

**MINUTES OF THE PARSIPPANY – TROY HILLS
PLANNING BOARD – REGULAR MEETING
MONDAY JUNE 28, 2010**

Chairman Parikh called the Planning Board Meeting of Monday, to order at 7:33 PM.

Members Present: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh

Also Present: Anne Marie Rizzuto, Planning Board Attorney
Edward Snieckus, Burgis Associates
Gordon Meth, The RBA Group

Absent: Mr. Purzycki

Announcement is made that adequate notice of this meeting has been given, that it is being conducted in accordance with N. J. S. A. 10:4-6 et seq. of the New Jersey “Open Public Meetings Act”.

The meeting was opened to the public on anything not on the agenda. There was no one in the public wishing to speak.

Mr. Keller made a motion to approve the resolution granting Minor Site Plan and “C” Variance approval for Maurice Sousa, Crossroads, Block: 770 Lot: 3, 181 New Road, Application # 10:505. Motion seconded by Mr. Burns. Ayes: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

Mr. Keller made a motion to approve the resolution granting Minor Site Plan and “C” Variance approval to 9 Entin Road Associates, LLC, Block: 202 Lot: 9, Application # 09:523. Motion seconded by Mr. Burns. Ms. Rizzuto explained that there is a revised resolution per discussions with Theodore Einhorn, the applicant’s attorney regarding the past requirements about Entin Rd. & Sylvan Way and Georgene Court. Those improvements are not required at this time as part of this application. Ayes: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

There is a memo from Judy Silver, Township Clerk requesting a recommendation on ordinances 2010:13, 2010:14, 2010:15, and 2010:16 regarding bonding. There were no comments from any of the Board members on the ordinances.

There is a letter from Robert Garofalo requesting an extension of six month of the Preliminary Subdivision approval on block 98 lot 22 & 23, application # 02:007.

Robert Garofalo was present and he asked that it be carried because his client is not present. The previous extension expired May 27. They were delayed by Morris County Soil and the TWA permit, both of whom have now granted extensions. Mr. Garofalo will provide copies of those extensions. Chairman Parikh said he does not feel testimony is needed. There were no questions from the Board. Mr. Keller made a motion to grant a six month extension for Fox Run Developers to 12/28/10. Motion seconded by Mr. Dinsmore. Ayes: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

Chairman Parikh announced that the application for ADP, Inc. on Waterview Blvd. is carried to September 27, 2010 at the request of the applicant. There will be no further notice.

The first case is Capital One, Block: 729 Lot: 1, 1295 Route 46, Final Site Plan, Application # 10:510. Lawrence Calli from Porzio Bromberg & Newman represented the applicant.

Reports for the record;

- Burgis Associates dated May 24, 2010
- The RBA Group dated June 25, 2010
- Fire District #5 dated June 2, 2010
- Township Forester dated May 18, 2010
- Water Department dated April 16, 2010

Mr. Calli said the most current plans are on file with the Board. The site engineer is present if anyone has questions. HE said they will comply with the report of the Fire Chief regarding no parking signs and fire zone striping. The said they will also comply with the report from Mr. Meth. Mr. Calli said he believes their spaces are compliant and Mr. Meth agreed so that comment can be deleted from his report.

MS. Rizzuto asked about the Township sign for Smith Field which the applicant had agreed to replace. Mr. Calli said they will comply and replace the sign. There were no other questions from the Board or the public.

Mr. Keller made a motion to approve the Final Site Plan for Capital One, Block: 729 Lot: 1, 1295 Route 46, Application # 10:510 subject to the reports of Burgis Associates dated May 24, 2010, The RBA Group dated June 25, 2010 except item # 1 and the Fire Chief of District #5. In addition the Smith Field sign will be replaced. Motion seconded by Mr. Corcoran. Ayes: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

The next case is Adath Shalom Synagogue, Block: 15 Lot: 56, 841 Mountain Way, Conditional Use / "C" Variance, Application # 10:512. Martin Geller represented the applicant.

Reports for the record;

Burgis Associates dated June 15, 2010
The RBA Group dated June 25, 2010
Health Department dated May 25, 2010
Water Department dated May 4, 2010
Tax Assessor dated May 26, 2010
Township Forester dated May 26, 2010

Mr. Geller said that as well as being the attorney for the Temple he is on the Board of Directors and a CO-Chair of the pre-school committee.

He said they are here for a conditional use to operate a child care center. They need a variance for parking. They intend to have 28 children in the day care and that should have no impact on parking. Currently there is a house of worship a social hall and Hebrew school on the site. He said the additional use will not have an impact.

Chairman Parikh asked to review the completeness items. Mr. Snieckus said there are several items that require testimony. They include ownership, any other approvals required or licenses, clarification of the floor plan, topography and the age of the site plan and survey submitted.

Mr. Meth said for his report he visited the site and it is built exactly per the 1996 site plan and he believes it is fine to proceed. The four ADA spaces in front have been revised to comply with current code. There are two ADA spaces on the side by the school that do not comply.

There is one waiver required for the topographic information, and since there are no construction changes on the site Mr. Snieckus said it should be OK. Mr. Keller made a motion to grant the waiver for a topographic study. Motion seconded by Ms. Bronfman, Ayes: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

Mr. Geller called Charlotte Frank who was sworn in. Ms. Frank is the education director and a member of the temple. She is director for the current religious school, an after school program. She said only member's children attend the religious school. They have 145 children and 15 teachers on Sunday and 12 who work on Thursday. The hours are 9 – 12:15 on Sunday and 4:15 – 6:00 on Thursday. There is no school on religious holidays so when the sanctuary is in use there is never school. The pre-school will be the same in that regard. There will be no pre-school on Sundays. Ms. Frank said the parking lot is full three days a year, Rosh Hashanah and Yom Kippur.

The ages in the Religious school are starting at 5 years old who only come on Sunday with children to 7 years old. Starting at 8 years they come on Thursday until they are 13 ½ maximum. Most parents car-pool and do not stay so about 30 cars come through. There are only about 20 cars maximum in the lot on Thursday afternoon for the religious school.

On the site plan submitted Ms. Frank showed the circulation pattern. The drop off is on the side of the building. There is a locked entrance and the children are buzzed in. There is a circle for the traffic. Dismissal is at 6:00 and the children are picked up in the front loop. The children are called out and go home. They average 15 cars. There are about 10 cars that park and the parent comes in to the side door before 5:50.

The drop off for the child care will be at the side entrance in the morning with the same buzz in system. The only overlap will be Thursdays between 4:00 and 6:15, but pick up for the day car is to be at the side while the religious school pick-up is in front.

There is a playground existing which is fenced in. It is not used by the religious school so it will be only for the day care. The site plan shows a future canopy and future chapel which have not been built and they have no plans to build them.

The floor plan is page A2 of 10 prepared by Stanford Brook Architects. The school wing which is used on Sunday for religious school. On Thursday room 236 and the youth lounge are not used. She also does not use room 10 on Thursday. Those rooms are used by the younger children who only come in on Sunday. There is a large room in front of the sanctuary which will be used as a play area on rainy days when the children can not go outside. It is not used by the religious school, and there is no day-care when the main sanctuary is in use.

The day care ends at 2:30, with those staying using a classroom off the foyer. Mr. Snieckus asked the ages for the day-care and Ms. Frank said none younger than 2 or older than 5. They allow no parking in the turn around area used for pick-up.

The completeness questions were addressed. The property is owned by the Temple. They do need a state license and Mr. Geller said the inspections have been made for that. **Exhibit A-1** is a copy of the report from the state. They also must apply to the DEP that the site is not contaminated. There is no requirement about having doors from the classrooms directly outside. There is no kitchen required. They will have a refrigerator, but no cooking will be done on site. The hours for the day-care will be 7:30 AM to 6:00 PM. They consider after 2:30 as aftercare.

The two ADA spaces on the side do not comply. Mr. Geller said they will re-stripe them so they do comply. Mr. Meth said no review is required, the re-stripping is recommended but not required. All totaled the combined uses would require 193 parking spaces and they have 150 spaces. There is no delivery by trucks to the site.

There were no further questions from the Board. Chairman Parikh opened the floor to the public. Ria George Sabbagh, 799 Mountain Way. Mr. Sabbagh lives next door to the synagogue. He asked again about the hours when children will be dropped off. He has had problems in the past with the dumpsters and the noise of

the collection. Mr. Geller said again the hours are 7:30 AM to 6:00 PM Monday to Friday. He also pointed out that the dumpsters are on the side of the property near his house but the drop-off is on the other side of the building as far from his house as they can get.

Mr. Geller said the Day Care is open to all per the license from the state. The Temple is a non-profit entity and they will be operating the day care. Children attending will pay tuition.

Mr. Keller made a motion to approve the Conditional Use and "C" Variance for Adath Shalom Synagogue, Application # 10:512 subject to the reports of Burgis Associates dated June 15, 2010. The RBA Group dated June 25, 2010, Health Department dated May 25, 2010. Motion seconded by Mayor Barberio. Ayes: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

The next application is **New Baldwin Associates, LLC** Block: 718 Lot: 30, 200 Baldwin Road, Preliminary Major Site Plan / "C" variance, Application # 10:511 / 10:6. Robert Garofalo represented the applicant.

Reports for the record;

- Burgis Associates dated May 28, 2010
- The RBA Group dated June 21, 2010
- Township Forester dated May 26, 2010
- Tax Assessor dated April 29, 2010
- Water Department dated May 4, 2010

Mr. Garofalo said this application is for a rehabilitation of the Baldwin Shopping Center. He called Charles DiMarco who was sworn in and qualified for engineering, traffic and planning.

Mr. DiMarco addressed the completeness issues. They asked for a waiver for covenants on the property. There is a JCP&L easement that will not be effected. A Second waiver is because there is no change in existing utilities. The questions on site illumination will be covered in testimony. Mr. Keller made a motion to grant the waivers # 1 & 2 in the Burgis Report. Seconded by Ms. Bronfman. Ayes: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

Mr. Garofalo asked Mr. DiMarco about the illumination. They propose to relocate lighting on the south side near Walgreens. There is one light pole to be relocated by 10 feet or less on the Rt. 46 side. All other lighting will remain the same. There will be no changes that effect adjoining properties. The architect will address any fixtures to be moved from building mounts.

Exhibit A-1 is a colorized aerial view of the existing site. Existing is a center that has been there for 35 years. There are two entrances on Baldwin Road. The largest tenants are closest to Rt. 46 being the R & S Store with bays for working

on cars. In 1997 the DOT took a portion of the property on Baldwin Road for traffic improvements. To the west is a utility facility and to the north is residential.

Exhibit A-2 is a colorized proposed site plan.

Exhibit A-3 is four colorized photos of the site

Exhibit A-4 is four colorized photos of the site including the bays and sign.

Exhibit A-3 shows the multiple tenant section of the site. Toward Rt. 46 is the larger part of the building with Mandy's and the Enterprise Car Rental. All of the way toward Rt. 46 is the R & S Strauss.

Exhibit A-4 is the portion of the building closest to Rt. 46 including the Fotomat Kiosk and the service bays for R & S. There is also a photo of the pylon sign on the corner.

The proposal is an addition of 3100 sq. ft. on the Rt. 46 side. The entire site is to be upgraded. On that side of the building there will be an island where the light pole currently exists and a drive-thru window for the Walgreens which will move into the R & S site.

They have also rearranged the parking to eliminate the parallel parking on the Baldwin side by the Walgreens and Mandy's. The rear of the property has parking on the north end which encroaches on the neighboring property so they are moving them back.

There will be a new access from Rt. 46 on the west end of the site. They have received DOT approval for that entrance only. They will provide a copy of that approval. There were no conditions on that approval.

One of the differences on exhibit A-2 from what was filed is based on recommendations from Mr. Snieckus. The goal is to provide more green on the site. The original plan had more parking spaces than required so they could make some changes.

The lot coverage is proposed at 27% where 20% is allowed. The coverage is at about 25% now. They have decreased the impervious area with more landscaping. There are 245 parking spaces which does comply with code. Mandy's has a loading dock in back and the parking is generally for employees, and is not used by customers. Each store does have rear access.

Mr. Garofalo asked Mr. DiMarco to go through the zoning and variances. The site is in the B-2 zone. There is a variance for maximum lot coverage. Allowed is 20%. Currently they are at 25.3% and they propose 27.16% Impervious coverage permits 90% and proposed will be 92.22 from current coverage of 94.87% Those two variances are a result of the taking by the DOT. Mr. Garofalo submitted a copy of the resolution from the Planning Board dated 6/21/94 regarding the

parking which was **Exhibit A-5**. This resolution approved the parking that is there now.

The dumpsters are located in the far corner of the site. It is possible to park in front of the locations. They are emptied by rolling them out to be dumped. They will be out of the traffic flow.

The loading area for Walgreens will be operated in the pattern they use in other stores. There will be two 48 foot trucks per week with occasional UPS type trucks. The site can handle trucks of this size. They typically receive plastic bins full of supplies which are unloaded into the store and then the items are put on shelves as needed. There is no outdoor storage.

The drive-thru is used for prescription pick-up and they have never had stacking problems at other locations. The window is never used for answering questions or long discussions, those people are asked to go inside.

Chairman Parikh asked about the truck circulation and Mr. DiMarco said it is shown on sheet 10 of the plan. Trucks can come directly off Rt. 46 or off Baldwin and go behind the building. Either way they would exit on Baldwin Road.

Ms. Bronfman asked if there were dumpsters behind the Walgreens. Those two in that location would service Walgreens and Mandy's. Mr. Mele asked who would be responsible for any remediation if needed from the R & S Strauss. Mr. Garofalo said the property owner is responsible and it would be completed before the change of tenant.

Mayor Barberio said he has a major issue with the new Rt. 46 entrance. It is a high traffic area and he does not know how the DOT could approve something like that without informing the Township. There is a bus stop between Baldwin Road and the proposed entrance.

Mr. DiMarco said the DOT considers the entrance will generate low volume, between 4 and 8 percent of the total entrance. They say the bulk of the traffic will still use the Baldwin Road access because that is where the stores are. The bus stop is closed to Baldwin Road than their access. The bus stops in the shoulder. He understands there are no more than 12 busses morning and evening that use that stop.

Mayor Barberio said he disagrees. He knows how fast the traffic comes past Baldwin on Rt. 46. He said traffic on Baldwin turning onto Rt. 46 is always a problem. Mr. Garofalo asked to reserve that issue for the traffic expert and report and let him finish his presentation.

Ms. Rizzuto asked if there isn't a requirement for the municipality to be notified on an application like this. Mr. Meth said effectively a notice has to be filed with the clerk. She also said she feels the bulk of the traffic uses Baldwin because that

is all there is. She said she thinks a Rt. 46 access would be very busy and she thinks they drivers will even want to exit onto Rt. 46.

Mr. Snieckus asked about the light pole. Mr. DiMarco said the new location is shown on the plans. Regarding the dumpsters he asked about screening or landscaping. Mr. DiMarco said they will address screening to his satisfaction and they will meet with him and the forester about the plan.

Mr. Snieckus asked about a striped area adjacent to Baldwin Road by Walgreens. Mr. DiMarco said they can look at it. He is concerned about curbing because of trucks and emergency vehicles. Mr. Snieckus asked about the perpendicular spaces adjacent to Baldwin Rd. to the Northeast. They are right up to the Right of Way line. He asked if some shrubs could be planter there in a turf area between the lot and the road. Mr. DiMarco said if there is room and they can without impact on sight triangles they would be willing.

Mr. Snieckus asked about a sidewalk from Baldwin to Rt. 46. There will be a pedestrian walk from the street to the doors of the Walgreens. There is a break between the sidewalk on Baldwin and on 46. If there is one, they will connect it. Mr. Dinsmore asked if that was for water flow. Mr. Snieckus said that is another concern because there is a large stanchion for a fire hydrant in the area. There will be a new crosswalk connection to the Walgreens also.

Mr. Snieckus asked if the current bus stop was on the plan. Mr. DiMarco said it is close to Baldwin. The standard is 120 feet from the intersection. The sign is at the end of the stop. The applicant will show it on revised plans. The access point to the site is on the far side of the site.

Mr. Snieckus asked if there would be directional arrows behind the building because there will be one way circulation in the aisle closest to the building. The outer aisle will be two way circulation. They will mark appropriately. The containers use for delivery to Walgreens will be stored inside the build so there is no outdoor storage needed.

Chairman Parikh asked how far the Rt. 46 entrance is from the intersection. Mr. DiMarco said it is at least 150 feet from the end of the curve. The bus stop goes 120 feet from the west curve of Baldwin so it is about 60 – 70 feet from the crosswalk.

Mr. Dinsmore commented on the difficulty of making a left turn at certain times out onto Baldwin. Mr. DiMarco said there are two pylons by the apartments and an opaque white fence for the apartments. These are existing conditions and the proposal will have no effect. They will talk to the owner of the apartments about those issues.

Mr. Dinsmore added his comments and concerns about the Rt. 46 access. He added the problem of the small strip mall just to the west. Mr. DiMarco said that

highways with local access have weaving problems. This is not an unusual problem.

Mr. Meth asked about Enterprise and if they actually store vehicles on site. Mr. DiMarco said per a BOA resolution dated 9-10-97, they are permitted 5 cars maximum, the resolution was **Exhibit A-6**. Mr. Meth asked if those spaces are counted in the overall count.

Mr. Meth asked about aisle width. He asked if every aisle complies. He thinks where the angle at the rear of the building, if the angle is 60% the width has to be 24 feet. The dimensions are not shown on the plans. The front aisle is only 14 feet where 16 feet is needed by changing the angle and cutting back on landscaping. This will be addressed with revised plans. Mr. Meth is concerned they may not have 245 spaces when plans are revised.

The driveway closest to Rt. 46 on Baldwin will remain exit only. The driveway to the north on Baldwin is not being changed so they did not measure sight distances.

There were no further questions from the Board or the public.

Mr. Garofalo called Michael Spagnolo who was sworn in and qualified as the architect. Mr. Spagnolo prepared the plans. He discussed the improvements to the building. Currently the existing façade is a store front line with a cantilevered overhang that is a billboard. The proposal is to change the site significantly. Sheet A-1 shows the current floor plan. The Enterprise is buried in the front of Mande's. They will change that, referring to A-2 and A-3, they will leave the overhang and introduce some columns and add accent roofs and towers.

They will also add sign areas on the front façade. It is in compliance with our code. There will be signs with goose neck lamps shining back on the signs. There will be lantern type fixtures on the columns. They are restricted by the existing tenant spaces so that is why they need the addition for Walgreens.

The pylon sign that exists will be refurbished. There is a sign chart on page A-3 of the plans. Mr. Spagnolo passed out a hand-out, **Exhibit A-7**, a two page document with no date prepared by Mr. Spagnolo, that show where the variances are and as originally submitted. Space A, the Walgreens area complies but needs a variance for signs, for the number and the square footage. From the original submission they were able to reduce the area of the signs but still need a variance for the number of signs.

Space C which is the Enterprise area currently has three signs. One faces Baldwin, one in the corner that faces the apartment complex and one over the kiosk facing Route 46. They need a variance for that number of signs. They will be re-located to create the corner but further forward. The sign facing Rt. 46 will be moved to the rear of the building, on Walgreen's wall, west on 46. The rest of the

signs comply. Mr. Mele asked if the purpose of the third sign is to face Route 46. Mr. Spagnolo said that was true. Chairman Parikh asked why only Enterprise gets a sign facing the highway. Mr. Spagnolo said there was a resolution dealing with Enterprise on the site. Mr. Garofalo said that did not cover the signs. The sign on the Walgreens side does require a variance. There is no resolution that covers the sign. Ms. Rizzuto said any resolution would not carry over to the addition so they need a new variance. Mr. Garofalo agrees.

Sheet A-1 shows how hidden the Enterprise site is and that is why they need the extra signage. They are on the main pylon.

Exhibit A-8 is a color rendering of the site plan labeled as R-1 dated 2/23/10. There were no questions on the signage. Chairman Parikh asked about the colors of the signage. Mr. Spagnolo said the tenants could select the color for their name but the background placard is the same. Walgreens color is a red and what is pictured is close to the new Mande's. Enterprise is green and black. Ms. Bronfman confirmed that Enterprise will have a total of four signs including the pylon.

Mr. Snieckus asked about the materials used. Mr. Spagnolo said the overhang will be pushed out about 8 inches and have down lighting and add some brick columns and plaster system to clean up the look. The columns will be varied for some interest. The walkway will be about 6 feet wide after the columns. The façade facing Rt. 46 there will be brick along the bottom with the plaster above it. The roof cap will be a cornice. There are details to breakup the wall expanse. The canopy will be a standing seam canopy cantilevered just enough to cover the transaction with down lights. Mr. Spagnolo will provide the lighting levels.

Chairman Parikh asked if there is a sign in front of the building directing people to the drive through. Mr. Spagnolo said no there is not. Mr. Snieckus asked about rooftop mechanicals. Mr. Spagnolo said they are raising the parapets as much as possible being careful of snow loads. He hopes the parapet will screen most of it. In the rear there will be some wall fixtures to the addition but no other changes to lighting in the back.

Ms. Bronfman asked about the rear door to Walgreens which ends up right under the Enterprise sign. Mr. Spagnolo said it was a point.

There were no further questions from the board or the public. The case will be carried to July 26 with no further notice. The traffic witness will attend and they will bring documentation on the access.

The meeting was adjourned at 10:28PM.

