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**Neptune Township ~ Planning Board
Special Meeting Minutes
Wednesday November 29, 2017 - 7:00 PM
Township Meeting Room 2nd Floor**

OPENING: Meeting called to order by Chair Davis. Ms. Davis advised the public of the fire exits and how the meeting will proceed.

ATTENDANCE:

Present: Richard Ambrosio, John Bonney, Mayor Dr. Michael Brantley, Bishop Paul Brown, Keith P. Cafferty, Richard Culp, Dyese Davis, Linda Kornegay, Robert Lane, Mychal Mills, Sharon Davis, Mark Kitrick, Esq. – Attorney to the Board, Peter R. Avakian, PE, PP – Board Engineer, Jennifer C. Beahm, PP, AICP – Board Planner, John McCormack, PE, PTOE – Board Traffic Consultant, Torro Reporting, LLC, and Kristie Armour – Board Secretary.

Absent: None.

RESOLUTIONS MEMORIALIZED:

Resolution #17-23 – Wells Fargo Bank – Block 1703, Lot 9 – 100 Fortunato Place – Minor Site Plan Approval for proposed lighting which is required for security purposes.

Resolution #17-24 – 3535, LLC (Spectrotel) – Block 3903, Lot 3.01 – 1200 Jumping Brook Road – Preliminary and Final Site Plan Approval with bulk variances to renovate the existing office building and parking area.

APPLICATIONS:

PB17/01 – DeVimy Equities, LLC (Family Dollar) – Block 808, Lots 5, 6, 7, & 8 – Route 35, Monroe Avenue, and W. Bangs Avenue (Route 35 and W. Bangs Avenue Redevelopment Area) – Applicant is seeking Preliminary and Final Major Site Plan to develop a retail shopping center containing a Family Dollar.

Applicant is represented by Jennifer S. Krimko, Esq.

We have a signed certification from those that were absent at the last meeting (October 25, 2017) including Mychal Mills, Robert Lane, and Mayor Dr. Michael Brantley.

All professionals were previously sworn in at the October meeting and remain under oath.

Exhibit A-10 – Site Plan Exhibit (1 sheet) dated 11/16/17

Exhibit A-11 – Landscape Exhibit (1 sheet) dated 11/16/17

Exhibit A-12 – Supplemental Traffic Analysis dated 11/16/17

Exhibit A-13 – Site Plan Color Rendering dated 11/29/17 basically a colorized version of Exhibits A-10 & A-11

Jennifer S. Krimko, Esq. recalls Board's concerns with existing "bad" traffic conditions. Out of respect for the Board's request the applicant has prepared the additional study with the information asked for. Ms. Krimko recites Cox Section 23-10 regarding the Planning Board cannot deny because of offsite traffic conditions. Stating that the authority to prohibit or limit uses generating traffic into already congested streets or streets with

a high rate of accidents is an exercise of the zoning power vested in a municipal governing body. Site plan approval cannot be denied because of offsite traffic problems. While the Board can regulate safe ingress and egress on the site. Proportional share of contribution to offsite improvements was discussed. Ms. Krimko further indicates that the Board cannot deny the application simply because they may be adding additional traffic to an area where significant traffic exists.

Mark Kitrick, Esq. – indicates Ms. Krimko has cited correctly; however, Mr. Kitrick adds there is also a section in there that says that the Planning Board may deny a site plan application if the ingress and egress of the plan creates an unsafe and inefficient vehicular circulation.

Bishop Brown questions when the Board considered Wayside, wants to know what the conditions are that the Board can deny an application?

The intensity of development is discussed. Ms. Beahm indicates if the Board finds that the traffic generated into and out of the site via the means of ingress and egress creates an unsafe condition, they have every right to deny the application. A discussion between Ms. Beahm and Ms. Krimko takes place with regard to this comment.

Josh Sewald, PE discusses Exhibit A-13, the changes that were made and why they were made – The redevelopment plan references an entry-like plaza to the property so as part of that we have provided stamped concrete at the entry drive from Route 35 and West Bangs Avenue so therefore the variance and/or deviation from the plan has been eliminated with that.

Jennifer Beahm indicates it is your intent to eliminate/comply with that requirement; however, putting stamped concrete in her opinion does not create a plaza.

Josh Sewald indicates there are different interpretations as there is also going to be sidewalk improvements along all 3 frontages as well as other improvements which we will get to.

Jennifer Beahm indicates a plaza is a sense of place. The whole purpose of this plan is to create a sense of place and promote pedestrian activity. She does not agree that adding some stamped concrete in the driveways creates a sense of place. While it is up to the Board, in her professional opinion this does not create a sense of place.

Mark Kitrick, Esq. reads the definition of a plaza – a public square in a city or town open area usually located near urban buildings usually featuring walkways trees and shrubs, places to sit, and sometimes shops.

Discussion takes place with regard to the redevelopment plan and “sense of place”.

Josh Sewald, PE continues to describe some of the changes that were made including sidewalk from 5 to 6 feet wide, Route 35 driveway has eliminated the left out movements, added street lighting to the entire 3 frontages, as well as street trees along all 3 frontages as well which he believes eliminates a design waiver as well. Near the 5 parking spaces near the 3,000 s.f. retail pad at the Route 35 main drive aisle with movement across these spaces - added a 2-foot curb island to eliminate movement of vehicles in and out you will have to come in to access these spaces. Before it was striped so you could maneuver straight through over the lines. Cannot exit or enter through this area now.

Loading zones are discussed – off peak hours but during business hours approximately 60 minutes 1 time a week – walk around or cut through which is 1% of time for Family Dollar.

****At 8:05 PM – Dr. Brantley leaves – at 8:07 Dr. Brantley returns****

Landscaping along residential properties discussed. Foundation plantings have also been supplemented around the buildings. All sides that do not have sidewalk around them.

Sidewalks and door locations are discussed. Redevelopment plan is discussed with regard to walkability and pedestrian access if doors are not located on the Route 35 side of the buildings it is not in keeping with the plan.

Just to summarize, the plans have been revised to provide stamped concrete driveways, ornamental lighting on all 3 frontages, street trees on all 3 frontages, foundation plantings, wider sidewalk, and curb island by the 5 spaces.

Mr. Culp is concerned with elevation on Route 35 and the appearance of the project. Mr. Sewald indicates the reason it is designed like this is because of the lighting and the trees and the requirements of spacing. As far as materials and colors that will be discussed by the Architect.

Deliveries are discussed – 60 minutes once a week in the loading zone during off-peak hours for Family Dollar is testified. It is questioned when and where are the other businesses going to be receiving deliveries. The Board finds it hard to believe that the truck drivers are going to utilize the loading area by the Family Dollar and walk to the deliveries to the other units.

Pedestrian safety is discussed.

There is a 6 foot solid fence along with large evergreen trees to buffer the property from the residential uses in the rear.

Teena Peve (sp?) - 138 Anelve Ave – there is already traffic in the summer and issue with the trucks. What can you do to promise no issues with traffic? It is suggested to ask this question of the traffic engineer; however, the traffic engineer is not going to make promises but can only provide expert testimony with regard to the proposed project.

Robert Lane steps out and returns at 8:15 PM

Gloria Binns – 522 Sayre Street (30 years) – Questions quality of life? Most everyone there are seniors.

Nick Verderese, PE – Discusses Supplemental Traffic Report – Access is discussed and modifications of left turn movement discussed – now a right in and right out only from Route 35.

There are concerns with Table #2 on Page 3.

Intensification of development is discussed with regard to potential traffic.

**At 8:54 PM the Board takes a brief recess – at 9:01 PM the Board returns – roll call is taken and all members still present.

Bishop Brown asks Nick if the circulation of a truck can be accommodated on the plan.

Monica Kowalski-Lodato – 601 Route 35 North – Questions the impact on Monroe Avenue – Still “A” level and questions if traffic accidents/incidents were included in the impact?

Nick – no calculations with incidents – trucks cannot make turn on Monroe.

Constance Holmes 62 – during rush hour not morning? AM, PM, and Afternoon rush hours. In the morning goes to work West Bangs and Route 35

Nick – levels of services are very similar during all 3 peaks – 1,600 in the AM; 2,000 in the PM; and 2,100 on Saturday PM

Priscilla ?? - Bangs – Questions road widening? Nick indicates there is nothing proposed at this time.

Dianna Harris – 17 Willow – what else is permitted? Disagrees with statement that 1 retail vs. 3 retail regarding traffic generation.

Gary Kliesch, Architect – sworn in, qualified, and accepted – the building architectural features, signage, colors/materials are described – front entrances could be agreed to by the applicant with pavers and benches. This will enhance the Route 35 frontage.

Donna Gonzalez – Construction before and after the fact how it will effect surrounding neighbors – must leave and wants notice if this matter is carried.

Teena Peve – Anelve Avenue – what will address be? Ms. Krimko indicates Route 35

Planner discusses the Redevelopment Plan and the uniqueness of the site.

Underlying B-1 permitted uses does not include conditional uses.

Will try to group the variances.

Redevelopment standard bulk variances requested and discussed.

Redevelopment Plan discussed with regard to the intent and “plaza”

The smallest Family Dollar building is being proposed – cannot reduce building sizes at this time.

Setbacks are discussed.

Jennifer Krimko Esq. rests her case at this time and asks for a vote. She explains her clients’ position and why they can’t shrink the building.

Open to the Public

Gloria Binns - 522 Sayre Street – concerned with children in the neighborhood, accidents, increases in traffic, and decrease in property values.

Connie Holmes – 62 – sworn in and discusses walkability and lack of need of another dollar store.

Tina Peve – Anelve Ave – it is rude they are not willing to settle on anything.

Dianna Harris – sworn in – usually sense of community and compromise – has not seen it from this applicant.

Jennifer Krimko Esq. gives closing statement and summary.

Based upon the application submitted to the Board and the testimony provided, a motion to DENY the application as presented was offered by Mayor Dr. Michael Brantley, moved and seconded by Richard Culp.

Those who voted YES: Richard Ambrosio, John Bonney, Mayor Dr. Michael Brantley, Bishop Paul Brown, Richard Culp, Dyese Davis, Robert Lane, Mychal Mills, and Sharon Davis.

Those who ABSTAINED: None.

Those ABSENT: None.

Those who voted NO: None.

ADJOURNMENT:

The Board is polled for the December 27th meeting and it does not appear there will be a quorum; therefore, it is agreed that this evening's resolution may be memorialized at the January 24, 2018 meeting.

Next scheduled meeting will be our Re-Organization Meeting and Regular Meeting on January 24, 2018 at 7:00 PM.

With no further business before the Board a motion to adjourn at was offered by Dyese Davis, moved and seconded by John Bonney, all in favor. Meeting closed at 11:09 PM.

Minutes submitted by Kristie Armour, Board Administrative Officer.