

MINUTES
PLANNING BOARD
BOROUGH OF NEW PROVIDENCE
TUESDAY, JULY 11, 2017

A. CALL TO ORDER 8:04 p.m.

B. PUBLIC NOTICE: This is a Public Meeting of the Planning Board of the Borough of New Providence, County of Union, and State of New Jersey. Adequate notice of this meeting has been given in accordance with Public Law 1975, Chapter 231, in that an Annual Notice or Revision was made in conformance with Section 13 of the Act.

C. ROLL CALL: Present: Gene Castagna, Bill Hoefling, Gary Kapner, John Keane Chairman Lesnewich, Mayor Morgan, Robert Sartorius and Denise Torsiello. Absent: Matt Cumiskey. Also present: Steve Warner, Board Attorney; Amanda Wolfe, Attorney; Susan Gruel, Borough Planner; Michael O’Krepky, Borough Engineer; Keith Lynch, Director of Planning and Development; and, Margaret Koontz, Secretary

D. PLEDGE OF ALLEGIANCE

E. PUBLIC HEARING

JPMorgan Chase Application #2017-01
75 South Street, Block 171, Lot 25, CCD, New Providence, NJ 07974

Preliminary and final site plan approval to redevelop the property for a bank with variances to allow three signs, rather than one; a freestanding sign having 36 SF and a wall sign of 36.9 SF, rather than 25 SF; and light poles having a height of 25 feet, rather than 20 feet, together with any additional variances, waiver or other relief required by the Board.

Messrs. Kapner and Keane were absent for the hearing on June 6, 2017, but read the transcript and were eligible to vote on the application.

Gregory Meese of Price, Meese, Shulman & D’Arminio, attorney for the applicant, testified that the applicant heard the Board’s concerns about the two-way driveways and circulation on the site and revised the plans to address these concerns as well as most of the issues in the Borough Engineer’s review letter dated April 27, 2017. The applicant has changed the driveways to be one way. The entrance to the site (southern driveway) is away from the entrance to the bank. Vehicles at the ATM will be able to see incoming vehicles. JPMorgan Chase is agreeable to putting the blue light on the front of the bank (southern elevation) on a

timer and dimmer. After construction, the bank will set the light to the desired level but this will be subject to the Borough's review, and if too bright, the bank is willing to dim it or turn it off.

Elizabeth Leheny, the applicant's planner, was sworn in.

Matt DeWitt, Core States Group, previously sworn in on June 6, 2017, was recalled and described in greater detail the revisions to the plans. A colorized version of Sheet C-2.1, Phases 1 & 2 Exhibit revised 6/30/17 was marked as Exhibit A-10. Phase 2 on the exhibit shows the ATM and additional parking spaces.

The driveways are now one-way. Vehicles will enter via the southern driveway and exit via the northern driveway. In addition, the parking spaces have been angled. There will be 20 parking spaces in Phase 1 and 24, as originally proposed, in Phase 2. The stop bar at the ATM has been bumped out and hatching added for visibility. Landscaping and shade trees have been added along the sidewalk frontage on South Street between the sidewalk and the building and the original landscaping will remain. Three shade trees have been added but a waiver is required for the number of trees as six are required. The patio area on the northeast corner of the site will remain. Mayor Morgan spoke to Council which has agreed that the Borough will maintain the patio.

The bank proposes three wall signs: One on the front of the building (southern façade), one on the South Street façade and one at the rear by the ATM. A variance is required for the number of wall signs as only one is permitted. Ms. Gruel noted that her review letter of July 11, 2017, is incorrect in that a variance is not required for the size of the front façade sign. The monument sign on South Street is permitted and does not require a variance.

There were no questions from the public for Mr. DeWitt.

David Shropshire, Shropshire Associates, LLC, previously sworn in on June 6, 2017, was also recalled. Mr. Shropshire supports the design changes proposed by the applicant for the driveways and circulation on site. They represent good traffic engineering design and are safe and efficient for low-speed one-way circulation. The angled parking spaces are appropriately sized. The entrance and exit driveways have been reduced to 20' wide. The new clockwise circulation on the site makes the whole parking field available which is beneficial as there are less conflict points with the one-way drive isles. The redesign of the driveways and circulation on the site don't change the level of service although service may improve with the in-and-out driveways.

Mr. Shropshire responded to questions from the Board. The handicap parking spaces are located closest to the crosswalk. The entrance to the ramp is to the left. The queuing area for outbound traffic is sufficient although one car will have to wait for the queue to clear before

backing out. Banks don't have large delivery trucks. All delivery trucks on the site will be single-unit trucks - mostly FedEx or UPS trucks - and the parking lot can handle them. The cleaning crew removes the trash and paper is shredded and removed.

The public had no questions for Mr. Shropshire.

Elizabeth Leheny, Phillips Preiss Grygiel, presented her credentials as a licensed professional planner and was accepted as such. Ms. Leheny was not present at the hearing on June 6, 2017, but read the transcript and is familiar with the testimony and the site. The applicant seeks variances for the number of signs, landscaping and the lighting. Variances are required for the number of wall signs as the applicant proposes three and one is permitted and for the size of the vertical 6 SF ATM sign which exceeds 4% of the ATM façade area. The Board discussed whether the logo above the vertical ATM sign and also the Chase lettering on the ATM should be counted as additional signs. Mr. Lynch clarified that the sign on the ATM is part of the machine and is not considered an additional sign. The wall sign on the ATM is at the back side of the building and is only visible when going through the ATM. It's internally illuminated and can't be seen from the public right-of-way.

JPMorgan Chase proposes to add three shade trees in the landscaping areas along South Street and rear parking lot area. Six trees are required but the site constraints limit the number of trees that can be planted. With the additional trees, the variance for the number of trees is no longer needed but the bank requests a waiver.

Lighting levels exceed the maximum allowed along the northern and western property lines. JPMorgan Chase requests a waiver for the site illumination at the ATM because it exceeds .5 footcandles. The applicant cannot change this lighting as the state dictates lighting requirements for ATMs for safety reasons. As testified earlier, the bank is willing to put the blue light on the front façade on a timer and dim it if necessary.

In addition to the sign variances, JPMorgan Chase requires the following variances for Phase 1: Side-yard setback of 8.19' where 25' is required; setback for the parking lot which abuts a residential district and is less than the required 30'; parking in front which is less than 50' from the street right-of-way; and, lack of a loading space. Ms. Leheny addressed the Borough Planner's comments in her review letters dated May 3, 2017 and July 11, 2017. The floodway and riparian zone force orientation of the building on the site. An entrance on South Street is impractical because the handicap ramp can't be located there without encroaching into the sidewalk. Shrinking the size of the bank would interfere with the bank's operations. It's appropriate to have a sign over the main entrance of the building. The building sign on South Street is also appropriate for safety so that people can see the building and can maneuver to the site. The sign is also appropriate for aesthetic reasons as it would look strange to have a building façade without signage. The wall sign on South Street is less than what is permitted and it attempts to evoke a typical downtown street front. It's

customary for a bank to have an ATM. It's not viewable from the public right-of-way and the sign can only be seen when driving up to it. In addition, there are no residences nearby and the closest neighbor is a bank with its own ATM sign. A variance is required for the size of the sign as previously noted. The sign is small if the entire façade rather than the façade immediately around the ATM were used to calculate the allowable signage. The proposed bank is on a gateway property and the size and number of signs are appropriate and present no detriment and advance the purposes of Municipal Land Use Law (40: 55D-2 a and g). The signs are on a permitted use and won't create sign clutter or distract from the site design. They are also consistent with sign guidelines. The letters and characters are compatible with the building. The existing Friendly's Restaurant is vacant and is not a good gateway into the downtown. The proposed bank will be a good gateway and is consistent with the 2009 Master Plan and Downtown Master Plan.

Ms. Leheny addressed the variances required for the lighting, side-yard setback, setback for parking in front and buffer to a residential zone. As previously testified, the footcandles on the northern and western border of the property exceed what is permitted. JPMorgan Chase can't add more light poles on the site or relocate the poles because of DEP regulations. Most of the increased lighting is from the ATM and the lighting for the ATM is required by the state for safety. The ATM abuts open space and the residential area that it abuts isn't developed so the variance for the lighting is reasonable. The variance for the side-yard setback of 8.19' is required because of the 6' addition to the building on the north side but is temporary. This is the only place where the building can be expanded and the side yard will conform following the land swap. The bank doesn't need or want a loading space. Deliveries are by box or armored trucks as previously testified. The site can accommodate the trucks and there is no need for a loading space. JPMorgan Chase can't do anything about the 50' setback from the street right-of-way required for parking in the front because of the environmental constraints. The site lacks a 30' buffer to the R-2 Residential Zone; however, there's a natural buffer with the creek and a dedicated natural space on the other side of the creek that provides a buffer.

Ms. Leheny concluded her testimony stating that it's impossible to do anything on the site without requiring variances because of the site's environmental constraints. The proposed bank poses no substantial detriments to the public good or to the zoning plan or ordinances. The impervious coverage will be reduced. Redevelopment of the site for the bank is consistent with the Downtown Master plan. The vacant environmentally constrained site will be cleaned up and developed.

There were no questions from the public regarding Ms. Leheny's testimony.

Mr. Meese summarized the application noting that JPMorgan Chase was willing to work with Board and the community and changed the plans to address the Board's concerns. The plan

works and redevelopment of the site for the bank will be a benefit to downtown. Mr. Meese hopes the Board will approve the application.

The Board asked about the status of the land swap. The agreement was executed in November 2016 and the applicant thought it was complete. The subdivision application was in the works and was going to be filed with this application. However, there is an issue with Green Acres. The applicant decided to proceed with the application in two phases with the ATM component to be done in Phase 2 following the land swap. It could take 18 to 24 months or longer for DEP and the Green Acres agreement. The bank can redevelop the site and open without the ATM but the ATM requires the agreement. JPMorgan Chase has offered to help but the Borough has to be the applicant for Green Acres. Mr. Meese is confident that the Borough will proceed with the Green Acres application but he isn't confident in how long it will take for DEP approval. The applicant will most likely install the curb and conduit for the ATM during Phase 1. The area is already paved so it will probably stripe it during Phase 1 as well.

The hearing was opened to comments from the public. Being none, the hearing was closed and the Board discussed the application.

Chairman Lesnewich initiated the discussion. The site has a lot of constraints so that any redevelopment of the site will have the same issues that the applicant is facing. The existing building is not sound to be used for anything else. He had no issues with any of the variances requested. After reading the testimony of the first hearing, Mr. Keane concluded that there is only one way to orient the building and the orientation is appropriate. Mr. Castagna believes the applicant made positive changes but is concerned that the blue light on the wall façade might be too bright. Mr. Kapner, who read the transcript of the first hearing, also expressed concern that the lighting on the whole site could be bright but the benefits of redeveloping the site for the bank outweigh the negatives. In addition, the bank has agreed to put the lights on a timer and is willing to dim or shut them off following a post-construction review. Mr. Hoefling was pleased that the bank listened to the Board's concerns. The lights can be controlled post construction. The bank has designed the South Street façade of the building to look as if it's the front of the building even though it isn't. The parking lot has been the way it is for probably 40 years and the ATM signage has no public impact. He doesn't want to see any signs in the windows. Mayor Morgan thanked the applicant for listening to the Board's concerns about the driveways and for changing them to improve traffic flow on South Street.

Mayor Morgan moved to approve the application with the following conditions: 1) the blue lighting on the front of the building (southern elevation) will be subject to review by the Construction Official following construction and will be dimmed or turned off if too bright, 2) the patio area on South Street will remain and will be maintained by the Borough, and 3) there will be no signs in the windows. Mr. Kapner seconded the motion. Members voting in

favor: Bill Hoefling, Gary Kapner, John Keane, Mayor Morgan, Robert Sartorius, Gene Castagna and Chairman Lesnewich.

F. OTHER BUSINESS

No other business.

G. MISCELLANEOUS BUSINESS

The Board would like to change the checklist to require applicants to submit a limited number of full-size plans for the Borough professionals with the balance being 11" x 17" as a condition of completeness for an application. The Board thought that the checklist had already been changed after a similar discussion several years ago, but if not, Council will have to amend the ordinance to change the checklist.

H. MINUTES

Mayor Morgan moved to approve the minutes for June 6 and 13, 2017, as submitted. Mr. Hoefling seconded the motion and the minutes were approved. Messrs. Kapner and Keane abstained from voting on the June 6th minutes as they were absent from the meeting. Chairman Lesnewich and Mr. Kapner abstained from voting on the June 13th as they were absent from the meeting.

I. ADJOURNMENT

Mayor Morgan moved and Mr. Hoefling seconded the motion to adjourn. The meeting was adjourned at 9:20 p.m.

Respectfully submitted,
Margaret Koontz
Planning Board Secretary