

**TOWNSHIP OF MORRIS
PLANNING BOARD
SPECIAL MEETING MINUTES
FEBRUARY 8, 2010**

Call to Order

Special meeting of the Township of Morris Planning Board was called to order on Monday, evening February 8, 2010 at 7:32 P.M. in the Municipal Building, 50 Woodland Avenue, Township of Morris.

Statement of Adequate Notice: The Chairman issued the following statement:

"I hereby announce and state that adequate notice of this meeting was provided by the Secretary of this Planning Board by preparing a notice dated **February 1**, 2010, specifying the time, date and place of this meeting, posting such notice on the bulletin board in the Municipal Building; filing said notice with the Clerk of the Township of Morris; forwarding the notice to the Morris County Daily Record and the Morris News Bee, and forwarding, by mail, the said notice to all persons on the request list, and I hereby hand a copy of such notice to the Secretary of the Planning Board for inclusion in the minutes of this meeting, all of the above actions being in accordance with N.J.S.A. 10:4-6, et seq., Open Public Meetings Act."

Pledge of Allegiance was led by Mr. Rick Haan, Chairman

Roll Call of Planning Board Members and Professionals

Members Present

Mr. Rick Haan, Chairman
Mr. Lawrence Bobbin
Mr. Jeremiah Loughman
Mr. Craig Goss
Mayor Scott Rosenbush
Mr. Leigh Tucker Doxsee
Mr. Anthony Romano
Mr. Franz Vintschger
Mr. Daniel Caffrey
Ms. Linda Murphy, Alternate #1
Mr. Kevin McNally, Alternate #2

Members Absent

None

Professionals Present

Steve Schaffer, Board Attorney
David Hansen, Board Engineer
Sonia Santiago, Secretary

Professionals Absent

Adrian Humbert, Board Planner
James Slate, Board Engineer
Brian Burns, Board Attorney

Public Hearings

Mr. Loughman recused himself from the following application

B-12-09, Township Plaza, LLC

Amended Site Plan/Variance

Block 109, Lot 19-21, 146-150 Speedwell Avenue, B-11 zone.

Continuation from the January 11, 2010 public hearing, applicant proposes retail use, building addition and other related improvements.

Mr. Alan Rich, attorney for the applicant entered his appearance and presented the application to the Board members.

The following professionals appeared to be heard.

Paul Anderson, Professional Engineer

The following exhibits were submitted during testimony.

A-2 Colored Site Plan

B-1 thru B-3 Photographs of the rear property line

Summary of Testimony – Paul Anderson, Professional Engineer

Mr. Anderson stated that they had prepared several concepts to alleviate the parking issues and presented it to the Board professionals for consideration. He proceeded to review previous submitted exhibit A-1 with the Board. Basically we eliminated two parking spaces on lot 19 & 20 on the existing driveway and maintained 4 parking spaces in front of the building which we felt it was useful for commercial business. We returned to the TCC and they were not in favor of the parallel parking configuration they preferred angled parking spaces. They asked us to do less parking in the front at an angled parking configuration so that it would be easier for people to get in and out and when they back out they would not back out all the way into the street which would reduce the impact on roadway traffic.

Exhibit A-2 which consisted of Colored site plan adding planters with three parking spaces on an angle in front of the building. The changes that the Board had suggested in the rear parking area were also incorporated into the plan; we have pulled the parking away from the property line and maintained the existing planting area on the west side of the site where the tall hemlocks are located, we call for the removal of the hemlocks because they are in poor condition and the area will be replanted with evergreen vegetation. The Board on Board fence will remain. We have improved the pedestrian circulation by adding side walk in the front between the buildings.

We have reduced the impervious coverage, previously lot 19 was 80%, lot 20 94% and lot 21 92%, lot 19 will remain at 80%, lot 20 will be reduced to 92% and lot 21 down to 84%.

In terms of parking previously it was 57 spaces required and 31 proposed and with this new plan we are at 57 spaces required with 30 being proposed. With this concept we have reduced the impervious coverage and changed the functionality of the parking in the front. Mr. Anderson further testified that previously on lot 21 there were 4 parking spaces and now

it has been reduced to three spaces for better functionality. A lengthy discussion was carried regarding the parking angle in the front and planting on the property.

Mr. Rosenbush stated to be concerned regarding the parking along the front he feels there is still an opportunity to provide four parking spaces parallel to the road in the right of way or set back from the street directly and that will provide safety for those parking in those parking places because there is parking to the north of Sherman Avenue and it would be safer for them to pull into Speedwell Avenue.

Mr. Rich, attorney for the applicant reminded the Board that they had filed an application for a change of use not to configure the site. His applicant is willing to do what is best as long as it is conducive to the property and his client's needs. He believes it is not in their best interest to obviate to what was previously approved. We have in place right now approved five parking spaces on front of lot 21; an approved paved area on lot 20. They are willing to do anything within reason that will improve the area. If the angle of the angled parking is an issue we are willing to work with the angle to make that angle more workable to your professionals. We will come up with a plan that will meet their needs. We thought we had done that by reviewing the plan. We believe this is a workable site plan even if we have to modify the angle. I don't think my client is interested at this point in placing parallel parking in front of the building. This is a relative small property there is not a lot of room on the property. We are trying our best to improve the needs of the community. We are back were we started which is to get a change of use.

Mr. Haan addressed the applicant's attorney and stated that the Board was trying to work with them and that they (the Board) were going by the Master Plan which is to improve the Speedwell business district. He looks forward to have the opportunity to see the improvement.

Mr. Rich stated that he agrees with the Board but in a downtown parking situation the town controls the parking and they could change or reduce the parking along the roadway in the future, from our perspective there is not enough parking as it is. We are trying to hold on to what we have.

Mr. Shaffer stated that what is in front of the board is an application which has several variances which includes parking in front of lot 20 unless someone can show that it was permitted parking, there is a side yard setback variance in the last approval and a cross easement. I'm not sure legally how this site works. What is before the board is a site plan for variance, to that extent everything that has been discussed is within your rights, along with the applicant's rights to withdraw the application.

Mr. Anderson stated that looking at the current tenants or other tenants that potentially come in if we remove these parking spaces now they will never come back and every tenant that comes in will look at a change of use and will see that this building does not have parking and will stay away. This is significant to the use. There is no history of traffic accidents related to the current parking situation.

The meeting was opened to the public for questions or comments; the following persons appeared to be heard.

Regina Doherty
David Unger

30 Sherman Avenue
7 Sherman Avenue

Mr. Caffrey's concern is the school near by, pedestrian and traffic flow and he recommends that front parking be assigned to employees and residents.

Mr. Rosenbush stated a concern, while a change of use we are not moving to reduce parking, we are adding precedence for a parking variance.

Mr. Vintschger did not agreed to the assignment of the front parking to the employee's or residents

Mr. McNally stated that he would like to see a speed hump placed in order to control cars from speeding and no left turn into Sherman Avenue.

Mr. Rich stated that the reality is that we have 5 parking spaces approved in front of lot 21 and an approved paved area on lot 20, if the board is not inclined to favorably approve the application with the angle parking those parking spaces previously approved will remain there. We are trying to adjust to make the site work. What we are trying to do here is to clean up and make this area work. We would like for the board to favorably look at this application. If we don't get the application approved we will loose our tenant.

Mr. Schaffer read into the record paragraph 6 of the resolution of approval in 2001 which related to the previously approved parking spaces in 1978.

A discussion was carried regarding the previous approval which consisted of a cross easement for parking access egress, trash enclosure and utilities which has not been done.

Mr. Rich agreed that the previous approval was not perfected and that they will also comply with the previous approval.

Mr. Loboizzo stated that he can get a temporary certificate of occupancy if the Board gives him permission to work on the parking he would start the next day; but it doesn't work like that because he would have to get the site plan signed and the resolution approved. With the resolution approved he would have to post a bond to get the site work done and that if he doesn't complete the work the Town can use the bond and complete the job.

The Board made the following stipulations, 5 spaces at 60 degree angle parking, no left turn sign onto Sherman Ave, speed hump to be placed per the Township Engineers determination to reduce the speed of traffic, hours of operation will be from 6 am to 9 pm.

The applicant has agreed to the Board's stipulations.

Mr. McNally moved, seconded by Mr. Vintschger that approval be granted to the application of Township Plaza, LLC thereby permitting the retail use, addition and other related improvements on Block 109, Lot 19, 20 & 21 with conditions stipulated and that the Board Attorney be authorized to prepare a formal resolution memorializing action taken by the Board, same to be presented for consideration at the March 15, 2010 meeting of the Board.

Roll Call (Voting Members)

Mr. Bobbin	YES
Mr. Goss	YES
Mr. Rosenbush	NO
Mr. Doxsee	NO
Mr. Romano	NO
Mr. Vintschger	YES
Mr. Caffrey	YES
Mr. McNally	YES
Mr. Haan	YES

Approval granted to the application with a vote of 6 Ayes 3 Nays.

Recess taken at 9:24 pm
Reconvened at 9:30 pm

Mr. Loughman is seated at 9:30 pm

PB-11-09, Crestmont MM, LP

Amended Site Plan/ Variance

Block 10503, Lot 5, 155 East Hanover Avenue, I-21 zone.

Applicant proposes to install a new entry portal canopy to the Hanover Avenue frontage of the existing structure; additional identification and directional signage on the property.

Proof of publication and affidavit of service filed and approved by the Board attorney.

TCC report dated October 19, 2009 was read into the record by Steve Schaffer, Board Attorney.

Site inspection report dated November 1, 2009 was read into the record by Mr. Bobbin, chairman of the site inspection committee.

Environmental Commission report dated November 12, 2009 was read into the record by Mr. Rick Haan, chairman of the Board.

Mr. Douglas Henshaw, attorney for the applicant entered his appearance and presented the application to the Board members.

The following professionals appeared to be heard.
George Jaworski, Professional Engineer
William L. Strauss, VP Crestmont

The following exhibits were submitted during testimony.
A-1 Signage Variance with photographs
A-2 Aerial Map
A-3 Colored Site Plan
A-4 Photo Board
A-5 Service Center Elevation plan

Summary of Testimony – George Jaworski, Professional Engineer

Mr. Jaworski reviewed the aerial photograph with the board members. He stated that this is a very large parcel for the zone. The existing building is approximately 130,478 square feet. The existing property has two driveways approximately 450 feet apart which service the site. The application consists of two parts, one is the existing amendment to the conditions of the previous approval and the second consists of the signage on the property.

Based on Mr. Slate's letter dated February 2, 2009 one of the conditions of the approval was to provide privacy slats on the fence along the rear, at the time of that approval it was anticipated that the area was going to be for damaged cars parked along the rear; since that time all of the damaged cars are parked underneath an overhang in the back of the building. The privacy slats are no longer needed and the amendment is to leave the rear fence the way it is.

The original approved plans called for the removal of the loading dock and trash compactor. It was originally anticipated to be removed, Mercedes would like to keep them; you cannot see them unless you drive towards the back of the site.

Temporary signs will be removed.

The water tank is located to the west side of the building and it was anticipated to be removed; Mercedes would like to keep the water tank due to the economic burden to remove the tank. The tank is not in use at this time and the building is sprinklered.

The storage container located next to the trash enclosure is currently used for the lawn maintenance equipment storage and Mercedes would like to keep it and add one additional container for maintenance material storage.

Mr. Henshaw stated that the detention basin concerns relate to the stormwater outfall structure and it is his understanding that it has been resolved. If the Board wishes to make it a condition of approval that the detention basin has been resolved he agreed to it being a condition of approval.

The second part of the application is signage, Mr. Jaworski reviewed exhibit A-4 which consisted of signs throughout the site.

Mr. Jaworski stated that most of the activities are to the south side of the building. The southern driveway will have two signs with a more uniform look. The northern driveway will have a directional sign for parts and receiving. Mr. Jaworski gave an overview of all the proposed directional signs throughout the site. He stated that the purpose was to keep all of the signs uniform.

The last sign is the Mercedes logo to be painted on the water tank tower located at an angle of 45 degree towards the road and cannot be seen from the adjacent parking lot or building.

The building mounted signs permitted in the zone is two, there is one previously approved the proposal is three new additional building mounted signs for a total of five signs where two signs are permitted. The area of the sign for the water tank is permitted at 101.75 square feet. The proposed logo and letters underneath will be a total of 354.5 square feet for the water tank.

Mr. Jaworski proceeded to identify the variances requested for the signs being proposed as follows. Freestanding number of signs, the ordinance permits one, there is one existing which will remain and we are proposing six additional signs for total of seven signs. Any directional signs we are considering a freestanding sign. The max area of a freestanding sign is 30 square feet, the pylon sign is 38.4 square feet, this sign is 8.4 square feet larger than what the ordinance allows. The new horizontal pylon at the center is 29.8 sq ft, no variance is required, the setback for a freestanding sign is 17.5 feet the main pylon at the driveway is setback 30 ft, the horizontal pylon sign is setback 1 foot from the property line which turns out to be approximately 10 to 11 feet from the existing curb line. We did check the site distance to make sure this sign was not in the way. Adding all of the signs being proposed total amount is seven freestanding and five building mounted for a total of 12 signs. The variances will be for the excessive amount of signs proposed and the one foot setback for the horizontal sign and the 10 foot setback for sign B. A lengthy discussion was carried regarding the signs being proposed.

Summary of Testimony - Williams L. Strauss III- Vice President for Crestmont

Mr. Strauss stated that the existing sign on the front of the building was erected on March 2005. He also testified that there is approximately 100 feet in elevation from the train tracks and the wrecked cars cannot be seen from the train.

He also stated that the Mercedes Benz lettering underneath the symbol is a trade mark of the company and they are bound by it, he stated that he will see if he can have it removed but he was not sure that he could.

Mr. Strauss stated that the storage sheds are use to store used tires and the other one is for lawn maintenance equipment.

Summary of Testimony – Robert Nocella, Architect

Mr. Nocella reviewed exhibit A-5 which consisted of the service center exterior elevations with the Board. He stated that they were modifying the east side façade which faces towards Hanover Avenue. The façade does not generate any additional variances; it is all within the ordinance setback requirements. He further testified that all signs proposed are to be internally illuminated. Only letters and directional arrows will be glow at night. Sign lighting will be controlled by timers and will be turned off between 9:00 pm and 6:00 am. The night drop sign, the horizontal pylon sign, the existing building mounted sign are proposed to illuminated from dusk to dawn.

Mr. Nocella during testimony clarified that all directional signs labeled 4.8 feet wide are a typo all signs will be 4.0 wide and the sign over the parts entrance is also misleading the size is approximately 24 5/8 inches high and 7.2 feet wide.

The meeting was opened to the public for questions or comments; no one appeared to be heard.

Mr. Strauss stated that driving east on Hanover Avenue to have the water tower as a Mercedes Benz symbol helps identify it to the consumer, and being lit during the winter months until 7:00 pm is reasonable. He thanked the Board for their time.

After discussion the Board stipulated the following conditions; that all signs be approved with the correct dimensions discussed at the hearing with the exception of the water tank sign, lights to be off by 9:00pm with the exceptions of those that are on from dusk to dawn.

The chairman stated that besides the signs the other things that they are requesting there seems to be no issues except with the water tank to be taken down, that was in the plans originally and they are now asking to keep it. The privacy slats removal of the loading docks; obviously they are removing all temporary signs, the storage containers on the right side for the landscaping equipment and the detention basin that will be subject to the Township Engineers acceptance.

Mr. Rosenbush moved, seconded by Mr. Vintschger that approval be granted to the application of Crestmont MM, LP thereby permitting the new entry portal and additional identification and directional signage on Block 10503, Lot 5 with conditions stipulated and that the Board Attorney be authorized to prepare a formal resolution memorializing action taken by the Board, same to be presented for consideration at the March 15, 2010 meeting of the Board.

Roll Call (Voting Members)

Mr. Bobbin	YES
Mr. Loughman	YES
Mr. Goss	NO
Mr. Rosenbush	YES
Mr. Doxsee	YES

Mr. Romano	YES
Mr. Vintschger	YES
Mr. Caffrey	YES
Mr. Haan	YES

Other Matters

With no further business for consideration by the Township of Morris Planning Board, on motion duly made, seconded and carried, the meeting was adjourned at 11:10 pm.

Respectfully submitted,

Sonia Santiago, Secretary
Township of Morris Planning Board