

Present: Waterbury, Peterson, Canonico, Walsh, Anderson  
Kennedy (Attorney)  
Cranmer (Planner)  
Absent: Fisher, Stambaugh, Betesh

Chairman, Ms. Waterbury, called the meeting to order at, 7:30 p.m.  
All saluted the flag, and the presiding officer's statement was read.

**Minutes:** none

**Correspondence:** none

**Planning Board Representative:** none

**Unfinished Business;** none

**New Business:**

**Colonial American Bank:**  
d/b/a Access Bank  
Shrewsbury Plaza a/k/a National Realty  
Bl: 31, Lot: 1

**Amended Preliminary/Final Site  
Plan**

Mr. Mark R. Aikins, Esq represented the applicant.

Mr. Aikins stated that the Colonial American Bank is being proposed to go into the Shrewsbury Plaza in the Block Buster Video tenant space, using approximately 3,500 sq. ft.

**Completeness:**

Mr. Cranmer stated that this application has been deemed complete, Cranmer Engineering Review letter, dated 8/31/2011.

Mr. Kennedy announced that he reviewed service and finds it to be adequate. Mr. Kennedy made a lengthy statement on jurisdictional issue for this application. He explained why the Zoning Board is retaining the bank's application even though it's a permitted use. The proposed site plan is being considered an amendment to a previously approved site plan approval with improvements made during the Qdoba Restaurant application, as agreed to by both Mr. Cranmer and Mr. Donlon. Mr. Aikins concurs with both Mr. Kennedy & Mr. Cranmer with the determination that Mr. Kennedy has presented to the board, and both he and his client are comfortable with the determination made on the jurisdictional issue.

Ms. Waterbury stated that this application will be presented with a different burden of proof, and approval would only require a majority of the board members seated tonight? Mr. Aikins said that is correct.

Mr. Kennedy wanted to establish the ownership of the property. Mr. Aikins stated that it is National Realty Development Corporation. Mr. Kennedy asked if any of the board members have any stock in this proposed bank? There were no comments.

Mr. Kennedy marked the following into evidence:

- A-1: Application for Site Plan Approval, dated 7/15/2011
- A-2: Zoning Permit Denial, dated 6/19/2011, prepared by Jerome Donlon, Zoning Officer
- A-3: Cranmer Engineering Review Report dated 9/16/2011
- A-4: Amended Site Plan, Access Bank, Shrewsbury Shopping Plaza, prepared by Wm Vogt, 11 sheets, 7/5/2011
- A-5: Architectural Drawings, James Monteforte, 2 sheets, dated 7/14/2011
- A-6: Traffic & Parking Letter Report, Charles D. Olivo, Stonefield Engineering, Dated 6/20/2011
- A-7: Access Bank, Site Improvements/Stormwater Mgmt Report, dated 7/15/2011, prepared by Wm R Vogt Jr.
- A-8: Completeness Letter, prepared by Cranmer Engineering, dated 8/31/2011

Mr. Aikins described the tenant space and some proposed changes:

- Rt 35 runs north/south
- Blockbuster Video space shown in copper color, approximately 3,500 sq. ft.
- Site improvements for parking, separation of traffic flow to the delivery areas, customer traffic, drive through lane and access lane

Mr. Anthony Giordano, Pres C.E.O. Colonial American Bank, was sworn.

Mr. Giordano testified that currently Colonial American Bank, is located in Horsham, Pa, and his background was with Central Jersey Bank, Long Branch, NJ, it was then sold to Carney Federal Savings Bank, and subsequent to that transaction a few of the investors started an investors group but the F.D.I.C. wouldn't approve them, and advised them to find a bank to buy. They eventually bought Colonial American Bank, Horsham Pa which was getting ready to fail. They were able to raise enough money to purchase the bank on April 15, 2011 and advised the F.D.I.C. after they were approved that they would like to come to New Jersey and was approved on that part of their application as well. They have approximately 155 shareholders from Monmouth County as well as their Senior Executives are from the area. They are now ready to start another community bank and they are proposing the first bank to be located in the Shrewsbury Plaza. He feels that the improvements both inside and out will be a great asset to the community. He stated that the bank will be more of a one on one banking for their customers. A conference room will be available to their customers for gathering during hours or after hours.

Mr. Aikins asked Mr. Giordano to give the proposed hours of operation. Mr. Giordano said they plan to be open 6 days a week, Monday through Thursday 8:00 am to 6:00 pm, Friday 8:00 am to 7:00 pm, Saturday 9:00 am to 2:00 pm or 4:00 pm, no Sunday hours.

A motion was made by Ms. Peterson, seconded by Ms. Canonico to open the meeting to the public. All approved.

No comments/questions.

A motion was made by Ms. Peterson, seconded by Ms. Canonico to close the meeting to the public. All approved.

Mr. James J. Monteforte, Architect, was sworn, and gave his professional background and was accepted as an expert witness.

Mr. Kennedy marked the following:

**A-9**: Colored Site Plan, dated 7/15/2011 (A-4)

Mr. Monteforte described the site plan and the location of the proposed bank. He testified that this location is unique. There is parking by the main entrance with parking skewed away and deplete. There is another parking lot on the side that has not been used. He explained that the "blank wall" which faces the parking is an opportunity to create a new façade and entrance to the bank.

**A-10**: Illustrated rendering of the façade of the building

Mr. Monteforte described the elevation and features:

- A glass façade will be created, customers will be able to see the operations of the bank
- The solid brick wall will be taken down and reconstructed in order to create the glass wall
- The teller window will be cut into the glass, allowing the customer to communicate with the teller.
- A Lucite awning will cantilevered out over the 2 drive up lanes sheltering customers from the rain
- Main entrance will be skewed on the front corner of the building (west corner)
- Pylons will allow customers to communicate to the tellers on the outer lane
- Front of the tenant space will be upgraded and have a new sign
- Signs will be individual block letters on the building, which will become part of the façade

**Access Bank**: right side elevation sign is over than the allowable calculations by 46 sq. ft. - but the applicant will conform to the 10% façade requirement, which is the mansard part of the front of the store

**Access Bank**: new main entrance sign is over by 2 sq. ft. they are applying for a variance for the 2<sup>nd</sup> façade sign

- Described the interior of the bank as high quality materials, with stainless steel, Lucite, to create a contemporary design

Mr. Walsh asked Mr. Cranmer if the bollards that are planned, are they close enough to block a car from hitting a pedestrian? Mr. Cranmer said yes.

Ms. Waterbury referred to the Police Department's concerns with the security of the bank, and asked how they will address security. Mr. Monteforte said that they will have security camera's and explained that there will not be draws of money, it comes from a depository that the tellers will have to draw from.

Mr. Cranmer referred to his review letter, page 3, paragraph 1.3 c: the façade sign is over by 2 sq. ft. is the new front entrance, and 1.3 d: the new façade sign over existing front is over by 46 sq. ft.

Mr. Anderson referred to 1.3 e: Movable Signs: The sign will be inside the double doors on the back wall, opposite the A.T.M machines, but it is visible from the outside. The sign is 10' off the ground and 18" in width. Mr. Anderson asked if there is anything that would block the view of someone using the A.T.M.'s? Mr. Monteforte said no, there is a clear view into the bank.

Mr. Monteforte explained that the red and green lights for the drive through windows will be mounted on the pylon as you approach the drive through, since he cannot mount the lights on the canopy.

Ms. Peterson asked what is the purpose of the "ticker sign"? Mr. Monteforte said that he would have to have someone from the bank explain that, but they will be L.E.D., and the color hasn't been determined yet. Most likely the orange color of Access Bank, since all the tops in the bank will have an orange hew Lucite countertop, which will be lit.

Ms. Waterbury asked Mr. Monteforte to describe the canopy and how this blend into the rest of the shopping center. Mr. Monteforte explained it as a translucent panel, hung from the steel, with panels supporting it. The canopy will come off of the side of the building and cover 1 ½ lanes of the drive through, with a lighting around the steel beam so the lights will only give a glow at night. He feels that even though their style is different and unique he doesn't think that blending is important when you have your own end cap and creating your own view, but it will be tied in with brightness of the bank itself, and the glow of the canopy, giving a warm look. Ms. Waterbury said that she has concerns with the glowing canopy.

A motion was made by Ms. Peterson, seconded by Ms. Canonico to open the meeting to the public. All approved

No comments/no questions

A motion was made by Ms. Peterson, seconded by Ms. Canonico to close the meeting to the public. All approved.

Mr. William R Vogt, Engineer, L2A Land Design, Englewood NJ, was sworn and he gave his educational & professional background and accepted as an expert witness in engineering. He advised that he prepared the site plan for Qdoba Restaurant when it was before this board.

Mr. Vogt described exhibit A-9 and the surrounding uses, for the owners National Realty Developers, LLC.

Mr. Kennedy marked the following into evidence:

**A-11**: Drawing C04 - Sheet Site Plan, dated 8/31/2010 prepared by L2A, approved for the Qdoba Restaurant & Traffic Calming Improvement Plan

- 2 phases - Phase 1 - Broad Street improvements which were connected to the Qdoba Restaurant use, Phase II - Improvements to Shrewsbury Ave, which required Monmouth County Planning Board approval - most of the improvements have been implemented there are a few checklist items that will need to be addressed.
- 25' wide corridor was created parallel to Rt 35 within the center to bring the parking islands and drive aisles more in line for pedestrian safety
- the improvements stopped at Blockbuster Video, striping 13 stalls and closing off the last drive aisle
- they will continue the improvements where they left off from Phase I and tie the improvements into the banks improvements
- Referred to A-9 colored rendering. The bank will use 3,500 sq. ft., and the only change to the building will be the addition of the canopy and signs. He described the changes to the curve of the building and the new traffic flow of how customers will be filtered up to the drive through area. The existing landscaping will be removed which is up against the building in order to create the 3 lane drive up (Teller window, ATM, drive up deposit box & a by pass lane).
- Traffic will enter the parking area from the existing drive aisle from the east into the 30 parking spaces and enter into the queuing lane for the teller window or into the by pass lane into the lane to go into the loading behind the building (which is currently a one way in, it is already signed at the other end with a "Do Not Enter" sign. The lanes will be separated by a 3' 8" wide divider median with the first 50' being a mountable curb island with landscaping. They will provide a 4' wide sidewalk on the western side of the parking lot for pedestrians to access the front of the bank. Landscaping of similar varieties will be used to match the rest of the improvements, which will be drought tolerant plantings.
- 30 parking spaces will be provided plus the 13 spaces that were stripped under the Qdoba application, originally there were 41 spaces but they will be reducing them by 11 spaces in order to make the proposed improvements work with the drive through and bank lay out. The 9 spaces they eliminated were not good spaces, a customer would have to back out into the main drive aisle, and 2 spaces were eliminated and in order to have the cars align with the teller window they had to eliminate 2 parking stalls and cut the curb back. They have reduced the parking by 11 spaces which they would need a variance for 10 spaces, since Qdoba has a +1 space on their site. The parking count 1,025 spaces where 1,035 is required based on 4.5/1,000 sq. ft.

**Zoning Requirements:**

Mr. Vogt reviewed the Zoning Requirements, which they meet a majority of the bulk requirements:

- Minimum front yard: 100' required, providing 31' 6.4" - from Shrewsbury Ave
- Maximum Lot Coverage Impervious: Qdoba reduced the impervious surface by 15,536 sq ft, the proposed application reduces the impervious by 200 sq. ft. by providing some green space in the parking area
- Unoccupied Open Space: no requirement by the Borough but there will be 15.42% open space

Ms. Waterbury asked if any of the 11 spaces that will be eliminated, were they for other tenants in the shopping center? Mr. Vogt said not to his knowledge, the applicant will be providing a traffic expert. Mr. Aikins stated that the Lease that exists between the owner and the bank does not allocate or regulate spaces, and he is not aware of any conflict that would create a problem.

Mr. Vogt testified that 3 stamped concrete crosswalks will be provided: 1 in the area of the 30 parking spaces, 1 by the exit driveway by the drive through & ATM area, and 1 mid block crossing for customers who parked in the parking field for other tenant users and close to the handicapped parking stalls.

Mr. Kennedy marked the following:

**A-12:** mock up board of the stamped concrete cross walks which were used in the Qdoba application

Mr. Anderson stated that he has concerns with pedestrians cutting diagonally across the 3 lanes to get into the bank. Mr. Vogt said that they will be installing bollards with planters to deter any pedestrians going in or out of the bank, and encourage them to use the walkway. Mr. Vogt described the widths of both the drive through lanes and the lanes approaching the bank and traffic flow of how they will work. He stated that there is approximately 100' of queuing length that will allow 5 cars to queue in the area of the drive up with a total of 3 more in line, and described the queuing process and signs & stop bars that are being proposed. Board members had concerns that no one is going to stop at the stop bar and cause a "bottle neck" and block the ability to turn. Mr. Vogt said that there is sufficient maneuverability to get 2 cars stacked in each lane and allow a car to go into the by pass lane.

Ms. Waterbury asked if there is landscaping proposed along the wall by the teller window? Mr. Vogt said no, there is not sufficient room to do any plantings; there will be a concrete pad to keep the cars away from the building and teller window. They are showing plantings under the canopy but they will not be doing anything under the canopy

Mr. Anderson asked if they have anything to show what the canopy looks like? Mr. Vogt said no. Ms. Waterbury asked if it is irregular in shape as to how it comes off the

building? Mr. Vogt said yes, it is a trapezoidal shape, coming off the building; the canopy covers both of the tandem positions and covers the driver's door for the tube dispenser, covers only half the lane. Ms. Waterbury stated that the canopy will not cover a driver's window. Mr. Vogt said that he can slide the tube up a little farther to preserve the canopy. Mr. Monteforte said that they are still developing the shape of the canopy, it will be over the 1 ½ vehicles, they are still developing the design of the canopy.

**Review of Engineer Review Letter dated 9/16/2011:**

**1.3 a:** variance requested for parking stalls

**b:** **variance** requested to renovate parking to 30 parking stalls in front yard area (Broad St.)

**c:** **façade sign** (new front entrance) over 2 sq. ft. applicant will comply to square footage requirement

**d:** **façade sign** (old front entrance) over square footage by 46 sq. ft. testimony given sign to comply with square footage requirement, variance needed for the 2<sup>nd</sup> façade sign

**e:** **movable signs:** proposed "ticker sign" - Mr. Monteforte described the size and location of the market ticker sign to be in the vestibule on the back interior wall and it will be seen from the outside the dimension is 5' at the closest point to the glass wall, increasing to 8' distance from the wall, 20' in length.

Ms. Waterbury asked if it is the intent of the sign to service the people in the vestibule or to have it visible from the outside. Mr. Monteforte said that it is more for movement and activity when you drive up or go into the bank. Mr. Giordano said that the ticker will be used for advertising or promotions in CD rates or mortgage rates; it is to promote the bank.

Mr. Anderson explained that the board has been consistent with denials of digital signs throughout the Borough. Board members agreed that proposed ticker is sending a message to draw attention to the business with a flashing, running light, which the board is trying to avoid. Mr. Giordano said that the sign would not be on all night, but definitely through out the day. Mr. Vogt stated that the ticker sign would be in the vestibule on an angle, facing east, which would be seen from the drive through and the parking area, which would not be seen from Rt. 35 due to the existing landscaping.

Mr. Aikins sees the concerns of the board with the moving sign but where the sign would be on the floor plan the sign would only be seen by 1/3 of the parking lot, with a significant distance to the buffer area on Rt. 35. The focus is for the banks customers who are coming into the bank and not for people on Rt. 35. Mr. Walsh stated that this sign, if approved, is for the facility, so any other use that goes in the space has the use of the sign. Could restrictions be placed on the approval that this sign is for a bank use only. Mr. Aikins said that his client would have no problem accepting that conditions.

Mr. Cranmer asked if the messages could be limited to non advertising messages, and limit the messages to CD rates, mortgage rates etc? Mr. Aikins feels that would not be an unreasonable requirement.

Board members feel that the sign is advertising and it will be used to pull people in from the outside, but if the sign was located inside the bank and not visible from the street

A motion was made by Ms. Peterson, seconded by Ms. Canonico to break @ 9:35 pm. All approved.

Break: 9:35 pm to 9:40 pm. All present at roll call.

Mr. Aikins, Esq represented the applicant. He stated that during the recess his client has amended the application to remove the variance as per Section 94: 8.34G(2) Movable Signs (market ticker) to be deleted from the application.

Mr. Vogt stated that the 2<sup>nd</sup> façade sign that is proposed for Access Bank, will not be a detriment to the surrounding area, they were granted a 2<sup>nd</sup> façade sign on the western portion of Qdoba, which is a similar situation for this application, and they will comply with the 10% as required by Ordinance. The façade sign on the (old entrance) will fit into the surrounding signs of the tenants, since all of the signs are located on the mansard roof as this sign will be proposed to be located. The new 3D sign with corporate icon in back lit sign box, letters to be orange in color.

Mr. Aikins asked Mr. Vogt if it is a fair statement that the front yard parking along Broad Street and the need to reduce the parking spaces from 1,036 to 1,025, and will not impact the other tenants or functionality of the balance of the center. Mr. Vogt said that is true, the 13 spaces were approved under the Qdoba application and they are not modifying them in any way. They are only modifying the stalls further back from Broad Street and no detriment to the surrounding area. The parking requirement is 4.5/1,000 sq. ft. and this application is reduced to 4.45/1,000 sq. ft. and the reduction in parking spaces helped to gain more pedestrian walkway in the main access aisle.

Mr. Anderson asked other than reducing the number of parking stalls what other changes are necessary for this application? Mr. Vogt said other than the parking stalls nothing; this is an extension of the Qdoba site plan with no detrimental impact on the Qdoba site work.

**Continuation of Review of Engineer Review Letter:**

**2.0 Circulation & Traffic**

- 2.1:** Traffic expert will address
- 2.2:** Traffic expert will address
- 2.3:** Traffic expert will address
- 2.4:** Testimony given on
- 2.5:** Testimony given will comply
- 2.6:** Traffic expert will address
- 2.7:** Traffic expert will address
- 2.8: through 2.16:** applicant will comply

**2.17:** Mr. Vogt stated that they do not want to use a raised cross walk for maintenance purposes and they want to keep it consistent with what they used for Qdoba, and they will be using additional signage for pedestrian crossing, rubble strips to draw additional attention to the crossing.

**2.18 through 2.21:** applicant will comply

**2.22:** Traffic expert will address

**2.23:** Applicant engineer will work with Mr. Cranmer with respect to asphalt replacement to the Board Engineer satisfaction

**2.24:** Testimony given on alarm systems that they will be monitored, and there will be a pre opening meeting with the bank at the request of the Chief of Police

**\*\*A-13** marked: Letter from Patrolman Calacari requesting additional no-left turn onto Broad St.

**2.11:** Applicant agreed to add additional directional sign going into the bank lot area for "No Left Turn"

**2.25:** Bus stop walkway to be added for pedestrian traffic leading to the bank, after a discussion all board members agreed sidewalk should be added, applicant will comply even though the applicant did not feel that it was necessary.

**3.0: Grading, Drainage & Utilities:**

**3.1: through 3.8:** Applicant will work with Mr. Cranmer and comply with his recommendations & satisfaction.

**4.0: Landscaping & Lighting:**

**4.1: through 4.6:** Will comply and work with Mr. Cranmer to his satisfaction

**4.7:** Planting specimens will be drought tolerant since there is no site irrigation and will meet with the Shade Tree Commission

**5.1: through 5.3:** will comply

A motion was made by Ms. Canonico, seconded by Ms. Peterson to open the meeting to the public. All approved

No comments/questions

A motion was made by Ms. Peterson, seconded by Ms. Canonico to close the meeting to the public. All approved.

Mr. Charles Olivo, Traffic Engineer, was sworn; he gave his educational & professional background and was accepted as an expert witness.

Mr. Olivo referred to exhibit A-9 and described the traffic circulation of the site. He explained that normally a bank will look for an end cap piece of the shopping center in order to put their drive through in, with the ability to have a canopy, and a drive thorough with an ATM, and this site will work well for this applicant.

Mr. Olivo testified that currently there is no landscaping or sidewalks provided it's an expansive area of pavement, and drivers do not know when to make the turn in order to get onto Broad Street, due to the openness of the area and faded traffic lines. He explained that coming in from Shrewsbury Ave the drivers will have a feeling of a street scaped boulevard with the new landscaping, lining, sidewalks giving a different appearance as to what it looks like today, which is being helped by the improvements that were made during the Qdoba application. Customers will seek the parking stalls closer to the entrance where there will be a pedestrian refuge area just the east of the building, which will also act as a traffic calming device and provides for a safe haven for pedestrians to cross a shorter distance and enter into the side entrance of the bank. Customers and drivers of the bank will also utilize the area just to the north of the bank, allowing the closest proximity to the front door of the bank. Pedestrian and vehicular conflicts would be the site distance due to the 0' set back of the building, so they channalized the vehicles out away for the building, which will open the drivers eyes in order to see the pedestrians who will be traversing the concrete walk area. In addition to bringing all of the vehicles into one single file lane as they come out the exit point, it will also allow the site line to open up and allow drivers to recognize pedestrians. He feels that these improvements will soften the area and makes it work well from a pedestrian & vehicle interaction.

Mr. Olivo addressed the parking area stalls that are proposed adjacent to the bank. Generally they need to provide 4.5 parking stalls per 1,000 sq ft of the proposed in bank. They have a 3,500 sq. ft. bank and providing the required number of stalls. The parking demand is shown in the parking area and other areas, providing interconnections for people who will be able to park and walk into the bank.

Mr. Olivo addressed the drive through, he explained that as part of this application, they are creating treatments to separate the delivery traffic and bank drive up traffic. They have cut back the curb area to allow trucks to circulate behind the retail building as they do today in the one-way traffic flow. He explained that due to the longer hours and weekend hours the peak demand is gradually lowering and traffic goes in and out during the course of the day. The maximum of queuing is 5-6 vehicles in a maximum condition, and there is a capacity to hold those cars, plus the by-pass lane.

Mr. Olivo feels that if the space were to reoccupy by a retail use, it could be potentially be more intense from a trip generation perspective than a bank use, increased hours of operation with a higher peak demand. The use is well suited for the proposed use, and the design will foster a safe and affective progression of traffic both into the bank and utilization of the drive through.

**Continuation of Mr. Cranmer's review letter:**

**2.1:** testimony given by Mr. Olivo

**2.3 through 2.7 & 2.22:** will review with Mr. Cranmer -

**2.6:** Mr. Cranmer asked what the site distance at the driveway entrance & exit with respect to delivery vehicles going around to the back of the building, is there adequate stopping site distance for a vehicle to stop there in order to see. Mr. Olivo said that they have used a 15mph stopping site distance it would pass through the closest stall to the landscaped island, so he feels that they should eliminate the first parking stall at the easterly extent of the northerly parking aisle, and he will provide the exact stopping distance needed. After a lengthy discussion Mr. Cranmer said that he will work with Mr. Olivo on this issue, maybe to shift the entrance to maximize the site distance and to determine if the turning radius is too tight. He explained that this site is an existing condition and the board doesn't have the luxury of modifying all of the boards concerns, his main concern is the entering/exiting of a truck into the site, and he feels that signage could help some of the concerns that have been brought up, and he will discuss these modifications with Mr. Olivo.

A motion was made by Ms. Peterson, seconded by Mr. Anderson to open the meeting to the public. All approved

No comments/questions

A motion was made by Ms. Peterson, seconded by Ms. Canonico to close the meeting to the public. All approved.

Mr. Cranmer asked Mr. Vogt if the off street parking inventory is adequate for the entire shopping center with the number of parking spaces that are being reduced and the restriping of the entire shopping center may have lost some parking stalls as a result of the reconfiguration. The provided number of spaces is 1,025 is that accurate? Mr. Olivo said that he did not do an inventory of the existing parking as it is today. Mr. Cranmer said that there was conditions made on the curb aisle a pedestrian refuge area was created, and they are now hatched areas which, comes to be 10-12 stalls. Mr. Olivo said that Mr. Vogt will address the parking stalls.

Mr. Kennedy marked the following:

**A-14:** Existing Striping Plan, revised 8/1/2011 prepared by L2A prepared by William Vogt, from the Qdoba application

Mr. Vogt testified that he prepared the Existing Striping Plan and this is what currently exists on the site. As part of the Maintenance Program which the property owner has in place. A large portion of the parking lot and the whole strip from the Qdoba Rest down the drive aisle to what is now Lord and Taylor Home is located, and remainder of the parking stalls were end parking stalls, and under the Qdoba Rest there are plans for future development. There is ample room in the drive aisle, after repaving, to restripe the ends in order to create the striped islands for pedestrians cross walks to the adjacent ADA sidewalks. He noticed that cars are being parked in the striped area giving the impression that stalls were removed. The site reflects the same number of stalls. The striping narrowed the appearance of the drive aisle and did not impact any of the existing striping.

Mr. Aikins stated that they will supply a final count. Mr. Cranmer asked the dimension from the curb line to the edge of the striped areas. Mr. Vogt said that from the curb line (against the building) there is 4' striped area for a "No Parking Fire Lane" with a 25' wide two direction drive aisle, with a gore striping that varies in different areas: handicapped stalls are in compliance with the restriping for the 5'- 8' access aisle and the remainder spots they used the curb line for the base line. The Qdoba Rest drive aisle has 2 - 12' lanes, plus a 5-6' wide striped area making a 30' drive aisle.

Mr. Cranmer is requesting an updated parking inventory. Mr. Aikins agreed. Mr. Vogt said that he does have an updated Survey for the overall site, and he will have his surveyor reflect the new striping including the exhibit of A-14. Ms. Waterbury asked if he could supply this information prior to the adoption of the resolution so it could be reflected in the resolution? Mr. Vogt said yes.

Ms. Waterbury announced that anyone in the audience is part of the application.

Mr. Aikins stated that he did not have any further witnesses.

Mr. Aikins gave his closing statement, thanked the board for their time and hoped that Colonial American Bank will be making their home in Shrewsbury.

Ms. Waterbury asked Mr. Aikins if they have any further information on the canopy. Mr. Aikins explained that Mr. Monteforte indicated that all the lighting is directed downwards, and the top of the canopy will not have a glow. The top is translucent or opaque but it is not illuminated. Mr. Monteforte said that the intention of the canopy the panels will hang below the structure and it will be a clean surface, he doesn't want to pop holes in it for recessed lighting, so above the canopy will be the structure that will hold up the hung canopy and within the structure there will be lighting that is shrouded and facing downward and light the canopy. The lights will be a "dark sky" friendly approach, they have not designed the structure as of yet, and they will send all of the information to Mr. Cranmer when finished.

Ms. Waterbury doesn't feel that this "contemporary" design is going to blend into the characteristics of the site. Mr. Monteforte feels that the area has all kinds of architecture and trying to limit the architecture would be a mistake. Ms. Waterbury feels that a condition of the resolution would be that the canopy would have to be made with a non glare surface for the steel.

Mr. Cranmer asked if the lights would be L.E.D.? Mr. Monteforte said that could be a possibility. Mr. Cranmer stated that the lighting would have to meet all Lighting Standards. Mr. Monteforte indicated that they would feed Mr. Cranmer all the information as it is designed.

Ms. Waterbury said that the canopy would have a non glare surface, and the canopy & lighting would be downward directed, dark sky compliant,

Ms. Waterbury noted that there was no one in the audience.

Ms Peterson referred to the façade sign which exceeds the sq ft. Ms. Waterbury said that the board could take a vote on the site plan and if that passes a 2<sup>nd</sup> vote could be taken on the variance for the sign.

Mr. Walsh asked Ms. Waterbury if she is comfortable voting on the application without seeing the canopy is going to look like, he feels that it's an element that everyone has a different vision of. Mr. Cranmer said that the canopy is not regulated by zoning; it's regulated by the U.C.C. Mr. Aikins said that there are no bulk variances necessitated by the proposed canopy.

Ms. Peterson asked what is the square footage that exceeds the 10%? Mr. Cranmer said 46 sq. ft., 35 sq. ft permitted, 81 sq. ft is proposed, but it does not include the mansard roof, which comes half way down the façade.

Ms. Peterson explained that since board members would like to see the canopy before the resolution is memorialized or a straw poll vote can be taken and authorize the attorney prepare the resolution and take both actions in a single evening.

Mr. Walsh would like to take a straw poll and get further "sampling" in order to look at the canopy and then make a final decision.

Ms. Peterson stated that she is comfortable voting on the site plan aspect, and seeing what the canopy looks like before the memorialization .

Ms. Canonico agrees with Ms. Peterson

Mr. Cranmer advised that once you give the site plan approval it will give them the canopy, there wouldn't be any flexibility.

Mr. Anderson said that he likes the concept and he would like to see the canopy, and vote next month.

Ms. Waterbury agreed, she would like to see the canopy and see the entire picture prior to the final vote. The improvements are wonderful. She would like to see how the canopy functions and wants to see the design. She would not have a problem with authorizing the attorney to prepare a resolution in the affirmative, after seeing the canopy, and consider both on the same evening.

Ms. Peterson said that the applicant has heard what we said, even though there is not variance, but he has listened that the board would like to be able to conceptualize the canopy since it is modern and contemporary. The board doesn't want it to glow and not to be too contemporary and how it will cover the drive through.

Ms. Peterson asked if the sign which is over on sq ft is that the location of the sign on the façade - to the extreme right? Mr. Aikins said yes.

Mr. Anderson requested that they contact the Police Chief that all of his concerns will be met.

Mr. Kennedy said that if the board is inclined to approve the applicant if the remaining issues are worked out, and if the application is approved tonight, then the resolution will be adopted at the next meeting, and the Chair indicated that there could be direction to him to have the resolution prepared so at the next meeting you can finish the application with the testimony that the board needs, vote on it, and then adopt the resolution, eliminating a delay on the applicant's time frame. The board has indicated that they will take a significant step and he suggests that the board should see the canopy details and it will give the applicant enough time to get the parking count finalized. Mr. Kennedy stated that he is hesitant on approving a parking variance when we don't know the exact details.

Mr. Kennedy asked Mr. Vogt if he will be able to do his part for the meeting on October 5, 2011, Mr. Vogt said that he has a personal conflict and he will send his partner to the meeting. Mr. Vogt said that he will work on the count and he will provide the letter. Mr. Aikins said that he will bring the canopy details and car count the night of the meeting.

A motion was made by Mr. Walsh, seconded by Mr. Anderson to carry the application of Colonial American Bank, to the **October 5, 2011 meeting without further notice**, and authoring Mr. Kennedy to prepare a non binding resolution.

Mr. Kennedy asked Mr. Aikins if he is extending the time to act to the 10/5/2011 meeting? Mr. Aikins said yes.

Roll Call:

Affirmative: Waterbury, Peterson, Canonico, Walsh, Anderson

Negative: None

Board Secretary will check with the other board members to see if they want to qualify to vote.

A motion was made by Ms. Peterson, seconded by Mr. Walsh to adjourn the meeting at 11:15 pm. All approved.