

**MINUTES OF THE
MENDHAM BOROUGH PLANNING BOARD
August 12, 2013
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER

The regular meeting of the Mendham Borough Planning Board was called to order by Chair Kraft at 8:00 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

CHAIR'S OPENING STATEMENT

Notice of this meeting was published in the Observer Tribune and the Daily Record on January 17, 2013 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
Mr. Bradley – Present
Mr. Cascais - Present
Mr. Gertler – Absent

Mr. Kraft - Present
Mrs. Kopcsik – Absent
Mrs. Lichtenberger - Present
Ms. Sandman – Absent
Councilman Sharkey - Present

Alternates:

Mr. Cavanaugh, Alternate I – Present (8:15 p.m.)
Ms. Isaccson, Alternate II – Absent

Also Present:

Mr. Henry, Attorney
Mr. Ferriero, Engineer
Mr. McGroarty, Planner
Ms. Callahan, Secretary

MINUTES

On motion made by Mr. Bradley, second by Mr. Cascais and carried, the minutes of the regular meeting of July 8, 2013 were approved with clarifying language added pertaining to “conservation easements” and “Borough Attorney” review of documentation in the Mt. Hermon Hills application.

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PUBLIC COMMENT

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

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HEARING

**#944 – Kings Supermarkets – Amended Preliminary & Final Site Plan
Block 801, Lot 20, Mendham Village Shopping Center (Main Street Corridor)**

Present: John Stoltz, Esq., Attorney for the Applicant
Allen Merken, Kings Director of Engineering, Maintenance & Construction
James Debarbieri, Architect for the Applicant
Bruce Fish, Signal Sign Compnay for the Applicant

Exhibits: A-1: Shopping Center Site Plan Colorized (ST101)
A-2: Internal Floor Plan Colorized (A101)
A-3: External Elevation Colorized (A201) 6/17/13 revised 6/22/13
A-4: Signage Panel and Freestanding Sign Design (Meeting Handout)

Mr. Henry, Esq. had reviewed the public notices before the meeting and advised that they were in order.

Mr. Stoltz, Esq. introduced the application stating that the Kings Supermarket is located at 84-88 East Main Street, Block 801, Lot 20. This is the Mendham Village Shopping Center located in the East Business Zone. They are proposing to amend Kings' previous site plan to relocate the entrance, remove the existing vestibule, relocate the cart storage, and replace the panel and freestanding sign. The changes are in conjunction with Kings' new branding which will include interior modifications, more modern technology and more prepared and fresh foods. The exterior changes are minor in scope, occur under the existing canopy and do not have any impact on the rest of the shopping center. No variances are required as the changes are fully conforming.

Mr. Merken, Director of Engineering and Construction, testified that the current interior layout of the store is somewhat disjointed with floral on one side and deli on the other side. They want to drive the shopping pattern from perishable to fresh. Their plans include new refrigeration and LED lighting, relocating the entry/exit vestibule to the middle, moving produce to where the deli is currently located, and moving deli and dairy to the right. They are moving toward more natural items including a juice bar, upgraded cheese island, olive bar, grain mesibar, fresh fruit and an open bakery case.

Responding to Mr. Stoltz, Esq., Mr. Merken continued testifying that there would be no café seating and no pizza oven. In terms of the roof railing system, they have ordered the necessary parts and will make repairs to their portion over the store shortly. In terms of the repairs including those over the other parts of the building, Mr. Stoltz, Esq. explained that he had been in contact with the shopping center owner who indicated that the original installation had not been completed securely. They need to come up with a solution that will not jeopardize their roofing warranty.

Mayor Henry reiterated the state of disrepair of the railing and asked Kings for any help that they could provide in moving the repair along. Mr. Merken responded that the applicant has offered to fix the entire shopping center railing, and they would offset the cost against their common area maintenance charges.

During Board questions, Mr. Henry, Esq. confirmed with the applicant that they had received the Health Department notification that a pre-operation inspection would be required. Addressing Mr. Ferriero on the cost of the repairs, Mr. Merken stated that it was \$3.5 million. They will stay open, and the renovation should be seamless to the customer. Mr. Kraft advised the applicant that there is a Borough ordinance that prohibits construction at certain times and days. They would need to obtain permission from the Borough Council should they want to do construction at any other times.

Mayor Henry raised the issue of the pedestal sign and potential additional space that might be used by other tenants of the shopping center. Some have approached the Borough in the past on its use. Mr. Merken stated that contrary to some previous communication, the landlord controls the sign, not Kings. Mr. McGroarty added that should the sign be used, it would need to be reconfigured as there is space at the bottom. Mr. Ferriero continued that expanding the sign would create the need for a variance.

Mr. James Debarbieri, architect for the applicant, provided his credentials to the Board and was accepted as an expert witness. He introduced Exhibits A-1, A-2, and A-3.

Utilizing Exhibit A-1, Mr. Debarbieri briefly showed the existing external configuration of the Kings store. He then explained Exhibit A-2 indicating that they are proposing a separate entrance and exit at a center location. This allows entry of customers from both sides of the parking area and splits the cart location so customers can obtain them from either side. It also avoids the current crossover of people coming and going in the current vestibule.

In terms of the internal configuration, the bakery would be located in the same area. The deli will remain in the same area, but expanded. The produce that is now on the right side as one enters will be flipped to the other side of the store. When one enters the store, they will be directly headed toward the bakery, the deli and the produce. Cheese will be brought to the front, and floral will be given a more prominent location between the entrance and exit. The size of the sales area will not be expanded.

Utilizing Exhibit A-3 and describing the proposed changes to the front facade, Mr. Debarbieri explained that the existing vestibule would be removed and stone and glass to match the existing on the façade would be added. The railings on the roof area will be repaired. The new entrance would be centered under the clock tower and cupola. In terms of the signage, both the panel sign and the monument sign would be replaced with the Kings corporate logo. They will be the same size as they are today. There is now a picnic table that is used by the employees, and it will still be located in the front.

Mr. Bradley noted that retaining the picnic table was a change in plan from discussion at the TRC. He has received some feedback from some customers indicating that the eating and smoking in the front does not provide a very professional image. He recommended a more private place be found.

Responding to Mr. Kraft on whether there would be outdoor display, Mr. Merken stated that there are no plans for outdoor display. Mr. Kraft noted that there are some displays, mainly floral, in front of the store periodically. Should the applicant want to have display, a variance would be needed. Mr. Merken stated that he would bring it up to the applicant, and if they wanted display, they would come to the Board.

In discussion on the pavement in the parking lot, Mr. Stoltz reported communication from the shopping center landlord that indicated that the remaining part of the lot would be paved pending resolution of an issue dealing with dry cleaning and the DEP. Mr. Ferriero clarified that the potholes exist on the west side where the dumpsters are located and also at the rear of Kings in front of the Tennis Club. Mr. Stoltz advised that Kings does not have the legal authority as related to the shopping center paving, but they have reached out to the landlord.

Mayor Henry stated that he has seen the Gillette store after which this store will be modeled minus the pizza oven, and he looks forward to the change in Mendham. It will be a refreshing look and a big upgrade to the shopping centers for its customers.

Mr. Ferriero confirmed with Mr. Debarbieri that the color of the cart railings would be black or of a dark color. Mr. Henry, Esq. confirmed that there would not be any signage on the railings.

Mr. Bruce Fish, Signal Sign Company, described the new signage utilizing Exhibit A-4 that was provided to the Board as a handout. There are currently two signs with acrylic bases, and the plan is to continue with two new signs that will also have acrylic bases. They will refresh the lighting with new bulbs. The new Kings logo will be portrayed on a linen background, eliminating the previous white. This takes down the glare and removes some illumination.

Responding to Messrs. Sharkey and Kraft on the brightness and wattage, Mr. Fish stated that the intensity would be the same. The light should appear less as the white acrylic will now be covered with a linen color over the whole area.

Addressing Mr. Henry, Esq. on the lettering below "Kings", Mr. Fish stated that it reads "Where inspiration strikes"

Mr. Bradley questioned the Board on whether or not there would be an issue with the rest of the stores who now might want to change signs. They previously agreed to the green background. Mayor Henry stated that previously it was mandated that all signs be green. Mr. Ferriero stated that it was a previous approval by the Board, but that the Board could amend it. There has been an approval by the BOA for Piattino for a different sign package.

Mr. Henry, Esq. noted that there already were some signs that had added logos to the basic uniform signage. Mr. Henry, Esq. noted that to amend the site plan there is both a landlord issue and a site plan issue. The Board can amend the site plan. Mr. Stoltz, Esq. advised that the landlord has signed the application.

Board noted that approving the change could open the door for other stores who want to change their signs, but they also noted that the BOA had already agreed to a change. The Board would need to consider the impact and other stores would need to return to them for approval.

Mr. Henry, Esq. summarized the conditions that the Board would require:

- Standard conditions dealing with permits, escrows and other approvals
- No café seating area in the store
- No pizza oven
- Repair of the roof for the Kings building
- Pre-operational inspection by the Health Department
- No outdoor display
- No signage on the cart railing

Mr. Cascais made a motion to approve the application with the conditions outlined. Councilman Sharkey seconded.

ROLL CALL: The result of the roll call was 6 to 0 as follows:

In Favor: Henry, Bradley, Cascais, Lichtenberger, Sharkey, Kraft
Opposed: None
Abstentions: None

The motion carried. The application was approved. Mr. Henry, Esq. will prepare a resolution approving the application for the September 9 meeting of the Board.

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TRC UPDATES (Information Only)

Mr. Bradley reviewed the approved and pending applications with the Board.

ADJOURNMENT

There being no additional business to come before the Board, on motion made, seconded and carried, Mr. Kraft adjourned the meeting at 9:00 p.m. The next regularly scheduled meeting of the Planning Board will be held on **Monday, September 9, 2013 at 8:00 p.m.** at the Garabrant Center, 4 Wilson St., Mendham.

Respectfully submitted,

Diana Callahan
Recording Secretary

