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MILLTOWN ZONING BOARD OF ADJUSTMENT
39 Washington Avenue
Milltown, New Jersey
March 7, 2007
7:30 p.m.

In Re:
Valley National Bank
Block 51, Lot 3

B E F O R E:

- Richard Ryan, Chairman
- Michael Olesinski, Vice-Chairman
- Anne Harto
- Chuck Bianco
- Andrew Hippeli
- Patricia Healey
- Frank Amato
- Lois Bitalla, Board Secretary
- Carl Branciforte, Board Attorney
- Raymond Liotta, Borough Planner
- Raymond Liotta, Planner
- Michael McClelland, Borough Engineer
- Brian Johnson, Office of the Borough Engineer

A P P E A R A N C E S

AZRAK & ASSOCIATES, LLC
627 Newark Pompton Turnpike
Pompton Plains, New Jersey 07444
BY: FREDRIC A. AZRAK, ESQ.
BY: PETER McARTHUR, ESQ.

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1 MS. BITALLA: Ladies and gentlemen, welcome
 2 to the Wednesday, March 7th meeting of the Milltown
 3 Zoning Board of Adjustment. Chairman Ryan?
 4 CHAIRMAN RYAN: Here.
 5 MS. BITALLA: Vice-Chairman Olesinski?
 6 MR. OLESINSKI: Here.
 7 MS. BITALLA: Mr. Amato?
 8 MR. AMATO: Here.
 9 MS. BITALLA: Mr. Bianco?
 10 MR. BIANCO: Here.
 11 MS. BITALLA: Mrs. Harto?
 12 MS. HARTO: Here.
 13 MS. BITALLA: Mrs. Healey?
 14 MS. HEALEY: Here.
 15 MS. BITALLA: Mr. Hippeli?
 16 MR. HIPPELI: Here.
 17 MS. BITALLA: Seven present.
 18 CHAIRMAN RYAN: Thank you.
 19 (Board business was conducted off the
 20 stenographic record.)
 21 CHAIRMAN RYAN: Okay, ladies and gentlemen,
 22 the application still before the board is the Valley
 23 National Application and Mr. McClelland, safe to start
 24 with you this evening?
 25 MR. McCLELLAND: Yes, Mr. Chairman. Thank

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1 you. At the last meeting there was various discussions
 2 with the public and I know the applicant's attorney
 3 summarized issues with regard to that, but I thought
 4 maybe what we would do is to go through items,
 5 housekeeping things on our report that have changed and
 6 just a clarification. We have a report -- actually two
 7 reports I believe that the board had. The first one was
 8 the September 28th report and then we amended that to
 9 include discussions where the applicant had addressed
 10 various issues. Essentially I think just in the way of
 11 clarification, on Page 2 of 8 of our report there was a
 12 discussion about the number of spaces and you recall at
 13 the last meeting the applicant submitted the revised
 14 plan which indicated he would construct 19 spaces. So
 15 that's a modification in the way our report is and I
 16 have this handwritten here, but I want to make this
 17 clear in the event that the board does decide to make a
 18 recommendation with additions either way that it's clear
 19 that the applicant had proposed 19 spaces and I think it
 20 should be clear that we are satisfied with that number.
 21 CHAIRMAN RYAN: Thank you.
 22 MR. McCLELLAND: Item 2 on our report on
 23 Page 2 of 8 basically talks about the site plan layout
 24 and the drive-thru lanes. We had some concerns about
 25 cueing vehicles waiting to use the drive-thru that would

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1 not obstruct vehicles waiting to enter the site and use
 2 the parking on the south side of the building. The
 3 applicant's engineer through discussions with our office
 4 agreed to provide striping to better channelize that
 5 traffic which is acceptable to us. Also we have a
 6 widening at the entrance. The idea is to basically line
 7 and cue vehicles waiting for the drive-thru so that cars
 8 can move around without impeding other traffic.
 9 There is some indication -- there were some
 10 questions on Item 5 which talks about the masonry wall
 11 at the northerly property line interfering with the line
 12 of sight for the northern most driveway. The applicant
 13 has provided us revised plans to indicate that the site
 14 distance should be satisfied. The applicant agreed to
 15 provide a deed of easement for the proposed site
 16 triangles. We had some discussion about the traffic
 17 issues and the applicant offered to provide mitigation
 18 to the impact of traffic which we're going to talk about
 19 in just a second.
 20 They've modified the plan so that there's
 21 less than a quarter of an acre of new impervious area.
 22 And the applicant has agreed to the bulk of the other
 23 comments in our report.
 24 In addition as the meeting has been or the
 25 meetings I should say have been moving we have prepared

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1 some suggested conditions of approval that should the
 2 board decide to go that way that the applicant has we
 3 believe agreed to or committed to during the hearings.
 4 The one I want to go through first is this issue with
 5 regard to the traffic and there was various testimony
 6 from the applicant's engineer on traffic and the issue
 7 as we see it from an engineering perspective is that the
 8 traffic issue becomes critical here with regard to the
 9 drive-thru and the addition of the drive-thru and the
 10 impacts of additional traffic from the drive-thru. And
 11 that's obviously why we're here with the use variance.
 12 What we've asked them to do is to propose some
 13 mitigation method to mitigate those impacts and they
 14 have come back and there was correspondence sent by the
 15 applicant's engineer prior to your last meeting which
 16 indicated they would be willing to pay a fair share of
 17 improvements to two traffic signals; one at Oaks and
 18 Main and the other at Ford and Main. What we had done
 19 is to coordinate with the applicant's engineer as to
 20 what the approximate cost would be of the improvements
 21 at the intersection of Ford and Main and constructing a
 22 traffic signal. Based upon discussions that we had we
 23 believe a reasonable estimate with everything we have in
 24 front of us right now is approximately \$500,000. The
 25 applicant has indicated a willingness to post 3.3

2 (Pages 2 to 5)

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1 percent of that as his fair share towards ultimate
 2 improvements either done with a developer's agreement,
 3 with the Mayor and Council or subject to what the
 4 attorneys feel what can be done as a condition of
 5 approval for the resolution.

6 There also was an indication that they would
 7 be willing to post some additional fair shares for
 8 improvements to the intersection of Oaks and Main. I
 9 think the applicant's engineer is of the opinion of
 10 doing some timing changes they may be able to accomplish
 11 some benefits, create gaps which I think is what we
 12 talked about at the meeting to allow cars to move in and
 13 out of the driveways and courtesy gaps I think is
 14 essential to what we are talking about. If you don't
 15 have the gaps in the traffic signals both signals in our
 16 opinion will provide that and I think it's in our
 17 opinion an acceptable way to move in this direction, so
 18 essentially to have fair share for both those.

19 The other issue that we dealt with and also
 20 was indicated by correspondence is this impact or these
 21 issues as we spoke about with impacts to pedestrians
 22 along the Main Street and they've indicated a
 23 willingness to post a fair share, actually post
 24 improvement dollars to improve curb and sidewalk in and
 25 along the sidewalk area. Let me be clear about what

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1 areas. Sidewalk on West Church, sidewalk on Clay Street
 2 and sidewalk on Cottage. This is sidewalk and curb that
 3 are currently deteriorating so that there could be a
 4 path for pedestrians to walk in and around this inner
 5 block where the bank is to be located. So there were
 6 some concerns raised by residents and the board I
 7 believe with pedestrian movements that now would have to
 8 go across the front of the site. I think what we're
 9 saying is they've been indicating a willingness to
 10 improve the sidewalk so that pedestrians don't have to
 11 go -- at least school-bound pedestrians don't have to go
 12 across the front of the site. They can make the right
 13 on Cottage on reasonably satisfactory sidewalks and
 14 enter the school from the back on Cottage. In addition
 15 traffic or pedestrian traffic on Clay Street heading
 16 towards the school can now use that piece where it was
 17 deteriorating or is deteriorating currently and they've
 18 agreed to make those improvements and those are
 19 estimated at approximately \$15,000.

20 Other items that we have and certainly if
 21 there's any questions please stop me and I'd be happy to
 22 talk about it. These are offerings by the applicant.
 23 In order to go through and mitigate those impacts from
 24 the proposed drive-thru which is essentially the major
 25 part of the issues, we've asked that all roof mounted

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1 mechanical equipment be screened by the gable roof.
 2 That was a condition or is just in here as an indication
 3 that the applicant's architect made somewhere along the
 4 line in the last few months, but we think it should be
 5 recommended as a condition of approval because roof
 6 mounted mechanicals will take away from the aesthetics
 7 of the site. You have probably seen these large air
 8 handlers on roofs and if they're not screened properly
 9 they tend to take away from what the aesthetics of the
 10 site would be. It's not in our original letter because
 11 we weren't sure what it would look like so we recommend
 12 that that be added as a condition.

13 There was some discussions about a 48-inch
 14 Elm Tree to the rear of the site and I think there's
 15 been discussion with my office and the applicant's
 16 engineer about the condition and viability of this tree.
 17 The board indicated and I believe the applicant agreed
 18 that this 48-inch Elm would be saved, if possible. When
 19 I say that I want to be very clear that the question to
 20 whether this tree is alive or not, it's an old Elm and
 21 Elms have a tendency, this size and age, and I'll defer
 22 that to our professional relative to the landscaping,
 23 but may not survive. And it may not be viable now, but
 24 they've indicated that they will have it checked,
 25 they'll have a certified tree expert look at it and have

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1 it reviewed and this is a condition recommended to add
 2 to the resolution. And we believe the applicant has
 3 already agreed to this, but I think it should be
 4 memorialized in the resolution.

5 The other issue I have is with regard to
 6 demolition plans. There have been a lot of discussion
 7 about the demolition and safety issues of that and I
 8 asked questions of their professionals when they were
 9 here and I think the board and the public did as well,
 10 but I think it should be clear that this be included as
 11 a condition that you in fact require special operations
 12 so that this demolition is done properly and not that
 13 there's hazards relative to pedestrians and those types
 14 of things. And we ask that there be a special condition
 15 that this be reviewed by the construction code official.
 16 It usually is. They need a permit for demolition
 17 anyway, but we recommend that there be a special
 18 condition that this is done properly and it's basically
 19 highlighted to the construction people.

20 Item 6 is another thing that they talked
 21 about asbestos if encountered during demolition would be
 22 addressed in accordance with applicable NJ DEP
 23 regulations governing the same. This is an issue in an
 24 older house like this. There's typically asbestos
 25 throughout the walls whether it be insulation or

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1 building materials and I think that that's a concern of
 2 ours. And I think the board's concerned also and
 3 naturally the public and I think that should be
 4 something that should be highlighted that should be a
 5 special condition.

6 Item 7, there's been a lot of discussion
 7 about what the width of the exit drive was and we
 8 debated that and even internally in our office we talked
 9 to the engineer and we recommend that the driveway be
 10 reduced, exit driveway to a width of 16 feet subject to
 11 review by our office. There was discussion of
 12 inadequate site distance to have the driveway. The
 13 applicant's engineer will look at that, but we're
 14 proposing 16-foot on that in an effort to prevent
 15 two-way traffic -- to help channelize and eliminate two
 16 cars approaching Main Street and being in conflict with
 17 pedestrians and the cars coming out/in.

18 Item 8, there is some discussion that the
 19 applicant may be looking to suppress the fire with the
 20 sprinkler systems. If they intend to do that we still
 21 need some hydrant testing at the street to verify that
 22 there's sufficient flow and pressure inside our systems
 23 to activate the sprinkler system. If not there's a
 24 certain calculation method that has to be done in order
 25 to go through and demonstrate that there's enough water

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1 on the street to suppress the fire from the outside. I
 2 think they're using a suppression system. Naturally we
 3 would recommend that you require that the applicant
 4 comply with our report dated September 28th as amended
 5 in these discussions also tonight and also at earlier
 6 meetings. That the applicant should secure the
 7 necessary Historical Preservation Act approvals which I
 8 think has been discussed at length at the meetings
 9 earlier. That the applicant submit a maintenance manual
 10 for the maintenance of the detention pond for our office
 11 and enter into a developer's agreement which was
 12 indicated by the applicant's attorney that they would do
 13 this with the Borough.

14 And lastly I note be added to the plan that
 15 all roof drains be connected to the on-site storm
 16 drainage system. That's all we have, Mr. Chairman.

17 CHAIRMAN RYAN: Thank you. All those
 18 conditions that we speak of here are agreeable to the
 19 applicant at this point?

20 MR. AZRAK: Good evening, Mr. Chairman.
 21 Frederick F. Azrak, Azrak & Associates for Valley
 22 National Bank. We have discussed this and we are in
 23 agreement with all of the conditions. Just a
 24 clarification, Mr. McClelland, on the 3.3 percent that
 25 would be on \$500,000. That's for both Fords and Oaks,

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1 that's combined?

2 MR. McCLELLAND: That's correct.

3 MR. AZRAK: And we are not putting a
 4 sprinkler system in and a suppression system so I would
 5 assume that we're not doing that, that that condition of
 6 testing for pressure is not necessary. Other than that
 7 we're in agreement with everything that was put on the
 8 record.

9 CHAIRMAN RYAN: Thank you. Mr. Liotta?

10 MR. LIOTTA: Well, Mr. Chairman, as the
 11 board knows the reason for the application to be before
 12 the Zoning Board is that the bank itself is a permitted
 13 use. It's the drive-thru component of the bank that's
 14 being proposed which is specifically prohibited in the
 15 BI district. So what the applicant needs to do through
 16 their testimony was to provide are there special reasons
 17 or promotion of the purposes of zoning or better term,
 18 that are advanced that would allow for you to approve
 19 the use. And what I did was I went back into my notes
 20 and reviewed what I believe I heard in testimony with
 21 respect to the planning issues. And what I'd like to do
 22 is just kind of summarize my notes. Now this is not
 23 from reading any transcripts or listening to any tapes.
 24 It's basically purely from the notes that I took and
 25 what I heard from the applicant's professionals, all

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1 different professional experts as well as comments from
 2 the general public.

3 CHAIRMAN RYAN: That's fine.

4 MR. LIOTTA: So positive criteria which
 5 under a D variance in this circumstance based on the
 6 Medici case is the special reasons and what you need to
 7 do was show that there's an advancement of the purposes
 8 of zoning and that would be provided, special reason and
 9 those purposes are indicated in the Municipal Land Use
 10 Law. There's a whole series of them. Also, if the
 11 applicant has proposed promoting and being consistent
 12 with the Master Plan goals and objectives that is also
 13 promoting the purposes of Milltown zoning specifically
 14 and can be found to be special reasons. So what I'm
 15 going to review is what the applicant indicated in
 16 testimony.

17 They said that they were promoting Purpose A
 18 of the Municipal Land Use Law which was promotion of the
 19 general welfare and they said that banks are permitted
 20 and that the drive-thru was not. Testimony was given
 21 that the banking has changed over the years and that
 22 with this change a drive-thru service is a common
 23 standard now which allows for less parking, better
 24 efficiency of the bank through its use of the drive-thru
 25 and allows for more public access and allows for

1 essentially a smaller building because many of the
2 customers are utilizing drive-thru service, requires
3 less building coverage, less parking and allows for more
4 open space on the property. They said this promotes the
5 general welfare because it was consistent with purpose
6 one, purpose one in the B1 zone standard which is to
7 provide public convenience and prosperity within the B1
8 zone.

9 So that's information that they testified to
10 with respect to Purpose A of the Municipal Land Use Law.

11 They also indicated Purpose C was advanced
12 and that's to provide adequate light air and open space.
13 Testimony was that the site layout complied with
14 setbacks and provided for more than required open space.
15 This was due to current bank functions with the
16 drive-thru which required less parking and allowed for a
17 smaller building. They also advanced in their testimony
18 Purpose G which is is this an appropriate location for
19 this particular use. They indicated that banks are
20 intended to be in this zone, that the banking function
21 itself is obviously a permitted use and they referred
22 back to the master plan documents that go back to the
23 original 1988. There is a 1996 amendment and 2002
24 reexam. And what they indicated was that the Master
25 Plan indicated that an increase in the diversified

1 suitability to the site because the bank use itself was
2 permitted in the area and on the site specifically and
3 that the site easily accommodated the use and in fact
4 they were not approaching any of the maximums indicated
5 within the zoning ordinance. They also indicated that
6 the site easily accommodated the use.

7 Those were essentially my notes with respect
8 to their testimony on special reasons and how they're
9 answering that question is they did provide a whole
10 series of answers with respect to negative criteria
11 which has to do with advancement of the -- is there any
12 substantial detriment, excuse me, to the public good
13 which is essentially the neighborhood and is there any
14 substantial impairment to the purpose and intent of the
15 zone plan and the zoning ordinance.

16 And I think what I'd like to do is read
17 something out of the Land Use Administration Book which
18 is kind of like a Bible that the planners and attorneys
19 use and refer to all the time. And this is about an
20 enhanced quality of the proof and it has to do with the
21 situation we have here which is not an inherently
22 beneficial use though we have to provide the special
23 reasons and an enhanced quality of proof. And I'll read
24 you what that meaning is. In addition to providing a
25 special reason and I'm referring to Special 7-4.2, Item

1 commercial land use was recommended for the B1 zone and
2 that the Borough must consider the means of maintaining
3 a continued vitality of the commercial districts along
4 Main Street. And basically what they were saying there
5 was that things change and sometimes you have to
6 consider other options for the purpose of establishing a
7 viable business district. So that was essentially their
8 testimony on that item.

9 They also indicated that the application was
10 promoting Purpose I which was promoting a desirable
11 visual environment. The new structure they said would
12 be compatible and support the architectural styles in
13 the neighborhood and would be replacing a building that
14 is not reasonably repairable. And they provided
15 testimony in some of the exhibits with respect to the
16 condition of the building.

17 They also indicated that they were advancing
18 goals in the master plan which I discussed a little bit
19 before which has to do with this part of Main Street in
20 the business district helping to promote vitality and
21 recognizing the current standards. Current standards
22 for particular uses may be appropriate and maybe should
23 be considered which were not considered when the zone
24 standard was first drawn in 1994 when the ordinance was
25 adopted. They indicated that there was particular

1 3, enhanced quality proof. In addition to providing
2 special reasons the applicant must offer an enhanced
3 quality of proof that the variance sought is not
4 inconsistent with the intent and purpose of the Master
5 Plan and the Zoning Ordinance. Proof which must
6 reconcile the proposed use variance with the zoning
7 board and its omission. So there's an understanding
8 that the Borough has not included that specific use for
9 whatever reason and they have to reconcile why this use
10 as proposed should be included on this site.

11 And then consequently, you the board must
12 clearly and specifically find that the use applied is
13 not inconsistent with the intent and purpose of the
14 Master Plan and the Zoning Ordinance. So again, what
15 the board needs to determine is are the aspects of the
16 proposal that the applicant has before you not
17 inconsistent or do they promote the goals and objectives
18 of the Master Plan for this specific lot and in this
19 zone and can any of the deviations from the purposes and
20 from the zoning be reconciled. Is there a substantial
21 detriment to what they're proposing.

22 So those are the issues that are before you.
23 I do have a series of items similar to what Mr.
24 McClelland discussed and I think we can probably get to
25 those after a little further discussion if the board has

1 questions or any of the issues, any other issues about
 2 special reasons.
 3 CHAIRMAN RYAN: Would you like to get to
 4 that before we move to Mr. Branciforte?
 5 MR. LIOTTA: Sure.
 6 CHAIRMAN RYAN: And if the board has
 7 anything at this moment, certainly.
 8 MR. LIOTTA: Well, just to I guess add to
 9 Mr. McClelland's item list that he just discussed that
 10 there could be potential approval conditions if there is
 11 an approval, we did discuss the parking count. I'm in
 12 agreement with Mr. McClelland that I think the 19 spaces
 13 is accurate. One thing for the board to discuss, there
 14 was some discussion on the record with respect to some
 15 of the stall width sizes that maybe some of the customer
 16 spaces might be considered at nine-and-a-half feet as
 17 opposed to nine feet which is currently on the plan, but
 18 that's open for discussion. It's not something
 19 specifically identified as a requirement.
 20 Mike indicated the drive aisle exit with
 21 respect to signage. There was some discussion about the
 22 variance issues and we should probably go through some
 23 of the variance issues individually so the board can
 24 assess whether they've satisfied the condition on
 25 variance request there. They indicated they didn't need

1 a loading space and there's a variance associated with
 2 that. They didn't need a trash enclosure. There was
 3 special pick-up arrangements so that a trash enclosure
 4 was not required. The architecture needed to be
 5 consistent with what they presented so that when they
 6 come in for a building permit if approved they could not
 7 come in with something significantly different. If they
 8 showed a certain style of architecture and certain
 9 materials then that's what we would expect to be
 10 constructed.
 11 Tree replacement, the calculations have to
 12 be revisited and if there's a penalty after the
 13 calculations are revisited through the engineer and my
 14 office it was my recommendation early on that any
 15 penalties remaining with the site and what I mean by
 16 that is if there's a penalty amount I would suggest
 17 increasing the size of the plantings that are installed
 18 on the site as opposed to utilizing another aspect of
 19 town or increasing the numbers. I'd rather see a 6-inch
 20 caliber tree installed as opposed to a couple of other
 21 two-and-a-half or three-inch caliber trees. So that was
 22 my recommendation.
 23 The freestanding sign that's near the
 24 entrance lane of the bank drive, drive aisle, the model
 25 of block planting bed needed to be detailed and it

1 should be consistent with the architecture of the
 2 building. I think Mike mentioned that any approval
 3 would be conditioned upon the State Historic
 4 Preservation Office and the Office of the Comptroller of
 5 the Currency since this is a federal institution they're
 6 required to go through that procedure and then
 7 potentially get sign off with respect to historical
 8 aspects of the site.
 9 I also have written that the lighting in the
 10 canopy of the drive-thru needs to be recessed. It
 11 couldn't be any lenses or lighting fixtures exposed,
 12 they all had to be recessed in the ceiling. Mike
 13 mentioned the demolition plan and my notes indicate that
 14 the demolition plan was going to be necessary outlining
 15 the precautions, the times of demolition and how it was
 16 going to occur and I think Mike covered that
 17 significantly.
 18 Mechanical equipment, I heard it would be
 19 under the roof. I also heard in testimony that
 20 artifacts and elements that are within the existing
 21 building and about the existing Forney house would be on
 22 display in the bank in an area identified for that use
 23 so that the general public could access that material
 24 and look at it and make it accessible to the general
 25 public. My recommendation also would be that there

1 might be something attached to the possibility that if
 2 the bank is discontinued on the site that those
 3 artifacts be reverted back to the Borough and the
 4 Historic Committee or some other entity within the
 5 Borough to manage and maintain and keep those pieces of
 6 historic information. Those are essentially some of my
 7 comments with respect to potential approval conditions.
 8 CHAIRMAN RYAN: Thank you. Now before we
 9 move any further I want to ask are those conditions
 10 agreeable? If any are not then I'd rather move and come
 11 back to them.
 12 MR. AZRAK: All those conditions are
 13 agreeable. I do have a comment just for clarification.
 14 And that is on the CME letter of the 28th, that was on
 15 the old plan so there's going to be some inconsistencies
 16 with a revised plan. So other than those
 17 inconsistencies we agree with the 28th letter and I
 18 think Mr. McClelland understands that there may be some
 19 differences in wording now. For instance, calculations
 20 for drainage are different and things like that. But
 21 we're in agreement that on the revised plan they will
 22 match those general comments.
 23 CHAIRMAN RYAN: Thank you. Does the board
 24 have any comments with regard to Mr. Liotta's
 25 statements? We can get back to them, but at this point

1 I want to move to Mr. Branciforte.
 2 MR. BRANCIFORTE: Well, I generally find it
 3 helpful to the board myself to go through the legal
 4 requirements of what is necessary to provide the
 5 different variances. Mr. Liotta basically covered most
 6 of it. The item of special reasons being a positive
 7 criteria, something to show that the project has
 8 something positive for the Borough and planning wise.
 9 You only need to find one of those reasons. He
 10 identified four. The law only requires one. If you
 11 find that any one of those special reasons applies
 12 that's all it really takes. The issues came up that
 13 have been resolved in the conditions. One of the things
 14 that the board can do in evaluating the impact of
 15 traffic or whatever else it feels could be a negative is
 16 to obviously factor in the things that the applicant is
 17 willing to do to mitigate or to reduce the problems.
 18 One of them is pedestrian safety. One of them is to
 19 obviously improve the sidewalks on Cottage and Clay and
 20 Church to encourage pedestrian traffic to go that way to
 21 the schools, okay?
 22 During the various public portions there
 23 were different aspects, different comments that came up
 24 and I just want to make sure -- I don't want to muddy
 25 the waters, but I want to make sure we're clear on this.

1 I didn't really talk about this then, but I think it's
 2 important now. The board does not have the power to
 3 regulate how many banks are in this town or in this
 4 Borough, okay? So whether Valley National Bank has an
 5 operation in North Brunswick, East Brunswick or even one
 6 on the other side of town on the other side of this
 7 Borough it doesn't matter. The issue of regulating the
 8 number of banks is not within the power of the board.
 9 You're allowed to consider in your deliberations whether
 10 or not this proposal is more or less negatively
 11 impactful than a permitted use. Mr. Azrak made that
 12 statement at the end of the last meeting saying that
 13 there could be permitted uses here that if built could
 14 actually be worse for the site than this particular use.
 15 We've talked about the approval the bank needs from the
 16 Office of the Comptroller of the Currency dealing with
 17 the historical aspect of this property if there is found
 18 to be one and what would have to be done to allow the
 19 bank to be built. That's a condition of approval that
 20 allows the board to say we will allow the federal
 21 regulatory agencies and the state regulatory agencies to
 22 decide what's really going on here historically.
 23 In terms of actual preservation of this
 24 building, the board has no preservation powers. It has
 25 no power to declare this building to be an historic

1 site. It's strictly beyond the power of this board to
 2 do that. The applicant correctly pointed out that the
 3 current owner could knock down this building at any
 4 time. That's an accurate statement provided he gets a
 5 demolition permit.

6 Three other small issues, the Borough's
 7 application procedure, the checklist does not require
 8 the submission of a Construction Safety Analysis. It's
 9 not a requirement like an Environmental Impact Statement
 10 is a requirement. This applicant went ahead and did
 11 that anyway. And one of my concerns is that at any
 12 construction project there's elements of mixing, you
 13 know, the construction with the people that live here.
 14 But to say that you can't ever build anything because a
 15 construction project may cause injury or issues with
 16 pedestrians and traffic would basically stop all
 17 construction. Similarly, the concerns about the
 18 teachers and the students at Joyce Kilmer School with
 19 whether the construction would be a distraction, whether
 20 they build a library, a bank or homes here, there's
 21 going to be issues with kids wanting to look out the
 22 windows. It doesn't matter that this is a bank. It
 23 could be any construction issue. Any construction
 24 project would have that issue. That's totally beyond
 25 the control of this board and the applicant. If the kid

1 is going to look out the window he's going to look out
 2 the window. It's more a control issue for the teachers.

3 And finally, we haven't gotten to the
 4 signage yet. I think Mr. Liotta hasn't talked about
 5 that. All these other variances putting aside the use
 6 variance, but the variance for number of parking spaces,
 7 a variance for whether or not you need a loading space,
 8 whether or not you need the trash enclosure these are
 9 guided not by the special reason standards, that only
 10 applies for use variances. This goes more to what would
 11 be called a C2 variance. C2 refers to the section in
 12 the law where it's developed. But basically you could
 13 say is by eliminating the loading zone is the Borough
 14 better off or worse off constructing -- for example, I'm
 15 just using this as an example. In constructing a
 16 loading zone you add more impervious to the site making
 17 the site bigger by eliminating something that they don't
 18 seem to need. By giving them a variance to eliminate it
 19 you could actually improve the site by putting less
 20 impervious materials down. So the standard there would
 21 be if the purposes of the Land Use Law would be advanced
 22 by deviation from the zoning laws and the benefits
 23 substantially outweigh any detriment, that condition
 24 could be approved. So in the case of a trash enclosure,
 25 loading space, eliminating that eliminates coverage,

1 eliminates the heat that would be absorbed so there's a
2 benefit and there doesn't seem to be any detriment
3 because if the applicant doesn't need a loading space or
4 trash enclosure what's the point in making them build
5 it? So that's pretty much basically what I have.
6 Because Mr. Liotta did a fine job actually in discussing
7 special reasons and the Medici standard.

8 CHAIRMAN RYAN: Thank you. Mr. Liotta,
9 would you like to touch on any of that briefly?

10 MR. LIOTTA: Well, Mr. Chairman, if you like
11 we could go through the bulk variance items so that the
12 board can kind of reconstitute what was discussed and
13 maybe that will bring us back into focus. Based on my
14 review and notes and Mike, if you see anything that I
15 don't cover, please chime in.

16 MR. McCLELLAND: Certainly.

17 MR. LIOTTA: Carl talked about the loading
18 space. The loading space is required and the applicant
19 has requested a variance to not provide it. The
20 majority of the other bulk variances relate to signage.
21 The first one is for the freestanding sign at the
22 entrance drive in the B1 zone. The signs are not
23 permitted. The freestanding signs are not permitted.
24 They're proposing a thirty square foot sign, five foot
25 setback and eight from the right-of-way and eight feet

1 tall and indirect illumination which means there will be
2 a fixture on the ground or in the planter box pointed at
3 the sign fixture. At least that's my understanding of
4 how it was going to be lit.

5 So those are our variance issues. Just a
6 note with respect to the sign area. I went back and
7 looked at the B2 standards where banks are permitted.
8 Conditional uses and freestanding signs are permitted in
9 that zone at 25 square feet per face for a total
10 aggregate area of 50 square feet. So that's something
11 for the board to consider with respect to the variance
12 requested that they put on the table. The front facade
13 sign, the variance relates to the height above the
14 sidewalk and that's really a function of the
15 architecture and where they provided the sign in the
16 panel of their tower element for a better term, cupola.
17 On the north facade there are -- there's a variance and
18 my notes are a little bit uncertain here as to what the
19 proposal was on the north side. Maybe the applicant can
20 re indicate what the sign proposal was there. I had a
21 variance for sign on the north side. I think it had to
22 do with square footage of a wall-mounted sign. There's
23 a wall-mounted sign on that area and there's also three
24 drive-up signs. I think it had to do with they were
25 prohibited because they were facing a residential

1 district. South side facade sign, there are two
2 variances associated with that, well actually three.
3 It's the size of the sign, the internal illumination and
4 the height above the sidewalk and that's the sign on the
5 south side. If you look at the photograph that's up on
6 the island, it's the sign on the left side of the tower
7 element.

8 MR. BRANCIFORTE: Mr. Liotta, that's the
9 sign in the tower, right? So as you're coming from
10 Borough Hall towards the sign it would be the sign that
11 you see in the tower and you're saying that's the south
12 side. I just want to make sure.

13 MR. LIOTTA: For purposes of north/south
14 it's actually the south side. It's labeled east on the
15 plan. And then the other signage variances relate to
16 the directional signs. There are three at 2 square feet
17 and there's one at 8.3 which is kind of the combination
18 sign, but directional signs are typically a good idea.
19 And the directional sign I believe is in a place that's
20 not real evident, the large one. So the discussion
21 about the signs really should be the size, the quantity
22 and their locations.

23 CHAIRMAN RYAN: Okay, thank you. I think
24 what we're looking at here is a couple if not several
25 different motions and votes. Specific to the use, my

1 feeling is that the bank with the drive-thru does
2 further promote the zoning and that it allows a certain
3 amount of vitality to the downtown Main Street area.

4 Having said that I also believe that some of
5 the considerations you agreed to, specifically sidewalk
6 repair, curb repair, potential intersection repairs, you
7 know, the stated potential under building of the lot can
8 outweigh any detriment. Having said that I'm going to
9 motion to approve the variance for the drive-thru.

10 MR. BRANCIFORTE: That's the use variance.

11 CHAIRMAN RYAN: Use variance only. Do I
12 need a second?

13 MR. OLESINSKI: I'll second the motion.

14 MR. BRANCIFORTE: Do we need to -- it says
15 an interesting point is the condition that Mr. Liotta
16 and Mr. -- forget about the signage for a second, that's
17 site plan. I would guess that would be more site plan
18 any of the conditions that Mr. McClelland and Mr. Liotta
19 pointed out should they be attached to this particular
20 use variance.

21 CHAIRMAN RYAN: I believe so.

22 MR. AMATO: I have a question and I just
23 want one thing clear. Mr. McClelland, you mentioned --
24 I thought I heard you say something about improving the
25 lights on Main Street. Can you just clarify that? I

1 wasn't sure, I just want -- if I heard that correctly.
 2 MR. McCLELLAND: There's traffic signal
 3 issues. The existing traffic signal on Oaks and Main.
 4 MR. AMATO: Because you're talking about
 5 almost a half a million dollars in light improvements I
 6 believe you said. Can you more or less expand on that
 7 just a little, please?
 8 MR. McCLELLAND: There's two issues. The
 9 applicant testified that the traffic signal on Oaks and
 10 Main be modified which is basically a timing --
 11 MR. AMATO: Right, okay. I heard that.
 12 MR. McCLELLAND: Just as a clarification,
 13 that basically would be an adjustment of time. The
 14 other half of that, the other portion of that is a new
 15 intersection traffic signal at Ford and Main. What they
 16 basically would be agreeing to or proposing to agree to
 17 would be a payment to the fair share to an improvement
 18 of the signal at that location, the new traffic signal.
 19 MR. AMATO: I just wanted to make sure I
 20 understood, okay.
 21 MR. LIOTTA: Mr. Chairman, I think to answer
 22 Carl's question, I think all of the conditions that were
 23 put forth by myself, by Mr. McClelland, by board
 24 members, even comments from the general public should be
 25 considered as conditions of the motion. Whether there

1 needs to be any discussion about any of those --
 2 CHAIRMAN RYAN: I agree.
 3 MR. LIOTTA: Is up to the board.
 4 CHAIRMAN RYAN: I believe that there is
 5 potentially more discussion through other variances.
 6 MR. BRANCIFORTE: I think you're right. My
 7 point simply was for example, the condition about the
 8 contribution, the contribution for the traffic signal
 9 obviously is attached to the use variance. The fixing
 10 or the repairing of the sidewalks and the curbs, that's
 11 obviously part of the use variance. So it might be
 12 slightly overkill to attach all of these to this
 13 variance, but I don't think in the end if the
 14 resolution, if it passes and the resolution is written
 15 it will all pretty much work out in the wash. It will
 16 all work out, but there's certain things. I'm not sure
 17 that -- the number of parking stalls may necessarily be
 18 or may not be part of this, the use variance, but you're
 19 safe by adopting what Mr. Liotta said even though it
 20 appears it may be some overkill. The bottom line is if
 21 it passes the applicant is going to be required to do
 22 them one way or the other.
 23 CHAIRMAN RYAN: So my motion is that all
 24 those previously agreed to considerations will reflect
 25 in this motion.

1 MR. LIOTTA: In the motion as conditions of
 2 approval of the use variance. I do have one other
 3 comment that as the board members do consider their vote
 4 that they basically describe why they're voting the way
 5 they are in some manner.
 6 CHAIRMAN RYAN: I believe I've touched on
 7 that. Vice Chairman Olesinski has seconded. Care to
 8 add something?
 9 MR. OLESINSKI: Well, I mean, anybody that's
 10 lived in Milltown, I've been alive 44 years and lived
 11 here 43 of them and actually when I sit on my deck I
 12 look at the Forney house and the Forney house is in
 13 disrepair. It's a clean use, you know? You don't know
 14 what you're going to get, where you're going to get
 15 what. I mean, they're willing to work with the town. I
 16 mean, I don't really -- I don't see any issue with it
 17 because you can't stop the bank. We can only stop the
 18 drive-up so, I mean, I really feel it's a clean, good
 19 use.
 20 CHAIRMAN RYAN: Thank you. Lois? I think
 21 that I could be wrong, Mr. Liotta, but I think at this
 22 point I'd like Lois to call the vote and then if you
 23 care to add your feelings in addition to your vote.
 24 MS. BITALLA: Chairman Ryan?
 25 CHAIRMAN RYAN: I

1 MS. BITALLA: Vice Chairman Olesinski?
 2 MR. OLESINSKI: I.
 3 MS. BITALLA: Mr. Amato?
 4 MR. AMATO: I and I want to explain why I'm
 5 voting for it. I feel since they're going to improve
 6 the lightage on Main Street I think that's an asset to
 7 the town. I'm not saying the lighting is poor now, but
 8 any improvements in Milltown will benefit all. They
 9 spoke about the sidewalk improvements. I think that's
 10 the greatest thing because the question was raised about
 11 students walking, et cetera, et cetera and my greatest
 12 fear was the students and as I listened to the Council
 13 meeting the other night, since that's I believe a B1
 14 area, commercial you can have a Wawa, a McDonalds or
 15 something in that area and you're talking about students
 16 going out and jumping the fence and going to the
 17 property. Imagine if you have a Wawa or a McDonalds
 18 going in and kids jumping the fence to go and get their
 19 sweet or whatever the case may be. You'll have more of
 20 a problem than you would have with a bank. I feel that
 21 I had to, you know, explain my vote yes.
 22 CHAIRMAN RYAN: Thank you.
 23 MS. BITALLA: Mr. Bianco?
 24 MR. BIANCO: I.
 25 MS. BITALLA: Mrs. Harto?

1 MS. HARTO: I.
 2 MS. BITALLA: Mrs. Healey?
 3 MS. HEALEY: I.
 4 MS. BITALLA: Mr. Hippeli?
 5 MR. HIPPELI: I.
 6 MS. BITALLA: Seven Is.
 7 CHAIRMAN RYAN: Thank you. Okay, having
 8 granted that variance, I believe the next will be a
 9 little more complicated for us. Just from the point of
 10 discussion, I'm not certain now whether or not the
 11 applicant is in total agreement with some concerns about
 12 signage, location and sizes. If the board has any input
 13 on that certainly now is the time. Otherwise maybe we
 14 just get into it in a little more detail with Mr. Liotta
 15 and the applicant.
 16 MR. LIOTTA: Well, the first variance that
 17 you might want to consider is the parking. The
 18 ordinance does require more than what they're proposing
 19 and they've proposed 19 spaces and that is a variance.
 20 You can vote on that independently or we can talk about
 21 the other variances and vote on them in a block.
 22 CHAIRMAN RYAN: Can we do it in a block?
 23 MR. LIOTTA: Sure. So we have the parking.
 24 We have the dumpster.
 25 CHAIRMAN RYAN: Am I mistaken? That's a

1 waiver.
 2 MR. BRANCIFORTE: It's a little unclear, Mr.
 3 Ryan. It's a little unclear whether it's a waiver or a
 4 variance. So you're probably safer considering it a
 5 variance and just including it in the bulk variance
 6 decision.
 7 CHAIRMAN RYAN: Okay.
 8 MR. LIOTTA: The size of the items are
 9 included in some design standards, but the requirement
 10 is included in the zoning. So personally I think it's a
 11 variance for the loading space and the dumpster
 12 enclosures. So those two are.
 13 CHAIRMAN RYAN: While we're on the subject
 14 if I may I just polled the board myself. Are you all in
 15 agreement that because they indicated they don't need
 16 it, that's good enough?
 17 MR. BIANCO: I am.
 18 CHAIRMAN RYAN: I just want to be clear.
 19 MR. BRANCIFORTE: I think Mr. Ryan, one
 20 thing you remember if the building changes use, if the
 21 buildings goes from a bank to something else there
 22 they're going to be required -- the new use would have
 23 to come in and get a change of use approval from the
 24 Borough. If that use is not a bank that doesn't need a
 25 loading space or a trash enclosure they're going to have

1 to put one on the site plan before they can move in.
 2 CHAIRMAN RYAN: Okay, thank you.
 3 MR. LIOTTA: Then the remainder of the
 4 variance issues, Mr. Chairman, are really signage. The
 5 first one is the freestanding sign.
 6 MR. BRANCIFORTE: I think you should ask Mr.
 7 Azrak what the bank feels about that.
 8 MR. AZRAK: The signage just as a general
 9 overview, because Milltown required or you wanted a
 10 different looking building than what we normally have
 11 designed the signage was used to identify the building.
 12 And we've done it differently for Milltown so we're
 13 asking that the freestanding sign that we're asking for
 14 is very small compared to all of the other signs that
 15 we've identified and testified to particularly across
 16 the street. Ours is minimal, small. It's not on a big
 17 post. It's innocuous but enough to give some
 18 identification for people at that level. The two signs
 19 that we have on the tower we've testified to already is
 20 really an identification for traffic and safety and also
 21 just to identify from the further distance so as you're
 22 coming up, people that are not familiar with Milltown if
 23 they intend to come here or they're coming here for any
 24 reason at least you'll see it in enough time to make
 25 that decision which our traffic engineer has already

1 testified to takes time, the process. And then you say
 2 okay, I got to put my signal on and turn in. In so
 3 that's the reason for that sign.
 4 The sign in front we're permitted to have.
 5 The only difference is the height. If we could lower it
 6 to meet your needs we would, but we can't because that's
 7 the design that the town really would like to see in
 8 terms of how low to go. So from that standpoint the
 9 only other ones are directional signs and that's only
 10 for just circulation.
 11 MR. AMATO: I have a question. From left to
 12 right what is the size of that sign from left to right?
 13 MR. AZRAK: The sign?
 14 MR. AMATO: Just the 34 feet?
 15 MR. AZRAK: Which one are we talking about?
 16 MR. AMATO: The one on the tower, isn't that
 17 the one we are discussing, the sign on the tower?
 18 MR. AZRAK: Both signs are 34 square feet.
 19 MR. AMATO: 34 square feet.
 20 MR. AZRAK: That's correct and that's
 21 permitted. The 34 square feet is permitted.
 22 MR. AMATO: Square feet. I just wanted to
 23 make sure it wasn't linear feet. That's a difference.
 24 Okay, fine.
 25 MR. AZRAK: If I you need it I can give you

1 those dimensions.
 2 MR. AMATO: That's okay, I can figure it
 3 out.
 4 CHAIRMAN RYAN: Didn't we already address
 5 this and reduce the size of most of the signage, Mr.
 6 Liotta?
 7 MR. LIOTTA: Not that I'm aware of, Mr.
 8 Chairman. The plans are still reflecting the same
 9 signage, I believe. I don't remember. It's possible,
 10 but I don't --
 11 MR. BRANCIFORTE: Mr. Ryan, I don't recall
 12 the signage being addressed in terms of the reduction of
 13 size.
 14 MR. LIOTTA: The sign on the tower facing
 15 south is proposed at 34 square feet and the ordinance
 16 permits a ten-square foot sign on that side of the
 17 building.
 18 MR. AZRAK: I think the one that was reduced
 19 was the freestanding sign. We reduced it to I believe
 20 it's 22 square feet. It's still eight-foot high and
 21 five foot offset from the roadway.
 22 CHAIRMAN RYAN: Board members have any other
 23 questions about the signage?
 24 MR. OLESINSKI: The signs on the tower, do
 25 they light up?

1 MR. AZRAK: Yes, they do.
 2 MR. OLESINSKI: Even the one facing the
 3 side?
 4 MR. AZRAK: Yes, that one too.
 5 MR. OLESINSKI: Will they be on 24/7?
 6 MR. AZRAK: They're on timers.
 7 MR. OLESINSKI: So when the bank closes they
 8 will go out?
 9 MR. GHABRIAL: No, from dawn to dusk.
 10 MR. OLESINSKI: Dawn to dusk. And how big
 11 is that just for everybody in the audience? When you
 12 say 34 square feet, can you just give us a --
 13 MR. AZRAK: Yeah, the dimensions are
 14 34 inches high and 12-foot long and the depth is like
 15 9-and-a-half inches.
 16 MR. AMATO: And they are internally
 17 illuminated?
 18 MR. AZRAK: That's correct, sir.
 19 MR. BRANCIFORTE: Mr. Ryan, I ask Mr. Azrak
 20 a question. No, Mr. Ghabrial. When are the signs going
 21 to be on? I thought you said from dawn to dusk and that
 22 didn't make sense.
 23 MR. GHABRIAL: They're on most of the time
 24 until probably about 11:00 and then they're shut off and
 25 then they go back on when the next one --

1 MR. BRANCIFORTE: They shut off at 11 p.m.?
 2 MR. GHABRIAL: They're timers. We set it
 3 whatever you want, 9, 10, 11, whatever. They're on
 4 timers.
 5 MR. BRANCIFORTE: I understand. No, it's
 6 just that we're just -- all right, it's your
 7 electricity. We just couldn't figure out why you would
 8 have it on from dawn, you know, during the day.
 9 MR. GHABRIAL: It's not on during the day.
 10 MR. BRANCIFORTE: It comes on at dusk until
 11 11:00?
 12 MR. GHABRIAL: Yeah, thank you. Dusk until
 13 dawn, thank you.
 14 MR. BRANCIFORTE: And that's the same for
 15 the freestanding sign? The tower signs, from dusk to 11
 16 let's say. What about the freestanding sign, it's
 17 ground lit. Do you know when to when?
 18 MR. GHABRIAL: No, that is on most of the
 19 time, yes, sir. Especially at night for people to know
 20 we're there.
 21 MR. BRANCIFORTE: And it's Mr. Liotta's
 22 recommendation was to reduce it to 25 square feet and
 23 your revised sign is 22, the freestanding sign?
 24 MR. AZRAK: Yes. We believe it's 22 square
 25 feet. I think that was the change.

1 CHAIRMAN RYAN: Okay, Mr. Branciforte, if
 2 we're all in agreement about that then we can do this as
 3 one motion?
 4 MR. BRANCIFORTE: I don't see why not.
 5 CHAIRMAN RYAN: Same way, previously agreed
 6 considerations?
 7 MR. BRANCIFORTE: I think what we should do
 8 is identify and I'll ask Mr. Liotta's help with this or
 9 maybe Mr. Azrak can clarify it. I would assume that the
 10 directional signs serve a purpose because they help
 11 traffic flow on the site and make it safer to drive
 12 around.
 13 MR. AZRAK: That was the testimony of all
 14 the experts and frankly, you know, we put them there
 15 because we want to make sure the circulation comes in
 16 and comes out and no one tries to get in and exit and
 17 that's the only reason for the directional signs.
 18 MR. BRANCIFORTE: I'm going to skip over the
 19 other signs because the elimination of the dumpster or
 20 the trash enclosure, excuse me, and the loading space,
 21 the bank experts have testified that they don't need
 22 those two items and that it would be a benefit to the
 23 site because by eliminating them you'll have less
 24 impervious coverage which is in general better for the
 25 environment. So that would be an improvement and

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1 eliminating these two items really has no detriment to
2 the Borough, to the neighborhood.
3 That just leaves the freestanding sign is
4 not permitted in the B1 zone, but it is probably
5 necessary to identify the site so people know where to
6 turn in and that's a traffic safety issue also. It
7 should be a benefit there. I know there's a
8 freestanding sign there now, but I don't know whether
9 it's lit at night. I don't know that. And if Mr. Azrak
10 would like to just throw on why the tower sign in the
11 front, that is permitted by ordinance, its height is
12 designated as Mr. Liotta stated by the function of the
13 height of the building. The architecture dictates
14 that's where it goes. I'm not sure that there's any
15 real -- I mean, Mr. Azrak or Mr. Liotta may have a
16 comment if there's any real detriment to it being placed
17 that high. And the same would go for the sign on the
18 other side except that sign would require a variance for
19 size because unlike the sign in the front, the sign on
20 the side, the south side you need a variance for. I
21 think Mr. Azrak if you could just clarify what the
22 rationale was.
23 MR. AZRAK: Yeah. The safety concern,
24 identification are really the biggest issues for that
25 sign. There's no detriment to having the sign. It

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1 gives an identification of the location of where they
2 have to turn. One of the concerns that we had when we
3 had to design the bank this way instead of the normal
4 way that we have it is that Main Street is fully
5 developed as you come up and so although we're looking
6 at a picture from an angle that looks like there's a lot
7 of open space, you know, it's quite narrow and for cars
8 coming up and moving up Main Street to us is a critical
9 thing to us to say make your turn here. So we would ask
10 that that sign remain the way that it is and it conforms
11 with the sign on the front. So it's the same size of
12 the sign and the same type. So it's innocuous instead
13 of moving it down further or trying to put a
14 freestanding sign up higher like the bank across the
15 street has. Their sign is quite high and quite large to
16 get that identification. So we've reduced that
17 freestanding sign and added the little detail at the top
18 sign in order to get that identification. So I think
19 between both of those it's for a safety concern as well.
20 CHAIRMAN RYAN: I'm sorry, I don't recall
21 exactly is there another sign on the opposite side of
22 the tower?
23 MR. AZRAK: No, it is not.
24 CHAIRMAN RYAN: And that would have been the
25 one that was an issue?

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1 MR. LIOTTA: There is a sign on the north
2 side. I believe that's an issue on the wall, I believe.
3 MR. AZRAK: On the north side? No, the
4 north side is now talking about -- you're talking about
5 the sign that is on the right hand sign of the door?
6 MR. LIOTTA: No, on the residential sides of
7 the building.
8 MR. AZRAK: Oh, those are the three signs
9 above the drive-thru?
10 MR. LIOTTA: Right.
11 MR. AZRAK: And you need reasons and the
12 reason for those signs they've been testified to is site
13 circulation and safety so they know what teller window
14 to go to, which window is open and if you don't have
15 that and every bank in town as you know already has that
16 and every bank that's constructed has that for that very
17 reason. You just don't want cars backing up and saying
18 no, I'm in the wrong lane. The ATM is here. I got to
19 move this way.
20 CHAIRMAN RYAN: Okay.
21 MR. LIOTTA: If I can, one last comment on
22 the signs. The only sign that I have some question
23 about was the tower sign on the south side since Main
24 Street is not really a very -- it's not a high speed
25 limit. I wasn't convinced that sign was necessary for

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1 site identification with a freestanding sign at the
2 entrance. But with that said I did hear the applicant
3 talk about safety concerns.
4 CHAIRMAN RYAN: And when you referenced the
5 south side where I'm looking.
6 MR. LIOTTA: This sign right here.
7 CHAIRMAN RYAN: And as a follow-up my
8 question was does the opposite side of that tower have
9 that same sign?
10 MR. LIOTTA: No.
11 CHAIRMAN RYAN: So the question becomes do
12 we need it on the south side and the top or do we
13 potentially just leave it on the front if you already
14 have a directional sign?
15 MR. LIOTTA: They have directionals, enter,
16 exit, freestanding signs and one on the front facade.
17 MR. AZRAK: If I may interject, coming from
18 this direction you can see the freestanding sign first
19 so we didn't try to -- we're not advertising by putting
20 another sign up there. We're doing it for a specific
21 reason. One of the things that Mr. Ghabrial reminded me
22 of is that if we were to look at branded banks
23 everywhere else in the state of New Jersey this is the
24 one that is going to be different in terms of its look.
25 And the only thing that would be similar is having tower

1 signs and that's what we have in all of our other ones
2 so we would ask that the tower sign at least be there
3 because that was the consideration in removing the
4 larger freestanding sign. So by reducing this and then
5 removing this, we contained it to a very small signage
6 where everyone else has much larger signage as well. So
7 it's another reason we would ask you to give that.

8 MR. BRANCIFORTE: Would it be out of line to
9 ask if you just had the sign on the south side not the
10 east side because basically once you see that sign on
11 the south side as you're coming from here, okay, you see
12 the tower, I'm just trying to figure out what safety
13 function the sign in front really provides from the
14 other side. You'll see the freestanding sign.

15 MR. AZRAK: Mr. Ghabrial was just telling me
16 that the only thing in common with the other branches
17 now with this building, we actually have signs on the
18 other ones that go around and we're not asking for that.
19 So the front of the bank will have the identification as
20 all of the other banks in town have and our sign in the
21 freestanding sign are very small in comparison to what's
22 out there.

23 CHAIRMAN RYAN: And I apologize if we
24 touched on this already, but signs on the tower are
25 illuminated from the inside?

1 MR. AZRAK: That's correct.

2 CHAIRMAN RYAN: And they were or were not
3 lights that you were talking about on the timer?

4 MR. AZRAK: Yes, they were on the timer.

5 CHAIRMAN RYAN: That's your dusk until
6 whenever?

7 MR. GHABRIAL: Dark. That's the only thing
8 that we would have in common with the other branches we
9 have.

10 CHAIRMAN RYAN: Do the board members have
11 any other comments or questions? Can I make a motion
12 once again in favor of all the bulk variances?

13 MR. BRANCIFORTE: I think if your motion is
14 to grant all the variances requested and I think we
15 should just make sure we're talking about what we're
16 talking about. Just one motion. If we're talking about
17 the trash enclosure, loading space, freestanding sign,
18 freestanding sign being illuminated, the two tower
19 signs, the directional --

20 CHAIRMAN RYAN: On the time clock?

21 MR. BRANCIFORTE: Right, on the time clock.

22 Yeah, I think you'll be safe doing that.

23 MR. McCLELLAND: And the number of spaces,
24 correct, Ray?

25 MR. LIOTTA: And the parking.

1 MR. AZRAK: And the number of spaces, 19.
2 And just so I know, everybody has been talking about the
3 signs. Remember when you required the true divide light
4 doors in the front? The sign that we put in the actual
5 doorway which has the hours of operation we can't put it
6 -- we can't attach it on there because of the violet
7 light and the panels that are in there. So we moved it
8 over to the right and that's that same sign. So I just
9 want to make sure that that's included in your motion.
10 But I think you've covered everything else at this
11 point.

12 CHAIRMAN RYAN: It seems we're all
13 agreeable. I make a motion to approve bulk variances
14 just discussed.

15 MR. AMATO: Seconded.

16 CHAIRMAN RYAN: Second by Mr. Amato.

17 MS. BITALLA: Chairman Ryan?

18 CHAIRMAN RYAN: I.

19 MS. BITALLA: Vice Chairman Olesinski?

20 MR. OLESINSKI: I.

21 MS. BITALLA: Mr. Amato?

22 MR. AMATO: I.

23 MS. BITALLA: Mr. Bianco?

24 MR. BIANCO: I.

25 MS. BITALLA: Mrs. Harto?

1 MS. HARTO: I.

2 MS. BITALLA: Mrs. Healey?

3 MS. HEALEY: I.

4 MS. BITALLA: Mr. Hippeli?

5 MS. HIPPELI: I.

6 MS. BITALLA: Seven I's.

7 CHAIRMAN RYAN: Thank you very much.

8 MR. BRANCIFORTE: I think we just need to
9 approve the site plan.

10 MR. AZRAK: I'm sorry?

11 MR. BRANCIFORTE: Site plan, that's next.

12 CHAIRMAN RYAN: Same way with all the --

13 MR. BRANCIFORTE: Well, the site plan now

14 with the variances I think just becomes a question of

15 does the site as it's been shown make planning sense

16 because basically you addressed the variances for

17 parking, signage, and it should just be a question of

18 layout. Where they put the building. How they have the

19 traffic. Does it make good planning sense.

20 CHAIRMAN RYAN: Going to assume that Mr.

21 Liotta thinks it does.

22 MR. LIOTTA: Well, I think our memos

23 indicate some of our preferences in site design and I

24 think the applicant has made some significant changes

25 from the beginning. I think it's a lot better.

1 CHAIRMAN RYAN: So a motion to approve site
 2 plan;
 3 MR. LIOTTA: Reiterating the previously
 4 discussed conditions.
 5 MR. BRANCIFORTE: Conditions, right.
 6 CHAIRMAN RYAN: Second?
 7 MS. HEALEY: I'll second.
 8 CHAIRMAN RYAN: Okay.
 9 MS. BITALLA: Chairman Ryan?
 10 CHAIRMAN RYAN: I.
 11 MS. BITALLA: Vice Chairman Olesinski?
 12 MR. OLESINSKI: I.
 13 MS. BITALLA: Mr. Amato?
 14 MR. AMATO: I.
 15 MS. BITALLA: Mr. Bianco?
 16 MR. BIANCO: I.
 17 MS. BITALLA: Mrs. Harto?
 18 MS. HARTO: I.
 19 MS. BITALLA: Mrs. Healey?
 20 MS. HEALEY: I.
 21 MS. BITALLA: Mr. Hippeli?
 22 MR. HIPPELI: I.
 23 MS. BITALLA: Seven Is.
 24 CHAIRMAN RYAN: Thank you.
 25 MR. AZRAK: At this time on behalf of Valley

1 MR. AMATO: When it's coming down it will
 2 attract students. As a teacher I would know.
 3 MR. GHABRIAL: We are going to be working
 4 with the board.
 5 MR. AZRAK: We will work with you and
 6 resolve that. Thank you very much.
 7 (Proceeding concluded.)
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1 National Bank and ourselves we would like to thank you
 2 for the time and effort that you put into the
 3 application. I would like to tell you that your
 4 professionals are exactly that, they're professionals.
 5 We've gone to other towns and I can tell you that the
 6 detail and concern that they have had has cost us a
 7 great expense, but they have protected Milltown and they
 8 truly got exactly what you wanted. So we thank
 9 everybody for your cooperation and the work that they
 10 put into it.
 11 CHAIRMAN RYAN: Thank you.
 12 MR. AMATO: When will they start
 13 construction? I'm curious.
 14 MR. AZRAK: Well, the historical issue needs
 15 to be resolved first and then from there the demolition.
 16 MR. AMATO: You have an approximate starting
 17 date? It doesn't matter, I'm just curious.
 18 MR. AZRAK: After the approval time period.
 19 MR. AMATO: It would be nice if they knock
 20 it down when school is out.
 21 MR. GHABRIAL: We're going to be working
 22 very closely with the town and the school.
 23 MR. AMATO: June knock it down?
 24 MR. AZRAK: Well, that's why we have a
 25 construction --

1 CERTIFICATE
 2
 3 I, NADINE M. GAZIC, a Notary Public and Certified
 4 Shorthand Reporter of the State of New Jersey, do hereby
 5 certify that the foregoing is a true and accurate
 6 transcript of the testimony as taken stenographically by
 7 and before me at the time, place and on the date
 8 hereinbefore set forth.
 9 I DO FURTHER CERTIFY that I am neither a relative nor
 10 employee nor attorney nor counsel of any of the parties
 11 to this action, and that I am neither a relative nor
 12 employee of such attorney or counsel, and that I am not
 13 financially interested in the action.
 14
 15
 16 _____
 17 Notary Public of the State of New Jersey
 18
 19
 20 Dated: March 29, 2007
 21
 22
 23
 24
 25

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