

CHATHAM BOROUGH PLANNING BOARD
December 5, 2007 7:30 p.m.

Chairman H.H. Montague called the Chatham Borough Planning Board meeting of December 5, 2007 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mr. Montague announced that all legal notices have been posted for this meeting.

Members Present: Chairman H.H. Montague, John Hague, David Gerridge, Thomas Sennett, Bill Jankowski, James Mitchell, Mayor Richard Plambeck.

Charles W. Foster, Esq., attorney for the Board, was present.

Members Absent: Alison Pignatello, Alan Pfeil, Councilman Bruce Harris.

Approval of Minutes

The meeting minutes of September 12, 2007 were approved as amended. Mr. Sennett abstained from voting because he was absent from that meeting.

Mr. Montague reminded Board members that the next meeting, January 9, 2008, will be the Board's Reorganization meeting.

HSBC Bank USA—Continuation of Preliminary & Final Site Plan Approval

Mr. Montague reviewed the four hand-outs which all Board members should have:

- 1) Report from the Chatham Police Department
- 2) Report from the Chatham Fire Department
- 3) Report from the Shade Tree Commission Chairman Matt Petitjean
- 4) Report from the Historic Preservation Commission (HPC)

Michael Miceli, Esq., attorney for the applicant, was present. Also present was John A. Palus, P.E. with Dynamic Engineering Consultants, representing the applicant. Daniel Dougherty, P.E., was present and remained under oath from the previous hearing.

Mr. Miceli stated that, as requested by the Board at the last hearing, revised plans have now been submitted. Mr. Palus will be testifying on these revisions and to address the comments in the four reports.

Mr. Palus stated that the latest date on the revised plans was November 19, 2007. It is noted as Revision #3. Aside from Mr. Montague, other Board members did not have this latest set of plans. Mr. Jankowski went down to the Construction Office and returned with the correct plans.

Mr. Foster asked if the Borough Sign Committee had submitted a report. Mr. Montague answered that the Sign Committee has discussed the sign situation; however, the

Committee was not aware that an ATM sign was proposed at the front. Mr. Miceli stated that this sign will be displayed on the canopy. HSBC's design expert will testify further on this aspect.

Mr. Palus noted that the Board members should have a revised site plan sheet to show revised parking to meet the ordinance requirement prohibiting parking within the front yard setback. One of the parking spaces has now been re-located. Also, the Board should now have the revised lighting plans which shows the proposed lighting lay-out that will be used to install 10-ft. high poles.

Mr. Palus stated the primary purpose of the revised plans is to incorporate the design revisions which were discussed at the last hearing into the official plan set. Mr. Palus reported that the applicant has considered the Borough Engineer's comments and has made every attempt to incorporate these comments into the plan set.

Mr. Palus recalled at the last hearing the Board had asked that a fence be installed at the rear of the property. The applicant will now be installing a fence at the rear boundary line and the southwest boundary line to increase the buffering and delineate the property line. The applicant made changes on the planting specifications. The latest plantings will be more deer resistant. Landscape maintenance notes have been added to the plans.

Mr. Miceli asked Mr. Palus if he had reviewed the report from the Historic Preservation Commission (HPC).

Mr. Palus answered yes.

Mr. Miceli noted that the HPC had suggested the applicant increase the landscaping on the side of the proposed building. He asked Mr. Palus to testify on that situation.

At Mr. Foster and Mr. Montague's suggestion, Mr. Palus gave the Board a few minutes to read the HPC report. The Board had just received the report tonight.

Mr. Miceli noted that the report reviewed the setbacks on the Kings' side of the proposed building. The HPC requested the applicant to construct a narrower building to provide landscaping directly next to the building. Mr. Miceli said that Mr. Dougherty will address that situation.

Mr. Dougherty testified that if the proposed building's width were to be reduced by 4 feet, the architectural and the lay-out needs could not be met. The cubicle and office lay-out as well the teller locations are quite compact as they stand now.

Mr. Miceli confirmed with Mr. Dougherty that there was a change in setback requirements for buildings. The proposed bank building is 7 feet over the setback requirement.

Mr. Montague noted that the proposed driveway runs smack up to the wall of the bank structure. The HPC was interested in possibly narrowing the proposed building by 2 feet so that a planting area could be created along the wall.

Referring to the floor plan, Mr. Dougherty felt that all of the floor space will be taken up by the proposed uses within the building.

Mr. Miceli stated that architectural plans, PP-1, will be submitted as an exhibit in response to the HPC's comments.

Mr. Dougherty did not believe the 2-foot landscape strip suggested by the HPC will not provide much in the way of landscaping benefits on the site. He felt it would be difficult to maintain quality plants in this 2-foot strip against a building wall.

Mr. Montague confirmed with Mr. Dougherty that he is also stating that if space out of the middle of the building was eliminated, the applicant would lose important office space. Mr. Dougherty also stated that the proposed landscaping strip between the applicant's property and King's Supermarket will be 5 feet. The 5-foot strip can only accommodate a single row of shrubs. A 2-foot strip along the building would be too narrow to handle those types of plantings.

After further discussion, Mr. Miceli said the applicant would try and work with Kings Supermarket regarding the landscaping on that side of the property. HSBC would like to integrate their landscaping plan with Kings if they are willing. Of course, HSBC, as an adjacent property owner, cannot take responsibility for the upkeep of these plants. There is the possibility that Kings may not want to work with HSBC.

Mr. Foster confirmed with Mr. Miceli that the applicant had just received the HPC report tonight; therefore HSBC has not yet approached Kings.

Mr. Miceli brought up the location of the adjacent trees on the Kings' property line. He believed some cooperation was needed from Kings Supermarket to allow HSBC to plot exactly where things stand on the property line. If Kings co-operated, HSBC could then show this detail on their final plans. After further discussion, Mr. Miceli said the applicant will contact Kings about this matter since they have received a directive to do so.

Mayor Plambeck suggested that in the meantime the Planning Board check the resolution made for Kings concerning this strip of land and its landscaping.

Mr. Miceli noted that the Board had asked for specifications on the proposed retaining wall on the northwest side.

Mr. Montague asked what material the retaining wall would be made of.

Mr. Dougherty answered that the retaining wall will be concrete. Its maximum height will be approximately 18 inches. The wall will look like an extended curb. Currently no treatment is being proposed for the wall.

On other matters, Mr. Miceli noted that there is out-dated information on ownership on the survey. He and the applicant will rectify this information in their final compliance set.

Mr. Miceli noted that the HPC had requested the removal of the lanterns on every column and request that the lanterns on either side of the front door remain.

Mr. Dougherty testified that the applicant will be using the light fixtures recommended by the HPC. These fixtures will be decorative and won't be able to throw light all the way across the parking lot to the side walk along the building. The applicant will need wall-mounted lanterns along the building edge to provide security and adequate lighting for access and safety.

Mr. Montague pointed out that the HPC is asking the applicant to install lanterns similar to those that have been installed in Chatham's downtown streetscape. The lights being proposed by HSBC are not really similar to the light fixtures already existing downtown. Mr. Montague felt the wattage from HSBC's proposed lightage will be extreme in comparison to the lighting installed by other business entities on this section of Main Street.

Mr. Dougherty believed the pole-mounted shoebox fixtures could be incorporated into the plans. He felt these fixtures would give better performance and would be less visible than the globe fixtures.

Mr. Montague felt further discussion on this issue would be helpful. He had serious concerns about the lighting on the front of the building.

Mr. Miceli said a condition of approval could be made that HSBC provide a lighting fixture and number that would be satisfactory to the HPC and the Borough Engineer.

Mayor Plambeck recalled that low landscaping lighting had been discussed earlier. He asked Mr. Miceli and Mr. Dougherty to explain why that type lighting could not be used.

Mr. Dougherty stated that low landscaping lighting does not have much of a throw. Low landscape lighting won't be able to cast light from behind the curb to at least the drive aisle's center. All this lighting can do is help light a sidewalk. On this applicant's site there is nowhere to incorporate low landscape lighting.

Mr. Montague said he would like to see the issue resolved and put in the resolution. He said his personal feeling was that the proposed globe lighting be modified. That type of lighting does not exist on Main Street.

Mr. Sennett asked about the timing of the bank's proposed lighting.

Referring to the lighting plan, Mr. Dougherty pointed out that some of the fixture notations are marked with an 'S'. That 'S' stands for 'security'. Those particular light fixtures will be on from dusk until dawn for security reasons. Mr. Dougherty said that the building mounted fixtures are the primary security fixtures.

Mr. Jankowski told Mr. Montague that an advantage to the shoe-box light, is that additional shields can alter the light. The Board discussed the night time lighting of other nearby banks. Mr. Montague still wanted the applicant to meet again with the HPC to settle this lighting issue. Mr. Miceli said the applicant will meet town officials on both the lighting at the front and the shoe-box lighting.

Mr. Montague asked about the front door issue discussed at the previous hearing.

Mr. Miceli said another witness will be called up to address that situation.

There were no further questions for Mr. Dougherty from either the Board or the public.

Mr. Miceli called Mr. Frank Leone forward. Mr. Leone is HSBC's architectural designer. He is with the architectural firm of Mancini & Duffy. Mr. Leone was sworn in to testify. He submitted his educational and professional credentials to the Board. The Board accepted them.

Mr. Miceli said Mr. Leone will address the architectural design changes as discussed at the last HPC meeting.

Mr. Leone testified changes have been made to the floor plans and elevation, based on the comments which were made.

Mr. Leone submitted Exhibit A-10, revisions made (PP-1a) dated 12/5/07.

Mr. Miceli asked Mr. Leone to describe the changes made to the design of the bank building in response to the comments made by HPC.

Mr. Leone stated that the HPC had wanted the elevation to be simplified and have it keep in balance with the columns. The applicant is proposing to construct another column to the left side of the entrance door. The door will be centered on those columns. The columns between the windows on the northeast elevation will be eliminated.

Mr. Montague still felt the design was not centered in the way the HPC had requested. A centered entrance would maintain the colonial look for the downtown.

After further discussion, Mr. Leone stated he and the applicant have tried to center the entrance as much as possible without disturbing the function going on inside the bank.

Mr. Miceli said that the HPC had understood that there were interior lay-out issues that would limit how much re-arranging could be done. The elevation before the Board tonight is the best the applicant and Mr. Leone could propose without upsetting the bank's inside flow of activities.

Mr. Leone pointed out the ATM in the center of the curved wall. There is a future ATM above the curved wall. If the front door was centered on that wall, it may prove difficult for a handicapped person to maneuver to the future ATM.

Mr. Leone noted that when he removed the original columns on the Main Street elevation, he then made adjustments on the floor plans. On the west elevation, Mr. Leone pointed out another column that was added to give more balance. The HPC had asked for this balance.

Mr. Miceli noted that the HPC had comments on the size and the color of the bank's kiosk. He asked Mr. Leone to address these comments.

Mr. Leone testified that the kiosks are pre-manufactured units. HSBC will order the units based upon what type is needed. One type of unit is a drive-up teller with pneumatic tube.

Mr. Montague asked if the person in the vehicle could see the person in the bank window. He pointed out that kiosk units come in different sizes. He felt it still wasn't clear what size kiosk was being proposed in this application.

Mr. Miceli recalled that HSBC would like to have the ATM; however, they would be willing to eliminate it if the Board so requested. Mr. Leone clarified that HSBC is proposing the ATM with the pneumatic tube and module.

Mr. Montague still wanted to know what size and color were being proposed for these ATM units.

Mr. Leone stated that the bank would prefer to have the 86-inch wide unit with the ATM and the pneumatic tube.

Mr. Montague believed those particular specifications were acceptable; however, there are no large red boxes on bank properties in the Borough.

Mr. Leone clarified the bank is proposing both the pneumatic tube station and the ATM as a double unit. Initially, this unit will measure 44 inches. If the volume of traffic and an additional ATM is needed, HSBC will then buy another ATM. The measure will then become 86 inches. Mr. Leone said the bank is seeking approval of the overall maximum unit.

Mr. Montague asked Mr. Jankowski for his input on this proposal.

Mr. Jankowski believed that HSBC is requesting an 86-inch unit, which is the largest size this unit will be. The pneumatic unit, if approved, will be installed first. If the volume increases another unit will be installed.

Mr. Montague brought up the color concerns. The Historic Preservation Commission preferred these units to be grey, similar to the color for the bank's windows.

Mr. Leone said that red is the bank's signature color. If another color is used, HSBC would be giving up its identity.

Mr. Hague reminded Mr. Leone that the Commerce Bank in the Borough is not similar to other Commerce Banks in neighboring areas. The Chatham Borough Commerce Bank didn't use their signature color and styles.

Regarding signatures, Mayor Plambeck pointed out that the ATM unit will be in the back portion of the bank's property. He noted that not many people will be seeing this unit.

Mr. Leone didn't believe the ATM is really part of the streetscape as believed by Mr. Montague.

Mr. Montague felt that in the winter-time that ATM will be visible and part of the streetscape.

Mr. Leone didn't think a motorist driving down Main Street would be taking notice of these red ATMs unless he/she was looking to pull into the property. These red ATMs would be easy for a customer to spot. Red will provide instant recognition. Mr. Hague, who preferred a grey ATM, reminded Mr. Leone that there won't be any other ATM options in the back. A customer should not have a problem finding it.

Mr. Miceli reminded the Board that red is HSBC's color. He believed there is no ordinance requirement for ATM colors. He noted that the size of the proposed ATM complies with the ordinance.

Mr. Montague reminded Mr. Miceli that the ATM would be in the Historic District. The Board and Mr. Miceli further discussed the brightness of the ATM color. They reviewed Exhibit A-7, the photo of the proposed ATM. They also took into consideration the thickness of the proposed ATM. Mayor Plambeck noted the thickness is 27 inches by 86 inches. He also noted the upper portion of the ATM creates an over-hang.

Mayor Plambeck expressed concern of what the garden apartment dwellers will have of this proposed construction. Perhaps some shielding could be added.

Mr. Miceli said HSBC would be happy to provide landscaping to soften the aesthetics of the ATM.

Mr. Hague suggested Mr. Miceli report back to HSBC about the Board not liking the bright red of the ATM and that the Board prefers it to be grey in order to blend in with the streetscape.

Mr. Miceli agreed to confer immediately with his client.

At 9:20 p.m. a break was taken in the meeting.

At 9:30 p.m. the meeting resumed.

Mr. Miceli pointed out that one of the purposes of the Borough's Historic Preservation ordinance is to foster private reinvestment to historic districts and sites and balance the purpose of historic preservation to current needs. He believed that the evolution of this proposed project has moved towards the balancing of the historic district needs with the current needs of HSBC. Mr. Miceli felt that HSBC's application currently conforms to this Borough ordinance. He noted that HSBC has deviated from its standards. HSBC has appeared before the Historic Preservation Commission.

Mr. Miceli reported that HSBC would like to maintain the red color of the proposed canopy portion; the bank will make the walls of the ATM grey. Landscaping will also be planted to mitigate any impact the ATM may have. Mr. Miceli said that these actions will be a deviation from HSBC standards; however, HSBC is willing to make these deviations if this "makes the site work" for the Board.

Mr. Miceli noted that the proposed ATM will have some red trim around it. An HSBC logo will also be included.

Mr. Tayfun Selen, a senior project manager with HSBC, came forward. He remained under oath from the previous hearing. He testified that once HSBC installs their ATM, there will be a red "surround" or trim with a width of little over an inch.

Mr. Foster confirmed with Mr. Miceli and Mr. Selen that the canopy will remain red. Mr. Miceli stated that the supporting walls will be grey. Underneath the canopy, where the lighting is located, will be red.

Mr. Jankowski asked if the signage on the canopy would be illuminated.

Mr. Miceli answered that the signage would be back-lit.

On other issues, Mr. Miceli stated that HSBC has agreed to the Fire Chief Glogolich's recommendation of a central station alarm system and a Knox Box. Also, Mr. Miceli stated that HSBC will address the issue of the utilities as recommended by the Shade Tree Commission. HSBC will comply with the recommendations made on the location of the air conditioning units. These units will be shielded.

Mr. Montague noted that HSBC has submitted a turning radius as suggested by the Borough Engineer.

Mayor Plambeck suggested that HSBC give testimony on the traffic pattern on the site.

Mr. Dougherty, the engineer for HSBC, came forward.

Mr. Dougherty testified that a single-unit vehicle was used for the vehicle template. He explained how the radius of the driveway had been adjusted.

Mr. Jankowski asked if there would be an exterior trash collection area on the site.

Mr. Dougherty answered that the trash collection will all be interior. The bank has two types of garbage: their regular trash and their confidential shredded documents. The shredded documents will be removed from the building and taken away by a separate contractor. The regular trash receptacles in the bank building will be emptied and bundled up by the cleaning crew every night and taken away in the crew's vehicle. No exterior trash collection area will be needed.

Mr. Mitchell noted that there is no proposed door at the back of the building. Isn't that a fire hazard? Apparently the Fire Department report did not comment on that situation.

Mr. Jankowski felt that the proposed front doors met the 75 feet safety requirement for the nearest exit. He pointed out the proposed building is 83 feet long. Mr. Miceli stated that HSBC will comply with all Building Code requirements.

Mr. Montague noted that the testimony was now finished. He noted that the lighting issue will be resolved by the HSBC and the Historic Preservation Commission. He asked Board members if they felt further discussion was needed.

Mr. Sennett recommended that if the Board stipulates the condition that the applicant meet and resolve issues with the HPC, it should not be a weak and ambiguous condition.

Mr. Foster said the condition could be subject to approval by the Borough Engineer after the applicant has reviewed the situation with the HPC.

Mr. Miceli said if his client cannot reach an agreement with the HPC, his client will return to the Board.

Mr. Hague preferred Mr. Foster's suggestion that the condition be subject to the Borough Engineer's approval. Mr. Hague didn't feel this particular authorization should be delegated to the Historic Preservation Commission.

After further discussion, Mayor Plambeck believed that at this point in time, lighting is the significant issue which needed to be clarified. He asked Mr. Foster if he felt the same way.

Mr. Foster agreed with Mayor Plambeck, adding that a strong condition be established concerning the lighting. Mr. Montague noted that a condition be included concerning the location of the columns and front door. Also, HSBC will work with Kings Supermarket concerning the landscaping on the side.

Mr. Montague asked Mr. Miceli if a decision was reached on the roof shingles.

Mr. Miceli said he understood that the HPC wanted to review the roof shingle situation and give their final comments.

Mayor Plambeck brought up the landscaping relative to the kiosk. HSBC had said they would make sure these plantings would provide shielding to Lafayette Garden apartments situated behind the bank.

Mr. Foster noted that the Borough Engineer has not yet reviewed these revised plans. He recommended a general condition be included that these revised plans satisfy the Borough Engineer and that all of the questions Mr. DeNave has raised in his letter have been satisfied.

Mr. Montague pointed out that the Borough Engineer should also review the turning radius. Also, the final size and dimensions of the kiosk must be agreed on. Mr. Miceli said that he and the applicant will work with Mr. Foster to ensure that the resolution accurately reflects what HSBC is proposing to build.

Mr. Hague noted that at the previous hearing the bank employees will be capped at 5 in the building at one time in order to control the parking. Mr. Miceli agreed that would also be a condition.

Mr. Montague and Mr. Dougherty discussed the selection of security fixtures which will be modified with any lighting design change. Mr. Montague asked for information of what security lighting stays on and what goes off. He noted that the Board does not want any more lights on than is necessary. Mr. Miceli believed that the Borough Engineer will look out for the Board's best interest.

Mayor Plambeck made a motion to approve Preliminary and Final Site Plan Approval for HSBC Bank, USA, based on the latest drawing package which the Planning Board has received tonight, most of which have revision dates of November 19th or December 5th, 2007 with the following conditions:

- 1) The Borough Engineer, after reviewing the final set of plans, is satisfied in the answering to his concerns as stated in his correspondence
- 2) The color and material questions, raised by the HPC, concerning the building materials will satisfy the Borough Engineer after consultation with the HPC
- 3) A description of the kiosk, as described in its final form, will state its maximum dimensions and what portions will be red and which will be grey

- 4) A landscaping plan for around the kiosk, to provide a buffer for the Lafayette Ave. apartment dwellers, will be submitted to satisfy the Borough Engineer
- 5) A central alarm and Knox box will be installed as requested by the Chatham Fire Department
- 6) There will be a maximum of five employees to work in the bank building at one time
- 7) The placement, illumination, and timing of the front and rear lights, the front doors, and front façade will be subject to approval by the Borough Engineer after consultation with the HPC.
- 8) The applicant will comply with all construction code requirements.
- 9) The applicant will make a good faith effort to enter into agreement with Kings Supermarket for a joint landscape scheme for the space between HSBC's and Kings' driveway.
- 10) The applicant will obtain the necessary DOT permit for the driveway for the site
- 11) The plans will be updated with the names of the current property-owners
- 12) The applicant will take the necessary steps to protect the existing beech and maple trees in the front yard.
- 13) The Planning Board will maintain jurisdiction over the landscaping on the site.

Mr. Jankowski seconded the motion. A roll call vote was taken:

Mr. Hague - abstained
 Mr. Gerridge - yes
 Mr. Sennett - yes
 Mr. Jankowski - yes
 Mr. Mitchell - yes
 Mayor Plambeck—yes
 Chrnm. Montague—yes

Old/New Business

The Board discussed whether or not to hold their meeting scheduled for December 12th. They decided to cancel it. The next Board meeting will be held Wednesday, January 9th 2008 at 7:30 p.m.

Mr. Montague reported on the Board of Adjustment meeting held on November 28, 2007.

Mr. Gerridge noted that his term on the Board finishes this month. He will not be renewing his membership. He has sent a draft of the stormwater ordinance to Mr. Sennett and Mr. Hague. If Mr. Montague wants, Mr. Gerridge could turn over all his work and research on stormwater to someone else. He was willing to continue this assignment as a volunteer consultant.

Mayor Plambeck, who will also no longer continue on the Board, recommended that the Board seriously review the B-4 District. Currently this district allows for 3-story buildings, 100% coverage, and no limits on FAR or building coverage.

Mr. Foster asked if the Board should seek the opinion of a professional planner on this situation. Mayor Plambeck agreed. Mr. Montague said he will speak with the Borough Administrator if the budget will allow for the hiring of a planner.

On other matters, Mr. Foster reported that the Shailja law suit is scheduled for December 16, 2007.

Mr. Montague thanked Mr. Gerridge, Mr. Jankowski, and Mayor Plambeck for their years of service on the Planning Board.

Mr. Montague said Board members are needed to serve on the Board's Nominating Committee. A new slate of officers has to be organized for 2008. Board members are also needed to serve as a liaison to the Zoning Board of Adjustment and the Environmental Commission. He will be in touch with Board members to fill these posts.

At 10:50 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler
Recording Secretary