall (as depicted on the Plans and the Architectural Plans;
- (c) Installation of an internally illuminated “Chase” sign on the ATM; and
- (d) Internally illuminated “ATM” directional signs over the rear entrances to the drive-thru lanes.

12. Applicant’s testimony and the reference by Applicant’s counsel to the state statutory requirement for security and safety lighting of ATM facilities, provided the basis for Applicant having to install lighting on site, notwithstanding it would produce a maximum of 5.1 foot candles at the property lines. This additional mandated lighting for ATM facilities affected both the ATM drive-thru lanes on the westerly side of the building and the separate walk-up ATM facility at the easterly rear corner of the building.

13. Applicant indicated that the proposed signage on the rear walls of the building reflected that the site layout with all parking on the rear behind the bank building resulted in the rear entrance being the main entrance to the bank. This made identification and directional signage on the rear of the building a functional necessity normally associated with the front façade of a building.

14. The signage on the ATMs and the “ATM” directional signs necessitated variance relief because they are internally illuminated.

15. In discussion of overall site lighting, it was observed by the Borough Engineer that the fixtures depicted on the Plans were not the recommended Carson City fixtures, though Applicant's submissions indicated that the intention was to use Carson City fixtures as recommended in the Main Street Corridor. Applicant agreed it would comply and use the recommended Carson City fixtures, particularly the model with the light source in the cap of the fixture. In addition, shielding would be installed on light fixtures as required to reduce or eliminate off-site glare from the pole-mounted fixtures.

16. In discussion with the Board relating to the hours of site lighting, Applicant indicated that the lighting required to satisfy the statutory security and safety requirements relating to ATMs would operate from dusk to dawn. Site lighting by way of the pole-mounted fixtures which contributed to the required ATM security lighting would also be on from dusk to dawn. Applicant agreed, however, that the rear pole-mounted lights (not contributing to the required ATM lighting) would be put on a timer and would be extinguished no later than 10:00 p.m.

17. Applicant confirmed that its proposals had undergone a Main Street Corridor review resulting in a report from the Historic Preservation Commission dated September 20, 2016 sent to Applicant's counsel. The September 20, 2016 report was recognized as part of the Planning Board file in this matter. Applicant agreed to comply with the comments, recommendations, and requirements of the Historic Preservation Commission set forth in the September 20, 2016 letter report.

18. Applicant and the Board reviewed the content of the Borough Engineer's letter of October 7, 2016. Applicant agreed to comply with the comments, recommendations and requirements set forth under "Technical Review" in the October 7, 2016 review letter. Further, Applicant testified that there would be one conventional teller station within the bank building and two automated teller stations (ATMs) within the building. Thus, whether based on square footage or number of teller stations, more than the required number of parking spaces are, and will be, furnished on site. In addition, in discussion of the dumpster pad located at the rear of the property, Applicant advised that the dumpster and concrete pad would be removed from the site. There will be no dumpster on the site (trash and recycling being stored in and collected from the bank building).

19. Applicant indicated that there would be some modifications to the Architectural Plans, particularly with respect to roofing materials and color, in implementation of the Historic Preservation Commission's review relating to Main Street Corridor special design requirements.

20. Based upon all of the foregoing, the Board concluded that, with appropriate conditions, minor site plan approval for the "re-branding" of the Chase Bank on the Subject Property, the construction and installation of the new or modified site elements described in the findings of fact set forth above and shown on the Plans (as revised in accordance with this Resolution), the Architectural Plans (as revised in accordance with this Resolution), and the Planting Plans together with the requested variance relief detailed in finding numbers 10 and 11, above,

is warranted and appropriate, and as to variance relief, can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

BE IT FURTHER RESOLVED that, the Application of JP Morgan Chase Bank for minor site plan approval and variance relief with respect to lot coverage, parking stall size, light levels, signage on rear building walls, and internally illuminated signage, all as detailed in finding numbers 10 and 11, above, on property located at 98 East Main Street and designated Block 801, Lot 17, be and hereby is approved and granted, subject to the following:

1. Applicant shall obtain all other approvals and permits required from any municipal, county, state or federal board, body or agency having jurisdiction over the Subject Property and/or the project.
2. All taxes, municipal fees, and escrows shall be paid and current.
3. Site work and construction shall be in accordance with the application materials submitted to the Board as modified by the testimony adduced at the hearing, the Board's findings and conclusions, and the conditions of approval set forth in this Resolution.
4. As applicable, the Borough Engineer shall be provided with details of construction or other site work, cost estimates where any performance security is required, and, as necessary, Applicant shall provide performance security and/or maintenance security based upon such information, in form and amounts satisfactory to the Borough Attorney and Borough Engineer.

5. Plan Revisions, Plan Notes, and other document revisions detailed in the October 7, 2016 comment letter from the Borough Engineer, shall be made and Applicant shall comply with the comments and recommendation set forth in that letter. The dumpster and concrete pad referenced in the Technical Review shall be removed from the site, the area cleaned up and mulched.
6. In addition to revising the Plans to depict the Carson City lighting fixture described in finding number 15, above, as approved for the Main Street Corridor, Applicant shall install those Carson City fixtures together with shielding to reduce or eliminate off-site glare.
7. Applicant shall take such steps as are practical to reduce light levels at the property lines as much as possible, consistent with the state statutory requirements for ATM security and safety. ATM lighting, including those pole-mounted fixtures which contribute to the required ATM light levels, may be illuminated from dusk until dawn. The pole-mounted lights toward the rear of the property which do not contribute to the required ATM lighting, however, shall be on a timer and shall be extinguished no later than 10:00 p.m.
8. Applicant shall comply with the comments, conditions and requirements of the Historic Preservation Commission as set forth in their September 20, 2016 review letter. Revisions to the Plans and/or Architectural Plans shall be made, as necessary to reflect the requirements set forth in the Commission's letter.
9. Following installation of Applicant's street sign and ground-mounted spot light fixtures, a post-installation inspection shall be made by the Borough

Engineer to confirm that the lighting does not produce any off-site glare which could adversely affect traffic safety.

10. Applicant shall comply with the requirements of the Morris County Planning Board (October 25, 2016 letter) and shall secure the approval of the Morris County Planning Board for the Site Plan.

11. Conditions Nos. 1, 2, 4 (as to any required cost estimates and performance security), 5, 6 (as to Plan revisions), 8 (as to Plan revisions) and 10 shall be satisfied prior to the signing of the Site Plan by the Board.

BE IT FURTHER RESOLVED that this Resolution, adopted this 14th day of November, 2016, memorializes the action taken by the Board as set forth above, at its regular meeting on October 11, 2016.

####

OTHER DISCUSSION ITEMS: 2017 Potential Projects

Four potential projects for 2017 were identified by the Planning Board:

- 1) Updating the Sign Ordinance
- 2) Outdoor Dining and Feedback from the Business Community
- 3) Multi-generational Housing in Single Residences; i.e. Mother / Daughter Apartments
- 4) Extending sewer line farther on West Main to allow for Higher Density Housing

####

OTHER ITEMS: TRC

PB # 10-16 4 East Main Mendham, LP 4 East Main Street
Block 601, Lot 2 Preliminary and Final Site Plan

Mr. Henry stated that the applicant has already completed their parking lot renovations and will need to go to the full Board for site plan review.

####

ADJOURNMENT

There being no additional business to come before the Board, Mayor Henry made a motion to adjourn the meeting and Mr. Sprandel seconded. On a voice vote the meeting adjourned at 8:15pm. The next

November 14, 2016

Planning Board

12

regular scheduled meeting of the Planning Board will be held on **Monday, December 12, 2016 at 7:30PM** at the Garabrant Center, 4 Wilson Street, Mendham.

Respectfully submitted,

Carolyn Mazucco

Carolyn Mazucco
Board Secretary