

RESOLUTION
PLANNING BOARD
TOWNSHIP OF LIVINGSTON, NEW JERSEY

Decided: August 8, 2017
Memorialized: September 12, 2017

Re: Application No. 2017-39-PFSPV
Applicant: Columbia Bank
Premises: 270 South Livingston Avenue
Block: 4303; Lot: 21
Zone: B-1

SUMMARY OF CASE

1. The Applicant has requested Preliminary and Final Site Plan approval with variances for subject premises at which it would operate a bank. These premises were previously occupied by Valley National Bank.
2. The Applicant was represented by Gregory D. Meese, Esq., of Price Meese Shulman & D'Arminio, P.C., of Woodcliff Lake, New Jersey.
3. The Applicant submitted documentation that all jurisdictional requirements have been met, including service and publication of notice, and confirmation that all applicable taxes and municipal charges are paid to date.
4. A public hearing was held on August 8, 2017. No members of the public appeared either in support of or in opposition to the Application.

5. Testifying on behalf of the Applicant was Matthew Welch, P.E. and P.P., admitted as an expert in civil engineering and land use planning.
6. The Board considered the following Plans submitted on behalf of the Applicant:
 - A: Sign Package prepared by Bergen Sign Company, dated 05/16/2017, signed and sealed by Stephen Dowoskin, R.A.;
 - B: Architectural plans prepared by Callisonrtkl New Jersey Architects, P.A., and dated 05-12-17;
 - C: Site Plans prepared by Stonefield Engineering & Design, dated 05-26-17 and signed and sealed by Jeffrey A. Martell, P.E.
7. The Applicant requested a number of waivers, as set forth on an attachment to the Application, which were granted by the Board.

FINDINGS OF FACT

1. The Applicant is lessee of the subject premises and seeks to open a branch of its bank. A bank was previously operated at this location by Valley National Bank and is a permitted use.
2. On April 18, 2017, the Minor Subdivision/Site Plan Committee of the Board granted a Minor Site Plan approval to allow the Applicant to make minor site improvements for handicap accessibility and compliance, and to begin renovations to the building facade.

This Application requests approval of improvements that were beyond the jurisdiction of that committee.

3. The plans would entail site improvements and upgrading, and modification of a two-lane drive-up facility at the rear of the property.
4. The Applicant also proposes to install new LED parking area lighting, new signage, and a free-standing monument sign.
5. The sign package submitted for approval presented a number of issues. Township Code Section 170-90.C permits a maximum of 3 signs which must be located on an entrance wall, wall facing a street, or on a canopy. Only one such sign may be illuminated. The signs proposed would consist of:
 - A: One large conforming illuminated wall sign facing the street.
 - B Two informational signs measuring 2 feet by 1.5 feet to be attached to the pillar between the two drive-up lanes.
 - C. An “open closed” illuminated sign located above the drive-up lanes.
 - D. Two “hours of operation” signs on glazing.
 - E. Two free-standing pole signs: one states “Do Not Enter” and the other provides directional instructions to the drive-up lanes.
 - F. A sign around the wall-mounted ATM machine with the name and logo of the bank and the words ’24 HOUR BANKING”.
 - G. An illuminated monument sign that would measure 54 inches by 54

inches and sit atop an 18-inch base for an over-all height of 72 inches. The sign would have the Applicant's name and logo and "24 HOUR BANKING".

6. During the course of the hearing, the Applicant agreed to modify the proposed monument sign to reduce it in size to 42 inches by 42 inches atop a 12-inch base; for an overall maximum height of 54 inches and with the letters not to exceed 5.5 inches in height.
7. The Applicant also agreed that: the two signs proposed to be on the pillar between the drive-up lanes would be consolidated; the clearance bars shown on Sign Package Sheet 10 will be added to the Site Plan; and, the traffic directional signs will not have the bank name or logo. In addition, one of the two proposed "hours of operation" signs on glazing was eliminated, so that there would be only one at the front door. Such sign would be compliant with the Township's Façades Ordinance.
8. The testimony of the Applicant's witness, Matthew Welch, was that landscaping with a row of deer resistant evergreen shrubs would be planted in the rear of the property in front of the 6-foot PVC solid fence that will be installed between the Site and adjoining residences pursuant to the Applicant's April 18, 2017 Minor Site Plan approval. Applicant will use beige color PVC for the fencing.
9. Mr. Welch further testified that a handicap-accessible ATM would be at the drive-up lane closest to the rear of the building, and the outer lane would be a teller lane serviced

by vacuum tubing. New parking striping for all off-street parking would be added, and 2 ADA-compliant van accessible parking stalls would be provided at the front of the building. All parking stalls at the front of the building will have bollards as shown on the site plan. The sidewalk at the front of the building would have ADA compliant curbing and ramps. A painted crosswalk from the northerly parking area across the drive-up access lanes to the building's front sidewalk would be provided. The Applicant agreed to also add a painted crosswalk from the rear parking area to a depressed curb to be installed at the sidewalk at the northwest rear corner of the building.

10. The Plans provide for 7 lights for the rear parking area and drive-up facility that comply with State lighting requirements for 24 hour banking. The fixtures will all have LED lights and there will be zero foot candle impact on the residential properties to the rear of the building.
11. A "Do Not Enter" sign depicted on Sheet 09 of the Sign Package will be placed at the exit from the drive-up facility so that vehicles coming from the adjacent 7-Eleven parking area do not mistakenly enter those lanes.
12. The ATM sign is not illuminated, but is an additional sign for which a variance is needed from Township Code Section 170-90.C.
13. The wall sign at the front of the building would be compliant with a height of 4 feet and a

width of 24 feet 3 & 1/8 inches, not extending more than 15 inches from the wall, with the logo and words Columbia Bank in channel letters and internally illuminated by LEDs.

14. The rear parking spaces would measure 18 feet with a two-foot overhang as permitted by ordinance and is an existing condition. A total of 31 parking stalls are being provided, whereas 11 are required by ordinance. Parking in the front yard is a continuing non-conformance.

15. Applicant agreed that it will, in coordination with the Township Engineer, amend the site plan to provide for installation of an appropriate number and type of planters between the access lanes for the drive-up facility and the driveway to and from the rear parking area so as to establish clear separation of those lanes and the driveway.

16. Mr. Welch, as planning expert, testified that all of the variances should be approved under the provisions of N.J.S. 40:55D-70.c.(2) because the benefits from approval would outweigh any detriments. These variances allow for more efficient use of the property and provide advantages for traffic flow that will improve safety in motorists accessing and operating on the premises. There would be no detriment to the public good nor any detriment to the Zone Plan or Zoning Ordinance.

VARIANCES REQUESTED

1. The variances from Township Code Section 170-94.C required by the Applicant are:

- A: To permit an internally illuminated monument sign.
- B: To permit an internally illuminated “Open Closed” sign on the canopy of the drive-up teller lane.
- C: To add two clearance signs on clearance bars; with one suspended over each of the two lanes of the drive-up facility.
- D: To add a wall sign with the name and logo of the Applicant at the ATM.
- E: To have an hours of operation and transaction rules sign, with the logo and name of the Applicant, mounted on the drive-up facility’s support column between the two drive-up lanes.

CONCLUSIONS OF THE BOARD

1. The Board hereby approves and grants the request for Preliminary and Final Site Plan approval, with the variances listed below, and subject to the conditions set forth herein.
2. The Applicant has demonstrated that the requested variances from generally applicable bulk requirements should be granted as consistent with the provisions of N.J.S.A. 40:55D-70.c.(2) in that the variances will allow for safer vehicular and pedestrian traffic flow benefits, would outweigh any detriments and allow for more efficient use of the property.

The requested variances can be granted without substantial detriment to the public good or any detriment to the Zone Plan or Zoning Ordinance.

3. The following variances from Township Code Section 170-90.C, which limits the location and type of signs accessory to the business conducted on the property, are granted:

- a. A monument sign at the location depicted on Site Plan drawing C-102, with a height of 42 inches and a width of 42 inches installed on a base with a height of 12 inches creating an over-all height of 54 inches; such sign to bear the logo and text depicted on Sign Package Sheet 07 with only internal illumination for the logo and the name of the bank.
- b. A single non-illuminated sign with the bank's logo and name and the hours and conditions of use to be located on the pillar between the drive-up facility's two lanes.
- c. One non-illuminated clearance bar sign at each drive-up facility lane, as shown on Sign Package Sheet 10, designating vehicular clearance.
- d. One internally illuminated "Open Closed" sign on the canopy of the drive-up facility at the teller lane as shown on Sign Package Sheet 10.
- e. One non-illuminated sign on the rear wall at the ATM as shown on Sign Package Sheet 14.

4. Approval herein is subject to the following Conditions agreed to by the Applicant

:

- a. The Sign Package and the Site Plan shall be revised to include all changes agreed to in the course of the hearing; including but not limited to:
 - (1) Dimensions of the monument sign.
 - (2) Consolidation and modification of signs on drive-up facility pillar.
 - (3) Painted crosswalks.
 - (4) “Do Not Enter” sign to be as in sign package.
 - (5) Clearance bars to be added to Site Plan.

- b. In coordination with the Township Engineer, the Applicant shall further amend the Site Plan to provide for installation of an appropriate number and type of planters to be installed in the cross-hatched area between the drive-up facility access lanes and the driveway to and from the rear parking area so as to establish clear separation of those lanes and the driveway.

- c. Off-street parking area lighting shall not spill over onto adjacent residential properties.

- d. A painted crosswalk shall be added from the rear parking area spaces to a depressed curb to be installed at the sidewalk at the northwest rear corner of the building.

- e. The terms and Conditions of the April 18, 2017 Resolution of the Minor Subdivision/Site Plan Committee in Application No. 2017-13-MS applicable to matters determined therein remain in full force and effect unless expressly in conflict with terms or conditions of this Resolution.
- f. The Board's Model Conditions of Approval Numbers 1, 3, 6, 8, 9, 10, 11, 13, 18 and 19 attached hereto are hereby incorporated herein.
- g. Conditions "a" and "b" above and Model Conditions of Approval Numbered 6, 11 and 18 are Conditions Precedent to be accomplished before issuance of any permits.
- h. Compliance with Model Condition of Approval Number 19 is a Condition Precedent to issuance of a Certificate of Occupancy.
- i. Condition "c" above and Model Condition of Approval Number 9 are Continuing Conditions.

NOW THEREFORE, for the reasons set forth herein and as stated on the record by the Members of the Planning Board of the Township of Livingston, and consistent with the proofs and testimony presented at the hearing, it is resolved that Preliminary and Final Site Plan

approval for the Application, with variances, be and is hereby granted and approved, subject to the terms and conditions as set forth herein.


Peter M. Klein, Chairman

This Resolution is a memorialization of the decision of the Planning Board of the Township of Livingston made August 8, 2017 wherein Board Members Dinar, Kalishman, Leopold, Ratner, Alternate No. 1 Rieber (in place and stead of Member Silverman, Alternate No. 2 Wishnew (in place and stead of Member Anthony), and Klein voted in favor of such Resolution; they being all of the Members then present.



Jackie Coombs Hollis, Secretary
Dated: September 12, 2017

PLANNING BOARD, TOWNSHIP OF LIVINGSTON

Model Conditions of Approval (As Amended through February 12, 2013)

Every application turns on its own facts and is judged on its own merits. Listed below are models of conditions which may be considered “standard”. A standard can be tailored to specific circumstances, and may not always apply. Other or additional conditions may be tailored for any application.

1. Architecture

- a. Rooftop ancillary structures and equipment (other than alternative small energy systems and communications equipment) shall be screened by material

Improvement Standards or the Township's Stormwater Control Ordinance, or both, as applicable, shall be prepared by Applicant and shall have received the approval of the Township Engineer prior to issuance of any construction permit. Any future revisions to the maintenance plan shall not become effective until the Township Engineer's approval shall have been obtained.

- d. Unless maintenance of the basin is assumed by the Township or a public agency as its direct responsibility, (1) the maintenance plan and any future revisions of it shall be recorded upon the deed of record for the property in terms approved in advance by both the Board Attorney and the Township Attorney; and, (2) the Applicant shall provide a performance bond for such maintenance, including landscaping and cleanliness.

6. Final Plans

Prior to the issuance of any Township permit for demolition of any structure, preparation of the Site, or construction of any improvement:

- a. The full text of all of the conditions of this approval, and all plan changes agreed to in the course of the hearing, shall be set out on final plans submitted to the Construction Official, the Township Engineer and the Board Secretary; and
- b. Such final plans shall have been reviewed by the Board Secretary or the Board's Planning Consultant for determination of whether the plans conform to the Board's approvals and shall then have been signed by the Board Chairman, the Board Secretary and the Township Engineer.
- c. Such final plans shall comply with the Uniform Construction Code and the Barrier Free Subcode as then in force in the State of New Jersey. If, during performance of work pursuant to the Board's resolution and permits that have been issued, field conditions indicate need for change(s), such need shall be called to the attention of both the Construction Official and the Township Engineer for approval of any such change before it is implemented. If any such change is significant, permission to amend the Site Plan may have to be sought from the Planning Board. Until all requirements under approved plans and the Uniform Construction Code, including accessibility requirements, have been completed or bonded, any certificates of occupancy issued shall be temporary certificates only.

7. Flood Hazards

- a. Insert on the final site plan and/or subdivision map a metes and bounds description of all flood hazard areas located on the Site.

- b. Insert in all deeds for individual lots that contain or are adjacent to flood hazard areas, and on the preliminary and final subdivision maps or plats, the following covenant: “The lands designated herein contain flood hazard areas. There shall be no disturbance of any kind as to any flood hazard area unless permitted by N.J.D.E.P. pursuant to the Flood Hazard Control Act, N.J.S.A. 58:16A-50 *et. seq.* or superseding requirements.”

8. Guarantees and Bonds

- a. The approval of this Application is subject to the posting, with terms acceptable to the Township Engineer, of any and all required performance guarantees, bonds, soil erosion and sediment control approvals, and any other requirements of Township ordinances prior to the issuance of any permits for commencement of site preparation or construction.
- b. This approval is also conditioned upon the Applicant’s providing, prior to issuance of the first Certificate of Occupancy, a performance guarantee acceptable to the Township Engineer for any aspects of the approved landscaping or fencing that has not been completed by the time of issuance of such certificate.

9. Landscaping & Environmental Protection

- a. All deciduous trees planted shall have a caliper of not less than 2.5 inches measured at a height of 4.5 feet above ground level. All evergreen trees planted shall have a height of 6.0 to 8.0 feet.
- b. Street shade trees shall be planted as required by Township Code § 170-72 and shall not be included in the calculation of Replacement Trees required by the Trees Ordinance.
- c. Any tree or other planting installed in accordance with the plans which dies shall be replaced, within the current or next planting season, in kind and at the same size as it had reached at the time of death; except that if it died more than three years after planting its replacement need not be larger than the size it had reached three years after planting. The same replacement requirements shall apply to any tree or other planting installed in accordance with the plans if subsequently removed because of damage or disease.
- d. No tree existing on the Site at the time of filing of the application shall be removed unless removal is approved under the Trees Ordinance or by this Board. Every existing tree to be preserved shall be tagged and shall be shown on the Site Plan or Subdivision Plan. During site preparation and during construction, each such tree shall be protected by snow fencing or a more substantial means approved by the Construction Official. No soils, excavated materials, or any construction equipment or building materials, shall be stored or operated within a root

protection zone that shall be the greater distance of (i) the crown drip line, or (ii) a distance equal to caliper multiplied by one (1) foot, (but never less than eight (8) feet from the trunk of a tree to be preserved), or anywhere else where such soil or materials can adversely affect the health of trees to be preserved. All work done within the root protection zone shall be accomplished with hand tools.

- e. The grade of land located within the root protection zone shall not be raised or lowered more than three (3) inches unless compensated for by welling or retaining wall methods; but in no event shall welling or retaining walls be installed less than eight (8) feet from the trunk of a tree.
- f. During site preparation or construction, no fuel storage, and no refueling, maintenance, repair or washdown of construction vehicles or equipment, shall occur within fifty (50) feet of any tree to be preserved.
- g. Any provision of the Trees Ordinance, Chapter 306 of the Code of the Township of Livingston, that establishes a conflicting standard or requirement shall control.
- h. No mulch shall be placed, or allowed to accumulate, within six inches of the trunk of any tree or shrub planted on the Site in compliance with this resolution. Mulch shall not be applied, or allowed to accumulate, elsewhere within the drip line of the tree or shrub to a depth in excess of four inches.

10. Noise

- a. No site preparation, demolition or construction activity shall be performed on the Site on Sundays, or before 7:30 a.m. or after 5:00 p.m. on weekdays, or before 9:00 a.m. or after 5:00 p.m. on Saturdays or federal holidays.
- b. All vehicles and motorized machinery operated on the Site shall be equipped with properly operating mufflers.
- c. No site preparation, demolition or construction activity (other than authorized blasting) shall produce, at the property line, (i) continuous airborne sound at a sound level in excess of 65 dBa, or which has an octave band sound pressure level in decibels which exceeds the standards provided in 32 N.J.R. 2230 et. seq., or (ii) impulsive sound in air which has a peak sound pressure level in excess of 80 decibels, or (iii) impulsive sound in air which repeats more than four times in any hour and has a peak sound pressure level in excess of 50 decibels.
- d. Relief from these noise conditions may be permitted, temporarily, by the Township Engineer upon his finding that a circumstance constituting an emergency exists and necessitates such permission.

11. Other Governmental Approvals

- a. Applicant shall comply with all applicable Federal, State and local laws and regulations and obtain any other governmental approvals required for implementation of this application as approved. If any other governmental agency or authority grants a waiver of or variance from any law, rule or regulation, or imposes any condition or requirement, which affects this approval or any of the conditions contained herein, then this Board shall have the right to review such action as it relates to this Board's approval or conditions and to modify, amend or revoke its approval and/or conditions.
- b. No Township permit for demolition of any structure, or preparation of the Site or construction of any improvement shall be issued until proof of request for such required approvals and any action thereupon, shall have been presented to the Construction Official and the Board Secretary by the Applicant.

12. Paving and Sidewalks

- a. Applicant shall install the top course of street paving:
 - (1) For residential development not later than the earlier of three (3) years after the issuance of the first Certificate of Occupancy or three (3) months after fifty percent (50%) of residential units have received Certificates of Occupancy.
 - (2) For non-residential or mixed-use development, prior to issuance of the first Certificate of Occupancy.
- b. All manholes, catch basins, and driveway curbs shall be ramped until the top course of street paving has been installed.
- c. All sidewalks shall be constructed of concrete or of non-asphalt pavers and shall be not less than four feet wide in a residence district or five feet wide in the Business Improvement District. Existing sidewalks that do not meet prior Township Code requirements shall be replaced to the standard for the new sidewalks.

13. Signs

The Board retains jurisdiction over any and all signs until the final Certificate of Occupancy has been issued.

14. Traffic and Parking Safety and Enforcement

- a. At the time of applying for a building permit the Applicant shall submit proof of having filed a written request pursuant to, and in accordance with, N.J.S.A. 39:5A-1, requesting that N.J.S.A. 39:1-1 *et seq.* be made applicable to the roads, streets, driveways, parking areas, etc. within the Site. The Applicant shall provide proof of the governmental action on such request to the Construction Official prior to issuance of the final Certificate of Occupancy.
- b. Lines of sight established for entrance and exit driveways of the Site shall be shown on the as-built site plans, and no structures, trees or plants that would interfere with such lines of sight shall be permitted at any time.
- c. All traffic and parking provisions in the approved site plans or otherwise required by the Board's resolution shall be accomplished prior to issuance of the first Certificate of Occupancy.
- d. The Applicant shall comply with State law and applicable Township ordinances regarding handicapped parking and shall maintain such spaces and all the traffic and parking signage and markings on the Site in good order and repair.

15. Utilities for Site Plans and Major Subdivisions

Applicant shall construct all utilities underground as required by law, and shall submit to the Engineering Department a written instrument from each serving utility evidencing full compliance with this condition and with Township Code §170-73.A.(17) before issuance of any Certificate of Occupancy.

16. Wetlands

- a. Applicant shall insert on the final subdivision map and/or site plan a metes and bounds description of all wetlands, wetlands transition areas, and buffers on the Site.
- b. Where applicable, each deed for a lot, and the subdivision plat, shall contain the following language: "The lands designated herein contain wetlands and wetlands transition areas. There shall be no disturbance of any kind as to any wetlands or wetlands transition areas unless permitted by N.J.D.E.P. pursuant to law, and Best Management Practices (as defined in N.J.A.C. 7:7A-1.4 or superseding requirements) for prevention or reduction of adverse impacts upon or pollution of wetlands, wetlands transition areas and buffers shall be followed at all times. This restrictive covenant shall run with the land and be binding upon the grantees, their heirs and successors and assigns.

17. Developer's Agreement

Prior to issuance of any permit for site preparation, or construction, the Applicant shall have entered into a Developer's Agreement negotiated with the Township Attorney in conjunction with the Township Engineer.

18. Written Response to Memoranda

Prior to issuance of any permit for site preparation, demolition or construction, the Applicant shall have provided written responses to all issues raised in all memoranda from the Township Engineer, or any consultant to the Township, that were considered by the Board in the hearings.

19. As-built Plans

A final Certificate of Occupancy shall not be issued until the Applicant shall have submitted to the Construction Official four (4) properly signed and sealed copies each of as-built site plans, surveys and building elevations.