

March 23, 2006

Mr. Scott called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:05 p.m. The Sunshine Statement was read.

Members Present: Mr. Mulhall, Mr. Martin, Mr. Brandt, Mr. Lukasik, Mr. Bischoff, Mr. Rosol, Mr. Roth, Mr. Grossi (7:30 p.m.), Mr. Scott

Members Absent: Mr. Rossi

Others Present: Atty. William Sutphen, William Burr, Carl Hintz, Atty. James Knox, Robert Streker, Erwin Andres, Vincent Wolk, Alfred Tosta, Richard Hauck, Alan Ford, Tom Forsythe

Toll Bros./Lookout Pointe, Block 11, Lot 8, Rupell Road and Bank Street: Memorialization of Resolution: Mr. Scott said the application was for an Extension of Time to Act. Atty. Sutphen said all prior conditions are in effect and Toll asked for a one-year extension. There were no comments from the Board. Mr. Rosol made a motion to approve the Resolution granting a one-year extension. Mr. Roth seconded the motion. Vote: Ayes: Mr. Rosol, Mr. Roth, Mr. Martin, Mr. Lukasik, Mr. Scott

Mr. Scott announced that there is an agreement, in principal, to dissolve the litigation between Pilot Travel Centers and the Township of Union Committee and Planning Board. Mr. Scott said the terms are being worked out. He said, in essence, the recommendation of the Township Hydrogeologist would be accepted by Pilot as a condition of their application moving forward. Mr. Scott said unless and until Pilot satisfies the Township Aquifer Test requirements, the water usage at the site would remain at the current monthly average. Mr. Scott said other conditions are being worked out, in terms of transferring the application to the Board of Adjustment.

Union Station Associates, LLC (Wachovia Bank): Block 22, Lot 19, 2 Route 513 Atty. James Knox was present on behalf of applicant. The Notice Documents were reviewed by Atty. Sutphen and found to be in order, giving the Board jurisdiction to hear the matter. The Documents were marked Exhibit A-1. Mr. Knox said the property is in the Village Commercial District and his client believes it to be in compliance with use and bulk requirements. He acknowledged receipt of the Township Engineer and Planner's reports. Atty. Knox said testimony tonight should resolve many of the issues. Mr. Knox said he believes applicant would be able to accomplish all technical issues.

Atty. Knox asked that all professionals be sworn. Robert Streker, Engineer, Erwin Andres, Traffic Consultant, Vincent Wolk, Architect and Alfred Tosto, Construction Manager were sworn by Atty. Sutphen. Mr. Knox asked Mr. Streker to give an overview of the project. Mr. Streker, Bohler Engineering, stated his credentials. Mr. Streker provided Exhibits. The first Exhibit was entitled ALTA/ACSM Land Title Survey prepared by Control Point Associates, Inc., dated June 2, 2005. It was marked A-2. The Exhibit consists of two sheets.

The Survey identifies the approximate 6.1 acre parcel of land on Route 513 and Frontage Road. Sheet 2 denotes the approximate 1.5 acres of wetlands on the western half of the site. Mr. Streker said there is an 18-foot grade difference between the Pittstown road frontage and Frontage Road. Frontage Road is low and Pittstown Road is high. Walmart is located to the East and the Correctional Facility to the South and West. Exit 15 of Interstate 78 is nearby. Drainage is separated into two areas. Some drainage would flow towards the wetlands and the remainder would flow toward either the Pittstown or Frontage Road collection system. Mr. Streker said the site is undeveloped. There are some mature trees and scrub vegetation. He also said there is a small access driveway that applicant plans to use for stormwater piping.

Mr. Streker presented Exhibit A-3. It was a colored version of the Site Plan Set, Sheet 2, with the proposed landscaping overlaid for presentation purposes. A-3 is entitled Exhibit Plan, Sheet 1 of 1, dated November 3, 2005. Mr. Streker said applicant is proposing a 4,000 square-foot Wachovia Bank, with four lanes and a bypass. Forty-five parking spaces are currently proposed. Mr. Streker said that when the building was designed, that was the Ordinance requirement. The front door faces Pittstown Road. Circulation through the drive-thru is in a counter-clockwise motion. Applicant has access to Frontage Road, which is under NJDOT Jurisdiction. Applicant is proposing access to Pittstown Road and that is under Hunterdon County Jurisdiction. Approval is awaited regarding access. Mr. Scott asked for clarification about access. Mr. Streker said applicant does not have approval. A LOI had been requested and it is believed approval should be received before the end of the month. A Topography Study was performed and it was determined that retaining walls would be constructed along Frontage Road and the Stormwater Management Basin. Mr. Streker said parking is proposed in the front yard, for security purposes. He said a waiver would be required. A Stormwater Management Basin is proposed. The site is in the Carbonate Rock District. Therefore, no infiltration is proposed. A Phase I Study was performed and the Phase II Study is pending. Landscaping, as required by Ordinance, is proposed. Applicant will comply with the Township Planner's comments. Shoebox lighting fixtures are proposed and would comply with the Ordinance. Mr. Streker believes the proposed lighting would provide for safe operation of the bank. An 8' x 8' free-standing sign is proposed at the corner of Pittstown and Frontage Roads. The Ordinance allows four square foot. A 20-square-foot sign is proposed for mounting on the building.

Mr. Streker asked for questions on the proposal. Mr. Scott asked for questions from the Board. Mr. Mulhall said the proposed parking is more than double that allowed by the current Ordinance. Mr. Streker said applicant would comply with the Township Planner's recommendation to eliminate parking spaces along Frontage Road. He said that would increase the setback of the pavement to the right-of-way and allow a reduction in the retaining wall. Atty. Knox asked if the new Parking Standard was a maximum as well as a minimum. Mr. Hintz said it was not. Mr. Knox said Wachovia indicated they need thirty-five spaces.

Mr. Scott understood that Wachovia should establish why they would need more than the Ordinance allows. Mr. Hintz said that was correct. Mr. Streker said applicant is now proposing to reduce the number of parking spaces to thirty. Mr. Bischoff said twenty-two spaces are required. Atty. Knox said he did not believe there was a prohibition against additional spaces. Mr. Bischoff said he has never seen a full parking lot at any of the local banks. Mr. Knox indicated the location is such that the Branch would do well. Mr. Mulhall said banking of spaces could be considered. Atty. Knox said Mr. Tosta could address that issue. Mr. Rosol asked confirmation that thirty spaces are proposed. Mr. Streker said that was correct. Mr. Scott asked if application would conform to new Stormwater Regulations. Mr. Scott said the Stormwater Ordinance was adopted on First Reading and the Second Reading would be held in April. Mr. Streker said the Plan was designed with existing Ordinances; however applicant would comply with the new Regulations. Mr. Mulhall said an issue is groundwater recharge. Mr. Streker said the Phase II Study should address that matter. He said if applicant is able to infiltrate water it would reduce the size of the basin.

Mr. Bischoff said he would like to hear from the Township Engineer and Planner with regards to their comments and how they have or have not been satisfied. Atty. Knox suggested that his witnesses all provide testimony. Mr. Scott said he preferred to have Township Professionals comment at the end. Mr. Mulhall noted that there is presently no State money available for the extension of Frontage Road. Atty. Knox said Mr. Andres could give testimony about traffic circulation on and off site. Mr. Scott had a question for Mr. Streker. He asked Mr. Streker if the slopes of the entrances could be reduced. Mr. Bogart had raised that question. Mr. Streker said they have been reduced. He said the slope of one driveway has been reduced; however it has caused the slope of another driveway to be increased. There is a balance between the Frontage Road and Pittstown Road driveways. The bank pad is in between the Roads. Mr. Streker said that if one access were eliminated there could be large retaining walls. Atty. Knox suggested to the Chairman that if anyone from the Public had a question for Mr. Streker they be addressed. Mr. Scott wanted assurance that Board members had no additional questions. There were none. Mr. Hintz had comments to bring up at the end of testimony given by applicant's witnesses. Mr. Scott asked members of the Public to address questions to Mr. Streker. There were none.

Atty. Knox asked Ervin Andres to come forward. Mr. Andres stated his credentials. Mr. Scott said the credentials were satisfactory. Mr. Andres gave an overview of traffic circulation to and from and around the site as well as on-site. He said traffic would enter the site by a right-hand turn from Pittstown Road. Traffic would exit by turning right onto Frontage Road and right onto Pittstown Road. The County has preliminarily recommended ingress and egress from those Roads. Mr. Andres presented an Exhibit, entitled Site Plan and dated November 3, 2005. It was marked A-4. The difference from A-3 is the right turn out onto Pittstown Road has been eliminated. Mr. Andres said the eastbound approach to the intersection currently does not carry a lot of traffic.

He said that information was based upon traffic counts performed for the evening peak hour, as well as the Saturday peak hour. The peak hours were between 4:00 and 6:00 p.m. weekdays and Saturday from 11:00 a.m. until 2:00 p.m. Mr. Bischoff said he took it that applicant had not taken the prison traffic into account. Mr. Andres said prison traffic was collected during those time periods. Mr. Mulhall said Mr. Bischoff was saying that between 2:00 and 3:00 p.m. there may be 300 cars coming through the intersection. Mr. Andres said they usually take into account that traffic volumes are much higher during the peak hours. Atty. Knox asked Mr. Andres if someone told him that at a certain hour in the afternoon, 300 vehicles come from the prison complex, would that change his opinion about the peak hours. Mr. Andres said it would not, because the volumes on Pittstown Road are significantly higher at the peak hours. Mr. Bischoff re-emphasized the volume of traffic from the prison facility. Atty. Knox said that based upon the analysis for the bank, their peak hours would be from 4:00 to 6:00 p.m. Mr. Mulhall asked the service rating for the intersection. Mr. Andres said it is Level 3. It is expected that Wachovia would capture pass by traffic. Mr. Scott asked which way vehicles would be pulling into the drive-thru. Mr. Andres said all vehicles would be entering at the northwestern corner of the site, either via Frontage or Pittstown Road. He also said there is room for vehicles exiting the site. Mr. Rosol said that waiting at the drive-thru for a teller could present traffic problems. Mr. Rosol was told that during peak hours the drive-thru would be staffed appropriately. Mr. Bischoff asked if the Board's Traffic Engineers had looked at Mr. Andres' report. Mr. Burr said Maser's Traffic Dept. reviewed the report and the issues are listed in Maser's letter dated March 15, 2006. Mr. Bischoff said he would like to have more details on the hours and vehicle numbers. Mr. Burr said that would be done.

Mr. Scott asked if the drive-thru and bypass lanes behind the building would be marked. Mr. Andres said lights on the canopy would show the available drive-thru lanes. Mr. Scott wanted to know if a walk-in customer could get by the bypass lane. Mr. Andres explained. He told Mr. Scott the customer would not have to go back around the building. Mr. Mulhall asked why a right exit off of Pittstown Road was necessary. Mr. Andres said it minimizes the customer's traffic path. Mr. Bischoff thought it would be better to exit on Frontage Road and make a right at the traffic light. Mr. Andres said that would be better if using the drive-thru. Mr. Mulhall asked the peak hours of banks. Mr. Andres said he understands the hours would be 9:00 a.m. until 3:00 p.m. Monday through Friday, with later hours on Thursday. Drive-thru service would be until 5:00 p.m. Mr. Rosol asked Mr. Andres why access would be needed off of Pittstown Road. Mr. Andres said the location of the bank requires that access. Atty. Knox asked Mr. Andres if it would generally be preferable to have more than one access for a proposal such as this. Mr. Andres said it helps disperse traffic and is important for emergency situations. Mr. Brandt said there are major backups at the intersection around 3:00 p.m. He asked Mr. Andres if traffic had been observed at that time. Mr. Andres said they had not. Mr. Brandt also asked Mr. Andres if the traffic study had looked at speeding. Mr. Andres said yes. The plan proposes de-acceleration activity.

Mr. Roth had a concern about circulation of traffic through the drive-thru area and what would happen when parked cars are backing out of spaces. He did not feel there was a lot of room. Mr. Andres said the aisles are 25-foot wide standard aisles. He also said that not all drive-thru customers would be leaving at the same time. Atty. Knox addressed the tremendous flow of traffic from the correctional facility and how the right turn into the site from Pittstown Road could alleviate some of the problem. Mr. Rosol had a concern about a traffic jam resulting from the heavy traffic. Mr. Andres said Wachovia customers would have to wait to exit. Mr. Lukasik asked what would stop people from going south back to the entrance. Mr. Andres said signs and striping are proposed for direction. Mr. Lukasik felt it would be a good idea to angle parking and have patrons go toward Frontage Road. Mr. Andres said angled parking would cause a decrease in efficiencies of two-way traffic. He said that, perhaps, the curb could be bumped out to force traffic in the Frontage Road direction. Mr. Scott asked for questions from the Board, its Professionals and/or the Public. William Hauck, Associate Administrator of the Edna Mahon Correctional Facility, took exception to Mr. Bischoff's comments about 300 cars leaving the Facility around 3:00 p.m. Mr. Hauck said the Developmental Center also uses Frontage Road. Mr. Hauck told Mr. Andres he should look at traffic patterns on Saturday, since that is visitation day at Edna Mahon. Mr. Hauck emphasized to the Board and Atty. Knox about security at the Facility. He said if there were an escape, Frontage Road would be closed. Mr. Scott said Mr. Hintz's report noted that a shade tree should be planted for every three parking spaces. Mr. Scott asked if that would impact traffic circulation. Mr. Andres said it would not.

Atty. Knox asked Mr. Tosta to provide information on staffing the proposed bank. Mr. Tosta said there would be approximately 12 employees: Five tellers, two tellers manning the drive-thru, a financial center manager and four officers. Mr. Tosta said other tellers would assist those at the drive-thru if needed. Atty. Knox asked for other questions about staffing and operations. Mr. Rosol wanted confirmation on the number of people at the drive-thru after 3:00 p.m. Mr. Tosta said two with other employees available to assist. Mr. Tosta said employees are graded and compensated by how well they do with the customer base. In response from a question from Mr. Hauck, Mr. Tosta said the hours of operation are 9:00 a.m. until 3:00 p.m. on Monday, Tuesday, Wednesday and Friday and Thursday until 5:00 p.m. The drive-thru facility is open on Saturday from 9:00 a.m. and 12:00 p.m. Alan Ford, Country Acres, asked if one drive-thru would be an ATM lane. Mr. Ford was told that the first lane would be. Mr. Brandt asked if there was an ATM inside. Mr. Tosta said because of the location there would not be an ATM inside.

Atty. Knox called Vincent Wolk to come forward. He presented his credentials. Mr. Wolk was accepted as an expert witness in the field of architecture. Mr. Wolk displayed an Exhibit showing the Front and Side Elevations of the proposed Wachovia Bank. It was marked A-5. Mr. Wolk described the design of the proposed 4,025 square-foot Bank. He said the building is basically a glorified house. Mr. Hintz asked Mr. Wolk if the building had vents.

Mr. Wolk said there are vents at the ends of the building and they are painted to match the shingles. The building will be Williamsburg Brick Red. Mr. Hintz asked about signage. Mr. Wolk said signage is part of the Wachovia marketing package. The sign, its location and the square footage were provided; however, a rendering was not submitted. Mr. Hintz said it is important to have additional information, including the colored rendering and elevations. Mr. Scott asked for questions from the Board and the Public for Mr. Wolk. There were none. Atty. Knox said that was the extent of their case. He said the Board Professionals' reports might need to be addressed.

Mr. Bischoff had concerns. Mr. Burr said Maser has four major issues. He noted that applicant has acknowledged that they will address new Stormwater Regulations. Mr. Burr said there is a concern about access on both Frontage and Pittstown Roads, the amount of retaining walls and their height, as well as water and septic issues. He said other items in Maser's letter are open for discussion. Mr. Bischoff asked that applicant submit letters addressing Professionals' reports. Atty. Knox said that would be done. Mr. Knox addressed certain issues. He said testimony had been provided about NJDOT approvals and Hunterdon County's prohibition of the right turnout and that the L.O.I. is anticipated soon. Mr. Knox said applicant would be using public water and sewer and Will-Serve letters would be provided to the Board. Mr. Streker had provided testimony about front yard parking and why that was needed for security reasons. The parking is consistent with other uses along the Road. Mr. Streker said a loading zone is not required for bank operations. Atty. Knox said traffic circulation and grades had been discussed. Mr. Streker said the proposed concrete pad at the west side of the building serves a door that is a secondary egress for emergency purposes. Atty. Knox said he hoped that local Fire and Emergency agencies had reviewed the application and if not, he would work with them. Mr. Scott asked if the Dept. of Corrections could look at access. Mr. Knox said that Mr. Hauck and the Corrections Facility had reviewed the situation and Mr. Hauck had made comments tonight. Atty. Knox said applicant would provide plans to Mr. Hauck. Mr. Knox said applicant would cooperate with the Township regarding Stormwater Management. He said soil characteristics are problematic at the site.

Atty. Knox said a report had not been received from the Environmental Commission. Mr. Burr concurred. Mr. Knox said the Township Geologist is working on a review about the Carbonate Rock District. Mr. Streker said the Phase I report has been submitted; the Phase II has not been initiated. Mr. Streker does not believe there would be geological problems and if there were, he feels the issues could be resolved by construction methods. Mr. Mulhall said he spoke to the Township Geologist and a report would be forthcoming. Atty. Knox said the height of the retaining wall was brought up tonight. Mr. Streker said applicant has agreed to eliminate 15 parking spaces and that would allow the reduction of the height of the wall. Mr. Scott said a comment had been made about fencing of the retaining wall. Mr. Streker said the comment was that applicant should provide fencing where the wall exceeded four feet in height. He said applicant would provide the fencing.

Mr. Bischoff said the fencing should be aesthetically pleasing. Mr. Hintz advised applicant to look at the Wachovia Bank in Flemington. That Bank has an attractive black fence that looks like wrought iron. Atty. Knox asked if the idea was to give customers a visual cue or was it to stop them from going to the edge. Mr. Hintz said it was a visual cue and if the wall was stepped down the fence might not be needed. Mr. Streker said he believes the retaining wall could be limited to between two and three feet. The wall around the detention basin is higher and would have to be fenced. Mr. Mulhall mentioned that applicant could consider a sub-surface recharge system beneath the parking lot versus the proposed detention basin. Mr. Streker said there is a problem with maintenance with underground systems. Mr. Bischoff asked how an underground system works. Mr. Streker said usually piping is installed in crushed stone. Sometimes the piping is perforated. He said the underground system collects water from the site and is ultimately discharged through a controlled structure. Mr. Bischoff understood there would be a series of horizontal pipes that are parallel to each other, buried in crushed stone and collects water that is ultimately discharged. Mr. Streker said that was correct. Mr. Mulhall said that type of system works quite well. Mr. Streker said, that based upon the site geology, he is not sure that type of system would work. Mr. Mulhall said it would work. There is a similar site on Route 31 in Washington Township, Warren County and that site is more prone to sinkholes than this site. Mr. Mulhall did not agree with Mr. Streker about maintenance of the underground facility. Mr. Bischoff asked about access to the horizontal pipes. Mr. Streker said there would usually be a manhole for the purpose of maintenance. Mr. Mulhall mentioned the underground system at the Tractor Supply (formerly Ames Department Store) site on Route 57 in Washington Township, Warren County that has been in operation since 1983. Mr. Mulhall said that is a much larger area than that which is proposed by applicant. Atty. Knox emphasized his client is not inclined to go with the underground system.

Atty. Knox asked if there were other issues pertaining to the Maser Report. Mr. Burr said testimony had been given about regular deliveries to the site. He wanted to know how often deliveries would be made and where would vehicles park. Mr. Burr was told there would usually be a once a week delivery and the vehicle would use a regular parking space. Mr. Bischoff reiterated his request to respond in writing to concerns raised tonight. Mr. Streker said applicant is prepared to do that. Atty. Knox emphasized that the Statute requires testimony by witnesses under oath. He said a letter would be sent stating that everything testified to was true and accurate. Mr. Scott said he understood that Atty. Knox was saying that applicant would comply with the issues raised by Messrs. Bogart and Hintz in their reports. Mr. Knox said "yes", subject to what was said tonight. Atty. Sutphen told Atty. Knox he felt that witnesses should address technical plat details. Mr. Knox said all items would be addressed. Mr. Streker said applicant would comply with items in the Maser letter. Mr. Scott said that could be a condition of approval.

Mr. Scott asked Mr. Hintz to comment. Mr. Hintz said many items in his letter dated March 16, 2006 Memo had been covered. Mr. Hintz said he understood the Plan would be updated to comply with new Stormwater Regulations.

Parking requirements have been discussed and plans would be revised accordingly. Testimony had been given as to why parking was necessary in the front yard setback. Parking would be reduced in the Frontage Road setback. Applicant would provide graphics and elevations for the free-standing sign. Mr. Hintz said that the reduced parking on Pittstown Road would allow for reduction in the height of the retaining wall and more landscaping. L.O.I. approval would be stated on the Plans. A tree inventory and tree-replacement guidelines must be provided in accordance with the Ordinance. Mr. Hintz said that high-pressure sodium lights should not be used. Mr. Scott said he understood that applicant would comply. Atty. Knox said "yes". Mr. Scott asked for comments from the Public. Mr. Scott asked Mr. Hauck if the Dept. of Corrections has any particular concerns with the application. Mr. Hauck emphasized that his shifts come in at 6:00 a.m. and 2:00 and 10:00 p.m. He did not know when the shifts change at the Development Center. Mr. Bischoff said he did indicate that it was the Prison traffic, he stood corrected; however, he said the traffic volume is tremendous. Mr. Hauck agreed, he did not want comments directed at the Prison staff. He also said the Exit 15 project is still ongoing. Mr. Mulhall said the NJDOT had the traffic count of 300 vehicles as justification for the Frontage Road extension. Mr. Hauck reemphasized it is not all Prison traffic.

Atty. Knox offered closing comments. He said the application is fairly straightforward. Applicant acknowledges its obligation to comply with all of the Plan revisions that were promised tonight. Mr. Knox said he believes his client is fully conforming and is entitled to Preliminary and Final Site Plan approval, subject to administrative conditions and receipt and review of the L.O.I. by Board Professionals and compliance with what applicant agreed to do tonight. He said applicant would anticipate, if approval were granted, revising and submitting Plans to Board Professionals, and if any open issues came up or there were any disagreements about what was meant or what was committed to do, applicant would have to return to the Board. Atty. Knox asked the Board to vote on the application, if they were so inclined. Mr. Scott asked Mr. Knox if the waivers requested were for the parking in the front yard setbacks, off-street loading requirements and the free standing sign for which applicant will provide details for Mr. Hintz's review. Mr. Scott told Atty. Knox if the Board acted tonight, the approval would be subject to County and State access approvals for Frontage and Pittstown Road. Mr. Knox said it would be subject to all other Governmental approvals. If there were changes, applicant would have to come back with an amended application. Mr. Lukasik asked how the Board could grant approval tonight, since water and sewer approvals have not been granted. Atty. Knox said that would be a condition. Atty. Knox said if a Will-Serve letter cannot be obtained, applicant would have to comply with all pertinent Ordinances of the Township. Mr. Bischoff said he thought the Traffic Study was incorrect. He would like to see the Board's Traffic Expert review and discuss the issue. Therefore, Mr. Bischoff did not think it would be appropriate to take action tonight.

Atty. Sutphen said if the Board took action tonight, the approval would be conditioned upon revision of the Plans, a review of the Traffic Study and if there was a problem with that, applicant would have to come back to the Board, review and approval of the sub-surface drainage system by the Board's Geologist and review and approval of signs by Board Professionals. Mr. Sutphen said there were further issues regarding traffic flow and changing of the curb lines and the water and sewer issues. Mr. Rosol understood there would be more testimony on required parking. Mr. Wolk said a study done by the bank advises 2-1/2 spaces per employee. Twelve employees are anticipated; hence, the 30 spaces. Mr. Wolk also said if the spaces were reduced to 22, one must be marked for handicapped and only 9 would be available for customers. Mr. Scott said the Board should decide whether they would cast a vote tonight and if so, an appropriate motion is needed. Mr. Mulhall asked if one of the conditions would be that applicant would satisfy all the requirements of the Township Geologist's evaluation of the Carbonate Rock District. Mr. Mulhall was told that would be done. Mr. Bischoff said in the past, the Board has found itself in difficulty because it had approved things on a conditional basis. He said applicant might sense reluctance on his and Mr. Lukasik's part to move the issue forward. Atty. Knox said he understood Mr. Bischoff's point of view; however, he felt applicant would have to satisfy conditions. Mr. Bischoff emphasized his concern about a conditional approval as it relates to traffic. Atty. Knox said he thought the Board's traffic expert should have issued a report or appeared tonight. Mr. Scott said the Board's traffic expert had been retained for a specific application. He also said applicant has heard Mr. Bischoff's sentiments and is asking for a vote. Mr. Mulhall said the situation at the intersection is unique and the peak hour information presented by applicant is not necessarily accurate. Atty. Knox said that applicant's traffic expert testified that there is one afternoon peak and he had observed that peak time. Mr. Mulhall said the expert testified that he had not been out there on a Saturday or from 2:00 to 4:00 p.m. He focused on the 4:00 to 6:00 p.m. hours. Mr. Mulhall said the NJDOT Traffic Study highlighted the uniqueness of the situation and the heaviness of traffic from 2:00 to 4:00 p.m. Atty. Knox said the expert testified that if 300 vehicles were coming from Frontage Road it would not change his opinion about the peak hour because the volume of traffic on Pittstown Road is so heavy it dwarfs other traffic impacts, particularly with the bank impact. Mr. Knox does not believe there is anything to suggest that the Bank would change the level of service in a negative way. Mr. Rosol asked that applicant's expert restate his observation. Mr. Andres said there are approximately 1,200 vehicles going through the intersection during the evening peak hour between 4:00 and 6:00 p.m. He said traffic levels on Pittstown Road between 2:00 and 3:00 p.m. are much less. Mr. Andres said he addressed comments in the Maser letter. Mr. Bischoff asked Atty. Knox if he had read articles in the Hunterdon County Democrat about the intersection. Mr. Knox said he had not. Atty. Knox said his expert had followed appropriate practice and procedure in development of his report.

Mr. Scott said the Board is not under obligation to grant approval with the conditions. He said applicant is free to request them, recognizing that this would be a Preliminary approval and if the conditions had not been met, they would have to comply at that time. Atty. Knox said his client was seeking Preliminary and Final Site Plan approval. Mr. Scott said the Board does not grant both approvals at the same time. Atty. Knox said applicant would be happy to have Preliminary approval. Mr. Grossi agreed with Mr. Scott about the Board not granting Preliminary and Final Site Plan approvals at the same time. He also said that some Board members have concerns about traffic. Mr. Grossi asked if applicant would accept a Preliminary approval with the stipulation that the Board's expert present testimony. Atty. Knox was agreeable. Mr. Rosol had a concern about the safety of persons entering and exiting the site. Atty. Sutphen understood that Mr. Rosol wanted to be sure that there is safe ingress and egress at the site. Mr. Rosol said that was correct.

Mr. Rosol made a motion to grant Preliminary Site Plan approval, with the requested waivers and subject to a Traffic Review by the Expert, as well as other conditions. Mr. Grossi seconded the motion. Atty. Sutphen enumerated the conditions. He said applicant agrees to comply with the Township Planner's comments on Landscaping; the Stormwater Management Ordinance that is anticipated to be adopted on April 6, 2006; review and approval by the Planner of the installation of fencing where the retaining wall exceeds four feet; proof in writing of service of water and sewer service and the Township Geologist's report. There will be no site or grading work permitted until the conditions of Preliminary approval have been met. Applicant would also permit testimony from the Traffic Expert concerning ingress and egress, safety, traffic flow and volume. Applicant would provide appropriate graphics and design for the free-standing sign. Fifteen parking spaces on Perryville Road would be eliminated and the Plan would be revised accordingly. Applicant would comply with all of the provisions of the March 15, 2006 letter from Maser Consulting and if unable to comply with those conditions and if there could not be a resolution of the issues applicant would return to the Board. Applicant must obtain final approval from the NJDOT and any Hunterdon County Agencies and provide an L.O.I. to the Board. Local Emergency Agencies must review and approve the Plan. Mr. Scott said that a condition would be to pay any required COAH Contributions. Mr. Hintz said those Contributions would be under the Growth Share Ordinance. Applicant acknowledges that if NJDOT or Hunterdon County makes changes to the access they would have to return to the Board.

Vote: Ayes: Mr. Rosol, Mr. Grossi, Mr. Mulhall, Mr. Martin, Mr. Brandt, Mr. Roth,
Mr. Scott

Nays: Mr. Bischoff, Mr. Lukasik

In response to a concern of Mr. Scott, Atty. Knox said he would withdraw the Final Site Plan application and reactivate it, by letter, when it is time to proceed.

Stormwater Management Ordinance: Tom Forsythe, Maser Consulting, said the format is the same as the County adopted. Mr. Mulhall said the Ordinance approved and forwarded to the Township Committee in February was introduced on March 1, 2006 and is scheduled for Second Reading on April 5, 2006. Mr. Mulhall said he understood there were no significant changes. Mr. Forsythe concurred with Mr. Mulhall. The Committee sent it back to the Planning Board for their review. Mr. Grossi made a motion stating that the Planning Board revisited the Ordinance on March 23, 2006 and once again, approved it. Mr. Lukasik seconded the motion.

Vote: Ayes: Mr. Grossi, Mr. Lukasik, Mr. Mulhall, Mr. Martin, Mr. Brandt,
Mr. Rosol, Mr. Roth, Mr. Scott

Abstain: Mr. Bischoff

Mr. Bischoff requested a copy of the Final Version of the Ordinance. Mr. Forsythe said copies would be provided for all Board members.

Signs 30-8: Mr. Lukasik had some questions. He asked if signs could be grandfathered, especially as to size and location. Atty. Sutphen said if there is a change of business some municipalities have ordinances addressing that issue. Mr. Lukasik gave an example. He said, for instance, the Coastal Gas Station has a 60-foot high sign and our Ordinance does not allow that size sign. If an application came in for that site, could the Board reject the sign? Atty. Sutphen said he believes the only way that could be done would be if improvements affected the sign itself. Mr. Sutphen said that very high visible signs had been designed for safety reasons. That argument is no longer significant because the blue and white signs throughout the State indicate availability of gasoline, food, hospitals, etc. Atty. Sutphen said that could be a basis for requesting the sign be removed and replaced. It was decided Signs should be placed on the April 27, 2006 agenda if time permits. Mr. Bischoff noted there are a number of inconsistencies in the proposed Sign Ordinance.

Public Comments: None

Correspondence: Lookout Point/Toll Bros., Block 11, Lot 8, Rupell Road & Bank Street (Barn) Mr. Scott asked Township Historian Martin to give an update. Mr. Martin said he and the Historic Preservation Committee (HPC) met with Robert Levitsky on March 22, 2006 and finalized the materials for the roof, siding, garage doors and stone for the foundation. The size of the large cupola was an issue. Mr. Bischoff said when the Historical Society had made a site visit last year he had scaled dimensions of the cupolas from a drawing owned by Patricia Lingelbach. Mr. Bischoff gave the information to Mr. Levitsky. Mr. Martin said he would talk to Mr. Levitsky about that issue. Mr. Scott asked secretary to write a letter to Mr. Levitsky saying the Board understands Toll Bros. had met with the HPC and Toll should confirm in writing to the Planning Board that they are agreeing to incorporate all of the design changes that the HPC has recommended. Upon receipt of the letter, the Board will take official action.

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Mr. Scott said that a grant had been received from ANJEC.

Mr. Scott said he and Mr. Mulhall would be meeting to discuss litigation.

Approval of Minutes: Mr. Bischoff said a comment he had made was not included in the minutes. Mr. Bischoff noted the Draft Union Township Municipal Assessment “Taking the Next Step” was well done and the Planning Board should review and discuss issues at the April 4, 2006 Workshop. It was agreed that would be done. Mr. Rosol made a motion to approve the February 23, 2006 minutes, as amended. Mr. Roth seconded the motion.

Vote: Ayes: Mr. Rosol, Mr. Roth, Mr. Martin, Mr. Lukasik, Mr. Bischoff,
Mr. Grossi, Mr. Scott

Abstain: Mr. Mulhall, Mr. Brandt

There was no further business to come before the Board. A motion to adjourn was made by Mr. Bischoff and seconded by Mr. Rosol. (9:30 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary