

**PLANNING BOARD  
AMENDED AGENDA  
BOROUGH OF WATCHUNG  
JUNE 15, 2004**

- 1. Call to Order**
- 2. Roll Call**
- 3. Statement of Compliance with N.J.S.A. 10:4-6**
- 4. Resolutions**
  - PB03-12**  
Watchung Square Associates/Wal Mart  
Block 57.03, Lots 2.01, 3.01  
Approval for revisions to building signage  
Preliminary & Final Site Plan
- 5. Continued Applications**
  - PB02-06**  
Aleece Townsend & Stephen Shobin  
260 Valley Drive  
Block 68.01, Lot 6  
Minor Subdivision
  - PB04-01**  
Philip & Dorothy Whitting  
Preliminary & Final Major Subdivision  
40 Stirling Road  
Block 40.01, Lots 6.01, 6.02 & Pt. 4
- 6. Reports**
  - A. Site Plan and Subdivision Committee**
  - B. Ordinance Committee**
  - C. County Planning Liaison**
  - D. Village Center**
  - E. Environmental Commission**
  - F. Finance Committee**
- 7. Public Hearing**
- 8. Vouchers**

Courier News	4/29/04	\$ 30.00
Heyer, Gruel Associates	5/17/04	996.26
Heyer, Gruel Associates	5/20/04	142.50

## 9. Communications

- A. NJLM, May 21, 2004 – re: request to have Senator oppose proposed bill A2073S-1558 – c: file
- B. Somerset County Planning Board, May 21, 2004 – re: State Plan and Cross Acceptance – faxed to D. Speeney 5/21/04
- C. Central Jersey Builders Association, May 14, 2004 – re: Redevelopment Opportunities – faxed to D. Speeney 5/21/04
- D. CLA Consultants to Laureen Fellin, May 24, 2004 – re: Return of Cash Performance Guarantee but not the Performance Bond to Arby's – c: File
- E. Reynolds Group, Inc. to Mayor and Council, May 24, 2004 – re: waiver of fees for their client, Mt. St. Mary's – c: file
- F. William B. Butler, Esq., May 26, 2004 – re: Overlay zoning-Weldon Quarry c: file
- G. Resolution to extend second round substantive certification – c: file
- H. Laureen Fellin to Peter Havas, re: letter from William Butler, Esq. regarding proposed Land Use Ordinance - c: file
- I. Gebhart & Kiefer, Law Offices, June 1, 2004 to Gary Greves – re: Map Investment application for additional parking –c: all members
- J. Township of Warren, June 2. 2004 – re: zoning ordinance change – c: File
- K. Somerset County Planning Board, June 3, 2004 – re: Cross-Acceptance III Questionnaire – c: D. Speeney
- L. Richard Moody, Borough Engineer to Laws & Ordinance Committee, June 4, 2004 Re: Residential Driveway & Parking Area Requirements –c: file
- M. Jersey Central Power & Light, May 24, 2004 – re: application to NJDEP for Wetlands General Permit – c: file
- N. Goodland & Clearwater, Inc., June 8, 2004 – re: Wetland Delineation Study - c: all members
- O. Somerset County Planning Board, May 19, 2004 – re: approval of Target expansion plans – c: file
- P. Environmental Technology. Inc., June 1, 2004 – re: Application to NJDEP for LOI for their client S. Shobin & A. Townsend, 260 Valley Drive – c: file
- Q. State of New Jersey COAH, June 1, 2004 – re: Income limits charts – c: all

## 9. Adjournment



conducted on the 18<sup>th</sup> day of May, 2004, where the Applicant applied for a change in the approved signage on the North (entrance) face and the East face of the Wal\*Mart Building; and

**WHEREAS**, the previously approved Final Site Plan identified 432.11 square feet of signage located on the north (entrance) face, east face and south (Route 22) face, this application proposes revisions to the east face and the north (entrance) face. The Applicant proposes to remove the "Satisfaction Guaranteed" sign from the East face and add a "Wal\*Mart" sign. This would result in an addition of 31.84 square feet of signage. The Applicant further proposes changes to the North (entrance) face, to wit, enlarging the "Always" sign, adding a sign stating "Satisfaction Guaranteed" and relocating the "We Sell For Less", "1-HR Photo", "Pharmacy" and "Optical" signs, resulting in an additional 73.9 square feet of signage; and

**WHEREAS**, the applicable ordinance sections pertaining to the placement and square footage of signs are set forth in Section 138-8C and 138-35H(14)(b). The former of these two Ordinances provides that where signs are attached to buildings, they "shall not exceed ten (10%) percent of the area of wall. No one (1) sign shall exceed one hundred (100) square feet in area". The latter of the two Ordinances provides in part that "an additional sign identifying the name of the activity also shall be permitted to be attached flat against the building, at the entrance to the activity. The size of each additional sign shall be equal to one (1) square foot of sign area per one (1) linear foot of building frontage occupied by the activity"; and

**WHEREAS**, at a previous meeting the Board expressed dissatisfaction with "Cart Corral" signs which had apparently been placed without permission from the Planning Board or the Borough of Watchung. Mr. Sprouls advised that the "Cart Corral" signs had been removed and that the remaining Wal\*Mart signs would be illuminated, consistent with other signs on the face of the building. Board Member, Alan Page, stated that he had viewed the building from Johnston Drive and was more concerned with sky-glow than with the lighted Wal\*Mart sign. Whereupon, Mr. Sprouls indicated that he would return to Wal\*Mart to see what could be done to screen the skylights; and

**WHEREAS**, on the 18<sup>th</sup> of May, 2004, the application was continued. Board members indicated their concern with the skylights at the continued meeting. Chairman Speeney indicated that the building had a "checkerboard" appearance as opposed to the Home Depot which he indicated reminded him of a "black hole". He also indicated that the North (front) facing sign was obtrusive to Board members.

Mr. Addario felt that the building was "very dark" and that the signs "did not shine very brightly". It was noted, however, that the east facing sign was needed to identify the store from other parts of the shopping center, while the north facing sign was lit brightly. Mr. Boyd indicated that the plans originally submitted did not reveal skylights, to which Mr. Moody responded that he did not have any knowledge of the skylights because the Engineer's Office received only architectural elevations and first floor plans. Mr. Havas noted however, that the rendering submitted

did **not** show skylights and Mr. Speeney concluded that the skylights were **not** previously discussed. Mr. Havas further stated that he had a problem with the light on the north side of the building which remained on after the business hours, and that the light streaming from the skylights was not in the form of a beam or glare, but more simply an "eerie light". At this juncture in the proceedings, Mr. Speeney suggested that Mr. Sprouls return to Wal\*Mart to determine whether the light emanating from the skylights could be "toned down". Sal Davino appeared on behalf of the Applicant, stating that he was "willing to look into the issue" of covering or polarizing the skylights and that he would attempt to "try a sampling"; and

**WHEREAS**, Mr. Speeney polled the Board to determine whether it was willing to vote on the application in the affirmative. All Board Members voted in the affirmative save for Mr. Mobus, and the attorney was directed to prepare a Resolution in the affirmative; and

**WHEREAS**, in response to the foregoing, the following Findings of Fact have been made:

1. All jurisdictional requirements have been met.
2. The previously approved Final Site Plan identified 432.11 square feet of signage located on the north, east and south **faces** of the building.
3. The proposed revised signage, some of which has already been completed, includes the removal of the "Satisfaction Guaranteed" sign and the addition of a "Wal\*Mart" on the east face, resulting in 31.84 square feet of additional

signage and the enlargement of the "Always" sign, the addition of the "Satisfaction Guaranteed" sign and the relocation of the "We Sell for Less", "1-HR Photo", "Pharmacy" and "Optical" signs, resulting in 73.9 square feet of additional signage.

4. The Application does not require variance relief and is consistent with the provisions of Borough Ordinance 138-8C and 138-35H(14) (b).
5. The proposed signage changes to the North (entrance) building face have been completed, there are **no** proposed changes to the South (Route 22) face and the proposed East face signage changes have not been completed.
6. The "Cart Corral" signage has been removed from the premises and is not part of this application.

**NOW, THEREFORE, BE IT RESOLVED**, in consideration of the foregoing, the application for Amended Final Site Plan Approval is granted subject to the following conditions:

1. Revision of all drawings to the satisfaction of the Borough Engineer and submission of the same within twenty (20) days of the date hereof for further review and approval.
2. Illumination and/or proper backlighting of all signs consistent with the application. Lighting, with respect to the North (entrance) face signage **new East face sign**, and the parking lights shall be **placed** on a timer and extinguished no later than one (1) hour after closing.

**The Board reserves right to address the extinguishment of**

**South Facing Route 22, Lighting in the future consistent with a general lighting plan for the entire shopping center.**

3. The Applicant shall make a good faith effort to reduce light emitted from roof skylights to the satisfaction of the Borough Engineer. **Mr. Sprouls and Mr. Davino will return to report results of their efforts to the Board at the September regular meeting; the Board reserves right to make final determination.**

4. The Applicant shall comply with all of the terms of any prior resolution of approval regarding **installation and maintenance of a 20 foot access roadway to permit access** to the site for emergency vehicles to the satisfaction of the Borough Engineer, the fire code official and the Borough police department.

**BE IT FURTHER RESOLVED**, that the Board retains jurisdiction over the foregoing conditions relating to additional signage for a period of two (2) years from the date hereof to insure compliance with the provisions of this Resolution;

**BE IT FURTHER RESOLVED**, that nothing herein shall excuse the Applicant from compliance with any of the rules, regulations or laws of the Borough of Watchung, or any other governmental agency having jurisdiction over the application, including any condition previously imposed by the Watchung Planning Board.

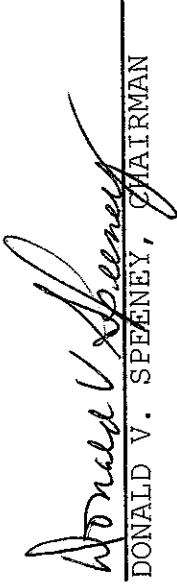
**BE IT FURTHER RESOLVED** that this approval is contingent upon the Applicant paying all fees and escrows required by the Borough of Watchung, it being noted that this resolution does not require

any special bonding requirements such as for off-site improvements, the amount of which bonds would otherwise be based upon the Borough Engineer's estimate; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution of the Planning Board for the Borough of Watchung which was entered upon the record on the 15<sup>th</sup> day of June, 2004, with factual findings contained herein, be forwarded to the Applicant, the Construction Official of the Borough of Watchung, and to the Mayor and Council of the Borough of Watchung, and that the foregoing is a true and complete copy of the Resolution adopted by the Planning Board at the meeting date on the day and date above first written.



PETER HAVAS, SECRETARY



DONALD V. SPEANEY, CHAIRMAN

Dated: June 15, 2004

C: Applicant 6/30/04  
Attorney 6/30/04  
Laureen Fellin, Administrator 6/30/04  
Const. Code Official 6/30/04  
Assessor 6/30/04