

**RESOLUTION**

**PLANNING BOARD**

**BOROUGH OF METUCHEN**

**ITEM NO. 02-573**

**WHEREAS**, METUCHEN I, LLC made application to the Planning Board of the Borough of Metuchen for the property designated as Block 71, Lot 37, located at 700 Middlesex Avenue, located on the north side of Middlesex Avenue within the LI Zone for the following approval: Minor Subdivision as well as Preliminary and Final Site Plan Approval and conditional use approval with variances and waivers; and

**WHEREAS**, the Planning Board of the Borough of Metuchen held a Public Hearing on February 6, 2003 and March 6, 2003, applicant having filed proper proof of service and publication in compliance with statutory and ordinance requirements; and

**WHEREAS**, at said hearing, the Planning Board reviewed and considered the following documents:

- Zoning Permit;
- Application for Development dated December 20, 2002;
- Proof of Payment of Taxes and Assessments;
- Board Fees as shown on Zoning Permits;
- Certification that the Plans and Application for Development have been submitted to the Engineer, Planner, Zoning Officer and the Fire Prevention Bureau;

- Memorandum of Howard R. Colegrove, Fire Official Metuchen fire department dated November 13, 2002;
- Memorandum from Board Planner, James Constantine, P.P., dated February 6, 2003 as well as Ed Wilson, NCARB, AIA, P.P.
- Memorandum from Board Planner, James Constantine, P.P., dated March 6, 2003 as well as Ed Wilson, NCARB, AIA, P.P.
- Memorandum from Board Engineer, Donald J. Norbut, P.E., C.M.E. dated February 5, 2003;
- Memoranda from Applicant's Engineer, Bohler Engineering, PC, by Benjamin J. Scott, dated February 21, 2003 and September 13, 2002;
- Memorandum from Applicant's Attorney, Steven J. Tripp, dated February 20, 2003;
- Freehold Soil Conservation District Certification Letter dated October 9, 2002;
- Applicant's corporate disclosure notice;
- Concept Site Plan of revised bank layout prepared by K.L. Haney, P.E., dated January 23, 2002, consisting of one (1) sheet.
- Preliminary and Final Site Plan and Minor Subdivision Plan prepared by K.L. Haney, P.E., dated September 13, 2002 consisting of twenty-one (21) sheets.
- Revised Preliminary and Final Site Plan and Minor Subdivision Plan prepared by K.L. Haney, P.E., dated February 20, 2003 consisting of twenty-one (21) sheets.
- Revised Preliminary and Final Site Plan and Minor Subdivision Plan prepared by K.L. Haney, P.E., dated February 20, 2003 but stamped "Received March 4, 2003" by the Planning Board consisting of two sheets being sheets 13 and 14 entitled Landscaping Plan.
- Survey of property prepared by Jeffrey D. Bunce, PLS, dated July 30, 2002, last revised August 20, 2002 consisting of two (2) sheets.
- Survey of property prepared by Michael L. Roman, PLS, of Pequest Associates, inc., dated May 18, 1999 consisting of one (1) sheet.
- Architectural drawings prepared by Michael J. Napolitan, AIA, dated August 5, 2002, consisting of three (3) sheets.
- Architectural drawings prepared by Aztec Architects, PC, dated January 23, 2002, consisting of two (2) sheets.
- Traffic Impact Analysis prepared by Elizabeth Dolan, P.E. dated July 11, 2002
- Drainage Report prepared by Kevin L. Haney, P.E., dated September, 2002
- Sanitary Sewer Engineering Report, dated February 21, 2003;
- Applicant's List Of Professionals;

- Colored Concept Site Plan of revised bank layout prepared by K.L. Haney, P.E., dated January 23, 2002, consisting of one (1) sheet entered into evidence as Exhibit A-1;
- Colored Concept Bank Plan and entered into evidence as Exhibit A-2;
- Signage and circulation plan entered into evidence as Exhibit A-3;
- Exhibit A-4 is nonexistent;
- Survey of property prepared by Michael L. Roman, PLS, of Pequest Associates, Inc., dated May 18, 1999 consisting of one (1) sheet entered into evidence as Exhibit A-5;
- Colored site plan sheet depicting bank layout entered into evidence as Exhibit A-6;
- Colored site plan sheet depicting bank layout entered into evidence as Exhibit A-7 being an enlargement of a portion of Exhibit A-6;
- T&M. Associates plan for Oakite Park Recreation Improvements entered into evidence as Exhibit A-8;
- Sketch of points of access into proposed Tract proposed renovated warehouse and Park entered into evidence as Exhibit A-9;
- Colored drawing of bank building entered into evidence as Exhibit A-10;

**WHEREAS**, sworn testimony was given by Kevin L. Haney, as the applicant's Professional Engineer, Elizabeth Dolan, as applicant's Traffic Engineer, Michael Napolitan, as applicant's Professional Architect and Robert Corcoran, President and CEO of Somerset Savings Bank, proposed lessee of proposed bank development on proposed Block 71, Lot 37.01 of proposed subdivision, Steven Tripp, Esq. appearing; and

**WHEREAS**, the testimony indicated that the applicant is the owner of the property known and designated as Block 71, Lot 37, more commonly referred to as 700 Middlesex Avenue, Metuchen; and

**WHEREAS**, it was testified that Block 71, Lot 37 has an area of 482,419 square feet being approximately 11 acres with an irregular dimension of 368.54 feet at the southeast front of the property facing Middlesex Avenue and 139.95 feet at the northwest rear of the property fronting Durham Avenue wide x 1364.64 feet at the northeast side,

695.64 feet and 225.00 feet at the west side, 249.93 feet at the south side, 50 feet at the southeast side and 477.41 feet at the southwest side and applicant is proposing to subdivide the property into two (2) Lots and the premises previously upon it a two story brick building with a corrugated metal roof which has been demolished, adjoined to a one to two story brick building area including two loading docks which has been demolished and adjoined to a one story corrugated metal building and a one story corrugated metal loading dock which applicant proposes to refit as well as an accessory water tower structure all of which were formerly owned by Oakite Products, Inc., and previously used for manufacturing purposes; and

**WHEREAS**, it was indicated that the entire site is a Brownfield site and further is under the oversight of the New Jersey Department of Environmental Protection as an Industrial Site Remediation Act site; and

**WHEREAS**, testimony was offered that Tract 1, with proposed designation of Lot 37.01 and Block 71, being approximately 6.577 acres with an area of 286,508 square feet as required in the LI Zone and irregular dimensions of 368.54 feet at the southeast front of the property facing Middlesex Avenue and 288.63 feet at the rear abutting the proposed Tract 2 wide x 141.99 feet and 341.35 feet on the northeast side of the property fronting the Lehigh Valley Railroad right of way, 455.87 feet on the northeast side abutting Tract 2, and 275.35 feet and 225 feet on the west side abutting Lot 125.07 in Lot 69 and 249.93 feet on the south side abutting Olive Street and Lots 71 and 80 in Block 70 and 50 feet on the south side abutting Factory and Adam Streets and 447.41 feet on the southwest side abutting Factory Street but requiring a variance for the minimum side yard

requirement inasmuch as an existing water tower is within the proposed 20 foot side yard setback abutting Tract 2; and

**WHEREAS**, the southwestern portion of Tract 1 having a general triangular shape contains a large mound of capped asbestos material; and

**WHEREAS**, testimony was offered that proposed Tract 2, with a proposed designation of Lot 37.02 in Block 71, being approximately 4.497 acres with an area of 195,911 square feet as required in the LI Zone with irregular dimensions of 139.95 feet on the northwest side fronting on Durham Avenue and 288.63 feet at the rear side abutting proposed Tract 1 wide x 455.87 feet on the southwest side abutting the proposed Tract 1 and 813.29 feet on the northeast side abutting the Lehigh Valley Railroad right of way and 420.29 feet on the west side abutting Lot 125.07 in Block 69; and

**WHEREAS**, the applicant has demolished an existing manufacturing and warehouse building fronting along Middlesex Avenue and the proposes to refit the existing warehouse located within proposed Tract 2 on the northwest side of the site fronting on and accessed from Durham Avenue; and

**WHEREAS**, the applicant testified that all utilities used on the premises are public utilities; and

**WHEREAS**, the applicant seeks conditional use approval to refit and use its existing warehouse located on proposed Tract 2 under Land Development Ordinance section 110-87 (J) and for a drive-in bank on proposed Tract 1 under Land Development Ordinance section 110-83 (D); and

**WHEREAS**, applicant seeks to construct and lease to Somerset Valley Bank, a one-story 3,000 square foot bank structure along the frontage of Middlesex Avenue, at

the northeast corner of proposed Tract 1 including parking spaces, a drive-thru and two-  
(2) ingress/egress drives along Middlesex Avenue, on the portion of that Tract having  
dimensions of 168.46 feet on the southeast side fronting on Middlesex Avenue and  
181.25 feet on the northwest side at the rear x 141.99 feet abutting on the Lehigh Valley  
Railroad right of way on the northeast side and 147.58 feet on the southwest side abutting  
a proposed stub street leading into the premises from Middlesex Avenue having an area  
of 26,234 square feet; and

**WHEREAS**, testimony was offered that applicant has no current plans for  
developing the remainder of the proposed Tract 1 but does in the future plan to develop  
Tract 1 further; and

**WHEREAS**, applicant proposes to construct the stub street on Tract 1 for ingress  
and egress on to Middlesex Avenue for the proposed bank as well as for future  
development of Tract 1 and that ingress to the proposed bank would also be proposed for  
traffic southbound on Middlesex Avenue by way of a driveway onto the property  
proposed to be leased to the bank; and

**WHEREAS**, the applicant indicated that it has no present plan to extend the stub  
street on Tract 1; and

**WHEREAS**, the applicant agreed that it would not offer the proposed stub street  
for dedication to the municipality; and

**WHEREAS**, the applicant indicated that, as to the proposed bank, there will be  
no parking allowed where vehicles for the drive-through windows will be stacked, that  
the vehicular ingress and egress, the proposed traffic flow in a counter-clockwise rotation

and the drive through separation from the parking is in accordance with engineering standards; and

**WHEREAS**, the applicant proposes that the drive up ATM will abut the bank building adjacent to in the first drive up window of the total of three drive up lanes and that there will be signage directing motorists to the appropriate lane and that there will be no ATM machine for pedestrians; and

**WHEREAS**, the applicant testified that the bank would have four interior teller stations one of which being a handicap teller station as well as stations for branch manager, assistant branch manager, 2 platform customer service persons, 3 tellers, 1 part time teller and one investment manager who would be present once or twice a week for a total of approximately 7 employees and that the applicant proposed a total of 16 parking spaces where the ordinance required 4 spaces per teller window plus 1.5 spaces per non-teller work station or 1 space per 180 square foot of floor area, whichever was greater. Additionally, the anticipated lobby hours of the bank would be Monday through Friday from 9 a.m. to 3 p.m., Thursday from 4 p.m. to 6 p.m., Friday from 4 p.m. to 7 p.m. and Saturday from 9 a.m. to 12 p.m. The anticipated drive up hours would be Monday through Wednesday and Friday 8 a.m. to 6 p.m.; Thursday 8 a.m. to 7 p.m. and Saturday 9 a.m. to 12 p.m. As such, the parking required would be 20 spaces with respect to the teller stations, 8 spaces with respect to the non-teller stations for a total of 28 spaces required where 16 spaces are proposed. 7 of the spaces are located on the stub street and 9 of the spaces are located on the portion of the Tract 1 proposed to be leased to the bank; and

**WHEREAS**, the applicant indicated that the 16 proposed parking spaces for the bank were adequate based on experience with other banks and that there would be less lobby activity inasmuch as teller windows would be used; and

**WHEREAS**, the applicant indicated that typically in a bank development of this size that with drive in windows, the parking requirements are self-policing by the consumer and typically 10 to 16 spaces is the maximum required for such a site; and

**WHEREAS**, the applicant agreed that no parking shall be allowed in the area of the vehicle stacking spaces for the drive-in windows of the bank; and

**WHEREAS**, the applicant requested a design waiver from the Borough of Metuchen Land Development Law, section 110-130(f) in that the minimum setbacks for buildings from driveways, parking areas and private streets for nonresidential development are 15 feet and the proposed building setback from the driveway was 10 feet on the south side and 11.6 feet on the east side and testified that the proposed design was more aesthetically pleasing and that compliance would reduce the buffer from Middlesex Avenue on the east and that the deviation would not provide any adverse impact; and

**WHEREAS**, the applicant agreed to reduce the brightness of the lighting on the entire site as well as the brightness of the lighting at the bank drive through as may be determined by board professionals; and

**WHEREAS**, there was testimony that the number of vehicles using the bank and the drive up windows would be sufficiently stacked in the stacking lanes for the drive up windows, that there was a fourth lane bypass proposed, that stacking would occur behind and to the side of the building, that there was no parking in the stacking area, that there was no visual impact to the adjacent properties and that there was no unreasonable impact



on adjacent intersections, that the proposed plan provided a safe and efficient circulation of vehicles, that with respect to left turns onto the stub street based on a capacity assessment, there would be no delay or queuing, that no present signalization was required at the intersection of the Middlesex Avenue and the stub street based on the volume of traffic; and

**WHEREAS**, the applicant indicated that the proposed bank roofing material would be shingles, that it would be constructed from brick and stucco but agreed that it would not be EIFS stucco or similar stucco, that the base of the building would be precast and that the columns would be brick or precast with corbel capitals and that a standard branch bank design as proposed would be used with a different configuration so as to accommodate the lot, that the windows would not be double hung windows and agreed that they would be display type windows with divided lights and further indicated that the rendering of the proposed bank building does not match the site plan but that it would reoriented so that the façade would face Middlesex Avenue and to provide a revised plans for the proposed bank; and

**WHEREAS**, the applicant agreed that the parallel parking which it proposes on the proposed stub street would be assigned to and used by the bank employees and that it would revisit the issue of parallel parking on said street when it makes application to develop the remainder of Tract 1; and

**WHEREAS**, the applicant agreed that it would apply to Middlesex County for approval to replace its proposed traffic striping on Middlesex Avenue with curbed, landscaped "island" medians, with on street parking and traffic calming "bump outs" along Middlesex Avenue with and landscaping along the curb line; and

**WHEREAS**, the applicant agreed that it would plant a double row of London Plain Trees extending the entire length of its property fronting on Middlesex Avenue and would line the stub street with appropriate shade trees to continue the streetscape treatment at Franklin Square further down Middlesex Avenue; and

**WHEREAS**, the applicant agreed that the Northeast portion of proposed Tract 1 proposed to be leased to the bank abutting the Lehigh Valley Railroad right of way would be planted with evergreen trees; and

**WHEREAS**, the applicant agreed that in the event of any future development of the site that the issue of signalization on Middlesex Avenue at the expense of the developer will be revisited at the time of that future application; and

**WHEREAS**, the applicant proposes that the water tower located on Tract 1 will remain only if necessary for fire suppression; and that if the water tower does remain, it will only be used for fire suppression and the graffiti on the water tower will be removed; and

**WHEREAS**, applicant indicated that a variance is required in that the minimum side yard setback is 20 foot and the water tank on proposed Tract 1 is approximately 5.09 feet from the side yard line; and

**WHEREAS**, the applicant agreed that the use of the warehouse on Tract 2 will conform with the Land Development Ordinance of the Borough of Metuchen; and

**WHEREAS**, the applicant testified that the Tract 2 parking area is unpaved, broken concrete and gravel which is almost totally impervious to water, that there is brush along the Lehigh Valley Railroad right of way, that there are a total of 14 loading

doors on the warehouse and that the applicant proposes to use the existing Durham Avenue curb cut for ingress and egress to the driveway on the premises; and

**WHEREAS**, the applicant testified that with respect to Tract 2 it was requesting a parking waiver to the Borough of Metuchen Land Development Law, section 110-130(c) in that the proposed parking will not be in a rear yard but in the side yard where it currently has parking and that the New Jersey Department of Environmental Protection required that certain portions of the Tract be capped, that trees were to be removed and that the property be paved and that the applicant's plan accommodates this requirement; and

**WHEREAS**, The Borough of Metuchen has a pending contract with the applicant for the acquisition of Lot 125.07, Block 69 abutting the western line of the applicant's site which The Borough of Metuchen is acquiring for use as open space and recreation as a park with final acquisition of the property anticipated in early 2003; and

**WHEREAS**, the applicant testified that as to Tract 2 the minimum lot width at the street line and the setback line is 200 feet whereas the applicant proposes 69.71 feet at the street line and 95 feet at the setback line from the Durham Avenue. The applicant states that the lot width at the street line and setback are currently non-conforming. Also it has contracted to sell its adjacent Lot to the south to the Borough of Metuchen for a park and it is limited by the Lehigh Valley Railroad right of way located to the north in terms of the width of the Lot abutting Durham Avenue and will therefore need variance as to minimum lot width at the street line and the setback line at Durham Avenue as proposed in its plan; and

**WHEREAS**, with respect to Tract 2 the applicant indicated that a warehouse would be a quiet use in terms of trip generation estimated to be less than 100 per day but that the applicant agreed it would address this issue with the Board Professionals; and

**WHEREAS**, the applicant agreed that it will decrease the illumination of its lighting and /or its lighting fixtures so that there is no spillover onto adjacent sites; and

**WHEREAS**, the applicants agreed to configure the driveway exit from proposed Tract 2 so as to reduce the speed of any trucks exiting the premises with traffic calming designs; and

**WHEREAS**, the applicant agreed to revise its plans in order to accomplish a separation between the proposed a driveway of the Tract 2 warehouse which may include a traffic calming "bump out" and the driveway of the proposed Borough of Metuchen Park abutting the applicant's site; and

**WHEREAS**, the applicant has agreed to install a six-foot high chain-link fence along the western property line separating the site from the proposed Borough of Metuchen Park abutting the applicant's site at the completion of the applicant's development of the site and the completion of the Park development project; and

**WHEREAS**, the applicant agreed that the Northeast wall of the warehouse on Tract 2 would be planted with appropriately spaced trees as may be allowed and in accordance with New Jersey Department of Environmental Protection requirements; and

**WHEREAS**, the applicant agreed that it would plant two (2) London Plain trees on Durham Avenue near the proposed driveway; and

**WHEREAS**, the applicant agreed that the warehouse would be painted in muted earth tones; and

**WHEREAS**, the applicant agreed that the exit from the proposed Tract 2 driveway from the warehouse on to Durham Avenue would be right turn only; and

**WHEREAS**, applicant agreed that the Durham Avenue sidewalk crossing the driveway from the proposed Tract 2 warehouse would be stamped colored concrete pavers; and

**WHEREAS**, applicant agreed that signage on the site would be subject to review and approval of the Board Professionals; and

**WHEREAS**, applicant agreed to address the recommendations contained in the February 5, 2003 memorandum of Donald Norbut, Board Engineer, section 4 regarding Drainage and Grading and section 6 regarding Lighting to the satisfaction of the Board Engineer; and

**WHEREAS**, the applicant testified that the New Jersey Department of Environmental Protection has limited the type of trees, landscaping and locations of planting on Tract 2 and the applicant agreed that the type and number of trees, shrubs and landscaping it will plant on the site shall be subject to review and approval by Board Professionals subject to the regulations and requirements of the New Jersey Department of Environmental Protection; and

**WHEREAS**, the applicant agreed to submit copies of the descriptions for all easements and lease agreements for review by Board professionals; and

**WHEREAS**, the applicant indicated that it would revise its plans to be in compliance with the "New Jersey Map Filing Law" and would file the plat pursuant to

said Law rather than the subdivision deed and would provide copies to the Tax Assessor, The Borough Engineer and Board Professionals prior to filing; and

**WHEREAS**, the application as proposed required variances from Section 110-64 for the following:

With respect to the proposed Tract 1, the minimum side yard setback is 20 foot and the water tank is approximately 5.09 feet from the side yard line as proposed.

With respect to proposed Tract 2, the minimum lot width at the street line and the setback line is 200 feet whereas the applicant proposes 69.71 feet at the street line and 95 feet at the setback line from the Durham Avenue.

**WHEREAS**, the following waivers were requested by the applicant during the course of the testimony:

- With respect to the proposed bank site, Section 110-154(B) requires a total of 28 parking spaces whereas 16 parking spaces are provided.
- With respect to the proposed bank site, Section 110-130(F) which requires a building set back of 15 feet to interior driveways and parking lots.
- With respect to proposed Tract 2, section 110-130(c) in that the proposed parking will not be in a rear yard but in the side yard.
- Section 110-157 (C) requires the applicant to provide an average horizontal illumination of 0.9 foot-candles for driveways and parking lots. The applicant proposes three to four foot-candles.

**WHEREAS**, no formal testimony was presented by any objectors.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Metuchen, County of Middlesex, State of New Jersey, after having

considered the aforementioned plans and testimony, that this application is hereby **granted with conditions.**

In support of this decision, the Board makes the following findings of fact and conclusions of law:

1. The Planning Board of the Borough of Metuchen has proper jurisdiction to hear the within matter.

2. The property designated as Block 71, Lot 37, located at 700 Middlesex Avenue within the LI Zone.

3. The subject site is currently owned and occupied by the applicant. The applicant also owns Block 69 Lot 125.07 abutting the western line of the site.

4. The entire site is a Brownfield site and further is under the oversight of the New Jersey Department of Environmental Protection as an Industrial Site Remediation Act site.

5. The applicant proposes to subdivide the property into two (2) Lots proposed as Block 71, Lots 37.01 and 37.02 referenced herein as Tract 1 and Tract 2 respectively. The site previously upon it a manufacturing buildings which have been demolished leaving a one story corrugated metal building on Tract 2 and a water tower on Tract 1.

6. With respect to Tract 1, the applicant proposes to construct a 3000 square foot bank building on a 26,234 for square foot portion of the tract and lease the building as well as that portion of the tract to Somerset Valley Bank leaving the remainder of the tract, for the present, undeveloped. It also proposes construction of a stub street onto the tract from Middlesex Avenue abutting the portion of the tract leased to the bank. It

proposes to leave the existing water tower on this tract for fire suppression purposes, if necessary.

7. With respect to Tract 2, the applicant proposes to refit the one story corrugated metal building for use as a warehouse.

8. Conditional use approval for a drive-in bank on Tract 1 may be granted in that the applicant produced testimony that its proposed bank fully complied with Land Development Ordinance section 110-87 (J). It provided five vehicle-stacking spaces for each of the three drive-in windows, it would agree to adequate directional signage and striping, its internal circulation for stacked vehicles did not interfere with other vehicles, parking or pedestrians and no drive-in lane provided a means of egress, the building and pedestrian walkways were primarily visually oriented toward the street, egress was on to the stub street, the drive-in portion was obscured from the street and no other banks were located on the property.

9. Conditional use approval for the warehouse on tract 1 may be granted in as much as the applicant is using the existing building and will refit it for use as a warehouse for which it is particularly suited.

10. The proposed variances for lot area, lot width, lot depth, open space and side yard setback will have no detrimental impact on the adjoining properties. As to the water tank on Tract 1 testimony revealed that the side yard lot line abutted the Tract 1 side yard lot line and would only serve for fire suppression purposes, if necessary. As to Tract 2 testimony revealed that the configuration of the property as to the width at the street and setback lines, the abutting property to the north was a railroad right-of-way and the abutting property of the South was potentially being sold to the Borough of Metuchen



for park purposes and that in any event easements would be obtained increasing but not meeting the width requirements but were sufficient for the warehouse purposes proposed and that the variance was required in order to develop the property. These variances should not cause substantial detriment to the public good and can be granted.

11. As to Tract 1, the applicant is proposing 16 parking spaces whereas 28 are required. Of those spaces 7 will be located on the proposed stub street off the site proposed to be leased to the bank and 9 spaces will be located on the site proposed to be leased to the bank. The applicant produced testimony that based on the size of the bank, the number of its employees and their functions as well as the drive through feature of the proposed bank that the parking proposed by the applicant with the conditions set forth hereafter was adequate. Based on the foregoing, this parking waiver subject to the conditions set forth hereafter can be granted without causing substantial detriment to the public good.

12. The Board has reviewed the balance of the waivers and has determined that same can be granted without causing substantial detriment to the public good except as to those waivers that are to be modified by the conditions of the approval as set forth herein.

13. The physical improvements to be effectuated as a result of the within application will improve the aesthetic appearance of the area; accordingly, the benefits associated with the approval of the application outweigh the detriments associated with same.

14. The proposed development is a permitted use in the LI zone and accordingly, the within application can be approved without impairing the intent of the subject zoning scheme.

15. Approval of the within application promotes various purposes of the Municipal Land Use Law - specifically, the same will promote a desirable visual environment through creative development techniques and good civic design standards.

16. The proposed development will not significantly increase/intensify the allowed use at the properties; accordingly, the within application can be approved without impairing the intent of the subject zoning scheme.

17. The applicant has satisfied the applicable minor subdivision requirements of the Borough of Metuchen Land Development Ordinance.

During the course of the hearing, the Board has requested and the applicant has agreed to abide by the following conditions of approval:

- A. The applicant must submit revised plans reflecting the conditions of approval herein. All of the applicant's revised plans shall be subject to the review and approval of the Board Engineer and the Board Planner prior to the applicant being permitted to commence its construction at the site.
- B. The applicant shall not extend the proposed stub street on Tract 1 without further approval of the Board.

- C. The applicant shall not offer the proposed stub street for dedication to the municipality.
- D. There shall be no parking allowed where vehicles for the drive-through windows will be stacked.
- E. The drive up ATM will abut the bank building near the first drive up window of the total of three drive up lanes and that there will be signage directing motorists to the appropriate lane and that there will be no ATM machine for pedestrians.
- F. The bank shall have no more than four interior teller stations, one of which shall be one handicap teller window 1 station for the branch manager, 1 station for the assistant branch manager, and 2 platform customer service person stations. The bank shall have no more than, 3 full-time tellers, 1 part time teller 1 branch manager, 1 assistant branch manager and 2 platform customer service persons with one investment manager who would be present once or twice a week for a total of approximately 7 employees. Additionally, the anticipated lobby hours of the bank would be Monday through Friday from 9 a.m. to 3 p.m., Thursday from 4 p.m. to 6 p.m., Friday from 4 p.m. to 7 p.m. and Saturday from 9 a.m. to 12 p.m. The anticipated drive

up hours would be Monday through Wednesday and Friday 8 a.m. to 6 p.m.; Thursday 8 a.m. to 7 p.m. and Saturday 9 a.m. to 12 p.m.

- G. The applicant agreed to and shall reduce the brightness of the lighting on the entire site as well as the brightness of the lighting at the bank drive through as may be determined by Board Professionals
- H. The proposed bank roofing material shall be shingles, it shall be constructed from brick and stucco but not be EIFS stucco or similar stucco, the base of the building shall be precast and the columns shall be brick or precast with corbel capitals and that applicant's standard branch bank design as proposed would be used with a different configuration so as to accommodate the lot, the windows shall not be double hung windows but display type windows with divided lites and the building shall reoriented so that the façade would face Middlesex Avenue and applicant shall provide a revised plans for the proposed bank. The applicant shall provide revised architectural plans which shall be subject to subject to review and approval by Board Professionals.

- I. The parallel parking which applicant proposes on the proposed stub street shall be assigned to and used by the bank employees and that the issue of parallel parking on said street shall be revisited when applicant makes application to develop the remainder of Tract 1.
- J. The applicant shall apply to Middlesex County for approval to replace its proposed traffic striping on Middlesex Avenue with curbed, landscaped "island" medians, with on street parking and traffic calming "bump outs" along Middlesex Avenue with landscaping along the curb line and cooperate with Board Professionals in obtaining such approval although this application is not conditioned upon such approval.
- K. The applicant shall plant a double row of London Plain Trees extending the entire length of its property fronting on Middlesex Avenue and line the stub street with appropriate shade trees to continue the streetscape treatment at Franklin Square further down Middlesex Avenue. Such plantings shall be subject to review and approval by Board Professionals.
- L. The applicant shall plant the Northeast portion of proposed Tract 1 proposed to be leased to the bank abutting the Lehigh Valley Railroad right of way with

evergreen trees. Such plantings shall be subject to review and approval by Board Professionals.

M. In the event of any future development of the site, the issue of signalization on Middlesex Avenue at the expense of the developer will be revisited at the time of that future application.

N. The water tower located on Tract 1 shall remain only if necessary for fire suppression, and if the water tower does remain, it will be used for fire suppression only and the applicant shall remove the graffiti from the water tower.

O. The use of the warehouse on Tract 2 will conform with the Land Development Ordinance of the Borough of Metuchen.

P. The applicant's modification of its lighting so that there is no spillover onto adjacent sites. Such lighting shall be subject to review and approval by Board Professionals.

Q. The applicant shall configure the driveway exit from proposed Tract 2 so as to reduce the speed of any trucks exiting the premises with traffic calming designs. Such configuration shall be subject to review and approval by Board Professionals.

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- R. The applicant shall revise its plans in order to accomplish a separation between the proposed driveway of the Tract 2 warehouse which may include a traffic calming "bump out" and the driveway of the proposed Borough of Metuchen Park abutting the applicant's site. Such design shall be subject to review and approval by Board Professionals.
  - S. The applicant shall install a six-foot high chain-link fence along the western property line separating the site from the proposed Borough of Metuchen Park abutting the applicant's site at the completion of the applicant's development of the site and the completion of the Park development project. Such installation shall be subject to review and approval by Board Professionals.
  - T. The applicant agreed that the Northeast wall of the warehouse on Tract 2 would be planted with appropriately spaced trees as may be allowed and in accordance with New Jersey Department of Environmental Protection requirements and review and approval by Board Professionals.
  - U. The applicant shall plant two (2) London Plain trees on Durham Avenue near the proposed driveway. Such

- planting shall be subject to review and approval by Board Professionals.
- V. The applicant shall paint the warehouse muted earth tones. Such painting shall be subject to review and approval by Board Professionals.
- W. The exit from the proposed Tract 2 driveway from the warehouse on to Durham Avenue shall be right turn only. Such exit and signage shall be subject to review and approval by Board Professionals.
- X. The Durham Avenue sidewalk crossing the driveway from the proposed Tract 2 warehouse shall be stamped colored concrete pavers. Such pavers and installation shall be subject to review and approval by Board Professionals.
- Y. Signage on the site would be subject to review and approval of the Board Professionals.
- Z. Applicant shall address the recommendations contained in the February 5, 2003 memorandum of Donald Norbut, Board Engineer, section 4 regarding Drainage and Grading and section 6 regarding Lighting to the satisfaction of the Board Engineer.
- AA. The type, number and location of trees, shrubs and landscaping applicant shall plant on the site shall be



subject to review and approval by Board Professionals  
subject to the regulations and requirements of the New  
Jersey Department of Environmental Protection.

BB. The applicant shall submit copies of the metes and  
bounds descriptions for all easements and lease  
agreements for review by Board professionals and at  
such time as applicant seeks permits for construction  
and occupancy applicant shall provide notice to the  
Board of the proposed use of the premises and provide  
such information as has been submitted to the Zoning  
Office.

CC. The applicant shall revise its plans to be in  
compliance with the "New Jersey Map Filing Law" and  
shall file the plat pursuant to said Law rather than the  
subdivision deed and shall provide copies to the Tax  
Assessor, The Borough Engineer and Board  
Professionals prior to filing.

DD. Said conditions are subject to the findings of fact of  
the Board set forth hereinabove.

EE. The applicant shall publish a notice of this decision  
in the Home News and Tribune within ten days from  
the date of this decision.

FF. The applicant shall be approved by the Middlesex County Planning Board and any other applicable state agencies.

GG. The applicant shall reimburse the Metuchen Planning Board and/or the Borough of Metuchen for professional fees associated with this application.

**BE IT FURTHER RESOLVED**, that the applicant shall furnish a performance guarantee, if necessary, in favor of the Borough of Metuchen in an amount equal to 120% of the costs of site improvements approved by this Resolution, as estimated by the Borough Engineer, in a form satisfactory to the Borough Attorney. The applicant shall also post an inspection fee equal to five (5%) percent of the public improvements.

**BE IT FURTHER RESOLVED**, that the applicant pay to the Borough of Metuchen the sanitary sewer connection fees required for the connection of the commercial establishments for this project as set forth in Sections 153-28 through 153-32 of the Land Development Ordinance. Such sanitary sewer connection fees shall be calculated by the Borough Engineer.

**BE IT FURTHER RESOLVED**, that nothing contained herein shall be deemed to relieve the applicant from having to comply with all other Federal, State, County and Local Regulations - for the Planning Board of the Borough of Metuchen offers no warranties, express, implied or otherwise with regard to same.

**BE IT FURTHER RESOLVED**, that the granting of this Application is expressly made subject to and dependent upon the applicant's compliance with all other

applicable rules, regulations and/or ordinances of the Borough of Metuchen, County of Middlesex, and State of New Jersey.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Zoning Officer, the Borough Clerk, Borough Construction Official and to the applicant herein within ten (10) days of the date hereof.

**BE IT FURTHER RESOLVED**, that the granting of this Application is expressly made subject to and dependent upon the applicant's entering into a developer's agreement with the Borough of Metuchen, County of Middlesex and State of New Jersey.

**I HEREBY CERTIFY** that the foregoing statement is a true copy of the Resolution prepared to reflect the actions of the Planning Board of the Borough of Metuchen on February 6, 2003, March 6, 2003 and April 24, 2003.

DATED: May 1, 2003



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SHARON HOLLIS,  
BOARD SECRETARY